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PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, July 24, 1991*

The House met at 12 noon.

The Reverend Harry Wood, Visalia United Methodist Church, Visalia, CA, offered the following prayer:

Heavenly Father, we thank You for Your everlasting love.

In a time of declining world powers and rising new nations.

In a time when technology has elevated humanity's place and power, yet left us more vulnerable and less able to feed ourselves than ever before.

In a time when history has destroyed conventional faith and morality but left us hungry for honest values.

We seek Your face O God. Grant us wisdom. Grant us courage.

Bless the President and the Members of Congress that they may be worthy of this hour.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from California [Mrs. BOXER] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. BOXER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day."

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2212. An act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.

PASTOR HARRY WOOD

(Mr. DOOLEY asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY. Mr. Speaker, I have the pleasure today of welcoming my pastor from Visalia, CA, Harry Wood, who delivered our opening prayer.

Pastor Wood has led the Visalia United Methodist Church since 1978. In his time there, he has instilled an unselfish spirit in his congregation and in others in the community whose lives he has touched.

His good work has shown itself in particular in the past 6 months as the people of central California have struggled to cope with the effects of a deep freeze that devastated the region's farm economy.

In that time, as he has many times before, Pastor Wood has brought together his congregation and the entire community to deal with the day-to-day challenges that we face.

On behalf of the community he serves, and as one who has been inspired by him, I would like to thank Pastor Wood for his good works, his friendship, his spirit, and his compassion.

DEFICIENCIES IN CORPORATE TAX SYSTEM

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, recent hearings in the Ways and Means Committee have exposed huge deficiencies in our corporate tax system.

First, foreign corporations operating in America are failing to pay an estimated $30 billion in tax each year; $30 billion that could reduce the deficit or cut taxes on American families.

Second, the Congressional Research Service has found that we impose a negative tax rate on debt. This has led to uneconomic leveraged buyouts and Wall Street shenanigans.

Third, recent studies have found that the tax is so complex that it costs American corporations $1 for each dollar paid, in corporate tax, to the Treasury.

Fourth, America is the only industrialized Nation without a tax on imported goods coming across our border. Every other nation taxes our goods when sold in their markets.

Mr. Speaker, America is now a tax haven for foreign goods and a tax trap for American business.

MORE, NOT LESS, FUNDING NEEDED FOR EARLY DETECTION OF BREAST CANCER

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I was astonished to read in a report of the Committee on Energy and Commerce a letter from the Health Secretary objecting, as follows, to a provision in the NIH reauthorization bill, H.R. 2281, "A $50 billion earmark for breast cancer research and the development of a test for early detection of ovarian cancer is unnecessary."

Do not tell this Member, whose wife has fought for 8 years against breast cancer, who is lying in a hospital now, that breast cancer research is unnecessary.

More women this year will die of breast cancer than all people will die of AIDS.

The $50 million is an insignificant amount to deal with the problem of breast cancer. We need more, not fewer, researchers working on this problem. We need more, not fewer, people putting their will, their energy, their creativity to finding something

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that will not only detect early on but also deal effectively with the problem, the invasive problem of breast cancer.

FAMILY PLANNING WITH INTEGRITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it is time to tell the truth about the title X regulations. Mr. Speaker, these regulations simply echo the beliefs of the overwhelming majority of Americans who do not equate abortion with family planning. Poll after poll reveals American support for keeping family planning true to its name. According to a June 1991, Wirthlin Group poll, 83 percent oppose abortion being used as a method of birth control in tax-funded family planning programs. A 1990 Gallup poll revealed 91 percent of Americans think abortion is an unacceptable means of birth control during the first 3 months of pregnancy and that 94 percent think it is unacceptable as birth control after the first 3 months. A 1989 Boston Globe poll found 88 percent disapproval of abortion as birth control.

Mr. Speaker, no one need wear the label "pro-life" to support these commonsense regulations. One need only join the majority of Americans in making the distinction between abortion and family planning. A vote in support of these regulations is a vote for family planning with integrity.

SUPPORT AGRICULTURAL DISASTER ASSISTANCE ACT OF 1991

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I associate myself with all of the mention that is going to be made today about the $50 million and getting the research for cancer.

Also, I would like to advise my colleagues that the Chaplain, guest chaplain, today did a lot of yeoman work in helping farmworkers during the disaster in California, and we still have a disaster throughout the Nation.

I would like to inform my colleagues that yesterday we considered a bill on suspension trying to give some assistance. The vote will be today after the business is concluded, and I would hope that the Members would help us in the Committee on Agriculture and help all those who are in need.

It is only the authorization, regretfully. The money is yet to come down the line, but I would urge your support of this legislation when it comes later this afternoon.

WERE REAGAN TAX CUTS FOR THE RICH?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, one of the Democrats' main political ploys over the last few years has been to convince the American people the Reagan tax cuts were entirely for the rich and left the middle class and the poor paying more.

The fact is that income taxes paid by the top 10 percent of income earners have risen nearly 70 percent in real terms during this period, while those paid by the group earning less than $30,000 have fallen more than 15 percent in real terms.

The 1987 and 1988 income tax return information from the Internal Revenue Service show the massive concentration of the income tax burden to be on the top taxpayers. Further, the information demonstrates conclusively that virtually all the growth in income tax revenues is now coming from the top 13 percent of the taxpayers, and nearly 77 percent of it is coming from those with incomes over $100,000.

The story that the rich in this country pay very little taxes, and are paying less every year, at the expense of the poor and middle class is simply not true. The facts prove otherwise.

LAGGING DIAGNOSIS AND TREATMENT FOR WOMEN IS A HUMAN TRAGEDY

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I am appalled by the lack of compassion and outright insensitivity shown by Secretary Sullivan to the women in our country by his opposition to the women's health research provisions. And no wonder considering the past policy of using men as the standard in medical research. The result of this shortsighted policy has been serious, substandard health care treatment and diagnosis for women.

I have been amazed by the sheer number of women throughout our country who have contacted me recently to share their experiences in light of my recent breast cancer surgery. They have been hurt by this lack of support from their Government. Yet, Secretary Sullivan and others see no reason to change the status quo. Diagnosis and treatment for women lags far behind those for men. The result is human tragedy.

I urge my colleagues who deem the provisions in the bill unnecessary to consider their wives, daughters, and mothers before making this vote. Do they not deserve the benefits and knowledge from the health research performed at our National Institutes of Health?

□ 1210

THE GLOBAL WARMING ASSESSMENT ACT OF 1991

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Congress may be fiddling while the Earth burns.

Steps toward reducing global warming can't wait. We must act now to put conclusive data into the hands of our Nation's scientists and policymakers.

To ensure this happens, today I am introducing the Global Warming Assessment Act.

This bill will appeal to environmentalists and fiscal conservatives, because it does something dramatic for the environment in a common sense, cost effective manner.

It will require the Defense and Energy Departments and NASA to work together on a plan that would begin measuring global warming no later than 1995.

Current proposals are not expected to produce global warming data until the turn of the century.

The National Academy of Sciences in a recent study said our current scientific understanding of greenhouse warming is both incomplete and uncertain.

Mr. Speaker, we must actively work to reduce this uncertainty and organize our Nation's resources to gather conclusive data in time for effective action.

WOMEN'S HEALTH

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, "civil rights," "fairness," "level playing field," "freedom of opportunity," and even the "right to life"—each is a phrase we hear often in this Chamber.

Unfortunately, this high flown rhetoric gets buried when we try to resolve the real life problems faced by millions of Americans who are denied housing, jobs, opportunities for advancement, and educational opportunity.

Most disturbing to me is that there are categories of Americans for whom life is lived with more illness, disability, pain, and suffering. There are Americans for whom, ultimately, life is much shorter than it ought to be—minorities and women are chief among them.

Our spouses, our sisters, our mothers and our daughters, those closest to us, have been too long ignored in medical research.

As a member of the Appropriations Subcommittee on Health and Human Services, I've had an opportunity to hear the testimony, and ask the questions of witnesses who admit the inadequacy of our commitment to research on problems that are principally of concern to women.

I reviewed the HHS inspector general's report that concluded that despite the existence of voluntary guidelines for including women in clinical trials, no progress was being made.

H.R. 2707, the health appropriations bill includes significant increases for the Office of Women's Health at NIH, for breast and ovarian cancer, contraceptive, and other women's reproductive health research. I am very proud of that bill, because I was a strong advocate for increasing funds for ovarian cancer, fibroids, endometriosis, and contraceptive research.

With the help of Chairman NATCHER and JOE EARLY, we made genuine progress.

But it is within the NIH reauthorization bill that the Congress should make the most prominent statement of policy enhancing the opportunities for more and better research on women's health.

The NIH revitalization bill includes provisions enhancing the Office of Women's Health, codifying NIH policies promoting the inclusion of women and minorities in clinical trials and in the community of extramural researchers, a well as encouraging research in areas of special concern like breast and ovarian cancer.

If Secretary Sullivan's letter to Chairman DINGELL complaining about the inclusion of some of these provisions in the NIH reauthorization is another example of the President's kinder and gentler leadership, then I suggest that 535 points of light in the U.S. Congress send him a message about "fairness," "freedom," "opportunity," and yes, even the "right to a healthy life" by voting yea on the NIH reauthorization tomorrow.

NATIONAL INSTITUTES OF HEALTH

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, tomorrow the House will consider the NIH reauthorization bill. Included in this bill are provisions that will take significant steps in addressing the lack of research that has been done in areas of ovarian cancer, breast cancer, osteoporosis, and infertility. If we're ever going to make advances against these gender-specific illnesses, we need to authorize and fund gender-specific research.

It will take some money. It will take the commitment of a nation. It may label us micromanagers, but it will result in research being targeted specifically to women—a group that until now, has only received 13 percent of NIH dollars when we are 51 percent of the population. Women as a group suffer from many curable diseases that we just do not catch in time.

This is a call for fairness in medical research, which should more clearly reflect the ills of all society not of those in the decisionmaking roles.

We have a unique chance tomorrow to make history. An opportunity to correct the medical injustices that have sent too many of our mothers and daughters to an early grave. I urge my colleagues to support the NIH reauthorization.

WOMEN DEPRIVED MEDICAL RESEARCH AND TREATMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to address the subject that for me is a very personal subject. It is, in no small way, a matter of life and death. It is a matter of life and death to the 100,000 American women who will contract breast or ovarian cancer, a matter of life and death for over 127 million American women who are neglected by our health care bureaucracy.

Mr. Speaker, I am a survivor of ovarian cancer, and I have a unique appreciation of the need for early detection research for a disease that will kill 12,000 women this year.

The sad fact is that our country, recognized around the world as a leader in medical research and treatment, has systematically deprived women the full benefit of that expertise. Research for diseases specifically affecting women is underfunded, and women are often purposely excluded from the clinical trials investigating disease.

As we consider the NIH authorization we will debate amendments that provide increased funding for research for breast and ovarian cancer, establish basic guidelines to ensure that women are not by design excluded. They would, for the first time, ensure equity to the health research system.

Mr. Speaker, cancer is frightening, painful, and traumatic. It is an ordeal for both the victim and the victim's family.

The President has threatened to veto this bill if the amendments are included. This is a blow to women and their families. It is a blow to victims of this disease. The President should not play politics with this issue. Passage of these amendments is a matter of life and death.

INTRODUCTION OF LEGISLATION FOR NEW DISTRICT COURT IN CALIFORNIA

(Mr. MCCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCANDLESS. Mr. Speaker, today I rise to join my colleague from California in introducing a bill to bring a new court to Riverside and San Bernardino Counties.

Over the last 10 years, the population in Riverside and San Bernardino Counties has nearly doubled in size. In the next 15 years, it is predicted that it will double once again. This increase has clogged both the courts with more cases and the freeways with more cars.

Justice should not be dependent upon freeway traffic or population growth. When a court appearance involves a daily 6 hour commute on the freeway, many citizens simply give up pursuing their cases through the Federal courts. Relief for this situation is needed now.

This bill that is being introduced today will divide the central district of California into two halves, providing a court for each. I am pleased to work with my colleague in designing this bill and I hope we can move to enact it and return the courts to the people of Riverside and San Bernardino Counties.

BUSH ADMINISTRATION OPPOSES WOMEN'S HEALTH PROGRAMS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, the Bush administration is fighting against a program for women's health. It is incredible to me that this administration says modest additional funding for osteoporosis is unnecessary. Unnecessary? Ask some of our grandmothers who suffer from breaking bones and intense pain. Twenty-four million Americans get osteoporosis each year. Eighty percent are women.

This administration opposes a modest $50 million initiative for ovarian and breast cancer; 12,400 women will die of ovarian cancer in 1991. There is no screening test. It is a silent killer.

One in nine women will get breast cancer in this country. Moms, sisters, and aunts are taken away in the prime of life because of breast cancer. In 1991, 45,000 women will die, and 175,000 women will be stricken with breast cancer.

This administration attacks our initiatives on contraceptive research. For people who want to outlaw abortion, this action is outrageous. They are against abortion. They are against contraception. I sadly conclude they are against women. I cannot come to any other conclusion.

Let Members vote for the NIH bill tomorrow.

WOMEN'S HEALTH MEASURES URGENTLY NEEDED

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, for years, women in this country have been the missing page in America's medical textbook. Our health needs are chronically unaddressed and unresearched. At the same time, little has been researched about the health of middle-aged white males.

The cost women pay for this institutionalized oversight is a dear one. Some 44,000 American women die each year from breast cancer. Some 12,000 American women die each year from ovarian cancer. Osteoporosis affects half of all women between ages 45 and 90.

Fortunately, some progress has been made in the last couple of years, after the Congressional Caucus for Women's Issues tackled this issue. The NIH authorization bill we are scheduled to consider tomorrow contains many provisions that continue the progress in this fight for life.

How, then, could it be objectionable and unnecessary to try and find a cure for breast cancer? How could it be objectionable and unnecessary to try and find a cure for ovarian cancer? Or seek ways to prevent abortions of unplanned pregnancies?

Mr. Speaker, I would venture to guess that almost everyone in this Chamber knows a woman whose health has been damaged by serious illness. I hope each Member thinks of such women tomorrow when they vote on the NIH authorization.

IN SUPPORT OF H.R. 2507, THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991

(Ms. LONG asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. LONG. Mr. Speaker, this week we will consider a very important piece of legislation, H.R. 2507, the National Institutes of Health [NIH] Revitalization Amendments of 1991.

I am particularly concerned about what the President wants to do to the provisions of this bill which will someday save the lives of millions of American women who are diagnosed with breast and ovarian cancers. The administration and others argue that NIH is already engaged in research on these diseases, but this research is not directed toward finding answers to fundamental questions related to cancers which are unique to women. The funding level authorized in this bill will take us toward knowledge of a cause and cure of these diseases. Without earmarking a funding level for this research, we cannot ensure that it will receive the attention that it deserves.

While I understand the need for fiscal responsibility during these difficult economic times, by supporting research, we will save lives. I urge my colleagues to support H.R. 2507 to ensure that women's health research receives the funding that it merits.

U.S. TRADE REPRESENTATIVE—SHEER IDIOCY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, as Paul Harvey would say, "Here is the rest of the story."

A proposal, now, by our Trade Ambassador, Carla Hills, has been made public—get this—to relax restrictions on cheese imported from Eastern Europe which in no way meets American health and sanitary standards.

She wants to dump even more unsanitary European cheese on the American market which will even further devastate the hard-hit dairy farmers; a mindless idea like this should be an impeachable offense.

The Department of Agriculture said that this idea, when it is implemented, will result in an additional 136,000 metric tons of cheese annually into the United States.

This idea is crazier than "Animal House."

This idea to increase cheese imports will be presented at the GATT meeting in Europe. Notice, the Europeans are not giving an inch—but our towers of jelly—the U.S. trade negotiators are caving in again—and the dairy farmers are the scapegoats again. Well, we are not going to allow it to happen.

If our Trade Representative cannot speak up for America's interests for a change, then let us get a new Trade Representative.

WOMEN ARE SICK AND TIRED OF OUR NATION'S FAILURE TO ADDRESS THEIR HEALTH CARE NEEDS

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, tragically, our Nation has failed to adequately address women's health care needs. In 1991, 1 in 9 women will contract breast cancer; 20,500 women will be diagnosed with ovarian cancer this year; and women are the fastest growing population with AIDS.

Yet, NIH spends only 13 percent of its funds on women's health, and women have been excluded from many clinical trials. So what is the response of the administration to this crisis in women's health?

Total inaction, stonewalling, and contempt for the very lives of women. In fact, the administration opposes every one of the key enhancements for women's health in the NIH revitalization bill.

Women are sick and tired—sick because their health concerns are ignored—and tired of inaction by the administration.

CONGRATULATIONS TO CARLA HILLS ON TRADE NEGOTIATIONS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, during the debate on granting fast-track trade authority, some Members of this body alleged that Congress would be shut out of the trade negotiations with Mexico and Canada.

One Member said of fast track, "granting the unique authority * * * effectively removes the Congress from this process and does great damage to the separation of powers and the role of Congress."

Oh, really?

I believe Carla Hills should be congratulated for her Herculean efforts to conduct two major trade negotiations and at the same time bend over backward to meet with Members of Congress.

In the month that NAFTA negotiations have been underway, Ambassador Hills has met with the Speaker, the majority leader, has held two executive sessions each with the Ways and Means and Finance Committees, and plans an additional session with each in the near future.

And the USTR's Office has already been to the Hill to exchange information and input with the House Agriculture Committee, House Foreign Affairs Committee, and the House Energy and Commerce Committee.

Before the August recess, every single relevant committee in Congress—and that means nearly every congressional Committee—will have been paid a visit by the USTR's Office.

Again, I commend Carla Hills and her office for the extraordinary efforts they have taken to interact with Congress on the progress of trade negotiations.

I hope that when the agreement comes back to the Congress next year, Members will take note of this effort, and not claim they were left out of the process.

WOMEN'S HEALTH EQUITY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, tomorrow the House will consider the reauthorization of the National Institutes of Health. The bill includes many provisions from the Women's Health Equity Act which are of critical importance to American women.

Some of our women colleagues in the House of Representatives have taken to the well and showed great courage in sharing with us their own experiences with breast cancer or ovarian cancer, and although we are only 29 women in the House of Representatives I know that this experience is known to many of the men in the House because of the suffering of their own wives. They have shared this experience with us and I want them to know that tomorrow they can make a very big difference and do something about the suffering in their own homes.

Tomorrow we will have the opportunity to vote on this legislation which will make permanent the Office of Women's Health at NIH and expand the responsibilities of the Office to include monitoring the representation of women among senior scientists at NIH. More importantly, the legislation would require the inclusion of women and ethnic minorities in federally funded clinical research studies.

Mr. Speaker, I am very disappointed that the Bush administration has expressed opposition to almost all of the women's health provisions of this legislation. The administration is even opposed to the increased emphasis on research on osteoporosis and breast and ovarian cancer. It is hard to believe.

But, Mr. Speaker, what will we tell the women of America if we do not vote for this legislation? The women of America are watching, and they are watching the men and women in this Chamber. For too long the federally funded research, supported by women's tax dollars, has excluded them from clinical studies. We as a nation must continue the recent progress on women's health issues. I urge my colleagues to reject the terrible views of the administration and support the NIH reauthorization.

SUPPORT WOMEN'S HEALTH—SUPPORT THE NIH REAUTHORIZATION

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I join a number of my colleagues today to express my deep concern with the administration's opposition to the women's health research provisions of the National Institutes of Health reauthorization bill.

In a letter to Chairman DINGELL, Dr. Louis Sullivan expressed the view that the NIH bill imposes funding and research directives that "duplicate existing efforts, and are costly and unnecessary." He gives several examples of micromanagement in the bill, including "provisions related to the authorities of the National Cancer Institute * * * and a program for research in osteoporosis * * *."

Mr. Speaker, I find it very disturbing that the administration is opposed to efforts to reverse decades of neglect in the area of women's health. The NIH bill includes vital provisions for women's health research, including: the establishment of an Office of Research on Women's Health within NIH and ADAMHA to identify women's health needs and to ensure that women are adequately represented in health research at NIH; additional funding for breast and ovarian cancer research, and osteoporosis research; the establishment of an intramural and clinical research program in obstetrics and gynecology; funding for contraceptive and infertility research, and provisions to ensure that women and minorities are represented in research.

These provisions are necessary because these needs have been ignored for many years. The NIH reauthorization bill recognizes the failure of federally funded research to adequately include women and to focus on woman-specific diseases. I urge the administration to change their position on this important bill, and I urge my colleagues to support H.R. 2507.

□ 1230

WE NEED ADDITIONAL RESEARCH INTO BREAST CANCER AND OVARIAN CANCER

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, we have taken this opportunity to address the issue of women's health research because of the astounding letter which is in the committee report that we will be debating tomorrow which provides funds for the National Institutes of Health. This astounding letter has been sent by the Secretary of Health and Human Services, Louis Sullivan, in which he says he is going to recommend to the President that the bill be vetoed because it contains unwarranted and unwise intrusions into his authority. The intrusion into his authority, my friends, is a mere $100 million which we are seeking for vital health research, areas that affect women all across this country. The area that I am particularly concerned about is the $50 million which have been earmarked for breast cancer and ovarian cancer. In the area of ovarian cancer, think of it, 20,000, 20,000 women each year are diagnosed as having ovarian cancer. Most of them are found in the terminal stages because there is no detection possible, there is no kind of symptom for which you can look. Doctors are helpless.

This country has come across with all kinds of technology research. Certainly, if we put our emphasis on research, we are going to be able to come up with an early detection method and save the lives of the 12,000 women who die each year unnecessarily because of ovarian cancer.

THE 1991 HIGHWAY BILL IS OUTRAGEOUS LEGISLATION

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, I have only been here 7 months, but during my years of public service I have seen some pretty outrageous activities occur in legislative bodies. But I have never seen anything as outrageous as the 1991 highway bill that proposes to increase taxes on Americans by 5 cents, the so-called nickle for America, and load it up with pork in congressional districts all across this country.

What happened to last year's nickle for America? Well, it was flushed down that toilet that we know as the national debt. And you all know what the pork is. That is the special projects that we hand out in congressional districts around this country so we can buy enough votes to get these types of bills passed. Mr. Speaker, I stand opposed to this legislation because it is another tax on working Americans. I stand opposed to this legislation because spreading pork around to secure enough votes to pass this turkey is wrong.

Mr. Speaker, the American people are fed up with this kind of politics, and we had better wake up before it is too late.

NIH RESEARCH FUNDS CRUCIAL FOR AMERICAN WOMEN

(Mrs. COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Michigan. Mr. Speaker, I rise today in full support of legislation reauthorizing the National Institute of Health—H.R. 2507—which will soon be considered by the House. Included in this bill are several important provisions that American women are counting on. However, it is my understanding that the administration strongly opposes the provisions concerning women's health.

To my surprise the administration is opposed to authorizing an additional $50 million earmarked specifically for basic breast cancer and ovarian cancer research at the National Cancer Institute [NCI]. These are diseases which can strike our mothers, wives, daughters, and friends. No woman is immune from being hit by such fatal diseases, without research and early intervention. Breast cancer is the second leading cause of cancer death among women, surpassed only by lung cancer. This life-threatening disease is expected to strike an estimated 175,000 women this year. In my home State of Michigan, over 1,500 women died of breast cancer last year. One of the most tragic aspects of this disease is that it is preventable. African-American women are highly susceptible to having this sometimes fatal disease; it is the leading cause of cancer in my community for women.

H.R. 2507 will encourage researchers to include women in their studies. Women know that they have not been part of the clinical research at the National Institutes of Health—and they are demanding a change. This legislation sends a clear signal to the women of America that a change is being made. But the administration appears to be sending a different signal—one which has been sent before and one which will not be tolerated again.

I ask my colleagues to join me in supporting the reauthorization of the National Institutes of Health—H.R. 2507.

THE CHOP-SHOP KILLER FROM MILWAUKEE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a new mass murderer in America. This one is called the chop-shop killer of Milwaukee. Parts of 18 different bodies were found dismembered, torsos were stuffed into closets, 11 skulls were found in refrigerators and freezers.

Mr. Speaker, the killing goes on. Over 23,000 murders per year in America. And while Congress continues to kill the death penalty, killers and murderers on the street continue to sentence American victims to death in record numbers, be it drive-by, drive-in, drive-up or mail-order murders—we have them, folks.

I say it is time for Congress to pass the death penalty, start protecting innocent victims in this country, and stop protecting the rights of murderers.

WE ARE TIRED OF SEEING CRIMINALS BEING AWARDED FEDERAL CONTRACTS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, the other day in the newspaper there was a story headlined "Unisys Awarded $612 Million Air Force Computer Contract." Now, this is not about Unisys; I do not know much about that company. But let me read it:

> Unisys Corporation, facing a possible record-setting criminal fine and embarrassing cost overruns in connection with its government business, yesterday got some good news from Washington: An Air Force computer contract potentially worth $612 million.

Further, it says:

> Even while the Air Force was announcing the contract at the Pentagon, federal prosecutors in nearby Alexandria continued in negotiations with the company on a plea bargain to criminal charges growing out of the Pentagon procurement fraud investigation known as Ill Wind.

Again, this is not mainly about Unisys, but it is about a principle.

When might we expect the administration to behave as people on Main Street in this country do? If somebody cheats you once, you do not do business with them again. Could we expect that minimum standard on the part of the administration? Some of us are getting tired of seeing criminals awarded contracts.

Now, I know that a whole lot of the big defense contractors would not be doing work today if you had a standard that says if you were convicted of a criminal act, you could not do any more work. But I wonder if we should not start expecting that standard to be applied to companies doing business with the Federal Government, as is already the case for individuals which do contract work for the Government.

REPORTS OF UNFAIR TAX BURDEN REINFORCED BY NEW STUDY

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, there are many people in my home State of Vermont who have gotten tired of me saying over and over again that the decade of the eighties was a time in which the rich got richer and the poor got poorer, while at the same time the rich paid less in taxes while the middle class and the working people of our country paid more in taxes.

It is interesting, therefore, to bring to your attention today the results of a recent study by the Center on Budget and Policy Priorities. And what does this report conclude? The rich got richer, the poor got poorer, and the rich are paying significantly less in Federal income tax. What the study tells us is that the wealthiest 1 percent of our population have seen a 122 percent increase in their real income. Meanwhile, their income taxes will decline by 18 percent between 1977 and 1992.

Mr. Speaker, I am delighted to announce that I will be introducing legislation after the August recess which, if adopted, will ask the wealthy to start paying their fair share of taxes so that we can take the tax burden off the middle class and working people.

□ 1240

MOTOR VOTER BILL'S REJECTION BY THE SENATE LAST WEEK

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, last week the Senate, for the lack of one vote, failed to act on one of the most critical prodemocracy bills considered in this Congress in years, the motor voter registration bill. It is a bill that simply lets people register to vote at a time that they register for their driver's licenses.

Mr. Speaker, this proposal had a patriotic purpose: To make it easier for the citizens of this country to exercise their most basic right, the right to vote.

I am proud that the House of Representatives passed this bill last year by a resounding margin. None of us in this House who did that deserve necessarily a pat on the back. After all, one either believes in democracy, or one does not believe in democracy. I say, "If you do believe in democracy, it would be impossible to oppose the motor voter registration bill and then still be sincere if you did oppose it when you go to your constituents and ask them for their votes."

Forty Members of the U.S. Senate apparently have no such inhibitions, Mr. Speaker, but motor voter registration is coming back to the Senate floor in September. It is building momentum far beyond the beltway around this Capital City. Those 40 Members in the other body had better learn and learn quickly, before they learn the hard way, that they either believe in democracy or they do not and the voters will not believe in them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the Member that urging action by or questioning the motivation of Members of the other body is not permitted under House rules.

Mr. AUCOIN. I am very sorry, Mr. Speaker.

THE AMERICAN DISCOVERY TRAIL

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, this morning I am introducing legislation calling for a study to determine the feasibility of designating the American

Discovery Trail as a national scenic trail. I appreciate the assistance of my 12 colleagues who have joined me as original cosponsors of this legislation and a companion bill that will be introduced in the Senate by Senator HANK BROWN of Colorado.

I would like to say this morning that I had an opportunity to greet three hikers that have just completed, almost, the American Discovery Trail. Eric Seaborg, Ellen Dudley, and Bill Sprotte have charted a national east to west trail since leaving Point Reyes National Seashore in California on June 2, 1990.

We believe that the American Discovery Trail has the potential to provide the missing element in the National Trails System. Using local trail groups and land managers, the ADT team has pieced together a number of existing trails and public rights-of-way. The 5,500-mile route links a number of wilderness areas, historic trails and urban greenways. This trail is entirely located on public lands, and it uses existing trails wherever possible. It crosses private lands only in a few cases and only in the existing rights-of-way by land agreement. On its way, coast to coast, the trail passes through 12 States and the District of Columbia.

Mr. Speaker, I hope my colleagues will join me in making sure that the enthusiasm that we have seen in this process continues with the reality of the American Discovery Trail.

HOW TO HELP THE STARVING PEOPLE IN IRAQ

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, President Bush wants to show the world that he is a great humanitarian. He wants to allow Saddam Hussein to sell oil so that Saddam Hussein will take the money and feed all of the starving people in Iraq.

Does President Bush actually think that Saddam Hussein is going to use any kind of money for anybody but himself? Well, if Mr. Bush believes that, I have got an old bridge I would like to sell him.

Mr. Speaker, I do not imagine that the President is that naive. Just check the bank in Switzerland after that first sale. Oh, yes, he might replenish some of his military losses, but to help the starving children, to help the starving people of his country, to help to give them food, clothing and shelter, is absolutely ridiculous because he is not going to do it.

However, Mr. Speaker, I tell my colleagues what he ought to do. The Iraqis have $8 billion invested in the Western world. Let us take that $8 billion of theirs and use it for the people of Iraq. But do not give it to him. Let the Western allies administer the money to make sure it is going to get to where it ought to be going, back to the people he stole it from in the first place.

MAKING CERTAIN IMPROVEMENTS IN OPERATION OF THE U.S. COURT OF VETERANS APPEALS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 153) to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the U.S. Court of Veterans Appeals, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate Amendments: Page 1, line 5, strike out "4067" and insert: *7267*.

Page 2, line 9, strike out "4086" and insert: *7286*.

Page 2, line 22, strike out "4085" and insert: *7285*.

Page 2 in the line after line 22, strike out "4086" and insert: *7286*.

Page 2, strike out all after the line under line 22 over to and including line 6 on page 3.

Page 3, line 7, strike out "4" and insert: *3*.

Page 3, line 8, strike out "4053" and insert: *7253*.

Page 3, line 17, strike out "5" and insert: *4*.

Page 3, line 18, strike out "4064" and insert: *7264*.

Page 4, line 1, strike out "6" and insert: *5*.

Page 4, line 20, strike out "4096" and insert: *7296*.

Page 4, line 25, strike out "4096(b)" and insert: *7296(b)*.

Page 5, line 5, strike out "4096(b)" and insert: *7296(b)*.

Page 5, line 19, strike out "4096(f)(2)(A)" and insert: *7296(f)(2)(A)*.

Page 5, line 22, strike out "4097" and insert: *7297(n)*.

Page 6, line 1, strike out "7" and insert: *6*.

Page 6, after line 7, insert:

SEC. 7. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary services and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of personal property for the purposes of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury.".

Page 6, line 11, strike out "4067" and insert: *7267*.

Page 6, line 16, strike out "4068(b)(2)" and insert: *7268(b)(2)*.

Page 7, line 2, strike out "4054" and insert: *7254*.

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Mississippi [Mr. MONTGOMERY]?

Mr. STUMP. Reserving the right to object, Mr. Speaker, I shall not object, but I will ask the gentleman from Mississippi [Mr. MONTGOMERY] for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, H.R. 153 passed the House on February 20, 1991.

The bill consists of several provisions affecting the Court of Veterans Appeals which was established by the Congress in 1988 to provide judicial review of decisions made by the Board of Veterans Appeals. The Senate Committee on Veterans' Affairs struck the provision increasing the salaries of the associate judges of the court. The Senate also added a provision which would authorize the court to accept voluntary services. Other than these two changes, the bill is the same as the House-passed bill, and I urge my colleagues to support it.

There follows an explanatory statement concerning the provisions contained in this bill. With the Senate's agreement, this statement contains a number of changes to the statement which appeared in the RECORD of Senate consideration of this measure—S 10176, CONGRESSIONAL RECORD, daily edition July 16, 1991—in order to accurately reflect the provisions contained in the bill considered and passed by the House on February 20, 1991.

EXPLANATORY STATEMENT ON H.R. 153, RELATING TO THE U.S. COURT OF VETERANS APPEALS

H.R. 153 was passed by the House on February 20, 1991. As amended by the Senate Committee on Veterans' Affairs during a Committee meeting on June 6, 1991, and further amended during Senate consideration, it reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on the measure. The Committees note that H.R. 153 contains provisions that are similar or identical to provisions contained in certain measures relating to the United States Court of Veterans Appeals that were considered, or proposed to be offered, in the Senate and the House of Representatives during the 101st Congress but were not enacted. Those measures are H.R. 4557, which the House passed on May 1, 1990; H.R. 5657, which the House passed on May 1, 1990; S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and amendments that the Chairman of the Senate Committee was prepared (on behalf of the Senate Committee) to offer to H.R. 5657 in October 1990, but which were not offered because the Senate was unable to consider that bill prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanatory statement on H.R. 153. Differences between the provisions contained in H.R. 153 as amended by the Senate (hereinafter referred to as the "Compromise agreement") and the related provisions in the House-passed versions of H.R. 4557, H.R. 5657, H.R. 153 as passed by the House, S. 2100 as reported by the Senate, and the proposed amendments to S. 2100 are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

PROCEDURES FOR DECISIONS OF THE COURT OF VETERANS APPEALS

Current law: Under section 7267(b) of title 38, the Court of Veterans Appeals is required to include in each of its decisions a statement of its conclusions of law and determinations as to factual matters.

Section 7267(d)(1) of title 38 provides that, in the case of a decision by a single judge of the court, the decision of the judge becomes the decision of the court unless, before the expiration of the 30-day period beginning on the date of the decision of the judge, the court directs that the decision be reviewed by a panel of the court, in which case the decision of the single judge is not part of the record. Section 7267(d)(2) provides that, in the case of a proceeding determined by a panel of the court, the decision of the panel becomes the decision of the court unless, before the expiration of the 30-day period beginning on the date of the panel's decision, the court directs that the decision be reviewed by an expanded panel of the court (or the court en banc), in which case the decision of the panel initially deciding the case is not part of the record.

House bill: Section 1 of H.R. 153 would repeal subsections (b) and (d) of section 7267.

Senate bill: No provision.

Compromise agreement: Section 1 follows the House bill.

JUDICIAL CONFERENCE

Current law: There is no authority under current law for the chief judge of the Court of Veterans Appeals to convene a judicial conference. Under section 331 of title 28, the Chief Justice of the United States is required to summon annually the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each judicial circuit to a judicial conference.

House bill: Section 2 of H.R. 153 would amend title 38 so as to authorize the chief judge of the Court of Veterans Appeals to summon the judges of the court to an annual judicial conference for the purpose of considering the business of the court and recommending means of improving the court's jurisdiction. The court would be required to provide by its rules for representation at the conference by persons admitted to practice before the court and by other persons active in the legal profession.

Senate bill: No provision.

Compromise agreement: Section 2 follows the House bill.

JUDICIAL DISCIPLINE

Current law: Section 372(c) of title 28 sets forth the procedures to be followed when a complaint alleging conduct "prejudicial to the effective and expeditious administration of the business of the courts" or inability to discharge the duties of office due to mental or physical disability is filed against a Federal circuit, district, or bankruptcy judge, or a magistrate.

Upon completion of an investigation of a complaint, a written report is filed with the judicial council of the circuit concerned. Upon receipt of such a report, the judicial council is authorized to conduct additional investigation and to take action to assure the effective and expeditious administration of the business of the courts within the circuit. A judicial council may also refer a matter to the Judicial Conference of the United States for consideration and appropriate action. Section 372(c) also provides the opportunity for a complainant or a judge or magistrate aggrieved by a decision of the chief judge or of a judicial council to petition the judicial council or the judicial conference, respectively, for review.

Section 372(c)(17) requires that the U.S. Claims Court, the Court of International Trade, and the Court of Appeals for the Federal Circuit prescribe rules consistent with the provisions of section 372(c) establishing procedures for the filing of complaints with respect to the conduct of judges of those courts and for the investigation and resolution of such complaints.

House bill: Section 4 of H.R. 153 would amend section 7253 of title 38 to require the Court of Veterans Appeals to prescribe rules, consistent with the provisions of section 372(c) of title 28, establishing procedures for the filing of complaints with respect to the conduct of any judge of the court and would grant the court the same powers with respect to the disciplining of judges of the court as are granted to a judicial council under section 372(c) with respect to judges of a court covered by that section.

Senate bill: No provision.

Compromise agreement: Section 3 follows the House bill.

The Committees expect that the judges of the court would constitute the judicial council for the court.

RECUSAL OF JUDGES

Current law: Section 455 of title 28, which applies to judges of the U.S. Courts of Appeals, U.S. district courts, the Court of International Trade and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior, sets forth the circumstances under which judges must disqualify themselves from participating in particular cases.

House bill: Section 4 of H.R. 153 would make applicable to the Court of Veterans Appeals the provisions of section 455 of title 28.

Senate bill: Section 705 of S. 2100 is substantively identical to the House provision.

Compromise agreement: Section 4 contains this provision.

PARTICIPATION OF JUDGES IN THE THRIFT SAVINGS PLAN

Current law: No provision in current law authorizes judges of the Court of Veterans Appeals to participate in the Thrift Savings Fund.

House bill: Section 6 of H.R. 153 would amend chapter 84 of title 5 so as to authorize judges of the Court of Veterans Appeals to elect to contribute to the Thrift Savings Fund. Judges would be authorized to contribute to the fund not more than 5 percent of their basic pay, and would be required to make an election to contribute to the fund within 60 days after the date of enactment of this provision.

Senate provision: Section 5 of the proposed amendment to H.R. 5657 is substantively identical to the House provision.

Compromise agreement: Section 5 contains this provision.

DISTRIBUTION OF THE CONGRESSIONAL RECORD TO THE COURT OF VETERANS APPEALS

Current law: Section 906 of title 44 provides for the distribution of gratuitous copies of the Congressional Record to certain offices and individuals, including, among others, virtually all Federal judges and court libraries other than those of the Court of Veterans Appeals.

House bill: Section 7 of H.R. 153 would amend section 906 of title 44 to require the distribution of copies of the Congressional Record to the judges of the Court of Veterans Appeals and to the library of the Court.

Senate provision: Section 7 of the proposed Senate amendment to H.R. 5657 is substantively identical to the House provision.

Compromise agreement: Section 6 contains this provision.

ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS

Current law: Public Law 100-687, the Veterans' Judicial Review Act, does not provide the Court of Veterans Appeals with statutory authority for the acceptance of voluntary services or gifts. However section 604(a)(17) of title 28, grants to article III courts authority to accept such services and gifts of personal property.

House bill: No provision.

Senate provision: Section 1 of S. 1050, as introduced on May 14, 1991, at the request of the chief judge of the Court of Veterans Appeals, would amend section 7281 of title 38 to allow the court to accept voluntary services and gifts and bequests.

Compromise agreement: Section 7 contains the Senate provision.

□ 1250

Mr. STUMP. Mr. Speaker, I thank the gentleman for his explanation. I support H.R. 152 with the Senate amendments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the original request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That during the consideration of the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, all points of order against provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member specified or his designee, and all points of order against the amendments for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume, and during consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 200 is the rule waiving points of order against certain provisions of the bill, H.R. 2942, the Department of Transportation and Related Agencies appropriations bill, for fiscal year 1992.

Mr. Speaker, since general appropriations are privileged under the Rules of the House, the rule does not provide for any special guidelines for the consideration of the bill.

Customarily, Mr. Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to consideration of the bill.

Mr. Speaker, House Resolution 200 waives clause, 2 and 6 of rule XXI, against the entire bill. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in general appropriations bills. Clause 6 of rule XXI prohibits reappropriation or transfers of unexpended appropriations.

The waivers are necessary because legislation for programs of the Coast Guard and surface transportation programs have not yet been enacted.

As my colleagues are aware, the House passed the Coast Guard authorization for fiscal year 1992, last week and it is anticipated that the House will consider the surface transportation authorization sometime next week.

In addition, Mr. Speaker, the rule makes in order two amendments that are printed in the Rules Committee report accompanying this rule. The first amendment is to be offered by Mr. OBERSTAR of Minnesota or his designee.

The second amendment is to be offered by Mr. SOLOMON of New York or his designee. The rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against the amendments.

Also waived against the amendments is clause 2 of rule XXI, which I stated earlier prohibits unauthorized appropriations and legislation on general appropriation bills.

Mr. Speaker, the Oberstar amendment is identical to H.R. 172, the Aging Aircraft Safety Act of 1991, which passed the House last April.

The Solomon amendment relates to the revocation or suspension of drivers licenses of individuals convicted of drug offenses.

This amendment would simply make technical and conforming changes in current law by striking section 332 from the bill and inserting a corrected version of the Solomon amendment, which was enacted into law last year.

Mr. Speaker, H.R. 2942 appropriates $14.2 billion for the Department of Transportation and for certain related agencies including the Coast Guard, Amtrak, the Federal Aviation Agency, the Urban Mass Transportation Administration, the Federal Highway Administration, and the National Transportation Safety Board.

H.R. 2942 also increases the limit on spending from the highway trust fund to $16.2 billion which is an increase of $1.7 billion from the fiscal year 1991 level.

This increase will provide the necessary funding for the continued construction and repairs of the Nation's Interstate Highway System and secondary roads and bridges.

Mr. Speaker, this bill also increases funding to the Federal Aviation Administration which oversees the operation of the Nation's air control system, the development and modernization of our airports, and aircraft safety technology.

Mr. Speaker, I am not aware of any opposition to this rule and I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] has fully explained the provisions of this rule. Since general appropriations bills are privileged, this legislation will be considered under the normal legislative process for appropriations bills. The bill will be open to amendment under the 5-minute rule and any amendment which does not violate the rules of the House will be in order.

Mr. Speaker, I would like to commend the chairman and ranking republican member of the Transportation Appropriations Subcommittee, the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] for their hard work in putting this legislation together and their leadership in moving this final regular appropriations bill to the floor.

H.R. 2942 provides appropriations in fiscal year 1992 for the Department of Transportation and certain related agencies. I am personally interested in this appropriation bill because it provides funds for the continued operation of the flight service station in my district. This station has faced possible closure and these funds will ensure safe air travel by keeping it open.

I would like to point out, Mr. Speaker, that the statement of administration policy notes that the administration has concerns with several provisions of this legislation. Under this rule, the House can make improvements to the bill and address the concerns of the administration. I urge adoption of the rule and of the underlying bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and that I may be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill—H.R. 2942—making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. COUGHLIN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Virginia [Mr. BOUCHER] as Chairman of the Committee of the Whole and requests the gentleman from Mississippi [Mr. MONTGOMERY] to assume the chair temporarily.

☐ 1259

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

□ 1300

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to submit for the consideration of the Committee of the Whole House the bill, H.R. 2942, making appropriations for the Department of Transportation and related agencies for fiscal year 1992.

Before I get into the details of this particular bill, let me express my appreciation to the Members who serve on the transportation appropriations subcommittee. The gentleman from Pennsylvania [Mr. GRAY], the gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from Minnesota [Mr. SABO], and the gentleman from North Carolina [Mr. PRICE] all provided valuable insight and perspective during the 5-month in-depth review we gave to Federal transportation programs and policies during our hearing process. Most of us have been together in transportation for a number of years now. It is my privilege and good fortune to serve with them.

The subcommittee minority members are also very special. We will all miss greatly the experience, humor, and talent of the late Silvio Conte of Massachusetts, who served on the subcommittee and represented his constituents well until his death on February 8, 1991. We are pleased to welcome the gentleman from Pennsylvania [Mr. MCDADE] as an ex officio member of the subcommittee. The gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. DELAY] both have the determination, the spirit, the concern, and the commitment to a safe and effective transportation system for this Nation. We are about as bipartisan as a committee can be, and I certainly appreciate the hard work of every member.

Let me make special mention of our ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], who spent long hours in committee hearings and has such a strong and comprehensive understanding of our transportation programs and policies. I have great admiration for his knowledge, dedication, and character, and I want him to know of my great appreciation for his sound judgment and cooperation. He is a class act, and he is my special friend. The bill before you today is a bipartisan one.

Mr. Chairman, in preparation for this bill the committee reviewed 2,081 pages of budget and grant justification documents and developed a hearing record contained in five published volumes amounting to 5,696 pages. Testimony was received from hundreds of witnesses in over 10 weeks of hearings. Requests were received from a large number of Members of Congress representing all geographic areas of this Nation.

SUMMARY OF THE BILL

Let me take a brief moment in order to summarize the bill. In total, it provides spending for Federal transportation programs of about $34.4 billion, of which approximately $14.1 billion is new budget authority and $20.2 billion is comprised of various limitations on contract authority obligations.

In terms of new budget authority, the bill is $967 million above the amount provided in the Transportation and Related Agencies Appropriations Act for similar activities in fiscal year 1991. This excludes $318.9 million in other appropriations acts for fiscal year 1991. In terms of the total amount of funding controlled by this bill—new budget authority and obligation limitations—the bill is $3.1 billion or 10 percent over the amounts provided last year. This is the same increase as the committee recommended last year, and which overwhelmingly passed the House.

BUDGET RESOLUTION TARGET

I would direct the Members' attention to page 167 of the committee report, which shows that this bill does not exceed our section 602(b) allocation for discretionary budget authority or outlays. As the Members know, under the Budget Act, the committee is provided a lump sum allocation pursuant to section 602(a), and the Appropriations Committee then subdivides that among its 13 subcommittees. The 602(b) totals are within the limits set forth in last year's budget agreement with the White House.

This is a fiscally responsible bill which meets the requirements of the House-passed resolution in both discretionary budget authority and outlays.

BUDGET REQUEST

Mr. Chairman, I think the administration's fiscal year 1992 transportation budget deserves a comment at this point. Even though we are under our section 602(b) discretionary budget authority allocation, the bill we are considering today is $1 billion over the administration's budget request. That budget request is simply inadequate to handle the serious transportation problems facing the Nation today. Americans spend almost $800 billion each year for transportation products and services. According to the Department of Labor, this represents almost 19 percent of all consumer spending in the United States—a higher percentage than we pay for food, clothing, or health care. These expenses are rising as our highways and airways become increasingly congested. Highway travel delays in urban areas now total more than 2 billion hours each year. Delays at our major airports are now above 20,000 hours a year. These delays cost billions of dollars in lost working hours and economic production, which is ultimately passed on to American consumers in increased prices for goods and services.

Mr. Chairman, the administration's budget proposed large increases in aviation at the expense of the significant increases in funds for surface transportation which are needed to address the growing congestion problems and infrastructure needs of this Nation. Furthermore, the budget proposes a large reduction in Federal support for the national passenger rail system [Amtrak]. The committee recognizes that increases in aviation funding are necessary to reduce delays in our airway system. However, as I have stated in past years, we have the responsibility to provide for a balanced transportation system which adequately addresses the surface infrastructure needs of the Nation. All segments of our transportation system are vital to the prosperity of this country. The bill before you recognizes these needs, particularly in the surface transportation sector.

This was not easy to accomplish. Now I want to thank our full committee chairman, the gentleman from Mississippi [Mr. WHITTEN] for his efforts on our behalf. As he often reminds us, our Nation's public works represent the real and lasting wealth of this country. Our transportation system has served our country well—and we must continue to preserve and enhance it.

SELECTED MAJOR RECOMMENDATIONS

With respect to the major recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. A table comparing the bill to fiscal year 1991 and the President's request appears beginning on page 170 of the report. The major highlights of this bill include:

First, a 13-percent increase in total FAA funding—$992 million more than last year's level. This includes $1.9 billion for grants-in-aid for airports—a 6-percent increase—$4.3 billion for FAA operations—an 8-percent increase—and $2.4 billion for facilities and equipment—an 18-percent increase;

Second, obligations of not to exceed $16.2 billion for Federal-aid highways, an increase of $1.7 billion—12 percent—over fiscal year 1991;

Third, funding for the existing urban mass transportation formula grant program at a level of $2 billion;

Fourth, obligations of not to exceed $1.45 billion for the discretionary grants program of the Urban Mass Transportation Administration, excluding funding for section 9(b) formula grants, an increase of $250 million—21 percent—over last year's level;

Fifth, $503 million for grants to the National Railroad Passenger Corporation [Amtrak], which is $173 million above the level for comparable expenses in the President's budget request;

Sixth, funding of $118 million for operations and research activities of the National Highway Traffic Safety Administration, the same level as provided in fiscal year 1991;

Seventh, a reduction of $117.8 million—3 percent—from the President's budget request for overall Coast Guard funding; and

Eighth, continued funding for the construction of the Washington, DC metrorail system at the level of $124 million.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for salaries and expenses of the Office of the Secretary of Transportation, the bill provides a total of $63.7 million. In addition, office-by-office dollar breakdowns are specified in the bill as has been done in the past. The bill also provides an obligation limitation of $38.6 million, as requested in the budget, for payments to air carriers and $111.9 million for GSA rental payments.

Payments to air carriers: With respect to the payments to air carriers appropriation, the committee has tried to strike a fair balance between the transportation needs of rural America and the need to rid this program of the excess subsidies that have taken place in the past. Last year's budget act requires a funding level of $38.6 million in fiscal year 1992 for passenger facility charges [PFC's] to go into effect, and the committee's bill provides that funding. However, the committee remains concerned over the continuing high levels of subsidy in this program. Therefore, the bill includes a limitation against expanding the program or upgrading service levels.

COAST GUARD

With respect to the Coast Guard, we recommend a total program level of $3.5 billion. Including funds provided in other appropriations acts, this total level is $132 million more than the total Coast Guard program level for fiscal year 1991. The bill includes $603.4 million for drug enforcement operating expenses of the Coast Guard. I invite the Members' attention to pages 28 through 30 of the committee report regarding drug interdiction. The bill specifies that $56.7 million be derived from the oilspill liability trust fund, which was established by the Oil Pollution Act of 1990.

Operating expenses: For Coast Guard operating expenses, the bill provides a program level of $2.4 billion for fiscal year 1992, and assumes no funding from the 1992 DOD appropriations bill. Including funds provided in other appropriations acts, this total amount is $130 million, or 6 percent, more than the amount appropriated for similar activities in fiscal year 1991. It is also $55.8 million below the budget request. The reduction from the budget request is primarily due to transfers of funds to a separate appropriation for GSA rental payments, transfer of landbased aerostat operations to the DOD, and a reduction in Defense Logistics Agency stock charges.

Acquisition, construction, and improvements: For acquisition, construction, and improvements, we are recommending an appropriation of $365 million for fiscal year 1992. The total program level is comprised of $132.7 million for vessels; $62.5 million for shore and aids to navigation facilities; $86.9 million for aircraft; $50.3 million for other equipment; and $32.5 million for personnel. The recommended level includes funding to begin procurement of a new oceangoing buoy tender, continue the 210-foot cutter overhaul, and continue the procurement of essential search and rescue and drug interdiction helicopters. The recommended level provides sufficient funding to allow the highest priority, most well justified projects to proceed.

Alteration of bridges: The bill also includes $11 million to alter or remove bridges that may be unreasonable obstructions to the waterborne commerce of the United States. This sum will support the alteration of three railroad bridges over the Mississippi, Pascagoula, and Brunswick Rivers.

Retired pay: The sum of $487.7 million, as requested in the 1992 budget, would be appropriated for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 26,819 personnel on the retired rolls.

Reserve training: For reserve training, $77 million is recommended. This is a 4-percent increase over fiscal year 1991 and will provide for a ready reserve of 19,500, including a selected reserve of 12,000.

Research, development, test, and evaluation: The bill includes $27.8 million for the applied scientific research, development, test, and evaluation projects necessary to maintain and expand the technology required for the Coast Guard's operational and regulatory missions. This amount is an 11-percent increase over the fiscal year 1991 level. The largest increase would provide additional funding for oil spill response capability.

Boat safety: For the State recreational boating safety program, we have included $35 million, which is the same level as provided for fiscal year 1991.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program level of $8.9 billion, including a $1.9-billion limitation on the use of contract authority for fiscal year 1992. This is $792 million—or 10 percent—more than the fiscal year 1991 level. While this is a fairly large increase for these austere budget years, I believe it is absolutely essential to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

Aviation trust fund: Mr. Chairman, there has been much discussion in recent years about the adequacy of FAA funding to do its important job. The focus has been on the large balance in the aviation trust fund. I am pleased to tell you that due to last year's repeal of the so-called penalty clause, section 506(c) of the Airport and Airway Improvement Act of 1982, the general fund will no longer be making overpayments of FAA costs. The bill before you specifies that 49 percent of the funding for FAA operations is to be derived from the aviation trust fund. The amounts in the bill are estimated to result in a reduction of approximately $900,000,000 in the aviation trust fund's uncommitted balance. I urge the Members to take the time to read the discussion on pages 45 and 46 of the report, which represents a balanced perspective of FAA funding patterns.

Operations: For FAA operations, we recommend a total program level of $4.3 billion. This represents an increase of $305 million over the fiscal year 1991 program level. This would provide for 52,353 positions including 22,963 controllers, supervisors, and support personnel for air traffic centers and towers, and 4,120 flight service station personnel.

Controller staffing: Under the committee recommendation, actual air traffic controller end-of-year employment would increase to the requested level of 17,945 personnel by September 30, 1992. This is 450 controllers above the level projected for September 30, 1991.

Facilities and equipment: For facilities and equipment, the bill contains $2.4 billion for fiscal year 1992—an increase of $374.1 million—18 percent—over fiscal year 1991. This account finances modernization and improvements to our air traffic control system. I want to stress that, although the FAA's Capital Investment Plan is behind schedule, those delays are due to technology development and contractor deficiencies—not to lack of funding. For example, this year the General Accounting Office reports that 8 of the NAS Plan's 12 largest programs experienced delays ranging from 8 to 32 months in the past year alone. The two largest programs in the fiscal year 1992 budget are among those with the longest delays.

To provide a larger increase, given the state of individual F&E programs and the deficit problems facing the Nation this year, would not be fiscally responsible. However, as the equipment is developed, adequately tested, and ready to purchase, the funds will be provided—and our record proves this. In fiscal year 1987, the amount appropriated for F&E was about $800 million. The bill before you recommends $2.4 billion. That's 300 percent of the level provided just 5 years ago.

Research, engineering, and development: With respect to FAA research, engineering, and development, we recommend $218 million, which is an increase of $8 million over the budget request and $13 million over fiscal year 1991.

Airport improvement program: The bill also includes a $1.9 billion obligation limitation for airport development and planning grants. This is the highest funding level ever provided for this program, and represents an increase of $100 million over the fiscal year 1991 level. It represents no change from the budget request. Both the Office of Technology Assessment and the FAA have indicated that a lack of airport capacity will lead to increasing travel delays if no action is taken. I'm sure many Members have experienced these delays firsthand, as I have.

Aircraft purchase loans: We also recommend continuing the FAA's authority to borrow from the Treasury to pay defaulted aircraft purchase loans at the requested level of $1.3 million.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill provides for a total fiscal year 1992 program level of $17.7 billion in highway aid. This includes a limitation on Federal-aid highway contract authority obligations of $16.2 billion. That is $1.7 billion (12 percent) over last year's level and $480 million over the budget estimate.

Mr. Chairman, this is one of the most, if not the most, important transportation programs that we have. Over 90 percent of total interstate passenger-miles and 20 percent of total interstate freight ton-miles move on the Nation's highway system. As I mentioned earlier, congestion delays on our highways are in the billions of hours each year, and are far greater than the amount of airway system delays. I think the administration's proposal, while proposing to increase highway spending, does not go far enough. It is important to our continued economic development and to our national defense to maintain a first class highway system. It's clear that the needs are there, and are not limited by geographic boundaries or political party lines.

Mr. Chairman, because no authorizing legislation for surface transportation had been reported by the House Public Works and Transportation Committee at the time of the committee's markup, the committee recommendations assume a continuation of existing law. The committee recognizes that some adjustments may be required after the enactment of authorizing legislation. We have worked well with Chairman ROE and Chairman MINETA and their committee as a whole this year, and we look forward to a good relationship in the future.

Highway trust fund balance: Under the provisions and assumptions in this bill, we estimate that fiscal year 1992 outlays attributable to the highway account of the trust fund will be about $15.95 billion. This compares to estimated fiscal year 1992 direct user fee income credited to the highway account of approximately $15.86 billion. In addition, the highway account of the trust fund is expected to receive general fund interest payments of $930 million. A comparison and discussion of highway spending versus trust fund revenues is found on pages 93 through 95 of the report.

Federal-aid highways: Mr. Chairman, the most important account in this program is the Federal-aid highway obligation limitation. We are recommending a ceiling of $16.2 billion for this account.

Administrative expenses: Mr. Chairman, the bill also provides a total of $212.2 million of FHWA administrative expenses, $23 million more than the fiscal year 1991 level.

Miscellaneous highway programs: The bill also contains an appropriation of $13.2 million for railroad-highway crossings demonstration projects at four different locations. For highway-related safety grants, an obligation limitation of $10 million is recommended, the same as the fiscal year 1991 funding level. We also recommend a limitation on direct loans for the right-of-way revolving fund of $70 million and appropriations totaling $308.3 million for a number of specific highway projects.

Motor carrier safety: For motor carrier safety, the bill includes $48.4 million to continue the activities of the Office of Motor Carrier Safety. This is an increase of $8.4 million over the fiscal year 1991 level. The bill also provides a $60 million limitation on obligations for the motor carrier safety grant program.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes a total program level of $253.3 million. This is the same level as provided for fiscal year 1991. The bill specifies that $42.3 million of this amount is to be derived from the highway trust fund, with the balance from the general fund.

Operations and research: Mr. Chairman, the committee's recommendation of $118.3 million pares down the excessive growth requested in some areas of this appropriation in order to eliminate or reduce low priority activities and to fund critical but unbudgeted activities in the areas of safety standard compliance, biomechanics research, and shock trauma research.

State and community highway safety grants: We also recommend a limitation on obligations for the State and community highway safety grant program of $115 million, the same as the budget request.

Alcohol safety grants: For the section 408 alcohol safety incentive grant program, we have established a limitation on obligations of $20 million in fiscal year 1992. The administration proposed to fund similar grants under a new "safety bonus grant" program, which is not yet authorized. The sum of $19.9 million was provided for fiscal year 1991.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include a program level of $37.1 million for railroad safety, $14.7 million for railroad research and development, $10 million for local rail freight assistance, $145 million for mandatory rail passenger service payments, $36 million for the Northeast Corridor Improvement Program, and $16 million for office of the administrator expenses.

Mandatory rail passenger service payments: Once again this year, the bill recommends funds in a separate appropriation for FRA to make certain payments on behalf of Amtrak to the Railroad Retirement Trust Account and the Railroad Unemployment Insurance Account. Up until fiscal year 1991, these expenses were covered by the appropriation for grants to Amtrak. This practice unfairly inflated Amtrak's true subsidy needs, since these expenses are merely passed on by Amtrak as a subsidy for the freight railroads. Therefore, the Congress last year decided to fund these expenses in a separate FRA appropriation. The committee's recommendation reflects continuation of that account, at the level of $145 million for fiscal year 1992.

Amtrak: We are recommending $328.9 million for Amtrak operating expenses in fiscal year 1992. The President's budget proposed $180 million, and assumed significant savings from legislation which has not been enacted. The committee's recommended level represents a 4 percent decrease from the operating subsidy provided in fiscal year 1991. Mr. Chairman, the Members should know that Amtrak's financial performance continues to improve, and that as a result, its operating subsidy continues to go down. Amtrak estimates that its revenues will rise by almost 8 percent next year. Passenger miles are estimated at 6.3 billion next year. I would direct the Members' attention to the discussion and graphs on Amtrak's financial performance on pages 129 through 131 of the report.

However, Amtrak's rolling stock and other equipment is old and insufficient to meet the growing demand. Administration officials agree that Amtrak needs additional equipment to increase revenues further and to reduce maintenance costs. The committee's recommendation of $175 million for capital is between the administration's proposed level of $150 million and Amtrak's request of $242 million.

In addition, the bill includes a loan of $3.5 million for track work in Illinois. This will be of direct benefit to Amtrak.

URBAN MASS TRANSPORTATION ADMINISTRATION

For the Urban Mass Transportation Administration, a total program level of $3.8 billion is recommended for fiscal year 1992. This is $518 million more than the budget request, and $588 million more than the fiscal year 1991 program level. As mentioned previously, the bill assumes current law due to lack of enactment of authorizing legislation at this time.

Formula grants: Under the formula grant program, we recommend an appropriation of $1.6 billion. Another $450 million is provided for the section 9(B) program, which allows total formula grant funding of over $2 billion. This is $245 million more than was provided for fiscal year 1991.

Operating assistance: The committee recommends that $802.2 million of the formula grant appropriation be made available for operating assistance. This is the same as the level provided last year and $504.4 million above the budget request.

Discretionary grants: The bill also includes language limiting obligations for transit discretionary grants and section 9(B) formula grants to $1.9 billion. This is $500 million (36 percent) above the fiscal year 1991 limitation. This account is financed from the mass transit account of the highway trust fund. I invite the Members' attention to pages 139 through 146 of the report for a detailed description of how these funds are to be distributed.

Interstate transfer—transit: The bill also includes $160 million for transit projects that have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds will be distributed as outlined on page 148 of the report.

R&D/administrative expenses. The bill also provides a total of $63 million for research and administrative expenses of UMTA.

Washington Metro. The bill provides $124 million to continue construction of the Washington, DC Metrorail system. This is $59.9 million above the fiscal year 1991 level.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill includes an appropriation of $10.6 million from the harbor maintenance trust fund to finance operations and maintenance of the Saint Lawrence Seaway.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

For the Research and Special Programs Administration, the bill contain appropriations of $31 million. This represents a 16 percent increase over the fiscal year 1991 level. Of this amount, $13.4 million is provided for the pipeline safety program, including funding for the State grants-in-aid program at the requested level of $7 million. The recommended level includes $1.1 million for initial implementation of the Sanitary Food Transportation Act and the large majority of funds requested to implement the Hazardous Materials Transportation and Uniform Safety Act, which were both enacted in 1990.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes an appropriation of $37 million, a 16 percent increase over the fiscal year 1991 level. Funding for implementation of the Chief Financial Officers Act has not been included. For a discussion of the committee's concerns in this area, I direct the Members' attention to pages 154 and 155 of the report. The committee believes that funds to combat waste, fraud, and abuse within the Department of Transportation would be put to better use by hiring additional audit staff rather than preparing and auditing business-type financial statements.

TITLE II—RELATED AGENCIES

Title II of the bill contains new budget authority for six transportation-related agencies and commissions. Specifically, we recommend $2.9 million for the Architectural and Transportation Barriers Compliance Board, $34.1 million for the National Transportation Safety Board, $40.9 million for the Interstate Commerce Commission, limitations on the Panama Canal Commission of $49.4 million for administrative expenses and $519 million for operating and capital expenses, $10.2 million for the Department of the Treasury to rebate Saint Lawrence Seaway tolls, and $51.6 million for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

TITLE III—GENERAL PROVISIONS

Mr. Chairman, there are a number of general provisions in this bill that will be of interest to the Members, and I direct their attention to pages 162 and 163 of the report for a discussion of these provisions.

Mr. Chairman, the bill before the body is a fiscally responsible one which provides adequate funding for our transportation programs and will significantly improve the infrastructure of this Nation. It restores adequate funding for Amtrak and mass transit operating subsidies, and at the same time provides needed increases for aviation and surface transportation and the Coast Guard. I say again that it does not exceed the Section 602(b) ceiling for discretionary budget authority and outlays. I ask for its favorable consideration and approval.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Gospel appointed for last Sunday—Mark 6:30-44—was the beloved parable of the feeding of the multitudes with five loaves and two fishes. That miracle lives on in today's fiscal year 1992 Transportation appropriations bill. Under the leadership of our distinguished chairman, Congressman BILL LEHMAN from Florida, the apostles on the Transportation Appropriations Subcommittee have worked as a team to keep the country afloat, on the rails, on the roads, and in the air. Balancing the often competing needs of the different transportation modes is a real art. In our wildest imagination, we could not have anticipated being able to accommodate so many of the priorities and requests out of our pot of transportation funds.

I invite my colleagues to take a good look because you may never see such a bill again. H.R. 2942 shows the importance Congress and the committee attach to maintaining infrastructure. It is a bill that everybody can support, as there is something in here for darn near everyone. The fiscal year 1992 Transportation appropriations bill shows what we can do when given adequate funding and fulfills our duty to bring out a bill at the 602(b) level.

While the official position of the Office of Management and Budget is that the bill should be exactly as requested by the administration, OMB acknowledges that the bill is within the section 602(b) allocation and they do not oppose it.

I have said it before, and it is worth saying again: BILL LEHMAN is the most enthusiastic, hard-working, and dedicated chairman I know. The hearings may be long and grueling, but he conducts them at a lively pace. The budget requests may not always include enough funds for every mode of transportation, but he ensures we have a balanced system. The number of requests for projects from individual Members may be great, but he will always offer a compromise instead of turning someone down with a flat "no." It is a great treat to know BILL and see him work.

He was determined to see this bill through personally and here he is—always a gentleman of his word.

I congratulate Chairman LEHMAN and the rest of the members of the subcommittee on what I believe is a good bill. All subcommittee members, Republican and Democratic, believe in a balanced transportation system for the United States. Despite personal interests and regional needs, subcommittee members have pulled together to produce this bill, I salute the gentleman from Pennsylvania [Mr. McDADE], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. DELAY], my next door neighbor, the gentleman from Pennsylvania [Mr. GRAY], the gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from Minnesota [Mr. SABO], and the gentleman from North Carolina [Mr. PRICE].

I also note with great sadness that this is the first transportation appropriations bill to come to the floor since the untimely death of our colleague from Massachusetts, Silvio Conte. In the field of transportation he was a force with which to be reckoned. I like to think he would approve of the bill we bring forth today.

Finally, let me compliment the staff on their good work: Kenny Kraft and Jim Ogsbury for the minority; Tom Kingfield, Rich Efford, Lucy McLelland Hand, Linda Muir, and Zee Latif for the majority.

The bill provides $14.1 billion in new budget authority. This is a decrease of $940 million from the $15.1 billion requested in the budget. When you include limitations on obligations, the bill is $34.4 billion. This is $1 billion more than the budget request and $3 billion more than fiscal year 1991.

Major recommendations are:

First, $2.48 billion in operating expenses for the Coast Guard. This bill does not include the usual $300 million from Defense which we have had for the past several years.

Second, $4.3 billion in Federal Aviation Administration operations. This is a 7.6-percent increase over fiscal year 1991.

Third, $2.4 billion in FAA facilities and equipment. This is an 18-percent increase, instead of the 29-percent increase requested in the budget.

Fourth, $1.9 billion in FAA airport grants [AIP]. This is a 5.5-percent increase over fiscal year 1991.

Fifth, $16.2 billion in highway obligation ceiling. This is approximately a 12-percent increase over fiscal year 1991.

Sixth, $125.7 million to continue work on 16 existing highway demonstration projects.

Seventh, $141.9 million in new highway demonstration projects.

Eighth, $503 million in Amtrak grants. This is a 52.7-percent increase over the budget.

Ninth, $3.5 billion in Urban Mass Transportation Administration grants. This is a 16.5-percent increase over fiscal year 1991.

Tenth, $124 million for Washington Metro.

The one drawback in the list of pluses is report language recommending no funding for implementation of the Chief Financial Officers Act. The Department would have to propose a reprogramming or a transfer to begin this activity. Congress should be enthusiastically supporting this important statute and assisting departments in implementing it.

First, an agency such as DOT, with strong operating components, needs a single individual—the CFO—to be accountable for departmentwide financial management.

Second, DOT has an ambitious plan to integrate 80 divergent administrative and program financial systems into a single, integrated system.

Third, an example of the need for financial data is acknowledged by the committee on page 63 of the report: The "FAA does not have an automated management information system which can track on a monthly basis obligations and expenditures by budget line item, for each appropriation year, for the F&E account. The Committee believes that such a management tool is essential for effective project oversight, both within the Department and within the Congress."

Fourth, the Office of Management and Budget identified DOT financial management and administrative systems, as a high risk area in 1989.

Fifth, the CFO's Act will not lessen the nonfinancial audit activity of the inspector general.

In closing, the bill is within the 602(b) allocations for domestic discretionary budget authority and outlays. The administration does not oppose it and Members should support it.

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Mr. LEHMAN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee.

Mr. WHITTEN. Mr. Chairman, I am very proud indeed of the work of my colleagues on the Subcommittee on Transportation Appropriations and our fine chairman, the gentleman from Florida [Mr. LEHMAN] and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN].

TRANSPORTATION BILL IS INVESTMENT IN OUR FUTURE

We have again recommended an excellent bill—one which provides over $34 billion in investments for our Nation's future. Money in this bill is indeed an investment in America—in the real wealth of our country. It will produce both immediate and long-term dividends. It will help us to compete in the world marketplace and regain our normal share of domestic and world markets. Transportation is a basic underpinning of our economy, and we cannot afford to continue the decline we have seen in the 1980's.

I am proud to be a member of the subcommittee which recognizes the importance of transportation in a strong nation on which all else depends.

CONSIDERATION OF 13TH APPROPRIATIONS BILL

Mr. Chairman, today also represents an important milestone for this House—for this bill is the last of the 13 regular 1992 apropriations bills to be considered by this body.

Mr. Chairman, we all can take great pride in the work of the 59 members who serve in the Committee on Appropriations. All members of our committee put in extremely long hours and give much time and thought to the difficult decisions we must make. And they do it with little fanfare.

This year, our 13 subcommittees heard more than 5,150 witnesses in 271 hearing days of testimony which totaled over 96,000 printed pages. These hearings are not always glamorous, but they are necessary for making the tough spending choices we must make.

APPROPRIATIONS BILLS HAVE BEEN ON TIME

This was a difficult year. When we started out in February, our staff had identified over $8.7 billion in additional immediate needs for our domestic programs that could not be met under the budget caps.

Even so, our committee rolled up its sleeves and produced bills at a near record pace that will meet America's needs as responsibly and as fairly as possible. In the 29 days between May 29 and June 26, the House passed 12 of the 13 regular appropriations bills—which is on par with the record pace set in 1960. We also passed three supplemental appropriations acts between March and May to support our troops in Saudi Arabia and meet other problems stemming from Operation Desert Storm.

APPROPRIATIONS BILLS ARE UNDER BUDGET LIMITS

The 1992 bills recommended by the committee and passed overwhelmingly by the House by an average vote of 340 to 71 have been under all the spending caps set in last year's budget summit agreement.

The total of these bills has also once again been under the amount requested by the President. Many Members don't know that since 1945, we have held the total of all appropriations bills $180.8 billion below the total requested by the Presidents.

This year, the committee bills coming to the floor have been, in total, $11.7 billion below the cumulative 1992 budget request—for discretionary budget authority—of the President—mainly due to foreign aid and military spending reductions.

APPROPRIATIONS BILLS ARE SETTING NATIONAL PRIORITIES

But more important than meeting a tight budget and a tight schedule, the appropriations bills we have passed continue to implement important legislative priorities for our Nation to keep us a leader into the 21st century.

Over the years, with little fanfare, your Committee on Appropriations has done its best to focus dollars on programs that:

First, enhance America's economic competitiveness into the 21st century; second, improve our quality of life; and third, maintain our national security.

We have continued this year-in and year-out. To do this, we have given priority to programs that add to our Nation's real wealth in areas such as: Lasting capital investments, science and civilian research and development, education, nutrition and health, law enforcement and drug abuse pevention, environmental protection, veterans programs, housing, parks/natural resources and conservation.

1992 APPROPRIATIONS ACCOMPLISHMENTS

Mr. Chairman, although we still must iron out our differences with the Senate, I think the House can be proud of the priorities we have followed in our 1992 appropriations bills.

Unlike plans laid out in Presidents' budgets and budget resolutions which focus on only a few highly publicized areas, the Committee on Appropriations has taken on the hard task of staying under the budget ceilings fairly and responsibly.

These are the programs that built America into a great Nation, and these are the programs that must be supported if we are to remain a great Nation.

Mr. Chairman, at this time I will present a description of some of the important priorities that have been emphasized in the appropriations bills that have passed the House this year.

APPROPRIATIONS BILLS—DOMESTIC PRIORITIES

The "Budget Summit Agreement" limited annual growth in new discretionary budget authority for 1992 to 5.4 percent for domestic programs. It also foreclosed the option of paying for domestic increases with reductions in foreign aid or military spending. Under these constraints, the Committee on Appropriations has identified an immediate 1992 shortfall of at least $8.7 billion in fully justified domestic needs that cannot be met.

Funds available for domestic programs in 1992 were focused on the following priority areas:

LASTING CAPITAL INVESTMENTS:

$17.852 billion (obligational authority) for federal highway capital spending, an increase of $1.586 billion (+$10%) over 1991, and an increase of $1.429 billion over the President's request.

$4.37 billion for FAA aviation capacity expansion and modernization programs, an increase of $475 million (+$12%) over 1991.

$3.847 billion for mass transportation capital programs, an increase of $588 million over 1991, and an increase of $518 million over the President's request.

$3.166 billion for Corps of Engineers water resources development activities, an increase of $228 million over 1991, more than the President's request.

$2.522 billion for Rural Electrification Administration electric and telephone loans, $727.7 million (+40%) more than 1991, and $1.095 billion over the President's request.

$985 million for rural water and sewer loans and grants, $150 million (+18%) more than 1991, and $335 million over the President's request.

$246 million for the Economic Development Administration (in Committee reported bill), $69 million (+39%) more than 1991, and $226 million more than the President's request.

$3.265 billion for Department of Housing and Urban Development's community development grants program, $65 million more than 1991, and $345 million above the President's request.

$812 million for Bureau of Reclamation water resource development and irrigation activities, a decrease of $77.5 million from 1991, but $7 million more than the President's request.

SCIENCE/CIVILIAN RESEARCH AND DEVELOPMENT:

$11.148 billion for National Aeronautics and Space Administration research & development and space flight, control and data communication accounts, the same as provided in 1991, but $1.544 million (+16%) more than the amount provided in 1990.

$2.721 billion for programs of the National Science Foundation, an increase of $405 million (+17%) over 1991. This includes $435 million for science education activities—an increase of $113 million (+35%) above 1991 and $45 million above the President's request.

$238 million for the National Institute of Standards and Technology, $22 million more than 1991.

$1.490 billion for research of the Department of Agriculture, including basic and applied research in the fields of livestock, plant sciences, entomology, soil and water conservation, nutrition, and agricultural engineering. This is an increase of $80 million over 1991, and $33 million over the President's request.

$2.854 billion for energy supply, research and development activities of the Department of Energy, an increase of $327 million (+13%) over FY 1991, and $33 million more than the President's request.

$454 million for fossil energy research and development, an increase of $219 million above the President's request.

$560 million for energy conservation programs, an increase of $64.5 million (+13%) over 1991, and $234 million more than the President's request.

$218 million for Federal Aviation Administration research, engineering and development programs, an increase of $13 million over 1991, and $8 million more than the President's request.

EDUCATION:

$31.342 billion for programs at the Department of Education, an increase of $4.249 billion (+16%) over 1991. This included $23.344 billion for discretionary education programs which is an increase of $2.458 billion over 1991, and an increase of $1.685 billion above the amount requested by the President. The major increases over 1991 include $1 billion for compesnatory education activities under Chapter I; $367 million for vocational education; $203 million for education of the handicapped; and $139 million for student financial assistance. In addition to these increases for existing education programs, $250 million would be appropriated to carry out new education initiatives which may be authorized during 1991. The bill also fully funds the guaranteed student loan program which is expected to provide more than $11 billion in new loans to students in 1992.

$2.214 billion for Head Start, an increase of $262 million (+13%) over 1991, and $162 million over the President's request.

NUTRITION AND HEALTH:

$31.494 billion for domestic food and nutrition programs of the Agriculture Department such as WIC, Food Stamps, Child Nutrition, and emergency food assistance. This is an increase of $2.377 billion (+8%) over 1991.

$8.825 billion for biomedical research at the National Institutes of Health, $548 million (+7%) over 1991 and $50 million more than the President's request. Funds provided will support about 6,000 new grants. This amount includes an increase of $117 million over 1991 for the National Cancer Institute. About $70 million of the NIH increase is targeted to women's health issues, including breast and ovarian cancer, reproductive problems, heart disease, and osteoporosis. The President's budget made no similar request for women's health issues.

$139 million for grants to provide a wide range of pre-natal services in areas where infant mortality rates are very high. This is an increase of $114 million over the 1991 level.

$298 million for childhood immunization, an increase of $80 million (+37%) over 1991 and $40 million over the President's request.

$1.878 million for AIDS research, education, and care, $63 million more than the amount expected to be spent on AIDS in 1991. Included in this total is $247 million for the Ryan White AIDS CARE programs, an increase of $26 million (+12%) over 1991.

$1.7 billion for Indian health needs, an increase of $150 million (+9.5%) over 1991, and $304 million above the President's request.

$762 million for the Food and Drug Administration, an increase of $71 million (10%) over 1991, and $189 million over the President's request.

LAW ENFORCEMENT/DRUG ABUSE PREVENTION:

$11.67 billion for the Justice Department and the Judiciary for law enforcement and administration of justice, an increase of $1.143 billion (+11%) over 1991. This includes over $532 million in program increases for the war on drugs and crime and the administration of justice.

$1.354 billion for the U.S. Customs Service, an increase of $89 million (+7%) over 1991.

$475 million for the U.S. Secret Service, an increase of $64 million (+16%) over 1991.

$6.707 billion for the International Revenue Service, an increase of $600 million (+10%) over 1991.

$332 million for the Bureau of Alcohol, Tobacco and Firearms, an increase of $28 million over 1991, and an increase of $15 million over the President's request.

ENVIRONMENTAL PROTECTION:

$6.541 billion for programs of the Environmental Protection Agency, an increase of $447 million (+7%) over 1991 and $329 million more than the President's request. This includes $2.195 billion for EPA construction grants/state revolving funds, an increase of $295 million above the President's request; $50.75 million for non-point source water pollution grants, $27 million more than the President's request; $47.5 million for asbestos in schools loans and grants, a 100% increase over 1991—the President requested no funds for this program; and $46.9 million for the National Institute of Environmental Health Sciences for hazardous waste research and training, an increase of $25 million above the President's request.

$86 million for the Corps of Engineers regulatory program, an increase of $15 million (+21%) above 1991.

VETERANS PROGRAMS:

$32.604 billion for activities of the Department of Veterans Affairs, a net increase of $331 million over 1991, and $300 more than the President's request. This includes a $1.16 billion (+9%) increase for veterans medical care, $208 million more than the President's request.

HOUSING:

$9.986 billion for the Department of Housing and Urban Development's annual contributions for assisted housing account, $461 million more than 1991 and $920 million above the President's request. In addition, $861 million is provided for two new housing programs—HOME investment partnerships program ($500 million) and Home ownership and opportunity for people everywhere (HOPE) grants ($361 million).

$2.513 billion for rural housing loans, an increase of $534 million (+27%) over 1991, and $607 million more than the President's request.

PARKS/NATURAL RESOURCES/CONSERVATION:

$1.4 billion for the National Park Service, $116 million more than 1991 and $30 million more than the President's request. This includes $969 million for Park Operations, an increase of 10.5% over 1991.

$691 million for the Fish and Wildlife Service, including a $37 million increase (+8%) above 1991 for operations.

$909 million for the Bureau of Land Management, including an increase of $19 million over 1991 for operations.

$2.747 billion for Soil and Water Conservation programs of the Department of Agriculture, $419 million (+18%) more than 1991.

APPROPRIATIONS BILLS—MILITARY SPENDING PRIORITIES

The "Budget Summit Agreement" specified that up to $291.361 billion in budget authority could be appropriated for military spending programs, an increase of $1.443 billion over the 1991 limit. The agreement also foreclosed the option of paying for domestic increases with reductions in military spending programs.

The 1992 appropriation bills provide a total of $291.227 in new budget authority, $459 million less than the President's request, and $134 million under the "Budget Summit" spending limit. This is keeping with the traditions of the Committee and the Congress which have made a total net reduction of $154.5 billion in Presidential defense budget requests between 1980 and 1991. Military spending appropriations for 1992 were tailored to emphasize morale, readiness, mobility, deployability, and sustainability. Priority was given to keeping the current force ready and supplied with the proper equipment. Major highlights include:

$78.753 billion for military personnel, $508 million over 1991 and $736 million more than requested by the President.

$87.72 billion for operation and maintenance, $2.309 billion over 1991 and $3.983 billion over the President's request.

$37.185 billion for research, development, test and evaluation, $1.21 billion over 1991 but $2.036 billion under the President's request.

$64.646 billion for procurement, $2.530 billion less than 1991 and $1.275 billion more than the President's request.

$3.749 billion for environmental restoration and waste management at the Department of Energy's defense production complex, an increase of $704 million (+23%) over FY 1991, and $44 million more than the President's request.

$8.483 billion for military construction activities, an increase of $121 million over 1991, but $80 million below the President's request. This includes $759 million for two separate Base Closure Accounts.

Reallocation of funds in the President's request to enhance readiness including: Increased funds to avoid involuntary separation, +$300 million; Depot maintenance backlog, +$800 million; Real property maintenance, +$1 billion; Land based and maritime pre-positioning equipment, +$995 million; Sealift, +$1.3 billion; LHD-1 amphibious assault ship, +$972 million; Landing Craft Air Cushion (LCAC) vessels, +$541 million; Spares and repair parts, +$600 million; V-22 Osprey, +$625 million; Upgrade M1 tank, +$266 million; Ammunition, +$99 million.

Rescissions of previously appropriated funds totaling $1.8 billion.

APPROPRIATIONS BILLS—FOREIGN AID PRIORITIES

The "Budget Summit Agreement" specifies that up to $34.025 billion in discretionary budget authority may be appropriated for international programs in 1992, an increase of 69 percent over 1991. The agreement also foreclosed the option of paying for domestic increases with reductions in foreign aid spending.

The 1992 appropriations bills provided a total of $21.404 billion for international programs, $12.522 billion below the President's request. Within this amount, appropriations bills included:

$135 million appropriated directly to the U.S. Treasury for the purpose of deficit reduction. The President made no such request.

No funding for the International Monetary Fund, $12.16 billion below the President's budget request.

$583 million for children's programs for child survival, UNICEF, and others, $114 million (+24%) more than 1991 and $104 million more than the President's request.

A $571 million program level for the P.L. 480 Food for Progress program, $309 million below the 1991 program level, but $107 million above the program level requested by the President.

$1 billion for the Development Fund for Africa, an increase of $200 million over 1991 and $200 million more than the President's request.

$400 million for Eastern Europe bilateral programs, $30 million more than 1991. In addition, $70 million was provided for the paid-in capital of the European Bank for Reconstruction and Development.

$691 million for export and trade related programs, a decrease of $94 million from 1991, but $100 million more than the President's request.

$100 million for the Enterprise for the Americas Initiative for the Multilateral Investment Fund administered by the Inter-American Development Bank.

$260 million for development and economic support programs in the Philippines. This represents a $100 million increase in economic programs and a decrease of $100 million in military programs compared to the President's request.

$690 million for refugee assistance, $160 million (+30%) over 1991, and $180 million above the President's request.

$3.217 billion for security assistance funded through the Economic Support Fund, $790 million less than 1991, and $11.4 million less than the President's request.

$4.504 billion for foreign military financing grants and loans, $159.4 million less than 1991, and $400 million less than the President's request.

The Committee on Appropriations also called on the Administration to prepare a new 5-year foreign aid agenda to respond to the needs of a changing world. Particular Committee recommendations included giving increased priority to economic and environmental support programs over military aid, the development of American export markets, and aid to children.

Mr. Chairman, given the funding constraints we face, this is truly a record of which we can be proud.

Mr. Chairman, these bills have passed the House by large margins after full debate.

Following is a table which shows, by bill, the amendments offered and passed and the final passage vote:

	Amendments		Across the board amendment		Final passage vote
	Offered	Adopted	Offered	Adopted	
Commerce, Justice, State, Judiciary	5	2	1	0	338–80
Defense	4	2	0	0	273–105
District of Columbia	4	2	0	0	300–123
Energy and Water Development	5	2	1	0	392–24
Foreign Operations	5	5	1	1	301–102
Interior	12	5	0	0	345–76
Labor, HHS, and Education	5	2	1	0	353–74
Legislative	7	0	1	0	308–110
Military Construction	0	0	0	0	392–18
Agriculture, Rural Development	5	3	0	0	368–48
Treasury, Postal Service	13	[1] 11	0	0	349–48
VA, HUD, and Independent Agencies	6	4	0	0	363–39

[1] Six amendments were offered by Mr. Roybal to restore matter deleted by points of order.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE] for a brief colloquy.

Mr. MARLENEE. Mr. Chairman, I rise to engage the chairman, the gentleman from Florida [Mr. LEHMAN], and the distinguished ranking member, my friend, the gentleman from Pennsylvania [Mr. COUGHLIN], in a colloquy on the National Railroad Passenger Corporation service in Montana.

Mr. Chairman, section 11 of the Amtrak Reauthorization Improvement Act of 1990 directs Amtrak to study the economic feasibility of providing new services to areas not presently served. This new service must have the potential for covering the operating costs associated with such service. I understand that, for the purposes of the study, Amtrak intends to analyze economic feasibility of passenger service in various regions of the country not presently included in Amtrak's national rail passenger system. Southern Montana is one such region that I want to ensure that it is included in the study.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the distinguished chairman, the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for yielding.

Southern Montana is the type of region in which Amtrak should be looking, and I believe should be included in this study, and I hope to be one of the first passengers on the train. I have never been to Montana, but I know the Big Sky Country is beautiful.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I thank my friend and distinguished colleague for yielding.

I agree that southern Montana should be included in the Amtrak study. It is a great country.

Mr. MARLENEE. That pleases me greatly. I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR], a member of the subcommittee.

Mr. CARR. Mr. Chairman, I would just like to associate myself with the remarks of the chairman and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], and in addition, just say that the lion's share of this bill goes to the credit of our able chairman, the gentleman from Florida [Mr. LEHMAN], who labored under very difficult circumstances to nevertheless lead this committee and lead the end product to the floor.

I do not think people out there appreciate the number of hours, the countless phone calls, the number of meetings that the chairman has had with individual Members and their constituents from across the country.

He was able to bring together the diverse parts of this bill into a comprehensive and a cohesive but, nonetheless, balanced product.

While some of us either on or off the subcommittee might have a quibble here or a quibble there, that is basically all it is is a quibble, because, Mr. Chairman, you did a fine job, and we love you, and we are proud of you.

I urge all of our colleagues to support your product.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. WOLF], a member of the subcommittee.

Mr. WOLF. Mr. Chairman, I rise in support of the fiscal year 1992 transportation appropriations bill and I want to commend the chairman, Mr. LEHMAN, and the ranking member, Mr. COUGHLIN, for their hard work in crafting a fair, balanced bill in tough economic times.

It is a bill that attacks congestion in urban communities by addressing the importance of expanding the capacity of our Nation's highway system, while at the same time recognizing the importance of getting some of the cars off the roads by encouraging the use of mass transportation. It is a bill that also focuses on our Nation's rail system and on aviation safety for the traveling public. It is truly a bill that takes a balanced approach to the intermodal infrastructure system so critical to the economic well-being of our country and the quality of life for our citizens.

This bill provides the necessary funding for an effective national transportation system and I believe the committee has done an outstanding job in balancing competing interests for limited funds. I urge the support of my colleagues for this legislation.

Again, I want to commend Mr. LEHMAN and Mr. COUGHLIN and all the members of the subcommittee for their outstanding work on this bill. Also, I would be remiss if I did not express appreciation to the subcommittee staff, Tom Kingfield, Rich Efford, Linda Muir, and Kenny Kraft for their tireless work.

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Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE], a member of the subcommittee.

Mr. PRICE. Mr. Chairman. I rise today in support of H.R. 2942, the Department of Transportation and Related Agencies appropriations bill for fiscal year 1992.

As a new member of the Appropriations Subcommittee on Transportation, I have been very appreciative of the help and courtesy Chairman LEHMAN has extended to me this year. Despite some personal adversity, he has once again brought a bill to the floor which is a credit to the U.S. House of Representatives. He is a fine chairman, and it has been my pleasure to work closely with him and the ranking Republican, LARRY COUGHLIN, this year.

I also want to thank the staff of this subcommittee. Tom Kingfield, Rich Efford, Linda Muir, and Zee Latif, have displayed a professionalism and expertise that is a model for all committees and subcommittees. I also want to thank Lucy Hand of Chairman LEHMAN'S staff, who is a great help to members of the subcommittee.

To remain economically competitive, we must move goods and people efficiently. This bill responds to the challenge by providing funds to upgrade airports, highways, and public transportation in this country.

The capacity of our Nation's airports will be enhanced through investments in air traffic control and airway facilities and equipment. This investment will be felt daily by every American who flies by ensuring fewer travel delays and safer flying.

Our highways will be less congested and needed safety improvements will be made because of this bill. Our committee also ensures a robust research program, to make certain that we remain competitive with nations like Japan and the European Community that are making large investments in highway technology and research.

In the area of public transportation, the subcommittee responds to the needs of large urban areas and interurban areas like the research triangle area of North Carolina that are growing rapidly and face the challenge of minimizing traffic congestion, meeting clean air standards, and planning inteligently for the future.

At the same time the subcommittee is funding these investments in our economic future, we are also taking steps to ensure that these dollars will be spent wisely. I have been impressed by the high priority this subcommittee places on procurement reform. In recent years, the Federal Aviation Administration and the Coast Guard, in particular, have made major acquisitions under faulty or inadequate procurement procedures. Under the prodding of this subcommittee, progress has been made in this area but more needs to be done by these agencies. In tight budget times, this kind of oversight is critical to making certain that our Federal dollars are not wasted and the large investment of Federal resources in these modernization projects are accomplished efficiently and effectively.

In closing, I urge my colleagues to support this bill. It is a well-crafted and responsible bill and deserving of every Member's support.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I rise in strong support of H.R. 2942, the Department of Transportation and Related Agencies appropriations bill for fiscal year 1992.

I would like to commend the chairman of the subcommittee, the gentleman from Florida [Mr. LEHMAN] the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN] and the rest of the subcommittee for an excellent bill.

Since joining the committee I have found a new appreciation for the difficult work of the committee which must try to maximize the utility of every Federal dollar.

The bill reflects the excellent work of its members and I urge my colleagues to support the bill.

At this point Mr. Chairman, I would like to engage in a colloquy with the gentleman from Florida [Mr. LEHMAN], chairman of the subcommittee.

Mr. Chairman, as I know the gentleman is well aware, last October Congress enacted legislation requiring the Secretary of Transportation to develop and implement a system of manned auxiliary flight service stations to supplement the service of the 61 automated flight service stations which FAA plans to establish. These stations are to be located in areas of unique weather or operational conditions which are critical to flight safety. The FAA was to report to Congress within 180 days after enactment on the plan and on the schedule for implementation of these auxiliary flight service stations.

However, this date has been moved to October of this year so the FAA might have sufficient time to thoroughly research the various issues surrounding the establishment of these auxiliary stations.

While I am sure it is the case, I would like to know, Chairman LEHMAN, if there are sufficient funds provided in this legislation to pay for the development and implementation of the auxiliary flight service station program, and to continue operations of existing flight service stations at current levels while the auxiliary program is being established?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. LIGHTFOOT, the Subcommittee on Transportation has provided the necessary funds in this bill to address the planning and implementation needs of the auxiliary flight service station program for fiscal year 1992. The subcommittee has also provided sufficient funds to continue the operation of existing flight service stations at their current level while the auxiliary program is being developed and implemented.

Mr. LIGHTFOOT. I thank the distinguished chairman for his response.

I am concerned, that with the FAA's report to Congress on the auxiliary flight service station program not expected until the end of October—which is close, hopefully, to the end of this session—and considering the FAA's past history of promptly closing stations when Congress is not in session, and remarks by FAA officials having referred to the auxiliary program as pork barrel politics; that again FAA may start closing stations or cut back service before implementation of the auxiliary plan begins. As a pilot myself, and frequent user of the flight service station system, I can say with confidence that such a move would be devastating, as well as potentially dangerous.

It is my hope the subcommittee will continue to closely monitor the FAA's actions in this regard while the auxiliary flight service station program is being planned and implemented.

Mr. LEHMAN of Florida. As I have indicated, this appropriations bill provides sufficient funds to the FAA to both keep existing stations open and operating, and to continue the planning and implementation of the auxiliary program. You can be sure that our committee will monitor FAA to ensure that both of these directives are carried out.

Mr. LIGHTFOOT. I thank the distinguished chairman of the Transportation Appropriations Subcommittee for his encouraging remarks on this matter. My colleagues should know that Mr. LEHMAN and Mr. COUGHLIN have contributed an enormous amount of time and effort to this issue. Their diligent work on behalf of the general aviation community is appreciated.

Mr. Chairman, I would like to thank personally these gentleman for the courtesies they have extended me as a new member of the committee, as well as encouraging remarks on this matter.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2942, which is the Department of Transportation and Related Agencies appropriations bill.

On a personal note, let me say how pleased and proud we are to have the gentleman from Florida [Mr. LEHMAN] back in the saddle handling legislation. He has provided tremendous leadership in this issue, and it is welcome to have him back on in this position.

This provides $13.6 billion in discretionary budget authority, and $31.7 billion in discretionary outlays. I am pleased to report that the bill is $3 million below the level of discretionary budget authority, and $1 million below the outlays as set forth by the subdivision for the subcommittee, so they are well within the allocations provided by the Committee on Appropriations and by the budget resolution.

Now, this is the last, as pointed out by the distinguished chairman of the Committee on Appropriations, this is the last of the appropriation bills to be taken up by the House. I want to take this opportunity to express my gratitude to the chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], and to thank his ranking member as well as all the subcommittee chairmen and their ranking members, because every one of these appropriations bills has been within the targets established in the caps established by the budget resolution and the budget agreement.

These subcommittees have had to make tough choices. It is not easy to operate within the limits that are provided here.

I want to commend them for the choices they have had to make in trying to stick within the boundaries established by the resolution. My hope is that the other body does exactly the same thing in terms of adhering to the discipline that was established here, because the subcommittees have not only stayed within the caps and with the caps and within the allocations, but they have also stayed within the walls that were established by the budget agreement.

I have to express my concern about what I read that the Senate, or the other body is attempting to try to break some of those walls when it comes to particular priorities they think are important. We have to stick not only within the caps, but we have to stick within the walls that were established by the resolution.

I want to commend the Committee on Appropriations, and in particular now, commend the chairman of this subcommittee for the work that has been done here in adhering to the budget resolution and completing all these appropriations bills in time, so that we adhere to an appropriate schedule in the House of Representatives.

Hopefully, the other body will do the same thing.

I rise in support of H.R. 2942, Department of Transportation and related agencies appropriations bill for fiscal year 1992. This is the last of the 13 annual appropriations bills to be considered by the House.

The bill provides $13.627 billion in discretionary budget authority and $31.799 billion in discretionary outlays. I am pleased to note that the bill is $3 million below the level of discretionary budget authority and $1 million below the outlays as set by the subdivision for this subcommittee.

Because this is the last of the appropriations bills to be taken up in the House, I want to pay particular thanks to the chairman of the full committee and the ranking member, and to all of the chairmen and ranking members of the subcommittees for adhering to the cap established by the budget agreement and the budget resolution. The subcommittees have had to make tough choices within the constraints established by the resolution. My hope is that the other body will exhibit similar discipline so that we can conclude all of the appropriations bills by October 1.

I look forward to working with the Appropriations Committee on its other bills.

COMMITTEE ON THE BUDGET,
Washington, DC, July 22, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2942, the Department of Transportation and Related Agencies Appropriations bill for Fiscal Year 1992, scheduled to be considered on Wednesday, July 24, subject to a rule being adopted.

This is the thirteenth regular fiscal year 1992 appropriations bill to be considered. The bill is $3 million below the discretionary budget authority 602(b) spending subdivision and $1 million below the outlay subdivision.

I hope this information will be helpful to you.

Sincerely,
LEON E. PANETTA,
Chairman.

[Fact Sheet]

H.R. 2942, Department of Transportation and Related Agencies Appropriation Bill, Fiscal Year 1992 (H. Rept. 102–156)

The House Appropriations Committee reported the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 1992 on Thursday, July 18, 1991. Floor consideration of this bill is scheduled for Wednesday, July 24, 1991, subject to a rule being adopted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill, as reported, provides $13,627 million of discretionary budget authority, $3 million less than the appropriations subdivision for this subcommittee. The bill is $1 million below the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivision follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In millions of dollars]

	Transportation and related agencies appropriations bill		Appropriations Committee 302(b) subdivision		Bill over(+)/under(−) committee 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	13,627	31,799	13,630	31,800	−3	−1
Mandatory[1]	537	540	537	540		
Total	14,164	32,339	14,167	32,340	−3	−1

[1] Conforms to the budget resolution estimates for existing law.

Note.—BA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays in House Report 102–81. These subdivisions are consistent with the allocation of spending responsibility to House Committees in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Following are the major program highlights for the Department of Transportation and Related Agencies Appropriations bill for Fiscal Year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

Department of Transportation	Budget authority	New outlays
Coast Guard operations	2,484	1,987
Coast Guard acquisition, construction and improvement	365	40
Federal Aviation Administration:		
Operations	4,342	3,821
Facilities and equipment	2,470	494
Research and engineering	218	131
Airport improvement programs (obligation ceiling)	(1,900)	304
Amtrak	649	579
Northeast Corridor Improvement Program	36	7
Urban Mass Transportation Administration:		
Formula grants	1,600	521
Interstate transfer grants	160	3
Washington Metro	124	2
Discretionary grants (obligation ceiling)	(1,900)	49
Federal-aid highways: (obligation ceiling)	(16,200)	2,950

□ 1330

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Chairman, at this time I wish to engage the chairman of the Transportation Appropriations Subcommittee, my good friend, the gentleman from Florida [Mr. LEHMAN] in a colloquy regarding the W.H. Barron Airport in Dublin, GA.

Mr. Chairman, as we have discussed recently, the W.H. Barron Airport in Dublin, GA, is seeking assistance from the Federal Aviation Administration in order to complete an instrument landing system. Local and State officials have already installed two-thirds of the system; the glide slope is the only component lacking. Unfortunately, the FAA has indicated to airport officials that they will only fund the glide slope if Congress directs them to do so.

Consequently, this project has come to a standstill. We are planning to ask this request to be put into some Senate language, and I would hope that when this comes over in conference, that the gentleman will consider favorably the Senate provision. The completion of ILS would further enhance safety and provide more diverse economic development in our area.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman bringing this request to our attention. Unfortunately, there was not enough time to consider it in the subcommittee itself. The subcommittee is sensitive to the need to improve safety at smaller general aviation airports.

I will assure the gentleman if this item is presented in conference that it will receive every possible consideration.

Mr. ROWLAND. Mr. Chairman, I thank the gentleman very much and thank him also for the opportunity to bring this to the attention of the body.

Mr. LEHMAN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the committee chairman whom we all admire and respect greatly and I am delighted to have him in his position of leadership once again.

Mr. Chairman, I would hope we could have a colloquy. On pages 123 and 124 of the committee report, the committee explains its rationale for not providing additional funding for improving Amtrak's travel time between New York and Boston. I understand the committee's position and I appreciate especially the fact that the committee withheld funds without prejudice.

Is it the understanding of the chairman that if some of these concerns are addressed, that the committee would consider supporting funds for high-speed rail between Boston and New York?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, although the committee has concerns about this project, the gentleman is correct that if some of those concerns are addressed, the committee will certainly consider future funding for this project, as the gentleman said, without prejudice.

Mr. FRANK of Massachusetts. Well, Mr. Chairman, I appreciate that, because it is my understanding that we are on the way to answering some of the questions. For example, while fiscal year 1991 funds had not been obligated by Amtrak at the time the gentleman had the hearings, they have obligated I believe $140 million now and they are putting out requests for proposals for the remaining funds.

Would the chairman agree that this particular question could be resolved if Amtrak shows it has committed its fiscal year 1991 funds?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield further, the gentleman is certainly correct. The concern over the unobligated balance for this project would be resolved if Amtrak shows the funds have been obligated.

Mr. FRANK of Massachusetts. I thank the chairman.

Let me just say finally that I understand also the concern about the hidden costs of lines not owned by Amtrak, and it is my hope those will be resolved shortly. Some of these costs will be required to repair and upgrade lines for any rail traffic, not just high-speed rail. For example, one large repair item, the Peck Bridge in Connecticut, which our colleague, the gentlewoman from Connecticut [Ms. DELAURO], has been working very hard on, might be financed through other funding sources.

Would the chairman agree that this concern could be resolved if we could find some alternative funding sources for the major projects on the non-Amtrak lines?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield further, the committee is concerned that the total Federal cost of the project is not well understood at this time. To the extent that non-Federal funds are involved, that concern would be resolved.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate that, and I look forward to working with the chairman to resolve these issues so we can move ahead.

Mr. COUGHLIN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. DELAY], a member of the subcommittee.

Mr. DELAY. Mr. Chairman, I want to thank my chairman and ranking member, both of whom are a pleasure to work with on this subcommittee, and the staff on the subcommittee on both the majority and the minority side are also equally pleasurable to work for and work with. They are very open people on the staff who understand the transportation needs of this country and understand it very well and take care of those transportation needs in a very efficient manner.

Because I do not have a whole lot of time, Mr. Chairman, I just want to point out one thing in this bill that some of the Members on my side are very concerned about that have been brought up especially in discussions this morning and the rest of this week, and that is the new intermodal bill that is coming out of the Public Works Committee in the House and soon to come to the floor.

I just want to point out that you do not need a new tax for this Subcommittee on Transportation Appropriations to take care of many of the needs in this bill. We are going to spend in this bill about $16 billion on the transportation needs of this country, and we are only going to take in about $12 billion in receipts to the Treasury from the gas tax. This tells me that if you prioritize spending properly, and our Appropriations Committee tries its best to do that, then a lot of money will be available without having to raise taxes. We need to prioritize our spending in this country, and this bill is an example of prioritizing spending.

I want to just touch on one local issue that is vital to the Houston area. I represent Houston. We have had a tremendous controversy in Houston over its monorail project.

In my nearly 13 years of public service, I have never seen an issue divide a city more than the monorail plan has divided Houston. I have fully researched this monorail plan. I have spent countless hours with the opposition, with proponents, with the staff of Houston Metro. My conclusion is that this particular plan does not fit the needs of Houston. Houston, as many of you know, is a very dispersed and decentralized city. At the present time, it cannot support a huge rail system. It cannot raise the ridership. Indeed, the numbers of Metro show that most of the riders on the rail plan for Houston would come out of buses or walk to the rail system, thereby not relieving congestion.

Houston Metro's own numbers as far as relieving air pollution problems show that this rail system will have less than 1 percent of an effect on clean air in Houston. So therefore we are going to spend a lot of money obligating—and this is the most important part, obligating local taxpayers dollars to operate and maintain a system that will not carry anybody and will not significantly affect congestion in Houston.

Houston is a futuristic city. We have a plan for our future as it pertains to transportation like no other city in this Nation. We have more transit ways being built or on the planning boards than any other city in this Nation. We are the first city and one of the few cities that bring all transportation authorities together participating in the projects. We have ongoing research that ultimately will result in a traffic management system unlike any other city in this country.

We are the cutting edge of technology. The vast majority of Houstonians feel that we do not need monorail technology in Houston, that we need a combined mobility plan, a plan that we have developed in 1989 that included a small rail segment, but overall it is a mobility plan, a plan designed to fit the lifestyle of Houstonians, not designed to force the lifestyle of Houstonians to fit into rail.

Now, we are trying to build a consensus and bring the community back together. We are going to work very hard on that to bring the community back together on a consensus, on a mobility plan for Houston.

In closing, Mr. Chairman, I want to thank the committee, the chairman, and the ranking member, for supporting Houston in the past and look forward to their support in the future.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the legislation and want to express my great pleasure and pride in seeing my colleague, when I was first a freshman up here, and he was also a freshman.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. THORNTON. I yield to the distinguished gentleman from Florida.

Mr. LEHMAN of Florida. There is not much left of the class of 1973.

Mr. THORNTON. I want to congratulate Chairman LEHMAN for his leadership and courtesy, which has been acknowledged.

I would like to enter into a colloquy with the gentleman from Florida.

Mr. Chairman, an idea which I believe to have considerable merit has been advanced which would allow the Administrator of the FAA to make agreement with not more than four aviation magnet secondary schools, chosen at his discretion. These agreements may include funds from which schools could acquire equipment, books, and supplies. In addition the Administrator may make agreements with not more than 25 educational institutions to assist in the operation of affiliated summer camps where aviation training will be carried out.

The cost of these aviation training activities would be modest, as the program would be intended only to provide seed money to help develop aviation training opportunities.

Mr. Chairman, these funds would allow the FAA to assist in the training of workers to help keep our aviation industry competitive in the world marketplace.

The FAA may have the discretion to enter into these agreements already under Public Law 101-516, section 317, however if report language, perhaps from the other body, were to make clear such authority and ensure the Administrator of the appropriateness of this activity would you anticipate any objection from the House conferees?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to assure the gentleman from Arkansas [Mr. THORNTON] that if this item is presented in conference, it will receive every possible consideration.

Mr. THORNTON. I thank the chairman.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Chairman, I am trying to look at the bill in terms of some of the things which were in the jurisdiction of the Committee on Science, Space, and Technology, particularly the authorization cycle. I would note the committee has come in below the fiscal 1992 authorization amount. So from that standpoint we certainly do appreciate it.

I am somewhat concerned, however, that in a couple of areas the committee has exceeded the authorization in particular programs. For example, the committee is $1.951 million above the authorized amounts in the advanced computer area and is $688,000 more than the authorized amounts in the aircraft safety area.

I wonder if the gentleman from Pennsylvania might be able to tell me why the subcommittee exceeded the authorizations in those areas and whether or not something might be able to be done in the future to correct those particular problems?

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding to me.

Mr. Chairman, I do not have the information on those particular items available to me right at the moment. I would be happy to work with the gentleman from Pennsylvania to examine those at a later time.

Mr. WALKER. I thank the gentleman. As I say, the committee had done a commendable job sticking within the authorizations, in the totality;

the amount of funding for FAA R&D is certainly within the authorized amounts. It was in particular programs where there are a couple of problems. I would appreciate an opportunity maybe to try to work that out in the future.

Mr. COUGHLIN. Generally, these reflect the budget requests, so I would want to check that out.

Mr. WALKER. OK. I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. I thank the gentleman for yielding.

Mr. Chairman, the subcommittee chaired by the distinguished floor manager, Mr. LEHMAN of Florida, has, for the second consecutive year, provided capital funding in support of the construction of the DART rail project in Dallas. It is important to note, Mr. Chairman, that the federally funded rail line is one of three light rail lines to be constructed simultaneously by DART at a total cost of $803 million, of which only $160 million, or 20 percent, is being requested from the Federal mass transit program. The sales tax which Dallas area voters levied upon themselves for transit improvements will finance the remaining 80 percent of the cost to construct the 20-mile, three-line starter system.

While the light rail system is under construction DART will also be developing a commuter rail line, constructing HOV facilities, and making additional improvements to its bus operations at an additional cost of $518 million, of which 65 percent will be totally funded with local money. Thus, of a total transit improvement program of $1.3 billion, the citizens of the Dallas area will finance 76 percent of the cost while seeking only 24 percent from the Federal transit programs.

In order to maximize the available local resources as well as to minimize the size of its Federal transit funding requests, DART has energetically pursued opportunities to acquire rights-of-way as they become available, and to study, design, and construct fixed guideways and related projects with its own local funds. It would seem to me, Mr. Chairman, that such practices are in keeping with both the initiative of Transportation Secretary Skinner to encourage localities to overmatch the Federal investment in transit improvements in our urban areas, and with the interest by many in Congress to see Federal funds used as an increment of the total financing package for major infrastructure projects.

I would like to ask the gentleman from Florida, is it not the position of the Transportation Appropriations Subcommittee to encourage the practice of overmatching Federal transit funds with local funds in order to encourage the selection of cost-effective projects at the local level, and to increase the availability of limited Federal funds for more projects throughout the country?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. Local money certainly talks when it comes to allocating Federal funds.

Mr. FROST. Mr. Chairman, I would further like to inquire of the gentleman from Florida: Given the fact that agencies like DART can realize substantial savings in construction time and cost through the timely acquisition of property as well as through the planning, design, construction, and procurement of facilities and equipment for transit improvements with local funds in advance of requesting or receiving any Federal funds, and given the tremendous amount of overmatch funding that DART is providing for its transit projects, is it not the position of his subcommittee that such actions should not be viewed as prejudicial to the process promulgated by the Urban Mass Transportation Administration [UMTA] to evaluate proposed major mass transit capital investments?

Mr. LEHMAN of Florida. The gentleman is properly stating the committee's position.

Mr. FROST. Mr. Chairman, I thank the gentleman for his consideration.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me, and I take this moment to congratulate the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from Florida [Mr. LEHMAN] for the most responsible and well-crafted bill. I particularly want to point out to my colleagues the point on boating safety which is so important particularly to the people of Florida, and also thank the gentlemen for including in their support the tunnel project in the Intracoastal Waterway in my district, which is tremendously important.

I also most specifically want to congratulate the gentleman from Florida, my friend BILL LEHMAN, on his wonderful recovery and tell him he is certainly to be congratulated. BILL, you are showing the same determination in your recovery that you do in crafting legislation, and the Congress is certainly pleased to see you well and back in the saddle.

Mr. Chairman, today I rise in strong support of H.R. 2942, the transportation appropriations bill for fiscal year 1992. This legislation contains many fine provisions, but there are two provisions in the bill which I would like to bring to my colleagues' attention.

The first provision is a $35 million appropriation for the recreational boating safety program as authorized by the Federal Boat Safety Act of 1971. These funds will be used primarily to help enforce boating safety laws and to expand boating education programs. As cochairman of the congressional boating caucus, I endorse this worthy expenditure, and commend the Transportation Appropriations Subcommittee for including it in its bill. Of course, boaters have already paid for this appropriation by paying the tax on motorboat fuel, excise taxes on sport fishing equipment, and import duties on fishing tackle and yachts to the aquatic resources trust fund.

As my colleagues will recall, last year was a dismal year for our American boaters. This particular program went unfunded, Congress imposed a so-called boat user fee for which boaters will receive no additional services from the Coast Guard, and, as well, a new luxury excise tax on boats. I am pleased that our Nation's boaters are finally getting something back through this program, considering the huge amount of taxes they pay.

The second provision is a tunnel that would be constructed under the Intracoastal Waterway in Fort Lauderdale, FL, called the 17th Street tunnel project. I am enthused that the Transportation Appropriations Subcommittee has included $6 million in this bill for this much-needed project.

This is the third year in a row that the House has included funds in its annual transportation bill for the 17th Street tunnel project. I am extremely gratified that this project finally seems to be coming to fruition. Of course, I have not been alone in my efforts to realize this project—many Government officials, as well as private citizens, have been crucial in lending their support and guidance to this project. Florida Department of Transportation District Secretary, Rick Chesser, and the 17th Street Advisory Committee Chairman, Ralph Marrinson, as well as numerous other individuals, have been instrumental in assisting this project. I appreciate their time and hard work.

Most of all, I appreciate the efforts of the distinguished chairman of the Transportation Appropriations Subcommittee, the Honorable BILL LEHMAN of Florida. Congressman LEHMAN has already left his mark on transportation policy in this country, but perhaps nowhere more noticeably than our home State of Florida. I am proud to serve with him in Congress, and look forward to working with him for many years to come.

Mr. Chairman, my colleague from Florida and the subcommittee he chairs has again crafted an excellent piece of legislation, and I urge my colleagues to vote "yea" on H.R. 2942.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I offer my deep thanks to the chairman and ranking member and the members of the Transportation Subcommittee for their excellent work in putting this bill together. If it is not piling on, Mr. Chairman, I want to add my expression of respect and relief for your being back in the harness after going through your recent battle. We are all glad to see you here.

You have been extremely helpful in dealing with the needs of the State of Colorado and the Denver metropolitan area, in particular the continued funding for the construction of the new Denver airport. As you well know, this will be a major factor in relieving pressure on the entire national aviation system. Airport construction is proceeding on schedule, under budget, and I believe will be shown to be an excellent investment of Federal AIP dollars.

The committee has also been most gracious in supporting many important highway projects in the Denver metropolitan area, particularly in unsnarling the intersection of Interstate 25 and Interstate 70, where we are making important safety and efficiency improvements, as well as other major highway projects in the greater Denver area. We certainly appreciate very much the support the committee has shown.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. I thank the gentleman for yielding this time to me.

Mr. Chairman, I just wanted to bring to the attention of the body, since the gentleman from Colorado had mentioned the Denver airport, that the General Accounting Office, at the request of several members of Congress, I being one of them, are now investigating whether or not there are serious problems, safety problems, weather problems, financial problems, and other problems.

□ 1350

So, as this bill goes through, let there be no misunderstanding that the body is not sanctioning this airport as the perfect airport. We are waiting for the General Accounting Office to come back with its objective, nonpartisan, bipartisan analysis, and then at that time we will look at it. If they say it is a fine airport, that would be one thing. If they say there are some serious problems, then the body may have to deal with this issue by voting on it and looking at it in a very close way, in a way they have not looked at it before.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman from Virginia [Mr. WOLF] yielding to me.

As the gentleman knows, we have welcomed this inquiry. The issues raised have been subjected to scrutiny before, and we are sure they will stand up to it again.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Colorado.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR] for the purpose of a colloquy.

Ms. KAPTUR. Mr. Chairman, I would like to engage in a colloquy with the distinguished gentleman from Florida, the chairman of the Transportation Appropriations Subcommittee.

I would first like to commend the gentleman for his excellent leadership on this measure. As the gentleman knows, northwest Ohio is the third largest rail hub area in the United States and has one of the highest traffic density rail segments in the country. Because of these characteristics, the area has been hit hard by a number of rail-related deaths. The State of Ohio ranks second in the number of accidents at railroad crossings. Six railroad corridors in northwest Ohio have been designated to be of high priority for further study, to alleviate the safety problems, and help economic development. Is it the gentleman from Florida's understanding that the railroad corridor studies included in the report accompanying H.R. 2942, are CSX-East Toledo/Oregon; CRC-Airline Junction West; CSX-Perrysburg; NS-Maumee; NS-Oregon; and CRC-Vickers to Stanley Yard-East Toledo/Northwood?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the gentlewoman from Ohio [Ms. KAPTUR] is correct.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Florida [Mr. LEHMAN] for his assistance and commend him for his efforts on the entire bill.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, the bill that we have before us today has $1 million for preliminary engineering of an important project in Orlando known as Orlando Streetcar or as OSCAR. The OSCAR downtown trolley project marks the beginning of a new era in transportation in central Florida. Orlando's growth alone will result in a ten-fold increase—from 7,000 to 70,000—in downtown employment by the year 2000, a problem that cannot be realistically addressed with increased bus service alone. The OSCAR project will significantly improve mobility in the city's downtown core, keeping an estimated 1,400 cars off downtown streets, and giving Orlando office workers an attractive alternative to using their cars. It will also promote economic growth downtown, particularly for the retail industry. OSCAR will further demonstrate the vital role of mass transit to the downtown business community.

Mr. Chairman, it is my understanding that the total estimated cost of the project is $27.2 million, with total Federal funding requested to be $15.1 million over the next 4 years. This represents a very high level of local matching funds, including some private sector participation. Additionally, I would like to point out a very unique component of OSCAR in that its operating expenses will be derived solely from revenues generated by city-owned parking facilities, thus requiring no Federal general revenue operating subsidies.

Mr. Chairman, I think this is extremely significant, and, if the gentleman from Florida [Mr. LEHMAN] would let me engage him in a colloquy, I would just like to ask him a question to confirm the fact that his understanding is the same as mine, and that is under this unique Orlando project OSCAR the operating costs will not be incurred by the Federal Government, that the $1 million in the future request the city has made of the gentleman's committee is only for construction costs. The operating costs would come from parking revenues, and it is unique in that regard.

Is that the gentleman's understanding?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman from Florida [Mr. MCCOLLUM] is correct.

Mr. MCCOLLUM. Mr. Chairman, I think that is very important, for us to have a project that does not have the operating costs paid for by the Federal Government.

I also want to ask the gentleman from Florida [Mr. LEHMAN] if it is his understanding currently, in the preliminary stages of the project, that until such time as the project is fulfilled, we are just beginning this process at the present time on construction, as I understand it, with what is in the bill today. We were not coming to the gentleman for additional operating expenses. My understanding is, though, we will be coming back for future building and construction costs.

I ask the gentleman from Florida, "Is that your understanding, Mr. Chairman?"

Mr. LEHMAN of Florida. Mr. Chairman, let me assure my colleague, the gentleman from Florida [Mr. MCCOLLUM], that the subcommittee is aware that this project and several others are still in early stages and that we will be hearing from the gentleman in order to help him in all possible ways.

Mr. MCCOLLUM. Mr. Chairman, I am happy to have the gentleman from Florida [Mr. LEHMAN] back today. He looks in good form, and we appreciate being yielded the time for this very important project in my city.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I support this bill and want to draw attention to the aviation R&D portion of H.R. 2942. I realized that the Transportation Appropriations Subcommittee had a limited authorization, and I am pleased that they were able to be more generous with this important program than the administration's request. I only wish that we could put more of the earmarked tax dollars that the air traveler pays toward the purpose for which they are intended. That purpose, of courage, is upgrading the national air traffic control system and funding the research that will make the system function more safety and efficiently in the future.

The Federal Aviation Administration is a nonstop high technology business that is allowed no mistakes. Outside of a war, the largest full-time, real-time Government operation in the world is the FAA air traffic control system. Even the U.S. Post Office, which is larger, takes holidays.

The current version of the national air space plan, which provides both for system upgrades and aviation research began in the early 1980's. It has had many critics and supporters. It was intended as a dynamic plan. The resulting flexibility has been the source of its success as well as a source of some difficult stages. It also has suffered from underfunding. Ironically, there was, on May 30 over $15 billion in the airport and airway trust fund, and less than half of that is allocated to the R&D and capital programs for which it was raised. This fund is created by many, and it must be protected if Congress is to keep faith with the airline passenger and the aviation industry. To keep that faith, we really should give the airline passenger the system for which he and she has paid.

The $218 million appropriated through this bill for aviation research and development does fairly well in supporting the short-term R&D needs of our national air traffic control system. It does little, however, to address the long-term problems facing the system. There is a major need for modernization of communications and data systems. This need will only increase as the skies grow more congested. If we provided the funding for an automated airport surface detection system, we could dramatically reduce the risks of repeating the recent tragic ground collisions that occurred at the Los Angeles and Detroit airports.

We are paying a stiff penalty in increased risk by not accelerating safety research for other parts of the system as well. I realize that you can waste money when programs grow too quickly, and the Committee on Science, Space, and Technology carefully considered how much additional funds the system could absorb efficiently. Our conclusion was that an increase of up to $40 million could easily be absorbed during the coming fiscal year.

Therefore, while I give my wholehearted support to this bill and the research program the committee has recommended, I hope that the House conferees on this legislation will remember FAA R&D if any possibility of increased funding presents itself later in the legislative process.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2942.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the subcommittee, as well as the distinguished gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member of the subcommittee, for their assistance in expediting this legislation.

This appropriations bill represents a significant and much needed investment in our Nation's transportation system. The bill takes into account the overall needs of the Nation as well as addressing local and regional transportation concerns.

Specifically, this Member would like to thank the committee and subcommittee for recognizing the need for a bridge between Niobrara, NE, and Springfield, SD. Since 1927, numerous attempts have been made to improve this transportation corridor through the construction of a bridge. However, due to a variety of reasons—including the Depression and World War II—this important project has not materialized. This Member would also like to note that contrary to a recent Congressional Quarterly article on the House transportation appropriations bill, this interstate bridge is indeed, formally and actually, the top interstate bridge priority for both Nebraska and South Dakota.

This Member would also like to thank his distinguished colleague from South Dakota, Mr. JOHNSON, for his outstanding assistance to this Member on behalf of this bridge project. The completion of this bridge will play an important role in facilitating an interdependence between communities in Nebraska and South Dakota and Mr. JOHNSON deserves recognition for the important role he has played in bringing this goal closer to reality.

It is important to note that in addition to the obvious economic benefits of this project, the bridge will also help to improve medical care for certain Indian tribes in the area by reducing the driving time to the Indian Health Service facility in Wagner, SD.

This Member also wishes to express his appreciation for the report language which urges priority status for grant applications for a number of airports including Nebraska City and York, NE. This action will help ensure quality air service for these communities.

This Member would like to briefly explain the circumstances which necessitate this indication of priority in the committee report on this legislation. Prior to construction of the airport in York, this Member made the case that the runway should be of such length to handle the larger multiengine and jet aircraft of businesses vital to the economic development of the area. This approach, however, was not approved by Nebraska's Department of Aeronautics or the FAA. Now, year after year, the community's needs are frustrated by the priority system which does not elevate this project high enough to receive approval. Unfortunately, the Nebraska Department of Aeronautics and the FAA have been unresponsive to the community or the congressional delegation on this important matter. This Member very strongly urges and requests that the FAA reevaluate this runway extension request and, if necessary, overrule the rating or rating system of the State agency, thereby beginning the runway extension project with a portion of Nebraska's existing allocation of Federal funds for fiscal year 1992.

Second, this Member would like to point out the need for an increase in the land acquisition grant to facilitate the construction of an adequate airport for Nebraska City. An increase is necessary so that sufficient funds will be available for buying all the FAA-approved parcels, even though appraisals may ultimately be higher than initially planned due to court challenges of the initial land appraisals. When such a supplemental grant is approved, it would be understood that any funds not necessary for land acquisition should be directed toward the airport's runway and other approved construction elements.

Nebraska City does not currently have a city-owned municipal airport. As a result, the city has been leasing an airstrip. However, this airstrip does not meet the city's current needs and the community recognizes the necessity of constructing a municipal airport. Following an elaborate site selection process, a site was selected approximately 4 miles south of Nebraska City.

The Nebraska City Airport Authority is requesting a supplemental grant of an amount not to exceed $200,000. Without a grant increase, the scope of the airport project would be greatly limited and would only allow for a much shorter runway than will eventually be required—a duplication of the problem now experienced at the airport in York, NE, about which this Member commented just a few minutes ago. For this reason, an increase in Nebraska City's grant amount from fiscal year 1992 funding is needed to facilitate the construction of an adequate airport.

In conclusion, Mr. Chairman and my colleagues, H.R. 2942 is a step forward in addressing the current and future transportation needs of the United States; therefore, this Member urges his colleagues to support the legislation.

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Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to commend the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] on another job well done. And, to also join with my colleagues in saying to the gentleman from Florida [Mr. LEHMAN], these have not been easy months for him, but we appreciate his fortitude and perseverance.

There are two items in the bill I would like to give some attention. One is the $35.5 million which the committee has appropriated for improved instrument landing systems. Some $1 million of that amount will wind up in Louisville's Standiford Field Airport, which I am proud to represent, and will help with our airport improvement program.

The second item I would like to mention is the $15.1 million in the bill which is the fiscal year 1992 portion of the letter of intent signed by the FAA of $126 million for the full improvement program at Standiford Field.

I want to thank the chairman for having put in those two programs for Standiford Field, but also to thank both of my friends for a job well done for transportation throughout this Nation.

Mr. BACCHUS. Mr. Chairman, I rise today to express my support for this Transportation appropriations bill and my appreciation for the time my colleague from Florida, Mr. LEHMAN, and his subcommittee have devoted to its formation. I recognize the burden that has been placed on my colleague from Florida as the number of requests coming before his subcommittee continues to grow.

Mr. Chairman, the city of Orlando and its downtown business community have developed a new and unique transportation system—the Orlando Streetcar [OSCAR] in downtown Orlando. The subcommittee chaired by Mr. LEHMAN has provided first-time funding in support of preliminary engineering for this project. As you probably know, Central Florida is growing at such a rate that buses and other conventional modes of transportation are gradually becoming ineffective and unreliable. The growth and increasing congestion in Orlando alone make reliable, efficient mass transit a critical necessity. OSCAR, although a small project, is the first step toward developing a vital new mode of public transportation in central Florida, and could well serve as an example for future transit systems in downtown areas across the country. This 1.7-mile light rail system, linking the major activity and employment centers in downtown Orlando, will improve mobility and increase the quality of the downtown area.

OSCAR also will demonstrate how transit systems can work without being a continuing burden on the taxpayer. The entire operating and maintenance costs of the system are covered through parking fees collected in the downtown. This is a responsible approach to financing mass transit that can work well in other urban settings. Also, OSCAR has a considerable overmatch compared to most transit projects, with a 50 percent Federal/50 percent local sharing compared to the 80 percent/20 percent match required in the recently released highway reauthorization bill. OSCAR is clearly an excellent investment.

Mr. McDADE. Mr. Chairman, I rise in strong support of H.R. 2942, a bill making appropriations for the Department of Transportation and related agencies for fiscal year 1992. This is the 13th and final regular appropriations bill to come to the floor this year. The Appropriations Committee has worked with great determination to pass all of the appropriations bills before the August district work period. With passage of the Transportation bill, the committee will accomplish that considerable feat.

Mr. Chairman, I join all of my colleagues in hailing the return of the chairman of the Transportation Subcommittee, the honorable gentleman from Florida [Mr. LEHMAN]. I congratulate Chairman LEHMAN for his outstanding work on this bill under very trying circumstances. BILL LEHMAN has proven the old adage that you can't keep a good man down, and he has come back from illness to produce a bill that is fair, balanced, and good for America. Welcome back, BILL, and congratulations on a job well done.

I would also like to acknowledge the dedicated efforts of my dear and wise friend, the ranking Republican member of the Transportation Committee, the honorable gentleman from Pennsylvania [Mr. COUGHLIN]. LARRY COUGHLIN has worked tirelessly on this legislation, and his contributions have been enormous. I would like to express my gratitude to LARRY and to all members of the subcommittee for their good work.

Mr. Chairman, the Transportation appropriations bill provides for the development of our highways, the safety of our flyways, the protection of our seaways, and the continued strength of our railways. In short, this bill provides the resources necessary to sustain our national transportation system. It protects the free flow of commerce; empowers Americans to exercise their right to travel; and enhances national security.

Mr. Chairman, I am proud to note that the bill as reported is within the subcommittee's 602(b) allocation for both budget authority and outlays. The subcommittee is to be commended for conforming to the terms of last year's budget agreement. This has been a difficult task, but the subcommittee has done its best to maximize the benefits to be derived from a very limited pool of resources.

The bill includes $16.6 billion for programs of the Federal Highway Administration. This amount, $16.3 billion of which represents a limitation on obligations from the highway trust fund, is an important contribution to this country's surface transportation system. The Federal Government has a multibillion dollar investment in our Nation's highways; this appropriation helps protect that investment and further improve roadway systems from coast to coast.

The bill also includes $7 billion for the programs of the Federal Aviation Administration. Because of fiscal constraints, the committee was unable to fully fund the administration's request for FAA facilities and equipment at the full level of the administration's request. Nevertheless, the appropriation of $2.47 billion—$231 million less than requested by the President—does represent an increase of $374 million over the fiscal year 1991 level. The committee looks forward to working with the Department to ensure that these resources are used as efficiently as possible to conduct an orderly acquisition program.

The bill contains funding for many other critical government programs, including: $3.5 billion for the U.S. Coast Guard, $3.8 billion for the Urban Mass Transit Administration, $253 million for the National Highway Traffic Safety Administration, and $794 million for the Federal Railroad Administration. This latter appropriation includes $504 million for grants to the National Railroad Passenger Corp., better known as Amtrak. This funding level compares to an fiscal year 1991 level of $475 million and an fiscal year 1992 budget request of $330 million.

Mr. Chairman, I observe with disappointment that a provision of the report accompanying the bill notes that no funds are provided for the implementation of the Chief Financial Officers Act of 1990. Mr. Chairman, the House has spoken loudly and clearly on the issue of CFO implementation. During consideration of the Treasury-Postal appropriations bill just last month, this body voted 341 to 52 to remove a provision prohibiting implementation of the act. Throughout the Federal Government, there is a need for better and more uniform audit procedures, accounting mechanisms, and budget controls. Congress has enacted the CFO Act to satisfy that need, and we should move with dispatch to provide the resources necessary for its implementation. I trust that this matter will be resolved satisfactorily in conference. But in any event, I wish to clearly state my understanding that nothing contained in the bill or report will operate to prevent the Department from seeking to allocate resources for CFO implementation through ordinary reprogramming procedures.

Again, I wish to commend the subcommittee for its excellent work and encourage my colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 2942, the Transportation appropriations bill for fiscal year 1992.

The bill appropriates $14.2 billion in fiscal year 1992 for the Department of Transportation and related agencies, including the Coast Guard, the Federal Aviation Administration [FAA], the Federal Highway Administration [FHA], the Federal Railroad Administration [FRA], and the Urban Mass Transit Administration [UMTA]. The total appropriations in this bill are $1.2 billion above the fiscal year 1991 funding level, but $941 million less than the request by the Bush administration.

I want to commend the chairman of the Transportation Appropriations Subcommittee, BILL LEHMAN, and the members of the subcommittee for reporting a measure which responds to our Nation's urgent transportation needs. I am particularly pleased that the bill includes a significant increase over last year's bill in funding for various mass transit programs administered by UMTA. The mass transit provisions in the bill specifically reject the administration's position of seeking to terminate capital and operating assistance for large urban mass transit systems, such as the Metropolitan Transit Commission [MTC] in Minnesota which serves the Minneapolis-St. Paul metropolitan area. Mass transit operators in our Nation's large urban centers cannot continue to indefinitely absorb operating cost increases due to a reduced national commitment and cannot continue to pass on such costs by raising fares without seriously reducing ridership on public transportation. As ridership decreases, congestion on streets and highways increases along with its associated reductions in air quality. Assisting large public transit systems represents a sound policy choice.

H.R. 2942 also provides $370 million for the Federal Highway Administration [FHA] in fiscal year 1992 and authorizes the release of up to $16.3 billion from the highway trust fund for Federal-aid highway grants, motor safety grants, and highway-related safety grants. In Minnesota, safety grants are used to assist the Minnesota Department of Transportation in improving railroad crossings throughout our State and to improve the safety of highways in the Twin Cities metropolitan area, as well.

I am also pleased that H.R. 2942 provides $8.9 billion for the Federal Aviation Administration [FAA], including authorizing the release of up to $1.9 billion from the $7 billion airport and airway trust fund. Following the last reauthorization of the trust fund when Congress gave local airport operators the authority to levy new passenger facility charges [PFC's] for capital improvements, it is encouraging to see that we will finally begin to spend down some of the large surplus in this trust fund which is meant to be used to finance such capital improvement projects at our Nation's airports. As the Nation's airways become more crowded with aircraft and passengers, the pressure has increased to improve the aviation infrastructure.

H.R 2942 also includes funding for the Department of Transportation's Research and Special Projects Administration [RSPA], which includes the Federal Office of Pipeline Safety. I have had a longstanding interest in the regulatory activities of the Office of Pipeline Safety [OPS], which is responsible for overseeing the administration of the Hazardous Liquid and Natural Gas Pipeline Safety Acts. Both of these laws are currently in the process of being reauthorized in the Energy and Commerce Committee. OPS currently has 16 pipeline safety inspectors and is planning to hire 5 additional safety inspectors before the end of this year. When these new pipeline safety inspectors are hired, the Office of Pipeline Safety will have 21 inspectors along with its 5 regional chiefs. Along with the granting of interstate agency status to State pipeline safety programs, such as Minnesota, this will strengthen the Department's ability to conduct hazardous liquid and natural gas pipeline safety inspections.

Finally, the bill provides $504 million for Amtrak operating and capital grants, a modest increase above the fiscal year 1991 figure. Of significance to Amtrak workers and retirees, the bill also appropriates $145 million for payments on behalf of Amtrak to the railroad retirement trust fund and the railroad unemployment insurance account. The payments reflect mandatory contributions which Amtrak as a rail carrier must make to these funds, but which are in excess of the actual benefits received by current and former Amtrak employees.

I urge my colleagues to vote for final passage of H.R. 2942, which addresses the urgent demands of our national transportation system.

Mr. TAUZIN. Mr. Chairman, I rise today in strong support of the Coast Guard appropriation bill. The honorable chairman, Mr. LEHMAN, and the ranking member, Mr. COUGHLIN, have done an outstanding job of providing the funding for the Coast Guard needs.

OPERATING EXPENSES

This appropriations bill will allow the Coast Guard to:

Sustain the current level of effectiveness in the interdiction of drugs.

Focus operations to protect fisheries resources in the Gulf of Mexico, the Pacific Northwest, and New England.

Improve this Nation's ability to respond to oilspills.

Significantly upgrade our Nation's vessel traffic systems.

Serve its critical role in our Nation's defense, just as it did in Desert Storm.

Most of all, this appropriation will provide for improved housing, better training, basic medical care, and more adequate housing for the men and women of the Coast Guard.

AC&I

I want to work with Chairman LEHMAN to consistently invest in the Coast Guard's future. We must provide the dedicated men and women of the Coast Guard with safe, modern, and efficient ships and aircraft.

I would ask the chairman to take a second look at the Coast Guard's housing needs in Puerto Rico. This project will be funded below the amount the Coast Guard has asked for.

This bill will improve this Nation's transportation infrastructure with new or improved vessel traffic services.

This bill will allow the Coast Guard to begin to build a new fleet of ocean-going buoy tenders. These new ships will replace 50-year-old buoy tenders. This acquisition must move forward without delay.

This bill provides $20 million of the $29 million authorized for the replacement of the Commandant's command and control aircraft. This aircraft played a critical role in responding to the Persian Gulf oilspill. The command control aircraft is over 20 years old, and I can tell you from personal experience, it is imperative that we replace this plane.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

This bill will allow the Coast Guard to continue to clean toxic waste sites in Elizabeth City, NC, Traverse City, MI, and Kodiak, AK, as well as other sites.

RESEACH, DEVELOPMENT, TEST, AND EVALUATION

This appropriation will initiate research and development programs to meet the requirements of the Oil Pollution Act of 1990 and continue development of navigation and communications systems to improve the national transportation infrastructure.

I congratulate the Appropriatons Committee on its outstanding effort to support the Coast Guard.

Mr. CAMPBELL of Colorado. Mr. Chairman, I appreciate the opportunity to speak in support of H.R. 2942, the fiscal year 1992 Transportation appropriations. I support the initiatives included in this legislation and look forward to its passage.

I am particularly excited about one provision in this bill that will provide $10 million for the establishment of an ASR–9 radar at Walker Field Airport in Grand Junction, CO. Walker Field, the third busiest commercial airport in Colorado, had over 85,000 aircraft operations in 1990. As the largest airport between Denver and Salt Lake City, Walker Field is the backup airport for, and receives diverted aircraft over nine regional airports, including Denver's Stapleton and the Salt Lake City airport. The airport has experienced sustained growth of over 6 percent over the past several years.

Mr. Chairman, the Grand Junction ASR–9 radar system has been ranked by the Federal Aviation Administration [FAA] as the highest rated proposal in the Northwest Mountain Region. The FAA has recommended funding for this proposal for the past several years.

I wish to express my appreciation to the committee for its hard work. I look forward to the implementation of this proposal and urge my colleagues to support this carefully crafted bill.

Ms. LOWEY of New York. Mr. Chairman, I rise today to express my appreciation to the gentleman from Florida [Mr. LEHMAN] for his outstanding work in putting together the Transportation appropriations bill for fiscal year 1992.

In the midst of shrinking budget authority and an array of competing demands, the chairman of the Transportation Subcommittee worked hard to set priorities for this Nation's transportation budget that will ensure the effective use of the limited funding available. This era of tight budgets places severe pressures on the Appropriations Committee to make tough decisions and at the same time address vital local needs. During this difficult time, we are indeed blessed to have a chairman with the discipline and vision to meet this challenge.

In particular, I want to thank Chairman LEHMAN for his assistance in addressing an issue of great importance to Westchester County. Residents of Westchester County are being bombarded on almost a daily basis by aircraft noise caused by flights arriving at La Guardia Airport. The chairman agreed to include language that will bring relief to the community by directing the Federal Aviation Administration to upgrade its flight directional equipment at La Guardia and take any other steps necessary to redirect flights over Long Island Sound—instead of Westchester County. The committee report also directs the FAA to expand its study of the noise impacts of the expanded east coast plan to include the entire New York metropolitan region, including Westchester County and Fairfield County in Connecticut.

I also want to compliment the chairman for his sensitivity to the transportation needs of smaller communities. In particular, the chairman's support for the development of intermodel facilities will provide a vital foundation for the economic development of many communities. Chairman LEHMAN recognized the importance of these projects and found the funds necessary to get them off the ground.

In light of Chairman LEHMAN'S work in balancing this Nation's transportation needs with fiscal realities facing this country, H.R. 2942 deserves strong support from this body. I urge my colleagues to support this bill. I thank the Chair.

Mr. ALEXANDER. Mr. Chairman, I rise in support of the bill and want to congratulate Chairman LEHMAN and his excellent staff on this complex and important legislation. At a time when our Nation's infrastructure is critically deteriorated as a result of more than a decade of neglect, this subcommittee faces a daunting challenge. This bill rises to that challenge.

Everyone in this body should know that Chairman LEHMAN has crafted a tight, streamline and effective bill. It allocates limited resources and achieves maximum impact for every dollar spent. The direct appropriations provided by this legislation is $136,000 less than the target established by the Appropriations Committee for discretionary budget authority and $2 million less than the target for discretionary spending.

It is true that the bill authorizes the release of $20.2 billion from the aviation and highway trust funds for certain programs which is more than requested by the President. But the condition of our airports and highways demands that this money be released and used for its intended purpose now and not be permitted to languish in the trust fund accounts.

Last year when this bill was before the House, I emphasized the importance of infrastructure investments for impoverished rural areas, particularly in the Mississippi River Delta which covers much of my congressional district. the poorly maintained and undersized airports serving small communities have been repeatedly cited as an impediment to economic development and prosperity. The report of the federally chartered Lower Mississippi River Delta Development Commission underscored this need.

The absence of adequate airport and air industrial park facilities will continue to hinder the efforts of rural areas to attract growth industries which generate jobs and income. We must have the vision to realize that investments in these projects will invigorate our communities and our economy and—consequently—create taxpayers who will return tax revenues to the Federal Treasury.

Mr. Chairman, I want to point out three important airport projects in my congressional district to which the committee has to assign priority status. Improvement of the Jonesboro, AR, Municipal Airport continues to be a priority for the committee. Within the past few years, the Federal Aviation Administration has commissioned an automated flight service station at the Jonesboro Airport which provides critical weather and navigational aid information to aviators throughout the State.

Another example of the growing importance of the Jonesboro Airport in the northeast quadrant of Arkansas, which has been recognized by the FAA, is the agency's commitment to commission an instrument landing system at this facility. With the growing need for a reliever airport to serve as an alternate landing site for nearby Memphis International, continued upgrading of the runways and equipment at Jonesboro must be pursued.

The committee has, therefore, established the review and consideration of an application for runway extension and strenghening at Jonesboro Airport as a priority.

The committee has also recognized the importance of continued airport development in the cities of Stuttgart and Melbourne in order to facilitate economic expansion and growth. In Melbourne, airport construction now underway is critical to the retention of the McDonnell Douglas facility, a major employer which produces components for the MD–80 commercial aircraft.

An application is also pending to rehabilitate portions of the airport in Stuttgart, AR. Stuttgart is the site of a major food processing industry and a center of agribusiness activity in this region of the delta. Approval of this funding will continue the progress of the Stuttgart area in attracting and serving industrial clients and creating jobs for its citizens.

Mr. Chairman, it has become an unfortunate custom in the Congress to use appropriations bills as scapegoats for the deficit crisis in which the Nation finds itself today. Yet, it is an unassailable fact that the Appropriations Committee has recommended more than $175 billion less than Presidents have requested. Appropriations Committees do not write, nor do they determine fiscal policies which are related to the deficit—and it would be penny wise and pound foolish to attempt to balance the budget on the back of this bill.

Mr. Chairman, if America is to enter the 21st century prepared to continue the economic leadership and preeminence it has enjoyed in the 20th century, we must have the foresight to make the investments required to insure our prosperity in the future. The public policy which is embodied in this measure will carry us forward toward that goal.

I urge passage of the bill.

Mr. GEJDENSON. Mr. Chairman, I rise to raise several points about H.R. 2942, the Department of Transportation appropriations bill for fiscal year 1992.

I would like to take this opportunity to thank the chairman of the subcommittee, Mr. LEHMAN, for his consideration of my request to assist Amtrak and the town of Willimantic, CT, in constructing a train station in Willimantic. Amtrak recently announced that the Montrealer train would stop in the town of Willimantic if a station is constructed there. I would also like to express my concern about the inadequate funding level for the tremendously successful Northeast corridor project and, in particular, the New York to Boston improvement project to reduce the New York to Boston travel time to 3 hours or less.

Mr. Chairman, as many know, Connecticut and the New England States are facing a very serious economic crunch. These two projects not only will provide much needed economic development opportunities for the region, they will each afford much needed public transportation options to people who have no other means of public transportation in eastern Connecticut, New England, and the rest of Amtrak's east coast routes to New York, Boston, and Washington. In addition, these two projects, establishing a station in Willimantic and continued funds for the New York/Boston route are very important to Amtrak. Both will lead to increased ridership and, more importantly they will encourage more people to leave their cars and make public transportation a part of their lives.

With respect to the Willimantic station, Mr. Chairman, I want to give a little history of the effort to establish a train station in Willimantic, CT, for the popular Amtrak Montrealer train.

In 1987, when Amtrak discontinued the Montrealer train from Washington, DC, to Montreal, Quebec, because of poor track conditions in Massachusetts, residents of eastern Connecticut contacted Amtrak encouraging them to reinstate the train on an alternate route through eastern Connecticut with a station stop in New London. We joined those urging Amtrak to establish a station stop in the town of Willimantic.

In 1989, the Montrealer train was reinstituted on the alternate route through eastern Connecticut with the station stop in New London. This route was intended to be "on a temporary basis" while Amtrak determined whether track repairs could be done on the original route.

In January 1991, Amtrak announced that track work in Massachusetts will not be done and that the eastern Connecticut route will become permanent. Amtrak also indicated that it intended to establish a station stop in Willimantic, CT, if a station is completed.

Since that time, the town of Windham, which includes Willimantic, has been working very closely with Amtrak, the Central Vermont Railroad, which owns the tracks that are to be used, the regional planning agencies, the University of Connecticut, Eastern Connecticut State University, other nearby towns, and private groups to find a suitable site and develop a plan for a station to accommodate the Amtrak Montrealer.

As Amtrak will attest, ridership on the alternate route with the station stop in New London has been very strong, especially considering the short time that the route has been in service.

The construction of a station and a station stop in Willimantic can provide significant additional ridership potential for Amtrak, and will offer considerable benefits to the people of northeastern Connecticut, who have no other public transportation options. The Willimantic stop can serve the college communities of the University of Connecticut, with a student body of more than 20,000, and Eastern Connecticut State University, with a student population of more than 4,500. The Montrealer station in Willimantic can also provide the over 200,000 residents of Windham and Tolland Counties with the only public transportation alternatives to Vermont, Massachusetts, New York, and the remainder of the Montrealer's scheduled stops.

I would like to thank the chairman and the members of the committee for including language in the committee report identifying Willimantic as a priority for the committee. By recommending that Amtrak work closely with State and local officials on this Willimantic station, the committee has set the groundwork for establishing a station stop in Willimantic. As a result of recent meetings, Amtrak, the town of

Windham and others have agreed that the best strategy for this station stop will be to establish a test run and stop for the Montrealer train in Willimantic. By doing this, in a year, Amtrak will be able to evaluate the ridership numbers and determine whether a permanent station stop should be established.

Second, Mr. Chairman, I am very concerned about the future of the Northeast corridor improvement project, particularly the New York to Boston project. As my colleagues know, the Northeast corridor is perhaps the most successful train route in the Nation. Hundreds of thousands of people take the Amtrak passenger trains to New York and Boston and this has become tremendously important to the people of eastern Connecticut. For many, Amtrak is the only public transportation available. The necessity to continue the work on the New York to Boston route is crucial.

As my colleagues also know, Interstate 95 between Boston and New York through New Haven, Bridgeport, New London, and Providence is one of the most heavily traveled stretches of road in the Nation. Improving the Amtrak route could profoundly reduce the volume of cars on this already oversaturated road and could significantly improve the air quality of the region, which because of highway traffic, is out of compliance with the Clean Air Act.

It is clear that increased funding is necessary for this route. In this Nation, we must make a commitment to mass transportation. As most European nations have, we must make a commitment to our passenger rail systems, especially in those areas like the Northeast corridor, where ridership is strong and where passenger rail can make a difference in the economies, the environment, and the quality of life. I urge my colleagues in the committee and the Congress to reevaluate this project and restore the necessary funds to it.

Mr. RAHALL. Mr. Chairman, I strongly support the fiscal year 1992 Transportation appropriations bill.

Just yesterday, the Public Works and Transportation Subcommittee, on which I serve, ordered reported to the full committee H.R. 2950, the highway/transit Federal aid reauthorization bill, covering the next 5 years.

We have nearly completed the Interstate Highway System begun in 1956 and are now in the position of having to redirect our highway dollars into the rebuilding of our entire transportation infrastructure. Our roads and bridges are in a desperate state of disrepair, and many are unsafe at any speed, so to speak.

In the next 2 weeks, we will continue and redouble our efforts to pass new Federal-aid highway/transit legislation that will bring us into the 21st century as a viable, competing nation making a long-deferred investment in public works at the State and local levels. It is our intent to rebuild our Nation's infrastructure, to improve upon it through the use of new technologies, and to revive the economic development potential of the entire country.

While the bill does not include funding for many of the new authorizations about to be enacted by this House for transportation purposes, this bill is still of immense importance to West Virginia and the Nation.

This bill appropriates $14.2 billion in fiscal year 1992 for the Coast Guard, Federal aviation, Federal highways, the Federal Railroad Administration, and the Urban Mass Transit Administration. The total of appropriations reflects an increase of $1.2 billion more than in fiscal year 1991. However, the bill authorizes the release of $20.2 billion from the aviation and highway trust funds which, combined with the bill's direct appropriations, provides a total of $34.4 billion for transportation in fiscal year 1992. This combination brings the new spending to $3.5 billion more than current funding levels for these programs.

The bill provides for major increases over current levels for several important transportation programs, including an 18-percent increase for mass transit, 12 percent for Federal highways, and 12 percent for aviation programs.

For highways alone, the bill contains a total of $16.3 billion released from the highway trust fund for Federal-aid highway grants, motor safety grants, and highway safety related grants, for fiscal year 1992.

For mass transit, a subject of overriding concern to me, the bill appropriates $1.9 billion for mass transit programs under UMTA, and it authorizes the release of $1.9 billion from the mass transit account of the highway trust fund. This is a combined total of $3.8 billion for mass transit in fiscal year 1992.

For Federal aviation programs, this bill appropriates $7 billion for the FAA in fiscal year 1992 and authorizes the release of up to $1.9 billion from the Airport and Airway Trust Fund for airport planning and development grants. This combines to make a total of $8.9 billion available for aviation projects in fiscal year 1992, reflecting a $992 million increase of last year's total.

Essential air services is of great importance to West Virginia and to my congressional district. The bill authorizes the release of up to $39 million from the airport and airway trust fund for essential air services, which go for payments to subsidize airline service to smaller communities. This amounts to $12 million more than last year's funding level. While none of these funds can be used to add new communities or flight destinations under the Essential Air Service Program, or to increase service levels to communities currently participating in the program, it is still of huge importance that EAS not only be continued but that it receive increased funding to assure airline service to and from small communities.

Essential air services came about due to deregulation of the airline industry by Congress several years ago. It was created to ensure that small communities would not lose air service entirely as a result of deregulation. Five communities in West Virginia will benefit under this EAS appropriation, two of which—Beckley and Bluefield—are in my Fourth Congressional District.

As West Virginia continues its struggle toward economic stability by broadening its industrial base and strengthening its tourism industry, EAS subsidies continue to be critical to its success in these efforts.

The increase contained in this bill helps allay my fears that began with previous reductions in EAS payments—and that fear was that the administration would bring enough pressure to bear to totally eliminate EAS from FAA programs. Such action on the part of Congress would constitute a serious setback for West Virginia and other States, made up entirely of small communities, in their continuing efforts to assure access to air transport for their people.

FAA operations overall, in this bill, are funded at increased levels, for air traffic control, safety, and airport expansion efforts.

Last but not least, Mr. Chairman, is funding in the bill for the Federal Railroad Administration, set at $794 million in fiscal year 1992. This reflects a slight decrease from current year funding but not as much a decrease as that requested by the President.

Specifically, the bill funds Amtrak at $504 million, reflecting a small increase of $29 million over last year's level. The bill also appropriates $145 million for payments on behalf of Amtrak to the Railroad Retirement Trust Fund and the Railroad Unemployment Insurance Account.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 2942, the fiscal year 1992 Transportation appropriations bill.

Mr. RITTER. Mr. Chairman, this appropriations measure contains one of the most shortsighted deletions of high-technology funding that I have seen in many a day. As the ranking member of the Transportation and Hazardous Materials Subcommittee of the Committee on Energy and Commerce, I have worked long and hard to assure that emerging transportation technologies, such as magnetic levitation, are given proper attention and support in the Department of Transportation and elsewhere.

After all, mag-lev is one of the most energy efficient and environmentally benign forms of transportation. It can move thousands of people at hundreds of miles per hour with no diminution in air quality. How many other modes of transportation can you name where neither the powerplant nor the fuel supply has to be carried on board the vehicle? Yet that is what mag-lev systems achieve through use of remotely sited electrical generation.

We are supposed to be looking at a balanced and comprehensive transportation policy to take us into the 21st century. And we are also in the midst of implementing the sweeping mandates of last year's clean air legislation. Against that background, who can fathom an appropriations measure that deletes virtually all funding for mag-lev activities?

The Appropriations Committee's report simply dismisses mag-lev as a technology with dim prospects. I suppose that could have been said of the airplane, the internal combustion engine, and many other technological advances. It is especially penny wise and pound foolish to do this when our congested airports and crumbling highways are inflicting a huge competitive handicap on the American economy.

Mag-lev offers the prospect for replacing the most inefficient, short-haul air routes that congest our airports with reliable, all-weather, environmentally benign systems. That prospect alone would be worth the small public investment of $11 million that the administration asked for.

We need to look ahead, not backward, to a balanced, efficient transportation system that enhances—not diminishes—our national competitive posture. That means trains—including mag-lev trains—and planes, and automobiles. All have a role to play, and this appropriations measure epitomizes the medieval approach to scientific progress: If I don't understand it, I must kill it. Let us hope that the final measure produced in conference will be more worthy of at least the 20th century, and preferably the 21st.

Mr. PAYNE of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 2942, the Transportation Department appropriations for fiscal year 1992. I commend Chairman JAMIE WHITTEN, distinguished chairman of the House Appropriations Committee, for his outstanding work in producing a bill that addresses the needs of this Nation's transportation system.

I would also like to thank my distinguished colleague from New Jersey, Representative BERNARD DWYER, for his work on the Appropriations Committee, and Chairman WILLIAM LEHMAN, the distinguished chairman of the House Subcommittee on Transportation.

This bill appropriates $14.2 billion in fiscal year 1992 for agencies in the Transportation Department that include the Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, and the Urban Mass Transit Administration.

I am especially enthusiastic about H.R. 2942 because of its support of the transportation system in New Jersey. Most of the items of interest that pertain to New Jersey greatly enhance my district, especially my hometown of Newark, NJ. One particular item of interest to my constituents is the New Jersey urban core project.

In this bill, the committee has provided a total of $65 million for a project that will enahance the rail system that connects and serves the New Jersey urban core.

These enhancements include the Secaucus Transfer—Allied Junction rail transfer extension, the Newark-Newark International Airport-Elizabeth rail line, the Hudson Waterfront Connection fixed-guide-way system, and an extension to the Newark city subway.

These particular items are important because they ease the strain on the commuters and the New Jersey residents who utilize the multifaceted public transportation system. The urban core project will provide the elderly and the disabled with a more accessible and more efficient method of travel.

H.R. 2942 will help connect the State of New Jersey by expanding the transportation system to meet with the growing needs of its residents.

Again, Mr. Chairman, the projects outlined in the Transportation Department appropriations bill are of great concern to my constituents in the 10th Congressional District of New Jersey. I urge my colleagues to support it.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,435,000.

AMENDMENTS OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 2, line 7, strike out "$1,435,000" and insert in lieu thereof "$1,324,000".

Mr. PENNY. Mr. Chairman, I have several similar amendments, all applicable to title I. The amendments deal with the administrative accounts in several executive offices: The immediate Office of the Secretary on page 2, line 7; the immediate Office of the Deputy Secretary, page 2, line 10; the Office of the Assistant Secretary for Budget and Programs, page 2, line 22; the Assistant Secretary for Administration, page 3, line 8; the Assistant Secretary for Public Affairs, page 3, line 13; and the Office of Commercial Space Transportation, page 5, line 1.

I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. WALKER. Mr. Chairman, reserving the right to object, there are several of those accounts that I do not have any particular knowledge of, but I do have knowledge of the Office of Commercial Space. The gentleman is taking about half the cut he anticipates out of that particular office. I think that I would want a separate vote on that particular issue and see if the gentleman would take that particular one out of his unanimous-consent request. I would be glad to have him bring up the rest, but I would want a separate issue raised on the Office of Commercial Space.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. PENNY] remove that amendment from the en bloc request?

Mr. PENNY. Mr. Chairman, I do not see any other Member that wants to separate out another item, and if that is the only one that we would separate out, I would accede to that request and ask that the other five amendments be considered en bloc.

The CHAIRMAN. The Clerk will report the remaining amendments.

The Clerk read as follows:

Amendments offered by Mr. PENNY: Page 2, line 10, strike out "$550,000" and insert in lieu thereof "$449,000".

Page 2, line 22, strike out "$2,726,000" and insert in lieu thereof "$2,605,000".

Page 3, line 8, strike out "$30,262,000" and insert in lieu thereof "$29,152,000".

Page 3, line 13, strike out "$1,546,000" and insert in lieu thereof "$1,514,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota that these five amendments be considered en bloc?

Mr. WALKER. Mr. Chairman, reserving the right to object, since I do not have a copy of the bill or the amendments in front of me, the amendment read by the Clerk included everything that was in the gentleman's presentation except for the commercial space transportation. Is that correct?

The CHAIRMAN. The gentleman is correct in that statement.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PENNY. Mr. Chairman, the amendment en bloc I offer with my friend BYRON DORGAN, would reduce the level of increase for six administrative and management-related accounts within the Transportation Department appropriation bill before us today. The committee-reported bill provides for increases in the range of 11 to 33 percent for these administrative accounts. By limiting the increase in spending in these accounts to 9 percent, which is the level of increase in the overall bill, we save about $2 million.

The measure before us provides for a 33-percent increase for the immediate Office of the Deputy Secretary of Transportation, a 25-percent increase for the Office of Commercial Space Transportation, an 18-percent increase for the immediate Office of the Secretary of Transportation, a 15-percent increase for the Office of the Assistant Secretary for Budget and Programs, a 13-percent increase for the Assistant Secretary for Administration, and an 11-percent increase for the Office of the Assistant Secretary of Transportation for Public Affairs.

These increases are out of line with the level of increase in the overall bill—9 percent, but the increases for these management functions at Transportation are also greater than the increases, already appropriated, for other Government agencies and departments. The Treasury Department is slated to receive a 7.9-percent increase for management, the Labor Department has been appropriated a 9.1-percent increase for next fiscal year, the Education Department will receive a 9.3-percent increase, HHS has been appropriated a 10-percent increase. Interestingly, the Executive Office of the President itself will only receive a 1.3-percent increase and our House-passed legislative branch appropriations bill provided for less than a 4-percent increase for the U.S. House of Representatives.

So what gives? Why does the Secretary of Transportation need big increases in his budget? Maybe it's for travel; the bill before us provides for an increase of 200 percent in the Secretary's travel budget.

Mr. Chairman, the amendment we offer is fair: It's in keeping with the overall increase in the bill, it is in line with increases for several other departments and agencies, and it is more than enough to accommodate routine and official needs of the Secretary of Transportation and his principal deputies. It also saves the taxpayers over $2 million at a time we are asking Americans to accept cuts in Government programs and services.

I urge support for the Penny-Dorgan en bloc amendment. It's the right thing to do.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this is the kind of mischievous amendment which is a personal affront to the current Secretary of Transportation. While having the appearance of sending a symbolic message, in fact it would do serious harm to the good relations enjoyed today between the Congress and Secretary Skinner, for no real purpose. Particularly with major transportation-related legislation being considered this year, maintaining those relationships are vital.

Let me point out to the Members that the committee's recommendation for Office of the Secretary salaries and expenses represents a cut of $17.7 million—22 percent—from the budget request. In total, the recommended increase for all 15 offices is only 9 percent—just what the gentleman's amendment assumes is reasonable. The committee has fairly allocated an overall 9-percent increase. Some offices have more than 9 percent, and some have less. The request has been strongly scrubbed already.

These amendments would only reduce $2,029,000 from the bill, which is only a fraction of 1 percent of the amounts included in the bill. If austerity were the objective, the gentleman should support this bill, rather than waste the House's time in this manner. The bill is within the subcommittee's 602(b) allocation.

The committee recommendation is based on extensive hearing data—almost 200 pages of questions and answers in our hearing record which I would invite any Members to review. The gentleman offers no contrary evidence that these funds are not needed. The amendment is arbitrary and unfounded in fact.

As always, if individual Members experience problems in dealing with departmental officials, we are ready to work with you to resolve the problems. But let's not resort to hurting innocent parts of the department for no constructive purpose.

Mr. Chairman, I strongly urge that this amendment be defeated.

□ 1410

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for the chairman of the committee. I think he does wonderful work. I come here today not to challenge him nor his work, but to raise some questions with the gentleman from Minnesota [Mr. PENNY] about the kind of increases that were allowed in this appropriations bill, particularly with respect to the Office of the Secretary. We are talking about an account here that is around $40 million in total, with a number of subparts.

We spend a lot of time here hearing that people on this side of the aisle are always the big spenders. It is alleged that people over here always want to spend more and more and more of the taxpayer's dollars.

Then I take a look at this appropriations bill, and I see that a Cabinet Secretary has an 18-percent increase approved by the Committee on Appropriations for his immediate office, which is about $1,400,000; a 33-percent increase for the immediate Office of the Deputy Secretary; and the Assistant Secretary, with a 14-percent increase; Assistant Secretary of Public Affairs, 11-percent increase.

Well, I think these increases are pretty generous. I do not understand this. It seems to me it is well above what a lot of my friends who say we ought to hold expenses and costs down would generally think is a reasonable yearly increase.

The chairman of the subcommittee surely cannot mean that this is truly a mischievous amendment, as he suggested, or that it is a personal insult. It is not meant to be a personal insult to the Secretary of Transportation. It is, I think, an effort by the gentleman from Minnesota [Mr. PENNY] to say look, let us take a look at the nuts and bolts of some of these, and ask who are the conservatives and who are the liberals.

Are we going to apply the same standards across the board here? Do we want 18-percent increases and 12-percent increases and 14-percent increases?

Mr. Chairman, if I might, let me ask a question of the gentleman from Florida [Mr. LEHMAN]. I noticed in the newspaper a couple of weeks ago that the Secretary of Transportation is taking flying lessons, and it costs more than $40,000, with instructions from Government pilots charged to the Government. When asked about that, the Secretary said that he was one of only 65 Department officials who participate in that program.

The question I raise is, Do we have a program down there at DOT which is supported in these appropriations bills, and by which we are funding flying lessions for a lot of executives of the Department of Transportation?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I am not familiar with the specific article to which the gentleman from North Dakota [Mr. DORGAN] refers. There are over 100 pilots in the Department, most of whom are in FAA. They are needed to check out the adequacy of our navigational aids. These personnel are essential to aviation safety.

I do not know about the specific personnel to which the gentleman from North Dakota [Mr. DORGAN] is referring. I might add that, in my opinion, the present Secretary of Transportation is about the best one I have worked with yet. I think he is the best one most Members of Congress have worked with yet. I would not want to hinder the Secretary.

Let us give the Secretary a chance to implement the programs to the best of his ability, and not take away the budget he needs to do it.

Mr. DORGAN of North Dakota. Mr. Chairman, reclaiming my time, I think Secretary Skinner is a fellow who has done a pretty good job in a lot of areas. He has been a little slow on some rules and regulations that I would like to see him work on down there, but, overall, my assessment is that Secretary Skinner is someone who has done a pretty good job. But that does not mean that we have to be offering 18-percent, 33-percent, 14-percent, 13-percent increases in the bureaucracy and in the offices of people that head all these programs.

Mr. Chairman, I think the comments of the gentleman from Minnesota [Mr. PENNY] were right on point. When we talk about holding some of these costs down, it seems to me this is a good place to take a look at holding some of it down. It might be an object lesson for us to take a close look at some of these things in the future.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I want to clarify something that was an understanding of mine. Is there someone in the Secretary's office who wrote a letter to the editor you have sought to get fired in that office?

Mr. DORGAN of North Dakota. Mr. Chairman, reclaiming my time, no, that is not true. Does the gentleman from Pennsylvania [Mr. WALKER] have information about that?

Mr. WALKER. Mr. Chairman, I do have some information, that there was a letter written by a young staffer in the Secretary's office that the gentleman called the Department on about three occasions about, and that on one of those occasions, the gentleman actually suggested that that person be fired, and that the Secretary has refused to do that.

Mr. DORGAN of North Dakota. Mr. Chairman, let me reclaim my time. The gentleman from Pennsylvania [Mr. WALKER] does a tremendous disservice by coming to the floor to talk about something he knows nothing about.

Mr. WALKER. Mr. Chairman, I am asking the question, because that is information I received.

Mr. DORGAN of North Dakota. Mr. Chairman, the time is my own. The gentleman from Pennsylvania is completely misinformed. Let me just say, if the gentleman from Pennsylvania [Mr. WALKER] wants to come to the floor to talk about things he does not know anything about, he ought to do it on somebody else's time.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The subcommittee, on a bipartisan basis, has very carefully considered these accounts. It has gone into great length in hearings to look at each one of the requests from the Department of Transportation.

Mr. Chairman, we are dealing with a department that is engaged in a new national transportation plan, developing with the Congress new surface transportation legislation, implementing a national air space plan, and some very, very important activities.

Mr. Chairman, as a result of that, the subcommittee, on a bipartisan basis, unanimously, and without any concern or dispute on the subcommittee, agreed to the funding for these offices.

Mr. Chairman, it would be a gross miscarriage to strap that agency at a time when it is engaged in such important work for the Nation.

Mr. Chairman, it is also important to point out that Secretary Samuel Skinner has indeed been a hands-on Secretary. It is important that Secretary Skinner have the ability to operate in our air system, so that he can have the firsthand knowledge that comes from being a pilot. That is important, because we want the Secretary and the people in our departments to have that kind of knowledge about the system. Certainly this Secretary has been one of the great, active Secretaries we have had at Transportation. I would certainly hope that this amendment would not be adopted and hamstring the Department.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I would be happy to yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I just want confirmation on the percentages that we have used. The ranking member does not dispute that the increase for the immediate Office of the Secretary is 18 percent?

Mr. COUGHLIN. Mr. Chairman, that is not the question. These requests and these figures came before the subcommittee on a bipartisan basis. They were approved on a bipartisan basis, because the Department is engaged in very important activity in the fields of aviation, surface transportation, and safety. Certainly we would not want to jeopardize either the safety of the American traveling public or the ability of this Department to manage our various transportation systems.

Mr. PENNY. Mr. Chairman, if the gentleman will yield further, I appreciate that. Then we are not disputing the numbers here, the percentage increases. The dispute is between the committee's position that these levels of increases are needed to perform these tasks.

Mr. COUGHLIN. Mr. Chairman, if I may reclaim my time, there was a need for these funds. That is why the committee, on a unanimous basis, adopted these figures. The committee felt that these were needed in the interest of a good transportation system, a safe transportation system, and a transportation system important to all of the people of our country.

□ 1420

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I first want to compliment the chairman of the subcommittee and the ranking member on the splendid job they have done on the aviation portion of the funds included in this appropriation bill. They have kept faith with the authorizing committee and with the agreement that we struck last year on spending levels and investment in the future of aviation, and I greatly appreciate the work the committee has done. They have been very astute and very responsive to the needs of aviation now and in the future.

I rise in opposition to the amendment of the gentleman from Minnesota [Mr. PENNY]. I do think it was inappropriate and unnecessary for the gentleman from Pennsylvania [Mr. WALKER] to raise the point that he did about the gentleman from North Dakota [Mr. DORGAN]. I did not think that contributed beneficially to the debate. There are other reasons; there are substantive reasons to oppose the amendment of the gentleman from Minnesota.

First of all, the Secretary of Transportation has undertaken enormous responsibilities at the direction of Congress in legislation enacted last year in the Aviation Security Act of 1990. They are far reaching, they are of vital importance to Americans who travel abroad by air, and the Secretary has undertaken the responsibilities we have given him in that law with great seriousness of purpose and great dispatch. We in fact today in the Aviation Subcommittee have been holding a hearing since 8 o'clock this morning on the way in which that act is being implemented, and I must say that the Secretary, the Department, the FAA have carried out their far reaching responsibilities with commendable concern and professionalism. And also, if one looks at that act, the number of rulemakings required is very considerable and requires an enormous amount of staff time at the secretarial level as well as at the level of the FAA.

Second, aviation trade has been a matter of very great significance, responsibility for which is vested in the Office of the Secretary. We have had a number of negotiations on aviation bilaterals which are of very serious economic consequence and have required the active participation from the Office of the Secretary which has unique responsibilities under the law for management of our vast and very complex multibillion dollar aviation trade sector.

Third, in the legislation soon to reach the floor, the Surface Transportation Assistance Act, there will be new responsibilities which the Secretary is anticipating in the area of intermodalism. The Committee on Public Works and Transportation will be asking the Secretary to undertake a great deal of coordination among several modes of transportation for the benefit and efficiency of the total U.S. transportation system. That will require additional work in the Office of the Secretary, for which the funding will be needed.

With respect to the matter of the Secretary flying, it was mentioned that there have been flying lessons for the Secretary. In fairness and in accuracy, I must point out that these were flight checks, not training lessons. The Secretary of Transportation is a licensed pilot and frequently pilots FAA or DOT aircraft to various meetings that the Secretary, on official business, undertakes throughout the country. Periodically he, like any other pilot, must undergo a flight check. Those flight checks were conducted in the course of piloting an official aircraft on the way to official business. There should be no misunderstanding or misrepresentation of that responsibility of the Secretary.

While we may question whether there is an appropriate staffing level or appropriate funding level for various activities, it is important to point out that there has been no staff growth in the Secretary's budget, but a very significant increase in staffing responsibilities. I think the level of funding is appropriate, and I oppose the effort to reduce that level of funding.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment this afternoon.

First of all, I am from Illinois. Not only am I from Illinois, I am also from the city of Chicago, and so is the Secretary of Transportation. He is an individual whom I have known for a number of years. We have not always seen eye to eye on projects, or programs, or policies, but I have always been very much impressed with him in regards to how involved he is in everything that he undertakes.

I personally believe that he is the most hard-working, most dedicated, most supportive, most cooperative, most visionary member of the George Bush Cabinet. In fact, I have often said to him the only thing that stands between him being the greatest Secretary of Transportation in the history of the United States of America is the fact that he is not serving under a liberal Democratic President. Perhaps in the future we can change that around.

This amendment to me seems to be directly aimed at Sam Skinner and his immediate office in the Department of Transportation, and everything that I have said about him I believe to be true. That is why I strongly oppose this amendment.

I have worked with him, members on the Public Works and Transportation Committee have worked with him, members on the Merchant Marine and Fisheries Committee have worked with him, and I think they would all feel, I believe they all feel the same way about him. This is a man who is always personally involved in what he is doing. His staff is always very cooperative. His staff always responds to requests by Members of the House, and I just really feel personally hurt by an amendment of this nature when it goes after an individual who I think so very highly of. And I would like to have the Members of the House who know Sam Skinner, know the operation of the Department of Transportation, to come down and express themselves to the rest of the Members of the House, and I would like to see them strongly oppose this amendment the same way I am opposing it.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that is before us today. While it looks reasonable at first blush since it would limit growth to 9 percent in this category, let me suggest to Members that it is unfortunately an unreasonable limitation.

First I want to commend the gentleman from Florida [Mr. LEHMAN] and his ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] for I think a fine effort here and an excellent piece of legislation. I suggest that the work of the committee is in fact a good piece of work that we ought to endorse here on the floor.

For those Members who may not be aware of it, the U.S. Coast Guard, the committee of authorization for it which I chair on the Merchant Marine and Fisheries Committee, is within the Department of Transportation, and so I am particularly interested in this Department, and in ensuring that the Department has adequate funds to carry out its responsibilities.

☐ 1430

Unlike many of our departments of government which may have large equipment purchase budgets, large procurement budgets in which it can defer some purchases, some acquisitions in order to cover needed salary increases that this Congress has already approved for Members and offices within the executive branches of government, Sam Skinner's Department of Transportation does not have such a large equipment procurement budget. On the contrary, Mr. Skinner, who I think is doing an extraordinary job in his Cabinet position for this country, operates a budget that is extremely short of those kinds of procurement items that might otherwise be deferred.

He is, nevertheless, required, as are other executive agencies, to maintain salary levels for his department personnel commensurate with other salary levels in other Cabinet-level assignments.

When you look at his budget, you find that about half of the increase is, in fact, to cover those pay raises, and the other half is to make up for some areas of shortfall with some areas that are vitally important to the administration of the transportation function in America. For example, the Committee on Appropriations depends on the Office of Budget and Programs in the Transportation Department for sound budget estimates and technical assistance. Not to fund that office would be a mistake in terms of managing this function of our Government for years to come.

The bill provides, for example, a 13-percent increase in the administration. That is primarily to fund the completion of the departmental accounting system which has begun work on other financial management systems needed to ensure the integrity of the Department's programs. In other words, it may be penny wise to cut that function, but it may be, indeed, pound foolish because of savings in financial integrity that are going to be realized in years to come.

For example, the Deputy Secretary's increase is for travel and staff support desperately needed if the Secretary is going to do an effective job of maintaining accountability in the operation of his department across this country.

When it comes to Office of Commercial Space, for example, that office was cut 20 percent in the last budget, so the increase here is simply to make up cuts we made in the past.

So while I suggest to you that a 9-percent reduction, limitation of growth, rather, may sound reasonable, when you look at it in terms of what it does in these various functions, it may be unwise for us to make those kinds of reductions in growth that are necessary in this Department.

Let me say, again, the Department of Transportation is a vitally important function of our Government, not only airlines and trains, but the extraordinary work the Department does in maintenance of the waterways of the country and support for the Coast Guard and its necessary functions in traffic safety on the waterways and in maintenance of some sort of protection against oil spills and what have you. Maintaining a sound and competent Department of Transportation is critical to all of these functions, and I would urge you, while, again, this amendment looks reasonable, look beyond it and see what impact it will have upon the extraordinary operations of this Department.

I would urge you to stay with the committee bill and to reject this amendment as, although well intended, I think unwise in its applications and to consider that, by approving the bill as the committee recommended it, there are savings down the line in financial efficiencies and budget accountabilities that are going to come to us in this Department as well as other Departments.

I would urge rejection of this amendment and for the committee to stay with the committee print.

Ms. SLAUGHTER of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I listened carefully to the several speakers who objected to the amendment on the basis that we were reducing the ability of the Secretary to perform his job. I listened to a long list of functions that fall under the jurisdiction of the Department of Transportation, and the argument that we somehow needed huge increases in the administrative budget of the Secretary and his Assistant Secretaries in order to carry out those functions.

Yet, it is surprising to me that we would need increases in the area of 18 percent or 25 percent or 33 percent in the executive office of this Department when the overall functions of the Department are only being increased by 9 percent.

It is also interesting to me that we would stand here on the floor of the House and argue in support of huge increases in the administrative accounts at this Department when the size of this Department's budget and the breadth of its responsibilities, frankly, do not compare with the budgets and the responsibilities of the departments like the Department of Health and Human Services and, yet, the increase for the administrative account in that department only runs to 10 percent.

Before we get carried away with rhetoric about how we are going to crimp and restrict the ability of the Secretary of Transportation to perform the duties of his office, let us keep in mind that we have already dealt with a number of appropriations bills on this floor. In no instance have we approved administrative budget increases in the neighborhood of 15, 20, or 30 percent for those other departments and agencies. All of them ranged somewhere between 7 percent and 10 percent.

Personally, I even think in a time of huge budget deficits that those increases are tough to justify, but all we are asking in this amendment is to scale back the size of these administrative budgets to a 9-percent increase, very generous, very generous in these tight budget times.

This Department, really, I do not think, can make the case that its functions and its programs are more pertinent and important to the American public than the functions and programs in the Department of Education or the Department of Health and Human Services or the Executive Office of the President where increases are far smaller than those being slated for the Department Secretary. The increase of 9 percent is more than sufficient.

Our amendment allows for that 9-percent increase. It simply eliminates what we felt were excessive increases.

I would urge strongly that my colleagues give this amendment serious consideration and give it a vote of support.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PENNY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 219]

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1450

The CHAIRMAN. Four hundred and fifteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missesota [Mr. PENNY] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind Members this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 339, not voting 10, as follows:

[Roll No. 220]

AYES—84

Andrews (NJ)
Andrews (TX)
Archer
Armey
Bennett
Boehner
Broomfield
Bryant
Byron
Camp
Carper
Chandler
Condit
Cooper
Crane
Dannemeyer
Dorgan (ND)
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
English
Fawell
Feighan
Fields
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hefley
Herger
Holloway
Huckaby
Hughes
Hutto
Jacobs
Kasich
Klug
Kolbe
LaRocco
Luken
McCandless
McCurdy
Meyers
Miller (WA)
Moody
Panetta
Parker
Patterson
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Porter
Ramstad
Ray
Riggs
Roemer
Sanders
Schiff
Schumer
Sensenbrenner
Skelton
Slattery
Snowe
Spence
Staggers
Stallings
Stearns
Stenholm
Stump
Swett
Synar
Taylor (MS)
Thomas (WY)
Upton
Volkmer
Waters
Williams
Zimmer

NOES—339

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)

Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Edwards (CA)
Emerson
Engel
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hunter
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spratt
Stark
Studds
Sundquist
Swift
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—10

Flake
Hopkins
Kolter
Lagomarsino
Neal (NC)
Sarpalius
Sharp
Stokes
Weiss
Yatron

□ 1505

Mrs. ROUKEMA and Mrs. BENTLEY changed their vote from "aye" to "no."

Mr. HANCOCK changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $550,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $6,904,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $8,733,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,726,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,320,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $30,262,000, of which $6,323,000 shall remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,546,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $965,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $590,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,462,000.

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, $1,545,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $3,527,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $3,100,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,245,000, of which $1,400,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services.

□ 1510

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 5, line 1, strike out "$4,245,000" and insert in lieu thereof "$3,691,000".

Mr. PENNY. Mr. Chairman, the amendment, as presented, would have reduced from 25 percent to 9 percent the level of increase in this administrative budget. The amendment was prepared to parallel the amendments offered previously en bloc, which also would have limited administrative budget increases to no more than 9 percent in next year's budget for the Department of Transportation.

Mr. Chairman, given the outcome of the previous vote, I am, frankly, tempted to offer to increase this particular budget by 9 percent since that seems to be the mood of the House today, but, rather than eat up the time of the House or my own personal time, which could be used better, I will withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the opportunity to speak for a few moments with the distinguished chairman of the subcommittee, and the distinguished ranking minority members of the subcommittee and the Government Operations Committee, about this very important topic: The implementation of the Chief Financial Officers Act of 1990 in the Department of Transportation.

As my colleagues recall, on June 18, the House voted overwhelmingly, 341 to 52, to remove language from the Treasury-Postal Service appropriations bill that would have prohibited the expenditure of funds to implement the provisions of the Chief Financial Officers Act of 1990. In that vote of June 18 Congress spoke resoundingly that it wanted the Chief Financial Officers Act to be implemented, not only in the departments and agencies covered by that bill but in all the 23 departments and agencies covered by the act. No appropriations bills passed since that vote have included the prohibitory language.

In light of these events, the Committee on Government Operations is distressed by the language in the Transportation Appropriation Subcommittee's report that recommended that no Department of Transportation funds be spent to implement the CFO's Act. A large bipartisan group of legislators, in fact, have expressed their concern about this language and was even considering offering an amendment today to explicitly state that funds could be used for CFO Act implementation, but because of the assurances of subcommittee Chairman LEHMAN today by telephone that it is not his or the committee's intention, either in the text or report language, to in any way restrict the CFO Act implementation and we will not offer this amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York [Mr. HORTON], the cosponsor of the Chief Financial Officers Act and the ranking member of the Committee on Government Operations.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and I would like to join with the chairman in his colloquy with the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. COUGHLIN], and then also with the chairman of the subcommittee, the gentleman from Florida [Mr. LEHMAN], two very good friends who, I understand, agree with what we are trying to do here.

Mr. Chairman, the Department of Transportation will benefit greatly from the implementation of the Chief Financial Officers Act. In an agency like DOT, with its strong operating components, the existence of a departmentwide CFO structure is critical to successful accomplishment of financial management improvements. And DOT acknowledges that it needs such improvements—the GAO, Congress, and OMB have identified several areas within DOT in need of financial management reform, such as the FAA's management information system and DOT procurement activities, and the DOT has already worked out the organizational plan of its CFO structure. We want DOT to act with the knowledge that Congress supports its efforts to implement the CFO's Act.

I understand the subcommittee's concern about resources within the DOT's Inspector General Office—I have always strongly supported IG activity, as an author of the 1978 IG Act. Indeed, the IG will have a primary role in the implementation of the CFO Act. I understand the subcommittee's report language to be mostly addressed to the concern that the inspector general in DOT not be swamped with unnecessary work, regardless of the source. However, as I believe Congress recognized in its recent vote, the CFO Act has some specific requirements that are designed to bring about needed change in financial management.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York [Mr. HORTON], my colleague, and I would like to turn to our distinguished chairman of this subcommittee and ask the gentleman from Florida [Mr. LEHMAN] if it is his understanding, particularly in light of the recent 341 to 52 vote on CFO Act implementation in the Treasury and OMB, that nothing in this bill or its accompanying report is in any way intended to restrict the CFO Act implementation?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and, yes, the gentleman is correct.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and I also thank the gentleman from Florida [Mr. LEHMAN] for his statement.

Mr. Chairman, I would like to address my inquiry to the gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member of the subcommittee.

Mr. Chairman, the gentleman from Pennsylvania [Mr. COUGHLIN] is a longstanding supporter of the CFO's Act. As you know, this bill's appropriations for the Office of Inspector General in DOT will allow especially for implementation of the CFO Act's requirements of audited financial statements, which will produce usable management information for the Agency, OMB, Congress, and the public. That act will, however, create the catalyst for all kinds of needed reforms. What are some of the things that you hope the act would accomplish within the Department of Transportation, if implemented as planned?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 2 additional minutes.)

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding.

As was indicated in the general debate, an agency such as DOT, with strong operating components, needs a single individual, the CFO, to be accountable for departmentwide financial management. DOT has an ambitious plan to integrate 80 divergent administrative and program financial systems into a single, integrated system. For example, as you pointed out, Mr. HORTON, the FAA lacks the kind of management information system which can track monthly obligations and expenditures. DOT financial and administrative systems constitute a high risk area, in the opinion of OMB. The act, if implemented, will not lessen the nonfinancial audit activity of the DOT inspector general—it will just allow for newer, deeper improvement in the financial management health of the Department. Like all the 23 departments and agencies covered by the CFO Act, DOT will benefit greatly from the CFO Act.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York [Mr. HORTON], the gentleman from Florida [Mr. LEHMAN], and the gentleman from Pennsylvania [Mr. COUGHLIN], my friends.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $85,509,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $38,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $38,600,000 for the Payments to Air Carriers program in fiscal year 1992: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991 or to increase the service levels to communities receiving service.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $111,970,000: *Provided*, That of this amount, $16,225,000 shall be derived from the Highway Trust Fund, $29,887,000 shall be derived from the Airport and Airway Trust Fund, $481,000 shall be derived from the Pipeline Safety Fund, and $16,000 shall be derived from the Harbor Maintenance Trust Fund.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,483,800,000, of which $30,379,000 shall be derived from the Oil Spill Liability Trust Fund and $35,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $365,031,000, of which $26,377,000 shall be derived from the Oil Spill Liability Trust Fund; of which $132,700,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1996; $86,950,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1994; $50,331,000 shall be available for other equipment, to remain available until September 30, 1994; $62,550,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1994; and $32,500,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1992: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage: *Provided further*, That none of the funds provided herein for Acquisition, Construction and Improvements shall be made available for personnel compensation and benefits in excess of six hundred and twenty-one full time equivalent staff years: *Provided further*, That of the thirty-five new staff years provided in this appropriation, at least twenty-five shall be filled by civilian personnel.

□ 1520

Mr. KOPETSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thank you for taking the time to engage in this brief colloquy. I rise to draw attention to a problem that all Members have faced or may face some day if Amtrak services their districts. The problem is Amtrak's method of human waste disposal. In my district, on Wednesday, July 17, a northbound Amtrak train discharged a substantial amount of human waste, toilet paper and all, along the railroad tracks in downtown Oregon City, OR. Within hours, the stench was so bad that city crews were called to the scene to address the mess left behind. The press refers to this particular train as the pooh-pooh choo-choo.

Mr. Chairman, Amtrak provides valuable services to my district. However, this is not one of them. The residents of Oregon City deserve better treatment—Amtrak does not even stop in Oregon City. Equally offensive as the mess left by the Amtrak train is the fact that the residents of Oregon City were forced to pay for the cleanup.

In Oregon there are miles and miles of train tracks isolated from populated areas, downtown business centers, and rural agriculture. Clearly, with a little advanced planning, Amtrak could develop a kinder, gentler method of waste disposal.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. KOPETSKI. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I sympathize with the gentleman from Oregon and his constituents. Amtrak has come under increased scrutiny for its waste-disposal practices in the past several years. Amtrak has begun an aggressive research and development program and is currently testing six different systems for waste disposal on transcontinental train travel. The Congress has appropriated funds for this program. Unfortunately, it will be several years before the testing process is complete and changes can be enacted.

Mr. KOPETSKI. Mr. Chairman, I would like to conclude my remarks by urging Amtrak to adopt a policy to avoid, voluntarily, the dumping of human waste within incorporated areas. As you know, I was so upset over this incident that I was prepared to offer an amendment on behalf of my constituents to prohibit, immediately, the practice of discharging human waste in urbanized areas. I understand that Amtrak has apologized to the citizens of Oregon City and I also recognize the fine work of the chairman and the members of his subcommittee in going forward with retrofitting Amtrak cars. Nonetheless, I will be vigilant of Amtrak's waste-disposal practice over the next year and will bring this issue before the committee next year if necessary.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will continue to yield, I agree with the gentleman and join you in asking Amtrak to adopt a voluntary policy of avoiding the disposal of waste within incorporated areas.

Mr. KOPETSKI. Mr. Chairman, I thank the subcommittee Chair and the chairman for their leadership and cooperation on this issue.

Mr. Chairman, I insert two articles on this incident for the RECORD.

CHOO CHOO POOH-POOHS ON O.C.

(By Andrew Oman)

OREGON CITY.—Amtrak doesn't drop off passengers in Oregon City, but it does drop off something else.

As it passed through Oregon City about 3 p.m. Wednesday, a north-bound Amtrak passenger train voided a toilet that discharged waste along the Southern Pacific railroad tracks near 10th Street downtown.

Within an hour, an Oregon City Public Works crew was on the scene picking up solids with a shovel and spraying the area with water.

"It is a common occurrence right now," explained Howard Robertson of the corporation's Washington, D.C. public affairs office. "It happens all across the nation."

Most Amtrak train coaches have one of two types of toilets, Robertson said. Some toilets dump the waste out of the car with each flush. Others save up the waste for 25 flushes and then dump it all at once.

"We try to instruct our passengers not to flush in the station," he said. However, he said, there is no such rule to stop flushing in urban areas.

Congress recently ordered the carrier to equip all of its passenger coaches with storage tanks—by 1996.

Robertson said the requirement was enacted after fishermen in Florida and Burlington Northern workers in Washington and Oregon complained of getting splashed by the toilets. The additionals are being made as the coaches are taken off-line for service.

"It just costs too much to bring all the cars in and fix it," he said. Until 1996, he said, some number of cars will continue to dump as they roll.

"It doesn't create a health hazard—it's not that much at one time," Robertson said.

A state Department of Environmental Quality official contacted for comment Wednesday did not respond by presstime Thursday afternoon.

AMTRAK PROVIDES "CRAPPY" SERVICE

Oregon City offers a variety of things to people who inhabit our fair city. To many of us, it is a place to live and work. For others, it's a place to learn more about the Oregon Territory's heritage.

Apparently Amtrak holds Oregon City in slighty lesser esteem. It considers us a good place to use as a toilet. And not a modern toilet at that, but more like the outhouse variety.

A member of the Enterprise Courier's editorial staff was walking on the tracks Wednesday. The tracks, owned by Southern Pacific Rail Co., run through downtown and just behind the Courier office.

An Amtrak train breezed through about 3 p.m. Our staff member stepped away from the track about 50 feet before the train went by. It was the best decision he made all week.

When he returned to the tracks, the ties were soaking wet and there was soiled toilet paper along the lines. The stench of human feces the train left behind added to the effect.

We realize Oregon City's image regionwide could use some improvement. But this community has never been described as a toilet. And we don't have to take Amtrak's ----. What can we do?

Legally, there appears to be little remedy. It's Southern Pacific's property, and they can defecate on it if they want.

But we could:

Boycott Amtrak. We're not sure how effective that would be and besides, we hate to snub our noses (pun intended) at any kind of mass transit when our highways are filled to capacity as it is.

Buy lots of tickets to Amtrak and defecate in their aisles. We could say "hey, you dump where we work." Amtrak might actually enjoy the increased ridership though. And we wouldn't want to sink to Amtrak's level.

Wait along the side of the rail lines and throw feces at the Amtrak trains as they pass by. Perhaps we're a bit too dignified for that.

Put pressure on our congressional representatives, like 5th District Congressman Mike Kopetski, to reduce Amtrak funding until it can clean up its act. Maybe convince lawmakers to cut personnel salaries and funnel the money into deodorized holding tanks that are big enough to stay closed until the train reaches a station. If all that fails, the federal government runs Amtrak and could make it clear to train operators that dumping their toilets on our cities simply won't be tolerated.

Apparently, there isn't even a company policy in place that prohibits dumping of train passenger sewage within city limits. Amtrak officials are kind enough to ask passengers not to use train toilets while at the station. That's big of them. Apparently they see some value in spreading sewage at 40 miles per hour rather than dumping it when the train is stopped.

Show a little class Amtrak. Oregon City deserves better.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14 United States Code, $21,500,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $11,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $487,700,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $77,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $27,800,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,342,000,000, of which $2,109,625,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That none of these funds shall be available for new applicants for the second career training program: *Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,469,500,000, of which $682,523,000 shall be available for engineering development and related activities, to remain available until September 30, 1993; $1,135,429,000 shall be available for the procurement and modernization of air traffic control facilities and equipment and related activities, to remain available until September 30, 1994; $146,880,000 shall be available for the procurement and modernization of facilities and equipment not directly related to air traffic control, to remain available until September 30, 1994; $476,768,000 shall be available for facilities and equipment mission support activities, to remain available until September 30, 1994; and $27,900,000 shall be available for development, test and evaluation activities, to remain available until September 30, 1993: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That with appropriations made for the Airway Science program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 50 percent: *Provided further*, That the $35,000,000 provided under this head for the precision runway monitor program shall be available only for the procurement of not less than five commissionable systems of the electronic scan (E-scan) design: *Provided further*, That for each seven-day period following March 31, 1992, that the E-scan precision runway monitor production contract is not signed, the funds made available for facilities and equipment-related personnel compensation and benefits shall be reduced by 1 per centum.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $218,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $1,520,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,900,000,000 in fiscal year 1992 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed $156,564,400 shall be available for letters of intent issued prior to July 31, 1991.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of $9,970,000 during fiscal year 1992. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. For the settlement of promissory notes issued to the Secretary of the Treasury, $1,200,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $326,400,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $114,200,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act of 1964, as amended, $5,000,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account).

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $350,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1992 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $13,270,000, of which $8,846,667 shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $16,200,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1992.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $15,100,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS AND LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

During fiscal year 1992 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $70,000,000. For payment of obligations incurred in carrying out the provisions of section 107 of title 23, United States Code, $40,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $48,417,000, of which $3,579,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424 $62,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 for "Motor Carrier Safety Grants".

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, $22,000,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $10,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, $22,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, $18,700,000, to remain available until expended.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, $9,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

AMENDMENTS OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendments offered by Mr. FAWELL:

Page 22, strike lines 8 through 17.

Page 23, strike line 9 and all that follows through line 5 on page 27.

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Does the gentleman also request unanimous consent that his amendments be considered en bloc?

Mr. FAWELL. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, this amendment is a relatively simple one. It deletes 63 special highway demonstration projects from the appropriation bill, which would amount to a deletion in dollars and cents of $243.3 million.

I would like to point out that the money in support of these special projects comes from the general fund and not from the transportation trust fund, and very important is the fact that there has been no authorization from any substantive committee, now or in the future, as a practical matter, inasmuch as authorizations on projects such as this only come every 4 years when the authorization bill is presented.

Thus, there has been no competitively awarded project here, as well as no authorization and no substantive committee analysis.

I think it is important to point out that many of the States, if not all of the State highway entities, take the same view as Francis B. Francois, who is referred to in a recent edition of the Congressional Quarterly. And I quote, "It," and he refers to these demonstration projects, "has become an art form, most of the projects demonstrating nothing more than the Congressman's ability to get money for his district."

□ 1530

In the pros and cons portion of that article, it says:

> As much as State and Federal officials want a highway bill, they are continually frustrated by demonstration projects which allow lawmakers to push a project to the head of the priority list and distort the formulas that Congress uses to fairly distribute highway funding.

It further says, "The selection of projects should be decided by State highway officials," quoting C.D. McGrath, Jr., acting general counsel to the Federal Transportation Department.

Mr. Chairman, I know that this represents a change in the way of doing business, so to speak, and I do not say that lightly. But I do believe that the formula for allocating transportation funds is one in which all of the various States will share, as well as can be equitably set forth. If the formula is not doing that, it certainly should be changed.

I think when we talk about special projects, we should just look at that word "special." It is special in terms of certain of our Members having a greater ability or proclivity to be able to obtain these kinds of special grants. But today, as we look and see the problems we have before us, we realize that we have not balanced a budget for 22 years in a row; that we have a $3.2 trillion national debt; that we spend $500 billion per year just to pay interest on that national debt; and that even after all of the work that was done in regard to the deficit reduction act, which many of us felt was far from perfect, we are still going to see $.5 trillion of new debt per year for the next 3 years, which are the years that count under that deficit reduction law. That is taking into consideration all of the borrowing from the trust funds, which, of course, are added on to the debt of this Nation, though it does not show up as part of the deficit, due to peculiar accounting. We all know that we have in 1991 and 1992 the largest deficits we have ever had.

Well, under those circumstances, and especially as we ask for increases in the gas tax next year, it would seem to me that we could suggest to the people of this Nation to forgo these special projects, which have never had substantive hearings and analysis by the substantive committee. It does not have to be "business as usual." We must recognize we have got a very deep indebtedness problem, that with the best of minds in this Congress, we cannot seem to do anything about.

Mr. Chairman, this is my 7th year. Each year I have wondered when are we ever going to be able to get control? So this is just a very feeble gesture, but an important one.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are basically several categories of highway demonstration projects in this bill:

First, some of the projects are authorized and have been funded in previous years. The total for these projects amounts to $33 million. The gentleman's amendment would not affect these projects.

Second, most of the others are continuations of projects started in previous years—worth $182 million.

Third, the remaining projects involve feasibility studies, preliminary engineering, environmental studies, right-of-way acquisition, and construction of a number of projects that would be started this year—worth $92 million.

Seventy percent of these funds are to continue ongoing demonstration projects. With regard to these continuations, I think most Members would agree that once Congress gives its approval to start a project, it should not turn around the next year and stop it in its tracks unless there are good, sound environmental, or engineering, or cost reasons to do so. No such arguments are being made here.

The new projects represent less than $100 million, which is less than 1 percent of the total recommended highway funding. We have received testimony or correspondence from the Members whose area are affected by these projects. I am sure thay can all discuss the benefits of each of these projects. I believe they are all justified on the basis of safety or economic development. It is easy for a Member to criticize a project in someone else's district as being unjustified. There is no reason why Members should not decide on the allocation of 1 or 2 percent of our Federal highway spending.

Mr. Chairman, we have developed a balanced bill. It is within our 602(b) allocation. These projects have been included within our overall budget allocation—they are not budget busters. The projects are important to the Members and their districts.

I urge defeat of the amendment.

Mr. GAYDOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. The maker of the amendment in so many words says that the demonstration projects listed in the bill are unimportant, spurious, and should be eliminated.

Let me tell the gentleman a little about the project which exists in my district. It is known as the Mon Valley Expressway, which is a new limited access highway stretching from Pittsburgh to U.S. Route 48 near Morgantown, WV.

State, regional, and local authorities have identified the Mon Valley Expressway as the single most important undertaking in the area.

The gentleman from Illinois [Mr. FAWELL] also suggested in explaining his amendment that a lot of these demonstration projects should be designated by State and highway officials. I submit to the gentleman that this project specifically has been so designated. The State of Pennsylvania has shown its commitment to this project with an allocation of State and Turnpike Commission resources. Total costs of the project, however, are beyond the Commonwealth's grasp at this time. The requested Federal support will be part of a total cost shared by the Commonwealth of Pennsylvania and the Pennsylvania Turnpike Commission.

Mr. Chairman, I want my friend to know that the area that this proposed road and turnpike will traverse is an area that has served this Nation from time immemorial. We lost 35,000 to 40,000 steel workers in the last 8 years. They in turn generated over the last 50 years billions of dollars of revenue.

In my district, this particular project is a very scarce and small project compared to what has been going on throughout the Nation. This region needs this highway and it needs it desperately. West Virginia is an integral part of this highway connection.

Mr. Chairman, again I want to emphasize that, contrary to what the maker of the amendment suggests, this has received State consideration and State commitment. I ask that this amendment be defeated.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to my friend, the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I certainly do not want to imply that the particular project to which the gentleman referred, or any of the particular projects, do or do not have merit. I know that in a number of States the States feel a bit frustrated, and feel once a project comes to them, they certainly are going to try to find the money to meet it.

Mr. Chairman, I am sure if the gentleman has said so, that this is a project that the State would like to have. But my point is, if we do not have authorizations and an analysis by the authorizing and substantive committee on these special projects, we never know, and we never will know, if they could withstand the light of day. I think perhaps that of the gentleman from Pennsylvania [Mr. GAYDOS] could, from what the gentleman has said about it. I think all of us in every district throughout this Nation could think of very important projects which for some reason do not hit the priority list of the States when they take money by formula. And the taking of money, of course, distorts the formula, and that is my argument. But it is not meant to pass judgment or be righteous about the merits of any particular project.

☐ 1540

Mr. GAYDOS. These are somewhat exceptional circumstances and do not follow the usual course of events where we have an authorization and a point of order would lie. These are special projects that are proven by their own very nature to be needed, and that was one of the reasons and the purposes of asking for the aid, and we were very grateful in our district in receiving the aid.

I think the gentleman does a grave disservice to me and other Members with meritorious projects by taking the position he takes on the floor of the House at this time.

Mr. FAWELL. Will the gentleman yield further?

Mr. GAYDOS. Yes, I yield to the gentleman from Illinois.

Mr. FAWELL. I would say that the authorization bill will be coming up next week, and I do not think all of the projects have necessarily been filled in, according to the DOT. There are a lot of blanks in there, and it could well be that the gentleman's project would fit, and that is in an authorization bill that would be before us at that point.

I certainly would not have as strong objections, if a project has an authorization, if a hearing has been held, if it had to compete against others in that priority list and things of that sort—although I much prefer to have it funded under the formula. The gentleman would then have an authorization, and I do not think there would be any problem.

But when they waive, as the Rules Committee does, authorization, then there will be no authorization because they only come every 4 years from the authorizing committee.

Mr. GAYDOS. I want to thank my friend for speaking so kindly and nicely about my project, I really do. So I hope he does not mind if I do not support his amendment.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague from the State of Illinois.

The gentleman from the State of Illinois has made an impassioned speech on the state of our Nation's deficit. We all share his concern about that deficit. In fact, some of us share it to the point where we joined with President Bush last year in a deficit reduction package, a bipartisan package offered by Democratic and Republican leaders in the House and the Senate, agreed to by the President, which puts this body and the Federal Government on a diet for several years, reducing the deficit by some $500 billion.

The net impact of that agreement affects directly the appropriation bills which we consider on the floor of the House. When the House Appropriations Committee receives its allocations from the Budget Committee as to the amount that can be spent under the budget summit agreement, it will allocate those sums that are allowed under that same agreement to the subcommittees. I serve on the Transportation Subcommittee. We have accepted the guidelines, the instruction of the full House Appropriations Committee, the Budget Committee and the budget summit agreement. The amount of money that is being spent by all of the appropriation committees this year reflects President Bush's agreed-to plan for reducing the Federal deficit.

So for the gentleman to come and suggest that we are not doing our duty I think, frankly, does not tell the whole story. Can we do more? Of course we can. But the fact is we are living up to the terms of that agreement with the allocation that we are using in this subcommittee for the projects that are being funded.

The second point raised by the gentleman suggests that the projects, the so-called special projects, by his nomenclature, have not received thorough review. I would say to the gentleman that each and every project involved here is at least part of some State's highway or transit plan and may even have, as the gentleman from Pennsylvania alluded to before, the support of regional and municipal sources that believe these are worthy projects.

The question the gentleman raises is why did we not go through the authorization bill. The gentleman is fully aware of the fact that the authorization bill has not come to the floor of the House. We are trying to move the appropriation bills in an appropriate manner so that they can be on the President's desk before the beginning of the fiscal year. So we have moved this appropriation bill and we have included in it projects not specifically authorized by the Committee on Public Works and Transportation.

But let me tell the gentleman, these are projects that have been heard by our subcommittee. We sat many hours listening to public witnesses from both sides of the aisle, and the projects affected by the gentleman are from every corner of the United States, Republican, Democratic districts alike. There is no favoritism here. We are trying to help with those projects which are timely, those projects where Members like the gentleman from Pennsylvania come to us and say there is a pressing need for an expenditure at this moment, and we are hoping that these projects can be included as part of the appropriation bill, realizing full well that whatever we put in this bill must be consistent with the budget summit deficit agreement President Bush brought forward for the Members of Congress to live by.

So I would say to the gentleman that the projects in this bill are in fact worthy projects, that they have followed the orderly process, that we have tried to serve the needs of projects which are timely and need our decision quickly. They have in every instance been approved by the State highway departments and other local or regional organs of government that have come forward in support of these projects.

I would say to the gentleman that I believe that we all share his concern about the deficit. The fact is though that this appropriation bill is consistent with our goal of reducing the deficit in an agreement which we have had with President Bush, and I hope the gentleman will reconsider his amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, is there not a troublesome little rule of the House that suggests we authorize, ought to authorize before we appropriate? And the gentleman I think regularly votes for that rule. None of us on our side that I know have voted for that rules package ever, at least in my tenure in the Congress.

The gentleman, it seems to me, does have a legitimate point when he suggests we ought not be appropriating that which has not been authorized.

Mr. DURBIN. If I can reclaim my time, neither highway or transit programs have been authorized. That is the purpose of the bill we are going to be considering later this week. We are trying to move forward with the transportation needs. We cannot always wait for what has been the historic process. Members of the Public Works and Transportation Committee are on the floor today, and I think they understand it, and I think the gentleman from Pennsylvania understands it.

What we are doing is not underhanded. It is aboveboard. It is printed in the RECORD. It is public information. What we are trying to do is fund projects which need money now. If we are going to sit and wait then we are going to cost people money and we are going to cost lives. Many of these projects represent important safety concerns for Members in their districts, and I think we ought to be responsive. We ought not to sit and wait perhaps for public works action later in the year which could jeopardize important projects which Members all across the Nation have come forward and asked for help on.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(On request of Mr. FAWELL and by unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I have paid attention to whether or not any of these projects which are in the appropriation bill are going to be in the authorizing bill. If I thought that they were, I would not have raised them. They are coming up next week, and certainly they can go back into it in conference, if that is the case. I am assured, however, that that is not the case.

Mr. DURBIN. I can tell the gentleman he is mistaken at least as to one project I am familiar with, and it is very difficult for the gentlemen to keep track of the authorizing committee. We just learned this week the projects that were included in that bill. I think the gentleman should be cognizant of the fact that the Appropriations Committee has considered these projects. Some of them are ongoing appropriation projects year in and year out. We have worked with the Committee on Public Works and Transportation. We are meeting our responsibility with projects which have been approved by highway departments in each of the States, and other units of government.

Mr. FAWELL. If the gentleman will yield further, I think it is fairly common knowledge that the authorizing committee has determined what will be in their new 4-year authorization. The fact is that we get authorizations out of the authorizing committee only every 4 years, and these bills simply have never had any scrutiny by the States or by the Congress.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(On request of Mr. CARR and by unanimous consent, Mr. DURBIN was allowed to proceed for 2 additional minutes.)

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Chairman, I think what we are getting is basically the old discussion we have had on this House floor for probably decades, and maybe even centuries, and we will have it into the future, and that is whether the authorization committees have inherently better judgment about matters than the Appropriations Committee. I do not think you can make a statement that either has better judgment. The fact of the matter is, I would tell my friend from Illinois, the offeror of the amendment, that a number of the projects that we see in this bill before us today are also included as authorizations in the surface transportation bill which will be coming to the floor in the future. But I dare say that none of those projects have had the kinds of hearings and the kinds of treatments that he is criticizing this committee for having.

Furthermore, I would tell the gentleman from Illinois, the offeror of the amendment, that those projects are good projects too, and the Committee on Public Works and Transportation does a good job of understanding the problems before America on specifics, and in meeting those needs just as this committee does.

I must take some offense by the gentleman from Illinois, the offeror of the amendment, when he said twice in his presentation that somehow or other the Appropriations Committee is not a substantive committee. We are a very substantive committee, and as other gentlemen here on the floor have said, we determine these priorities with a great deal of intellectual bearing, and try to bring as much good judgment in the public interest as we can to these projects.

☐ 1550

But I would tell the gentleman that both the authorizing committee and the Appropriations Committee are legitimate in operating in this area, and one committee is not more legitimate than the other, as the gentleman would seem to imply.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(At the request of Mr. FAWELL and by unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, if the gentleman will yield further, I want to point out that when the authorizing committee does its authorizing in the 4-year authorizations, they have within the law of this land the ability, and they are given the ability, to contractually appropriate. You do not need, believe it or not, an appropriation of a special project that goes through the authorizing committee. So if you are correct that any of these bills which I am referring to is in the authorizing bill, it has an authorization and it has the right to contract under contractual budgeting.

Mr. CARR. If the gentleman will yield further, I understand the gentleman, but now we are really getting to the crux of the matter.

The gentleman is stating that the authorizing committee can, by the device of contracting, actually appropriate money. We do not call it that. We can appropriate money sometimes with the help of the Committee on Rules without the so-called authorizing. Both committees are doing the same thing, and, in fact, the gentleman must concede are doing it in much the same manner.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(At the request of Mr. CARR and by unanimous consent, Mr. DURBIN was allowed to proceed for 2 additional minutes.)

Mr. CARR. If the gentleman will continue to yield, I would be less offended if he said all committees, authorizing committees and appropriating committees, need to perfect their processes so that not one dime of America's money be spent without a full-blown hearing and analysis by all people who are concerned, but the gentleman clearly does not do that. The gentleman is clearly trying to divide the authorizers from the appropriators, and I think in a purely fictitious way that is terribly unfair.

Mr. FAWELL. I certainly am not trying to do that. I am only suggesting that when you have 63 special projects bouncing out of the Committee on Appropriations and you never had any action by the authorizing committee which will be enacting some $4.2 billion worth of authorizing special projects, next week which also will give them, and their exclusive authority under the Department of Transportation to go ahead and spend, which I understand nobody else has, I am just suggesting that we ask that we not pass those kinds of appropriations.

Mr. CARR. Let me ask the gentleman a question: Is he going to be on the floor in the weeks ahead offering the same kind of amendment against the Public Works and Transportation surface transportation bill for the projects that they have?

Mr. FAWELL. In regard to any that do not have an authorization.

Mr. CARR. I think we have made the point. I thank the gentleman.

Mr. DURBIN. Reclaiming my time, Mr. Chairman, let me conclude by saying that this amendment has little to do with the deficit. This amendment has to do with the orderly process of this Chamber.

The gentleman should be advised and should note that there are no members of the Committee on Public Works and Transportation joining him in his amendment. It suggests that perhaps the Committee on Public Works and Transportation is aware of what has been done. They do not consider it offensive. In fact, they consider it consistent with the orderly process, and I would urge those who consider this debate to vote against the amendment offered by my colleague from Illinois.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just love the way we talk about money around this place. You know, we are facing a $350 billion to $400 billion deficit this year, and here are 63 projects that have not been authorized totaling $243.3 million, and yet everybody says there is nothing wrong with that.

Last year we passed the biggest tax increase in American history, and next week we are going to come back under the authorization bill and ask for a 5 cent increase in the gas tax to fund, according to the Washington Post today, $5.7 billion in earmarked transit funds and $6.8 billion in highway demonstration projects. Is there anybody in this place who does not have a demonstration project?

This sign I am going to bring down to the floor quite a bit in the coming months. I do not know if you can see that or not. It is a hog eating the Capitol. It demonstrates what the American people think about what goes on around here.

We are facing a $350 to $400 billion deficit after we were supposed to have solved the problem last year with the largest tax increase in history, and we are going to come back next week and ask for a 5-percent increase in the gas tax.

What do the people of America think about that? I can tell you what I think about it and what I think most of them think about it. We are wasting a hell of a lot of money around here, and we ought to do something about it.

I think the pork, and a lot of these demonstration projects are pork, I think it ought to be cut out of the process. We can no longer go on with business as usual. We are facing a $350 billion to $400 billion deficit this fiscal year, and it is not going to get any better in the foreseeable future.

We have got a $3 trillion national debt, and the interest alone is going to cause us severe problems down the road. We are saddling our children and our grandchildren and every future generation with a terrible liability, because we are not addressing the problem. We are not coming to grips with controlling our appetite for spending.

Sure, everybody has some kind of project they want for their district, but if they are not authorized, if they are not necessary, we should not be doing them.

We have to set priorities around this place, but here we have people coming to the well saying the authorizing committee ought to be able to get what they want, the Committee on Appropriations ought to get what they want, and to heck with what it is costing the American taxpayer.

I say to the Members today that we have got to address the problem of spending. We raised all those taxes last year, and you are talking about raising the gas tax a nickel again this year. When is it going to end? When the people cannot afford to live in this country?

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Let us be very clear. This bill is within our 602(b) allocation. If it were not funding these particular items, it would be funding something else still within the 602(b) allocation. This would not be saving any funds.

These are not causing an increase in spending. You know, this is a representative body. That is what the forefathers designed it to be. I suggest the Members in this body know the priorities in their districts as well as any bureaucrat knows the priorities. For the Members to be able to have those priorities expressed in this bill is entirely appropriate.

These projects have been the subject of hearings. They are entirely appropriate. The amendment should be voted down.

We are within our 602(b) allocation. This is not something that is saving the taxpayers money.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield to the gentleman from Michigan.

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to respond in part to my good friend from Indiana, the immediate last speaker. That was very interesting art work he showed, and as a lover of art, I can look at it and laugh, but I have to say to people who die on our highways, the people who sit in congestion on our highways, the people, the taxpayers, the constituents whom we represent who are costing great sums of money for repair of their automobiles and their worn-out shocks for the inefficient road systems that we have in places in this country, costing them more fuel and more time, should resent the gentleman calling them pigs and hogs. This is not for our benefit.

In fact, I rarely get to drive on some of the highways that we provide for here. This is not even for the gentleman's benefit, because he probably does not drive on many of these highways. These are for the people of America. They are not hogs. They are not pigs. They do not regard it as pork.

Mr. COUGHLIN. Reclaiming my time, let me just say that these are legitimate transportation projects that are in the best interests of the United States of America. I hope the amendment is defeated and that we support the bill.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Fawell amendment.

I will grant to the proponents of the various projects that they are worthwhile projects, that they are desirable projects, that their constituents want those projects. But I think that there are dozens, probably hundreds, maybe even thousands of transportation projects that would fit that description.

The gentleman from Pennsylvania points out correctly that we are operating under a cap here, and what that means, for every dollar that is spent on one of these projects, it is a dollar less that we can spend on a project that has gone through the process which this House and which this Government has prescribed for identifying those projects which are the top priority for the point of view of State government and Federal Government, and that includes us.

I believe that we have to understand that to govern is to choose. The process of choosing projects that are embodied in this bill is a faulty process.

□ 1600

In that, the gentleman from Illinois is correct. That is why we should support this.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Illinois.

Mr. FAWELL. I will try to be very brief. I guess I have not made my intent very clear.

Obviously, the law gives a substantive committee, and usually appropriation committee the right to approve spending. I want to point out that insofar as this particular authorizing committee is concerned, the law, under the Budget Reform Act back in 1974, and I do not know why, not only gave that committee the right to authorize, but it also said the authorization is an implied right to enter into contracts. For what, For special projects. Now, that is the law.

Now, this committee did its authorizing 4 years ago. They did a lot of authorizing of special projects, which I did not come in and object to. What I am saying is that when we have the committee that is supposed to be the expert on the substantive law, and they remain mute here and do nothing, I simply say that the rules of this House are being trivialized to the extent of being kicked around.

In regard to the 302(b) allocation, the 302(b) allocation is going to give everyone a half trillion dollars of new debt. What kind of a defense is that? When are we ever going to recognize that when we are going to blow away $243 million from general fund, not even from the tax that we increased last year? I just think that those points we have to remember. Once in a while we can change our old club rules around here. I think it is time we do that.

(By request of Mr. BURTON and by unanimous consent, Mr. ZIMMER was allowed to proceed for 1 additional minute.)

Mr. ZIMMER. I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I would like to address my colleague from Michigan.

We certainly do not want to see any American dying on the highways, and we are certainly not talking about people in America being hogs. I am talking about people in the Congress who want pork-barrel projects for their district, that have not been seen as a major priority. We have to set priorities on spending around here. That is the problem.

Demonstration projects and that authorization bill we are going to get next week, are 8 times what the demonstration projects were just 7 years ago. Seven years ago we had 8 times less in demonstration projects. The appetite for special projects in our districts around this country is out of control, and along with it, the deficit.

That is what I am talking about. Not the people of this country, but setting priorities on spending, No. 1; and making sure we get control of this deficit which is going to kill the economy.

(By request of Mr. CARR and by unanimous consent Mr. ZIMMER was allowed to proceed for 2 additional minutes.)

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Chariman, I want to respond to my friend, and he is a friend. I did not yield to the gentleman last time because it was not my time. It was the time of the gentleman from Pennsylvania. I hope the gentleman realizes that.

I would say that this committee is a substantive committee, notwithstanding what my good friend from Illinois has tried to imply here. We look at these things carefully. We discuss them, argue them, and make sure they are endorsed as priority projects in the State they come from. I want to assure the gentleman that this is not some circumvention of priorities.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of this amendment.

Mr. Chairman, let me begin my remarks by paying my compliments, in particular, to the chairman, the gentleman from Florida [Mr. LEHMAN]. Certainly this House has no finer gentleman among its Members, certainly a man that we all respect and admire.

The same can be true, in general terms if not as enthusiastic terms, for all the members of the subcommittee. It is a good subcommittee. They do fine work. They do stay within their 302(b) allocations. I would also like to pay compliment to the gentleman from Illinois [Mr. FAWELL].

There is no malice intended here with respect to the gentleman from Illinois [Mr. FAWELL] as opposed to the committee or the members of the committee, nor is there malice on the part of the gentleman from Illinois [Mr. FAWELL] with respect to any Member who has had the good fortune to negotiate successfully with the committee regarding a project in their district. Mr. FAWELL is one of the most thoughtful Members of this body. He is acutely aware of the fact that the people of the United States, as they are being asked year after year after year to pony up more taxes to support an evergrowing government, are concerned about pork barrel politics and pork barrel projects.

Now, if there is any Member here that has been to a townhall meeting and not found themselves recently berated by people in their community whom they represent, for pork barrel politics, and pork barrel projects, they certainly must not have spent much time in their district.

The gentleman from Illinois [Mr. FAWELL] quite rightly understands that every project that is funded in a bill is a pork barrel project. There may be a good project in Pennsylvania, as described earlier by one of our Members. The project might be totally justifiable within the context of good government, although I personally believe that we do not justify the construction of a road in your district on the basis of the number of jobs that are created in the construction of the road. That may be a sufficient justification for the gentleman from Pennsylvania.

The fact of the matter is, after this bill is passed, and in fact before the bill has passed, according to Congressional Quarterly, which most people who really want to know what goes in Washington will read to find out particulars, will report, the press in general report, aberrations in the bill that seem to be out of place. Last year, for example, in this bill, we funded a parking garage in Chicago. The idea apparently was intended to demonstrate the effectiveness of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.

Now, I would be willing to bet that the average American taxpayer would figure out that a parking garage will reduce parking on the street without several hundred thousands of dollars of taxpayers' dollars demonstrating that.

Today we have, in this bill, and in fact it may be demonstrated in Chicago, but not to the satisfaction of the New Yorkers, a similar parking garage in New York. Parking garages are not authorized under the authorizing legislation to which we appropriate today.

The gentleman from Illinois [Mr. FAWELL] quite rightly believes that it is possible that the authorizing committee may have differentiated. We had in Michigan, last year in this bill, appropriated funds for a bicycle path. The State of Michigan has found this bicycle path so low in its priorities that they will not come up with the matching funds. That is according to Congressional Quarterly.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I just want to correct the gentleman, because we will get into that debate in a few minutes.

The fact of the matter is that the State of Michigan and all the local communities that you referred to with respect to that bike path, have provided the matching grants of 25 percent from that particular project.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for that update. Unhappily to me, Congressional Quarterly did not get that information.

In any event, I suppose bicycle paths do represent urgent ground transportation.

I recommend that the Members in this Chamber vote yes for this amendment, and I appreciate the gentleman from Illinois [Mr. FAWELL] for having the courage and the thoughtfulness in this matter.

□ 1610

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 61, noes 365, not voting 7, as follows:

[Roll No. 221]

AYES—61

Allard
Archer
Armey
Ballenger
Barton
Boehner
Bunning
Burton
Campbell (CA)
Coble
Cox (CA)
Crane
Dannemeyer
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Ewing
Fawell
Fields
Gallegly
Gilchrest
Goodling
Goss
Gradison
Hancock
Hastert
Hefley
Herger
Holloway
Hunter
Hyde
Inhofe
Kasich
Klug
Kyl
Leach
Luken
Michel
Moorhead
Paxon
Penny
Petri
Rhodes
Roberts
Rohrabacher
Roth
Sanders
Saxton
Schiff
Sensenbrenner
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Walker
Zeliff
Zimmer

NOES—365

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Emerson
Hopkins
Lagomarsino
Sarpalius
Stokes
Weiss
Yatron

□ 1630

Messrs. BROOMFIELD, MOODY, SHAYS, and NICHOLS changed their vote from "aye" to "no."

Mr. ZELIFF changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. CARDIN) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, $9,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

AMENDMENTS OFFERED BY MR. MRAZEK

Mr. MRAZEK. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. MRAZEK: On page 23, line 1, strike out "$9,000,000" and insert "$5,000,000" and

On page 38, line 9, strike out "$17,582,000," and insert "$21,582,000, of which $4,000,000 shall be available for a comprehensive audit and report by the Presidential Task Force on Trans-Alaska Pipeline System as authorized in Sec. 8103 of Public Law 101-380 and".

Mr. WALKER. Mr. Chairman, I reserve the right to object so I can get an explanation.

Mr. Chairman, we did not have any information on our side, and I would be glad to yield to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. MRAZEK. Mr. Chairman, I would respond to the gentleman from Pennsylvania [Mr. WALKER] that this is a very simple en bloc amendment. It reduces by $4 million a demonstration grant project that happens to be in my district and instead allocates that same amount of money, $4 million, without affecting any other budget line or program in this bill and allocates it for spending on the Presidential task force on the trans-Alaska pipeline.

Mr. Chairman, I have letters from both the chairman of the Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER], as well as the ranking Republican, the gentleman from Alaska [Mr. YOUNG], who both would like to see that expenditure made n this bill, and it is entirely appropriate within the context of the transportation portion of the pipeline question that this money be expended in this legislation.

So, what I have simply done is transferred the funding in the first amendment, reduced the funding for this demonstration project, added it for use for this study requested by the chairman of the Committee on Interior and Insular Affairs and the ranking Republican on the committee.

Mr. WALKER. Mr. Chairman, further reserving the right to object, is there any indication by those who are going to be forced to do this study as to whether or not this is something that they are wanting to do?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. MILLER of California. Yes, Mr. Chairman, this would put the money in the program. It would be that the President will have to appoint the oversight committee.

Mr. WALKER. Mr. Chairman, is this something the administration is in favor of doing?

Mr. MILLER of California. I think the indications are that they are moving in that direction. The Senators from Alaska are supporting this provision. Yes, the indications are that they are inclined to do it, if the money is there.

Mr. WALKER. In addition, the gentleman from Alaska [Mr. YOUNG] is in support of this?

Mr. MILLER of California. Correct, and check with the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from New York [Mr. MRAZEK] is recognized for 5 minutes in support of the en bloc amendments.

Mr. MRAZEK. Mr. Chairman, after having explained the amendment, I would simply ask that the House approve this en bloc amendment in support of the transfer.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in support of the amendments offered by the gentleman from New York [Mr. MRAZEK].

Mr. Chairman, I understand the amendments. I have no objection to their adoption.

Mr. WOLF. Mr. Chairman, this has been cleared with the minority, and the minority has no objection to it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. MRAZEK].

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY WIDENING DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, $2,000,000, to remain available until expended.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

For up to 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $8,000,000, to remain available until expended.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $7,000,000, to remain available until expended.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for an improved route between Logansport and Peru, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, $4,000,000, to remain available until expended.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $10,000,000, to remain available until expended.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $5,000,000, to remain available until expended.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between U.S. Route 50 and U.S. Route 29 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $6,000,000, to remain available until expended.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, $10,700,000, to remain available until expended, together with $1,000,000, to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 25, beginning line 10, strike ", together with $1,000,000," and all that follows through line 14 and insert a period.

Mr. BURTON of Indiana. Mr. Chairman, the amendment by the gentleman from Illinois [Mr. FAWELL] just a few moments ago would have cut 63 demonstration projects and saved $243.3 million. This body did not see fit to pass that amendment, but this amendment I am offering right now is a very simple and very direct amendment, and I think it is one that has a lot of merit, and I hope that everybody will listen to it and look upon it with favor. It will only save $1 million, but it will save $1 million. As my colleagues know, I think Everett Dirksen said a million here, a million there, a billion here, a billion there; pretty soon we are talking about real money.

Mr. Chairman, we are facing, as I have said many times on this floor, a $350 to $400 billion deficit this year. They are talking about another tax increase on gasoline. So, we need to address spending and cutting spending wherever we possibly can to get control of this budget.

Mr. Chairman, this project I am talking about is a bicycle path in Macomb County in southeast Michigan. The term "demonstration project" as it is used in the bill describing this project is simply a polite way of describing a pork-barrel project. This project was not a priority of State and local officials. They could have obtained this funding through the regular highway and funding process if this is one of their priorities.

☐ 1640

As a matter of fact, according to the July 13 issue of the Congressional Quarterly, Mr. Carlo Santia, the assistant highway engineer for the Macomb County Road Commission, said that this bikeway project was "not on our list of priorities." So the people who deal with priorities up in that county do not even think this is a priority, and yet this body is being asked to appropriate $1 million for a bicycle path when they have got all these budget deficits and all these other very important projects going on.

So I would just like to say, Mr. Chairman, that we are facing a huge deficit this year. We need to look very closely and scrutinize every single demonstration project. This project, in my opinion, is not a worthy project. I cannot see how it is going to help expedite the transportation problems in Michigan or this country. I do not think the people of Indiana in my congressional district want to spend $1 million for a bicycle path in Macomb County, MI.

Mr. Chairman, I think that my colleagues who I know are fiscally prudent should look with favor upon this amendment and vote for it.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment. I oppose this amendment for the same reason I opposed the previous amendment by the gentleman from Illinois [Mr. FAWELL], and I urge this amendment be defeated.

The problem with this bill is, there are not enough bicycle paths. I urge the amendment be defeated.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment affects Macomb County and it happens to be in my district.

I would like to tell my colleagues a little story. About 10 years ago, we had a baseball game out at Four Mile Run. We were playing the Republicans. I was playing shortstop and the gentleman from Indiana [Mr. BURTON], who is my friend, was on second base. And he was leading off a little bit, and I was trying to pick him off.

Finally, he got a little too far off the bag. I snuck in behind him, the pitcher threw me the ball. I tagged him, and he was out. But in the process, with his steel spikes, he put about a 5-inch scar into my right foot. I ended up going to the hospital, getting it stitched. And for the last 10 years, every morning when I put on my socks, I am reminded of DAN BURTON because I look at that scar.

Well, he is stepping on my toes again, Mr. Chairman. He wants to go after my project.

This is a good project. My friend, the gentleman from California [Mr. MILLER], just reminded me that the bicycle industry is a growing industry, one of the few export-growing industries in this country today. We need to do some new thinking about where we are going with transportation.

When we have the authorization bill on the floor here next week, we are going to talk about trails. We are going to talk about bicycle trails. We are going to talk about hiking and we are going to talk about a lot of things.

Fifty percent of the people in this country live within 5 miles of where they work. They can become healthier. They can relieve congestion. They can deal with the question of foreign oil imports by doing some alternative transportation, and this trail has been an overwhelming success. We have had it funded now for about 3 years.

It has tremendous local support, to the contrary of the gentleman from Indiana. The local communities and the State have come up with the 25-percent match with enthusiasm.

This is a good bill. This is a good project.

The Secretary of Transportation, Mr. Skinner himself, in a memorandum form the Department of Transportation indicated that it is "the policy of the National Transportation Policy Network to promote and increase bicycling, to accommodate bicycle and pedestrian needs in designing transportation facilities for urban and suburban areas."

So I ask my colleagues to stay with me on this one. It is a good project. It is needed. It binds communities together. It is an alternative means to get around.

It is a type of new, innovative thinking which we have got to start doing around here instead of staying with the same thing year after year after year.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, in the Surface Transportation Assistance Act soon to be reported out by the House Committee on Public Works and Transportation there will be considerable authorization funding for bicycle and pedestrian pathways in conjunction with our National Transportation Network, with a focus also on significantly improving commuting to work by bicycle as a means of saving energy, as a means of improving health or for all the other good and valid purposes for which people bicycle, as the gentleman and I frequently and regularly do.

I oppose the gentleman's amendment. It is on the right path of good public policy for the future. This is the kind of transportation initiative that we ought to be supporting because it does have so many public policy benefits.

I commend the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to say to my colleague, I hope my amendment passes, but I do apologize for spiking him 5 years ago.

Mr. BONIOR. Mr. Chairman, 10 years.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know whether this is a good amendment or not. I do not know much about the gentleman's project, but the two gentlemen in their discussion piqued my interest because there is a section of the bill to come up next week that I think relates to what the gentlemen were talking about. Is chapter 5 or title V of the bill the intermodal part of the bill? Is that where bike paths are?

I ask the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I cannot tell the gentleman which title it is in, but there will be a provision relating to bicycling.

Mr. WALKER. Mr. Chairman, is all of that material when we are talking about the intermodal portion of the bill, the commission and so on, is that what this is aimed at?

Mr. OBERSTAR. Mr. Chairman, if the gentleman would continue to yield, whether this will be included in the intermodal title of the legislation, I cannot tell the gentleman either. I do not know how that portion of the bill is being structured title by title.

I can only say that there is, in the subcommittee version of the bill that will be considered in full committee, language providing for funding and policy direction for bicycling. And there is already authorization in current law for bicycling initiatives.

Mr. WALKER. Mr. Chairman, the reason I raised the question is, I am concerned, having looked at chapter 5, and there are a couple of groups around town, including the Heritage Foundation, that have looked at chapter 5. I think that is where some of this may be.

It is very clear that there is an orientation that is beginning to build in what we are doing in the Congress, which is antiautomobile, which is specifically aimed at forcing the American people to give up their cars for other kinds of transportation.

I will suggest that that is something which the American people need to focus on because there are an awful lot of the American people who are not prepared to give up their automobiles to do bicycling or to take mass transit or to do a whole series of other things that some of the Greens in this country may think are wonderful, but for most of us we think the car has been a pretty wonderful device and something which has contributed a lot to the economy of this country. And we do not particularly want to see it destroyed by policy frameworks that we develop in Washington.

It appears as though chapter 5 of that bill that begins to suggest commissions and all kinds of other alternatives to the automobile is headed in specifically that direction.

I would say to my colleagues that they may want to examine that bill, and they may want to examine some of the projects that we are now funding in the name of transportation in that light as well, because I do not think the American people are prepared to suggest that their cars are the evil of society, that most people still like to get in their car to go to work. Most people still like to take their car on vacation. Most people like the freedom that their car gives them to go to the supermarket and to do a lot of things in their daily lives, and are not prepared to succumb to the policy options that suggest that the car is a bad thing.

So I am just increasingly concerned, and the discussion that we had here a moment ago, which seemed to indicate that we are moving in directions that would say to people, "The car is bad, give it up for alternative forms of transportation," is something that I think we will want to have some voices of opposition raised as we come along.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. I appreciate the concern he has raised.

First, may I point out that in a bill over a 5-year period of $153 billion in authorization for transportation, of which a few million, literally a few million may be used by States at their discretion for alternative means of transportation, is not an orientation away from the automobile.

☐ 1650

Second, for those of us who do pay highway gasoline taxes and would like an alternate means of transportation, I am choosing that my highway user tax dollars can be used for a means of transportation that I would like to use in addition to the automobile. I do not think it is fair to characterize it as an orientation away from or anti- automobile.

Mr. WALKER. Well, except it used to be that the entire amount out of the trust fund was spent only for highways and automobiles. You are now asking automobile drivers to fund other priorities that the gentleman has that are not shared by the vast majority of Americans.

I would also suggest to the gentleman, this is not the only bill we have to be concerned about. The CAFE standards that many Members have suggested in Congress are also aimed the American automobile industry, and aimed specifically at the cars Americans like to drive.

So we have had a series of bills that can be demonstrated to be anti- automobile, to be anticar, and they could have a devastating impact, although I am sure an unintended impact, on the economy. I just warn Members as these issues begin to develop over the next couple of weeks, that we do have at least some in this Congress who have decided that cars are bad things and that the American people ought to be lifted out of them, by force, if necessary, by the force of policy, and many of us may not want to be a part of that effort.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, you know, there are some Members who regard the automobile industry as absolutely essential for the survival of our constituents, and I am not ashamed to say that.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, the gentleman is making me very nervous appointing himself as the defender of the American automobile industry. We have enough trouble. Please stop.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his contribution. I will be interested to see how the gentleman votes when we get to the bill next week. He claims to be a defender of the automobile industry. It will be interesting to see whether he votes to take people out of cars.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a tremendous amount of respect for the gentleman from Michigan [Mr. BONIOR]. I know the gentleman is an effective shortstop. I know the gentleman is an effective Congressman, a tremendous Congressman. I know the gentleman will be an outstanding whip. But those statements are not relevant to what we are talking about here.

Mr. Chairman, might I suggest that what is relevant is, first, that this particular $1 million request for a bicycle path will not appear in the 1992 transportation bill, where the authorizing committee has the full authority to authorize and, in effect, bypass the Committee on Appropriations, and commence to spend for that purpose.

Mr. Chairman, it apparently was not felt to be, with all due respect to an immensely talented member, that indeed he can secure from the authorizing committee the $1 million necessary to fund the project.

I think that those are relevant measures. Once again, with all due respect for all Members who at one time or another have been connected with special projects, we are carrying it too far. One of these days the people of this Nation are going to boot us all out when we continue to do these kinds of things.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Michigan.

Mr. HENRY. Mr. Chairman, I agree with the gentleman from Illinois [Mr. FAWELL] that there has been a lot of commentary that has not been particularly relevant nor germane to the nature of this debate. We are dealing with a $34 billion appropriations bill, $34 billion in total in the 4-year plan on this thing. We are getting tied up on $1 million of money that will try to encourage communities and States to see that when we create highway corridors across the Nation and through our cities and urban areas, we do not keep people from walking or bicycling somewhere.

Mr. Chairman, I resent it very much when I get trapped in neighborhoods, as I am here in some parts of Washington where my apartment is, where I cannot get anywhere on foot because everything is cut off with interstates.

Mr. Chairman, I am from Michigan. I want cars. I do not view this as anticar. I don't view this as anticar, to suggest to take $1 million out of this whole bill, and hearing other grumbling saying, "Isn't this terrible? We are taking money on gas taxes from motorists for bicycles."

Then I find out no, it is not the gas tax, it is general funds. Either way, people are going to make the same objections, if they think the only way we ought to be able to locomote in this country is in a four-wheel automobile.

Mr. Chairman, I suggest there is nothing wrong with walking on your feet, whether they are scarred or spiked or not, and there is nothing wrong with riding a bicycle. Maybe our communities will be a little better off if we took this kind of planning more broadly, not just in the gentleman's district, but across the Nation.

Mr. FAWELL. Mr. Chairman, reclaiming my time, my only point is, I agree, I like bicycles, I ride bicycles. They are healthy and all that. I am all for bicycles.

I am only trying to point out that in the authorization bill which will be coming up next week, you will not see this as high enough a priority to be there. That is what I am trying to say. One million here, one million there, and pretty soon you are talking about big money.

Mr. Chairman, I talked about $243 million in special highway demonstration projects a short time ago. That did not move us. I do not think this will move us. I did want to put these relevancies into the argument.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the assistant engineer for this country in charge of transportation said this was not one of their priorities. Now, if this county in Michigan wants a bicycle path, I think they should have it, but they should pay for it. Not the people in California, not the people in Indiana, and not the people in New York. It is a bicycle path in Michigan. It should be paid for in Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. There are 102 Members present, a quorum.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Urban Airport Access Safety Demonstration Project

For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $10,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

Pennsylvania Reconstruction Demonstration Project

For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, $9,000,000, to remain available until expended.

Pennsylvania Toll Road Demonstration Project

For necessary expenses for the Monongahela Valley Expressway, $2,000,000, to remain available until expended: *Provided*, That these funds, together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.

Highway Bypass Demonstration Project

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Prunedale, California, that demonstrates methods of accelerating right-of-way acquisition and construction of a highway bypass, $10,000,000, to remain available until expended.

Highway Demonstration Projects

(INCLUDING TRANSFER OF FUNDS)

For up to 80 percent of the expenses necessary for certain highway and bicycle transportation projects and parking facilities, including feasibility and environmental studies, that demonstrate methods of improving safety, reducing congestion, or promoting economic development, $141,908,000, of which $4,628,000 shall be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project", to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $75,995,000, to remain available until September 30, 1994.

Operations and Research

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, $42,357,000, to remain available until September 30, 1994.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, $130,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $115,000,000 in fiscal year 1992 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $20,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed $5,353,000 may be available for administering the provisions of 23 U.S.C. 402: *Provided further*, That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1992.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $16,077,000, of which $2,168,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Local Rail Freight Assistance

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $10,000,000, to remain available until expended.

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, $37,136,000, of which $1,220,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

Railroad Research and Development

For necessary expenses for railroad research and development, $14,713,000, to remain available until expended: *Provided*, That up to $500,000 of the funds made available in fiscal year 1991 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver.

Northeast Corridor Improvement Program

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $36,000,000, to remain available until expended.

Grants to the National Railroad Passenger Corporation

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 601, to remain available until expended, $503,900,000, of which $328,900,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $175,000,000 shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1992: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short-term avoidable costs of operating such service in the third year of operation and 100 per centum of the short-term avoidable operating costs for each year thereafter.

Mandatory Passenger Rail Service Payments

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $145,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1992 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1992 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

Railroad Rehabilitation and Improvement Financing Funds

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1992: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

Conrail Commuter Transition Assistance

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $27,200,000, to remain available until expended.

Amtrak Corridor Improvement Loans

For loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, $3,500,000: *Provided*, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further*, That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further*, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further*, That any such loan shall be made available no later than thirty days after enactment of this Act.

URBAN MASS TRANSPORTATION ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $37,000,000.

Research, Training, and Human Resources

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $26,000,000, of which $5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

Formula Grants

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $1,600,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, of the funds provided under this head for formula grants no more than $802,278,000 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended.

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of $1,900,000,000 in fiscal year 1992 for grants under the contract authority authorized in section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

Mass Transit Capital Fund

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, $1,400,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

Interstate Transfer Grants—Transit

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $160,000,000, to remain available until expended.

Washington Metro

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $124,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

Operations and Maintenance

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,600,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, $17,582,000, of which $1,592,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system.

Pipeline Safety

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, $13,472,000, to be derived from the Pipeline Safety Fund, of which $7,850,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

Salaries and Expenses

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $37,005,000.

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there amendments to the remainder of the title?

AMENDMENT OFFERED BY MR. ZELIFF

Mr. ZELIFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZELIFF: On page 39, after line 7, insert the following:

Notwithstanding any provision of this title, each amount appropriated or otherwise made available by this title is hereby reduced by 9.89 percent.

□ 1700

Mr. ZELIFF. Mr. Chairman, this amendment is the balanced budget amendment. Now, I do not mean to suggest that this amendment alone will balance the budget, but it is a first step.

Since 1985, Federal spending has increased by nearly 50 percent. Federal spending is projected to increase by over 10 percent in this fiscal year alone.

That is what my amendment today does. It imposes restraint on the rate of increase in spending. Notice I did not say a reduction in spending. This amendment will allow overall spending to rise by 0.36 percent. Why 0.36 percent?

Based on the Office of Management and Budget's midsession review, Congress can balance the budget without cutting spending or raising taxes.

All Congress has to do is hold the growth in Federal spending to 0.36 percent in fiscal year 1992, and for the next 3 fiscal years. As a result, the budget can be brought into balance by fiscal year 1995. This projection assumes full funding of Social Security, S&L's and net interest.

Getting to a balanced budget is an attainable goal. My amendment is one small part of achieving that goal.

Remember, just a few weeks ago we talked about 2.4 percent. Now we are at midyear and we are talking about 0.36 percent.

Time is running out, Mr. Chairman, and if we do not wake up soon we will not be talking about increases, we will be talking about decreases.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said before, the bill before us today is below the subcommittee's allocation for discretionary budget authority and outlays. In addition, I am not aware of any opposition from OMB to the overall funding level we have recommended.

But let's set-aside for a moment the issue of whether we are within our budget allocations. Let's look at the impact of this cut. This is not a small or insignificant reduction. It would cut approximately $3.1 billion and would have a dramatic affect on our Nation's transportation system.

Let me explain what that means to important individual programs. This reduction would cut $245 million from Coast Guard operating expenses, which would lessen their ability to conduct search and rescue, drug interdiction, and oil spill response activities. For the FAA, this reduction would cut $429 million from the operations account, resulting in a less efficient air traffic control system.

It would also result in major reductions to our surface transportation programs. Under this amendment we would be able to spend little, if any, of the revenue resulting from last year's gas tax increase.

The Members should know that a large number of the programs in this bill provide for safety activities—aviation safety and security inspections, investigations by the National Transportation Safety Board, the National Highway Traffic Safety Administration, hazardous materials inspectors, and so forth. This bill is different from some others in that respect. Does this House really want to cut transportation safety.

Mr. Chairman, many of us in the past have criticized Gramm-Rudman's automatic sequestration as being an abdication of the Congress' responsibility to review and provide adequately for individual Federal programs. It invokes mindless reductions without any regard for the needs of individual programs or the efficient operation of our transportation system. This amendment follows the same approach.

Mr. Chairman, I want to reiterate that the committee has done its job. We have reported a bill which meets our allocation for discretionary budget authority and outlays. This is a good, fiscally responsible bill. I strongly urge that the amended be defeated.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment. Let me just give a couple of reasons why.

One, this bill that we are now on is within the 602(b) allocation. Second, for those who are concerned, the Office of Management and Budget does not, let me just state again, does not object to the bill, and if they did, the chairman and Mr. Darman and others would have a letter up here in opposition.

Third, to talk to the substantive issues, this would be a 10-percent cut across the board in title I, which is the lion's share, the bulk of the bill. It would severely and negatively impact, it would almost be a killer amendment for the FAA. For anyone who files and cares about air safety, this would be one of the worst things we could do.

Second, it would have a very negative impact on the Coast Guard search and rescue, I would say, for those who are concerned with regard to that.

Last, there are so many other reasons, but the other main one is for drug interdiction. This would be a severe cut with regard to drug interdiction.

So again, I am sure the gentleman had good faith in offering this amendment, but I would urge Members to oppose it because I do not believe that the Department of Transportation could adequately operate with it. It would clearly be a killer amendment for the FAA and a killer amendment for the Coast Guard.

Mr. ZELIFF. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Chairman, we are talking about a revision of priorities here. We are talking about living within our means. If we spend no more than 0.036 percent, we live within our means. If we spend more than that, we do not.

All of the things the gentleman talked about are good projects, so I think it is a reallocation of priorities that we need. And we have to start someplace. We have to start living within our means, and all this amendment is doing is recognizing the fact that we cannot continue to spend more money than we take in.

Mr. WOLF. Let me just answer the gentleman. I respect his position.

I have voted for as many cuts on this floor as perhaps most Members. I received the award from the Taxpayers Alliance last year with regard to cuts. I am a strong supporter of the balanced budget amendment.

There can be reallocations. This is not the place to do it.

You cannot bring an ax to the Coast Guard and then say you are for strong drug interdiction and you want to stop drugs coming into the country and then vote for this. You cannot really be for airline safety. You want to reallocate in different areas, but you cannot take a meat ax of 10 percent to the FAA and then say you are for airline safety.

Although I sympathize with the gentleman on many of these budget cuts, we cannot take 10 percent out.

Mr. ZELIFF. With all due respect, I agree with the gentleman's priorities, but if we do not start cutting across the board, and we are not taking a meat ax, we are talking about taking some fiscal restraint in spending, and we are talking about living within our means. But I think the gentleman's point is well taken, and I respect it.

Mr. WOLF. I understand, and would just urge Members on my side of the body to vote no.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

The gentleman from New Hampshire described this as a balanced budget amendment, and indeed it is. And the gentleman from Virginia, in opposing him, has pointed out exactly why most Members should want to support this amendment if they are really in favor of a balanced budget.

The gentleman indicates this is within the 602(b), and it is. He indicates that the administration is not opposed to this bill, and indeed that is true. The point being, however, that the administration is living within the budget agreement from last year, and the committee is taking us down the road of the budget agreement of last year too, both of which are taking us down the road to budget deficits, not to a balanced budget.

The gentleman from New Hampshire is offering us a unique opportunity. He says we need to go further than what we committed to in last year's budget agreement. We actually ought to move toward a balanced budget.

That is considered a terrible thing to do on the House floor. I mean, just raising programs a little bit is regarded as a killer cut, that somehow this undermines the entire program.

The gentleman from New Hampshire is not talking about a cut in any program. His amendment would allow an across-the-board increase in all programs relative to this year's spending. How you can increase spending and have it be a killer kind of amendment is beyond my imagination. In fact, most companies in this country faced with the kind of recessionary pressures we have imposed upon them because of the budget deal last year are having to cut way back, they are having to make real cuts. They know what the killer type of economic decisions are really all about. We do not know here.

Instead, we go along our merry way continuing to pile up debt and continuing to do the kinds of things that move us further away from a balanced budget, not toward it.

The gentleman's amendment is particularly important in light of what the OMB told us this week. Just this week they indicated that last year's budget deal is unraveling in terms of the deficit, that in fact the deficit is getting worse, not better, that revenues are down as a result of the economic recession, that in fact they miscalculated in some instances in the bill and that, in fact, we are overspending, over and above what the budget deal thought we would.

So all of those things together is in fact increasing the deficit and moving us further away from a balanced budget. The gentleman from New Hampshire with his amendment gives us a chance to get back on track, because he has lowered his amendment to a figure to reflect what the OMB told us this week is necessary in order to get to a balanced budget.

I think he should be congratulated, and I think that this House, if it really is concerned about balanced budgets for the future, ought to vote with the gentleman from New Hampshire.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to this amendment. And I hope the people have been following this debate. It is amazing the twist and turns it has taken.

My friend from Pennsylvania, who stood up just a few moments ago in defense of American automobiles, is now standing up in support of an amendment which cuts $1.6 billion in highway spending, which I believe in most cases will be used for automobiles. I think it is an antiautomobile amendment, and I hope the gentleman is sensitive to that fact.

The Members may also be interested in knowing that this amendment cuts $420 million from the Federal Aviation Administration. Have you flown into an airport lately?

☐ 1710

Have you relied on an air traffic controller? Are you worried about the glut of traffic over major airports? Are you concerned, as we are, about having professional men and women serving as air traffic controllers? Do you want to promote those who are professional and skilled in this?

I am afraid you will not be able to if the gentleman from New Hampshire should prevail, because he cut $420 million out of the FAA, money for air traffic controllers, money for air safety, and now let me tell you something else he does.

You are going to hear a lot of speeches around here, and we hear them every day, about law and order and crime. Every Member, Republican and Democrat alike, takes the floor saying, "We are the party; we are the people who want to fight crime. We want to do something about the drug crisis in America."

Congress made a decision several years ago to enlist the services of the Coast Guard in fighting the drug crisis in America. "Let us stop the importation of these narcotic substances into America which are, in fact, debilitating and destroying our society." We made that commitment. We said to the Coast Guard, "You know what, we are going to give you the resources to do it, to get out and fight this battle. It is not just empty rhetoric. You are going to have the money, the personnel, the boats necessary to help us fight the drug crisis," and then along comes my friend from New Hampshire. He wants to take $245 million from the Coast Guard, money that can be used to fight the drug crisis.

Mr. Chairman, now, I am sure he will give a speech soon, if he has not already, in Congress about his devotion to law and order and fighting crime.

I would tell the gentleman that when you take this across-the-board meat-ax approach to cutting spending, you end up cutting money for highways that is going to try to be used to eliminate the problems that we have, the congestion, and you are going to cut money for air traffic controllers so that families flying into airports across America will not be certain of the safety of their landings and takeoffs, and you are going to cut money from the Coast Guard that is being used to fight crime and the drug crisis. That is what it is all about.

Mr. ZELIFF. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from New Hampshire.

Mr. ZELIFF. What we are talking about is holding the level of increase to 3.6 percent. We are not talking about a meat ax. We are talking about holding the level within affordable levels, staying within our ability to pay. That is all we are saying.

Mr. DURBIN. I concede the gentleman is absolutely right, and the gentleman will have to concede to me that it cost $1.6 billion in highway spending, $245 million in Coast Guard expenditures, and $420 million for the FAA and air traffic controllers.

I ask everyone to oppose the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it really gets me when people talk about taking a meat ax to a spending bill like this. They say this meat-ax approach is the wrong approach.

Well, we just had an amendment approach a few minutes ago where we tried to cut out 63 demonstration projects that are going to cost $243.3 million. We had an amendment that would cut $1 million for a bicycle path in Michigan that the people in the rest of the country are going to have to pay for with their tax dollars, and we could not even get a vote, and now you are complaining that we are taking a meat-ax approach because the gentleman wants to make a percentage cut in the spending which is still an increase over last year.

The fact of the matter is those who are interested in pork in this place want their pork. They want to take it back home and, as a result, we are going to have a $350 billion to $400 billion deficit this year. We have a $3 trillion national debt. The interest is going to be about 15 percent of the total budget, and we sit around here and do not do a darn thing about it. We are spending ourselves into oblivion.

You say we cannot do it through amendments. You will not give votes on that. We cannot do it through the meat-ax approach. You say we cannot do that. How are you going to cut spending, When are we going to cut spending? When are we going to live within our means like a businessman or businesswoman has to? The answer is never, never.

As a result, this economy is going to be a continual problem in the years to come until we realize we have got to live within our means.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. ZELIFF].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ZELIFF. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 222]

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay

Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1736

The CHAIRMAN. Four hundred and fourteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New Hampshire [Mr. ZELIFF] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair would remind Members this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 64, noes 362, not voting 7, as follows:

[Roll No. 223]

AYES—64

Allard
Archer
Armey
Barrett
Barton
Boehner
Bunning
Burton
Campbell (CA)
Coble
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
Doolittle
Dreier
Duncan
Ewing
Fawell
Fields
Gallegly
Gilchrest
Goodling
Gradison
Grandy
Hancock
Hastert
Hefley
Herger
Holloway
Hunter
Hyde
Jacobs
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Luken
Machtley
Miller (OH)
Nussle
Penny
Petri
Porter
Ramstad
Rhodes
Roberts
Rohrabacher
Sensenbrenner
Shays
Solomon
Stearns
Stump
Sundquist
Swett
Taylor (NC)
Thomas (WY)
Walker
Weber
Weldon
Zeliff
Zimmer

NOES—362

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Wilson

Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Hopkins
Lagomarsino
Lloyd
Sarpalius
Weiss
Williams
Yatron

□ 1743

Mr. SIKORSKI and Mr. PEASE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill is as follows:

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,900,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $34,176,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $40,923,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That fees collected in fiscal year 1992 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1992.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $49,497,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of $519,000,000 in fiscal year 1992: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama) the purchase price of which shall not exceed $16,500 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,250,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $170,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided*, That any such planning does not alter the Federal status of the Center's research and development operation.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1992 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1991, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided*, That this subsection shall not apply to funds obligated for the Kennedy Expressway rehabilitation project in Chicago, Illinois.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to

be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1992, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1992 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1992 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1992, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1992, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1992 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1992, has the amount distributed to such State under paragraph (a) for fiscal year 1992 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

SEC. 312. Not to exceed $800,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under sections 21(a) (2) and (b) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

SEC. 318. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

SEC. 319. ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

SEC. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 322. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 323. VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 325. WESTSIDE LIGHT RAIL.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by September 30, 1992, issue a letter of intent and enter into a full funding agreement for the Westside Light Rail extension, including systems related costs, between downtown Portland, Oregon, and S.W. 185th Avenue. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the City of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District in Portland, Oregon, to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon, and S.W. 185th Avenue.

SEC. 326. NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. 327. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 328. From funds appropriated to the Department of Transportation or made available by this Act or any other Act, the Secretary of Transportation shall, notwithstanding any other provision of this Act or any other Act, make available not to exceed $2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri.

SEC. 329. None of the funds in this Act shall be available to close the Federal Aviation Administration's airport facilities equipment office in Little Rock, Arkansas, or to transfer or reduce personnel therefrom.

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice by October 1, 1991, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

SEC. 331. NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.—Notwithstanding sections 141(a) and 154 of title 23, United States Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1990. The Secretary shall promptly restore any apportionments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

SEC. 332. The Secretary of Transportation shall withhold 5 per centum of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) of title 23, United States Code, on the first day of fiscal years 1994 and 1995 if the State does not meet the requirements of section 104(a) (3) of title 23, United States Code, on such dates.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1992".

The CHAIRMAN. Are there amendments to the remainder of the bill?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer a noncontroversial technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Strike section 332 and insert in lieu thereof:

SEC. . REVOCATION OR SUSPENSION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

(a) IN GENERAL—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) AFTER SECOND CALENDAR YEAR.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

"(2) AFTER FOURTH CALENDAR YEAR.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense, and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

"(B) the Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such finds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds which would have been originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) DRUG OFFENSE.—The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) CONVICTED.—The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) CONFORMING AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 159 and inserting the following:

"159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses.".

(c) REPEAL OF FORMER PROVISION.—Section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184–2186) is repealed.

(d) TREATMENT OF AMENDMENTS MADE BY FORMER PROVISION.—The amendments made by section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184–2186) shall be treated as having not been enacted into law.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall take effect November 5, 1990.

Mr. SOLOMON. Mr. Chairman, last year the Committee on Appropriations was good enough to accept my amendment that withholds Federal funds from States that fail to enact legislation that suspends drivers licenses of convicted drug felons. That amendment became law last year.

Mr. Chairman, the amendment I am offering today is a clarifying technical amendment to change the language in the DOT bill of fiscal year 1991 so that we can carry out the program without having to revisit the enactment provision year after year.

It was our original intent to set in motion a program implemented through the DOT that would reduce the Federal highway funds to any State that did not put into effect and enforce a program to suspend the driver's licenses of an individual convicted of any drug offense.

Unfortunately, due to drafting errors, unless we change the language included in the DOT fiscal year 1991 bill the provision allowing enactment would need to be included in every appropriations bill throughout the course of the program. This was never our original intent.

We agreed that suspending driver's licenses of individuals convicted of any drug offense was a good idea. An idea that the American public wholeheartedly supported and has had great results in the States or Oregon and New Jersey. Conditioning the privilege of driving to the responsibility of remaining drug free has a positive effect in the war against drugs. It makes people, especially our Nation's youth, think before using illegal drugs because the privilege of driving is so very important to everyone.

I strongly feel that if we condition the privilege of driving to the responsibility of remaining drug free, it will send a meaningful message to our youth at a time in their lives when they are yearning for that great rite of passage into adulthood, obtaining their driver's license. The message is that we are not going to tolerate illegal drug use, so think hard about it before you make your decision.

The States of Oregon and New Jersey have implemented this idea with great success. In 1989, New Jersey alone suspended the licenses of over 17,000 individuals convicted of drug offenses and a survey of their high school students showed that 41 percent were strongly influenced by this legislation and do not use illegal drugs.

Money and rhetoric aren't going to win the war against drugs. And as long as casual drug users go unpunished, they are going to continue to finance the illegal drug trade. But this approach which costs the Government little, will effectively reduce illegal drug use.

If we change the language now, the program we agreed to can run its course uninterrupted as we intended.

Mr. LEHMAN of Florida. I move to strike the last word.

Mr. Chairman, we have no objection to the amendment and congratulate the gentleman from New York for bringing it to our attention.

Mr. COUGHLIN. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. OBERSTAR.

At the end of the bill, add the following new title:

TITLE IV—AGING AIRCRAFT SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the "Aging Aircraft Safety Act of 1991".

SEC. 402. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

(b) INSPECTIONS AND RECORD REVIEWS.—

(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

(d) PROCEDURES.—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

(e) AVAILABILITY OF AIRCRAFT.—The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

SEC. 403. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this title, the Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs approved by the Federal Aviation Administration;

(2) a program—

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

SEC. 404. FOREIGN AIR TRANSPORTATION.

(a) GENERAL RULE.—The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this title.

(b) REPORT.—Not later than the last day of the second fiscal year beginning after the date of the enactment of this title, the Administrator shall report to Congress on implementation of this section.

SEC. 405. ADMINISTRATOR DEFINED.

As used in this title, the term "Administrator" means the Administrator of the Federal Aviation Administration.

Mr. OBERSTAR. Mr. Chairman, I offer this amendment and urge its adoption. The amendment is identical to H.R. 172, the Aging Aircraft Safety Act of 1991, which was passed by the House in April by a voice vote without opposition. Similar legislation passed the House 1 year ago.

Ever since the Aloha Airlines accident 2 years ago, the issues surrounding the aging of the world's airline fleet have been of major concern to the flying public, the Government, and the aviation industry. The Government and industry have undertaken a number of very deliberate and beneficial actions on the problems of aging aircraft. Very quickly after the Aloha accident, the FAA, the manufacturers, and the airlines moved to change the assumptions upon which the regulatory approach to aging aircraft was based.

Before Aloha, a key assumption was that inspections for cracks and other damage could be discovered through routine, periodic inspections, and after discovered, the cracks could be repaired. The Achilles heel of this approach was the reliance and dependence on inspections to detect cracks. The Aloha accident revealed that placing so much reliance on inspections did not serve the highest degree of safety, because cracks could be missed even under optimum inspection conditions.

Given the difficulty of these sorts of inspections to detect all potentially dangerous cracks, that assumption has been scrapped and we now have a new and improved approach. The approach now is to establish life limits to various structures and parts so that replacement of parts comes at certain intervals even if no crack reveals itself through inspections.

H.R. 172 builds on this new approach by requiring the FAA to make a special aircraft-by-aircraft inspection and assessment focused specifically on aging aircraft issues.

While I generally expect the industry and the FAA to do what is expected on the aging aircraft problem, I believe we need to develop a special regulatory and safety assurance system to ensure that all of the aging aircraft maintenance work now being required is actually accomplished.

This is necessary for three reasons. First, relatively few aircraft in the fleet will be retired over the next several years which means the average age of the fleet will significantly increase. Maintenance on aging aircraft will become an increasingly important aspect of air carriers' maintenance programs. Also, aircraft are increasingly being operated longer than was anticipated at the time of their manufacture. Prudence dictates that our legal and regulatory philosophy and framework recognize this, so that we are not simply relying upon the ordinary airworthiness compliance process for addressing this critical problem of increasing significance.

Second, when it comes to ownership of aircraft, the airline industry today is a web of complex ownership and leasing relationships and financial transactions. The specter of maintenance work being deferred to the next owner or lessee in order to save money is very real. This bill will ensure that from an FAA perspective that necessary work is accomplished and not deferred from owner to owner.

Third, for all the industry and the FAA have done to address the aging aircraft problem—and they are to be strongly commended—I have a sense most of it has been lost on the traveling public. The public should not be expected to sort out airworthiness directives, service bulletins, economic design life, and other arcane terms in determining their comfort level with flying. The public is very concerned about older aircraft. Let's develop a system of safety assurance that the public does not have to struggle and grapple with in order to feel assured. Under this bill, the question asked is straightforward: "Is this old airplane safe?" And under this bill, the answer will be equally as straightforward: "Yes" or "no."

The reason for adding it to the fiscal year 1992 Transportation appropriations bill is that the other body has made it clear that it will not move this legislation separately and will only deal with it as part of a larger package. The House has passed this legislation on two separate occasions before. It enjoys bipartisan support. I urge the House to act again on this important safety initiative.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly agree with the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR] and urge its adoption.

Mr. COUGHLIN. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, we support the amendment and welcome its inclusion in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

□ 1750

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARNARD] having assuming the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore (Mr. BARNARD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and thrid reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 47, not voting 7, as follows:

[Roll No. 224]

AYES—379

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fields
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle

Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)

NOES—47

Allard
Archer
Armey
Baker
Ballenger
Barton
Boehner
Bunning
Burton
Campbell (CA)
Coble
Combest
Crane
Cunningham
Dannemeyer
Doolittle
Dorgan (ND)
Dreier
Duncan
Fawell
Gekas
Goss
Hancock
Hefley
Henry
Herger
Hertel
Holloway
Hunter
Hyde
Jacobs
Kyl
Luken
Moorhead
Nussle
Penny
Petri
Rhodes
Roberts
Rohrabacher
Sensenbrenner
Stearns
Stump
Taylor (NC)
Walker
Zeliff
Zimmer

NOT VOTING—7

Fish
Hopkins
Lagomarsino
Sarpalius
Solomon
Weiss
Yatron

☐ 1810

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ENGEL). Pursuant to clause 5, rule I, the Chair announces that further proceedings on the question of suspending the rules and passing the bill, H.R. 2893, as amended, will be postponed further until tomorrow.

ADMINISTRATION GUTTING BILL TO TARGET RESEARCH FOR WOMEN'S DISEASES

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I was not able to join Members this morning when they talked about the effort to defeat the women's health provisions in the National Institutes of Health legislation that will come up tomorrow.

Mr. Speaker, I applaud the administration's quest for peace, but I sure do not applaud what they are trying to do in gutting a bill that finally, finally targets research for women's diseases.

Mr. Speaker, let me quote Secretary Sullivan, who says, "The $50 million earmarked for breast cancer research and the development of a test for early detection of breast cancer is unnecessary."

Mr. Speaker, I want Secretary Sullivan to travel throughout this country and tell the 1 out of 9 women and their families who get breast cancer every year, the 45,000 women who will die this year of breast cancer, their children, their husbands, their daughters, their sons, their grandchildren, that we do not have to find a cure for breast cancer.

Mr. Speaker, let me tell you, we only give $18 million in basic research for breast cancer with this absolutely catastrophic disease. We give billions for star wars, and $1.7 billion for AIDS. I think it is about time we focused on this disease as well.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2507, NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1991

Mr. MOAKLEY, from the Committee on Rules submitted a privileged report (Rept. No. 102–160) on the resolution (H. Res. 202) providing for the consideration of the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 14, FLIGHT ATTENDANT DUTY TIME ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–161) on the resolution (H. Res. 203) providing for the consideration of the bill (H.R. 14) to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, I was unavoidably detained on Thursday, July 18, 1991. I was unable to cast the first two out of three votes on the Coast Guard authorization, inasmuch as my wife was giving birth to our baby daughter.

Mr. Speaker, had I been able to vote, I would have voted aye on Rollcall No. 214, which was to lift the fees on recreational boaters, and would have voted no on Rollcall No. 215, which was to require drug testing of Coast Guard employees.

NATIONAL DARE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 121) designating September 12, 1991, as "National DARE Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to recognize the work of the sponsor of this resolution, the gentleman from California [Mr. LEVINE].

Mr. Speaker, continuing my reservation, I yield to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today in support of Senate Joint Resolution 121, which will designate September 12, 1991, as National DARE Day. I would also like to commend the distinguished gentleman from California [Mr. LEVINE] for his efforts in cosponsoring the companion measure in the House.

Drugs are a deadly poison infecting our society. As of 1990, nearly 56 percent of our youth had tried some illicit drug by the age of 25. Approximately 52 percent have tried marijuana and nearly 20 percent have experimented with cocaine. In addition, there are foreboding projections of a heroin use explosion. There are daily battles between our drug enforcement agents and the suppliers of these deadly chemicals. It is incumbent upon all of us to provide assistance by steering our youth away from drugs.

The Drug Abuse Resistance Education [DARE] Program provides an outstanding service to educate our children about the hazards of drug use. Initially developed in Los Angeles, DARE has been very successful in training police officers to educate our Nation's youths about drugs. Since 1983, DARE and similiar programs have spread across our Nation. DARE equips students with drug information and methods to enhance one's self-esteem. The program starts with elementary education, continues with junior high and high school students, and even performing in the community.

The DARE Program involves the entire community in its efforts to end the scourge of drug abuse, and has proven to be effective in our fight against drugs. Mr. Speaker, I urge my colleagues to join in supporting this measure to focus attention on the DARE programs which so effectively have been helping to save our Nation from the poison destroying our young people.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his comments. I encourage Members to seek out within their own communities and congressional districts whether or not the DARE Program has been deployed to help fight the war against drugs. It is a wonderful program. It can potentially be a very, very successful program.

Mr. Speaker, I certainly encourage Members to see to it that somewhere in their district the program is used.

Mr. LEVINE of California. Mr. Speaker, I rise in support of Senate Joint Resolution 121, legislation designating September 12, 1991, National Drug Abuse Resistance Education Day. There is no greater threat to our children than drug abuse and the violence which is an integral part of the drug culture. This plague has infected young people from all ethnic and income groups throughout the Nation. It must be brought under control. The best way to do that is to get tough with the criminals who peddle drugs and educate our children about the dangers of drug abuse.

I introduce legislation identical to Senate Joint Resolution 121 with my distinguished colleague, FRANK WOLF, from Virginia. Ths resolution recognizes DARE as a time-tested, successful Drug Abuse Education and Prevention Program.

DARE goes far beyond traditional drug abuse programs. In addition to identifying drugs and explaining their harmful effects, DARE's unique approach lies in its emphasis on resistance. DARE gives young people skills to recognize and resist the subtle and overt pressures that too often lead to experimentation drugs and alcohol.

It prevents substance abuse among school age children by teaching assertive response styles, resistance techniques, and how to evaluate risk-taking behavior and the consequences of their choices. By building their self-esteem, learning how to manage stress and to resist prodrug media messages, students learn how to say "no".

The program is designed with four levels that target children at various ages throughout their schooling. In kindergarten to fourth grade, the groundwork is laid for the core classes taught to fifth and sixth graders. In junior high, lessons are reinforced, and at the high school level, students are taught skills which will help them remain drug free into adulthood. By having the DARE messages continually reinforced, students become equipped to protect themselves from the onslaught of peer pressure.

DARE classes are taught by veteran police officers who see every day the carnage which results from drug abuse. Each officer undergoes special training in child development, classroom management, teaching techniques, and communication skills before entering the classroom. Cops offer their professional perspective on what happens on the street and give students practical lessons in how to stay clean. DARE provides a rare opportunity for law enforcement, teachers, and school administrators to fight the drug crisis together.

Independent research corroborates what 3,500 communities in 50 States, Australia, New Zealand, American Samoa, Canada, and Puerto Rico already know; that not only has the DARE Program helped students resist drugs, it has also contributed to improved study habits, better grades, decreased truancy, vandalism, and gang activity, improved relations between ethnic groups, and fostered a more positive outlook on the part of students toward police and school.

By realistically approaching drug prevention and education, DARE has uniquely and effectively addressed the drug problem in this country. I commend law enforcement for its willingness to sponsor and participate in innovative programs like DARE and I urge my colleagues to support this resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 121

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K–12;

Whereas D.A.R.E. is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. program has become a model drug prevention program for other countries and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rica and Mexico;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decrease vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1820

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 40) to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. ENGEL). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to yield to my friend and colleague who is the chief sponsor of this Senate joint resolution, the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of Senate Joint Resolution 40, a resolution to designate the week, September 8 through September 14, as "National Historically Black Colleges Week." I have introduced the House companion bill, House Joint Resolution 102.

For the past few years, I have been privileged to sponsor legislation commemorating National Historically Black Colleges Week, and it is certainly an honor to do so again. There is no doubt that these schools are deserving of recognition for the many years of invaluable service that they have provided to our great Nation. The 107 historically black colleges and universities, which are located in 20 States plus the District of Columbia and the Virgin Islands, have long provided thousands of economically disadvantaged young people with the opportunity to obtain a college education. I am well aware of the importance of these institutions since there are six of them in my district, all of which play a most important role in the higher education system of South Carolina.

Mr. Speaker, the impact of these institutions is immeasurable. They have produced leaders in practically every profession and continue to provide the training necessary to help lead our country into the 21st century. Recent statistics show that historically black colleges and universities have graduated a majority of the black pharmacists, attorneys, and engineers in the United States as well as 75 percent of our black military officers and 80 percent of the black members of our judiciary. It is evident that throughout their existence, these schools have provided, and continue to provide, the quality education that is vital in enabling individuals to improve their lives and the livelihoods of their families.

Mr. Speaker, it is appropriate that we honor historically black colleges and universities in this way.

At this time, I would like to express appreciation to those who have been so helpful in bringing this resolution before the House today; namely, the 220 cosponsors; the chairman of the full committee, the gentleman from Missouri [Mr. CLAY]; the ranking member, the gentleman from New York [Mr. GILMAN]; the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER]; and the ranking member, the gentleman from Pennsylvania [Mr. RIDGE]. I would also like to thank the staffs of these Members and the committee staffs.

Mr. Speaker, again I would like to thank my colleagues for their support in the consideration of this resolution.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his words.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 40

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 8, 1991, and ending on September 14, 1991, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, beginning on line 3, strike "period commencing September 8, 1991, and ending on September 14, 1991, is" and insert "week beginning September 8, 1991, and the week beginning September 6, 1992, are each".

Page 2, line 8, insert "each" after "observe".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as 'National Historically Black Colleges Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL JUVENILE ARTHRITIS AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 142) to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week," and asked for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so again, of course, to acknowledge the work of our colleague, the gentleman from Florida [Mr. YOUNG], the chief sponsor of the resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly would like to thank the chairman of the Post Office and Civil Service Subcommittee on Census and Population, Mr. SAWYER, and the ranking minority member, Mr. RIDGE, for their support and cooperation in bringing this resolution before the House floor.

As you may know, the resolution I introduced, House Joint Resolution 252, is identical to Senate Joint Resolution 142 which was sponsored in the Senate by my friend Senator SHELBY of Alabama, to designate the week of July 28 as "National Juvenile Arthritis Awareness Week" in order to encourage an awareness of the estimated 250,000 children in the United States who suffer from one of the many forms of the crippling disease.

Arthritis is an inflammation or swelling and heating of the joints which can make even simple tasks such as tying a shoe or getting out of a chair seem very difficult and frustrating. Many arthritic children miss up to 50 days a year of school because of the severity of the discomfort. Few people are aware that, in addition to joints, the disease can attack major organs including the liver, spleen, heart, lungs, and eyes causing serious, sometimes fatal, health complications.

Arthritis will effect the child through adulthood as, unfortunately, there is no known cure for the disease at this time. Treatment can relieve or prevent discomfort for some children while others live in constant pain.

In addition to the child, arthritis has an impact upon the entire family. Coupled with the emotional stress of watching their child struggle and cope with the disease, parents have to adjust the family lifestyle to accommodate for the constant needs and sensitivities of the child.

This resolution is an expression of admiration for the courage of children who suffer from arthritis, their families, and the many doctors, hospitals, clinics, and health organizations across the country who are dedicated to treating and finding a cure for this physically and emotionally debilitating disease.

Mr. RIDGE. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. Further reserving the right to object, I am more than happy to yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I thank my friend the gentleman from Florida. I just want to take this moment to express the gratitude of everyone who is regularly involved in this kind of resolution to the gentleman from Florida [Mr. YOUNG] for the effort he has made to engage the support not only of those of us who serve in this body to bring recognition and national awareness to this debilitating disease, but to engage constituents around the country in support of this. It is an important means of communication, and one kind of opportunity that is too often not taken by Members in trying to share the importance of the resolutions they bring before us. The effort of the gentleman to do that is important on this occasion, and I wanted to take this opportunity to thank him for that.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield, I thank him very much for his generous comments and also his consideration of this resolution.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from Florida for his contribution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 142

Whereas over 250,000 children in the United States are affected by the debilitating disease known as Juvenile Arthritis;

Whereas this crippling condition attacks the joints and major organs of the human body—heart, liver, spleen, and even eyes;

Whereas this disease is often lifelong, affecting children into their adulthood, making even simple tasks difficult and frustrating, affecting the quality of life for our future citizens and leaders;

Whereas Juvenile Arthritris can be controlled reasonably well in most people, but it can prove fatal in some instances; and

Whereas the commitment to research and education efforts to develop a greater understanding about Juvenile Arthritis should be encouraged and continued: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 28, 1991, is designated as "National Juvenile Arthritis Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks cn the several joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT RELATING TO UNITS OF READY RESERVE OF ARMED FORCES REMAINING ON ACTIVE DUTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services.

(For message, see proceedings of the Senate of today, Wednesday, July 24, 1991.)

RESCISSION AND DEFERRAL OF BUDGET AUTHORITY UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 102–117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, July 24, 1991.)

COLUMBUS SOCIAL SECURITY OFFICE

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. RAY. Mr. Speaker, we in most cases do not realize that thousands of silent public servants are quietly working their hearts out for our citizens in local, State, and National Government agencies.

I want to pay tribute today to one overworked group—the Social Security Administrations' employees—who receive little recognition for the important jobs that they perform.

There are more than 40 million recipients of Social Security and it's a massive organization.

In particular, I want to recognize a special group today in a special office in Columbus, GA. Under the leadership of District Manager Ida Ford and Assistant District Manager Margaret Reydel, this office serves 10 counties in Georgia and 1 in Alabama, with a total population of about 250,000 persons.

Many Georgians are proud of the work of U.S. Senator Walter F. George of Vienna, GA, who was instrumental in strengthening the Social Security system. The Social Security Act became law in 1935, during the first term of President Franklin D. Roosevelt. The first Social Security taxes were withheld in January 1937 and the first benefits were paid out for the month of January 1940.

The first cost-of-living allowance came in October 1950. It was a 70 percent COLA. Other COLA's occurred off-and-on until an automatic COLA began in 1975.

This office is directly responsible for 44,000 persons. It pays out over $212,500 every month. In addition is its Supplemental Security Income Program, paying approximately 8,800 persons a total of over $20,500 a month.

I visited this office during this year's employee appreciation week and today I wish to pay tribute to Ida Ford, Margaret Reydel and their 33 hard-working, caring staff members. This office is one of nearly 1,300 district offices, along with over 130 hearing offices in the United States, which are staffed by more than 62,000 employees of the Social Security Administration.

In commending the good people in the Columbus, GA office let me note that Social Security helps everyone. Over 24 percent of those receiving Social Security earned under $10,000 a year while they were working. Forty-eight percent of those receiving Social Security benefits earned between $10,000 and $30,000. That means that over 72 percent earned under $30,000 a year.

Mr. Speaker, the Social Security law is now in its 56th year. It works. And one of the reasons it works so well is the dedicated people it has attracted, such as the ones who work in the Columbus, GA office.

Good, conscientious, caring employees are always valuable, whether in private business or in government service. I would like to include in these remarks, all of the persons who are part of the Social Security Administration's Columbus, GA, office. The list begins, as I noted earlier, with District Manager Ida Ford and Assistant District Manager Margaret Reydel. The others who work here are the following, in alphabetical order: Arlene Adams, Dianne Akin, Willie Mae Austin, Mary Frances Brown, Faye Carles, Nancy Carpenter, Sally Chadwick, Florence Champion, Rebecca Commander, Anna Cummings, Linda Gibson, Geneva Hall, Ronald Harper, Sandra Harris, Annice Johnson, Barbara Kakaualua, Carole Kubik, Brenda Lewis, Debra Long, Annie Manuel, Julia Mead, Paula Middleton, Benise Mincey, Edith Mooney, Gloria Morrison, Archie Payne, Janet Perry, Karen Rhea, Ann Shaw, Donna Smith, Thomas Stafford, Betty Wargo, and Dorothy Womack.

□ 1830

A NICKEL FOR THE POLITICIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I would like to make a few comments this evening to the so-called highway bill that we may have up sometime next week. It is a bill of great concern for both Congress and the country, and I think deserves to be examined closely by all Members. It should be examined closely, because it is a bill which is being called in some quarters a transportation bill, in other quarters a tax bill.

It is being called a tax bill because part of the provisions of this bill are to raise gasoline taxes by a nickel a gallon. Some people in this House have come up with a slogan that that gas tax is a nickel for America. I would contend that that is not the reality of the bill, that, instead, the gas tax is going to be a nickel for the politicians.

Why do I say a nickel for the politicians? Well, in this bill there is $6.8 billion in so-called demonstration projects, special projects allocated to the individual Members of Congress, $6.8 billion in spending for special projects over a 5-year period.

The first year of the gas tax, the additional nickel-a-gallon gas tax will raise a total of about $6 billion, so that means that all of America will end up paying a gas tax for an entire year simply to fund the projects that Members of Congress put into this bill. That does not sound like a nickel for America to me. It sounds like a nickel being taken away from America to pay the politicians. It is, in fact, a nickel for the politicians.

Now, it is interesting who is going to pay that tax, because we have heard a lot of talk in this particular Congress about the fact that we are going to tax the rich, that any taxes we impose should be on the rich. Well, this is a tax which comes 72 percent out of the pockets of low- and middle-income America. It is a tax specifically aimed at middle-income and low-income Americans. It does not affect the rich. It is not something which devastates the pocketbook of the rich. It comes out of the pockets of low- and middle-income America to the tune of 72 percent of all the taxes paid.

It is also a tax which is inflationary, recessionary, and regressive. You do not have to believe me on this. You can believe some of the people who helped author this particular bill. I have here a letter sent in 1989 to the President of the United States. It was sent by the leadership of the Committee on Public Works and Transportation, and it was sent by Mr. ANDERSON of California, Mr. MINETA of California, Mr. HAMMERSCHMIDT of Arkansas, and Mr. SHUSTER, and they say about the gas tax at that time, "We are also concerned that a motor-fuel-tax increase of this kind would be regressive, geographically inequitable; it would hurt our economy by the loss of jobs, increased inflation, and a reduction in the GNP." In other words, they say themselves in that letter to the President that gas taxes are inflationary, recessionary, and regressive, all at the same time. That is a pretty bad kind of taxation.

I would suggest also to the American people that this is a bill which they should be suspicious of if they kind of like getting out and getting in their car and going to work or going to the grocery store or maybe even going on vacation, because this is a bill aimed at taking Americans out of their cars. Why do I say that? Well, I have here a copy of the summary of the bill.

It is not called the Highway Act. It is called something called the Intermodal Surface Transportation Infrastructure Act of 1991. I went to the dictionary to find the word "intermodal." We have a dictionary right up here in the front of the Chamber. I went there a few minutes ago to try to find this word. This word does not exist in that dictionary. Maybe it exists in some other dictionary. It does not exist in that dictionary. I wonder what it means. I went to the bill. I tried to find out what it might mean.

I will tell you what it means. It means, "Get Americans out of their cars and into some other kind of transportation; make Americans walk instead of taking their cars; make Americans ride a bicycle instead of driving their car; make Americans take mass transit instead of driving their cars; make Americans ride a bus on vacation rather than getting in their car and driving on vacation." That is what intermodal means.

They have an entire title of this bill devoted to intermodal transportation. In fact, when you look at this bill, you find out that we are setting a national goal to promote intermodal transportation. In other words, we are setting a national goal to get Americans out of their cars and into something else.

It is also interesting to note that we are setting up a whole office under the Department. They set up new duties for the Secretary of the Office of Intermodalism. That is a big, big title here, but we are going to have a Secretary now of Intermodalism. We are going to have a Secretary whose job it is to get Americans out of their private automobiles and get them into some other kind of transportation.

Then we set up a modal, I am sorry, it is a model, a model intermodal transportation plan, so we are going to have a whole plan that is aimed at trying to get Americans out of their cars into some other kind of transportation, and then to top it off, what we have in this bill is a National Commission on Intermodal Transportation, and this national commission has about nine things that it is going to be doing in order to take Americans out of their private automobiles and put them into some other kind of transportation.

I would suggest that most of the American people kind of like their car and would like to keep it. This bill ought to at least be stripped of the title that suggests to them that their cars are obsolete and that they ought to put them away.

ORDER OF BUSINESS

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent today that my special order for 60 minutes be vacated and that I be granted a 5-minute special order.

The SPEAKER pro tempore (Mr. ENGEL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CHILDHOOD HUNGER AND POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HALL] is recognized for 5 minutes.

Mr. HALL of Ohio. Mr. Speaker, yesterday, the Food Research and Action Center launched its Campaign to End Childhood Hunger. This effort is designed to educate the Congress and the public that hunger is a solvable problem. But, that we must exercise our political will if we are going to see an end to it. I applaud the work of this organization in bringing a new focus on our domestic hunger problems and have invited all of my colleagues in joining me today to make our commitment to ending childhood hunger a statement of public record.

On Monday, I was in the Appalachian region of Ohio. The Select Committee on Hunger, which I have the privilege of chairing, held a hearing there. We went to look at how well antihunger and antipoverty programs are working in rural America. We also wanted to find out how we might improve opportunities for poor people in isolated rural communities to move from the cycle of poverty and gain economic independence.

While we were there, we visited the Clemons family. They had a 3-year-old daugther named Crystal—cute as a button. Crystal lives in a house that has no insulation. Last fall, the family replaced the cast iron woodburning stove in the living room. Mrs. Clemons told us that the outside of that stove used to get too hot and Crystal's 4-year-old brother, Matthew, kept burning himself on it. Luckily, they found another second-hand stove that was safer for the kids to be around before the weather turned cold. You see, this stove heats the entire two-story house. They are praying to get some help weatherizing the house this year so it will be warmer during the winter, but until then, they just have to make do.

The little community where Crystal lives does not have a water system. There is an old well about 150 feet from the house from which Crystal's mom and dad draw water to flush the toilet. They travel to the next town to haul water from an underground stream that flows from the side of a hill to get water for drinking and bathing.

Her father has tried for a number of years to find a job in construction, but there are not any. So, in order to keep the family eligible for their monthly ADC check, he works off the benefits at the local food bank.

The family is living in what I would say are pretty deplorable conditions. But, many would say that Crystal is still one of the lucky ones. She participates in Head Start. In fact, she has learned to count to 10 and say her ABC's all the way up to "F." Unfortunately, there are over 2 million other kids Crystal's age who are not enrolled in the program because it does not get enough funding to serve them all.

When Mrs. Clemons was pregnant with Crystal, she participated in WIC. She got prenatal care, a monthly food package, and nutrition education classes. These services all helped to assure that Crystal wasn't one of the 40,000 babies born in this country each year who don't live to celebrate their first birthday. She was born at a normal weight, so she escaped some of the lifelong disabilities that are linked to low birthweight. She is not mentally retarded. She does not suffer from vision or hearing impairments. Millions of mothers and babies are not so lucky. The Congressional Budget Office estimates that 8.7 million people will be eligible for WIC in fiscal year 1991. But, only 4.5 million will be served. You see, funding this program at a level adequate to serve all who are eligible to get benefits has not yet become a national priority.

The family participates in the Food Stamp Program. In fact, food stamp benefits account for almost 42 percent of their income. With so little money for other expenses such as the $225 each month that they pay for rent, they are unable to add any other resources to the purchase of food. But, at least they get food stamps. The program currently serves fewer than 60 percent of the people that are actually eligible for benefits.

Last year, when Crystal was 2, she was up to date on all of her shots. Nationwide, in 1990, only 70 percent of all 2-year-olds had been immunized against measles, mumps and rubella.

And, even though the house Crystal lives in should probably be condemned, she has it better than the 220,000 kids reported by the Department of Education to be homeless. After all, she does have a roof over her head.

Mr. Speaker, today 1 in 5 children in this Nation lives in poverty. For black children the rate is even more catastrophic, close to 40 percent are poor. The community childhood hunger identification survey conducted by the Food Research and Action Center reports that 11 million children under the age of 12 are at risk of hunger. Research indicates that by the year 2000, nearly 50 percent of all children born in this country will have spent some portion of their lives in poverty. How many of them will suffer from hunger?

Children constitute our most vital resource. They hold in their hands the future of this Nation. In short, they are the leaders of tomorrow. We have got to do a far better job preparing them to meet this challenge. What are we going to do about this?

In May, I introduced the Freedom From Want Act. This bill seeks to combat hunger and poverty among our children by: calling for a 5-year program of full participation in WIC; creating demonstration projects for community-based education and targeted health and social services to reduce infant mortality; and creating innovative self-employment and savings programs so that parents have access to better opportunities to provide for their kids.

Our esteemed colleague, Representative LEON PANETTA, has introduced the Mickey Leland Childhood Hunger Relief Act. This is a bipartisan bill that would provide the greatest expansion of the Food Stamp Program since 1977. More than 90 percent of the benefits increases proposed in this bill are targeted to help families provide enough food for their children. I encourage the House Agriculture Committee to expedite action on this critically needed legislation.

Right now, Crystal's future does not look so good. The unemployment rate in her county is about 4 percent, but the poverty rate is almost 24 percent. At the rate things are going, when Crystal grows up, she will become one of the working poor in America, earning just enough to keep her in poverty for the rest of her life, and trapping her children in a cycle of poverty.

We have got to do more for the Crystals of this country. We have got to ensure that low-income mothers participate in the WIC Program, and deliver healthy babies. We have got to make sure that families get the food stamp benefits they need, so that children don't go hungry. We have got to offer hope to people. If America means anything, it means hope for a better life. If we are not offering that hope to Crystal and millions of kids just like her, then we're not doing our jobs.

Ending childhood hunger means that kids like Crystal Clemons will have a fair chance at life. America will be making a sound investment in its future by investing in Crystal's future.

□ 1840

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am pleased to join the gentleman from Ohio [Mr. HALL], the distinguished chairman of our House Select Committee on Hunger, for this special order on childhood hunger and poverty. It is extremely important that all our colleagues join in stressing the importance of this urgent issue.

Some 13.4 million American children, 1 in every 5, live in poverty. Mr. Speaker, in a nation as prosperous as our own, we simply cannot allow this to continue. It is our duty both as elected representatives and as concerned and decent people to see to it that our children are properly cared for and given a chance to grow up in a healthy environment.

It's not just a matter of compassion. It's a matter of common sense. The children of today will be our leaders of tomorrow. How can we expect to compete in the 21st century when such a substantial portion of our future generations are now suffering from a lack of food and proper care?

As members of the Select Committee on Hunger, we have taken it upon ourselves to help our youth escape the hardships of hunger and poverty. In a nation where 11 million children under the age of 12 are at risk of hunger, we cannot afford to stand by and do nothing.

Mr. Speaker, our children are an invaluable resource. As parents and grandparents, we all know the joy that a happy, healthy child can bring to a family—to the world. We also know of the limitless potential that each child possesses. It would be shameful for this resource to remain untapped.

We can ensure a bright future for our youth by confronting the issue, and doing whatever we can to give young people the chance they deserve.

Let us join in supporting the Mickey Leland Childhood Hunger Support Act and the other hunger and nutrition issues before this Congress.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I am happy to yield to the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of the Leland hunger bill with a combination of pride and trepidation.

Pride because this bill will make a difference for millions of Americans—particularly American children—who are hungry tonight. Their plight is embarrassing, given that American agriculture is the envy of the world. We can grow more than enough food to feed every American well, but hunger remains a painful problem for the poorest of our citizens.

It is especially painful during the summer months. When I was young, I used to look forward to summer vacation. But hundreds of thousands of today's children have a very different attitude. For them, summer is a sad time because the school feeding program shuts down. Kids who are used to getting breakfast and lunch in school are left to fend for themselves.

There's no excuse for failing to feed our people. So I am proud to join with the supporters of this legislation to work for its enactment. My pride, however, is tempered by doubt. I don't know how many of those who join me tonight in saying we should solve this critical problem will also join me later when the Ways and Means Committee is asked to raise the revenues to fund this needed program.

I fear that this bill will turn into nothing more than legislative junk food, despite our good intentions, unless we are ready to back up our rhetoric with votes for a proper funding mechanism. I worry that we may be misleading the hungry and creating even deeper voter cynicism by overpromising—and then failing to deliver.

Some years ago a muckraking journalist wrote a book about the imbalance between such promises and reality. It was called, "Let Them Eat Promises." Our hungry children deserve better than that.

I have two goals today. The first is to join with my colleagues in responding to a very real problem. And the second, equally important, is to express a sincere hope that my colleagues will join me later in raising the revenues needed to fund this initiative.

These two commitments must go together. Making the first, but ducking the second will confirm the fears of critics who are already saying that we're part of the problem rather than the solution.

But those who make both commitments will do more than help the hungry. They will also be taking an important step toward restoring confidence in our Government by delivering on our promises.

□ 1850

Mr. HALL of Ohio. Mr. Speaker, I thank the very distinguished chairman of the Committee on Ways and Means for his support and his most important comments.

Mr. Speaker, I yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, my district in Florida is known as a place where children smile. We have Disney World, Sea World, Space Center USA, Universal Studios, nearly 100 miles of beaches are all places that make children smile; but beyond the glamour and the glimmer, behind all the bright lights is a world in central Florida where many children never smile and many are hungry. More than 40 percent of the people who live and work in my congressional district in central Florida live in poverty. Many of them are children. Their plight is not unlike that of children throughout Florida.

The Center for the Study of Social Policy ranks Florida 45th among the 50 States in protecting, nurturing, and educating children.

I have seen this world of hungry children on my Citizens Saturdays when I go out with groups of people to try to make our community a little better and brighter. I have seen the hungry children when I worked as a volunteer at the large Schering Center in Cocoa. I have seem them at the Daily Bread in Orlando. I have seen them at Our Lord's Table in Vero Beach.

Our Citizens Saturdays can help as we bring volunteers out to help our children to build children's playgrounds, to take children who have never seen a beach to the beaches, to work with those who have Down's syndrome. We can help these hungry children as volunteers, but we must do more. These children need a government that cares, a government that is responsive, a government that is on their side.

I have a little girl myself, a baby daughter. She is 8 weeks old. The other day she smiled for the first time. My hope is that in my service here in the Congress, working with my colleagues on both sides of the aisle, we can make a world and especially an America in which all children will always have reasons to smile.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BACCHUS] for his excellent statement.

Mr. WILLIAMS. Mr. Speaker, it is a sad day in America when 13.5 million children live in poverty and 11 million under the age of 12 are at risk of hunger. Our Nation needs to seriously reconsider its priorities when our children go hungry and live in poverty.

Can you imagine for a moment a household where very capable, caring parents offer their compassion and financial assistance to the neighbors when their own children sit at a table where there is no food? Imagine parents who live in wealth but do not provide basic health care to their own children. We, as a society, would think that those parents were irresponsible and force them to fully account for their actions. But that is exactly the way America is behaving toward its own children. This Nation is the richest in the world, yet does not take proper care of its own children.

I don't have to tell you that hungry children do not fair well in school. If we don't take care of our children because it's the right thing to do we should do it to enhance our economic well-being in the future. Teachers, scientists, doctors, and astronauts are not career paths that hungry, poverty-stricken children could even consider. The children are not the only losers—in the long run we all lose.

Mr. EMERSON. Mr. Speaker, I am pleased to join in the special order taken out by the gentlemen from Ohio.

Few issues come before this body which touch us more deeply than those affecting our children and their welfare. So often my colleagues on the House Select Committee on Hunger and within the House as a whole come together to legislate programs enhancing our Nation's commitment to America's most precious resource—our children. As mothers, fathers, grandmothers, and grandfathers we look for Federal means of improving the nurturing of our children and for methods of equalizing the starting points of our Nation's youngsters. We attempt to promote what Americans have always tried to offer their children—compassion, hope, and promise.

To be sure Congress has been well intended. We have set significant objectives and we have reached many of our youth in meaningful ways. But today's percentages of homeless children, the death rates among our infants, the effects of malnutrition bequeathed by an impoverished mother to her unborn child, and the numbers of children living below poverty level all demand that we find the ways and means of providing enhanced benefits to America's youth.

Money alone is not sufficient to improve assistance to our young. And reality shows us our purse strings have only so much give within them. I urge this Congress and those following to consistently give emphasis to reviewing, to simplifying, coordinating, and integrating our already existing assistance programs, and to enriching the assistance partnership between our private and governmental sectors.

We already have 125 public assistance programs. Some of them originated more than 50 years ago. We must realize programs also need continual reviewing before they can provide maximum effectiveness for America's families and their children. We cannot expect programs which met the conditions of previous decades to be fully relevant and effective today. True enough, we have from time to time amended, patched, created, and eliminated within our assistance apparatus. But it has left us with a monstrous and costly structure we all too often seem afraid to discipline. It will be difficult, but conditions are demanding we now meet the challenge of comprehensively coordinating and integrating our assistance framework so it can impact on lives with enough power to keep our people off welfare. Presently we all too often entrap people into a welfare dependency and almost prevent their reaching self-sufficiency—and self-esteem.

Today's conditions require us to realize we have been unable to pull enough of our needy families onto their own two feet and off the subsistence standards of welfare dependency. And too often the quality of life our working poor has to tolerate is also responsible for the unacceptable conditions of our children. The impact of these realities is tragically evident in those families who are second or third generation welfare dependent.

Yes, the effectiveness of our welfare programs must be increased and must reach more of our needy children. I urge the country and Congress to realize the time has come to get on to the tough job of overhauling our public assistance programs into an integrated and powerful package. Surely this is our most powerful approach to improving our childrens' chances of becoming productive citizens—it is the best insurance we can give to our greatest national resource.

Mr. GILCHREST. Mr. Speaker, I rise to add my support for helping poor and hungry children in America. We have heard the statistics; we have seen the reports. Half of all food stamp recipients are children; 83 percent of food stamp benefits go to families with children. In my home State of Maryland, 110,000 women, infants and children are eligible for WIC. Yet only about half of them are receiving benefits because WIC is not yet fully funded.

Who will speak for these poor and hungry children? Who will protect their interests and provide for their needs? When will the rights of children be the No. 1 priority, in word and deed? Each day we delay, another child goes hungry and starts school unprepared to learn.

Our food assistance policies, our tax and economic policies, our education policies, our health policies, and our housing policies must be coordinated and streamlined to meet the needs of the whole family. To help American children we need to redesign our poverty programs and strengthen our food assistance programs. We must help working parents. When the average family of 4 pays 24 percent of its income in Federal income tax, compared to 2 percent in 1948, when we have 31 million people with inadequate or no health insurance, it is time to reexamine our policies and their impact. Our Government's policies must be two-fold: First, programs must help our most vulnerable citizens gain independence in their time of need; second, programs must address the root causes of poverty and strengthen American families. Whenever possible we must empower the parents and provide them with the training and skills to care for their families.

This body will soon have another opportunity, I hope, to improve the condition of poor and hungry children. I, too, am a cosponsor of H.R. 1202, the Mickey Leland Childhood Hunger Relief Act, and I support my colleagues who have spoken in its favor. This bill would go a long way toward helping families that are struggling to get off welfare. For example, H.R. 1202 raises the food stamp benefits in stages to a level more closely reflecting the actual current cost of purchasing the Thrifty Food Plan. It gives families with children the same shelter deduction as the elderly and disabled. It relaxes the household definition to apply to families or relatives who live and eat together. And it strengthens the food stamp employment and training programs by providing higher reimbursement to recipients for child care and work-related costs.

My constituents urged me to support the Mickey Leland bill. Groups like RESULTS, Inc., which is fighting to make child survival the burning issue in Maryland public policy supports the Mickey Leland bill, and the Freedom from Want Act. Also volunteer and nonprofit groups in my district who care for poor and hungry children support H.R. 1202: Delmarva Rural Ministries, the Maryland Food Committee, St. Martin's Barn in Cecil County.

Our programs designed to address their needs are making an impact, and must be expanded. The U.S. Department of Agriculture reports that we save anywhere from $1.71 to $3.13 in Medicaid costs, for each dollar invested in prenatal WIC participation. Programs with this type of savings, and programs like Smart Start and Head Start that prepare children for school are the types of investment my constituents support.

Finally, most important, I believe, is the attitude we must adopt. Last week, during a joint hearing of the Budget and Hunger Committees the former regional director of the Appalachian Regional Development Program emphasized again and again that the key difference between communities that prospered and failed, assuming the same resources for development were available, was the attitude of the community and its leadership. Vision and entrepreneurial spirit are the necessary ingredients. We must take this lesson to heart, and pursue relentlessly the means to end childhood hunger and poverty. A child will best learn self-esteem and dignity when treated with respect—and ending childhood hunger and poverty are essential to this goal. I commend those who lead and continue this fight, and I urge the rest of my colleagues to join these efforts.

Mr. DE LA GARZA. Mr. Speaker, today over 23 million Americans are participating in the Nation's primary feeding program—the Food Stamp Program.

More than half of the participants in the Food Stamp Program are children, and these children and their families receive over 82 percent of all benefits paid.

The Food Stamp Program makes a real and important difference for them. Without it, millions of children would be growing up in acute hunger.

I am proud to be a sponsor of H.R. 1202, the Mickey Leland Childhood Hunger Relief Act—the Freedom From Want Act, H.R. 2258, contains similar food stamp provisions—which targets over 90 percent of its benefits to families with children. I am proud that the Committee on Agriculture, which I chair, led the effort for similar legislation last year which won overwhelming support as part of the 1990 farm bill.

Passage of this legislation is a priority of the committee, and our Subcommittee on Domestic Marketing, Consumer Relations and Nutrition intends to begin consideration of the bill next week.

Hunger is a continuing problem in our Nation for a whole host of reasons. Fortunately, it is not the fault of our farmers who consistently produce an abundant and affordable supply of food. Whatever the cause, we must rededicate our efforts to help the less fortunate in our society who cannot afford an adequate diet. As a father and grandfather, I believe we cannot rest until we have fed the last hungry child in America. As chairman of the Committee on Agriculture, I will do my best to ensure passage of necessary legislation to reach that goal, and I am pleased that many of my colleagues today have pledged their support toward this very worthwhile endeavor.

Mr. PANETTA. Mr. Speaker, I see no better time, as this country attempts to refocus its priorities from a foreign front to a domestic front, than to speak to the question of childhood hunger and poverty that is rampant in our Nation. However, this is a question for which an answer has long been overdue. There is simply no excuse for the fact that 11 million children under the age of 12 are at risk of hunger. This is a fact outweighed in atrocity only by the lack of inaction of this institution to collectively address the situation.

Over the past decade there have been several attempts made to right these wrongs, whether it was through the Food Stamp Program or other nutrition programs. With each successive victory has come an equally negative defeat. During the early 1980's, the Reagan administration was successful in initiating some of the most devastating cuts of nutrition programs. We have still not fully recovered from the tremendous impact of these cuts from those years.

I have fought, and will continue to fight, for support for these programs to help our most vulnerable and our greatest resource in society, our children. My good friend and colleague, Mickey Leland, with whom I had the distinct privilege of serving on the Select Committee on Hunger, was dedicated to this cause, and it is in his spirit and sense of determination that this fight against hunger has been raised to a higher ground. Ridding this country of hunger is a moral imperative, and Mickey raised the issue to a new consciousness as a result of his zeal and tireless efforts. It is in his honor that my legislation, the Mickey Leland Childhood Hunger Relief Act, serves as a memorial to him.

The major themes of this bill include protecting the homeless and near homeless, reducing childhood hunger and promoting selfsufficiency. This bill will improve access to and benefits from the Food Stamp Programs. The Food Stamp Program is so very vital as 51 percent of all food stamp recipients are children, and 83 percent of all food stamp benefits go to families with children.

We must also ensure that all eligible, low-income women, infants, and children can receive assistance through the WIC Program. I worked to make sure that in the budget resolution this would be the case by 1996. In fact, at a budget hearing that I conducted, we had five major CEO's from some of the top corporate businesses in America testifying to the importance of child nutrition programs such as WIC. It is hopeful to know that the hunger and nutrition issue has encompassed supporters from a wide spectrum. Society is realizing that we must make sure our children grow up healthy, physically and mentally, with a sound education, in order to be prepared to lead the next generation into the future.

These are very basic issues, yet issues of great urgency as the recent recession has unfortunately highlighted. We cannot sit by and let this problem continue to fester. The Congress must take action. Passing the Mickey Leland Childhood Hunger Relief Act would be an important step in easing the hunger problem in America. Let us end childhood hunger now.

Mrs. KENNELLY. Mr. Speaker, I cannot stress enough that in a land of plenty, it is simply inexcusable to let children go to bed hungry. Approximately 50,000 familes in Connecticut live below the poverty line of $13,400 for a family of 4, and 78 percent of them have at least one child under age 6.

This situation must be addressed promptly and comprehensively. A study completed by the Community Childhood Hunger Identification Project concluded that 41 percent of low-income families with children in Hartford are chronically hungry. Three out of every 4 children in this city which I represent are hungry or at risk of hunger.

This is the scenario which we are facing. The immediate need for assistance is frightening. Currently we do not assure food security in our country. Monthly food stamps do not last all month. Children are forced to take turns eating breakfast.

There are pieces of legislation like the Freedom from Want Act and the Mickey Leland Childhood Hunger Relief Act, which address the existing hunger and poverty problems. Mr.

Speaker, we must do all we can to ensure their passage.

To paraphrase the motto of Connecticut's Foodshare, we won't stop our efforts to alleviate hunger until the hunger stops.

Mr. PENNY. Mr. Speaker, I want to thank my Hunger Committee colleagues, Mr. HALL, Mr. EMERSON, Mr. ESPY, and Mr. GILCHREST for requesting this special order today to call attention to the issue of childhood hunger and poverty.

Just 2 months ago the National Commission on Children issued its final report in a volume entitled, "Beyond Rhetoric: A New American Agenda for Children and Families." If Members haven't read this report, I suggest that they—not just staff—take the time to seriously reflect on the problems and the recommendations contained in the report.

I call on this Congress to go beyond our own rhetoric to meet the needs of those who are America's future. Chilean poet Gabriela Mistral said it more eloquently than I: "Many things we need can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him we cannot say tomorrow; his name is today."

What's happening to America's children today? Dr. T. Berry Brazelton, professor of pediatrics at Harvard and a member of the National Commission on Children, highlighted a few of the problems in a New York Times Magazine article late last year. Dr. Brazelton wrote:

> Children are the poorest group in society, with more than one in five living in a household whose income is below the poverty level, $12,700 for a family of four. Despite medical advances, the United States infant mortality rate is worse than in some Third World countries, and every day more than 100 American babies die before their first birthday. About one million teen-agers become pregnant each year, and as many as 18 percent of newborns in some city hospitals are born exposed to alcohol, crack, and other hard drugs.
>
> On hearing all this, the press asked, "So what's new?" The panel could only reply, alas, that nothing is new. Americans have become numb to reports of the hopelessness of their children.
>
> Are we really so cynical or are we afraid to face the problem? As the Commission has noted, the figures are widely reported but too rarely followed up by action. Taxpayers and legislators are not yet determined to insure that every child has the opportunity to grow up healthy and whole, to be secure, and to become literate and economically productive.
>
> Certainly, the uneven face of American poverty is a factor. Although at least 21 percent of all children are needy, the problem is more intense in city neighborhoods and rural pockets. Forty-five percent of black children and 39 percent of Hispanic children were poor in 1987, compared with 15 percent of whites. More than half the children in households headed by single women are impoverished.
>
> Employment does not guarantee escape from poverty. Forty-four percent of poor two-parent families have at least one full-time worker, and 25 percent of these households have a parent who works part time. The prevalent bias—that those who are destitute deserve it—is not borne out by the Commission's investigations.
>
> Needy children are in double jeopardy. They have the most health problems, and the least access to care. * * * In general, the families that suffer the most social stress receive the least social support. The widening gap in this country between rich and poor makes it even more likely that these children will repeat their parents' poverty. They will not be prepared to contribute to society—except in an antagonistic, often violent, way.

Dr. Brazelton has outlined the significant, widespread problems which dramatically affect America's children today and ultimately affect their future—and ours.

Lest anyone think that the problems he raised are prevalent only in cities and some rural areas, let me share with you some evidence that comes from my own State, Minnesota. Even in Minnesota, safe in America's breadbasket, hunger is no stranger. In a study released in March by the Minnesota Food Education and Resource Center—Urban Coalition—nearly three-fifths of food shelf survey respondents reported that adult household members had to skip meals in the past month because there was not enough money to buy food. Even more troubling is the high incidence of meal skipping among children. Nearly a quarter—23 percent—of households with children reported that children had to skip meals in the past month because there was not enough money for food. Involuntary meal skipping by both adults and children was more widespread in 1990 than in a similar survey done 5 years earlier.

Earlier this year I participated in a one-meal fast as part of the observance of Minnesota Food Share Day, designed to publicize the collection of food and money to support Minnesota's food shelves. Skipping one meal was not difficult—my congressional schedule often causes me to miss meals, and besides, I knew that there was plenty of food waiting for me at home that evening. But the token fast did cause me to reflect on the many people throughout our State, our country, and our world whose only diet worry is not how to reduce their waistlines but just where and when their next bite of food might be.

It's obvious to everyone: Kids should not be skipping meals. Their healthy growth depends on sound nutrition. But more to the point, American kids should not be forced to skip meals because their family doesn't have money to buy groceries. In our land of abundance, that's simply not acceptable.

What about our Government food assistance programs? Aren't they reaching these children and their families?

The Minnesota report notes that:

> Food stamps are clearly not reaching all those who qualify for and need them. Of the households surveyed at Minnesota food shelves, about three-fifths—61 percent—had received food stamps in the past month.

Many of those households not receiving food stamps had not applied for benefits either because they didn't think they were eligible or because they want to stay off welfare.

The report goes on to cite the inadequacy of the "Thrifty Food Plan" as a standard for adequate nutrition. The Minnesota Department of Human Services chose the low cost food plan because it comes closer to meeting nutritional needs.

The WIC Program—for which we recently appropriated $2.6 billion—still does not reach half of those pregnant women, infants, and young children who are eligible for assistance. Minnesota is among 20 States that supplement Federal WIC funding with State money. And, until June of this year, the State also received an infant formula rebate that increased their capacity to contribute to WIC.

Despite these efforts, a conservative estimate leaves 26,000 eligible Minnesotans unserved, out of over 100,000. Other estimates place the unserved at 43,000. Whichever figure we accept, this means that we are still placing the lives and futures of thousands of children at risk.

The School Lunch and School Breakfast Programs may provide these children with the only full meals of the day, but only during the school year. The Minnesota study also showed that involuntary meal skipping increased by 4 percent from January to July. In constant dollar terms, Federal school lunch funding was approximately the same in fiscal year 1990 as it was in 1981, with some 1.5 million fewer children participating.

Additionally, there is still a great need for expansion of the School Breakfast Program. In Minnesota, for example, only 75 school districts participate in the Breakfast Program—with the concentration in Minneapolis and St. Paul. All Minnesota children—rural, urban, and suburban—should have the option of eating a nutritious breakfast at school.

Finally, the greatest concern to all of us should be the conclusion drawn from the Minnesota study: That households using food shelves in 1990 were more likely to be experiencing food shortages of some duration, rather than short-term emergencies. In other words: Hunger is a chronic problem in our State, and hunger hurts.

Who does it hurt most? Hunger hurts children. It denies them the one legacy that should be theirs—the opportunity to grow and to flourish. If we really believe that ours is a land of opportunity, then we need to muster the political will to insure our children's future.

Mr. FAZIO. Mr. Speaker, I rise today in support of Chairman HALL's special order on childhood hunger and poverty.

It is difficult to believe that—let alone understand how—11 million of our children here in the United States under the age of 12 can be at risk of hunger. It is painfully hard to accept the fact that our infant mortality rate is among the highest in the industrialized world, and that one out of every four homeless people in the United States is a child.

It is also unpleasant to face the fact that, even as we rightfully attempt to feed the hungry overseas, we have continually denied our own youngsters their basic human right to food and medical care.

But, it is true. America's children are the victims of poverty and poor health care. A child born in Jamaica or Costa Rica has a better chance of surviving than a child born in the District of Columbia, where 23 of every 1,000 children die before, during, or immediately after birth.

Yet, we all know that our children do not have to live—and die—this way. We are capable of feeding and taking care of them. We also know that the problem is not just going to go away. We have to meet it. We can either confront it now, however, or face the consequences later, when the effects have multiplied and the situation is even more out of hand.

What we lack is the commitment—commitment that is expressed by us, as Members of Congress, in the form of the antihunger legislation introduced by Chairmen HALL and PANETTA, H.R. 2258, the Freedom From Want Act, and H.R. 1202, the Mickey Leland Childhood Hunger Relief Act, respectively. This legislation assumes that we have the means and the responsibility to take care of our children. It forms the foundation for providing America's children with the prenatal care, medical care, and food that they need to survive.

I urge my colleagues not only to support this legislation in the short term, but also to remember our long-term obligation to our youngsters and our country. To neglect our children is to neglect our future.

Mr. KLECZKA. Mr. Speaker, we know the statistics all too well. Children are the largest poverty group in America. Nationwide, an estimated 5.5 million children under age 12 are hungry, and an additional 6 million such children are at risk of hunger.

This situation affects every State and district in our country. Between 1979 and 1987 childhood poverty in Wisconsin increased by 54 percent. Today, in Milwaukee County, approximately one out of every four children lives in poverty.

The reasons for these statistics are also well known. Low-income wages are not keeping pace with the increasing costs of living. In Milwaukee, nearly half of all poor households spend at least 70 percent of their incomes on housing and utilities. Many working poor families must also pay for child care and health insurance. Poor households without health insurance suffer even greater economic strains when a family member becomes seriously ill. After paying for these necessities, very little money is left for food.

We have both an economic and a moral responsibility to put an end to childhood hunger and poverty. Hungry children suffer from fatigue, dizziness, and irritability, among other maladies. In school, this results in an inability to concentrate, and therefore, to learn. They also are likely targets of specific health problems. Hungry children miss nearly twice as many school days as other students. An increase in absences leads to a decrease in education. As a result, these children are less likely to reach their full potential. Instead of contributing to our society, many become dependent on it.

More significant is what cannot be measured by statistics. Poverty robs children of their childhood—a time to explore individual capabilities and dreams. This situation is intolerable.

Successful Federal programs to eliminate childhood hunger do exist. The Women, Infants, and Children [WIC] Program provides nutrition and health benefits to low-income women and children. Studies indicate this program helps alleviate the dangers of childhood hunger while reducing Medicaid costs. The Food Stamp Program assists low-income families in purchasing adequate diets. National School Lunch and School Breakfast Programs, and the Child and Adult Care Food Program, supply meals to preschool and school-age children. Unfortunately, at current funding levels, these programs cannot accommodate all eligible individuals.

In a time of severe budget restrictions, funding for some Federal programs can wait—programs to assist America's hungry children cannot. Congress can end this problem by expanding these effective programs, and enacting legislation to provide affordable housing and national health care to all Americans. I look forward to working with my colleagues to find additional ways to ensure no child in our Nation suffers the consequences of poverty and hunger.

Mr. COYNE. Mr. Speaker, the time has come for America to remember its children. For too long, our Nation's leaders in government, businesses and the media have forgotten the sad fact that millions of American children are at risk of going to bed hungry each night.

It is too easy for some to forget this fact amid the exciting images of U.S. preeminence around the world. America is the key leader in efforts to achieve peace and security in many parts of the world. The administration is busy moving from one summit to the next, and I commend those who strive to resolve long standing international disputes.

Still, I would like to see our Nation focus some of this energy on solving long standing problems here at home. I believe it is time to engage in some domestic summitry to resolve the problems of childhood hunger and poverty.

We can no longer ignore this problem. In the United States, 13.4 million children—one in five—live in poverty. The distress of living in poverty has affected an increasing number of low-income families. Between 1979 and 1987, the number of children in families with incomes less than one-half the poverty level grew from over 3 million to nearly 5½ million.

It is a sad commentary on our Nation's priorities to note that while the U.S. military ranks first in the world, our country ranks 21st among industrialized nations in controlling infant mortality. We are right to offer assistance to the victims of war and natural disaster in the Middle East and Bangladesh, but we must not forget the fact that one out of every four homeless persons in America is a child.

In March, many Americans were alarmed by the results of a Community Childhood Hunger Identification Survey released by the Food Research and Action Center indicating that 11 million children under the age of 12 are at risk of hunger. Part of the explanation for this may be that while one-half of all Food Stamps Program participants are children, only 65 percent of those eligible actually receive these food assistance benefits.

We can do better. We must do better for the Nation's children. As a cosponsor of the Mickey Leland Childhood Hunger Relief Act, I support efforts to respond to the needs of our Nation's children. Mr. Speaker, I believe the House should make it a priority to enact this legislation and reform Food Stamp programs to ensure that American families and children do not go hungry.

Mr. TOWNS. Mr. Speaker, there are 12.6 million poor children in the United States today. Nearly half live in families that do not receive welfare payments. Government cash transfer programs, the principal being Aid to Families With Dependent Children [AFDC], now lifts only about 10 percent of all poor children out of poverty. The Special Supplemental Food Program for Women, Infants, and Children [WIC] serves only half of those eligible because of funding limits and food stamps reach only 50 to 60 percent of those eligible.

While the Bush administration has proposed increases for some programs, they are insufficient. In the case of WIC funds, at the rate of increase proposed by President Bush for 1992, it would take 15 to 20 years to have enough funds for all people. The result—1 in 8 children in the United States under 12 suffers from hunger; 5.5 million of these children are hungry and 6 million more are at risk. The effects of not getting enough food permeates more facets of the child's life than poor growth. Hungry children often do not have the energy to learn, and as a result, do not do as well on tests and can be disruptive in a classroom. They also are less resistant to illness and more likely to miss school.

Our national priorities should include full participation in WIC of all eligible low-income mothers, infants, and children; and extension in Head Start to at least half of the poor 3- to 5-year-olds by 1992; improvement in food stamp benefits and investment in programs that build the academic and work place skills of disadvantaged youth. The lives of our Nation's children and this country's ability to compete worldwide depend on our support for preventative measures to help children grow up smart and healthy.

Mr. AUCOIN. Mr. Speaker, I am very pleased to join my colleagues today in addressing the crucial issue of childhood hunger and poverty. I want to commend Congressman HALL for the work he is doing as the chairman of the House Select Committee on Hunger and thank him for organizing this special order. I also want to commend the Food Research and Action Center for taking the lead in the nationwide Campaign To End Childhood Hunger.

In Oregon, the legislature and the Oregon Food Bank have recognized the widespread and persistent hunger problem that disproportionately affects our children. They have responded by forming a Legislative Task Force on Hunger and the Oregon Coalition to End Childhood Hunger and they have found some startling facts:

Some 14 percent of Oregonians seek and receive food from hunger relief agencies each year, that includes nearly 200,000 children;

Over 50 percent of food stamp recipients in Oregon are children, and a majority of families report that benefits run out by the third week of the month;

Only half of the eligible children receive services of the Special Supplemental Food Program for Women, Infants, and Children [WIC] program;

Nearly 16 percent of Oregon's children live in poverty.

Despite these alarming statistics, State and Federal Government continually fail to treat hunger as a top priority. Budget constraints consistently prevent the expansion of successful programs to fully meet the need. But what we are doing is further threatening the health of America's children. And further threatening the health of America.

This Congress has little hesitation providing billions of dollars to fund our military operation in the Persian Gulf. Maybe that is because so many lives were immediately at stake and we were able to point to concrete achievements in a short period of time. Taxpayers were able to turn on CNN and watch their tax dollars being put to use. But with 13.4 million American children living in poverty and 11 million children under the age of 12 at risk of hunger, we have a crisis here at home. It is a crisis just as vital to the future of our Nation. The difficulty is that it's social condition that is less tangible and slower to treat. These children are also in a battle. These childrens' lives are also at risk. These children's ability to learn in school is at risk. At-risk children create a nation at risk.

We have the tools and the programs to fight the battle, the battle of childhood hunger. The WIC Program, TEFAP, Food Stamps, the National School Lunch Program and the School Breakfast Program are all successful programs. But they only reach a limited number of children in need. They could be much more effective with stronger support from our colleagues and the Bush administration.

I want to take this opportunity to urge my colleagues to support measures which will diminish the condition of hunger in America. Support the Freedom From Want Act. Support the Mickey Leland Childhood Hunger Relief Act. Support increased funding for food assistance programs. Again, Mr. Speaker, I'm very pleased to join my colleagues today in shining the spotlight on the needs of hungry children. We need to make childhood hunger a Federal policy priority and we need to do it now.

Mr. BRYANT. Mr. Speaker, the United States has won the war in the Persian Gulf and the President has set out to build a new world order. I cannot help wondering how the United States can orchestrate a new world order when our own house is collapsing.

The United States has one of the most productive agricultural and industrial economies in the world, but those achievements have occurred while millions of citizens remain hungry.

American troops liberated 2 million citizens of Kuwait—to whom we are linked by petrochemicals—but what about those people to whom we are linked by the sacred bonds of blood and citizenship?

When will we liberate the more than 20 million Americans who are chronically hungry?

When will we liberate the 12.6 million American children who live in poverty?

A paper prepared by the House Select Committee on Hunger shows that, despite the fact that our country produces huge amounts of food, millions of Americans need help to get enough to eat. Four million women, infants, and children who are eligible for Federal food programs cannot be fed because we cannot finance the program. In Dallas, we are currently only serving 20 percent of those eligible for the Special Supplemental Food Program for Women, Infants, and Children [WIC]. The national average is only 50 percent.

At the same time, hunger is disproportionately a problem for African-American, Hispanic, and native American peoples in the United States. And within these groups, children and the elderly are especially affected, as are families headed by women of all races.

In the United States, there is no comprehensive nutrition monitoring system to assess directly the extent of hunger. Consequently, hunger estimates are based on private studies, such as the Community Childhood Hunger Identification Project [CCHIP] which was released in March by the Food Research and Action Center of Washington, DC. These studies have demonstrated a reliable means to accurately assess hunger among children under 12 in the United States.

In the absence of a national nutrition monitoring system, the most recent "Report on the State of World Hunger" from the Bread for the World Institute on Hunger and Development points out that an understanding of hunger trends can be examined in the context of poverty trends.

> Even though the United States has experienced economic growth since the mid-1980s, the state of poor Americans in the late 1980s does not offer an encouraging outlook for future poverty alleviation. In fact, the nature of the economic growth (with proportionally more low-paying jobs and a widening gap between rich and poor) is a cause of continued hunger in the United States.

A 1990 study of Congressional Budget Office data by the Center for Budget and Policy Priorities shows that the income of the richest 1 percent of Americans has been so great that the increase in their after-tax income between 1980 and 1990 will equal the total income of the poorest 20 percent of the population in 1990. "In other words," says the study, "the increase in the after-tax income of the richest 2.5 million Americans will equal the total income the 50 million poorest Americans will receive in 1990."

The Bread for the World's report goes on to point out that, "One of the most sobering facts concerning poverty and hunger in America is that those most affected are children"—a direct parallel to the situation in most Third World countries. And while the percentage of children affected in the United States is much lower than in the Third World, the United States does have a higher percentage of children in poverty than Canada or the countries in Western Europe.

The President's fiscal year 1992 budget would cut low-income nonentitlement programs by $1.8 billion. At the same time, poverty is rising as a result of the economic recession, making programs that give assistance to poor people all that more important.

Persistent poverty among children results in hunger and undernutrition. While failing to invest in poor and hungry children can certainly be criticized on moral and ethical grounds, the potential economic impact on the U.S. economy in the decades to come also will be tremendous if we fail to invest in children now.

Two programs, in particular, could, if properly funded, help nourish poor children today and ensure a healthy work force to support tomorrow's baby boom retirees.

Proposals in the House and Senate call for a 5-year plan to reach full participation in WIC. Obviously, funding for community health centers and maternal and child health programs must keep pace with an expanding WIC Program in order to provide needed health services. A major new study shows that because WIC increases birthweight and use of prenatal care, it lowers Medicaid costs substantially. For every dollar invested in WIC for pregnant women, Medicaid expenses reduced by up to $3.13 in the first 60 days after the birth of the baby.

Second, Representative LEON PANETTA, chairman of the House Budget Committee, has sponsored the Mickey Leland Childhood Hunger Relief Act, H.R. 1202, in honor of Houston's former Representative and the founder of the House Select Committee on Hunger, who died on a trip investigating hunger in Ethiopian refugee camps 2 years ago. H.R. 1202 would make a number of changes in the earnings tests required for food stamp programs with the intention of significantly reducing hunger, especially hunger among children.

While the new budget rules do not allow much flexibility one thing is certainly clear: In terms of practicality and humanity it is important to invest in all children, and especially poor children.

Mr. MOODY. Mr. Speaker, I rise today to join my colleagues in discussing the devastating problem of childhood hunger. It deeply saddens me that hunger is so prevalent across the globe and in the United States. According to Bread for the World Institute on Hunger & Development, between 7 and 8 million American children were hungry year round in 1990, meaning that they were chronically short of the nutrients necessary for growth and good health.

In my home State of Wisconsin, despite its reputation as a prosperous State, thousands of children go hungry every day. The Food Research and Action Center estimates that 97,015 Wisconsin children under age 12 are hungry and an additional 210,301 Wisconsin children under age 12 are at risk of hunger. In 1990 Milwaukee's Emergency Food Pantry Network provided food assistance to an average of 33,000 people a month, of which 22,000 were children.

The effects of hunger on children are serious and far-reaching. Hungry children have a greater inability to concentrate, are more irritable, and have a greater tendency to be sick. Good nutrition is essential for young children. There is a clear link between proper nutrition, good health, and cognitive development. Poor nutrition can also result in growth retardation and an increased risk of infections. These long-term consequences can stay with children long after hunger has past and prevent them from ever reaching their full potential.

Attacking the problem of hunger is one of the most crucial and urgent issues facing our Nation. This problem needs to be addressed from two different angles. First, we have to ensure that the United States has strong food programs that have adequate resources to serve everyone that needs them. The United States has some wonderful programs to assist the hungry—WIC, school food programs, Food Stamps, et cetera—but these programs need more funding. Second, we need to look at the basis of hunger which is poverty. In order to end hunger we need to improve our economy and specifically the situation for the poorest in our Nation.

During the 1980's there were several disturbing trends which contributed to hunger in the United States. The number of people falling below the poverty line and the disparities in wealth greatly increased while at the same time government assistance programs declined. In 1979 the poverty rate was 11.7 percent and in 1988 it increased to 13 percent—the unemployment rates in both years were almost identical. From 1979 to 1986 the average market value of noncash benefits received by poor families decreased from $4,221 to $4,088.

Real income declined in the 1980's and at the same time living costs increased. Most low-income budgets have become dominated by housing and utility costs thus leaving few dollars for food and other necessities. Faced with the hard choice of shelter or food many families are forced to go hungry.

We must address the issue of hunger now. Children should not be robbed of their future. It is not only immoral that there are hungry children in this country, but it is also unwise. Our children are our Nation's future and we cannot remain economically competitive if we don't ensure that they are healthy and strong. We are a strong Nation and we have the resources to eliminate hunger in the United States. We need to set our priorities and by doing so make policy changes that will end poverty and hunger.

Mr. ESPY. Mr. Speaker, the plight of the poor and the hungry, especially our children, is a national issue of great importance to me, both as an American and as a Congressman who represents one of the poorest congressional districts in America. I come from a State:

First, where almost 26 percent, or 664,000, of our citizens live in poverty.

Second, where more than one-third of our children live in poverty.

Third, where some county infant mortality rates rival those in Third World countries.

Fourth, where unemployment rates in some of the counties I represent approach 26 per cent.

And, according to a recently published FRAC study on childhood hunger, 19.4 percent of families with children under 12 in Mississippi experience hunger; and 42.8 percent of families with children under 12 in Mississippi are either hungry or at risk of hunger.

These statistics are not just numbers—they describe the reality of the lives of poor children, many of whom will never have the opportunity they deserve to grow and become productive citizens. They are the newborn babies who weigh less than half of what they should. They are the children who suffer from much more than their fair share of fatigue, headaches, irritability, and illness.

Hunger and poverty lowers our resistance to disease, stunts growth and development, hinders the ability to concentrate, and compromises the ability to learn. Poor and hungry children today compromise our Nation's ability to compete in an international marketplace tomorrow if we raise a generation of children unprepared for the world of work.

Today, despite America's preeminence as one of the wealthiest nations in the world, we have demonstrated little progress in our battle against poverty. Compared to 20 years ago, we have as many poor people as ever and the poor are poorer. Our child poverty rates are high in comparison to other countries. And, our future generation of leaders, our youngest children, are the poorest of the poor, and the most vulnerable of our citizens.

Why is it, I wonder, that we have not taken care of this problem which is destroying our children? What has happened to our sense of humanity, our ability to be compassionate? Has it been obscured by the politics of poverty? We are a great nation. And, great nations have great responsibilities. It seems to me that we, as a nation, are falling short of meeting those responsibilities.

When individual parents fall seriously short of their responsibilities to their children, when they neglect or abuse their chldren, there are oftentimes consequences to face. The State department of human services might step in and remove the children from the home. A physically abusive parent, depending upon the severity of the abuse, might be criminally prosecuted and incarcerated.

Are we as Americans not collectively guilty of some neglect and abuse of our children? How much longer will we:

First, bury babies, at a comparatively high rate, before their first birthday because access to prenatal care is not what it should be?

Second, subject children to preventable physical and cognitive disabilities?

Third, pour money into neonatal intensive care units and into disability payments to treat and support those with preventable disabilities?

Fourth, allow children to live in shelters for the homeless, in the streets, or in substandard housing?

Fifth, pour money into the building of juvenile detention centers, training schools, and prisons, instead of into preventive programs?

Sixth, relegate some children to special education programs when their only disadvantage is an economic one?

Seventh, allow children to go to bed hungry?

Many Americans, both inside of and outside of the Congress have been frustrated in their attempts to improve the conditions in which many of our children live and are being raised. In more recent years, the budget deficit has been used as the reason that we cannot increase funding for successful existing programs, such as WIC and Headstart, or for new or expanded services.

It does seem that the demands of our resources are surging while resources are shriveling, at both State and national levels. And, many human needs are competing with each other for what dollars are available.

Our budget agreement sets maximum limits for categories of spending and currently prohibits the transferring of savings from one area to another area. There can be no increases in any programs without either an offsetting savings in another program or the raising of revenues. Those are the rules, but exceptions were provided for in cases of emergency.

When we needed money for Operation Desert Storm, we passed a supplemental appropriations which was off budget. When money was needed to bail out the savings and loan industry, those dollars were found too, to the tune of three-quarters of a trillion dollars over 10 years, with $50 billion needed right away. And, we will no doubt find the money for other apparent priorities.

Priorities—maybe how we define those is a big part of our current problem. For many years, we have supported our defense industry with approximately $290 billion annually. And, we have watched the deterioration of our country's infrastructure and many human services programs. Certainly, our children need to be among our highest of priorities. And, meeting basic biological needs, such as hunger and the need for food should be right up there at the top of our list.

There are some programs that can and do make a difference. One of those programs is our Food Stamps Program, a major line of defense in fighting childhood hunger. More than 82 percent of food stamp benefits go to households with children. But many persons remain unserved—only 65 percent of those eligible for benefits actually get them.

There are two other child nutrition programs which are also very important. The WIC Program, a very successful preventive program that has demonstrated cost benefits, unfortunately, serves only 55 percent of those eligible for services. The National School Lunch Program serves approximately 24 million children daily. However, the Breakfast Program, despite its proven effectiveness in improving school attendance and academic performance, only served about one-fourth of those needy children who receive lunches.

I think that our choice as a nation in responding to childhood poverty and hunger is an obvious one. Today we can either invest in Child Nutrition, WIC, Head Start, health and other programs we need or tomorrow we can continue to borrow the money to build more prisons, expand welfare, and try to cope with the other problems which could have been prevented.

Mr. HUGHES. Mr. Speaker, I rise today to address one of America's greatest tragedies—childhood hunger.

The community childhood hunger identification project conducted by the Food Research and Action Center, one of the most comprehensive studies ever conducted in this country on childhood hunger, estimated that 5½ million American children under 12 are hungry, and twice that number are at risk of hunger.

The catastrophic effect of these findings not only weighs heavily on the present but also on this Nation's future. Hunger contributes to a number of negative health and educational consequences for children which will result in enormous social costs for all of us down the road.

Hungry children suffer from two to three times as many individual health problems, such as unwarranted weight loss, fatigue, headaches, irritability, inability to concentrate, and frequent colds. The community childhood hunger identification project found that these children are more often absent from school, compared to low-income children whose families do not experience food shortages.

The Centers for Disease Control reports that anemia remains a significant health problem among low-income children. Iron-deficiency anemia in children can lead to adverse health effects such as developmental and behavioral disturbances and increased susceptibility to lead poisoning.

Consequently, hunger has a negative impact on children's ability to learn. Recent research shows that low-income children who participate in the School Breakfast Program showed an improvement in standardized test scores and a decrease in tardiness and absenteeism compared to students who did not eat breakfast at school.

And yet, the Federal assistance programs that are designed to help children who do not receive adequate food and medical care—like food stamps; Womens, Infants, and Children [WIC]; and Head Start—reach only slightly more than half of those individuals eligible for the program.

We have a tremendous opportunity in Congress to demonstrate our commitment to ending childhood hunger in America by passing the Mickey Leland Childhood Hunger Relief Act and the Freedom From Want Act. These bills will help ensure that the Federal assistance programs reach all eligible individuals they are designed to help.

In my own district, a coalition of business leaders and child advocacy groups have invested in the local Head Start and WIC Programs to facilitate the creation of two new projects designed to promote nutrition and prenatal and early childhood care.

In Cumberland, Gloucester, and Salem Counties in New Jersey, the WIC and Head Start offices have joined forces to launch a farmers market coupon project. Each month, families receive with their WIC checks a $10 coupon redeemable for fruits and vegetables at local farmers markets. WIC and Head Start counselors provide on-site nutrition counseling and activities in addition to providing transportation to the farmers market.

In Atlantic County, NJ, a WIC Program has been established to instruct pregnant teenagers and school-aged mothers in prenatal and early childhood health care. Any student who completes the course instruction will earn a $50 savings bond in the name of her baby for each quarter she is able to meet specified program goals such as keeping program appointments, ensuring the baby is up to date on immunizations, and attending high school regularly.

The Federal food assistance programs are good investments in our Nation's future and provide the first line of defense against hunger. I again urge my colleagues to join me in support of the Mickey Leland Childhood Hunger Relief Act and the Freedom From Want Act. Passage of this legislation will send a clear message to the American people that we will not ignore this country's hungry children.

Mr. SABO. Mr. Speaker, America's children, our Nation's future, need help. Many of them are poor, hungry, homeless, and ill. One in five American children lives in poverty and one of every four homeless persons is a child.

During the 1980's the number of children living in poverty grew significantly. The child poverty rate was higher in 1987 than any time during the 1970's. The number of children living in extremely poor households grew from 3.4 million in 1979 to 5.4 million in 1987. What do these numbers mean? They often mean poor academic skills, poor workers, and early parenthood, resulting in a lifetime of poverty for the next generation.

We, as a nation, must eradicate this scourge of childhood poverty. Actions must be taken to ensure all children have a fair chance in life. Although the family remains the main influence on children, communities and governments can play a vital role. Communities must pay attention to the plight of children. And governments must invest in the health, nutrition, housing, and education needs of our Nation's youngest citizens.

The Federal Government has developed several programs that help in improving the lives of American children. It is essential that these programs receive the funding they so richly deserve until every eligible child is served. Further efforts must be made to end the erosion of working wages and to keep families from slipping into poverty. As Members of Congress we must all continue to work with our friends in communities around the Nation to find creative solutions to this problem.

GENERAL LEAVE

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. (Mr. ENGEL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMEMORATING 135TH ANNIVERSARY OF BIRTHDAY OF NIKOLA TESLA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I, too, want to commend the gentleman from Ohio [Mr. HALL] for his excellent presentation on the problems concerning our children. I would join with him and our other colleagues who spoke on this today and say, yes, we need to do something about it. I do want to commend the gentleman for it.

Mr. Speaker, I rise today to commemorate this month the 135th anniversary of the birthday of one of America's greatest inventors and scientists, Nikola Tesla.

He was born at the stroke of midnight between July 9 and 10 in the year of 1856 to Serbian parents, in a hamlet which is a part of Yugoslavia today.

As one of the greatest physicists this world has ever known, he performed one of his first experiments at the age of 4. He improvised a water wheel from a crude disk, without using paddles like most water wheels built at that time. It showed his ingenuity and genius, two characteristics which best described this man from early childhood until his death. The paddleless water wheel remained in Tesla's mind and became the underlying principle many years later for his invention of the smooth disk turbine without buckets.

After having completed his education in Europe, Tesla displayed tremendous ability for math, he fluently spoke five languages, and had a knack for everything else. He moved to Budapest and while working for the American Telephone Co., he made a telephone repeater which became the ancestor of today's loudspeaker. This, which might have brought him millions, was among the first in a series of inventions for which he failed to file a patent and, therefore, did not receive any recognition. Tesla often was cheated out of the benefits of his accomplishments. He would be so caught up in the joy of discovery that he would forget to patent his inventions, which then would be stolen and patented by those with whom he worked.

Tesla came to the United States in 1884 to work for the electrical giant of the day, Thomas Edison. In Tesla's eyes, America was a land of golden promise, and he knew he would fulfill his dreams there. He arrived in New York with 4 cents in his pockets, a book of poems he had written, and the calculations for designing a flying machine. As he left the immigration office, Tesla marveled the New World which he felt was a century behind Europe in civilization. Mr. Speaker, little did he sense that his own inventions would set America a century ahead of Europe and the rest of the World.

He worked for Edison, but from the moment the two of them met, they never got along. Tesla's way of creating something by planning, calculating, and then putting it all together to gain success from the first try was the sheer opposite of Edison's practice of the trial and error system, which was longer and not as practical. When Tesla met Edison, he wondered whether obtaining his education was a waste of time, as Edison, who did not have any education, still accomplished many things. He soon realized that all the years he spent in school were well worth the effort and never again regretted it. The tremendous number of his inventions was the best proof that he was right in doing so.

Even with all their differences, Tesla and Edison would have been able to work together had it not been for their greatest altercation—that over the currents. Edison believed in the direct current, while Tesla patented the alternating current system. Tesla's whole purpose of coming to America was to prevail in using the alternating current, but Edison hated the idea. Tesla needed the money to pursue his dream, and when Edison said that if he could improve his dynamos he would get $50,000, Tesla set to work. He came up with the design of 24 different types of standard machines, short cores, and uniform patterns which were to replace the old ones. Edison was very pleased with the results but never paid Tesla, so Tesla left the company and opted to open his own laboratory in 1887. Four years later, 100 years ago, on July 30, 1891, he became a U.S. citizen. A proud

American, Tesla always cherished his naturalization certificates, keeping it in a safe where only he could look at it with reverence and joy.

Tesla is credited with some 700 inventions. Among the more notable ones were the invention of the Tesla coil, which is an integral component in radios and television sets. Tesla created many inventions by using wireless transmission. He first demonstrated the feasible long-distance transmission of electrical energy. It was he who invented the use of radio in controlling torpedoes and model boats. In effect, Mr. Speaker, it was Tesla, not Marconi, who first demonstrated the wireless radio set. This was known as the great radio controversy, when in 1943 in the case of the Marconi Wireless Telegraph Co. of America versus the United States, the Supreme Court ruled that it was Nikola Tesla who invented radio. And it was Tesla who demonstrated the precursor to the fluorescent light bulb.

His designs and inventions for the alternating current system resulted in his being awarded 40 patents. Then came a competition between Tesla and Edison, known as the battle of the currents. Westinghouse, an entrepreneur and an inventor himself, was very interested in Tesla's alternating current. He promised Tesla $1 million in cash plus royalty—$1 for each horsepower produced, if he would completely develop the alternating current. Hard times came, however, and Westinghouse couldn't afford to pay the royalties. Tesla opted to tear up the contract, but he still was to handle the patent. Alternating currents were a success, and Tesla received worldwide recognition. He deprived himself of an enormous wealth so that America and the world could continue their progress to a modern society.

In May 1883, Westinghouse opened a fair where alternating currents were to be publicly demonstrated. Although the scientific world already had accepted them, the final battle, the one where the people had to accept Tesla's inventions, now took place. Tesla's multiphase system was exhibited at the fair, along with many other of his inventions. One of these was the spinning egg made of metal. The egg was placed on top of a velvet covered round platform, and when the switch was closed the egg stood on end and rotated rapidly. Tesla tried to explain the principle of the rotating magnetic field by this, but to the wide-eyed crowd it was only a trick. Another popular demonstration was when 1 million volts of alternating current of high frequency passed through his body. It was an answer to Edison's accusations that alternating current was deadly. Westinghouse was rewarded in Chicago for his foresightedness with Tesla, as his company was now in line for consideration—and ultimate success—in harnessing the power of Niagara Falls, through utilization of Tesla's polyphase system. In April of 1895, the Westinghouse Co. completed the powerhouse on the Niagara Falls, and turned on the lights. The installation of the three generators with a combined capacity of 15,000 horsepower became the supreme electrical engineering accomplishment of all time. Soon, thereafter, the entire American industry was revolutionized as it hooked up to the new alternating current system. Requests came in faster than they could be granted. The high voltages that could be supplied only by alternating current made possible the large scale production of aluminum and alloyed metals necessary for the aircraft industry. Had it not been for Tesla, the airplane may never have been constructed.

Tesla did not stop at this invention though. He didn't reveal what he was working on at that time, and only later did the public learn that Tesla was working on x rays. He never laid claim to inventing them, but he achieved pictures with similar results. He called his invention the shadow graph technique. When Roentgen announced the discovery of x rays, Tesla sent him his pictures. He then gave full credit to the German scientist for discovery of the x ray. He also related the application of the rays to surgery and gave his own theories of danger to the skin when the rays are used.

Tesla also planned to make little robots and other machines which could move and perform their duties even independently of human will. Truly, Mr. Speaker, Tesla was a man out of his time. When he moved to Colorado, he discovered stationary waves in the Earth. He also duplicated celestial lighting by manmade means. This lasted for only a couple of minutes, however, because the electric company cut off his power. Still, for those few minutes, Tesla had wrested the power of heaven from the sky. As one man noted, "Tesla had stood for a fleeting moment with lightning in his hand." He soon was supposed to be rewarded for his endeavors.

In 1915, Tesla and Edison were to receive the Nobel Prize in physics. However, they did not want to share the prize, and it went to two other people. Tesla was in a desperate financial situation at that time and it hit him very hard that he did not receive the prize. He was full of many other ideas, but he was not able to realize them. He did not regret that he had torn up the contract with Westinghouse, for it was most important to him to be able to realize his plans and ideas, and not to earn large sums of money.

Nikola Tesla is the true example of the fulfillment of the American dream. Born and raised in a poor land, this man took giant steps and overcame the greatest barriers to accomplish his goals and put into effect his ideas. Mr. Speaker, each Member of this Congress may be very proud that our Nation has had and continues to have resources and opportunity needed to promote scientific research and exploration. It was these things that enabled a poor immigrant to develop a system of electrical power used throughout the entire world. Although Tesla did not receive the proper recognition that a genius of his sort should have had, Tesla still was able to overcome all difficulties imposed on him and continue to contribute to mankind. Thanks to his patience and vehement willpower, Tesla won the respect of American leaders in all fields of life. His good sense of humor and amiable character were admired and loved by many Americans.

Although he never again had the adequate financial resources needed to develop and create more of his inventions, Tesla continued to work and develop inventions until his death. In 1940, he suggested that the U.S. military could build a system of death rays that would melt enemy airplanes at a distance of 250 miles. Although the War Department rejected this invention at that time, it is Tesla's plans and sketches that provided the basis of star wars. Indeed, Mr. Speaker, Tesla's invention was a prelude and the foundation for the Patriot missiles which saved so many lives during the recent gulf war. We have yet to discover and put into effect all the ideas which originated from Tesla's amazing intellect.

Truly, Nikola Tesla was a man who changed the world. It is thanks to him that we can all enjoy in the luxuries of modern day life, by utilizing the tremendous assortments of electrical appliances which have been created since Tesla's innovation of the alternating current system. Certainly the United States would not be enjoying its standard of living had it not been for the prodigal genius, Nikola Tesla. And as Mrs. Franklin D. Roosevelt wrote in behalf of herself and the President of the United States when Tesla passed away:

> The President and I are deeply sorry to hear of the death of Mr. Nikola Tesla. We are grateful for his contribution to science and to this country.

As a first generation Serbian-American, I, too, admire and revere the great scientist. I hope that in doing so I convey the gratitude and pride of the Congress and my fellow American citizens to the memory of Nikola Tesla for his contributions to our society and the human civilization.

CHILDHOOD HUNGER AND POVERTY

The SPEAKER pro tempore (Mr. ENGEL). Under a previous order of the House, the gentleman from New Hampshire [Mr. SWETT] is recognized for 5 minutes.

Mr. SWETT. Mr. Speaker, I rise in recognition of the special order on childhood hunger and poverty brought to our attention by my distinguished colleagues Mr. HALL, Mr. EMERSON, Mr. ESPY, and Mr. GILCHREST. It focusses on our world's most precious asset, our children.

I need not remind you that the future well-being of humanity depends on the present well-being of our children. Children throughout the world suffer from living conditions that can only be termed obscene. Here in America a baby is born into poverty every 35 seconds. Eleven million children under the age of 12 are at risk of hunger in our own country. One out of every four homeless persons in America is, in fact, a child.

These are statistics. But the children they represent are not statistics. We should pause for a moment and picture the children described by these cold numbers. Look into these children's faces. They are children, just like our own, who want to laugh and play; children born with the desire to partake in the wonder of life. They are brimming with curiosity and creativity.

But these children, unlike our own, will not have the opportunity to laugh and play because they are too busy trying to find something to eat. Imagine them having to rummage through a garbage can hoping to find a scrap of food. Their hope lies inside of a trashcan. Imagine them sleeping underneath a bridge surrounded by foul smells, broken glass, unprotected from the cold. And then imagine one of your own children in their place.

This nightmare vision is a living reality for many children in this land. One out of every five of our country's children lives in poverty. And for these children, survival is their main concern. Our country's infant mortality rate ranks 21st among the world's industrialized nations. In my State alone there are over 10,000 hungry children. Almost 25 percent, one-quarter of the families of New Hampshire with children who are under the age of 12 are either hungry or at-risk of hunger.

It is a disgrace that in this land of plenty, children still go to sleep at night feeling the pangs of hunger.

We should ask ourselves what our priorities are. Should not children be our No. 1 priority? Remember your own children. Picture them in your mind. Imagine their smiles as they play. And think of the millions of other children who are crying out in need.

Most of us in this Chamber have been very lucky. We were not born into the poverty and hunger that steals the smiles away from so many of our Nation's children. We therefore have an obligation. Let us commit ourselves to returning their missing smiles. Let us commit ourselves to ensuring that these children can dream again. They can not do it on their own. They need our help.

□ 1910

CHILDHOOD HUNGER AND POVERTY

The SPEAKER pro tempore (Mr. ENGEL). Under a previous order of the House, the gentleman from New Jersey [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE of New Jersey. Mr. Speaker, on the subject of childhood hunger and poverty, I think we all agree that it is both a scourge and an embarrassment in our wealthy industrial society to permit children to grow up hungry, homeless, and poor. It is unfortunate that except for South Africa, ours is the only industrialized nation without a national health plan. Our infant mortality rate, once the third lowest in the world, now ranks 22d. And over the past 10 years, defense expenditures have increased by 100 percent, while at the same time, nondefense spending has been cut 40 percent.

Mr. Speaker, the only reason children in America go to bed hungry at night is because we have not deemed them a priority. We have not decided that they deserve the long-term investment of good health, good education, and safekeeping.

We have, inadvertently perhaps, done just the opposite.

In America, children are twice as likely to be poor as any other age group—including the elderly. That amounts to over 12 million children who grow up in poverty. According to the children's defense fund, more children are hungry in the United States than there are total children in such countries as Angola, El Salvador, Haiti, or Cambodia.

For children of color poverty is even more prevalent. Almost half of the all African-American children and more than a third of all Latino children live in poverty. Their chances of surviving through the first year of life only 10 blocks from this Capitol are worse than if they lived in Czechoslovakia or Cuba.

We are here to talk about childhood hunger and poverty, but I am concerned that perhaps we don't see the big picture. Hunger is only one of the most immediate and heart wrenching aspects of childhood poverty, albeit a crucial one. I know because there are nearly 300,000 children in my home State of New Jersey who fall below the poverty line and frequently go hungry. I also know there is hunger in my district because only one-third of eligible children received food supplements provided through WIC, the Women, Infants, and Children Program.

But Mr. Speaker, as I said I am concerned all the more about the long-term results of 12 million children in poverty; 12 million children in poverty does not only mean 12 million hungry children; it means 12 million children without decent housing or clothing. It means 12 million children who may not receive educations adequate enough to deliver them out of their depressed economic condition once they grow up. It means 12 million children without health care. It means 12 million children hopeless and helpless.

I know the faces of the poor in my district of Newark, NJ, and I cannot believe we allow children to go without proper nutrition, dental care, or other basic health care needs. Recently we've seen a trend among our poor children to become permanently injured or die from tuberculosis, whooping cough, and measles: Diseases easily prevented with inexpensive immunizations. These epidemics are but a small testimony to the cruel way in which we deny our children the benefits of the basic health achievements in modern medicine.

The recession which has stifled our economy will most certainly drag more of our children into poverty. Recessions affecting our Nation have always affected children most, but the assumption most of us make is that the economic recovery impacts the poor in equal proportion. It is both unfair and unrealistic to adopt the philosophy that a rising tide lifts all boats. The last few recessions have dropped their boats more than any others while the recovery period seemingly has benefited them the least. In our last period of economic recovery, the numbers of poor children actually rose.

In essence our poor will remain poor. They will raise their children as best they know how: Having to deny them the luxuries of birthday presents, college educations, and perhaps most tragically of all the luxury of choice about one's future. Unless we take it upon ourselves to make children a top priority, we will surely seal their fate in this Nation as a mass of second class citizens who are denied access to all the benefits of a wealthy society.

Lastly, Mr. Speaker, to the old adage which I hear all too often that one should "pull yourself up by your bootstraps." I must respond that 12 million American children literally have no boots. We must give our poor children, all 12 million of them, boots, food, decent housing, clothing, and whatever else it takes to ensure that our future and theirs is more bright with hope that bleak with despair.

I urge my colleagues to join me in setting issues of childhood hunger and poverty at the top of their agenda for this session in Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, today and July 26.

Mr. WALKER, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on September 11, 12, and 13.

(The following Members (at the request of Mr. HALL of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, on July 25.

Mrs. COLLINS of Illinois, for 60 minutes each day, on July 31, and August 1 and 2.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SWETT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE of New Jersey, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GRADISON.
Mr. MCMILLAN of North Carolina.
Mr. GEKAS.
Mr. ARCHER.
Mr. SUNDQUIST.
Mr. DUNCAN.
Mr. LIVINGSTON.
Mr. RINALDO.
Mr. WOLF.
Mr. SOLOMON in two instances.
Mr. DUNCAN in two instances.
Ms. ROS-LEHTINEN in two instances.
Mr. BROOMFIELD.
Mr. HORTON in two instances.
Mr. BLAZ.

(The following Members (at the request of Mr. HALL of Ohio) and include extraneous matter:)

Mr. MAZZOLI.
Mr. LANTOS.
Mr. HAMILTON.
Ms. DELAURO.
Mr. WEISS in two instances.
Mr. TORRES.
Mr. LAROCCO.
Mr. GEJDENSON.
Mr. PRICE.
Mr. GRAY.
Mr. BOUCHER.
Mr. CLAY.
Mr. SOLARZ.
Mr. DELUGO.
Mr. TRAXLER.
Mrs. MINK.
Mr. STARK.
Mr. CARDIN.
Mr. TALLON.
Mr. JOHNSTON of Florida.
Mr. LEVINE of California in two instances.
Mr. ORTIZ.
Mr. BACCHUS.
Mr. KILDEE.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

□ 1920

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Thursday, July 25, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1821. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to the USSR, pursuant to 12 U.S.C. 635(b)(3)(ii); to the Committee on Banking, Finance and Urban Affairs.

1822. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease renewal of defense articles to Norway (Transmittal No. 12-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1823. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Parker W. Borg, of Minnesota, to be Ambassador to the Union of Burma, and members of his family; of James F. Dobbins, of New York, to be Representative of the United States to the European Communities, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1824. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by the GAO during June 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1825. A letter from the Director, Congressional Budget Office, transmitting a report concerning the employment discrimination protections of the Americans With Disabilities Act of 1990 to employees of the CBO, pursuant to Public Law 101-336, section 509(c)(3) (104 Stat. 375); to the Committee on Housing Administration.

1826. A letter from the Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's notice on leasing systems for the Chukchi Sea, sale 126, scheduled to be held in August 1991, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

1827. A letter from the Treasurer, the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the society for calendar year 1990, pursuant to 36 U.S.C. 1101(19), 1103; to the Committee on the Judiciary.

1828. A letter from the Secretary of Health and Human Services, transmitting a report outlining the Social Security Administration's program for notifying blind SSI recipients, pursuant to 42 U.S.C. 1383 note; to the Committee on Ways and Means

1829. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination (No. 91-46) relating to assistance to Jordan, pursuant to Public Law 101-513, section 5860; Public Law 102-27, section 502(c); jointly, to the Committees on Foreign Affairs and Appropriations.

1830. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1991, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 201. Resolution providing for the consideration of H.R. 2507, a bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes (Rept. 102-160). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 203. Resolution providing for the consideration of H.R. 14, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants (Rept. 102-161). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Texas:

H.R. 3006. A bill to provide for the development of a systems architecture that can begin providing the essential data needed to understand and respond to global warming by 1995 in a cost-effective manner, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Energy and Commerce, and Armed Services.

By Mr. ARCHER:

H.R. 3007. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to make changes related to the old-age, survivors, and disability insurance program and the supplemental security income program, and for other purposes; to the Committee on Ways and Means.

By Mrs. BENTLEY:

H.R. 3008. A bill to amend title 23, United States Code, to establish a program of scholarships to individuals who agree to study civil engineering and to work with a public agency for 4 years following graduation; to the Committee on Public Works and Transportation.

By Mr. BROWN (for himself, Mr. McCandless, and Mr. Lewis of California):

H.R. 3009. A bill to amend title 28, United States Code, to establish two divisions in the Central Judicial District of California; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3010. A bill to amend title XIX of the Social Security Act to extend the income ceiling for qualified Medicare beneficiaries from 100 percent to 133 percent of the poverty level beginning in 1993 with respect to payment of coinsurance and deductibles and beginning in 1995 with respect to payment of premiums; to the Committee on Energy and Commerce.

By Mrs. BYRON (for herself, Mr. Mfume, Mr. Guarini, Mr. Traficant, Mr. Payne of Virginia, Mr. Frost, Mr. Jontz, Mr. Mollohan, Mr. Ray, Mr. Lagomarsino, Mr. Cardin, and Mrs. Bentley):

H.R. 3011. A bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail; to the Committee on Interior and Insular Affairs.

By Mr. CARPER (for himself and Mr. Schulze):

H.R. 3012. A bill to amend the Wild and Scenic River Act by designating the White Clay Creek in Delaware and Pennsylvania for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DONNELLY:

H.R. 3013. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any compensation received from the Vaccine Injury Compensation Trust Fund; to the Committee on Ways and Means.

By Mr. EDWARDS of Oklahoma:

H.R. 3014. A bill to amend the Internal Revenue Code of 1986 to exempt from the penalty tax on early withdrawals from individual retirement plans distributions used to acquire the first home of a child or grandchild of the beneficiary of the plan; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. Emerson, Mr. Engel, Mr. Frank of Massachusetts, Mr. Horton, Mr. Lancaster, and Mr. Rahall):

H.R. 3015. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded respite care services for Medicare beneficiaries receiving hospice care; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONES of Georgia (for himself, Mr. Applegate, Mr. Richardson, Mr. Valentine, Mr. Rahall, and Mr. Lewis of Georgia):

H.R. 3016. A bill to amend the Internal Revenue Code of 1986 to allow the targeted jobs credit for hiring economically disadvantaged veterans who are discharged involuntarily as a result of budget cuts; to the Committee on Ways and Means.

By Mr. McNULTY:

H.R. 3017. A bill for the relief of Henry Johnson; to the Committee on Armed Services.

H.R. 3018. A bill for the relief of Dorris Miller; to the Committee on Armed Services.

By Mr. RINALDO:

H.R. 3019. A bill to authorize appropriations for grants to States to demonstrate whether confinement in boot camp prisons rehabilitates, and reduces recidivism of, juvenile offenders; to the Committee on the Judiciary.

H.R. 3020. A bill to amend the Internal Revenue Code of 1986 to increase to $150,000 the amount of group-term life insurance which may be provided by an employer and excluded from the gross income of an employee; to the Committee on Ways and Means.

H.R. 3021. A bill to establish a Presidential Commission on Insurance; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and the Judiciary.

By Mr. STARK:

H.R. 3022. A bill to prevent theft of motor vehicles by establishing a national framework for a program under which law enforcement officials are authorized to stop vehicles operated under specified conditions, such as during certain night hours, when operation of the vehicle under those conditions, according to a certification signed voluntarily by the owner, establishes a reasonable suspicion that the vehicle is being operated unlawfully; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. SUNDQUIST:

H.R. 3023. A bill to terminate the programs for lease and sale of single family properties acquired by the Department of Housing and Urban Development for use by the homeless; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3024. A bill to amend title 18, United States Code, regarding sentencing for capital offenses; to the Committee on the Judiciary.

H.R. 3025. A bill to amend the Internal Revenue Code of 1986 with respect to the deductibility of losses attributable to disasters for which assistance under the disaster loan program of the Small Business Act is available; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. Dreier of California, Mr. Atkins, Mr. Gallo, Mr. Hunter, Mr. Martinez, Mr. Moorhead, Mr. Shays, Mr. Skaggs, Mr. Torres, and Mr. Weldon):

H.R. 3026. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to protect citizens, municipalities, and other generators and transporters of municipal solid waste and sewage sludge from lawsuits equating these substances with industrial hazardous wastes; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.R. 3027. A bill to amend the Federal Power Act to modify the jurisdiction of the Federal Energy Regulatory Commission under part 1 of the act with regard to fresh waters in the State of Hawaii; to the Committee on Energy and Commerce.

H.R. 3028. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; jointly, to the Committees on Agriculture and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

224. By the SPEAKER: Memorial of the Legislature of the Eighteenth Special Session of the Palau National Congress, Republic of Palau, relative to the occasion of the Honorable George Miller's assumption of the chairmanship of the Committee on Interior and Insular Affairs; to the Committee on Interior and Insular Affairs.

245. Also, memorial of the Legislature of the State of Texas, relative to H.R. 1223; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under the clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Clinger, Mr. Glickman, Mr. Herger, Mr. Roth, and Mr. Gekas.

H.R. 123: Mrs. Byron.

H.R. 127: Mr. Sisisky, Mr. Ireland, Mr. Tauzin, Mr. Hutto, Ms. DeLauro, Mr. Brown, Mr. Smith of New Jersey, Mr. Neal of Massachusetts, Mr. Perkins, Mr. Walker, Mr. Gilchrest, Mr. Dooley, Mr. Santorum, Mr. Skeen, Mr. Moakley, and Mr. Duncan.

H.R. 213: Ms. Kaptur, Mr. Mfume, Mr. Weber, Mr. Quillen, Mr. Jontz, and Mr. Wilson.

H.R. 357: Mr. Ewing, Mr. Bryant, Mr. Rangel, and Mr. Towns.

H.R. 416: Mr. Dwyer of New Jersey.

H.R. 640: Mr. Gillmor.

H.R. 722: Mr. Green of New York.

H.R. 723: Mr. Green of New York.

H.R. 791: Mr. Bryant.

H.R. 812: Mr. Machtley, Mr. Johnson of South Dakota, Mr. Valentine, Mr. Mrazek, Mr. Bustamante, Mr. Stokes, Mr. Beilenson, Mr. Yates, Mr. DeFazio, Mr. Durbin, Mr. Owens of New York, Mr. Markey, Mr. Owens of Utah, Mr. Panetta, Mr. Dellums, and Mr. Peterson of Florida.

H.R. 815: Mr. Jenkins and Mr. Gingrich.

H.R. 842: Mr. Saxton.

H.R. 962: Mr. Kostmayer.

H.R. 997: Ms. Slaughter of New York and Ms. DeLauro.

H.R. 1110: Mr. Coleman of Texas, Mr. Synar, and Ms. Molinari.

H.R. 1135: Mr. Frank of Massachusetts and Mr. Yates.

H.R. 1181: Mr. Frank of Massachusetts.

H.R. 1237: Mr. Bliley, Mr. Chandler, Mr. Clement, Mr. Darden, Mr. Fields, Mr. Hatcher, Mr. Hyde, Mr. Peterson of Minnesota, Mr. Rogers, Mr. Smith of Oregon, Mr. Whitten, Mr. Browder, and Mr. Gillmor.

H.R. 1345: Mr. McDade, Mr. Sundquist, Mr. Hastert, Mr. Kolbe, and Mr. Shaw.

H.R. 1422: Mr. Evans, Mrs. Unsoeld, Mr. Martinez, Mr. Ford of Tennessee, Mr. Yates, Mr. Fascell, Mr. Rangel, Mrs. Schroeder, Mr. Levin of Michigan, Mr. Espy, Mr. Carper, and Mr. Wheat.

H.R. 1457: Mr. Bilirakis, Mr. Emerson, and Mr. Luken.

H.R. 1473: Mr. Dannemeyer.

H.R. 1484: Mr. Dooley and Mr. Allard.

H.R. 1485: Mr. Payne of Virginia and Mr. Gibbons.

H.R. 1652: Mr. Moorhead, Mr. Levine of California, Mr. Lowery of California, Mr. Riggs, Mr. Hunter, Mr. Gallegly, and Mr. Markey.

H.R. 1739: Mr. Reed and Mr. Fish.

H.R. 1750: Mr. Engel.

H.R. 1774: Mr. Markey and Mr. Dymally.

H.R. 1782: Mr. Levin of Michigan, Mr. Edwards of Oklahoma, and Mr. Rowland.

H.R. 1790: Mr. Campbell of California.

H.R. 1800: Mr. Gilchrest, Mr. Goss, and Mr. Hastert.

H.R. 1900: Mr. Hyde, and Mr. Gingrich.

H.R. 1969: Mr. Traficant.

H.R. 2012: Mr. Rowland, Mr. Thomas of Georgia, and Mr. Quillen.

H.R. 2059: Mr. Lent.

H.R. 2065: Mrs. Unsoeld, Mr. Serrano, Mr. Roe, Mr. Wolpe, and Mr. Dwyer of New Jersey.

H.R. 2071: Mr. Stump, Mr. Anderson, Mr. Hunter, Mr. Dornan of California, Mr. Johnston of Florida, Mr. Sensenbrenner, Mr. Young of Alaska, Mr. Dannemeyer, Mr. Martin, Mr. Cunningham, Mr. Smith of New Jersey, Mr. Lagomarsino, Mr. McCandless, Mr. McCollum, and Mr. Hyde.

H.R. 2106: Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Borski, Mr. Johnson of South Dakota, Ms. DeLauro, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Mfume, Mr. Spratt, Mr. Wolf, Mr. Rahall, Mr. Petri, Mr. Guarini, Mr. Derrick, and Mr. Tallon.

H.R. 2142: Ms. Molinari.

H.R. 2149: Mr. Anthony, Mr. Shaw, Mr. Taylor of Mississippi, Mr. Machtley, Mr. McDade, Mr. Klug, Mr. Bacchus, Mr. Dickinson, and Mr. Payne of Virginia.

H.R. 2164: Mr. Condit, Mrs. Meyers of Kansas, and Mr. Johnston of Florida.

H.R. 2172: Mr. Fish.

H.R. 2231: Mr. Brewster, Mr. Espy, Mr. Herger, and Mr. Neal of North Carolina.

H.R. 2241: Mr. Upton.

H.R. 2243: Mr. Lewis of Georgia and Mr. Frost.

H.R. 2257: Mr. Cox of California and Mr. Dornan of California.

H.R. 2290: Mr. Bilirakis, Mr. Ireland, Mr. Johnston of Florida, Mr. Shaw, Mr. Young of Florida, and Mr. Bennett.

H.R. 2350: Mr. de Lugo, Mr. Frost, Mr. Martinez, Mr. Ackerman, Mr. Jefferson, Mr. Scheuer, Mr. Hayes of Illinois, Mr. Roe, Mr. Mfume, Ms. Norton, Mr. Towns, and Mr. Evans.

H.R. 2382: Mr. Eckart.

H.R. 2463: Mr. Quillen, Mr. Dickinson, Mr. Duncan, Mr. Anthony, and Mr. Stenholm.

H.R. 2515: Mr. Reed and Mr. Sarpalius.

H.R. 2540: Mr. Neal of Massachusetts, Mr. Stark, Mr. Bryant, Mr. Rose, Mr. Bennett, Mr. Payne of New Jersey, Mr. Borski, and Mr. Mavroules.

H.R. 2541: Mrs. Morella, Mr. Neal of Massachusetts, Mr. Jontz, and Mr. Stark.

H.R. 2588: Mr. Pallone, Mr. Faleomavaega, Mr. Roe, and Mr. Horton.

H.R. 2646: Ms. Kaptur and Mr. Zimmer.

H.R. 2672: Mr. Hunter, Mr. Bustamante, Mr. Dicks, Mr. Scheuer, Mr. Nussle, Mr. Thomas of California, Mr. Wilson, Mr. Machtley, Mr. Laughlin, Mr. Valentine, Mr. Murtha, and Mr. Green of New York.

H.R. 2715: Mr. Roe, Mr. Torres, and Mr. Towns.

H.R. 2717: Mr. Beilenson, Mr. Horton, Mr. Owens of New York, Mr. Guarini, Mr. Evans, Mr. Scheuer, Mrs. Lloyd, and Ms. Kaptur.

H.R. 2743: Mr. Horton, Mr. Abercrombie, Mr. Ackerman, Mr. Owens of New York, Mr. Smith of Florida, Mr. Hochbrueckner, Mr. Porter, Mr. Foglietta, Mr. Stenholm, Mr. Campbell of Colorado, and Mr. Eckart.

H.R. 2744: Mr. Horton, Mr. Towns, Mr. Abercrombie, Mr. Ackerman, Mr. Owens of New York, Mr. Smith of Florida, Mr. Hochbrueckner, Mr. Porter, Mr. Foglietta, Mr. Stenholm, Mr. Campbell of Colorado, and Mr. Eckart.

H.R. 2768: Mr. Hancock.

H.R. 2818: Ms. Norton.

H.R. 2871: Mr. Eckart, Mr. Natcher, Mr. Costello, and Mr. Poshard.

H.R. 2872: Mr. Ackerman, Mr. Riggs, Mr. Ford of Tennessee, and Mr. Goss.

H.R. 2880: Mr. Neal of Massachusetts, Mr. Fascell, Mr. Clay, and Mr. Wheat.

H.J. Res. 22: Mr. Taylor of North Carolina.

H.J. Res. 67: Mr. Foglietta, Mr. Lewis of Georgia, Mr. Hobson, Mr. Vander Jagt, Mr. Young of Alaska, Mr. Eckart, Mr. Poshard, Mr. Zeliff, Ms. DeLauro, Mr. Oberstar, and Ms. Norton.

H.J. Res. 69: Mr. Poshard.

H.J. Res. 102: Mr. Morrison, Mr. Gilchrest, and Mr. Kleczka.

H.J. Res. 142: Mr. Hobson, Mr. Towns, Ms. Pelosi, Mr. Emerson, Mr. Gilman, Mr. Petri, Mr. Chandler, Mr. Coughlin, Mr. Weiss, Mr. Waxman, Mr. Lowery of California, Mr. McEwen, Mr. Andrews of Maine, Mr. Lewis of Florida, Mr. Kopetski, Mr. Ackerman, Mr. Gaydos, Mr. Callahan, Mr. McHugh, Mr. Owens of Utah, Mr. Lehman of Florida, Mr. Brewster, Mr. Washington, Mr. McDermott, Mr. Rangel, and Mrs. Boxer.

H.J. Res. 191: Mr. Washington, Mr. Condit, Mr. Nussle, Mr. Dymally, Mr. Skeen, Mr. Moorhead, Mrs. Kennelly, Mr. Bevill, Mr. Rahall, Mr. Dicks, Mr. Stark, and Mr. Ford of Michigan.

H.J. Res. 215: Mr. AuCoin, Mr. Baker, Mr. Carper, Mr. Cooper, Mr. Donnelly, Mr. Edwards of Texas, Mr. Dymally, Mr. Gunderson, Mr. Horton, Mr. Hutto, Mr. Hubbard, Mr. Jones of North Carolina, Mr. Kasich, Mr. Murphy, Mr. Moran, Mr. Young of Alaska, Ms. Norton, Mr. Mazzoli, Mr. Stallings, Mr. Levin of Michigan, Mr. Roberts, Mr. Natcher, Mr. Inhofe, Mr. Torres, Mr. Hochbrueckner, Mr. Geren of Texas, Mr. Grandy, Mr. Tallon, Mr. Laughlin, Mr. Hatcher, Mr. Weber, Mr. Sanders, Mr. Lewis of California, Mr. Coble, Mr. Livingston, Mr. Slattery, Mr. Gilchrest, Mr. Hansen, Mr. Stenholm, and Mr. Davis.

H.J. Res. 237: Mr. Scheuer, Mr. Taylor of North Carolina, Mr. Sisisky, and Mr. Traficant.

H.J. Res. 252: Mr. Hastert, Mr. Lehman of California, Mr. Lowery of California, Mr. Hobson, Ms. Kaptur, Mr. Mrazek, Mr. Alexander, Mr. Murtha, Mr. Dicks, Mr. Frost, Mr. Geren of Texas, Mr. Feighan, Mr. Dornan of California, Mr. Smith of Iowa, Mr. Washington, Mr. Glickman, Mr. Paxon, Mr. DeLay, Ms. Snowe, Mr. Roth, Mr. Stump, Mr. Natcher, Mr. Montgomery, Mr. Schiff, Ms. Molinari, Mr. Applegate, Mr. Packard, Mrs. Mink, Mr. AuCoin, Mr. Ray, Mr. Moakley, Mr. Boehlert, Mr. Petri, Mr. Inhofe, Mr. Carr, Mr. Whitten, Mr. Sundquist, Mr. Schaefer, Mr. Solarz, and Mr. Richardson.

H.J. Res. 280: Mr. Lancaster, Mr. Carper, Mr. Rangel, Mr. Roemer, Mr. Traxler, Mr. Waxman, Mr. Jenkins, Mr. Panetta, Mr. Wise, Mr. Spence, and Mr. Eckart.

H.J. Res. 284: Mr. Staggers, Mr. Bryant, Mr. Barnard, Mr. Bilbray, Mr. Roe, Mr. Oberstar, Mr. de la Garza, Mr. Dellums, Mr. Dicks, Mr. Payne of New Jersey, Mr. Moorhead, Mr. Leach, Mr. Bunning, Mrs. Bentley, Mr. Wolf, and Mr. de Lugo.

H.J. Res. 293: Mr. Bruce, Mr. Marlenee, Mr. Green of New York, Mr. Hastert, Mr. Lancaster, Mr. Hammerschmidt, Mr. Rangel, Mr. Lowery of California, Mr. McDade, Mr. Jacobs, Mr. McMillen of Maryland, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Horton, Mr. Kasich, Mr. Chapman, Mr. Evans, Mr. Donnelly, Mr. Natcher, Mr. Quillen, and Mr. Lewis of California.

H.J. Res. 294: Mr. Evans, Mr. Quillen, Mr. Bunning, Mr. Callahan, Mr. Burton of Indiana, Mr. Moakley, Mr. Natcher, Mr. Thomas of Georgia, Mr. Hertel, Mr. Vander Jagt, Mr. Gingrich, Mr. Murphy, Mr. Rogers, Mr. Rowland, and Mr. Donnelly.

H.J. Res. 299: Mr. Stokes, Mr. Staggers, Mr. Lipinski, Ms. Kaptur, Mr. Savage, Mr. Bevill, Mr. Sabo, Mr. Poshard, Mr. Slattery, Mr. Perkins, Mr. Roemer, Mr. Harris, Mr. Evans, Mr. Chapman, Mr. Rogers, Mrs. Patterson, Mr. Ritter, Mrs. Boxer, Mr. Washington, Mr. Ford of Michigan, and Mr. Rangel.

H.J. Res. 305: Mr. Chapman, Mr. Roth, Mr. Erdreich, Ms. Pelosi, Mr. Mineta, Mr. Price, Mr. Evans, Mr. Vander Jagt, Mr. Hughes, Mr. Bruce, Mr. Bateman, Mr. Manton, Mr. Levine of California, Mr. Lewis of Florida, and Mr. Bryant.

H.J. Res. 308: Ms. Snowe, Mr. Jacobs, and Mr. Holloway.

H.J. Res. 309: Mr. Bruce, Mr. Burton of Indiana, Mr. Chandler, Mr. Coble, Mr. Condit, Mr. Cox of Illinois, Mr. Darden, Mr. Dornan of California, Mr. Downey, Mr. Dreier of California, Mr. Durbin, Mr. Gekas, Mr. Glickman, Mr. Flake, Mr. Hoagland, Mr. Hoyer, Mr. Huckaby, Mr. Hughes, Mr. Hutto, Mr. Jefferson, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy, Mr. Kopetski, Mr. Lowery of California, Mr. Moody, Mr. Moran, Mr. Morrison, Mr. Nichols, Mr. Rahall, Mr. Sabo, Mr. Sharp, Mr. Shays, Mr. Sikorski, Mr. Skelton, Mr. Smith of Iowa, Mr. Stallings, Mr. Stokes, Mr. Taylor of Mississippi, Mr. Torres, Mr. Towns, Mr. Wheat, and Mr. Ford of Tennessee.

H. Con. Res. 176: Mr. Traficant, Mr. Ackerman, Mr. Gilman, Mr. Rangel, Mr. McNulty, and Mr. Jontz.

H. Res. 106: Mr. Kostmayer, Mr. Solomon, and Mr. Oberstar.

H. Res. 175: Mr. Hertel, Mr. McCollum, Mr. Smith of New Jersey, and Mr. Porter.

SENATE—*Wednesday, July 24, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

The PRESIDING OFFICER. Today's prayer will be offered by the Senate Chaplain, Reverend Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the poor in spirit: for theirs is the kingdom of heaven.—Matthew 5:3.

Gracious Father in Heaven, this first principle of the Kingdom of God sounds so irrelevant in the context of political pragmatism, so foreign to our contemporary culture, "Blessed are the paupers in spirit?"

Mighty God, in a place of power like this, in a city like this, in a society like ours, we value self-esteem, power, personal strength. We treat them as virtues. To be "poor in spirit" is so utterly contrary to our ideas of upward mobility, achievement, success. Yet Jesus declares it to be fundamental to the Kingdom of God.

Eternal God who "ordains all the powers that be," help us see ourselves in the light of this penetrating truth. Unrealistic as it may sound, help us visualize it in terms of its opposites: pride, arrogance, self-sufficiency, egotism. Grant us grace to appreciate the eternal value, to be "poor in spirit," to be humble.

In His name "Who, being in the form of God * * * made himself of no reputation, and took upon himself the form of a servant * * *."—Philippians 2:6, 7.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 24, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, as the Presiding Officer has indicated, there will be a period for morning business between now and 10:15 a.m., following which there will be 30 minutes for debate on the cloture motion on the motion to proceed to the foreign assistance authorization bill. A vote on that motion will occur at 10:45 a.m.

If cloture is invoked—that is, if more than 60 Senators vote in the affirmative to proceed to consideration of that bill—the Senate will commence consideration of the bill immediately thereafter, and we will be on the bill throughout the day.

Rollcall votes may occur. If, once cloture is invoked, we are able to get permission to proceed immediately to the bill, as I certainly hope we will—we have a lot of business to do in the next week-and-a-half—I hope that we are able to proceed to it and make good progress on this important measure during the day today.

Mr. President, I thank my colleagues. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein. The Senator from Washington [Mr. ADAMS] is permitted to speak up to 15 minutes. The Senator from Louisiana [Mr. JOHNSTON] is permitted to speak for up to 20 minutes. The Senator from Alaska [Mr. MURKOWSKI] is permitted to speak for up to 10 minutes.

The Senator from Washington [Mr. ADAMS] is recognized.

Mr. ADAMS. Thank you, Mr. President.

(The remarks of Mr. ADAMS pertaining to the introduction of S. 1536 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana [Mr. JOHNSTON] is recognized.

NATIONAL ENERGY SECURITY ACT OF 1991

Mr. JOHNSTON. Mr. President, almost 2 months ago, the Senate Committee on Energy and Natural Resources reported S. 1220, which is the National Energy Security Act of 1991. This is a comprehensive, balanced, effective energy proposal; in fact, it is the most comprehensive, the most balanced, the most effective energy proposal ever reported by either House of the Congress of the United States at any time in history.

Mr. President, we have spent the last few days talking about the various parts of this bill, about energy efficiency on one day, energy conservation, alternative fuels, renewable energy, and natural gas. And today, Mr. President, we want to talk about coal—both coal technology and coal research and development—as well as research and development initiatives in other energy disciplines.

Mr. President, I see my distinguished friend from North Dakota on the floor, who I believe wanted to speak about coal. I will be prepared to yield him time at this point, if he would like to speak.

Mr. CONRAD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

ENERGY POLICY

RENEWABLE RESOURCES

Mr. CONRAD. Mr. President, I thank the chairman of the Energy Committee for this time. Yesterday, I intended to join him in his discussion of the provisions in the energy bill related to renewable resources. I would like to touch on the initiatives on renewable energy today, as well as that portion of the energy bill related to research and development, and specifically coal.

During the decade of the 1980's, we witnessed in this country a dramatic decline in resources devoted to development of alternative and renewable sources of energy. Funding for research, development, and demonstration of alternative energy technologies was slashed by 89 percent between 1981 and 1990. Funding for renewable energy research in the same period dropped by 90 percent.

If the oil shocks of the 1970's convinced us that it was a national imperative to develop renewable energy, the oil price collapse of the 1980's lulled us into a false sense of security. Development of renewable and alternative energy sources must be at the top of this Nation's energy agenda.

Our oil import dependence now stands at 50 percent. That ought to sober every serious-minded American. We are now dependent for half of our oil supplies on foreign sources—unstable foreign sources. If there is anything we should have learned in recent months, it is that America is vulnerable because of our dependence on foreign oil. That dependence will rise to 65 or 70 percent, unless we take action.

Mr. President, that is why it is imperative that this Congress move on the energy agenda that has been put before it by the Energy Committee. Our oil dependence was dramatized by the Persian Gulf war, and it is clearly time to renew our commitment to renewable and alternative sources of energy.

Mr. President, we have abundant domestic energy resources; we know that. Our energy policy should seek maximum reliance on made-in-America energy, not cheap Persian Gulf oil.

Renewable energy now supplies 8 to 10 percent of America's energy, mostly through hydroelectricity. The Department of Energy concluded that renewables could provide more than 28 percent of our energy by the year 2030, if they receive adequate funding and their price becomes competitive with oil.

Despite the decline in Federal research and development dollars in the 1980's, there have been many promising technological developments in that decade. Technologies like solar thermal, biomass, wind, and photovoltaics are excellent examples of proven renewable sources of energy.

The Energy Security Act before this Chamber contains a number of provisions which will promote the development of renewable energy resources in the domestic arena. Perhaps the most important initiative is the establishment of joint ventures in biofuels, geothermal, photovoltaic and wind energy, biomass gasification, fuel cells, and utility scale photovoltaics.

Marrying the public and private sector in the development of these joint ventures is critical. Federal sponsorship will enhance the commercialization of these technologies.

Another important provision of this legislation allows the Secretary to buy down interest rates on private bank loans in order to attract the long-term capital necessary for the development of solar, biomass, and wind industries. The industries are becoming more mature, but they need incentives to increase their use in the marketplace. These young industries have a very difficult time attracting the necessary capital because their up-front costs still remain rather high. Leveraging of Federal dollars is an excellent way to increase the penetration of these technologies in the marketplace.

RESEARCH AND DEVELOPMENT AND COAL PROVISIONS

Mr. President, research, development and commercialization of energy technologies were also neglected during the 1980's. If there was ever a decade of neglect, the 1980's were it. For some reason this Nation went to sleep. For some reason this Nation decided that the commitment outlined in the 1970's to move this Nation toward energy independence could be put on the back burner, perhaps because of the collapse of oil prices. Nonetheless, the challenge remains.

The energy legislation put before this body directs the Secretary to establish research and development priorities for the country which emphasizes reduced oil dependence, energy efficiency, environmentally sound sources of energy, and elimination of the obstacles to commercial viability of alternative energy technologies.

The research initiatives contained in this bill span all energy resources: Natural gas utilization technologies, high-efficiency heat engines, oil shale, high-temperature superconducting electric power systems, fusion, electric hybrid vehicles and battery technology, natural gas vehicles, enhanced oil recovery, and others.

The bill also includes joint ventures with private sector interests to demonstrate the commercial viability of these technologies. This sort of Federal support will be critical for spurring widespread acceptance of these technologies.

Now, Mr. President, let me turn briefly to the coal provisions because this bill also contains research for advanced coal-based technologies. Coal is one of this Nation's most abundant resources. The research program will emphasize control of sulfur and nitrogen oxides, air toxics, the development of coal-derived transportation fuels, and the utilization of coal refining technologies.

The Department of Energy estimates that recoverable coal reserves in this Nation are more than 250 billion tons, which is the energy equivalent of the entire world reserve of oil. In other words, Mr. President, we have in this Nation in coal reserves the energy equivalent of the entire world's supply of oil. Western low-rank coals represent approximately half of those U.S. coal reserves. My own State of North Dakota is now producing about 30 million tons of coal a year, supplying the vast majority of the electricity used in my State.

Mr. President, what could be more clear than we must continue to develop this important domestic resource in a sound and responsible manner to reduce our energy dependence? The energy legislation before us will direct coal research in the right direction and will for the first time put some emphasis on Western coal.

Mr. President, like any legislation, this bill is not perfect, but it is a very, very good start. An enormous amount of effort has gone into crafting this legislation.

I believe it is the responsible approach for this Chamber to take up this legislation soon, to act on it, and to send a signal to America that we are ready to have an energy policy in this country, that we are no longer willing to put this Nation at risk because of our dependence on foreign sources of oil. That way lies tragedy. If, instead, we are able to make the hard choices and turn this Nation in the direction of energy independence, we can strengthen America. That is the opportunity.

I again publicly commend the chairman of the Energy Committee for having the courage to put before this body a comprehensive energy bill, a bill that provides the framework for moving this country in the right direction.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I congratulate the distinguished Senator from North Dakota [Mr. CONRAD] for an excellent statement, for his tremendous contributions to this bill, and for the help he has been in trying to get a made-in-America energy policy.

Mr. President, ours is a real challenge, first, because of the misinformation put out about this bill and, second, because the problem of talking about a comprehensive energy policy is that it is so vast and involves so many different initiatives, literally hundreds of initiatives. This bill, S. 1220, is 493 pages in length. Contained here is every good idea that the Energy Committee has received over a period of at least the last 19 years since I have been on the Energy Committee. It used to be called the Interior Committee. Every single idea that has been proposed which we and the staff found to be sensible we have included in this 493-page, 16-title bill.

What we have been doing these last few days is going through those titles, particularly those that deal with such things as renewable energy, which we talked about yesterday, natural gas and all of its applications, from pipeline reform to the use of natural gas in vehicles, to new technological innovations involving natural gas, to energy efficiency, and the 30 different ways in which this bill deals with energy efficiency, conservation, and we have yet to talk still about other parts of the bill that are equally important.

So, Mr. President, when those people say this bill does not do anything for conservation, they have not read the bill, or they have read it and chosen to misrepresent it because we do a lot for conservation, we do a lot for energy efficiency, we do a lot for alternative fuels, we do a lot for biomass and solar energy and all of those things that collectively are necessary to make up an energy policy.

We held 15 hearings and 13 markups on this bill, Mr. President, and we believe it is an excellent product. We address R&D in such areas as renewable energy, energy efficiency, natural gas, high efficiency heat engines, oil shale, advanced oil recovery, tar sands, superconductivity, fusion, and clean-coal technologies. We provide for demonstration projects and commercialization projects through cost-shared agreements with the private sector. It is all here.

Today, I want to talk about two titles of S. 1220 that have been largely overlooked thus far. These provisions are not contentious. They have not captured attention like ANWR and CAFE. But these are important provisions that will set in motion research and development activities across the entire energy spectrum.

Federal support for research and development is critical to our future energy supply in this country. It is only through continued support of promising technologies that we will ultimately be successful in decreasing our dependence on imported oil and increasing our reliance on resources that are made in America. We have vast resources in this country that have the potential to provide sources of energy for hundreds of years to come. But we have barely begun to develop some of these resources. Others have been developed and utilized for years—but there may be better, and cheaper, and cleaner ways to develop and utilize them.

According to the Energy Information Administration, the recoverable coal reserves in the United States are more than 250 billion tons, or enough coal to last for 240 years. By far, coal is our greatest domestic energy resource. These reserves are equivalent to 1,099 billion barrels of oil.

But the key to continued use of these vast coal resources will be to develop technologies that will make coal both clean and economical. S. 1220 includes provisions that will lead to the development and commercialization of those technologies.

Title XIV of S. 1220 is solely focused on initiatives that will ensure that these vast resources of coal will be available for use in a clean, economical fashion. The provisions of S. 1220 contain aggressive initiatives for technology development and initiatives that will deal with some of the institutional issues associated with the use of coal.

Indeed, coal is one of the areas where the difference between S. 1220 and the administration's energy bill is most evident. The word "coal" is not even mentioned in the 165-page administration bill. But, in our view, these domestic resources are too vast to simply ignore them.

The natural gas resources base in the United States is also vast, but the proved natural gas reserves represent only a small percentage of what may be recoverable with advanced technology. According to the EIA, proved natural gas reserves totaled 168 trillion cubic feet in 1988. But with the utilization of advanced exploration and production technology, the economically recoverable resource base in the lower 48 States increases significantly to 1,251 trillion cubic feet. That is equivalent to an increase from 30 to 225 billion barrels of oil. Again, S. 1220 includes provisions that will lead to the development and commercialization of those technologies.

Advanced technology also offers the potential to increase the economic recoverability of domestic oil resources. Advanced oil recovery technologies will be capable of significantly increasing the extent of proved oil reserves and significantly increasing daily production. Nearly two-thirds of our existing oil reserves are not now recoverable. Much of this oil could be recovered, however, with advanced technology. According to the Department of Energy, this could result in additional economically recoverable reserves of 20 to 65 billion barrels. The provisions of S. 1220 would set in motion a program for development and demonstration of these advanced technologies.

Other domestic resources also offer great potential. Among these are oil shales, tar sands, geothermal, and many renewable resources. While most of these resources are not as abundant or recoverable as coal, natural gas, or oil, they have an important role in ensuring diversity of supply in our overall domestic energy mix. Continued Federal research and development in these areas is critical. In the case of oil shale, aggressive Federal R&D could be the link to vast resources that may be more abundant than oil or gas. S. 1220 contains provisions for research and development in all of these areas. Where appropriate, S. 1220 contains provisions to support demonstration and commercialization of these technologies in cooperation with the private sector.

In short, title XIII of S. 1220 sets forth research, development, demonstration, and commercialization programs across a wide spectrum of energy disciplines. The Secretary of Energy is directed to establish research and development priorities and to develop a management plan for conduct of these programs at the Department of Energy.

The approach we have taken in S. 1220 is to concentrate Federal support at the stage where it is needed the most. If it is research and development that is required to take a technology to the next step, then that is where Federal support is focused. In title XIII, we have included R&D initiatives in oil shale, tar sands, renewable energy, energy efficiency, electric vehicles, battery technology, and fusion energy. In title XIV, we have included R&D initiatives for low-rank coal.

Where demonstration of a technology is the next logical step, we have focused Federal support at that stage. To encourage demonstration of such technologies, S. 1220 includes initiatives for cost-shared demonstration projects on natural gas utilization technologies, advanced technologies for natural gas recovery, high-efficiency heat engines, high-temperature superconductivity, natural gas and electric heating and cooling technologies, and advanced oil recovery technologies. With respect to coal, S. 1220 includes initiatives for cost-shared demonstration projects in clean coal technologies, coal refining technologies, underground coal gasification, magnetohydrodynamics, and nonfuel uses of coal.

Finally, where a technology simply needs a push toward commercialization, S. 1220 includes initiatives that will help push these technologies out into the marketplace. This is a theme that runs throughout S. 1220. If there is a necessary Federal role in developing these technologies, it is critical that we fulfill that role.

S. 1220 is designed to make the United States energy independent by developing our own resources and developing cost-competitive technologies that will better enable us to utilize those resources. The research, development, demonstration, and commercialization provisions are a central part of that scheme.

Mr. President, in the next few days we will discuss other aspects of this bill. I urge my colleagues and I urge people all across America to consider the implications of where we are in energy and where we are going with energy and what the energy life of this country will be like unless we adopt a comprehensive energy policy. We are 50 percent dependent on foreign imports of crude oil, on our way to two-thirds according to the testimony of former Energy Secretary Schlesinger and others before our committee, from one-half dependence on imports today to two-thirds dependence on imports by 1995.

I ask my colleagues to consider what will happen or what would happen if the price of oil doubled in real terms at the same time that we are dependent for two-thirds on imports.

If you remember, Mr. President, back in the 1970's that is precisely what happened. Indeed, back in the 1970's the price of oil more than doubled in real terms. If that should happen today, for people who think we are in a recession now, for people who think we have difficulties in our economy now, can you imagine what it would be if the price of oil should double?

And where is the price of oil headed? It is headed up, inexorably up, Mr. President, as our consumption goes inexorably up, as our production goes inexorably down.

What S. 1220 is designed to do, all 493 pages of it, is to get us off that dependency so that this country's economy is not held hostage, so that this country's foreign policy is not held hostage, so that operations like Desert Storm will not be so necessary in the future, as they are today.

Mr. President, there is no alternative to a comprehensive energy policy, one based not only on initiatives such as conservation, energy efficiency, alternative fuels, CAFE standards, those kinds of things, but also on production initiatives such as the option to have nuclear energy, the option to be able to drill in the Arctic National Wildlife Refuge, the option to have the Public Utility Holding Company Act reform which will bring competition to the generation of electricity.

Mr. President, this bill does all of that and in future days we will continue to inform our colleagues and the Nation about how this balanced and comprehensive bill deals fully with the need for a national energy policy.

Mr. President, I ask unanimous consent that a summary of the research and development and coal provisions of S. 1220 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY—TITLES XIII AND XIV OF S. 1220, R&D AND COAL TECHNOLOGY PROVISIONS

TITLE XIII—RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIALIZATION ACTIVITIES

Energy Research, Development, Demonstration, and Commercialization Priorities.—Directs the Secretary to set priorities and prepare a management plan for research, development, demonstration, and commercialization activities consistent with the purposes of the Act.

Natural Gas End-Use Technologies.—Authorizes the Secretary to carry out a program to promote the commercialization on a cost-shared basis, of natural gas utilization technologies including stationary source emissions control and efficiency improvements, natural gas storage, transportation fuels, and fuel cells.

Natural Gas Supply Enhancement.—Authorizes the Secretary to carry out a program, on a cost-shared basis, of research, development and demonstration to increase the recoverable natural gas resource base, including efforts in the following areas: increased recovery from discovered conventional resources, economic recovery of unconventional natural gas resources, surface gasification of coal, and recovery of methane from biofuels.

High Efficiency Heat Engines.—Directs the Secretary to carry out a program of research, development, demonstration, and commercialization on high efficiency heat engines including advanced gas turbine cycles.

Applied Research on Eastern Oil Shale.—Directs the Secretary to carry out a research and development program on oil shale that includes applied research on eastern oil shale and that is conducted in cooperation with universities and the private sector.

Western Oil Shale.—Directs the Secretary to carry out a research, development, and demonstration program on western oil shale and to consider establishment and utilization of at least one field test center. Requires private sector cost-sharing for any demonstration project.

High-Temperature Superconducting Electric Power System.—Directs the Secretary to carry out a program of research, development, and demonstration of a high-temperature superconducting electric power system. Requires private sector cost-sharing for any demonstration project.

Renewable Energy Research and Development.—Amends the Renewable Energy and Energy Efficiency Technology Competitiveness Act (Pub. L. No. 101-218) to remove the authorization limitation for renewable energy research and development programs.

Energy Efficiency Research and Development.—Amends the Renewable Energy and Energy Efficiency Technology Competitiveness Act (Pub. L. No. 101-218) to remove the authorization limitation for energy efficiency research and development programs.

Natural Gas and Electric Heating and Cooling Technologies.—Directs the Secretary to expand the program of research, development, and demonstration for natural gas and electric heating and cooling technologies for residential and commercial buildings. Requires private sector cost-sharing for any demonstration project.

Fusion Research, Development, and Demonstration.—Directs the Secretary to carry out a research, development, and demonstration program on fusion energy that is structured in a way that will lead to commercial demonstration of the technological feasibility of fusion energy for the production of electricity after the year 2010. Requires private sector cost-sharing for any demonstration project.

Electric Vehicle Research and Development.—Directs the Secretary to conduct a program of research and development on techniques related to improving electric vehicles, electric-hybrid vehicles and battery technology. Requires private sector cost-sharing for these programs.

Advanced Oil Recovery Research, Development, and Demonstration.—Directs the Secretary to carry out a program of research, development, and demonstration to increase the economic recoverability of domestic oil resources that includes both advanced secondary oil recovery and tertiary oil recovery. The Secretary is authorized to enter into cooperative agreements for activities under this section. Requires private sector cost-sharing for any demonstration project.

Tar Sands.—Requires the Secretary, in consultation with the Secretary of the Interior, to submit a study to Congress within one year. The study shall identify and evaluate the development potential of sources of tar sands in the United States (including eastern and western sources).

Study of Telecommuting.—Directs the Secretary, in consultation with the Secretary of Transportation, to conduct a study of the potential costs and benefits of telecommuting. Telecommuting would allow people to work from home on a computer or telephone rather than commuting to a central workplace.

Study of Minimization of Nuclear Waste.—Directs the Secretary to conduct a study of the potential for minimizing the volume and toxic lifetime of nuclear waste.

Nuclear Waste Management Plan.—Directs the Secretary to submit to Congress a report on whether the current programs and plans for management of nuclear waste as mandated by the Nuclear Waste Policy Act of 1982 are adequate for the management of any additional volumes or categories of nuclear waste that might be generated by any new nuclear power plants that might be constructed and licensed after the date of enactment of this Act.

Math and Science Education.—Directs the Secretary to enter into agreements with qualified entities to provide post-secondary programs for the promotion of mathematics and science education for low-income and first generation college students.

TITLE XIV—COAL, COAL TECHNOLOGY AND ELECTRICITY

Subtitle A—Coal and Coal Technology

Coal Research, Development and Demonstration Program.—Directs the Secretary to carry out a research, development and demonstration program for advanced coal-based technologies, that will achieve greater control of NO_x, SO2, and air toxics; will be capable of converting coal into cost-competitive transportation fuels; will be capable of converting coal into synthetic gaseous, liquid, and solid fuels; and will achieve greater energy efficiency; and will be commercially available by 2020.

Non-fuel Use of Coal.—Requires the Secretary to submit a research, development, and demonstration plan and implement a program for technologies for the non-fuel use of coal. Such technologies include the production of coke, carbon-based chemical intermediates, and coal treatment processes.

Coal Refining Program.—Directs the Secretary to carry out a research, development, demonstration, and commercialization program for coal refining technologies. Directs the Secretary to solicit proposals for cost-shared demonstration projects of coal refining processes and authorizes the Secretary to enter into agreements with non-Federal entities to undertake these projects.

Underground Coal Gasification.—Directs the Secretary to carry out a research, development and demonstration program for underground coal gasification technology. Directs the Secretary to solicit proposals and is authorized to provide financial assistance for at least one demonstration project of underground coal gasification technology.

Low Rank Coal Research.—Requires the Secretary to pursue a program of research and development with respect to the technologies needed to expand the use of low-rank coals. Authorizes the Secretary to enter into contracts, cooperative agreements, and jointly sponsored research programs with, and provide grants to, qualified persons in order to carry out this program.

Magnetohydrodynamics.—Requires the Secretary to carry out a proof-of-concept program in magnetohydrodynamics. In carrying out this program, the Secretary is directed to solicit proposals from the private sector and seek to enter into an agreement that provides for cost-sharing with non-Federal entities.

Coal-Fired Locomotives.—Directs the Secretary to conduct a research, development and demonstration program for utilizing "ultra-clean coal-water slurry" in diesel locomotive engines.

Coal Exports.—Requires the Secretary to submit to Congress a plan for expanding the export of coal from the United States.

Clean Coal Technology Export Coordinating Council.—Establishes a Clean Coal Technology Export Coordinating Council to facilitate and expand the export and use of clean coal technologies, with a priority on such transfer and use in lesser-developed countries. Requires the Council to develop a data base and information dissemination system relating to clean coal technologies.

Coal Fuel Mixtures.—Requires the Secretary to prepare a report on technologies for combining coal with other materials, such as oil or water fuel mixtures.

National Clearing House.—Directs the Secretary to establish a national clearing house for exchange and dissemination of technical information relating to coal and coal-derived fuels.

Utilization of Coal Combustion Byproducts.—Directs the Secretary to conduct a comprehensive study on the institutional, legal, and regulatory barriers to increased utilization of coal combustion byproducts, such as ash, slag, and flue gas desulfurization.

Data Base and Report on Coal Transportation.—Requires the Secretary to establish a data base and prepare a report regarding coal transportation rates and distribution.

SUBTITLE B—ELECTRICITY

Applicability of New Source Review to Existing Electric Utility Steam Generating Units.—Addresses the so-called *WEPCo* issue concerning EPA's interpretation of new source performance standards (NSPS) and new source review (NSR) in cases of physical changes at existing powerplants. Exempts pollution control projects from NSR and NSPS and prescribes standards for assessing whether other physical changes at existing powerplants trigger NSPS and NSR.

Excess Capacity Study.—Requires the Secretary to submit report on physical impediments to transfer of excess electrical energy from regions with surpluses to regions with shortages.

Calculation of Avoided Cost.—This section states that State regulatory authorities are not required to base calculations of avoided cost, under the Public Utility Regulatory Policies Act (PURPA), on the rates for or the costs of demonstration projects under the Department's clean coal technology program.

Regulatory Incentives for Clean Coal Technologies.—Sets out a process for establishing Federal regulatory incentives for clean coal technologies and encourages State regulatory authorities to consider similar incentives for these technologies. Requires the Secretary to report to Congress on progress made in encouraging States to provide these incentives.

Mr. JOHNSTON. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized, Senator MURKOWSKI.

Mr. MURKOWSKI. Mr. President, may I ask if I have 10 minutes as requested in morning business?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 10 minutes.

Mr. MURKOWSKI. I thank the Chair.

First let me acknowledge my colleague, the chairman of the Energy Committee, for a broad and encompassing view of the energy bill that will soon be considered on the Senate floor. I think the series of presentations that have been made truly highlight the broad and well-rounded nature of the National Energy Security Act of 1991.

I would suggest that we have in this instance a case of the glass being more than half full, as opposed to being half empty with regard to those who are critics of this energy bill.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. MURKOWSKI. Mr. President, the Senator from Alaska is prepared this morning to go into one portion of that bill, the portion covering the authorization to initiate drilling in the Arctic National Wildlife Refuge [ANWR]. The realization that some of my colleagues are unfamiliar with ANWR, I think, deserves a little examination.

ANWR is a relatively small, 19-million acre section of Alaska tucked away north of the Arctic Circle next to the Canadian-United States border. ANWR is about the size of South Carolina, six times the size of Connecticut, however in relation to the State of Alaska, it is relatively small.

Within ANWR there are 19 million acres, as I have indicated, and it is important to recognize, Mr. President, that 8 million acres have already been set aside in wilderness in perpetuity. That is an area, the size of the State of Massachusetts. So for those who suggest there is not enough wilderness in Alaska, I remind them there are 56 million acres of wilderness in Alaska. The 8 million acre section of wilderness in ANWR is a very small portion.

It is further appropriate to recognize that out of the 19 million acres in ANWR, there are 9½ million acres set aside as a refuge that can only be opened by Congress. That leaves us with about 1½ million acres in the so-called 1002 area. This is the area that contains the most promising prospects for oil and gas discoveries. ANWR coastal plain estimates could run as high as finding the largest oilfield in North America or, as old-time oil people say, "When you look for oil, you usually don't find it." But we will never know unless we authorize exploration.

The mean estimates of reserves estimated in the ANWR area are 3.2 billion barrels and high estimates are over 10 billion barrels. ANWR could provide this Nation with 10 to 12 percent of the U.S. domestic production.

I remind my colleagues that Prudhoe Bay has been producing about 24 percent of the total crude oil produced in the United States since the mid 1970's, producing approximately 2 million barrels a day. That field is now on a decline of about 10 percent a year. If we do not find domestic replacements for the decline from Prudhoe Bay, we are going to import more oil, probably from the Persian Gulf, and certainly it will travel to the United States in foreign tankers.

We heard this morning from Senator JOHNSTON who outlined in some detail the Johnston-Wallop National Energy Security Act of 1991, which was reported out of the Energy Committee on May 23, and contains the ANWR leasing title. The vote on the Johnston-Wallop energy bill was 17 to 3 in favor of reporting the package out of committee. It is a balanced bill, Mr. President. It contains provisions for energy conservation, development of alternative energy sources and increased domestic oil and gas production.

Environmental activists want more conservation and less production, however, conservation is not the sole solution. We certainly need conservation, but we also need production. I think proof of that, Mr. President, would be to go back and examine in the mid-1970's when we adopted our first CAFE standard, we save roughly 1½ million barrels per day. But within 6 months of that first CAFE standard initiation in the mid-1970's, we also brought on Prudhoe Bay which added roughly 2 million barrels per day. History has shown, Mr. President, that we needed both conservation and production. As we look at the national energy security of this Nation, I think we are in agreement that the United States is dependent on other countries to meet our energy needs. Senator JOHNSTON has already indicated that over half of our oil consumption is imported from foreign countries. The United States currently consumes approximately 17 million barrels per day but only produces about 7½ million barrels per day. Clearly, over 50 percent comes from foreign sources.

Mr. President, the Persian Gulf war showed that the Mideast is certainly an unstable supply of foreign oil. If we go back and recognize that our President said that United States troops were needed to combat naked aggression, we also knew that we were there to keep the flow of oil coming from the Persian Gulf for the countries of the Western world.

Mr. President, the problem is getting worse. OPEC countries provide 25 percent of U.S. oil supply today. Fifty-three percent of our imports are from OPEC countries. Compare this with 1985 when U.S. imports were only 31 percent, and only 11 percent of U.S. oil supply from OPEC. Worldwide OPEC accounts for 33 percent of world oil production.

U.S. production continues to decline, Mr. President. U.S. oil production is at its lowest point in 26 years. Domestic production, currently at 7.4 million barrels per day, is dropping at a rate of about 4 percent a year. Alaska oil fields, which hold 25 percent of the total U.S. oil production, continue to decline.

Mr. President, conservation alone is simply not enough. We must make some tough decisions in this country.

The U.S. consumption of oil is relatively flat. So where is the growth? The growth is in the Third World countries. Third World countries are increasing their use of energy at about 10 percent per decade. Third World oil use is expected to rise 155 percent from 1985 to the year 2010. Developing countries accounted for 17 percent of world commercial energy consumption in 1973. They now account for 23 percent of energy consumption. And it is expected to grow to 40 percent by the year 2020.

Think, for a moment: 600 new cars a day in Singapore, Thailand, and Korea. These countries are increasing their standard of living and as a consequence they want new automobiles.

Mr. President, ANWR is the cornerstone of the National Energy Security Act of 1991. In the Johnston-Wallop bill, ANWR revenues fund over 60 percent of conservation measures. Everything from energy-efficient homes, solar energy, and clean-coal technologies to tax breaks for electric cars. These conservation measures are funded by ANWR revenues.

Friends in the environmental community face an interesting dilemma. If they strip ANWR out of the package or succeed in putting it into a wilderness, then those folks bear the responsibility of killing our Nation's energy strategy.

We have seen criticism of the Johnston-Wallop plan but clearly those who criticize it have failed to come up with a better package.

I would like to dispel some of the ANWR myths. It is important to recognize that there are 19 million acres in ANWR, 8 million are designated wilderness, 9.4 million in refuge, that leaves 1½ million acres. It is estimated if oil were discovered, development would utilize an area of about 12,500 acres, an area about the size of the Dulles International Airport.

Another myth is that it is only a 200-day supply. If ANWR were only a 200-day supply it would be the third largest oil field ever found in the United States.

The environmental community also uses the caribou myth. Mr. President, there are more caribou in Alaska than there are people. The caribou herds have actually increased in the Prudhoe Bay area. Prior to the discovery of oil development in the Prudhoe Bay area, there were about 3,000 caribou in the central Arctic herd. Today there are about 18,000.

I think it is important to recognize that there are approximately 150 to 200 visitors that go into this lovely area each year. The cost of that visit is about $5,000. How does that compare with the millions of working Americans who would benefit from reducing excessive dependence on imported oil? ANWR could create as many as 735,000 jobs throughout the United States and boost the gross national product by $54 billion.

These are important issues that my colleagues need to understand in these debates as we address the merits of the National Energy Security Act of 1991.

I have stated at the beginning of my statement the glass is truly half full. The energy package is a good one. We have never gotten so far before in such a comprehensive package.

So, as I conclude, let me commend the chairman of the committee, Senator JOHNSTON.

I will be giving a series of speeches to my colleagues relative to additional aspects of the energy bill as it pertains to ANWR.

I yield the floor.

COAL PROVISIONS

Mr. FORD. Mr. President, today I would like to join my distinguished colleague, the chairman of the Committee on Energy and Natural Resources, in discussing the coal provisions of S. 1220. These provisions are quite obviously very important to my home State of Kentucky. I am pleased to have been able to work with the chairman and other members of the committee to develop these provisions.

Many people have confused S. 1220 with the administration's national energy strategy. In the area of coal, it is particularly apparent that S. 1220 is quite different from the administration's energy strategy.

The administration had some nice words of encouragement for coal in its national energy strategy. But it neglected to mention coal even once in its 165-page legislative proposal. To the administration, coal was nothing more than a poor, forgotten stepchild.

By contrast, S. 1220 contains many important provisions that will ensure that coal is available as a clean source of energy well into the future.

Coal now supplies 25 percent of the total energy requirements in the United States. Some 57 percent of the total U.S. electricity supply comes from coal. We have enough coal in reserve to meet our projected needs for more than 200 years. These facts show that coal will continue to be a major part of the energy supply mix for many years to come. It simply makes no sense to stop using this home-grown resource. The recent war in the Persian Gulf should be enough to remind us of the need for products made in the United States of America.

But the key to continued use of coal is development of technology to make it both clean and economical. These technologies are already under development. The provisions of S. 1220 adopted during the committee markup will ensure that these efforts continue.

I would like to talk briefly today about some of the key provisions of S. 1220 that I worked with the chairman and others to make part of this bill. I am pleased that the committee adopted my amendments to strengthen the crucial coal provisions of S. 1220. And I hope and believe that the resulting legislation will be worthy of the support of everyone interested in the long-range energy future of our Nation.

S. 1220 directs the Secretary of Energy to carry out a program to develop advanced coal-based technologies that will be commercially available by 2010. As part of that program, the Secretary is encouraged to consider additional rounds in the Clean-Coal Technology Program.

Another important provision of S. 1220 directs the Secretary to develop commercial-scale demonstrations of innovative coal-refining processes such as liquefaction. This is a significant program that will develop technologies to clean up the coal before it is burned rather than after. These technologies have the potential to produce clean fuel for energy and electricity production as well as coal byproducts that have value as nonfuels.

During the committee markup of S. 1220, a number of other provisions were adopted that will encourage the development and use of clean-coal technologies. These provisions encourage the adoption of regulatory incentives for investments in clean-coal technologies. Another provision would eliminate a disincentive to the acceptance of clean coal projects by ensuring that electricity rates are not artificially inflated due to calculations of avoided cost.

In short, the initiatives contained in S. 1220 will set in motion the programs necessary to achieve the goals of developing technologies that will burn coal cleanly and cost-effectively. These are important goals that I believe all of my colleagues should support.

I have every hope that there will be Senate action on S. 1220 in 1991 and that major energy legislation will be enacted by the Congress before adjournment at the end of 1992.

THE ROLE OF COAL IN A NATIONAL ENERGY STRATEGY

Mr. ROBB. Mr. President, I rise today to support of the coal title of the National Energy Security Act of 1991 (S. 1220). I think there are ways to improve the bill—specifically, I think that any energy policy needs to center around conservation and an increase in the gasoline tax. I hope the Senate will have a chance to consider such an amendment in the months ahead. But for now, I wish to focus my attention on title XIV of the bill as it relates to coal and coal technology.

Mr. President, the United States possesses enormous reserves of coal. Fully one-quarter of the world's known coal reserves are in the United States. In 1990, the United States produced a record level of over 1 billion short tons of coal, an increase of 5 percent over the previous year. The Commonwealth of Virginia contributed significantly to this production, ranking seventh in coal production in the United States during 1990.

The problem, of course, is that increased reliance on coal raises some legitimate environmental concerns. Title XIV of this bill seeks to address some of those concerns. S. 1220 directs the Secretary of Energy to establish and conduct a research, development, and demonstration program to assure development of advanced coal-based technologies which control NO_x, SO_2, and air toxics and achieve greater energy efficiency. Under the bill, these technologies are to be commercially available by the year 2010.

In addition, S. 1220 requires the Secretary of Energy to submit to the Congress a plan to expand the export of U.S. coal. The bill also establishes a clean coal technology export coordinating council to facilitate and expand the use of clean-coal technologies abroad, with a priority for developing countries.

In closing, Mr. President, this Nation desperately needs to enact comprehensive and balanced energy legislation. If we are to reduce our reliance on oil—in order to reduce the power of foreign nations to dictate American foreign policy—we must look to a broad range of alternatives. While I may not personally support every item in S. 1220, I do support the Congress enacting comprehensive energy legislation that includes a place for coal in meeting our Nation's energy needs.

Mr. BYRD. Mr. President, I have long argued that the United States should and must develop a comprehensive national energy policy. As events in the Middle East have too frequently reminded us, our national security and our economic security are highly dependent upon our energy security. We can no longer afford to allow our Nation's energy policy to be determined solely by the vagaries of unfettered market forces. We can no longer afford to allow ourselves to be so vulnerable to the whims of foreign despots and to the political instabilities inherent in other regions of the world. The time has come to enact a comprehensive national energy policy that will make us energy independent.

As a nation, we already possess the energy resources and the technological potential to enhance our energy security and to achieve energy independence. All that is needed now are the will and the leadership to put into place long-term, comprehensive, and coordinated policies that will achieve these goals. And I believe that we have the opportunity to enact such policies in the 102d Congress. Last month, S. 1220, the National Energy Security Act of 1991, was reported by the Senate Committee on Energy and Natural Resources. It is my hope that the Senate will now act on S. 1220.

I believe that S. 1220 will, at least, put our Nation on the path toward developing an array of energy strategies and resources that will forever reduce our dependence on foreign oil. S. 1220 is a comprehensive bill; it appropriately incorporates a number of different approaches in its effort to move our Nation toward the goal of energy independence. I say appropriately so because I do not believe that we should base our national energy policy on a single fuel source or a single strategy. Achieving true and long lasting energy independence will require the enactment of a comprehensive, well-balanced policy that promotes the development of yet untapped domestic energy resources, as well as increased energy efficiency and conservation.

In this regard, I am pleased that one of the strategies S. 1220 promotes—one of the resources it develops—is coal, our Nation's most abundant and lowest cost energy resource. Coal constitutes up to 90 percent of our fossil fuel reserves of coal, oil, and natural gas. Our recoverable coal reserves total 168 billion tons, and are roughly equivalent, in terms of their energy value, to the entire world's known petroleum reserves.

Coal is a reserve of good fortune, as long as we have the good sense to use it; and if we have the foresight to develop more efficient and environmentally safe ways of using it.

S. 1220 encourages the continued deployment of this vast reserve of primary energy to deliver America's future supplies of the cleanest, most efficient form of energy—electric power. Coal is especially well suited for the generation of electric power, and today supplies the fuel for 55 percent of America's electric output. It is estimated that the United States will need as much as 100,000 megawatts of new generating capacity by the year 2000 and as much as 320,000 megawatts by 2010, at which time electricity will constitute 41 percent of our total energy use.

How will we satisfy this increased demand for electric power? Certainly, conservation and efficiency in use have roles to play in meeting new demand, as does natural gas. However, with respect to other energy sources, it will take years to clear away the thickets of regulation and investor apprehension that have overgrown nuclear power. The foremost developer of solar power is at the point of bankruptcy, and environmental concerns about hydroelectric power are increasing. Further dependence on foreign oil is a most undesirable goal.

The realities of our energy use are clear. If America is to possess the electric-generating capacity necessary for economic growth and prosperity, we must continue to develop our abundant coal resources. In addition, we must learn to use coal in ways that minimize any adverse environmental consequences.

S. 1220 will move us in the right direction. Without relying on costly subsidies or efficiency-distorting governmental mandates, it will provide strong incentives for the deployment of the newest, most efficient, and cleanest technologies for coal-fired electrical generation.

The clean coal technologies of atmospheric- and pressurized-fluidized-bed combustion and integrated-gasification-combined-cycle generation offer efficiency improvements over present conventional combustion technologies of 3 to 11 percent. This is good for the economy. These same technologies offer sulfur removal of 90 to 99 percent; and, for a given level of output, reductions in carbon dioxide emissions of 10 to 20 percent. This is good for the environment.

In addition, S. 1220 reaches for even greater efficiency and environmental improvements in the section on coal research, development, and demonstration. It would help promote research on advanced generating technologies such as fuel cells and magnetohydrodynamics, where the prospective efficiencies are of 50 and 55 percent, respectively; and where carbon dioxide emission reductions of 35 and 42 percent are possible.

S. 1220 would also help advance new uses of coal—uses that would serve to further reduce America's dependence on foreign oil. Most of America's imported oil demand is to produce transportation fuels and other value-added products. Coal, however, can be as versatile as petroleum in the uses to which it can be applied. S. 1220 directs research into the concept of "coal refineries" to produce transportation fuel and other value-added products. It also would promote the development of other coal-energy technologies designed to displace imported oil.

Finally, just as S. 1220 will help put the United States on the road to energy independence, as well as help us attain important economic and environmental goals, it will also allow us to share these same benefits with our allies in both the industrialized and developing worlds.

Current estimates are that energy demand will grow much more rapidly in the developing world than among the industrialized nations of the world, and that the developing nations will rely heavily on the use of coal to meet their increased energy needs. The largest growth in the emissions of worldwide environmental concern are projected to come from these developing nations, and the greatest population pressures will be there as well.

If the global environment is of concern to us in the United States, as it should be, we should work to make available to the developing nations of the world the most advanced, efficient, and cleanest generating technologies as they are developed. If world stability is of concern, we should work to ensure that developing nations have the means to achieve their aspirations. If we are concerned about insulating the economies of other nations from the disruptive effects of instability in the Middle East, we should work to provide other nations with access to reliable, readily available, and low-cost energy alternatives to imported oil. S. 1200 works toward achieving these goals by fostering the export of American coal and American clean coal technology.

The National Security Act of 1991 recognizes the importance and the potential of coal, both in terms of establishing energy independence in the United States and in terms of meeting the energy needs of nations around the world. But S. 1220 is not a bill that focuses solely on coal. It recognizes the importance of other fuel sources, such as natural gas, nuclear, as well as renewables. It recognizes the importance of strategies that promote increased conservation and improved energy efficiency, in addition to those that promote the greater development of domestic energy resources.

Recognizing that not everyone is satisfied with the particular balance that has been struck in S. 1220 between different fuel sources and different energy strategies, I do, however, commend Chairman BENNETT JOHNSTON, as well as Senator MALCOLM WALLOP, the ranking member, and the other members of the Committee on Energy and Natural Resources, for the effort they have made to put together a balanced bill. In the past, we have attempted to enact energy policies without adequate concern for economic and technological feasibilities. We have enacted environmental policies without due regard for our energy needs and economic goals.

As we move forward on comprehensive energy legislation, I do not doubt that there will be much debate on what the appropriate balance is between our energy, economic, and environmental needs and goals. I believe the debate that will occur will, in the long run, prove beneficial, although it will likely be a debate that gives rise to strong disagreements and differences of opinion. Yet, we cannot allow the prospect of a vigorous, and perhaps tense, debate to deter us from getting on with the task at hand. The time has come—the time is long past due—for the United States to develop and put in place a national energy policy that will make our Nation energy independent.

JULY 4 MOUNT RUSHMORE CELEBRATION

Mr. PRESSLER. Mr. President, on July 3 President Bush did a great job in a long overdue dedication of our great Shrine of Democracy, Mount Rushmore. The majestic faces of four of our great American Presidents have stood proudly in the Black Hills of my State of South Dakota for over half a century.

Back in 1941, Gutzon Borglum and his crew of 360 devoted workers completed their work on this magnificent symbol of American pride and democracy. Unfortunately, due to the death of Mr. Borglum and the U.S. entry into World War II, Mount Rushmore never received an official dedication until this month. I am pleased that Mount Rushmore, our Shrine of Democracy, finally has received the dedication it deserved.

Although all of the events during the golden anniversary celebration were a great success, President Bush's formal dedication of Mount Rushmore proved to be the high point of the entire week. I want to thank President Bush for making this a monumental occasion for myself and all Americans. The raising of the largest U.S. flag ever flown added an inspiring finale to the words of President Bush.

The huge parade on July 4 was yet another expression of American pride. Over 50,000 people crowded the streets of Rapid City to cheer Operation Desert Storm troops and witness a dramatic air display by the U.S. Air Force. The excitement generated by this patriotic display was accompanied by a feeling of pride in all who attended.

Mr. President, I also want to commend the members of the Mount Rushmore Society for planning this extraordinary celebration. This event would not have been possible without the hard work displayed by the dedicated members of the Mount Rushmore Society. For over 50 years this group has helped to keep Mount Rushmore a timeless historical shrine, which now attracts more than 2 million visitors each year.

The fond memories of this celebration will remain in the hearts of all who attended. Patriotic events like this make all Americans proud to live in the United States of America.

Mr. President, I ask unanimous consent that President Bush's dedication speech and an article from the Rapid City Journal describing the official dedication of Mount Rushmore be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rapid City (ND) Journal, July 4, 1991]

GOLDEN FACES—SCULPTURE HAS DAY OF GLORY

(By Chet Brokaw)

MOUNT RUSHMORE NATIONAL MEMORIAL.—When Gutzon Borglum carved the four presidential faces on a Black Hills peak, he knew they would come, both presidents and common folk, to gaze at his granite creation.

President Bush, a star-studded supporting cast and a crowd of about 3,500 dedicated Mount Rushmore on Wednesday, 50 years after the mountain carving was finished.

At a price of $500,000, the 75-minute show was conducted on a scale in keeping with what is called the world's most colossal sculpture.

Military bands and nationally known singers belted out patriotic songs against a red, white and blue backdrop. Biplanes, jet fighters and a B-1 bomber soared past the mountain.

And at the end, the wind dropped enough that a helium balloon was able to hoist a 120-by-80-foot U.S. flag into the blue sky and fluffy white clouds above the monument.

Bush paid tribute to George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt. And he praised the people who carved the four presidential faces into the rock from 1927 to 1941.

"Look at the vast sculpture before us, and you see carved in stone a symbol that evokes the American character, soaring and unafraid," Bush said.

The President urged Americans to carry on the fight for independence, freedom, democracy and equality started by the four presidents.

"Today, we must build on their beginnings. We must continue to preserve our greatness while pushing back the limits of our imagination," Bush said. "We must teach our children the responsibility that comes with freedom. We must remind them of the endless possibilities of the American dream."

A formal dedication was never held when the carving was completed in 1941 because Borglum had died earlier in the year and the nation was poised to enter World War II.

Wednesday's ceremony not only dedicated the memorial but also formally kicked off the Mount Rushmore National Memorial Society's campaign to raise $40 million to preserve the sculpture and build new visitor's facilities.

Officials say there's no apparent danger the carving will collapse, but they are worried about hundreds of cracks on the sculpture and are studying the mountain's stability.

The society, a non-profit organization that has supported the memorial since carving began about six decades ago, already has raised about $10 million of the $40 million.

Before Wednesday's ceremony officials of the U.S. Mint presented the society with a $5 million check, the first installment on the society's share of proceeds from the sale of Mount Rushmore commemorative coins. South Dakota native Al Neuharth, chairman of the Gannett Foundation, also presented a check for $1 million to the project.

Bush became the fourth president to visit Mount Rushmore. Calvin Coolidge took part in a 1927 ceremony marking the start of work on the peak, Franklin D. Roosevelt helped dedicate the completion of Jefferson's head in 1938, and Dwight Eisenhower visited in 1953.

After the ceremony, Bush and his wife, Barbara, hiked, fished and attended a barbecue in the area. State Game, Fish and Parks workers stocked about 2,600 rainbow trout in Horse Thief Lake on Tuesday, but they said the lake was scheduled to receive its seasonal stocking anyway.

The dedication ceremony was co-hosted by native South Dakotans Mary Hart and NBC news anchor Tom Brokaw. Actors Jimmy Stewart, Billy Dee Williams, Barbara Eden and Barry Bostwick read tributes to the four presidents immortalized on the mountain.

Gov. George Mickelson gave a brief welcoming speech. The event was broadcast live by Cable News Network.

Of course, "Mount Rushmore's 50th anniversary is a national celebration," Mickelson said. "But here in the state of South Dakota, where the monument sits in our own backyard, we reflect a little more deeply and celebrate a little more proudly."

To provide security for the president and to avoid traffic jams, the highway past Mount Rushmore was closed early Wednesday. The memorial was to reopened to the public Wednesday evening.

A sunrise ceremony for the public was planned for 6 a.m. Thursday, the time originally set for the dedication, which was changed to Wednesday to accommodate Bush's schedule.

Because of the timing of the rescheduled event, most of the faces of the mountain were shadowed Wednesday. The carving is best seen in early morning light.

Before the people lucky enough to get tickets were allowed into Mount Rushmore, they were checked by metal detectors.

Wednesday's ceremony was limited to 1,500 invited guests and 2,000 people who won tickets in a drawing. More than half the crowd had to sit on rocks and dirt under pine trees because the amphitheater holds only about 1,300.

[From the Rapid City (ND) Journal, July 4, 1991]

PRESIDENT SALUTES MONUMENT AND THOSE WHO MADE IT POSSIBLE

MOUNT RUSHMORE NATIONAL MEMORIAL, SD.—Here is the full text of President Bush's speech Wednesday at the dedication and 50th anniversary celebration at Mount Rushmore National Memorial.

What a personal privilege and honor to be introduced by America's beloved Jimmy Stewart.

I salute our secretary of Interior, Manuel Lujan; our senators, Larry Pressler, Tom Daschle; Congressman Johnson with us today. South Dakota's governor, Gov. Mickelson; Lt. Gov. Mr. Miller; former Gov. Janklow and former Sens. Abdnor and McGovern are with us here today, also.

This is a fitting occasion, and I'm proud to be a part of it.

And may I also salute those who make it happen all the time, our director of the National Park Service, James Ridenour. My special greetings, of course, to this all-star-studded cast Tom Brokaw, Mary Hart, Barry Bostwick, Billy Dee Williams, Johanna Meier, Barbara Eden, our favorite, White Eagle, who sang at the inauguration, Rosemary Clooney, and everybody else who participated in making this a very special day in the life of our country.

You talk about a Hollywood hall of fame, this is unbelievable.

And to all of you, thank you for the privilege of helping dedicate a memorial that once moved a visitor to say, "A visit to Mount Rushmore is a moment of communion with the very soul of America."

Fifty years ago, brave Americans completed this monument to four great nation-builders. And it took 14 years, enormous sacrifice and a daring worthy of our nation.

You heard about one man here who remembers. Tom mentioned him. From 1935 to '41, Hap Anderson—worked as a driller on Mount Rushmore. Says Hap, to quote him, "Hard work? You can imagine putting a 35-pound jackhammer against your belly and letting her go, I guess it was hard work."

And here's the interesting part; a little anatomical. He said, "My belly was so hard in those days, my wife could dance on my stomach with high-heeled shoes." I can picture it. Seeing Mary Hart up here, I'd prefer cheek to cheek, but nevertheless, the Andersons can do it their way.

But seriously, when Hap and his co-workers, several others who we met here today, dusted themselves off after the last day's work, they had produced a living monument. And when the great producer-director Cecil B. De Mille described it, here's what he said: "Not only do you look at those four faces—they look at you as well."

And today we salute Hap, all the others here today and all the rest who built Mount Rushmore.

We salute, too, the four men whose faces appear on the monument. They know that America is always a beginning, never a consummation. Washington, Jefferson, Lincoln and Roosevelt all surmounted old barriers and opened up new frontiers. They broadened our nation and they strengthened its foundation. And they chiseled into our national soul a yearning for freedom, democracy, equality and justice—a conviction that all people have the right to life, liberty and the pursuit of happiness.

You heard from our four stars a little history of each. But let me, at the risk of being repetitive, say just a little more.

During our revolution, Ben Franklin, as an American minister to France, attended a diplomatic dinner in Paris. First a French official rose, toasting Louis XVI, comparing him to the moon. The British ambassador then toasted his monarch, George III, likening him to the sun.

And finally the aging Franklin stood to speak. "I cannot give you the sun or the moon, but I give you George Washington, who like Joshua of old, commanded both the sun and the moon to stand still, and both obeyed."

Washington sought not the security of power, but the power to secure America's independence, to build a nation devoted to freedom and human dignity.

I think more than any other president, he shaped the contours of the presidency. He established a model and set precedents that served us well, and no wonder he is remembered as the father of our country.

Washington's secretary of state and the author of our Declaration of Independence helped the young nation grow in different ways. Thomas Jefferson championed a majesty of individual determination and imagination.

While Jefferson had some troubles with Congress, he accomplished extraordinary things. Among these, as we heard, he negotiated the Louisiana Purchase. The purchase expanded our boundaries forever and opened to millions new horizons, opportunities and dreams.

His love of democracy was matched only by his faith in human nature. He believed that the God who gave us life gave us liberty at the same time, and that man would use that liberty to enoble life.

The man to the far right of Jefferson in the sculputre also extended the technological frontier by challenging the nation to complete the first transcontinental railroad. But Abraham Lincoln's greatest challenge was to preserve our republic; preserve it through its bloodiest war, and in so doing, he sharpened our passion for liberty, equality and dignity.

Once Abraham Lincoln said, "The dogmas of the quiet past are inadequate to the stormy present." And yet armed with changeless moral laws, he paved the path to the future. He abolished slavery and preserved the union. And he showed that the better angels of our nature can banish the darkness that threatens us all.

While the Lincoln of history often seems solitary or sad, the real Lincoln never lost his appetite for a good story, a tall tale or a poignant quip. Once a friend encountered him and two of his kids, his sons, on the street. The boys were sobbing uncontrollably. "Mr. Lincoln, what's the matter with the boys?" the friend asked. And Lincoln sighed, "Just what's the matter with the whole world: I've got three walnuts and each kid wants two."

Abraham Lincoln understood the American character. He could speak in tones as familiar as a heartbeat or in cadences capable of summoning forth laughter, tears and awe. Without Lincoln, I don't believe we would be a whole nation today. He kept us, you see, the United States.

The final man on this monument also left a wonderful bequest. He won renown as a warrior but, again as we heard, he also won the Nobel Prize for peace. He helped cut the Panama Canal out of the wilderness, but also fought to preserve our national beauty.

Theodore Roosevelt fell in love with the Mount Rushmore area, visiting the Dakota Badlands in '83, 1883. He grew infatuated with the cattle business, acquired two ranches, became a gentleman cowhand. T.R. brought to the outdoors the same exuberance that he brought to life, calling our lands and wildlife the property of unborn generations.

He managed to preserve our magnificant environment while transforming America from a continental force into a truly global power.

Each of these four presidents enriched this country, and each made full use of his presidential powers without forgetting that he owed his power and legitimacy to the people.

The heroes behind me were fighters, as Americans have always been, fighters for independence, for freedom, for democracy, for equality, for the values and the lands we revere. Today we must build on their beginnings. We must continue to preserve our greatness while pushing back the limits of our imagination. We must teach our children that responsibility comes with freedom. We must remind them of the endless possibilities of the American dream.

Our new Supreme Court nominee, Judge Clarence Thomas, said it best. "As a child, I could not dare to dream that I would ever see the Supreme Court, not to mention be nominated to it. Only in America could this be possible."

Our challenges are enormous. But remember, this is America, and here, great things are possible. Look at the vast sculpture before us and you see carved in stone a symbol that evokes the American character, soaring and unafraid.

And now, on this 50th anniversary of the monument, a group of dedicated volunteers, the Mount Rushmore Society, is mounting a nationwide campaign to preserve this treasure. This, too, fits into a distinguished tradition. In June of 1826, an ailing Thomas Jefferson politely declined an invitation to celebrate the Fourth of July in Washington. Instead, he encouraged his would-be hosts to hold dear the rights that Americans alone recognized and cherished. And he wrote this: "Let the annual return of this day forever refresh our recollections of these rights and an undiminished devotion to them."

Fittingly, this was Jefferson's last letter. Ten days later, on the 50th anniversary of our independence, he died.

On the eve of this Fourth of July, the 50th anniversary of this monument, let us express our undiminished devotion to the ideals of Washington, Jefferson, Lincoln and Roosevelt—ideals as towering and solid as the monument that honors them.

Thank you for this occasion. God bless the United States of America.

And now, I'm proud to dedicate Mount Rushmore National Memorial.

BLACK HILLS VETERANS WAR MONUMENT

Mr. PRESSLER. Mr. President, this year patriotism seems more alive among the citizens of the United States of America than in recent years. The public truly has been caught up in a whirlwind of enthusiastic American national pride. This pride in our Nation seems to have its roots in the success of the Persian Gulf war. Although we are suffering from a huge budget deficit and other financial difficulties, Americans have a refreshed sense of optimism and a renewed belief in Government of the people, by the people, and for the people.

Those who lead our Nation should be commended for guiding us to victory. But the Persian Gulf war, like all wars, was not without casualties. American men and women surrendered their lives in this effort. Their sacrifice shall not go unrecognized. As a veteran who served 2 years in Vietnam, I understand the enormous value of the monuments which honor our Nation's veterans.

Thus, I am pleased to announce a newly dedicated veterans' memorial in my home State of South Dakota. During this year's Fourth of July festivities, which included the official dedication of Mount Rushmore, the Black Hills Veterans War Monument was dedicated in the Rapid City, SD, Memorial Park. The monument honors the Black Hills area veterans who served in the five major wars the United States has fought this century. The monument takes the shape of a six-pointed star and contains plaques dedicated to those who served in World War I, World War II, the Korean war, the Vietnam war, and the Persian Gulf war. The monument was sponsored by the Veterans of Foreign Wars Post 1273 and other veterans' groups. I commend the planners who made this monument a reality. It is another testament to the patriotism of South Dakotans. I appreciated being able to participate in the dedication ceremony for the Black Hills Veterans War Monument. It was truly inspiring.

MICHELLE SCARBOROUGH AND THE SOUTH DAKOTA SHOOTING SPORTS ASSOCIATION

Mr. PRESSLER. Mr. President, I would like to take this opportunity to recognize Michelle Scarborough of Hayes, SD. Michelle's achievements are a fine example of what the South Dakota Shooting Sports Association can do for the young people of my State.

Michelle is the daughter of the late Marlin Scarborough and Rosemary (Scarborough) Rounds, and is the stepdaughter of Donald Rounds, of Pierre, SD. Her father Marlin, a distinguished rifleman himself, was an active member of the South Dakota Shooting Sports Association and a member of the National Rifle Association board of directors. His influence and encouragement helped Michelle achieve great success in shooting sports.

Michelle has won both the national junior championship and the NCAA air rifle championship. She is a four-time all-American in shooting and also has been honored as an academic all-American. Michelle, currently a member of the national shooting team, will be one of five women representing the United States at the Pan Am Games in Havana, Cuba, in August 1991.

Like many young South Dakotans, Michelle was able to participate in shooting sports because of the work of the South Dakota Shooting Sports Association. This organization has been very active in conducting the junior Olympic shooting camps and working with the 4-H shooting program. It works to preserve the right to keep and bear arms and to instill in young people discipline, pride, and the ability to succeed. Michelle attended the first South Dakota junior Olympic shooting camp and has lived up to the expectations and ideals of the South Dakota Shooting Sports Association.

I congratulate Michelle on her achievements and wish her luck in her future endeavors. I am proud of the South Dakota Shooting Sports Association, and I hope that it will continue to be a source of encouragement for South Dakota's young people.

Mr. President, I request that a recent article from the Pierre Capital Journal on the achievements of Michelle Scarborough be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"ATHLETE OF THE WEEK": SCARBOROUGH NEARS HER OLYMPIC DREAM

(By Jeff Mammenga)

Michelle Scarborough of Pierre, a member of the United States Shooting Team, has had her sights set on the 1992 Summer Olympics in Barcelona, Spain, for some time now.

And with the Summer Olympics fast approaching, it appears that Scarborough's goal of making the team is well within reach.

Scarborough, 24, recently won two medals at the U.S. International Shooting Championships in Chino, Calif., and earned a berth on the 1991 Pan American Games Team. The Pan Am Games are Aug. 6–12 in Havana, Cuba.

Scarborough, who lives and trains at the U.S. Olympic Training Center in Colorado Springs, Colo., captured the silver medal in the woman's rifle prone event at Chino, and took the bronze medal in the woman's three-position rifle event.

Last week, Scarborough was one of 18 rifle shooters selected to compete at the 1991 U.S. Olympic Festival, July 13–14 in Los Angeles. She will be shooting for the North team.

Scarborough won a silver medal at the 1989 U.S. Olympic Festival.

For her recent shooting accomplishments, Scarborough is this week's Capital Journal "Athlete of the Week."

Scarborough is keeping her Olympic dream in perspective.

"I'm just trying to get as prepared as I can," she said in an interview when home for the Fourth of July. "I can't control what the other shooters are doing. I'm concentrating on my own performance and shooting the best I can. My goals are performance oriented, because that's what I can control."

Scarborough, naturally, is looking forward to the Pan Am Games.

"Making the Pan Am team was a real confidence booster," she said. "I'm really looking forward to that. I've never been involved with a major international competition with other sports also taking place."

Scarborough said she felt she shot her best in prone at the Pan Am Trials, but she said she can still see where she can make improvements.

U.S. Shooting Team rifle coach Robert Mitchell, who works with Scarborough and 10 other full-time shooters at Colorado Springs, agreed that Scarborough hasn't maximized her potential yet.

"Hopefully we can help her to achieve some of our mutually-desirable goals of winning medals in major international competitions," Mitchell said.

Mitchell said Scarborough has improved since she started training in Colorado Springs.

"She's been working very hard since she's been here," Mitchell said in a telephone interview. "Things are starting to fall into place for her, and all of her hard work is paying off."

Mitchell, who has been working with Scarborough off and on since 1986, said hard work is one of her strengths.

"She has a lot of ability and a great deal of potential," he said. "And she works hard. She's very dedicated to the sport."

Scarborough achieved All-American status at the University of South Florida in Tampa, but she said she's a different shooter now.

"I think I'm a lot more consistent now—definitely—I'd say that's the biggest change," she said.

That comes from "just a lot of practice," she said. "When you work at it full time, you're bound to be more consistent and more prepared than when you practice whenever you can at school."

Now the sport has become "like a job" for her, Scarborough said. Her training involves four or five hours of practice shooting a day, and with the physical and mental training, she puts in six or seven hours a day.

Scarborough said she runs, and lifted weights earlier, but not much lately. Mentally, the shooters work with a sports psychologist on concentration, relaxation and dealing with pressure, she said.

The training can make for some long days.

"Sometimes, I really wish I was working towards my career and making some money," Scarborough said. "But I feel lucky and really fortunate that I get to live and train out there and don't have to have a full-time job."

Scarborough said she's one of eight-to-10 women who are "all about the same" skill level who are trying for one of two spots on the Olympic team in the two events—smallbore three-position rifle and air rifle.

"It all depends on who is peaking at the right time," she said.

Scarborough has already competed in foreign countries that most people only dream about visiting.

She'd love to add Barcelona, Spain, to her list in 1992.

IMPACT AID

Mr. PRESSLER. Mr. President, I want to take this opportunity to bring to the attention of my colleagues the significance of impact aid. During these times of budget constraint, it is crucial that we identify those Federal programs which are of greatest importance. I believe that quality education must be one of our highest priorities. The students who depend on the Impact Aid Program for their education deserve full funding of this program.

I would like to extend my appreciation to the members of both the House and Senate Appropriations Subcommittees on Labor, Health and Human Services and Education who have done a remarkable job of providing the resources for impact aid. Without their efforts, many federally impacted school districts would be suffering severe financial difficulties. Some of them are getting very close to going broke or shutting down. I am very disappointed that impact aid funding for fiscal year 1992, as recommended by these committees, does not even cover inflation since the current fiscal year began.

There are 42 school districts in South Dakota that receive funding under the Impact Aid Program. In my State, 10,402 students rely heavily on the educational opportunities made possible by impact aid funds. Of these qualifying students, 6,709 are category 3(a) students and 3,693 are category 3(b) students.

The current status of funding for the 3(b) category students is of great concern to me. Originally, the impact aid payment for 3(b) students was intended to match the tax revenue lost as a result of Federal ownership of property. Without these payments, local educational agencies would be required either to subsidize the educational costs of 3(b) children from local revenues or reduce services.

Our local school districts simply cannot afford drastic cuts in teachers, teacher aides, educational materials, transportation, and the other essential components of our educational system. Local and State funding are needed, too, but when local tax sources are hindered by Federal land ownership, the Federal Government must compensate the affected school districts.

In South Dakota, some school districts are over 50 percent federally impacted and receive minimal assistance from their local governments. They are located in some of the poorest counties in the United States of America. How can they meet the education goals of this country? Let's face it, Mr. President, impacted schools are between a rock and a hard place. Most of these school districts already have exhausted all other funding alternatives.

The other area of great concern to me is funding for the school construction program authorized by Public Law 81-815. This program provides Federal funds for constructing and renovating schools in federally impacted districts. Even full funding at the level of $28 million is inadequate in view of the real needs of impacted schools. In fact, the 815 construction priority list contains many worthwhile projects, any one of which available would expend the entire amount of funding.

An appropriation of $885 million under Public Law 81-874 for impact aid and $28 million under Public Law 81-815 for school construction is imperative for the maintenance of quality educational programs in federally impacted school districts. These companion laws recognize the basic responsibility of the Federal Government to compensate for lost revenue resulting from Federal activity or ownership.

The bottom line is that students should not be penalized for their parents' Government service employment. This is a question of basic equity. Impact aid is not a luxury for federally connected children. It is a necessity, and it must be funded. Any cut or freeze in funding would seriously jeopardize the quality of education for hundreds of thousands of students.

Mr. President, I firmly support the appropriation of $885 million for impact aid and $28 million for the school construction program. Although times are tight and we are reducing Government spending, we must remember that education is an investment that cannot be neglected. I applaud the entire impact aid community for their efforts. I urge my colleagues to join me in full support of the impact aid programs.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 10:15 and 10:45 a.m. shall be for debate only on the motion to proceed to S. 1435, the time to be equally divided and controlled by the Senator from Rhode Island [Mr. PELL] and the Senator from North Carolina [Mr. HELMS] or their designees.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this act was reported favorably with an overwhelming 17-to-2 vote by the Senate Foreign Relations Committee on June 11, 1991.

The bill authorizes $12.883 billion for multilateral and bilateral foreign assistance for each of fiscal years 1992 and 1993. More specifically, title I of the bill authorizes a total of $1.346 billion for functional development assistance programs, supporting agriculture, population, health, child survival, AIDS control and prevention, education and human resources, and private sector, environment, and energy activities. This authorization level is an increase of $27 million over the amount available for these programs in this fiscal year.

Title II of the bill authorizes $35 million for each of fiscal years 1992 and 1993 for the American Schools and Hospitals Abroad Program; extends and expands the Housing Guaranty Program by increasing the ceiling on the total principal amount of housing guarantees to $3.4 billion; authorizes $311.3 million for voluntary contributions to international organizations and programs, an increase of $26.6 million over the amount available for these programs this year; and authorizes $40 million for international disaster assistance.

In addition, this title upgrades the existing Trade and Development Program to a separate Trade and Development Agency; and establishes within the Agency for International Development two separate centers—one to strengthen university cooperation in development, and one to strengthen private voluntary cooperation in development.

Title III of S. 1435 authorizes $3.203 billion for Economic Support Fund assistance, an increase of $58 million over the amount available for this year, and provides new authority for the President to use Economic Support Fund assistance to support developmentally sound trade and investment opportunities in the form of capital and infrastructure assistance.

Title IV authorizes $4.5 billion for an all-grant Foreign Military Financing Program, a decrease of $198 million below the comparable amount available this year.

In addition, S. 1435 contains regional and country specific provisions, including an authorization of $160 million annually for a multiyear Philippine multilateral assistance initiative, a $400 million annual authorization for expanded programs in Eastern Europe, continuation of economic and military support for the Andean countries, and an authorization of $800 million for each year for the Development Fund for Africa.

Title VII of the bill authorizes an Enterprise for the Americas initiative including the restructuring and reduction of outstanding development assistance and Eximbank loans, and a 5-year $500 million contribution to the Inter-American Development Bank for an Enterprise for the Americas Fund.

With regard to multilateral assistance programs, S. 1435 authorizes an increase in the U.S. quota of the International Monetary Fund, a contribution to the African Development Fund, and a capital stock subscription to the Asian Development Bank.

Finally, S. 1435 authorizes an appropriation in fiscal year 1992 of $207 million for the Peace Corps.

Mr. President, S. 1435 is a streamlined bill that seeks to grant some additional flexibility to the administration in its administering of our foreign assistance programs, through some program consolidation and increased flexibility in various special authorities. In my view, the bill strikes the proper balance between the desires of Congress to assure that certain activities are carried out through our foreign assistance programs, and the administration's need to respond to changing world conditions.

Mr. President, there are two provisions in S. 1435 which fall within the jurisdiction of the Senate Banking Committee, the first of which is an authorization for an increase in the U.S. quota in the IMF and authority for the U.S. Governor to accept the proposed amendments to the Fund's articles of agreement. The second provision falling within the jurisdiction of the Banking Committee is authority for the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945.

Rule XXV(j)(1) of the Standing Rules of the Senate states that at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to the International Monetary Fund and other international organizations established primarily for international monetary purposes reported by the Committee on Foreign Relations shall be referred to the Committee on Banking.

Because of the wishes of the Senate Foreign Relations Committee to complete full Senate consideration in an expeditious manner, I requested that the Banking Committee not exercise its right of referral on these two provisions. I am very grateful to the distinguished chairman of the Banking Committee, Senator RIEGLE, for being willing not to request a referral on these two matters.

Mr. President, I ask unanimous consent that the exchange of letters between myself and Senator RIEGLE be printed in the CONGRESSIONAL RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 17, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: The Committee on Foreign Relations has completed consideration of legislation authorizing foreign assistance for fiscal years 1992 and 1993 and reported the legislation to the Senate on June 24. The Committee hopes to have the bill considered by the full Senate during the July session.

It is my understanding that two provisions in the Foreign Relations Committee bill fall within the jurisdiction of the Banking Committee. The first is Chapter 1 of Title X of the bill, which authorizes an increase in the U.S. quota in the IMF and authorizes the U.S. Governor to accept the proposed amendments to the Fund's Articles of Agreement, as approved in Resolution 45-3 of the Board of Governors. Rule XXV(j)(1) of the Standing Rules of the Senate states that at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to the International Monetary Fund and other international organizations established primarily for international monetary purposes reported by the Committee on Foreign Relations shall be referred to the Committee on Banking.

The second provision is Chapter 7 of Title VII of the bill, which authorizes the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945, as amended. The Export-Import Bank Act falls under the jurisdiction of the Banking Committee.

While acknowledging the jurisdiction of the Banking Committee over these provisions, I would request that you not exercise your right of referral in order to expedite consideration of these provisions on the Senate floor. If this bill is acted on by the Senate and a Conference Committee appointed, I would be pleased to appoint Banking Committee members as conferees on these provisions. I would also be pleased to include our correspondence on this matter in the CONGRESSIONAL RECORD during the floor debate on the foreign assistance bill.

With every good wish.

Ever sincerely,

CLAIBORNE PELL.

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, July 23, 1991.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 17 requesting the Committee on Banking, Housing, and Urban Affairs not to request a referral of the provisions of the Foreign Aid bill, reported out of the Foreign Relations Committee on June 24, which fall within the jurisdiction of the Banking Committee.

The first provision you cite in your letter is Chapter 1 of Title X of the bill which authorizes an increase in the U.S. quota in the IMF and authorizes the U.S. Governor to accept the proposed amendments to the Fund's Articles of Agreement, as approved in Resolution 45-3 of the Board of Governors. As you note in your letter, Rule XXV(j)(1) of the Standing Rules of the Senate provides that at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to the International Monetary Fund and other international organizations established primarily for international monetary purposes reported by the Committee on Foreign Relations shall be referred to the Committee on Banking.

The second provision you cite is Chapter 7 of Title VII of the bill, which authorizes the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945, as amended. This authority was requested by the President as part of the Administration's Enterprise for the Americas Initiative. As you indicate in your letter, the Export-Import Bank Act falls under the jurisdiction of the Banking Committee.

As you know, the Banking Committee takes very seriously its jurisdiction over the International Monetary Fund. When the last quota increase was approved by the Congress in 1983, the Banking Committee exercised its right of referral of the legislation, reported out the legislation with major amendments, and then managed the legislation on the Senate floor. This year the Banking Committee's Subcommittee on International Finance and Monetary Policy held an oversight hearing on the Administration's IMF quota increase request on June 25 and thoroughly reviewed the issues relating to the request.

It had been the intention of the Banking Committee to request a referral of the bill pursuant to Rule XXV(j)(1) of the Standing Rules of the Senate. Pursuant to your request, however, and in the interest of expediting Senate consideration of the legislation, I am willing not to request a referral with the understanding that such action in no way establishes a precedent or prejudices the Banking Committee's jurisdiction over provisions of the type covered in the above cited rule. For the same reasons, I will not request a referral of the provisions affecting the Export-Import Bank Act of 1945, which fall within the exclusive jurisdiction of the Banking Committee.

I note your confirmation of this undertaking in your letter dated July 17, 1991 and your proposal to appoint members of the Banking Committee as conferees on these provisions if a Conference Committee on this legislation is created. I would accept that proposal and also request that this exchange of letters be inserted in the CONGRESSIONAL RECORD during Senate consideration of the legislation.

I look forward to continued cooperation between our two Committees on these important matters. With best regards.

Sincerely,

DONALD W. RIEGLE, Jr.,
Chairman.

Mr. PELL. Mr. President, I would now like to turn to the distinguished chairman of the Subcommittee on International Economic Policy, Trade, Oceans, and Environment, Senator SARBANES, who skillfully shepherded this legislation through his subcommittee and played a very significant role during deliberations of the full committee. The quality of the bill now before the Senate and the bipartisan support for the bill demonstrate to me the wisdom of employing the very substantial talents of other members of the Foreign Relations Committee as we pursue our lengthy legislative agenda.

Mr. SARBANES. Mr. President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island has 8 minutes remaining. The Senator from North Carolina has 15 minutes remaining.

Mr. SARBANES. Mr. President, I yield to the ranking member of the committee if he wishes to speak now after the chairman, and then I will pick up after he finishes and Senator MCCONNELL and I can finish up the rest of the time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, please notify me when I have 7½ minutes remaining because I, too, want to yield the remaining 7½ minutes to the distiguished Senator from Kentucky, the able ranking member on the subcommittee on international operations.

For openers, Mr. President, I must observe that spending time on this foreign aid bill is an exercise in futility, a waste of the Senate's time because the President of the United States has already indicated clearly that he intends to veto this foreign aid bill, unless it is modified.

The bill contains a provision that overturns the President's policy on international family planning assistance, better known as the Mexico City policy. Furthermore, it contains a highly controversial cargo preference provision. The administration is adamantly opposed to both of these provisions, and rightly so.

I have been trying to find something good to say about this bill.

It is sort of like the man who was asked about his neighbor next door, "Can't you say something good about her?"

He thought for a moment, then said "Yeah, I reckon so. For a fat lady, she doesn't sweat much."

That is about how I feel about this bill. Fortunately, it does not duplicate the unwise funding of United Nations Funds for Population Activities. I am sure Senators recall the long debates this body has endured—and that is the word, "endured"—concerning the criminal forced abortion policies in China bankrolled by UNFPA. It is my sincere hope that the Senate will avoid debating the so-called merits because there are no merits to China's population planning policy and, particularly, the UNFPA's involvement.

The simple fact remains, as it has since the Kemp-Kasten amendment of 1985, that the inclusion of a provison requiring funding for UNFPA will give the President still another reason to veto the bill. What is the big deal? Why did we not do it right the first time and leave out funding for UNFPA? Do we want to run around chasing vetoes?

Mr. President, even without these controversial provisions, foreign aid remains, without a doubt, one of the most unpopular programs with the American people. It is unpopular because it is a waste of money, plain and simple. The American taxpayers are fed up with Congress squandering dollars overseas. This Senator feels the same about it.

About 10 years ago, Mr. President, I had a letter from a constituent in North Carolina who said, "Jesse, how much has the foreign aid program cost us since 1946?"—1946 being the year of its inception. I did not know.

I called the State Department thinking that they would and could give me the figures forthwith. But they said they did not know. What the constituent suggested—and it is a reasonable suggestion—was, "I want you to factor in the fact that all of the money spent on foreign aid has been borrowed money." And he added, "To get a realistic figure, you have to factor in the interest of all the borrowed money that has been spent since 1946 on so-called foreign aid." That made the task even more interesting—and more difficult.

Mr. President, I assigned three or four staff members to work on it as time permitted. It took them several months. They went through file after file, book after book, year after year, and I have never seen such a pile of figures before or since.

We did not have a computer big enough to handle this mass of figures, so we sent it over to the Library of Congress—factoring in the interest rates, starting with the first appropriation, assuming that was borrowed money, and then the next year we rolled that over, factored in the interest, the interest that Federal Government was paying at that time, and the next year, the next year, next year. That was 10 years ago and it came to a figure of over $2 trillion. That was 10 years ago, bear in mind. I sent it back to the Library of Congress and said this cannot be so. So they ran it through again. That is the way it came out again—more than $2 trillion.

So this is what we are talking about. It is understandable to me that the people of America do not like this foreign aid program because they know that so much of it has been used for purposes to which the American people would never consent. That is the reason I have opposed all foreign aid programs, except those designed for emergency humanitarian relief. That, I think, we ought to do.

But this business of propping up socialist governments and making deals with governments has itself been an exercise in futility. It is harmful to both the United States and the country receiving the money.

You know the old adage about giving a man a fish and you feed him 1 day. But teach him how to fish, and you help him the rest of his life.

That is not the way the foreign aid program has worked. We have turned it over to despotic, socialist governments. But the American people are justified in their objection to the foreign aid program. It drains the U.S. Treasury, and more often than not, this aid is used to perpetuate inefficient, socialist governments and programs. That is the size of it.

I am going to vote against the motion to proceed, as I have done every time that this question has come up.

Mr. President, I want to have printed in the RECORD a statement of administration policy on this bill. I will continue in just a minute. But I now ask unanimous consent that a statement of the administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 24, 1991.

STATEMENT OF ADMINISTRATION POLICY

(S. 1435—International Security and Economic Cooperation Act of 1991, Pell of Rhode Island)

S. 1435 contains several provisions that give flexibility to the President to carry out foreign policy, but does not provide for the major reform of foreign aid requested by the Administration. The bill contains a number of seriously objectionable provisions. In particular, there is a provision on abortion (Section 103(a)), which the President would veto and another provision on cargo preference (Section 305) on which the President's senior advisers would recommend veto.

Section 103(a) of the bill reverses the existing Mexico City policy, which denies U.S. foreign assistance to foreign nongovernmental organizations that promote abortion as a method of family planning.

Section 305 establishes additional U.S. cargo preference requirements for the Economic Support Fund. This provision would severely complicate the provision of economic assistance in direct contravention to the reforms sought by the Administration for the foreign assistance program. It also would impede the conduct of foreign policy and adversely affect U.S. exports that must be transported by sea.

The Administration is deeply disappointed that neither the House-passed bill nor the Senate Committee-reported bill represent the fundamental and much needed rewrite of foreign aid legislation necessary to meet the new challenges of the 1990s and beyond.

Other objectionable aspects of the bill include:

The Middle East arms policy language and arms suppliers provisions which are unnecessary in view of the President's recently announced arms control initiative;

All country-specific provisions that would establish new constraints on the provision of foreign assistance, including those regarding Cambodia and Syria;

Continuation of multiple development assistance accounts instead of the Administration's requested consolidation of Agency for International Development (AID) accounts into a single flexible source of funding that would more rationally provide assistance for various programs and countries;

An additional unworkable procedural requirement suspending obligation of funds for development projects until environmental impact options are considered and opened to public comment;

The limitations on both the level and type of assistance to Turkey and Greece, which ignore critical military and political considerations affecting the region;

The amendments in section 402 that make Foreign Military Financing an all grant program;

Designation and limitation by the Senate of countries that are considered non-NATO allies;

The failure to adopt several provisions requested by the Administration including authorization for a Democracy Contingency Fund, enhanced authorities to furnish excess defense articles, and revisions in the restrictions on furnishing assistance to countries;

Enterprise for the Americas (EAI) provisions that would make local currencies intended to be used solely for important environmental activities available for other purposes, lead to conflicting regimes for management of local currencies available from P.L. 480 debt forgiveness and from AID debt forgiveness, and undermine U.S. ability to negotiate the EAI investment fund by limiting potential beneficiaries;

Narcotics control assistance provisions that retain (and in some cases tighten) current restrictions and certifications and fail to provide the required flexibility in assisting Andean Initiative countries in particular;

Additional burdensome reporting requirements, especially those contained in sections 513 and 646;

A prohibition on sales of depleted uranium shells without the current national interest exception;

The additional requirement for Senate advice and confirmation for specific positions in AID which would restrict the President's flexibility and discretion in the management of AID;

Holding FY 1993 appropriations authorizations for each program at 1992 levels, which arbitrarily and unduly constrains the President's ability to meet changing circumstances and conditions; and

A number of provisions that raise serious constitutional concerns regarding the President's authority to conduct negotiations (sections 414, 657, 722, and 791(b)(4)(5)), his appointment powers (section 678), and his authority to protect national security information from disclosure (sections 608(d) and 646).

Nonetheless, there are a number of favorable provisions, many of which support the Administration's reform and foreign policy objectives. The authorization for an International Monetary Fund quota increase is essential to meeting U.S. responsibilities in the international economy. Section 110, the special waiver authority for certain AID programs, and other sections that enhance authorities to respond to emergencies, provide an important measure of flexibility to the Executive branch. Provisions on assistance to Eastern Europe and the streamlining of reprogramming notifications are other examples of positive contributions to current law.

Mr. HELMS. Mr. President, it is no secret that I have opposed all foreign aid programs, except those designed for emergency humanitarian relief. It is my firm belief that foreign aid—especially economic aid—is harmful to both the United States and the receiving country. Foreign aid drains the U.S. Treasury, and more often than not, this aid is used to perpetuate inefficient socialist programs.

Moreover, the State Department sometimes uses foreign aid to influence the decisions and policies of other countries. Each country needs to make its own security decisions, based on its own needs, without interference from State Department bureaucrats.

While there is disagreement in Congress over the merits of foreign assistance, there is broad agreement on one point: Existing foreign aid programs need a major overhaul.

Despite the growing volume of information detailing the serious flaws in foreign assistance, this bill rewards the administration with a 2-year authorization of $28.2 billion for fiscal years 1992 and 1993. Yet, this bill contains little in the way of reform. It eliminates no major programs, and continues authorization for existing foreign aid efforts that are inefficient and poorly managed.

In fact, a February 11, 1991, report by the General Accounting Office outlines this mismanagement. It states that GAO investigators uncovered inadequate management controls of overseas contracts in 45 percent of those cases in which officials of the Agency for International Development argued that satisfactory controls were in place. Frankly, if AID were a business it would be bankrupt.

Tragically, the Congress and the foreign aid establishment have abused the trust and goodwill of the American taxpayer. Nick Eberstadt of the Harvard Center for Population Studies told the Foreign Relations Committee that, based on opinion polls, "there is no program, year-in or year-out, which the American public indicates that it would wish to have cut more than development assistance and military assistance to foreign countries."

Even one of the most vocal advocates of foreign aid, John W. Sewell of the Overseas Development Council told the committee: "There is a fundamental need for reevaluation of existing programs, and it is needed urgently. Those that are outmoded should be ended."

The American taxpayers instinctively recognize that the economic and security problems confronting many countries do not stem from a lack of foreign assistance. They stem from flawed policies—communism, socialism, statism, and corruption. Mr. President, no amount of foreign assistance can overcome these mistaken policies. Even the United Nations, in a report issued last month, admits "the lack of political commitment, not financial resources, is often the real cause of human neglect."

A report issued by the Agency for International Development reveals that since 1946 the American taxpayer has provided more than $262.2 billion for foreign aid programs. The American taxpayer has financed more than $96 billion in economic aid and military loans since World War II. And since the United States had to borrow the money to give it away, this total does not include the interest paid by the taxpayers.

Despite the growing crisis over foreign aid mismanagement, despite the tremendous changes throughout the world, this bill adopts a business as usual approach. Two years ago former AID Administrator Alan Woods appeared before the Foreign Relations Committee and announced the need to redefine our foreign assistance programs. However, the committee did not entertain major reform in 1989—nor did the Senate pass a foreign aid authorization bill.

Since that time, we have witnessed remarkable transformations of the political, social, and economic environment in which the American foreign aid program operates. Across the globe, people in the 1980's revolted—and they are still revolting—against decades of political oppression and economic tyranny. They demanded their rights, in Jefferson's immortal words, to the pursuit of happiness.

In light of the changing world scene, the challenge is to rethink our foreign aid programs. The Armed Services Committees and the Department of Defense are engaged in an intensive dialog in a joint effort to update their strategies and programs. The administration tried to initiate a dialog with Congress on nonmilitary international strategies by submitting a foreign aid reform bill to the Congress. On April 12, 1991, the committee received a three-page letter from the President transmitting a draft bill that included major changes in the existing law. The President pledged to work with Congress in its consideration of the draft bill. Unfortunately, the committee did not hold a hearing on the President's reform bill. Furthermore, Senator KASSEBAUM requested a committee hearing on her foreign aid reform bill. Again, no hearing was held.

I do not want to suggest the administration's bill was a comprehensive reform package. During committee markup several of the administration's proposals were defeated justifiably. However, the administration's bill represented a starting point for discussion and oversight. In both regards, the committee fell far short.

Some argued that there was not time this year for a serious review of foreign aid reform proposals. Despite that assertion, during the period from April 23, 1991, until June 5, 1991, the committee did not hold even one single hearing on foreign aid reform.

Mr. President, I wonder if Senators really believe that the foreign aid program is an effective, relevant program for the coming decade? Can anyone seriously believe that the American taxpayer will receive $28.2 billion worth of value over the next 2 years as a result of this bill?

The fact is, reforming an entrenched bureaucracy will require hard work. Perhaps it is beyond reform. But unfortunately, this issue has been pushed aside. The recent temptation has been to find ways of engaging in foreign aid activities without engaging the foreign aid bureaucracy. Both the administration and Congress have grown to distrust traditional foreign aid programs. Instead of reforming AID, Congress creates private sector, quasi-governmental organizations to implement foreign aid programs.

Furthermore, in recent years domestic U.S. Government agencies, international organizations, and multilateral development banks have been used to carry out foreign assistance programs. It is particularly disturbing that this bill authorizes a huge increase—a total of almost $13 billion—in the United States contribution to the International Monetary Fund, the African Development Fund and the Asian Development Bank. This is almost as much money as the bill authorizes for all of next year's foreign assistance programs.

More than $1 billion is slated for the second installment of a major replenishment of the International Development Association [IDA]. This soft-loan window of the World Bank provides assistance directly to governments on extraordinarily lenient terms such as 10-year grace periods, 35- and 40-year maturities, no interest, and a small service charge.

The World Bank annual report for 1990 illustrates IDA's disgraceful record of providing assistance directly to many of the most reprehensible regimes in the world. While the Department of Treasury justifies the U.S. contribution to IDA on grounds that it "plays a pivotal role" in "encouraging economic reform in the poorest nations," it fails to adequately explain why Ethiopia, China, Sudan, Somalia, Yemen, and Laos were among the beneficiaries of IDA assistance last year.

When Under Secretary of Treasury David Mulford appeared before the Foreign Relations Committee he was asked if a strong Treasury Department commitment to IDA is consistent with the statement of mission for AID that lists as its No. 1 principle: "support for free market, broad-based economic growth." His reply: "It probably is not clearly as effective as it should be." Yet, Under Secretary Mulford confirmed, most loans that the United States oppose are approved anyway. In short, the American taxpayer is losing $1 billion each year to a multilateral fund over which we have little control and that is being used to bolster governments with little to no commitment to free market reform.

These facts are important to illustrate that Congress, and specifically the committees in Congress responsible for authorizing the foreign aid request, have a responsibility for the chaos, ineffectiveness, and inconsistencies of the foreign aid program.

Perhaps only a crisis will force the Congress and administration to address the serious failures of the foreign aid program. Mr. President, the current willingness to acknowledge the failures and then to choose inaction is reminiscent of the knowing failure by both branches of government to take steps to address the crisis in the savings and loan industry. Unless this bill can be substantially improved on the floor, Senators should strongly consider whether or not it merits their support.

The ACTING PRESIDENT pro tempore. The Senator has 7½ minutes remaining.

Mr. HELMS. I thank the Chair. I thank the Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. I yield myself 30 seconds. I ask unanimous consent that the following individuals be granted privileges of the floor: Brad Cohen, Ted Gehr, Judy Grayson, Dave Hafemeister. And I wish to appoint Mr. SARBANES, the Senator from Maryland, as my designee.

Mr. HELMS. Mr. President, if I may, the distinguished Senator from Kentucky will manage this bill on the Republican side, as Senator SARBANES will on the majority side. Senator SARBANES and Senator MCCONNELL have done an excellent job. They were not quite able to make a silk purse out of a sow's ear, but they gave it their best shot.

Mr. SARBANES. I say to the Senator from North Carolina, before he leaves the floor, we tried very hard.

Mr. HELMS. Yes, they did.

Mr. SARBANES. Some say that we succeeded. Some think we fell a little short. Hopefully we can go on and consider the bill today, Mr. President.

At 10:45, we will have a vote to invoke cloture on the motion to proceed. I urge Members of the Senate to vote for cloture and allow us at least to move forward to consider this bill.

There are some points I want to make on that very subject. I will touch on the substance of the bill in the course of making the argument as to why we ought to go forward to the bill. But I am not going to elaborate on all of the provisions that are in the legislation.

Mr. President, we have had difficulty bringing a foreign assistance authorization bill to the floor in the Senate. Now, that is understandable because foreign assistance in and of itself is a controversial subject.

Second, these bills often contain, as does this one, particular provisions which some Members, at least, find very difficult. We would hope, however, to bring the bill up so we can consider the provisions, and allow the legislative process to develop.

I point out to Members that this is not the end of the legislative process. If this vote carries, we still will have to consider the legislation on the floor of the Senate; changes may be made. Then we have to go to conference; further changes may be made. The administration will weigh in with its position. In fact, the administration has already done so with a letter from Secretary Eagleburger, who has indicated that there are a couple of objectionable provisions in the bill as reported by the Senate Foreign Relations Committee, which, incidentally, reported the bill to the Senate by a vote of 17 to 2. I would characterize the bill as a bipartisan product. I think it reflects a cooperative effort on both sides of the aisle within the committee.

Now, Mr. President, there will be foreign assistance provisions in law. The question is whether Senators will have a proper role in passing an authorization bill or whether it will simply be done in the appropriations bill, which is what has happened in past years. So it is not as though, by failing to go forward, the Senate in effect will avoid considering foreign assistance; it will simply be considered in a different context—a context, I submit, in which Members of the Senate have less of an opportunity to shape foreign assistance than they would have here and now if we can move forward to this legislation. Members then will have a free and open opportunity to amend the legislation. So I urge Members to vote for this cloture motion and allow us to go forward and take up the bill.

While the administration has expressed serious misgivings, as the Senator from North Carolina has indicated, about the provisions with respect to Mexico City and cargo preference, I would point out that the letter to us from Secretary Eagleburger says that the administration regards the committee's bill as a positive first step toward meeting the reform objectives of foreign assistance which the President has set out.

The President sent us legislation late in the day; it did not come until April 25. It constituted a total and major rewrite of the Foreign Assistance Act, some 340 pages. We tried to respond to some of the administration's major concerns, but we were not able within that time period, of course, to do a complete rewrite, although we have placed it on the agenda as something to be worked on in the future as we seek to cooperate to enhance our foreign assistance legislation.

Secretary Eagleburger in his letter also said in his concluding sentence, and I quote now:

> I also hope the Senate can build on the committee's work to ensure passage of a bill that will contribute materially to the efficiency of our foreign aid program and that provisions are not adopted that detract from the committee's commendable efforts.

So what we have is a piece of legislation which the administration regards with favor except for two provisions about which they are very much concerned and about which Members of this body are concerned.

We now have an opportunity to bring the bill up and try to shape it on the floor of the Senate. We will then go to conference and shape it even further by interacting with the House, which has already passed its foreign assistance bill, and of course the administration will be part and parcel of those efforts. So I urge Members to support this cloture motion and allow us to move forward to consider this legislation.

There are many very important, worthwhile, and desirable provisions in this legislation. Senator MCCONNELL and I believe we can move it through the Senate in a reasonably expeditious manner if Members are prepared to cooperate.

We recognize there is a veto hanging over several of its provisions, but that is what we are here for, to try to deal with some of these controversial items.

Finally, I once again emphasize to Members that foreign assistance legislation will be considered. The question is whether we consider it in a full and comprehensive manner, as one does in an authorization legislation, or whether it is simply left to be dealt with in an appropriation bill, in which the Members, I submit, have much less of a chance to place their imprint on the making and the shaping of broad policy issues in American foreign policy.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Kentucky is recognized. The Senator has 6½ minutes.

Mr. MCCONNELL. Mr. President, first I commend the chairman of our committee and ranking member for their cooperation in moving this process forward, and I particularly commend my colleague, Senator SARBANES. We have worked for a long period of time this year to try to put together bipartisan support for a foreign assistance authorization bill.

As the Senator from Maryland has pointed out, there is going to be foreign assistance this year; it is going to happen, but it should happen in the context of a Foreign Aid Authorization Act that provides the opportunity for Senators to have their input in this most important process.

The ranking member has indicated that the administration has some serious objections to the bill. That is true. But I think it is important to emphasize that it also wants the process to go forward. There are two contentious items: the Mexico City policy and cargo preference. But we often bring up bills that have hanging over them the threat of vetos. That does not mean we do not go forward. We did that just last night on another matter with the threat of a veto. So that is no good reason for not moving forward with this foreign aid authorization bill.

In Secretary Eagleburger's letter, he points out "We strongly," referring to the administration, "endorse the committee's support for a variety of helpful provisions on reprogrammings, drawdowns, waiver and other authorities which will go a long way toward ensuring that foreign assistance may better serve the interests of the United States."

The fact is, Mr. President, the Bush administration wants a Foreign Aid Authorization Act this year. They want the process to go forward. Consequently, Senator SARBANES and I certainly hope that the motion to proceed will be approved, that cloture will be invoked, and the Senate will have an opportunity to consider the bill and work on the myriad of provisions that are included and provide Senators an opportunity to offer whatever amendments they choose.

We are open to and have already included many provisions recommended by colleagues, both on and off the committee, in this bill that will be soon before us. I hope that after a serious commitment of time and effort made by this committee's members, the Senate will be willing to review the bill, which on balance reflects the new priorities defined by the historic changes that we have witnessed around the world.

This is not the last word in revision of foreign aid. Senator SARBANES and I feel that very soon we will have to have a significant rewriting. We did not have time to do that this year. But this is legislation approved in the main by the administration to provide the significant departure, in my view, from business as usual in the foreign assistance area.

I hope very much that the motion to invoke cloture will be approved when we have the vote several minutes from now.

Mr. President, I think this is a bill that needs to pass, and we are ready to move forward with it.

I yield the remainder of my time.

Mr. SARBANES. Mr. President, first I want to underscore my appreciation to the able Senator from Kentucky for the very positive and constructive way in which we were able to work together on this legislation, and more broadly, to the members of the committee.

There are controversial provisions in this bill, but there are controversial provisions in many bills that are brought before the Senate, and I do not know how you deal with them, other than to bring them up and discuss them. The same issues will arise in connection with the appropriations bill when that comes.

In fact, that is exactly what occurred the last time the general foreign assistance issue was before the Senate. It arose in the context of the appropriations bill, where this controversial issue emerged, as well. This is an opportunity for Members of the Senate to have a comprehensive chance to shape the foreign assistance legislation.

We feel that the bill contains many worthwhile provisions. There has been a genuine good-faith effort made to respond to concerns which the administration has expressed about restrictions and limitations contained in current language. As the administration itself has indicated in its communications to us, much has been done to accommodate their concerns. In fact, they strongly endorse many of the committee's proposals that are contained in this legislation.

So I very much hope that Members will support the cloture motion and then allow us to move forward with this legislation. I point out that once we proceed to the legislation, Members have all rights reserved to them. No limitation or restriction has been placed on the consideration of the legislation.

This cloture motion is not on the legislation; it is on the motion to proceed to the legislation. Therefore, once we move on to the legislation, Members have the full range of rights available to them in terms of offering amendments, in terms of debate on the amendments, and on the bill itself.

We recognize that passage of the bill may, in turn, become a difficult proposition. But we would like to get to that point, and we would like to be able to take up this legislation in the due and proper course of business.

Let us not forget that the Senate Foreign Relations Committee is the authorizing committee, vested with an important role in shaping this legislation. The committee reported this bill to the full Senate by a vote of 17 to 2. There will be authorizing legislation for the State Department as well. Those are essentially the two pieces of authorizing legislation that come out of our committee.

We now seek from our colleagues the opportunity to move forward in the normal course of business to consider this legislation. I very much hope that Members will support the cloture motion on the motion to proceed to the legislation, and at least allow us to take that next step in considering this important subject.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion on S. 1435, the foreign aid authorization bill, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1435, a bill to amend the Foreign Assistance Act of 1961, and for other purposes:

Tom Harkin, Paul Wellstone, Richard Bryan, Wendell Ford, Bill Bradley, Joseph Lieberman, John Breaux, Wyche Fowler, Claiborne Pell, Terry Sanford, Charles S. Robb, Tom Daschle, Paul Simon, Paul Sarbanes, Max Baucus, Alan Cranston.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1435, the Foreign Assistance Authorization Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—87

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici

Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
McConnell

Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—10

Craig
Dixon
Durenberger
Gramm

Helms
Lott
Mack
Smith

Symms
Wallop

NOT VOTING—3

Kerrey
Murkowski
Pryor

The PRESIDING OFFICER. On this cloture vote on the motion to proceed to S. 1435, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is agreeing to the motion to proceed.

The motion is debatable.

Is there debate? If not, the question occurs on agreeing to the motion to proceed.

The motion was agreed to.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

> A bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, first of all I want to express my appreciation to my colleagues for supporting the cloture motion by such an overwhelming vote and allowing us to move forward to consider the International Security and Economic Cooperation Act of 1991, S. 1435.

I will just make a few brief remarks here at the outset. I know there are others who may want to speak generally on the bill and then we very much hope, in a fairly short period of time, we will be able to start considering amendments that Members may have to offer. I ask our colleagues if they could start coming forth with their amendments early on in this process. We would like to try to address them and, where possible, clear them, and where not possible, structure a debate in order to move forward with this legislation.

First, Mr. President, I want to thank the distinguished chairman of the Foreign Relations Committee, Senator PELL, and its ranking member, Senator HELMS, and my friend and colleague Senator MCCONNELL for their generous remarks about my own efforts on this legislation, and also for allowing us to reach the point where we are now.

This legislation was reported out of the committee on a strong bipartisan vote of 17 to 2. I just want to develop a few points about the substance of the legislation.

There has been a lot of discussion about reforming our foreign aid program. Of course, the label "reform" is always a popular label to attach to almost anything, and I think there is a general view that there are important reforms that need to be made. That has tended to be defined as a total, complete, comprehensive rewrite of a foreign assistance legislation. This has not been done in the bill that is before the Senate.

Frankly, there was insufficient time to undertake that task after the administration submitted its proposal. It is not clear that their approach is necessarily the best way to go. It may be easier to understand and digest what is being done through the process by which this bill essentially does it, which is to meet the most pressing concerns expressed by the administration: Its need for flexibility to respond to changing world circumstances.

In existing legislation, both the Foreign Assistance Act and the Arms Export Control Act, the Congress has already granted the President special flexibility in the conduct of foreign assistance. But we were persuaded, in response to the administration's request and in light of dramatic changes that are taking place around the globe, that some additional flexibility was warranted. That flexibility is contained in this legislation and is recognized in the letter sent to us by Deputy Secretary Eagleburger, who states, among other things:

> We strongly endorse the committee's support for a variety of helpful provisions on reprogramming notifications, drawdowns, commitments of prior military assistance funds, termination expenses, contracting waiver, and other authorities.

So I think a genuine, good-faith effort has been made to try to respond to some of the concerns raised by the administration.

We also addressed the desire to group the functional accounts of AID, the development assistance accounts. In fact, the administration's proposal was to simply group all of them into one big account. I think most Members of the Senate feel that would be an overly broad grouping.

Instead we tried to create some broader latitude by authorizing a single health assistance account which incorporates activities currently funded under three separate accounts: Health, child survival, and AIDS prevention and control. So we made a somewhat broader grouping, but there was a feeling in the committee that the major account headings that are currently being used need to be continued. If a complete revision of that is to be undertaken it requires further study, more than the committee or the Senate has been able to devote to this issue thus far.

Another element of the committee bill is an effort to begin to shift resources from the military toward economic and development assistance programs. I think there is a growing consensus that there cannot be a stable and just new world order unless social conditions and economic prospects improve markedly in the Third World, where most of the planet's people live.

There is also strong humanitarian concern on the part of the American people which has led us over the years to try to address some of the overwhelming problems of poverty and disease and illiteracy and hunger around the world. But I think it is becoming increasingly clear that our own interests—in a more, I guess what some people would call hard-headed fashion—are also served by addressing those problems. By enabling people to improve their lives, we contribute, I believe, to a more peaceful and stable world environment. Peaceful, prosperous countries make strong, reliable trading partners. In fact, the developing countries are often the most eager customers for U.S. exports. In many respects, then, foreign assistance is an investment in the future for all of us.

The committee has thus tried to revise the priorities to some extent. We have not had the opportunity here to make the major revision which some would argue is warranted under the circumstances, but we have begun that trend and, hopefully, we can build on it in the years to come. If we can, in effect, alter the existing authorizing framework as proposed in the legislation that is before us, I think we will have a stronger, more responsive, more contemporary foreign assistance program. And this bill is a very important step in that direction.

I close by thanking the able Senator from Kentucky [Mr. McCONNELL], who is the ranking Republican on our subcommittee, for his tireless efforts in helping to develop a truly bipartisan product, one that I believe is responsive to the foreign policy interests of the United States.

I very much hope after these opening statements have been concluded that our colleagues will come forward with their amendments and we can begin to move quickly through the process of considering this legislation.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I thank my colleagues for the overwhelming vote in support of the cloture motion on the motion to proceed, so we can go forward with this bill.

Mr. President, as we begin debate today on the International Security and Economic Cooperation Act, we do so at a time characterized by historic and remarkable change. At the beginning of this decade, I doubt one of us would have predicted the collapse of the Warsaw Pact as a significant military threat and democracy advancing from East Africa to Eastern Europe, from Managua to Moscow.

Events around the globe are complemented by smaller but nonetheless historic events here in the Senate. The Foreign Relations Committee has not had the opportunity to present an authorization bill for the Senate's consideration since 1986—I guess we should be grateful that the turn of international events has changed the landscape for us all.

The committee has given careful consideration both to the major global changes and the administration's request for funding and flexibility in responding to those events. When he presented the administration's foreign assistance request to the committee, Secretary Baker defined five objectives our programs should fulfill. Those goals, adopted by the committee in our legislation are as ambitious as they are worthwhile. Secretary Baker asked us to support: First, promoting and consolidating democratic values and institutions; second, promoting U.S. national security interests and guaranteeing peace; third, promoting economic growth and competitive market principles; and fourth, protecting against transnational threats such as terrorism and narcotics trafficking and finally, meeting urgent humanitarian needs.

As I said, the goals are ambitious but I think the committee has gone a long way in crafting legislation affording the President the flexibility and funds he needs to achieve them. I would like to take a minute to review some of the key changes in this bill which advance U.S. interests and meet emerging needs.

First, we have substantially reduced the number of earmarks within the security assistance account—while a handful remain these are basically consistent with the administration's goals and spending.

Second, the committee has reduced from 16 to 5 the number of cross-cutting goals which have historically been at cross purposes and confusing. In addition to more focus in setting the agenda, the committee reduced the overall number of functional accounts which have directed how funds were spent within the Development Assistance Program.

Third, the administration has been given permanent authority to break ESF earmarks in the event of an emergency with a 5-percent ceiling on drawing down any one account.

The committee also substantially expands specific authorities and contingency funds in order to afford the President the greatest possible flexibility. In this area, there are three changes of particular note: First, the bill increases the ceiling on the amount the President is authorized to use for unanticipated contingencies from $25 million to $40 million. Second, we increased the ceiling on the amount the President is authorized to draw down in defense stocks to meet any unforeseen emergency from $75 million to $100 million. And, third, in addition to expanding existing accounts, the committee created a new authority for a Presidential contingency fund of $10 million.

This bill, Mr. President, is a significant departure from business as usual in the administration of our foreign assistance.

It may not be a complete rewrite, but it is indeed a significant—I repeat, significant—departure from business as usual.

Like the world we live in, it is not perfect, but we have worked hard to reach a consensus among Members on the best approach to the rapid, important changes we are experiencing. As my friend from Maryland has pointed out, it was reported out from the committee 17 to 2.

I might point out before wrapping up that there are two provisions in this bill as I mentioned earlier, which are controversial and many Senators and the President oppose. The committee bill reverses the administration's position on the Mexico City policy which the President has repeatedly indicated is cause for veto. Second, the bill includes a provision which applies cargo perference laws to countries receiving cash transfers. Again, the administration has registered its very strong objections. Frankly, I agree with the administration's position on these two provisions, however, I believe these are issues which we can redress on the floor, in conference or later.

In spite of these problems, I believe the policy direction and authorization levels reflect the administration's compelling requirement for flexibility and congressional interests in a rapidly changing world. As the chairman of the subcommittee responsible for foreign aid, Senator SARBANES deserves an enormous amount of the credit for his careful review for this careful review of every detail and his commitment to reach the compromises that have brought us this far.

I also want to thank my colleague, Senator HELMS, the ranking member of the Foreign Relations Committee who has given me an opportunity to comanage along with Senator SENATOR SARBANES. If we succeed in final passage, it will be, in part, because of the many lessons I have learned from Senator HELMS about the legislative process.

With that said, I want to join my colleague from Maryland in urging Senators to come on down and offer amendments. We are open for business.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

AMENDMENT NO. 808

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask it be read in full.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 808.

On page 98, after line 19, add the following new section:

"SEC. 514. REDUCTION IN THE AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) REDUCTION.—Notwithstanding any other provision of this Act, whenever a provision of this Act, or an amendment made by this Act, authorizes to be appropriated for certain purposes a specific dollar amount, such provision shall be deemed to authorize to be appropriated for those same purposes, in lieu of such specified amount, an amount equal to the specified amount minus 10 percent of such amount.

(b) TRANSFER.—

(1) EDUCATION SERVICES.—Notwithstanding any other provision of law, the authorization of appropriations to carry out the elementary and secondary education block grant is increased in each fiscal year by an amount equal to 50 percent of the amount determined under subsection (a) for such fiscal year.

(2) LAW ENFORCEMENT SERVICES.—Notwithstanding any other provision of law, the authorization of appropriation to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is increased in each fiscal year by an amount equal to 50 percent of the amount determined under subsection (a) for such fiscal year.".

Mr. HELMS. Mr. President, I thank the distinguished clerk. He read it well. The text of the amendment just about explains itself. But let me put it a little bit more in layman's terms.

This amendment has two parts, as the clerk stated. The first half proposes a 10-percent cut across the board from each authorization for appropriation within this bill. Whatever it is, cut it 10 percent. In other words, whenever a dollar amount is mentioned, subtract 10 percent. We will save that much in the unlikely event this authorization bill ever becomes law.

This way Congress' strategic priorities remain precisely the same. Every country, every program receiving funds from the U.S. taxpayers would share a 10-percent decrease in those funds. Furthermore, since earmarks are also reduced, the administration will still retain the flexibility priority that it needs and said it wants.

The second half of the amendment deserves to be carefully considered by every Senator. It transfers this 10 percent, to which I have just alluded, or approximately $1.4 billion, back to the 50 States. Specifically, 5 percent will go to law enforcement services block grants and the other 5 percent will go to education services block grants.

My reasoning, Mr. President, is simple. Many States are in financial difficulty. As a matter of fact, I do not know one that is not. The Associated Press reported back on July 1, as I recall, that many States have budget gaps ranging from $467 million in Pennsylvania to $14.3 billion in California, where our former distinguished colleague, Pete Wilson, now serves as Governor.

The amount of money that this amendment proposes to cut is relatively small—relatively small—compared to the deficits many States are experiencing. So the money is sorely needed right here at home.

Most Senators will not need to be reminded of the fiscal woes that their home States are experiencing. Nevertheless, let me quote from the Washington Post, which is an unusual thing for me to do:

Mark Gearan of the Democratic Governors Association told the Washington Post on May 12 that the Federal Government cut assistance and scaled back programs to the States in many, many areas. He said, "Fiscal problems among the States already have led to $10.3 billion in State tax increases for the 1991 fiscal year, and Governors have proposed some $6.7 billion in tax increases * * *".

So, Mr. President, the Federal Government cut assistance and scaled back programs to the 50 States and now, here before the U.S. Senate, Congress is proposing to authorize an increase of almost $60 million more for this bill than the 1991 foreign assistance appropriations.

Then on June 30, the Washington Post reported that the National Conference of State Legislatures estimated that 29 States, Puerto Rico, and the District of Columbia face potential deficits totaling $15.3 billion.

It further states that the 1992 shortfall is estimated—hold on to your hats—at $35 billion. The same story in the Washington paper reported that New York has fired 6,300 employees; Brockton, MA, lost 31 police officers and 31 firefighters. Los Angeles alone is proposing to cut 58,000 workers.

Do you see why I am proposing that we reduce some of this money that this bill proposes to send overseas and instead use the 10 percent to help our home folks a little bit? I think that is reasonable. I think it is fair.

Some of these problems are certainly due to fiscal irresponsibility and overspending that is typical of so many liberal State legislatures. However, in good conscience, how can Congress justify the authorization of more than $28 billion for overseas spending? That is the reason I cannot support foreign aid legislation, either an authorization or an appropriation. We have economic troubles here at home. And so much of the foreign aid program, since the program's inception in 1946, has been money thrown down too many ratholes. I commend Senator SARBANES and Senator MCCONNELL and others for trying to restructure this program. As I said earlier, they did their best to make a silk purse out of a sow's ear, but they did not quite make it. It is not their fault; they did the best they could.

Even without Mexico City, as we call it around this place, the new cargo preference provision, massive debt forgiveness, and a host of other problems, Congress is now about to propose to authorize one of the most unpopular programs with the American people. The people do not like this program. They know of its infirmities. They know of the waste of millions and billions of dollars of their money sent overseas to prop up socialist governments down through the years, dating back to 1946. In a word, the American taxpayers are fed up with this squandering of their dollars, especially when the funds are so badly needed here at home.

Tragically, the Congress and the foreign aid establishment have abused the trust and good will of the American taxpayer. Nick Eberstadt, of the Harvard Center for Population Studies, told the Foreign Relations Committee in hearings this year that based on opinion polls—

> There is no program, year in and year out, which the American public indicates that it would wish to have cut more than development assistance and military assistance to foreign countries.

The American taxpayers instinctively recognize that the economic and security problems confronting many countries do not stem from a lack of foreign assistance. They stem from flawed policies—communism, socialism, statism, and corruption.

Those of us who have followed this program through the years are well aware of that, and so are the American people. So, Mr. President, no amount of foreign assistance can overcome these mistaken policies.

Even the United Nations, in a report issued this past month, admits—and let me quote the United Nations—

> The lack of political commitment, not financial resources, is often the real cause of human neglect.

Precisely. That is what I am saying, too.

A report issued by the Agency for International Development revealed that since 1946, the American taxpayer has provided more than $262.2 billion for foreign aid programs. I mentioned earlier the study that was made about 10 years ago. When you factor in the interest on the borrowed money that the Federal Government has spent overseas, the figure comes to an astounding $2 trillion.

The American taxpayer has financed more than $96 billion in economic aid and military loans since World War II. That is not counting the factored-in interest year after year. And since the United States had to borrow the money to give it away, this total, as I say, does not include the interest, which is enormous, obviously.

Mr. President, I wonder if Senators really believe that the foreign aid program is an effective and relevant program for the coming decade. Can anybody seriously believe that the American taxpayer will receive $28.2 billion worth of value over the next 2 years as a result of this bill? In all sincerity, Congress should acknowledge the suffering and the needs of our own country and our own people. Giving back one-tenth of what is proposed in this bill, giving back $1.4 billion to the American taxpayers for education and social service programs, seems to me would be sending a message to the American people that Congress is listening to them after all. It will directly benefit our constituents, the taxpayers, and of course I hope Senators will vote for it.

It is no secret to anyone that our States are facing severe economic problems. I have already touched on that. In some cases, these problems have been brought about by mismanagement. In others, they are due to a glut of unhealthy State programs. But whatever the reason, up and down the ladder, governmentalwise or whatever assessment you want to make of it, the taxpayers end up doing the suffering. I am not going to bring up the pay raise that occurred in the Senate; that is a fait accompli. But the taxpayers are suffering because these budget shortfalls mean for them an increase in their taxes. They also suffer because these shortfalls mean cutbacks in essential State services, such as law enforcement and education.

The American people are suffering, and at this moment the Senate is considering a bill that will send $28.2 billion more to often ungrateful countries over the next 2 years to fund what has been identified clearly as corruption and socialism and economic stagnation.

Several months ago, the magazine entitled "City and State" released its annual report detailing the financial condition of each State.

Mr. President, I ask unanimous consent that a list of the States of the United States which face budget shortfalls as of April 15 of this year, and the amount of the expected shortfall, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows.

STATE BUDGET SHORTFALLS AS OF APRIL 15, 1991

Alabama, $103.5 million.
Alaska, $300.1 million.
Arizona, $34.3 million.
California, $1.28 billion.
Colorado, $36 million.
Connecticut, $550 million.
Delaware, $44.2 million.
Georgia, $57 million.
Hawaii, $222 million.
Idaho, $27.3 million.
Illinois, $295 million.
Indiana, $298 million.
Iowa, $134 million.
Kansas, $119 million.
Louisiana, $264 million.
Maine, $34.6 million.
Maryland, $55 million.
Minnesota, $384 million.
Missouri, $4.5 million.
Montana, $26 million.
Nebraska, $110 million.
Nevada, $58.4 million.
New Jersey, $145 million.
New Mexico, $66.9 million.
North Carolina, $222 million.
Ohio, $393 million.
Oregon, $7.9 million.
Pennsylvania, $451 million.
South Carolina, $24.5 million.
Texas, $340 million.
Utah, $38 million.
Vermont, $21 million.
Virginia, $166 million.
Washington, $424 million.
West Virginia, $78 million.
Wisconsin, $198 million.

Mr. HELMS. Mr. President, I thank the Chair. I shall say no more. I think the amendment speaks for itself.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, I certainly agree with my colleague from North Carolina that education and law enforcement are worthwhile programs, and they are worth supporting. We all have an opportunity to do that every year when we vote on those authorization bills. But this is a foreign aid authorization bill, and we are mandated to provide funding for these particular programs, not domestic programs.

My friend from North Carolina referred to the expenditures in the foreign aid bill as money down a rathole. I suppose that some people think it is money down a rathole.

But I want to describe what some of those ratholes are that would be affected by this 10-percent cut. Senator HELMS suggests that we cut by 10 percent the following programs. These are the ratholes that we are talking about here where we are pouring this money right down the rathole.

The first rathole would be Israel, which would suffer a 10-percent cut; Egypt, a 10-percent cut; Greece, a 10-percent cut; Turkey, a 10-percent cut.

Mr. President, let us look around for some of these other ratholes in this bill that money would be poured down. UNICEF, which immunizes children, feeds children, and provides emergency humanitarian programs for children. The U.N. environmental program, which is engaged in an effort to rescue our rain forests to protect rare species, plants, and animals.

Mr. President, we have for quite some time in this country had a foreign aid measure. In recent years it has simply been a foreign aid measure passed by the Appropriations Committee. There is widespread support within this body for this kind of measure. We have a number of allies of the United States which depend on this measure. The administration is in support of this measure.

Mr. President, I hope that we will not adopt the Helms amendment. I know it is well intentioned. I know Senator HELMS opposes foreign aid in general. But that is not the position of the majority of the Senate. The majority of the Senate, I believe the Senator in Kentucky is correct, is in favor of foreign aid. I do not know how many votes were cast against the last foreign aid authorization bill back in 1986, but my guess was it was probably under 20 or under 25. The vast majority of this body feels that foreign assistance is correct.

With regard to surveys about how the American people feel about various issues, I warrant that, if you ask the American people if they thought it was inappropriate for the United States, through its UNICEF funding, to be providing immunization for children or emergency humanitarian assistance for children, even assistance for some of our allies, I suspect it would not indicate that the American people were entirely against this. In fact, on many of these issues I think there would be overwhelming support. We are, after all, a generous country. Foreign assistance is a very, very small percent of our overall expenditures.

Mr. President, I hope that the Helms amendment will not be approved.

Mr. SARBANES. Mr. President, the amendment is on its face a very appealing one, because what it suggests doing is reducing all authorizations in this bill by 10 percent and transferring them to some very important domestic programs.

But Members should understand very clearly the framework in which we are operating. Part of the budget agreement that was reached with the administration last year was that a certain amount of money would be available for foreign aid. One of the things the administration insisted upon was that we would not be able to transfer money from one broad category to another. There are in fact three such categories—defense, foreign aid, and domestic programs.

In effect, what this amendment would do is transfer money from foreign aid into domestic programs. As I understand it, that would be counter to the budget agreement and to the budget resolution which implemented the budget agreement. If I am not mistaken, it would be subject to a point of order requiring a supermajority to overrule. In other words, it would require 60 votes in order to make such a transfer.

Perhaps we might move to table the amendment, if the Senator from Kentucky is amenable, and dispose of this amendment that way. If not, then it leaves open the question of a budget point of order. The question arises, as I have said, because there was an agreement reached between Congress and the administration about how much would go for defense, how much for foreign aid, and how much for domestic programs. We have worked within the figure provided for foreign aid in this authorization bill. We have tried to comply with it and conform to it.

Members should be very clear about what the proposed amendment would do. It would reduce every account in the foreign aid bill by 10 percent. That includes health accounts, education accounts, hunger accounts, disease control accounts, and both the military and the economic accounts that affect particular countries around the world for which we have tried to reflect priorities in this legislation. In most instances, these are the very priorities submitted to us by the administration.

This amendment would mean, for those particular countries, a 10-percent cut in their foreign assistance. Members should be very clear about that, because much of our foreign policy hinges upon maintaining the relationships that are encompassed within our legislation.

So I very much hope that Members will not be supportive of this amendment, as appealing as it may be on its face, since none of us denies the pressing needs which exist here at home. There are also pressing needs abroad, and decisions about the allocation of resources amongst those needs were essentially made in the budget summit, which said that so much money would be available for foreign aid. We have tried to work within these limits in our authorizing bill. We have tried to accede to the spirit and the letter of the budget agreement. So I very much hope that this amendment will not be accepted.

If there is no further debate, we are prepared to move to table the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I want to point out for Senators, and for the RECORD, when we were drafting this amendment, special care was taken to ensure that it did not violate any provision of the Budget Act. It has been reviewed by the Budget Committee staff and by the Congressional Budget Office. After several minor modifications, it was deemed to be in compliance with the enforcement procedures of the relevant budget statutes.

Specifically, the pending amendment would reduce the foreign aid authorization for fiscal year 1992 and fiscal year 1993 by 10 percent—roughly $1.4 billion, as I have said earlier, per year. The resulting savings would be authorized to be appropriated for two very important programs for our States: The education block grant, and the law enforcement block grant.

The Budget Act does not prohibit shifts of authorizations of appropriations among discretionary accounts. According to the conference report on the Omnibus Budget Reconciliation Act of 1990, the transfer of discretionary authorization does not violate the budget agreement, and all of the accounts mentioned in my amendment now pending are discretionary, not mandatory accounts. Thus, this amendment does not violate the Budget Act and is not subject to a point of order. I wanted to make that statement for the RECORD. I am willing to go to a vote any time the managers want.

Mr. McCONNELL. Mr. President, I move to table the Helms amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GORE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—87

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—12

Boren
Craig
DeConcini
Dole
Garn
Helms
Hollings
Leahy
Nickles
Smith
Symms
Wallop

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 808) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 809

Mr. PELL. Mr. President, I send a package of amendments to the desk on behalf of myself and Senator McCONNELL and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself and Mr. McCONNELL, proposes an amendment numbered 809.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 11, strike "The" and insert "(a) The";

On page 14, after line 16, insert the following:

(b) Section 103 of the Foreign Assistance Act of 1961 is further amended by adding the following new subsection:

"(g) The Congress finds that marine fisheries, aquaculture production and living aquatic resources are of significant importance to economic development and to the diets of people around the world. The Congress further finds that the world's fish catch is at, or near, its sustainable maximum, thereby requiring immediate attention to improve the management of these essential fishery resources. In the allocation of funds under this section, special attention shall be given to strengthening and expanding marine fisheries and aquaculture programs and projects.".

On page 15, line 7, strike "Section" and insert "(1) Section";

On page 15, line 9, strike "(A)";

On page 16, line 2, strike "organizations." and insert "organizations."."

On page 16, strike lines 3 through 5 and insert in lieu thereof the following:

"(2) In each of fiscal years 1992 and 1993, forty-five percent of the amount provided in each such fiscal year for the purposes of section 104(c)(4) of the Foreign Assistance Act of 1961 should be provided directly to the World";

On page 16, line 8, strike "Organization."." and insert "Organization.".

On page 17, line 4, strike "$257,688,000" and insert in lieu thereof "$300,000,000".

On page 17, line 7, strike "$301,291,000" and insert in lieu thereof "$345,000,000".

On page 23, strike line 20 and all that follows through line 2 on page 24, and insert in lieu thereof the following:

"(d) Notwithstanding any other provision of law, none of the funds appropriated by this Act for programs administered by the agency primarily responsible for administering part I of this Act, may be made available for any project or activity except in accordance with the requirements of section 117(c) of this Act and the regulations issued pursuant thereto (22 CFR 2/6).".

On page 27, line 12, strike "appropriated" and all that follows through "Act" on line 15, and insert in lieu thereof "made available under chapters 1 and 10 of part I and chapter 4 of part II of this Act for use for activities described in sections 104(c)(2), 104(c)(3), 104(c)(4), or for environmental and energy activities".

On page 31, strike line 23 and all that follows through the end of line 5 on page 32, and insert in lieu thereof the following:

"Sec. 130. Economic Reform and Environmental Protection.—Economic policy reforms assisted with funds authorized to be appropriated by this Act shall also include appropriate provision to protect long-term environmental interests from possible negative consequences of the reforms.".

On page 34, after line 8, insert the following new paragraphs:

"(5) in subsection (b)(2), by amending subparagraph (G) to read as follows:

"(G) are directed to making available to business enterprises, especially to small business enterprises and cooperatives, necessary support and services not otherwise generally available.";

"(6) in subsection (b)(3)—

(A) by amending subparagraph (A) by striking out "$3,000,000" and inserting in lieu thereof "$6,000,000"; and

(B) by amending subparagraph (B)—

(i) by inserting "in loans" after "provided", and

(ii) by inserting "with loans" after "assisted";".

On page 34, by redesignating paragraphs (5), (6), (7), and (8), as paragraphs (7), (8), (9), and (10), respectively.

On page 34, strike lines 18 through 20, and insert in lieu thereof the following:

"(9) in subsection (e) (as redesignated by this section)—

(A) in paragraph (1), by striking "loans made to projects" and inserting in lieu thereof "loans, investments, and guarantees";

(B) in paragraph (2), strike "Loans guaranteed" and insert in lieu thereof "Guarantees";

(C) in paragraph (2)(B)—

(i) by striking out "Loans guaranteed" through "amortizations within" and inserting in lieu thereof "Guarantees shall be issued for"; and

(ii) by striking out "guaranteed loan" and inserting in lieu thereof "guarantee";

(D) in paragraph (2)(C)—

(i) by striking out "loan guaranteed" to "guarantee"; and

(ii) by striking out "$3,000,000" and inserting in lieu thereof "$6,000,000";

(E) by striking out subparagraphs (E) and (H) and redesignating accordingly;

(F) in paragraph (4), by striking out "In the case of loans" and inserting in lieu thereof "In all cases hereunder"; and

(G) by striking out paragraphs (3) and (5) and redesignating accordingly; and".

On page 40, line 22, strike "and";

On page 40, after line 22 insert the following new subparagraph:

"(F) $12,000,000 for each of fiscal years 1992 and 1993 for the Organization of American States Development Assistance Programs; and;

On page 40, line 23, strike "(F)" and insert "(G)";

On page 41, line 2, strike "(E)" and insert "(F)".

On page 57, line 3, strike "the Agricultural" and all that follows through "1985," on line 6.

On page 113, line 8, insert ", including killings and kidnappings of civilians," after "acts of terror".

On page 119, line 13, strike "Secretary" and insert "President";

On page 120, lines 1 and 2, strike "Secretary" and insert "President".

On page 169, line 7, strike "or" and all that follows through "1954" on line 8;

On page 170, line 7, strike "and" and all that follows through "1954" on line 8.

On page 162, line 8, strike the comma and all that follows through "1954" on line 10.

On page 170, strike line 20 and all that follows through "Act." on line 25, and insert in lieu thereof:

"(a) Of the amounts authorized to be appropriated under chapter 1 of part I of chapter 4 of part II of the Foreign Assistance Act, $300,000,000 for each of fiscal years 1992 and 1993 may be made available for Andean countries.".

On page 172, strike lines 11 through 16 and insert in lieu thereof the following:

"(a) Authorization of Appropriations.—Of the amounts authorized to be appropriated under chapter 2 of part II of the Foreign Assistance Act, $118,000,000 may be made available for each fiscal years 1992 and 1993 for Andean countries.".

On page 182, line 7, strike "by" and insert in lieu thereof "under the auspices of".

On page 187, line 20, strike "Coordinating" and insert in lieu thereof "Development Coordination".

On page 191, line 1, strike "assistance may be provided" and insert "assistance (including assistance from the Development Fund for Africa) may be transferred".

On page 214, insert "and" at the end of line 24;

On page 214, strike line 25 and all that follows through line 8 on page 215;

On page 215, line 9, strike "(3)" and insert "(2)";

On page 215, line 10, strike "or the" and all that follows through "asset" on line 11;

On page 215, line 11, strike "para-" and all that follows through "(2)" on line 12 and insert "paragraph (1)";

On page 215, line 13, strike "or asset";

On page 215, line 17, strike "or" and "asset" on line 18;

On page 215, line 24, strike "or" and all that follows through "Corporation" on line 25;

On page 215, line 25, strike "or asset";

On page 216, line 4, strike "neither";

On page 216, line 5, strike "nor" and all that follows through "shall" on line 6, and insert "shall not";

On page 216, line 8, strike "or asset";

On page 216, line 16, strike "or the Commodity Credit Corporation";

On page 216, line 21, strike "or the Commodity Credit Corporation";

On page 216, line 22, strike "or asset";

On page 217, lines 7, 10, 12, 15, and 18, strike "or asset";

On page 217, line 24, strike "or" and all that follows through "country," on line 1 of page 218;

On page 318, line 4, strike "or assets".

On page 222, line 5, strike "and" and insert after "714", "section 735, section 737, and title VI".

On page 223, strike lines 11 and 12.

On page 223, line 15, after "1971" insert "except for section 7".

On page 234, line 10, after "enable" insert "the volunteer experiences of";

On page 234, line 11, strike "share" and insert "be shared".

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 809) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

(Purpose: To express the sense of the Congress regarding the future of Taiwan)

Mr. PELL. Mr. President, I send an amendment to the desk which I believe has been cleared by both sides. Senator HELMS and Senator MURKOWSKI are cosponsors. It is an amendment concerning the future of Taiwan and has been generally cleared.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island, [Mr. PELL], for himself, Mr. HELMS, and Mr. MURKOWSKI, proposes an amendment numbered 810.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 109, after line 25, add the following new section:

SEC. 611. POLICY TOWARD THE FUTURE OF TAIWAN.

(a) Finding.—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June 4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who are demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people of Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the willingness of the Chinese authorities to refrain from the use or the threat of force in resolving Taiwan's future.

On page 4, after the item relating to section 610, add the following new item:

Sec. 611. Policy toward the future of Taiwan.

Mr. PELL. Mr. President, this amendment expresses the sense of the Congress regarding the future of Taiwan. It is similar to language already in the House version of the foreign aid authorization bill and is language proposed jointly by Senator HELMS and myself 2 years ago during debate on the State Department authorization bill and adopted by the Senate.

During the recent debate of granting nonrestrictive trade privileges to the People's Republic of China, special mention was frequently made concerning Taiwan and especially Taiwan's membership in GATT, which I support.

This measure underlines America's unique concern about Taiwan's future and our interest that it remain an independent nation despite its close proximity and historical ties to China.

I believe deeply that the future of Taiwan should be determined by the Taiwanese people free from interference from any outside power.

This amendment asks that the future of Taiwan be settled peacefully, free from coercion, and in a manner acceptable to the people on Taiwan.

As we consider the continued uncertainty in China, we need to reaffirm to all concerned parties that the United States opposes settling the Taiwan dispute by force or coercion, particularly given the delicate period of political transition that President Li Teng-hui is now attempting to engineer.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 810) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 811

(Purpose: To express the sense of the Senate in support of Taiwan's membership in the General Agreement on Tariffs and Trade)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 811.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SUPPORT OF TAIWAN'S MEMBERSHIP IN GATT.

(a) Findings.—The Senate finds that—

(1) on January 1, 1990, the Government of Taiwan formally requested the Secretariat of the General Agreement on Tariffs and Trade (GATT) to initiate the procedure necessary for its accession to the GATT;

(2) the Government of Taiwan has applied for membership in the GATT as a separate customs territory under GATT Article XXXIII under the name "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu", to ensure that its application includes only those areas where the Government of Taiwan currently possesses full autonomy in the conduct of its external commercial relations;

(3) Taiwan is a significant participant in the global economy, being the thirteenth largest trading entity and maintaining the second largest foreign exchange reserves in the world, and is one of the last major market-based economies that is noticeably absent from the GATT;

(4) the United States and Taiwan maintain an important bilateral trading relationship, with Taiwan being the sixth largest trading partner of the United States and the United States being the second largest exporter to Taiwan;

(5) Taiwan has made substantial progress in its economic development, and has taken steps to open up its economy, including lowering its average tariff rates, reducing its barriers to foreign investment, and increasing its protection of intellectual property rights;

(6) the United States supports additional action by Taiwan to provide full open market access to United States goods and services and to ensure that United States intellectual property rights are fully enforced, and Taiwan's continued progress in these and other areas is mutually beneficial to the United States and Taiwan;

(7) the GATT is the premier multilateral body for regulating trade worldwide, and the United States and 100 other contracting parties of the GATT are in the final stages of the Uruguay Round of multilateral trade negotiations, which is the most ambitious effort ever undertaken by the GATT to expand, strengthen, and revitalize multilateral trade rules and principles;

(8) the successful conclusion of the Uruguay Round will establish multilateral and enforceable disciplines in key areas affecting bilateral trade between the United States and Taiwan, including the areas of services, intellectual property rights, and agriculture;

(9) Taiwan currently adheres to the guiding principles of the GATT on a de facto basis, is expressly committed to assuming greater international economic responsibility by its willingness to accede to the GATT as a developed economy, and has indicated its desire to join formally with other GATT contracting parties in implementing the final results of the Uruguay Round; and

(10) Taiwan's membership in the GATT will foster the further liberalization of Taiwan's economy along GATT lines, will serve as an exemplary model for other developing countries, will allow key United States-Taiwan trade issues to be addressed in the multilateral context, and will contribute to the overall strengthening of GATT rules of trade and of the GATT as an institution:

(b) Policy.—It is the policy of the Senate that—

(1) the accession of Taiwan to the GATT is in the best economic interest of the United States and of the world trading system as a whole and should be achieved in an expeditious manner; and

(2) the Government of the United States should fully support Taiwan's accession to the GATT by requesting that the GATT Secretariat place Taiwan's accession request on the agenda of the next GATT Council meeting, by seeking the formation of a GATT Working Party, and by taking any additional steps deemed necessary to assure Taiwan's prompt membership in the GATT.

Mr. ROTH. Mr. President, I rise to offer an amendment in support of Taiwan's membership in the General Agreement on Tariffs and Trade [GATT]. This amendment contains the text of Senate Resolution 116, which is a resolution I submitted this past April. The resolution is strongly supported by a majority of the Senate, with 53 of my colleagues now cosponsoring it.

The goal of this amendment is twotold. First, it will demonstrate that the President has the full backing of the Senate to proceed forward with his recently announced decision to "begin to work actively with other Contracting Parties to resolve in a favorable manner the issues relating to Taiwan's GATT accession." It does so by making several findings on the importance of Taiwan's position in the world economy and of our bilateral economic relationship, and by expressing the sense of the Senate that Taiwan's GATT membership is in the best economic interest of the United States and of the world trading system.

The second objective of this amendment is to highlight the specific steps that should be taken to ensure that the accession of Taiwan to the GATT is achieved expeditiously. The amendment underscores that the United States should fully support Taiwan's accession request by taking two essential steps, in particular. The first is requesting that Taiwan's application be placed on the next GATT Council agenda. The second is seeking the formation of a GATT working party to consider Taiwan's terms of accession.

Mr. President, for a whole variety of reasons, which are outlined in the amendment, Taiwan deserves to be in the GATT, and Taiwan deserves our strong assistance in accomplishing it. In demonstrating the full backing of the Senate, this amendment is designed to do just that.

I yield the floor.

Mr. PELL. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. ROTH. I thank the distinguished chairman and appreciate his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, as far as I can ascertain, this amendment is acceptable on this side of the aisle.

Mr. McCONNELL. Mr. President, the Senator from Delaware has an excellent amendment. I fully intend to support it. I am not aware of any objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 811) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 812

(Purpose: To express the sense of the Senate concerning the treatment of U.S. companies operating in Angola in the U.S. Internal Revenue Code)

Mr. ROTH. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. BRADLEY, proposes an amendment numbered 812.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE REGARDING THE TREATMENT OF UNITED STATES COMPANIES OPERATING IN ANGOLA IN THE U.S. INTERNAL REVENUE CODE.

(a) FINDINGS.—The Senate finds that—

(1) section 901(j) of the United States Internal Revenue Code effectively subjects United States companies operating in Angola to double taxation;

(2) on May 31, 1991, the Government of Angola and the National Union for the Total Independence of Angola signed the Peace Accord for Angola in Lisbon, Portugal;

(3) the Peace Accords for Angola provide for: an internationally supervised ceasefire in Angola's civil war, the opening up of Angolan political life, and internationally supervised national elections;

(4) the Angolan economy offers a broad range of opportunities for United States companies.

(b) POLICY.—It is the policy of the Senate that—section 901(j) of the United States Internal Revenue Code should be amended to provide for a special rule for Angola so that United States companies operating in that nation shall be allowed a foreign tax credit for taxes paid to the Government of Angola.

Mr. ROTH. Mr. President, the purpose of the amendment which I am laying before the Senate today has a straightforward purpose. It expresses the sense of the Senate that the discriminatory manner in which United States companies which operate in Angola are treated in our Tax Code should be ended.

Ordinarily, U.S. corporations which operate in foreign countries are obliged to pay taxes to the government of that country. Subsequently, when their U.S. taxes are assessed, they are granted a credit equivalent to the amount which they have been obliged to pay the foreign government in question.

Several years ago, we began to tinker with this system. The so-called Rangel amendment denied United States companies operating in South Africa any foreign tax credit for the taxes which they paid the Government of South Africa. Subsequently, companies operating in Angola were similarly denied foreign tax credits for taxes which they paid that government. In effect, U.S. companies operating in either nation were subject to a crippling double taxation.

The Rangel amendment, which was closely tied to the Comprehensive Anti-Apartheid Act, was vitiated when the President recently certified that the South African Government had met the various conditions laid down in that act. It is my firm opinion that now is the time to move ahead and take similar actions vis-a-vis Angola. I say this for three primary reasons:

First, the Angolan economy, though devastated by civil war, has huge economic potential, largely because of Angola's massive oil reserves and mineral resources. United States companies are eager to expand their operations in the Angolan economy, but they are seriously hampered by their double taxation burden. Meanwhile, European companies, who were never subject to any restriction in their Angolan operations, are pushing vigorously into the Angolan economy. Recently, Royal Dutch Shell announced that it will be investing almost $½ billion in exploratory drilling rights in Angolan waters.

Frankly, I do not believe that the U.S. Congress should be hampering U.S. companies as they seek to compete with their European rivals in this area of major economic potential.

Second, Mr. President, the foreign policy considerations which originally led us to impose discriminatory treatment against Angola no longer pertain.

The Marxist government of Angola no longer enjoys Soviet or Cuban support. Deprived of this backing, the Government has signed the peace accords for Angola with its chief opposition—the National Union for the Total Independence of Angola [UNITA], an organization which I and several of my colleagues have strongly supported.

The accords provide for a cease-fire in the civil war, the opening up of national political activity, and for the internationally supervised national elections for which Dr. Jonas Savimbi and UNITA have so long pressed.

In light of this major progress toward democracy, it is fully appropriate the United States place its economic relations with Angola on a regular footing. Granted, the political situation in Angola is by no means perfect—that will require the actual holding of national elections.

However, who said that a nation had to have a perfect political situation in order to trade with the United States? If that was our standard, we would trade with very few nations, indeed.

Angola needs economic development now and United States companies need unfettered access to the Angolan economy now. Whoever wins the pending national elections will not wish to preside over an economic desert. And, Mr. President, while we hold back and hinder U.S. companies, their competititors are proceeding.

Third, Mr. President, I would ask my colleagues to consider whether the type of approach we have pursued toward United States companies dealing in Angola really does represent an optimal approach toward United States business.

Here on the floor of the Senate, we hear a great deal of talk about competitiveness, about picking up the economic challenge laid down by Japan and by EC '92. Well, Mr. President, if we are sincere in our rhetoric of competitiveness, we will have to stop burdening U.S. companies with restrictions and hindrances which have no basis in everyday economics. U.S. businesses are designed to make returns to their shareholders. They are not designed to discharge U.S. foreign policy. Attempts to subvert business and to use it in pursuit of foreign policy goals will only weaken our businesses, our overseas business activities, and undermine our global competitiveness.

For all of the above reasons, I ask my colleagues to support my amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I support the amendment of the Senator from Delaware and so does the administration. There is, however, at least one Senator on this side of the aisle who wants to be heard in opposition to the Roth amendment and is not here yet.

Mr. SARBANES. Mr. President, I simply make the observation that we may also have a Senator or two on this side who wish to be heard on this amendment. Obviously, we would like to provide at least some accommodation to Members by allowing a reasonable period of time for them to speak on the amendment. When the House of Representatives considered the foreign assistance bill, they were able to get a rule which required that all amendments had to be printed in the RECORD ahead of time. Unfortunately, under our procedures, we cannot do that. But I simply point out that it made an enormous difference when the amendments were made available, so that people had a chance to examine them, consider the consequences of them, and so forth.

Here, of course, under our procedures, any Member at any time can stand up and offer an amendment to any part of the bill. We have to just try to address issues as they arise. It would be most helpful, I say to our colleagues, if early on the managers could be made aware of amendments that Members were thinking of offering and could have a chance therefore to examine the amendment. Such a process would be helpful to the ability of the managers either to accept the amendments as proposed, or to suggest modifications that would make it possible to do so.

So it would be helpful to us if Members who have amendments could apprise use of that fact, informing us both that they have the amendment and, even more importantly, of the substance of the amendment. We could then try to expedite the matter. We are anxious to do that, and we are making good progress. We are very grateful to the Senator from Delaware for coming to the floor early on to offer his amendments. But on this particular amendment with respect to Angola, we have received, as has Senator McCONNELL, some communication that there are others who are interested in speaking on it. I think they ought to have a reasonable period of time to get here.

Mr. McCONNELL. Will the Senator yield.

Mr. SARBANES. Certainly.

Mr. McCONNELL. It is my understanding that the Senator from Delaware has yet another amendment. I do not know whether that is acceptable on the Senator's side or not. We might lay the current Roth amendment aside and do that one next.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that we temporarily set aside the Roth amendment now before the Senate in order for me to bring up a new amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 813

(Purpose: To amend the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, and the Commodity Credit Corporation Charter Act to prohibit the noncompetitive awarding of insurance contracts on certain government-supported exports)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 813.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

That chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 240A the following new section:

"SEC. 240B. PROHIBITION OF NONCOMPETITIVE AWARDING OF INSURANCE CONTRACTS ON CERTAIN GOVERNMENT-SUPPORTED EXPORTS.

"(a) PROHIBITION.—No insurance, reinsurance, guarantee, or other financing may be issued by the Corporation with respect to any investment in a project unless the appropriate investor, in every practicable case, first certifies to the Corporation that any contract for the export of goods as part of such investment shall include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

"(b) FAILURE TO PROVIDE CERTIFICATION.—In any case in which such certification is not made in a timely fashion, the investor shall include in the certification when made the reasons for the failure to make timely certification."

"(c) REPORTS BY UNITED STATES TRADE REPRESENTATIVE.—The United States Trade Representative shall review the actions of the Corporation under this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 181(b) of the Trade Act of 1974 with respect to such actions.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States insurance company'—

"(A) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(B) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

"(2) United States insurance companies shall have had a 'fair and open competitive opportunity to provide insurance' if they—

"(A) have received notice of the opportunity to provide insurance; and

"(B) have been evaluated on a nondiscriminatory basis.".

SEC. 2. EXPORT-IMPORT BANK OF THE UNITED STATES.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

"SEC. 17. PROHIBITION ON NONCOMPETITIVE AWARDING OF INSURANCE CONTRACTS ON CERTAIN GOVERNMENT-SUPPORTED EXPORTS.

"(a) PROHIBITION.—The Bank may not guarantee, insure, extend credit or participate in the extension of credit with respect to any export unless the Bank receives a certification that any contract relating to the export of goods shall include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

"(b) REPORTS BY UNITED STATES TRADE REPRESENTATIVE.—The United States Trade Representative shall review the actions of the Bank under this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 181(b) of the Trade Act of 1974 with respect to such actions.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States insurance company'—

"(A) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(B) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

"(2) FAIR AND OPEN COMPETITIVE OPPORTUNITY TO PROVIDE INSURANCE.—The term 'fair and open competitive opportunity to provide insurance' means, with respect to a United States insurance company, that the company—

"(A) has received notice of the opportunity to provide insurance; and

"(B) has been evaluated on a nondiscriminatory basis.".

SEC. 4. DETERMINATIONS OF DISCRIMINATION.

(a) DETERMINATION BY THE UNITED STATES TRADE REPRESENTATIVE.—Whenever the United States Trade Representative determines that United States insurance companies have been denied a fair and open competitive opportunity to provide insurance against risk of loss in violation of section 240B of the Foreign Assistance Act of 1961, section 17 of the Export-Import Bank Act of 1945, or section 20 of the Commodity Credit Corporation Charter Act as added by this Act, then—

(1) the Overseas Private Investment Corporation may not insure, reinsure, finance, or otherwise assist in the investment in question,

(2) the Export-Import Bank may not guarantee, insure, extend, credit, or participate in the extension of credit with respect to the export in question, and

(3) the Commodity Credit Corporation, may not guarantee, insure, extend credit, or participate in the extension of credit with respect to the export in question of agricultural commodities,

unless the transaction involves a United States firm, subsidiary, or affiliate doing business in a foreign country with which the United States has an agreement regarding the insurance of international transactions.

(b) REGULATIONS REQUIRED.—The United States Trade Representative shall prescribe such regulations as may be necessary to carry out this section.

Mr. ROTH. Mr. President, the amendment which I am offering today has a straightforward purpose. It seeks to guarantee to U.S. insurance companies the right to compete for the insurance-related business on exports which are supported by U.S. taxpayer dollars, that is to say, exports paid for, supported by or financed by the Agency for International Development, the Export-Import Bank, the Overseas Private Investment Corporation and the Commodity Credit Corporation.

Frankly, I was shocked when I first discovered the need for this legislation. This Nation generously provides foreign assistance to a number of nations around the world and it finances the export of many goods and services to nations which cannot afford to pay the full price of these commodites.

It was truly galling to discover that, on many occasions, when these transactions are made, the recipient nation—the recipient of United States largesse—then forbids United States insurance companies from competing for the insurance related business on these transactions.

For example, Mr. President, this Nation recently provided the Soviet Union with $1.5 billion of grain and feedstuffs via the Commodity Credit Corporation. The Soviet Government then coolly informed the United States that all the insurance-related business stemming from this transaction would be reserved for the Soviet Union's own state insurance company.

The American Institute of Marine Underwriters is a trade association representing over 90 marine insurance companies, which provide over 90 percent of the ocean marine insurance written in this country. The AIMU estimates that foreign protectionist practices in this field cost U.S. companies as much as $33 million in lost premiums every year.

The list of nations which exclude U.S. companies from insuring OPIC, Exim and CCC transactions is a long one: Bangladesh, Bolivia, Ecuador, Morocco, Pakistan, Peru, Sudan, Uganda, Venezuela, Tanzania, Kenya, Jordan, Nicaragua, Panama, Colombia, Ghana, Guinea, and Indonesia.

The International Union of Marine Insurance has listed a total of 62 nations, all of whom seek to reserve the right to insure goods coming into their ports to national insurance companies. And I must stress, Mr. President, that these restrictions apply to exports which are financed, subsidized, and sometimes are paid by the U.S. taxpayer.

U.S. insurance companies seek no special preference. They do not demand that the right to insure U.S.-subsidized exports go solely to them. But they do ask, quite understandably, that when the U.S. taxpayer does underwrite a U.S. export, then they should, at least, have the right to compete for the insurnace on that transaction.

The current situation is nothing short of ludicrous. Recipients of U.S. assistance are turning around and robbing us of the related benefits of our generosity.

The amendment which I am laying before the Senate today will end this nonsensical practice. It requires that the insurance contracts related to U.S.-financed exports must be open to free and competitive bid.

If the office of the U.S. Trade Representative discovers that a recipient nation is trying to exclude U.S. insurance companies from the bidding process or is discriminating against them, then the transaction in question will not proceed.

I suspect that my colleagues on both sides of the aisle will agree on the need to resolve this problem. I am aware that there is some controversy concerning the designation of an appropriate U.S. enforcing authority. I have in my amendment designated USTR, but I have no objection to this provision being changed in conference so long as the final conference report addresses the basic problem before us today as to discrimination against U.S. insurance companies which are legitimately pursuing their business.

Mr. President, I ask that my colleagues support this amendment. I respectfully ask the managers of the bill to do their utmost to ensure that this legislation is retained in the bill in conference.

I yield the floor.

Mr. SARBANES. Mr. President, I want to make one observation to the Senator from Delaware. As I understand the amendment, what he is seeking is that U.S. insurance companies have a fair, open, and competitive opportunity to provide insurance.

As I understand it, the definition of having such an opportunity is that the insurance companies have received notice of the opportunity to provide insurance and, if they seek to provide it, that their bids have been evaluated on a nondiscriminatory basis. It does not require that the insurance contract go to American companies. It just makes sure that they get a fair chance, along with anyone else, to bid for this work. Is that correct?

Mr. ROTH. That is correct.

Mr. SARBANES. At the moment apparently, American companies are actually being excluded from the opportunity to bid. They cannot even enter into the competition. Is that correct?

Mr. ROTH. That is correct. A number of countries keep it for their own insurance companies.

Mr. SARBANES. The Senator mentioned at the end some possible problems with how the amendment would be enforced and so forth. There may be other technical problems which we could address in conference, staying of course, in consultation with the Senator.

Having said that, I have no objection to the amendment. In fact, as stated by the Senator, this amendment seems to address an important problem.

Mr. McCONNELL. Mr. President, I am aware of no opposition to the amendment of the Senator from Delaware. I personally support it. I think it is a good amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 813) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I would like to express my appreciation both to the chairman and ranking member for their interest and support in correcting what I see as a deficiency.

The PRESIDING OFFICER. The question now recurs on amendment No. 812.

AMENDMENT NO. 812

Mr. SARBANES. Under the regular order are we now on the amendment offered by the Senator from Delaware and Senator BRADLEY on Angola?

The PRESIDING OFFICER. The Senator from Maryland is correct. Regular order.

Mr. SARBANES. Mr. President, I want to make an observation about this amendment because I know that some Members called in about it. Let me just put a question to the Senator from Delaware. My understanding of this amendment is that it simply expresses the sense of the Senate with respect to this issue. We do not have jurisdiction to make the legal change here. That would have to be done by the tax writing committees of the Congress. It would express, though, a policy judgment that such a change should be made in the law. Is that correct?

Mr. ROTH. That is correct. Since it involves revenue, it obviously has to come up first in the House and then the Senate in the tax writing committees. It relates to a matter that I think is important, that the Senate express its intent. I feel we are putting ourselves and American companies in a noncompetitive position with other companies of the world who are moving in to address the resources that are available in Angola.

Mr. SARBANES. I think it is important for Members who may have a concern with respect to the amendment to understand exactly what the amendment does and does not do.

Mr. ROTH. The Chairman is absolutely correct. This is a sense-of-the-Senate resolution. It merely expresses the intent, but it is not effective in changing the law.

Mr. SARBANES. Mr. President, this is the situation. I want to be very open and candid with the Senate.

There apparently are a few Members, I am not sure how many, on both sides who will want to be heard on the Angola amendment of the Senator from Delaware. There is a distinguished Senator on my side who says he can be here in 30 minutes. Obviously, given that it has just come up, I will try to protect his opportunity to speak, although I do want to try to move along.

I hope we are not going to get in a situation, although I am not now referring to this pending amendment, where amendments come up but Members ask us not to consider them for another 2 or 3 hours or until tomorrow or something like that. Otherwise, we will not be able to move expeditiously through this legislation.

I would also note that there are Senators on the other side of the aisle who wish to speak. Perhaps they might be prepared to go ahead now.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise for the purpose of calling the attention of the Senate to this amendment that is before us, the Roth amendment, which would repeal a tax restriction on corporations doing business in the country of Angola, which tax restriction has been on those companies in that country since legislation adopted by this body in 1986. That was legislation that I sponsored because I did not feel, when there was a revolution going on in the country and the taxpayers of this country were supporting the challengers to the government—we were taking the position of the right side in that revolution against the Marxist government of Angola—that we ought to have an American corporation participating in doing business with that government when the taxes paid by that American corporation were being used by that government against a revolutionary force that the United States taxpayers were supporting at that particular time.

This is only a sense-of-the-Senate resolution that is before us today, so it is not repealing that law. But I think that it is an issue that we will face later on this year or early next year in regard to whether or not that 1986 legislation ought to be repealed. I am sure the motivation behind the legislation is because there is an agreement between the Government of Angola and the forces of Jonas Savimbi to have elections sometimes before November 1992. So the situation has changed dramatically. I would have to say that if the spirit of that agreement is carried out, obviously the political situation and military situation in that country has changed dramatically.

The only thing is, I believe that this question now that we are dealing with on the sense-of-the-Senate resolution, in that presumably we will be dealing with change in statute later on this year, is a little premature because the test of that agreement is whether or not we have free and fair elections, and obviously we are not going to know that until those elections are held. So, consequently, I do not really think it is going to be proven that there is a new political environment in that country until those elections come off and we have the democratic process mature.

So far, we are living on promises. Promises are a start, but having performance commensurate with the rhetoric is a real test of an agreement.

So I think that our body here ought to take into consideration this amendment and know the import of it. At this point, I would be asking my colleagues to be opposed to it even though it is a sense-of-the-Senate resolution.

I believe it is very important to continue our current policy of economic restrictions in force against the Republic of Angola until we do have those free and fair elections.

Unfortunately, some believe the signing of the Estoril accords warrants rewarding the MPLA and point to the lifting of sanctions against South Africa. I want to challenge this misguided view and I want to oppose any effort that upsets the delicate balance that exists between the ruling party and the proper Western opposition, led by UNITA.

More specifically, proposals to restore the foreign tax credits for taxes paid or accrued to Angola are premature and I think seriously damage the prospects for true peace and reconciliation in Angola.

As in formerly Marxist Nicaragua, the party is the State, and all revenues that are paid by these corporations doing business in that country go to the coffers of the ruling party. Lifting sanctions will only provide an even greater competitive edge to the MPLA in the electoral contest that has yet to be scheduled at this time.

I think we have to assume that whether this were an issue or not, whether or not American companies were doing business over there that would be in support of the ruling party and the government, that ruling party and the incumbent government has a dramatic advantage over those of UNITA challenging that existing government. If it is going to have increased revenues as a result of the repeal of this 1986 legislation, they are even going to have greater advantage.

Now, I know there are some who feel that there is no question that UNITA will come through that election fine and dandy. And I hope that is what happens. But I guess I do not want our Government to take a chance on that, because we have been part and parcel of reaching compromises over there and forcing the point of view of UNITA in the process for so long that it just seems to me that for this last 18 months why take any chances.

I believe this legislation brings about more questions about whether the ultimate gains of our Government are going to be accomplished. And those ultimate gains are free and fair elections, not just that UNITA be controlling the government. That is our hope. But we have to accept the will of the electorate there like we would in any other country if we do have free and fair elections.

But it is important to remember that United States restrictions remained in force—referring again to the Nicaraguan situation; we kept our restrictions in force against the Sandinista regime—until free and fair, internationally monitored elections were held.

I feel the same policy should apply to Angola, since the MPLA reneged on a promise to hold elections in 1975. It is only prudent to maintain economic pressure upon the MPLA, since military pressure was removed upon the declaration of the cease fire.

Too often, Americans have short memories about our relationships with foreign countries and we forget, I suppose, this promise was made in 1975 and denied; it was not carried out. I do not think the situation is quite the same for next year, but we ought to make sure that that is the situation. I do not believe millions of dollars of American taxpayers' assistance should be given to the MPLA.

Propping up the MPLA will not help the people of Angola. Therefore, we hope our colleagues here will stay the course in Angola. The dual policy of aiding UNITA and continuing pressure on the MPLA has produced a cease fire and promise for elections. If this policy is maintained, we believe it will produce the historic free elections and true democratic government we all anxiously await.

I hope my colleagues will remember our friend on the other side of the aisle, Senator DECONCINI of Arizona, has for a long, long period of time, headed up an effort in this body to make sure American policy stood firm in support of UNITA and against the MPLA. And that that good work of Senator DECONCINI has paid off as we have accomplished that goal.

I have been informed by staff that he would like to speak on this issue. I hope my colleagues will pay due attention to what he has to say on this issue, because he has worked so hard on it.

Yesterday, I had the opportunity to receive, and I will read into the RECORD, the official position on this issue from UNITA, the opposition party. This is the contents of that communique. It is headlined, "UNITA Policy Statement on the Grassley Amendment," referring to the Grassley amendment of 1986.

UNITA supported the Grassley Amendment in 1986 to revoke the foreign tax credit for U.S. companies operating in Angola. The profits from Angola's only viable industry, oil, were used during the course of the 16-year war, to purchase at least $16 billion worth of Soviet weapons and to provide for the maintenance of the Cuban occupation forces, which once numbered 60,000. Sanctions against the one-party MPLA regime, coupled with U.S. support to UNITA after the repeal of the Clark Amendment, were intended to pressure the government into a peaceful settlement resulting in free and democratic elections. We are not there yet.

In Lisbon, Portugal on May 31, the Estoril Accords were signed by UNITA and the MPLA, establishing a ceasefire and setting elections between September and November of 1992. Significantly, the MPLA will continue to govern the country in the interim, with all tax revenues collected by the state under the control of the MPLA party. In Angola today, the state and the party remain inseparable.

While UNITA supports any humanitarian or other efforts in Angola intended to help the citizenry, UNITA cannot support the lifting of trade sanctions, which would only serve to augment the power of the MPLA-controlled state and thus the party.

The private sector does not exist in today's Angola. It remains a desire. Furthermore, the Grassley and other amendments are on "Automatic Cancellation," The validation of free elections will nullify them. Economic pressure, which serves as a deterrent against MPLA noncompliance with the peace agreement, is the only remaining leverage the U.S. Government enjoys in Angola.

In Nicaragua, sanctions persisted until the internationally-monitored elections were determined to be free and fair. The United States kept sanctions in force, recognizing that the Sandinistas continued, during the transition to democratic government, to command the military and the police, as well as the business sector.

U.S. policy towards Angola is on the verge of producing its objective of representative government, the first in Angola's history. Lifting trade restrictions now would be interpreted by the MPLA as a relaxation of U.S. policy, and would constitute a premature reward before full compliance with the Estoril Accords is assured. Restoration of full trade relations and the granting of diplomatic recognition should only occur when the peace process has culminated in its final goal of self-determination for the people of Angola.

It is signed by Jardo Muekalia, UNITA chief representative to the United States.

Mr. President, I am about ready to give up the floor. In conclusion, I hope the managers of this legislation will wait until Senator DECONCINI appears to give his statement. And, second, what this amendment, if it were actually changing the law, attempts to accomplish, I would say should be accomplished when the elections are held. That was the intent of the legislation passed in 1986. It is meant to be a lever to make sure there are free and fair elections, and it would not take any action by this body at that particular time for it to happen.

I guess I will say one additional thing. There is going to be a problem for the sponsors of the amendment when it comes to passing the statute change, and that is the revenue neutrality requirement. Whatever revenue is lost here, and there will be a significant amount lost, the proponents have to think of some way of taxing the American citizens to make up that lost revenue, unless you have the votes to add to the national debt.

I hope that, as conservative as the proponents of this amendment are, they take that into consideration. Right now we have revenue coming in from this, and that will be lost. We surely do not want to increase the debt to help corporations that in turn would support a government in this part of Africa that is in opposition to the goals of United States taxpayers and the United States taxpayers' Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I first of all want to commend the managers of the matter which is presently before this body, and commend them for the hard work they are doing trying to fashion a piece of legislation that deals with the foreign policy interests of this country.

THE RICH GOT RICHER, POOR GOT POORER

Mr. DODD. Mr. President, the remarks I am about to make do not relate to that subject at all except in a very tangential way. They have to do with a report that appeared this morning in the Washington Post with a headline entitled "Rich Got Richer, Poor Got Poorer," a story by Spencer Rich.

Mr. President, I ask unanimous consent that this press report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. It struck me, Mr. President, that this report came in the wake of yesterday's narrow vote on the most-favored-nation status for the People's Republic of China; in the wake of the fast-track legislation dealing with Mexico; in the wake, if you will, of a decision to provide technical assistance and, in the thoughts of some, credits to the Soviet Union; and in the wake of decisions to break the budget agreements in order to provide assistance to Bangladesh. Mr. President, the litany can go on. I am not suggesting that in some of these cases there is not a degree of legitimacy in trying to be helpful, but it is disturbing when the ongoing process that seems to be more focused on the needs of other nations, legitimate as those needs are, and we watch what is happening to people in this country who are in desperate condition.

So it is in that light that I rise this afternoon to share some general comments and thoughts on the deteriorating situation of a constituency in this Nation that seems to be more and more squeezed every single day. This report and the documentation from the Congressional Budget Office and studies done by the House Ways and Means Committee make this more than just a simple allegation. As more and more data becomes available, it becomes quite clear that this is no longer an allegation or an assumption, but a fact.

The fact is that during the last 13 years, middle-income families in this country have not only been squeezed but they have been significantly hurt. At the same time a very small, tiny fraction of our population have done remarkably well at their expense. That is what this study indicates.

Frankly, the absence of any real sensitivity about this is what I believe is creating a growing sense of anger in this country, a growing sense of frustration on the part of people not only from the New England States where the economy has been particularly hard hit, but reaching across this country, even in areas where there has been a relatively high degree of affluence.

So, Mr. President, I want to emphasize my concern about this and about the failure to even address some of these questions at all. It is almost, as someone has suggested, as though we have a no-fault Presidency. The theory seems to be that if you do not even talk about these subject matters, then they do not exist. But they exist in the minds of the families who struggle on a daily basis to make a home mortgage, to make college tuition payments, to provide food and clothing for their children, while they watch their salaries and incomes decline, and watch their taxes go up. These families also watch the very affluent in this country, the top 1 percent, whose incomes absolutely skyrocket and whose taxes decline. No wonder there is a growing sense of anger.

I mentioned the headline in the Washington Post which says "Rich Got Richer, Poor Got Poorer," referring to the study on income disparities in the 1980's released by the Center on Budget and Policy Priorities. This study confirms what I think many people have known for years and what the working families of this country understand completely.

Just to share some of the data included in this study, the most affluent 1 percent of Americans have seen their incomes climb from $203,000 in 1977 to $451,000 in 1988, while the taxes of that income group have actually declined by 18 percent. So here, more of a doubling of their incomes in an 11-year period and a reduction of their taxes by almost 20 percent.

At the same time, the incomes of the middle-class working families of this country have stagnated and the incomes of the poorest part of our population have actually declined during that same period of 1977 to 1988. Working families have paid a steep price in the 1980's, and at this rate, they will be paying the bill, for the excesses of the last decade for many years to come.

This trend, Mr. President, I think is shameful. I do not know anyone who feels any differently. After all the promises made by the Reagan and Bush administrations, the headline should read "Real Income Rises for Working Americans." Frankly, Mr. President, we will not see headlines like that as long as the Bush administration continues to focus their attention and resources on world problems at the expense—at the expense—of any real domestic agenda. I think there would be more tolerance, understanding, and acceptability for international initiatives if there were attention being paid to the domestic agenda. But when the American people watch the President spend a week traveling to seven different nations, watching whirling dervishes in Constantinople and literally no attention paid to what is happening in city after city—to layoffs right and left and a declining economy—then that sense of outrage grows further.

While I know the pollsters and the pundits tell us that the President has a popularity rating in the polls of some 75 percent, frankly, Mr. President, that is irrelevant. That is irrelevant. What is relevant is what is happening to working families and the failure to pay attention to it. Eighty-five percent of American families are worse off today than they were a decade ago. That is relevant. That is far more important than some rating by a polling agency. That is what people care so much about and are anxious to see an agenda address.

The findings released yesterday make it clear, in my view, that the administration has only one real constituency, and that is the wealthiest 1 percent of our citizens.

Mr. President, throughout our history, we as Americans have always shared a common goal, to make life better for our children than it was for us in our own time. Today, the present generation, has reached the conclusion for the first time in decades that their children and their grandchildren are going to have far lower a living standard than they have; that the American dream of always providing a better quality of life is not going to be available to their offspring.

Today, for the first time in our history, America's working families can no longer count on a better life for the next generation. These families, Mr. President, are not the very poor. This is not the desperate bottom 1 or 2 percent of our population. This is the middle-class that is being squeezed and squeezed and squeezed to such a point that it becomes, in the words of some, an endangered species.

Caught in the squeeze between the changing family demographics and stagnant income and rising basic costs, families now question whether the American dream is beyond their reach, and they are right to question it.

The economic pressures on working families are severe, and they are getting worse. Incomes for middle-class families have been virtually stagnant, despite the entrance of millions of mothers into the labor force over the past decade. At the same time, rising costs have further pressed tight family budgets. In the past 20 years, median rents have risen from 21 to 29 percent of household income, and the cost of college has gone from 25 to 31 percent of income.

Mr. President, in Connecticut, New England, families are caught in an even more desperate squeeze. They are in the Nation's highest median income, but they endure extremely high basic consumer expenses. While housing costs increased by an average of 300 percent nationally from 1970 to 1990, Connecticut residents face an average increase of 600 percent during that same period of time. The cost of child care is 33 percent higher than the national average. It costs $4,500 for preschoolers in Connecticut child care centers, as compared to $3,400 nationally.

Mr. President, I am equally disturbed by the extent to which Federal policies contribute to the income squeeze for middle-income families. During the eighties, the burden of Federal taxes shifted from the wealthiest to the middle class. Between 1977 and 1990, the share of Federal taxes paid by the richest 1 percent of Americans decreased by 18 percent, while they increased by almost 2 percent for middle-income taxpayers.

Working families have done their share in the workplace and through their tax payments. Frankly, it is time to correct these inequities of the past and give families the economic tools they need to remain strong and nurture their children.

There have been a variety of legislative proposals introduced to address some of these problems and to create greater equity, including proposals by the chairman of the Finance Committee dealing with individual retirement accounts and legislation that will provide tax credits to middle-income families with children under the age of 5 to alleviate costs. Under this IRA proposal they could use those dollars that have been saved for tuition, as well as home mortgages. Last month I introduced S. 1411, the Middle Income Tax Relief and Family Preservation Act of 1991. Yet, we still find opposition to those ideas within the administration.

My point today is a rather simple one. Hardworking families deserve a far better deal than they are getting. The 1980's were very generous to a small percentage of people in this country. But we now know that working families, despite the fact they were made all sorts of promises, ended up getting the short end of this deal. Certainly the ravages that we are seeing in Connecticut, New England, and throughout the country today show that most families were left far, far behind.

So, Mr. President, while it is important that those of us in this body and the American people understand there trends, what is really important is that we have an administration that understands and is willing to engage in this debate. It is worthwhile to point out, Mr. President, that programs like revenue sharing and section 8 housing, community development block grants, and urban development action grants were not the legacy of the Johnson and Kennedy administrations but came out of the Nixon-Ford administrations, and that they were Republican administrations that faced up to these questions and offered suggestions and ideas.

What is happening today is the absence of any ideas in these areas. We have a President who finds it easier to travel to the far corners of the Earth but does not pay enough attention, in my view, to the basic questions that we are facing at home. This Nation's ability throughout this decade and as we enter the 21st century to be a generous Nation to the rest of the world, as we consider a foreign assistance bill, will in no small measure depend upon how generous we are when it comes to dealing with the basic economic problems of working families.

Our failure to invest in the economic future of this country will deprive this Nation of being a significant participant in areas like foreign aid and technical assistance for other nations that desperately need it. Our role as a significant player in determining the foreign policy and international equation of the latter part of this decade and the next century will be directly and severely impacted by our failure to address these basic domestic agendas that have to be debated.

So, Mr. President, I hope the President this morning will have seen the same headlines and will have raised it with his own Cabinet officers and wondered how they can possibly redress these inequities and create greater fairness. While the President's poll numbers may remain high as we approach an election cycle next year, that is not going to be enough to sustain this country in the 1990's and beyond.

High poll numbers do not make for a better country. That is not the standard by which we judge how well we are doing as a Nation. We need to be judging on poll numbers which reflect the data that say working families are doing better, not that the President is doing better politically. Those are the really relevant statistics. Frankly, the absence of those statistics ought to cause every American, including the leader of this Nation, a great deal of distress and concern about the direction this country is headed.

Mr. President, while we deal with the most-favored-nation status for the Republic of China, while the President pleads with Mr. Gorbachev and others and promised technical assistance; while we fast track a free trade agreement with Mexico and provide assistance to everybody else, it is also imperative to say what can we do to make this country stronger and better. The data this morning that was presented by Spencer Rich in the Washington Post indicates we have a long way to go and we better start soon.

EXHIBIT 1

[From the Washington Post, July 24, 1991]

RICH GOT RICHER, POOR GOT POORER, STUDY SAYS

(By Spencer Rich)

The income gap between rich and poor widened in the 1980s, with average incomes increasing 122 percent after taxes for the top 1 percent of households but falling 10 percent for the bottom fifth, according to a study released yesterday.

For the top 1 percent, the study said, income measured in today's dollars rose from an average of $203,000 per household in 1977 to $451,000 in 1988.

"The data provides fresh evidence of a growing trend toward greater income inequality in the United States," said Isaac Shapiro, who conducted the study for the nonprofit Center on Budget and Policy Priorities, a liberal think tank. He used data developed by the Congressional Budget Office for the House Ways and Means Committee.

"During the period examined by the CBO the incomes of the wealthiest households shot up dramatically but middle-income households received only a slight gain," Shapiro said. "Meanwhile, low-income households became poorer."

The study said that in the 1950s and 1960s "income disparities narrowed in the United States. In the early 1970s, disparities began to grow. This trend then accelerated in the 1980s."

The study looked at changes in income from 1977 to 1988, using household figures calculated by the CBO and adjusting for household size and inflation.

It found that for the poorest one-fifth of households, average cash income after taxes dropped 10 percent. For the second-poorest fifth, it dropped 3 percent. For the middle fifth it rose 4 percent, for the next highest fifth, 9 percent, and for the richest fifth, 34 percent.

However, when the top 5 percent of households was broken out and calculated separately, the rise was 60 percent—and for the top 1 percent alone, it was 122 percent.

The study said that most of the increase in the income gap "resulted from widening gaps in before-tax income." Among the reasons: stagnant wages for low- and middle-income earners, large increases in capital-gain income for well-off households, failure of the states to raise welfare benefits for low-income families fast enough to keep pace with inflation, and the contraction of the unemployment insurance system.

An increase in single-parent families (which have difficulty in earning income) and international competition (which could have an adverse impact on some wage scales) also played some role, according to Center officials.

"At the same time," the report said, "changes in federal tax policy also contributed to the widening gap in after-tax income. Between 1977 and 1992, the percentage of income paid in federal taxes by the richest 1 percent of Americans will decline 18 percent while the percentage of income that middle-income households pay in federal taxes will remain basically unchanged."

Robert Rector of the Heritage Foundation, a conservative think tank, criticized the study for counting only cash income, although low-income households are receiving $130 billion a year in food stamps, medical benefits and housing subsidies. He said the bulk of increases in public aid to the poor in recent years have been in non-cash benefits.

But Shapiro responded that households in the middle do not get non-cash welfare benefits and their income clearly has stagnated.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. SARBANES. Madam President, what is the regular order?

The PRESIDING OFFICER (Ms. MIKULSKI). The regular order, the Chair advises the Senator from Maryland, is the pending Roth amendment on treatment of American corporations doing business in Angola.

Mr. SARBANES. The Angola amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I say to the Senator from Delaware who offered the amendment, who has been very patient, that the Senators who are interested in his amendment are here and about, and we ought to try to get them to the floor so we can move ahead on the Senator's amendment. We will try to do that right now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I thank the Senator from Delaware—and the patience of the Senator from Maryland; I know he is interested in moving this along—for the modification of his amendment.

I think it is important that we understand why the amendment known as the Grassley amendment is on this particular country, if you want to call it that. I understand also it has been explained very clearly by the Senator from Delaware why he feels that is unfair and that trade should be the motivating force now that a peace accord has been signed.

Indeed, a peace accord has been signed, but of course the implementation of that peace accord and the cornerstone of that peace accord, besides a cease-fire which occurred in Angola, is free and fair internationally monitored elections. Those are scheduled now sometime in September, I believe early September 1992.

The amendment of the Senator from Delaware, as I understand it, would repeal the Grassley proposal which had a surcharge, sometimes known as a double taxation, upon the American petroleum industry that does business there, as well as other industries.

First of all, Madam President, it is important to know why was this adopted in 1986, and why toward Angola.

There was a very good reason at that time. The Angola Government refused to enter into any dialog or discussions with UNITA or any other opposition group within or without that country. In fact, we had the Cubans coming in during that period of time. We felt very strongly as a Congress and as a nation that our companies doing business there should not be supporting directly their recalcitrance toward any settlement of the Angola problem.

Quite frankly this Senator had amendments pending that would force our companies out of Angola because the billions of dollars they have received in revenue in the oil sold by American companies was going into the direct conflict and the military effort against UNITA. We did not go that route. What we did settle on is to assess an additional tax toward these particular companies I think for good reason because, as it is no longer classified information, our Government has assisted UNITA and still is in a nonlethal manner.

So the Senator from Delaware has a sense of the Senate, to be fair here now, that a peace accord has been entered into and that this so-called Grassley or double taxation should be relieved. He has agreed, and I thank him for it because it satisfies my concern because this sense of the Senate is effective.

As we know the sense of the Senate is not binding but it expresses the strong view of this body that this sense of the Senate, if I can pose a question to my friend from Delaware, says that upon free and fair elections in Angola the double taxation, or what is known as the Grassley amendment, should be repelled or would be repelled, and it would be retroactive for the entire calendar year.

If that is correct, I believe that is correct, I would welcome the Senator's clarification or concurrence in that then I think this is a very appropriate solution because I think it solves everybody's concern on the trade issue that the Senator from Delaware is interested in, the so-called equity issue perhaps of the double taxation and the strong commitment that this Senate has from year to year passed on and voted on that we want free and fair elections, and now we have the MPLA to do just that.

So that being the case, the Senator propounding a modification of the sense-of-the-Senate amendment of the Senator from Delaware, I support this enthusiastically.

Mr. ROTH. Madam President, I am happy to advise my good friend and colleague from Arizona that the proposed change in language accomplishes exactly what he has just said. What we have reached agreement on is that the cancellation, the termination of the double taxation will take place when the free elections are actually held retroactive back to the beginning of that calendar year.

I think this accomplishes our mutual purposes. As the distinguished chairman knows, I have been a strong supporter of UNITA down through the years, much involved in providing covert aid to help UNITA, so that I think we are all pleased to see that there appears to be a significant change in the situation.

What has concerned me so seriously has been, as the Senator pointed out, the question of trade. I think it is critically important to the future welfare of this Nation that we put trade as a first goal because it means jobs and opportunities for our workers.

What concerns me in the immediate situation was the fact that we all know Angola is indeed rich, indeed wealthy in raw resources, both oil and other minerals. I am concerned that our companies have been handicapped in their capability of joining hands in determining that oil and helping to bring about the riches that would result.

Other major companies of other countries, for example Shell, is spending currently something like a half a billion to develop new oil resources. I do not want that to be a missed opportunity for American business, or for the American worker.

So I am happy that we are able to agree on the mutual language. The Senator still has the floor, but when he yields, I will send up the amendment.

Mr. DECONCINI. Madam President, I want to thank my friend from Delaware for his strong support of UNITA's efforts in Angola. I failed to mention that the Senator from Delaware has indeed been at the forefront of support for the UNITA effort that we have worked together on for some time. I thank him.

I also thank him for his clarification and his explanation as I understand the particular sense of the Senate that is before us. With that, my compliments to the Senator from Delaware for finding a solution that I think really addresses all of this without compromising the important point that we really have struggled with for so long to find free and fair elections monitored internationally in Angola, and also to deal in a more equitable way with those American companies.

I thank the Senator from Delaware.

I yield the floor.

AMENDMENT NO. 814 TO AMENDMENT NO. 812

(Purpose: To express the sense of the Senate concerning the treatment of U.S. companies operating in Angola in the U.S. Internal Revenue Code)

Mr. ROTH. Madam President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. BRADLEY, proposes an amendment numbered 814 to amendment No. 812.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of language, insert:

SEC. . TO EXPRESS THE SENSE OF THE SENATE REGARDING THE TREATMENT OF UNITED STATES COMPANIES OPERATING IN ANGOLA IN THE UNITED STATES INTERNAL REVENUE CODE.

(a) FINDINGS.—The Senate finds that—

(1) section 901(j) of the United States Internal Revenue Code effectively subjects United States companies operating in Angola to double taxation;

(2) on May 31, 1991, the Government of Angola and the National Union for the Total Independence of Angola signed the Peace Accord for Angola in Lisbon, Portugal;

(3) the Peace Accords for Angola provide for: an internationally supervised ceasefire in Angola's civil war, the opening up of Angolan political life, and internationally supervised national elections;

(4) the Angolan economy offers a broad range of opportunities for United States companies.

(b) POLICY.—It is the policy of the Senate that—section 901(j) of the United States Internal Revenue Code should be amended to provide for a special rule for Angola so that United States companies operating in that nation shall be allowed a foreign tax credit for taxes paid to the Government of Angola.

The aforesaid tax benefits should not come into effect until national elections in Angola been been held. Those benefits will then be granted for the taxable year beginning in the calendar year of those elections:

Mr. ROTH. Madam President, I shall be very brief because I have already made the arguments as to why I think this amendment should be added. But let me just say for purposes of clarification the modification which we have drafted grants no extension of tax credits to United States companies in Angola until national elections are held. But it proposes that the benefit will be retroactive to the beginning of the calendar year in which those elections take place.

Madam President, I urge that this amendment be agreed to. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SARBANES. Madam President, we are prepared to accept the amendment.

Mr. MCCONNELL. The amendment is acceptable on this side as well.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 814) was agreed to.

Mr. ROTH. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Madam President, I express my appreciation to the chairman and ranking member for their patience. I think it resulted in a better amendment, and we are happy that it was enacted.

Mr. SARBANES. Madam President, I would like to express my appreciation to the Senator from Delaware for coming early during the consideration of this bill in order to offer his amendments. As a consequence we were able to dispose of them in a way I hope he considers positive and constructive, and I would say, an expeditious way.

We are prepared to move on with other amendments. We hope colleagues who have them will come to the floor and offer them.

The PRESIDING OFFICER. Without objection, amendment No. 812, as amended, is agreed to.

Mr. MCCONNELL. Madam President, I want to commend my friend from Delaware for his excellent amendments, and thank him as well for coming over and offering them in the beginning of this debate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 815

(Purpose: To establish and expand programs to assist persons with disabilities)

Mr. SIMON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. HARKIN, and Mr. DOLE, proposes an amendment numbered 815.

Mr. SIMON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 8, insert "disability," after "poverty,".

On page 13, line 2, insert "and persons with disabilities" after "women".

On page 17, between lines 11 and 12, insert the following:

(a) Section 105 of the Foreign Assistance Act is amended by adding a new subsection (c) as follows:

"(c) Assistance provided under this section shall also be used to establish and expand programs to assist persons with disabilities, including persons with visual and hearing impairments, physical disabilities, mental retardation and mental illness, to achieve independence.".

On page 17, line 12, insert "(b)" before "The".

Mr. SIMON. Madam President, along with Senator HARKIN and Senator DOLE, I offer an amendment that will provide a greater focus in our development assistance programs on the needs of the 500 million people with disabilities throughout the world.

The importance of this effort is highlighted in a GAO report Senator PELL and Senator HELMS requested at my suggestion 2 years ago. The report, issued in February 1991, shows that the magnitude of problems affecting persons with disabilities around the world is enormous. The United Nations estimates 80 percent of the 500 million persons with disabilities live in developing countries. These are the world's most neglected people; they are usually destitute, living in areas where services are rarely available.

Less than 3 percent of the world's disabled population has access to services. According to UNICEF, 80 percent of the 140 million children with disabilities in developing countries are without any access to the services they would need to become productive members of their societies.

In comparison to the need, international efforts are few, although they are often innovative and significant. There are models of well-focused projects that we can identify through the United Nations. I am sorry to say, however, that the contribution of the United States has been embarrassingly small, significantly less than that of other countries with fewer resources.

For example, U.S. contributions to the U.N. major effort to implement the goals of the Decade of Disabled Persons have totaled $103,000 over 10 years. Countries exceeding that amount include Canada, West Germany, France, Italy, Japan, Libya—which has given more than 3 times the United States—Norway, and Saudi Arabia.

The amendment we offer today is a small step toward giving appropriate attention to an overwhelming need. The amendment is simple. It consists of three parts that extend existing provisions in S. 1435. One provision seeks to maximize the involvement of persons with disabilities in all aspects of development assistance by specifically referring to such involvement along with the involvement of women and other disadvantaged populations.

Another provision adds disability to the areas Congress expresses commitment to addressing through our development policies. The third provision creates a specific authority within the education and human development program authorized by section 105 of the Foreign Assistance Act for programs that will enhance the independence of persons with disabilities. No additional funds are sought, simply the authority to address the needs of persons with disabilities.

It is our intent that these amendments reflect the Nation's commitment to assisting persons with disabilities around the world to become independent and productive members of their society. Such assistance should be made available through U.S. private voluntary organizations and indigenous private organizations whenever possible. A particular priority should be the use of organizations of persons with disabilities. As a result of these amendments, AID should establish a priority for programs of assistance in the field of disability, including habilitation and rehabilitation programs, independent living and social service programs, and programs regarding accessibility to facilities and services.

Madam President, on July 26 we celebrate the first anniversary of the Americans With Disabilities Act [ADA], a momentous civil rights bill that passed this body by a large majority vote, with strong bipartisan support and support from the administration. President Bush indicated at the signing ceremony that the United States had, by virtue of enacting the ADA, become the world leader in establishing rights and opportunities for persons with disabilities. He noted that other countries are looking to us for leadership. These amendments will help make sure that we accept that responsibility and begin to carry out that leadership.

Madam President, this is an amendment that is cosponsored by Senator HARKIN and Senator DOLE. What it does is to ask that our aid programs put a little greater emphasis on reaching the disabled community. Eighty percent of the disabled children, for example, in the world are receiving no services whatsoever where they live. Services for the disabled tend to be urban-based, and there are just millions of people out there who need some help. This is, I believe, completely noncontroversial. It simply adds another small thrust to our foreign assistance program that I think is important.

I am pleased to yield to my colleagues for any comments they may have. I think this amendment is acceptable on both sides.

Mr. HARKIN. Madam President, I am pleased to have this opportunity to work with my good friend, Senator SIMON, and with the distinguished minority leader, Senator DOLE, in cosponsoring these amendments to S. 1435. I strongly support these amendments, which represent another important step forward in our efforts to promote international human rights.

The precepts of the Americans With Disabilities Act should be a part of our foreign policy. The ADA makes it illegal to devise or employ attitudinal barriers or construct artificial barriers that prevent people with disabilities from participating in the economic, political, educational, social, and cultural mainstream.

The ADA requires that people be judged on the basis of their qualifications; not on the basis of fear, ignorance, prejudice, stereotypes, paternalism, or patronizing attitudes. The ADA requires that society no longer construct architectural, transportation, or communication barriers that preclude participation in the mainstream of American life. In sum, "independence" and "inclusion" are now recognized as basic civil rights.

I have spoken of the ADA as a 20th century emancipation proclamation for persons with disabilities. But for hundreds of millions of persons with visual and hearing impairments, physical disabilities, mental retardation, and mental illness around the world discrimination remains as debilitating as ever. They, too, need to know that America supports their aspirations to join the mainstream of their own society.

The ADA has had the support of a broad bipartisan coalition in this country. When the ADA was passed last year, the President noted that this is the world's first comprehensive declaration of equality for persons with disabilities, and that with its passage, the United States became an international leader on this human rights issue. I agree.

In my travels and here at home, I've had opportunities to hear firsthand from many leaders from around the world who are impressed with this legislation. Each has expressed interest in enacting similar legislation. Clearly, this is a new American revolution worth copying.

These amendments send a powerful message. They ensure that our foreign policy will address the special needs of persons with disabilities and that our foreign policy goals include the promotion of their civil rights. These amendments specifically seek to ensure the involvement of persons with disabilities in all aspects of development assistance, and encourage programs to enhance the independence of persons with disabilities.

I urge my colleagues to join with us in passing these amendments. Through them America's beacon will guide the world.

Mr. SARBANES. Madam President, this amendment includes reference to persons with disabilities in the policy language for development assistance. It thereby places a greater focus on assistance to disabled people in developing countries.

Actually, at the urging of the able Senator from Illinois, the GAO undertook a study—this was last year?

Mr. SIMON. That is correct.

Mr. SARBANES. The GAO undertook a study on assistance to disabled people in the developing countries. Earlier this year, the GAO issued its report, concluding among the U.S. agencies only the Peace Corps had a specific mandate to assist disabled persons. And it also noted that AID, the major U.S. development agency, does not generally target the disabled in its regular bilateral programs, although missions in some 25 countries have in fact focused assistance in this area over the past 3 years.

Senators SIMON and HARKIN, and Senator DOLE, the Republican leader, seek to give an additional focus to the needs of the disabled in the developing countries by this amendment. We are prepared to accept the amendment on this side.

Mr. MCCONNELL. Madam President, I am not aware of any opposition to this amendment on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 815) was agreed to.

Mr. SIMON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Madam President, I would just repeat that we are prepared to consider any amendments that Members may have to offer.

Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that a fellow in my office, Katherine Magraw, be allowed floor privileges for the duration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed for a period not to exceed 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PHILADELPHIA NAVY YARD

Mr. SPECTER. Mr. President, I have sought recognition to acquaint my colleagues with a very significant development in litigation in the Federal court in Philadelphia concerning the effort by the Navy Department to close the Philadelphia Navy Yard.

As my colleagues know, the Base Closure Commission has ordered the closing of many facilities around the country, including the Philadelphia Navy Yard. I and others in the Pennsylvania delegation have strenuously resisted this, first on grounds of national defense because the victory in the gulf war was attributed largely to air power. Much of the air power came from carriers, and many of those carriers were serviced in the Philadelphia Navy Yard.

Beyond the issue of national defense, which is the first criterion on the matter of base closure, there was, of course, a very substantial economic impact to the region of southeastern Pennsylvania, southern New Jersey, and Delaware.

When we were presenting our case before the Base Closure Commission, we advanced these arguments and were prepared to accept, in a good-faith determination, what the Commission concluded, until we found that the Department of the Navy had failed flagrantly to comply with the provisions of the Base Closure Act and the Department of the Navy had, in fact, concealed very important evidence which supported keeping the Philadelphia Navy Yard open. I refer specifically to memoranda from Admiral Claman and Admiral Hekman which recommended keeping the Philadelphia Navy Yard open, although downsizing the yard, and then further activity by the Department of the Navy with Under Secretary Howard telling Admiral Hekman not to testify before the Base Closure Commission.

These instances were in flagrant disregard of the rights of the Senators and Members of the House to have a full and fair presentation of the facts. We learned about these memoranda only after we got them from a collateral source, long after the May 22 hearing here in Washington and long after the May 24 hearing in Philadelphia.

As a result of failure to comply with the base closure law, a lawsuit was initiated in the name of a number of Members of the U.S. Senate, including myself, Senator WOFFORD, Senator BRADLEY, Senator LAUTENBERG, and a number of the Members of the House of Representatives and the Governors of Pennsylvania, New Jersey, and Delaware because of our sense of outrage at what happened on the procedures before the Base Closure Commission.

After the commission report was filed and approved, this Senator filed a resolution of disapproval. It came up in a hearing yesterday before the Armed Services Committee, and the members of the Commission there present responded rather irrelevantly, in my judgment, saying that they later considered what Admiral Claman's memo said, and they later considered what Admiral Hekman's memo said. One of the commissioners had talked to Admiral Hekman.

But that was not to the point. The point was that members of the congressional delegation were entitled to that evidence, entitled to know what it was, and entitled to have it available at the time that arguments were made. Furthermore, the Commission itself should have heard from Admiral Hekman, who was the key naval official involved.

Those reasons, Mr. President, are only a thumbnail sketch of the matters raised in this important lawsuit filed in Federal court. This afternoon, at 1:30, I was notified that Federal Judge Ronald L. Buckwalter, Jr., had entered an order in favor of the position which this Senator and other plaintiffs have asserted, and has granted the motion for expedited discovery on our showing that the Department of the Navy has concealed material facts and that it is necessary to get further evidence at this time under oath by the Navy officials, subject to the penalties of perjury.

It is one thing for the Department of the Navy to provide erroneous information in response to a letter of request from this Senator. It is another thing for the Department of the Navy, or anyone, to provide false and erroneous information when there is an order of court and when that information has to be provided under affidavit.

A date for a hearing on the motion for preliminary injunctive relief was also established by the court in another significant development, and, while I do not want to read too much into this order today, the Department of the Navy had raised an argument that the court lacked jurisdiction and the parties did not have standing which is, essentially stated, a move to defeat the entire lawsuit.

I believe it is a fair inference from the court's ruling today that there is, at least at this stage of the proceeding, a conclusion by a Federal judge that there is appropriate jurisdiction, that the parties have proper standing and that based upon the information provided to date that a good showing has been made, good cause established to compel the Department of the Navy to disclose precisely what happened here under oath in an affidavit and documents. A long list of witnesses to be subject to interrogation in accordance with Federal discovery proceedings, including the commissioners on the Base Closing Commission, the Navy officials who had this vital information in support of keeping the Navy Yard open and a full disclosure of the entire Navy files has also been requested. I think that since this matter is before the Congress generally, it is a matter of some considerable importance.

Mr. President, I ask unanimous consent that the one-page order issued by Judge Buckwalter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, as to this important Federal litigation, I ask my colleagues to stay tuned. I thank the Chair.

EXHIBIT 1

[In the U.S. District Court for the Eastern District of Pennsylvania, Civil Action No. 91-4322]

Sen. ARLEN SPECTER, et al. *v.* H. Lawrence Garrett III, Secretary of the Navy, et al.

ORDER

And now, this 24th day of July, 1991, Plaintiffs' Motion for Expedited Discovery is GRANTED subject to the following conditions:

1. Counsel for the respective parties shall attempt to establish a mutually agreeable discovery schedule.

2. If such an agreement cannot be reached, each party shall submit to the court its proposed discovery schedule by July 29, 1991, together with any written argument it may have in support of its proposal.

3. A hearing on Plaintiff's Motion for Preliminary Injunctive Relief is scheduled for Monday, September 30, 1991 at 10:00 a.m. in a courtroom to be assigned.

By the Court:

RONALD L. BUCKWALTER, J.

Mr. SPECTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, presently I am going to offer an amendment. I hope the managers of the bill will accept it.

The amendment I have in mind would condition United States financial aid to the Soviet Union upon the Soviets stopping military and economic aid to Communist Cuba. In order for United States aid—that is American taxpayers' money—to be given to the U.S.S.R., the President of the United States would have to certify that the U.S.S.R. has stopped aid to Cuba. In other words, there is no point in sending the American taxpayers' money to Moscow when Mr. Gorbachev and his regime are just going to turn around and give many of those same dollars, directly or indirectly, to Castro's Communist regime.

I do not see how anybody in this country could favor sending a penny to Moscow as long as they are supporting Castro.

Just last week, Mr. Gorbachev took a trip over to London—hat in hand—begging for assistance for his teetering economy, with promises of reform.

Wisely, no direct assistance was forthcoming. However, the United States does currently provide trade through credits, loans, and technical assistance, and the argument is being heard more and more that at some point in the not-too-distant future the United States should begin to provide large-scale aid and credit to the Soviet Union. That is not unanimous. Here is one Senator that has considerable doubt about that.

So the amendment that I shall offer would make this assistance to the Soviets conditioned on the Soviet cessation of all military and economic aid to Fidel Castro and his Communist accomplices in Cuba.

Last year, the Cuban Government received approximately $5 billion in such aid. Over the past 10 years it received some $45 billion from the Soviet Union, more than half of which was in military aid. That should be of concern to all Senators being that Cuba is a mere 90 miles from Florida—less than a 30-minute plane ride from Miami.

Obviously, the Soviet military buildup in Cuba has put the United States at great risk.

Furthermore, the peace of the whole Western Hemisphere is endangered with the weapons presently deployed in Cuba. Cuba has helped destabilize the entire region. Castro has been a tireless campaigner in behalf of violent revolutionary Communist groups in El Salvador, Guatemala, Honduras, Argentina, Chile, Bolivia, and most notably in Nicaragua.

Mr. President, there has always been some difficulty in determining the exact amount of Soviet aid to Cuba. This is primarily due to the fact that the Soviet currency is absolutely worthless and nonconvertible on the world market. This allows Soviet and Cuban spokesmen to argue over the exact dollar equivalents of the aid provided to Cuba. However, the simple facts of Cuba's extraordinary level of hypermilitarization are indisputable.

Cuba's level of military mobilization is astonishing for a population of less than 10 million people. Yet the Cuban Armed Forces have built, and are continuing to build, to a level in excess of the combined strength of the United States Army, National Guard, and Army Reserve combined.

How do you imagine that the Cubans can afford such a buildup? With Soviet aid of course.

Let's look at military assistance provided to Cuba over the past several years. After all, since 1989, Mr. Gorbachev has assured the United States that support for Cuba, both economic and military, has been cut sharply—but the facts are otherwise.

Recently, several defectors from the Cuban military such as Brig. Gen. Raphael del Pino and Maj. Antonio de la Guardia have estimated that Soviet military aid to Cuba was roughly $2½ billion a year. It has been at that level since the early 1980's.

With this glut of military aid, Castro and his brother, Raul—who also happens to be the Cuban Defense Minister—has built, as I said earlier, the largest armed force in Latin America. Even Brazil, a country with 15 times as many people as Cuba and a geographical area 76 times as large, has a smaller armed force.

Just last year, Mr. President, the Soviet Union supplied Cuba with eight Mig-29 attack fighters. These are the same jet fighters that the Soviets have provided to Iran, Iraq, and Syria. They are comparable to the U.S. F-16 Hornet. These Mig-29's are the most advanced fighter bombers in the Soviet arsenal, and they are capable of carrying nuclear weaponry.

In addition, Major de la Guardia, a former Cuban intelligence officer, reported that Cuba has acquired several Soviet SS-20 mobile surface-to-surface, Intermediate-range ballistic missiles. And there are reports that U.S. military intelligence satellites have detected several heavily camouflaged SS-20's near underground military bases close to Havana.

The Soviets should recall that all SS-20's were banned under the 1988 INF Treaty. All were supposed to have been destroyed by May 31, 1991. As I have said many times, the Soviets have violated every treaty they have ever signed. They violated the INF Treaty, even though some Senators tried to warn about that at the time.

In any case, Mr. President, these reports are staggering. I am sure that all Senators remember the events that took place in October of 1962—the Cuban missile crisis. Deploying banned SS-20 INF missiles and Mig-29 nuclear capable fighter-bombers is the most provocative act possible by the Soviets. It is a clear violation of the agreement reached by President Kennedy and Premier Khruschev, which ended the missile crisis by prohibiting any Soviet offensive weapon in Cuba.

So it is obvious, it seems to me, Mr. President, that Cuba's arsenal of Soviet-supplied equipment is far in excess of any threat that could possibly be posed to Cuba's security. Cuba has deployed advanced weaponry systems such as the T-62 battle tanks, the Foxtrot submarines, Mig-21 and Mig-23 fighters, surface-to-air missiles, attack helicopters, and advanced electronic and radar equipment. The list is endless.

So far, Mr. President, I mentioned only the military hardware that has been provided to Cuba by the Soviets. But let us not think that all Soviet aid comes to Cuba in the form of military hardware. For example, there are more than 13,000 Soviets in Cuba right now in military, combat, espionage, and technical roles, and the Soviets are currently expanding and modernizing their electronic espionage facility at Lourdes and are reported to be building a second, more sophisticated facility nearby.

In addition, the Soviet Army maintains a 2,800-man motorized combat brigade in Cuba, fully equipped with 40 tanks and 60 armored vehicles. The existence of this brigade was made public more than 13 years ago during the debate on the SALT II Treaty. When this was made public, that became instrumental to the decision of the Senate to defer indefinitely the ratification of SALT II. The Soviet combat brigade in Cuba is capable of serving as a Praetorian guard for Fidel Castro, protecting the Soviet facilities there, guarding nuclear warheads, and serving as the spearhead for a Soviet-Cuban projection of force throughout the region.

Mr. President, the facts are clear, at least to this Senator, that the Soviet Union has been a major supplier and supporter of Cuba and Cuba's military adventurism over the past 30 years. The facts, as I have stated, detail a major, longstanding Soviet commitment, both economic and military, to Communist Cuba.

I find it difficult to believe that hardliners in the Soviet Union, despite the promises made by Mr. Gorbachev, intend to cut loose their best ally in this region and quite possibly the world. It appears that Mr. Gorbachev is merely telling United States officials what they want to hear, that is, that Soviet aid to Cuba will cease—promises, promises.

Mr. President, the Soviets are currently experiencing their worst economic crisis in history. As I said at the outset, Mr. Gorbachev has been requesting massive economic assistance to prop up his illegitimate regime.

However, the Soviets still have sufficient resources to supply the Cubans, so that the Cubans can threaten the United States and threaten to destabilize all of Cuba's neighbors.

This amendment, which I will send to the desk momentarily, would rectify that situation. It would condition United States assistance to the Soviet Union on the cessation of Soviet military and economic aid to Cuba.

Senators know, I think, that I have never supported foreign aid. I have made that clear from the very beginning. I remember Sam Ervin, when he was my senior Senator from North Carolina. I went to him when the first foreign aid authorization bill was presented, and I said, "Senator, I cannot support this bill." He said, "Why should you?" He said, "I have never voted for a dime's worth of foreign aid and never will." So when Senator Ervin departed the Senate, I adopted his program with respect to foreign aid, because long before I lost my mind and ran for the Senate in 1972, I complained about sending billions of the American taxpayers' dollars overseas when they were so badly needed at home.

I am sure that the American people would be outraged to know that their hard-earned tax dollars are being used to bail out the Soviet Union, so that the Soviets can continue to bail out Fidel Castro and his Communist thugs in Havana.

Who knows, if the Soviets cut off aid to Mr. Castro, perhaps they will not even need the American taxpayers' dollar.

AMENDMENT NO. 816

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GRAHAM, and Mr. MACK, proposes an amendment numbered 816.

On page 98, after line 19, add the following new section:

SEC. 514. CONDITIONS ON ASSISTANCE TO THE SOVIET UNION.

None of the funds made available under this Act, or under any amendment made by this Act, shall be available for disbursement to the government of the Union of Soviet Socialist Republics unless the President has certified to the Speaker of the House of Representatives, the chairman, and the ranking member of the Committee on Foreign Relations of the Senate that the Soviet Union has ceased all direct or indirect military or economic assistance to Cuba.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from North Carolina? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—98

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—1

Cranston

NOT VOTING—1

Pryor

So the amendment (No. 816) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from North Carolina.

Mr. HELMS. Mr. President, I think I inadvertently failed to mention the distinguished Senator from Florida [Mr. MACK] is a principal cosponsor of this amendment and he has been so helpful all along on this general question. I ask unanimous consent that the RECORD reflect Senator MACK is, in fact, a principal cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I yield the floor.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 818

(Purpose: To authorize certain programs for the Baltic and Soviet Republics to support democracy and free market economies)

Mr. LIEBERMAN. Mr. President, I have an amendment at the desk, which I ask to be called up at this time, regarding aid to the Baltic and Soviet Republics.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 818.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

TITLE XIII—SUPPORT FOR DEMOCRACY AND FREE MARKET ECONOMIES IN THE BALTIC AND SOVIET REPUBLICS

It is the sense of Congress that there should be established the position of special advisor for Baltic and Soviet Republic assistance.

The President should be authorized to appoint a special advisor for Baltic and Soviet Republics assistance. Such special advisor should make recommendations to the President regarding the coordination of United States assistance (other than section 1303(c)) for the Baltic Republics and the Soviet Republics authorized or supported by this Act.

SEC. . BILATERAL PROGRAMS FOR THE BALTIC AND SOVIET REPUBLICS.

(a) CITIZENS' DEMOCRACY CORPS.—Assistance should be provided under chapter 1 of part I of the Foreign Assistance Act of 1961 to the Citizens' Democracy Corps to establish a program for the Baltic and Soviet Republics, with an initial pilot program for the Baltic and Armenian Republics.

(b) POLICY REGARDING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—It is the sense of the Congress that the National Endowment for Democracy, acting through the National Democratic Institute for Foreign Affairs, the National Republican Institute for Foreign Affairs, the Center for International Private Enterprise, and the American Institute for Free Labor Development should establish programs for the Baltic and Soviet Republics for the promotion of democracy and a free trade union movement, with a pilot program for the Baltic and Armenian Republics.

(c) GIFT OF DEMOCRACY.—Congress should:

(1) endeavor to identify and secure the ways and means to implement an appropriate United States congressional gift of democracy to the Baltic and Soviet Republics in the form of equipment and training to help them establish a modern legislative process, with a pilot program of the Baltic and Armenian Republics; and

(2) coordinate this effort with private and public sector experts such as the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs and with parliaments in Western Europe.

(d) ADDITIONAL AUTHORITIES FOR UNITED STATES AGENCIES.—The following United States agencies should establish the specified programs with any of the Baltic Republics or Soviet Republics and where appropriate to coordinate such projects with the Government of the Soviet Union:

(1) The Environmental Protection Agency should establish an environmental exchange program to help the Baltic and Soviet Republics to clean up their environment.

(2) The Department of Commerce should establish a trade program between the Baltic and Soviet Republics and the United States to promote trade and investment programs.

(3) United States Information Agency (USIA) should establish cultural and information exchange programs, including support for emerging private radio and television stations, as well as university-level exchanges in the Baltic and Soviet Republics.

(4) The Department of Justice, the Federal Reserve Board, and the Department of the Treasury should establish technical training programs for the Baltic and Soviet Republics in order to help them establish a functioning judicial system, financial system, and market economy.

(e) ASSIGNMENT OF COMMERCIAL OFFICER.—A commercial officer should be assigned to the United States Embassy in Moscow, for the purpose of developing better economic relations between the United States Government and business community and the Baltic and Soviet Republics.

(f) INTERNATIONAL EXECUTIVE SERVICE CORPS.—Assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 should be provided to the International Executive Service Corps to develop and implement a program in the Baltic and Soviet Republics to advise private industry and, to the extent practical and useful, public industry, concerning how to make the transition to a market-based economy.

SEC. . MULTILATERAL PROGRAMS.

(a) POLICY REGARDING OECD STUDY.—(1) The United States Ambassador to the United States Mission to the Organization for Economic Cooperation and Development (OECD) should request the OECD Center for Economies in Transition to undertake a study of the economies of the Baltic and Soviet Republics, including a determination of the potential these republics have made toward developing a market economy and the amount of progress these republics have made in developing such an economy.

(2) Upon completion of the study described in subsection (a)(1), the Secretary of State should submit to the Congress a report setting forth the findings of that study.

(b) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The United States Executive Director to the European Bank for Reconstruction and Development should discuss with the Bank's directors those programs that can be developed and carried out by the Bank to aid directly the Baltic and Soviet Republics. Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on the progress of such discussions.

SEC. . DEFINITIONS.

For the purposes of this title—

(1) the term "Soviet Republics" refers to all the constituent republics of the Union of Soviet Socialist Republics except for the Baltic Republics; and

(2) the term "Baltic Republics" means the republics of Lithuania, Latvia, and Estonia.

Mr. LIEBERMAN. Mr. President, this amendment is intended to complement work that the floor managers and the committee have done in structuring our aid program to the Soviet and Baltic Republics. It is in the form of a sense-of-Congress amendment that suggests a number of programs to help the Baltic Republics, the Armenian Republics, and all of the other constituent Republics in the Soviet Union, so long as the governments of those Republics demonstrate that they are committed to the process of democratization and marketization.

Mr. President, the intention of this amendment is not to undermine or second-guess anyone's policy toward the Soviet Union. The intention is to reach out directly to the forces of democracy and capitalism in the Soviet Union: the grassroots, democratic movements in the individual Soviet Republics. Programs that are set forth in this sense-of-the-Senate amendment would be coordinated by a special Presidential adviser to coordinate programs and initiatives to the Republics.

Examples of those programs include: direct involvement of the Citizen Democracy Corps, which will help bring private sector expertise to the Republics; the establishment of a gift of democracy program for the Baltic Republics similar to the program we set up for Poland recently that aided them in setting up the new Polish Parliament; and directing the EPA, Federal Reserve, and the Department of Commerce, among others, to get involved with the various republican governments of the Soviet Union.

Mr. President, there are two multilateral initiatives that are suggested in this sense-of-Congress amendment. One calls for the EOCD to study the economies of the Baltic and Soviet Republics to help them build a market-based system, and the other calls for the new European Bank for Reconstruction and

Development to develop programs to aid the Republics.

Mr. President, my hope is that we will create programs that will help the Soviet leadership and all Soviet citizens who have been thwarted by the vast and intransigent Soviet bureaucracy. Helping the Soviet Union, whether it be through aid or technical advice, cannot work if there is not a genuine transformation of the Soviet system. I think no such transformation will occur without that change beginning at the level of the Republics.

The Soviet economy is obviously imploding, as we have seen reported repeatedly. Soviet oil production is declining rapidly.

The United States cannot solve these fundamental economic problems, but we can help the Soviets at least at the margins. In this case, I believe the margins are the constituent Republics. By reaching out directly to them, we would be heeding the call of people like Vaclav Havel, who wrote recently that aid must be directed toward the Republics, and Dr. Igor Oleynik, a Soviet economist, who recently testified before the Joint Economic Committee and said that aid should go directly to the Republics with the most realistic market programs. That is the intention of this amendment. It, I hope, will lay a foundation for direct aid to the Republics in a way that will help the Soviet restructuring, increase the economic well-being of people throughout the Soviet Union, and most fundamentally increase the spread of democracy and human rights within the Soviet Union.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCONNELL. Mr. President, as I am sure the Senator from Connecticut knows, I am happy to support his amendment.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator McCAIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 818) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 819

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. DIXON, Mr. D'AMATO, Mr. COATS, and Mr. WALLOP, proposes an amendment numbered 819.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following section:

SEC. . LIMITATION ON ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) the long term national security of the United States, and of the peoples of the Soviet Union, would benefit greatly from the transformation of the Soviet Union to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity and

(2) assistance provided by the United States to the Soviet Union should promote rather than retard this transformation.

(b) CERTIFICATION.—During fiscal year 1992 and fiscal year 1993, assistance may not be provided to the Soviet Union under the Foreign Assistance Act of 1961 unless the President certifies in a report to the Congress that the following conditions have been met:

(1) That the Government of the Soviet Union has taken meaningful steps toward observing human rights for all citizens, including the following:

(A) The Soviet Government has ceased its interference with the freedom of the press in the Baltic states and the republics.

(B) The Soviet Government has returned control of all buildings and other property which it has seized since January 1, 1991 within the Baltic states to the freely elected governments of those states and other lawful owners of such buildings and other property;

(C) The Soviet Government has made assurances that such assistance will be distributed equitably among the Baltic states and the Soviet republics, as shown through a detailed plan of proposed distribution.

(D) The Soviet Government has ceased the threat and use of force against democratic movements.

(E) The Soviet Government has entered into meaningful negotiations with leaders of the Baltic states and the republics to ensure a smooth transition to self-determination.

(F) The people of the Soviet Union have been empowered to elect in genuinely free, fair, and open elections the government that rules them.

(G) The Soviet Government has not only codified but honors in practice the right of its citizens to leave the Soviet Union and to move freely within its borders, consistent with international standards.

(H) The Soviet Government compels no republic or historically recognized nationality group with a history of self-determination to remain part of the Soviet Union involuntarily, and fully respects the right of self-determination stipulated in the Universal Declaration of Human Rights, to which the Soviet Union is a party.

(I) The Soviet Government has withdrawn the authorization issued by Valentin Pavlov, the prime minister, permitting the police and the KGB to raid the offices of joint ventures involving nationals of Western European countries and the United States, in violation of their civil rights;

(2) That the threat to the United States from the armed forces of the Soviet Union has been reduced, including—

(A) that the Soviet Union—

(i) has adopted a defense budget which will draw down the percentage of its gross national product that is allocated for military purposes to levels approximating those of the United States, and

(ii) is beginning to implement this defense budget; and

(B) that the Soviet Union has terminated the modernization of its strategic forces.

(3) That the Soviet Union is no longer engaged in acts of subversion, or of support for international terrorism, that are directed at the United States or its allies.

(4) That the Soviet Union no longer provides assistance in the form of arms sales, military assistance, or any kind of grant, credit, commodity, or technology transfer to other countries, such as Cuba, North Korea, Afghanistan and Vietnam that are engaged in activities inimical to the national interests of the United States.

(5) That the Soviet Union has taken constructive steps toward completing the Strategic Arms Reduction Talks (START) and has placed a high priority on reaching an accord in the Defense and Space Talks.

(6) That full transparency exists with respect to data necessary for the United States to determine the creditworthiness of the Soviet Union and its ability to repay debt, such as other sovereign borrowers, including disclosure of the sources and uses of Soviet hard currency, the value of the strategic gold reserves of the Soviet Union, and other key economic and financial data.

(7) That, in order to demonstrate its creditworthiness and to demonstrate a commitment to economic reform, the Soviet Union has adopted specific provisions with strict, short timeliness for deregulating most prices, selling to privately owned entities most government-owned assets, and introducing genuine competition into the Soviet economy.

(8) That the Soviet Union is committed to environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate.

(9) That the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS nuclear reactors. In particular, that the Soviet Union will no longer provide support in the form of funds, equipment, technology, or services for the Cienfuegos project in Cuba.

(10) That any assistance otherwise prohibited by this subsection will be provided, whenever feasible, to the democratically elected governments of the Baltic states and the republics.

(c) CERTAIN ASSISTANCE NOT AFFECTED.—Subsection (b) shall not prohibit assistance to the government of, or through nongovernmental organizations to, any of the Baltic states or any eligible recipient in the Soviet Union as defined in section 862(f).

(d) WAIVER IN THE NATIONAL INTEREST.—The President may provide assistance to the Soviet Union notwithstanding subsection (c) if—

(1) he determines such assistance to be in the national interest of the United States;

(2) he submits his determination, together with the reasons therefor, to the President of the Senate and the Speaker of the House of Representatives;

(3) 30 legislative days have elapsed since the determination is so submitted; and

(4) in the case of credit assistance, the United States will retain collateral for the full dollar amount of such assistance.

Each submission under paragraph (2) shall include a description of the progress of the Soviet Union in meeting the conditions set in subsection (b).

Mr. PRESSLER. Mr. President, today I rise to propose an amendment to S. 1435 cosponsored by Senators DIXON, D'Amato, Coats, and WALLOP. My amendment insists that radical, structural change in the Soviet Union must precede any further United States taxpayer-supported aid to the Soviet Union. These conditions include significant improvements in human rights, creation of a democratic government, a reduction in military forces and spending, and transformation to a free-market economy. The amendment I am offering is identical to the Kyl-Frank amendment to the House foreign aid bill, which was approved by the House of Representatives by a vote of 374-41.

Mr. President, when it was considered in the other body, this amendment received overwhelming support because it is neither liberal nor conservative. These conditions on direct financial assistance to the Soviet Union are essential. Indeed, they are also in the best interest of both the United States and the Soviet Union, and they should be achieved as soon as possible.

My amendment is completely consistent with the position taken by President Bush and the other leaders of the Group of Seven in London as outlined last week in their joint final communique.

After meeting with President Gorbachev, the Group of Seven agreed to a six point program of technical assistance to the Soviet Union. This assistance includes:

Special associate status with the International Monetary Fund and the World Bank.

The provision of advice and expertise through the Organization for Economic Cooperation and Development and the European Bank for Reconstruction and Development to the Soviet Union to help it create a market economy.

Technical assistance in the areas of energy, conversion of defense industries to civilian output, improved food distribution, and nuclear safety.

The promotion of Soviet trade, particularly with Eastern Europe.

A visit by British Prime Minister, as chairman of the Group of Seven, to Moscow by the end of the year.

A study of the Soviet economy in Moscow by the Group of Seven finance ministers and ministers for small business.

Although the Group of Seven rejected a massive infusion of aid to the Soviet Union, that was exactly the type of assistance sought by the Soviet regime. Some Soviet officials asked for $20 billion to $35 billion a year from United States taxpayers for a number of years. The conditions in this amendment help the President resist proposals for large-scale direct financial aid to the Soviet Union.

Mr. President, the U.S. taxpayer correctly opposes that kind of assistance. According to an ABC-Washington Post news poll, two-thirds of all Americans are opposed to giving money to help the Soviet Central Government revitalize its collapsed economy. I have no doubt that U.S. taxpayers support my amendment.

I have heard from numerous American organizations that support this amendment. They include Americans of Cuban, Ukrainian, Armenian, Lithuanian, Latvian, and Estonian heritage. Their concern is with the recent Soviet human rights record, including the threat and use of force against the democratic movements. They demand an end to Soviet repression of the rightful demands of the Baltic States, the Soviet republics, and Cuba for self-determination and freedom.

President Bush has correctly described large-scale assistance to the Soviet Union, "that's a big chunk of change." Taxpayer's money should not be given away lightly especially when the United States has problems of its own, including huge deficits. President Bush also stated that even if a large amount of money were available for direct aid, the United States would not consider giving it unless it was in our best interest, achieves our objectives, and has a reasonable prospect for success.

Mr. President, I am convinced that large-scale foreign assistance to the Soviet Union is not in America's best interests. In fact, all evidence indicates that foreign assistance could do more harm than good. As President Yeltsin of the Russian republic stated during his visit to the United States last month, the Russian republic needs investment. He also asked for grain credits for the Soviet Union in coordination with the Russian republic. He was opposed to assistance that could be used to keep the hard-liners and the military in power. This amendment would not prohibit assistance to democratic republics such as Lithuania, Latvia, and Estonia. This amendment is not intended to interfere with the extension of credits for Soviet purchases of grain in the United States.

Mr. President, we all know that democracies are less threatening than authoritarian governments. That is why it is in the interest of the United States to give appropriate encouragement to the process of change in the Soviet Union. United States policy should promote a total transformation of Soviet political, economic and military systems. These conditions on United States assistance to the Soviet Union will help achieve our aims and will promote the legitimate aspirations of the republics for representative government, freedom, and a market economy. I hope that the Senate will support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 819, AS MODIFIED

Mr. PRESSLER. Mr. President, I will send a modified version of my amendment to the desk, and I want to explain to the Senate some of the changes. The amendment I originally offered was identical to an amendment that passed overwhelmingly in the House. Several changes have been made here at the suggestion of the managers of the bill and I am going to modify my amendment.

First of all, we are changing part (A)(ii), that requires "that the Soviet Union is beginning to implement this defense budget"; and (B) "that the Soviet Union has terminated the modernization of its strategic forces." We are replacing words "terminated the modernization" of Soviet strategic forces with the word "curtailed" based on recent United States-Soviet agreement on START.

Also, in section (5) of the amendment, we have removed the words "That the Soviet Union has taken constructive steps toward completing the strategic arms reduction talks [START] and has placed a high priority on reaching an accord in the defense and space talks." We are replacing that with "That the Soviet Union has placed a high priority on reaching an accord in the defense and space talks."

Since the House of Representatives acted, obviously, new developments have taken place on the START talks.

Finally, under "Waiver in the National Interest." We are taking out "30 legislative days" and replacing it with "10 days" since 30 legislative days take a long, long time, especially if the period begins around Christmas or August.

We are also taking out this section: "In the case of credit assistance, the United States will retain collateral for the full dollar amount of such assistance." We may have additional recommendations to conferees.

I send a modified version of this amendment to the desk and ask for its immediate consideration.

I thank the Senator from Maryland and the Senator from Kentucky and their staffs. I ask unanimous consent that Senator MCCAIN be listed as an original cosponsor.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and it is so modified.

The amendment (No. 819), as modified, reads as follows:

At the appropriate place in the bill add the following section:

SEC. . LIMITATION ON ASSISTANCE

(a) FINDINGS.—The Congress finds that—

(1) the long term national security of the United States, and of the peoples of the Soviet Union, would benefit greatly from the transformation of the Soviet Union to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity; and

(2) assistance provided by the United States to the Soviet Union should promote rather than retard this transformation.

(b) CERTIFICATION.—During fiscal year 1992 and fiscal year 1993, assistance may not be provided to the Soviet Union under the Foreign Assistance Act of 1961 unless the President certifies in a report to the Congress that the following conditions have been met:

(1) That the Government of the Soviet Union has taken meaningful steps toward observing human rights for all citizens, including the following:

(A) The Soviet Government has ceased its interference with the freedom of the press in the Baltic states and the republics.

(B) The Soviet Government has returned control of all buildings and other property which it has seized since January 1, 1991 within the Baltic states to the freely elected governments of those states and other lawful owners of such buildings and other property;

(C) The Soviet Government has made assurances that such assistance will be distributed equitably among the Baltic states and the Soviet republics, as shown through a detailed plan of proposed distribution.

(D) The Soviet Government has ceased the threat and use of force against democratic movements.

(E) The Soviet Government has entered into meaningful negotiations with leaders of the Baltic states and the republics to ensure a smooth transition to self-determination.

(F) The people of the Soviet Union have been empowered to elect in genuinely free, fair, and open elections the government that rules them.

(G) The Soviet Government has not only codified but honors in practice the right of its citizens to leave the Soviet Union and to move freely within its borders, consistent with international standards.

(H) The Soviet Government compels no republic or historically recognized nationality group with a history of self-determination to remain part of the Soviet Union involuntarily, and fully respects the right of self-determination stipulated in the Universal Declaration of Human Rights, to which the Soviet Union is a party.

(I) The Soviet Government has withdrawn the authorization issued by Valentin Pavlov, the prime minister, permitting the police and the KGB to raid the offices of joint ventures involving nationals of Western European countries and the United States, in violation of their civil rights;

(2) That the threat to the United States from the armed forces of the Soviet Union has been reduced, including—

(A) that the Soviet Union—

(i) has adopted a defense budget which will draw down the percentage of its gross national product that is allocated for military purposes to levels approximating those of the United States, and

(ii) is beginning to implement this defense budget; and (B) that the Soviet Union has curtailed its strategic forces.

(3) That the Soviet Union is no longer engaged in acts of subversion, or of support for international terrorism, that are directed at the United States or its allies.

(4) That the Soviet Union no longer provides assistance in the form of arms sales, military assistance, or any kind of grant, credit, commodity, or technology transfer to other countries, such as Cuba, North Korea, Afghanistan and Vietnam that are engaged in activities inimical to the national interests of the United States.

(5) That the Soviet Union has placed a high priority on reaching an accord in the Defense and Space Talks.

(6) That full transparency exists with respect to data necessary for the United States to determine the creditworthiness of the Soviet Union and its ability to repay debt, such as other sovereign borrowers, including disclosure of the sources and uses of Soviet hard currency, the value of the strategic gold reserves of the Soviet Union, and other key economic and financial data.

(7) That, in order to demonstrate its creditworthiness and to demonstrate a commitment to economic reform, the Soviet Union has adopted specific provisions with strict, short timeliness for deregulating most prices, selling to privately owned entities most government-owned assets, and introducing genuine competition into the Soviet economy.

(8) That the Soviet Union is committed to environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate.

(9) That the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS nuclear reactors. In particular, that the Soviet Union will no longer provide support in the form of funds, equipment, technology, or services for the Cienfuegos project in Cuba.

(10) That any assistance otherwise prohibited by this subsection will be provided, whenever feasible, to the democratically elected governments of the Baltic states and the republics.

(c) CERTAIN ASSISTANCE NOT AFFECTED.—Subsection (b) shall not prohibit assistance to the government of, or through nongovernmental organizations to, any of the Baltic states or any eligible recipient in the Soviet Union as defined in section 862(f).

(d) WAIVER IN THE NATIONAL INTEREST.—The President may provide assistance to the Soviet Union notwithstanding subsection (c) if—

(1) he determines such assistance to be in the national interest of the United States;

(2) he submits his determination, together with the reasons therefor, to the President of the Senate and the Speaker of the House of Representatives;

(3) ten days have elapsed since the determination is so submitted; and

Each submission under paragraph (2) shall include a description of the progress of the Soviet Union in meeting the conditions set in subsection (b).

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, we thank the Senator from South Dakota for addressing some of these relatively minor concerns we have. We think it strengthens his amendment, in terms of the modifications, and I am happy to accept the amendment on this side, as modified.

Mr. MCCONNELL. I, too, thank the distinguished Senator from South Dakota, and also find his amendment acceptable.

Mr. MACK. Mr. President, I also want to compliment the Senator from South Dakota, particularly with respect to the language that deals with the transfer of technology from the Soviet Union to Cuba for the purpose of constructing a nuclear powerplant. The powerplant is of deep concern, frankly, to the people of Florida, and I would say to the people of the southeastern part of the United States.

I have had the opportunity to personally speak with some of the defectors from Cuba who have been working on this powerplant. Just to share with you one comment they made, this individual indicated that there are roughly 15 percent of the weld points in the construction of this powerplant that are defective.

I go further to say that in this country, if we found 1 percent—not 15 percent, but 1 percent—we would stop construction. There is every reason for us to be concerned.

I compliment the Senator for offering this amendment, and I ask unanimous consent that I be added as a cosponsor as well.

Mr. PRESSLER. Mr. President, I compliment the Senator from Florida and ask him: It is my understanding that this nuclear plant cannot be repaired. If they continue to build it, is it of such a nature that it cannot be constructed in an environmentally safe manner? Is that correct?

Mr. MACK. In response to the Senator's question, it is my understanding that at this stage of construction, to try to go back in and redo that welding is virtually impossible.

I further say that there is truly a debate about the design of the facility itself. Some argue that it is a design that is similar to Chernobyl; I do not believe that is the case. It has been an upgraded design.

Others argue that it is similar to a design in East Germany which, after the reunification of the Germanys, was shut down. So there are many reasons for us to be concerned here.

Again, I appreciate the Senator bringing this to the attention of the Senate.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] will be added as a cosponsor of the amendment.

Is there further debate?

The question is on agreeing to the amendment, as modified.

The amendment (No. 819), as modified, was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 820

(Purpose: To establish the Industrial Development for Eastern Europe Foundation)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk, concerning creation of an Industrial Development for Eastern Europe Foundation, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 820.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

TITLE XIII—INDUSTRIAL DEVELOPMENT FOR EASTERN EUROPE FOUNDATION

It is the sense of Congress that there should be established an entity to be known as Industrial Development for Eastern Europe Foundation (hereafter in this title referred to as the "Foundation"), to be governed by a Board of Governors as described in section 1304. It is the sense of the Congress that the President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304, in carrying out the activities of the Foundation.

(b) PURPOSES.—The purposes of the Foundation should be—

(1) to promote and support joint, nondefense, industrial research and development activities of mutual benefit to the nations involved with the Foundation and its activities;

(2) to develop nondefense high technology industry in these nations, particularly through joint and cooperative projects between firms in participating nations;

(3) to aid with the modernization of the economies of these nations by helping them to create a more sophisticated manufacturing base; and

(4) to help these nations to become economically viable by providing benefits to their industrial sector particularly through joint projects.

(c) PARTICIPATION OF OTHER NATIONS.—The President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304, in carrying out the activities of the Foundation.

SEC. . FUNCTIONS AND POWERS OF THE FOUNDATION.

(a) The Foundation should support and promote the purposes stated in section 1302(b) and research and development activities which—

(1) involve all applied science activities in the process through which an innovation becomes a commercial product; and

(2) assist with product engineering and manufacturing start up.

(b) The Foundation should work closely with, and to the extent practicable coordinate its activities with, the OECD and the European Bank for Economic Recovery and Development, drawing on the expertise of those institutions in achieving its purposes.

(c) The Foundation should be a legal entity and should have all the powers necessary to carry out its objective, including the power to—

(1) promote and support, by funding or otherwise, joint industrial research and development projects (hereafter in this title referred to as "projects"), in accordance with subsection (d);

(2) make loans and grants;

(3) enter into contracts;

(4) provide services;

(5) acquire, hold, administer, and dispose of real and personal property;

(6) receive, hold, and disburse funds, and open bank accounts;

(7) accept contributions of property, funds, and services; and

(8) employ personnel.

(d)(1) Foundation projects should be undertaken and otherwise supported through direct investment and joint ventures in order to develop the more advanced technology sectors of the economics of Foundation member nations.

(2) All technology and products developed as a result of the work of the Foundation should be freely transferable among the nations participating in a project.

(3) More than one member nation of the Foundation should participate in each Foundation project.

(4) All Foundation projects undertaken should be in compliance with the export control laws of the United States.

(e) Nothing in this title should be construed to prejudice other arrangements for scientific cooperation between the United States and other member states of the Foundation.

SEC. . BOARD OF GOVERNORS.

(a) A Board of Governors (hereafter in this title referred to as the "Board"), should be the governing body of the Foundation and should be responsible for determining the Foundation's program, including the fields of cooperative research to be supported by the Foundation, and the Foundation's financial and managerial policies.

(b) The Board should consist of—

(1) the Secretary of State or his designee;

(2) the Secretary of Commerce or his designee;

(3) the Secretary of the Treasury or his designee; and

(4) a representative from the Foreign Ministry, Ministry of Finance, Ministry of Trade and Industry, and the National Science Foundation or its equivalent from the governments of Poland, Hungary, and Czechoslovakia.

(c) Subject to the provisions of this title, the Board should have the authority to—

(1) adopt bylaws and rules of procedure;

(2) establish regulations defining the policies, organization, and procedures of the Foundation;

(3) appoint an Executive Director;

(4) approve the annual budget and research program of the Foundation indicating, among other things, the research and development fields to which priority is to be given;

(5) accept contributions of property, funds, and services;

(6) establish the principal office of the Foundation in a neutral location;

(7) approve project and other expenditures by the Foundation and agreements pertaining to projects to be funded by the Foundation; and

(8) exercise and delegate any other power of the Foundation not otherwise assigned by this title.

(d) Each other East European country should be eligible for membership in the Foundation whenever the Board determines that such country has made sufficient progress toward marketization and democratization and is not in violation of section 502B of the Foreign Assistance Act of 1961.

(e) The chairman of the Board should be a United States national and should serve for a one-year term. The chairmanship should rotate among the three Board members designated under subsection 1304(b) (1), (2), and (3).

(f) The Board should meet at least twice a year, but meetings of the Board may be held at such times and places as the Board may from time to time determine.

(g) The Board shall act by a vote of at least two-thirds of its entire membership.

(h) Members of the Board should serve without compensation from the Foundation, but the Board should authorize the payment by the Foundation of the necessary expenses of any members in attending Board meetings and in performing other official duties for the Foundation. Acceptance of such payments by Board members of the Foundation for this purpose should not be deemed in violation of Ethics in Government Act for the purposes of carrying out this section.

(i) The Board should provide for annual audits by independent auditors of the accounts of the Foundation. The reports of such audits, which should be submitted to all member governments, should contain certification as the accounts of the Foundation and evaluate the Foundation's internal control and auditing system.

SEC. . ADVISORY COUNCIL.

(a) An Advisory Council (hereafter in this title referred to as the "Council"), should act in an advisory capacity to the Board and the staff of the Foundation. The Council should—

(1) help the Board and the Foundation staff evaluate projects; and

(2) make proposals as to which sectors of member nation economies offer the best opportunity for a favorable return on an investment.

(b) Recommendations made by the Council to the Board and the staff of the Foundation should not be binding.

(c) The Council should consist of three members from the business and finance community from each nation belonging to the Foundation. In the case of the United States, the President should appoint the members.

(d) The chairmanship of the Council should change on a yearly basis, rotating among the members of the panel and alternating among member countries.

(e) The Council should meet at least twice a year. To the extent practical, it should meet at the same time and place as the Board.

(f) Members of the Council should serve without compensation from the Foundation, but the Board should authorize the payment by the Foundation of necessary expenses of any members of the Council attending Council meetings and in performing other official duties for the Foundation.

SEC. . STRUCTURE OF THE FOUNDATION.

(a)(1) The Foundation should be administered by an Executive Secretariat. The Executive Secretariat should be headed by an Executive Director, the Executive Director should be a United States citizen, and—

(A) act as a liaison to the Board; and

(B) coordinate the activities of the Executive Secretariat and the Board.

(2) There should be three Deputy Directors, one each for Poland, Hungary, and Czechoslovakia, who would evaluate projects from each nation, making recommendations to the Board and the Executive Secretariat as to whether or not the Foundation should support the project; and

(3) Additional Deputy Directors should be created as more nations join the Foundation.

(b)(1) The Executive Director should be the chief executive officer of the Foundation. He should be responsible for the operations and staff of the Foundation, and should act in accordance with the policies, directives, and delegation of the Board.

(2) The Executive Director should employ, oversee, and dismiss the members of the professional administrative staff subject to the approval of the Board.

(3) The Executive Director should among other things—

(A) evaluate proposals for projects submitted to the Foundation and prepare and submit recommendations and draft agreements concerning project proposals to the Board for its approval;

(B) prepare and submit to the Board for its approval an annual budget and research program, including long-range plans for use of the Foundation's resources;

(C) prepare and submit to the Board for its approval an annual report, including an audited financial statement, on the activities of the Foundation: and

(D) implement decisions of the Board.

(4) Any power of the Executive Director under this title or delegated to him by the Board may be delegated by him to other officers of the Foundation, except as otherwise prescribed by the Board.

(5) The Executive Director may obtain assistance from outside professionals and experts for the purposes of evaluating proposals and auditing and monitoring projects sponsored by the Foundation. These professionals and experts may be given compensation by the Foundation for services rendered, as approved by the Board.

(6) The Executive Director should be permitted to organize various activities, such as consultant visits, information exchanges, and similar activities, to facilitate the achievement of the Foundation's objective. The Executive Director should be given a budget approved by the Board to undertake these activities.

(7) The Executive Director should maintain an appropriate system of internal control, including books and records which reflect the transactions of the Foundation and show the current financial condition of the Foundation. Such system should include adequate internal financial and operational audits. The books, records, and internal audit reports should be available for review by authorized representatives of governments involved with the Foundation.

SEC. . OPERATIONS OF THE FOUNDATION.

(a) The Foundation's operations should consist mainly of the selection, approval, and monitoring of projects funded in whole or in part by the Foundation. All proposals for such projects should be submitted through the Executive Director to the Board for approval.

(b) Each proposal considered by the Board should—

(1) be submitted by Foundation member entities;

(2) demonstrate the technical and economic feasibility of the project;

(3) contain evidence that the applicant is capable of carrying out the project, either alone or through the partial subcontracting to universities, industrial research institutes, or other qualified entities; and

(4) indicate that the applicant will contribute, from its own financial resources or resources available to it, some portion of the financial resources required to carry out the project.

(c) Each proposed project considered by the Board should—

(1) propose a tangible, direct benefit for the national economies of Foundation member nations, such as an increase in exports, value added or new markets;

(2) be of interest to Foundation member nation's industry;

(3) be of general interest to an entire industrial field;

(4) directly or indirectly contribute to additional development of products, processes, or markets; and

(5) have tangible benefits for nations involved with a project.

(d) For purposes of subsection (c)(5), a project having a tangible benefit should be one that—

(1) is submitted by one or more Foundation member firms or a joint venture between a United States firm and a member nation firm;

(2) will require expenditures for goods and services in nations involved with the project; and

(3) meets any other criteria established by the Board.

Mr. LIEBERMAN. Mr. President, for over four decades we promised the people of Central and Eastern Europe that we would help them in their struggle to free themselves from the yoke of communism. They have now succeeded beyond our expectations, but we find it difficult to live up to our end of the bargain.

We are understandably concerned about domestic economic problems and the limitation on our own resources. There is little money to spare in our budget. But we are trying and the committee has tried, I think quite ably, in this bill to come up with creative ways to use our resources, to pool our resources so that we can help the newly free countries of Eastern and Central Europe who have committed themselves so boldly to both democracy and capitalism. This amendment would attempt to suggest another such creative use of our resources. In that sense, it is consistent with what the committee has done in the bill.

This is a sense-of-Congress amendment that urges the creation of what I call an Industrial Development for Eastern Europe Foundation. Mr. President, this is modeled on a highly successful existing foundation called Binational Industrial Research and Development Foundation [BIRD] which was established in 1977 to develop a cooperative relationship between American and Israeli high-technology industries. BIRD has an income of approximately $10 million a year. Almost all of that comes from its $110 million endowment fund. And with that income it shares the expense, the investment cost, 50–50 with an Israeli-American venture trying to develop and commercialize a nondefense technical product or process.

Mr. President, in the last decade this foundation, BIRD, has supported over 250 joint ventures, and over 100 of these have led to sales of over $1.5 billion. Its success is due to a number of factors, including the advance state of research and development in Israel.

Mr. President, if we look at the population of the countries of Eastern and Central Europe it should make us confident that the basic concept between the Israeli-American Foundation is equally applicable to Central and Eastern Europe.

A while ago I requested a study be done by the Congressional Research Service, and it was done, entitled "Eastern European and Soviet Science Technology: Capabilities and Needs." In it the study's author, Bill Boesman, writes that Eastern European sciences and technology capability have been largely ignored. The population of these countries in Central Europe is extremely well educated. These countries can play an increasingly important role leading to greater East-West cooperation on science and technology developments.

So this Foundation, IDEE, just like the Israeli-American Foundation, would receive its operating expenses from interest on endowment as well as any royalties it might receive from successful projects. Contributions to the endowment would be made by all member nations—the United States, as well as each of the nations of Eastern and Central Europe that chooses to become a partner in this process. It is clear that the three nations that are best able to take advantage of this idea will be Hungary, Poland, and Czechoslovakia.

Mr. President, this foundation, IDEE, will only need a one-time appropriation since its projects will be funded from its interest on the endowment and from royalties.

I want to add that, while the primary purpose it has is to foster the growth of high-technology industries in the nations of Central and Eastern Europe, there are going to be clear advantages here from American firms willing to become involved with Central and Eastern European entrepreneurs, engineers, and scientists. American investors will be able to share in any profits and innovations developed through joint ventures.

I know we all believe that it is important, as we continue to look for more cost-effective ways to aid the nations of Central and Eastern Europe, that we make every effort at the same time to develop programs that will also be of benefit to American businesses and to America. The best way to receive continued support for funding for such programs is to make sure that American interests will receive some benefit from these programs, and this IDEE Foundation embodies that principle of helping American business while at the same time helping the private sector of its Central and Eastern European member nations.

Mr. President, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to say a word of support for this amendment authored by the Senator from Connecticut. Having lived in Eastern Europe for a couple of years before it became Communist and recognizing the travail that prevails there now, this approach is exactly what is needed. What they want is not cash, money, riches; what they want is know-how. And this is offering them know-how and it is modeled after the successful American-Israeli Foundation. It has merit, and I think we should all accept it.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 820, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I send a modification of my amendment to the desk at this time.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has a right to modify his amendment and the amendment is so modified.

The amendment (No. 820), as modified, is as follows:

At the appropriate place add the following:

TITLE XIII—INDUSTRIAL DEVELOPMENT FOR EASTERN EUROPE FOUNDATION

It is the sense of Congress that there may be established an entity to be known as Industrial Development for Eastern Europe Foundation (hereafter in this title referred to as the "Foundation"), to be governed by a Board of Governors as described in section 1304. It is the sense of the Congress that the President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304, in carrying out the activities of the Foundation.

(b) PURPOSES.—The purposes of the Foundation may—

(1) to promote and support joint, nondefense, industrial research and development activities of mutual benefit to the nations involved with the Foundation and its activities;

(2) to develop nondefense high technology industry in these nations, particularly through joint and cooperative projects between firms in participating nations;

(3) to aid with the modernization of the economies of these nations by helping them to create a more sophisticated manufacturing base; and

(4) to help these nations to become economically viable by providing benefits to their industrial sector particularly through joint projects.

(c) PARTICIPATION OF OTHER NATIONS.—The President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304 in carrying out the activities of the foundation.

SEC. . FUNCTIONS AND POWERS OF THE FOUNDATION.

(a) The Foundation may support and promote the purposes stated in section 1302(b) and research and development activities which—

(1) involve all applied science activities in the process through which an innovation becomes a commercial product; and

(2) assist with product engineering and manufacturing start up.

(b) The Foundation may work closely with, and to the extent practicable coordinate its activities with, the OECD and the European Bank for Economic Recovery and Development, drawing on the expertise of those institutions in achieving its purposes.

(c) The Foundation may be a legal entity and may have all the powers necessary to carry out its objective, including the power to—

(1) promote and support, by funding or otherwise, joint industrial research and development projects (hereafter in this title referred to as "projects"), in accordance with subsection (d);

(2) make loans and grants;

(3) enter into contracts;

(4) provide services;

(5) acquire, hold, administer, and dispose of real and personal property;

(6) receive, hold, and disburse funds, and open bank accounts;

(7) accept contributions of property, funds, and services; and

(8) employ personnel.

(d)(1) Foundation projects may be undertaken and otherwise supported through direct investment and joint ventures in order to develop the more advanced technology sectors of the economies of Foundation member nations.

(2) All technology and products developed as a result of the work of the Foundation may be freely transferable among the nations participating in a project.

(3) More than one member nation of the Foundation may participate in each Foundation project.

(4) All Foundation projects undertaken may be in compliance with the export control laws of the United States.

(e) Nothing in this title may be construed to prejudice other arrangements for scientific cooperation between the United States and other member states of the Foundation.

SEC. . BOARD OF GOVERNORS.

(a) A Board of Governors (hereafter in this title referred to as the "Board") may be the governing body of the Foundation and may be responsible for determining the Foundation's program, including the fields of cooperative research to be supported by the Foundation, and the Foundation's financial and managerial policies.

(b) The Board may consist of—

(1) the Secretary of State or his designee;

(2) the Secretary of Commerce or his designee;

(3) the Secretary of the Treasury or his designee; and

(4) a representative from the Foreign Ministry, Ministry of Finance, Ministry of Trade and Industry, and the national science foundation or its equivalent from the governments of Poland, Hungary, and Czechoslovakia.

(c) Subject to the provisions of this title, the Board may have the authority to—

(1) adopt bylaws and rules of procedure;

(2) establish regulations defining the policies, organization, and procedures of the Foundation;

(3) appoint an Executive Director;

(4) approve the annual budget and research program of the Foundation indicating, among other things, the research and development fields to which priority is to be given;

(5) accept contributions of property, funds, and services;

(6) establish the principal office of the Foundation in a neutral location.

(7) approve project and other expenditures by the Foundation and agreements pertaining to projects to be funded by the Foundation; and

(8) exercise and delegate any other power of the Foundation not otherwise assigned by this title.

(d) Each other East European country be eligible for membership in the Foundation whenever the Board determines that such country has made sufficient progress toward marketization and democratization and is not in violation of section 502B of the Foreign Assistance Act of 1961.

(e) The chairman of the Board may be a United States national and may serve for a one-year term. The chairmanship may rotate among the three Board members designated under subsection 1304(b) (1), (2), and (3).

(f) The Board may meet at least twice a year, but meetings of the Board may be held at such times and places as the Board may from time to time determine.

(g) The Board shall act by a vote of at least two-thirds of its entire membership.

(h) Members of the Board may serve without compensation from the Foundation, but the Board may authorize the payment by the Foundation of the necessary expenses of any members in attending Board meetings and in performing other official duties for the Foundation. Acceptance of such payments by Board members of the Foundation for this purpose may not be deemed in violation of Ethics in Government Act for the purposes of carrying out this section.

(i) The Board may provide for annual audits by independent auditors of the accounts of the Foundation. The reports of such audits, which may be submitted to all member governments, may contain certification as the accounts of the Foundation and evaluate the Foundation's internal control and auditing system.

SEC. . ADVISORY COUNCIL.

(a) An Advisory Council (hereafter in this title referred to as the "Council"), may act in advisory capacity to the Board and the staff of the Foundation. The Council may

(1) help the Board and the Foundation staff evaluate projects; and

(2) make proposals as to which sectors of member nation economies offer the best opportunity for a favorable return on an investment.

(b) Recommendations made by the Council to the Board and the staff of the Foundation may not be binding.

(c) The Council may consist of three members from the business and finance community from each nation belonging to the Foundation. In the case of the United States, the President may appoint the members.

(d) The chairmanship of the Council may change on a yearly basis, rotating among the members of the panel and alternating among member countries.

(e) The Council may meet at least twice a year. To the extent practical, it may meet at the same time and place as the Board.

(f) Members of the Council may serve without compensation from the Foundation, but the Board may authorize the payment by the Foundation of necessary expenses of any members of the Council attending Council meetings and in performing other official duties for the Foundation.

SEC. . STRUCTURE OF THE FOUNDATION.

(a)(1) The Foundation may be administered by an Executive Secretariat. The Executive Secretariat may be headed by an Executive Director. The Executive Director should be a United States citizen, and—

(A) act as a liaison to the Board; and

(B) coordinate the activities of the Executive Secretariat and the Board.

(2) There may be three Deputy Directors one each for Poland, Hungary, and Czechoslovakia who may evaluate projects from each nation, making recommendations to the Board and the Executive Secretariat as to whether or not the Foundation may support the project; and

(3) Additional Deputy Directors may be created as more nations join the Foundation.

(b)(1) The Executive Director may be the chief executive officer of the Foundation. He may be responsible for the operations and staff of the Foundation, and may act in accordance with the policies, directives, and delegation of the Board.

(2) The Executive Director may employ, oversee, and dismiss the members of the professional administrative staff subject to the approval of the Board.

(3) The Executive Director may, among other things—

(A) evaluate proposals for projects submitted to the Foundation and prepare and submit recommendations and draft agreements concerning project proposals to the Board for its approval;

(B) prepare and submit to the Board for its approval an annual budget and research program, including long-range plans for use of the Foundation's resources;

(C) prepare and submit to the Board for its approval an annual report, including an audited financial statement, on the activities of the Foundation; and

(D) implement decisions of the Board.

(4) Any power of the Executive Director under this title or delegated to him by the Board may be delegated by him to other officers of the Foundation, except as otherwise prescribed by the Board.

(5) The Executive Director may obtain assistance from outside professionals and experts for the purposes of evaluating proposals and auditing and monitoring projects sponsored by the Foundation. These professionals and experts may be given compensation by the Foundation for services rendered, as approved by the Board.

(6) The Executive Director may be permitted to organize various activities, such as consultant visits, information exchanges, and similar activities, to facilitate the achievement of the Foundation's objective. The Executive Director may be given a budget approved by the Board to undertake these activities.

(7) The Executive Director may maintain an appropriate system of internal control, including books and records which reflect the transactions of the Foundation and show the current financial condition of the Foundation. Such system may include adequate internal financial and operational audits. The books, records, and internal audit reports may be available for review by authorized representatives of governments involved with the Foundation.

SEC. . OPERATIONS OF THE FOUNDATION.

(a) The Foundation's operations may consist mainly of the selection, approval, and monitoring of projects funded in whole or in part by the Foundation. All proposals for such projects may be submitted through the Executive Director to the Board for approval.

(b) Each proposal considered by the Board may—

(1) be submitted by Foundation member entities;

(2) demonstrate the technical and economic feasibility of the project;

(3) contain evidence that the applicant is capable of carrying out the project, either alone or through the partial subcontracting to universities, industrial research institutes, or other qualified entities; and

(4) indicate that the applicant will contribute, from its own financial resources or resources available to it, some portion of the financial resources required to carry out the project.

(c) Each proposed project considered by the Board may—

(1) propose a tangible, direct benefit for the national economies of Foundation member nations, such as an increase in exports, value added or new markets;

(2) be of interest to Foundation member nations' industry;

(3) be of general interest to an entire industrial field;

(4) directly or indirectly contribute to additional development of products, processes, or markets; and

(5) have tangible benefits for nations involved with a project.

(d) For purposes of subsection (c)(5), a project having a tangible benefit may be one that—

(1) is submitted by one or more Foundation member firms or a joint venture between a United States firm and a member nation firm;

(2) will require expenditures for goods and services in nations involved with the project; and

(3) meets any other criteria established by the Board.

Mr. LIEBERMAN. Mr. President, very briefly the modification is intended to make clear that there is nothing mandatory about the amendment; that we are suggesting the creation of this American, Eastern and Central European Foundation for joint high-technology business development as a good idea and one we hope the administration will carry forward on the model of the existing BIRD foundation, which established similar joint ventures between Israeli and American companies and has been enormously successful.

But the aim is to make that a suggestion, a request, a hope, and not to mandate. I ask that the amendment, as modified, be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 820), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I thank the managers for their kind support.

Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 821

(Purpose: To restrict access of the Soviet Union to the resources of international financial institutions)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mr. GARN, Mr. MCCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 821.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 225, between lines 4 and 5, insert the following new section:

SEC. 902. SOVIET ACCESS TO THE FINANCIAL RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union has adopted a more cooperative posture on a range of international political issues that has moved East-West relations beyond the stalemate of the Cold War, assisted the cause of world freedom and peace, and permitted improved relations with the United States;

(2) at the same time, the course of internal political and economic developments in the Soviet Union has been far less clear, with increased political pluralism as represented by free elections in various Republics matched by instances of political repression, including armed intervention in the Baltic states;

(3) in the economic arena, tentative movements toward economic liberalization have produced a breakdown of the former command economy but little tangible evidence of movement toward a market economy;

(4) in its international trade and aid relationships, the Soviet Union continues to support repressive political regimes and to encourage regional instability through substantial economic support for Cuba, Vietnam, Afghanistan, and North Korea and continues to export substantial quantities of arms and unsafe nuclear technology, which represent a threat to regional stability and the world environment;

(5) it is in the interest of the United States to encourage Soviet cooperation on international problems and to promote adoption of a fully democratic form of government and economic transformation from a centrally planned to a free market economy in the Soviet Union;

(6) expanded economic ties with the West can advance the process of transformation by educating the Soviets to the benefits of political pluralism, market economics, and free trade;

(7) Western financial assistance could also potentially assist the process of transformation but it carries substantial risks on the Soviet side of delaying needed reform and propping up the failed structures and policies of the past and, on the United States side, of assuming unacceptable risks of default on taxpayer-financed credits;

(8) the study of the Soviet economy prepared by the International Monetary Fund, the International Bank for Reconstruction

and Development, the Organization for Economic Cooperation and Development, and the European Bank for Reconstruction and Development concluded that without a major and comprehensive reform program additional financial transfers to the Soviet Union would be of little or no lasting value;

(9) given these views and concerns, no financial transfers should be provided to the Government of the Soviet Union by the Government of the United States nor should the United States support Soviet borrowing rights in any international financial institutions in excess of those to which the Soviet Union is already entitled until the Soviet Union has fundamentally changed its economic and political orientation and committed itself irrevocably to a major and comprehensive economic reform program.

(b) SOVIET ACCESS TO THE RESOURCES OF THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund to use the voice and vote of the United States to oppose Soviet membership in the Fund, and the United States shall support no future expansion of Fund quotas in which the Soviet Union would participate, until 30 days after the President certifies and reports to the Congress the following:

(1) ECONOMIC REFORM.—That, as an indication that the Government of the Soviet Union is implementing free market economic policies, the following actions have been taken:

(A) provision of all data necessary for the Fund and its members to accurately determine the size, composition, and creditworthiness of the Soviet economy;

(B) establishment of the right to own private property and engage freely in commerce, including progress towards the creation of a legal and administrative framework to permit the free exercise of such rights;

(C) implementation of effective procedures for privatization of government enterprises;

(D) significant progress in dismantling central planning mechanisms, in eliminating price controls, and in establishing a market-based pricing system; and

(E) Adherence to international rules regarding trade, protection of foreign investors, and protection of intellectual property rights.

(2) ROLE OF THE CENTRAL GOVERNMENT.—That, as an indication that the Soviet Union is reducing the size and scope of government expenditures, especially categories of expenditure that threaten world security and divert resources from market-based economic reform, the following actions have been taken:

(A) implementation of a defense budget that achieves significant reduction in the percentage of gross domestic product devoted to military purposes including, in particular, reduction of strategic nuclear weapons arsenals and other weapons of mass destruction, with the objective of reducing such percentage to levels approximating those of the Western democracies; and

(B) termination of economic subsidies and military assistance, including an end to transfers of destablizing missiles, other sophisticated weapons systems and nuclear technology, to countries that have supported international terrorism, such as Syria, Libya, and Iraq, and that have participated in efforts to destabilize neighboring states, such as Cuba, North Korea, and Vietnam.

(3) POLITICAL REFORM.—That, as an indication that the Soviet Union has embraced democratic processes upon which successful economic development is predicated, the following actions have been taken:

(A) free and fair multiparty elections for the national parliament and leadership;

(B) good faith negotiations between the Government of the Soviet Union and leaders of the Baltic states and other republics that have elected to become independent of the Soviet Union; and

(C) demonstrated sustained commitment to peaceful resolution of disputes with republican governments and democratic movements.

(c) EXPANDED SOVIET ACCESS TO THE RESOURCES OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Secretary of the Treasury shall instruct the Executive Director to the European Bank for Reconstruction and Development to use the voice and vote of the United States to oppose expansion of access by the Soviet Union to the resources of the Bank pursuant to paragraph 4 of Article 8 of the Bank's articles of agreement unless the President has made the certification and report required under subsection (b).

(d) DEFINITION.—For purposes of this section—

(1) the term "Soviet membership" includes any association with the Fund involving contribution or borrowing of Fund resources, but excludes any association with the Fund as an observer or in an advisory status involving technical assistance; and

(2) the term "Soviet Union" includes all successor states (other than the Baltic states) to the Soviet Union.

Mr. MACK. Mr. President, first I want to thank both the Senator from Maryland and the Senator from Kentucky for working with me on fine-tuning this amendment. It is an amendment that I now understand is acceptable and will be accepted. I am offering this amendment on my behalf along with Senator GARN, Senator MCCAIN and Senator LIEBERMAN.

Mr. President, let me set the stage for this amendment. I did not realize when I began working on the amendment several weeks ago, that the Soviet Union would be formally requesting full membership to the IMF at the same time we would be dealing with this legislation. It was my intent to come up with a series of conditions that the Soviet Union would have to meet in order to become a full member.

What has occurred is that for several months there has been a discussion about what role the Soviet Union would play in the IMF and most of us, and the administration, certainly, has taken the lead to establish a position of something quite considerably less than full membership. In fact, the agreement by the G–7 was the establishment of what is called either special status or associate status, which is exactly where I think we should be.

But my concern, as we went through the hearings on the IMF—and certainly now that the Soviet Union has progressed to the point of formally requesting full membership, I think it is in fact appropriate that we establish conditions that must be met by the Soviet Union in order for them to become a full member.

It was my intention to go into a more lengthy explanation of the amendment, but I think that since we have had the opportunity to work on the various components, I do not feel the necessity to do that, even though I will touch on what I think, again, are the conditions that we have established. But I think it is, in fact, in the best interest of the United States and the entire world for the Soviet Union to continue its movement toward reform. I think it is important that I recognize that up front.

But I think it is equally important to recognize that we are still getting mixed signals. On one hand, we were all excited and elated about seeing the idea of democracy, of free elections. A popular election of the President of Russia is a very significant change. But within the last 6 or 7 months we have also seen the Soviet Union use force to hold back the forces of reform and independence in the Baltic States. So we are getting mixed signals and for that reason I think it is appropriate for us to state conditions that would have to be met by the Soviet Union in order for them to become a full member of IMF.

Basically, the conditions that we are talking about in this amendment fall into three categories: Economic reform, reform of the role of the central government, and political reform. Again, let me just touch on those and I will be very brief on them.

With respect to economic reform, we are talking about the right to private property, and I might just make an additional comment here.

If we are looking for something that signals that the Soviet Union has controlled the Rubicon with respect to reform, I would say that it is to say that each Soviet citizen has a right to own private property and with that right the right to sell it at some point in the future. I think at that point we can all kind of step back and say the most significant reforms have taken place within the Soviet Union.

In addition to the economic reform that I just mentioned, we talk about dismantling of central planning and price controls, provision of all data necessary to assess the Soviet economy, and abide by trade laws and protect intellectual property rights.

In the role of the central government reform, we are talking about defense budget significantly reduced; strategic nuclear weapons reduced; end economic subsidies, military aid, and nuclear technology transfers to Cuba, North Korea, and Vietnam.

I want to make one additional note here to say how much I appreciate my colleagues for raising, on a number of occasions today, the issue of Cuba. It is natural for an individual like myself, who lives in the State of Florida, who spends a great deal of time in south Florida with the Cuban community, and who has been focused on trying to bring about freedom and democracy in Cuba now for 30-some years.

Again, to put it on a personal basis, I still remember the day that I offered a resolution that I believe all the Members of the Senate joined in, that had to do with releasing Alfredo Mustelier from political prison.

He was a political prisoner for over 20 years in Cuba. Two of his cellmates, if you will, the last of whom was just released within the last several months—and if you read the papers about what is happening in Cuba today you see two Cubans stowed away on an aircraft flying out of Cuba, and unfortunately, either were crushed by the landing gear or they were just killed as a result of the low temperatures that these planes fly at these high altitudes, 65 degrees below zero. Those two young men lost their lives in their quest for freedom.

So, again I compliment my colleagues for continuing to raise the issue of Cuba, the need to bring about freedom and democracy in Cuba.

We go on further to talk about political reform, again as part of the conditions: Free and fair and multiparty elections for national leadership; good faith negotiations with the Baltics and republics that elect independence and demonstrate commitment to nonuse of force against republic governments and democratic movements. I think these are all conditions that have been talked about by a number of Members of the Congress; that have been talked about in the administration.

So again I want to compliment the managers of the bill for their willingness to work with me to make some adjustments here to allow them to accept this amendment. One additional reason for offering the amendment is I think it is important for us to recognize that our well-intended economic assistance to the Soviets at the wrong time could, in fact, be counterproductive. We could end up providing economic assistance that would be used to keep in place the policies that do not work.

In closing, I would like to read a few comments from an op-ed piece that was in the New York Times on Sunday, July 14. It is by the President of Czechoslovakia, Vaclav Havel.

A number of us had an opportunity in February 1990 to listen to President Havel as he addressed a joint meeting of the Congress. I think it goes without saying we were all moved by what he had to say, and the commitment he made to bring freedom and democracy, justice and human rights to the people of Czechoslovakia. I want to read a part of this op-ed piece. He says:

> When I addressed the joint session of the Congress in February 1990 I made the following remark. 'I often hear the question, How can the United States of America help us today?'" His response was, "You can help us most of all if you help the Soviet Union on its irreversible but immensely complicated road to democracy.

Actually, that comment has caused some confusion as to what President Havel actually meant. So he goes on further in this article to indicate what it was he meant. He says:

> Too many people took for granted that I meant economic help, which I did not * * * I meant that it was in the interests of my country, of Europe, and of the whole world to help make the Soviet Union a more free, more democratic and more stable place, with the emphasis on democracy.
>
> The experience of the post-war period has shown us that no amount of economic assistance will make a totalitarian country more prosperous unless it is also made more Democratic.

He goes on further to say about why it is important we not provide aid before reform. He says:

> It also presents a risk. Should the antidemocratic forces in the Soviet Union prevail again and use whatever outside assistance might come to bolster that obsolete regime.

Again, I think this is a timely amendment. I think it is an amendment that should be accepted and, hopefully, it sets the parameters upon which we can now look towards the future as to how the Soviet Union can become a full member of the IMF.

Mr. MCCAIN. Mr. President, a struggle that has been waged for centuries between the forces of tyranny and the forces of freedom has recently turned unprecedentedly in favor of the forces of freedom. We have all witnessed the events of the last 2 years in Eastern Europe and are inspired by them. They reinforce our faith in the truths that our founding fathers expressed over 200 years ago.

In 1789, Thomas Jefferson looked across the Atlantic and was thrilled by the events of the French Revolution. The events, however, were to turn tragic through the reign of terror and the rise of Napoleon Bonaparte. Without a clear idea of what was happening in France, Mr. Jefferson gave moral sanction to one of the greatest tragedies in human history.

I rise today to support the amendment offered by my colleagues from Florida to see that before we offer assistance to the Soviet Union we have a clear idea of what we are supporting. Mr. Mack's amendment will ensure that before assistance is offered, the Soviet government guarantees its people their God-given rights.

At the recent G–7 meeting in London, it became clear that the Western industrialized democracies are hesitant to bail out the Soviet Union without a clear program of reform. The President himself has indicated that he will not support assistance to the Soviet Union beyond technical assistance until it is clear that the Soviet union is moving toward a democratic society and form of government.

Because direct assistance is no longer a possibility given the current extent of Soviet reforms, Senator MACK's amendment addresses the next logical source of funding for the Soviet Union, international lending institutions.

The United States should not give its consent to assistance from the international lending institutions unless the Soviets can give clear evidence that they have made substantial progress in democratic reforms. I think it is only fair that while denying aid to the Soviet Union we outline in law the specific reforms that are needed. Senator MACK's amendment to the bill before us will do precisely this.

Mr. GARN. Mr. President, I join my colleague Senator MACK in proposing an amendment to the International Security and Economic Cooperation Act of 1991 regarding Soviet borrowing from international financial institutions. The amendment would require the Secretary of the Treasury to instruct the United States representatives at the international institutions to oppose both Soviet membership in the International Monetary Fund and expanded Soviet access to the new European Bank for Reconstruction and Development until the President is able to certify and report to the Congress that substantial steps toward economic and political reform have been taken by the Soviet Government.

I have worked with Senator MACK on this amendment because I believe it is critical that the Soviet Union understand clearly that it cannot enjoy the benefits of financial assistance from Western institutions until and unless it embraces the political and economic principles to which the democracies that principally fund those institutions adhere. The Soviet Union's policies for 70 years have punished the Soviet people and threatened world peace and prosperity. The human potential wasted under communism, the human suffering caused by terrorist groups and antidemocratic governments funded by the Soviet Union, and the massive economic resources wasted on the cold war all represent debts owed to the world by the discredited Communist leadership of the Soviet Union.

Given the enormity of this debt, it would not be unreasonable to insist on compensation by the Soviets. However, Western governments have made clear that they are willing to move forward in expanding economic and political cooperation with the Soviet Union as long as its Government is willing to reform its bankrupt policies. While this is an exceedingly generous approach, I can live with it. But while I am not going to insist on restitution for the victims of Soviet crimes, I am certainly unwilling to support compensation for the perpetrators either.

The Soviet Union should get no United States foreign aid, no funds from the IMF or the World Bank, and no expanded access to the EBRD until real change takes place in the Soviet Union. I am not talking here about pledges to change but real, demonstrated change. We have been hearing commitments to political liberalization and economic reform by the Gorbachev government for years, but fundamental change is nowhere in sight.

Internationally, the Soviet Union has adopted a more cooperative posture on a range of international political issues but it continues to support repressive political regimes and encourage regional instability through substantial economic support for Cuba, Vietnam, Afghanistan, and North Korea. Domestic politics has moved toward increased political pluralism as represented by the free election of Boris Yeltsin as President of the Russian Republic. At the same time, the Communist Party remains firmly in control of the Soviet economy and Government and instances of political repression continue, including armed intervention in the Baltic States.

On the economic front, the Soviet economy seems to be locked in reverse. Tentative movement toward economic liberalization has produced a breakdown of the former command economy but little tangible evidence of movement toward a market economy. While expanded economic ties with the West could advance the process of transformation in the Soviet Union, there is ample reason to believe that resources transferred to the Soviet Union would be resources wasted.

The study of the Soviet economy prepared by the International Monetary Fund, the International Bank for Reconstruction and Development, the Organization for Economic Co-operation and Development, and the European Bank for Reconstruction and Development concluded that without a major and comprehensive reform program, additional financial transfers to the Soviet Union would be of little or no lasting value. A study by Anders Aslund prepared for the World Bank's annual conference on development economics entitled "Prospects for Economic Reform in the USSR" makes similar findings. It concludes:

> As long as the Soviet Union does not have a regime that enjoys political legitimacy, there is little the outside world can do in order to assist it. Its demand for foreign credits is likely to be insatiable for the bad reason that the government uses these funds to mitigate popular dissatisfaction, but there is no good reason for others to provide such funds.

These experts believe that aid to the Soviet Union will be wasted until fundamental economic and political reform takes place. This amendment will ensure that, at least with respect to the international financial institutions, no Western aid will be provided until the Soviet Union has fundamentally changed its economic and political orientation and committed itself irrevocably to a major and comprehensive economic reform program.

I believe this is sound policy and I understand that the Treasury can accept it. In fact, now that the Soviet Government has made a formal application to join the IMF, there are indications that the administration may even take a formal position in support of it. I would welcome their support and I urge my colleagues to support adoption of the Mack amendment.

Mr. SARBANES. Mr. President, we have been in discussion with the distinguished Senator from Florida with respect to this amendment. Some modifications have been made to it. I appreciate what the Senator is seeking to accomplish. We are prepared to accept the amendment on this side.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, we have reviewed the amendment of the Senator from Florida, and I, too, find it excellent.

Mr. MACK. Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 821) was agreed to.

Mr. MACK. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be sending an amendment to the desk shortly, and I would like to speak about this amendment right now.

I will rise to offer an amendment, along with the Presiding Officer and other Senators whom I will mention in a while, to the fiscal year 1992 foreign aid authorization bill. This amendment strengthens provisions for a multilateral moratorium on arms transfers to the Middle East included in both the fiscal year 1992 foreign aid authorization bill and the fiscal year 1992 State Department authorization bill.

The committee bill rightly recognizes that it is essential that the world not resume the Middle East arms bazaar as if nothing has changed. The gulf war demonstrated the immediate need to curb the worldwide arms trade and to prevent the spread of advanced conventional, chemical, biological, and nuclear weaponry.

The bill states the desirability of a multilateral arms moratorium on transfer of arms to the Middle East. This amendment would require the United States to take the next logical step and demonstrate that it is willing to lead other nations to achieve such a multilateral moratorium.

Specifically, this amendment prohibits the United States from exporting any new advanced conventional arms to the Middle East, as long as another major arms supplier nation does not export such equipment to the region.

The only unilateral action, Mr. President, called for in this amendment is U.S. leadership. The resulting moratorium is multilateral.

This amendment, offered by a number of Senators, would ensure that the United States lead the way in reducing the deadly arms bazaar, without sacrificing U.S. competitiveness in international trade. This amendment is carefully crafted, so as to ensure that U.S. companies will not be disadvantaged in relation to companies from the other major suppliers.

This amendment prohibits U.S. transfer of major weapons to the Middle East, as long as no other major supplier has agreed to such a transfer. It does not prohibit companies from discussing possible sales with Middle Eastern governments. If companies from other nations go ahead and conclude a sale, then United States companies can go ahead and conclude sales. I hope that does not happen, Mr. President, but I want to be clear about this again: We take the lead. If other nations do not follow, then all bets are off.

This amendment is virtually identical to provisions in the House foreign aid bill passed by the House of Representatives in June, after having been unanimously—I repeat, unanimously—agreed to by the House Foreign Affairs Committee on May 23, 1991. The principal difference between our amendment and the House language is that the effective date of the House bill's moratorium is May 21, 1991. The effective date of this amendment is the date of enactment.

The committee bill calls upon the President to "take good-faith efforts" to convene a conference of major supplier nations to negotiate controls on major weapon transfers.

This language was drafted before the President's Middle East arms control initiative. The committee reports concludes that good-faith efforts have been made. Indeed, a conference formally opened for a 2-day session in Paris on July 8, 1991. The next plenary is scheduled for October in London. The committee bill also contains sense-of-the-Congress language supportive of a multilateral moratorium and the notion of a "challenge moratorium."

Our amendment would strengthen this "challenge moratorium" to require the United States to demonstrate that it is willing to take the lead in this ongoing conference in order to achieve a temporary multilateral moratorium, followed by tight proliferation controls.

Now that the suppliers conference has begun, the United States should take the next step by challenging other nations to follow our example in suspending arms sales. This would demonstrate U.S. determination to control weapons proliferation and provide a pause in arms sales conducive to negotiating controls.

We are not demonstrating such determination if we are preaching restraint but practicing the same business-as-usual salesmanship. The administration continues to boost sales to the Middle East at the same time it talks of Middle East arms control. Within days of its Middle East arms control initiative, the administration had also announced its intent to provide F-15's to Israel and Apache helicopters to the United Arab Emirates and possibly Bahrain. The UAE is reportedly slated to receive M1A1 tanks and Bradley fighting vehicles also. A proposal to sell up to $14 billion in advanced conventional weapons to Saudi Arabia is expected to be sent to Congress as early as September.

Rather than saying "no" to individual arms sales—a difficult legislative effort to execute—the Congress should demand that the United States and the world should not return to business-as-usual in the Middle East. This amendment would prevent further arms sale to the Middle East until another major arms supplier sells to the region.

Mr. President, no one can doubt that the tremendous accumulation of weapons in the region has made Israel, as well as her antagonists, not more secure but less secure. In the long term, Israel cannot win an endless arms race in the Middle East, and in the short term, arms sales tend to benefit Arab countries at the expense of Israel. Throughout the region, shaky economies have been hurt by excessive military expenditures and domestic priorities have been egregiously warped.

I hope that a positive legacy of this war will be to focus world attention on the need for regional arms control to address all categories of weapons proliferation in the region—nuclear, chemical and biological, ballistic missiles and conventional.

Mr. President, in recent months we have heard a lot about the overmilitarized Middle East from our administration, from other governments and from the American people. It is time to stop talking and start doing something about it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I am joining with Senator WELLSTONE, who is presently presiding over the Senate, in offering this amendment because I believe we can and must do even more to stem the flow of arms to the Middle East. This amendment builds on the fine Middle East arms control language in the bill. Language very analogous that we are proposing in this amendment is now in the bill. It simply builds upon that and strengthens the challenge moratorium provision in response to the recent multilateral meeting on arms suppliers.

I emphasize this is not a unilateral moratorium on American arms sales to the Middle East. This is a challenge, a challenge to the multilateral group of nations which supply arms in one way or another, sometimes openly, sometimes secretly, in the Middle East or to the Middle East.

What is a challenge if we do not set some standard for the supplier nations to meet? Should they continue to proceed with arms sales in a business-as-usual fashion? That is, should a major arms supplier nation enter into an agreement to transfer major military equipment on or after the date of enactment, then the moratorium ceases, no moratorium? And then, of course, we would urge the administration to redouble U.S. efforts to negotiate such a multilateral moratorium.

The only way to start to end this spiraling arms free-for-all is to say stop, stop now. If we continue to sell weapons throughout the region, the major suppliers have no reason to take our efforts seriously. By setting an example, an American example, at the same time we attempt to negotiate a multilateral arms control regime, we are challenging the major suppliers to demonstrate their resolve.

I understand that the administrative has concerns about all the Middle East arms control language in the bill. They do not like what is in it now. I am afraid, however, that we cannot afford to be complacent about efforts now underway to limit Middle East arms sales. One 2-day meeting in Paris of major suppliers, a meeting which took place earlier this month, cannot reverse a billion-dollar trend overnight. The next meeting will not even take place until October.

We need to take action now, right now, to prevent some of the bigger sales looming down the road. I believe this amendment can prevent the transfer of sophisticated weaponry to the Middle East, a region already topheavy with the instruments of death. And we are talking here about all sorts of weapons that are very deadly, longer and longer range, including nuclear weapons.

We all know how unstable the Middle East is. We have seen that in the course of recent events involving Iraq and American and allied troops and a lot of death, destruction, and disruption.

(Mr. WELLSTONE assumed the chair.)

Mr. CRANSTON. Had Saddam Hussein had nuclear weapons, we might have faced a very different situation. He sought them. Fortunately, thank God, he did not get them in time.

Others are seeking them. Others are making progress toward getting them. Apparently Pakistan now has them. The President was unable to certify that they did not, and so aid was cut off to Pakistan under the present law.

A nuclear explosion of weapons in the Middle East would be an absolute catastrophe and we should be doing all we can to prevent it. And if we can set an American example by stopping selling advanced weapons to the Middle East as long as others cease and desist, this could lead to a very important breakthrough on the road to a more stable Middle East and a more stable world.

I spoke yesterday in the course of the most-favored-nation debate about China, about what that nation is doing in spreading nuclear weapon technology in the Middle East and elsewhere. Senator BIDEN spoke on that subject also. Others expressed concern about that and their concern should be very, very deep indeed.

Let me review just what one nation, China, is doing. If we get a moratorium, that would have to affect China or the moratorium would not go on. We certainly have to find ways to restrain China when you look at the record of what China is doing. And this effort is designed to move us in that direction.

To review a bit of history, after World War II, the nations of the world banded together to form the United Nations. In so doing, every nation, including China, agreed to certain basic principles concerning human rights, security, and trade. Gradually, all nations have agreed to expand upon those principles and make them operational in a number of international organizations. One of the key principles concerns the safeguarding of international peace and stability.

China, through its actions, is now undermining international peace. China is now destroying world order. China is now doing things that make more likely the fulfillment of the grave danger that nuclear weapons may be used in the Middle East.

Reasonable people could argue whether or not this is a deliberate intent of the Chinese leadership. Perhaps they just want to make money by exporting weapons of mass destruction. But the effect of their actions, whether deliberate or not, is very, very tragically clear.

The American people should be awakened to the dark cloud China is now spreading in the Middle East and elsewhere around the world.

China is the fifth largest supplier of arms to the Third World. Throughout the 1980's, China secretly provided weapons to South Asia, South Africa, South America, and the Middle East. This includes the transfer of nuclear and chemical technologies.

During the last year, Chinese sales of ballistic missiles and their launchers to Syria, Pakistan, and Iran have been reported. China has reportedly arranged sales of M-9 and M-11 missiles to Syria and Pakistan. Both are capable of delivering nuclear warheads at distances ranging approximately 200 to 400 miles. China has also transferred to Saudi Arabia CSS-2 missiles with a 1,500-mile range and with a nuclear payload capacity.

China has systematically and secretly helped nations develop a nuclear capacity in conjunction with its sale of delivery systems.

A few months ago it was reported that China had been secretly aiding Algeria develop a nuclear facility.

China has also been active in assisting Iraq to develop a nuclear weapons facility, providing it with lithium hydride, a chemical used in the production of nerve gas, missile fuel, and various types of nuclear weapons.

China secretly sold tons of heavy water to India through a West German nuclear materials broker, according to testimony in my Foreign Relations Subcommittee.

Here they are arming both sides in the perennial dispute between Pakistan and India. Help Pakistan get a bomb; help India get a bomb.

In the early 1980's China reportedly gave Pakistan plans for a nuclear bomb. Our concern was so great here in our country that last October, as I noted a bit ago, President Bush suspended military aid to Pakistan because the administration could no longer assure Congress that Pakistan did not have nuclear weapons. In April, the President barred the sale of American components to a Chinese satellite because of his concern about China's involvement in the export of weapons of mass destruction.

On June 20, just very recently, the Chinese denied reports that they have sold medium-range missiles to Pakistan. On June 27, they confirmed that they were selling M-11 missiles to Pakistan. The M-11, we believe, is in violation of the missile technology control regime.

On July 7, even more recently, the Associated Press reported that Iran—Iran—was determined to develop nuclear weapons and was looking to China for help, even though Deputy Secretary Eagleburger had assured the Foreign Relations Committee on June 27 that China was not trying to sell nuclear weapons technology and/or nuclear technology to Iran.

The Nuclear Control Institute recently released a partially declassified Defense Intelligence Agency cable, dated May 12, 1986, which states that China had completed a feasibility study in 1986 to construct a nuclear powerplant in Iraq by 1990. A nuclear powerplant in Iraq by 1990. One of the plant's specifications was that it should have the "ability to [be] camouflag[ed] from satellites." Why camouflage it? Well, I think the answer is rather obvious.

Given what apparently we did not know about Iraq's nuclear capacity, I suggest that the administration reassess what assistance China could be providing to other countries in that region.

Mr. President, I wish that I could say more about this matter of what China is doing in respect to exporting nuclear technology to the Middle East and elsewhere. I know more. I cannot say it because it is classified. I would like to urge every Senator who realizes the seriousness of the spreading of nuclear weapon technology around the world to ask for and gain access to the classified documents that are very illuminating on this subject. We will have a more informed Senate on these matters if all or most Senators go and learn the very forboding facts on this subject.

Mr. President, the amendment that Senator WELLSTONE and I and others have offered is consistent, I repeat, with the language in the bill. It just makes it stronger. The language was developed very carefully by a bipartisan group of our colleagues in the House of Representatives—including Chairman FASCELL, of the Foreign Affairs Committee of the House: Representatives HAMILTON, BERMAN, SOLARZ, LEVINE, and HYDE—and the amendment is included in the House version of the foreign aid bill. The other body has already acted to do what we are seeking to have acted upon favorably in the Senate.

This approach can lead to greater stability in the Middle East, for all the people there—for the people of Israel, whose enemies would not then be armed and armed and armed, causing Israel to have to arm and arm and arm; endangering the economies of all the countries there; endangering the security of all the people and the nations there; and diverting time, attention, resources, wealth and activity from lifting the living standards of the many people there who suffer from a very low living standard that creates instability in that part of the world. Substituting for expenditures on arms expenditures to lift the living standards of the people will help bring stability and peace to the Middle East, to our friend, Israel, and to the world.

This challenge moratorium is not intended to replace a permanent negotiated moratorium. Rather, this action will strengthen the administration's hand in these negotiations. It certainly should do that. I urge my colleagues to study this provision very carefully and to decide it merits their support.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. The pending business is S. 1435.

AMENDMENT NO. 822

(Purpose: To strike section 305, relating to purchases of United States goods and services)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself Mr. DOLE, Mr. KOHL, Mr. MCCONNELL, Mr. GRASSLEY, Mr. LUGAR, Mr. SYMMS, Mr. DANFORTH, Mr. CRAIG, Mr. COATS, Mr. DURENBERGER, and Mr. PRESSLER, proposes an amendment numbered 822.

Strike out section 305 of the bill.

Mr. DIXON. Mr. President, I would like the attention of my colleagues wherever they may be in their respective offices right now because I am informed by the majority leader and managers and others that they would like to dispose of this amendment in a decent timeframe. The managers have indicated that in an hour or so they are compelled to offer, probably, a motion to table this amendment.

So I urge my colleagues who are interested in this subject matter to come to the floor as soon as they can, to be involved in this debate. The old question of cargo preference has been before us many times.

I see my good friend the Republican leader on the floor and I am delighted to yield to him.

Mr. DOLE. I agree with the amendment and I would like to vote for it. The Senator said an hour or so. I wonder, did he mean an hour?

Mr. DIXON. May I say to the Republican leader, I have not asked for a unanimous consent agreement for time limit. This Senator would be prepared to vote almost momentarily. However, I am joined by cosponsors on both sides of the aisle. As usual, about this time in the evening, we are scattered a little bit around the building and I just wanted everybody to know that in short order we would like to dispose of this amendment. We do not intend to spend the night on it, the managers tell me, and I acquiesce in that wish and the wish of the majority leader which I suspect is supported by the Republican leader as well.

I am prepared to go forward with this amendment. I would like to speak on it just now.

I would like my colleagues of all political persuasions, and there are many, to know this is the cargo preference question. I believe the administration supports my view that this section should be stricken from the bill and this insidious practice of continuing to extend cargo preference and requiring shipment on American bottoms at all times is a bad practice. That is what I intend to talk about here.

I am delighted to be joined by my colleague, the distinguished Republican leader, and I am willing to dispose of it in whatever order is reasonable.

Mr. DOLE. Will the Senator yield just one further moment?

Mr. DIXON. Yes, of course.

Mr. DOLE. The Senator is right as far as the administration is concerned. In fact, when it finally gets to the President, I would guess he would veto it. He has indicated he would veto it. He indicated in a letter I put in the RECORD last evening this is one area where a veto would be correct.

So, the Senator is correct. I think there are a number of us who support his position. We would be prepared to debate it and vote in a reasonable time, but my colleague is exactly correct. It is a very important amendment, and I am glad to join the Senator from Illinois.

Mr. DIXON. The distinguished Republican leader will recall that throughout my service here I have held a similar view to that of the Republican leader, that this is a insidious and bad practice. I have been involved in every debate about it over the years. At one time I think the distinguished Republican leader will recall I was involved in a filibuster with my then colleague who was then senior Senator from Illinois, Senator Percy, and Senator Boschwitz and others.

I do not want to revisit that filibuster tonight. I want to dispose of this. I am just trying to see whether my colleagues around the building will understand that the managers have in good faith suggested they would like to dispose of it in a reasonable period of time.

So I have not agreed to a time limit because some of my colleagues want to speak on this. I urge them to come to the floor to do that because the manager has indicated that in about an hour or so he is tempted to offer a motion to table.

Mr. President, section 305 of the bill before us will require that any country receiving more than $10 million in U.S. cash transfer assistance under the economic support fund, purchase an equivalent amount in U.S. goods and services. I do not have any problem with that.

And that 50 percent of those goods be shipped on U.S.-flag vessels. I have a big problem with that. The amendment I have offered will strike that provision from the bill. The bill without that provision is entirely satisfactory to my colleagues, and this Senator, with respect to requiring an equivalent amount of purchase in U.S. goods and services.

I am pleased to be joined in this amendment by the following Senators: Senator KOHL, Senator MCCONNELL, Senator GRASSLEY, Senator LUGAR, Senator SYMMS, Senator DANFORTH, Senator CRAIG, Senator COATS, Senator DURENBERGER, and Senator PRESSLER.

Mr. President, may I have unanimous consent for the amendment to show those distinguished Members of this body as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I am advised the distinguished Republican leader, whom I am honored to have join me, Senator DOLE, would like to be added as a cosponsor. I thank him for his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, proponents of section 305 argue that if ESF cash transfers are going to be given to other countries, these countries should purchase U.S. goods. No problem with that. That makes sense. I agree with that. The truth of the matter is that cash transfer recipient countries already buy far more in U.S. goods and services than they receive in cash transfer. That is already the case.

While the United States expects to contribute about $2 billion in ESF cash transfers to 17 countries in fiscal year 1992, those same 17 countries bought more than $20 billion in U.S. goods and services in 1990. I repeat, this contemplates about $2 billion in transfers to 17 countries, and we want to say in this bill "Buy back $2 billion worth from us?" They already buy $20 billion from us, 10 times what we are talking about.

So let us not kid one another. The object of this section of this bill is to require the shipping of 50 percent of these commodities and goods on U.S. bottoms.

The purpose of this provision, I repeat, is not to increase U.S. exports but to impose cargo preference requirements on commercial exports of U.S. goods already going to these countries. They are already going to these countries.

The Great Lakes region of this country is especially hard hit by the expansion of cargo preference requirements.

Because there is no regularly scheduled U.S. flag oceangoing service in the Great Lakes, increased cargo preference virtually eliminates Great Lakes ports from participating in the shipment of any goods to which it applies. Lost maritime exports out of the Great Lakes ports means lost jobs and lost business to my region of the United States, just as it would at saltwater ports. So in an effort to destory competition, we are destroying the economic marketplace in the breadbasket area of our great Nation.

In addition to agricultural commodities, cash transfer countries purchase coal, chemicals, forest products, machinery, and many other industrial products shipped from our country. Section 305 would provide for U.S.-flag carrier rates up to 30 percent higher, Mr. President, than the average competitive international rate.

How does that make sense in the long term? These increased costs would result in countries purchasing waterborne commodities from our competitors, from American competitors, and fulfilling their obligations to the United States by purchasing other U.S. goods not requiring ocean transport.

Let us talk about coal. I see my friend, the distinguished Senator from Kentucky, sitting there, who joined me in the struggle on the clean air question some years ago. The question of coal is a very important commodity to my great State of Illinois and to the rest of the Midwest and to the State of my friend from Kentucky.

The Energy Information Administration has told us that U.S. coal exports are expected to increase by almost 150 percent by the end of the decade, due in large part to the elimination of coal production subsidies in Western Europe. In other words, Western Europe is going to discontinue these subsidies so our country can become competitive, and Kentucky, Illinois, Pennsylvania, and States that have been so severely hurt by the Clean Air Act have a new chance to sell coal, a great new opportunity to sell coal, a great new piece of information for an industry struggling with the anticipated decline in domestic consumption of some U.S. coals due to the implementation of the Clean Air Act Amendments of 1990.

Mr. President, to impose this additional cost through cargo preference will result in affected countries purchasing their coal from American competitors. How does that make sense? We passed a Clean Air Act. When we passed that act, we did terrible damage to the American coal industry, and particularly the soft coal industry with high sulfur content.

We came along and defeated all the amendments requiring similar standards for other countries. My friend from Kentucky remembers that. We even defeated an amendment that said that Canada had to comply by our standards because they were the ones that demanded all this acid rain protection. We did all that. Now we shot off one foot and here we come striding in again with a bill like this and we are going to shoot off the other foot.

Mr. President, the administration opposes this provision, and I agree with the administration. The administration is right, because it undermines the effectiveness of the taxpayer-financed cash transfer program as a foreign policy instrument; it adds to the expense of shipping American foods and other goods to recipient countries and it contradicts U.S. policy to reduce foreign government controls and stimulate private enterprise.

The USDA has indicated that section 305 threatens the compromise reached between agriculture and maritime in the 1985 farm bill. That compromise increased the cargo preference requirements for USDA's consessional and donation programs to 75 percent. Everybody remembers that struggle a few years ago when we went through that terrible struggle and had that very contentious battle on the floor. This is going to do violence to that. This is just another bite out of the apple for those who want to have stronger and stronger cargo preference laws to do damage to our competitive opportunities.

In exchange, USDA's commercial and agricultural exports financed under the export credit guarantee programs were exempted from cargo preference. USDA has also indicated that further expanding cargo preference will make it more difficult to meet their existing cargo preference requirements due to the scarcity of American-flag vessels. And there is a scarcity, Mr. President. Just call upon our experience of a few months ago. Every Senator knows when we had the Persian Gulf experience, we did not have enough American bottoms, and we waived cargo preference laws.

In addition, 14 governments joined in a demarche to the State Department on July 11 to express concern about this provision in this bill. Fourteen governments joined in a demarche to the State Department July 11 expressing their grave concern about this provision.

What did they say? They said that the amendment would conflict with the recommendation adopted in 1987 by the OECD council concerning common principles of shipping policy; that no government of a member country should introduce new and/or additional measures restricting competitive access to international trade and cargoes. And here we come, Mr. President, the great United States, king of the hill, top dog, coming in wanting to destroy competition once again. Why can we not go out there and compete? We have the ability to do it.

Finally, Mr. President, humanitarian organizations—humanitarian organizations, may I say—involved in hunger relief, folks serving the hungry, folks serving the starving people of the world oppose this provision because it reduces the funds which poor countries receiving cash transfers need to buy needed goods.

All my friends come in here crying for the hungry. They come in here and cry for the hungry. Will you cry for them with your mouth and you take away their money with your bill?

As AID has pointed out, each dollar spent by the cash transfer recipient country to pay for the more expensive U.S.-flag transportation is $1 less available to be spent on actual American goods.

Mr. President, I have been here now a little over a decade. I suppose these folks who listen have heard this argument before. I have been involved in every cargo preference fight since I came here. It is an insidious, bad, wrong, wrongheaded practice. It is anticompetitive. It does damage to every decent instinct of Americans.

We are taking foods out of the mouths of hungry people when we do this. We are encouraging laziness in our own industrial community to meet the challenge of competitiveness in the world market. We are killing the Great Lakes, a great region of this Nation, and its shipping industry, and throwing thousands of people out of work and destroying major business houses. We are doing injury to the American farmer and the entire agricultural community of this Nation. It is a wrongheaded practice. We ought to stop it.

I have seen the votes before. I am not persuaded that what is said here matters that much, but I just want to say one last thing before I sit down. I came here once for it, and I fought for my State on the clean air bill. I got a lot of heat for that. I fought for the coal industry in my State and the coal miners in the riskiest work man undertakes, and we lost.

Thousands of people are going to go out of work, and billions of dollars are going to be spent in connection with what we did, but I live with that. That is a law of my Nation, and I live with it.

Now we come along again just when Europe has decided to no longer subsidize the coal interests in their countries, in the European Common Market, where we can become competitive and we can sell coal and then we pass a bill like this with a section in it that will destroy our opportunity to sell that coal. I want to know how that makes sense?

Take the American farmer who faces the drought that he is going to see this year. I see my friend from Iowa across the aisle who knows what we are going through in my State and his and other places in the country. The weather is against them. Take the coal miner. The acid rain legislation killed his job. And then we come along with a bill like this and say whatever is left, we want to kill that, too. I think it is a mistake, Mr. President.

I ask unanimous consent that the distinguished Senator from Wisconsin [Mr. KASTEN] be added as a cosponsor.

I wish my friends would reconsider what they do. This will be the fourth time, I think, since I have been a Senator that we have further broadened and liberalized this terrible law that we ought to get rid of altogether. This will be the fourth time, I believe. I stand corrected on that if my count is wrong.

We have a bad law. We keep making it worse. It is a very bad idea. I hope some of my friends come over here and express their views, as I have.

I want to say to the administration, they are right. I am delighted to vote with the administration. The administration is on the right course in wanting to take this section out of this bill.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator from Wisconsin will be added as a cosponsor.

The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

I rise in strong opposition, Mr. President, to the amendment of the Senator from Illinois, Mr. DIXON.

Let me make two points which I think are in direct response to the points that the Senator from Illinois made.

No. 1, with regard to coal, the Senator from Illinois is trying to strike the only provision in this bill which requires that if any nation gets any money from the United States under this program and wants to buy coal, they have to buy it from the United States. They cannot buy it from China; they cannot buy it from Russia; they cannot buy it from any other state under the provision of the bill. He is trying to eliminate them from buying it other than from the United States of America.

Mr. DIXON. Will my colleague yield?

Mr. BREAUX. Let me finish my statement. That is what the requirement says in the bill in section 305, which he is trying to eliminate. It says:

> Assistance may be provided to a country under this chapter as a cash transfer only pursuant to an agreement requiring that the country spend an amount equal to the amount of the cash transfer to purchase United States goods and services.

Mr. President and my colleagues, that simply means a country that gets $1 or a country that gets $12 million or $100 million from the United States and needs to buy coal, without this provision, which is to be eliminated by this amendment, they could buy it anywhere. With the language in the bill, there is an absolute requirement that if they buy coal with any of the money that we give them, it has to be bought in the United States of America.

The second point. We are talking about coal workers and people who work in coals mines. I ask unanimous consent to have printed in the RECORD a letter from the United Mine Workers president, which says:

> The cash transfer reform provision will ensure that foreign recipients of U.S. cash aid

> purchase American goods and agricultural commodities and transfer a portion of these purchases on American flag vessels.

The United Mine Workers of America, which represents, I would argue, almost all of the coal miners working in this country, continues by saying:

> We urge you to reject any amendments to S. 1435 that would weaken the cash transfer provisions contained in the Committee-reported bill.

So when the Senator is talking about coal, I think it is clear this is the only provision in the bill which guarantees any money in the bill that is going to be used to purchase coal would require it be bought from the United States of America. Without that provision, they would be free to take that money and buy coal from any part of the world that has coal. It is just that simple.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> UNITED MINE
> WORKERS OF AMERICA,
> *Washington, DC, July 24, 1991.*
>
> DEAR SENATOR: On behalf of the United Mine Workers of America, I urge you to support the retention of the cash transfer reform amendment incorporated by the Committee on Foreign Relations into S. 1435, the FY 1992 foreign aid authorization bill, during floor consideration.
>
> The cash transfer reform provision will ensure that foreign recipients of U.S. cash aid purchase American goods and agricultural commodities, and transfer a portion of these purchases on American flag vessels. U.S. cash aid, provided by American taxpayers, should be used to purchase American products and American services, and not to subsidize foreign jobs and the purchase of foreign products.
>
> We urge you to reject any amendments to S. 1435 that would weaken the cash transfer provision contained in the Committee-reported bill.
>
> Sincerely,
> RICHARD L. TRUMKA,
> *President.*

Mr. BREAUX. The second point I would address, and I will try to do it very directly, is the question of the compromise that was reached in last year's agriculture bill, which was referred to by the previous speaker.

The legislation that is now before the Senate does not in any way touch the provisions in the farm bill of last year. We reached an agreement dealing with commodities and how much money was to be used and what commodities were to be carried on U.S. vessels. That was a commodity program.

This legislation deals only with any transfers of cash to a foreign country. It does not affect the compromise that was reached in the farm bill, which dealt with commodities. This legislation only says that a country which is going to get millions of dollars from the United States, No. 1, should purchase United States products; and No. 2, should use at least half of those dollars not to hire a Chinese vessel, a Chinese junk, or a Liberian vessel, but that they should also carry that United States product, at least half of it, in an American vessel.

If we say to these countries that we are going to help you, by golly, we ought to get something out of it. No. 1, we ought to get them to look to the United States for the products they are going to spend the money to buy, whether it is coal or whether it is wheat or whether it is any other type of grain.

Do we want them to say they are going to go to Argentina and buy Argentina's wheat because it is cheaper? Do we want them to go to Brazil and say we will buy soybeans produced in Brazil because they are cheaper? Of course not.

This is a program in which American taxpayers are putting up their good dollars to help other countries succeed in this world. We ought to be able to say, if you are using our money, look to us for providing those products.

Also, while we are helping grain farmers and coal miners and everybody who produces any other product, is it not appropriate to also say, when we ship the products, we are going to try to help the U.S. merchant marine, which is incredibly important to the defense and security interests of the United States? Of course it is appropriate. Will it cost any more? It probably will. But so does that wheat, and so do those soybeans, and so do all these other products that we are saying in this bill they should look to the United States to purchase.

Mr. President, we have voted in this Chamber in the last 10 years at least six times on the very issue of setting aside a percentage of cargo to be carried in U.S. vessels. Every time we voted on it in the Senate, we carried it by an overwhelming margin to preserve and protect that small piece of assistance to the U.S. maritime industry, as well as to the farmers of the United States.

We have done that because it was good policy. It was good policy 10 years ago. I would submit that it is still good policy in 1991.

In conclusion, Mr. President, I say to my colleagues virtually all nations that have maritime industries have cargo preference programs for their maritime industries. Out of the 55 maritime nations of the world, 52 of them have programs that provide for some type of preferential assistance to their maritime industry. Of course, the United States obviously is one of those. It makes sense. It is good policy.

I commend the chairman and the members of the committee who have brought this measure to the Senate.

I yield. If my friend has a question he would like to ask, I will be happy to respond to the Senator from Illinois.

Mr. DIXON. I just wanted to say to my colleague, who is a good friend, that his statement about the sales did not take into consideration a statement I made in my opening remarks about the fact hat these involve countries already buying 10 times the amount of money contemplated in this cash assistance program.

So I would suggest that it has very little to do with cargo preference, that it has very little to do with those purchases.

Mr. BREAUX. The point I was making is that this is the only part of the legislation which guarantees that recipient countries will buy U.S. products with U.S. dollars that are sent overseas. If they get $12 million, $20 million, and see they can get a lot cheaper coal or a lot cheaper wheat without the provision in the bill, they could go shop around and buy the best-priced product they want. That is not right.

This provision in the bill, which this amendment takes out, would in fact allow them to do just that. They may not, but they certainly may buy products elsewhere. They certainly could legally, without any ability for us to say do not buy Argentine wheat; do not buy soybeans in Brazil.

This legislation guarantees that if they are going to use our dollars, they are going to buy our products. What is wrong with saying, if you are going to buy our products, is it not appropriate to buy and ship those products in U.S. vessels? There is ample protection in this legislation if it does not work. No. 1, if it is a 30-percent or greater differential, the measures do not apply. No. 2, if the President determines that it is not in the national interest to allow it to apply, the President has the ability to say so and revoke the provisions of the legislation. There is more than ample protection for any type of problems that may occur.

Mr. DIXON. The second point I wanted to make to my colleague from Louisiana was, when I referred to the compromise, I meant that section 305 threatens the compromise reached between agriculture and maritime in the 1985 farm bill. That compromise increased the cargo preference requirement for USDA concessional and donation programs 75 percent, but in exchange, USDA's commerical agriculture exports financed under the export credit guarantee programs were exempted from cargo preference.

Mr. BREAUX. The point I make in response to that is that all of the agricultural programs in the farm bill dealt with commodities. This section of the bill does not deal with commodities. The farm bill does not provide for direct cash grants to any country. This legislation only deals with actual dollar cash transfers to a foreign nation. It does not affect commodity programs, it does not affect Public Law 480 programs, and it does not affect loan guarantee programs. It only affects direct cash transfers. This is different from any language in any farm bill anywhere that has ever been written in this Congress.

Mr. SARBANES. I would like to make an observation, if the Senator will yield. One of the things that has precipitated this issue is that much of the ESF [economic support fund] which was provided to countries previously under the commodity import program, is now being provided in the form of cash transfers. A cash transfer means simply to give the country the cash. We have no guarantee what the country is going to do with the cash. They may spend the cash to buy American products and ship in American-flag vessels, or they may take the cash and spend it somewhere else.

The figures the Senator is quoting that show that some of these countries have a favorable balance of trade with the United States does not really address the question of what the recipient government is doing with the cash transfer. Those figures show the total volume of trade. There may be a tremendous amount of trade going on the private sector that is reflected in that balance. That does not address what the recipient government is doing with this cash transfer.

What used to happen is that ESF was largely a commodity import program. That was the more predominant section, not cash transfers. But recently there has been a shift to cash transfers, which go directly to the government's bank account, and they go ahead and use it as they wish. Under the commodity import program, recipients had to import American commodities. And with that went the requirement that a certain percentage be transported in American ships.

The commodity import program thus had many more standard control features than do cash transfers. With a cash transfer, you open up the possibility of countries taking that money and doing with it as they please. This amendment says simply, if the American taxpayers are going to provide this money, then they should receive some of the benefits from it. Whereas we previously had a whole system of ensuring an American recompense for this commitment by the American taxpayer, now we are financing purchases from our competitors. We ought not to allow these countries to come out from under the responsibility to buy and ship American.

So I support the provision that is in the committee bill and oppose the amendment to strike it. It seems to me that American taxpayers have the right to expect their money to be used to support domestic jobs, and that these cash transfers ought to be used in order to purchase American goods.

I very much hope that the amendment the Senator has offered will not be accepted by this body.

There are, as you know, in the amendment certain ceilings and waiver provisions in order to ease its application if in fact it proves to be a particularly onerous situation. The President has the authority to waive this provision if it is important to the national interest, which is a significant authority. We assume it would not be abused simply to render the provision a nullity. But the authority is there.

Many of the goods that we ship receive a subsidy from the taxpayer of some sort under our own domestic arrangements. I know the argument is made that if countries have to carry their purchases in American bottoms, it will be a little more expensive and we will not be able to send as many goods. But you know, the goods are being sent in part because they are getting the taxpayer underwrite. It does not seem to me unreasonable that the taxpayer underwrite should reach to the maritime industry as well. I think this is fair. I think this is an instance in which we need to have fairness.

We ought not to fall into fighting amongst ourselves. We really ought to be trying to ensure that the countries receiving these cash transfers spend it such that a significant part of it redounds back to our advantage.

Mr. CONRAD. Will the Senator yield for a question? Might I just ask the Senator from Maryland. I have been trying to understand reading the papers that have come from both sides on this issue. One argument that I have read is that we are providing some $2 billion in aid to some of these countries but they are already buying $20 billion of American goods. And therefore the notion that we are compelling them to buy America is a nullity with respect to that part of it, and in effect what we are really doing is requiring cargo preference on commercial sales.

I would just be interested in hearing what is the view of the Senator from Maryland or anyone else that can answer the question.

Mr. SARBANES. The entity to which we are providing the aid is different from the entities that are making these purchases. The entity to which we are providing the cash transfer is the recipient government. There is no guarantee that these governments are making their purchases here. There may be private businesses in their countries that make purchases in America. But presumably those businesses would make them anyhow for whatever economic reasons they are now doing it. So what you are doing is comparing apples and oranges. We are giving the money to the recipient government. We have no guarantee that that recipient government will expend that money to support American jobs.

The fact that other entities in a foreign country are purchasing American goods, I think is relevant to mention, but it does not affect how the recipient governments use the money. There is no guarantee that the purchases to which the Senator is referring are the purchases of the recipient government.

Mr. BREAUX. Let me respond to the Senator further. I know his concern. I understand it. I appreciate it. Absolutely in no way does the language in the committee bill affect or apply to commercial service. It only applies to the very narrow provisions where we give them a dollar or an amount of money, and this applies only to how they spend that limited amount of money. Any other commercial transactions involving that country, or any other country for that matter, are not affected by the requirement that they be bought from American companies, or that they be shipped by any percentage in any American bottom ships.

Mr. CONRAD. Might I ask this question then: Would I be correct in understanding that if we gave $100 million to a country, that country would then be expected to spend that money buying American goods and services, and to whatever extent they bought goods from the United States, that half of the shipment of those goods would occur in American bottoms? Is that a correct understanding of what would occur?

Mr. BREAUX. Let me respond, and maybe the managers can elaborate. My understanding is that the legislation allows them to use the moneys that we give them to buy goods produced in their own country, and they are not subject to restriction if they do that.

If they do not buy it in their own country they cannot buy it from any other country with our dollars. They have to buy 100 percent of it in U.S. goods and services, or goods or services of their own whether it is grain or anything else. And of that portion that they buy in America, there is a requirement that half of it be shipped in American vessels.

Mr. CONRAD. I thank the Senator from Maryland and the Senator from Louisiana.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, as I understand it, section 305 requires countries receiving cash transfers to ship a fair portion of the goods and services purchased in the United States on U.S.-flag vessels. Lord knows this is important to the U.S.-flag merchant marine.

Those of us who live in coastal areas, and those of us who have followed the merchant marine through the years and saw how it sacrificed itself during World War II in the North Atlantic, realize the dire straits in which the flag merchant marine industry is. For that reason, I oppose the amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment by my friend from Illinois. I very definitely think that this cargo preference provision ought to be considered by this body as totally unacceptable.

Points are trying to be made here that this is just a small expansion, just a small expansion. It is kind of a case of: how do you eat 10,000 marshmallows? You eat one at a time, but when you are done, you have eaten a lot of marshmallows.

There may just be a small expansion of cargo preference here or there, but pretty soon it is going to eat us all totally. The really sad commentary about it is that cargo preference was meant to strengthen the maritime industry, to strengthen our economy, and it has not done that. It has not accomplished what it is supposed to accomplish for our national defense. We have fewer ships and fewer jobs since we have had this cargo preference legislation passed in the 1950's than at any time.

So if you want to help the maritime industry, I say to the opponents of this legislation, come up with something that works, not something that tends to lose jobs, lose ships, and, consequently, neither our national defense nor economy is strengthened. It is apparently no longer enough, Mr. President, that our undisciplined, uncompetitive U.S.-flag merchant marine enjoy Uncle Sam's open checkbook that allows them to charge the Government virtually whatever they please to ship Government-impelled cargoes which could otherwise be shipped at a fraction of the cost, if they were forced to charge world competitive rates. And that is the situation under present cargo preference legislation. That is not good enough.

It is no longer enough that they enjoy unfettered access to the U.S. Treasury through a back-door, hidden subsidy called cargo preference. Now, through this legislation, they want our commercial trade to subsidize them as well, and the result is going to be no different: continue to lose jobs, continue to haul a smaller percentage of the world trade, and have fewer ships.

Yesterday, Senators received an incredibly misleading letter from one of the maritime labor unions which, among other things, claims that this provision in S. 1435 is good for America's economy, good for the American farmers and, frankly, it even suggests that it is good for recipient nations.

These claims, at best, are laughable. If this is so good for America, why are nearly 30 major American organizations so opposed to this section? The U.S. Chamber of Commerce, the National Coal Association, the National Forest Products Association, the Shippers for Competitive Ocean Transportation, the Association of American Railroads, the American Farm Bureau, the American Soybean Association, the North American Export Grain Association, the American Great Lakes Ports, and many, many others, Mr. President, all opposed to this expansion of cargo perference into commercial trade.

Furthermore, the American organization, CARE, strongly objects because this provision directly undercuts the amount of food that can be delivered to the world's poorest countries and their needy people.

Mr. President, our colleagues must be warned that, except for those handful of Senators who might have a few U.S.-flag companies and maritime union members, this legislation represents a total loss to their State's economy, with no up side at all.

I strongly recommend that each Senator get his or her hands on a report by the Agency for International Development, entitled: "Procurement of Goods and Services from U.S. Suppliers."

This report will tell you what companies in your States supplied goods and services to the Agency for International Development for their foreign assistance programs, including the economic support fund.

I have seen this report for my State of Iowa, and I can tell you that this legislation is going to adversely effect and impact millions of dollars of business for Iowa companies, which have sold goods and services to AID, including: John Deere of Waterloo; the Koehring International Marketing Co. of Waverly; the Alexander Manufacturing Co. of Mason City; the Thermolyne Corp. of Dubuque; Amana Refrigeration of Amana; Insta-pro International of Des Moines, and several other companies from all over the State of Iowa.

Even Senators who have traditionally supported cargo preference should want to oppose this legislation because it is going to directly undermine businesses in their home States.

So, who benefits from this controversial provision? Simply stated it is a few thousand well-paid maritime union members and a handful of uncompetitive U.S.-flag maritime companies.

Based upon information I received from the Maritime Administration and from the Congressional Budget Office last year, cargo preference already provides over $400,000 each year in taxpayer subsidies for each billet, or oceangoing job that it supports. For those billets supported by operating differential subsidies which are supposed to cover the difference between our high-priced maritime labor and foreign maritime labor, the taxpayers subsidy runs around $100,000 per job.

We should remember why we are supposedly subsidizing our maritime in the first place. The most overused, worn out argument is that we need them for national defense sealift needs. What did the recent Persian Gulf sealift effort reveal? It revealed that only a fraction of our sealift needs were met by U.S.-flag commercial vessels and their maritime union crews.

Furthermore, the U.S. Government was forced to pay these patriotic U.S. seafarers double their normal salary for the period that they worked in the Persian Gulf during Desert Storm.

Last year I shared with my colleagues Maritime Administration data on maritime union crew wages. For instance, a captain of a U.S.-flag A-3 class vessel was paid, thanks to Uncle Sam's generous cargo preference and other maritime subsidies, over $26,000 per month in wages and benefits. If this captain spent a month in the Persian Gulf he got twice that amount of money.

Now, we hear much about how these people responded to the challenge that was put before our country, and anybody that contributed toward the effort of freedom, anybody who contributed toward the effort of our national security interests in that region of the country obviously must be complimented. But we must ask, do we really have to pay this amount of money for this kind of patriotism?

From the looks of this bill, some apparently believe that Uncle Sam cannot pay enough for this kind of patriotism and believe that Senators should be willing to sacrifice the economic interests of their constituents to subsidize these high-priced maritime union jobs even more.

I notice my friend from Illinois was standing. Did he want to ask me a question or did he want to interrupt me, because I would be glad to let the Senator do that at this point?

Mr. DIXON. Mr. President, if my colleague will yield, I appreciate the facts that he pointed out as well as he did the facts that our colleague should understand. May I say, as Senators come up to me on the floor, incidentally—and this is the reason why I want to make that remark—who looked at the last vote, which some of our colleagues are suggesting should persuade us to vote the same way again as when we did the Public Law 480 vote, I see a distinction here from what my friend from Iowa is saying that this is not one of those kinds of programs. This is on these cash purchases. We are changing the whole concept now to any kind of commercial purchases for cash where you are now going to impose this cargo preference law.

And so I think my colleague's remarks to that extent are very appropriate, and Senators should understand that how they voted on this in the past is not necessarily persuasive this time.

This is a question, I think my colleague will agree, of whether you want to broaden this even more and reach out now into these cash purchases and apply the cargo preference law there. And I just wanted to point out in connection with my colleague what he is saying about how much more it costs. If you look at page 63 of the bill, I would urge my colleagues to do that because on page 63 of this bill the folks that advocate this cargo preference law admitted it cost more.

I just want to read something to you. Line 26 on page 62 going up on page 63 through line 6, "*Provided*, that no United States flag carrier shall be reimbursed for more than 30 percent above the average competitive international rate for international ship transportation. The Secretary of Commerce shall establish regulations," and so forth.

They actually concede in this bill that it is costing more. And they say do not let it cost more than 30 percent more. So the whole point is we are imposing exactly as my friend, the Senator from Iowa, says, on the marketplace in cash sales a noncompetitive situation that is going to cost more.

This is a further broadening. When Senators go down there, may I say to my friend from Iowa, and they look at the vote they cast, they are not bound by that vote, it is not exactly the same kind of vote. This is again a cargo preference vote, yes, but this is a further broadening to go out into the commercial marketplace, aside from Public Law 480 and other things. I think my colleague would agree that that is a distinction.

Mr. GRASSLEY. Absolutely. Mr. President, what the Senator from Illinois states ought to made crystal clear to all 100 Members of this body, that most votes which have been brought up here recently have been attempts to put a restriction or maybe to cut back or to put some limit on cargo preference. But the issue before us right now is a massive expansion of cargo preference into a whole new area that cargo preference has never dealt with before.

I have never seen an issue that has so much mystery connected with it as cargo preference. The inability to get figures, the inability to get our colleagues to concentrate on what this is actually costing the taxpayers, and efforts to get information out in published documents have been very difficult because if the truth were known about this program, if the truth were known what this program cost the taxpayers of the United States of America, there would not be a cargo preference program as we know it now.

There may be a legitimate reason to have a cargo preference program, or maybe I should say it this way: There may be a legitimate reason for us to have a subsidy to our maritime industry and to promote American ships. But at the very least we ought to be able to budget that, and account for it, and know exactly what it is costing taxpayers of the United States.

And whether it is done this way through commercial sales or whether it is done through the traditional way we have had cargo preference, it is nothing but a back-door hidden subsidy. It creates a monopoly market for a handful of U.S.-flag operators to charge virtually what they please, to write out their own Government check. And I do not know of another subsidy program that leaves Congress, the administration, and most of all the taxpayers so much in the dark.

Every once in a while someone in Congress asks the CBO or the General Accounting Office to do a cost estimate, but in my review none seemed to do a thorough job of digging to the bottom of the heap to find out what these total costs are.

Therefore, Mr. President, I had an opportunity late last year to ask some questions along this line. I even had the help of Senator DOMENICI as a ranking Republican of the Senate Budget Committee to ask the Congressional Budget Office to give it their best shot at determining the cost of cargo preference and operating differential subsidies. And although this is not dealing with these commercial sales, I think my colleagues ought to know what is already going on before we expand this program. CBO spent over 2 months poring over the numbers. Mr. President, CBO found that the cost of the ODS and cargo preference for fiscal year 1991 is $1.55 billion CBO found that for the 5 years running from fiscal year 1991 through fiscal year 1995, the total cost will be $5.165 billion.

Mr. President, one of the biggest arguments we get in support of cargo preference is that it is necessary to maintain employment of U.S. seafarers for the day that they might have to haul military cargo in a war zone.

Mr. BREAUX. Will the Senator yield for a question?

Mr. GRASSLEY. If the Senator has a short question and I can give a short answer to it, but not to have a long bit of dialog because there are a lot of people here waiting to speak.

I yield to the Senator from Louisiana.

Mr. BREAUX. The Senator said what the cost of the subsidies was. I was wondering if he also had the cost of the subsidies for the farm program during the same time period.

Mr. GRASSLEY. Mr. President, I do not have that at the tip of my tongue. I think the Senator from Louisiana makes a legitimate point. That is why I have already said that it is not just for a matter of equity, because it ought to be for some reason other than equity. If the Senator is saying that there is a reason to subsidize the maritime industry, I am not disputing that at all. All I am saying is, let us get out in the open so we know what it costs and be aboveboard and not use the back door way of doing it.

Mr. President, it seems to me that support for this subdidy has been emphasized on the grounds that it ought to be for national defense. I have already pointed out how I think that probably we have come up short there. It has not fulfilled its goal. I am suggesting that we ought to find some other way to do this. I think we ought to have a massive overhaul of it.

If there is a conclusion by this body that we ought to have that subsidy, we ought to continue to do that, but do it in a way that is open and aboveboard.

But for this moment—and I am going to yield the floor now—I conclude this way: For the moment, I am saying that my colleagues ought to know what it costs already, what little has been accomplished, how U.S.-flags have—instead lost a market share of the total percentage, gone down dramatically in the last 40 years of total world trade, and how we were not able to rely on U.S.-flags in Operation Desert Storm to accomplish what we thought they were going to accomplish. My colleagues ought to understand this before they support this massive expansion of cargo preference into commercial trade.

I yield the floor.

Ms. MIKULSKI. Mr. President, I congratulate Senator PELL and my fellow Senator from Maryland [Mr. SARBANES] on their work on this bill and particularly on the cash transfer provision. I think it is quite innovative, and it is.

Its requirements are good common sense. If the American taxpayer is going to send their hard-earned dollars to help out foreign countries, then dollars should be at least spent on U.S. goods and on helping U.S. workers.

I support that buy-American requirement. It is good for our trade balance, good for U.S. farmers, good for U.S. industry, and it is good for our friends around the world who are going to purchase high-quality American agriculture and industrial products.

But, Mr. President, not only do I support buy American, I support use American—use American—use American ships, and use American maritime workers. I support the requirement that at least a half of these goods should be shipped on U.S.-flag ships.

This is an agreement that we have had in effect with Israel since 1979. And guess what? It works.

I support helping our friends in other countries who need help, but I support American workers even more, and that means helping our friends in the U.S. merchant marine as well. We call upon them in wartime and we should be ready to provide them with our help in peacetime.

President Roosevelt called our U.S. merchant marine the heroes in dungarees because of their heroic efforts during World War II. We have called upon them in the Korean war and in the Vietnam war and most recently in Operation Desert Storm.

But because of the decline in both American shipyard facilities and the shrinking nature of the Merchant Marine Union, we had a tough time coming up with both.

And guess what, Mr. President? Only a few weeks ago when we were in the

Appropriations Committee of State, Justice, Commerce, I found out that the Maritime Administration that is touted in this debate wants to go out and buy 40 ships of the roll-on, roll-off category from foreign manufacturers, when I have my own guys and gals at Bethlehem Steel hustling around for every little bit of rivet or welding that they could get.

Now let us get serious. If we are going to use foreign aid as a dual track thing to help other people around the world, to essentially help our farmers—and I am going to do that—help our industrial workers, then we ought to help merchant marine.

We subsidize our farmers. There has not been one word of comment, other than the Senator from Louisiana about the subsidizing of farmers. Do we need to do that? You bet. I have farmers in Maryland, as I know the Presiding Officer has them in the great State of Wisconsin. But I think that while we are subsidizing our farmers and our industries with cash-transfer requirements, I see nothing wrong with subsidizing the maritime industry as well.

If we want to eliminate all subsidies, go totally free market, then do it, but then eliminate all the subsidies for every industry. But let us not single out the great heroes in dungarees and say it is wrong to subsidize them while we provide subsidies for farmers, the energy industry, and so many other sectors of our economy.

So I hope that we would oppose the Dixon amendment and make sure that we buy American and use American.

I am happy to yield back the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. SARBANES. Will the Senator yield for a moment so we might make an inquiry?

Mr. GLENN. Yes.

Mr. SARBANES. Mr. President, we are trying to get some sense of how many Members want to speak on this amendment and some idea of how long they may wish to speak. It would be very helpful to us in trying to plan our work if we could very quickly get some idea of that.

Mr. GLENN. Ten minutes.

Mr. SARBANES. Is there anyone else on this side?

Mr. DURENBERGER. Mr. President, I desire to take about 3 minutes to speak.

Mr. BROWN. Approximately 3 minutes.

Mr. SARBANES. Mr. President, I ask unanimous consent that the time for debate be limited to 40 minutes, equally divided, 20 minutes on each side on this amendment.

Mr. GLENN. Reserving the right to object. Who controls that on our side?

Mr. SARBANES. I saw two requests: your request for 10 minutes and the request from the holder of the Chair for 10 minutes, and both indicated they could do it in something less than that, which would leave a little time to give to someone else if someone should appear.

Mr. GLENN. It is fine with me, so long as I have 10 minutes.

Mr. LUGAR. Mr. President, reserving the right to object, I do not know whether my request is recorded. I would like to speak for 10 minutes. I do not know whether that can be accomplished with 20 minutes on our side.

Mr. DOLE. I think we are going to go on for a while. Why cannot those who want to speak, speak, and the rest of us go home and have this vote at 10 o'clock in the morning. That way, people would be here and could get an agreement on the next amendment from Senator DODD from Connecticut instead of waiting an hour in the morning to find somebody to offer an amendment.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SARBANES. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

The PRESIDING OFFICER. Is there an objection?

Mr. SARBANES. Objection.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I ask unanimous consent that there be 24 minutes remaining for debate on the Dixon amendment, No. 822, with the time equally divided between the proponents and the opponents, and that when the time is used or yielded back I be recognized to move to table the amendment that is now before us.

Mr. GLENN. Mr. President, reserving the right to object. Who controls time on this side, those in support of the position of Senator DIXON?

Mr. SARBANES. Mr. President, I amend that request because it is worded in terms of proponents and opponents, and we apparently have more proponents who want to speak. So I ask the time be allocated 12 minutes to the two managers and we will allocate it out on our respective sides.

I know the Senator from Ohio wishes time. The Senator from Wisconsin wishes time on our side. I would guarantee them both at least 5 minutes and hopefully 6 minutes. I may have to hold a couple of minutes, if that is agreeable.

Mr. STEVENS. Reserving the right to object. Did I understand the Senator said the complete time on the amendment will be this limited time? Or is this a motion to table?

Mr. SARBANES. At the conclusion of that time a motion to table will be offered on the amendment.

Mr. STEVENS. There would be no limit on time after that if it is not tabled; is that right?

Mr. SARBANES. That is right.

Mr. President, I renew the request.

The PRESIDING OFFICER. Is there objection to this request? Without objection, it is so ordered.

Who yields time? The Senator from Ohio?

Mr. SARBANES. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. GLENN. Six?

Mr. SARBANES. Take 5. I will keep some time for others.

Mr. GLENN. Mr. President, I rise to express my strenuous objections to section 305 of the bill we are now considering. I rise in support of the position expressed by the distinguished Senator from Illinois [Mr. DIXON].

This section, which purports to be a "tied aid/buy America" provision, is simply an expansion of cargo preference to certain commercial cargoes. This measure will not increase the purchase of U.S. products by ESF cash transfer recipients. Those countries already spend many times over the amount of the cash transfers they receive on U.S. goods and services.

This provision will expand costly cargo preference requirements to commercial cargoes not now subject to those requirements. In other words, the aid that we believe we are giving to these countries they will not really get because they must use part of what we are giving them for increased shipping costs.

I stand here as one who has supported a strong merchant marine. But I would rather, if we are going to subsidize the merchant marine, let us do it very directly and not by cutting back the help we are trying to give needy countries.

The best way I found to understand the true impact of this provision is to look at a hypothetical example of how it would work. Let us take country X. Country X receives $100 million as a ESF cash transfer. Country X spends $500 million annually on U.S. goods and services. If section 305 becomes law, country X would not be required to spend any more on U.S. products, but they would be required to ship 50 million dollars' worth of those U.S. commercial purchases on U.S.-flag carriers. Because U.S.-flag carriers are substantially more expensive than their international competitors, in fact country X will only buy $490 million in U.S. goods, being forced to spend the difference on the increased cost of transportation. Hence, Mr. President, rather than increase sales of U.S. products, this provision is much more likely to decrease the volume of such sales.

It is for this reason, Mr. President, that a very broad coalition of U.S. agriculture, business, transportation and private voluntary agencies is strongly opposed to section 305. As a Senator from Ohio, a State whose economic well-being is increasingly dependent year after year on exports, I will oppose anything that will function as a disincentive to exports, and that is what this does. As a Senator from the Great Lakes region in addition, I oppose any expansion of cargo preference which further disadvantagese the lake ports.

For an excellent summary of the many compelling arguments against this provision, I recommend to my colleagues, the dissenting views of the Honorable LEE HAMILTON and others which appeared in the Foreign Affairs Committee report on H.R. 2508, the House version of the foreign aid authorization bill. As Congressman HAMILTON points out, the House committee adopted an amendment similar to section 305 without any hearings and over the strong objections of the administration and many interested parties.

Similarly, the Senate held no hearings on this issue before adding its new mandated cargo preference requirement to the foreign aid bill. I think this is very important, Mr. President, because while the provision may seem innocuous on first reading, its flaws are readily apparent if one delves further into the substance. Yet, neither committee in the Senate nor the House chose to allow the airing of the arguments pro or con in an open hearing. Neither committee gave the agricultural interests, the mining products interests, the forest products interests, and others the opportunity to tell Members of Congress just exactly what effect this provision would have on their international sales, exports of the United States. I believe such a public hearing of the issues is the least we should do before taking an action which has the very real potential to erode the competitive position of the U.S. exports.

The dissenting House Members also rightly point out that monitoring compliance with this new requirement would be a bureaucratic and administrative nightmare. Let me quote from the statement made by dissenting House Members:

> In addition to expanding cargo preference, the amendment would impose an administrative monstrosity on hundreds of millions of dollars of private export transactions with purchases in ESF cash transfer countries. The amendment requires the President to track sales of U.S. goods, including purely private commercial sales, to countries receiving ESF cash assistance and to ensure that the price of the goods is fair and the geographic distribution of the location of the purchases and the ports of departure is equitable.

I continue to read from their statement:

> In FY 90 and 91, approximately $1 billion annually in sales of U.S. goods and services would have been directly affected (excluding Israel's cash transfer of $1.2 billion) and up to $12 billion indirectly affected. Taking such State intervention in private transactions even further, the recipient country must sign an agreement to give the U.S. GAO access to personnel and records in its country, presumably to ensure compliance by the importer.

Mr. President, I support a competitive, viable U.S. merchant marine. I have demonstrated that support many times in the past. I propose a means to enhance ocean-going U.S.-flag service on the Great Lakes. I worked hard with the U.S. military to make a U.S.-flagged roll-on, roll-off service competitive for cargo in the Great Lakes. However, I cannot support an expansion of cargo preference into commercial cargoes with the result that the competitiveness of U.S. products is degraded.

We hear a lot about U.S. competitiveness around here. Now it is time to do something about it. I urge my colleagues to support the amendment of the distinguished Senator from Illinois to strike section 305, and I ask unanimous consent that I be added as a cosponsor to the amendment. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in strong support of the amendment of the distinguished Senator from Illinois. His courageous amendment is one that takes head-on an issue that this Chamber must face. He spelled out, I think, in excellent detail, the fact that the Midwest of this country is going to be hit hard by this cargo preference. He has also spelled out, I believe, a clear indication of the industries that will be damaged by this amendment.

But I want to dwell on one other aspect. I think it is a legitimate question to ask what this amendment does to the men and women who earn their living through the merchant marine and the people who own their ships. Has cargo preference helped or hurt?

When our Olympic teams train for the distant runs, they do not have the runners go down to sea level to train where it is easy. They have them go up high so they can get into shape to compete. Our merchant marines have to compete in this world. What cargo preference says is you are going to have them compete on easier terms, not tougher terms, and when they come to the marketplace to compete, they are unable to compete.

If you have a child who comes home and asks you to do his or her homework, do you say, sure, I will be glad to do your homework? I doubt if there is a single parent in this Chamber who takes that attitude, and they do it for a very real reason. It is because their son or daughter is the one who has to take the test in school. If the parent does the homework for them, they are not prepared; they are not able to compete.

That this Nation is saying with cargo preference is pretty simple. They are saying they are going to keep this industry from being competitive and lean, and it sends a devastating message. It says Americans are not able to compete in this world, and that is wrong. It is wrong for what it has done to the merchant marine because it has meant fewer vessels, not more. It is wrong to the men and women who work in this industry because it has meant fewer jobs, not more. It is wrong for what it says about America because it says America cannot compete in the world market, and that is simply not true.

We ought to reject cargo preference not just because it damages the Midwest, not just because it damages industries. We ought to reject it because we care about the merchant marine and we care about the men and women who have to work in that industry or have an opportunity to work in that industry, and we ought to reject it because we want to make America competitive and strong again. I yield the floor, Mr. President.

The PRESIDING OFFICER. (Mr. DIXON). Who yields time?

Mr. MCCONNELL. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DURENBERGER. Mr. President, I am pleased to be a cosponsor of this measure to strike the cargo preference provisions in the committee bill that require 50 percent of U.S. goods purchased through the foreign aid program be shipped on U.S.-flag vessels.

Cargo preference has a certain appeal on a superficial level—buy American, ship American. But the essence of these provisions is anti-American, antifarmer and antibusinessman, anticompetitive, and, as it has been pointed out, antiforeign assistance.

The committee provisions represent a substantial expansion of the cargo preference program, which is already problematic. The committee provisions require countries receiving cash transfers from the United States—ESF funds—to purchase goods of at least equal in value from the United States.

As I understand the situation, this particular part of the language would have virtually no impact at all. Why? Because virtually every country that receives U.S. ESF funds already purchases U.S. goods and services in amounts well in excess of their ESF receipts. That is to say, they are already purchasing more than this language would require.

But the committee bill goes even further, Mr. President. It requires recipient countries to ship 50 percent of those goods on U.S.-flag vessels.

That translates into very direct losses for U.S. farmers and businessmen. The 21.6 million dollars' worth of goods were not purchased from suppliers in each and every one of our States. To put it as succinctly as possible, Mr. President, each dollar spent for the more expensive U.S.-flag carriers is one less dollar spent to purchase U.S.-made products.

Expanding the scope of cargo-preference will seriously inhibit U.S. commercial grain sales to ESF-recipient countries. The estimated $30 per ton additional costs of U.S.-flag vessels means an additional shipping cost of 75 cents per bushel for corn and 83 cents per bushel for wheat and soybeans.

Today's farmers are already struggling with problems—weather disasters, reduced Government program payments, sagging commodity prices—that are threatening to sharply reduce farm income this year. Putting an additional burden on U.S. agriculture producers and their commodity sales through these extra shipping costs just does not make sense.

So, Mr. President, this new expansion of cargo preference will not promote increased U.S. exports to the Third World. It will contract U.S. exports, not expand them. Countries will buy fewer goods from because they have to pay more to ship on U.S. carriers. There is no corresponding increase in the funds available to transport on expensive U.S. ships. So, quite clearly, Mr. President, less of the finite funds available will go toward buying U.S. goods.

There is nothing buy American about the committee language. It would be more accurate to call it buy less American. Mr. President, I urge my colleagues to support the measure before us, vote against the motion to table and agree to this amendment. I yield the floor.

Mr. SARBANES. Mr. President, I yield 4½ minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4½ minutes.

Mr. KOHL. Mr. President, I rise as a cosponsor and strong supporter of this amendment.

My distinguished friend and colleague from Illinois, Senator DIXON, has made several eloquent and compelling arguments against section 305. But I would like to expand on a few points made by the Senator from Illinois.

Section 305 requires that a country receiving more than $10 million in U.S. cash transfer assistance under the Economic Support Fund purchase an equivalent amount in U.S. goods and services as it receives in cash transfer funds and, further, that 50 percent of those goods be shipped on U.S.-flag vessels.

Proponents of section 305 contend that the provision would encourage foreign aid recipients to buy American goods. They contend that the provision would increase American exports. But, in fact, just the opposite is true.

Every single country to which this section would apply currently buys more in U.S. goods and services than they receive in U.S. aid. Let me offer a few examples. Israel will receive approximately $1.2 billion in cash transfers in fiscal year 1992. Yet the total value of United States exports to Israel in 1990 was $3.2 billion. The Philippines will receive about $83 million in cash transfers in fiscal year 1992. Yet the value of United States exports to the Philippines in 1990 was $2.4 billion. All told, the U.S. expects to contribute about $2 billion in cash transfers to 17 countries in fiscal year 1992. These 17 countries bought more than $20 billion of U.S. goods in 1990.

What, then, is the real purpose of this provision if cash transfer recipient countries are already buying in U.S. goods more than 10 times the value of what we send them in aid? Unfortunately, the answer is all too clear. It is a thinly veiled effort on the part of the U.S. maritime industry to expand cargo preference requirements to commercial cargo.

Now I have several problems with that, Mr. President, first, let me remind my colleagues that any expansion of cargo preference requirements puts the Great Lakes region at an economic disadvantage. The reason for this is that the Great Lakes cannot compete for U.S.-flag service—simply because ocean-going U.S.-flag ships are too large to come through the St. Lawrence Seaway. Expanding cargo preference requirements to commercial cargo—as section 305 would do—would have devastating effect not only on the ports of my State of Wisconsin, but on businesses throughout my State that rely on exports to cash transfer recipient countries.

Second, in expanding cargo preference requirements to commercial cargo, section 305 expands the application of cargo preference well beyond the compromise reached between maritime and agricultural interests in 1985. That compromise, enacted as part of the 1985 farm bill, provided for the continued use of cargo preference for Government cargo while prohibiting the application of cargo preference on commercial exports. I find it somewhat amazing that—while the maritime industry accused many of us of trying to abrogate this compromise during last year's farm bill debate—the industry is suggesting that very thing right now.

Mr. President, let us not kid ourselves. Section 305 will not only damage our export competitiveness but will reduce the amount of foreign assistance available to U.S. aid recipients. It does so because, in forcing countries to ship via U.S. flags, we are forcing countries to pay two or three times what it costs them to ship via foreign flags.

Mr. President, Members of this body need to be very aware of the consequences of this provision. This provision will cause a loss in aid to Israel, Egypt, the Philippines, Boliva, Colombia, and 12 other countries. In addition, section 305 will reduce the purchasing power of these countries—not increase it.

Many national organizations oppose section 305 for these very reasons. Let me take a minute to list some of these groups: the American Farm Bureau; the American Paper Institute; the National Coal Association; the U.S. Chamber of Commerce; and CARE—a private voluntary organization involved in world hunger efforts.

These groups represent a wide range of interests and perspectives. But their concerns are genuine. They understand that section 305 will reduce our export competitiveness. They understand that section 305 will reduce the amount of foreign assistance we are providing to cash transfer recipients. They understand that section 305 is really only an effort to protect the interests of our maritime industry.

I hope that my colleagues will understand their concerns as well. I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin yields the floor. Who yields time?

Mr. McCONNELL. Mr. President, I yield 3 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes.

Mr. LUGAR. Mr. President, I join Senator DIXON in opposing the cargo preference provisions in section 305 of this bill and am pleased to join as a cosponsor of the amendment to strike this section from the legislation.

Poorly disguised as a buy American provision, section 305 is nothing more that an unprecedented expansion of our cargo preference laws. The provision would benefit the U.S. maritime industry at the expense of American agriculture, the U.S. coal industry, our forest products industry, our railroads, our textile industry, our steel industry, our automotive sector, and many others.

Section 305 of this bill requires countries receiving cash assistance from the United States to buy American goods and ship 50 percent of those goods on U.S.-flag ships. While this is billed as a buy America provision, the countries already buy 20 times more U.S. goods than they get in cash assistance. It is purely an attempt to further the reach of cargo preference laws.

The provision is an attempt to raid the foreign assistance account and burden other important U.S. industries in order to further subsidize our merchant marine. The foreign assistance bill is not the appropriate place to be subsidizing our shipping industry.

Mr. President, we all wear many hats. Interestingly, I find myself opposing this provision no matter which hat I wear. As a member of the Senate Foreign Relations Committee, I oppose this provision because of its negative impact on foreign assistance programs.

The provision is fundamentally at odds with the purpose of ESF cash transfer program, which is intended to provide flexible assistance to friendly countries. Section 531 of the Foreign Assistance Act states:

> Under special economic, political, or security conditions, the national interests of the United States may require economic support for countries in amounts which could not be justified under [the development assistance provisions]. * * * In such cases the President is authorized to furnish assistance to countries and organizations in order to promote economic and political stability.

The provision would also impose difficult bureaucratic restrictions on nongovernmental foreign assistance and development organizations. I ask unanimous consent to insert in the RECORD a letter from CARE which further explains how the provision would effect such organizations.

There being no objection, the letter was ordered to be printed in RECORD, as follows:

CARE,
Washington, DC, July 15, 1991.

Hon. GEORGE J. MITCHELL,
Majority Leader, Washington, DC.
Hon. BOB DOLE,
Minority Leader, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: We wish to register our deep concern over Section 305 of the International Security and Economic Cooperation Act of 1991 (S. 1435), the foreign aid authorization bill which has been approved by the Foreign Relations Committee for floor action. Section 305 mandates that U.S. flag cargo preference be applied to purchases of American goods by countries receiving U.S. cash grant aid, up to the amount of the cash transfer.

Applying cargo preference to U.S. shipments to these developing countries is objectionable for various reasons. It directly undercuts the purpose of our aid: to help the recipients. Cash transfer recipients include some of the world's poorest countries. Under Section 305 they would have to pay the high cost of U.S. flag shipping.

As a major private voluntary organization programming food aid and other assistance to needy peoples abroad for more than 40 years, CARE knows the importance of getting assistance to those who need it, on time and in good condition. We have a long standing policy of U.S. flags first in booking our cargoes, provided the vessels give good timely service at competitive rates.

Unfortunately, we have encountered serious and growing problems in recent years with substandard, inappropriate, tardy and excessively costly ocean freight carriage due to cargo preference. The difficulties have been exacerbrated with the progressive increases in cargo preference requirements for food aid imposed under the 1985 farm bill. The imposition of further cargo preference under Section 305 would only add to the damage, not reduce it.

Finally, while we favor a healthy U.S. trade balance and a competitive U.S. merchant marine, Section 305 accomplishes neither. It would also hurt the poor countries we are trying to help and reduce the effectiveness and efficiency of our international assistance program. We strongly urge you to support the removal of this provision (Section 305) from the bill.

Yours sincerely,
CHARLES L. SYKES,
Vice-President of CARE.

Mr. LUGAR. A disturbing aspect of section 305 is that it would encourage State intervention in the private sector. While every country involved, except Nicaragua, buys more from the United States than we provide in ESF cash transfers, these cash transfer funds seldom go directly to buying United States goods. Cash transfer dollars are often intended to provide funds to address balance of payment problems and inflation in recipient countries. It is usually the private sector in these countries, not the government itself, which buys much of these U.S. goods. Section 305 would, therefore, require foreign governments to intervene in their private sector's business transactions. This is hardly something we should be encouraging as a country committed to free market enterprise.

As I change hats and review this provision as the ranking member of the Senate Agriculture Committee, I find it equally objectionable. The provisions of section 305 will make American agricultural commodities more expensive and will damage the competitiveness of our agricultural sector. Growing cargo preference requirements have the potential to wipe out billions in commercial export sales from agricultural producers with a corresponding loss of income for American farmers.

The U.S. Department of Agriculture notes that the provision "breaches the cargo preference compromise between agriculture and maritime interests reached in the 1985 farm bill." The Department and the agricultural groups which oppose this provision also worry that it will make American commodities more expensive leading to decisions by foreign purchasers to buy from other sources.

Let me provide an example to illustrate:

The Agriculture Department has calculated that the $1 billion in goods required to be shipped on U.S.-flag carriers, under the provisions of section 305, would buy about 8.3 million metric tons of wheat.

We all know that U.S. ships are more expensive. Let's assume a higher freight rate of $20 per metric ton. In this example, the increased costs to foreign buyers would be about $166 million, reducing wheat imports by almost 1.4 million metric tons.

This problem will exist to some degree for any agricultural commodity which could be sold under this program.

In light of its negative impact, this provision is opposed by the American Farm Bureau Federation, the American Soybean Association, the Fertilizer Institute, the Millers National Federation, the National Forest Products Association, the National Grain and Feed Association, the National Grain Trade Council, the National Grange, the National Oilseeds Processors Association, the North American Export Grain Association, Protein Grain Products International, and the Terminal Elevator Grain Merchants Association.

Mr. President, I would like to submit for the RECORD a letter in opposition to section 305 of this bill by the above mentioned groups as well as other well known organizations.

Finally, Mr. President, as I remove my Agriculture hat and replace it with my Great Lakes hat, I must once again stand in opposition to this expansion of cargo preference. Great Lakes ports are not called upon by U.S.-flag vessels and therefore, cannot handle cargoes shipped under cargo preference requirements. Therefore, any expansion of cargo preference also expands the volume of exports no longer available to Great Lakes ports. This has a damaging effect on our longshore labor and the continued health of the Nation's fourth seacoast, the Great Lakes/St. Lawrence Seaway System.

These are important goals which should not be watered down by adding another purpose to the ESF program. Doing so would reduce the program's flexibility and detract from its important foreign policy purposes.

A large percentage of the ESF cash transfer program is used to support the Middle East peace process. Israel is scheduled to receive $1.2 billion and Egypt is scheduled to receive $115 million in cash transfer funds. Additional funds are used to encourage drug control efforts in several Andean nations. Of the remaining countries scheduled to receive these moneys, many are extremely poor and are least able to pay higher U.S.-flag shipping rates. Haiti, Jamaica, Costa Rica, and the Philippines, to name a few, would all be hurt under this provision.

Section 305 would be difficult, if not impossible, to administer. It requires the administration to undertake the difficult task of tracking the sales of U.S. goods, including private commercial sales. The administration would have to verify that all countries which receive cash transfer under the ESF program buy a sufficient amount of American goods and transport these goods on U.S.-flag ships. The General Accounting Office would also have to access and audit foreign governments' records.

Mr. President, I ask unanimous consent that a letter from Mr. Jim Hartung, director of the Port of Indiana at Burns Harbor, be printed in the RECORD. In this letter, Mr. Hartung stresses the damaging effect any expansion of cargo preference has on the Port of Indiana and other Great Lakes ports.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANA PORT COMMISSION,
BURNS INTERNATIONAL HARBOR,
Portage, IN, July 3, 1991.

Hon. RICHARD G. LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: May I once again express appreciation for your many fine efforts on behalf of Indiana's international trade interests. Most recently, I thank you for your opposition in the Foreign Relations Committee markup of the new foreign aid bill to the cash transfer/cargo preference amendment offered by Senator Pell.

The Pell cash transfer/cargo preference provision is a prime example of a counterproductive amendment. While it purports to apply a "Buy America" policy, in fact, the countries which receive U.S. cash transfer already buy $billions more of U.S. goods than the amount of the cash transfer. So all the provision really does is to apply high-cost cargo preferenece to existing U.S. exports, thus reducing the volume of our waterborne shipments or losing our sales to competitors not captive to U.S. flag rates.

The unprecedented imposition of cargo preference on U.S. commercial exports in this case is of multiple concern to us in the Great Lakes. Not only do we face head-to-head competition with suppliers in Canada and elsewhere, but we also lack U.S. ocean-going ship service. If an Indiana supplier is bidding for a sale to a cash transfer country, how can he export through Burns International Harbor when there is no U.S. seagoing vessel calling here?

You undoubtedly have heard from farm groups on how this new cargo preference requirement would disadvantage them. The Administration strongly opposes this provision. Humanitarian aid groups such as CARE object to it because of its negative impact on poor countries.

We very much appreciate your past leadership on this issue and hope you will continue to play a vigorous role in opposing the new cargo preference requirement when the foreign aid bill comes to the Senate floor.

Appreciatively yours,
JAMES H. HARTUNG,
Port Director.

Mr. LUGAR. Today, I have tried to outline, from three different points of view, the objectionable nature of section 305. The provision has drawn strong opposition including a veto threat from the administration. I will work to ensure that this expansion of cargo preference does not become law. I urge Senators to vote to delete it.

Indeed, Mr. President, I do support the provision for the reasons that CARE has so succinctly and so accurately described. We are talking about foreign assistance. We are talking about helping needy people. We are talking about Israel and the countries of the Middle East. To negate the purposes of the bill and mandate a transfer payment from American farmers and other suppliers to the merchant marine is inappropriate in a foreign aid bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana yields the floor.

Mr. McCONNELL. I yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. STEVENS. Parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes and 45 seconds. The Senator from Maryland has 2 minutes and something.

The Senator from Mississippi.

Mr. LOTT. Mr. President, first I would like to point out to my colleagues tonight what this amendment does. It strikes the entire section 305, which means we strike out the provision which allows for the purchase of U.S. goods as well as a way to ship those goods.

Without this provision, where are we going to get the grain? Are we going to buy it from Brazil? This is the only provision in the bill which requires that we buy American goods and American services to supply those goods. So you need to be aware on what you are voting. It strikes the entire section 305.

Now, second, my question is, do we want a merchant marine American fleet or not? I live on a port in the Gulf of Mexico. I go down to the grain elevator; I go down to the docks; I see Russian ships; Greek ships, all kinds of flags, Panamanian, Nigerian, no U.S.-flag vessels.

This is one small effort for us to use American ships. It makes no sense for us to provide money and assistance, require that it be spent on U.S. goods but not require that it be transported on U.S. ships.

Our merchant marine, our shipbuilding industry in America is being devastated. So if we are going to support the U.S. goods industry through U.S. aid and assistance, we should also require that the goods be transported on U.S. ships.

What did we learn in Desert Shield and Desert Storm? One of the things we learned was that we have a big problem in providing the merchant fleet to ship our American goods even in wartime. In the gulf war, U.S. flagships came to our aid very quickly. In fact, I think some 130 ships got involved. But we still had to go get other foreign flags to help us in Desert Shield/Desert Storm. Remember, that was under the best of circumstances. Under other circumstances we may not have been able to get foreign flagships to come to our aid when we really needed it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. We should support American industry and oppose this amendment.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes 33 seconds.

Mr. McCONNELL. I yield the remainder of my time to the Senator from Alaska.

Mr. STEVENS. I share the opinion of the Senator from Mississippi. I do not need the time.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes.

Mr. McCONNELL. Mr. President, I am unaware of any other Senators who wish to speak.

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes 20 seconds.

Mr. SARBANES. I do not think I have any requests. If so, I am prepared to yield back my time.

Mr. McCONNELL. Mr. President, the administration strongly opposes any change in cargo preference laws. While its advocates market this provision as a buy America plan, it is exactly the opposite. Cargo preference is bad for American business, bad for labor and bad for the U.S. balance-of-trade deficit.

The direct effect of cargo preference is to reduce the amount of American goods and services a government must purchase when receiving cash transfers. At the same time that we are demanding a country buy American goods or services in an amount equal to their cash transfer, we are also insisting they ship on more expensive American-flagged carriers. This is no more and no less than a cash subsidy to American shipping interests.

In 1990 AID funded commodities—including soybean meal and corn—which were shipped on American hulls cost $21.6 million more than any competitive international options. That is $21 million which could have been buying American grain, machinery, tools, or other supplies.

American shipping usually runs double the price of any foreign competitor. In 1990 AID paid roughly $59 per ton for American shipping compared with $30 on non-American carriers. The fact that the Senate is financing noncompetition is inconsistent and counterproductive.

There is an extensive list of products from every one of our States which are eligible for purchase under the cash transfer program. These are all products made in the United States by American labor which will lose sales volume because of cargo preference. We are putting at risk dairy products, coal, fertilizers, tires, tobacco, iron, steel, ships, boats, industrial equipment, cars, and manmade fibers and woven fabrics. The list represents the backbone of the American economy and export market.

Finally, the countries most adversely affected by cargo preference are those least able to bear the burden. Cargo preference requirements will cut into the buying power of Egypt, Israel, the Philippines, Haiti, and Honduras, to name just a few. These are not countries with the unlimited resources to spend on the most expensive shipping available.

I strongly urge my colleagues to vote to strike any such restriction subsidizing American shipping.

Mr. HELMS. Mr. President, one of the many defects in this bill is the provision requiring countries that receive cash transfer assistance [ESF] to spend an equivalent amount of resources on goods and services in the United States. I have no problem with that, but there is a further provison that recipients must ship at least 50 percent of those goods on U.S.-flag carriers, an obvious subsidy for maritime unions and shipowners, which will diminish the amount of grain delivered to the starving people in many countries.

To be specific, Mr. President, the committee accepted an amendment requiring U.S.-flag carriers to be no more than 30 percent above the average competitive international rate for international ship transportation. This so-called improvement, cargo preference, is still another obviously unacceptable provision which the administration opposes and which will assure a veto by the President.

The Agency for International Development reported, in a memo from May 22, that—

> In calendar year 1990, United States flag vessels were, on average, $29.25 a ton more expensive than foreign vessels. AID-funded commodities, including bulk corn and soybean meal, shipped on U.S.-flag carriers in calendar year 1990 cost $21.6 million more than internationally competitively bid transport would have cost.

The memo states further:

> The value and utility of cash transfers as a tool for achieving our overall foreign assistance and foreign policy objectives would be reduced significantly, since no additional funds are to be provided to meet the additional cost of U.S.-flag shipping.

In North Carolina alone, AID purchased more than $13 million worth of goods and services in fiscal 1990. This is a small amount compared to most States. Products ranged from office furniture to computer software. If this amendment is not accepted, that figure will be much lower in the future.

Mr. President, Congress owes the American taxpayer honesty in the allocation of resources. Unless Congress accepts this amendment, the cargo preference provision will indirectly subsidize the U.S. merchant marine—at the expense of the U.S. taxpayer. If Congress intends to provide an additional subsidy to the merchant marine, it should be debated and approved as such. I urge Senators to support the motion to strike this unwise and unfair provision which the committee should never have accepted in the first place.

Mr. DOLE. Mr. President, history has an uncanny knack for repeating itself in this body. So I guess it comes as no surprise that we again find a new, important and—in my view—unfair and unwise cargo preference provision in the foreign aid authorization bill.

I rise as a cosponsor of the Dixon amendment to strike this new cargo preference language.

Let us be clear: This new provision will have a real and negative impact on our competitiveness. How cargo preference is defined and implemented is an issue which is central to the competitiveness and the economic well-being of the agriculture and business communities in the United States. So we must think about and debate this issue very carefully, before assenting to a significant change in our cargo preference laws.

In earlier forms, this issue has been debated at great length on the floor and in various committees in the past. But the bottom line remains the same—cargo preference is an indirect subsidy which undermines our competitive position in the world market, and puts at risk valuable foreign markets which have taken decades to establish. Under the current and immediate past administrations, the United States has aggressively sought new and expanded foreign markets, and we have made significant gains. I hope that my colleagues will choose not to throw those gains away by building in a self-imposed penalty undermining our competitiveness.

Specifically, this new language is tied to a provision in the bill which restricts economic support fund cash transfers to countries if they do not agree to spend an amount equivalent to the cash transfer on the purchase of U.S. goods and services. As far as that goes, it probably makes some sense. Aid-recipient countries should spend our aid dollars on American goods and services which are competitive in world markets.

The word "competitive" is the key. Aid programs are not the vehicle to subsidize uncompetitive industries. If we want to subsidize them, let us do it up front and honestly—not through back-door provisions like cargo preference.

So what does not make sense is to force the recipient nation to utilize a fixed percentage of their ESF, 50 percent, on American goods shipped only on our flag vessels. Given the significant difference between rates charged by the U.S. merchant marine and the going rates in foreign markets, this requirement would divert useful funds that could be used to purchase our commodities in order to pick up this excessive, uncompetitive freight tab.

Again, if we want to subsidize our merchant marine, so that it can be competitive, then let us just vote to do that, and pay for the subsidy out of the appropriate account. It is just unfair, and irrational, to subsidize the merchant marine out of the foreign aid or agriculture budget.

Mr. President, this is a complex issue. I can understand that many of my colleagues may not follow our export markets closely, and may not realize that a minor difference in freight rates can make or break a major sale of commodities. It is for that very reason that we must look before we leap; that we ought to consider this fully before assenting to this kind of basic change in our cargo preference policy.

Mr. President, I hope that my colleagues will join me in voting to strike this provision. It is the wrong provision, at the wrong time, in the wrong bill.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McCONNELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Have the yeas and nays been requested?

Mr. SARBANES. Mr. President, I move to table the Dixon amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to table the Dixon amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—55

Adams
Akaka
Bentsen
Biden
Bingaman
Bradley
Breaux
Bryan
Burdick
Byrd
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Exon
Ford
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Leahy
Lieberman
Lott
Mack
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Reid
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Seymour
Shelby
Specter
Stevens
Warner
Wirth
Wofford

NAYS—42

Baucus
Boren
Brown
Bumpers
Burns
Coats
Craig
Danforth
Dixon
Dole
Domenici
Durenberger
Fowler
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Kohl
Lautenberg
Levin
Lugar
McCain
McConnell
Metzenbaum
Nickles
Pressler
Riegle
Roth
Rudman
Simon
Simpson
Smith
Symms
Thurmond
Wallop
Wellstone

NOT VOTING—3

Bond
Chafee
Pryor

So the motion to table the amendment (No. 822) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 808

Mr. WOFFORD. Mr. President, with desperate human needs here at home, with our working families squeezed by higher taxes and declining incomes and with the Federal deficit still out of control, we need to cut wasteful and unnecessary foreign aid. But we must do it with well-aimed shears, not a sledge hammer.

The Helms amendment essentially says that Members of Congress refuse to take the responsibility to cut individual programs which waste taxpayer dollars. It says that thoughtful debate about specific programs is not possible.

The Helms amendment would not even allow us to cut the programs that waste the most taxpayer money. When we spend billions of dollars each year to subsidize the defense of our economic competitors who can then invest their own resources in health care and worker training, new infrastructure, and new technology, we are wasting American dollars.

When we spend billions of dollars to rent overseas military bases, which are of more use to the landlords than to the tenants, we are wasting American dollars.

I voted against the Helms amendment because it could not—and did not even attempt—to make reasonable cuts in our foreign aid budget. I believe we can do better, for our own taxpayers and for the people of the world who still look to America as their last, best chance for a better life. And I will work to see that we do better as the Senate continues to address the Foreign Aid Authorization Act.

Mr. SARBANES. Mr. President, I will support the absence of a quorum. But before I do that, because there are some Members on the floor, let me say that first of all I want to express my appreciation to my colleagues. Even though we did have some stretches today with quorum calls and we had difficulty in getting Members over to offer their amendments, we were able to make substantial progress in dealing with this bill, not as much as we would have hoped, but perhaps more than some expected.

We think there is a very good chance, in fact, a very, very, good chance that we can finish this bill tomorrow in a reasonable amount of time. But we hope the Members will come to the floor to offer their amendments, particularly those amendments that are regarded as noncontroversial, or that perhaps with some modification the managers can accept, so we can clear them.

There will be, we know, some highly controversial amendments on which there will be some debate, and I take it some fairly close votes. And we are trying now to arrange the time when that may happen. But we urge Members tomorrow to move forward promptly with their amendments.

I understand we will resume consideration of this bill at 10:30 a.m. and we hope that Senator WELLSTONE at that point will be prepared to offer his amendment. I assume that will be included in the request of the leader.

So, if we can just keep moving tommorrow, hopefully we can pass this legislation.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I certainly agree with my friend from Maryland. It seems to me that the amendments of which we are aware are down to a precious few, and there is every reason to believe we should be able to finish this bill tomorrow.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 101-445, appoints Ms. Sue Greig, of Kansas, to the National Nutrition Monitoring Advisory Council.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES AMBASSADOR-DESIGNATE TO BOLIVIA GIVES VIEWS ON LA PAZ' ROLE IN THE ANDEAN DRUG WAR

Mr. CRANSTON. Mr. President, recently the Senate Foreign Relations Committee had the opportunity to meet with Mr. Charles R. Bowers, the administration's nominee for ambassador to Bolivia.

His appearance before the committee comes at a time of increasing strains in the United States-Bolivian relationship. It also comes at a time that those of us who have warned about the potential dangers of the administration's antinarcotics strategy are, sadly being proven right by developments in Bolivia.

I believe the administration is headed down a wrong-headed path in its antinarcotics efforts in Bolivia.

I am worried about the effect of involving the Bolivian military—after considerable pressure from the United States—in what should be a civilianized law enforcement task.

I am also concerned about what the involvement will mean in terms of upsetting Bolivia's fragile civil-military relationship.

Yet, despite an increasing number of alarming critiques from La Paz about the administration's antinarcotics policy, the State Department appears determined to press ahead with a policy that is not working and, despite the growing outlays of money it is willing to spend, probably cannot work.

For that reason, I would like to share with my colleagues the written responses Mr. Bowers offered to my questions. I think they are illustrative of what is wrong with the administration's approach and bode badly for the future, not only of United States-Bolivian relations, but the future of Bolivian democracy as well.

I ask unanimous consent that the text of my questions, and Mr. Bower's responses, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR THE RECORD SUBMITTED TO CHARLES RICHARD BOWERS BY SENATOR ALAN CRANSTON, JULY 10, 1991

Question 1: As you know, the previous Ambassador has left a legacy of conflicting relationships with important sectors of Bolivian society and has been widely criticized for intervening in Bolivia's internal politics. How do you plan to improve relations with these important actors on Bolivia's democratic scene?

Every Ambassador has his or her own style. If confirmed, I intend to carry out my duties in a manner that reflects my way of getting things done. I anticipate doing a lot of listening to Bolivians in all sectors of their society and learning what they have to say. I plan to reach out to diverse groups in Bolivia's economic, cultural and educational areas. Naturally, I will spend a good deal of my time with the political leadership, those in power as well as out, those at the zenith of their careers and those just starting out.

I intend to be active in bringing to the Bolivian people and leadership a solid understanding of American values, traditions and beliefs. I have been working in the international affairs arena for over 25 years. One thing I am convinced of is that we have our best bilateral relationships with those countries where we share commitments to common values: to freedom and democracy, to economic justice, to the worth of the individual and the rule of law. The current government of Bolivia is, I believe, committed to those noble values, and I look forward to lending my help to democratic elements in Bolivia in their efforts to strengthen and deepen the roots of democracy.

Question 2: In the United States we have carefully and—in my judgment—wisely drawn a distinction between internal security and national defense, giving the former task almost entirely to civilian law enforcement. Unfortunately, this essential democratic safeguard has been absent in U.S. Andean anti-narcotics policy, and has had a serious corrosive effect on Bolivia's democracy. What is your view on the militarization of the drug war?

I believe the Bolivian government draws the same distinction between law enforcement and national defense requirements as we do. It is the police, not the military, that has the law enforcement responsibility to carry out the war against the illegal narcotic traffickers in Bolivia. The armed forces of Bolivia, however, have had for several years a supporting role in that battle, primarily in providing transportation and logistical support to the police. The Bolivian Air Force, for example, has been flying helicopters for the police for about three years, and the Bolivian Navy works with the police in providing "brown-water" boats so that the police can seek out narcotraffickers who use Bolivia's extensive river networks.

Recently, the Bolivian government decided to engage elements of the army to support the police in remote and isolated areas of Bolivia where the narcotraffickers have been operating with impunity. The Bolivian Government has limited the army's counter-narcotics role to those sparsely populated regions, and has designed that role to support the police in such areas as blocking escape routes, manning road checkpoints and, in rare instances, coming to the aid of engaged police forces who are in danger of being outgunned and overwhelmed by heavily armed narco-criminals.

Question 3: Following up on this, recent press reports—in the Washington Post, among others—suggest that not only civil-military relations, but also the delicate balance between the army and the police, have been damaged by U.S. anti-narcotics assistance. What plans do you have to remediate this damage?

There is indeed a tradition of rivalry between the police and the military in Bolivia that has historical roots. I believe that U.S. anti-narcotics assistance, however, has served to minimize rather than exacerbate that rivalry. The reason for that belief lies in the fact that, as a result of our anti-narcotics program, Bolivian police and military forces have received a great deal of training from highly qualified U.S. civilian and military trainers. Such training has improved markedly the professional capabilities of the Bolivian police and military forces. The Bolivian policemen and soldiers who have been trained emerge from that process as better, more committed and more competent policemen and soldiers. They gain, as part of that training, a better understanding of their role in a democratically governed country and for their part in protecting the rule of law. This is not to say that rivalries no longer exist. But the premise that U.S. anti-narcotics assistance has made them worse is simply not supported by the facts.

Question 4: I note you have extensive administrative experience and skills. I have heard reports of late of serious mismanagement by our embassy in La Paz of our anti-narcotics efforts in Bolivia, problems that are currently under in-house review at State. What plans do you have to improve accountability in La Paz?

The May 1991 Inspection Report issued by the State Department's Office of the Inspector General (OIG) found the U.S. Embassy in La Paz to be "exceptionally well managed" and found "country team coordination thorough." That report goes on to state that "the mission has not neglected other U.S. interests in Bolivia but has framed the counternarcotics struggle within their context."

Concurrently with that general inspection of embassy operations, another OIG team undertook to audit the embassy's counternarcotics program in Bolivia. To the best of my knowledge, that audit report has not yet been finalized or published. My general experience with audit reports is that they focus on what the auditors believe needs to be improved rather than on what has already been done properly and well. I assure you that I will personally review any recommendations made by the OIG auditors and will take all necessary steps to ensure that all of Embassy La Paz' programs—including the country-narcotic ones—are in compliance with law, regulation and sound management practices.

FOREIGN AID AUTHORIZATION BILL CLOTURE VOTE

Mr. DIXON. Mr. President, the Senate earlier today voted to invoke cloture on the motion to proceed to S. 1435, the foreign aid authorization bill. For the record, I cast my vote against cloture.

S. 1435 contains a provision that will extend cargo preference requirements to commercial sales of U.S. goods and services to countries receiving U.S. cash transfer assistance.

As I have stated many times before, any time cargo preference requirements are increased, the Great Lakes region suffers. In addition to the fact that many of the cash transfer recipients purchase Midwest agricultural and industrial products, the Great Lakes ports, which have no regularly scheduled U.S.-flag ocean-going service, are virtually shut out from participating in the shipment of goods to which cargo preference applies.

Mr. President, I support the need to maintain a strong merchant marine for national security and sealift capabilities. Cargo preference, however, does not achieve this goal.

Cargo preference has been extended time and time again, yet we continue to watch the size of the U.S. merchant fleet decline. I cannot support, therefore, yet another extension of cargo preference at the expense of American competitiveness in the international market, and of the ports around the Great Lakes.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,321st day that Terry Anderson has been held captive in Lebanon.

ILO LABOR CONVENTIONS

Mr. MOYNIHAN. Mr. President, I recently received a letter from Mr. Randolph Hale of the National Association of Manufacturers concerning the International Labor Organization and Senate ratification of ILO labor conventions. The active involvement of the National Association of Manufacturers on these issues and, in particular, its testimony before the Committee on Foreign Relations concerning ILO conventions has been most important. I believe that I can state for the chairman and the other members of the Committee on Foreign Relations in saying that the committee has very much valued having the association's views. Moreover, the cooperation among the administration, the business community, and labor in breaking the decades-old logjam on the ratification of these conventions has been a model of consultation and cooperation.

The National Association of Manufacturers has, however, come to have certain concerns about the ratification process. In sum, the association is concerned that the filing of complaints with the ILO might be used to change U.S. labor law without the Congress and the State legislatures being involved. While no single Senator can provide the clarification of the Senate's intentions that the association seeks, I can certainly provide you with my own views on the matter for the record. Under the ILO constitution, government, business, and labor representatives operate independently of each other. That is one of the things that makes the ILO unique among international organizations. As the U.S. labor representative to the ILO, the AFL-CIO is entitled to file complaints with the ILO. However, decisions by ILO bodies on such complaints are not binding in the United States. Changes to U.S. labor law will be made by the Congress and by State legislatures—not the ILO—based on the available evidence about U.S. needs and circumstances.

Indeed, the parties to this process have agreed to certain ground rules for ratification which insure that this will be the case. The second and third of the ground rules for ratification state that any differences between Federal law and practice will be dealt with through the normal legislative process and that there is no intention to change State law and practice through ratification of ILO conventions. Pursuant to these ground rules, a recommendation by the Tripartite Advisory Panel on International Labor Standards [TAPILS] that the United States ratify an ILO convention represents an agreement by labor, business, and the administration that the United States is already in complete compliance with the convention or that any variations will be dealt with by the adoption of legislation by the Congress. When the Senate grants its consent to ratification it states its concurrence with that opinion.

Mr. President, I certainly hope that this provides the assurance that the National Association of Manufacturers understandably seeks on behalf of its members and I would ask unanimous consent that Mr. Hale's letter to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, May 9, 1991.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: On April 10 NAM presented testimony before the Senate Foreign Relations Committee relative to ILO convention #105, Abolition of Forced Labor. Discussion of this testimony by NAM members uncovered a significant concern which I feel necessary to relay to you and ask your guidance in its satisfactory resolution.

Briefly stated, the concern is:

Does the U.S. Senate agree to and therefore have the ILO (and at times the OECD) to effectively become the potential arbiters of U.S. labor law and practice before, as well as after, conventions are ratified.

As you know, after long and careful discussion with the government and labor, the U.S. employers agreed to a well-articulated and well-working process to review ILO convention applicability and use in the United States. Precisely, the process insures that an individual convention does not conflict with existing U.S. federal or state labor laws. This process, under the tripartite review group called TAPILS, has and continues to examine various conventions. Their work has resulted in NAM not opposing ratification of conventions 144, 147, 160 and now 105.

The AFL–CIO has consistently maintained that ratification of ILO conventions 87 and 98, concerning freedom of association, would not require modification of any existing U.S. legislation.

The AFL–CIO, therefore, continues to file alleged U.S. violations of these conventions with the ILO's Committee on Freedom of Association (CFA), and at times with the OECD. The complaints filed involve individual and company situations as well as alleged violations of collective bargaining rights at the state and local levels questioning federal-state jurisdiction.

All of these complaints should be adjudicated under existing U.S. legislative and administrative practices, especially when full use of the U.S. system (e.g. NLRB elections) has been bypassed. They are all clearly internal domestic cases and have no place in any international arena particularly when any "decision" of these groups would be sterile under existing U.S. law. The implication is that similar bypassing of the U.S. system will occur even for conventions ratified by the Senate.

This seems to indicate an intent to influence U.S. labor law change and interpretation using international pressure in those areas they have been unable to influence through normal congressional debate or use of the established administrative and court procedures.

The result is that NAM must reconsider whether it should continue to support the TAPILS process. We oppose any attempt, through initiatives in international arenas, to change U.S. labor law through the treaty route rather than as a result of regular TAPILS, legislative, court or administrative processes.

We request clarification of the Senate's intentions regarding this concern and inclusion of this letter into the record. We also request your guidance in terms of the best interests of U.S. trade or foreign policy as well as labor law.

Please understand that these strong statements have been discussed at length with our membership. We take this step after careful deliberation and based on the fair and open way the Senate Foreign Relations Committee has handled ILO Conventions approval.

Thank you for your consideration of the concerns expressed in this letter.

Sincerely,

RANDOLPH M. HALE,
Vice President,
Industrial Relations.

RECOGNIZING SERVICE OF NANCY FLETCHER DEHLINGER

Mr. GARN. Mr. President, today I want to recognize the service of a member of my staff, Nancy Hope Fletcher Dehlinger, who is leaving my staff this week. Nancy has worked in my office for almost 16 years. Upon graduation from college, she decided to follow in her mother's footsteps and work in the Senate. Her mother, Ruth Fletcher, worked for former Senator Curtis, Republican of Nebraska, for 25 years, until his retirement. Nancy joined my staff during my first year in the Senate and has been a reliable member of my staff ever since.

During her tenure, Nancy has supervised the operations of our mailroom, assisted in the computer automation of the office, filled in for receptionists and worked as a legislative secretary. She also extended a warm hand of friendship to homesick interns. Her service as a legislative secretary, for my assistants dealing with public lands and national security, has given Nancy a working knowledge of how these issues affect Utahns. Although these tasks are not the high profile positions, any Senator in this Chamber can attest to the fact that the mailroom is the heartbeat of any office. Nancy's understanding of that operation is unparalleled.

When Nancy first came to work for me, she had never visited the State of Utah. Now, she can recite the Zip Code of almost every small hamlet in the State including: Tremonton, Birdseye, Wendover, and Beryl, UT. Nancy has visited Utah a number of times now. She understands the politics, culture, and history of the State. Even though she was raised in Maryland, Nancy is now so familiar with Utah, she is almost a native.

Nancy married James Dehlinger in May of this year and will be joining him in Arizona. Perhaps Nancy's understanding of the West will prepare her for her new home in Arizona and if she finds it too hot in the Arizona desert, she will always be welcome in Utah. I am grateful for her dedication and good work. Nancy's efforts will be missed. I want to take this opportunity to wish her luck and happiness in her new life.

WORLD REFUGEE SURVEY: 1991

Mr. KENNEDY. Mr. President, one of the most dedicated and longstanding agencies involved in chronicling the world's refugee problems have been the U.S. Committee for Refugees. Since 1958, when it was established to help America participate in the first World Refugee Year, the U.S. committee has been an advocate for refugee protection and assistance.

In recent years, it has grown in stature as the leading private agency recording and reporting on worldwide refugee problems. And one of its most important contributions is the publication of its annual World Refugee Survey.

A few weeks ago, the most recent survey for 1991 was released, and it provides as always a carefully prepared statistical survey of the world's current refugee populations—the who, where, and when questions—while also dispassionately addressing some of the "whys" behind the tragic flows of refugees.

Unfortunately, the optimism of the previous year's survey that there was new hope in finding durable solutions to some of the world's longstanding refugee problems with the end of the cold war, ended in dashed hopes.

As Roger Winter, the director of the U.S. committee, points out in his opening essay, new upheavals—such as the Persian Gulf refugee crisis—more than overshadowed what other progress was made in other regions of the world.

Mr. President, I commend to the attention of my colleagues the new World Refugee Survey, and urge that they obtain the complete 112-page published report.

But for the RECORD, I would like to ask that the report's section on "The Year in Review" be printed, since it provides a thoughtful overview of refugee issues over the past year—many of which still face us this year, as some will in the years ahead.

There being no objection, the article was ordered to be printed in the RECORD, as follows

[From World Refugee Survey—1991]

THE YEAR IN REVIEW

(By Roger P. Winter)

The year 1990 was one of lost innocence, shedded naivete. As 1989 closed, for many of us there was boundless hope—essentially, knowledge—that, with the demise of the Cold War, the world could look forward to a rosier future. There would be opportunity to focus on improving the quality of life for all, international cooperation that would make multilateralism work, usher in peace, and perhaps even give rise to peace dividends. We believe that "liberty and glasnost for all" had set in motion democratizing and peacemaking trends that would never be reversed.

A year later, the world has engaged in a major war in the Persian Gulf that even before the outbreak of hostilities in 1991 had displaced more than a million people. In the aftermath of that war, the world has been forced to confront the hopelessness and helplessness of refugees and displaced people in new, high profile ways, with thousands dying in the process. In the Soviet Union, the architect of glasnost has in the Baltics countenanced the rise of violent militarism as an instrument of domestic policy, the Union itself appears to be rushing toward collapse, and perhaps millions are poised to leave at the first opportunity. Despite the apparent end of the Cold War, the world's refugees had increased to nearly seventeen million by the end of 1990 and were significantly higher immediately thereafter. The reality of war and conflict for much of humankind remains unchanged, the prospects for much more—in the Soviet Union, Yugoslavia, the Middle East, India, Sudan, Burma—portend even higher numbers of refugees and displaced people. We remain in a well-weaponed world.

This spiritual and emotional roller-coaster has implications on the largest of scales. In the refugee field, they are all-defining. Geopolitics has consistently dominated the international refugee machinery. Many have conceived of refugees exclusively in Cold War terms. Although that should never have been the case, in truth, the Cold War, including the third world proxy battles it spawned, was the major producer of refugees in the post-World War II era. We perceived its passing to mean that fewer refugees would be created and that millions who lost their homes and homelands would be able to return.

The past year has produced several developments, revelations, and trends that, at minimum, muddy the clarity of our earlier prognostications. For one, we are now aware of the post-Cold War lag factor. It has been more than two years since the Soviets left Afghanistan, but there is no peace, and the refugees have not gone home. While small progress has been made in some other regional conflicts, such as Angola, Mozambique, Cambodia, in almost all the dying and suffering go on. Only in Namibia and, less securely, in Nicaragua, is peace actually "on line." Extricating the world from passing conflicts is not at all simple or quick.

For another, the absence of the Cold War framework, perhaps properly, undermines the certitude with which too many of us approached the world. Robert J. Samuelson recently wrote that for the United States, "since the 1940s, communism has been the great simplifier * * * it has made our foreign policy a great morality tale of good versus evil * * * now, [with] communism's collapse * * * we are less sure of our foreign interests." Freed from the Cold War framework, ethnic hatred, nationalism, and other forces raise their negative sides unbridled, without the discipline inherent in the old framework. While many share a feeling that there will be less (simplistic) clarity on why new populations of refugees and displaced people emerge, it is increasingly clear that the forces unleashed by the world's changes will in fact produce new displacement in significant numbers.

There is increasing evidence that the apparent demise of the Cold War and the fear of collapse in the Soviet Union have combined to cost most refugees and displaced people whatever strategic value they may once have had. Several observers have suggested with respect to refugees and displaced people that, because the conceptual structure that defined "our interests" has changed, so too has our will to respond. It is increasingly clear that for many in the best-off nations of the world the humanitarian needs of the poorest of the poor, those of least strategic importance, are fading from the even miniscule view they were formerly afforded. For most of us, the plight of Africa's victims, for example, is just not an issue, just as the gassing of the Kurds was not when it first came to world attention in 1988. If anything, too much attention continues to be focused on walling others out so that they don't impinge on us. The UN High Commissioner for Refugees (UNHCR) respected Director of International Protection Michel Moussalli recently pointed out that "the budget of UNHCR for the 15 million refugees in the world amounted to roughly 500 million dollars in 1989. The financial resources devoted by the administrations of the Western countries handling their asylum procedures amounted for the same period to roughly 5 billion dollars." With respect to UNHCR, the abrupt departure of High Commissioner Stoltenberg in October further unsettled the institution that has suffered immensely during the last few years. Bureaucratically, it may seem that the worst of UNHCR's budget crunch has passed. But that would be a shallow view indeed. It may be more comfortable in Geneva because the substantial deficit carried forward from 1989 to 1990 has been liquidated, and staff who were going to be let go are gone. But at what a price! Refugees worldwide—but especially in the less visible spots—have seen their actual level of care degraded, education of their children eliminated, their dependency deepened.

It is critically important for those interested in humanitarian concerns generally, and humanitarian concerns in the third and fourth worlds specifically, to fight back, to organize to ensure that whatever "new world order" emerges from today's confusion and change adequately responds to the vulnerable uprooted victims of human conflict.

In that regard, I suggest that a five-point common agenda be pursued during the next several years:

1. Strengthen the multilateral humanitarian institutions. The UN High Commissioner for Refugees, the International Committee of the Red Cross, and other international entities that deal with refugees and displaced people have emerged from the last few years in a weakened state. In terms of their mandates, capabilities, financial resources, and available diplomatic support, that trend needs immediate reversing. While it is important that the UN system generally works better now, with fewer East versus West blockages to its peacekeeping and conflict resolution capacities, it is also critically important that these particular UN and international agencies actually work well. They are the institutions charged with protecting and assisting those who are already victims.

2. Advance and institutionalize international protection and assistance for internally displaced people. States are legal entities that often have no inherent validation by the people who live within them. Glenn Frankel has written that most nation-states are "jury-rigged contraptions that owe their existence to the twentieth century collapse of the Ottoman, Hapsburg, British, and French empires. * * * More than 90 of the UN General Assembly's 159 member states were born after World War II." He quotes Francois Heisbourg, director of the International Institute for Strategic Studies: "Will nation-states fade away? I don't think so. Will state sovereignty fade? My answer is yes."

One area in which sovereignty should fade is where a government's abuse of its own citizens is so onerous that it breaches some well-defined standard of international acceptability. We need a system that codifies an international interest in the people in such cases and legalizes an appropriate international protective response. To be politically feasible, such an approach would likely need to be limited to clearly aberrant or rogue governments and also limited in the responses that could be triggered. One example might be the provision of a legal umbrella for cross-border relief operations to civilians being starved out by their government in a civil war without that government's approval. Such victims would be of international concern and would be fed with international resources if they had been able to cross a border. Is it really logical to force them to do that to survive?

At the other end of the response continuum would be a mechanism that triggers UN Security Council consideration of a humanitarian disaster. When millions of a country's citizens are viciously abused by that country's government, Security Council consideration is justified and intervention may be warranted. Any "new world order" worth its salt would provide for this.

In any event, now is the time to move in the direction of institutionalizing improved international protection of internally displaced civilians; the tragedy of Kurdish and Shi'ite civilians in Iraq has shown for all to see the inadequacy of the world's current response to the internally displaced. The stage for improvement has been set. You can hear the possibilities in President Bush's own words:

> Some might argue that this decision [of April 16 to field military forces to protect internally displaced Kurds] is an intervention into the internal affairs of Iraq, but I think the humanitarian concern, the refugee concern is so overwhelming that there will be a lot of understanding about this.

3. Promote successful repatriation and reintegration of refugees and internally displaced people. The combined numbers of refugees and displaced people uprooted by some conflicts, such as in Afghanistan and Mozambique, are so great that they could overwhelm such countries if and when they do achieve some semblance of peace. Because most repatriation is spontaneous, "repatriation emergencies" could occur as large numbers and internally displaced people surge towards home areas that are entirely devastated. There is a universal vested interest in assisting such countries to reconcile and develop in the hope that peace is sustained. Today, the international community is not addressing this need at all well.

4. Ensure that victims of human conflict in the poorest, least strategically important countries of the world don't continue to be ignored. All the signs are already in place

that they will be ignored unless NGOs and religious institutions collaborate to change the trend. One recent report indicated that charitable contributions in some European countries for humanitarian programs in Africa are down by more than 90 percent, while contributions to meet needs in the Soviet Union related to problems of food distribution there are flooding in. There will always be such strategic priorities that get a response, and not undeservedly so. However, religious bodies and NGOs are the natural constituency of those that have no other constituents. Recent developments indicate that many people will die or be permanently blighted if we are not up to the task. In the Horn of Africa, forty percent of the entire population are refugees or internally displaced people.

5. Fight the construction of Berlin Walls around the liberal, rich democracies of the West that attempt to cut themselves off from asylum seekers from the second and third world. As the West European nations move toward "harmonization" of their asylum policies and free movement among themselves, there is immense pressure to create barriers to prevent "nonmembers" from penetrating the "clubhouse" they are creating. But all too often, the consequences are a shirking of their responsibility to examine asylum claims and to protect deserving refugees. Instead, the tendency is to "pass the buck" to the frontline first asylum states, where protection is precarious and the resources are badly strained.

On the ground in 1990, the largest new population of refugees and displaced people in Africa was that of Liberians. In a hellacious blood-letting, 1.2 million people were uprooted. In the critical period, when massive numbers of refugees first arrived in poor, remote locations in Guinea, Cote d'Ivoire, and later Sierra Leone, the international community did not respond quickly or well to the refugees' needs. Without the generosity of local people, who opened their homes and shared their meagre resources with the refugees, there would certainly have been a major catastrophe. Months later, when the international community finally got its act together, those same local people found themselves frozen out of the assistance that arrived, even though they had depleted their own food reserves to assist the refugees.

Meanwhile, life remained horrific for those displaced inside Liberia. Some 125,000 people were trapped inside Monrovia, which turned into a battleground between government troops and various rebel and other armed forces. For months, there was no food or water. Killings and even massacres became commonplace. When a multi-national West African peace-keeping force restored some order, hundreds of thousands more displaced people flocked to the city in search of food and security. Once again, international response did not keep up with the explosion of need, and in December 1990, malnutrition and hunger were rife in the Liberian capital.

An uncanny similar scenario played out beginning in December in Somalia's capital, Mogadishu. There too government troops and rebels fought for control of the city. There too dead bodies lay on the street, and terror and mayhem ruled. As 1990 ended, Somali refugees—as well as Ethiopian refugees who had been living in Somalia—were fleeing to neighboring countries. Hundreds of thousands became internally displaced. And with the country still in chaos, help was nowhere on the horizon.

Besides these new emergencies, during 1990 there was substantial deterioration in already existing refugee and internal displacement situations in Africa. Most dramatic among those was in Sudan, where relief experts were forecasting that hundreds of thousands could begin to starve to death beginning in spring 1991. The government of Sudan's longterm denial that a large-scale famine was developing, its hindering of relief efforts by international and private organizations, and its undermining of Operation Lifeline Sudan all contributed to the potential for large-scale starvation in 1991.

In southern Africa, an average of 6,000 Mozambicans per month continued to flee to Malawi, bringing the total number of refugees in that tiny country to more than 900,000. While the dismantling of many of the laws that shaped the apartheid system in South Africa kindled hope for a more equitable South African society and for the repatriation of more than 40,000 South African refugees, it did not help the 250,000 Mozambican refugees whom South African authorities still view as illegal migrants subject to deportation.

A small-scale repatriation program through which several thousand Angolan and Zairean refugees returned home in 1990 was suspended due to the poor security situation in Angola, where war and drought have also put large numbers at risk and have thwarted relief efforts. Although peace talks in both the Angolan and Mozambican conflicts move forward, albeit slowly, repatriation of refugees from those countries is not imminent.

With the signing in June of the Schengen Supplementary Agreement by France, Germany, and the Benelux countries as well as the signing that same month by the EC states of the Dublin Convention on the state responsible for examining an asylum request, the European Community has moved significantly closer to a harmonized policy on asylum and entry as part of its overall plan to abolish internal customs and passport controls within the EC by the end of 1992. The effect of this on asylum seekers in Europe in 1990 was of diminished opportunity to register asylum claims and of a continuing downward trend in the number of asylum cases decided favorably. Harmonization, all too often, has meant that nations once more generous than their neighbors, now are introducing restrictive measures so that they may stand shoulder to shoulder with those European states that have sought to deter the entry of asylum seekers.

Western Europe's restrictive turn, while motivated in large part by the presence of asylum seekers from the Middle East, Africa, South Asia, and Europe's own southeastern region, also reveals a concern about the prospect of a new, large wave of asylum seekers from the Soviet Union.

The disintegration of the Soviet Union picked up speed during 1990, as nearly all Soviet republics declared their sovereignty or independence. Outbreaks of ethnic or nationality-based violence during the past two years have caused more than half a million people to become displaced within the USSR, the majority of whom are Armenians. Azerbaijanis, Meskhtian Turks, Tatars, other Caucasian nationalities, and ethnic Russians living as minority groups in outlying republics have joined the ranks of the displaced as well. Many of the displaced are returning to areas from which they had been forcibly moved during the Stalin era, as each of the nationality patches that comprise the Soviet quilt becomes more ethnically homogeneous.

A resurgence in anti-semitism and fears of political and ethnic violence compelled more than 200,000 Jews to exit the Soviet Union during 1990, most to Israel, but thousands were generously received in the United States and Germany as well. This was the first year of direct resettlement processing of 50,000 Soviets to the United States, who were processed out of the American embassy in Moscow, instead of Vienna and Rome. The new system had glitches, particularly for hundreds of Christian Evangelical families who still had Israel listed as the country of destination on their passports, the well-understood ruse that had once enabled them to reach Vienna.

Despite the added security threats from the Gulf conflict, the migration of Soviet Jews to Israel continued at the highest rate in decades. Israel's housing and social services were severely strained by the admission of about 184,000 Soviet Jews in 1990, and double that number are expected in 1991.

While welcoming the largest influx of Jews in decades, Israel's housing and social services were severely strained by the admission of about 184,000 Soviet Jews during the year, and the prospect that this number could double in the year ahead. The influx of Soviet Jews was a cause of increasing wariness among Palestinians in the occupied territories, including more than 900,000 UNRWA-registered refugees.

The most dramatic event in the Middle East in 1990 occurred with the invasion of Kuwait. The invasion and subsequent occupation touched off an exodus of more than 300,00 Kuwaitis and caused more than a million nationals of other countries to vacate the area. This put a tremendous strain on Jordan, which—due to the presence of 929,000 Palestinian refugees—already had the highest ratio of refugees to native population of any country in the world before the conflict began.

New political and military developments in the region had little impact on the Afghan war and the more than six million Afghan refugees in Pakistan and Iran. Although Soviet troops have been out of Afghanistan for two years, a civil war chugs along delaying still longer the reconstruction of Afghanistan and the return of her people.

Important victories were won during the year on behalf of asylum seekers in the United States. After a decade of bickering, the Immigration and Naturalization Service published regulations to implement the asylum provisions of the Refugee Act of 1980. Under the new system, a specialized corps of asylum officers will hear asylum claims in a nonadversarial setting, supported by a documentation center open to information from nongovernmental agencies. Those denied asylum will still be able to have their asylum claims heard by an immigration judge in the course of a deportation or exclusion hearing. Congress also filled a gap in the 1980 refugee law by creating a category of temporary protected status, and designated an 18-month safe haven period for Salvadorans. Finally, the settlement of a class-action suit in December allows for new adjudications of up to a half million Guatemalan and Salvadoran asylum claims.

The United States also admitted more refugees from overseas in 1990 than in any year since 1981. Fully 75 percent of the 122,325 refugees who were admitted represented two nationalities, Soviets and Vietnamese.

In South Asia, at least one million people were internally displaced in Sri Lanka as a long-running civil war between the Sri Lankan government and Tamil separatists flared violently in June 1990. By the end of the year, about 125,000 Tamils had fled across the Palk Strait to seek refugee in southern India. The government in New Delhi has so far resisted efforts by UNHCR to provide assistance to the Tamils. India has more than 400,000 refugees—from Tibet, Bangladesh, Afghanistan, Burma, as well as Sri Lanka—most of whom receive no international aid or protection.

A new crackdown on Tibetan Buddhist monks and nuns compelled several thousand to cross the high mountain passes into Nepal in search of asylum or transit to India. In the last five months of 1990, Nepal involuntarily repatriated 167 Tibetan asylum seekers, some of whom were imprisoned by Chinese authorities.

Despite persistent entreaties from the United States, UNHCR and USCR, Malaysia has pushed back more than 9,000 Vietnamese boat people since May 1989. Not a single arrival has been counted since July 1990, testament either to the success of the interdiction or the despair of the refugees.

As the civil war in Cambodia escalated in scope and violence, more than 30,000 refugees arrived in Thailand, some bringing horror stories of rampant disease and hunger in the Khmer Rouge "liberated zones." More than 150,000 people having been internally displaced by the fighting.

The number of refugees in Thailand swelled to nearly 460,000, including 325,000 Cambodians, 70,000 Laotians, and 16,000 Vietnamese. Persecution and civil war in Burma has forced more than 45,000 Burmese students and ethnic minority peoples to flee into Thailand. The ethnic groups, principally the Karen and Mon, have clustered in camps and villages along the border, while most of the students have sought refuge in Bangkok.

Throughout the year, the boat people population in Indonesia hovered near 20,000, prompting concern of a backlash. But despite repeated reports of mistreatment of Vietnamese by Indonesian authorities on Kuku Island, the government's commitment to asylum remained unchanged.

The world remains confronted with a myriad of humanitarian and refugee situations. It is unfortunately the case that no government can be trusted to do the humanitarian thing at any particular time or in any specific situation. Governments always act according to their perception of their interests.

The litany of refugee tragedies in 1990—newly created or dragging on—has already unfortunately proven to be only a prelude to 1991's refugee tragedies. And this is the way it will continue unless people East and West, North and South demand of their governments a new world order, with new, more humane priorities, thus making it in governments' individual and collective interests to function on a higher, more moral plane. Upholding human rights, seriously confronting poverty, discrimination, and violence, eliminating crushing debt on the poorest of the world's countries, promoting sustainable, environmentally, respectful, development—these are all goals common people can appreciate; they are all in "the peoples'" interests.

So, too, are protecting and caring for refugees and displaced people.

DEMOCRATIC TECHNOLOGY AND MANUFACTURING INITIATIVE

Mr. DASCHLE. Mr. President, technological development is one of the major forces in economic growth. Americans have been able to continue to raise their standard of living through their international leadership in technology.

Yet, in the past few years, many thoughtful observers of our economy have grown increasingly concerned about the state of technology development in America. We have numerous reports by the Commerce Department, the Defense Department, the Office of Science and Technology Policy, and various private groups all agreeing that our technological edge, vital for both our national security and our economic well-being, is slipping.

For example, according to a report by the Council on Competitiveness, a nonprofit, private-sector group made up of leaders in business, labor, and academia, the United States is strong in some sectors, but is weak or is losing ground in many other technologies—including important technologies such as advanced metals, flexible manufacturing, precision machining, electrostatics, lasers, photonics, electronic ceramics, integrated circuit fabrication and test equipment, robotics, memory chips, and optical information storage.

Recently, a number of my colleagues, led by Senators BINGAMAN, HOLLINGS, GORE, NUNN, and MITCHELL, introduced legislation designed to stem the decline in America's technological leadership and strengthen American manufacturing base. I commend their efforts.

Senate Democrats want to sharpen the competitive edge of our U.S. industries by creating a partnership with the Federal Government to compete internationally in the development of these industries. This legislation will accomplish that goal.

Not surprisingly, Mr. President, those who disagree with the foundation of this legislation—that a crucial and unmet role exists in creating a partnership between the Federal Government and industry—have expressed their opposition to the objectives of this legislation introduced by the Democratic leadership.

In a Washington Times editorial dated June 21, predictably, the Senate Democrats' technology and manufacturing proposals were attacked as an example of Government fiddling with the market.

This editorial shows, I believe, how little many understand of the workings of our economy, where Government and the private sector each play an important role. Our history, and indeed the history of technological development, has shown the positive force of Government in the creation of new technologies. Starting with the development of interchangeable parts during the Industrial Revolution—the so-called American system of manufacturing which laid the foundation for mass production, the Government has played an important, active, and positive role.

In modern times, Government has been a key actor in the creation and development of critical technologies such as computers, microelectronics, and aerospace. In fact, the Bush administration has continued to call for Government involvement in some of these areas, such as in the development of the National Aerospace Plane.

Printed in the June 28, 1991, issue of the Washington Times is a reply from my colleague from New Mexico, Senator JEFF BINGAMAN. Senator BINGAMAN has been a leader in attempting to create a rational technology policy, often in the face of 11 years of administration opposition and ignorance.

In his response, Senator BINGAMAN correctly points out what I believe are two key problems. First is the need for a coherent and coordinated Federal effort in research and development. As he notes, we spend over $70 billion annually on research and development. We should at least require that this funding be carried out in a coherent manner.

The second key problem Senator BINGAMAN points out is the fact we are drastically underinvesting in capital equipment and research and development. Japan is now investing more than the United States in absolute terms, even though they have a smaller economy overall. As Senator BINGAMAN puts it:

> To believe that the United States will be able to sustain its economic and technological edge over Japan when year after year Japan out-invests the United States in these critical areas is tantamount to ideological thumb-sucking.

I would also like to point out one interesting argument in the Washington Times editorial. As a member of the Senate Finance Committee, I have been hearing over and over again from conservatives that the solutions to our competitiveness problems begin at home. Specifically, we were told we should stop blaming Japan for our problems, and solve our problems here at home.

Now that Democrats have come forward with an initiative to help restore our domestic capabilities, it is a bit ironic to hear conservatives proclaim our trade deficit with Japan is "largely attributable not to shortcomings in American industry, but to unfair trade practices," as did this editorial.

Mr. President, America's economic future does depend greatly on what we do here at home. Strengthening our technological and manufacturing capabilities is an important part of ensuring a bright economic future for ourselves and our children. This Democratic initiative creates a viable partnership between the public and private sectors—for the benefit of all. It deserves our support.

I ask unanimous consent that both the editorial and Senator BINGAMAN'S response be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 21, 1991]

A DEMOCRATIC FIVE-YEAR PLAN

Boris Yeltsin, Russia's first popularly elected president and a prophet of free markets, free trade and the liquidation of government ties to industry, made his first visit to Capitol Hill this Wednesday. He arrived just in time to hear Sen. Jeff Bingaman, chairman of the Armed Services Subcommittee on Defense Industry and Technology, and Sen. Sam Nunn, chairman of the committee as a whole, introduce legislation that would map out America's first "five-year" plan."

"If the U.S. is to regain leadership in manufacturing," Sen. Bingaman told reporters Wednesday, "the federal government must step in where private markets cannot or do not function."

"The plan I introduce today," he continued, "sets out a coherent and ambitious plan for government-industry cooperation in manufacturing technology management, development, deployment, education and international cooperation."

In the old days, before the American political vocabulary became clouded with euphemisms, there was a name for the idea Mr. Bingaman and Mr. Nunn are pushing. The name was "socialism." It is the exact same idea, albeit in embryonic form, that the peoples of Eastern Europe and the Soviet Union have dramatically rejected after suffering decades of abject poverty and government control of their lives. The argument that buttressed this idea was, to paraphrase, Mr. Bingaman, based on the mistaken assumption that "private markets cannot or do not function" and that, therefore, if wealth is to be created, "the federal government must step in."

But despite the Democratic majority in Congress, America still enjoys the most productive economy on the planet and a (seldom reported) trade surplus with Western Europe. America does suffer from a trade deficit with Japan, but that is largely attributable not to shortcomings in American industry but to unfair trade practices conducted by the Japanese government, which effectively bar many American industries from entering the Japanese market.

Where American industry truly lags, it is not because government has failed to stick its nose into the works but for precisely the opposite reason—government fiddling around with the American entrepreneur. Even in the Reagan era, when American voters consistently backed politicians who rhetorically promised to "get government off our backs," year after year the burden of taxes and regulation was piled higher and higher on American savers and businessmen.

With the Clean Air and Disabilities acts passed, new excise taxes in place, no cuts in the social security or capital gains taxes imminent, and family leave and national health care plans pending, Congress' ever-clutching invisible left hand might once and for all be ready to wring the life from the golden goose of American enterprise. Mr. Bingaman's and Mr. Nunn's "National Critical Technologies Act" and "Advanced Manufacturing Technology Act" call for more than $1 billion per year in new federal spending, a federal industrial planning bureaucracy and a "five-year technology 'roadmap' for manufacturing." All this would move the country a few increments further away from the system of free enterprise that made our affluent way of life the envy of the world.

If Mr. Bingaman and Mr. Nunn want to support legitimate federal involvement in technology development, they should abandon their quest to kill the Strategic Defense Initiative and leave private enterprise to private citizens.

[From the Washington Times, June 21, 1991]

IF FEDS STAY OUT OF HIGH-TECH RACE, U.S. LOSES

Your June 21 editorial "A Democratic five-year plan" demonstrates little understanding of the appropriate role of government in fostering market capitalism.

It may come as a surprise to you to learn that the federal government spends over $70 billion annually on research and development and that those expenditures might have something to do with American competitiveness in industrial sectors ranging from aerospace to medical equipment to agriculture.

It may also come as a surprise to you to learn that markets have imperfections, not all of which result from a diabolical socialist plot. For example, industry underinvests in long-term, high-risk research, the results of which usually are not appropriable by a single firm. It is entirely appropriate for government to deal with such imperfections. The governments of capitalist, market economies around the world do so, some more successfully than others.

Even the Bush administration has recognized the need for coherent federal support for precompetitive development of critical generic technologies. The administration has outlined a five-year road map for high-performance computing, one of the 22 critical technologies identified by a White House-chaired industry-government panel in April. The administration is working on similar road maps for advanced materials, manufacturing and biotechnology.

These road maps are aimed at coordinating the federal research and development effort on these technologies and at making that research more responsive to the needs of the private sector, something Commerce Secretary Robert Mosbacher and others in the administration in numerous private-sector groups have advocated.

My legislation goes beyond drawing up road maps to provide additional funding for industry-driven precompetitive R&D partnerships. There has been a trend in recent years toward support of such partnerships, witness the Reagan and Bush administrations' support of Sematech, the National Center for Manufacturing Sciences, the Specialty Metals Consortium and the Commerce Department's Advanced Technology Program. I propose to sharply accelerate that trend. Please note that these partnerships always involve several private-sector firms to insure competition in applying the results in the marketplace.

My legislation also proposes to strengthen manufacturing extension programs for small- and medium-sized firms and manufacturing education programs in our universities and community colleges.

It is striking to me that the federal government spends less than $20 million annually for manufacturing extension when manufacturing constitutes 20 percent of our gross national product, and $500 million annually for agriculture extension efforts aimed at 3 percent of U.S. GNP. The market imperfection is the same in both cases: Family farms and small manufacturing firms (of which there are 342,000 with fewer than 500 employees) are unlikely to have the resources systematically to stay abreast of the latest research results with potential application to their businesses. If we deal with the problem straightforwardly in one instance, we should not let some peculiar ideological blinders prevent us from doing so in the other: Japan and the European Community certainly pursue manufacturing extension efforts as part of their technology policies.

Finally, a note about our competitiveness with Japan. It must be comforting to believe that our once again growing trade deficit with Japan is "largely attributable . . . to unfair trade practices." I believe you will find few in industry or government who would agree with you. Instead, many would point to Japanese industry's investment in capital equipment and R&D, which is now greater than that of all of U.S. industry, even though Japan's GNP is more than $2 trillion smaller than that of the United States. This in turn is connected with Japanese government policy on research, education, taxes and (yes) trade, which systematically is aimed at fostering a manufacturing enterprise second to none. To believe that the United States will be able to sustain its economic and technological edge over Japan when year after year Japan out-invests the United States in these critical areas is tantamount to ideological thumbsucking.

The European Community is trying to find its way to a similar set of policies. While we, as you, note, enjoy an overall trade surplus with Western Europe, you may be surprised to find a continuing substantial deficit in our high-technology products trade balance with Western Europe, especially with Germany.

In short, we face fundamental choices in the years ahead in our federal technology policy. We can continue to let each mission agency independently pursue its own agenda with minimal private-sector input and hope that occasionally there will be a few spinoffs of benefit to our competitiveness. Or we can seek coherence in the federal R&D enterprise and tighter interaction with the private sector. I advocate the latter course because it is one key to sustained American economic and technology leadership in the 21st century.

JEFF BINGAMAN,
U.S. Senate.

WASHINGTON.

BISON PRODUCTION AND PROCESSING IN JEOPARDY

Mr. PRESSLER. Mr. President, I rise today to inform my colleagues of a letter I have sent to Dr. David A. Kessler, Commissioner of the Food and Drug Administration [FDA]. This letter, signed by myself and 12 other Senators and five Representatives, urges the Commissioner to consider permitting the use of sodium nitrite in appropriate amounts as an approved additive in the curing and processing of bison (buffalo) meat products produced under Federal or State inspection. At this time, Mr. President, I would ask that this letter be printed in the RECORD.

There are approximately 112,000 head of bison in the United States today. The herd size is doubling approximately every 7 years. Bison is now being sought by consumers as a naturally lean meat product. In South Dakota, we have known that for years. We have been able to purchase bison, both fresh and processed, for a number of years.

Now, more Americans have learned about the virtues of bison meat. This new demand has helped the small bison producer, both in my State and in other States. Bison production is an important alternative agricultural emterprise. The economic ripple effect of bison production benefits bison processors, those employed in the Nation's transportation system, and many others in rural communities across the Nation.

Currently, processed meat products that are 100 percent bison with nitrites added, such as whole muscle bison jerky, cannot be shipped from one State to another. However, processed beef and poultry products containing nitrites have been permitted in interstate commerce for years.

Bison is closely related taxonomically to the various breeds of bovine (cattle) used as edible meat tissues in this country. The United States Department of Agriculture [USDA] Food Safety and Inspection Service [FSIS] states that all of the techniques it currently uses to identify raw meat tissues cannot distinguish bison meat from beef. Mr. President, I submit for the RECORD a letter detailing this fact from FSIS.

I would also like to submit for the RECORD a letter from Bruce Anderson and Godson Seaman, owner-operators of Rapid City Western Meats explaining the problem and supporting the use of nitrites in 100-percent bison-processed meat products shipped in interstate commerce.

In addition, I ask unanimous consent that a letter from Al Hochhalter, owner-operator of the Yellowstone Trail Wild Game Wholesaler of Mobridge, SD, and a letter from the American Association of Meat Processors be printed in the RECORD.

I urge my colleagues to be aware of this issue and ask for their support in encouraging the development of a vigorous U.S. bison industry.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 27, 1991.

DR. DAVID A. KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. KESSLER: We are writing to you to urge you to consider permitting the use of sodium nitrite in appropriate amounts as an approved additive in the curing and processing of buffalo (bison) meat products produced under Federal or State inspection.

Currently, Food and Drug Administration [FDA] regulations permit household consumers to use sodium nitrite in curing buffalo, venison, and other exotic/game animals for their own use. In addition, sodium nitrite is permitted for use in bison meat products by the U.S. Department of Agriculture—when three percent or more of other meat or poultry is added to it. Bison is genetically similar and in many respects identical to beef. In fact, it is indistinguishable from beef under current government testing procedures. Some states treat bison identical to beef for inspection purposes. The USDA recognizes this (attached).

There are approximately 112,000 head of bison in the United States today, and the herd is doubling every 7 years at current growth rates. About 12,000 head are slaughtered annually, with a market value of $16,200,000. With FDA approval of sodium nitrite in buffalo (bison), the industry believes that the market value would increase to $18,000,000. In addition, the potential for exporting bison products has not been explored. Consumer demand for this alternative meat source has been growing in the United States and overseas. Consumers are attracted to bison for many reasons, in particular its excellent nutrient values.

The use of sodium nitrite in bison products is strongly endorsed by many organizations, including the National Association of State Food and Meat Inspection Directors, the American Bison Association, the National Buffalo Association, and the American Association of Meat Processors. Again, permitting the use of sodium nitrite in 100 percent bison products processed under either federal or state government inspection would benefit consumers and the growing bison industry.

We look forward to your favorable response to this request.

Sincerely,

Senator Larry Pressler, Senator Thomas A. Daschle, Senator Christopher S. Bond, Congressman Byron Dorgan, Senator Timothy E. Wirth, Senator Steve Symms, Senator J. Robert Kerrey, Congressman Tim Johnson, Senator John C. Danforth.

Senator Herb Kohl, Senator William V. Roth, Jr., Congressman Floyd Spence, Senator Quentin N. Burdick, Senator Hank Brown, Congressman John Spratt, Congressman Tom Ridge, Senator Larry Craig, Senator Malcolm Wallop.

DEPARTMENT OF AGRICULTURE,
FOOD SAFETY AND INSPECTION SERVICE,
Washington, DC.

The following resolution prepared by the National Advisory Committee on Meat and Poultry Inspection was accepted by the Food Safety and Inspection Service at the June 18–19, 1991, meeting.

RESOLUTION II

Amenability of Species

The National Advisory Committee on Meat and Poultry Inspection recommends that FSIS endorse and support State meat and poultry inspection programs offering inspection services for game and other nonamenable species on a voluntary reimbursable basis. Such game and other nonamenable species, as defined by USDA/FSIS, shall be authorized for shipment to countries outside the United States, and to other States as currently authorized by regulations. Species other than those considered by USDA/FSIS as nonamenable shall be negotiated by States with the Department on a case-by-case basis.

DEPARTMENT OF AGRICULTURE,
FOOD SAFETY AND INSPECTION SERVICE,
Beltsville, MD, June 27, 1991.

DR. SAM HOLLAND,
Assistant State Veterinarian, South Dakota Animal Industry Board, Pierre, SD.

DEAR DR. HOLLAND: In response to your telephone inquiry of June 25, 1991 requesting information concerning our ability to identify meat tissue of the American bison (buffalo) species, I am pleased to provide you with the following:

The American bison species is so closely related taxonomically to the various breeds of bovine (cattle) used as edible meat tissue in the USA, that all of our immunological based assays (ring precipitin, Ouchterlony immunodiffusion, ELISA, SIFT test systems) currently used to identify raw meat tissues do not allow the specific and unequivocable identification of bison species. Bison tissue reacts antigenically very similar, if not identical, to bovine tissue in all of our presently employed immunoassays. There are rare reports in the literature of the nonimmunological method of Thin Layer Isoelectric Focusing (TLIEF) having the capability of differentiating raw bison tissue from other species of edible tissue. Some years ago we adopted and implemented a TLIEF method in our Technical Support Laboratories as a screen test for imported, whole, raw meat tissue; however, the method did not prove to be capable of differentiating bison tissue.

In summary, FSIS has no laboratory test procedure to unequivocably identify raw bison meat from bovine meat species due to the very close taxonomic relationship of these two species. It is unlikely that future endeavors will be expended to attempt to develop such a differentiation test for this Federally non amenable species due to the difficulty of the problem and the relative need for such capability in our National Testing Programs.

If I can be of any future help to you in the above regard, please feel free to call upon me anytime at (301–344–2535).

Sincerely yours,

RICHARD P. MAGEAU, PH.D.,
Supervisory Microbiologist, Immunology Section, MMB, MD.

R.C. WESTERN MEATS, INC.,
Rapid City, SD, July 23, 1991.

HON. SENATOR PRESSLER: The buffalo meat business is a vibrant, growing concern here in South Dakota. The customer is demanding a lean product and buffalo fills this need. Nitrites that can be used in any other meat product are banned from use in buffalo meat. This FDA regulation hurts the customer, the producer, and the processor.

If this regulation is changed it will create added demand on buffalo meat. This added demand translates to more employment opportunities here at RC Western Meats. The South Dakota ranchers who raise buffalo will see their animals worth more money. Other ranchers who are now considering raising buffalo will decide to take the plunge into buffalo ranching creating a larger pool of animals for the processors to draw from.

There is no better place in the world to raise buffalo than South Dakota. These hardy animals are perfectly suited for our climate. They thrive on our native grasses. They are drought resistant. They are able to withstand blizzard conditions that would decimate cattle. This plus the fact that they are animals that require larger tracts of land to do well means that they will continue to become a bigger part of South Dakota ag economy.

We here at RC Western Meats hope that this barrier that the FDA imposes on the buffalo industry can be removed. It serves no useful purpose. I personally cannot think of any special interest group that would object to removing this regulation. We look forward to the day when we can point to the removal of this regulation as one of the important stepping stones in the buffalo success story here in South Dakota.

Yours truly,

BRUCE W. ANDERSON,
JUDSON R. SEAMAN,
Co-Owners RC Western Meats.

YELLOWSTONE TRAIL,
WILD GAME WHOLESALER,
Mobridge, SD, June 7, 1991.

DEAR SENATOR PRESSLER: I am writing in regard to our phone conversation with one of your staff members on buffalo products, the use of nitrite in Buffalo sausage, and whole muscle jerky. The FDA restrictions on these products have prevented us from expanding into other States.

For example. If you are a state inspected plant and want to ship products into another State, you cannot use nitrite in pure buffalo.

If nitrite is used, we have to add no less than 3% beef or pork.

If we add beef or pork, we have to be a federally inspected plant, to go to another State with our products by FSIS regulations.

At the same time, if you are a Federal Plant, they will accept State inspected Buffalo, add beef, and all 100% of the product goes out of that Plant federally inspected.

I would like to know, why the Federal Plants can alter their products up to 97% and we in State level are not allowed to do so by 3%. Most all the plants in South Dakota are State inspected and a lot of them are as good as some of the small Federal Plants.

The point is, if nitrite is not harmful in beef, pork or poultry, there is no reason, why it would be harmful in buffalo.

We produce thousands of pounds of whole muscle Buffalo Jerky. How would you go about, putting beef or pork into Buffalo round steak, and blend them into one? Impossible.

Therefore we are limited to what we can legally produce under these laws. Either way we go, we are illegal with rules like this.

We are a small plant, compared to some, with 8 employees. Buffalo and Wild Game is about 50% of our business, which amounts to about $500,000.00 per year. About 99% of this is shipped out of State. If it wasn't for a lot of these laws, we could produce more products and generate more revenue for South Dakota.

The inquiries we get on some of these products, we have to put on hold, until we get some of our differences resolved.

Sincerely,

ELMER HOCHHALTER,
Owner-operator.

AMERICAN ASSOCIATION OF
MEAT PROCESSORS,
Elizabethtown, PA, July 22, 1991.

Hon. LARRY PRESSLER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: On behalf of the nation's meat industry, let me express our appreciation and gratitude for your efforts to help increase the marketability and sales of bison meat products. The American Association of Meat Processors, (AAMP) strongly supports you in your effort to eliminate an obscure, contradictory and unnecessary restriction on the safe use of sodium nitrite in government-inspected commercial processing and manufacturing of bison meat products.

Consumers are increasingly demanding bison meat products, and meat processing firms are trying to satisfy this demand for new, healthful and unique American bison products. It is ironic that sodium nitrite is permitted for use as an additive in red meat and poultry products, and even in bison when used in home-curing by the average consumer, but not when government-inspected meat processing firms want to make a 100 percent, all bison meat product.

USDA's Food Safety and Inspection Service is willing to grant labels for such bison meat products, if only the Food and Drug Administration will recognize bison as a meat virtually identical to beef, and thus permit the use of sodium nitrite as a curing ingredient in manufacturing under Federal and State meat inspection.

We urge all interested consumers to join us in this effort!

Sincerely,

BERNIE HANSEN,
President.

HONORING MICHIGAN TROOPS WHO DIED IN DESERT STORM

Mr. RIEGLE. Mr. President, today I wish to pay tribute to one of the 16 brave Michigan service members, Lance Cpl. James B. Cunningham, age 22, who lost his life in service to his country in suppport of Operation Desert Storm.

In an hour of grave national crisis, America called hundreds of young Michigan men and women to service. Lance Corporal Cunningham answered willingly. He gave all we ask of him. He gave his life. It is always tragic when a life is lost, especially the life of a young person. But this heroic man lost his life in an act of bravery in the service of our country. In that we may take pride.

James and Julia Cunningham, Lance Corporal Cunningham's parents, and Beth, his sister, were called upon as well to make a heartbreaking sacrifice. They should be commended for standing behind James and supporting him during his military service.

As the people of Michigan mourn the loss of this man, we are proud to have called him a neighbor and friend. As a nation we are indebted to Lance Corporal Cunningham and his family. We can ask for nothing greater than to ask an American family to sacrifice a loved one for this country. This debt may never be repaid except in our hearts and in our prayers.

REMEMBERING BOBBIE EUGENE MOZELLE

Mr. RIEGLE. Mr. President, I rise today to pay tribute to the memory of a beloved husband, son, and brother, Bobbie Eugene Mozelle, of Detroit, Mr. Mozelle was brutally assassinated on February 7, 1991, the first civilian casualty of Operation Desert Storm. He was gunned down by left wing terrorists outside his apartment near the Incirlik Air Force Base in Adana, Turkey.

Bobbie Mozelle's life was dedicated to serving his country and his family. Following a 20-year career, he retired from the Air Force in 1989 as a master sergeant, His years in the Air Force included a tour of duty in Vietnam. He had been serving as an accountant with the firm Vinnell, Brown, Root in Turkey at the time of his murder.

But more important than what he did is who he was. Just 44 years old when he died, Bobbie Mozelle was a quiet, kind, and loving man devoted to his family. He was a newlywed. Married just 18 short months when he was killed he sent his bride, Fatma, back to Detroit to wait his return.

He was a loyal dependable son and brother. His mother, Lydia, lives in Detroit. She knew she could always count on Bobbie to be there for her. The day after Mrs. Mozelle learned of her son's death, his Valentine's card arrived in the mail. She tells us that Bobbie was a good boy. His sisters, Brenda and Vanessa, miss him each and every day and hold close memories from this childhood.

Mr. President, Bobbie Mozelle puts another dimension on the human tragedies of war. The victims of war reach far beyond the battle field and the combatants directly involved. Bobbie was a civilian, doing his job, earning a living to support his family. His murder was senseless, his life full of meaning. I know all of my colleagues join me in sending our heartfelt condolences to his family. Bobbie will not be forgotten.

REPRESENTATION BY SENATE LEGAL COUNSEL, SENATE RESOLUTION 157 AND SENATE RESOLUTION 158

Mr. MITCHELL. Mr. President, I have 2 resolutions authorizing the Senate Legal Counsel to represent former and current Senator employees in certain pending legal proceedings.

I ask unanimous consent that they be considered en bloc, agreed to, the preamble agreed to, the motion to reconsider the vote on the resolutions en bloc be laid upon the table, and that consideration of each resolution be shown separately in the RECORD with statements by the majority leader on each resolution appearing at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 157) and (S. Res. 158), considered and agreed to, are as follows:

S. RES. 157

Whereas, the Department of Justice is seeking information from present and former employees of the Senate of the United States in connection with its inquiry relating to the conduct of Senator Dave Durenberger;

Whereas, by Senate Resolution 60 of the 102d Congress, the Senate previously authorized present and former employees of the Senate to testify and to produce records of the Senate, except concerning matters for which a privilege should be asserted, in connection with this inquiry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for information relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent present and former employees of the Senate regarding the provision of information in conection with the inquiry of the Department of Justice relating to the conduct of Senator Dave Durenberger.

AUTHORIZATION FOR REPRESENTATION OF EMPLOYEES OF THE SENATE

Mr. MITCHELL. Mr. President, in February the Senate agreed to Senate Resolution 60 of the 102d Congress, authorizing present and former employees of the Senate to provide information sought by the Department of Justice in connection with its inquiry relating to the conduct of Senator DURENBERGER. Following up on that resolution, today's resolution would authorize the Senate Legal Counsel to represent those employees in providing information sought by the Justice Department, while ensuring that the privileges of the Senate are respected. This is in accord with Senate practice when employees are asked to provide information relating to their official Senate duties.

S. RES. 158

Whereas, in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, defendants have requested the testimony of Kenneth A. McLean, a former employee of the Senate on the staff of the Committee on Banking, Housing, and Uran Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Kenneth A. McLean is authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Kenneth A. McLean in connection with his testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

Mr. MITCHELL. Mr. President, defendants in civil litigation arising out of the failure of Lincoln Savings and Loan Association have requested deposition testimony from a former employee of the Senate. The consolidated proceedings, which are pending in the U.S. District Court for the District of Arizona, are known as In re American Continental Corporation/Lincoln Savings and Loan Association. The plaintiffs include bondholders seeking to recover funds they invested in American Continental Corporation.

One set of defendants in this litigation has requested deposition testimony from Kenneth A. McLean, former staff director of the Senate Committee on Banking, Housing, and Urban Affairs. This request relates to Mr. McLean's knowledge of potential dissemination to the press of confidential information from the Federal Home Loan Bank Board concerning Lincoln Savings.

In keeping with the Senate's customary cooperation with legitimate requests of litigants, this resolution would authorize Mr. McLean to testify at a deposition. In order to protect the Senate's constitutional privileges, the resolution authorizes testimony except concerning matters for which a privilege should be asserted, and authorizes the Senate Legal Counsel to represent Mr. McLean in connection with his testimony.

RURAL TELEPHONE COOPERATIVE ASSOCIATIONS ERISA AMENDMENTS ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2031, a bill relating to rural telephone cooperatives just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2031) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BINGAMAN. Mr. President, I rise today in support of H.R. 2031, the Rural Telephone Cooperative Associations ERISA Amendments Act of 1991. This bill, which was uniformly supported in the other chamber, would provide equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption under ERISA.

Telephone cooperatives perform an invaluable service in providing telephone service to many rural areas. My home State of New Mexico has 6 such cooperatives with over 15,035 subscribers. Simply put, many families in New Mexico would not have telephone service if these telephone co-ops did not exist. Furthermore, these cooperatives are an important source of employment in their communities. New Mexico's telephone co-ops employ approximately 225 persons. Many of these employees are dependent on cooperative benefit plans for their health insurance coverage. I am pleased that the Senate, by passing H.R. 2031, is acting today to ensure that they and other telephone cooperative employees receive these benefits in the most efficient manner possible.

H.R. 2031 is necessary because of problems arising from the passage of the Employee Retirement Income Security Act [ERISA] in 1974. Originally, ERISA preempted some State regulations from applying to many covered benefit plans, including those of electric and telephone cooperative associations. Unfortunately, this preemption allowed abuses to develop. In particular, certain multiple employer welfare arrangements [MEWAS] were marketed by unscrupulous individuals to unrelated employers. The marketers of these plans, who claimed to be exempt from State regulation, often had no intention of providing the benefits they sold.

In late 1982, Congress addressed these abuses by limiting preemption provisions with respect to MEWA's. Recognizing that some MEWA's, including labor-management negotiated multiemployer plans and rural electric cooperative plans, had legitimate reasons to maintain their preemption status, Congress exempted these plans from the new MEWA provisions.

Unfortunately, rural telephone cooperative MEWA's were not included in the 1982 preemption provisions. They should have been. These plans do not generate fees and commissions for the plan sponsors, and are sometimes the only source of health, life and disability benefits for telephone cooperative employees. Clearly, these plans are not a cause of the MEWA abuses that the 1982 legislation attempted to address.

Since 1982, provisions adding telephone cooperatives to the list of plans exempt from the 1982 provisions have been included in legislation that ultimately failed to become law. This year, H.R. 2031 was introduced as stand alone legislation in an effort to finally pass this important provision. I am grateful to the bill's sponsor, Congressman PAT WILLIAMS, for introducing the Rural Telephone Cooperative Associations ERISA Amendments Act of 1991. I fully support his efforts, and am pleased that the Senate is preparing to pass this important legislation.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time and passed.

So the bill (H.R. 2031) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Seante by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON UNITS OF THE READY RESERVE REMAINING ON ACTIVE DUTY—MESSAGES FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to section 673(d) of title 10, United States Code, I have the honor to transmit the enclosed report relating to units of the Ready Reserve of the Armed Forces that remain on active duty under the provisions of section 673 as of July 1, 1991.

Retention of these units is required by continuing military requirements in response to the ongoing emergency declared in accordance with section 301 of the National Emergencies Act, and Executive Order 12743, January 18, 1991, "Ordering of the Ready Reserve of the Armed Forces to Active Duty."

Ready Reserve units of the Army, Navy, and Air Force are still performing essential missions in the United States, Europe, and Persian Gulf area that support the retrograde of U.S. Armed Forces from the Persian Gulf. Ready Reserve units of the Army are also participating in Operation Provide Comfort by supporting efforts to provide humanitarian assistance to Kurdish refugees in Turkey and northern Iraq. Marine Corps Ready Reserve units remain deployed to the Western Pacific to fulfill the strategic military obligations of the United States in that region. They will remain deployed until such time as the Active component elements deployed to the Gulf can be reconstituted in the Western Pacific, an effort that was also delayed by Operations Provide Comfort and Sea Angel, in which returning U.S. forces provided humanitarian relief to victims of natural disasters in Bangladesh.

All Coast Guard Ready Reserve units have been released from active duty.

GEORGE BUSH.

THE WHITE HOUSE, *July 24, 1991.*

REPORT ON BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposed rescission totaling $5,000,000 and one revised deferral of budget authority now totaling $127,036,000. Including the revised deferral, funds reported as withheld now total $10.3 billion.

The proposed rescission affects the Department of Defense. The deferral affects the Department of State. The details of the deferral and proposed rescission are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *July 24, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 153) to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

The message also accounced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1096. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1096. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 1539. An original bill to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Retirement and Disability System, and for other purposes (Rept. No. 102–117).

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 869. A bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes (Rept. No. 102–118).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

William Harper, of New Jersey, to be Director of the Office of Energy Research:

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 1534. A bill to require the establishment of a capital projects bureau within the Agency for International Development, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRANSTON (by request):

S. 1535. A bill to amend title 38, United States Code, to improve the Health Professional Scholarship Program operated by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ADAMS:

S. 1536. A bill to provide for worker and community assistance and for ecosystem conservation in Pacific Northwest Federal forest lands, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S. 1537. A bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER:

S. 1538. A bill to authorize a certificate of documentation for the vessel ERIC WC; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 1539. An original bill to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Retirement and Disability System, and for other purposes; to the Committee on Armed Services, for the 30-day period provided in section 3(b) of S. Res. 400, 94th Congress, except that if such Committee fails to report within that time period, it be discharged from further consideration of the bill.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 1540. A bill to amend the Child Nutrition Act of 1966 to extend the special supplemental food program for women, infants, and children (WIC), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE:

S. 1541. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

S. 1542. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1543. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1544. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1545. A bill to extend the temporary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1546. A bill to extend the temporary suspension of the duty on amino sulfone BR; to the Committee on Finance.

S. 1547. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

S. 1548. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1549. A bill to extend the temporary suspension of the duty on theobromine; to the Committee on Finance.

S. 1550. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

By Mr. HELMS:

S. 1551. A bill to amend the Internal Revenue Code of 1986 to provide that income of certain spouses will not be aggregated for purposes of the limitations of sections 401(a)(17) and 404(l) of such Code; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. WOFFORD, Mr. ROTH, and Mr. SPECTER):

S. 1552. A bill to amend the Wild and Scenic Rivers by designating the White Clay Creek in Delaware and Pennsylvania for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Ms. MIKULSKI):

S. 1553. A bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf War and the spouses and families of such veterans; to the Committee on Veterans' Affairs.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. RIEGLE, Mr. SPECTER, Mr. BREAUX, Mr. MITCHELL, Mr. SEYMOUR, Mr. BRADLEY, Mr. CHAFEE, Mr. SASSER, Mr. SARBANES, Mr. ROCKEFELLER, Mr. METZENBAUM, and Ms. MIKULSKI):

S. 1554. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1555. A bill to provide for disaster assistance to fruit and vegetable producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN (for himself, Mr. BROWN, Mr. LOTT, Mr. COATS, Mr. SYMMS, Mr. BURNS, Mr. SMITH, Mr. HELMS, Mr. D'AMATO, Mr. SPECTER, and Mr. MACK):

S.J. Res. 182. A joint resolution proposing a Balanced Budget Amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 157. A resolution to authorize representation of employees of the Senate; considered and agreed to.

S. Res. 158. A resolution to authorize testimony by and representative of former employee of the Senate in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1534. A bill to require the establishment of a capital projects bureau within the Agency for International Development, and for other purposes; to the Committee on Foreign Relations.

TRADE AND COMPETITIVENESS ACT OF 1991

• Mr. LIEBERMAN. Mr. President, today I am introducing the Trade and Competitiveness Act of 1991.

Exports remain crucial to our Nation's economic growth. Throughout the present recession, the one bright spot in the economy has been trade. Our exporters have kept the economy afloat. This is particularly true in my home State of Connecticut. In 1990 alone, State exports grew by nearly 18 percent. Exports provided 84,000 manufacturing jobs in the State and another 63,000 jobs in firms dependent on exporting. Close to 20 percent of the State's 6,700 manufacturers export compared to the national average of 12 percent. In short, Connecticut's economic future is tied to exports.

But the problem for Connecticut exporters, as well as exporters across the country, is how to remain competitive against increasing foreign competition. This competition used to be primarily from Germany and Japan, but that is no longer the case. The other dynamic Asian economies of Korea, Taiwan, Hong Kong, and Singapore are competing for global markets. And as Europe approaches 1992 and the final stages of European economic unity, the European Community [EC] is rapidly becoming a more potent economic force.

While it is not the role of the Federal Government to try to solve all the problems confronting our exporters, the Federal Government must work with the American exporting community to help them to capture new markets and hold old ones. One of the biggest obstacles confronting exporters is a lack of sufficient export financing. Our products are often competitive with the products of other nations, but it is our terms of trade—the packaging of a transaction—that makes life difficult for American exporters.

Export financing and tied aid—the tying of economic aid to export sales—is the key to gaining a foothold in the emerging markets of advanced developing nations. Nobody likes tied aid, but everyone uses it. This form of financing was supposed to have been put to rest with the Arrangement on Guidelines for Officially Supported Export Credit [the Arrangement]. The Arrangement is an informal agreement among 22 of the 24 Organization for Economic Cooperation and Development [OECD] countries to set guidelines on export financing. It first came into existence in 1978, but its roots can be traced back to the 1960's. The most recent negotiations under the framework of the Arrangement, put into place in 1987, is known as the Tied Aid Credit Agreement. The basic premise of this agreement is that a 35-percent minimum of concessionality—that is, the grant portion of a deal—must be reached in order to put forward a tied aid credit package.

It is important to remember that this 35 percent was designed to make tied aid too expensive a proposition for nations to pursue. If the threshold had been 20 percent or even 25 percent, a government might consider pursuing this kind of deal in order to help out an exporter; 35 percent was considered to be too expensive—at least in theory. The problem is that tied aid activity has increased since the 1987 version of the Arrangement was put into place because our foreign competitors remain committed to the practice of using tied aid to help their exporters.

A new round of negotiations at the OECD is faltering, and the United States must have contingency plans in place to combat the tied aid practices of foreign nations if the negotiations fail. We have existing tied aid programs, but these programs are not adequately funded because of the emphasis the administration has put on the Arrangement as a way to eliminate tied aid. Official Government support for tied aid goes against traditional U.S. policy of not mixing development aid and support for exports, and in a very practical sense, the administration apparently does not want to commit itself to a substantial program because tied aid is very expensive.

But the lack of commitment by the Government to an aggressive tied aid program has caused U.S. exporters to lose out to their competitors in valuable overseas markets, for sales of products as computers and telecommunications. This means less jobs at home. According to Ambassador Ernie Preeg, a former chief economist at AID and one of the foremost experts on this issue, the "current market for capital goods transactions * * * which is inaccessible to U.S. exporters because of other governments, is $10 to $12 billion per year, resulting in an estimated $2.4 to $4.8 billion annual loss to U.S. exports. Future U.S. export loss in high-growth developing country markets could be far greater."

Using Ambassador Preeg's thoughts on this issue as a framework for my bill, I have developed a program that I hope will help our exporters get back in the game of winning contracts in developing country markets. I also want to take a moment to acknowledge the leadership of Senators BYRD, BOREN, BENTSEN, and BAUCUS on this issue. I believe my bill to be complementary to their efforts.

In my legislation, I put special emphasis on AID as a source of funding for tied aid transactions. While I am confident that AID can play an important role in helping our exporters meet the tied aid offers of their foreign competitors, this bill also includes a $500 million authorization for the Eximbank's war chest for fiscal years 1992 and 1993 since the Eximbank remains the key agency in the tied aid battle. Finally, the bill contains special programs that will help American exporters take advantage of opportunities in Eastern Europe.

The bill establishes a Capital Project Bureau at AID that would work with the other AID bureaus in putting together capital projects that are developmentally sound and beneficial to our exporters. These projects could consist of up to a 35-percent grant element. The annual budget for the newly formed Capital Projects Bureau would be $500 million. This money should be spent globally not concentrated in a few countries.

Within the Bureau, there also would be a special program for Eastern Europe. Initially the Bureau would conduct a study of the various sectors of the economies of the nations of Eastern Europe that are most in need of rebuilding. Those sectors would become eligible for assistance under the Capital Projects Bureau and cooperative programs between it, the Eximbank, and the Trade and Development Program [TDP]—another government agency which has a tied aid program. The Bureau would establish desk officers and in-country presence for the nations of Eastern Europe.

The bill also sets up a Capital Projects Interagency Board that would be administered by AID, Eximbank, and TDP. They would be the judge and jury over which tied aid projects should go forward. Such a board would bring these agencies even closer together as they deliberate on tied aid projects. Presently the National Advisory Committee [NAC] decides whether or not a tied aid deal will go forward. The new Interagency Board will be better suited to handle this issue since that will be its sole function, unlike the NAC which has a number of other issues with which it must contend.

The final portion of the bill puts forward guidelines for our negotiators at the OECD talks on tied aid which are designed to be supportive of U.S. efforts to combat the practice of tied aid. The Capital Projects Bureau will strengthen the hand of our negotiators because the other participants in the talks will know that we are serious about being ready to compete for export markets.

The Capital Projects Bureau is similar in concept to a request made by AID last December to seek legislative authority to create a capital projects fund. In testimony before the House Foreign Operations Subcommittee earlier this year, Henrietta Holsman Fore, an Assistant Administrator at AID, made a strong case for the usefulness of AID involvement in capital projects. She said "The development rationale for capital projects is compelling. Capital projects help build strong economies by providing the basic infrastructure needed for commerce and industry. * * * They also address specific developmental needs. * * * Capital projects provide employment."

Unfortunately, the United States does not emphasize capital projects as part of our foreign assistance programs nearly as much as the other G-7. We tend to emphasize basic development assistance much more than the others. For example over 60 percent of bilateral aid from Japan and Italy involves capital projects, as compared to 14 percent for the United States. We should continue to emphasize humanitarian assistance, but if as Ms. Fore indicates, capital projects are good for development and American exporters, then there is no reason for us not to be doing more of these projects.

To its credit, AID has been working hard to get more involved with capital projects. Average AID spending on capital projects for the last few years has been between $500 and $600 million. Unfortunately, projections for this year fall below $500 million to about $420 million, which is not a good sign. We need to keep support for capital projects at a minimum of $500 annually. The establishment of a Capital Projects Bureau at AID would guarantee a long-term commitment to pursue these projects.

In her testimony, Ms. Fore also stressed the importance of coordination between AID, the Eximbank, and TDP. The AID and Exim tied aid pool created last year for capital projects in the Philippines, Indonesia, Thailand, and Pakistan is an excellent example of the usefulness of coordination between these agencies. My legislation would make this coordination more than a one-time occurrence. There would be permanent coordination between the three agencies, so that foreign competitors would know that the U.S. Government was serious in its support of our exporters.

If we do not institutionalize support for capital projects through the creation of a special bureau, and if we do not put in place a tied program with real financial support behind it, then we will sell our exporters short.

There was a time in our Nation's recent history when trade was considered to be a foreign aid program for our friends and allies. After World War II, we developed a world trading system that was designed to give foreign nations access to our market while allowing them to protect their own. Well this system worked—too well. Now we run trade deficits that are out of control.

In a recent study on aid to the Philippines, Ambassador Preeg summarizes the related problem of how we view our foreign aid programs, "The central issue for U.S. foreign economic assistance. * * * is how to reconcile short-term foreign policy objectives with longer term support for development and strengthened economic relations with developing countries. A case is made—in his study—to separate the two more clearly and to place greater emphasis on the economic dimension." This complements Ambassador Preeg's thesis from an earlier study on tied aid where he makes a strong case argument against the Federal Government's policy of using scarce financial resources to support noneconomic objectives that have little commercial value. We should listen to men like Ernie Preeg and refocus our foreign assistance programs so that they are more reflective of the changing global economy and the need to help American companies keep their ground against powerful foreign competitors.

We have to take control of our economic destiny, and one way of achieving this is by eliminating our trade deficit. There are things we need to do at home to achieve that end, but there are things that we must do abroad as well. One of those things is to get the Government behind our exporters. A good place to start is by supporting export financing programs. My bill is designed to strengthen these programs so that our exporters can count on their Government being in their corner.

I am attaching a copy of the bill to be included in the RECORD following my statement.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act be cited as the "Trade and Competitiveness Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) United States exports are shut out to $10 billion to $12 billion worth of capital projects per year because of an inadeqaute tied aid or mixed credit program, resulting in a loss of $2.4 billion to $4.8 billion in exports;

(2) in contrast, foreign governments actively support their nations' companies by providing a large share of their economic aid for capital projects, by making mixed-credit offerings, through the blending of aid and official export credit agency loans;

(3) the Federal Government must change its ineffective tied aid policy to one that is more aggressive and consistent;

(4) the Federal Government must make better use of existing government agencies that are able to help combat the tied policies of other Organization for Economic Cooperation and Development (OECD) nations;

(5) the Federal Government must strengthen tied aid programs already in existence in the Export-Import Bank in the United States, the Agency for International Development (AID), and the Trade Development Program, fostering more and consistent cooperation between these agencies and establishing new programs at these agencies where necessary;

(6) a new more aggressive tied-aid policy by the United States Government should remain in place until a successful and satisfactory agreement can be worked out at the OECD on eliminating or lessening the problem and expenses of tied-aid programs; and

(7) traditional development aid programs for health, education, and agriculture should not suffer as a result of the new aggressive tied-aid policy.

SEC. 3. TIED-AID CREDITS.

(a) AUTHORIZATION.—Section 15(e)(1) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the fund $250,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each fiscal year thereafter.".

(b) COORDINATION.—Section 15(b)(2)(C) of the Export-Import Bank Act of 1945 is amended by inserting "the Capital Projects Advisory Board and" after "consultation with".

SEC. 4. CAPITAL PROJECTS BUREAU WITHIN AID.

(a) ESTABLISHMENT OF BUREAU.—The Administrator of the Agency for International Development (AID) shall establish within the Agency a capital projects bureau to carry out the purposes described in subsection (b). The capital projects bureau shall be headed by an Assistant Administrator of AID.

(b) PURPOSES OF BUREAU.—The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration the export opportunities of United States firms; and

(2) to specifically consider opportunities for United States high-tech firms, including small- and medium-sized firms in putting together capital projects for developing nations and the nations of Eastern Europe.

(c) ACTIVITIES OF AID.—The Administrator of the Agency for International Development (AID), acting through the capital projects bureau in coordination with the Export-Import Bank of the United States and the Trade and Development Program—

(1) shall participate in putting together capital projects involving at least a 35-percent grant element and the remaining oficial credit or guarantees at market-rate terms in developing nations and, if necessary to meet foreign competition, in the emerging democracies of Eastern Europe;

(2) shall periodically review infrasturcture needs in developing nations and Eastern Europe and shall explore commercial opportunities for United States firms in the development of new capital projects in these nations keeping both United States firms and Congress informed of these reviews;

(3) shall determine whether each capital project undertaken is developmentally sound, as set forth in the criteria developed by the Development Assistance Committee of the OECD; and

(4) shall coordinate its activities with other AID bureaus, particularly the regional bureaus, working with each AID country representative in developing capital projects and commercial opportunities for United States firms in a manner which in no way interferes with their primary mission to help these nations with traditional development projects.

SEC. 5. ROLE OF THE CAPITAL PROJECTS BUREAU WITH EASTERN EUROPE.

In addition to the activities of section 4(c), the Administrator of the Agency for International Development, acting through the capital projects bureau—

(1) shall play a special role in helping to develop the infrastructure of the nations of Eastern Europe by meeting the challenge of mixed credit offerings of foreign governments to the nations of Eastern Europe and, at the same time, to help these nations rebuild their infrastructures;

(2) shall undertake a comprehensive study of the infrastructure of the various nations of Eastern Europe and—

(A) the study shall identify those sectors in the economies of these nations that are most in need of rebuilding;

(B) those sectors in those nations could then be eligible for assistance from the capital projects bureau of the Agency for International Development, including joint projects of the Export-Import Bank of the United States and the Agency for International Development; and

(C) included in the study shall be an examination of the state of technology in these nations and the opportunity for United States high technology firms to help develop a technological infrastructure in these nations, as well as an assessment of export opportunities for United States high technology companies; and

(3) upon completion of the study on Eastern Europe, shall establish an Eastern Europe program within the capital projects bureau of the Agency for International Development which—

(A) shall monitor the infrastructure needs of these nations;

(B) shall continue to help United States companies with their efforts to be a part of the rebuilding of the infrastructure of these nations;

(C) shall make a special effort to help United States high technology firms explore opportunities with the rebuilding of these nations' technological infrastructures;

(D) shall be able to make use of all existing programs of the Agency for International Development; and

(E) shall have in-country representation in Eastern Europe that is assigned duties respecting that country or region.

SEC. 6. AVAILABLE FUNDS.

(a) TRANSFER AUTHORITY.—For each of the fiscal years 1992 and 1993, the President shall transfer to the capital projects bureau of the Agency for International Development, to be available for programs, projects, or activities administered by that bureau, at least $500,000,000 of funds under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(b) LEVERAGE FINANCING FOR CAPITAL PROJECTS.—(1) There is established a tied aid credit program under which the President is authorized to use funds available under paragraph (2) to leverage financing for capital projects in advanced developing countries and Eastern Europe.

(2) Funds available for the purpose of paragraph (1) are—

(A) all funds transferred under subsection (a) to the capital projects bureau of the Agency for International Development;

(B) 50 percent of the funds available to the Tied Aid Credit Fund of the Export-Import Bank of the United States, as established by section 15(c) of the Export-Import Bank Act of 1945; and

(C) all funds available to the Director of the Trade and Development Program to carry out the tied aid credit program established by section 645 of the Export-Import Bank Act Amendments of 1983 (12 U.S.C. 635r).

(c) PROJECTS TO BE FUNDED.—The Capital Project Interagency Board, as described in section 7 shall determine which projects will be funded under this section.

(d) DEFINITION.—For purposes of this section, the term "tied aid credit" has the meaning given to such term in section 15(h)(1) of the Export-Import Bank Act of 1945.

SEC. 7. CAPITAL PROJECTS INTERAGENCY BOARD.

(a) ESTABLISHMENT.—There is established the Capital Projects Interagency Board (hereafter in this section referred to as the "Board").

(b) COMPOSITION.—The Board shall consist of the following officers or their designees:

(1) The Administrator of the Agency for International Development, who shall serve as Chairman.

(2) The President of the Export-Import Bank of the United States.

(3) The Director of the Trade and Development Program.

(4) The Secretary of State, serving as an ex officio, nonvoting member.

(5) The Secretary of Commerce, serving as an ex officio, nonvoting member.

(6) The Secretary of the Treasury, serving as an ex officio, nonvoting member.

(c) STAFF FOR THE BOARD.—The Agency for International Development, the Export-Import Bank, and the Trade and Development Program shall make available to the Board such staff as may be necessary for the Board to carry out its duties.

(d) DUTIES OF THE BOARD.—The Board shall—

(1) establish criteria to determine when a mixed credit offer should be made, taking into consideration—

(A) how developmentally sound a project is, using as a standard criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(B) the environmental impact of such offer;

(C) the cost of such offer; and

(D) all other factors used by the Export-Import Bank of the United States and by the Agency for International Development on the date of enactment of this Act in determining whether or not to make a mixed credit offer;

(2) monitor, to the extent feasible, the mixed credit offers, being made by other countries; and

(3) report to the Congress every 6 months on—

(A) mixed credit offers made;

(B) mixed credit offers completed; and

(C) any data received from the Organization for Economic Cooperation and Development (OECD) on mixed credit offers made by other OECD countries.

(e) EFFECT OF BOARD DECISIONS.—Each decision by the Board as to whether or not to make a mixed credit offer shall be considered as final.

SEC. 8. UNITED STATES NEGOTIATING POLICY.

(a) POLICY.—It is the sense of the Congress that United States representatives at meetings of the Organization for Economic Cooperation and Development (OECD), when putting forth the United States position on limiting tied offers made by other participants in the arrangement, should state that it is the United States position—

(1) to attempt to take the commercial incentive out of tied-aid offerings to the nations of Eastern Europe, making Eastern Europe in effect a tied-aid free zone;

(2) to carry out paragraph (1) in coordination with the OECD Center for Economies in Transition;

(3) to raise the grant element for mixed credit offerings from 35 percent to 50 percent;

(4) to move capital projects financing to the multilateral financial institutions as developing countries become more industrialized;

(5) to make certain that all nations follow established criteria as to what constitutes a developmentally sound capital project;

(6) to setup a monitoring mechanism within the OECD to determine compliance to the arrangement; and

(7) to setup procedures for the tracking of tied-aid offers and projects made by the signatories of the arrangement, establishing very specific criteria as to what constitutes a tied-aid offer, keeping statistics on all offers and agreements.

(b) REPORT.—The President shall periodically submit to the Congress a report on the progress of these talks, including the extent to which issues described in subsection (a) have or will become part of the arrangement and, in the case of those positions that have not been accepted, an analysis of why they have not been accepted.•

By Mr. CRANSTON (by request):

S. 1535. A bill to amend title 38, United States Code, to improve the Health Professional Scholarship Program operated by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

MINIMUM SERVICE OBLIGATION UNDER HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am today introducing, by request, S. 1535, a bill to establish a minimum service obligation of 2 years for individuals who receive assistance under the Health Professional Scholarship Program operated by the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation by letter dated July 2, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the July 2, 1991, transmittal letter and enclosed bill analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1535

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 4312 is amended in subsection (c)(1) by striking the period at the end of clause (B) and inserting in lieu thereof ", but for not less than two years."

THE SECRETARY OF VETERANS AFFAIRS,
Washington, July 2, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to improve the Health Professional Scholarship Program operated by the Department of Veterans Affairs." We request that it be referred to the appropriate committee for prompt consideration and enactment.

VA's Health Professional Scholarship Program was first authorized in 1980 to address two concerns: the growing national need for qualified health care professionals, and VA's need to compete effectively with other employers for scarce personnel resources. Over the years, the program has been very successful, providing scholarships to approximately 2,348 students, primarily nursing students. As a condition for the financial assistance, scholarship recipients must agree to fulfill a period of obligated service to the VA following completion of their education. As a result, VA has received many years of service from scholarship recipients, and has gained many valuable permanent employees through the program.

The statute which initially authorized VA's scholarship program provided that scholarship recipients serve one year for each year of support provided, with a minimum obligation of two years. In 1988, Congress amended the law to make the scholarship program part of the larger Health Professionals Educational Assistance Program, which also includes a tuition reimbursement program for nurses, and a stipend program for members of the Selected Reserve. The same amendments to the law reduced the minimum period of service obligation for scholarship recipients from two years to one year. This action was apparently taken to align the period with the one-year service requirement applicable to the Nurse Education Tuition Reimbursement Program. This draft bill would restore the minimum service obligation period to two years.

Once they are on the job, new graduates in health-care professions generally require twelve to sixteen weeks of orientation, and for most disciplines up to six months of on-the-job training. Thus, it is typically seven to eight months before a scholarship recipient can function independently, and before VA begins to recoup the full benefit of its scholarship investment. Thus, the two-year minimum which existed before 1988 yielded roughly only fourteen months of "journeyman" service before a graduate completed his/her employment obligation. It was consistent with VA's practical need for fully qualified and contributing health-care personnel and had proven effective in stabilizing staffing and reducing turnover. Moreover, past program participants perceived the two-year obligation as a reasonable exchange for the financial and educational benefits they received.

In the same legislation which reduced the minimum period of obligated service (Pub. L. No. 100-322 §216(b)) Congress also required that priority in choosing scholarship recipients be given to students in their last year of training. Thus, the majority of current scholarship awards are for one year, and recipients have only a one-year service commitment. That is a change from the past when VA awarded primarily two-year scholarships. Now that the majority of obligated service commitments are for only one year, it is even more important to have a minimum two-year service obligation.

Finally, the one-year minimum is often inadequate for new appointees to reach their full professional potential and allow VA a fair return on its investment. It also frustrates efforts to meet staffing needs, particularly in health-care disciplines, such as nursing and physical therapy, where VA continues to experience shortages. Restoring the two-year minimum would help assure the program's continued value for maintaining adequate health-care.

VA estimates that this draft bill will not impose any significant costs.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

ANALYSIS OF PROPOSED BILL

Section 2 would amend 38 U.S.C. §4312(c)(1)(B) to extend from one to two years the minimum period of obligated service that a scholarship recipient must satisfy. Section 4312(c)(1)(B) now provides that scholarship participants must enter into an agreement to serve as a VA employee for one calendar year for each school year or part thereof for which VA provided scholarship support. The draft bill would amend that section to require that the agreement also contain language that the participant will serve "for not less than two years."

When the scholarship program first began in 1980, participants were obligated for one year for each year of support received, with a minimum of two years. In 1988, Congress changed that to a one year minimum apparently to make it consistent with a tuition reimbursement program that was initiated that year. However, the tuition reimbursement program is very different in that students in that program are already VA employees. For that program a one year period of obligated service is reasonable. That is not the case for scholarship program participants who are generally new to the field and require a long period of orientation and training before they become fully effective employees. The change would not affect current program participants with agreements for a one-year minimum period of obligated service.

There are no costs associated with this proposal.•

By Mr. ADAMS:

S. 1536. A bill to provide for worker and community assistance and for ecosystem conservation in Pacific Northwest Federal forest lands, and for other purposes; to the Committee on Finance.

PACIFIC NORTHWEST FOREST COMMUNITY RECOVERY AND ECOSYSTEM CONSERVATION ACT

Mr. ADAMS. Mr. President, I am appearing here today to introduce legislation to address the severe timber problem which has now reached crisis proportions in the Washington State area, and the Pacific Northwest region as a whole.

The timber supply crisis strikes at the very heart of our economy. It threatens the beauty and the future of Washington's natural ecosystem. It has caused human suffering among those who have lost their jobs. Thousands of workers and their families have already lost their jobs or live in daily fear of losing their source of income.

We in the Northwest have grappled with this problem for many, many years. We have had meeting after meeting.

I want to pay my respect to the members of the Washington and Oregon delegations in particular, for offering many, many suggestions, and for placing in the hopper on the House side a number of different bills. But at no time in our history have we experienced such different choices, choices that will set guideposts for our people and our environment, and our economy, for decades.

The approach embodied in my legislation calls for managing an entire ecosystem to produce logs, jobs, and a sound environment for the State of Washington.

I also hope that it will be adopted by and used in the entire Pacific Northwest and in California, since we have only one last chance to save the basic ecosystem of our ancient forests, which are the largest biomass of wood products left in the entire United States.

To reach these goals has been very difficult, and we have worked on this both as committees and then finally in my office I came to the conclusion that because we were marking up the Interior appropriations bill—where traditionally the amounts of timber have been set by simply setting a dollar figure—that I have to have an underlying bill that shows exactly where we thought we should be going in order to not only meet targets but to save our forests, and particularly our ancient forests.

To reach these goals I do several things. I offer incentives—and I will introduce the bill today so that it will be placed before all of the Members—for reforestation, for domestic processing of our wood resources, for exports of value-added wood products, and for protecting old growth as well as the salmon habitat. We have heard a lot about the owl and the owl has a problem. And it is a marker for the ancient forests. But we have a problem also that the salmon resources of the Pacific Northwest are rapidly reaching the point where they may become also an endangered species.

Title I of my bill provides adjustment assistance for certain dislocated workers, including extended unemployment benefits.

Title II is aimed at helping the majority of Washington counties whose economies are timber-dependent. The title establishes a special fund in the U.S. Treasury, funded by a portion of the timber sales receipts to assist communities in diversifying their economies, and to support worker retraining. It also provides grants to establish rural economic development magnet centers in timber-dependent communities.

Title III deals with exports. To help illustrate this point, I have prepared three graphics showing the growth of log exports from Washington. The first two charts reveal the increase in log exports compared with the total harvest. If you will notice, in 1970, it was only 26 percent of the total harvest; about one-quarter. But today it is 42 percent of the total harvest. That includes private and public.

There is no wonder that there is a shortage of product for use by people who do not own their own wood in the Pacific Northwest.

The third chart shows the ownership of the timber exported. Here we see private logs and how they make up the vast majority of exports from the State of Washington. If you will look at that chart, you will notice that, starting in 1970, this was 53 percent. The forest industry now has 65 percent.

So when we tried to correct the problem by closing off the export of logs to the Asiatic countries, particularly to Japan, by stopping the export from public lands, both State and Federal, we only affected a small portion of the problem.

I have wrestled long and hard with this problem, and have finally come up with this conclusion.

My bill gives Western States the authority—but does not require them—to limit log exports through whatever means the Governor may choose: A tax, an export quota, or another means. The people of Washington must have all of the options in front of them. My bill gives them all of the options. They can choose, but they must have Federal authorization to do that. That is why this is in title III, because this is the export in commerce of a product.

We are allowed to do this under our treaties and under GATT and under the international law, because we are suffering a shortage, and this shortage has exacerbated, as I showed by the charts, though the past few years, to a point now where our small mills are being put completely out of business, and our others are short of logs.

Title III of the bill begins to provide some of the sweetners to go with the sticks that are in the bill. Title III also provides incentives for exports of processed wood products through the Export-Import Bank and the U.S. Department of Agriculture's Commodity Credit Corporation.

TItle IV offers tax incentives for reforestation and would create a 2-percent tax credit for domestic processing. In other words, if the private landowners or the big companies send their logs for domestic processing, they receive a 2-percent tax credit, quite an incentive to see that we get a flow of logs that stays in the United States.

Title V proposes a comprehensive forest ecosystem conservation management plan. This is really the heart of the bill. It will establish a process for scientifically sound management of the whole forest ecosystem, so that we can produce both jobs and a sound environment in the State of Washington and, hopefully, in the other west coast States long into the future.

We are in danger, as a nation, of losing not just some species of wildlife, but our entire forests, for generations to come. My intent is to protect the overall health of the entire forest ecosystem, so that it can produce a balance of all resources on a long-term, sustainable basis.

Mr. President, my legislation is not the final word. It is the first comprehensive step toward helping the people and the environment of the State of Washington. I urge my colleagues to give their fullest and most serious consideration to this. We want to produce, in our State, both wood and work. And we must preserve our heritage for our children, because if the ancient forests are once cut and completely gone, they cannot be replaced for 300 or 400 years.

So we have tried to work out a system that sees to it that any harvest starts with the younger trees and protects the ancient forests and, in between, examines scientifically how we can change our forest management system.

I want to finally indicate that this bill does not attempt to change the Endangered Species Act; it does not do away with judicial review. These things are an anathema to the State of Washington and to the Nation.

This is a bill of forest management, tax incentives, unemployment compensation, and diversification of an industry. So that we, as a nation, may save one of our most precious resources, I will introduce the bill today, Mr. President.

Mr. President, I ask unanimous consent that the table I referred to appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON LOG EXPORTS

[Volume in million board feet, log scale]

	Volume exported	Total harvest	Percent exported
Year:			
1990	2,265	5,413	42
1989	2,730	6,851	40
1988	2,668	7,045	38
1987	2,393	7,036	34
1986	1,944	6,556	30
1985	2,436	5,963	41
1984	2,300	5,802	40
1983	2,278	6,088	37
1982	2,154	5,079	42
1981	1,674	4,891	34
1980	2,191	5,720	38
1979	2,686	6,969	39
1978	2,369	6,783	35
1977	2,025	6,591	31
1976	1,974	6,971	28
1975	1,595	6,185	26
1974	1,618	6,876	24
1973	1,915	7,809	25
1972	1,913	7,080	27
1971	1,320	6,451	20
1970	1,697	6,460	26

Washington Department of Natural Resources Data computed from U.S. Forest Service Statistics.

OWNERSHIP SOURCE FOR TIMBER EXPORTED FROM WASHINGTON

[In percent]

	Federal	Other public/State	Forest industry	Other private
Year:				
1988	....	20	65	15
1986	....	32	55	13
1984	....	22	65	13
1982	1	14	78	7
1980	....	21	62	17
1978	....	25	64	11
1976	2	28	61	9
1974	4	23	60	13
1972	5	26	57	12
1970	9	27	53	11

Computed from Washington Department of Natural Resources Data.

By Mr. BROWN:

S. 1537. A bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail; to the Committee on Energy and Natural Resources.

AMERICAN DISCOVERY TRAIL

Mr. BROWN. Mr. President, I am pleased to introduce today a bill to designate the American Discovery Trail for study to determine its desirability for designation as a national trail.

The American Discovery Trail would be our Nation's first coast-to-coast hiking trail. It would link together shorter segments of existing scenic and historic trails on public lands in the States of California, Nevada, Utah, Colorado, Kansas, Missouri, Illinois, Indiana, Ohio, West Virginia, Maryland, and Delaware, to form a 30,000-mile national trail network encompassing 27 States overall.

Today, the three-member American Discovery Trail Scouting Expedition arrived in Washington, DC, on its way to the Atlantic Ocean. Over a year ago, this team set out to map the American Discovery Trail which will span nearly 5,500 miles, from California to Delaware.

The American Discovery Trail will give the American people greater access to some of our country's most beautiful scenic vistas. It is my hope that the trail also will foster increased appreciation of and responsibility for our public lands, as well as heightened awareness of our cultural heritage.

By Mr. DURENBERGER:

S. 1538. A bill to authorize a certificate of documentation for the vessel *Eric WC*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "ERIC WC"

● Mr. DURENBERGER. Mr. President, today I am introducing legislation that would allow the Coast Guard to issue a valid certificate of documentation for the fishing vessel *Eric WC*, hull identification number 64103. The *Eric WC* is currently owned by Clyde Neumann of Two Rivers, WI. The boat was built in 1946 by the Matthews Co.

This legislation is needed because the current owner has been unable to verify that the boat was built by the Matthews Co. because a fire in the company offices destroyed all their files. Mr. Neumann is the fifth owner of this boat and has not been able to locate records from two of previous owners who are deceased. After a diligent and lengthy search by his lawyer, Mr. Neumann has been unable to establish the chain of ownership.

This legislation is needed in order to allow the Coast Guard to issue a certificate of documentation for the vessel *Eric WC* so that it can be used in the coastwise trade or domestic fisheries as a charter boat.●

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 1540. A bill to amend the Child Nutrition Act of 1966 to extend the special supplemental food program for women, infants, and children [WIC], and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FULL FUNDING FOR WIC

● Mr. LEAHY. Mr. President, everyone in this Chamber is familiar with the successful nutrition program for pregnant women, infants and children we call WIC. But I do not think everyone knows that the benefits of this extremely effective program are refused to almost half of those it was created to serve. That's right. Due to insufficient funding, only 55 percent of all eligible women and children are reached by the WIC Program.

WIC is designed to increase infant birthweights and reduce birth defects by providing nutritious food to pregnant women. It is designed to combat the problems cited by the Surgeon General—that babies with low birthweights are at greater risk of having "developmental handicaps, birth defects, respiratory and other infectious diseases, behavior problems and [other] complications."—Surgeon General's Report on Nutrition and Health 1988.

The facts are indisputable. WIC reduces infant mortality; WIC improves prenatal care, and WIC reduces premature deliveries. WIC works by providing—to those who cannot otherwise afford it—the care and nutrition necessary for healthy pregnancies.

Unfortunately, there are other facts that are not so encouraging. Currently, only 55 percent of the women and children eligible for WIC are served. That leaves more than 3.5 million needy women and children with no benefits at all.

In the current budget climate, it is more important than ever to weed out the programs that do not work and hold on the ones that save us money. WIC is a proven success story.

A 1990 USDA study showed that for every WIC dollar spent on a pregnant woman, between $2.84 and $3.90 was saved in infant Medicaid during the first 60 days after birth. And, according to the Surgeon General, the average medical cost of a low birthweight baby can exceed $39,000. The average cost of the WIC package is $30 a month.

So with WIC, we can be a caring nation as well as a smart nation. WIC is an investment that pays for itself over and over again. Please join me in insuring that every eligible woman and child receive WIC benefits so as a nation, we all can benefit from this wise investment.

I ask unanimous consent that this bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL SUPPLEMENT FOOD PROGRAM.

The first sentence of section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended by striking "and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994" and inserting "such sums as many be necessary for fiscal year 1991, $2,700,000,000 for fiscal year 1992, $3,100,000,000 for fiscal year 1993, $3,500,000,000 for fiscal year 1994, $4,000,000,000 for fiscal year 1995, $4,500,000,000 for fiscal year 1996, and such sums as may be necessary for fiscal year 1997 and subsequent fiscal years".•

By Mr. CHAFEE:

S. 1541. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

S. 1542. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1543. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1544. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1545. A bill to extend the temporary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1546. A bill to extend the temporary suspension of the duty on amino sulfone BR; to the Committee on Finance.

S. 1547. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

• Mr. CHAFEE. Mr. President, today I am introducing seven bills to extend the duty suspensions on the importation of seven chemicals that are precursors used in the production of printing inks and dyes for textiles. These particular chemicals are not produced in the United States and the extension of the current duty suspensions will lower the overall cost of producing textiles in this country.

As we are all aware, the textile industry has been hit especially hard by imports. I want to do all I can to keep this American industry on a fair competitive footing with its foreign competition. Our foreign competitors can print and dye their textiles without the added costs that these duties impose, thus these duties would place our domestic industry at a competitive disadvantage.

The International Trade Commission has confirmed that there is no domestic production of these chemicals to be adversely affected by a continuation of these duty suspensions. It would be senseless to allow the current duty suspensions to expire at the end of next year. By extending these duty suspensions now, we can provide assurance to our domestic industry that they will be able to continue to obtain printing inks and dyes at a lower cost.

These bills would extend the duty suspensions for these seven chemicals from their current December 31, 1992, expiration date through December 31, 1994. These duties have been suspended for less than 3 years, since the enactment of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418. These extensions will provide 2 additional years and will give us time to study the effects of these duty suspensions on the chemical industry to determine if we should then repeal the duties outright or continue the suspensions for another period.

Mr. President, I ask unanimous consent that the seven bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,5-DIMETHOXYACETANILIDE.

(a) IN GENERAL.—Heading 9902.29.52 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NITRO SULFON B.

(a) IN GENERAL.—Heading 9902.29.07 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 3,4-DIAMINOPHENETOLE DIHYDROGEN SULFATE.

(a) IN GENERAL.—Heading 9902.29.45 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHLORAMINO BASE.

(a) IN GENERAL.—Heading 9902.29.42 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.4-CHLORO-2-NITROANILINE.

(a) IN GENERAL.—Heading 9902.29.25 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMINO SULFONE BR.

(a) IN GENERAL.—Heading 9902.29.61 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. N-ACETYLSULFANILYL CHLORIDE.

(a) IN GENERAL.—Heading 9902.29.97 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.•

By Mr. CHAFEE:

S. 1548. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1549. A bill to extend the temporary suspension of the duty on theobromine; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

• Mr. CHAFEE. Mr. President, I am introducing two bills today for the purpose of extending the current duty suspensions for two chemicals—theobromine and chlorhexanone. These two chemicals are used in the manufacture of pentoxifylline, which is the active ingredient in the product "Trental" used in the treatment of arterial disease.

I have been advised that neither theobromine nor chlorhexanone is commercially available in the United

States, and thus any duty on these two chemicals would be an unnecessary added expense for the domestic manufacturing industry. These two chemicals are used in the production of pentoxifylline by the Pharmaceutical Production Division of Hoechst Celanese Corp., which is located in Coventry, RI. Pentoxifylline is used in the production of the final product, Trental, in Bridgewater, NJ. By continuing the duty suspensions for these two chemicals, this U.S. company will be more competitive with foreign manufacturers of products that compete with Trental.

These bills would extend the duty suspensions for theobromine and chlorhexanone from the current December 1, 1992, expiration date through December 31, 1994. These duties have only been suspended since last year and this extension will provide 2 additional years and will give us time to study the effect of these duty suspensions on the pharmaceutical industry to determine if we should then appeal the duties outright or continue the suspensions for another period.

Mr. President, I ask unanimous consent that these two bills be printed in the RECORD, following my statement.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-CHLORO-5-HEXANONE.

(a) IN GENERAL.—Heading 9902.30.20 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

S. 1549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEOBROMINE.

(a) IN GENERAL.—Heading 9902.31.01 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.•

By Mr. CHAFEE:

S. 1550. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSION ON LASAMID

• Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would extend a temporary duty suspension on lasamid. Lasamid is a chemical used in the manufacture of furosemide, a widely used potent diuretic, primarily prescribed in the treatment of patients who have suffered from congestive heart failures.

Furosemide is currently sold in the United States by Hoechst-Roussel Pharmaceuticals, Inc. [H-RPI] and by several other generic drug companies. However, the only company which manufactures furosemide in the United States is H-RPI's parent, Hoechst Celanese Corp. All other furosemide sold in the United States is imported.

Hoechst Celanese produces furosemide in my State of Rhode Island by a process which involves the intensive treatment of the precursor chemical lasamid. There are no known American producers of lasamid, and its only use is as a precursor to the production of furosemide. Since there are no domestic producers of lasamid, no domestic interests would be adversely affected by this bill. By continuing the duty suspension for lasamid, this U.S. producer will be more competitive with foreign producers, thereby benefiting the American workers who manufacture this product. It will also contribute to keeping down medical costs, by reducing costs to produce a major drug relied upon by many Americans.

This bill would extend the duty suspension for lasamid from its current December 31, 1992, expiration date through December 31, 1994. This duty has been suspended for less than 3 years, since the enactment of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418. This extension will provide 2 additional years and will give us time to study the effect of the duty suspension on the pharmaceutical industry to determine if we should then repeal the duty outright or continue the suspension for another period.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LASAMID.

(a) IN GENERAL.—Heading 9902.29.86 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.•

By Mr. HELMS:

S. 1551. A bill to amend the Internal Revenue Code of 1986 to provide that income of certain spouses will not be aggregated for purposes of the limitations of section 401(a)(17) and 404(1) of such Code; to the Committee on Finance.

TAX TREATMENT OF CERTAIN RETIREMENT PLANS

Mr. HELMS. Mr. President, today I am introducing legislation, identical to legislation introduced on February 21 in the House of Representatives by Congressman HOWARD COBLE, to amend section 401(a) of the Internal Revenue Code to allow an exemption for couples where both spouses are licensed to perform services in the same professional field on a full-time basis for the same employer.

The necessity of this legislation was brought to my attention by Drs. James and Cynthia Matthews of Greensboro, who are being severely penalized pursuant to the Tax Reform Act of 1986 because they happen to be married to each other.

Both are licensed physicians practicing in a five-person medical group. The organization's corporate stock is divided equally among the members, and each participates in a tax-qualified retirement plan.

Mr. President, section 401(a)(17) of the Tax Code limits the annual compensation for each employee participating in a retirement plan to $200,000. This figure is adjusted annually for inflation. In lay terms, compensation is computed on the basis of the amount of money attributed each year to an employee who participates in such a retirement plan. As a practical matter, compensation is the basis from which the employee draws his or her benefits upon retirement.

The provision harms working couples with a further restriction: Any 5-percent owner of an affected company or employee who is one of the 10 highest-paid company workers in a given year, his or her spouse, and any of their lineal descendants who have not attained 19 before the close of the year are considered one employee for the purpose of section 401(a)(17). (In effect, this means that the Matthews, by virtue of their marriage, cannot participate in their retirement plan as individuals to the same extent as the other three group members.)

Mr. President, Congress enacted this measure primarily to discourage small businesses from padding their payrolls and pension plans with spouses and children of key employees who do little, if any, work. This scenario necessarily contrasts with that involving the Matthews, both of whom routinely devote 70 hours or more per week to their practice. Given this background, the limitations imposed on legitimately hard-working couples by section 401(a)(17) hardly seem fair.

My bill corrects this problem in a narrowly confined and straightforward way. For the purposes of determining each employee's compensation, the restriction attributing compensation between spouses will not apply if both spouses are licensed to perform services in the same professional field and perform these services on a full-time basis for the same employer. This slight adjustment will ensure that both spouses are treated equitably and equally, relative to each other as well as their coworkers. It should be noted that my bill would retain the section 401(a)(17) restriction in all other cases.

In this regard, I more than welcome any suggestions from my colleagues, especially those serving on the Finance Committee, as to how the overall abuse leading to the creation of section 401(a)(17) can be eliminated in just a manner.

Mr. President, while selective application of section 401(a)(17) of the Tax Code may not be on the front-burner issue of the 102d Congress, it does speak to a basic concern which permeates all our work: fairness. I urge Senators to support this endeavor.

By Mr. BIDEN (for himself, Mr. WOFFORD, Mr. ROTH, and Mr. SPECTER):

S. 1552. A bill to amend the Wild and Scenic Rivers Act by designating the White Clay Creek in Delaware and Pennsylvania for study potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

WHITE CLAY CREEK STUDY ACT

• Mr. BIDEN. Mr. President, today I am joined by Senators WOFFORD, ROTH, and SPECTER in introducing a bill to study the White Clay Creek in Delaware and Pennsylvania for designation as a Wild, Scenic, and Recreational River. The White Clay Creek has already benefited from a unique bi-State effort to protect its beauty. The study we are calling for builds on this strong local and regional interest in protecting White Clay Creek.

The White Clay Creek watershed is a remarkable environment, an oasis of natural beauty within easy reach of the urban sprawl that has overwhelmed areas from New York City to Washington, DC. The diversity of natural resources is astounding. A 1984 study by the National Park Service found, in just one portion of the watershed, a range of resources that merited special protection.

Among the findings of the Park Service report were that the area studied contains and is adjacent to an unusually rich variety of habitats and plant communities ranging from marshy lowland meadows to mature beech woodlands.

The report also noted "an extraordinarily rich bird habitat, especially during periods of migration. The White Clay Creek property is within the range of many northern species and at the northern limits of many southern species."

The report's conclusion stated: "That a property containing all these natural and cultural resource values has been assembled and conserved, in a rapidly growing area near such large population centers as Philadelphia, Wilmington, and Baltimore, is a matter of good fortune for the people of Pennsylvania and Delaware. The White Clay Creek property is a unique area and a rare opportunity that should not be lost."

The natural treasures identified by the Park Service for just one portion of White Clay Creek in the 1984 report are found throughout the entire watershed. Local support for an even more comprehensive study is strong. I ask that letters of support from the White Clay Creek Preserve, the White Clay Fly Fishermen, the director of the University of Delaware's Water Resources Center, the Delaware Audubon Society, and Jay D. Hair, president of the National Wildlife Federation be printed in the RECORD at the conclusion of my remarks.

Local interest in protecting the White Clay Creek is not a recent development. I have supported efforts to protect this valuable area since my days as a New Castle County Councilman. And, in 1979, I introduced Federal legislation to study the White Clay Creek watershed.

At that time, I cited an earlier report from the Department of the Interior which found that "* * * we feel there is still a great potential to develop a worthwhile conservation strategy for the White Clay Creek. The dedication of the people concerned with its future is remarkable and provides a solid foundation for stream protection."

That dedication remains. As I described in 1979, the efforts of determined citizens fended off proposals to dam the creek and to traverse it with a beltway to relieve Newark, Delaware's traffic problems. Those same strongly held convictions about the beauty of the White Clay Creek led the Watershed Association to call for another study for the Creek's inclusion in the Wild and Scenic River System.

Why should another study be expected to yield different results? The reason is simple—the study process has changed. The standards by which the White Clay Creek will be measured in the 1990s are different from those in the 1970s. The natural resource values of the area will be measured by a more realistic yardstick as will the characteristics of surrounding areas. It is clear that many experts believed then that the White Clay Creek was worthy of protection, as many believe so today.

The bill we introduce starts that process forward. The first step is a Federal study of the characteristics of the creek watershed and its eligibility for designation. The second step is to recommend classifications for various segments of the river. I would expect that the portions of White Clay Creek that are deemed eligible will be split between scenic and recreational quality.

The third step is to establish boundaries, in concept, for areas that will be designated. This is one of the most demanding steps in the process and the one which can easily jeopardize the entire process if done improperly. It cannot be emphasized enough, especially with citizens who are not familiar with the process, that boundaries are only advisory at this point and that public input is crucial.

The fourth step is to evaluate various alternatives to river protection for those segments that are deemed eligible. Again, it is important that all citizens in the watershed understand what the range of viable alternatives are and which ones they support.

Development of a draft management plan can also be done at this point. This plan will have absolutely no legal bearing, but may be developed so residents will better understand how designation of certain river segments may or may not affect them. Public input is not only central, but should drive this portion of the process.

Recommendations developed at this part of the process will help guide New Castle County, Chester County and local governments in efforts to manage White Clay Creek.

I outline the procedures that will be followed in the Wild and Scenic River process because the experience of other studies shows that citizens involvement and understanding is important from the start. Misunderstanding about what is being proposed or what is being studied can set back the entire process for no good reason.

It should be clear from previous actions and from the support for this proposal that residents of the watershed are very interested in this study and in gaining the designation. They have worked hard on their own over the years to protect the White Clay Creek. The study initiated when this bill is signed into law will bring important resources to bear on an area that has tremendous ecological values.

I hope we can act quickly on this bill so the White Clay Creek Watershed can receive the protection it needs and deserves.

I ask unanimous consent that the text of our bill be printed in the RECORD, along with letters of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Clay Creek Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the White Clay Creek watershed is one of only a few relatively undisturbed areas remaining within one of the most densely populated areas in the country;

(2) the Creek and several of its tributaries were placed on the Nationwide Rivers Inven-

tory List by the National Park Service for initially meeting the criteria of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(3) the concerns and interests of those people who live, work, and recreate within the watershed will be reflected in the development of a study and management plan by the Secretary of the Interior pursuant to this Act; and

(4) the conservation of the watershed, and its outstanding natural, cultural, and recreational values, is important to the residents within the watershed and to the residents within the surrounding suburban and urban areas of Delaware and Pennsylvania.

SEC. 3. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(112) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The headwaters of the river in Pennsylvania to its confluence with the Christina River in Delaware, including the East, West, and Middle Branches, Middle Run, Pike Creek, Mill Creek, and other main branches and tributaries as determined by the Secretary of the Interior (hereinafter referred to as the White Clay Creek).".

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(11)(A) The study of the White Clay Creek in Delaware and Pennsylvania shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.

"(B) In carrying out the study, the Secretary of the Interior shall prepare a map of the White Clay Creek watershed in Delaware and Pennsylvania, and shall develop a recommended management plan for the White Clay Creek. The plan shall provide recommendations as to the protection and management of the White Clay Creek, including the role the State and local governments, and affected landowners, should play in the management of the White Clay Creek if it is designated as a component of the National Wild and Scenic Rivers System.

"(C) The Secretary shall prepare the study, including the recommended management plan, in cooperation and consultation with appropriate State and local governments, and affected landowners.".

NATIONAL WILDLIFE FEDERATION,
Washington, DC, July 19, 1991.

Hon. JOSEPH BIDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Perhaps fewer things are more universally enjoyed than experiencing the natural beauty of a lake or stream and its surroundings. With more and more land taken to satisfy perceived development needs, the number of places offering this experience has been sadly reduced. We can be thankful that there are still a few areas where the description "wild and scenic" can be applied, and where wildlife can find needed habitat.

I am pleased that you will likely be introducing legislation to provide for a study of the White Clay Creek in Pennsylvania and Delaware for potential addition to the National Wild and Scenic Rivers system.

The National Wildlife Federation has 5.5 million members and supporters and 51 state and territorial affiliates, including the Wildlife Federation of Delaware and the Pennsylvania Federation of Sportsmen's Clubs. On behalf of these people who believe in preserving and managing wisely what can be saved of our country's natural heritage, I want to express strong support for the proposed study. It is not only as the Federation's president that I would like to see this particular creek protected, however. I knew White Clay Creek as a boy, and in our house, it was "The River."

As you are aware, approval has been granted to include White Clay in the Delaware Estuary Program Demonstration Project regarding nonpoint source pollution and agribusiness. The White Clay Watershed Association and the Stroud Research Center have already gathered significant data on the river's resources. The endangered bog turtle has been found in the area. The three-year study may yield many additional reasons for offering protection against unnecessary encroachment on the river's unspoiled attributes. Designation under the Wild and Scenic Rivers Act is definitely worth exploring. Thanks again for your interest.

Sincerely,

JAY D. HAIR.

DELAWARE AUDUBON SOCIETY,
Wilmington, DE, May 9, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
Wilmington, DE.

DEAR SENATOR BIDEN: The Delaware Audubon Society respectfully requests you to support the White Clay Watershed Association's initiative to obtain a study of the White Clay Creek and Watershed under the Wild, Scenic and Recreational Rivers Act.

A free-flowing stream in the midst of a rapidly developing urban setting, White Clay Creek provides easily accessible recreational opportunities for a large population. Just minutes from their homes, people in the surrounding metropolitan areas can experience a wild setting that offers welcome respite from the pressures of the urbanized world. It is clear that there must be a continuing effort to maintain the quality of the White Clay Creek system, not only for the people in the surrounding suburban areas but from the pressures of exploitation for commercial gain.

We would appreciate your assistance in having the White Clay Creek and Watershed included in the list of rivers to be studied by the National Park Service under the Wild, Scenic and Recreational Rivers Act.

Thank you very much for your time and assistance. I look forward to your reply.

Sincerely,

IRENE G.J. GOVERTS,
President.

UNIVERSITY OF DELAWARE,
Newark, DE, May 24, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
Wilmington, DE.

DEAR SENATOR BIDEN: The Delaware Water Resources Center requests your support for the White Clay Watershed Association's initiative to study the White Clay Watershed under the Wild, Scenic and Recreational Rivers Act—the outcome of which may be protection for a most beautiful tract in our state's vanishing natural lands.

The quality of our lives depends in part on access to natural settings, but the recent rapid development of northern Delaware threatens to whittle away the remaining unsettled areas, replacing them with suburban sprawl. We cannot leave it to Pennsylvania, New Jersey, and Maryland to provide natural areas for our use; Delaware must retain its own open land as a balance to the increasingly densely populated areas.

To accomplish this, we would appreciate your assistance in adding the White Clay Creek to the rivers to be studied under the Wild, Scenic and Recreational Rivers Act. Thank you for any help you can provide.

Sincerely,

ROBERT D. VARRIN,
Director.

WHITE CLAY CREEK PRESERVE,
July 17, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senator, Wilmington, DE.

DEAR SENATOR BIDEN: We represent the Bi-State Advisory Council for the White Clay Creek Preserve of Pennsylvania and Delaware. At our recent meeting, we unanimously agreed to formally support the White Clay Creek Watershed Association initiative for a study of the White Clay Creek Watershed for possible inclusion in the Wild, Scenic and Recreational Rivers System.

This study is critical so we have management practices in place to protect this watershed. This study would identify the various factors which are not being adequately addressed now, what we need to know, and how to get everyone involved in the preservation effort. This effort has to be a joint effort with townships, municipalities, businesses and private land owners. The White Clay Creek Preserve's 1,700 acres and many miles of stream are central to this effort.

We urge your support for a study of the White Clay Creek Watershed for possible inclusion in the Wild, Scenic and Recreational Rivers System. Thank you for your consideration.

Sincerely,

GARY SCHROEDER,
Chairperson.

DOROTHY MILLER,
Vice Chairperson.

WHITE CLAY FLYFISHERMEN,
Avondale, PA, June 10, 1991.

Hon. ARLEN SPECTER,
Hart Senate Building, Washington, DC.

DEAR SENATOR SPECTER: The White Clay Fly-fishermen is a group of interstate flyfishermen (PA, DE and NJ) who have adopted the White Clay Creek as a part of the PA Fish Commission Adopt A Stream Program. Since 1970 we have undertaken a number of projects to improve this fine resource. There are few streams of this quality located near such large metropolitan areas.

The Bi-state White Clay Preserve has greatly enhanced the use of this area by hikers, boaters, bird watchers, fishermen and hunters. Increased development of the area threatens the quality of the White Clay Creek Watershed.

Therefore we are requesting that you support the initiative of The White Clay Watershed Association to obtain a study of the watershed authorized under The Wild Scenic and Recreational Rivers Act.

We support this Bi-state study which would serve as a model for exploring non-point-source pollution and the carrying capacity of the water resource. This study would be extremely useful and is needed as the threat to the resource increases with each passing day.

Sincerely,

THOMAS F. SHAW,
Secretary.•

• Mr. ROTH. Mr. President, I rise today to join my colleague from Delaware, Senator BIDEN, and my colleagues from Pennsylvania, Senators SPECTER and WOFFORD, in introducing legislation to designate the White Clay Creek and its tributaries in Delaware and Pennsylvania to be studied for potential inclusion in the National Wild and Scenic Rivers System. Similar legislation is being introduced in the House of Representatives by Mr. CARPER and Mr. SCHULZE.

I have long been concerned about the future of the White Clay Creek Valley, which, according to the Coalition for Natural Stream Valleys, Inc. is located in the midst of a rapidly developing urban setting and has for many years provided easily accessible recreational opportunities for a large part of the Delaware and Pennsylvania citizenry. In addition, the coalition indicates that the river system's flora and fauna has been studied extensively, has been documented in several studies, and has been the subject of two landmark publications: Water Resources as the Basis for Comprehensive Planning and Development in the Christiana Basin, and Water Resources Protection Measures in Land Development: A Handbook.

Mr. President, this legislation requests that the Department of Interior undertake a study to determine what sections of the White Clay Creek watershed should be included within several categories of Wild and Scenic Rivers System designation. I support this effort, and feel that it will make a significant contribution to our efforts to realize that without the wise use of our natural resources we will not have an environmental legacy to pass on to our future generations.

Although many more challenges remain, in our ongoing efforts to preserve this river system. I think this legislation is a good start. I look forward to working with my colleagues on this proposal, and I would like to commend the White Clay Creek Watershed Association for their hard work, and support for this effort.•

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Ms. MIKULSKI):

S. 1553. A bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf war and the spouses and families of such veterans; to the Committee on Veterans' Affairs.

FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced legislation, S. 1553, designed to address a very important need among our veterans of the Persian Gulf war and their families. Joining me in introducing the bill is the committee's ranking Republican member, ARLEN SPECTER, as well as committee members DENNIS DECONCINI, BOB GRAHAM, DANIEL K. AKAKA, and THOMAS A. DASCHLE, and Senator BARBARA A. MIKULSKI.

This legislation would authorize VA to provide marriage and family counseling services to certain veterans who served in or during the war and to their family members. On July 16, our committee held a 5-hour hearing on the readjustment needs of Persian Gulf veterans and their families, and the testimony we received clearly established that this legislation is needed to address significant real and potential problems among our newest group of wartime veterans.

BACKGROUND

Mr. President, nearly 22 years ago, as a freshman Senator, I began a series of hearings to identify how the Government was responding to the needs of veterans returning from Vietnam. That first hearing, and many followup hearings over the next several years, helped Congress and the Nation understand that the experiences and health care needs of Vietnam veterans were in many ways different from those of veterans of earlier wars. This led us to reexamine what the Government had to do to fulfill its profound obligations to those new veterans.

Regrettably, it was a full 10 years after the 1969 hearings before my legislation establishing readjustment counseling through Vet Centers was finally enacted into law.

My purpose in convening hearings, the first of which was on July 16, on the readjustment needs of Persian Gulf war veterans is to identify the effects of the Persian Gulf war—on those who participated and on their families—and to help make sure that the Government's response is much more timely than it was after Vietnam. Among the many lessons learned from Vietnam is the fact that the problems and needs of one generation of veterans may be very much different than those of their predecessors.

Americans who fought this most recent war were unlike any others in our history. In February 1991, the General Accounting Office [GAO] issued a report, "Military Personnel: Composition of the Active Duty Forces by Race or National Origin Identification and by Gender," which provided a current demographic profile of the Armed Forces and similar information for 1972. According to GAO, in 1972, men comprised 98 percent of the active duty forces; now women account for a full 11 percent. There are over 220,000 women on active duty, and, according to DOD, more than 40,000 women served in the Persian Gulf. Also since 1972, representation in the active duty forces by nonwhite individuals has increased from 16 percent to almost 30 percent. The percentage of active duty servicemembers who are parents also has risen significantly.

Mr. President, at the committee's July 16 hearing, the witness representing the National Military Family Association [NMFA] testified that over 50 percent of active duty servicemembers and approximately 70 percent of the members of the Reserve Force have dependents. NMFA also testified that 1.8 million dependent children of active duty personnel are under the age of 13 and that over 16,000 single parents and 1,200 dual military couples with children were deployed to the gulf.

Mr. President, under current law, VA has very limited authority to provide counseling services to family members of eligible veterans. Essentially, such counseling may be provided only if it is determined to be essential to the effective treatment, readjustment, or rehabilitation of the veteran.

For active duty military personnel and their families, the Department of Defense provides, directly and through the CHAMPUS system, a range of health and mental health care services, including marriage and family counseling. Members of the Reserves and the National Guard and their families are generally eligible for such services only during periods of active duty service. After separation from active duty, Reserve and Guard members may receive DOD health care services, either directly or through CHAMPUS, for only 30 days.

Thus, marriage and family counseling is available for those who remain on active duty, but it is not generally available for servicemembers, and family members of servicemembers, who are either deactivated from the Guard or the Reserves or discharged from the regular Armed Forces after service during the Persian Gulf war and in need of counseling for difficulties related to service, it is not available through VA. The legislation we are introducing today is intended to ensure that deactivated and discharged personnel, and their families, have similar access to counseling services that may be needed for problems resulting from active duty service during the Persian Gulf war.

DESCRIPTION OF PROVISIONS

Specifically, this legislation would:

First, require VA, within 30 days after enactment, to establish a program of marriage and family counseling for certain Persian Gulf war veterans and their families. The program would expire on September 30, 1994.

Second, authorize VA to provide, either directly or by contract, marriage and family counseling to, first, veterans who were awarded campaign medals for active duty service during the Persian Gulf war and their spouses, children, and parents; and second, veterans who were members of reserve components who were activated during the Persian Gulf war and their spouses, children, and parents.

Third, permit VA to provide only marriage and family counseling that the Secretary determines—based on an assessment by a mental health professional designated by the Secretary—is necessary for the amelioration of psychological, marital, or familial difficulties that resulted from the veteran's active duty service.

Fourth, require that the marriage and family counseling be furnished, first, directy by VA personnel who the Secretary determines are either appropriately certified or otherwise qualified to provide such counseling; or second, through contract arrangements with marriage and family counselors whom the Secretary determines are appropriately qualified to provide such counseling.

Fifth, authorize VA to employ counselors to provide marriage and family counseling under the program and pay them at the rates prevailing for such counseling among non-VA professionals in the locality in which such counselors provide such counseling, as determined by the Secretary.

Sixth, authorize the appropriation of $1 million for fiscal year 1991 and $10 million for each of fiscal years 1992, 1993, and 1994 and declare that the funds are emergency requirements for the purposes of section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, but provide that the funds could be used only if the President designates the appropriation as an emergency requirement.

Seventh, require that the Secretary submit by January 1, 1994, a report on the program which includes a description and evaluation of the program and any recommendations that the Secretary considers appropriate.

HEARING TESTIMONY

At the committee's July 16, 1991, hearing, much of the testimony focused on the impact upon families of an individual's active duty service during the war. Individual servicemembers, representatives of mental health professionals organizations, and representatives of military family support organizations testified that there exists a need for the counseling among deactivated and discharged Persian Gulf war veterans and their families.

The needs seem particularly strong among Guard and Reserve members. These individuals and their families experienced considerable stress as a result of being called up with little advance notice, not being as accustomed to deployments as regular active duty personnel, and the fact they were leaving their civilian jobs. Moreover, they and their families often did not benefit from the extensive predeployment and reunion services that the Armed Forces provides for active duty personnel and families.

The VA's Chief Medical Director, Dr. James W. Holsinger, Jr., testified that under current law VA has "a narrow eligibility standard to treat family members—only when adjunct to the treatment of a veteran himself or herself." In response to a question as to VA's ability to provide marriage and family counseling to eligible Persian Gulf war veterans and their families, Dr. Holsinger stated that VA, "with appropriate legislative support, including funding * * * would be able to mount such an effort" and could do so rapidly.

Mr. Robert Silberman, Principal Deputy Assistant Secretary of Defense for Force Management and Personnel, stated that DOD had relied upon close relations with private organizations such as the American Red Cross, the United Way, and the Salvation Army, in situations where a deactivated Guard member or reservist had contacted DOD for assistance that was unavailable from DOD. In response to a question I posed, Col. Joe Fagan of the Army Medical Corps noted that, if an active duty servicemember's child was displaying behavioral problems upon the servicemember's return from the gulf, there would be "several opportunities for the servicemember to receive appropriate services" and cited the availability of child psychiatry clinics, social work services, psychology services, family counselors, chaplain service, and pediatricians for the servicemember and child.

Mr. President, I believe that DOD's provision of a range of mental health services, including marriage and family counseling, for active duty personnel and their families and its close attention to the psychological needs of returning servicemembers and their families reflect, as Deputy Assistant Secretary Silberman stated at the July 16 hearing, "a concentrated effort to support the mental well-being of both the servicemembers and their families." My concern, however, is that the many men and women reservists and National Guard members who served during the Persian Gulf war and their families—along with regular active duty personnel who were discharged very soon after returning from the gulf—will not benefit from DOD's considerable efforts once they are separated from active duty and no longer eligible for DOD services.

Our legislation would authorize the appropriation of $1 million for fiscal year 1991 and $10 million for each of the fiscal years 1992, 1993, and 1994 for this program and would provide that such funds would be considered as emergency requirements for the purposes of section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, but can be used only if the President designates the appropriation as an emergency requirement.

Mr. President, I believe this $10 million annual authorization is a modest figure based on what are, at this point, necessarily preliminary data regarding the potential need for marriage and family counseling. In light of the limited data that are available at this time, I plan to monitor closely the implementation of this new authority in order to assess on an ongoing basis the sufficiency of the funding level.

I note that, under this program, counseling would be available with respect to both veterans who were awarded campaign medals for active duty service during the Persian Gulf war and veterans who were activated from the Reserves or the National Guard during the war. The broader coverage for reservists and Guard members has been included in recognition of the fact that, although they may not have served in the theater of operations, their families may have experienced significant stresses from the rapid mobilization, deployment, separation, financial hardship, and reunion.

CONCLUSION

Mr. President, I am convinced that, for veterans of the Persian Gulf war who may no longer avail themselves of the counseling and other services provided by the Department of Defense, there is a clear need for marriage and family counseling services to be provided by VA. I have heard of this need from the veterans themselves, from organizations that provide support for military families, and from experts in the field of mental health. The support that the Nation has shown to the men and women who served must not end with the welcome-home parades. For those whose lives have been disrupted in service, we must respond quickly and effectively to whatever problems remain.

I urge my colleagues' strong support of this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM FOR FURNISHING MARRIAGE AND FAMILY COUNSELING.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall conduct a program to furnish to the persons referred to in subsection (b) the marriage and family counseling services referred to in subsection (c). The Secretary shall commence the program not later than 30 days after the date of the enactment of this act. The authority to conduct the program shall expire at the end of September 30, 1994.

(b) PERSONS ELIGIBLE FOR COUNSELING.—The persons eligible to receive marriage and family counseling services under the program are—

(1) veterans who were awarded a campaign medal for active-duty service during the Persian Gulf War and the spouses, children, and parents of such veterans; and

(2) members of the reserve components who were called or ordered to active duty during the Persian Gulf War and the spouses, children, and parents of such members.

(c) COUNSELING SERVICES.—Under the program, the Secretary may provide marriage and family counseling that the Secretary determines, based on an assessment by a mental-health professional employed by the Department and designated by the Secretary (or, in an area where no such professional is available, a mental-health professional designated by the Secretary and performing services under a contract or fee arrangement with the Secretary) is necessary for the amelioration of psychological, marital, or familial difficulties that result from the active duty service referred to in subsection (b) (1) or (2).

(d) MANNER OF FURNISHING SERVICES.—(1) The Secretary shall furnish the marriage and family counseling services under the program as follows:

(A) By personnel of the Department of Veterans Affairs who are qualified to provide such counseling services.

(B) By appropriately certified marriage and family counselors employed by the Department.

(C) By appropriately qualified marriage and family counselors pursuant to contracts with the Department.

(2) The Secretary shall establish the qualifications required of personnel under subparagraphs (A) and (C) of paragraph (1) and shall prescribe the training, experience, and certification required of appropriately certified marriage and family counselors under subparagraph (B) of such paragraph.

(3) The Secretary may employ counselors to provide marriage and family counseling under paragraph (1)(B) and shall pay such counselors at the rates prevailing for such counseling among non-Department health-care professionals with similar training, experience, and certification in the locality in which such counselors provide such counseling, as determined by the Secretary.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the terms "veteran", "child", "parent", "active duty", "reserve component", "spouse", and "Persian Gulf War" have the meanings given such terms in section 101(2), (4), (5), (21), (27), (31), and (33) of title 38, United States Code, respectively.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for fiscal year 1991 and $10,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out this Act. Funds authorized to be appropriated under this section shall be considered to be emergency requirements for the purposes of section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)), but may be obligated for the program conducted pursuant to section 1 only if the President designates an appropriation under this section as an emergency requirement pursuant to such section 251(b)(2)(D)(i).

SEC. 4. REPORT.

Not later than January 1, 1994, the Secretary shall submit to Congress a report on the program conducted pursuant to section 1. The report shall contain a description and evaluation of the program and shall include such recommendations with respect to the program as the Secretary considers appropriate.•

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. RIEGLE, Mr. SPECTER, Mr. MITCHELL, Mr. SEYMOUR, Mr. BRADLEY, Mr. CHAFEE, Mr. SASSER, Mr. SARBANES, Mr. ROCKEFELLER, Mr. METZENBAUM, Ms. MIKULSKI, and Mr. BREAUX):

S. 1554. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

• Mr. BENTSEN. Mr. President, for many months now, the administration and the Congress have been in a state of watchful waiting, hoping that this recession would be short and shallow, and that few American families would face hard times.

But in June the number of unemployed workers climbed to 8.7 million, 2.2 million more than in June a year ago. The unemployment rate rose to 7 percent, up from 5.3 percent in June 1990, and the highest in almost half a decade.

For the men, women, and children behind these statistics, the times are hard indeed. For many workers—1.2 million in June—unemployment has meant long-term unemployment, half a year or more.

Also in June, as in each of the preceding months of 1991, some 300,000 workers exhausted their 26 weeks of regular unemployment benefits, leaving them without a source of regular income support, while facing a tightening labor market.

Even though some economic indicators are turning up, we know that unemployment is a lagging indicator. If history is any guide, more and more workers will continue to run out of unemployment benefits even after the recession is technically over. During the recession of 1981–82, for example, the number of workers who ran out of unemployment benefits peaked half a year after the end of the recession.

Furthermore, the reality is that the recovery from this recession may well be erratic, far less robust than the usual 6.5-percent growth rate characteristic of postwar recoveries. That means unemployment will remain an emergency problem longer than usual in the past.

Contributing to this problem, Mr. President, is the fact that the program created back in 1970 to deal with the kind of situation we have today is simply not working.

Let's examine what is happening under present law.

We have a Federal-State Extended Benefits Program that is supposed to pay up to 13 weeks of benefits to workers who have exhausted their 26 weeks of regular benefits.

But at the present time, despite the National unemployment rate of 7 percent—and even higher rates in many States across the country—only three States: Alaska, Maine, and Rhode Island, are triggered on to the Federal-State Extended Benefits Program [EB]. That's down from a recession high of eight States a few weeks ago.

The problem, Mr. President, is that the test for triggering on the EB Program is just too tough to meet. And the proof of that is the more than $8 billion we have sitting unused in the Federal extended benefits account.

That $8 billion is money paid by employers across this Nation precisely for the purpose we are addressing here today—helping America's long-term unemployed workers at a time of need.

Now let's talk about the kind of help we propose to provide to long-term unemployed workers under this bill—workers who have exhausted their regular benefits.

Based on data for the 6-month period December 1991 to May 1992—and Senators should be aware that for purposes of this map we are using a rolling average that will change over time—here is what would occur:

Unemployed workers in seven States—those with an unemployment rate of 8 percent or higher—would be eligible for 20 weeks of emergency benefits;

Unemployed workers in 10 States—those with an unemployment rate of 7 to 8 percent—would be eligible for 13 weeks of emergency benefits;

Unemployed workers in 19 States—those with an unemployment rate of 6 to 7 percent—would be eligible for 7 weeks of emergency benefits; and

Unemployed workers in 14 States—all those remaining—would be eligible for 4 weeks of benefits.

I would note that most of the $5.2 billion cost of the emergency benefits proposal is targeted toward workers living in States with higher unemployment rates. The cost of the provision giving 4 weeks of benefits for all remaining States is modest in relation to other components of this proposal—a total of $455 million.

We provide benefits for States with unemployment rates below 6 percent because we know that even in States with relatively low rates on a statewide basis there can be very serious pockets of unemployment. Minnesota, for example, has an unemployment rate of around 5 percent, but Clearwater County has a rate of more than 17 percent. South Dakota has a rate of 3.4 percent, but Corson County has a rate of nearly 12 percent.

And we know that a recession often hits particular industries in a way that can cause pockets of difficulty in States that otherwise have only moderate unemployment. For example, if the automobile industry suffers, that obviously drives up unemployment in Michigan. But there are automobile plants in other States as well, and an auto worker in, say, Oklahoma or Tennessee may find that there is no work for which he is qualified in the area where he lives, particularly if the auto plant is the major employer there.

The benefits we're talking about in this bill would be fully federally-funded, paid for out of the existing extended benefits account. The money is there, as I indicated earlier, and under present law the fund will be steadily replenished so as to assure payment of benefits in any future recession.

In determining how many weeks of benefits a State will receive, we use a measure of total unemployment. At the present time, the measure used for the Extended Benefits Program is the insured unemployment rate. But this measure includes only those individuals who file for unemployment benefits. It excludes workers who have exhausted their benefits—the very people we want to help in this bill. It also excludes new entrants and reentrants into the labor force. The rate we use in this bill—the total unemployment rate—does include these individuals, and is thus a better indicator of the overall condition of the labor market in the State.

Although the bill will pay benefits only during the 9-month period October 1, 1991, through June 1992, it will reach back to pick up unemployed workers whose benefits expired since April 1 of this year, thus providing additional weeks of benefits to the very long-term unemployed who are most in need of help.

This "reach back" provision applies only to States experiencing higher unemployment rates—those with 6 percent or higher—recognizing that it is in those States where jobs are hardest to find, and very long-term unemployment is most likely to occur.

In addition to the provisions for additional weeks of benefits for all workers, the bill includes a provision to give equity to our Nation's service men and women. At the present time, Desert Storm veterans and others who leave the service are required to wait 4 weeks before they are eligible for benefits, and when they get these benefits they only get half as many weeks as other unemployed individuals—13 weeks as opposed to the normal 26. I cannot imagine that we would willingly continue this kind of inequity after the inspiring performance we witnessed just a few months ago in the Middle East.

In this bill we also provide for establishing an Unemployment Compensation Advisory Council. As I have watched the lack of responsiveness of the Unemployment Compensation Program over recent months, I have become convinced that the system urgently needs long-term restructuring.

One of the reasons we have such an arcane and illogical system is that we tend not to focus on the program except when we come to a serious recession. And then we haven't done the homework, and there isn't time to undertake real structural improvements.

This bill establishes an advisory council to help deal with these kinds of questions. It would be analogous to the respected and successful Social Security Advisory Council and would examine the purpose, the goals, and the functioning of the unemployment compensation system, and make recommendations for improvements. That way we will have an ongoing examination of the program, and have an opportunity to address problems before they become too difficult to resolve.

Finally, Mr. President, let me address the question of why we are moving this bill under the "emergency" authority provided in last fall's budget agreement rather than following the rules for "pay-as-you-go."

I agree with the chairman of the Budget Committee that this emergency authority was established precisely to enable the Congress and the President to respond to the kind of situation we face today, where rapid action is necessary to meet unforeseen needs.

When we were negotiating the 5-year budget agreement last October, it was far from clear that this recession would inflict the high degree of financial distress on American workers that has subsequently occurred. Nor did we anticipate that the Nation's Unemployment Compensation Program would prove to be as unresponsive to the needs of long-term unemployed workers as has been the case.

The budget rules require the President to concur with the Congress in designating any piece of legislation as an emergency, and therefore exempt from the usual budget restraints. I would urge the President to concur with the Congress on this bill.

Earlier this year the President asked the Congress to pass emergency legislation providing economic assistance to the Kurds, the Israelis, and the Turks. We went along with him. Now we're asking him to go along with us, recognizing that American workers also need our help in time of trouble.

Mr. President, I hope the Senate will shortly have the opportunity to vote on this bill, and Senators will be able to show their support for the working men and women of America who have suffered seriously from this current recession and who now need our help.

I ask unanimous consent that the text of the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Act of 1991".

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) In General.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 7(2)).

(c) Exhaustion of Benefits.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) Weekly Benefit Amount.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act, or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) Election.—Notwithstanding any other provision of law, the Governor of a State, which is in a 7-percent period or an 8-percent period (as defined in section 3(c)), is authorized to and may elect to trigger off an extended compensation period in order to provide payment of emergency unemployment compensation to an individual who has exhausted his rights to regular compensation under State law.

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) In General.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) Amount in Account.—

(1) In general.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined spect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
8-percent period	20
7-percent period	13
6-percent period	7
Other period	4.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "8-percent period", "7-percent period", "6-percent period", and "other period" mean, with respect to any State, the period which—

(A) begins with the second Sunday of the month after the first month during which the applicable trigger for such period is on, and

(B) ends with the Saturday immediately preceding the second Sunday of the month after the first month during which the applicable trigger for such period is off.

(2) APPLICABLE TRIGGER.—In the case of an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the average rate of total unemployment in the State for the period consisting of the most recent 6-calendar month period for which data are available—

(A) equals or exceeds 6 percent, and

(B) falls within the applicable range (as defined in paragraph (3)).

Subparagraph (A) shall only apply in the case of an 8-percent period, 7-percent period, or 6-percent period.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
8-percent period	A rate equal to or exceeding 8 percent.
7-percent period	A rate equal to or exceeding 7 percent but less than 8 percent.
6-percent period	A rate equal to or exceeding 6 percent but less than 7 percent.
Other period	A rate less than 6 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after October 5, 1991, an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, during the 13-week period described in subparagraph (A), the applicable range for such State increases, the period in effect for such State shall be the period applicable to such range under the table in paragraph (3).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that an 8-percent period, 7-percent period, 6-percent period, or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) October 6, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) REACHBACK PROVISIONS.—(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after March 31, 1991, and before the first week following October 5, 1991 (or, if later, the week following the week in which the agreement under this Act is entered into), and

(ii) a period described in subsection (c)(2)(A) is in effect with respect to the State for such following week,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if his benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) ELIGIBILITY PERIOD.—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in an 8-percent period, 7-percent period, 6-percent period, or other period under this Act and, if the individual's benefit year ends within any such period, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) RATE OF TOTAL UNEMPLOYMENT.—The term "rate of total unemployment" means the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for the period consisting of the most recent 6-calendar month period for which data are available.

SEC. 8. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF CERTAIN LIMITATIONS.—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to weeks of unemployment beginning after October 5, 1991.

(2) REACHBACK.—If—

(A) any individual exhausted the individual's rights to regular compensation after March 31, 1991, and before the first week following October 5, 1991 (or, if later, the week following the week in which the agreement under this Act is entered into), and

(B) a period described in section 3(c)(2)(A) is in effect with respect to the State for such following week,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if the individual's benefit year ended no earlier than the last day of such following week.

SEC. 9. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

Section 908 of the Social Security Act is amended to read as follows:

"ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

"SEC. 908. (a) ESTABLISHMENT.—Not later than February 1, 1992, and every 4th year thereafter (but not before February 1 of such 4th year), the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the 'Council').

"(b) FUNCTION.—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

"(c) MEMBERS.—

"(1) IN GENERAL.—Each Council shall consist of 11 members as follows:

"(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

"(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman of the Committee on Finance.

"(C) 3 members appointed by the Speaker of the House, in consultation with the Chairman of the Committee on Ways and Means.

"(2) QUALIFICATIONS.—Of the members appointed under subparagraphs (B) and (C)—

"(A) 2 shall be representatives of the interests of business,

"(B) 2 shall be representatives of the interests of labor, and

"(C) 2 shall be representatives of the interests of State governments.

"(3) VACANCIES.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

"(4) CHAIRMAN.—The President shall appoint the Chairman.

"(d) STAFF AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Each council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) ASSISTANCE FROM SECRETARY OF LABOR.—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) COMPENSATION.—Each member of any Council—

"(1) shall be entitled to receive compensation at rates fixed by the Secretary of Labor (but not exceeding the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code) for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) REPORT.—Not later than January 1 of the 2nd year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.".

SEC. 10. EMERGENCY DESIGNATION.

(a) EMERGENCY DESIGNATION.—Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless, not later than the date of the enactment of this Act, the President submits to the Congress a written designation of all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.•

• Mr. PACKWOOD. Mr. President, I am pleased to rise today as an original cosponsor of the Emergency Unemployment Compensation Act of 1991.

In general, our national economy is improving. There are a number of economic factors that show improvement in recent months. World oil prices have declined; short-term interest rates have also declined; consumer spending has grown.

The turnaround, however, has not been as swift as we would have liked. There is a body of unemployed workers who have not yet felt the effects of the recovery.

Overall, the current system of providing unemployment benefits has been working well. Oregon, and a number of other States, has made good use of the extended benefits available under current law. When Oregon's unemployment rate met the required thresholds, we triggered on to extended benefits and were able to provide additional help to the long-term unemployed in the State. And when the statewide unemployment rate went down, we triggered off those benefits. However, there are pockets of unemployment in my State that could still use some help.

In Oregon, we have timber workers and loggers who have been out of work for a long time. Many of them have exhausted the unemployment benefits available to them under the current system simply because they haven't worked in so long.

I'm very hopeful that Oregon will be able to find a way to address the special needs of the long-term unemployed and displaced timber workers. But until we are able to find long-term answers to this problem, we need to do what we can to help out during the rough times.

That's why I support Chairman BENTSEN's bill. This legislation provides temporary, supplemental unemployment benefits now, when those who are out of work need it. This isn't a new approach. Congress has enacted federally funded supplemental unemployment benefits during a recession before. Back in 1974, Congress passed the Emergency Unemployment Compensation Act to provide Federal supplemental benefits. And again in 1982, we provided Federal supplemental compensation to help out with the effects of a recession.

This bill doesn't try to make wholesale reforms to the unemployment insurance system. It simply provides a shot in the arm when it's needed most.

And it does so in the most sensible way. Unlike other unemployment insurance reform proposals in Congress, this bill does not require new taxes on employers to pay for the supplemental benefits. Instead, it uses some of the surplus that has accumulated in the unemployment insurance trust funds to pay for the temporary extension of benefits. It makes no sense to require employers to pay enormous new taxes during a recession to finance any new benefits. It does make sense to spend some of the money out of a trust fund that you have purposely collected and saved to handle an emergency.

This bill also includes a provision creating an advisory council to study the unemployment insurance program and from time to time make recommendations for change. The council will engage in continued research and investigation to help improve a program that provides essential help to our workers.

The good sense in this bill is that it provides targeted relief to the right group of people now when the need is evident. Up to 45,000 Oregonians could benefit from this program before it sunsets in June 1992. Hopefully, the benefits in this bill will provide enough help to wait out the difficult times until the economy is fully up and rolling.•

• Mr. BRADLEY. Mr. President, I rise to join my colleague from Texas, the chairman of the Senate Finance Committee, in introducing legislation to provide additional unemployment benefits to those hardest hit by the current recession.

This new program will provide 20 weeks of extended unemployment benefits in those States with an unemployment rate that is 8 percent or higher, 13 weeks in those States with a 7 percent unemployment rate; 7 weeks in those states with a 6 percent unemployment rate, and 4 weeks for all other States. Under current law, the unemployed in most States are only eligible for 26 weeks of benefits. New Jersey now provides 6½ weeks of extra benefits for the long-term unemployed; this program would provide the long-term unemployed in New Jersey with an additional 7 weeks of benefits, for a total of 38½ weeks.

The proposal also would change the way in which ex-service members are treated, so that they are treated the same as other unemployed workers. Under present law, unemployed former members of the Armed Forces receive 13 weeks of unemployment benefits. Other unemployed workers receive 26 weeks of benefits. Under this proposal, unemployed ex-service members would receive unemployment benefits on the same basis as unemployed civilians. In addition, reserve members who have been called to active duty would be eligible for unemployment benefits after serving a continuous period of 90 days, instead of having to meet the current 180-day requirement.

Mr. President, nationally, the unemployment rate has now reached 7 percent. New Jersey's unemployment rate has averaged about 6.7 percent for several months—about 40 percent higher than a year ago. And there are no signs that the unemployment rate will significantly decline in the near future.

For many families—expecially the long-term unemployed—this recession has been disastrous. There are almost 1.2 million workers in America who have been out of work for more than half a year. Currently, about 40,000 of the unemployed in New Jersey have been out of work for so long that their unemployment benefits have run out. We need to fix the Federal Government's unemployment compensation rules so we can provide more benefits to families in need. This bill does just that, and I urge my colleagues to support it.•

• Mr. CHAFEE. Mr. President, I am pleased to cosponsor the legislation introduced by Senator BENTSEN to provide emergency unemployment compensation benefits. This is an important piece of legislation and one that many States, especially my home State of Rhode Island, desperately need. This bill will provide relief to the many workers around the country who find themselves out of work as a result of the recession. Nowhere has this been more keenly felt than in Rhode Island.

In the past 2 years, New England has lost 254,000 jobs, a decline of 4 percent. This accounts for 20 percent of all jobs lost in the United States, although only 5 percent of the population resides in New England. Not only have new businesses in New England been on the decline since 1987, but business failures have increased. In fact, in 1990, business failures increased by 193 percent in New England, compared to a national rate of 14.5 percent. As a result, the New England States have some of the highest unemployment rates in the country. In my home State of Rhode Island, the total unemployment rate is now 8.1 percent, up from May's rate of 7.7 percent. The State government has already been forced to shut down because they simply do not have enough money to stay in operation. Clearly, something must be done to help those who simply cannot find jobs. I believe this legislation will at least provide some temporary relief.

Under current law, unemployed workers are paid up to 26 weeks of unemployed benefits. In States with very high unemployment rates, workers may receive up to 13 weeks of additional assistance, known as extended benefits, when they have used up their State benefits. Unfortunately, the formula which is used to trigger a State's eligibility for extended benefits is very strict and is based not on the total unemployment rate, but rather on the insured unemployment rate. This means that under current law, extended benefits are calculated on the basis of how many workers in a State are receiving benefits, rather than the number of people who are actually out of work and trying to enter or reenter the job market. It is no wonder then, that only three States and Puerto Rico are currently triggered onto the Extended Benefits Program.

This legislation would correct this problem. It would provide up to 20 weeks of emergency unemployment benefits to workers in States with a total unemployment rate of 8 percent. The goal of the bill is to provide temporary relief to long-term unemployed workers, to tide them over until they can find work.

Now, Mr. President, these additional benefits are not free. This bill would cost $5.8 billion over the designated 5-year period. This is money well-spent, but I have serious reservations about how this will be financed. Under the current proposal, the money would be taken out of the extended unemployment compensation account of the unemployment compensation trust funds. Ultimately, this will be charged against the deficit. I do not think this is wise, and I plan to work closely with the sponsors of the bill to find a way to offset this cost.

In the meantime, Mr. President, I want to commend the Senator from Texas for coming forward with this important proposal. I hope my colleagues will support this initiative. Thank you Mr. President.•

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1555. A bill to provide disaster assistance to fruit and vegetable producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FRUIT AND VEGETABLE PRODUCERS EMERGENCY ASSISTANCE ACT

• Mr. RIEGLE. Mr. President, I rise today along with Senator Carl Levin to introduce the Fruit and Vegetable Producers Emergency Assistance Act of 1991. This legislation is designed to provide disaster relief to Michigan and our Nation's farmers who have been hard-hit by inclement weather in either the 1990 or 1991 growing season.

Michigan fruit and vegetable farmers have been especially hard hit by a deadly April frost and violent thunderstorms this year, with drought-like conditions last year. Already, there has been serious damage done to tart and sweet cherries, plums, apples, asparagus, peaches, and other fruits. Some Michigan producers have no fruit to pick at all.

In fact, this year the weather has been so bad that it has caused over $75 million in agriculture losses to fruit and vegetable crops in Allegan, Antrim, Benzie, Berrien, Cass, Grand Traverse, Ionia, Iosco, Kent, Leelanau, Manistee, Mason, Monroe, Muskegon, Newaygo, Oceana, Ottawa, and Wayne Counties in Michigan. It is clear that, as harvest time nears, other counties will need agricultural disaster assistance.

Last week, Sen Levin and I wrote U.S. Agriculture Secretary Edward Madigan urging him to designate areas adversely affected by inclement weather agriculture disaster areas. Michigan Gov. John Engler also issued the same request. It is my understanding that Secretary Madigan plans to reject our requests. That is simply unacceptable.

So to rectify this situation, my legislation will override the need to have the President or the Agriculture Secretary declare any part of the United States as a disaster area before any appropriation can be made. It appears that is the only option my colleagues and I have.

SUMMARY OF KEY PROVISIONS

Let me explain what my legislation accomplishes.

First, the bill will authorize the Secretary of Agriculture to provide a three-tier disaster assistance program to eligible fruit and vegetable producers who have been adversely affected by damaging weather in either 1990 or 1991 crop years.

If a producer suffered at least a 30-percent crop loss based on a 5-year average, the producer's disaster payment will equal up to 85 percent of the producer's normal crop yield. If a producer suffers more than 30 percent but less than 70 percent total crop damage, the producer is eligible to receive 65 percent of the producer's normal crop yield. And finally, if a producer suffers 71 percent to 100 percent of their normal crop yield, the producer is eligible to receive 70 percent payment of the crop's market value.

In addition, the Secretary shall make the disaster payments on a crop-by-crop basis and develop separate payment levels insofar as is practicable. The Secretary shall provide prevented planting credit with respect to farmers unable to plant due to damaging weather in the 1990 or 1991 planting seasons.

In this legislation, I have ensured that 50 percent of the payments fall on the shoulders of the Federal Government. I am sure that any money we can put forward to help State governments will be of great help and should give State governments a great step forward in assisting our Nation's farmers.

Another important part of this legislation is the section that requires disaster program participants to enroll into the Federal Crop Insurance Program or another suitable program. For decades, this institution has struggled with the question, "Do we provide disaster payments or do we provide crop insurance for our Nation's farmers?" This legislation addresses that question. Simply, if a farmer takes disaster assistance then he must enroll in a crop insurance.

Specifically, this legislation will require that producers who take the Federal disaster assistance obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1992 and 1993 crops. And to increase participation in the out years, the producer will be able to receive a 5-percent increase in disaster payments this year for each year the producer enrolls after 1994, 1995, and 1996.

Another innovative part of this legislation is the section that deals with loan guarantees for rural businesses affected by inclement weather up to $500,000, with the program not exceeding $300 million. As many of my colleagues from farm States know, rural disasters not only affects producers but the suppliers to producers, such as feed store owners, tractor dealers, parts supply stores, and a variety of other agriculture-related business. My colleague and I have worked hard to ensure those affected receive loans at the lowest possible rates with the longest repayment periods.

There are two more sections in my legislation that I would like to highlight. One section would provide up to $75,000 for farmers whose trees are not killed but in need of rehabilitation. Rehabilitation is expensive and can take years. This section will help offset those costs and allow producers to avoid unnecessary replants while rehabilitating their crops.

Second, this legislation authorizes emergency grants to assist low-income farm workers and packinghouse workers who have been displaced by inclement weather. These workers have historically traveled from the southern and western sections of the United States to the northern sections of the United States to harvest fruit or vegetables during the summer months. In the winter months, the workers have returned to southern States.

Mr. President, the State of Michigan is suffering from this and last year's severe weather. This bill encourages farmer assistance without breaking the back of the Federal Government. The legislation also encourages farmers to be prudent in their long-term planning by mandating their enrollment in crop insurance.

Most of all, this measure offers hope to many who have no hope at all.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record along with a section by section analysis.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Fruit and Vegetable Producers Emergency Assistance Act of 1991".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Fruits and Vegetables

Sec. 101. Fruits and vegetables.
Sec. 102. Crop quality reduction disaster payments.
Sec. 103. Effect of Federal crop insurance payments.
Sec. 104. Crop insurance coverage for 1992 and 1993 crops.
Sec. 105. Transfer of funds.
Sec. 106. De minimis yields.
Sec. 107. Producer eligibility.
Sec. 108. No double payments on replanted acreage.

Subtitle B—Administrative Provisions

Sec. 121. Timing and manner of assistance.
Sec. 122. Use of Commodity Credit Corporation.
Sec. 123. No duplicative benefits.
Sec. 124. Emergency designation of outlays.
Sec. 125. Regulations.

TITLE II—OTHER EMERGENCY PROVISIONS

Sec. 201. Disaster assistance for rural business enterprises.
Sec. 202. Rehabilitation of trees.
Sec. 203. Emergency grants to assist low-income farmworkers and packinghouse workers.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Damaging weather.—The term "damaging weather" includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, excessive wind, or any combination thereof.

(2) Related condition.—The term "related condition" includes but is not limited to in-

sect infestations, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Fruits and Vegetables

SEC. 101. FRUITS AND VEGETABLES.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for the 1991 crops of fruits and vegetables, if the Secretary determines that, because of damaging weather or related condition in 1990 or 1991, the total quantity of the 1991 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 70 percent of the yield established by the Commodity Credit Corporation under subsection (d) for the crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for the crop under subsection (b), the Secretary shall make a disaster payment available to the producers.

(2) RATES.—Subject to paragraph (3), the payment shall be made to the producers at a rate equal to—

(A) 65 percent of the applicable payment level under paragraph (4), as determined by the Secretary, for any deficiency in production greater than 30 percent, but not greater than 70 percent, for the crop; and

(B) 70 percent of the applicable payment level under paragraph (4), as determined by the Secretary, for any deficiency in production greater than 70 percent for the crop.

(3) BONUS FOR ADDITIONAL CROP INSURANCE COVERAGE.—Subject to section 104, the percent of the applicable payment level prescribed under paragraph (2) shall be increased by 5 percentage points for each additional crop year the producers on a farm agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 1994, 1995, or 1996 crops.

(4) PAYMENT LEVEL.—For purposes of this subsection, the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (5), during the marketing years for the immediately preceding 5 crops of the commodity.

(5) METHOD OF DETERMINING PAYMENTS.—

(A) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under subsection (a) on a crop-by-crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

(B) SEPARATE CROPS.—For the purposes of determining the payment levels on a crop-by-crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity for which there is a significant difference in the economic value in the market.

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1991 crop of the commodity for harvest because of damaging weather or related condition in 1990 or 1991, as determined by the Secretary.

(2) ACREAGE LIMITATION.—The acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted because of damaging weather or other condition beyond the control of the producers) to the commodity for harvest in 1990 minus acreage actually planted for harvest in 1991; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to damaging weather or other condition beyond the control of the producers) to the commodity for harvest in 1988, 1989, and 1990, minus acreage actually planted to the commodity for harvest in 1991.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

(c) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 104.

(d) SPECIAL RULES.—

(1) FARM YIELDS.—

(A) IN GENERAL.—The Commodity Credit Corporation shall establish disaster program farm yields for fruits and vegetables.

(B) BASIS.—The yield for a farm shall be based on proven yields, if the producers on the farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding 5 crop years. If the data do not exist for any of the 5 preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity or by using other data available to it.

(2) DEMONSTRATION OF LOSSES.—It shall be the responsibility of the producers of fruits and vegetables to provide satisfactory evidence of crop losses resulting from damaging weather or related condition in 1990 or 1991 in order for the producers to obtain disaster payments under this section.

SEC. 102. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—

(1) PAYMENTS.—To ensure that all producers of 1991 crops covered under section 101 are treated equitably, the Secretary may pay the Federal share of additional disaster payments made to producers of the crops that suffer losses resulting from the reduced quality of the crops caused by damaging weather or related condition in 1990 or 1991, as determined by the Secretary.

(2) FEDERAL SHARE.—The Federal share of payments made under this section shall be 50 percent.

(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if the producers incur a deficiency in production of not less than 30 percent and not more than 75 percent for the crop (as determined under section 101).

(c) PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate at a level that equals the average commercial value of the crop during the marketing years for the immediately preceding 5 crops of the commodity.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by the damaging weather or related condition in 1990 or 1991, as determined by the Secretary.

SEC. 103. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1991 crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary shall reduce the amount of payments made available under this subtitle for the crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by the producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for the crop exceeds the amount determined by multiplying—

(1) 100 percent of the yield used for the calculation of disaster payments made under this subtitle for the crop; by

(2) the sum of the acreage of the crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary; by

(3) the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of the commodity.

SEC. 104. CROP INSURANCE COVERAGE FOR 1992 AND 1993 CROPS.

(a) REQUIREMENT.—Subject to subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle or an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to damaging weather or related condition in 1990 or 1991 must agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 1992 and 1993 crops of the commodity for which the payments or loans are sought.

(b) CROP INSURANCE.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) unless the producers' deficiency in production, with respect to the crop for which a disaster payment under this subtitle otherwise may be made, exceeds 75 percent;

(2) crop insurance coverage is not available to the producers for the commodity for which the payment or loan is sought;

(3) if the producers' annual premium rate for the crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1991 crop in the county in which the producers are located;

(4) in any case in which the producers' annual premium for the crop insurance is an amount greater than 25 percent of the amount of the payment or loan sought; or

(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on the producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall ensure (acting through the county committees

established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under this subtitle are implemented and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982) in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

(2) DEMONSTRATION OF COMPLIANCE.—Each producer who is subject to the requirements of this section may comply with the requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) REDUCTION OF COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that the insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Notwithstanding any other provision of law, if (prior to the end of the 1992 crop year for the commodity involved) the crop insurance coverage required of the producer under this section is canceled by the producer, the producer—

(1) shall make immediate repayment to the Secretary of any disaster payment that the producer otherwise is required to repay; and

(2) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a) made subject to this section.

SEC. 105. TRANSFER OF FUNDS.

The Secretary may transfer funds made available to the Commodity Credit Corporation during fiscal year 1991 to the Agricultural Stabilization and Conservation Service in such amounts as are necessary for salaries and other expenses incurred in carrying out this subtitle, except that this authorization shall be available only if funding for this purpose is not provided under an appropriations Act.

SEC. 106. DE MINIMIS YIELDS.

(a) IN GENERAL.—Any producer whose actual yield for a crop is equal to or less than the de minimis yield for the crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for the crop under this subtitle.

(b) DETERMINATION BY SECRETARY.—

(1) IN GENERAL.—The Secretary may determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle.

(2) LEVEL.—The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting.

(3) MINIMUM.—In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary.

SEC. 107. PRODUCER ELIGIBILITY.

A producer on a farm who produces any crop of a commodity for which disaster payments are made available under this subtitle shall qualify for a disaster payment if the total quantity of the commodity that the producer is able to harvest on that farm is reduced as a result of damaging weather or related condition in an amount that meets the criteria of section 101, even though the producers on the farm, collectively, may not meet the criteria.

SEC. 108. NO DOUBLE PAYMENTS ON REPLANTED ACREAGE.

(a) REDUCTION OF DISASTER PAYMENT.—Effective only for the producers on a farm who receive disaster payments under this subtitle for a crop of a commodity, the Secretary shall reduce the payments by an amount that reflects 5 percent of the value of any crop that the producers plant for harvest in 1991 to replace the crop for which disaster payments are received.

(b) REPLACEMENT CROPS.—For purposes of subsection (a), a crop shall be considered to be planted to replace the crop for which disaster payments are received if (because of loss or damage to the first crop due to damaging weather or related condition in 1990 or 1991) the second crop is planted on acreage on which the producers planted, or were prevented from planting, the first crop.

(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

(1) determine the value of the second crop based on the actual yield of the producers and average market prices for the second crop during a representative period; and

(2) take into account the historical cropping patterns of producers.

Subtitle B—Administrative Provisions

SEC. 121. TIMING AND MANNER OF ASSISTANCE.

(a) TIMING OF ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make full disaster assistance available under this title as soon as practicable after the date of the enactment of this Act.

(2) COMPLETED APPLICATION.—Notwithstanding any other provision of law or of this Act, no payment or benefit provided under this title shall be payable or due until such time as a completed application for a crop of a commodity therefore has been approved.

(3) DEADLINE FOR APPLICATION.—A person eligible to receive payments under this Act shall make application for the payments not later than March 31, 1992, or such later date as the Secretary, by regulation, may prescribe.

(b) MANNER.—The Secretary may make payments available under this Act in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

SEC. 122. USE OF COMMODITY CREDIT CORPORATION.

(a) USE.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

(b) EXISTING AUTHORITY.—The authority provided by this title shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

SEC. 123. NO DUPLICATIVE BENEFITS.

A person eligible for assistance under chapter 3 of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) who is also eligible for assistance under this Act may elect to receive benefits under such chapter or under this Act, but may not receive benefits under both.

SEC. 124. EMERGENCY DESIGNATION OF OUTLAYS.

(a) FINDINGS.—Congress finds that in fiscal years 1990 and 1991 there have been excessive rains, often of unprecedented scope, in many sections of the United States, and serious drought conditions and other unusual weather conditions in many other sections of the United States that have caused major economic losses to producers of fruits and vegetables.

(b) FUNDING.—The funds of the Commodity Credit Corporation shall be available subject to the limitations set forth in subsection (c) to carry out this Act.

(c) EMERGENCY DESIGNATION.—The funds provided for in this Act are designated as an emergency requirement as provided for in section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).

SEC. 125. REGULATIONS.

The Secretary or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this title as soon as practicable after the date of enactment of this Act, without regard to the requirement for notice and public participation in rulemaking prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

TITLE II—OTHER EMERGENCY PROVISIONS

SEC. 201. DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES.

(a) LOAN GUARANTEES.—The Secretary shall guarantee loans made in rural areas—

(1) to public, private, or cooperative organizations, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to any other business entities, to assist them in alleviating distress caused to the entities, directly or indirectly, by the damaging weather or related condition in 1990 or 1991; and

(2) to the entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of the damaging weather or related condition in 1990 or 1991.

(b) ELIGIBLE LOANS.—Loans that may be guaranteed under this section are loans made by any—

(1) Federal or State chartered—

(A) bank;

(B) savings and loan association;

(C) cooperative lending agency; or

(D) insurance company; or

(2) other legally organized lending agency.

(c) REPAYMENT.—In carrying out this section, the Secretary shall ensure, to the extent practicable, that a borrower of a loan guaranteed under this section may repay the loan over the longest possible term.

(d) LENDING LIMITS.—

(1) INDIVIDUAL GUARANTEES.—No guarantee under this section may exceed 90 percent of the principal amount of the loan. Guarantees made on loans to any eligible borrower may not exceed $500,000.

(2) TOTAL AMOUNT OF GUARANTEES.—The total amount of loan guarantees that may be made under this section shall not exceed $300,000,000.

(e) USE OF THE RURAL DEVELOPMENT INSURANCE FUND.—The Secretary shall use the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) for the purposes of carrying out this section.

SEC. 202. REHABILITATION OF TREES.

(a) IN GENERAL.—Section 2256(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by inserting after "replanting trees lost" the following: "and rehabilitation or restoring trees damaged".

(b) LIMITATION ON ASSISTANCE.—Section 2257(a) of such Act (7 U.S.C. 1421 note) is amended by striking "$25,000" and inserting "$75,000".

SEC. 203. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.

(a) EXPANSION OF PROGRAM.—Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) by inserting ", permanent," after "migrant" each place it appears;

(2) in subsection (a)—

(A) by striking "$20,000,000" and inserting "$30,000,000"; and

(B) by striking the period at the end of the second sentence and inserting ", including assistance for the payment of housing costs."; and

(3) in subsection (b)—

(A) by inserting "(including a packinghouse worker)" after "an individual"; and

(B) by inserting "or packinghouse work" after "farm work" both places it appears.

(b) CLERICAL AMENDMENTS.—

(1) The section heading of such section is amended to read as follows:

"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.".

(2) The item relating to such section in the table of contents at the beginning of such Act is amended to read as follows:

"Sec. 2281. Emergency grants to assist low-income farmworkers and packinghouse workers.".

SECTION-BY-SECTION ANALYSIS OF THE FRUIT AND VEGETABLE PRODUCERS EMERGENCY ASSISTANCE ACT OF 1991

Section 1—Short Title; Table of Contents

Section 2—Definitions

Section 101—Authorizes the Secretary of Agriculture to provide a three-tier disaster assistance program to eligible fruit and vegetable producers who have been adversely affected by damaging weather in either 1900 or 1991 crop years. The schedule is as follows:

A. If a producer suffers a minimum of 30% crop loss based on a 5-year average, the producer's federal assistance payment will total 85% of the producer's normal crop yield averaged over 5 years.

B. If a producer suffers more than 30% but less than 70% total crop damage, the producer is eligible to receive 65% of the producer's normal crop yield averaged over 5 years.

C. If a producer suffers 71% to 100% of their normal crop yield, the producer is eligible to receive 70% payment of the crop's market value averaged over 5 years.

In addition, the Secretary shall make the disaster payments under a crop-by-crop basis and develop separate payment levels insofar as is practicable. The Secretary shall provide prevented planting credit with respect to farmers unable to plant due to damaging weather in the 1990 or 1991 planting seasons.

Section 102—Establishes a joint federal/state cost share program for states that are affected with low-quality fruit. The joint federal/state payment may equal up to 100% of the total value of the producer's crop.

Section 103—Ensures that the Secretary reduce the amount of payments made available to producers who obtained crop insurance for the 1990 and 1991 crop year to the extent that the amount is determined by adding the gross indemnity less premium paid by the producers for the deficiency in the production of the crop.

Section 104—Requires that producers who take the federal disaster assistance obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1992 and 1993 crops. In addition, the producer will be able to receive a 5% increase in disaster payments for each year enrolled after 1994, 1995, and 1996.

Section 105—Gives the Secretary the authority to transfer funds to the Commodity Credit Corporation during 1991 for salaries and other expenses incurred in carrying out this program.

Section 106—Mandates that any producer's crop whose actual yield for a crop is equal to less than the de minimis yield will be considered a zero actual yield.

Section 107—Creates guidelines for producer eligibility.

Section 108—Disallows double payments on replanted acreage.

Section 121—Enacts guidelines for timing and manner of assistance for the Secretary to follow.

Section 122—Authorizes the CCC to carry-out this legislation.

Section 123—Disallows any duplicative benefits.

Section 124—Authorizes emergency designation of outlays.

Section 125—Issues regulations for the CCC or the Secretary to following in carrying out this legislation.

Section 201—Authorizes loan guarantees for rural businesses affected by inclement weather up to $500,000, while not exceeding $300,000,000 for the total program.

Section 202—Allows disaster assistance payment of $75,000 for tree rehabilitation.

Section 203—Authorizes emergency grants to assist low-income farmworkers and packinghouse workers who have been displaced by inclement weather.●

● Mr. LEVIN. Mr. President, the State of Michigan has been wracked once again by severe weather. Recently, thunderstorms rolled across the State uprooting trees and stripping the trees still standing of the ripe fruit that was ready for harvesting. This weather was a disastrous ending for a growing season that began in chaos for many of Michigan's agricultural producers. April brought cruel freezes that took a heavy toll on many fruits, especially cherries.

Mr. President, the senior Senator from Michigan and I are introducing legislation today to help Michigan growers recover from this devastating weather. Our bill allows growers the opportunity to receive disaster assistance commensurate with the damage that their crop has maintained. It includes special provisions to address income losses due to a decline in crop quality due to the weather, provides tree rehabilitation financial assistance, and others to treat the special needs of fruit and vegetable growers. And, the bill encourages disaster assistance recipients to obtain crop insurance in future years.

I remember 1986 and 1988. Those were tough years for the producers in Michigan and elsewhere due to flood and drought. While the scale of the emergency now in 1991 may appear somewhat less to those not directly affected, that perception could be changed by having a conversation with one of the fruit producers who has no fruit to harvest yet has to maintain trees in hopes of a better year next year.

Mr. President, fruits and vegetables are central to a healthy diet, yet Federal agricultural policy often overlooks their producers' contribution. This bill can help rectify that situation and address their needs in time of trouble.●

By Mr. KASTEN (for himself, Mr. BROWN, Mr. LOTT, Mr. COATS, Mr. SYMMS, Mr. BURNS, Mr. SMITH, Mr. HELMS, Mr. D'AMATO, Mr. SPECTER, and Mr. MACK):

S.J. Res. 182. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. KASTEN. Mr. President, today I am introducing the balanced budget/tax limitation amendment to the Constitution. Joining me as original cosponsors are Senators BROWN, LOTT, COATS, SYMMS, BURNS, SMITH, and HELMS.

The last time we had a balanced Federal budget was in 1969—over two decades ago. Today, the accumulated debt of our Government exceeds $3.5 trillion. This year's interest payment on the national debt will be nearly $200 billion, consuming 40 percent of Federal income tax receipts.

Identifying the problem is easy. The solution is more difficult. One point however, is very clear—the accumulation of this extraordinary debt has never been the result of inadequate tax revenues. Just from 1981 to 1990, Federal tax receipts experienced 28 percent real growth.

We have massive Federal budget deficits today for one simple reason: Congress's appetite for spending is rapidly outpacing even the extremely swift revenue growth of the 1980's. Federal spending grew 12.5 percent just from 1990 to 1991, and from 1981 to 1990 Federal spending, after inflation, grew over 41 percent.

The Federal Government is spending money faster today than it ever has before, and taxpayers can no longer keep up with the demand. This year—for the first time since World War II—the Federal Government will spend more than 25 percent of the wealth generated by the American people.

One thing is certain: tax increases will not reduce the size of government. They destroy jobs—and they lead to more Federal spending—and higher budget deficits.

Last fall, the so-called budget summit deal imposed one of the largest tax increases in history; but OMB recently reported that tax revenues actually fell—and the deficit went up instead of down.

Today, Congress is dreaming up new tax and spend schemes. The Ways and Means Committee wants to raise payroll taxes to spend more on unemployment benefits. House Democrats want roll taxes to spend more on unemployment benefits. House Democrats want to raise gas taxes to fund the highway bill. The Senate Democrat health bill proposes new taxes on small business.

Mr. President, America's families and small businesses are already overtaxed.

Either we get Federal spending under control once and for all—or we condemn the American economy to high taxes and recession for as far as the eye can see.

Only the constitutional discipline of a balanced budget/tax limitation amendment can return fiscal sanity to our budget process.

My joint resolution would require a three-fifth's supermajority vote in Congress to approve deficit spending. But it would also require a three-fifth's vote to approve tax increases in excess of the level of economic growth.

This tax limitation provision is the most important part of the balanced budget legislation. Without it, Congress would simply raise taxes in the name of balancing the Federal budget—and use those revenues to raise spending.

Therefore, we could have a balanced budget with taxes and spending at high levels of GNP, but an unbalanced economy with reduced incentives, less private sector activity, and fewer job opportunities.

The key to economic growth and job creation is to limit both taxes and spending as a share of our economy, leaving more resources in the hands of the people.

The same legislation has been introduced in the House of Representatives where 111 Members are cosponsors. My joint resolution is supported by a broad coalition of small business and taxpayers groups including: the National Tax Limitation Committee, the National Federation of Independent Business, Citizens for a Sound Economy, the U.S. Business and Industrial Council, Citizens Against Government Waste, Americans for Tax Reform, the American Farm Bureau Federation, the Associated Builders and Contractors, Consumer Alert, Americans for a Balanced Budget, U.S. Chamber of Commerce.

The language of my legislation is essentially the same language that was in the balanced budget/tax limitation amendment passed by the Senate in 1982.

In summary, my joint resolution is designed to cut deficit spending, keep taxes low, and keep the economy moving. I call upon my colleagues to once again support this amendment.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 182

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SEC. 1. Prior to each fiscal year, Congress shall adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may amend such statement provided revised outlays are not greater than revised receipts. Congress may provide in such statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SEC. 2. Total receipts for any fiscal year set forth in the statement adopted pursuant to the first section of this Article shall not increase by a rate greater than the rate of increase in national income in the second prior fiscal year, unless a three-fifths majority of the whole number of each House of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law.

"SEC. 3. Prior to each fiscal year the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SEC. 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect.

"SEC. 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SEC. 6. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SEC. 7. Congress shall enforce and implement this Article by appropriate legislation.

"SEC. 8. This Article shall take effect for the fiscal year 1997 or for the second fiscal year beginning after its ratification, whichever is later.".

Mr. BROWN. Mr. President, I am pleased to join Senators KASTEN, LOTT, COATS, SYMMS, BURNS, SMITH, and HELMS as an original cosponsor of the balanced budget/tax limitation amendment to the Constitution of the United States. The focus of this amendment is right where it should be, on restraining Federal spending in order to balance the budget. This amendment imposes the discipline Congress cannot seem to impose on itself.

The track record proves Congress needs the discipline. Last fall's budget agreement resulted in the biggest deficit in history. To help finance this new spending binge, taxpayers are being hit with the equivalent of a $2,300 tax increase per taxpayer from 1992–96. The new 1991 deficit, as reported by the Office of Management and Budget [OMB] in its recently released Mid-Session Review of the Budget, of $282 billion is over four times the $64 billion goal Congress originally set for 1991. The deficit for 1992 is now estimated to be $348 billion, a $67 billion increase over February estimates. Federal spending consumes 25 percent of our Nation's annual wealth, the highest level since the end of World War II.

Most individuals and families live within a budget, 49 States are bound by their constitutions to deliver a balanced budget, but not the Federal Government. The balanced budget tax limitation amendment would change this by holding the growth in receipts to the rate of economic growth by putting it to a vote in both Houses of Congress.

We simply must bring Federal spending in line with Federal receipts. American taxpayers pay 111 percent more in taxes to the Government than they did a decade ago, but Federal spending has outpaced it at 137 percent. We need this amendment to the Constitution to require Congress to balance the Federal budget.

ADDITIONAL COSPONSORS

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Tennessee [Mr. GORE], the Senator from Wisconsin [Mr. KOHL], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 654

At the request of Mr. DECONCINI, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 654, a bill to amend title 35, United States Code, with respect to patents on certain processes.

S. 701

At the request of Mr. COATS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 913

At the request of Mr. BAUCUS, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 913, a bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1243

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1243, a bill to restrict assistance for Guatemala, and for other purposes.

S. 1245

At the request of Mr. DASCHLE, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1351

At the request of Mr. DOMENICI, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1351, a bill to encourage partnerships between Department of Energy laboratories and educational institutions, industry, and other Federal laboratories in support of critical national objectives in energy, national security, the environment, and scientific and technological competitiveness.

S. 1372

At the request of Mr. GORE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1466

At the request of Mr. ROTH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1466, a bill to amend the Congressional Budget Act of 1974 to ensure the neutrality of the Congressional Budget Office.

S. 1495

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. DODD], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1495, a bill to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

S. 1498

At the request of Mr. BREAUX, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1498, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of businesses within Federal military installations which are closed or realigned for the hiring of individuals laid off by reason of such closings or realignments, and for other purposes.

S. 1503

At the request of Mr. NUNN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1503, a bill to amend the Higher Education Act of 1965 to provide more stringent requirements for the Robert T. Stafford Student Loan Program, and for other purposes.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 140

At the request of Mr. BREAUX, his name was added as a cosponsor of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. COATS, the names of the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. SHELBY], the Senator from Arkansas [Mr. PRYOR], the Senator from Delaware [Mr. ROTH], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of Senate Joint Resolution 163, a joint resolution designating the month of September 1991, as "National Gymnastics Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 157—RELATING TO REPRESENTATION OF EMPLOYEES OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to.

S. RES. 157

Whereas, the Department of Justice is seeking information from present and former employees of the Senate of the United States in connection with its inquiry relating to the conduct of Senator Dave Durenberger;

Whereas, by Senate Resolution 60 of the 102d Congress, the Senate previously authorized present and former employees of the Senate to testify and to produce records of the Senate, except concerning matters for which a privilege should be asserted, in connection with this inquiry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for information relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent present and former employees of the Senate regarding the provision of information in connection with the inquiry of the Department of Justice relating to the conduct of Senator Dave Durenberger.

SENATE RESOLUTION 158—RELATING TO REPRESENTATION OF SENATE EMPLOYEES INVOLVED WITH THE AMERICAN CONTINENTAL CORP./LINCOLN SAVINGS & LOAN SECURITIES LITIGATION

Mr. MITCHELL submitted the following resolution; which was considered and agreed to.

S. RES. 158

Whereas, in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, defendants have requested the testimony of Kenneth A. McLean, a former employee of the Senate on the staff of the Committee on Banking, Housing, and Urban Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Kenneth A. McLean is authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Kenneth A. McLean in connection with his testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

AMENDMENTS SUBMITTED

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

HELMS AMENDMENT NO. 808

Mr. HELMS proposed an amendment to the bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes, as follows:

On page 98, after line 19, add the following new section:

"SEC. 514. REDUCTION IN THE AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) REDUCTION.—Notwithstanding any other provision of this Act, whenever a provision of this Act, or an amendment made by this Act, authorizes to be appropriated for certain purposes a specific dollar amount, such provision shall be deemed to authorize to be appropriated for those same purposes, in lieu of such specified amount, an amount equal to the specified amount minus 10 percent of such amount.

(b) TRANSFER.—

(1) EDUCATION SERVICES.—Notwithstanding any other provision of law, the authorization of appropriations to carry out the elementary and secondary education block grant is increased in each fiscal year by an amount equal to 50 percent of the amount determined under subsection (a) for such fiscal year.

(2) LAW ENFORCEMENT SERVICES.—Notwithstanding any other provision of law, the authorization of appropriation to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is increased in each fiscal year by an amount equal to 50 percent of the amount determined under subsection (a) for such fiscal year.".

PELL (AND McCONNELL) AMENDMENT NO. 809

Mr. PELL (for himself and Mr. MCCONNELL) proposed an amendment to the bill (S. 1435), supra, as follows:

On page 14, line 11, strike "The" and insert "(a) The";

On page 14, after line 16, insert the following:

(b) Section 103 of the Foreign Assistance Act of 1961 is further amended by adding the following new subsection:

"(g) The Congress finds that marine fisheries, aquaculture production and living aquatic resources are of significant importance to economic development and to the diets of people around the world. The Congress further finds that the world's fish catch is at, or near, its sustainable maximum, thereby requiring immediate attention to improve the management of these essential fishery resources. In the allocation of funds under this section, special attention shall be given to strengthening and expanding marine fisheries and aquaculture programs and projects.".

On page 15, line 7, strike "Section" and insert "(1) Section";

On page 15, line 9, strike "(A)";

On page 16, line 2, strike "organizations." and insert "organizations.".".

On page 16, strike lines 3 through 5 and insert in lieu thereof the following:

"(2) In each of fiscal years 1992 and 1993, forty-five percent of the amount provided in each such fiscal year for the purposes of section 104(c)(4) of the Foreign Assistance Act of 1961 should be provided directly to the World";

On page 16, line 8, strike "Organization."." and insert "Organization.".

On page 17, line 4, strike "$257,688,000" and insert in lieu thereof "$300,000,000".

On page 17, line 7, strike "$301,291,000" and insert in lieu thereof "$345,000,000".

On page 23, strike line 20 and all that follows through line 2 on page 24, and insert in lieu thereof the following:

"(d) Notwithstanding any other provision of law, none of the funds appropriated by this Act for programs administered by the agency primarily responsible for administering part I of this Act, may be made available for any project or activity except in accordance with the requirements of section 117(c) of this Act and the regulations issued pursuant thereto (22 CFR 2/6).".

On page 27, line 12, strike "appropriated" and all that follows through "Act" on line 15, and insert in lieu thereof "made available under chapters 1 and 10 of part I and chapter 4 of part II of this Act for use for activities described in sections 104(c)(2), 104(c)(3), 104(c)(4), or for environmental and energy activities".

On page 31, strike line 23 and all that follows through the end of line 5 on page 32, and insert in lieu thereof the following:

"SEC. 130. ECONOMIC REFORM AND ENVIRONMENTAL PROTECTION.—Economic policy reforms assisted with funds authorized to be appropriated by this Act shall also include appropriate provision to protect long-term environmental interests from possible negative consequences of the reforms.".

On page 34, after line 8, insert the following new paragraphs:

"(5) in subsection (b)(2), by amending subparagraph (G) to read as follows:

"(G) are directed to making available to business enterprises, especially to small business enterprises and cooperatives, necessary support and services not otherwise generally available.";

"(6) in subsection (b)(3)—

(A) by amending subparagraph (A) by striking out "$3,000,000" and inserting in lieu thereof "$6,000,000"; and

(B) by amending subparagraph (B)—

(i) by inserting "in loans" after "provided", and

(ii) by inserting "with loans" after "assisted";".

On page 34, by redesignating paragraphs (5), (6), (7), and (8), as paragraphs (7), (8), (9), and (10), respectively.

On page 34, strike lines 18 through 20, and insert in lieu thereof the following:

"(9) in subsection (e) (as redesignated by this section)—

(A) in paragraph (1), by striking "loans made to projects" and inserting in lieu thereof "loans, investments, and guarantees";

(B) in paragraph (2), strike "Loans guaranteed" and insert in lieu thereof "Guarantees";

through "amortizations within" and inserting in lieu thereof "Guarantees shall be issued for"; and

(ii) by striking out "guaranteed loan" and inserting in lieu thereof "guarantee";

(D) in paragraph (2)(C)—

(i) by striking out "loan guaranteed" to "guarantee"; and

(ii) by striking out "$3,000,000" and inserting in lieu thereof "$6,000,000";

(E) by striking out subparagraphs (E) and (H) and redesignating accordingly;

(F) in paragraph (4), by striking out "In the case of loans" and inserting in lieu thereof "In all cases hereunder"; and

(G) by striking out paragraphs (3) and (5) and redesignating accordingly; and".

On page 40, line 22, strike "and";

On page 40, after line 22 insert the following new subparagraph:

"(F) $12,000,000 for each of fiscal years 1992 and 1993 for the Organization of American States Development Assistance Programs; and;

On page 40, line 23, strike "(F)" and insert "(G)";

On page 41, line 2, strike "(E)" and insert "(F)".

On page 57, line 3, strike "the Agricultural" and all that follows through "1985," on line 6.

On page 113, line 8, insert ", including killings and kidnappings of civilians," after "acts of terror".

On page 119, line 13, strike "Secretary" and insert "President";

On page 120, lines 1 and 2, strike "Secretary" and insert "President".

On page 169, line 7, strike "or" and all that follows through "1954" on line 8;

On page 170, line 7, strike "and" and all that follows through "1954" on line 8.

On page 162, line 8, strike the comma and all that follows through "1954" on line 10.

On page 170, strike line 20 and all that follows through "Act." on line 25, and insert in lieu thereof:

"(a) Of the amounts authorized to be appropriated under chapter 1 of part I of chapter 4 of part II of the Foreign Assistance Act, $300,000,000 for each of fiscal year 1992 and 1993 may be made available for Andean countries.".

On page 172, strike lines 11 through 16 and insert in lieu thereof the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under chapter 2 of part II of the Foreign Assistance Act, $118,000,000 may be made available for each fiscal years 1992 and 1993 for Andean countries.".

On page 182, line 7, strike "by" and insert in lieu thereof "under the auspices of".

On page 187, line 20, strike "Coordinating" and insert in lieu thereof "Development Coordination".

On page 191, line 1, strike "assistance may be provided" and insert "assistance (including assistance from the Development Fund for Africa) may be transferred".

On page 214, insert "and" at the end of line 24;

On page 214, strike line 25 and all that follows through line 8 on page 215;

On page 215, line 9, strike "(3)" and insert "(2)";

On page 215, line 10, strike "or the" and all that follows through "asset" on line 11;

On page 215, line 11, strike "para-" and all that follows through "(2)" on line 12 and insert "paragraph (1)";

On page 215, line 13, strike "or asset";

On page 215, line 17, strike "or" and "asset" on line 18;

On page 215, line 24, strike "or" and all that follows through "Corporation" on line 25;

On page 215, line 25, strike "or asset";

On page 216, line 4, strike "neither";

On page 216, line 5, strike "nor" and all that follows through "shall" on line 6, and insert "shall not";

On page 216, line 8, strike "or asset";

On page 216, line 16, strike "or the Commodity Credit Corporation";

On page 216, line 21, strike "or the Commodity Credit Corporation";

On page 216, line 22, strike "or asset";

On page 217, lines 7, 10, 12, 15, and 18, strike "or asset";

On page 217, line 24, strike "or" and all that follows through "country," on line 1 of page 218;

On page 218, line 4, strike "or assets".

On page 222, line 5, strike "and" and insert after "714", "section 735, section 737, and title VI".

On page 223, strike lines 11 and 12.

On page 223, line 15, after "1971" insert "except for section 7".

On page 234, line 10, after "enable" insert "the volunteer experiences of";

On page 234, line 11, strike "share" and insert "be shared".

PELL (AND OTHERS) AMENDMENT NO. 810

Mr. PELL (for himself, Mr. HELMS, and Mr. MURKOWSKI) proposed an amendment to the bill S. 1435, supra, as follows:

On page 109, after line 25, add the following new section:

SEC. 611. POLICY TOWARD THE FUTURE OF TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June 4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who were demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people of Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the willingness of the Chinese authorities to refrain from the use or the threat of force in resolving Taiwan's future.

On page 4, after the item relating to section 610, add the following new item:

Sec. 611. Policy toward the future of Taiwan.

ROTH (AND PELL) AMENDMENT NO. 811

Mr. ROTH (for himself and Mr. PELL) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place, insert the following new section:

SEC. —. SUPPORT OF TAIWAN'S MEMBERSHIP IN GATT.

(a) FINDINGS.—The Senate find that—

(1) on January 1, 1990, the Government of Taiwan formally requested the Secretariat of the General Agreement on Tariffs and Trade (GATT) to initiate the procedure necessary for its accession to the GATT;

(2) the Government of Taiwan has applied for membership in the GATT as a separate customs territory under GATT Article XXXIII under the name "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu", to ensure that its application includes only those areas where the Government of Taiwan currently possesses full autonomy in the conduct of its external commercial relations;

(3) Taiwan is a significant participant in the global economy, being the thirteenth largest trading entity and maintaining the second largest foreign exchange reserves in the world, and is one of the last major market-based economies that is noticeably absent from the GATT;

(4) the United States and Taiwan maintain an important bilateral trading relationship, with Taiwan being the sixth largest trading partner of the United States and the United States being the second largest exporter to Taiwan;

(5) Taiwan has made substantial progress in its economic development, and has taken steps to open up its economy, including lowering its average tariff rates, reducing its barriers to foreign investment, and increasing its protection of intellectual property rights;

(6) the United States supports additional action by Taiwan to provide full open market access to United States goods and services and to ensure that United States intellectual property rights are fully enforced, and Taiwan's continued progress in these and other areas is mutually beneficial to the United States and Taiwan;

(7) the GATT is the premier multilateral body for regulating trade worldwide, and the United States and 100 other contracting parties of the GATT are in the final stages of the Uruguay Round of multilateral trade negotiations, which is the most ambitious effort ever undertaken by the GATT to expand, strengthen, and revitalize multilateral trade rules and principles;

(8) the successful conclusion of the Uruguay Round will establish multilateral and enforceable disciplines in key areas affecting bilateral trade between the United States and Taiwan, including the areas of services, intellectual property rights, and agriculture;

(9) Taiwan currently adheres to the guiding principles of the GATT on a de facto basis, is expressly committed to assuming greater international economic responsibility by its willingness to accede to the GATT as a developed economy, and has indicated its desire to join formally with other GATT contracting parties in implementing the final results of the Uruguay Round; and

(10) Taiwan's membership in the GATT will foster the further liberalization of Taiwan's economy along GATT lines, will serve as an exemplary model for other developing countries, will allow key United States-Taiwan trade issues to be addressed in the multilateral context, and will contribute to the overall strengthening of GATT rules of trade and of the GATT as an institution:

(b) POLICY.—It is the policy of the Senate that—

(1) the accession of Taiwan to the GATT is in the best economic interest of the United States and of the world trading system as a whole and should be achieved in an expeditious manner; and

(2) the Government of the United States should fully support Taiwan's accession to the GATT by requesting that the GATT Sec-

the GATT by requesting that the GATT Secretariat place Taiwan's accession request on the agenda of the next GATT Council meeting, by seeking the formation of a GATT Working Party, and by taking any additional steps deemed necessary to assure Taiwan's prompt membership in the GATT.

ROTH (AND BRADLEY) AMENDMENT NO. 812

Mr. ROTH (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 1435, supra, as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE REGARDING THE TREATMENT OF UNITED STATES COMPANIES OPERATING IN ANGOLA IN THE UNITED STATES INTERNAL REVENUE CODE.

(a) FINDINGS.—The Senate finds that—

(1) section 901(j) of the United States Internal Revenue Code effectively subsects United States companies operating in Angola to double taxation;

(2) on May 31, 1991, the Government of Angola and the National Union for the Total Independence of Angola signed the Peace Accord for Angola in Lisbon, Portugal;

(3) the Peace Accords for Angola provide for: an internationally supervised cease-fire in Angola's civil war, the opening up of Angolan political life, and internationally supervised national elections;

(4) the Angolan economy offers a broad range of opportunities for United States companies.

(b) POLICY.—It is the policy of the Senate that—section 901(j) of the United States Internal Revenue Code should be amended to provide for a special rule for Angola so that United States companies operating in that nation shall be allowed a foreign tax credit for taxes paid to the Government of Angola.

ROTH AMENDMENT NO. 813

Mr. ROTH proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place insert:

That chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 240A the following new section:

"SEC. 240B. PROHIBITION OF NONCOMPETITIVE AWARDING OF INSURANCE CONTRACTS ON CERTAIN GOVERNMENT-SUPPORTED EXPORTS.

"(a) PROHIBITION.—No insurance, reinsurance, guarantee, or other financing may be issued by the Corporation with respect to any investment in a project unless the appropriate investor, in every practicable case, first certifies to the Corporation that any contract for the export of goods as part of such investment shall include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

"(b) FAILURE TO PROVIDE CERTIFICATION.—In any case in which such certification is not made in a timely fashion, the investor shall include in the certification when made the reasons for the failure to make timely certification."

"(c) REPORTS BY UNITED STATES TRADE REPRESENTATIVE.—The United States Trade Representative shall review the actions of the Corporation under this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 181(b) of the Trade Act of 1974 with respect to such actions.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States insurance company'—

"(A) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business os issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(B) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

"(2) United States insurance companies shall have had a 'fair and open competitive opportunity to provide insurance' if they—

"(A) have received notice of the opportunity to provide insurance; and

"(B) have been evaluated on a nondiscriminatory basis.".

SEC. 2. EXPORT-IMPORT BANK OF THE UNITED STATES.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

"SEC. 17. PROHIBITION ON NONCOMPETITIVE AWARDING OF INSURANCE CONTRACTS ON CERTAIN GOVERNMENT-SUPPORTED EXPORTS.

"(a) PROHIBITION.—The Bank may not guarantee, insure, extend credit or participate in the extension of credit with respect to any export unless the Bank receives a certification that any contract relating to the export of goods shall include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

"(b) REPORTS BY UNITED STATES TRADE REPRESENTATIVE.—The United States Trade Representative shall review the actions of the Bank under this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 181(b) of the Trade Act of 1974 with respect to such actions.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States insurance company'—

"(A) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(B) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

"(2) FAIR AND OPEN COMPETITIVE OPPORTUNITY TO PROVIDE INSURANCE.—The term 'fair and open competitive opportunity to provide insurance' means, with respect to a United States insurance company, that the company—

"(A) has received notice of the opportunity to provide insurance; and

"(B) has been evaluated on a nondiscriminatory basis.".

SEC. 4. DETERMINATIONS OF DISCRIMINATION.

(a) DETERMINATION BY THE UNITED STATES TRADE REPRESENTATIVE.—Whenever the United States Trade Representative determines that United States insurance companies have been denied a fair and open competitive opportunity to provide insurance against risk of loss in violation of section 240B of the Foreign Assistance Act of 1961, section 17 of the Export-Import Bank Act of 1945, or section 20 of the Commodity Credit Corporation Charter Act as added by this Act, then—

(1) the Overseas Private Investment Corporation may not insure, reinsure, finance, or otherwise assist in the investment in question,

(2) The Export-Import Bank may not guarantee, insure, extend, credit, or participate in the extension of credit with respect to the export in question, and

(3) the Commodity Credit Corporation, may not guarantee, insure, extend credit, or participate in the extension of credit with respect to the export in question of agricultural commodities,

unless the transaction involves a United States firm, subsidiary, or affiliate doing business in a foreign country with which the United States has an agreement regarding the insurance of international transactions.

(b) REGULATIONS REQUIRED.—The United States Trade Representative shall prescribe such regulations as may be necessary to carry out this section.

ROTH (AND BRADLEY) AMENDMENT NO. 814

Mr. ROTH (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 1435, supra, as follows:

In lieu of language, insert:

SEC. . TO EXPRESS THE SENSE OF THE SENATE REGARDING THE TREATMENT OF UNITED STATES COMPANIES OPERATING IN ANGOLA IN THE UNITED STATES REVENUE CODE.

(a) FINDINGS.—The Senate finds that—

(1) section 901(j) of the United States Internal Revenue Code effectively subjects United States companies operating in Angola to double taxation;

(2) on May 31, 1991, the Government of Angola and the National Union for the Total Independence of Angola signed the Peace Accord for Angola in Lisbon, Portugal;

(3) the Peace Accords for Angola provide for: an international supervised cease fire in Angola's civil war, the opening up of Angolan political life, and internationally supervised national elections;

(4) the Angolan economy offers a broad range of opportunities for United States companies.

(b) POLICY—It is the policy of the Senate that section 901(j) of the United States Internal Revenue Code should be amended to provide for a special rule for Angola so that United States tax credit for taxes paid to the Government of Angola.

The aforesaid tax benefits should not come into effect until national elections in Angola have been held. Those benefits will then be granted for the taxable year beginning in the calendar year of those elections.

SIMON (AND OTHERS) AMENDMENT NO. 815

Mr. SIMON (for himself, Mr. HARKIN, and Mr. DOLE) proposed an amendment to the bill S. 1435, supra, as follows:

On page 11, line 8, insert "disability," after "poverty,".

On page 13, line 2, insert "and persons with disabilities" after "women".

On page 17, between lines 11 and 12, insert the following:

(a) Section 105 of the Foreign Assistance Act is amended by adding a new subsection (c) as follows:

"(c) Assistance provided under this section shall also be used to establish and expand programs to assist persons with disabilities, including persons with visual and hearing impairments, physical disabilities, mental retardation and mental illness, to achieve independence.".

On page 17, line 12, insert "(b)" before "The".

HELMS (AND OTHERS) AMENDMENT NO. 816

Mr. HELMS (for himself, Mr. MACK, and Mr. GRAHAM) proposed an amendment to the bill S. 1435, supra as follows:

On page 98, after line 19, add the following new section:

SEC. 514 CONDITIONS ON ASSISTANCE TO THE SOVIET UNION.

None of the funds made available under this Act, or under any amendment made by this Act, shall be available for disbursement to the Government of the Union of Soviet Socialist Republics unless the President has certified to the Speaker of the House of Representatives, the chairman, and the ranking member of the Committee of Foreign Relations of the Senate that the Soviet Union has ceased all direct or indirect military or economic assistance to Cuba.

KASTEN (AND OTHERS) AMENDMENT NO. 817

(Ordered to lie on the table.)

Mr. KASTEN (for himself, Mr. INOUYE, Mr. BURDICK, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill S. 1435, supra, as follows:

On page 234, line 24, add the following new title:

TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.

(b) ESTABLISHMENT.—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) PURPOSE.—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalinization, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new technologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) FUNDING.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1992 and each fiscal year thereafter to carry out Project EDEN.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) COMPOSITION.—The Planning Council shall be composed of 8 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) ADMINISTRATION.—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) PLANNING COUNCIL RESPONSIBILITIES.—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Planning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development

specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(f) ANNUAL REPORTING REQUIREMENTS.—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) COMPOSITION.—The countries referred to in subsection (a) are those countries designated in the Annual Report of the World Bank for 1991 as belonging to the Middle East or which choose to participate in Project EDEN.

(c) RESPONSIBILITIES AND OBJECTIVES.—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of $100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) RESPONSIBILITIES.—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) ROLE OF THE ADMINISTRATOR OF AID.—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) COMPOSITION OF THE SECRETARIAT.—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) DIRECTOR-GENERAL.—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) STAFF OF THE SECRETARIAT.—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) ANNUAL ENVIRONMENTAL ASSESSMENTS.—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) PURPOSE.—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) ORGANIZATION.—The Fund should be established and managed by the Conference Secretariat.

(d) CAPITALIZATION OF FUND.—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) PURPOSES FOR DISBURSEMENT OF FUNDS.—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) AUTHORITY TO INCUR OBLIGATIONS.—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) USE OF IRAQI REPARATIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to ensure that not less than 25 percent of any future reparations paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) ANNUAL CONTRIBUTIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) COORDINATION.—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) PURPOSES.—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environment ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.—The Secretariat, in coordination with the permanent Conference Chair, shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

Mr. KASTEN. Mr. President, today I am offering an amendment with Senator INOUYE and others to create the Middle East Environmental Defense Network—Project EDEN.

Project EDEN will create an unprecedented mechanism for environmental cooperation and restoration in the Middle East.

The recent war in the Persian Gulf focused the world's attentions on the serious environmental problems of the Mideast. It also brought to our attention that the common environmental problems of the region could serve as a forum to promote cooperation. Without cooperation, these problems could likely be the subject of future conflicts.

Desert Storm also highlighted the leadership role of the United States in the region. We have a unique opportunity, to act now to promote environmental cooperation in the region.

Earlier this year I offered an amendment to the urgent supplemental to establish a Persian Gulf environmental restoration program. This amendment builds on those principles.

This amendment recognizes that there are extensive environmental problems in the region that can best be solved through cooperative efforts. It also recognizes that those are primarily Mideastern problems, that should be solved by the people of the region.

This funds authorized under this provision recognize those facts. These funds are restricted to supporting U.S. actions. We should not be paying for the restoration and management of the area—those cost should be born by the host nations—but we can serve as a catalyst for the action.

Mr. President, we are at a unique point in history. The world is focused on our leadership, we are keenly aware of the environmental problems of the Middle East, and there are more hopeful signs coming from the region than have in a long time.

This amendment is supported by the environmental community. I expect its inclusion in this legislation will be one of the hallmarks of the bill.

I ask consent that a copy of a one-page summary of this amendment be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PROJECT EDEN—MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK

The recent war in the Persian Gulf focused the world's attentions on the serious environmental problems of the Mid East. It also brought to our attention that the common environmental problems of the region could serve as a forum to promote cooperation. Without cooperation, these problems could likely be the subject of future conflicts.

Desert Storm also highlighted the leadership role of the United States in the region. We have a unique opportunity, to act now to promote environmental cooperation in the region.

Project EDEN (The Middle East Environmental Defense Network) provides for the following:

Establishes the Middle East Environmental Defense Network;

Establishes the Environmental Planning Council; an interagency coordinating committee to form U.S. environmental policy.

The responsibilities of the Council are to:

(1) Set policies to implement EDEN;

(2) Coordinate U.S. support for EDEN with the Permanent Conference on Environmental Security and Cooperation;

(3) Establish working groups;

(4) Prepare annual plans;

(5) Encourage establishment of Councils in each member state;

(6) Make recommendations on enhancing U.S. environmental programs in the region;

(7) File an annual report on implementation of the program; The Council is administered by AID.

Authorizes the President to negotiate the establishment of the Permanent Conference on Environmental Security and Cooperation. Responsibilities of the Conference include:

(1) Carry out purposes of Project EDEN;

(2) Host meetings between member states;

(3) Provide regional leadership on environment;

(4) Establish annual budget;

(5) Establish Middle East Regional Environmental Fund;

(6) Select projects for support;

(7) Promote maximum exchange of information between members;

(8) Involve and solicit views of NGOs;

(9) Hold annual meeting;

(10) Establish working groups on environmental problems.

The United States shall serve as the Secretariat of the Conference.

Project EDEN is to be funded through Iraqi war reparations. Other funding can come from member nation contribution or multilateral contribution. U.S. contributions to EDEN are only to support U.S. activities.

Mr. INOUYE. Mr. President, today I rise to address an issue of vital importance to our generation and generations to come. It is an issue as grave as war and equally as menacing. The issue of which I speak is the destruction of our natural environment. The region about which I am particularly concerned is the Middle East.

Mr. President, today I am offering an amendment to the fiscal year 1992 foreign aid authorization bill calling for the establishment of the Middle East

Environmental Defense Network—an initiative which I hope will be known in time by its acronym, Project EDEN. I am pleased to have my colleagues, Senator KASTEN, Senator BURDICK, and Senator LIEBERMAN join me as cosponsors of this amendment.

Project EDEN is the culmination of many months of effort to craft a new enviornmental vision for the Middle East—a vision that emphasizes international cooperation in the protection, conservation, cleanup, and restoration of the natural environment. It is an innovative and comprehensive initiative which recognizes the shared environmental destiny of the regions inhabitants and the urgent need to work together for the common good, regardless of the depth of political difference.

Mr. President, this amendment contemplates the establishment of Project EDEN as a working partnership among the countries of the Middle East and the United States. The President is authorized to negotiate such agreements as he deems necessary to bring about the creation of a Permanent Conference on Environmental Security and Cooperation. It is the purpose of this Conference to serve as the umbrella forum through which project funds are raised, regional environmental meetings are held, information is exchanged and priorities are set.

The daily work of Project EDEN will take place within the Conference Secretariat, a body made up of scientists and environmental professionals who will conduct research, plan conservation and cleanup strategies, budget project funding and maintain close cooperative ties with both government and nongovernmental organizations sharing an interest in environmental protection.

In the United States, Project EDEN is to be organized as a separate and distinct entity within the Agency for International Development. An interagency Environmental Planning Council, chaired by the USAID Administrator, will be the focal point for U.S. policy on Project EDEN and the source of recomendations on how best to fulfill its broad conservation mandate.

Tying Project EDEN together will be Middle East Environmental Centers which the President is authorized to encourage within each Middle Eastern country. The countries will be joined by a computer network intended to provide a real time data link for the research and analysis of regional environmental problems as well as to serve as an information and management tool for rapid intervention in environmental crises.

Mr. President, it is our hope that the United States can serve as a fair and impartial facilitator for Project EDEN, providing technical support and project guidance, as requested, to the Conference Secretariat and the countries of the region. However, I wish to emphasize that financial support for Project EDEN is to come principally from the countries of the region as well as from international organizations and Iraqi war reparations.

Mr. President, it has become commonplace today to say that we are living at a time of momentous change. The democratic transformation of Eastern Europe, the destruction of much of Iraq's war machine, the movement toward peace between Arabs and Israelis, all are hopeful reminders that we have the power to shape our own destinies. The creation of Project EDEN affords us just such an opportunity in the area of environmental protection.

In the Middle East, where severe water shortages, desertification, diminishing crop yields, rising population and industrialization threaten to permanently destroy the balance between man and nature, the 11th hour is upon us. I believe we must act now to save this fragile region of our plant—a region stretching from Morocco to Iran and covering approximately 17 million square miles.

Mr. President, at no time in our recent history have we been in a better position to argue for fundamental changes in the way environmental problems are addressed by nations of the developing world. Flush with victory and secure in our position as a trusted partner in the region, we can move forward with this proposal, boldly and energetically, to establish a comprehensive framework for environmental protection in the Middle East.

It is my hope and my prayer that the President will move swiftly to implement this initiative and will apply the same dedication and creativity to Project EDEN that he has so amply demonstrated in the Middle East peace process.

Mr. President, it is indeed an honor and a privilege to be able to offer for the consideration of this Congress, the President of the United States and the peoples of the Middle East, Project EDEN. Let it be our contribution to future generations, let it be our contribution to peace. I ask for your support, thank you.

Mr. LIEBERMAN. Mr. President, it gives me great pleasure today to speak on behalf of the Middle East Environmental Defense Network or Project EDEN. Project EDEN will establish, through the Agency for International Development, a Middle East regional environmental protection plan. The plan would involve a wide range of projects, including water conservation, water quality management, air pollution controls, solid waste management, desalinization, reforestation, and energy efficiency. Project EDEN would invite the participation and financial contributions of the states of the Middle East. As an original cosponsor, I believe that Project EDEN will make a significant contribution to the Middle East environment.

I have seen the need for Project EDEN through my work as chairman of the Gulf Pollution Task Force during the last 5 months. Senator BURDICK, chairman of the Environment and Public Works Committee created this task force to examine the environmental damage to the gulf region caused by Iraq's invasion and subsequent occupation of Kuwait. I am grateful that the chairman asked me to serve as chairman of this task force.

Mr. President, the task force's most recent advisory meeting was held on July 11. On that day we heard Ambassador Al-Sabah of Kuwait describe the horrific damage done to his country by Saddam Hussein. It was an incredible story. He also described the herculean effort Kuwait has begun to mitigate the environmental damage.

That evening, I turned on the television to watch the national news. The lead story that night was on the total eclipse of the Sun seen in many areas of the Western Hemisphere. But there was no mention of the total eclipse of the Sun in Kuwait that had occurred that day, or in the days before, or in the weeks before or in the months before. The Kuwait eclipse has not been caused by the Moon passing between the Earth and the Sun, but by the smoke from over 700 oil well heads systematically, methodically, and intentionally detonated by the forces of Saddam Hussein.

In my visit to Kuwait, I have seen how this black smoke turns the day to night. I have felt how it lowers day time desert temperatures by many degrees. I have experienced the burning eyes and lungs that is being caused by the smoke.

The task force has heard how fallout from the smoke is, in effect, paving the desert black. This paving is taking a great toll on the desert ecosystem as plantlife is covered and dies and the animals in the area lose food sources.

The impact of the smoke is not only poisoning the air of Kuwait, it is damaging the air of the entire region. In Bahrain, some 200 miles south, this spring has been the coldest on record. The cause of this temperature decrease has been linked to the pall of smoke from Kuwait's oil well fires. There are fears that the smoke will disrupt the region's growing seasons and that weather patterns may be interrupted.

The task force also has heard presentations from experts, both in and out of government, about the possible health effects caused by the smoke. The truly disturbing conclusion is that no one actually knows what health effects may result from long term exposure to the smoke. The U.S. interagency air assessment team sent to the gulf concluded that, "The fires may represent one of the most extraordinary manmade environmental disasters in recorded history."

The task force has also learned about huge lakes of oil in the Kuwait desert caused by the damage to oil wells. Some of these lakes of oil have grown to be over 1 mile long and up to 20 feet deep. The damage that these lakes of oil could cause to the desert are unknown. Already, birds in the area are mistaking the shining oil for water and landing in the oil lakes. Here, they are almost immediately coated in oil that results in a slow and agonizing death. Currently, there is nothing being done to prevent the birds from falling prey to Saddam Hussein's oily legacy. Further, there is a danger that these lakes of oil may either contaminate Kuwait's small underground aquifer or reach the gulf and further contaminate it.

Saddam Hussein's environmental terrorism was not confined to the oil fields and skies of Kuwait. He also deliberately dumped 6 to 8 million barrels of oil into the gulf, the largest oil spill in history. The gulf is a unique body of water that supports a wide variety of life. It is shallow, only 110 feet deep on average. This shallowness results in a unique physical and biological process that promotes vigorous growth of sea grasses and algae, the basic elements in the gulf food chain. Further, the shallowness of the gulf makes it ideal for migrating and wintering birds. All of the areas have been hit by the oil spill. The damage to the gulf has been catastrophic.

Administrator Reilly reported that the salt water marshes along the coast of Saudi Arabia may be lost forever. The damage to the sea grass and algae beds has been extensive. The body count of birds lost in the spill has climbed to over 20,000. This number is expected to increase as the summer migration of birds moves through the area.

No one was physically prepared to respond to an oil spill of this magnitude. Only favorable winds kept the oil from reaching desalination plants before oil booms could be put in place to protect them. Unfortunately, there were not enough booms and time to protect the 500 miles of shore that were reached by the spill.

Even under the best of circumstances, the gulf is vulnerable to oil spills. The gulf sees more movement of oil tankers than any other body of water in the world. Some officials estimate that a quarter of a million barrels of oil a year spill into the gulf. This figure does not take into account the amount spilled during the 8-year war between Iran and Iraq. This region should be prepared to respond to oil-spills. In the August issue of the National Geographic, Tom Canby reports that two individuals in Kuwait, during the war, prevented the spill of 8.5 million barrels of oil by switching a valve indicator to open when the valve was actually closed. The Iraqis dynamited the Sea Island terminal to release the oil, but the valve held and the oil remained in their tanks.

If two individuals can prevent an 8.5 million barrel oilspill, just think what regional effort, such as Project EDEN, could do.

The war has also caused unknown damage to the desert ecology. Kuwaiti scientists and researchers were the leaders of research on the desert with vast amounts of data collected over the decades. However, Saddam Hussein's troops, overseen by Iraqi scientists who had worked side by side with the Kuwaitis before the war, stole or destroyed all of this research. Here again is a reason to support Project EDEN: to replicate and produce Kuwait's research that has been destroyed.

I have been talking about the environmental damage to the gulf for several minutes. As chairman of the task force I have heard hours of presentations on the gulf, I have seen volumes of information on the catasrophe. I invite my colleagues who have questions to talk to me about what the task force has learned. I also invite them to support Project EDEN. Project EDEN will bring the expertise and resources of the United States and participating Middle East countries to bear on the gulf. It will aid in the long-term renovation of the area's air, water, and agricultural land. Project Eden will be the first step down the long road toward normality for one of the most ravaged areas of the world.

It is also important to note that Project EDEN will deal with environmental problems throughout the Middle East, and not just the gulf. Water shortages will be increasingly important in the Middle East, as populations continue to grow and countries continue to industrialize. Rivers run through various countries and dams that help one country can hurt others. Water tables are also shared by neighboring countries. All these factors create potential conflicts and have led scholars of the region to speculate that the next war in the Middle East could be about water. Project EDEN will make such an eventuality less likely.

Poor agricultural productivity also plagues much of the Middle East. Project EDEN will encourage the development and distribution of better agricultural techniques and reforestation in order to improve productivity. Increased productivity will enable the peoples of the Middle East to live healthier lives and will stem the flood of immigrants to the Middle East's crowded cities.

Mr. President, we must bring to bear on the environmental problems of the Middle East, and particularly the gulf, the spirit of cooperation and purpose that infused the international effort to liberate Kuwait. Liberating Kuwait was only part of our challenge, the process must now begin to heal the environment that Desert Storm liberated.

If the Middle East can marshal the resources to overcome its growing environmental problems, this may also have an impact on the area's political conflicts. Project EDEN will encourage a spirit of cooperation throughout the Middle East. If the cooperation and effort to improve the Middle East environment can be duplicated and steered to other areas of concern, there is no telling what other problems may be solved by the cooperative efforts such as Project EDEN.

Mr. President, Project EDEN will be a step to demonstrate the commitment to clean up and protect the environment of the Middle East. It will take many nations working together to make this successful. I have full faith and confidence that this can be done. I am proud to be an original cosponsor of this amendment because I know its effect will be as far reaching and successful as Operation Desert Storm.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 818

Mr. LIEBERMAN (for himself, Mr. McCAIN and Mr. BYRD) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place add the following:

TITLE XIII—SUPPORT FOR DEMOCRACY AND FREE MARKET ECONOMIES IN THE BALTIC AND SOVIET REPUBLICS

It is the sense of Congress that there should be established the position of special advisor for Baltic and Soviet Republic assistance.

The President should be authorized to appoint a special advisor for Baltic and Soviet Republics assistance. Such special advisor should make recommendations to the President regarding the coordination of United States assistance (other than section 1303(c)) for the Baltic Republics and the Soviet Republics authorized or supported by this Act.

SEC. . BILATERAL PROGRAMS FOR THE BALTIC AND SOVIET REPUBLICS.

(a) CITIZENS' DEMOCRACY CORPS.—Assistance should be provided under chapter 1 of part I of the Foreign Assistance Act of 1961 to the Citizens' Democracy Corps to establish a program for the Baltic and Soviet Republics, with an initial pilot program for the Baltic and Armenian Republics.

(b) POLICY REGARDING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—It is the sense of the Congress that the National Endowment for Democracy, acting through the National Democratic Institute for Foreign Affairs, the National Republican Institute for Foreign Affairs, the Center for International Private Enterprise, and the American Institute for Free Labor Development should establish programs for the Baltic and Soviet Republics for the promotion of democracy and a free trade union movement, with a pilot program for the Baltic and Armenian Republics.

(c) GIFT OF DEMOCRACY.—Congress should: (1) endeavor to identify and secure the ways and means to implement an appropriate United States congressional gift of democracy to the Baltic and Soviet Republics in the form of equipment and training to help them establish a modern legislative process, with a pilot program of the Baltic and Armenian Republics; and

(2) coordinate this effort with private and public sector experts such as the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs and with parliaments in Western Europe.

(d) Additional Authorities for United States Agencies.—The following United States agencies should establish the specified programs with any of the Baltic Republic or Soviet Republics and where appropriate to coordinate such projects with the Government of the Soviet Union:

(1) The Environmental Protection Agency should establish an environmental exchange program to help the Baltic and Soviet Republics to clean up their environment.

(2) The Department of Commerce should establish a trade program between the Baltic and Soviet Republics and the United States to promote trade and investment programs.

(3) United States Information Agency (USIA) should establish cultural and information exchange programs, including support for emerging private radio and television stations, as well as university-level exchanges in the Baltic and Soviet Republics.

(4) The Department of Justice, the Federal Reserve Board, and the Department of the Treasury should establish technical training programs for the Baltic and Soviet Republics in order to help them establish a functioning judicial system, financial system, and market economy.

(e) Assignment of Commercial Officer.—A commercial officer should be assigned to the United States Embassy in Moscow, for the purpose of developing better economic relations between the United States Government and business community and the Baltic and Soviet Republics.

(f) International Executive Service Corps.—Assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 should be provided to the International Executive Service Corps to develop and implement a program in the Baltic and Soviet Republics to advise private industry and, to the extent practical and useful, public industry, concerning how to make the transition to a market-based economy.

SEC. . MULTILATERAL PROGRAMS.

(a) Policy Regarding OECD Study.—(1) The United States Ambassador to the United States Mission to the Organization for Economic Cooperation and Development (OECD) should request the OECD Center for Economies in Transition to undertake a study of the economies of the Baltic and Soviet Republics, including a determination of the potential these republics have made toward developing a market economy and the amount of progress these republics have made in developing such an economy.

(2) Upon completion of the study described in subsection (a)(1), the Secretary of State should submit to the Congress a report setting forth the findings of that study.

(b) European Bank for Reconstruction and Development.—The United States Executive Director to the European Bank for Reconstruction and Development should discuss with the Bank's directors those programs that can be developed and carried out by the Bank to aid directly the Baltic and Soviet Republics. Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on the progress of such discussions.

SEC. . DEFINITIONS.

For the purposes of this title—

(1) the term "Soviet Republics" refers to all the constituent republics of the Union of Soviet Socialist Republics except for the Baltic Republics; and

(2) the term "Baltic Republics" means the republics of Lithuania, Latvia, and Estonia.

PRESSLER (AND OTHERS) AMENDMENT NO. 819

Mr. PRESSLER (for himself, Mr. Dixon, Mr. Coats, Mr. D'Amato, Mr. Wallop, Mr. McCain, and Mr. Mack) proposed an amendment, which was subsequently modified, to the bill S. 1435, supra, as follows:

At the appropriate place in the bill add the following section:

SEC. . LIMITATION ON ASSISTANCE

(a) Findings.—The Congress finds that—

(1) the long term national security of the United States, and of the peoples of the Soviet Union, would benefit greatly from the transformation of the Soviet Union to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity; and

(2) assistance provided by the United States to the Soviet Union should promote rather than retard this transformation.

(b) Certification.—During fiscal year 1992 and fiscal year 1993, assistance may not be provided to the Soviet Union under the Foreign Assistance Act of 1961 unless the President certifies in a report to the Congress that the following conditions have been met:

(1) That the Government of the Soviet Union has taken meaningful steps toward observing human rights for all citizens, including the following:

(A) The Soviet Government has ceased its interference with the freedom of the press in the Baltic states and the republics.

(B) The Soviet Government has returned control of all buildings and other property which it has seized since January 1, 1991 within the Baltic states to the freely elected governments of those states and other lawful owners of such buildings and other property;

(C) The Soviet Government has made assurances that such assistance will be distributed equitably among the Baltic states and the Soviet republics, as shown through a detailed plan of proposed distribution.

(D) The Soviet Government has ceased the threat and use of force against democratic movements.

(E) The Soviet Government has entered into meaningful negotiations with leaders of the Baltic states and the republics to ensure a smooth transition to self-determination.

(F) The people of the Soviet Union have been empowered to elect in genuinely free, fair, and open elections the government that rules them.

(G) The Soviet Government has not only codified but honors in practice the right of its citizens to leave the Soviet Union and to move freely within its borders, consistent with international standards.

(H) The Soviet Government compels no republic or historically recognized nationality group with a history of self-determination to remain part of the Soviet Union involuntarily, and fully respects the right of self-determination stipulated in the Universal Declaration of Human Rights, to which the Soviet Union is a party.

(I) The Soviet Government has withdrawn the authorization issued by Valentin Pavlov, the prime minister, permitting the police and the KGB to raid the offices of joint ventures involving nationals of Western European countries and the United States, in violation of their civil rights;

(2) That the threat to the United States from the armed forces of the Soviet Union has been reduced, including—

(A) that the Soviet Union—

(i) has adopted a defense budget which will draw down the percentage of its gross national product that is allocated for military purposes to levels approximating those of the United States, and

(ii) is beginning to implement this defense budget; and (B) that the Soviet Union has curtailed its strategic forces.

(3) That the Soviet Union is no longer engaged in acts of subversion, or of support for international terrorism, that are directed at the United States or its allies.

(4) That the Soviet Union no longer provides assistance in the form of arms sales, military assistance, or any kind of grant, credit, commodity, or technology transfer to other countries, such as Cuba, North Korea, Afghanistan and Vietnam that are engaged in activities inimical to the national interests of the United States.

(5) That the Soviet Union has placed a high priority on reaching an accord in the Defense and Space Talks.

(6) That full transparency exists with respect to data necessary for the United States to determine the creditworthiness of the Soviet Union and its ability to repay debt, such as other sovereign borrowers, including disclosure of the sources and uses of Soviet hard currency, the value of the strategic gold reserves of the Soviet Union, and other key economic and financial data.

(7) That, in order to demonstrate its creditworthiness and to demonstrate a commitment to economic reform, the Soviet Union has adopted specific provisions with strict, short timeliness for deregulating most prices, selling to privately owned entities most government-owned assets, and introducing genuine competition into the Soviet economy.

(8) That the Soviet Union is committed to environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate.

(9) That the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS nuclear reactors. In particular, that the Soviet Union will no longer provide support in the form of funds, equipment, technology, or services for the Cienfuegos project in Cuba.

(10) That any assistance otherwise prohibited by this subsection will be provided, whenever feasible, to the democratically elected governments of the Baltic states and the republics.

(c) Certain Assistance Not Affected.—Subsection (b) shall not prohibit assistance to the government of, or through nongovernmental organizations to, any of the Baltic states or any eligible recipient in the Soviet Union as defined in section 862(f).

(d) Waiver in the National Interest.—The President may provide assistance to the Soviet Union notwithstanding subsection (c) if—

(1) he determines such assistance to be in the national interest of the United States;

(2) he submits his determination, together with the reasons therefor, to the President of the Senate and the Speaker of the House of Representatives;

(3) ten days have elapsed since the determination is so submitted; and

Each submission under paragraph (2) shall include a description of the progress of the Soviet Union in meeting the conditions set in subsection (b).

LIEBERMAN AMENDMENT NO. 820

Mr. LIEBERMAN proposed an amendment, which was subsequently modified, to the bill S. 1435, supra, as follows:

At the appropriate place add the following:

TITLE XIII—INDUSTRIAL DEVELOPMENT FOR EASTERN EUROPE FOUNDATION

It is the sense of Congress that there may be established an entity to be known as Industrial Development for Eastern Europe Foundation (hereafter in this title referred to as the "Foundation"), to be governed by a Board of Governors as described in section 1304. It is the sense of the Congress that the President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304, in carrying out the activities of the Foundation.

(b) PURPOSES.—The purposes of the Foundation may—

(1) to promote and support joint, nondefense, industrial research and development activities of mutual benefit to the nations involved with the Foundation and its activities;

(2) to develop nondefense high technology industry in these nations, particularly through joint and cooperative projects between firms in participating nations;

(3) to aid with the modernization of the economies of these nations by helping them to create a more sophisticated manufacturing base; and

(4) to help these nations to become economically viable by providing benefits to their industrial sector particularly through joint projects.

(c) PARTICIPATION OF OTHER NATIONS.—The President should negotiate with the governments of foreign nations for participation by such nations, consistent with section 1304 in carrying out the activities of the foundation.

SEC. . FUNCTIONS AND POWERS OF THE FOUNDATION.

(a) The Foundation may support and promote the purposes stated in section 1302(b) and research and development activities which—

(1) involve all applied science activities in the process through which an innovation becomes a commercial product; and

(2) assist with product engineering and manufacturing start up.

(b) The Foundation may work closely with, and to the extent practicable coordinate its activities with, the OECD and the European Bank for Economic Recovery and Development, drawing on the expertise of those institutions in achieving its purposes.

(c) The Foundation may be a legal entity and may have all the powers necessary to carry out its objective, including the power to—

(1) promote and support, by funding or otherwise, joint industrial research and development projects (hereafter in this title referred to as "projects"), in accordance with subsection (d);

(2) make loans and grants;

(3) enter into contracts;

(4) provide services;

(5) acquire, hold, administer, and dispose of real and personal property;

(6) receive, hold, and disburse funds, and open bank accounts;

(7) accept contributions of property, funds, and services; and

(8) employ personnel.

(d)(1) Foundation projects may be undertaken and otherwise supported through direct investment and joint ventures in order to develop the more advanced technology sectors of the economies of Foundation member nations.

(2) All technology and products developed as a result of the work of the Foundation may be freely transferable among the nations participating in a project.

(3) More than one member nation of the Foundation may participate in each Foundation project.

(4) All Foundation projects undertaken may be in compliance with the export control laws of the United States.

(e) Nothing in this title may be construed to prejudice other arrangements for scientific cooperation between the United States and other member states of the Foundation.

SEC. . BOARD OF GOVERNORS.

(a) A Board of Governors (hereafter in this title referred to as the "Board") may be the governing body of the Foundation and may be responsible for determining the Foundation's program, including the fields of cooperative research to be supported by the Foundation, and the Foundation's financial and managerial policies.

(b) The Board may consist of—

(1) the Secretary of State or his designee;

(2) the Secretary of Commerce or his designee;

(3) the Secretary of the Treasury or his designee; and

(4) a representative from the Foreign Ministry, Ministry of Finance, Ministry of Trade and Industry, and the national science foundation or its equivalent from the governments of Poland, Hungary, and Czechoslovakia.

(c) Subject to the provisions of this title, the Board may have the authority to—

(1) adopt bylaws and rules of procedure;

(2) establish regulations defining the policies, organization, and procedures of the Foundation;

(3) appoint an Executive Director;

(4) approve the annual budget and research program of the Foundation indicating, among other things, the research and development fields to which priority is to be given;

(5) accept contributions of property, funds, and services;

(6) establish the principal office of the Foundation in a neutral location.

(7) approve project and other expenditures by the Foundation and agreements pertaining to projects to be funded by the Foundation; and

(8) exercise and delegate any other power of the Foundation not otherwise assigned by this title.

(d) Each other East European country may be eligible for membership in the Foundation whenever the Board determines that such country has made sufficient progress toward marketization and democratization and is not in violation of section 502B of the Foreign Assistance Act of 1961.

(e) The chairman of the Board may be a United States national and may serve for a one-year term. The chairmanship may rotate among the three Board members designated under subsection 1304(b) (1), (2), and (3).

(f) The Board may meet at least twice a year, but meetings of the Board may be held at such times and places as the Board may from time to time determine.

(g) The Board shall act by a vote of at least two-thirds of its entire membership.

(h) Members of the Board may serve without compensation from the Foundation, but the Board may authorize the payment by the Foundation of the necessary expenses of any members in attending Board meetings and in performing other official duties for the Foundation. Acceptance of such payments by Board members of the Foundation for this purpose may not be deemed in violation of Ethics in Government Act for the purposes of carrying out this section.

(i) The Board may provide for annual audits by independent auditors of the accounts of the Foundation. The reports of such audits, which may be submitted to all member governments, may contain certification as the accounts of the Foundation and evaluate the Foundation's internal control and auditing system.

SEC. . ADVISORY COUNCIL.

(a) An Advisory Council (hereafter in this title referred to as the "Council"), may act in advisory capacity to the Board and the staff of the Foundation. The Council may

(1) help the Board and the Foundation staff evaluate projects; and

(2) make proposals as to which sectors of member nation economies offer the best opportunity for a favorable return on an investment.

(b) Recommendations made by the Council to the Board and the staff of the Foundation may not be binding.

(c) The Council may consist of three members from the business and finance community from each nation belonging to the Foundation. In the case of the United States, the President may appoint the members.

(d) The chairmanship of the Council may change on a yearly basis, rotating among the members of the panel and alternating among member countries.

(e) The Council may meet at least twice a year. To the extent practical, it may meet at the same time and place as the Board.

(f) Members of the Council may serve without compensation from the Foundation, but the Board may authorize the payment by the Foundation of necessary expenses of any members of the Council attending Council meetings and in performing other official duties for the Foundation.

SEC. . STRUCTURE OF THE FOUNDATION.

(a)(1) The Foundation may be administered by an Executive Secretariat. The Executive Secretariat may be headed by an Executive Director. The Executive Director should be a United States citizen, and—

(A) act as a liaison to the Board; and

(B) coordinate the activities of the Executive Secretariat and the Board.

(2) There may be three Deputy Directors one each for Poland, Hungary, and Czechoslovakia who may evaluate projects from each nation, making recommendations to the Board and the Executive Secretariat as to whether or not the Foundation may support the project; and

(3) Additional Deputy Directors may be created as more nations join the Foundation.

(b)(1) The Executive Director may be the chief executive officer of the Foundation. He may be responsible for the operations and staff of the Foundation, and may act in accordance with the policies, directives, and delegation of the Board.

(2) The Executive Director may employ, oversee, and dismiss the members of the professional administrative staff subject to the approval of the Board.

(3) The Executive Director may, among other things—

(A) evaluate proposals for projects submitted to the Foundation and prepare and submit recommendations and draft agreements concerning project proposals to the Board for its approval;

(B) prepare and submit to the Board for its approval an annual budget and research program, including long-range plans for use of the Foundation's resources;

(C) prepare and submit to the Board for its approval an annual report, including an audited financial statement, on the activities of the Foundation; and

(D) implement decisions of the Board.

(4) Any power of the Executive Director under this title or delegated to him by the Board may be delegated by him to other officers of the Foundation, except as otherwise prescribed by the Board.

(5) The Executive Director may obtain assistance from outside professionals and experts for the purposes of evaluating proposals and auditing and monitoring projects sponsored by the Foundation. These professionals and experts may be given compensation by the Foundation for services rendered, as approved by the Board.

(6) The Executive Director may be permitted to organize various activities, such as consultant visits, information exchanges, and similar activities, to facilitate the achievement of the Foundation's objective. The Executive Director may be given a budget approved by the Board to undertake these activities.

(7) The Executive Director may maintain an appropriate system of internal control, including books and records which reflect the transactions of the Foundation and show the current financial condition of the Foundation. Such system may include adequate internal financial and operational audits. The books, records, and internal audit reports may be available for review by authorized representatives of governments involved with the Foundation.

SEC. . OPERATIONS OF THE FOUNDATION.

(a) The Foundation's operations may consist mainly of the selection, approval, and monitoring of projects funded in whole or in part by the Foundation. All proposals for such projects may be submitted through the Executive Director to the Board for approval.

(b) Each proposal considered by the Board may—

(1) be submitted by Foundation member entities;

(2) demonstrate the technical and economic feasibility of the project;

(3) contain evidence that the applicant is capable of carrying out the project, either alone or through the partial subcontracting to universities, industrial research institutes, or other qualified entities; and

(4) indicate that the applicant will contribute, from its own financial resources or resources available to it, some portion of the financial resources required to carry out the project.

(c) Each proposed project considered by the Board may—

(1) propose a tangible, direct benefit for the national economies of Foundation member nations, such as an increase in exports, value added or new markets;

(2) be of interest to Foundation member nations' industry;

(3) be of general interest to an entire industrial field;

(4) directly or indirectly contribute to additional development of products, processes, or markets; and

(5) have tangible benefits for nations involved with a project.

(d) For purposes of subsection (c)(5), a project having a tangible benefit may be one that—

(1) is submitted by one or more Foundation member firms or a joint venture between a United States firm and a member nation firm;

(2) will require expenditures for goods and services in nations involved with the project; and

(3) meets any other criteria established by the Board.

MACK (AND OTHERS) AMENDMENT NO. 821

Mr. MACK (for himself, Mr. GARN, Mr. RIEGLE, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. DOMENICI) proposed an amendment to the bill S. 1435, supra, as follows:

On page 225, between lines 4 and 5, insert the following new section:

SEC. 902. SOVIET ACCESS TO THE FINANCIAL RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union has adopted a more cooperative posture on a range of international political issues that has moved East-West relations beyond the stalemate of the Cold War, assisted the cause of world freedom and peace, and permitted improved relations with the United States;

(2) at the same time, the course of internal political and economic developments in the Soviet Union has been far less clear, with increased political pluralism as represented by free elections in various Republics matched by instances of political repression, including armed intervention in the Baltic states;

(3) in the economic arena, tentative movements toward economic liberalization have produced a breakdown of the former command economy but little tangible evidence of movement toward a market economy;

(4) in its international trade and aid relationships, the Soviet Union continues to support repressive political regimes and to encourage regional instability through substantial economic support for Cuba, Vietnam, Afghanistan, and North Korea and continues to export substantial quantities of arms and unsafe nuclear technology, which represent a threat to regional stability and the world environment;

(5) it is in the interest of the United States to encourage Soviet cooperation on international problems and to promote adoption of a fully democratic form of government and economic transformation from a centrally planned to a free market economy in the Soviet Union;

(6) expanded economic ties with the West can advance the process of transformation by educating the Soviets to the benefits of political pluralism, market economics, and free trade;

(7) Western financial assistance could also potentially assist the process of transformation but it carries substantial risks on the Soviet side of delaying needed reform and propping up the failed structures and policies of the past and, on the United States side, of assuming unacceptable risks of default on taxpayer-financed credits;

(8) the study of the Soviet economy prepared by the International Monetary Fund, the International Bank for Reconstruction and Development, the Organization for Economic Cooperation and Development, and the European Bank for Reconstruction and Development concluded that without a major and comprehensive reform program additional financial transfers to the Soviet Union would be of little or no lasting value;

(9) given these views and concerns, no financial transfers should be provided to the Government of the Soviet Union by the Government of the United States nor should the United States support Soviet borrowing rights in any international financial institutions in excess of those to which the Soviet Union is already entitled until the Soviet Union has fundamentally changed its economic and political orientation and committed itself irrevocably to a major and comprehensive economic reform program.

(b) SOVIET ACCESS TO THE RESOURCES OF THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund to use the voice and vote of the United States to oppose Soviet membership in the Fund, and the United States shall support no future expansion of Fund quotas in which the Soviet Union would participate, until 30 days after the President certifies and reports to the Congress the following:

(1) ECONOMIC REFORM.—That, as an indication that the Government of the Soviet Union is implementing free market economic policies, the following actions have been taken:

(A) provision of all data necessary for the Fund and its members to accurately determine the size, composition, and creditworthiness of the Soviet economy;

(B) establishment of the right to own private property and engage freely in commerce, including progress towards the creation of a legal and administrative framework to permit the free exercise of such rights;

(C) implementation of effective procedures for privatization of government enterprises;

(D) significant progress in dismantling central planning mechanisms, in eliminating price controls, and in establishing a market-based pricing system; and

(E) adherence to international rules regarding trade, protection of foreign investors, and protection of intellectual property rights.

(2) ROLE OF THE CENTRAL GOVERNMENT.—That, as an indication that the Soviet Union is reducing the size and scope of government expenditures, especially categories of expenditure that threaten world security and divert resources from market-based economic reform, the following actions have been taken:

(A) implementation of a defense budget that achieves significant reduction in the percentage of gross domestic product devoted to military purposes including, in particular, reduction of strategic nuclear weapons arsenals and other weapons of mass destruction, with the objective of reducing such percentage to levels approximating those of the Western democracies; and

(B) termination of economic subsidies and military assistance, including an end to transfers of destablizing missiles, other sophisticated weapons systems and nuclear technology, to countries that have supported international terrorism, such as Syria, Libya, and Iraq, and that have participated in efforts to destabilize neighboring states, such as Cuba, North Korea, and Vietnam.

(3) POLITICAL REFORM.—That, as an indication that the Soviet Union has embraced democratic processes upon which successful economic development is predicated, the following actions have been taken:

(A) free and fair mulitparty elections for the national parliament and leadership;

(B) good faith negotiations between the Government of the Soviet Union and leaders of the Baltic states and other republics that have elected to become independent of the Soviet Union; and

(C) demonstrated sustained commitment to peaceful resolution of disputes with republican governments and democratic movements.

(c) EXPANDED SOVIET ACCESS TO THE RESOURCES OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Secretary of the Treasury shall instruct the Executive Director to the European Bank for Reconstruction and Development to use the voice and vote of the United States to oppose expansion of access by the Soviet Union to the resources of the Bank pursuant to paragraph 4 of Article 8 of the Bank's articles of agreement unless the President has made the certification and report required under subsection (b).

(d) DEFINITION.—For purposes of this section—

(1) the term "Soviet membership" includes any association with the Fund involving contribution or borrowing of Fund resources, but excludes any association with the Fund as an observer or in an advisory status involving technical assistance; and

(2) the term "Soviet Union" includes all successor states (other than the Baltic states) to the Soviet Union.

DIXON (AND OTHERS) AMENDMENT NO. 822

Mr. DIXON (for himself, Mr. DOLE, Mr. KOHL, Mr. MCCONNELL, Mr. GRASSLEY, Mr. LUGAR, Mr. SYMMS, Mr. DANFORTH, Mr. CRAIG, Mr. COATS, Mr. DURENBERGER, Mr. PRESSLER, Mr. KASTEN, and Mr. GLENN) proposed an amendment to the bill S. 1435, supra, as follows:

Strike out section 305 of the bill.

BIDEN AMENDMENT NO. 823

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 1435, supra, as follows:

On page 88, between lines 13 and 14, insert the following:

SEC. 415. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region;

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) that the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investments and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services is of such compelling importance to the security interests of the United States as to warrant such transfer notwithstanding the President's inability to make the appropriate certifications required by subparagraph (A).

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment" have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

On page 3, after the item relating to section 414, insert the following new item:

Sec. 415. Middle East security and democracy.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing scheduled before the Committee on Energy and Natural Resources to receive testimony on the resettlement of Rongelap, Marshall Islands, has been postponed.

The hearing, which was originally scheduled for July 30, 1991, has been rescheduled to take place on September 19, 1991, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Allen Stayman of the committee staff at 202–224–7865.

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that there has been a date change for a hearing that has been scheduled before the Committee on Energy and Natural Resources.

The hearing scheduled on Thursday, July 25, 1991, regarding S. 1351, the Department of Energy Science and Technology Partnership Act, has been moved to Tuesday, July 30, 1991 at 9:30 a.m. A second hearing on this same subject is still scheduled for July 31 at 2 p.m. For further information on these hearings, please contact Paul Barnett of the committee staff at 202–224–7569.

Both hearings will take place in room SD–336 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 24, 1991, at 9:30 a.m. on S. 1401, S. 1462, and S. 857 and computerized calls.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 9:30 a.m., to hold a hearing on the nomination of Eugene E. Siler, Jr., to be U.S. circuit judge for the sixth circuit, William G. Bassler, to be U.S. district judge for the District of New Jersey, Jorge A. Solis, to be U.S. district judge for the Northern District of Texas, and James T. Trimble, Jr., to be U.S. district judge for the Western District of Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Adminsitrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 2:30 p.m., to hold a hearing on special problems in bankruptcy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law and the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 10 a.m., to hold a hearing on S. 1096, a bill to ensure the protection of motion picture copyrights, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 2 p.m., to hold a closed conference on the fiscal year 1991 intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 24, beginning at 9:30 a.m., to conduct a hearing on the toxics use and source reduction provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 10 a.m., for a hearing on "HealthAmerica: Economic Impact."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 9:30 a.m., to hold a hearing entitled "Low-Income Medicare Beneficiaries: Have They Been Forgotten?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 24, 1991, at 10 a.m., to hold a hearing on three environmental treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Carlton E. Thomas, a member of the staff of Senator HARKIN, to participate in a program in the Soviet Union, sponsored by IRIS, a United States consortium of universities, and the Soviet Academy of Sciences, from August 1–8, 1991.

The committee has determined that participation by Mr. Thomas in the program in the Soviet Union, at the expense of IRIS and the Soviet Academy of Sciences, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Andrew Johnson, a member of the staff of Senator EXON, to participate in a program in China, sponsored by the People's Republic of China and the United States-Asia Institute, from August 3–18, 1991.

The committee has determined that participation by Mr. Johnson in the program in China, at the expense of the People's Republic of China, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Patricia McDonald, a member of the staff of Senator WALLOP, to participate in a program in China, sponsored by the People's Republic of China and the United States-Asia Institute, from August 3–17, 1991.

The committee has determined that participation by Ms. McDonald in the program in China, at the expense of the People's Republic of China, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Donald L. Hardy, a member of the staff of Senator SIMPSON, to participate in a program in the Netherlands, sponsored by the Atlantic Exchange Program of Rotterdam, from June 30–July 7, 1991.

The committee has determined that participation by Mr. Hardy in the program in the Netherlands at the expense of Atlantic Exchange Program of Rotterdam, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Kevin M. Dempsey, a member of the staff of Senator DANFORTH, to participate in a program in China, sponsored by the People's Institute of Foreign Affairs and the United States-Asia Institute, from August 5–16, 1991.

The committee has determined that participation by Mr. Dempsey in the program in China, at the expense of the People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.•

HONORING MILLER BREWING CO.

• Mr. KASTEN. Mr. President, in tough economic times it is important for a community to have business leaders it can count on. In Wisconsin, we can count on Miller Brewing Co. to contribute very important resources to our State economy.

In 1990, as the United States grappled with a serious recession, Miller contributed $706 million to the Wisconsin economy in the form of salaries, wages, and other expenditures. Miller employs more than 3,000 Wisconsinites, and is becoming more valuable to the people of our State than ever before. Miller also contributes nearly $1.5 million annually to charitable organizations.

Company president Leonard Goldstein and all the Miller employees deserve a vote of thanks from the people of Wisconsin.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through July 19, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 15, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF JULY 19, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues.			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−0.4
Direct loan obligation	20.9	20.6	−0.3
Guaranteed loan commitments	107.2	106.9	−0.3
Debt subject to limit	4,145.0	3,452.9	−692.1
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security révenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JULY 19, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	(1)		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

SEEDS OF HOPE FROM SOUTH CAROLINA

• Mr. HOLLINGS. Mr. President, I submit for the record an article from today's New York Times describing the entrepreneurial success of Mr. Felder Freeman and Mr. Robert E. Murray, both farmers from the Sea Islands of South Carolina. Working with Seeds of Hope, a project started by the Washington Methodist Church in Columbia, SC, Mr. Freeman and Mr. Murray are taking fresh South Carolina vegetables to New York City, where they have found a receptive market among city people homesick for good Southern food.

I applaud Mr. Freeman, Mr. Murray, and the Seeds of Hope project for seeking new markets for South Carolina's agricultural products. Their efforts truly are providing seeds of hope for increased opportunity for the families in our State who want to continue farming and be able to make a living off the land.

Mr. President, I ask that the article be reprinted in the RECORD, but I warn you—it will make your mouth water for some South Carolina gumbo.

The article follows:

[From the New York Times, July 24, 1991]

GUMBO MAKINGS FROM CAROLINA

(By Florence Fabricant)

On a sunny afternoon two weeks ago, Clara Davidson was sorting through a pile of broad green butter beans at the Greenmarket at 125th Street and Adam Clayton Powell Jr. Boulevard. Mrs. Davidson, a native of Lawrence, S.C., who has lived in New York since 1942, bought several pounds. "I never see these things up here and I do miss them," she said.

Her comment was typical of the shoppers at the display, which also included field peas, sweet and hot peppers, ripe tomatoes, squash, corn, okra, watermelons and cantaloupes—a down-home harvest that two farmers from the Sea Islands in South Carolina had trucked to New York. In the North, the butter beans are better known as lima beans.

"You have everything for a lowcountry gumbo here except the shrimp," said one of the farmers, Robert E. Murray, of Johns Island, S.C. He and Felder Freeman had driven a truck for 15 hours with two and a half tons of fresh produce.

Venturing to New York was an experiment in direct marketing for these men, who are among 50 farmers from the Sea Islands who belong to Seeds of Hope, a self-help project run by a church in Columbia, S.C. Because they had been delayed by highway construction, arriving in New York around 2 P.M. instead of 8 A.M., they decided to stay overnight.

The next day, administrators of the New York City Greenmarket program gave them space at the Albee Square Greenmarket in Brooklyn, where they found buyers for most of their remaining produce. They gave the rest to Hale House in Harlem.

Theirs were the first field tomatoes in any of the New York City Greenmarkets, beating the local season by a good two weeks. The regular Greenmarket farmers, like Christine Jordan of Migliorelli Farms in Tivoli, N.Y., did not mind. "We specialize in greens so they're not any kind of competition for us today," she said.

The idea of traveling to New York appealed to Mr. Freeman and Mr. Murray. "A lot of the people in these neighborhoods have their roots down where we live," said Mr. Freeman, a farmer for more than 30 years. "These people really want this stuff but they can't get it."

Seeds of Hope helps farmers sell produce directly to consumers through churches and 11 farmers' markets, including one in Charleston, S.C. The Washington Street Methodist Church in Columbia began the program in 1987 after the 1986 drought left many farmers near ruin.

Finding that even before the drought the farmers were struggling because of their dependence on middlemen and a lack of reliable markets, the church set up a farmers' market in its parking lot. Then the South Carolina Christian Action Council, representing 6,000 churches, became involved. The project received a $12,000 grant this year from the Presbyterian Hunger Program of the Presbyterian Church (USA) to cover administrative costs.

Donna Bryan, director of Seeds of Hope, said the idea of selling produce in New York was the result of a conversation her husband, Charles, a doctor, had with a colleague at Memorial Sloan-Kettering Cancer Center in Manhattan, who told him about New York City's Greenmarkets. Although the Greenmarkets limit participation to farmers in New York and New Jersey, they were willing to make an exception for Seeds of Hope.

Mr. Freeman and Mr. Murray made $2,800, a little less than they had hoped. "Once people know we're coming," Mr. Freeman said, "they'll come out for us."

Mr. Murray said that for him it was "like coming home." He attended Boys High School in Brooklyn and left New York in 1968. "When I was living up here, you didn't have stands selling fresh vegetables," he said.

The farmers will return to Brooklyn on Saturday. From 10 A.M. to sunset they will be at the market outside the Mount Sinai Cathedral of the Church of God in Christ, 1918 Fulton Street (at Ralph Avenue), in the Bedford-Stuyvesant section. It is sponsored by the East Fulton Street-Saratoga Square Seeds of Hope with money from the 21st Century Partnership, a Brooklyn community group.•

SOUTH CAROLINA'S FAMILY OF THE YEAR

• Mr. HOLLINGS. Mr. President, I rise to extend my warm congratulations to the Patrick family of Charleston for being honored as South Carolina's Family of the Year for 1991. Dr. Paul Dickson Patrick III and his wife Carol have four sons: Michael Dickson Patrick, age 17; Mark Smoak Patrick, age 14; Matthew Kingman Patrick, age 11, and Paul David Patrick, age 8.

Mr. President, the Patricks are the typical, all-American family and, in that respect, perhaps they are increasingly atypical. They are extremely close knit, make a point of having dinner together each evening, attend Westminister Presbyterian Church together each Sunday, and do volunteer work with Habitat for Humanity, and the local homeless shelter. Dr. Patrick is a veterinarian with practice at Meeting and Adison Streets. Mrs. Patrick is a full-time homemaker who takes tremendous and justified pride in her successful family.

Mr. President, I have long had a theory that there is no particular magic or mystery to raising a good family. It's like growing tomatoes; there is a simple formula for success, and it includes an abundance of love and respect, a strong sense of discipline and structure, plus an accent on values. It sounds so simple, and yet it seems like fewer and fewer parents are willing to invest the time and energy to make this time-honored formula work. On that score, Mr. President, we owe a debt of gratitude to Paul and Carol Patrick, for setting a superb example of just how good and fulfilling a family can be. I salute their achievement, and congratulate them on being named my State's Family of the Year.•

PROGRAM

Mr. MITCHELL. Mr. President, and Members of the Senate, for the information of Senators planning their schedules for the next several days, there are a number of matters remaining for Senate action, including the pending bill and several other measures which have been previously set forth by me on several occasions. I urge Senators, to expedite the business of the Senate, to be prepared to offer their amendments during the day so that late evening sessions are not required.

However, since next week is the last week prior to the August recess, Senators should anticipate that votes will occur on Monday at or shortly after 5 p.m., and votes could occur well into the evening on each of the remaining days next week through and including Friday, if necessary, to complete the business before the Senate.

We will do our best to accommodate the schedule of every single Senator. As everyone knows, those often conflict, but it is imperative that we complete the business before us. That means that Senators should be prepared for votes on Monday beginning as early as 5 p.m., and well into the evening or night, if necessary, on each of the remaining nights next week up through and including Friday if that becomes necessary.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m., on Thursday, July 25; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein, with the time from 8:30 a.m. to 9:30 a.m., under the control of the majority leader or his designee and the time from 9:30 a.m. to 10:30 a.m., under the control of the Republican leader or his designee, and that at 10:30 a.m., the Senate resume consideration of S. 1435, the foreign aid authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:30 A.M., TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, and there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess as under the previous order until 8:30 a.m. on Thursday, July 25, 1991.

There being no objection, the Senate, at 8:34 p.m., recessed until Thursday, July 25, 1991, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1991:

DEPARTMENT OF STATE

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF DELEGATION TO THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).

THE JUDICIARY

LACEY A. COLLIER, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

ANNE C. CONWAY, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE GEORGE C. CARR, DECEASED.

WAYNE R. ANDERSEN, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE STANLEY J. ROSZKOWSKI, RETIRED.

RONALD E. LONGSTAFF, OF IOWA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

JOHN W. LUNGSTRUM OF KANSAS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE DALE E. SAFFELS, RETIRED.

STEWART R. DALZELL, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

TERRY R. MEANS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE DAVID O. BELEW, JR., RETIRED.

DEPARTMENT OF TRANSPORTATION

ARTHUR J. ROTHKOPF, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE PHILLIP D. BRADY.

NATIONAL LABOR RELATIONS BOARD

MARY CRACRAFT, OF KANSAS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 1996. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

VIC FAZIO PRESENTED THE FIRST ANNUAL AMERICAN CULTURAL PRESERVATION AWARD

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. WEISS. Mr. Speaker, last evening, our colleague VIC FAZIO was the first recipient of the annual American Cultural Preservation Award established by the National Arts Education Program. This award is presented to a Member of Congress who has distinguished himself or herself in supporting the preservation of our cultural heritage. The Pacific Telesis group very generously supported the first presentation of this award and is to be commended for its recognition of the importance of preserving our national cultural legacy.

All forms of American culture—including the visual and performing arts—are a record of our Nation's collective heritage. The preservation of his cultural legacy is important because it teaches future generations an appreciation and understanding of our Nation's past as well as enriches their lives as these same art forms have enriched our lives.

Congressman FAZIO is the perfect choice to be the first recipient of this award. Throughout his years in elected office, VIC has combined his personal interest in the arts with his role in public service. He has served as a champion of the arts of every discipline and has helped to preserve and protect the environment in which the arts may thrive in our Nation.

He is a supporter of the National Endowment for the Arts and has been a dedicated member of the congressional arts caucus for a decade. His interest in the arts preservation ranges from his legislative efforts to preserve a century-old historic opera house in Woodland, CA, which was in danger of being destroyed; to securing appropriations to restore the U.S. Capitol and the Library of Congress, two of our country's most cherished buildings. In fact, the glorious refurbishment of the rooms of the Library of Congress—such as the Southwest Curtain in which the ceremony was held—was largely possible because of VIC's commitment to preservation even in difficult times and his work on the Legislative Appropriations Subcommittee.

Members of the congressional arts caucus joined other guests last evening at the Library of Congress to pay tribute to Mr. FAZIO who has distinguished himself as such a dedicated advocate of the arts. Special recognition was also given to Lindy Boggs for her efforts in cultural preservation throughout her rich and illustrious congressional career.

Both of our colleagues have given extraordinary time and attention to preserving our national culture and to sowing the seeds for future generations to enjoy the rich heritage of our country.

I would like now to insert Congressman FAZIO's comments on receiving the first American Cultural Preservation Award:

REMARKS BY CONGRESSMAN VIC FAZIO

I would like to extend a special thank you to all of you gathered here tonight, and especially to those at the Pacific Telesis group who made this evening possible. I am also very pleased to see so many of my fellow Arts Caucus members here. Every one of the caucus' members has made a contribution to the arts in this nation, and I share with you all the honor that I have received tonight. The members of the Arts Caucus share a common conviction that the government should take an active role in nurturing the arts and have had the courage to take a stand for freedom of expresion in this country.

I would be remiss if I did not note what an honor it is to be recognized in conjunction with Lindy Boggs. Her work in cultural preservation has served as a inspiration to me in my years in Congress, and her legacy continues to live on in these halls. As a fellow member of the Appropriations Subcommittee on the Legislative Branch, Lindy played an integral role in the efforts of the subcommittee to preserve the artwork of the Capitol, and continues her dedication to this cultural preservation work as cochair of the Capitol Preservation Commission.

Recently, the National Gallery of Art sponsored an exhibit in honor of the museum's Fiftieth anniversary entitled "Art for the Nation." This magnificent exhibit contained artistic masterpieces that spanned the globe and hundreds of years of time. In my work in Congress, I have strived to do my part to preserve what I will call the "Art of our Nation." America does not have crown jewels kept in a remote glass box, but living, working institutions. One of our greatest national cultural and artistic treasures belongs to all of us—the United States Capitol.

Our nation's Capitol is a living museum of the people's art, and the conservation and restoration of these national treasures is a project that I cherish. Brumidi's masterpiece on the canopy of the rotunda, "The Apotheosis of George Washington"; the majestic frieze depicting the course of our Nation's history; and the Statue of Freedom atop the Capitol dome—all are the art of our nation. But the Capitol is not simply a museum. It is part of our history, part of the foundation of our nation. The Capitol is a building where thousands of school children come every year to walk the corridors that our nation's founders walked before them, and for those of us who are so very fortunate, a place in which we conduct the business of the nation.

And yet another national treasure is this beautiful building we are in tonight, our own Library of Congress. Again, this is not a stuffy building with furniture covered in slipcovers, but a living, working institution. This building houses the American Folklife Center, which promotes research, scholarship and training in American folklife; a wealth of resources on arts of all disciplines; and a copyright office which oversees the intellectual property of the creative sector in this nation.

It is also in the Library of Congress that we are able to preserve some of the most recent contributions to our national cultural heritage—motion pictures. This has been an especially important project to me because of the significance of preserving a form of the creative arts which is an original American art from. Because of the instability of film used until 1951, over half the films produced before this time have been lost forever. In order to prevent any further decay of our nation's motion pictures, the National Film Preservation Act was enacted to establish a film preservation laboratory within the Library. It is with great pride that the Library of Congress can now boast of the largest film preservation laboratory in the United States, and has done more film conversion and preservation work than any other archive in America.

I would like to once again thank all of you gathered here tonight for this honor, and most if all, thank you for the vision we share. Cultural preservation is a duty that falls on all of our shoulders. Whether it be as simple an act as visiting a local museum, or as grand as the renovation of this beautiful building, we must remember the importance of preserving our nation's treasures, the art of our nation.

A CONGRESSIONAL SALUTE TO MR. RONALD J. PIAZZA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Ronald J. Piazza, a good friend of Southern California Commerce. On July 24, Mr. Piazza will be honored for his year of service as the 47th president of the Lakewood Chamber of Commerce. This occasion gives me the opportunity to express my deepest appreciation for his dedicated service to the chamber of commerce and the citizens of Lakewood.

During his tenure as president of the chamber of commerce, Ron served with professionalism and distinction. His tremendous understanding of Lakewood Commerce provided an ideal foundation for comfortably stepping in as president. His leadership and dedication was instrumental in the continued success of events such as the golf tournament, Las Vegas Night, Luck "O" the Irish Auction, Cardiac Arrest, Miss Lakewood Pageant, and the seventh annual Chili Cook-Off, and Car Show.

In addition to his commitment and service to the chamber of commerce, Ron has been a role model for business owners and citizens of Lakewood for quite some time. He is held in high regard for the business management abilities he has displayed as owner and operator of five Lakewood McDonald's Restaurants. Ron is also a greatly respected family man. This respect was never more evident than

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

when the Piazzas were recently honored as "Family of the Year" by the Long Beach Family Service Center.

My wife, Lee, joins me in extending our thanks for Ron Piazza's contributions to the community. He is truly a remarkable individual who has devoted his talents and energies to the cultivation of Lakewood Commerce. We wish Ron, his wife Nancy, and their children, all the best in the years to come.

MACY FOUNDATION CALLS FOR ACTION ON MINORITY HEALTH CONCERNS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. TOWNS. Mr. Speaker, the New York City-based Josiah Macy, Jr. Foundation is a private philanthrophy whose funding has been directed primarily to programs designed to enhance the education of health professionals, especially physicians. Since 1965, the foundation's major programs have included efforts to increase the number of underrepresented minorities and women in the medical profession.

I commend to all Members the following statement made by Thomas H. Meikle, president of the Josiah Macy, Jr. Foundation, on minority health care issues. Dr. Meikle's statement eloquently summarizes the current conditions and the contributing factors that have led to the deplorable health of minorities in this country. The infant mortality rate for blacks was more than twice the rate for whites in 1987. Black women are eight times more likely than white women to die from AIDS, and black men die from AIDS at triple the rate of white man.

Poverty and racial discrimination are key contributing factors, however, limited access to health care is an especially large problem. Dr. Meikle points to the continuing underrepresentation of minorities in the medical profession as one of the most important reasons for limited access and the overall lower level of health among minorities.

Not enough can be said about this problem, and the statement by Dr. Meikle comes from one of the Nation's leading health care philanthropies.

PRESIDENT'S STATEMENT

(By Thomas H. Meikle, Jr., M.D.)

Despite dramatic improvements in health services which have benefited most of American society, large numbers of black, Hispanic, and Native Americans suffer from distressingly poor health.

This continuing neglect of non-white Americans contradicts democratic beliefs in liberty, equality, and justice and will, if left uncorrected, ultimately threaten society's stability, weaken its economic productivity, and undermine its moral conscience.

THE DISMAL DATA

Infant and maternal health data for 1987 show the gravity of the problem. The infant mortality rate for blacks was more than twice the rate for whites, and black infants were over three times more likely than white infants to die from pneumonia and influenza.

This pattern is strongly related to the mother's economic status and age. Mothers who are themselves children tend to be poor, to have most frequent medical complications, and to have less access to medical services. The percentage of live births to young adolescent black mothers was nearly eight times that of live births to young adolescent white mothers. In addition, black infants were more than twice as likely as white infants to have low birthweights. The risk of having a low birthweight infant is roughly three times as high for women with no prenatal care as it is for women who start prenatal care in the first trimester; black mothers received prenatal care only half as often as white mothers.

The mortality data for black adults confirm the seriousness of the problem. For example, black women are three times more likely than white women to die from the complications of diabetes and eight times more likely than white women to die from AIDS. Black men die from AIDS at triple the rate of white men.

Although they receive lower levels of health services, blacks have greater need for these services. Blacks were three times more likely than whites to experience severe hypertension, and obesity was twice as prevalent among black women as white women.

While violent crime may not be regarded as a medical problem, violent behavior is an increasing concern of preventive medicine and psychiatry. Black women were more than four times as likely as white women to be victims of murder, and black males were seven times more likely to be homicide victims than white males.

These conditions, which contribute to higher rates of illness and lower life expectancy, do not go unrecognized; in assessments of their own health in 1988, almost twice as many blacks (16.4 percent) as whites (8.5 percent) rated their health as poor.

Similar data are available for Native Americans. Compared to all other Americans, Native American mortality rates were over six times greater from tuberculosis, more than three times greater from alcoholism, and more than twice as great from suicide, accidents, and diabetes. Available data for Hispanic Americans are too sparse for comparisons.

WHY SUCH DISPARITIES IN HEALTH?

Although many socio-economic factors, including poverty and racial discrimination, contribute to the poorer health of minorities, limited access to physicians and to professional health care is an especially distressing factor—and one that can be corrected.

In 1988, a physician's office was the usual site of health care for only 48 percent of blacks compared to 70 percent of whites; the average annual number of visits per person to a physician was 15 percent greater for whites (5.5) than for blacks (4.8).

One important reason for the limited access of many minorities to physicians and their lower level of health care is the continuing, severe underrepresentation of minorities in the medical profession. White minorities constitute about 20 percent of the total U.S. population (12 percent black, 7 percent Hispanic, and 0.6 percent Native American), these groups contributed only 3 percent of practicing U.S. physicians in 1986.

A number of studies have shown that minority physicians are more likely than non-minority physicians to practice among minority populations and in communities that are economically disadvantaged and underserved by physicians. In 1988, a survey by the Association of American Medical Colleges (AAMC) found that significantly more minority than non-minority medical school graduates planned to practice a primary care specialty and to practice in a socio-economically deprived area, many of which have large minority populations.

The racial composition of the medical profession is largely the direct responsibility of the medical schools that select and educate its members. Yet even the discouraging statistic that a mere 3 percent of the current generation of practicing physicians are minorities overstates the contribution of American medical schools: a significant proportion of minority physicians graduated from foreign medical schools.

In the late 1960s, many American medical schools seriously attempted to increase the numbers of blacks, Hispanics, and Native Americans among their students. Their efforts succeeded: by 1978 medical schools had more than doubled their minority enrollments, from 3.0 to 7.9 percent.

Unfortunately, after this initial spurt, the rate of improvement slackened during the following decade. By 1988, minority representation in medical schools had increased to only 8.9 percent, just 13 percent above the level of a decade earlier. Since the U.S. minority population increased by 20 percent during that same period, what looks like a slight growth actually represents a step backwards. Medical schools have been falling further behind.

WHY SO LITTLE PROGRESS

Why have medical schools failed to graduate more minority physicians? Medical schools argue that the principal problem is the lack of academically acceptable minority applicants for admission. They contend furthermore that the quality of the applicant pool is beyond their control.

The argument that too few minority students are adequately prepared appears to be supported by the data. A far lower proportion of black and Hispanic than white high school graduates complete four or more years of college. There has been no improvement in this ratio over the last ten years even though the number of baccalaureate degrees awarded to underrepresented minorities increased 8 percent compared to a 5 percent increase for white students.

The overall number of degrees awarded, however, is less important than the number of degrees awarded in the natural sciences, which reflects the largest single source of applicants to medical schools. The number of baccalaureate degrees awarded to minority students in the natural sciences increased 5 percent while the number of natural science baccalaureates awarded to non-minorities declined 23 percent.

Despite this modest but important increase in the number of minority college graduates with natural science baccalaureates, the percentage of minority applicants to medical school declined 9 percent. This trend suggests that medical schools have made inadequate efforts to recruit minority applicants from an expanding pool of minority college graduates well prepared for medical school. Most medical schools have made only minimal efforts to establish comprehensive recruitment programs to attract minority students. Opportunities have been missed not only in colleges and universities, but also in high schools with special honors programs in science, such as those supported by the Macy Foundation for the past 10 years.

Other recent data appear to contradict the contention of medical schools that there is a scarcity of minority applicants with competitive academic credentials.

In 1989, U.S. medical schools accepted and matriculated 70 percent of minority applicants with college science grade point averages (GPAs) of 3.0 or higher, compared to 73 percent of non-minority applicants with the same range of GPAs. Between 1978 and 1989, the percentage of non-minority applicants with science GPAs of 3.0 or more who were accepted to medical school rose to 73 percent from 55 percent, whereas the percentage of minority applicants with 3.0 or higher GPAs who were accepted increased only to 70 percent from 62 percent. These data suggest that medical school admissions committees are not comparably and equitably accepting minority applicants with competitive academic credentials. Indeed, the data show that admissions have become easier for non-minority applicants and harder for minorities.

Similarly, although the performance of a minority applicant on the quantitative and reading sections of the Medical College Admissions Test (MCAT) is known to be a powerful predictor of an applicant's ability to complete medical school, the comparatively greater improvement in minority MCAT performance over the past decade has not been translated into proportionate increases in their acceptance rates. From 1978 to 1989, the increase in the percentage of white applicants who scored in the upper half on MCAT's reading or quantitative skills tests and who were accepted by medical schools was triple the increase in the percentage of comparable minority applicants who were accepted.

Concerns about the bias of medical school admissions committees are reinforced by the continuing discrepancies between the percentage of minorities in the applicant pool and the percentage of minorities among those applicants accepted for admission. For every year since 1975, the percentage of minorities in the applicant pool has risen significantly from 7.8 percent in 1975 to 11.3 percent in 1989, whereas the percentage of minorities in the acceptee pool has lagged, rising slowly from a low of 8.7 percent in 1977 to 9.6 percent in 1989.

In addition, for every year since 1977, the percentage of minority applicants accepted to medical school from the total pool of minority applicants has been significantly lower than the percentage of non-minorities accepted from the pool of non-minority applicants. These continuing discrepancies reflect, at a minimum, inadequate affirmative action by medical school admissions committees. Nor is this the end of the problem.

INDEBTEDNESS

The fear of onerous debt is a significant deterrent to all students considering medical school, but is a particular worry for minority medical students who emerge more indebted on graduation than non-minorities. The mean debt of all students remained essentially the same throughout the early 1980s, but began to diverge in 1985.

By 1989, the mean debt of indebted minority graduates ($48,168) was 15 percent greater than that of all indebted graduates ($41,846). In addition, the percentage of graduates with debts greater than $50,000 increased from less than one percent in 1980 to approximately 24 percent for all graduates and to more than 36 percent for minority graduates in 1988. Financial support is less available now to all medical students, and both public and private scholarship funds are used less frequently to support affirmative action. As a result, minority students from economically disadvantaged backgrounds are being forced to borrow disproportionately in order to complete medical school.

MINORITY FACULTY

The environment and culture of many medical schools remain inhospitable to minority students. This is due, in part, to a continuing failure of medical schools to increase the appointment of minority faculty members who can serve most effectively as mentors, counselors, and role models, while enhancing the cultural diversity of each medical school and influencing the institution to be more responsive to a broader community.

Excluding the comparatively larger numbers of minority faculty members at the minority-oriented medical schools (Howard, Meharry, Morehouse, Drew, Ponce, Central del Caribe, and the University of Puerto Rico), only 3.8 percent of the faculty at the other 120 U.S. medical schools in 1988 were minorities. Even including the minority-oriented medical schools, however, less than 3 percent of departmental chairs at all U.S. medical schools were underrepresented minorities.

RETENTION AND GRADUATION

The poor record of retaining and graduating minority students also raises questions about the commitment of medical schools to affirmative action. Every year between 1978 and 1983 the percentage of entering medical students who subsequently graduated has averaged about 90 percent for minority students compared to 97 percent for non-minorities. This record has changed little despite the relative improvement in the academic preparation of minority medical students.

In fact, the record is worse than the aggregate data suggest because a few schools account for most of the minority enrollments: seven schools enroll more than 80 percent minorities; ten to twelve other schools consistently enroll and graduate more than 10 percent minorities.

Most U.S. medical schools have failed to provide equitable access to medical education to underrepresented minorities or to act affirmatively to increase the numbers of minority graduates and minority faculty members. More than half of all American medical schools had the same or even lower minority enrollments in 1985 as in 1978. Considering the critically important role of minority physicians in attacking the national crisis in minority health care, the failure of medical schools to increase the supply of minority graduates necessitates concerted remedial action now.

WHAT CAN BE DONE TO ADDRESS THESE PROBLEMS?

Corrective measures are the responsibility of the medical schools themselves and the national organizations that directly regulate medical education. The national agenda must:

First, establish national targets for the number of minority physicians to be graduated from U.S. medical schools.

The Association of American Medical Colleges has commendably assumed leadership in this mission by announcing its commitment to increase the number of minority matriculants from 1,708 in 1988 to 3,000 by the year 2000. This target should be endorsed strongly and supported with appropriate resources by the American Medical Association, the Liaison Committee on Medical Education, the National Medical Association, the Association of Minority Health Professions Schools, the Association for Academic Minority Physicians, Aspira of America, and federal and state programs.

Second, initiate a major national fundraising campaign to provide scholarships for economically disadvantaged minority premedical and medical students.

This campaign should be coordinated with the National Medical Fellowships, Inc., and should be preceded by a careful analysis of the amount needed to be raised. Without a significant increase in scholarship funds, the desired graduation goals for minority medical students will be unachievable.

Third, obtain a commitment by federal, state, and local governments together with private organizations to strengthen the fiscal and clinical resources of the seven minority-oriented medical schools, especially Meharry and Morehouse.

These schools have large numbers of students from low income families and generally provide medical care to low income populations, generating less revenue from tuition and patient care services than other medical schools. Together these schools educate about 25 percent of the minority physicians graduated by all U.S. medical schools. In 1988, the number of minority graduates from such schools (455) equaled the number of minority graduates from seventeen other medical schools with the largest number of such graduates.

Fourth, develop a major new minority-oriented program in medical education.

A new two-year clinical campus with a dual commitment to minority medical education and health care could be developed in close affiliation with an established medical school that has the capacity to expand its preclinical educational program. A model is the program developed by the University of California Los Angeles and the Charles R. Drew University of Medicine and Science. Underrepresented minorities have constituted more than 80 percent of the graduates of this program in which students receive the first and second years of preclinical instruction at UCLA and the third and fourth years of clinical instruction at Drew, after which they are awarded the M.D. degree jointly by UCLA and Drew. A combination of private and public sponsorship and funding would be necessary, and sites in urban centers in the Northeast or Midwest should be considered.

In addition, the Sophie Davis School of Biomedical Education at the City College of New York could be developed into an M.D. granting institution. Designed to educate physicians for primary care practice in underserved communities, this school enrolls about 25 percent black and Hispanic students. It provides an integrated three-year collegiate premedical curriculum and a two-year medical school preclinical curriculum, after which students transfer to one of several New York State medical schools for the remaining two years of clinical instruction. The development of the Sophie Davis School into the City University of New York Medical School, perhaps in affiliation with a municipal hospital in New York City, could secure its future and contribute significantly both to minority medical education and to the health of the medically underserved in New York City.

At the local level, the responsibility for increasing the number of minority graduates represents an immense challenge to individual medical schools, especially during a period of fiscal constraint and reduced national commitment to equal opportunity and affirmative action. The national crisis in minority health, however, demands that highest priority be given to implementing a comprehensive minority student program. To establish a comprehensive program, a medical school should:

Define specific goals or targets for the numbers of minority students to be admitted and graduated:

Appoint an associate dean in charge of minority affairs and responsible for liaison with "feeder" high schools and colleges, recruitments of minority students, and support services provided to minority students—only one third of U.S. medical schools currently appoint an associate dean, assistant dean or director of minority affairs;

Establish specific targets and timetables for the recruitment and appointment of additional minority faculty members;

Review and revise the student admissions process, including criteria for accepting applicants, the membership of the admissions committee, and the procedures for maintaining contact with and recruiting applicants accepted for admission;

Establish formal programmatic relationships with high schools and colleges that have rigorous science programs for minority students and that represent continuing sources of competitive minority applicants—medical schools can offer these students practical career counseling and opportunities for medically-related part-time employment;

Strengthen the support service available to all students, but especially disadvantaged minority students, including prematriculation orientation, remedial tutoring, flexible curricula and timetables for graduation, and career counseling; and

Increase scholarships and grants-in-aid for economically disadvantaged minority students, with no strings attached.

The poor health of large numbers of black, Hispanic, and Native Americans is, in part, the result of an inadequate supply of minority physicians. American medical schools have not responded aggressively to this crisis. Despite an expanding pool of appropriately prepared applicants, medical schools have not recruited minorities vigorously. They have not equitably accepted and enrolled minorities compared to non-minority applicants, and have insufficiently supported minority students who were matriculated in medical schools.

Comprehensive programs by medical schools at both national and local levels are urgently needed to recruit, admit, retain, and graduate minority students, especially those from economically disadvantaged backgrounds.

Correcting the discouraging national deficit in minority physicians will require the commitment and collaboration of federal, state, and local governments and private individuals, industry, and philanthropic organizations.

Since its establishment in 1930, the activities of the Josiah Macy, Jr. Foundation have been guided by the views of its founder, Mrs. Kate Macy Ladd, that "no sound structure of social or cultural welfare can be maintained without health." For the past sixty years, much of the Foundation's funding has been based on the conviction that improving the education of health professionals, especially physicians, can have the greatest multiplier effect in improving people's health.

Since 1965, over 25 percent of the Foundation's funds have been directed toward increasing the number of minorities in the medical profession. Until 1980, the Foundation primarily supported projects in colleges and medical schools that were designed to assist the development of academic programs and support services for minority students. From 1981 to the present, with the objective of enlarging the pool of minority high school graduates who are well prepared for admission to competitive colleges and later to medical school or graduate programs, the Foundation shifted most of its funding to enhance the curricula and support services in minority high schools.

These programs have been highly successful, as described elsewhere in this annual report. The Foundation's commitment to improving science education in minority high schools continues through the recent establishment of Ventures in Education, which will expand and enhance these activities significantly.

The continuing failure of U.S. medical schools for the past 15 years to graduate substantially more minority physicians, however, represents a special challenge to all organizations concerned about the poor health of minority people in America. The Josiah Macy, Jr. Foundation is interested in exploring ways to encourage and assist American medical schools in addressing this critical problem.

CYPRUS AND THE NEW WORLD ORDER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. BROOMFIELD. Mr. Speaker, in the aftermath of the Persian Gulf crisis, much has been said about building a new world order in which justice prevails and disputes are solved through diplomacy, and not by the barrel of a gun. There is now a chance for peace on the long-troubled island of Cyprus, and I encourage the administration to aggressively seize the moment before it is lost forever.

Turkey invaded Cyprus in 1974 and still occupies the north with 30,000 troops. Many Cypriots were killed in the conflict, over 1,619 are missing, and 200,000 Cypriots were displaced to become strangers in their own land. A green line, manned by the United Nations, divides the island. The only country in the world to recognize the breakaway state of northern Cyprus, Turkey has paid a high political cost for its position on this international conflict. In light of Turkey's illegal presence on Cyprus, European governments routinely label it "the only European country to occupy another state." The European Community has clearly told Turkish officials that resolution of the Cyprus dispute will win Ankara significant support and benefits from that organization. For many years, Congress has also shown its unhappiness with Turkey's refusal to solve the problem by maintaining in law a 7:10 ratio in United States military assistance levels to Greece and Turkey. Turkey has much to gain by putting the dispute behind it.

For 17 years, the Cyprus problem has stood out like a sore thumb on the international landscape. It has defied solution. Past administrations have essentially put it at the bottom of their regional priority list, while telling Congress that Cyprus had the undivided attention of the Secretary of State. I have told the current administration, however, that our great Nation, that has done so much good for the world in the name of evenhandedness and fairness, should never accept the status quo on Cyprus and that this problem, unlike some other conflicts, can, in fact, be resolved.

Fortunately, President Bush and Secretary Baker have greatly raised the profile of this difficult issue. Recent talks in Athens and Ankara produced promising results. A U.N. conference on Cyprus, involving the parties to the dispute and others, may be held at the United Nations in September. I encourage the administration to continue its positive actions and also strongly urge our negotiators to be tough with our ally, Turkey. President Ozal must use his obvious influence on the Turkish Cypriot leader, Rauf Denktash, to convince him to abandon his intransigence and make reasonable concessions.

Let us all hope that the players in the Cyprus dispute will be flexible, willing to negotiate, and responsive to America's active involvement in the issue. A solution to this complex problem could enhance the international reputation of President Bush as a peacemaker and be an impressive next step in building the new world order.

I commend to my colleagues an editorial on Cyprus in today's Washington Post.

[From the Washington Post, July 24, 1991]

YEAR OF CYPRUS

It was practically inevitable that the roving eye of an American president fascinated by foreign affairs would fall on Cyprus. It's the small Mediterranean island that Britain, retiring from empire, set up as a combined Greek and Turkish state. Rocky from the start, this experiment in cross-ethnic partnership altogether collapsed in the 1970s, when mainland Greeks put the minority Turkish Cypriots in fear of community survival and mainland Turks responded by sending in the invasion/protection force that sits on the island to this day.

Many would say that, though harsh, the resulting physical separation of the two communities represented the best available solution to their demonstrated inability to live side by side. Nonetheless, international diplomacy has treated the division intermittently as an offense against political order that needs to be repaired.

This is the target of diplomatic opportunity that President Bush raised to his personal agenda last week in Europe. He said the dispute was important to solve, and to solve "this year"—a warning to the parties that his time, along with that of the retiring United Nations secretary general, an old Cyprus hand, is valuable. A solution would restore a nation sundered by arms and ethnic passions. It would ease strains between NATO members Greece and Turkey, and incline Athens to stop blocking Turkey's way into the European Community, among other boons.

It remains to be seen, however, whether either Cypriot community can go half way. Greek Cypriots, who control the internationally recognized government of Cyprus, would have to yield their claim to be the dominant element on the island and instead become one in a loose federation of two equal communities. Turkish Cypriots, who run a little rump state that only Ankara recognizes, would have to yield the protective certainties represented by the "Turkish Republic of Northern Cyprus," by that entity's occupation of some Greek Cypriot territory and by the continued presence of 30,000 Turkish troops.

Greeks, conditioned to look to outsiders, hope to induce the United States to roll back the Turkish invasion. Turks, emphasizing their strategic links to America, play on a presumed American sympathy for the Turkish Cypriots' pre-invasion persecution. Both sides should understand that for Washington, arranging a new deal in a context where the sides themselves seem ambivalent lies in Category B: desirable but not so vital as to be worth endless and urgent American striving.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL POWER ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mrs. MINK. Mr. Speaker, I rise today to offer a bill to amend the Federal Power Act to remove the Federal Energy Regulatory Commission's [FERC] jurisdiction over hydroelectric projects on Hawaii's streams. This bill is similar in intent and language to an amendment offered by Senator AKAKA of Hawaii to S. 1220, the Senate's omnibus energy bill.

Mr. Speaker, last year the Supreme Court decided in California versus FERC that the FERC has preemptive authority over a State's surface water for purposes of licensing and regulating hydroelectric projects. Hawaii, along with all 48 other States, supported California in the Supreme Court. The Court based its decision upon Congress' intent in passing the Federal Power Act.

I am greatly concerned about the impacts of this decision on the surface streams in the State of Hawaii. In my State the situation is particularly acute because unlike in the mainland States, there are no interstate electrical power grids or interstate commerce concerns that warrant Federal intervention.

Moreover, Mr. Speaker, unlike the continental United States, Hawaii's streams are short and flashy, and do not flow through other States. Federal stream management of our streams is highly inappropriate. With the creation of the Hawaii Water Commission in 1987, my State has taken the lead in the management of our surface waters and streams.

The U.S. Supreme Court decision establishes jurisdiction in the FERC to regulate surface waters and to issue hydroelectric permits and licenses to parties who voluntarily apply, even if not required to obtain a permit or license.

Hawaii faces a direct challenge now under this decision. For Hawaii, a State surrounded by saltwater, our freshwater resources have always been precious and critical to sustaining life. As an island State, we are more aware than anyone of the importance of proper regulation of these vital resources. I feel it is very important that the threat of FERC preempting State authority be prevented.

Therefore, Mr. Speaker, I ask my colleagues to join me in supporting this measure.

EASTMAN KODAK AND PARTNERSHIP FOR A DRUG-FREE AMERICA PLAY MAJOR ROLE IN FIGHTING DRUG WAR

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. HORTON. Mr. Speaker, today I rise to give special recognition to a company and an organization that deserve a great deal of credit for the success we are seeing in the changing attitudes about drug use in this country. The Partnership for a Drug-Free America is a nonprofit, private sector coalition of media volunteers who are pooling their expertise in advertising, marketing, production, and research to create a series of powerful messages that are changing the way our society thinks about drug use. Nearly all of us have seen these compelling advertisements on local and national television. One very memorable ad that has gained acclaim compares an egg sizzling in a frying pan to a person's brain on drugs. Over the last several years, such creative ads have played a major role in the declining acceptability of drugs in our society. The message reaching millions of people each day is that drug use is just not cool anymore.

The success of the partnership's campaign is directly attributable to the businesses who recognize the importance of corporate responsibility—who, by volunteering time, creativity, and resources, strive to make this society a better place to live and work. As one of the original sponsors of the parnership's efforts which continues to donate its resources, Eastman Kodak Co. exemplifies this responsibility. Since the partnership's inception in 1986, the Eastman Kodak Co. has contributed almost all of the film used in creating its 80 television messages. Kodak estimates the total dollar contribution to the partnership at $175,000—nearly 350,000 feet or 70 miles of film. We may soon be seeing the results of Kodak's latest donation of 200,000 feet of film in the partnership's newest effort—dramatic antidrug messages in movie theaters.

The drug scourge in this country has been devastating and continues to threaten national productivity and quality of life. But as demonstrated by the efforts of the partnership and responsible-minded companies like Kodak, we can effect positive change. I ask my colleagues to join me in giving special recognition and thanks to the partnership for a Drug-Free America and Eastman Kodak Co. for their important contributions to the war on drugs and for the example they set.

MANHATTAN BEACH WINS NATIONAL SECONDARY SCHOOL RECOGNITION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to salute the outstanding work of the Manhattan Beach Intermediate School, located in this beautiful beachside city which is an important part of my 27th Congressional District.

The Manhattan Beach City School District recently received notification from the Secretary of Education, Lamar Alexander, that Manhattan Beach Intermediate School was selected as an exemplary school based on the criteria established for the National Secondary School Recognition Program. Manhattan Beach Intermediate School was one of 18 schools in Los Angeles County to receive this recognition. Nationwide, 222 secondary schools representing all but seven States, received recognition. Of those, 169 were public schools, and 53 were private schools.

Manhattan Beach Intermediate is an example of the high quality of education provided in California. The school principal, Ms. Billie Jean Knight; Superintendent Gerald Davis and school board trustees, Mr. Gary Collins, Mrs. Kathy Campbell, Mrs. Barbara Dunsmoor, Mr. Bernard O'Connor and Mrs. RosaLee Saikley are to be commended for their dedication to quality education in our public schools.

The future of this great country lies in the hands of our youth. What they learn and how they learn will influence our leaders to come. We must support and encourage our students, teachers and schools to ensure their continued strength.

THE OCCUPATION OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, yesterday many of our colleagues took part in a special order to mark the 17th year of occupation for the People of the Republic of Cyprus. Unfortunately, I had to leave Washington at 2 p.m. yesterday afternoon in order to testify before a Federal judge in Philadelphia about the future of the Philadelphia Naval Shipyard. This facility employs 5,000 south Jersey residents and is unfairly slated for closure. Since I was not able to participate in yesterday's special order proceedings, I would like to add my remarks about the occupation of Cyprus to the RECORD today.

President Bush has promised us a New World Order in which the naked aggression of nation against nation will not be tolerated. This was our motivation for liberating Kuwait. The administration seems to forget this worthy goal, however, once we turn our attention to the Baltic States, or to the democratic protesters in China, or to the people of the Republic of Cyprus. I urge the President to show the same resolve in ending the occupation of Cyprus that he demonstrated in Kuwait.

After 17 years the time has come for the occupation to end. The President should use his leverage to bring Turkish President Turgut Ozal to the bargaining table, and Congress should help the President's efforts by reevaluating the level of monetary aid that we send to Turkey each year.

Mr. Speaker, I hope that we can look to our President for strong leadership to end the occupation of Cyprus, so that one year from now we will be celebrating a new birth of freedom, rather than another anniversary of aggression.

A TRIBUTE TO WILLIAM PUGH AND THE TENNESSEE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DUNCAN. Mr. Speaker, I would like to acknowledge one of my constituents, William Pugh of Knoxville, who was recently elected as the new president of the Tennessee Society of Certified Public Accountants.

The TSCPA is a 5,200-member organization statewide.

The Society is dedicated to the encouragement of further training for certified public accountants. It offers higher education programs across the State. Furthermore, the TSCPA has helped Tennessee to become a leader in improving the educational requirements for taking the CPA exam.

Mr. Pugh graduated from the University of Tennessee in 1961 and began his career in Knoxville for the Internal Revenue Service. In 1981 he started his own business, Pugh & Pugh Co., which has since grown to become one of the largest Knoxville-based accounting firms.

Hard work and innovation through education have continually marked the successes of Mr. Pugh's impressive career.

Mr. Pugh began his term as president on June 28. He certainly deserves due recognition and support as he works to further enhance the quality of business across the State of Tennessee and this country as well.

I ask that an article that appeared in the Knoxville News-Sentinel be printed in the RECORD.

ACCOUNTANTS GAIN NEW IMAGE—KNOX FIRM'S CHIEF LEADS STATE GROUP

(By Laura Simmons)

The image of the accountant hunched over ruled books and adding columns of numbers is obsolete, says the new president of the Tennessee Society of Certified Public Accountants.

"The computers have really changed our work considerably. It has eliminated a lot of the pencil pushing we had when I first started," said Will Pugh, president of Pugh & Co., a downtown Knoxville accounting firm.

"It's not a monotonous as a lot of people would perceive it to be," he said.

Today's accountant spends more time dealing with clients and today's accounting firms offer more services. Pugh & Co., for example, advises clients on setting up office computer systems.

"You are communicating with clients on a continuous basis. We are business advisers as well as auditors and tax people," Pugh said.

The profession is challenging because accountants learn how many different industries are managed when they provide services to their clients, he said.

"One day you're working on a bank and the next day you're working on a grocery business," Pugh said.

A 1961 University of Tennessee graduate, Pugh, 58, started his accounting career at the Internal Revenue Service in Knoxville. After six and a half years with the IRS, he entered public accounting with Jim Hickman.

In 1981, Pugh formed Pugh & Co., based in the First American Center on Gay Street. With eight partners and 84 employees, it is one of Knoxville's largest locally owned accounting firms. The firm also has a Gatlinburg office with four employees.

Pugh took office as head of the 5,200-member Tennessee Society of Certified Public Accountants on June 28.

Many people confuse the professional organization with the State Board of Accountancy, a government office that administers the state accounting laws, administers the state CPA exam, registers accountants and hears complaints concerning professional responsibility and ethics, he said.

One of TSCPA goals is to encourage continuing education and training, and the organization offers continuing education courses across the state.

The group also has initiated a quality review program to review smaller firms and to help them improve and to keep up with the rapid changes in the accounting profession.

"In our work, things have changed so much in the past 10 years, it requires more taining and education and updating than it ever did," Pugh said.

"Tax laws have changed almost every year since 1981, and there was a very substantial change in 1986," he said.

In addition, the accounting standards by the American Institute of CPAs have undergone numerous changes in the past several years as well, Pugh said.

The state has been a leader in upgrading the educational requirements for taking the CPA exam, and in 1993, new laws take effect which increase the number of college course hours and accounting course hours required to take the exam.

"I think if anything, the society is trying to upgrade the quality of its members across the state," he said.

One issue of concern to the organization is the trend toward increasing liability exposure of accountants.

"The cost of liability insurance is very high compared to what it was a few years ago," Pugh said.

Recent surveys indicate about 50 percent of accounting firms do not carry liability insurance, and the chief reason is because costs are so high, he said.

"Part of it is just the fact that such big awards have been made in a lot of cases," he said. "The insurance companies, if they have a million dollars on a claim, or $2 million or $10 million, . . . they have to pass that on to the ones who are covered."

The American Institute of CPAs advocates legislative reforms that would protect defendants from paying more than their proportionate share in a court judgment. When a business fails, claimants often go after the business' accounting firm in court because it is the only party that has any funds, Pugh explained.

SURVIVORS OF GUANTANAMO BAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the "Survivors of Guantanamo Bay" is an organization designed to educate and inform the public of one of the most epic chapters in the history of the fight for freedom in the world, the saga of Guantanamo Bay. The organization was established in January of this year and its members consist of Cubans who gained their freedom through Guantanamo Bay and our American naval base. "Survivors of Guantanamo Bay" is a nonprofit benefit organization which is organized exclusively for charitable/educational purposes.

The members of "Survivors of Guantanamo Bay" are planning to construct a monument in the name of those who died while attempting to escape communism through Guantanamo Bay. The land being used for the memorial, at S.W. 8th Street and 13 Avenue in Miami, FL, was donated by the city of Miami. The group also works in identifying the many Cubans who acquired their freedom by escaping through the Guantanamo Naval Base in Cuba. The organization will provide education and other assistance to help the members and their families in the United States. In addition, "Survivors of Guantanamo Bay" want to compile a list and denounce all past and present violators of human rights by using proper forums.

Many people should be thanked for working on the "Survivors of Guantanamo Bay" project. The president, Diego L. Mella; secretary, Ramon Rodriguez; vice president, Johnny Vizo; treasurer, Manuel Prieres; vice secretary, Rafael Martinez, and its directors including Ramon Cros, Rafael Tellez, Alfredo Giro, Salvador Perez, Adalberto Paruas, Oscar Hernandez, Angel Socarras, Medardo Martinez, Thomas Perez of Tampa, Jorge Pol of Connecticut, Jose Pando of Chicago, Dr. Rene Tol of New Jersey, Orlando Pila of California, and Elio Borges, Jr. of Puerto Rico.

HISTORIC HELEN HUGHES CHAPEL OF SILVER BAY, NY, IS ARCHITECTURAL TREASURE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. SOLOMON. Mr. Speaker, if ever I had the pleasure of entertaining you and other Members in my district, one of the sites I would take you to see is the Helen Hughes Memorial Chapel in Silver Bay.

The 24th District of New York is justly famous for the number and variety of its old churches. They are virtual museums of local history and architectural styles.

The Hughes Chapel, named for the daughter of Glens Falls native and former U.S. Supreme Court Justice Charles Evans Hughes, is the heart of the Silver Bay Association, one of the most important institutions in the Northeast. The chapel itself is built in what is called the Norman style, which predated the Gothic. Naturally, it would be almost impossible to duplicate today.

I could go on, Mr. Speaker, but I will instead place in today's RECORD an excellent article in my hometown newspaper, the Glens Falls Post-Star. In it is told the fascinating story of this beautiful and unique chapel:

SILVER BAY CHAPEL PROVIDES A RUSTIC SETTING FOR WORSHIP

(By Janet Marvel)

SILVER BAY.—It was the vision of Dr. Paul Micou that lead to the building of a stone chapel on the campus of the Silver Bay Association. Throughout its 68-year existence, the chapel has become the heart of the Silver Bay Association.

In the spring of 1919, a rough-hewn oak cross was erected at the campus with the cross providing a quite forest retreat for meditation and contemplation. An inscribed Bible and a book for listing spiritual quotations, enclosed in a weatherproof case, lay near the cross.

During one summer day in 1921, Dr. Micou sat at the foot of the cross, deep in thought. He visualized a woodland chapel at the site and, sketching on a piece of lined paper, he designed a beautiful, rustic church that could stand next to the existing cross. The sketch was passed on to C.C. Michener, association president, who within a week became chairman of the Chapel Fund with support from Micou and others.

The fund grew throughout that winter through the work of Mrs. C.C. Michener and exceeded Micou's modest sketch. An architect from New York, whose name is not listed in association histories, selected the site and planned the building.

Named for Helen Hughes, the daughter of Chief Justice (and Glens Falls native) and Mrs. Charles Evans Hughes, the chapel was built in 1923 from native stone in the Norman style of architecture.

Helen Hughes, born in 1892, was deeply interested in the Christian student activities of the Silver Bay Association, which was founded in 1902 as an ecumenical conference center and also as an autonomous YMCA.

A graduate of Vassar College, in 1914 Hughes was a pioneer in founding high school girls clubs, sponsored by the YWCA.

Charles Clifford King Jr.'s book, "Andia-Ta-Roc-Te" (the title, translated as "where-the-mountains-close-in," is the Indian name for Lake George) describes Hughes as she directed the girls clubs: "Here her rare combination of attributes brought quick response in her dealings with fellow leaders and girls. She loved girls, understood them, was one of them. Her radiant nature was needed in broader fields, for behind it was the earnest, keen-witted director who fostered her appointment as chairman of all the Washington, D.C. Clubs.

"In this official capacity, never held by one so young, her irresistible sense of humor smoothed out many a troublesome situation. Combining her work with a brilliant social life, her field of service was greatly magnified," King wrote.

Hughes also spoke through an interpreter to the deaf students of Gallaudet College, and many of those students later contributed to the Chapel Fund in her memory. She served from 1916–1919 as a member of the National Board of the YWCA and served as Field Student Secretary in the Middle Atlantic states and New England.

Hughes died in 1920, probably of consumption, Johnson said.

King describes the Hughes Chapel as the "embodiment of two fundamentals in that splended girl's personality—simplicity and strength. Hers was a life of service."

The simplicity in Hughes' life is found in the architecture of the church.

The modified nave and chancel, the slate altar and the detail of the wrought iron sconse lights and wooden organ screens show the simple and unadorned style of the chapel, King wrote.

King, whose parents were teachers at the Silver Bay Boys School, designed those organ screens to cover the organ works, said Mark C. Johnson, executive director of the Silver Bay Association. The school was a part of the association's campus from 1918–1934, he said.

The chapel is the "Heart of Silver Bay," and is the center of an institution "dedicated to the furthering of Christian leadership in the world," King wrote.

Glens Falls architect Robert J. Joy, who has worked with Silver Bay's more modern deisgns, describes the chapel as the most "elegant" building on the campus. "Its simple lines, cut stone arches and heavy slate roof bespeak a permanence that is hard to duplicate today."

Joy describes the architecture as early Norman, of the 1066 to 1180 period. Norman is the Romanesque style of architecture that predates Gothic, he said.

Norman architecture and the Hughes Chapel is characterized by a low roof line, rounded arches as seen in the main doorways and rounded timber arches in the roof that bracket the stone walls, Joy said. The nave is in the shape of a cross, he said.

The stained glass windows were given in Hughes' memory by the Welch people of the U.S. The Hughes family originated in Wales.

A group of three windows stand above the altar. A framed hand-painted description explains that the central figure depicts a noble woman wearing a crown as the Queen of Thuringia, who rose to sainthood by her generous, forbidden giving of gifts to prisoners and the poor. When challenged by a prison guard, she opened her cloak and her gifts miraculously changed to roses.

The angel on one side holds a heavenly crown and on the other, an angel holds roses.

Beneath the rose strained glass window in the rear of the chapel is a simple tablet: "This Chapel is Erected In Loving Memory of Helen Hughes 1892–1920."

Smith writes that the tablet should also state: "By the 32,000 friends who in the stones of this building count a few of the kind deeds that made her life an ideal for them to follow."

The rose window is lit every night, Johnson said.

The chapel's two-manual 34-stop organ was installed in April 1931, at a cost of $11,500 and was placed there by many donations made in memory of Spencer Paine, whose parents founded the Silver Bay Boys School in 1918. A small addition to the chapel's south wall was built to house the organ motor.

A virtual "Who's Who" of organists have performed since New York organist Andres Tietjen played the dedicatory concert, accompanied by vocal soloist Antoinette Halstead.

Johnson recalls that organist Virgil Fox "wandered in" and played the organ and piano.

In the 1960s, John Obetz was musical director and organist. In 1984, Hugh Allen Wilson, a resident of Bolton and professor of music and organ at Union College performed in concert. In 1989 and 1990, Atlanta-based organist Robert Simpson played as did Timothy Albrecht, a performer, composer and teacher at Emory University. Paul Fleckenstein, organist and director of music at Wilton Congregrational Church, in Wilton, Conn., also played.

This 60th anniversary year will show performances by Obetz and Horace Fishback, retired professor of music at Fairleigh Dickinson University and an association musical director and organist.

Fishback played a concert on Saturday in the chapel. "Benedictus," the last piece in his suite entitled "Chapel Reflections," was performed in dedication to Hughes, Fishback said.

The organ is housed in the unheated stone chapel and is used only during the warm seasons. The organ withstands the rigors of the cold temperatures, but many small animals have died after being trapped in the wooden organ pipes, Johnson said.

Sonic noise generators were installed and metal corner protectors were placed over the leather stops that the animals were eating.

The organ was rebuilt in 1980–1981 with a gift from Elizabeth Tayor of Schenectady, in memory of her parents. Her father was a music teacher at Union College. It would cost $400,000 to replace the organ today, Johnson said.

Recently central lights were installed to illuminate the main aisle of the church, Johnson said.

This summer, new hymnals were place in the chapel. Gifts last year included red carpet, a new platform before the altar and new chancel curtains, he said.

HUMAN RIGHTS IN PERU

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. WEISS. Mr. Speaker, under the terms of the International Narcotics Control Act of 1990, the United States may provide assistance to the Andean nation of Peru only after President Bush has issued a determination that a number of specific human rights standards have been met.

Those standards are divided into three parts: First, Peru's military and police forces may not be engaged in a consistent pattern of gross violations of internationally recognized human rights; second, the Peruvian Government must have made significant progress in ensuring that human rights abuses are not committed and that international organizations have an opportunity to investigate such abuses; and third, the Government of Peru must have effective control over police and military operations related to counternarcotics and counterinsurgency activities. Until President Bush determines that all of these standards have been met, United States aid may not be provided to Peru.

Evidence gathered by international human rights organizations, Peruvian human rights monitors, the United Nations—and even our own State Department—clearly indicates that Peru does not currently meet these standards.

For the fourth year in a row, the U.N. Commission on Human Rights has received more reports of disappearances following detention by security forces in Peru than from any other country in the world. Last year alone, nearly 3,400 Peruvians died as a result of political violence—almost equally divided between the Shining Path guerrillas and Peruvian security forces—and over 300 were reported missing or disappeared after forcible detention by security forces. According to the U.S. State Department's most recent human rights report, there was an overall increase in political deaths and summary executions in Peru last year.

Yesterday, a group of House and Senate Members sent President Bush a detailed letter which outlines this pattern of gross violations of internationally recognized human rights by Peru's military and security forces. In that letter—which was circulated on the Senate side by our colleague, Senator EDWARD KENNEDY—we urged the President to take this consistent pattern of abuses into account when considering human rights determination which must precede any U.S. aid.

Our letter expresses strong support for Peruvian President Alberto Fujimori, who is faced with many trying political and economic challenges. We also expressed our sympathy for President Fujimori's struggle against the violent and ruthless Shining Path guerrillas. The Government of Peru has a clear legal right—and indeed an obligation—to fight the Shining Path and to protect the people of Peru from their brutality and violence. The Government's struggle against the guerrillas, however, does not excuse the gross violations of human rights committed by the Peruvian military and police forces.

The International Narcotics Control Act is appropriately explicit and unambiguous about the human rights standards which must be achieved before United States may be provided. As a result of the actions of the Peruvian military and police forces, Peru simply does not meet these standards.

The text of our letter to the President follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 23, 1991.

Hon. GEORGE BUSH,
President of the United States, White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern about the egregious human rights conditions in Peru and to urge you to recognize the pattern of gross violations of internationally recognized human rights by the Peruvian military and police forces in considering whether to provide military aid.

Although we are supportive of President Alberto Fujimori, and are sympathetic to his government's struggle against the violent and ruthless Shining Path guerrillas, we are concerned that the police and military are holding themselves above both civilian rule and the rule of the law. It is the importance that we attach to human rights and to civilian control over all parts of the government that prompts us to write this letter.

As you know, the United States and Peruvian governments signed an anti-narcotics agreement in May, 1991. This agreement provides for increased U.S. aid and training for Peru's police and armed forces for anti-narcotics and related counterinsurgency efforts. The State Department intends to provide $34.9 million in such aid to Peru during FY '91, and has requested an additional $39.9 million in aid for FY '92.

Before additional assistance can be delivered, however, a determination must be made that Peru has met the human rights standards set forth in the International Narcotics Control Act of 1990. Pursuant to this law, U.S. security assistance can be provided only if: (1) Peru's military and police forces are not engaged in a "consistent pattern of gross violations of internationally recognized human rights"; and (2) the civilian government has "effective control over police and military operations related to antinarcotcis and counterinsurgency activities."

We believe that the Peruvian military and police forces have prohibited the Fujimori government from meeting these conditions. For the fourth year in a row, the United Nations' Commission on Human Rights has received more reports of "disappearances" following detention by security forces in Peru than from any other country in the world. Last year alone, nearly 3,400 Peruvians died as the result of political violence—almost equally divided between the Shining Path guerrillas and Peruvian security forces— and over 300 were reported missing or disappeared after forcible detention by security forces. According to the most recent State Department human rights report, in 1990 there was an overall rise in political deaths and summary executions in Peru.

Recently, the legal impunity of the army and the police force has been reinforced. Limits on habeas corpus have been decreed which reduce judicial authority in human rights cases and severely limit the legal recourse of individuals seeking justice for relatives who have disappeared or been imprisoned. A presidential decree has been issued mandating that all cases against security personnel operating in security zones be tried in military courts.

According to human rights groups, no military officer has ever been convicted of a human rights violation in Peru.

During the past year, the number of provinces deemed "emergency zones" has been expanded to include over 40 percent of the national territory and over 56 percent of the Peruvian population. In these zones, where civilian authority is subordinated to military control, human rights abuses are most concentrated.

In addition, the Narcotics Control Act states that Peru must make significant progress in permitting "unimpeded investigation of alleged violations of internationally recognized human rights, including access to places of detention by appropriate international organizations." Yet, international organizations are typically denied access into these emergency zones and have in no cases that we know of been permitted access to military barracks, where torture is reportedly commonplace.

Moreover, human rights activists and organizations have themselves become the target of violent attacks. Dr. Angel Escobar, a prominent human rights lawyer, disappeared last year, and a letter bomb attack against another highly-respected human rights lawyer, Augusto Zunigo, severed his forearm. In addition, the offices of the Andean Commission of Jurists, Amnesty International, and the Red Cross have been attacked.

Human rights violations committed by police and military forces in their counterinsurgency efforts against the Shining Path guerrillas are well-documented. The 1990 State Department human rights report notes "widespread credible reports of summary executions, arbitrary detentions, torture and rape by the military."

Just last month, a Peruvian television channel filmed policemen shoving two brothers into the trunk of their car. They were later found dead of multiple gunshots fired at close range. This blatant police brutality—an anomaly only because it was captured on camera—caused a national outcry.

Such unrestrained violence reflects the clear inability of the civilian government to control the military and police forces. Although the Shining Path guerrillas also have been responsible for gross and inexcusable abuses in their effort to undermine President Fujimori's democratic government, their abuses do not excuse security forces from their obligation to operate within the jurisdictions of Peruvian and international laws.

We believe that additional U.S. aid to the Peruvian security forces has the great potential for misuse.

Increasing aid to Peru's police and armed forces would send a signal that the United States is willing to tolerate their dismal human rights record. Such a signal would clearly diminish efforts designed to encourage the military and police to use self-restraint and would reduce the incentive of President Fujimori's civilian government to insist on accountability from the armed forces. These security forces must firmly demonstrate a commitment to holding those responsible for disappearances, torture, and extrajudicial executions and to ending the impunity with which those crimes are committed before they receive more military aid.

If the Andean Drug Initiative is to be effective, it must promote respect for human rights, democratic institutions, and political stability. At this point, additional funding for Peru's police and armed forces pursuant to the anti-narcotics effort would only undercut our long-term goal of preserving civilian control over Peru's fragile democracy and troubled economy.

Holding Peru's security forces accountable for their deplorable human rights record is consistent with the Administration's stated goal of improving human rights conditions throughout the world. We strongly encourage you to recognize that Peru has not met the requirements of the Narcotics Control Act. Before further military aid is provided to Peru, it must demonstrate its respect for fundamental human rights.

Sincerely,

Representative Ted Weiss, Senator Edward Kennedy, Representative Sam Gejdenson, Senator Alan Cranston, Representative Howard Berman, Senator Christopher Dodd, Representative Nancy Pelosi, Senator Paul Simon, Representative Gerry Studds, Senator Brock Adams, Representative Peter Kostmayer, Senator Alan Dixon, Representative Donald Payne, Senator John Kerry, Representative Jim McDermott, Senator Paul Wellstone, Representative John Conyers, Representative Jim Moody, Representative Eliot Engel, Representative James Oberstar, Representative Wayne Owens, Representative Esteban Torres.

A CONGRESSIONAL SALUTE TO RAUL MEDINA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Raul Medina, Worldport LA's "ambassador of the sea." Mr. Medina, a longtime resident of the San Pedro area, will retire after 33 years of service to the city and Port of Los Angeles. This occasion gives me the opportunity to express my deepest appreciation for his many years of community service to us all.

Raul Medina was born and raised in San Pedro, graduating from San Pedro High School as a talented student athlete. He responded to the call of our country in World War II by enlisting in the U.S. Navy. There, he served 3 years as one of the youngest petty officers aboard the USS *Zeilin*, navigating small landing vessels in high-powered ground assaults. He was honorably discharged after receiving commendations and medals of valor for distinguished service.

From his brief stint in the Navy, Mr. Medina never really lost his love of the sea. Raul started his private career as a fisherman in a commercial fishing fleet. From there, he moved to crane operations at the Long Beach Naval Shipyard.

Captain Medina began his 33-year service with the city and Port of Los Angeles as a civilian patrol boat operator, assisting with police surveillance and other law enforcement activities. His skills in piloting a boat combined with his friendly personality led him naturally toward boat tours. He quickly rose to become senior boat operator for the Worldport LA; along the way providing a invaluable host to foreign dignitaries, foreign heads of state, military heroes, international business leaders, and media representatives. He has demonstrated such ability that when the port replaced the aging *Angelena* with a 70-foot vessel, the *Angelena II*, they asked Captain Medina to operate it.

My wife, Lee, joins me in extending our thanks to Captain Medina for this contributions to the port and this community. Worldport LA is losing an extremely valuable personality. We wish Raul, his wife Toni, his children Paul and Adela, and his grandchildren Martin, Christopher, Paul, and Gregory all the best in the years to come.

INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL ADJUSTMENT ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mrs. MINK. Mr. Speaker, I rise today to offer a bill which will amend the Agricultural Adjustment Act by adding Hawaii solo-type papayas to the list of imported goods that must meet the minimum quality standards of domestically produced fruits, vegetables, and specialty crops. This bill is a companion measure to S. 568, introduced by the distinguished senior Senator from Hawaii, Mr. INOUYE.

Hawaii papaya growers take great pride in the quality of their product and have done much to make papayas popular across the Nation. Currently Hawaiian solo-type papayas are subject to the provisions of Marketing Order (7 CFR, part 928) as amended. This order regulates such things as size, quality, and maturity in order to protect the interests of American consumers, and Hawaii papaya growers are pleased to comply so that the best product reaches the market.

These regulations are sound and in keeping with a high regard for consumers in this country. However, imports of similar papayas of inferior quality have prompted American papaya growers to ask that these regulations apply to all such products whether produced domestically or imported.

When quality-conscious Americans purchase papayas they have a right to produce that meets minimum standards. In short, they should be satisfied that their money has been well spent.

Hawaii's papaya growers have no problem with competition in the marketplace since the consumer benefits and they do not seek protectionist legislation because they would love to see more Americans enjoy the flavor and nutrition of quality papayas. This bill seeks only to apply the same rules to all such produce.

I urge my colleagues to join me in supporting this measure.

A TRIBUTE TO DR. HOWARD HOOPLE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. HORTON. Mr. Speaker, today I rise to pay tribute to Dr. Howard "Doc" Hoople who retired from his practice at the Wolcott Medical Center on June 30, 1991, after 42 years of dedicated service. As a family physician, Doc cared for four and five generations of Wayne County families.

As I stated to the local press,

> Howard Hoople is an institution, and an era will end with his retirement. Dr. Howard Hoople has served the Wayne County area with dedication and distinction for many years. This wonderful man is an exemplary doctor who is loved by all. Through the Wolcott Medical Center and the recruitment of Dr. Derek Chan, Howard Hoople has excelled in improving the quality of life for those he has served.

Born in Syracuse in 1923, Dr. Hoople attended Tilpon Preparatory School in New Hampshire, from where he graduated in 1941. Howard continued his education at Syracuse University, going on to the medical school in 1944. He opened his first practice in North Rose, NY, in 1949, when he and his partner, Dr. Robert Stuck, purchased the old Wolcott Hospital. Dr. Hoople dealt with any and every medical problem until the 1960's when new State regulations forced the closing of the Wolcott Hospital in 1967, which then became Doc's private practice.

When Doc's partner left, Doc attempted to bring to the United States, Dr. M.C. Derek Chan. Dr. Chan had studied in England and had extensive contacts with colleagues in Rochester and Syracuse.

However, the immigration quotas from British subjects from Hong Kong were filled for the next 10 years. Dr. Hoople mobilized his local friends and patients to lobby me to introduce a special bill in Congress to allow Dr. Chan to enter the United States. While this process is no longer available due to revised immigration laws, Dr. Chan and his family did arrive in this country by special executive order. Today, Dr. Chan still practices in the Wayne County area and is in close contact with Dr. Hoople.

In 1978, I helped dedicate the Wolcott Medical Center on Lawville Road. This 10,000-square-foot building was built with an economic development grant of $620,000. It houses physicians, x-ray and laboratory services, and a physical therapy facility. Dr. Hoople was instrumental in promoting the building of this outstanding facility which serves Wolcott and the surrounding area.

Dr. Howard Hoople is the epitome of the legendary country doctor of yesteryear. He never refused to treat a patient and took great satisfaction in all aspects of the medical profession. From delivering babies, diagnosing and treating difficult illnesses, and in general putting people back together, Dr. Hoople had dedicated his life to serving his upstate New York community.

I wish him well during his retirement years. Knowing Howard Hoople, working with him on various projects in the Wolcott area, and enjoying the friendship of this wonderful man, have been a privilege and a joy. Thank you, Howard "Doc" Hoople for your loyalty and your caring service to your fellow man. May you and your family experience health and happiness as you enter this new phase of your life.

THE 1991 OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE AWARDS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in saluting the honorees of the 1991 Outstanding Achievement and Community Service Awards of the Anti-Defamation League, Pacific Southwest Medical Division.

Eugene Philip Adashek, M.D., a surgeon, has had three careers simultaneously. In 1946, he was recruited to create the Los Angeles-Orange Counties Regional Blood Program for the American Red Cross and to serve as its medical director, a position he and his brother, William, shared for 30 years. One of the first blood banks the Red Cross established, it grew under Dr. Adashek's direction to become one of the largest in the world.

Teaching has been another focus: From its founding in 1950 until the present, he has served on the clinical faculty of the UCLA Medical School, eventually becoming a full clinical professor of surgery. Much of this time he was also senior attending surgeon at Los Angeles County Harbor General Hospital and an attending surgical staff member at the V.A. Wadsworth General Hospital.

Finally, Dr. Adashek has his private surgical practice; he was affiliated with Cedars-Sinai Medical Center, UCLA Medical Center, and St. John's Hospital.

Dr. Adashek served for many years, at President Kennedy's request, on the Presidential Health Resources Advisory Subcommittee on Blood. Highly regarded by the medical community, he was elected president of the Los Angeles Surgical Society in 1987. In addition to supporting ADL and B'nai B'rith, Dr. Adashek performed surgery as a volunteer for residents of the California Home for the Aged at Reseda for nearly 15 years. Dr. Adashek and his wife, Bert, have two children.

Nathan Barshop, M.D., a surgeon, has had an active practice for 50 years and can point with pride to the part he played in building Sinai Hospital.

A graduate of Baylor University College of Medicine, Dr. Barshop had not been practicing long before he became a major in the Medical Corps of the U.S. Army. During World War II he participated in the Philippine and Bataan campaigns, was captured, and as a prisoner of war spent his time treating patients. For his efforts, he was awarded the Bronze Star and a Presidential Citation with two oak leaf clusters.

Later, he became a member of the teaching staff in surgery at USC Medical School-Los Angeles County General Hospital, where he taught for many years, all the while remaining a practicing surgeon. Dr. Barshop planned the original surgery at Mt. Sinai Hospital and Clinic, where he served for 25 years as chief of surgery and for several years as chief of staff.

Dr. Barshop's compassion for human beings extends beyond his patients to the community. He has long been a supporter of Jewish Federation, B'nai B'rith, ADL, Leo Baeck Temple, and two other organizations that have honored him for his generosity: Bonds for Israel and American Friends of Hebrew University of Jerusalem. In addition, he and his wife established the Nathan and Coe Barshop Foundation. Dr. Barshop and his wife, Coe, have three children and four grandchildren.

Morris Freidin, M.D., who practiced general surgery from 1947 until his retirement in 1988, has enhanced the health and well-being of not only thousands of patients but also numerous follow physicians.

With a bachelor's degree from UCLA, Dr. Freidin studied medicine at USC. Fresh from an internship he spent 4 years during World War II in the U.S. Army Air Force as a surgical resident.

Dr. Freidin completed his internship and residency at Cedars of Lebanon Hospital. Opening a private practice in Los Angeles in 1950, he always maintained close ties to Cedars, and later to Cedars-Sinai Medical Center.

Dr. Freidin has been active in the work of the Los Angeles County Medical Association [LACMA] and highly influential behind the scenes. Through his efforts, for more Jewish physicians have become involved in LACMA.

Dr. Freidin's greatest satisfaction has come from chairing the Committee for the Impaired Physician, a program of the LACMA, chairing a similar program at Cedars-Sinai, the Committee for the Well-Being of Physicians, and serving on the Divesionary Committee of the State Board of Quality Medical Assurance. Through these progressive programs, he helped many physicians who were victims of drug or alcohol addiction.

Dr. Freidin was elected by the California Medical Association to the board of trustees of California Blue Shield. He also served 15 years on a voluntary basis as surgical consultant to Gateways Hospital. Dr. Freidin and his wife, Eleanor, have a daughter.

Dan Golenternek, M.D., a gynecologist and obstetrician, measures his career by the approximately 3,000 babies he has delivered and the rewarding relationships he has built with patients and members of the medical profession.

A native of Texas, Dr. Golenternek received his bachelor's degree and his medical degree at the University of Texas, and completed his residency at Los Angeles County Hospital.

During World War II, he served in the U.S. Army Medical Corps. Captured by the Japanese, he treated patients as a prisoner of war in the Philippine Islands and in Japan from 1942 through 1945 and was later awarded a Bronze Star and a Presidential Citation with two Oak Leaf Clusters. From this experience, he said, he learned "the value of having friends around you—that it could make the difference beteween life and death."

Shortly after the war, Dr. Golenternek resumed his affiliation with Los Angeles County Hospital, from which he eventually retired as senior attending physician emeritus. He affiliated himself with Cedars of Lebanon Hospital, now Cedars-Sinai, where today he is attending physician. And he joined the medical faculty at USC, retiring as clinical professor of obstetrics and gynecology emeritus.

Dr. Golenternek has been a generous member of the Jewish community. A congregant of Temple Isaiah for many years, he has supported ADL; the Hebrew University of Jerusalem, which awarded him its Torch of Learning; and Israel Bonds, which honored him with its David Ben Gurion Award. Dr. Golenternek and his wife, Marion, have two children and two grandchildren.

Mr. Speaker, all of these men richly deserve this recognition. By their deeds they have demonstrated their commitment to making their community a better place in which to live. I ask my colleagues to join with me in honoring these outstanding members of the Los Angeles medical community.

A TRIBUTE TO LT. ANDREA WEBB PHELPS, RECIPIENT OF THE CAPT. WINIFRED QUICK COLLINS AWARD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DUNCAN. Mr. Speaker, the great success our country experienced during Operation Desert Shield/Desert Storm was the result of the hard work by many dedicated and talented Americans. One such person, Lt. Andrea Webb Phelps, was recently recognized for her extraordinary service to her country. I am proud to say that my father nominated Andrea to the U.S. Naval Academy. She most certainly is a great credit to the Second District of Tennessee.

A native of Loudon County in East Tennessee, Lieutenant Phelps was presented with the Winifred Quick Collins Award for leadership.

She dutifully served as an officer aboard the USS *McKee* (AS–41). As the senior female officer aboard, she created many service manuals, assembled precise storekeeping programs, and subsequently served as a combat information center watch officer.

Aside from her work devoted to the USS *McKee*, Lieutenant Phelps successfully implemented the first hazardous waste management program in San Diego.

The valedictorian of her high school in 1981, she continued her education at the U.S. Naval Academy in Annapolis, MD. At the Academy, Lieutenant Phelps graduated 15th in her class of 1,049. She was the top female graduate in that class. She served as a battalion commander at the Academy.

In the future, Lieutenant Phelps intends to earn her law degree at the Marshall-Wythe School of Law of the College of William and Mary in Williamsburg, VA.

I commend Andrea Webb Phelps for her undying service and for her endless pursuit of excellence. Her work serves as a credit to the American spirit and industry.

I ask that an article that appeared in the Knoxville News-Herald be printed in the RECORD.

[From the Knoxville News-Herald, July 1, 1991]

DESERT STORM DUTY HELPS WIN LEADERSHIP AWARD

The job performed by Lt. Andrea Webb Phelps of Loudon as an officer of the Navy and during Operation Desert Storm earned her an "inspirational leadership" award from the U.S. Navy League in May.

The Captain Winifred Quick Collins Award was presented to Mrs. Phelps "for her remarkable and professional contributions" as an officer aboard the submarine tender USS McKee (AS–41) in both her assigned duties as a supply officer and in her collateral duties as an officer of the deck, combat information center watch officer and public affairs officer.

"Lt. Phelps has earned both the aviation supply warfare qualification and the surface supply warfare qualification," the award inscription noted. "A gifted and dynamic leader who has enhanced McKee's supply program, she implemented the first hazardous waste management program in San Diego.

"She developed a money-saving repairables management program, one of the best in the Pacific submarine force. She also developed a tender services manual in preparation for Operation Desert Storm, created a precision storekeeping program and, subsequently, served as a combat information center watch officer. Her leadership has reflected great credit upon herself, the Navy and, in particular, the women who served in leadership roles throughout the maritime services."

"THEY WOULD RATHER DIE" ART EXHIBITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure to recognize an art exhibition entitled "They Would Rather Die" on display at the Opus Gallery in Coral Gables, FL. The exhibition will run from July 19 through August 1, it will display the rafts that were used by men and women to flee the shores of Castro's Cuba.

In addition to the display of rafts, a documentary, and paintings inspired by this issue will also be presented. Since 1959, approximately 17,000 men, women, and children, have escaped from Cuba using these make shift rafts and small boats. Though thousands have reached the shores of freedom in south Florida, many have disappeared at sea. The Cubans who have died at sea will be remembered by a monument, "The Liberty Column," which will be built by the shoreline in downtown Miami next to the Intercontinental Hotel. The memorial will be a permanent testimony of the Cuban's historical odyssey and need to be free.

The documentary "They Would Rather Die" by Mr. Jorge Alea and director of photography, Mr. Adalberto Delgado, uses images and testimonies that reveal the struggles the rafters endure in order to escape the totalitarian regime that reigns in their homeland.

Paintings by acclaimed Cuban artists such as Mr. Juan Abreau-Felippe, Mr. Julio Antonio, Mr. Luis Cruz Azaceta, and Mr. Paul Sierra will also be on display. These paintings expose the ordeal Cubans are suffering and the uncertainty their families are left with once they are at sea.

Mr. Fredric Snitzer, owner and director of Opus Gallery and Diana Torre de Alba, his assistant, are to be commended for the hard work and effort they have invested in this presentation.

NO AID FOR THE SOVIET UNION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. SOLOMON. Mr. Speaker, the United States and the Western World are under no obligation to assist the Soviet Union as long as Mr. Gorbachev clings to the Communist Party as his base of support. There simply is no such thing as reformed communism.

The former Soviet satellites in Eastern and central Europe have learned that Gorbachev refuses to learn—the road to political reform and economic recovery leads away from the Communist Party. Communism has to be thrown overboard before any true reform and rebuilding can take place.

It is these countries that have a moral claim on Western financial and technical assistance. It is the countries of Eastern and central Europe that have undertaken the necessary sacrifices and austerities, and that have kicked the Communists out of power.

Gorbachev's cries for help sound terribly hypocritical as long as the Soviet military-industrial machine keeps running at full steam. His pleas sound awfully hollow as long as he can still scrape my money to send to Castro. And his sweet talk sounds sickeningly false when the Kremlin drags its feet on troop withdrawals from the former satellites and makes dark suggestions about these former satellites remaining in a Soviet sphere of influence.

Gorbachev cannot give a really convincing demonstration of the fact that he is even calling the shots in the Soviet Union. Whenever something bad happens—like a violent crackdown in the Baltics—he disclaims knowledge and responsibility. Who then, is in charge?

Just as the fall of the Berlin Wall signaled an irreversible change in Eastern and central Europe, so the present situation in the Soviet Union calls for a dramatic and symbolic step. Why not remove Lenin's corpse from its mausoleum in Red Square? That corpse is the perfect symbol of what communism has accomplished in the Soviet Union. As long as Gorbachev clings to the vocabulary of Leninism, he doesn't deserve a penny's worth of our aid.

This week's edition of Newsweek magazine makes the case very well:

> After five years of talk, the Soviet economy remains a government-owned-and-operated failure that cannot make good use of its own money, let alone that of foreigners. . . . There are 17 million Communist Party members still on the job who are consciously or unconsciously working to choke off real reform. Until the communists are voted out and real reform happens, the West can't really help Gorbachev beyond advising his reformers and educating Soviet citizens in the techniques of capitalism.

Let's not rush in with premature assistance that the Soviet Union is not prepared to use properly. We should not throw good money after bad.

As much as we would like to help, let's not give in to any Soviet blackmail.

A CONGRESSIONAL TRIBUTE TO GEORGE LOVE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. It is my pleasure to take this opportunity to acknowledge the outstanding achievements of Mr. George Love.

On Wednesday, July 31, 1991, the maritime industry is sponsoring a retirement dinner to recognize the contributions and accomplishment of George Love. The event is intended to pay tribute to his tremendous service and dedication helping keep labor relations between the International Longshoreman's and Warehouseman's Union and the Pacific Maritime Association on an even keel.

Born in Texas, raised in Louisiana, George moved to Long Beach, CA in 1931 as a member of the U.S. Navy. Upon leaving the Navy in 1937 he became involved with the trade unions, first with the Sailor's Union of the Pacific and then the International Longshoreman's and Warehouseman's Union. He served as president of local 13 in 1951, and was elected to serve again in 1955. Becoming a foreman in 1956, he was once again elected president in 1961. The leadership experience and knowledge of the maritime industry gained during his service as president would later serve him well as the industry's area arbitrator.

As a long-time supporter of the maritime industry, I take great pride in joining with George's wife Geri, their five children, Jorja, Laurie, George, Marvin, Robert and all those who will be attending the celebration, to offer the gratitude and respect he so richly deserves.

Mr. Speaker, my wife, Lee, joins me in extending this congressional salute to George Love for his 54 years of devotion to the maritime industry. We wish him the best in the years to come.

INTRODUCTION OF LEGISLATION CLARIFYING TAX TREATMENT OF AMOUNTS RECEIVED FROM THE VACCINE INJURY COMPENSATION TRUST FUND

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to correct an oversight arising from legislation enacted in 1987. The legislation deals with the Vaccine Injury Compensation Trust Fund, and was called to my attention by a constituent. As a matter of fairness and equity, this oversight must be corrected.

Mr. Speaker, as part of the Omnibus Budget Reconciliation Act of 1987, Congress established the Vaccine Injury Compensation Trust Fund, which is funded by an excise tax imposed on certain vaccines. Individuals who are injured as a result of administrations of the vaccine are entitled to recover amounts from the trust fund.

Left unclear from the enactment of the 1987 provision is the tax treatment of amounts received from the trust fund. In my own State of Massachusetts, I am aware of at least one case where a young child was severely injured by the administration of a vaccine and received a payment from the trust fund. The child's parents are now faced with a potentially enormous tax liability, on top of the expenses of caring for a child with severe disabilities—all because Congress didn't address this most fundamental issue in 1987.

I believe that if Congress had focused on this issue, Congress would have clarified that amounts received from the trust fund are excludable from gross income. Such treatment is consistent with other provisions of the Internal Revenue Code which exclude from gross income similar payments. My bill would clarify that amounts received from the Vaccine Injury Compensation Trust Fund are not taxable.

Mr. Speaker, a technical description of my legislation follows:

TECHNICAL DESCRIPTION

PRESENT LAW

The Omnibus Budget Reconciliation Act of 1987 imposed an excise tax on certain taxable vaccines; proceeds from the excise tax are deposited into the Vaccine Injury Compensation Trust Fund. Amounts deposited into the trust fund are payable to individuals for vaccine-related injury or death.

Gross income does not include the amount of any damages received on account of personal injuries or sickness (section 104(a)(2) of the Internal Revenue Code of 1986). Under present law, it is unclear whether payments from the Vaccine Injury Compensation Trust Fund are "damages received on account of personal injuries or sickness" and thus excludable under section 104.

EXPLANATION OF PROPOSAL

The bill clarifies that amounts received from the Vaccine Injury Compensation Trust

Fund are excludable from gross income under section 104.

EFFECTIVE DATE

The provision is effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1987.

IMPRESSIONS OF THE VOTERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 24, 1991 into the CONGRESSIONAL RECORD:

IMPRESSIONS OF THE VOTERS

I am impressed that people think that, although the world may still be a dangerous place, the most urgent threats to American democracy and our national security are now at home. They want the United States to turn inward and shore up its strength. They are persuaded that the U.S. has never been less threatened by foreign forces than it is today. They also believe that not since the Great Depression has the threat to domestic well-being been greater. A broad majority wants the U.S. to shift resources, attitudes, and attention from foreign to domestic concerns.

Every day the headlines seem to be on international affairs, but voters are far more troubled about what is going on at home. They worry about social issues like homelessness, poverty, hunger, health care costs, drugs, pollution, education, and crime. They also worry about the economic issues of unemployment, recession, the federal budget deficity, government spending, and high taxes. I am persuaded that the cadidates for president next year need to give serious attention, not just lip service, to domestic concerns. People think that the quality of our life at home is in serious trouble and needs attention.

Domestic Issues: Americans still give high marks to President Bush but they are also indicating concern, and in many cases pessimism, about the prospects and direction of the country. Many believe that America is on the wrong track. They see the nation slipping and the standard of living declining.

I am impressed with the number of people who speak to me about education even though education is more a state and local responsibility than a federal one. They point out that too many young people leave school without the knowledge or the foundation requred to find and hold a good job.

The voters think that the system of justice is ineffective in coping with crime. They do not have much confidence in the ability of the courts to convict and properly sentence criminals. The police generally get good grades, but the voters' main reaction to crime is simply to say, "Do something." They favor the death penalty and tighter restrictions on guns. Drugs remain a major concern, and there is widespread support for very stiff penalties for drug dealers.

Many voters believe that health care is either the first or second most important national issue. It comes up far more frequently than even the economy, education, or crime in my conversations with voters. People are worried about the high cost of health care. They have open minds about what form of governmental action should be taken, and are willing to consider solutions such as requiring employers to provide health benefits and increasing taxes to fund expanded coverage. Many favor adoption of a Canadian-style system of government-paid health care.

Increasing numbers of voters are worried about family arrangements and particularly about short-changing children. They are very clear that they want a world where children get treated well. I frequently hear that middle and lower income taxpayers should get a break and that benefits should be concentrated more on the parents of young children. There is a strong feeling that college opportunities and job training should be extended to the poor and the middle class alike.

People talk a lot about the importance of the middle class and its values. The word used most often is "responsibility". They dislike welfare and think the government plays down the importance of hard work and self reliance, but they also dislike government that lacks compassion. They want a welfare system designed to assist the really needy by getting them off public assistance and into jobs. People seem to me to be more tolerant and accepting of diversity, but at the same time they want to see a strong dose of good old-fashioned values and civic virtue. The civil rights debate on quotas is seen as evading the most important issues at stake, like jobs and training, in the battle for social and racial justice.

Economy: The people I talk to are not as optimistic as the experts about the economy coming back from the recession. They believe the recession will not end until later this year and they worry that the recovery may be a halting one. They are hesitant about making big purchases and are trying to pay off some of their debt. I hear only limited concern about inflation reigniting.

Their chief economic concern continues to be jobs and the quality of jobs. Many tell me they are working harder than ever but are no better off. They are concerned about the U.S. competitive position in the world. They are upset about other countries putting up barriers to our products and about foreign competitors muscling us out of markets. Most see increased foreign investment in the U.S. as undesirable.

Americans are concerned about fragility in the financial sector, and worry that their pensions may not be secure. They are worried about the long-term impact of the enormous federal budget deficits. They do not like taxes, but if taxes must be raised they think that requiring upper income people to pay more is the way to go. There is a widespread feeling that the gap between the rich and the poor in America is continuing to grow.

Politics: I still find a deep distrust, even disdain, for politics. The problem is less voter apathy than frustration. People just feel that they have been pushed out of the political process. They really do want to participate but they see little room for them. They have a sense of being squeezed out of the system by politicians, special interests, and the media. Many draw a sharp distinction between getting into politics in their own community, which they favor, and politics at the national or state level, which they feel is both beyond their influence and beyond redemption. They feel that as individuals they have little influence on the distant decisionmakers in Washington or Indianapolis. They think politicians do not listen to them and are out of touch with them and their concerns.

In sum, the American political system is in a state of some agitation. People increasingly are concerned about the direction of the country and the quality of life in America. This should leave a politician from either party off balance and uneasy.

BALLARD CHOIR TRIUMPHS IN THE "CITY OF MUSIC"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. MAZZOLI. Mr. Speaker, Monday on the House floor, I told our colleagues of a marvelous achievement by the Ballard High School Concert Choir of Louisville and Jefferson County, KY. Ballard's choir won both a choir award, as well as a State prize for its overall performance in the prestigious Vienna, Austria, International Youth and Music Festival.

On Monday evening, Mr. Speaker, the young men and women of the choir, the choir director, Mr. Perry Puckett, the choir accompanist, Ms. Paula Roberts, and several chaperones landed at Standiford Field, Louisville, to a roaring welcome from family, schoolmates, political and civic leaders.

The choir received well-deserved adulation from the crowd, congratulations from important Government officials—including a congratulatory note and a floor statement from me—and a possible invitation to sing for the President at the White House.

Mr. Speaker, the Louisville and Jefferson County community takes great pride in the accomplishments of the Ballard High School Concert Choir who prevailed in the stiff competition held in the "City of Music".

Mr. Speaker, I wish to include the names of the young men and women who participated in the competition in Vienna. I salute them, their leaders and all those who have contributed to the choir's success.

Sopranos: Tara Anderson ('93), Allison Brown ('93), Jennifer Demarsh ('93), Shelby Gregory ('92), Shea Hallenberg ('93), Jennifer Hellmueller ('93), Nikki Holland ('93), Ashley Holloway ('92), Kimberly Knight ('94), Monica Martinez ('92), Carrie Morrison ('92), Maria Novitsky ('93), Stephanie Peterson ('93), Kelly Temple ('92), Maria Tsataros ('93), Ashley Vines ('93), Jennifer Warren ('93), Janey Wessels ('92).

Altos: Julie Alpert ('92), Carrie Breeko ('92), Bradley Dick ('92), Elizabeth Fleming ('92), Allison Hatmaker ('93), Caroline Hauss ('93), Ashley Hoskins ('93), Jennifer Johnson ('93), Andrea Jones ('91), Kristiana Knight ('92), Tasha Kohlman ('91), Cassie Marrett ('93), Megan Metheny ('92), Janet Parrish ('92), Susan Reed ('92), Anne-Marie Taylor ('91), Sarah Watson ('93), Alison Werner ('92), Susan Wood ('92).

Tenors: Ted Bjorn ('93), Ethan Bond ('92), Eric Fulcher ('93), Kevin Kidd ('91), Eddie Struble ('91), Chad Wilfing ('93), Jack Wilholt ('91).

Basses: Chris Craxton ('92), Todd Fisher ('91), Troy Graybeal ('91), Damon Holland ('91), Adam Jewell ('92), Peter Lovett ('94), Richard Parrott ('91), Jeremy Podgursky ('93), Matt Shane ('92), Chad Spence ('93), Matt Taylor ('92).

THE ROLE OF THE ARTS IN COMMUNITY REVITALIZATION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. WEISS. Mr. Speaker, in this past Sunday's New York Times, there was an excellent article on a "pioneering effort" to resuscitate the economy of an area of Chicago's old downtown. The centerpiece of this effort involves capital of a different sort—the talent of young people.

In what would lie as a vacant lot amidst what was once rundown movie theatres on the west and aging department stores on the east, an innovative company and the city's Department of Cultural Affairs have joined forces to establish an open-air arts education center for teenagers. Beneath tents serving as classrooms, as many as 260 inner-city teenagers come to learn painting, design, ceramics, scultpure, print-making and metal tooling for the summer. Often these works are sold, but, regardless, they are admired.

The project not only creates a great summer activity for talented and enthusiastic inner-city youth, filling them with pride in their artistic accomplishment; it has also bright new economic life and interest to the area and has helped to transform it into a thriving commercial center.

This is but one, innovative way in which the arts play an important role in building a sense of community and neighborhood pride and which, in turn, leads to economic revitalization.

I ask that the New York Times article on this tremendously positive artistic venture for youth and for the community be printed in the RECORD.

CHICAGO JOURNAL—ARTISTS TRY TO RECREATE A GREAT STREET

CHICAGO, July 18.—Under a giant tent in what used to be a vacant three-acre lot in the middle of downtown Chicago, 15-year-old Melvin Roberson is making plaster of Paris masks. They are inspired by the nightmares that roused him as a young child growing up in a tough neighborhood on the city's South Side. One has bloated eyeballs and dead bodies falling from its mouth.

Melvin and 258 other inner-city teen-agers are turning their life experiences into art in a pioneering effort to shoot some economic life into Chicago's old downtown—the city's original retail center before it was eclipsed by the glamor of North Michigan Avenue.

Instead of letting the land lie empty while securing tenants for a two million-square-foot office and retail complex that is planned for the lot on the State Street Mall, the city and the block's owner, FJV Venture, decided to build an open-air arts-education center to give teen-agers like Melvin the chance to create and sell their art.

Each day for six weeks, high school students go to a gravel-floored esthetic oasis named Gallery 37 for the number given the block on city maps. Seven tents serve as classrooms for painting, two-dimensional design, ceramics, sculpture, printmaking and metal tooling.

"We thought about ice-skating rinks and ferris wheels or a mini-golf course," said Lois Weisberg, the city's cultural affairs commissioner. "But the developer and our office wanted to do something meaningful."

The students, who were all recommended by art teachers in the schools, are paid $4.25 an hour for a six-hour day during the summer. And their work is sold to the public upon completion.

"This makes you feel like you're really doing something," said Dujuan Austin, 15.

Flanked by Daley Plaza and City Hall to the west and Michigan Avenue to the east, the mall area, in the city's North Loop, was once a flourishing urban hub. Government, retailing and business were rooted there and in time, grew outward like spokes. But a decade ago, many of the neigborhood's buildings had become decrepit and abandoned.

"State Street was a street of rundown movie theaters on the west and aging department stores on the east," says Michael A. Tobin, project director for FJV Venture, a partnership of two Chicago-based development companies, JMB Realty and Metropolitan Structures, and the Levy Organization, a restaurant management company. "There was no new investment since before the war."

In the last few years, however, the North Loop has seen an aggressive fight against deterioration. Two of the city's big retailers, Marshall Fields and Carson Pirie Scott, have pumped considerable amounts of money into their nearby State Street stores in the hopes of stealing back some of the business lost to Michigan Avenue. And a new player, Boston-based Filene's, will open a store just down State Street from Gallery 37 this fall.

Two blocks north of Gallery 37, Stouffer's Hotels, Chicago Title and Trust and the Leo Burnett Company, among several other corporations, have invested in real estate along the Chicago River within the last few years. "The downtown area is definitely on an upswing," Ms. Weisberg said. "Everybody's betting on it."

Before 1989, when demolition of the block that Gallery 37 now occupies began, about one-third of the buildings on the site were vacant, Mr. Tobin said. Some were abandoned, some were burned down and some still had ground-floor retail shops.

The lot remained empty for about six months before Maggie Daley, the Mayor's wife, proposed the art-program plan. Private and public sponsors contributed money, materials, services and instructors. All told, the project cost about $800,000, though the Department of Cultural Affairs could not say how much of that was city money.

It is hard to predict whether the pilot program will attain its long-term goals: to expose passersby to what some talented low-income teenagers can do and nudge the economy of the neighborhood. The sponsors of the program are hoping it will improve the image of the mall area, thereby fostering more interest among potential developers.

Even if it doesn't, it may at least develop a few promising careers in art.

Dujuan's oil pastel of the Chicago skyline, for example, is selling for $125. And he said he would keep on drawing.

"I never seen this many people doing art before," he said. "People notice you out here, a lot. It makes you feel big."

A CONGRESSIONAL SALUTE TO ROBERT THOMAS WOLFEDEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Robert Thomas Wolfeden, a man who, in the American tradition, worked his way from part-time employee to full owner of a business, and then sought to return something back to the community. On July 25, Mr. Wolfeden will be honored for his year of service as the president of the Wilmington Chamber of Commerce. This occasion gives me the opportunity to recognize his many years of work and service in the Wilmington community.

Mr. Wolfeden started his career in 1968, as many of us do, as a part-time employee. But unlike some people, who remain as employees, he had a drive to learn the complete automotive business and the ambition to work for himself. His hard work and quick learning paid off just 2 years later when he operated his own automotive parts store. His strong business skills are shown by the fact that this shop is still in operation today.

For some, moving from part-time employee to sole operator might be a lifetime's work, but for Mr. Wolfeden, it was just a beginning. He embodies the true American ideal of applying hard work to make something of himself.

When he decided to move his attention from cars to residential and industrial property, Mr. Wolfeden did just as well. He took it upon himself to return to school to get a real estate brokers license in 1977. Starting again as an employee to learn the trade, he moved up the ladder quickly and now owns and operates his own construction company. But this is still not enough, he keeps learning more about his business in order to serve his customers better. In fact, just last year he was granted a general engineering license.

Concurrent with this amazing record of pulling himself up by the bootstraps, Mr. Wolfeden has found the time to give much back to his community. He has served in such diverse community enhancing organizations as the South Torrance Lions Club, Wilmington Boys and Girls Club, Harbor Interfaith Shelter, and Councilwoman Joan Milke Flores' citizen advisory committee, and of course, his recent term at the Wilmington Chamber of Commerce. Because he is stepping down as president does not mean he will turn away from community service; he has merely exchanged hats to become the new treasurer of the Wilmington Rotary Club.

My wife, Lee, joins me in extending our thanks for Robert Wolfeden's contributions to the community. He is truly a remarkable individual who has devoted his talents and energies in pursuit of the American dream and to the cultivation of the Wilmington community. We wish Robert, his wife Janet, and their children, including their new born Elisabeth, all the best in the years to come.

VOICE OF DEMOCRACY AWARD-WINNING SPEECH

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. BOUCHER. Mr. Speaker, I am pleased to call your attention to an award-winning speech delivered by one of my constituents, Ms. Tracey M. Hoffman, as an entry in the

Veterans of Foreign Wars' annual Voice of Democracy scriptwriting contest. Ms. Hoffman of Galax, VA, was this year's State winner. Her oration demonstrates the pride she feels in democracy, the trust she places in freedom, and the devotion she has for her country.

I would like to take this opportunity to share Ms. Hoffman's speech with my colleagues and the American people. Her speech reads:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Tracy M. Hoffman)

With my keen eyesight, I watch over the United States of America * * * that land of the proud, the land of the free, the land ruled by a system of democracy, government of the people, by the people, for the people.

In my right talon, I hold an olive branch of thirteen leaves and thirteen olives. In my left talon, I hold thirteen arrows. These symbolize the honor of our country. They stand for peace throughout the nation, but call upon the whole world to realize that the American people will stand to defend their rights, their beliefs, and their values at a call of war.

If I, the eagle on the Great Seal of the United States, were to fly out of an oval office window today and soar high over this proud nation, I would see all aspects of life in this age. I would see the poor, the homeless, the tired and the weary, the murderers, and the drug abusers, but I would also see the equality that these human beings are given in society. Each and every citizen, regardless of their sex, race, religion, or social standing, is given by our democratic government, the right to freedom of speech, freedom of press, and freedom of religion.

With my eyes, I would see a country full of ideas and programs preventing the destruction of the world. I would see people helping others to rebuild neighborhoods . . . making them better and safer for the next generation. I would see crisis centers established for the addicts and I would see open, caring arms to the homeless and the needy.

In 1776, the people of this nation declared their independence from England, giving us our democracy. The English writer, Shakespeare's Hamlet, equates death with being the equalizer for all mankind. Democracy, today, is the equalizer for all mankind in life.

Democracy gives the people of the United States of America the freedom of learning and assurance of opportunities that help to make the most out of abilities and knowledge. It is, in this sense, that democracy is the vanguard of freedom. Democracy is the driving force behind America's freedom to life, liberty, and the pursuit of happiness.

In by beak, I carry a scroll. On this scroll, I am proud to have this Latin phrase: "E Pluribus Unum" * * * one out of many. Democracy has built one nation out of many states.

As I fly over conflict stricken areas, I see the men and women in the Armed Forces that are serving their country. My chest swells with pride as those on the ground look up and realize that I am an eagle, a symbol of their unified country.

As I soar over mountains and valleys, I exclaim in what only my specie understands, but everyone know in their hearts * * * I am one of many of the United States of America's vanguards of freedom. I am a symbol of democracy.

Mr. Speaker, I am sure you will agree that this is a fine example of patriotism, and I have confidence that her words foreshadow the outstanding contributions she will make to this country.

THE TOXIC CLEANUP EQUITY ACCELERATION ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. TORRICELLI. Mr. Speaker, our Nation's cities and towns are currently under siege because of an unintended consequence of the Superfund statute. Lawsuits pending or threatened in a dozen States would force individual citizens, through their local governments, to pay huge settlements simply for sending regular household waste to their town's landfill. These lawsuits are the result of a devious campaign by industrial polluters to delay hazardous waste cleanups and shift the financial burden to local taxpayers and small business owners. Even though they may be defeated in the courts, they cost hundreds of thousands of dollars to defend and pose an insurmountable financial burden for many cash-starved cities and towns.

Today, Representative DAVID DREIER, and I, along with Representatives ATKINS, GALLO, HUNTER, MARTINEZ, MOORHEAD, SHAYS, SKAGGS, TORRES, and WELDON, are introducing the Toxic Cleanup Equity and Acceleration Act of 1991 to address this problem. This bill is designed to fine-tune the Superfund statute to block opportunistic lawsuits by large corporate polluters against cities and towns, small businesses and even such entities as the Girl Scouts of America, all of whom have been sued for their alleged contribution to a Superfund site solely because they transported or generated regular household garbage. What this bill does not do is alter the central notion of Superfund that it is the polluter who shall pay the price of hazardous waste cleanups.

In a provision adopted in 1986, the Superfund statute allows polluters named by EPA to bring contribution lawsuits against other polluters for help in paying cleanup costs. The intention was to equitably spread the cleanup costs among all persons who legitimately contributed to environmental contamination at a site. However, corporate polluters have used this provision to launch so-called third-party lawsuits against hundreds of local governments and small businesses across the country on the basis that these entities contributed household garbage or sewage sludge to a Superfund site.

While household garbage or sewage sludge can contain hazardous substances such as nail polish remover and paint thinner, studies show that such substances only account for about one-half of 1 percent of municipal solid waste. It is clearly ridiculous, therefore, to require local governments to pay the same to clean up a ton of garbage as a Fortune 500 chemical company pays to clean up a ton of concentrated toxic chemicals.

These suits have three ideas behind them. First, corporate polluters have identified local governments as having deep pockets, and they hope to use local government tax dollars as a means of defraying their own costs in multimillion dollar cleanup suits. Second, these polluters hope to delay cleanups as long as possible as numerous lawsuits make their way through the courts. Finally, they hope that by launching as many frivolous lawsuits against as many innocent parties as possible, they will be able to build a groundswell of support for overturning the entire Superfund statute. It is this scheme that we must fight to prevent, and it is this scheme that our legislation would rebuff by solving a legitimate problem with the Superfund statute while maintaining the overall sanctity of the polluter pays principle.

Specifically, the Toxic Cleanup Equity and Acceleration Act would block third party suits over ordinary garbage and sewage sludge. It would, however, preserve EPA's ability to bring suit against municipalities by codifying the agency's current policy, which allows such suits under exceptional circumstances. In those instances when a municipality is sued by EPA, it also allows the municipality to request a settlement with EPA that is expected to take place within 120 days. This time limitation would prevent lengthy cleanup delays and exorbitant legal fees. The bill would apply retroactively to pending or anticipated litigation, unless there has already been a final court decision ending the case.

EPA recently announced that it will develop a policy that will enable it to use its settlement authority to settle with local governments who have been sued in third-party suits over municipal waste. While this action is commendable, I believe that it is no substitute for legislation. EPA is struggling to solve this obvious problem, but it is limited by statutory language that allows such suits to occur. In order to truly address this problem, we need to change the law to clarify congressional intent that generators and transporters of municipal waste should not be subjected to frivolous lawsuits for those actions under Superfund. It is also necessary to ease our cities and towns from the costly burdens of these lawsuits now, rather than to merely commit to doing so at some time in the future.

Mr. Speaker, although Superfund is not up for reathorization until 1995, we cannot wait that long to plug this dangerous loophole, which is being used to delay enforcement and call into question the overall effectiveness of the Superfund statute. We must remember that no one in Congress ever intended to hold our citizens liable under Superfund for millions of dollars of cleanup costs simply for sending their household trash to the dump. The Toxic Cleanup Equity and Acceleration Act will clarify the intent of Congress, and it will protect the Superfund statute from the board-based assault that is sure to come from those who wish to overturn it entirely. A section-by-section analysis of the bill follows this statement. I urge my colleagues to lend it their support.

SECTION-BY-SECTION ANALYSIS OF THE TOXIC CLEANUP EQUITY AND ACCELERATION ACT OF 1991

SECTIONS 1 AND 2—SHORT TITLE AND CONGRESSIONAL FINDINGS

The short title of the legislation is the "Toxic Cleanup Equity and Acceleration Act of 1991" (TCEAA). The legislation contains amendments to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601 *et seq.* Any reference to "CERCLA" or "Superfund" should be construed as a reference to that act. The purpose of the TCEAA is to protect citizens, municipalities, and other generators and transporters of municipal solid waste and sewage sludge from lawsuits equating these substances with industrial hazardous wastes. The TCEAA will reaffirm the basic Superfund philosophy of requiring the polluter to pay for the cost of cleaning up the nation's old toxic waste sites.

SECTION 3—AMENDMENTS TO CERCLA DEFINITIONS

This section adds three definitions to CERCLA. The section does not alter any existing definitions under CERCLA and thus, for example, continues to define "person" as virtually any public or private entity or natural person, including federal, state, and local governments.

The section defines "municipal solid waste" (MSW) as including all waste materials generated by households and office buildings, as well as waste from other sources when it is similar to household waste. The definition also includes small amounts of hazardous waste that can legally become part of the municipal waste stream under the Resource Conservation and Recovery Act, 42 U.S.C. §6921(d). The term includes all constituent components of MSW, even though some of them might be deemed hazardous substances under CERCLA when they exist apart from MSW. The term does not include incinerator ash.

The section defines "sewage sludge" as essentially any residue removed during the treatment of waste water at a publicly-owned treatment works.

The section defines "municipality" to be any political subdivision of a state and includes individuals who act in an official capacity on behalf of a municipality.

SECTION 4—THIRD-PARTY SUITS FOR MSW OR SEWAGE SLUDGE

Under CERCLA, "potentially responsible parties" (PRPs) who have been notified by EPA that they may be liable for cleanup costs have the right to sue other parties who may also be responsible for the hazardous waste site. Such "third-party" or "contribution" suits provide PRPs a mechanism for making other polluters share the cleanup costs.

This section modifies CERCLA to prevent third-party contribution suits against municipalities or other persons if their only actions were related to the generation or transportation of MSW or sewage sludge. As used herein, "generation" or "generators" is meant to refer to actions or persons described by section 107(a)(3) of CERCLA and may include arranging for the transportation, treatment, or disposal of hazardous substances. "Transportation" or "transporters" is meant to refer to actions or persons described by section 107(a)(4). If municipalities owned or operated a facility, or generated or transported waste materials that do not meet the definitions of municipal solid waste and sewage sludge, the block on third-party suits does not apply.

This section also codifies EPA's Interim Municipal Settlement Policy, 54 Fed. Reg. 51071 (1989). It states that the President must not sue municipalities or other persons who merely generated or transported MSW or sewage sludge, unless "truly exceptional circumstances" exist. These circumstances exist when the President has reliable evidence from a particular site that hazardous substances have been released that are not ordinarily found in MSW or sewage sludge *and* that those substances have come from commercial, institutional, or industrial processes, not households. Truly exceptional circumstances also exist when the toxicity and volume of waste from commercial, institutional, and industrial sources is insignificant compared with the toxicity and volume of the MSW or sewage sludge, or when absent all the hazardous substances from commercial, institutional, and industrial sources, the hazardous substances from municipal solid waste or sewage sludge would be a significant cause of the contamination requiring the cleanup. When non-household trash at a site is alleged to be similar to ordinary household garbage, the President may require that the generators or transporters of the trash bear the burden of proving that similarity.

The section identifies two specific situations that can never amount to truly exceptional circumstances. First, when MSW or sewage sludge have been contaminated with hazardous substances at a waste transfer station, the generator or transporter of the original MSW or sewage sludge is not held responsible for the subsequent contamination (unless the generator or transporter also owned or operated the waste transfer station). Second, when sewage sludge has been approved by the President for "beneficial reuse" such as fertilizer, or would have so qualified at the time of disposal, such sludge cannot be the basis for the President bringing a lawsuit under Superfund.

The section defines one situation in which a municipality will not be liable under Superfund for exercising its regulatory power: when it owns a public right-of-way, such as a road or sewage pipeline, over which hazardous substances are transported.

SECTION 5—SETTLEMENTS

The section creates a special settlement opportunity for municipal generators and transporters of MSW and sewage sludge.

When a municipality is notified by any person that it may be sued for generating or transporting MSW or sewage sludge, the section permits the municipality to request the President to enter into a settlement for all or part of the municipality's potential liability. The section requires that the settlement must be reached within 120 days, unless specific conditions are met.

Once the municipality requests a settlement, a moratorium on administrative or judicial action against the municipality begins, and it continues until a negotiated settlement is reached or until the President publishes an explanation of why a settlement cannot be reached. A municipality may ask a federal district court to review the President's decision denying the request for settlement.

The section provides for only three acceptable reasons for failing to settle: the municipality refuses to pay according to specific cost allocation criteria (see next paragraph), the municipality refuses to agree to settlement terms routinely required by the President in settlement with parties who bear insignificant responsibility for sites, or there is insufficient information to allocate costs. If the President believes there is insufficient information, the moratorium is extended until enough information is obtained, but a completed remedial investigation/feasibility study (RI/FS) is deemed to provide sufficient information, at least for the portion of the site studied in the RI/FS. Also, if the President has settled with another party (other than a de minimis party), it is presumed that he has enough information to settle with the municipality regarding matters addressed in the prior settlement.

The section requires a municipality to pay for costs based on the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste. MSW and sewage sludge are assumed to contain no more than one-half of one percent (0.5%) constituent hazardous substances unless the President obtains reliable site-specific evidence to the contrary.

The section also requires the President to limit the amount a municipality must pay if payments would force a municipality to dissolve, to declare bankruptcy, or to default on its debt obligations. A municipality can settle under this section even if it may face other liability for acts unrelated to its role as a generator or transporter of MSW or sewage sludge (although the settlement can ignore such other liability).

The section states that the settlement, which can take the form of a consent decree or administrative order, must include both a promise from the President (unless contrary to the public interest) not to sue the municipality again and protection from contribution suits or other claims under Superfund for matters addressed in the settlement.

The section provides that in the settlement the President cannot reserve any rights for further relief that he does not ordinarily reserve in settlements with parties who bear insignificant responsibility for sites. The President also cannot ask a municipality to indemnify the United States or require a municipality to violate laws about meeting its fiscal obligations. Finally, the President must encourage municipalities to contribute services instead of money and to make delayed payments or payments over time.

SECTION 6—PRELIMINARY ALLOCATION OF RESPONSIBILITY

This section provides that at the request of a municipality, the President must prepare a nonbinding preliminary allocation of responsibility, unless doing so would be contrary to the public interest. In such allocations, the volume of MSW and sewage sludge must refer to the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste.

SECTION 7—RETROACTIVITY

This section provides that the TCEAA applies to all administrative of judicial actions that begin before the effective date of the TCEAA, unless a final court judgment has been rendered or a court-approved settlement agreement has been reached.

A TRIBUTE TO THE RECIPIENTS OF THE BLACK FAMILY ACHIEVEMENT AWARDS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DUNCAN. Mr. Speaker, I would like to commend the Delta Sigma Theta sorority of Knoxville for its creation of the Black Family Achievement Awards. Furthermore, I would like to recognize my constituents who have received these awards.

The Black Family Achievement Award consists of three categories: the Ebony Pyramid, for the significant accomplishments of the single-parent family; the Silver Pyramid honors married couples of 10 to 25 years; and the Golden Pyramid signifying family achievements with 25 years of marriage or more.

The recipients of this year's Ebony Pyramid Awards are Clara Harris, Brendalyn Harris, and Pauline S. Cowan.

The Silver Pyramids were awarded to Harold and Sandra Spencer, Jonald and Alberta Jones, and James and Sherburne Martin.

William and Ruth Cowan, Dr. Robert and Edwina Harvey, and Dr. Marcia and Herbert Donaldson were presented with the Golden Pyramid Awards.

I would like to congratulate these people for their outstanding family achievements, because the family institution is what has made America such a great Nation.

Mr. Speaker, these families are what make up the backbone of our wonderful Nation, and I would like to acknowledge them for their successes and for what they represent.

I am inserting an article that appeared in the Knoxville News-Sentinel in the RECORD.

[The Knoxville News-Sentinel, May 19, 1991]

THE BLACK FAMILY ACHIEVEMENT AWARDS

Delta Sigma Theta sorority will have the third biennial Black Family Achievement Awards at 10 a.m. June 8 in the ballroom at the Hyatt Regency.

The awards were first presented in Knoxville in 1987 after a local sorority member picked up the challenge made by former national DST president Dorothy Height to counter negative media images of black families.

Three families are chosen in three categories, and a winner to be announced on June 8 will be selected from each of the three by a panel of judges:

The Golden Pyramid award honors a black couple married 25 years or more whose children have become successful in career and family life.

The Silver Pyramid award honors a couple married for 10 to 25 years who have created an atmosphere of success and achievement for their children.

The Ebony Pyramid award honors the accomplishments of a single-parent family.

GOLD

(By Barbara Aston-Wash)

It took a lot of heads—especially her own—to get Ruth Cowan through college. Six years out of high school, she began classes at Knoxville College, financing her way by working as a beautician. That meant doing plenty of hair.

"It took me 20 years to get my first degree, and then I got two more—one from a college in Denver and a special-education degree from the University of Tennessee," says Cowan, 72, who retired from teaching at Austin-East High School in 1983.

Meanwhile, her husband, William, 77, was working for the railroad, from which he is now retired.

Through the years, children—theirs and those they've treated as if they were—have spiced the lives of the couple.

Though they are now great-grandparents, their home at 200 Somerset Circle in Morningside is still filled with teenagers: Tatinytia Cowan, 17 this month; her brothers, Michael, 16 in June, and Reginald, who's 13; and an assortment of their friends.

The Cowans have been the children's guardians for 13 years.

The Cowans' natural son, Dmitri, is father of two daughters: Martini, a student at Knoxville College, and Darlene, a senior at Austin-East.

The Cowans' adopted daughter, Mary McClain, is mother of five. When Mary's daughter Aurora Lowery was sent to England with the Air Force, the Cowans helped care for her baby, Deserae, making three generations of children the Cowans have helped bring up.

Mary's sons Dmitri and Anthony are also in the Air Force, and son Sylvester is in the Navy. Daughter Sylvia attends Middle Tennessee State University in Murfreesboro.

Now that they are retired, the Cowans are busier than ever. She says she's a sports nut; she particularly loves to bowl and has been in two national tournaments. He likes working in the yard. In the evening they read and watch television.

At First AME Zion Church, he is treasurer of the steward board; she serves as vice president of the stewardess board and a deaconess.

She looks back to the children she's taught and says there is a difference in students today—in discipline, especially. "We need to go back into our homes, our churches, for basic teachings—not leave it to the public to lead our children. It is a poor image for the family and our country."

Dr. Robert and Edwina Harvey met when both were Knoxville College students.

She was majoring in English, and he was studying higher mathematics.

"There were probably 300 students on campus at the time we attended," Edwina Harvey, 66, estimates. "Only three or four students had cars. Today, there are more than 1,100 students and almost all have cars. A sign of the times, I guess."

Harvey remembers that students then were very serious about education. "Our lives were centered on campus, though we had no student union building. Everything took place in the gymnasium that was cultural or fun, and the more serious events, Christmas presentations and student recitals took place in McMillan Chapel. Now there's the wonderful Colston Center for the Performing Arts.

"Robert and I just drifted together at school and have been drifting along together ever since."

The Harveys have done more than drift. They were married 47 years ago come June 3 in Alexandria, La., where he was stationed during World War II, en route to Europe. She came home to Knoxville to stay with her parents until he was discharged.

After the service he went to Columbia University and the University of Rochester for his graduate degrees, and they came back to Knoxville in 1951 for him to teach at Knoxville College.

The Harveys brought up three children: daughter Sharon Carswell, now living in Decatur, Ala.; a son, Brian Harvey of Arlington, Va., father of two sons, Jason, 20 and Robert Benjamin, 7; and daughter Denise Harvey Roberson, who lives in New Orleans.

At 68, though officially retired, Dr. Harvey is a volunteer teacher in higher mathematics at Knoxville College; president of Northside Kiwanis; a faculty adviser for Knoxville College's Circle K; and a member of Eastside YMCA, the Kidney Foundation Board and the board of the Knoxville Symphony Orchestra. He still has time to grow vegetables while his wife grows flowers.

At 66, she is retired from 26 years as a school clerk at several Knoxville city schools. She is involved in the Senior Citizens Home Assistance Services, is a member of the Helen Ross McNabb Foundation Board and assists the nurse at the John T. O'Connor Senior Center, where she is a member of the Singing Seniors.

Though the cookie mongers at her house have grown up, Edwina Harvey still enjoys baking, and she keeps a caring eye on her father, Ulysses Powell, a retired elementary school principal, who at 97 lives alone.

Dr. Marcia and Herbert Donaldson have spent a lifetime involved in public work—public education for her, public safety for him.

"Herbert got the Silver Medallion Award in 1988 when he retired at 62 from TVA's department of public safety. The award was 'for outstanding contribution of unusual value,'" Marcia, 56, his bride of 36 years, says proudly. "Now he spends his time manicuring the lawn, delivering meals to the sick and shut-in, and helping people who cannot help themselves. He is a humanitarian."

Dr. Donaldson, who is with the Knox County Department of Public Instruction as a supervisor of elementary education and coordinator of the effective schools program, has been involved in education on two levels—personal and professional. She is an adjunct professor at Knoxville College, Maryville College and UT.

She and her husband brought up two artistic children: a son Herbert Jr., who plays bass, guitar, drums and trumpet, in addition to painting; and a daughter, Cora Annice Donaldson, an accomplished dancer of ballet, modern, tap and jazz, which she teaches as head of the dance department at Knoxville College, who also plays flute and piano.

Herbert Jr., a divorced father of two, recently came back to Knoxville from Chicago and is employed at Fort Sanders Regional Medical Center.

During the children's growing-up years, Marcia Donaldson, a graduate of Knoxville College who received her masters and doctorate degrees in education from UT, saw to the cultural addition to their education.

I'm a great appreciator of the arts. My father and great-grandmother tuned the radio to the Metropolitan Opera on Saturday when I was a child, and we listened together. It helped me develop a love of music and the arts. I count it my good fortune to have grown up in an extended family with grandmother and great-grandmother to nurture me.

She is a communicator—for the family clan and for the community, serving on the boards of the Beck Cultural Center, Project Excel and the Children's Center. Donaldson's a member of the National Education Association, the Association of Supervision and Curriculum, and Phi Delta Kappa.

"With so many dysfunctional families today, the task is difficult, yet not impossible. We must believe that all children can learn, regardless of circumstance, and must find and take advantage of the most teachable moments."

SILVER

(By Sibyl Jefferson)

If report cards were given on parents, Sandra Spencer feels certain her sons would give her and her husband passing grades. "In fact, we ask them occasionally if they like us, and they say they do," Spencer says jokingly. "They say we're doing OK as parents."

While that grade is important to the Spencers, she says what's perhaps more important is the impact she and husband Harold have in the boys' development.

"There are too many outside influences today," says Sandra Spencer. "It's important that family members show that they care about each other. That's why we let the boys know they are good kids and that they're turning out OK."

Married 15 years Harold and Sandra both are from West Virginia. They've lived in Knoxville since getting married, "so we feel like this is home," Sandra Spencer says.

"We have a strong philosophy of family support, and we've been there if any of our family needed something," Sandra Spencer says. "We strongly support our children, although we make them realize they have to work for things in life because that builds character."

As evidence, Harold Jr., 14, has some jobs cutting grass in their West Knoxville neighborhood. Brother Richard, 13, isn't far behind, scouting for grass-cutting jobs as well.

Both boys play basketball, baseball and the piano.

"We taught them from day one that they had to do their homework before they could play or watch television," Sandra Spencer says. That's a priority in their lives now."

Harold Sr., 36, is an engineer, formerly with TVA. He coaches Little League baseball, is a second-degree black belt karate teacher, works outdoors and enjoys working with cars.

Sandra, 35, is employed by Home Federal Bank downtown. She enjoys sewing for wedding parties, directing weddings and reading romance novels.

"The only thing I can say is that we try to lead by example. We also have found that you can't just tell a child to do something, you have to explain. When you do that, they can better accept any kind of rules or limitations you have to place on them."

Alberta Jones says she and her family are "just ordinary people."

"Everybody is special. Ordinary people are special, too. I hope we can make an impact on someone," says Jones.

The Joneses have two children, Jonald Jr., 11, who they call "Jay," and 7-year-old Ashley.

"I don't think we're different from other families," Jones says. "Maybe we're a lot closer," something both she and her husband strive to achieve.

Alberta and Jonald, both 36, are both from broken homes but were reared by ministers—she by her grandfather and he by his stepfather.

"We struggle to keep our family together," Jones says. "We don't compromise. We stay together because we love each other."

The West Knoxville couple have been married 11 years. Both work for KUB.

"I try to teach my children that there's nothing too hard for them to do or to accomplish. Nothing is out of reach for them. They also are taught to have respect for others by treating people the way they want to be treated themselves.

"We just felt we wanted to raise our children right—in the right atmosphere and environment," Jones continues. "For one thing, we never go to bed without saying, 'I love you.' Kids need to hear it, and parents need to hear it, too.

"And don't just say it with your mouths. Show it," she adds.

The Joneses are members of the Biblical House of God. She chairs the pastor's care committee, heads children's church and is state secretary for the Biblical House of God.

Her husband is a trustee, a member of the bus committee and past chair for the annual men and women's day activities.

"What we want people to see is that there is some good in us," says Jones. "I try to live the life that I talk about."

Sherburne and James Martin always wanted six children.

She gave birth to five and miscarried another.

"We always say that William is that sixth child we never had," says Sherburne Martin, referring to the nephew the Martins are rearing.

The Northwest Knoxville couple have been married 16 years.

Aside from William, their children are Kenyatta, 15; Binta Naima, 13, Kieruka, 11; John, 8; and James Aaron, 5.

"I've always loved children," says Sherburne Martin. "I'm the middle of two brothers. Before I ever went off to college I used to dream of owning an early-child-hood-development center. I really get a joy out of kids, especially those from birth to 24 months old."

The closest Martin got to that dream was rearing her own children and those she has kept in her home for a time. Over the course of eight years, she kept 19 children on and off, she says.

At 39, Martin says her children are a subject she never tires of. James 40, also loves children.

"When we used to live in an apartment, the kids—those with and without fathers at home—would knock on our door to ask James to fix their bicycles," Sherburne Martin says.

Although they both have jobs outside the home—James as a maintenance coordinator for Dixie Cement Co. and Sherburne as a senior regional manager with Primerica Financial Services, the Martins have tried to instill a sense of family and values in all of their children.

"We have always tried to keep our priorities in order: God first, family second and business third," says Sherburne Martin.

"To some people it may sound silly, but we try to begin each day by kneeling beside the bed and praying openly together. Of course, there are days we get up late and have to scramble to get ready. Then we may not get to. But we try to pray together to strengthen each other and to strengthen the children."

The Martins both grew up in Lonsdale. She graduated from Tennessee Technological University in Cookeville, while he graduated from Knoxville College. During a Christmas break from college they started dating and later married.

Because the Martins seek to instill positive attitudes in their children, Sherburne feels confident the kids will achieve the goals each has set. Among those are concert pianist, engineer, surgeon and politician.

The latter comes from John, who wonders why Jesse Jackson continues to run for U.S. president. " 'I need to make him aware that I'm going to be the first black president of this country. And Mama, I hope the Lord lets you live to see it.'" Sherburne Martin recalls him saying.

Martin says the state of today's families concerns her.

"Husbands and wives barely make it five to 10 years. If they have children, they let things break down. One thing James and I remind each other is that we said 'until death do us part.' That's exactly what we intend for it to be."

EBONY

(By Don Williams)

Clara Harris was at work that winter's day in 1965 when she learned that her husband, Harry, had had a heart attack while trying to push his stalled car out of a snowbank.

About two months later he had another one and was dead at age 43, leaving Clara Harris with five children, ranging from 9 months to 13 years old.

"After he passed away, I just got me two jobs and started working night and day and put my children through high school and college," says Harris.

For 36 years, Harris worked as a cook for city schools by day, mostly at Central and West high schools. She retired in 1987.

She worked part time at the University of Tennessee Medical Center in the X-ray division.

Harry Harris, a Navy man who later worked at UT Medical Center also, would be proud of her efforts.

"I always have tried to live the best I could and trust in the Lord," his widow says. "I tried to be associated with people who were concerned about me."

For example, Harris, 67, is a member of the senior choir at First Baptist Church of Roseberry City.

Her children have made her proud by their careers and families, Harris says. All attended the University of Tennessee.

Her daughter Larrissa Henderson, 39, is the assistant principal at Beaumont Elementary School. She has two children.

Harriett Martin, 38, a registered nurse, is a dialysis supervisor at St. Mary's Medical Center. She has one child.

Harry C. Harris Jr., 32, is in management at Martin Marietta Energy Systems. He has two children.

Vanessa Walton, 30, is a computer operator at Martin Marietta. She has three children.

Eric Harris, 26, is a deli clerk at Kroger. He is single.

"They've done pretty good by the help of the good Lord," says Harris. "I'm proud of them."

With two small children, facing an uncertain future, Brendalyn Harris looked with some trepidation upon the future 14 years ago.

Now, at 42, she looks back on a span of time that confirmed her brightest hopes and dashed her worst fears.

Harris' family consists of a daughter, Kimberly, 22, and a son, Brandon, 21.

Kimberly is working toward a degree in mechanical engineering at Tennessee Technological University. Brandon's in criminal justice and psychology at East Tennessee State University.

Both graduated from Karns High School. Both are single.

Brendalyn Harris has spent 15 years teaching English in county schools, most recently at Rule High School.

"I have no idea where I'll be in a few weeks," she says, referring to the latest round of school closings and classroom shufflings.

It isn't the first time she has faced the unknown. Following a "painful but inevitable" divorce, she forged a support network for her children.

"I got them involved in Little League sports, dance, scouting. My son continued his participation in sports through high school—football, basketball, track. My daughter was in modern dance for about nine years."

Still, the family managed to remain active in New Vision Church of God, where Harris "facilities" a women's Sunday school class and helps coordinate an adult-education program.

Harris looks back on years that have flowed by surprisingly easily, she says, in part because of constant support from her girlhood family in Atlanta, who have remained in touch through the years.

"I didn't see too many things as obstacles," says Harris. "After the divorce, I was just determined I could make it. It was difficult being three or four places at a time, but we made it.

"I have a firm belief in God and in prayer, and I just believe we've been blessed in that way. We've been able to hold on. I've not experienced any difficulty with my children as far as getting on the wrong track. I try to instill positive values to contribute to their becoming strong adults."

When Pauline S. Cowan was left alone with three sons to rear, she had a reserve to fall back on.

"My mom, Iva Sheeley, who is 78, taught me all I needed to know—how to believe in God, to be strong, that I could overcome anything. And I did, really. I know God has been my mainstay. If it wasn't for him, I couldn't have done as much as I've done."

What Pauline Cowan, 47, has done is considerable.

She has seen three sons grow up to be responsible adults in an ever more complicated world, while she held down a job and remained active in her community.

Of her accomplishments, she is most proud of her sons.

Walter Cowan, 28, a graduate of the University of Tennessee at Chattanooga, is an accounts manager for Integra Tech, a financial corporation in Atlanta.

Patrick Cowan, 27, is chief chef and an assistant manager for Ruby Tuesday restaurant and chef for Applebee's restaurant. After high school he joined the Army, where he excelled, achieving the rank of first sergeant in just three years.

Kevin Cowan, 23, a graduate of Morehouse College, is a staff writer at The News-Sentinel.

"I've been divorced since my oldest was 7," says Pauline Cowan. "It hasn't always been easy. I think when I first began to put my sons through college was the hardest part. The financial part."

Still, the young men pulled their weight in part by winning scholarships. It wasn't enough. Cowan's salary was strained.

"I have been working since Kevin was 3," says Cowan. "I started as an aide with Headstart, worked with them for seven years, then applied for a job at KCDC. That's where I am now. I became an assistant teacher when I started with them. After taking some courses I moved up to supervisor, then teacher, so I've been with them now for 20 years."

Despite all her responsibilities, she has remained active in the community as a member of Citizens for a Better Community in the Mechanicsville area. She has been a member of Centertown Missionary Baptist Church on Millertown Pike since age 16.

She sings in the choir and is youth director.

About the nomination for a Black Family Achievement Ebony Award, she has this to say:

"I was really surprised, and then, after talking to my sons, they said I deserve it."

FREDDIE MAC AND CAPITAL RESERVES

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. GRADISON. Mr. Speaker, I have long been concerned about the explosive growth in the contingent liabilities amassed by Government sponsored enterprises [GSE's] and the financial risk to the Federal Government that they represent. For too long, there has been little or no meaningful oversight of GSE activities either by the Congress or the executive branch.

The political and economic dynamics that tolerated such laissez-faire oversight have happily begun to change. In 1989, I joined with Representative PICKLE in an effort to require, as part of the Financial Institutions Reform, Recovery, and Enforcement Act, studies of GSE operations and associated risks. I was pleased with the results of those and other studies that have examined this question. I am particularly pleased that the administration has placed considerable emphasis on dealing with this problem. For example, the Department of Housing and Urban Development has recently exercised its long standing authority and discretion under current law to exert the appropriate regulatory authority over the Federal National Mortgage Corporation [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac]. The committees of this House have also undertaken a serious examination of GSE's.

Nevertheless, in some quarters, considerable resistance to additional oversight, regulation, and financial requirements for GSE's remains. This is particularly true for the two largest GSE's—Fannie Mae and Freddie Mac. Any suggestion that capital requirements for either GSE be increased has met with fierce opposition. However, given the size of the implicit Federal guarantee of their securities and the economic effects of these two "800-pound gorillas" in the marketplace, the capital inadequacies of Fannie Mae and Freddie Mac can no longer be ignored.

In the August 6, 1991, edition of Financial World, Adrienne Linsenmeyer commented on the "wafer-thin" capital reserves held by Freddie Mac and the dangers that capital inadequacy poses for the taxpayer. Ms. Linsenmeyer's article is reprinted below. It is a sobering analysis. Stress tests are not enough; they give a false confidence and do not assure that enough capital will be on hand to deal with changes in the marketplace. With the taxpayer on the hook for hundreds of billions in contingent liabilities, Congress must address the safety and soundness of all GSE's.

FREDDIE'S HOUSE OF HORRORS—FREDDIE MAC'S WAFER-THIN CAPITAL RESERVES FINALLY ARE PROMPTING CONGRESSIONAL ACTION

(By Adrienne Linsenmeyer)

The staggering off-balance-sheet liabilities of Freddie Mac, more formally known as the Federal Home Loan Mortgage Corp., are now at the center of debates in Congress that every taxpayer should take notice of. Belatedly, perhaps, Congress and the Bush Administration have grown uneasy over the growing debts of Freddie Mac and other such government-sponsored enterprises. Freddie Mac has a $2.25 billion line of credit with the U.S. Treasury. But more than that, everyone from Administration officials to those at Freddie Mac says the government would bail Freddie Mac out of a crisis. The Administration is finally seeking to limit that exposure.

In heated testimony this past May, Freddie Mac Chairman and CEO Leland Brendsel blasted the chairman of the House Committee on Banking, Finance and Urban Affairs, Henry Gonzalez (D-Tex.), for suggesting that Freddie Mac's capital requirements be raised. Though created by government charter in 1970, Freddie Mac has been a publicly traded company since 1989. Any increase in its reserve requirements could smash earnings, to say nothing of its stock price, and might even threaten to wipe out stockholders' equity.

The beef against $42 billion-in-assets Freddie Mac stems from its huge volume of guarantees covering principal and interest on nearly half a trillion dollars of off-balance-sheet mortgage loans, according to a Freddie Mac internal report. The company's reserves for losses on this business, a fifth of the outstanding residential mortgages in the U.S., is but 0.12% while the national foreclosure rate, according to the Mortgage Bankers Association of America, averages 0.97%. Reserving at that level would cost Freddie Mac about $4 billion. That's almost twice the company's $2.1 billion of stockholders' equity.

While no one is suggesting such a drastic increase of its reserves, Freddie Mac could, nonetheless, be hard hit by any legislation. "We looked at various models of capital adequacy," says one Treasury official, who requested anonymity. "If you applied a bank's risk-based capital rule to Freddie Mac, they're not even close to complying. They would have to at least triple their capital."

Adding urgency to the congressional hearings is strong empirical evidence that Freddie Mac, either consciously or unconsciously, has been counting on a bailout occurring at some point in the future to backstop its phenomenal growth.

Given Freddie Mac's huge presence in the mortgage market, there seems no escaping the fact that the default rate on its guaranteed loans must eventually approach the national rate. And especially so, since Freddie Mac lets the banks and other mortgage originators from whom it buys the loans do the work of qualifying borrowers. In fact, during the years of Feddie Mac's most explosive growth (1988 through the first quarter of 1991), verifications weren't even made on 30 percent of the mortgagors' employment, income and other key underwriting information.

Failure to document borrowers' creditworthiness was no oversight, but a formal part of Freddie Mac's participation in the infamous "low-doc, no-doc" program of the late 1980s. It could be argued, of course, that any defaults would be at least partially offset by sales of foreclosed property and by mortgage insurance, which covers part of the value of higher-priced homes. But would any rational business undertake such foolhardy risks if there were no Treasury backup?

The no-doc, low-doc programs were supposed to cut red tape for lenders and enhance Freddie Mac's basic mission, which is to keep money flowing in the housing market by buying the mortgages that savings and loans and banks originate. But, sure enough, abuses ran rampant. One study found that almost a third of the home buyers misrepresented their incomes. Lending officials were found falsifying loan applications by, for example, hiding other loans taken out for down payments.

As a result, delinquency rates on these loans are beginning to skyrocket. Citi-corp's overall single-family delinquency rate rose to 4.8% at the end of March compared with 0.55% at Chase Manhattan, a bank that didn't participate in the no-doc loan program.

Whether Congress can deal effectively with Freddie Mac depends largely on the lawmakers' ability, and willingness, to cut through the nigh-impenetrable public relations smokescreen that stresses the company's historic ties to housing finance and is designed to obscure the fact that Feddie Mac's principal business is no longer what Congress intended.

From its founding in 1970 as an instrument of the Federal Home Loan Bank Board, and up until 1980, Feddie Mac's main job was to buy residential mortgage loans from institutions that originated them. In providing a reliable secondary market for home loans, the company helped to assure the availability of mortgage money to home buyers.

The company also stood ready to sell loans to S&Ls and banks when local mortgage activity declined. And in the 1980s, as the popularity and demand for mortgage investments boomed, Freddie Mac stepped up the pace of packaging mortgages into multimillion-dollar chunks for sale to hungry institutional buyers. To improve the marketability of these pools, Freddie Mac attaches its own guarantees of principal and interest payments and charges a fee to the originator for this service.

Freddie Mac's loan guarantees have, in truth, moved it further from housing finance and closer to the insurance business. Its guarantee program bears striking parallels to the business of municipal bond insurers (FW, July 9), which attach guarantees to the public debt of cities and municipalities.

The notion of Freddie Mac as an insurance company becomes even more compelling when one looks closely at the underlying economics of its business. For example, guarantees attached to municipal bonds raise the securities' investment ratings, which, in turn, lowers the financing costs of the issuers. Guarantees attached to mortgages raise their standing in the eyes of the bank regulators who then reduce the amount of reserves banks are required to hold against them. This boosts the banks' profits.

Interestingly, state insurance regulators recently began to require that municipal bond insurers set aside annual contingency reserves equal to 50% of earned premiums. If similar reserves were required of Freddie Mac mortgage guarantees, annual earnings could be cut in half.

It's an open question how hard Congress will crack the whip on Freddie Mac. After all, the company is the solons' own Frankenstein monster of sorts. And like most such agencies, it is run and staffed with buddies from housing's good-old-boy-and-girl network. Still, given strong backing from the Administration, which is genuinely concerned, higher capital requirements are certainly in the offing for Freddie Mac.

And what does Brendsel think of the situation? "I want Congress to assure us that any regulator will take an approach with regard to Freddie Mac that reflects the unique characteristics of us and not approach us like a bank or thrift," he says.

With the Treasury on the hook for up to $483 billion in Freddie Mac loan guarantees, this hardly seems a reasonable request. Hand this man a hanky.

H.R. 2893, THE AGRICULTURE DISASTER RELIEF ACT OF 1991

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. KOPETSKI. Mr. Speaker, I rise in support of H.R. 2893, the Agriculture Disaster Relief Act of 1991. As you know, last December Oregon caneberry growers suffered a devastating freeze to the crop of Evergreen blackberries, marionberries, boysenberries, loganberries, and red and black raspberries. Due to the nature of the crop, the damage could not be assessed by growers until late this spring. In fact, information on the full impact of the damage is still being gathered as summer drought and heat stress take their toll on freeze weakened berry plants.

Mr. Speaker, the caneberry growers are in a desperate situation. In 1990 caneberries and their associated processing contributed well over $75 million to Oregon's economy. This year the average yield for all caneberries is estimated to be 45 percent of normal; that's crop loss of 55 percent. Loganberries are estimated to have a crop loss of 90 percent. In late June, Orgeon's Gov. Barbara Roberts declared a disaster with regards to caneberries in eight of our counties.

Mr. Speaker, it is important to remember that the majority of caneberries are produced on family farms averaging 25 acres. During Agriculture Committee markup I offered report language to specify caneberries as a nonprogram crop for the purposes of disaster assistance. The committee unanimously agreed to this language.

Mr. Speaker, the caneberry growers in Oregon need our help.

We have all heard that the President has promised to veto any appropriated disaster assistance. Yet we as a Congress upon recommendation from the White House have appropriated moneys this year for foreign aid for other countries. Let's hope that the President remembers the family farmer in America who lacks the resources to bounce back from such unpredictable twists of nature and supports this bill.

Mr. Speaker, I commend the distinguished chairman of the Agriculture Committee for responding to the plight of farmers all over America and bringing this vital piece of legislation to the floor.

LET'S MAKE THE FOOD STAMP PROGRAM WORK FOR FAMILIES AND CHILDREN

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. TALLON. Mr. Speaker, Washington is finally waking up to the reality that we need to take care of the Nation's kids. It is more than just politically correct these days to talk about children's issues as a national priority. It's a long-term investment that must be made.

In this time of budget constraints, there is a tendency to pay only lip service to the pressing needs of the day. But it is possible to do more to ensure that our focus remains on the nutritional, developmental, and educational well-being of our children. If we do not take care of them now by using all possible means, then this generation of America's children are destined to be nothing more than a herd of cattle at the mercy of an over burdened welfare trough.

There are programs and policies which are well directed toward assisting children through their formative years. Policy makers are speaking with a unanimous voice in calling for full funding for the Supplemental Feeding Program for Women, Infants and Children [WIC] and Head Start. The proposed $1,000 tax credit advocated by the National Commission on Children enables Federal policy to assist kids where they need the most help—at home.

In the spirit of making the most with what you have, we must also look at other programs which broadly impact children. The Food Stamp Program is a program whose infrastructure exists primarily to serve families with children. Eighty percent of the households that receive food stamps are families with children. Over half of the Nation's 23.4 million food stamp recipients are children.

Moreover, it is one of the most expensive social programs to the American taxpayer. Few taxpayers realize that the largest nutrition program for children is the Food Stamp Program. Whereas the School Lunch Program is only $6 billion a year, and the WIC Program is only a mere $2.5 billion program, the Food Stamp Program costs us a whopping $18 billion annually.

The point is simple; if the American taxpayer cares about feeding children first, then the American taxpayers ought to be concerned about the efficacy of the Food Stamp Program.

The truth is that a typical food stamp monthly allotment is not adequate to feed a typical American family. In fact, the average benefit is under 70 cents per person per meal. The underlying message in this inequity we are telling is that the Food Stamp Program is telling people to eat the cheapest, most available food without concern for nutrition.

However, in a family whose breadwinner suddenly becomes unemployed because of a lay off through no fault of his or her own and has no assets is not eligible for food stamps if they own a 1988 Ford Taurus station wagon worth over $4,500. That means that this family would have to give up its means of transportation in order to eat. In this country where personal transportation is a necessity for daily life, we are asking too many families, particularly rural families, to choose between transportation and food.

Likewise, we ask too many families to choose between housing and food in the Food Stamp Program. The Food Stamp Program only counts the first 50 percent of shelter costs when determining eligibility and benefit levels even if a family spends 80 percent.

That is why the passage of H.R. 1202, the Mickey Leland Childhood Hunger Relief Act, is absolutely necessary in making the Food Stamp Program adjust to the reality of the 1990's; that more and more working families with children are in desperate need of this nutrition assistance. The provisions of H.R. 1202 were part of the 1990 farm bill package last year.

The Agriculture Committee worked long and hard and held many hearings to ensure that the Mickey Leland bill passed as a benefit improvement package. But last year's infamous budget talks ended in failure for the Leland bill. At a cost of $5 billion over 5 years, the Leland bill was scrapped. This year, the House budget resolution did not include allowance for this much needed package, but these changes are still necessary and should be part of a congressional commitment to working families and children.

The Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition which I chair intends to mark up H.R. 1202 before the August recess. I ask my colleagues in the House and in the leadership to take heed of this most urgent food stamp legislation to enable this program to respond to the need of families during today's tough economic conditions.

At the end of my statement, I would like to include for the RECORD a copy of a publication on the "Facts and Myths" of the Food Stamp Program:

FOOD STAMPS: THE CHILDHOOD NUTRITION PROGRAM—FACTS VERSUS MYTHS

MYTH NO. 1: TOO MANY NON-DESERVING FAMILIES GET FOOD STAMPS

The Facts: Almost all (97 percent) food stamp benefits go to households with gross incomes at or below the poverty level. More than half of all food stamp benefits go to households that have gross incomes at or below half the poverty level.

People who participate in the Food Stamp Program are poor and have few or no assets. Ninety-two percent of all food stamp households have gross incomes equal to or less than the poverty level. Thirty-seven percent have incomes below half the poverty level. Three-quarters of all food stamp households have no countable resources. [Countable resources include: money in cash or in the bank, inheritances, Individual Retirement Accounts (IRAs), and the market value of a car in excess of $4,500 (no matter what the household owes on the car).] Another 19 percent have resources of $500 or less. Even among the elderly, only six percent of food stamp households have $1,000 or more in resources.

The income and resource limits for eligibility in the Food Stamp Program are quite strict. Eligible households cannot have gross monthly incomes over 130 percent of the federal poverty level used in the Food Stamp Program (or $16,512 a year for a family of four in 1991). Eligible households must also have net monthly incomes (after deductions for a small part of the cost of housing, child care, work-related expenses, and other household expenses) less than the poverty level used in the Food Stamp Program, or $12,700 a year for a family of four. In addition, eligible households cannot have countable resources totalling more than $2000 (or $3000 for elderly households).

MYTH NO. 2: MOST FOOD STAMP RECIPIENTS ARE ABLE-BODIED ADULTS WHO SHOULD BE WORKING

The Facts: The Food Stamp Program is, to a large extent, a childhood nutrition program. It is also a program that targets the primary caregivers of children, the elderly and the disabled.

Fifty percent of all food stamp recipients are children, and 61 percent of food stamp households have children in them. Over 82 percent of all food stamp benefits are issued to households with children.

Eighty-seven percent of the participants in the Food Stamp Program are children, elderly, or women. Fifty-eight percent are young or old. Nineteen percent of all food stamp households have at least one elderly member, and eight percent of all food stamp households have disabled members.

MYTH NO. 3: FOOD STAMP BENEFITS ARE TOO HIGH

The Facts: Among all program participants, the average benefit is under 70 cents per person per meal.

The maximum food stamp allotment that a family of four can receive in 1991 is $352 per month—or 96 cents per person per meal. This maximum allotment is only received by 18 percent of all food stamp households.

MYTH NO. 4: PEOPLE ON FOOD STAMPS CAN OWN EXPENSIVE CARS

The Facts: Food stamp regulations severely limit the value of cars that can be owned by food stamp recipients.

The market value of a car in excess of $4,500 is considered a countable resource in the Food Stamp Program (See Myth No. 1). The Food Stamp Program counts the fair market value of a vehicle even if the household cannot sell the car because that household is paying off a car loan.

The current $4,500 limit on cars was written into law in 1977 and has not increased for inflation. As the result, many working and newly unemployed families are deemed ineligible for food stamps because of cars on which they depend to drive to or seek work.

MYTH NO. 5: FOOD STAMP RECIPIENTS ARE JUST TOO LAZY TO WORK

The Facts: All non-elderly adults in the Food Stamp Program who are able to work are required to be employed or to register for employment. In addition, many must participate in work, training, and job search programs.

Any persons required to work who are not meeting their work requirements are dropped from the program. Recipients who register for work must accept any job the food stamp office or employment agency finds for them. If a person quits a job while receiving food stamps or quits a job within 60 days of applying for food stamps, he or she can be denied benefits.

Every state must operate a work and training program. Many food stamp recipients must participate in this program in addition to meeting their other work requirements.

MYTH NO. 6: FOOD STAMP RECIPIENTS HAVE LARGE FAMILIES

The Facts: The average size of all food stamp households is 2.6 persons. The average size of food stamp households with children is 3.6 persons.

MYTH NO. 7: FOOD STAMPS BUILD WELFARE DEPENDENCY

The Facts: More than half of all food stamp households leave the program within seven months. The average length of continuous participation is 18 months.

In most cases, food stamps are a short-term remedy for households that have recently experienced a major change that affects their ability to feed themselves. Eighty percent of the households entering the Food Stamp Progam have recently experienced one or more of the following household changes: death of the head of household, young adults leaving home to create a new household, departure of an income-producing adult, addition of a child, divorce, or a drop in income of $500 or more.

Three-quarters of all food stamp households leave the program following remarriage, an increase in the number of adults in the household, a decrease in size of the household, or a $500 increase in income.

MYTH NO. 8: POOR PEOPLE WASTE THEIR FOOD STAMPS ON JUNK FOOD AND LUXURY ITEMS

The Facts: U.S. Department of Agriculture (USDA) research shows that food stamp shoppers, compared to shoppers in other income groups, obtain seven to 29 percent more of each of the eleven key nutrients studied for every dollar they spend on food.

Food stamps make a big nutritional difference for low-income families. USDA reports that food stamp participation increases nutrients in home food supplies by 20 to 40 percent. USDA also reports that for every one-dollar increase in food stamp benefits, a household's nutrient consumption is increased three to seven times over what it would have been by a one-dollar increase in cash income.

Households that participate in the program spend more on food, and purchase more food, than low-income non-participating households.

Food stamps can only be used to buy food, beverages, and food-producing seeds or plants. Food stamps cannot be used to buy alcohol, tobacco, pet food, soap, toothpaste, toilet paper or any other non-food items.

MYTH NO. 9: IT'S EASY FOR PEOPLE TO GET FOOD STAMPS

The Facts: In addition to meeting stringent income and assets standards, potential food stamp recipients must meet documentation and verification requirements.

To apply for food stamps, a person must file an application at the food stamp office (in some states these applications run more than 40 pages), be interviewed by a food stamp worker, and provide documented proof of at least the following: household income, utility bills, medical expenses, where they live, the identity of the applicant, disability benefits, information on students in the household, and the immigration status of aliens in the household.

Food stamp offices often ask for proof of other information on the application, including: rent, mortgage, taxes, fire insurance costs, household composition, child care costs, total household cash, savings, and loans received.

Food stamp offices are given 30 days from the time of application to provide eligible households with food stamps. Food stamps may be expedited for extraordinarily destitute households. Certification may run from one month to one year. Most households are certified for at least six months. At the end of the certification period, the household must reapply or stop receiving food stamps.

Food stamp households must report changes in income or assets within 10 days. Some food stamp recipients must file reports every month, regardless of whether anything has changed. If those households do not send in their monthly reports on time, or if changes in income or assets go unreported, the food stamp office cuts off benefits.

MYTH NO. 10: THE FOOD STAMP PROGRAM IS RIDDLED WITH FRAUD

The Facts: There are NO available data supporting the charge that fraud is widespread in the Food Stamp Program. In fact, there are many features of the Food Stamp Program that are designed to prevent fraud.

Extensive verification is required for information provided by food stamp applicants and those renewing applications (See Myth No. 9).

A "quality control system" run by the federal government fines states that provide food stamps to ineligible people or give people more food stamps than the amount for which they are eligible. According to the most recent available data, this overpayment rate (which includes both errors by food stamp offices and all errors by food stamp applicants—whether knowing or unintentional) is only 7.3 percent. This rate has steadily declined over the last few years. The rate of underpayment of benefits to eligible households is 2.5 percent.

Based on governmental investigations, a very small percentage of overpayments are due to the knowing provision of false or misleading information by the recipient—.4 percent of all households making initial applications, and 1.9 percent of all participating households. These rates are far lower than the fraud rates in many other government programs.

If a household does get too many food stamps, it must pay back the excess. If these extra benefits are due to false or misleading statements provided knowingly by the household, the food stamp office can remove the person from the program who provided the misinformation and can take this person to court for fraud.

Sources: The information in this brochure is collected from publications prepared by the U.S. Department of Agriculture (USDA).

CAMPAIGN TO END CHILDHOOD HUNGER

The Food Research and Action Center (FRAC) has joined with anti-hunger groups across the country to launch the Campaign to End Childhood Hunger. Based on extensive research, FRAC estimates that 5.5 million American children under 12—one in eight—suffer from hunger.

The Campaign is designed to alert the public and policy-makers to the magnitude of the hunger problem in this country, particularly hunger's debilitating and lasting effects on children. With the support of a broad-based coalition from business, labor, Congress and the nonprofit sector, the Campaign is working to solve this critical problem, primarily through strengthening federal nutrition programs.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. BEN JONES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. JONES of Georgia. Mr. Speaker, I would like to submit for the RECORD an essay composed by Emily "Joanna" Young, the Georgia winner of the Veterans of Foreign Wars annual Voice of Democracy Script Writing Contest.

Her thoughts describe the challenges of American citizenship, freedom, and democracy. Ms. Young, a high school student at Rockdale County High School, reminds us that democracy provides us with a great deal of freedom, but that this freedom will not endure unless we participate and assume the responsibilities of citizenship.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Joanna Young, Georgia winner, 1990/91 VFW Voice of Democracy Scholarship Program)

From the beginning lines of one of our nation's most popular patriotic songs, "My country 'tis of thee/Sweet land of liberty," to the concluding ageless words which seem to echo, "from every mountainside/Let freedom ring," the words "liberty" and "freedom" ring clear and strong, giving a dominant impression of our vast and glorious country.

Tell me, why do you think these words are considered ageless? These words are ageless to me, because they still represent our land of freedom and democracy in the year 1990, as they did over 200 years ago in 1787. During this year, our young, yet expanding nation became a democracy, as our Constitution was ratified.

"Democracy: The Vanguard of Freedom." This statement is very true. A democratic government is a government "of the people, by the people, and for the people." It is a government which guarantees and protects the basic fundamental rights of all its citizens. Most of all, this government gives its citizens the awesome and unequaled privilege of freedom. Yes, this democratic government is the government of the United States of America—a democracy established by our forefathers, which has become the forerunner, or the "vanguard of freedom."

A simple democratic equation is that democracy plus constitutional guarantees equals freedom. Our Bill of Rights eloquently states, "We the People of the United States," not "We the Government" or "We the Rulers." It outlines each individual's fundamental human rights, and, at the same time, it ensures a democratic and just form of government. These precious freedoms include the right to express our opinions and beliefs, the right to print without censorship, the right to worship as we please, and the right to gather peacefully, without governmental interference.

For over two centuries, our democracy has encompassed every citizen's hopes, dreams, and desires. The Constitution has preserved and guaranteed these rights of freedom, yesterday and today, just as it will tomorrow, for future generations who shall count themselves blessed by being American!

It's amazing how our democracy has grown. Little did our forefathers realize that this democratic form of government would be envied and fought for by nations and its citizens worldwide. Little did our knowledgeable founding fathers know that democratic ideals would serve as a magnificent blueprint for other nations and other governments to aspire toward. Little did our forefathers predict that after twenty-eight years of separation and denial, the Berlin Wall would crumble, in the name of democracy and the cause for freedom.

We must never take our democracy or our freedoms for granted, since our democratic ideals are constantly being tested within our country and abroad. A recent example involves the unjust invasion of Kuwait by a tyrannical power. We, as a country, heard the cries for help, and now we are prepared to fight, at any moment, for the rights and freedom of others on foreign shores.

Citizens abroad see our country as a shining star, an example of the Utopian way of life. The ability to vote is a great opportunity within itself, as the citizens of the United States chose their leaders, who will, in turn, represent the people. People all over the world look up to our form of government, supported by ensured freedoms and its ideals.

An unidentified author once said, "To be born free is a privilege. To die free is an awesome responsibility." Yes, freedom is a privilege and a responsibility. Our democracy is the vanguard of our freedom, and we will settle for no less!

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. HUTTO. Mr. Speaker, my constituent, Miss Lesha Denega, of Niceville, FL, recently competed as the representative for the State of Florida in the National VFW's Voice of Democracy scriptwriting contest. Lesha attends Niceville Senior High School and is interested in pursuing a career in chemical engineering.

I am pleased to submit for the RECORD the State of Florida's winner in the VFW Voice of Democracy scriptwriting contest.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Lesha Denega)

In the front line of battle, a group of soldiers work diligently. They labor for hours on a barricade, a shield, of sorts, to serve as a defense, and when the enemy comes they can only hope it will be strong enough. They have put precious time and effort into its making, and this vanguard is the only thing that will stand between their men and direct combat.

We too have a vanguard that protects us and people across the world. This defense secures our individual and collective rights against any who would try and take them away. Sometimes it succeeds, and sometimes it doesn't. This protection is democracy, and it is the vanguard of freedom. But like any fortification, it must be built before it can serve as a defense, and it takes the efforts of many to build the vanguard of freedom. Like the soldiers, we must labor a long time before our system of democracy is strong enough to completely protect us. It is an ongoing process, one that can be revolutionary, or stationary, radical, or conservative—one that is reflective of our changing society.

Let's take a look at the evolution of democracy right now, and try to see how we have come along in our struggle to build the vanguard of freedom.

One of the earliest examples of modern democratic government was ancient Greece. Ancient Greece is different from many modern democracies in that it did not use a republican, or representative form of government. Greece used direct democratic voting to pass its legislature, and they were able to do this because the populations were small enough. But ancient Greece was not without its flaws. Voting was limited to males of a certain wealth or class, citizens. But it was a start. Rule by the people is still a foreign concept in many lands, and democracy in Greece was the first block built in the vanguard of freedom. Democracy eventually failed in Greece because the voting restrictions allowed a certain class of people to come to power, and the government was thrown into discord. Ancient Greece can show us how a noble principle is not enough—you need a noble practice of that principle to go with it.

As the centuries pass, so do the forms of democracy. An example, in contrast to Greece, of the change in democracy is Great Britain. The democratic system in Great Britain is the result of a long chain of slow changes. The House of Lords and the Houses of Commons were the first steps in these changes toward democracy. These two houses were and still are collectively known as Parliament, and they were designed originally as checks on the power of the monarch, making the governmental system of Great Britain a constitutional monarchy. But over the years this check on the power of the monarch has, in fact, replaced the monarch's power in government, until Great Britain today is one of the most democratic nations in the world. The changes that occurred in Britain came about as the people's voice in the House of Commons grew stronger, until the House of Commons became the most powerful House of Parliament. Unlike

Greece, this time the group that rose to power was one that was elected by the people for the people, and continues to represent the people today. Every new piece of legislature is another change in the steps toward a better vanguard of freedom.

One of the greatest vanguards of freedom that we have today is the United States Constitution. It is indeed a barricade in defense of freedom. When it was conceived, it was one of the most radical documents of its time, a piece of paper that enumerated certain rights, privileges and duties specifically to the people, state, or federal government. It continues today to be reference point for the cause of democracy, a piece of the vanguard of freedom that can stand strong in defense of the rights of the people. But it didn't just come about out of nowhere—it was created by the founding fathers of the United States and it had to be ratified by the states before it was accepted. This piece of democracy was built by the people, for the people's rights, and we build on it constantly, through amendments and other laws and interpretations.

If we look back at these three examples there is a prevailing thread in all three—the thread of the people. The people were the instruments of the rise and fall of democracy in Greece. The people were the cause of the changes in the legislature in Great Britain and the people were the creators of the United States Constitution. Democracy is an abstraction, a thought, an idea. Only actual people and nations can make it substantial, and workable, and only through the efforts of all can we make it the vanguard of freedom.

VOICE OF DEMOCRACY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. LIVINGSTON. Mr. Speaker, each year, the Veterans of Foreign Wars sponsors a "Voice of Democracy" contest in congressional districts throughout the country. It is a chance for high schoolers to express their thoughts on the wonders of freedom that American society bestows on them.

I take great pride in presenting for the RECORD the statement from Erin Schoenbachler of Metairie, LA. Her essay, "Democracy—the Vanguard of Freedom," is a stirring testament and tribute to the ideals of America and the Founding Fathers.

I include her essay in full in the RECORD:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Erin Schoenbaechler, Louisiana winner, 1990/91 VFW Voice of Democracy Scholarship Program)

Columbus discovers America. The Colonists unite and declare their independence. The American Revolution—the colonists win their long awaited freedom. these are a few of the many facts I learned about our country as a child. These formed my first limited, immature view of democracy. A child's views are dependent upon her education and background. These two factors provide the fundamental base upon which beliefs and values are built. Because I was raised in a democracy, my education and background provided a positive base for intellectual growth and human understanding. As a child, democracy represented a simplistic ideal. My understanding of democracy was simply that I was free to do as I wished. I was not concerned with why I was free, I was simply happy being so. I was not aware that I lived in a privileged society and that others did not share my freedom and joy. As I grew older and learned of current events, such as the Cold War, the arms race with the Soviet Union, and the controversy over the Vietnam War, I began to realize that what I had was special and should be cherished. This realization moved me to the next segment of my life.

As a teenager you discover many new concepts. I learned that all people do not share my comforts. As I matured, my understanding of democracy evolved into a strong feeling or belief. I began to feel special and believe democracy was the most precious possession I had. This strong feeling forced me to believe that freedom should be a virtue known to every person in the world. Freedom is too precious a commodity to be denied to any human being.

For my generation, current world events sway or influence our beliefs and feelings. The Revolution in China, the collapse of the Berlin Wall, which led to the unification of Germany, the unrest and impending change in the Soviet Union, and the crisis in the Gulf, are a few of the many noteworthy events my generation is living through. There is no doubt that at least one of these events has swayed or influenced the opinions of every member of my generation. The entire world is constantly changing, and every day democracy inches forward. The desire for freedom in the world cannot be suppressed. Current events are proof of this fact.

When the Chinese students united and demanded rights inherent to human nature, the entire world heard their cry for freedom. We grieved the loss of precious life as the Chinese totalitarian government tried to subdue their cries for freedom. Despite military action, the student's cry rang loud throughout the world.

The parents of my generation learned of the collapse of Germany as a result of World War II, yet I learned of the unification of Germany due to the collapse of the Berlin Wall. East Germans finally achieved their desire of freedom and set an example for the world. This event gave hope to other European countries which still thirst for freedom.

The Cold War with the Soviet Union seems to be approaching an end. The United States is encouraging changes and is willing to work with the Soviet Union instead of against them.

Recently as a result of the crisis in the Gulf, the United States has been forced to send troops to defend American interest and innocent people. this event has the potential to become the third World War. With the prospect of war on our doorsteps, my generation is forced to come to terms with our beliefs of democracy.

What impact will these changes have on the next generation's view of democracy? What will my children learn in history that will mold their minds? These are questions that must be raised when important, potentially future altering decisions are made. We must always keep in mind that these current world changes will have a direct influence on the next generation. What will China, the Soviet Union, Germany, and Iraq mean to future generations? This question cannot yet be answered. My only hope is that whatever the answer may be, it will instill a feeling of pride in my children for being free Americans.

Will the world I know change due to the direct influence of these global dilemmas? Will democracy prevail in the current global struggles? Is democracy the answer to the problems the world faced, is facing, and will face again?

The answer to each of these questions is "yes". The world will change because freedom is a constant in human nature and cannot be suppressed. Democracy will prevail and is the only answer, for it is the Vanguard of Freedom.

CHOLERA AND THE COLD WAR

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. SOLARZ. Mr. Speaker, the subject of cholera may not immediately strike our colleagues as interesting reading. Yet in the hands of the gentleman from New Jersey [Mr. TORRICELLI], the distinguished chairman of the Subcommittee on Western Hemisphere Affairs, the current cholera epidemic in Latin America is brought home in a particularly riveting and eloquent way. "Cholera and the Cold War" was the title of an address which Mr. TORRICELLI recently gave at a conference at the University of Miami sponsored by the Pan American Health Organization and the University's North-South Center. I ask that his speech, which clearly elaborates the political, economic, and humanitarian issues at stake for the United States in this crisis in our Southern Hemisphere, be included in the RECORD.

[From the Miami Herald, July 21, 1991]

CHOLERA AND THE COLD WAR

(By Robert G. Torricelli)

Now that the Cold War has ended, we find ourselves facing the first of what could be a number of its residual effects. The current outbreak of cholera in Latin America cannot be tied directly to that greater international political struggle, but it deserves to be discussed in the same context.

Americans are now feeling more secure than at any time in a generation. Political threats are subsiding, leftist insurrections are defeated and communism has all but disappeared as a political option. But a new specter is rising. Now we are faced with a threat from the Middle Ages, a vicious disease that poses a greater challenge than ideology or philosophy, insurrection or revolution.

The only way to meet this threat is through international cooperation. It has become a truism to talk about interdependence. Many of the great hemispheric issues, including economic development, environmental protection, narcotics, and migration can only be addressed through cooperative action.

In fact, this cholera epidemic may force us to face the real meaning of interdependence. When a family in New Jersey gets cholera from poverty in Ecuador, that's interdependence. In the United States, at least 14 cases of cholera have already been reported. These are direct results of the Latin American epidemic. There could be no better evidence of the fact that any policy we develop offers no protection without international cooperation.

The dimensions of this problem are enormous. So far seven countries have been affected: Peru, Ecuador, Colombia, Chile, Brazil, the United States and now Mexico. Two hundred and thirty thousand cases of cholera have been reported. More than 2,000 people have died. The enormous efforts of health officials have kept the death toll remarkably low. But that may radically change when the epidemic reaches the slums of Rio, Port-au-Prince, Mexico City, scores of other Latin American cities and, very possibly, U.S. border towns.

At a hearing of the House subcommittee on Western Hemisphere affairs, health experts and agencies of the U.S. government testified on the cholera epidemic and its human cost. Projections reached as high as 6 million cases and 40,000 deaths in the next few years. Some experts argued forcefully that the current wave of cholera could become endemic to the region, enduring into the 21st Century.

No amount of short-term aid will be enough. We must respond with both short-term and long-term measures. The short term will require that we provide adequate supplies of oral rehydration salts and other supplies necessary for treating the disease.

The Pan American Health Organization estimates that $600 million will be required over the next two to three years to control the epidemic and reduce the threat of major expansion. Half of this amount would be divided among the affected countries themselves.

Seen in this context, the U.S. response to the epidemic has been less than adequate. The U.S. Agency for International Development has committed only $10 million in additional funds to fight the disease.

OUR GREATEST FEAR

Our greatest fear, however, should not be that the United States, Europe or other donor nations won't do enough in the short run. It should be that, in the midst of this crisis, the long-term measures that will keep this from recurring again and again will be forsaken.

This cholera epidemic is not simply another round in the long struggle between peoples and plagues. It is different, and perhaps unique, because this is an epidemic of a disease that has been cured. Cholera is not an act of God or a new virus. It is neither AIDS nor cancer. Its cause is no mystery, its cure is no miracle.

Cholera is a sickness that strikes the poor. It is the result of inadequate health care, poor sanitation and contaminated water. It is an epidemic of human neglect, a disease of omission, caused by things that governments chose not to do. Cholera is the consequence of governments that weren't governed by the people. To be blunt, it is the consequence of civil conflict and wasteful, unproductive, criminal military spending and diverted resources.

The current crisis is the inevitable result of what is known as the "lost decade of development." It is the result of misguided economic policies and inadequate assistance. This lost decade has not ended. The policies that allowed this epidemic to happen have not been changed. But we do know what changes to make.

THERE'S NOTHING NEW

There is nothing new or unusual about the long-term answers to this epidemic. We have known them for years. Existing water and sanitation systems need repair and maintenance. New ones need to be built to serve the surging populations around the region's cities. Potable water should be available to everyone. Health-care systems should be extended to all citizens. In short, the answer is to take care of the elementary needs of the people. And that is the first responsibility of every government.

The Pan American Health Organization estimates that paying for these long-term solutions will cost $200 billion in the next 12 years. Seventy percent of that is to be borne by the afflicted nations themselves, and 30 percent is expected to come from external sources. As a comparison, that figure is less than the United States spent each year on global military assistance during the twilight years of the Cold War.

What we in the United States do about this problem will depend on how well we understand it. If we can't understand giving aid as a moral imperative, perhaps we can understand it in economic terms: The epidemic got its foothold because we continue to transfer capital in this hemisphere away from struggling nations that cannot provide adequate sewage treatment or potable water for their citizens.

If that argument is not persuasive, perhaps we can understand the problem in the Cold War language of national security. If cholera spreads to the large cities of Central and South America, devastating the population, its political effects could be more destablizing than any far-left insurgency.

Through most of modern history, North Americans have said that they offer their hand of friendship to their neighbors in the Western Hemisphere out of care and concern. The fact that our assistance came in an atmosphere of the war against fascism or communism was coincidence. We would have been helping just the same, no matter what the international environment.

Now we will see. Fascism was destroyed and communism is fading. Democracy rules the hemisphere. America faces no military threats in the region. In such an atmosphere, it will quickly become clear what kind of people we are.

We are being threatened by a medieval disease. It could do grave damage to our southern neighbors, and could be a harbinger of things to come. The threat is clear, the sources are evident, the remedy is obvious. We have made tremendous resources available to face past threats. Now we will see what will be made available to meet this one.

FIGHTING FOR THE ECONOMIC FUTURE OF FAMILY FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, this summer in Congress we have been working on many issues that directly affect the economic future of family farmers. I want to share with you some of my concerns, and present some of the challenges we face in defending the economic future of our Nation's family farmers.

UNFAIR TRADE PRACTICES

The flood of Canadian durum into this country is undercutting American durum producers and costing them millions of dollars in lost income. Healthy international trade in a free market environment is good for America, because our farmers are the best, most efficient producers in the world. But the massive shipments of durum from Canada represent unfair trade as Canadian durum moves to United States markets with a deep transportation subsidy.

In the year 1985 and prior, no Canadian durum was shipped to the United States market. Last year, 10 million Canadian bushels came into our country—up 30 percent from the previous year. And this year, Canadian durum imports will be up another 15 to 20 percent.

I think it is time for the U.S. Trade Representative, the administration, and Congress to stand up for the interests of American producers and demand an end to this unfair trade. I want the Department of Agriculture and the U.S. Trade Office to understand I am not going to quit fighting until we have put an end to unfair trade practices.

On a related subject, the behavior of our trade negotiators at the GATT talks in Geneva raises serious questions about how our farmers can survive our misguided trade policies. The farmers I represent are barely hanging on by their fingertips. Market prices for wheat and feed grains have collapsed, and over recent years, Federal support prices have decreased. All the while, the farmers' costs—to plant, to harvest, and to market their crops—have steadily gone up. Not surprisingly, more and more family farmers are being forced off the land because they cannot make a living under these unfortunate agriculture and trade policies.

Now our trade representatives are in Geneva trying to trade away the rest of the domestic farm program. They should be spending their time prying open foreign markets, and ending export subsidies and credits. My colleagues, our farmers cannot live on the current Farm Program, let alone live on less. We need to get a decent price for our agricultural commodities.

A NEW DAIRY PROGRAM

The first glimmer of hope for dairy farmers came last week in the markup of a new dairy bill that would provide for a $12.60 per hundred weight support price. Dairy farms in North Dakota and in many States are family operations, and no one works harder than these folks, 7 days a week, milking morning and night. Now, dairy operators have discovered that 30 percent of their income is washed away because milk prices have collapsed. We need to improve milk support prices, and I am pleased to have worked with, and supported the efforts started last week to develop a dairy program that improves prices. We have got to move quickly, and convince our colleagues in the House and Senate, and in the administration, to take aggressive steps to save dairy farmers across America.

MOST-FAVORED-NATION [MFN] STATUS FOR CHINA

A couple of weeks ago, we voted on most-favored-nation trade status [MFN] for China. A resolution was introduced to revoke most-favored-nation trade status for China, and I voted against the resolution. I did vote for a resolution that extends most-favored-nation trade status to China, but with conditions. I do not want to use trade as an instrument of foreign policy, and I do not want to create conditions in which we lose the opportunity to sell American grain to one of our largest purchasers. At the same time, we cannot, in good consience, ignore the massacre of Chinese citizens by their government, and we must not condone that same government's transferring of nuclear technology to terrorist countries. By sending a message with the extension of most-favored-nation status, we have told China we will not ignore these issues.

China has a $10 billion trade surplus with us, and that is expected to grow to $14 billion this year. We should expect them to be purchasing more wheat from us—rather than our being nervous that they will buy less. My hope is that extension of most-favored-nation trade status, along with the conditions which will move China toward a democratic future, while assuring a trade relationship that is good for us, and good for agriculture.

A FARMER IRA

I have been working with my colleague JIM MOODY of Wisconsin to construct a new approach to solving the tax problem many family farmers face when they sell the farm after several decades of operation. Under today's Tax Code, farmers must pay a capital gains tax on the value of their farm when they sell it. I feel that farmers should be able to roll the proceeds of that farm sale into an IRA, and then pay taxes as they withdraw money from the IRA.

Unlike wage earners, whose incomes are relatively steady over a period of time, farmers are unable to plan for regular IRA contributions. Much of farmers cash flow must be put back into the farm during their lifetime. For that reason, they reach the end of their farming career and sell the farm without accumulating the same kind of IRA retirement pool available to other Americans. If we allow the rollover of the proceeds from a farm sale to an IRA, and allow farmers to withdraw from it and pay taxes over time, they will not be hit with the kind of tax burden that many of them face under current law. Congressman MOODY and I and others feel that this is the right approach, and we are going to continue to work to try to get this enacted.

RYLAND'S DESERT STORM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. CARDIN. Mr. Speaker, I rise today to share with you the experience of one of the Nation's leading homebuilders—The Ryland Group Building. I am proud to have them headquartered in Maryland's Third Congressional District.

I would like to include in the RECORD an article from the Baltimore Sun that details Ryland's successful experience in Israel. The story of Ryland, and other United States companies like them, provide additional examples of the benefits of United States financial assistance to Israel.

With the arrival of over 180,000 Jewish refugees from the Soviet Union in 1990 and 15,000 refugees from war-torn Ethiopia 2 months ago, Israel desperately needs additional housing units. Over the course of the next several years, nearly 1 million Soviet Jews are expected to flee from religious persecution in the Soviet Union and immigrate to Israel. This huge influx of immigrants to Israel will exacerbate an already strained housing market.

Israel has turned to the United States to help alleviate the housing shortage. The United States Government has guaranteed $400 million in Israeli housing loans and may be asked to guarantee additional loans in the future.

A lot of confusion surrounds loan guarantees. It is important to point out that loan guarantees do not involve any transfer of funds from the United States Treasury to Israel. Instead, the United States Government cosigns loans that Israel arranges with banks throughout the world. Israel has a perfect record on repaying its loans. Therefore, it is highly unlikely that the United States would ever have any financial obligation related to these guarantees. The United States guarantees allow Israel to obtain the high volume of loans necessary with 30-year terms rather than the 7-year term that would otherwise be available.

Israel has also turned to American companies to assist in providing housing for refugees. Prior to 1990, the U.S. home export industry was never more than a $50 million a year industry. In 1990, the industry jumped to over $500 million. According to the Commerce Department, this includes roughly 75 percent of all the contracts awarded to supply prefabricated houses to Israel. This fantastic growth is expected to continue for the next several years. The U.S. home export industry is expected to be a more than a $1 billion a year industry for at least the next 4 years.

The Ryland Group Building, through its Ryland Trading Ltd. subsidiary, was quick to fill the demand for housing in Israel. Ryland took advantage of the slow down in the U.S housing industry to expand its international business. Thus, creating jobs here in America and providing a boost to our economy.

Mr. Speaker, I salute the work that Ryland, and other U.S. homebuilders, are doing across the globe.

[From the Baltimore (MD) Sun, July 7, 1991]

RYLAND'S DESERT STORM—COLUMBIA FIRM BUILDS BUSINESS IN ISRAEL

(By Alyssa Gabbay)

JERUSALEM.—The road to the Israeli city of Beersheba is hot and dry. Bedouin tents dot the landscape, their owners clothed in long robes against the sun's rays.

It seems like an unlikely place to find a Ryland home.

Nevertheless, a new subsidiary of the Columbia-based Ryland Group Inc., better known for its suburban tract houses, is leaving its mark on the Negev desert.

So far, the 4-month-old subsidiary, Ryland Trading Ltd., has shipped millions of dollars worth of materials that the Israelis are using to construct several hundred homes in the Negev city of Ofakim, about 15 miles from Beersheba. And now, Ryland Trading is negotiating a contract with two Israeli building companies to export materials for about 200 prefabricated duplex homes, according to Eli Alter, an Israeli builder who is overseeing much of the project.

The homes will be built to house Soviet Jewish immigrants in Nachal Ashan (Smoke River), a new neighborhood of Beersheba, a city of 110,000. Ryland has signed a tentative agreement for the project, and Mr. Alter hopes to see construction completed by November.

With about 200,000 Soviet Jewish immigrants arriving in Israel last year, and a similar number expected this year, the Jewish state is scrambling to provide housing for its new citizens. Amnon Neubach, minister of economic affairs at the Israeli Embassy in Washington, said that the Israeli government hopes to build as many as 120,000 new homes this year—a sharp increase from the 18,000 to 22,000 constructed in recent years.

U.S. manufacturers and homebuilders like Ryland, many of whom are suffering from the U.S. housing recession, have rushed to fill the demand. Almost one-fifth of U.S. panelized home producers expect to export materials to Israel this year, according to the February issue of Automated Builder. Israeli companies generally provide labor, utilities and foundations for the houses, while the Israeli Housing Ministry buys the completed homes from the builders and rents or sells them to new immigrants, Mr. Neubach said.

Two other Maryland companies want to help provide housing for immigrants. SACO Supply, a Timonium-based manufacturer of prefabricated homes, is negotiating with Israel Housing Investors Inc., a Rockville-based developer, to ship several hundred homes to Israel. Israelis involved in the venture would build and sell the homes to new immigrants.

The Ryland Group became involved in the venture last year when it was contacted by Sharbiv Ltd. of Haifa about providing materials for several hundred homes, said Vaike Talts, public relations coordinator for Ryland.

This February, Ryland, which previously had confined its activities to the U.S. market, created Ryland Trading to specialize in overseas activity. Shortly therafter, the new company began shipping wall panels, floor joists and roof trusses to the Israeli contractors from its plant in Fredericksburg, Va.

"Needless to say, a mass migration provides a need for immediate housing," said Thurman Bretz, prsident of Ryland Trading. "We're just trying to respond to that need." He declined to reveal sales figures for the Ofakim project.

Last October, Ryland Trading Ltd. embarked on its second Israeli venture when it began negotiating with Tishbahot Co. Ltd. and Canisra Group Ltd. about supplying materials for the Beersheba homes.

The homes for both projects are wood, one-story duplex units, Mr. Bretz said. Each 660-square-foot unit contains two bedrooms, one bathroom and a small kitchen.

"These are very small, simple, plain houses," said Mr. Bretz, who said the homes must conform to Israeli Housing Ministry regulations.

The Housing Ministry restricts the size of the houses in order to build them as cheaply and quickly as possible, according to Mr. Neubach.

The Israeli housing crisis is creating cramped living conditions for many Soviet immigrants. It is not unusual for two or more immigrant families to share one apartment, according to Enid Wurtman of the Public Council for Soviet Jewry. The council is an Israeli organization that works to help absorb Soviet immigrants into Israeli society.

"In many cases, multigenerational housing is happening, or families who are friends or strangers are living together," Ms. Wurtman said.

The Israeli government also has resorted to housing Soviet immigrants in hotels, where one family might live in a single room.

Ryland's move onto the world stage reflects the international orientation of the company's new chief executive officer, Roger Schipke, who was involved in overseas ventures when he was senior vice president of General Electric Applicances, Mr. Bretz said. Mr. Schipke became Ryland CEO in December.

At present, Mr. Bretz said, Ryland Trading's business makes up a "very modest" portion of the company's revenues, which reached $1.33 billion last year. He added that Ryland hopes to make international ventures a much bigger component of its business in coming years.

Although Israel seems to hold many prospects for business, Mr. Bretz said that he also is targeting other countries. Ryland has met with building contractors in Poland, Spain, Mexico and the Soviet Union about exporting housing materials.

"I think we recognize that there's an opportunity for homebuilding possibly worldwide," Mr. Bretz said.

CORRECTION OF HOUSE REPORT 102-136 TO ACCOMPANY H.R. 2507—NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. McMILLAN of North Carolina. Mr. Speaker, when the committee report on H.R. 2507, the National Institute of Health Revitalization Amendments of 1991, was filed in the House—House Report 102-136—I joined with eight of my colleagues on the Energy and Commerce Committee in filing dissenting views opposing enactment of this bill.

In addition, because I felt that the question of fetal tissue research raised several issues which needed greater focus, I filed my own set of views on this subject. These views appear in the committee report on page 204. Due to a printing error by the Government Printing Office, however, my name was omitted as the author of these views.

In order to correct this error and bring these views to my colleagues' attention, I am inserting them in the CONGRESSIONAL RECORD at this point:

ADDITIONAL DISSENTING VIEWS ON H.R. 2507

I concur with the dissenting views expressed and wish to add the following points on the moratorium on fetal transplantation research.

The greater availability of fetal tissue is linked to the number of abortions performed in this country. However, just because there is a ready supply of fetal tissue as a result of legal elective abortion does not mean that using this tissue is justifable, particularly when we haven't fully examined alternatives; and its use is offensive to large segments of our population.

What is getting lost in this debate is the fact that a more limited supply of fetal tissue can be accessed and retrieved. Ectopic pregnancies must be terminated or both mother and child will die, and almost one in four pregnancies ends in miscarriage.

We need to focus on exploring the viability of using fetal tissue from ectopic pregnancies and miscarriages, and on ways to culture fetal tissue in the laboratory to meet the needs of medical research. A recent editorial by Emanuel Thorne and Julia Paradise in the Washington Post states: "Because we do not know to what extent fetal tissue can be proliferated in culture, we cannot estimate how much tissue might be needed for therapies using transplantion. Nor do we know at what stage of fetal development various tissues and organs can be used or what alternative tissues, such as tissue from spontaneous abortions (miscarriages) might be usable."

"The new legislation should include support for research into the usefulness of tissue obtained from spontaneous abortions . . . Whatever sense the research community may have that this tissue is not appropriate for transplantation, the question has not been investigated."

It is vital that this avenue be immediately researched, expecially in view of the reluctance of our political system to justify elective abortion or fund it. The lives of diabetics and Parkinson's victims are at stake.

INTRODUCTION OF THE MEDICARE LOW-INCOME BENEFICIARY PROTECTION ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Low-Income Beneficiary Protection Act of 1991. This bill would expand Medicaid's current buy-in protection to assist Medicare beneficiaries with incomes up to 133 percent of the Federal poverty level.

According to a report issued by the "Commonwealth Fund Commission on Elderly People Living Alone, Medicare's Poor," one-third of near-poor elderly people are reduced to poverty by their out-of-pocket payments for medical care.

These people need our help. It is outrageous that we force near-poor seniors to a Hobson's choice of opting between essential medical services and paying their rent. This choice forces too many seniors into financial disaster.

Today, out-of-pocket medical costs remain a serious concern for millions of older Americans. Approximately 3 million near poor elderly persons have incomes that barely exceed the Federal poverty level, yet only 8 percent have Medicaid supplementary assistance. Consequently, near-poor seniors, with annual incomes of less than $7,200 per year—less than $140 per week—incur substantial out-of-pocket costs for their medical expenses that they simply cannot afford.

When compared to senior citizens in higher income groups, these near-poor seniors are particularly vulnerable. They tend to be the oldest of the old and in poorer health. They have more chronic conditions and functional impairments, use more prescription drugs and are more likely to incur substantial medical expenses. According to the 1987 National Medical Expenditures Survey [NMES], seniors who are near poor spend 15 percent more than the average Medicare beneficiary for prescription drugs.

In 1988, Congress enacted legislation requiring States to phase in buy-in coverage for low-income Medicare beneficiaries with incomes at or below 100 percent of the Federal poverty level. Under this provision, States are required to pay Medicare premiums, deductibles and coinsurance for eligible elderly and disabled enrollees. This provision was designed to eliminate financial barriers to medical care.

Under the 1988 law, States were required to extend coverage to individuals living in families with incomes up to 85 percent of poverty in 1989, 90 percent of poverty in 1990, 95 percent of poverty in 1991 and up to 100 percent of poverty in 1992.

The Omnibus Reconciliation Act of 1990 [OBRA 1990] accelerated by 1 year the schedule for phasing in the requirement that States cover Medicare cost-sharing for Medicare beneficiaries with incomes below 100 percent of poverty effective January 1, 1991.

In addition, OBRA 1990 required States to cover the part B premiums—but not deductibles and coinsurance—for Medicare beneficiaries with assets below twice the SSI level and incomes below 110 percent of poverty beginning January 1, 1993, and with incomes below 120 percent of the poverty level beginning January 1, 1995.

My proposed bill would require States to cover all Medicare cost-sharing requirements for seniors with incomes up to 133 percent of the Federal poverty level at the normal State-Federal matching rate.

The extended coverage would be phased in according to the following schedule. Beginning in 1993, Medicaid payments for Medicare cost-sharing requirements would be extended beyond premiums to cover deductibles and coinsurance for Medicare beneficiaries with incomes below 110 percent of poverty.

Beginning in 1994, all Medicare cost-sharing requirements would be covered for beneficiaries with incomes up to 120 percent of poverty. By January 1, 1995, Medicaid would cover all cost-sharing requirements for Medicare beneficiaries up to 133 percent of poverty.

Mr. Speaker, this bill is similar to a provision included in the Omnibus Budget Reconciliation Act of 1989 [OBRA 1989] that required all States to cover pregnant women and infants with family incomes of up to 133 percent of the Federal poverty level by April 1, 1990.

With the 1991 Medicare inpatient hospital deductible at $628, Medicare part B premiums at $29.90 per month, copayments for physician bills rising at the rate of 12 percent per year, the average near-poor Medicare beneficiary can expect to spend a significant share of annual income for medical care.

The bill has been drafted without the financing necessary to cover its costs. I anticipate that before this bill would be considered that it would have to be fully funded to comply with the existing pay-as-you-go budget requirements.

This bill would offer enormous assistance to the 3 million near-poor Medicare beneficiaries who struggle to pay their medical bills. I urge my colleagues to join this effort to assist these low-income senior citizens.

PIONEER DAY 1991

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. LAROCCO. Mr. Speaker, in the mid-19th century, hundreds of Mormon pioneers left their Midwestern homes to escape rising religious persecution. The pioneers, taking with them only what they needed to survive, traveled in covered wagons, pushed handcarts, or walked. While in search of a new place to settle, the Mormons suffered through impossible winters, drought, famine, disease, and often death. Finally, on July 24, 1847, the Mormon prophet, Brigham Young, arrived with his group at the foot of the Salt Lake Valley and declared, "This is the place."

The Mormon migration tested the courage and faith of all who ventured westward. Jane Pearce wrote in her journal at that time:

> Do not expect me to describe our road as they call it. It is a perfect succession of hills, valleys, bogs, mudholes, log bridges, quagmires, with stumps of trees a foot above the water mud so that without the utmost care, the wagons would be overturned 10 times a day.

Death of family and friends weighed heavily upon the hearts of the tired pioneers, but faith moved them onward.

Jane Pearce wrote:

> This day at 2:30, Sister Kempton died. She came with us from London and was in her usual state of good health until two days ago. Aunt Bateman and I laid her out and sewed her body up in a sheet. She was buried by the brethern at sunset on the summit of a small hill, where there are five other graves.

Within 10 years of arriving in the Salt Lake Valley, church leaders encouraged settlement in what is now the State of Idaho. The first settlement consisted of 23 men led by Thomas S. Smith. The men constructed a fort, houses, and a blacksmith shop. Eventually, settlers from Utah began migrating into the little colony. It appeared to be a huge success until a large band of Bannock and Shoshone Indians attacked the settlement, killed a few men, and scattered the livestock.

This tragic event did not stop the Mormon migration into Idaho. In 1860, what is now known as Franklin became the first of numerous permanent Anglo-Saxon settlements in Idaho. Early Idaho Mormons were farmers who raised cattle and livestock and grew such crops as wheat, potatoes, peas, and sugarbeets. The Mormons dealt with the threat of Bannock and Shoshone hostility through a display of brotherhood. Settlers taught the Indians agricultural skills and provided them with food and guns. In contrast to the hostile feeling the Indians had toward the white man, Mormons were looked upon as good friends.

Early Mormon pioneers were noted for their strong sense of community and their emphasis on educational and cultural development. Within the new settlements, singing and theatrics brought the community together and helped to lighten the burdens of pioneering. The women's organization within the church, known as "The Relief Society," educated themselves in nursing, health and social issues, and the arts.

Modern day Mormons are not crossing plains in covered wagons or fleeing religious persecution, but they strive to follow a heritage of courage and commitment. A heritage that responds to the call of duty, provides for the needs of the poor, and works together in unity to reach a higher goal.

Pioneer Day, observed on the 24th of July, is celebrated as a holiday in recognition of Brigham Young's first arrival in the Salt Lake Valley. In Idaho, where Mormon citizens make up nearly one-third of the population, parades, rodeos, fireworks, and barbeques are common ways to commemorate the crossing of the pioneers.

Finally, Pioneer Day is a time, not only for Mormons, but for all of us to celebrate our good fortune of living in a free nation where religious rights are guaranteed to all.

EFFORTS TO REDUCE LOCAL TRAFFIC CONGESTION MUST INCLUDE RURAL PRESERVATION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. KOSTMAYER. Mr. Speaker, the U.S. House of Representatives today approved a transportation spending bill that includes $2.75 million I requested for three transportation projects in my district. The three projects—SEPTA's Cross-County Metro rail line, a limited-access roadway along the Route 202 corridor, and a study of alternatives to reduce traffic congestion in the Quakertown area—are designed to ease gridlock in the suburbs north of Philadelphia.

One of the projects—the Quakertown effort—has come under fire by some local residents concerned about overdevelopment and the subsequent destruction of the countryside. I share that concern and would oppose any plan to deal with growing traffic congestion in the Quakertown area unless it received the official support of all municipalities which would be directly affected. No one who travels, as often as I do, through the Quakertown area can fail to note the negative effects of increasing gridlock as well as the need to preserve the rural quality of upper Bucks County. My intention in seeking this study is to develop a solution that meets the need to reduce that congestion, while at the same time protecting our rural landscape.

Central to this goal is the linking of proposed transportation projects to local land use and development plans. The Pennsylvania Department of Transportation [PennDOT], to its credit, is one of the few State DOT's that prides itself on heeding the concerns of local communities. In the case of Quakertown, this means, among other things, that the bypass will not be built through areas zoned for rural protection. The residents of Quakertown can be confident that PennDOT will not ram a highway down their throats.

However, to ensure that the priorities and concerns of localities are reflected in transportation policy, I have introduced legislation to require a strengthened link between comprehensive community planning and transportation project decisions. I am very pleased that much of my bill has been incorporated into the surface transportation reauthorization legislation currently being considered by the House.

In less than two generations, Federal transportation policy—for better and worse—has reshaped the American landscape. Too often, we have laid out our highways first and considered their effects afterward. The impact on metropolitan landscapes and natural resources has been devastating, as low density sprawl spreads out across the countryside. Growth and development are consuming open space at an unparalleled rate, destroying vast areas of farmland, wetlands, forest, wildlife habitat, rivers, and lakefronts. We are robbing communities of their distinctiveness and America of its natural landscape.

But while the contribution highways have made to sprawl is undisputed, it does not justify the simplistic notion that no new highways should be built anywhere. Rather, transportation projects must be intelligently planned and placed, considered in concert with—not in isolation from—local development plans. We must turn our transportation policy into a vehicle for preserving and enhancing our natural and manmade heritage and rebuilding livable communities.

It is my hope that a solution for the Quakertown area can be designed that will reduce traffic congestion without threatening our rural landscape. This can only be accomplished through the kind of close and careful study made possible under this legislation and with the cooperation of local municipal officials. Ultimately, any roadway construction should be contingent upon the clear support of the local governing bodies of all municipalities which it would traverse. By including such officials in the entire planning process, we will be able to determine those solutions that can best address local needs and concerns.

IMPROVEMENT NEEDED IN CALIFORNIA'S COURT SYSTEM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation which I believe will significantly improve access to the Federal courts to inland residents of California's Central Judicial District. This bill would divide the district into two divisions—an eastern and a western—and establish a new place of holding court in the eastern division.

Southern California has experienced some of the most dramatic population growth in the Nation in recent years. While growth has brought prosperity to our region, it has also brought a whole host of problems: an increase in violent and drug-related crimes, air pollution, traffic, and pressure on public and social services. In the inland counties of San Bernardino and Riverside that growth promises to be even more dramatic in the coming years. San Bernardino County, geographically the largest county in the Nation, grew 58.5 percent from 1980 to 1990, while Riverside County's population increased 76.5 percent over the same time period. The California Department of Finance predicts that in the next 15 years the populations of Riverside and San Bernardino Counties are expected to increase again by 70 percent and 67 percent, respectively.

Despite these population changes, inland residents have not seen a corresponding shift in the availability of Federal services. Increased traffic makes Federal offices on the coast inaccessible. The current offices in Santa Ana are approximately 40 miles from the inland empire, but daytime traffic turns this commute into a 2½-hour nightmare.

Although San Bernardino and Riverside residents could benefit from a whole host of Federal agencies and offices moving inland, the Federal court presents one of our most pressing needs. The local bar associations in the inland counties believe that there are many unreported and unfiled Federal court cases in Riverside and San Bernardino Counties. Lawyers discourage clients from taking their cases to Federal court because of the time and inconvenience that this involves. If a client decides to pursue a case in Federal court, he or she will be referred to a new lawyer whose office is close to the court. The client is then the one who bears the brunt of the standstill traffic, the long distance phone calls, et cetera. This says nothing about the inconvenience which inland residents must endure when they are called to jury duty.

Not only does the access problem affect civil cases, it ties into criminal cases as well. Fighting gangs and drugs is a primary concerns in the inland empire. One way of funding drug enforcement activities is through asset forfeiture, by which the assets of drug dealers and manufacturers become legal property of the police. These assets are generally sold and the profits are funneled into drug enforcement activities. Many of these cases must be filed in a Federal court. However, I am told that in San Bernardino and Riverside Counties only the most lucrative asset forfeiture cases are taken to court. The counties simply do not have the resources to prosecute the cases: staff time traveling to and from the courts would amount to at least 5 hours a day during rush hour traffic.

The caseload for the central district is extremely large. The Administrative Office of the Courts lists 10,360 pending cases in the central district for 1990. This is nearly twice as many pending cases than the California judicial district with the next largest workload—the northern district—and more than three times the pending cases of California's eastern district.

Dividing the central judicial district into two divisions and creating a new location inland for holding court would go far toward resolving the myriad problems caused by growth and difficult access to the Federal courts. Attorneys would be able to appear in court without having to contend with a daily 5-hour commute, and law enforcement would not be faced with disincentives to filing small asset forfeiture cases. In almost every way—access for inland attorneys and law enforcement, convenience for all filers, and overall effectiveness of the court—my proposal would enhance our current situation.

Dividing the central judicial district into two divisions would in no way affect the proposal to build a new courthouse in Santa Ana. My legislation proposes that the western division, which would comprise Los Angeles, Orange, San Luis Obispo, Santa Barbara, and Ventura Counties, would hold court in Los Angeles and Santa Ana. Court would be held for the eastern division, which would comprise San Bernardino and Riverside Counties, at a suitable site within the city of Riverside or San Bernardino, or within a 5-mile radius of either city.

The Federal Government has the responsibility to provide quality services which are readily accessible to the people it serves. The current court facilities in the Central Judicial District of California are presently inadequate, and current and projected growth exacerbate the problem. By creating two divisions within this district, and establishing an additional place of holding court inland, we can greatly improve the service which the Government is responsible for providing to all residents of the central judicial district.

TRIBUTE TO THE HONORABLE JAMES R. DOOLEY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. TORRES. Mr. Speaker, I rise today to recognize an extraordinary individual, the Honorable Judge James R. Dooley. Judge Dooley is retiring after 15 years of service to the U.S. Bankruptcy Court.

Judge Dooley was born in Anderson, SC. He is married to the former La Curtis Ruth Walls. Judge Dooley has one son, Jerold Richard Dooley. As valedictorian of both his high school and college graduating classes, Judge Dooley graduated magna cum laude from Benedict College, SC.

Upon graduation from the John Marshall Law School in Chicago, Judge Dooley was awarded numerous honors and prizes. Elected to the Order of John Marshall, Judge Dooley received the Bobbs-Merrill Co. Prize, the Illinois Constitutional Law Prize, and the Post-Graduate Scholarship, as well as many others, signifying his attainment of the highest rank each year of his graduate studies.

Judge Dooley served actively both in World War II and the Korean war. Rising from the rank of sergeant to first lieutenant in 1942, he was on active duty from 1942 to 1946 and again from 1951 to 1952 during the Korean war. Mr. Dooley served as a first lieutenant in the U.S. Army Reserve from 1945 to 1953 as well.

Judge Dooley was admitted to the Illinois Bar in November 1950 and to the California Bar 3 years later. He practiced privately for a short time in late 1953 and then served as assistant U.S. attorney for the U.S. Department of Justice in Los Angeles from 1953 until 1976.

During the years of his service, Judge Dooley continued to earn high praise from his colleagues, as he served in many positions of leadership. From 1962 until 1976 Judge Dooley served as first assistant chief of the Civil Division in the U.S. Attorney's Office. As a well liked and well respected member of the bar, Judge Dooley chaired the disciplinary board of the State Bar of California as well as the Federal Courts and Practice Committee of the Los Angeles County Bar Association in the early 1970's. Judge Dooley has served in many executive positions, including president, of the Los Angeles chapter of the Federal Bar Association as well. Appointed as bankruptcy judge in November 1976 Judge Dooley continued to uphold his high standards of dedication and service for which he has earned his honorable name.

Mr. Speaker, on February 2, 1992, civic leaders and members of the legal community will be gathered to praise the Honorable Judge James R. Dooley and bid farewell to this outstanding individual. I ask my colleagues to join with me in a salute to a dynamic leader and respected individual, James R. Dooley, for his distinguished record of achievement and public service both to the people of Los Angeles and to people of the United States as a whole. Let us all wish him a long, peaceful, and joyful retirement.

MORE FUNDS NEEDED FOR HOSPICE ORGANIZATIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. GEJDENSON. Mr. Speaker, I rise today to reintroduce a piece of legislation to create a new Medicare reimbursement rate for hospice organizations so that they may provide in-home respite care to terminally ill patients. Respite care consists of temporary, short-term, daytime or overnight health care so that family caregivers may have a few hours or days of rest from the stress of caring for a patient.

Hospice programs were first developed in my home State of Connecticut. This innovative method of care involves the coordination of health care providers and services to offer the most appropriate type of care to the terminally ill in their own homes. Pain relief and health care are provided by health professionals, with family support a crucial component of hospice care. In 1982, Congress initiated demonstration programs to study the suitability of federally supported hospice care. Medicare coverage of the hospice benefit was fully mandated in 1986 to give terminally ill individuals the option of a comfortable death at home.

Currently, Medicare part A beneficiaries may elect to receive hospice care in lieu of most other Medicare benefits for up to two periods of 90 days each, a subsequent period of 30 days, and an additional extension period if elected. The Health Care Financing Administration implemented a prospective payment methodology for hospice care. Under this system, hospices are paid one of four predetermined rates for each day a Medicare beneficiary is under the care of hospice. As this legislation originally was intended, hospices are meant to provide a few hours of respite under the routine home care rate. However, to give the family more time to recover from the exertions of care, a hospice beneficiary can also opt to enter an inpatient facility to receive routine care and give the family a greater period of rest.

However, for many families, the 2 or 3 hours of respite they can receive from hospice caregivers under the routine home care rate is not enough to regain strength or to catch up on sleep. In addition, many families raise strong objections to the use of the inpatient respite option which requires the patient to move from the home to a hospice facility. Usually the caregiver will not allow that move until they are physically unable to provide pain relief for the patient at home. This throws the patient into a state of medical crisis requiring hospitalization. To illustrate how little this benefit is used, in 1989 the utilization rate for inpatient respite care in a hospice facility was 0.003 percent, whereas the inpatient hospital rate was used in 12 percent of the cases. For 1991, the inpatient respite care rate is set at $82.48 per day and the inpatient hospital care rate at $354.73.

My legislation would create a new respite reimbursement rate of $90 for each 5-hour period of care—increased by $10 for each additional hour of the period during which such care is continually provided—and is limited to a 40-hour total period of care. This legislation, for example, would provide a total of five 8-hour night shift periods of respite care. The legislated cap on hospice reimbursement would remain unchanged—the cap in 1989 was $9,010 although the average cost per beneficiary was $3,470.

Mr. Speaker, the intent of the hospice program was to keep terminally ill patients at home. Many of the spouses and family members of Medicare beneficiaries are elderly and may themselves be frail or unwell. It is vital that the option of keeping hospice patients at home with their loved ones be made available. Home respite care could be the linchpin that keeps a family strong, so that they can provide comfort and care for the dying individual, together with hospice care providers.

Dealing with the physical deterioration and death of a loved one is an incredibly difficult experience. Though we cannot relieve the pain of the passing of a loved one, passage of this legislation will make that process easier and less stressful for the family and the terminally ill patient.

I urge my colleagues to join me in support of this important legislation.

TRIBUTE TO JOHN ANGELO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, the men and women who staff our congressional offices work very hard at jobs which are intellectually and emotionally difficult, and they are generally compensated at less than what they would receive for comparable work in the private sector. I am therefore particularly pleased when individuals or organizations outside the Government of the United States take the trouble to recognize members of our staffs for the extraordinarily important work they do on behalf of others. I was particularly gratified, therefore, last month when John Angelo of my staff was invested with the Official Order of Merit of Infante D. Henrique. This very prestigious award was created in 1960 to commemorate the 500th year of the death of that great figure in world history, Prince Henry the Navigator of Portugal. It is the highest civilian order bestowed by the Portuguese Government and it is awarded to those who have done extraordinary service on behalf of Portuguese culture, history, and the values embodied therein.

John Angelo was born in Portugal and immigrated to the United States. He worked hard in the garment industry in Fall River and became an important member of the local structure of that outstanding organization, the International Ladies' Garment Workers' Union.

In 1982, when my district lines were changed to include the Fall River area, I was delighted to have the benefit of John's help and I was especially happy when he joined my staff in 1983. He has since then worked in my office on the myriad problems which those of us in Congress deal with on behalf of our constituents. John Angelo is a great asset to the people of the Fall River area, and I am very grateful to the Government of Portugal for recognizing the extraordinary service he performs and the distinguished manner in which he represents Portuguese culture.

CENTRAL FLORIDA—A SOCCER HOTBED READY TO HOST THE WORLD CUP GAMES IN 1994

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. BACCHUS. Mr. Speaker, I am proud once again to lend my support and enthusiastic endorsement for central Florida's bid to host the World Cup—the Championship of Soccer—in 1994. Soccer is the youth sport-of-choice in the United States. Currently, one in every six Americans is associated with soccer either as a participant or through a family member.

When I am home in my district on weekends, I cannot pass a schoolground on a Saturday morning without witnessing a soccer game in progress. Seminole, Orange, Brevard, and Osceola Counties in central Florida have produced impressive and competitive youth soccer programs. Central Florida has several facilities that are home to soccer enthusiasts. One such facility, Cocoa Expo Center, is one of the finest in the country. Orlando's Citrus Bowl, already host to one of our finest college bowl games, is an ideal site for World Cup games. This commitment to soccer has produced some of our country's leading soccer superstars. For example, Ms. Michelle Akers-Stahl of Seminole County was voted most valuable female player for the Nation in 1990. Mr. Jeff Agoos from Orange County currently plays on the U.S. men's team and may qualify for the U.S. World Cup team.

I am proud of the effort and dedication of central Florida's government, business, and tourism leaders who are seeking to land the 1994 World Cup games. This is indeed a timely investment for the youth of central Florida. Soccer is their sport. FIFA, the international governing body of soccer, has adopted the motto of "Fair Play." What better way to show leadership to our young people than by welcoming the world's finest athletes to Orlando, the No. 1 family vacation spot. America's youth will certainly be watching.

THE SOCIAL SECURITY AMENDMENTS OF 1991

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ARCHER. Mr. Speaker, today I am introducing H.R. 3007, the Social Security Amendments of 1991. This bill, drafted by the Department of Health and Human Service, implements proposals in the President's fiscal year 1992 budget relating to title II and title XVI of the Social Security Act.

There are four proposals:

First, a modest increase in the Social Security earnings limit for workers over 65;

Second, magnetic media reporting requirements for certain payroll agents;

Third, authority for SSI overpayments—title XVI—to be collected from Social Security benefits—title II;

Fourth, a charge to certain States for the SSI State supplementation administered by the Social Security Administration.

Overall the bill produces savings of $500 million over 5 years. While I would prefer a more generous increase in the earnings limit than the $1,000 in the President's budget, I am mindful of the firewall created in last year's budget act. The Social Security provisions meet that $250 million test.

The other three provisions result in the net savings. The provisions relating to magnetic media reporting of wages, and the recoupment of SSI overpayments should improve program administration.

The final provision—a phase-in requirement that States pay the administrative costs of State supplementation—is, in my view, equitable. There is no reason that States which administer their own supplementation or States who have not opted to pay a supplement should subsidize those who rely on SSA to administer such supplementation.

These proposals are worth our consideration, Mr. Speaker, and I recommend them to my colleagues on the Ways and Means Committee.

D.A.R.E. DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. WOLF. Mr. Speaker, I rise in support of House Joint Resolution 21[illegible] designating September 12, 1991, as "National D.A.R.E. Day." I congratulate my colleague Representative

MEL LEVINE from California, for his efforts on this legislation and I thank the Post Office and Civil Service Committee for their expeditious movement of this resolution through the committee.

I would like to bring particular attention to the strong D.A.R.E. Program in the 10th District of Virginia, a program that effectively teaches children how to resist the pressure to experiment with alcohol and drugs through the discussion of such important concepts as development of high self-esteem and self-worth.

Since attending one of the D.A.R.E. classes, reviewing course material offered, and hearing positive feedback from children and adults who have participated in the D.A.R.E. Program, I am convinced more than ever that the D.A.R.E. Program, on both a local and national level, is an extremely positive approach to equipping our youngsters with the skills necessary to recognize and resist the pressures that influence them to experiment and use harmful drugs.

I salute the school districts and police departments around the country which have taken the D.A.R.E. concept and turned it into a working, effective substance abuse education program for their areas. I hope that through this resolution, individuals will come to know the positive effects of this program so that more children around the country will have the opportunity to participate in D.A.R.E. I urge the support of my colleagues for House Joint Resolution 217.

THE PRICE OF FREEDOM: LCPL. JAMES M. LANG, USMCR

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. BLAZ. Mr. Speaker, I rise today in tribute to a young man, a fellow marine and son of Guam, who made the ultimate sacrifice in defense of the principles upon which this country was founded. LCPL. James M. Lang, USMCR, survived the 100-hour ground war only to fall victim to its aftermath. The only son of James Lang and Evelyn Reyes Lang, this young man from Chalon Pago lost his life as a result of a grenade explosion while participating in boobytrap and mine-clearing operations in Kuwait on March 1.

Mere eloquence on my part can never fully describe the tragedy of this young man's death, and the resultant impact it will always have upon the lives of those who loved him. What can one say to a mother and father who cared so much for him? However right the cause for which he gave his life, there is little that I or others can say that will ease their pain.

I am no stranger to death in war; I have personally experienced war three times in my life, once as a civilian under Japanese occupation, and twice as a soldier. In Vietnam, I was responsible for giving orders that sometimes sent young men to their deaths. I will have to live with that for the rest of my life. As a casualty assistance officer, I made that long trip up the sidewalk to the front door over 300 times. Over 300 times I had to notify a mother, a father, or a wife, that their son or husband would not be returning home. I understand better than most the sadness that accompanies even the greatest of victories.

The parades are over now; the yellow ribbons have come down; the desert uniforms are being packed away. Some may fear that the sacrifices made during and after Desert Storm will fade into memory. The burden has now passed from the soldier to the civilian; it is our responsibility to remember men such as Lance Corporal Lang. He was willing to endure hardship and danger in order to guarantee for others—people whom he had never met—freedom, which we in this country enjoy and so often take for granted.

Who was Lance Corporal Lang? He was one of those individuals in uniform whom all of us see in airports, or at the train station, or on the bus, and barely notice. It seems that only when war threatens do we realize just how special these young people are, and how heavy the burden they bear for the rest of us. While we slept, Lance Corporal Lang and others like him were awake. Perhaps they walked a lonely sentry post in the early morning hours, or piloted a submarine through the ocean's depths, or guided a fighter back to its aircraft carrier and safety. As I speak, others carry on with these duties around the clock, 365 days a year. It is their devotion and professionalism that gives us the peace of mind and sense of security that we cherish so much.

Mr. Speaker, Guam will never forget Lance Corporal Lang or to what purpose he gave his life. A flag was flown in his honor over the capitol on March 12, the day that he was interred in that final resting place of heroes, Arlington National Cemetery. Harvest Christian Academy, his alma mater, is dedicating its school library in his name.

Neither will the Marine Corps forget. Just as service to one's country is an honored tradition on Guam, it is a marine's sole reason for existence. He will be doubly remembered.

It is a tradition within the military when an individual has participated in a historic or significant campaign or battle, for others to stand when he enters the room in recognition of the attendant sacrifice. If, after my time on this Earth is done, I should happen to be in the room when this young marine enters, I will be proud to stand and salute him. Without uttering a word, I will have said a thousand.

"STARMAN, WISH ME LUCK"—DRAMATIC PRESENTATION ON CAPITOL HILL HIGHLIGHTS HOMELESSNESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. LANTOS. Mr. Speaker, on July 22, Congresswoman LOUISE SLAUGHTER, Congressmen ROBERT MATSUI, GEORGE MILLER, JIM SLATTERY, BOB TRAXLER, BRUCE VENTO, and myself sponsored the presentation of the play, "Starman, Wish Me Luck," an urban folktale about homelessness.

Produced in association with Creative Ascent, the National Coalition for the Homeless, Hill Staffers for the Hungry and Homeless, and the House Legislative Assistants Association, the play was a smashing success. It helped to raise the awareness of homelessness here on Capitol Hill.

The plight of the homeless in America weighs heavily on the conscience of this Nation. While estimates vary, the number of Americans without adequate housing is intolerably high. The crisis of homelessness is daunting and at times seemingly intractable, but we must redouble our efforts to bring an end to this national disgrace.

I wish to thank Steve Grad and Cathy Simpson, who starred in the play, for their inspiring depiction of two homeless people. I would also like to extend my gratitude to my colleagues and to the organizations who helped in the production of "Starman, Wish Me Luck."

Most of all, Mr. Speaker, I would like to pay tribute to all of those who work tirelessly to fight for the most vulnerable among us: the homeless. It is my hope that Monday's performance will encourage greater efforts on behalf of those who have no place to go when the day is done.

INTRODUCTION OF THE ALTERNATIVE JUVENILE INCARCERATION ACT OF 1991

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. RINALDO. Mr. Speaker, I rise today to introduce legislation which would authorize appropriations for grants to States to demonstrate whether confinement in boot camp prisons rehabilitates and reduces recidivisim of juvenile offenders.

Our juvenile correctional facilities are overflowing with young people who are usually found delinquent by our courts because of their involvement with drugs. Too many of these youthful offenders are released just to repeat their mistakes again. We may have an opportunity to break the tragic cycle of juvenile recidivism by creating innovative sentencing alternatives that offer a combination of punishment and rehabilitation.

Boot camp prisons, also referred to as shock incarceration programs, have been successful in rehabilitating a larger percentage of adult inmates than traditional correctional facilities. The use of boot camp prisons for first-time adult offenders who have committed nonviolent crimes, including drug-related offenses, has gained broad acceptance in recent years. Fourteen States currently operate adult boot camp prisons, while eight other States have started developing boot camps for adult inmates. The Justice Department has made funding available to States for these projects, and the administration advocates the use of boot camp prisons as part of its antidrug strategy.

Young people need punishment that is harsh enough to deter them from criminal conduct, but they also need to have positive experiences that will teach them personal responsibility, self-discipline, self-esteem, useful skills, and the value of hard work. The boot camp concept will help to return larger numbers of these youthful offenders to their families and our communities to live meaningful, productive lives.

I urge my colleagues to support this bill so that States will be able to institute this constructive sentencing approach for juvenile offenders.

THE SMALL BUSINESS ECONOMIC OPPORTUNITY ACT OF 1991

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ANDREWS of Maine. Mr. Speaker, this Nation faces a crisis. Small businesses and entrepreneurs cannot obtain the seed money they need to get their ideas from the drawing board to the finished product. They have difficulty maintaining or expanding their businesses. The recession has further worsened the flow of funds.

In my State of Maine for example, a coastal businessman told me he had to go to 20 banks before he could get a loan. Several owners of family businesses with good credit records spanning generations have had their lines of credit cut off. It seems everyone from Maine and throughout the rest of New England has a horror story to tell.

Mr. Chairman, I am pleased to announce introduction of the Small Business Economic Opportunity Act of 1991, which amends section 7 of the Small Business Act with a new demonstration loan program. This is companion legislation to S. 1426, the Small Business Economic Opportunity Act of 1991, introduced by Senator DALE BUMPERS and Senator GEORGE MITCHELL. I applaud the leadership of Senator MITCHELL as majority leader and Senator BUMPERS as Chair of the Senate Committee on Small Business, and appreciate their initiative to introduce legislation to benefit women, minority and low-income entrepreneurs.

The Small Business Economic Opportunity Act will assist entrepreneurs who have promising plans for starting or maintaining successful businesses but who have particular difficulties in getting those plans off of the ground. The health and vitality of small business is essential for future economic growth. Monetary assistance in the form of microloans is one way to foster that health and vitality.

As a member of the Small Business Committee, I am very aware of the problems of credit availability in New England and the Nation, after participating in four credit crunch hearings in Washington, Boston, and my district of Maine. The credit crunch is real. It is affecting several small businesses. And, in rural States like Maine, whose economic base consists primarily of small businesses with less than 20 employees, my constituents have suffered from the unavailability of credit due to economic downturns.

Access to capital at both the public and private levels is limited. Traditionally, banks are adverse to providing small loans to individuals seeking to start small businesses, due to administrative costs in providing assistance, as well as the processing and servicing costs of loans. The risk involved in starting a new business places additional limits on a small business or entrepreneur attaining a loan.

This must change. Small businesses are getting a double hit: a recession and a credit crunch. A double remedy is needed: available credit and capital. The Small Business Economic Opportunity Act of 1991 will assist entrepreneurs by providing both credit and capital to cover initial business expenses through microloans. In addition, providing individuals with intensive marketing, management, and technical assistance will enable microentrepreneurs to develop and maintain small businesses. Management and technical support will help reduce the risk of loan defaults.

Although there are a variety of good loan programs such as the Small Business Administration's 7(a) Loan Program, none currently exist in the microloan category. Several private, nonprofit community development corporations throughout the Nation have experience in microlending to women, minority, and low-income individuals. They have targeted and worked with microenterprises in the past. They are also capable of supplying technical and managerial assistance. Because of their expertise, private, nonprofit community development corporations are best suited to handle the microloan demonstration program.

The current economic condition is more than a matter of economics. It is a matter of quality of life for present and potential owners of small businesses throughout our Nation. Microloaning is targeted to individuals who are closed out of traditional financial markets. It therefore fosters job creation and enables people to play a more active role within their local economy. As a result, individuals become more self-sufficient, and are better prepared to enter more traditional financial markets in the future.

Again, I commend the leadership of Senators MITCHELL, BUMPERS, BAUCUS, HARKIN, WELLSTONE, and LIEBERMAN for their dedication to microentrepreneurs in drafting and cosponsoring S. 1426. I look forward to working with both the House and Senate Small Business Committees in approving this important piece of legislation.

Small business is the nest egg of our Nation's future prosperity. We have to nurture and support it. And if we do, it will pay us back many times over in the future.

TRIBUTE TO CAPT. HOMER G. SAENZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. ORTIZ. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Capt. Homer G. Saenz. He is retiring from the Brownsville Police Department and has served his community well. He will leave behind a legacy of commitment and leadership.

Mr. Saenz has dedicated much of his life to his community and his country. He served in the U.S. Army during World War II and has been a loyal member of the Brownsville Police Department for 33 years, working his way up from patrolman to acting chief of police in the absence of the police chief.

Mr. Saenz made many outstanding contributions in the field of narcotics law enforcement as a past member of the Texas Narcotic Officers Association. His endless dedication to the war on drugs has helped many individuals and the community as a whole.

Captain Saenz has received numerous awards and certificates during his tenure with the Brownsville Police Department. He was awarded the DEA Certificate of Appreciation for outstanding contributions in the field of drug law enforcement and a certificate of merit from the Knights of Columbus in 1981. He was also the recipient of the "Officer of the Year" awarded by the Knights of Columbus in 1978–79. He has earned the respect and gratitude of his fellow officers, his family, and his community.

Mr. Speaker, I hope that you and the Members of the U.S. House of Representatives will join me in saluting Mr. Homer Saenz for his many years of outstanding service to his community. His contributions of time and energy are to be commended. Certainly his accomplishments are greatly appreciated and will be long remembered in the area he served so well.

TRIBUTE TO NELLIE REYNOLDS AND PEGGY JONES

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. GRAY. Mr. Speaker, I rise today to pay tribute to two truly remarkable people, Nellie Reynolds and Peggy Jones, who are being recognized by the Philadelphia Housing Authority for lifetime achievements and outstanding service. I wish to bring to the attention of this body the committment and accomplishments of these women who have devoted their lives in service to their community.

Mrs. Reynolds is a commissioner of the Philadelphia Housing Authority [PHA], and Mrs. Jones is a resident member of the PHA Board of Commissioners. They are being honored not only for service rendered to the housing authority, but for lifetime achievements in helping to improve the lives of others.

Mrs. Reynolds, as a community leader and housing activist, has been a role model for the Philadephia community. She is president and exective director of the oldest public housing group in the country, the Resident Advisory Board of Philadelphia. She is vice president of SHARE of Philadelphia, on the board of Philadelphia Citizens for Children and Youth, on the board of Public Interest Law Center of Philadelphia, and a trustee for Community Legal Services. She serves on the Marcus A. Foster Community Health Center, the Philadelphia Council for Neighborhood Education, the board of the Housing Association of Delaware Valley, the Pew Charitable Trust Advisory Committee, is a committeewoman and serves on the 32d Ward Democratic Executive Committee as chairperson. She is a member of PHA's Drug Task Force at-large, a member of

PHA's Drug Task Force at-large, a member of the National Tenants Organization, National Association of Housing and Redevelopment Officials, and attends the Zion Baptist Church. She is the recipient of numerous community service awards.

Peggy Jones has served as treasurer of the Haverford Community Center, as a member of the Mantua Community Developers Board of Directors, as secretary/treasurer of the Philadelphia Housing Authority Board of Commissioners, as president of the Citywide Tenant Coalition, as a member of the Philadelphia Clearing House board of directors, as a member of the Eastern Region Tenants Association, as a member of the National Tenants Association, as a member of the Mass Union of Public Housing, as a member of the National Association for Housing and Redevelopment Officials, as a member of the National Association of Resident Management Corporations, and is founder of the Mantua Scattered Sites Tenant Council. She is the recipient of many awards for humanitarian and civic service.

Both Mrs. Reynolds and Mrs. Jones are deeply committed to the Philadelphia community, and have made singularly great strides in providing and overseeing youth and housing programs. The city of Philadelphia owes a great debt to Nellie Reynolds and Peggy Jones for their dedicated service, warmth, humanity, and tenacity. The changes they have effected have improved countless lives, and they have been relentless in the pursuit of their goals.

Please join me in paying tribute to these two very special woman who have committed themselves to improving the quality of the lives of Philadelphians. We in Pennsylvania will always remember their worthy contributions.

CONGRESSMAN KILDEE HONORS DALE REID

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to Dale Reid who has served nearly two decades as a dedicated public servant of the people of Almont, MI. Dale retired May 7, 1991, after serving the village of Almont as a council member for nearly 20 years. Mr. Reid will be honored on Saturday, July 27, 1991, when the village of Almont Council will recognize July 27, 1991, as "Dale Reid Day."

Dale Reid has served Almont faithfully and diligently as a council member. During his tenure that began March 21, 1972, Mr. Reid has actively participated in the development of major village public works projects, including the extension of the water supply from Detroit, the construction of the $4 million waste water treatment plant, the creation of the downtown development authority, the construction of the village and township municipal building, and many water, sewer, and paving projects.

Dale Reid knows the meaning of the word commitment. In addition to his nearly 20 years of service to Almont, he has also been a committed and dedicated family man for 33 years. Mr. Reid has three children, and five grandchildren. He is deeply appreciated by his family and friends as well as the whole Almont community.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise before the U.S. House of Representatives to pay tribute to Dale Reid. He has served tirelessly for his community for nearly two decades. For that, the village of Almont will express its gratitude and appreciation by proclaming July 27, 1991 to be "Dale Reid Day." I urge my colleagues to join me in wishing Dale and his lovely wife Doris a fruitful and prosperous retirement. May they pursue new challenges in their lives.

THE CHRISTIANSTED BYPASS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. DE LUGO. Mr. Speaker, I rise to express my sincere appreciation to my colleagues who have supported my efforts to secure initial funding for the long-sought Christiansted bypass project on St. Croix.

I particularly wish to thank the great chairman of the Appropriations Committee's Subcommittee on Transportation, BILL LEHMAN, for his sympathetic understanding of the true need for this important project on behalf of the people of St. Croix. I want to commend him for his hard work and for the superb legislation that he brings to the House.

I also wish to thank a long-time personal friend of mine and friend of the Virgin Islands, the gentleman from Pennsylvania [Mr. GRAY], who made the Christiansted bypass a special project.

Finally, I give my thanks to the ranking Republican on the Transportation Subcommittee, the gentleman from Pennsylvania [Mr. LAUGHLIN], whose support for this project was truly gratifying.

It is extremely heartening to know that these distinguished gentlemen appreciate the infrastructure necessities facing the Virgin Islands, where years of steady growth have placed particular strain on existing road systems. The Christiansted bypass will improve significantly the potential for the growth of commerce and industry on St. Croix and it will help insure a higher quality of life for both residents and visitors.

SENIOR ATHLETES SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. SUNDQUIST. Mr. Speaker, a few weeks ago, I had the pleasure of welcoming to Washington a lively and active group from Henderson, TN. They were on their way to New York to take part in the National Senior Games, where, I might add, they did very well.

This group of friends has come to mean a great deal to me. I have visited their senior citizen center in Chester County on several occasions, have joined in their sing-a-longs, and simply enjoyed their good company. I share their story with my colleagues because I find it inspiring and encouraging to see these older citizens still active, still engaged, still young at heart and fresh in spirit. It gave me a lift to visit with them.

I want to briefly recognize their participation and accomplishment at the National Senior Games. Lillian Maness won the gold in shuffleboard doubles, a silver in shuffleboard singles, a bronze medal in both the discus and the horseshoe pitch. Arlie Ivy took the bronze in both discus and shotput, and added a fourth-place ribbon in shuffleboard singles. Edith Hooper took fourth place in both the shotput and the discus, and Easter Howard took fourth in shuffleboard doubles. In addition, Mamie Austin and Moselle and Robert Jones competed in shuffleboard, Evie Patterson took part in the shotput, and Tylene Seaton participated in the racewalk and discus.

I ask my colleagues to join me in saluting all of these fine senior athletes. I salute the tireless effort of Joanne Brewer, the director of the Chester County Senior Citizens, Inc., who played such a vital role in organizing the trip. And I look forward to visiting again with my friends in Henderson.

TALENTS AND ACHIEVEMENTS OF MATTHEW RICHARD SNYDER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. GEKAS. Mr. Speaker, I rise today to recognize the talents and achievements of an extraordinary young man from my district. This young man is Matthew Richard Snyder, son of Rodney and Lana Snyder, of McClure, PA.

Matthew, a junior at West Snyder High School, has always been dedicated to community service. That dedication now culminates in his reaching the rank of Eagle Scout.

Matthew has been involved in Scouting for 8 years, starting with Cub Scout Troop No. 3408 of McClure and moving onto Troop 408 before attaining his latest honor. Through Scouting, Matthew has had the experiences of attending the 1989 National Scout Jamboree and being an assistant patrol leader, quartermaster, patrol leader, and senior patrol leader for his local troop. For qualification as an Eagle Scout, Matthew chose to help his church, St. John's Lutheran Church, by organizing an effort to refinish its picnic pavilion and tables.

Matthew plans to study physical therapy after graduating from high school. With the industriousness and generosity of spirit that this young man has already shown, Matthew cannot help but succeed in the future. I ask my colleagues to join me in congratulating Matthew on his successes and in wishing him the best in his future.

TRIBUTE TO THE CARPENTERS AND JOINERS' LOCAL 248 ON THEIR 50TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Ms. KAPTUR. Mr. Speaker, on August 9, the Carpenters and Joiners' Local 248 in Toledo, OH will celebrate its 50th anniversary. I would like to take this opportunity to pay tribute to my friends at the carpenters union and commend Local 248 for 50 years of outstanding service to Ohio's Ninth District.

In August 1941, 10 carpenters from Toledo, OH received a local union charter from the United Brotherhood of Carpenters and Joiners of America to form what became Local #248. Since that time, the union has been joined by the Lathers Local Union 24–L in 1980 and the Floorlayers Local 1457 in 1988. Local 248 has now grown to include 600 skilled craftspeople.

Mr. Speaker, Ohio's Ninth District is full of talented, hardworking men and women who have contributed so much to our community. Over the past 50 years, the men and women of the United Brotherhood of Carpenters and Joiners' Local 248 have made our area a better place to live, and we are all tremendously grateful for their contributions over the past half-century.

In addition to the men and women who are members of Local 248, I would like to pay tribute to the officers of the union. Special congratulations to president, Jack Kenney; vice president, Homer Shank; recording secretary, Ron Krzyminski; financial secretary, Ron Romes; treasurer, Mike Null; trustees Bill Michalski, John Trapp, Terry Bishop; warden, Jon Williams; conductor, Mike Grimes; and business representative Bob Sopher. A special thank you to Mac Huguelet who worked long and hard to make this 50th anniversary celebration a success.

Congratulations to all the members of local 248, and best wishes from the Congress of the United States for another 50 years of prosperity.

TRIBUTE TO JOHN J. DALE, JR.

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. PARKER. Mr. Speaker, I stand today in the Halls of Congress, to speak in favor of my friend and fellow Mississippian, Mr. John J. Dale, Jr., of Wilkinson County. He has formally announced his retirement as county agent beginning on August 9, 1991.

John began working as assistant to the former county agent, J.R. Hamilton, when he graduated from Mississippi State University in 1960. After only 1 year as assistant, John assumed the position of county agent, a position which he has held for the last 30 years. He is one of two men that have ever served in this position, the other being his predecessor who served for 31 years.

Mr. Dale has been thoroughly involved in his community where he is a well respected member. His time and dedication to the community and to the State of Mississippi deserve recognition. Therefore, I ask that you join me in commending Mr. John J. Dale, Jr., on the occasion of his retirement.

THE CONFEDERATE FLAG AND CLARENCE THOMAS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. CLAY. Mr. Speaker, apparently there seems to be some confusion regarding the flag Supreme Court nominee Clarence Thomas displayed in his office while serving as a Missouri assistant attorney general. At first identified as a Confederate flag, it is now being described as the Georgia State flag.

It's newsworthy that Joel Wilson's belated letter describes the flag as Georgia's State flag. Others, however, who worked in the same office with Mr. Thomas, stated publicly and were quoted in the press as saying it was a Confederate flag. However, several years ago when the incident occurred, the flag was identified as Confederate and Mr. Thomas was reported to be proud of what it symbolized. Only after his recent public nomination have great pains been taken by a high price public relations firm to diffuse issues and distort facts.

Richard Wieler, a lawyer who worked in the same office with Clarence Thomas when he served as an assistant attorney general, was quoted in the St. Louis Post Dispatch as saying, "All the years that he worked there * * * he had a Confederate flag hanging behind his desk." Wieler said the flag was Thomas' way of saying, "Don't put me in an ideological corner, because I might not sit."

Personally, I believe there is no intelligent reason for a black person to fly the colors of a rebel Confederate flag or the "rebellious" Georgia State flag.

TRIBUTE TO GEORGE JOHNSTON

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1991

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to George Johnston of Saginaw, MI, who has been general manager of the Central Foundry Division since 1985. He has been promoted to general manager of Delco Marine and Delco Products Division in Dayton, OH, and will soon be moving there. He will be greatly missed, particularly because of his efforts to make the foundry in Saginaw a world class model.

As a member of the Saginaw County Chamber of Commerce, George was on the forefront of Saginaw's search for economic expansion. He was also an active participant in the United Way where he was a leader in recruiting voluntary aid for those individuals in our community who most needed help. Of great importance to George were his efforts to improve America's environment for youth through the Boy Scouts of America, Lake Huron Area Council. Besides his contributions to our community, he served in the U.S. Marine Corps during the Korean conflict.

Saginaw is not the only area that recognizes George's fine character. His talents have been recognized by General Motors since 1957. He has worked his way up through various supervisory assignments in manufacturing, process engineering, and personnel. George has served in the Muncie, IN, battery plant, nine plants in Anderson, IN, and facilities in Dayton, OH and Lockport, NY.

George was born in Anderson, IN, on January 11, 1932, and graduated from Indiana University with a bachelor of science degree in management in 1955. He also attended the Harvard University Business School Advanced Management Program in 1978. George and his wife, Nancy, have two sons.

Please join me in wishing the very best of success to George Johnston. He is a valuable contributor to Saginaw and to General Motors. We will remember him well.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 25, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

9:00 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on current educational television programming and to examine new technologies which could impact the future of educational television.

SD–430

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 353, to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their

workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes.
SD-226

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 58, to establish a national policy for the conservation of biological diversity.
SD-406

Finance
Health for Families and the Uninsured Subcommittee
To hold hearings to examine Medicaid rules on voluntary donations and taxes, reorganization of the Maternal and Child Health Services Block Grant program, and the Medicaid buy-in program for low-income Medicare beneficiaries.
SD-215

Joint Economic
To resume hearings to examine the economic outlook at midyear.
SD-628

JULY 29

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
Business meeting, to mark up S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 455, to establish a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, and S. 1278, to authorize funds for fiscal years 1992, 1993, and 1994 for the Office of Environmental Quality.
SD-406

10:00 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on proposed legislation relating to superfund problems facing municipalities.
SD-406

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on oversight of the General Services Administration's (GSA's) planning and management procedures and the condition of the Federal Building Fund.
SD-406

4:30 p.m.
Foreign Relations
To hold hearings on the nominations of Arthur Hayden Hughes, of Nebraska, to be Ambassador to the Republic of Yemen, and Christopher W. S. Ross, of California, to be Ambassador to the Syrian Arab Republic.
SD-419

JULY 30

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1351, to encourage partnerships between Department of Energy laboratories and educational institutions, industry, and other Federal laboratories in support of critical national objectives in energy, national security, the environment, and scientific and technological competitiveness.
SD-366

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine and evaluate recent developments relating to international negotiations on global climate change and stratospheric ozone depletion.
SD-406

Judiciary
Constitution Subcommittee
To hold hearings on issues relating to abortion as contained in Rust vs. Sullivan.
SR-332

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 1445, to revise the Safe Drinking Water Act to reduce human exposure to lead in drinking water.
SD-406

2:30 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1179, to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants, and S. 1187, to revise the Stock Raising Homestead Act to provide certain procedures for entry onto the Stock Raising Homestead Act lands.
SD-366

Judiciary
Courts and Administrative Practice Subcommittee
To resume oversight hearings on certain provisions of the Bankruptcy Code, focusing on commercial and credit issues.
SD-226

JULY 31

9:30 a.m.
Environment and Public Works
Business meeting, to mark up H.R. 794, Silvio O. Conte National Fish and Wildlife Refuge Act, S. 391, Lead Exposure Reduction Act, S. 455, Indoor Air Quality Act, S. 779, authorizing funds for programs of the Indoor Radon Abatement Act, S. 36, New York Zebra Mussel Monitoring Act, S. 1278, authorizing funds for the Office of Environmental Quality, and to consider other pending committee business.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation.
SR-253

Finance
To resume hearings on S. 612, to encourage savings and investment through individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation.
SD-215

11:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on S. 976, authorizing funds through fiscal year 1996 for programs of the Solid Waste Disposal Act, focusing on products packaging and labeling provisions.
SD-406

2:00 p.m.
Energy and Natural Resources
To resume hearings on S. 1351, to encourage partnerships between Department of Energy laboratories and educational institutions, industry, and other Federal laboratories in support of critical national objectives in energy, national security, the environment, and scientific and technological competitiveness.
SD-366

AUGUST 1

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1156, to provide for the protection and management of certain areas on public domain lands managed by the Forest Service in the States of California, Oregon, and Washington.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 22, to regulate interstate commerce with respect to parimutuel wagering on greyhound racing, and to maintain the stability of the greyhound racing industry.
SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on a proposed Department of Transportation headquarters, and the relationship between the Judiciary and the Government Services Administration for the provision of space for the Courts.
SD-406

3:00 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on proposals to extend the patent term of certain products, including S. 526 and S. 1165.
SD-226

SEPTEMBER 10

10:00 a.m.
Judiciary
To hold hearings on the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

SEPTEMBER 19

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the resettlement of Rongelap, Marshall Islands.
SD-366

SEPTEMBER 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to re-

view the legislative recommendations of the American Legion.

334 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, July 25, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With thankful hearts and with appreciation we are grateful, O God, for all Your good gifts to us. On this day we remember the gift of friendship that we have received from family and friends, from those who seek to strengthen the fabric that binds all people as one. We celebrate, gracious God, the love that You gave us at creation and the blessings we receive every day. May the friendship and respect and goodwill that people share with each other and which is Your wish for our lives, help heal the separations that too often place people at enmity with each other. May Your benediction be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. STEARNS] please come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

The message also announced that, pursuant to Public Law 101–445, the Chair, on behalf of the Republican leader, appoints Ms. Sue Greig, of Kansas, to the National Nutrition Monitoring Advisory Council.

AGRICULTURAL DISASTER ASSISTANCE ACT OF 1991

The SPEAKER. The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 2893, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2893, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 328, nays 67, not voting 38, as follows:

[Roll No. 225]

YEAS—328

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Baker
Barnard
Barrett
Bateman
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carr
Chandler
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Henry
Herger
Hertel
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McDermott
McEwen
McGrath
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roberts
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Visclosky
Volkmer
Walsh
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Young (FL)

NAYS—67

Archer
Armey
Ballenger
Barton
Bentley
Bliley
Boehner
Burton
Carper
Coble
Coughlin
Cox (CA)
Crane
Dannemeyer
DeLay
Dickinson
Donnelly
Dreier
Duncan
Fawell
Fields
Franks (CT)
Gallo
Gekas
Goss
Gradison
Green
Hancock
Hefley
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (TX)
Kolbe
Kyl
Lewis (CA)
McCollum
McMillan (NC)
Miller (OH)
Moorhead
Morella
Penny
Porter
Ramstad
Rhodes
Ritter
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Schaefer
Sensenbrenner
Shaw
Shays
Smith (TX)
Stump
Sundquist
Taylor (NC)
Vento
Vucanovich

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Walker
Weldon
Wolf
Wylie
Zeliff
Zimmer

NOT VOTING—38

Anthony
AuCoin
Beilenson
Campbell (CA)
Chapman
Dellums
Dixon
Dornan (CA)
Flake
Gilchrest
Gray
Hall (OH)
Hefner
Hoagland
Holloway
Hopkins
Jefferson
Livingston
Lowery (CA)
McCrery
McCurdy
McHugh
Mollohan
Moody
Mrazek
Olver
Orton
Riggs
Savage
Schiff
Vander Jagt
Washington
Waters
Weber
Weiss
Wilson
Yatron
Young (AK)

□ 1028

Messrs. PORTER, SUNDQUIST, and HYDE changed their vote from "yea" to "nay."

Mrs. KENNELLY, and Messrs. BUNNING, HERGER, BARRETT, GINGRICH, JAMES, HOBSON, THOMAS of Wyoming, CUNNINGHAM, NICHOLS, STEARNS, and EDWARDS of Oklahoma changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1030

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mrs. KENNELLY. Mr. Speaker, I ask unanimous consent that the managers have until midnight, Thursday, July 25, 1991, to file a conference report to accompany the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for the intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The minority has been informed of this request, and I understand that there is no objection to it.

The SPEAKER pro tempore (Mr. RUSSO). Is there objection to the request of the gentlewoman from Connecticut?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, there was a din in the House, and I did not really hear the request. Mr. Speaker, I inquire: Is the ranking minority member aware of this request?

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, the minority member has been made aware of it, and he has agreed to the request.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS SPONSOR OF H.R. 1523

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1523.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises Members that the Chair will entertain 10 1 minutes on each side, and that further 1 minutes will be heard after the legislative business today.

WE NEED THE PRESIDENT TO LEAD US AT HOME

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, it is encouraging that the administration's work on arms control treaties is reducing the world's vulnerability to nuclear war. But why is the President silent when it comes to protecting America's working families who are vulnerable to runaway medical bills and cancellations of health insurance policies?

Mr. Speaker, we applaud the President's effort to bring peace to the Middle East, but when will the White House show the same dedication to bringing peace to the crime-filled streets of America?

The President has shown great vision in rebuilding the Soviet economy, but why does not President Bush show the same interest in America's recession and America's unemployed?

The President has an important responsibility as a world leader, but he has an equally important responsibility as leader of America. The problems of health care, tax breaks for working families, education, should not be confined to campaign reelection years. It is time for the President to park Air Force One and take a look at the real problems facing America.

Our country needs his leadership as much as any foreign nation.

GASOLINE TAXES ARE A REGRESSIVE FORM OF TAXATION

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, our President is absolutely correct in sending a strong, clear message to this Congress: Defeat the gas tax hike, or it will be vetoed.

Unfortunately, House Democrats are now poised to approve higher gasoline taxes and hit working Americans right between the eyes again. The very last thing America needs is a tax increase during a recession and the very last thing Americans want from their Representatives is another government hand in their pocket, taking their hard-earned money.

Gas taxes are among the most regressive forms of taxation, hitting the poor and middle-class families hardest. Moreover, most States, including my home State of New York, have recently raised gasoline taxes, making that trip to the gas pump more and more costly for working Americans.

Mr. Speaker, I urge my colleagues to join with this President in opposing higher gasoline taxes and to stand with President Bush if and when he has to veto the House Democrats' gas tax hike.

THIS COUNTRY NEEDS AFFORDABLE HEALTH CARE NOW

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today I introduce you to yet another working West Virginian who has trouble receiving health care. Mary is a Kanawha County resident in her sixties. She used to work full time in a small family owned business. Due to rising health insurance premiums, the owners had to switch their health insurance policies. When given a questionnaire to complete for the new insurer, Mary answered "yes" when asked if she had ever sought psychiatric help. She had once been severely beaten by her ex-husband, and due to this incident she understandably sought professional psychological as well as physical care.

Because she is on medication for anxiety and because she answered honestly "yes," she was rejected for health care coverage as a bad risk even though she has never missed a day's work in her life. She was unable to afford a monthly health insurance premium, and she went without it for 2 years. Today, she is currently covered as a dependent on her daughter's insurance.

Mr. Speaker, at this point in her life, should Mary's health coverage be in such doubt? Mr. Speaker, Mary asks when will the President declare that every American has access to affordable health care rather than the uncertainty of depending on their children? She asks us when will this country get affordable health care?

THE $348 BILLION DEFICIT—WHAT HAPPENED?

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, last week the Office of Management and Budget [OMB] projected next year's budget deficit will exceed $348 billion—$67.4 billion more than OMB estimated only last February.

Correct me if I am wrong. But did we not spend half of last year working on a budget package to cut the deficit? So what happened?

The answer is simple. Carternomics does not work any better in the 1990's than it did in the 1970's. Many of my colleagues and I predicted this explosion in the deficit. What did we know? Because we knew that tax increases hinder economic growth. We knew this would lead to reduced revenues. By collecting less tax revenues, we knew that we would not have enough money to offset our ever increasing spending. By not offsetting this increased spending and we knew that we would end up with higher deficits.

Since it is so obvious that tax increases hurt the economy, why are there still Members of Congress who want to raise taxes? This tax increase mania, while shrouded in soak the rich rhetoric, is another crippling tax increase to the economy.

It is time that we focus on economic growth to help all America—not harmful tax increases based on the politics of class envy. The American people deserve better.

PERSONAL EXPLANATION

Mr. DICKINSON. Mr. Speaker, on the rollcall just completed, I was in committee when the bells rang. I was informed that the rollcall was on the Journal. I came to the floor and, as a consequence, I voted "no."

Mr. Speaker, subsequently I found, after the closing of the vote, that the vote was actually on H.R. 225.

Mr. Speaker, I would ask unanimous consent that the record show that I made a mistake and I would have voted "aye."

Mr. Speaker, I would like that statement immediately following the vote.

DOING RIGHT AT HOME, TOO

(Mr. DOOLEY asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY. Mr. Speaker, in the past few months the Bush administration has recognized emergency needs among the Kurds, in the Philippines, in Bangladesh, and other places overseas. More than $1 billion in emergency funding has been sent to distant shores.

Now comes the time for the White House to recognize emergency needs here in America—in places like freeze-ravaged Orange Cove in Central California—and all we get are excuses.

There is no emergency, says the administration's budget director.

The budget agreement is in jeopardy, say the pencil pushers.

Insurance companies are taking care of it, say the bureaucrats.

They are all wrong.

Emergencies do exist. Americans need help from their Government.

We are meeting our moral obligations overseas. Let us also do right by our people here at home. I urge my colleagues to support Chairman WHITTEN's efforts to get a dire emergency supplemental that will help Americans in need.

ANOTHER BOGUS STUDY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute.)

Mr. ROHRABACHER. Mr. Speaker, yesterday's Washington Post reports to us, "Another bogus study," suggesting that in the Reagan years the rich got richer and the poor got poorer, and like all of the studies that suggest that and like all of the speeches that we hear from the other side of the aisle, a close look at the study reveals that the Carter years from 1977 to 1981 are included in the study, and we all know that if you take those figures out, the 1980's were very good years for everyone. In fact, the income of all Americans rose during the Reagan years. It was during the Carter years, that experience that brings down the statistics and shows that actually poor Americans were hurt dramatically.

Mr. Speaker, let us not go back to those same economic years of high taxes and low growth. Then we are going to have real studies to indicate that the poor are getting poorer and the rich are getting richer because we are being dragged back into the same economics that Jimmy Carter had of high taxes and low growth.

THE PRESIDENT SHOULD INVITE FAMILIES OF BRITISH "FRIENDLY FIRE" VICTIMS TO THE WHITE HOUSE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, during the Persian Gulf war, nine British soldiers were killed as a result of "friendly fire" from an American aircraft. The studies are now concluded both by our military officials and by the British, and they are inconclusive as to the extent that we are responsible and the extent that the British are responsible for what was clearly a tragedy.

Last night at the gymnasium dinner I asked the President of the United States to invite to the White House the families of these fine British soldiers who gave their lives in a common effort.

□ 1040

This does not admit guilt on our part. It merely sends a message of solidarity, compassion, and respect. We want our British friends to know that we share their anguish and we share their grief.

Mr. Speaker, I strongly urge the President to proceed with this invitation and gesture of condolence without delay. This is the least we can do in this tragic accident, where clearly some of the responsibility was a mistake on our part.

WE BETTER SOBER UP, REALIZE WE ARE IN DEEP FINANCIAL TROUBLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, last week on the floor of the other body Senator ERNEST HOLLINGS said this:

> We just cannot continue business as usual around here. Sometimes we have to sober up and realize we are in deep trouble financially.

Senator HOLLINGS is exactly right. The administration has had to revise its estimate of the next deficit up to $348 billion. Some think it will be much higher than that. We are losing close to $1 billion a day at the Federal level, and yet we keep spending like there is no tomorrow. We keep passing bills that have big increases over last year. Someone utters the magic words that the bill is within its 302(b) allocation like that somehow makes it all right.

Mr. Speaker, it is not all right. If we keep spending billions and billions that we really do not have, we are going to cause this country to collapse economically.

Mr. Speaker, it can happen here, just as easily as in other nations, if we do not start acting in a more fiscally responsible manner. The people of this Nation not only do not believe they are getting their money's worth from Government, they believe their Government is ripping them off and living well beyond its means. Unfortunately they are right.

AMERICANS WITH DISABILITIES ACT—1 YEAR OLD TOMORROW

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, tomorrow marks the 1-year anniversary of the enactment of the Americans With Disabilities Act. And, while many of the law's provisions do not become effective for at least another 6 months, over the last year we have seen an increasing awareness and responsiveness to the needs of Americans with disabilities.

I am also pleased to report to my colleagues that tomorrow's Federal Register will contain the final regulations implementing the ADA from a majority of the Federal agencies responsible for administering the act. I strongly encourage the remaining agencies to complete their work with all speed, so that the act can be properly implemented.

The regulations which will be published tomorrow are the result of hundreds of hours of work between Federal agencies, the disability community, and the business community. The spirit of cooperation and education which has been the hallmark of the ADA, must be continued in communities throughout America as the law goes into effect.

The Americans With Disabilities Act has been called the new Declaration of Independence, an emancipation proclamation, and some have proclaimed July 26 as a new independence day. In order for these hopes to be realized, we must remain firm in our commitment to judge our fellow Americans, not on the basis of disability, but on the basis of ability. Only then will the promise of the ADA become a reality.

INCREASING TAXES ON WEALTHY DOES NOT LEAD TO PROSPERITY FOR MIDDLE CLASS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the Gore-Downey bill—H.R. 2242/S. 995—that calls for an increase in the top tax rate to 36 percent will not just impact the wealthy. It will hurt middle Americans.

This idea has been tried before. In 1913 the first so-called soak the rich income tax plan went into effect. The sole purpose of this tax was to soak the wealthiest 1 percent of the population. Since that income tax was first enacted, the tax burden on the family has steadily increased. In 1948 the average family of four with a median income paid 2 percent of its income to the Federal Government in total taxes. Today that same family of four, with a median income, pays 24 percent of its income, to the Federal Government a 12-fold increase in taxes.

Mr. Speaker, this trend must be reversed. Increasing tax rates for the wealthy will not lead to greater economic prosperity for the middle class. Historically a drop in the tax rate has benefited everyone. Presidents Kennedy and Reagan both recognized this reality.

Mr. Speaker, the Gore-Downey bill does not just soak the rich. It sinks the boat for all of us. Let us cut taxes and get this economy going again.

THE EPITOME OF A GENTLEMAN—CONGRESSMAN FRENCH SLAUGHTER

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, Webster's definition of a gentleman is a polite, gracious, or considerate man with high standards of propriety or correct behavior. My definition of a gentleman is Congressman FRENCH SLAUGHTER.

I note with sincere regret that over the Independence Day break, FRENCH announced his resignation from Congress in November for health reasons.

FRENCH attended Virginia Military Institute and in 1943 joined the Army and was a combat infantry veteran in the European theater. He received the Bronze Star and the Purple Heart. FRENCH was one of the first persons I met when I arrived here and he was always very kind and considerate to me. I am a Democrat; FRENCH is a Republican; and philosophically we are at least 180 degrees apart, but that did not matter to him because as I said, he is the epitome of a gentleman. This Congress is better for his 7-year tenure, and he will be missed, particularly by me.

THE POOR ARE PAYING BY LOSING THEIR JOBS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the fundamental difference between the Republican and the Democratic Party in this country is becoming clear. The Democrats want a shrinking economy and a growing government. The Republicans want a growing economy and a shrinking government.

Mr. Speaker, this is no better illustrated than by our response to the unemployment problem that we have in this country today. The Democrats are willing to break the budget agreement, which they otherwise hold sacrosanct, or to raise taxes in order to extend unemployment benefits to keep people on unemployment. The Republicans are saying, "cut," the job-cutting, the job-losing excise taxes, luxury taxes, passed in that budget agreement in order to reduce the number of people that must resort to unemployment insurance. The Democrats need to get more money through more taxes because they have spent the trust funds from the unemployment compensation trust fund on other matters. We are saying cut the taxes that are destroying the jobs, give American working men and women a chance to work.

Mr. Speaker, I say, "You can no longer get away with the ruse that we are passing taxes to punish the rich because the poor are in fact paying with their jobs for these taxes. This is well documented, and it is time now to make a choice: Do you want Republican growth and prosperity, or do you want repressive taxes and repressive government from the Democrats?"

AMERICANS OPPOSE H.R. 2, MANDATED LEAVE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, Americans clearly oppose H.R. 2, the mandated benefits bill. A survey conducted by Penn & Schoen Associates asked people to choose between the Federal Government mandating fringe benefits or leaving this decision up to employers and employees; 89 percent of the respondents said they preferred that employee benefits be a matter decided by employers and employees. Furthermore, by a 47 to 38-percent margin, respondents said they would not want to have other benefits cut so an employer could afford to comply with government mandates.

Mr. Speaker, the one-size-fits all approach of H.R. 2 is impractical, and does not take into consideration the differences between different kinds of businesses. Flexible bargaining, which allows employers and employees to reach an agreement that is ideally suited to both is a better means of addressing workers' needs and concerns—far better suited than Congress.

To mandate fringe benefits that are provided for by the private sector represents an unprecedented intrusion by the Federal Government into an area best left to private negotiations between employers and employees. Rather than impose a Federal solution on both employers and employees, Congress should let both determine their own leave policy.

LEGISLATION TO FIGHT CRIME IN AMERICA

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, this past Saturday morning, the people of Bainbridge, OH, watched in horror as their township became the latest stage for the American road show of gun violence. Three robbers entered the Chagrin Internationship Gun Shop and shot its owner, Richard K. Zeleznik, through the head at close range. Mr. Zeleznik never had a chance to run, fight, call the police, or even bargain for his life.

The robbers were not after money, and they were not after a few pistols. Instead, they quickly looted Mr. Zeleznik's stock of machineguns and submachineguns and fled. Many of these weapons can fire 30 to 40 bullets in just a few seconds, which explains why drug lords will be paying between $10,000 and $30,000 for them on the street.

I want to offer my sympathy and my prayers for Mrs. Maria Zeleznik, who arrived only minutes after her husband's murder.

But I want to offer Mrs. Zeleznik more.

That's why I am introducing legislation today to ensure that the upcoming crime bill will include tough new penalties for stealing guns, an increase in Federal penalties for criminals who use guns in violent crimes, and new Federal penalties for criminals who use guns to violate State laws. I am also going to fight for a strict ban on semiautomatic assault weapons that are built only for violence.

Finally, I will continue to press the President to sign the Brady bill, in order to give the police officers of America a new tool in their unequal struggle against the heavily armed criminals who want to rule our streets and neighborhoods.

Mr. Speaker, cynics like the National Rifle Association often sneer when the Government goes after gun criminals. I challenge these cynics to look Mrs. Zeleznik in the eye, or to explain their indifference to Jim and Sarah Brady. No single law is going to curb crime, but unless we begin, we will never finish.

STATEMENT OF THE GUADALAJARA SUMMIT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, recently we marveled at Mikhail Gorbachev pleading his case with the leaders of the world's industrial democracies. But in the aura of the London summit, many might have missed another historic conclave worth watching, as 21 of the world's Spanish- and Portuguese-speaking nations met for the first-ever Ibero-American summit in Guadalajara, Mexico. In that has been aptly called a free-trade serenade, the new generation of democratic leaders made it bluntly clear to another Communist in economic and political crisis—Fidel Castro—that the price of admission to our regional family must include Cuban moves toward democracy and a market economy.

Praise for President Bush's Enterprise for the America's vision of a hemispheric free-trade zone visibly upset Fidel. He could not avoid signing the summit's final declaration that committed the leaders to fortifying the democratic process and promoting human rights. On the eve of Castro's annual 26th of July revolutionary tirade, the words to remember are those of Spain's Filepe Gonzalez who said this in front of Fidel:

> We should leave it to the parliaments and the people to write their history and relegate the exploits of guerrillas to the imagination of novelists.

It seems that, while Gorbachev got the democratic, free market tune right in London, Fidel was left singing offkey in the Guadalajara free-trade serenade.

A CALL FOR SPECIAL PROSECUTOR FOR BCCI

(Mr. WELDON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, this week and last night I, along with millions of others were shocked at special news reports in Time magazine and on ABC News "Nightline" dealing with what has been called the sleaziest bank in the world, the Bank of Credit and Commerce International, the BCCI.

What do we know about BCCI? Well, we know that it was a $20 billion entity with ties to some of our clandestine operations in this country, completely unregulated, falling between the cracks of global banking laws.

We know that the head of the American component of BCCI was none other than Clark Clifford, adviser to three Democratic Presidents. And we know that BCCI gave an $8 million contribution to a pet project of one of those former Presidents, Jimmy Carter.

Mr. Speaker, how many other unregulated giveaways has BCCI doled out to Democratic bigwigs? My friends on the other side of the aisle are quite fond of special prosecutors. They want special prosecutors for Iran-Contra, the alleged October surprise, and for Neil Bush.

How about a special prosecutor for BCCI and the billion dollar unregulated rogue bank? Where are the anguished cries for a special prosecutor now?

Mr. Speaker, I am listening.

IN SUPPORT OF THE CORE-DOWNEY BILL

(Mr. OBEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, we heard a few speakers ago a rather silly attack on the Gore-Downey tax relief bill for the middle class. I would like to make the point that a new study out just today indicates that wages and salaries for the richest 1 percent of Americans have gone up the last 12 years by $130,000 on average, whereas for 90 percent of all American workers, the income for wages and salaries has declined by $800 by that same period.

Capital gains income for the richest 1 percent has gone up from $72,000 to $150,000 on average, whereas for 90 percent of the working Americans, capital gains income has gone down from $300 a year to $250 a year.

If the very wealthiest people in this country were paying the same percentage of their income today as taxes as is every other group in this society, relative to 1978, the Federal deficit would be $42 billion smaller. That is why we need the Gore-Downey bill, because that bill cuts taxes by $24 billion on the middle class and pays for it by going after the high roller in this society, something we should have done a long time ago.

PLEASE—NOT ANOTHER TAX

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me ask my colleagues this question. To reduce the deficit should we raise taxes or reduce spending. If you answered raised taxes you are wrong. If you said reduce spending you are partly right.

If Congress would institute a flexible freeze there would be enough revenue generated to not only reduce the deficit, but eventually create a surplus.

How can that be you ask?

In the last 7 years we have increased Federal revenues by 33 percent. There's plenty of increased income if Congress would just hold the line on spending. If Congress would continue to create incentives for new jobs and consistent growth we can work ourselves out of this deficit without increased taxes.

We must reject new taxes like the Democratic leadership is now proposing. Their 5 cent increase in gas taxes would unfairly hit low- and middle-income Americans. Congress just increased gasoline taxes 6 months ago.

Mr. Speaker, we can solve our problems without taxing low- and middle-income America. They are taxed enough.

□ 1100

NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 202 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 202

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified and shall be considered as having been read when offered. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendment shall not be subject to amendment except as specified in the report. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. (Mr. McNULTY). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Ohio [Mr. McEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 202 is a modified open rule providing for the consideration of H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

Further, the rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified and to be debated for the time specified in the report. The amendments are not subject to amendment except as specified in the report.

The rule makes in order all amendments submitted to the Rules Committee. At the Rules Committee hearing yesterday, the chairman of the full Energy and Commerce Committee and both the chair and ranking member of the Health Subcommittee testified that they knew of no other amendments any Member wished to offer.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2507, the bill for which the Rules Committee has recommended this rule, reauthorizes for 3 years the National Cancer Institute and the National Heart, Lung and Blood Institute. It provides a permanent authorization for the National Institute of Aging.

Most importantly, the bill includes requirements to ensure that women and minorities are included in NIH-sponsored clinical research. As it states in its report, the Energy and Commerce Committee "has adopted this general principle of inclusion in order to assure that advances in medicine and in public health that are produced by NIH activities are of benefit to all Americans, regardless of their gender and race."

To implement this policy of equity in health research, H.R. 2507 establishes offices of research on women's health in both the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. It also begins to fill major gaps in women's health research through earmarks for research on osteoporosis and breast and ovarian cancer.

Mr. Speaker, I commend Chairman DINGELL and Chairman WAXMAN for bringing to the floor this vital legislation to safeguard the health of all Americans. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this important legislation.

Mr. McEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York [Ms. SLAUGHTER] has described the rule before the House.

Mr. Speaker, I rise on behalf of the minority to express our continuing reservations about rules such as this. A rule under which the House would be limited in the number of amendments that could be offered to H.R. 2507, the reauthorization bill for the National Institute of Health.

As the minority in the House of Representatives, Republicans continue to believe that the House should consider important bills under open rules—with no limits on the number of amendments that could be offered. That is, we believe in full and free debate.

This rule limits debate. It does not do so in a malicious way, to be sure. Members were alerted on Tuesday of last week that they would have until the close of business on Monday of this week to file proposed amendments with the Rules Committee, so that the Rules Committee could then decide which amendments would be allowed on the House floor during debate.

Mr. Speaker, the truth is that the proposed rule before us now will allow us to debate amendments that were submitted in advance to the Rules Committee. So a measure of congratulations should be accorded Rules Committee Chairman MOAKLEY and Mr. DINGELL of Michigan, the chairman of the Energy and Commerce Committee, for suggesting a rule that allows those nine prefiled amendments to be debated.

Still, the point must be made: The American people deserve a House of Representatives in which debate is full and free. Mr. Speaker, it is true that committee leaderships on both sides of the aisle were unaware of any amendments that were denied by the process I have described. However, that is probably nothing more than a reflection of the fact that Members did not have an abundance of time to review this bill, and to consider possible amendments.

The plain fact is that most Members headed home to their districts on Thursday afternoon last week, 48 hours after the notice from the Rules Committee. Given that there was no legislative business scheduled for Monday this week, most Members then did not return to Washington until after the deadline has passed for filing amendments with the Rules Committee. Thus, 435 Members of the House produced just 9 amendments to this bill. Mr. Speaker, I submit that such a small number of proposed amendments reflects a lack of time for Members to review the bill—not a lack of interest on the part of the Members of the House.

In fact, I would contend that there is no shortage of interest by Members when it comes to the reauthorization of the NIH. I am confident of that because the National Institutes of Health are the cornerstone of America's biomedical research system. By investing resources in search of the causes and treatments of many dreaded diseases, the National Institutes of Health has improved the lives of millions of Americans. That work and research offers hope to millions more who suffer from diseases that have not yet been overtaken by science. For those reasons alone, the NIH reauthorization is one of the most important health-related bills that will be considered by the House.

H.R. 2507 reauthorizes NIH at $4.4 billion in fiscal year 1992, and such sums as may be necessary in fiscal year 1993 and fiscal year 1994.

The two largest institutes in NIH—the National Cancer Institute and the National Heart, Lung and Blood Institute—have been authorized at levels significantly greater than that requested by the administration. The bill authorizes $2 billion for the National

Cancer Institute, $200 million more than requested and $1.3 billion for the Heart, Lung and Blood Institute, a $100 million increase.

It is distressing that the committee has insisted on including a number of highly controversial and intrusive provisions in H.R. 2507. The administration has suggested a veto of the bill in its current form, and the full House should make the necessary corrections in H.R. 2507 in order to pass an NIH reauthorization which can be enacted into law and thus fund continued research on potential cures for a wide variety of diseases. Indeed, Mr. Speaker, I would contend that any bill that comes to the Rules Committee with a veto from the administration should be considered under an open rule so that we might, through agreement and consensus, fashion, a bill that would be acceptable to the White House and actually be signed into law.

☐ 1110

To do otherwise only gives fodder to critics of this body who charge that the majority is more interested in playing politics than they are in truly legislating. Open rules and free debate undercut that criticism and dramatically increase the chances of having a viable piece of legislation being presented to the President.

The administration is concerned with a number of unwarranted and unwise intrusions into the authority of the Secretary of Health and Human Services. This micromanagement will be costly, diverting taxpayer resources from biomedical research, and wasting it on congressional-inspired bureaucratic redtape.

Mr. Speaker, the United States is the world's leader in biomedical research. The American people firmly believe that our scientists, given the necessary support, can cure the dreadful diseases that continue to take a terrible human toll in this country, and around the world. The National Institutes of Health contribute to the important battles going on in research centers around the globe, and the NIH deserves overwhelming support.

The administration has requested that the Congress provide a simple NIH reauthorization without insisting on the controversial fetal tissue provision and wasting valuable resources on intrusive and unwarranted mandates on the Secretary of Health and Human Services.

Mr. Speaker, the Members of the House should keep these things in mind as we consider the NIH bill; they should support, as I intend to, the Dannemeyer amendment to reauthorize this vital agency at a funding level that is 2.5 percent above last year's level, but substantially below that proposed by the bill in its present form.

Finally, Mr. Speaker, any process of limiting debate is unwise in our judgment. It shortchanges the American people. Free debate is almost always preferable. That said, I will not call on my colleagues to defeat this rule, because I accept the fact that it is the best we can get, and because this limiting procedure was at least carried out as fairly as possible by the Chairman of the Rules Committee. However, I do call on all my colleagues to take advantage of the limited opportunities provided by this rule to craft a final bill that after conference can become public law, and not just a political grandstand.

Mr. Speaker, I am including the administration's statement of policy at this point in the RECORD.

STATEMENT OF ADMINISTRATION POLICY

The Administration is strongly committed to the biomedical research endeavors of the National Institutes of Health (NIH). The Administration urges Congress to enact a simple extension of appropriation authorizations for NIH. H.R. 2507 is unacceptable, and if it were presented to the President in its current form, his senior advisers would recommend a veto.

H.R. 2507 is objectionable because it would permit federally funded research endeavors to use fetal tissue from induced abortions. The bill would broaden current policy that allows federally funded research endeavors to use fetal tissue from spontaneous abortions to use tissues from induced abortions as well. This would create a rationale for continuing the practice of aborting fetuses except where the life of the mother is endangered.

Other major objectionable provisions include:

The bill would allow unwarranted and unwise intrusions into the authority of the Secretary of Health and Human Services and is too directive in its effort to expand certain research programs. It would impose activities and a number of advisory committees on NIH that are costly, unnecessary, and indeed duplicate existing efforts in some cases.

The bill would also dictate to the Secretary of Health and Human Services the membership of the "ethics board" used to make decisions regarding the implications of the research conducted by NIH. The Administration believes that this mandate is unconstitutional as it violates the Appointments Clause, U.S. Const., Art. II, sec. 2.

The bill contains provisions relating to payments for administrative overhead under the National Institutes of Health research programs. These provisions are unnecessary at this time because abuses are being addressed administratively.

The Administration has published for comment revisions to OMB Circular A-21 (Cost Principles for Educational Institutions) that would, among other things, clearly rule out reimbursement for a wide variety of abuses not clearly prohibited by the current Circular and cap administrative costs at 26 percent. OMB has, in addition, established a Task Force to review the overall Circular A-21 mechanism and develop cost accounting standards for Federal research grants and contracts. Legislative remedies should await the conclusion of this effort.

The bill would authorize appropriation levels for various programs and certain institutions at NIH that are in excess of the President's FY 1992 Budget and would create unnecessary time-limited authorities for two NIH components.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I might just say a word on process. I will not get into the merits of the bill, because I think that is going to get a full debate once this rule is passed.

My colleague from Ohio may not know that this bill was filed on June 28, almost a month ago. But I think it is fair to point out that, in addition to the Committee on Rules' work on the legislation, it had hearings, subcommittee work, and full committee work, and I think full and fair debate has certainly taken place on this issue, and I think it cannot be stated often enough that no one was disallowed amendments, and every amendment submitted to the Committee on Rules has, indeed, been accepted and is in this bill.

Mr. McEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would hasten to point out that I appreciate the gentlewoman's observations observing the date on which the bill was filed and, indeed, all of us operated under the presumption that all Members were entitled to make amendments and should be entitled to do so and would function under that understanding.

It was the prohibition that was placed into the RECORD on last Tuesday to which I referred in my remarks and is the operative concern that we have, as I expressed.

Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker and Members, one of the great films to come out of World War II was titled "Judgment at Nuremberg," a classic description of how the nations of the Western alliance devised a system for judging the failure of the leadership of Nazi Germany to properly reflect and admit the existence of human rights and the observance of moral law in the evolution of how that nation governed its society.

One of the closing scenes of that movie was a very moving occasion when Spencer Tracy, who was the chief judge, one of the three who presided at the judgment of Nuremberg, visited Herr Jahning, played by Bert Lancaster. Jahning performed the role of Attorney General of Germany during the World War II era. He was convicted by this three-judge panel for his leadership and complicity as a part of violating human rights in Nazi Germany.

Jahning asked Spencer Tracy in that closing vignette of that movie, "Where did I go wrong?" because he was an honest man who followed the law of his nation, and Spencer Tracy said to Jahning, "You went wrong when you first noticed the violation of the right of a person in your country and you said nothing."

This House today has a similar judgment to make with respect to one of the fundamental concerns of our society; namely, the right to life. We will vote on this bill, which has the effect of overturning a regulation adopted by the Reagan administration which prohibits that the remains of induced abortions may not be used for fetal research.

The question involved in this issue is very simple, which is the right of the unborn child to be born, to be recognized in America. That is the debate.

Oh, there will be claims that, well, since we are killing a million and a half unborn children a year—about a third of them, one-half million, to teenagers—we ought to be able to find something useful to do with this tissue that is just going down the garbage drain. I suggest that that "tissue" is human life. It is entitled to recognition, and the regulation that is in force today prohibiting its use, that is, of induced abortions, we, as a people, should affirm the right to life and say we are not going to go down the road of degeneration; we are going to affirm the human right of that unborn child. That is what this fight, this struggle, is all about.

I am asking our colleagues today to consider the basic question of what is presented by the consideration of H.R. 2507. We are asking the membership to reject this bill, to vote against it on final passage, because we believe that its abrogation of this existing prohibition is a denial of the right to life and is about to take this Nation down a road that we choose not to go.

Another element that has been talked about in this is whether or not we are recognizing the proper place of women in research activities at NIH. I want to share with my colleagues some information that we received just in the last day.

NIH has reported that they spent $634 million on diseases, disorders, and conditions that are unique to or directly related to women. By comparison, NIH spent $298 million on research pertaining to the health of men.

I agree with many of my colleagues that NIH should continue emphasizing research involving women. However, this bill creates a research affirmative-action program for the inclusion of women as subjects in all clinical studies at the NIH. This bill requires women be included in all clinical research projects.

The statute specifically states that the additional and possibly prohibitive costs of including women in a research project cannot be a permissible consideration for exclusion of these individuals from the study.

In addition, the statute specifically dictates to the highly trained scientific researcher the type of methodology and statistical analysis he or she should use in designing the study. The legislation mandates that the Secretary ensure that every project is designed and carried out in a manner that provides for a valid satistical analysis of whether the variables being tested in the study affect women differently than other subjects.

I am sure that our biomedical scientists will be shocked to learn that the Committee on Energy and Commerce is now directly interfering with the design and analysis of their complicated research projects.

What if a researcher is currently involved in breakthrough research, but the costs of recruiting sufficient subsamples of women into the clinical research is so high that the actual research cannot be carried out because of the added recruitment costs of these individuals?

□ 1120

Is it the contention of proponents of this provision they would rather not have the research completed because of the affirmative action dictates of the legislation?

I want to share with my friends on the other side of this issue that one of the considerations that has prompted or comes to mind with this bill being adopted is that it will have a chilling effect on scientific research in this country. Because if we mandate that women be included as subjects in all research activities, that would include some women who may be pregnant. The woman herself can give consent to participating in the experiment, but there is no person alive who can give consent for that unborn child that that woman may be carrying.

If the subject involves risk, and that unborn child is adversely affected by the experimentation 15 or 20 years down the line, that unborn child may have a cause of action against the drug that was used in that experiment. That is going to have a chilling effect on scientific research, and I believe we should let the scientists determine who are properly to be the subjects of research, and not let politicans dictate by affirmative action, for some political consideration, that one side or the other is for women in American society.

Both sides are for women in American society. They are half the people in the country, and I think we should recognize that and affirm the value they have for all people in America.

Mr. McEWEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I have no further requests for time and yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 202 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2507.

The Chair designates the gentleman from California [Mr. PANETTA] as Chairman of the Committee of the Whole, and requests the gentlewoman from New York [Ms. SLAUGHTER] to assume the chair temporarily.

□ 1122

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, with Ms. SLAUGHTER of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume. I am pleased to present to the House H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991. The legislation before Members addresses issues that are vital to maintaining America's leadership and international preeminence in biomedical research.

The legislation extends for 3 fiscal years the authorization of appropriations for expiring NIH research authorities. Those authorities include the National Cancer Institute, the National Heart, Lung and Blood Institute, the Medical Library Assistance Act, the National Center for Biotechnology Information, and the National Research Service Awards Program.

In addition, the legislation provides a new authorization of appropriations to strengthen the important programs of the National Institute on Aging in accordance with the recommendations of the Pepper Commission.

One of the primary goals of the bill is the improvement of research on women's health. Hearings have revealed that the NIH has not done an adequate job of assuring the inclusion of women as research subjects in clinical trials. For too long, treatment recommendations have been made for women that have been based on studies that involve only men. The result is a continuous skewing of data creating a blind spot in our research information.

H.R. 2507 remedies this deficiency by establishing an Office of Research on Women's Health. The office is charged with assuring that women and minorities are appropriately included in NIH-funded clinical trials.

In addition, the legislation increases funding on breast cancer and ovarian cancer, two of the leading causes of illness and death among women. It also authorizes research on osteoporosis, a problem of particular significance to older women.

The legislation increases support for research in cancer prevention by requiring that at least ten percent of National Cancer Institute funding be allocated for scientifically meritorious projects. A transition period is provided to minimize disruption in existing program priorities.

The legislation strengthens NIH procedures for dealing with scientific misconduct, protecting whistle blowers, and preventing conflicts of interest.

The legislation will help NIH retain talented senior scientists by expanding the Senior Biomedical Research Service. In recognition of the late Silvio Conte's role in its establishment, the service is to be renamed the Silvio Conte Senior Biomedical Research Service.

In the area of animal research, the legislation recognizes the vital role that such research plays to continued progress in the health sciences. Unfortunately, acts of terrorism by animal rights extremists have resulted in millions of dollars in damages to research facilities across the country. We have received numerous reports of talented scientists abandoning health research careers because of threats to their families. Strong Federal criminal penalties and the investigation resources of the Justice Department are needed to protect scientists and laboratories.

New authorities are provided to spur research into Chronic Fatigue Syndrome, contraception, and infertility.

In addition, limited authority is provided for construction projects at the regional primate research centers to assure maintenance of the highest standards of animal care.

Finally, one of the most important features of this legislation is its lifting of the ban on fetal tissue transplantation research. This ban has stopped promising research on the treatment of Parkinson's disease, juvenile diabetes, and spinal cord injuries, and also stopped research on techniques to correct genetic defects, even before a baby is born.

H.R. 2507 strikes down this ban and establishes safeguards for the conduct of this research to protect against potential abuse.

I want to talk about this issue for a minute. There will not be a separate vote on the fetal tissue question as we had in subcommittee and full committee when proposals to strike our provisions were defeated quite soundly. I believe the opponents of lifting this ban have decided that they cannot win a fight on this floor to try to defend a ban on research, a censoring of research, especially when so many people are looking for this research to give them some hope of cures from dreaded diseases.

I want to repeat those diseases for which the scientists have told Members fetal tissue research offers a great deal of hope. Juvenile diabetes, Alzheimer's disease, spinal cord injury, Parkinson's disease. We had a very moving letter from the daughter of our former colleague, Mo Udall. She wrote to each Member and indicated how she saw first hand how Parkinson's disease slowly, inexorably made living more and more difficult for her father. Rather than encouraging a treatment that could better the lives of her father and also of other Americans, the White House insists that the tissue from a fetus that might have saved lives be discarded rather than transplanted. Organs can be transplanted from a person who died because of an accident. The Bush administration ban requires that tissue from a fetus that is dead be discarded and not be permitted for use in research.

Scientists would not be permitted to use that tissue to give the gift of life through transplantation.

Anne Udall said,

> You can be pro-life or pro-choice and still realize that fetal tissue holds the only promise medical science has found for these life-shortening and debilitating diseases.

Parkinson's disease shortened her father's productive career as a legislator and robbed him of well-deserved, energetic retirement years. There are so many others whose lives, careers, and families have suffered equally. Parkinson's disease is just one of the diseases that could be cured if scientists would be permitted to conduct the research that they think is promising. Alzheimer's is another disease where this research shows promise; diabetes is another, and spinal cord injury another. We do not know the limits of what may be out there for researchers, but we can be assured of one thing: If we stop them and censor them and keep them from research, we know that those limits will be severe.

Now, why has this ban been placed on fetal tissue transplantation research? When the Reagan administration first heard about this research, they organized a panel of pro-life and pro-choice people on the issue of abortion.

□ 1130

They were asked to look at two issues. One was the issue of the scientific promise, and the other was the question of ethics that surrounded this kind of research. That panel recommended virtually unanimously to let the research go forward. The scientific promise of this research they said, was clear.

The ethical question studied was whether women would go out and get more abortions to help further scientific research. Well, I must say that is a very doubtful, maybe even an insulting proposition. The idea of a woman getting an abortion—a decision which is based on so many personal considerations—being decided because a women wants to donate tissue to research, I think is ludicrous. But that panel said: "We have no evidence of such abuse, but let's put in some safeguards."

One safeguard would be that we should prohibit the sale of fetal tissue, period, and we put that safeguard in this bill.

Another safeguard was to prohibit the dedication of fetal tissue by the woman who has the abortion to any particular individual who might benefit from the research. That safeguard is in this bill.

With those two safeguards in place, this Reagan administration panel recommended virtually unanimously that the research be permitted to proceed, but the politicians in that administration and the Bush administration gave in to the most extreme right-wing position and put a ban on this important research.

I think it is unconscionable. I cannot see how Members can look people in the eyes of those who are suffering from these diseases or who have dear ones, family members, who are suffering and tell them it is better to take the tissue from a dead fetus and bury it, rather than let any of that tissue be used for a research that could save someone's life.

How would the American public react if we said we would not permit organ transplants because organ transplants may encourage people to die by accident or suicide? What a loss for human life that might have been saved.

Later this morning I will offer an amendment regarding the ability of the NIH to conduct sexual behavior surveys. Some people have responded to this issue as if it were unimportant. This is quite serious. Reports from the Institute of Medicine and from the National Research Council have made it very clear that such research is vital to the public health response to AIDS, to infectious diseases, and to reproductive health problems.

I think the proposed Dannemeyer amendment is one of the * * * amendments I have ever seen offered on the House floor. It would say forever the Secretary of Health and Human Services, the Centers for Disease Control, the National Institutes of Health, could never again ask an adolescent or an adult about sexual behavior, to get the information that may give them the ability to develop strategies to counteract disease.

Mr. DANNEMEYER. Madam Chairman, I ask the gentleman's words be taken down, the word that he used describing my amendment.

Mr. WAXMAN. Well, Madam Chairman, I did not describe the individual who offered the amendment. I described my feeling about the amendment.

If I might be permitted to proceed, Madam Chairman, I will be pleased to withdraw any word that my colleague might find offensive, even though it is my sincere view that the word was accurately used; but I ask that word be stricken from the RECORD.

The CHAIRMAN pro tempore. Does the gentleman from California still insist that the words be taken down?

Mr. DANNEMEYER. Madam Chairman, I thank my colleague for striking the word from the RECORD. I have no objection to striking it from the RECORD.

The CHAIRMAN pro tempore. Without objection, the word will be stricken.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. WAXMAN] is recognized.

Mr. WAXMAN. Madam Chairman, this Dannemeyer amendment that will be offered later today will say that under no circumstances can information be gathered from adolescents, even though that information is going to be important for development of public health strategies, especially in this time of AIDS, especially in this time of rampant teen-age pregnancy and teenage drug abuse and alcohol abuse.

My amendment would limit the NIH to research projects that are reviewed by local ethical review panels and also by scientific peer reviewers. If those groups approve of the proposal, then the director of the research institute involved—such as the Director of Child Health or the Director of Infectious Diseases—would also have to make a finding that the information to be obtained would be useful in the reduction of AIDS or other infectious diseases or useful in improving reproductive health or other health conditions.

This amendment should provide reassurance to any Members who need it that this research will be of high quality, ethically sound, and important in improving the Nation's health.

Madam Chairman, the passage of this legislation is important to maintaining a strong National Institutes of Health. The issues we will debate today are critically important in assuring that the Nation's investment in health research continues to yield strong dividends.

Let me add one additional comment. We have just seen the administration's July 18 comments on the bill. We were surprised to learn that one of their major objections involve the indirect cost provisions of the bill.

The provisions on indirect costs were authored by Mr. DANNEMEYER and reflect a bipartisan compromise worked out in committee. Additional views on the legislation filed by the committee minority indicated strong support for the provision in the bill on indirect costs. They agreed that the issue should not be left solely to administrative discretion.

I want to assure my colleagues that I am open to continuing to work through conference to improve this provision, to respond to the legitimate concerns of the research community, and to make our legislation as fair and reasonable as possible.

Madam Chairman, I have no other Members who wish to speak on this bill. We will have more debate on some of these amendments.

At this time, I reserve the balance of my time.

Mr. DANNEMEYER. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from New York [Mr. LENT].

Mr. LENT. Madam Chairman, we need to reauthorize the National Institutes of Health, but the bill which is before us today needlessly goes much further and contains many objectionable provisions.

The bill undermines the Secretary's authority to run the NIH and contains many special set-asides, requirements, and unnecessary advisory committees.

For example, the bill takes away the Secretary's authority to withhold funding of research projects based on ethical grounds and replaces it with a new procedure based on an advisory board. If the advisory board recommends that the research is permissible, the Secretary's authority is usurped and he cannot withhold funds.

Madam Chairman, this provision completely undermines the Secretary's ability to make critical decisions regarding the ethical implications of research projects. Because ethical issues are so intertwined with biomedical research, this legislation will make it impossible for the Secretary to responsibly supervise and direct the scientific work of the NIH. By creating ethics advisory boards which are all-powerful, it makes the Secretary and the entire executive branch irrelevant in this area.

We have also been advised that the Department of Justice has constitutional objections to these ethics advisory panels. Persons exercising significant authority pursuant to the laws of the United States, such as the authority to make grants, confer financial assistance, or enter into contracts, must be appointed in conformity with the appointments clause of the Constitution and must be subject to the supervisory power vested in the President and his delegates. To the extent that the provisions of this legislation vest unreviewable control over the Secretary's exercise of discretion in panels, such provisions would raise serious constitutional questions.

The bill deems the Fetal Tissue Transplantation Committee such an advisory board thereby overturning the moratorium on fetal transplantation research. An even more recent example of the possible implications of these ethics advisory boards is the teen-sex survey. Just this week Secretary Sullivan put this highly controversial study on hold. If this legislation passes, we can be assured that in no time at all an ethics advisory board could be convened to determine the permissibility of a study regarding the sexual behavior of teens and a teen-sex study exactly like the one just pulled will be funded.

I also object to the bill because of the unnecessary micromanagement. In many instances the bill legislates what the NIH is already doing, but does so in a way which increases many of the administrative costs. Putting in statutory language what the NIH already does undermines the general authority provided in the statute which authorizes the Secretary to conduct a program of biomedical research, and sets a precedent that all future activity will require legislative action.

This bill badly misdirects and micromanages the NIH and would seriously disrupt the valuable program of biomedical research.

For all these reasons, I urge my colleagues to join me in opposing passage of this legislation.

Mr. WAXMAN. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Madam Chairman, I thank my colleague, the gentleman from California, for yielding me this time.

Madam Chairman, I must say to him that I applaud his leadership, his constant continual leadership in the area of health for all Americans.

Madam Chairman, I really rise because I was completely stunned yesterday to see the Bush administration is attacking this bill in an area that is so outrageous, and that area is the area of woman's health.

What we are learning day by day is that if you look at the pattern of those people who are used in clinical trials, what we find is women are missing from these clinical trials. All these research experiments that look at hearts, that look at blood pressure, we are just not included.

□ 1140

And this bill for the first time contains a clear direction from this committee that that not be the case in the future.

There is a very small program in this bill for women's health. It looks at breast cancer and ovarian cancer and adds a mere $50 million.

Madam Chairman, breast cancer will strike 1 in 9 women; 45,000 women will die in 1991; 175,000 women will get breast cancer in 1991; and this administration is opposing a $50 million program. It is unbelievable to me.

Madam Chairman, ovarian cancer is a silent killer. One of our colleagues had it here. I had a long talk with her.

Ovarian cancer is the cancer that hit Gilda Radner. You do not know it until the last minute.

This committee understands that we need to have some money for this. I repeat: Ovarian cancer is a silent killer; breast cancer is a killer that we can get to if we get to it early enough. We need to have initiatives, Madam Chairman, and I know you know that as well because we have worked together on it.

We are talking about osteoporosis, which strikes 24 million Americans, 80 percent of whom are women. Osteoporosis is painful, it kills, We need research on it, Madam Chairman, and that research is promised in this bill.

I say to my colleagues that if you believe that women's health needs attention, proudly support the gentleman's bill. It is time. Contraceptive research, fertility research, if we know how to prevent pregnancies, we will not have to debate the issue of abortion.

So I am proud to rise with my friend and colleague, the gentleman from California [Mr. WAXMAN] to say to this House, men and women alike, if you vote against this, in my opinion you are voting against women's health.

Support this bill, it is crucial.

Mr. DANNEMEYER. Madam Chairman, I yield 1 minute to the gentlewoman from San Francisco, CA, Mrs. BOXER, so that she may, if she chooses, yield to the gentleman from New York [Mr. LENT] for a question.

Mrs. BOXER. I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. I thank the gentlewoman for yielding.

And I thank the gentleman from California [Mr. DANNEMEYER] for yielding.

Madam Chair, we have some statistics here from the NIH on this entire issue that the gentlewoman has raised, which would indicate there was some sort of disparity between the amount of money spent on men's diseases versus women's diseases. The statistics indicate that of $931 million spent on combined men's and women's health research, men come out on the short end of the stick, only $297 million. Women's health, $633 million.

So I just wanted to point that out to the gentlewoman because it would seem to indicate that the premise of the gentlewoman's remarks may not be accurate.

Mrs. BOXER. If I may reclaim my time to answer the question: If you follow the leadership of your own Congresswoman, the gentlewoman from Maine [OLYMPIA SNOWE], and the gentlewoman from Colorado [Mrs. SCHROEDER] on this side, and the women's caucus and the chairman of the committee here, we find otherwise. We find women have been discriminated against in clinical trials, and the money spent on osteoporosis, which strikes 80 percent of women, we find that research in cancer—we have gotten the short end of the stick, not the long end of the stick.

Mr. LENT. I would be glad to share these statistics with the gentlewoman from California, and I will ask unanimous consent that they be included in the RECORD, the statistics dealing with diseases, disorders, and conditions unique to a single gender, that far more is spent on research for diseases unique to females.

Mr. DANNEMEYER. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. LENT].

Mr. LENT. Madam Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Madam Chairman, let me explain how Dr. Healy explains this. And I hope that we can put this to rest.

There is some specific research on women's diseases and some specific things affecting men. But the remaining 80 percent has been defined as basically all men. And that is what we are talking about. They are taking diseases like heart disease and other such things that impact both men and women, but they were only testing on men. That is what the caucus is talking about.

Mr. LENT. I understand the gentlewoman's point. But the gentlewoman will concede that, on diseases like breast cancer, cervical cancer, and ovarian cancer, more money is spent on those types of diseases by a ratio of better than 2 to 1 female diseases than on male diseases.

Mr. WAXMAN. Madam Chairman, I seek to reclaim my time simply to point out that we should examine what the gentleman from New York is saying. It is as if we need not put some more money into these diseases, because some mathematical formula that he has dreamt up is in place. It is not a question of whether we had a certain dollar amount going to men's diseases as opposed to women's diseases. Most diseases affect both men and women.

But there are some diseases that affect women to which we have not given enough of an emphasis. They are killers. We have had the GAO give us a report after they examined what is going on at NIH, as requested by the congressional caucus on women's issues.

Madam Chairman, at this time I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER] who is the cochair of the congressional women's caucus, to elaborate further on why that report indicated we need these changes in this bill.

Mrs. SCHROEDER. Madam Chairman, let me explain where we are because I think it is so important.

Yes, there is specific research on men only ailments, some on women only. Actually it was interesting because NIH was doing breast cancer studies on men. That kind of riled us. But that is not the issue here. The issue here is about the main core, the 80 percent of the research that is being done that affects both women and men but women are left out of the studies.

Now, the reason women have been left out of the studies is that they have been defined as more chemically difficult to deal with. But that makes it much more important that they be in the studies because what you are really finding is 80 percent of the research about diseases that affect men and women, only really applying to men. But if you are a caregiver for women, when you get the research study, you do not know what to do with it because you have to then guess whether or not it really applies to women. That is what we are very upset about. Women pay half the tax dollars for that, and they are not getting anything out of it.

We had a report this very week pointing out how fast and loose people play with women and heart disease; that many women are dying from heart disease because they do not recognize the symptoms early enough. Why? Well, because they have not included women in any of the heart disease studies. It is just human nature that a lot of people assume that, if they are not in the studies, women must not get heart disease. Wrong; it is the No. 1 killer of women.

So, doctors often tend to not pay much attention to the symptoms until it is way, way down the road and women are very, very at high risk, and we see a much higher mortality rate. That is the issue here. So I hope we do not get into whether or not the quota system is out there. That is not what this is all about at all.

This is about all the diseases that affect men and women should have men and women in the research model because treating women because their metobolical differences show up is very different than treating men. And to only have men in the 80 percent of that research means, "Hey, that is not validated research for over half the population."

☐ 1150

Dr. Healy, the new distinguished head of the Institutes of Health, has said that over and over again. That is why we have the research director there because sometimes they do say, "Oh, it may cost more to put women in the study." The problem is, Madam Chairman, if we do not have the study for both, the study is worthless. It has a value of zero for women in America.

So, that is what this is about, and I hope we get it on the right track. I think it is long overdue. We have got a $4.4 billion bill. We are talking about maybe a $100 million being diverted to some specific diseases just for women and asking that women be included in the 80 percent of the research that they have been left out of for a whole decade thanks to the leadership of the gentleman from California and others who found that out in the GAO research. That is what we want. Let us keep the focus.

The NIH bill before you is the most comprehensive women's research bill that Congress has ever considered.

In today's issue of the New England Journal of Medicine, two studies find that doctors fail to treat women with heart disease as aggressively as they do men and that doctors are more apt to dismiss women's symptoms as emotional or psychological.

Today's bill is the first step toward changing that.

The better the research, the better the treatments, the better the case that women will receive when they go to the doctors.

It all begins with better medical research on women and better medical research on women begins with the bill before us—the NIH Revitalization Amendment of 1991.

The administration has objections to the provisions on women's health. As author of some of those provisions, I want to answer their objections.

First, they object to the set-asides in the bill for breast and ovarian cancer and for osteoporosis.

Last month, I, along with other members of the Congressional Caucus for Women's Issues, issued the breast cancer challenge to NCI and the American medical community, demanding success in the fight against breast cancer by the year 2000. Dr. Sam Broder, in accepting that challenge, said the medical community could meet it, if given the resources by Congress.

This set-aside contains the resources NCI needs to meet the breast cancer challenge. It's up to us in Congress to set that priority in the NIH reauthorization bill, just as we did this year in the appropriations bill.

Putting this set-aside into the law not only helps us to catch up from past years of underfocusing on the problem, but it sends a message to the medical community, Congress wants you to understand the cause and to find a cure for breast cancer, we want you to reduce the incidence rate and to cut the mortality rate by 50 percent.

Set-asides for women's health is the way to catch up on the research and is key toward our women's health agenda. It is not affirmative action. It's a way to make sure that your wife and daughters get the same chance at a healthy life as you do.

The administration's second objection is that Congress is micromanaging. We in the Caucus on Women's Issues were shocked when GAO told us last year that NIH was not following its own policy to include women in clinical trials.

Yes, NIH sheepishly responded. Yes, NIH put in a policy and Office on Women's Health. Yes, Dr. Bernadine Healy, who I think is a dynamite leader and is making women's health her priority, is the new director.

All these developments are well and good. But until we say it is the law that you include women in clinical trials, we won't be fulfilling our obligation to American women that their health is just as important as men.

Once it is in the law that no longer will clinical studies be carried out solely on men without a scientifically compelling reason to do so, then researchers all over the country who depend on NIH funding will take note and comply.

We will be backing up NIH's new direction on women's health and make sure that no matter who runs it, the legacy of advancement for research on women will remain intact.

Finally, Mr. Speaker, I would like to remind my colleagues that women will be watching how you vote today and comparing it to what you say on women's health. Yesterday, I received a statement from:

The Society for the Advancement for Women's Health Research, The Breast Cancer Coalition—composed of 90 local and national organizations—and the Campaign for Women's Health—composed of 60 national women's organizations.

The statement said that major women's organizations vow that the vote on NIH reauthorization will be viewed as a key vote on women's health, if not the key vote. I would like to submit their statement for the RECORD.

Do the right thing, colleagues. Vote for this bill.

STATEMENT

Major women's organizations vow that the vote on NIH Reauthorization will be viewed as a key vote on women's health.

Advocates see this vote as demonstrative of Representatives' true commitment to women's health. It's time that the rhetorical support for women's health be translated into action. A vote for this legislation will be viewed as an indication of their seriousness. The Society for the Advancement of Women's Health Research, the Breast Cancer Coalition and the Campaign for Women's Health are all delivering this unified message to Congress.

The bill contains many of the research provisions of the Women's Health Equity Act, among them the establishment of a permanent Office of Research on Women's Health at NIH, the inclusion of women in clinical trials, and increasing the funding for research for breast and ovarian cancer, contraception and infertility and osteoporosis.

The Society for the Advancement for Women's Health Research.

The Breast Cancer Coalition (composed of 90 local and national organizations).

Campaign for Women's Health (composed of 60 national women's organizations).

Mr. DANNEMEYER. Madam Chairman, I yield 4 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, I thank the gentleman from California [Mr. DANNEMEYER] for yielding, and I compliment him on his courage for bringing his amendment to try to protect the unborn in this country.

Madam Chairman, I think it is very sad to watch the debate on the floor of this House that reduces this House to the situation of deciding between the health of Americans already born and the lives of Americans waiting to be born. This amendment does not ban fetal tissue research altogether, but rather it prohibits the use of Federal funds for it. Private research could continue freely.

Madam Chairman, we have debated this issue time and time again, and continue to debate it over the years, of what to do with the unborn, whether to abort them or to allow them to live, and now we are reducing ourselves to the fact that we want to permit the use of fetal tissue for research by NIH, and it would require federally sponsored collaboration, in my opinion, with the abortion industry by using Federal tax dollars to be used for procedures using tissues acquired from abortions. The Federal Government would indirectly, in my opinion, be endorsing the act of abortion. The current ban on fetal tissue research only prohibits funding of transplantation into humans of tissues obtained from induced abortion. It explicitly permits funding of transplantation of other research on tissues obtained from spontaneous abortions, tubal pregnancies and cell cultures begun from such sources. The use of fetal tissue from induced abortions brings unintended, but very real, threats to the health of mothers who would be the source of this tissue.

Madam Chairman, according to Janice Raymond, professor of women's studies at the University of Massachusetts, she says:

> Doctors who are eager to get good tissue samples must put women at additional risk of complication by altering the methods for performing abortions and by extending the time it takes to perform a conventional abortion procedure.

Abortions may require 15 to 25 minutes, rather than the usual 5 to 7 minutes, increasing the health risks to unsuspecting mothers that are involved, and, because it is necessary for the fetal tissue to be at a particular stage of development for it to be useful, doctors may delay an abortion for that reason, and thus a doctor might wait 9 weeks to perform an abortion that could have been performed at 6 weeks because at 9 weeks the pancreas is at the right stage of development.

I know some of my colleagues will say it is illegal to buy and sell an aborted fetus, but I say that it is common for researchers to pay these abortion clinics' processing fees for this tissue and for tissue that is in good condition, and these fees can range from about $25 to $100 per aborted American. Doctors who perform abortions are given financial incentives for scheduling abortions so that scientists will receive the exact tissue.

More issues, despicable issues, can arise from this practice. I am saddened by what I see happening to this country of ours. We have become a nation that kills over a million Americans every year, and now we are becoming a nation of using Americans in research.

Madam Chairman, I have a science background, a degree in biology and chemistry, and I say to my colleagues that with today's technology we can do research without using aborted, unborn Americans. We do not need to use taxpayers' money to engage in this despicable practice.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a member of the subcommittee.

Mr. RICHARDSON. Madam Chairman, I rise in strong support of H.R. 2507, the National Institutes of Health revitalization amendments. One of the best reasons to support this legislation is that it will finally guarantee equality and parity in minority and women's health research.

H.R. 2507 contains many of the critical components of the Women's Health Equity Act introduced by my respected colleagues on the congressional caucus for women's issues.

As a member of the Subcommittee on Health and the Environment, I was particularly pleased to play a helpful role in legislation introduced by my colleague, OLYMPIA SNOWE establishing and coordinating research programs for osteoporosis and related bone disorders. The obstacles and hurdles that have had to be overcome in the fight against osteoporosis are unfortunately mirrored in every major aspect of women's health. Osteoporosis frequently strikes women more often than men and can disrupt the lives of women as early as their mid-thirties. It will strike one-third to one-half of all postmenopausal women and the most physically disabling aspects of osteoporosis, spinal and hip fractures will also more likely strike women.

These problems are mirrored elsewhere. Recent headlines have announced the unfortunate news that women are now the fastest growing population of those infected with the AIDS virus. We are also losing ground in health factors that are exclusive to women where we find an appalling increase rather than decrease in the rate of breast cancer and the continued failure to find an effective screening test for ovarian cancer, the most deadly cancer killer of women.

H.R. 2507 will begin to establish parity in women's health research by permanently establishing an office of research on women's health within the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] to ensure that women's health research is identified and conducted in each of the Institutes and at ADAMHA.

The legislation also requires that women and minorities be included in clinical trials in numbers sufficient to provide for valid analysis and establishes the women's health data bank to analyze and distribute women's health research data, and by the appropriations set-aside for basic research on women's breast and ovarian cancer.

Finally, there are some who apparently want to return scientific research and women to the dark ages. There has been a great deal of discussion about the bill's provisions overturning the administration's ban on fetal tissue transplantation research.

Fetal tissue transplantation research offers hope to individuals with chronic or genetic diseases that has long been denied and may provide scientific breakthroughs in Alzheimer's, Parkinson's, cystic fibrosis, diabetes, epilepsy, and other genetic diseases.

I would also point out that the legislation codifies the recommendations of the Reagan appointed-commission which concluded that fetal tissue transplantation is ethically permissable. These recommendations include numerous ethical safeguards to prevent fetal transplantation research from increasing the number of abortions currently obtained in the United States or from encouraging fetal tissue donations in exchange for money.

Specifically, the legislation requires written informed consent, and statements from any woman donating fetal tissue confirming that the decision to obtain an abortion was made separately and independently on any decision to donate the fetal tissue to scientific research. The legislation also prevents directed fetal tissue donations or donations made for a particular individual. Most importantly, the bill prohibits the purchase of human fetal tissue.

Finally, I find it degrading and patronizing to insinuate that women would deliberately become pregnant and seek abortions in exchange for money or in the name of scientific research. Pregnancy and abortion decisions are intensely personal decisions that are far divorced from the slight and shortlived economic gain that might accrue from a single fetal tissue donation.

In closing, I urge my colleagues' support for H.R. 2507.

Mr. DANNEMEYER. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I rise in strong opposition to H.R. 2507, the National Institutes of Health reauthorization bill. As you know, H.R. 2507 contains language to overturn the current moratorium on the use of tissue from aborted babies in federally funded research and is strongly opposed by the administration.

I oppose H.R. 2507, Madam Chairman, because I strongly believe that the unethical use of aborted babies in medical research establishes the pretense that an abortion can be a humane and almost charitable act. The use of aborted babies in medical research gives the erroneous impression of providing a rationale for the destruction of unborn babies and leads people to believe that an abortion has the positive effect of advancing medical science. Abortion has no positive effect for the child victim, and masking the realities of abortion in the name of medical advancement is just furthering the lack of respect and sensitivity for human life that is prevalent throughout the abortion culture.

Researchers claim that they best baby tissue and organs to use in research is newly obtained and fresh and alive. In order to collect the tissue from a newly aborted baby, a close and collaborative relationship between abortion mills and medical researchers would be established. The act of killing the baby by induced abortion cannot be separated from the transplantation. The abortionists serves as hit man, the researcher gets the corpse. That's unethical. By their presence, and cooperation with abortionists in destroying the unborn, researchers would offer an air of respectability to the abortion industry, creating the impression that abortions—the destruction of unborn babies—are benevolent.

Madam Chairman, the issue of informed consent is at issue here as well. Who gives it, according to the Waxman bill? The mother—who in this case has abandoned the child to the abortionst's knife. Unlike a baby who dies in a miscarriage—where the presumption remains that the parent stands foresquare in promoting the child's welfare and wellbeing, a parent who abandons a child to the abortionist has demonstrated no such concern.

Madam Chairman, let me also point out the use of baby tissue and organs in medical research from induced abortions could serve as a powerful incentive and justification for a woman to have an abortion. A woman contemplating an abortion could be swayed by the fact that her aborted baby would be used in research to help others. This could tip the scales in favor of procuring the death of her child.

In their heavily footnoted report of "Dissent to the Report of the Human Fetal Tissue Transplantation Research Panel of the National Institutes of Health," panel members James Bopp and James Burtchaell provide insight to why this bill will likely lead to more abortions. They write:

> Ambivalence toward abortion is a well-documented reaction of many women when confronted with a problem pregnancy. A period of intense anxiety and ambivalence is often experienced during the first twenty-four hours preceding an abortion. This ambivalence is reflected in the fact that from one-fourth to approximately one-half of women aborting find the decision difficult to make. In addition, studies of pregnant women who chose to abort and others who chose to deliver their children, approximately one-third to 40 percent of the women, whatever their

> ultimate decision, were reported to have changed their decision at least once, with women who aborted being significantly more likely to report their decision as a relatively difficult one, to rethink their initial choice, and to regret having to have made that decision. Some women who have made an initial decision to abort will change their minds at the last minute, with approximately five percent changing their minds after making an appointment to have an abortion and approximately one percent changing their minds at the abortion clinic itself. Significantly, studies reveal that from 24 to 37 percent of women who abort do not make up their minds until just before the procedure.

Thus, the knowledge that the aborted baby's remains might be of use in medical research or transplantation could tip the scales in favor of abortion.

These concerns, I might add, have also been voiced by Dr. James Mason, Assistant Secretary for Health, Department of Health and Human Services [HHS] on behalf of the administration, which strongly opposes H.R. 2507. In his testimony before the House Energy and Commerce Subcommittee on Health and the Environment on April 2, 1990, Dr. Mason detailed the possible ramifications of overturning the current moratorium on fetal tissue research. He expressed his concern, and that of HHS Secretary Louis Sullivan, MD:

> Permitting the human fetal research at issue will increase the incidence of abortion across the country. The additional rationalization of directly advancing the cause of human therapeutics cannot help but tilt some already vulnerable women toward a decision to have an abortion.

Dr. Louis Sullivan stated similar concerns in a May 6, 1991, letter to Energy and Commerce Committee Chairman JOHN DINGELL. He stated:

> It is our judgement that the pursuit of transplantation research using human fetal tissue derived from induced abortions has the potential of providing an inducement to abortion.

Authorizing Federal research on aborted babies, Madam Chairman, would encourage abortion.

With regard to the current moratorium on federally funded research involving aborted babies, Secretary Sullivan goes on to state that:

> This [current] moratorium was based on careful consideration of not only the potential benefits of such research but also the profound moral and ethical elements that must never be divorced from the highest purposes of medical research.

Madam Chairman, it is useful to point out that in their statement of dissent to the "Report of the Human Fetal Tissue Transplantation Research Panel of the National Institutes of Health," panel members Bopp and Burtchaell pose an important question: whether transplantation research using human fetal tissue derived from induced abortions is an act of sponsorship by an agency of the Federal Government. They conclude:

> That great issue has not been dealt with adequately by the Report. Indeed, we believe it has been avoided. Hence the need to file this Dissent.

Madam Chairman, advocates of federally funded fetal tissue research are eager to overturn the ban but they haven't taken the time to answer these important ethical questions.

Advocates of overturning the moratorium have also claimed that safeguards would need to be implemented in order to prevent the new policy from serving as an incentive for women to obtain abortions. One so-called safeguard is to ensure that the decision to have an abortion is made separately and before a decision to donate tissue.

In response to this recommendation, Dr. Mason points out:

> While such a distinction may be easy to theorize, I doubt that such a neat separation can be accomplished. For example, because there is often a need to utilize postmortem tissue promptly, it may be necessary to consult pregnant women before the abortion is actually performed. This will potentially influence the decisionmaking process, despite the safeguards recommended by the NIH Advisory Panel. In addition, should the research efforts in question prove successful, a greater need for aborted fetuses could result.

Additionally, Madam Chairman, according to a Washington Post Letter to the Editor, Dr. Linda Gourash, assistant professor of child psychiatry and pediatrics at the University of Pittsburgh School of Medicine points out that, fetal tissue transplantation involves "living tissue taken from a living fetus."

This is essentially what was stated by a proponent of fetal tissue research, Professor Mary Mahowald of the Center for Biomedical Ethics at the Case Western Reserve University School of Medicine. She explains that:

> The process is straightforward. Abortion is induced and performed through a method intended to preserve the desired fetal tissue. A specific segment of brain tissue is then removed from the fetus and placed in a strategic area of the recipient's brain.
>
> A nonviable fetus may survive for a short time before death occurs. During that time, and for several hours after, the tissue is still living, and is thus capable of further development and function if transplanted to a viable organism. This is comparable to the viability of organs in tissue obtained from cadaver donors, except that the fetal brain may not yet be dead.

Except that the fetal brain may not be dead, Madam Chairman. I think it is vital that we all acknowledge just what fetal tissue research entails.

In a June 1989 issue of the Archives of Neurology, a Swedish method of fetal tissue extraction is described:

> Two methods to collect fetal material were used. With the first method, a plastic cannula, connected to a 60 ml syringe, was inserted into the uterus. Under ultrasound guidance, the opening of the cannula was directed to the fetal head. Suction was applied, and the fetus was slowly aspirated and fragmented into the cannula. Alternatively, a similar low-pressure vacuum aspiration technique (regulated by a vacuum pump), but without ultrasound guidance and using a metal cannula, was employed.

This victimization of unborn babies and women is indefensible. These abortion methods take longer to perform and therefore put women at additional medical risk as well. Janice Raymond, professor of women's studies and medical ethics at the University of Massachusetts and associate director of the Massachusetts Institute of Technology's Institute on Women and Technology in Amherst, has calculated that "the demand for fetal tissue will someday become so great that the supply from elective abortions will not fill the need." Professor Raymond has calculated that only 90,000 of the more than 1 million abortions performed each year yield baby parts that are usable. She worries that women, therefore, will be exposed to greater health risks and has pointed out that:

> Doctors who are eager to get good tissue samples must put women at additional risk of complication by altering the methods for performing abortions and by extending the time it takes to perform a conventional abortion procedure.

Madam Chairman, years ago, the human tragedies of the Nazi Holocaust were believed to have been possible because the Nazis decided that one group of human beings had lost their human rights. As a result, they were able to kill and mutilate the individuals they believed to be inferior. Many of these victims were then used in human experimentation. Madam Speaker, reversing the moratorium marches this country further down the road of dehumanizing vulnerable people.

The Government should not associate itself with the practice of fetal tissue research when it is obtained from induced abortions. The ramifications of employing a national policy of federally funded research involving human fetuses are numerous. It would create a demand for aborted babies and further denigrate human life to the status of a marketable product—a mere commodity—while providing a false impression that there could possibly be something good about killing human life through abortion.

I urge my colleagues to oppose H.R. 2507.

☐ 1200

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Chairman, I rise in strong support of this bill. Every time, every single time we have a chance to do something about the diseases that affect women, there are always people in this House who say it is not necessary. What more do we have to do? Do we have to bring the breast cancer patients to the floor who have no heart, who cannot have children any longer because of the chemotherapy treatments for younger women? Do we have to say to you men that once every 11 minutes a woman dies of breast cancer?

Do we have to adhere to the quote by the Secretary of Health and Human Services? I am shocked at Secretary Sullivan who says:

> The $50 million earmarked for breast cancer research and the development of a test for early detection for ovarian cancer is unnecessary.

I am telling my colleagues that one out of nine women in this country who get breast cancer, their families are going to have a revolution if we do not start putting this money in a bill and quit stopping this Congress from action.

I applaud the chairman of the subcommittee for putting $50 million in for breast and ovarian cancer. It is not enough, but it is a good start, and by heaven, we better pass this bill today.

Mr. DANNEMEYER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I thank the gentleman for yielding time to me.

I want the gentlewoman from Ohio [Ms. OAKAR] to be just as vehement in endorsing research on prostate cancer, too. I certainly agree with everything she has said.

Ms. OAKAR. Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Madam Chairman, I honestly, totally agree with the gentleman from Illinois about the issue of prostate cancer. I truly do. I put in, as a member of the Pepper Commission, $1 billion more in the research period that included prostate cancer, because I think that that is a very chronic disease for men.

Mr. HYDE. Madam Chairman, I appreciate the gentlewoman's support.

This is a very tough issue. We all know that. I want to salute people on both sides. Everybody is caring and compassionate. We just have a different approach to this very delicate and difficult problem.

I do not want my little time to elapse without paying tribute and expressing my awe at the courage, moral courage and legislative courage of the gentleman from California [Mr. DANNEMEYER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from Texas [Mr. DELAY], and others who take what may well be an unpopular postion but a principled position on fetal experimentation.

The more you read about this, the more the word "grisly" surfaces. I think of this horrible, diabolical thing we have read in Milwaukee, but then as I read what fetal research is all about, I begin to see some similarities, however distant.

The literature on this subject quotes:

> We need tissue that is fairly fresh. We have to process the tissue within minutes of the time of death.

Proponents of fetal tissue transplantation cite the example of the Swedish researchers as the model of where advances in this field will take us. But fetal tissue researchers in Sweden have been using grisly techniques that suck the fetal brain out of the baby before the abortion takes place in order to obtain the most useful fetal brain tissue.

Well, is that what we want? Is Frankenstein suddenly becoming an acceptable model, where we kill people so we can get their organs?

Mr. WAXMAN. Madam Chairman, I reserve the balance of my time.

Mr. DANNEMEYER. Madam Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, I must rise today in opposition to what I consider to be a very good bill. The reason I must oppose this bill is that it would lift a current moratorium on federally funded fetal tissue transplantation research which derives from fetuses obtained from induced abortions. It is disturbing to me that those who favor such fetal tissue research provisions are jeopardizing women's health care.

As many of my colleagues in the House are aware, I am a strong supporter of breast cancer research. One of every nine women will develop breast cancer this year, and, unfortunately, many of those women will not survive the fight for life. With no cure in sight for this disease, the key to survival must be early detection and treatment. While we have tried to pass this message on to the families of our Nation, more attention needs to be given to this issue. This bill would earmark $50 million toward breast and ovarian cancer research. It would create other vital programs for women's health such as osteoporosis research, multiple sclerosis research, inclusion of women in clinical trials, and would establish an Office of Women's Health Research. All of these programs would be most worthwhile and could work toward saving many lives. That is why it disturbs me that this bill will likely be thrown out because proponents of fetal tissue transplantation research derived from induced abortions insisted on including language in the bill, which would lift the moratorium on such research. This inclusion holds a likely veto from the President.

The administration's policy on fetal tissue transplantation research is consistent with the clear congressional policy embodied in the Hyde amendment that HHS should not be funding activities which encourage or promote abortion. Lifting the moratorium would likely create a great demand for aborted babies.

For therapeutic purposes, we are proposing to take an incipient human life to transplant it into another human without that baby's consent.

Human fetal brain tissue transplantation fails to meet minimum standards of either effectiveness or ethical medical practice.

Even considering that no evidence exists that this research can be successful in curing such horrible and distressing diseases as Parkinson's, diabetes, and Alzheimer's. A review published in the Journal of Neurology concludes:

> There is simply no evidence to prove that either clinical or experimental Parkinsonism in primates is specifically cured by transplantation of tissue into the brain.

The review further stated:

> The irreversible tragedy is the death and damage to many patients and their families produced by the extravagance of the transplantation fad.

I know that this is a very painful issue for families who have loved ones who are suffering from the diseases mentioned. I feel for those victims of these diseases for which no cure presently exists. That is why I think it is horrible that many articles have been produced of late which are unjustifiably raising the hopes of these families and victims for political ends. It is a known fact that great disagreement prevails in the research community about the efficacy of this research. Many researchers disagree on whether fetal tissue transplantation holds promise or not. It has not in any way been established that this process works. No one should be deluded that if we follow this line of research there will be a cure.

Madam Chairman, I submit that the price for medical progress can not be moral regress. We know that a brain and a heartbeat exist in these fetuses. What will our grandchildren say about our ethics and our morals if we start down a road on which we ignore one of the fundamental laws of medical research—informed consent. Fetal tissue transplantation research is often compared with normal organ donor programs. The key issue here is informed consent. It is clearly impossible to obtain that from an unborn child. This issue of informed consent is at the heart of medical ethics. Without that, no one has ever suggested organ donation.

Even if this research were to prove successful—if it actually holds hope—we must consider the ramifications of such research. I ask, can you imagine what kind of a demand this world place on induced abortions? This would create pressure for an ever-increasing market for aborted babies.

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Mr. DANNEMEYER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Madam Chairman, biomedical research holds the key to discovering and developing cures to some of the worst ailments afflicting American society. Unfortunately, however, the National Institutes for Health

Amendments of 1991, H.R. 2507, promise little in the way of real progress in biomedical research, primarily because it calls for congressional micromanagement of the National Institutes of Health.

H.R. 2507 represents another example of how Congress ruins a fine institution with unwarranted interference. It contains special set-asides, numerous additional requirements, and unnecessary advisory committees. Not only do these provisions harm the NIH scientific program, but they duplicate functions and waste valuable resources.

A provision in title III would create an advisory committee to decide how they can reorganize the NIH, even though there is already an existing advisory committee to the Director that serves this function. Do we really want to spend money on hiring more bureaucrats to staff such a committee? Or do we want to spend money on cancer or AIDS research?

Another part of this legislation calls for the establishment of a program of research in osteoporosis, Paget's disease, and related disorders under the NIH Director. But this research is already being conducted by the National Institute of Arthritis, Musculoskeletal and Skin Diseases, and other appropriate institutes. Does it make sense to separate and fragment research on the same diseases? Would it not make sense to streamline research under the appropriate institutes?

Rather than spending money on scientific research, it seems that some would prefer that the NIH establish committees and fill our forms. That is a gross misallocation of scarce resources. Processing paperwork is not the purpose of NIH.

It is time for Members of Congress to allow the scientific and medical experts to administer their programs and research, rather than disrupting the valuable work being performed by the experts. It is time for Congress to stop acting like 435 HHS Secretaries or NIH Directors, and I urge my colleagues to vote against H.R. 2507.

Mr. DANNEMEYER. Madam Chairman, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Chairman, there are several reasons why I did not run for the U.S. Senate. This issue is certainly one of them. I want to be around for this debate on fetal experimentation, because I think it is vitally important. It is utterly outrageous that Representatives should need counseling on ethics on a minute-by-minute basis during the debate. In the gallery and in their offices tracking this debate are senior rabbis, Catholic cardinals and archbishops, Protestant theologians, and ethicists in this country. They expect Members to understand.

I have two grown sons, but I also have three grown daughters. Of my eight grandchildren, four are female. My wife is going through a scare on breast cancer as we speak, and I want to do everything I can to further any research on breast cancer.

Although there are 127 million women in this country, they do not have the activist, loud, arrogant lobby that the homosexual activist groups have, so there is a disparity in research.

Today, there is not a fair division between AIDS research money and what is being given to arthritis, to women's cancer, to breast cancer, to cervix cancer, and the male prostate cancer. We want to level that playing field.

But I cannot support H.R. 2507, not with section 113, that says the nullification of the moratorium fetal research.

Madam Chairman, let me tell Members, it is not wrong to use the word "Hitlerian," "Nazi"; to go back to the founder of Planned Parenthood, Margaret Sanger, who wanted to eliminate black people in this country because she thought they were inferior.

This is medical science at its worst. I have been up to NIH more than any other Member in this body or in the other Chamber. I try to visit there at least once a year.

These people are heroes of mine and heroes of the President. I recall he used one name specifically in his debate with Governor Dukakis. They tell me that as scientists, if they work with fetal tissue, they do not want to know where the fetal tissue comes from.

I said, "Can't we, with our computer technology, can't we use aborted fetuses from natural abortions, from spontaneous miscarriages and abortions?"

They said, "No, because there is a slight chance that that is not a perfect fetus, because that is why it was aborted or miscarried in the first place. That is a natural abortion.

So the scientists are looking for good fetuses, perfect fetuses, most of them female, I might add. And we are going to suck the body parts out of them.

One of these hero doctors of mine went up to Act Up, the most arrogant, discriminating, disgraceful homosexual group in this country, and told them in October that the hope for AIDS victims across this country was aborted fetuses. Since the Catholic Church is one of the most visible prolife organizations, Act Up activists desecrated St. Patrick's Cathedral within 60 days.

No, I will not support this.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Chairman, I rise in strong support of H.R. 2507, the National Institutes of Health reauthorization. The legislation provides imperative support for women's health research, finally beginning to address the decades of neglect of women's health. It is difficult to believe that any member could argue against the women's health provisions of H.R. 2507. The General Accounting Office reported in 1990 that women have been excluded from medical research at the National Institutes of Health. While NIH instituted a policy to ensure the inclusion of women in clinical studies in 1986, GAO concluded that the policy had not been enforced. It also found that the NIH investment in research on women's health concerns was inadequate. The GAO report confirmed earlier studies by the Institute of Medicine and the Public Health Service.

The Women's Health Equity Act, a package of 22 bills, includes a research title which addresses these two major conclusions of the GAO report: The need to ensure the inclusion of women in clinical trials and the need for more reseach on women's health issues. The women's health provisions of H.R. 2507 embody seven provisions of the Women's Health Equity Act, including:

The establishment of an office of research on women's health at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] to address the gaps in women's health research and to examine the representation of women among senior physicians and scientists at NIH. The provision also creates an intramural clinical program in obstetrics and gynecology at NIH.

The codification of the NIH policy regarding the inclusion of women and minorities in research, and the extension of that policy to ADAMHA.

The authorization of an additional $50 million for basic breast cancer and ovarian cancer research at the National Cancer Institute.

The inclusion of $5 million for contraceptive and fertility research centers. A grant and loan repayment program would be created to recruit top scientists.

The authorization of an additional $40 million for osteoporosis research.

Passage of H.R. 2507 is critical to the well-being of American women. We simply cannot continue to tolerate gender bias in medical research. While this bill provides only a beginning, its provisions make it clear that women's health must be an integral part of our research agenda.

I urge my colleagues to support H.R. 2507, and I thank the distinguished chairman of the Health Subcommittee, HENRY WAXMAN, for his leadership on this issue.

Mr. DANNEMEYER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, I am profoundly troubled by the provisions of this bill that deal with fetal research. I, too, as other Members have indicated prior to me, have tremendous desires to solve some of these profoundly disabling diseases that confront us and support research in that area.

But we will be opening Pandora's box if we endorse the concept of using fetal tissue for this kind of research. We will surely create an enhanced market for such tissue. I think that is indisputable. I do not think that is consistent with the morality of the people of this country who subscribe that the right to life is a God-given right.

Professor Janice Raymond, the associate director of MIT's Institute on Women and Technology, has warned that the provisions will dramatically increase the demand for fetal tissue, far beyond even today's supply from elective procedures.

Madam Chairman, I believe that we will literally be endorsing the unwilling use of human beings as guinea pigs for spare parts. This bill must be defeated in order that we can come back and pass a bill without the troubling provision.

Madam Chairman, I urge a "no" vote.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, as we in the House today consider the NIH revitalization amendments—H.R. 2507—some 12,000 American women with ovarian cancer are dying a slow and painful death. And in the 4 short hours we will spend debating this bill, 186 American women will die, surrendering their fight against breast cancer.

What does the kinder and gentler administration have to say to these women and their families? They say that funding the medical research that holds out the only promise of developing a cure for these cancers which strike women is "unnecessary" and "objectionable."

Let me tell you what I find objectionable:

I object that a woman who discovers a lump in her breast has to almost blindly choose between radical mastectomy, lumpectomy, chemotherapy, and radiation treatment without any conclusive scientific proof that one treatment is any more successful than another;

I object that we don't even know how to detect ovarian cancer until it reaches the terminal stages;

I object that we have no idea what kind of genetic legacy a mother with breast cancer passes on to her daughters;

I object that the 10 to 12 million Americans exposed to DES when it was popularly prescribed to pregnant women in the 1950's and 1960's three decades later live in fear of the drug's yet unknown effects;

I object to the research just completed on the prevention of diabetes which included only white males even though women and minorities are three times more likely to contract the disease.

And finally I find it objectionable that women are dying in this country every day of diseases that could be prevented or cured and that research that would save us billions of dollars in medical costs as well as alleviate much human suffering is found objectionable by the President of the United States.

Women of my congressional district in upstate New York are especially concerned about these issues. It is shocking that Monroe County in my congressional district has one of the highest incidence rates of breast cancer in the country. For every 100,000 women in the county, more than 100 are stricken with breast cancer each year.

Let me give you an even more sobering statistic. Experts tell me an estimated 50,000 women now living in the city of Rochester and its surrounding five counties will eventually develop breast cancer.

I am proud to have been a part of the campaign which this past fall saw the creation of the Office of Research on Women's Health at NIH. As one of the Budget Committee's newest members, I worked to make this new office a funding priority by including in the fiscal year 1992 budget resolution language which explicitly directs Federal funding for new women's health research initiatives at NIH. I am gratified that the bill we have before us today fulfills the budget resolution's mandate for women's health research. I wholeheartedly support H.R. 2507 and thank Chairman WAXMAN for his leadership in bringing this vital legislation to the floor.

To my colleagues who would support the administration by voting against this bill, may I remind you that in the 3 minutes I have just spoken, another American woman—perhaps a sister or a friend—discovered she has breast cancer. Let's give that woman reason to hope that a cure will be found. Let's give that woman's children reason to hope their mother will live. Let's support women's health by voting a resounding "yes" on H.R. 2507.

□ 1220

Mr. DANNEMEYER. Mr. Chairman, how much time do we have remaining on our side?

The CHAIRMAN pro tempore (Mr. MCNULTY). Each side has 6 minutes remaining.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

The CHAIRMAN pro tempore. The gentlewoman from Connecticut is recognized for 3 minutes.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in very strong support of this bill because it reverses decades of bias against research in women's health issues and creates a rational, nonpolitical process for the pursuit of biomedical research which has the potential to save millions of lives of men and women in our country.

This bill represents a landmark change in our commitment to research on women's health. Remember, 50,000-plus Americans died in Vietnam; 44,000 women in America died every year of breast cancer.

We allot $2 billion for AIDS research a year. Is it unreasonable to allot $50 million for breast and ovarian cancer research? Is that micromanagement of such dimensions that we should oppose this bill?

I tell my colleagues there has been deep-seated bias in America's allocation of her health research resources, and it is time to correct that bias. We must do something about the 44,000 women who died of cancer each year. They deserve it. And it is not just cancer, it is osteoporosis, it is lack of research into infertility, the lack of research into contraceptives. Women's health needs, both in terms of disease and unique reproductive responsibilities deserve their their share of this Nation's research resources, and that is all this bill does.

It pains me to have some of my colleagues oppose this bill because of section 113, when no one even offered an amendment to strike that section. I urge those who oppose that section to support the bill and carry on their fight in conference.

I am pleased that the new Director of NIH, Dr. Bernadine Healy, is committed to promoting such research, and I believe that with passage of this bill there will be indeed a new era of hope for better health for women in America.

Second, let me briefly discuss the issue of research on human sexual behavior.

Adolescent pregnancy has reached crisis proportions. In Connecticut, the pregnancy rate of 10- to 14-year-olds doubled in the past decade, and in the Young Parents Program in Hartford, almost half of the new referrals are girls under 14 years of age. Further, the rate of sexually transmitted diseases among teenagers quadrupled in the last 4 years.

With statistics as frightening and heartbreaking as this, we cannot afford to put our heads in the sand. We mustn't be afraid of information. We simply must know what is leading teens to engage in such risky behavior.

The American Teenage Study is a study of behaviors of teens that contribute to the risk of pregnancy and sexually transmitted diseases. At the sample schools to be chosen for this study, parents will have the opportunity to review the questions. No teenager will be allowed to participate in the study, unless his or her parent has given written permission.

If we shut our eyes and simply wish it all to go away, children are going to die, and more babies will be born into abuse and poverty. Support the American Teenage Study.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Madam Chairman, I rise in support of H.R. 2507, the National Institutes of Health amendments, and take this opportunity to commend my good friend Representative HENRY WAXMAN for his leadership on this vitally important piece of legislation.

I am especially pleased to support this legislation because it includes amendments that I offered in committee that directs the National Institutes of Health to start a new nutritional disorders research program that emphasizes needed research into diet and nutrition as well as potential cures for obesity.

Madam Chairman, my Small Business Subcommittee has, over the last 2 years, investigated fraud and deception in the commercial diet industry. This is an important part of a $33 billion per year diet products and services business, soon to be $50 billion per year, and we've found that consumers are being exploited by diet clinics and programs offering medically dubious services through untrained individuals.

One clear conclusion drawn from this investigation is that the American public and far too many healthcare professionals are essentially ignorant about what are the components of not only good nutrition, but also healthy diets and lifestyles.

Americans are obsessed with losing weight. They know that millions of our citizens are too heavy. But, how to lose weight, how to keep the weight off, and the basic components of a sound and healthy diet, are all phantoms which elude too many Americans.

As part of our investigation, my subcommittee examined the lack of fundamental scientific and medical research into the causes and treatment of obesity, and the elements of good nutrition. This issue is vitally important to the future health of our citizens, and especially to our children. The subcommittee heard testimony that the health consequences of obesity in this country may now exceed $140 billion a year in the cost of treating cancer, heart disease, diabetes, and other ailments arising, in part, out of poor diet and poor nutritional practices. Ultimately, it is the taxpayer who pays this bill in terms of higher Medicare and Medicaid reimbursements.

Madam Chairman, section 403 of H.R. 2507 directs the National Institutes of Health to establish a new program to conduct necessary research into the causes of obesity, and the foundations of good nutrition and diet. This research and the sharing of the information gleaned from this research with both practitioners and the public will help to effectively treat obesity and diminish its incidence.

This legislation promotes preventive medicine to save taxpayers millions of dollars in long-term healthcare costs associated with obesity. It also places a high priority on research directed at fighting the illnesses and diseases related to poor diet and obesity.

This legislation also addresses the growing concern that has emerged over the nutritional messages that our children receive through television advertising. Section 403 of H.R. 2705 directs the National Institutes of Health to study what our children eat, how they receive information about nutrition, how to best promote a lifelong, healthy diet.

This legislation includes amendments that codify the Clinical Nutrition Research Units at the National Institutes of Health and directs the Institutes to:

Promote research that specifically looks into the causes and treatment of obesity.

Today, too many of these research efforts have been diffuse and uncoordinated, and the results have not been useful.

Emphasize and improve clinical training for physicians and healthcare professionals on nutrition and the causes and treatment of obesity.

Today, medical school students and even physicians in post-graduate training receive too little instruction on the fundamentals of nutrition and the treatment of obesity.

Provide improved public education based on the latest scientific and medical research concerning nutrition, lifestyle, and eating habits that can prevent disease and promote good health.

Today, the public is dependent on supermarket tabloids and hardsell, diet center, and diet product related advertising for most of its obesity treatment information—and much of that information is grossly misleading.

The clinical nutrition research centers already in place, and any new units brought on line, are ideally suited to these tasks. They are already part of major universities and research institutions. They are vital members of their communities and can effectively reach out to the public and professional sectors to share and disseminate critical research into nutrition, diet, and obesity.

Once again, I commend Representative WAXMAN for his leadership and urge my colleagues to support this bill.

AMENDMENTS TO H.R. 2507 NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS—BY TITLE

1. Upton (20 mins)—Prohibits the sale or donation of fetal tissue from induced abortions in the private as well as the public sector. Establishes criminal penalties for violations.
2. Waxman (10 mins)—Technical and conforming amendments.
3. Weiss (10 mins)—Requires scientists who receive NIH grants for evaluation of the safety or effectiveness of drugs, devices, substances or treatments to share their data with other researchers.
4. Schroeder (10 mins)—Requires a longitudinal study on the general health and well-being of adolescents.
5. Pursell (20 mins)—Redesignates the Nursing Center as the Nursing Institute.
6. Durbin (20 mins)—Strikes provision in the bill regarding a proposed study of shifting responsibility over biological weapons from DOD to NIH.
7. Dannemeyer (30 mins)—Prohibits NIH from conducting or supporting any national survey of human sexual behavior.
8. Waxman (30 mins)—Perfecting amendment to Dannemeyer #3 permitting NIH to conduct surveys of sexual behavior only if they have been approved by the peer review and ethical review boards and have been determined to be useful in reducing the incidence of diseases or otherwise improving health conditions by the Directors of the Health Institutes involved.
9. Dannemeyer (20 mins)—Reauthorizes NIH for FY 1992-1996 and limits the authorization to the previous year's appropriation plus 2.4% of that amount.

Mr. DANNEMEYER. Madam Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Chairman, I rise today in support of the NIH authorization bill, H.R. 2507. This legislation includes important women's health provisions that are essential to the future health of American women.

As many of you know, the Congressional Caucus for Women's Issues, which I cochair with the gentlewoman from Colorado, PAT SCHROEDER, has been looking to remedy the discrepancies in women's health research since we commissioned a GAO study in 1989. The results of this study, released before Mr. WAXMAN's subcommittee in June 1990, revealed a serious history of neglect in the area of the inclusion of women in clinical research trials.

You have all heard the examples of major medical studies in which women have been excluded. There was, for instance, the multiple risk factor intervention trials, which studied coronary disease risk factors using a pool of 15,000 men. Ironically, calling the study Mr. Fit.

Or, again, the breakthrough finding of the physician's health study, which established the connection between aspirin and coronary disease prevention couldn't be applied to women—because the study looked at 22,071 men, and no women.

Although NIH has recently approved several major clinical research trials designed to address the health of women—which actually—continued progress is by no means assured, even though it must be.

For years, women's health has been the missing page in America's medical textbook. American women have been put at risk by medical research practices and researchers that ignore their health needs.

To cite an example, look at the most glaring and deadly omission of research into women and cancer. In 1991, an estimated 175,000 American women will develop breast cancer and 44,500 women will die from the disease. Of the $1.68 billion budgeted in fiscal year 1990 for the National Cancer Institute, only $18 million was spent on basic breast cancer research.

Ovarian cancer has taken its tragic toll on American women. Over 20,000 women in the United States will be diagnosed with this disease and 12,400 women will die in 1991. Despite the fact that no early detection screening test exists for ovarian cancer, only $7.9 million of NCI's budget was allocated for ovarian cancer research.

Osteoporosis, a disease which affects half of all women over age 45 and 90 percent of all women over age 75, receives a small amount of funding from three institutes. And yet, over $10 billion is spent annually, on the direct medical costs of osteoporosis.

It was with grim facts like these in mind that I introduced legislation last year to create an Office of Research on Women's Health, and it is also why the caucus introduced the Women's Health Equity Act. The goal of such an office is to provide a central clearinghouse on women's health research, and to integrate efforts at NIH for women's health.

I was very pleased to see that NIH went ahead and established this office last fall. I was also, let me add, pleased that the new Director of NIH, Dr. Bernadine Healy, will be charged with overseeing the office. Dr. Healy, in her first week as Director, announced the establishment of the Healthy Women Study, a comprehensive study of the factors effecting cancer, osteoporosis, and heart disease in women. Dr. Healy has also made known her support of research in the area of contraceptives and infertility. I applaud her commitment to advancing women's health and women's health research at NIH.

But establishing the office, by administrative fiat, while a step ahead, isn't enough to achieve the goal of advancing women's health. That office must have sufficient resources to carry out that mission and it must be authorized in law. Only by adopting this bill will the Office of Women's Health Research begin to be an integral part of the NIH agenda.

This legislation also focuses on the fact that lack of safe and effective contraceptive options in our country is largely responsible for the 3 million unplanned pregnancies that occur each year. Half of these pregnancies end in abortion. Despite the fact that we have fewer contraceptive options than some developing countries, NIH allocated only $3 million for evaluating contraceptive safety and $8 million for applied research in contraceptive development in fiscal year 1989, an amount that has remained virtually unchanged since fiscal year 1983.

In this bill are provisions that seek to reverse decades of bias in women's health research. Many of you have wives, mothers, sisters, and daughters who have been victims of our lack of attention to these vital women's health research issues. I urge you to consider the future health and well-being of those women you love and support final passage of this legislation.

Mr. WAXMAN. Madam Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. EARLY], a distinguished member of the Appropriations Committee dealing with the NIH budget.

Mr. EARLY. Madam Chairman, I want to thank the gentleman for yielding time to me. I rise in strong support of the bill.

So far as the fetal tissue research provisions in the bill are concerned, I think it is going down the right line. I do rise to also say that I will support the Upton amendment. I do not see that as contrary at all.

I think what is being illuminated here this morning is what the NIH and the gentleman from Kentucky [Mr. NATCHER], have said for several years. There is just not enough money for cancer research. I do not think we have to be earmarking for this or that. I have no problem with it. I think the chairman did an excellent job for an additional $50 million in breast cancer. Breast cancer gets over $100 million. Ovarian cancer gets less than $15 million and prostrate cancer gets only $14 million.

The problem is there is just not enough money for all cancer research. But I think it is a very good bill and I strongly support it.

□ 1230

Mr. WAXMAN. Madam Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in strong support of H.R. 2507.

Madam Chairman, I rise today in strong support of H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991, a bill I believe will bring remarkable changes to the NIH. I want to commend my distinguished colleague and chairman, HENRY WAXMAN, for his leadership in crafting such an important piece of legislation. His record in Congress in support of improved health care for all Americans is exemplified in the composition of this bill. By addressing many of the institution's problems now, we are preparing it for the 21st century, looking toward great advances in the area of biomedical research. H.R. 2507 is a comprehensive reauthorization of the many valuable programs at NIH, as well as an introduction of new programs and policies designed to further the prevention and curing of disease, reduce the outrageous costs assumed with quality health care, and improve the quality of life for all Americans.

Among the new initiatives introduced in the bill are a reversal on the current ban on fetal tissue transplantation research, the backbone of efforts to a possible treatment for diseases such as Parkinsons, Alzheimers, and diabetes. The bill will also create several women's health care programs, an office that monitors and investigates research fraud, and a system to control costs to the Federal Government.

Madam Chairman, I am extremely pleased to say that the bill also includes provisions outlined in H.R. 2000, a bill I introduced to amend the Public Health Service Act, establishing educational assistance to minority students in exchange for service to NIH.

At the end of 1989, only 331 of the 2,922 top-level positions at NIH were filled by minority employees. These statistics are virtually unchanged over the past 3 years. The program, modeled after the ROTC program which trains officers for the Army, will act not only as an educational assistance program, but also as a recruiting program. The program will award up to $10,000 in assistance to undergraduate students selected from a nationwide competition. While in school, scholarship recipients will receive on-the-job training during their off terms. This legislation would also enable NIH and the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] to forgive up to $20,000 of the students' educational debts in exchange for a commitment to employment with the agencies upon graduation. This allows NIH to compete with private industry for the top researchers coming out of the Nation's universities.

As a member of the Labor/HHS/Education Appropriations Subcommittee, I have supported funding for NIH in the past. The funding for this scholarship and loan-forgiveness program will cost no more than $1.5 million during the next fiscal year. The Government will recoup its investment through the contributions made by students who join the agencies after graduation.

Madam Chairman, another part of H.R. 2000 included in this legislation is a provision that establishes new requirements regarding the inclusion of women and minorities in clinical research trials conducted or supported by NIH. The legislation requires the inclusion of women and minority participants unless there is a scientific basis for their exclusion.

The General Accounting Office has found that, since June 1990, practically no progress has been made at NIH in including women and minorities in research studies on a voluntary basis. Such research, being conducted solely on white male candidates, is not only narrow in substance, but also is being dangerously interpreted as all-inclusive. Differences in hormone levels, metabolism, and genetics must be taken into account when examining problems such as heart disease, an illness that effects men and women of all races. This provision will urge the inclusion of women and minorities so the results found by NIH and ADAMHA are universal and not selective.

Madam Chairman, I have been active in the area of minority health issues for many years, including my involvement as chairman of the Congresional Black Caucus Health Braintrust. I see the problems associated with the lack of medical knowledge over a wide variety of issues. By asking NIH to use women and minorities in their research, information once not available will be accessible, and health care for minorities will vastly improve.

With the passage of H.R. 2507, NIH will continue to operate as one of the most productive branches of the Federal Government. With the included provisions, women and minorities will more fully share in the benefits of research performed at NIH. I urge my colleagues to support H.R. 2507 and to make an investment in the future of our Nation's health research.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman, I have heard a lot this morning about micromanaging. Micromanaging? It is saving lives we are talking about.

This administration has been approaching this bill with contempt. There just is not enough money; there never has been enough money at the NIH to deal with issues of women's health, and it is time to turn that around. Women are sick and tired of being second-rate citizens. They are sick and tired of breast cancer being last on the agenda.

The National Institutes of Health, has said that if we invested an additional $78 million a year above the President's request, an aggressive campaign against breast cancer could be launched.

My colleagues should go back to their constituents, as I have, and tell them that the administration is not ready to aggressively research this disease that is killing their wives, their daughters, their sisters. I know, I have lost a mother to this disease. I have lost an aunt to this disease, and if an additional $78 million a year can help end this disease, we should provide it. I urge my colleagues to support this bill.

Women are sick and tired; sick, because their health concerns are ignored, and tired of the inaction, stonewalling, and contempt by this administration.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the comment has been made in this debate that somehow this tissue can be used to help the problem of Parkinson's disease, for which we do not currently have a cure.

The subcommittee had testimony from a Jonathan H. Pincus, chairman of the Department of Urology of Georgetown University Hospital, who shared with us that brain transplants in Parkinson's are probably unnecessary and potentially dangerous. They cannot be the answer for this disease. The brains of Parkinson's patients are deficient in dopamine, and the only way to be sure a patient has Parkinson's is to replace his dopamine and document the resolution of his symptoms and so on.

We sympathize with people with these incurable diseases. Perhaps someday we can find a cure. That is why NIH is in business.

The issue in this context is whether or not we are going to tolerate the use of the remains of induced abortions to assist in medical research with Federal tax dollars in America.

There is one feature of this bill that I would like to focus on in my closing comments that I think deserves a no vote on the bill. It kind of revisits the Presidential election of November of 1988, because the liberals who control this House yearn to control the directorship of HHS, and that has been denied to them by the American people. So what have they done? They have put micromanagement techniques into this bill through the establishment of ethic advisory boards, and the interesting thing is that if these ethic advisory boards come to a conclusion as to what should or should not be done, the Secretary could not overrule it.

What that does is create in these ethic advisory boards, in my judgment, an unconstitutional delegation of power. The President should have the authority, finally, for running the executive branch, and in this instance the Secretary of HHS as his or her representative should have the authority of administering that department. These ethic advisory boards are an unconstitutional attempt to take away from the ability of the Director of HHS to administer the affairs of that organization.

I do not blame the liberals for trying to circumvent the reality of the Presidential election, but I do not think we should tolerate it in this bill.

I ask for a no vote on the bill.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I support this bill strongly.

I thought I would make two brief points. One is on the issue of fetal research. My own family is the beneficiary of some of that research.

There is a disease called the RH disease, RH factor, that affects people whose parents are RH negative or positive and their children are the opposite.

Without the development of the Rhogam vaccine, an awful lot of folks would not have children. My family was one of those families that benefitted by the Rhogam vaccine which came about largely as a result of fetal research. It is just one more example of how you save lives with responsible fetal research.

I support the bill's provisions in that regard.

My second point is my frustration about how little really we spend on health research in this country. Diseases like cancer, particularly cancer, remain unsolved. We are spending an awful lot on AIDS research. I have nothing against that. But I hope that we do not neglect some of the basic diseases that remain the massive killers of our society, particularly all of the insidious forms of cancer which do not seem to be very curable right now.

So given that, I do support this bill.

Mr. WAXMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in strong support of H.R. 2507.

This legislation contains seven provisions introduced by the Congressional Caucus for Women's Issues which address problems of women's health care of great significance. One provision of extreme importance authorized is $50 million specifically for breast cancer research and ovarian cancer research.

Two years ago 1 in 11 women was diagnosed with breast cancer. Today 1 in 9 women can expect to be diagnosed with breast cancer.

According to the Federal Centers for Disease Control, the death rate for victims has increased 24 percent over the past 10 years, resulting in 44,000 deaths.

Mr. Chairman, I urge all my colleagues to vote today for H.R. 2507. It is a vote for healthier lives, for our mothers, for our daughters, for our wives, and particularly for the female majority of our population who have been given minority status in this administration.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this issue that we have discussed on the floor recently, and now, is related to some provisions of this bill with respect to cancer, and most specifically with respect to breast cancer.

I would like to mention today that I held a hearing in North Dakota recently on the subject of breast cancer. The northern regions of the country, and particularly the Northern States, generally have a higher incidence of breast cancer for reasons we do not understand than does the rest of the country. But the country generally has a very high rate of breast cancer.

One in nine women will become victims of breast cancer. We need much more research, much more money devoted to research in all of these areas, especially including breast cancer.

My colleague, the gentleman from Kansas [Mr. GLICKMAN], expressed frustration at the lack of research. We need to make a much greater commitment to research dollars, but then we also must do what is anticipated in this bill, and that is make sure that research is targeted in the right areas.

Doing breast cancer research on males makes no sense at all, or at least restricting it to males has not made sense. So we need to make a much better effort.

I appreciate the chairman bringing this kind of legislation to the floor. I support it.

Mr. ROYBAL. Mr. Chairman, I rise in strong support of the bill before us and urge my colleagues to vote for it. This bill is important for many reasons. The bill provides $2 billion for the National Cancer Institute and $1.3 billion for the Heart, Lung and Blood Institute. These programs are of vital importance in finding out answers about the diseases which kill more Americans than any other. The bill also creates several important new women's health programs to research such afflictions as osteoporosis, bone disorders, breast cancer and cervical cancer. The bill also allows researchers to use fetal tissue to seek treatment for Parkinson's disease, Alzheimer's disease and other diseases which afflict so many elderly Americans. As chairman of the Select Committee on Aging I have presided over countless hearings where people have described in detail the pain and suffering which these diseases visit upon the families of the elderly. The bill also safeguards against abortions performed solely for the purpose of providing fetal research.

I would also like to speak out strongly in favor of the bill's provisions which call for the Department of Health and Human Services to conduct a national study of human sexual behavior. Despite some lurid tabloid-style misinformation put out by opponents to this study, there is a very great need for the information which this study can provide. AIDS, sexually transmitted diseases, and teenage pregnancies are serious but preventable problems affecting America's youth. The American Teenage Study will provide us with data which we can use to fight these problems. The privacy of the participants in the survey will be rigorously protected. Teenagers must consent to being interviewed, and their parents must give written permission for them to participate in the study. The survey asks very personal questions about a topic which many of us feel uncomfortable, but the answers it provides can help save and improve the lives of countless young Americans.

I urge all my colleagues to choose knowledge as the weapon to fight America's health problems. Vote for H.R. 2507, The National Institutes of Health revitalization amendments and oppose any amendment designed to kill the national study of human sexual behavior.

Mr. EMERSON. Mr. Chairman, it is time to tell the truth about the title X regulations. Some perplexing claims have been made in the debate over this issue on the subject of medical ethics and the doctor-client relationship.

The truth is, no doctor-client relationship exists in most Federal family planning clinics. Over 80 percent of title X clients never see a physician. But if they do see a physician, medical information is in no way denied. Assistant Secretary of Health James Mason set the record straight in a recent statement:

> If a woman is found to have any medical problem, the regulation requires that they be assisted in receiving the complete and appropriate medical care even if the result is termination of pregnancy. What is often ignored in this debate is that in all but a small number of cases, the decision to have an abortion is not a medical one, but an ethical one in which a physician or medical practitioner is no better equipped to answer than a lay person.

Mr. Chairman, the issue in this debate is whether abortion ought to be promoted as a family planning option—a practice that an overwhelming majority of Americans oppose. I ask this body to oppose it as well.

Mr. HOAGLAND. Mr. Chairman, I would like to express my support of H.R. 2507, a bill to extend several of the National Institutes of Health [NIH]—the National Cancer Institute, the National Heart, Lung and Blood Institute and the National Institute of Aging. H.R. 2507 increases the administration's 1922 budget request for these programs. The legislation also ensures that women's and minorities' health problems receive more attention. With the "graying" of the U.S. population, it is particularly important to accelerate our research on disabilities and diseases of the elderly.

The National Institutes of Health are the "crown jewel" of the Nation's health care system. People come from all over the world for treatment for rare diseases and for consultation with pre-eminent experts,

H.R. 2507 authorizes $2 billion for the National Cancer Institute [NCI]. The National Cancer Institute, the largest of the 13 institutes of the National Institutes of Health, coordinates a national research program on cancer cause, prevention, detection, diagnosis, treatment and rehabilitation. In 1991, the National Cancer Institute's budget was $1.7 billion. About 76 percent of the NCI's budget is for grants and contracts to universities, medical schools, cancer centers and private firms around the country. The University of Nebraska Medical Center located in my hometown of Omaha, NE has received over $6 million from the National Cancer Institute in 1991 alone. Researchers there are conducting projects in areas like bone marrow transplants, high fat diets in experimental prostate cancer, and linkage studies in hereditary breast cancer.

In addition, the National Institutes of Health is funding research projects at Boys' Town National Research Hospital (hearing loss), Creighton University (osteoporosis), Fr. Flanagan's Boys' Home (hearing disorders), University of Nebraska at Omaha (speech organization) and the Visiting Nurses Association (home health models). Combined these institutions represent 33 research projects receiving more than $7 million in Federal funding.

The purpose of H.R. 2507 is to preserve America's preeminence in biomedical research. The 13 research institutes of NIH represent one of the most productive investments supported by the Federal Government. Medical research offers the greatest hope of discovering new ways to prevent disease, to reduce human suffering and economic losses from illness, and to improve the quality of life and health of the American people. What better investment of public dollars than preventing disease, especially at a time when the Nation's health care system is under severe strain. I am pleased to support a bill which offers so much hope to so many people.

Mr. MATSUI. Mr. Chairman, today, the House will consider legislation reauthorizing the National Institutes of Health. This bill includes important language to reverse the administration's moratorium on the use of Federal funds for fetal tissue research.

The current ban on fetal tissue transplantation research has unjustifiably blocked vitally important research for a number of incurable diseases that affect both the young and old. Fetal tissue research is of critical importance if we are to solve the mysteries of diseases like Alzheimer's, Parkinson's, or sickle cell anemia. This research holds promise for millions of Americans suffering from these and other diseases. As a result of the administration ban, fetal tissue transplantation research virtually has been on hold since 1988.

The moral questions this issue raises have not so much to do with whether abortion is right or moral, but with the morality of withholding research that can save people's lives. The argument made by some of our colleagues that fetal tissue research will lead to increased abortion is a fallacy. In many instances, the availability of fetal tissue transplants may eliminate the need for medically necessary abortions.

The bill contains many protections against abuse, such as requiring women donating fetal tissue for research to sign a written consent form, explicitly ensuring that the decision to have an abortion is separate and independent of that to donate fetal tissue. The legislation before us also establishes a procedure by which the Department of Health and Human Services may withhold research funds due to ethical concerns.

We cannot continue to sacrifice the health and well being of millions of Americans who suffer from potentially curable diseases. We must ask ourselves at what cost do we put their lives in jeopardy because a few would have us believe this research will result in coerced abortions or in women having abortions simply to earn a few dollars.

I urge my colleagues to vote to overturn the ban on fetal tissue transplantation research and to allow the National Institutes of Health to continue this much needed research into treatments and cures for presently incurable diseases. Further delay in research undermines our efforts to provide Americans with the best health services and technology the medical community can offer.

Mr. STEARNS. Mr. Chairman, today the House of Representatives is debating a measure of great significance to the health and welfare of our poeple. The programs included in this reauthorization bill for the National Institutes of Health support critical science on our most devastating and costly diseases, and thus, offer hope for the millions of Americans suffering from the incurable, the undiscriminating, and the most fateful ailments of our time. Furthermore, this bill includes much needed provisions which rightfully assure more equitable research treatment for ailments which disproportionately affect women and minorities long overlooked by the traditional focus of the research community.

However, I must vote against this mostly meritorious legislation due to the inclusion of language which would overturn the ban on using fetal tissue from induced abortions in federally funded research projects.

This is a very serious and sensitve issue. However, this does not absolve us from considering the ultimate consequences of overturning this ban. Under current policy, research on fetal tissue is promoted by the Federal Government given that the tissue is from spontaneously aborted or miscarried fetuses, or from fetuses that are aborted in order to save the life of the mother. This fetal tissue has already permitted science to make advances on diabetes, Parkinson's disease, Alzheimer's and many other ailments in the prenatal stage of life. In a miraculous use of science, we are currently employing fetal tissue of lives lost to find cures and treatments for the unborn.

But in overturning the current prohibition on using tissue from induced abortions we are taking the policy too far. This is an ethical decision and a policy of great moral consequence. I am prolife, and thus, I applaud the advances which fetal tissue research has brought to the fight against the diseases which devastate human life. However, morally I must extend my support of life to the unborn. I cannot vote for a policy which explicitly condones the trading of one life for another. This is a unprecedented and potentially momentous decision. A decision I cannot support.

I do not want anyone to interpret my no vote on this bill as a vote against the need for increased research on women's health matters. I strongly support the provisions in this bill which bring much needed attention to the devastations caused by breast and cervical cancer, osteoporosis, heart disease and the other ailments which threaten women. For too long we have neglected the needs of women in our research priorities.

I am on record in support of rectifying these neglects. I have cosponsored legislation to increase funding for breast cancer, provide greater access to mammography, direct additional resources for the research of osteoporosis, and ensure the inclusion of women in clinical studies conducted at NIH. These provisions are in this bill, and I support each and everyone of them on their own merits.

However, these meritorious provisions are threatened by the inclusion of more divisive and controversial fetal tissue langauge in the measure. I am sorry that the leadership has felt compelled to condone use of induced abortion fetal tissue in this bill. By attaching this divisive language they have brought about the conditions for a Presidential veto, and have threatened the enactment of the bill's other, urgently needed, provisions concerning increased research for women's health.

Women themselves, the group that this bill is designed to help, agree that research using fetal tissue of aborted fetuses is ethically and morally questionable. In a recent poll in Redbook magazine, they affirm that this issue is divisive. Sixty-one percent of the women responding to Redbook's poll said they believe it is wrong to use tissue taken from aborted fetuses for medical research. I have submitted the entire survey for the RECORD. I hope my colleagues who say they are speaking for all women will take the time to hear what these women are saying about fetal tissue research.

Time and time again, the proabortion element of this body attempts to carry out its agenda by attaching bits and pieces of it to important, worthy and generally noncontroversial legislation. Just once, I would like to see an abortion issue, such as the one included in this bill, brought to the House floor on its own. Let us have straight up or down votes on this issue. Abortion is one of the most divisive and debated issues in our country today, yet this body refuses to stand up and be counted on this issue alone. Rather than bringing the most controversial issues out in the open for free debate and rollcall votes, this body buries them in meaningful and necessary legislation.

As much as I support the women's health provisions in this bill, I will not be coerced into advancing the proabortion agenda. Anyone who attempts to interpret my vote against this bill as a vote against increased research for women's health issues simply does not understand the details of this legislation, my already strong record on behalf of women's health research, and the strength of my convictions on the human life issue.

FETAL TISSUE RESEARCH: RIGHT OR WRONG?

Is it right to use the tissue from aborted fetuses to find treatments and cures for painful, debilitating diseases? That's just one of the questions we asked you in the "Special Medical Report: Miracle or Menace?" that appeared in our September issue. Nearly 1,300 of you responded. A majority (61 percent) think such research is wrong. An even larger number of you (73 percent) fear that publicizing the medical benefits of such research could lead to a "black market" in aborted fetuses. Here, the results of our survey and a few of the hundreds of comments you offered.

1. Do you believe it is right to use tissue taken from aborted fetuses for medical research?

61 percent say no—29 percent say yes

10 percent say yes, but only if the woman is informed

2. Do you think that some women who are ambivalent about having an abortion would decide to do so if they knew that they could donate the fetal tissue?

58 percent say yes—42 percent say no

3. Do you think publicizing the benefits of fetal tissue research will lead to a "black market," in which women and/or doctors are paid for aborted fetuses?

73 percent say yes—27 percent say no

4. Would it be wrong for a woman to become pregnant in order to donate the tissue to save the life of a close relative who had no other hope?

79 percent say yes—21 percent say no

Mr. SMITH of Florida. Mr. Chairman, I rise today to announce my support for fetal tissue research. Currently a moratorium exists on the research of this tissue. Think about that for a moment: a moratorium on the research on tissue that will otherwise be discarded. This tissue can teach us something. This tissue can bring relief to people who desperately need it. In short, this tissue can help save lives.

In South Florida there is a group of special people who will benefit greatly by fetal tissue transplantation research. I am referring to the many people that travel to the Miami project to cure paralysis on a wing and a prayer. They go with the single minded hope that with their own determination and support of the Center they will get back some physical functioning or the ability to take a step. Each day these dedicated people faithfully work out with the help of equipment and a devoted staff to help make their dream a reality.

Some meet their objective, but many others continue to struggle against what seem to be impossible odds. And now we in Congress have an opportunity to help. More research needs to be done in the area of spinal cord damage. Since the early 1960's when the National Spinal Cord Injury Association first convened, fetal tissue research has offered a promise of regeneration of central nervous system tissue. However, having put a moratorium on fetal tissue research may also have effectively put a moratorium on the research for a cure for this horrible affliction. It is time we open our minds to this type of research and pave the way for new hope for the thousands who struggle each day unable to take a step.

Mr. VENTO. Mr. Chairman, I rise in strong support of the National Institutes of Health amendments. Finally, we are turning our attention to the long overlooked issue of women's health. The lack of research and the exclusion of women from clinical trials at NIH have made it obvious that offices specifically dedicated to the study of women's health are necessary. A focus on research on diseases and conditions more prevalent among women and those which affect women in large numbers but are not traditionally thought of as women's health problems, is long overdue. I applaud the inclusion of these provisions which will address health problems affecting women of all ages.

Heart disease is the largest cause of death for women but because the risk is known to be greater for men, the symptoms among women frequently go untreated and are not well understood because of the male-gender-based research focus. The incidence of breast cancer has been increasing by about 1 percent per-year beginning in the 1970's, yet scientists still do not know the reasons. What is even more frightening is that only 31 percent of women get regular screening although 30 percent of deaths from breast cancer could be prevented if detected and treated early. About one-third of the people addicted to drugs or alcohol in this country are women, but only 12.7 percent of those women receive treatment. Most alcohol and drug treatment programs are not designed to accommodate the special needs of many women—such as prenatal care, mental health care, and child care.

The policies of inclusion of women in research and clinical trials, which have been implemented at NIH, must be made permanent. The decades of neglect of women's health concerns has resulted not only in an amazing lack of knowledge about women's health but has also cost this country many lives. The health needs of women have been overlooked for too long. We must act now to assure the health benefits of this legislation for future generations. This legislation puts us on that policy path.

Mr. WEISS. Mr. Chairman, I strongly support H.R. 2507, a bill to reauthorize the National Institutes of Health. The NIH is the most distinguished center for biomedical research in the entire world. Through research funded by the NIH, remarkable progress has been made in the understanding and treatment of all types of diseases that affect mankind.

I commend my distinguished colleague, Representative HENRY WAXMAN, for his diligence and commitment to the health of all Americans and most especially for his efforts in the fight against AIDS.

Today, I want to focus on some aspects of this legislation on which the Subcommittee on Human Resources and Intergovernmental Relations, which I am privileged to chair, has had an impact.

Last year, the subcommittee held a hearing on the development of drugs to treat the opportunistic infections that afflict persons whose immune systems have been weakened by HIV, the virus that causes AIDS. These infections include pneumocystis pneumonia, which strikes 80 percent of all AIDS patients; cytomegalovirus, which causes blindness; cryptococcal meningitis, which affects the brain; and many more insidious diseases that can devastate persons with HIV disease if left untreated. Virtually all research on opportunistic infections is either conducted or funded by the National Institute on Allergy and Infectious Diseases and the National Cancer Institute.

Through our investigation of the NIAID's research on AIDS-related drugs, we found that the lion's share of resources—both funding and personnel, in both basic and clinical research—had been devoted to treatments for the underlying immune deficiency. Anti-HIV research was viewed as the intriguing, groundbreaking area of AIDS discovery, and thus, treatments to prevent and treat opportunistic infections were left languishing.

This negligence of opportunistic infections was made more significant by the fact that it is those infections and AIDS-related cancers that cause hospitalization, illness, and ultimately death in persons with AIDS.

I am particularly pleased to note that H.R. 2507 contains language that recognizes the need for more research on opportunistic infections and cancers associated with AIDS and directs the NIH to increase its efforts in this crucial area.

Another provision in H.R. 507 requires the Secretary of Health and Human Services, through the Director of NIH, to develop and implement an NIH-wide plan for AIDS activities and the evaluation of those activities. The mandated plan follows the request made by my subcommittee to the Director of NIAID, for goals and objectives, timetables for their achievement, identification of needed resources, and evaluation mechanisms for all goals and programs within the plan.

I also agree with the provisions in the legislation directing NIH to specify the balance between basic and clinical research and to emphasize research on both treatment and prevention of opportunistic infections and cancers.

In several hearings and reports, the Human Resources Subcommittee has urged NIAID to include greater numbers of women and members of affected racial and ethnic minorities in clinical trials of HIV-related drugs. H.R. 2507 also requires that members of these groups be represented in all clinical trials.

I fully support the inclusion of the language directing the Secretary of Health and Human Services to conduct a study of third-party payers' coverage of treatment associated with qualified beneficiaries' participation in clinical trials. It is especially difficult to understand why the Medicaid and Medicare programs refuse to provide coverage for these treatments.

I wholeheartedly endorse these important provisions in H.R. 2507, and urge my colleagues to vote for the bill.

Mr. ANDERSON. Mr. Chairman, today's debate on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991, centers on whether or not fetal tissue can be used for medical research without promoting abortion. Both sides agree that this research holds revolutionary promise for curing many diseases—including leukemia, multiple sclerosis, Alzheimer's, Parkinson's, and diabetes. Opponents of this proposal argue that fetal tissue research will increase abortions. Mr. Chairman, this debate is not about promoting abortion, it is about allowing NIH to conduct vital medical research. I rise today in support of H.R. 2507 because I firmly believe that the current ban on fetal tissue research is groundless and is depriving our Nation from medical discoveries that will dramatically improve the lives of millions of Americans.

In 1988, President Reagan imposed a moratorium that prohibited the National Institutes of Health [NIH] from conducting fetal tissue transplantation research while the Human Fetal Tissue Transplantation Research Panel, which Reagan appointed, determined whether or not performing fetal tissue research was acceptable public policy. The panel, which was composed of experts with both prochoice and antiabortion positions, concluded that there were no ethical or scientific grounds for barring such reseach. They recommended lifting the moratorium as long as procedural safeguards were taken to ensure that fetal tissue research was not abused. President Bush has ignored the panel's recommendation, and the moratorium has remained intact.

Provisions in H.R. 2507 would lift the ban on fetal tissue research. The bill also includes the procedural safeguards suggested by the Human Fetal Tissue Transplantation Research Panel. The provisions stipulate that to use fetal tissue for research, it must be documented that the decision to have an abortion was separate from the decision to donate fetal tissue. A woman cannot place restrictions regarding the identity of individuals who may be recipients of the fetal tissue, thereby prohibiting donor-specific abortions to cure an ill family member or friend. Fetal tissue cannot be bought or sold, eliminating the profit motive for having an abortion. Lastly, to avoid a conflict of interest, medical personnel who perform an abortion are barred from involvement in the subsequent use of the tissue for transplants.

The potential medical advances from fetal tissue research have been undisputed throughout this debate. Fetal tissue transplantation research could possibly cure birth defects, Alzheimer's disease, Parkinson's disease, juvenile diabetes, leukemia, and epilepsy. I firmly believe that medical professionals should be able to use all the resources at their disposal to fight these diseases. Preventing fetal research effectively prevents the advancement of cures and treatments without changing the realities of the abortion debate. Abortions will occur whether or not we pass this legislation today, but only one vote today will improve our ability to help people afflicted with these life-threatening diseases. For this reason, I urge my colleagues to support H.R. 2507.

Mr. SMITH of Florida. Mr. Chairman, I rise today in support of H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991. The facts point overwhelmingly toward a chronic insufficiency in research on women's health, not to mention a life-threatening dearth of treatments and prevention activities due to this lack of research. These issues represent a crisis in American health care, and the time has arrived to correct these inequalities.

Statistics on the inadequacies in the medical and research communities speak for themselves. For example, despite the fact that 1 out of every 9 women is diagnosed with breast cancer during her life, 9 out of 10 doctors do not follow the guidlines prescribed by the American Cancer Society on recommending mammograms. Although one in every three people receiving treatment for alcoholism is female, only 5 percent of the funding received by the National Institute on Alcohol Abuse and Alcoholism is used for studies involving women. Moreover, for every research dollar spent by the National Institutes of Health, barely 14 cents is used to study women's health.

H.R. 2507 will begin the equalization process within the medical community. This bill will create an Office of Research at the Alcohol, Drug Abuse, and Mental Health Administration which will be used to consolidate and initiate research on women's substance abuse and mental health. Among this Office's purposes are the inclusion of women in clinical surveys and studies of typically gender-specific disorders like post partum depression, eating disorders, and attacks of panic. In the past, issues like these were rarely discussed, much less studied. We can no longer afford to practice these avoidance techniques when half the American population's health is at stake.

Similarly, diseases like breast cancer and ovarian cancer were reduced to issues of secondary concern for years. The incidence of breast cancer rose 24 percent between 1979 and 1986, and only recently have research scientists begun to study the reasons for this dramatic increase. H.R. 2507 will authorize an additional $50 million for research on breast and ovarian cancer. Although this money cannot make up for lost years of research, it will provide a foundation for years of research in the future.

H.R. 2507 also seeks to remedy a deficiency in Federal research on osteoporosis. Almost half of all women over 45 suffer from this disease, and approximately 90 percent of women over the age of 75 are afflicted. In fact, nearly half of all senior citizens over the age of 75 are affected by the loss of bone tissue. This bill will authorize much needed funds for Federal research on this disease. Consequently, voting in favor of H.R. 2507 is an affirmation of support not only for senior citizens' health but also for women's health.

I urge my colleagues to support the NIH revitalization amendments as an investment in the health of an entire Nation. This bill is literally a life-saving opportunity to ease the gender-based inequalities that exist today in medical research.

Mr. BRUCE. Mr. Chairman, I strongly support the National Institutes of Health Revitalization Amendments of 1991. Today's research often leads to tomorrow's cure.

There is, however, an issue that the NIH has not focused on, which, although it appears not to be of great importance, has a direct and substantial effect on testing results. Differences between the environment of laboratories when testing animals can lead to wide variations in test results. In their investigations into this issue, researchers at the University of Illinois in my district have found the following:

> Air quality in laboratory animal environments often has ammonia concentrations in excess of 50 ppm—this exceeds the 25 ppm limit from OSHA and is worse than most production animal facilities. In other situations, the air quality in the animal cages is excellent, but the animals are thermally stressed by air velocities higher than 50 ft/min. Furthermore, environmental conditions vary so substantially among cages in the same room, that unintended stressors confound the research results in laboratory animal research. These problems occur despite air handling systems that are several times more expensive than those used in commercial and agricultural applications for similar heat and containment load situations.

Because of these findings, I would encourage the National Institutes of Health to develop an interdisciplinary research program which defines the housing requirements of laboratory animals—for example, air quality, ventilation and other welfare needs. Scientifically determined data on the environmental requirements of laboratory animals are needed for the pending revision of the laboratory animal care guidelines. The absence of such data as a basis for guidelines and industry practices threatens the validity of ongoing research and public trust in the results of biomedical research using laboratory animals.

The NIH should establish the means to manage and coordinate the efforts of laboratory animal medicine, environmental physiology, animal behavior, instrumentation, air, and air contaminant transport, and engineering design expertise needed to perform this research.

Additionally, experts agree that substantial cost savings in construction and energy costs can be achieved by revising current guidelines and practices, while actually improving environmental conditions for laboratory animals.

Mrs. UNSOELD. Mr. Chairman, for more than 100 years the National Insitutes of Health neglected research on women's health. Not only has it failed to adequately research women's illnesses like breast cancer and ovarian cancer, it failed to include women in all other areas of research. So most of the information we have about aging and heart disease and the common cold is based on studies of only male subjects.

Today, in this bill to reauthorize the National Institutes of Health, we establish a permanent Office of Research on Women's Health, centers for research on contraception and infertility, and programs to study osteoporosis, obstetrics, and gynecology. We also require the inclusion of women and minorities in research and earmark $50 million a year for basic research on breast and ovarian cancer.

But the administration objects to our proposal because it is too directive and allows unwarranted intrusions into the authority of the Secretary for Health and Human Services. Those are shallow reasons for not supporting something that's gotten the short shrift for so long. It's time to stop playing politics with women's lives and start working for women's health.

Mr. WEBER. Mr. Chairman, I rise in strong opposition to the passage of H.R. 2507. The National Institutes of Health is a national treasure. The NIH has made America the world's leader in biomedical research. As a member of the appropriations subcommittee that funds the NIH, I believe we make no better investment of taxpayer dollars.

Contrary to the claims of the authors of the measure before us today that it will revitalize the National Institutes of Health, the measure undermines the authority of the Director, compromises the peer review system with set-asides and directives, and establishes costly and unnecessary advisory panels.

H.R. 2507 undermines the decisionmaking authority of the new Director of the NIH, Dr. Bernadine Healy, a fine scientist for whom I have the highest regard, and it hampers her ability to efficiently manage the Institutes. To provide one particularly egregious example, provisions of H.R. 2507 prohibit the Director of the NIH from making any changes in the National Cancer Institute's annual budget estimate for the National Cancer Program.

The measure we are now considering sets up a number of superfluous, bureaucratic, and costly advisory committees that the Director has not requested. In response to reports that women's health issues have not received appropriate priority and that women have not been included in clinical trials, the NIH established an Office of Research on Women's Health within the office of the Director. Since assuming her post, Dr. Healy has demonstrated in her testimony before our subcommittee and in her actions a strong commitment to research focusing on the health problems of women and minorities and to include women and minorities in clinical trials.

Yet in spite of this strong evidence of the Director's commitment to women's and minorities' health problems, H.R. 2507 not only recreates the wheel in establishing an Office of Research on Women's Health but also creates not one, but two, committees to specifically advise the Director on women's health. The Director already has a distinguished, effective advisory committee entirely capable of advising her on women's health research.

In defining the purpose of H.R. 2507, the measure's authors state that it will "prohibit subjective, politically motivated interference in the peer review process for determining scientific priorities." Yet the bill requires the establishment of four centers on nutrition research and designates the Institute which will administer the program. The bill also names specific proposed research projects which must be funded. I agree that nutrition research is important and that the proposed research projects have merit, but these are decisions which should be made through the peer review process and by the NIH and Institute Directors, not by Congress.

Similarly, the legislation sets aside 10 percent of the National Cancer Institute's budget for prevention research and requires that at least $5 million of the National Institute of Child Health and Human Development's budget be spent on contraceptive and infertility research centers. These set-asides and earmarks may well force the Institutes to fund less worthy research proposals and allow more promising research to go unfunded.

Putting Congress in this role politicizes research funding decisions. Congress should set broad priorities and guidelines, but decisions on specific research proposals should emerge from the peer review process.

I urge my colleagues to join me in voting againt H.R. 2507. It is bad medicine for the NIH.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Amendments of 1991".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.

Sec. 112. Purchase of human fetal tissue.

Sec. 113. Nullification of moratorium.

PART III—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities
PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH
Sec. 131. Requirement regarding National Institutes of Health.
Sec. 132. Requirement regarding Alcohol, Drug Abuse, and Mental Health Administration.
Sec. 133. Peer review.
Sec. 134. Applicability.
PART II—OFFICES OF RESEARCH ON WOMEN'S HEALTH
Sec. 141. Establishment for National Institutes of Health.
Sec. 142. Establishment for Alcohol, Drug Abuse, and Mental Health Administration.
Sec. 143. Study regarding research on women's health.
Subtitle C—Scientific Integrity
Sec. 151. Establishment of Office of Scientific Integrity.
Sec. 152. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 153. Applicability.
Sec. 154. Study of effectiveness of Office of Scientific Integrity.
Sec. 155. Guidelines for prevention of publication of false manuscripts in scientific and medical journals.
Subtitle D—Indirect Costs
Sec. 161. Establishment of limitations on expenditures of federal financial assistance for indirect costs of certain projects of research.
Sec. 162. Availability of certain amounts for program regarding previously unsupported researchers.
TITLE II—PROTECTION OF HEALTH FACILITIES
Sec. 201. Protection of facilities assisted under Public Health Service Act.
Sec. 202. Conforming amendments.
TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL
Sec. 301. Establishment of advisory committee regarding organizational structure of National Institutes of Health.
Sec. 302. Plan for use of animals in research.
Sec. 303. Term of office for members of advisory councils.
TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES
Sec. 401. Appointment and authority of Directors of national research institutes.
Sec. 402. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 403. Provisions regarding nutritional disorders.
Sec. 404. Establishment of interagency program for trauma research.
TITLE V—NATIONAL CANCER INSTITUTE
Sec. 501. Authorization of appropriations.
TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
Sec. 601. Programs for intramural education and training.
Sec. 602. Authorization of appropriations.
TITLE VII—NATIONAL INSTITUTE ON AGING
Sec. 701. Alzheimer's disease registry.
Sec. 702. Authorization of appropriations.
Sec. 703. Conforming amendment.
TITLE VIII—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
Sec. 801. Research centers regarding chronic fatigue syndrome.
TITLE IX—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT
Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility
Sec. 901. Grants and contracts for research centers.
Sec. 902. Loan repayment program for research with respect to contraception and infertility.
Subtitle B—Program Regarding Obstetrics and Gynecology
Sec. 911. Establishment of program.
Subtitle C—Child Health Research Centers
Sec. 921. Establishment of centers.
TITLE X—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
Sec. 1001. Research on multiple sclerosis.
TITLE XI—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
Sec. 1101. Applied Toxicological Research and Testing Program.
TITLE XII—NATIONAL LIBRARY OF MEDICINE
Subtitle A—General Provisions
Sec. 1201. Additional authorities.
Sec. 1202. Authorization of appropriations for general program.
Subtitle B—Financial Assistance
Sec. 1211. Establishment of program of grants for development of education technologies.
Subtitle C—National Center for Biotechnology Information
Sec. 1221. Authorization of appropriations.
Subtitle D—National Information Center on Health Services Research and Health Care Technology
Sec. 1231. Establishment of Center.
Sec. 1232. Conforming provisions.
TITLE XIII—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH
Subtitle A—Division of Research Resources
Sec. 1301. Redesignation of Division as National Center for Research Resources.
Sec. 1302. Construction program for national primate research center.
Subtitle B—National Center for Human Genome Research
Sec. 1311. Purpose of Center.
TITLE XIV—AWARDS AND TRAINING
Subtitle A—National Research Service Awards
Sec. 1401. Revision and extension of program.
Subtitle B—Acquired Immune Deficiency Syndrome
Sec. 1411. Loan repayment program with respect to research at National Institutes of Health.
Subtitle C—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies
Sec. 1421. Establishment of programs for National Institutes of Health.
Sec. 1422. Establishment of programs for Alcohol, Drug Abuse, and Mental Health Administration.
Sec. 1423. Funding.
TITLE XV—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME
Sec. 1501. Revision and extension of various programs.
Sec. 1502. Studies.
TITLE XVI—MISCELLANEOUS PROVISIONS
Sec. 1601. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1602. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
Sec. 1603. Technical corrections.
TITLE XVII—EFFECTIVE DATE
Sec. 1701. Effective date.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(F) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(G) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(H) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(I) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.

"(J) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH REGARDING TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue;

"(C) the woman has not been informed of the identity of any such individuals; and

"(D) in the case of tissue provided pursuant to an induced abortion, the decision to make the donation is made separately and independently of the decision to undergo the abortion.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue obtained pursuant to an induced abortion may be used only if—

"(A) in addition to and separate from the statement made pursuant to paragraph (1), the woman involved makes a statement, made in writing and signed by the woman, declaring that the decision of the woman to undergo the abortion is not made in order to provide fetal tissue for research purposes; and

"(B) the statement required in subparagraph (A) is made before the abortion is performed.

"(3) AVAILABILITY OF STATEMENTS FOR AUDIT.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved provides assurances satisfactory to the Secretary that, with respect to any statement required under paragraph (1) or (2) to be made regarding the tissue to be used in the research, the statement is available for audit by the Secretary and other appropriate Federal and State officials.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if—

"(1) the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(A) is aware that the tissue is human fetal tissue and that the tissue may have been obtained pursuant to an induced abortion;

"(B) has provided such information to other individuals with responsibilities regarding the research; and

"(C) will provide such information to an individual before obtaining the consent of the individual to be a recipient of a transplantation of the tissue; and

"(2) the individual with such principal responsibility provides assurances satisfactory to the Secretary that the statement required in paragraph (1) is available for audit by the Secretary and other appropriate Federal and State officials.

"(d) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(e) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE.

Part G of title IV of the Public Health Service Act, as amended by section 111(a) of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITION AGAINST PURCHASE OF HUMAN FETAL TISSUE

"SEC. 498B. (a) IN GENERAL.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) CRIMINAL PENALTY FOR VIOLATIONS.—Any person who violates subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(e).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT—.

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii)) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(e) of the Public Health Service Act (as added by section 111 of this Act).

PART III—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 101(a) of Public Law 101-616, is amended—

(1) by striking part J; and

(2) by redesignating parts K and L as parts J and K, respectively.

(b) MISCELLANEOUS REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by striking subsection (c) of section 498 and all that follows.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with resprct to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which projects of clinical research are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the costs of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than March 1, 1992.

"(4) For fiscal year 1993 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each agency of the National Institutes of Health shall annually submit to the Director of NIH and the head of the agency involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 132. REQUIREMENT REGARDING ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 507 the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 507A. (a) In conducting or supporting clinical research for purposes of this title, the Administrator shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Administrator may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Administrator shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Administrator, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in clinical research is inappropriate for purposes of subsection (b); and

"(B) the manner in which projects of clinical research are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the costs of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than March 1, 1992.

"(4) For fiscal year 1993 and subsequent fiscal years, the Administrator may not approve any proposal of clinical research to be conducted or supported by any agency of the Alcohol, Drug Abuse, and Mental Health Administration unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each agency of the Alcohol, Drug Abuse, and Mental Health Administration shall submit to the Administrator and the head of the agency involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 133. PEER REVIEW.

(a) NATIONAL INSTITUTES OF HEALTH.—Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

(b) ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.—Section 507 of the Public Health Service Act (42 U.S.C. 290aa-5) is amended by adding at the end the following new subsection:

"(f)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 507A(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to sub-

section (b) of section 507A, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 134. APPLICABILITY.

Sections 492B and 507A of the Public Health Service Act, as added by sections 131 and 132 of this Act, respectively, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence. Any such policies may apply for fiscal year 1993 and subsequent fiscal years to the extent not inconsistent with such sections 492B and 507A.

PART II—OFFICES OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT FOR NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (hereafter in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the National Institutes of Health;

"(2) recommend an agenda for conducting and supporting the projects identified under paragraph (1);

"(3) promote the sufficient allocation of the resources of such Institutes for conducting and supporting such projects;

"(4) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(5) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the agencies of the National Institutes of Health (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) The Coordinating Committee shall, with respect to research on women's health—

"(A) identify the need for such research, and make an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identify needs regarding the coordination of research activities, including with respect to intramural and extramural multidisciplinary research;

"(C) support the development and expansion of clinical trials of treatment and therapies that include women of all age, ethnic, and racial groups;

"(D) encourage the agencies of the National Institutes of Health to conduct and support such research; and

"(E) determine the extent to which women are represented among senior physicians and scientists of such Institutes and among physicians and scientists conducting research with funds provided by such Institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of not more than 18 individuals who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the agencies of the National Institutes of Health with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on publicly and privately supported such research;

"(C) provide recommendations to the Director of the Office regarding activities of the Office; and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women and minorities in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects.

"(2) The term 'research on women's health' means research on women's health conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall establish a single data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the National Institutes of Health or by the Alcohol, Drug Abuse, and Mental Health Administration. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health for the National Institutes of Health, the Director of the Office of Research on Women's Health for the Alcohol, Drug Abuse, and Mental Health Administration, and the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of such Institutes and such Administration relating to research on women's health.

"(c) DEFINITION.—For purposes of this section, the term 'research on women's health' means—

"(1) in the case of the National Institutes of Health, research on women's health conditions, as such term is defined in section 486(e)(1); and

"(2) in the case of the Alcohol, Drug Abuse, and Mental Health Administration, research on women's health and mental health conditions, as such term is defined in section 504A(e)(1).

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall prepare a biennial report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b)(1).".

(c) CONFORMING AMENDMENT.—Section 485(g) of the Public Health Service Act (42 U.S.C. 287c-2(g)) is amended by striking "section 486" and inserting "section 485A".

SEC. 142. ESTABLISHMENT FOR ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

(a) IN GENERAL.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 504 the following new section:

"OFFICE OF RESEARCH ON WOMEN'S HEALTH

"SEC. 504A. (a) ESTABLISHMENT.—There is established within the Office of the Administrator an office to be known as the Office of Research on Women's Health (hereafter in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Administrator.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) recommend an agenda for conducting and supporting the projects identified under paragraph (1);

"(3) promote the sufficient allocation of the resources of such Administration for conducting and supporting such projects;

"(4) assist in the administration of section 507A with respect to the inclusion of women as subjects in clinical research; and

"(5) prepare the report required in subsection (e).

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the agencies of the Alcohol, Drug Abuse, and Mental Health Administration (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) The Coordinating Committee shall, with respect to research on women's health—

"(A) identify the need for such research, and make an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identify needs regarding the coordination of research activities, including with respect to intramural and extramural multidisciplinary research;

"(C) support the development and expansion of clinical trials of treatment and therapies that include women of all age, ethnic, and racial groups;

"(D) encourage the agencies of the Alcohol, Drug Abuse, and Mental Health Administration to conduct and support such research; and

"(E) determine the extent to which women are represented among senior physicians and scientists of such Administration and among physicians and scientists conducting research with funds provided by such Administration, and as appropriate, carry out activities to increase the extent of such representation.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of not more than 18 individuals who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the agencies of the Alcohol, Drug Abuse, and Mental Health Administration with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment; and

"(iv) research on women's health and mental health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on publicly and privately supported such research;

"(C) provide recommendations to the Director of the Office regarding activities of the Office; and

"(D) assist in monitoring compliance with section 507A regarding the inclusion of women and minorities in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 507A;

"(ii) the extent of expenditures made for research on women's health by the agencies of the Alcohol, Drug Abuse, and Mental Health Administration; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(e) BIENNIAL REPORT.—Not later than February 1 of 1994 and of every second year thereafter, the Director of the Office shall, with respect to research on women's health, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) describing and analyzing the professional status of women physicians and scientists of such Administration, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Administration (and by the Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'women's health and mental health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects.

"(2) The term 'research on women's health' means research on women's health and mental health conditions.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF ADMINISTRATION.—Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the Alcohol, Drug Abuse, and Mental Health Administration are sufficiently allocated for projects of research on women's health that are identified under section 504A(b)(1).".

SEC. 143. STUDY REGARDING RESEARCH ON WOMEN'S HEALTH.

(a) STUDY OF NATIONAL INSTITUTES OF HEALTH AND ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Directors of the Offices of Research on Women's Health, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining the manner in which research on women's health can be facilitated by the Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, including—

(A) a determination of any obstacles that may exist with respect to conducting research on women's health at, and supporting such research through, the agencies of such Institutes and such Administration; and

(B) a determination of the manner in which the extent of such research conducted at and supported through such agencies can be significantly increased.

(2) CERTAIN ELEMENTS OF STUDY.—The Secretary shall ensure that the contract under paragraph (1) specifies that the study described in such paragraph will include—

(A) an analysis of the extent to which the achievement of the purpose described in such paragraph regarding the facilitation of research on women's health requires modification of—

(i) the organizational structure of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and

(ii) the process through which applications submitted to such Institutes and such Administration for grants, cooperative agreements, and contracts for research are approved and disapproved, including the process for peer review of such applications;

(B) a recommendation of the agenda that should be established for conducting research on women's health at, and supporting such research through, the agencies of such Institutes and such Administration, including a specification of the categories of research that should be given priority;

(C) a recommendation of the most effective means for oversight and management of re-

search on women's health conducted or supported by such Institutes or such Administration; and

(D) an analysis of the relative status of women scientists and other women professionals of such Institutes and such Administration, including an analysis of practices regarding promotions.

(b) REQUEST REGARDING INSTITUTE OF MEDICINE.— The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that, not later than 1 year after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings and recommendations made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Offices of Research on Women's Health" means the offices established by sections 486(a) and 504A(a) of the Public Health Service Act, as added by sections 141 and 142 of this Act, respectively.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "research on women's health" means—

(A) in the case of the National Institutes of Health, research on women's health conditions, as such term is defined in section 486(e)(1) of the Public Health Service Act, as added by section 141 of this Act; and

(B) in the case of the Alcohol, Drug Abuse, and Mental Health Administration, research on women's health and mental health conditions, as such term is defined in section 504A(f)(1) of the Public Health Service Act, as added by section 142 of this Act.

Subtitle C—Scientific Integrity

SEC. 151. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following new subsection: "(a) There is established within the Office of the Director of NIH an office to be known as the Office of Scientific Integrity. The Office shall be headed by a director, who shall be appointed by the Director of NIH. The Director of such Office shall be an individual experienced and specially trained in the conduct of research.".

(b) CERTAIN DUTIES OF OFFICE.—Subsection (c) of section 493 of the Public Health Service Act, as redesignated by subsection (a) of this section, is amended by striking "Director of NIH" each place such term appears and inserting "Director".

(c) ADDITIONAL DUTIES.—Section 493 of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end the following new subsection:

"(d)(1) The Director shall monitor administrative processes that have been established under subsection (b) in order to determine whether such processes are functioning in accordance with the regulations issued under such subsection.

"(2) In carrying out paragraph (1), the Director—

"(A) shall monitor investigations carried out by entities pursuant to administrative processes under subsection (b); and

"(B) shall, as appropriate, conduct investigations of the entities.".

(d) PROTECTION OF WHISTLEBLOWERS.—Section 493 of the Public Health Service Act (42 U.S.C. 289b), as amended by subsection (c) of this section, is amended by adding at the end the following new subsection:

"(e)(1) In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish criteria for preventing, and for responding to the occurence of, any retaliation against an employee in the terms and conditions of employment carried out by the entity in response to the employee having in good faith—

"(A) made an allegation that the entity has engaged in scientific misconduct;

"(B) cooperated with an investigation of such an allegation; or

"(C) otherwise acted in furtherance of protecting against scientific misconduct.

"(2) The criteria issued under paragraph (1) shall specify the procedures that should be implemented by an entity to ensure that the entity does not engage in retaliation in violation of the criteria established under such paragraph.

"(3) The Secretary shall monitor the procedures established by an entity pursuant to paragraph (2) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the criteria established under such paragraph.

"(4) In any case in which the Secretary finds that an entity has engaged in retaliation in violation of the criteria established under paragraph (1), the Secretary may, in the case of the project of research with respect to which the retaliation occurred—

"(A) terminate the financial assistance being provided by the Secretary for the conduct of the project; and

"(B) recover from the entity any or all of such assistance.

"(5) The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1991.

"(6) For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 493 of the Public Health Service Act, as amended by the preceding provisions of this subsection, (42 U.S.C. 289b) is amended—

(A) in the heading for the section, by striking "FRAUD" and inserting "MISCONDUCT"; and

(B) in subsections (b) and (c), by striking "fraud" each place such term appears and inserting "misconduct".

(2) SCIENTIFIC MISCONDUCT AND OTHER TERMS.—Section 493 of the Public Health Service Act (42 U.S.C. 289b), as amended by subsection (d) of this section, is amended by adding at the end the following new subsection:

"(f) For purposes of this section:

"(1) The term 'scientific misconduct', with respect to the conduct of biomedical and behavior research—

"(A) means seriously deviating from standards of conduct that are recognized within the scientific community for proposing, conducting, or reporting research;

"(B) includes fabrication, falsification, and plagiarism; and

"(C) does not include unintentional error in the interpretation of data developed in research or genuine differences of opinion regarding such interpretation.

"(2) The term 'Director' means the Director of the Office of Scientific Integrity.".

(f) TECHNICAL AND CONFORMING AMENDMENT.—Subsection (c) of section 493 of the Public Health Service Act, as redesignated by subsection (a) of this section, is amended in the second sentence by striking "under this Act" and all that follows and inserting the following: "under this Act, for taking appropriate action with respect to such misconduct, and for obtaining remedies for such misconduct.".

SEC. 152. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—In the case of any entity receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish criteria for preventing, and for responding to the existence of, any financial interest in the project on the part of the entity that—

"(A) will create a bias in favor of obtaining results in the project that are consistent with the financial interest; or

"(B) may be reasonably expected to create such a bias.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment.

"(b) UNIFORM APPLICABILITY OF REGULATIONS.—The Secretary shall ensure that the criteria described in subsection (a) are uniformly applicable to each entity that is an entity described in such subsection. The Secretary may not provide that each such entity is to develop individual criteria regarding the circumstances that constitute an applicable financial interest.

"(c) PROCESS FOR IDENTIFYING AND REPORTING CONFLICTS.—

"(1) EXISTENCE OF PROCESS AS CONDITION OF FUNDING.—The Secretary shall ensure that the criteria established under subsection (a) specify that, as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect, at the time the entity applies for the assistance and throughout the period in which the assistance is received, a process for identifying any applicable financial interest that exists regarding the project; and

"(B) to report to the Secretary any such interest identified by the entity, including any such interest in existence at the time the entity applies for the assistance.

"(2) REGULATIONS.—The Secretary shall ensure that the criteria established under subsection (a) specify criteria for the process described in paragraph (1).

"(d) MONITORING OF PROCESS.—The Secretary shall monitor the process established by an entity pursuant to paragraph (1) of subsection (c) for the purpose of determining whether the process has been established, and is being conducted, in accordance with the criteria established under paragraph (2) of such subsection.

"(e) RESPONSE TO CONFLICTS.—In any case in which the Secretary finds that an applicable financial interest exists regarding a project of research described in subsection (a), the Secretary—

"(1) may disapprove the application for such assistance on the basis that the financial interest exists;

"(2) shall require that, as a condition of receiving the assistance, the entity disclose the existence of the financial interest in each public presentation of the results of the research;

"(3) may require that, as such a condition, the entity carry out such additional activities as the Secretary determines to be appropriate to protect the interest of the public regarding the project;

"(4) may terminate the assistance being received by the entity for conducting the project; and

"(5) may recover from the entity any portion of the assistance that is obligated for the project during the period in which the financial interest exists.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'applicable financial interest' means a financial interest described in subsection (a)(1).

"(2) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(3) The term 'financial interest' includes the receipt of consulting fees or honoraria, and the ownership of stock or equity.

"(g) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the NIH Grants Research Integrity Amendments of 1991.

"(h) AGREEMENT REGARDING COMPLIANCE WITH REGULATIONS.—For any fiscal year beginning after the date on which the regulations required in subsection (a) are issued, the Secretary may not provide a grant, cooperative agreement, or contract for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(1) will maintain the procedures described in the regulations; and

"(2) will otherwise be subject to the regulations.".

SEC. 153. APPLICABILITY.

For fiscal year 1992, regulations and guidelines under section 493 of the Public Health Service Act that are in effect on the day before the date of the enactment of this Act shall continue to apply for fiscal year 1992, and may apply for fiscal year 1993 and subsequent fiscal years to the extent not inconsistent with section 493 of such Act (as amended by section 151 of this Act) or with section 493A of such Act (as added by section 152 of this Act). The requirement of subsection (e)(6) of such section 493, and of subsection (h) of such section 493(A), regarding agreements as a condition of funding shall not apply with respect to projects of research for which initial funding was provided prior to the date of the enactment of this Act.

SEC. 154. STUDY OF EFFECTIVENESS OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study for the purpose of determining the extent to which the activities of the Director of the Office of Scientific Integrity have been effective with respect to investigating and preventing scientific fraud and other misconduct in the conduct of research required to be monitored by the Director under section 493(c) of the Public Health Service Act, as added by section 151 of this Act.

(b) REPORT.—Not later than September 30, 1992, the Comptroller General of the United States shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 155. GUIDELINES FOR PREVENTION OF PUBLICATION OF FALSE MANUSCRIPTS IN SCIENTIFIC AND MEDICAL JOURNALS.

Section 465 of the Public Health Service Act (42 U.S.C. 286) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Secretary, through the Library, shall develop guidelines for use by scientific and medical journals to protect against publication of manuscripts with respect to which there has been scientific misconduct (as defined in 493(f)).

"(2) In developing the guidelines required in paragraph (1), the Secretary shall consult with the Director of the Office of Scientific Integrity and with appropriate experts who are not officers or employees of the Federal Government, including the editors of scientific and medical journals and individuals experienced in the prevention and investigation of scientific misconduct.

"(3) On and after September 30, 1993, the Secretary shall identify in the referencing systems of the Library any scientific or medical journal that does not subscribe to and apply the guidelines developed by the Secretary under paragraph (1).".

Subtitle D—Indirect Costs

SEC. 161. ESTABLISHMENT OF LIMITATIONS ON EXPENDITURES OF FEDERAL FINANCIAL ASSISTANCE FOR INDIRECT COSTS OF CERTAIN PROJECTS OF RESEARCH.

(a) IN GENERAL.—Part H of title IV of the Public Health Service Act, as amended by section 131 of this Act and as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 492B the following new section:

"INDIRECT COSTS OF SUPPORTED RESEARCH

"SEC. 492C. (a) IN GENERAL.—In providing financial assistance through the National Institutes of Health to an entity for a project of research, the Secretary—

"(1) may authorize the entity to make expenditures from the assistance for costs that are indirectly related to the conduct of the project, and are necessary and proper for the entity to maintain the program of research of which the project is a part; and

"(2) may not provide the assistance for the project unless the entity—

"(A) agrees that the assistance will be expended for such costs only in accordance with determinations made under this section by the Secretary with respect to the project; and

"(B) certifies to the Secretary that each award of financial assistance provided through such Institutes to the entity for the immediately preceding fiscal year for a project of research was expended in accordance with the determinations made under this section with respect to the project.

"(b) ALLOCATION OF TOTAL AMOUNT OF ASSISTANCE.—With respect to a project of research for which the Secretary has authorized expenditures for purposes of subsection (a)(1), the total amount of assistance provided for the project shall consist of an amount provided for the direct costs of the project, together with the sum of—

"(1) the amount the Secretary determines under subparagraph (A) of subsection (c)(1) for the administrative categories of indirect cost (generally, or by category or combinations of categories, in the discretion of the Secretary); and

"(2) the amount the Secretary determines under subparagraph (B) of such subsection for the nonadministrative categories of such costs (generally, or by category or combinations of categories, in the discretion of the Secretary).

"(c) DETERMINATIONS REGARDING ADMINISTRATIVE AND NONADMINISTRATIVE CATEGORIES.—

"(1) IN GENERAL.—In authorizing expenditures for purposes of subsection (a)(1) regarding a project of research, the Secretary, after consultation with the entity involved and after consideration of relevant records and materials, shall make a determination of—

"(A) the amount of expenditures that is authorized to be made for the administrative categories of indirect cost; and

"(B) the amount of expenditures that is authorized to be made for the nonadministrative categories of indirect cost.

"(2) DETERMINATION OF CATEGORY PERCENTAGES.—The amounts determined under subparagraphs (A) and (B) of paragraph (1) with respect to a project of research shall be determined as a percentage of the modified direct costs of the project. The percentage so determined may not exceed the percentage described in subsection (d), and shall be applicable only during the fiscal year for which the financial assistance involved is provided.

"(d) GENERAL LIMITATION REGARDING CATEGORY PERCENTAGES.—With respect to awards of financial assistance made to an entity for projects of research, the percentage referred to in subsection (c)(2) regarding expenditure of a percentage of an award for the indirect costs of a project is the percentage that is the lowest among such percentages that have been determined for awards of non-Federal assistance made to the entity for the fiscal year involved, exclusive of such awards provided to the entity by publicly supported nonprofit organizations.

"(e) ADDITIONAL LIMITATION REGARDING ADMINISTRATIVE CATEGORIES.—

"(1) IN GENERAL.—In the case of the administrative categories of the indirect costs of a project of research, the percentage determined under subsection (c)(2) may not exceed the lesser of—

"(A) 26 percent; and

"(B) the percentage determined under subsection (d) for the fiscal year involved.

"(2) WAIVER.—

"(A) Upon the request of an entity, the Secretary may, subject to subparagraph (B), grant the entity a waiver of the limitation established in paragraph (1)(A). The percentage determined pursuant to the waiver may not exceed the percentage determined under subsection (d) for the fiscal year involved, and shall be applicable only during the fiscal year for which the financial assistance involved is provided.

"(B) The Secretary may grant an entity a waiver under subparagraph (A) only if the Secretary conducts an audit of the relevant records and materials of the entity and makes a determination that—

"(i) granting the waiver is essential to the proper conduct by the entity of a program of research; and

"(ii) denying the request of the entity for the waiver will render the entity unable to maintain such a program with funds available to the entity for research.

"(3) REPORTS TO CONGRESS.—Not later than April 1 of fiscal year 1993 and of each subsequent fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report that, for the fiscal year in which the report is submitted—

"(A) identifies each entity submitting a request for a waiver under paragraph (2);

"(B) specifies whether the Secretary approved or denied the request; and

"(C) in the case of each such request approved by the Secretary, specifies the percentage that is authorized for purposes of the waiver *and provides a description of the determination made under paragraph (2)(B) with respect to the waiver.*

"(f) BUILDINGS AND EQUIPMENT.—

"(1) SEPARATE APPROVAL REGARDING CERTAIN FACILITIES.—In the case of any facility whose construction or renovation has a total acquisition cost exceeding $3,000,000 and is commenced on or after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1991, the Secretary, in authorizing expenditures for purposes of subsection (a)(1) for the project in the nonadministrative category of indirect costs known as building and equipment—

"(A) may not authorize the entity involved to make such expenditures for any such facility unless the entity submits to the Secretary a request for such expenditures and the Secretary determines that such expenditures by the entity are necessary and proper for the maintenance by the entity of a program of research; and

"(B) shall, not later than 180 days after receiving any such request from the entity regarding the project, make a determination of whether such expenditures are so necessary and proper and shall notify the entity of the findings made through the determination.

"(2) GENERALLY APPLICABLE RESTRICTION REGARDING BUILDINGS AND EQUIPMENT.—With respect to financial assistance provided through the National Institutes of Health to an entity regarding a project of research, the Secretary may not from such assistance provide any payments to the entity for the nonadministrative category of indirect costs known as buildings and equipment unless the entity agrees that such payments will be expended only for—

"(A) the construction, renovation, or repair of facilities owned by the entity; and

"(B) the purchase or repair of equipment.

"(g) FAILURE TO COMPLY.—

"(1) REPAYMENT WITH INTEREST.—In the case of an entity making an agreement under subsection (a)(2) regarding expenditures for the indirect costs of a project of research, if the Secretary determines that the entity involved has made any expenditure in violation of such agreement, the Secretary shall recover from the entity an amount equal to the amount of the expenditure, together with an amount representing interest on the amount of such expenditure.

"(2) AVAILABILITY OF REPAYMENTS FOR CERTAIN RESEARCHERS.—Any amounts recovered by the Secretary under paragraph (1) shall be available only for the program established under section 402(g), and shall remain available for such program until expended.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'administrative categories', with respect to the indirect costs of a project of research, means the categories of general administration, departmental administration, and administration of the project of research involved (also known as sponsored project administration).

"(2) The term 'financial assistance', with respect to a project of research, means a grant, cooperative agreement, or contract.

"(3)(A) The term 'indirect cost', with respect to a project of research, means the costs described in subsection (a)(1), consisting of the 7 categories described in subparagraph (B), as such costs (and categories) are defined in the document issued by the Director of the Office of Management and Budget and designated by such Director as OMB Circular A–21, or as defined in any document issued by such Director as a successor to OMB Circular A–21, except that such term does not include any cost disallowed for purposes of title 48, Code of Federal Regulations (relating to the Federal Acquisition Regulations System).

"(B) The categories referred to in subparagraph (A) are the categories of general administration, departmental administration, administration of the project of research involved (also known as sponsored project administration), operations and maintenance, student services (in the case of an entity that is an educational institution), libraries (in the case of such an entity), and buildings and equipment.

"(4) The term 'modified direct costs' has the meaning given such term by the Secretary.

"(5) The term 'nonadministrative categories', with respect to the indirect costs of a project of research, means the categories of operations and maintenance, student services (in the case of an entity that is an educational institution), libraries (in the case of such an entity), and buildings and equipment.

"(6) The term 'publicly supported nonprofit organization' means an organization that—

"(A) is an organization described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986;

"(B) is, under subsection (a) of such section, exempt from taxation; and

"(C) is not a private foundation, as defined in section 509 of such Code.

"(7) The term 'research' means biomedical or behavioral research.".

(b) SPECIAL RULE FOR FISCAL YEAR 1992 REGARDING ADMINISTRATIVE CATEGORIES OF INDIRECT COSTS.—With respect to any project of biomedical or behavioral research conducted by an entity with an award of a grant, cooperative agreement, or contract provided through the National Institutes of Health for fiscal year 1992—

(1) the limitation established in paragraph (1) of section 492C(e) of the Public Health Service Act (as added by subsection (a) of this section) regarding the amount of the award that may be expended for the administrative categories of indirect cost shall not apply with respect to the project until the expiration of the 90-day period beginning on the date of the enactment of this Act;

(2) the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") may not under paragraph (2) of such section 492C(e) approve a request by the entity for a waiver of such limitation regarding the project if the request is submitted to the Secretary after the expiration of such period;

(3) the Secretary, not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, shall approve or deny any request for such a waiver;

(4) any such waiver granted by the Secretary shall be deemed to have taken effect upon the expiration of the period described in paragraph (1); and

(5) the Secretary, not later than the expiration of the 190-day period beginning on the date of the enactment of this Act, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report that—

(A) identifies each entity submitting a request for such a waiver;

(B) specifies whether the Secretary approved or denied the request; and

(C) in the case of each such request approved by the Secretary, specifies the percentage that is authorized for purposes of the waiver.

SEC. 162. AVAILABILITY OF CERTAIN AMOUNTS FOR PROGRAM REGARDING PREVIOUSLY UNSUPPORTED RESEARCHERS.

(a) ESTABLISHMENT OF PROGRAM.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated for fiscal year 1992 for conducting or supporting projects of biomedical or behavioral research through the National Institutes of Health, the Secretary of Health and Human Services, acting through the Director of such Institutes, shall make available an amount determined in accordance with paragraph (2) for the purpose of carrying out the program established under section 402(g) of the Public Health Service Act, as added by subsection (a) of this section. Amounts made available under the preceding sentence shall remain available for such purpose until expended.

(2) DETERMINATION OF AMOUNT.— The amount made available for purposes of paragraph (1) shall be an amount equal to the difference between—

(A) the total amount provided in fiscal year 1992 in grants, cooperative agreements, and contracts through the National Institutes of Health for projects of biomedical or behavioral research; and

(B) the total amount that would have been so provided for such fiscal year for such projects if the policies in effect for fiscal year 1991 regarding the expenditure of such financial assistance for the indirect costs of such projects had been in effect for fiscal year 1992 (rather than the policies established in section 492C of the Public Health Service Act, as added by section 161(a) of this Act).

(3) DEFINITION.—For purposes of this section, the term "indirect costs", with respect to a project of biomedical or behavioral research, has the meaning given such term in section 492C(h) of the Public Health Service Act, as added by section 161(a) of this Act.

TITLE II—PROTECTION OF HEALTH FACILITIES

SEC. 201. PROTECTION OF FACILITIES ASSISTED UNDER PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101–381 and section 304 of Public Law 101–509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION";

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS"; and

(6) by adding at the end of title II (as amended by paragraphs (1) through (5) of this subsection) the following new part:

"PART C—PROTECTION OF HEALTH FACILITIES

"SEC. 251. ESTABLISHMENT OF PROTECTIONS.

"With respect to any health facility receiving financial assistance under this Act, a person shall not—

"(1) embezzle, steal, purloin, or knowingly engage in conversion of any personal property of the health facility, including, without authorization of the health facility—

"(A) knowingly releasing or otherwise causing the loss from the health facility of any animal held for research purposes by the facility;

"(B) knowingly injuring any animal held for such purposes; or

"(C) knowingly destroying or altering records held by the facility;

"(2) knowingly damage any real property of the health facility;

"(3) knowingly deter, through any degree of physical restraint, any individual from entering or exiting the health facility;

"(4) by force and violence take from the person or presence of an officer or employee of the health facility any personal property of the health facility (including any animal held for research purposes by the facility); or

"(5) break or enter into the health facility with the intent to carry out any of the actions prohibited in any of paragraphs (1) through (4).

"SEC. 252. ENFORCEMENT.

"(a) Criminal Penalty.—

"(1) In general.—Any person who violates section 251 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(2) Restitution.—In sentencing a defendant convicted of a violation of section 251, the court involved may order the defendant to make restitution to the health facility involved. Sections 3663 and 3664 of title 18, United States Code, shall apply to such an order to the same extent and in the same manner as such sections apply to any order of restitution made pursuant to a conviction of any felony under such title 18.

"(3) Limitation on action.—Section 3282 of title 18, United States Code, shall apply to proceedings under paragraph (1).

"(b) Private Civil Action.—

"(1) In general.—Any health facility aggrieved as a result of a violation of any of paragraphs (1) through (3) of section 251 by any person may, in any court of competent jurisdiction, commence a civil action against such person to obtain appropriate relief, including actual and punitive damages, equitable relief, and a reasonable attorney's fee and costs.

"(2) State option with respect to offset.—To the extent provided by the law of the State in which the violation of section 251 occurred, any pecuniary relief recovered by a health facility in a civil action under paragraph (1) shall be offset against any pecuniary relief recovered by the health facility in a civil action authorized under the law of such State with respect to activities described in section 251.

"(3) Limitation on action.—Proceedings under paragraph (1) may not be commenced against a person after the expiration of the 2-year period beginning on the date on which the person allegedly engaged in the violation of section 251.

"SEC. 253. RULES OF CONSTRUCTION.

"With respect to penalties and remedies established in this part regarding any health facility receiving financial assistance under this Act—

"(1) this part may not be construed to limit or otherwise affect any other penalty or remedy under Federal or State law; and

"(2) this part may not be construed to supersede any law of any State.".

SEC. 202. CONFORMING AMENDMENTS.

The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 102 of Public Law 101–381, is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 301. ESTABLISHMENT OF ADVISORY COMMITTEE REGARDING ORGANIZATIONAL STRUCTURE OF NATIONAL INSTITUTES OF HEALTH.

(a) In General.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Secretary shall establish in the Office of the Director of NIH an advisory committee to be known as the Advisory Committee on Health Sciences (hereafter in this section referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall periodically review the missions of each of the agencies of the National Institutes of Health for the purpose of advising the Director of NIH, the Secretary, and the Congress on the modifications, if any, that should be made in the organizational structure of the National Institutes of Health.

"(3) The Advisory Committee shall be composed of—

"(A) the Assistant Secretary for Health;

"(B) the Director of NIH;

"(C) 3 of the Directors of the national research institutes, as designated by the Director of NIH;

"(D) the Director of the Office of Science Policy; and

"(E) 3 individuals appointed by the Secretary from among individuals who are not officers or employees of the United States, of which—

"(i) 1 shall be distinguished in the field of biomedical research;

"(ii) 1 shall be distinguished in the field of research administration; and

"(iii) 1 shall be distinguished in the field of general medical sciences.

"(4) The Assistant Secretary for Health shall serve as the chair of the Advisory Committee.

"(5) Each of the members of the Advisory Committee designated under subparagraph (C) of paragraph (3), or appointed under subparagraph (E) of such paragraph, shall be designated or appointed, respectively, to serve on the Committee for a term of 3 years.

"(6) Except as inconsistent with this subsection, subsections (b)(4) and (c) of section 406, and subsections (e) and (f) of such section, shall apply to the Advisory Committee to the same extent and in the same manner as such subsections apply to advisory councils established under such section.

"(7) In carrying out paragraph (2), the Advisory Committee may conduct hearings in order to solicit public views on the need for organizational changes within the National Institutes of Health, including recommendations regarding the establishment of new institutes.

"(8) In carrying out paragraph (2), the Advisory Committee may not recommend the approval of additional national research institutes unless the following conditions are met:

"(A) The functions of the proposed research institute are compatible with the purpose of the National Institutes of Health (as indicated by section 405(b)(1)), and the primary function of the proposed institute is not regulating the activities of public or private entities, providing services, or engaging in other activities unrelated to such purpose.

"(B) The functions of the proposed research institute are not being carried out adequately by other national research institutes.

"(C) There are reasonable prospects for scientific growth in the research area of the proposed research institute to justify the investment in a new institute.

"(D) There are reasonable prospects of sufficient funding for the proposed research institute.

"(E) The proposed research institute will, on balance, improve communication, management, priority setting, and accountability with respect to the National Institutes of Health.

"(9) Not later than December 30 of 1992 and of subsequent fiscal years, the Advisory Committee shall report to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, on the activities of the Committee during the preceding fiscal year. Each report shall include a summary of the activities of the Committee and any recommendations for legislation or administrative action, except that the Advisory Committee shall report to the Secretary and to such Committees of the Congress on any specific legislative and regulatory recommendations that may require immediate action or attention by the Secretary or the Congress.".

(b) Approval of Advisory Committee as Precondition to New Institutes.—Section 401(c) of the Public Health Service Act (42 U.S.C. 281) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) the Advisory Committee on Health Sciences established under subsection (d) has recommended that the proposed national research institute be established."; and

(2) in paragraph (2), in the first sentence, by inserting before the period the following: "and if the Advisory Committee on Health Sciences established under subsection (d) has recommended that the proposed reorganization or abolition be carried out".

SEC. 302. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) In General.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"Sec. 404. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1992, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan. The plan shall be included in the first biennial report under section 403 that is submitted after such date.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the

plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 303. TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.

Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended by striking the second sentence.

TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 401. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 402. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409. (a) The Director of NIH shall carry out a program for the purpose of expanding and intensifying research on osteoporosis, Paget's disease, and related bone disorders. Such research shall be in addition to research that is authorized under any other provision of Federal law.

"(b)(1) In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall establish an advisory board to be known as the Advisory Board on Osteoporosis, Paget's Disease, and Related Bone Disorders (hereafter in this subsection referred to as the 'Advisory Board').

"(2)(A) The Director of NIH shall appoint to the Advisory Board 18 individuals who are not officers or employees of the Federal Government. Of such individuals—

"(i) 12 shall be scientists, physicians, and other health professionals who represent the specialties and disciplines relevant to osteoporosis, Paget's disease, and related bone disorders; and

"(ii) 6 shall be members of the general public who are knowledgeable with respect to such diseases, including not fewer than 1 individual who has such a disease and not fewer than 1 individual who is a parent of a person who has such a disease.

"(B) Of the members of the Advisory Board appointed under subparagraph (A), not less than 5 shall by virtue of training or experience be knowledgeable in the fields of health education, nursing, data systems, public information, and community program development.

"(C) The Director of NIH shall designate as ex officio nonvoting members of the Advisory Board—

"(i) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(ii) the Director of the National Institute on Aging; and

"(iii) such other officials as the Director of NIH determines to be appropriate.

"(3) With respect to osteoporosis, Paget's disease, and related bone disorders, the Advisory Board shall advise, assist, consult with, and make recommendations to the Director of NIH regarding—

"(A) priorities for projects of research, and the care of individuals with such diseases or disorders;

"(B) promising areas of biomedical, clinical, and behavioral research;

"(C) issues in research on health services for individuals, and the families of individuals, with such diseases or disorders;

"(D) issues in home-based and community-based services and systems of services for individuals, and the families of individuals, with such diseases or disorders;

"(E) issues in financing health care services and social services for individuals, and the families of individuals, with such diseases or disorders;

"(F) health promotion programs concerning osteoporosis; and

"(G) issues in professional and public education concerning osteoporosis.

"(4) The members of the Advisory Board shall designate an individual from among the appointed members of the Board to serve as the chair of the Board.

"(5) Subsections (b)(4) and (c) of section 406, and subsections (e) through (g) of such section, shall apply to the Advisory Board in the same manner and to the same extent as such subsections apply to advisory councils under such section.

"(c)(1) In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 403. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

(a) ESTABLISHMENT OF PROGRAM.—Part B of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 409A. (a) The Director of NIH shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of NIH shall ensure that the Director of the National Institute on Diabetes and Digestive and Kidney Diseases conducts and supports each of the activities described in such subsection, and that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of NIH shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Act, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the heads of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional dis-

orders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

SEC. 404. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

Part B of title IV of the Public Health Service Act, as amended by section 403 of this Act, is amended by adding at the end the following new section:

"INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director of NIH, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program. All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—The Director of NIH shall submit to the Congress the plan required in paragraph (1) not later than April 1, 1992, together with an estimate of the funds needed for each of the fiscal years 1993 through 1995 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—

"(1) IN GENERAL.—The Director of NIH—

"(A) shall provide for the conduct of activities under the Program by the heads of each of the agencies specified in paragraph (2);

"(B) shall ensure that the activities of the Program are coordinated among such agencies; and

"(C) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(2) RELEVANT AGENCIES.—The agencies referred to in paragraph (1) are—

"(A) the National Institute on Aging;

"(B) the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(C) the National Institute of Child Health and Human Development;

"(D) the National Institute on Deafness and Other Communication Disorders;

"(E) the National Institute of General Medical Sciences;

"(F) the National Institute on Heart, Lung and Blood Disease;

"(G) the National Institute of Neurological Disorders and Stroke;

"(H) the National Center for Dental Research;

"(I) the National Center for Medical Rehabilitation Research;

"(J) the National Center for Nursing Research; and

"(K) such other agencies as the Director of NIH determines to be appropriate.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director of NIH may make grants to public and nonprofit private entities, including designated trauma centers.

"(f) RESOURCES.—The Director of NIH shall assure the availability of appropriate resources to carry out the Program.

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the heads of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of NIH.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

TITLE V—NATIONAL CANCER INSTITUTE

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $2,000,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(b) Of the amounts appropriated under subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out the cancer prevention and control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated under subsection (a) for a fiscal year, the Director of the Institute shall make available not less than $50,000,000 for carrying out projects of research on breast cancer that do not involve treatment or clinical trials and projects of basic research to develop a test capable of detecting ovarian cancer in the earlier stages of the cancer.

"(2) With respect to projects of research on breast cancer that do not involve treatment or clinical trials, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such projects meet the applicable requirements of sections 491 and 492.".

(b) SPECIAL RULE REGARDING FUNDS FOR SECTION 412 FOR FISCAL YEAR 1992.—Notwithstanding section 417(b) of the Public Health Service Act, as added by subsection (a) of this section, the amount made available under such section 417(b) for fiscal year 1992 for carrying out section 412 of such Act shall be an amount not less than an amount equal to 75 percent of the amount specified for activities under such section 412 in the budget estimate made under section 413(b)(9) of such Act for such fiscal year.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

(d) MISCELLANEOUS TECHNICAL AMENDMENT.—Section 412 of the Public Health Service Act (42 U.S.C. 285a-1) is amended in the heading for the section by inserting "PREVENTION AND" before "CONTROL".

TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 601. PROGRAMS FOR INTRAMURAL EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) may, in consultation with the advisory council for the Institute, conduct appropriate programs within the Institute's intramural program of training and education, including continuing education and laboratory and clinical research training.".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 424. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,300,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

TITLE VII—NATIONAL INSTITUTE ON AGING

SEC. 701. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99-158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 701 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445H. For the purpose of carrying out this subpart, there are authorized to be appro-

priated $500,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 703. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

TITLE VIII—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 801. RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

TITLE IX—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 901. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(c) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(d) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(e) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(f)(1) Except as provided in paragraph (2), of the amounts appropriated under this Act for each of the fiscal years 1992 through 1994 with respect to child health and human development, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.

"(2) Paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of projects of research meet the applicable requirements of sections 491 and 492.".

SEC. 902. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 911. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 901 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 921. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 911 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to conducting research on clinical applications of findings made through basic research.".

TITLE X—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1001. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XI—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1101. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XII—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1201. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

(a) IN GENERAL.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $96,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Subpart 2 of part D of title IV of the Public Health Service Act (42 U.S.C. 286b et seq.) is amended by striking section 469.

Subtitle B—Financial Assistance

SEC. 1211. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research data bases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Center for Biotechnology Information

SEC. 1221. AUTHORIZATION OF APPROPRIATIONS.

Section 478(c) of the Public Health Service Act (42 U.S.C. 286c(c)) is amended in the first sentence—

(1) by inserting after "appropriated" the following: ", in addition to the authorization of appropriations provided in section 468,";

(2) by striking "1989 and" and inserting "1989,"; and

(3) by inserting before the period the following: ", $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994".

Subtitle D—National Information Center on Health Services Research and Health Care Technology

SEC. 1231. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (hereafter in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Secretary, through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.

"(d) For the purpose of carrying out this section, there are authorized to be appropriated $6,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 1232. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 904(c) of the Public Health Service Act (42 U.S.C. 299a–2(c)) is amended to read as follows:

"(c) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 1231 and by subsection (a) of this section may not be construed to terminate the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1231 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XIII—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1301. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the Center)";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1302. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481A. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, for each of the fiscal years 1992 through 1994, reserve from the amounts described in subsection (c) not more than $8,000,000 for the purpose of making grants to, or entering into contracts with, public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in such assistance.

"(c) The amounts referred to in subsection (a) are amounts appropriated for each of the fiscal years 1992 through 1994 to carry out the purposes of this title through the National Institutes of Health.".

Subtitle B—National Center for Human Genome Research

SEC. 1311. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141 of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(E) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XIV—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1401. REVISION AND EXTENSION OF PROGRAM.

(a) ADDITIONAL AUTHORITIES.—Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) make grants for comprehensive programs to recruit women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and to provide research training to women and such individuals.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.—Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence—

(A) by striking "1989 and" and inserting "1989,"; and

(B) by inserting before the period the following: ", $400,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994"; and

(2) in paragraph (3), by striking "one-half of one percent" each place such term appears and inserting "1 percent".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1411. LOAN REPAYMENT PROGRAM WITH RESPECT TO RESEARCH AT NATIONAL INSTITUTES OF HEALTH.

(a) MINIMUM PERIOD OF SERVICE.—Section 487A(a)(2)(B) of the Public Health Service Act (42 U.S.C. 288-1(a)(2)(B)) is amended—

(1) by inserting "(i)" after the subparagraph designation;

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 487A(c)(1) of the Public Health Service Act (42 U.S.C. 288-1(c)(1)) is amended by striking "1991" and inserting "1994".

(c) TRANSFER OF FUNDS.—Section 487A(c) of the Public Health Service Act (42 U.S.C. 288-1(c)) is amended by adding at the end the following new paragraph:

"(3) REIMBURSABLE TRANSFERS TO FOOD AND DRUG ADMINISTRATION.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a).".

(d) TECHNICAL AMENDMENT.—Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended by striking the section designation and all that follows through "PROGRAM.—" at the end of the heading for subsection (a) and inserting the following:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IMPLEMENTATION OF PROGRAM.—".

Subtitle C—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1421. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 902 of this Act, is amended by inserting after section 487B the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487C. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(D), the Secretary, acting through the Director of the National Institutes of Health, shall establish a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $10,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship *under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.*

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487D. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(D), the Secretary, acting through the Director of NIH shall, subject to paragraph (2), establish and implement a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1422. ESTABLISHMENT OF PROGRAMS FOR ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—Awards and Training

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

"SEC. 551. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(D), the Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall establish a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Administrator agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the Alcohol, Drug Abuse, and Mental Health Administration; and

"(B) the individuals agree to serve as employees of such Administration for the period described in subsection (c), in positions that are needed by such Administration and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Administrator shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the Alcohol, Drug Abuse, and Mental Health Administration.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the Alcohol, Drug Abuse, and Mental Health Administration is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Administrator may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the Alcohol, Drug Abuse, and Mental Health Administration full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Administrator may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Administrator determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the Alcohol, Drug Abuse, and Mental Health Administration in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Administrator may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Administrator a proposed academic program for the year and the Administrator has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Administrator.

"(2) ACADEMIC STANDING.—The Administrator may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Administrator may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $10,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Administrator may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Administrator may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Administrator and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Administrator determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.--Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 552. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(D) and to paragraph (2) of this subsection, the Secretary, acting through the Administrator, shall establish and implement a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the Alcohol, Drug Abuse, and Mental Health Administration in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Administrator may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1423. FUNDING.

(a) IN GENERAL.—Section 487(a)(1) of the Public Health Services Act, as amended by section 1401(a) of this Act, is amended—

(1) in subparagraph (B), by striking "and" after the semicolon at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) provide contracts for scholarships and loan repayments—

"(i) in accordance with sections 487C and 487D, subject to providing not more than an aggregate 40 such contracts during the fiscal years 1992 through 1994; and

"(ii) in accordance with sections 551 and 552, subject to providing not more than an aggregate 10 such contracts during such fiscal years.".

(b) CONFORMING AMENDMENT.—The first sentence of section 487(d) of the Public Health Services Act, as amended by section 1401(b) of this Act, is amended by striking "For the purpose" and all that follows through "such Awards," and inserting the following: "For the purpose of carrying out subsection (a)(1),".

TITLE XV—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 1501. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research that should be given priority with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2318—

(A) in subsection (a)(1), by inserting after "The Secretary" the following: ", after consultation with the Administrator for Health Care Policy and Research,"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, $25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.";

(4)(A) in section 2351(a)—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2)(A) shall develop and implement a comprehensive plan for the conduct and support of such research by the agencies of the National Institutes of Health, which plan shall specify the objectives to be achieved, the date by which the objectives are expected to be achieved, and an estimate of the resources needed to achieve the objectives by such date; and

"(B) shall develop and implement a plan for evaluating the sufficiency of the plan developed under subparagraph (A) and for evaluating the extent to which activities of the National Institutes of Health have been in accordance with the plan;"; and

(B) in section 2301(b)(6), by inserting before the semicolon the following: ", including evaluations conducted under section 2351(a)(2)(B)";

(5) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(6) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(7) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(8) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

SEC. 1502. STUDIES.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

TITLE XVI—MISCELLANEOUS PROVISIONS

SEC. 1601. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to the medical aspects of the use of biological agents in the development of defenses against biological warfare. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by research agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for this activity. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1602. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows: "(a)(1) There shall be in the Public Health Service a Silvio Conte Senior Biomedical Research Service, not to exceed 500 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 1603. TECHNICAL CORRECTIONS.

(a) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(11) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)";

(14) in section 487A(a)(2), in the matter preceding subparagraph (A), by striking "in" and inserting "into"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(b) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

*(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and*

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

TITLE XVII—EFFECTIVE DATE

SEC. 1701. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. No amendment to said substitute shall be in order except those amendments printed in House Report 102-160. Said amendments shall be considered in the order and manner specified in said report, shall be considered as read, and shall not be subject to amendment, except as specified in House Report 102-160. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

□ 1240

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UPTON: Page 16, strike lines 11 through 24 and insert the following:

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111(a) of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly accept a donation of human fetal tissue for the purpose of transplantation into another person if the donation affects interstate commerce and—

"(1) the tissue will be or is obtained pursuant to an induced abortion; and

"(2) the donation will be or is made pursuant to a promise to the donating individual that the donation will be transplanted into a recipient specified by such individual.

(c) CRIMINAL PENALTIES FOR VIOLATIONS.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

Page 16, line 25, strike "(c)" and insert "(d)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. UPTON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member opposed? If not, does the gentleman from California [Mr. WAXMAN] wish to take the time?

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be permitted to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. UPTON] will be recognized for 10 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes.

Mr. UPTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I believe with the proper safeguards, fetal tissue transplantation research can be, in fact, conducted ethically. My amendment today does not focus on the underlying issue of whether the ban on this research should be continued, but rather states that if we are to go forward with the research, we must, in fact, put in place the strongest possible safeguards against abuse.

The safeguards already in this bill for NIH are based on recommendations made by the Reagan-appointed panel which studied the ethical concerns surrounding this issue. The panel overwhelmingly concluded that this research would not encourage abortion.

The Reagan panel guidelines are designed with an essential goal: To ensure that no women ever become pregnant and induce abortion for the sole purpose of fetal tissue research or transplantation.

Two safeguards of the Reagan panel, including prohibiting sale of fetal tissue and prohibiting the donation of tissue from an induced abortion to a specified recipient, are included in the NIH bill as it applies to federally funded research.

The problem is that the safeguards do not currently extend to the private sector. I believe that it is very important to establish the same criminal penalties for the sale or directed donation of fetal tissue in the private sector.

My amendment takes a commonsense approach to this research. It is wrong for a woman to have an induced abortion solely for the purposes of transplantation research, whether it be NIH-funded research or any other such research. Public sector or private sector, what is right is right.

With passage of this amendment, we enact the strongest possible protections against abuses in fetal tissue transplantation research. I urge Members to support my amendment to extend the safeguards regarding fetal tissue transplantation to the private sector.

All Members have known individuals and their families who have been robbed of happiness and time together because of terrible diseases like Parkinson's and Alzheimer's. Let Members make sure this research that many scientists believe could hold a ray of hope for the lives of millions of Americans, goes forward, and it is concluded in a professional, careful, and ethical manner. Let Members take the responsible, ethical safeguards included in the NIH bill, and take them one more important step further, to the private sector. After discussing this amendment with a number of colleagues on both sides of the issue, both pro-choice as well as right-to-life, I know of no Member who has reservations or objections to my amendment.

I urge all Members to support it.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman is correct. I know of no opposition to this amendment.

The amendment would make illegal within the private sector both the purchase of fetal tissue and the donation of fetal tissue to a designated recipient.

These safeguards were recommended by a Reagan-appointed ethics panel which also recommended that the ban on fetal tissue transplantation research be lifted. H.R. 2507 includes these and each of the other safeguards recommended by this panel for the purposes of any research funded by NIH. The Upton amendment would extend the provisions in the bill on purchase of tissue and directed donations to cover potential abuse in the private sector as well.

Where there is no documented evidence of abuse in either the private or public sector with respect to fetal tissue transplantation research, I am supportive of efforts to help ensure that unethical practices do not take place and that the decision to terminate a pregnancy is kept separate and independent from the decision to participate in this important research work.

The Upton amendment is designed to achieve this goal. I believe the Upton amendment represents good policy for all reseachers to follow—regardless of their source of funding.

I support the Upton amendment and commend his for all his work on this important issue. I urge my colleagues to support the Upton amendment.

Mr. UPTON. Mr. Chairman. I yield 1 minute to my friend, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I rise in strong support of the amendment. I simply want to indicate that while many Members are of differing persuasion as to the wisdom of provisions of the bill which expand Federal research on fetal tissue, I realize there are some who support no research on fetal tissue.

I have talked to Members whose ethical convictions and moral convictions are driving and propelling them in that direction. I have talked to others who would like to support this legislation, but feel the protections are not fully adequate. Yet there are those who will support the bill as reported. To my knowledge, all Members support this self-evident provision that in the private sector as in federally funded research, minimal provisions ought to be established which protect against the potential for abuses in this area.

In that regard, I fully commend the gentleman for introducing his amendment. I also thank the chairman of the committee, the gentleman from California [Mr. WAXMAN] for his support of the amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Chairman, I rise in strong support of the Upton amendment. I think it is an excellent amendment. I think it improves the bill and crystallizes and illuminates the ethical types of protections that we need.

I congratulate the gentleman from Michigan for the amendment. I rise in strong support of the amendment.

Mr. UPTON. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of this amendment and in strong support of this section of the bill, for it restores the right of our Nation to invest Federal research funds in fetal tissue research carefully governed by a protocol developed by a Reagan-appointed commission.

Biomedical research is entering an exciting new era of cell replacement therapy. The far-reaching implications of this technology are phenomenal and its immediate application, in this field of fetal tissue transplantation, holds hope for victims of Parkinson's disease, Huntington's disease, juvenile diabetes, and Alzheimer's disease.

Indeed, friends and colleagues, while we use the word, "pro-life" very narrowly in political dialog, to talk about abortion, this is a pro-life section of the bill in the broadest and most humane sense of that phrase. It is this kind of advanced research that is going to restore the opportunity for life to millions of Americans, and restore a level of health that we associate with life to millions more Americans.

I would remind my colleagues that President Reagan appointed a panel of experts, many of whom were strongly opposed to abortion, to evaluate the ethical, scientific, legal, and medical implications of a Federal role in fetal tissue transplantation research.

This panel overwhelmingly recommended that the moratorium on research be lifted, as long as certain safeguards were adopted, to prevent women from being induced to have abortions, and to prevent the commercialization of tissue donation, both of which goals I agree with.

I am pleased that those safeguards are in this bill. To clarify the issues before us, let me remind Members of the precise nature of those safeguards, they are thoughtful and effectively protect both the woman and the fetus.

First, the pregnant woman is prohibited from designating a recipient of the fetal tissue; payment for the procurement of fetal tissue is prohibited; fetal tissue must be accorded the same respect as other human tissue in the case of organ donation; the decision to donate tissue was made separately and independent of a decision to undergo an abortion. And finally, current law requires that regardless of research needs of convenience, the health of a pregnant woman should remain the principal concern in changing any abortion procedures.

Judge Arlin Adams, the staunchly antiabortion chairman of the Reagan-appointed panel agreed with the panel's recommendations, stating:

> Such an arrangement would protect pregnant women and fetuses in a far more circumspect and intelligent manner than if the NIH did not participate in any way.

However, HHS decided to ignore these recommendations and has extended the ban indefinitely.

□ 1250

Mr. Chairman, there is no question that advances in biomedical technology are leading us into unchartered, morally difficult areas, and creating difficult ethical dilemmas for public officials. The question before us today is will we guide the development of biomedical knowledge sensitively and responsibly, or will we paralyze progress with rigid ideology? That is a very serious question for a democracy.

We can ill-afford to govern research ideologically. We must not fear knowledge; the knowledge that results from fetal tissue research or the knowledge that flows from a study on high risk teenage behavior. Democracy believes in and depends on enlightened, intelligent action. I urge support for the amendment and the bill.

Mr. UPTON. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, we have no further requests for time, and yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in House Report 102–160.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: Page 51, line 20, strike "(42 U.S.C. 289b)".

Page 57, beginning on line 1, strike "NIH Grants Research Integrity Amendments of 1991" and insert "National Institutes of Health Revitalization Amendments of 1991".

Page 61, line 11, insert "financial" before "assistance".

Page 132, line 20, insert a comma after "Administration".

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes, and again a Member who is opposed will be recognized for 5 minutes.

Is there a Member opposed?

Mr. LENT. Mr. Chairman, the minority has no objection to this amendment and will agree to its adoption.

Mr. WAXMAN. Mr. Chairman, this amendment makes four technical corrections to the bill, including corrections in citations and punctuation. I know of no opposition to the amendment. I urge my colleagues to support it.

I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 102–160.

Mr. WAXMAN. Mr. Chairman, on behalf of the gentleman from New York [Mr. WEISS] and the gentlewoman from California [Ms. PELOSI], I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: Page 72, after line 23, add the following new subtitle:

Subtitle E—Availability in Research Community of Research Data

SEC. 171. REQUIREMENTS REGARDING AVAILABILITY OF DATA CREATED OR GATHERED IN PROJECTS OF BIOMEDICAL OR BEHAVIORAL RESEARCH.

Part H of title IV of the Public Health Service Act, as amended by section 152 of this Act, is amended by inserting after section 493A the following new section:

"POSTPROJECT AVAILABILITY OF RESEARCH DATA

"SEC. 493B. (a) IN GENERAL.—

"(1) REQUIREMENT REGARDING CERTAIN PROJECTS.—In the case of any project of research described in paragraph (2), the Secretary may not provide financial assistance to any entity for the purpose of conducting such a project unless the entity agrees, subject to subsection (b), that—

"(A) after the completion of the project, the entity will make available to other researchers all data relevant to the results of the project that have been created or gathered in the course of the project, except to the extent that—

"(i) providing the research data to a researcher would constitute a violation of any law that provides for the confidentiality of the data; or

"(ii) it is not practicable to make the research data available in the manner described in subparagraph (B);

"(B) the manner in which the research data will be made available is through photocopies and recordings and through copies made for use in computers; and

"(C) the entity will make the research data available to a researcher within a reasonable period of time after the researcher makes a request for the provision of the data.

"(2) APPLICABLE PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical, behavioral, or epidemiological research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, treatment, or other product or substance.

"(3) CONSIDERATION BY SECRETARY REGARDING EXPANDED SCOPE.—In addition to projects of research described in paragraph (2), the Secretary may require, as a condition of receiving financial assistance from the Secretary for other projects of biomedical or behavioral research, that entities agree to make the research data from the projects available in accordance with paragraph (1).

"(b) DURATION OF PERIOD OF AVAILABILITY.—

"(1) MINIMUM PERIOD.—The Secretary may not provide financial assistance for an applicable project unless the entity involved agrees, subject to paragraph (2), that research data from the project will be made available in accordance with subsection (a) during the 5-year period beginning on the earlier of—

"(A) the date on which the research data from the project are published in a scientific journal; and

"(B) the date that is 3 years after the date on which the period of financial assistance provided by the Secretary for the project of research involved ends.

"(2) PERIOD OF POSSESSION.—The Secretary may not provide financial assistance for an applicable project unless the entity involved agrees that if research data from the project remain in the possession of the entity after the expiration of the 5-year period described in paragraph (1), the entity will continue to make the research data available in accordance with subsection (a) until the data are destroyed or otherwise leave the possession of the entity.

"(c) IMPOSITION OF CHARGES.—The Secretary may not provide financial assistance for an applicable project unless the entity involved agrees that if the entity imposes a charge for providing research data from the project in accordance with subsection (a), the amount of the charge imposed on a researcher making a request for the data will be reasonably related to the direct costs incurred by the entity in providing the data.

"(d) COMPLIANCE WITH AGREEMENTS.—In any case in which the Secretary finds that an entity has failed to comply with an agreement under this section regarding an applicable project, the Secretary may recover from the entity any or all of the amounts provided to the entity by the Secretary as financial assistance from conducting the project.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'applicable project' means a project of research described in subsection (a)(2).

"(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(3) The term 'research data', with respect to an applicable project, means the data described in paragraph (1) of such subsection.

"(f) ISSUANCE OF CRITERIA BY SECRETARY.—The Secretary shall by regulation issue criteria for carrying out this section."

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Is there a Member in opposition to this amendment? If not, the gentleman from California [Mr. WAXMAN] is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman we have received the amendment and are pleased to support it.

Hearings before the Human Resources and Intergovernmental Relations Subcommittee of the Committee on Government Operations which have identified problems in sharing of research data between scientists. Data sharing is important because it strengthens science by allowing other researchers the opportunity to review the basis of results they read about in scientific journals.

We understand that the amendment is modeled after an existing data-sharing policy of the National Science Foundation.

The amendment is carefully limited to clinical, behavioral or epidemiological research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, treatment, or other product or substance. It does not affect basic research.

I want to commend the gentlelady from California for offering this amendment.

I want to commend the chairman of the Intergovernmental Relations Subcommittee, Mr. WEISS, for his leadership in bringing this problem to our attention.

We support the amendment.

Ms. PELOSI. Mr. Chairman, today I am introducing an amendment on behalf of myself and my distinguished colleague from New York, Representative TED WEISS, that is designed to promote the sharing of research information by scientists who receive NIH research grants and contracts.

This data-sharing amendment would make research data available to other scientists after the grantee scientist has published his or her results. The purpose of the amendment is to increase the knowledge gained from NIH-funded research projects, whether they are for cancer treatments, an AIDS vaccine, medications for heart disease, or any other illness.

Until recently, I was a member of the Human Resources and Intergovernmental Relations Subcommittee, which is chaired by Representative WEISS. My distinguished colleague from California, Chairman WAXMAN, is also a member of that subcommittee. For the last 3 years, the subcommittee conducted a number of hearings and investigations regarding NIH research grants. While the quality and accomplishments of NIH research are impressive, some problems have been observed. Those problems included the failure of some federally funded scientists to publish important research findings, and the misinterpretation of research results by other scientists. We don't know how frequently this occurs. However, this amendment responds to one of the major recommendations of the Government Operations report based on those hearings.

Data sharing is not a new or radical idea; it is consistent with the ideals of the scientific pursuit of knowledge. For example, several years ago, the National Academy of Sciences published a book that urged that federally funded scientists should share their data with other scientists. More recently, the National Science Foundation announced that their grantees were expected to make their research data available to other scientists at a reasonable cost.

Data sharing has two important advantages. It helps maximize the impact of Federal moneys, since other researchers may make unique contributions based on their own analyses. In addition, it helps ensure the accuracy of the grantees' interpretations of research results, by providing other researchers with the opportunity to examine whether the written results are consistent with the data.

This data-sharing amendment would require NIH grantees whose federally funded research evaluates the safety or effectiveness of medical devices, drugs, treatments, or substances, to provide copies of data tapes, data analyses, and other documents to other scientists upon request, after the grantee scientist has published his or her results. If the results have not been published 3 years after the research grant is terminated, the grantee would be required to share the data at that time, to ensure that the public benefits as much as possible from the Federal investment in the research project. The cost of photocopies, copies of computer tapes, et cetera, would be borne by the scientist requesting copies, not by the Federal Government.

The bill allows for exceptions, if, for example, data sharing would interfere with patent arrangements that were made at the time of the grant award, or if making copies of data is not practical. The Secretary of HHS would determine the specific mechanisms necessary, in order to minimize any burdens imposed on the scientists involved.

It is obvious that the public would benefit from a strong NIH data-sharing policy, especially as medical research becomes more and more expensive. We therefore urge you to support the continued high quality of NIH research, by voting in favor of the data-sharing amendment.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 102-160.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows

Amendment offered by Mrs. SCHROEDER: Page 109, after line 3, insert the following:

Subtitle D—Study Regarding Adolescent Health

SEC. 931. REQUIREMENT OF PROSPECTIVE LONGITUDINAL STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Child Health and Human Development, shall conduct a study for the purpose of providing informaion on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

(1) the behaviors that promote health and the behaviors that are detrimental to health; and

(2) the influence on health of factors particular to the communities in which the adolescents reside.

(b) DESIGN OF STUDY.—

(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—If the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, implements the plan announced in fiscal year 1991 to conduct a substantial national study of women to be known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.

(d) ALLOCATION OF FUNDS FOR STUDY.—Of the amounts appropriated for each of the fiscal years 1992 through 1994 for the National Institute of Child Health and Human Development, the Secretary of Health and Human Services, acting through the Director of such Institute, shall reserve $3,000,000 to conduct the study required in subsection (a). The amounts so reserved shall remain available until expended.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Is there a Member in opposition?

Mr. DANNEMEYER. Mr. Chairman, I am in opposition.

The CHAIRMAN. The gentleman from California [Mr. DANNEMEYER] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, today I offer an amendment to H.R. 2507, the bill to reauthorize the National Institutes of Health, requiring the National Institute of Child Health and Human Development to spend $3 million per year to conduct a longitudinal study of adolescent health. According to a report recently released by the Office of Technology Assessment, a great deal is known about certain diseases, but far too little is understood about adolescent health broadly defined.

A broad definition is needed because threats to adolescent health are different from the ones adults face. For example, the leading causes of teen deaths are unintentional injuries, homicide, and suicide, whereas adult deaths are most frequently caused by heart disease and cancer. Teenagers, especially girls, are starting to smoke at earlier ages. And teens are at higher risk of sexually transmitted infections than other age groups.

Perhaps because heart disease and cancer have declined sharply among teens, we have assumed that adolescents are healthy. However, OTA estimates that as many as one in five teenagers has at least one serious health problem.

We have allowed medical research on teen health to lag behind in several key areas, including adolescent mental health, teens' access to health services, the availability of preventive interventions, the extent of health insurance coverage, the health-promoting and health-threatening behaviors in which adolescents engage, for example, nutrition, fitness, and violence; and cultural and socioeconomic factors that impact adolescent health.

Congress, the administration, and national professional groups have identified the same gaps in our knowledge about adolescent health, and have called for needed research in recent reports. The prime source for additional direction for the study mandated by this amendment is: "Adolescent Health Vol. 1: Summary and Policy Options," OTA, Congress of the United States, April 1991. Confirmation of the need is supplied in: "AMA Profiles of Adolescent Health, Vol. 1—America's Adolescents: How Healthy Are They?" Department of Adolescent Health, American Medical Association, 1990, and "Healthy People 2000, National Health Promotion and Disease Prevention Objectives," Department of Health and Human Services, U.S. Public Health Service, 1990.

In addition to guidance available in these published materials, fine-grained direction for this study can be gleaned from testimony offered in two hearings the Select Committee on Children, Youth, and Families held last month on risky behavior in adolescents. Stressing the need for prevention programs, expert witnesses pointed to several gaps in basic medical knowledge that can make preventive interventions difficult. We do not know, for example, whether HIV/AIDS develops the same way in adolescents as it does in adults. We know very little about drug use in teens who drop out of school, and our knowledge of the health practices and beliefs of racial and ethnic minority youth is grossly insufficient.

The National Institutes of Health plans to launch a major Women's Health Initiative, so we are presented with a timely opportunity to coordinate plans for studies of women's health with plans for studying the health of adolescent girls. Such coordination is critically necessary because adolescent health problems are known to contribute to adult women's disorders, for example, STD's contracted by teens can lead to infertility in adult women. In addition, behavioral factors may contribute to later disease, for example, dietary fat consumption may increase the likelihood of breast cancer. Finally, tragically prevalent social problems like child abuse and dropping out of school put adolescents at much higher risk of depression and other health problems when they become adults.

I believe this research to be necessary to support sound practice and policy. I am convinced that a comprehensive study undertaken at this time will enable future work to be approached in a more consistent, coordinated, and sensitive manner. I urge you to support the amendment.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I want to ask the gentlewoman from Colorado a clarifying question, but first I would like to make a statement that I am going to make as often as I can when we debate these ethical and medical issues on the House floor, for as long as I am in the House. It is simply this proposition; I have never read it anywhere, I do not believe anybody has steered me in the direction of this conclusion. I thought of it again last night when I looked at this slaughter in Milwaukee that never would have happened in the politically incorrect 1950's or any time in my youth. One Lindbergh baby murder dominated the news for 10 to 15 years, but today we have this slaughter by a young homosexual pedophile cooking the flesh off skulls and storing the bones in his apartment.

I tell you that at the basis of all this, in the opinion of this Member, is the cheapening of respect for human life, starting in the womb.

Now, I am going to tell the gentlewoman something, as chairman of this House Select Committee. We are never, ever going to get young teenage ladies to stop eating junk food or to stop smoking marijuana if you tell them it's OK for them to kill a human life within their own bodies, and do it behind the backs of their parents. When we start out in this society, beginning with this Congress, telling young women, "You can abort the living child within your womb," good look trying to tell them not to eat junk food or sleep around like a little trollop, giving new meaning to the words "boy crazy."

I would like to ask the gentlewoman a question: Is this amendment going to institute all these sex studies with a liberal twist to them? Kind of a loaded question, but I ask the gentlewoman.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield, oh, I would not say it was loaded at all.

The gentleman knows that there are two separate studies and the other study is going to be dealt with a little later. It has been taken out, but we are going to be talking about it.

This deals with some of the things the gentleman is talking about. The very mental health issues dealing with teens, why they join gangs, why they are in violence, why we see the rising suicide and homicide rate, and yes, of course, it looks at how they eat and what they are doing.

This has been agreed to as a great need by everyone who has looked at it.

I would hope the gentleman from California would join us on this.

Mr. DORNAN of California. Well, Mr. Chairman, I am going to study it and look at all the surveys hidden in there.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

I just would like to ask the gentlewoman from Colorado a question, if I may.

It was reported to me that when the adolescent family life program was considered by the Labor-HHS-Education appropriation bill, that title XX was struck out of it. Is that true?

□ 1300

Mrs. SCHROEDER. That is correct, it was not reauthorized.

Mr. DANNEMEYER. I understand it was struck out on the motion of the gentlewoman from Colorado.

Mrs. SCHROEDER. If the gentleman would yield to me, both the family planning title X and title XX were stricken because neither had been reauthorized under the House rules; that is correct.

Mr. DANNEMEYER. Did the gentlewoman make the motion to strike title XX?

Mrs. SCHROEDER. I made the motion to strike title XX because independent groups that had looked at it said it had not accomplished its purpose.

Mr. DANNEMEYER. Reclaiming my time, title XX actually promoted abstinence programs, and I am curious as to why the gentlewoman from Colorado would strike out a program advocating abstinence in America, but I will retain my time.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I will retain the balance of the time that I have.

Mrs. SCHROEDER. The gentleman does not want the answer?

Mr. DANNEMEYER. The gentlewoman will have plenty of time, I am sure, to respond any way she sees fit.

I would suggest that the House reject this amendment for the reason, I believe, it is so broad that one wonders just what we are about here. It would authorize, not authorize, it would—shall conduct, that is mandating—a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including such adolescents—behaviors that promote health and the behaviors that are detrimental to health and the influence on health of factors particular to communities in which the adolescents reside.

I do not know. Have you seen a copy of the Constitution lately? Where in the Constitution does it say that the Federal Government is authorized to spend Federal taxpayers' dollars for the purpose of conducting this kind of a study? I do not find it in the copy of the Constitution that I have seen. Maybe someone could enlighten me on that point.

Mr. DORNAN asked this question, and I would ask it again: Is it your intention that this sex study that will be considered in the amendment that the rule permits me to offer, would your amendment authorize that kind of a study?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, my amendment would look at all risky behaviors of teens, across the board, both young men and young women. I think the gentleman from California would agree with me that sexual behavior is risky behavior in teens. That is part of what the gentleman is talking about in abstinence because of the tremendous increase in sexually transmitted diseases among teens.

Mr. DANNEMEYER. The answer is "yes." The gentlewoman's amendment would direct HHS to conduct the sex survey that my amendment would seek to strike out, is that right?

Mrs. SCHROEDER. No, that is incorrect. Mine is looking at a comprehensive overview; it is not the same at all.

But obviously the sexual behavior of teens is a risky behavior and it could be looked at, or if the other is there, they may decide that that is totally appropriate.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. WAXMAN. Mr. Chairman, would the gentlewoman yield to me for a question?

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentlewoman for yielding.

Mr. Chairman, as I understand this amendment, it would be to obtain information on general health practices of adolescents, including information on their nutrition habits, their use of alcohol, drugs, all these questions that affect the health of adolescents. This is the kind of information that the Office of Technology Assessment recommended that we get more of in order to develop appropriate strategies for their health.

Mrs. SCHROEDER. Absolutely. There is no hidden agenda here.

Mr. Chairman, I yield 1 minute to the distinguished member of our committee, the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. I thank the gentlewoman for yielding.

Mr. Chairman, I do rise in support of the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, we have learned in the Select Committee on Children, Youth, and Families that there are so many times when problems involving teenagers and adolescents have not been addressed by the Congress.

For example, nonfatal accidents, delinquency, mental health problems, homelessness problems; there are so many different situations that affect adolescents and teenagers that the gentlewoman's amendment, from Colorado, does address. It does not address particularly the problem that the gentleman from California raised with reference to a study about the sexual habits of adolescents and teenagers.

So I rise in favor of this amendment and urge its support.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] has 1½ minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 45 seconds to the very distinguished prior chairman of the select committee, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, just quickly for the Members of the House, they have got to understand we are now talking about one of the most vulnerable populations that we have, our adolescents. We know less about them than almost any other age group, and yet we know they have great potential to get into trouble, whether it is accident, self-inflicted wound, suicide. What we have, in fact, is major, major gaps in our knowledge about this population.

We owe it to these children to find out more so we can act in a preventive mode in many of the behaviors in which they engage. This is a very broad health study. This was requested by the select committee, it was requested by OTA, AMA, and the Department of Health and Human Services.

Why should we make policy with respect to our adolescents out of ignorance; why would we not do it out of knowledge?

Mrs. SCHROEDER. Mr. Chairman, I yield the final 45 seconds to a distinguished member of the committee, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentlewoman for yielding.

Mr. Chairman, we just heard from two great leaders in the fight for our children, Congressman MILLER and Congresswoman SCHROEDER. I am happy to add my voice in favor of this amendment.

As the author of the Violence Against Women Act, I think it is crucial that we look at the status of our children and why we see so many homicides, so many suicides in this particular population.

You know, ignorance may be bliss, but it is not blissful to see teenagers who are sick, who have problems and who wind up ending their lives.

So let us turn aside the ignorance, let us support the Schroeder amendment. Let us learn what makes our children tick, what their problems are. Then we can truly say we are doing something about the future of our country, because the children of our country are our future.

Mrs. COLLINS of Michigan. Mr. Chairman, I rise in strong support of the Schroeder amendment to H.R. 2507. We need to allocate the funds to conduct a longitudinal study of adolescent health. Teenagers are facing a broad range of challenges. If we as adults are not prepared to deal with the problems, then we have not met our obligations to take care of the next generation.

We must conduct this study in order to determine why there are so many adolescent suicides? Why teens are at a higher risk of sexually transmitted diseases? Why teenagers start to smoke earlier than our generation? And why babies are having babies?

Research on teen health is a dire necessity in several key areas—mental health, preventive medicine, insurance availability, and access to health services.

In my district, violence among teenagers, especially boys, is the greatest threat to their health. There is a high risk of depression and other social problems.

I want this study so we can assess the causes of this health-threatening behavior and deal with it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 142, not voting 20, as follows:

[Roll No. 226]

AYES—271

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Ireland
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Mollohan
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Riggs
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Zeliff

NOES—142

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Clinger
Coble
Coleman (MO)
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Houghton
Huckaby
Hutto
Hyde
Inhofe
James
Johnson (TX)
Klug
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Luken
Marlenee
Martin
Mavroules
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Moakley
Molinari
Montgomery
Moorhead
Myers
Nichols
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pursell
Quillen
Ramstad
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wolf
Wylie
Young (FL)
Zimmer

NOT VOTING—20

Campbell (CA)
Dorgan (ND)
Frost
Hayes (LA)
Hefner
Holloway
Hopkins
Hunter
Livingston
McCrery
Moody
Orton
Pelosi
Sundquist
Walsh
Weiss
Weldon
Wilson
Yatron
Young (AK)

☐ 1326

Mr. LUKEN, Mr. MAVROULES, Mrs. MEYERS of Kansas, and Mr. GEREN of

Texas changed their vote from "aye" to "no."

Mr. RAVENEL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 102-160.

AMENDMENT OFFERED BY MR. PURSELL

Mr. PURSELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. PURSELL: Page 119, after line 11, insert the following new subtitle:

Subtitle B—National Center for Nursing Research

SEC. 1311. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institution";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute";

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsection (d) through (g), by striking "Center" each place such term appears and insert "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1) by adding at the end the following new subparagraph:

"(N) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Section 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transfereed to part C of title IV of such Act;

(B) are redesignated as sections 464L through 464O of such part; and

(C) are inserted, in the appropriate sequence, after section 464F of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464L the following new heading:

"Subpart 14—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 14 of part C—

(A) in section 464M, by striking "section 483" and inserting "section 464L";

(B) in section 464N(g), by striking "section 486" and inserting "section 464O"; and

(C) in section 464O, in the last sentence, by striking "section 485(g)" and inserting "section 464N(g)"

Page 119, line 12, strike "Subtitle B" and insert "Subtitle C".

Page 119, line 14, strike "1311" and insert "1321".

Page 119, line 16, strike "section 141 of this Act" and insert "sections 141 and 1311(b)(1)(B) of this Act".

Page 119, strike "(E)" and insert "(D)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. PURSELL] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is the gentleman from California opposed to the amendment?

Mr. WAXMAN. Mr. Chairman, I am not opposed, but I ask unanimous consent to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chairman recognizes the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the 116 cosponsors for supporting our bill to redesignate the National Center for Nursing Research to the National Institute of Nursing Research at the National Institutes of Health.

There are over 2 million nurses in the United States. Through the National Center For Nursing Research, this profession has been doing great research and is an integral component of the health community of the United States. The nursing center was established 5 years ago with the support of both the House and the Senate.

Under the leadership of Ada Sue Hinshaw and her staff, the National Center for Nursing Research has established itself as a major partner in the community of the National Institutes of Health. Studies in low birthweight infants, long-term care of the elderly, and health promotion across the entire life span are only a few of the major initiatives undertaken by this fine center. The time has come to recognize their contribution.

Today, along with my 116 cosponsors, I am offering this amendment to establish the National Institute of Nursing Research.

□ 1330

The structural requirements for establishing the institute are already in place. There is no additional money required in this bill. This amendment is budget neutral.

Mr. Chairman, I want to close my debate by thanking all the cosponsors on both sides of the aisle who have historically helped us on this issue.

Mr. Chairman, I want to pay special tribute to the former Member from Illinois, Ed Madigan, who has served on our Subcommittee on Appropriations, and who helped establish this center some years ago.

Mr. Chairman, I would also like to pay special tribute to George O'Brien, now deceased, who was also one of the leaders in establishing the Nursing Center.

Mr. Chairman, on behalf of my colleagues, I offer this amendment, and urge its unanimous support.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to commend the gentleman from Michigan [Mr. PURSELL] for this amendment.

In 1985 when the House considered the NIH reauthorization bill, it overwhelmingly approved the establishment of a National Institute of Nursing. Unfortunately, on conference with the other body, compromises were required and the new nursing research agency was renamed the National Center for Nursing Research. Public Law 99-158 established the NIH nursing center.

Since its establishment almost 6 years ago, the center has taken a leadership role in a variety of health research issues including women's health, health promotion, rural health, and long-term care. In fiscal year 1991, the center received almost $40 million for its activities and President Bush requested an increase of over 10 percent for fiscal year 1992.

The center has establish itself with a sound track record. Its elevation to the status of a national research institute is appropriate, indeed overdue.

The NIH has informed us that upgrading the center to institute status will not increase administrative costs.

We urge support of the amendment.

Mr. PURSELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. PURSELL].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 102-160.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 145, strike lines 6 through 23 (and redesignate subsequent sections accordingly).

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes. Is there a Member opposed?

If not, the gentleman from Illinois [Mr. DURBIN] is recognized for 10 minutes.

MODIFICATION OFFERED BY MR. DURBIN TO THE AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I ask unanimous consent to modify the amendment which is at the desk. I have given a copy of the modification to the gentleman from California [Mr. DANNEMEYER] and also to the gentleman from California [Mr. WAXMAN].

The CHAIRMAN. The Clerk will report the modification to the amendment.

Modification offered by Mr. DURBIN to the amendment offered by Mr. DURBIN: In lieu of the matter proposed to be inserted by the amendment, insert the following:

Page 145, strike lines 9 through 23 and insert the following:

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by Mr. DURBIN to the amendment offered by Mr. DURBIN?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 10 minutes.

Mr. DURBIN. Mr. Chairman, this modified amendment which I am offering to this legislation follows an amendment offered by the gentleman from Utah [Mr. OWENS]. Mr. OWENS has attempted to bring about a study conducted by the Department of Health and Human Services related to biological weapons. I think his suggestion is a valuable one, and we should move forward.

I have amended the suggestion of the gentleman with specific language, and I would at this time ask the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], if he would enter into a colloquy with me in reference to this modified amendment.

The NIH Reauthorization, section 1601, calls upon the Secretary of the Department of Health and Human Services to issue a report regarding shifting biological weapons research to the National Institutes of Health under HHS jurisdiction. I would like to engage in a colloquy with my colleague, HENRY WAXMAN, to clarify several aspects of the proposed report.

The Budget Enforcement Act [BEA] and the Omnibus Budget Reconciliation Act of 1990 [OBRA-90] separate all discretionary spending into distinct categories for defense, domestic and international programs and prohibit the transfer of funding between these caps until fiscal year 1994. The ability to adjust the cap funding level, upward or downward, is not clear. Should the report recommend transferring responsibility for the described programs, without adjusting the levels of the domestic and defense caps or the level of NIH funding, the traditional research missions of the National Institutes of Health could be jeopardized. These traditional NIH missions would be forced to compete with the new biological defense research obligations. Are the constraints imposed by BEA and OBRA-90 to be considered as HHS evaluates shifting research responsibilities as described in the proposed report?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I agree that the constraints of BEA and OBRA-90 should be addressed. There was never the intention to jeopardize funding for the various national institutes of NIH.

Mr. DURBIN. Mr. Chairman, the report calls on the Secretary of Health and Human Services to issue the report but there are many agencies, such as DOD and the intelligence agencies, which would be affected by the decision to shift research responsibilities as described in section 1601. Do these agencies have a role in evaluating the proposed shift?

Mr. WAXMAN. Yes, they would. While HHS is the named agency, HHS should work in cooperation with all Federal agencies potentially involved to fully evaluate the feasibility of the shift of responsibility as required by the bill.

Mr. DURBIN. Mr. Chairman, I thank the gentleman from California [Mr. WAXMAN] for clarifying these important issues, and move the adoption of the amendment, as modified.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Illinois [Mr. DURBIN].

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 102-160.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DANNEMEYER: Page 150, after line 9, insert the following:

SEC. 1604. PROHIBITION AGAINST NATIONAL SURVEY OF SEXUAL BEHAVIOR.

The Secretary of Health and Human Services may not during fiscal year 1992 or any subsequent fiscal year conduct or support any national survey of human sexual behavior.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DANNEMEYER] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the Dannemeyer amendment.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes.

AMENDMENT OFFERED BY MR. WAXMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. WAXMAN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN as a substitute for the amendment offered by Mr. DANNEMEYER: In lieu of the matter proposed to be inserted by the amendment, insert the following:

SEC. 1604. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492 of the Public Health Service Act; and

(2) the Directors of each of the national research institutes involved make a determination that the information expected to be obtained through the survey will assist—

(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

(B) in improving reproductive health or other conditions of health.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes. Is the gentleman from California [Mr. DANNEMEYER] in opposition to the amendment?

Mr. DANNEMEYER. Mr. Chairman, I am in opposition.

The CHAIRMAN. The gentleman from California [Mr. DANNEMEYER] will be recognized for 15 minutes in support of his amendment, as well as 15 minutes in opposition to the substitute amendment offered by the gentleman from California [Mr. WAXMAN]; and the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes in support of his amendment, as well as 15 minutes in opposition to the amendment offered by the gentleman from California [Mr. DANNEMEYER]. So the Chair will basically treat this as fungible time on the part of both gentlemen.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Chairman, will the Chair describe for the committee how the votes will be taken on the substitute amendment and my amendment?

The CHAIRMAN. The Chair would advise that the first vote would come on the Waxman substitute amendment, followed by a vote on the Dannemeyer amendment, as amended or not.

The gentleman from California [Mr. DANNEMEYER] is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in the 1950's a fellow named Kinsey did a great deal of research on the sex habits of men and women in America and published two monumental volumes on that subject. The research conducted by Dr. Kinsey and others working with him have influenced American behavior with respect to the claims that were made in those landmark pieces of investigation.

A recent analysis of the methodology used and the subjects that were involved in those tests which gave rise to those volumes, and I am speaking now particularly about a book by Judith Reissman, who wrote, "Kinsey, Sex and Fraud," was published in 1990.

□ 1340

That publication and others critically have analyzed the work of Dr. Kinsey pointing out that the utilization of people in the samples that were tested did not reflect a cross-section of America, but was biased to reflect prison populations and persons who were involved in abnormal sexual behavior.

So that when the knowledge of the deficiencies in the Kinsey report have been surfacing in the scientific community, and as a result of the book by Judith Reisman, "Kinsey, Sex and Fraud," there has been an effort by the homosexual community in this country to make it appear that 10 percent of us follow or pursue a homosexual lifestyle.

In 1989, HHS decided they would have a sexual survey on adults, and as a result of some opposition from Members of Congress and around the country, that effort was discontinued. Then, similarly, in 1989 HHS published a document dealing with youth suicide, suggesting to the American public, and parents and churches in this country that we are going to have to accommodate and accept homosexual behavior as normal.

Also 1989 witnessed the beginning of what we are talking about today in this amendment, that we are going to survey the sexual habits of the teenagers of America. I want to read to my colleagues some of the questions that would be asked to boys in America grades 7 through 12, not all of them, but some of them, just to give an impression or an idea of what we are doing here. This question would be stated by the interviewer to boys in grades 7 through 12.

> The next few questions are about sexual experiences with other males. Many teenage boys have had such experiences, and it is important to this study that we ask you about them.
>
> One, have you ever rubbed another male's sexual organs to sexually excite him? Two. Has another male ever rubbed your sexual organs to sexually excite you?

Then they go on to ask questions on anal intercourse and oral copulation.

Those questions, I submit, are of a very private nature in terms of the sex lives of any of us.

I come back to the original sentence that was at the beginning of this interview, "many teenage boys." Some teenage boys would be an accurate description of what may be going on in this country, but to suggest to the interviewee, these boys in grades 7 to 12, that many engage in this kind of conduct I think is a total distortion. And what this whole study, in my judgment, is about, is to develop statistical data with a subtle inference to the interviewees that this perverse type of conduct is okay. And later on, if it would go through, we would find HHS producing a volume expressing the official imprimatur of the U.S. Government that that kind of conduct goes on around the country.

I know the argument will be made that this interview will only take place with the consent of the parents of the youngsters. Most parents, and this Member of Congress raised three children and now has 7 grandchildren, if some Government researcher asked me as a parent if those questions could be asked of my kids, I will say,"Thank you very much. My wife and I will handle the sexual instruction of our children within the framework of our family and within the framework of our religious experience." That is the way we impart values of normal sexual conduct to our kids, not by having some Government researcher come in to our family unit and begin asking our children questions about sexual activity or sexual behavior.

The inference, as I say, that would be coming from this type of an investigation is an intrusion into an area of life in America that I do not think the Government has any business handling. I have said before, and I will say it again, and I will say to my colleague from California [Mr. WAXMAN], can you point out someplace in the U.S. Constitution that authorizes the Government of the United States to engage in sexual surveys? When I read the Constitution I do not find anything in there authorizing such a study. And we know that the Federal Government is a government of powers, of delegated powers, and the 10th amendment to the Constitution says that the powers not delegated to the Federal Government are reserved to the States and the people respectively.

This simply is not the business of Government, and for these reasons I think this amendment that I have offered should be accepted.

I might say that HHS recognizes the error of their ways and voluntarily they have already agreed to discontinue this sex survey. But just to make sure that somebody else a week, a month or a year from now does not resurrect it, I offer this amendment to make sure it is an expression of the policy of the House.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to start by pointing out exactly what the Dannemeyer amendment does. It does not just prohibit the study he has been referring to. The Dannemeyer amendment prohibits all research on all sexual behavior, permanently.

Think about it. No research on drug abuse and sex. No research on adolescent pregnancy and sex. No research on family planning and sex. No research on venereal disease and sex. No research on AIDS and sex.

The Constitution of the United States does give the power to the Federal Government to support the general welfare, public health and safety of the American people. How can we fashion strategies to effectively deal with these threats on the public health without knowing what the reality is, not only among teenagers, but among adults, because this amendment would even ban a survey of adult behavior.

The substitute that we have offered on behalf of myself, Congressman ROWLAND and Congressman PRICE, says that the Secretary may undertake such a survey but with certain restrictions. We want guidelines on that research.

First, the projects would have to be reviewed by applicable local ethics review panels. This review would insure that the project is ethical. Second, the project would have to be reviewed by applicable scientific peer review panels, and this review would insure that the project is scientifically sound. Finally, the project would have to be reviewed by the Director of the National Research Institute involved, and this is to insure that the information to be obtained would assist in the prevention of infectious diseases and promotion of reproductive health or the improvement of health conditions. So Members can be assured if the substitute is adopted that this review will not be cavalier. There will be a review. People doing sexual behavior research are contributing to public health and medical progress and should be supported by the Government and by the Congress.

There has been much talk of a teenage sex survey that was proposed but now has been stopped by the Secretary of Health and Human Services. Who proposed it? It was proposed by the Director of the National Institute on Child Health. It was recommended by the Director of the National Institutes of Health and the Assistant Secretary for Health.

Who do you think these people are? Do you think they are nameless and faceless bureaucrats? These are the representatives of the Bush administration. These people were appointed by President Bush. They are conservatives, and they said this survey ought to be conducted.

I regret that the Secretary of Health and Human Services decided to overrule them. But he has made his decision. I hope he will change his mind in the future.

But for the future, if the Dannemeyer amendment were to become law, when the Secretary decided that we ought to have some kind of review to understand what is happening, he might decide to ask those questions and I would hope no question would be asked without the permission of the parents, and without full review for the scientific and ethical validity of the study. But the Dannemeyer amendment would say that no survey could ever be conducted. How can we do that responsibly at a time when we have an AIDS epidemic which is a sexually-transmitted disease?

I think this Dannemeyer amendment is irresponsible. It could lead, because of his desire for ignorance, to death. For that reason alone we ought to defeat the Dannemeyer amendment.

We have offered a substitute. It is a responsibly crafted substitute. It does not order a study, but it says if one is conducted, it ought to be conducted responsibly, with the best review possible by the ethical and scientific people involved.

□ 1350

Mr. Chairman, I urge support for the Waxman-Rowland-Price amendment and a no vote on the Dannemeyer amendment.

I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Reference has been made that the amendment that this Member from California has offered would result in no surveys being conducted by HHS that would include the subject of sex.

I want to make very clear that these surveys that have been conducted or are in progress would still be permitted with my amendment: National Longitudinal Survey of Youth, Youth Risk Behavior Survey, National Survey of Family Growth, National Mortality Survey, NMIHS, National AIDS Behavioral Surveys, HIV Immunological and Psychosocial Factors in Black Men, National Health and Nutrition and Examination Survey, Long-term Mortality Study of Men Who Have Undergone Vasectomy, Health Indicators Associated with Contraceptive Use in the United States, Hormone Replacement Therapy, Contraceptive, Sterilization, and Chronic Diseases in Humans, Multicenter Hemophilia Cohort Study, Expansion and Extension of the Collaborative Review of Sterilization. These are just a few of the examples of the studies that would be permitted to continue. In some cases, some of these studies have already been concluded, but the point is that these studies to which I have made reference include, as part of an overall study of the subjects that are described, something about sexual conduct.

My amendment, and I will point this out, just relates to a sexual survey exclusively on that subject.

My colleague, the gentleman from California [Mr. WAXMAN], has said that this prohibition on language would somehow stop steps that are needed to control the AIDS epidemic in America. The single most important step that this Nation should take today to control the AIDS epidemic is no secret to anybody who has looked into this issue. That is that the public health officials of the States of the Union enforce our public-health laws, and the cornerstone of that effort is reportability and contact tracing for HIV carriers.

I am happy to say that the official voice of organized medicine in America, the American Medical Association, has recommended in December 1989, and reaffirmed in 1990, that every State in the Union should have that policy in place. Sadly for all of us in America, that is not the case with respect to the 10 states in this country that have about three-fourths of the cases, and when you add the District of Columbia, it gets up to about 78 percent.

The question we should be debating, if we want to talk about how to stop the AIDS epidemic, is why is it in this Nation that, at this large stage of the epidemic, our public-health officials are not treating the AIDS epidemic as a public-health issue but are continuing to insist on treating it as a civil-rights issue. This smokescreen of the Waxman substitute is nothing but that, mainly a smokescreen.

Let us be honest, what it does. It does not mandate a sex survey of teenage kids. It just puts into language some language that essentially is already there, namely, that these steps are required by the existing law before a survey can be conducted.

But the effect of the Waxman substitute will negate my amendment which, if Waxman is adopted, and mine is rejected, it would mean that HHS would have the authority to continue with this sex survey on teenage kids in America anytime the spirit moved them.

If the House wants to vote that way, that is what this is all about, but I happen to believe that the proper step for us to take for the sake of our kids is that simply these questions are none of the Government's business, and that we should adopt the amendment that I am offering to the House which would say to the HHS, "You are not going to use taxpayers' money to ask these questions of the teenage kids of our country."

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, my question is: the gentleman said that these 20 different surveys would not be cut off. So if those 20 would not be cut off by the gentleman's amendment, yet counsel tells us all of those studies the gentleman read would be cut off, and the gentleman said that what he is doing, because how are they going to look at sexual conduct in these studies which the gentleman says they do, without doing a survey? And the gentleman's amendment clearly prohibits all of those, I think, and at least we are very confused on this side as to why the gentleman does not think those would not be cut off.

Mr. DANNEMEYER. Has the gentlewoman read my amendment?

Mrs. SCHROEDER. I read the gentleman's amendment, and it looks to me that the gentleman is cutting off sexual surveys on sexual conduct.

Mr. DANNEMEYER. I am not being facetious when I ask that question, because I want to draw your attention to it as well as to the members of the committee that my amendment relates only to a survey that is exclusively devoted to sexual behavior. These other studies that I have alluded to that would not be stopped or impeded from being conducted include subjects beyond just sexual activity. That is a legitimate part of the Government research effort.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. WAXMAN. I think the gentleman is incorrect about his own amendment. His amendment says, "the Secretary may not conduct or support any national survey of human sexual behavior." All of those reports the gentleman said would be permitted would be prohibited if this were law. I think the gentleman is incorrect about his own amendment.

Mr. DANNEMEYER. I am not sure that the gentleman heard what I said.

Mr. WAXMAN. I heard what the gentleman said. I think the gentleman is incorrect as a legal matter, and our counsel advise us that this would stop all of that research which the gentleman says is going to be conducted and should be conducted.

Mr. DANNEMEYER. Reclaiming my time, I say that my amendment prohibits a survey strictly on the subject of sexual behavior, that is, 100 percent of it is exclusive to that area. These other studies I am talking about included subject matter that may have involved sexual activity to a minor extent, and those other surveys to which I have made reference would not be precluded.

Mr. WAXMAN. If the gentleman will yield further, the gentleman may think that that is what it said. Let me read it again, "The Secretary of Health and Human Services may not during fiscal year 1992 or any subsequent fiscal year conduct or support any national survey of human sexual behavior," so anything that deals with human sexual behavior may not be looked at by the Secretary of Health and Human Services.

Mr. DANNEMEYER. Again, I will say to the gentleman from California [Mr. WAXMAN] that the subject matter of these other surveys that I believe can be conducted and can be completed have subjects of interest far beyond sexual behavior, and if sexual behavior is tangentially or partially involved in the overall surveys or purposes of those particular surveys, they would be authorized.

Mr. GREEN of New York. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Chairman, is the gentleman saying that if the Department of Health and Human Services adds to either of these surveys questions about how teenagers spend their time, how many baseball games they have gone to, how much homework they do at night, and then what else they do at night in a sexual way, then you can ask every question in the survey, because it covers other things, too?

Mr. DANNEMEYER. For instance, this survey on National Health and Nutrition Examination Survey, if some question of that happened to relate to sexual activity of the people involved in that subject matter, I think that would be perfectly all right.

Mr. GREEN of New York. So the Secretary, if he simply adds to the teenage survey some questions on diet habits, he can do the whole teenage survey?

Mr. DANNEMEYER. I would say no. The gentleman is being a little facetious by this question.

Mr. GREEN of New York. No. I am not being facetious, because I do not really understand.

Mr. DANNEMEYER. I am not sure the gentleman wants to understand. My amendment says that the Secretary shall not use Federal taxpayer dollars to conduct a survey exclusively devoted to sexual habits for kids.

Mr. GREEN of New York. I am suggesting to the gentleman a survey that is not exclusively devoted to that.

Mr. DANNEMEYER. That is what my amendment does.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, the toughest bulldogs in the halls of this Capitol Building on both the north or the south end are supposed to be those men and women whom we lovingly refer to as the appropriators.

So let us hear from the Committee on Appropriations as it has ruled for the past 3 years. By the way, I am speaking about the Dannemeyer amendment, which I support as described by him, dealing with surveys exclusively pertaining to sexual habits. On July 25, 1989, precisely 2 years ago today, here are the words of the Committee on Appropriations: "The committee has deleted $11,050,000 that was requested for a large-scale national survey of sexual behavior. This does not appear to be an appropriate use of public funds. If such a survey is necessary, it should be supported with nongovernmental funds," and there are plenty of those out there, folks. "The Public Health Service is directed not to proceed with this survey."

A year ago this month, July 12, 1990, the Committee on Appropriations again speaks:

> The committee notes that no funds have been requested by the President or added by the committee for large-scale survey-type studies regarding sexual behavior and/or AIDS.

□ 1400

Now, we come to last month, June 20, 1991. The Committee on Appropriations has deleted funding for the proposed SHARP study, which is an acronym of adult sexual behavior. These reductions are offset by program increases of $17,700,000 for high priority needs. High priority needs. The Committee on Appropriations, as does this Member, believes there are a lot of higher priorities than asking teenagers down to seventh grade if they have had anal or oral sex.

Now, I cannot believe that the esteemed social researchers throughout this country and at the National Institutes of Health assume that that stricken money last month, that $17.7 million was meant to be used toward an $18 million teenage sex study.

I would like to close by quoting last week's Newsweek magazine, which is a liberal, cocktail party magazine. If Americans want to know what is wrong with a lot of young teenagers who are running around acting like street prostitutes in the 6th, 7th, 8th, 9th, 10th, and 11th grades, one cause to look toward is an easy divorce. Many of these young women come from divorced families, and have never known the love or attention of a male in their lives.

There are hundreds of thousands of courageous single mothers that do their best to make up for that, and a lot, hopefully the majority, succeed. But many more do not.

Now, what is it that has given Americans this easy divorce that our country has known all of my adult life? Liberal philosophy in the social services. Would Members like to know what is wrong with a lot of kids in this country? I submit this to the gentleman from California [Mr. MILLER] and the gentlewoman from Colorado [Mrs. SCHROEDER]. It is the disintegration of the fabric of American life, of Judeo-Christian ethical standards, which has been the banner of the ACLU for, again, all of my adult life. I have debated all of the regional and national heads of the ACLU. We have to return to basics and tell our young people that they owe an allegiance to a God and a Creator, and not just to the word on the street, or to peer pressure. We will not find any of that in counseling at NIH, or in most private research. I am certainly not going to stand around and watch public tax dollars go to these hair-brained sex surveys so a lot of liberals in this Chamber, who have defended the liberal philosophy that has stripped our country of its Judeo-Christian ethics, can tell us that the kids' problems are actually eating disorders. Just go back and read the Newsweek article. We are looking for role models for young women beyond Madonna. Planned parenthood is in the schools of America, trying to teach kids what is wrong with easy, fast sex, and that is AIDS. But they would never say that if a teen gets pregnant, killing a baby in your womb is a heinous offense.

I will tell Members that Dr. Menninger, who I interviewed on a television show decades ago, in his last book he wrote called "Whatever Happened to Sin;" The words "sin" and "evil" are not in the vocabulary of the liberal philosophers that have wreaked such havoc upon the social sciences.

The CHAIRMAN. The gentleman from California [Mr. DANNEMEYER] has 10 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 25 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. ROWLAND], who is a doctor.

Mr. ROWLAND. Mr. Chairman, the medical and scientific community in our country believes that there is an increasing threat to the health and general welfare of the people of our country. The reason that they believe that is because there is an unbelievable increase in sexually transmitted disease.

There is something different about the sexually transmitted disease now, as compared to more than 10 years ago. Now we have acquired immune deficiency syndrome, for which there is no known cure. There is a significant increase in the incidence of this disease in young people. Yes, young teenagers and adolescents.

Mr. Chairman, when I was in medical school, there were some basic fundamentals that I learned in trying to find out about disease and how to treat it. That is, to have a very good history and physical examination. It is not possible to address a disease process or learn about a disease unless we have a detailed history. A detailed history is a very difficult thing to do because it pries into the most personal aspect of an individual's life. However, it is so important to have that detailed history if we are to reach some conclusions about how to deal with a disease process.

As I have already said, we have a disease that is affecting the welfare and health of the people in our country. If we are going to address that, we must obtain all of the information that we can get. Yes, it is painful to me to think that we would have to ask adolescents and young teenagers, in detail, about their sexual activities. Members can rest assured, Mr. Chairman, that there is sexual activity that takes place in this group of young people. Painful though it may be, and the fact that I have a problem with that, I have an even greater problem about not learning about what is taking place with these teenagers and these adolescents.

This is a public health problem that we are facing. We cannot address this problem by just simply having a laboratory test. There is no way to do it. How would Members feel if they went into their doctor's office and he simply ordered a laboratory test and says that he can find out what the problem is and know how to treat it with this laboratory test. We cannot approach it from that standpoint. We must have a detailed history in order to address this problem, and that is exactly what this survey, this type of survey would do, is to get a detailed history.

Mr. Chairman, we must approach this problem that we have in our country from a medical and scientific standpoint, and we must do that by having a detailed history. Earlier the gentleman said that there is no language in the Constitution that has anything to do with a sex survey. Let me read Members what the Preamble to the Constitution says:

> We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, and provide the general welfare.

We are promoting the general welfare by looking after the public health problems that we have in this country.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. CUNNINGHAM.]

Mr. CUNNINGHAM. Mr. Chairman, the astute doctor has stated that they need a history. Well, we have medical doctors throughout the country that have the capability to take that information without spending tax dollars from the American people.

If Members want to take a look, talk to the kids in the audience and the gallery, or talk to the kids in the districts or take a look at the number of teenage pregnancies that we already have. It does not take a mathematic genius to figure out there are extreme levels of sex in our youth today. There have been for centuries, and there will be for centuries.

We do not need to pay tax dollars to find that out. I think if we focus, like my colleague from California, on Judeo-Christian ethics and values in the home, and return to those values in the home, that we will have a decrease in disease, we will have a decrease in drug use, and a decrease in teenage sex, and a lot less problems within the home.

I strongly support the amendment.

☐ 1410

Mr. WAXMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. MCDERMOTT], the second physician in the House other than Dr. ROWLAND.

Mr. MCDERMOTT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. DANNEMEYER.] This amendment takes NIH, totally and permanently, out of the business of survey research on any adult or adolescent sexual behavior. Yet this kind of research is desperately needed to fight the epidemics of unwanted pregnancies, sexually transmitted diseases, and AIDS.

I have counseled children, and raised two of my own. It is hard to talk about sex. It can be uncomfortable. But it is absolutely necessary. Without understanding and discussing sexual behavior—without research like this—we cannot hope to prevent unwanted pregnancies and sexually transmitted diseases, including AIDS.

Children may be embarrassed by such discussion—but they will not die from embarrassment. They can die from AIDS. They can suffer permanent health effects from sexually transmitted diseases. And they can suffer a lifetime from premature parenthood.

Let me share with you some uncomfortable facts. Two million Americans, including half a million teenagers, are infected each year with gonorrhea. Four million people are infected with chlamydia, a major cause of infertility and a disease that usually has no symptoms, so they do not even know they are carrying it. Untreated chlamydia and gonorrhea lead to pelvic inflammatory disease, a major cause of life-threatening ectopic pregnancies, in a million women each year.

These and other sexually transmitted diseases have terrible consequences in themselves. They also facilitate the spread of the AIDS virus—the deadliest of all sexually transmitted diseases. Twenty percent of people with AIDS became infected in their teens. Are we really more afraid of talking with our kids about sex than we are of losing them to AIDS?

Sexually transmitted diseases cannot be controlled without changing people's sexual behavior. That behavior will not change unless it is understood. The opponents of this research say we do not need a survey because we know teenagers are having sex. But we do not know enough about the reasons, and the circumstances, that lead to those choices. If we want to promote responsible behavior, we must understand better what influences are at work and how decisionmaking occurs.

Survey research is essential to that understanding. It is also an essential part of research on contraception, on infertility, on gynecological diseases like cervical cancer. I know Secretary Sullivan realizes that, and I am embarrassed for him and the pressure tactics he has had to endure.

No one wants to promote sexual activity among teenagers. Knowledge is the most powerful tool to discourage such behavior. Suppressing research, and relying on fear and ignorance, will do nothing to prevent it. Opponents of this research say teenagers should not be asked direct questions. But 84 percent of adults agree that children as young as 12 should be told about sexually transmitted diseases, according to a Roper poll. They know that children are at risk and need help.

The truth is that ignorance and denial about sexual behavior will cost lives. A vote for the Dannemeyer amendment is a vote for ignorance. It says we fear the facts of life more than we fear unwanted pregnancy, AIDS, or other sexually transmitted diseases. It disarms us by robbing us of knowledge, leaving only fear and ignorance as weapons against disease.

Vote against fear. Vote against ignorance. Vote against the Dannemeyer amendment.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this amendment. Quite honestly, I have trouble understanding the opposition to the American Teenage Survey. Just what is it that the sponsors of this amendment are afraid of?

Do they think that teenagers are going to learn about sex for the first time from this survey? Do they expect to see the survey passed around school surreptitiously or sold in some teenage underground market? Do they think the survey will become this generation's answer to bare-breasted pictures in the National Geographic?

Or perhaps this amendment's sponsors fear this survey will become a tool of peer pressure. Can you not picture it? Some teenager trying to seduce a classmate by citing government statistics on rates of sexual activity?

The amendment's sponsors seem to think that the teenagers will know the truth, and the truth will set them loose.

But to say that, is really to mischaracterize the nature of the survey. For the American Teenage Survey is not just some catalog of sexual behavior. The survey is an attempt to understand what influences teenage sexual behavior. But the sponsors of this amendment apparently would rather not know.

What can be done to end the epidemic of teenage pregnancy in this country? The sponsors would rather not know. What can be done to slow the AIDS epidemic? The sponsors would rather not know. The thirst for knowledge is as basic a human impulse as is sex, but the sponsors would prefer to keep on guessing about the nature and motivation of teenage behavior.

The writer Kurt Vonnegut once lamented that through most of human history, leaders have had no choice but to guess and guess, and that the public had little choice but to accept their guesses. Our times, he said, could be different. He defined the information revolution as "the amazing fact that human beings can actually know what they are talking about—if they want to try it." Vonnegut's words apply to the social sciences every bit as much as to the natural and physical sciences. This survey will give us a chance to actually know what we are talking about.

I am afraid that this amendment's sponsors have treated this survey exactly as they would not want to have teenagers treat sex. They have made the survey seem like a prurient activity. It is not.

I urge my colleagues to vote against this amendment.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I must tell you, I associate myself with the remarks of the gentleman from New York for all the reasons that he stated.

This research is important and ignorance is dangerous.

But let me say, I am deeply disturbed by the suggestion, by the other side, that somehow these children are only in this predicament for what we might learn about their behavior, because they come from families that do not have the Judeo ethic or tradition in their families, or easy divorce, or what have you.

Mr. Chairman, we are talking about our children. We are talking about the most vulnerable people in the United States, the next big class of people that troubles us deeply with respect to AIDS. You do not have to engage in sexual deviant behavior. You do not have to engage in high risk. You may just be a normal child who experiments with sex against the wishes of your parents, against the counseling of your parents. Your partner may be high risk and you may then get AIDS.

When you look at the statistics, when you look at the dramatic increase in AIDS among 13- to 20-year-olds, when you realize the latency for people who are infected in their twenties, and you see how fast it is growing, you realize how young this population is in their exposure.

To suggest that it is because they come from bad parents is to deny the facts of our society. It is an outrageous view of young people. It is an outrageous view.

Let us talk about adolescents. Why do we love them? We love them—and why do we fear them? For the same reason. They are risk-takers. Why do they try to sneak in the house after you told them they had to be in at 11 o'clock? Because they think they can get away with it. Why do they gamble on not studying last night for today's exam? Because they think maybe the exam will not be given and they can get away with it. Why do they ride motorcycles, against the wishes of their parents, without a helmet? Because they think it will not happen to them. Why do they get in a car when they have had one beer too many, against their parents, and their grandparents, and all their friends' wishes and desires? Because they are risk-takers. That is what exposes them to the vulnerability of AIDS and sexually transmitted diseases.

But these are not the children of bad parents or parents who do not have the Judeo ethic or tradition in their house, or subject to easy divorces. The statistics will tell you they are our children. They are all of society's children. They are not necessarily bad children. They are confused and they are ignorant. They may have bad judgment. They may have disobeyed their parents. They may have bad parents, but do not put this off on that notion.

I do not know what concerns the gentleman from California [Mr. DANNEMEYER]. We ought to do a survey to find out what disturbs him so much about sex. That is the survey we ought to do—but his desire for ignorance on this issue should not trap our young people into a life of tragedy, should not trap our taxpayers into a life of paying the bills for that behavior that can be prevented. That is what knowledge can bring you. Ignorance can only bring you death and destruction and risk to the young children of this Nation.

□ 1420

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Chairman, I rise to voice my strong opposition to the Dannemeyer amendment and to support the Waxman substitute.

The NIH is seeking to implement the survey of health and AIDS risk prevalence, and the American teenage study is responding to the recommendations of the American Medical Association, the Institute of Medicine, the Presidential Commission on Human Immuno-Deficiency Virus, the National Academy of Sciences, the American Red Cross, and the General Accounting Office that such surveys be conducted.

Mr. Chairman, to imply, as some of those who oppose the surveys have done, that the NIH is engaging in some sort of spendthrift, voyeuristic mission into the bedrooms of the American public, is not only a gross distortion of what they are attempting to do but is an insult to the scientific judgment and integrity of the NIH.

The purpose of a national survey on sexual behavior is to gather necessary information in order to understand better how many people are engaging in behaviors that put them at risk for HIV infection, sexually transmitted diseases [STD's], and unwanted pregnancy. With that information our Government and health officials will be able to better predict future patterns of the spread of those conditions and will be able to design more effective programs to get people to change risky behavior. Whatever our personal comfort or discomfort level might be, we cannot pretend that we can discuss those specific public health problems without discussing sexual behavior.

I urge my colleagues to reject the Dannemeyer amendment which would only serve to undermine the scientific judgment of the National Institutes of Health and leave us in the dark about how to address effectively the three public health crises of AIDS, sexually transmitted diseases, and unwanted pregnancy.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to the gentleman from Califorinia [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Chairman, I read for the first time some of the questions that might be asked on this survey, and I even hesitate to read them here because we have children present in the audience. But my colleague talked about having knowledge that is inherent to finding out the solutions. We are supposed to be pretty smart on this House floor. It does not take mental giants to figure out that we do have teenage sex, we do have teenage problems, but without having to have the taxpayers pay for it.

Second, I have a 12-year-old daughter and I have a 9-year-old daughter, and I will be damned if I would want my 12-year-old daughter next year to be eligible to have to answer such questions as: "Have you ever had your mouth on someone's penis? Have you ever had your penis put in someone else's rectum?"

Mr. Chairman, I do not want some liberal S.O.B. sitting there talking to my daughter and asking her things like that. If I want it done, and there is reason to do it, I say to the gentleman from California [Mr. WAXMAN], I will take her to my family doctor. But no one is going to sit there and ask my daughter, in a school-setting or any other setting, those kinds of questions.

You talk about knowledge; every single vote we have had by Mr. SOLOMON to go in and find out if people in federally-funded jobs are doing drugs, the liberals have voted against it. You want knowledge? Let us find knowledge and stop the drug program, stop the teenage sex, but let us not do it with taxpayer dollars.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to my colleague, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for bringing this important legislation to the floor today.

Mr. Chairman, I rise in strong opposition to the Dannemeyer amendment and in support of the Waxman substitute. The Dannemeyer amendment would ban all surveys of sexual behavior at NIH. The amendment would block research which is vital to the health of American citizens.

Mr. Chairman, I have reviewed a lengthy list of research projects which would be outlawed by this unfortunate amendment. The amendment would virtually cripple our ability to plan effective AIDS prevention programs. Rather than protecting our Nation's youth, we would be placing their future in peril.

Mr. Chairman, I know others of our colleagues have referred to the fact that some of the people being diagnosed for AIDS now are in their twenties, which means they may have had the unfortunate contact in their teens, long before they had judgment about this issue, long before we knew what we knew now about it. They have to pay a very large price.

Mr. Chairman, with respect to the adolescent sex survey which has set off the most recent controversy, it is important to note the support for this project among American scientists. In fact, in a recent interview in the Boston Globe, Dr. Healy, the new Director of NIH, indicated this study was evidence that her agency would not bow to opposition demands. She said the following: "That's a wonderful study. I knew it would be controversial and I reviewed it personally. I read the whole thing myself and I think it's an excellent study."

Outlawing research on sexual behavior would have a devastating effect on our ability to prevent AIDS and sexually transmitted diseases as well as our ability to address problems of birth control and fertility. Support the Waxman substitute.

Mr. DANNEMEYER. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman from California for yielding to me.

Mr. Chairman, I will not read these questions again, because we do have young children in the audience. I do not think it is appropriate that this type of question be asked of children in their formative years. However, I would say this: One of the main reasons that you are using for this survey is you are concerned about the transmission of AIDS. I have heard my colleagues on this floor say that you cannot get AIDS from a doctor, you cannot get AIDS from a dentist. Even Dr. Everett Koop said that when he was head of the HHS. I have heard them say you cannot get it from kissing, you cannot get it from this way or that way. The fact of the matter is we really do not know all the ways that AIDS is transmitted. But if we are trying to stem the tide of the AIDS pandemic, and I think that is a laudable objective, this is not the way to do it. The way to do it is to find a method where we can find out where it is spreading, how it is spreading, who is spreading it, how rapidly it is spreading, and what it means as far as the danger to our entire population.

I submit to you we have brought that kind of amendment to this floor many times; and that is, a routine testing program that will let people know if they have the virus, coupled with counseling, education, contact tracing, and a number of other things that need to be done to stem the tide of this pandemic.

The fact of the matter is that now we know that doctors can communicate AIDS. The gentleman from California [Mr. DANNEMEYER] has a bill which would mandate that doctors who have the AIDS virus inform their patients that they have it. Ninety-five percent of the people in this country want to know if their health care professional has the AIDS virus, from a recent study. So, if we are trying to get at stopping the transmission of veneral diseases—in particular, AIDS, which is the biggest pandemic, the greatest danger to this society in our lifetimes—the way to do it is to come up with a responsible program which would involve contact tracing, education, psychological help for those who have AIDS, not infringing on their civil rights, and testing, a routine testing program so we can find out how bad the situation is.

Mrs. SCHROEDER. Mr. Chairman, would the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, I know, and I have seen the tests too, it is shocking when you pull out certain segments of it. But is the gentleman aware that the head of the National Institutes of Health looked at the whole thing in totality and the very important part is that the kind of questions the gentleman has in his hand do not go to anyone unless they have previously admitted they are involved in that kind of conduct. It saddens me, it saddens you, that there are young people involved in that kind of conduct. But until we can then tie the conduct to the disease, we do not have a good study. That is what we are really talking about. The gentleman is giving the impression that everybody gets this memo.

Mr. BURTON of Indiana. Reclaiming my time, the fact of the matter is surveys like this are not going to find out, tell you who has AIDS and who does not. It is not going to stop this pandemic.

The fact of the matter is the incubation period for AIDS runs anywhere from 2 to 10 years. I believe we have between 5 and 6 million people in this counry running around with the AIDS virus in their bodies now going on with business as usual. They are healthy-looking, they have no manifestation of the AIDS virus, and yet through the normal course of their activities they are spreading it to other, unsuspecting human beings. This is not the solution to the problem. The solution to the problem is to have a comprehensive program to deal with this pandemic, and that includes all the things I mentioned before: education, testing, contact tracing, psychological help for those who have it, and making sure that people's civil rights are not taken away from them if they test positive.

□ 1430

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I would like to commend my colleague, HENRY WAXMAN, for this comprehensive piece of legislation.

The bill contains vital provisions for advancing the prevention and cure of diseases such as cancer, AIDS, and Alzheimer's.

This effort is made possible by overturning the administration's ban on Federal research involving fetal tissue, a provision which I staunchly support.

The prevention of disease is also furthered in the bill by funding studies on sexual behavior.

By gathering these data, HHS can provide accurate estimates of the number of people engaging in behaviors that put them at risk of sexually transmitted diseases, like AIDS.

It also enables HHS to predict future patterns about the spread of diseases, and provides knowledge upon which to base disease prevention and control programs.

My colleague from California [Mr. DANNEMEYER] is attempting to deny the HHS ability to conduct such crucial research.

Mr. Chairman, this country cannot afford to turn a blind eye to its problems of sexually transmitted disease and teenage pregnancy by refusing to admit they exist.

If there are questions about the harm to research participants, the regulations currently used by HHS adequately protect such people, including minors.

There are parental consent requirements for minors being surveyed as well as privacy protections.

I urge my colleagues to join me in defeating this damaging amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in favor of the Waxman substitute to the Dannemeyer amendment. Sexual behavior research is critical to our efforts to prevent the spread of AIDS, sexually transmitted diseases [STDS], and unwanted pregnancies.

Why is this research necessary? It will provide accurate data on the number of people who are engaged in high risk behavior that put them at risk of HIV infection. Studies of sexual behavior will help to accurately predict the future spread of HIV infection, better targeting our health care spending to combat the disease. Without this research, the Centers for Disease Control will continue to base its projections upon Kinsey's data from the 1940's; clearly, social change over the last 50 years has made this data obsolete.

These surveys will provide the information necessary to effectively develop HIV prevention programs. In order to effect behavioral change, we must have accurate information about the kinds of high risk behaviors in which people are engaged.

A number of public health organizations have expressed support for research on sexual behavior, including the American Medical Association, the American Public Health Association, the American Psychological Association, the National Organizations Responding to AIDS, and the American Red Cross, to name just a few. Reports from the Institute of Medicine, the Presidential Commission on AIDS, the National Academy of Sciences, and the General Accounting Office have all endorsed this research as well.

The Waxman amendment would permit this vital research only if the studies have been approved by the peer review and ethical review boards and have been determined to be useful in reducing the incidence of disease or improving public health by the Directors of the relevant Institutes at NIH. This amendment ensures that only legitimate sexual behavior surveys will be funded, thereby addressing the concerns raised in this regard.

Every Member in this House has expressed support for programs to prevent AIDS, STDS, and unwanted pregnancies. How can we possibly develop successful interventions for adolescents and adults if we lack any clear understanding of the behaviors which put them at risk?

The Dannemeyer amendment would prohibit Federal funding for any national survey that includes questions about human sexual behavior. This amendment would mean the termination of a number of studies already in progress on AIDS, substance abuse, infant mortality, family planning, and teen pregnancy.

The vote on the Waxman substitute is, in fact, a vote in favor of effective AIDS and STD prevention, and a vote to address the crisis of teen pregnancy in this country. I urge my colleagues to support the Waxman substitute to the Dannemeyer amendment.

Mr. WAXMAN. Mr. Chairman, we are going to close, and, therefore, we reserve the balance of our time.

Mr. DANNEMEYER. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman and colleagues, I would like to show to the Members of the House the survey that we are talking about. It is some 2 inches in thickness. Time, of course, does not permit us to read all of the questions that would be involved in this survey, but I will just read some of them that would be asked.

> In what month and year did you first have sexual intercourse, and then they are asked to name the person; where did you first have sexual intercourse; in what month and year did you most recently have sexual intercourse with, and then name that person; and during the period between the first intercourse date and the most recent intercourse date were you having sexual relations every month, or were there periods of one or more months when you were not having sexual intercourse; and what months did you have sexual intercourse; and then if you and the name of this person again had sexual intercourse during a certain month, how often did you have it, once or more than once.

And so on and so forth.

Mr. Chairman, those are very intimate details that I submit are none of the Government's business.

I mentioned previously that the way to stop the transmissibility of AIDS another sexually transmitted diseases is to enforce the public health laws of this country, the cornerstone of which is reportability, and happily I can say to my colleagues in the House that the pendulum is moving in America to treat the AIDS epidemic as a public health issue, not a civil rights issue.

In conclusion let me say candidly why we in the House are debating this issue today. For the last 25 years in America we have been in an era when we are questioning the existence of standards: standards in our monetary policy, standards in human conduct, standards that question God's law that He gave man at the beginning of time in utilizing the precious gift of sex. These standards are in question in our society. We are not denying the standards God gave us. We are just questioning whether they exist and have applicability in our society anymore.

Mr. Chairman, this is why we see today that the people on this side of the Chamber mostly, the liberals in this institution, they are the ones that have brought this philosophy of denying the existence of standards to the American culture, and now they suggest we need to develop more information as to why people are conducting themselves these ways and violating the standards that God gave us.

There is one simple answer, and my colleague, the gentleman from California [Mr. DORNAN], alluded to it earlier. Sin is an ingredient that affects all of us. There are standards that God gave man to live by.

I say, "When you violate those standards, you're in trouble. We don't need to have an $18 million survey to conduct among the teenagers of this country to find out why we're producing a half million abortions a year in teenage girls. It's a tragedy what's happening in this country because we have denied the existence of standards in our society, and it's high time that we say we need to affirm those standards in order that we can move America in the direction our Founding Fathers gave us, and, if the HHS has money to spend yet lying around, they can fulfill that mandate some 4 years ago to conduct the prevalence study on the existence of the AIDS epidemic in America. They haven't gotten around to it yet, and they have the money lying around. Let them do that."

Mr. WAXMAN. Mr. Chairman, to close the debate I yield the balance of our time to the gentleman from North Carolina [Mr. PRICE], a cosponsor of the Waxman-Rowland-Price amendment.

Mr. PRICE. Mr. Chairman, I rise today in opposition to the amendment of the gentleman from California [Mr. DANNEMEYER]. This amendment, if passed, will not only damage our ability to protect the health of our Nation's citizens, but also have a chilling effect on researchers trying to develop solutions to difficult social and medical problems.

What would the effects of the Dannemeyer amendment be? No research on teen pregnancy and sexually-transmitted diseases. A severe hampering of research on infant mortality and low-birth-weight infants. The stopping of efforts to study fully the causes of breast cancer, cervical cancer, colon and rectal cancer. The stopping of research.

The research program attacked by this amendment has been endorsed by the American Medical Association, the American Red Cross, the American College of Obstetricians, the National Academy of Sciences, the American Nurses Association, the American Academy of Pediatricians, the American Psychological Association, the Child Welfare League.

Mr. Chairman, this week we saw firsthand the devastating effect of the amendment of the gentleman from California [Mr. DANNEMEYER]. A study designed to reduce the incidence of teen pregnancies and the spread of sexually transmitted diseases was cancelled by HHS Secretary Louis Sullivan in the face of political scare tactics and intimidation. This study had been approved after peer review at the National Institute of Child Health and Development and further review by NIH Director Healy and Secretary Sullivan's immediate subordinate, Assistant Secretary for Health, James O. Mason. Director Healy was quoted as saying this was "a wonderful study." It was not a study that NIH sponsored simply because of its intrinsic excellence. It was a study that promised to make a substantial contribution to the prevention and control of devastating diseases.

By the way, the questions that our colleagues take such delight in quoting—and do not even mind quoting in front of children in the galleries—our colleagues know that many of these questions were dropped from the survey 2 years ago. The others would not be asked at all until a whole series of less explicit questions were answered yes, and it was clearly demonstrated that these more explicit questions had to be asked.

Throughout my time in Congress, I have heard Members from both sides of the aisle extol the virtues of the peer review process, and to warn of the danger of having politics enter into this process. This amendment of the gentleman from California [Mr. DANNEMEYER] and the actions of Secretary Sullivan are the clearest example I can think of of politics threatening the peer review process. They endanger all scientific research, especially research dealing with difficult and intractable social and medical problems. By contrast, the Waxman-Rowland-Price amendment permits needed research to go forward, but with appropriate safeguards: that is, required approval by local ethics review boards, scientific peer review groups, and the Director of NIH.

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The American Teenage Study is designed to help the Public Health Service reach its goals of reducing teenage pregnancies and sexually transmitted diseases by the year 2000, by providing basic scientific research about why and how these problems occur among adolescents.

If we do not vote down the amendment of the gentleman from California [Mr. DANNEMEYER], we will end any hope of progress in this area. We will throw a cloak of silence over these issues, and while the problems will remain, our ability to deal efficiently with them will be ended.

Our Nations youth, Mr. Chairman, deserve better. We owe it to them to do everything in our power to ensure their adolescence is productive and healthy, rather than one which leaves them crippled and possibly facing a premature and unnecessary death.

That brings me to a final point, Mr. Chairman, one we do not easily discuss in this Chamber but one we must face in this instance, and that is the morality of what we are doing.

The sponsor of this amendment tends to cloak his rhetoric in moral terms, but I must say that I find the cynical use of this public health issue as a political football to be the very antithesis of morality.

This is not an innocent exercise. Members may be tempted to vote for this amendment as a way of avoiding attacks in their next campaigns. I was told yesterday that some Members believe this issue is "not worth falling on your sword for." Well, I beg to differ.

If we pass the Dannemeyer amendment, we will be selling out the health and well-being and in some cases the lives of our young people for the sake of our own short-term political comfort. That is not the sort of moral trade-off I am prepared to make. And I am confident that most of my colleagues, when they recognize the implications of the Dannemeyer amendment, will not find it possible in good conscience to vote for that amendment.

I urge the defeat of the Dannemeyer amendment, and I urge the passage of the Waxman-Rowland-Price substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN] as a substitute for the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that pursuant to clause 2(a) of rule XXIII, the Chair will reduce to not less than 5 minutes the time for any vote that may be ordered on the Dannemeyer amendment without intervening business.

The vote was taken by electronic device, and there were—ayes 283, noes 137, not voting 13, as follows:

[Roll No. 227]

AYES—283

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moran
Morella
Morrison
Mrazek
Murtha

Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rangel
Ravenel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NOES—137

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barton
Bateman
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Coble
Combest
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Kyl
Lagomarsino
Laughlin
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Marlenee
McCandless
McCollum
McEwen
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Myers
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Rahall
Ramstad
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—13

Campbell (CA)
Hefner
Holloway
Hopkins
Lehman (FL)
McCrery
Moody
Orton
Quillen
Sundquist
Weiss
Wilson
Yatron

☐ 1502

The Clerk announced the following pair:

On this vote:

Mr. Moody for, with Mr. Quillen against.

Mrs. LLOYD, Mr. RITTER, and Mr. RAHALL changed their vote from "aye" to "no."

Messrs. NAGLE, NICHOLS, and GILMAN changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. PANETTA]. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in House Report 102–160.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DANNEMEYER: Page 150, after line 9 insert the following new title:

TITLE XVII—GENERALLY APPLICABLE AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTES OF HEALTH

SEC. 1701. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out the activities of the National Institutes of Health for each of the fiscal years 1992 through 1996, there are authorized to be appropriated for the fiscal year involved, in the aggregate, an amount equal to the sum of—

(1) the amount appropriated for the preceding fiscal year; and

(2) 2.4 percent of the amount specified in paragraph (1).

Page 150, line 10, striking "XVII" and insert "XVIII".

Page 150, line 11, striking "1701" and insert "1801".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DANNEMEYER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. WAXMAN. Mr. Chairman, I am strongly opposed to this amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, it is interesting that this amendment would come at a time when our presiding officer as chairman of the Committee of the whole would be chairman of the Budget Committee of the House, the gentleman from California, Mr. PANETTA, because he can recall vividly just a few days ago that Mr. Darman, head of OMB, came to the Budget Committee and gave us the midyear analysis of where we are from the standpoint of the management of the economy by the Government of the United States. What Mr. Darman shared with us is that we are going to add about $400 billion to the national debt this year. Next fiscal year, starting October 1, 1992, we are scheduled to add $448 billion to the national debt.

The published figure on what the deficit will be for fiscal year 1992 is said to be about $100 billion less or $348 billion. The difference between $348 billion, the claimed deficit, and $448 billion addition to the national debt is $100 billion. How did that come about? It is the interest that the Treasury pays on the bonds held by the trust funds, and when we add to the national debt, we reflect that interest on the bonds held by the trust funds.

That is why to me the true measure of the deficit is not what we claim it is, it is what the increase in the national debt is, almost half a trillion dollars in 1 year.

Just think for a moment, the additional interest expense occasioned by this increase to the national debt in fiscal year 1992 is greater than all of the income to the Federal Government in fiscal year 1992, exclusive of social security. The reason I exclude social security is because we should not be using social security money to pay interest on the debt or general obligations of the Government. That is supposed to go to the recipients of social security.

So what this reflects is we are digging the hole deeper every day that goes on, and my amendment just says there is a course out of this morass without taking a meat ax or even a paring knife. All we do in this amendment is we do not cut anything. That may be novel to my colleagues in the House. We do not cut anything. All we do is reduce the rate of growth.

The bill before us will cause authorization for funding for NIH in fiscal year 1992 to be 6.6 percent greater than what was spent in 1991. That is substantially an increase in the inflation rate.

What my amendment does, and it has been considered by the House on many occasions, and I do not intend to take a lot of time to explain it, it will limit growth to 2.4 percent.

☐ 1510

It will limit growth to 2.4 percent. the adoption of this amendment will still permit spending to go up for HHS. It will reduce it by $349 million from what is otherwise authorized from this bill, and for all of NIH it would still permit increased spending of $98 million.

I ask for your vote.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the last amendment on the bill, and I would urge a negative vote against this Dannemeyer amendment.

The amendment could be construed as having the effect of cutting appropriations for the National Cancer Institute, the National Heart, Lung, and Blood Institute, and other NIH agencies below the level of appropriations already approved by the House for fiscal year 1992. In fact, if the Dannemeyer amendment were adopted, it would significantly reduce NIH spending below what the President requested for fiscal year 1992.

In 1991, NIH received an $8.2 billion appropriation. For 1992, the President requested $8.7 billion, a 6-percent increase.

If the Dannemeyer amendment were law, appropriations could not increase more than 2.4 percent.

This amendment represents a vote against the President's NIH budget and against the budget recommended by the House when it acted on the fiscal year 1992 appropriations bill.

The problem is not that NIH Is spending too much money. Spending on health research is an investment. We need to invest more, not less, on the NIH.

I urge defeat of this amendment.

The CHAIRMAN. Is there further debate on this amendment?

Mr. DANNEMEYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to clarify some figures I gave to the Committee. Without this amendment, spending for HHS, 1992 over 1991, will go up by $547 million, and with my amendment, that increase will be limited to $198 million. That is a 2.4-percent increase. Without my amendment, it goes up to 6.6 percent increase; with my amendment it goes up 2.4.

The only way we are ever going to tame this runaway monster in spending is just slow down the rate of growth, and if we follow this course for 5 years, by limiting growth of all programs to no more than 2.4 percent, we can significantly get on the road to having a balanced budget for this country. That is what this amendment is all about. This is the balanced-budget amendment for this bill, because that is how we get there.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 283, not voting 18, as follows:

[Roll No. 228]

AYES—132

Allard
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Chapman
Clinger
Coble
Combest
Condit
Cooper
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Geren
Gillmor
Gingrich
Goss

Gradison
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
LaRocco
Lewis (FL)
Lightfoot
Livingston
Long
Luken
Marlenee
McCandless
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Neal (NC)
Nichols
Nussle
Oxley
Packard

Parker
Petri
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Roth
Santorum
Sarpalius
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Spence
Stallings
Stump
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Weber
Weldon
Wylie
Zeliff
Zimmer

NOES—283

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bentley
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello

Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman

Glickman
Gonzalez
Goodling
Gordon
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach

Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey

Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky

Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Campbell (CA)
Clay
Dingell
Gaydos
Hefner
Holloway

Hopkins
Lehman (FL)
McCrery
Moody
Orton
Pease

Quillen
Scheuer
Sundquist
Weiss
Wilson
Yatron

□ 1530

Messrs. HENRY, STEARNS, LAUGHLIN, and JAMES changed their vote from "aye" to "no."

Messrs. RIDGE, SKEEN, and GILLMOR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, pursuant to House Resolution

202, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announcement that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 144, not voting 15, as follows:

[Roll No. 229]

AYES—274

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moran
Morella
Morrison
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Zimmer

NOES—144

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Fish
Gallegly
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kolter
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken
Marlenee
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nichols
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Rahall
Ramstad
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Slaughter (VA)
Smith (NJ)
Smith (OR)
Solomon
Staggers
Stallings
Stearns
Stump
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—15

Campbell (CA)
Gaydos
Hefner
Holloway
Hopkins
Machtley
McCrery
Moody
Mrazek
Orton
Quillen
Sundquist
Weiss
Wilson
Yatron

□ 1552

The Clerk announced the following pairs:

On this vote:

Mr. Moody for, with Mr. Orton against.
Mr. Mrazek for, with Mr. Quillen against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2507, the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, I offer a personal explanation of my absence from the floor for the vote on Rollcall No. 226, the Schroeder Amendment to H.R. 2507, the National Institutes of Health Reauthorization Bill. I was unavoidably detained. Had I been here to vote, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2507, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING SPECIAL DISTRICT DAY ON MONDAY, JULY 29, 1991

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that District day be observed, under clause 8, House rule XXIV, on Monday, July 29, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, under my reservation I yield to the chairman of the Committee on the District of Columbia, the gentleman from California [Mr. DELLUMS], to explain his request.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Virginia [Mr. BLILEY], for yielding, and I might say the rules of the House permit the second and fourth Mondays as District days, on which the House Committee on the District of Columbia can bring legislation to the floor. However, we request that District day be Monday, July 29, 1991. Rather than delay key legislation until late September, the Mayor and council of the District of Columbia have urgent needs to meet the budget reduction agreement the District entered into with Congress when we passed the 1991 supplemental appropriations package.

Mayor Dixon has sought and the committee overwhelmingly agrees to do three things: First, if need be, reduce the bottom line appropriations of independent agencies; second, carry out an employee separation program; and third, issue bonds for financing the existing general fund deficit. Each of these actions require amendments to the 1973 Home Rule Charter. H.R. 2969, amends the 1973 Home Rule Charter granting such authority as requested by the Mayor and the council.

In addition to H.R. 2969, Mr. Speaker, we would call up H.R. 2968. H.R. 2968 would waive the congressional layover period for miscellaneous council acts to remove the uncertainty of the effective dates of these local acts. H.R. 2968 authorizes no new moneys for the District of Columbia.

Mr. Speaker, I hope that satisfies my distinguished colleague from Virginia [Mr. BLILEY] by way of explanation.

Mr. BLILEY. Mr. Speaker, reclaiming my time and further reserving the right to object, I thank the gentleman from California [Mr. DELLUMS], the chairman of the Committee on the District of Columbia, for his explanation, and I would like to inform my colleagues that I support the request and the bills that will be called up on Monday. I am the sponsor, the main cosponsor, of these bills, and I believe that they are of crucial importance to the District of Columbia moving forward toward fiscal responsibility in control of its own affairs.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Virginia [Mr. BLILEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO HAVE UNTIL 3 P.M. FRIDAY, JULY 26, 1991, TO FILE REPORTS ON H.R. 2968 AND H.R. 2969, AND MAKING IN ORDER THEIR CONSIDERATION ON MONDAY, JULY 29, 1991

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until 3 p.m. Friday, July 26, 1991, to file bill reports on H.R. 2968 and HR. 2969. Further, I ask unanimous consent that it may be in order to consider H.R. 2968 and H.R. 2969 on Monday, July 29, 1991, notwithstanding clause 2(l)(6) of rule XI. Clause 2(l)(6) of rule XI requests that all bill reports be accessible to Members of the House 3 days prior to floor consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I will not object, I appreciate the explanation that the gentleman from California [Mr. DELLUMS], the chairman of the Committee on the District of Columbia, has made. It is necessary to do this to avoid a 5-week delay brought about by the recess, and I hope that the Members will support both bills.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was objection.

The SPEAKER pro tempore. The Speaker will appoint conferees on his return to the chair.

APPOINTMENT OF CONFEREES ON H.R. 2699, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

□ 1610

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Speaker will appoint conferees upon his return to the chair.

CONGRATULATIONS FOR A JOB WELL DONE ON H.R. 2507

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I take the well just to congratulate the gentleman from California [Mr. WAXMAN] on the phenomenal victory that we have had today. He has broken a 10-year chain that has really paralyzed medical research. For 10 years there has been an attempt to attach the world "adolescence" with the word "sex" so that almost all adolescent research got stopped for fear that it was really a war on puberty.

As a consequence, everyone has said, our young adolescents' health is very highly at risk, no matter whether they are Republican or Democrat or private sector or public sector. There was an attempt for 10 years to attach the word "woman" to abortion. Again we have had study after study showing that there are many, many more issues affecting women than just abortion.

Today this body turned that around under his leadership. I think it is a day we can be very, very proud. The 145 votes that would be needed to sustain the veto were not attained. I hope that sends a strong message to the administration that their decision to make this a veto item was wrong. I hope they reconsider. I hope we get into making sure we have good health policies for all Americans, not just some.

It is a good day, and I really salute his leadership on a very, very painful opposition.

A CALL FOR MORE RESEARCH ON WOMEN'S DISEASES

(Ms. OAKAR asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, we just voted on the bill related to the National Institutes of Health, et cetera, which relates to research. In the bill for the first time of an authorizing committee was $100 million for research for women, female-dominated diseases like breast cancer, like early detection for ovarian cancer.

Twenty-two thousand women die of ovarian cancer, and there is no test for early detection. Forty-five thousand women will die of breast cancer, and many, many researchers have said if they only had the means to focus in on what they believe causes these terrible diseases that not only devastate women but their families and their children and their husbands, we would be able to find a cure within 5 years.

Today the vote was 274 to 144, with 16 people not voting. If we had had 14 more votes and a change of 7 or 8 votes, we could override the President's veto.

I think the women of America and their families ought to organize and really let the people who do not support women's research have it, and that includes the administration who led the way on this issue against women's health research.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT FROM FRIDAY, JULY 26, 1991, TO MONDAY, JULY 29, 1991

Mr. MINETA. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, July 26, 1991, it adjourn to meet at noon on Monday, July 29, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SELF-CONGRATULATIONS FOR HOUSE ON NIH AMENDMENTS

(Ms. NORTON asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, this bill contains critical firsts for which the House should engage in self-congratulation. We in this country have the best science in the world. Can it continue to be the best science while leaving out relevant portions of the scientific population? Why are our premier scientists less curious about women and minorities? Why does Congress have to make them more curious?

Perhaps Secretary Sullivan has the real answer, that women's health provisions are unnecessary.

They are indeed necessary, Mr. Speaker, and today's vote has shown so. Two hundred twenty-seven thousand years of potential life are lost each year because of breast cancer. We do not even have the figures on ovarian cancer, in part because there are no good screening techniques for ovarian cancer, and that is because we have had no good research on many women's health issues.

Additional money for research on such health issues of women, Mr. Speaker, is not unnecessary. They are shockingly overdue.

INTRODUCTION OF RESOLUTION TRUST CORPORATION AUDIT ACT

(Mr. PANETTA ask and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, today the gentleman from Ohio [Mr. ECKART] and I are introducing legislation entitled the "Resolution Trust Corporation Audit Act" which will require that the General Accounting Office complete its audit that is provided for under the law of the RTC before any additional funding is provided in order to assist in the thrift crisis. At the present time the administration is requesting an additional $80 billion to bail out the S&L's on top of another $80 billion that was already provided.

However, Mr. Speaker, the General Accounting Office states that it cannot complete an audit of the operation of the RTC because of inadequate financial systems and financial data.

□ 1050

The RTC today, in just 2 years, is the largest financial institution in the United States. It has a book value of almost $320 billion from insolvent thrift institutions and has over 6,000 employees.

Let me say before we provide any additional funds for the S&L bailout, it is absolutely essential that the GAO audit these funds. So for the sake of the RTC, for the sake of good accountability, for the sake of the taxpayer, please support this legislation.

Mr. Speaker, Mr. ECKART and I are introducing legislation today, the Resolution Trust Corporation Audit Act, which will require the General Accounting Office [GAO] to complete an audit of the Resolution Trust Corporation [RTC] before any additional funding to cover net losses from the thrift crisis can be used by the RTC. This limitation would not affect funds already approved by Congress, only new financing. Specifically, our bill would prevent the obligation of any new funds by the RTC until the GAO has completed its 1990 audit of the RTC and the RTC oversight board has transmitted the results to Congress. This audit was required by the Resolution Trust Corporation Funding Act of 1991, which was enacted earlier this year, but it has not been completed.

Like many Members, I was very disturbed by the GAO testimony last month that the RTC did not have accounting systems and financial data that were adequate enough for the GAO to complete the statutory audit of RTC's 1990 operations and financial condition. In just 2 years, RTC has become the largest financial institution in the United States. It has acquired assets with an original book value of over $320 billion from insolvent thrift institutions, and the thrift cleanup is not quite halfway complete under administration estimates. The RTC now has over 6,000 employees, and it continues to grow as more insolvent thrifts come under its control. Any agency that has grown so large, so quickly, must be held to the highest standards of management and financial accountability.

Further, how well the RTC manages and disposes of the assets it has acquired could easily increase or decrease the final cost of the thrift cleanup by billions of dollars. I fully realize that much of the net loss from the thrift crisis occurred when insured institutions became insolvent and that loss cannot be recovered. Nevertheless, the value of assets acquired from insolvent thrifts can be further dissipated if the RTC fails to protect those assets, or moves too slowly to sell them, or sells assets in a way that discourages potential buyers. In short, the ultimate cost of protecting insured deposits in thrifts will depend, in part, on the RTC's performance and efficiency.

Congress has a responsibility to oversee the performance of the RTC, and independent audits may be the most important tool we have in fulfilling that responsibility. More importantly, taxpayers have the right to know that the cost of the thrift crisis cleanup has been minimized wherever possible. Again, independent audits are a fundamental source of information for taxpayers about the cost and current status of the thrift cleanup.

RTC Chairman William Seidman testified before the House Budget Committee on June 27 that he expects the RTC to have used all but $5 billion of the $80 billion previously approved by Congress to cover net losses from the thrift crisis. If that estimate is correct, the RTC will exhaust its existing net loss funds sometime in October. The administration has requested an additional $80 billion for net losses, bringing the total to $160 billion. The administration hopes that this will allow completion of the cleanup.

I believe it is inappropriate to approve additional financing before we understand how previous net loss funds have been used by the RTC. We owe it to the taxpayers and to ourselves to ensure that the GAO's 1990 audit of the RTC is completed. Our bill simply blocks the use of any new funds until the GAO has completed the audit required by law. If it is completed before we are asked to vote on additional funds for the RTC—and I certainly hope it will be—then the limitation in our bill would not go into effect. However, if the administration's request for additional net loss funds begins to move through the legislative process before the audit is complete, our bill will provide a safeguard in case the GAO audit uncovers something that should be corrected through legislation before any additional funds are used by the RTC. At a minimum, our bill indicates to the administration, to the RTC, and to the GAO the importance that Congress attaches to the RTC's financial accountability and performance.

I hope you will join Congressman ECKART and myself in ensuring that the GAO audit of the RTC is completed and in providing a basic safeguard for the taxpayers.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Public Audit Act".

SEC. 2. COMPLETION OF THE GENERAL ACCOUNTING OFFICE AUDIT OF THE RESOLUTION TRUST CORPORATION.

(a) IN GENERAL.—Any funds provided to cover net losses incurred by the Resolution Trust Corporation in connection with the resolution of depository institutions for which the Corporation has been appointed conservator or receiver shall not be available for obligation until—

(1) the Comptroller General of the United States completes the audit of the operations and the financial condition of the Resolution Trust Corporation for fiscal year 1990 pursuant to section 21(A)(k)(1)(A) of the Federal Home Loan Bank Act; and

(2) the Oversight Board submits the audited financial statements of the Corporation to the Congress pursuant to such section.

(b) PRIOR APPROPRIATIONS NOT AFFECTED.—Subsection (a) shall not apply with respect to amounts provided to the Resolution Trust Corporation under any appropriation contained in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 or the Resolution Trust Corporation Funding Act of 1991.

TRIBUTE TO BOB BARR

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RAY. Mr. Speaker, I would like to call to my colleagues' attention an article about the "Unforgettable Bob Barr" which appears in this month's Reader's Digest. It was lovingly written by Dick McMichael, news anchor for WTVM-TV, Channel 9 in Columbus, GA, also the home of the Army's premier military base—Fort Benning.

Mr. McMichael was a student of Bob Barr's as Mr. Barr turned a ragtag group of musicians at Jordan Vocational High School in Columbus into a nationally recognized and highly decorated band.

The article recounts the self-confidence and self-discipline that Bob Barr instilled in each of his students.

Bob Barr's instruction to his students was: "Give it your best, then you can be the best." All of us can learn from such sage advice, and I submit the article for the RECORD, with my compliments to its distinguished author and commentator Dick McMichael.

[From the Reader's Digest, July 1991]

UNFORGETTABLE BOB BARR

(By Dick McMichael)

The first time we saw Bob Barr, the 17 members of our band were sitting on the stage at Jordan Vocational High School in Columbus, Ga. We squirmed as he towered above us.

"Let's see how well you can follow me," he said ominously, looking in my direction and lifting his baton. A self-taught drummer, I had volunteered to play our battered bass drum.

At that moment our band was truly the worst in the land. It was 1946, and we were poor kids whose parents worked in mills and foundries. Until a year earlier, we had neither instruments nor a director.

Now, Bob Barr had come to Jordan Vocational to decide if he would take the job. He had distinguished himself as a member of the Indianapolis Symphony Orchestra. But we feared that when he heard us, he would smile politely and walk away.

His baton streaked downward, and we began. It must have sounded terrible. We had inherited junkstore horns and drums. Most of us couldn't read music. But Bob Barr didn't let on that we played badly. "Nice!" he whispered to the trumpeter whose first note miraculously hit on cue. "Not bad!" he lied as our last chord echoed in the auditorium.

Then he said to me, "You followed very well!"

It was the first compliment I had ever received. I was a classroom failure. Except for band practice, every school day was torture.

"Will you take the job?" I blurted out as he turned to leave.

He looked at me for the longest time, then said, "I probably will." To this day no one is certain why he did.

Best in the Land. Like our families, Robert M. Barr's had little money as he was growing up. When he was five, his father died. His mother worked as a hotel maid in Konawa, Okla. When he was eight, an old Seminole Indian taught him to play trumpet. A local bandmaster coached him on the tuba and got him a scholarship to the Cincinnati Conservatory. There, Bob Barr won a national championship and joined the Indianapolis Symphony. Drafted into the Army in 1943, he was soon directing a soldiers' chorus at Fort Benning, Ga.

"You want to be a real band?" he asked soon after he joined us. We nodded enthusiastically. "Then don't be satisfied until you're the best in the land."

He walked over to a pile of records he had brought and placed one on a turntable. The auditorium reverberated with the majestic fourth movement of Beethoven's Ninth Symphony. We listened in rapt silence. We had never heard such music before.

"Beethoven was deaf when he wrote that," Mr. Barr said at the music's finale. "Are you deaf?"

"No," we answered, wide-eyed.

"Do you have good eyes, strong hands and at least half a brain?"

"Yes!"

"Then," he concluded with a flourish, "you can be the best!"

We cheered. For the first time in our lives we let ourselves hope that, maybe, we could amount to something.

Few Jordan students even dreamed of college or good jobs. We expected to take our parents' places in the mills and factories. But Mr. Barr held out a different dream.

"If you want to be the best," he said on our last day of school that year, "it will mean giving it everything you have. Be here for practice tomorrow morning at eight o'clock."

We looked at him, stunned. Tomorrow is Saturday and Monday we start summer jobs," we said.

"No vacations, no weekends, no summers for us if you want to be winners," he said.

"Yes sir," we replied. And from that moment we were his.

Bob Barr and his wife, Annie, moved into a red-brick cottage near the school. Often after Saturday-morning practice, Mr. Barr would invite the band home for breakfast. Annie welcomed all with smiles, hugs and endless stacks of pancakes. That little cottage became the band's second home.

Stay With It. One day Mr. Barr said to me "You're the percussion leader now. The one instrument I can't play is the drum. So you'll have to teach it for me."

It was one of his best tricks: entrust a youngster with responsibilities, then help him accomplish them.

That summer was my happiest. I taught percussion by staying one lesson ahead of my class. When I couldn't figure out a difficult passage, I would knock on Mr. Barr's office door. Together we would talk a little about timpani and cymbals—and a lot about life.

A Bob Barr rehearsal was a never-to-be-forgotten experience. When we reached our goals, he praised us with a smile or a wink. When we failed, he badgered and bullied us. He was known to stop the music, break his baton into little pieces and throw them at an offender.

In two years the band grew from 17 to 85. Mr. Barr personally recruited most of the members. He scrounged up instruments. He visited parents to work out ways to keep every member in the band. He arranged for loans for needy students. Eventually, he persuaded the town to provide us with proper uniforms and a music room.

Mr. Barr loved to plan our half-time shows for Friday-night football. He would walk on the hill above the field and shout orders at us "like Zeus from Mount Olympus," as he put it. He would rush about pinning battery-powered lights to our shoes or stuffing our smallest player into an old bass drum for a surprise appearance at show's end.

In 1948, my senior year, Mr. Barr appointed me drum major. "Next Friday I want you to try something new," he told me. We were out on the practice field. Mr. Barr was dipping a baton into a can of kerosene.

"Twirl it," he said, handing it to me with both ends flaming.

I swallowed hard and began. The flames stinged my arms. I tossed the baton high into the air. We both watched the fiery missile falling. It landed, hissing, on the ground.

"Good work, Richard," Mr. Barr said, relighting the baton. "Keep tossing it until you succeed."

Then he added something I have never forgotten: "Whatever you do," he said, "stay with it. See it through. Master it."

During the next six days, I spilled a lot of kerosene and set a patch of field on fire. But on Friday when the lights went out, I tossed that flaming baton high in the air and caught it to thunderous cheers and applause. And I knew what Bob Barr was thinking: See, you can be the best if you give it everything you have.

Terrible Silence. Over time we could hear the difference in our playing. Bob Barr could too. "You must have eaten raw meat and gunpowder for breakfast!" he'd exclaim when we captured the spirit of a great march.

"Get this," he told us after one game. "The coaches sneaked out of the locker room to hear you play!"

Bob Barr wasn't content with traditional band music. Once, as the band sat behind closed curtains before a concert for townpeople, Mr. Barr made a surprise announcement. "Last weekend I told members of the Atlanta Symphony that we would perform the piece by Mendelssohn tonight," he said, grinning wickedly. "They were shocked. They said even if I had successfully worked out an arrangement of the piece for a concert band, high-school players couldn't handle it."

The houselights dimmed. "I bet them you could," Mr. Barr continued, "and they've come tonight to prove me wrong."

Everyone gasped, unable to believe musicians from a symphony orchestra would come to hear the Jordan Vocational High School band.

As the curtains opened, Mr. Barr whispered his usual advice, "Give it everything you got!"

In moments, the band launched into Mr. Barr's arrangement of Mendelssohn. When the piece ended, there was a terrible silence. No one moved. Suddenly, the applause began in waves. People rose to their feet and cheered. Mr. Barr just stood, smiling at his band, tears running down his face. And there, in the balcony, was a scene the band would never forget—members of the Atlanta Symphony standing, waving handkerchiefs and shouting bravos.

Band of Achievers. Just before my graduation in 1948, Mr. Barr called me to his office. "McMichael," he said, "what do you really want to be?"

"A radio announcer," I said, sharing my secret dream. A few days later, he told me that Ed Snyder at radio station WDAK wanted to see me. Ed soon helped me land my first announcing job and launched my career in radio and television.

Larold Ragland is another of the hundreds whose lives were influenced and careers helped by Bob Barr. Larold, as I recall him, was thin as a rail and looked like he had just fallen off the turnip truck. But Bob Barr saw something in him.

One day Mr. Barr handed him the band's latest acquisition.

"What's this?" Larold said.

"It's a bassoon, and you're going to learn to play it."

Larold gave the instrument everything he had. Before long, he became the first (and only) bassoonist in our band. He went on to become a bassoonist with the National Symphony Orchestra in Washington, D.C.

John Henry Armstrong was failing at school, working nights at the mill, and spending his spare time hanging around a local gym with a gang. Some of its members ended up in prison. Not John Henry. Bob Barr gave him a baritone horn and lessons. Then he scheduled so many practices that John Henry had to drop his gang friends.

When John Henry didn't have $7.50 to buy white shoes to match his uniform, Mr. Barr gave him shoes as a gift. Nevertheless, when John Henry acted up at rehearsal, Mr. Barr tossed him out "forever."

The next day, Mr. Barr stopped practice and yelled, "Where's John Henry?"

"You kicked him out yesterday," I reminded him.

"Well, he's back in today. Go find him."

When John Henry was wounded in Korea, Mr. Barr called his home every day for news. Later, John Henry completed university degrees and today helps handicapped kids.

Because of Bob Barr's example, we achieved in ways we hardly dared imagine. Robert George, whose trumpet skills were honed by Mr. Barr, when on to become chairman of Lummus Industries, the world's largest manufacturer of cotton gins. Percussionist Jim Fletcher teaches humanities at a local high school—and plays in the Columbus Symphony. And trumpeter Jimmy Cross became chairman of the South Trust National Bank in Phoenix City, Ala.

Cross was at New York City's Lewisohn Stadium in 1952 when the Jordan Vocational High School band represented Georgia in the American Legion national competition. The band's concert entry, Beethoven's Egmont Overture, moved 50,000 Legionnaires to a standing ovation.

"If we win a prize," Mr. Barr said softly as the band stood at parade rest, "we will not throw our hats in the air. We will be disciplined. We will snap to attention and play our fanfare of thanks."

Already, they had stood for three hours while other bands performed. Legs wobbled, and uniforms were soaked with sweat. A majorette fainted and was carried off. Still, no one moved.

The third-place winner was announced. Its members shouted, hugged and danced. When Mississippi won second place, Southern delegates yelled, screamed and sang a ragged "Dixie."

Then the top award was announced: "The gold cup goes to Jordon Vocational High School."

Two hundred-twenty heels clicked together, and the audience cheered as the fanfare echoed throughout the stadium.

For a moment, Bob Barr's band was the best in the land. He had planted a dream in our hearts. And in six years the dream had born the sweet, ripe fruit of victory.

Final Fanfare. After nearly two decades at Jordan, Bob Barr moved east with Annie and their three children to accept a new high-school teaching post. Then, on December 17, 1974, he suffered a stroke that made walking difficult and talking almost impossible. But recognition for his achievements continued. In 1987 the John Philip Sousa Foundation included his Jordan band in its Historic Role of Honor.

On May 17, 1988, Robert M. Barr died in his sleep. He was 69. As the news spread, former band members began seeking a way to pay their respects to the man who had so changed their lives.

A few months later, during a Jordan Vocational High School Friday-night football game, 110 of us from across the nation gathered to play a final fanfare of gratitude.

Middle-aged or older, most of us hadn't practiced in years. We couldn't fit into the uniforms let alone march the full length of the field. Old instruments had been lifted from dusty cases and polished to perfection. Wrinkled sheets of long buried music, some of it written in Mr. Barr's own loving hand, were taken out and fastened in our lyres.

At halftime, we stood at parade rest. I had volunteered to announce the show on the stadium public address system: "Ladies and gentlemen, presenting the Bob Barr Memorial Band."

Once again, Jimmy Cross lifted his trumpet. So did John Henry Armstrong, though he couldn't play the first notes. His vision momentarily blurred with tears. Grandmothers and grandfathers marched up the 50-yard line, playing our favorite "St. Louis Blues."

"Give it your best . . ." someone whispered, and suddenly Mr. Barr seemed to be there on that hill, pacing back and forth, yelling orders like Zeus from Mount Olympus: "Play it! Give it everything you've got!" we heard him shout. And we knew that as much as he had loved his music, he loved us more.

Once again we heard the drum major's whistle and played with all our might. The people in the packed stands jumped up, cheering us.

Once again we were marching and playing in Bob Barr's best band in the land.

WHERE IS THE REAL VICTORY IN THE PERSIAN GULF?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS. Mr. Speaker, like most of my colleagues, on the Fourth of July, I celebrated our victory in the Persian Gulf.

I marched in parades. I waved the flag. I wore a yellow ribbon.

I joined with others in celebrating the homecoming, safe and sound, of the brave men and women who had the courage to fight for our country and our cause in the gulf.

I joined too in remembering the sacrifice of those who did not come home, those who lost their lives in the desert sands so that others might be free.

I joined as well in the prayers of thanksgiving that the numbers of those we lost were so few.

Yet amid all the marching and the flagwaving, amid all the thanksgiving, amid all the celebrating something seemed to be missing. And something is missing now. What's missing is a real and enduring victory.

Mr. Speaker, in January, in my very first vote as a Member of this House, I voted to give the President of the United States the authority to use military force against the armies of Saddam Hussein.

I'm proud of that vote. I'm proud our President, our Congress, and our Nation had the courage to lead other nations in the fight for freedom in the Persian Gulf.

I believe fervently in the abiding dream of a world in which nations come together and act together to stop aggression and help secure peace and freedom for all people, everywhere.

I believe people everywhere are entitled to basic human rights. And I believe we Americans have a special role and a special responsibility to help affirm and defend those rights wherever they are threatened.

So, in January, I supported and I applauded our national resolve in the Persian Gulf. Now, 6 months later, I wonder where that resolve has gone. And I wonder what it has really accomplished.

While we parade here at home, Saddam Hussein is still in power in Iraq.

While we have our flags, thousands of Kurdish refugees are still dying at the hands of the dictator we supposedly devastated.

While we wear our yellow ribbons proudly, the children of Iraq are starving, the armies of Iraq are rebuilding, and Saddam Hussein is plotting anew to pave his path to conquest with weapons of mass destruction.

Even as I speak, he is still concealing the makings of nuclear weapons.

We may celebrate victory. Yet little has changed. So long as Saddam Hussein is in power, our victory is more vanity than victory.

He murders his own people. He remains a threat to his neighbors. He remains a potential threat to the world. And one day he will seek his revenge.

This is not the new world order that I envisioned with my vote on January 8.

Understandably, there is a temptation to bask in the sunshine of our summer parades and turn away from the inconvenient conflicts that continue in the Persian Gulf.

It's nice to win one for a change. It's nice to feel good about ourselves. It's tempting to ignore the pictures and the pleas of all those hungry, frightened Kurdish children. After all, we have hungry children of our own, and many other pressing needs, here at home.

But America is better than that. We Americans are better than that. That's what makes our Nation so special. Throughout our history, we have been willing, time and again, to stand up for something more than just ourselves.

And we must do so again.

Mr. Speaker, I urge the President of the United States not to turn away from our responsibilities in the Persian Gulf. The same reasons that sent us there compel us to act there now. Our victory is not yet won.

We stopped too soon in the Persian Gulf, and we must finish what we started.

In concert with the United Nations, we must remove Saddam Hussein from power. We must bring him to trial for his crimes against his people and the world. We must eliminate all traces of nuclear weaponry and materials from Iraq. We must maintain tough sanctions. We must not be content with replacing one brutal dictator with another. We must work actively for freedom and democracy in Iraq, Kuwait, and the rest of the Middle East. And if all this takes renewed military force, we must be willing to use force.

We must not let our yellow ribbons fade.

INTRODUCTION OF H.R. 3040, THE UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing, together with the Honorable TOM DOWNEY, acting chairman of the Subcommittee on Human Resources, and 12 other members of the Committee on Ways and Means, H.R. 3040, the Unemployment Insurance Reform Act of 1991. This bill restores extended benefits to long-term unemployed workers; equalizes benefits for ex-military personnel to those for civilian personnel; restricts unfair disqualifications of otherwise eligible workers; funds a demonstration of the cost effectiveness of job search assistance; requires the Department of Labor to develop a new method for distributing administrative funds to States; encourages States to accumulate adequate trust fund reserves; and provides a fiscally sound way to pay for its costs.

The bill restores extended benefits to long-term unemployed workers by replacing the ineffective extended benefits program with a new Federal Supplemental Compensation Program. This program would be financed entirely by Federal taxes. On top of the normal 26 weeks provided by the regular State programs, the bill would provide additional weeks of benefits, depending on the unemployment rate in each State. In addition, the bill would reach back to provide benefits to workers who have exhausted their basic benefits since the beginning of the year.

Under the bill, an additional 10, 15, or 20 weeks of benefits would be provided to unemployed workers, depending on whether a State's unemployment rate was at least 6, 7, or 8 percent, respectively, and on whether that unemployment rate was at least 20-percent higher than the average unemployment rate for that State in the prior 2 years. Any State not qualifying under these criteria would be eligible for 5 additional weeks through fiscal year 1992. Moreover, anyone who runs out of benefits before the date of enactment, but after December 31, 1990, and who did not receive extended benefits already, would receive 5 weeks of benefits.

Although some economists have speculated the recession is about to end or has ended already, the need for an extension of unemployment insurance will be even greater in the months to come. From past recessions, we know that the rate at which workers run out of benefits begins to rise about 6 months after a recession starts. This recession is no different. In fact, the rate at which workers are running out of benefits has climbed from about 28 percent to 33 percent, and the number of workers running out of benefits each month is up from about 200,000 last July, to over 300,000 today. This translates into over 1 million more workers running out of benefits this year compared to last year for a total that could reach 3.5 million.

Others have pointed to an unemployment rate in June of only 7 percent to suggest there is little need for an extension. Yet the Joint Economic Committee has found that the rate of job loss in this recession has been more severe than the average of the last five recessions. At the same time, the current extended benefits program activated an additional 13 weeks in only eight States, and today it is activated in only three States. In contrast, during a comparable recession in 1980, all States were activated on extended benefits. What more evidence do we need?

H.R. 3040 also equalizes benefits for ex-military personnel to civilian benefits. Under present law, ex-military personnel must wait 4 weeks to receive, at most, 13 weeks of regular benefits, while civilians must wait only 1 week to receive up to 26 weeks of regular benefits. As if to add insult to injury, activated reservists must serve 180 consecutive days on active duty before they become eligible for unemployment benefits. This bill would change this unacceptable practice by requiring 90 days of active service, and providing a 1-week waiting period and up to 26 weeks of benefits. Reservists and other military personnel who served in Operation Desert Storm deserve better benefits, and this bill provides them.

H.R. 3040 restricts unfair disqualifications of otherwise eligible workers by prohibiting States from canceling an individual's benefits rights because he was disqualified from receiving benefits for a period of time, or because he quit a previous job even though he was laid off from his most recent job. Also, the bill would allow States to provide benefits to school custodians, cafeteria workers, and other nonprofessional school employees between terms and require States to approve cost-effective training for workers who had received benefits for at least 10 weeks.

The bill funds a three State demonstration of intensive job search assistance, which was already demonstrated to be highly cost effective in New Jersey. The intent of this provision is to replicate and expand on the results of the New Jersey demonstration. This should provide the basis for a reinvestment in job search assistance, the effectiveness of which successive administrations either have forgotten or, for some strange reason, ignored.

The bill addresses trust fund and administrative problems by rewarding States who have accumulated adequate reserves and by requiring the Department of Labor to propose a new method for allocating funds among the States. This should help to reduce State program insolvency and promote efficiency in the administration of the system. In addition, it establishes a quadrennial advisory council, to advise Congress on the Unemployment Insurance system.

Finally, H.R. 3040 is properly and adequately financed. The bill gives the President an important choice when he signs the bill into law. He can either declare an emergency and not impose the taxes contained in the bill, or he can allow the additional Federal unemployment taxes to take effect to meet the 6-year cost of the bill. If the President chooses the latter course, the tax increase would not go into effect until 1993, giving the economy a full 1½ years to expand and recover from the current recession.

My colleagues know that I am a strong supporter of the pay-as-you-go requirements enacted last year. The pay-as-you-go policy had been observed by the Committee on Ways and Means long before the Budget Enforcement Act was passed last year. However, I recognize that some believe this recession constitutes an emergency within the meaning of the Budget Enforcement Act, while others do not want to raise taxes shortly after the recession is over. I appreciate these views, and that is why the bill offers the President a choice. When the time comes, the President can consult with his economic advisors and choose the prudent course.

I am proud to introduce H.R. 3040 today. We have postponed needed reforms of the unemployment insurance system because some said the time was not right. Now we are in a recession, and some say the time still is not right. They say we should pass an emergency bill and worry about reforms later. But later they will again say the time is not right for reforms. Mr. Speaker, now is the right time for forceful action. There is a lot of pain in America today. We should pass this unemployment benefits bill while the workers need the benefits. We should reform the system before it is too late. I urge my colleagues to support this bill, and pass it as soon as possible. America's workers expect and deserve nothing less.

□ 1600

TRIBUTE TO MIKE MASARU MASAOKA

The SPEAKER pro tempro. Under a previous order of the House, the gentleman from California [Mr. MINETA] is recognized for 60 minutes.

Mr. MINETA. Mr. Speaker, it gives me a great deal of honor to take this 1 hour special order honoring a gentleman by the name of Mike Masaru Masaoka.

Mr. Speaker, many great Americans have served our Nation well by serving the American people as Representatives to this House.

These were men and women of principle.

These were men and women like James Madison and Abraham Lincoln, Jeanette Rankin and Fiorello LaGuardia, John F. Kennedy and Sam Rayburn.

But the House of Representatives has never had a monopoly on Americans who have represented principles of distinction here in Washington.

Many ordinary Americans have been called upon to do extraordinary public service without the benefit of elected office.

Mike Masaru Masaoka was such a man.

I believe—and I do not say this lightly—that Mike Masaoka will be remembered as one of the greatest Americans of the 20th century.

Future generations of Americans, no matter what their ancestry may happen to be, will reap the benefits of Mike's life-long passion and commitment to building bridges rather than walls between people.

I was proud to call on him as a friend, as a leader, and prouder still to be related to him as a brother-in-law.

His death 1 month ago—on Wednesday, June 26—has left me sad and empty, but grateful for all the wonderful and irreplaceable memories I have of him during the last 52 years, and for all that he achieved for Americans of Japanese ancestry.

Mike was driven by his unfailing commitment to improving the lot of all generations of Nikkei.

More importantly, he succeeded.

Fine obituaries were published about Mike all around the World. In the New York Times, the Asahi Shimbun, the Washington Post, Jiji Press, the Honolulu Star-Bulletin, and elsewhere.

The New York Times called Mike, "a dedicated combat vetern who worked to restore the rights of Americans of Japanese descent after World War II."

This Mike did.

During the Second World War, Mike helped to organize the legendary 42d Regimental Combat Team, the all-Nisei military force that went on to become the most decorated military unit in American history.

For his combat service in the field, Mike was awarded the Bronze Star, the Legion of Merit, and the Italian Cross for Military Valor.

Mike moved to Washington after the war as the legislative representative of the Japanese American Citizens League.

Working almost singlehandedly at times, but always with a boundless sense of justice, Mike persuaded Congress to compensate Americans of Japanese ancestry for the property losses that resulted from their internment during the Second World War.

The Evacuation Claims Act of 1948 also paved the way for an even greater achievement 2 years later: the repeal of the Japanese Exclusion Act of 1924, a racial discrimination law which had barred his parents and mine and thousands of others from becoming American citizens.

But as I stand here, Mr. Speaker, and tell you and my colleagues about Mike, I realize that Mike would not have wanted me to stand here and speak of his life as though it were a resume.

So I will not.

I will speak from the heart.

His heart.

How can I sum up the essence of the man known and respected and loved by so many countless Americans?

Well, I believe I can tell Mike's story in two ways: in words written about him, and in words written by him.

In 1949, the Reader's Digest published a wonderful profile of Mike.

How can I tell you in words what a breakthrough that article was for him and Americans of Japanese ancestry?

How can I recapture the feeling embodied when such a nationally recognized magazine called Mike, "Washington's most successful lobbyist," unquote?

How can I explain the sense of pride felt by Americans of Japanese ancestry we read of Mike working so tirelessly and with such a fire of justice in his soul to eliminate the laws which had forbidden our parents from becoming United States citizens?

How can I tell you what it was then like the following year to watch as our parents went to citizenship classes, and then as we got to watch them as they held up their hands to become American citizens?

If you want to know the truth, I'm not sure that I can answer these questions.

It's not that you had to have been alive at the time to have felt our vindication.

It's not that you had to have been an American of Japanese ancestry to have felt our pride.

But the moment of that breakthrough into the mainstream of American life came at a time when our country was trying to find its way in a world seemingly obsessed with paranoia.

We had experienced that paranoia for ourselves when our own Government branded us as disloyal during the Second World War and had rounded us into internment camps, supposedly for our own protection.

But in 1949, 4 years after the end of the Second World War, the propagandists said that Communists were everywhere.

Only so-called real Americans were to be trusted, said the racists.

But to Mike, there was no such a thing as a foreign face in America.

He lived by that principle.

He led the way to removing the libel of disloyalty that stuck to us like flypaper until the enactment of the Civil Liberties Act of 1988, which redressed our forced removal and internment at the hands of the U.S. Government.

And he began that long struggle alone here in Washington more than 40 years earlier, with Etsu, his wife.

> In his work, Mike feels that deep down he is the conscience of America. He typifies all minority groups in their struggle to win acceptance as equal partners in America.

Reader's Digest said that of Mike, and down through the years Mike's conscience has become that conscience of America.

But I do think that if there is to be a legacy written of Mike, no one is better able than he to do so.

In his book, "They Call Me Moses Masaoka," Mike writes:

> I believe my most important achievement * * * was persuading Congress to eliminate racial discrimination from immigration and naturalization laws, thereby making the assertion that Asians were entitled to share the American dream.
>
> My most difficult decision was to urge cooperation with the Federal Government in the suspension of our rights as Americans as our patriotic contribution to the [Second World War] effort.
>
> We were told that this was a matter of military necessity and we had no way of disputing that contention, nor could we risk the possibility of bloodshed if we stood on our rights and resisted military orders * * *.
>
> My worst mistake was believing in the absolute integrity of the Constitution. Neither I nor anyone in the JACL leadership suspected that our citizenship would be rendered a mere scrap of paper under pressures generated by war hysteria.
>
> This experience taught me the need for perpetual vigilance in defending our rights.
>
> My greatest hope is that we have laid a foundation for world peace, with dignity, equality, freedom, and opportunity for all.

Mike's hopes are hopes for us all, hopes we all share.

In my own life I know I have been touched by few truly great people.

My father was one such person.

He taught me never to forget who I was or where my home was—San Jose, CA—or who I was responsible to: my God, my conscience, my family, my community, my country, and my humanity.

Mike believed very strongly in these same qualities, and he taught us the same ethic, but not as words out of a book.

He taught that lesson by example.

He taught it as a spirit born of the soul, carried in the heart, remembered in the mind, and guaranteed in law.

President Nixon recognized this in Mike when in 1972 he awarded Mike a commendation for, "exceptional service to others, in the finest American tradition."

And so it now becomes our responsibility to carry on Mike's legacy.

Each new victory has been a building block to the next accomplishment.

In Mike's mind, there was no ultimate victory—just a series of successes leading to others.

So in the world of frail human relationships, we can only attempt to carry out what Guyo Okagaki Tajiri wrote in the JACL Hymn, which Mike loved so very much:

There was a dream my father dreamed for me,
A land in which all men are free.
Then the desert camp with watchtowers high,
Where life stood still 'mid sand and brooding sky.
Out of the war in which my brothers died,
Their muted voices with mine cried,
This is our dream, that all men shall be free,
This is our creed, we'll live in loyalty.
God help us rid the land of bigotry,
That we may walk in peace and dignity.

To that I say, Amen.

Mr. Speaker, may our feet be steadfast in walking the path Mike walked to serve this Nation.

But more then our feet, Mr. Speaker, let us use the vision in our minds and the strength in our souls in a vigil against injustice whenever and wherever it may occur—now, and in the future.

That would be Mike's prayer for our Nation.

May we listen to that prayer, Mr. Speaker, and answer it always as Mike would wish us to do.

□ 1620

Madam Speaker, I yield to the very distinguished gentleman from California [Mr. EDWARDS], the dean of our delegation.

Mr. EDWARDS of California. Madam Speaker, I thank the gentleman from California, my colleague and dear friend, Congressman NORMAN MINETA, for yielding to me and for arranging this series of importance speeches in honor of our departed friend, Mike Masaoka. I might add that I was enormously touched by the wonderful speech and words of description of Mike that NORMAN MINETA has just made.

Madam Speaker, it is with deep personal sadness that I rise today to pay tribute to Mike M. Masaoka, the longtime Washington representative of the Japanese American Citizens League, who died June 26, after a long and remarkable career in Washington.

The life story of Mike Masaoka was his continuing struggle to make the Constitution and the Bill of Rights a living reality for all Americans, and especially for those who share his Japanese ethnicity and others who are of Asian and Pacific ancestry. In 1987, Mike shared his life story by authoring his autobiography, "They Call Me Moses Masaoka." It is, as the New York Times noted, "an important and sobering book * * * (and) the stuff of American Folklore."

I first met Mike after I was elected to Congress in 1962 when his wife Etsu introduced us. As an attorney and businessman in San Jose, I knew Etsu's family, the Minetas, as respected leaders of the Japanese-American community there. I remember particularly Etsu's articulate and activist youngest brother, who later became the first Japanese-American mayor of a major city in the United States and is now our distinguished colleague, NORMAN MINETA.

We Members of Congress who have been lobbied extensively by highly organized and well-financed individuals and organizations should marvel at how Masaoka, representing the JACL in the period immediately after World War II, was so successful. Representing a tiny, unpopular constituency with practically no funds with which to operate, Mike managed a husband-and-wife endeavor to secure justice and equality when the hatreds and wounds of World War II still haunted almost every office.

Almost singlehandedly, he succeeded to the extent that actually hundreds of private and public bills became law, including for the first time equitable opportunities for immigration and naturalization to those of Japanese, Asian, and Pacific ancestry. By his effective lobbying, he helped start the whole post-World War II movement for greater minority rights.

Mike also played a key role in lobbying to enact the law to provide an apology and redress to Japanese-Americans incarcerated during World War II, the Civil Liberties Act of 1988. Mike eloquently represented the Japanese-American veterans, who volunteered to serve their country despite the fact that their families were interned at the same time. The Japanese-American veterans suffered enormous casualties and were among the most decorated units of the war.

The Civil Liberties Act of 1988 was one of the greatest accomplishments of this body during my tenure here, recognizing the grave mistake made by the U.S Government in World War II and taking concrete steps to right this wrong. Mike Masaoka was a key part of making this happen.

In his autobiography, Mike revealed how he simultaneously contributed to influencing the historic peace treaty with Japan, one of reconstruction and rehabilitation and not of traditional revenge and reparations, contending that an implacable foe could become a formidable and reliable ally. He also had an input into the development and expansion of trade and economic and other relationships which have become mutually cooperative and profitable. Mike defined his personal responsibility as an Ameircan who desired to assure the country of his citizenship a potent and responsible ally in the land of his ancestry in at least the Far East as a dependable, trustworthy bilateral partner.

Madam Speaker, Mike Masaoka led a distinguished and accomplished life in Washington, influencing the debate and making America a better country for all Americans. I and our nation will miss him.

□ 1630

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MINK). The Chair would like to announce to the House that there will be further legislative business after the conclusion of the special order by the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I am very pleased to yield to my very distinguished friend and very close friend and colleague, the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Madam Chairman, I would like to thank the gentleman from California [Mr. MINETA], and I would like, if I may, to just take a moment to commend him for his very, very fine remarks on the floor regarding Mike Masaoka. I thought they were, as the gentleman from California [Mr., EDWARDS] said, very warm and moving, and remarks that I believe the American community of Japanese-Americans will cherish for some time to come.

Madam Speaker and Members of the House, I have known Mike Masaoka since 1966 when I was a young lawyer in Sacramento County, and I have to tell you that since I have known this gentleman, I feel that I have grown and that he has had a profound, lasting impact on my life, on my beliefs, who I am and what I stand for.

Mike Masaoka is truly a giant, not only for Americans of Japanese ancestry but for all Americans. Both the gentleman from California [Mr. MINETA] and the gentleman from California [Mr. EDWARDS] spoke about Mike's career, but I would like to speak for a moment about one incident in his life, a major incident, that affected about 120,000 Americans who happened to be of Japanese ancestry.

After Pearl Harbor, in April 1942, American citizens, 120,000 of them, because of Executive Order 9066, were given 72 hours' notice to leave their homes and neighborhoods, communities, take only what they could carry with their hands, and they were transported by train to 11 interment camps throughout the United States.

I was a 6-month-old child, having been born and raised in Sacramento. My mother and father were in their twenties, and they were also born and raised in Sacramento. The gentleman from California [Mr. MINETA] was born and raised in San Jose and was an 11-year-old child.

We, along with our families and 120,000 others just like us, for 3½ years, were locked up behind barbed wire fences by our own Government.

Mike Masaoka was a 26-year-old young man. He had been living in Salt Lake City, UT. He had been born in Fresno, CA, but at a young age after his father had been killed in an auto accident, his mother, he, and his seven brothers and sisters moved to Salt Lake City. Mike was interned in these camps at the age of 26, as I mentioned.

Mike did not brood. He did not condemn his Government. He did not condemn what happened to him. Instead, Mike made a statement, and he asked that it be read on the floor of the U.S. Senate. I think his words are as meaningful today as they were in 1942 when they were read on the Senate floor while he and his mother and seven brothers and sisters were locked up by his own Government, and I would like to take a moment to read these very short three paragraphs, because I think it sums up what Mike Masaoka means not only to me but to all Americans. He said:

> I am proud that I am an American citizen of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this nation. I believe in her institutions, ideals and traditions; I glory in her heritage; I boast of her history; I trust in her future. She has granted me liberties and opportunities such as no individual enjoys in this world today. She has given me an education befitting kings. She has entrusted me with the responsibilities of the franchise. She has permitted me to build a home, to earn a livelihood, to worship, think, speak and act as I please—as a free man equal to every other man.
>
> Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way; aboveboard, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in my belief that American sportsmanship and attitude of fair play will judge citizenship and patriotism on the basis of action and achievement, and not on the basis of physical characteristics.
>
> Because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her Constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign or domestic; to actively assume my duties and obligations as a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a greater America.

□ 1640

This was read by Mike on the floor of the U.S. Senate, by a Senator at a time when he was incarcerated by his own Government. But that is not all Mike did. What Mike did is probably unique in the history of the human mind.

He decided, with a group of others such as Senator DAN INOUYE, that they had to show their loyalty was to their government, in spite of the incarceration, in some real tangible way. So Mike, and a group of people of Japanese ancestry, while they were incarcerated, decided that they were going to ask the U.S. Government to release them from the camps so that they may fight on behalf of the United States in Europe against the enemies, Nazi Germany. Therein lies the birth of the 442d Combat Troop, which as the gentleman from California [Mr. EDWARDS] said, was the most highly decorated combat troop in the history of the U.S. Army. Four Masaoka joined the Army in that combat troop. One died. One was permanently disabled. Another was wounded. Together, they received 12 medals, including 8 Purple Hearts and Bronze Stars from the U.S. Government.

Mike Masaoka, more than any other person, proved that American citizens of Japanese ancestry were, in fact, loyal, in spite of the fact that they were incarcerated by our own Government.

I cannot believe that anywhere in history there is another case where an individual, a group of individuals, would volunteer to fight for their country while they and their families were locked up, and only a person who has the vision of a Mike Masaoka could have taken such steps and such actions.

Mike died on June 26 of this year. He was 75 years old. He lived a very, very full life. He was a leader in the civil rights movement in Washington, as the two gentlemen from California [Mr. EDWARDS] and [Mr. MINETA] have stated. He not only participated in the August march on Washington with Martin Luther King, Jr., but he also was a leader in immigration reform, in the civil rights bill of the 1960's, and the bill to provide an apology and redress to Americans of Japanese ancestry. He urged the Japanese-American community to file a brief in the case of Loving versus Virginia in which the antimiscegenation laws were overturned by the U.S. Supreme Court. All through his life he was a great believer in the rights of the individual and the responsibilities of the individual to their country and as a citizen.

Mike died last month. We will probably never see another individual like him. I would have to say that as an American of Japanese ancestry I am so proud of my heritage, mainly because of Mike Masaoka. Mike, we will miss you.

Mr. MINETA. Mr. Speaker, I believe we have legislative business to conduct at this point. If I could retain my time remaining, I shall yield for the legislative business.

The SPEAKER pro tempore (Mr. BONIOR). The gentleman from California [Mr. MINETA] has 30 minutes remaining.

APPOINTMENT OF CONFEREES ON H.R. 2506, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. LEWIS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2506 be instructed to agree to the amendment of the Senate numbered 16.

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

Mr. LEWIS of California. Mr. Speaker, I will only take a moment, and will yield whatever time is necessary to my colleague if he wishes to respond or comment.

The motion essentially addresses itself to the debate we had on the floor to the GAO, and concerns expressed on my side.

The Senate calls for a reduction in GAO's funding in their report. I would direct that the House conferees follow suit and include within that, to ensure a better job being done by GAO, that the agency submit to the Congress each month a list of investigations which they are beginning.

It is a matter of attempting to have better communication in a bipartisan way with the agency, while we provide a bit of constraint.

The SPEAKER pro tempore. Does the gentleman from California [Mr. FAZIO] request time?

Mr. FAZIO. Mr. Speaker, if the gentleman from California will yield, there are aspects of this amendment that trouble me.

I think we need to complete the cleanup of the asbestos problem at the building occupied by the GAO, but I will not object to the gentleman's motion at this time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. LEWIS].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 2506, Legislative Branch Appropriations Act for 1992: Messrs. FAZIO, MRAZEK, SMITH of Florida, ALEXANDER, MURTHA, TRAXLER, WHITTEN, LEWIS of California, and PORTER, Mrs. VUCANOVICH, and Mr. MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2699, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the bill, H.R. 2699: Messrs. DIXON, NATCHER, STOKES, SABO, AUCOIN, HOYER, WHITTEN, GALLO, REGULA, DELAY, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the bill, H.R. 2427: Messrs. BEVILL, FAZIO, THOMAS of Georgia, CHAPMAN, SKAGGS, DWYER of New Jersey, WHITTEN, MYERS of Indiana, PURSELL, GALLO, and MCDADE.

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the Chair did not reserve the fact of going back to business after special orders started tonight, previously.

I just want to ascertain whether or not that was an oversight or whether or not we are setting a precedent here. We would be disturbed, somewhat, if there was going to be action taken of a legislative nature after special orders begin, without information from the Chair ahead of time, something which was done this evening.

The SPEAKER pro tempore. The Chair would state that we are not setting a precedent. The Chair did not know we were going back to legislative business, and announced at the first opportunity available.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

Therefore, the practice of the House will continue to be that the Chair will announce any time we are due to go back to business, during special orders?

The SPEAKER pro tempore. That is correct, as early as possible.

Mr. WALKER. I thank the Chair.

MAKING IN ORDER ON WEDNESDAY, JULY 31, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2506, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, July 31, 1991, or any day thereafter, to consider a conference report to accompany the bill, H.R. 2506, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1650

The SPEAKER pro tempore (Mr. MORAN). Before returning to the special order of the gentleman from California [Mr. MINETA], the Chair recognizes the gentleman from Michigan [Mr. BONIOR].

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I rise to announce the schedule for next week for the House of Representatives as follows:

On Monday, July 29, the House will meet at noon. This is District day, with two bills: H.R. 2969, to permit the Mayor of the District of Columbia to reduce the budgets of independent agencies and to permit the District of Columbia to carry out a program to reduce the number of its employees.

The second bill is H.R. 2968, to waive congressional layover to miscellaneous council acts.

Then we will go to suspensions, nine bills. Recorded votes on suspensions will be postponed until after debate on all suspensions. The suspensions are as follows:

H.R. 1046, Veterans' Compensation Rate Amendments of 1991.

H.R. 175, to name a clinical wing at the Department of Veterans Affairs medical center in Salem, VA, for Hugh Davis.

H.R. 2901, to authorize the transfer of certain naval vessels to the Government of Greece.

House Joint Resolution 264, designating August 1, 1991, as "Helsinki Human Rights Day."

House Concurrent Resolution 176, regarding human rights abuses in the Islamic Republic of Mauritania.

Senate Concurrent Resolution 21, commending the people of Mongolia on their first multiparty elections.

S. 1193, technical amendments to Various Indian Laws Act of 1991.

H.R. 2801, World Cup U.S.A. 1994 Commemorative Coin Act.

H.R. 1107, Congressional Silver Commemorative Medal for U.S. forces who served in the combat zone in the Persian Gulf.

On Tuesday, July 30, the House will meet at noon. We will consider H.R. 14, Flight Attendant Duty Time Act. We will have an open rule with 1 hour of debate.

House Joint Resolution, unnumbered yet, regarding overseas base closures.

House Joint Resolution 308, Defense Base Closure and Realignment Commission disapproval, and H.R. 1455, Intelligence Authorization Act for Fiscal Year 1991 conference report, with 1 hour of debate.

On Wednesday, July 31, and Thursday, August 1, and Friday, August 2, the House will meet at 10 a.m.

We will consider the following:

H.R. 2950, Intermodal Surface Transportation Infrastructure Act, subject to a rule.

H.R. 2837, Dairy Price Support and Inventory Management Act, also subject to a rule.

Conference action is possible on the following bills:

H.R. 2699, District of Columbia appropriations.

H.R. 2427, energy and water development appropriations.

And finally, H.R. 2506, legislative branch appropriations.

At the close of the week's business, the House will adjourn until noon on Wednesday, September 11, for the August Labor Day district work period. Conference reports may be called up at any time, and any further program will be announced later.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

On Monday, the 29th, as I understand the two bills on the calendar for District day are relatively noncontroversial and probably will not engender any votes, which means any votes that are likely to occur or occur would be on the nine suspensions.

Does the gentleman have any idea as to what time we can tell Members that they might expect the votes to begin?

Mr. BONIOR. Mr. Speaker, the gentleman is correct. We do not anticipate any controversy on the first two District bills.

The nine other votes, I would say Members ought to be ready to vote somewhere between 2 and 3 o'clock to be safe.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

House Resolution—no number, we understand there are perhaps two bills around that both fit within that category. One is a sense-of-the-Congress resolution relating to overseas base closures that the Armed Services Committee has considered.

Another would change the charter of Base Closure Commission.

Can the gentleman tell me which of those two bills this relates to?

Mr. BONIOR. It is the former, the first one.

Mr. WALKER. The sense-of-Congress?

Mr. BONIOR. The sense-of-Congress resolution, that is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

It is also our understanding that there may be some problem developing with both or at least one of the bills scheduled for Wednesday, Thursday, and Friday, namely, the dairy price support bill may have some problems. Do we anticipate that could be dropped from the schedule?

Mr. BONIOR. I do not anticipate that it will be dropped. It is subject to a rule. I know people are working to try to reach an agreement on that before it comes to the Rules Committee, obviously; but it is still scheduled for debate next week.

Mr. WALKER. And the surface transportation bill does have to go to the Ways and Means Committee before it can be scheduled for floor action?

Mr. BONIOR. That is my understanding.

Mr. WALKER. We are also hearing rumors of a couple other bills that might be brought to the floor on the additional schedule that the gentleman talked about. Is there a chance that the unemployment compensation bill could arrive on that schedule?

Mr. BONIOR. There is a possibility that might happen. The Speaker today made comments to the effect that the unemployment compensation bill may be up next week. It may not, but there is a possibility it could come up next week.

Mr. WALKER. What about a supplemental appropriations bill? There has been some talk for a couple weeks about the potential for that legislation.

Mr. BONIOR. We will have to counsel on that. Just a second, please.

I have been advised that we have no indication that it will be coming up. The chairman has not scheduled it in the committee, so my answer is that it is not clear at this time.

Mr. WALKER. In any case, even with the potential additions to the schedule, we expect that the House will adjourn by the end of business on Friday?

Mr. BONIOR. That is correct.

Mr. WALKER. And we will not be subjected to either a weekend session or the potential of coming back the next week, is that correct?

Mr. BONIOR. That is not foreseen at this time. We are anticipating that we will finish on Friday.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, in the framework of a parliamentary inquiry to my classmate and distinguished friend and now leader of the majority here, and I have congratulated the gentleman privately on his victory and publicly. May I say it was a smashing victory and a great achievement.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

Mr. DORNAN of California. Mr. Speaker, in the spirit of that comity, not setting the gentleman up, but I want to make an observation and ask and make a plea to the gentleman.

Mr. BONIOR. Mr. Speaker, I would not anticipate that my fellow bearded caucus member and vice chairman of the caucus would set me up.

Mr. DORNAN of California. That is true.

Now, my other classmate has been doing a distinguished special order, the gentleman from California [Mr. MINETA] with our distinguished classmates, like the gentleman from California [Mr. MATSUI], classmates of the gentleman and mine, and a distinguished returnee to the House, the gentlewoman from the great State of Hawaii [Mrs. MINK] and her cohort, the gentleman from Hawaii [Mr. ABERCROMBIE].

This Chamber has not adjourned, I say to the majority whip, until the gavel comes down at the end of special orders; however, we have a rude and mean-spirited inconsistency, and I finally had a stomach full of it with our good friend, the former gentleman from Massachusetts, Mr. Sil Conte, who spent over three decades here. The cameras deliberately pan an empty Chamber to diminish the importance of special orders, and today it struck me as ironic that we were able to come back to regular legislative dialog and business, interrupting the special order of the gentleman from California [Mr. MINETA].

The cameras are not panning the Chamber now, but as soon as we end this colloquy and we go back to special orders, the House is still in session, and the cameras in a mean-spirited way, which is left over from three sets of leadership ago, will begin to pan an empty Chamber.

I think when Members in the great Commonwealth of Massachusetts are pouring their hearts out in respect for Sil Conte, with Members on both sides of the aisle, to pan an empty Chamber was unseemly as the Brits would say.

I think to demean the importance of what the importance of what the gentleman from California [Mr. MINETA], and the gentleman from California [Mr. MATSUI], et al, are saying by panning a nearly empty Chamber a few moments ago and going to go back to that when the House is still in session, I just make a plea to the gentleman that our leaders on both sides get together and go back to standard camera coverage from gavel to gavel in a polite way and in a spirit of comity in this Chamber.

Mr. BONIOR. Well, Mr. Speaker, I thank the gentleman for his comments.

I think there obviously needs to be additional consultation on this issue. I would tell my colleague that I will endeavor, as well as other leaders on our side, to further discuss this with the gentleman's side.

Mr. DORNAN of California. Mr. Speaker, I knew the gentleman would, and I thank the distinguished gentleman.

Mr. BONIOR. Mr. Speaker, I do apologize for interrupting a very special order on a very special person to a lot of Members in this Chamber, and I thank the gentleman from California for his indulgence.

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] has 30 minutes remaining.

□ 1700

TRIBUTE TO MIKE M. MASAOKA

Mr. MINETA. Mr. Speaker, I thank the chief deputy whip, and at this time I yield to our very distinguished friend and colleague, the gentlewoman from Hawaii.

Mrs. MINK. I thank my distinguished friend from California [Mr. MINETA] for making the necessary arrangements so that we may pay special tribute to the service and contributions of our dear friend, Mike Masaoka.

Mike Masaoka may not be a household word to those of you who are watching on the television set at this time, but for me he represents truly one of the greatest, most distinguished, highly respected individuals who has made, in my opinion, the most profound effect on American society.

He was not elected to office, and yet through his dedicated service as a person committed to the highest ideals of this country, he was able to make a tremendous difference in how this country reacted to one of the most painful segments of our history. I refer to the unfortunate, later to be found unconstitutional, incarceration of persons during the onset of World War II, merely because of their ancestry.

That episode in our history accentuated the feelings throughout our country that it required the vigilance of every single person dedicated to our concept of democracy to be alert to any potential invasions that could occur in the future. And it was Mike Masaoka's constant effort to bring to the forefront of this Nation not only the effrontery that the Japanese-Americans and others had to suffer during World War II, but the fact that he could rise above that insult and indignity and come to the Congress of the United States as a distinguished advocate for civil rights and worked tirelessly to undo that injustice that had occurred during that period and to see, one by one, those barriers that had inflicted this indignity upon us to be eventually overturned.

History is going to record the efforts and achievements of this great man. The words that we utter today probably will not be remembered, but his achievements will because they underscore the potential of one human being whose experience, whose suffering, whose understanding of civil liberties made it possible for him to endure, I am sure, the countless putdowns and indignities that he must have had to suffer as he came to Washington as the chief lobbyist for the JACL movement.

I am sure it was not an easy task, but by the time I came to the Congress for the first time in 1965, he was an institution that was already greatly admired and respected and on whose counsel I relied not only on matters that affected Japanese-Americans throughout the country but on matters of deep concern to all minorities throughout the Nation. He was there for every battle that I can remember in the 12 years of service that I was fortunate to have during those critical years in which we debated civil rights in every kind of concept that you can imagine. And he was there for all the fights, for all the struggles that the civil rights movement made through the 1960's and the 1970's, and he is to be admired.

He is to be admired for the positions that he took right on after being sent away to internment, emphasizing to this Nation the importance of giving Japanese-Americans the right to serve their country in the military. He, probably more than any other individual, was responsible for the establishment of that distinguished group called the 442d Regimental Combat Team. Some of the members of my family had the privilege of serving there and dying for their country as a member of that combat team. And it was their service that has been unparalleled in this Nation's history that more than anything, in my estimation, quashed any notion that there was some sort of a cloud upon their loyalty and their patriotism, because thousands died in the service of this country. And as they came back to their communities heralded as true Americans, true heroes of that conflict, we could see the society open their eyes and realize what a terrible thing had happened to their families and how distinguished records that they brought back made every difference in the world.

Certainly, Hawaii's situation changed overnight as a result of what the 442d did. These men returned to their communities, they made a remarkable change upon the attitudes of those communities. They opened up doors of opportunity to all the generations that came later, job opportunities, political opportunities, the opportunity to participate in important public policy arenas. And it was really the remarkable insight of Mike Masaoka that made all of that possible and which transformed the people of Hawaii into what they are today.

So I feel enormously privileged to be here again in the Congress, saddened that Mike is no longer with us, but if he is somewhere listening—and his widow, Etsu, is here with us today—to have this acknowledgement of the profound effect that this one person had on the remarkable history of our country, the recognition that one person can make a difference.

No matter all the awards and the signal, distinguished remarks and so forth that have been given to this one individual by all sorts of organizations throughout the country, nothing can really express the respect and tribute and acknowledgement of all the people of this country for this remarkable human being and the contributions that he has made to human dignity, to civil rights and to the right of every person to be acknowledged the same regardless of their color, their creed, their religious background or their sex or whatever.

So to Mike I pay tribute, I acknowledge you as an individual that I have always respected and admired and what a remarkable difference your walking the halls of Congress made to me as a freshman and as one who is trying to make a difference too.

Thank you very much.

Mr. MINETA. I thank our very distinguished friend, the gentlewoman from Hawaii for her wonderful tribute and for her commitment to improving the quality of life for all Americans.

Mr. Speaker, at this time I yield to our other distinguished friend and colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], who has already distinguished himself not only in this Congress but in the short span that he did serve in the previous Congress.

I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I thank the gentleman for yielding to me, the gentleman from California [Mr. MINETA].

Mr. Speaker, I stand here today in the well of the House of Representatives, and behind me, of course, is the flag of the United States. We stand before this flag when taking our oath of office. Others have come before us to do that. Not everyone has the opportunity to do that. But it is at times like these that we get to reflect a bit on what that means a bit more than just what meaning it may have personally.

The opportunity we have in taking that oath to uphold the Constitution of the United States is one that requires of us a force that we take very much to heart. That is to say, the force of commitment to what that Constitution means. Above all, it means privilege and rights. They are not secured merely by those who take the oath here but by those who have given us the opportunity to do it.

Here we have and are commemorating today the life of an individual who was an American of Japanese ancestry. And I am here today to pay tribute to him because I would not have the opportunity, nor would Americans throughout the Nation have the opportunity to be able to express their full devotion to the Constitution had it not been for the efforts of men like Mike Masaoka.

□ 1710

Mr. Speaker, today we are commemorating the life of one of the most remarkable Americans of our time, Mike Masaoka. His recent passing leaves a great void in the fabric of our national life.

We who speak on this floor refer frequently to the American dream. Mike Masaoka lived that American dream. He represented the highest ideals, the true substance, of Americanism. His work embodied the core substance of our Nation's founding principles. He translated those principles into reality for three generations of Americans.

Mike Masaoka began that work as the first national secretary of the Japanese-American Citizens League and dedicated himself to the achievement of racial equality.

Mr. Speaker, I might note in passing that the Japanese-American Citizens League is not limited in its membership to those of Japanese ancestry, but rather open their ranks to all who recognize that its work is fundamentally dedicated to the proposition that the Constitution is for everyone for all time.

When war came, he served his country as a soldier in World War II. Millions of his fellow Americans also served, but few did so under more adverse circumstances. As Americans of Japanese ancestry, he and his fellow AJA's were the objects of suspicion and prejudice in the emotionally charged climate of World War II. To many of their fellow Americans, they were the enemy despite the fact that their patriotism was second to none.

That atmosphere spawned the shame of the internment camps and the glory of the 442d Regiment and other Army units composed of Americans of Japanese ancestry. Those experiences were seared into the consciousness of Mike Masaoka and others of his generation, some of whom have also had the privilege of serving in this Congress, among them Senators INOUYE and Matsunaga.

When Mike Masaoka returned from the war as a decorated veteran, he re-dedicated his life to winning acknowledgment and restitution for the injustice of the internment program and to winning full recognition of the right of Americans of Japanese ancestry to first-class citizenship.

In this, he succeeded brilliantly. Mike Masaoka led the drive for repeal of the Japanese Exclusion Act. He lived to see his efforts culminate in restitution and apology to the surviving AJA's who had been unjustly interned during the Second World War.

As my colleagues know, as I say these words it strikes me yet once again how much we take the obvious for granted. Once something becomes real, once something actually takes place, we think that is the way it should have been. It is perhaps a little difficult for us to remember and to recognize what an incredible accomplishment that was and how it sets the tone for all those who feel that they have been oppressed and unjustly accused, those who have seen injustice go for decade, after decade, after decade, and yet never give up. It should be an inspiration and a lesson to all of us.

Mike Masaoka's passing was a grievous loss not just to Americans of Japanese ancestry, but to all of us. He embodied the American ideals of democracy, service, and idealism. His accomplishments are his memorial, not what we are saying here today, because what we say here today will pass. It will be recorded, yes, and for those especially close to him it will provide a momento most valuable to them, particularly for family and close friends. But his accomplishments will go beyond this day's activities. His accomplishments will be here as a beacon for those generations to come.

His life is an example and an inspiration. Mike Masaoka will be sorely missed, but he lives on in those who continue to be inspired to service by the lesson of his life.

Mr. MINETA. Mr. Speaker, I thank the distinguished gentleman from Hawaii [Mr. ABERCROMBIE] and would like to at this time yield time to the very fine gentleman who chairs the subcommittee on the Committee on the Judiciary who has been so helpful in terms of legislation, especially as it relates to the Civil Liberties Act of 1988, the very distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from California [Mr. MINETA] who was the man who introduced me to a remarkable man, Mike Masaoka, and I join him and his family in their sorrow at their loss, but all of us wanted to, as we mourn him, celebrate an extraordinary life, and I particularly wanted to thank his family and express my thanks now, as I had a chance to do when he was here with us, to Mike Masaoka for giving this Congress a chance to redeem this country.

Mr. Speaker, I have not had a prouder moment in my 11 years of service here, which has been, of course, a time of constant, for any of us, privilege to serve others in this democratic basket, but the day we voted overwhelmingly in this House to express our regrets to our fellow citizens who had been so grievously and unfairly mistreated I think was one of our finest days.

As I said then, it was, unfortunately, human error. It is not common for individuals or societies forthrightly to admit error, and, when we passed legislation that said that on behalf of the Nation, Congress apologized for the brutality which we extended to the Japanese Americans, we did, I think, a very honorable thing. We repudiated racism. We reminded people of how deeply racism can scar us.

Mr. Speaker, we would not have had the opportunity to make that important statement, and we should note, when we talk about an important statement, people talk about world leadership, that it was after we acted and explicitly because we acted that the Government of Canada did a similar thing. The Canadian Government cited the actions of the United States Government and said, "They're right, and we're going to do it too, and we're going to apologize to our Japanese American—or Japanese Canadian citizens." There are not that many Japanese Americans in Canada for some reason.

But it was thanks to a small number of extraordinarily dedicated and talented people that we did that. Two of them are here, our colleagues, and I would call the two gentlemen from California, but it would sound like Shakespeare. That is the gentleman from California [Mr. MINETA] and the gentleman from California [Mr. MATSUI] who overcame a great deal of personal pain and put that aside to act as legislators in leading this House to confront the very important issue in a way that I think ended happily when we took it up, obviously not originally. There were also individuals who worked hard, who brought this to us, and among those Mike Masaoka was of extraordinary importance. His integrity, his commitment, his character, the decency that he radiated, the lack of personal bitterness, combined with a deep commitment to get this wrong righted, was really just extraordinary.

Mr. Speaker, I felt privileged. We say that a lot, we mean it less often, but I mean it as sincerely as it is possible to mean anything, that I was privileged to work with him. It was a privilege to listen to him, to talk to him, to gain wisdom from him and ultimately for us all to work together on that legislation that resulted.

So, Mr. Speaker, to his friends and family I express my deep condolences, and I express, as I said, to his memory, as I once was able to do to him, my gratitude. He helped this country do one of the best things we have been able to do in the last few years.

Mr. MINETA. Mr. Speaker, I thank our very fine friend from Massachusetts for that wonderful tribute.

Mr. YATES. Mr. Speaker, I join my colleagues today to pay tribute to a great American, Mike M. Masaoka.

The name of Mike Masaoka is a familiar one in this Chamber. It is a name which we associate with all that is good and great about our country. It is a name that inspires respect in all those who are committed to the cause of justice and human dignity. It is a name that leads all the rest in any discussion of great progress made during the last 40 years by thousands of Japanese-Americans.

As legislators we understand particularly well the almost unprecedented success Mike Masaoka had in awakening America's conscience and in transforming his personal commitment to his people into law. Mike Masaoka was the moving force behind a number of landmark laws, any one of which would have been accomplishment enough for most men.

I knew Mike best as a man who represented his constituency with an uncanny understanding of human nature and an unswerving commitment to improving the human condition.

Many of his accomplishments were already history when I arrived in Washington in 1948.

Mike was instrumental in gaining naturalization rights for the Issei—an act of justice that was long overdue at the time of its passage in 1952. I remember well the years immediately subsequent to the passage of the legislation; thousands of Issei all over the country—people in their fifties, sixties and seventies—were attending school regularly, once, twice, three times a week. They were learning the story of the Constitution, the history of the United States, and all about the city, State, and Federal Government. The citizenship rights granted to the Issei enriched our Nation's traditions of justice as have few laws. And Mike Masaoka was largely responsible.

He pushed for the passage of the Soldiers' Bride Act, which made it possible for American sevicemen to marry Japanese wives and bring them back to the United States. Mike was also able to prevent the deportation of more than a thousand alien Japanese who had American citizen families at the end of the war. Almost all of the things for which Mike fought through the years have dealt with similar questions—questions that were as often simply matters of the heart as they were matters of justice. It was the high premium that Mike placed on basic human relationships that has earned for him the esteem of so many people.

It is important to add, I think, that while Mike helped to improve the situation of Japanese-Americans, he also provided of humanity and fair play. It is fair to say that the incarceration during the war of more than 100,000 Japanese-Americans was one of the blackest periods in our national history. It is difficult to imagine anything more unjust than the assumption that thousands of Japanese residents of our western coast were potential subversives strictly on the basis of their ancestry. During that difficult period Mike was at the center of the fight to gain America's recognition of Japanese loyalty and vindication for those objecting to the unjust removal from their homes of so many innocent Japanese and Japanese-Americans.

Mike fought to permit the Nisei to fight for their country. When that permission came, he was the first to enlist. The Nisei who served in the Armed Forces were among the most heroic in the war. They had more casualties and more decorations than any other outfit.

After serving heroically in the Armed Forces of the United States, Mike returned to the United States to gain partial compensation for the property losses suffered by resident Japanese as a result of their evacuation. The compensation was important not only because of the financial suffering it alleviated, but because it served to provide the opportunity for all Americans to recognize the loyalty of the Japanese population during a time when their loyalty was tested almost beyond endurance by the treatment they had received.

Throughout the years, Mike Masaoka earned his reputation as a civil rights advocate and a proponent of liberalized immigration laws as the Washington representative of the Japanese-American Citizens League [JACL]. During that time, both Mike and the JACL have become identified with causes that went beyond the immediate interests of the Japanese-American community. The JACL recognized that as long as any minority within our Nation is treated unjustly the possibility of renewed unfairness to all racial and ethnic groups remains. Mike Masaoka was at the forefront of the civil rights revolution this Nation has experienced over the last several years.

Mike Masaoka earned a long list of honors during his distinguished public career. He was known variously as "The Voice of the Nisei," "The Nisei of the Biennium," "America's Conscience," and "Washington's Most Successful Lobbyist," and each one of those designations is richly deserved.

Mike wrote the JACL creed which I shall attach to my remarks. It is important today because it reaffirms a faith in the basic goodness of Americans and our ability to deal with our own shortcomings and those of our society. It reminds us that even in the face of the most appalling inequities, patience is still a virtue when your cause is right. Most important, though, it makes clear that a man can love his country and still be dedicated to the larger interests of mankind.

Mike Masaoka, as author of the creed, was a man who understood that allegiance to one's country and commitment to world peace and international cooperation are not mutually exclusive.

It is said that: "* * * some are born great, some achieve greatness and some have greatness thrust upon them." Mike Masaoka was a great man, rising to lead his associates in overcoming overwhelming odds. Greatness was thrust upon him by a time in our history which demanded leadership and wisdom. Mike led his people with spirit and intelligence which turned what was a national disgrace into a triumph of humanity.

Mike Masaoka was a great leader and a good man. I consider it an honor to say, "He was my friend."

Mr. Speaker, I will include in my remarks "A Tribute to Mike Masaoka" which was delivered in the House on July 9, 1970.

[From the Congressional Record, July 9, 1990]

A Tribute to Mike M. Masaoka

Mr. Yates. Mr. Speaker, a great leader brings inspiration to his people, instills confidence in them to replace despair, makes them oblivious to distance and difficulties. He gives the democratic, process a dynamic quality, a vividness and faith that brings realization to seemingly impossible dreams.

Such a leader is a man I am proud to call my friend: Mike M. Masaoka. In his 30-year dedication to the well-being of Japanese Americans, he has led that group from their plight of discrimination, deprivation, and despair to a position of acceptance, approval, and friendship in American community life.

Born in Fresno, Calif., Mike was educated in Salt Lake City, Utah, graduating with honors from the University of Utah in 1937 with a major in political science and history. Even at this early age, Mike showed a particular ability in the art of reasoned persuasion, winning many collegiate debating and public speaking honors. In 1940, he was recognized by the Salt Lake City Chamber of Commerce as its "Citizen of the Community" for his many civic activities.

In August, 1941, Mike was appointed as national secretary and field executive of the Japanese American Citizens League. In this position he was able to see clearly the plight of Japanese Americans who were victims of the long standing anti-Japanese feeling in the West, now growing steadily worse due to the strained relations between Japan and the United States. He provided much of the leadership so vital to Japanese Americans in the period before, during, and after World War II.

The period of the mass evacuation of persons of Japanese ancestry from the west coast was an enormously difficult one. Their removal from the homes and their subsequent incarceration has been described by President Truman's Committee on Civil Rights as "the most striking interference since slavery with the right to physical freedom." Mike fought vigorously against the unprecedented evacuation and when the event became inevitable, he was influential in bringing much more humane treatment to the evacuees by the War Relocation Authority, the Government agency having supervision over the detention camps. Believing that at this juncture in American history, Nisei could best dramatize their loyalty to the United States by fighting in its armed forces, Mike was instrumental in persuading President Roosevelt to authorize Japanese-Americans to become members of the armed forces and with this decision, the Nisei flocked to volunteer for combat duty, resulting in the formation of the 442d Regimental Combat Team for which Mike was the first volunteer from the mainland. The Nisei built a combat record second to none as they enlisted from behind the barbed wire fences of relocation centers. In the words of the late Gen. Joseph W. Stillwell:

"These Japanese American troops bought an awful big hunk of America with their blood."

In 1948, 2 years after he had been discharged from the Army, and as Washington representative for the Japanese American Citizens League, he was to point out to a congressional committee that—

"Fifty thousand parents of these gallant soliders cannot become citizens of the country for which they and their sons gave so much * * * they are still branded as enemy aliens, and we, their American children, are forced to suffer from the accident of birth."

He was determined that the Issei, the foreign-born Japanese, should gain the same full status as American citizens as all other ethnic groups and he haunted congressional offices and committees with a persistence and an eloquence rarely seen in congressional corridors. His determination to correct existing injustices against Japanese Americans met with success. Some of the bills whose passage he influenced most notably included the right to naturalization for persons of Japanese ancestry, compensation for property losses incurred by evacuees, prevention of the deportation of Japanese aliens whose families included American citizens, and authorizing servicemen to marry and return with Japanese war brides. He also was one of the leaders which brought statehood for Hawaii. His success in obtaining passage of so many bills made him the subject of an article in the Reader's Digest entitled "Washington's Most Successful Lobbyist."

Mike did not limit his activity to the cause of the Japanese Americans, but was very active in the fight to assure human rights for all Americans. He was one of the organizers and charter members of the Leadership Conference on Civil Rights and he served as chairman of the National Civil Liberties Clearinghouse. He became active in many other civil rights and political groups working in the human relations field.

Some 10 years ago, after he had "worked himself out of a job" as a full-time Washington representative for JACL, he organized with Samuel Ishikawa of New York what is now known as Masaoka-Ishikawa & Associates, Inc., with JACL remaining as one of its clients. It is the only Japanese American company that specializes in governmental representation and national and international public relations and consultations. As president of this company, Mike is still in the middle of activities promoting the continued good relations of Japan and the United States. He is called upon as a consultant on many levels where United States and Japanese interests are involved. He served as president of the Japan America Society of Washington, DC, in 1967.

Mr. Speaker, on Thursday, July 16, a testimonial dinner will be held in honor of Mike Masaoka at the Conrad Hilton Hotel in Chicago. Among the featured speakers, there will be Edward J. Ennis, chairman of the board of directors, American Civil Liberties Union; Roy Wilkins, chairman, Leadership Conference on Civil Rights; the Honorable U. Alexis Johnson, Under Secretary of State for Political Affairs and former U.S. Ambassador to Japan; and Shig Wakamatsu, past national president of the JACL. It will be my privilege also to speak in tribute to Mike, and my friend and colleague, Congressman Spark M. Matsunaga, will be the toastmaster.

Mr. Speaker, this dinner will be well attended as proud and grateful men and women from all over the country come to Chicago to pay their homage to a man whose vision, courage, and determination made history in this country. It will be our privilege, too, to hear from Mike that evening, to listen again to the eloquence which made a singular impression upon so many Members of Congress.

I am attaching to my remarks two statements by Mike made years ago. The first which is entitled "The Japanese American Citizens' League Creed" was read into the Record by Senator Elbert Thomas of Utah on May 9, 1941. The second was made by Mike on April 21, 1948, before the House Committee on the Judiciary in the hearing on charges in the immigration laws.

The statements follow:

JAPANESE AMERICAN CITIZENS LEAGUE CREED

(By Mike Masaoka)

I am proud that I am an American citizen of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this nation. I believe in her institutions, ideals and traditions; I glory in her heritage; I boast of her history; I trust in her future. She has granted me liberties and opportunities such as no individual enjoys in this world today. She has given me an education befitting kings. She has entrusted me with the responsibilities of the franchise. She has permitted me to build a home, to earn a livelihood, to worship, think, speak and act as I please—as a free man equal to every other man.

Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way; aboveboard, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in my belief that American sportsmanship and attitude of fair play will judge citizenship and patriotism on the basis of action and achievement, and not on the basis of physical characteristics.

Because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her Constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign or domestic; to actively assume my duties and obligations as a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a greater America.

STATEMENT OF MIKE M. MASAOKA, NATIONAL LEGISLATIVE DIRECTOR, JAPANESE AMERICAN CITIZENS LEAGUE

Mr. MASAOKA. Mr. Chairman, I have a rather lengthy statement, but I will not presume upon your time by insisting upon reading it. I will simply make a few comments and answer one or two questions I think may have been raised in your minds.

Mr. FELLOWS. Will you give your name and whom you represent for the record?

Mr. MASAOKA. My name, Mr. Chairman, is Mike M. Masaoka. I am the national legislative director for the Japanese American Citizens League.

Mr. Chairman, I feel that my testifying today is something I owe to a lot of fellows I fought with overseas. It is a promise I made to a lot of fellows over 3 years ago, and that promise has a long story. It begins something like this; it follows something along the lines of the questions Mr. Chelf brought out.

When war came, as Mr. Ennis so ably pointed out, persons of Japanese ancestry were asked by their Government to move out, and, as pointed out by a witness before a subcommittee of this same Judiciary Committee last year, the Japanese people in the United States are the only people in its history who have ever been asked to go bankrupt voluntarily and then go to jail, because that is what happened.

But, the important thing is this: Because persons of Japanese ancestry, and I was one, two-thirds of whom were American citizens, felt that it was a war contribution to the defense of the United States, we—a great number of us college graduates who believed and lived the American way—went to these barren barracks, virtual prison camps, because we believed fundamentally in the American way.

Therefore, even though Selective Service originally turned us down for the draft, we insisted upon the right to fight for the United States, to prove on the battlegrounds of this World War that we believed in America and——

Mr. CHELF. You believed also that it would not be in vain, did you not?

Mr. MASAOKA. Definitely. And that is why I am here today, sir. We urged the Selective Service, and finally they said, "We shall use some of you in the Pacific. We shall use others in the combat elements in Italy."

I was one of five brothers to volunteer. All of us saw combat in Italy and France. All of us were wounded. One of my brothers will not come back. Another brother of mine had 34 operations. He is still convalescing. A younger kid brother, who had no business volunteering, except that he wanted to look after me because I was probably the less capable of all, still limps and will limp the rest of his life.

Well, overseas there were lots of fellows who believed in some of the things I had said, because during the evacuation process I was the national secretary of the organization of Japanese Americans, and we took it upon ourselves to urge every eligible Nisei to volunteer either against the Japanese enemy or for combat in Europe.

A lot of those fellows believed in me, and I can remember time after time overseas we would be sent upon a dangerous mission, and a fellow would say, "Mike, don't go on this one. This is on us. Your job is to go back and see that what we are trying to do isn't forgotten; that our parents will get citizenship."

Amazingly enough, right in the fox holes before battle we would talk about a lot of things; but the No. 1 topic was this: Sure we wanted America to win the war, but we also wanted America to be the kind of America that it professed to be, and that kind of America would not discriminate against people like my mother, who came here early in the 1900's. When she had eight children, dad died leaving us practically penniless. Yet, my mother saw every one of us through school, a number of us through college, and when the test of supreme loyalty to this country came it was my mother who first said, "Boys, your job is to go out and fight for these United States, because it is my country."

Well, there were lots of other mothers and fathers like that, and, as I say, their sons and I knew each other overseas, and over and over again they insisted that my job was to come and tell you, the Congress of the United States, what their loyalties were—loyalties which could not be questioned.

Now, I do not believe it is necessary for me to go into the long combat record of Four Hundred and Forty-second. I think it is pretty well known. I would, however, like to give you a few statistics about its casualties.

When the combat team originally went into action they had a complement of a little over 3,000 men. After only 120 days of combat fighting, mind you, our casualties, as the War Department has carried them time and time again, were over 300 percent. We had 9,486 casualties. Most of these casualties were sustained when we rescued the lost Texas battalion of white Americans. After fighting through from Salerno up through Italy, we were transferred to northern France to go through the various mountains there. No army in history up to that time had ever broken through this area.

We were assigned the job of spearheading the drive. We broke through, yes, but during the initial break-through one of our battalions of Americans from Texas—it is too bad the Congressman from Texas is not here because he could tell you the story—was isolated by the Germans. Seven regiments were ordered to the rescue of that one Texas battalion, but none were able to break through.

After 4 days of waiting, the Japanese-American combat team in another sector was pulled out of the line and ordered to the rescue of that Texas battalion. We made it. We rescued 189 Texans, but we lost over 200 men killed just in that rescue.

I will never forget that, because my brother was one of those.

I remember when we went into the line in northern France we had a full rifle complement to every company, over 200 men. We had 40 men in reserve for each company. Yet, after we made the rescue of the Lost Battalion, after we had spearheaded the drive of the Seventh Army through northern France, one company had only two men who could crawl out under their own power.

Yet, none of us ever asked for relief. None of us ever showed the white feather. And the only a.w.o.l.'s—absent without leave, gentlemen—were those of the men in the hospitals who, though they were seriously wounded and should have remained in hospitals, knowing the tragic situation of their buddies up front insisted upon leaving their hospitals, some still lame, some still halt, others with gaping wounds, in order to strengthen that thin red line that we had up there.

The commanding general of the Thirty-sixth Division—and I will never forget it—told us at our little memorial ceremonies we had that no outfit in American history "has ever showed greater courage, greater conviction in the American way, than you Japanese-Americans.

I say this not to brag about our outfit—although I think it is an American trait to brag about a good outfit like that—but I say it simply to indicate that here you had a great number of American soldiers of Japanese ancestry who believed in America, who so believed in it that even though they were incarcerated in virtual prisons they saw behind and beyond the barbed-wire fences; they saw beyond the watchtowers manned by armed MP's; they saw America, just and fair-minded, willing to give them and their parents a decent break.

And that is why, even though they were suspected by their own Government, they went out and fought as well as they did.

So much for those in the European theater. May I just make one comment about those who served in the Pacific? In the Pacific area our intelligence was weak. The reason for that was that very few persons in America could speak and understand the Japanese language well enough. Thus, Japanese-Americans were used as combat intelligence troops.

Just last week, in the April 10 edition, I believe it was, of the Saturday Evening Post, there was an article by one of the intelligence chiefs under General MacArthur, and he tells us the use of Japanese-American troops in the Pacific shortened the war by months and saved thousands of American casualties.

Let me tell one story and I will wind up this particular part of my statement. We had a fellow by the name of Frank Hachiya. He was a fellow about my age. He lived in Hood River, Oreg. At the time of the evacuation he was moved to the relocation center in the desert area of Idaho. While he was gone the American Legion of that particular post removed his name from the honor roll of that community along with 15 others.

What happened to Frank? He volunteered for military intelligence duty. Frank, after finishing his basic training, was dropped behind Japanese lines at Leyte. During the invasion, the amphibious landing, Frank tried to crawl back with information. He was shot by an American soldier who mistook him for the enemy. And yet, because he knew that the safety—yes, the lives—of his American buddies depended upon his getting through, mortally wounded though he was, he crawled in his own path of blood, as it were, to his commanding officer, gave him the entire defenses of the Japanese on Leyte.

He received for that a Distinguished Service Cross, but Frank isn't here to plead with me for citizenship for his dad and mother.

Now, Dr. Judd's bill does present two different problems. One is the problem of naturalization; the other the problem of immigration.

Unfortunately, I am not an expert on the problem of immigration, but I do say this: Our interests in immigration are the same as any other American, and we certainly are opposed to any discrimination based upon race or color or creed.

On the other subject of naturalization, however, I believe that I am an expert. I am an expert because the great majority of the people that are going to be benefited by this bill are our parents, who came here either prior to 1924, which is the date of the passage of the Oriental Exclusion Act, or prior to about 1908, when the agreement between Japan and the United States limiting immigration was passed. In other words, the great majority of the people we are now considering under the legislation today are people who have been here 40 or 50 years.

Certainly they have contributed to America. There is the case of the great potato king of Stockton Valley. He saw the swamps and the malaria-infested islands in the Stockton River. He devised a system of draining the water, irrigating the soil, so that today the Stockton Islands are some of the best potato-producing country in the world. In fact, I think they give Maine some competition these days, Mr. Congressman.

There is also the case of a gentleman from Texas, Mr. Saibara, from Webster, Tex. He introduced rice growing into Texas. He had a son who was a lieutenant colonel with the First Army in Europe.

Well, we could go on and on with this record. I would simply like to say this: During World War II aliens of Japanese ancestry were screened as no other people have ever been screened in our history, and this bill simply provides these screened people an opportunity to apply for naturalization.

It does not waive any rights. It does not grant any privileges. These people are, under this bill, required to do the same things as any other immigrant, and that is all we are asking. We are not asking for anything special, because we fought the way we did. We do not think that that is in the American tradition. But we do think we are entitled to ask, as Americans, for our parents, whom we know so well, the same rights as those accorded to other immigrants.

Now, I happen to be a member of the American Legion. I happen to be, in fact, the legislative director for the State of Utah Veterans of Foreign Wars. I would like to make one or two comments about what—should I say my comrade?—from the American Legion said just before Mr. Ennis.

He said, first, that he questioned that there were no Japanese resident aliens in the United States who were not loyal to the United States. He cited the example of a person they caught off Corregidor who he claimed had gone to an American school.

True enough; let's clear the record on all of that. There are a great number of Japanese from Japan who came to the United States for education. These people studied here under agreements between the United States and Japan. Certainly they would know the language, and they would return to Japan. But, the record is certainly clear. Admiral Nimitz, General Marshall, and others have testified just recently before the House Subcommittee on Territories and Lands about the loyalty of the Japanese in Hawaii as well as those in the United States, and their record is clear and convincing.

There has not been a single instance, as far as they know, as far as the Federal Bureau of Investigation knows, not a single instance of any sabotage or espionage on the part of a resident Japanese or a Japanese American in the United States before, during, or since Pearl Harbor.

Now, I have one or two letters I would like to read just to indicate how some of the people we are talking about, pleading for, feel about this thing.

There are two terms that have been used quite often this morning. I would like to clarify them. The term "issei" means the immigrant Japanese who came from Japan to the United States. The term "nisei" means American citizens of Japanese descent. Then I would like to introduce the term "hansei." That means half nisei.

Now, these are the most tragic of all. The great majority of Issei entered the United States in their teens or twenties. The Hansei are those who entered the United States when they were just 2 or 3 years old.

I have a case here of a girl who, if I may use the term, was conceived in the United States, and her mother had to go back to Japan because her mother was dying there. She was born overseas, and yet she came to the United States when she was just a few years of age—months in fact.

Her name is Miss Yoneko Watanabe. This letter comes from the young lady, who lives at 1511 North Street, Philadelphia, Pa. [Reading:]

"Thank you for notifying me of the hearing of bill 5004 which is designed to give citizenship to the Issei and Hansei, because I happen to be a Hansei and I have a special interest in this bill.

"As far as I can remember, I have always felt that I was the "black sheep" of the family for I was the only one among four children not to have citizenship. I felt that I was cheated out of something very wonderful and precious for it was only a matter of 3 months that made a world of difference to me.

"My mother, after having two sons born in the United States, was suddenly called back to Japan due to the illness of my grandmother. She was carrying me at the time and if she had remained in the States for another 3 months I would have automatically inherited my citizenship. All this time my father remained in the States. Eventually, my mother returned and my youngest brother was born. This gave citizenship to all my brothers by birth. My two older brothers have served in the United States Army during this last World War.

"The American ideals, its way of living and sharing, have always been my ideals and nothing will mean more to me than being one of its citizens."

I have here, Mr. Chairman, about 80 letters written by these people who want citizenship. One is a father of seven sons that served in the United States Army, and he asks this question:

"America today to me is a house divided. On one side I am ineligible to citizenship. On the other I have seven sons who wear the uniform of the United States Army."

I would just like to submit all these letters for the information of the committee, as well as some-petitions signed by about 3,000 of these alien Japanese who desire citizenship.

Mr. FELLOWS. Are you asking that they be incorporated?

Mr. MASAOKA. I do not think that is necessary, Mr. Chairman.

Mr. FELLOWS. All right.

Mr. MASAOKA. But I would like the committee to see how heartening, how simple and eloquent is the request of these people, and I can hardly conceive of how the American Legion can insist that the parents of soldiers who served so well as the Japanese Americans should be denied the right of citizenship. Because, if the parents can inculcate in their children a desire for America which is far beyond that of most Americans—and I think Congressman Chelf will bear me out that it is pretty tough to be drafted for the Army, but it is a lot more difficult to volunteer. But try volunteering under the same circumstances that so many Japanese Americans did—from barbed-wire concentration camps.

That is real conviction and faith in the American way, and to parents who can produce children like that, Mr. Chairman, I submit are true Americans and naturalization should be granted them.

I am very full of this subject. I could go and talk on and on, because I know these people, as I say, and I wish I had the opportunity to tell you more about them. I am sure that no one can deny one fundamental fact. These people are Americans by every standard of conduct that you can think of except that of technically "belonging."

I, as an American soldier, fought, with the thousands, millions, of other American soldiers, for the right of all people to be recognized as individuals, and that is all we are asking, not to be judged or classified on the basis of race.

I plead with you not to make my promise to some of the boys overseas in vain. I can still remember them. And I recall that when our boys were hit, their cries of pain sounded just like those of any other white American. And when they were wounded, their blood looked just the same. And when they were dead they were just as dead.

And I noticed that the German bullets did not swerve simply because we were Japanese-Americans and our parents were ineligible to citizenship. They killed us just as dead. On the field of war, on the field of battle, when race and nationality count for nothing and the worth of a man counts for everything, I think we children of these people who are ineligible for citizenship proved that we belonged. We now want our parents to belong.

I would like, Mr. Chairman, to submit my statement, together with my supplements, for the record. I would also like to thank all of you gentleman for your attention. I know that you won't let us down.

Mr. FELLOWS. Thank you. The statement will be incorporated in the RECORD.

Mr. FAZIO. Mr. Speaker, I would like to join in this special order today to remember the late Mike Masaru Masaoka. Although Mike and I did not see each other often, it was a privilege to have known him.

A Fresno, CA, native who ultimately settled with his family here in the Washington, DC area, Mike's impact was global—his work touched masses of people, both here and abroad. He was honored by both the United States and Japanese Governments for his contributions to positive relations between the United States and Japan, as well as his dedication to guaranteeing civil rights for Japanese Americans.

Mike's accomplishments are amazingly impressive for one man in one lifetime. He was an honor student, lobbyist, civil rights activist, decorated combat veteran, goodwill ambassador, and patriot. Since the end of World War II, Mike—who was named Washington's Most Successful Lobbyist by Reader's Digest in 1949—involved himself in all legislation directly benefiting Japanese Americans. He was a guiding force behind passage of the legislation obtaining reparations for Japanese Americans who were interned in detention camps during the war. And, even after his retirement from his consulting business several years ago, Mike continued his work for nonprofit causes.

Although, with Mike's passing, I extend my heartfelt sympathy to his family—including his brother-in-law, my distinguished California colleague and friend, the Honorable Mr. MINETA—I am also heartened by what a privilege it was to have known such a wonderful and caring individual. Mike will always be remembered fondly—here in Congress, in the United States, and Japan, and in history.

Mr. LAGOMARSINO. Mr. Speaker, I rise today and join my colleagues in paying tribute to one of our Nation's finest citizens, Mike Masaoka. In life, a true patriot and advocate of civil liberties, in passing to the next life, he has left us a legacy of open mindedness with regard to the multiethnic relations that have always been an integral part of our Nation's background.

As you are aware, Mike was instrumental in bringing about a critical change of view and policy regarding American citizens of Japanese ancestry. When war broke out between Japan and the United States, Mike spearheaded efforts to establish the famed 442d Regimental Combat Team which fought valiantly in the European theater during World War II. This elite Army unit went on to become the most decorated unit in U.S. military history for its size and length of service.

Known for his efforts to obtain compensation and restitution for Japanese-Americans who had lost their jobs, homes, and property when they were tragically relocated during World War II, Mike's efforts in this regard will serve current and future American communities throughout our Nation's forthcoming history. It is the heritage of men and women like Mike Masaoka that bind our multiethnic Nation together, making the United States of America a unique land where understanding and compromise are the standard of a strong union.

Mr. HORTON. Mr. Speaker, I rise today, to join my good friends from California, Mr. MINETA and Mr. MATSUI, in paying tribute to a truly great American. He is known by many titles: "Mr. JASCL" "Mr. Nisei," "Nisei of the Year," "Washington's Most Successful Lobbyist," "The Voice of the Nisei," and "America's Conscience," I speak, of course, of the late Mike Massaru Masaoka, a pioneer of the civil rights movement and a leader of the Japanese-American community, who dedicated his life to fighting for the civil rights of all Americans, especially Japanese-Americans.

By any measuring stick, Mike proved to be an extraordinary American: An honors student at the University of Utah, a highly decorated soldier in World War II, and a leader among leaders in the civil rights movement. Yes, Mike Masaoka wore many hats, and he wore them all exceedingly well.

He worked tirelessly during World War II for the establishment of the now immortalized 442d Regimental Combat Team. Given its size and length of service, this unit, composed entirely of Japanese-Americans, became the most decorated military unit in American history. Mike himself received the Legion of Merit, the Bonze Star, the Italian Cross, the Presidential Distinguished Unit Citation, and the Combat Infantryman's Badge. And I might mention that Mike served alongside four of his brothers, one of whom was killed and another who was totally disabled. Incredibly, the Masaoka boys received some 30 military decorations for their most distinguished service. A military record that I am confident has rarely, if ever, been equalled.

Upon returning to the United States, Mike continued his life-long quest to rid the United States of racism and discrimination and to secure for Japanese-Americans and other minorities the rights that all Americans were guaranteed. Mike's efforts were instrumental in winning countless legislative victories for the civil rights movement: the repeal of the Japanese Exclusion Act, the right for all legally resident aliens to become naturalized American citizens, the Japanese American Evacuation Claim Act, statehood for Hawaii, the Immigration and Naturalization Act, and ratification of the Treaty of Peace with Japan—to name just some of the over 500 legislative changes Mike had a hand in.

Before I conclude, I want to take this opportunity to request that at the conclusion of my statement, a tribute, written by K. Patrick Ocura, be printed in the RECORD. Pat is a past national president of the Japanese American Citizens League and a friend and colleague of Mike's for over 50 years. Over the years, it has been my privilege to work with Pat on several issues. His leadership in the Asian-Pacific American community has been invaluable. His statement appealed in the June 28 edition of the Pacific Citizen.

Mr. Speaker, my wife Nancy and I would like to express our sympathies to Mike's family, especially to his brother-in-law and our colleague, the distinguished gentleman from California, NORM MINETA. Our heartfelt thoughts and prayers are with you.

Mike Masaoka was indeed a pioneer of the civil rights movement and a constant catalyst for social change. He is someone who I am sure all my colleagues in the House would be proud to call a friend. The loss of his leadership and experience as well as his unsurpassed dedication have left an enormous void in the Asian-Pacific American community and beyond. He will be deeply missed.

[From the Pacific Citizen, June 28, 1991]

It was always Mike and Pat, the two Irishmen * * *

One of the truly great men of JACL, Mike M. Masaoka, is no longer with us. Those of us in Washington, who were in close contact with Mike, were hoping for a miracle; however, this was not to be.

I was privileged to work with Mike during the past 50 years and not only was he my mentor, but also a close personal friend and advisor. His departure will leave a void in the lives of all who knew him.

For the past fifty years, every successful piece of legislation for the betterment of JACL and its constituents, as well as for the ISSEI can in great part be attributed to Mike's skillful work here in the Nation's capital.

One of my proudest moments as your National President was when I marched side by side with Mike, holding JACL's banner in the civil rights march in Washington in August of 1963, when we joined with the late Martin Luther King, Jr. in the Freedom March. This was Mike's vision and without our participation in all civil rights issues in the early sixties, we probably would not have been successful in passing the Civil Rights Act of 1988, the Redress Bill.

The JACL and the Nisei community are indebted to Mike M. Masaoka for its successful status today. We shall miss him greatly.

Mr. LEVINE of California. Mr. Speaker, I am pleased to have this opportunity to join my friend and colleague from California, NORM MINETA, in this special order honoring Mike Masaoka. Mike was, without a doubt, one of the most effective spokesmen for the Japanese-American community. Indeed, his life was dedicated to the cause of improving civil rights, and to rectifying Federal policies that abrogated those rights.

As the first national secretary of the Japanese-American Citizens League, and as that organization's Washington representative, Mike fought to right many of the wrongs that were committed against Japanese-Americans by the Federal Government. He was instrumental in convincing the Army to form the 442d Regimental Combat Team, and in organizing Japanese-Americans to join the military as a way of showing allegiance to the United States. He went on to serve with distinction in the unit that would become the most highly decorated unit in U.S. Army history.

After the war, Mike came to Washington as the JACL representative. In that position, he became known as one of Washington's most effective lobbyists. His achievements were far too numerous to mention here, but there were some that made history. In 1950, he lobbied for the repeal of the Japanese Exclusion Act of 1924, an onerous measure which prohibited Japanese immigrants from becoming citizens or from owning land. Throughout his career, he fought to obtain compensation and redress for Japanese-Americans who were interned in relocation centers during World War II as a result of the Federal Government's egregious policies. It was not until 3 years ago that this body took the long overdue step of apologizing to the victims of the Federal Government's policies, and to providing modest compensation to those Americans of Japanese descent who endured internment. Mike Masaoka also helped to repeal the sections of the Internal Security Act of 1950, which codified the Presidential authority used to justify the internment of Japanese-Americans during the Second World War. Its repeal will help ensure that no one else will be forced to suffer the wholesale violation of civil liberties that Japanese-Americans endured.

Mike Masaoka was one of those rare individuals who could look back over his life and know with certainty that he had made a difference, that the world is indeed a better place because he was here. He fought tirelessly against discrimination and injustice, and will rightfully be remembered as one of the great men of our time.

Ms. PELOSI. Mr. Speaker, I rise today to pay special tribute a special person, Mike Masaru Masaoka. I would also like to extend my deepest sympathy to Mike's family and our colleague and Mike's brother-in-law, NORMAN MINETA. Mike's loss is being felt especially hard in my district of San Francisco.

Mike Masaoka was a true champion and fighter for civil rights for all Americans in the United States. Born in Fresno, CA, he was one of eight children born to a farmer who had immigrated to this country from Hiroshima, Japan.

During World War II, Mike Masaoka enlisted in the Army and was one of the original members of the 442d Regimental Combat Team, made up of Japanese-Americans. He was also a leader in encouraging other Japanese-Americans to show their allegiance to the United States and to serve in the Army. The 442d, which fought in Europe, received the largest number of decorations and commendations in U.S. Army history for its size and length of service in the war.

After the war, Mike became involved in the Japanese-American Citizens League [JACL] and moved to Washington, DC, as the legislative representative. Mike was instrumental in the repeal of the Japanese Exclusion Act of 1924, which barred Japanese immigrants from becoming citizens and from owning land. He was also a leader in obtaining reparations for Japanese-American who lost their jobs, property, and homes when they were interned in camps during World War II.

Mr. Speaker, we have lost a great citizen and fighter for social justice and equality. Mike passed away on June 26, 1991, the day that Justice Thurgood Marshall resigned from the U.S. Supreme Court; this was indeed a very sad day in American history. Both men are giants in fighting for the underdog and the underserved.

I know that Mike will continue to be an inspiration to all of us who continue to fight for a better and just society.

Mr. BERMAN. Mr. Speaker, I rise today to salute one of this country's great defenders of civil rights. By honoring the efforts of Mike Masaoka, we pay homage to the belief that prejudice, stigma and racial discrimination can be effectively fought in this country through the concerted effort of one dedicated citizen.

Mike Masaoka was born in California to an immigrant farmer from Japan. He graduated from college with honors despite the death of his father, which left Mike, his mother, and six brothers and sisters struggling to survive. Unable to afford law school, he applied his commitment to civil liberties and the law as a leader of the Japanese-American Citizens League, helping to expand it into a nationwide organization at the forefront of gaining the rights of citizenship for Japanese-Americans.

Prejudice against Japanese-Americans reached its zenith during World War II when our Government took American citizens from their homes, and imprisoned them in detention camps—not for any crimes committed but simply because of their Japanese ancestry. Mike Masaoka refused to bow to the prevalent bigotry against Japanese-Americans, and chose instead to demonstrate his community's loyalty to this country by organizing and serving in the now-famous U.S. Army 442d Regimental Combat Team—a group of Japanese-American volunteers who earned more honors while fighting the Axis in Europe than any other regiment of the same size.

Mike Masaoka also worked tirelessly to gain compensation for these Japanese-Americans who lost their jobs, homes, and property when they were forcibly uprooted from their communities. His response to the grievous injustice of internment was a campaign for restitution and apology which took over 40 years to reach some resolution. The passage of the Civil Liberties Act of 1988, which extends a formal apology to Japanese-Americans and pledges redress payments to Japanese-American survivors of detention, is due in large part to Mike Masaoka's commitment and persistence. Appropriating the funds for these payments took yet another 3 years. I am grateful that Mike was still alive to witness survivors receiving the first of these payments.

Mike's efforts did not stop at redress. He and the JACL also helped lobby for the repeal of a provision in the Internal Security Act of 1950 which codified the Presidential authority used to imprison Japanese-Americans into law. His efforts helped ensure that no group of Americans would ever experience the bigotry, violation of rights and inhumanity seen when this Nation's Government detained its own citizens based solely on their ancestry.

After the war, Masaoka and the JACL also succeeded in eliminating offensive bias against people of Japanese ancestry in our immigration and nationality laws. As a result of their efforts, Congress repealed the Japanese Exclusion Act of 1924 which had prevented Japanese immigrants from owning land or becoming American citizens.

Mike was again at the forefront of efforts to amend the Walter-McCarran Immigration and Naturalization Act of 1952 giving Japanese immigrants the same rights as Europeans under visa preference categories based on national origin. Our earlier immigration system effectively barred entry to Japanese and other Asian immigrants because preference was first given to Europeans. The amendments helped lay the foundation for a more equitable immigration policy and succeeded in keeping new American families together.

Throughout his life, Mike worked to better the lives of others. His efforts resulted in the protection of civil liberties for all Americans and I am proud to have the opportunity today to pay tribute to a man of such integrity and commitment to the ideals of this Nation. Mike Masaoka's vision of an America whose strength rests on the diverse backgrounds and shared rights of its citizens is closer to reality because of his efforts. He will be sorely missed.

Mr. LEHMAN of Florida. Mr. Speaker, I was deeply saddened to learn about the death of Mike Masaoka, a very decent, talented man who was also a close and very good personal friend.

Mike never held a public office, but he was one of those rare individuals who truly had an impact on public policy. A tireless and productive worker, he knew as well as any Congressman or Senator how to move the legislative process. There is no question that his achievements in the public sector will forever be part of the history of our Nation; his service to the country during World War II is already legend.

For me, however, what really distinguished Mike Masaoka was the way he achieved his goals. He appealed to the good in people—their sense of decency, fairness and justice. His approach speaks volumes about the kind of issues be fought for, and the kind of man he was.

Mr. Speaker, my deepest sympathy goes out to Mike's wife, Etsu, my colleague NORM MINETA and all the family. It was my privilege to know and work with such a fine man.

Mrs. BOXER. Mr. Speaker, I am very pleased to join my colleagues, Congressman MINETA and Congressman MATSUI, in paying tribute to Mike Masaru Masaoka who recently passed away.

Mr. Masaoka's contributions to the Japanese-American community, and to American society at large, are truly legendary. As the first national secretary of the Japanese-American Citizens League [JACL], Masaoka lobbied and succeeded in gaining repeal of the Japanese Exclusion Act of 1924, which prevented Japanese immigrants from owning land or becoming American citizens. He also succeeded in having the Immigration and Naturalization Act amended to give Japanese immigrants the same rights as European immigrants.

During World War II, Mr. Masaoka convinced the Army to establish a special Japanese-American regiment. The now famous 442d Regimental Combat Team, with which he served, fought in Europe and received the largest number of decorations and commendations in U.S. Army history for its size and length of service.

Upon returning home, Mr. Masaoka worked tirelessly to obtain compensation for those who lost their homes, jobs, and property when they were placed in relocation camps. He successfully fought for the repeal of title II of the Internal Security Act which has been used to justify the imprisonment of Japanese-Americans.

In 1989, all his efforts paid off when Congress passed legislation authorizing redress payments for Japanese-Americans who had been sent to camps. I, for one, was proud to join in this fight to rectify our Government's unforgivable treatment of Japanese-Americans during the Second World War.

Mr. Masaoka will be missed by all of us. I am pleased to join my colleagues in honoring a great civil rights activist and an outstanding American.

Mr. LANTOS. Mr. Speaker, our country has lost a true hero. Mr. Mike Masaru Masaoka, a man who devoted his life to achieving justice and equality for his fellow Japanese-Americans, passed away on June 26.

After personally financing his own college education, Mr. Masaoka went to work for the Japanese-American Citizens League, an organization representing the interests of Japanese-Americans. As national executive secretary of the JACL, he helped the association achieve national prominence and gave a voice to Americans of Japanese ancestry.

Ever determined, Mr. Masaoka's work resulted in the restored rights of Japanese-Americans after World War II. In 1950 he helped persuade Congress to repeal the Japanese Exclusion Act, which barred Japanese immigrants from owning land.

For 45 fruitful years, he worked to see the Congress provide suitable compensation for those Japanese-Amercians who lost their jobs, homes, and property due to camp detention during World War II. This dream was finally realized in 1989, when $20,000 was granted to each camp survivor.

Even more important, however, was Mr. Masaoka's work to ensure a future free of discrimination against Japanese-Americans. To that end, he labored to persuade Congress to repeal the Internal Security Act of 1950, which had provided the President with the power to arbitrarily detain innocent American citizens.

Mr. Masaoka's enduring commitment to his Nation is inspiring. At the outbreak of World War II, Mr. Masaoka and the JACL persuaded Japanese-Americans to enlist in the U.S. Army. Those who answered the call comprised the 442d Regimental Combat Team. Their valor is legendary. Mr. Masaoka's outfit received the largest number of decorations and commendations in U.S. Army history for its length of service.

Mr. Masaoka himself received numerous military awards, including the Bronze Star, the Legion of Merit, and the Italian Cross of Military Valor.

In 1963, the dean of the California congressional delegation honored Mr. Masaoka in the CONGRESSIONAL RECORD, insisting that he had "made a contribution to almost every law passed since the end of World War II benefitted Japanese Americans."

In 1972, President Richard Nixon awarded Mr. Masaoka a commendation for "exceptional service to others, in the finest American tradition."

Mr. Speaker, men like Mr. Masaoka are rare indeed. Today we honor his courage, his perseverance, and his willingness to stand and speak for the cause of fairness, justice, and equality. It is with a great sense of respect and admiration that I rise and pay tribute to him today.

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to a man whose unending commitment to civil rights and to this Nation reminds all of us that an individual can still make a powerful impact on our society. His recent passing leaves a great void in all of our lives.

Mr. Mike Masaoka was a man of exceptional accomplishments. He not only worked his way through the University of Utah, but also graduated with honors with a major in economics and political science. After graduation, he applied his energy to the Japanese-American Citizens League [JACL] and eventually became the first national secretary of JACL. His endless hard work and dedication to the goals of JACL contributed in many ways to enhancing the opportunities and civil rights of the Japanese American community, and in turn the rights of all Americans.

During World War II, Mr. Masaoka demonstrated exceptional strength and fortitude. Despite the unjust treatment of his fellow Japanese-Americans, Mike Masaoka enlisted in the Army and joined the 442d Regimental Combat Team which became one of the most decorated units during World War II. Masaoka's personal military decorations included a Purple Heart. Despite the bravery shown by Mr. Mike Masaoka and the 442d Regimental Combat Team, there were still many battles to be fought at home after the conclusion of the war.

Masaoka moved to Washington, DC, to continue his work for the Japanese American Citizens League. Through this organization, he worked tirelessly for the passage of the Civil Liberties Act of 1988, which provided financial compensation for Japanese Americans who were interned during World War II. He also worked for repeal of title II, which had been used by President Roosevelt to intern the Japanese Americans during World War II.

Mr. Masaoka's accomplishments have been an example for all people who are involved in civil rights issues. He was instrumental in convincing people to put aside their biases and accept and understand the benefits that other cultures can bring to our Nation when given their full rights as citizens. Throughout his life, he exemplified a deep passion, commitment and willingness to remove the inequities and barriers in our society.

Mr. Speaker, my deepest sympathy is extended to his wife, family and friends. Mr. Masaoka was a great champion of civil rights and equal justice. This Nation has lost a great warrior.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

MORE RESEARCH IS NEEDED FOR EARLY DETECTION TEST FOR OVARIAN CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, I shall not take my hour. I had reserved this time in order to express my very strong objections to portions of that committee report which we debated today on the bill relating to authorizations for the National Institutes of Health.

I refer to that letter from the Secretary of Health and Human Services, addressed to the chairman of that committee, the gentleman from Michigan [Mr. DINGELL], in which he suggested that the work of the subcommittee and of the committee in singling out special funds and special attention to the needs of women in this country insofar as health research was concerned was not only unneeded but unnecessary and overtaxing to the bureaucracy.

I think that was extremely misguided advice that prompted the Secretary to make such a suggestion and to write such a letter, because it demonstrated to me an enormous feeling of understanding of the critical nature of the neglect and omission of the National Institutes of Health in recognizing that there were so many areas of health concern to women that have been neglected over the decades.

I commend the congressional women here and their caucus for highlighting those deficits years ago and pointing out the fact that the National Institutes of Health had very rarely in overall comprehensive research that affected all human beings, had neglected to utilize women as subjects, to test women insofar as how their particular health concerns related to the overall research and experimentation.

It was not until the congressional women's caucus brought these matters to the attention of the department and of the Congress that we began to see some movement. I was privileged to join this body not too long ago, and one of the first things that I did in entering this particular session was to introduce a bill that called for a separate authorization and appropriations for ovarian cancer, because that has been one of the most neglected areas of research by the Institutes of Health and by all other academic institutions in America. They simply discounted the fact that physicians in this field throughout the country knew that there was no way they could make an authentic early detection of ovarian cancer. Many of them simply went through their regular tests and examinations without discovering that the patient had, in fact, early stages of ovarian cancer. So that by the time it was, in fact, discovered, the cancer was in advanced stages and the outcome was disastrous.

Something like 21,000 women are diagnosed each year as having ovarian cancer, and of those numbers more than half likely will die. Significant numbers of the 20,000 are young women in their thirties and forties who have yet years to enjoy if but some medical research had been devoted to trying to find a method for early detection.

Instead, they simply went through their regular examinations, perhaps they had some symptoms, but it was not discernible as being connected to any particular disorder, and so by the time they were discovered as having ovarian cancer, it was too late to do anything about it. So each year some 12,000 women die of ovarian cancer.

No wonder it is referred to in magazines and news accounts all over the country as "the silent killer for women."

If there is anything that draws my presence here this evening to discuss this point, it is the comments, the terrible stories of agony, the anguish that familes have suffered because there has not been any significant effort to try and find an early detection test.

If the country had used its resources and its intellect and its money in this area, I am sure that they would have discovered a test long ago. And that is really the purpose and nature of the subcommittee and the committee's coming to the Congress and now saying it is time that we direct the attention of the research organization for health concerns to pay attention to the needs of women in this country.

It is not our idea to meddle, to make more burdensome the bureaucracy, to interfere, but to do our job as elected legislators of this Congress, to set priorities which we feel have been neglected by the administration.

Clearly, in this area of women's health concerns there has been a terrible neglect, and the price that has been paid is the unnecessary deaths of thousands of women across this country. I am here this evening to pay special tribute to the congressional caucus for women for bringing this matter to the forefront of this Nation, bringing this matter to the attention of this Congress, and especially the subcommittees and the committees working on health measures bringing before the Congress this outstanding piece of legislation calling for a set-aside of $100 million for the first time to do significant research that can have a very, very profound effect on the lives of women all across this country.

I would like to also say that we will be watching what the National Institutes of Health does with these funds to make absolutely sure that these funds are being spent as the Congress willed it. So I take special pride in having had an opportunity to engage myself in bringing into focus this special area of concern about ovarian cancer, and I thank the House for concurring with the report of the committee.

CONFERENCE REPORT ON H.R. 1455

Mr. MCCURDY submitted the following conference report and statement on the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-166)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1991".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 1455 of the One Hundred Second Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 the sum of $27,900,000, of which $6,580,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 the sum of $164,600,000.

SEC. 302. CIA FORMER SPOUSE QUALIFYING TIME.

Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end of paragraph (4) "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 303. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CERTAIN CIA EMPLOYEES.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as and to the extent provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 304. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5))".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new subsection:

"(e) Upon remarriage occurring on or after the date of the enactment of this subsection to

a spouse other than the spouse at the time of retirement, a retired participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date of remarriage. For any remarriage that occurred before the date of the enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).''.

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out ''This'' and inserting in lieu thereof ''Subsections (a) through (c) of this''.

SEC. 305. REDUCTION OF REMARRIAGE AGE.

(a) REDUCTION OF REMARRIAGE AGE FOR SURVIVOR AND RETIREMENT BENEFITS.—The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in section 221—

(A) in subsections (b)(1)(A) and (b)(3)(C), by striking out ''age 60'' each place it appears and inserting in lieu thereof ''age 55''; and

(B) in subsection (g)(1), by striking out ''age sixty'' each place it appears and inserting in lieu thereof ''age 55'';

(2) in section 222—

(A) by striking out ''60 years of age'' each place it appears in subsections (a)(2), (a)(3)(A), and (b)(2) and inserting in lieu thereof ''55 years of age''; and

(B) by striking out ''age 60'' each place it appears in subsections (b)(3), (b)(5)(A), (c)(3)(C), (c)(3)(D), and (c)(4) and inserting in lieu thereof ''age 55''; and

(3) in section 232(b)(1), by striking out ''attaining age sixty'' in the last sentence and inserting in lieu thereof ''attaining age 55''.

(b) EFFECTIVE DATE OF AMENDMENTS.—(1) The amendments made by subsection (a) relating to widows or widowers shall apply in the case of a surviving spouse's remarriage occurring on or after July 27, 1989, and with respect to periods beginning after such date.

(2) The amendments made by subsection (a) relating to former spouses shall apply with respect to any former spouse whose remarriage occurs after the date of enactment of this Act.

SEC. 306. ELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new paragraph:

''(3) A surviving spouse who married a participant after his or her retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.''.

SEC. 307. RESTORATION OF FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) SURVIVOR ANNUITY.—Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting '', except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce'' after ''fifty-five'';

(2) in subsection (c)(1)(B), by inserting '', except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce'' after ''fifty-five''; and

(3) by adding at the end thereof the following new subsection:

''(e) Notwithstanding subsection (c)(2)(A) of this section, the thirty-month application requirement for a survivor annuity under this section to be payable shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(1)(B) of this section.''.

(b) RETIREMENT BENEFITS.—Section 225 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting '', except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce'' after ''fifty-five'';

(2) in subsection (c)(1)(B)(i), by inserting '', except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce'' after ''fifty-five years of age'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding after subsection (d) the following new subsection (e):

''(e) Notwithstanding subsection (c)(4)(A) of this section, the thirty-month application requirement for benefits under this section to be payable shall not apply in cases in which a former spouse's entitlement to such benefits is restored under subsection (b)(1) or (c)(1)(B) of this section.''.

(c) HEALTH BENEFITS.—Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after paragraph (2) the following new paragraph:

''(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

''(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

''(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

''(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.

(e) COMPLIANCE WITH BUDGET ACT.—Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 403. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

''(f) All positions in the Department which the Secretary determines are devoted to intelligence and intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.''.

SEC. 404. INTELLIGENCE COMMUNITY CONTRACTING.

(a) POLICY CONCERNING PRODUCTS PRODUCED IN THE UNITED STATES.—The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products produced in the United States.

(b) DEFINITION.—For purposes of this section, the term ''Intelligence Community'' has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

SEC. 405. FURNISHING OF INTELLIGENCE INFORMATION TO THE SENATE AND HOUSE SELECT COMMITTEES ON INTELLIGENCE.

(a) FURNISHING OF SPECIFIC INFORMATION.—In accordance with title V of the National Security Act of 1947, the head of any department or agency of the United States involved in any intelligence activities which may pertain to United States military personnel listed as prisoner, missing, or unaccounted for in military actions shall furnish any information or documents in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.—In accordance with Senate Resolution 400, Ninety-Fourth Congress, and House Resolution 658, Ninety-Fifth Congress, the committees named in subsection (a) shall, upon request and under such regulations as the committees have prescribed to protect the classification of such information, make any information described in subsection (a) available to any other committee or any other Member of Congress and appropriately cleared staff.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SEC. 501. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§2642. Reimbursement rate for airlift services provided to Central Intelligence Agency

"(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

"(b) DEFINITION.—In this section, the term 'Department of Defense reimbursement rate' means the amount charged a component of the Department of Defense by another component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency.".

SEC. 502. PUBLIC AVAILABILITY OF MAPS, ETC., PRODUCED BY DEFENSE MAPPING AGENCY.

(a) IN GENERAL.—(1) Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

"§2796. Maps, charts, and geodetic data: public availability; exceptions

"(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

"(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

"(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

"(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the geodetic product; or

"(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, reveal military operational or contingency plans.

"(2) In this subsection, the term 'geodetic product' means any map, chart, geodetic data, or related product.

"(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

"(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

"(A) in the case of allies of the United States; and

"(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2796. Maps, charts, and geodetic data: public availability; exceptions.".

(b) DEADLINE FOR INITIAL REGULATIONS.—Regulations to implement section 2796 of title 10, United States Code, as added by subsection (a), shall be published in the Federal Register for public comment in accordance with subsection (c) of that section not later than 90 days after the date of the enactment of this Act.

SEC. 503. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 504. USE OF COMMERCIAL ACTIVITIES AS COVER SUPPORT TO INTELLIGENCE COLLECTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

"Subchapter	*Sec.*
"I. General Matters	*421*
"II. Intelligence Commercial Activities	*431*

"SUBCHAPTER I—GENERAL MATTERS"; and

(2) by adding at the end the following:

"SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

"431. Authority to engage in commercial activities as security for intelligence collection activities.
"432. Use, disposition, and auditing of funds.
"433. Relationship with other Federal laws.
"434. Reservation of defenses and immunities.
"435. Limitations.
"436. Regulations.
"437. Congressional oversight.

"§431. Authority to engage in commercial activities as security for intelligence collection activities

"(a) AUTHORITY.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

"(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

"(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

"(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

"(c) DEFINITIONS.—In this subchapter:

"(1) The term 'commercial activities' means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

"(A) the acquisition, use, sale, storage and disposal of goods and services;

"(B) entering into employment contracts and leases and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

"(D) acquiring licenses, registrations, permits, and insurance; and

"(E) establishing corporations, partnerships, and other legal entities.

"(2) The term 'intelligence collection activities' means the collection of foreign intelligence and counterintelligence information.

"§432. Use, disposition, and auditing of funds

"(a) USE OF FUNDS.—Funds generated by a commercial activity authorized pursuant to this subchapter may be used to offset necessary and reasonable expenses arising from that activity. Use of such funds for that purpose shall be kept to the minimum necessary to conduct the activity concerned in a secure manner. Any funds generated by the activity in excess of those required for that purpose shall be deposited, as often as may be practicable, into the Treasury as miscellaneous receipts.

"(b) AUDITS.—(1) The Secretary of Defense shall assign an organization within the Department of Defense to have auditing responsibility with respect to activities authorized under this subchapter.

"(2) That organization shall audit the use and disposition of funds generated by any commercial activity authorized under this subchapter not less often than annually. The results of all such audits shall be promptly reported to the intelligence committees (as defined in section 437(d) of this title).

"§433. Relationship with other Federal laws

"(a) IN GENERAL.—Except as provided by subsection (b), a commercial activity conducted pursuant to this subchapter shall be carried out in accordance with applicable Federal law.

"(b) AUTHORIZATION OF WAIVERS WHEN NECESSARY TO MAINTAIN SECURITY.—(1) If the Secretary of Defense determines, in connection with a commercial activity authorized pursuant to section 431 of this title, that compliance with certain Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of an authorized intelligence activity, the Secretary may, to the extent necessary to prevent such compromise, waive compliance with such laws or regulations.

"(2) Any determination and waiver by the Secretary under paragraph (1) shall be made in writing and shall include a specification of the laws and regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of

Defense, an Assistant Secretary of Defense, or a Secretary of a military department.

"(c) FEDERAL LAWS AND REGULATIONS.—For purposes of this section, Federal laws and regulations pertaining to the management and administration of Federal agencies are only those Federal laws and regulations pertaining to the following:

"(1) The receipt and use of appropriated and nonappropriated funds.

"(2) The acquisition or management of property or services.

"(3) Information disclosure, retention, and management.

"(4) The employment of personnel.

"(5) Payments for travel and housing.

"(6) The establishment of legal entities or government instrumentalities.

"(7) Foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§434. Reservation of defenses and immunities

"The submission to judicial proceedings in a State or other legal jurisdiction, in connection with a commercial activity undertaken pursuant to this subchapter, shall not constitute a waiver of the defenses and immunities of the United States.

"§435. Limitations

"(a) LAWFUL ACTIVITIES.—Nothing in this subchapter authorizes the conduct of any intelligence activity that is not otherwise authorized by law or Executive order.

"(b) DOMESTIC ACTIVITIES.—Personnel conducting commercial activity authorized by this subchapter may only engage in those activities in the United States to the extent necessary to support intelligence activities abroad.

"(c) PROVIDING GOODS AND SERVICES TO THE DEPARTMENT OF DEFENSE.—Commercial activity may not be undertaken within the United States for the purpose of providing goods and services to the Department of Defense, other than as may be necessary to provide security for the activities subject to this subchapter.

"(d) NOTICE TO UNITED STATES PERSONS.—(1) In carrying out a commercial activity authorized under this subchapter, the Secretary of Defense may not permit an entity engaged in such activity to employ a United States person in an operational, managerial, or supervisory position, and may not assign or detail a United States person to perform operational, managerial, or supervisory duties for such an entity, unless that person is informed in advance of the intelligence security purpose of that activity.

"(2) In this subsection, the term 'United States person' means an individual who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

"§436. Regulations

"The Secretary of Defense shall prescribe regulations to implement the authority provided in this subchapter. Such regulations shall be consistent with this subchapter and shall at a minimum—

"(1) specify all elements of the Department of Defense who are authorized to engage in commercial activities pursuant to this subchapter;

"(2) require the personal approval of the Secretary or Deputy Secretary of Defense for all sensitive activities to be authorized pursuant to this subchapter;

"(3) specify all officials who are authorized to grant waivers of laws or regulations pursuant to section 433(b) of this title, or to approve the establishment or conduct of commercial activities pursuant to this subchapter;

"(4) designate a single office within the Defense Intelligence Agency to be responsible for the management and supervision of all activities authorized under this subchapter;

"(5) require that each commercial activity proposed to be authorized under this subchapter be subject to appropriate legal review before the activity is authorized; and

"(6) provide for appropriate internal audit controls and oversight for such activities.

"§437. Congressional oversight

"(a) PROPOSED REGULATIONS.—Copies of regulations proposed to be prescribed under section 436 of this title (including any proposed revision to such regulations) shall be submitted to the intelligence committees not less than 30 days before they take effect.

"(b) CURRENT INFORMATION.—Consistent with title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Secretary of Defense shall ensure that the intelligence committees are kept fully and currently informed of actions taken pursuant to this subchapter, including any significant anticipated activity to be authorized pursuant to this subchapter. The Secretary shall promptly notify the appropriate committees of Congress whenever a corporation, partnership, or other legal entity is established pursuant to this subchapter.

"(c) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary shall submit to the appropriate committees of Congress a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report)—

"(1) a description of any exercise of the authority provided by section 433(b) of this title;

"(2) a description of any expenditure of funds made pursuant to this subchapter (whether from appropriated or non-appropriated funds); and

"(3) a description of any actions taken with respect to audits conducted pursuant to section 432 of this title to implement recommendations or correct deficiencies identified in such audits.

"(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

(b) EFFECTIVE DATE.—The Secretary of Defense may not authorize any activity under section 431 of title 10, United States Code, as added by subsection (a), until the later of—

(1) the end of the 90-day period beginning on the date of the enactment of this Act; or

(2) the effective date of regulations first prescribed under section 436 of such title, as added by subsection (a).

SEC. 505. DISCLOSURE TO MEMBERS OF CONGRESS OF A CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

TITLE VI—OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 601. REPEAL OF HUGHES-RYAN AMENDMENT.

Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is repealed.

SEC. 602. OVERSIGHT OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Title V of the National Security Act of 1947 is amended—

(1) by redesignating sections 502 and 503 as sections 504 and 505, respectively; and

(2) by striking out section 501 (50 U.S.C. 413) and inserting in lieu thereof the following new sections:

"GENERAL CONGRESSIONAL OVERSIGHT PROVISIONS

"SEC. 501. (a)(1) The President shall ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this title.

"(2) As used in this title, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

"(3) Nothing in this title shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

"(b) The President shall ensure that any illegal intelligence activity is reported promptly to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

"(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

"(d) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the intelligence committees or to Members of Congress under this title. Such procedures shall be established in consultation with the Director of Central Intelligence. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

"(f) As used in this section, the term 'intelligence activities' includes covert actions as defined in section 503(e).

"REPORTING OF INTELLIGENCE ACTIVITIES OTHER THAN COVERT ACTIONS

"SEC. 502. To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than a covert action (as defined in section 503(e)), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure; and

"(2) furnish the intelligence committees any information or material concerning intelligence

activities, other than covert actions, which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"PRESIDENTIAL APPROVAL AND REPORTING OF COVERT ACTIONS

"SEC. 503. (a) The President may not authorize the conduct of a covert action by departments, agencies, or entities of the United States Government unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

"(2) Except as permitted by paragraph (1), a finding may not authorize or sanction a covert action, or any aspect of any such action, which already has occurred.

"(3) Each finding shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action. Any employee, contractor, or contract agent of a department, agency, or entity of the United States Government other than the Central Intelligence Agency directed to participate in any way in a covert action shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, to govern such participation.

"(4) Each finding shall specify whether it is contemplated that any third party which is not an element of, or a contractor or contract agent of, the United States Government, or is not otherwise subject to United States Government policies and regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned, or be used to undertake the covert action concerned on behalf of the United States.

"(5) A finding may not authorize any action that would violate the Constitution or any statute of the United States.

"(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and entities of the United States Government involved in a covert action—

"(1) shall keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and

"(2) shall furnish to the intelligence committees any information or material concerning covert actions which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"(c)(1) The President shall ensure that any finding approved pursuant to subsection (a) shall be reported to the intelligence committees as soon as possible after such approval and before the initiation of the covert action authorized by the finding, except as otherwise provided in paragraph (2) and paragraph (3).

"(2) If the President determines that it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, the finding may be reported to the chairmen and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and such other member or members of the congressional leadership as may be included by the President.

"(3) Whenever a finding is not reported pursuant to paragraph (1) or (2) of this section, the President shall fully inform the intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

"(4) In a case under paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee. When access to a finding is limited to the Members of Congress specified in paragraph (2), a statement of the reasons for limiting such access shall also be provided.

"(d) The President shall ensure that the intelligence committees, or, if applicable, the Members of Congress specified in subsection (c)(2), are notified of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

"(e) As used in this title, the term 'covert action' means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include—

"(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;

"(2) traditional diplomatic or military activities or routine support to such activities;

"(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

"(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

"(f) No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sections 501, 502, and 503 and inserting in lieu thereof the following:

"Sec. 501. General congressional oversight provisions.
"Sec. 502. Reporting of intelligence activities other than covert actions.
"Sec. 503. Presidential approval and reporting of covert actions.
"Sec. 504. Funding of intelligence activities.
"Sec. 505. Notice to Congress of certain transfers of defense articles and defense services.".

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the National Security Act of 1947, as redesignated by subsection (a), is amended in subsection (a)(2) by striking out "section 501" and inserting in lieu thereof "section 503".

(2) Section 505 of such Act (50 U.S.C. 415), as redesignated by subsection (a), is amended in subsection (a)(1) by striking out "section 501 of this Act" and inserting in lieu thereof "this title".

(3) Sections 167(g) and 2547(c) of title 10, United States Code, are amended—

(A) by striking out "would require—" and all that follows through "a notice" and inserting in lieu thereof "would require a notice"; and

(B) by striking out "section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413)" and inserting in lieu thereof "title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)".

SEC. 603. LIMITATIONS ON USE OF FUNDS.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414), as redesignated by section 602(a) and amended by section 602(c), is further amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

"(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

"(A) the types of activities for which nonappropriated funds may be expended; and

"(B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

"(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the intelligence committees and, as appropriate, the Director of Central Intelligence or the Secretary of Defense.".

SEC. 604. TRANSFERS OF DEFENSE ARTICLES OR SERVICES.

Section 505 of the National Security Act of 1947 (50 U.S.C. 415), as redesignated by section 602(a), is amended by inserting ", or the anticipated transfer in any fiscal year of any aggregation of defense articles or defense services," in subsection (a)(1) after "service".

And the Senate agree to the same.

From the Select Committee on Intelligence:

Dave McCurdy,
Barbara Kennelly,
Dan Glickman,
Nicholas Mavroules,
Bill Richardson,
Stephen Solarz,
Norman D. Dicks,
Ronald V. Dellums,
David Bonior,
Martin Olav Sabo,
Wayne Owens,
Bud Shuster,
Larry Combest,
Doug Bereuter,
R.K. Dornan,
Bill Young,
David O'B. Martin,
George W. Gekas,

From the Committee on Armed Services for the consideration of Defense Tactical Intelligence and related activities and section 505 of both the House bill and the Senate amendment:

Les Aspin,
Ike Skelton,

WILLIAM L. DICKINSON,
Managers on the Part of the House.

From the Select Committee on Intelligence:
DAVID L. BOREN,
SAM NUNN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
HOWARD M. METZENBAUM,
JOHN GLENN,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JOHN C. DANFORTH,
WARREN RUDMAN,
SLADE GORTON,
JOHN H. CHAFEE,

From the Committee on Armed Services:
J.J. EXON,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate. This special conference group consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act, 1991. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1991 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to section 103 of the House bill and section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

TITLE II—INTELLIGENCE COMMUNITY STAFF

Title II of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1991 for the Intelligence Community Staff and provides for administration of the staff during fiscal year 1991 in the same manner as the Central Intelligence Agency. The conference report, as did the House bill and the Senate amendment, authorizes $27,900,000 and 240 personnel.

Included in the funds authorized for the Intelligence Community Staff are $6,580,000 for the Security Evaluation Office (SEO). In the conference report on the FY 1990 Intelligence Authorization Act (see pages 21–22. H. Rept. 101-367, 101st Congress, 1st Session), the conferees expressed concern that for various reasons the SEO had failed to focus the unique capabilities of the intelligence community, as expected by the committees, on the problems of embassy security. The conference report set forth in detail what the conferees believed the organizational relationships and functions of the SEO should be to achieve the role envisioned for it.

The conferees on this year's bill continue to support the language in the fiscal year 1990 conference report on the SEO.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SECTION 301

Section 301 of the conference report authorizes appropriations for fiscal year 1991 of $164,600,000 for the CIA Retirement and Disability Fund. Both the House bill (section 301) and the Senate amendment (section 301) authorized $164,600,000.

SECTION 302

Section 302 of the conference report amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to make clear that the five years of marriage spent outside the United States required to qualify for former spouse status must have occurred during periods of the participant's service with the CIA. Section 302 is identical to section 302 of the House bill and section 302 of the Senate amendment.

SECTION 303

Section 303 amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to eliminate the statutory provisions requiring a 15-year career review and a re-election option for CIARDS and FERS Special Category participants to remain under CIARDS or in FERS Special Category status for the duration of their CIA service. Section 303 is identical to section 303 of the House bill and section 303 of the Senate amendment.

SECTION 304

Section 304 of the conference report amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to permit a retiree under CIARDS who failed to elect a survivor benefit for a prior spouse to elect to provide a survivor benefit upon remarriage after retirement. Section 304 is identical to section 304 of the House bill and, except for a technical drafting difference, identical to section 304 of the Senate amendment.

SECTION 305

Section 305 of the conference report amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to lower, from 60 to 55, the age before which an entitlement to retirement benefits, in the case of former spouses, and survivor benefits, in the case of surviving spouses and former spouses, shall terminate because of the remarriage of the former spouse or surviving spouse. Section 305 is identical to section 305 of the House bill and section 305 of the Senate amendment.

SECTION 306

Section 306 amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to require a surviving spouse, who marries a retiree and becomes entitled to a CIARDS survivor annuity, to choose between such annuity and any other federal government survivor annuity to which he or she may be entitled. Section 306 is identical to section 306 of the House bill and to section 306 of the Senate amendment.

SECTION 307

Section 307 of the conference report amends the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to restore certain survivor, retirement, and health benefits to former spouses whose benefits were terminated because of remarriage before age 55 and whose remarriage was later dissolved by death, divorce, or annulment. Section 307 is identical to section 307 of the House bill and to section 307 of the Senate amendment.

TITLE IV—GENERAL PROVISIONS

SECTION 401

Section 401 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law. Section 401 is identical to section 401 of the House bill and to section 401 of the Senate amendment.

SECTION 402

Section 402 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 402 is identical to section 402 of the House bill and to section 402 of the Senate amendment.

SECTION 403

Section 403 of the conference report amends the Department of Energy Reorganization Act to provide that all positions within the Department which are determined by the Secretary to be devoted to intelligence and intelligence-related activities are excepted from the competitive service. Section 403 is identical to section 403 of the House bill and section 404 of the Senate amendment.

SECTION 404

Section 404 of the conference report requires the Director of Central Intelligence to direct that, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, elements of the Intelligence Community should award contracts in a manner that would maximize the procurement of products produced in the United States. The conferees note that the use of a differential in evaluating the bids of domestic and foreign firms is not inconsistent with the meaning of the term "fiscally sound." Section 404 is identical to section 404 of the House bill and section 405 of the Senate amendment.

SECTION 405

Section 405 of the Senate amendment requires the head of any department or agency of the United States involved in any intelligence activities which may pertain to United States military personnel listed as prisoner, missing, or unaccounted for in military actions to provide to the Senate or House Select Committee on Intelligence, upon request, any documents or information in the possession, custody or control of the department or agency, or a person paid by such department or agency. The section also directs the intelligence committees of the Senate and House consistent with applicable Senate and House resolutions and committee regulations, to make information requested by the committees on United States military personnel listed as prisoner, missing, or unaccounted for in military actions available, upon request, to any other committee or any other Member of Congress and appropriately cleared staff.

The House bill did not contain a similar provision.

The House recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SECTION 501

Section 501 of the conference report authorizes the Secretary of Defense to permit a component of the Department to charge the CIA the same rate for military airlift services as would be charged another component of the Department if the Secretary determines that such services are provided for activities related to national security objectives. Section 501 is identical to section 501 of the House bill and to section 501 of the Senate amendment.

SECTION 502

Section 502 of the conference report amends chapter 167 of title 10 of the United States Code to (a) authorize withholding from public disclosure unclassified maps, charts and related geodetic data produced by the Defense Mapping Agency, and (2) provide for the public sale by the Defense Mapping Agency of unclassified maps and charts of scales 1:500,000 and smaller. Section 502 is identical to section 502 of the House bill and to section 502 of the Senate amendment.

SECTION 503

Section 503 of the conference report amends the National Security Agency Act of 1959 to provide discretionary authority to the Director of the National Security Agency to utilize appropriated funds to provide assistance to former National Security Agency employees for up to five years after leaving such employment if the Director determines such assistance is essential to avoid circumstances that might lead to the unlawful disclosure of classified information to which the employee to be assisted had access. Section 503 is identical to section 503 of the House bill and to section 503 of the Senate Amendment.

SECTION 504

Section 504 of the conference report adds a new subchapter II to chapter 21 of title 10 of the United States Code empowering the Secretary of Defense to authorize the conduct of commerical activities necessary to provide sufficient security for authorized intelligence collection activities undertaken abroad by the Department of Defense. Section 504 is identical to section 504 of the House bill and, except for a technical drafting difference, to section 504 of the Senate amendment.

SECTION 505

Section 505 requires the Secretary of Defense to provide to Member of Congress a classified report prepared for the Director of the Defense Intelligence Agency concerning military personnel listed as prisoner, missing, or unaccounted for. Section 505 is identical to section 505 of the House bill, and to section 505 of the Senate amendment.

TITLE VI—OVERSIGHT OF INTELLIGENCE ACTIVITIES

Sections 601–604 of the Conference report contain significant provisions regarding congressional oversight of intelligence activities, including requirements relating to the authorization of covert actions by the President and the reporting of covert actions to the Congress. These provisions would for the first time in statute impose the following requirements:

A finding must be in writing.

A finding may not retroactively authorize covert activities which have already occurred.

The President must determine that the covert action is necessary to support identifiable foreign policy objectives of the United States.

A finding must specify all government agencies involved and whether any third party will be involved.

A finding may not authorize any action intended to influence United States political processes, public opinion, policies or media.

A finding may not authorize any action which violates the Constitution of the United States or any statutes of the United States.

Notification to the congressional leaders specified in the bill must be followed by submission of the written finding to the chairmen of the intelligence committees.

The intelligence committees must be informed of significant changes in covert actions.

No funds may be spent by any department, agency or entity of the Executive Branch on a covert action until there has been a signed, written finding.

Sections 601 through 604 are substantially similar to sections 601 through 604 in title VI of the Senate amendment, with technical and drafting changes and the substantive changes noted below. The House bill did not contain similar provisions.

The conferees note that sections 601–604 are based on legislation (S. 1721 and H.R. 3822) which was reported by the intelligence committees in the 100th Congress (S. Rept. 100–276; H. Rept. 100–793, parts 1 and 2) but, although passed by the Senate, did not reach the House floor.

Current law, which has been in effect since 1980, requires that the President fully inform the intelligence committees "in a timely fashion" of covert actions for which prior notice was not given. The executive branch has asserted that the President's constitutional authorities and/or existing law (section 501(b) of the National Security Act of 1947) permit the President to withhold notice from the committees for as long as he deems necessary. Such arguments were made most strongly in a Memorandum to the Attorney General, dated December 17, 1986, from Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, Department of Justice, entitled "The President's Compliance with the 'Timely Notification' Requirement of Section 501(b) of the National Security Act" (reprinted in Hearings before the Select Committee on Intelligence, "Oversight Legislation," S. HRG. 100–623, pp. 126–152), which concluded that the President has "virtually unfettered discretion to choose the right moment for making the required notification."

Both intelligence committees expressed strong disagreement with this legal opinion when it came to light, believing it to be clearly inconsistent with the understandings which underlay the 1980 Act.

In 1989, the Senate Select Committee on Intelligence asked the newly-installed Bush Administration to reject the Cooper memorandum and to provide explicit assurances with respect to how the President intended to comply with the requirement for "timely notice," contained in section 501(b). A similar request was made by the House Permanent Select Committee on Intelligence in 1990.

President Bush responded to these requests with similar letters to both committees. The text of the letter to the Chairman of the House Committee is reprinted here in full:

DEAR MR. CHAIRMAN: I am aware of your concerns regarding the provision of notice to Congress of covert action and the December 17, 1986 opinion of the Office of Legal Counsel of the Department of Justice, with which you strongly disagree primarily because of the statement that "a number of factors combine to support the conclusion that the 'timely notice' language should be read to leave the President with virtually unfettered discretion to choose the right moment for making the required notification."

I can assure you that I intend to provide notice to Congress of covert action in a fashion sensitive to these concerns. The statute requires prior notice or, when no prior notice is given, timely notice. I anticipate that in almost all instances, prior notice will be possible. In those rare instances where prior notice is not provided, I anticipate that notice will be provided within a few days. Any withholding beyond this period will be based upon my assertion of authorities granted this office by the Constitution.

I am sending a similar letter to Congressman Hyde.

Sincerely,

GEORGE BUSH.

In re-enacting the phrase "in a timely fashion," which is the formulation contained in existing law, the conferees wish to emphasize and make absolutely clear that such action should not in any way be taken to imply agreement or acquiescence in the Cooper memorandum insofar as such memorandum interprets the "timely fashion" phrase as it exists in current law.

At the same time, however, it is the intent of the conferees that this provision be interpreted in a manner consistent with whatever authority the Constitution may provide. If the Constitution in fact provides the President authority to withhold notice of covert actions for longer periods, then the conferees' interpretation cannot be legally binding upon the President. In his letter to the committees, reprinted above, the President asserts that the Constitution, in his view, does provide such authority.

Neither committee has ever accepted this assertion. The conferees recognize that this is a question that neither they nor the Congress itself can resolve. Congress cannot diminsh by statute powers that are granted by the Constitution. Nor can either the legislative or executive branch authoritatively interpret the Constitution, which is the exclusive province of the judicial branch.

Congress is, however, free to interpret the meaning of statutes which it enacts. While the conferees recognize that they cannot foreclose by statute the possibility that the President may assert a constitutional basis for withholding notice of covert actions for periods longer than "a few days," they believe that the President's stated intention to act under the "timely notice" requirement of existing law to make a notification "within a few days" is the appropriate manner to proceed under this provision, and is consistent with what the conferees believe is its meaning and intent.

The conferees note that the current law, restated in the conference report, already permits the President, in extraordinary circumstances, to afford the requisite notice to the leadership of Congress and the chairmen and ranking minority members of the intelligence committees rather than to the two committees. The conferees intend that this provision be utilized when the President is faced with a covert action of such extraordinary sensitivity or risk to life that knowledge of the covert action should be restricted to as few individuals as possible. In such cases it is expected that knowledge of the action will be similarly limited within the executive branch.

The conferees further note that in defining for the first time in statute the term "covert action" they do not intend that the new definition exclude any activity which heretofore has been understood to be a covert action, nor to include any activity not heretofore understood to be a covert action. The new definition is meant to clarify the understanding of intelligence activities that require presidential approval and reporting to Congress; not to relax or go beyond previous understandings.

The activity of each component of the United States Government that will be involved in a particular area must be examined to determine if the activity of that component is a covert action. It may be that an activity which is not a covert activity may be supported by a component of the government, for example, an intelligence component, whose participation would constitute a covert action. Thus, while an operation conducted by the uniformed military forces may not be a covert action, the unattributable efforts of the CIA to support that activity might be a covert action.

The definition of "covert action" applies only to activities in which the role of the United States Government is not intended to be apparent or acknowledged publicly. Therefore, the definition of "covert action" does not apply to acknowledged United States government activities which are intended to mislead a potential adversary as to the true nature of United States military capabilities, intentions, or operations. Likewise, the definition of "covert action" does not apply to acknowledged United States government activities which are intended to influence public opinion or governmental attitudes in foreign countries. In both cases, the activity is not a "covert action" because the United States government acknowledges the activity as being an activity of the United States government. Concealment or misrepresentation of the true nature of an acknowledged United States activity does not make it a "covert action" even if the concealment or misrepresentation is intended to influence political, economic, or military conditions abroad. Similarly, acknowledged United States activities intended to influence public opinion or governmental attitudes in foreign countries are not "covert action," even if specific objectives of the activities are concealed. The conferees agree that the definition of "covert action" does not apply unless the fact of United States government involvement in the activity is itself not intended to be acknowledged.

In addition, certain counterintelligence activities which are intended to influence military conditions abroad do not fall within the definition of "covert action." The definition of "covert action" expressly exempts "traditional counterintelligence activities," which include double agent operations and operations to frustrate intelligence collections activities by hostile foreign powers. The ordinary objectives of such traditional counterintelligence activities might include influencing the intelligence gathered by foreign powers regarding specific United States military capabilities, intentions, or operations. The conferees agree that the fact that such activities may have a substantial influence on the military plans and programs of certain foreign powers does not make them "covert action." However, there is a line beyond which such activities could, at least in theory, be undertaken to effect major changes in the national defense policies of such foreign powers or to provoke significant military responses by such foreign powers. If such activities were to be undertaken for such purposes, they would exceed the ordinary objectives of traditional counterintelligence activities and would constitute "covert action." The conferees agree that none of the counterintelligence activities which the Department of Defense has reported to the intelligence committees constitute covert action within the meaning of this definition.

The conferees note that "traditional military activities" and "routine support" to such activities do not fall within the definition of covert action. It is the intent of the conferees that "traditional military activities" include activities by military personnel under the direction and control of a United States military commander (whether or not the U.S. sponsorship of such activities is apparent or later to be acknowledged) preceding and related to hostilities which are either anticipated (meaning approval has been given by the National Command Authorities for the activities and for operational planning for hostilities) to involve U.S. military forces, or where such hostilities involving United States military forces are ongoing, and, where the fact of the U.S. role in the overall operation is apparent or to be acknowledged publicly. In this regard, the conferees intend to draw a line between activities that are and are not under the direction and control of the military commander. Activities that are not under the direction and control of a military commander should not be considered as "traditional military activities."

Whether or not activities undertaken well in advance of a possible or eventual U.S. military operation constitute "covert action" will depend in most cases upon whether they constitute "routine support" to such an operation, as explained in the report accompanying the Senate bill.

REORGANIZING DEPARTMENT OF DEFENSE INTELLIGENCE

The report of the Senate Intelligence Committee accompanying S. 2834 (S. Rept. 101-358), the first version of the fiscal year 1991 intelligence authorization bill, indicated that a major review of Department of Defense intelligence priorities, resources, organizations, roles, and functions should be undertaken. The report further directed the Secretary of Defense and, where appropriate, the Director of Central Intelligence (DCI) to review all Department of Defense intelligence and intelligence-related activities and, to the maximum degree possible, consolidate or begin consolidating all disparate or redundant functions, programs, and entities and, concurrently, to strengthen joint intelligence organizations and operations. The Senate report called on the Secretary of Defense and the DCI to report on their efforts to examine these issues by no later than March 1, 1991, and indicated that the Committee intended to initiate studies and hold hearings to monitor the progress of these efforts.

Subsequent to the issuance of the Senate Intelligence Committee report, the Senate Armed Services Committee included a section in its version of the defense authorization bill for fiscal year 1991 entitled "Intelligence Priorities and Reorganization" (Section 904) which directs the Secretary of Defense, together with the Director of Central Intelligence, to conduct a joint review of all intelligence and intelligence-related activities in the Tactical Intelligence and Related activities (TIARA) program and the National Foreign Intelligence Program (NFIP). The Senate bill also required the number of personnel assigned or detailed in aggregate to NFIP programs and related TIARA programs to be reduced by not less than five percent during each of fiscal years 1992 through 1996.

In the defense authorization conference, the House receded to the Senate with regard to the Section 907 (formerly Section 904) provisions. However, the conferees from the Permanent Select Committee on Intelligence strongly disagreed with the action taken by the House conferees on this matter. For that reason, two conferees from the Intelligence Committee signed the conference report noting an exception to Section 907. The third Intelligence Committee conferee withheld his signature from the conference report, at least in part because of his concern with Section 907.

In the report which accompanied its version of the initial Fiscal Year 1991 intelligence authorization bill, H.R. 5422 (H. Rept. 101-725), the Permanent Select Committee on Intelligence acknowledged that intelligence was in a state of transition and that budgets in the coming years would not be able to support the level of growth that the intellgence community had enjoyed in the recent past. However, the Committee indicated that it was imperative that sufficient resources be made available to ensure that the intelligence community can fulfill critical requirements so that policymakers will have the kind of information vital to protecting our national security. At the same time, the Committee urged the Director of Central Intelligence and the Secretary of Defense to ensure a coordinated, comprehensive, baseline review of functional and organizational priorities, and a strong management infrastructure committed to prioritizing resources and requirements.

The conferees believe that redundancy within the intelligence community exists, and that joint intelligence organizations within the Department of Defense should be strengthened. Indeed, the Administration has reached the same conclusions. The Secretary of Defense mandated that a study be conducted by the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C^3I) to review the very concerns stated in the report of the Senate Intelligence Committee. The results of this study have been received and are being reviewed by both committees, and the conferees anticipate that some organizational restructuring and personnel reductions based on a fresh assessment of requirements, priorities, structure and available resources, will follow from the study effort. Some of the information in the study was used by the intelligence committees as a part of their fiscal year 1992 budget review. However, that review ranged more broadly, not only encompassing the entities an resources of Department of Defense intelligence, but also including elements of the NFIP which do not lie within the ambit of defense intelligence.

The conferees are aware that the intelligence budget, much like the defense budget, will be constrained in coming years. However, the conferees reserve judgment on how large a reduction may be required. The conferees do not believe that a 25 percent reduction in defense intelligence personnel should be deemed appropriate in the absence of a thorough review of resources, priorities, and requirements. Without that review, the intelligence committees lack the information needed to determine proper personnel levels. The conferees therefore do not feel that Administration planning for fiscal years beyond 1991 should necessarily, at this time, be based on an assumption of a 25 percent reduction in personnel. The conferees note that both intelligence committees intend to conduct studies and hearings on these matters as part of future budget reviews. The conferees further note that the fiscal year 1992 and subsequent authorization bills will include personnel levels that reflect such reviews. The conferees believe that the purpose of the mandated personnel reduction provision in the fiscal year 1991 defense authorization bill was to set goals to be met only after the conclusion of the Congressional budget process, and that the Administration is not required by the provision to meet these reductions in any budget submission nor accompanying multiyear defense plan. In fact, the conference report on the FY 91 defense authorization bill states that "nothing in this provision [section 907] would preclude the President from submitting whatever budget proposal in this area he deems appropriate."

Finally, the conferees applaud the professional efforts of the defense intelligence community which, over the last ten years, has been rebuilt from the drastically reduced state to which it had declined in the 1970s. The conferees intend to be supportive of measures to allocate resources resulting from any reorganization of defense intelligence to cover new and emerging requirements, such as economic competitiveness, counternarcotics, counterterrorism, and the proliferation of biological, chemical and nuclear weapons throughout the world, but expect that it will be possible to provide some of the resources for these needs from departments and elements previously focused on the Soviet Union and Eastern Europe.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Treatment of certain alien employees in Hong Kong

Section 403 of the Senate amendment authorized the Director of Central Intelligence to apply any unused portion of the annual allocation provided by section 7 of the CIA Act of 1949, for fiscal years 1991 through 1996, to permit the entry into the United States of employees of the Foreign Broadcast Information Service in Hong Kong, and their dependents, prior to the end of fiscal year 1997. The House bill did not contain a similar provision. The conferees agreed that the inclusion of Section 403 was unnecessary because the Immigration Act of 1990 had provided a similar grant of authority to the Director of Central Intelligence.

Drug testing

Title VI of the House bill required the Director of Central Intelligence to institute a random drug testing program for employees of the CIA. The Senate amendment did not contain a similar provision and the conferees have agreed to the Senate position.

The conferees note that CIA maintains an aggressive drug awareness and prevention program, and is actively committed to preventing and detecting drug use among CIA employees.

The CIA's drug detection program includes background investigations of all applicants, specifically focusing on whether applicants may use or abuse drugs or alcohol. Applicants are also given medical examinations that screen urine and blood samples. Psychological assessments are made of applicants to determine behavior that could indicate abuse of drugs or alcohol. Finally, every applicant is given a polygraph examination to determine whether the applicant has abused drugs or alcohol.

The CIA's program for a drug-free workplace does not end with the acceptance of an applicant for employment. The Agency continues to be vigilant against drug abuse among its employees. Agency policy requires that new employees be subject to reinvestigation after three years. This reinvestigation includes another medical examination and another polygraph examination that covers substance abuse during the time of employment at the Agency. Agency employees are also subject to periodic routine reinvestigations. A specific issue polygraph examination and/or fitness-for-duty medical examination may be conducted at any time if there are indications of drug abuse.

Should be conferees, through the oversight activities of the intelligence committees, determine that a drug problem has developed at the CIA, the issue of random testing will be reexamined.

From the Select Committee on Intelligence:

DAVE McCURDY,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORMAN D. DICKS,
RONALD V. DELLUMS,
DAVID BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER,
LARRY COMBEST,
DOUG BEREUTER,
R.K. DORNAN,
BILL YOUNG,
DAVID O'B. MARTIN,
GEORGE W. GEKAS,

From the Committee on Armed Services for the consideration of Defense Tactical Intelligence and related activities and section 505 of both the House bill and the Senate amendment:

LES ASPIN,
IKE SKELTON,
WILLIAM L. DICKINSON,
Managers on the Part of the House.

From the Select Committee on Intelligence:

DAVID L. BOREN,
SAM NUNN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
HOWARD M. METZENBAUM,
JOHN GLENN,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JOHN C. DANFORTH,
WARREN RUDMAN,
SLADE GORTON,
JOHN H. CHAFEE,

From the Committee on Armed Services:

J.J. EXON,
STROM THURMOND,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SUNDQUIST (at the request of Mr. MICHEL), after noon today, on account of attending the Uruguay round of the GATT Ministerials in Geneva, Switzerland.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. JOHNSON of Texas, for 5 minutes, today.

Mr. DUNCAN, for 10 minutes, today.

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 60 minutes on July 29, 30, 31, and August 1 and 2.

Mr. ANDREWS of New Jersey, for 60 minutes, on July 29.

Mr. LAROCCO, for 60 minutes, on July 29.

Mr. DYMALLY, for 60 minutes, on July 30.

Mr. OWENS of New York, for 60 minutes, on August 1 and 2.

(The following Members (at the request of Mrs. MINK) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS, for 5 minutes, today.

Ms. OAKAR, for 60 minutes, on July 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. MACHTLEY.
Ms. ROS-LEHTINEN.
Mr. GOODLING.
Mr. CAMP in three instances.
Mr. LOWERY of California.
Mr. GUNDERSON.
Mrs. MORELLA.
Mr. MCEWEN.
Mr. CUNNINGHAM.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. DONNELLY.
Mr. ROSTENKOWSKI.
Mrs. KENNELLY.
Mr. SABO.
Mr. PANETTA.
Mr. HOYER.
Mr. MCMILLEN of Maryland.
Mr. ASPIN.
Mr. SMITH of Florida.
Mr. MILLER of California.
Mr. BONIOR.
Mr. MAZZOLI.
Mr. WILLIAMS.
Mr. OWENS of New York.
Mr. MAVROULES.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 181. Joint resolution designating the third Sunday of August 1991, as "National Senior Citizens Day."

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day".

Examined and found truly enrolled July 24, 1991.

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week".

Examined and found truly enrolled July 24, 1991.

ADJOURNMENT

Mrs. MINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Friday, July 26, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1831. A letter from the President, Oversight Board, Resolution Trust Corporation, transmitting the salary plan for oversight board graded employees and board executives; to the Committee on Banking, Finance and Urban Affairs.

1832. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–74, "Queen's Stroll Street Designation Temporary Act of 1991," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1833. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–75, "Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1834. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–76, "District of Columbia Paternity Establishment Act of 1991," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1835. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–77, "District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1836. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–78, "Health Care Professional Volunteer Assistance Protection Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1837. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–79, "District of Columbia Interstate Banking Act of 1985 Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1838. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–80, "Juror Fees Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1839. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–81, "Extension of the Moratorium on Retail Service Station Conversions Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1840. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–82, "Citizens Energy Advisory Committee Extension Amendment Act of 1991," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1841. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Fiscal Year 1990 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

1842. A letter from the Secretary of Education, transmitting a notice of final priority for fiscal year 1991—training personnel for the education of individuals with disabilities program, pursuant to 20 U.S.C. 1232(d)(1): to the Committee on Education and Labor.

1843. A letter from the Secretary of Education, transmitting a notice of final funding priority—research in eduction of individuals with disabilities program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1844. A letter from the Secretary of Education, transmitting a notice of final selection criteria for the student assistance general provisions—institutional quality control project, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and labor.

1845. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to extend the authorization for the Older American Community Service Employment Program, and for other purposes. to the Committee on Education and Labor.

1846. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudia Arabia for defense articles and services (Transmittal No. 91–41), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1847. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 91–40), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the second report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102–25, section 402 (105 Stat. 99); to the Committee on Foreign Affairs.

1849. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department has decided to offer senior level crisis management training to selected Chilean officials; to the Committee on Foreign Affairs.

1850. A letter from the Secretary of Labor, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1851. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

1852. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the nonimmigrant entry of spouses and children of alien members of the Armed Forces; to the Committee on the Judiciary.

1853. A letter from the Secretaries of the Interior and Commerce, transmitting the Secretaries views on Japan's engagement in the trade of hawksbill and olive ridley sea turtles; to the Committee on Merchant Marine and Fisheries.

1854. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, "National Service Life Insurance Dividend Improvement Act of 1991"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Education and Labor. H.R. 1286. A bill to grant certain authorities to the Secretary of the Treasury with respect to the seizure of assets in the United States that are owned or controlled by the Government of Iraq; with an amendment (Rept. 102-162, Pt. 1). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.J. Res. 308. House joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; adversely (Report No. 102-163). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1046. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; with an amendment (Rept. 102-164). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 175. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing" (Rept. 102-165). Referred to the House Calendar.

Mr. McCURDY: Committee of conference. Conference Report on H.R. 1455 (Rept. 102-166). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of July 24, 1991]

By Mr. SOLOMON (for himself and Mr. Stump):

H. Res. 204. Resolution to authorize and direct the Committee on Appropriations to create a new Subcommittee on Veterans' Affairs; to the Committee on Rules.

[Introduced July 25, 1991]

By Mr. de la Garza:

H.R. 3029. A bill entitled, "Food, Agriculture, Conservation, and Trade Act Amendments of 1991"; to the Committee on Agriculture.

By Mr. ROWLAND (for himself, Mr. Lent, Mr. Glickman, Mr. Fish, Mr. Hastert, Mr. Allard, Mr. Armey, Mr. Ballenger, Mr. Barnard, Mr. Barton of Texas, Mr. Bliley, Mr. Boehlert, Mr. Boehner, Mr. Broomfield, Mr. Burton of Indiana, Mr. Camp, Mr. Carr, Mr. Chandler, Mr. Clinger, Mr. Cooper, Mr. Crane, Mr. Dannemeyer, Mr. de Lugo, Mr. Dingell, Mr. Eckart, Mr. Edwards of Oklahoma, Mr. Emerson, Mr. Franks of Connecticut, Mr. Gallegly, Mr. Gallo, Mr. Gekas, Mr. Gillmor, Mr. Gingrich, Mr. Goodling, Mr. Grandy, Mr. Gunderson, Mr. Hancock, Mr. Hefley, Mr. Hefner, Mr. Henry, Mr. Herger, Mr. Holloway, Mr. Houghton, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. Ireland, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Klug, Mr. Kolbe, Mr. Kyl, Mr. Lagomarsino, Mr. Lewis of Florida, Mr. Mavroules, Mr. McEwen, Mr. McMillan of North Carolina, Mrs. Meyers of Kansas, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Moorhead, Mr. Myers of Indiana, Mr. Oxley, Mr. Packard, Mr. Paxon, Mr. Payne of Virginia, Mr. Pease, Mr. Penny, Mr. Petri, Mr. Porter, Mr. Pursell, Mr. Quillen, Mr. Ravenel, Mr. Ray, Mr. Ritter, Mr. Roberts, Mr. Roth, Mrs. Roukema, Mr. Saxton, Mr. Schaefer, Mr. Shaw, Mr. Shays, Mr. Smith of Texas, Mr. Solomon, Mr. Stump, Mr. Sundquist, Mr. Thomas of Georgia, Mr. Upton, Mr. Vander Jagt, Mr. Walker, Mr. Walsh, Mr. Weber, Mr. Wilson, Mr. Zeliff, Mr. Zimmer, Mr. Bereuter, Mr. Traxler, and Mr. Cox of California):

H.R. 3030. A bill to establish uniform product liability standards; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. RINALDO (for himself, Mr. Markey, Mr. Synar, Mr. Cooper, Mr. Wyden, Mr. Lehman of California, and Mr. Bryant):

H.R. 3031. A bill to provide a statutory charter, and to authorize appropriations, for the National Telecommunications and Information Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JEFFERSON:

H.R. 3032. A bill to reauthorize and revise certain provisions of the Higher Education Act of 1965 in order to strengthen access to higher education opportunities for low-income students and minority students, especially African-Americans, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS (for himself, Mr. Ford of Michigan, Mr. Goodling, and Mr. Gunderson):

H.R. 3033. A bill to amend the Job Trainning Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes; to the Committee on Education and Labor.

By Mr. JEFFERSON:

H.R. 3034. A bill to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such act, and for other purpoes; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI:

H.R. 3035. A bill to amend the Internal Revenue Code of 1986 with respect to the amortization of goodwill and certain other intangibles; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 3036. A bill to direct the Secretary of Transportation to convey certain vessels to Assistance, International, Inc.

By Mr. ARCHER (for himself and Mr. Michel (both by request), Mr. Gunderson, Mr. Goss, Mr. Thomas of California, Mr. Gallo, Mr. Sundquist, Mr. Grandy, Mr. Schulze, Mr. Crane, and Mr. Porter):

H.R. 3037. A bill to improve the health care delivery system and ensure access to affordable quality health care through reduced liability costs and improved quality of care, and for other purposes; jointly, to the Committees on the Judiciary, Energy and Commerce, and Ways and Means.

By Mr. BREWSTER (for himself, Mr. Hayes of Louisiana, Mr. Young of Alaska, Mr. Thornton, and Mr. Zeliff):

H.R. 3038. A bill to require that there be no net gain in Federal land ownership in the acquisition and disposition of Federal lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CARPER (for himself, Mr. Ridge, Ms. Oakar, Mr. LaFalce, Mr. Luken, and Mr. Moran):

H.R. 3039. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. Downey, Mr. Rangel, Mr. Stark, Mr. Ford of Tennessee, Mr. Guarini, Mr. Pease, Mr. Matsui, Mr. Donnelly, Mr. Coyne, Mr. Levin of Michigan, Mr. Moody, Mr. McDermott, Mr. McGrath, and Mr. AuCoin):

H.R. 3040. A bill to provide a program of Federal supplemental compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. Gephardt, Ms. Horn, Mr. Volkmer, and Mr. Emerson):

H.R. 3041. A bill to designate the Federal building located at 1520 Market Street, St. Louis, MO, as the "L. Douglas Abram Federal Building"; to the Committee on Public Works and Transportation.

By Mr. COYNE:

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to provide for the use of excess assets in black lung benefit trusts for health care benefits for retired miners, and for other purposes; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 3043. A bill to amend title 18, United States Code, to prohibit the theft of firearms or explosives from a Federal firearms licensee or from a Federal explosives licensee or permitee, and to provide for additional penalties for the possession of a firearm during the commission of a crime of violence or a drug trafficking crime under Federal or State law; to the Committee on the Judiciary.

By Mr. HENRY:

H.R. 3044. A bill to require the Secretary of Education to establish a grant program for the improvement of undergraduate and graduate manufacturing engineering education at institutions of higher education in the United States; jointly, to the Committees on Education and Labor and Science, Space, and Technology.

By Mr. KENNEDY:

H.R. 3045. A bill to amend the Public Utility Holding Company Act of 1935 to permit registered companies and their subsidiaries to engage in energy conservation and load management services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCMILLEN of Maryland (for himself, Mr. TOWNS, Mr. BILBRAY, and Mr. RICHARDSON):

H.R. 3046. A bill to exempt from the antitrust laws certain conduct engaged in by the National Collegiate Athletic Association [NCAA] jointly with member institutions for the purpose of allowing the NCAA exclusively to negotiate certain contracts, and for other purposes; jointly, to the Committees on the Judiciary, Education and Labor, Energy and Commerce, and Ways and Means.

By Mr. MARKEY (for himself and Mr. RINALDO):

H.R. 3047. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; to the Committee on Energy and Commerce.

By Mr. MAZZOLI (for himself, Mr. MCCOLLUM, and Mr. SMITH of Texas):

H.R. 3048. A bill to amend the Immigration and Nationality Act with respect to the admission of O and P nonimmigrants; to the Committee on the Judiciary.

By Mr. MAZZOLI (for himself, Mr. BROOKS, Mr. SCHUMER, Mr. BERMAN, Mr. BRYANT, Mr. KOPETSKI, Mr. SMITH of Texas, Mr. JACOBS, and Mr. BROOMFIELD):

H.R. 3049. A bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. MCDERMOTT, and Mr. GEJDENSON):

H.R. 3050. A bill to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan repayment is contingent upon such student's income, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. MRAZEK (for himself, Mr. BONIOR, and Mr. BRYANT):

H.R. 3051. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," enacted July 5, 1946 (commonly known as the Lanham Act), to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. KOLTER, Mr. KOSTMAYER, Mr. HERTEL, and Mr. KILDEE):

H.R. 3052. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for the protection of water resources during coal mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of New York (for himself, Mr. WILLIAMS, Mr. GOODLING, Mr. BALLENGER, Mr. KLUG, Mr. PAYNE of New Jersey, Mr. JEFFERSON, and Mr. SERRANO):

H.R. 3053. A bill to amend the Individuals with Disabilities Education Act to strengthen such act, and for other purposes; to the Committee on Education and Labor.

By Mr. OWENS of Utah (for himself, Mr. HANSEN, and Mr. ORTON):

H.R. 3054. A bill to amend title 31, United States Code, to provide payments to units of general local government for certain lands acquired from States; to the Committee on Government Operations.

By Mr. PANETTA (for himself and Mr. ECKART):

H.R. 3055. A bill to expedite the completion of the audit of the Resolution Trust Corporation's operations and financial condition for fiscal year 1990; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SABO:

H.R. 3056. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 3057. A bill to amend the Drug-Free Schools and Communities Act of 1986 to revise the authorities of such act relating to the National Diffusion Network; to the Committee on Education and Labor.

By Mr. SLATTERY (for himself, Mr. MCMILLAN of North Carolina, Mr. SAWYER, Mr. BREWSTER, Mr. HARRIS, Mr. OXLEY, Mr. CALLAHAN, Mr. SUNDQUIST, and Mr. RINALDO):

H.R. 3058. A bill to amend the Solid Waste Disposal Act to provide for a scrap tire management and recovery program; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. MCMILLAN of North Carolina, Mr. SAWYER, Mr. BREWSTER, Mr. HARRIS, Mr. OXLEY, and Mr. SUNDQUIST):

H.R. 3059. A bill to establish a scrap tire trust fund to provide financial assistance to States to eliminate current scrap tire piles and to manage the future disposal of scrap tires; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. UNSOELD:

H.R. 3060. A bill providing for a report by the National Academy of Sciences evaluating energy alternatives, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. UPTON:

H.R. 3061. A bill to amend the Federal Election Campaign Act of 1971 to restrict the amount of money spent on congressional campaigns, and for other purposes; to the Committee on House Administration.

H.R. 3062. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction of up to $250 for contributions made to candidates for public office; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.J. Res. 312. Joint resolution to designate November 1991 as "National Red Ribbon Month"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. LANTOS, and Mr. GEJDENSON):

H. Con. Res. 186. Concurrent resolution condemning resurgent anti-Semitism and ethnic intolerance in Romania; to the Committee on Foreign Affairs.

By Mr. DARDEN:

H. Con. Res. 187. Concurrent resolution expressing the sense of the Congress that no funding should be appropriated or obligated for the repair of Clark Air Base in the Philippines damaged by the eruption of Mount Pinatubo; to the Committee on Armed Services.

By Mr. LEVINE of California (for himself, Mr. GILMAN, Mr. ACKERMAN, and Mr. WEBER):

H. Con. Res. 188. Concurrent resolution concerning freedom of emigration and travel for Syrian Jews; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself, Mr. BROOMFIELD, Mr. BONIOR, Mr. SANGMEISTER, Mr. KOLTER, Mr. ROHRABACHER, Mr. SWETT, Mr. ECKART, Mr. GALLEGLY, Mr. COX of California, Mr. ENGEL, Mr. DELAY, Mr. BUNNING, Mrs. BOXER, Mr. RITTER, Mr. DANNEMEYER, Mr. MCEWEN, Mrs. MEYERS of Kansas, Mr. BATEMAN, Mr. HAMMERSCHMIDT, Mr. ZIMMER, Mr. SANTORUM, Mr. HANCOCK, Mr. INHOFE, Mrs. MORELLA, Mr. ACKERMAN, Mr. FAWELL, Mr. DORNAN of California, Mr. CAMP, and Mr. LEVINE of California):

H. Res. 205. Resolution to express opposition to the use of force in Yugoslavia and to express support for the peaceful and democratic resolution of political differences in Yugoslavia; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

246. By the SPEAKER: Memorial of the Senate of the State of California, relative to funding for the Farms for the Future Act of 1990 in the 1992 agriculture appropriations bill; to the Committee on Agriculture.

247. Also, memorial of the Senate of the State of California, relative to vehicles; to the Committee on Public Works and Transportation.

248. Also, memorial of the Senate of the State of California, relative to veterans' benefits; to the Committee on Veterans' Affairs.

249. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the earned income credit law; to the Committee on Ways and Means.

250. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Social Security benefits for "Notch Year Babies"; to the Committee on Ways and Means.

251. Also, memorial of the Senate of the State of Michigan, relative to the creation of a contingency reserve fund; jointly, to the Committee on Ways and Means and Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. DYMALLY.

H.R. 23: Mr. COLEMAN of Missouri, Mr. FROST, Mrs. BYRON, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. HERGER, and Mr. Hughes.

H.R. 74: Mr. ALEXANDER, Mr. WISE, and Mr. EARLY.

H.R. 98: Mr. OWENS of New York, Mr. MFUME, Mr. MAVROULES, Mr. CARPER, Mr. DORNAN of California, Mr. FISH, Mr. ROSE, Mr. HUGHES, Ms. NORTON, Mr. OWENS of Utah, Mr. SKEEN, Mr. JONTZ, Mr. BUSTAMANTE, Mr. HUNTER, Mr. LANTOS, Mr. PORTER, Mr. ZELIFF, Mr. SMITH of New Jersey, Mrs. BENTLEY, Mr. MILLER of Washington, Mr. MRAZEK, Mr. JONES of Georgia, Mr. DONNELLY, Mr. HUBBARD, Ms. PELOSI, and Mr. ARMEY.

H.R. 175: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. BURTON of Indiana, Mr. EVANS, Mr. BILIRAKIS, Mr. PENNY, Mr. JAMES, Mr. STAGGERS, Mr. STEARNS, Mr. ROWLAND, Mr. PAXON, Mr. SLATTERY, Mr. SPENCE, Mr. HARRIS, Mr. NICHOLS, Mrs. PATTERSON, Mr. SANTORUM, Mr. SANGMEISTER, Mr. JONES of Georgia, Ms. LONG, Mr. PETERSON of Florida, Mr. EDWARDS of Texas, Mr. BREWSTER, Mr. WYLIE, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, and Mr. PARKER.

H.R. 187: Mr. McMILLEN of Maryland.

H.R. 194: Ms. PELOSI.

H.R. 330: Mr. ROE.

H.R. 357: Mr. JEFFERSON.

H.R. 382: Mr. SANDERS.

H.R. 413: Mr. LEWIS of Georgia and Mr. HOBSON.

H.R. 421: Mrs. JOHNSON of Connecticut, Mrs. BOXER, Mr. JACOBS, and Ms. PELOSI.

H.R. 447: Mr. KOLTER.

H.R. 565: Mr. SIKORSKI, Mr. ZELIFF, Mr. DICKINSON, Mr. GALLEGLY, Mr. OBERSTAR, Mr. DE LA GARZA, and Mr. LUKEN.

H.R. 643: Mr. STENHOLM, Mr. ATKINS, and Mr. OWENS of Utah.

H.R. 776: Mr. NEAL of Massachusetts.

H.R. 819: Ms. LONG, Mr. ABERCROMBIE, Mr. TOWNS, Mr. JONTZ, Mr. McNULTY, Mr. FROST, Mr. MFUME, Mr. DE LUGO, Mr. MINETA, Mr. WHEAT, Ms. SLAUGHTER of New York, and Mr. SLATTERY.

H.R. 914: Mr. HAYES of Illinois.

H.R. 939: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BILIRAKIS, Mr. PENNY, Mr. RIDGE, Mr. ROWLAND, Mr. JAMES, Mr. SLATTERY, Mr. PAXON, Mrs. PATTERSON, Mr. SPENCE, Mr. SANGMEISTER, Mr. NICHOLS, Ms. LONG, Mr. SANTORUM, Mr. PETERSON of Florida, Mr. EDWARDS of Texas, Mr. BREWSTER, Mr. WYLIE, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 946: Mr. PACKARD, Mr. ECKART, Mr. COUGHLIN, and Mr. SLAUGHTER of Virginia.

H.R. 951: Mr. GUARINI and Mr. SISISKY.

H.R. 978: Mrs. BYRON and Mr. PETERSON of Florida.

H.R. 1000: Mr. SANDERS.

H.R. 1046: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. EVANS, Mr. SMITH of New Jersey, Mr. PENNY, Mr. BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND, Mr. RIDGE, Mr. SLATTERY, Mr. JAMES, Mr. HARRIS, Mr. STEARNS, Mrs. PATTERSON, Mr. PAXON, Mr. SANGMEISTER, Mr. SPENCE, Mr. JONES of Georgia, Mr. NICHOLS, Ms. LONG, Mr. SANTORUM, Mr. PETERSON of Minnesota, Mr. EDWARDS of Texas, Mr. BREWSTER, Mr. PICKETT, Mr. WYLIE, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 1072: Mr. TORRICELLI, Mr. SANDERS, Mr. SHAYS, Mr. GUARINI, and Mr. JOHNSTON of Florida.

H.R. 1073: Mr. TORRICELLI, Mr. SANDERS, Mr. SHAYS, Mr. GUARINI, and Mr. JOHNSTON of Florida.

H.R. 1145: Ms. NORTON and Mr. WOLF.

H.R. 1177: Mr. OWENS of New York and Mr. STAGGERS.

H.R. 1218: Mr. TORRES, Mr. EVANS, Mr. SANDERS, and Mr. ECKART.

H.R. 1259: Mr. JONES of Georgia and Mr. HANCOCK.

H.R. 1270: Mr. TAYLOR of Mississippi.

H.R. 1288: Mr. ACKERMAN, Mr. McNULTY, Mr. MFUME, Mr. BERMAN, Mr. OWENS of New York, Mr. WEISS, Mr. REED, Mr. DYMALLY, Mr. JONTZ, Mr. PARKER, and Mr. SMITH of Florida.

H.R. 1364: Mr. ENGEL.

H.R. 1365: Mr. MINETA.

H.R. 1381: Mr. LIPINSKI.

H.R. 1483: Mr. KOLTER.

H.R. 1495: Mr. WISE, Mr. JACOBS, Mr. PAYNE of Virginia, Mr. DICKS, and Mr. ZELIFF.

H.R. 1502: Mr. PALLONE, Mr. BILIRAKIS, and Mr. COYNE.

H.R. 1515: Mr. HYDE, Mr. McEWEN, Mr. ESPY, and Mr. BILIRAKIS.

H.R. 1733: Mr. COYNE, Mr. WILSON, and Mr. OBERSTAR.

H.R. 1771: Mr. CONDIT, Mr. SCHAEFER, and Mr. TORRICELLI.

H.R. 2024: Mrs. BYRON.

H.R. 2027: Mr. JEFFERSON.

H.R. 2043: Mr. BURTON of Indiana.

H.R. 2141: Mr. DeFAZIO, Mr. FUSTER, Mr. SCHUMER, Mr. MARKEY, Mr. TRAFICANT, Mr. DE LUGO, Mr. JOHNSTON of Florida, Mr. MURPHY, Mr. ESPY, and Mr. RAHALL.

H.R. 2240: Mr. COLEMAN of Texas, Mr. BREWSTER, Mr. DUNCAN, Mr. CAMPBELL of Colorado, Mr. EMERSON, and Mr. CHAPMAN.

H.R. 2257: Mr. HANCOCK.

H.R. 2290: Mr. LEWIS of Florida, Mr. GOSS, and Mr. SMITH of Florida.

H.R. 2304: Mr. TORRES.

H.R. 2355: Mr. McGRATH, Mr. ECKART, Mrs. LOWEY of New York, Mr. FROST, Mr. FAWELL, and Mr. UPTON.

H.R. 2363: Mr. MORAN, Mr. DUNCAN, Mr. YATES, Mr. JONTZ, Mr. HORTON, Mr. TOWNS, and Mr. SOLOMON.

H.R. 2433: Mr. INHOFE.

H.R. 2510: Mr. HAYES of Illinois.

H.R. 2541: Mr. LIPINSKI.

H.R. 2559: Mr. McGRATH, Mr. ECKART, Mrs. LOWEY of New York, Mr. FROST, Mr. FAWELL, and Mr. UPTON.

H.R. 2561: Mr. WISE, Mr. MORAN, and Mr. ECKART.

H.R. 2598: Mr. TAUZIN, Mr. HAYES of Louisiana, Mr. LIVINGSTON, Mr. McCRERY, Mr. LIGHTFOOT, Mr. PORTER, Mr. MARLENEE, Mr. WALSH, and Mr. HOLLOWAY.

H.R. 2643: Mr. BUNNING, Mr. IRELAND, Mr. LUKEN, and Mr. ZIMMER.

H.R. 2652: Mr. YATES, Mr. ZIMMER, Mr. PAYNE of New Jersey, Mr. HARRIS, Mr. GUARINI, Mr. SKEEN, Mr. HORTON, Mr. FORD of Tennessee, Mr. APPLEGATE, Mr. DeFAZIO, Mr. RAHALL, Mr. JEFFERSON, and Mr. FALEOMAVAEGA.

H.R. 2810: Mr. LEWIS of Florida.

H.R. 2817: Mr. FROST and Mr. DOOLEY.

H.R. 2824: Mr. COLEMAN of Texas, Mr. GUNDERSON, Mr. STAGGERS, Ms. PELOSI, MR. HARRIS, Mr. JENKINS, Mr. BEREUTER, Mr. ENGLISH, and Mr. THOMAS of Georgia.

H.R. 2830: Mr. EVANS.

H.R. 2833: Mr. HORTON, Mr. SOLOMON, Mr. CAMPBELL of Colorado, Mr. JENKINS, and Mr. SCHIFF.

H.R. 2862: Mr. WEBER, Mr. FEIGHAN, Mr. BACCHUS, Mr. DURBIN, Mr. HYDE, Mr. PENNY, Mrs. BOXER, Mr. FRANKS of Connecticut, and Mr. GINGRICH.

H.R. 2879: Mr. RANGEL and Mr. STENHOLM.

H.R. 2880: Mr. YATES, Mr. STALLINGS, Mr. MARTINEZ, Mr. EVANS, Mr. DELLUMS, and Mr. BROWN.

H.R. 2882: Mr. SHARP, Mr. OBERSTAR, Mr. MACHTLEY, Mr. HORTON, and Mr. RANGEL.

H.R. 2902: Mr. LEWIS of California.

H.R. 2903: Mr. JONTZ and Mr. LEWIS of California.

H.R. 2904: Mr. JONTZ and Mr. LEWIS of California.

H.R. 2911: Mr. BERMAN, Mr. TOWNS, Ms. NORTON, Mr. PANETTA, Mr. ROSE, Mr. McNULTY, Mr. RANGEL, Mr. JEFFERSON, Mr. GUARINI, and Mr. SMITH of Florida.

H.J. Res. 95: Mr. MURPHY, Mr. CARDIN, Mr. BORSKI, Mr. COYNE, Mr. FORD of Michigan, Mr. HOBSON, Mr. TAUZIN, Mr. VALENTINE, and Mr. McHUGH.

H.J. Res. 107: Mr. OBERSTAR, Mr. GILLMOR, Mr. TOWNS, Mr. MAZZOLI, and Mr. JOHNSON of South Dakota.

H.J. Res. 140: Mr. LUKEN, Mr. ANTHONY, Mr. ERDREICH, Mr. STUMP, Mr. SERRANO, Mr. DOOLITTLE, Mr. LIPINSKI, Mr. McMILLEN of Maryland, Mr. RUSSO, and Mr. DARDEN.

H.J. Res. 142: Mr. WILSON, Mr. HUCKABY, Mr. GRADISON, Mr. HAMMERSCHMIDT, Mr. CARR, Mr. VENTO, Mr. NATCHER, Mr. TRAXLER, Mr. LANTOS, Mr. STENHOLM, Mr. HALL of Texas, Mr. BROWDER, Mr. LAUGHLIN, Mr. BEVILL, Mr. CLINGER, Mr. BORSKI, Mr. KOLTER, Mr. KANJORSKI, Mr. MAZZOLI, Mrs. KENNELLY, Mr. HUNTER, Mr. SPENCE, Mr. MAVROULES, and Ms. OAKAR.

H.J. Res. 166: Mr. BENNETT, Mr. BEREUTER, Mr. BOEHLERT, Mr. BROOMFIELD, Mr. CARR, Mr. COUGHLIN, Mr. DE LA GARZA, Mr. DOWNEY, Mr. DREIER of California, Mr. FRANK of Massachusetts, Mr. GEKAS, Mr. GIBBONS, Mr. GOODLING, Mr. GREEN of New York, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HOUGHTON, Mr. HUNTER, Mr. KASICH, Mr. LEWIS of California, Mrs. LOWEY of New York, Mr. MATSUI, Mr. McMILLEN of Maryland, Mr. MFUME, Mr. NOWAK, Mr. PICKLE, Mr. PURSELL, Mr. ROHRABACHER, Mr. SAXTON, Mr. WALSH, and Mr. ZELIFF.

H.J. Res. 180: Mr. DINGELL, Mr. ENGEL, Mr. GEKAS, Mr. HYDE, Mr. JENKINS, Mr. OWENS of Utah, Mr. PACKARD, Mr. RAHALL, Mr. SOLOMON, and Mr. TOWNS.

H.J. Res. 257: Mr. ABERCROMBIE, Mr. BROOMFIELD, Mr. BROWDER, Mr. EVANS, Mr. FORD of Tennessee, Mr. FROST, Mr. GILMAN, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. JOHNSON of Texas, Mrs. LLOYD, Mr. McNULTY, Mr. MACHTLEY, Mrs. MINK, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. QUILLEN, Mr. SKEEN, Ms. SLAUGHTER of New York, Ms. SNOWE, Mr. STUMP, Mr. SUNDQUIST, Mr. TORRES, Mr. TRAXLER, and Mr. WISE.

H.J. Res. 261: Mr. ASPIN, Mr. BERMAN, Mr. DeFAZIO, Mr. DYMALLY, Mr. FORD, of Tennessee, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FUSTER, Mr. FEIGHAN, Ms. HORN, Mr. JACOBS, Mr. MINETA, Ms. MOLINARI, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. OWENS of Utah, Mr. SLATTERY, Mr. TOWNS, Mr. TRAFICANT, Mr. WOLPE, and Mr. HAMILTON.

H.J. Res. 287: Mr. ROGERS, Ms. SNOWE, Mr. MAVROULES, Mr. GOODLING, Mr. KLECZKA, Mr. SPENCE, Mrs. LLOYD, Mr. SHAW, Mr. TAYLOR of Mississippi, and Mr. VOLKMER.

H.J. Res. 301: Mr. SERRANO, Mr. DARDEN, and Mr. RANGEL.

H.J. Res. 303: Mr. ROSE, Mr. COYNE, Mr. MONTGOMERY, Mr. EWING, Mr. BILBRAY, Mr. WYLIE, Mr. LEWIS of Florida, Mr. GALLEGLY, Mr. DYMALLY, Mr. MANTON, Mr. HAYES of Illinois, Mrs. PATTERSON, Mr. BUNNING, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. MURPHY, Mr. STOKES, Mrs. JOHNSON of Connecticut, Mr. ANDREWS of Maine, Mr. EVANS, Mr. JONTZ, Mr. PICKETT, Mr. McNULTY, Mr. SERRANO, and Mr. RAHALL.

H. Con. Res. 88: Mr. ROEMER.

H. Con. Res. 101: Mr. NEAL of North Carolina.

H. Con. Res. 184: Mr. CHAPMAN, Mr. MATSUI, Mr. DELLUMS, Mr. FORD of Michigan, Mr. ANTHONY, Mr. JENKINS, Mr. JEFFERSON, and Mr. PEASE.

H. Res. 40: Mr. BEILENSON.

H. Res. 129: Mr. HORTON, Mr. BILBRAY, Mr. TORRES, Mr. MOAKLEY, Mr. BERMAN, Mr. VALENTINE, Mr. SAXTON, Mr. SLATTERY, and Mr. SWETT.

H. Res. 140: Mr. ANNUNZIO, Mrs. MORELLA, Ms. SLAUGHTER of New York, and Mr. ROHRABACHER.

H. Res. 180: Mr. RANGEL.

H. Res. 194: Mr. Roberts, Mr. Murphy, Mr. Hyde, Mr. Goodling, Mr. Henry, Mr. Kyl, Mr. Costello, Mr. Kolter, Mr. Bunning, Mr. Goss, Mr. Barnard, Mr. Martinez, Mr. Young of Florida, Mr. Upton, Mr. Montgomery, Mr. Fawell, Mr. Dickinson, Mr. Green of New York, Mr. Dymally, Mr. Peterson of Minnesota, Mr. Spence, Mr. Pursell, Mr. Herger, Mr. Archer, Mr. Ireland, Mr. Young of Alaska, Mr. Gillmor, Mr. Lagomarsino, Mr. Petri, Mr. Cramer, Mr. Smith of Texas, Mr. Baker, Mr. Dornan of California, Mr. Kolbe, Mr. Vander Jagt, Mr. Rose, Mr. Bennett, Mr. McEwen, Mr. Fields, Mr. Bryant, Mr. Chapman, Mr. Bilirakis, Mr. Carr, Mr. Lightfoot, Mr. Lowery of California, Mr. Porter, Mr. Quillen, Mr. Regula, Mr. Shaw, Mr. Sundquist, Mr. Thomas of California, Mr. Walker, Mr. Armey, Mr. Ballenger, Mr. Burton of Indiana, Mr. Dannemeyer, Mr. DeLay, Mr. Dreier of California, Mr. Duncan, Mr. Hammerschmidt, Mr. Rohrabacher, Mr. Sensenbrenner, Mr. Weber, Mr. Martin, Mr. Livingston, Mr. Gingrich, and Mrs. Lloyd.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1523: Mr. Solomon.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

104. By the SPEAKER: Petition of board of supervisors, county of El Dorado, CA, relative to the California Army National Guard; to the Committee on Armed Services.

105. Also, petition of the board of aldermen, city of New Haven, CT, relative to passage of the Brady bill; to the Committee on the Judiciary.

106. Also, petition of the Puget Sound Council of Governments, Seattle, WA, relative to supporting passage of Federal surface transportation reauthorizing legislation; to the Committee on Public Works and Transportation.

SENATE—*Thursday, July 25, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Give therefore thy servant an understanding heart to judge * * * between good and bad * * *.*—I Kings 3:9.

Eternal God from whom comes all authority, this prayer of Solomon, King of Israel, as he began to reign, deserves the attention of those in public office. Senators do not rule as monarchs did in Solomon's day, but they are acknowledged by the people as leaders and have responsibility to lead as well as to represent. As they struggle with cosmic issues which do not yield easily to resolution, grant to them the priority of Solomon to discern between good and bad.

Gracious Father in Heaven, in these critical days when there is so much cynicism among the people and sometimes among leadership, give to those in positions of responsibility the grace and wisdom to order their priorities in terms of values which are more than preferences.

In the name of Him who is Truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein. The time between 8:30 and 9:30 a.m. shall be under the control of the majority leader or his designee; the time between 9:30 and 10:30 a.m. shall be under the control of the Republican leader or his designee.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

THE ECONOMY AND AMERICA'S WORKING FAMILIES

Mr. KENNEDY. Mr. President, today we begin a new effort to address one of the Nation's most neglected problems—the plight of working families in the midst of this recession, and the need for prompt action to assist them.

Over the last 6 weeks, the Committee on Labor and Human Resources has held a series of hearings on the recession in Massachusetts. The eloquent testimony we have heard is proof of the heavy toll that the current recession has exacted from America's working families.

In Boston, we spoke with Dick O'Neil, a father of eight who was laid off almost 2 years ago. Mr. O'Neil was unable to find work until recently, when he took a job at $260 a week, half the pay of his prior position. Every month, he spends almost a quarter of his salary on health insurance for his family.

Despite all their efforts, the O'Neils have lost much of what they have worked so hard to achieve. First, their oldest daughter had to drop out of college. Then they lost their home. They were homeless for 5 weeks.

In spite of this adversity, their spirit remains strong and generous. Mrs. O'Neil continues to do volunteer work teaching English to Cambodian children in the community.

In Fall River, we spoke with Ed Riley, who lost his job in December 1989 after nearly 20 years of continuous employment. His unemployment benefits have run out. To keep up with his mortgage payments, he cashed in his life insurance policy. Neither Ed nor his wife can afford health insurance, yet they are ineligible for Medicaid because of the part-time work they have done to try to stay afloat.

Mrs. Riley told us that her 10-year-old daughter, Susan, had stopped praying to God for her father to find a new job, because her prayers were never answered. And besides, their daughter said, "Even if daddy gets another job, he's only going to lose it again."

The Rileys and the O'Neils are not alone, and not unique to Massachusetts. These are not idle working men and women looking for a handout. They are honest, hard-working citizens who have spent their whole lives trying to build a future for their children. And now, through no fault of their own, they find themselves unable to provide—unsure how much longer they will have a roof over their heads—uncertain about whether they will have health insurance to meet the next medical emergency. Day by day, they see their dreams slipping away. As Octavio Mattos testified at our hearing in Fall River, "My American dream is turning into a nightmare."

The current recession is now 1 year old, and the end is not in sight in Massachusetts or many other States. Since it began last July, more than 1.8 million Americans have lost their jobs. The number of long-term unemployed has risen to over 1 million. The Nation's unemployment rate is at its highest level in 5 years.

In some States, unemployment is over 9 percent. Last month, a Federal Reserve economist testified that unemployment in Massachusetts could reach as high as 11 percent before it declines again. Massachusetts has lost 275,000 jobs in 2 years, 9 percent of its total work force, the worst job losses since the Great Depression. And behind everyone of these statistics, there are thousands and thousands of families like the Rileys and O'Neils.

In the midst of all this adversity, the failure of the White House to take any action is astonishing. It seems that the President is more interested in solving the problems of foreign countries than he is in meeting the needs of our American families here at home.

The President has a most-favored-nation policy for China. When will he decide that it is time to have a most-fa-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

vored-nation policy for the United States?

It is true that some economists see glimmers of recovery in parts of the country. But no one can be sure how soon the recovery will arrive or how strong it will be. And even if a recovery begins soon, unemployment will remain high well into 1992.

Congress can no longer wait for the White House to take the lead. Every day that we delay, more parents lose their jobs. More families lose their homes and health insurance. More children lose their faith in the future. The time to act is now.

And so I urge that we take the following steps immediately to put America's working families back on their feet.

Most important, we must restore the unemployment benefits that too many jobless workers have lost. A number of us have sponsored legislation to create a new Supplemental Unemployment Benefit Program, and later this morning, the Senate Finance Committee will meet to take up this measure under the emergency provisions of the Budget Act. If the loss of unemployment benefits is not an emergency to families across the country, I do not know what is. It is time to give American families the same kind of protection against unemployment that they have had in past recessions, under both Republican and Democratic administrations.

Already in this fiscal year, we have approved emergency spending for benefits to Persian Gulf families, for foreign aid, and for administration of the unemployment system. If we can call these steps emergencies, then surely we can provide emergency funds to the unemployed as well.

While workers are losing their unemployment benefits, the Federal Government has built a surplus of close to $9 billion in the unemployment trust fund. This is absurd. We must put that money where it will do the most good—not in some bank vault at the Treasury, but in the hands of the unemployed American men and women.

The legislation proposed by Senator BENTSEN, which many of us have been advocating, will provide a federally funded supplemental benefits program for those in need. I commend the Senator from Texas for pushing ahead and want to assure him of my continued support.

Second, as our next priority, we must cut taxes for the average American. Throughout the Reagan-Bush years, working families have seen their tax burdens go up, while the burden of the wealthy has declined. The spending spree of the 1980's bought nothing for the average American family, and now we are asking them to foot the bill. That simply is not fair.

How would you feel if your rich uncle went out and bought a fancy car for himself, but made you pay the bill? You would be furious. You pay, he rides free. That is exactly what we have done to America's working families, and it is time that it stopped. It is time that the wealthiest individuals and corporations stopped getting a free ride at the expense of the average taxpayer.

Third, we need to boost our investments in the Nation's infrastructure. Across America, bridges, roads, airports, and water systems are crumbling. Expecting the Nation to compete internationally when these systems are in poor shape is like asking someone with clogged arteries to run a marathon. It just cannot be done. If we are going to produce and ship our products efficiently, we must take care of this basic infrastructure. And by doing it now, we will help to put thousands of workers back to work.

Finally, we need to remind both the Federal Reserve and the banking regulators that it is hard to get anywhere if you always drive with one foot on the brake. The credit crunch must end. Many deserving businesses and new enterprises are dying for lack of credit. The Federal Reserve should continue to lower interest rates, and banking regulators should do more to get credit flowing, while continuing to monitor the safety and soundness of our banks.

But this is only the beginning. There is much more that we have to do to build a brighter future for this country and its families. For this recession, painful as it is, is also a symptom of a much more serious problem—our failure to invest in the American work force.

The Nation's working men and women are our most precious natural resource. But instead of investing in that resource, we have neglected it. Faced with increased competition from abroad, too many of our companies have shifted their production overseas or cut wages and benefits for domestic workers instead of upgrading their skills and productivity.

This is the wrong path for America. The fault does not lie with business, but with our lack of a national commitment to building a strong work force for the future. That why I will soon be proposing a new measure to create a world-class employment and training system for workers and businesses in the new world of international competition. Inspired by the bipartisan Commission of the Skills of the American Work Force, this measure will draw on the steps already being taken by business, labor, and State and local governments around the country. It will encourage partnerships among industry, labor, schools, and government to develop basic training standards, create training programs for the high-technology workplace, and help American businesses to become high-performance companies.

Given the right tools, American workers have the dedication and ingenuity to outproduce any nation in the world. If we give them the tools everyone will benefit, and the Nation itself will prosper.

In the last decade, American workers have been on what economist Robert Reich calls a downward escalator. For two-thirds of the work force, their income today is virtually the same today as it was in 1958, after inflation is taken into account. The American dream—in which every family could hope that each generation would attain a higher level of education, achievement and prosperity—has begun to fade. Today, instead of dreaming of a better tomorrow for their children, too many American parents are struggling to help keep their children from falling back.

It is not too late to reverse that trend. Just as a successful business follows a strategic plan that anticipates competitive needs and meets them, so America must develop and implement the economic, educational, and business development programs that we will need to defend our national strength and prosperity in the years ahead.

So the challenge is twofold. We must meet the urgent needs of America's working families today, by working to stimulate the economy, extend unemployment benefits, and reduce the tax burden on the middle class. But we must also address the future needs of working families, providing them the education and training they will need to meet the challenges of tomorrow.

If we fail on either front, then we will have failed the Rileys and the O'Neils and all of America's working families. We will be saying to them that we just don't care what happens to them or their children, or ultimately about the future of this Nation. If we fail to act, we will continue to undermine their faith in the future and in the promise of this country.

But if we take the necessary steps to support them now and in the future, then we can help them keep the faith, because America will still be a land where prayers are answered and dreams become reality.

Mr. President, I commend the Senator from Texas and the Finance Committee for their work in addressing the problems of the unemployed, and I express my appreciation to the Senator from Michigan, Mr. RIEGLE, who is the chairman of the task force to develop a program to deal with the challenges of unemployment in our country, and the future for those working families, and to express the appreciation of all the people of Massachusetts for his leadership in this undertaking.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

UNEMPLOYMENT EXTENDED BENEFITS

Mr. RIEGLE. I thank my colleague from Massachusetts for his gracious comments and for his leadership over many years, certainly at the present time, on the effort to confront the major economic problems facing the working people of our country.

Some months ago, GEORGE MITCHELL, the majority leader, formed a task force and asked 15 Senators to work on the issue of how he might respond to the recession that was then underway, and which continues at this time in my view. A group of us was formed. I was asked to serve as the chairman of that group. We made a series of recommendations, and among those was the one that we are here discussing this morning, and that is to deal with some major problems in the unemployment compensation system, and particularly with the Extended Benefits Program.

We have today in the United States over 9 million people who are unemployed across the country, over 400,000 in the State of Michigan. One of the problems we are seeing is that people are not being called back to work. They exhaust their 26 weeks of unemployment compensation under the normal benefit program but are not called back to work and are not able to find other work. And the Extended Benefits Program is not available to help them; it has been triggered off.

As a result, they then have no safety net whatsoever. Many are losing their homes, their cars. I have talked to some who are actually losing their families as a result of this. It is a tragedy that is occurring across the country, not just in a handful of States but increasingly throughout the entire country.

One of the great ironies is that in the past recessions of this kind, we have had an extended unemployment benefit program that would kick-in to provide an additional period of unemployment compensation benefits until the economy could come back, and that enabled workers who were still out of work to be able to hold body and soul together.

Ironically, today in our unemployment compensation extended benefit fund that has been collected here at the Federal level, we have nearly $8 billion collected that has been paid in to deal precisely with the kind of problem we see today. But because of defects in the way the extended unemployment benefits compensation program is working, those benefits are not getting through to the unemployed workers.

So we have drafted a bill, S. 1296, cosponsored by a number of colleagues. And I want to commend particularly the chairman of the Finance Committee, Senator BENTSEN, and also the chairman of the Joint Economic Committee, Chairman SARBANES, from Maryland. In the case of Senator BENTSEN, who has moved to craft a bill here within the committee, to set a schedule for us to act on it, and in fact deal with it even today within our committee; and at the same time Senator SARBANES for his part helping to lay out the facts about both the failure of the benefits to reach the workers on the one hand and the enormous surplus in the benefits fund on the other hand—I think they have really helped to frame this issue and move the debate to the point where now we are in the position to act on it.

As was said by the Senator from Massachusetts, another one of the great ironies here is that this country today is helping people all around the world. We are helping every country in the world today. We are sending money all over the globe. We have an economic program, the administration in power today, has an economic program for every country in the world except this one. We are seeing that all the time. We just saw it here in the Senate this week on China when the administration was in here asking for most-favored-nation trading status with China—that is, Communist mainland China—at a time when the Chinese have a $15 billion trade surplus with the United States this year.

So you have a situation where China is taking $15 billion of scarce capital out of our economy, and taking it to China. They are taking millions of jobs here in America out of our economy, and taking those jobs to China. That is helping to create this massive unemployment problem here.

But the administration was asking to make the problem even worse by giving China most-favored-nation trading status, although the administration admits that China is cheating in its trading practices, and that there are all kinds of reasons to tighten down on them. But imagine on the one hand being willing to help China and Chinese workers at the expense of American workers and on the other hand not being willing to extend these compensation benefits to unemployed workers here in America.

We had Richard Darman in before the Budget Committee the other day. We asked him about this problem—the fact that all of this money has been collected in the fund, the workers are out there out of work, desperately needing the money, and we asked him if he and the administration would not be willing to support releasing the money to go to the workers for precisely the purpose that it had been collected. His answer was, no, they were unwilling to help; not a dime were they prepared to make available. We just had in Michigan 48,000 workers within the last month abruptly trigger off the unemployment extended benefits program, and right now they are not receiving a dime of benefits. Yet, they have not been called back to work.

So it is just not fair. It is not right. The money has been collected to deal with this problem. We need to make it available, and the bill that we are bringing forward will do exactly that.

But, in addition to China, it is important for people to know—and I just think it is very important for the American people to know—that this year the Bush administration has not come to the Congress to ask for emergency help for unemployed American workers. That has not been seen as important enough or necessary. But they have asked for help for the Kurdish people on an emergency basis in the amount of $410 million. The Egyptians needed help. The administration came in here and asked for $7 billion of debt relief for the Egyptians. They have gotten it. Turkey; the President was just over in Turkey. The Turks wanted $600 million. There was no trouble finding that. The Bush administration says give them the $600 million. The Sudan, most people cannot find it on a map of the world; they needed money. The Bush administration said send them $100 million. Ethiopia, terrible problems over there; they need money. Well, let us write them a check—$139 million to Ethiopia. How about Angola? Angola needs help. Well, let us send $27 million over to Angola. Bangladesh; well, they have got problems, too. Let us send them a check for $25 million.

Yet here in America people are out of work, and the recession continues. IBM just announced that they are going to lay off permanently 17,000 employees. There are big bank mergers, one in New York the other day. They say they are going to lay off another 9,000 workers. General Motors Corp., just announced they are going to close two more manufacturing plants across the country. All those jobs are disappearing.

The Unisys Co. yesterday announced they are getting rid of 10,000 workers. Virtually every major company in the United States is shrinking in size, reducing jobs, and putting people out of work.

People need these unemployment compensation benefits to hold their lives together. That is why we have collected the money. The money is sitting there in the fund. The Bush administration says, no, we are not going to let them have the money, we are not going to let the unemployment benefits go to our own people. Yet we are willing to help every other country around the world, and turn our back on our own people. It is just not right.

We have a program to fix it. People of this country want it fixed. It will put some lift into the economy. We have to get this economy on an upward track. We just yesterday got the news on the durable goods orders, which were down 1.6 percent last month. The economy is in serious trouble. We are losing our economic future because we are not paying attention to things here at home. It is not enough to have a jobs program for Mexico, for China, for the Soviet Union, for Turkey, and everybody under the Sun and not have a jobs program for America.

Finally, one other thing about what needs to be fixed here. The bill that has been crafted by the Finance Committee chairman, Senator BENTSEN, deals with another serious problem. Service men and women who were asked to go and fight in Desert Storm, and they fought there with such courage and valor. Under the way the unemployment compensation laws work today, when they come back to the United States, if they are unable to find a job—and many have not found jobs; I have talked to them person to person. So I know that for a fact—under a quirk in the law, which this bill would fix, they have to wait 4 weeks before they can collect a penny of unemployment compensation benefits. Other workers wait 1 week. Returning veterans have to wait 4 weeks. That is not fair. That needs to be fixed.

But more than that, returning service veterans from Desert Storm do not receive the full 26 weeks available to every other worker that is unemployed in this country. They only get half of that; they only get 13 weeks.

We have had a lot of celebrations in the country to honor the service that those men and women gave, and they deserve the recognition that they have gotten. But they deserve fair treatment in the unemployment compensation system. They should not be standing out there today unemployed, and not be given the fair treatment that they deserve to have and that other workers in this country have. Has there been a bill come up from the Bush administration to fix that problem? Not a peep, nothing, zero.

Well, we need something in addition to the parades and the other kinds of recognition of that sort. We need concrete, tangible help for these returning service men and women. They are being cheated as it is today in this unemployment compensation program, and we can fix that. It is time that we fix it. The money is in the fund. It ought to be spent for the purpose that it was collected.

So I will just finish by saying, as I said before when he was out of the room, I really deeply appreciate and admire the leadership of the chairman of the Finance Committee, who has taken this issue, has moved it forward, and has crafted a bill here that I think is absolutely on the mark. It is what America needs. We have got to get it enacted just as quickly as we can. I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, for many months now, Americans have been watching, hoping that this recession would be short and shallow, and that few American families would face hard times.

But in June the number of unemployed Americans climbed to 8.7 million. The unemployment rate rose to 7 percent, up from 5.3 percent the previous June 1990, and the highest in almost half a decade.

The harsh reality is that more than 2 million Americans lost their jobs during this recession. For many of these workers—1.2 million in June—the hard times have meant long-term unemployment of at least half a year.

Every month this year, some 300,000 workers exhausted their 26 weeks of regular unemployment benefits. They have had to face the double whammy of no regular income support and a tightening labor market where it is tough to find a job to put food on the table and support your family.

Some economic indicators are turning up but unemployment is a lagging indicator. If history is any guide, more and more workers will run out of unemployment benefits even after the recession is technically over. The number of workers who ran out of unemployment benefits peaked 7 months after the 1981–82 recession ended.

In fact, unemployment may remain an emergency problem longer than usual. This time around, the recovery may well be erratic, far less robust than the usual 6.5-percent growth rate typical of postwar recoveries.

Before, when the tragedy of losing a job has hit Americans, they have been able to count on a helping hand known as unemployment compensation. It is no handout. The money comes from an account funded by contributions from employers. It was set up to help protect workers from the financial hardships of unemployment and to stimulate the economy during hard times.

But the fact is that this program, created back in 1970 to deal with the kind of situation we have today, simply is not working.

The Federal-State extended benefits program is supposed to pay up to 13 weeks of benefits to workers who have exhausted their 26 weeks of regular benefits. But despite record high unemployment, only three States—Alaska, Maine, and Rhode Island—now qualify for the Federal-State extended benefits program. That is down from a recession high of eight States a few weeks ago.

The problem is that the test for triggering on the extended benefits is just too tough to meet.

The proof is that more than $8 billion sits unused in the Federal extended benefits account. That is $8 billion paid by employers across this country precisely for the challenge we are facing today—and that is how to help long-term unemployed Americans during a time of need.

Here is how we are proposing to do that.

Workers in States where the unemployment rate is 8 percent or more would be eligible for a total of 20 more weeks of benefits. Workers in States where the unemployment rate is between 7 and 8 percent would be eligible for 13 more weeks of benefits. Workers States where unemployment is between 6 and 7 percent would be eligible for 7 more weeks. And States—all those remaining—would be eligible for 4 weeks of benefits.

Most of the $5.2 billion cost would go to workers in States with higher unemployment rates. But we do provide benefits for States with unemployment rates below 6 percent because there can be very serious pockets of unemployment. Minnesota, for example, has an unemployment rate of around 5 percent, but Clearwater County has a rate of more than 17 percent. South Dakota's rate is 3.4 percent, but in Corson County the rate is nearly 12 percent.

And we know that a recession often hits particular industries, cutting across State lines and areas where unemployment is otherwise relatively low. A recession in the automobile industry drives up unemployment in obvious places like Michigan. But workers at automobile plants in, say, Oklahoma or Tennessee is just as out of work.

The benefits in this bill would be paid for exclusively from the existing extended benefits account. The money is there, more than enough to pay for this bill. And the fund will be steadily replenished to assure unemployment benefits in the future.

To determine how many weeks of benefits a State receives, the current measure is the insured unemployment rate. But that includes only those who file for unemployment benefits and excludes workers who have exhausted their benefits—the very people we want to help in this bill—as well as new and reentrants into the labor force. The total unemployment rate, which does include them, is a better indicator of the overall condition of a State's labor market and that is the rate we will use in this bill.

The Bentsen proposal will pay benefits only during 9 months from October 1, 1991, through June 1992 but will reach back. That will provide additional benefits to unemployed workers whose benefits expired after April 1—the very long-term unemployed who need help the most. The reach-back provision applies only to States with 6 percent unemployment or higher because that is where jobs are hardest to find and very long-term unemployment is most likely.

The bill also gives equal footing to our Nation's service men and women, providing the same benefits received by civilians. Under current law, Desert Storm and other veterans leaving the service are required to wait 4 weeks before they are eligible for up to 13 weeks of benefits, while civilians wait a week and are eligible for 26 weeks.

The bill also establishes an unemployment compensation advisory council. Watching the lack of responsiveness of the unemployment compensation program over recent months, I have become convinced that the system urgently needs long-term restructuring. The advisory council, similar the respected and successful Social Security Advisory Council, would be appointed every 4 years to examine the purpose, the goals and the functioning of the unemployment compensation system. This will enable us to take a close look at structural improvements away from the pressures of a serious recession.

Finally, let us look at why we are moving this bill under the emergency authority provided in last fall's budget agreement instead of the pay-as-you-go rules.

I agree with the chairman of the Budget Committee that this emergency authority was established precisely to enable the Congress and the President to respond to the kind of situation we face today, where rapid action is necessary to meet unforeseen needs.

When we negotiated the 5-year agreement last October, it was far from clear this recession would be so long and deep. Nor was it clear that the unemployment compensation program would be so unresponsive to the needs of long-term unemployed workers.

Without invoking the emergency designation, the costs of the supplemental unemployment benefits would have to be fully offset by new revenues or budget cuts in the same fiscal year. But it simply is not feasible to expect short-term savings or revenues in such a short period. We are in an era of deficits and tight controls on spending, but we also have a Federal fund that we set up to take care of this kind of situation. And that fund has more than $8 billion in it.

The budget rules requires the President to concur with the Congress in designating emergency legislation. I urge the President to concur with the Congress on this bill—just as earlier this year the President asked the Congress to pass emergency legislation providing economic assistance to the Kurds, the Israelis, and the Turks. It takes two, and we went along with him.

Now we are asking him to go along with us, recognizing that this time it is American workers who are in trouble. During this recession, 2 million Americans have lost their jobs. They are our families, our neighbors, our fellow workers, and our friends. And we need to help them back on their feet.

I urge my colleagues to support this bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Mr. President, I again thank and commend the Senator from Texas for the excellent job that he and his staff on the Finance Committee have done in crafting this bill. There are a number of parts of it that needed to be addressed. He has cited them here to deal with this problem and try to put us on a track that will not only respond to the emergency conditions of people out there now but also try to prevent this kind of thing from happening in the future.

I also want to acknowledge the leadership as he did of the Senator from Tennessee, the chairman of the Budget Committee. Senator SASSER has worked very hard on this as has most importantly the majority leader himself, Senator MITCHELL, who has worked with us to move this forward and to help craft this legislative package.

I want to just cite a personal example that I saw the other day in Michigan. The Senator from Texas talks about the human tragedy involved in the massive unemployment that we have across this country today and with more jobs disappearing all the time, unemployed people not being called back to work.

I was over near Jackson, MI, and I was visiting a job retraining center. In that job retraining center they are having many more people come desperate to try to find work and not nearly enough jobs out there for which those workers can go and apply.

But as I was there, a younger man came in, and I would guess his age at about 35. He had under his arm a little manila folder and in that folder he showed me were some work certificates because he was a person who had a master skill in working with machine tools and in the previous jobs that he had had he had done such fine work that he had won certificates in advanced proficiency, certificates which he was carrying with him in hopes that he could convince someone somewhere to offer him a job. I asked him about his personal circumstances and he began to describe his work history, always worked hard. He had an excellent work career. He had been moving up.

Plant after plant that he worked for, however, had shut down, many of them either bought out by a foreign company or the jobs moved overseas. As he was telling me his story, he was overcome by emotion. And tears began to just stream down his face and he explained to me how as the financial problems accumulated and the difficulties within his family increased, that it had broken his family apart and that he had had to leave his wife and leave his children in the northern part of Michigan and come down into the southern part of Michigan. He had lost his car. He was on an old motorcycle, which was the only thing he could afford to use as a means of transportation to get around. And he was a proud man. And he was a capable man. And to me he represented what America is.

I mean if this country is not going to care about him and others like him, what is our focus? What is our priority? I mean, the fact that we are helping all these other countries around the world and yet turning our back on our own people—I just do not understand it. And it is just not right.

He explained his situation. And that man, he said to me, if I could have my family back I would work 24 hours a day. We have been able to help him. We have worked and worked and helped him and we found a situation for him.

But there are millions more like him and their children are hungry, and they have basic living expenses that have to be met.

Here we sit, we have collected in this national unemployment trust fund nearly $8 billion, moneys already been collected to help people in precisely this situation. The money has been paid in, it is over there in a so-called trust fund and yet this man and men and women like him desperate for help, out of work, no jobs, cannot get those benefits that are there for them.

You know, why do we call them trust funds? Why are they called trust funds? It is called a trust fund because the money is paid in for a specific purpose and the money is held in a trust. It is held in a trust. That means the money is only supposed to be used for the purpose that it was collected for. And it means that the people in charge of looking after the trust fund have to make sure that they manage it properly and then when the need arises that the money is taken and used to meet the problem for which it was collected.

I think the trust has been violated. It is not operating as a trust fund. If it were, these benefits would be flowing to these people.

What is actually happening here is the same thing is going on in the Social Security trust fund. The Government today is not spending the money on the things that it should be spending it on in these trust funds, but they are building up these surpluses and then using that inflated surplus to hide the true size of the Federal budget deficit over in the normal everyday operations of Government. So the reason that the trust funds are not being used for their proper purposes is that the money is being transferred in budget terms and spent on entirely different things; and that is not only not a matter of maintaining a trust, that is breaking a trust.

When I talked to senior citizens in Michigan and I explain to them that over in the Social Security trust fund where we have been collecting money for years to pay benefits in the future, over $360 billion that has been collected for the Social Security trust fund has been taken out of the Social Security trust fund, replaced with an IOU, and that money has been taken over and been spent on things that have nothing to do with Social Security. The money has been spent on the general activities of Government, and the money is gone.

In the future we taxpayers in this country are going to have to take and replace that money. We are going to have to pay taxes over here to replace that $360-odd billion that has been taken out of the Social Security trust fund so it can be transferred back over to redeem those IOU's that are sitting in the cash box over in the Social Security Administration.

Now, President Reagan came to town for 8 years and left, and systematically used those trust fund surpluses for completely different purposes in a budget and accounting sense to make the deficit seem smaller than it really was, and that is what is going on here.

So you really have a kind of double fraud going on. On the one hand, the money in the Extended Unemployment Benefits Program has been collected to help the unemployed, they are not getting it, that is fraud No. 1.

They desperately need it. The money has been collected for them. The Bush administration says, no dice, you cannot have it.

The second fraud is that over here in a completely different part of the Government we are spending money and crediting the surplus in the Unemployment Compensation Trust Fund against the spending over in these completely different areas, and that is fraud, too. So it is a double fraud.

But to this man I talked about out in Michigan the other day with tears running down his cheeks, a highly skilled worker that has helped build this country, and other working people across this country that helped build this country, and go and fight our wars, and fight them for other nations, when they need help here in America they ought to get the help.

We need a plan for this country. We need help for the American people, and not just for the Chinese, and not just for Mexicans, and not just for the Soviets, and not just for everybody else under the living Sun.

Mr. SARBANES. Will the Senator yield?

Mr. RIEGLE. Let me just not only yield, but let me yield the floor at this time to the Senator from Maryland. I said before his arrival he really has been a key leader in bringing this issue forward. I think it is important that the charts that I know the Senator has prepared have a chance to be a part of this debate.

So let me yield the floor, if I may.

Mr. SARBANES. I appreciate that. Let me follow along with what the very able Senator from Michigan has been saying. I really want to thank him for his tremendous effort in this regard.

As the Senator explained, employers pay money into a trust fund to pay extended benefits. This is what is happening to that trust fund. It is building up huge balances. At the end of fiscal 1990 the trust fund had a balance of $7.2 billion. During fiscal 1991, revenues dedicated to the fund will exceed benefits paid by $1.2 billion. The same is projected for fiscal 1992. Because we are not using the fund, revenues are spilling into another fund. Except for that spillover, the fund would have $9.6 billion at the end of fiscal 1992, as shown by the last bar on this chart.

This trust fund was created to pay extended benefits in a recession. In fact, it is building up a surplus right in the middle of a recession. It is just bizarre. That is the only word to use for it—bizarre.

Now let me show you what is happening on the payment of extended benefits. This is the average monthly number of persons receiving extended unemployment insurance benefits. When we had a recession back in the mid-1970's, the number of people receiving extended benefits went up to 300,000 to 600,000 per month. When we had a slight recession in 1980, the number went up to that range, and again in 1981 and 1982, the number rose that high. Reagan, Carter, Ford, Nixon, back to Eisenhower and Kennedy—every President, Republican and Democrat, has joined with the Congress to extend unemployment benefits during a recession until George Bush, who has refused to do so.

This is the payment for persons receiving extended unemployment insurance benefits in this recession. It is so tiny, I do not know if you can even see it on this chart. It's down to less than 25,000 workers. Look at that. No one is receiving extended benefits even though the trust fund has this huge balance in it. The very purpose for which the money is being collected is to pay extended benefits in times of recession, and we are not doing it.

Now we have another chart showing how much people are getting in UI benefits to replace the income from the jobs they lost as a consequence of a recession. These are past recessions going back to 1971. This shows the total amount of UI benefits that people get as a share of their lost wages. The regular 26 week program of UI benefits is replacing less lost wages than in the past four recessions. But, the big difference comes in the extended benefits program. In past recessions, extended benefits replaced a significant share of workers' lost wages. In this recession, that is not happening.

Look at what has happened this time. People are losing their jobs. We are not talking about people who have not worked, we are talking about working people, people who have had a job, have been employed, and are entitled to unemployment insurance. In this recession, less of their income is being replaced than in any of the previous postwar recessions. And the reason that we are not paying these extended benefits is so that the administration can claim to be holding down the deficit. This money, in effect, is being misused by the administration. It is collected on one basis, to pay these unemployment benefits, and instead they are holding it in there in order to make the deficit appear smaller.

The administration is saying that this is a short and shallow recession. But that is simply not the case. We have a recession now that matches the postwar averages in terms of unemployment during a recession. This chart shows the decline in employment as a share of total employment when the recession began. It compares the average job loss during previous recessions with the job loss during this recession. It parallels it. Over the 11 months of this recession, it parallels it.

Look at the unemployment rates. We are now up to 7-percent unemployment last month, 6.8 percent over the last quarter, and if you include people too discouraged to continue looking for work and those who can only find part time work, there is a 10-percent unemployment rate.

Finally, Mr. President, I want to address one other point, and that is the argument that the recession is almost over and, therefore, that we do not need to do anything about unemployment insurance. The fact of the matter is that even after a recession ends, more people join the ranks of the long-term unemployed. This charts the number of workers unemployed longer than 6 months, precisely the workers Senator BENTSEN'S bill is designed to help. As the chart shows, the number of long-term unemployed continues to go up for 6 months or so after a recession finishes. It did it previously, and there is every reason to assume that it will do so again after this recession.

So even if the recession ends—and it has not yet ended—there will be a need to extend unemployment benefits. At 7 percent, the unemployment rate last month was the highest it has been through the recession. We have gone in 1 year's time from 5.3-percent unemployment to 7-percent unemployment. We do not know that the recession is over. But even after the economy begins to improve, the number of the long-term unemployed will increase.

The reality of the situation is that working people, people who have held jobs, who have lost those jobs, and who got the 26 weeks basic program, have now exhausted that program and are without any income to support their family, to put food on the table for their kids, to meet the house payment, to meet the car payment. We are being deluged with stories of people who are losing their homes, losing their cars, experiencing incredible mental and emotional stress because of this situation. We need to give the benefits over a period of time long enough to carry them through the recession so that they are trying to find a job again in an improving job market.

If you lost your job at the beginning of this recession or a few months into the recession, used up your 26 weeks—just the basic program, because there has been hardly any extension—used up the 26 weeks, you are now out of unemployment benefits and you are trying to find a job in a job market which is worse than at the time you lost your job. You could have lost your job last fall when the unemployment rate was 5.6, 5.8 percent. You drew these benefits for 26 weeks. You have now used them up, and you are trying to find a job in a job market where the unemployment rate is 7 percent—7 percent. It was 5.6 percent when you lost your job and now the benefits are gone. We have to do something about this problem. We cannot leave hardworking Americans simply hanging out there.

Now the President does not want to declare an emergency. That is what Boskin says; that is what Darman says. They have declared it an emergency to address the problems of flooding in Bangladesh, drought in Ethiopia and Sudan. That has been declared an emergency by the President's own request. I think it is time to declare it an emergency to help American workers here at home.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. I remind the Senator from Tennessee that, at 9:30, the control of the floor moves to the Republican side.

Mr. SASSER. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, since the recession began, more than 2 million Americans have exhausted their unemployment benefits. The Labor Department estimates that another 3 million will get cut off from the unemployment compensation system in the next year.

The extended benefit program is a plan to reach those workers who, through no fault of their own, have exhausted their extended benefits.

Yet we find that with 2 million workers having exhausted their unemployment benefits, with 3 million reaching the cutoff of their unemployment benefits in just a very short period of time, we find that only 25,000 workers, less than 2 percent of the long-term unemployed, are accessing the unemployment compensation system.

Make no mistake about it, for 5 million Americans and their families, this is an emergency. It is a human tragedy. I do not believe that any one of us who participated in the budget summit negotiations would disagree that this crisis that working people in this country are facing represents precisely the circumstances for which we created the emergency escape clause in the budget enforcement apparatus.

Far from violating the summit agreement, this proposal employs the flexibility that we intentionally wrote into the new law. It is precisely the kind of exception to the system's rigid constraints that we made room for in our plans and in formulating the budget agreement.

That fact is confirmed, in my judgment, when we recognize that this extended benefit proposal satisfies each and every one of the five criteria issued by the Office of Management and Budget for determining emergencies. No. 1, it is essential; No. 2, it is sudden; No. 3, it is urgent; No. 4, it is unforeseen; and No. 5, it is a temporary situation.

To those who question whether unemployed Americans face an emergency, I would direct you to the States that have been abruptly rejected from the unemployment system, States whose residents have been told that no more extended unemployment benefits checks will be coming. I would say go to West Virginia where the unemployment rate stands near 10 percent and tell the hard-pressed families of that rugged State that their unemployment checks are not essential. They will tell you those unemployment checks are essential. And they meet the test of essentiality set out by the Office of Management and Budget.

Go to Oregon, where the checks for the long-term unemployed have been stopped. Tell them that their problem is not urgent. I think they would agree uniformly that their problem is urgent and meets that element of the criteria set out by the Office of Management and Budget.

Tell the worker in Michigan—and I see the distinguished senior Senator from Michigan on the floor, who has done yeoman service in trying to meet the needs of the long-term unemployed—but tell the worker in Michigan that he should have foreseen being unemployed for more than 6 months. He would tell you could not foresee it. He, or she, has been looking for a job. They want to work and they meet that criterion set out by the administration that their problem was unforseen.

Tell that to the working families of Maine when the extended benefit system stops working for them. Tell them the loss of income will not be shocking and will not be sudden. They would say to the administration that their loss of income was sudden and meets the sudden test of the administration.

Those who argue this is not an emergency, and it violates the summit agreement, I would say, are simply looking for an excuse and a crutch to do nothing. As Senators know, and as the distinguished Senator from Maryland has just so eloquently stated, the emergency designation has been used. The fact is, we used it this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SASSER. Mr. President, I ask unanimous consent to proceed for one additional moment.

Mr. WALLOP. Mr. President, reserving the right to object. The time for morning business expires at 10. It was supposed to be equally divided. I will not object, but I certainly will if there is another.

Mr. SARBANES. Mr. President, I would say in response to the Senator, 10:30. So I think his side has, as soon as we finish, until 10:30; not 10 o'clock.

Mr. MURKOWSKI. The Senator from Maryland is correct.

Mr. SASSER. Mr. President, the fact is we used the emergency designation in the budget summit this year to help people very far, indeed, from our shores; far from West Virginia and Oregon and Michigan and Maine. We used the emergency designation to aid the Kurds, and no one objected to that, and I supported the administration's effort to use the emergency designation to help the Kurds. We used the emergency designation to help the Turks. We did not object to the administration using the emergency designation to help the Turks and we did not object when the administration forgave the Egyptian debt of billions of dollars. We did not object when the administration forgave the debt of Poland to the United States. The administration supported assistance to the Sudan, to Ethiopia, to Angola, to Bangladesh. These are all worthy uses.

Mr. President, it is high time the administration started supporting aid to our people who face an emergency situation. That emergency is citizens of this country who want to work but cannot find work, and find themselves in desperate straits and unable to access the unemployment compensation system that has been available to them since 1935 but is unavailable today.

We must not succumb to the perverse logic that considers an emergency abroad a higher order of need than one right here in the United States.

Since the Great Depression, a fundamental social contract between our people and our Government has been forged.

During good times, Americans pay part of their earnings into the unemployment insurance system. When the business cycle takes a downturn, the Government steps in and uses this money to help those who bear the brunt of these capricious cyclical swings.

During every recession since the Second World War, this Government, whether Democratic or Republican, has expanded unemployment benefits beyond 26 weeks.

It is time to renew that social contract, to pull together and help American families in desperate need.

Mr. ADAMS. Mr. President, in a few hours the Senate Finance Committee will take up legislation to help the more than 8.75 million jobless Americans. I strongly support this bill and will work diligently to ensure its swift passage.

In the past year, more than 2 million Americans have lost their jobs, and in June, the unemployment rate rose to 7 percent—the highest in almost 5 years.

In Washington, we have a Swiss cheese economy. Portions of the State involved in high technology, aerospace, and sunrise industries enjoy relatively stable and often strong economic growth. In other areas, like the 20 out of 39 counties whose economies depend on the timber supply, people are suffering. Lewis County, for example, has an unemployment rate of 9.6 percent. Washingtonians in these areas have been hit by a double-whammy: They are reeling from the effects of the Bush administration's nationwide recession and from the timber supply crisis facing the entire Pacific Northwest.

Yesterday, I introduced a bill to begin a comprehensive, ecosystem based approach to managing our forest resources in Washington. A key element of this legislation provides extended unemployment benefits to displaced timber workers. My legislation is modeled on the bill Senator BENTSEN will markup today.

It is easy for this administration to ignore the unemployment, but it is unconscionable for the Congress to do so. How can we explain to Americans who face losing their cars, homes, and life savings that there is $8.2 billion in the extended benefits trust fund? How can we tell those who have paid into this fund that in a time of crisis, they will not be helped?

The program we are proposing in the Senate will provide extended unemployment benefits to those who have exhausted their benefits. Only 3 percent of unemployed Americans received unemployment insurance benefits this year.

The President has asked Congress for $410 million in emergency aid for the Kurds, $7 billion in emergency aid for Egypt, and $6 billion for Turkey. Jobless Americans are also living in an emergency. Why can't we help our own?

I urge my colleagues to join us in supporting this critical, emergency legislation.

Mr. MITCHELL. Mr. President, on January 16 of this year, I appointed a task force of 15 Democratic Senators to develop recommendations to spur economic development throughout the Nation.

The chairman of that task force, Senator RIEGLE, worked for months to present several options to the Senate. One of the most important recommendations put forth by the task force was unemployment compensation reform. Another was to increase spending for highway repair and construction to speed up the rate at which jobs are created.

In May I joined with Senator BENTSEN, the chairman of the Senate Finance Committee, and with the leadership of the House of Representatives to announce an economic recovery and growth package.

The package we announced was an outline to create jobs, to respond to the needs of the unemployed, to provide American families with a tax cut for the middle class, and to set the stage for long-term economic growth.

In June, the Senate passed the Surface Transportation Efficiency Act, better known as the highway bill. Once enacted, that legislation will create millions of jobs throughout the country.

The Senate Finance Committee will shortly markup legislation to reform the unemployment compensation system and to provide additional unemployment benefits to Americans who through no fault of their own have lost their jobs. I hope that the legislation will soon be approved by the full Senate.

When our economy is growing American working families prosper, living standards go up and business expands.

But our economy isn't growing. It's shrinking.

We're in a recession that the President has ignored. For the past year, as the economy declined, the Bush administration has done nothing.

The recession began last July. It hasn't been short or shallow. For workers who've lost their livelihoods, it's already too deep. For businesses strapped for credit and customers, it's already been too long.

There are over 8.7 million Americans who are unemployed. Some 2.8 million Americans exhausted State benefits between July of last year when the recession began and July of this year. The national average unemployment rate is 7 percent, the highest level reached since September 1986—nearly 5 years ago.

On Tuesday, the Chairman of the President's Council of Economic Advisers, Michael Boskin, testified before the Joint Economic Committee that over 3 million Americans will exhaust their benefits by the end of the fiscal year and that the national unemployment rate will remain above 6 percent over the next 2 years.

Eighteen States have unemployment levels at 7 percent or above. Another 18 States have unemployment levels at 6 percent or above. These numbers do not even count those Americans who are working part-time because they can't find full-time jobs or those who have become so frustrated that they have dropped out of the labor force.

Most State unemployment programs offer 26 weeks of benefits as partial wage replacement. During tough economic times, when jobs are harder to find, States trigger onto what is known as the Extended Benefits Program. This program is designed to offer Americans an additional 13 weeks of benefits once their initial 26 weeks have elapsed.

One would think that with 8.7 million Americans unemployed and over two-thirds of the States with unemployment rates above 6 percent, that many if not all of these States would trigger onto the Extended Benefits Program. But that's not the case.

Despite the severity of unemployment throughout the United States, only 8 States have triggered onto the Extended Benefits Program. Five of these eight States have already triggered off—they are no longer eligible for the extra 13 weeks of benefits. These States include Massachusetts with a 9.5-percent unemployment rate, West Virginia with a 9.7-percent unemployment rate, and Michigan with a 9.1-percent unemployment rate.

I have been informed that my own State of Maine, with an unemployment rate of 8.3 percent, is likely to trigger off the Extended Benefits Program in August.

This is not right and this is not fair. Americans go to work knowing that if they become unemployed through no fault of their own and have worked enough quarters to qualify for unemployment benefits, that they will receive those benefits. Employers know that they pay FUTA taxes so that in the event of a recession their taxes will be used to pay unemployment benefits.

But during this recession, large numbers of unemployed families are not receiving benefits and of those who have received benefits, too many have exhausted those benefits. The taxes that businesses pay are growing in the unemployment trust fund. The trust fund surplus is about $8 billion today. That surplus is expected to grow to $9.5 billion during the next fiscal year.

How can we have a situation where 8.7 million Americans are unemployed and yet a trust fund established to address the financial plight of the unemployed is growing?

Again, I say that it is not right and it is not fair. Taxes are collected to pay unemployment benefits and those who are unemployed ought to receive benefits.

Repeatedly over the past several months, the President's senior advisers have said that the Extended Benefits Program is working fine and that no revisions are necessary. From the Secretary of Labor, Lynn Martin, to the Assistant Secretary of Labor, Robert Jones, who have testified before congressional committees, the message is clear: If the system ain't broke, don't fix it.

I believe that the system is broken. In fact, I believe that the system is a wreck. In my own State, the lines to file for unemployment benefits have been so long that a fire marshall has had to ask those waiting to leave the premise. Yes my State will join the long line of others next month that are ineligible for extended benefits although the unemployment rate remains high.

The President hopes that the recession will end soon and that unemployment will decline. Yet his own Chairman of the Council on Economic Advisers has said that unemployment will remain high for the next 2 years.

Working men and women and the families who depend on their paychecks can't pay their mortgages with Presidential hopes. They can't put food on the table with kind words.

Democrats don't think we can afford to hope our way into the 21st century. Democrats think we should act.

The Senate Finance Committee will consider legislation to provide additional weeks of unemployment benefits. The number of additional weeks provided to each State will increase as the rate of unemployment in each State increases.

The legislation will have the designation of emergency because we believe that unemployment is a national emergency.

We can hope no longer. The time to act is now. The current system is not fair and it is time that the unemployment compensation system worked as intended.

Mr. ROCKEFELLER. Mr. President, I rise today to lend my strong support to Senator BENTSEN's legislation to establish an emergency unemployment insurance program designed to ease the hardships of unemployed Americans who are struggling because of the lingering recession.

I am proud to cosponsor this much needed initiative and supported it during today's markup in the Senate Finance Committee. American families and the unemployed desperately need this legislation. Congress must act swiftly, as we are. President Bush should work with the Congress by signing the bill and invoking the economic emergency budget clause required to implement this program. For States still reeling in the recession and unemployed workers who can't find a decent job, this is a genuine emergency situation.

Earlier this month, our Nation's unemployment rate climbed to 7 percent, the highest rate since late 1986. In my State of West Virginia, the unemployment rate is 9.7 percent. This statistic translates into over 76,000 unemployed people—men and women who have families to raise, house payments to make, and groceries to buy.

Despite this high unemployment rate and the long-term economic problems in my State, on July 13, 1991, unemployed people in West Virginia lost their extended unemployment benefits. This is a tragic situation for over 5,000 workers who were cut off from benefits and left in the lurch.

It is a shame that our current unemployment insurance safety net has such gaping holes and is unable to respond to the needs of Americans during this recession. I know there are some basic issues that need to be addressed in the unemployment insurance system, but our first priority must be to respond swiftly to the needs of the unemployed who are struggling right now.

This legislation does just that. It establishes an emergency Federal program to provide extended benefits to long-term unemployed workers who have exhausted their basic unemployment benefits. Under this bill, all States would be eligible for benefits based on a sliding scale, determined by the average total unemployment rate in each State over the preceding 6 months. Understandably, unemployed individuals in States with higher unemployment rates will receive extra weeks on extended benefits because they face a harder time finding a new job.

This legislation will be funded through a suplus in the Federal unemployment insurance trust fund. In my view, the trust fund money was collected as a reserve to respond to recessions and economic downturns. It is good to have such a reserve, but important to use it to meet the current needs of millions of unemployed Americans. The unemployment insurance trust fund has $8 billion, more than enough to cover this emergency program.

I have heard from West Virginia families who are struggling in this recession. Some have just been cut off from extended benefits. Others are carefully counting the numbers of weeks they have left for standard benefits. All of them have bills to pay. This is an American emergency and I urge President Bush to join with Congress in responding to the needs of unemployed workers.

WETLANDS CONSERVATION MANAGEMENT ACT OF 1991

Mr. MURKOWSKI. Mr. President, it is my understanding we have approximately until 10:30 reserved for a series of statements on the Wetlands Conservation Management Act of 1991.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I have approximately 11 Senators who wish to discuss the problems of our Nation's current management of wetlands. I have been asked to manage the Senate floor for todays wetlands debate.

At this time, in order to accommodate Senator WALLOP, who must leave for the White House very shortly, I yield to Senator WALLOP.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

GRAZING FEES

Mr. WALLOP. Mr. President, one of the better things that came from the Senate Interior appropriations bill is the recognition that there is not a problem with the PRIA grazing fee formula. I appreciate the committee's work in this regard.

An increase in the grazing fee as proposed by the House would literally cause the collapse of the economies in many rural Western communities. In the public lands States, the mixture of Federal and private lands is the fabric of the economy.

Just the talk of an increase has hurt land values. A Wyoming realtor recently closed the sale of a summer pasture grazing unit. Eight-two percent of the unit's production was dependent upon Federal lands use. As a direct result of the uncertainty over the proposed grazing fee hike, the final sales price of the land was reduced by 20 percent.

And take a look at what is happening with the national grasslands. The grasslands, exempted from PRIA, has a grazing formula based on data from the 9 Great Plains States versus the data from the 11 Western States used in PRIA. The base of the grasslands formula is $1.33 as opposed to PRIA's base of $1.23. Ony 10 cents difference and yet according to a South Dakota survey, the bankruptcy rate on ranches with national grassland leases is three times higher than for other ranches.

It makes absolutely no sense that Congress pumps millions of dollars into rural communities, funding everything from health care to transportation, yet at the same time would turn around and take away the West's very lifeblood—the ability to make a living.

Anger and frustration are at high levels in Wyoming. Traditional values and a way of life are being threatened. Westerners fear they are going to lose something worth keeping. I am here to see that does not happen.

Mr. President, I ask unanimous consent a letter to the editor of the Washington Post, and an idiotic editorial from the Washington Post on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 12, 1991.

MEG GREENFIELD,
Letters to the Editor,
Washington Post,
Washington, DC.

DEAR EDITOR: Sometimes it helps to mix a little fact in with a lot of rhetoric. I am responding to your July 9, "The Grass Grab" editorial and would like to provide you with a few "real life" facts.

First, grazing fees are not a "subsidy". The fee formula enacted by Congress in 1978 was designed to keep the total costs of grazing on federal lands, including improvements which ranchers must pay for, equal to the total costs on private lands. There is no subsidy.

"Low" grazing fees cannot result in overgrazing. The Forest Service and BLM decide how many animals the range can carry, based on the conditions of the land. Even if the fee was zero, there would be neither more nor less cattle allowed.

The western public rangelands supply some 20 percent of the nation's feeder cattle—our beef supply. The two percent number appearing in your article is a figment of the imagination of some who would like to see public rangeland grazing eliminated.

Current grazing fees are fair. The formula setting them works and should be retained. Before you step barefoot into a cowpie, you should work harder to understand the west. The deer and the antelope run free; cows certainly do not.

Sincerely,

MALCOM WALLOP,
U.S. Senator, Wyoming.

[From the Washington Post, July 9, 1991]

THE GRASS GRAB

One way of making sure that even the most egregious federal subsidy survives is to keep it small enough that most people won't care if it continues to exist—while of course the beneficiaries care mightily. That guarantees a familiar mismatch: Fierce defenders will defeat merely dutiful attackers almost every time. So it has been with the generous subsidy given western ranchers in the form of cut-rate grazing fees.

The fees have been mainly attacked on environmental grounds; they lead to overgrazing such that the government itself now says that most of the land in question is in poor condition. The fee structure is suspect on distributional grounds as well. There are not many beneficiaries, some of whom are quite large and the opposite of needy. The Interior Department's Bureau of Land Management runs the main program. It leases about 250 million acres to an estimated 25,000 permit-holders (who produce only about 2 percent of the nation's meat); the public permits add to the value of the holders' private land.

Fees are expressed in terms of animal unit months, or AUMs; an AUM is what a cow and calf combined or a mature horse or five sheep might eat in a month. The going private or market rate for an AUM is now more than $9. The BLM rate is less than $2—and less than it costs to administer the leasing program. The House voted 232 to 192 as part of the Interior appropriations bill to raise the BLM rate to $8.70 by 1995, and after that to index it to the private figure. Much of the money would go for badly needed reclamation. You would think that, with all the talk in recent years about the importance of the environment, the virtue of user fees in a tight budget and the danger of interfering in private markets, the administration might have been in favor.

It wasn't, in part for the good political reason that some of the present system's stoutest supporters are also stout Republicans who in other contexts love nothing more than to denounce federal subsidies. Now the legislation goes to the Senate, where the less populous western states have greater leverage. A similar House proposal was killed in a conference with the Senate last year. But the Hosue has the right position, and this year it should hold firm.

WETLANDS

Mr. WALLOP. Mr. President, one of the more contentious issues which will come before the Congress in the near future will be the issue of wetlands and the role of the Federal Government with them. The issue has all the potential for embroiling the Senate in an emotional and acrimonious debate. Yet one would sincerely hope that we would be able to avoid the emotion and the acrimony and go to what is at issue. But I seriously doubt that is the habit of the Senate.

My basic concern is that two forces are combining to frustrate reasoned discussion and responsible administrative action. The first is the tendency of the Federal Government to concentrate power on itself. The second is the inevitable result of this act of concentration—that is the triumph of technology over thought.

Uniform standards based on an automatic formula are simple to administer and brutal in their result. Discretion requires thought. It requires judgment. It requires a weighing and balancing. Most important, it involves responsibility and the willingness to accept responsibility. Bureaucrats by nature hate responsibility, as do the special interests who seek only their agenda.

Wetlands are one part, an important part, of our land base in America. Wetlands support fish and wildlife habitat. Wetlands are the sponge and the purifier through which most of the significant environmental benefits of the Earth take place. Wetlands provide significant recreation and environmental benefits. I fully agree and my colleagues all will fully agree that wetlands are a valuable resource. What I find difficulty with is the elevation of wetland protection over all other values and the facile way administrators have of defining what is a wetland. The dialectic troubles me rather than the objective.

Perhaps an expansive definition of what is a wetland is useful if your objective is to consolidate power, but that approach contains the seeds of its own destruction. The more we expand the definition of lands subject to Government control, the tighter we draw the noose around our ability to make informed and rational decisions with respect to America's future. If Tundra is a wetland, then Alaska no longer has the zoning and land use decisions reserved to the States under our Constitution.

One of the tenets of law is that each parcel of land is unique. It is that uniqueness which makes land use determinations so critical. The purposes for which an individual parcel may be used, the values which it supports, are decisions reserved to the several States. We are rapidly eroding that concept in America. Yes, wetlands are important to habitat, but so too are uplands. What we are in danger of losing is our sense of what our objective is. Expansive definitions, coupled with inflexible standards, may be an administrative paradise, but administrative convenience should not be our objective.

I do not argue that we should avoid the discussion of wetlands. Nor do I suggest that progress has not been made. The proposed revisions to the Federal delineation manual seem to be a good faith effort to better define what a wetland is and to address some concerns of private landowners and businesses all across America. The full public review and opportunity to comment which will be provided with regard to these revisions are an additional step in the right direction.

But we must keep in mind that the States and local units of government must retain their authority to make basic land use decisions. We must ensure that the Federal Government does not become some cyborg terminator, ruthlessly eliminating any perceived threats to its power. The administrators, the bureaucrats must recognize that there are values which we must support—and can destroy by overreaching in mad pursuit of inarticulate policies.

Policymakers must remember that land is unique—as Will Rogers said, "they ain't making any more"—then we can avoid the imposition of inflexible standards on parcels of land which do not not support the values the standards were intended to protect.

The Senate discussion of wetlands will be important so long as we talk about the objectives of it, and the technology of it and not the passion of it.

Mr. President, I thank the Chair and yield the floor.

Mr. MURKOWSKI. Mr. President, again I want to apologize for my colleagues, but in view of the fact the other side took an extra 7 minutes, I ask unanimous consent that our side may be allowed to speak until 10:40.

The PRESIDING OFFICER. Without objection, it is so ordered.

WETLANDS PROBLEM IN ALASKA

Mr. MURKOWSKI. Mr. President, I do rise today to discuss the problem of our Nation's current management of wetlands. Earlier this month, on July 11, 1991, I joined with Senator BREAUX; the senior Senator from Alaska, Senator STEVENS; and many other Senators, some of whom are represented on the floor today, to introduce the Comprehensive Wetlands Conservation Management Act of 1991.

At that time, I addressed many of the problems associated with the current Wetlands Protection Program in our Nation. Today I would like to focus specifically on the wetlands problem in my State of Alaska.

Mr. President, currently Alaska contains 170 million acres of wetlands, a total area larger than the entire land mass of the States of California and Oregon combined. Alaska contains over half of the wetlands in the entire United States. In fact, Alaska has 65 million acres more wetlands than all the wetlands in the lower 48 States combined; that is, with the exception of Hawaii. Wetlands cover over 45 percent of the land surface of Alaska, and on the North Slope of Alaska, 99 percent of the land surface is wetlands.

Alaska, in reality, is completely saturated in wetlands. Permafrost, for example, which covers nearly a third of our land mass, classifies as wetlands because of the water saturation. Yet, it is, for all practical purposes, permanently frozen.

Let me address wetlands loss. The total amount of wetlands loss in Alaska is less than one-tenth of 1 percent. Compare this with the lower 48, where over 50 percent of the original wetlands have been lost. No other State in the Nation has over 99 percent of its original wetlands. In fact, no other State can even come close.

New Jersey, the next closest State, has lost 9 percent of its wetlands. That is 90 times greater percentage loss than the State of Alaska. California has lost 91 percent of its wetlands. That is nearly 1,000 greater percentage loss than Alaska.

Let me refer briefly to this chart, Mr. President, because I think it represents what we are attempting to depict. Wetlands losses in the United States, 1780's to 1990's. The chart lists several figures related to wetlands loss in the United States: The chart shows 53 percent of wetlands have been lost in the lower 48, compared with the State of Alaska, where one-tenth of 1 percent is lost.

If one looks at the estimates of existing wetlands, 104 million acres, vis-a-vis 170 million acres in Alaska. I think that makes my point. Mr. President, I want to be very clear, Alaska does not have a wetlands loss problem and should not be held hostage to the wetlands problem in the lower 48. The problem simply does not exist in my State of Alaska.

Mr. President, the current Wetlands Protection Program is not working in this country. The section 404 program of the Federal Water Pollution Control Act is not an effective tool in conserving our wetlands. The good intentions of several Federal agencies to protect our Nation's wetlands has been, in the opinion of the Senator from Alaska, a complete failure. Private property owners in Alaska regularly experience ridiculous bureaucratic nightmares and senseless project delays.

Mr. President, Alaska contributes greatly to the Nation's wetlands resource and should not bear the burden of unnecessary wetlands regulations. We do, and want to do, our fair share. However, we can no longer let Federal bureaucrats and the courts stifle economic development and progress in the name of preservation without reason. Economic development in Alaska will grind to a complete stop.

My constituents are currently at the mercy of a Federal bureaucracy that is trying to apply regulations intended for the lower 48 in Alaska. The national policy of "no net loss" of wetlands as currently interpreted and applied by the Environmental Protection Agency and other regulatory agencies in Alaska is a "no net development" policy.

Why? Because in Alaska, if you can build on it, it is a wetland. I cannot think of a town in Alaska that was not built on wetlands or is bordered by wetlands. I am not joking when I tell my colleagues that in my State we are either on a mountain, a glacier, or a wetland.

One can go back, in recent examples, in June, where they proposed to build a school on the side of a hill. It was classified as wetlands because drainage around the area flows into a creek that flows into an anadromous stream that flows into saltwater.

Mr. President, virtually every stream in Alaska fits that category and, therefore, every drainage area automatically becomes a wetland even if it is on top of a hill.

We have seen in Fairbanks citizens with their summer homes cutting brush around their lake in front of their summer homes, a combination of Federal and State agents flying around the lake taking pictures, issuing letters, threatening fines of up to $5,000 or jail sentences. You could drive around the lake. There is a road around it. You could walk the beaches. The system has run amok, Mr. President.

Senate bill 1463, the Comprehensive Wetland Conservation Management Act of 1991, attempts to correct our Nation's wetlands problems by classifying wetlands into three categories based on their functional value. That is what makes this legislation so real, Mr. President. Different levels of regulatory scrutiny are applied depending on the relative value of the area. For a State like Alaska, with over 170 million acres of wetlands, this type of ranking system would provide the flexibility needed to address Alaska's unique wetlands situation. Not all of our wetlands have equal function or value. Some deserve very special protection, and they should get that protection, while others are so abundant and have such low value that development would have a very minimal impact on the total Alaska wetlands resource.

S. 1463 acknowledges that a wetlands protection program must protect the property rights of private property owners. A very large percentage of the wetlands in this Nation are privately owned. If the United States is going to prohibit development to protect wetlands, then the United States must compensate wetlands owners for the taking of their property. Again, this is especially important in my State of Alaska. Only 1 percent of the land in Alaska is privately owned. If private landowners are restricted from developing their lands without compensation, there will simply be no private development in Alaska.

The proposed legislation would also authorize and encourage States to establish a mitigation banking system. Such programs would allow a credit to be provided on an acre-for-acre or value-for-value basis for Federal land in protective status. This will help preserve the wetlands that are of critical significance to the long-term conservation of specific ecosystems. I strongly support this concept.

Mr. President, responsible wetlands regulation should be based on the extent and proportional loss of resources in any individual State. Many States in the Nation have lost over 75 percent of their original wetlands. In Alaska, we have over 99.95 percent of our original wetlands intact today.

Let's solve the wetlands problem where there is a problem. Responsible development of Alaska's wetlands is simply critical to the economic viability of my State. Congress must recognize this wetlands diversity and develop a national wetlands policy that strikes a rational balance between conservation and economic development.

Mr. President, I yield to the Senator from Kentucky.

WETLANDS

Mr. McCONNELL. Mr. President, wetlands serve many valuable environmental, economical, and agricultural purposes. Not only do wetlands serve as a habitat for wildlife and fish, but they are also instrumental in water treatment and purification. Wetlands also play an important role in erosion and flood protection.

The debate and legislation over wetlands reached a new level in 1972 with the passage of the Clean Water Act by Congress. Section 404 of the Clean Water Act began the era of wetlands protection. It gives the Corps of Engineers the power to issue permits needed to dredge or fill wetlands. Anyone wishing to alter a wetland by making it deeper or filling it must apply to the Corps of Engineers for a permit.

In addition to the 1972 Clean Water Act, Congress passed the Swampbuster provisions in 1985 and further complicated the wetlands issue. The Swampbuster provision gives the U.S. Department of Agriculture the power to deny Federal commodity crop subsidies to farmers planting on wetlands which have been converted to agricultural uses after December 25, 1985.

Of the figures I have found, it is reported that agricultural wetlands consist of 75 percent of the estimated 95 million acres of remaining wetlands.

Over 71 million acres of wetlands are located in private largely agricultural lands. The American farmer is by far the most effected party in the wetlands debate and because of the broad interpretation of the Clean Water Act, areas of little or no ecological value are often classified as "wetlands."

Many problems have resulted from the wetlands legislation. In fact, it could be argued that American farmers are spending more time trying to comprehend wetland regulations, than they spend producing food to help the world. The wetland regulations have become a mess of tangled, conflicting requirements under the control of four separate Federal agencies.

Four Federal agencies, the EPA, FWS, corps, and SCS all attempt to regulate and control the wetland process. These agencies all serve different constituencies and therefore follow different agendas. Having four Federal agencies attempting to control one area has, and will continue to cause, much confusion. The agencies are developing overlapping regulations which run contradictory to one another.

We cannot continue to classify every mudpuddle in America as a wetland in need of conserving. The American people have a simple choice. They can have all the wetlands they want including every mudpuddle in America or they can have food on their tables. The American farmer realizes the importance of wetlands. Wetlands affect them directly by serving as sources of wetland and also by serving as flood protection in heavy rains.

The U.S. Government cannot protect every mudpuddle. If they do, they must under the fifth amendment justly compensate each landowner for the protection of that mud puddle that exists for only a couple of days a year. The choice is simple. The Government needs to concentrate on protecting the wetlands of environmental and national importance.

Solutions to the wetland problems require only commonsense adjustments. First, the Federal Government must set a strong standard for regulation.

Second, and at the heart of this issue are the rights of the private property owner. The legality of the Government disallowing use of land, yet still requiring taxes to be paid on it, could certainly be questioned under the fifth amendment. The fifth amendment states, "* * * and in fact, we are taking private property without just compensation".

Third, we must define wetlands in a clear concise manner. One of the difficulties with past legislation is that no one agreed on a definition. The public must understand and be made aware of the wetland definition and its importance.

Finally, Federal oversight and regulations concerning wetlands must be consolidated. The issue itself is confusing enough as it is without having to get four different agencies attempt to agree on wetland policy. The Government and the American people will be better served through a consolidation of authority.

The leading power on this issue should be an organization that is in constant contact with the wetland area, the people most affected by wetland policy, and have the technical expertise to understand and implement the regulations in question.

Wetland classifications must be develop to assist in the permit process. Once wetlands are classified into categories according to their environmental worth, the permit process will be more accountable and justifiable. Along with the definition of a wetland, the different classifications of wetlands must also be defined. The classification system, along with an avenue for appeal, will assist greatly in the fairness of permit applications.

The alteration of a wetland must also be defined. Under the Clean Water Act, section 404, regulates new development and construction actions, but it does not clearly regulate draining, excavation, or flooding of wetlands. It is mostly related to normal farming activities. Since, draining, clearing or burning is not included clearly in the alteration of wetlands, these actions should be defined and either included or excluded from the regulations.

The American public and the farmers recognize and appreciate the value of the American wetlands. We must conserve and protect our remaining wetlands for future generations, but not violate individual private property owner's rights. I am confident a balance can be restored to our Government's wetland policy and will work to that end.

Mr. GARN. Mr. President, I yield to the junior Senator from Utah [Mr. HATCH].

GRAZING FEES

Mr. HATCH. Mr. President, many of us in the West are becoming increasingly concerned with what appears to be a widening campaign to restrict access to and use of our public lands. In the public land States of the West our economic future, in great part, lies with our land and how it is managed. Obviously, any decision concerning the management of those lands is going to be of great interest to us. Westerners are the ones who must live with the effects of new land management policies. However, we often find that the fate of our region is being determined by people who do not live there and have no stake in the outcome of the decisionmaking process.

Unfortunately, the human cost of many of these decisions is not apparent to those who live far from the affected areas. They never comprehend the enormous impact that their decisions can have on people. One of the most devastating disasters that can befall a man or woman is the loss of a job. However, in making so-called environmental decisions, trees, toads, and squawfish often receive more consideration than the working man or woman.

One of the provisions in the House Interior Appropriations bill would, if passed, dramatically alter existing and traditional Western land uses while placing thousands of Western jobs in jeopardy. While there have been attempts to rationalize the so-called Synar amendment as an equalizing effort that brings the costs of grazing on Federal lands in line with those grazing on private property, it is really an attempt to price Western ranchers off the public land. Passage of the Synar amendment, which would increase the grazing fee by 500 percent, would be an economic disaster to the rural West and would likely destroy a way of life.

Mr. President, approximately 27,000 livestock operators graze cattle and sheep on western Federal lands. Those lands are managed primarily by the Bureau of Land Management and the U.S. Forest Service under the multiple-use principle. Most livestock operations are small, family-owned farms and ranches that are economically dependent upon the use of public lands for livestock grazing.

These grazers or permittees pay a fee to graze livestock on the Federal lands, and that fee is fair. The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support, including that of the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court. The current fee is based on market conditions and goes up or down depending on three market variables that are measured by the Government each year: Private lease rates, beef cattle prices, and production costs in 11 Western States.

News story coverage of the grazing fee controversy commonly deal only with the fact that private grazing fees greatly exceed those charged on Federal rangelands. This leads to a seemingly obvious conclusion that "Federal grazing permittees are being subsidized." But, Federal grazing fees are only a small part of the total costs paid by ranchers who graze livestock on public lands.

There are two main reasons why there is a difference between private and public grazing fees. One reason is that Federal permittees incur far greater operating expenses than private operators. For example, the expenses associated with the construction and repair of improvements, such as fences and corrals; revegetation; livestock doctoring; herd supervision; gathering; moving; salting; water hauling and pumping; supplemental feeding; resource harvesting; noxious week control; pest control; parasite control; and predator control are all the responsibility of the permittee.

Mr. President, the Synar amendment clearly fails to comprehend the real-world operating costs of Federal permittees. The western permittee faces obstacles that are unique to grazing on Federal land. Factors such as higher mileage to and from base property to the ranges, shorter growing seasons, higher death losses, frequent changes in BLM and Forest Service management personnel and policies, frequent instances of significantly lower quality forage, and competition with wildlife and other multiple-use management plans compound the problems faced by the permittee. No study of the comparability between public and private grazing fees can be credible in the absence of such data.

The second reason why public land grazing fees do not provide Federal permittees an economic advantage is that Federal permittees have incurred extra costs when they acquired their ranch properties. When permittee ranchers bought their ranch properties, they paid for the land's increased value—either through capital outlay or increased inheritance tax—that was gained from having a public land grazing permit assigned. The value of the grazing permit was capitalized into the value of the private ranch property and paid by the permittee in the form of higher costs. It has been shown that the total costs of grazing Federal range are about the same as those leasing private range if the permittee's capital investment in the grazing permit are considered.

The economic importance of the livestock industry in the West is significant. The livestock industry in the 13 Western States represents 2.4 million head of cattle and 5.8 million sheep. The 1987 cash receipts from cattle and calves in these States totaled $9.2 billion, and receipts from sheep and lambs totaled $339.1 million. Byproducts, such as wool, hides, and medication, such as insulin from animal organs, also contribute to the overall economy. The multiplier effect in terms of personal, county, and State income, purchasing power, and direct and indirect employment is clearly of major economic significance to individuals, families, local dependent communities, and the entire Western region.

Mr. President, public lands livestock grazing constitutes a critical part of our Western lifestyle and provides many important environmental, economic, social, and cultural benefits to all Americans. The Synar amendment would inevitably force ranchers out of business, hurt rural economies, and destroy a distinctively American way of life. Such action is not warranted and I for one do not intend to let this happen.

WETLANDS

Another issue that is causing considerable concern among many of us is the management of our Nation's wetlands. While all of us realize there is a need to protect our remaining wetland resources, there is also a shared belief that the existing Federal wetland policy is extremely confusing and has created much hardship among landowners throughout the country.

The widespread misunderstanding about what is or is not a wetland is causing problems in my home State of Utah. Utah is the second most arid State in the Nation. We have about 1.250 million acres of irrigated farmland in our State, or just over 2 percent of our total land area, and the remainder of the farmable land is dry-farmed. Many of the areas in Utah that would qualify as wetlands have been artificially created through our extensive irrigation system. Population increases demand that we improve the efficiency of our irrigation systems. These improvements include repairing leaky canals and piping or lining canals. Each of these procedures will reduce water loss, an absolute necessity in Utah, but they also dry up artificial wetlands created by the leaks. However, under current Federal wetland regulations, these necessary improvements can be severely restricted.

In addition, most wetlands in Utah are on private property. In several recent instances, the Corps of Engineers has placed restrictions on private landowners that will clearly decrease the value of those private lands. However, no compensation for this taking of property rights has ever been offered.

The complaints I have received concerning the substantive and procedural defects in the current wetland regulations have made it clear to me that Congress needs to consider this matter. I would like to compliment Senator BREAUX for introducing legislation that addresses many of the problems with our wetland policy.

Mr. President, I have cosponsored the Breaux bill because I believe we need a wetland policy that provides clear direction and guidance for wetland protection and management. That policy should contain a definition of wetlands that reflects an acceptable melding of national, State, and local input and should call for a coordinated inventory of wetlands based on such a definition. In addition, any supportable wetlands policy must adequately consider the private property rights of individual citizens. I hope that this legislation is the first step in a thoughtful, well-reasoned process to bring some clarity to a confusing situation.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

ISSUES OF THE WEST

Mr. BURNS. Mr. President, I thank the manager this morning. All of these issues seem to trouble those of us who live west of the Mississippi River. We will hear great speeches on environmental issues that pertain to, supposedly, this whole country.

I happen to come from a State which has the largest Superfund site in America. It has been the largest for the last 10 or 15 years. I do not know how much money has been spent up there in Butte, MT, to deal with water quality, the Berkeley pit, but we have not turned one shovel of dirt. We do studies.

Now we are concerned about a pit that is filling up with water and that water is metal laden with arsenic, with a chance of making the alluvial lip of the pit itself breaking into Silver Creek which all ends up in Portland, OR, at the mouth of the Columbia. We know this. All of us know it, but somehow it never gets addressed. That is a bureaucracy that is charged with cleaning it up and has not turned one shovel of dirt.

But, let us talk about some issues of the West. I was raised in the Midwest—yes, east of the Missouri but west of the Mississippi, which helps a little. There are different management practices that have to be applied to every acre of land and soil in this country to make it productive.

We are not in the logging business in Montana. We are not in the wheat business. We are not in the cattle business. We are in the food and fiber business. That is what agriculture is, food and fiber for a society, so a society can raise its children, pay for their homes, and have some of the amenities of a free society, so they do not have to spend every nickel they earn just to provide the necessities called food, shelter, and clothing.

We spend less of our disposable income on those necessities than any other nation in the world. And why? Because we are productive; we are efficient. Yet, whenever we start to address some issues, some person who has never produced anything in his life from the soil, where all life begins—and by the way that is where it ends—comes out and says we are doing it wrong.

When I moved to Montana—my first exposure to Montana was 1953—I did not understand public lands and the issues that were there, coming from a State that has very few public lands. You have to live there a while.

Wetlands in eastern Montana; the rainfall, excluding the snow, is only 14 inches a year. We know a wetland when we see it. It is not very often. But yet they come in and try to apply the same rules to us as applied in a coastal region or where the rainfall is heavier and water management is more difficult.

Out in our country they say whiskey is for drinking and water is for fighting. That is true. I tell you that if you do not get it, you do not grow much up there.

So all of those developments of irrigation, sometimes we have cases where they want to shut down an agricultural operation, a food and fiber operation for this country, because of a leak in an irrigation ditch. We put the irrigation ditch there to raise crops. If one lily pad springs up, they shut her down. We have instances of that. That is all I am going to say on wetlands.

Food and fiber—that is the business we are in. Out of the State of Montana alone in our wood products industry in our great national forests, we cut enough lumber to build 150,000 homes. Those folks who say do not cut a renewable resource are the same people who are demanding a frame home. They want it nice.

Four billion quarter pounders—McDonald's hamburgers—come out of that State; a half a billion dollars' worth of gold and silver and all of the things that come from the extractable minerals, and most of it is found on public lands.

The PRESIDING OFFICER (Mr. ROBB). The time yielded to the Senator has expired.

Mr. BURNS. Mr. President, I ask unanimous consent for just 1 minute to sum up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Just to sum up, in Montana we have people coming up there now. They found us; we are pretty, and we are pristine. Now they are going to save us, giving nobody credit that came there before, and tried to hang onto it and made it productive.

Do you think it just happened that way last year and now we are wrecking it? No credit is given to our forefathers who came through, understood what those resources were, could develop them, and do it environmentally safe. We do not give our forefathers enough credit.

There are elitists that come up there, buy a little ranch and say, I do not want anybody else on board. I do not like those people very much because they are the people who say, I am on board, pull up the ladder. That might be all right for their world, but it is not all right for the children that have to come along. They said preserve it for our children. Whose children? Only those that can afford it? The children that are there have no opportunity. Let us think a little bit because the West is different, and it is worth a whim of the Government.

I thank the Chair for this extension and the manager, and I yield the floor.

WETLANDS AND GRAZING

Mr. SYMMS. Mr. President, I rise today with my colleagues to speak on two issues that are on the hearts and minds of every Western farmer and rancher: the wetlands issue and grazing fees. Under legislation soon to be before this body, these issues are steadfastly becoming instruments for land use control. And to my mind, what we are really debating is the future of private ownership.

WETLANDS

Under the expansive definition of wetlands provided in the Clean Water Act, we have come to think of areas of little or no ecological value as wetlands. By one estimate, 104 million acres, or 5 percent of all land in the lower 48 States, is now classified as wetland. The Soil Conservation Service estimates that as many as 70 million acres of farmland could be considered wetlands. In the State of Alaska alone, approximately 75 percent of the usable land that is neither a mountain nor a glacier is classified as wetland for no other reason than because for much of the year the ground is frozen and water is locked underneath the surface.

As a long-time member of Ducks Unlimited, I have been concerned about this wetland issue long before I ever became a Member of Congress. But we are talking about a lot of land, Mr. President, and all this designated wetland falls under the regulatory jurisdiction of the Federal Government. In my State of Idaho and throughout the more arid States of the West, people recognize and appreciate the value of a true wetland because water is among our most precious commodities. But there is a strong and justifiable public resistance to the wetland designation and the constraints it imposes in many areas where Sherlock Holmes himself couldn't find evidence of water that would solve the mystery of such designations.

While the wetland designation itself may mystify, the effect on the rights of private property owners is real, direct, and economically harmful, generally without compensation for the loss of property value.

The North Idaho community of St. Maries wanted to erect a monument on a small plot of land located between two railroad tracks. Because the ground was classified as a wetland, they were denied this right.

A lumber company could not stack logs on their leased land because the mill tailings pile was classified a wetland. A fertilizer company was prohibited from stopping their mining operation because a wetland which they had created might cease to exist. An elderly woman in Teton County, ID, discovered that her retirement—which was invested in land—was gone because her property had been classified a wetland.

Mr. President, fairness must be employed when dealing with the rights of landowners. The Government must not be able to take our land without economic compensation. And while trying to solve environmental problems, we must always seek to balance the environmental benefit with the need to protect private property rights.

I am pleased to be a cosponsor of S. 1463, introduced by my good friend from Louisiana, Senator BREAUX. This bill will establish a comprehensive program for conserving and managing wetlands while encouraging economic growth and protecting private property rights.

GRAZING FEES

The House Interior appropriations bill, H.R. 2686, raises grazing fees on Federal lands 400 percent over the next 5 years. This measure would throw out the sensible market-based approach established by the Public Rangelands Improvement Act of 1978.

Those who want to abandon this sensible approach and quadruple grazing fees say it will help improve the range and increase Federal income to the tune of $100 million. Both of these assertions are fantasy.

Two recent rangeland studies reject the argument that grazing is incompatible with sound range management. The Bureau of Land Management's report entitled, "State of the Public Range," and a joint study prepared by the University of Idaho and the University of Arizona entitled, "Seven Myths About Livestock Grazing on Public Lands," conclude that Government-owned rangelands are currently in the best shape they have been in during this century.

Ranchers know the value of the land because their livelihoods depend on it. They know the importance of sound range management and, with few exceptions, they practice it. I know of no expert, no rational analyst, and no reasonable person who can maintain that quadrupling grazing fees, driving ranchers off the range and into bankruptcy, while devastating the economies of local communities throughout the West, will result in better range management.

The other argument, that raising grazing fees will increase Federal income, is nothing short of just plain silly economics. Ranchers will not be able to pay the quadrupled grazing fee because people will not be able to afford the price of beef steak after it increases five or six times before it gets to market.

SAVE THE WEST

I am ready to fight these assaults on the economies of Western States. Grazing fee increases and wetland designations in some of the Nation's most arid environs, insult hard-working westerners who love the land that provides them jobs and an unsurpassed quality of life. It is time we take a stand for common sense environmentalism and long-term economic growth.

Thank you, Mr. President, I yield the floor.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. Senator SIMPSON of Wyoming is recognized for up to 5 minutes.

GRAZING FEES AND WETLANDS

Mr. SIMPSON. Mr. President, I thank the Chair, I thank my friend from Utah, Senator GARN, and I thank my friend from Montana for a very powerful series of remarks that sometimes are simply not heard in this Chamber from those from certain other geographical areas of the United States—just like when those of us in the West, or in the mountain West, sometimes are unable to hear what our colleagues are saying in the Northeast.

That camaraderie we have among the 100 of us makes this a very special place. It gives us the opportunity to talk to each other and discuss things—and we do that—and then we are better able to understand the position or problems of a colleague from the Northeast or from the Southwest or from the Southeast and they can better understand ours. That is all we are seeking here as we deal with these two very important issues: Wetlands administration and, of course, grazing fees. Those may sound like small potatoes to some people, but not to those of us from the West.

To some like the Congressman from Oklahoma, MIKE SYNAR, the grazing fee issue has become an obsession. That is disappointing to me because we know each other well. We came here the same year. It has really been disappointing to watch this fine young Congressman frame the argument against grazing fees by calling them wasteful subsidies. That is not what the grazing fee program is. If it were a pure subsidy, a whole lot more of the same yoke goes to Oklahoma, than to Wyoming. If I was only measured by the people of my State based on the subsidy programs I have supported for Congressman SYNAR's State—the folks in Wyoming would probably "rip me up."

I do not know the specific amount of Federal subsidies which Congress has wallpapered the State of Oklahoma with, but it sure would far exceed anything that Wyoming ever receives. The entire grazing fee program cost, depending on who you are talking to, is about $11 million to $30 million a year. I hunch that the Federal money we've spent on wheat programs and the various agriculture programs in that one Congressman's district might be 10 times what is put into the entire State of Wyoming.

So I do not know why Congressman SYNAR has chosen this issue as an obsession, to the extent that he is sometimes downright mean about it—but he has. He is always a tough competitor. But to take such a tough stand leaves us with, I guess, involving ourselves in a great sorting process. We will have to sort out what Federal funds they get in that district of Oklahoma, and point that out to the people of America, and ask them if that is fair. Who wants or likes to get into that kind of game?

But, apparently, we now have a curious thing going on in Wyoming by folks who own private lands bordering the public lands. Those folks say: We want to know where you are from, and if you are from the district of that Congressman from Oklahoma, or that Congressman from Georgia, you are not going to hunt or fish on this land.

How about that? They feel quite justifed in such inquiries. That is the kind of thing that results from this type of activity.

The real problem stems from the fact that some Members in the House have been captured by the "no more moo in '92" group, or the "livestock free in '93" group. That is what has occurred with regard to this issue. That is what this is all about—getting rid of all grazing on the public lands. I wish the advocates for that position would just be honest, step up to the plate and hit out there somewhere. Let somebody catch it—probably us.

But this is not about a subsidy. It is about the complete removal of livestock from the public lands. When you do that, who do you leave the lands to? Not the livestock, they will all be gone. Wildlife; let me tell you, they will eat up more range than the cows.

Those are some of the things we are going through on this issue. It reminds me of a hearing we had when I first came here during the Carter administration. I asked a question of a very able person who was in charge of the Council on Environmental Quality. I said: "Do you think agriculture is part of man's ecosystem?" The person said, "No, I do not think so." When you have to deal with that kind of intellectual vacuity, that agriculture is not part of man's ecosystem, nor is mining, nor is livestock—that is elitism and absurdity beyond comprehension.

GRAZING FEES

A proposal included in the House Interior Appropriations bill would increase the grazing fee from $1.97 per animal unit to $8.70 by 1995. The CBO estimates that this provision will net only $10 million for the Federal Government in fiscal year 1992. That is the total amount we're talking about, if every rancher in the 16 affected States stays in the business. They won't. Revenue estimates aren't valid when you can't determine at what level the fee becomes so high that it forces many ranchers out of business. Then such grazing fee hikes will simply be revenue losers.

The fiscal argument is an interesting one. Certainly in these times of great budget constraint we are all more conscious of revenue losers. I'm not convinced that the revenue derived from grazing fees is indeed lost revenue to the Government. The public lands in question, which are leased to ranchers and wool growers for a fee less than the fee charged on private lands, are not owned by the Federal Government by some fluke. They are the leftovers. They aren't the top quality lands which were snapped up in the homesteading days. The lands are leased for less because they are worth less than prime grazing land. Although important and valuable to the rancher, they just are not of the same quality as most private grazing lands. Typically, the condition of the soil, access to water, and sometimes even access to the property itself is less than desirable. These factors reduce its real value. The Federal Government receives benefits which are often overlooked; specifically, providing revenues from the stewardship of public lands. It is a mutually beneficial relationship for the Government and the ranchers, and it has worked well in the West.

I have heard it said that grazing fees are a Western subsidy. Subsidy is an interesting concept in these Chambers. This is a program which benefits the Federal Government, and which assists ranchers and wool growers in 16 States less important or less deserving than expending the $141.9 million for highway demonstration projects which were just included by the House in its fiscal year 1992 transportation appropriations bill? Arguments about fiscal conservatism by certain Members of the House of Representatives is a difficult concept to grasp. In fact, I believe this argument is pure hokum.

The grazing fee program generated $10.4 million last year for the Federal Treasury. If it is a subsidy, it is a trifling sum compared to the $3.4 billion spent last year by the Farmers Home Administration on rural development projects; or the $7.13 billion by the Rural Electrification Administration; they really suck it up—how much in Oklahoma—we are finding out; we all know that there isn't enough time to provide a complete listing.

Protecting the Federal budget and reducing a Federal agriculture hand out is how the argument is crafted. It is clever, and it gets a lot of press. MIKE must like press. As a Senator from Wyoming, and one who has always been in the center of public land use battles, I can assure you that the real issue is not money— it's about cattle grazing on public lands. Increasing the fee is an attempt to stop that. It's called Cattle Free by '93 out West. "No more moos in 1992." That's what our ranchers and wool growers hear from certain special interest groups who are very vocal in their opposition to cattle competing with wildlife and other indigenous species.

We are not here today as Western Senators reacting to constituents who just "don't want to pay more money to the Federal Government." An increase in the grazing fee to the levels contained in the fiscal year 1991 House Interior appropriations bill threatens the very survival of the ranching community.

It isn't just a matter of having ranchers tighten their belts and pay more to the Feds. It's a matter of opposing an increase which most ranchers truly cannot afford to pay and their entire ranching operation, including that portion conducted on private lands, will be threatened. And then where do they go? Who do we think has the mortgages on these ranches? The U.S.A. in many cases.

If the issue is the condition of the public range land, then let's address that. The ranchers and the Bureau of Land Management can work on improved land management techniques. BLM is certainly more qualified than Congress in that area. Rotating allotments, temporarily limiting access to some delicate lands as the grass regenerates, working with the rancher during drought conditions are all options, and are currently utilized by the BLM and participating ranchers. The condition of the range is a critical issue, but it is entirely outside the context of the fee formula. This debate has painted ranchers to be abusers of the land that they live on. Those of us familiar with the West know clearly that nothing could be further form the truth.

If the issue is subsidization by the Federal Government, we can talk about that. But there is no way I will stand here and watch Cattle Free by '93 go forth. That would be absurd. I think all ranchers are willing to work on improving the condition of our lands, but that does not come about by jacking up the fee so high that it threatens the very existence of their livelihoods.

I pledge to work with the BLM and the appropriate authorizing committees to address the problems of improving public range land. But to debate this issue cloaked as a Federal money saver is singularly hypocritical.

WETLAND REGULATION

The regulation of wetlands is a critical issue facing this Nation. We have all had the opportunity to listen to experts share their scientific knowledge with us about wetland resources. We have heard from various interest groups about their experiences with the current wetlands regulatory program.

The American public is caught between conflicting messages, not only from the various agencies within the administration, but also between the Congress and the administration regarding the degree of need for wetland protection and how that protection should be accomplished.

As we discuss scientific data and bureaucratic procedures in the Halls of Congress, American citizens are being fined, private property rights are being curtailed, and important efforts to meet the growing demands of our population are being halted.

No one needs to convince me that protecting wetlands is important. Flood control, erosion control, and protection of duck and wildlife habitat are just some of the benefits of wetlands.

But I question the ability of the current regulatory structure, which is now in place, to ensure these benefits do indeed reflect the best balance between protecting these resources, all-the-while protecting equally important fundamental property rights. And I believe the current regulatory procedures within the framework of section 404 can be improved.

To that end, I believe that it is important for the administration to publish in the Federal Register in the very near future the revised draft delineation manual which EPA Administrator Reilly made available to the Committee on Environment and Public Works during hearings on July 10. By publishing this draft manual our constituents can have the opportunity to publicly comment and participate in the development of a wetlands regulation. The public has a right to comment and participate and we should encourage that process.

Beyond scientific and bureaucratic matters—I do believe that we must face, head on, the issue which is at the root of the wetlands controversy: Are we a society that requires the threat of monetary fines or civil and criminal penalties in order to protect our natural resources, or can we responsibly balance the needs of environmental protection with the demands of a growing population with a system of fair and appropriate incentives?

Past-chairman of the Council on Environmental Quality, Russell Train—a friend of mine—stated during hearings in 1973 on the Federal Land Use Planning Act,

> We are a country of great diversity and we should not try to force the land use decisions of the entire Nation, covering land and oceans, into one mold created here.

These same words should be considered today as we discuss the section 404 regulatory program as it affects wetlands.

We are not covering any new ground today. The debate over wetland regulations has always been controversial and painful because it requires us to struggle with fundamental issues that are basic threads of the fabric of our democratic and capitalistic society. We must all ask ourselves some vitally important questions. Are we prepared, as leaders of this Nation, to condone a regulatory system which flirts dangerously with the taking away of important private property rights? What is the acceptable balance of authority between State and Federal governments? And at what point does the need to protect a natural resource override the need to protect basic private property rights?

It is very important that the Congress and administration work together toward continued commonsense wetland protection. Protection of the environment is not a partisan issue, nor is it an issue confined to one region of our country. But the core of the debate centers on how one believes property rights should be treated in this country. If we cannot agree on the fundamental role of the Federal Government for the protection of wetlands and private property rights, then our discussions on technical matters will be interesting—and possibly lively—but will not lead to any final resolution of the real matter which faces us.

Finally, I thought of a great story, as my colleagues have been discussing issues of water and wetlands. I will conclude with that story. After the Louisiana Purchase, President Grant sent General Sheridan to the West and said: "Go out there to the West and find out what is out there; who lives there; and what does it look like. Tell me about it."

And Sheridan wired back and said, "All this country needs is good people and water."

Then Grant wired back: "That's all hell needs."

And so it is, I hope that people will realize that we do exist out there and issues of water, and grazing fees are critical to us. Western ranching helps produce 20 percent of the red meat for the people of the rest of the United States—so these concerns are quite valid from a national perspective. If you can hear what we are saying, we will sure listen to your regional problems when they become so critically serious.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi [Mr. LOTT].

WETLANDS

Mr. LOTT. Mr. President, I thank the Senator from Utah for yielding me this time. I congratulate the Senator from Wyoming for his fine statement and for helping this colloquy take place today. I think it is very important, and I would like to take this opportunity to put a southern spin on it, since most of the speakers have been from the West.

Mr. President, I think America is facing a genuine disaster. It involves mining restrictions, and involves grazing rights, and it involves restrictions on timber. It involves problems and limitations on farming. But I think it all culminates in this issue of wetlands and the regulations that are being considered and proposed in the control of the use or abuse of wetlands.

In my own State of Mississippi, it very directly affects farming in the Mississippi delta, one of the poorest areas in America. It affects the ability to have development, economic development. It affects housing, not just housing projects but individual houses of one person, on private property. It affects thousands of jobs across America.

In my own State we need jobs desperately. It is pretty difficult to get excited about a puddle of water or hydric soil when you are hungry and you need a job, and you are being told that you are not going to get a job. Economic development in Harrison County, Hancock County, or Jackson County is being blocked. This is all across America; it is not just Southern or Western. Most of the country, except the deserts in the Southwest, will be affected by these wetlands regulations.

Also, Mr. President, it involves a very fundamental right, a constitutional right in America. Article V of the Constitution says: "nor shall private property be taken for public use without just compensation."

As a matter of fact, those people that are most opposed to the Breaux bill, which I am going to be endorsing and speaking on this morning, say, well, if you require that these people be compensated for taking or preventing them from using their land, it will kill the whole idea of wetlands. What about the people that own the land? What about the fact that they own this land? Perhaps, in many instances, it has been in the family for years. They would like to have ability to develop it or put a house on it. Now, under these regulations, they are being told, oh, no, you are close to our water table, and you cannot develop it; sorry about that, you lost your private property use, as you would like to see fit. A fundamental constitutional right is involved here.

What I am looking for, though, is reasonableness, a balance. I am sensitive to wetlands. I live on the Gulf of Mexico; I am surrounded by wetlands, and I love them. I participate in the appreciation and use of them. In fact, just last Sunday I was in the wetlands area, went out to an offshore island in a national seashore that I worked for and helped create. What we need is balance, as opposed to extremism.

That is what we really have at stake here, some fundamental things, whether or not we are going to have an ability to create jobs in large sections of the country, whether or not we are going to abuse private property rights, also whether we are going to yield to extremism in designating land as wetlands which are not now nor have ever been really wetlands.

Mr. President, I rise today to offer support for legislation introduced by Senator BREAUX which would replace current section 404 of the Federal Water Pollution Control Act.

The 404 Program has been controversial since its inception in 1972. The program is essentially administered by two Federal agencies, the Army Corps of Engineers and the Environmental Protection Agency. The program has been criticized as:

Failing to cover certain activities that are destructive to wetlands;

For covering lands, particularly privately owned lands, that are only marginally wetlands;

For being unduly restrictive and inflexible;

For creating a needless bureaucratic morass for private citizens and local governments;

For trampling on private property rights; and

For failing to provide incentives and flexibility to encourage private landowners and wetlands users to act responsibly and invest in wetlands restoration, enhancement, and preservation.

Normally, the thought of wetlands conjures up visions of a Mississippi bayou, or a Florida marsh, replete with herons and ducks veering across vast expanses of reeds—unspoiled, serene, and wet. But this thought is not the view of Federal regulators. Their sweeping definition of wetlands includes huge chunks of the Southeastern United States, significant acreages in the Great Lake States, and New England, large tracts of land in the Middle-Atlantic States, and surprisingly large areas in just about every region outside the deserts of the Southwest.

If it is flat and within 18 inches of a watertable, it is automatically considered a national treasure. Federal agencies that made these determiations did not take into account the tremendous negative economic impact and personal hardship these dramatically changed definitions would have on our citizenry and their freedom.

Federal guidelines strike heavily on the Mississippi coast counties, increasing the amount of wetlands in Harrison and Hancock Counties to an estimated 38 percent and to between 36 and 42 percent in Jackson County. These determinations, which property owners might call "moistlands" rather than wetlands, mean a sharp decline in the value of the land and present a formidable barrier to any meaningful development.

Sometimes we have a funny weed growing up and they say, "See that is proof that this is a wetland." If that is true my backyard is a wetland. It literally is a wetland because I live right on the Gulf of Mexico and I have some funny looking weeds that grow up there.

I seriously doubt that the Clean Water Act of 1972 was ever intended to punish owners of inland property of certain soil mixtures by denying them, 17 years later, the right to develop that property.

The present permitting process for wetlands use is becoming more adversarial, protracted, and expensive for all parties involved. Federal regulators and the courts unreasonably have stretched the wetlands permit program to protect wetlands with marginal ecological value, dry ground, and pools and puddles that have been unintentionally created.

Some developers have faced waits of 2 to 3 years to obtain a wetlands permit to build on their land. Even in cases where private citizens are ultimately able to prevail against the batteries of Government attorneys arrayed against them, legal costs are ruinous.

Citizens confronted with crisis situations where flooding is causing major, irreparable damage to their property are being treated as common criminals for taking rational steps to protect themselves.

In other situations, enforcement is increasingly applied retroactively with agencies refusing to recognize that many past practices were not only legal but, in many instances, actively promoted and subsidized by the Government itself.

The Wetlands Conservation and Management Act of 1991 would attempt to correct the shortcomings of the current 404 Program. This legislation broadens the 404 Program to cover additional specific activities that are destructive to wetlands; narrows the jurisdictional scope of the program to regulate wetlands; and creates three categories of wetlands.

The highest category of wetlands would be more strictly regulated than are wetlands under today's program, the middle category would be treated similarly to today's program, and the lowest category would be essentially unregulated.

This legislation also provides that the classification of land as a highest category wetland is a taking for which just compensation of fair market value must be made; provides a balancing test for determining if a 404 permit should be issued for covered activities in the middle category of wetlands; encourages the establishment of State programs that attempt to address wetlands conservation on an ecosystem basis; and unifies the program in the Army Corps of Engineers.

We must provide a structured program for the identification and delineation of wetlands based upon their functions and values for regulatory purposes. Additionally we must balance the need for effective and complete protection of the Nation's important wetlands with the needs for essential community growth and the constitutional rights of landowners.

I urge my colleagues in the Senate to look at this Wetlands Conservation and Management Act of 1991 introduced by Senator BREAUX, and others. It is a reasonable approach. It is a solution to a major problem that these wetlands regulations are creating in America.

Mr. President, I ask my colleagues to support this important legislation and to join Senator BREAUX as a cosponsor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. GARN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for up to 5 minutes.

Mr. GARN. Mr. President, I rise today in strong support of legislation offered by Senator JOHN BREAUX and 23 other Senators which, if enacted, will right one of the greatest wrongs ever perpetrated on the taxpaying citizens of this country.

For over a decade, the U.S. Army Corps of Engineers in concert with the Environmental Protection Agency [EPA] have systematically taken the rights of private property owners and discarded them. To make matters worse these two agencies have done this under the guise of protecting our Nation's wetland habitat. The tool for this chicanery is section 404 of the Clean Water Act.

Mr. President, when the Congress first passed the Clean Water Act in the early 1970's, it never intended the definition of wetlands and navigable waterways to be so broadly interpreted as to include water in your private bathtub. In saying this, I am only being partly facetious. The regulatory authority which the Corps of Engineers has adopted for itself is unbelievable.

I give you an example of a man in Davis County who owned property for more than 40 years. When Interstate 15 was built it produced three lanes of concrete in each direction.

The runoff from the man-made freeway flooded about a third of an acre of his property, and the Corps of Engineers declared it wetlands and he cannot use his lands. It is runoff from a freeway. We had an irrigation ditch built by pioneers in about 1860 in Wasatch County. It was repaired, but it leaked and produced a quarter acre of cattails. And so they cannot use that land.

We who are speaking on this today are not exaggerating. Congress intended major waterways and the swamps of the country, from Okefenokee to all major areas was what was intended, not runoff from freeways and leaky irrigation ditches. It is absolutely incredible what the corps is doing.

In every corner of Utah, the corps has become a kind of police agency running around and harassing private landowners at every turn. Neighbors have been known to turn in other neighbors to the omniscient corps for doing routine ditch cleaning. Farmers on numerous occasions have placed their own lands, which they possess in fee simple title, in fallow for a year or two only to be prohibited from farming again because cattails or grasses sprung up, attracting birds.

Long-standing highways cannot be rerouted over stream banks even when public safety concerns demand action. Golf courses and other legitimate developmental projects cannot be built without mitigation requirements imposed by the corps which in some cases are so severe as to render the development projects uneconomical.

Even during Utah's great floods in the early 1980's, attempts to clear ditches and clear river banks were often delayed by the corps resulting in greater property damage and higher costs.

Mr. President, the time has come to reign in this bureaucratic mob which has run amok. We in the Congress must change this law before private property owners lose control over their lands completely.

S. 1463 does several important things to correct these problems. Among other things it:

First, provides a more reasonable definition of wetlands—instead of 7 days, water at the surface for 21 days or more may be classified as wetlands.

Second, classifies wetlands into three categories based on values and functions—low, medium, and high. It follows the premise that not all wetlands are created equal. Some are higher quality than others.

Third, takes away the EPA's right to veto a development proposal.

Fourth, provides authority for States to assume regulatory control over the section 404 Program.

Fifth, provides advanced mapping of potential wetlands areas to benefit local planners.

Sixth, allows certain exemptions and nationwide permits.

Seventh, creates a mitigation bank to provide offsets for wetlands which may be developed.

Finally, let me say this. I recognize the value of protecting wetland habitat. A wetlands ability to provide nesting habitat for numerous species of wildlife and purify underground aquifers is undeniable. The changes being proposed in this legislation will not alter that one bit. What will happen if S. 1463 becomes law is to restore the balance between our need to protect wetlands and our need to honor private property rights.

Mr. President, in conclusion I ask unanimous consent that an editorial in the Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 17, 1991]

ROGUE REGULATORS

It seems everyone wants to save the nation's wetlands—the environmentally correct term for swamps, bogs and marshes. In his first State of the Union message, George Bush pledged there would be "no net loss" of wetlands while he was President. The problem is that federal bureaucrats have decided to crack down on alleged wetland losses without bothering to wait for Congress to decide which of 50 definitions of wetlands should be written into law.

Using creating legal interpretations, the Environmental Protection Agency and the Army Corps of Engineers are devaluing many properties without compensation, saddling builders with lengthy delays and boosting housing costs. In the infamous John Pozsgai case, a 58-year-old grandfather is now serving a three-year prison term for improving a lot he bought that was filled with 7,000 old tires.

The EPA and the Corps have been so eager to implement the Bush "no net loss" wetlands policy (a phrase, incidentally, with no discernible meaning) that they have undertaken a slew of enforcement actions even though there is no actual wetlands law on the books. Section 404 of the 1972 Clean Water Act required permits for discharging material into "navigable waters." Imaginative bureaucrats developed a federal manual arbitrarily extending Section 404 so that any given site qualifies as a wetland if it meets only one or two elastic standards for the presence of wildlife, vegetation or soil wetness.

Bernard Goode, who headed the Corps regulatory office until 1989, told Reason Magazine that the parameters were drawn very broadly; moreover, the burden of proof that a site isn't a wetland is squarely on the property owner. No wonder environmentalists claim that the new definition includes most of the eastern half of the U.S. and 40% of drought-stricken California. Among the areas the EPA and the Corps now regulate as wetlands are: landlocked potholes where water collects for a week each year, small landscape depressions, man-made agricultural ditches and pine forests.

Armed with their creative definition of wetlands, federal bureaucrats are creating nightmares for property owners across the country.

A Pennsylvania family learned that they couldn't sell their 127-acre ancestral farm valued at $190,000 after it was labeled a wetland. The government offered no compensation.

Brian Newman, a North Carolina builder, bought 28 acres of land in 1985. About five were wetlands. His project would have disturbed only 1.4 acres, but it took four years and thousands of dollars to secure a permit.

The developer of a housing project on Long Beach Island, N.J., was denied a permit for his 11-acre property, effectively rendering it worthless. He recently won a $2.6 million judgment against the government.

The Corps of Engineers claims that it receives 14,000 requests for wetland permits a year and approves 97% of them. But the Corps also requires most applications to be revised and frequently takes years before it deems an application "complete." And if the Corps were to compensate landowners for their wetland-designated property, the price tag would be shocking. To save 600 acres of marginal wetlands in Staten Island, N.Y., would cost $400 million in compensation and $1 billion in new storm drains.

Alarmed by the rogue actions of the wetlands bureaucracy, 90 Members of Congress have signed on to a bill by Reps. Thomas Ridge (R., Pa.) and Jimmy Hayes (D., La.) to finally codify wetlands policy into law. It would exclude from regulations areas that didn't meet a reasonable definition of wetlands and focus protection efforts on the most valuable land.

Up to now, the EPA has been treating landowners as if they were villains out of Dick Tracy. Last December, agency enforcers circulated a memo inside the agency promoting a "Wetlands Enforcement Policy." It called for a "first 'wave' of publicity" on wetlands enforcement to begin this coming week with a press conference highlighting a "cluster" of enforcement actions. The EPA now says the press conference has been delayed, and the manual defining wetlands is being "rewritten."

Congress shouldn't count on a more rational EPA to run wetlands policy even if Members do pass some ambiguous standards into law. Congress has made a habit of leaving the details of legislation to the regulators. And they have become used to being a law unto themselves.

The only way to both preserve genuine wetlands and protect property rights may be to appoint enough judges who will properly interpret the takings clause of the Constitution. If the government wants to protect every stray pool of water, let it write a check to pay for the privilege. The status quo subjects too many people to abuse from regulators in zealous pursuit of their own definition of the public good.

Mr. MURKOWSKI. Mr. President, I see no more of my colleagues in the Chamber, so I think we have concluded the discussions for the time being on wetlands.

I thank the Senate minority whip, Senator SIMPSON from Wyoming, and his staff for arranging for the time this morning. I thank my colleagues who have spoken this morning. I think it should be recognized that we have a representative group not only from the far north of Alaska, but from States throughout the Nation including Wyoming, Montana, Utah, Idaho, and Mississippi. Mr. President, I think my colleagues have highlighted that there is a real need to revise current wetlands legislation. The citizens of the United States are asking for review of the current wetlands policy.

I think the legislation we are supporting this morning, Mr. President, represents a crying need for a review, a realistic review. The White House domestic policy council is working on this matter. And I assure you, Mr. President, the issue from the standpoint of the blanket application applied uniformly throughout the Nation is just not a workable solution. The issue will not go away, Mr. President.

Those of us who are affected by the uniformed scope simply must have some relief. Speaking for my State of Alaska, we are simply in a position where it is a no win situation because, for all practical purposes, we are entirely a wetlands State, yet we have less than 1 percent of our land in private ownership and less than one-tenth of 1 percent of our land is classified as developed wetland. So we are left in a quandary in the sense of a catch-22 of how can we develop any wetland within our State.

So I appeal to the Chair and I appeal to my colleagues to recognize that there is a significant need for a review, a practicable, workable approach that does not violate the sanctity and concern that we all share over responsible wetlands protection.

Mr. President, I see no further Senators wishing to speak on the subject, so I yield the floor at this time.

The PRESIDING OFFICER. The Chair would remind the Senator that the period for morning business under control of the Republican leader or his designee had been extended until 10:40.

Mr. MURKOWSKI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BROWN. Mr. President, I rise this morning to discuss two issues of tremendous importance to the West: grazing and mining.

As you know, in the fiscal year 1992 Interior appropriations bill, the House adopted an amendment offered by Representative SYNAR calling for an increase in the grazing fees that ranchers pay for the use of Federal lands to $8.70 per animal unit month [AUM] by fiscal year 1995 from the current $1.97 AUM—a 400-percent increase.

The success of this amendment was based on the misconception that ranchers pay only a small fraction of the rental value of public lands. This is simply not the case. According to studies conducted by CSU and Utah State University, the cost of operating on public lands is not just the grazing fee, but the cost of acquiring a lease and the base land, labor for maintenance normally provided by a private lessor and additional stock loss as a result of dispersed operations. When coupled with the present grazing fee, studies show the costs of operating on public land range anywhere from $12 AUM to $17 AUM—not just the $1.97 AUM alleged by proponents of the Synar amendment.

In addition, many improvements to the range are made by ranchers for which they do not receive credit. According to the Bureau of Land Management, the range's long-term condition is steadily improving.

If such a dramatic increase in the grazing fee is adopted, many ranchers will cease to operate on public land resulting in revenue losses for the Federal Government. Mr. President, I would like to request that the following article that appeared in the July 3 issue of the Pine River Times regarding this issue be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPRESENTATIVES BITE THE HAND THAT FEEDS

(By Becky and Larry D. Barnes)

Being a rancher these days is like being a frustrated parent; do more for less reward. Ranchers feed and clothe consumers, then turn on TV to get run down for misusing the land.

Although roughly 2% of American ranchers graze stock on public lands, their cattle number 3,414,079 or 20% of all cattle that go into feedlots. If public lands ranchers are put out of business, which Rep. Mike Synar's proposed grazing fee hike would do, one-fifth the feedlots will be empty.

What effect will this lack of beef have on the average consumer's grocery bill? Will leather tennis shoes be a luxury many can no longer afford?

Of the sheep in the US, 37% are grazed on public lands. They number 3,617,109. How many of us could afford wool or wool blend clothing if 37% of the supply is gone?

Although a public lands rancher now pays the government $1.97 per Animal Unit Month, the cost of maintaining grazing permits already exceeds the proposed hike to $8.70. If that proposal goes into effect, it will cost ranchers over $22 per AUM.

The average cost to buy a cattle permit is $600 per AUM. For that, we have a yearly payment to the FmHA or $7.20 per AUM. Our grazing fee is now $1.97 per AUM. Maintaining 29 miles of fence costs about $200 yearly or 16¢ per AUM. Maintaining and developing ponds costs us a minimum of $700 per year or 56¢ per AUM.

Since there is no live water on our permit, we had to buy a two-ton truck equipped with a 1000 gallon tank and pump and stock tanks. We also have to obtain permission and/or permits to get water to haul. Due to variation in spring runoff and summer rains, our cost of hauling water varies greatly from year to year. Our cost over the past five years is $1200 per year or 96¢ per AUM. The water we haul benefits wildlife as well as our livestock.

Each year we have had our permit, we have improved public lands. The improvements increase the available forage for wildlife and livestock both. Last year's forage improvement project cost us $1575 or $1.26 per AUM.

Our permit is for 11 months. During the winter when snow covers the forage, we feed hay that costs at least $5000 or $4 per AUM. We are still required to pay $1.97 to the government during the months we feed hay.

Even if our permit were paid for, our actual cost to run cattle on this permit is $8.91 per AUM.

We lease irrigated privately owned pasture at $8 per AUM. We furnish none of the maintenance costs for privately owned pasture. We maintain no fences, develop or maintain no water developments, make no forage improvements, have no supplemental feed costs on our privately-owned leased pasture. The actual cost to run cattle on private land is $8 per AUM.

The actual cost to run cattle on government owned leased pasture is $8.91 per AUM without including payments to FmHA for the permit.

Rep. Synar (D-OK) is aware of the actual costs of operating on government owned permits versus leasing privately owned land. He is also aware of the economic impact his proposal will have on small, family-owned businesses like ours and others across the entire West. His response is that the nation cannot be worried about a few families going out of business; we have to look at the whole picture.

The whole picture is that not all land is created equal. It takes 143 acres to support one cow year round on our BLM permit. Recent yearly rainfall has been between seven and 10 inches. It does not compare to grazing land in Nebraska or Kentucky.

If the hike goes through, many businesses financed by federal agencies will be foreclosed. The income will disappear but not the debt. It will look quite tempting to move to town and live on welfare rather than have all future earnings garnished. That is three strikes on the government-taxpayers.

The bottom line here is cash flow already stretched tighter than a barbed wire fence!

Mr. BROWN. Mr. President, H.R. 2686 also imposes a moratorium on the processing and issuance of patents for mining or mill site claims. The Senate Energy and Natural Resource Committee is holding hearings on this matter, and it is inappropriate to interfere with the consideration of this issue in the context of an appropriations bill. More importantly, because patents are often required in order to obtain financing for production facilities, a moratorium will interfere with the development of bona fide projects and deprive rural areas of jobs which are essential to local and state economies throughout the West.

Mr. BAUCUS. Mr. President, the House of Representatives recently voted to drastically increase the fee for grazing livestock on Federal lands. I believe this action is contrary to balanced multiple use. It would devastate the livestock industry throughout the West.

Right up front, I'll tell you that many Montana ranchers and Main Street businesses won't be around much longer if Congress approves a drastic increase in the Federal grazing fee.

The cattle business is an important part of Montana's past, present, and future. Grazing is and must remain an important multiple use.

Several years ago, author Larry McMurtry wrote a book called "Lonesome Dove." This overnight classic was the fictional account of the very first great cattle drive from Texas to what McMurtry describes as a "cattleman's paradise in a wilderness called Montana."

In 1989, Montanans chose to celebrate 100 years of statehood by reliving a part of the experience described in Lonesome Dove. Thousands of cattle, hundreds of men, women, and horses took part in the "Great Drive of '89."

I spent 5 days on the dusty trail from Roundup to Billings. It was the experience of a lifetime.

Yet, as important as the cattle industry is to our Montana economy and way of life, there are those who think the cattle have no place on the public range.

"We've heard the rhetoric of those who would eliminate grazing as a multiple use—"No Moo in '92"; and "Cattle Free in '93."

It's all designed to scare the Devil out of the decent, and hard working folks who make a living in this Nation's livestock industry.

While I do not attribute such rhetoric to those Members of Congress who advocate an increase in grazing fees, I must point out that the people of Montana and other Western States feel just as threatened by these proposals.

The draconian increase proposed by the House would effectively mean an end to grazing as a multiple use on Federal lands. No rancher in his right mind would pay such an increased fee and also put up with the red tape and regulation that frequently accompanies a permit to graze on the Federal domain.

I talk to lots of Montana ranchers. Not all of them believe the current system is such a great deal. In fact, in some instances, complying with Federal regulations has made some allotments more trouble than they are worth.

Under the current fee formula, grazing on public lands remains the life blood of many of our rural communities, particularly in eastern Montana.

A study conducted by Montana State University estimates grazing on Federal lands in Montana generates $125.5 million in total economic activity each year.

In a State with just over 800,000 people that's an important part of our livelihood.

We are a public lands State—Uncle Sam holds the deed to 30 percent of the lands in Montana. Montanans don't want to see the land exploited. We don't want to see the land used up.

Balanced multiple use, including grazing, is essential to our way of life, our economy, and our environment.

Ask any reputable range scientist. He or she will tell you that managed grazing actually improves the condition of the range.

Stockwater improvements benefit wildlife.

Where bison once roamed, cattle now replenish the range and prevent the prairie from going to seed.

I'm not saying there have not been abuses. But the answer to these abuses is allowing professional land managers to do their jobs. The answer is not to drive the rancher off the public range.

Therefore, I hope the Senate will remain steadfast in opposition to an increase in the existing grazing fee. The current formula reflects the increase in cattle prices and is a fair way to adjust the fees.

Our decision will affect more than just cattle. Our decision will touch thousands of people in Montana and throughout the West.

NOMINATION OF JUDGE CLARENCE THOMAS TO THE U.S. SUPREME COURT

Mr. THURMOND. Mr. President, on September 10, the Senate Judiciary Committee will begin hearings on the nomination of Judge Clarence Thomas for a position as an Associate Justice of the Supreme Court. I was pleased to work with Senator BIDEN to expeditiously schedule these hearings and am confident that they will be concluded in time for committee and full Senate action so that Judge Thomas can begin serving on the Court when it reconvenes in October.

Since the nomination of Judge Thomas, there has been much discussion regarding his tenure as Chairman of the Equal Employment Opportunity Commission. Just 17 months ago, Judge Thomas was before the Judiciary Committee upon his nomination to the Court of Appeals. At that time, a thorough evaluation of his role as Chairman of the EEOC was undertaken. Many of the issues now being raised in the press and elsewhere were fully reviewed and discussed in detail at that time. It was brought to the attention of the Judiciary Committee that Judge Thomas was responsible for implementing policies designed to reform and improve the EEOC, invigorating its mission to assure the fair treatment of all persons in the workplace, and insuring the vigorous enforcement of our equal employment laws.

As well, Mr. Evan Kemp, successor to Judge Thomas as chairman of the EEOC, has commented publicly about the tenure of Judge Thomas. Mr. Kemp acknowledges that much of the credit for turning the EEOC around is due to the efforts of Judge Thomas. The EEOC that Judge Thomas inherited was historically underfunded, reportedly had management problems, and dispirited employees. Judge Thomas brought a professionalism and dedication to that agency making it a successful, effective one.

Mr. President, many of the discussions about the tenure of Judge Thomas at the EEOC involve the apparent lapse of claims under the Age Discrimination in Employment Act. Numerous estimates as to the number of lapsed cases have been mentioned, some of them clearly erroneous and inflated.

During his prior testimony before the Judiciary Committee, Judge Thomas stated that upon discovery of the concerns about lapsed cases, he immediately took steps to rectify the situation. He was instrumental in supporting passage of legislation to extend the time for affected persons to file civil lawsuits. Of those persons covered by the legislation, only a small number chose to litigate their claim.

Additionally during the tenure of Judge Thomas, he adopted a policy, unlike any which had existed prior to his appointment, to fully investigate every Federal age discrimination claim. While at the EEOC he assured that persons filing Federal claims under the Age Discrimination in Employment Act, either with the EEOC or State run fair employment agencies, were notified of the statute of limitations and of their independent right to sue in Federal Court. Judge Thomas modernized the national data systems to better track these cases and ensure that they were properly handled. He undertook strong efforts to see that those filing claims had their rights protected.

In closing, Mr. President, Judge Thomas performed admirably as Chairman of the EEOC. After an exhaustive examination of his tenure at the EEOC, specifically an examination of the issue of the lapsed cases, the Judiciary Committee voted 13 to 1 to favorably report his nomination for the Court of Appeals to the full Senate, and the Senate quickly confirmed him.

Mr. President, I look forward to the committee's consideration of Judge Thomas and swift action by the full Senate on this nomination.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Susan Barlett Foote and Robert Wood Johnson fellow on my staff, be given privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE LIABILITY REFORM

Mr. DURENBERGER. Mr. President, one of the most talked about areas of health reform is medical liability. And the tendency is to view it in isolation, like a surgeon working on a specific organ of a patient. This morning, I want to speak about the impact of medical liability on the broader health-care system, and how to reform it in a way that makes the whole patient healthier. With others, I intend to introduce legislation to accomplish the objectives set out in this statement.

Health care liability does significantly affect all key elements—the costs of health care, access to health care, and the quality of health care. Along with several of my colleagues, I have been struggling to understand this problem. Today, I want to share where I have come to in this debate.

As you know, I have long been concerned about how to provide universal access to health care. Universal access is, of course, our primary goal. One of the major barriers to access is the escalating costs of providing medical treatment.

And, as we struggle to contain rising costs, we also want to make sure that we don't sacrifice the quality of care. We must always remember to ask: Universal access to what? The "what" is the elusive but pivotal notion of quality care.

What do we mean by quality? In its broadest sense, quality means the achievement of the best possible or most appropriate outcome, measured by both science and by patient satisfaction.

How does health care liability relate to our desire for universal access to cost-effective, high quality care?

I submit, Mr. President, that our system of medical liability is the worst of all possible worlds. Medical liability raises costs, impedes access, reduces quality of care, and systematically interferes with the most forward-looking efforts to improve the quality of care.

Mr. President, let us begin with its impact on the costs of health care. The direct costs of liability premiums for physicians alone were close to $6 billion in 1988. Although we have weathered the escalating premiums in the decade from 1976 to 1986, when there was a true insurance crisis, the out-of-pocket costs to providers of services and producers of medical technology remain high.

There is another hidden price tag. The costs of defensive medicine—all those unnecessary tests and procedures for protection in court not for patient benefit—are harder to measure. The AMA has estimated defensive medicine at $19 billion.

These costs also negatively affect access to care. Over 150 communities in 26 States have reported that many doctors are leaving practice, particularly in the field of obstetrics and gynecology, because they cannot afford to pay their malpractice premiums. This is especially a problem in rural areas in our Nation.

Mr. President, we could tolerate an upward pressure on costs, and even some of the barriers to access caused by doctors leaving practice, if the result was improved quality.

Ironically, the present liability system actually promises higher quality health care. Apologists claim that the threat of lawsuits deter substandard medical practices. On the margin, some individuals may indeed practice more cautiously out of fear of litigation. But, after a careful look at this system, it is clear to me that the courts won't improve the quality of health care. I say simply, we cannot get there from here.

This is not the fault of doctors. This is not the fault of lawyers. It is not the fault of insurance companies. In the case of health-care services, the liability system will always fail us. It simply cannot deliver what it promises.

Why?

Unfortunately, Mr. President, the medical liability system not only lowers the quality of care by almost any measure, but it actually interferes with efforts to improve care.

How does the system lower quality? Defensive medicine, by definition, reduces the quality of care. Any test or treatment which is not medically indicated, performed purely to protect the paper trail in the patient's record, does not improve outcomes and may harm the patient in the process. This is not quality care.

But, there is another serious limitation in tort law. The system itself obstructs quality improvement. What do I mean by quality improvement? Mr. President, I would like to have printed in the RECORD a concise article on health care quality by Dr. Donald Berwick that appeared in the New England Journal of Medicine. This piece applies W. Edwards Deming's concept of continuous quality improvement or CQI to the health-care services setting.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. Mr. President, continuous quality improvement occurs when "every process produces information on the basis of which the process can be improved." The Japanese call it "Kaizen"—the continuous search for opportunities for all processes to get better.

How does the liability system interfere with continuous quality improvement?

First, the tort system was designed to resolve disputes between individuals—one-on-one—plaintiff versus defendant. It might make sense if aggrieved patients sue individual physicians who practice alone in an office.

However, health care is now practiced in a tremendously complex system, replete with countless interrelated services. Health care begins at the first contact with a receptionist, and includes the services of the lab, the technicians, the ancillary and support personnel, the hospital, the medical records office, the out-patient clinic, technological equipment, pharmaceuticals, and on and on.

We desperately need ways to compensate people who are not well-served by the total process. It is counterproductive to hunt for the deepest pocket or the most proximate individual.

Second, the liability process is confrontational, adversarial, and punitive. Even the term malpractice implies ill will and is wholly negative. The liability system is the epitome of a theory of bad apples, which implies that people must be forced to care about the quality of their word and should be punished for their mistakes. This notion is contrary to Deming's concept of quality improvement which presumes that people want to improve performance and will respond to positive incentives to do so. There are no positive incentives in tort law.

Quality improvement requires trust among all the actors in the system. Talk to anyone who has been a party to a lawsuit. Litigation erodes the trust and goodwill between patient and the provider that are core values necessary for high quality care. Even the threat of litigation engenders suspicion and distrust.

And, we know that quality improvement treats every defect as a treasure knowledge of defects offers the ability to improve. In the shifting sands of medical liability, every defect is a landmine. Information is a threat when lawsuits loom, and can be bottled up in the hands of insurance companies and lawyers. Quality improvement depends upon the very flow of information that litigation suppresses.

Finally, and most importantly, how can a system reward quality, or compensate for the absence of quality, when we cannot measure it or define it? Quality is an elusive concept. Law is ill-suited to the task of defining quality. The legal standard of care that measures quality is set by lay jurors in a courtroom, and the standard varies from case to case, from jurisdiction to jurisdiction.

Our current efforts to develop science-based practice guidelines and outcomes measures reveal the complexity of true quality measures. One thing is clear, Mr. President. It is science not law that should guide the research efforts to define, measure, and improve the quality of care.

In summary, Mr. President, quality improvement, a fundamental goal of health reform, will not occur under a legal process that is punitive and adversarial. Instead, we need to determine ways to measure quality and find agreed-upon procedures for compensating injured individuals when mistakes occur. In short, we need to change our thinking about how the system ought to operate.

How would I propose to change this system?

First, we must curb the worst abuses of the present liability system. We must pass Federal tort reforms that will reduce the rise in insurance premiums for providers and control excessive awards.

In this regard, I commend the efforts of my colleague Senator HATCH who has taken a lead in this arena.

I believe that Federal tort reform must also cover all the relevant actors in the health-care system. All professionals, providers, and producers of health care should be part of tort reform. If we do not look at the health-care system comprehensively, we will perpetuate the singling out of a single deep pocket regardless of responsibility or fault.

We may even find that plaintiffs shift their focus from the physician to the producer of a product, not because of fault but because the pocket is deeper. We must make efforts for reform systematically if we want reform to succeed.

Federal tort is important, particularly in the short-run, but it is not the final answer. We must look for alternatives to the judicial system that can enhance and improve quality of care for the longer term. We must provide a bridge from the courtroom to Alternative Dispute Resolution [ADR].

Unfortunately, we have relatively little experience with alternative dispute resolute procedures and almost none in the area of health care. Moreover, we have no experience with reforms based on a goal of quality improvement as well as compensation.

It is imperative to encourage experimentation linked to data gathering about the consequences of different experimental ADR systems.

We must engage in reform by recognizing the best attributes of our Federal system. States are the appropriate forum to become, in Justice Brandeis' terms, "laboratories of experimentation." States that can develop alternatives will reflect the diversity and preferences of their citizens.

However, States cannot do it alone. The Federal role can offer incentives and expertise. Incentives encourage creativity and help overcome powerful forces that might oppose change within the State.

The Federal Government can also offer expertise, both in system design and in evaluation, that will lead to valuable knowledge about the impact of ADR models. The new Agency for Health Care Policy and Research [AHCPR] has a staff of experts in measuring quality and outcomes who understand the scientific underpinnings essential to quality improvement. The Agency's Office of Legal Medicine has expertise in medical liability. We must call upon our best thinkers in the public sector and in academia to assist in this essential task.

Along the same lines, Mr. President, we must rethink our systems of licensing and disciplining of professionals. We must encourage new models for risk management and quality assurance as alternatives to traditional licensing requirements. We need to encourage more affirmative approaches to quality practice at all levels.

Similarly, we should consider demonstration grants for private sector providers, such as HMO's, to develop ADR's for their membership.

In addition, we must learn from our public and private experiments in quality improvement. Armed with good data, Congress can decide whether and how to move the health-care system farther in the direction of effective alternatives to the present liability system.

I recognize, Mr. President, that modest Federal outlays might be necessary to get the States moving toward reform. It is false economy to do nothing at this time. I submit that we will get a good return on our investment. Well-conceived reform will lower costs, will improve access, and lead to fairer, faster, and more efficient compensation.

In our efforts toward the broader goal of universal access, we must always ask: Access to what? And the answer must be access to quality care. The way we do medical liability reform can make a great contribution to quality care for every American citizen.

EXHIBIT 1

SOUNDING BOARD: CONTINUOUS IMPROVEMENT AS AN IDEAL IN HEALTH CARE

Imagine two assembly lines, monitored by two foremen.

Foreman 1 walks the line, watching carefully. "I can see you all," he warns. "I have the means to measure your work, and I will do so. I will find those among you who are unprepared or unwilling to do your jobs, and when I do there will be consequences. There are many workers available for their jobs, and you can be replaced."

Foreman 2 walks a different line, and he too watches. "I am here to help you if I can," he says. "We are in this together for the long haul. You and I have a common interest in a job well done. I know that most of you are trying very hard, but sometimes things can go wrong. My job is to notice opportunities for improvement—skills that could be shared, lessons from the past, or experiments to try together—and to give you the means to do your work even better than you do now. I want to help the average ones among you, not just the exceptional few at either end of the spectrum of competence."

Which line works better? Which is more likely to do the job well in the long run? Where would you rather work?

In modern American health care, there are two approaches to the problem of improving quality—two theories of quality that decribes the climate in which care is delivered. One will serve us well; the other probably will not.

The theory used by Foreman 1 relies on inspection to improve quality. We may call it the Theory of Bad Apples because those who subscribe to it believe that quality is best achieved by discovering bad apples and removing them from the lot. The experts call this mode "quality by inspection," and in the thinking of activists for quality in health care it predominates under the guise of "buying right," recertification," or "deterrence" through litigation. Such an outlook implies or establishes thresholds for acceptability, just as the inspector at the end of an assembly line decides whether to accept or reject finished goods.

Those in health care who espouse the Theory of Bad Apples are looking hard for better tools of inspection. Such tools must have excellent measuring ability—high sensitivity and specificity, simultaneously—lest the malefactors escape or the innocent be made victims. They search for outliers—statistics far enough from the average that change alone is unlikely to provide a good excuse. Bad Apples theorists publish mortality data, invest heavily in systems of case-mix adjustment, and fund vigilant regulators. Some measure their success by counting heads on platters.

The Theory of Bad Apples gives rise readily to what can be called the my-apple-is-just-fine-thank-you response on the part of the workers supervised by Foreman 1. The foreman has defined the rules of a game called "Prove you are acceptable," and that is what the workers play. The game is not fun, of course; the workers are afraid, angry, and sullen, but they play nonetheless. When quality is pursued in the form of a search for deficient people, those being surveyed play defense. They commonly use three tactics: kill the messenger (the foreman is not their friend, and the inspector even less so); distort the data or change the measurements (whenever possible, take control of the mechanisms that may do you harm); and if all else fails, turn somebody else in (and divert the foreman's attention).

Any good foreman knows how clever a frightened work force can be. In fact, practically no system of measurement—at least none that measures people's performance—is robust enough to survive the fear of those who are measured. Most measurement tools eventually come under the control of those studied, and in their fear such people do not ask what measurement can tell them, but rather how they can make it safe. The inspector says, "I will find you out if you are deficient." The subject replies. "I will therefore prove I am not deficient"—and seeks not understanding, but escape.

The signs of this game are everywhere in health care. With determination and enormous technical resourcefulness, the Health Care Financing Administration has published voluminous data for two consecutive years about the mortality profiles of Medicare recipients in almost every hospital in the United States—profiles that are adjusted according to complex multivariate models to show many important characteristics of the patient populations.[1] Such information, though by no means flawless, could be helpful to hospitals seeking to improve their effectiveness. Yet the hundreds of pages of data are dwarfed by the thousands of pages of responses from hospitals, trying to prove whatever hospitals need to prove to build their defenses. What else should we expect?

The same game is being played between aggressive Boards of Registration in Medicine and other regulators that require hospitals and physicians to produce streams of reports on the contents of their closets. In Massachusetts, for example, merely talking with a physician about his or her involvement in a mishap may commit a hospital administrator by law to report that physician to the Board of Registration in Medicine.

The sad game played out in this theory and the predictable response to it imply a particular view of the nature of hazard and deficiency in health care, as it does in any industry playing such a game. The view is that problems of quality are caused by poor intentions. The Bad Apple is to blame. The cause of trouble is people—their venality, incompetence, or insufficient caution. According to this outlook, one can use deterrence to improve quality, because intentions need to be changed; one can use reward or punishment to control people who do not care enough to do what they can or what they know is right. The Theory of Bad Apples implies that people must be made to care; the inevitable response is the attempt to prove that one cares enough.

What a waste! The Theory of Bad Apples let American industry down for decades. It took some visionary theorists, many of them statisticians, in companies with great foresight to learn that relying on inspection to improve quality is at best inefficient, and at worst a formula for failure.[2-6] The Japanese learned first—from American theorists, ironically—that there were far better ways to improve quality, and the result is international economic history.[7] Today, no American companies make videocassette recorders or compact-disc players or single-lens-reflex cameras; we have simply given up. Xerox engineers visiting Japan in 1979 found copiers being produced at half the cost of those manufactured at Xerox's facilities, with only 1/30 the number of defects.[8]

What Japan had discovered was primarily a new, more cogent, and more valid way to focus on quality. Call it the Theory of Continous Improvements. Its postulates are simply, but they are strangely alien to some basic assumptions of American industry—assumptions fully evident in health care today. These postulates have been codified most forcefully by two American theorists. W. Edwards Deming[5-9] and Joseph M. Juran[4-10]—heroes in Japan today, and among enlightened American companies. Juran and Deming, guided largely by a visionary group of mentors at Western Electric Laboratories (later AT&T Bell Laboratories) in the 1930s, drew on a deepened understanding of the general sources of problems in quality. They discovered that problems, and therefore opportunities to improve quality, had usually been built directly into the complex production processes they studied, and that defects in quality could only rarely be attributed to a lack of will, skill, or benign intention among the people involved with the processes. Even when people were at the root of defects, they learned, the problem was generally not one of motivation or effort, but rather of poor job design, failure of leadership, or unclear purpose. Quality can be improved much more when people are assumed to be trying hard already, and are not accused of sloth. Fear of the kind engendered in a disciplinary approach poisons improvement . . . and inevitably leads to disaffection, distortion of information, and the loss of the chance to learn.

Real improvements in quality depends, according to the Theory of Continuous Improvement, on understanding and revising the production processes on the basis of data about the processes themselves. "Every process produces information on the basis of which the process can be improved," say these theorists. The focus is on continuous improvement throughout the organization through constant effort to reduce waste, rework, and complexity. When one is clear and constant in one's purpose, when fear does not control the atmosphere (and thus the data), when learning is guided by accurate information and sound rules of inference, when supplies of services remain in dialogue with those who depend on them, and when the hearts and talents of all workers are enlisted in the pursuit of better ways, the potential for improvement in quality is nearly boundless. Translated into cultural norms in production systems and made real through sound statistical techniques, these lessons are at the core of the Japanese industrial revolution.[7] They have proved their worth.

In retrospect, their success is not all that surprising. Modern theories of quality improvement in industry are persuasive largely because they focus on the average producer, not the outlier, and on learning, not defense. Like Foreman 2, the modern quality-improvement expert cares far more about learning and cooperating with the typical worker than about censoring the truly deficient. The Theory of Continuous Improvement works because of the immense, irresistible quantitative power derived from shifting the entire curve of production upward even slightly, as compared with a focus on trimming the tails. The Japanese call it kaizen—the continuous search for opportunities for all processes to get better.[11] An epigram captures this spirit: "Every defect is a treasure." In the discovery of imperfection lies the chance for processes to improve.

How far from kaizen has health care come! Not that the idea of continuous improvement is alien to medicine: self-development, continuous learning, the pursuit of completeness are all familiar themes in medical instruction and history. Yet today we find ourselves almost devoid of such thinking when we enter the debate over quality. The disciplinarians seek out Bad Apples; the profession, and its institutions by and large, try to justify themselves as satisfactory. It is the rare "customer" and "supplier" of health care today who function as partners in continuous improvement; for the most part, they are playing a different game.

It would be naive to counsel the total abandonment of surveillance and discipline. Even in Japan, there are police. Politically, at least, it is absolutely necesssary for regulators to continue to ferret out the truly avaricious and the dangerously incompetent. But what about the rest of us? How can we best be helped to try a little kaizen in our medical backyards? What follows are a few small steps.

First, leaders must take the lead in quality improvement. Those who speak for the profession, for health-care institutions, and for large-scale purchasers must establish and hold to a shared vision of a health care system undergoing continuous improvement. The volleys of accusation and defense badly need to be replaced by efforts to clarify the goals that producers and payers share, beginning with this assumption: "Health care is very good today; together, we intend to make it even better."

Second, investments in quality improvement must be substantial. In other industries, quality improvement has yielded high dividends in cost reductions;[12] that may occur in health care as well. For the time being, however, improvement requires additional investments in managerial time, capital, and technical expertise. With the high discount rate in health care plannng today, such investment calls for steadfast long-term vision. The most important investments of all are in education and study, to understand the complex production processes used in health care; we must understand them before we can improve them.

Third, respect for the health care worker must be reestablished. Physicians, hospital employees, and health care workers, like workers anywhere, must be assumed to be trying hard, acting in good faith, and not willfully failing to do what they know to be correct. When they are caught in complex systems and performing complex tasks, of course clinicians make mistakes; these are unintentional, and the people involved cannot be frightened into doing better. In fact, if they are afraid, they will probably do worse, since they will be wasting their time in self-defense instead of learning.

Fourth, dialogue between customers and suppliers of health care must be open and carefully maintained. As an incentive to improve quality, the threat of taking one's business elsewhere is pale compared with the reminder that one is committed to a long-term relationship. Quality improves as those served (the customers) and those serving (the suppliers) take the time to listen to each other and to work out their inevitable misunderstandings. Just as marriages do not improve under the threat of divorce, neither, in general, will health care.

Fifth, modern technical, theoretically grounded tools for improving processes must be put to use in health care settings. The pioneers of quality improvement—Shewhart,[2,3] Dodge, Juran,[4,10] Deming,[5,9] Taguchi,[13] and others[14]—have left a rich heritage of theory and technique by which to analyze and improve complex production processes, yet until recently these techniques have had little use in our health care systems. The barriers have been cultural in part; physicians, for example, seem to have difficulty seeing themselves as participants in processes, rather than as lone agents of success or failure. The techniques of process flow analysis, control charts, cause-and-effect diagrams, design experimentation, and quality-function deployment, to name a few, are neither arcane nor obvious[14,15]; they require study, but they can be learned. Many will be as useful in health care as they have been in other industries. Processes that can

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Footnotes at the end of article.

be improved by means of systematic techniques abound in medicine. Those within institutions are obvious, such as the ways in which hospitals dispense medications, transfer information, or equip and schedule operating rooms. But even individual doctors create and use "production processes." In this sense, the way a physician schedules patients constitutes a process, as does the way he or she prescribes medicines, gives a patient instructions, organizes office records, issues bills, or ensures that high-risk patients receive influenza vaccine.

Sixth, health care institutions must "organize for quality." When other types of companies have invested in quality improvement, they have discovered and refined managerial techniques requiring new structures, such as are not currently found in the American hospital or health maintenance organization. Quality engineers occupy a central place in such structures, as quality is brought to center stage in the managerial agenda, on a par with finance. Flexible project teams must be created, trained, and competently led to tackle complex processes that cross customary departmental boundaries. Throughout the organization, a renewed investment must be made in training, since all staff members must become partners in the central mission of quality improvement.

Furthermore, health care regulators must become more sensitive to the cost and ineffectiveness of relying on inspection to improve quality. In some regulatory functions, inspection and discipline must continue, but when such activities dominate, they have an unfavorable effect on the quality of care provided by the average worker. This is not to argue against measuring quality and developing tools to do so; without them, artisans could not improve their craft. The danger lies in a naive and a theoretical belief, rampant today in the orgy of measurement involved in health care regulation, that the assessment and publication of performance data will somehow induce otherwise indolent care givers to improve the level of their care and efficiency. In other industries, reliance on inspection as the agent of change has instead more commonly added cost and slowed progress toward improvement. So it will be in health care. Without doubt, regulators who willingly learn and respect modern principles of quality improvement can have a helpful role. They can do so as the partners of care givers in developing sound measurement tools that represent common values and are for use primarily by the producers themselves; by aggregating data centrally to help care givers learn from each other; by providing technical support and training in methods of quality improvement; and by encouraging and funding studies of the efficacy of technologies and procedures and thus expanding the scientific basis for specifying rational processes of care.

In addition, professionals must take part in specifying preferred methods of care, but must avoid minimalist "standards" of care. Linked closely to the reliance on inspection to improve quality is the search for standards of care, which usually implies minimal thresholds of structure, process, or outcome above which one is safe from being labeled a Bad Apple. Quality-control engineers know that such floors rapidly become ceilings, and that a company that seeks merely to meet standards cannot achieve excellence. Specifications of process (clear, scientifically grounded, continuously reviewed statements of how one intends to behave) are essential to quality improvement, on the other hand, and are widely lacking in medical care. Health care producers who commit themselves to improvement will invest energy in developing specific statements of purpose and algorithms for the clinical processes by which they intend to achieve those purposes. For example, they will specify rules both for routine procedures (e.g., "What is our system for dispensing medications correctly?") and for the content and evalaution of clinical practices (e.g., "What is our best current guess about the proper sequence of tests and therapies for back pain, and how well are they working?"). Ideally, such specifications are guidelines that are appropriate locally and are subject to ongoing assessment and revision.

Finally, individual physicians must join in the effort for continuous improvement. It may seem at first that the Theory of Continuous Improvement, coming as it does from experience in large manufacturing companies, has little relevance to individual physicians, at least those not involved in managed care organizations. But the opposite is true. At the very least, quality improvement has little chance of success in health care organizations without the understanding, the participation, and in many cases the leadership of individual doctors. In hospitals, physicians both rely on and help shape almost every process pertaining to patients' experience, from support services (such as dietary and housekeeping functions) to clinical care services (such as laboratories and nursing). Few can improve without the help of the medical staff.

Furthermore, the theory of quality improvement applies almost as well to small systems (such as a doctor's office) as it does to large ones. Individual physicians caring for individual patients know that defects in the care they provide do not usually stem from inattention or uninformed decisions. Yet hazards and defects do occur. Often they originate in the small but complex sequences on which every doctor depends, even sole practitioners. A test result lost, a specialist who cannot be reached, a missing requisition, a misinterpreted order, duplicate paperwork, a vanished record, a long wait for the CT scan, an unreliable on-call system—these are all-too-familiar examples of waste, rework, complexity, and error in the doctor's daily life. Flawless care requires not just sound decisions but also sound supports for those decisions. For the average doctor, quality fails when systems fail. Without the insights and techniques of quality improvement embedded in their medical practice, physicians are like anyone else who depends on others to get a complicated job done. They can remain trapped by defects they do not create but will nonetheless be held accountable for. The solo doctor who embodies every process needed to insure highest-quality care is now nearly a myth. All physicians depend on systems, from the local ones in their private offices to the gargantuan ones of national health care.

Physicians who doubt that methods designed to improve quality can help them in daily practice may consider several questions. When quality fails in your own work, why does it fail? Do you ever waste time waiting, when you should not have to? Do you ever redo your work because something failed the first time? Do the procedures you use waste steps, duplicate efforts, or frustrate you through their unpredictability? Is information that you need ever lost? Does communication ever fail? If the answer to any of these is yes, then ask why. How can it be changed? What can be improved, and how? Must you be a mere observer of problems, or can you lead toward their solution? Physicians and health care managers who study and apply the principles of continuous improvement daily will probably come to know better efficiency, greater effectiveness, lower cost, and the gratitude and loyalty of more satisfied patients. They will be able to make better decisions and carry them out more faithfully.

We are wasting our time with the Theory of Bad Apples and our defensive response to it in health care today, and we can best begin by freeing ourselves from the fear, accusation, defensiveness, and naiveté of an empty search for improvement through inspection and discipline. The Theory of Continuous Improvement proved better in Japan; it is proving itself again in American industries willing to embrace it, and it holds some badly needed answers for American health care.

DONALD M. BERWICK,
M.D., M.P.P.

FOOTNOTES

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TRIBUTE TO WENDELL CHERRY

Mr. FORD. Mr. President, as many in the Chamber may be aware, last week the Commonwealth lost one of its leaders, Wendell Cherry, cofounder and, for the past 30 years, president of Humana, Inc.

A native of the Horse Cave area and a graduate of the University of Kentucky School of Law, Wendell Cherry and David Jones, Humana, Inc.'s other cofounder, began their business careers as investors in a small nursing home chain in the early 1960's. That partnership led to the formation of Humana, Inc., a corporation that has grown to become one of the world's largest providers of integrated health care services with revenues of $6 billion. The award-winning Humana headquarters in Louisville stands as a testament to their success.

While the creation of Humana may be viewed by some as Wendell Cherry's crowning glory, his interests went beyond the business community. He and his wife Dorothy were well known as strong supporters of the arts, and their collection of fine art is internationally recognized. Wendell was instrumental in establishing the Humana Festival of New American Plays, which features productions of the work of aspiring and arrived playwrights. In 1983 he coproduced the Pulitzer Prize-winning play, "'night, Mother," and more recently, the Tony Award-winning Broadway musical "The Secret Garden." With Barry Bingham, Sr., Wendell led the Kentucky Center for the Arts Endowment Fund, Inc., the fund drive that brought long-proposed plans for a major arts center for Louisville off the drawing boards and into reality.

Mr. President, while I could go on and on with a long list of Wendell Cherry's many accomplishments, nothing I could say would really tell you about Wendell Cherry the person. For that, I would like to have inserted in the RECORD the words of two of those who knew him best: playwright Marsha Norman, who spoke at his funeral last week, and David Jones, whose tribute that follows appeared in July 21 edition of the Courier-Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR WENDELL CHERRY, JULY 19, 1991

(By Marsha Norman)

About two months ago, Wendell called me up one afternoon to tell me what to say today. Oh, he didn't say, "Say this at my funeral." He just said he was sitting around reading Wordsworth's "Intimations from Immortality". But I knew what that meant, so I took notes.

And then he began to read to me, these words that I am sure he wanted me to read to you.

There was a time when meadow, grove and stream
The Earth, and every common sight to me did have
The glory and the freshness of a dream.
It is not now as it hath been of yore
Turn whereso'er I may by night or day
The things which I have seen, I now can see no more.

And then Wendell stopped reading, and told me about a field of grass in Horse Cave, a field he remembered from his childhood, Joe Burke's back yard, a field so deep and lush that Wendell had been trying to grow it again in his own back yard ever since. He said he could close his eyes and smell it, that rich sweet green smelled by a Kentucky boy and his friend so long ago, as they sprawled so casually, so lazily and dozed and dreamed through long summer afternoons.

Did they dream there, Wendell and Joe, of the men they would be? Did Wendell know then that he was a hero in the making? Great people do feel the promise of greatness when they are very young. They sense the presence of a great gift, with their name on it, a gift just waiting to be unwrapped in time.

But whatever Wendell knew as a boy, about his life, I am certain that he knew that in death, he could count on one last sweet sleep in a great field of green grass. He knew exactly how it would smell, he knew it would feel familiar somehow. He knew he would not be cut off from the Earth he had loved, but simply returned to it, as though from a long journey, from the journey of a lifetime.

And then Wendell turned back to the middle of the poem:

Our birth is but a sleep and a forgetting
The soul that rises with us, our life's star
Had elsewhere its setting, and cometh from afar
Not in entire forgetfulness and not in utter nakedness
But trailing clouds of glory do we come
From God, who is our home.

He stopped then, and asked me if I ever thought about that.

And I said, "Thought about what?"

And he said, "Thought about how we might have been some other people before this."

And then, before I could answer, he asked who I would like to have been.

And I said, "Georgia O'Keefe." Living to be a million years old, looking like a legend in every picture ever taken of her, and ending up in her own canyon in New Mexico with a handsome young man doing whatever she said.

And he laughed, and I asked him who he'd like to have been. And without a moment's hesitation, he said Hart Crane. Hart Crane, I thought? Why would Wendell want to be Hart Crane? Hart Crane wrote two brilliant mystical poems and then killed himself by jumping off a ship when he was 33.

But before I could ask him why he wanted to be Hart Crane, he was talking about the list of brilliant artists who had died young. He even said, "the good ones always die young." An I didn't know if Wendell was reassuring himself that by dying young, he was really in very good company, or if he was . . . just missing them. Or maybe, Wendell was just wondering how, if he was so brilliant, had he managed to stay alive for so long.

And then, he skipped through to near the end of the poem.

The thought of our past years in me doth breed
Perpetual benediction, not indeed
For that which is most worthy to be blest;
Delight and liberty, the simple creed of childhood
Not for these I raise
The song of thanks and praise
But for those obstinate questionings of sense and outward things
Fallings from us, and vanishings.
But foremost, for truths that wake to perish never
Which neither listlessness, nor mad endeavor
Nor man, nor boy
Can utterly abolish or destroy.

He stopped again, and said he loved what people could do. And I said it was people like him expecting it of them that got them to do it. But he said, "No, no, I haven't done anything." And surely he didn't believe this. But I heard him say it enough, that maybe it was true, after all. Maybe Wendell was so blinded by the talents of others, that perhaps he failed to recognize his own greatness, which was, in Wordsworth's words, "the master light of all seeing."

Wendell saw immediately and instinctively what was good, what was worth doing, what was worth nurturing, what was worth preserving. And he gathered up as much of it as he could find, and made it as safe as he possibly could. And I never had the feeling that any of that gathering and nurturing and preserving was for him. But rather for us. Maybe it didn't feel to him like he was doing anything. Maybe he didn't feel brilliant. Maybe he just felt there were some things he had to do, knowing all the time, he didn't have much time to do them in.

But he did know he was lucky. That was one of the first things anyone ever told me about Wendell. That he was lucky. That of all the amateur golfers in America, his name was drawn out of a hat on national television. That Wendell and Wendell alone was chosen to play with Bing Crosby in the Pan Am Golf Tournament in California.

So do we say now that his luck ran out, because he got this awful disease and died? No. We say that he lived thirty years longer than he expected to, being in the club of brilliant ones, and that he did not jump ship in despair one day, but won, even in the end, six more months than anyone could have expected him to have.

And then he read from the end of the poem:

Then sing, ye birds, sing a joyous song!
And let the young lambs bound
As to the tabor's sound!
We in thought will join your throng,
Ye that pipe and ye that play,
Ye that through your hearts today
Feel the gladness of the may!
Though the radiance which was once so bright
Be now forever taken from my sight,
Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind;
In the primal sympathy which having been must ever be;
In the soothing thoughts that spring out of human suffering;
In the faith that looks through death
In years that bring the philosophic mind.

And then, being in a philosophic mind himself, he said one more thing. "Marsha," he said, "don't waste any time. Not one minute. Do you hear me? Don't let anything get in your way. Don't waste one minute."

And then, as if taking his own advice, he hung up. And soon after that, he was gone.

A man more heroic than his heroes. As wise a judge of life and art as ever lived. As generous a soul as I ever knew. As proud to be a Kentuckian as if he had marched through Cumberland Gap and discovered it himself.

I think now of what he took with him: His lists of what he still wanted to do and see and say; his powers and insights, his vast knowledge of books and paintings and business and madness and beauty; his passion, his fire, his drive to do it right, whatever it was. And, saddest of all, he has taken with him his half of every conversation you still wanted to have with him.

But he has left so much more than he has taken. What he hasn't taken is all around us, surrounds us today, filling every head in this room, and every floor of hundreds of hospitals, buildings, galleries and homes all over the country.

We still have every single thing Wendell gave us; our memories of what he said to us, how he laughed with us, how he brought us things to look at and then stood with us while we learned to see them. He left us his faith in us, his words of encouragement, and his expectations.

He still holds us responsible for the fullest exercise of our talents. He still expects us to exert the strongest force of our personalities, the most creative use of our minds.

Wendell Cherry directed us to make a difference. And though he is dead, that directive is still in effect.

I always liked how Wendell said good-bye. I think he liked saying good-bye. His goodbyes were like the spinning out of a silken threat meant to keep you safe and happy and someplace where he could find you, till he saw you again. I can hear him now telling us good-bye. And holding us in his heart as we hold him in ours. Our champion, our challenger, our son, father, brother, husband, partner, boss and friend. Our ally is an alien world. Our bravest knight from days gone by.

Godspeed, Wendell. The world is not the same since you arrived. And we are not the same since you left. But you are not alone where you are, and we are not alone here. And that, as you would surely agree, will be the salvation of all of us.

I know that we'll * * * be seeing you again Wendell. So now, sad to lose you, but grateful to have had you at all, we say * * * Goodbye.

A TRIBUTE: "A JOYOUS MAN!"

(By David A. Jones)

(The writer is the chairman and chief executive officer of Humana Inc., which he and Wendell Cherry co-founded.)

Wendell Cherry was a man of many parts, but so intensely private that few were privy to them all. He deeply loved, and was immensely proud of, his parents—who instilled in him the work ethic and sense of purpose which informed all his later actions—and his wife and children, whose accomplishments brought him great satisfaction.

He always had time for friends, relatives and acquaintances from his early life, and when one arrived, those of us nearby would soon be regaled by joyous laughter as old memories were revisited, and probably embellished.

For, above all, Wendell was a joyous man!

In 31 years of almost daily contact with me, including some seriously difficult times, Wendell never failed to find some irony or humor, which he shared, to lighten the load of those involved. Those visits with Wendell were always a highlight of my day.

Wendell was an irascible man, with a marvelous temper which flared brightly when confronted by incompetence, cant or deceit. Yet he was blessedly spared the tendency toward self-delusion which infects most of us, so he was able and willing realistically to assess his own foibles, and to laugh at himself when warranted.

In addition to Wendell's artistic and athletic interests, he was an avid reader of history, biography and literature. He closely followed both world and local events, and always had a well-informed opinion, which he was prepared, and loved, to debate. Wendell was always interesting, often fascinating, never boring.

His boldness, intellect, impeccable taste, quest for excellence and remarkably high level of expectation in all undertakings are widely chronicled, and are true.

His influence on Louisville's arts and architecture is a living legacy for all to see and share. For those of us privileged to be his friends and family, there is more: the legacy of a man who lived and loved with total passion, and who will be remembered in like manner.

TRIBUTE TO LYN WHEATLEY

Mr. HEFLIN. Mr. President, today I rise to pay tribute Lyn Wheatley who has recently been named the new executive director of the Alabama Sheriffs' Boys and Girls Ranches. Mr. Wheatley is a 1976 graduate of Troy State University, and has worked previously with Merrill Lynch as a financial consultant, and most recently as the national federation director for Bass Anglers Sportsman's Society.

Mr. Wheatley left his position as federation director to come to the Sheriffs' Ranches out of loyalty to the ranch for the support it gave him 23 years ago. The same agency that gave Mr. Wheatley a home when he was a child will benefit from his talents and abilities as he leads it through the challenges of the years to come.

Mr. Wheatley has always been a success story for the Sheriffs' Ranch. He is the first resident of the ranch to receive a college degree. An article from the Alabama Journal shows that Mr. Wheatley has surprised even himself with his achievements. The story quotes him saying, "* * * Looking back on the situation I was in when I came here, I believe I would have led to some sort of trouble. * * * The ranch gave me what I need when I needed it."

Mr. Wheatley seems to be extremely enthusiastic about his new job with the ranch. I agree with Mr. Wheatley about the importance of the work ethic the ranchers learn on the ranch. Mr. Wheatley looks back on the work he did at the ranch—driving tractors and cooking—and realizes how these chores helped him grow up.

I wish Mr. Wheatley the best of luck in his new position. He will provide the ranchers with an ideal role model and will prove more than capable for the position. He can not only sympathize with the hardships of the children, but also show the good that can emerge from this 25-year-old program.

Mr. President, I ask unanimous consent that an article from the Alabama Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEEP SENSE OF LOYALTY: NEW EXECUTIVE DIRECTOR COMES BACK TO RUN RANCH

(By Carla Crowder)

At first glance, Lyn Wheatley the new executive director of the Alabama Sheriff's Boys and Girls Ranches, seems like an ordinary businessman.

Mr. Wheatley's contagious grin advertises enthusiasm for his new job.

He is more than willing to discuss details of fund-raising projects, plans for future improvements and other aspects of his job as the head of a large agency.

The 37-year-old father of two likes to bring his wife, Renee and daughers, Amy and Lyndsey, into the conversation as well.

What's extraordinary about Mr. Wheatley is that he is now the executive director of the same agency that provided him with a home 23 years ago.

During most of this teen-age years, Mr. Wheatley drove a tractor, cooked breakfast and did a lot of growing up at the Dallas County Sheriffs' Boys Ranch.

He came to the ranch from a poor home, where cardboard covered the walls. There was little in his life from which to build dreams and few people to serve as role models.

"Without the ranch, I'd be nothing, or certainly not in the situation I'm in now," Mr. Wheatley said.

"Nobody has a crystal ball, but looking back on the situation I was in when I came here, I believe it would have eventually led to some sort of trouble," he said. "I now have a deep sense of loyalty to the ranch. It gave me what I needed when I needed it."

As a 1976 graduate of Troy State University, Mr. Wheatley was the first ranch resident to attain a college degree.

He pursued a career in business and trained on Wall Street as a financial consultant with Merrill Lynch in the early 1980s.

Mr. Wheatley comes to the sheriffs' ranches executive director position from Bass Anglers Sportsman's Society in Montgomery where he was national federation director, responsible for 2,500 BASS clubs.

Reflecting on his new position, he said, "The ranch is as much a part of me as my heart or lungs. It's not a job, it's a labor of love."

Mr. Wheatley's background in business has prepared him for the executive director's chair, where he will be the primary fundraiser and administrator for the ranch program.

However, as a former ranch child, Mr. Wheatley has the kind of special training to lead an agency for troubled and neglected children that only someone with his background can have.

While visiting his former home, the Dallas County Ranch, Mr. Wheatley, talks with 6-year-old Adam, who had not been to a dentist before he came to the ranch.

Adam had several teeth filled and capped, and winces when he recalls his first trip to the dentist's chair.

Mr. Wheatley comforts Adam with a story about when he came to the ranch and had two teeth pulled and six teeth filled.

While Mr. Wheatley can sympathize with the hardships the ranch children go through, he also understands the good that can come out of the 25-year-old program. As executive director, he plans on making very few changes in the way the program is run.

"Children are different today than they were when I was here. They grow up faster, watch more TV, and are more exposed to the harshness of society," Mr. Wheatley said.

But the values and work ethics they learn at the ranch are timeless, he said.

At the ranch, children develop into the kind of father or mother they'll be later, he believes.

Mr. Wheatley remembers the chores and duties that were expected of him at his ranch home. "The children must do a lot more work than at a real house."

Each ranch house is home to 10 children and a married couple they call "Mom and Pop," Mr. Wheatley explained. With such a large family, the workload is enormous.

"What stays with me more than anything about the program is its wholesomeness. It reminds me of 'Little House on the Prairie,'" he said.

Living in the country and doing things like growing a garden, taking care of animals and working in hay fields are very healing experiences for the ranch children.

Eighty percent of the children at the ranches have been physically or mentally abused.

Mr. Wheatley said because he did all the chores when he was here, he expects today's ranchers to work as hard as he did.

"I'm pretty picky. If the grass isn't cut or the hedges aren't trimmed I might say something. . . . I know it's not going to kill them or hurt them to work.

"We have to prepare children to take care of themselves in the real world. They don't have fortunes waiting on them when they get out," he said.

The ranch program tries to recreate a middle-class family home atmosphere. It strives to provide normal homes for children who come from abnormal backgrounds, Mr. Wheatley said.

The ranches were created in 1966 by a group of sheriffs who identifed potential trouble boys and created the Sheriffs' Association to provide loving homes for these children.

In 1973, the association began a home for girls, also.

The ranches now are independent, nonprofit organizations.

"We stand on our own two feet," Mr. Wheatley said.

There now are seven ranches in the program, five for boys and two for girls.

The oldest ranch in Dallas County, Mr. Wheatley's former home, has grown to house 40 boys. The 750-acre spread is reminiscent of an upscale summer camp.

The pond is surrounded by towering pines. Large brick houses, a chapel and even a swimming pool are intermingled with the natural surroundings. Around a bend in the road are barns, hayfields, orchards and a field where wild turkeys are sometimes spotted.

Rows of blueberry bushes are heavy with ripe fruit.

Mr. Wheatley was hesitant talking about the program despite his strong ties.

About 10 months ago, a search committee approached him and offered him the position, but he was in the middle of some projects at BASS and did not want to leave.

Mr. Wheatley said he always has talked about the ranches to business contacts, but he did not feel right about taking over the executive director's position, until about two months ago.

"A search committee came to me about once a month for 10 months and finally wore me down," he said.

Mr. Wheatley said people will want to contribute to the ranch if they understand more about the program.

As executive director, Mr. Wheatley will spend most of his time on the road raising funds for the ranches.

Because of the quality of people who run the ranches, he said he will not be involved in that many day-to-day ranch activities.

Marvin Cash, Mr. Wheatley's former "Pop," is one of these "quality people."

Mr. Cash is now director at the St. Clair County Ranch and director of Ranch Operations for the entire agency.

"The kid he raised is now his boss," Mr Wheatley chuckles.

He said Mr. Cash and his wife, Jesse, have had a bigger impact on his life than his real parents. "Now they're like grandparents to my daughters."

"I don't know of any other ranchers who have returned to be executive directors," Mr. Wheatley said. However, he is proud that his old ranch roommate now works as an air-traffic controller in Hawaii. Another rancher friend went on to become an anesthesiologist.

"I've never been ashamed of being a ranch child," he said.

TRIBUTE TO HENRY ASHLEY RAND

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Mr. Henry Ashley Rand who will retire on July 31, 1991, as the Colbert County tax collector. Mr. Rand has become an institution in Colbert County and has served continuously as tax collector for almost 22 years.

Few people could have forseen that when my friend Hank Rand began his term as Colbert County tax collector on November 1, 1969, he would still be serving his county in that capacity over two decades later. He has served the citizens of Colbert County well and his expertise will be sorely missed.

Hank Rand is an outstanding individual and a fine public servant. He has served in both the Army and the Air Force and is a veteran of World War II and Korea. His dedication to Colbert County is unsurpassed and his innovations in tax collection are widespread. Since he designed and implemented the Colbert County data processing center in 1978, 14 counties from three States have bought the rights to use the system from Colbert County.

In addition to his able collection of taxes, Hank Rand has been a good steward of the taxpayer dollars under his care. He implemented a program which earned money for Colbert County by investing the taxes the county collected before they were sent to the State revenue department.

One of Hank Rand's most endearing traits is his willingness to share his knowledge and expertise of tax collection with others. He has answered the call for assistance from numerous officials from Alabama and other States. His expertise in the collection of ad valorem taxes is so widely recognized that he is often asked to instruct newly elected tax collectors on this subject. In addition, he has helped write numerous publications to help teach tax assessors and collectors.

Hank Rand is an outstanding Alabamian and a proud American. Colbert Countians have been fortunate to benefit from his talents and abilities over the past two decades and I know they are sorry to see him go. I congratulate Henry Ashley Rand on his many accomplishments in his 21 years as tax collector and wish him well in retirement.

MANDATORY DISCLOSURE OF HIV STATUS FOR HEALTH CARE WORKERS

Mr. DURENBERGER. Mr. President, last week, the Senate agreed to the amendment of our distinguished colleague from North Carolina that mandates disclosure of HIV status for health-care workers. I opposed the amendment.

Mr. President, I would like to submit for the record some responses that I have had from my constituents.

I heard from one young woman, Anne Theisen, from Crystal, MN. She does volunteer work with HIV-positive children. She writes that she has seen the devastation of families who are struggling with the physical and societal handicaps of AIDS.

She calls upon us to educate our colleagues and constituents on the reality of HIV transmission. She is correct when she concludes that the Senate action last week "does nothing to promote community health; it merely removes focus and funding from much more important areas such as research and treatment."

Mr. President, I also had a call from a surgeon who practices in the District of Columbia. This young doctor was near tears when she called. She had just operated on a HIV-positive patient that morning. She said she routinely sees AIDS patients and struggles to give them quality care, even as she fears for her own safety.

Mr. President, this young doctor was close to despair. She says many of her colleagues wonder whether they should continue to practice medicine. They are losing faith. They feel abandoned by their elected representatives, some of whom appear to want to brand them as criminals, even as they engage in treatment of those with a fatal disease.

Mr. President, undoubtedly we will see continuing efforts to criminalize HIV-positive health-care workers. I urge my colleagues to study the facts and not succumb to further hysteria and fear.

Mr. President, I ask unanimous consent that the "Policy for HIV Infection Control," developed by the University of Minnesota Hospital be printed in the RECORD as a model of a reasonable response to the interests of patients and health-care workers. I also ask unanimous consent to print in the RECORD several articles by epidemiologists, including Dr. Michael Osterholm, a noted adviser of the CDC and a faculty member from the University of Minnestoa, and Dr. Frank Rhame, also a Minnesota epidemiologist, as part of my effort to get the facts straight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRYSTAL, MN,
July 22, 1991.

Senator DAVE DURENBERGER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURENBERGER: I want to take this opportunity to thank you for your vote on the Helms amendment (#734, I believe) to the Treasury and Postal Service Appropriations Bill on July 18, 1991. I am faxing this letter to you because of the urgency of this matter; however, I will be mailing you a copy as well.

The AIDS epidemic is a frightening part of our world today, and I am very sympathetic to anyone stricken with this terrible disease. I volunteer to work with children who are HIV positive and have seen the devastation of families who are struggling with the physical and societal handicaps of AIDS. I, myself, have several friends who are HIV positive and have lost some very special friends to this disease. HIV and AIDS has had a profound effect on my life, as it has everyone else's.

I know that you have a very supportive and consistent voting record on HIV and AIDS related legislation, and I want to thank you for this; however, I also realize how difficult it can be to stand up to an overwhelming majority, even when you know you are right. Your floor remarks about the victimization of the general public through the sensationalism of unusual incidents of HIV transmission were important for your colleagues to hear. Your knowledge of the facts of HIV transmission is apparent, and I hope that Minnesota, and the entire country, can continue to count on your leadership in this area.

As you know, the amendment offered by Senator Helms was based on hysteria, not on current scientific information or recommendations from physicians and organizations like the Centers for Disease Control. Testing of Health Care Workers will not lead to an informed public, but to a medical community full of people afraid of learning their HIV status, and this will prove to be dangerous to everyone.

Legislation of this type will bring a false sense of security to the general public. The important focus is enforcement of infection control procedures. Poor infection control procedures can spread a host of diseases between patients, regardless of whether or not the health care worker is infected. The fact that, in the ten year history of the AIDS epidemic, there has only been one health care worker documented to have given this disease to his patients is proof that universal precautions is effective in preventing HIV transmission.

We cannot base legislation on a hysterical reaction to one incident; over-reacting to this incident will do more harm than good. I feel strongly that this incident warrants further research and study into the risks of transmission from doctor to patient and from patient to doctor, but the CDC has done this research and has developed a set of sensible and cautious guidelines for all medical professionals. Members of Congress cannot be educated in all areas and on all issues, and they should not act on some issues without the advice of an educated advisory organization. This is one of the purposes of organizations like the CDC, and Congress should accept the recommendations it recieves from them.

I follow House and Senate legislation on HIV and AIDS issues very closely and think that we can expect Helms to offer the same amendment to the Labor HHS Bill. I hope that I can continue to count on your opposition to these hysteria-based amendments, and I also hope that you will call on your colleagues to do the same. Please do your best to educate them about the reality of HIV transmission. AIDS legislation of the type frequently offered by Helms does nothing to promote community health; it merely removes focus and funding from much more important areas such as research and treatment.

Again, many thanks for your past and future leadership on HIV and AIDS legislation. I am glad to have you representing Minnesota when these issues arise.

Sincerely,

ANNE THEISEN.

POLICY AND PROCEDURES MANUAL, UNIVERSITY OF MINNESOTA HOSPITAL AND CLINIC

Subject: HIV Control.
Source: Infection Control Committee Medical Staff-Hospital Council.
Section: Infection Control. Vol: II.
Policy number: 33.19.
Effective: July 14, 1987.
Revision: 12/87, 9/90.
Reviewed: 10/89.

POLICY

All reasonable measures shall be taken to minimize the possibility of human immunodeficiency virus (HIV) transmission within UMHC.

PROCEDURE

1. Definitions used in this policy:

a. HIV Infected. Persons deemed HIV infectious as set forth in Section 4.B. Policy 33.21, Universal Blood and Body Substance Technique and Isolation.

b. UMHC Personnel. UMHC employees, residents and fellows, members of the Medical-Dental Staff, Specified Professional Personnel, Non-Hospital Ancillary Personnel, and students who have patient contact at UMHC.

c. Invasive Procedures. Procedures in which one's hand and any sharp instruments may simultaneously be in a vulnerable patient cavity such as an operative wound, the abdominal cavity, or the mouth.

d. HIV Infection Risk Activities. Activities placing one at risk of HIV infection as enumerated by the CDC for the exclusion of persons from blood or plasma donations. These include males who have had one or more sexual contacts with another male since 1977 and all persons who have had any unprotected sexual contacts or blood transfusion in sub-Saharan Africa or Haiti, shared needles used for self injection of drugs since 1977, receipt since 1977 of coagulation factor concentrate that has not been heat treated, been a prostitute at any time since 1977, and sexual contact with any person who has participated in one or more of the aforementioned HIV infection risk activities.

2. All HIV Infected UMHC Personnel.

a. HIV infected UMHC personnel shall be excluded from patient care activity unless there is a determination by the Hospital Epidemiologist that the employee understands the mechanisms of HIV transmission and will take steps necessary to prevent HIV transmission.

b. HIV infected UMHC personnel shall meet regularly with the Hospital Epidemiologist at the discretion of the Hospital Epidemiologist.

3. UMHC Personnel Who Perform Invasive Procedures.

a. UMHC personnel who perform invasive procedures and have engaged in HIV infection risk activities shall determine their anti-HIV status. Anti-HIV negative UMHC personnel who continue to engage in HIV risk activities should monitor their anti-HIV status as appropriate. Such persons may seek counsel with the Hospital Epidemiologist as to what is appropriate.

b. HIV infected UMHC personnel who perform invasive procedures shall inform the Hospital Epidemiologist and their Chief of Service of their HIV infection status.

c. HIV infected UMHC personnel shall not continue to perform invasive procedures unless the Chief of Service and the Hospital Epidemiologist are satisfied that the person will exercise appropriate infection control safeguards. Under no circumstances may the person perform procedures requiring blind, "by feel" manipulation of sharp instruments (e.g., vaginal hysterectomy).

4. Patient Exposure. In case of accidental transfer of blood from an HIV infected UMHC person to a patient, the HIV infected UMHC person shall inform the patient's staff physician, and the Hospital Epidemiologist. The patient's physician shall assume responsibility for assuring that the patient is informed. The Hospital Epidemiologist shall assure follow-up of the patient.

5. Needlestick. See Policy 33.18, Needlestick or Other Significant Exposure to Blood or Other Body Fluids.

6. HIV isolation policy. See Policy 33.21, Universal Blood and Body Substance Technique and Isolation, for isolation policy for HIV infected patients.

[From Minnesota Medicine, April 1991]

HIV INFECTION IN THE HEALTH CARE SETTING: PUTTING THE RISK IN PERSPECTIVE

(Minnesota Medicine interviews Michael T. Osterholm, Ph.D., M.P.H.)

With the recent news of a Florida dentist transmitting the human immunodeficiency virus (HIV) to at least three patients, the public has become increasingly concerned about the risk of acquiring HIV infection from health care workers. The debate has become intense, with some pushing for mandatory AIDS testing and other adamantly opposing it.

In February, the American Medical Association and the American Dental Association issued a joint statement saying physicians and dentists who perform invasive procedures and are at risk of acquiring AIDS should be tested, and if HIV-positive, should either inform their patients or refrain from performing risky procedures. Response to the statement has been varied but strong, with many physicians arguing that it comes too close to proposing mandatory AIDS testing.

State Epidemiologist Michael Osterholm, Ph.D., M.P.H., recently reviewed the risk of acquiring HIV infection with the Zumbro Valley Medical Society's Legislation Committee. He presented data suggesting that widespread mandatory testing would do little to lessen the risk, which is minimal. Osterholm's discussion, which is recapped in this interview, convinced the society to postpone action on the bill.

Osterholm, also chief of the Acute Disease Epidemiology Section at the Minnesota Department of Health, has led studies to determine the risk of HIV infection in the health care setting, including the risk of patients transmitting HIV to health care workers.

Osterholm and the Health Department have been on the forefront of the AIDS issue, leading the nation in determining the accuracy of HIV testing and the risk of transmission in the health care setting. Osterholm, who believes some concerns about AIDS have been exaggerated, serves as a consultant to the Centers for Disease Control on this issue and is working to promote development of a reasonable policy that distinguishes between true risk and public fear.

MINNESOTA MEDICINE: Dr. Osterholm, thank you for agreeing to discuss a subject of great concern to health care workers and patients. We would like to hear your comments regarding the risk of acquiring AIDS in the health care setting. Can you help us put that risk in perspective?

OSTERHOLM: To deal with the issue, we need to examine the risk of human immunodeficiency virus (HIV) transmission from patients to health care workers and, as the public is now demanding, from health care workers to patients. Many of the issues that affect one discussion affect the other.

I am concerned about our understanding of the concept of risk—something our society has had problems coming to terms with in a lot of other areas, such as the environment and product liability. What is the risk, and how much risk is society willing to accept?

I believe we could completely eliminate the patient's risk of acquiring HIV from health care workers. However, the cost would be extreme, not just in terms of money but also in terms of the amount of testing involved and the resulting diversion of resources. The converse is also true. We could ensure that a patient would never infect a health care worker—or at least come very close to that. But, again, the cost—economic and otherwise—must be considered. To guarantee that level of safety, some infected people would be denied certain services, some kinds of procedures would be avoided, and the type of technology we can apply to those procedures would be limited.

Instead of taking these extreme measures to eliminate the risk of HIV transmission entirely, we are trying to find a middle ground where the risk is acceptable—whether it be one in a million or one in 100,000. At the same time, we want to avoid prohibiting a health care worker from doing his or her everyday job and denying patients the services they need.

MINNESOTA MEDICINE: Do you think widespread HIV testing would significantly reduce the spread of AIDS?

OSTERHOLM: Since 1985, we at the Minnesota Department of Health have strongly supported widespread testing of people who engage in behavior that puts them at risk of acquiring HIV. We believe it's very important for patients to know if they're infected. Early, appropriate treatment of HIV with Zidovudine (AZT) and other drugs can significantly increase the quantity and quality of life for people who are infected. This is similar in concept to managing patients with diabetes in the early stages to maximize the quality of their lives. We also know from studies that patients are more likely to initiate and maintain positive behavior to reduce the risk of HIV transmission if they know they are HIV-infected.

From the health care worker's standpoint, it's important to now about all aspects of a patient's health. A physician who is not aware of a patient's HIV infection cannot provide the most beneficial care, regardless of whether the physician is treating a broken leg or *Pneumocystis* pneumonia.

On the other hand, testing as we know it today has not increased infection control. All the data I am aware of demonstrate that knowing a person's HIV status does not reduce a surgeon's or other health care worker's risk of exposure to a sharp instrument. We would be the first to promote responsible testing in the health care setting if data existed to show it works. It just doesn't. What it does is cause relaxation of other infection-control measures.

The same is true for testing of health care workers. We have no data to support that widespread testing of health care workers would reduce the already very low risk of HIV transmission to patients.

HIV TESTING

MINNESOTA MEDICINE: Before we further discuss the risks of acquiring HIV in the health care setting, let's talk about the tests. The public has misconceptions about what HIV testing involves. People hear about false positives and false negatives. Could you discuss the tests and their efficiency?

OSTERHOLM: The whole issue has evolved since testing was introduced in 1985 to improve the safety of the blood supply. In 1985, we at the Minnesota Department of Health wrote the first major article in the country on concerns about the performance of HIV-antibody serology. The commentary was published in the *New England Journal of Medicine* three weeks before U.S. blood banks introduced HIV-antibody serology as part of a mandatory screen for blood donors. We discussed sensitivity, specificity, the predictive value of a positive result, and most important, what would happen to the blood supply if every year we mistakenly told 2 percent to 3 percent of the population they were HIV-positive. For one thing, many people wouldn't want to donate blood anymore, and we'd be deminishing the small group of people who routinely donate blood.

Since 1985, more than 450,000 donors have given blood in Minnesota. During this time, 23 donors tested positive for HIV by enzyme immunoassay (EIA) and Western blot. Twenty-two donors were then tested by virus culture to determine if they were really infected. The HIV culture was positive for all 22. The other donor who was found to be HIV-antibody positive was not available for testing. However, he was likely infected since he had a risk factor for HIV infection and was positive for hepatitis B surface antigen. There wasn't a single false positive in that entire group. This high degree of accuracy can be explained by a couple factors. First, the EIA test is what I'd call "oversensitive," so it picks up individuals who are not truly infected. The Western blot test, which is used to confirm a reactive EIA, has a very high specificity. Using both tests allows us to maintain extremely high sensitivity and specificity. In the hands of a competent laboratory technician, this test is as good as any in medicine. Consequently, I'm not concerned that someone will inappropriately be labeled infected.

MINNESOTA MEDICINE: If I remember right, since 1985 no one has acquired AIDS from transfusions, but, naturally, some people are greatly concerned about that possibility.

OSTERHOLM: Your question brings up the flip side of the blood screening question, that is, has our testing missed someone who really was infected, and has that infected blood then been used for transfusion? We can't guarantee that hasn't happened, but of all the transfusion recipients who received blood after 1985 and have been tested, not one has tested positive for HIV, and many have asked to be tested. As far as we're aware, not one of the 350,000 Minnesotans who received blood from 1985 to 1990 has been diagnosed with HIV infection resulting from a transfusion.

It's important to realize that approximately 25 percent of those who received blood would have died during the initial trauma if the blood had not been available. The number of Minnesotans alive today because they received blood would more than fill the Metrodome, and not one has been identified as having HIV. This helps put the risk in perspective.

MINNESOTA MEDICINE: Let's talk about HIV-antibody seroconversion. How long does it take for HIV infection to show up on the antibody test once a person has been exposed to HIV?

OSTERHOLM: That depends on which testing method we use. If we use the sequential EIA and Western blot testing, which is the standard method, seroconversion for most infected persons will occur within 45 to 60 days. Serconversion can take as long as six months for 1 percent or 2 percent of individuals infected with the virus. The vast majority of people who have seroconverted have detectable antibody within the first two months after infection. With health care workers who have a documented exposure, we've gone one step further and are now using things like p-24 antigen, polymerase chain reaction testing, and HIV culture. Using these supplemental tests, we can be almost certain of infection status within 35 to 45 days.

HEALTH CARE WORKER'S RISK

MINNESOTA MEDICINE: What is the prevalence of HIV and AIDS in health care workers?

OSTERHOLM: HIV-infected health care workers need to be separated into two categories—those who acquired the virus through nonoccupation-related behaviors, including male-to-male sex and IV needle use, and those who acquired the virus occupationally. Of the 150,000 adult AIDs patients diagnosed in the United States through 1990, approximately 8,000 are health care workers. This large number often surprises people, but it shouldn't, because health care workers make up about 5 percent of our nation's work force. The majority of those 8,000 health care workers acquired AIDS through risk behaviors not related to their occupations. By far, most are men who have had sex with men. This shows that we haven't done the best job in promoting risk reduction or behavior change in our own health care workers—the very people who are supposed to be helping the general population reduce their risk.

Some health care workers do acquire HIV infection as a result of their occupations. Currently in this country, we are aware of approximately 46 people who have acquired HIV as a result of an occupational exposure. Thirty of those are individuals with confirmed exposure. They tested negative for the virus immediately after the exposure and seroconverted within six to 10 weeks following exposure. The other 13 we call prevalent-positive, meaning they were positive when tested. These include individuals infected prior to 1985, before HIV serology was available. However, in this latter group, we cannot account for any other source of their HIV infection. Currently, there are only three occupation-related AIDS cases in health care workers. Most, if not all, of these other 43 HIV-infected health care workers will become the occupation-related AIDS cases of tomorrow.

As of September 1990 in Minnesota, we had 46 cases of AIDS in health care workers, 43 of them men. The mechanism of transmission of HIV has been identified for all 46 cases, and none of the cases represents occupational exposure.

MINNESOTA MEDICINE: From your description, the health care setting is not a particularly risky place for acquiring AIDS.

OSTERHOLM: That depends on your perspective, of course. If you're one of those 46 individuals from around the country who is HIV-infected as a result of occupational exposure, you'll probably say the work place is very risky. But if we look at the big picture, a health care worker has a greater statistical chance of dying in a car accident on the way to and from work than of acquiring and dying from occupation-related AIDS. I agree, however, that this statistic isn't particularly comforting to the health care worker. Many health care workers argue that an individual willingly assumes the risk of driving a car, but that isn't the case when a person is accidentally exposed to HIV in the health care setting. I think that's a legitimate point, but still, the risk of acquiring HIV on the job is incredibly low.

MINNESOTA MEDICINE: Does the risk vary from one part of the country to another?

OSTERHOLM: Yes. The risk of developing HIV infection depends on several factors, including the likelihood of being exposed to blood. The exposure rate varies by occupation, the procedures a person does, and, to a certain degree, the person's technique. Also important is the prevalence of HIV infection at the institution where a person works. For example, in some hospitals in New York City, one out of every 20 patients is infected with HIV, compared with Greater Minnesota, where only about one of every 120,000 is infected. The other factor is the likelihood of transmission occurring when a person is exposed. We know from studies that about three per 1,000 health care workers who have a percutaneous exposure from a sharp instrument contaminated with HIV-positive blood will actually become infected. In other words, 997 out of 1,000 health care workers who were exposed to HIV through a break in the skin will not develop HIV after that exposure. Given the rate of HIV infection in Minnesota patients, the lifetime chance of a health care worker in a Minnesota hospital developing acute infection is roughly about five in 100 million procedures. We would expect less than one case per 1,000 surgeons over a lifetime after accounting for all the factors. However, this number changes if you're at an institution in New York City, where up to five of every 1,000 surgeons can expect to develop HIV infection during their lifetimes. The big difference is not their technique or the rate of transmission given a positive exposure; it's the number of patients they see who have the virus.

PATIENTS' RISK

MINNESOTA MEDICINE: Let's examine the other side, namely, the patient's risk. What is a patient's risk of acquiring AIDS from surgeons or other health care workers?

OSTERHOLM: As you know, this issue is being played up on television and on the front pages of our newspapers and weekly tabloids. However, to date, we know of just a single instance of patients being infected by a health care worker. In this case, HIV was transmitted from a Florida dentist to three patients. There will be more. But what is the risk over time? Is it one in 1,000 instances? One in a million? One in 10 million? That's where there may be some reasonable disagreement. Our experience with HIV and health care workers transmitting to patients is limited, but we have a relative wealth of information regarding hepatitis B, and many parallels can be, and should be, used to help anticipate the HIV experience.

MINNESOTA MEDICINE: Please expand on the concept of hepatitis B as an analogy to HIV infection.

OSTERHOLM: First, we know that hepatitis B virus is transmitted in manners identical to HIV. The one difference is quantitative, not qualitative. All the same bodily fluids are involved, but when a person receives a needle stick from a hepatitis B-infected patient, transmission occurs about 30 percent of the time. With HIV, as I mentioned, it occurs only about three out of 1,000 times.

In Minnesota, we've had a very active hepatitis B surveillance program. In fact, our first efforts were reported in Minnesota Medicine in the early 1980s and subsequently have been published in other journals like JAMA. We have followed up on all health care workers to learn where they received their infections. We've also followed up on all patients, attempting to discern where they acquired their infections, considering the health care worker or contaminated blood as possibilities. In 15 years, we've followed more than 430 infected health care workers and identified only two who transmitted hepatitis B to patients. One was an obstetrician/gynecologist in the Twin Cities who transmitted hepatitis B to three patients while performing vaginal hysterectomies. The physician had only recently become infected and was not aware of it. He was doing vaginal hysterectomies using his left index finger to locate the tip of the suture needle. The needle was in his right hand; he was sticking his glove into this blind field, causing him to bleed through the tips of his fingers. He has stopped using that technique and has continued to perform other surgical procedures, and there has been no evidence of hepatitis B transmission to other patients for the last 12 years. The other instance involved a surgeon who transmitted the hepatitis B virus to a patient during a rather uncomplicated surgery that took place one day before the surgeon's acute onset of hepatitis B. We know of other surgeons in this state who are chronic carriers of hepatitis B, but we have no evidence that they have transmitted it to patients.

As infectious as hepatitis B is, we know of only two infected health care workers who have transmitted the infection in Minnesota. I predict that if 500 health care workers became infected with HIV in this state, we very well might have no HIV transmission to patients. This is basically the same issue raised earlier of patient HIV transmission to health care workers. We have to apply the same logic and risk standards to health care workers as to patients. I do not see this as an issue warranting the dramatic measures that some people have suggested. I believe people are overreacting to public pressure and unnecessary fear of the situation.

FEAR OF AIDS

MINNESOTA MEDICINE: Is AIDS like many problems in medicine, where people are unfamiliar with the facts, and they become fearful to the point of hysteria?

OSTERHOLM: Yes, and AIDS typifies this as well as any issue in society. In 1985, I attended school board meetings to discuss the risk of HIV in school children and whether infected children should be allowed to attend school. There has never been evidence of HIV transmission in the school setting, even though HIV-infected children attend school. At the meetings, I saw parents stand at the microphone with a cigarette in their hand and say, "I can't accept any risk to my child. I can't accept HIV-infected children in my child's school." At about the same time as these meetings, eight Minnesota children were killed in school bus accidents, yet those same parents put their children on the school bus every morning, and they allowed them to play football—a sport that four children died while playing that same year. I'm terribly concerned that we might be approaching HIV infection in health care workers similarly—with exaggerated fear clouding reality.

MINNESOTA MEDICINE: As a final question, what kind of HIV-testing recommendations do you think the Centers for Disease Control will make?

OSTERHOLM: As a scientist, I like to believe that the real world operates on fact, although I know that's not true. I am concerned that political, as well as scientific, issues may be brought to bear on the Centers for Disease Control. It will be interesting to see to what degree the political process influences scientific decisions. If the decisions stay in the hands of the scientists, I have great faith that the CDC will establish a reasonable policy that is responsive to the interests and needs of all parties. If there is too much political influence, I believe policies will eventually be in place that are not based on science and fact, but will instead appeal to certain constituencies.

We need more forums like this interview to spur reasonable policy development. We need to put the issues on the table in order to distinguish fact from emotion. Somewhere in between we'll find a reasonable policy.

[From the Journal of the American Medical Association July 25, 1990]

EDITORIAL: THE HIV-INFECTED SURGEON

There are probably hundreds of practicing surgeons in the United States who are infected with the human immunodeficiency virus (HIV). In 1987, the Centers for Disease Control (CDC) estimated there were 625,000 to 1 million HIV-infected homosexual or bisexual men in the United States.[1] These cases are prevalent among approximately 70 million men in the United States between the ages of 20 and 64 years, projecting to approximately one HIV infection in every 100 young and middle-aged men in the United States. As of January 1, 1988, there were more than 120,000 male physicians providing patient care in surgical specialties.[2] Applying the national HIV infection proportion to US male surgeons is, of course, speculative; however, the proportion of male surgeons in the United States who have become HIV infected from unprotected male-to-male sex would have to be less than one-fifth the projected national proportion for there to be fewer than 200 practicing HIV-infected surgeons. Whatever the true number, the issues encountered by Mishu and colleagues,[3] as described in this issue of The Journal, will undoubtedly arise in many US hospitals.

Early in 1989, several Nashville television stations and the two metropolitan newspapers learned that a prominent local surgeon had been hospitalized with the acquired immunodeficiecy syndrome. Facing involuntary intrusions on their privacy, the surgeon's family publicly acknowledged the diagnosis. The event became front-page news and was the leading story on local newscasts for days, engendering considerable anxiety amoung the surgeon's patients. The three private hospitals where the surgeon had practiced decided to contact the patients he had operated on and offer free HIV antibody testing and counseling to reassure those patients. The hospitals sought the advice, resources, and data management skills of public health authorities, with the exemplary results presented in this issue of The Journal.[3]

To an extent that was disconcerting to public health authorities, the Nashville events were driven by publicity. Public anxiety was not mitigated by repeated assurances of negligible risk. Even though media fascination with the acquired immunodeficiency syndrome and public anxiety are currently waning, publicity, image, and fear of lawsuits still influence events. Hospital administrators will reasonably integrate these forces into their decisionmaking processes.

Recommendations regarding the HIV-infected surgeon have been difficult for consensus bodies. The CDC readily formulated workplace guidelines for HIV-infected food service workers, personal-service workers, and, except during invasive procedures, health care workers.[4] The CDC concluded that no interventions beyond conventional hygiene were warranted, but it took 5 more months to issue guidelines for invasive procedures that presented this same conclusion.[5] However, in 1987, the CDC reopened the issue by indicating that decisions about patient care activities by HIV-infected surgeons "must be determined on an individual basis."[6] With no criteria for this determination, the current recommendation is ambiguous. The American Hospital Association and a British working group have likewise begged the issue.[7 8]

No surgeon-to-patient HIV transmission has been reported, but it is an example of the collective denial that has afflicted past HIV-related deliberations to avoid vigorous consideration of the issue. Hepatitis B virus transmissions from surgeon to patient have occurred[9–13]; it would be unexpected if HIV transmission does not also occur.

I believe it is an essential exercise, no matter how speculative, to estimate a probabilty of surgeon-to-patient HIV transmission before considering policy. I would put the probability between one per 100,000 and one per 1 million operations. The needle-stick transmission rate is about one per 250 exposures; it is likely that hollow-needle exposure is more hazardous than exposure from lumenless sharps. The patient exposure rate is probably somewhat less than one per 400 procedures, i.e., once every year or two per surgeon, based on a poll I conducted of hospital surgeons at the University of Minnesota. Presumably, the exposure rate is strongly influenced by the type of procedure. Ophthalmic surgery should virtually never produce a surgeon-to-patient blood transfer. In contrast, the hepatitis B virus precedent would suggest that vaginal hysterectomy and pelvic surgery are the most hazardous. These procedures involve blind, i.e., not directly visualized, by-feel manipulation of sharp instruments in patients' body cavities.

What should hospitals do regarding patients who have been operated on by a surgeon who is found to be HIV infected? Hospitals electing to contact patients and offer HIV testing will find the methods of Mishu and colleagues[3] to be a masterful model. But the Nashville hospitals were presented with an unusually advantageous situation: (1) the surgeon's diagnosis was public, so there was no potential for compromising his privacy, (2) media attention was extensive, so there was less chance of creating anxiety when contacting the surgeon's patients, (3) the surgeon had stopped operating 4 months earlier, so late seroconversion did not have to be taken into account, and (4) local public health agencies were willing to undertake the counseling and testing of the surgeon's patients. Other public health agencies may be less supportive, fearing that a discovered HIV infection will be falsely attributed to intraoperative transmission. They would correctly point out that most or all of the detected HIV infections would be unrelated to the surgery. This problem can be partially obviated by viral strain analysis. Even without a follow-up investigation, it is probably wise for the hospital to obtain and store the surgeon's HIV isolate (with the surgeon's permission and using chain-of-evidence techniques) to compare with any putative related isolate. Scientifically, there is rationale for more follow-up studies, especially of oral surgeons, surgeons performing vaginal hysterectomies, or surgeons performing other procedures requiring blind, by-feel manipulation of sharp instruments. But even if no transmissions are detected, the implacable mathematics of confidence limits mandate large studies to lower the upper limit below 0.5%. As far as patient interests are concerned, one's estimate of the probability of HIV transmission looms large. At one per 100,000 procedures, or lower, the chance of a transmission is too low to justify expending the resources except to relieve patient anxiety.

What steps, if any, should a hospital take with regard to future surgery by an HIV-infected surgeon? The CDC's current statement is no help.[7] If the surgeon's HIV infection is public knowledge, the issue is moot. This doubtlessly partially underlies a statement by an American Medical Association official that spontaneous disclosure of any physician's HIV infection is not required.[14] There is a slippery slope argument against any special intervention for the known HIV-infected surgeon: some would assert that, if anything special is to be done, then all surgeons should undergo mandatory screening. However, policy could require that surgeons undertake their own anonymous testing. The American Academy of Orthopedic Surgeons recommends "voluntary, confidential testing for health care workers, including orthopedic surgeons," presumably referring to anonymous self-testing.[15] But no statement was made about what to do if the test is positive. We have taken a more restricted approach to testing at the University of Minnesota Hospital. Surgeons are required to determine their HIV status only if they are at an increased risk of HIV infection. They may undergo testing by whatever means they desire. If HIV infected, they are required to avoid performing surgery that requires blind, by-feel manipulation of sharp instruments. We believe that the probability of an HIV transmission during other types of surgery is so low that no other proscription is warranted.

—Frank S. Rhame, M.D.

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THE NATIONAL ENERGY SECURITY ACT OF 1991

Mr. JOHNSTON. Mr. President, yesterday, President Bush issued a strong endorsement of S. 1220, the National Energy Security Act of 1991, the legislation that the Committee on Energy and Natural Resources reported on June 5. The President urged the full Senate to act swiftly on the bill, which he called "an important domestic policy initiative."

I very much appreciate these remarks by the President and the bipartisan context in which they were made. The Committee on Energy and Natural Resources ordered S. 1220 reported by a bipartisan vote of 17 to 3. The effort in the Senate to fashion a national energy policy should also be a bipartisan effort.

The National Energy Security Act of 1991 is the proper vehicle for this debate. This legislation puts all non-tax energy issues on the table for consideration in a single comprehensive bill. All facets of the energy debate, including issues of energy efficiency, renewable energy, alternative fuels, and energy production are addressed in the bill. The Senate should debate these issues, consider whatever amendments Members may want to offer, and vote. That is the way we have always dealt with major energy policy legislation in the past. That is the way we should deal with energy legislation in the 102d Congress.

In the House, the Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, under the very able leadership of Congressman PHIL SHARP, is now moving expeditiously to address the issues in that committee's jurisdiction that are addressed in S. 1220. I believe that the House is prepared to address energy issues this year in a comprehensive way. The Senate should do no less.

I ask unanimous consent that the remarks of the President and those of Admiral Watkins delivered yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT ON NATIONAL ENERGY STRATEGY, JULY 24, 1991

The PRESIDENT: Please be seated. Thank you all very much. Well, may I just thank everybody for coming in, and first of all greet our Secretaries: Jim Watkins, who is doing an absolutely superb job on the energy front, and I'm delighted that he's here. And I think after I do my number here, why, he will get into a lot more of the substance. But I want to salute also Manuel Lujan and Bill Reilly, key players in our drive to do a better job on the energy front.

And, of course, we have in the front row, in case those of you in the back haven't seen them, Senator Wallop and Senator Bennett Johnston and Phil Sharp. And Mike Deland is over here. I'm getting in trouble because I'm going to—I thought Martin Allday was supposed to be here from FERC. There he is right there in the second row—Midland, Texas man. (Laughter.) Thank you again.

Five months ago—and many of you, maybe not all, but put it this way, most were probably here that day—we announced our comprehensive and balanced strategy for an energy future that is secure, efficient and environmentally sound. And our National Energy Strategy is designed to meet needs this nation can't afford to compromise: continued economic growth, increased energy efficiency, strong environmental protection and then a reduced dependence on foreign oil.

This strategy relies on the magic of the marketplace, the resourcefulness of the American people and the responsible leadership of industry and government. As we enter the next American century, this balanced approach will propel a larger and larger American economy in a more and more energy-efficient way.

And some have pushed for radical measures in order to reduce the oil imports and reduce our dependency; measures that, in my view, would hurt American industries and jobs and consumers. So we've got to act with care, but it is our firm belief that we've got to act comprehensively.

And our Energy Strategy strikes a balance. We believe it is a sound and reasonable middle ground that will achieve greater energy security without endangering the environment or stopping the economy in its tracks.

We start by using energy more efficiently. And we've got to accelerate our research efforts, to keep America on the cutting edge of new energy technologies like alternative fuels, electric cars, high-speed rail, solar and geothermal, safer and more secure nuclear technology.

Today, we want to build an energy future that opens the door to new and diverse energy sources, because our energy future should never be at the mercy of foreign exporters.

As Jim Watkins will tell you, most of the initiatives contained in this strategy can be implemented under existing authority. And the administration has already made, I think, a great deal of progress. We've set in motion a substantial part of the strategy already, in other words, without waiting for needed legislation—legislation that's needed in other areas.

On the legislative front, we've made substantial headway since we released the strategy last February. And I just can't tell you how much I appreciate the leadership of the members of Congress that are here. We're talking principally about the Senate bill here, but Senator JOHNSTON and Senator WALLOP, the Senate Energy Committee passed a comprehensive and a balanced energy bill, one which embodies the key elements of our strategy. And for them it hasn't been easy. They've had to compensate and consider a lot of interests up there, but they've done a superb job. And I urge the full Senate to act swiftly on this bill which should win support from conservationists and industry alike.

There's been a lot said about the Johnston-Wallop bill, some of it, frankly, not very accurate. Let me tell you what it actually does. On balance, it defines a very positive role in energy for the federal government. It enhances efficiency, energy efficiency, in areas like building efficiency standards, federal energy management efforts, energy conservation investments by utilities, and the development of new transportation technologies and alternative fuels.

On the supply side, it ensures access to the energy we need to sustain continued growth, growth that is environmentally sound. And we've made a lot of progress on cleaner-burning gasoline over the last few years—private industry doing a superb job with its own research in this area. And in the bill before the Senate, we've encouraged the use of a whole range of environmentally-sound fuels like ethanol, methanol, electricity, propane, and certainly, encouraging the use of more clean burning natural gas.

We anticipate that the Johnston-Wallop bill will reach the Senate floor hopefully right after the August recess. I would defer to the experts, but that's what we're hoping for. It won't get there—they've a pretty full calendar before the August recess. The House began mark-up on the bill last week, and we're hoping for the same comprehensive approach there that was achieved in the Senate.

We need Congress to act wisely and, I think, act soon—and I know these members agree with that—on this important domestic policy initiative. And we need action on all fronts: to remain world leaders in technology; to protect the environment; to make the most of our domestic resources; and to encourage energy efficiency through incentives for industrial, commerical and private consumers.

Unfortunately, some critics don't seem to see the big picture. They focus on one or two issues that admittedly are controversial. And if I think they're controversial, talk to the senators and congressmen about it, because they get hammered on all sides on these issues. ANWR clearly is one of them.

And let me give you a little history. In 1980, Congress specifically avoided designating part of the coastal plain in Alaska—the ANWR, the Arctic National Wildlife Refuge—as wilderness. And instead, Congress asked the Interior Department to determine whether the resources of ANWR could be developed without harming the environment.

Well, since then, Interior has conducted or examined more than 170 studies. And time after time, these studies have shown that under strict environmental oversight, ANWR's coastal plain and its resources could, indeed, be developed safely. The wildlife will be protected. John Turner, the Director of Fish and Wildlife, is here today, and he's conducted rigorous studies. The way of life will be protected. And finally, the state of Alaska fully supports ANWR's development.

So I urge the Congress to take a look at these facts, more than 170 studies and the considered opinion of Alaska's own government, and not to be distracted by the critics, many of whom come from the extreme side. There are some that aren't, that just reasonably have doubt, but we cannot let our policy be shaped in this manner. And so please encourage people to take a look at the record.

Of course, all of you are here today because you can make a difference in the energy future of this country. And some people act as if Washington can snap its fingers and impose an energy strategy on the rest of the country. We know that just won't work.

The best part of our strategy is that it does draw upon our greatest resource—I'd call it a national resource—and that is the ingenuity of our own people. With their resourcefulness, we can ensure that America in the next century will be energy efficient, environmentally sound and economically strong.

And so I really wanted to come over here today, first of all to say thank you, to salute those members of Congress who are out front and laying it on the line—it's not without a political downside to any of them—to stand up courageously for the kind of program that we've talked about here.

And as Bennett, Malcolm and Congressman Sharp will tell you, sure there are differences from time to time, but we're all on the same general track here. And I think it's the right one for our country.

So I want to thank you for your support. And I hope, and I'm right confident looking around this room, that we can count on your continuing support. So thank you all very much for you interest, taking the time from these fantastically busy schedules that everybody around this room has. And we're with you. I'm strongly in support of this program that our able Secretary, Jim Watkins will outline in more detail. And once again, thanks for coming. [Applause.]

REMARKS BY ADM. JAMES D. WATKINS, SECRETARY OF ENERGY, BEFORE THE WHITE HOUSE NES EVENT, JULY 24, 1991

INTRODUCTION

Thank you, Mr. President.

As you can see, development of the National Energy Strategy is one of this administration's top domestic priorities.

The last 2 years have seen the completion of major domestic initiatives by three different Federal agencies: DOE for the NES; EPA for the Clean Air Act, and DOT for the National Transportation Strategy.

The NES, as the President said, is a comprehensive, integrated strategy that brings energy, environment, economic, and science into balance for the first time. Its successful implementation requires action by a number of executive branch agencies, and by Congress.

The Senate Energy Committee has acted by an overwhelming vote of 17-3. Its distinguished Chairman, Senator Johnston, and ranking Republican Senator Wallop, here with us today representing their members, have completed work on S. 1220, a comprehensive bill that to a large extent coincides with the objectives set by this administration just 5 short months ago when the President sent his NES to the Hill.

In the House, Chairman SHARP of the Energy and Power Subcommittee, and ranking Republican Carlos Moorhead, began markup of energy legislation on July 17 and hope to move it forward to the full Energy and Commerce Committee after the congressional recess. Full Committee Chairman Dingell and ranking Republican Norm Lent have also indicated their strong support for comprehensive national energy legislation.

We are working closely with the House, as we continue to do with the Senate, to help assure passage of a bill that the President can also support, and in this session of Congress if at all possible.

We appreciate the tremendous hard work the Senate and House energy leadership have put into this legislation.

PROGRESS TO DATE

We are making progress on implementing the many initiatives which do not require legislation. For example: The renewable energy budget of the Department of Energy was increased by 45 percent during the first 2½ years of the Bush administration. This will continue, as we have planned a $1 billion investment in renewable energy technology over the next 4 years. The energy conservation R&D budget was similarly increased by 53 percent in this same short timeframe.

The executive order issued by the President in April directing Federal agencies to reduce energy consumption by 20 percent, purchase alternative fuel vehicles, and purchase energy efficient products. The Internal Revenue Service rulings of May and June on tax free treatment of utility discounts for conservation, and on non-taxable empoyer-provided public transit benefits. The creation of a Government-industry consortium on the development of batteries that will make electric vehicles a viable means of transportation.

The EPA proposed rule that will allow powerplants to undertake pollution control measures and equipment maintenance programs without unnecessary regulatory burdens [WEPCO]. I congratulate administrator Reilly, here today, for his leadership in issuing this important proposed rule.

The Federal Energy Regulatory Commission [FERC] regulations to improve the hydroelectric licensing process, and the FERC conference on transmission and competition in the electric power market. Chairman Allday has engendered a new responsiveness in his first year at the FERC and is with us today.

The Department of Transportation's initiatives on new technology for so-called intelligent highway and many others.

As for the legislative debate, we think that a good, healthy debate based on the facts and the entire balanced package is needed. Unfortunately, many have decided to narrow the focus to just two elements—ANWR and CAFE—as though they were the only issues at stake.

This would ignore the more than 100 other initiatives in the NES and the other 14 titles in the Senate energy bill. More importantly, the scientific, technical, economic, and environmental facts on both these issues to have become overwhelmed by previously hardened positions and emotion. For example, and as the President mentioned, we have two authoritative gentlemen with us here today to answer critics of ANWR development. Director John Turner of the Fish and Wildlife Service of Interior and Mr. Oliver Leavitt of the North Slope Borough assembly, are highly respected spokesmen for environmental protection and native Alaskan positions on the ANWR issue. I hope the media will seek their views.

CONCLUSION

We urge the Senate leadership to bring the committee bill to the floor for debate and decision. And we urge the House to finalize its committee markup expeditiously and meet the Senate schedule to the extent possible. I welcome today the letter from over 70 business organizations urging quick action this year.

The country deserves a comprehensive energy bill that is dedicated to environmental quality, economic well-being, energy security, and fiscal responsibility. For the first time, we have this noble objective set by the President and seriously addressed by the Congress within our grasp.

I urge you all there today to join us in bringing this critical, essential, undertaking to successful fruition this year.

In conclusion, I want to thank Secretary Lujan, EPA Administrator Reilly, Chairman Deland of the Council on Environmental Quality, and FERC Chairman Allday for joining me there today. Their help in developing the NES and their continuing cooperation in the NES implementation has been invaluable and clearly demonstrates the commitment of all in this administration to these important domestic issues.

WOMEN'S HEALTH PROBLEMS

Mr. REID. Mr. President, I have taken the opportunity many times, both in the Appropriations Committee and on the floor of the Senate, to point out the lack of attention that the Federal Government gives to dealing with women's health problems. It has been a very difficult fight to convince the administration or the Congress that more money ought to go to fighting women's diseases.

I repeat what I have said before: "It is much easier to get funding for research and treatment of men's diseases because Congress is dominated by men."

Although I have been able to get the Appropriations Committee to make small increases in such areas as interstitial cystitis, breast cancer, and inflammatory bowel disease, there is clearly a need to do much more in fighting diseases that are specific to women.

Mr. President, this was brought home clearly by an article entitled "Studies Say Women Fail To Receive Equal Treatment for Heart Disease," in this morning's New York Times. I ask that this article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDIES SAY WOMEN FAIL TO RECEIVE EQUAL TREATMENT FOR HEART DISEASE

(By Gina Kolata)

Two new studies show that doctors treat women with heart disease less aggressively than they treat men.

Experts said the studies, which involved tens of thousands of patients, offered the first irrefutable evidence of sex differences in the way the condition was treated.

The studies showed that women were at most half as likely as men to undergo a common diagnostic procedure, cardiac catheterization, to determine how advanced their heart disease was. And women were much less likely than men to undergo bypass surgery or balloon angioplasty to unclog blocked arteries. Yet the women in the studies tended to have more advanced heart disease than the men.

NEW LOOK AT OLD ATTITUDES

Researchers cautioned that the studies did not prove that the women were worse off for being treated less aggressively. They noted that previous studies that assessed aggressive treatments had involved middle-aged men. Heart disease generally develops at a later age in women than in men, and they said some cardiologists were concerned about extrapolating the results of studies of middle-aged men to the treatment of older women.

But heart disease experts said the studies should lead cardiologists to reconsider their approach to treating women with heart disease. Many added that the finding reflected a prevailing attitude among doctors that heart disease was a man's disease, an assumption that leads them to pay less attention to women's symptoms.

"I hope this will open internists' eyes a little bit," said Dr. Sandra J. Lewis, an investigator with one of the studies who is a cardiologist at the Oregon Heart Institute in Portland. "Chest pain in women is as or more debilitating than it is in men. Perhaps we can improve womens mortality rates by being more aggressive."

Dr. John Z. Ayanian, a heart disease researcher at the Brigham and Women's Hospital in Boston who conducted the other study, said that although the data could not prove that women would do better if they were treated more agressively, they did raise alarms. "The important question is whether the severity of heart disease in women is being underestimated," he said. "The studies certainly suggest the possibility that it is."

SURVEY OF 112 HOSPITALS

Dr. Claude Lenfant, director of the National Heart, Lung and Blood Institute in Bethesda, Md., said: "These are very, very important papers. I think they are going to have a tremendous impact on the practice of medicine."

The papers are being published today in The New England Journal of Medicine and are accompanied by an editorial by Dr. Bernadine Healy, a cardiologist who is director of the National Institutes of Health. In her editorial, Dr. Healy deplored the findings. "The problem is to convince both the lay and medical sectors that coronary heart disease is also a woman's disease, not a man's disease in disguise," she wrote.

One of the papers, by Dr. Richard Steingart at Winthrop-University Hospital in Mineola, L.I., and his colleagues, examined the fates of 1,842 men and 389 women in 112 hospitals who were enrolled in a large clinical trial meant to test whether a drug, captopril, helped prolong the lives of patients who had a heart attack.

All the men and women in the study had had severe heart attacks. Before their heart attacks, the men and women were equally likely to have had warning signs of crushing chest pain. Yet the women were half as likely as the men to have had cardiac catheterizations, a diagnostic technique in which a tube is threaded from the leg into the heart arteries to inject a dye that shows how blocked they are.

The researchers said that 15.4 percent of the women had had catheterizations before their heart attacks as against 27.3 percent of the men.

Patients who are not given the aggressive treatments would normally receive drugs to relieve the load on their hearts.

FAILURE TO USE TECHNIQUE

Dr. Lewis said she was particularly concerned because many women who continued to have chest pains after their heart attacks still did not receive catheterizations. Yet, she said, a catheterization is a prerequisite for bypass surgery and patients with insufficient blood flow to the heart after a heart attack are one group that is known to live longer with bypass surgery.

But the investigators found that women who had catheterizations were just as likely as men to go on to have bypass surgery.

The second study, by Dr. Ayanian and Dr. Arnold M. Epstein of Harvard Medical School, used hospital discharge data to come to similar conclusions. The investigators examined 49,623 hospital discharges for Massachusetts patients with coronary heart disease and 35,159 discharges for heart disease patients in Maryland in 1987.

In Massachusetts, they found, men were 28 percent more likely than women to have had catheterizations and 45 percent more likely to have bypass surgery or balloon angioplasty, in which a balloon is inflated to compress the artery-clogging plaque against the vessel wall. In Maryland, men were 15 percent more likely to have had catheterizations and 27 percent more likely to have had bypass surgery or balloon angioplasty.

A LACK OF DATA

Heart disease experts said there were almost no data on the effectiveness of heart disease treatment in women. Previous studies that assessed aggressive treatments involved middle-aged men. Dr. Nanette Wenger, a cardiologist at the Emory University School of Medicine, said the lack of data made if difficult to know how best to treat women. "Many of us have great concern about extrapolating data from middle-aged men to older women." Dr. Wenger said.

One reason doctors may hesitate to be as aggressive in treating women is that they have a slightly higher mortality rate from bypass surgery. Dr. Wenger said. But, she said, studies had shown that women who had bypass surgery were older and sicker than men who had the operation and were more likely to have emergency bypass surgery, which is riskier and less successful. "It would seem reasonable that if women are treated earlier, they should do better," Dr. Wenger said.

Dr. Wenger said that many doctors were taught to take men's heart disease symptoms more seriously than those of women. She said that when she was trained, in the 1960's, she was taught that chest pain was not as serious a symptom in women as it was in men.

As an indication of the prevailing attitude in those years, she cited the title of the American Heart Association's pamphlet on diet. It was called. "The Way to a Man's Heart," Dr. Wenger said, adding, "The message was that women should protect their husbands, brothers, and sons from coronary disease." But the heart association no longer puts out that message, she added. The current pamphlet is called, "The Silent Epidemic."

SMALL BUSINESS ECONOMIC OPPORTUNITY ENHANCEMENT ACT—S. 1426

Mr. **KASTEN**. Mr. President, I rise today to join the chairman of the Small Business Committee, Senator DALE BUMPERS, in sponsoring the Small Business Economic Opportunity Enhancement Act. This legislation is designed to spark new small businesses, create new jobs, and more importantly, turn government welfare recipients into private sector entrepreneurs.

This bill establishes an innovative demonstration program at the Small Business Administration which will provide microloans for new small business startups and expansions.

I think it's important to recognize that many entrepreneurs don't need a lot of money to start a new business. They need access to scarce capital. For example, it only takes $10,000 to purchase a cleaning service franchise, and $8,000 to buy a truck to start a delivery service.

The problem is that the SBA and most banks don't make enough of these kinds of small loans. Banks don't make enough profit and SBA doesn't have the resources necessary to make each small loan and provide the needed technical support.

That's why the Small Business Economic Opportunity Enhancement Act is needed: to empower small entrepreneurs by providing much-needed capital. This program will give poor people the means to help themselves.

Under this program, the SBA would make direct loans—at the Treasury's cost of borrowing—to nonprofit, community-based organizations. To qualify for the program, these intermediaries must have an established track record in administering small, low-dollar loans.

Once accepted into the program, these intermediaries would make the microloans, charging the borrower up to 4 points above the Treasury rate. The loans will be small; the legislation specifies that the intermediary's loan portfolio must average $10,000. No loan in this program can exceed $25,000.

It's important to note that the intermediaries will be required to provide a 15-percent cash match of the amount they borrow from the SBA. This 15-percent set-aside will establish a reserve fund to ensure that the SBA's is repaid.

In order for microlending to be successful, the nonprofits must help these budding entrepreneurs with everything from developing basic business plans to dealing with regulations and taxes.

S. 1426 will provide grants to qualified intermediaries so that they can provide technical assistance and business advice to the borrower. Handholding, for lack of a better term, is the key to making microloans work.

Mr. President, I think it's important to point out that we are not creating another large, costly Federal program administered from Washington. Rather, this initiative builds on successful microloan programs in States like Wisconsin, Arkansas, and Minnesota.

For example, the Women's Business Initiative Corp., in Milwaukee has been making microloans for over a year, focusing on creating more women business owners. The loans have helped women open several new businesses: a pet store, a vintage clothing boutique, an advertising specialty store, and a wellness management consulting service, to name a few.

The Women's Business Initiative provides a one-stop service for the borrowers ranging from seminars on basic business management to one-on-one counseling during the startup phase of the business.

Along with the Women's Business Initiative Corp., several other Wisconson nonprofits have indicated their support for this legislation. Common Wealth Development of Madison, and the Northwest Side Community Development Corp. of Milwaukee are two of the other microloan advocates in my home State.

Mr. President, let me also stress that this program is not another Government handout. It is a loan program designed with incentives and safeguards to ensure that the loans are repaid.

This program empowers low-income entrepreneurs by giving them the resources they need to start a small company. If their business is successful, they will create local jobs for their communities.

I think the Small Business Economic Opportunity Enhancement Act combined with enterprise zone legislation and capital gains tax cuts will spark a new wave of small business formation, job creation, and entrepreneurial activity in our economy.

Again, Mr. President, let me say that I am pleased, as the ranking member of the Small Business Committee, to join the chairman as a cosponsor of this bill.

Mr. President, I ask unanimous consent that I be added as a cosponsor of this bill (S. 1426).

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. The period for morning business is closed.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The **PRESIDING OFFICER**. The Senate will now resume consideration of S. 1435, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes.

The Senate resumed consideration of the bill.

Mr. **WELLSTONE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 824

(Purpose: To impose a moratorium on the transfer of major military equipment to the Middle East)

Mr. **WELLSTONE**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. CRANSTON, Mr. HARKIN, Mr. DASCHLE, and Mr. AKAKA, proposes an amendment numbered 824.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 144, between lines 20 and 21, insert the following:

(b) CHALLENGE MORATORIUM.—(1) Except as provided in paragraphs (2) and (3), the United States Government shall not agree to any transfers of major military equipment to any nation in the Middle East and Persian Gulf region. This moratorium is established to induce and encourage the other permanent members of the United Nations Security Council to join in this effort and also to induce and encourage other members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other major arms supplier nations to join in this effort.

(2) The requirement of paragraph (1) for a moratorium on United States arms transfers of major military equipment to the Middle East and Persian Gulf region shall cease to apply if the President submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives—

(A) a report stating that the President has determined that there has been agreement by another major arms supplier nation on or after date of enactment of this Act to transfer any major military equipment to any nation in the Middle East and Persian Gulf region; and

(B) the report required by section 646(a).

(3) Paragraph (1) does not apply to any transfer of major military equipment that is a necessary, emergency response to major and sustained hostilities in the Middle East and Persian Gulf region or to an imminent threat of such hostilities.

(4) Paragraph (1) and paragraph (2)(A) do not apply with respect to transfers which only involve the replacement on a one-for-one basis of equipment of comparable quality that has become inoperable after the date of enactment of this Act.

Beginning on page 147 strike line 21 and all that follows through line 9 on page 148.

On page 149, line 7, insert after "high-performance jet aircraft", the following: "attack helicopters, fuel-air explosives, cluster bombs,".

Mr. WELLSTONE. Mr. President, yesterday Senator CRANSTON and I announced our intention to offer this amendment to the foreign aid authorization bill to impose a U.S.-initiated multilateral moratorium on the transfer of major military equipment to the Middle East.

Specifically, this amendment prohibits the United States from exporting any new advanced conventional arms to the Middle East as long as "another major arms supplier nation" does not export such equipment to the region. The only unilateral action called for in this amendment is U.S. leadership. The resulting moratorium is multilateral.

This amendment just asks the United States to take the first step, to light a candle, to provide leadership in stopping this madcap exporting of more and more and more destabilizing weaponry to an already very unstable region in the world.

This amendment is cosponsored by Senators DASCHLE, HARKIN, and AKAKA. It is virtually identical to provision in the House foreign aid bill, passed by the House in June, after having been unanimously agreed to by the House Foreign Affairs Committee in May.

I do not want to consume time repeating my remarks from yesterday, in which I described the purpose and scope of this amendment.

However, I would like to take a few moments to underscore why this amendment is important.

Mr. President, the gulf war has taught us the perils—at least I hope it has taught us the perils—of arming Middle East States to the teeth. It has brought an overdue sense of urgency to the need to control the proliferation of weapons in the Middle East, to curb the worldwide arms trade, and prevent the spread of advanced conventional, chemical, biological, and nuclear weaponry.

The Middle East is the most heavily armed region of the world, although it is home to only 4 percent of the world's population. It is also one of the most unstable regions of the world, with 10 wars in the last two decades and persistent simmering conflicts.

Instead of devoting its resources to decent lives for its population, many Middle East Governments pour billions of dollars into weaponry of death and destruction. Of course, the Middle East is not alone unfortunately in pursuing these distorted budgetary priorities.

But the Middle East stands out in one respect and that is that it is almost entirely dependent on the rest of the world to provide its weapons. The Middle East is the largest single market for weapons merchants and Governments looking for profits and influence. Between 1974 and 1988, Middle East nations bought almost $214 billion worth of advanced weapons. More than 75 percent was bought from the five permanent members of the U.N. Security Council.

Following the war, heads of state, legislators, and ordinary citizens recognized that the Middle East arms bazaar must be closed down.

As Secretary of State Baker declared:

> The time has come to try to change the destructive pattern of military competition and proliferation in this region and to reduce the arms flow into an area that is already very over-militarized.

Many of our colleagues in the House and Senate echoed these sentiments. Newspapers across the country editorialized that the opportunity was now at hand to curb arms peddling to the Middle East.

Statesmen and Stateswomen among our Middle Eastern and European allies declared their support for international efforts to halt proliferation. And yet all that has come from this talk so far is one seemingly lackluster meeting in July of representatives of the supplier nations. Another plenary is scheduled for October, and that is all that we have seen.

Where is the leadership? Why the timidity? Why the commitment to noncommitment? Why the failure of the United States to take the first step and lead all the other nations toward a multilateral moratorium on major arms transfers to the Middle East? What are we waiting for? For the sake of that region of the world, for the sake of a more peaceful and loving world, for the sake of doing something about an overmilitarized world, for the sake of our children and grandchildren, where is the leadership?

Meanwhile, while preaching restraint, the United States has been practicing the same business-as-usual salesmanship. Within days of its Middle East arms control initiative, the administration announced its intent to provide F-15's to Israel, Apache helicopters to the UAE. And a proposal to sell up to $14 billion in advanced conventional weapons to Saudi Arabia is expected to reach the Congress this fall.

Mr. President, I feel compelled to ask, when will the leadership start? Where is the leadership? Where is the mitzvah, to use a good Hebrew word? Where is the deed to match all of the rhetoric? There is no urgent requirement to send a new wave of weaponry to the Middle East. Israeli, Saudi, Egyptian, and Syrian forces were not consumed in the war. The security threat to countries in that region is lower today than it has been for decades. Yet this administration, the Bush administration, asserts that it must transfer yet billions of dollars worth of more weaponry to our Desert Storm allies.

Mr. President, Members of the Senate Foreign Relations Committee, Senators SARBANES, BIDEN, MCCONNELL, and KASSEBAUM prominent among them, have worked hard on legislation promoting nonproliferation objectives in the Middle East, and I thank them for their effort. But I must raise the question on the floor of the U.S. Senate as to whether or not we have done enough. We have an obligation to our families, our communities, and to future generations to do everything we can to stop rampant militarization. I do not see the leadership.

I do not see the leadership by the United States of America. Why are we not first in line to do something about the spiraling arms race? Why are we not first in line? Why do we not take an exemplary action? Why do we not say to all the other nations, we will stop the sale of major conventional weapons if you do; if there are any further sales by any other countries, then we go on with our sales? It is embarrassing, Mr. President, to have to stand here on the floor of the U.S. Senate and argue so strenuously for such a modest proposal. It is downright embarrassing.

I recognize that the committee has labored over these provisions and produced langauge that all could agree to. I understand their desire to adhere to their final product, but, Mr. President, I am frustrated. This bill does not go far enough. It does not push this body or our country or the world in the direction of once and for all putting a halt to the spread of yet more destablilizing weaponry. It does not go far enough. Where is the leadership?

Within days of proposing this amendment, Mr. President, almost every major religious denomination and national peace organization came forward to support it.

In fact, Mr. President, this amendment is so modest that some would suggest that we should do much more. It asks the United States to take the next logical step in the supplier conference which is scheduled this fall by challenging all of the other nations to follow our example and suspend arms sales. This would demonstrate the United States' determination to control weapons proliferation, and it would provide a pause in arms sales conducive to negotiation where we finally could have some serious, credible, substantive arms control.

Where is the leadership?

Mr. President, let me say in closing that I find it incredible that despite all of the concern expressed around the world about the Middle East arms bazaar, the United States and our allies have returned to business as usual. Let me repeat that. I find it incredible that, despite all the concern expressed all around the world, including citizens in our country, about doing something about this arms bazaar, the United States and our allies have returned to business as usual.

This is not a time for timidity. This is not a time for inaction over action. This is not a time for noncommitment over commitment. When will our actions finally match our words?

I understand that there is opposition on the other side of the aisle, and I assume and certainly hope that there will be a response to my words. I think any time we have opportunity for peace in a war-torn region in the world and we do not seize that opportunity and we do not exercise that leadership, then we may have very well missed a decisive moment where we could do something very, very important.

Apparently, we are not willing to take that action. I came to the U.S. Senate believing this was a body where we would have debate and discussion about the issues of our time that affect our lives and our children's lives, about the world that we live in, about what we need to do to make it a better world and a more peaceful world.

I look forward to the comments of my distinguished colleagues on the other side of the aisle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, my friend from Minnesota, asks where is the leadership? I respectfully ask of my friend from Minnesota, where has he been for the last 2 years? Communism has crumpled; capitalism is sweeping the world. We are on the verge of having a breakthrough in the Middle East. We are very, very close for the first time since the establishment of the State of Israel, very, very close, right on the verge of having Israeli leaders and Arab leaders face to face discussing the age-old problem of Middle East peace.

Where is the leadership? I say to my friend from Minnesota, the leadership of this administration throughout the world, including the Middle East, which is clearly the toughest problem in the world, has been exemplary, extraordinary. Ask the American people: 74 percent approval for George Bush. My goodness, the leadership is here.

Let us call this amendment of the Senator from Minnesota what it is. It is a unilateral embargo, an embargo which will hurt our friends, damage our interests, undermine Secretary Baker and the peace talks, and, in fact, not limit a single weapon from going into the region. It will not limit a single weapon from going into the region.

What is going on around the world, including in the Middle East right now, I say to my friend from Minnesota, is clearly not business as usual. All you have to do is open your eyes, turn on the television and watch the news every day. Clearly, nothing that has been going on in the last 2 years is business as usual. There is dramatic change everywhere in large measure because of the policies of this administration and the previous administration who stood in the face of the Communist threat and literally stared it down to the point where the other side realized that what they were doing was simply not working.

We have witnessed that collapse and the victory of the United States in the battle of ideas.

The Middle East, which is the subject of the amendment of the Senator from Minnesota, is, indeed, the toughest problem. But even there progress has been made. The amendment of the Senator from Minnesota does not level the playing field. It levels the players. That is what it levels. Sure, Syria will not get any weapons, but Israel will not either. That does not make any sense. We have extraordinarily sensitive discussions going on right now, as I said, with the most hopeful indications of peace that we have seen in a decade.

What does the Senator from Minnesota propose that we do? Secretary Baker turns his back and the Senate opens fire. This amendment would be a wonderful idea if we lived in Oz and the land of the Munchkins where the wizard and the good witch Belinda made all our dreams come true. But we do not live in Oz. We live in a world with Saddam Hussein, the PLO, and Hafez Assad. We live in a world where Secretary Baker is walking through a diplomatic minefield, a diplomatic minefield, Mr. President, and we are debating how to undercut his initiative.

This amendment, offered by the Senator from Minnesota, undercuts Secretary Baker, who is working hard to achieve the very goals that this embargo is all about. And just as importantly, it sends a signal that Syria and Israel are equal players when it comes to our support and security commitment.

Let me say, Mr. President, Syria and Israel are not equal, not now, not tomorrow, not ever, when it comes to the policies of the Government of the United States.

This amendment would be a bad idea at any time, but it is a particularly bad idea at this time.

Mr. President, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the amendment proposed by the Senator from Minnesota [Mr. WELLSTONE]. I share with him the concern about proliferation of weapons in the Middle East, but as a cosponsor of legislation that has been introduced by Senator BIDEN, Senator MITCHELL, and myself regarding negotiation among the arms supplier regimes, bringing some control through negotiation to the proliferation of advanced conventional weapons, I think it clearly is a critical and major difference.

We negotiated long and hard in the Foreign Relations Committee, and I think as the bill indicates there is strong support and we share the goals of arms control in the Middle East. But the main and absolutely critical difference between the language in the bill and the amendment that has been offered by Senator WELLSTONE is that in the bill a moratorium on arms sales to the region would be one negotiated and formulated in an international arena. The moratorium proposed by Senator WELLSTONE would be declaratory and unilateral.

I realize in my conferences with Senator WELLSTONE that he has said we will stop selling first, but we can negotiate—we can negotiate sales; we just would not sell unless someone else sold first.

What one of our companies would wish to spend the thousands of dollars it takes to negotiate with uncertain plans for the future and even engage in any sort of effort? It clearly would hurt our own American companies.

I make the argument it would encourage proliferation because, believe me, unless this is negotiated, unless we have some multilateral understanding, other companies will race in from abroad and fill the gap.

I really do seriously believe this would undermine our efforts to bring some sense of stability in the Middle East. I do not agree that we have not provided leadership. It was the U.S. leadership that really initiated and encouraged the suppliers regime conference which recently met in Paris. It was under U.S. leadership. The recent G-7 meeting endorsed the efforts of the suppliers regime conference, not only the one past but the one coming up. I strongly feel that those are the efforts which are going to be successful.

We have had a long history of arms control efforts over the years, both declaratory and negotiated. I do not think there is anyone who has followed this history closely who will disagree with the conclusion that negotiated arms control is far more favorable and far more effective than unilateral declarations of constraint.

It is for those reasons, Mr. President, that I feel this would not be a positive approach to what I think is a shared desire on the part of many of us. It is for that reason, Mr. President, I would have to strongly object to the proposal of the Senator from Minnesota.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, I thank the Senator from Minnesota for his important contribution to this debate on arms sales to the Middle East. His words, too, about the need for leadership have some validity. President Bush has done a good job, but I think there is more room for leadership on the part of all nations in the field of arms control, although I do see mounting progress as the weeks and months go by.

I support the thrust of the proposal of the Senator from Minnesota, but I also recognize that the underlying bill represents a good compromise wrought by the Senate Foreign Relations Committee, particularly the Senator from Kansas, Senator from Delaware, and the Senator from Maryland. So my own intent is to support the language in the bill. But I would want the Senator from Minnesota to know how much I appreciate his contribution, and I would also suggest that this is a matter that might be successfully pursued in the conference.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. First of all, I commend the Senator from Minnesota because I think he has focused on one of the critical issues of our time. There is no question about it, this is an issue of extraordinary importance. To raise the question as to whether we have done enough is an important service.

I want to say to my good friend, the Senator from Minnesota, we wrestled with this very issue in the committee. There were those of us in the committee who felt, as we first started to deal with this issue, that a challenge moratorium of the sort that is outlined in the Senator's amendment, and which in fact is contained in the House-passed bill, in a way provided an opportunity not only to dramatize this issue but to set up a framework for addressing it. This approach in effect said we are not going to sell any arms and we are challenging others not to do so, and we will hold to this position until it is demonstrated that someone else has done it. If that were to happen, our moratorium would end.

Obviously, this course would require an administration which was committed to pursuing it very vigorously with all the tools at its disposal: diplomatic, political, and economic.

Ths administration took the position that they wanted to seek a multilateral agreement at the outset, not to start with a statement of the American position. Frankly, if I had my preference, I would think I would approach it from the same direction as the Senator from Minnesota, but the administration took a very strong position on that. In fact, they expressed such misgivings about this path, that they said the President might resort to a veto.

In the committee we addressed this issue, as the distinguished chairman has just indicated, and tried to come to a bipartisan resolution. Some have very strongly held views, and there are good arguments on both sides. I do not reject the other approach as being without rationality. I happen not to come at it quite that way myself. But that position was very strongly and very eloquently put, I must say, by the very distinguished Senator from Kansas [Mrs. KASSEBAUM].

In the end, of course, what we did is reflected in the bill. In effect, we pushed the President to begin the process of establishing a multilateral moratorium. To the administration's credit, they are working at that. They had one suppliers' meeting in Paris, a few weeks ago, and they came out of that with some agreements.

In my view this is only a first step. They are nowhere near even the middle, let alone the end, of the process but at least they began getting some agreements. I would say frankly, that I think this debate on the proposal of the Senator from Minnesota helps to create additional pressure and momentum to keep that process moving forward. In that regard, I believe his proposal is extremely helpful.

In the end, the committee did not come out with the approach of urging the United States to take an independent position at the outset and then trying to pull others along with it, as opposed to the administration's approach which was to go to others, and try to bring them on board and then move all together. The administration strongly contends that they can move further by doing it that way.

People differ on that judgment, obviously. They also contend, as the Senator from Kentucky has indicated, that this is an extremely sensitive time in terms of dealing with the Middle East situation, particularly in view of the efforts of the Secretary of State to get peace talks going, and that this would complicate his efforts.

Frankly, I think a moratorium of all supplier nations—from the point of view of our interests in the Middle East and the Persian Gulf and the existing level of arms in that area—would be highly desirable. The chief danger is that additional arms will flow in and then trigger off another arms race.

Of course, one of the problems with this is that the suppliers are not limited to the five permanent members of the Security Council, but include other countries as well. We debated China's role, but we should remember that North Korea also is providing significant technology into that region.

I say to the Senator from Minnesota that there is a provision comparable to the one that he has proposed already in the House-passed bill. I think maybe if we could move forward with the provision as it has been reported from the committee, which represents a hard-fought and a delicate compromise, as you have just heard stated so strongly by my friend, the Senator from Kansas, then we could look at it again in conference. That would give us a chance to see what develops over the next period of time. It would provide an opportunity for the Secretary to continue to move forward with his peace initiative, and would therefore respond to his assertion that something like this would complicate the effort. I do not fully see how it would complicate the effort. But that is what they assert in any event, and I have to take that into account.

By the time we get to conference, we will have had an opportunity to see how things are developing. We would have the provision that is in the Senate legislation. We would have the House-passed provision. We would be able to try to work out something that provided additional impetus or momentum to the critical task of bringing this arms race under control.

The Senator is absolutely right in putting his finger on the centrality of this arms race in the Middle East and the Persian Gulf, and the dangers that are associated with it and what the consequences may be. It would be an important item of discussion in the conference, and I would hope we can proceed on that basis.

I understand the Senator has very, very strong views on this, and in fact in many respects I share them. I think it is important that this issue be raised, and that there be an understanding downtown and across the country of the strength of the feeling on this issue by a significant number of Members of this body. Actually, I think all Members of this body have a concern about the issue and a desire not only to bring this arms race under control, but in effect to end it.

The difference comes over how best to accomplish that. Some are more responsive to the administration's position on how best to do it; others disagree with it and are prepared to contend with them about it. Perhaps it might work best if the Senator would reserve the issue for conference. We understand the Senator's strongly held views. Some of us who will be in the conference share many of those views, here and on the House side. And we will see, on the basis of what is now taking place and the need to reconcile two differing versions, how we can resolve this issue.

Mr. WELLSTONE. Mr. President, I would like to thank each of my colleagues for their remarks. I want to come back to the remarks of the Senator from Maryland in just a moment.

Let me just for a moment respond to the distinguished Senator from Kentucky. I think we have talked some on the floor and off the floor. I think we both believe that it is important to have discussion and debate. I appreciate his remarks. For that reason, I want to just try and clarify one or two points, and promise not to go on too long.

First of all, I want the Senator from Kentucky to know that I absolutely agree with him about what is happening in the world we live in that is positive and for the good. I want to assure my distinguished colleague, the Senator from Kentucky, that as a son of a Jewish immigrant from Russia, then to become the Soviet Union, I fully appreciate what it means when for the first time in 70 years we have free elections in that country, what it means when the Berlin Wall comes toppling down, what it means when a Vaclav Havel, once upon a time an imprisoned playwright, is now President of Czechoslovakia.

All of that, I think, is for the good. It is an enormous step forward. But I think my colleague, perhaps, overreaches a bit when he makes any kind of one-to-one correlation between those dramatic changes—all of the sort of powerful forces that have unleased those changes, all of the internal dynamics within those countries—and any particular set of policies, by any particular government in our country, be that administration Democratic or Republican.

But that is quite beside the point. What I spoke about was a proposal to address weapons proliferation that I thought was concrete and substantive. I want to make it real clear that I did not call for a unilateral moratorium. The only thing I called for that was unilateral was leadership. The moratorium would be multilateral.

I remind my distinguished colleague from Kentucky that the Israeli Minister of Defense, Moshe Arens, also called for a multilateral moratorium. I want to remind my distinguished colleague from Kentucky that, unless I am wrong, a proposal to sell up to $14 billion in advanced conventional weapons to Saudi Arabia is expected to be sent to the Congress as early as September.

So what I am just saying is that now is the time to focus on this weapons proliferation. Now is the time to learn the lessons that we need to learn, not just for Democrats or Republicans, not just for Senators or Representatives, but for all the people in the world. And I think we can, and should, do much more. I have gone on the record, and I have said what I believed.

I heard the remarks of the Senator from Kansas who has labored so mightily to move this forward; I respect her. I have heard the remarks of the Senator from Kentucky. We do not always agree, but I know he has worked very hard on this committee. I also listened very carefully to what the Senator from Maryland said.

Perhaps what would be best—and I think it would be best—would be for me to withdraw this amendment. I hope that there will be further discussion of this in the conference committee and among my colleagues. I think now is the time. Maybe it is not the time for my amendment today.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment is withdrawn.

The amendment (No. 824) was withdrawn.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I do not see any particular purpose in prolonging the discussion any further, but I do want to make a couple of observations to my friend from Minnesota.

First of all, I appreciate his withdrawing the amendment. That will allow us to move forward with the legislation. The issue which the Senator from Minnesota has raised was the question: Where is the leadership?

Well, the leadership of this administration, and the previous administration, in the judgment of this Senator, had a good deal to do with the changes that have been occurring around the world in the last 2½ years.

My good friend from Minnesota seems to believe—I gather, from his observations a few moments ago—that all these things just happened out of the blue; that America had somehow nothing to do with the fact that the Berlin Wall came crumbling down; that Communist countries are rejecting communism out of hand, running pell-mell in the direction of capitalism and democracy; that somehow this all just happened by accident.

It did not happen by accident, Mr. President. That is a rather absurd, I think, conclusion to reach. If there is anything America stood for in the post-World War II period, it is democracy and capitalism. We won that war.

So the question is whether we have confidence in the leadership, as the Senator from Minnesota put it. The leadership is now working on the Middle East—the same leadership that helped bring about these dramatic changes all across the world, the same leadership that has now nudged Hafez Assad, and it appears Israel as well, into the face-to-face discussions that Israel has wanted for 40 years; that same leadership is the leadership that convened the meeting in Paris to discuss arms proliferation, which is a subject we all care about. It is a question of whether you trust the leadership.

So, Mr. President, I commend the Senator from Minnesota for raising a very important issue. As my friend from Maryland pointed out, it is not a question of disagreeing on the end goal. It is a question of how you get from here to there.

On the question of, "where is the leadership," I think the leadership is conspicuous, effective, and it has demonstrated that in the last few years. I believe it has a chance to demonstrate it in the Middle East, the place where the problems are the toughest to solve of anywhere in the world.

So I commend the Senator from Minnesota for raising this most important issue. I appreciate his withdrawing the amendment, so that we can move forward toward the conclusion of the bill.

We have worked—staff has—over the evening identifying the amendments that we believe are coming, and we are optimistic that we can finish this legislation sometime today or tonight.

Mr. WELLSTONE. Mr. President, I am not going to continue the debate. I am sure there will be ample time and opportunity to continue this discussion with the distinguished Senator from Kentucky.

I say to the Senator from Maryland—and I think that other people can appreciate this around the country—that as a freshman Senator, it is never easy to come to the floor and to speak for what you believe in, to fight for what you believe in. It really means a lot to have the encouragement from Senators that you hold in such high regard and esteem.

I really appreciate the remarks of the Senator from Maryland. It means a great deal to me personally. Yet, it sort of whets my appetite to continue to do more here in the U.S. Senate. I thank him for the encouragement, and for his eloquence and leadership. I know these remarks are always made on the floor of the Senate, and it becomes kind of stylistic but, darn it, I mean it. Thank you.

Mr. SARBANES. Mr. President, I want to thank my able colleague from Minnesota for those kind remarks. All I can say is, if I have helped to whet his appetite to speak out and to continue the forceful stands which he has taken, that has been a significant contribution here this morning. I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. Presdient, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, for the information of our colleagues, Senator McCONNELL and I would like to indicate where we are on this bill. We know there are a couple of controversial amendments which will come up this afternoon. They will require debate and votes, and people are preparing now for that exchange.

We are here, and it is not even yet the lunch hour, and we would like to try to have Members who have amendments, many of which we think are noncontroversial and can probably be accepted by the managers, to come and offer those amendments. In fact, we want Members to offer any amendments, controversial or not.

But I do suggest that Members who have amendments that are in various stages of discussion, which we think can be worked out and accepted, come and present those now so we could clear the decks of those. And we are also trying to get up one of the controversial amendments now in short order. A couple of the others we know will come this afternoon. If we can do all of that—and there is no reason why we cannot; it is not an unreasonable expectation or hope—we would be in a position, I think, to finish this bill by the end of the day and not require a late evening. I am sure all Members would like to have that state of affairs.

We have a list of people with some amendments. We have been in contact with them. We do encourage them to come and propose them so we can move this bill forward.

Mr. McCONNELL. Mr. President, I say to my friend from Maryland this is not a crime bill situation where we have hundreds of amendments out there. We are really down to relatively few. As the Senator from Maryland indicated, most of those we think can be worked out and accepted. So we are not that far. The light can be seen at the end of the tunnel.

Senator CRAIG, I am told, is on the way to offer an amendment and we encourage others to do that. It seems entirely reasonable we could finish this bill sometime today, particularly if we will combat our nocturnal tendencies and try to work during the day rather than in the evening, something I think everyone will applaud later.

Last evening right after everyone finished eating there was a swarm of Senators on the floor ready to do business, yet in the middle of the afternoon we had about a 2-hour dead time. So please come on down. It will avoid that problem tonight, which is something I think all of us will appreciate.

Mr. SARBANES. Mr. President, if there are amendments that the managers can accept, we will accept and dispose of them. And if we cannot, we will have a reasonable debate on them, go to a vote, and keep moving forward on this matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 825

(Purpose: To express the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 825.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—

(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandates that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War, thereby saving 13,000 miles and three weeks' steaming effort around Cape Horn;

(8) the Republic of Panama has dissolved its defense forces and has no standing army, or other defense forces, capable of defending the Panama Canal from aggressors and, therefore, remains vulnerable to attack from both inside and outside of Panama and this may impair or interrupt the operation and accessibility of the Panama Canal;

(9) the presence of the United States Armed Forces offers the best defense against sabotage or other threat to the Panama Canal; and

(10) the 10,000 United States military personnel now based in the Canal Zone, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) POLICY.—It is the sense of the Congress that the President should—

(1) negotiate a new base rights agreement with the Government of Panama—

(A) to allow the permanent stationing of United States military forces in Panama beyond December 31, 1999, and

(2) consult with the Congress throughout the negotiations described in paragraph (1).

Mr. CRAIG. Mr. President, I am offering an amendment which will preserve the United States interest in the Panama Canal and promote security in the region.

My amendment expresses the sense of the Senate that the President should seek to negotiate a new base rights agreement with Panama to allow United States troops to remain in Panama beyond December 31, 1999. It also states that the troops should retain the ability to act independently to protect U.S. interests and the operation of the canal.

There has been a great deal of controversy over the Panama Canal Treaties. As is well known, they gradually relinquish United States control of the Panama Canal and require the withdrawal of all United States military personnel by the end of 1999.

I met earlier this week with five members of the Panamanian Legislature, and received strong support for my resolution. My colleagues from Panama expressed their concerns regarding the withdrawal of United States troops, and the impact that would have on their economy and security. I would like to take a moment to read a followup letter that I received from these legislators:

DEAR SENATOR CRAIG: We were pleased to meet with you yesterday and to review Senate Concurrent Resolution #24 regarding a future relationship between our two countries over military bases in Panama.

As responsible Panamanians, we would welcome the opportunity to discuss such a future relationship.

We recognize the U.S. has a legitimate security interest in the Panama Canal. We further recognize that the existing U.S. military presence in Panama represents some 6,000 well-paid jobs, whose discontinuance would further complicate an already weakened economy and would seriously jeopardize our country's political stability. Unemployment is currently Panama's major national-security problem. At 23%, with a further 20,000 young people coming onto the job market every year, you can surely understand our concern over any further deterioration on an already bad situation.

This situation is part of the aftermath of a 20-year period of military dictatorships. Reversing patterns forged over a full generational span is a trend that cannot be overcome in a very short time. (At a very least, this is not a realistic expectation.)

With the advent of the Endara Government, Panama is now taking stock of its long-term perspectives and is attemping to lay the foundations for the sustained long-term development of a Western-style democracy. Basic economic issues, such as employment, are crucial to the success of our efforts in this regard.

And the letter continues, Mr. President.

Mr. President, I think it is clear that Members of the Senate can see the flavor. Let me conclude, at least reading from the letter:

We recognize we are at a crossroads in U.S.-Panama relations. We appreciate your personal efforts to suggest the right road to take.

Mr. President, I ask unanimous consent the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASAMBLEA LEGISLATIVA,
July 23, 1991.

Senator LARRY CRAIG,
Washington, DC.

DEAR SENATOR CRAIG: We were pleased to meet with you yesterday and to review Senate Concurrent Resolution No. 24 regarding a future relationship between our two countries over military bases in Panama.

As responsible Panamanians, we would welcome the opportunity to discuss such a future relationship.

We recognize the U.S. has a legitimate security interest in the Panama Canal. We further recognize that the existing U.S. military presence in Panama represents some 6,000 well-paid jobs, whose discontinuance would further complicate an already weakened economy and would seriously jeopardize our country's political stability. Unemployment is currently Panama's major national-security problem. At 23 percent, with a further 20,000 young people coming onto the job market every year, you can surely understand our concern over any further deterioration on an already bad situation.

This situation is part of the aftermath of a 20-year period of military dictatorships. Reversing patterns forged over a full generational span is a trend that cannot be overcome in a very short time. (At the very least, that is not a realistic expectation.)

With the advent of the Endara Government, Panama is now taking stock of its long-term perspectives and is attempting to lay the foundations for the sustained long-term development of a Western-style democracy. Basic economic issues, such as employment, are crucial to the success of our efforts in this regard.

Panama and the U.S. share a common interest in workable democracy astride the interoceanic waterway.

We strongly support your recommendation for both countries to meet to discuss these issues within a reasonable time frame, long before the target date set by the Panama Canal Treaties for the year 2000.

We would both welcome and support such a dialogue should it materialize. We further believe the vast majority of the Panamanian people already take a realistic look at the fundamentals involved and would support such a dialogue in a mature and responsible manner, within the sustained democratic framework required for credible, long-term implications and results. Successive "La Prensa" public opinion polls suggest our belief is indeed anchored in current fact. They also show that a large and growing segment of Panamanian public opinion would support such a dialogue.

We recognize we are at a crossroads in U.S.-Panama relations. We appreciate your personal efforts to suggest the right road to take.

Yours,

LEO GONZALEZ,
Legislator.
ALONSO FERNANDEZ GUARDIA,
Legislator.

Mr. CRAIG. Mr. President, serious concerns have been raised about the propriety of ratification of the treaties. While we may have varying degrees of concern, I think we can agree that the base rights problem must be addressed. The political atmosphere has changed since these treaties were negotiated, both here and in Panama.

With the support of a continued United States presence being expressed by key Panamanian legislators, as well as by the people of Panama, it is time for the United States to respond. As we draw nearer to December 31, 1999, we come closer to putting United States interests and regional security at risk, and Panamanians have a growing concern regarding unemployment and economic impact.

It would be difficult to overstate the strategic and economic importance of the Panama Canal Zone to the United States. Panama is an important center for international maritime commerce. Any blockage of the canal would greatly disrupt U.S. exports and increase costs for transporting goods. Currently, 15 percent of all U.S. imports and exports pass through the canal annually each year.

The fact that the waterway is a strategic choke point in times of crisis is clearly illustrated by the fact that the number of warships transiting the canal more than doubled after the beginning of the Persian Gulf crisis. Without the canal, ships would have had to make a 13,000-mile trip around Cape Horn, taking about 3 weeks. Even in the best of situations, loss of the use of the canal would create a security risk for this country.

The Panama Canal is of vital importance to the United States. Its security cannot be jeopardized. While there is no question that President Guillermo Endara has proven his determination to restore democracy to Panama, our cooperation in working with him is fundamental.

Beyond the current economic and strategic needs we have, as it relates to the canal itself, we recognize our commitment to a democratically controlled Government of Panama, our abilities, and the importance of working with them. We cannot ignore the fact that Panama has a history of unstable governments.

Beyond the current economic and strategic needs, we have a new relationship with Panama. I commend the Democratically elected Endara government for diligently working to improve its economy and to stabilize its democratic institutions. They have made a strong commitment to democracy, and face a difficult road in turning back many years of policy formed under dictatorships.

To ensure stability, it is expected that Panama will require an annual growth rate of 6 to 8 percent. This will ensure acceptable levels of employment and income.

Forecasted economic growth in fiscal 1991 is between 3 and 4 percent. Direct loss of the jobs of those working on the bases when the U.S. forces are removed is expected to be more than 6,000. The secondary effect will impact 11,000 to 15,000 people, plus their dependents, according to my Panamanian colleagues.

In a country the size of Panama, this could have a devastating effect. They also estimate a loss of $400 million a year—an amount equalling nearly 20 percent of the Panamanian Government's budget.

Now is a time when our two Governments should come to the negotiating table to work out a mutually beneficial agreement that will solidify the future of United States-Panamanian relations.

Panama has dissolved its defense forces and has no standing army or other forces capable of defending the Panama Canal from aggressors. National Police Director Egrahim Asvat has publicly expressed concern that 9 years is too short a period for Panama to accept full responsibility for the canal's protection. The sufficiency of current allocations, $2.7 million to prepare the Canal area police for its new responsibilities has been questioned.

As recently as December 1990, we saw a coup attempt in which 100 renegade policemen, led by the former police chief, Col. Eduardo Herrera, seized control of police headquarters in Panama City. At the request of the Panamanian Government, the rebellion was stifled by the assistance of United States troops. Had the uprising not been subdued, it is possible that Panama would now be controlled by another Noriega-style dictator.

Unless we act in time, the canal will be turned over to Panama with no real safeguards against a third party, hostile to the United States, taking control of the area or restricting its use by United States ships. National security and economic interests demand that we give careful consideration to any policy alternatives that will prevent such a mistake from happening. Concerns for the future of the Panama Canal, and the economy of our southern neighbor, also require our expression of support for their efforts.

Again, let me remind my colleagues that support for a United States presence among Panamanians has been climbing, according to polls listed in La Prensa. Support for my bill has also been expressed by several members of the Panamanian Legislature, including Alonso Fernandez Guardia, President of the Panamanian Senate. For these reasons, I ask my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCONNELL. Mr. President, I commend the Senator from Idaho for his amendment. I think it is an excellent amendment. I am happy to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 825) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 826

(Purpose: To recognize trends in population growth)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 826.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 103, add the following new subsection (C)

(C) TRENDS IN POPULATION GROWTH.—Current trends in human population growth have no historical precedent. Global population, currently at 5.3 billion, is projected to grow by 90–100 million people every year in this decade.

Mr. SIMON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

AMENDMENT NO. 827 TO NO. 826

(Purpose: To authorize funding for United Nations Populations Fund)

Mr. SIMON. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 827 to amendment No. 826.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted by the pending amendment insert the following:

At the end of section 103, add the following new subsection (C)

(C) FUNDING FOR UNITED NATIONS POPULATION FUND.—Up to $20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics notwithstanding any other provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain to funds made available pursuant to this subsection in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted bu such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides moe than $57 million for family planning program in the People's Republic of China.

Mr. SIMON. Mr. President, this amendment authorizes $20 million to be used for the U.N. Population Fund. I would like to make clear to my colleagues and the staff who may be following this on the television tube—because there has been concern that the reason we withheld funding from the U.N. Population Fund was because of the forced abortions in China, a policy that no one that I know of in this Chamber approves of—that what this amendment says is that $20 million is authorized for the U.N. Population Fund for China, but it is offered with the stipulation that if even $1 more of U.N. population funds go to China, then the entire amount has to be returned to the United States. So we make out very, very clearly, none of this funding can in any way be used to assist the program in China. I think that takes care of what has been the major objection to this. In fact, the U.N. Population Fund for population assistance has only six employees in China, and the program consists of education, distribution of contraceptives, maternal and child health care programs, and that sort of thing. The U.N. Population Fund is not involved in any way in any country in abortion activities. I want to make that very, very clear. If the United States withholds our funding, we simply aggravate a problem that is a very, very severe problem.

From the beginning of time, Mr. President, until the year 1830, the world accumulated 1 billion people. From 1830 to 1930, it moved to 2 billion. We have seen the world population move in the area of 5 to 6 billion people at this point. If I live out a normal life span—I was born in 1928—I will see the world population quadruple.

The population growth is primarily in areas of great poverty. That is where the United Nations is particularly helpful. The United Nations, for example, is working in Africa; in 43 countries. AID is working in a few countries, but the U.N. Population Fund is working in 43 countries. Obviously, in Africa where the population growth is a major, major problem, they can be of assistance in areas where we cannot be of assistance.

There are a whole series of arguments that can be mentioned. I will simply point out that the U.N. Population Fund is used only for contraceptive commodities and related logistics. The U.N. Population Fund uses none of its funds for abortion. None of these funds can be used for abortion purposes.

I mentioned Africa. Africa contains 29 of the world's poorest countries; 62 percent of its population lives in absolute poverty. Continentwide, Africa has a 3 percent population growth rate and only a 1-percent growth rate in food production. Obviously, they are facing major, major problems. A woman in Africa is 200 times as likely as a European woman to die as a result of giving birth. Trees are cut down and used 30 times faster than they are replaced.

I remember visiting in Mauritania where, at the time I was visiting, they were growing 10 percent of their own food.

Clearly, the population problems have to be addressed.

Let me point out that the head of the AID has been quoted as saying the U.N. Population Fund does not provide direct support for abortion or coercive action. They have made that very, very clear.

Mr. President, I think the need is so clear and so obvious that I hope the amendment can be adopted. Let me add and say to the managers of the bill, I will be happy to agree to a time limitation so we can move on the amendment soon. My hope is that because of the stipulation that we have that if the U.N. Population Fund increases the funds for China by even $1, the full amount has to be returned to the United States, that would satisfy any objection that might be there.

Mr. President, if there are no questions, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I send a modification of my amendment to the desk, a technical change that I was told by the staff is required.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 827), as modified, is as follows:

At the end of the amendment, add the following new subsection (D):

(D) FUNDING FOR UNITED NATIONS POPULATION FUND.—Up to $20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain the funds made available pursuant to this subsection in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than $57 million for family planning programs in the People's Republic of China.

Mr. SIMON. Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, thank you.

Mr. President, I rise in support of the Simon amendment on UNFPA. I think my colleagues are aware that the Simon amendment is parallel to the language that has been included in the House Foreign Operations appropriations bill so that this is something that is well on its way to legislative accomplishment.

There are those who say why should the United States of America be in a U.N. agency on family planning? Do we not find some of our own operations?

Well, the answer is, yes, we do find some of our own activity. But this money will go for family planning that is in a way the most efficient use of scarce foreign aid dollars. The U.N. Family Planning Agency is headed by an extraordinary woman. She is so extraordinary that the Johns Hopkins School of Public Health has chosen to give her an honorary doctorate because of her distinguished ability in this area. She is recognized as a leading world authority on public health and on how to implement family planning policies around the world, recognizing cultural, ethnic, and religious differences.

The United Nations has the infrastructure, the expertise, and the personnel to do it. It specializes in it. Our own U.S. program is spread thin. UNFPA is worldwide. It is in 143 countries. The United States has bilateral programs and in only 48. AID is not in the Congo, it is not in Angola, it is not in Malawi and the United Nations really has the ability to go into these organizations.

There are those who express concern about this is just another way for us to be involved in global abortion counseling. They do not want us to be involved in global abortion counseling. I understand that. I support that. That is the very nature of the Simon amendment.

This amendment is limited to providing only family planning commodities or family planning technological methodology. It does not in any way pay for abortion counseling or abortions. In fact, it absolutely prohibits us to be involved in that.

What does it pay for? Well, it pays for only pills, the storage and transportation of commodities, condoms, and that technology normally associated with family planning.

No United States funds can go to China. No funds may be used for abortion as family planning, and the United States has to maintain funds that need to be in a separate account. Also, if the United Nations increases any funds that it gives to China which is controversial, this then would negate that.

I want to be very clear that this amendment does not fund counseling or the training of counselors. It does not go for administrative support. It does not pay for clinics where women may get shots of Depo-Provera, where that could be culturally offensive.

Mr. President, I think the U.N. Family Planning Agency is doing an extraordinary job worldwide. It is helping us. It is helping the world to come to grips with probably one of the most significant issues, which is population explosion. And it has done it in a way that has been frugal and effective.

I think the United States of America ought to participate in that so we help 143 nations instead of only 48 come to grips with this. I say this as the only Democratic woman in the U.S. Senate. I truly believe that, if the women of the world could learn to read and know how to practice family planning, we could raise the standard of living and the status of women worldwide.

The U.N. Family Planning Agency really helps achieve one of those objectives. I hope that the U.S. Senate no longer intends to be a parliamentary linebacker, stopping us from participating with the United Nations in this most important global objective.

Mr. President, I think that summarizes my thinking on the subject.

I am happy to yield back the floor.

Mr. SIMON. Mr. President, will the Senator from Maryland yield?

Ms. MIKULSKI. I am happy to yield to the Senator from Illinois.

Mr. SIMON. First of all, I want to thank her for her comments and her willingness to lead on this head-on. There are 98 nations now contributing to the U.N. Population Fund. The United States used to be the main one. The whole question of abortion gets to be a complicated one in this area, but the fact is the U.S. population fund assistance has reduced the number of abortions around the world by providing family planning information.

Does it strike the Senator from Maryland to be somewhat inconsistent for the United States to be the wealthiest nation in the world and not to be one of the 98 nations that are helping these desperately poor people to get family planning information?

Ms. MIKULSKI. Absolutely. I think that we need to be a leader on this topic and enable those countries to really be able in a modern, contemporary, scientific way that recognizes tremendous cultural, ethnic, and religious diversity worldwide to come to grips with it. We need to get the information out, not only to world leaders, but we have to get it down to the village level. I think the United States should play an important role in that.

I think the women of the world would be grateful to the United States of America for something that enables them to make their own choices in how they want to plan their own futures.

Mr. SIMON. I thank the Senator from Maryland.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

SUPPORT OF UNFPA AMENDMENT

Mr. WIRTH. Mr. President, I rise to support the amendment of the Senator from Illinois [Mr. SIMON] to restore the U.S. contribution to the U.N. Population Fund.

This is a non-issue, Mr. President, and the fact that we are debating it once again is absurd. This is the world's finest international family planning organization. Because it has a minor program in China, the administration has for a number of years cut off funding to UNFPA. They do not punish China; they punish UNFPA.

This misdirected complaint about the Chinese Government's reported policy has destroyed what once was our proud history as the world's leader in international family planning programs.

Undoubtedly, we are going to hear a great deal during this debate about forced abortions and involuntary sterilization. I know we will hear about the family planning programs of China. These are smokescreens, Mr. President. On any number of occasions, the U.N. Population Fund has made it clear that it would not contribute United States funds to its meager activities in China. In fact, for the next 5 years, UNFPA's program in China has been fully funded, so that is a moot point. Not a penny of United States funds provided for UNFPA will go toward the China program, not one cent. It has been stated over and over, ad nauseum.

As I pointed out 2 days ago, when we considered the MFN legislation, we are holding the UNFPA hostage over a perceived problem with the Chinese Government's population policy. That is why the Senator from Maryland and I offered an amendment to the MFN bill that would condition MFN status on presidential certification that the Chinese Government does not promote coercive abortion. That is what the opponents of this amendment are worried about. And if that is so, the opponents of this amendment should be directing their ire at the Government of China. If you think there is coercive abortion in China take it out on China.

UNFPA is the premier international family planning effort. It conducts programs in about 140 nations, concentrating on the 90 countries whose population will double in the next 30 years. This organization provides one-third of all international funding for family planning programs. Unfortunately, the rising demand for the family planning services offered by UNFPA exceed its resources.

Regrettably, Mr. President, the United States, which pushed for the founding of the U.N. Population Fund, has not provided funding to UNFPA for 6 years. We have withheld our population because a handful of people think that this organization participates in the management of the Chinese family planning program, which may or may not be coercive. I do not know whether they do or not, but that is irrelevant to the question of whether we should fund the U.N. population effort.

A quick look at the numbers shows just how preposterous an assertion it is to say that UNFPA helps manage the Chinese program.

Out of $1 billion spent on family planning in China, the United Nations provides only 1 percent, or $11 million, in funding. The Chinese Government spends some $990 million; UNFPA spends $10 million. It is absurd to believe that UNFPA is running the program in China.

We can also look at the staffing in China. There are more than 200,000 individuals participating in family planning in China, but UNFPA has only four staff members in all of China. How can this organization, which represents only a small fraction of the overall effort in China, be helping to manage the program.

Furthermore, UNFPA has not, does not, and will not provide abortions or abortion services in China or any other nation. The organization's official policy is "not to provide assistance for abortions, abortion services, or abortion-related equipment and supplies as a method of family planning."

Despite a crystal clear policy against funding abortions or abortion services, we are not making a contribution to the Fund. In response to United States concerns, UNFPA has made repeated pledges that it would prevent any United States funds from being used in China. UNFPA has agreed to segregate and account for all U.S. funds. Indeed, UNFPA's programs in China are funded through 1994 so any United States contribution is guaranteed to be used outside that country. And yet the administration persists in withholding funds to this outstanding organization.

The most ironic aspect of this debate is that the programs offered by UNFPA are exactly the type of family planning programs that help reduce the need for abortion. As a major provider of maternal and child health and voluntary family planning services and information, UNFPA is a leader in reducing the number of abortions around the world. It is ironic that those who want to prevent abortion are blocking the very efforts needed to achieve that goal. Properly structured aggressive family planning programs prevent unwanted pregnancies. Simply put, family planning works; we all know that.

Therefore, we need to restore our contribution to the U.N. Population Fund and help the poorest of the poor around the world prevent unwanted pregancies. We need to ask the administration to make some choices. If the administration objects to China's population programs, they should work with China, deny MFN benefits, or use other channels to express that objection. What we should not be doing is punishing a third party that has only four people in the country and provides about 1 percent of the funds for the program.

I hope that this amendment will help move us in that direction and I urge all of my colleagues to support it.

Mr. President, I ask unanimous consent that four documents entitled "Facts About the United Nations Population Fund," "Abortion and Foreign Aid," "Amendment Links MFN Status To Family Planning Fund," and "A President Beholden" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.N. Population Fund, April 1991]

FACTS ABOUT THE UNITED NATIONS POPULATION FUND (UNFPA)

What is the United Nations Population Fund?

UNFPA is the largest multilateral provider of population and family planning assistance to the developing countries. The Fund was established in 1969 with strong encouragement from the United States. UNFPA is totally funded by voluntary contributions.

What is the scope of UNFPA operations?

In 1990, UNFPA provided support to 138 countries: 43 in Sub-Saharan Africa, 37 in Latin America and the Caribbean, 34 in Asia and the Pacific, 16 in the Arab States of North Africa and the Middle East, and eight in Europe, including six in Eastern Europe. Approximately one-third of all population aid to developing countries goes through UNFPA. Since 1969, the Fund has provided a total of $2.2 billion in population assistance to virtually all developing countries. the largest share goes to the most populous region, Asia, although Africa is receiving a growing proportion of UNFPA allocations. UNFPA assistance to all regions has continued to increase. The demand for population and family planning assistance from developing countries is increasing rapidly and far exceeds the availability of UNFPA funds.

What is the UNFPA policy on abortion?

UNFPA does not provide support, nor has it ever provided support, for abortions or abortion-related activities anywhere in the world. This is in line with the recommendation of the 1984 International Population Conference in Mexico, which was affirmed by the UNFPA Governing Council in 1985. The Council's decision states that it is "the policy of the Fund . . . not to provide assistance for abortions, abortion services, or abortion-related equipment and supplies as a method of family planning". Neither does the Fund promote or provide support for involuntary sterilization or any coercive practices.

Do UNFPA-supported projects have any impact on abortion rates?

As the provision of maternal and child health and voluntary family planning services and information is unquestionably the most effective means of preventing abortions, and as the greater part of UNFPA's assistance goes for projects in these areas, UNFPA should in fact be recognized as a significant factor in reducing the number of abortions in developing countries around the world.

What is the UNFPA stand on human rights?

All UNFPA funds are utilized in line with the human rights language that is included in all UNFPA country program documents. This language requires that all UNFPA-funded projects must be undertaken "in accordance with the principles and objectives of the World Population Plan of Action; that is, that population policies should be consistent with internationally and nationally recognized human rights of individual freedom, justice, and the survival of national, regional and minority groups; that respect for human life is basic to all human societies; and that all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so".

Who contributes to UNFPA?

The Fund's major donors are: Japan, the Federal Republic of Germany, the Netherlands, Norway, Sweden, Finland, Denmark, Canada, the United Kingdom, Switzerland, and Italy. In 1990 there were 106 donors, most of them developing countries who wish to demonstrate their confidence in and support to the Fund. Contributions to UNFPA are voluntary, and are not part of the regular United Nations Budget. UNFPA's income (provisional) in 1990 totalled $212.4 million, an increase of 13.9 per cent compared to 1989. From UNFPA's inception until 1985, the largest donor was the United States Government. However, the U.S. has not contributed to the Fund since 1985.

What are UNFPA's specific areas of assistance?

Nearly half of UNFPA assistance goes towards maternal and child health care and family planning. Another 18 per cent goes for related information, education and communication. The Fund also provides support for population data collection and analysis, research on demographic and socio-economic relationships, policy formulation and evaluation, the status of women, and population and environment.

On what basis does UNFPA provide population and family planning assistance?

UNFPA uses a set of criteria to determine which developing countries are most in need of population assistance. The criteria are based on: national income, family size, population growth, infant mortality, rural population density, and literacy among women. There are 56 priority countries, and 31 of them are in Africa. More than 70 per cent of UNFPA assistance has gone to priority countries in recent years. The target is to reach 80 per cent by 1993.

Does UNFPA provide assistance to non-governmental organizations?

Over 10 per cent of UNFPA assistance goes to non-governmental organizations. UNFPA was among the first of the UN agencies to support national and international NGOs and to recognize the advantages of the NGOs special expertise, innovative approaches and grass-roots experience.

Does UNFPA monitor the projects it funds?

A strict accounting system, periodic audits, and monitoring and evaluation reports ensure that UNFPA funds are used only for the activities stated in project documents. UNFPA is held accountable to its Governing Council for every penny it receives in contributions, and for every penny it distributes in assistance.

To whom does UNFPA report? Who gives it directions?

UNFPA is a subsidiary organ of the United Nations General Assembly. UNFPA also reports to the Governing Council of the United Nations Development Program which is its immediate governing body, and receives over-all policy guidance from the United Nations Economic and Social Council. The United States is a member of the General Assembly, the Governing Council of UNDP, and the Economic and Social Council.

What is the UNFPA mandate?

UNFPA's mandate, established in 1973 by the Economic and Social Council of the United Nations, is to: (1) build the capacity to respond to needs in population and family planning; (2) promote awareness of population problems in both industrialized and developing countries and possible strategies to deal with these problems; (3) assist developing countries at their request, in dealing with their population problems in the forms and means best suited to the individual country's needs; (4) assume a leading role in the United Nations system in promoting population programs, and to co-ordinate projects supported by the Fund.

FACTS ON UNFPA AND CHINA

Does UNFPA participate in the management of the Chinese Government's population program?

UNFPA does not participate in the management of the China program. Assistance from UNFPA amounts to less than 1.1 percent of the total cost of the China national program (estimated at about $1 billion), and UNFPA has control only over UNFPA funds which are used for specific and stipulated purposes. As decided by the UNFPA Governing Council, UNFPA assistance for the period 1990–1994 can be used only for the following: (1) to provide better quality and more reliable contraceptives; (2) to extend maternal and child health care and family planning services to the 300 poorest counties where infant mortality rates are highest; (3) to develop special income-generating and community development projects to improve the lives and status of women; (4) to strengthen information, education and communications activities, particularly at the grass-roots level and among young people; (5) to improve contraceptive and demographic research; and (6) to improve the status of certain groups in the society, such as the young and aged, women, and ethnic minorities.

How are UNFPA-funded projects in China administered?

Nearly all UNFPA assistance to China is administered ("executed", in UNFPA terminology) by other United Nations organizations and by international non-governmental organizations, which also provide technical assistance in their specific fields of expertise. Of the approximately $16 million that has to date been allocated to projects in China for the period 1990–1994, ninety-nine percent goes to the executing agencies, and one percent to the Government of China. Among the executing agencies are the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Department of Technical Co-operation and Development (DTCD), and international non-governmental organizations.

What are some effects of the UNFPA assistance to China?

UNFPA-assisted projects have helped to prevent large numbers of unwanted pregnancies in China by making available safe and more effective contraceptives to replace less effective ones which had high failure rates. Three million improved IUDs are produced annually with UNFPA funding. The use of these three million IUDs would result in 324,000 fewer unwanted pregnancies. Fewer unwanted pregnancies result in fewer abortions. Another effect of UNFPA assistance has been the reduction of infant and maternal mortality rates. In UNFPA-assisted pilot areas, infant mortality rates have been reduced to between 12 and 20 infant deaths per thousand births, as against the national average of 32 infant deaths per 1,000 births for the period 1980–1985.

Does UNFPA support coercive activities in China?

UNFPA does not provide support for coercive activities in China or anywhere in the world. UNFPA funds are used only for specific purposes described in detail in comprehensive project documents, which are prepared according to UNFPA guidelines, which provide lists of the activities that can be funded by UNFPA.

Does UNFPA provide assistance for abortions in China?

UNFPA does not provide support for abortions or abortion-related activities in China or anywhere in the world.

[From the Washington Post, June 16, 1991]

ABORTION AND FOREIGN AID

In a pair of back-to-back votes this week, the House defeated two administration initiatives designed to restrict U.S. funding of population programs abroad. The actions are a reminder that there is strong opposition in Congress to cutting back on family planning efforts because of the connection with abortion. That has become more apparent since the Supreme Court's recent decision upholding restrictions on the use of federal money here at home. These House votes on the foreign aid authorization bill demonstrate that there is little support for hamstringing U.S. programs abroad, either.

This country was once the leading supporter of the United Nations Population Fund, providing 20 percent of that organization's budget. When he was the American representative at the U.N., and later, ambassador to China, President Bush was effusive in his praise of this international work. But in 1986 this country cut off all funds to the agency to protest U.N. assistance to population programs in China. While it is charged that the Chinese promote forced abortions and sterilizations and even encourage infanticide, the small U.N. program—one percent of its total grants—was only used for computers, demographic research and training programs.

The United States reprogrammed the money it used to contribute to the U.N. agency and spends it on other family planning programs abroad. But the bilateral assistance does not reach about 30 of the poorest countries—most of them in Africa—which used to be served by the international agency. The effect of the policy decision therefore was to diminish the funds available for these countries without hurting China in any way. The House has now voted, by the surprisingly wide margin of 234 to 188, to resume participation in the international program providing that no American funds go to China or are used so as to enable total assistance to China to be raised.

Then, on a vote of 222 to 200, the House also reversed the so-called Mexico City policy, which barred any nongovernment agency that provided any form of abortion service from participating in U.S.-funded family planning programs abroad. Thus, for example, charities operating in countries where abortion is legal could not receive U.S. assistance for a birth control clinic if information about abortion was also provided. The rule applied, as it does here, even if no U.S. money was used for any abortion-related service.

These victories on an authorization bill are encouraging and may be matched in the Senate, but there are still hurdles ahead. President Bush has threatened to veto any bill that lifts these restrictions. Perhaps he can be persuaded to review the worth of these programs he found so admirable 20 years ago. If not, the Supreme Court's action in validating similar restrictions at home should strengthen the resolve of the congressional majority to work its will.

[From Congressional Quarterly, June 15, 1991]

AMENDMENT LINKS MFN STATUS TO FAMILY PLANNING FUND

(By Carroll J. Doherty)

Anti-abortion House Republicans are facing a unique dilemma because Rep. David R. Obey has found a way to link the seemingly disparate issues of trade with China and funding for an international family planning agency.

If they back the president's request to grant preferential trade status to China, they also run the risk of aiding the United Nations Population Fund. For years, most Republicans have strongly opposed any U.S. funding for the U.N. agency, on the grounds that it supports China's policy of forced abortions.

Obey joined the subjects in an amendment to the fiscal 1992 foreign aid appropriations bill (HR 2621—H Rept 102-108). The $15.3 billion spending measure was approved by the House Appropriations Committee by voice vote on June 12.

The Wisconsin Democrat, who chairs the Appropriations Subcommittee on Foreign Operations, sardonically called his amendment the "Hypocrisy Reduction Act of 1991." It makes this connection: $20 million would be provided for the U.N. family planning fund but only if Congress extends most-favored-nation (MFN) trade status to China. If MFN is denied, then no assistance would be provided for the fund.

The administration has been conducting an intensive lobbying campaign seeking congressional approval of MFN for China. At the same time, Bush has reiterated the Reagan administration policy of pledging to veto any bill that includes aid for the U.N. agency—because it operates in China.

Obey's subcommittee had approved $20 million for the U.N. agency on May 29. At the full Appropriations Committee markup, Republican Vin Weber of Minnesota offered an amendment to strike the funding.

Instead, the committee supported Obey's substitute amendment, 30-19. He plans to offer a similar amendment to MFN legislation, conditioning preferred trade status on a certification by Bush that China does not have a policy of forced abortion. "If we're going to isolate China," Obey said, "we ought to isolate them across the board."

Weber conceded that linking the two issues could create problems for the administration as it tries to drum up Republican support for MFN status. "It cross-pressures a lot of Republicans," said Weber. "It would be hard for me not to support [Obey's amendment] on the floor."

Christopher H. Smith, R-N.J., perhaps the leading anti-abortion member of the House, agreed. Smith said that while he hesitated to bring the family planning dispute into the trade debate, Obey's amendment "will shed further light on the outrages of the Chinese [abortion] program."

Obey said he devised his strategy because the administration was inconsistent on China and reluctant to work toward passage of a foreign aid bill.

Describing the president as "at war with himself on this issue," Obey said, "The right-to-lifers are not being inconsistent, George Bush is."

Obey subsequently attempted to demonstrate his own consistency on China by supporting Smith's amendment to the fiscal 1992 foreign aid authorization bill (HR 2508), which would have stripped U.N. funding from that legislation. The amendment was rejected.

FLOOR FIGHT

Rep. Matthew F. McHugh, D-N.Y., predicted that the issue would again trigger contentious debate when the foreign aid spending bill is considered by the full House, probably during the week of June 17.

Aside from disputes over family planning, which have also bogged down the foreign aid authorization measures moving through both chambers, the appropriations process has been largely free of controversy.

Rep. Mickey Edwards, Okla., the ranking minority member of Obey's subcommittee, called the House appropriations measure "a good bill for where we are in the process."

The full committee endorsed, without debate, the bulk of the subcommittee's recommendations, including a $504 million reduction in the administration's military assistance request for fiscal 1992. The subcommittee used that money to increase development and population aid and to provide $1 billion for the Development Fund for Africa, $200 million over the administration's request.

Under Secretary of State Lawrence S. Eagleburger sent a letter to committee members warning that "we particularly oppose" the reduction in the administration's request for $625 million in military aid for Turkey.

But the full committee followed the lead of the subcommittee, maintaining military aid for Turkey at its current level of $500 million. In so doing, the panel followed congressional custom of approving $7 in military aid for Greece for every $10 provided for Turkey.

Some members expressed concerns over report language, approved by the panel, urging the president to detail the aid the West would provide in return for "meaningful concrete actions" by the Soviet Union in implementing political and economic reforms.

Rep. Steny H. Hoyer, D-Md., said he worried about the impact the proposal might have on the democracy-minded Baltic states. But Edwards insisted that the subcommittee did little more than recommend that the president consider providing aid "when the Soviet Union becomes one of us"—a Western-style democracy.

A PRESIDENT BEHOLDEN

(By Tom Wicker)

By vetoing the foreign aid appropriations bill, President Bush has made clear his blind fealty to the right-wing zealots who he fears will turn against him if he retreats an inch—even an imaginary inch—from his cruel stand against abortion.

His veto also makes it clear that he has closed his eyes and his mind to the political trend running against the anti-abortion position—a trend underlined once again by three changed votes in the Senate.

In vetoing, moreover, one item in a bill containing many, he has sabotaged many of his own political interests. Included in the appropriations bill, and going down with the veto, were aid for Israel and Egypt, the emergency assistance for Poland just promised to Lech Walesa, and support for the hard-pressed Government of El Salvador, to which the Bush Administration has committed itself. Only special legislation, if it can be had from an angered Congress, can restore these items.

So it's fair to ask: Is there no limit to what George Bush will do to placate the zealots peering over his shoulder?

Ironically, the bill he vetoed with such disastrous consequences did not contain even one dollar for abortion, in any country or under any circumstances. What produced Mr. Bush's veto was only $15 million for the U.N. Population Fund, which devotes itself to badly needed family planning—not including abortion—to help stem the worldwide population explosion.

Once, the United States was properly a leader in pointing to the dangers of rising world population, which threatens to overwhelm economic growth and an already endangered environment. But under Ronald Reagan, as obsequious as Mr. Bush in the service of abortion extremists, U.S. aid to the U.N. fund was cut off, as well as any aid that might go to abortion services anywhere.

That left Washington in an untenable position. It could not maintain the strong position, much less the lead, against mushrooming population growth that it once had taken if it was unwilling to spend any money for that purpose. To put an end to that dilemma, and to restore the nation to its rightful role in the population effort, the Senate voted earlier this year to renew aid—the $15 million—to the U.N. fund.

The fund, however, supports population programs in China, which authorizes abortion and sterilization—though none of the

U.N. money is spent for those purposes. To avoid the false charge that the $15 million would support Chinese abortion services, even indirectly, the Senate provided that none of the U.S. money could be used to aid China; and that it must be kept in a separate account that Washington could audit at any time.

That did not satisfy anti-abortion fanatics to whom Mr. Bush listens; they charged that the $15 million was abortion money. In the House, Representative Christopher Smith, Republican of New Jersey, proposed an amendment to leave it to the President to determine whether the $15 million actually would be contributed to the U.N. Though that in effect gave Mr. Bush a line-item veto, the House voted 219 to 203 to accept the Smith amendment.

Proponents of family planning, notably the Population Institute in Washington, fought back; and the Senate, given another vote, defeated the Smith amendment, 52 to 44. Crucial help came from three changed conservative votes, cast by Senators Alan Simpson of Wyoming and Pete Wilson of California, Republicans, and John Shelby of Alabama, Democrat.

All had previously voted against the $15 million. All must have been well aware of the November election returns in three states that gave evidence of the pro-choice trend in American politics. Senator Wilson, significantly, will be running for governor of California in 1990.

The House then reversed itself and killed the Smith amendment, 207 to 200. By voice vote, it also added the strong provision that if any U.S. money was spent for family planning in China, or for abortion-related services in any country, the entire contribution to the U.N. would have to be refunded.

Family planning advocates, with good reason, believed Mr. Bush had been left no grounds for a veto. But they reckoned without his puzzling and shortsighted belief that right-wing zealotry is the dominant political force in America. Ignoring the demonstrable need for worldwide family planning, he declared the accounting requirements unacceptable, asserted without evidence that the U.S. Population Fund previously had violated U.S. restrictions, and wielded his veto stamp.

Was that prudence? Kinder or gentler? No, it was just outrageous.

Mr. WIRTH. Mr. President, I thank the Senator very much for assuming the chair while I have the opportunity to speak on behalf of the amendment that he offered which is such an important amendment and one which ought to focus the attention of this body, focus the attention of Washington and of the U.S. Government and of the United States on our worldwide population responsibilities.

The United States, as the distinguished Chair understands and as the distinguished Senator from Maryland has stated so many times, used to be world leader in helping population programs. We established the first major population program in the United States. We established the first administrative organization to do so.

We had a line item in the budget developed in the mid-1970's. Mr. President, one of the leaders in that effort in the U.S. Congress was none other than a young Congressman from Texas named George Bush. George Bush's statements on the subject of population, on the importance of the United States contributing to a worldwide population effort was well-known, well-publicized, and that was one of the very distinguished contributions that he made as a progressive Republican Congressman.

Unfortunately, since 1980, the winds of what I believe have been a significant amount of political opportunism have entered into this very important debate. The administration, the Reagan-Bush administration, and now the Bush-Quayle administration have moved 180 degrees in the opposite direction, unfortunately, making population, all linking it up with abortion issue, a political issue, and not assuming the responsibilities that the United States once so proudly held in leading the world on population issues.

The population of the world is becoming an enormous crisis. We are at 5.3 billion people now, Mr. President. As you well know, the projections are that if we do not take action in terms of concerted population planning programs, to allow women all over the world to make choices, to allow women all over the world to have the means of family planning, and work on the entitlement of women, the world's population will double within the next 35 or 40 or 50 years. We will get only to 11 billion people, but the childbearing cadre on the face of the globe will be so broad, there will be an inevitable process of moving up to 13 or 15 billion people.

If we believe that the United States' role in this is minimal—the rest of the world is looking to us for leadership. If we do not contribute, the rest of the world falls off. If we do not put our voices behind this, the rest of the world falls off.

This is a major foreign policy issue and responsibility for us. The United States must do this. Our national security clearly relates to the kinds of economic and political crises that are going to surround a vastly increased population. All we have to do is look at the Middle Eastern situation and understand that so much of that problem occurs because a great number of young people are brought into the world without opportunities. What is a young person there going to do, except look at the situation and say: I cannot do any worse than we are doing now. And you get enormous political instability.

We look at the Middle East, and we understand the enormous pressures being placed on water resources there. The next great crisis will not be over oil there, Mr. President. It is going to be over water, those overtaxed rivers, such as the Tigris, Euphrates, the Nile, with fantastic population pressures on them; that is a ticking time bomb.

If we believe there are problems around the world now, Mr. President, in providing opportunities to 5.3 billion people, what kind of resource pressures are there going to be with 10 billion, 11 billion, or 15 billion people? And do we expect that the people in this world are going to have the kinds of opportunities we would like to see them have?

We are stretched now in providing educational opportunities, housing opportunities, human rights dignity opportunities, job opportunities of all kinds; and the global environment is degrading very, very rapidly. Everybody knows that.

All of these issues surround the very important amendment offered by the distinguished Senator from Illinois. It is imperative that we adopt this amendment. It is imperative that we move as rapidly as possible to resume the leadership that the United States once held in this important field.

I am proud to be a consponsor of the amendment, and I urge my colleagues to think not only about this amendment, but about how important this is as a symptom of a much broader set of issues.

I thank the distinguished occupant of the chair for his leadership on this issue, and I am pleased to be associated with him in this, as in so many other issues.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Colorado for a strong statement and one very consistent with statements he has made in the past on this floor on this subject. The Senator from Colorado has raised the human issues, the environmental issues, the sociological issues, over and over again in this body. Frankly, I wish more people would listen to him on this, because he speaks powerfully to the problem of overpopulation, as has the distinguished Senator from Maryland and the distinguished Senator from Illinois, who has offered this important amendment.

Mr. President, a year ago I spoke on this floor on another bill in support of a provision very similar to this one. It would have provided a U.S. contribution to the U.N. Population Fund.

A majority of Senators voted for it, but not enough to overcome a filibuster.

What has happened in the year since that vote? In that 1 year, the world's population has increased by 90 million people. To put that in perspective, in 1 year we have added to the world's population a number equal to the entire population of Mexico.

We know the world's population will double early in the next century. The only question today is whether we do anything to keep it from tripling—not doubling, but tripling. Half a billion women—500 million women in this world, want family planning, and cannot get it. That is what this vote is all about.

For reasons that totally escape me, this amendment has been portrayed as a vote for or against abortion. It is not that at all. That is patently untrue.

The U.S. law, which this Senate has voted for, explicitly prohibits the use of any U.S. foreign aid funds for abortions. The amendment before us would not change that. It would not alter it in any way whatsoever. So those who would vote to deny family planning to those 500 million women around the world are wrong when they say this is a vote about abortion. This vote is about family planning for people who cannot get it.

The amendment would permit the United States to once again join an organization that we, the United States, helped to create 25 years ago. The U.N. Population Fund does not support abortion. It opposes abortion. It provides alternatives to abortion. It is a family planning organization. In fact it is the world's largest and most important family planning organization. It has programs in 140 countries.

Every dime of this money would go for contraceptives, and family planning commodities, so fewer people will resort to abortion. A strong argument can be made that this money would help prevent abortions. It would reduce the number of abortions worldwide by providing alternatives.

No money goes to China because of the reports of coercive abortions there. No one supports coercive practices. Yet despite those reports the administration still wants to give China most favored nation. The administration uses the bugaboo that because of the reports about China we are not going to support UNFPA's family planning programs anywhere in the world, but we will give China MFN. I am not sure I see a consistency in the White House position, but that is a different debate.

Again, we have carefully drafted this amendment to prevent any money from going to China.

Our assistance goes to the dozens of other countries whose populations are growing out of control, like India, Bangladesh, Mexico, and the Philippines. They are already overwhelmed by far more people than they can care for.

Why should we care about population growth in Latin America, Asia, and Africa? I might ask, what difference does it make to the United States?

Anyone who is concerned about the Earth's environment should vote for this amendment. Every major environmental problem today—deforestation, global warming, ozone depletion, water scarcity, loss of cropland, wetlands, and wildlife—they all trace to pressure from one source—overpopulation.

Anyone who is concerned about the stability of countries like Mexico, or India, or the Philippines has to be concerned about exploding rates of population growth. Think of what life for the majority of people in those countries is today, It is already miserable by anybody's standards. Millions are illiterate and unemployed and, worse, without hope. Millions, tens of millions, hundreds of millions, are hungry. They are clamoring for a better life.

As life becomes worse in those countries the pressure will become unbearable on governments that are already weak and cannot begin to solve those problems. It is a recipe for more hunger, more poverty, and more violence.

Some argue we are already spending enough on family planning. The truth is we are spending less today than we were 6 years ago. In constant dollars we are at a 20-year low. It is not nearly enough to meet today's needs.

And by not supporting UNFPA, we are turning our backs on dozens of countries where we do not have our own family planning programs.

Mr. President, no Senator should make a mistake on this issue. This vote is not about abortion and it is not about China. It is about family planning to stem a population explosion that threatens this planet. The U.N. Population Fund has a record of sound management and effective programs, but we also know that its budget is stretched to the limit.

The United States should be second to none in supporting family planning. I hope all Senators will vote for this amendment. I hope all Senators will be honest about what this is.

It is a vote to do something to help stem overpopulation by getting family planning to the millions of women who are in need.

Mr. CRANSTON. Mr. President, I want to add my very strong support for the amendment that Senator SIMON has proposed that would restore the U.S. contribution to the United Nations population fund—a vital program which promotes voluntary family planning services in developing nations throughout the world.

The United States ought to be helping, not hindering, efforts to make voluntary family planning services available to the millions of women in developing countries who want contraceptives but cannot get them.

The continuing world population explosion poses a dire threat to world stability and economic development.

At one time, the United States was a leader in helping to provide family planning services to developing nations. We need to regain that role. I urge this amendment's adoption.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment that I understand has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 828

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR], proposes an amendment numbered 828.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 143, after line 25, add the following:

(4) the unconditional recognition of the State of Israel.

Mr. SEYMOUR. Mr. President, I rise to offer an amendment to the Middle Eastern Arms Suppliers Regime Provision of S. 1435.

In this section of the bill, the Foreign Relations Committee calls upon the Secretary of State to convene a conference of government representatives from the United States, the Soviet Union, China, the United Kingdom, and France to devise methods for the control of the flow of conventional and unconventional weapons into the Middle East.

The subsection that I seek to amend urges the United States to foster regional arms control agreements. As it stands, this subsection includes the noble policy goal of "transforming the Middle East into a region free of ballistic missiles, chemical weapons, biological weapons, and nuclear weapons." It also instructs the United States to seek the "implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises by all nations in the Middle East."

My amendment would add another policy goal as a complement to the ones that I just listed.

It states that America, in order to provide incentives for regional arms control agreements, should explore with appropriate Middle Eastern States the unconditional recognition of the sovereignty of the Government of Israel.

I propose the addition of this line to the subsection because there is absolutely no doubt that the recognition of Israel's right to exist on the part of all Arab nations would take away one of the most compelling incentives for the proliferation of conventional and unconventional arms in this turbulent area of the world.

If Arab governments finally cast aside the delusion that they might still drive the Israelis into the sea, they would have one less self-created enemy at which to point their tanks, aircraft, and ballistic missiles. They would have one more reason to reduce their awesome military expenditures and therefore conclude meaningful arms control agreements with Israel and among each other.

But to make this vision real Arab States must take the critical first step of recognizing Israel. They must take this step because no one can expect Israel or any other vulnerable country to negotiate treaties with governments still dedicated to her destruction.

As a result, Mr. President, the foreign aid authorization bill should reflect this critical link between the recognition of Israel and the successful control of regional weapons proliferation.

I urge all of my colleagues to support its adoption, and I thank the distinguished managers of the bill for their cooperation.

Mr. McCONNELL. Mr. President, I commend the distinguished Senator from California for his excellent amendment and his contribution to the debate during consideration of the foreign aid bill.

Mr. SEYMOUR. I thank the Senator and I again thank both managers for their consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 828) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. SEYMOUR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment that I understand has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 829

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 829.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . POLICY ON COMBATTING INTERNATIONAL NARCOTICS TRAFFICKING.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Cesar Gaviria of Colombia, and the members of his Government, have made important progress in the war against international narcotics trafficking, most notably including the arrest and prosecution of the Medellin Cartel, and extensive programs in law enforcement cooperation and intelligence sharing with the United States.

(2) President Gaviria and the members of his Government have taken these initiatives at significant risk to their lives and the safety of their families.

(3) The Medellin and Cali Cartels are made up of the world's most ruthless drug lords and international terrorists responsible for the assassination of politicians, police officers, judges, journalists, and countless innocent persons in Colombia.

(4) Pablo Emilio Escobar Gaviria, the leader of the Medellin Cartel, one of the world's most wanted criminals, is responsible for thousands of narcotics-related deaths worldwide and the smuggling of millions of dollars worth of illegal drugs into the United States.

(5) Pablo Escobar and other leaders of the Medellin Cartel have surrendered to Colombian authorities in exchange for leniency and the guarantee that they will not be extradited to the United States;

(6) The Government of Colombia has demonstrated that the facility used to incarcerate Pablo Escobar is, in fact, a functioning prison and that they intend to isolate Pablo Escobar from directing any narcotics trafficking or other activities of the Medellin Cartel.

(7) the Colombian assembly has recently voted to bar extradition of Colombian nationals under the Colombian Constitution. and the other Andean nations are considering similar measures.

(8) Cooperative agreements between the United States and other nations are essential to our efforts to dismantle drug cartels and bring international drug kingpins to justice.

(b) POLICY.—It is the sense of the Congress that—

(1) the Government of Colombia should continue its efforts to dismantle the Medellin cartel;

(2) the Government of Colombia should continue to insure that Pablo Escobar and the other leaders of the Medellin Cartel are isolated from any international drug trafficking, money laundering, and other illegal activities.

(3) the Government of Colombia should show the same resolve in bringing the leaders of the Cali Cartel to justice:

(4) the United States should continue to support the Government of Colombia's efforts to eradicate the intimidation, bombings, kidnappings, murder, and other domestic violence associated with the narcotics trafficking in Colombia;

(5) though extradition of international drug kingpins would be an effective tool of justice, the United States, Colombia, and the other Andean nations nevertheless should continue to work for additional cooperative agreements to combat narcotics traffickers;

(6) the President should assess the progress of the government of Colombia in implementing each of the criterion pursuant to (1), (2), (3), and (5) in making his March 1992 certification of Colombia's full cooperation with the United States on controlling international narcotics trafficking and distribution.

Mr. SEYMOUR. Mr. President, the amendment I have at the desk expresses the sense of the Congress that the Government of Colombia, as well as the governments of the other Andean nations, should work with the United States to form additional, cooperative efforts to combat international narcotics trafficking.

I am sure we can all agree that narcotics trafficking continues to remain one of the most pressing issues facing the international community. It stifles the health of the global economy, strikes at communities struggling to keep their streets safe and forever scars the future of millions of children born of addicted mothers.

To succeed, we must continue to work to dismantle the very organizations that grow and profit from this deadly and destructive industry. And that includes efforts on the part of all nations to bring international drug kingpins to full justice.

One of the most ruthless of these international narco-lords is Pablo Emilio Escobar Gaviria—leader of one of the world's leading drug organizations, the Medellin cartel. This band of brutal killers is responsible for the assassination of hundreds of politicians, police officers, judges, and journalists in Colombia. These outlaws have shown no limit to the level of intimidation and violence they inflict on anyone who stands in their way. They are hoodlums, with no regard for human life or the rules that govern a civilized society. They make Capone's cronies of the Roaring '20's look like Boy Scouts.

Just as shocking is the tremendous financial success Escobar has achieved. Just look at the recent, July 22 issue of Forbes magazine, which contained an article on the world's billionaires. Listed among some of the world's leading innovative entrepreneurs is Escobar, whose wealth is estimated at more than $2 billion. Forbes tersely listed Escobar's occupation as cocaine scourge—a succinct but incomplete description of this infamous drug boss. Forbes' writers could have easily listed him as money launderer, murderer, or even terrorist.

President Cesar Gaviria of Colombia and the members of his government have made a heroic effort—at significant risk to their lives and the safety of their families—to break down the Medellin cartel. And success may be imminent. Last month, Pablo Escobar and other leaders of the Medellin cartel have surrendered to Colombian authorities in a plea bargain arrangement that guaranteed that they would not be extradited to the United States.

Many who have followed the Gaviria government's war against the Medellin cartel, including the members of the news media, have been skeptical of Escobar's surrender. Some members of the media have reported that the jail where Escobar is now serving time is more palace than prison—a virtual Club Escobar if you will. However, President Gaviria has given us his assurance that this is indeed a prison and that they intend to keep him there and prevent him and his fellow prisoners from controlling any future activities of the Medellin cartel. President Gaviria extended offers to any and all ambassadors to Colombia, as well as the members of the media, to tour the facility used to incarcerate Escobar, to see for themselves if this structure rivals a five-star hotel.

I commend President Gaviria for his resolve to dismantle the Medellin cartel that has for too long plagued his country and many others of illegal drugs and naked violence. It is my hope that he will show equal resolve and take necessary action against members of the Cali cartel—the Medellin's rival drug gang. The Cali cartel is now the world's top producer of cocaine and provides 70 percent of the cocaine reaching the United States today. It is the most professional and powerful criminal organization the world has ever seen, and destroying this illicit organization must be the top priority of the international law enforcement community.

The United States has long advocated the position that extradition of international drug kingpins is an important component in an international fight against these narcotics cartels. However, the Colombian assembly has recently voted to ban the extradition of Colombian nationals. This action by the Assembly was prompted by the government's desire to bring an end to the violence and bloodshed that was taking place on their streets. Other Andean nations are expected to follow Colombia's example by banning extradition of their own citizens.

Though I believe that extradition can be an effective tool, especially to help countries whose judicial systems have been rendered ineffective by the narcotics cartels, I believe we should respect the decisions of these sovereign nations. However, prohibitions on extradition require that additional and more extensive cooperative efforts between the United States and the Andean nations must be achieved, and I am pleased to report that President Gavinia has begun to work with our President to take additional steps to improve our cooperative antitrafficking efforts. It is vital that the world community cooperate to dismantle the drug cartels and bring international drug kingpins to full justice.

Mr. President, my amendment states that it is the sense of the Congress that the Gaviria administration should be commended for their efforts to crack down against drugs, and that the Andean nations should follow Colombia's example. It also states that absent extradition, the United States must forge additional cooperative agreements with these countries. Only then, can we expect that the Medellin and Cali cartels will not represent a community of narco-traffickers, narco-money launderers, or narco-terrorists, but a band of life-long prisoners.

I hope my colleagues will join me in supporting this resolution and send a message to the international drug barons around the world that the international community will not stand on the sidelines and allow them to escape the heavy hand of justice.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 829) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, once again, I commend the Senator from California for his excellent amendment and thank him for his contribution to this debate.

Mr. SEYMOUR. I thank the Senator. I appreciate the cooperation of both managers on the acceptance of this amendment.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

AMENDMENT NO. 827

Mr. ADAMS. Mr. President, I rise in support of the second-degree amendment that has been offered by Senator SIMON. I think this is an excellent amendment, and I hope that it will be agreed to with a very large vote today by my colleagues.

Mr. President, if current birth and death rates hold, the world's 5.3 billion population will double again in only 39 years. This is a staggering increase and one which the Earth and its resources are ill-prepared to bear. More important, it is predicted that 94 percent of all population growth in the next decade will occur in developing countries: That is, in that part of the world least able to handle it, politically, economically, environmentally and, of course, being able to simply feed this population.

Population assistance is, arguably, one of the most effective and important aspects of the foreign aid program. Yet, ever since the enactment of the so-called Mexico City policy in 1984, United States population funds have been progressively restricted by those not wishing any United States money to go to organizations engaged in abortion counseling or abortion-related activities. Although the focus of the Reagan administration policy initially was to end family planning assistance to China because of that nation's coercive abortion program, the ripples of that policy have curtailed United States family planning funding worldwide. For example, the United States has made no contribution to the U.N. Fund for Population Activities [UNFPA] for several years simply because it operates in China.

These restrictions have been maintained even when the organization has provided assurances that no U.S. funding would be used for abortion-related activities. I want to stress that, Mr. President. This program of assisting people with family planning is being stopped because people say it has abortion-related activities. This is not so.

Moreover, these restrictions have been imposed on assistance to international institutions, such as the UNFPA, while aid to governments carries none of the same constraints.

For these reasons, I commend the legislation before us for its repeal of the Mexico City policy, and I rise in support of the amendment offered by Senators SIMON and MIKULSKI to restore U.S. funding of UNFPA.

This amendment would authorize $20 million. And I think this amendment that does authorize $20 million is in the best interest of the United States. I want to stress again, it will be used solely for the provision of contraceptives and to be held in a separate account by all recipients to prevent commingling of funds and their possible use contrary to U.S. law.

The amendment further prohibits the use of any authorized funds in China. So there is a double protection for those who are concerned that this has anything at all to do with abortion.

Mr. President, the provisions of this amendment will allow the United States the opportunity to regain lost ground in the international family planning area, while also contributing to the health of the world and to the conservation of its natural resources.

Mr. President, we simply cannot continue to have more and more people and fewer and fewer resources and not expect the famines, the hunger, the starvation in some portions of the world that are occurring. I urge my colleagues to support the Simon amendment, and I hope that it will be adopted. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to commend my colleague from Washington for his continuing interest in this area. The reality is there are hundreds of millions of women around the face of the Earth who are desperate for family planning information. By providing it, we reduce the number of abortions, and we can increase their standard of living. My hope is the Senate will follow the sound advice of our colleague from Washington and move ahead favorably on this amendment.

Mr. ADAMS. If the Senator will yield, I thank the Senator for offering this amendment. Many of us are in support of it. It is terribly important. For the long-range health and for the long-range stability of the world, this amendment should be adopted. I thank the Senator for having offered it and for his kind remarks to me.

Mr. SIMON. I thank my colleague from Washington, again.

Mr. President, if no one seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 830

(Purpose: To set guidelines for international training assistance)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair advises the Senator from Florida that there are two amendments pending, either of which could, by unanimous consent, be temporarily laid aside.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the two pending amendments be set aside for purposes of immediately considering the amendment which I have offered.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment of the Senator from Florida.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 830.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 9 and 10, insert the following:

SEC. 216. INTERNATIONAL TRAINING ASSISTANCE.

(a) Of the funds made available under part I of the Foreign Assistance Act of 1961, the Agency for International Development ("the Agency") is encouraged to maintain funding for United States training at a level equal to or greater than the fiscal year 1990 level.

(b) The Agency shall develop comprehensive programs for the awarding of scholarships for the completion of a bachelor's degree in fields of study designed to enhance business, commercial, and other linkages between the sending country and the state in which the student studies. These programs shall demonstrate an appreciation for the free enterprise system and democratic institutions.

(c) To fulfill the goals of subsection (b), the Agency or its contracting agents shall endeavor to place students with scholarships in States in which the following criteria are met:

(1) An international coordinating office exists and reports directly to the top State education or commerce official or to the Governor.

(2) State funds, either in cash, tuition remittance, other services, or collected private donations, match a minimum of 33 percent of the total program costs.

(d) The Agency shall collaborate with States seeking to develop international coordinating offices which meet the criteria established under subsections (c)(1) and (c)(2).

(e) The Agency is authorized to provide one-time start-up funding to such State offices not to exceed $250,000 for each office, to be used for salaries, program administration, and follow-on activities, subject to the following restrictions:

(1) Funds made available by the Agency shall not exceed 50 percent of salary costs.

(2) Funds of the Agency which are allocated for administrative costs shall not be used for tuition.

(f) AID is encouraged to develop an incentive program to increase the number of students placed in states which have international coordinating offices which comply with the criteria established under subsection (c).

(g) To the maximum extent feasible, all missions of the Agency in Caribbean Basin and Andean countries shall establish or maintain scholarship programs that follow the criteria established for the Caribbean and Latin American Scholarship Program (CLASP).

Mr. GRAHAM. Mr. President, this amendment offers us an opportunity to redemonstrate congressional support for actions which are already underway through agencies such as the Agency for International Development relative to expanded training opportunities for students from countries in Central America and the Caribbean to study in the United States.

In 1984, the Kissinger Commission, in its report on the future of Central America, recommended that the United States as an important part of a regional strategy dramatically increase the number of scholarships awarded to Caribbean and Central American students for study in the United States. The commission set a goal in 1984 that by 1992 there should be 10,000 students from that region of the world studying in the United States. We have made substantial progress towards that goal.

The amendment which I offer would further that, Mr. President. It would further it in the following manner. One, it would do so by giving a special target to young people who will be the future leaders of these countries. These young people who will be studying for undergraduate and graduate degrees will be the next generation of economic, political, academic, and cultural leaders in these countries.

We recommend under this amendment that a priority be given on a 50-50 basis to 4- to 6-year university scholarships, as well as 2- to 4-year vocational technical scholarships.

Second, we recommend that there be a major emphasis on those areas that will help to build long-term north-south relationships. We know that through the President's Enterprise for the Americas, as well as other initiatives, that the United States is expanding its economic interests in the hemisphere.

One of the orientations of this amendment will be to encourage the training of those young men and women who will assist in the developing of those economic linkages north and south.

Third, Mr. President, this builds on programs which have been proven successful in which there is a partnership, a partnership which includes the Federal Government, State governments, and the private sector. We propose under this amendment that the States be a key part of organizing for the delivery of this educational assistance, and that the States commit at least one-third of the cost toward this program.

A number of our States, including my own, including the State of the Presiding Officer, the States of Wisconsin, Oregon, have been active in such programs.

The purpose of this is to encourage an expansion of those programs that have already been proven successful, a focusing in this new economic era, north and south, and encouragement to other States to join in this important U.S. initiative.

Mr. President, the amendment has been discussed with the chairman of the Foreign Relations Committee and the ranking minority member. I believe they are prepared to accept the amendment. I ask for its immediate consideration.

Mr. PELL. Mr. President, the Senator from Florida is correct. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 830) was agreed to.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendments be set aside so that I might introduce an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 831

Mr. LIEBERMAN. Mr. President, I have an amendment which I will send to the desk in a few moments which I believe will help to focus our foreign aid programs and at the same time guarantee that American companies, the American economy, is benefiting from those programs.

This amendment would help our exporters compete against foreign companies that are supported by their governments by creating a Capital Projects Office within the Private Enterprise Bureau at the Agency for International Development.

Mr. President, as you know well, exports remain crucial to our Nation's economic growth. Throughout the present session, the one bright spot in our economy has been trade. Our exports have literally kept our economy afloat. I can tell you that is particularly true of my home State of Connecticut, as an example. In 1990 alone, State exports grew by nearly 18 percent. Exports provided 84,000 manufacturing jobs in our State and another 63,000 jobs in firms that are dependent on exporting.

But the problem for exporters in Connecticut and throughout the country is how to remain competitive against increasingly stiff foreign competition. It used to come primarily from Germany and Japan but that is no longer the case. Today the other dynamic Asian economies of Korea, Taiwan, Hong Kong, Singapore are competing for global markets. As Europe is approaching 1992 in the final stages of European unity, the European Community is rapidly becoming a more potent economic force.

Mr. President, it is not the role of the Federal Government to solve all the problems confronting our exporters, but it is our responsibility to make sure that our companies do not lose out in competing for foreign contracts because our Government does not give them the same support that foreign governments give their companies.

The fact is that the lack of American governmental support for American exporters has caused them to lose out to their competitors' invaluable overseas markets. And what that means is a loss of jobs at home.

I want to quote from Ambassador Ernie Preeg, a former chief economist at AID and one of the foremost experts on this issue of capital goods transactions. He has said:

> * * * current market for capital goods transactions * * * which is inaccessible to U.S. exporters because of other governments, is $10 to $12 billion per year, resulting in an estimated $2.4 to $4.8 billion annual loss to U.S. exports. Future U.S. export loss in high-growth developing country markets could be far greater.

That is where this idea of a Capital Projects Bureau comes in. Mr. President, capital projects are those projects that are integral to building a nation's infrastructure, projects relating to telecommunications, transportation, environmental management, and the building of power systems.

Those are just the kinds of projects that advance the developing nations, and which the newly free and developing nations of Eastern Europe are going to need. But they are also critical to our ability to compete and sustain ourselves as an economy. For those foreign countries, the lack of a sophisticated infrastructure means that they cannot develop an adequate market, and therefore cannot prosper.

This amendment and the one to follow, which will be proposed by Senators BOREN, BENTSEN, and BYRD and others is really about one thing; that is, to use foreign aid to help not only the recipient nation, but also to benefit the American economy by emphasizing capital projects in our foreign aid programs.

When AID funds a capital project in a developing nation, then that means that American products are going to be used in the building of that project. It is as simple as that. Our representatives from AID will consult with the leaders of a host country, will determine what their capital projects needs are, and then we can bring funding to bear to support those needs and then those projects will be carried out with American goods, with American services, creating jobs here at home.

For instance, if AID should fund a road in Indonesia, American manufacturers of heavy machinery will sell their equipment to the Government of Indonesia to help in the building of that road. Our engineers can help design it as well. Our AID dollars will therefore be used to help create jobs back here at home.

Traditional development projects are not often capital intensive, which means that there is less of an opportunity for our exporters to sell their capital products, such as heavy equipment, than there would be if we focus on infrastructure development programs.

Capital projects in foreign countries are key to American companies. Just ask the National Association of Manufacturers about capital projects, or the companies that belong to the Coalition for Employment Through Exports, or the U.S. Chamber of Commerce. They all understand that capital projects abroad mean jobs back home. That is a good arrangement for everyone concerned.

In order to achieve that goal of "jobs at home and development," this amendment puts special emphasis on AID as a source of funding for capital projects by establishing this Capital Projects Office. The bureau through the office would work with the other AID bureaus in putting together capital projects that are developmentally sound but also beneficial to our exporters. I want to stress that within the office there would be a special program for Eastern Europe, which would initially conduct a study of the various sectors of the economies of the nations of Eastern Europe that are most in need of rebuilding, and those sectors would become eligible for AID assistance.

Mr. President, this amendment seeks to build on work that has already been done by AID, to expand it, and to improve its importance. We do not emphasize nearly enough capital projects as part of our foreign assistance programs. We certainly do not emphasize them as much as our fellow members of the Group of Seven. We tend to stress basic developmental assistance much more than others.

For example, over 60 percent of the bilateral foreign aid from Japan and Italy involves capital projects. For the Untied States, the number is only 14 percent. I am not saying that we should not continue to include humanitarian assistance as part of our foreign aid programs. But capital projects are good for development and American exporters; they are good for the foreign countries, and they are good for America. And that is why there is no reason for us not to be doing more of these projects.

AID has been working hard to get more involved with capital projects. Average AID spending for the last few years on capital projects has been between $500 million and $600 million. Unfortunately, projections for this year fell below $500 million to about $420 million.

We need to offer more support for capital projects and the establishment of this kind of bureau within AID. If we do not institutionalize support for these projects in this way, and if we do not put in place a tight AID Program with real financial support behind it, our exporters are going to lose markets, and we are going to lose jobs at home.

Mr. President, in a recent study on aid to the Philippines, Ambassador Preeg summarized the related problem of how we view our foreign aid programs in this way:

> The central issue for U.S. foreign economic assistance * * * is how to reconcile short-term foreign policy objectives with longer term support for development and strengthened economic relations with developing countries. A case is made (in his study) to separate the two more clearly, and to place

greater emphasis on the economic dimension.

That is exactly what this amendment would do.

Mr. President, we all know that America needs, once again, to take control of its economic destiny. We have been falling behind. One critical part of that seizing of our economic destiny, again, is to eliminate the trade deficit.

We cannot do that, unless we support our exporters more than we have been. This amendment, I respectfully submit, is one good way to do that.

AMENDMENT NO. 831

(Purpose: To require the establishment of a Capital Projects Office within the Agency for International Development, and for other purposes)

Mr. LIEBERMAN. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. DODD, proposes an amendment numbered 831.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 234, after line 24, add the following new title:

TITLE XIII—TRADE AND COMPETITIVENESS ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Aid, Trade, and Competitiveness Act of 1991".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) United States exporters are shut out of $10 billion to $12 billion worth of capital projects per year because of inadequate government support for our exporters, resulting in a loss of $2.4 billion to $4.8 billion in exports;

(2) in contrast, foreign governments actively support their nations' companies by providing a large share of their economic aid for capital projects;

(3) the Federal Government must be more aggressive in helping American exporters;

(4) the Federal Government must strengthen assistance and financing programs already in existence in the Export-Import Bank of the United States, the Agency for International Development (AID), and the Trade Development Program, fostering more and consistent cooperation between these agencies and establishing new programs at these agencies where necessary; and

(6) traditional development aid programs for health, education, and agriculture should not suffer as a result of the new aggressive tied-aid policy.

SEC. 1303. CAPITAL PROJECTS OFFICE WITHIN AID.

(a) ESTABLISHMENT OF OFFICE.—The Administrator of the Agency for International Development (AID) shall establish within the Bureau for Private Enterprise of the Agency a capital projects office to carry out the purposes described in subsection (b).

(b) PURPOSES OF OFFICE.—The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration the expert opportunities of United States firms; and

(2) to specifically consider opportunities for United States high-technology firms, including small- and medium-sized firms in putting together capital projects for developing nations and the nations of Eastern Europe.

(c) ACTIVITIES OF AID.—The Administrator of the Agency for International Development (AID), acting through the capital projects office in coordination as appropriate with the Export-Import Bank of the United States—

(1) shall put together capital projects in advanced developing nations and Eastern Europe;

(2) shall periodically review infrastructure needs in developing nations and Eastern Europe and shall explore commercial opportunities for United States firms in the development of new capital projects in these nations keeping both United States firms and Congress informed of these reviews;

(3) shall determine whether each capital project undertaken is developmentally sound, as set forth in the criteria developed by the Development Assistance Committee of the OECD;

(4) shall coordinate its activities with other AID offices, particularly the regional bureaus, working with each AID country representative in developing capital projects and commercial opportunities for United States firms in a manner which in no way interferes with the primary mission to help these nations with traditional projects; and

(5) shall coordinate where appropriate funds available to AID for "tied-aid" purposes.

SEC. 1304. ROLE OF THE CAPITAL PROJECTS OFFICE IN EASTERN EUROPE.

In addition to the activities of section 1303(c), the Administrator of the Agency for International Development, acting through the capital projects office—

(1) shall play a special role in helping to develop the infrastructure of the nations of Eastern Europe by meeting the challenge of infrastructure assistance provided by foreign governments to the nations of Eastern Europe;

(2) shall undertake a comprehensive study of the infrastructure of the various nations of Eastern Europe which shall:

(A) identify those sectors in the economies of these nations that are most in need of rebuilding;

(B) those sectors in those nations could through assistance identified in paragraph (A) develop strategies to assist such sectors from the capital projects office of the Agency for International Development, including joint projects of the Export-Import Bank of the United States and the Agency for International Development; and

(C) the state of technology in these nations and the opportunity for United States high technology firms to help develop a technological infrastructure in these nations, as well as an assessment of export opportunities for United States high technology companies; and

(3) upon completion of the study on Eastern Europe, shall establish an Eastern Europe program within the capital projects office of the Agency for International Development which—

(A) shall monitor the infrastructure needs of these nations;

(B) shall continue to help United States companies with their efforts to be a part of the rebuilding of the infrastructure of these nations;

(C) shall make a special effort to help United States high technology firms explore opportunities with the rebuilding of these nations' technological infrastructures;

(D) shall be able to make use of all existing programs of the Agency for International Development; and

(E) shall have in-country representation in Eastern Europe that is assigned duties respecting that country or region.

SEC. 1305. CAPITAL PROJECTS INTERAGENCY BOARD.

(a) ESTABLISHMENT.—There is established the Capital Projects Interagency Board (hereafter in this section referred to as the "Board").

(b) COMPOSITION.—The Board shall consist of the following officers or their designees:

(1) The Administrator of the Agency for International Development, who shall serve as Chairman.

(2) The President of the Export-Import Bank of the United States.

(3) The Director of the Trade and Development Agency.

(4) The Secretary of State, as a nonvoting member.

(5) The Secretary of Commerce, as a nonvoting member.

(c) STAFF FOR THE BOARD.—The Agency for International Development, the Export-Import Bank, and the Trade and Development Program shall make available to the Board such staff as may be necessary for the Board to carry out its duties.

(d) DUTIES OF THE BOARD.—The Board shall—

(1) coordinate the development of a strategic approach to the support of capital projects among the agencies represented on the Board, including:

(A) how developmentally sound a project is, using as a standard criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(B) the environmental impact of a project; and

(C) where appropriate the cofinancing of capital projects among voting "Board" members.

(e) REPORT.—Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Board established under subsection (a) shall submit to the Congress a report describing—

(1) the extent to which United States Government resources have been expended specifically to support capital projects;

(2) the extent to which the activities of the United States agencies described in subsection (b) have been coordinated; and

(3) the extent to which United States Government capital projects and tied-aid programs have affected United States exports.

SEC. 1306. NEGOTIATIONS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

If a new agreement within the Organization for Economic Cooperation and Development (OECD) has not been reached by December 31, 1991, that meets the objective of reducing the levels of concessional financing by member countries of the OECD other than the United States, the Secretary of the Treasury, together with the President of the Export-Import Bank of the United States, shall submit a report to Congress on the status of the negotiations, including an analysis of the negotiations since 1987, the causes for the failure to reach an agreement by that date, and reasons the United States Government believes that continued negotiation will result in achieving the above mentioned objective.

SEC. 1307. FUNDING.

There are authorized to be appropriated such funds as are necessary to carry out the purposes of this title.

SEC. 1308. DEFINITIONS.

For purposes of this title—

(1) the term "capital projects" means projects for economic infrastructure in sectors such as construction, environmental protection, mining, power and energy, telecommunications, transportation, or water management; and

(2) the term "tied-aid credit" has the meaning given to such term in section 15(h)(1) of the Export-Import Bank Act of 1945.

AMENDMENT NO. 832 TO AMENDMENT NO. 831

(Purpose: To provide funding for capital projects and for other purposes)

Mr. BOREN. Mr. President, I have an amendment offered in the second degree to the pending amendment, which I send to the desk on behalf of myself and Senators BENTSEN, BYRD, HEFLIN, BAUCUS, DOLE, HATCH, LIEBERMAN, WALLOP, and NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. BENTSEN, Mr. BYRD, Mr. HEFLIN, Mr. BAUCUS, Mr. DOLE, Mr. HATCH, Mr. LIEBERMAN, Mr. WALLOP, and Mr. NICKLES proposes an amendment numbered 832 to amendment No. 831.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 1307 of the amendment and insert in lieu thereof the following:

SEC. 1307. CAPITAL PROJECTS FUNDING; CASH TRANSFER REDUCTION; RESTRICTION ON WAIVERS.

(a) CAPITAL PROJECTS.—

(1) Of the total amounts authorized to be appropriated to the President for fiscal years 1992 and 1993 to carry out title III and subchapter A of chapter 1 and subchapter A of chapter 3 of title VI of this Act, and any amendments made thereby, there are authorized to be available $750,000,000 for fiscal year 1992 and $1,000,000,000 for fiscal year 1993 for capital projects. Such funds shall be in the form of grants for the construction, design, or servicing of developmentally sound capital projects.

(2) Such grants may be combined with financing offered by private financial entities or other entities.

(3) Pursuant to section 604(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(a)), funds allocated under this section may be used only for procurement of United States goods and services.

(4) Not later than January 1, 1992, the President shall submit a report to the Congress on the feasibility of allowing the Agency for International Development to offer credit guarantees for the financing of capital projects.

(b) CASH TRANSFER REDUCTION.—

(1) Notwithstanding any other provision of law, for each of the following fiscal years, cash transfers of economic support fund assistance shall not represent more than the corresponding percentage of total Economic Support Funds:

(A) For fiscal year 1992, 60 percent.

(B) For fiscal year 1993, 50 percent.

(2) Any reduction in cash transfer assistance required by this section shall not be made out of funds otherwise used for purchase of United States goods and services or for the repayment of debt arising out of obligations owed to or guaranteed by the United States Treasury.

(3) The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or for the repayment of debt owed to or guaranteed by the United States Treasury, and the degree to which recipients of cash payment assistance are required to or in fact use such assistance to purchase United States goods and services.

(4) Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (3).

(c) RESTRICTIONS ON WAIVERS.—Section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354) is amended by adding at the end thereof the following new subsection:

"(h)(1) In determining the authorized geographic code for the purchase of goods and services, the Administrator of the agency primarily responsible for carrying out part I of this Act shall not grant any waivers from Geographic Code 000 (United States only) except for the following reasons:

"(A) The good or service is not available from countries or areas included in the authorized geographic code.

"(B) An emergency requirement can be met in time only from suppliers in a country or area not included in the authorized geographic code.

"(C) For project assistance only, when Geographic Code 000 is authorized and the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from a country or area included in Geographic Area 941, a waiver to Geographic Area 941 may be granted.

"(D) For nonproject assistance, an acute shortage exists in the United States for a commodity generally available elsewhere.

"(2) In considering whether to grant any waiver permitted under paragraph (1), the Administrator shall first determine whether the good or service to be procured under the waiver could be imported lawfully into the United States.

"(3) The Administrator of the Agency for International Development shall report annually to Congress on the number of waivers described in paragraph (1) which were granted in the previous fiscal year, the corresponding value of goods and services which were covered under such waivers, a breakdown of the waivers by region and country, and an explanation of the reasons given for such waivers.".

Mr. BOREN. Mr. President, the amendment I have just sent to the desk on behalf of myself and my colleagues would begin to make a fundamental change in the way foreign aid is now given by the United States. All of us understand that we are now in a new world situation. More and more leadership in the world is going to be determined as much by economic strength, if not more, than by military strength alone. We must adjust to the change in conditions in the world.

It would be a mistake today for us to fail to change with all of the changes that have been going on in the world around us. We have only a few short years to prepare ourselves to develop those assets which are going to be necessary for continued world leadership for the next generation in this country.

Things have changed since the beginning of the cold war, after World War II. In 1950, this country had 9 to 10 of the largest banks in the world. Today, we do not have any of the top 20. In 1950, we had a 68-percent share of the world's market. We are now fighting to hold onto an 18-percent share. We had an overwhelming share of the value of the world's assets, more than 70 percent. We had the highest per capita income in the world. Now several other nations rank far ahead of the United States.

It is clear that if the United States is to lead the world and play an influential position in world affairs in the next century, we must begin to rebuild the economic strength of this country.

In doing that, Mr. President, we must use every tool and every program at our disposal, including our foreign aid programs.

This is a compassionate country. We are proud of the way in which we have reached out to other nations to help them with their needs, basic human needs, and the development of their own economies, to help them have higher standards of living in the future, improve economic conditions that lead to political and social stability that are to the benefit of all of us. Because we occupy this globe together, we have come to understand that the well-being and stability of other nations is directly related to our own. So, as has no other nation in the history of the world, the United States has reached out to help others.

In the post-World-War-II period, through the Marshall plan and other programs, we literally rebuilt the economic and social strength of those countries that had been our adversaries in that world conflict. We must now reassess the manner in which we give our foreign aid, because clearly other countries around the world have reassessed the way in which they give theirs.

Not too many weeks ago, I had the opportunity to visit with leaders in Eastern Europe and to observe what is going on there. Billions of dollars of economic assistance and foreign aid have come into the new democracies of Eastern Europe.

All of us want to reach out and help those countries. But the way in which other countries have responded to their needs—and I use Eastern Europe as but one example—is very different to the way the United States responds to their needs.

When we send our billions of dollars overseas to help the world, how do we sent it? It is in the form of cash. Ninety-plus percent of our aid virtually goes out without strings attached. Only 8 percent of the foreign aid of the United States, economic assistance of the United States in this past year, went out with strings attached in the form of spending on capital projects that would require the purchase of American goods with the funds which are being provided. Sixty percent went out directly in fiscal year 1990 in the form of cash; and in fiscal year 1991, 63 percent. And, if we do not act, in fiscal year 1992, it is projected to be 68 percent, in the form of cash.

So we go into an area, for example, like Eastern Europe, and we give cash to try to be helpful. What do other countries that are helping that region do? For example, Japan; of the money that has been put into Eastern Europe by them, 99 percent of it is not in the form of cash; it is in the form of credits, credits that can only be used to buy products produced in Japan with jobs in Japan. What is the situation with Germany and its aid to Eastern Europe? Ninety-seven percent, not in the form of cash, but in the form of credits, that can be used only to buy products produced in Germany.

In other words, the United States is going around the world handing out cash, and many times other countries that receive our cash take the cash given by the American taxpayers and buy the products of countries competing with us for jobs in their home countries.

It is estimated that we have been losing $5 billion a year in sales of American products produced by American jobs because of the action of other countries in terms of giving credits as foreign aid while we continue to give cash.

Mr. President, when are we going to wake up? It is high time that we stopped handing out cash around the world and change the way we give foreign aid to give credits that can only be used to buy products produced in the United States. It is time for us to have a "buy American" approach with the aid which we are handing out around the world. Many countries around the world are building their infrastructures, buying computer systems, television systems, transportation systems. Instead of handing out cash, we should be giving credits for projects and equipment so that will be American equipment produced with American jobs in the infrastructure of those countries and, when they need spare parts in the future, they will have American spare parts; when they need services in the future, they will be American.

We reach out and help those countries while helping ourselves at the same time and using foreign aid not only to help the rest of the world but to help the economic development of our country and establishment of long-term economic ties at the same time.

So, Mr. President, what this amendment which I have offered would do is move us in a very modest and in a very gentle way toward a goal that many of us have been pushing for some time. The Senator from Texas, the Senator from West Virginia, and others have been pushing this proposal now for over 2 years, and we have been told by the administration, wait just a little longer, we are going to try to get those and other countries to stop tying their aid, we are going to try to get them to have a cash approach like we have.

We have waited and we have waited and we have waited and we have not seen one single change by other countries in our direction. If anything, they have increased the percentage of their aid going out in the form of credits instead of in the form of cash. If anything, they have used aid programs to take even more jobs away from the United States.

We have asked the President, for example, in a letter—and I ask unanimous consent to have printed in the Record at this point a letter from Senators Bentsen, Byrd, Baucus, and myself to the President, sent in June, asking why the negotiations failed with other countries in terms of trying to get them to change the manner in which they give foreign aid.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, June 27, 1991.

Hon. George Bush,
The White House,
Washington, DC.

Dear Mr. President: We are writing because of our concern about the apparent continued failure of negotiations in the Organization for Economic Cooperation and Development (OECD) to resolve U.S. concerns about foreign countries' tied aid credit practices.

Prior to the recent OECD ministerial meeting in Paris, considerable attention had been given to the prospect of reaching an agreement to limit tied aid and other concessional financing practices, which other OECD members have been using increasingly in recent years. Unfortunately, it appears that the most recent negotiations on tied aid practices again failed to produce an adequate result.

As you are aware, successful OECD negotiations are the cornerstone of your Administration's policy concerning use of tied aid credits. Use of tied aid by other countries is presenting a growing burden on U.S. export trade. Unless this problem is resolved, U.S. exporters will continue to be unfairly denied access to lucrative and strategic foreign markets. The burden will fall especially on those industries that compete globally for capital infrastructure projects, including transportation, telecommunications, energy, environmental protection, and construction projects. At the same time, escalating foreign use of tied aid financing will continue to deny the neediest less-developed countries access to precious funding resources.

As the original sponsors of the Aid for Trade Act of 1991, introduced on March 6, we have followed the OECD negotiations with great interest. It is with considerable concern that we view the continued inability of these negotiations to resolve the above problems.

In light of this continued failure, and because any ultimate agreement would not be subject to Congressional ratification, we believe it is essential that Congress be appraised of the future prospects for the OECD negotiations. Specifically, we would appreciate your detailed response to the following questions.

(1) What is the current status of the OECD tied aid negotiations, and when are the next negotiating sessions scheduled?

(2) What are the primary impediments to a successful conclusion to the negotiations? Which countries oppose the type of agreement being sought by the United States?

(3) Why, despite the repealed failure of the negotiations to date, does the Administration still believe that further negotiations will achieve U.S. objectives?

(4) Given the continued OECD deadlock, what other policy options is the Administration prepared to consider in response to escalating use of tied aid credits by other countries?

We greatly appreciate your attention to these concerns.

Sincerely,

Lloyd Bentsen.
David L. Boren.
Robert C. Byrd.
Max Baucus.

Mr. BOREN. Mr. President, we have not yet had an answer, but it is clear that those negotiations have not succeeded and there is no chance that those negotiations will succeed.

Instead of responding to the calls in Congress for us to use the foreign aid mechanism to increase the economic strength of our country and to create jobs here and to stop handing out American taxpayer's cash around the world to be used by people in other countries to buy our competitors' products, we have been moving, as I said a moment ago, in the wrong direction. If anything, the percentage going in the form of cash handouts appears on the upswing, moving from 60 percent in 1990 fiscal year, to 68 percent expected if we do not act.

Capital projects funding by other countries, percentage of total aid, clearly tell the story: United States, 8 percent—I am talking now about worldwide totals—Japan, 61 percent; Germany, 46 percent; Italy, 62 percent, and I could give many, many other examples.

Mr. President, I ask unanimous consent to have printed in the Record an article from the Washington Post at this point and ask unanimous consent that I might have printed an article analyzing the approach that the Japanese are now taking toward tied-aid projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 13, 1991]

JAPAN'S HANDS-ON FOREIGN AID

(By Steve Coll)

ANPARA, INDIA.—At dawn in this remote and smoky industrial town, a steel skeleton rises in the half light, the beginnings of an $850 million, 1,000-megawatt electric power generating station being constructed by Mitsui & Co., the Japanese trading giant. The plant, which will pump power across India's densely populated north, was made possible by a record $600 million, low-interest rate loan from the Japanese government.

To Japanese officials, the plant is a symbol of Tokyo's new place as the leading philanthropist in the Third World, a position it assumed at Washington's urging. But to some resentful Western aid officials, the symbolism is very different.

While the United States slashes its foreign aid budget and rethinks its international assistance, they say, Japan is using its bountiful aid coffers to develop Third World markets for the 21st century—in many cases using development aid explicitly to promote Japanese companies against Western competitors.

As it did with the power plant under construction here, Japan often links large loans and grants to poor countries with procurement of Japanese equipment and technology, an approach that not only enriches Japanese firms in the short run, but also provides them with a strong marketing edge once an aid program is finished.

Japan's seemingly clear-eyed emphasis on its economic self-interest contrasts with a U.S. aid program that appears to be in a state of confusion, shrinking in size and uncertain of its purposes.

Nowhere is this more obvious than in South Asia, a poor but steadily developing region with more than 1 billion people and a growing penchant for market capitalism. In the region's three largest markets—India, Pakistan and Sri Lanka—Japanese bilateral assistance now far outstrips that of the United States, amounting to more than $2 billion annually.

The vast majority of Japan's aid comes as low interest rate, or "soft," loans for big infrastructure projects such as power stations, telecommunications systems, and energy and transport, and the Japanese loans have strings attached: U.S. and European companies are largely excluded from participation in the projects, permitting Japanese firms to make immediate profits, establish their technologies in nascent industries and develop future markets.

As one Western aid official noted: "Once a user becomes familiar with Japanese equipment and technology, they'll keep using it."

It is a self-interested aid philosophy that "is skewed in a manner to promote Japanese interests to the great detriment of the development needs of the recipient country," said another Western aid official.

In the U.S. approach, on the other hand, this official argued, "There is a dimension that goes beyond self-interest . . . that is altruistic. This is an important part of American values."

In private, Japanese businessmen and officials scoff at American attempts to hold the moral high ground on aid.

They point out that "altruistic" programs, such as U.S. food donations to India, are protected in Washington by corporate farm and shipping lobbyists, whose clients reap milions of dollars annually from the program. They note that among developed Western countries, the United States is virtually alone in not linking economic aid to the explicit interests of its own companies. And they argue that the thrust of Japan's aid program promotes the goals articulated by the Reagan and Bush administrations: to encourage recipient countries to solve their problems of poverty and development through capitalism.

U.S. aid officials acknowledge that their own house is in a state of relative disorder. "Probably over the years we've had [on] a bit too many rose-colored glasses," said a Bush administration official. "We have to see that it's a different world and we have to adjust. . . . I think we should be prepared to meet the competition in whatever form it takes."

MEET FUKUO YAMANAKA

Here is the competition: a round, bespectacled, unusually friendly Japanese executive named Fukuo Yamanaka, chief representative in India of Mitsui & Co., the Japanese trading giant. Yamanaka knows the United States—he worked there for nine years—and he remembers his time fondly. But his career provides a microcosm of how the nexus between government aid and private trade has changed in Japan and the United States during the past three decades, and how those changes are reshaping international economic competition.

Yamanaka's business is power—the manufacture, sale and maintenance of electric power generating stations and their assorted industrial components. He first came to the United States in the early 1960s, when "made in Japan" was synonymous with "cheap and shoddy" and when the international electric power business was dominated by U.S. firms, particularly General Electric Co.

As an engineer and salesman, Yamanaka's job in those days was to acquire and sell GE power turbines to Japanese users, often municipal governments and other utility authorities. No company in Japan could make turbines as well as GE, so Mitsui in those days made its money brokering American exports to Japan.

* * * * *

Today, Yamanaka is posted on Mitsui's next frontier: the developing world, where demand for electric power far outstrips supply, and where governments are anxious to build plants quickly on favorable terms. GE is still one of Mitsui's competitors, but in India and elsewhere in South Asia, the contest isn't very close.

One big reason: Japanese government aid, in the form of "soft" loans from its bulging Overseas Economic Cooperation Fund (OECF), has made Mitsui pretty much unbeatable by U.S. companies in South Asia.

Mitsui's biggest project in India today is the construction of the two 500-megawatt electric generating facilities at Anpara. Mitsui won the lead position on the contract after outbidding a single Japanese competitor.

The deal was clinched by a $600 million OECF loan carrying a 2.5 percent annual rate of interest, a 10-year grace period and a repayment period stretched over 30 years.

Like many Japanese, Yamanaka is sensitive to any implication that Japan is cynically using its aid budget to a poor country like India to promote the prosperity of Japanese corporations. The OECF loan restrictions excluding Western companies from competing "is of course a mixture, the political decision, the business decision."

As for Mitsui's goals, they are twofold, he said: to make immediate profits by winning contracts, and to build for the long run by using government-financed deals to introduce technologies and find partnerships with Indian companies.

Virtually all OECF loans to this region bar U.S. and European companies from competition, as was the case with the Anpara loan, but companies from developing countries are permitted to compete.

* * * * *

In India, where the government tends toward xenophobia even in the best of circumstances, there is a voluble debate about whether the Japanese aid system is as good for India as it is for Japan. Some accuse Japanese firms of taking advantage of their quasi-monopoly status in big projects to charge exorbitant prices. Others worry that Japan doesn't do enough to involve Indian companies in development work.

"One thing is very clear. The bulk of the OECF money ultimately goes back to Japanese companies," said Naresh Minocha, an Indian financial analyst. "And the Japanese companies quote higher prices than they would in full global competition."

RETHINKING THE PURPOSES OF AID

It now is clear that Japan's aid program in South Asia and much of the developing world dwarfs that of the United States and helps Japanese companies secure a toehold in markets where they might otherwise be left behind. But these truths do not necessarily mean that the United States will be less competitive than Japan in Third World markets during the 21st century, some economists and business officials say.

That is one reason specialists in Washington are today unsure about what the purpose and character of U.S. aid to poor countries should be.

U.S. aid policy remains driven by diverse impulses: to shore up friendly governments in strategic regions, to promote the spread of democracy and capitalism generally, and to provide direct relief to those living in the depths of Third World poverty.

The promotion of economic competitiveness has joined that list of goals during the Reagan and Bush years, but some U.S. aid workers say the idea has been slow to take root in an aid bureaucracy populated by people who see their careers as being devoted to altruism, not economic nationalism.

Some economists and government officials say the United States should try to best Japan not by imitating its approach to foreign aid, but rather by exploiting U.S. "comparative advantages" against Japan.

The biggest of these advantages, they say, is a relatively open U.S. immigration policy that encourages the development of international family-run businesses with a strong anchor in the United States.

For example, there are now about 26,000 Indians attending U.S. colleges and universities, according to U.S. officials. Presumably, some of them will start trading and making money on their own when they are finished with school, as thousands of Indians before them have done, building up two-way trade that totals billions of dollars annually.

Still, some U.S. officials argue that Washington should do much more to integrate the specific needs of U.S. businesses into its foreign aid budget, particularly in areas of the world where markets are young and Japanese and Europeans are working aggressively.

"If the Japanese companies have been so successful [in South Asia], it is because of the close linkage between industry, banking and the government," said V.

Krishnamurthy, former chairman of the Steel Authority of India and a key architect of Japan's aid and trade relationship with India, "If you had gone to the American embassy in [New] Delhi, or to the government in Washington with a proposed deal, they would not" have provided much guidance or assistance.

The U.S. government is trying to change that, but the pace is slow, U.S. embassies now have instructions to integrate more closely the work of Commerce Department officials and representatives of the Agency for International Development (AID), which administers most U.S. aid to poor countries.

Last year, AID established for the first time a $300 million "war chest" to help U.S. companies arrange competitive soft loan financing against Japanese and European firms. But the amount available for such loans is relatively paltry. And during the same period, Congress defeated, at AID's urging, a bill that would have directly linked U.S. aid donations to procurement from U.S. companies.

"The goals remain the same—to improve the quality of life for poor people in developing countries," said a U.S. aid official. "We're also interested in developing an environment conducive to U.S. investment abroad . . . but we're not the instrument for U.S. business."

Krishnamurthy, recalling the days of the Kennedy and Johnson administrations when India was plagued by famines and the U.S. government boldly led a rush of charitable donors onto the subcontinent, said the U.S. aid philosophy has been well-intended but ultimately unprofitable. "Looking back, U.S. aid was directed in the right places" to alleviate proverty, he said. "But it was not aid that had commercial future."

[From the Journal of Commerce]

MAKING THE MOST OF FOREIGN AID

(By Susan M. Frank)

Although Soviet President Mikhail Gorbachev's request for financial aid from the West was turned down at last week's economic summit, it illuminated the massive demands Eastern Europe—and probably the Soviets—will place on the world's aid donors. It also highlights the need for a new approach to U.S. foreign aid.

The Senate will have a chance to consider this approach when S. 1435, the first foreign assistance authorization bill in seven years, comes to the Senate floor this week. Among the controversial issues in the bill, which was approved by the Senate Foreign Relations Committee in early July, is how the United States should respond to the problem of "tied aid."

Tied aid is a practice enthusiastically embraced by our major trading rivals—Japan, France, Canada and Germany, among others—whereby cash grants or low-interest loans for development offered by these countries are earmarked for purchases of goods or services from the donor country. The annual loss to U.S. exporters, who are frozen out from competing for major overseas projects as a result of tied aid, has been estimated at between $2.4 billion to $4.8 billion by the Center for Strategic and International Studies.

The problem has become especially acute as Eastern Europe and the Soviet Union have begun to dismantle their economies and turn to the West for the goods, services and aid necessary to rebuild and remodel their infrastructure.

The United States distributes its foreign aid through the Agency for International Development. Despite a sizable AID appropriation of $6 billion for fiscal year 1990, the United States does not "tie" its aid to purchases of U.S.-made products. According to Sen. David Boren, D-Okla., the United States gave $1.8 billion in aid to Poland and Hungary last year—the majority in cash—with ony 14% of this assistance tied to purchases of U.S. goods. In contrast, according to the U.S. International Trade Administration, 99% of Japanese aid and 96% of German aid to these countries was in the form of credits that send their goods to Eastern Europe.

Moreover, the United States unlike its competitors, focuses less than 15% of its aid in the area of capital-infrastructure development, an area favored by Japanese and European aid donors because such projects create a continuing demand for goods and services from the donor country. S. 1435 adopts the Bush administration's preferred approach to the tied aid crisis; it merely authorizes the president to use aid funds in support of trade opportunities and capital-infrastructure projects if he should so choose.

But despite mounting evidence of the damage done to U.S. competitiveness by foreign tied aid programs, the administration and its predecessors have steadfastly refused to use their authority to provide U.S. exporters with the same competitive advantages.

In 1983, Congress tackled tied aid directly by establishing the Tied Aid Credit Fund—known as the "war chest"—within the Export-Import Bank. Despite continuing authorizations and appropriations, these funds have been underutilized. U.S. companies competing for export projects subject to tied aid offers from their competitors report that their war chest request are met with reluctance, unreasonable restrictions, impractical standards of proof and inertia. In 1988, not one dollar of the $110 million appropriated to the war chest was used to fight tied aid. The result is that American companies with the best product at the best price lose bids because of financing.

The administration insists that engaging in the same unfair, trade-distorting practices as everyone else is not the solution. Instead, it is pursuing international negotiations through the Organization for Economic Cooperation and Development, which represents the world's major industrialized nations. The cornerstone of this strategy is to persuade our trading partners-competitors to embrace the same generous and high-minded aid policy as the United States and untie or restrain their tied aid. The results have been predictable. The negotiations have dragged on since the early 1980s. The last session, held in June, failed to produce adequate results, as have the preceding meetings and agreements.

The reason is simple. Negotiating without any real leverage is generally fruitless. Although the administration would never espouse unilateral disarmament as a negotiating strategy with Saddam Hussein or the Soviets, it appears to be a central assumption in its strategy to eliminate tied aid.

Sens. Boren, Lloyd Bentsen, D-Texas, Robert Byrd, D-W.Va., and Max Baucus, D-Mont., have introduced a bill as an alternative to the "business as usual" tied aid provisions of S. 1435. Their Aid for Trade Bill would reorient U.S. foreign aid, help U.S. exporters now and provide an incentive to our trading partners-competitors to negotiate in earnest. The bill directs an increasing share of U.S. aid toward capital projects, limits cash giveaways not tied to the purchase of U.S. goods and beefs up the war chest with particular emphasis on Eastern Europe.

The aim of the bill, as Sen. Boren has said, is to provide U.S. taxpayers with a return on their investment in other countries' development. The bill is also an acknowledgement that the United States cannot continue its policy of "noblesse oblige" in foreign aid. Our intractable trade balance and increasing dependence upon exports for growth have made a foreign aid policy of "no strings attached" a luxury we can no longer afford.

Adoption of the Aid for Trade provisions in place of S. 1435's vague admonitions would provide a welcome and necessary element of reality in U.S. trade policy. The administration strategy of leading by example and hoping against hope for the best from OECD negotiations may be ideologically satisfying to free traders but it will never get results. Until the United States provides its own companies with an arsenal of support and redirects overseas aid toward getting a return on the taxpayers' investment, the Japanese and Europeans will keep laughing—all the way to the bank.

(Susan Frank is an attorney in the Washington, D.C., office of Sonnenschein, Nath and Rosenthal. The firm does not currently represent clients who are seeking "tied aid" funds.)

Mr. BOREN. The trend, as I mentioned, is getting worse. While the United States is funding capital projects at $573 million this year, it is expected to drop to $420 million for fiscal year 1992. If we do not act, this is the beginning of an approach, you might say, toward unilateral disarmament in terms of trying to increase the economic strength of this Nation. I would also like to point out that of the $570 million now in capital projects, $520 million, or 91 percent, goes to only two countries, Egypt and the Philippines.

So not only are we not aggressively enough following an approach of giving credits instead of cash, of having capital projects to put our equipment produced by our jobs into the infrastructure of the rest of the world—we are not even attempting to do it in most of the areas of the world—we have limited ourselves thus far basically to doing it in only two countries. So we have fallen far behind; the administration has simply not been responding as it should in terms of moving in this direction.

I also ask unanimous consent to have printed in the RECORD for others of our colleagues to read an article from the Journal of Commerce from last week which highlights the fact that Spain, for example, is now aggressively moving into Latin America with a $14 billion program of aid tied to procurement of Spanish goods.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, July 22, 1991]

SPAIN PROMISES AID FOR LATIN AMERICA

(By Alva Senzek)

GUADALAJARA, MEXICO.—Spanish President Felipe Gonzalez, last Friday offered the Latin American nations aid totaling $14 billion over the next "four or five years," providing they continue with existing political and economic modernization programs.

The funds will mainly take the form of soft credits for imports of Spanish goods and services, under the country's so-called Linea del Rey (King's credit line). As much as 25 percent may be used for joint investments, both in Spain and in Latin America, Mr. Gonzalez said at the close of a two-day Ibero-American summit conference here.

Portuguese Prime Minister Anibal Cavaco also promised a helping hand in terms of additional commercial concessions and financial assistance for Latin America when his country takes over the presidency of the European Community in January 1992.

Only three of the 21 Latin American presidents in attendance—Patricio Aylwin of Chile, Alberto Fujimori of Peru and Carlos Andres Perez of Venezuela—openly endorsed closer ties with Spain and Portugal.

Enrique Iglesias, president of the Inter-American Development Bank, announced shortly before the summit meeting that the organization that he heads has earmarked $3 billion for the development of the Central American countries.

The delegates worked up to the final hour on the last draft of the "Declaration of Guadalajara," a broad statement of the Latin American viewpoint that was originally presented by the Mexico, Brazil and Spain to the remaining delegations at the start of the conference. At the same time, it was announced that Spain is planning to host the second Ibero-American summit in 1992, and Brazil the third in 1992.

The unanimous pleas of the Central American nations for financial assistance from their more prosperous Latin brethren received a partial response in the form of a progress report from the "Group of 3," made up of Mexico, Colombia and Venezuela.

These three countries have been working for more than a year on an elaborate scheme to integrate their own economies over the next three years, while at the same time making more assistance available to Central America in the form of soft credits for fuels, electricity and capital goods. Mexico already has in operation an incentives program to increase its imports from Central America. Venezuela signed an agreement of intention in Guadalajara with the Central American nations—including Panama—to do the same.

The overall Group of 3 plan makes provision for regulating trade disputes and unfair trading practices, reducing tariffs, national treatment for suppliers from either of the other two countries, access to each other's territorial waters and a uniform exports incentive program.

The government-operated Spanish energy monopoly, Empresa Nacional de Electricidad de Espana, has taken an interest in one project that has developed out of these same negotiations. This would involve massive transfers of energy from southern Mexico and northern Venezuela and Colombia to the Central American countries. Similar projects are under consideration for natural gas, liquefied gas and coal.

First steps have also been taken to set up a trilateral commission to standardize maritime regulations.

Other concrete developments that came out of the Guadalajara summit include the re-establishment of consular relations between Cuba and Colombia and Chile. Cesar Gaviria, president of Colombia, said he expected trade relations with Cuba to be restored, as of next January.

Spain's recent interest in doing more business in Latin America has turned into a costly effort, with imports of goods from the zone $663 million higher than exports, during the first five months of this year.

Mr. BOREN. Mr. President, now Spanish-built infrastructure, such as electrical systems, will be built in Latin America and once again the United States exporters will lose out. So it is time for us to act. We have waited long enough. We have heard excuses about negotiations; we have heard excuses about the need to have some transition time, and while appeals have been made for more time for transition to a new approach to protect American economic interest and the use of our foreign aid, we have been moving in the wrong direction. It is time now for us to give a nudge, a forceful nudge in the right direction.

That is exactly what the amendment does. It does not do it in such a massive way that would take necessary flexibility away from the administration in being able to plan our foreign aid program. Under the amendment, increased funding for capital projects would go from $570 million this year to $750 million next year and $1 billion for fiscal 1993. In other words, this amendment would not even quite double the very modest amount of our aid that is now going in the form of credits as opposed to that which is going in the form of cash.

We have been very careful to exempt from requirements of this amendment those countries that are using cash to pay back American loans. In other words, if the countries owe the United States loans, which they use our aid to repay, in order to keep current with their payments, we do not disrupt this flow of payments back since that cash is coming back to the United States anyway as opposed to being spent by that country to buy our competitors' equipment and products.

We cap cash transfers beginning with 63 percent of our total transfers now in the form of cash to 60 percent next year and reducing the amount of cash that is handed out around the world to 50 percent in the year 1993.

As I say, this is a modest beginning, only a modest beginning, but it is an effort to send a strong signal to begin a transition to a different approach on foreign aid and to begin to give the American taxpayers some return for their money, instead of having our own cash sometimes used to further reduce employment opportunities and hurt the economic situation here in the United States.

We curtail the current abuse of aid by waiving the buy American provision in the Foreign Assistance Act. Right now there is a buy American provision, but the waiver authority is so broad that it really has no meaning. The requirement could be waived only if the commodity is not available in the United States, or there is a shortage here and emergency demands it be met by nearby suppliers and recipient countries, or if the U.S. price is more than 50 percent of that in the developing country, then it can be purchased there. And for any waiver, the product procured overseas must be able to be legally imported into the United States.

The original bill which we proposed, reflected in this amendment which we offer today, has been endorsed by a wide range of groups in this country, groups all across the board in terms of economic strength of this country, who understand that it is time for us to wake up and understand what the competition is doing and begin to use our foreign aid program to help ourselves while we are helping others. The bill was endorsed by the United States Chamber of Commerce, for example, and the AFL-CIO as well, as well as the National Association of Manufacturers.

I ask unanimous consent to have printed in the RECORD at this point two letters from the Coalition for Employment Through Export and the Trade and Aid Coalition representing a wide array of groups interested in expanding U.S. exports and jobs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR EMPLOYMENT
THROUGH EXPORTS, INC.,
Washington, DC, July 24, 1991.

DEAR SENATOR ——: The Coalition for Employment through Exports (CEE), a broad-based coalition of large, medium and small exporting companies, state governors, and 14 labor unions, strongly urges you to support the capital projects amendments to S. 1435 to be introduced by Senators Boren, Bentsen, Byrd, Baucus, and Lieberman. These amendments would:

Create an AID Capital Projects Office to develop a capital projects program

Set up a special program for developing infrastructure projects in Eastern Europe

Authorize increased funding for capital projects

CEE believes that this legislation will help the development needs of recipient countries and help the U.S. economy by creating jobs and economic growth in the United States. We believe this can be accomplished without displacing development assistance funds. We hope we can count on your support for this proposal.

Sincerely,

PEGGY A. HOULIHAN,
Executive Director.

NOTE.—This letter was personalized for every Member of the Senate (with modified versions for those sponsoring amendments) and hand-carried to their offices on 7/24/91.

TRADE AND AID COALITION,
July 24, 1991.

DEAR SENATOR ——: We urge you to support amendments to S. 1435 to be introduced by Senators Boren, Bentsen, Byrd, Baucus, and Lieberman. The amendments would establish a capital projects office within AID and authorize increased funding for capital projects. This proposed legislation is not intended to displace established and useful development assistance programs. The proposal would authorize funding levels for capital projects while providing sufficient flexibility in the appropriations process to fund them without tapping into development assistance funds.

We believe this proposal would sustain our existing AID efforts, be more responsive to the development needs of recipient countries, and create jobs and economic growth within the United States. All other industrialized countries use foreign aid to help develop markets through capital projects in areas such as energy, telecommunications, transportation and environmental protection. These countries understand the linkage between trade and aid, and the benefits to both the recipient nation as well as the donor country.

For example, the modernization, rehabilitation and expansion of infrastructure is crucial to the economic restructuring of Eastern Europe. The Europeans and Japanese have responded to these priorities and have made infrastructure development in Eastern Europe a top priority of their respective foreign assistance programs. Unfortunately, since no U.S. infrastructure grant funding is available through our foreign aid program for Eastern Europe, U.S. companies are at a significant disadvantage in competing in those markets.

In conclusion, we urge your support for these amendments. With this legislation we can have not only an effective AID program, but a means for achieving our country's export competitive goals, as well.

American Consulting Engineers Council, Associated General Contractors of America, Coalition for Employment through Exports, National Association of Manufacturers, National Constructors Association, National Foreign Trade Council, U.S. Chamber of Commerce.

NOTE.—This letter was personalized for every Member of the Senate (with modified versions for those sponsoring amendments) and hand-carried to their offices on 7/24/91.

Mr. BOREN. Mr. President, we have also been told that it would not be fair to those with basic human needs, those where we are dealing with basic problems of shelter and food and emergency medical supplies and refugee assistance. I would again point out that we have exempted those categories in terms of basic human need, emergency human need, and refugee assistance from the provisions of this bill. We are talking here mainly about the basic economic assistance program, the technical assistance programs where we need to be channeling a greater percentage of the aid that we are now giving into capital projects that will create jobs here at home.

Mr. President, I urge my colleagues to give serious consideration to this amendment. I hear again and again, as I am sure my colleagues hear as they go back to their home States and their home districts, that the American people, with all of the needs we have here at home, with all the budgetary problems that we have here at home, are saying why in the world are we still handing out billions of dollars around the world when we cannot take care of the homeless here at home and cannot afford an adequate program to educate the children at home and rebuild the economic strength of our own country.

That is why, Mr. President, it is high time for us to find a way that we can still be compassionate to the needs of others but to put something back in the pockets of the American taxpayer and at the same time use our foreign aid dollars only to buy American products or essentially to buy American products that will create jobs here at home and long-range economic opportunities for this country.

I am very proud, as I have said, to have a broad spectrum of Senators working with me on this amendment. The distinguished chairman of the Finance Committee, Senator BENTSEN of Texas is on the floor. He has long been a proponent of change in the way we give foreign aid; the President pro tempore, Senator BYRD; and I see Seantor BAUCUS now on the floor.

We are also very proud to be joined by those on the other side of the aisle, the distinguished minority leader; the Senator from Utah [Mr. HATCH]; and the Senator from Wyoming [Mr. WALLOP].

And I also ask unanimous consent that my colleague, the Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I urge my colleagues to favorably consider this amendment. It is time for us to start looking after the American people and the American taxpayers for a change and thinking about creating jobs here in our country as we try to help those overseas.

(Mr. DECONCINI assumed the chair.)

Mr. BENTSEN. Mr. President, I rise to support the amendment of the distinguished Senator from Oklahoma. The Senator from Oklahoma has been a leader in this effort for a number of years. He has understood the attack against foreign aid, the intangible nature of it, where you do not see direct results.

He understands that our competition of the decade to come looks like it is not going to be so much a military confrontation but an economic one; that the Warsaw Pact and NATO will begin to recede somewhat in their significance and their importance; that we are looking at Europe, a united 12 nations with some 325 million people, with resources and people and numbers very comparable to our own, where there are going to be economies of size and standardization of production, and tougher, more effective competitors.

He is looking at Japan and the Pacific rim taking us on industry by industry.

And how do they extend their aid? When you see France extend aid to Tunisia, you see capital funds used to build a dam. They talk about having French engineers to do the drawings. When it comes to setting out the specifications for that dam, do you think they use Westinghouse or General Electric? They look at French firms, firms that they have contacts with, that they understand, where they have a national interest, insisting that they are going to use French cement, French electrical equipment. They understand the relationship.

Japan and many European countries provide about 50 percent of their economic assistance in the form of funds for lucrative capital projects. The figure for the United States is about 8 percent. That disparity—coupled with other countries' massive use of tied aid—costs our exporters up to $5 billion per year.

This amendment is intended to get us back in the game when it comes to that kind of international competition.

Do we counsel against it? Do we urge other countries not to do it? You bet. We have been doing that for years. And they have turned a deaf ear to us. No response to us, instead actually increases of that application. They really think we are naive in this kind of competition.

We are not talking about sacrificing foreign assistance programs, but we are talking about further justification of them, so the American people can find something coming back to use, something that is consistent with the objectives of our country, something that is consistent with keeping jobs here.

For a country to develop adequately, nothing is more fundamental than a well functioning system of infrastructure: roads, phone lines, powerplants, pollution control systems. With adequate facilities, a country can move up the economic scale. Without them, its economic progress is just stymied.

Our partners in the G-7 already recognize this basic reality. As I said, those countries already provide a far greater percentage of their aid for capital projects. The United States is in last place among the G-7 nations in its use of aid for capital projects—trailing everyone else by a wide margin. It is not even close.

And the trend is in exactly the wrong direction. The Agency for International Development [AID] is providing $573 million for capital projects this year. Next year, the plan is to cut that to $420 million—a $150 million reduction just as the other major donor countries are moving in the opposite direction.

That is the wrong policy for anyone concerned with a sound development strategy. And it is also the wrong policy for anyone concerned with making our foreign aid program more responsive to our economic needs here at home.

All of us have faced constituents at home who ask, "Why do we give so much foreign assistance to other countries when we have such pressing needs at home?" It is a tough question to answer. The public is justifiably skeptical that this aid really makes the best use of our scarce resources.

We need more bang for the buck. And more aid for capital projects does just that. Capital projects funding has been shown to stimulate more purchases of U.S. goods and services than other forms of aid. And as capital projects help the recipient countries, they also help us at home. It is a two-way street. They help us by creating new business, new exports, new jobs.

That means economic growth—and it also means greater confidence in our foreign aid program.

It also means we will have the capital to put in modern plants. A good example, in fact, is that in Japan the average age of a factory is 10 years. In this country, it is 17 years.

This is a balanced and reasonable amendment. All this amendment does is reverse the shift away from capital projects funding and require that $750 million in aid next year, and $1 billion in 1993, go for such projects. That means $600 million in added funding for capital projects.

I agree there was a time when we were so dominant in the world economy that we did not really have to worry about trade. But that day is past and it is time that we are pragmatic, that we are realists in this thing.

Even after this change occurs under this amendment, only 14 percent of our total foreign economic assistance will be for capital projects—only 14 percent—versus 50 percent for our toughest competitors.

About 86 percent of our total foreign assistance still will be available for uses other than capital projects.

In other words, it still leaves us far behind in the amount or the percentage of our money that we send abroad that is spent on capital projects than, for example, Japan and Western Europe. But at least it is a turnaround, a start in the right direction.

The amendment also deals with aid given in the form of straight cash transfers—that is money given in cash, with no strings attached. This year, over 63 percent of AID's economic support funds consists of cash transfers. That is far more than any other major donor country gives out in cash.

This is only a modest reduction in cash transfers. And our amendment would not touch any cash transfers shown to be used either to buy U.S. goods or services or to repay debt owed to the U.S. Government—money that is coming back to the United States.

But we have to pay more attention to no-strings-attached cash transfers. Too often those transfers simply cannot be accounted for. That is no good for a country in desperate need of resources for development. And it also does nothing to create new business and new jobs for Americans.

The reductions in cash transfers we propose are reasonable. We propose to cut that 63-percent figure back to no more than 60 percent of AID's economic support funds next year and 50 percent the following year. That is not going to undermine AID's ability to use cash funds flexibly. But it will give us $350 million to use for capital projects and other more accountable forms of foreign assistance.

When you have cash transfers and often not enough accountability, you are not sure just whose hands that goes into. You are not sure just how much credit really comes back to this country. But if you can go out and look at a dam, look at a highway, a bridge, and understand that the United States played a role in that, that cannot but help insofar as the relations between the two countries and their peoples.

I think we are at a crossroads in our thinking about foreign aid. For too long we have relied on our deep pockets and not worried too much about how our aid dollars are being spent.

But those days are sure over. We face new economic challenges around the world from governments aggressively helping their exporters become more competitive.

By supporting this amendment, the Senate will signal its support for a foreign aid program that both helps development overseas and contributes to our economic strength here at home. It is time that we send that signal both to foreign governments and the American public.

I urge my colleagues to support the amendment.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senators from Oklahoma and Texas in offering this amendment.

It is high time we took a few basic steps to make sure that our foreign aid program truly advances over all American interests, not only our narrow foreign policy interests, but our economic interests as well.

Our major competitors use their foreign aid to help themselves, especially their exporters, as well as the recipient nation. We should, too.

Right now, Uncle Sam too often just writes our checks, no strings attached, and invites the recipient government to do with our dollars whatever it wants. Too often what it wants is to use our dollars to buy goods and services from our competitors. This amendment will go a long way toward assuring that at least a fair share of American taxpayer dollars go to procure the goods and services of American suppliers.

Last year, my office received a bootleg copy of a study done by a private contractor for AID. It had to be a bootleg copy because AID, having commissioned and then received the study, apparently decided it was best buried in some file drawer, so that no one up here on the Hill ever saw it.

The reason was pretty clear. This study revealed that, in our AID Program in Thailand over the period of the study, nearly 10 times as much of our aid was spent to procure goods and services from Japan as was spent in the United States.

Mr. President, you did not hear me wrong. Ten times as many American tax dollars given to Thailand in American aid, were being spent in Japan as in the United States.

I think it is fair to say that very few Members of Congress, and very few American taxpayers, were aware of that fact, and even fairer to say that none who would become aware of it would understand or approve.

Mr. President, that kind of situation is outrageous.

Sadly, it is not unusual.

It is high time to blow the whistle on that kind of outrage.

It is high time to ensure that competitive American suppliers have a fair shot at providing the goods and services being procured with American taxpayer dollars.

This amendment will help to make that happen. That is why I am happy to join in cosponsoring it, and that is why I strongly urge all Senators to support the amendment.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I wanted to simply continue some of the discussion we were having just a few moments ago.

As I pointed out, it is extremely important for all of us in this country, and particularly for those of us charged with some leadership responsibility, to prepare this country for what we need to continue world leadership into the next century, to understand the nature of the changes that are going on in the world around us.

Others clearly understand what is happening. They understand that leadership in many ways in the future is going to be based upon economic strength as much as upon military strength. Therefore, other countries are marshaling their resources to build the economic strength of their own countries.

The situation, as I indicated earlier, has changed dramatically. Gone are those days in which the United States was so economically preeminent we did not even have to worry about competition from other countries. Gone are those days when we had 9 of the 10 biggest banks in the world. Now we do not have any of the top 20. Gone are those days when we had more than two-thirds' share of the world's trade. Now we are struggling to hang on to what we have, and other countries have seen more rapid increase in productivity in terms of their own economic growth than we have seen in this country.

So we have to begin to rethink the national interests of this country. Particularly we must rethink it within the foreign policy establishment.

For too long those, particularly in the foreign policy establishment, have looked upon economic concerns as something that really should not be a matter about which they should take note. For too long the commercial sections, for example, of our Embassies have been put into the basement or put into an annex across the street, and those charged with political concerns have really not wanted to bother themselves with the commercial and economic side of that activity in our Embassies. This has to change. We have to face the fact that if we find ourselves without economic influence in the world, we will sooner or later find ourselves without political influence as well, or even military strength as well.

We have to look to the economic well-being of the United States of America. We must, for example, begin to integrate into our Embassies and our diplomatic posts the economic functions even more closely and carefully and elevate them in terms of the importance of looking after American economic interests within every diplomatic establishment around the world.

Ambassador Perkins, Director General of the Foreign Service at this time, is a man of great vision. He understands this. He has spoken often about the need to recruit into the Foreign Service more people with practical background in business and commerce, to strengthen the ability of our diplomatic community to really serve as an economic outpost of the United States and other countries, as well as a political outpost.

In addition, we have to think about the other tools at our disposal in terms of using what we are doing around the world and in terms of our political policies around the world, activities to strengthen ourselves economically as well. As I indicated, foreign aid should be one of those tools.

Virtually every other major industrialized country in the world which gives foreign economic assistance, foreign aid to other countries, realizes that. That is why we have seen, for example, in the case of Germany and Japan, well over 90 percent of their aid to the newly emerging democracies of Eastern Europe going in the form not of cash but in the form of credits, because not only are they intent upon helping those democracies, those new democracies, as are we, they are also intent upon seeing in the infrastructure of those countries as it is built their products produced by their jobs.

Germany, that gives aid to Eastern Europe, not only wants to help Eastern Europe, it wants to see German equipment in the new computer network systems being built for the banking and finance institutions of Eastern Europe. It wants to see German equipment in the communication infrastructure. It wants to see German equipment produced from German jobs in the transportation system of that country and into the new factories that are being built with the new capital goods and heavy equipment.

By the same token, Japan, with over 95 percent of its aid in the same form, credits, wants to see Japanese equipment in the infrastructure of Poland or Czechoslovakia or Hungary or other countries around the world. They want to see Japanese equipment rolling up and down the highways and in the construction projects. They want to see Japanese computer products in the infrastructure and financial system, for example, of those countries.

What have we done in the United States, while other countries have been looking to their own interests, we have been acting as if we did not even have any economic concerns at all. We have been acting as if we did not even need to protect our own economic interests. Instead of saying yes, if you need computer equipment, instead of giving you cash we will give you computer equipment produced by American jobs here at home, we have said here is the cash, go buy German or Japanese equipment if you want to. It is perfectly all right with us. Take American taxpayers' dollars, send them out in the form of cash, and allow them to be used to actually aid our competitors from an economic point of view.

It does not make sense, Mr. President. It does not mean that as we move toward credits, toward capital projects, to the provision of in-kind help produced here in the United States as opposed to cash, that we are being less beneficial to other countries.

Several countries in Eastern Europe, for example, indicated to me that they needed to computerize their banking system. In one of the countries I visited, I was told it took 6 to 7 weeks on an average for a check to clear in their banking system because they are not computerized in terms of the communication, check-clearing capability. So they want to change that. They want that equipment. They want that structure put in place. They would be just as happy to receive our equipment and our software as they would be happy to receive our dollars.

So why in the world do we not help ourselves while we are helping them at the same time and have in essence a buy American approach instead of just handing out cash around the world for people to use to help our competitors; $5 billion a year, according to surveys, we have been losing to our competitors in sales of our products.

Mr. President, we are not so preeminent in the world economically. We do not have, as I say, 9 of the 10 biggest banks, the highest per capita income. We have tight budgets here in Congress, and week after week we hear how we cannot meet the real education needs of our people, how we cannot do enough to help the homeless, how we cannot help other people in need, how we cannot help our senior citizens, how we cannot do enough to help control medical expenses of the people in need in our country. Why? Because we are out of money. And yet we continue to hand out money around the world with no strings attached, not even the requirement that we create American jobs as we do it.

The American people are fed up with it. I read survey after survey, and do you know what the surveys say? All of us have read them. Between 80 and 90 percent of the American people, if they could come to the floor of the Senate and vote on foreign aid today, would totally eliminate it, totally eliminate it; 80 to 90 percent of the people would say stop giving a single dollar overseas. We cannot afford to meet all of our needs that are backlogged here at home.

What does that say, Mr. President? It says that there is really not in the long range a choice between doing nothing to change our foreign aid system and making changes. It says that for not too much longer are the American people going to put up with a system that continues to give out cash around the world without getting anything in return. And if we do nothing and we close our eyes, we do not use foreign aid as an economic tool to help this country as well as we help others, sooner or later the American people are going to say end all of it, end all of it.

Mr. President, there is a better way. That way is to allow us to continue to help meet the needs of people around the world, continue to have a presence around the world, and, indeed, at the same time build future economic relationships as well as political relationships with other people—build those relationships; say, for example, to a country like Poland, which wants computer equipment for its banking system, we will help you, but instead of giving you cash, we will put in American computer equipment to help make your banking system more effective. In the future when we produce that equipment it will produce jobs here at home. In the future you might want service contracts with us and want to buy spare parts from us because it is our equipment and we will have a continuing relationship. As we buy from you and get acquainted with you, as our people come there to help with the spare parts for that equipment and the services of that equipment, relationships will be built and before you know it you will be selling us some products as well.

We will have a greater two-way exchange of trade. We will build an economic relationship that we will build for the future that will keep the United States anchored out in the rest of the world and related to the rest of the world, instead of pulling us back in with no relationship. But it will help the United States and our economy and our taxpayers at the same time by keeping more of them employed and providing more markets for our products.

Mr. President, there are those who would say, well, in a perfect world, these countries which are giving foreign aid to other countries, to poorer countries, simply should allow those countries to have total control of their own destiny. We should give them money and let them spend it as they want, set their own priorities, without any other considerations.

Mr. President, we live in the real world, and in the real world, our competitors, our economic competitors, whether we like it or not, are putting strings on their aid. They are not handing out cash. They are only giving credits. They are adopting policies of economic development for themselves by putting their products out in the infrastructure of other countries.

We had better wake up before it is too late. We had better stop acting like we are so wealthy, with such an unlimited amount of resources that we do not need to look after our own economic well-being in the United States anymore. We had better change our ways; we had better begin to meet the competition. We had better get back some of that edge in our own thinking in terms of how we compete with the rest of the world, while still being compassionate.

We have exempted, as I say, things like refugee assistance. We are not going to interfere with those countries that owe large amounts of cash back to the United States by doing anything with this proposal that would disrupt the repayment capability of those countries. We are not doing that.

We are not trying to strike at those forms of assistance that provide for basic needs and just literally allow people to keep themselves together. Food aid is an important example. Much of that, I might say, already goes for in-kind aid, because it goes in the form of our own agricultural produce in this country, in a form that, as we have learned from experience, not only helps hungry people around the world, but helps our own farmers at the same time.

We should apply those lessons to other areas as well. Often, in terms of giving the technology, giving equipment as well as just giving cash, we are helping people every bit as much.

For example, not too many years ago, in one African country where we will be giving medical assistance, we gave assistance not just in the form of cash to buy medicines, we gave assistance not only in terms of in-kind medical equipment and in-kind medicine itself; we also gave technology, a communications system, a rudimentary communications system, so that telephones and equipment could be utilized to run tests in one region, outback region, of the country, far away from major medical centers, and have those tests read back at the capital city, where the medical centers were located, to help save the lives of people out in the bush, in the rural area.

Technology can reach out, equipment can often reach out, equipment produced by American jobs can reach out and help people, help people where they live, help save the lives of people just as essentially, if not more essentially, than handing out cash, which is sometimes misused and misspent, either intentionally or unintentionally, in other countries.

So, Mr. President, I again want to urge my colleagues to consider what we are debating here. It is a very important debate, I believe, in terms of the future of this country. It is but one part of the debate that we need to have in the U.S. Senate, a debate about what we can do to restore the economic strength of this country, what we can do to restore our ability to compete, what we can do to restore our ability to produce.

And we have to use every tool available to us, before it is too late. Before we slide down to second- and third-class status, we must use every tool available to us. We have to improve our educational system, make sure that our students understand foreign languages and go out in the rest of the world and be a part of the marketplace, where people do not just speak English.

We have to improve our science and our technology. We have to improve our understanding of the religions, the cultures of other people, and what motivates other peoples in the world with whom we have an economic as well as a political relationship. Surely, while looking at our interests broadly, in terms of rebuilding the strength of this country, we must also look at our own foreign policy programs and institutions themselves to be an important part of this process.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

I say to the Senator, I know of no opposition to his amendment. I wonder whether we can get a time agreement on the debate period. The only people who have spoken have been proponents of the amendment. I know of no one who wants to speak in opposition to the amendment.

I might have a question or two to ask the Senator. But essentially, this debate time is being used by those who are for the amendment.

I agree with the Senator. This is an important subject. Obviously, it needs to be addressed. But we have others here now who are prepared to offer amendments, so we can move the bill along.

I wonder if the Senator could agree to a time limit, which essentially would be his own time. Maybe we need a minute or 2 extra just for comment. We have been on this amendment for about an hour now, I guess, without any time being used to speak in opposition to the amendment.

Mr. BOREN. Mr. President, I understand the dilemma of my colleague. I apologize.

I have been told that the distinguished President pro tempore, Senator BYRD, is on his way to the floor. He wishes to make some remarks. When he concludes his remarks, this Senator has no additional comments to make. I have been told by other cosponsors on the other side of the aisle that they are not requesting time, any additional time: Senators DOLE, HATCH, WALLOP, NICKLES, or others.

So I would be prepared to go to a vote immediately. We will ask for a rollcall vote, because I think it is important that the Senate go on record on this matter as the bill is taken to conference.

So as soon as Senator BYRD is able to get to the floor to complete his remarks, followed by any comments the distinguished Senator from Maryland or the Senator from Kentucky, our colleague from Kentucky, would wish to make, then I would be prepared to yield.

Mr. SARBANES. I will ask my questions now. Then, as soon as Senator BYRD is finished, we would be perfectly happy to go to a vote.

The Senator said that in his amendment there was an exemption for humanitarian assistance. I have not been able to find that in the amendment. I would appreciate it if it could be pointed out to me.

Mr. BOREN. It is not stated as an affirmative exemption. It is merely we do not cover development assistance. We are only covering certain categories of assistance that we are requiring to move in terms of the amounts of these three categories covered in the bill.

So we have not required the development assistance, as a category, be included among those funds from which the proportion, the larger proportion, would have to go into capital projects.

Mr. SARBANES. There are countries that use their economic support funds, given the pressure of circumstances under which they find themselves, for what I think any one of us would characterize as humanitarian purposes.

Economic support funds are covered by the amendment.

Mr. BOREN. Yes.

Mr. SARBANES. I understand the amendment does not cover the funds that are specifically marked out to combat hunger and disease. But there are some countries that use the economic support fund moneys for those purposes because the press of their circumstances is so great that they are required to do so.

Where do they find themselves under your amendment?

Mr. BOREN. I think we would still allow enough flexibility under this amendment that they would be able to take care of those needs, because as the Senator just indicated, those basic areas for hunger assistance, refugee assistance, for example, are not included in the scope of this amendment.

We are not here requiring that all of those categories, all of the funds in those categories—which cover between $3½ to $4 billion, as we have discussed earlier—we are not requiring that all of those go into the form of capital projects or credits to be tied to, what we might define as tied projects.

We are simply requiring that we try to begin to move in the right direction. We are now at a level of approximately $570 million in this category out of something between $3.7 and $3.8 billion. What we are saying is we simply want to move up to $750 million in this category next year, and on up to $1 billion in the year following.

This would mean that we would not be squeezing all of the cash, by any means, out of these programs. As I say, it is a modest movement in the right direction—from my own point of view, frustratingly modest, I might say. But we wanted to give the community time to adapt to it. We wanted to be able to evaluate it as we go along, to make sure that we do not get into those areas of basic human hunger and refugee assistance, and the other kinds of basic human needs the Senator from Maryland has just talked about.

I certainly understand his concern that we not impact those kinds of programs. I would very much agree with him that we should not. But I would just say that I believe we are moving very, very modestly.

Mr. SARBANES. I hope the Senator will allow me to address that point, because I expressed some concern about it to him earlier in private suggestions. It seems to me, given the exemption for cash transfers in section (b)(2), that the pot of money being discussed is much smaller than the figure that the Senator has just used, because it exempts Israel, which is a large recipient of cash transfers. As a consequence, the figure he is using to be shifted into project aid is applied against a much smaller figure. So you are going to end up going from the figure you used of 8 percent to something on the order of 40 percent in a year's time, a year from now. And as I indicated, I support the direction in which the Senator is moving and the rationale for doing so. In fact, this is exactly the same rationale that was asserted yesterday by many of us in supporting the buy American cargo preference provision. I know the Senator was supportive of that effort, as well, because it reflects the same basic premise that is involved in this proposal. Here again, we are trying to ensure that these cash transfers are spent here in the United States and used for American purchases, and jobs for Americans, including jobs for American seamen.

So, in a sense, the same rationale which the Senator used to make that case yesterday applies here. It is almost exactly the same argument. So I am supportive of it, as I indicated to the Senator. I had some concern about the amount of it, because I do think making these adjustments in the program are going to pose some extreme difficulties. But the Senator has indicated that he intends to stick to these figures, and that is not the major item that is at issue. I do point out, however, with the exemptions he has, he is going to jump the figure from about 8 percent to about 40 percent, maybe even higher.

Mr. BOREN. Of these categories?

Mr. SARBANES. Yes, that is right. These type of capital projects will increase from about 8 percent to about 40 or 50 percent of the total in 1 year's time.

If you take the items the Senator has covered and exempt out Israel and some of the other countries that would be exempted under his amendment, the total figure will be reduced to at least $2.5 billion and perhaps well below that. The Israeli exemption alone would bring it down to $2.5 billion. Of course, you are using a $1 billion figure. That is 40 percent to go to capital projects, while earlier the Senator used the figure of 8 percent.

Mr. BOREN. Yes, of our total aid, not just of this category, but total aid with all categories, we are now at about 8 percent of capital projects, versus 61 percent, as I say, in Japan, 46 in Germany, and in other countries, the 45- to 65-percent range.

In terms of our total, what we do under our bill, if we went to $1 billion from the present 573, in terms of percentage of total aid, we would be only going from 8 to 40 percent. Part of the categories, you have now subtracted from it the amount of cash—I do not know if you can make exactly that subtraction——

Mr. SARBANES. The relevant figure we need to know is what percent of the current money covered by the categories that are covered in the Senator's amendment go to capital projects, because that is the change that is taking place. Even assuming that that figure is, say, 10 percent—I, frankly, do not know what that figure is.

Mr. BOREN. It is 573. By the Senator's figures, since he takes away the 1.2, bring that down to about $2.5 billion. So it would be 573 out of $2.5 billion.

Mr. SARBANES. I thought the 573 was out of the total.

Mr. BOREN. No. It is out of the total, but it is coming out of these accounts. We would be increasing the amount out of the 2.5, as he is now figuring it, from 573, 750 and to $1 billion.

Mr. SARBANES. It would be out of the 3.7?

Mr. BOREN. That is correct.

Mr. SARBANES. Currently, we do not have that exemption. In other words, if I accept the thinking that the 573 applies to a figure of 3.7, then in a year's time it will go to $1 billion out of 2.5; is that correct?

Mr. BOREN. That is correct, by the way he is figuring it.

Mr. SARBANES. Well, I simply make the observation that I think that is a very significant shift. And I do not know what all of its repercussions will be, in terms of the current assistance program, and the recipients, and how they will be impacted by it. But, as I indicated, I do think that we ought to be moving in this direction. I indicated as much yesterday when we did the buy American cargo preference provision, which I know the Senator appreciates, and which had exactly the same rationale the Senator is advancing here on this amendment.

Mr. BOREN. Mr. President, I understand what my colleague is saying, and I certainly know that he is in basic sympathy with the idea that, wherever possible, we should use our foreign aid programs to benefit ourselves and jobs in this country, and our economic development, as well as helping others. He is sensitive to the need to making sure our program still is responsive to those and other countries, especially those with very severe basic needs. I only say, though, that again, if we put it totally into perspective, it should not be held against us that we have exempts or categories. In other words, we have exempted those hunger programs, things like the refugee assistance. So by exempting those from the scope of this amendment, it is then possible to say exactly what the Senator from Maryland just said—well, you have increased really from something like 20 percent to close to 40 percent; out of this narrow category that is left, the percentage of projects that will now be capital or tied-aid projects. That is possible to say.

But in terms of looking at the amount of flexibility still left, you are still talking about leaving about $1.5 billion of flexibility. There is a very large balance here that could be used to meet other kinds of needs. I do not think we are pushing it too far.

The other thing I say is that we also have to look at it in a different way, in terms of what the competition is doing. We have to realize when we look at it in terms of the total assistance—that is the way most taxpayers would look at it; they would say: how much of our money that we are being taxed to send to Washington is going overseas in the form of foreign aid? They are not going to be so concerned as to which category we are putting it into. That is a technicality. If they are billed *x* billion dollars a year and they ask the question: What percentage of the total that we are contributing to the Government of the United States to be sent on to other countries is going in the form of a buy American approach, in terms of only being used to buy our products? That is only 8 percent today. If our amendment is adopted, we are moving up very modestly to somewhere in the 14- to 15-percent range.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BOREN. It is still far below, I say to my colleague, the percentage of the total other countries, including their refugee assistance, basic hunger assistance, and all of their other assistance, a percentage of their total assistance are by and large tying half or greater—in some cases far more than half—of their total aid, not just aid in this category, but their total aid in this form.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BOREN. Yes.

Mr. SARBANES. It is a very important point. I think it needs to be understood that there is a good deal of foreign assistance that is not project assistance, but which nevertheless is spent in the United States. In fact, it is estimated that about 65 to 70 percent of the total foreign assistance budget is spent in the United States. I understand that is not project assistance, and I understand there is a special argument that can be made about project assistance.

One is the visibility of the project, and on some of these projects it gives us an inside track on the further economic development of the country.

The Senator, I think, used some examples earlier of telecommunications or something of that sort. But as to foreign aid, I do not want people to get the mistaken impression, because the Senator is using these figures of 8 percent, that the balance of this assistance is spent elsewhere. Most of this assistance is spent in the United States.

So, there are flows of U.S. supplies, U.S. goods, U.S. services, that are going to these countries as part of our aid program, that the American taxpayers are helping to pay for, which at least redound back to our advantage. These funds are spent here and, in effect, constitute a return to the United States.

So, I do not want the thinking to develop that the only way that the money comes back into the United States is if it is spent on capital projects. In fact, at least some of the projects conceivably would create an industrial base for the country in which the project is taking place, the ultimate result of which would be that the country would end up producing a particular commodity rather than buying it from the United States. You may want that to happen as part of the economic development of the country. But we certainly ought to recognize that the vast majority of this aid that is provided does result in purchases in and from the United States.

Mr. BOREN. Mr. President, I again certainly recognize the validity of a good part of what the Senator from Maryland has said. We have endeavored to find out from the administration—and as I say, this is not a problem only with this administration but it has been a problem with other administrations of both political parties—to determine exactly what portion does come back. We have heard figures at different times from the administration that range as low as 30 to as high as 70 percent.

We have asked for it. I think it is something for us to study and document so we have a better understanding of exactly the point the Senator from Maryland is making. We need to have a thorough study made by the administration so we can come up with a credible percentage to understand exactly how much of the rest of this is coming back. We have military assistance and lots of other things involved. They have as yet not really documented, in a credible way, a credible figure.

I might say it is important for us to look at this matter. I say to my colleague I understand also it is very important for us to reevaluate as we move along in this process exactly the magnitude of the transition that we are asking be made to make sure that we are not going too fast, although I would have to say that in the manner in which those in charge of those programs have been dragging their feet in the past, I would say that the danger is not that we move too fast in terms of processing to look after our own economic interest, I think clearly the danger is we are moving too slowly compared to that of other countries.

I certainly understand what the Senator from Maryland is saying. I think his points are accurate. I think it would be helpful for all of us if we could get those in charge of these programs to really come up with a comprehensive study. I know the Senator from West Virginia has asked for that in the past. That would indicate how much of it does finally come back.

The Center for International and Strategic Studies has indicated that because of the way we give foreign aid versus the way the others give foreign aid, especially the areas we discussed today, we are losing $5 billion a year in sales of American products.

That indicates that we have a very significant problem and one that we need to address to make sure that we look after American taxpayers' interest.

Mr. BYRD. Mr. President, I commend the distinguished Senator from Oklahoma [Mr. BOREN] for his initiative in offering this amendment and am pleased to be a cosponsor of it. Senator BOREN and I have been working together with the distinguished Senator from Texas [Mr. BENTSEN] for several years now to increase the amount of assistance that goes to so-called tied aid—that is funds to developing countries and regions which are for capital projects and must use American firms for construction of those projects. This is a practice which is used by the other major international donors and is intended to help the economies of the recipient and donor countries alike.

The U.S. economy is in a deep recession, and the major financial institutions of our country; bank and insurance companies are weakening. Our ability to compete in the global market is still in trouble. This is a modest attempt to use the tools that are part of our aid-giving programs for the benefit of America as well as the developing areas of the world. It is a method to get us in solidly on the bottom floor of the developing regions of the world, in particular Eastern Europe, to increase our market share in those regions, and to help our Nation's competitiveness at the same time.

Mr. President, despite efforts over the last couple of years, the bureaucrats are having considerable trouble getting the message. As Mr. BOREN, Mr. BENTSEN and myself pointed out in a letter to our colleagues today, AID funding for capital projects is projected to decrease from $570 million for fiscal year 1991 to $420 million in fiscal year 1992, and so the trend is in the reverse direction, a reduction of some 25 percent over the last 2 years. Thus, we have to take action to get back on track, and that is the purpose of the amendment. I am hopeful that this authorization level will be fully funded in the foreign aid appropriations bill for fiscal year 1992, and I believe the amendment deserves the support of the Senate.

Foreign aid is an investment by the American people in the economies of other lands. Let us start to take the steps that will provide them some return on their money.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senator from Alabama [Mr. HEFLIN] be added as a cosponsor.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. SARBANES. I say to the Senator we are quite prepared to accept the amendment. I wonder if we could do it on a voice vote because we have someone who is ready to offer another amendment.

Mr. BOREN. Because of the importance of this matter I think it is important—we will be going to conference with the House that does not have a similar provision—I ask for the yeas and nays on the amendment. I make that request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I am happy to yield the floor at this point so we could proceed to a vote.

Mr. BAUCUS. Mr. President, I rise in strong support of the amendment by Senator BOREN to increase the percentage of U.S. foreign aid that is provided in the form of capital projects.

I have worked with Senator BOREN, Senator BENTSEN, and Senator BYRD to craft this amendment and I am proud to be a cosponsor.

Mr. President, this Nation faces serious international economic challenges.

We all know the list of problems—a sky-high trade deficit, a crumbling infrastructure, a weak educational system, a stagnant standard of living, and so on.

But what is the solution?

Unfortunately, our competitiveness problem won't be solved with a single new program. It will require hard work on many, many fronts.

But one of the fundamental changes we must make is a change in attitude. We must recognize that we are in an economic competition with Japan, Germany, and the rest of the world—a competition which we are losing.

We can no longer afford to be rich uncle to the world. We must devote ourselves on every front to strengthening our economy and increasing the standard of living of U.S. citizens.

Mr. President, that is what this amendment is all about. In Japan and most other nations foreign aid is not just charity. It is also part of a program to advance the economic interests of the donor nation's businesses. Aid is used to establish a hold on a future export market.

But the United States has been unwilling to use its aid in this way. The majority of our aid is provided as direct cash transfers with few strings attached. We don't require that the aid be used to purchase U.S. products or services. In fact, some of the aid is used to purchase products from Germany and Japan.

Mr. President, our competitors would never allow their aid to be used in such a fashion. We can't afford to either.

By increasing the portion of our foreign assistance that is used to support capital projects built with U.S. supplies and using U.S. contractors, we make our foreign aid work to advance America's economic interest.

It is high time we see to it that our aid helps U.S. businesses and U.S. workers as well as the citizens of foreign countries.

Mr. HATCH. Mr. President, I am pleased to join my good friend, the senior Senator from Oklahoma, in his amendment to the 1961 Foreign Assistance Act.

In working with Senator BOREN on this amendment, I sought to develop assurances that, in waiving restrictions on the use of AID moneys to buy American projects, that we narrowed the options to the maximum extent possible. I wanted further assurances that beneficiary countries would not avail themselves of the waiver to buy items that could not be imported into the United States.

Two reasons drove this concern. First, we have seen countries like Iraq attempt to procure from abroad dual-use military technologies that they could not get from the United States. Second, some foreign-made items are not fully importable into the United States because of quotas or other restrictions, such as voluntary restraints. I want to be sure that the simple, temporary shortage of an item here did not necessarily lead to the beneficiary country's procurement abroad of the same item. This would have defeated the purpose of the import restriction.

This is a sound and smart amendment. It is good assistance policy and it is a good business approach. I commend my colleagues who have joined the measure and urge the support of the full Senate.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Oklahoma. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Pryor

So the amendment (No. 832) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. SARBANES. Mr. President, could we dispose of the underlying amendment?

Mr. METZENBAUM. Regular order, Mr. President.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the underlying amendment, as amended.

The amendment (No. 831), as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I had been prepared to propose another second-degree amendment to the underlying amendment of the Senator from Connecticut. In consulting with him, and with the Senator from Oklahoma [Mr. BOREN] and others who have been supportive of the underlying amendment, I am told that the change which I have contemplated is agreeable to them and might be simply incorporated into the language by unanimous consent.

Just briefly, I was concerned that this new initiative, which is in my view excellent and which I support, should take special care to make certain that the projects that are being funded under this new program be designed in a way that takes into account the extraordinary environmental problems, especially in Eastern Europe where a lot of this funding is going to be focused.

In examining the language that is incorporated by reference in the underlying amendment, I am comforted that these matters are attended to.

I am simply proposing to put the Administrator of the EPA on the Board created in the amendment as a nonvoting member to focus the attention of the administrators of this program on the environmental criteria that are incorporated into the text of the amendment. I am told there is no problem with it.

Mr. SARBANES. Mr. President, as I understand it, the Senator from Connecticut is going to modify his amendment at this point. He can do that as a matter of right, as I understand it. I ask unanimous consent that the Senator be allowed to modify his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 831, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I send to the desk a modification of the underlying amendment. It simply adds the Administrator of the Environmental Protection Agency as a nonvoting member of the Capital Projects Board created under the underlying amendment to accomplish the purpose that the Senator from Tennessee had in mind, to make sure that there is consideration of the environmental impacts of the capital projects that are authorized under the amendment.

The PRESIDING OFFICER. By unanimous consent, the Senator has been authorized to modify his amendment. The amendment is so modified.

The modification to amendment No. 831 is as follows:

On page 7, between lines 4 and 5, insert the following:

(6) The Administrator of the Environmental Protection Agency, as a nonvoting member.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Simon amendment be temporarily laid aside.

Mr. DECONCINI. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. If I can address the manager of the bill, is the purpose to proceed to the Dodd-Leahy amendment on El Salvador?

Mr. SARBANES. It will make it in order for others to offer amendments. Otherwise, we have to bide our time on the Simon amendment. We have not been able to get to a vote on the Simon amendment. We are trying to move forward with the legislation.

Mr. DECONCINI. I know the manager has been very cooperative with this Senator. I am now prepared, after his urging, to get our amendments in order.

Mr. SARBANES. I would say to the Senator, I think it would be helpful if we can move to some of these other amendments which have been hanging around. The amendments of the Senator from Arizona we expect to be able to take without debate. But we need to move this process further because of plans people have.

Mr. DECONCINI. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, will the manager explain to me what is happening?

Mr. SARBANES. We have the Simon amendment pending on the U.N. Population Fund. It has been pending for some time. We have not been able to —

Mr. DOLE. Does the Senator want to set it aside?

Mr. SARBANES. I am temporarily setting it aside so we can carry on our business.

AMENDMENT NO. 833.

(Purpose: To place restrictions on United States assistance for El Salvador)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LEAHY, Mr. CRANSTON, Mr. KERRY, Mr. HARKIN, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUYE, Mr. KENNEDY, Mr. HATFIELD, Ms. MIKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN, proposes an amendment numbered 833.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than $85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) PERIOD COVERED BY PRESIDENTIAL DETERMINATION.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) CONTINUATION OF PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) INTERNATIONAL HUMAN RIGHTS MONITORING.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations' efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) ASSISTANCE.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to $10,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, $5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 834 TO AMENDMENT NO. 833

(Purpose: To place restrictions on United States assistance for El Salvador)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LEAHY, Mr. CRANSTON, Mr. KERRY, Mr. HARKIN, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUYE, Mr. KENNEDY, Mr. HATFIELD, Ms. MILKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN, proposes an amendment numbered 834 to amendment No. 833.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk continued to read as follows:

On page 1, line 3, of the pending amendment strike all after the word "TITLE" and insert in lieu thereof the following:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than $85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) PERIOD COVERED BY PRESIDENTIAL DETERMINATION.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) CONTINUATION OF PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) INTERNATIONAL HUMAN RIGHTS MONITORING.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations' efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) ASSISTANCE.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to $11,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, $5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

Mr. DODD. Mr. President, basically this amendment is virtually the identical text of S. 1352, which places and has placed restrictions on military aid to El Salvador for the purpose of supporting the U.N.-sponsored negotiating processes which began a little a year ago.

At the outset, Mr. President, I want to pay a particular note to my distinguished colleague from Vermont who is, once again, my cosponsor of this amendment, who has spent many years working with me on these issues affecting Central America. He once again has joined me in this particular proposition.

Mr. President, in addition to Senator LEAHY, of course, I also want to recognize the contribution of the other cosponsors of this legislation, including Senators CRANSTON, KERRY, HARKIN, BIDEN, GLENN, WELLSTONE, INOUYE, KENNEDY, HATFIELD, MIKULSKI, WOFFORD, LEVIN, SASSER, DASCHLE, EXON, DECONCINI, and BINGAMAN.

Mr. President, last year the Congress approved legislation that was designed to encourage the Government of El Salvador and its armed political opponents to pursue their differences at the conference table rather than the battlefield. That legislation has registered some very real success in that effort. Between November 1990 and April 1991, I think it is safe to say that more progress was made on the negotiating front than any 6-month period that was recorded throughout the preceding 6 years. The pending amendment, Mr. President, builds on that effort.

In effect, this amendment is almost identical to the amendment that was adopted by this body over a year ago. Indeed, it is strikingly similar except in two exceptions. First, the amendment would withhold 50 percent of the military aid pipeline for El Salvador in addition to the 50 percent to be withheld from the fiscal 1992 request. I point out that is not a new proposition for this body and that it was incorporated as part of the legislation as it left the Senate last year. That particular provision was modified in conference but, nonetheless, this body has already approved that proposition.

In addition to that proposition, there is the requirement that before any of the money that was withheld could be spent, the President would have to come and seek permission from the four appropriate committees of the House and the Senate. Now that is a new provision. I will get to that in a minute, Mr. President.

I remind my colleagues last year the Senate approved withholding 50 percent of this aid, as I mentioned a moment ago, as well as 50 percent in the pipeline. These modifications are essential, in my view, given the decision that was made recently to release these funds that had been withheld without, in my view, and in the view of many, I would add, sufficient provocation.

At the administration's request, we gave the President maximum flexibility to release those funds, believing that he would act fairly and judiciously. In our opinion, and in the opinion of those who watch this very carefully, as a result of releasing those funds and the threat of it, the negotiating process is stalled to the point where it is not moving forward at all.

Mr. President, except for these two changes, the amendment is virtually identical in every single respect to that which was adopted last year. Its adoption is once again necessary for those who follow this process. It is vitally important that we be able to exert the kind of pressure on both the FMLN and the Government, particularly the military, to stay at that negotiating table, for that is the only way that we are going to resolve, I think, effectively, the conflict that still plagues that country.

I know, Mr. President, there are those who believe we should put this matter off until a later date. I say here to my colleagues that I was prepared to do that. In fact, I offered to do that when the proposition was raised to me back about 6 weeks ago.

I asked, in return for that request of me not to propose this language until September, that none of the withheld funds would be released during that similar period of time, of 8 to 12 weeks. To that request I was told: No dice. We want you to withhold on any language in the 1992 request. But we will not correspond to that request by agreeing to withhold the funds that we could release, should we decide to do so, in that similar timeframe.

I would point out it has been suggested that the other body, the House of Representatives, has not taken any action. I am sure that point will be raised by some of my colleagues this afternoon. I would point out the reason the House did not act was because they felt they had a reasonable assurance that none of the withheld funds would be released. Had they known that $21 million of the $42 million was going to be released, there would have been action in the House.

And so to suggest somehow that the House was forebearing in its actions because of some other consideration is just not an accurate portrayal of what occurred.

Mr. President, I feel that in a sense this is the opportunity on the authorizing bill to continue a framework that I think has been successful, that has proved effective in bringing the parties to the table and keeping them there. It has not gone perfectly. There have been abuses; there have been some significant human rights abuses that have occurred on both sides. Anyone who is suggesting that is not the case has not followed events in the troubled country of El Salvador over these past number of months.

But, Mr. President, we have come so far. If we keep the pressure on, I believe we can achieve the results of ending the conflict in that country.

If we take off the language we have now had there virtually for the last year, the language which I would argue has brought the parties to the table, and merely allow this authorization to go forward and the money to be appropriated without any conditionality at all, that does change the picture and that does change the message. It in effect says that we no longer are concerned about the very elements which we included in the legislation a year ago.

Mr. President, I offer this not as some radical new idea but in effect to keep the status quo, because it has been the status quo for the last 12 months, and I think worked effectively. So this is not some new idea. It is not changing the ground rules at all. It is saying what we did last year we want to continue doing this year.

If we send any other message, then we run the risk, Mr. President, of saying to one side or the other that we care less about the matters that we cared about only a year ago.

I want to go over some of the provisions in the bill so there is clarity about it.

First of all, Mr. President, the legislation sets forth the United States policy objectives with respect to El Salvador, and those objectives are to promote a permanent settlement and a cease-fire to the conflict through mediation by the U.N. Secretary General, to foster greater respect by the Government of El Salvador for basic human rights and the rule of law, and to advance political accommodation and national reconciliation.

It goes further by placing caps on military assistance to El Salvador at $85 million. By the way, we are not cutting this aid. We are not wiping it out. There are those who want to do it. There are proposals out there to eliminate altogether the $85 million, or that would reduce that number. What we are doing is setting aside 50 percent of it.

This legislation further prohibits all United States military assistance to the Government of El Salvador if the President, our President, determines and reports to the appropriate congressional committees in accordance with the reprogramming procedures under section 634(A) of the Foreign Assistance Act of 1961 that any of the following is the case.

So they get 50 percent of the money, and we hold aside 50 percent. And the President can cut off all of that assistance if the Government of El Salvador has declined to participate in good-faith negotiations; the Government has rejected the mediating role of the United Nations; or the Government of El Salvador is failing to conduct a professional investigation into the prosecution of those responsible for the November 16, 1989, murders of the six Jesuit Priests and their associates; or the military and security forces of El Salvador are assassinating or abducting civilians.

Mr. President, this legislation goes further and underscores the United States commitment to the negotiating process by withholding 50 percent of United States military assistance which would otherwise be available to the Government of El Salvador, including 50 percent of the money in the pipeline.

Let me tell you why we include the pipeline. According to the administration, there are some $150 million in the pipeline. If all we do is set aside 50 percent of the $85 million and do not affect the $150 million in the pipeline, then the legislation is virtually a sham. If, in fact, you can access $150 million, this legislation makes no difference whatsoever. So if it is going to be effectively applied, it seems to me it has to cover not only the fiscal 1992 authorization but also the resources in the pipeline as well.

Now, the President, of course can release all of this money—can release all of the money—the $42 million as well as 50 percent of the money in the pipeline, if the FMLN has declined to participate in good faith in those negotiations; or the FMLN has rejected a mediating role for the United Nations; or the constitutional government of El Salvador is being jeopardized by a substantial military offensive; or proof exists and has been provided to Congress that the FMLN continues to receive substantial military assistance from outside that country; or the FMLN is assassinating or abducting civilians.

This is to try and place language on both sides that is virtually equal, to say it is not favoring one side or another, but to try to resolve this conflict. And so the pressures are equally applied, so that if the Government is failing to meet its responsibilities, then the money gets tied off entirely. If the FMLN fails to meet its responsibilities in this process, the President can release all of these funds entirely. That was the design behind the legislation, to place pressure on all groups.

We add an additional condition, Mr. President. All United States aid would be terminated, economic and military, in the event there is a military coup in the Government of El Salvador.

Let me go on just a bit further, Mr. President, in that the legislation establishes a fund for cease-fire monitoring, demobilization, transition of peace, which would be essential if we are able to reach an agreement, transfers military assistance withheld by the bill to the newly established fund with the moneys to be provided to El Salvador once a permanent settlement has been reached to support the implementation of that settlement. It strengthens civilian control over the military by mandating prior approval of U.S. military assistance to the military and security forces by the civilian government, which has been a major issue that has been outstanding and failed to be addressed in other legislation.

So, Mr. President, this legislation, as I said, we have been over in the past. People have heard this debated. It should serve as a reminder of what we did last year by a rather substantial vote on what has otherwise been a controversial issue. The Members of this body have recorded themselves on this issue.

As I mentioned earlier, there have been problems over the last year. If there were not any problems, we would not be here debating this issue. And there have been abuses.

But I do not feel, nor do others feel who have watched it carefully, that the abuses have been such that they would have necessarily violated release of these funds. That is not to say it has been a pristine record. But none of us ever thought when we offered this legislation a year ago that there had been perfection on either side. There has not been.

The FMLN was engaged, we now know, in shooting down a helicopter and executing two U.S. airmen, an absolutely inexcusable action. We also know there have been virtually no progress in the deaths of the six Jesuit Priests and the two women, despite a lot of rhetoric. The fact is, there is no further progress in that case than there was after the initial weeks of heat and pressure brought by the administration, as well as the Congress. But that issue remains stagnant, Mr. President, without any movement at all.

On judicial reform, we have seen some propositions that have been raised. But frankly, under their new constitution, the assembly has to act, and the following assembly has to act, to make them law. The present assembly has not acted at all. And so the judicial reforms that get talked about just like that are worth no more than the paper on which they have been written.

So in some of the basis elements here, we find a continuation of exactly what was in place more than a year ago.

So just to wipe this all out, to say there has been such great progress here that we are not going to include any conditionality at all but to allow this $85 million in military aid plus the $150 million that lies in the pipeline to go forward, I think would not be wise. I suggest you will not get a negotiated settlement in El Salvador if that becomes the proposition that emerges from this body and the Congress as a whole when we complete our work on this legislation.

Mr. President, I hope that we will have strong support for this proposal. I know the administration is strongly working against it, calling Members one after another to get them to vote against this proposition. I think they do themselves and El Salvador a great disservice in the process. I have great respect for President Cristiani. I think he is doing as good a job as any person could in trying to bring about a negotiated settlement to this process. But, Mr. President, he cannot do it alone.

The President of El Salvator is not about to come up and request that we cut military aid or withhold military aid, the whole 50 percent of military aid. That would be unforgiving. I will not expect him to do that. But I would suggest to my colleagues here today that the only way that President Cristiani survives politically in his own country is if we end up with a negotiated settlement. If we fail to reach that negotiated settlement, then I suggest President Cristiani's time politically is marked and numbered.

So I urge that this legislation be adopted, this amendment be adopted, in order to give this negotiating process a chance to work. In the absence of doing that, I predict a protracted negotiation at best, maybe no negotiations at all, continued violence in that country, and year in year out, requests not just for the $85 million that I am trying to withhold only 50 percent of, but the hundreds of millions of dollars to go in economic assistance to try to shore up that Government.

We heard earlier the concerns about foreign aid and where it is going. We condition aid to every State in this country. We tell them whether or not they are going to get Federal aid based on certain things they do. We ought to be able to condition aid to El Salvador on basic things such as we have enumerated in this legislation. If it is good enough for Connecticut, if it is good enough for Nevada, if it is good enough for North Carolina, it is good enough for El Salvador.

I urge that this amendment be adopted.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I take pride in joining with the distinguished Senator from Connecticut in offering the Dodd-Leahy amendment. As one of the sponsors of this amendment with him, I concur in so much that he has said.

The Senator from Connecticut spoke of tying conditions to aid. He pointed out that we do it for our own States. Why cannot we do it with foreign aid? He is absolutely right. We find in this country we cannot even afford the things we want for our domestic needs, but we can shovel the money out to every country that asks for it. We were told that we cannot spend $90 million to immunize children in America. We have children dying of measles in the United States, something we could easily prevent. But we cannot have $90 million to immunize children against measles and diphtheria, common childhood diseases. We have $85 million to send down to El Salvador, a country where we have already poured billions of dollars almost with nothing to show for it, but we cannot spend the same amount of money on health care for our own children.

Mr. President, I understand we have to be concerned about other countries. But there are certain basic things we ought to ask. If we cannot do it at home, if we cannot spend the same amount of money at home for something that is as important as keeping children alive, why should we spend virtually the same amount of money, dollar for dollar, in El Salvador?

It just does not make sense.

I am pleased to join in this amendment which is very similar to the one Senator DODD and I sponsored last year that got 58 votes in the Senate. It was signed into law by the President last November. We withheld one-half of the $85 million in military aid to El Salvador. We tied the release of the other half to the performance of the Salvadoran Government and the FMLN rebels in the U.N.-sponsored peace talks.

Our law was vigorously opposed by the administration. We were told it was the wrong time. That it would doom the peace process, something I have been hearing for at least a dozen years. Any time anybody says maybe we should put some conditions on how the U.S. taxpayers' money is to be spent, we are told, wait, it is the wrong time. It may cause a problem. It will not be prudent.

I disagree. Is there ever a time that the U.S. taxpayers can say we want a say in where our money goes and what it is used for? We were told at that time it would lead to another FMLN offensive. That it would tie the President's hands. During the 8 months since our amendment passed when we were told that it was the wrong time, doomed the peace process, and tied the President's hands, what has happened? None of those things happened. Instead, for once, for the first time, the parties in El Salvador are actually reacting.

We have seen unprecedented progress in the U.N. peace talks. Both sides have shown flexibility. Both sides have made serious proposals. They have signed far-reaching agreements on a wide range of constitutional reforms. The talks are continuing. We are told by the Salvadoran Ambassador that he believes a cease-fire is near.

The fighting is continuing. But no one expected the war to end when President Bush signed our amendment into law last November. Our aim was to force both sides into a serious negotiating process. Neither has our law tied the President's hands. Our goals and President Bush's goals are the same in El Salvador. We want the war to end. Mr. President, this is a tiny country. It is smaller than Massachusetts. We pour billions of dollars down there at a time when we are taking billions of dollars away from our cities and towns. We ought to at least get something for it. I think that whether the State Department, President Bush, or Members are for or against this amendment, we all agree on one thing—we want the war to end.

Rather than restraining the President, the Dodd-Leahy amendment has given him and administration officials the leverage to push the peace process along, and to keep the prosecution in the Jesuits' case alive.

The amendment we offer today sustains that policy. Again, it authorizes $85 million in military aid; $42.5 million would be available immediately after an appropriation. Our amendment withholds the other half. It ties its release to the performance by both sides in the negotiations and on human rights.

If the FMLN attacks civilians or backs away from the peace talks, they risk the release of the other $42.5 million in military aid.

If the Government refuses to negotiate in good faith or fails to carry through with the prosecution in the Jesuits' case, the Government risks losing the aid. Again, it is a carrot-stick approach with the Government of El Salvador and the same with the FMLN.

There are two changes from current law. Over $140 million in prior-year military aid remains undelivered to El Salvador. Our amendment provides that one-half of these funds would also be withheld. They would be subject to the same conditions.

All observers are optimistic about a cease-fire. When that happens, then there is going to be a need for money to demobilize combatants—the combatants on both sides—and find some way to bring them back into a productive life in the Salvadoran society.

Senator DODD and I have given the President needed flexibility to shift unused military aid to meet the costs of peace.

The other change is that if the President decides to release these withheld funds, he must first notify the appropriate congressional committees, as he does in other matters according to the regular notification procedures in the Foreign Assistance Act. That does not impose any legal obstacle to the release of the funds, but it gives Congress a chance to express its views and the views of the American public before the funds are released.

I can hear the arguments of the opponents of this amendment. We have heard every one of these arguments before. As the distinguished Senator from Connecticut said, the administration has been on the phone today calling Senators, and they made the same arguments they made last year. Well, they were wrong last year, and there is nothing to say they are right this year.

Let me address a couple of points. Opponents of the amendment will say withholding half of the aid has not worked because the FMLN has continued to attack civilians, including three American pilots who were brutally executed in January, after their helicopter was shot down. I found that cruel deed shocking, as we all did.

Let me state very clearly, in case anybody is wondering. The FMLN have not lived up to the conditions in the law. They have attacked civilian targets, and there are reports that they have received new surface-to-air missiles, and evidence may be forthcoming on that.

It was because of those actions that the President released half of the withheld aid last month, and he can release the other half.

Mr. President, it is also equally clear that the Government violated the conditions applying to it as well. The Salvadoran military has also attacked civilian targets with rockets and gunfire from helicopters. Abductions and assassinations of religious, labor and peasant leaders continue. The bodies of human rights workers with their throats cut still turn up on the streets of San Salvador.

The coverup in the Jesuits' case continues. Even the judge in that case says the investigation has not gone far enough. The administration has publicly expressed dissatisfaction with the progress in the case.

I have spent hours with the investigators, those appointed by the Government, and I have watched what they have done. As a former prosecutor, let me tell you, if anybody wanted to investigate a case in a way to ensure a coverup, they set the standard.

There is no question that they have not followed through on the leads they should have, not talked to witnesses, and not procured and secured evidence that was available to them.

The top commanders of the Salvadoran military blamed the FMLN for the murders, even after they knew that their own troops were responsible. Not a single one of those officers has come forward voluntarily with information on the case.

Can you imagine how we would react in this country if somebody in our military, officers that had soldiers under their command, were involved in a heinous murder, and the officers did not come forward? We would be raising holy hell, from the President on down.

But because it is El Salvador, we say: try to clean up your act, but in the meantime do not worry, we are sending you tens of millions of dollars more.

Evidence controlled by the military has been withheld or destroyed. Many of the officers who were finally called to testify lied and lied and lied again about what they know. Even the special military honor board appointed by President Cristiani to review the case lied about it. But we say: do not worry, the check is in the mail, backed by the U.S. Government.

According to Congressman MOAKLEY, there is a "strong possibility that the murders were ordered by senior military officers not currently charged."

The Salvadoran military has tried every trick in the book to hide the truth in the Jesuits' case. Without pressure from the State Department, backed up by the Dodd-Leahy law, that case would have ended up like so many thousands of others, on the shelf, soon forgotten.

So a very strong case can be made that all of the military aid should have been withheld from the Government of El Salvador because of its violations of the conditions, including the requirement for a thorough investigation of the Jesuit murders.

The fact is, though, Mr. President, that neither the Salvadoran Government, nor the FMLN, has fully complied with the conditions in our law. But the answer is not to jettison the law or to ease the pressure on both sides to end this war.

Another argument I expect to hear is that our amendment will weaken President Cristiani. Mr. President, I have met many times with President Cristiani. I have a great deal of respect for him. He has taken bold steps to reform the Salvadoran economy at a time when just about every step he would take has to be unpopular. He has moved against corruption in a country where corruption has become endemic. He has thrown his weight behind the U.N. peace process, despite resistance from within his own party. He deserves a great deal of credit for that. In fact, he deserves our support, and President Cristiani will get our support.

Even with our amendment, El Salvador, a tiny country of only 5 million people, will receive over $200 million in American aid next year.

Of all of the countries in the world, only five countries in the world receive more aid from the United States than El Salvador. So let us not weep and worry that they have been cut off. Only five countries in the whole world get more aid from us than they do.

I do believe that President Cristiani wants a peace settlement, as every single Member of the Senate does. But the Salvadoran military is another story. We are told that to get their support for a peace settlement, somehow President Cristiani needs to be able to deliver the whole $85 million, no questions asked, as though it was some kind of a U.S.-backed bribe for the military.

That argument has been discredited far too many times to count. The only thing that ever got the military's attention was when the Congress withheld half of their aid after they massacred the Jesuits and their housekeepers.

Let us be honest about this. The President just released $21.2 million to the military, on top of the $42.5 million that already went to them this year. They have another $21.2 million coming whenever the President decides to send it. If our amendment passes, they are still going to get another $42.5 million in lethal aid after October 1. On top of that, there is at least another $100 million in lethal aid in the pipeline.

Good Lord, how much does this little country need? At this rate, some of the States of the United States ought to secede from the Union and apply for foreign aid. They would do one heck of a lot better. I cannot imagine any State in this country that would dare, with a straight face, ask the U.S. Government to funnel money out at this same rate.

What the military really needs is another clear signal that the Congress will not pay for endless war in El Salvador. To those who say this is not the right time to bring up this amendment, I ask when have we not heard that worn-out argument? For 11 years we have heard it.

Last fall and again now we are saying the time is up. We are going to send a signal down there if either side—the FMLN or the Salvadoran Government—walks away at the 11th hour, they are going to pay a heavy price for it. We are finished with sending down $85 million with no strings attached. We are sick and tired—at least this Senator is sick and tired—of having our Government say we cannot afford $90 million to immunize our children, the children of America, citizens of our country, to keep them from dying of measles, but we can send almost the same amount of money, no strings attached, to the military of El Salvador because they are so grateful. Their gratitude is overwhelming as they ignore us, and ignore us, and ignore us. They only finally pay attention when we put a few restraints on how the money is spent.

Let us not forget the effects of our policy of quadrupling the size of the Salvadoran military and turning a blind eye to corruption and atrocity after atrocity: Over 70,000 dead, the vast majority of whom were civilians who died at the hands of the military and their death squads. Another 7,500 disappeared and are presumed dead. A million refugees, many of them now living in poverty of the United States.

Mr. President, we cannot pass a law to end the war in El Salvador any more than we can pass a law to end wars anywhere in the world. But one thing the United States can do, the country that stands for freedom, democracy, and peace worldwide, can push the sides toward peace. And that is what this amendment does.

It is a moderate approach, but it is working.

It would truly be a tragedy to do less.

Mr. President, I know there are others who wish to speak. I have taken a great deal of time but as the cosponsor of the Dodd-Leahy amendment I did wish to speak following Senator DODD to emphasize and underscore my support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I just listened with some interest to the cosponsor of the amendment and I would like to respond to each of his assertions in support of this amendment.

I would first of all like to point out that this amendment should be maybe called the liberals' last gasp.

Mr. President, 10 years ago if you looked at the map of Central America, you would have seen of those five nations only one which had a freely elected government, Costa Rica.

In Honduras, we did what we could to aid that country including joint military operations which were opposed by the sponsors of this amendment.

In Nicaragua, which was controlled by a Marxist government, we supported those who were struggling for freedom, which was opposed by the sponsors of this amendment.

In El Salvador, 10 years ago, there had been no free election. When one was held, there were requirements for a great deal of assistance. A great deal of that was opposed by sponsors of this amendment.

And now again, Mr. President, they wish to place another impediment in the path to peace in El Salvador. And this is their last opportunity to do so.

I, like my colleague from Connecticut, have grown weary of this debate. We have been in it for many, many years. But, Mr. President, the people of El Salvador, those long-suffering victims of war and poverty, are far more weary than I am.

And let us be clear on the obstacle to peace, Mr. President: it is the FMLN. What we are deciding today is whether the United States will or will not sustain the pressure that will move El Salvador over the last remaining hurdle to peace and national reconciliation. That last hurdle is the FMLN's agreement—its long overdue, much anticipated, persistently elusive agreement—to enter into a cease-fire with the freely elected Government of El Salvador, to participate in fair elections, and to cooperate in their reunification of that troubled country.

Mr. President, I wonder why the sponsors of this amendment ignore the five Presidents of Central America? I wonder why they will not take into consideration their views on this issue. The former President of Costa Rica used to receive great credibility from me and all Members. It seems to me that the sponsors of this amendment are totally ignoring the information which was conveyed to all Senators, which I would like to quote from and, Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMBASSADORS OF
CENTRAL AMERICA,
July 23, 1991.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: We should like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand. Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.

Since 1987, Congress has recognized and supported the Central American President's efforts in achieving peace in the region. Just last week, the President of the six Central American Republics held a summit meeting in El Salvador and demanded unanimously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.

Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

We are confident that, as in the past you will rely on the Central American Presidents' good judgement on how to address the delicate matter of peace negotiations in Central America.

Please do not hesitate to call any or all of us if we can provide you with further information that might be useful to you in your deliberations.

Sincerely,

Gonzalo J. Facio, Ambassador of Costa Rica; Miguel A. Salvaverria, Ambassador of El Salvador; Juan José Caso,[1] Ambassador of Guatemala; Jorge Ramon Hernandez-Alcerro, Ambassador of Honduras; Ernesto Palazio,[2] Ambassador of Nicaragua; Jaime Ford, Ambassador of Panama.

[1] Presentation of Credentials pending.

[2] Unavailable at present for signature.

Mr. MCCAIN. It reads:

We should like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua and Panama, to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agreements to a cease-fire and discontinues its attacks on El Salvador's civilian population.

Mr. President, let me point out the Presidents of the Central American countries, including Panama, are requesting that the United States Senate vote "no" on the Dodd-Leahy amendment before us. I do not know what credibility these Presidents have with the majority of the Members of this Senate. I happen to personally know all of them. I happen to know that they are products of free and fair elections in their countries. And I happen to know this: They are dedicated to peace as much as any Member of this body, as much as any American, because they know what war and devastation have done to their nations. Mr. President, on this basis alone we should be rejecting this amendment today.

Last October, Mr. President, when the Senate was last occupied by the question of assistance to El Salvador, I and other Senators sought to require the FMLN to accept a cease-fire. Senator DODD and his amendments carried the argument that day. He persuaded a majority of Senators it was unreasonable to expect the FMLN to agree to a cease-fire in advance of further political, military, judicial, and electoral reforms. During that debate, the FMLN made clear that the threat of continued hostilities was the only leverage it had to coerce the Government to agree to these changes, and that they had no intention of abandoning that leverage.

Mr. President, the Government of El Salvador has agreed to those reforms, and has already undertaken constitutional changes to effect them. And what has been the response of the FMLN to this internationally applauded progress? They have continued their campaign of violence.

During a November offense that began shortly after the United States cut military assistance to the Salvadoran Government in half, the FMLN attacked civilians and elected officials in renewed determination to wrest control of El Salvador by force rather than political persuasion. The Auxiliary Bishop of San Salvador, Rosa Chavez, called the attacks "a slap in the face to the Salvadoran people." They were a slap in the face to the U.S. Congress as well.

The FMLN persisted in the widespread sabotage of the Salvadoran infrastructure by bombing hydroelectric dams, power stations, agricultural mills, attacking farms, public transport, and banks.

The FMLN further violated the conditions of the Dodd-Leahy amendment by importing new Soviet SA–14 surface-to-air missiles and other significant shipments of lethal weapons from its sponsors in Cuba and Nicaragua. It was admitted by the Nicaraguan Sandinista military that these weapons were sold to the FMLN.

For many Americans, of course, the FMLN's commitment to violence was most apparent when they launched an unprovoked attack on a U.S. helicopter last January. The three U.S. crewmen on that helicopter were conducting a routine, noncombatant mission when guerrilla fire caused them to crash, killing one man. Not content with the death of only one U.S. serviceman, Mr. President, the FMLN guerrillas dragged the two surviving crewmen from the crash and brutally executed them.

And Mr. President, what has been the response of the FMLN to the United States outrage at this act of incredible and despicable crime?

Mr. President, it has been zero.

I think it might be of interest to the Members of this body to hear the forensic report concerning the victims of that crash.

Lieutenant Colonel Pickett sustained 10 gunshots of the head, body, left arm, and leg; 6 of the 10 gunshot wounds were graze injuries, et cetera. Private First Class Dawson received serious but not fatal blunt force injuries. He died of a single, small caliber gunshot wound to the head.

Mr. President, we are dealing with people who have no respect for human life, American or otherwise.

Mr. President, the administration's sensible and balanced policy has contributed to what the Washington Post called a stunning surge toward peace. El Salvador held its sixth free election in March. The FMLN's political allies won a seat in that election, and the leftwing Democratic Convergence party made substantial gains. Their leader, Ruben Zamora, who has bravely demonstrated that political success is best won by force of reason rather than force of arms, was elected a Vice President of the National Assembly.

By agreeing to far-reaching constitutional changes, President Cristiani has, again, in the words of the Washington Post:

> Taken the brave and necessary gamble of leashing his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena.

There is, as I said at the outset, one obstacle remaining. The FMLN have yet to understand that while they may continue to inflict grave damage on Salvadoran society, the people of El Salvador have no intention of allowing their political choices to be imposed upon them by Communist insurgents. As they have clearly demonstrated in six free elections, they will choose for themselves the people who will govern El Salvador.

When the FMLN finally arrive at a belated appreciation for the firmness of Salvadorans' democratic convictions, we will move that last short distance to peace. It is incumbent upon the U.S. Congress to take no action that would further delay the realization of the people's hopes for peace.

The amendment before us would have precisely that effect.

The amendment is much more severe than last year's action. It would withhold not only 50 percent of this year's, but 50 percent of what remains from last year's appropriation. It would subject all obligations to the reprogramming process, enabling any of four congressional committees to withhold all funds indefinitely.

What will passage of the amendment say to the Government, to the FMLN and to the people of El Salvador? To President Cristiani, it will say:

That despite your agreement to a U.N. designated Truth Commission to investigate human rights abuses over the last 12 years;

Despite your agreement to a constitutionally established National Attorney for Human Rights;

Despite your agreement to remove police and security forces from the control of the Defense Ministry and place them under civilian authority;

Despite your agreement to place the intelligence service under the authority of the President;

Despite your agreement to reduce the Armed Forces to prewar levels;

Despite your agreement to form a commission, whose members will be nominated by the U.N. Secretary-General, to evaluate the human rights records of all military officers and decide who should be removed from service;

Despite your agreement to disband several infantry battalions;

Despite your agreement to dissolve the civil defense forces; and

Despite all these extraordinary reforms, the U.S. Senate will not reward you for your commitment to peace, but, in fact, we will punish you by withholding even nonlethal military assistance to your Government.

To the FMLN, it will say that:

Despite your continued aversion to democracy in El Salvador;

Despite your commitment to suborn with force the sovereign will of the Salvadoran people;

Despite your bad faith in refusing to enter into a cease-fire in response to the Government's agreement to your demands for political and military reforms;

Despite your continuing violence against the civilian leaders and against the people of El Salvador;

Despite your brutal, despicable murder of two American servicemen and your refusal to turn over to the authorities the people responsible for that heinous crime; and

Despite all of these reprehensible policies, the U.S. Senate will not punish you, but reward you by refusing nonlethal military assistance to the Government and, by so doing, encourage your false belief that if you delay a cease-fire you will have an opportunity to win control of the country by force without risking rejection by the people of El Salvador in free elections.

Mr. President, the people of El Salvador desperately desire an immediate cease-fire, and I am certain that the American people earnestly desire an immediate cease-fire in El Salvador. Let us give the negotiations a chance without interference from the U.S. Senate.

My friend from Connecticut said if the other body had known that there had been this money released, they would not have delayed the vote on aid to El Salvador until this fall.

I say to my colleague from Connecticut, having been a Member of that body, he and I know full well that whatever the Speaker of the House wants to bring to the floor, he can bring tomorrow. And if you want to convey that information to them, if they do not know it, take a short walk down there and tell them about it and then have them bring it up tomorrow.

Mr. President, the people of El Salvador deserve an opportunity, as I said. The time for the armed imposition of unjust and undemocratic governments has passed in countries all over the world. Let it pass in El Salvador. And let the long-sought day of national reconciliation arrive.

Mr. President, the President of the United States has been doing a pretty good job of conducting foreign policy. He has been doing a pretty good job in the minds of American people and certainly in the mind of this Senator.

In fact, we have seen incredible things happen as a result of our actions in the Persian Gulf, a START Treaty, a CFE Treaty, a G–7 meeting of almost unprecedented success and a foreign policy which has made the United States again not only a superpower, but certainly a beacon of hope and freedom throughout the world. And that has been proven time after time from Albania to China.

Mr. President, I suggest that it might be time to give the President an opportunity to continue a record of almost unqualified success in the conduct of America's foreign policy and to agree with the presidents of the countries of Central America rather than accept another attempt to forestall the peace which will eventually come to the people of El Salvador.

I do share the view of my friend from Connecticut. We must stop the bloodletting. The way to stop the bloodletting and death is not through adoption of this amendment.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, violence and turmoil continue in El Salvador. All of the distinguished Senators who addressed the issue today emphasized that. It is a tragedy for the people of El Salvador. It is a tragedy for our hemisphere.

Truly, we are all here attempting to find how that violence might come to an end and peace can come to a people who deserve a better history. And, as each speaker has emphasized, we support the distinguished President of El Salvador, President Cristiani, who is a remarkable man, a courageous man, a person working day by day in great jeopardy of his own life and that of his family. He is a patriot and a friend of the United States, a man who studied in this city, who has a very firm idea of our traditions and who has sought to emulate those values in his own life and his own practice.

Mention has been made that El Salvador has received generous amounts of aid. The distinguished Senator from Vermont said only five countries in the world receive more assistance than El

Salvador. Perhaps, that focuses our attention on the fact that violence still exists in our hemisphere close to us.

One reason the citizens of the United States have chosen to pay attention to El Salvador is that peace in Central America is important to the United States. It is important that five democracies succeeded in that region and these successes are remarkable foreign policy successes of the United States of America.

Yet civil war continues in El Salvador, with loss of life in that country and, as we have learned from the distinguished Senator from Arizona, loss of life for the United States. Military persons and civilians are caught up in the affairs of that country.

The suggestion has been made that individual States in the United States ought to request aid, with the generosity of El Salvador setting a standard.

The purpose of this legislation we are looking at today relates to the security of our country, the United States of America. It involves funds we believe appropriately are spent abroad to bring about peace, security and prosperity for our citizens. There are legitimate reasons on occasion to spend money abroad. This is one of them.

We are talking about peace for our hemisphere, about the extension of our democratic principles because we believe that is most likely to lead to peace for our children and our grandchildren in this geographic neighborhood we call the Western Hemisphere.

Finally, arguments have been made about pushing El Salvador toward peace, pushing its Government, its military, its people. There is the suggestion that things we do here today might somehow push people in that country toward peace, when, in fact, I suspect every person in El Salvador yearns for peace, prays for peace. It would be demeaning, that somehow or other it is up to us to push them toward an objective that is prayed for every day in the world.

The fact is, Mr. President, my own conclusion is we have all been involved in pushing and shoving for a very long time with some thought that we know how to construct peace in El Salvador. My plea today is that we cease and desist from doing that. It would be a welcome change.

The people of El Salvador are not pleading with the U.S. Senate today for advice. They are not pleading to be pushed, to be pawed, to be coerced. They are pleading really to be left alone. They are pleading for no action from the body.

If we heard their fervent plea, they are pleading for no debate. Why such an unusual plea of the U.S. Senate, which is not loathe to debate most issues of interest to us?

I had the privilege yesterday afternoon of receiving a call from President Cristiani. I took the occasion to ask him how the negotiations are going; what are the prospects for August, when the parties are to meet. And the President said he was optimistic because the Secretary General of the United Nations is now taking an active interest in these negotiations. He is prepared to help frame the parties' interests, help push toward a situation that means a great deal for everyone around the world who wants peace.

The point I want to make, I suppose, above all—although I shall try to respond to a number of thoughts that have already been offered—is the basic point that anything we do, starting with our words in this debate, quite apart from our votes on the Dodd-Leahy amendment, will be perceived as a plus or minus factor in those negotiations.

If negotiations for peace are ripe and the parties are finally at the table and what we have all prayed for all the years they have been in negotiation, that they might resolve their problems, and that there are some very good times to simply leave things alone.

That is not an argument for no action forever or that this is no particular reason we should not be cognizant of the problems in El Salvador. It is simply a practical fact, that this is a time in which the parties are engaged.

President Cristiani did not plead for either the defeat of the Dodd-Leahy amendment or a vote for this or that. The President of the country said: Let us negotiate as El Salvadorans. I think that is a very important plea.

The President of the country, the FMLN, the military, the clergy, the parliamentarians, do not need our advice at this moment.

I appreciate there are Senators who say "Whether they need it or not, we are going to give it." The American people always demand conditions on money. We have a perfect right to dictate that this money be in, that this money be out; this committee approving a request three, four, or five times as required; that it include double negatives or triple positives. Anyone trying to trace the money through the Dodd-Leahy amendment will have a very, very tough time of it. I am certain President Cristiani or anybody in El Salvador who looks at the bill would appreciate that the stream had dried up at that point.

That may not have been the point of the Senator from Connecticut or the Senator from Vermont, but the practical effect of their amendment is a severe tilt. They are entering, deliberately, the peace negotiations, and they are going to upset them.

How anyone with common sense could assert that this amendment in one wit is going to help the peace negotiations is beyond reckoning.

What this amendment does is to once again imply that Senators who want to dabble in El Salvador, want to settle old scores, want to get at the military, want to pick, again, at the scabs of violence and unsolved crimes—all sort of terrible problems that well-up for over a century—they may have their way. They may have the ability to say we are going to intervene and, believe me, we are intervening for peace, we are intervening for the success of negotiations, when, in fact, El Salvadorans plead simply to be left alone.

A vote today is going to be a tilt, unless the Dodd-Leahy amendment is defeated and we finally have a clean slate and this bill says nothing and we join the House of Representatives and in the fall finally engage in the appropriations process.

The temptation to find the right formula to help bring the parties together and end the conflict in El Salvador has been overwhelming and I support constructive efforts that might accomplish that objective. The long-standing conflict in El Salvador is one of the few protracted conflicts that has not yet been satisfactorily resolved. However, the parties involved are now closer to resolving that conflict than they have ever been over the past decade. But, the war, the suffering, the damage to the infrastructure, and the wrecking of the economy continues and the war has not been settled. So, the search for the right formula here in the United States to end the war in El Salvador continues.

Mr. President, the amendment before the Senate is not the right formula. It will not be helpful to the promotion of peace and to the encouragement of the positive developments taking place in El Salvador in the past year or so. I strongly urge Members to reject this amendment, however well it may be intended.

This amendment uses existing statutory language, but it goes much farther. It is draconian. It goes well beyond current statute. It would withhold 50 percent of proposed military assistance to El Salvador as we have been doing this year. But, it also proposes to withhold all items in the Salvadoran military procurement pipeline, including those which have already been paid for and manufactured with previously provided funds. It appears to me that this would be a serious violation of contract sanctity and would, if passed, undermine the credibility of our military assistance process—quite apart from the adverse effects it would have on El Salvador's ability to combat the FMLN insurgents. Moreover, the amendment sends precisely the wrong signal to the FMLN that they should continue to drag their feet at the bargaining table and continue to drag their feet at the bargaining table and continue to wage war in the field.

The amendment also requires a reprogramming notice wherever or if ever the President decides to release military funds withheld under this amendment. This would be done through a normal reprogramming notice. In effect, it amounts to a second vote on military assistance to El Salvador, giving the Congress a virtual veto over an area of responsibility exercised by the President. This is a bad precedent and one which severely restricts the ability of the President to exercise his executive responsiblities.

So, this amendment should be opposed because it goes too far, it undermines President Cristiani and the constructive reforms he has championed while encouraging the FMLN guerrillas to resist ending the war; it constitutes a serious violation of U.S. contract sanctity practice and raises equally serious questions as to the President's ability to conduct foreign policy for the country. It would be a giant step backward.

Let me review the Salvadoran record for a moment, at least my own recollection of it, as others have rendered theirs.

I will quote extensively from an article I wrote and which was published in the Christian Science Monitor on July 9, 1991. I said:

> Two years ago, Congress and the media were wringing their hands over a "catastrophic" setback to the prospects for democracy and peace in El Salvador. The cause of their gloom was the election of Alfredo Cristiani, the presidential nominee of the National Republican Alliance (ARENA)—a party associated in the minds of many with right-wing death squads and wealthy landowners.
>
> Washington was filled with dire predictions; proposed land reform would be cancelled; the military unleashed to conduct a dirty war against leftist guerrillas; wanton killing of innocent peasants would escalate. These predictions were all wrong.
>
> I was asked by President Bush to go to El Salvador as head of the U.S. delegation at Cristiani's inauguration June 1, 1989. In his inaugural address, he pledged to solidify El Salvador's democracy, enhance land reform, bring about an economic turnaround through free enterprise, and seek peace through direct negotiations with the leftist FMLN guerrillas. We were not certain he could deliver on such a large basket of promises in a country divided by a decade of civil war.

I might point out, parenthetically, Mr. President, that that inaugural address was given in a building surrounded by several thousand policemen and soldiers who the day before had uncovered very large caches of military equipment in El Salvador apparently designed to blow up the inaugural and all those who were at that ceremony.

> Two years later, he has succeeded to a degree I did not think possible. Look at the economy. By cutting state intervention in order to free private initiative, agricultural production and exports reversed their slide to bring about the highest overall economic growth since 1979. Cristiani has set the stage to improve prospects for the most improverished Salvadorans.
>
> Look at Salvadoran democracy. For the March 10 National Assembly elections, Cristiani increased the number of Assembly seats from 60 to 84, opening the way for the leftist parties regarded as the political wing of the FMLN to win nine seats with 15% of the total vote. This should effectively take away the argument of hardline guerrilla leaders that the democratic route to reform is closed to them.
>
> Cristiani also committed his government to the peace process by asking the United Nations to mediate peace talks. April negotiations with the FMLN laid the constitutional foundation for a hoped-for truce. In response to the FMLN's demands, the constitution is being reformed to place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary, and establish a special prosecutor for crimes against human rights.
>
> The two sides are now meeting with the UN mediator in Venezuela to hammer out a cease-fire agreement. We'll soon learn whether the FMLN has been negotiating sincerely or merely has been engaging in another tactic to impose a Marxist-style dictatorship of El Salvador.
>
> How could a man from the dreaded ARENA bring us a promising juncture in El Salvador? Cristiani, it turns out, was precisely the man for the job. His roots in the conservative right gave him the credentials to persuade the powerful forces resisting reforms that change was inevitable and should not be feared.
>
> This is most evident in the cause of human rights. Contrast the total lack of official action after Archbishop Oscar A. Romero was assassinated ten years ago with what happened after the barbarous murders of six Jesuit priests and their two housekeepers 18 months ago. Cristiani called in experts from abroad to make an impartial and highly professional investigation, which led to the arrest of four army officers and five enlisted men for the crime. Their trial is to begin soon.
>
> In light of such progress, this is no time for Congress to turn its back on El Salvador by showing a lack of support for Cristiani's leadership. Recently the Bush Administration was wise to begin allocating previously withheld military assistance to El Salvador for non-lethal material.
>
> We should likewise continue the kind of pressure for reforms that provide Cristiani with helpful leverage on human rights. But we must be wary of leading the FMLN to conclude that our support of Salvadoran democracy is weakening, and thereby encourage them to continue terrorism as an alternative to peace.

The peace process is indeed working. In 1990, the Government of El Salvador and the FMLN agreed to talks aimed at achieving political agreements, comprehensive social and political reforms, and a termination of the hostilities. The accords call for the legal reintegration of the FMLN into the normal civilian life of El Salvador. There has been significant progress in these areas.

Let me cite just a few areas of progress.

In human rights, the Government and the FMLN signed a U.N. drafted human rights accord. Among the elements in the accord, the parties agreed to a U.N. monitoring group to report on cooperation by the parties to the accord and 130 observers are being dispatched to El Salvador this month to monitor and protect human rights there. They agreed to a U.N. designated Truth Commission to investigate major human rights cases since 1980, for a whole decade. Earlier this year the parties agreed to create a national attorney for human rights.

The Government and the FMLN agreed in April to allocate at least 6 percent of the national budget to support and approve the judicial system; they agreed to restructure and reform the appointment process for the Supreme Court giving the new pluralistic, multiparty legislative assembly significant input into approving those appointments; and a civilian criminal investigation unit is being established under the Attorney General. Moreover, the long-awaited prosecution of the Jesuit murders will move to jury selection and trial in the next 2 months; this includes charges against eight defendants for murder and three defendants for obstruction of justice.

The electoral system has been reformed and most Members are familiar with some of the reforms implemented prior to the national elections in March. These elections were the sixth internationally monitored free election in El Salvador. The legislative assembly was expanded from 60 to 84 seats, and parties espousing diverse philosophies, including those affiliated with the Communist Party of El Salvador, participated and won seats. Political pluralism is alive and growing in El Salvador.

Significantly, in April the Government and the FMLN agreed to separate the police and security forces from the national Armed Forces and to create a civilian national police force under a civilian ministry. This has been a step long sought by advocates of reform in El Salvador.

Also, in April, the Government and the FMLN agreed to sweeping constitutional reforms affecting the Armed Forces. These included agreements to give the civilian President more power over assignments and dismissals in the Armed Forces and to remove the intelligence service from the military command and to place it under the President. It would also reduce the size of the Armed Forces to prewar levels, disband several military units and dissolve the civil defense forces.

I go into these details, Mr. President, because they are important to indicate precisely what the changes have been and how substantial they have been. Any follower of history in that country will perceive these are truly monumental changes in a country driven by violence and human rights abuses.

There have been other positive changes endorsed by the Government and by the FMLN. The government of President Cristiani has been very forthcoming and has searched in earnest for peace and reconciliation, and we should do all we can to encourage those seeking that peace and reconciliation.

I think it is fair to say that the government has been at least as forthcoming in the negotiations as the FMLN. By most accounts, the Government has been far more forthcoming. The FMLN has resisted a cease-fire and so far has created obstacles to a final cease-fire and discarded agenda items whenever it and the Government inched close to an agreement.

Mr. President, we ought not put additional strictures on the Government and the Armed Forces at the moment, however appealing that may appear to be. The pressure should be placed on those who have been resistant to the very changes the forces for peace and reconciliation have long sought.

My comment, as I stated earlier Mr. President, is that we ought not to be offering pressure at all. We ought to be staying out of the argument, given the progress that I have cited and the prospects I think are abundantly clear.

Finally, Mr. President, the amendment offered by the Senator from Connecticut was before the Foreign Relations Committee during the markup of this legislation. It was rejected by the Foreign Relations Committee on a bipartisan vote several weeks ago because it goes beyond the restrictions in the law which were enacted last year. It was rejected then because it sends the wrong signal. It tells the FMLN the Congress will and should get tougher on the Government when we should not be sending signals at all. It tells the FMLN that we should expect it to continue to stall at the bargaining table and we ought not to be intervening at all. More important, it tells President Cristiani that his leadership in the peace process earns him few credits in the U.S. Senate despite the fact that many applaud his general leadership. For all of these reasons, Mr. President, the amendment should be defeated.

We should not speak on this issue at this time. We should truly let peace have a chance and negotiations under the auspices of the United Nations with encouragement by the Secretary General proceed.

Mr. SPECTER. Will the Senator from Indiana yield for a question?

Mr. LUGAR. I am happy to respond to my distinguished colleague.

Mr. SPECTER. Before I pose the question, I wonder if the Senator from Indiana will be on the floor for a moment or two because the Senator from Kansas had been here earlier and advises she has a relatively brief statement, so I would defer to her.

Mr. LUGAR. I will be happy to remain if the questions can be asked just after the Senator from Kansas.

Mr. SPECTER. I thank my colleague.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I appreciate being able to speak for just a few moments.

I rise in support of the Dodd-Leahy amendment, which, as has been stated, escrows 50 percent of our military aid to El Salvador. I do so, Mr. President, without turning a blind eye to the FMLN's violence in El Salvador, without turning a blind eye to the enormous difficulties that have been faced over the years in moving away from repressive totalitarian military leadership in El Salvador to one of civilian leadership.

But I also, like all who have spoken here this afternoon, have followed events closely in El Salvador. We have had moments of high hopes. We have had moments of fear. But more importantly, I think over the 10 years, 11 years which I have been involved closely, it is with great sorrow, sorrow for the people of El Salvador who have had to go through the enormous tragedy of transition to a democracy for that country, who have tried so hard to find in their own way an answer to the tragedies that have befallen that country.

I certainly think the Senator from Indiana was eloquent in saying that we have done much pushing and shoving here trying to help, in our own fashion, the process. Many times perhaps we have hindered it. But it has certainly been done with the best of intentions.

The reason I support this amendment at this time is that last year when we approved this amendment, and it passed by a substantial majority here in the Senate, and became law, I believed it was one factor to help the negotiation process move along at that time. I firmly believe, Mr. President, that it would be the opportunity to help move the negotiation process along at this time if we pass this amendment.

I remember when President Duarte came to Kansas State University and delivered a lecture there a few days after the very first meeting of reconciliation between the Government and the FMLN in El Salvador. Hopes were high at that point, 1984, that peace was just around the corner, and they have been dashed over again and over again. But I see no reason, Mr. President, not to try again at this moment to adhere to language which basically we have been operating under for almost a year.

The current language does have two different provisions. It has been broadened, as the Senator from Indiana, Mr. LUGAR, has pointed out. One is that it would halt money in the pipeline which is being spent now rapidly, but that provision was in the legislation that we passed in the Senate last year and it was taken out in conference. It also would require a notification process of some complication.

But perhaps in recognizing that political changes are taking place, I think of a positive nature, we should consider just operating under current law if, indeed, this has proved to be so successful. I think there is certainly merit to continuing to escrow 50 percent of the military aid that we would be sending to El Salvador.

The issue has been well laid out. I think we have debated the same issue, as a matter of fact, time and time again over the past decade. It is hard for us, in fact impossible, to stand here in the Senate and try to really determine in any way which we can fathom the best answer for El Salvador. It has to come from within El Salvador. I am a strong believer that President Cristiani has provided enormously constructive leadership in El Salvador, and if there is any hope of achieving lasting reconciliation there and any negotiation which can achieve peace and stability in El Salvador, it is going to come from our continued support of President Cristiani and our support for the negotiating process.

For that reason, Mr. President, I strongly support the Dodd-Leahy amendment and hope others will join in that effort.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I sought recognition for the purpose of asking questions of the distinguished Senator from Indiana. I do not intend to speak now because others have been on the floor before my arrival, but I will make a statement later after listening to debate.

I pose these questions to the Senator from Indiana because of his experience on the Foreign Relations Committee and his knowledge on the subject which he imparted in his preceding statement.

The first question relates to the current interest of the United States in El Salvador in terms of the traditional threat posed by the Soviet Union, or perhaps its agent, Cuba. We had confronted the Soviet Union around the world in many spots, Cambodia, Angola, Afghanistan, et cetera. I ask my colleague from Indiana if he sees a significant Soviet threat or a surrogate threat by Cuba as a basis of this United States military aid and, if not, why should we be advancing such substantial military aid?

Mr. LUGAR. In response to the Senator, I have certainly no intelligence information on the subject. Others may have. But certainly there are open reports that sophisticated surface-to-air missiles have been introduced into El Salvador, reportedly by elements of the military of Nicaragua, the Sandinista elements, and those charges apparently had substance. Both the El Salvador and Nicaraguan Governments are trying to straighten it out. But the interference in the recent period comes apparently through stocks that were in Nicaragua and have found their way into El Salvador. The origin of these is suspect and subject to great debate, but there are reports that they may have orginated from Cuba.

Mr. SPECTER. I thank my colleague. I ask further about the need for additional funds in the light of so much money in the pipeline. It is reported that there is as much as $140 million in the pipeline. I have a document from the Department of State as of June 26, if I interpret the document correctly—it is not totally clear—which lists what purports to be $132.5 million in the pipeline. With such funds available, what is the need for an additional authorization and later appropriation?

Mr. LUGAR. The Senator's question is one for which I do not have a definitive answer. It could very well be that given peace in El Salvador, there would not be a need for any armament or military assistance at all. As a matter of fact, the President of the country has often suggested that if a cease-fire could be obtained and if peace could be at hand, moneys that have been appropriated for arms might, with consultation with the United States, be used for the rehabilitation of the war-torn country. So I think that is our prayer.

We have no particular requirement, unless one perceives a war continuing, but our hope is that the answer to the Senator's question would be that no further funds would be required. But the problem is, of course, that war continues and the cease-fire has not happened. The plea that I have made today is not to make a judgment on the authorization of funds in the same manner the House of Representatives has been silent, because the issue will have to be joined at the appropriation process in September.

Mr. SPECTER. The third and final question I ask of my colleague from Indiana relates to his assertions about the trial of the Jesuit murder case. I will have a fair amount to say about this later when I seek the floor for the purpose of making a statement.

The Senator from Indiana has said that he expects the trial to be held, submitted to a jury within 2 months, which, based on the information available to this Senator, appears optimistic. I ask my colleague why he thinks, given the long and tortuous history to date, that we will have that resolution within 2 months?

Mr. LUGAR. I can only base that estimate upon the best judgment of the Government of El Salvador in conversation with our Government. The skepticism of the Senator from Pennsylvania, is well-founded, given the history of that country.

I do not want to make derogatory comments that will not assist this debate, but clearly the building of a workable judicial system in El Salvador has been a tortuous process. One of the points that I made about the reforms by President Cristiani is that remarkable progress has occurred. I cited specific changes that have happened. By our standards in the United States, those changes seem to be rudimentary and almost at a glacial pace, and in incremental steps. Given the context in which they have been occurring, the progress has been clearly remarkable.

I pray that the 2-months time estimate is a correct one. It is the best official estimate of the two governments.

Mr. SPECTER. I thank my colleague from Indiana. I have made the same inquiries of Mr. Bernard Aronson, the Assistant Secretary for Latin American Affairs. I did want to have the advantage of Senator LUGAR's thinking while he was on the floor.

I have some questions for Senator DODD. I will defer those for this moment because my colleague has been waiting patiently and he arrived here ahead of this Senator.

I shall await the conclusion of Senator DURENBERGER's presentation before seeking the floor to have a colloquy with Senator DODD. I thank the Chair. I thank my colleagues.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I want to commend each of my colleagues who have spoken so far. I am not sure whether there are going to be a lot more to speak, but I must express the concern that it seems like we have been through this before, and it seems like it is always the same people who are here. And the concern that this Senator has is that those who do not come to speak to the issue may determine the outcome of the vote.

I guess I did not worry quite as much about that back in the days when we had a secret war going on in Nicaragua and we had the country tearing itself apart around Central America. I sort of had the feeling the people paid a lot of attention even if they did not come to speak. But I do not have that feeling as I stand here today.

I recall, as I listened to the comments of my colleagues, again saying these, in large part on both sides of the issue, are the people who have spoken to the issue since I came to the Senate in 1978—I think beginning probably about August or September of 1979—when we began to debate this issue.

It was in July that the Somoza government fell in Nicaragua; by January of the following year that the Romero government fell in El Salvador. It was in that period of time that this became the debating forum for U.S. policy in Central America.

All of us have been to all of these countries more than once, all of us know the political leaders and their predecessors—at least those of us who are speaking here today—of these countries very well.

Some of us were at the inauguration of Chamorro in Managua, Nicaragua about a year or so ago. I imagine there were those who were probably struck, as I was, by the difference in the scale that this issue takes when you actually get to San Salvador or you get to Managua, because on that day I stood up behind the bleachers right behind third base—third base foul line as we would call it here—in the municipal stadium, which is a wooden bleachered stadium which holds 10,000 people, something like that. It is the national stadium of Nicaragua.

I saw half of the people from UNO on the one side and half of the people from the Sandinistas on the other. I thought for a couple of hours I was in a national soccer match. I recognized a lot of the people who came in in their uniforms as the former Sandinista government of Nicaragua, including its ex-President Daniel Ortega, and then the bright white and blue of Chamorro and UNO. I recognized the Contras, the Contra leadership.

I just asked myself today if I can get at that scale by going to Managua, I have to ask myself why it takes on a certain enormity in the context of a debate here in the U.S. Senate. I think it is because we reduce the issues to rather simplistic judgments. We stand here and we debate whether or not $42.5 million of aid, or $10.2 million in a pipeline, or something like that is going to make a big difference.

Frankly, it is my conclusion that the only thing that makes any difference in this case is the people involved. That certainly has been my experience with El Salvador, which goes back 20 years now both before I came to the United States Senate, and since I have been in the United States Senate. It is the people involved that are going to make the difference, and the people involved in this particular case are making a difference.

It is for that reason, Mr. President, that I rise to, as strongly as I can, oppose the amendment by my colleagues from Connecticut and Vermont.

I voted with them last year because it did not look like I had a lot of choice. But this year I do, and the choice to me is very, very clear. I suggest that my colleagues who voted with the Dodd-Leahy—or for the Dodd-Leahy amendment last year, listen or relisten to the comments by our colleagues from Arizona, our colleagues from Indiana, who detailed a lot of the events that have taken place because of the nature of the people that are involved since last year.

I stand here today having to make the judgment, is this the right thing to do and is this the right time to do it? I will never know whether it is the right thing to do. But I am convinced after 13 years of standing here debating these issues that it is the wrong time to do what our colleagues have suggested we do.

I cannot accept the measure that unnecessarily risks disrupting the negotiating process in El Salvador. I cannot accept a measure which ties the diplomatic hands of the President of the United States, the President who, unlike his predecessor, is committed to finding a resolution to this problem. I cannot in good conscience endorse a legislative veto of whatever the President does by four committees of this body.

I have listened to the debate on the amendment. I have tried to understand the reasons for addressing the military aid question right now precisely when the negotiations in El Salvador are reaching their final stages. I must admit I have heard nothing that persuades me that this is the right time to force the issue.

I share everyone's frustration and abhorrence of the continuing violence in El Salvador. I am convinced the people of El Salvador are eager and anxious for peace. There is a sense in the country that peace is near and they will soon be free of the burdens of continual war, and the peace will come by negotiations between Salvadorans.

Even though she has come to a different conclusion on this issue, our colleague from Kansas said if there is going to be peace in El Salvador, it is going to have to come from El Salvador.

It has been my strong hope that the Senate would follow the lead of the House of Representatives and defer consideration on this measure until at least September. The House leaders on this issue, including strong critics of the U.S. policy, recognize all too clearly that forcing a divisive congressional debate now could be counterproductive at best, and potentially much worse. The House has acted responsibly. They have not indefinitely postponed the issue. We will have ample opportunity to address the military aid question during the autumn months, and if all continues to go well in El Salvador we might then be debating economic development and reconstruction aid rather than military aid.

So I say why risk setting back the process? It makes no sense whatsoever to this Senator to risk the negotiations when the talks are on the verge of success. What can we possibly gain? Not much, but we can lose a great deal.

I need not remind my colleagues that the FMLN launched a major offensive 3 weeks after the Senate voted to withhold military aid in late October of last year. Was there a connection? we each draw our own conclusions. As far as I am concerned, why risk it?

It has been argued that the House leaders had an understanding with President Bush that they would not consider the military aid question if he would not release any of the withheld aid.

That was certainly their preference and suggestion to the President. But it is my understanding, Mr. President, that there was no quid pro quo in the House decision. They decided not to act now because that is the right thing to do.

It has been alleged that the President is acting in bad faith by releasing the military aid now, at a sensitive time in the talks; that the President himself risks derailing the talks.

I urge my colleagues to simply look at the facts. President Bush is not releasing huge quantities of lethal military aid. To do so would in fact risk sending damaging signals. It is important for the Senate to realize that.

President Bush has authorized the release of one-half of the withheld military aid. He authorized the release, not actually disbursed it. The President realizes the damaging potential of a huge infusion, so he is not doing it.

Second, Mr. President, the administration is releasing only nonlethal aid, and is doing so only in small quantities and on a case-by-case, or as needed basis.

If you look at the package that is about to be released—nothing has been released to date—it contains food rations, uniform cloth, medical supplies, boots, prosthetics, fuel, and engine spare parts. It makes no sense to argue that sending boots, bandages, and food rations risks upsetting the apple cart of negotiations. There are no helicopter gunships involved here. It is boots, medical supplies, food rations, and uniform cloth.

The question is raised by our colleague from Pennsylvania regarding the pipeline. They do not need all of the money in the pipeline. But that is not the issue.

Mr. President, the President of the United States is not being irresponsible in these actions. If the administration had wanted to upset the negotiating process, it could have disbursed the full $42.5 million in lethal military aid back in January. That is when the FMLN murdered two Americans. That is when the President certified that the FMLN violated the terms and conditions of the law this body passed. But he did not do it.

For 7 months, President Bush has acted with restraint regarding the aid. He has wisely and judiciously refrained from releasing any of the aid, even though he was authorized to do so. Now he is releasing boots and bandages. Even in releasing some of the aid, the President continues his policy of cautious and careful restraint.

So, in my view, Mr. President, it is simply not persuasive to argue that releasing the aid in the manner adopted by the administration will somehow radically upset the balance of the talks. We are talking about prosthetics, Mr. President, not guns and bullets.

It seems to me that President Bush has managed the El Salvador policy adroitly and sensibly. Why risk a setback now? Why do we have to take the policy reins away from the President?

I must also strenuously object to the de facto legislative veto this amendment contains. Requiring that any Presidential decision to release withheld aid be approved by four congressional committees severely restricts Presidential flexibility. There was a time in 1985 and 1986, when I argued in the committee that I was involved in that we have at least one other committee involved, and I got voted down. So I am not against a congressional check. I wish that at that time we had one. But this is not 1986, and it is not Nicaragua. A one-vote majority in one congressional committee could thwart an important Presidential foreign policy initiative that might bring peace to Central America. This provision ignores the fact that President Bush has conducted his policy wisely, responsibly, and with considerable good judgment.

Looking at this language, one is almost led to believe that nothing at all positive has happened in the last 9 months of talks in El Salvador. The language appears to be an effort to "pile on" Salvadoran President Cristiani. I compliment my colleague from Indiana for the comments he has made here about the quality that Alfredo Cristiani and his family have brought to the office of President in El Salvador. This amendment not only undercuts our President, but it undercuts President Cristiani, as well.

My colleague from Arizona has outlined well the many steps that President Cristiani has already taken—not promised, but taken and put into effect—which the FMLN, 5 or 6 years ago, would have used as a way to accept peace in El Salvador.

Let me reiterate my strong belief that we gain nothing by addressing this issue at this time; but we risk a great deal. I urge my colleagues to step back for just a moment, to take a fresh look at El Salvador. The truth is that this is not 1978, it is not 1984, as our colleague from Kansas reminds us—the year President Duarte began negotiations with the FMLN—it is not even 1990, when we took our last vote on this issue. The truth in El Salvador today is that the more democratic improvement there is in that country, whether under Duarte or under President Cristiani, the more the government changes, and the more the FMLN demands. Both sides, Mr. President, must know the end of conflict is near.

I urge my colleagues to realize that El Salvador is moving forward on the negotiating track—something we all want. I think it is the sense on both sides that they are almost there. The peace train could be rolling into the station. Do not let this be the place where we switch tracks.

Thank you, Mr. President. I yield the floor.

Mr. HATFIELD. Mr. President, as I prepared for this debate today, I had to stop and wonder if the Senate was ready for another debate on El Salvador. After all, with the war in the gulf, a visit from a Russian President, arms control treaties waiting in the wings—clearly, we have many things on our minds. And the situation in El Salvador generally merits little column space in the news.

This is the way it has always been for El Salvador. Unless there is a shocking tragedy, or an interesting electoral occurrence, we really would rather not hear about this tiny country. But we did not have any real blockbuster event in El Salvador this year—at least not anything which has caused us to act.

Knowing what it takes to get someone's attention, I almost wish something big had happened in El Salvador—because I know that people sit up and listen when they see bloody pictures, when they hear that priests are dead, when the rivers sweep away fleeing refugees. Then maybe this debate would be more than just a rehashing of everyone's old positions on a country which suffers anew each day.

Mr. President, for years, those people who favored the Reagan and now the Bush administration's policy on El Salvador would come to this floor and make their plea for the status quo—do not cut aid to El Salvador. The Sandinistas are spreading communism fast.

Do not cut aid to El Salvador. President Duarte will bring true democracy.

Do not cut aid to El Salvador. There is a strong reformist element to the military.

Do not cut aid to El Salvador—things will be better.

Well, Mr. President, they really are not. Over 70,000 people have been killed. The economy refuses to rally. The Government cannot stop the military from acting with impunity, and a cease-fire still is elusive.

The opponents of this amendment have had as their rousing rallying cry only a plea for the status quo. For El Salvador, the status quo is civil war. We may not pay close attention to El Salvador, but at least we know that much.

So, I returned to my original thought that this was not the best of times to be debating El Salvador, and then it dawned on me that, for the first time in 10 years, we were timing our discussion exactly right.

For there has never been a greater time for peace in that country. To be sure, the bloodshed continues, and so does the terror. But for the past year there has been a credible and steady effort to reach a negotiated settlement. The U.N. Secretary General has sent one of his most trusted advisers, a man for whom I have great respect, to patch together a garment of reconciliation in a country which has known no peace for over a decade.

That peace process is working. Both sides have come together and some agreements have been reached. The rebel factions finally have accepted—as has our own Government—the reality that the war will only end in negotiated settlement. It is only a matter of time, I think, before we all can get on with the business of rebuilding El Salvador and helping it to become a full partner in the economic and democratic rebirth of Central America.

There is no doubt in my mind that what we do here today will have a significant impact upon El Salvador's chances for peace. After all, we bankroll El Salvador's military and prop up its economy. We are not mere observers to the tragedy, we are full participants in the tragedy and, therefore, especially it seems to me that we have to push for negotiations.

Of course, we cannot expect negotiations to be fully successful in this current climate. If I was playing cards with a known cheater I sure would not bet the farm on my hand.

Advocates of the administration's position on El Salvador would have you believe that the Salvadoran military is poor, that it is vulnerable, that unless this aid is made available whenever they ask for it, the 55,000 soldiers—the Army, Air Force, National Guard, Treasury Police, and the National Police—will be beaten by a ragtag bunch of teenagers.

Come on.

Look at the profile of the military. It has a long history of power. The ruling juntas are gone, but the control is still there. And so is the appalling record of human rights abuse and intransigence.

Last year, I commissioned a report on the Salvadoran Armed Forces, to review the records of those in command. Most of the commanders had U.S. training. Many of the top officers came from the tandona, the 1966 class notorious for its resistance to reform. And most of the officers had charged to them instances of human rights abuse and corruption.

These are the men the administration's policy is protecting. It certainly is not protecting their victims.

Nor is the continuation of full—or nearly full—provision of military aid to the Salvadoran military protecting the peace talks. When we passed by overwhelming majority last year the law to withhold one-half of the military aid, we signaled that the U.S. Congress expected the military to participate in the peace talks. That we expected the military to help President Cristiani reach a negotiated settlement from the FMLN.

This withholding provision became law in November. Congress then went home, some of us feeling pretty good about the fact that we had finally achieved some balance in the policy toward El Salvador.

That balance was shattered right after Congress returned to Washington. One of the first acts the 102d Congress was to receive was the President's finding that the money spigot should be turned on again.

Thankfully, the money withheld was not released immediately or completely. But it took a lot of work on the part of many of us to convince the administration that the decision to release aid was playing right into the hands of those who would rather not have the negotiations succeed.

We are discussing El Salvador again today in hopes that we can regain that balance. By voting for the amendment, this body again can make a commitment to peace through successful negotiations. The amendment restores the concept of pressuring both sides of the conflict by affirming the U.S. policy that the war cannot be won in battle, that it can only end by agreement.

Only by approving this amendment can Congress continue to promote the U.N. negotiation effort. Leaving the military aid decision to the administration only improves the chances that the military will get everything it wants. Everything the Pentagon wants, I might add.

Those who seek the status quo are promoting a United States policy which not only gives the Salvadoran military over $85 million in military aid next year, but access to at least $150 million which has been socked away over the years.

Does access to over 200 million dollars' worth of armaments symbolize restraint? Of course, it doesn't. But that is what you will be voting for unless you vote for Dodd-Leahy.

Over the years the debates on El Salvador have centered around what kind of signal the United States is sending. Now the opponents of the pending amendment would have you believe that this amendment somehow helps the FMLN. But we do not give the FMLN military aid; do we?

It is the Salvadoran military we are giving the license to kill—and the means. At the very least, let us not make our support unlimited. Congress has got to take some responsibility here.

I urge my colleagues to support the real progress made at the negotiating table by approving the amendment offered by Senator DODD and Senator LEAHY.

The PRESIDING OFFICER. The majority leader.

Mr. SARBANES. Mr. President, will the majority leader yield for a moment? I wish to commend the Senator.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the Senator from Oregon for a very powerful statement and a very cogent presentation of the arguments in support of the Dodd-Leahy amendment, which I intend to support. As usual, the Senator from Oregon has offered a very perceptive analysis. I hope Members have had the opportunity to listen to this statement and will support the position he espoused.

Mr. HATFIELD. I thank the Senator.

Mr. WELLSTONE. Mr. President, I rise in strong support of this important amendment to S. 1435, the International Security and Cooperation Act of 1991, to build upon last year's legislation designed to foster a political settlement to the 11-year civil war in El Salvador. This amendment moves us another important step forward. I urge my colleagues to support it.

First, let me be clear. I believe that all military aid to El Salvador should be suspended until the Government of El Salvador makes significant improvements in its human rights record, and that all United States economic assistance to El Salvador should be strictly conditioned on human rights improvements. I am an original cosponsor of legislation to do precisely this, and have urged action on this bill.

This legislation, titled the "Peace, Democracy and Development in El Salvador Act of 1991," provides a focus and a framework for United States policy debates about El Salvador in the coming months. I have been encouraged to see the grassroots support generated on that bill since its introduction in March. I would like to submit a summary of that bill at this point for the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

(Legislation by Senator Brock Adams and Congressman Jim McDermott)

SUMMARY

The Peace, Democracy and Development in El Salvador Act revises United States policy in El Salvador, prohibits military assistance until certain conditions are met, withdraws military advisors, prohibits covert operations, establishes a fund for reconstruction, and restricts economic support funds for basic human needs. The proposal is designed to promote a permanent settlement to the conflict in El Salvador by providing incentives for negotiation, requiring respect for human rights, and promoting democratic reform.

Section One—Policy Statement: Establishes principal U.S. policy objectives in El Salvador: promotion of a peaceful settlement of the conflict, respect for human rights and advancement of national reconciliation. Encourages negotiations mediated by the United Nations and adherence to the Geneva, Caracas and San Jose accords. Affirms support for democratic, political, judicial and military reform. Establishes as important objectives of U.S. policy the prosecution of the murder of six Jesuit priests on November 16, 1989 and the murders of three U.S. military personnel on January 2, 1991. Supports the provision of economic aid which furthers reconstruction, economic development and social justice.

Section Two—Prohibition on Military Assistance: Prohibits all previously appropriated but unobligated military assistance from date of enactment and all military aid for fiscal years 1992 and 1993 unless the President reports that the Government of El Salvador has met all of the following conditions: (1) prosecution of all those responsible for the Jesuit murders; (2) extension of workers' rights to Salvadorans; (3) resolution of past human rights cases, including the assassination of Archbishop Oscar Romero, the murder of Mark Pearlman and Michael Hammer and the bombing of the FENASTRAS trade union office; (4) compliance with international standards of respect for humanitarian and medical workers; (5) control of the military and police by civilian authorities; (6) good faith participation in United Nations negotiations for a political settlement; (7) end of violence by security forces against civilian noncombatants. Furthermore, release of assistance is subject to an affirmative vote of Congress.

Section Three—Withdrawal of Military Advisors: Prohibits funds for stationing of U.S. military trainers or advisors in El Salvador.

Section Four—Covert Operations: Prohibits funds for covert operations in or covert assistance to the government of El Salvador.

Section Five—Demobilization, Transition, and Reconstruction Fund: Establishes a fund for the monitoring of a settlement of the conflict, the demobilization of combatants and the reconstruction of the country. Transfers all withheld military assistance to the fund, to be released upon permanent settlement of the conflict for.

Section Six—Restriction of Economic Support Funds for Basic Human Needs: Prohibits obligation of economic support funds for balance-of-payments or cash assistance and requires funds to be used for basic human needs, health care, agrarian reform and refugee resettlement to be administered, whenever practicable, through non-governmental organizations.

Section Seven—Congressional Review: Expenditure of funds under sections five and six shall be subject to congressional review.

Mr. WELLSTONE. While this legislation offers a framework for our future work on El Salvador, and must be considered seriously by the committee, today we have an opportunity to strengthen current law with respect to El Salvador in two significant ways.

First, this amendment would withhold 50 percent of all unspent funds allocated for military purposes that remains undelivered from prior fiscal years, in addition to withholding military funds allocated for this fiscal year. According to the Defense Security Assistance Agency, these so-called pipeline funds are approximately $150 million.

Second, it would give the appropriate congressional committees of jurisdiction an opportunity to review any decision by the President to release or withhold military assistance, through normal budget reprogramming procedures under the Foreign Assistance Act.

I would like to include a summary of the amendment being offered today as well, to allow a side-by-side comparison of the two approaches.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DODD/LEAHY AMENDMENT—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

Sets forth the following U.S. policy objectives with respect to El Salvador—

To promote a permanent settlement and cease-fire to the conflict through mediation by the U.N. Secretary General;

To foster greater respect by the Government of El Salvador for basic human rights and the rule of law; and

To advance political accommodation and national reconciliation.

Caps military assistance to El Salvador at $85 million for FY 1992;

Prohibits all U.S. military assistance to the Government of El Salvador if the President determines and reports to the appropriate Congressional Committees, in accordance with reprogramming procedures under Section 634A of the Foreign Assistance Act of 1961, that any of the following is the case—

The Government of El Salvador has declined to participate in good faith negotiations;

The Government of El Salvador has rejected the mediating role of the Secretary General of the UN;

The Government of El Salvador is failing to conduct a professional investigation into and prosecution of those responsible for the November 16, 1989 murders of the six Jesuits and their associates; or

The military and security forces of El Salvador are assassinating or abducting civilians.

Underscores the U.S. commitment to the negotiating process by withholding 50% of U.S. military assistance which would otherwise be made available to the Government of El Salvador in fiscal year 1992, including 50% of any money in the pipeline from prior fiscal years, unless the President determines and reports to the appropriate Congressional Committees, in accordance with reprogramming procedures under 634A of the Foreign Assistance Act of 1961, that any of the following is the case—

The FMLN has declined to participate in good faith negotiations;

The FMLN has rejected a mediating role for the U.N. Secretary General;

The survival of the constitutional government of El Salvador is being jeopardized by a substantial military offensive by the FMLN;

Proof exists and has been provided to Congress that the FMLN continues to receive substantial military assistance from outside that country; or

The FMLN is assassinating or abducting civilians.

Terminates all U.S. economic and military assistance to the Government of El Salvador in the event of a military coup;

Establishes a "Fund for Ceasefire Monitoring, Demobilization and Transition to Peace", transfers military assistance withheld by the bill to the newly established fund, with the monies to be provided to El Salvador once a permanent settlement has been reached to support implementation of that settlement;

Strengthens civilian control over the military by mandating prior approval of all U.S. military assistance to the military and security forces by the civilian government;

Earmarks up to $10,000,000 in ESF funds in FY 1992 to support democratic initiatives in El Salvador, including for National Endowment for Democracy programs, and international human rights monitoring efforts through the deployment of the U.N. Observer Force in El Salvador.

Fences $5,000,000 in FY 1992 military assistance pending the investigation and trial of those responsible for the 1981 murders of the U.S. AIFLD workers, and the Salvadoran land reform activist; the 1988 San Francisco massacre; the 1989 murders of the six Jesuits and their associates; and the deaths of ten trade unionists resulting from the 1989 Fenastras bombing;

Authorizes periodic reports to the Congress.

Mr. WELLSTONE. In my judgment, Mr. President, congressional action taken last year on this issue provided the major impetus for the progress that has occurred in the negotiations thus far. Failure to sustain that pressure from the U.S. Congress through adoption of this amendment would likely be a serious blow to the negotiating process, because it will suggest a lack of serious commitment to U.N. negotiating efforts. Furthermore, it is likely to jeopardize action by Salvadoran judicial authorities to investigate and prosecute those responsible for the brutal murders of the Jesuits and others during the last year.

Mr. President, I need not rehearse the tragic tale of that tortured land, what Pablo Neruda called that slender waist of tears. For more than a decade, the people of El Salvador have struggled under the weight of a brutal and ruthless military that has engaged in widespread human rights abuses, including brutal torture and frequent extrajudicial executions. During the past decade, over 70,000 people have been killed, including tens of thousands of innocent civilians.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing stringent conditions on restoration of military aid. But today we stand in essentially the same place as last year: We are still sending over $84 million annually in military aid to the Govenment of El Salvador and the violence and bloodshed continues unabated.

I believe our task today is clear, Mr. President. It is time to reverse our policy on military aid to El Salvador, not reaffirm it. The people of El Salvador deserve a chance for peace. The administration's reinstatement of military aid has seriously hampered movement toward peace in the region. It has prompted renewed repression by military and paramilitary forces, measured in a marked increase in threats and attacks against church leaders and members of social and political organizations, including the U.N. Commission of Verification of Human Rights [ONUSAL]. The human rights office of the Archdiocese of El Salvador, Tutela Legal, reports that during the first 6 months of 1991, the Armed Forces, including the United States-trained Atlacatl Battalion, were responsible for 42 political killings.

This legislation sends a strong signal that there is a large and growing number of Members of Congress on both sides of the political aisle unpersuaded of the need for additional military aid to El Salvador, especially as delicate U.N.-mediated negotiations are underway toward a peaceful political settlement. I urge its adoption by this body.

Mr. KENNEDY. Mr. President, I support the Dodd-Leahy amendment to withhold half of military aid to the Government of El Salvador and to condition the release of these funds on demonstrated respect for human rights and good faith negotiations by both the government and the rebels.

The goal of this amendment is to provide continued support for the United Nations-sponsored peace process between the Government of El Salvador and the rebels and to help end that country's long and bloody civil war.

Frankly, any additional aid to the Salvadoran military is objectionable. Our policy of seeking a military victory has cost United States taxpayers $4 billion, led to over 70,000 deaths, and undermined El Salvador's fragile democracy. U.S. military assistance has made our country an accomplice in repression, in gross violations of human rights, and in unconscionable atrocities by rightwing death squads.

The Dodd-Leahy amendment is an important step toward full termination of aid. The days of blank-check support for the Salvadoran military should end.

Congressional action taken last year to suspend half of military assistance to El Salvador is largely responsible for the recent progress that has occurred under the U.N. peace process. Since the suspension of those funds, U.N.-sponsored talks have culminated in significant agreements with respect to human rights and political reforms. The peace process is currently focusing on a cease-fire and the integration of the rebels into the Salvadoran political system.

Today, the parties are closer to a negotiated settlement than they have been at any time in the past decade. The one stumbling block to a final settlement continues to be the reform of the military and security forces.

Failure to sustain this pressure through the adoption of this amendment would deal a serious blow to the negotiating process because it would suggest a lack of U.S. support for the U.N. peace effort. In addition, it would jeopardize prospects that Salvadoran judicial authorities will be able to prosecute military officials responsible for the brutal murders of the Jesuits. And it would reduce the government's incentive to insist on accountability from the armed forces.

Unconditional military aid to El Salvador would send a clear message to hardliners in the armed forces that now, at the most critical moment of the peace process, the United States is willing to ignore the military's brutal practices and flagrant violations of human rights—violations which security forces and death squads are continuing to perpetrate.

Human rights groups believe that the armed forces are responsible for at least 42 political murders during the first 6 months of this year. Death squad threats and killings have continued at an alarming rate, and attacks and harassment with respect to church and humanitarian workers have increased in recent months.

The rebels have also been responsible for gross and inexcusable abuses. But the rebels are not being funded by U.S. tax dollars. And the rebels' abuses do not excuse the Salvadoran and international laws.

As the peace process in El Salvador approached its final stage, the military sent messages that increased democracy for Salvadoran society will not be tolerated. Following the Bush administration's misguided decision to release part of the suspended fiscal year 1991 military aid, El Salvador's Minister of Defense, Gen. Rene Emilio Ponce, stated that "The military option has not been exhausted."

This is a crucial time in the peace process. We cannot let the ultraright, antidemocratic forces in El Salvador prevent peace through the use of terrorism against innocent civilians. In light of the Salvadoran military's continued disregard for human rights, the imposition of conditions on the extension of military aid is a sensible approach by Congress to protect the rights of the Salvadoran people and sustain the U.N. peace process.

If United States aid to El Salvador is to be effective, it must promote respect for human rights, democratic institutions, and political stability. Unconditional funding for El Salvador's armed forces undermines the peace process, strengthens death squads, and leads to more atrocities by both sides.

The American people have not forgotten the massacre of the six Jesuit priests and their housekeepers. They have not forgotten the murder of Archbishop Oscar Romero. They have not forgotten the more 70,000 Salvadorans killed during this tragic civil war. They do not want the United States to continue to provide U.S. aid to the perpetrators of these crimes.

The Dodd-Leahy amendment is designed to bring these outlaws to justice, and end cruel civil war that has caused so much hardship in this small country. By withholding and conditioning military aid to El Salvador, Congress can renew the hopes of Salvadorans for a lasting peace, and help bring democratic reform and respect for human rights to these long-suffering people.

I commend Senators DODD and LEAHY for their effort, and I urge my colleagues to join them in supporting this important amendment.

SUPPORT FOR THE PEACE PROCESS IN EL SALVADOR

Mr. PELL. Mr. President, this amendment introduced by Senator DODD is an important measure that has direct bearing on the peace process that mercifully is taking place in El Salvador. I am honored to be a cosponsor. The process; which has moved slowly and painstakingly, and despite some recent difficulties, is definitely on a positive track. The Salvadoran Government and FMLN negotiators have agreed upon substantive issues dealing with political and military reform. These were adopted by the recently concluded National Assembly as amendments to the Constitution and await ratification by the new Assembly. The U.N.-mediated process is moving in such a positive direction that there seems to be a very real possibility of an agreement on a cease-fire in the next months.

Much of this progress must be attributed to the contribution made by the Dodd-Leahy legislation which we passed last year. By withholding 50 percent of the military assistance funds, and yet providing for its availability under certain circumstances, it has served to keep both the Government of El Salvador and the FMLN at the negotiating table.

This amendment, strengthened by some modification, will continue to be an effective instrument in support of the peace process and for pressing resolution of important human rights cases. With the focus on the peace talks, it is easy to forget that the war continues and that human rights abuses still are being committed by both sides. Furthermore, as we have been made aware by the dedicated work of Congressman MOAKLEY, the Jesuit case is proceeding at an excruciatingly slow pace with evidence of obstruction by the military authorities. Pressure has to be maintained on both sides of this conflict. This amendment by Senator DODD performs that function.

I urge my colleagues to support this amendment in the name of peace for the deserving people of El Salvador.

Mr. PACKWOOD. Mr. President, I oppose the Dodd-Leahy amendment to the International Security and Economic Cooperation Act of 1991 because now is not the time to withhold military aid from El Salvador during a delicate period of the negotiations. The Dodd-Leahy amendment is much stronger than last year's version, even in light of the promising progress that has been made. Furthermore, it threatens the prospects for peace in El Salvador—a peace which needs to be negotiated by both sides from a position of equal strength.

Last year, I supported the Dodd-Leahy amendment because I believed that withholding 50 percent of the military aid to El Salvador would provide the right stimulus to the stalled negotiations between the El Salvador Government and the Farabundo Marti National Liberation Front [FMLN].

Last year's amendment worked. There has been a great deal of progress made on both sides. Both parties have agreed to significant measures that would protect human rights and ensure constitutional reform in El Salvador. This month, the United Nations will dispatch approximately 130 observers to El Salvador. The Truth Commission, agreed to earlier this year, will investigate major human rights cases since 1980.

Both the El Salvador Government and the FMLN have a long way to go to end the war in that troubled country. Both sides have committed deplorable acts that need to be addressed. Like my colleagues, I am horrified that these violations of human rights continue. It is my hope that the peace process will be able to negotiate the differences between both sides. In my opinion, adoption of the Dodd-Leahy amendment will not facilitate the peace process and end the civil war that has devastated El Salvador.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the Dodd-Leahy amendment on El Salvador.

The war in the small country of El Salvador has been going on for over a decade. Thousands upon thousands of innocent Salvadorans have been caught in the crossfire between the Salvadoran Government and the FMLN. We must do everything in our power to see that these killings stop. Mr. President, I believe that this amendment, if agreed to, will be an honest and cautious step toward this much desired solution.

Mr. President, Latin America has just concluded a historic meeting in Guadalajara, Mexico. The Iberoamerican meeting of the Presidents of Latin America, the Prime Ministers of Spain and Portugal, and the King of Spain, is the latest example of the region's desire to achieve regional peace. The only leader present at this summit, who was not democratically elected was Fidel Castro. This alone is a remarkable accomplishment when considering the situation in Latin America only a couple of years ago.

Mr. President, the statement issued by the President of Colombia, Mexico, Venezuela, and the Prime Minister of Spain at this summit is of historic importance. The Presidents reiterated their strong support for the Secretaries efforts to bring peace to this region. The Presidents have asked the FMLN to not introduce any new topics on the negotiations being carried out under the auspices of the Secretary General, since that could cause a setback in the advances achieved to date. On the other hand, the Presidents agreed that the constitutional reforms approved by the Legislative Assembly of El Salvador on April 30, 1991, are crucial for advancing to a ceasefire, and should be discussed and ratified immediately by the new Legislative Assembly since they establish guarantees essential for the democratization of Salvadoran political life.

Mr. President, the Dodd-Leahy amendment we are discussing will do that. It will force both sides to negotiate to a successful culmination of the peace process as soon as possible. These Latin American leaders, that have long been involved in the regional peace efforts, are asking to continue with the negotiations until a final agreement is reached, and this can only be achieved if we agree to this amendment.

Mr. President, I urge my colleagues to vote for this amendment if in fact we want to bring this conflict to an end.

Mr. DIXON. Mr. President, the situation in El Salvador is once again the focus of attention in the Senate. After 11 years of war, 11 years of disappearances, 11 years of unanswered questions, the Senate must decide whether continued military and economic aid to El Salvador is warranted.

Some $4 billion of total aid, and thousands of deaths have brought a war weary populace to place its hopes in U.N.-sponsored talks that proceed slowly, yet proceed nonetheless.

However, peace talks are not the only forum in which the opposing sides in this conflict face each other. Fighting, deaths, disappearances, and detentions continue. The Salvadoran military, never known for its ethical behavior, continues to round up peasants, shoot at will, and otherwise engage in behavior that should cause all people to think through our policy toward El Salvador.

The FMLN, on the other hand, is hardly the savior of the people. Blowing up electrical power stations, and other acts of destruction that have real impact on real people, are not negotiating tactics. They are the hallmarks of a group whose perceived influence is far greater than their actual strength, and who by no means, or stretch of one's imagination, speak for the displaced and oppressed. The truth is, nobody is speaking for them except for some brave leaders in the church.

The Salvadoran military is unable to defeat them militarily, and vice versa; hence, the negotiating table has become the new battlefield. Make no mistake about it, neither side has given up using guns and bombs to achieve its ends. We would be mistaken to focus solely on the continued fighting, or to focus solely on the negotiations. They are inextricably intertwined.

Into this soup comes our debate on military aid. Some advocate a total, immediate cutoff of military aid. While assuaging some constituencies, the effect of a total military aid cutoff likely would be an increase, in the short term, of Salvadoran military abuses and repression, and a hardening of the military position at the negotiating table. Further, while a total military aid cutoff may warm the hearts of some, it is a cut and run attitude that will do little to achieve success at the bargaining table. Unilateral disengagement is not the answer.

Senator DODD'S amendment, similar to legislation adopted by the Senate in the 101st Congress, continues the prudent policy of using our aid as leverage to the greatest extent possible. I talked recently about utilizing a carrot and stick policy in China. El Salvador is another country where such a policy has brought real results.

United States pressure can help bring about progress at the bargaining table, in the investigation of the Jesuit murders, and in the reform of the Salvadoran military. The mechanisms contained in the Dodd-Leahy amendment help to ensure that progress will continue.

I said last year that our military assistance was given with three goals in mind: First, to prevent the overthrow of the civilian government of the FMLN; second to professionalize the Salvadoran Armed Forces in order for them to do their job; and third, through United States training to develop an effective, ethical fighting force. Last year, I stated that the Salvadoran Armed Forces inability to meet all of these standards was the basis for my decision back then to support cuts and restrictions on further military aid to El Salvador.

Those standards still have not been met, and therefore, my decision to support cuts still stands.

One last point to make is the continuing case of the Jesuit murders. I was outraged at the time of the deaths, and remain profoundly troubled by the snail's pace of the judicial inquiry. While recognizing the difference of their legal system from ours, the legal process could certainly benefit from the full cooperation of the Salvadoran Armed Forces. All responsible for the murders of the Jesuits must be brought to justice.

Mr. President, I urge my colleagues to support the Dodd-Leahy amendment in recognition of a policy which has achieved results to date, and can bring results in the future.

I thank my colleagues.

Mr. KOHL. Mr. President, we have spent 10 years and $4 billion in El Salvador. We have sent military advisers, political advisers, Government officials, arms, and cold hard cash. We have talked to Presidents and priests, to the right and the left, to generals and to peasants. We have protested killings, we have supported elections, we have watched a civil war. We have done a lot. But, Mr. President, there is one thing we have not done enough. We have not brought peace. The Dodd amendment is an attempt to bring peace, and I urge my colleagues to support it.

Mr. President, the need for peace in El Salvador is clear. El Salvador has become so militarized that most of a whole generation of its young people have seen and used more guns in real life than the children of American taxpayers—whose money bought those guns—have seen on television. Roads that existed a generation ago are now barely navigable rockstrewn pathways. Desperate economic and infrastructure needs go unmet, while money is spent on bullets and military campaigns. And while the needs of the people in our own cities and towns have grown severe, we have continued to support El Salvador with almost $1 million a day. What are we trying to do there, and why has it not worked?

Our commitment to the Salvadoran military began as part of our campaign to prevent the spread of communism. Despite the fact that communism has been discredited and that the revolutionary leaders no longer cling so closely to it, anticommunism still forms the basis of our steadfast and deadly opposition to the Farabundi Marti National Liberation Front, the FMLN. Now, Mr. President, I am no fan of the FMLN. I have seen too many revolutionary groups claiming to represent the views and needs of their people who then forget everything—save for maintaining their own position—once they gain power. But while I do not want to see the FMLN win, I am realistic enought to see that they can and will fight on indefinitely. And I can see clearly enough to admit that there has been and continues to be serious economic disparity in Salvadoran society. And I know for a fact that there are elements in the society who will ignore human rights as callously as those who killed six Jesuits, their housekeeper, and her daughter.

Given these factors, honest negotiations aimed at achieving peace with justice are the only hope for bringing an end to this tragic civil war. The fact that the U.N.-sponsored peace talks have already achieved some preliminary results is due, I believe, to the wise course that this body adopted last year when we withheld 50 percent of the military aid and placed restrictions on its release. Until that moment, the leaders of the Salvadoran Government and military simply did not have enough incentive to reach an agreement with their enemies. While we in the United States may have reached the conclusion that a military victory in the conflict is not possible, the gushing pipeline of United States military aid did not send that same signal to the Salvadoran military. I believe that a vote in favor of the Dodd bill is the best action we can take at this time to send the signals our country must send—that we want and need a negotiated peace settlement now.

I have not reached this conclusion easily. There are delicate negotiations going on right now, and there is always the danger that a vote in Congress may upset the balance needed to reach an agreement. I originally supported the action taken by the House leadership to delay votes on El Salvador until after Labor Day as a way of giving the talks the space needed to succeed. But after that agreement was reached, President Bush decided to release aid that had been previously withheld and was waiting in the pipeline. I believe that unwise decision will have as much, if not more, impact on the negotiations than a vote on the Dodd amendment.

I have also received a letter from the Ambassadors of the Central American nations, on behalf of their Presidents, stating their support for continued U.S. military aid. They believe a disruption in this aid will disrupt the efforts of President Cristiani to reach a negotiated cease-fire. I do not ignore this advice lightly. Their countries have been deeply affected by past United States policies and peace in El Salvador is critical to their own future, so I have to respect their judgment.

But, Mr. President, I have to be realistic. These Presidents have also called for the FMLN to immediately lay down their arms and surrender. Much as I might like to see that happen, and much as I want to see the rule of law become preeminent in El Salvador, I simply do not believe we have reached that point yet. For example, we have not yet seen the murderers of the Jesuits brought to justice. If a crime that blatant can go unpunished, why should the FMLN ever believe that they will be a welcome or respected part of the political process if they lay down their arms? Much as I would like to believe that our military aid functions solely to strengthen the rule of law in El Salvador, the evidence of the last 10 years does not support that conclusion. Progress has been made, yes, but much more is needed, and I believe we must withhold more aid if we are to achieve it.

The Dodd amendment continues the course we laid out last year. It provides incentives for both the FMLN and the Government to negotiate in good faith. It provides incentives for justice to be done in the Jesuit case, and for the FMLN to respect human rights and to not jeopardize the survival of the constitutional Government or engage in kidnapings or assassinations. Withheld aid will be contributed to a fund for monitoring a cease-fire and helping in the eventual demobilization and transition to peace for the combatants. It also improves on last year's legislation, in that it will give Congress a greater say in whether the withheld aid is eventually released.

Mr. President, this amendment will keep the pressure on, and will keep Congress in a position of supporting the negotiations process. I want peace and justice in El Salvador, and I believe this legislation is the best way to get it.

Mr. CHAFEE. Mr. President, I would like to discuss the very important matter of military aid to El Salvador.

Senator DODD has introduced an amendment which is identical to legislation enacted into law last year—with two critical exceptions. First, the Dodd amendment would freeze 50 percent of the military aid for El Salvador which has been appropriated in previous years but not yet delivered. The bill enacted last year withheld only 50 percent of the aid appropriated in fiscal year 1991. Second, the amendment would give the House and Senate Committees on Appropriations and Foreign Relations the power to disapprove the President's release of military aid to the Government of El Salvador. In last year's bill, the President was allowed to make this determination on his own.

Like my colleagues, I am deeply concerned about the fate of El Salvador. I share the dismay of all moral people at the human rights abuses by both the FMLN guerrillas and government forces that have taken place in that troubled nation. But the primary focus for this debate is how the United States can best influence both sides to the Salvadoran conflict to negotiate in good faith so that this terrible civil war can be concluded.

I have heard from numerous constituents, from the State Department, from the ambassadors of all of the Central American democracies, and from the Salvadorans themselves—all with differing perspectives. All of these parties expressed that same desire that I have—to find a way to give the negotiations the kind of push forward that is needed to finally conclude the war in El Salvador. My fear is that the Dood amendment, as currently crafted, is sufficiently different from last year's law such that it would not keep the proper incentives in place. That is, for both sides to negotiate in good faith.

The fact is that much progress has been made in the negotiations between the FMLN guerrillas and the Government of El Salvador. Since serious negotiations began last year, the government has made a number of significant concessions: It accepted a United Nations "truth commission" to investigate human rights abuses dating back to 1980; it agreed to establish a national attorney for human rights; it agreed to have the police and security forces removed from the Ministry of Defense and put under the control of a civilian ministry; it agreed to have the intelligence service removed from the military and placed under the control of the President; it agreed to reduce the size of the armed forces to prewar levels; it agreed to the formation of an ecaluation commission to review the human rights records of all military officers and decide who would stay in the service; it agreed to disband several infantry battalions; and it agreed to dissolve the civil defense forces.

For its part, the FMLN, in an historic move, allowed the recent election for the constituent assembly to proceed peacefully. In fact, parties alligned with the FMLN actually participated in the election and did quite well. This decision to participate in the democratic process bodes well for the guerrilla movement's eventual integration into a new peaceful El Salvador.

I think this progress proves that Congress was right in imposing the conditions of Dodd-Leahy last year. I am glad I voted for that provision. The primary basis for my decision to vote against the Dodd amendment this year is simple—I believe its passage will hinder the negotiations—not help them progress. We must remember that if the Dodd amendment is defeated now Congress will still retain the power to revisit this issue in the fall. It would be my preference that we let the parties continue their work this summer without outside interference from the United States. in the words of the Central American Ambassadors.

> It is our belief that a cease-fire agreement is at hand. Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate * * * until after the August recess, to avoid sending a signal which could disrupt the peace process.

The issue before us is whether acting on the Dodd amendment will make the Salvadoran Government and FMLN guerrillas more or less likely to compromise. The House concluded that now is not the time to act, the Senate Foreign Relation Committee made the same decision. The Central American Ambassadors agree. After much thought, I have come to the conclusion that these groups are correct. We simply must give the peace process a chance to succeed.

I think it is also important to briefly address the issue of the President's discretion in making the determination as to whether or not the parties were complying with the conditions set out in the law last year. It is not a good idea to give the four committee chairmen the power to overrule the President's determination. This is a decision that should rest within the judgment of a single individual, namely the President. If Congress disagrees, it can always intervene.

I share in the hope that negotiations will proceed and that peace will finally take hold in El Salvador. It is with that in mind that I cast my vote against the Dodd amendment today.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request which seeks to identify the Senators who will speak in the succeeding 65 minutes, following which the distinguished Republican leader will make a motion to table, and I am going to list the Senators in order and the times.

I am also going to add that the Senators have to be present when the time comes up or the time will be charged against them so that Senators can be aware of that. This follows consultation with the managers and Republican leader and Senators on both sides.

Mr. President, I ask unanimous consent that in the succeeding 65 minutes of debate the following Senators be recognized to speak in the order listed and for the time noted, and when all of that is used or yielded back, Senator DOLE be recognized to move to table the Dodd amendment; that if a Senator does not appear when his time is scheduled, that the time be charged against the time allotted to him.

Mr. President, I am advised that another Senator seeks time so I will modify my earlier aggregate to say 70 minutes.

Senator ADAMS be recognized for 5 minutes, then Senator HELMS for 15 minutes, then Senator KERRY of Massachusetts for 10 minutes, then Senator CRANSTON for 5 minutes, then Senator SPECTER for 15 minutes, then Senator DODD for 10 minutes, and then Senator DOLE for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

This means Senators should be aware that if all of this time is used, Senator DOLE will be speaking from 6:30 to 6:40, and that a vote on his motion to table the Dodd amendment would occur at approximately 6:40 p.m.

Mr. SARBANES. It is possible, of course, if Members do not use all their time or time is yielded back or if a Member does not appear in the schedule that the vote could occur earlier; is that correct?

Mr. MITCHELL. That is correct. The earliest it could be is 6:40; it may be earlier.

Mr. HELMS. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Yes.

Mr. HELMS. The understanding is if the vote to table failed, we will be back where we are.

Mr. MITCHELL. That is correct.

Mr. HELMS. There will not be an immediate vote.

Mr. MITCHELL. I beg the Senator's pardon?

Mr. HELMS. We will not attempt to have an immediate vote?

Mr. MITCHELL. There is no agreement other than that we are going to have these Senators speak up to the motion to table, and then the motion to table. There is no agreement beyond that.

Mr. HELMS. I want to make it clear so everyone understands. There was some conversation about if the motion to table fails we will go later tonight.

Mr. MITCHELL. The Senator has that right. But there is no agreement one way or the other beyond the motion to table.

Mr. HELMS. I understand. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 5 minutes.

Mr. ADAMS. Mr. President, for 10 years we have been providing aid to the Government of El Salvador in an attempt to promote democracy. We have threatened, we have cajoled, we have promised. We have provided assistance, conditioned it, fenced it, and withheld it. And after 10 years we have very little to show for it.

Recently, yet another civilian—a watchman for an advocacy group for the urban poor—was brutally murdered, death squad style. And those responsible for earlier murders—of Archbishop Romero, land reform advisers Mark Pearlman, Mike Hammer, and Jose Viera, and the six Jesuit priests, to name only the most publicized—remain free, either because they were too high up to be charged or because they were released on Government amnesty programs.

Last year Congress embargoed, just as we are trying to do this year, half of the $85 million in military assistance to El Salvador unless the President determined that the FLMN was not making a good-faith effort to negotiate.

In March, I introduced legislation (S. 601) that would cut off all military assistance to El Salvador unless the President determines that: those responsible for the Jesuit murders have been brought to justice; the Government has made every attempt to bring to trial those responsible for earlier assassinations, as well as for the bombings of the FENASTRAS headquarters in 1989; internationally recognized worker rights have been extended to Salvadoran workers; the Government is complying with international standards of respect for humanitarian and medical workers; progress has been made in vesting control over the Salvadoran military with the civilian government and in separating the police from the command of the Armed Forces; and that the Government is negotiating in good faith to achieve a political settlement to the nation's conflict, including that it not reject the U.N. plan as set out in the Geneva Communique and the Caracas Accord and that its military and security forces not engage in acts of violence against the civilian population. My bill would further direct the Congress to take consideration whether the FMLN has observed internationally recognized human rights and has made a good-faith effort at pursuing peace negotiations before it allows any military assistance to go forward.

Although I continue to believe in a full cutoff of military aid, I have been persuaded by the managers and by those who have offered this amendment that the best chance we have is to support the Dodd-Leahy amendment.

I want to make it very clear that I would cut off all military aid. But I know that the votes just are not there.

The Dodd-Leahy amendment would, again, withhold 50 percent of all United States military assistance to El Salvador authorized for fiscal year 1992 and for fiscal year 1993. It would also, however, withhold 50 percent of any military assistance that has already been authorized but not disbursed—an amount estimated at some $150 million in the pipeline.

Finally, the Dodd-Leahy amendment would subject the release of these funds not only to Presidential determination but to a congressional reprogramming requirement, thereby giving the appropriate committees an opportunity for a review.

I will support that approach this time, Mr. President. Realistically, those of us who are opposed to aid to El Salvador have at this point no other option. So we will do so, and we will do so in good faith and in good heart.

But I think the United States should realize that we are now living in a new world and that military assistance to a country like El Salvador does nothing more than increase the level of weaponry used by the parties that are fighting this war. It does not help. It does not help at all. The Government has not improved. The military has not improved. The people do not have a better kind of life.

I, therefore, will support this amendment, but I reserve the right in the Appropriations Committee to raise my concerns again if we are unsuccessful in our efforts here today.

I thank very much the managers and the majority leader for giving me this time.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for 15 minutes.

Mr. HELMS. Mr. President, I thank the Chair very much.

Mr. President, yesterday when I concluded a conversation with President Cristiani, I found myself wondering how he must feel about the eternal and continual attempt to pull the rug out from under him. And that is what this is.

There is nobody in this Chamber whose friendship I enjoy more than CHRIS DODD'S. CHRIS DODD meets with Cristiani, as do other Senators. And there is a merry-ha-ha and a great conviviality.

And here we go again—Senator DODD'S amendment—debating whether to pull again the rug out from under the democratically elected Government of El Salvador.

I am reminded of that old song, "Whoops, there goes another rubber tree plant." It happens continually.

This is the fifth time, Mr. President, since President Cristiani took office that amendments have popped up in the Senate to restrict aid to this man who is trying to save his country from being taken over by Communist guerrillas. I just do not understand it.

After a blustery debate last October, the Senate approved an amendment offered by the Senator from Connecticut to reduce this aid 50 percent. The provisions of the Dodd amendment currently pending are similar to the amendment passed by the Senate last year, except this version would restrict 50 percent of funds already committed but not yet expended—the so-called pipeline funds.

Frankly, Mr. President, I am at a loss to understand what further concessions would satisfy President Cristiani's critics—and the sponsors of the amendment currently under consideration.

Now, let us think a bit.

The Government of El Salvador has been negotiating with the FMLN guerrillas for almost 2 years. Recently, the parties reached an agreement that would implement sweeping constitutional reforms demanded by guerrillas. These reforms place the military under civilian control, establish a civilian police force, strengthen the independent judiciary, and create a special human rights prosecutor.

After the Government of El Salvador accepted these unprecedented constitutional reforms—and they were approved by the Salvadoran National Assembly—the Communist guerrillas did what? They decided to change the rules. That is the way it always works. We are playing right into their hands with amendments such as that now pending by the Senator from Connecticut.

The Communist guerrillas proposed additional conditions for a cease-fire, such as demanding that their combatants be incorporated into the Salvadoran Armed Forces. Oh, come on. In other words, the Communists are refusing to enter into a cease-fire unless they are allowed to become part of the Government without benefit of elections.

Mr. President, the actions of this Congress have, no doubt, contributed to this aggressive behavior on the part of the FMLN terrorists. By restricting aid to our allies in San Salvador, the guerrillas grow more confident with each succeeding vote in this Senate and this Congress. They believe that the United States is not firm in its commitment to support President Cristiani. Thus, they feel no compunction to negotiate seriously.

And yet when the Salvadoran President comes up here in perfectly good faith—and I am talking about President Cristiani—all of the Senators gather around him and tell him how much they like him and how much they want to help him. And then comes this kind of an amendment to pull the rug out from under him.

Let us not think for one moment, Mr. President, that all of these confrontations have been at the negotiating table. No way. Recently, the Salvadoran Communist terrorists have stepped up their war against innocent civilians. Just last week, two prominent Salvadoran businessmen were kidnaped. Both of these men were ARENA Party members. The FMLN has already claimed credit for the kidnaping of one of them, Gregorio Zelaya. It is also possible that the terrorists are responsible for the kidnaping a few days ago of Billy Sol—a very distinguished Salvadoran/American citizen. Indeed, the full story of Billy Sol's kidnaping is not yet known.

In my view, it is clear that the previous aid cutoff has encouraged this type of brutal, violent activity by the FMLN Communists. But such behavior by the guerrillas is nothing new. They have continued to wage war. President Cristiani, in negotiations with the guerrillas, has made one good faith concession after another in an attempt to bring about a peaceful solution. Yet the guerrillas appear to be more interested in using the negotiations as a propaganda front than arriving at a negotiated settlement.

Mr. President, this amendment calls upon both parties to negotiate in good faith to craft a peaceful settlement to the war in El Salvador. If the government fails to do so, then all the aid will be cut off. If the guerrillas fail to do so, then a withheld portion of aid can be released.

What sense does that make? Whose side are we on? A brief review of the negotiating process reveals that the Salvadorans have been negotiating in good faith, and the guerrillas merely continue to wage war.

In the past 2 years, representatives of the Government of El Salvador and the FMLN guerrillas have met a minimum of one dozen times. Both the government and the FMLN have submitted various proposals for consideration. Throughout the negotiations, the government has taken a reasonable and responsible approach.

Yet, Senators who are going to vote against Cristiani in just a few minutes were there standing with him, patting him on the back the last time he was here. I do not understand that kind of behavior. The government has responded to each of the FMLN's proposals one by one. However, the Communist guerrillas have responded by proposing new and harsher conditions at each step of the process.

The attitude of the guerrillas should not come as a surprise. Their commanders have stated that the negotiations are merely an extension of the armed struggle.

Mr. President, throughout the 2 years of negotiations, President Cristiani has agreed to make major concessions, in an effort to achieve peace that we all talk about so eloquently on this floor. The government agreed to guarantee the safety and civic and political rights of the FMLN, and to adopt measures to incorporate the demobilized FMLN into the political process. The government agreed to expand the number of seats in Congress in order to provide more political representation of the minority parties. Consequently, the March 1991 elections resulted in the broadest political participation in El Salvador to date.

And that is not all. The government agreed to a dissolution of the security forces, to be replaced with a civilian police force. And the government agreed to establish an independent human rights prosecutor.

In response to all of this, the guerrillas have demanded—at various stages of the process—a complete dissolution of the armed forces before a cease-fire, exemplary trials of all accused of committing human rights abuses, complete replacement of the Salvadoran Supreme Court, and the abrogation of foreign military agreements. The list is endless—endless.

It appears to this Senator from the above that President Cristiani is indeed already negotiating in good faith, and the guerrillas are simply using the negotiations to continue their brutal quest for power.

No other face can be put on it. Their quest is indeed brutal. Recently, the FMLN guerrillas acquired SAM-14's and SAM-16's, the two most advanced surface-to-air missiles in the Soviet arsenal. These weapons of destruction were obtained by the FMLN through their Communist cohorts in Nicaragua and Cuba. They have employed these weapons against the Salvadoran Air Force, shooting down two aircraft and forcing the Salvadorans to change their deployment of air power. In addition, shortly after the Senate passed this very same amendment last year, the FMLN executed in cold blood two American servicemen whose helicopter they had shot down.

Do we forget so easily? What is afoot in this Senate Chamber? Just this month, the FMLN terrorists attacked the country's largest prison, freeing 131 prisoners. They bombed a National Police patrol vehicle, attacked two army installations, and killed or wounded more than 600 Salvadoran military troops. Most recently, the FMLN launched a major military operation on July 8, to coincide with the recent round of peace negotiations.

And just yesterday, to bring us up to date, the Communist guerrillas struck again. An off-duty captain in the Salvadoran Army—dressed in civilian clothes—was assassinated by the FMLN as he was driving to his office. His body was riddled with 38 bullets, and he was left lying in the middle of the highway.

Mr. President, I have compiled a list of significant FMLN actions since January 1991. I ask unanimous consent that this list be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. HELMS. The point is clear—while the terrorists talk peace, they wage war.

Mr. President, I hope it is clear to the Senators that the amendment before us is even more sweeping than current law.

In addition, I will reiterate for the purpose of emphasis, in addition to withholding 50 percent of El Salvador's military aid for fiscal years 1992 and 1993, this amendment would also withhold 50 percent of aid already in the pipeline. Altogether, a total of $160 million in military aid to be cut off next year alone. Moreover, the Senator from Connecticut and the Senator from Vermont are prepared to cut off President Cristiani's support 2 years down the road.

As is true of current law, this amendment would hold the freely elected government of President Cristiani to rigid standards not required of the Communist guerrillas. If these conditions are not all met, the President could cut off all military assistance. In such a case, aid could be restored only with another vote by Congress.

Mr. President, I believe I have made my point. President Cristiani has made every change possible to achieve peace in El Salvador. He has made concessions to the FMLN, and he has made concessions to the Democrats in the U.S. Congress. Yet now the Senator from Connecticut and the Senator from Vermont are asking President Cristiani to surrender El Salvador to the Communists.

Mr. President, I ask unanimous consent that a copy of the agreement reached between the Government of El Salvador and the FMLN guerrillas at Mexico City—and approved by the Salvadoran National Assembly—be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

FMLN TERRORIST ACTIVITY IN 1991

February 26: The FMLN launched a new attack against civilians in San Salvador. Guerrilla troops wounded several people and took hostages.

February 27: Terrorist activity continued in San Salvador, killing at least three Army soldiers.

April 28: The FMLN staged 23 separate attacks on the country's electric power grid, producing a rationing of electricity and straining the water supply.

May 4: Rebels attacked the Cerron Grands hydroelectric dam, causing an estimated half million dollars in damage, major power outages and extensive rationing of electricity.

May 8: Four utility poles were dynamited near the town of Aguilares, 34 km from El Salvador. Two security guards were wounded as rebel troops made three drive-by and small rocket attacks against military administrative offices in San Salvador.

May 15: One member of the Armed Forces was killed and three others wounded as FMLN forces attacked the hydroelectric dam near San Vicente. An explosive device was found attached to an Armed Forces vehicle parked at the Defense Ministry complex at the capitol.

May 17: Two policemen were killed and four others injured when a remote control bomb was detonated on a delivery truck on the outskirts of El Salvador. Rebels attacked an electric company sub-station near Soyapango, wounding four civilians and one Treasury policeman.

May 18: The FMLN issued death threats against mayors and justices of the peace and their families in Usulutan Department in an effort to demonstrate territorial control.

May 22: The FMLN fired ten rocket and mortar rounds at a military installation in San Salvador; but, nine of the ten rounds landed instead in a civilian neighborhood. Two women were killed, and at least two children and several other civilians were wounded; and several homes were either damaged or destroyed. At the military installation, three soldiers were wounded.

May 28: Four people were injured and several homes damaged as rebels tried to rocket the First Brigade and instead detonated against a tree in a civilian housing complex.

May 30: A police officer was assassinated by rebels in a restaurant in San Salvador.

June 17: The FMLN assassinated Capt. Carlos Aviles, an administrative officer, on his way to work in El Salvador.

June 19: A guerrilla attack on the country's largest prison freed 131 prisoners and left 15 people dead, including at least 9 prisoners killed in crossfire.

July 3: Rebels bombed a National Police patrol vehicle in San Salvador, killing one and wounding three others. Also a guerrilla unit attacked two army installations and exploded an electrical substation using "RPG-7" mortars. In addition, the rebels opened fire in a Western residential district, killing one policeman and injuring four others.

July 9: A total of 153 government troops were killed or wounded in heavy fighting in seven of the country's 14 provinces. As peace talks resumed in Mexico City, rebels wielding automatic weapons, rocket launchers, and mortars seized control of several small Saladoran towns. In Nueva Concepcion, rebels mortar-bombed a bank, destroying it, and attacked the National Police Headquarters.

July 10: One person was killed and two injured in an attack on a government office by the FMLN.

July 11: FMLN commandos attacked an army patrol in San Salvador, killing two troops, while guerrillas also barricaded the highway leading to the capital.

July 12: More than 100 FMLN rebels ambushed an army lorry and killed two soldiers before seizing the town of San Jose Las Flores as government forces were advancing to recapture the town.

July 13: Rebel radio claimed FMLN forces had killed or wounded 403 army soldiers since launching its new military operation on July 8 to coincide with the four-day peace talks held in Mexico.

EXHIBIT 2

MEXICO AGREEMENTS

The Government of El Salvador and the Farabundo Marti National Liberation Front (hereafter, the "parties"),

Reiterating their intention of quickly advancing toward the reestablishment of peace, national reconciliation and the reunification of Salvadoran society, pursuant to the common will of the Salvadoran people, as stated by both Parties in the Geneva Agreement of April 4, 1990;

Considering that the peace negotiations that are taking place pursuant to said Geneva Agreement and to the Caracas Agenda of May 21, 1990, require various constitutional reforms which gather together the political agreements originating from them;

Keeping present that it is urgent that those constitutional reforms about which the Parties have reached agreement be submitted to the Legislative Assembly, whose mandate ends on April 30, 1991, even though those reforms are partial or do not completely exhaust the subject under the terms foreseen by the Caracas Agenda;

Considering that the diverse matters on which agreements have been achieved can be put into practice through secondary legislation or through new political agreements which develop in the constitutional text;

Have reached the agreements which are summarized below and which encompass the constitutional reforms and matters that were relegated to secondary legislation as well as other political agreements:

I. ARMED FORCES

1. Agreements on constitutional reforms that are designed to:

a. Define with greater clarity the subordination of the Armed Forces to Civilian Authority.

b. Create a National Civilian Police to preserve peace, tranquility, public order and security, in urban as well as in rural areas, under the direction of civilian authorities. It is expressly understood that the National Civilian Police and the Armed Forces will be independent and shall be under two different ministries.

c. Create a State Intelligence Agency, independent of the Armed Forces and under the direct authority of the President of the Republic.

d. Redefine military justice in order to assure that its jurisdiction is limited to only those cases that exclusively affect a strictly military judicial interest.

2. Other matters that were on the negotiating table were remitted to secondary legislation or to the group of political accords covering the Armed Forces. Among these are included:

a. Paramilitary forces.

b. Forced recruitment.

c. Matters relative to the management of public security forces intelligence organizations.

d. Matters relative to the enlisted members of the Armed Forces and National Civilian Police.

e. In the professional development of the members of defense and public security forces, emphasis should be placed in the preeminence of human dignity, democratic values, respect for human rights, and the subordination of these forces to constitutional authorities.

All of this without prejudicing all other matters which are pending on the issue of the Armed Forces, about which the Parties reaffirm their willingness and their hope to achieve global accords in the immediate phase of negotiations.

II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional amendments destined to improve significant aspects of the judicial system and to establish mechanisms to guarantee human rights, such as:

a. A new organization of the Supreme Court of Justice and a new way to elect its justices. From now on, to elect the Justices of the Supreme Court of Justice a two-thirds majority of deputies elected to the Legislative Assembly will be required.

b. An annual allocation to the Judicial Branch of a portion of the State budget equal to not less than six percent (6%) of regular revenues.

c. Establishment of a National Solicitor for the Defense of Human Rights, whose essential mission will be to promote human rights and ensure that they are respected.

The Attorney General of the Republic, the Solicitor General of the Republic and the National Solicitor General for the Defense of Human Rights shall be elected by two-thirds of the elected deputies in the National Assembly.

2. Other matters that were on the negotiating table were remitted to secondary legislation and other political agreements. Although still to be negotiated are a group of political agreements covering the Judicial System that the Parties have forseen within the Caracas Agenda, in the course of the present round of talks, and they have reached the following agreements:

a. National Council on the Judiciary

It has been agreed to redefine the structure of the National Council on the Judiciary so that it can be made up in such a way as to ensure its independence from the other agencies of the State and from political parties. Also, its membership should include not only judges, but also sectors of society that are not directly connected to the administration of justice.

b. Judicial Training School

It will be the responsibility of the National Council on the Judiciary to organize and administer the Judicial Training School whose objective will be to ensure the continued improvement of the professional formation of judges and other judicial officials.

c. Judicial Careers

Secondary legislation shall provide that admissions into a judicial career shall be made through mechanisms that guarantee objectivity in selection, equal opportunity among applicants, and merit in selections. These mechanisms shall include tests and courses in the Judicial Training School.

III. ELECTORAL SYSTEM

1. Agreements on constitutional amendments destined to:

a. Create a Supreme Electoral Tribunal to replace the Central Electoral Commission. The Supreme Electoral Tribunal shall be the highest administrative and jurisdictional authority in electoral matters. It has been agreed that its composition will be defined by secondary legislation, in such a way that no party or coalition of parties will dominate. Also, it has been agreed that the Supreme Electoral Tribunal will be made up of members without party affiliation, elected by a qualified majority of the Legislative Assembly.

b. It has been likewise agreed that the legally registered political parties will have the right to monitor the development, organization, publication and updating of registered voter lists.

2. Other matters before the negotiating table were referred to secondary legislation and to other political accords. Even though a

group of political accords regarding the Electoral System are yet to be negotiated as contemplated within the Caracas Agenda, during the course of the present round the Parties have reached the following agreements:

a. The development of a voter registration list should be done to permit publication of lists of citizens with the right to vote at least twenty days prior to election day. A simple and expedited procedure shall be established to make legitimate corrections requested by any interested party.

b. Within sixty days following the installation of the new Supreme Electoral Tribunal, a Special Commission shall be established presided by it and including representatives of all legally registered parties, and which may include independent experts, to draft a bill of general reforms to the electoral system.

IV. TRUTH COMMISSION

It has been agreed to establish a Truth Commission, composed of three persons appointed by the Secretary General of the United Nations after hearing the opinion of the Parties. The Commission shall elect its President. The Commission shall be charged with the investigation of serious acts of violence which have occurred since 1980, whose impact upon society urgently demands public knowledge of the truth. The Commission shall take into account;

a. The singular transcendence that can be attributed to the facts to be investigated, their characteristics and repercussions, as well as the social commotion they originated, and

b. The need to create trust in the positive changes that the peace process propels, and to stimulate the path toward national reconciliation.

The characteristics, functions, powers and other matters dealing with the Truth Commission are set forth in the corresponding attached document.

V. FINAL STATEMENT

The Parties state for the record that all of the above represents a summary of the principal political accords reached thus far in the round of negotiations which were held in Mexico City between April 4, 1991 and the present. Said summary in no way may diminish, misconstrue or contradict the actual text of the totality of all accords reached, which are enclosed with this document.

Likewise, the Parties reaffirm their commitment to execute all actions necessary to give full observance to what has been agreed. In particular, the Government of El Salvador solemnly commits itself to move the incumbent Legislature to approve the constitutional amendments agreed to between the Parties in this round of negotiations. Ratification of these amendments shall be the subject of consideration within the framework of these ongoing negotiations, within the context of the calendar schedule for the implementation of future accords.

The Parties agree to continue the negotiations within a concentrated scheme, which will continue the discussion of the topics agreed to under the Caracas Agenda, in order to achieve, with priority a political accord on the Armed Forces and the agreements necessary for a cease-fire subject to United Nations verification:

These negotiations will require additional careful preparation, building upon the important work already advanced during the past few months and much more intensely during the last few weeks. This preparation is inherent to the negotiating process, so that it cannot be considered to be interrupted. In essence, a brief direct meeting of an organizational nature is envisioned during the beginning of May, and a renewal of direct negotiations during the second half of May. As usual, neither the dates nor the site will be announced beforehand.

VI. UNILATERAL STATEMENT OF THE FMLN

The FMLN states for the record that the drafting of Article 211, which defines the Armed Forces as a "permanent" institution does not conform to our position on the matter; and considers that certain constitutional amendments are still pending, including demilitarization, Article 105 regarding the limits of farm land, and the need to broaden the mechanism of amending the Constitution, whether through changes to Article 248 or by way of other procedures, such as a popular referendum. On all of these points, the FMLN holds to its positions.

Mexico City, April 27, 1991.

On behalf of the Government of El Salvador:

Dr. Oscar Santamaria.
Col. Juan Martinez Varela.
Col. Mauricio Ernesto Vargas.
Dr. David Escobar Galindo.
Dr. Abelardo Torres.
Dr. Rafael Hernan Contreras.

On behalf of the Farabundo Marti National Liberation Front:

Commandante Schafik Handal.
Commandante Joaquin Villalobos.
Salvador Samayoa.
Ana Guadalupe Martinez.

Representative of the Secretary General of the United Nations: Alvaro de Soto.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts in recognized for 10 minutes.

Mr. KERRY. Mr. President, I heard my distinguished colleague from North Carolina ask a question during his comments, Whose side are we on? I think that is a good question to ask. Whose side are we on, if we are not on the side of the Salvadoran military; we are not on the side of the FMLN. We are on the side of the people of Salvador. We are on the side of the peace process. We are on the side of trying to stop the killing that has gone on there for years, and trying to hold some leverage over this process in order to bring the parties to the table.

We are not on the side of the Salvadoran military. But, if you give money that is absolutely unfenced, it is the equivalent of saying we are on the side of the military, and neither for the people of Salvador nor for the process that we have put in place, to try to have a justice system and all of the other reforms that we seek.

I asked my colleagues to think about this amendment hard, and I know they will. This amendment basically keeps in place the law we established last year. Does it change it marginally? Yes; it changes it marginally. What it does is hold more money back because there is money in the pipeline.

But that money ought to be subject to the same concept of serving as a carrot for both sides as any other money. If the money we are willing to appropriate now can leverage it, surely the money that is already in the pipeline only leverages it that much more.

The fact is that the U.S. Congress last year—and the President joined us by signing it into law—created an important incentive process.

And that incentive process has, in fact, gotten the parties together and created a process that has been important. I think it is important for people to remember that the process we have in place of withholding money works to the detriment and to the benefit of the FMLN or of the Salvadoran military in an equal fashion. If one breaks the process, the other suffers by having the money withheld or by having the money released. Nothing, it seems to me, could be more in keeping with the spirit of this Congress' effort to foster democracy in a system that is projustice.

It is true, and my colleague has mentioned it, that technically in El Salvador the FMLN broke the process by arming itself from outside and, indeed, that technically released the money. But if you are going to apply the law in that way, then you also have to apply it equally, as we do in this country. That means that you make a judgment, that the law required, about whether or not we had a serious process in El Salvador to try to bring to trial those members of the military who were involved in the murder of the priests and the worker and her daughter at the university. In fact, Mr. President, that investigation into those crimes has been seriously flawed and, therefore, the military aid should have also, strictly speaking, under the law, been withheld and stopped months ago.

I heard my colleagues on the other side argue: Look, if you do this, then you undermine President Cristiani because you condition military aid.

But the fact is that President Cristiani needs extra tools in order to be able to deal with the military. He needs the assistance of the United States that is willing to say to the military, if you do not adhere to certain standards, we will begin to pull back the assistance. That is a very important lever for Cristiani, not a restraint.

I think, if we look at the way in which this amendment has been constructed by Senator DODD and Senator LEAHY, it is clear that there are equally strong incentives for the FMLN to negotiate seriously. What are we asking the FMLN to do? Measure it from President Cristiani's point of view. We are asking them to negotiate seriously. Surely, that does not undermine President Cristiani. We are asking them to refrain from attacking civilian targets. How does that affect President Cristiani? Positively, I submit. We are asking them to refrain from new offenses. We are asking them to stop acquiring new and more advanced arms.

What is there in any one of these conditions that somehow could weaken

President Cristiani? What about the conditions that we place on the armed forces? I ask my colleagues to think about those. We are asking the armed forces to respect human rights. We are asking the armed forces to see that justice is done in the Jesuits' case. How can anyone consider those onerous conditions that we would be unwilling to pass in the U.S. Congress? Those are propeace, prodemocracy, pro-Cristiani conditions.

Others say this is not really the right time to consider this amendment. We ought to give it a delay and give peace a chance. Mr. President, I respectfully submit that is exactly what this amendment does. It strengthens the forces of peace. Its approval will help both those within the Government and the FMLN who are trying desperately to settle this conflict not through the gun, but through the ballot box.

Some say that this amendment ought to be defeated because the FMLN has assassinated civilians, because it has dragged its feet at the bargaining table, and because it has obtained arms from outside the country. I submit that is exactly why this amendment ought to be adopted because it is the only means of proving to the FMLN that there is an alternative to having to continue to do that. If there is a sense within those forces in the FMLN that want peace that the United States is serious about holding the Salvadoran military accountable, then there is greater capacity for those people to convince their colleagues to buy into the peace process.

But if, on the other hand, they see a United States, no matter what good faith they show in negotiating, no matter what process is engaged in, that we are going to willy-nilly provide money to the Salvadoran military, they throw up their hands and say, no one is serious; the only way for us to reform El Salvador is by the bullet and not the ballot box.

Mr. President, I think we have to keep the pressure on the FMLN. There is not one Senator who supports this amendment who will not admit that the FMLN has been guilty of egregious violations of human rights and, indeed, have at times been acting in ways that are politically stupid or contrary to the very process of peace. That is true. But we are not going to solve it by giving unfettered funds to the Salvadoran military and, in a sense, turning our back on the process of reform.

Mr. President, I submit to my colleagues, we do not know the full extent of the case of the Jesuits, but I will tell my colleagues what we do know. We do know that the military officials have obstructed justice. We know that they have destroyed evidence. We know that they have committed perjury. We know that they have concealed the truth. And we know that the current Minister of Defense knew very soon after the murders which unit was responsible, and he did nothing. We do know that whenever someone has gone forward with information in order to try to resolve this case, they have been bullied and they have been threatened and intimidated unless they were silenced and pulled back from exposure of it.

So I ask again the question of my colleague: Whose side are we on? We are on the side of fairness, Mr. President. We are on the side of a peace process. I do not believe that we can give unfettered funds to a military that is willing to kill priests, kill women and children with our taxpayer dollars supporting them. We have a responsibility to hold both sides accountable. We have the responsibility to do the very kind of thing that Jim Baker has so effectively been trying to do in the Middle East and that we have tried to do in other parts of the world. It seems to me that El Salvador should not be the exception; it should adhere to the rule. We should be on the side of the people of El Salvador. I hope my colleagues will not break this process apart but, rather, will adopt an amendment that strengthens our ability to hold those who want to break the peace process and to hold those who want to violate human rights with impunity accountable. That will be done by adopting this amendment.

Mr. PRESIDENT, I yield back whatever time remains to me.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER [Mr. HARKIN]. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator CRANSTON was due to speak next. He has not arrived on the floor. I am scheduled to speak following Senator CRANSTON. So I ask unanimous consent, in order to expedite the business of the Senate, that I be permitted to speak now for 15 minutes and then Senator CRANSTON to speak when I conclude, in turn.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair. Mr. President, earlier today, I had a brief colloquy with the distinguished Senator from Indiana [Mr. LUGAR] and had stated at that time my intention to have a colloquy with the sponsor of the amendment, Senator DODD, as well. Since that time, the majority leader came to the floor in an effort to move the process along and has propounded the unanimous-consent agreement so that the time is now limited. That is a word of explanation as to why there is not a colloquy with Senator DODD as well.

It is my intention, Mr. President, to vote against tabling because I believe that this is a significant matter which ought to receive further consideration by the United States Senate. If the amendment offered by Senator DODD is not tabled, there will then be an opportunity for second-degree amendments, further proceedings which may limit, clarify, or modify what Senator DODD has proposed.

But it seems to me on the state of the record at this time, we ought not to summarily dismiss the Dodd amendment without further consideration and without further analysis.

I have had a considerable interest in this issue, Mr. President, during my tenure in the United States Senate and have made three trips to El Salvador; I proposed an amendment in the 1983–84 period limiting by 30 percent the United States assistance available until El Salvador brought to trial the perpetrators of the murders against the four nuns; I have offered a series of amendments on judical reform, have had extensive discussions with key representatives of the State Department, including two talks with the Honorable Bernard Aronson, Assistant Secretary of State for Inter-American Affairs, yesterday and today. It is a matter which is very important and is not free from doubt.

I voted against a somewhat similar amendment offered by the Senator from Vermont [Mr. LEAHY] back on November 20, 1989, when Senator LEAHY offered an amendment to limit U.S. funds for military aid conditioned on bringing to trial those responsible for the murder of the six Jesuit priests. I did so because at that time it seemed to me unrealistic and unwise to impose that kind of limitation in that timeframe, where it was not really feasible to bring to trial the perpetrators since the investigation had not been completed and the indictments had not been brought. The trial could not be brought into fruition in such a short period of time.

I reference that to demonstrate my views on this issue depend totally on the facts, at least as I see them.

I have a real question, Mr. President, as to the use of United States funds for military aid in El Salvador in any event. I say that because the evidence is not present about a Soviet threat. It is the candid statement of representatives in the State Department that the Soviets are being cooperative in the efforts to and the fighting in El Salvador.

This is consistent with the deescalation of tensions around the world and U.S.-U.S.S.R. cooperation to try to defuse the conflict in Cambodia, Angola, and Afghanistan. There is the question of involvement of Cuba, but it seems to me that there is a real question as to a threat to the United States being posed by military actions in El Salvador. Certainly it is far different from the time when the Soviet Union was engaged in adventurism and a Soviet encroachment in the Western Hemisphere posed a real threat to the United States.

This is a special concern, Mr. President, in light of the very severe budget crisis in the United States and in the many problems which we face on a day-to-day basis. I would reference the Presiding Officer, the distinguished Senator from Iowa to the work which he and I do together on the Subcommittee of Appropriations on Labor, Health and Human Services and Eduction and the grave difficulties we have and how we would like to have, love to have, an additional $85 million.

On Monday of this week, I visited York County, PA, and found a very severe drought. Corn is supposed to be "as high as an elephant's eye" not only in Iowa but in my State, Pennsylvania, around this time of the year. This year, however, it is somewhere between the ankles and knees.

Tuesday, I participated in hearings on the Veterans' Affairs Committee where we have gulf veterans back who are in need of counseling and additional assistance not rendered by the Veterans' Administration.

Yesterday, several thousand unemployed Pennsylvanians gathered in front of the Department of Labor asking for an extension of unemployment compensation.

There are many places where there is a real urgent, pressing need for whatever funds are available by the United States.

When the issue arises as to what is happening on the trial of the six Jesuit priests and others who were murdered back in 1989, I must say, Mr. President, I am totally dissatisfied with what has occurred.

I am equally candid to say that I do not know if additional pressure on President Cristiani will prove anything. On all sides President Cristiani has been praised. I would join in the praise in terms of what he has tried to do under extraordinarily difficult situations.

But the fact is that the Government is responsible for the administration of all facets of El Salvador, including the judicial system, where the Jesuit case, simply stated, has not gone forward.

I made a trip to El Salvador in April 1990 and met with Salvadoran Supreme Court Justice Dr. Morico Gutierrez and the trial judge, Judge Samora, and discussed at length with them the proceedings which were being undertaken at that time. This is in line with the continuing interest which I have had in the judicial system in El Salvador. I have offered a series of amendments over the years to add funds and procedures which would try to bring the El Salvadoran judicial system into some phase of realistic jurisprudence. That, regrettably, has not happened.

The reports—and I tell you this again candidly, Mr. President; it is very hard to assess what the facts are. You have representations on all sides. There have been a number of representations, which I believe to be factual, that in January 1991, Henry Campos and Sidney Blanco resigned as the Salvadoran Government prosecutors in the case explaining that Salvadoran officials were obstructing justice. They accuse their former boss, Attorney General Roberto Mendozo of—and this is according to the Miami Herald of May 3, 1991, "expressly forbidding them from cross examining army officers and of ordering them not to file perjury charges against witnesses who lied under oath."

Much more has to be done, I submit, in bringing to conclusion the trial of those who murdered the six Jesuits. The record on human rights in El Salvador is in need of urgent repair.

In sum, Mr. President, it seems to me that the allocation of additional funds in El Salvador is highly suspect. The dominant party in control constitutes the Government in El Salvador and only through pressure on this Government are we most likely to produce results.

Progress has been noted, and the subjects that I had intended to discuss with the distinguished Senator from Connecticut [Mr. DODD] related to why now, as opposed to September when we have a vote on the foreign aid bill should we vote on this issue. But the matter is before us and whatever we say is going to be noted. It is highly likely that this vote is more symbolic than real. It appears that there is a very substantial amount of funding in the pipeline at the present time, $132 million. So there is a real doubt as to whether $85 million is needed in any event. The conditions which have already been imposed most probably apply to those funds which are already in the pipeline. Conditions have been imposed on some of the moneys. Which of the moneys? How do you trace them? How do you know? Nobody knows for certain. If it is first-in, last-out, therefore, it would seem to this Senator that the funds which have not yet been expended would have those same conditions appended to them.

But this legislation has a long way to go, Mr. President. This legislation has to go through conference, and the legislation last year was materially changed.

This legislation will have to face a Presidential action which very well may produce a veto. Even if an authorization bill is enacted, there has to be the appropriations process. We are going to be back here in September rounding up "the usual suspects" as they did in Casablanca, and the same speeches are going to be going on again at that time as they are going on now.

But on balance, it is my view that it is not wise to authorize $85 million without limitations; that the strongest approach to be taken by the U.S. Senate today is not to dismiss summarily the amendment by the Senator from Connecticut. If this amendment is defeated summarily on a motion to table, then I think it is likely that some, perhaps many, in El Salvador will say, well, we do not have to worry about the restrictions; the latest word from the U.S. Senate is they do not really care about it.

The record is replete with shifts in United States policy in Nicaragua, and shifts in United States policy around the world. Last year we supported conditions. I joined with the amendment by the Senator from Connecticut and the Senator from Vermont. I believe that the best approach is to proceed in the same manner.

For those reasons, Mr. President, it is my intention to vote against tabling the Dodd amendment. I know we have a great deal of business. But this matter is worthy of our attention. There are substantial moneys involved. There are substantial issues involved.

We ought to be considering this further so that if this tabling motion is defeated, it does not mean the amendment is to be enacted. It simply means we go forward, and there could be a second-degree amendment or other amendments which might modify the picture, have some different configuration which may well be preferable to the amendment which Senator DODD has offered.

I thank the Chair. I yield the remainder of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Under the previous order the Senator from California is to be recognized for 5 minutes. Time will be charged to the Senator from California.

The Senator from Connecticut.

Mr. DODD. My understanding is that the Senator from California is making an effort to come to the floor but may be unable to make it. So with the Chair's permission, I will proceed because I think I am the next person on that list to be heard. If he comes to the floor, then I will cease my remarks and given him an opportunity to make a statement, but if not I think I would like to proceed, if that is appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have listened here. There have been a number of speakers in the last couple of hours on this matter. I want to commend my colleagues on both sides for their expressions.

Certain things prevail as I listened to the various speeches regarding this amendment that I have offered along with my colleague from Vermont. Obviously all of us are anxious to see an end to the bloodshed; 75,000 people have lost their lives.

It is not insignificant that I would point out that the American taxpayer has subsidized this effort over the last 10 years to the tune of $4 billion; in excess of $4 billion for a nation that is about the size of Massachusetts. We have done that because we have tried to assist in bringing an end to the conflict. But nonetheless that is a substantial amount of money. What we are trying to do here with this proposal is basically continue what we authored last year that successfully was adopted by the Senate.

Mr. President, I will yield the floor at this point. The distinguished Senator from California has arrived.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

LET'S NOT TAMPER WITH THE PROSPECTS FOR PEACE

Mr. CRANSTON. Mr. President, I rise on the side of the distinguished Senator from Connecticut today to offer my strongest support for the Dodd-Leahy amendment, an effort that has already had a strong and positive effect on the chances for a peaceful solution to the tragic civil war in El Salvador.

In recent months the ongoing U.N.-mediated negotiations between the Government of El Salvador and the FMLN guerrillas have broken important ground.

Both sides to this conflict say they are negotiating in good faith, and several of the most critical outstanding issues appear to be close to solution.

Much of this progress, I believe, can be attributed to the fact that last year Congress passed restrictions on United States military assistance to El Salvador very similar to that we are again considering today.

This is not just my impression. It is the feeling of a broad spectrum of democratic leaders in El Salvador, such as our allies of choice during the 1980's—the Christian Democrats—as well as that of the Catholic Church and the democratic left.

The Dodd-Leahy amendment had their support last year, and this newer version continues to fuel their hopes—their deep deep hopes—for a quick, peaceful, and just settlement to this ugly civil war.

Mr. President, 2 months ago President Cristiani came to Washington and was received with great fanfare by the President and other members of the Bush administration. To hear them tell it, the Salvadoran Government is making herculean strides in its effort to make that country a modern democratic state.

The problem, the administration says, rests solely with the bad faith of the guerrillas, their unwillingness to offer acceptable compromises on such fundamental issues as civilian control of the military and the shape of civilianized law enforcement.

No one questions President Cristiani's personal commitment to democracy and the betterment of El Salvador's atrocious human rights record. He is a good and decent man.

But the issue is not President Cristiani and the administration knows it.

The real issue is El Salvador's gangster-like military—responsible for the death squad killings of tens of thousands of innocent people—and the succession crisis in the center-ultraright ARENA Party, whose undisputed boss is the murderous and mortally ill Roberto D'Aubuisson.

It seems that no one in El Salvador believed that President Cristiani's visit here was a mere vanity, a chance for an embattled political leader to hear some words of praise from a powerful patron.

It is an open secret in San Salvador that the reason for Cristiani's visit was an effort by a worried Bush administration to let the restive military and the most murderous elements of ARENA know that the United States would not tolerate a putsch from the ultraright.

And political leaders of unquestioned democratic faith, including the political heirs of the late President Jose Napoleon Duarte, say it is the demands of ARENA and the military, more than any other factor, that have dealt the worst setback to the talks.

Failure to support this amendment will strike a serious blow to the negotiating process, suggesting a grave lack of support for the U.N. mediating efforts. It will reinforce the dismal lack of progress by Salvadoran judicial authorities in the investigation and prosecution of those in the Salvadoran military—including those at the highest levels—who were responsible for the vicious murder of the Jesuits—a little over a year ago.

The administration's opposition to a continuation of the Dodd-Leahy efforts must be placed in the context of its past record. Its recent decision to release military assistance was perceived by a broad range of Salvadorans as a message to the military that it could count on United States support regardless of human rights abuses and intransigence in the peace talks. Since the aid release, there has been an alarming rise in political violence, most of it traceable to the Salvadoran Armed Forces and to rightwing death squads operating under their protection.

Terrorism is evil but, as has been shown over and over again, state terrorism is worse, because there is nowhere for the frightened and the persecuted to turn. And that terrorism, and the impunity that comes with it, in El Salvador has a name: The Salvadoran Armed Forces.

Let us be clear, those who today pose the most severe challenge to the consolidation of democracy—for which the American taxpayer has already shelled out more than $4 billion—are the Salvadoran military.

Let us not award those who have tried to end cannibalism by eating the cannibals.

Let us not give them an honored place at our table.

Let us not further whet their appetite for impunity and power.

Let us not dishonor all those in El Salvador who have sought to bring peace and reconciliation to their country by pretending that those who have been their jailers and their executioners can now, in this delicate moment of hope, be our friends.

Mr. President I urge the adoption of this amendment.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized. He has 9 minutes.

Mr. DODD. I thank my colleague for his remarks.

To pick up the points I was making a moment ago, Mr. President, there has been in excess of $4 billion that we have expended of taxpayer money in this country over the past 10 years to a nation with a population of something in the neighborhood of 5 million people.

What we are trying to do this evening is to try and support the proposition that we think has contributed significantly and positively to bring an end to this conflict, and an end to the expenditures that have been drained off to El Salvador during this 10-year civil war that has ravaged that country. Suffice it to say, Mr. President, that there is a tremendous amount of needs in our country that are going unmet, a tremendous amount of needs.

Frankly, I think if such a matter were put to a referendum in this country, as to where they want these dollars to go, I have no doubt about what the outcome of that particular proposition would be. But we are not suggesting to cut overall aid. I suspect my constituents, and many others, wonder why we are not doing that, candidly.

We are suggesting that we set aside 50 percent of the military aid, set it aside, to not even cut it off, just set it aside, as we did last year, to try and promote this effort. There has been some change in El Salvador over the last year. Regrettably, it all has not been for the good. The 1991—not 1990—report of Amnesty International, one of the most respected human rights organizations in the world, gives this appraisal in its leadoff sentence in assessing El Salvador's human rights records:

> There was a sharp rise in the number of death squad murders in the first 8 months of the year. Other people were killed in overt military operations and circumstances suggesting extrajudicial executions.

It goes on and identifies examples where the FMLN have engaged in atrocities. But, unfortunately, the situation seems to be deteriorating on the human rights front.

If for no other reason, Mr. President, this particular proposition ought to be adopted because we need to send that consistent signal that, while we are willing to try and help, we are not going to underwrite and subsidize a system in the process that continues to fail to deal with the basic human rights problems of its own country.

So this evening, all that the Senator from Vermont and I are suggesting is to maintain exactly what we have had in place for the last year, a proposition that carried in this body overwhelmingly, a proposition by the assessment of most, I believe, in the United Nations, which has assisted in this process.

The only thing that is different is that we have put language in here that has been language used in almost every foreign assistance bill for the last 13 years. That is to require the appropriate committees of Congress to determine if there is going to be any change. We have done that to try to get a handle on changes of policy during any given fiscal year or calendar year.

That is not a radical change, or as someone suggested today, an unprecedented change. In fact, it ought to be standard procedure on all foreign aid, so that during the year, the elected representatives of this body would have an opportunity to determine whether or not the legislative intent, as adopted, was being carried out by the administration. But that is the only single change that we have offered in the legislation that was adopted by the U.S. Senate a year ago.

The very least we can do is to keep this process moving forward, to try and bring an end to this carnage, and year after year, hundreds of millions of dollars in taxpayer month, going to a small nation that is being ravaged by a civil war. The only hope we have is seeing this negotiation produce a settlement. And we are close to it. If you change the ground rules now—and that is what the opponents of this amendment want to do, change the ground rules—you will have $85 million in military aid and all that economic assistance going forward, with no conditions whatsoever being attached to it.

That is unacceptable, I think, to the American people. They want an accounting, to make sure their tax dollars are not going to subsidize military units engaging in fundamental, blatant human rights abuses. That is all we are trying to do here. There is nothing radical or different. It is a consistent proposition that was adopted by the Congress, signed by the President last year, with the one exception that I have noted already.

So, Mr. President, I suggest that we adopt this because, frankly, the alternative is a lot worse. If the opponents of this are unhappy with this proposition, I will tell you that the American taxpayer will demand a lot more before this debate is over.

I urge adoption of this amendment.

I yield to my colleague from Vermont.

Mr. LEAHY. Mr. President, I hope that the Members of the Senate will listen to what the Senator from Connecticut has said.

There is no question, if you read the sorry history of this little country, that even the efforts toward peace, even the efforts toward reform, began to occur only when the American taxpayers, acting through the Congress, finally put some restraints on foreign aid, finally attached some strings, finally attached some conditions.

As I said earlier today, we cannot find the money, the $90 million, to immunize the children of Americans against measles, rubella and diphtheria; we can send the exact same amount of money to El Salvador with no strings attached. I cannot imagine any American, if asked about that proposition, would agree with it. The U.S. Senate should not agree with it. Let us put the conditions on.

I yield the floor.

Mr. DODD. Mr. President, I yield the remainder of my time. I know the distinguished minority leader has some time he wants to use.

Mr. DOLE. I yield 2 minutes to the Senator from Mississippi of my time.

Mr. COCHRAN. Mr. President, the sponsors claim their amendment is necessary to support the negotiations between the Government and the guerrillas.

As I see it, however, Senate approval of this amendment would send disruptive signals that would undermine the U.N.-mediated peace process. The leadership of the other body certainly thought so when they delayed all consideration of El Salvador until September to give the peace talks more time.

The negotiations have already yielded significant results. Last March, El Salvador held its sixth consecutive, internationally monitored free election. In April, the Government of El Salvador and the FMLN agreed to constitutional reforms covering human rights, the army, the judicial system, and the electoral process.

The case of the Jesuit murders will move to jury selection and trial this September. Following the Jesuit counsel's request for 3 additional months to offer new evidence, criminal proceedings will move forward against eight charged with murder and three charged with obstruction of justice.

Despite these hopeful developments, however, the FMLN has resisted a cease-fire. Although the FMLN made a public commitment to reach a cease-fire by May 30, it continues to stall at the bargaining table. FMLN military attacks have increased in recent weeks, while it is threatening civilian mayors with murder, a fate the guerrillas have already inflicted on two Americans.

In the face of these provocations, the administration has shown admirable restraint in an effort to avoid disruption of the peace process. Despite the finding in January that the FMLN had violated the 1990 law by targeting civilians and by importing Soviet SA-14 surface-to-air missiles and other weapons, the administration refrained from spending withheld funds until July, and aid released since that time has been limited to nonlethal assistance.

The proposed amendment would punish the Government of El Salvador despite the progress made at the peace table. It is much harsher than last year's legislation, withholding 50 percent of all military aid—not just fiscal year 1992—and subjecting all obligations to the reprogramming process, under which any one of four congressional committees, House Foreign Affairs, Senate Foreign Relations, and House/Senate Appropriations, could withhold all funds indefinitely. When offered in the full Foreign Relations Committee last month, the amendment was defeated 10-9 by a bipartisan coalition. The amendment would give the FMLN renewed hope that the Government of El Salvador will be defenseless to continued guerrilla attacks.

Mr. President, I have received a letter from the Ambassadors to our country from Costa Rica, Guatemala, Honduras, Nicaragua, Panama, and El Salvador stating their deep concern over any United States legislative action cutting military assistance to El Salvador before the FMLN agrees to a cease-fire. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. COCHRAN. Mr. President, a cease-fire agreement may be at hand in El Salvador. This amendment could disrupt the peace process and threaten chances for lasting peace in that country. I urge Senators to support the motion to table that will be offered by the distinguished Republican leader.

EXHIBIT 1

THE AMBASSADORS OF
CENTRAL AMERICA,
July 23, 1991.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and discontinues its attacks on El Salvador's civilian population.

Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand. Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.

Since 1987, Congress has recognized and supported the Central American President's efforts in achieving peace in the region. Just last week, the Presidents of the six Central American Republics held a summit meeting in El Salvador and demanded unanimously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.

Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

We are confident that, as in the past you will rely on the Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America.

Please do not hesitate to call any or all of us if we can provide you with further information that might be useful to you in your deliberations.

Sincerely,

Gonzalo J. Facio, Ambassador of Costa Rica; Miguel A. Salaverria, Ambassador of El Salvador; Juan José Caso,[1] Ambassador of Guatemala; Jorge Ramon Hernandez-Alcerro, Ambassador of Honduras; Ernesto Palazio,[2] Ambassador of Nicaragua; Jaime Ford, Ambassador of Panama.

The PRESIDING OFFICER [Mr. DASCHLE]. The Republican leader is recognized for 8 minutes.

Mr. DOLE. Mr. President, we seem to have a penchant for snatching defeat from the jaws of victory, and I am afraid we are at it again.

Finally, after years of tragedy and turmoil, death and destruction, there is a real chance for peace and national reconciliation in El Salvador.

We ought to be encouraging that process, by rewarding those committed to a good faith pursuit of peace and justice. Instead, this amendment proposes to punish those very people, and indeed reward those who have stonewalled on peace and human rights; stalled on a cease-fire; and continued to kill innocent Salvadorans, and in fact, execute in cold blood innocent Americans, which seem to be sort of glossed over this morning or during the debate today.

It just does not make any sense.

Since the Senate last debated this issue, the Government and the Communist guerrillas—the so-called FMLN—have met periodically, and have made substantial progress in important areas—human rights; reductions in the size and changes in the structure of the armed forces; demilitarization of the intelligence services, security and police forces; and the holding of free elections to an expanded Parliament—elections leftist, Communist-affiliated parties contested.

The Presidents of all the Central American countries have continued to strongly support the peace process.

The case of the murder of the Jesuit priests has moved forward.

I might add I spoke last night with President Cristiani and he again pledges to me he was going to continue to press forward, and I have every reason to believe that he will.

The nine defendants in the case have been denied appeal, and they will go on trial soon.

Somebody said today they have not been confined as Noriega in Florida. And I have not heard many outbursts with reference to that.

It is a record of progress—not stalemate.

It is a record reflecting a firm commitment by the Cristiani government to a fair, peaceful settlement—not a record of stonewalling or foot-dragging, at least on the Government's side.

It is a record of accomplishment that we should encourage—not undermine.

To be sure, there are major problems still unresolved. But to be equally sure, most of those problems grow out of the intransigence of the FMLN.

At the Guadalajara summit, the observer nations—Spain, Mexico, Venezuela, and Colombia—criticized the FMLN, not the Government, for stalling, particularly on the critical issue of agreeing to a cease-fire.

The Presidents of the Central American nations—who have strongly and consistently supported the peace process—last week condemned the FMLN, not the Cristiani government, for a new round of bloody attacks. They, too, urged the FMLN in the strongest terms to stop its aggression, and to agree to a cease-fire.

Six months ago, an American helicopter was shot down by FMLN groundfire. When it crashed, FMLN terrorists executed in cold blood two American servicemen. None of those responsible for the murder have been apprehended, or turned over to any competent authority for investigation and trial. One can imagine that, instead, they have probably been promoted and given bonuses for their fine, bloody work.

And again I have not heard any outrage or outcry about that on the Senate floor.

So the Government makes concessions for peace—while the FMLN stonewalls.

The Government proposes a cease-fire—which the FMLN refuses.

The Government pushes forward on bringing to justice those who murdered the priests—while the FMLN murders American servicemen.

The Guadalajara observers and the Central American Presidents praise the Government—and condemn the FMLN.

And what do we do about all this? Well, the supporters of this amendment want us to respond by penalizing the Government, and rewarding the FMLN.

These are some of the great strategies that helped us in Nicaragua and the gulf crisis, the same people trying to tell us what we ought to be doing in El Salvador. They were wrong then and they are wrong now.

Mr. President, it is hard to choose among the many, many adjectives that leap to mind—muddle-headed, illogical, foolish, outrageous, dangerous.

In fact, why choose? The amendment is all of those things, and more.

Last year, we imposed limits on support for the Cristiani government. Many of us felt that was a bad idea, but it happened.

Now—with virtually all of the right on the side of the Government, and virtually all of the wrong on the side of the FMLN—this amendment seeks to impose even greater restrictions on the Government.

And make no mistake about it—this is not an amendment to just extend existing restrictions, but to toughen them. It not only fences this year's aid, but refences last year's aid, just unfenced for the very good reason that the criteria in law for its release have been met.

Mr. President, I ask the question: Are we losing our minds?

Yesterday, I spoke on the telephone with President Cristiani. A number of other Senators did, too.

He reaffirmed for me his Government's total commitment to the peace process, and reiterated his hope for a cease-fire.

He assured me that his Government was pressing ahead on the Jesuits case.

He promised that the civilian government of El Salvador—and not the military—will have full control over any assistance we provide.

He said, clearly and frankly, that passing this amendment will be a severe blow to the prospects for a cease-fire, and the continued progress of the peace process.

Mr. President, the House of Representatives, for many, many years, has led the way in doing the wrong thing on Central American policy. Time and time again, it has been the action of the Senate which has restored some balance, and a semblance of common sense, to legislative action on issues affecting that region.

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[1] Presentation of Credentials pending.

[2] Unavailable at present for signature.

This time, even the House recognized that meddling in the peace process, by this kind of ill-considered reward for the bad guys and punishment for the good guys, makes no sense at all.

The House Foreign Affairs Committee voted down this amendment. The full House refused to even take it up.

On this side, our Foreign Relations Committee, too, realized that this was a dangerous and wrong-headed approach, and turned down this amendment.

Mr. President, is everybody wrong? Are the Governments of the Guadalajara summit wrong? Are the Central American Presidents wrong? Is President Cristiani wrong? Is the House Foreign Affairs Committee, and the full House, and the Senate Foreign Relations Committee—are they all wrong? I do not think so.

I think those who support this amendment are wrong. Seriously wrong. Dangerously wrong.

It seems to me we ought to do the right thing. We ought to give the Government a chance. Why are we rewarding now the rebels, the Communists? Why should we listen to those who drag this out for years and years with reference to Nicaragua, that costs thousands of lives and millions and millions of dollars, and finally because some of us were persistent enough they finally have democracy in that country?

In my view this amendment ought to be tabled. We ought to go on to finish this legislation. But if not, we are going to stay on this amendment for some time. This is enough to get a veto of this bill, if that is what the people want. There will be a veto of this bill. The cargo preference amendment last night, the Mexico City language; there are four or five reasons to veto this bill. This will be the centerpiece. It will be a crowning blow, this one. If there is any doubt in the President's mind, if the amendment survives the conference and is adopted by the Senate, this will sound the death knell to this legislation.

Mr. President, I do not know what motivates those who keep offering these amendments. I am not going to question anybody's motives. I think in this case they are dead wrong and therefore I yield back the remainder of my time and move to table the underlying amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—43

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—56

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wellstone
Wirth
Wofford

NOT VOTING—1

Pryor

So the motion to lay on the table was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

Mr. President, I rise to discuss the vote that just took place which is one of the bleaker moments in the history of this body. It is an insult to President Cristiani. It is a blow to the morale of the people of El Salvador.

I think it is a glaring example of the kind of micromanagement of the President's foreign policy which, if it had succeeded, would have led in our attempt in the Persian Gulf, would have led to a far different result and may have the same kind of disastrous results as those who voted, as did the sponsors of this bill, to prevent the President of the United States from using force in the Persian Gulf.

As I said at the beginning, this amendment is the liberal's last gasp, last place in the world with the exception of North Korea and Vietnam where communism still seems to be alive and well.

Unfortunately, the FMLN is celebrating tonight, Mr. President, I feel so strongly about this bill and so do many of my colleagues on this side who have been involved in this issue for many, many years that we intend to talk for a long time about this vote and about what has been done here tonight and how critical it is to the security of the Western Hemisphere.

Mr. President, I will do everything in my power to see that this bill does not leave this body because I believe that the disastrous consequences of the adoption of this amendment are such that they will lead to the deaths of innocent El Salvadoran men, women, and children. We are not talking about a policy matter here. We are not talking about a change in rules or regulations. We are discussing what six Central American Presidents asked this body to do.

Mr. President, as did every Senator, I received a letter that said the following:

> We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador and his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador. In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

Mr. President, this is not the opinion of Senator JOHN McCAIN of Arizona. I would be glad to freely admit that the credentials of the Senator from Connecticut and the Senator from Vermont, who were the cosponsors of this amendment, are equal to mine, I might even argue in some ways superior. But how can we match what they had to say with what six Central American Presidents want? I think it takes unmitigated gall.

Do you know what the President of El Salvador has been doing in the last few hours? He has been frantically trying to contact Members of this body to try to educate them as to what he and his Government have been doing to try to achieve peace in that unhappy and war-torn nation.

Mr. President, it is the informed body of opinion, including periodicals like the Washington Post, that it is the FMLN's refusal to agree to a cease-fire which is the major impediment to stopping the suffering and tragedy of El Salvador.

It is with heavy heart that I think of my friend President Cristiani tonight, and he is a friend of mine, a man who came to office with very low expectations from the world media and some people in the world, who has implemented some incredible changes in his country. I think those are worthy of mention especially in regards to his search for peace.

He has agreed to a U.N.-designated truth commission that was designated by the United Nations, not by the Cristiani government, to investigate human rights abuses over the last 12 years.

He agreed to a constitutionally established national attorney for human rights, a national attorney which is established by the Constitution to only monitor human rights in his country.

He agreed to remove police and security forces from the control of the Defense Ministry and place them under his control.

He agreed to place the intelligence service under his authority.

He agreed to reduce the military to prewar levels.

He agreed to form a commission whose members will be nominated by the U.N. Secretary General to evaluate the human rights records of all military officers and decide who should be removed from service.

He agreed to abandon several infantry battalions.

He agreed to dissolve the civil defense forces.

Mr. President, it does not mean that everything is wonderful in El Salvador. That does not mean that, unfortunately, death squads have ceased to operate. That does not mean that there are not still abuses of human rights throughout the countryside in that unhappy war-torn land.

But what it does mean is that there has been a good-faith, honest effort on the part of Cristiani and his administration to try and correct these problems. And in the view of the church, of the United Nations, of all observers, enormous progress has been made.

There were those who believed when President Cristiani came to power that he was a captive of the ARENA Party. The ARENA Party had a reputation somewhat deserved as being an organization that either tolerated or took part in these death squad activities which all of us find so unacceptable and onerous.

But, Mr. President, in the intervening time, he has instituted these reforms. The El Salvadoran economy shows a glimmer of hope for improvement. The people of El Salvador for the first time have some faith in their Government because they have enjoyed six free, open, honest elections since 1983. I think it is worthwhile considering where El Salvador was in 1980.

There had not been a free election in many, many years. Then that nation was blessed. It was blessed with the emergence of a wonderful man named Jose Napoleon Duarte. He was a man committed to freedom, a man committed to democracy, a graduate of Notre Dame University. Jose Napoleon Duarte, Mr. President, brought new hope and life to a sadly unfortunate nation. If Jose Napoleon Duarte were alive today he would be sad and he would be angry.

In observing this vote tonight, I can assure you, from my knowledge and friendship with Jose Napoleon Duarte, he would feel that if this amendment becomes law, the cause of freedom and the cause of peace in El Salvador has taken a giant step backward.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. McCAIN. Yes. I am happy to.

Mr. DOMENICI. I wonder if the Senator would enlighten the Senator from New Mexico. I have an amendment which about 15, maybe 20 Senators desire to cosponsor. So I do not believe it would take a long time. I wonder if there is some arrangement that could be made by asking unanimous consent that would permit us to offer the amendment, assuming that it is acceptable to the managers, without the Senator losing his rights.

Mr. McCAIN. Mr. President, I ask unanimous consent that an amendment by the Senator from New Mexico be considered, and at the completion of the consideration of that amendment, I regain my right to the floor.

Mr. DOMENICI. Mr. President, I must reserve the right, because I posed the question, if the managers accepted the amendment. I only have one. I have to get the other one.

So will the Senator proceed and then when I am ready, I will seek the floor, and I very much appreciate it. I hope it does not interfere at all. We will have our entire record removed from his comments on the very significant issue that he is discussing.

Thank you, Mr. President.

Mr. McCAIN. Mr. President, I was just referring to President Jose Napoleon Duarte who I had the pleasure of knowing, who at the end of his Presidency of the nation of El Salvador was tragically stricken with cancer.

The one thing that President Duarte was able to unite his nation in was a desire for peace. He instituted land reform; he brought about changes in his government which I think laid the framework for what is now apparent in that nation today; that is, a nation that has grown accustomed to free and fair elections.

As these free and fair elections have proceeded. I was there for the first one in 1983, there has been less violence associated with these elections. I remember the night before the election in El Salvador in 1983 when the radio, the clandestine radio that was run by the FMLN sent a message to the El Salvadoran people. It said vote today and die tomorrow. That was the message of the FMLN. That has been the trademark of the Marxist, avowed announced Marxist, Communist organization since its inception.

The next day, Mr. President, they did attempt acts of violence against El Salvadoran property and people. They knocked out the electricity in the capital. They launched ambushes, and they invaded some polling places killing innocent civilians who were seeking to exercise the most basic and fundamental right in a democratic society.

I wonder how Jose Napoleon Durate would feel tonight if he saw Members of this body who were erstwhile proclaimed friends of his who have voted to basically support the FMLN and encourage further obstacles to be placed by the FMLN in the path of peace.

Mr. President, I do not think there is any doubt, as I said before, that the last remaining obstacle to peace is the FMLN's opposition to a cease-fire. The government has already agreed to one FMLN condition to another. They have undertaken constitutional changes affecting far-reaching political, military, and judicial reforms. I will go into that in a minute.

But I would like for a moment to discuss one of the great, recent tragedies of the situation in El Salvador. I am speaking of the loss of three American lives, three American fighting men. Those three American fighting men were flying a helicopter at low altitude, unarmed, and flying at low altitude in order to avoid the surface-to-air missile fire because, as we know, the Sandinistas in the Nicaraguan Army had supplied the FMLN with these weapons of war which are very modern in nature.

We also know that the UH-1H helicopter with these three Army servicemen aboard was brought down. Whether they were brought down by hostile fire or not is an excellent question. But the fact is, Mr. President, the reason why they were brought down by hostile fire, if it was not a missile, was because they were flying at such a low altitude because of the threat of a missile to their helicopter.

What happened, Mr. President, after they were brought down? Well, one of them was killed on impact. The other two clearly survived the crash. There have been several media reports as to what happened. We have received reports of the villagers who were nearby as to what happened. The fact is that these two individuals, Lieutenant Colonel Pickett, and Private First Class Dawson, were callously, brutally murdered by FMLN forces, and they gave their lives and sacrificed their lives in the cause of freedom as much as any American fighting man has ever done anywhere in the world.

Mr. President, the way that they were slaughtered by the FMLN is also I think something of interest. The forensic report states that based on the multiple gunshot injuries present on the two crew members, at least three different weapons were used—two high velocity rifles and one handgun. Lieutenant Colonel Pickett received several clusters of multiple gunshot wounds, strongly suggesting that he tried to evade his captors prior to being killed. Mud and debris in scalp wounds on the back of the head are consistent with him being supine on the ground.

Mr. President, I will not dwell on what happened to these brave Americans. But what I will say is that this is the nature of the FMLN. There has never been any attempt whatsoever of the FMLN to bring these culprits to justice. There has never been even an investigation by the FMLN.

I am very unhappy and dissatisfied, as I am sure most if not all Americans are, at the lack of progress in the needless slaughter of the Jesuits. All of us are offended, terribly offended, by what took place in that terrible massacre. But at least some kind of effort has been made to bring the culprits to justice. But somehow, for some reason, there is not the same level of outrage about the deaths of U.S. servicemen who were needlessly slaughtered by the FMLN.

Mr. President, I would like to say again that these highly sophisticated antiaircraft missiles that drove this helicopter to fly at low altitude could affect the military balance and there is no doubt where they came from.

This is a light, shoulder-held missile using infrared guidance technology and are considered as effective as the Stinger missiles that the United States provided to Afghan rebels. There is no doubt that it had a dramatic effect on the ability of the El Salvadoran military to conduct operations.

Cuba has denied it provided the missiles to the FMLN. The rebels denied receiving it from the Cubans, despite their close links to Havana. FMLN Commander Leonel Gonzalez told Prensa Latina, the Cuban news agency that the missiles came from diverse sources, none of them governments.

However, that would not exclude the Sandinistas.

The rebels have suggested that the missiles were purchased on the open market, but U.S. officials discount that, saying SA-16's are not as widely available as less sophisticated SA-7's and SA-14's.

Last year, the FMLN received SA-14 missiles from the Sandinistas and used them to knock down at least two Salvadoran army aircraft in November and December. In February, the FMLN returned the shipment of SA-14 missiles to the Sandinistas after United States and Soviet intelligence, working from a serial number of a missile that had been fired, traced them to Nicaragua.

Well, Mr. President, I will not dwell on that aspect of this tragic situation. I would not relish the thought, frankly, of sending more American fighting men into an area where, even if they are shot down, or slaughtered on the ground, as these two brave Americans were—let me say that we cherish their memory, and we appreciate their sacrifice to our Nation, and we wish there was some way we could give consolation to their families.

Mr. President, as I said, the sixth free election in El Salvador was held last March. Leftwing parties, including those aligned with the FMLN, made gains. Mr. Ruben Zamora, a former leader of the FMLN, is now the Vice President of the National Assembly. A member of the Communist Party was elected to the El Salvadoran Assembly. And despite this progress, despite the time after time after time that international observers have stated these are free and open and honest elections—observers from all over the world—the FMLN refuses to join the democratic process. Instead, they have continued their campaign of violence against the civilian government and the people of El Salvador. They have targeted civilian officials, which is a violation of legislation passed in this body. They continue a widespread campaign of economic sabotage, attacking hydroelectric dams, power stations, coffee and cotton farms, large agricultural mills, public transport and banks. They have continued to receive shipments, as I mentioned earlier, of Soviet SA-14 surface-to-air missiles from their Cuban and Nicaraguan sponsors.

As I mentioned, President Cristiani has agreed to a series of almost unprecedented steps in order to arrive at a peaceful resolution and to satisfy the FMLN's concerns.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield for a question.

Mr. McCAIN. I am glad to yield to my friend.

Mr. DOMENICI. The Senator from New Mexico has now received the concurrence of the floor managers on both the majority and minority sides that they will accept the amendment, and no other Senators indicate a desire to have a rollcall vote. I wonder if we might ask the Senator from Arizona if he would concur that we invoke the previously stated unanimous-consent request and permit the Senator to offer an amendment; and it will be disposed of in no longer than 10 minutes, I say to my friend.

Mr. McCAIN. Mr. President, knowing what 10 minutes means to my friend from New Mexico, I, at this point, yield the floor for purposes of allowing the Senator from New Mexico to offer an amendment, and ask unanimous consent that I be allowed to regain the floor at the conclusion of the disposition of the amendment from the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 836

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. DOMENICI], for himself, Mr. MACK, Mr. DOLE, Mr. COCHRAN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. GRAMM, Mr. DIXON, Mr. KASTEN, Mr. HELMS, Mr. DODD, Mr. SIMON, and Mr. BURNS, proposes an amendment numbered 836.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 139, between lines 18 and 19, insert the following:

"Subchapter D—The American Centers Act"

An ACT to Establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics.

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act."

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of Soviet republics upon request for the purpose of:

(1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;

(2) providing a repository for commercial, legal, and technical (including environmental and export control) information;

(3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and

(4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and democratic institutions;

(5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional, civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) DIRECTORS OF THE AMERICAN CENTERS.—Upon the appointment of an Executive Board as provided in Subsection (a), the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one of more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) POLICY COORDINATION OF AMERICAN CENTERS.—The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers or employees of the United States Government,

for the purpose of title V, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than $15,000,000 for fiscal year 1992, and not more than $25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with this Act.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic reforms, market-oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any governmental agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) Restrictions. No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

Mr. DOMENICI. Mr. President, I offer this amendment on behalf of myself, Senator MACK from Florida, Senator DOLE, who are my principal cosponsors, and the following Senators: Senators COCHRAN, BROWN, GORTON, D'AMATO, GRAMM of Texas, DIXON, KASTEN, HELMS, DODD, SIMON, BURNS of Montana, who seek to be cosponsors. I ask unanimous consent that they be recorded as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it has come to the Senator from New Mexico, as I observe the goings on in the Soviet Union and various of the republics in the Soviet Union, having been present and observed when President Yeltsin came, having heard his discussion about Russia, having talked to a number of American business people who have gone to the Soviet Union or one of the republics in an effort to conduct business, having talked to various academicians from the United States, both private and public, who have gone there for the purpose of trying to see what could be done to assist in the transition, and on and on, with reference to various kinds of visits to the Soviet Union, for the purpose of establishing liaison and some transitional assistance, that perhaps we need early on, as early as possible, the establishment of American centers—or let me put it in the singular, a center for America or an American center, let us say, in the Republic of Russia; and that that center would become the focal point for American entrepreneurs, American experts in government, and perhaps American educators, certainly men and women who are interested in communicating and helping the Soviet people or Soviet Government make the transition to capitalism and democracy; we need a place for them to go.

We need a center that will accumulate the information in an ongoing manner and regularize it, so that it is available to those who need it, as they seek to do business with the Soviet Union, or as they seek to help Soviet people become business men or women, as they seek to educate, be it in the law or be it in business, as they seek to help with land transactions, and maybe even help the Soviet republics find out how to survey and record titles to property, since they seem to want to commit to private ownership; all of those things and a myriad of more. And from what we understand, there is no focal point, no center, no facility that can grow as these relationships and transactions grow. So what we are doing here is, in a sense, very, very simple. In another sense, it could be very profound with reference to its impact.

This is an act to establish American centers to act as catalysts for encouraging free market economies and democratic values in the Soviet Union and its sovereign republics, and in this particular measure we elaborate the kinds of things we think ought to be going on in American centers. We elaborate on the kinds of information that ought to be accumulated. We stress the fact that business men or women, entrepreneurs, ought to be invited there, and hopefully even invited to manage and operate one or more of these centers. And then we decided that we ought to make this somewhat independent, and yet put it under the President of the United States.

So we have an independent board that the President would appoint to be the board of directors of the center, and they submit to the President the names of Americans, hopefully Americans who have a natural relationship or at least a desire and a profound commitment to be part of this enormously historic event.

That was a pretty difficult one, because we do not intend to make these independent of the U.S. Government in a sense that they would act contrary. We want them to be independent because businessmen need independent relationships. So do those who are trying to educate, and so do those who might want to exchange information with the Soviet Union in some rather formal way to bring them along with education, and the like.

So we have an independent board appointed by the President. He selects this director, and the director manages this American center in a republic, if they are invited.

I want to stress, this amendment does not force anyone to do anything. It is permissive on the part of the President, No. 1, and it must be at the request of the Soviet entity. If it were Russia, they would have to invite us; they would have to want us.

But I am reminded, and I was talking to my friend, Senator MACK, from Florida, that had we asked Mr. Yeltsin when he was here, "Would you like an American center with these kinds of opportunities," I am sure he would have said, "I want to be the first." We will even have a building for them, so that the American manager of that center can begin to function in helping us in this transition.

What we have in this legislation says, and we have said unequivocally, they must be requested to come to that particular part of the former Soviet empire.

Mr. President, the Senator from New Mexico knows there is a lot going on. There is a lot going on in an effort to help the Soviet exchange of personnel, educational exchange, business people over there trying to make business deals that help the Soviet Union with capital.

But frankly, I believe an American center to permit this to go on, permit this kind of activity to accumulate, this kind of knowledge to be put in, in a regular manner where it is available, I think is an absolute must.

I do not want anyone to think that the Senator from New Mexico or any of these cosponsors want to thwart other activity. We know that free people frequently do exciting things totally on their own, and the American people, their genius is their energy, the energy of freedom.

We are not suggesting that we want to make this exclusive and that people of the world and people of America cannot do other things. But we believe if information is needed, if the accumulation of knowledge and what is going on in the Soviet Union has to run two ways, back to the Soviet leaders and to American business or to the American Government or to American universities or to American churches, we think a center to accumulate, gather the information, and be the catalyst for these transitional activities is a good idea.

As a matter of fact, I believe if this is done, it will become a historic part of America's relationship to the Soviet Union. I believe American centers with predominantly individuals who are enthusiastic about trying to have a meaningful role in this transition, and American business that wants to react either by educating or investing or trading, will become giant replicas of what is going on in America. They will become a symbol of America in the midst of these transition economics that so desperately look to us for symbols and for activities and actions that give them hope.

In other words this will also be hope for them if we get them started rather soon.

Again, we are not trying to tell the President of the United States how to run these kinds of activities or this kind of business. We will pass this tonight, and hopefully in this bill, or in some bill, it will become law. I do not believe good ideas will fall by the wayside because a bill is vetoed or a bill is filibustered. It will become law, but the President will only do it if he sees the wisdom of it, because obviously we are not going to tell him he must do it.

This will be an exciting vehicle for the transition, a great catalyst for encouraging market economies and democratic values in Russia.

I understand my cosponsor, Senator MACK, desires to speak, if I might ask unanimous consent that he be permitted to speak as if I were speaking under the same unanimous consent rules that we had heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. MACK. Mr. President, I first of all want to begin by commending the Senator from New Mexico for his effort on this idea and this legislation.

As I recall, this really got its start as a result of a conference that we both attended. One of the major focal points of that conference was on the Soviet Union: What change was taking place; the likelihood of events taking place.

And I remember that our feeling was that we ought to find a way to share with the Soviet people the essence of what has made America successful, as opposed to a concept of additional ways, or finding ways to provide economic assistance; what way could we develop to provide the expertise that we have developed in over 200 years of freedom in this country? After that initial conference, we have had several conversations now in the development of this particular idea.

Again, I commend the Senator from New Mexico for keeping this idea going. I, too, think it will provide the opportunity for major change to take place in the Soviet Union.

Yesterday, I proposed an amendment that would place conditions upon the United States and the Soviet Union with respect to the Soviets' ability to become full members of the International Monetary Fund. In essence, when this was agreed to yesterday, what the Senate was saying was that we thought before there was direct economic assistance, there had to be reform taking place in the Soviet Union.

So now, what Senator DOMENICI and I are suggesting is that we have an idea that since we said what should not occur, we are suggesting what should occur during this transition period.

Yesterday, I quoted Czechoslovakian President Vaclav Havel when he said:

> The experience of the postwar period has shown us that no amount of economic assistance will make a totalitarian country more prosperous unless it is also made more democratic.

Today I quote President Havel again when he said that:

> Our assistance should be to the people and politicians with a democratic mandate, rather than to the bureaucrats. It should be assistance to the individual republics, with ever-increasing rights, rather than to the center of the union. And it should be a thousand points of small assistance targeted to specific areas of newly created market economy.

In short, Mr. Havel called for a thousand points of aid to the democratic republics and the people directly, not to Moscow. The purpose of our amendment is to give the administration the authority they need to help set up American centers in the Soviet Union. These American centers would be a way for Americans to offer on a sustained basis their expertise in democracy and free markets to the people of the Soviet Union.

Again, I would stress this: You can think about it as being the grassroots kind of effort, of trying to find those things, those people, those ideas, that have been so successful in America, and transfer those to the people of the Soviet Union, whether that be in the Baltic States, or whether that be in the Russian Republic.

Because we feel that by giving them that expertise, those ideas, those simple ideas about how one manages a business, how one raises capital, how one develops and produces a product, how one markets that product, how one advertises that particular product, while that is so much a part of our way of life, it is something that, frankly, the Soviet people are going to have to learn, as I said a moment ago, almost from the grassroots up. And that is what this idea is all about.

We want to provide a positive alternative as to what we said yesterday. We want to provide education; we want to provide the expertise that has made America great.

So again I commend the Senator from New Mexico for his effort. I have enjoyed working with him, and I look forward to continuing to work on this effort because, frankly, this is just the beginning. I think much more can be done.

And with that, Mr. President, I yield back to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know that I am supposed to yield the floor and have the amendment adopted before yielding back to the Senator from Arizona. But I wonder if I might burden the Senate for 5 minutes and ask that I be permitted to put the Senate in a 5-minute quorum call, and I will return. Somebody wants to speak to the Senator from New Mexico regarding this amendment, and then I will come back and then we will be finished and adopt it. I ask unanimous consent to do that.

The PRESIDING OFFICER. A unanimous-consent request is not in order for a quorum call. The Senator may suggest the absence of a quorum.

Mr. DOMENICI. I am going to do that with the understanding I will be right back. I cannot be here and answer a question about it, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me just take 1 more minute. Senator MACK, from Florida, indicated that this idea came at a conference when the Soviet Union in transition was discussed. And I wanted to follow on with a couple of thoughts, for what they are worth.

Frankly, the subject of the discussion that prompted this amendment talked about the need for short-term exchanges with the Soviet Union of all types—business exchanges, educational exchanges, law exchanges, how do you handle property in a public manner, where do you find titles, and how do you clear titles, all strange kinds of things that we have taken for granted forever.

On the other hand, the long-term exchange was very, very simple but profound. And it was that the best way to assure long-term change toward democratic principles and private property and business ownership was to have very, very large student exchanges from the Soviet Union coming to the United States. And the person was an expert, as I understand it.

I believe he knew about as much as anyone and spoke in very large numbers—10,000, 15,000, 20,000 a year—from the Soviet Union coming and going to American colleges or American senior high schools and colleges.

Because you see, if you look around, the most profound changes that occur in the world occur because profound changes have occurred to the minds of people who come and live here and get educated here. The President of Mexico, President Salinas, has a doctor of economics from Harvard. A dramatic change in that country's governance and movement toward economic prosperity. The democratic rebellion in China, young people who had been coming here for a number of years, 10,000 a year, were willing to gamble to change, and they will ultimately be the reason for change.

We did not do anything about that in this amendment, but we did provide the focus to get started with a center that could begin to analyze these kinds of things and maybe be the focus for information gathering that will lead to these kinds of things in the future.

So, Mr. President, I am pleased to offer the amendment.

I yield the floor at this point.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, what is the parliamentary order?

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona was to be recognized upon disposition of the amendment of the Senator from New Mexico.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 834

Mr. DODD. Mr. President, what is the pending business, please?

The PRESIDING OFFICER. The pending business is the Dodd amendment.

Mr. DODD. Mr. President, I ask unanimous consent the Dodd amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 837

(Purpose: To condemn resurgent anti-Semitism and ethic intolerance in Romania)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. WELLSTONE, proposes an amendment numbered 837.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 132, after line 22, add the following:

SEC. 630A. CONDEMNING ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) in December 1989, after decades of harsh repression by successive Communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

(2) this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

(3) a reunited Europe, a meaning a harmonious community of free and friendly nations, must be established on the basis of full respect for human rights, including the rights of minorities, and a rejection of anti-Semitism and other forms of ethnic and religious intolerance;

(4) the newly gained freedom in Romania has allowed the formation of new social and political organizations, and the establishment of new publications free of direct government control;

(5) this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

(6) Romania's Parliament instead of condemning these developments, itself paid tribute recently to the extreme nationalist Ion Antonescu who was responsible for the murder of approximately two hundred and fifty thousand Romanian Jews and was executed as a war criminal.

(7) the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to observe and report on these dangerous anti-Semitic trends;

(8) even the recent solemn commemoration of the fiftieth anniversary of the mass murder of Romania's Jews by the Antonescu government was marred by an anti-Semitic provocation against Professor Wiesel; and

(9) the Government of Romania has not challenged and condemned these organizations and their activities directly and forthrightly.

(b) POLICY.—The Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) calls on the Government of Romania unambiguously to condemn those organizations promulgating anti-Semitism and animosity toward ethnic Hungarians, Gypsies, and other minorities.

(3) calls on the Government of Romania to use every lawful means to curb these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to ensure full respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator LIEBERMAN, Senator LAUTENBERG, and others.

I think all of us over the last number of weeks have been highly distressed by events that we have seen unfolding in Romania, particularly when it comes to the issue of anti-Semitism as witnessed during the recent 50th anniversary to commemorate police and military action against Jews in that country. The distinguished Nobel laureate, Elie Wiesel, was at that function and suffered significant discrimination as a result of unrest in the audience and crowd.

Regrettably it is not an isolated case. There have been instances over the last number of months that have raised concerns in many, many quarters, that this is becoming something that seems to be organized and, if not outwardly involving the Government, is at least condoned, and by the sin of omission, at least, the practice is being allowed to continue.

Of course the eastern nations of Central Europe have filled us with expectations and joy with the prospect of a brighter future for these long-suffering nations. It is obvious, however, that four decades of communism had left a painful legacy in these countries, not only in the mismanagement of their economies but also in the minds of some of the people who were unaccustomed not only to the advantages of freedom, but also to the responsibilities of freedom.

The country of Romania seems to have had much greater difficulties than almost any other country in Central Europe, in coming to terms with some of these issues. Its revolution, as we all remember, was much more violent than almost any other, and violence, or the threat of it, unfortunately remains part of the Romanian political life ever since.

We will all recall the rampage of Government-incited thugs, recruited from among miners a year ago, that received the widest publicity in the Western press.

Months before, shortly after the December 1989 uprising, there was a bloody street pogrom against ethnic Hungarians in a Transylvanian community. The Government is also unwilling or unable to curb the more frequent organized violence against Romania's gypsy population.

Now we see another element of this bigotry has surfaced in the events I described only a few weeks ago.

Unfortunately, those events have not been challenged by the Romanian Government. They are the last appearance of the worst social aberration, many would argue, in this century—I certainly would—the Holocaust. Elie Wiesel, as I mentioned, was visiting his nation of birth, Romania, to personally investigate and verify these disturbing developments, and to report to the American people what he found. What he did find deeply disturbed him.

As I mentioned, even the solemn commemoration of the 50th anniversary of the first mass murder of Jews by the Romanian Army and police was not sacred to the forces of anti-Semitism. As of yet no violence has occurred against the 18,000 Jews who remain in Romania—directly against them. But this may be in part due to the fact that the Jewish community is so small.

It is hard for me to imagine what may drive a depraved mind that regards this group of mostly elderly people as a threat or a challenge, politically or otherwise in that country. We must remember, however, that Hitler did not start with violence either. And what he advocated did not make much sense either, at the time.

At any rate, Mr. President, this resolution speaks for itself. It is meant to be a warning to the Government of Romania to be much more firm and resolute in facing the forces of evil in that society. It is also a call to the Romanian people to cleanse the public life of that nation of these elements. Anti-Semites and ethnic hate mongers are enemies not only of the targeted minorities but also the peace and the future and the development of the Romanian people and their nation itself. I believe most of them realize that a transition to a modern and free pluralistic society and a functioning free market economy is difficult enough without the rampage of those who are spreading hatred to further divide the citizens of that nation.

Mr. President, I want to personally commend Prof. Elie Wiesel for this latest service in his continuing mission for a better and healthier humane society. That has been his mission. He has carried it on so effectively over these last number of years.

What he is trying to do in Romania is yet another chapter in that effort. I commend him for it. I regret deeply in the nation of his birth he should face the kind of taunts and anti-Semitic events that he did. But the fact of the matter is they occurred, and I think it would be regretful if we did not at least express our concern about those events and send what I hope is a very rational message to the Government of Romania that we are watching carefully.

We all recognize at some point, I presume, MFN status will be sought. Certainly, when that request comes, those of us who care about these issues are going to be looking carefully at what has happened on this kind of issue and others before we will support extending most-favored-nation status.

So on behalf of my distinguished colleagues from Connecticut, Senator LIEBERMAN, Senator LAUTENBERG, and others, Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate of the amendment?

Mr. SARBANES. Mr. President, I have a parliamentary inquiry. Is the pending matter before the body the Dodd amendment on El Salvador?

The PRESIDING OFFICER. The pending amendment is amendment No. 837 of anti-Semitism in Romania.

Mr. LIEBERMAN. Mr. President, I rise to comment on the amendment on Romania that has been proposed by myself and Senator DODD. All Americans remember those days in December 1989 when the Romanian people rose up and overthrew the hated dictatorship of Nicolae Ceausescu. After decades of political repression, the Romanian people could talk about what they wished; read what they wanted; and organize politically. The Romanian people have the right to feel proud that they were able to overthrow the most tyrannical ruler in Eastern Europe.

Unfortunately, the fall of Ceausescu does not mean that all is well in Romania. This new birth of freedom has had its darker side. Old nationalistic antagonisms have been reborn; the persecution of minorities has continued.

I am concerned that the large Hungarian minority in Romania still suffers from discrimination. The Romanian authorities, for example, have rejected the idea of reopening the Bolyai University in Kluz, once an important Hungarian University, and of permitting a Hungarian consulate in Kluj. The authorities have discouraged Hungarians from setting up businesses in Hungarian areas of Romania.

Anti-Semitism is also a problem in Romania. Romania's lower House of Parliament recently struck the word "anti-Semitism" from the draft of a police law that would bar "racism, anti-Semitism, fascism, and xenophobia." The Romanian Senate restored it, but the lower House has not acted a second time. Similarly, the Romanian Parliament recently paid trubute to Romania's leader in World War II, Ion Antonescu, despite his responsibility for the deaths of approximately 250,000 Jews. I appreciate the fact that Romania's President Ion Iliescu has condemned anti-Semitism and would hope that the Romanian Parliament would also do so soon.

This amendment condemns these manifestations of anti-Semitism and anti-Hungarian attitudes. This amendment calls on the government to use every lawful means to curb the extreme nationalist groups that are promoting these views. The government, in short, must allow greater self-expression for its minorities and condemn any instances of discrimination. To fully rejoin the community of European democracies, the Romanian Government must lead the fight against atavistic racial hatreds. The ghost of Nicolai Ceausescu will not fully be exorcised until that is done.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 834

Mr. SARBANES. Mr. President, I take it the matter now pending before the Senate is the Dodd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I guess it would be helpful if we could get some indication from those who have been speaking as to their intentions. What happened, of course, was about 1½ hours ago, there was a motion to table the Dodd amendment which failed on a vote of 43 in favor and 56 against; 43 to 56 not to table the amendment. Of course, a vote on a tabling motion is not always indicative of a vote on the underlying amendment. I would venture to say in this instance it is probably indicative, but we have not been able, as yet, to go to a vote on the Dodd amendment.

I was wondering whether there is some way to get an indication of when we might be able to do that and then move on to the other matters that are in this bill. I know it is a matter on which Members have strong feelings on both sides of the issue and, in fact, it is the kind of issue that ought to be debated on a foreign assistance bill. It is a very important amendment and it involves a policy question. I think the Senate has indicated its position on this issue. The question is whether we are going to be able to address the amendment itself, take a vote on it and then move on to the other matters that are in this bill.

Mr. DOMENICI. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. DOMENICI. Mr. President, might I mention just for those who might not have been here or heard us, the Senator from Arizona was speaking. I do not know how long he intends to speak, but he had not finished. As a matter of fact, I stopped him twice when the other side said that I could proceed with the amendment that I had in mind. Then the second time I interrupted, he did not object, and he let me proceed.

So I believe he is going to come back shortly. I am sure that he has—I do not know whether it is 5 minutes or 50 minutes, but he was not finished. I know that very soon now he would like to speak again. That much I can tell the Senator with reference to where we are.

Mr. SARBANES. That is an important piece of information. I very much hope that if the Senator from Arizona wishes to continue to address this amendment, we can get him back to the floor in order to do that so we can continue proper consideration of this amendment rather than sitting around in a quorum call.

Mr. HELMS. Will the Senator yield?

Mr. SARBANES. I will be happy to yield.

Mr. HELMS. The Senator from Arizona will be back within 5 minutes.

If the Senator will allow me to have the floor, I will suggest the absence of a quorum.

Mr. SARBANES. Does the Senator from North Carolina wish to speak on the amendment?

Mr. HELMS. No, I do not.

Mr. SARBANES. Mr. President, I would like to make a couple of observations, if I may, while we are awaiting the return of the Senator from Arizona to speak on the amendment.

I am not quite sure how to resolve this. I know Members feel strongly about this issue. There are many provisions in this bill which are important, some to the Members of the Senate, others to the administration. This bill, once passed by the Senate, will then have to go to a conference with the House, and the House bill differs in significant respect from the Senate bill on a number of issues, including, in fact, this issue.

Obviously, if we do not act on this bill, this issue will reappear on an appropriations bill. So it is not as though failure to move ahead with this legislation will somehow obviate the issue. The issue will obviously be right back with us. In fact, when it comes on an appropriations bill, the burden will be reversed, since at that point the administration will presumably be seeking an appropriation and the committee or the Senate will be seeking to deny it that appropriation.

In light of that, it seems to me there is not much to be gained by completely impeding the progress of this bill with respect to this issue. We have tried to discuss it. I think we had a good open, fair, and intense debate.

I appreciate that Members now may want to debate the amendment further, subsequent to the failure to table. But I hope that within a reasonable amount of time for such debate we then will be able to go on and vote on the amendment itself, which I think most people are prepared to do, although I take it not everyone. We can vote on the amendment itself and then proceed to consider the other matters that are in this bill, some of which are also controversial.

We cannot do a bill of real significance and consequence, I do not think, without having controversial aspects to it. And this issue is a clear example. People feel strongly on both sides of this issue. There are very good arguments to be made. They were made in a debate that lasted some 2½, 3 hours, I guess, before the motion to table was made and we had a vote on that. So I hope we will be able to move ahead in some reasonable fashion.

Mr. HELMS. If the Senator will yield, I see the Senator from Arizona back on the floor. As a matter of comity, he yielded so that Senator DOMENICI could offer his amendment with the understanding that he would regain the floor. I suggest you may want to proceed.

Mr. SARBANES. I note that the Senator is back, and I think he does want to speak further on the amendment. In view of that, I will be happy to yield the floor.

Mr. HELMS. Very good.

Mr. SARBANES. I hope we can complete this discussion, complete action on the amendment, and then move on to other matters in the bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank my friend from North Carolina for assisting me, and I appreciate that very much.

I would like to say in response to the comments of my friend from Maryland, I understand his desire to move foward with this bill, and I appreciate the efforts that he and my friend from Kentucky have put in during this incredibly long gestation period of attempting to get a bill of this import to the floor, not only this year but many years.

I have to add, though, what has been done here tonight is of such enormous consequence and so difficult for me and many of my colleagues to accept that I think the issue deserves a lot more ventilation. I think it deserves a lot more discussion, a lot more debate, and I intend to exercise my right as a Senator to make sure that the record is clear exactly what took place here tonight, which was a betrayal of the people of El Salvador basically.

Mr. SARBANES. Will the Senator yield on a procedural point.

Mr. McCAIN. I will be happy to yield for a question to my friend from Maryland.

Mr. SARBANES. I certainly respect the Senator's right to the floor.

On the procedural point, it seems to me that the Senate in effect has spoken on this amendment by a vote of 43 to 56. The amendment has not yet been adopted by the Senate, but the Senate has registered its view on this issue.

Now, that does not make it the law of the land because even if the Senate were to pass the bill and send it on, there would still be many steps to go. We would have to go to conference with the House on this bill. We would have to resolve a number of issues in that conference. The confernce report would have to come back and be passed by both Houses. The bill would then have to go to the President, and the President would have the right to veto it. And without a two-thirds vote in each House, a veto cannot be overridden.

I think there has been a clear expression of Senate opinion. Indefinite debate on the matter does not erase that expression of opinion. It may keep this bill from moving on in the legislative process, but that process itself, as we look down the road, is a somewhat extended one. I fail to see any change of view that will come on the part of the 99 Members of the Senate subsequent to the vote that we have had.

I know the Senator is upset because he was on the other side of the motion to table. He feels strongly on the other side of this issue, just as Members who prevailed on the motion to table feel strongly the other way. But I think there has been a clear expression of opinion. I do not see how moving forward to consider the other matters in the bill is going to alter that situation.

I simply make those observations for my colleague's consideration.

I thank the Senator.

Mr. McCAIN. I thank my friend from Maryland. I appreciate his patience. In fact, I also appreciate the sense of frustration that he and many Members feel.

I would like to point out that I am not in the habit of doing this. In fact, in the few years that I have been a Member of this body I have never extended debate in this fashion. I feel that this issue will be revisited, it will be revisited either in September on an appropriations bill or it will be revisited following a Presidential veto because have no doubt, have not the slightest doubt, that the President of the United States could not possibly sign any bill with these provisions in it. He could not hold his head up in an international body if this was U.S. policy.

So have no doubt the President of the United States will veto this bill and this incredible action on the part of the Senate tonight where many of President Cristiani and El Salvador's erstwhile friends who voted to allow an outrage like this to take place did not carry through their commitments to the President of El Salvador and to the administration.

So given the fact that we will be revisiting this issue, I say to my friend from Maryland I would like to spend some time illuminating this issue to a much further degree than it was, because I am convinced that no correct-thinking individual who has a very deep sense of responsibility, as Members of this body do, could possibly, if they fully understood what is at stake, vote for this amendment.

The only conclusion I can draw is that my colleagues and friends on both sides of the aisle, several of them on this side of the aisle, were not fully informed as to what was being voted on in this amendment. So I intend to spend some time in the process of trying to illuminate and educate them.

Would that change the vote in the short term? I doubt it. I certainly have serious doubts as to whether that would change. But in the long term I think possibly it might contribute to their better knowledge of this issue because, as I say, I cannot comprehend that a majority of this body would inflict this on a small nation that is struggling for freedom and democracy.

So in response to my good friend from Maryland, may I say that I appreciate his frustration. I appreciate the zeal with which he and my friend from Kentucky have pursued this bill. We have brought it close to reality for the first time in many, many years, and I regret enormously to stand in the way of this parliamentary procedure which is so nearing success.

But I have to weight my obligations and what I have been involved in for the last 9 years, and I tell my friend from Maryland what I have seen building and what I have seen growing is an opportunity for peace, a real cease-fire for the first time.

The first time I was ever in El Salvador was in 1983 where I watched members of the FMLN assassinate innocent farmers, destroy electrical facilities, where I saw them attack people who were at the polls who were just trying to exercise their most basic human right, and where, frankly, on the other side there was dead, innocent Salvadorans every morning along the streets of El Salvador, executed by what we all know is rightwing death squads, a horrible thing.

We have seen the tragedy of the Jesuits. We have seen the incredible tragedy in the deaths of three brave American fighting men. We have seen this tragedy go on, and here we are in the view of the six Central American Presidents, six of them, six Central American Presidents I say to the Senator from Maryland, who say what? I tell you what they say. They say, "We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador. In this sense our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population."

I say to my friend from Maryland that is no rightwing arena individual who is telling you that. That is no member of a death squad. That is the six Presidents of the Central America telling you not to do what you did tonight, not to do what you did tonight.

Who is responsible for it? And what is going to happen? The Senator from Maryland, the Senator from Connecticut, the Senator from Vermont, and I will go home to a nice warm bed tonight. We will go home, probably have something to eat, get ready to get up tomorrow morning, and address other issues. Do you know what is happening in El Salvador tonight? The champagne corks have popped at the FMLN headquarters and you have given them new vigor, new desire not to engage in a cease-fire. There will be increased attacks on civilians tomorrow in El Salvador because what you have done for the FMLN in direct contravention, in direct contravention of the desires of six freely elected Presidents of countries in Central America is in my view an issue that should require a lot more education of my colleagues.

So I intend to continue with this education process in hopes that over time, as we have in other foreign policy issues in this body, I will be able to change the views through education and illumination of my colleagues.

In El Salvador, President Cristiani has proposed constitutional amendments on judicial reform. On April 27, 1991, the Government of El Salvador, FMLN, and the United Nations mediator signed partial accords in Mexico City covering armed forces, judicial system, and human rights, electoral system, and a truth commission on human rights cases. They also agreed on proposed amendments to the Constitution to be introduced into the legislative assembly. The legislative assembly passed a somewhat modified version of the Mexico package before leaving office at the end of April.

The assembly went beyond the terms of the government-FMLN proposal by defining the constitutional nature of the supposed supreme electoral tribunal. The current legislature must ratify the proposed amendments for them to enter into force. This in turn has depended on further progress in the peace talks toward a cease-fire and settlement. Normal secondary legislation will also be needed to implement broader constitutional reforms, judicial reforms.

No less than 6 percent of the national budget would be earmarked to support the judicial system. The Supreme Court would be reorganized, including a new form of selection of its magistrates by two-thirds vote of the legislative assembly.

The Office of the National Attorney for Human Rights would be created. The Attorney General, public defender, and new national attorney for human rights would be selected by two-thirds vote of the legislative assembly.

The structure of the national judicial council is redefined to ensure its independence from the state and political parties, and to have it incorporate not only judges but also all those directly involved in the administration of justice. A judicial training school would come under the national judicial council. Secondary legislation will reform the selection, promotion, education, and measures to assure the fitness of judicial professionals.

These agreements, I might add, were highly praised by the U.N. observer who has been a part and parcel of these talks.

In my talks with the President of Mexico, President Salinas expressed his dissatisfaction and concern about the lack of willingness of the FMLN to engage in a serious cease-fire.

I think it is important to note that President Cristiani has agreed to a U.N.-designated truth commission to investigate human rights abuses over the last 12 years. As I mentioned, it constitutionally established an attorney for human rights. That is a very important position. The fact that a national attorney for human rights is in their Constitution I think is a major step in the right direction.

President Cristiani agreed to remove police and security forces from the control of the Defense Ministry and place them under his control. Mr. President, there were legitimate claims that there was involvement by police and security forces in the so-called death squads which were a terrible tragic thing that was inflicted on the El Salvadoran people. By removing them from the control of the Defense Ministry, it was a major step in the right direction, in my view.

He agreed to place the intelligence service under his authority alone. There were allegations, again not without foundation, that intelligence service had been providing information which had been obtained by death squads in their heinous and outrageous behavior.

He agreed to reduce the military to prewar levels. This is a very important and significant step to reduce the size of the military establishment, thereby dramatically reducing the risk of a possible course of military takeover or even increased influence on the part of the military and their government which we have seen all too often in Central America nations. They agreed to form a commission whose members will be nominated by the U.N. Secretary General to evaluate the human right records of all military officers and decide who should be removed from service.

He agreed to abandon several infantry battalions and agreed to dissolve the civilian defense forces.

Nevertheless, the FMLN will not agree to a cease-fire.

What is the only conclusion we can draw as to why the FMLN will not agree to a cease-fire? Because they want to win with bullets what they cannot win at the ballot box. In six free elections that have been held in that country, the fact is they have been able to elect very, very few. In fact, very few have been freely elected.

The Central American Ambassadors to the United States have sent letters to Senators stating their active support for Cristiani's peace efforts in view of the deep concern of any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

I would like to read that letter.

> DEAR SENATOR MCCAIN: We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.
>
> In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues it's attacks on El Salvador's civilian population.
>
> Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand.

That is why it was so hard for me to understand why this amendment had to come up at this time, knowing full well that it would come up again in September.

It is the view of six Central American Presidents that a cease-fire is at hand. So what do we do? We adopt an amendment that basically sends a signal to the FMLN "Do not worry because whatever happens, we are cutting off the aid."

> Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

I want to repeat again. This is not the Senator from Arizona's view. This is the view of six Central American Presidents. I repeat:

> It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.
>
> By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.
>
> Since 1987, Congress has recognized and supported Central American President's efforts in achieving peace in region.

We all remember the critical role that President Arias played in achieving peace in Nicaragua. Suppose we had dismissed his views out of hand on that issue.

> Just last week, the Presidents of the six Central American Republics held a summit meeting in El Salvador, demanded unanimously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.
>
> Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

I would suggest, Mr. President, that they have a much higher stake in the success of peace negotiations in El Salvador than we do.

> We are confident that, as in the past you will rely on Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America.

Let me repeat that, Mr. President: "We are confident"—obviously their confidence was misplaced—"We are confident that, as in the past, you will rely on the Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America."

That letter is signed by the Ambassadors of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

What did the Washington Post have to say about this issue?

> A stunning surge toward peace has overtaken El Salvador's seemingly unendable civil war. With crucial help from United Nations mediator Alvaro de Soto, the government of President Alfredo Cristiani and the guerrillas of the FMLN have agreed on constitutional revisions that bring within reach the two final steps of a political agreement on military reform and a U.N.-supervised cease-fire.
>
> It's not simply that an 11-year war that has taken perhaps 70,000 civilian lives is near ending. The basic structure of a feudal society is being recast to put arbitrary military and police power under civilian and democratic authority. It is not all happening smoothly or completely. The painful process of negotiation cannot possibly dissolve all the accumulated passions of decades of struggle. In the great middle, however, people tired of war and ready to take the risks of peace now dominate the debate. President Cristiani has taken the brave and necessary gamble of leashing his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena. The FMLN is taking a matching risk of shifting its fortunes and energies from the battlefield into that arena.
>
> The waning of the Cold War set the stage. Moscow and its erstwhile allies were no longer in a position or of a mind to spur on the guerrillas. Washington no longer has the same strategic reason to support the government side. To see El Salvador move into the column of peaceful and democratic nations tending to urgent domestic needs, however, remains a valid American purpose. Through the 1980s, many Americans wanted to disengage from this unhappy country. But it was American engagement that helped the Salvadorans both to defend against the guerrillas and to launch the social and political transformation that is starting to come about now.
>
> The military aid question requires the United States to offer the sides separate in-

> centives simultaneously: to stir the government to proceed in negotiations and to correct some human rights abuses but not to encourage the guerrillas to hope that the Americans will finally let the government down. Hence Washington holds open the possibility of extending further military aid to the government and hints to the guerrillas that if they stopped their attacks—such as the weekend raid on a hydroelectric dam—and moved promptly back to the bargaining table, then perhaps the resumption of aid might be mooted. The future of El Salvador is on the negotiating table.

Let me repeat: The Washington Post says the future of El Salvador is on the negotiating table, and the Presidents of six Central American countries tell us that negotiations are at a most delicate stage. What do we do here tonight? We torpedo it, for reasons that are not clear to me, and never will be.

Lasting peace and economic development for a thriving democracy in Central America are as much in the best interest of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

Mr. President, this action has interfered with the U.N. peace process; make no mistake about it. I wish before this vote that the Members of this body had talked to a U.N. peace observer that has been observing these talks. I know what he would have said: This is not the time, at the delicate stage of negotiations.

Remember, we could have revisited this issue very easily in September, when the appropriations bill will come to the floor, instead of doing it now. That is the decision the other body took in considering this issue, because they took into consideration that the state of negotiations are in a delicate phase.

Instead of waiting less than 60 days, we took the action that we took today. And, very frankly, this Senator is unhappy that I agreed to a time agreement, and I do not intend to do so again when this issue comes up, until I feel there has been enough information conveyed to this body.

The U.N. peace process has already made significant progress. The peace talks yielded substantial results in April, when the Government passed constitutional reforms agreed to when the FMLN covered human rights in the army, judicial system, and electoral process.

The political process has expanded significantly in El Salvador. In March, that tiny nation held its sixth consecutive internationally monitored free election. In all six of these elections, beginning in 1983, the international observers said they are full and free elections, not without violence or attempts by the FMLN to disrupt and destroy the electoral process.

I will never forget the day of the election in 1983 in El Salvador when the FMLN radio said: Vote today, die tomorrow. Yet, the brave people of El Salvador stood in line for hours on end in the hot Sun to exercise a fundamental right. And Jose Napoleon Duarte was elected president of the nation of El Salvador: a man of courage, dedication, and a man who will live forever in the history of Latin America.

The FMLN clearly resists a cease-fire, and its military offensives have increased. Why would the FMLN military offensive increase, Mr. President? That is because the FMLN sees that they are losing. They have lost the political support of the people of El Salvador, and they are being forced by international opinion to go to the negotiating table. They have lost their sponsors in Nicaragua, and they are about to lose them in Cuba. And Marxism is dead throughout the world. And the FMLN is one of the last outposts, and indeed the last organized Communist body in Central America, as compared with 10 years ago, when in Central America, there was revolution and Marxist insurrection in almost every nation, with the exception of Costa Rica.

Mr. President, the FMLN is desperate. The FMLN sees the world opinion and the opinion in El Salvador. Their traditional sponsors, Cuba and the Sandinistas, are either going or are gone. What do we do? We decide to send a message to them: Hang on, guys, because we are just going to do whatever we can to harm the ability of the freely elected Government of El Salvador to bring this peace process to a successful conclusion.

This amendment punishes El Salvador and rewards the FMLN. This is a group of people—and I do not enjoy bringing this up again, but this has been an integral part of this debate. This group slaughtered two American fighting men. One was trying to run away, and the other was slain, apparently, while he was still unconscious from the crash.

The Government of El Salvador has made enormous progress. This amendment is much harsher than last year's law, because it withholds 50 percent of all military aid, and subjects all obligations to the reprogramming process. We all know that the reprogramming process is one which is easily changed and is easily—when an issue or an appropriation authorization is subject to reprogramming, it can get very complicated. Under this process, it gets even more complicated because any one of four congressional committees—House Foreign Affairs, Senate Foreign Relations, and House and Senate Appropriations—can withhold all funds indefinitely.

This amendment, interestingly enough, I say to my colleagues, was defeated by a bipartisan coalition of Senators when it was offered in the Foreign Relations Committee. Who should know more about the issue than members of the Foreign Relations Committee? Yet, they have defeated this amendment. Yet, when it comes to the full floor, obviously, we know the result.

This amendment, I have no doubt, will give the FMLN renewed hope that the Government will be defenseless. I think that we should say a couple of words about the administration's behavior in this intervening year.

In January, the administration determined that the FMLN had violated last year's law by targeting civilians during its November offensive. It was incontrovertible that civilians were needlessly and wantonly slaughtered by the FMLN in their offensive in November.

They imported new Soviet SA-14 surface-to-air missiles and other weapons. The Sandinista army confessed to selling those missiles, which are amongst the most sophisticated weapons of war, to the El Salvadoran FMLN.

The administration unilaterally refrained from spending withheld funds until July. That was an action that was not forced by the Congress but by a man whom I have the utmost respect and admiration for, Mr. Bernie Aronson, the Assistant Secretary of State for Latin America, who determined that it would be in the best interest of peace to withhold certain assistance, and they unilaterally refrained from releasing the withheld funds until July.

The aid released in July has been limited to nonlethal assistance, including medical supplies and prosthetics.

There is another lesson here, Mr. President. Why not let the people that we asked to do the job do the job? Just like we asked the President, thank God, by a vote of 53 to 47 to carry out whatever he needed to do in the Persian Gulf, and we let him negotiate a START agreement, and we let him negotiate a CFE agreement. Why do we not let him conduct affairs in Central America?

The only conclusion I can draw is this is the liberals' last gasp. This is the last place. This is the last place on the globe that the liberals have a chance to maintain a body in being that is—I will not continue along that line of conversation. But the fact is that the administration has handled this issue and this Nation and the issue of aid in an outstanding manner, and in the opinion of all objective observers, this Government has contributed to the peace possess and brought us to a point where, in the view of six Central American Presidents, a cease-fire is near at hand.

Unlike the other body, we decided that we had to lay this onerous amendment on the people of El Salvador. You know, Mr. President, this is something a little bit disturbing to me and I wonder—I think my colleague from Texas might agree with me—this is something a little disturbing to me that the elected, operating President of the nation, in this case the President of El Salvador, has to get on the telephone and talk long distance to Members of the U.S. Senate and literally urgently request their assistance to help him in what he thinks is best for his country. This is a President, in the view of international observers, that is freely elected, a sovereign Nation which is fighting for its very existence against a Marxist insurrection that has no regard either for the lives of American soldiers or innocent civilians and he has to beg Members of the U.S. Senate, albeit this time unfortunately unsuccessfully, to comply with his wishes and those of five other Central American Presidents. Frankly, Mr. President, I do not understand that.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. McCAIN. I am glad to yield for a question.

Mr. GRAMM. I want to propound some questions, if I may, to the distinguished Senator, but I want to begin by saying that I wish every American could have heard his speech. We have in the pending amendment a return to the policies of the 1960's. I think it is a great paradox that we are returning to the policies of the 1960's, which produced defeat for America around the world, while we stand in the very shadows of one of America's greatest successes that occurred when we let a courageous President unite the world behind his leadership.

Now, Mr. President, I know that many people have not had an opportunity to hear the Senator's speech, so I want to just go back as a person who is not an expert, as our distinguished colleague from Arizona is, in this whole region and this whole dispute I want to ask a couple of questions to be sure that I have clarified in my mind exactly what the facts are, and perhaps others hearing these facts might be enlightened.

Was the President of El Salvador, Cristiani, elected in a free and fair election? Did we have observers at that election? Did they verify that in fact the will of the people was carried out in the election process?

Mr. McCAIN. I would like to respond to my friend by saying not only is it the view of this Senator that he was elected and chosen by the people of EL Salvador in a free and fair election, but there were international observers from all parts of the world who came to El Salvador and observed those elections, and for the sixth time the people of El Salvador were privileged to engage in a free and fair election.

Mr. GRAMM. This duly elected President, who was elected in an election that was observed by impartial observers from around the world, is being told, is being forced, in this amendment, through a withholding of support, to negotiate with the FMLN?

Mr. McCAIN. The Senator is correct.

Mr. GRAMM. Did the FMLN have a candidate in this election?

Mr. McCAIN. The FMLN had candidates in that election indeed.

Mr. GRAMM. What was their campaign technique?

Mr. McCAIN. Let me clarify it in response to my colleague. There was a politically former card-carrying member, and I think that is an appropriate description, of the FMLN who was elected to the assembly in that election in El Salvador.

Mr. GRAMM. Did I hear my colleague correctly when he said that the FMLN, during the election that we monitored, that their radio transmissions were sending out the word that if people stood in line and voted, they would be killed the next day?

Mr. McCAIN. I respond to my friend's question by answering that the FMLN radio message was, "vote today; die tomorrow."

Mr. GRAMM. We had two American military personnel killed in El Salvador. Were they killed by members of the FMLN?

Mr. McCAIN. I say to my friend we have several reports, including the U.S. military pathologist report on this execution. It was not a killing; it was an execution by the FMLN guerrillas of two U.S. servicemen. There were three U.S. servicemen on board a UH-1 helicopter flying at low altitude. I would like to point out to my friend from Texas the reason they were flying at low altitude was because the FMLN had acquired the surface-to-air missiles, the SA-16 missiles, which forced them to fly at low altitude, thereby exposing them to ground fire from the FMLN.

May I just say very briefly, in response to my friend, one of the American servicemen was killed upon impact, two were executed by the FMLN, and I might add that there has been no effort whatsoever on the part of the FMLN to bring these individuals to justice or even give an accounting of this incredibly brutal act inflicted on two American fighting men.

Mr. GRAMM. I notice that this amendment demands action of the elected Government of El Salvador. Does this amendment ask that the FMLN be held accountable for killing American service personnel?

Mr. McCAIN. I say to my friend from Texas, perhaps the authors of the amendment can respond better than I can, but I am unable to see any mention of the execution of two American fighting men in this amendment, only obligations to be assumed by the Government, the freely elected Government of El Salvador.

Mr. GRAMM. It is my understanding that six democratically elected Presidents in the region have urged that the negotiations that have been pushed forward by the Government of El Salvador continue and not be interrupted; is that right?

Mr. McCAIN. According to communications received, my friend is correct. In fact, not only do they urge that we not act, but they also point out what still causes me to shake my head in disbelief, because they say: "It is our belief that a cease-fire agreement is at hand and that assuming the State Department has urged Congress to do the same, it is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions, and hearten the FMLN."

Mr. GRAMM. So, Mr. President, let me see now if I have the picture. You have a duly elected democratic government, a President who was elected in an election that welcomed neutral observers and they concluded that it was a free and fair election.

Mr. McCONNELL. Will the Senator yield, whoever has the floor.

Mr. McCAIN. He is correct.

I am glad to yield for a question.

Mr. McCONNELL. I was one of the observers. I was the chairman of the President's election observer team in March 1989. I can tell you it was a free and fair election in which people, as the Senator from Arizona pointed out, came out against all odds, that is the odds that they get shot, and exercised their right to vote in substantial numbers. No question about the legitimacy of the Cristiani government.

Mr. GRAMM. So we have a Government that was elected by people who risked their lives to vote for that Government. Their lives were imperiled by the FMLN, and yet this amendment proposes to withhold funds from that elected Government even though that Government's peace efforts have been endorsed by six duly elected Presidents in the region and forcing, with this amendment, new negotiations, through the withholding of funds, with the FMLN, which killed two of our service people?

Mr. McCAIN. The Senator is correct.

Mr. GRAMM. So I take it that my colleagues concludes that what we are doing here is undercutting a duly elected Government that was elected by people, whose lives were threatened by the FMLN, and in the process strengthening the resolve of the FMLN in those negotiations related to the conflict. Now the FMLN, what sort of people are they?

Mr. McCAIN. I would like to respond to that by just saying that clearly the action that they took in executing two U.S. servicemen indicates what kind of people they are. The continued assault on civilian population, the assassination of mayors, the attempt to destroy the economic infrastructure of the country which goes on on a daily basis makes it clear that we are dealing with not just Marxists, because that is their ideology, but what is most alarming is their tactics which are basically a scorched Earth policy, that if they cannot have it then nobody else can. And it has taken some very interesting courses of action, including an attempt to assassinate every elected mayor of the small towns and villages in El Salvador—making the mayor of a village or town in El Salvador perhaps the most risky enterprise that one can embark on—knowing full well that if you can destroy democracy at the grassroots level, the chances of democracy succeeding are minimal.

So I would say in response to my friend from Texas, these people are battle hardened, they are tough, they are mean, and they are dedicated not to peace and a cease-fire, clearly by their actions—and that is a judgment, by the way of a U.N. observer, not me—but they are also capable of the most heinous acts ranging from the slaughter of innocent civilians to the execution of two U.S. American servicemen.

Mr. GRAMM. Mr. President, having heard all that, let me just conclude by saying that it is an amazing thing to me that the Senate appears to be in the process of adopting an amendment which undercuts a duly elected Government that was elected by people who risked their lives to vote. Their lives were threatened by the very people who are strengthened by this amendment. And it seems to me that in the process—through no one suggests that this is the intention of the amendment, I think the bottom line is that this amendment, if adopted, and in fact even by it being debated, has strengthened the position of one of the last Marxist revolutions on Earth. In fact, I guess one could say if Marxism dies in El Salvador and drowns in Cuba, that it is dead in the Americas.

Mr. McCAIN. I would say that the Senator is correct in his assessment. I would also, maybe for the purist—as he knows there is a movement in Peru called Shining Path, which is Maoist in nature. So there is obviously another Marxist problem, although they are viewed as Maoists and really off the scale when you are trying to determine what kind of people they are.

But the Senator's point is correct. The interesting thing about it is, look at the situation 10 years ago across Latin America; it was full of dictatorships on the right or the left. It was full of Communist insurgency. And because of the policies of Ronald Reagan and George Bush, we have seen a dramatic turnaround of incredible and unprecedented proportions.

Even the poorest nation in this hemisphere, Haiti, now has an opportunity to exercise a free and democratic government, something that most of us did not contemplate. The largest countries in Latin America, Argentina, and Brazil, have gone from military dictatorships and totalitarian governments to freely elected ones. Albeit those that are struggling, Chile, which labored under the totalitarian rule of Pinochet for many, many years, is now not only a thriving democracy but I am happy to say a thriving economy as well.

So we have seen, as the Senator from Texas has said, the demise and the sunset of those who were believed by people, like Fidel Castro, as the future of Latin America now rapidly becoming the past. And we do not owe that to an accident. We owe it to policies implemented by two administrations to encourage freedom and democracy, defend it where necessary and on occasion, as regrettable as it may be, supply arms to those who seek to throw off the yoke of Communist oppression, as we did in the case of the freedom fighters in Nicaragua.

So the Senator is correct. And yet what do we come back down to? It is this bizarre episode in the history of the U.S. Senate. And I say bizarre because here we have six Central American Presidents who are asking us to do nothing, at least during this sensitive period, and yet we insist on doing this now, which is, as I say, an incredibly unusual circumstance which is hard to understand.

Let me also remind my friend from Texas that if the cease-fire had been agreed to, as the Central American Presidents predict that it will be, then there would have been no need for this debate. There would have been no need for this amendment.

We have spent all this money on economic assistance to a country that finally emerged from well over a decade, more like 15 years, of strife and bloodshed and civilian killing. What was the rush, I would like to ask the author of the amendment? What was the hurry? Could we not do what the other body did? The leadership of the other body made a conscious decision listening to the request of these six Central American Presidents to wait until September. And, as I mentioned before, we had another vehicle.

But I must again emphasize that this amendment will not succeed because the FMLN is not going to succeed. Now this may provide them with some encouragement. There is no doubt. It may provide them with some impetus. But their day is done, my friends.

And the thing that bothers me is not the inevitability that a democratic and freedom-loving and peaceful government will come to power and remain in power in El Salvador, what does concern me is the bloodshed and the innocent suffering that will take place in the meantime because of our failure to reach a cease-fire at an early and opportune time.

Mr. GRAMM. If the Senator would yield just one moment.

Mr. McCAIN. I would be glad to yield.

Mr. GRAMM. It is obvious that the proponents of this amendment appear to have the votes. I am totally convinced, having listened to our dear colleague, that their position is wrongheaded; that the adoption of this amendment will encourage Communist insurgence in Central America and delay the day which will come—and I agree with my dear colleague—the day will come when communism will die in the Americas and die all over the world.

But, Mr. President, fortunately, here in the Senate, the majority alone does not always rule. Because under the rules of the Senate, as the world's greatest deliberative body, in order to end the debate, the proponents of this amendment are going to have to cloture this amendment. And while our colleague has given us a long and, I think, excellent lesson tonight, I am sure that many have not heard it and I am sorry that they have not. But I have heard it, and I want to assure my colleague, this amendment is not going to be adopted unless the proponents of this amendment can get 60 votes to cut off debate, and I am sure by this point that they are aware of it.

They may have the votes, but they are not right on this subject. This amendment bucks the tide of history and the tide of history is not easily bucked.

I thank our dear colleague for having enlightened us this evening.

Mr. McCAIN. Mr. President, I appreciate very much the remarks of my friend from Texas, who I have often maintained has a degree of brilliance and insight that I have never encountered on a variety of issues, and one of those is his love and commitment for freedom for people in Latin America.

I have had the privilege of traveling with him on several occasions to Central America where he, among other things, administered a lesson in economics to the then Sandinista leadership. I noted, I say to my friend from Texas, that they did get one part of the lecture and that was to do with the acquisition of property, because when they were voted out of office, as you know, they immediately absorbed the best homes, automobiles, and bank accounts that they could lay their hands on, literally looting the country.

I am sorry they did not listen to the rest of my colleague's lecture to them as carefully.

I wonder if my colleague from Wyoming has a question?

Mr. WALLOP. The Senator from Wyoming does have a question, if the Senator from Arizona will yield.

Mr. McCAIN. I will be glad to yield to my colleague.

(Mr. BRYAN assumed the chair.)

Mr. WALLOP. It seems to me the debate tonight and the resulting vote has the ability, indeed almost the certainty, to disrupt the U.N. peace talks which are now taking place, and which were, so far as anybody knew, very close to an agreement. Would the Senator agree with that?

Mr. MCCAIN. I would agree. My friend from Wyoming is exactly right.

Mr. WALLOP. If that is the case, and if they do provide some level of encouragement for the FMLN, does the Senator from Arizona have any doubt that this strengthens the likelihood that there will be bloodshed, not only in El Salvador, but in other countries throughout Central and South America?

Mr. MCCAIN. I would say there is not a doubt in my mind. And the tragedy is doubled in nature, due to the fact that in the view of the U.N. observer, six Central American Presidents, and any objective observer of this process, that a cease-fire was at hand.

Mr. WALLOP. So what could possibly be another message that the Senate would send by that vote, that could be interpreted in some positive way by the people of Central America, let alone El Salvador, that the United States is committed to the advancement of democracy?

Mr. MCCAIN. My friend from Wyoming poses a question I simply do not know the answer to. Perhaps at some point, because we will be revisiting this issue and renewing this debate, we could engage in a colloquy with the sponsors of the amendment so we could get a more informed answer.

Mr. WALLOP. It seems to the Senator from Wyoming, if we look at the amendment and its phrasing, and its obvious intent, that its intent absolutely seems to me to assure victory where total loss has been the result. I mean, in fact the people of El Salvador had spoken. The governments, the constitutional and democratic governments—and is that not fun to say about those six governments—had said that the loss had occurred and had ordered, to the extent they were able to, the FMLN to lay down their arms and to participate with the rest of the people of Central America in democracy.

It seems to the Senator from Wyoming there can be only one conclusion that is drawn, that the authors of the amendment wish to send by way of their message, and that is that they do not believe in democracy in Central America.

I know that is a harsh statement. I say it advisedly. I say it fully cognizant of what the consequences of that statement are. But nonetheless, one can draw but little other conclusion.

Mr. MCCAIN. I would like to respond to the question of my friend from Wyoming on that because I think it is very important, especially since one of the cosponsors of the amendment is approaching the floor.

I believe that this amendment is crafted with the best of intentions by gentlemen who clearly believe that what they are doing is in the best interests of the people of El Salvador. And I have no question whatsoever that their zeal matches ours for democracy and freedom in Latin America and throughout the world.

Unfortunately the unintended consequence of this amendment is devastating, in my view, to the goals we all share. That is my response to the Senator's question.

Mr. WALLOP. But would the Senator from Arizona agree that while we see the island of Cuba on the threshold of collapse; we have seen the collapse of Communist dictatorships and insurgencies throughout this region—I think the Senator quite correctly identified the Shining Path and Maoist guerrillas as a lingering aberration to this pattern—but it seems to the Senator from Wyoming, as you see this collapse, and these failures taking place, that it would be the appropriate thing for the Senate of the United States, the Government of the United States, and the people of the United States, to send as a message that we agree with what you have done and we are grateful for your courage, and you have a ways to go. But you can go that way only by further democratizing your country.

Mr. MCCAIN. I think the Senator is correct. For part of his question that he was stating before, I think it would be educational for this body if we got a couple of maps up here—which we will not—of this hemisphere in which we reside: One map showing those nations in Latin America and in this hemisphere, 10 to 15 years ago, that were under totalitarian or Marxist governments, and have the map next to it that shows the condition of the countries of this hemisphere today. We would find dramatic change. And some of them not even able to be described too well on the map. To wit, our most southern neighbor, as my friend from Wyoming knows, has made dramatic changes and dramatic improvements. Still some distance to go but far different from the kind of government they suffered under 15 years ago, which we described as "democratic."

Mr. WALLOP. But is it not the case that democracy always has some distance to go?

Mr. MCCAIN. Absolutely.

Mr. WALLOP. The nature of democracy is, it is the one revolutionary form of government that can make its change and seek its advance through the perception of its people without resort to arms.

Mr. MCCAIN. The Senator makes an excellent point.

Mr. WALLOP. So once we now say to those who would confront the fledgling democracy of El Salvador—and, yes, it has a long way to go; so, too, does the Government of Nicaragua; so, too, does the Government of Costa Rica; so, too, the Government of the United States—but how can you go in those directions and achieve something for the benefit of the people, without a democracy, and only through the force of arms which is the sole response the FMLN has been able to muster?

Mr. MCCAIN. I would answer my friend from Wyoming, by saying he is exactly right. I also wish that every Member of this body would have had the opportunity that the Senator from Kentucky had, that I had, and several Members of this body had, and that is traveling to an election in El Salvador. They have had six of them. So six Members of this body have been able to go.

What do you see there? We come from a country that has roughly a 40- to 45-percent voter turnout in Presidential election years; less than that in what we call off-year elections.

Here you see the people of El Salvador, standing in line for hours on end in the hot Sun in order to exercise this fundamental right. And they have a vested interest in their elected leadership, in this case, Cristiani; in the previous case, President Jose Napoleon Duarte. They want those people to succeed. And the FMLN were invited to participate in this process and their response was, "vote today, die tomorrow."

Mr. WALLOP. Is it not true that not only did they not participate in the process but they threatened those who did with death, destruction, and assault on their mayors, and assault on the civilian structure which is the very essence, the underpinning of democracy?

Mr. MCCAIN. Indeed I would say to my friend that is true and, not only did they threaten it but they were able, tragically, to carry it out.

I would point out on balance, so my friend from Wyoming and others, the Senator from Texas and the Senator from Idaho, are not accused of showing bias here; there were incredible abuses from the right. We all recognize there were death squads, action by the military, there were atrocities, all of which we condemned and all of which were heinous and unacceptable. But when you look at what has happened and transpired over the years due to the fact that they had freely elected governments and Presidents, we see a gradual but steady, and inexorable, reduction of these abuses from the right.

But what have we seen from the left? Intransigence, death, assassination—the traveling of the Four Horsemen of the Apocalypse across the unhappy landscape of El Salvador.

Mr. WALLOP. It seems to the Senator from Wyoming, and I am sure my friend from Arizona would agree, that viewing the totality of the history of the United States, that of Britain, that of France—which first recognized human rights in their constitution—

that of any democracy that you wish to find, that there were moments in that passage where there are abuses from the right or the left that are beyond the immediate reach of democracy but come within its reach by virtue of the devotion to the ballot box and the freedoms with which democracy is associated.

Mr. McCAIN. I agree with my friend, and the great thing about democracy, I respond, is the example of the leaders that they have chosen.

I would like to describe the two primary ones to my friend from Wyoming while we are in this discussion. One, Jose Napoleon Duarte. Jose Napoleon Duarte came from a peasant family home of humble origins. My friend from Wyoming knows how difficult it is in Latin America for someone who comes from what is a lower class environment to rise to the top. Jose Napoleon Duarte worked. He achieved a scholarship to the University of Notre Dame. He came back to his homeland. He did not get a job in the United States as, unfortunately, so many men and women of talent do. He went back to El Salvador, fought for democracy, suffered imprisonment, suffered incredible deprivation both for himself and his family, ran in the first free election that had been held in El Salvador in many, many, many years and was elected President of that nation.

Mr. President, I wonder what Jose Napoleon Duarte would say tonight. I wonder what he would say tonight. I think I know because I got to know him pretty well over the years. I will tell you what I think he would say. "Do not do this to us. Do not do this to us, this tiny nation."

It is a tiny nation, Mr. President. There are not a lot of people there. There is not a lot of land mass there. He would say, Listen to my colleagues in Central America. Listen to my five freely elected presidents of my region. Listen to them. Do not accede to some incredible and bizarre interference in a process at a critical time when we are about to achieve what Jose Napoleon Duarte lived and died for. We know what Alfredo Cristiani would say, the next president who succeeded him, who, by the way, was described as too far right; that D'Aubuisson would control whatever he did, et cetera. Instead, Alfredo Cristiani has emerged as a man of enormous leadership, of enormous charisma, and a man who is incredibly popular with his people.

We know what President Cristiani will say concerning this amendment because he was on the telephone literally begging our colleagues who came to El Salvador and who told him they were his friends, said they wanted to help him. What did we give Alfredo Cristiani? What did his erstwhile friends give him? They gave him exactly what he thinks is the worst blow to the prospects for peace that could befall his country. That is not this Senator's view, that is President Cristiani's view.

Mr. WALLOP. Mr. President, is the Senator in agreement that there is an element of arrogance in the amendment before us that suggests somehow or another this fledgling democracy, and those surrounding it, can achieve perfection when we ourselves spend our days, when we are not debating foreign aid authorization, doing things to improve our country? We passed a crime bill, not because we had achieved perfection and the control of crime in America, but because we had not.

It seems to me that the underlying premise of this amendment is so arrogant as to say that you who have not been in democracy for more than a decade must somehow come up to a measure that we ourselves in this country have yet to achieve. Is there something quirkish about that?

Mr. McCAIN. Mr. President, I say that my description would probably be, and perhaps a gentler description might be, insensitive; insensitive to the request of six freely elected Central American nations; insensitive to a man who was elected president of a nation in a free and fair election; insensitive to the United States Government executive branch who has done everything they can to try and prevent just this amendment which has been proposed today.

So I have to say probably insensitivity is a kinder and, hopefully, more appropriate description of what we have seen.

Mr. WALLOP. I say that I will not attempt, in any way, to give the same view that the Senator from Wyoming holds. But my view is, the word I chose is, close to that. I will not ask my colleague to agree with that, and do not.

But I ask him what the civilian population of El Salvador is to expect, now that we have essentially undermined the capacity of their military to protect them? What can their view be of the behavior and the action of the Senate of the United States? They had thought that what we were doing with our military aid, I assume, was not to achieve perfection but to achieve a level of stability so that democracy could advance in their country. What do they think tonight?

Mr. McCAIN. I am sure that the emotions range from what I already heard, from profound dismay, and sorrow, to fright. I say to my friend from Wyoming, if I were the mayor of a small village in the rural mountains of El Salvador and I just heard that the military aid was going to be cut off, I would feel a great deal less secure because if those mayors have seen a calculated program which we have captured—documents of assassinations of the mayors of those towns and villages which, as I mentioned earlier, the best way to undermine democracy is to destroy at the grassroots level.

I suggest the gamut of emotions range from, as I said, sorrow, to anger, to fear. Unfortunately, none of those emotions, except in the camp of the FMLN, are emotions that we would hope for. I imagine, and I have some confidence, that in the camps of the FMLN tonight there is a certain celebration.

I send a message to those members of the FMLN that there are Members, including the Senator from Wyoming, including the Senator from Florida, who are here who will fight, and fight, and fight, and fight, to try to see that this tragedy does not befall, again, a nation upon which so many unfortunate tragedies have been visited far beyond what seems to be proportionate or fair.

Mr. WALLOP. I thank my friend from Arizona.

At an appropriate time later on I will have some remarks of my own. But I will conclude this colloquy by saying that whether it is insensitive, or it is uncaring, or it is unknowledgeable, or it is intentional, the result to the people of El Salvador is the same: It is a guarantee of further bloodshed and a guarantee of the postponement of the time when democracy leads them to a peaceful society.

I thank the Senator from Arizona.

Mr. McCAIN. I thank my friend from Wyoming for his very insightful questions and views on this issue. I am deeply appreciative of his commitment to democracy and freedom which he has displayed for far more years than I have been a Member of this body.

Mr. President, I was discussing earlier a man who I have grown to admire and respect a great deal, and that is President Cristiani. I also mentioned that President Cristiani was educated in the United States and he understands the United States. I hope he understands tonight that we have lost a battle but not the war. I do not underestimate the significance of this battle that we lost.

At the same time, we will be revisiting this issue, and we will, as long as we control the executive branch in this Government, have, thank God, the President's veto assured when something like this is passed by the U.S. Senate.

Mr. President, I think that it is important to recognize that no one values or treasures freedom, and independence, and respect of human rights, more than President Cristiani.

I would like to quote from some of the statements he has made in hopes that we can better understand what is being done in El Salvador and what their hopes and aspirations are.

President Cristiani wrote not too long ago as follows:

> What I am about to say may come as a shock to many Americans, but El Salvador, regarded by some as the quagmire of Central America, is on the verge of becoming El Salvador, a triumph for democracy in Central

America with thanks to a considerable assist from the United States.

How dare we be so optimistic? Consider the ground we have covered in the past 12 months toward a just peace and sound economic development.

We are close to ending the 11-year-old guerrilla war with a peace agreement that would make winners out of all Salvadorans and strengthen our democratic process. The only losers are the extremists on the left and the right who tried to impose their own nondemocratic systems on us.

Despite predictions that we would never investigate much less prosecute military officers for criminal acts, four army officers and five enlisted men accused of the barbarous murder of six Jesuit priests and their two women housekeepers 18 months ago will go on trial, possibly within the next three months.

Mr. President, I think it is well to point out that when we criticize the lack of speed associated with the judicial process in El Salvador, it might be well to point out that we have had a guy sitting in a Miami jail for the last 18 months in the form of the former dictator of Panama, and as far as I know charges have not even been brought against him yet. So I think that before we become too critical about the lack of speed associated with the El Salvadorn judicial system, it is well to look at our own.

But that does not excuse, Mr. President, any deviation from the path of justice in the barbaric act of the murder of six Jesuit priests and their two women housekeepers, which is totally unacceptable.

In the economy, we have suffered through the first difficult steps to reverse the downward spiral brought on by heavy-handed state interference and to lay the groundwork for a market-oriented system that rewards individual initiative. Last year inflation dropped significantly, agricultural production and exports turned around, and our overall economic growth was the highest since 1979, before the war began.

Mr. President, I think that is a notable comment, the fact that still in the midst of a civil war, still when the FMLN is trying to destroy the infrastructure of that nation, they had a better economic year than 1979 before the war began.

We have high hopes for continuing this trend and achieving our electoral promise of reducing severe poverty. Meanwhile, a special Social Emergency Program is doing much to minimize the adverse impact on the lowest income groups of the drastic measures we were forced to implement.

Nothing will improve our economy so much as peace. Last month after three weeks of intense negotiations with the Farabundo Marti National Liberation Front (FMLN) in Mexico City under the auspices of the United Nations, we laid the constitutional foundation for a final truce agreement that we hope to reach when we reconvene negotiations. The constitutional reforms, which we are already in the process of enacting, place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary branch and establish a special prosecutor for crimes against human rights.

These reforms go to the heart of the critical problems that plunged our country into a decade of violence. When we took office in 1989, it was the first time in our history that the administration was passed from one elected civilian president to another. Every other elected government had been ousted by a military strong man. It is a major sign of our growing maturity as a democratic nation that our military men are now willing to accept civilian control.

Mr. President, I have personal experience with some of the military men in El Salvador, and by and large there is no doubt that there has been a change in their attitude and there is a willingness to accept civilian control which, of course, as we all know, is a critical aspect in the ability to implement a free and democratic society.

The stage is set for all of these reforms to be cemented into law as soon as the FMLN accepts a cease-fire. It is now up to the FMLN to forswear its terrorism and back off its attempt to impose a bankrupt Marxist system on unwilling Salvadorans. We are encouraged that Joaquin Villalobos, one of their five top leaders, declared that he has given up Marxism to become a Social Democrat.

This change that is sweeping the world, my colleagues, has even penetrated the jungles of El Salvador.

Actually, without admitting it, the left has already become a part of our democratic system; as a result of our March 10 legislative elections, Ruben Zamora, a member of the left's political front, has been chosen vice president of the new National Assembly, and a member of Schafik Handal's Communist Party has one seat in the assembly. Handal is another of the five guerrilla leaders.

Those popular elections, the seventh we have held in the last 10 years, were an important watershed for our efforts to fulfill our campaign promise of bringing peace and unity to El Salvador. While on the surface it appeared that our party, Arena, lost ground to the Convergence of the Left, which won eight seats, the real significance is that the left finally participated in our democratic system and discovered that it could win a meaningful role. Even though Arena remains the most popular single political party, the way is clearly open for the left to have a genuine opportunity to influence policies through political compromise within our democratic system, making violence unjustifiable.

These are the very goals the United States set when it began assisting us in the 1980's. With success for your policy so near at hand, we urge Congress to see us through to the end by continuing its aid program. However, last year's action of withholding military aid to supposedly force the Salvadoran military to support the peace process sent the wrong signal to the FMLN. While we made concessions, the FMLN sought to exploit the situation by smuggling in arms and launching a bloody offensive against the civilian population, which included the cold-blooded murder of two downed American pilots. Wisely, President Bush, citing the FMLN aggression, decided to restore the aid.

We urge Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay. Once a cease-fire is in place, we guarantee to redirect military funds toward assisting and retraining the combatants on all sides for useful civilian roles and to rebuilding the infrastructure of our war-ravaged rural areas. Then, we will be truly beating our swords into plowshares.

Mr. President, that is another reason why I am befuddled by this amendment at this time, because clearly if a cease-fire had been implemented, as all objective observers, including the six Central American Presidents viewed it, then there would not be a need for military assistance because the Government would then have been able to redirect all military funds into nonmilitary use which gives one pause as to why this amendment had to be brought up at this time.

Free elections, Mr. President. We have not elected a Communist to either body of the United States in my memory for a long, long time. I understand there is a member of the Socialist Party in the other body. But the fact is that with the elections in El Salvador their society is free enough that two of the five guerrilla leaders have been elected to the Assembly, one of them a well-known former leader named Ruben Zamora. And, as I mentioned, the Communist Party has one seat in the Assembly held by a follower of one of the guerrilla leaders in their elected body.

Mr. President, it seems to me curious, in fact unfathomable, that we could not listen to President Cristiani who said, "We urge Congress to demonstrate its support for the Democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay."

Instead, what happened last year, which triggered a bloody offensive on the part of the FMLN and further intransigence in the peace process while the Government of El Salvador made concessions, the FMLN exploited the situation by smuggling in arms and launched a bloody offensive and I might add, not inconsequentially, Mr. President, the death, slaughter, the execution of two brave young American men who were down there in an unarmed mission flying over the country of El Salvador.

Mr. President, I think it might be well for us to understand and appreciate the courage of the people of El Salvador. They are a wonderful people; they are resilient; they are courageous. In fact, their courage under the duress that they have experienced for the last 12 years is sometimes hard to understand.

Let me just tell you what the 12-year-old conflict has caused, including more than $2 billion in damage. Most recently, the economic loss, direct and indirect, in 1989 totaled $191 million, and $125 million in 1990. The decrease is attributed chiefly to the absence of a major FMLN offensive similar to that of November 1989.

In value-added terms, actual production losses to industry, commerce, and agriculture in 1990 totaled $45 million, equivalent to 1.2 percent of GDP. These losses likely reduced real GDP growth by more than a quarter. In 1990, the FMLN spearheaded its war against the economy by a relentless campaign against the electric power system. The FMLN executed more than 1,000 bombing attacks against primarily second transmission lines and power stations at a cost of $6 million.

Sabotage kept primary transmission lines operating at 15 to 20 percent below capacity. Potable water and other services were seriously disrupted. The FMLN also caused widespread property-crop-equipment damage in several dozen major attacks against large agricultural mill complexes.

War-related damage to the principal Salvadoran export crops in 1990 was estimated at $6 million. This figure includes destruction of physical plants and equipment. The war in the countryside has forced thousands of farm families to flee to urban areas or immigrate in search of greater security.

In 1990, direct damage to urban business concerns was substantial. The FMLN bombed more than 150 private firms, commercial banks, office buildings, movie theaters, car dealerships, travel agencies, and vendors.

Businesses also suffered indirect losses resulting from sabotage and induced slowdowns in commercial activity. No reliable estimates are available for war damage in 1991. However, in the absence of peace, the economy continues to be burdened with lower business earnings, sluggish levels of private direct investment capital flight, and a diversion of scarce resources to the war effort.

Mr. President, these damages are incredibly mind-boggling when you consider the size of this country. How a tiny country of just a few million people can continue to undergo this suffering is hard to understand.

But let me point out, Mr. President, that it also explains why the people of El Salvador are so dedicated to peace, why they bend every effort to a peaceful resolution of this conflict, and why they have taken such a deep and abiding interest in a free and fair election.

Mr. President, as I mentioned, in 1983, I traveled to El Salvador for the first time to observe the elections taking place there. I was literally staggered by the fact that El Salvadoran men and women would stand in line for 8 to 10 to 12 hours, some of them having walked for 4 and 5 and 6 hours in order to get to a polling place.

They did not do this, Mr. President, because they thought the system was corrupt. They did it because they knew that the previous system was corrupt, and there was this opportunity to exercise the most precious and basic right, and that is to elect our leaders.

They elected a leader, Mr. President, a leader of enormous stature, a man who will live in my memory forever as a great patriot. And his successor is a great man. His successor is a man who has brought about economic and political change, continuing in the footsteps of his predecessor, and President Cristiani deserves credit.

What did he get from the U.S. Senate tonight? He asked for, he urged the Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay.

What did we give President Cristiani and the freely elected Government of El Salvador, and the national assembly, and the entire spectrum, from right to left? We gave them a different message tonight, Mr. President. We gave them the message: Do not worry; we are going to cut off the ability of the El Salvadoran Government to defend its citizens. And we are going to do this under circumstances which could not be worse because the circumstances as they exist, as we speak, are—according to the U.N. observer, according to the media, according to experts in the area, according to our State Department—that a cease-fire was near.

According to the six Presidents of Central America, they said: "It is our belief that a cease-fire agreement is at hand."

Mr. President, if there is not a cease-fire, and I will pray tonight that there is, despite this vote, I have to say that some responsibility must go—and I say this with some caution—some responsibility must go to the unintended—and I emphasize "unintended"—encouragement which the passage of this amendment gives the Marxist FMLN. I regret to say that. But the facts are facts.

That is the reason why I am standing here this long, which I have never done in the few years that I have been a Member of this body, trying to urge my colleagues to try and understand what is going on in that little, tiny, impoverished country which has suffered now for 12 years, suffering pain, torture, death, torture and murder of Jesuits, murder of American soldiers. The list goes on and on.

I just chronicled the damage that is taking place in El Salvador, and frankly, numbers and words do not do justice nor in any way describe the suffering that these poor people have suffered under.

I also wonder sometimes, the average El Salvadoran citizen, when he goes to bed at night, must wonder why it is that this suffering and pain continues in El Salvador, when other parts of the region have found peace.

In 1979, when this war, this tragic civil war began, the other nations in the region, with the exception of Costa Rica, were undergoing severe difficulties, as well. Of course, in Nicaragua, as we know, the Sandinista Communist government, which wrecked the economy and society, had come to power. In Guatemala, a revolution was being brutally repressed by the totalitarian government that was totally run by the Guatemalan Army. In Honduras, there continued to be oppression and control of the government and its policies by the military. And, of course, the exception to the rule was Costa Rica.

Instead of achieving the peace which has taken place in these other nations, El Salvador still suffers. We have made an enormous investment of taxpayers' dollars in that peace process and in that effort. Much of it has been wasted, Mr. President. As much as I admire Jose Napoleon Duarte, I did not subscribe to nor agree with some of his policies, particularly in the area of the way land reform was carried out.

But I did and will continue to enormously admire and appreciate Jose Napoleon Duarte's commitment to peace and his commitment to the participation in the political process of all the people of El Salvador. And his reaching out. He was the first who reached out to the FMLN and extended the hand of peace to them.

I would suggest that as much progress as has been made, it is a direct result of his efforts, followed on by that of President Cristiani.

Mr. President, I also wanted to point out that despite the setback that we experienced tonight, it is important that we recognize that the peace process is working.

Since we last deliberated on El Salvador, the following has been achieved: The government and the FMLN agreed in July 1990, and they signed a U.N.-drafted human rights accord. We know that the genesis of civil wars is bred and is directly attributed to human rights abuses. There can be no peace in El Salvador without respect for basic human rights and that of each and every one of its citizens, including cessation of the terrible right-wing death squads which plagued society in El Salvador for so long. In April 1991, the Government and FMLN agreed to a U.N.-designated truth commission to investigate major human rights cases dating back to 1980.

Mr. President, this Commission was given full latitude and access to all records. It is operating independently and is designed by the United Nations. Mr. President, we are going to find, probably, some pretty unpleasant facts coming out as a result of that Truth Commission's work. That is one of the reasons why it did not come into being much earlier. I am sorry to say that we are going to find that there were abuses from the right and members of the Government, who violated their sacred oath and trust to the El Salvadoran people. We are also going to make sure it does not repeat itself, and that the people of El Salvador today will have a much better chance and opportunity for free and peaceful existence than their predecessors.

Also, in April, the two sides agreed to a constitutionally established national attorney for human rights. Mr. President, there can be no better display of the value and importance that the people of El Salvador and its Government place on human rights than to make a constitutionally established national attorney for human rights a permanent part of their Government and their life.

In the March elections to the newly expanded Assembly, leftist opposition parties, including the UDN, which is affiliated with the Communist Party, participated for the first time and won nine seats. That election was interpreted in several ways, Mr. President. One of them was that it was a resurgence of the left and that the ARENA Party, which was the majority party, was in danger. Others who knew a lot more about El Salvador and the process took this as a sign that true democracy was in action; that the fact that members from the left, some of whom not too long ago had been fighting in the jungles, were now participating in a free and open election, believing that they had an opportunity, and indeed did achieve the opportunity, to share power, which was something that I think fulfills the promise of Jose Napoleon Duarte and justifies an investment of the United States' tax dollars in the most precious of all virtues, and that is freedom.

Police and security forces will be removed from the Ministry of Defense and put under a civilian ministry. It is clear that many of the abuses that took place during this unhappy period were due to police and security forces abuse. We know that is only one way that we can cure an endemic problem such as this, and that is, of course, to place security forces under civilian authority. Civilian authority is not the only answer, but it certainly is an integral and vital part of it. The intelligence service will be removed from the military and placed under the President. In the past, the intelligence service had information that had been provided in the right-wing death squads, and severe abuses had taken place.

The reduction in the size of the armed forces to prewar levels. Mr. President, they have a neighbor of El Salvador, which is Costa Rica. Costa Rica has enjoyed a peaceful nation with free elections and observance to the Constitution, which has served as a model, not only to Central America but, frankly, perhaps to all of the world. One of the reasons we can account for that is that Costa Rica, with the protection, very frankly, of the United States and other powers, has been able to do without an army. As we know, armies all too often, in the history of this world, have decided that they could do the job better than the popularly elected officials.

I suggest that the path to peace in El Salvador, permanent peace, lies in a dramatically reduced military force, far more in keeping with the threat after a cease-fire. And, eventually, I think maybe it would be wise to look at their neighbor, Costa Rica, and find out whether they need an army at all.

Formation of an evaluation commission, members to be nominated by the U.N. Secretary General and appointed by the President, to review the human rights record of all military officers and decide who would stay in service.

Mr. President, one of the great tragedies of the human rights abuses that took place, as we all know, is that some members of the military abused the sacred trust placed in them by the people in the Government of El Salvador, and I do not think there is any doubt that those bad apples have to be removed from the Salvadoran military.

I can say, with great assurance, that I have personally met with and even got to know many in the leadership of the El Salvadoran military, and many have been trained in the United States; they have been here and recieved not only education, but training, and they are dedicated to the eradication of the human rights abuses, not only because of their respect for democracy, but also because of the fact that they realize that you cannot have democracy, if members of the Government, that is, the army, abuse the human rights of its citizens.

Disband several infantry battalions, and dissolve the civil defense forces. Both are in keeping with my previous remarks that, as rapidly as possible, once a cease-fire has been achieved, the army should be scaled down dramatically, those funds which have been used to sustain the military and pay for the expensive equipment which they have had to maintain. And one of the reasons they have had to have expensive equipment, by the way, is because the importation of weapons from Nicaragua and Cuba, of the highly sophisticated kind, including surface-to-air missiles; those funds expended on military equipment can now be devoted to peaceful means, to addressing the problems of starvation, malnutrition, diseases, famine, and, unfortunately, all too often stalks the unhappy countryside and penetrates the cities.

This month, the United Nations will deploy a 170-person delegation to monitor and protect human rights. Some developments, as we know, have not been so positive. Last January, the FMLN shot down an unarmed U.S. helicopter flying low to avoid surface-to-air missiles. When it crashed, FMLN combatants executed, in cold blood, two U.S. servicemen. The guerrillas who killed the American servicemen have never been turned over to authorities, either United States or El Salvadoran.

The nine defendants in the Jesuit case have been denied an appeal and, hopefully—and I emphasize hopefully—pressures have been kept up, and they will go on trial soon. The peace process has the support of all of the Presidents of Central America, as I mentioned. They have urged the guerrillas to agree to a cease-fire immediately.

Mr. President, it is also of interest that at the Guadalajara summit, the governments of Mexico, Venezuela, Colombia, and Spain criticized the FMLN for stalling and urged their agreement to a cease-fire. Mr. President, that is almost unprecedented for the Government of Mexico, very frankly, to involve themselves in any fashion whatsoever, much less urge an insurgency to engage in a cease-fire agreement.

I think that is very important. Unfortunately, it was not as noticed here in the United States as it should have been. As I mentioned earlier, Mr. President, the House has chosen to say nothing. They do not want to send mixed messages to the parties and risk disrupting the peace process. The other body, after consultation with the administration, consultation with the El Salvadoran Government, and the other Central American leaders, had decided to at least postpone this issue until September, a mere 30 or 40 days.

Why did they do that? Clearly the reason that they did that is because of the fact that they listened to the message from Central America that peace was at hand and a cease-fire was near. And any action on our part could upset that very delicate process that was going on.

Mr. President, I ask unanimous consent for an amendment by the Senator from Colorado be considered and I not lose my right to the floor.

The PRESIDING OFFICER (Mr. BREAUX). Is there objection to the unanimous-consent request?

Mr. SARBANES. Mr. President, reserving the right to object, I think we need to state the unanimous-consent request in a way that it deals with the amendment that the Senator is going to offer.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and I then ask unanimous consent that Senator BROWN be recognized to offer an amendment on the IMF quota; that there be 20 minutes equally divided and controlled in the usual form; that no amendments to the amendment be in order; and that at the conclusion or yielding back of time there be a vote on or in relation to the amendment without any intervening action or debate. I further ask unanimous consent that following the disposition of the

Brown amendment, Senator McCAIN be recognized.

The PRESIDING OFFICER. Does the Senator from Arizona withdraw his original unanimous consent?

Mr. McCAIN. I withdraw.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request of the Senator from Maryland? If not, without objection, it is so ordered.

Under the unanimous-consent agreement the Senator from Colorado [Mr. BROWN] is recognized.

AMENDMENT NO. 835

(Purpose: To strike the additional U.S. contribution to the International Monetary Fund)

Mr. BROWN. Mr. President, I call up amendment 835.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 835.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 224, beginning on line 10,

Strike out Sec. 56 of the Bretton-Woods Agreements Act as added by section 901 of this Act.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I express my thanks to the managers of this bill for their kindness and consideration. We have agreed to a 20-minute limitation on this amendment. It is a very straightforward issue but it is one that I think is important for this body to consider.

The amendment is quite simple. It addresses the question of the increase in the authorization for the International Monetary Fund. Included in the bill is a provision that allows a $12 billion increase in the authorization for the International Monetary Fund. This is part of an effort that we will see overall a 50-percent increase in the International Monetary Fund and lead, if other nations go along, to roughly $60 billion increase to funds that go from a variety of countries involved.

I hope Senators will view this with an eye of asking whether this measure is necessary. First of all, in considering that report I ask the Members of this Chamber to look through the Treasury Department's report when it speaks to the current liquidity of the International Monetary Fund. "Although fund liquidity is certainly strong"—they admit the fund liquidity is strong, they go on to say they anticipate future needs.

I remind those considering this question that the current state of the International Monetary Fund is strong by the U.S. Treasury's own admission and by the fund's statement itself. So the liquidity question with regard to the International Monetary Fund is not in question. They have liquidity. They have the money to do the work with their present responsibilities.

Second, I hope every Member who considers this and looks at the question of whether this enormous expenditure—they say expenditure—others may say a commitment, but it is a commitment of U.S. credit, taking away from the American economy, putting into the International Monetary Fund—if that is required. For those interested let me refer you to the report of the International Monetary Fund for 1990. It contains some interesting information.

In 1985, reading from the report, total outstanding credit provided by the Fund was 37.22 billion SDR's. What is significant about that? What is significant is that the requirements on the Fund, the lending by the Fund overall, the total outstanding credit by the Fund did not go up. It has gone down. The amount of loans they made went down or at least their total fund commitment went down from 1985 to 1986, it went down from 1986 to 1987, it went down from 1987 to 1988, it went down from 1988 to 1989, and it went down from 1989 to 1990.

Mr. President, the simple fact is that there is no demonstrative need for additional capitalization for the International Monetary Fund. All you have to do is look at their own report. Their report shows a dramatic drop in the complement of funds, not an increase, not a compelling demand, not a reason to go to the taxpayers of America, but a clear demonstrative, in black and white, indication that the use of those funds has dropped every year since 1985. They now stand dramatically below the level they were in 1985 at $24.9 billion Special Drawing Rights. The dollar figure would be slightly higher. I am sure the Members know the Special Drawing Right is a composite and slightly more valuable than the U.S. dollar.

What is the point? If we are looking at whether or not there is a need here, there is a clear indication the Fund is liquid and dramatic indication that requirements of the Fund have dropped and dropped significantly, not gone up.

For those Members still considering the question of whether or not there is a need, let me refer them to the fact, from the Treasury's own reports, that they have on deposit $38 billion, $38 billion of gold.

If there is any need, emergency future need, not only do they have dramatic ability with their current fund to go up, but the ability to borrow on gold assets, $38 billion far more than what has been discussed in any of their plans. So they have liquidity, an enormous drop in the loans they put out, and they have a huge supply of gold, 38 billion dollars worth of gold.

Let us take a look a their claim. They have indicated that they anticipate there will be additional needs in the years ahead. That is why they need a 50-percent increase in their funds. Here is what they said. These are not my words; they are what they said. They anticipated we would have a dramatic rise in oil prices because of the Mideast crisis.

Does anyone want to comment on that?

The reality is oil prices have not gone up; they have gone down. The very reason they stated for the needs for an additional infusion of capital is proved to be inadequate. Oil prices have dropped when they said they would go up, and the need they identified is clearly not there.

They had other reasons, though. They indicated that the trade liberation that would be achieved or probably achieved at the Uruguay round after the GATT negotiations, could provide a dramatic need for funds.

Mr. President, I must tell you I wish that round would be successful. It has not been successful. It is not successful today and the prospects are not bright. I think this is a question, how much they need. Even if they came through with a dramatic breakthrough, the fact is the second major reason they identified having the huge infusion of capital has not taken place as they forecast.

What else did they say? They suggested there might be a need for additional funds in Eastern Europe. Thus far you have not had a major realization of that, but it is possible.

What to do with the upper limit on that, $8 billion? The simple fact is you could have all $8 billion, 100 percent of what they forecast, and you will still have ability to do it with the level of funds with lots to spare.

Let me give a statistic, $24 billion in loans in 1990, or in outstanding credit, provided by the funds, $37 billion in 1985. You could accommodate all of what is forecast, all $8 billion increase. It would only take you up to $32 billion in special drawing rights. You would still be $5 billion short of what they have already been able to provide in the way of funds. Clearly this is not needed there.

There is a fourth area they talk about: arrearage. They are concerned about arrearages that amount to $4.8 billion to current countries they lend the money to. They use a technical word "defaulted," but have not been able to make payments and are in arrearage.

You could accommodate arrearages 100 percent, accommodate all of Eastern Europe, which is only speculative, and you still would not come back up to the level that they have already been able to accommodate.

Mr. President, there is not a demonstrative need for these funds. As a matter of fact anyone who looks at the records cannot help but come away and be convinced that they easily have the ability to accommodate 100 percent of everything they have identified and still not need additional revenues.

I hope the Members will take this into consideration because it says something significant. It says that this body is being asked to shell out the taxpayers' credit without a cause. Think what that means as a message around the world. It means the United States is not looking at where it commits its credit or whether it is moving ahead.

Now if they come ahead with identifiable uses, that is a different case. Then the Members of this body have an opportunity to review that and see whether it is sound. But the simple fact is in black and white, point by point by point. They have not identified a need. They have liquidity. By their own records, the loans have dropped dramatically; they have $38 billion in gold. The needs they have identified for future needs are clearly accommodatable even at the highest level. They have identified.

They have dramatic ability to borrow. Their own record shows that. Even if they run into a crisis and they accommodate everything they have identified and they run into more things, they, by their own records, indicate clearly they have a dramatic ability to increase their borrowing. That is not my assessment. That is the assessment of the advocates of this measure from the International Monetary Fund and the experts that look at it, as well as the Treasury. So I think the record is very clear. There is not a need at this time for this dramatic increase in funds.

Second, I would like to refer those that are deliberating on this plan to a simple question. If you are in a business, do you lend money, do you provide additional capital for someone who cannot give you a plan? Let us be specific. Every business I know of in this Nation, when they go to the bank and ask for additional credit, the bank says how are you going to spend it? That is not an unreasonable question, is it?

The International Monetary Fund has not told us how they are going to spend it. Should this Nation commit $12 billion of additional credit that this Nation needs? Should we supply that $12 billion without asking the basic simple question: How are you going to use the money? The simple fact is they have been unwilling to identify it, and I think that is a waste of taxpayers' money. I think it is a failure to discharge our duty.

The PRESIDING OFFICER. The Senator has consumed the 10 minutes alloted for the proponents of the amendment.

Who speaks in opposition to the amendment?

Mr. BROWN. Will the Senator allow me 1 additional minute to complete?

Mr. SARBANES. Mr. President, I ask unanimous consent that 1 additional minute be allocated on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. I thank the distinguished Senator for his courtesy.

Just to sum up, there is demonstrably not a need. We have to ask ourselves, as we vote on this, does it make sense to trade U.S. dollars for nonconvertible currency? Because that is what happens. I hope the Members will also ask themselves, does it make sense to further fund an organization who is in the business of making unsecured loans to borrowers who are not creditworthy? I do not think that is a good use of taxpayers' money.

Mr. President, the simple facts are these: We have the biggest deficit of any nation in the history of the world. We have a budget deficit in this coming year of $348 billion by our own figures. We have the biggest trade deficit in the history of the world. This Nation has to begin to think of its own taxpayers. This is not a good use of the Fund. This is not a good use of the taxpayers hard earnings.

I hope this body will reject this measure. It is not needed and paying it takes great sacrifice from the working men and women of this country.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

The Chair recognizes the manager of the bill in opposition to the amendment.

The Chair recognizes the Senator from Kentucky for 11 minutes.

Mr. McCONNELL. Mr. President, this is not an area about which I profess to have any expertise. Let me point out, however, that our former colleague, Secretary of the Treasury Nick Brady, was up here today specifically lobbying against this amendment. The administration strongly opposes this amendment.

I could understand some of the outrage about the quota if it required specific outlays. But, in fact, the increase does not require any budgetary outlays, any transfer of U.S. dollars to the Fund under the quota is offset by the receipt of liquid, interest bearing claims we currently have. The Fund has also been extremely helpful in financial and economic reforms in Eastern Europe. In fact, Secretary Brady pointed out to me it has been of the most help in the Eastern European arena.

To preserve our economic leadership and the 20 percent margin that we have in voting shares of the Fund, the quota is required. Failure to meet the quotas surrenders America's economic leadership and compromises the free market goals we have worked so hard to achieve.

In summary, let me point out once again that the administration strongly opposes the Brown amendment.

I yield the floor.

The PRESIDING OFFICER. There are 9½ minutes remaining in opposition.

Mr. SARBANES. Mr. President, I weep for the future of our country if we cannot perceive our self-interests sufficiently to appreciate and understand that the Treasury in this instance has done a very good, tough job of negotiating at the IMF. The IMF is one of the lead international financial institutions that was established after World War II, and in effect the functioning of the entire international economy is hinged to it.

I want to submit for the RECORD a letter that we received from 10 former Secretaries of the Treasury, Democrats and Republicans. I am just quickly going to read the names so you get a sense of the cross-section of individuals who support this: Joseph Barr, John Connally, Henry Fowler, William Miller, George Shultz, Michael Blumenthal, Douglas Dillon, David Kennedy, Donald Regan, and William Simon. That covers a whole spectrum in economic thinking in this country.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE BRETTON WOODS FUND,
Washington, DC, July 23, 1991.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MITCHELL: We are writing as former Secretaries of the Treasury and members of the Bretton Woods Committee, to join the Administration in urging congressional support for the IMF quota increase legislation.

For nearly fifty years the International Monetary Fund has worked quietly and effectively to help countries manage their economies and to weather international financial shocks. Its original mission was to provide short-term loans to countries with pressing liquidity needs. Increasingly, the IMF uses its economic leverage to promote market-oriented reforms as the most effective means of achieving both freedom and stable, non-inflationary growth. The IMF has made important strides in strengthening new democracies of Latin America and is now at work helping Eastern European countries adopt free-market principles.

Following the collapse of many leading statist regimes, America has an opportunity, unique in history, to reshape old and build new economic institutions in Eastern Europe and elsewhere. To lead this effort, Western heads of state have turned to the IMF to use its technical advice and, in some instances, its temporary financial assistance to help countries adopt policies which promote development of private sectors and formation of domestic capital.

> To fulfill this important new role, the IMF needs increased resources. This is support we can provide, even in a period of budget stringency, since quota transactions with the IMF involve no budget outlays (due to the fact that the U.S. receives an interest-bearing, liquid asset in return).
>
> The invaluable role of the international financial institutions in promoting global stability and advancing U.S. interests has been recognized by every Administration since Roosevelt. Legislation supporting U.S. participation in the institutions has enjoyed broad bi-partisan support in the Congress.
>
> The world community looks for vigorous U.S. leadership in international forums, and we urge Congress to act promptly and favorably on legislation authorizing U.S. participation in the quota increase of the International Monetary Fund.
>
> Sincerely,
>
> Joseph W. Barr, John B. Connally, Henry H. Fowler, G. William Miller, George P. Shultz, W. Michael Blumenthal, C. Douglas Dillon, David M. Kennedy, Donald T. Regan, William E. Simon.

Mr. SARBANES. Mr. President, I asked David Mulford, who was our negotiator, and I think a tough negotiator, what would be the consequences if this quota increase were not approved. He said:

> Well, first of all, I think the United States, being the leading country in the IMF, not following through on a quota increase would be a matter of grave concern and would cause us probably irreversible damage as a leader in that institution.

He felt our credibility would be impaired, that we would not be able to negotiate anywhere near as good a deal the next time around.

I asked him whether this was a good deal, and why. Let me enumerate the reasons he cited. First of all, they managed to keep the quota increase at a level that is realistic in terms of future global and IMF requirements. This is a 50-percent-quota increase. We were on the very low side of that quota increase. The pressure elsewhere internationally was for a higher quota increase. We, in fact, were at the bottom of that range, and, as Mulford said in his testimony, we were in a very small minority when we began. Ultimately the whole group came down to a 50-percent-quota increase.

Second, they negotiated it in a way to protect the U.S. position. We continue to hold a 19.4-percent share, which gives us an important veto mechanism over the functioning of the IMF.

Third, we adjudicated between the various other countries that were seeking to realign their quotas.

One of the things that is happening with this quota increase is that Japan is moving from No. 5 to No. 2 in terms of the burden they are assuming. So this quota increase represents an opportunity to get Japan to pick up a larger share of the international burden. Japan and Germany will then be No. 2, Britain will decline to No. 4, tied with France. There were very complex negotiations in order to bring that about.

Another one of the things that has been done is that the arrearages problem that exists at the IMF has been addressed. I must say I think that Treasury has done a very good job of that. What they have done is they have solved the arrearages by linkage. Along with the IMF quota increase, they were able to get an amendment to the articles of the IMF which will apply sanctions against a country that is in arrearages, including ultimately, if necessary, its possible dismissal from the IMF. That was not previously available.

Clearing up the arrearages problem is a very important negotiating accomplishment. It is a matter that has been of very deep concern to the Treasury.

Mr. BROWN. Will the distinguished Senator yield?

Mr. SARBANES. I will yield to my colleague.

Mr. BROWN. I think it is important for those considering this to note our amendment does not strike the arrearages portion. Only the portion that deals with quotas.

Mr. SARBANES. You cannot have it both ways. The way it has been done is that if one falls the other falls. I wish I could negotiate contracts like the one you suggest, where I could come along and strike out the part of it that was negative to me and keep the part that was positive.

I say to the Senator I am glad to see that he is operating on such a premise.

What the Senator must understand is that the articles to provide the sanctions for arrearages is linked to the increase in the quotas. If you do not get one, you do not get the other.

I wish I could negotiate agreements where I pick what I want and drop what I do not want. That is a wonderful state of affairs. But that is not this reality. This reality is that the two are linked, and it is an achievement to have addressed these arrearages.

We, the United States, have been fighting within the IMF to get some real teeth into dealing with the arrearages problem. And Secretary Mulford is a good negotiator. To his credit I think he negotiated a good arrangement with respect to this linkage of the arrearages and the quota increase. It is a very important gain for the United States. And it is important that we now have the power to discipline and sanction within the IMF. The Treasury people will tell my colleague that, if he has had an opportunity to talk with them.

I want to make one final point before my time expires.

During the 1980's, U.S. participation in the IMF resulted in a net financial gain to the United States of $628 million annually. This was Mulford's testimony.

This gain reflects interest earnings and valuation gains on our reserve position in the IMF, which sharply exceeded the borrowing cost to the Treasury associated with financing the transaction.

In other words, we put up a limited amount of money. We borrow in order to do that. We get a return on the money. The return on the money is actually more than what it costs for us to borrow it for a net of $628 million annually.

I was somewhat skeptical about this so I said to Secretary Mulford, "Could you develop that point a little bit? Is that only a paper gain or is somehow or other a real gain that somehow we realized?"

And Mulford said, "No, that's a real gain over the period."

So, in effect, it is not costing us money. We do assume a contingent liability—no question about it. And that is an important aspect of this. But we have not had to deliver on that contingent liability throughout the life of the IMF.

In the meantime, we are getting back more in the return that is made to us than what it costs us in order to meet the call. The interest we receive is greater than the interest we pay in order to borrow the money to meet the call.

What is really at stake is our international economic leadership. We were the tough guys in this negotiation. We are the ones that held it closest to reality. We held the quota increase down. We delayed even getting a quota increase.

The Senator is probably right. They probably could go for a year without this quota increase. But the period of the quota increase is for 5 years.

So you have to consider that issue. They could stagger through 1 more year. But if the United States, who has been the tough guy, who got the arrearages settlement, who got the quota down, who resisted efforts to expand the quota for 2 years, were to back out now, it would be a great loss. We delayed and delayed on the quota increase because Secretary Brady and Mulford did not think it was necessary. Now we have a situation in which we succeeded in changing the position of Japan and Germany. That is very important to us. At least I think so.

I am one of those who thinks one of the prime things that must be accomplished internationally is for Germany and Japan to begin to assume responsibilities commensurate with the strength of their economies. For too long they have built up the strength of their economies and they have not taken on the international responsibilities to go with them. This agreement at least puts Germany and Japan in the No. 2 position in the IMF in terms of their contribution. It represents a very significant increase in the Japanese quota commitment.

At the same time we manage to hold our own quota position such that we have more than a 15-percent participation, which gives us a veto over certain important IMF decisions.

The Treasury has done a good job of negotiating this agreement. I very much hope we will support it.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that a letter from the Secretary of the Treasury to the Republican leader appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, July 25, 1991.

Hon. ROBERT J. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: I want to urge your support for legislation before Congress permitting the United States to participate in the increase in resources of the International Monetary Fund (IMF) and establishing the Enterprise for the Americas Initiative (EAI).

The IMF is the cornerstone of the international monetary system. It plays a central role in promoting an open and growing world economy, consistent with U.S. economic and foreign policy interests. The Fund is at the forefront of international efforts to assist East European countries with the transition to democracy and market economies. It is also promoting reforms and debt and debt service reduction, especially in Latin America, in support of the U.S.-led international debt strategy. In Africa, Fund concessional resources are supporting growth-oriented adjustment and the alleviation of poverty. In addition, it has responded quickly to address the economic consequences of the Gulf crisis.

The United States has encouraged the Fund to play a major role in addressing the historic changes occuring throughout the world. If the Fund is to meet these challenges over the medium-term, however, we must ensure it has sufficient resources. It is vital, therefore, that the U.S. support the quota increase at this critical time, thereby maintaining our leadership role in the institution and ensuring its continued effectiveness.

Our support for the IMF is extremely cost-effective. The quota increase will not add to the budget deficit since no net budgetary outlays result from use of the U.S. quota. In addition, our resources are leveraged since every dollar provided the Fund is matched by four dollars from others.

I also ask that the Congress make a special effort to achieve full implementation of the EAI in this session. This initiative is designed to strengthen our relations within this hemisphere and to support the movement toward democracy and free markets throughout Latin America and the Caribbean. We are seeking the authority and appropriations to reduce the bilateral debt of those countries which have adopted strong economic and investment reforms in order to attract and retain the capital essential for growth.

We are also seeking to create a Multilateral Investment Fund as part of the EAI to ease countries' paths towards open investment regimes. Japan has announced that it will contribute $500 million over five years to the Fund, matching the contribution for which we have requested appropriations. France, Spain, Portugal, and Canada have also indicated a willingness to participate in the Fund.

The Administration regards the quota increase and the EAI as key priorities. I hope we may continue the longstanding tradition of bipartisan support for the IMF which has served the United States so well. I also hope we can count on your support for the EAI.

Sincerely,

NICHOLAS F. BRADY.

Mrs. KASSEBAUM. Mr. President, I urge my colleagues to support the IMF increase that is included in this bill and to vote against the amendment of Senator BROWN.

Every 5 years, under the terms of the IMF, a quota increase is reviewed. The current increase comes, in fact, 8 years after the last increase in 1983. It is clear that we have not rushed into the current decision to increase quotas at the IMF. The United States was central in delaying the IMF quota increase negotiations until we felt confident that there was a clear case the funds were needed and would be used wisely.

Mr. President, if there was ever a year to support an IMF increase, I believe that time is now. Over the past 2 years we have seen the collapse of centrally controlled economies around the world.

The end of the cold war is symbolized by the collapse of the Berlin Wall. But, what makes it a concrete reality is the effort of countries, such as in Eastern Europe, to establish and foster market economies.

From Poland to Hungary to Czechoslovakia, the IMF has been central in establishing economic road maps for these countries in their difficult transitions to market economies.

Given these dynamic developments, the IMF's efforts to foster dynamic market economies and a stable international system of payments is becoming even more critical.

The 50-percent quotas increase is needed because the demands for IMF resource is expected to be high in 1991 and 1992. The demand is coming from three vital areas, all central to United States policy interests: The restructuring of Eastern European economies to market economies; supporting sound economic policies and debt and debt service reduction under the Brady Plan, particularly in Latin America; and, helping countries, adversely affected by the gulf crisis.

While a 50-percent increase sounds large, it does fall far short of what many members of the IMF were seeking. It is also money that has no net effect on budget outlays because the United States received a liquid, interest bearing claim on the IMF.

Furthermore, it is important to emphasize that historically, only about one-half of quota resources have been usable in IMF lending operations. Under the current situation, without the quota increase, there are $65 billion of quota resources available for lending. The IMF lending outstanding is about $35 billion leaving $35 billion to meet the demands in Eastern Europe, among those countries adversely affected by the gulf and in Latin America.

In 1991 and 1992, the Fund is projecting a demand for $25 billion in new lending. During this time reflows from past loans are expected to fall sharply, estimated to be about $10 billion.

Consequently, it is estimated that without the increase, Fund liquidity could decline to $15–$20 billion toward the end of next year without the quota increase. This would place Fund liquidity at a level traditionally associated with minimal working balances at a time when IMF involvement in the world economy is in such demand.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Following consultation with the distinguished Republican leader and managers and a number of interested Senators, I will momentarily propound an unanimous-consent agreement. I do not wish to do so until the distinguished Republican leader arrives on the floor.

Accordingly, I, for just a moment, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask, since we seem to have a minute here, unanimous consent that each side have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Mr. President, I object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that cloture motions be deemed to have been filed on both the Dodd amendment No. 833, and the Simon amendment No. 827, and that cloture vote occur on the Dodd first-degree amendment, No. 833, immediately following disposition of the Brown amendment; that if cloture is not invoked on the Dodd amendment, Senator DODD be recognized to withdraw his pending amendments; that regardless of the outcome of that vote, and without any intervening action or debate, there then be a cloture vote on the Simon amendment, No. 827, in the second-degree, with the stipulation that if cloture is not invoked, Senator SIMON then be recognized to withdraw his amendments; provided further that no amendment relative to the Mexico City policy reversal language in this bill be in order to this bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Senator from Illinois.

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois reserves the right to object.

Mr. SIMON. If I may ask the majority leader, I would like before the vote on cloture on my amendment just to have 3 minutes to explain my amendment.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the vote on the Dodd amendment, there be 6 minutes of debate.

Mr. DOLE. We do not need any, but make it 6 minutes.

Mr. MITCHELL. Six minutes of debate equally divided on the Simon amendment, under the control of Senator SIMON and the distinguished Republican leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

The Senator from Vermont.

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. LEAHY. Mr. President, I want to make sure I understand. Does this mean when the cloture motion on the Dodd-Leahy amendment comes up, there is no time for any discussion on that at all?

Mr. MITCHELL. That is the way the proposed agreement reads. If the Senator would like a brief period of a few minutes, I will be pleased to suggest that. There has been extensive debate on the amendment throughout the day.

Mr. LEAHY. Mr. President, I understand, and I say to my friend, the distinguished majority leader, I heard a comment from the other side saying the matter has been debated. The matter has been debated. The Dodd-Leahy side actually won. In fact, what they are now saying is you have to win by 60 votes to win. No wonder they do not want further debate.

I think there ought to be at least 3 or 4 minutes—that is all I ask, 3 or 4 minutes—for the sponsors of Dodd-Leahy to at least speak before that.

I understand we are setting up now to say we have to have 60 votes to pass something the administration opposes. I happen to think that is wrong. But for comity, I will go along with the agreement.

Mr. MITCHELL. Mr. President, I modify my request to ask that immediately prior to the vote on cloture on the Dodd amendment, there be 6 minutes of debate equally divided under the control of Senator DODD and the distinguished Republican leader.

Mr. DOLE. I think we can pick up that time by having 10-minute votes, if there is no objection, since we are all here.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Mr. President, I accept the suggestion of the Republican leader that the votes on the Dodd and the Simon amendments be 10-minute votes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, before we proceed further, I am going to yield to the distinguished manager with the suggestion that he now seek unanimous consent to limit the remaining amendments to this bill to those on the list which he is about to propose.

Mr. SARBANES. Mr. President, I ask unanimous consent that only the following amendments be in order to the bill: Senator KENNEDY, with respect to South Africa; Senator SYMMS, on trade and jobs; Senator BUMPERS, on Uganda; Senator SIMON, on the Horn of Africa; Senator HELMS, on the Office of International Rehabilitation; Senator HELMS, on increased competition; Senator BIDEN, on Saudi democracy.

Mr. President, we will work on the list while we are voting and hopefully come back.

VOTE ON AMENDMENT NO. 835

The PRESIDING OFFICER. The Chair announces the pending business is the amendment of the Senator from Colorado [Mr. BROWN]. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 65, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—31

Brown
Bumpers
DeConcini
Dixon
Exon
Fowler
Gramm
Grassley
Hatch
Helms
Kasten
Byrd
Coats
Kerrey
Kohl
Leahy
Lott
Mack
McCain
Metzenbaum
Nickles
Nunn
Conrad
Craig
Pressler
Smith
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—65

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Burdick
Burns
Chafee
Cohen
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Ford
Garn
Glenn
Gore
Gorton
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Lugar
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Wellstone
Wofford

NOT VOTING—4

Bentsen
Cochran
Harkin
Pryor

So the amendment (No. 835) was rejected.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair announces that under the preceding unanimous-consent agreement the pending business is the Dodd motion on cloture. There are 3 minutes controlled by the Senator from Connecticut, and 3 minutes by the minority leader.

Mr. LEAHY. Mr. President, on behalf of the Senator from Connecticut [Mr. DODD] I yield our 3 minutes.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Could we have order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MITCHELL. Mr. President and Members of the Senate, the next two votes are 10-minute votes. It is an imposition on our colleagues for any Senator at this hour not to be here and vote within 10 minutes. And following the second vote, the managers will seek unanimous consent to have an agreement limiting the amendments to those to be included on a list to be stated by the managers.

So those who have an interest may remain if they wish to do so. But I repeat, it is late in the evening. These are 10-minute votes. Let everybody stay and vote within the 10 minutes.

I thank my colleagues.

CLOTURE MOTION

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Dodd amendment, No. 833, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—52

Adams
Akaka
Baucus
Biden
Bingaman
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—44

Bond
Breaux
Brown
Burns
Chafee
Coats
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Cochran
Harkin
Pryor

The PRESIDING OFFICER (Mr. EXON). On this vote there are 52 yeas and 44 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. SIMPSON. Mr. President, I rise to speak in strong opposition to the amendment pending before the Senate, the Dodd-Leahy amendment which would drastically cut assistance to the Government of El Salvador.

I must confess to being greatly chagrined by our failure to table this amendment. We have heard already that the House of Representatives concluded that it would be a mistake—that it would send the wrong signal—to further restrict aid to El Salvador at this time. And we have heard of the bipartisan coalition in our own Foreign Relations Committee which voted against this provision being included in the bill in the first place. Now, unfortunately, we have now only poured more fuel on this often fiery debate. I am certain that President Cristiani of El Salvador must—now at this moment—be very confused as to our intentions toward his Government.

We have in this country some very lofty ideals concerning how a government should be run. We chastise ourselves when we fail to live up to them, and we certainly do our share of chastising other nations which fail to do so. We have a great tradition of making continued American assistance contingent upon our concluding that those ideals are being achieved by recipients of our aid.

That is as it should be. However we often come to the conclusion that mere progress is not enough. We want complete and final success in achieving American-style democracy, and we want it now. Failure to achieve that often means the death penalty—loss of crucial American support and the often brutal consequences of that.

El Salvador is a long way from becoming a democracy of the kind we are blessed to live in. But make no mistake—it is so much closer to being one than it was 11 years ago. It should not surprise us that a country where the military has historically eluded civilian control and which for centuries had an almost-feudal economic system is still some way from our ideal.

But they are moving in that direction even a journal with well-known leanings on the issue—such as the Washington Post—has recognized that. I quote from its May 10 editorial Near Peace in El Salvador. Here is their opinion of what is happening in El Salvador—"the basic structure of a feudal society is being recast to put arbitrary military and police power under civilian and democratic authority * * *." And continuing: "President Cristiani has taken the brave and necessary gamble of leashing"—leashing—"his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena." That is a gamble which, thank God, we in this country have never had to take. I do not think we are in any position to too harshly judge the administration of Mr. Cristiani.

The Post editorial contains these further sentences which I call to my colleagues' attention—"through the 1980's, many Americans wanted to disengage from this unhappy country. But it was American engagement that helped the Salvadorans both to defend against the guerrillas and to launch the social and political transformation that is starting to come about now."—This is the Washington Post speaking.

We have heard about the anguish of the unsatisfactory prosecution of those involved in the murder of the Jesuit priests 18 months ago. Certainly we should take that matter under full consideration in contemplating our policy. We should also take into complete consideration Cristiani's decision to expand the number of assembly seats from 60 to 84, which will almost certainly result in greater participation of the FMLN in the Government. We should also take into consideration the constitutional changes agreed to—as a concession to the FMLN—establishing a civilian police force, and establishing a special human rights prosecutor in El Salvador.

Neither can we ignore the behavior of the FMLN. That is part of this equation, too. Here we have the surface to air missiles they are deploying, courtesy—as the party has since confessed—of the Nicaraguan Sandinistas. Nor should we forget the fact that the most recent reduction in American aid to El Salvador was greeted with a new military offensive from the FMLN. And the brutal murder of two American pilots—graphically and powerfully described by my fine friend Senator McCAIN on the floor earlier on this day—should as well serve to provide us with some insight into the character of this group.

I would also suggest that we consider the land reform being enacted by the Government, and the reduction of state intervention in the economy which has brought El Salvador its highest rate of economic growth since 1979.

And finally, I would suggest that another factor be considered—that all of Central America is pleading with us to continue aid to democracy in El Salvador. The ambassadors of Costa Rica, Honduras, Nicaragua, El Salvador, Panama, and Guatemala have faxed to my office—and I suspect to most of the Senators here—their urgent request that we defeat this amendment.

So apparently this steady progress in El Salvador remains invisible only to those of us in the U.S. Senate. This aid we do provide—it is not the big bad United States forcing its ideology on a small country—this is urgently requested aid, not only by the government we are trying to sustain—but by every one of its neighbors.

It has been noted that this amendment would require that the Government of El Salvador demonstrate a "good-faith effort" to negotiate and to improve human rights observances as a precondition for continued aid. But no consequences are outlined of the FMLN's similarly failing to meet those requirements. And this, I believe correctly, has truely been termed a double standard.

It is incredible to me that this baldfaced double standard—if applied at all—should apply in that direction. Whatever one thinks of President

Cristiani—and from what I know and from the comments I have heard—many of my colleagues think extremely highly of him. He does represent one thing which we cannot ignore: the will of the El Salvadoran people as expressed by their precious votes. He is in that office for one basic reason only—he was elected to it. They voted him in.

No similar claim to public approval can be made by the FMLN. Their presence in the process at all is a direct function of their ability to strike militarily. They represent the bullet and the club in El Salvador, nothing more. That is a distinction I hope my colleagues will not overlook.

It is true that the bullet exists on the other side as well; make no mistake. And the Salvadoran military must be brought under tighter control by civilian authority. Let us not forget, though, that the FMLN is beholden to no legitimate civilian authority. To waver in our support of a democratic government to give benefit to the guerrilla forces is no way to assert support for civilian control of a country.

President Cristiani has been hurt and surely let down tonight by our failure to table the Dodd-Leahy amendment to this bill. Let us not let him or ourselves be disappointed again. I urge my colleagues to oppose this amendment and I yield the floor.

The PRESIDING OFFICER. The Chair would like to announce at this time before recognizing the Senator from Connecticut that in about 60 seconds we will begin a second cloture vote, 10 minutes in duration.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

The amendment (No. 833) was withdrawn.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the managers of the bill will stay after this cloture vote. I understand this is the last vote of the evening.

The managers of the bill will stay after this cloture vote to accommodate Members who have amendments, many of which have been cleared, and we are prepared to accept them if they want to stay for a few minutes and clear them off the deck. We are prepared to stay after this vote, which I understand is the last vote of the evening. We are also going to propound a unanimous-consent request after the vote.

AMENDMENT NO. 827

The PRESIDING OFFICER. By unanimous consent there are now 3 minutes of debate on the motion invoking cloture on the Simon amendment under the previous order. Then the question occurs on the motion to invoke cloture. The question is, Is it the sense of the Senate that debate on the Simon amendment No. 827, shall be brought to a close? Before the Chair calls for the yeas and nays on that he will recognize for not to exceed 3 minutes each, being reserved for the Senator from Illinois, and 3 minutes to the Senator from Kansas.

Who seeks recognition?

The Senator from Illinois.

Mr. SIMON. Mr. President, and if I can have the attention of my colleagues, it will go swiftly, 500 to 600 million women in impoverished countries are appealing to the United Nations Population Fund for birth control and family planning information. Ninety-eight countries help them. The only country of any significance not to help them is the United States of America.

Now how did that come about? In 1985 because of the forced abortion policy in China and because the United Nations Population Fund assessed China but did not spend any money for abortion, we cut off the United Nations Population Fund completely.

This amendment says if the United Nations Population Fund increases aid to China for assistance by even one dollar, then the $20 million in this authorization has to be returned to the United States.

The population question is an overwhelming question, if we want to have world stability. I have seen in my lifetime the world population triple, and if I live out a normal lifespan it will quadruple.

We should join the other nations in providing assistance to the United Nations Population Fund, and frankly it is structured in such a way that China cannot get one extra dollar. The objections of the administration I believe have been met, and I hope we will do the right thing and vote cloture and adopt my amendment.

The PRESIDING OFFICER. The Senator recognizes the Republican leader.

Mr. DOLE. Mr. President, we have no request for time on this side. A "no" vote means we go home.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield back the remaining 54 seconds of his time?

Mr. SIMON. I yield back my remaining time.

CLOTURE MOTION

VOTE

The PRESIDING OFFICER. All time having been yielded back, the question is: Is it the sense of the Senate that debate on the Simon amendment No. 827, shall be brought to a close? On this question, the yeas and nays are mandatory under the rule and the clerk will call the roll on the 10-minute vote.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 33, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—63

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Brown
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Fowler
Glenn
Gore
Graham
Hatfield
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Wellstone
Wirth
Wofford

NAYS—33

Bond
Boren
Breaux
Burns
Coats
Craig
Danforth
Dole
Domenici
Durenberger
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kasten
Lott
Lugar
Mack
McCain
McConnell
Nickles
Pressler
Reid
Smith
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Cochran
Harkin
Pryor

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 838

(Purpose: To express the Sense of the Congress concerning the repeal of General Assembly Resolution 3379)

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. WELLSTONE, Mr. SPECTER, and Mr. WOFFORD.

Mr. President, this amendment is based upon a joint resolution which I offered on the first legislative day of the new Congress Senate Joint Resolution 110. It has been updated to take note of the extraordinary effort of the

Government of Israel to rescue thousands of Ethiopian Jews. We have come to the Senate floor to offer this amendment at a late hour, but I know that the current cosponsors of Senate Joint Resolution 110 would wish to be recorded as strongly supporting the present amendment. I ask unanimous consent that their names be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD as follows:

S.J. RES. 110 COSPONSORS

Adams of Washington.
Akaka of Hawaii.
Biden of Delaware.
Bond of Missouri.
Bradley of New Jersey.
Coats of Indiana.
Cochran of Mississippi.
Cranston of California.
DeConcini of Arizona.
Dixon, Alan of Illinois.
Dole of Kansas.
Durenberger of Minnesota.
D'Amato of New York.
Glenn of Ohio.
Gore of Tennessee.
Graham, Bob of Florida.
Grassley of Iowa.
Inouye of Hawaii.
Kasten of Wisconsin.
Kennedy, Edward of Massachusetts.
Kerry, John of Massachusetts.
Kohl of Wisconsin.
Lautenberg of New Jersey.
Levin, Carl of Minnesota.
Lieberman of Connecticut.
Mack of Florida.
Mitchell, George of Maine.
Nickles, Don of Oklahoma.
Packwood of Oregon.
Pell of Rhode Island.
Reid of Nevada.
Riegle of Michigan.
Robb of Virginia.
Sarbanes of Maryland.
Seymour of California.
Simon of Illinois.
Specter of Pennsylvania.
Stevens of Alaska.
Wellstone of Minnesota.
Wirth of Colorado.

The PRESIDING OFFICER. The Chair would advise the Senator from New York that the Simon amendment is the pending amendment. There would have to be unanimous consent to set that aside before the Chair can recognize the Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The request is to lay aside the amendment offered by the Senator from Illinois so the Senator from New York can offer another amendment.

Mr. DOLE. Temporarily.

The PRESIDING OFFICER. The amendment is temporarily laid aside.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report. The amendment is under consideration due to the unanimous-consent agreement.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. MITCHELL, Mr. DOLE, Mr. WELLSTONE, Mr. SPECTER, and Mr. WOFFORD proposes an amendment numbered 838.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly, Resolution 3379 (XXX).

Since the United Nations General Assembly Resolution 3379 (XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search of a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and,

(d) has served to escalate religious animosity and incite anti-Semitism;

Since Israel recently undertook the dramatic rescue of thousands of Ethiopian Jews thereby further demonstrating the complete falsity of Resolution 3379;

Since the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Since the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution;

Since the Soviet Union has expressed a desire to participate in the search for a just and lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379;

Since the repeal of Resolution 3379 would serve as an important confidence-building measure;

Now, therefore, be it hereby declared that it is the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

The PRESIDING OFFICER. The Senator from New York.

Mr. SARBANES. Mr. President, if the Senator will yield, we are prepared to accept the amendment.

Mr. MCCONNELL. Yes.

Mr. MOYNIHAN. I urge the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 838) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Once again, the Chair informs the Senator from Arkansas, the Simon amendment is the pending amendment and he would have to get unanimous consent to set that aside before we can accept the amendment offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the Simon amendment be temporarily laid aside for not to exceed 1½ minutes, at which time this amendment will be disposed of, hopefully, and then the Simon amendment again becomes the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

AMENDMENT NO. 839

(Purpose: To express the concern of Congress regarding the deteriorating human rights situation in Uganda)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 839.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following;

Congress finds that:

(1) Amnesty International and others have reported that:

(a) The government of President Yoweri Museveni in Uganda has continued to detain hundreds of people in prison without charge or trial;

(b) There are arrests, punishment and killing of civilians in expected rebel areas, and an increased number of political prisoners;

(c) There are prisoners of conscience who are being cruelly treated;

(d) Extrajudicial executions by National Resistance Army forces have been reported from areas where there has been rebel activity;

(e) The government of Uganda has been slow to investigate reports of extrajudicial executions, as well as charges of rape and violence toward women by National Resistance Army soldiers in areas of rebel activity;

(2) The people of Uganda have lived without basic human rights for decades, and have suffered unspeakable atrocities under the rule of Idi Amin, one of the most brutal dictators the world has ever known;

(3) Serious abuse of human rights is contrary to the trend of increased freedom in the world:

(a) In Eastern Europe prisoners of conscience have been freed, and people have been allowed to choose their leaders;

(b) In Africa, Namibia voted strong human rights provisions into its new constitution;

(c) In South Africa, the release of Nelson Mandela and other political prisoners signalled the start of negotiations for change in that country;

(d) In Chile, a country with a history of human rights abuses such as extrajudicial executions and torture, a newly elected government is working to strengthen Chile's commitment to human rights.

Therefore; it is the sense of the Senate that:

(1) The Secretary of State should review the allegations of human rights abuses, and continue to monitor the human rights situation there;

(2) The Secretary of State should convey to the government of Uganda the serious concerns of the Congress and the American people regarding the deteriorating human rights situation in that country;

(3) And that further reports of human rights abuses will lead to a major review of economic assistance to Uganda by Congress and the administration.

Mr. MITCHELL. Mr. President, will the Senator yield?

Mr. BUMPERS. Yes.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time consumed on the preceding amendment, the Moynihan amendment, and on the Bumpers amendment, be counted against the 30 hours, postcloture, on the Simon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, this amendment simply says Amnesty International has found human rights in Uganda are deteriorating very rapidly. It calls upon the Secretary of State to review those allegations and warn the Ugandans that their economic assistance will be reviewed by the State Department unless they make improvements in human rights. I think it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Arkansas?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 839) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I would like to inquire. We have a list here of amendments. I would like to know, is there a purpose in propounding a unanimous-consent request that these be the only amendments remaining in order to the bill?

I am prepared to go through these amendments, to list the amendments, and if it is agreeable then we would close out any other amendments to the bill.

Mr. DOLE. Mr. President, while we are waiting for the distinguished Senator from North Carolina, I wonder if I might offer an amendment for myself and the Senator from North Carolina.

I ask the other amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Simon amendment is temporarily laid aside.

AMENDMENT NO. 840

(Purpose: To establish an Office for International Rehabilitation and Therapy for the purpose of providing medical, technical, and scientific assistance to children and young adults who have disabilities incurred as a result of war or exacerbated by former Marxist-Leninist regimes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. HELMS, proposes an amendment numbered 840.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 9 and 10, insert the following new section:

SEC. 216. OFFICE FOR INTERNATIONAL REHABILITATION AND THERAPY.

(a) There is hereby established in the Bureau of Research and Development of the Agency for International Development, an Office for International Rehabilitation and Therapy (hereafter in this section referred to as the "Office"). The purpose of such Office is to provide technical and other assistance to and to encourage scientific and technical exchange with governmental and private entities in foreign countries providing medical and rehabilitation related assistance, including, but not limited to, prosthetic and vocational rehabilitation and training for children with physical or mental disabilities, including rehabilitation training for families of these children.

(b) The Office is authorized, subject to the availability of appropriations—

(1) to provide grants to, enter into cooperative agreements with, or contract for the provision of goods and services by private and voluntary organizations or not-for-profit entities in the United States; and

(2) to enter into cooperative agreements with or contract for the provision of goods and services by for-profit entities in the United States.

(c) Of the funds authorized to be appropriated for the Development Fund for Africa under chapter 10 of part I, $10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in sub-Saharan African countries.

(d) Of the funds authorized to be appropriated in section 104(g)(1)(B) of the Foreign Assistance Act of 1961 for health assistance, $10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in countries outside sub-Saharan Africa, of which amount—

(1) $3,000,000 is authorized to be made available for assistance to Romanian children with disabilities, with emphasis on institutions for the severely handicapped; and

(2) $250,000 is authorized to be made available for the establishment of a joint Latin American/Caribbean and United States disabilities exchange program and conference.

(e) It is the sense of the Congress that, in providing assistance under this section, special attention should be given to providing assistance to children with physical or mental disabilities incurred as a result of war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist or other totalitarian regimes.

(f) Funds may be made available under this section notwithstanding any provision of law which restricts assistance to foreign countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(g)(1) There shall be established an Advisory Board on International Rehabilitation and Therapy (hereafter in this section referred to as the "Advisory Board"), which shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate, after consultation with the chairman of the Committee on Foreign Relations of the Senate.

(B) Two members appointed by the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Foreign Relations of the Senate.

(C) Two members appointed by the Majority Leader of the House of Representatives, after consultation with the chairman of the Committee on Foreign Affairs of the House of Representatives.

(D) Two members appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(E) Four members appointed by the President.

(2) The Advisory Board shall advise the Administrator of the Agency for International Development on matters related to the Office's program.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

(B) Any member of the Advisory Board who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Advisory Board.

(4) The Administrator of the Agency for International Development is authorized to provide for necessary secretarial and staff assistance for the Advisory Board.

Mr. DOLE. Mr. President, Senator HELMS and I are offering an amendment to S. 1435 to establish an office for international rehabilitation and therapy. This office, which is designed to provide technical, medical, and related services to thousands of foreign children with disabilities, is to be located in the Bureau of Science and Technology of the Agency for International Development.

The Helms-Dole amendment is clear and comprehensive, providing disabled children of former Marxist-Lenist regimes with critical medical, technical, and vocational rehabilitation training. When the Iron Curtain fell, a tragic and gross pattern of official neglect for citizens with physical and mental disabilities was discovered. This amendment, which provides critical assistance to democratic governments, is clearly warranted. Arguably, there is no more important foreign assistance issue than helping other countries to develop more humane and responsive policies for their citizens with disabilities.

Last year, the United States enacted the landmark Americans With Disabilities Act [ADA] of 1990. The ADA, which is the most comprehensive disability law to receive consideration anywhere in the world, ensures the inclusion of millions of citizens with disabilities into American society. It is our duty to provide assistance to other nations as they struggle to design medical and rehabilitation services for their citizens with disabilities.

Our amendment is a step in the right direction. For too many years, the children of totalitarian socialist states have suffered brutal political repression. We have a responsibility to help these emerging governments ensure that those with disabilities have the opportunity to participate in an accommodating, barrier-free society.

The amendment, which authorizes $20 million for the office, evenly divides the funds between the development fund for Africa and countries outside of Africa. Of the $10 million directed to non-African countries, $250,000 will be used to establish a joint Latin American/Caribbean and U.S. disability exchange program and conference. It is also important to note that $3 million will be directed to assist Romanian children with disabilities in institutions for the severely handicapped.

It is absolutely essential that funding be dedicated to these Romanian institutions. Many of the facilities are staffed by individuals lacking the requisite skills to provide care. Consequently, this amendment will provide funds to ensure adequate staff training and development.

Funding is also badly needed to rebuild and renovate these facilities for children with disabilities. I had the opportunity to visit one of the institutions for the severely handicapped and can attest to the dilapidated conditions of these so-called care facilities. Many of the institutions, for example, lack plumbing, heating, running water, and furniture such as beds and tables.

Mr. President, the Helms-Dole amendment does not increase spending. The funds will be diverted to the office from other related programs. It is more cost-effective than the current system, and provides some additional direction to the provision of assistance programs for children and young adults.

I urge my colleagues to join myself and Senator HELMS in supporting this important amendment.

Mr. HELMS. Mr. President, thousands of children each year are tragically disabled as a result of war and violent civil conflict. Senator DOLE and I are offering the pending amendment to S. 1435 for the purpose of providing medical, technical, and related assistance to childen with physical or mental disabilities incurred as a result of war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist regimes.

All of us have seen the heart-wrenching pictures of children mained as a result of war. Many Senators will recall the pictures of children in Afghanistan whose arms were blown off when they picked up booby-trapped toys dropped by the Soviet military. Likewise, all of us have seen pictures of hundreds of Romanian children, many with disabilities, lying in their own body waste in Ceausescu's hell holes for orphans and the disabled.

We all know the devastation and human suffering caused by the tragedy of war and by the dehumanizing programs of Marxist-Leninist regimes. Senator's DOLE'S and my amemdment simply recognizes the enormous number of children who desperately need medical and technical assistance, especially in the areas of prosthetic and vocational rehabilitation and training.

The Helms-Dole amendment establishes an Office for International Rehabiltation and Therapy within the Bureau on Research and Development of the Agency for International Development. Assigning the Office to the Bureau on Research and Development is not only cost effective; it will ensure higher quality programs in the highly technical fields or medicine and rehabilitation.

The amendment authorizes $20 million to be administered by the Office for International Rehabilitation and Therapy. Of this $20 million, $10 million is authorized to be available to this office from the Development Fund for Africa for disabled children in Africa. Also, $10 million is authorized to be available to the office from the health programs in the foreign aid bill for disabled children outside Africa of which $3 million is directed to Romanian children with disabilities.

Currently, AID programs are refurbishing orphanages, digging wells, and sending in teams of doctors and health care workers to do basic surgery, physical therapy, and other services for the handicapped. There are over 600 institutions in Romania including 85 institutions for physically and mentally handicapped children and another 375 orphanages. However, AID-funded programs are working in only 64 of these institutions. Some institutions for the handicapped have not been touched by Western assistance.

The humanitarian programs in Romania are doing a world of good for hundreds of children that were left to die by Ceausescu's cruel regime. Although some assistance is coming from other countries, the needs are so great that the programs should be expanded and extended to meet the desperate need of these children. This amendment will do just that.

The Helms-Dole amendment does not call for any increase in current authorization levels. It simply directs that some of the current funds be devoted to assisting the victims of war and the victims of abominable, dehumanizing Marxist-Leninist regimes.

I believe this amendment is one that we can all agree upon. I hope Senators will see fit to add it to the bill before us.

Mr. SARBANES. Mr. President, we regard this as a very constructive amendment on the part of the distinguished Republican leader, and we are happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 840) is agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Maryland.

Mr. SARBANES. Mr. President, if I could have the attention of the two leaders, I would like to again make the inquiry of whether there is a purpose to be served by seeking a unanimous-consent agreement now that would limit the amendments that will be in order to be offered.

We have a list. Before I go reading the whole list, I thought I would ascertain whether there is purpose in doing so.

Mr. MCCONNELL. Mr. President, many of the amendments are acceptable. I am not aware of any additional amendments to be added to the list. Consequently, I think I can agree to the unanimous-consent request to limit the remainder of the amendments to the list we have before us.

Mr. EXON. Mr. President, I would like to make a brief statement about the lack of quality of life in the U.S. Senate these days.

I am very much disturbed by the fact that I see that we are now falling into a pattern, a very definite pattern; that it is very clear that the way of the Senate has become the way of cloture. No longer does the usual comity exist that we have enjoyed over the years to have the cloture action reserved and withheld only for the most meaningful or important bills—which is, I believe, what it is always intended to be used for—given that for almost every vote that comes before this body, one or more of the 100 Members decide that this is the most important issue that ever faced the U.S. Senate from the beginning of its time.

I reference the last vote on the Simon amendment. It so happens that the Senator from Nebraska was in the Chair at the time that this amendment was offered. I do not happen to support the Simon amendment. When I have a chance to vote, I will vote against the Simon amendment.

But being the Presiding Officer, and keeping tally of the vote, when it was 59, I voted for cloture to try and send a message to the U.S. Senate, that I suggest that some of the leadership should also send from time to time, that we are becoming a body that has to have 60 votes to pass everything.

That is not the way the Senate is supposed to work. I voted for the amendment offered by the Senator from Illinois hoping that maybe we can begin to have some kind of understanding, formal or otherwise, that one is fearful, because of a 30-second commercial somewhere down the line, that if he votes differently on a cloture vote than that Senator would on the vote itself, he is going to be penalized.

I think we are penalizing the U.S. Senate and the actions that we are supposed to take on a deliberative basis, generally on a majority basis, by falling into the habit of cloture motions being submitted almost more in total numbers than bills and amendments. I think that is the beginning of the breakdown of the process.

So at least this one Senator is saying, from time to time, and more times than I have probably ever done in the past, that I will from time to time be voting for cloture on ending debate on some kind of a measure that I might feel very strongly about simply along the lines of trying to move the body forward.

There are some times, of course, when I will not be in a position to do that. But I just hope we will not become involved in a situation where the minority of the U.S. Senate becomes the majority through the use of filibuster or even the threat of filibuster.

I am, frankly, a little bit worried about the fact that time after time, on almost every issue that comes before us, whether it is a big issue or a little issue, the name, the authority of the President of the United States is brought down on this body: If you do not do it this way or that way, it is going to be vetoed by the President of the United States.

That is his job if he sees it that way. But I certainly think that the quality of life of the U.S. Senate is going to further deteriorate next week.

If we can ever dispose of this bill, we will take up the defense authorization bill. I will be in the leadership chair several hours next week. I will be attempting at that time to get some short time agreements on many amendments, because while people in this body might think that debating something an hour, 2 hours, 3 hours, 8 hours, 10 hours, or 10 days changes votes, I do not think it does. I think once an issue is understood by the Members of this body, then the die is cast, and the only way it, unfortunately, can be stopped, sometimes by a distinct minority of the U.S. Senate, is to go the filibuster route.

The process is beginning to break down, and I think we should recognize that.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, I ask unanimous consent that the following amendments that will now be read be the only amendments remaining in order to this bill, and that all listed amendments be offered in the first degree, except where otherwise indicated; and that no motions to recommit be in order:

Senator SIMON on Liberia; SIMON on the Horn of Africa; SYMMS on trade and jobs; KENNEDY and SIMON on South Africa; KENNEDY and CRANSTON on China and Tibet; BIDEN on arms sales democracy; five amendments by Senator HELMS on increased competition, U.N. auditing, U.N. reports, PLO, and Jordan; three amendments by Senator DECONCINI, micro enterprises, CSCE, and the Baltics; an amendment by Senator MACK on economic freedom index; an amendment by Senator DIXON on memorandum of understanding; a Biden-Graham amendment on the rule of law; a Kasten-Inouye amendment on Middle East environment; a Cranston amendment on civil control over the military; a Wirth amendment on the volunteer Government workers participating in SEED; a technical Seymour amendment relating to an amendment that was accepted this morning which needs to be rearranged in the bill; a Rockefeller amendment on Kuwait subcontracting; a Kassebaum-Simon amendment on the Brooke waiver; a Mack-Graham amendment on trading with Cuba; a Dodd amendment, a technical amendment on Enterprise for the Americans; a Levin-Dole amendment on violence against Armenians; a Chafee-Kassebaum amendment, Palestinian schools in West Bank and Gaza; a Leahy amendment on Public Law 480, a technical amendment; a Gramm amendment on cargo preference; a second-degree amendment by Breaux to Gramm on cargo preference; a Brown-Craig amendment on Enterprise for the Americas, debt reduction; a Mitchell-Dole amendment, technical amendment; a Lugar-Glenn amendment with respect to nuclear nonproliferation; and a possible Moynihan amendment—a Lugar-Glenn amendment on the sense of Congress on nuclear proliferation.

The PRESIDING OFFICER (Mr. EXON). The Senator mentioned a Moynihan amendment. The Chair did not hear it.

Mr. SARBANES. No.

The PRESIDING OFFICER. The Senator is striking the Moynihan amendment?

Mr. SARBANES. Yes, just the Lugar-Glenn amendment; a Ford-McConnell amendment on human rights in Guatemala; a Kasten amendment on the authorization-appropriation process, and a Sarbanes-McConnell second-degree amendment to Kasten on the authorization-appropriation process.

The PRESIDING OFFICER. The Senate has heard the short list.

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SARBANES. Mr. President, if I could just interject, a DeConcini amendment on Angola, which I should have listed before.

Mr. MCCONNELL. I might say to my friend from Maryland, there is another Brown debt amendment, and Kasten on nuclear proliferation, and a McCain-DeConcini on the environment.

The PRESIDING OFFICER. Are there further additions?

Mr. SARBANES. Yes. A Leahy amendment on structure of accounts, and that may deal with the same subject as the Kasten amendment and therefore I make also a Sarbanes-McConnell second-degree amendment to that amendment.

The PRESIDING OFFICER. Is there objection from the Senator from Illinois?

Mr. SIMON. I will not object but I just want to make clear, the request was that all other amendments except those listed be considered out of order. The pending amendment, I want to make sure, was not listed. Obviously, the Senators exclude that also.

Mr. SARBANES. The pending amendment would certainly be in order.

Mr. SIMON. OK. I thank the Senator.

The PRESIDING OFFICER. The pending amendment cannot be removed.

The Senate has heard the lengthy list of amendments that might be proposed by any Senator. The Chair asks, are there any other Senators who can think of any other amendments or staff might think of amendments before the Chair rules on the lists offered by the two leaders?

Is there any objection to the unanimous-consent request? If not, it is so ordered.

Mr. SARBANES. Mr. President, I understand from the majority leader that we expect to be back on this bill at 9:45 in the morning. The managers will be here and we will be prepared to move rather quickly to take amendments. Not all of the amendments on this list can be accepted, but a number of the amendments, in fact, a substantial number of the amendments can be accepted, will be accepted by the managers, and we would like to move through those very quickly. I suggest to Members that if they could come over, we can do it before they go to a committee meeting or do it rather quickly for them; they can get it over and done with and then they do not get backed up later in the day, if that should happen.

Mr. MCCONNELL. If my friend will yield, or with their permission, we will be happy to do it for them in large numbers.

Mr. DOLE. As I understand, the Senators would like to complete action on the bill by noon tomorrow, is that correct?

Mr. SARBANES. We would like to complete action as soon as we possibly can.

Mr. DOLE. I think if Members know that, they might show up in the morning if they know the Senators are pushing for noon.

Mr. SARBANES. That is right. We think we can move this bill pretty quickly if Members will cooperate with us. We urge Members to do so. We have now moved this thing through. We have a finite list of amendments that will be considered. We have discussed most of them with Members. There are a few that cannot simply be accepted and may in fact involve a difference and a vote but hopefully those will be reduced to the minimum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT PERTAINING TO CHAPTER 5

Mr. LEAHY. Mr. President, earlier this week the committee removed at my request language relating to agricultural trade assistance in the section establishing limitations on assistance to Guyana and Guatemala. I asked the chairman to remove this language in order to make clear that food and agriculture aid is under the jurisdiction of the Committee on Agriculture.

I did not oppose the policy represented in these sections of chapter 5.

This amendment reinserts the references to the Agricultural Trade Development and Assistance Act of 1954 in these two sections relating to limitation on assistance to these two nations.

I appreciate the assurance of the majority staff of the committee that this amendment will be included in the chairman's technical corrections package. I further ask that the amendment be printed at this point in the debate.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows

On page 162, at the end of line 8, insert a comma and add the following: "and assistance under the Agriculture Trade Development and Assistance Act of 1954."

On page 169, line 7 after "1961", add the following: "or the Agricultural Trade Development and Assistance Act of 1954".

On page 170, line 7, insert after "1961", add the following: "and the Agricultural Trade Development and Assistance Act of 1954".

AMENDMENT ON "PROJECT EDEN"

Mr. BURDICK. Mr. President, yesterday the Senate adopted an amendment by Mr. KASTEN, cosponsored by me, Senator INOUYE, and Senator LIEBERMAN which created, Project EDEN, the Middle East Environmental Defense Network.

As a sponsor of the provision and as chairman of the Committee on Environment and Public Works, it is my belief that the nations of the Middle East can gain substantially from one another and from the United States in the development of a regionwide program to enhance and maintain the area's environment.

Despite the media's focus on the environmental disaster Saddam Hussein's recklessness created in the Persian Gulf region, there exist day-to-day environmental problems in the Middle East. These problems include water quality and quantity, sensitive ecosystem destruction, solid waste, air pollution, forestation or reforestation, and other matters. Some of these environmental concerns cross national boundaries. Some are serious enough that, if left unresolved, they could become the source of future regional conflict.

This amendment, to paraphrase an American with a uniquely global perspective, may be one small step, but I believe it will be a giant leap for confidence-building on the way toward peace in the Middle East.

Mr. CRANSTON. Mr. President, I wish to comment on title XI, which relates to the Peace Corps, of S. 1435, the International Security and Economic Cooperation Act of 1991. Title XI—which is derived from S. 1042, a bill I introduced on May 9, 1991, with the cosponsorship of Senators WOFFORD, PELL, SIMON, BOREN, DECONCINI, and ROCKEFELLER—would authorize fiscal year 1992 Peace Corps appropriations at a level that would enable the Peace Corps to continue making progress toward achieving the Congressionally mandated goal of a Peace Corps volunteer strength of 10,000 as enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83. Title XI would also establish a foreign currency fluctuations account from which the Peace Corps could draw when the costs of its operations increase as a result of a decline in the value of the U.S. dollar. In addition, title XI would provide for reviews of Peace Corps' health-care services for volunteers and foster the coordination between the Department of Labor and the Peace Corps regarding benefits provided to former volunteers who are disabled during service.

Mr. President, the Peace Corps celebrates its 30th anniversary this year. In March, I joined with the other members of the Foreign Relations Committee in introducing a resolution to honor Peace Corps volunteers and the Peace Corps on this anniversary.

For three decades now, Peace Corps volunteers have promoted international peace and freindship by helping men, women and children in many nations overcome the often harsh circumstances of their lives. Over 138,000 American men and women have served as volunteers in more than 100 nations around the world. Of this total, I am proud that 17,673 Californians have served as volunteers, more than from any other State.

Mr. President, the demand for the unique work of Peace Corps volunteers has greatly increased in the last two years. Peace Corps programs were opened in 11 countries in 1990 and 14 countries in 1991. Due to dramatic changes in Eastern Europe—an area of the world to which the Peace Corps has not previously been invited—the Peace Corps has opened programs in Hungary, Poland, Czechoslovakia, Romania, and Bulgaria. These assignments highlight the special value of Peace Corps volunteers as not only teachers but as cultural and personal links between very different worlds. Peach Corps' entry into East Europe and other new countries have been a most exciting development.

Several other countries, including Laos, Mongolia, and Namibia, are also hosting their first contingents of volunteers, and still others, including Nicaragua, Chile, and Nigeria, are welcoming the Peace Corps for a second time.

I have been an enthusiastic supporter of the Peace Corps from my first involvement in the mid-1960's as a Peace Corps evaluator in Ghana. Since then, in my 22 years in Congress, I have led many legislative efforts to strengthen Peace Corps programming and funding, including authoring legislation enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83, which established as a goal of the Peace Corps a volunteer strength of 10,000 volunteers.

Mr. President, I will now outline the specific provisions contained in title XI of the legislation.

AUTHORIZATION OF APPROPRIATIONS

Section 1101 of the pending measure would amend section 3(b) of the Peace Corps Act to authorize a Peace Corps appropriation of $207 million for fiscal year 1992 and provide that the funds appropriated pursuant to this authorization would remain available through September 30, 1993. The proposed amount is based on the level called for in the April 17, 1991, plan submitted by Peace Corps Director Paul Coverdell to attain the Congressionally mandated goal of 10,000 volunteers—which as I have noted was enacted in 1985. I am pleased that the committee, by supporting this level of funding, continues actively to encourage efforts to achieve the 10,000-volunteer goal and support the Peace Corps' expansion into new countries and reentry into countries that hosted Peace Corps programs in the past. However, I know I am not alone in wanting to stress the importance of the Peace Corps pursuing balanced expansion worldwide, based on sound programming and the 10,000-volunteer goal, and of expansion into new countries not coming about through the diversion of resources from longstanding programs elsewhere or from pre-service training or in-service training, which are currently less extensive than in fiscal year 1989.

I would also like to note that in fiscal year 1990 and in the current fiscal year, the Peace Corps has received substantial amounts of private sector contributions which have been and are being used to support volunteer projects and, for the first time in the history of the Peace Corps, to pay the cost of volunteers' transportation, living, and readjustment expenses. Although I believe that the unprecedented degree of private-sector financial support for the Peace Corps is a very positive development, I am concerned that serious policy issues may arise if substantial private contributions are made and used to establish or expand a Peace Corps program in a particular country. I believe that the size of Peace Corps' country programs should not be determined by the size of earmarked private contributions but, rather, by the agency's independent assessment, in view of its mission as set forth in the Peace Corps Act, of the various competing needs among the nations requesting volunteers.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

Mr. President, section 1102 would add a new section 16 to the Peace Corps Act to establish a foreign currency fluctuations account for the Peace Corps, patterned after similar accounts established for the Departments of Defense and State and for the American Battle Monuments Commission, and authorizes sufficient annual appropriations to maintain a balance of $5 million in the account. For a full description of this provision, I refer my colleagues to my statement on page S5661 of the May 9, 1991, RECORD.

EVALUATON OF PEACE CORPS HEALTH CARE SERVICES

Mr. President, I was pleased that the Committee approved, as section 1103 of the bill, my proposal to require the Director of the Peace Corps to contract with an independent health care accreditation organization or organizations to conduct evaluations of the health care needs of Peace Corps volunteers and the adequacy of the system through which the Peace Corps provides health care services in meeting those needs.

The Peace Corps annually provides direct and contract health care services to approximately 6,000 volunteers worldwide, most of whom face, in addition to illnesses and health problems common in the United States, unusual threats to their health arising from service in areas with different standards of water purity and in which strains of bacteria, parasites, and infectious or tropical diseases are present. I believe that these potentially health threatening situations require that the Peace Corps ensure that volunteers are properly trained in preventive medicine strategies, that host-country clinics and laboratories with which the Peace Corps contracts for diagnostic and treatment services meet appropriate standards, and that Peace Corps medical personnel possess expertise in the specific areas of medicine which are most applicable to the health-care needs of volunteers, including mental health expertise.

I feel strongly that the Peace Corps should provide high quality health-care services to volunteers, and that periodic independent assessments of health-care needs of volunteers and of the system's adequacy in meeting those needs would help to ensure that any significant problems are identified and corrective measures taken.

FEDERAL EMPLOYMENT COMPENSATION CLAIMS

Mr. President, section 1104 would require the Director of the Peace Corps and the Secretary of Labor to submit to the appropriate congressional committees a joint report describing: First, the information provided to Peace Corps volunteers regarding the benefits and services for which they may be eligible in the event they sustain injuries or become disabled during service; and second, the efforts by the respective agencies to coordinate the provision of such informaton to such individuals. The report would also be required to include information regarding the number of claims filed by volunteers under the Federal Employees Compensation Act [FECA], the percentage of claims that have been approved, and the timeliness of claims processing.

As noted in connection with section 1103, above, I am concerned about the potential adverse health effects on volunteers of Peace Corps service. Thus, I believe it is necessary for the Peace Corps and the Department of Labor to examine together, and report on, how their respective responsibilities in relation to Peace Corps volunteers are carried out and how services to volunteers filing FECA claims might be improved through coordinated efforts.

Mr. President, the General Accounting Office, at Senator INOUYE's request, recently reviewed the Peace Corps medical care system in a study entitled "Peace Corps—Long-Needed Improvements to Volunteers' Health Care System" (GAO/NSIAD-91-213, July 1991). As part of this review the GAO made two recommendations that are substantively similar to the two health-related provisions, sections 1102 and 1103, that I have just described.

PEACE CORPS ACT "THIRD GOAL" ACTIVITIES

Mr. President, section 1105 of the bill would encourage the Director of the Peace Corps, in carrying out the third goal of the Peace Corps Act—that of increasing the understanding of other peoples on the part of the American people—to continue to develop, foster, assist, and implement education-related programs, such as the current Peace Corps programs known as World Wise Schools and Peace Corps Fellows/USA.

The World Wise Schools program has grown out of the longstanding tradition of Peace Corps volunteers maintaining "pen pal" relationships with American schoolchildren, and it provides an opportunity for present and former volunteers to share their Peace Corps overseas experiences with students in all 50 States. It also stimulates general international awareness and encourages volunteerism. This is accomplished through exchanges of correspondence with current volunteers, the involvement of former volunteers, and the dissemination of videotapes about Peace Corps service and Peace Corps countries and other educational materials.

The Peace Corps Fellows/USA program enables former volunteers to pursue graduate degrees while using their Peace Corps experience and skills, such as English instruction and health education, in local communities where those skills are much needed.

I consider the increasing efforts of the Peace Corps and returned volunteers to carry out the Peace Corps third goal to be a very positive trend and appreciate the contributions of State and local governments, educational institutions, and non-profit and other organizations to these efforts.

CONCLUSION

Mr. President, of all the international efforts we can make to achieve world peace and understanding, there is no greater contribution than that which the American people make through the Peace Corps. The goal of world peace has been well served by the changes which have eliminated some of the political barriers to understanding and communication among nations and among peoples, but there is still a long way to go. Our investment in the Peace Corps is small compared to the benefits reaped here at home as well as abroad. We must ensure that the Peace Corps stays on the path we have forged thus far toward the 10,000-volunteer goal while we continue to search out ways to improve Peace Corps operations and administration.

DEBT REDUCTION PROVISION IN THE ENTERPRISE FOR THE AMERICAS INITIATIVE

Mr. LIEBERMAN. Mr. President, I want to commend my colleague, the senior Senator from Connecticut, for his fine work on the Enterprise for the

Americas Initiative contained in this bill. Once again, he has shown himself to be a leader in helping our neighbors to the South. His work will certainly help to make the economies of the nations of Latin America stronger. And that is good for us at home as well. They will be better able to buy American goods and services.

I am particularly pleased by the debt reduction portion of the Americas Initiative. The Senator and his staff have devised a thoughtful way to ensure that there will be maximum benefit to any debt reduction that occurs. As my colleague knows, I have introduced a similar debt for environment bill, S. 1124, that would affect not only Latin America but other developing nations as well. I am pleased to say the pending bill incorporates similar elements, and I appreciate my colleagues assistance in this regard.

The language in the pending bill mentions a number of possibilities for the grant program established as a result of debt reduction. One of those possibilities is "environmental activities." I wonder if this would include clean energy or energy conservation sources such as fuel cells some of which, as you know, are manufactured in Connecticut.

Mr. DODD. I thank my colleague for his kind words. I also want to assure him that when we mention environmental activities in the Enterprise for the Americas Initiative, this includes clean energy and energy conservation sources. We have both worked hard to ensure that the fuel cell program continues to be funded. I am sure that this type of technology could be beneficial to the nations of Latin America as the endeavor to clean up their environment.

Mr. LIEBERMAN. I thank my friend for his efforts and for clarifying this point.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitting to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY ALEXANDER'S CIVIL RIGHTS LETTER

Mr. HATCH. Mr. President, I would like to call my colleagues' attention to a letter which I received today from the Secretary of Education, Lamar Alexander. This letter discusses important issues regarding the impact of pending civil rights legislation on the Nation's educational system. In my view, it is an extremely important message.

Mr. President, I ask unanimous consent that Secretary Alexander's July 25 letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
July 25, 1991.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Thank you for your recent letter requesting my views on the effects S. 1408 could have on the national crusade for education reform. I am deeply concerned about the possible effect that S. 1408 could have on student motivation to stay in school and to work hard in school. Although the "business necessity" language of the bill is ambiguous in some respects, it is my understanding that employers would often have difficulty in defending the use of legitimate educational criteria in making hiring decisions. I have grave doubts about the wisdom of legislation that would threaten employers with civil liability if they asked prospective employees for a high school transcript or a diploma. To tell employers not to consider such information when making hiring decisions would undermine the importance of staying in school and working hard in school. It would send precisely the wrong message to students and teachers. It would say to students that staying in school doesn't matter, because employers don't have the right to know whether you graduated or whether you did well. It would say to teachers that their work is unimportant in the outside world.

Virtually everyone who is concerned about the future of our nation understands that our population is not sufficiently well educated to meet the demands of the twenty-first century. Study after study has shown that neither our young people—nor our adult population—has the level of knowledge and skills that will be needed to succeed in a changing world. In order to change this situation, we must improve our schools. In order to improve our schools, we must enhance incentives for students to do well in school. We must send a message that attendance in school, achievement in school, and graduation from school are important. Our plans for improving the nation's educational system will be jeopardized by any legislation that inadvertently devalues schooling and depresses academic standards.

I am sure Congress is well aware that our national competitiveness depends on a better educated workforce. Because the global economy is rapidly changing, workers must have the skills to adapt to new work requirements or otherwise they will be left behind by change. Education is the key to equipping workers to respond to change. Employers in many competing nations routinely examine the educational credentials of prospective employees.

Contrary to this global reality, S. 1408 appears to say that employers will not be able to require entry-level employees to have the skills and knowledge necessary to perform functions other than those required by the exact job for which they are being considered. In effect, the bill seems to require that employers hire as if every job is a changeless and dead-end job.

I hope that the Congress will not do anything to remove or undercut the ability of the labor market to reward students who work hard and finish school.

Sincerely,

LAMAR ALEXANDER.

ACTIVITIES IN LOBBYING

Mr. DECONCINI. Mr. President, I would like to make my colleagues aware of current activities in the field of lobbying. As you may know, all lobbying organizations must register in accordance with the Legislative Reorganization Act of 1946. This act states that "any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress" must report to the Secretary of the Senate, their employer, the interests they are representing, their expenses, and any contributions they receive.

An article in Roll Call, dated May 6, 1991, regarding Common Cause's benefactors drew my attention to this matter. Since my colleagues may find this report informative, I ask unanimous consent that this article be included in the RECORD at the conclusion of my remarks. Based on the findings of this news story, I invite my colleagues to examine, as I have, the disclosure reports of lobbyists in the Senate Office of Public Records. At this time, I ask unanimous consent that the contributors to Common Cause, as listed in reports at the Senate Office of Public Records for the first quarter of 1991, also be included in the RECORD.

I would also like to alert my colleagues to recent proceedings by the Senate Subcommittee on Oversight of Government Management. Senator LEVIN's subcommittee is holding hearings to review the effectiveness of current lobbying regulations and their implementation. We should all pay close attention to these important changes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STANDARD REPORT

Organization/name	Address	Amount
Common Cause:		
Abbot, Charles Mr.	Colorado Springs, CO	$2,500
Allen, John Rev.	Laconia, NH	500
Altenderfer, Marion Miss	Clearwater, FL	500
Ames, George Mr.	New York, NY	1,000
Andrews, Joseph Mr.	New York, NY	1,000
Anson, Catharine Ms.	New York, NY	1,000
Archibald, W.S. Mr. & Mrs.	Concord, MA	1,000
Baker, R.D. Mrs.	Los Alamos, NM	3,000
Bamberger, Claude Mr.	Tenafly, NJ	525
Barbaresi, A.F. Mrs.	Bloomfield, CT	500
Barson, Fred Mr.	Portland, OR	600
Baskerville, David Mr.	Tokyo, Japan	2,000
Beim, David Mr.	Riverdale, NY	500
Belford, Helen Miss	Laguana Beach, CA	500
Benson, Harriet Ms.	Delray Beach, FL	1,000
Berlin, Henry F. Mr.	Southport, CT	500
Blinn, William, F. Mr.	Encino, CA	1,000
Bond, James Mrs.	Philadelphia, PA	1,000
Borish, M.E. Mr.	New York, NY	1,000
Botzow, William Mrs.	Mt. Kisco, NY	500
Brodie, Abner Mr. & Mrs.	Madison, WI	500
Brown, Bruce Mr. & Mrs.	Villanova, PA	500
Cahn, M. Mr. & Mrs.	Pine Plains, NY	500
Callaghan, Lewis Mrs.	San Francisco, CA	500
Carter, Robert Mr.	Newtonville, MA	4,970
Chase, Alfred Mr.	Grass Valley, CA	1,000
Clark, Robert Mr. & Mrs.	Weston, CT	500
Clegg, Harding Mrs.	Santa Rosa, CT	780
Clements, Robert Mrs.	Cleveland, OH	1,000
Cohn, Robert Mr.	Los Angeles, CA	520
Correll, William Mrs.	Cleveland, OH	500
Crawford R.	Davis, CA	500
Davis, Harvey Mrs.	Santa Barbara, CA	500
Delacorte, Albert Mr.	New York, NY	1,000
Dickson, Allan, Mr.	Black Earth, WI	525
Downs, John, W. Mr.	Falcon Heights, TX	21,400
Edwards, C.C. Dr. & Mrs.	La Jolle, CA	750
Elton, Eunice Miss	San Francisco, CA	1,575
Emerson, Betty, Ms.	Brookline, MA	500
Engelbach, Friedrich Mrs.	Jacksonville, IL	500
Farber, Daniel Mr.	Worcester, MA	2,000

STANDARD REPORT—Continued

Organization/name	Address	Amount
Faulkner, Henry, Mr. & Mrs.	Dover MA	500
Faull, J. Mr.	Cambridge, MA	1,000
Fischer, Aaron Mr.	St Louis, MO	1,000
Flood, Ellen Ms.	Fond Du Lac, WI	500
Foltz, Alonzo Mr.	McMinnville, OR	525
Fraser, Gladys Miss	Urbana, IL	660
Freeman, Mansfield Mr.	New York, NY	1,000
Friedson, Lucille Ms.	Miami, FL	1,000
Froehlich, Helen, Ms	Huletts Landing, NY	1,075
Fuller, Margaret Mrs.	Cincinnati, OH	500
Fullerton, James Mr.	Pasadena, CA	500
Gargarin, Andrew Mr. & Mrs.	Litchfield, CT	2,000
Gardner, John Mr.	Stanford, CA	500
Garretson, Jane Ms	Chicago, IL	500
Garrison, Emily Mrs.	Lenox MA	500
Gilbert, Racey Mr. & Mrs.	Furlong, PA	500
Gilmore, Peter Mr.	Boca Raton, FL	500
Goldwasser, Edwin Mr. & Mrs.	Urbana, IL	1,000
Grunbaum, F.V. Mrs.	Pullman, WA	1,000
Guggenhime, David Mr.	Ross, CA	1,000
Haber, Charles Mr.	Carmel Valley, CA	1,500
Hadley, Diana Ms	Tucson, AZ	700
Hafer, Glenn Mr.	Chambersburg, PA	610
Hanson, Robert Mr. & Mrs.	Fairfax, VA	600
Hardin, Dave	Chicago, IL	500
Harris, Arthur Mr.	Honolulu, HI	500
Hart, Joanne Ms	Alexandria, VA	2,000
Hempelmann, Louis Dr.	Rochester, NY	500
Hier, Wayland Mr.	Moorestown, NJ	550
Hines, Dorothy Ms.	Warren, VT	500
Holt, John Mr. & Mrs.	Honolulu, HI	2,000
Hosley, Eleanor Ms	Laguanaltils, CA	690
Howard, Winston Esq.	Littleton, CO	500
Hurd, Lyman Mr.	Grosse Pointe, MI	570
Huser, Frances Ms.	Tucson, AZ	500
Ingalls, Mabel Mrs.	New York, NY	500
Jackson, Bremner Mrs.	Lahaska, PA	750
Jackson, James Dr. & Mrs.	Brookline, MA	500
Johnson, Dick Mr. & Mrs.	South Hadley, MA	1,000
Jones, Dorothy Mr. & Mrs.	Los Angeles, CA	500
Kellogg, Franklin Mr. & Mrs.	Stowe, VT	500
King, John Mr.	Norwood, MA	1,500
Kirkpatrick, Robert Jr.	Naperville, IL	520
Kirstein, Lawrence Mr.	Washington, DC	500
Ladd, Anne Mrs.	Gualala, CA	1,000
Ladd, Helen Ms.	Cambridge, MA	1,000
Lahr, William Mr.	St. Paul, MN	570
Lamagna, Joseph Mr.	North Babylon, NY	500
Lamb, David Mr.	Boulder, CO	810
Lamberson, George Mr.	New York, NY	500
Lane, Robert Mr	New Haven, CT	500
Larkin, J.J. Mr. & Mrs	Tucson, AZ	500
Latzer, Thomas Mr	St. Louis, MO	500
Light, Timothy Dr	Middlebury, VT	500
Lilienthal, Philip Mr. & Mrs	San Francisco, CA	500
Lippincott, D.B. Mr	North Haven, CT	2,000
List, Vera Ms	Greenwich, CT	1,000
Lombard, Laurence Mrs	Needham, MA	600
Long, Helen Ms	Lenox, MA	1,525
Long, Margaret Miss	Berkeley, CA	500
Mac Millen, W.C. Mr. & Mrs	Lawrence, NY	500
Martin, Raymond Mr. & Mrs	US Aid APO New York, NY	2,000
Maxwell, Stanley Mr	Kansas City, MO	500
Mc Dougal, Robert Mr. & Mrs	Chicago, IL	500
Meiss, Millard Mrs	Princeton, NJ	500
Mengel, J.T. Mrs	Chapel Hill, NC	500
Merriam, Ida Mrs	Mitchellsville, MD	500
Mertens, Gertrude Mrs	Woodstock, VT	500
Metcalf, I.S. Dr	Charleston, SC	2,000
Metz, Rene Mr	New York, NY	765
Meyer, Matthew Mr	New York, NY	500
Miller, Violet Mrs	Hot Springs National Park, AR.	1,000
Mohr, Robert Mr	Hatburo, PA	500
Molarsy, Osmond Mrs	Ross, CA	500
Moorman, Albert Mr. & Mrs	Atherton, CA	1,000
Morris, Ruth Mrs	Greenwich, CT	800
Mountcastle, Katharine Mrs	New Cannan, CT	2,500
Mountcastle, Kenneth Mr	New Cannan, CT	500
Myer, Jesse Mrs	Clayton, MO	1,000
Ninde, Nanciann Ms	Columbus, OH	500
Norman, Jane Ms	New York, NY	525
Parish, William Mrs	Albuquerque, NM	600
Parker, Henry Mr	Palo Alto, CA	970
Patrick, Hugh Mr	New York, NY	1,000
Pennock, Mary Ms	Brighton, CO	2,000
Persohn, John Mrs	Wimberly, TX	500
Peterson, Eric Mr.	Santa Rosa, CA	1,035
Pfeifer, Albin Mr. & Mrs	Bethesda, MD	600
Pinchot, Gifford Mrs	Guilford, CT	1,000
Polinger, Howard Mr. & Mrs	Chevy Chase, MD	500
Pyle, James Mr	Oyster Bay, NY	500
Raskoff, H.M. Mr	Woodland Hills, CA	500
Reiner, Kenneth Mr	Long Beach, CA	550
Reiss, Jonathon Mr	New York, NY	1,500
Robbins, Joseph Mr. & Mrs	Cambridge, MA	500
Sawyer, Deb Ms.	Salt Lake City, UT	700
Schubert, Leland Mr.	Cleveland, OH	500
Schumann, W. Ford Mr.	Scottsdale, AZ	1,000
Selden, Irwin Mr.	Centre Island, NY	500
Sempliner, Myron Mr.	Huntington Woods, MI	500
Shafer, Steven Dr. & Mrs.	New York, NY	971
Shaw, Richard Mr.	St. Louis, MO	500
Shepperson, Robert Mr. & Mrs.	Belen, NM	1,000
Sherwin, John Mrs.	Willoughby, OH	1,000
Simons, Joseph Mr.	Great Neck, NY	500
Skutch, Ira Mr.	Sherman Oaks, CA	500
Smeltzer, Ann Ms.	Fort Dodge, IA	1,000
Smith, Norman Mr.	Shaker Heights, OH	565
Solmssen, Max Mr.	Summit, NJ	500
Spence, Dorothy Miss.	West Point, GA	500
Stanley, Edmund Mr. & Mrs.	Oxford, MD	1,500
Steele, Joseph Mr.	Villanova, PA	500
Stone, Donald Mr. & Mrs.	Pittsburgh, PA	600
Stone, Stanley Mrs.	Milwaukee, WI	915
Strandenberg, John Mr.	Kansas City, MO	2,000
Teichner, Ronald Mr.	Miami, FL	510
Theopold, Jean Mrs.	St. Louis, MO	500
Thurnaurer, William Mr.	Teaneck, NJ	2,000
Trenholme, Russell Mr.	St. Paul, MN	500
Van Buren, Frances Mr. & Mrs.	Harwich Port. MA	500
Van Loben Sels, J.M. Mr. & Mrs.	Menlo Park, CA	700
Vance, Cyrus Mr.	New York, NY	500
Victor, Royall Mr.	Hopkinton, NH	700
Walker, Robert Mr. & Mrs.	Princeton, NJ	600
Wells, Mary Mrs.	Santa Rosa, CA	600
Weter, Winifred Miss.	Seattle, WA	500
Whitla, W.F. Mrs.	Sharon, PA	500
Wilcox, Alanson Mrs.	Washington, D.C.	600
Willits, Edward, H. Mr.	Newport Beach, CA	1,000
Winton, Lucy Ms.	New York, NY	2,000
Wood, Bettye Ms.	San Antonio, TX	600
Wright, Anne Ms.	New York, NY	540
Wright, William Mrs.	Philadelphia, PA	500
Zwerling, Henry Mrs.	Walnut Creek, CA	650

HOT ON THE TRAIL OF COMMON CAUSE'S MYSTERIOUS $119,083 TOP BENEFACTORS

(By Glenn R. Simpson)

Common Cause, the public interest group that frequently berates politicians for accepting large contributions and failing to identify the donors properly, claims to know next to nothing about a man who donated $119,083 to the organization last year.

A concerted effort by Roll Call last week to find out more about the man, who is listed on Common Cause reports as John W. Downs of Falcon Heights, Texas, resulted in a bizarre odyssey that turned up scant details about the group's mystery benefactor.

The search began with a computer-assisted review of Federal Election Commission records that indicated Downs, unlike most other major Common Cause backers, has made no federal political contributions in the last decade. Phone directories in tiny Falcon Heights, which is west of San Antonio in southern Texas, had no listing for a John Downs. The address listed by Common Cause was a post office box.

Roll Call pressed on, searching Who's Who in America, directories of corporate executives, and running the name through the Nexis database, among other things.

Stymied, we called Common Cause official Randy Huwa.

"We really don't know much about him," Huwa confessed. "He's been a member for a number of years, since sometime in 1983. He from time to time makes fairly generous contributions. We haven't solicited a contribution from him in, oh, I think three or four years."

Pressed for more details, Huwa said, "We've never met him, we've never talked to him, we've never really received anything from him, other than occasional contributions." That's about all Common Cause knows about Downs, said Huwa, adding he has "no idea" how John Downs came by the $119,000 he gave the group last year.

We then tried the Texas chapter of Common Cause in Austin. Texas chapter director Louis Earl had no idea who John Downs was, but was quite interested to hear that he was a Texan and gave $119,000 to the national HQ. "We haven't gotten any of it," he said.

Roll Call then turned to the offices of south Texas Reps. Kika de la Garza (D) and Solomon Ortiz (D). Their constituent databases showed no records of a John Downs (Falcon Heights is in de la Garza's district; Ortiz is next door), indicating he has never written or called either office.

We then called the San Antonio Light, the major newspaper nearest Falcon Heights, where a city editor was incredulous at the notion that anyone in south Texas would give Common Cause almost $120,000. The editor suggested Downs could be a "snow bird" who resides further north and merely winters in Falcon Heights.

That clue prompted a call to the Texas Secretary of State to find out whether there was a John W. Downs who was registered to vote anywhere in Texas. Amazingly, there was. A John W. Downs, we were told, has been a registered voter in Hidalgo County since 1983 (the same year Downs joined Common Cause). Downs listed a street address in McAllen, Texas, a town of about 100,000 people just south of Falcon Heights near the Mexican border. Downs was born in Waco, Texas, in 1917, according to the records.

With racing hearts, we called McAllen directory assistance to see if there was a number for John Downs. Nary a Downs listed in McAllen, we were told. We called the McAllen Monitor and other local institutions. No luck.

Finally, using a cross-referenced directory, we found four other individuals with telephones listed as living at the McAllen address, suggesting it was an apartment building or mobile home complex. Two of the four numbers were disconnected, while no one answered at the other two.

Crestfallen, Roll Call made one last-ditch effort to find our mystery man. We phoned information in Waco and asked for the listing of John W. Downs.

Bingo! We called the number, and the following conversation ensued with an elderly woman:

Woman: Hello?

Roll Call: I'm trying to reach John Downs.

Woman: Mr. Downs passed away. I live where he lived, but he died. If you were wanting J.W., he died.

Roll Call: Do you know when?

Woman: Yes it was back years ago.

Roll Call: Years ago?

Woman: Uh-huh. I have kept everything in my mother's name, and I get calls for him, but they're dead, the Downs are. And I just kept everything in their name when I got the house here.

Roll Call: And what's your name?

Woman: Libby.

Roll Call: Did he used to contribute money to political organizations?

Woman: I wouldn't give two cents for whoever's president and stuff. Bunch of stinkers.

Roll Call: His name was John W. Downs?

Woman: Yeah. Do you think they're stinkers, politicians?

Roll Call: I write about them all the time. Was he born in 1917?

Woman: No, he was an older man. He had a son Junior that might have been in '17, but Wesley, the older one, I think he was born earlier than '17.

Roll Call: Do you know where I could reach his son John Jr.?

Woman: No. I have no idea. The last I heard, he was somewhere in Texas, living in a motor home or something.

Fortunately, Roll Call had far less trouble locating Common Cause's second biggest 1990 contributor, Gertrude Mouat of Ianesville, Wis., who gave $50,000.

"You want to know why I contributed? Well, because I feel they're standing for honest government, not all this political stuff. I feel their motives are honest and statesmanlike, and there's very little of that around," she said.

Mouat said she's an Independent and "not about to give the Republican party any money, or the Democratic party." Asked her opinion of the Senate Ethics Committee's "Keating five" investigation, which was launched partly at the behest of Common Cause, Mouat said:

"I think it's shocking. Anybody that's reading and up at all on the news knows that there's an awful lot of political chicanery and dishonesty going on. Of course, it boils down somewhat to having to raise so much money, so much money to remain in office."

Mouat and Downs are not typical of Common Cause's major contributors. A computer-assisted review of the contributing activities of all individuals who gave the group more than $1,000 last year found that many are heavy givers.

A typical large Common Cause donor, according to our review, is a liberal Democrat who tends to support liberal Democratic incumbents in Congress and gives to liberal and environmental political action committees.

But Roll Call found numerous Common Cause contributors who are also solid Republican contributors.

Two PACs that receive a good deal of money from the same people who give to Common Cause are Independent Action, a PAC which advocates banning PACs, and the National Committee for an Effective Congress, which was founded by Eleanor Roosevelt in 1948. In addition, many large givers describe themselves as retirees in FEC records.

Sometimes, contributors seem to be giving in a contradictory pattern. Chicago philanthropist Philip Klutznick, who gave Common Cause $1,000 last year, is also a longtime contributor to the campaigns and causes of Sen. Alan Cranston (D-Calif), one of the "Keating Five."

In fact, Klutznick donated $2,000 to Cranston's legal expense trust fund last year, Senate records show.

"I don't particularly side completely with anybody," said Klutznick in an interview with Roll Call. "I make my own decisions." He added that Cranston is an old friend.

A registered Democrat, Klutznick explained his heavy campaign contributions: "I happen to be interested in people who try to do things."

Like many other Common Cause backers, Klutznick's ability to support such a wide range of candidates could be severely curtailed if Common Cause's prescription for campaign reform is adopted.

The group claims that "less than 1 percent" of its $11.4 million in contributions last year came from contributions over $1,000. But Roll Call's calculations indicate that contributions of $1,000 or more made up some 6.4 percent of total contribution revenues in 1990, while the $318,983 in contributions of $5,000 or more comprised about 3 percent of total contributions.

(Mark Krewatch contributed to the research for this report.)

COMMON CAUSE'S OWN FAT CATS

Nineteen individuals contributed $5,000 or more to Common Cause in 1990, according to reports filed by the group with the Secretary of the Senate. Many of them contribute heavily to candidates in federal elections. Here's who they are.

John W. Downs, Falcon Heights, Texas. Total Common Cause contributions in 1990: $119,083; total 1989-1990 campaign contributions: 0.

Gertrude Mouat, Janesville, Wis. Total Common Cause contributions in 1990: $50,000; total 1989-1990 campaign contributions: $600.

Richard Salomon, New York City. Total Common Cause contributions in 1990: $12,000; total 1989-1990 campaign contributions: $24,000.

Salomon is a member of the Common Cause board of directors and is chancellor emeritus of Brown University. He is also a member of the executive committee of Squibb Pharmaceuticals. He is a registered Democrat. During the 1990 cycle, Salomon gave to Sens. Alan Cranston (D-Calif), John Kerry (D-Mass), Daniel Akaka (D-Hawaii), Jay Rockefeller (D-WVa), Claiborne Pell (D-RI), Bill Bradley (D-NJ), and several other Democratic candidates.

Clifford B. Holser, San Luis Obispo, Calif. Total Common Cause contributions in 1990: $11,100; total 1989-1990 campaign contributions: $250.

Holser gave to the campaign of North Carolina Senate candidate Harvey Gantt.

Thomas J. Watson Jr., Armonk, N.Y. Total Common Cause contributions in 1990: $10,000; total 1989-1990 campaign contributions: $29,500.

Watson, former U.S. Ambassador to the Soviet Union under President Carter, is the former CEO of IBM. He contributes mostly to Democratic incumbents, including Speaker Thomas Foley (Wash) and Sens. Paul Simon (Ill), Pell, Kerry, Max Baucus (Mont), and Daniel Moynihan (NY). He gave $10,000 to the Democratic Senatorial Campaign Committee.

Ruth Lilly, Indianapolis, Ind. Total Common Cause contributions in 1990: $10,000; total 1989-1990 campaign contributions: $31,750.

Lilly, who is in her 80s or 90s, is an heir to the Eli Lilly pharmaceutical fortune, according to the Lilly Foundation in Indianapolis. She donated exclusively to Republicans in 1990 and gave heavily to the Republican National Committee, the National Republican Senatorial Committee, and the National Republican Congressional Committee. Lilly contributed to Indiana GOP Sens. Dan Coats and Dick Lugar as well as Indiana Republican Rep. Dan Burton.

Albert and Letitia Delacorte, New York City. Total Common Cause contributions in 1990: $9,500; total 1989-1990 campaign contributions: $2,750.

Albert Delacorte donated $2,500 to the Sierra Club Political Committee, while Letitia Delacorte gave $250 to the Democratic Party. Neither listed an occupation or place of employment.

Richard Barsanti, Western Springs, Ill. Total Common Cause contributions in 1990: $9,350; total 1989-1990 campaign contributions: $9,050.

Barsanti describes himself in various FEC records as retired, self-employed, and a salesman. He gave to liberal Democratic incumbents such as Sens. Tom Harkin (Iowa) and Carl Levin (Mich) as well as to Democratic Senate challengers such as Ted Muenster (SD) and Harvey Sloane (Ky). He also gave to environmental groups and to liberal groups like the National Committee for an Effective Congress and the Americans for Democratic Action political action committee.

Michael J. Weithorn, Los Angeles, Calif. Total Common Cause contributions in 1990: $7,500; total 1989-1990 campaign contributins: $750.

Weithorn is an executive of 20th Century Fox. In 1990, he gave to the National Committee for an Effective Congress and to Sen. Bill Bradley (D-NJ).

Catherine Tilghman, Salisbury, Md. Total Common Cause contributions in 1990: $6,000; total 1989-1990 campaign contributions: 0.

Gladys Delmas, New York City. Total Common Cause contributions in 1990: $6,100; total 1989-1990 campaign contributions: 0.

Martha W. Tolman, Evanston, Ill. Total Common Cause contributions in 1990: $6,100; total 1989-1990 campaign contributions: $77,675.

Tolman, who appears to have contributed well over the $25,000 annual legal limit, gave to liberal Democrats such as Rep. Ron Dellums (D-Calif) and to liberal groups such as the National Committee for an Effective Congress. She also gave to women's groups and environmental groups.

Rev. & Mrs. Frederick Buechner, Pawlet, Vt. Total Common Cause contributions in 1990: $6,000; total 1989-1990 federal campaign contributions: $2,700.

Buechner is a Presbyterian clergyman and noted author. His 1971 work Lion Country was nominated for the National Book Award, and in 1955 he won the O. Henry prize for his short story, "The Tiger."

During the 1989-90 cycle he and his wife gave to Rep. Peter Smith (R-Vt), the League of Conservation Voters (LCV), the National Committee for an Effective Congress, and the Democratic National Committee.

Andrew and Jamie Gagarin, Litchfield, Conn. Total Common Cause contributions in 1990: $6,000; total 1989-1990 campaign contributions: $10,400.

Andrew Gagarin describes himself as a retired architect; Jamie Gagarin describes herself as a New York University linguist.

Donation recipients: NCEC, Democratic Senate candidate Sam Beard (Del); Democratic Senate candidate Harvey Gantt (NC); former Rep. Toby Moffett (D-Conn); another defeated candidate; Congressional Agenda; Independent Action; and LCV.

Elizabeth Borish, New York City. Total Common Cause contributions in 1990: $5,500; total 1989-1990 campaign contributions: $15,500.

Borish describes herself as retired in FEC records. In 1990 she gave to Democratic Party committees, to the NCEC, and to environmental groups.

Ursula Corning, New York City. Total Common Cause contributions in 1990: $5,400; total 1989-1990 campaign contributions: 0.

Robert B. Wallace, Washington, DC. Total Common Cause contributions in 1990: $5,000; total 1989-1990 campaign contributions: $34,000.

Wallace is a noted Washington surgeon who chairs the surgery department at Georgetown University School of Medicine. Wallace gave to liberal Democratic incumbents, the NCEC, and other liberal and environmental groups.

Crawford Gordon, Kaycee, Wyo. Total Common Cause contributions in 1990: $5,000; total 1989-1990 campaign contributions: $2,000.

Gordon describes himself as a rancher in FEC records. He gave $1,000 each in the last cycle to Rep. Craig Thomas (R-Wyo) and Sen. Alan Simpson (R-Wyo).

Janet Lecompte, Albuquerque, N.M. Total Common Cause contributions in 1990: $5,000; total 1989-1990 campaign contributions: 0.

Research for the information above is based on Federal Election Commission records, "Who's Who in America," and other sources. Compiled by Mark Krewatch and Glenn R. Simpson.

S. 1220, THE NATIONAL ENERGY SECURITY ACT

Mr. SHELBY. Mr. President, I would like to associate myself with the remarks of my colleagues this week on S. 1220, the comprehensive energy legislation reported by the Committee on Energy and Natural Resources. S. 1220 covers a wide range of energy issues and includes aggressive initiatives to reduce our dependence on foreign oil.

I cannot overstate the importance of addressing these energy issues in the Senate—sooner, rather than later. As we get further away from the recent war in the Persian gulf, it gets easier for people to forget what got us there. Energy is not on the minds of the average American in quite the same way that it was 3 or 4 months ago. But it will be—the next time our supply is threatened again. I hope that we will take this warning and have the sense to act now.

We simply must not delay in taking steps now to reduce our dependence on foreign oil. We must take the steps necessary to ensure that our own domestic supply will be available, considering the instability of the Middle East. We must take steps now to ensure that an adequate and clean supply of energy will be available in the United States well into the future.

Among the most important components of S. 1220 are the coal and clean coal technology provisions. Our Nation is scrambling to find new sources of oil, as our domestic supply is on a steady, downward spiral. However, coal remains in abundance, in fact, coal is our most plentiful domestic energy resource.

Last year, domestic coal production skyrocketed to a record level of a billion tons. Some 25 percent of our energy supply in the United States comes from coal. Over 55 percent of our Nation's electricity supply is produced from coal.

There are sufficient coal reserves in the United States to supply our energy needs for over 200 years at our current rates of consumption. Coal deposits are located in 38 of our 50 States. One of those States is my home State of Alabama. In 1990, Alabama produced over 28 million tons of coal, or 2.8 percent of total U.S. production.

Coal will continue to supply a major portion of our energy into the future. We simply cannot turn our back on such an abundant domestic resource. We must, however, be able to use this coal in a clean and environmentally sound manner. Therefore, we must continue the development of technologies that have the capability to reduce significantly the emissions from coal.

I am particularly pleased to have joined my colleagues on the Energy Committee in supporting strong provisions in S. 1220 to ensure that these technologies are developed and commercialized in a timely fashion. The coal provisions of S. 1220 include research and development initiatives on a wide range of advanced coal-based technologies that will be able to not only reduce and control emissions, but also achieve greater efficiency. S. 1220 will ensure that the progress made in the development of clean coal technologies will continue.

The program laid out in S. 1220 will also build on the existing clean coal program to include advanced uses of coal for purposes other than the generation of electricity—such as for the production of transportation fuels and nonfuel byproducts. S. 1220 lays the groundwork for us to tap into the great potential for development and utilization of coal-based technologies in these and other areas.

Finally, S. 1220 contains an aggressive program for research, development, demonstration, and commercialization of coal refining technologies. To date, the Department of Energy has carried out only a limited program in coal refining. S. 1220 will revitalize that program in a way that will lead to timely commercialization of these technologies.

Developing clean and efficient technologies in the United States that will utilize our own domestic resources is of the utmost importance. However, it is equally important that these technologies be available for use outside of this country. Environmental safeguards in countries like Germany are already opening new markets for United States coal.

The United States has traditionally been a world leader in coal exports and is well positioned to become a major exporter of clean coal technologies. Export of the technology is particularly important to the developing countries where there are abundant resources. With our advanced technologies, these countries will be able not only to produce energy more efficiently, but also to control greenhouse emissions more aggressively.

S. 1220 establishes an interagency Clean Coal Technology Export Coordinating Council to facilitate and expand the export and utilization of these technologies. Establishment of this Council will go a long way toward making the United States a major exporter of clean coal technologies and improving U.S. competitiveness.

Mr. President, an energy policy must have building blocks and coal unmistakably must be one of them. The future for the coal industry is very promising, both as an abundant source of energy and a major export, enhancing U.S. competitiveness in international markets. We cannot neglect to nurture the research and development of new technologies in this industry.

With continued technological advancements to make coal cleaner, we are rapidly approaching the day when coal can no longer be considered a major contributor to the world's environmental problems. Already, low sulfur coal has helped the electricity industry combat its emissions problems. Technologies such as coal gasifications should be on the market within the next 7 to 8 years.

I am pleased that S. 1220 recognizes the vital importance of developing coal as an effective, clean, abundant, and economically sound source of energy. Consequently, let me reiterate the importance of considering S. 1220 in a timely fashion. Energy is too important to our country's economic development to just sit back and wait.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,322d day that Terry Anderson has been held captive in Lebanon.

UI EXTENDED BENEFIT LEGISLATION

Mr. DOLE. Mr. President, this morning the Senate Finance Committee met to mark up S. 1554, the Emergency Unemployment Compensation Act of 1991. The distinguished Senator from Texas [Mr. BENTSEN] introduced the legislation just last night.

We have been around this block before with the majority trying to create a political issue—completely overriding the legislative process.

BAD PROCESS

On the process side, my office did not receive a copy of this legislation until 7 p.m. last night. This is hardly enough time to prepare for a markup on such an important and complicated matter.

The majority did not want us to have the time to review their bill. They did not want us asking tough questions on why new and unusual benefit levels were chosen over ones more commonly used in extended benefit programs or why a triggering mechanism for benefits that has never been used should suddenly be permanently written into the law.

The answer, of course, Mr. President, was extremely clear in this morning's markup. The supporters of this legislation want a partisan showdown with President Bush.

BAD SUBSTANCE

While my staff and I only had a few hours to review the bill, there was a lot to cause me a great deal of concern.

During the markup, I offered a few amendments addressing some of my concerns.

I submitted an amendment which would have provided extended benefits but based on a plan that would be cheaper, reach more States with more benefits, and be easier to administer.

Unfortunately, this proposal, which is a good proposal, fell on deaf ears and was defeated with little consideration.

In addition, I offered an amendment dealing with the funding mechanism set forth in this proposal.

We all know that under the budget agreement enacted on a bipartisan basis last year, new benefits are to be paid for—either by commensurate reductions in other spending or by increases in revenues. I understand that the benefits provided by this legislation cost about $5.8 billion and yet are not financed as required under the budget agreement.

While some would argue that the balances in the UI Trust Fund can be used to pay these benefits, the budget agreement specifically took these balances into account when the agreement was forged.

To be honest, Mr. President, I would like to have a hearing on whether we even need emergency legislation and if we do, what the best program to help those who are out of work and who need Government assistance.

None of these questions has been intelligently addressed or answered in an open forum and unfortunately they probably won't be because the majority suddenly seems determined to ram a bill through Congress before the August recess starts.

Mr. President, we all feel the pain of the unemployed and recognize the need for the Government to help those out in times of need.

That is not the issue here for there has been no attempt to devise a program that is the best and most efficient allocation of our resources to such persons.

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) to authorize the production of documents.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the investigations officer appointed by the U.S. District Court for the Southern District of New York, to assist in the enforcement of the consent order entered in a civil action brought under the Racketeer Influenced and Corrupt Organizations Act by the United States against the International Brotherhood of Teamsters, has requested transcripts of deposition testimony received by the Permanent Subcommittee on Investigations during 1985 and 1986.

In keeping with the Senate's customary cooperation with legitimate requests of law enforcement officials, this resolution would authorize the chairman and ranking minority member of the subcommittee to provide the investigations officer with subcommittee records.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 159

Whereas, during the period of 1985 to 1986, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs received the deposition testimony of John Nardi, Jr., John Joyce, Nicholas Nardi, John Climaco and Sam Rapisarda, in connection with its investigation into the handling by the Department of Justice, the Department of Labor, and the Department of Transportation of a labor fraud investigation of Jackie Presser, then president of the International Brotherhood of Teamsters;

Whereas, the Investigations Officer appointed by the United States District Court for the Southern District of New York to assist in the enforcement of the consent order entered in a civil action under the Racketeer Influenced and Corrupt Organizations Act brought by the United States against the International Brotherhood of Teamsters, has requested transcripts of the deposition testimony of these witnesses in furtherance of his law enforcement responsibilites;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Investigations Officer appointed by the United States District Court for the Southern District of New York records of the Subcommittee's investigation of the handling of the Presser investigation.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 1563

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1563 introduced earlier today by Senators KERRY, PELL, HOLLINGS, and others regarding reauthorization of the Sea Grant Program be jointly referred to the Senate Committees on Commerce and Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 100TH ANNIVERSARY OF MOVIEMAKING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Concurrent Resolution 44, a concurrent resolution relating to moviemaking, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution and its preamble are agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 44

Whereas in the late 19th century, inventors around the world focused on discovering a means of artificially reproducing movement so that it appeared to the viewer as though he or she were seeing it happen;

Whereas that discovery led to the emergence of the art and science of motion pictures through many creators in the United States and other nations around the world;

Whereas during the period, the technology necessary to create motion pictures was perfected in a series of exciting American inventions, which included the development of the kinetograph and kinetoscope by Thomas Edison and W.K.L. Dickson, and the perfection of strip film by George Eastman;

Whereas the cycle of invention, innovation, and improvement continued without pause during the 1890's with the construction of Thomas Edison's first film studio, dubbed the "Black Maria";

Whereas a series of technological innovations made in 1893 marked a turning point in the development of the motion picture;

Whereas the first commercial presentation of Edison's kinetoscope by the Holland Brothers in New York City demonstrated the public's fascination with motion pictures;

Whereas the demand for kinetoscope films grew and Edison's invention was marketed internationally;

Whereas the motion picture has the power to touch our hearts, souls, and imaginations, and to shape our hopes, dreams, and even our national consciousness;

Whereas the motion picture serves as America's ambassador to the world, conveying American values, beliefs, styles, and attitudes, transforming world culture with its potent images, and making the global village a reality;

Whereas motion picture production is not only an art, but one of America's most successful creative enterprises;

Whereas the motion picture has enriched our cultural heritage with unforgettable characters who have become American icons, from Harold Lloyd, Charlie Chaplin, and the Marx Brothers to the immortal Greta Garbo and the eternal Lillian Gish, from Bogie and Bacall, John Wayne, Sidney Poitier and Cicely of Tyson, to Indiana Jones and E.T., and the thousands of other larger-than-life men and women who commanded the silver screen;

Whereas from these motion picture legends came precious film moments that are forever etched in our memories and imaginations;

Whereas in 1965, President Lyndon Johnson signed legislation leading to the foundation of the American Film Institute, and proclaimed that the institute's mandate would be to recognize the moving image as an art form, to preserve the heritage of film and television, and to identify and train the next creative generation;

Whereas on September 26, 1989, President George Bush reaffirmed the American Film Institute's role as the national organization devoted to the film and video arts, and President and Mrs. Bush honored the American Film Institute at a ceremony which celebrated the art form of the 20th century and the role of the American Film Institute in advocating, nurturing, and preserving the art of film and video;

Whereas the American Film Institute is a national leader in film and video arts and is devoted to advocacy for and preservation of the art of film, television and video; and

Whereas the American Film Institute is poised to spearhead the nationwide celebration of film's centennial: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) all Americans should have the opportunity to celebrate the 100th anniversary of film during the year 1993 with exhibitions, festivals, educational programs and other forms of observance; and

(2) the American Film Institute should be recognized as having a leadership role in implementing and coordinating the national centennial celebrations and in joining with regional entities and other interested parties in organizing other events relating to the 100th anniversary of this great American art form.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 40.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 40) entitled "Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as 'National Historically Black Colleges Week'", do pass with the following amendments:

Page 1, beginning on line 3, strike out "period commencing September 8, 1991, and ending on September 14, 1991, is," and insert "week beginning September 8, 1991, and the week beginning September 6, 1992, are each".

Page 2, line 3, after "observe", insert "each".

Amend the title so as to read: "Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as 'National Historically Black Colleges Week'.".

Mr. THURMOND. Mr. President, A few weeks ago, the Senate passed Senate Joint Resolution 40, which authorizes and requests the President to designate the week of September 8. 1991 through September 14, 1991, as "National Historically Black Colleges Week." Subsequent to passage in the Senate, the House considered and amended this measure to add the week of September 6, 1992, to the joint resolution. In short, the joint resolution we are considering today designates the week beginning September 8, 1991, and the week beginning September 6, 1992, as "National Historically Black Colleges Week."

This year represents the ninth consecutive year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

Mr. President, 8 of the 107 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College are located in my home State. About a month and a half ago, it was my privilege, as a member of the Subcommittee on Education of the Labor and Human Resources Committee, to chair a field hearing and hear first hand from each of these schools on their recommendations for reauthorization of the Higher Education Act. One thing was clearly evident from the hearing—these colleges are vital to the higher education system in South Carolina, and have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

In addition, many other young Americans have received quality educations at the 107 historically black colleges and universities across the Nation. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, through this joint resolution, the Senate reaffirms its support for historically black colleges and appropriately recognizes their important contributions to our Nation. I look forward to the prompt passage of this measure.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 1047, the Veterans' Benefits Programs Improvement Act of 1991, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 841

(Purpose: To amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes)

Mr. MITCHELL. Mr. President, in behalf of Senator CRANSTON, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. CRANSTON, proposes an amendment numbered 841.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Mr. President, I am pleased to support passage of H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991, as amended by the Committee on Veterans' Affairs.

This bill, Mr. President, has been extensively amended pursuant to an agreement between the Senate and House Committees on Veterans' Affairs. As amended, the bill's 21 provisions would cover the following areas of veterans' programs: Compensation and pension for disabled veterans and survivors; life insurance; health; real property and facilities; and miscellaneous provisions.

Most of these provisions, Mr. President, as detailed in the committees' joint explanatory statement, are derived from measures which were agreed to in principle in the last Congress, but not passed. These are provisions which will increase both fairness to individual veterans and the ability of VA to do its job. As ranking Republican member of the Committee on Veterans' Affairs, I support this measure enthusiastically.

H.R. 1047, Mr. President, contains five titles, and a total of 21 provisions:

TITLE I: COMPENSATION AND PENSION PROVISIONS

Title I of the bill contains four provisions which would improve VA's compensation and pension programs.

First, title I of the bill would increase, from $60 to $90, the maximum monthly pension payable to veterans readmitted to VA nursing-home or domiciliary care. The purpose of this provision is to correct an inadvertent omission in section 111 of Public Law 101–237.

Second, title I would allow the payment of parents' dependency and indemnity compensation less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable. This is a purely administrative provision.

Third, title I would prohibit a readjustment in the rating schedule from causing a veteran's compensation amount to be reduced unless an improvement in the veteran's disability is shown to have occurred. This provision is one of simple fairness. Similar provisions have been employed in connection with changes in the rating schedule, and, to my understanding, codifies a current VA practice.

Fourth, title I would make the presumptive period—the period after service in a radiation-risk activity during which a disease must become manifest in order to be considered service-connected and, therefore, compensable as disability compensation—for leukemia 40 years. This increase is based on evidence analyzed by VA's Advisory Committee on Environmental Hazards which suggest a longer latency period for radiation-induced leukemia.

TITLE II: LIFE INSURANCE PROGRAMS

H.R. 1047, as amended, would also make three changes in VA's life insurance programs.

First, title II would increase from 1 to 2 years the required time after discharge or release permitted to qualify for National Service Life Insurance for service-disabled veterans.

Second, title II would provide that payments of Service-Disabled Veterans Life Insurance to the beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI be made in a lump sum. Under current law, there must be a minimum of 120 equal monthly payments.

Third, title II would establish a one-year period, beginning on July 1, 1991, during which veterans with accumulated dividends on account in the National Service Life Insurance program could use the dividends to purchase additional amounts of paid-up life insurance, and authorizes the Secretary to provide for additional 1-year open seasons. Under current law, this option expired February 1, 1973.

TITLE III: HEALTH-RELATED PROVISIONS

Title III of the bill would provide five health-related provisions.

First, title III would authorize VA to provide outpatient dental care that is medically necessary in preparation for inpatient admission or to a veteran otherwise receiving VA medical care. Under current law, this care is generally available only immediately after discharge; if related to a service-connected condition; or if the veteran is 100 percent service-connected or a former prisoner of war.

Second, title III would increase, from $500 to $1,000, the amount that VA may expend during any 12-month period for the furnishing of outpatient dental services to a vet under a contract or fee-basis arrangement without requiring the determination of necessity based on a VA or contract examination. In other words, the provision would raise the limit before a second opinion is require.

Third, title III would extend VA's contract authority for alcohol or drug abuse treatment at various community-based treatment facilities through December 31, 1994. Under current law, this authority expires September 30, 1991.

Fourth, title III would extend VA's authority to make contracts to the Veterans Memorial Medical Center in the Philippines through September 30, 1992, and ratifies any VA actions that would have been authorized during the period October 1, 1990, through the date of enactment as if the extension had been enacted on October 1, 1990. Under current law, this authority expired on September 30, 1990.

Fifth, title III would require licensure, certification, or registration of social workers appointed to positions in VA facilities in States which regulate social workers. This provision would apply to new hires only. Under current law, there is no such requirement.

TITLE IV: REAL PROPERTY AND FACILITIES

Title IV of the bill would make four important administrative changes to increase VA's ability to serve veterans in the area of facilities.

First, title IV would authorize the Secretary to enter into long-term leases—35 years for new construction, 20 years otherwise—of VA properties to third parties if the Secretary determines that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and would be consistent with and not adversely affect that mission. This authority would expire on December 31, 1994. Under current law, VA may lease its property to a third party for no more than 3 years.

Second, title IV would generally authorize the Secretary to dispose of a leased property if the Secretary determines that the leased property isn't needed by VA, requests GSA to carry out a "special disposition," and gives the Veterans' Committees 90 days advance notice. Under current law, VA may not dispose of an interest in real estate greater than $50,000 unless that disposition is listed in the President's budget.

Third, title IV would authorize the Secretary to acquire and use real property for VA purposes before title is approved by the Attorney General pursuant to 40 USC 255 and even though the property would be held in less than fee simple interest. This is similar to authority granted to the Department of Defense for certain construction in 10 USC 2852(b). I would note, Mr. President that, on July 24, 1991, the Attorney General delegated to VA, pursuant to 40 USC 255, the responsibility of the Attorney General to give written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States. It is my understanding that the Secretary will, subject to the provisions of this provision of H.R. 1047, continue to apply the appropriate regulations of the Attorney General.

Fourth, title IV would place the U.S. memorial known as Pershing Hall in Paris, France, under VA jurisdiction. Under this provision, the Secretary is to operate Pershing Hall to meet the needs of veterans, but can also enter into long-term leases for space therein. The provision would establish a "Pershing Hall Revolving Fund," from which certain expenses of operation could be paid.

TITLE V: MISCELLANEOUS

Finally, title V contains five miscellaneous provisions.

First, title V would authorize the Secretary to carry out a compensated work therapy and therapeutic transitional housing demonstration program in fiscal year 1991. Under Public Law 102–54, the program was not authorized to begin until fiscal year 1992. I would like at this point to commend my good friend and predecessor as ranking minority member, Senator MURKOWSKI of Alaska, who has been such a champion of the compensated work therapy program. Indeed, it was Senator MURKOWSKI who first introduced legislation establishing this link between therapeutic housing and CWT in the last Congress. I am pleased to see his idea becoming a reality.

Second, title V would provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry on or after that date. This ameliorates, Mr. President, the requirement in the Omnibus Budget Reconciliation Act of 1990 that surviving spouses and children must file claims prior to November 1, 1990, to maintain eligibility.

Third, title V would authorize the Secretary to (1) provide liability insurance for the National Academy of Sciences to cover any claim for money damages awarded in a legal challenge of its agent orange study pursuant to the Agent Orange Act of 1991, Public Law 102-4; (2) reimburse judgments in excess of $10 million; and (3) extend, to two months after enactment of this provision, the time in which the Secretary must enter into his NAS contract. Under current law, there is no provision with respect to liability or insurance, and August 6, 1991, is the deadline for the contract. I would add, Mr. President, that the lawyers who serve on committee staff in both the Senate and House of Representatives are unaware of situations in which a recommendation by the National Academy of Sciences made pursuant to the Agent Orange Act of 1991 could result in a money judgment. That Act, Mr. President, represents an historic leap forward toward settling the agent orange controversy. I would urge NAS to move quickly to enter into its contract with VA.

Fourth, title V would authorize the Secretary to accept gifts, devises, and bequests which enhance the Secretary's ability to provide services and benefits. This is a useful expansion of the Secretary's current limited acceptance authority.

Fifth, title V would require that sums collected in connection with a debt associated with participation is the survivor benefit plan by a Coast Guard retiree through offsets of VA compensation or pension be deposited into the retired pay account of the Coast Guard. Under current law, all such funds are deposited into the DOD military retirement fund.

A lot of hard work has gone into this bill, Mr. President, both in this Congress and the last. I commend both Senate and House staff on their efforts. On the Senate side, our thanks go to Ed Scott, the Chief Counsel and Staff Director; Bill Brew, the Committee's General Counsel; Michael Cogan, Associate Counsel; Scott Waitlevertch, minority professional staff member; Charles Battaglia, Minority Deputy Staff Director; and Tom Roberts, the Minority Chief Counsel and Staff Director. On the House side, we thank Mack Fleming, Chief Counsel and Staff Director; Pat Ryan, Deputy Chief Counsel; Carl Commenator, Minority Staff Director; and Kingston Smith, his deputy.

This bill, Mr. President, represents the usual—and extraordinary—bipartisan cooperation of both Senate and House. The provisions provide real service and relief for our nation's veterans. I urge my colleagues to support its passage.

Mr. GRAHAM. Mr. President, I rise in support of H.R. 1047, which the Senate passed last night, and particularly in support of section 502.

Prior to last November, veterans' survivors who remarried and then subsequently became single again were eligible for reinstatement of dependency and indemnity compensation [DIC] payments and other benefits. In an effort to reduce the Federal deficit, this reinstatement right was terminated as part of the Omnibus Budget Reconciliation Act of 1990.

Although the change in law does not affect any person currently receiving benefits, I am concerned that the effective date of the legislation was erroneously determined. The law denied benefits to anyone who would have become eligible this year without any advance notice being given of such a change.

I heard from a number of individuals in Florida and around the country who had planned their retirement income security on the promise that benefits would be reinstated should they be predeceased.

A number of veterans survivors had lost their second spouse just prior to the November 1, 1990 deadline, but unaware of the impending change in the law, did not contact the VA in time to be reinstated before the law changed.

On March 13, 1991, I introduced legislation (S. 659) that would change the effective date of the law from November 1, 1990 to November 1, 1991. This legislation has been endorsed by the National Military Family Association and the Retired Officers Association.

At a June 26, meeting of the Senate Veterans' Affairs Committee, the committee agreed to extend benefits to those survivors whose marriage terminated prior to November 1, 1990, but failed to file claims by that date for their DIC or other benefits. The committee did not act on my proposal to reinstate eligibility for all individuals who would have otherwise become eligible by November 1, 1991.

Although the committee was reluctant to support my original proposal because of its costs, I am pleased that the committee took some remedial action with regards to the Omnibus Budget Reconciliation Act of 1990.

I encourage my colleagues to support the legislation now before the Senate as it contains provisions identical to those agreed to in the Senate Veterans' Affairs Committee.

Mr. President, it is my intention to continue to push the legislative goals of S. 659, and I would welcome the distinguished chairman of the committee's assistance in this regard.

Mr. President, I request unanimous consent to include in the RECORD a list of some of the organizations supporting S. 659.

GROUPS SUPPORTING S. 659

The Retired Officers Association.
Air Force Association.
Marine Corps League.
Non-Commissioned Officers Association.
Reserve Officers Association.
Association of the United States Army.
National Military Family Association.
Association of the Military Surgeons of the United States.
National Association for Uniformed Officers.
Air Force Sergeants Association.
The Retired Enlisted Association.
CWO & WO Association, USCG.
United States Army Warrant Officers Association.
United States Coast Guard CPO Association.
Fleet Reserve Association.
Marine Corps Reserve Officers Association.
Navy League of the United States.
Naval Reserve Association.
Commissioned Officers Association.
Naval Enlisted Reserve Association.
AMVETS National Headquarters.
Enlisted Association of the National Guard of the U.S.
The Military Chaplains Association.
Society of Medical Consultants to the Armed Forces.
National Guard Association of the United States.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate is about to act on H.R. 1047, as it will be amended by an amendment that I am proposing. The provisions of this bill, with a few exceptions, originally were considered in the 101st Congress as a part of H.R. 5326, the proposed Veterans' Compensation Amendments of 1990, as passed by the House on October 15, 1990, and S. 2100, the proposed Veterans Benefits and Health Care Amendments of 1990, as reported by the Senate Committee on July 19, 1990, but not voted upon by the Senate. As my colleagues know, I made great efforts before the end of the last Congress to have the Senate consider S. 2100, an omnibus veterans bill that contained several provisions related to veterans' benefits and services. Unfortunately, the Senate was blocked from considering S. 2100.

H.R. 1047 is the last of the carryover measures from the legislation that was not enacted in the 101st Congress.

Mr. President, this measure makes several improvements in the veterans' compensation and insurance programs and includes provisions affecting VA medical care and VA's use of real property. The House passed H.R. 1047 by a unanimous vote on April 9, 1991, and I hope the Senate shortly will do the same. The provisions in the compromise agreement will make significant improvements in veterans' programs. Because the details of this measure are described in an explanatory statement that was developed with our colleagues on the House Veterans' Affairs Committee, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, and I will just summarize the provisions of the bill and comment on a few of the provisions.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

SUMMARY OF PROVISIONS

Mr. CRANSTON. Mr. President, H.R. 1047, as it will be amended by the compromise agreement, contains five titles as follows:

Title I, entitled "Compensation and Pension," contains provisions that would:

First, increase to $90 a month the limit on the amount of needs-based pension that VA may pay to certain veterans who have been readmitted to VA domiciliary care or nursing home. This provision, retroactive to February 1, 1990, would apply to a veteran without dependents who is readmitted to a nursing-home or domiciliary facility within 6 months after a period of care that lasted at least 2 full calendar months.

Second, authorize the Secretary to pay parents' dependency and indemnity compensation less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate allowed under current law.

Third, prohibit disability-rating reductions based on a change in evaluation methods or standards in VA's rating schedule, unless the veteran's disability has improved.

Fourth, expand the presumption of service-connection for certain radiation-related cancers of veterans to include reservists who served on active duty for training or inactive duty training during on-site participation in a nuclear weapons test.

Fifth, extend the latency-period limitation—the time after exposure to radiation by which a disease must appear in order to be presumed to be service-connected—for leukemia from 30 years to 40 years, treating it in a manner comparable to the other radiation-related cancers listed in current law.

Title II, entitled "Life Insurance Provisions," contains provisions that would:

First, extend from 1 year to 2 years the time period following a determination of service-connection during which a veteran may apply for Service Disabled Life Insurance [SDVI] and extend from 1 year to 2 years the time periods which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Second, require that payments of SDVI be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Third, establish a 1-year period, beginning on September 1, 1991, during which veterans with accumulated National Service Life Insurance [NSLI] dividends on account could use the dividends to purchase additional amounts of paid up NSLI and also would authorize the Secretary to provide for additional one-year open seasons.

Title III, entitled "Health-Related Provisions," contains provisions that would:

First, authorize outpatient dental care that is medically necessary to prepare a veteran for hospital admission.

Second, increase from $500 to $1,000 the amount that a fee-basis dentist can charge VA for dental services without VA first obtaining a second opinion as to the need to provide such services.

Third, require that for an individual to be appointed as a social worker in the Veterans Health Administration the individual must possess a master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the State in which the individual is to be employed. These requirements would apply only to newly hired social workers and would not affect individual social workers currently employed by VA.

Fourth, extend for 1 year, through fiscal year 1992, VA's authority to provide contract care to United States veterans in the Veterans Memorial Medical Center in the Republic of the Philippines.

Title IV, entitled "Real Property and Facilities," contains provisions that would:

First, establish a pilot program under which VA would be authorized, under certain circumstances, to enter into enhanced-use leases with respect to VA property and to provide for the special disposition of the leased property.

Second, provide for the transfer to VA of Pershing Hall, an existing United States memorial in Paris, France.

Third, authorize VA to acquire real property to establish regional offices, field offices, or medical centers before the title to the property is approved by the Attorney General and even though the property would be held in other than fee simple interest in cases in which the Secretary decides that the interest to be acquired is sufficient for the purposes of the intended use.

Title V, entitled "Miscellaneous," contains provisions that would:

First, authorize a demonstration program linking compensated work therapy programs with therapeutic transitional housing to begin in fiscal year 1991, rather than in fiscal year 1992.

Second, modify section 8004 of the Omnibus Budget Reconciliation Act of 1990 to reinstate eligibility for all applicable VA benefits for formerly remarried surviving spouses or formerly married children whose disqualifying marriages ended by death or divorce before November 1, 1990, and who do not remarry or enter into an apparent marriage thereafter.

Third, authorize VA to provide liability insurance and certain other financial protections to the National Academy of Sciences, or an alternative contract scientific organization, to cover any claim for money damages awarded in a lawsuit that might arise out of NAS's role in carrying out the scientific review required under the Agent Orange Act of 1991.

Fourth, provide VA with expanded authority to accept gifts, devises, and bequests that will enhance VA's ability to provide services or benefits.

Fifth, rquire that funds collected after September 30, 1991 from current or former Coast Guard members through offset of compensation or pension be deposited in the retired pay account of the U.S. Coast Guard.

DISCUSSION

Mr. President, this bill as I am proposing it be amended represents a compromise between the Senate and House Committees on Veterans' Affairs on several issues carried over from the 101st Congress, on which we were unable to vote last year due to the Senate being blocked from considering the committee-reported, omnibus veterans' legislation, S. 2100.

The amended bill also would include provisions that address noncontroversial issues requiring immediate action.

RADIATION PROVISIONS

Mr. President, the radiation provisions in this bill are a compromise on provisions originally included in S. 2556, the proposed Radiation-Exposed Veterans Compensation Amendments of 1990, which later were incorporated into S. 2100 as reported by our committee. My statements on those bills can be found in the RECORD of Tuesday, May 1, 1990, beginning on page S5491, and Wednesday, October 10, 1990, beginning on page S14874.

The radiation provisions in sections 103 and 104 of this compromise would amend the 1988 law, Public Law 100-321, that established a presumption of service-connection for certain cancers in veterans who participated on site in the nuclear weapons test program or as part of the U.S. occupation forces in

Hiroshima or Nagasaki. These provisions in the bill would extend the latency-period limitation for leukemia from 30 to 40 years and expand the presumption of service connection to include reservists who were serving on active duty for training or inactive duty training when they participated in a radiation-risk activity and who contract one of the specified cancers.

Mr. President, although sections 103 and 104 make important and necessary changes to current law, they do not go far enough. Last month, our committee included the additional radiation-related provisions from last year's reported version of S. 2100 in S. 775, the proposed Veterans Service-Connected Compensation Cost of Living Adjustment Act of 1991. S. 775 would add two new cancers to the service-connected diseases listed in current law, eliminate all latency-period limitations, and establish a mechanism to examine military activities that involved radiation but are not considered radiation-risk activities under current law. When the Senate considers S. 775, I will propose to delete the provision in that bill that duplicates the reservist provision in the pending bill, if it is enacted in by then. In this regard, I want to make clear that I am supporting the radiation provisions of the pending bill only as an interim compromise. I will continue to seek quick enactment of the radiation provisions in S. 775.

SURVIVORS' BENEFITS

Mr. President, the provisions in this compromise that address VA benefits for formerly remarried surviving spouses and formerly married children would correct an inequity in one of the provisions we were forced to enact as part of the deficit-reduction package last year, the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508. That law repealed a provision in title 38 that reinstated eligibility for VA survivors' benefits for remarried spouses or married children whose subsequent marriages ended by death or divorce. The repeal of this reinstatement right did not apply to any claim filed before November 1, 1990, by a person who qualified at the time of the claim under the pre-OBRA definitions of a surviving spouse or child.

Committee members Senators GRAHAM and MITCHELL, and many veterans' spouses who have written to me have identified a fundamental inequity in the application of the OBRA provision.

Since that provision was based on when a person filed a claim for a particular benefit, it has resulted in certain individuals being considered surviving spouses for the purposes of one VA benefit, but not for purposes of others for which they apply later.

For example, some surviving spouses who had remarried and whose second marriage had ended successfully qualified for DIC by filing applications prior to November 1, 1990, but later were turned down for survivors' health care benefits under the Civilian Health and Medical Program of VA. Similar situations could arise in post-OBRA claims for needs-based pension, education benefits, VA home-loan guaranties, and burial benefits.

Clearly, the Congress did not intend this result.

The provision in the pending measure would correct this inequity by basing the effective date of the OBRA provision on whether the disqualifying marriage ended before November 1, 1990, regardless of when the spouse files a claim for a particular survivors benefit.

The provision is substantively identical to one offered as an amendment to S. 775 by Senator GRAHAM at the committee's June 26 markup. That amendment was adopted unanimously. When the Senate considers S. 775, I will propose to delete that provision if it is enacted in this bill.

SCIENTIFIC REVIEW UNDER THE AGENT ORANGE ACT

Mr. President, the Agent Orange Act of 1991, Public Law 102-4, which was enacted on February 6, 1991, represented a historic compromise among those who have had strong differences of opinion about compensation for, and the study of diseases possibly related to exposure to agent orange in Vietnam. As chairman of the Committee on Veterans' Affairs and the author or a coauthor of every major agent orange bill that Congress has considered over the past 12 years, I can attest to the great significance of that legislation.

The centerpiece of the Agent Orange Act is a study of the effects of exposure to herbicides that we intended the National Academy of Sciences to conduct. Under this provision, the Secretary of Veterans Affairs was to seek to enter into a contract with NAS within 2 months after the date of enactment of Public Law 102-4, under which NAS would review scientific information regarding the health effects of exposure to agent orange and other herbicides used in Vietnam. The law provides that, if VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

Unfortunately, despite significant contacts prior to enactment of the Agent Orange Act among congressional, VA, and NAS representatives—and an understanding among them that a contract between VA and NAS could be concluded within the 2 month period contemplated by the act—NAS thus far has refused to sign a contract because of NAS officials' concerns about potential liability in connection with the agent orange study.

Mr. President, I am sensitive to the concerns of NAS about the cost of litigation and I am aware of the right we all have to sue. In fact, during the meetings prior to enactment of the Agent Orange Act, it was openly discussed how controversial and litigious the agent orange issue has been, yet NAS did not raise the concerns that form the basis for its current refusal to conduct the study.

The real issue behind NAS's concerns about litigation is not whether NAS can be sued—we all know that someone could file suit—but what is the potential for monetary damages. I cannot envision a scenario under which a plaintiff could succeed in obtaining monetary damages from NAS. At my request, the Congressional Research Services analyzed the likelihood of a successful suit against NAS, and the damages a court might award, in connection with the study. The CRS report stated, "It would seem theoretically possible for the Academy to be held liable * * *. However, the actual possibility of such liability being imposed would seem remote."

Mr. President, this measure addresses NAS's concerns by authorizing the Secretary to provide liability insurance and indemnification for NAS, or the alternative contract organization, to cover any claim for money damages awarded in a legal challenge of the study. NAS has indicated that it can supplement its existing $5 million general liability insurance policy with an additional $5 million coverage at a reasonable cost. The Secretary also would have authority to reimburse reasonable attorneys' fees, incidental expenses, and any part of a judgment that is not covered by insurance.

Also, because we have passed the deadline in Public Law 102-4 by which the Secretary must seek to enter into a contract with an alternative scientific organization, the bill would extend these dates to reflect the other modifications. Specifically, the bill would change the period from 2 months after enactment of the Agent Orange Act to 2 months after the enactment of this measure.

The Senate and House Committees expect that the enactment of this provision will enable VA and NAS quickly to conclude the contract contemplated by the Agent Orange Act.

CONCLUSION

Mr. President, in closing, I express my deep appreciation to the distinguished ranking minority member of the Senate Committee, Mr. SPECTER, and the chairman and ranking minority members of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, for their cooperation on and contributions to this measure.

Mr. President, I also recognize the committee staff members who worked on this legislation and thank them for their efforts: on the minority staff, Scott Waitlevertch, Charlie Battaglia, Carrie Gavora, Yvonne Santa Ana, and Tom Roberts, and on the majority staff, Kimberly Morin, Neil Koren, Michael Cogan, Thomas Tighe, Shannon Phillips, Chuck Lee, Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott.

I also note the fine work of the staff of the House Committee on Veterans' Affairs—in this case, John Brizzi, Kingston Smith, Carl Commenator, Pat Ryan, and Mack Flemming.

Mr. President, I also want to thank the staff of the two Offices of Legislative Counsel, Charlie Armstrong and Greg Scott in the Senate, and Bob Cover in the House. They provided their usual excellent assistance as we prepared this legislation.

Mr. President, this legislation makes necessary and reasonable modifications to veterans programs. I urge the Senate to give its unanimous approval to this measure.

Mr. President, I ask unanimous consent that the explanatory statement to which I referred earlier, which takes the place of a joint explanatory statement that would accompany this measure if it were a conference report, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

EXHIBIT 1

SUMMARY OF PROVISIONS OF AMENDMENT TO H.R. 1047

TITLE I—COMPENSATION AND PENSION PROGRAMS

1. Increases from $60 to $90 a month the limit on the amount of needs-based pension that VA may pay to certain veterans who have been readmitted to VA domiciliary or nursing-home care.

2. Authorizes VA to pay parents' dependency and indemnity compensation less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate allowed under current law.

3. Prohibits disability-rating reductions based on a change in evaluation methods or standards in VA's rating schedule, unless the veteran's disability was improved.

4. Expands the presumption of service-connection for certain radiation-related cancers listed in current law, to include reservists who served on active duty for training or inactive duty training during on-site participation in a nuclear weapons test.

5. Extends from 30 years to 40 years the time after exposure to radiation from a nuclear detonation by which leukemia must be manifest in order to be considered service connected.

TITLE II—LIFE INSURANCE PROGRAMS

1. Extends from 1 year to 2 years the time period following a determination of service-connection during which a veteran may apply for Service Disabled Life Insurance (SDVI) and extend from 1 year to 2 years the time periods which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

2. Require that payments of SDVI be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

3. Establish a 1-year period, beginning on September 1, 1991, during which veterans with accumulated National Service Life Insurance (NSLI) dividends on account could use the dividends to purchase additional amounts of paid up NSLI and also would authorize the Secretary to provide for additional 1-year open seasons.

TITLE III—HEALTH-RELATED PROVISIONS

1. Authorizes outpatient dental care that is medically necessary to prepare a veteran for hospital admission.

2. Increases from $500 to $1,000 the amount which a fee-basis dentist can charge VA for dental services without VA first obtaining a second opinion as to the need to provide such services.

3. Requires that, for an individual to be appointed as a social worker in the Veterans Health Administration, the individual must prossess a master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the State in which the individual is to be employed.

4. Extends for one year, through FY 1992, VA's authority to provide contract care to United States veterans in the Veterans Memorial Medical Center in the Republic of the Philippines.

TITLE IV—REAL PROPERTY AND FACILITIES

1. Establishes a pilot program under which VA would be authorized, under certain circumstances, to enter into "enhanced-use" leases with respect to VA property and to provide for the special disposition of the leased property.

2. Provides for the transfer to VA of Pershing Hall, an existing United States memorial in Paris, France, and authorize VA to administer, operate, develop, and improve Pershing Hall and its site, which may include using the facility to meet the needs of veterans.

3. Authorizes VA to acquire real property to establish regional offices, field offices, or medical centers before title is approved by the Attorney General, and even though the property would be held in other than a fee simple interest, if the Secretary decides that the interest to be acquired is sufficient for the purposes of the intended use.

TITLE V—MISCELLANEOUS

1. Authorizes a demonstration program linking compensated work therapy programs with threapeutic transitional housing to begin in fiscal year 1991, rather than in fiscal year 1992.

2. Modifies section 8004 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, to reinstate eligibility for all applicable VA benefits for formerly remarried surviving spouses or formerly married children whose disqualifying marriages ended by death or divorce before November 1, 1990, and who do not remarry or enter into an apparent marriage thereafter.

3. Authorizes VA to provide liability insurance and other financial protections to the National Academy of Sciences (or an alternative contract scientific organization) to cover any claim for money damages awarded in a lawsuit that might arise out of NAS's role in carrying out the scientific review required under the Agent Orange Act of 1991, Public Law 102-4.

4. Provides VA with expanded authority to accept gifts, devises, and bequests that will enhance VA's ability to provide services or benefits.

5. Requires that funds collected after September 30, 1991, from current or former Coast Guard members through offset of compensation or pension be deposited in the Retired Pay Account of the U.S. Coast Guard.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The amendment (No. 841) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1047), as amended, was passed.

EXHIBIT 2

EXPLANATORY STATEMENT ON H.R. 1047, THE PROPOSED "VETERANS' BENEFITS IMPROVEMENTS ACT OF 1991"

H.R. 1047, as passed by the House of Representatives on April 11, 1991, and amended by the Senate, the proposed "Veterans' Benefits Improvement Act of 1991," reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered, but not enacted, in the Senate and the House of Representatives during the 101st Congress. These are H.R. 5326, the proposed "Veterans Compensation Amendments of 1990," and H.R. 5740, the proposed "Veterans' Health Care Amendments to 1990," which the House passed on October 15, 1990, and S. 2100, the proposed "Veterans Benefits and Health Care Amendments of 1990" (hereinafter referred to as the "Senate bill"), which the Senate Committee reported on July 19, 1990, but was not considered by the Senate prior to the end of the 101st Congress.

The Committees have prepared the following explanation of H.R. 1047. Differences between the provisions contained in H.R. 1047 as passed by the House and amended by the Senate (hereinafter referred to as "Compromise agreement") and the Senate and House provisions on which they are based are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—COMPENSATION AND PENSION PROGRAMS

Pension benefits for institutionalized veterans

Current law: Subparagraphs (A) and (B) of section 5503(a)(1) of title 38, United States Code, limit the amount of needs-based pension that VA may pay to a veteran who has no dependents and is being furnished domiciliary or nursing-home care by VA for more than three full calendar months. Subparagraph (C) of section 5503(a)(1) limits the amount paid to such a veteran receiving such care for more than one full calendar month if the veteran was readmitted to a VA nursing-home or domiciliary care facility within six months after a previous period of care that resulted in a reduction of pension under subparagraph (A) or (B). Section 111 of Public Law 101-237 increased the maximum pension payment from $60 a month to $90 under subparagraphs (A) and (B) of section 5503(a)(1) but, by inadvertence, a conforming change was not made in subparagraph (C).

House bill: Section 201(a) of H.R. 5326 would have amended section 5503(a)(1)(C) of title 38 to increase from $60 to $90 the maximum monthly pension payable thereunder the veterans readmitted to VA nursing-home or domiciliary care. This provision would have taken effect as if the amendment had been included in section 111 of Public Law 101-237.

Senate bill: No provision.

Compromise agreement: Section 101 follows the House provision.

Frequency of payment of parents' DIC

Current law: Section 415(a) of title 38 provides that dependency and indemnity compensation (DIC) shall be paid monthly to certain, low-income parents of a veteran who died from a service-connected condition.

House bill: Section 203 of H.R. 5326 would have authorized the Secretary to pay parents' DIC benefits less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under section 415 of title 38.

Senate bill: No provision.

Compromise agreement: Section 102 follows the House provision.

Preservation of ratings when changes made in rating schedules

Current law: Under section 355 of title 38, the Secretary of Veterans Affairs is required to "adopt and apply a schedule of ratings of reductions in earning capacity" resulting from specific disabilities. The schedule must provide eleven grades of disability, from zero percent to 100 percent, on which to base payment of disability compensation. The schedule of ratings, which appears in part 4 of title 38 of the Code of Federal Regulations, provides very specific, detailed rules for evaluating disabilities and assigning percentage ratings. Section 355 also requires that the Secretary "from time to time readjust this schedule of ratings in accordance with experience."

An October 27, 1988, opinion of the VA General Counsel (Op. G.C. 11-88) held that, when the schedule is adjusted, VA lacks the authority "to protect ratings assigned under superseded criteria."

House bill: Section 205 of H.R. 5326 would have prohibited rating reductions based on a change in evaluation methods or standards of the VA disability rating schedule unless the veteran's disability had improved.

Senate bill: Section 102 is substantively identical to the House provision, except that it would have authorized, rather than required, prospective-only application of changes in the disability rating schedule.

Compromise agreement: Section 103 follows the House provision.

Presumptive period for occurrence of leukemia in veterans exposed to radiation

Current law: Section 312(c)(3) of title 38 provides presumptions of service connection for specific diseases that appear within specified time periods after the last date on which the veteran participated in a radiation-risk activity. The general presumptive period in this section is 40 years; in the case of leukemia (other than chronic lymphocytic leukemia), the period is 30 years.

House bill: Section 206 of H.R. 5326 would have increased the limitation in the case of leukemia to 40 years.

Senate bill: Section 112 would have eliminated all latency-period limitations in section 312(c).

Compromise agreement: Section 104 follows the House provision.

Presumption of Service-Connection for Certain Radiation-Exposed Reservists

Current law: Section 312(c) of title 38 provides presumptions of service-connection for certain diseases of veterans who participated on-site in a radiation-risk activity while serving on active duty, but not for reservists and National Guard members whose on-site participation in a radiation-risk activity occurred while they were serving on active duty for training or inactive duty training.

House bill: Section 207 of H.R. 5326 would have expanded the presumptions of service-connection for radiation-exposed veterans to cover individuals who were serving on active duty for training or inactive duty training while participating on-site in a radiation-risk activity. The resulting presumptions of service-connection would apply with respect to only compensation, dependency and indemnity compensation, health-care services, burial benefits, and survivors' educational assistance.

Senate bill: Section 111 was substantively identical to the House provision except that the presumptions would have applied with respect to all title 38 benefits based on service-connection.

Compromise agreement: Section 105 follows the Senate bill.

TITLE II—LIFE INSURANCE PROGRAMS

National Service Life Insurance Program

Current law: Section 722(a) of title 38 requires VA to provide $10,000 in Service Disabled Life Insurance (SDLI) at standard rates to a veteran released from active duty after April 24, 1951, who has a service-connected disability rated at 10 percent or more that renders the veteran uninsurable. To qualify, the veteran must apply for the policy within one year from the date that service-connection of the disability is determined by VA.

Section 72(a) of title 38 provides that payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months, if that disability began (1) after the date of the insured's application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixty-fifth birthday.

Section 722(b)(1) provides that, in the case of a veteran who (1) the Secretary determines was mentally incompetent from service connected disability (A) at the time of release from active service, (B) during any part of the 1-year period from the date of service connection of a disability is first determined, or (C) after release from active service but are not rated service-connected until after death; and (2) remained continuously mentally incompetent until death; and (3) died before the appointment of a guardian or within 1 year after the appointment of a guardian, the veteran will be deemed to have applied for and been granted SDVI, as of the date of death, in an amount which, together with any United States Government or National Service Life Insurance aggregates $10,000.

House bill: Section 9(b) of H.R. 1047 as passed by the House on April 11, 1991, would amend section 722 so as to (a) extend from 1 year to 2 years the time period following a determination of service connection during which a veteran may apply for SDVI; and (b) extend from 1 year to 2 years the time periods, noted above, which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Senate bill: Section 501 would (a) provide supplemental coverage at standard premiums, of up to an additional $10,000 in SDVI to certain veterans who are eligible for a waiver of premiums due to total disability, and (b) specify that a veteran not currently eligible for waiver of premiums of SDVI would have a year, upon notification of eligibility, to apply for the supplemental coverage.

Compromise agreement: Section 201 follows the House bill and provides that the amendment would be effective as of September 1, 1991.

Payment of Service Disabled Veterans' Life Insurance in Lump Sum

Current law: Section 722(b)(4) of title 38 provides that SDVI payments to a beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI must be made by a minimum of 120 equal monthly payments.

House bill: Section 10 of H.R. 1047 as passed by the House on April 11, 1991, would require that payments of SDVI under section 722(b)(4) be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Senate bill: No provision.

Compromise agreement: Section 202 follows the House provision.

Open Season for Use of Dividends to Purchase Additional Insurance

Current law: Under subchapter 1 of chapter 19 of title 38, VA administers the National Service Life Insurance (NSLI) program, which is generally for World War II veterans. Section 707(c) authorized VA, upon application made in writing by an insured before February 1, 1973, to apply any NSLI dividend credits and deposits to purchase paid up insurance.

House bill: Section 11 of H.R. 1047 as passed by the House on April 11, 1991, would establish a 1-year period beginning on July 1, 1991, during which veterans with accumulated dividends on account could use the dividends to purchase additional amounts of paid up life insurance and also would authorize the Secretary to provide for additional 1-year open seasons.

Senate bill: No provision.

Compromise agreement: Section 203 follows the House provision.

TITLE III—HEALTH-RELATED PROVISIONS

Eligibility for Outpatient Dental Care

Current law: Under section 612(b)(1) of title 38, outpatient dental services may be furnished for only (a) a condition that is service-connected and compensable in degree; (b) a service-connected condition that is not compensable in degree in the cases of certain recently discharged veterans or of former prisoners of war or if the condition is due to combat wounds or other service trauma; (c) a condition that is associated with and aggravating a disability that was incurred in or aggravated by active-duty service; (d) a condition for which treatment was begun while the veteran was receiving inpatient care and for which outpatient services are necessary to complete the treatment; or (e) a condition of a veteran who either has a service-connected disability rated as total or is a former prisoner of war who was detained or interned for a period of not less than 90 days.

House bill: No provision.

Senate bill: Section 212 would authorize VA to provide medically necessary outpatient dental care in preparation for inpatient admission or to a veteran otherwise receiving VA medical care.

Compromise agreement: Section 301 follows the Senate bill.

Requirement for Second Opinion for Fee-Basis Outpatient Dental Care Reimbursement

Current law: Section 612(b)(3) of title 38 provides that the total amount which VA may expend during any twelve-month period for contract outpatient dental services for an individual veteran may not exceed $500, unless the Secretary determines prior to the furnishing of such services that, based on an examination of the veteran by a VA dentist (or, where a VA dentist is not available, a contract or fee-basis dentist), the furnishing of the services at a cost in excess of $500 is reasonably necessary.

House bill: No provision.

Senate bill: Section 228 would increase from $500 to $1,000 the amount that VA may expend during any twelve-month period for the furnishing of outpatient dental services to a veteran under a contract or fee-basis arrangement without requiring the determination of the necessity for the services at that cost based on a VA (or contract) examination.

Compromise agreement: Section 302 follows the Senate provision.

Extension of Contract Authority for Alcohol or Drug Abuse Treatment

Current law: Under section 620A of title 38, VA is authorized to contract for care and treatment and rehabilitative services at various community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or disabilities. This authority expires on September 30, 1991.

House bill: No provision.

Senate bill: Section 214 would have made permanent VA's contract authority for alcohol or drug abuse treatment.

Compromise agreement: Section 303 would extend this contract authority through December 31, 1994.

Extension of Authority to Make Contracts to the Veterans Memorial Medical Center, Republic of the Philippines

Current law: Section 632 of title 38(a) permitted the President, through September 30, 1990, to authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center (VMMC) in Manila under which (1) the United States was required to provide for payments for hospital care and medical services (including nursing home care) in the VMMC, as authorized by section 624 of title 38 and on the terms and conditions set forth in that section, to eligible United States veterans, and (2) the payments could consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the VMMC; and (b) authorized annual appropriations of $1 million; through FY 1990, to be used for making grants to the VMMC to assist in replacing and upgrading equipment and in rehabilitating the physical plant and facilities of the VMMC. In Public Law 101-507, Congress appropriated $484,000 for FY 1991 for such grants.

House bill: Section 104 of H.R. 5740 would have extended for one year, through September 30, 1991, VA's authority to contract with the VMMC to provide medical care to eligible United States veterans and the authorization of annual appropriations of $1 million for grants to the VMMC.

Senate bill: Section 215 would (a) have extended for five years, through September 30, 1995, VA's authority to contract with the VMMC and the authorization of appropriations of $1 million for grants to the VMMC, and (b) have earmarked $50,000 of the annual appropriation for education and training of VMMC personnel.

Compromise agreement: Section 304 would extend through September 30, 1992, VA's authority to contract with the VMMC for the care of United States veterans and ratify any VA actions that would have been authorized during the period of October 1, 1990, through the date of enactment if the extension had been acted on October 1, 1990.

Educational and Licensure Requirements for Social Workers

Current law: There are no provisions in current law imposing educational licensure requirements for VA social workers.

House bill: Section 201 of H.R. 5740 would have required that an individual to be appointed as a social worker in the Veterans Health Administration possess a Master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the state in which the individual is to be employed. These requirements would have applied only to newly hired social workers and would not affect individual social workers currently employed by VA.

Senate bill: Section 250 was substantively identical to the House bill.

Compromise agreement: Section 305 contains this provision.

TITLE IV—REAL PROPERTY AND FACILITIES

Enhanced-Use Leases and Special Disposition of Property

Lease Authority

Current law: Under section 8122 of title 38, VA may lease its property to a third party for no more than three years.

House bill: No provision.

Senate bill: Section 704 would have established a 4-year (FYs 1991-94) "enhanced-use lease" pilot program under which VA would have been able to enter into extended leases of VA-owned properties and accept in-kind consideration in lieu of or in combination with cash if (1) the Secretary determined that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and will be consistent with and not adversely affect that mission; (2) selection of the lessee was made pursuant to competitive procedures prescribed after consultation with the Administrator of General Services; (3) the term of the lease did not exceed (A) 35 years if construction of a new building or the substantial rehabilitation of an existing building was involved, or (B) 20 years otherwise; (4) a local public hearing was conducted regarding the proposed lease after prescribed notice was given; (5) the Secretary provided to the Congressional Committees on Veterans' Affair and published in the Federal Register advance notice of VA's intention to designate the property for an enhanced-use lease (with the deadline for the notice being not less than 90 days before entering into the lease if notice was given in the first three months of a calendar year or not less than 180 days before the lease was entered into if notice was given at any other time); (6) a second, updated notice containing a cost-benefit analysis was provided to the Committees not less than 30 days before the lease is entered into; and (7) copies of the proposed lease were provided to the Committees not less than 10 days before the lease was entered into.

The use of this extended lease authority with regard to certain VA properties in Southern California would have been prohibited unless (1) the lease was specifically authorized by law; or (2)(A) the property was used solely for child-care services that were provided exclusively for the benefit of VA employees, individuals employed on the premises of the land, and employees of schools affiliated with VA health-care facilities, and (B) the majority fo employees benefitted by the service were employed by the Department and the majority of children served were children of VA employees.

Funds received by VA under an enhanced-use lease would have been deposited in VA's Nursing Home Revolving Fund. Any authority for the Secretary to make cash payments to a lessee under an enhanced-use lease would have been required to be provided for in advance in an appropriation Act.

Construction standards for Federal buildings would have applied to construction under an enhanced-use lease. VA's interest in an enhanced-use lease would have been exempt from State and local taxes.

The number of enhanced-use leases would have been limited to not more than 30 under the pilot program and not more than 10 in any fiscal year, not counting any lease the primary purpose of which is the provision of child-care services for VA employees.

Compromise agreement: Section 401 follows the Senate bill, except that (1) the authority to enter into an enhanced-use lease would take effect on the date of enactment and expire December 31, 1994; (2) the Secretary would not be required to consult with the Administrator of General Services before establishing procedures for the competitive selection of lessees; (3) the local public hearing would consider the proposed designation and the uses to be made of the property under a lease of the general character then contemplated, rather than the proposed lease; (4) the deadline for the first notice to the Committees, and the Federal Register notice, of intention to designate the property for an enhanced-use lease would be not less than 60 days of continuous session of Congress before the lease is entered into; (5) the second notice to the Committees would be due not less than 30 calendar days before the lease is entered into; (6) the requirement for submission of a copy of a proposed lease to the Committees 10 days before the lease is entered into is deleted; (7) VA payments to the lessee for the use of space or services could be made without being expressly provided for in an appropriations Act as long as they are made out of funds appropriated for the activities using the space or services; and (8) the number of enhanced-use leases would be limited to 20.

Special Disposition of Property

Current law: Under section 8122 of title 38, the Secretary may not during any fiscal year transfer to another federal agency or to a State an interest in real property that has an estimated value in excess of $50,000 unless (1) the transfer (as proposed) was described in the budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, and (2) VA receives compensation equal to the fair market value of the property.

The Secretary may, without regard to the above restrictions, transfer property to a State for use as the site of a State home nursing-home or domiciliary facility if (1) the Secretary has determined that the State has provided sufficient assurance that it has the resources necessary to construct and operate the facility, and (2) the transfer is made subject to the condition that, if the property is used at any time for any other purpose, all right, title, and interest in and to the property will revert to the United States.

House bill: No provision.

Senate bill: Section 704 would have authorized the special disposition of a leased property (for cash or other such consideration as the Secretary and the Administrator of General Services jointly determined was in the best interest of the United States) if (1) during the term of the lease or within 30 days after its expiration, the Secretary determined that the leased property was not needed by VA and initiated action for the disposal to the lessee, (2) the Administrator of General Services was requested to carry out a special disposition, and (3) 90 days advance notice was provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register. Funds from a special disposition, minus expenses incurred by the General Services Administration in disposing of the property, would have been deposited in VA's Nursing Home Revolving Fund.

Compromise agreement: Section 401 follows the Senate provision, with the additional requirement that the Secretary determine that disposition of leased properties under this new authority, rather than under section 8122, is in the best interest of the Department.

Acquisition of Real Property

Current law: Under sections 230 and 1006 and subchapter I of chapter 81 of title 38, the Secretary may establish regional offices and other field offices and acquire lands or interests in land needed for national cemeteries or medical facilities.

Under section 255 of title 40, United States Code, public money may not be expended for the purchase of land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired. The Attorney General may delegate approval responsibility under this section to other departments and agencies, subject to the general supervision by and in accordance with regulations promulgated by the Attorney General.

House bill: Section 305 of H.R. 2280 as passed by the House on June 25, 1991, would authorize the Secretary to acquire and use real property for the purposes of sections 230 and 1006 and subchapter I of chapter 81 of title 38 (1) before the title to the property is approved by the Attorney General, and (2) even though the property would be held in other than fee simple interest if the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

Senate bill: No provision.

Compromise agreement: Section 402 follows the House provision.

Pershing Hall, Paris, France

Current law: No provision.

House bill: H.R. 154 as passed by the House on February 5, 1991, which was derived from H.R. 5506 as passed by the House on October 18, 1990, would place under VA jurisdiction, custody, and control an existing United States memorial, known as Pershing Hall, that was erected in Paris, France, for the use and benefit of American officers and enlisted personnel who served in World War I. The Secretary would be required to administer, operate, develop, and improve Pershing Hall in such manner as the Secretary determines appropriate to meet the needs of veterans (including maintaining an office to disseminate information), respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits. Also, the Secretary would be required, after consultation with the American Battle Monuments Commission, to provide for a portion of Pershing Hall to be dedicated as a memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I. That memorial would be established and supervised by the Commission.

The Secretary would be authorized to enter into agreements for the operation, development, and improvement of Pershing Hall, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated, or 20 years in other areas of the Hall. Consideration for the leases would be in the form of cash or in-kind, or a combination, and would include the value of space leased back to VA, not of rent paid by VA. The Secretary would not be authorized to enter into a lease until the expiration of 60-day period of continuous session of Congress following the date of submission of the proposed lease to the Senate and House Committees on Veterans' Affairs.

This section would establish the Pershing Hall Revolving Fund (PHRF) to be administered by the Secretary, into which would be transferred (1) at such times and in such amounts as determined by the Secretary, up to $1,000,000 in total from funds appropriated to the Department for the construction of major projects, (2) the present balance of the Pershing Hall Memorial Fund, which would be abolished, and (3) proceeds from the operation of Pershing Hall or from any lease or agreement involving Pershing Hall. The Secretary would be required to reimburse funds transferred from the major construction account promptly from other funds as they become part of the PHRF. The Secretary of the Treasury would be required to invest any portion of the PHRF that, as determined by the Secretary of Veterans Affairs, were not required to meet current expenses in interest bearing obligations of the United States or guaranteed by the United States. The interest on, and proceeds from any sale of, these obligations would be credited to the PHRF. Additionally, the Secretary would be authorized to expend not more than $100,000 in any fiscal year from the amount in the PHRF—after payment of expenses related to Pershing Hall and reimbursement of any funds transferred from the major construction account—on projects, activities, and facilities determined by the Secretary to be in keeping with VA's mission. Such expenditures made during a fiscal year would be required to be reported to the Congress by November 1 following the end of that fiscal year.

The Secretary would be authorized to carry out the provisions of this section without regard to provisions of law prescribing procedures and standards for the Secretary in leasing and transferring VA property and declaring such property as excess to VA's needs (section 5022 of title 38), requiring leases of Federal properties to be for cash only and for rental payments to be deposited in the Treasury as miscellaneous receipts (section 393b of title 40, United States Code), and providing for the transfer of excess properties among Federal agencies and for the disposal of surplus properties (sections 483 and 484 of the title 40).

Senate bill: No provision.

Compromise agreement: Section 403 follows the House bill but would expressly authorize the Secretary to (1) establish and operate a regional office to assist veterans and their families in obtaining veterans' benefits, and (2) provide allowances and benefits described in section 235 of title 38 to VA employees who are United States citizens and assigned to Pershing Hall.

TITLE V—MISCELLANEOUS

Duration of Compensated Work Therapy Program

Background: Public Law 102-54 authorizes the Secretary of Veterans Affairs in fiscal years 1992-95 to carry out a demonstration program linking compensated work therapy programs with therapeutic transitional housing.

House bill: No provision.

Senate bill: No provison.

Compromise bill: Section 501 would authorize the Secretary to begin to carry out this demonstration program in fiscal year 1991.

Savings provision for Elimination of Benefits for Certain Remarried Spouses

Current Law: Section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which repealed sections 103 (d)(2), (d)(3), and (e)(2) of title 38, thereby eliminating reinstatement of VA benefits eligibility for certain remarried surviving spouses or married children whose disqualifying marriages (including apparent marriages, for surviving spouses) end by death or divorce. This provision became effective for claims for benefits filed on or after November 1, 1990.

Because the effective date is based on when a claim is filed, rather than on when the disqualifying marriage ends, some spouses and children who qualified for reinstatement on October 31, 1990, lost eligibility for reinstatement for any benefits if they failed to apply before November 1, 1990. In some cases, the spouse or child was reinstated to entitlement for one VA benefit, for which they filed a claim prior to November 1, 1990—for example, dependency and indemnity compensation—but not for other VA benefits or services, such as home-loan guaranty, educational assistance, and CHAMPVA benefits.

House bill: No provision, but on April 11, 1991, the House passed in section 12 of H.R. 1047 legislation to provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry or enter into an apparent marriage on or after that date.

Senate bill: No provision, but on June 26, 1991, the Senate Committee ordered reported in section 8 of S. 775 a provision substantively identical to the House provision.

Compromise agreement: Section 502 follows the provisions in section 12 of H.R. 1047 as passed by the House and in section 8 of S. 775 as ordered reported by the Senate Committee.

Agent Orange Review

Current law: Section 3 of the Agent Orange Act of 1991, Public Law 102-4, enacted February 6, 1991, requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences (NAS), within two months after enactment, pursuant to which NAS would review scientific information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. The law provides that, if unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS (or the alternative organization) would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) whether there is an increased risk of the disease among those exposed to herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS (or the alternative organization) also would recommend further studies necessary to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents and would provide follow-up reports at least once every two years for the next ten years. Current law contains no provision directly addressing the issue of the contractor's potential liability in connection with the Agent Orange study.

House bill: No provision.

Senate bill: No provision.

Compromise agreement: Section 503 would authorize the Secretary to provide liability insurance for the NAS (or the alternative contract organization) to cover any claim for money damages awarded in a legal challenge of the study. Claims for money damages would be required to be based on the negligence of an employee or representative of NAS (or the alternative organization) in connection with carrying out its responsibilities under the contract. The Secretary would also be authorized to provide reimbursement for reasonable attorney's fees, incidental expenses, and any judgment not covered by insurance. Such reimbursement would be paid from funds appropriated to carry out the study. In no event would such reimbursement come from the judgement fund authorized by section 1304 of title 31, United States Code.

Section 503 would also change from two months after enactment of the Agent Orange Act to two months after the enactment of this measure the time period after which the Secretary must seek to enter into ta contract with an alternative scientific organization.

The Committees expect that the enactment of this provision will enable VA and NAS to conclude quickly the contract contemplated by the Agent Orange Act.

Expansion of Authority To Accept Gifts, Bequests, and Devises

Current law: Under sections 1006, 1007, and 8301–05 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and for veterans' hospitals and homes.

House bill: Section 202 of H.R. 5326 would have allowed the Secretary to accept for use in carrying out all laws administered by the Secretary, gifts, devices, and bequests which would enhance the Secretary's ability to provide services or benefits.

Senate bill: No provision.

Compromise agreement: Section 504 follows the House provision.

Technical Amendment Relating to Collection of Certain Indebtedness to the United States

Current law: Section 5301(c) of title 38 requires that all sums collected in connection with a debt associated with a veteran's participation in the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan under chapter 73 of title 10, United States Code, through offsets of veterans compensation or pension be deposited into the Department of Defense Military Retirement Fund under chapter 74 of title 10.

House bill: Section 204 of H.R. 5326 would have required that such collections from the Coast Guard members be deposited into the Retired Pay Account of the Coast Guard.

Senate bill: No provision.

Compromise agreement: Section 505 follows the House provision.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: An act to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes.

DRUNK DRIVING CHILD PROTECTION ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 94, S. 113, the Drunk Driving Child Protection Act of 1991.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 113) to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 2. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to paragraph (2) an for purposes"; and

(2) adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additonal term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additonal fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 3. COMMON CARRIERS.

Section 342 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 4. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

Mr. THURMOND. Mr. President, I rise in strong support of this bill. On the first day of this Congress I joined with Senator BIDEN in introducing this measure, the Drunk Driving Child Protection Act of 1991. This important legislation amends Federal law to increase the penalties for those who drive under the influence of drugs or alcohol when a minor is present in the vehicle.

Under current law, drunk driving is punishable under two provisions in the Federal Criminal Code. First, under the Assimilative Crimes Act, crimes that are committed on Federal lands that are not specifically punishable under the Federal Criminal Code, as in the case with drunk driving, are punishable under the State law in which the Federal land is located. In other words, when a Federal judge sentences a person for drunk driving on Federal land, he or she applies the State penalties. The second provision, which was enacted in 1986 and which I introduced, makes it a Federal offense to operate a common carrier, such as a bus or train, while under the influence of alcohol or drugs. Violators may be punished by up to 15 years imprisonment. This bill amends both of these provisions by increasing the terms of imprisonment by 1 additional year, as well as increasing the fines, when a minor is a passenger. If serious bodily injury is caused to a minor, the penalty is increased by 5 years and if death to a minor is caused, the penalty is increased by as much as 10 years.

Mr. President, it is clear that no individual should get into a vehicle with an intoxicated person behind the wheel. Fortunately, as adults, we can refuse a ride with a friend or relative who has been drinking. Instead, we can offer to drive the person ourselves or offer that individual a place to stay for the night. Yet, our Nation's children are not always in a position to choose for themselves. They are truly the innocent victims of drunk drivers. Any person who would risk the life of a child passenger should face tough penalties.

In closing, this legislation is strongly supported by Mothers Against Drunk Driving. It will send a signal to those who would drink and drive with children in their vehicle that such conduct will not be tolerated. These enhanced penalties will deter individuals from recklessly putting the lives of their innocent passengers at risk. This legislation is needed to further limit the risk of harm to our Nation's children.

For these reasons, I urge my colleagues to support this important measure.

Mr. BIDEN. Mr. President, I am pleased that the Senate will pass the Biden-Thurmond Drunk Driving Child Protection Act of 1991. The purpose of the bill is simple and straightforward: to stiffen penalties for drunk and drugged driving when a child is in the car.

Drunk driving is one of the most serious public health problems in the country.

Each year, more the 24,000 people are killed in alcohol-related crashes—in other words, one person is killed every 20 minutes by a drunk or drugged driver.

Two of every five Americans will be involved in an alcohol-related traffic accident in their lifetime.

More than a million alcohol-and drug-related accidents occur on our highways every year, causing one-half million injuries.

And more than 40 percent of all teenage deaths result from car accidents—half of these involve drinking.

Children are among the most vulnerable victims of this violent crime: 56 percent—more than half—of the children killed by drunk driving were passengers in the drunk driver's vehicle. Unlike adults, children can't "just say no" when a parent or other adult who is drunk tells them to get into the car.

All drunk drivers should face stiff and certain punishment. But when a drunk driver puts a helpless child at risk, such reckless acts should be punished even more severely.

This bill will attack the problem of drunk driving with children in the car on two fronts. First, the bill will boost the penalty for drunk driving on Federal lands. Second, the bill increases the penalty for drunk drivers who are behind the wheels of buses, trains, and other "common carriers" that operate on our highways. Even greater penalties are imposed if death or serious bodily injury results.

A virtually identical version of the bill passed the full Senate in September of last year. I am confident that with swift Senate action this year, the bill can be enacted into law by the end of this session.

Mr. President, I ask unanimous consent that an explanatory fact sheet be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: DRUNK DRIVING CHILD PROTECTION ACT OF 1991 (S. 113)

CURRENT FEDERAL LAW

Drunk driving is punishable under two provisions of the federal criminal code. Under the Assimilative Crimes Act, crimes committed on federal lands that are not punishable under federal law are punishable under the state law in which the federal land is located. Thus, when a federal judge sentences a person for drunk driving on federal land, the judge applies state penalties.

In addition, the 1986 Anti-Drug Abuse Act created a federal crime to operate a common carrier (e.g., bus, rail train, airplane) under the influence of alcohol or drugs, punishable by up to 15 years in prison and a fine of $10,000.

THE BIDEN-THURMOND "DRUNK DRIVING CHILD PROTECTION ACT OF 1991"

S. 113 amends both provisions of federal law to increase the penalty when a minor is in the vehicle. First, under the Assimilative Crimes Act, the Biden-Thurmond bill would allow federal judges to impose an additional penalty, beyond the state law, of up to one year imprisonment and an additional fine of not more than $1,000, where a minor if present when the drunk driving offense occurs. If serious bodily injury or death results, the penalties increase to five and ten years, respectively. These provisions extend to the more than 200,000 miles of roads on federal lands—more than in any single state.

Second, the bill amends the common carrier provisions to provide similar penalty increases for operating a common carrier under the influence of drugs or alcohol when a child is riding in the vehicle.

Finally, the bill expresses the sense of Congress that state judges should consider the drunk driving record of persons involved in child custody and visitation determinations. This provision encourages—but does not mandate—that state and family court judges consider the threat to a child's safety of a parent, spouse or others who have a history of drunk driving.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 113) as amended, as passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCATHRAN, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 140) to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week"; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, each without amendment:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; and

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day";

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week"; and

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day."

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

At 5:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mr. FAZIO, Mr. THOMAS of Georgia, Mr. CHAPMAN, Mr. SKAGGS, Mr. DWYER of New Jersey, Mr. WHITTEN, Mr. MYERS of Indiana, Mr. PURSELL, Mr. GALLO, and Mr. McDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes;

it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FAZIO, Mr. MRAZEK, Mr. SMITH of Florida, Mr. ALEXANDER, Mr. MURTHA, Mr. TRAXLER, Mr. WHITTEN, Mr. LEWIS of California, Mr. PORTER, Mrs. VUCANOVICH, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. SABO, Mr. AUCOIN, Mr. HOYER, Mr. WHITTEN, Mr. GALLO, Mr. REGULA, Mr. DELAY, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL SIGNED

The President pro tempore [Mr. BYRD] announced that he had signed the following enrolled bill previously signed by the Speaker of the House:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 25, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; and

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1659. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1660. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated July 1, 1991; pursuant to the order of January 30, 1975, as modified on April 11, 1986; referred jointly to the Committee on Appropriations and the Committee on Budget.

EC-1661. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Government Losses in Shipment Act to provide a permanent indefinite appropriation for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment; to the Committee on Appropriations.

EC-1662. A communication from the Secretary of Energy, transmitting, pursuant to a law, a report on plans for a program to relocate the operations of the Rocky Flats Plant at Golden, CO; to the Committee on Armed Services.

EC-1663. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the determination that the current procurement cost of a major defense acquisition program has increased by more than 15 percent; to the Committee on Armed Services.

EC-1664. A communication from the President of the United States, transmitting, pursuant to law, a report on the redeployment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm; to the Committee on Armed Services.

EC-1665. A communication from the Secretary of the Army, transmitting, pursuant to law, the annual report of the U.S. Soldiers' and Airmen's Home for fiscal year 1990; to the Committee on Armed Services.

EC-1666. A communication from the President of the Resolution Trust Corporation, transmitting, pursuant to law, salary plans developed by the Oversight Board of the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1667. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Credit Unions: Reforms for Ensuring Future Soundness"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1668. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law an implementation plan on the establishment and stationing requirements for the Federal Security Managers and the Civil Aviation Security Liaison Officers; to the Committee on Commerce, Science, and Transportation.

EC-1669. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on energy targets; to the Committee on Energy and Natural Resources.

EC-1670. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on mobilization of local equipment and presuppression needs; to the Committee on Energy and Natural Resources.

EC-1671. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1672. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1673. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1674. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a prospectus for the lease of space for the Department of Justice; to the Committee on Environment and Public Works.

EC-1675. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Year 1989 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Bureau of Reclamation"; to the Committee on Environment and Public Works.

EC-1676. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the methodology and rationale used to establish a payment rate for the drug erythropietin; to the Committee on Finance.

EC-1677. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report on the operation of the U.S. trade agreements program for calendar year 1990; to the Committee on Finance.

EC-1678. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the annual report on the Fulbright Program for calendar year 1990; to the Committee on Foreign Relations.

EC-1679. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to July 18, 1991; to the Committee on Foreign Relations.

EC-1680. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a copy of the Civil Service Retirement and Disability Fund Annual Report for fiscal years 1989 and 1990; to the Committee on Governmental Affairs.

EC-1681. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 5, United States Code, to include certain service as qualifying for certain moving expenses; to the Committee on Veterans Affairs.

EC-1682. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, notification of the action taken on July 10, 1991 by the Executive Committee of the Judicial Conference to support legislation to provide for an additional 18 bankruptcy judges; to the Committee on the Judiciary.

EC–1683. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a Federal Register notice and a supporting narrative which describe a new Privacy Act system of records, entitled "Western Regional Center Outreach Tracking System—.CPSC–21" which the Consumer Product Safety Commission proposes to establish; to the Committee on the Judiciary.

EC–1684. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on the Judiciary.

EC–1685. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the State Vocational Rehabilitation Services Program; to the Committee on Labor and Human Resources.

EC–1686. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for fiscal year 1991—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps; to the Committee on Labor and Human Resources.

EC–1687. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Student Assistance General Provisions and Guaranteed Student Loan Programs; to the Committee on Labor and Human Resources.

EC–1688. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing disposition of excess campaign or donated funds by Members of Congress; to the Committee on Rules and Administration.

EC–1689. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing the public financing of Presidential primary and general election candidates; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–192. A concurrent resolution adopted by the Legislature of the State of Louisiana favoring the appropriation of funds for the aerial application of andro to eradicate and control fire ants in the State of Louisiana; to the Committee on Appropriations.

"HOUSE CONCURRENT RESOLUTION NO. 234

"Whereas imported fire ants (Solenposis saevissima richteri Forel) have increasingly become a problem throughout the state of Louisiana and especially in the named parishes; and

"Whereas fire ants have become a danger and nuisance to many farmers in these areas by damaging crops and harming small animals; and

"Whereas in 1960, the state entomologist was authorized to establish and carry out a program for the eradication and control of the imported fire ant, and to cooperate with and to receive cooperation from the United States Department of Agriculture, including the expenditure of federal funds, for that purpose; and

"Whereas to date, no funds, either state or federal, have been appropriated for the development and continuation of a fire ant eradication program; and

"Whereas eradication and control of fire ants on a large scale basis can only be done through the aerial application of pesticides. Therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to appropriate funds for the aerial application of andro to eradicate and control fire ants on croplands in the state of Louisiana, and to establish a pilot program in five parishes in northeastern Louisiana, namely East Carroll, West Carroll, Madison, Richland, and Morehouse Parishes; Be it further

"*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana congressional delegation."

POM–193. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Appropriations:

"HOUSE CONCURRENT RESOLUTION NO. 291

"Whereas nearly all other states continue to oppose outer continental shelf (OCS) oil and gas activities and to push for total OCS drilling moratoria off their coasts and in their 'sensitive' areas; and

"Whereas Louisiana continues to be a safe haven for the oil and gas industry and continues to foster OCS oil and gas development off its coast; and

"Whereas to date, approximately ninety-three percent of all oil and approximately eighty-seven percent of all gas ever produced from all federal OCS areas have been produced off Louisiana's coast; and

"Whereas as a result of OCS activities off Louisiana's coast, the state has suffered damage to its sensitive wetlands and must provide an enormous infrastructure of public facilities, structures, and services to make federal OCS development possible; and

"Whereas from 1986 to 1990, receipts (rentals, bonuses, royalties, and production payments) from OCS oil and gas production off Louisiana's coast totaled approximately ten and one-half billion dollars; and

"Whereas the state receives no oil and gas revenues per se from OCS and gas development six miles or more off Louisiana's coast; and

"Whereas as of 1985, sixty-three percent of Louisiana OCS estimated oil reserves and sixty-four percent of Louisiana OCS estimated gas reserves have been depleted; and

"Whereas after many years of negotiations and legal maneuvering concerning drainage of state reservoirs from the federal side of the OCS, the state obtained the '8(g)' settlement which allowed the state to receive twenty-seven and one-half percent of the royalties, bonuses, rentals, and production payments from the '8(g)' zone of three miles to six miles from Louisiana's coast; and

"Whereas from 1986 through 1990, Louisiana's share of receipts derived from the '8(g)' area totaled approximately fifty-four million dollars, in comparison to the ten and one-half billion dollars in receipts received by the federal government for Louisiana oil and gas production during that same period; and

"Whereas the construction and maintenance of the extensive infrastructure necessary to support Gulf of Mexico outer continental shelf oil and gas production off the coast of Louisiana has resulted in cumulative adverse environmental costs to coastal Louisiana; and

"Whereas recent wide fluctuations in Gulf of Mexico outer continental shelf oil and gas activities, as a result of area wide lease sales and leasing, coupled with the rapid development of the Gulf of Mexico outer continental shelf area as well as that of onshore facilities in coastal Louisiana have fostered severe economic and social instabilities throughout Louisiana, particularly in coastal communities; and

"Whereas President Bush, in June of 1990, directed the Secretary of the Interior to initiate legislation to provide federal impact assistance funds to coastal communities affected by new outer continental shelf activities; and

"Whereas the state of Louisiana should receive substantial federal impact assistance funds because of the extensive OCS oil and gas production off the Louisiana coast. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take appropriate action to appropriate to Louisiana federal impact assistance funds from outer continental shelf (OCS) oil and gas activities. Be it further

Resolved, That copies of this Resolution shall be transmitted to the president of the Senate and the speaker of the House of Representatives of the Congress and to each member of the Louisiana congressional delegation."

POM–194. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION 12

"Whereas telemarketing is one of the most widely used and growing methods of communicating with existing and potential customers; and

"Whereas the growth of telemarketing, combined with new technology such as automatic dialing devices, has raised some concerns regarding consumer privacy; and

"Whereas the majority of these telemarketing calls which utilize this new technology are interstate in nature and, therefore, beyond the jurisdictional reach of existing state laws designed to address these consumer concerns: Now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring:* That the general court propose to the Congress either to develop unified standards governing the interstate use of automatic dialing devices which deliver a pre-recorded telephone message for solicitation purposes, or to prohibit the interstate use of such automatic dialing devices; and

"That copies of this resolution be sent by the secretary of state to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate and to the New Hampshire members of both Houses of Congress."

POM–195. A petition from the District Attorney of Richmond County, New York recommending various legislative, executive and administrative actions; to the Committee on Commerce, Science, and Transportation.

POM–196. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 23

"Whereas the Lahontan cutthroat trout (salmo clarki henshawi) has been classified as a threatened species by the Secretary of the Interior since 1975, mostly because of the gradual deterioration of the riparian habitat necessary for its survival; and

"Whereas the agencies of the Federal Government responsible for the management of the affected land have only recently given this deterioration any official recognition, after having allowed the deterioration to occur for many years; and

"Whereas despite this deterioration, geographically fragmented populations of Lahontan cutthroat trout can be found in various portions of the Carson, Humboldt, Owyhee, Quinn, Truckee and Walker River basins; and

"Whereas in recognition of the threatened population of Lahontan cutthroat trout in Pyramid Lake and the lower Truckee River, the United States Congress, pursuant to Public Law 101-618, directed the Secretary of the Interior expeditiously to revise, update and implement plans for the conservation and recovery of those trout; and

"Whereas it would be beneficial to prepare similar plans for the other threatened populations of Lahontan cutthroat trout in Nevada; and

"Whereas because of the wide geographical distribution of the populations of Lahontan cutthroat trout in this state and the disparity in federal agencies having jurisdiction over the affected land, coordinated interagency cooperation is required to ensure the recovery of these populations of trout: Now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of Nevada, Jointly,* That the Nevada Legislature hereby urges the Secretary of the Interior and Secretary of Agriculture of the United States to organize an interagency task force, consisting of representatives of the United States Fish and Wildlife Service, Bureau of Land Management and Forest Service, and appropriate agencies of the State of Nevada, to develop, with the assistance of representatives of interested organizations, a plan for the recovery of the various populations of Lahontan cutthroat trout in this state; and be it further

"*Resolved,* That the interagency task force be instructed to prepare the plan in an expeditious manner to prevent the further endangerment of the species; and be it further

"*Resolved,* That the interagency task force be instructed to include in the plan its recommendations for methods to provide for the removal of the Lahontan cutthroat trout from its classification as a threatened species in the various river basins of this state, giving due consideration to the relative size of those populations and conditions of the habitat in those basins; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-197. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

"Whereas the provisions set forth in 42 United States Code, Section 415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95-216; and

"Whereas that amendment resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

"Whereas the persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

"Whereas the payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and that person's employer; and

"Whereas the discrimination between persons receiving benefits is totally inequitable and contrary to the principles of justice and fairness; and

"Whereas the Social Security Trust Fund has adequate reserves to eliminate this inequity; Now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation to eliminate inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits; and be it further

"*Resolved,* That Congress eliminate these inequities without reducing the benefits of persons who were born before 1917; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-198. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Governmental Affairs:

"HOUSE CONCURRENT RESOLUTION 314

"Whereas the House of Representatives and the Senate of the United States Congress have consistently and carefully exempted themselves from the provisions of innumerable laws and regulations restricting and restraining the business and working men and women of our free enterprise system; and

"Whereas in their laudable quest to protect and provide for the general welfare of all of the citizens of the United States it too often escapes the attention of the public that the legislation deemed to be so necessary for their protection does not also apply with equal force within the confines and establishments of those same legislative bodies imposing the restrictions and regulations; and

"Whereas this practice has become especially prolific within recent years in the enactment of labor legislation and it is the desire of the people of the state of Louisiana and of this nation that the United States Congress refrain from the hypocrisy of almost routinely exempting itself from the provisions of its own legislation enacted ostensibly to protect all of the citizens of the nation. Therefore, be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to provide in all legislation imposing restrictions on business and government that those same restrictions will apply in like manner to said legislative body. Be it further

"*Resolved,* That copies of this Resolution be transmitted by the clerk of the Louisiana House of Representatives to the president and the secretary of the United States Senate, to the speaker and the clerk of the United States House of Representatives, and to the Louisiana congressional delegation."

POM-199. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Governmental Affairs:

"SENATE JOINT MEMORIAL 91-2.

"Whereas, in his State of the Union address before the United States Congress on January 29, 1991, President Bush proposed selecting at least fifteen billion dollars in federal programs and turning them over to the states in a consolidated grant, fully funded, for flexible management by the states; and

"Whereas, as noted by the President in his address, the President's proposal offers many advantages, including reducing the federal government's overhead expenses, allowing the states to manage more flexibly and efficiently, moving power and decision-making closer to the people, and supporting the traditional federal concept of the states as innovative laboratories of democracy; and

"Whereas, although the President's proposal is worthy of support, and the necessary implementing legislation should be pursued by Congress, the General Assembly has concerns about the specific elements that might be included in structuring and implementing the proposed consolidated grant program; and

"Whereas, any legislation implementing the President's proposal should ensure that the states will be given adequate funding and flexibility to carry out the programs turned over to them; and

"Whereas, such legislation should also recognize and respect the policy-making and budgeting responsibilities of state legislatures under each state's constitutional system allocating governmental powers among coordinate branches of government, and should ensure that each state legislature is a participant in the exercise of discretion allowed each state to make policy and funding choices; now, therefore, be it

"*Resolved,* by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States is hereby memorialized to adopt legislation in support of the President's proposal to turn over to the states additional federal programs in the form of one or more consolidated grants, but to include in such legislation the following elements:

"(1) Stable and determinate funding that is adequate to enable the states to carry out the programs at least at their current levels;

"(2) Maximum flexibility for the states to manage such programs to meet their individual needs; and

"(3) Preservation of the role of the state legislature under each state's constitutional framework, including, where state government is allowed discretion to decide the amounts and purposes of expenditures of federal funds turned over to the state, participation in such decision-making through the legislative appropriation process."

POM-200. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 4023

"Whereas the First Congress of the United States of America, at its first session begun on March 4, 1789, and held in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"'The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution;

"'*Resolved*, by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring that the following [Article] be proposed to the Legislatures of the several States, as [an amendment] to the Constitution of the United States . . . which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"'[An Article] in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"'Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'; and

"Whereas Article V of the Constitution of the United States allows the Legislative Assembly of the State of North Dakota to ratify the aforementioned original second amendment to the Constitution of the United States; and

"Whereas the Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that if Congress does not specify a deadline on a particular proposed amendment's consideration by the state legislatures, then Congress itself is the final arbiter of whether too great a time has elapsed between Congress' original submission of the particular amendment and the most recent state legislature's ratification of it, assuming that, as a consequence of that most recent ratification, the legislatures of three-fourths of the several states have, at one time or another, ratified it; and

"Whereas the Legislative Assembly of the State of North Dakota finds that the proposed original second amendment, quoted above, is still meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposal was first offered by Congress; and

"Whereas the proposed original second amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit; and

"Alaska on May 5, 1989 [135 Cong. Rec. H5485, S8054];

"Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750];

"Arkansas on March 5, 1987 [134 Cong. Rec. H3721, S7518];

"Colorado on April 18, 1984 [131 Cong. Rec. S17687; 132 Cong. Rec. H6446];

"Connecticut on May 13, 1987 [133 Cong. Rec. H7406, S11891];

"Delaware on January 28, 1790;

"Florida on May 31, 1990 [136 Cong. Rec. H5198, S10091];

"Georgia on February 2, 1988 [134 Cong. Rec. H2638, S5239];

"Idaho on March 23, 1989 [135 Cong. Rec. H1893, S7911];

"Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663];

"Iowa on February 7, 1989 [135 Cong. Rec. H836, S3509–10];

"Kansas on April 5, 1990 [136 Cong. Rec. H1689, S9170, E1740–41];

"Louisiana on July 6, 1988 [134 Cong. Rec. H5783, S9939];

"Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017];

"Maryland on December 19, 1789;

"Minnesota on May 22, 1989 [135 Cong. Rec. H3258, H3678, S7655–56, S7912];

"Montana on March 11, 1987 [133 Cong. Rec. H1715, S6155];

"Nevada on April 26, 1989 [135 Cong. Rec. H2054, S10826];

"New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597];

"New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207–08, S2300];

"North Carolina on December 22, 1789;

"Ohio on May 6, 1873 [70 Ohio Laws 409–10];

"Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504];

"Oregon on May 19, 1989 [135 Cong. Rec. H5692, H5972, S11123–24, S12150];

"South Carolina on January 19, 1790;

"South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306];

"Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504];

"Texas on May 15, 1989 [135 Cong. Rec. H2594, S6726–27];

"Utah on February 25, 1986 [132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866];

"Vermont on November 3, 1791;

"Virginia on December 15, 1791;

"West Virginia on March 10, 1988 [134 Cong. Rec. H2492, S4784–85];

"Wisconsin on June 30, 1987 [133 Cong. Rec. H7406, S12948, S13359]; and

"Wyoming on March 3, 1978 [124 Cong. Rec. 7910, 8265–66; 133 Cong. Rec. S12949]; Now, therefore, be it

"*Resolved, by the Senate of North Carolina, the House of Representatives concurring therein:*

"That the proposed original second amendment to the Constitution of the United States of America, as quoted above, is hereby ratified by the Fifty-second Legislative Assembly of the State of North Dakota."

POM-201. A resolution adopted by the City Council of Lakewood, Ohio urging the adoption of the Violence Against Women Act of 1991; to the Committee on the Judiciary.

POM-202. A concurrent resolution adopted by the Legislature of the State of Louisiana to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION NO. 102

"Whereas the Job Training Partnership Act provides for wage subsidies for a period not to exceed six months to employers that hire economically disadvantaged persons; and

"Whereas the intent of this program is to reduce costs associated with training employees with the expectation that employers would retain these trained employees after the subsidized period expires; and

"Whereas many employers are not retaining employees beyond the period that wage subsidies are offered, but simply replacing these persons with others eligible for wage subsidies; and

"Whereas firing trainees in this program when the funded period expires and then rehiring other eligible participants flies in the face of Congress' intent to train citizens so that they may be gainfully employed, therefore, be it

"*Resolved* that the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to enact legislation to require employers that receive on-the-job training (OJT) wage subsidies under Titles II and III of the Job Training Partnership Act to retain trainees beyond the expiration of a subsidized period by prohibiting the award of on-the-job training (OJT) contracts to employers who, without just cause, replace trainees with other persons eligible for wage subsidies at the conclusion of the subsidized period."

POM-203. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 29

"Whereas acquired immune deficiency syndrome is a transmittable disease rivaling the most serious diseases recorded in human history; and

"Whereas the National Centers for Disease Control estimates that as of August 1990, over 143,286 persons in the United States and 577 persons in the State of Nevada have been afflicted with acquired immune deficiency syndrome; and

"Whereas the pain and suffering is enormous for anyone who is afflicted with this disease and for anyone who knows or loves a child or an adult who is afflicted with acquired immune deficiency syndrome; and

"Whereas the care and treatment of a person with acquired immune deficiency syndrome is very costly; and

"Whereas a prudent public health policy requires an efficient and cost-sensitive health care delivery system that can assist in reducing both the prevalence and the incidence of the transmission of acquired immune deficiency syndrome; and

"Whereas the costs incurred by a patient in purchasing medicine to combat acquired immune deficiency syndrome may be thousands of dollars per year; and

"Whereas medications have been researched and developed with government funds which provide effective treatments and have been shown to delay the onset of the more serious stages of acquired immune deficiency syndrome, and these medications are being marketed by private companies; now, therefore, be it

"*Resolved*, by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to encourage the speedy manufacture, distribution and marketing of drugs which provide an effective treatment of acquired immune deficiency syndrome at the lowest possible cost to ease the financial burden of persons afflicted with acquired immune deficiency syndrome and of governments procuring such drugs; and be it further.

"*Resolved*, That the Nevada Legislature urges the Congress of the United States to encourage state governments to promote the development, manufacture and distribution of less costly, effective medication to combat acquired immune deficiency syndrome; and be it further

"*Resolved*, That the Nevada Legislature urges the Congress of the United States to encourage the National Centers for Disease Control to promote the availability of less costly, effective drugs to combat acquired immune deficiency syndrome."

POM-204. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Rules and Administration:

"HOUSE CONCURRENT RESOLUTION

"Whereas the status of American service personnel in Southeast Asia is an important national policy issue as more than 88,000 members of our country's armed forces who served during World War II, the Korean War, and the Vietnam conflict are officially listed as missing in action (MIA); and

"Whereas on April 12, 1973, the United States Department of Defense publicly stated that there was "no evidence" that live American prisoners of war (POWs) were being held in Southeast Asia, yet that statement was made nine days after Pathet Lao leaders declared that Laotian communist forces were, in fact, holding American POWs; and

"Whereas records show that none of the American POWs held by the Laotian government and military forces have ever been released; and

"Whereas, since 1973, the department has received more than 11,700 reports of sightings of live American POWs and, after detailed analysis, admits that there are a number of "unresolved" cases regarding the POW/MIA issue; and

"Whereas the United States Senate Foreign Relations Committee released its "Interim Report on the Southeast Asia POW/MIA Issue" in October 1990, which concludes that United States military and civilian personnel were held against their will in Southeast Asia after the Vietnam conflict, despite earlier public statements by the department to the contrary, and that information available to the federal government does not rule out the possibility that United States citizens are still being held in Southeast Asia; and

"Whereas the report also states that congressional inquiries into the POW/MIA issue have been hampered by information being concealed from committee members or "misinterpreted or manipulated" in government files; and

"Whereas the United States Congress' POW/MIA truth bill would direct federal government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action from World War II, the Korean War, and the Vietnam conflict and would censor the sources and methods used to collect the live sighting reports, thus protecting national security; and

"Whereas the families of these missing service personnel truly need and deserve the opportunity to access information concerning the status of their missing loved ones after these many years; now, therefore, be it

"*Resolved,* That the 72nd Legislature of the State of Texas hereby request the United States Congress to resolve questions regarding United States military prisoners of war and personnel missing in action by appointing a select committee to assist the United States Senate Foreign Relations Committee in obtaining information in government files; and, be it further

"*Resolved,* That the congress be urged to begin immediate committee hearings to consider enacting the POW/MIA truth bill; and, be it further

"*Resolved,* That the congress be requested to continue funding of this investigation that is vital to resolving the POW/MIA issue in Southeast Asia."

POM-205. A resolution adopted by the Senate of the State of Illinois; to the Committee on Veterans' Affairs:

"SENATE RESOLUTION NO. 95

"Whereas Thomas Murphy, a Marine Corps veteran of the Vietnam War, received a head wound during combat in July of 1972, and as a result has suffered traumatic brain injury; and

"Whereas Thomas Murphy was awarded an Air Medal-Bronze Star for his gallantry in combat, and is receiving total disability compensation for his service-connected brain injury; and

"Whereas, It was only in 1987, after years of outpatient care, that the Veterans Administration provided treatment for Thomas Murphy's injury at the Center for Head Trauma in Devon, Pennsylvania; and

"Whereas, This treatment offers cognitive retraining, speech and occupational therapy, individual and group psychotherapy, and recreational activities; and

"Whereas, This rehabilitation program, however, is limited to only 24 months, with a maximum extension of only six months by Title 38, United States Code, Section 1505d; and

"Whereas, This time period can be inadequate for the treatment of veterans with serious combat or service-connected injuries; and

"Whereas, There are approximately 1,200 Vietnam veterans with service-connected brain injuries; and

"Whereas, These veterans, having made tremendous sacrifices for this nation, are entitled to all necessary rehabilitation care and services; therefore, be it

"*Resolved,* by the Senate of the Eighty-Seventh General Assembly of the State of Illinois, that we memorialize the United States Congress to reevaluate federal statutory limits on the length of rehabilitation programs for veterans with combat or service-connected brain injuries in an effort to provide them with adequate rehabilitation services."

POM-206. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Veterans' Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 267

"Whereas our veterans have fought our nation's battles on land, in the sea, and in the air to protect the quality of life and the freedom that we enjoy as Americans; and

"Whereas our veterans, who have been called upon to defend our nation, have consistently placed the values of our nation over their own personal goals; and

"Whereas our veterans have made great sacrifices by leaving the comfort and security of country, career, home, and family to courageously defend not only the United States of America and its territories, but also the rights and freedoms of innocent people victimized by tyranny throughout the world; and

"Whereas many of our veterans, who have sacrificed so much for our nation, suffer from injuries or illnesses in the course of their lives that need immediate care and attention; and

"Whereas many of our veterans do not receive the kind of timely and quality health care and treatment which they have earned and which they deserve; and

"Whereas we, as a nation, should ensure that our veterans receive the best health care and treatment that is available; therefore, be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to fully fund Veterans Administration hospitals to ensure that veterans receive the kind of timely, quality health care and treatment which they have earned and which they deserve.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 477: A bill to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, New Mexico, as the official atomic museum of the United States Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation (Rept. No. 102–119).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 996: A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes (Rept. No. 102–120).

H.R. 1448: A bill to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes (Rept. No. 102–121).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2686: A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102–122).

By Mr. NUNN, from the Committee on Armed Services, unfavorably without amendment:

S.J. Res. 175: A joint resolution disapproving the recommendation of the Defense Base Closure and Realignment Commission (Rept. No. 102–123).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Olin L. Wethington, of Virginia, to be a Deputy Under Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

J. Michael Luttig, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment as Chief of Army Reserve, United States Army, under the provisions of Title 10, United States Code, Section 3038:

To be Chief of Army Reserve, U.S. Army

Maj. Gen. Roger W. Sandler, [redacted] U.S. Army Reserve.

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer for appointment as The Judge Advocate General, United States Army, under the provisions of Title 10, United States Code, Section 3037:

To be the judge advocate general

Maj. Gen. John L. Fugh, [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Ronald H. Griffith, [redacted] United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Donald W. Jones, [redacted] United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Leonard P. Wishart, III, 152–26–4608, United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harry E. Soyster [redacted] United States Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Robert B. Johnston [redacted] USMC.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Matthew T. Cooper, [redacted] USMC.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1556. A bill to protect the Supplemental Food Program for Women, Infants and Children, and for the other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG: (for himself and Mr. WIRTH):

S. 1557. A bill to improve the implementation and enforcement of the Federal cleanup program; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 1558. A bill to direct the Secretary of Transportation to take certain action in connection with the outporting of certain vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1559. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Finance.

By Mr. JOHNSTON (by request):

S. 1560. A bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 1561. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon; to the Select Committee on Indian Affairs.

By Mr. BRADLEY:

S. 1562. A bill to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan payment in contingent upon such student's income, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. PELL, Mr. HOLLINGS, Mr. KENNEDY, Mr. STEVENS, Mr. PACKWOOD, Mr. KASTEN, and Mr. GORTON):

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources, jointly, by unanimous consent.

By Mr. CONRAD:

S. 1564. A bill to amend title 49, United States Code, relating to tax discrimination against rail transportation property; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN:

S.J. Res. 183. A joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 159. A resolution to authorize the production of documents by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mr. SYMMS:

S. Con. Res. 55. A concurrent resolution to call for the construction of an International Memorial to the Victims of Communism; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1556. A bill to protect the Supplemental Food Program for women, infants, and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WIC PROTECTION ACT OF 1991

• Mr. HEFLIN. Mr. President, I rise today to introduce the Women, Infants, and Children Protection Act of 1991. The Supplemental Food Program for women, infants, and children also referred to as the WIC Program serves children at the most critical time in their lives. This program feeds mothers when they are pregnant or breastfeeding. The WIC Program has proven to be a most effective tool we have available to fight infant mortality.

The program as it exists today is a proven success story. A 1990 USDA study showed that for every WIC dollar spent on a pregnant woman, between $2.84 and $3.90 was saved in infant Medicaid during the first 60 days after birth. And, according to the Surgeon General, the average medical cost of a low birth weight baby can exceed $39,000. The average cost of the WIC package is $30 a month.

Now one may ask why would someone wish to modify such an effective and worthwhile program. The truth is, I don't know. In fact, that is the very reason I'm proposing my bill; which would codify current USDA regulations relating to the WIC Program. This program has worked so effectively that the bureaucrats down at USDA have felt the need to drastically modify it. These changes which the Department of Agriculture put forth in their current proposed regulations would needlessly burden the WIC Program, harm program recipients, punish innocent vendors and, of course, most importantly to the USDA bureaucrats, create unnecessary paperwork.

These proposed changes are opposed by the majority of the State WIC administrators. Specifically, under section 246.12(e)(2), the Department would set up arbitrary procedures limiting the number of vendors, and thus, limit the availability of the WIC Program to needy recipients, particularly in rural States like mine. Vendors denied participation in the WIC Program would also be denied any recourse.

Section 246.12(e)(3) would allow USDA officials to disqualify vendor participants for both intentional and unintentional violations even though store management may be innocent of any wrongdoing. It's important to note that as more and more vendors are disqualified needy WIC recipients will have to travel farther and farther to participate in the program.

Obviously, persons intentionally committing program fraud should be severely punished. My bill provides for penalty for intentional fraud, a fine greater than the Department's current penalty. Under USDA's proposed regulations, it will be the WIC participant not the store that will be punished. The Department instead chooses to punish the pregnant women, the unborn child and the new born baby who are the participants of the WIC Program.

Mr. President, by codifying current USDA regulations we will ensure the continuation of the WIC Program as it exists today, as a flexible, an effective tool for fighting infant mortality.•

By Mr. LAUTENBERG (for himself and Mr. WIRTH):

S. 1557. A bill to improve the implementation and enforcement of the Federal cleanup program; to the Committee on Environment and Public Works.

TOXIC CLEANUP EQUITY AND ACCELERATION ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing with Senator WIRTH the Toxic Cleanup Equity and Acceleration Act of 1991 to remove a serious impediment to effective and efficient Superfund cleanups and enforcement.

This bill is designed to fine tune the Superfund statute to block opportunistic and costly lawsuits by large corporate polluters against such innocent entities as the Girl Scouts, America's local governments, and small business. These suits allege that Girl Scouts, small business people, and ultimately, the general taxpayer should pay hundreds of millions of dollars to subsidize the corporate share of toxic waste cleanup costs because they sent ordinary garbage to the same dumps as industry used to dispose of billions of gallons of liquid hazardous waste.

Superfund is our Nation's most important tool for cleaning up the thousands of abandoned hazardous waste sites that mar our Nation's landscape. Although aspects of the program have always been controversial, its basic framework has not only survived but has been strengthened by thousands of hours of debate in this and the other body. Unfortunately, recent attempts to shift the cost of cleanup from the polluter to the taxpayer are threatening to undermine the integrity of that basic framework. I care too much about our citizens and this program to let that happen. I want to keep the Superfund statute on target—to accomplish cleanups quickly and to make the polluter pay.

In a provision added when Superfund was reauthorized in 1986, the statute allows polluters named by EPA to bring contribution lawsuits against other polluters for help in paying cleanup costs. Ordinarily, this provision equitably spreads costs among all persons who should be held responsible for the environmental contamination caused by the sites.

In so-called third-party lawsuits across the country, corporations have begun suing hundreds of local governments and small businesses seeking their contribution to billions of dollars in cleanup costs. These suits involve old municipal landfills where local governments brought garbage and sewage sludge and industry brought millions of gallons of liquid hazardous waste. These old landfills have now become Superfund sites because industrial hazardous wastes were deliberately codisposed of with the garbage. If garbage alone had been disposed of there, the sites would never have made the EPA's national priorities list.

Local governments have become a convenient tool for reaching into the average person's pocket in multimillion-dollar cases because towns and cities frequently arrange for the disposal of their citizens' trash and sewage sludge.

But the citizens and small businesses whose waste was unlucky enough to have gotten mixed up with hazardous toxins should not be left vulnerable to overeaching lawsuits by corporate polluters. There are tens of thousands of municipal landfills across the country, and luckily most of them are not on the Superfund list. If ordinary citizens, through their local governments, are forced to apply for Superfund cleanups at sites where their garbage happens to have been sent, what we will have is a massive, random, and unfair tax: Massive because the cost of a Superfund cleanup is high, random because the codisposal of hazardous waste and garbage is totally unpredictable from the viewpoint of the average citizen, and unfair because it is not garbage or sewage sludge that got these sites on the Superfund list.

In the last decade, we created an ambitious and important Federal program to protect the environment. It is now time to reinforce Superfund's original mission. We must seize this opportunity before the problem grows worse. The third-party cases I've described have already been filed in Connecticut, California, Massachusetts, New York, New Jersey, Minnesota, Michigan, Wisconsin, and Pennsylvania. In just 2 years, we have reached the point where every local government and small business that ever sent garbage to a landfill is vulnerable. In New Jersey alone, approximately 100 local governments have already been sued in these cases. Superfund was meant to be about cleaning up the Nation's worst toxic waste sites, not about making citizens pay outrageous trash and sewage fees because a corporate giant poured hazardous waste onto their garbage at the landfill.

Mr. President, these lawsuits place private interests above the public's interest. Further, some opponents of a strong Superfund Program would like nothing better than to frustrate Superfund cleanups and the program itself. They are committed to destroying the liability system established by Superfund, to avoid obligations that will fall to them.

Mr. President, we should not permit local taxpayers to be pawns in this game. The fact is the Superfund liability system has enormous potential to force polluters, instead of taxpayers, to clean up toxic waste sites if EPA fully implements it. The law's tough liability provisions can potentially bring great efficiency to EPA's enforcement efforts and provide strong incentives to potential polluters to clean up their act. We should not permit enemies of the Superfund Program to exploit taxpayers in a cynical quest to bring the program to its knees.

Mr. President, this is not to say that the administration is doing the best it can and should do to implement the Superfund law. Certainly EPA must achieve greater efficiency in contracting, cleanup, and enforcement efforts. I have asked the General Accounting Office for recommendations to improve all three of these areas of EPA's implementation.

Mr. President, our legislation will restrict lawsuits by polluters against municipalities who generate and transport municipal solid waste. It will give EPA exclusive enforcement authority in these cases, allowing only the Agency to bring suits against municipalities in the exceptional circumstance where they essentially acted like an industrial polluter and contributed hazardous pollution at a Superfund site. It is meant to prevent truly responsible parties from unfairly going after cities and small businesses that are not responsible for the hazardous substances at a site. The bill will not prevent private, third-party suits if municipalities or others have generated or transported hazardous substances.

Our legislation conforms to EPA's current enforcement policy. It is designed to prevent unwarranted cost shifting from polluters to taxpayers and to achieve expeditious resolution of Superfund issues with municipalities, allowing cleanup to move ahead quickly.

Mr. President, this bill enhances the current liability system in Superfund and is intended to increase the efficiency and fairness of the program. It prevents harassing and nuisance lawsuits against municipalities—meaning their residents and taxpayers—without exempting them from Superfund liability. It still leaves them open to enforcement actions by EPA in cases where they essentially act as an industrial polluter and contribute hazardous substances to a Superfund site. It shields them only from pointless and expensive lawsuits when they had no responsibility for creating a toxic waste site.

Mr. President, this bill is not about exempting anyone from liability. It's about preventing irresponsible polluters from playing legal games that compromise the whole Superfund Program. Although private party suits against generators and transporters of municipal waste would be restricted, EPA's enforcement prerogatives remain intact. If a city or town deserves to be sued for activities relating to municipal waste, this bill does not protect that city or town from liability. Nor should it. It does protect them from cynical cost shifting by the real responsible parties. In fact, the bill enhances the current liability scheme by keeping real polluters from using cities and towns to hide from their responsibilities to clean up quickly and well.

Mr. President, I urge my colleagues to join in supporting this legislation. The fact is that cities and towns across the country are potential targets for polluters trying to escape responsibility for cleanups. Lawsuits filed against municipalities that did not pollute are like class-action suits against millions of ordinary citizens. That's not what we contemplated in drafting the Superfund law and we should not tolerate it.

I believe introducing the bill is an important first step in solving this problem, and I look forward to perfecting the measure as we move forward in the Environment and Public Works Committee. I will be holding a hearing on the bill on July 29, 1991, and will be seeking the views of the environmental community, municipalities, industry, and the administration.

Mr. President, I ask unanimous consent to insert the text of the bill and a section-by-section analysis at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Cleanup Equity and Acceleration Act of 1991".

SEC. 2. ADDITIONAL DEFINITIONS.

Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs at the end thereof:

"(39) The term 'municipal solid waste' means all waste materials generated by households, including single and multiple residences, hotels and motels, and office buildings. The term also includes trash generated by commercial, institutional, and industrial sources when the general composition and toxicity of such materials are similar to waste normally generated by households, or when such waste materials, regardless of when generated, would be considered conditionally exempt generator waste under section 3001(d) of the Solid Waste Disposal Act because it was generated in a total quantity of 100 kilograms or less during a calendar month. The term 'municipal solid waste' includes all constituent components of municipal solid waste, including constituent components that may be deemed hazardous substances under this Act when they exist apart from municipal solid waste. Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste (such as painting, cleaning, gardening, and automotive supplies). The term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators.

"(40) The term 'sewage sludge' refers to any solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste waters at or by a publicly owned treatment works subject to the limitations of section 113(m).

"(41) The term 'municipality' means any political subdivision of a State and may include cities, counties, towns, townships, boroughs, parishes, school districts, sanitation districts, water districts, and other local governmental entities. The term also includes any natural person acting in his official capacity as an official, employee, or agent of a municipality.".

SEC. 3. THIRD-PARTY SUITS FOR MUNICIPAL SOLID WASTE OR SEWAGE SLUDGE.

Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsections at the end thereof:

"(l) CONTRIBUTION ACTIONS FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—No municipality or other person shall be liable to any person other than the United States for claims of contribution under this section or for other response costs or damages under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under sections 107(a)(1) or 107(a)(2) of this Act.

"(m) ACTIONS BY THE PRESIDENT FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—In the absence of truly exceptional circumstances, the President shall not initiate or maintain an action against any municipality or other person under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under sections 107(a)(1) or 107(a)(2) of this Act. For the purpose of this subsection, truly exceptional circumstances shall exist only—

"(1) where the President obtains reliable, site-specific evidence that—

"(A) the release or threatened release of hazardous substances on which liability is based are not those ordinarily found in municipal solid waste or sewage sludge; and

"(B) the hazardous substances were derived from a commercial, institutional, or industrial process or activity; or

"(2)(A) the total contribution to the site of commercial, institutional, and industrial hazardous substances is insignificant in terms of both volume and toxicity when compared to the volume and toxicity of the municipal solid waste and sewage sludge, or

"(B) absent the total contribution to the facility of commercial, institutional, and industrial hazardous substances, the contribution of hazardous substances from municipal solid waste and sewage sludge would be a significant cause of the release or threatened release of hazardous substances that results or will result in the response action.

When the release or threatened release involves trash from commercial, institutional, or industrial sources, the President may require that persons who generated, transported, or arranged for the transportation, treatment, or disposal of such materials provide reliable, site-specific evidence that the general composition and toxicity of the trash are similar to those of waste normally generated by households. When municipal solid waste or sewage sludge has been combined or mixed with hazardous substances at a waste transfer station, such combination or mixing shall not constitute truly exceptional circumstances under this subsection warranting action against the municipality or other person that generated, transported, or arranged for the transportation, treatment, or disposal of such municipal solid waste or sewage sludge, unless the municipality or other person also owned or operated the waste transfer station. When sewage sludge has been approved by the President for beneficial reuse or other equivalent use, or would have qualified for beneficial reuse or other equivalent use at the time of disposal, the release or threatened release of such sewage sludge shall not constitute truly exceptional circumstances under this subsection.

"(n) PUBLIC RIGHT-OF-WAY.—In no event shall a municipality incur liability under this Act for the act of owning or maintaining a public right-of-way over which hazardous substances are transported. For the purposes of this subsection, 'public right-of-way' shall include roads, streets, or other public transportation routes, and pipelines used as a conduit for sewage or other liquid or semiliquid discharges.".

SEC. 4. SETTLEMENTS.

Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection at the end thereof:

"(n) SETTLEMENTS FOR MUNICIPAL GENERATORS AND TRANSPORTERS OF MUNICIPAL SOLID WASTE OR SEWAGE SLUDGE.—

"(1) APPLICABLE ACTIONS.—This subsection applies whenever an administrative or judicial action is brought, or notice is given by any person that an action may be brought, against a municipality under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under section 107(a)(1) or 107(a)(2) of this Act.

"(2) TIMING OF SETTLEMENTS.—For applicable actions under this subsection, a municipality may request that the President enter into a settlement under this section. The request may seek to settle a municipality's potential liability for all or part of the response costs or damages to natural resources. Notwithstanding any other deadlines under this Act, the President shall make every effort to reach a final settlement with the municipality within 120 days after receiving such request.

"(3) FAILURE TO REACH SETTLEMENT; MORATORIUM.—If the President does not reach a settlement with the municipality within the 120-day period defined in paragraph (2) of this subsection, the period shall be extended for negotiations to continue until a settlement is reached, or until the President has published in the Federal Register an explanation of why a settlement cannot be reached. During the moratorium which commences when a municipality requests a settlement under this subsection and terminates when a settlement has been reached or when the President has published notice explaining why a settlement cannot be reached, no administrative or judicial action may be commenced or pursued against the municipality in any applicable action as defined by this subsection. Permissible reasons for failing to reach a settlement under this subsection shall be limited to one or more of the following:

"(A) The settlement offer from the municipality does not meet the cost allocation criteria specified in this subsection.

"(B) The municipality refuses to agree to settlement terms routinely required in consent decrees under subsection (g) of this section.

"(C) Insufficient information exists to permit a cost allocation.

If the President invokes subparagraph (C) as the reason why a setlement cannot be reached, the moratorium on initiating or pursuing action in applicable actions under this subsection shall be extended until sufficient information is acquired. The completing of a remedial investigation/feasibility study for the portion of the response action or the completion of an assessment of damages that is the subject of the municipality's request for settlement shall be deemed to provide sufficient information to reach a settlement for such portion or damages under this subsection. If the President has completed a settlement with a party other than the municipality requesting a settlement, such settlement creates a rebuttable presumption that the President cannot invoke subparagraph (C) as a reason for failing to reach a settlement with the municipality concerning matters addressed in the other party's settlement, unless the other settlement was reached pursuant to subsection (g) of this section.

"(4) EXPEDITED FINAL SETTLEMENT.—Settlements under this subsection shall—

"(A) require the municipality to pay for costs based on the quantity of hazardous constituents within municipal solid waste and sewage sludge, not the overall quantity of municipal solid waste and sewage sludge, but municipal solid waste and sewage sludge shall not be deemed to contain more than one-half of one percent (0.5%) constituent hazardous substances unless the President obtains reliable site-specific evidence to the contrary during the moratorium period defined above in paragraph (3);

"(B) limit a municipality's payments if such payments would force a municipality to dissolve, to declare bankruptcy, or to default on its debt obligations; and

"(C) be reached even in the event that a municipality may be liable for response costs or damages in actions other than applicable actions under this subsection, although the President may elect to exclude liability, costs, or damages not covered by this subsection from settlements under this subsection.

"(5) COVENANT NOT TO SUE.—The President shall provide a covenant not to sue with respect to the facility concerned to any municipality which has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public interest as determined under subsection (f) of this section.

"(6) CONSENT DECREE OR ADMINISTRATIVE ORDER.—A settlement under this subsection shall be entered as a consent decree or embodied in an administrative order as described in subsection (g)(4) of this section.

"(7) EFFECT OF AGREEMENT.—A municipality that has resolved its liability to the United States under this subsection shall not be liable for claims of contribution or for other response costs or damages under this Act regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

"(8) SETTLEMENT PROVISIONS.—When reaching settlements under this subsection, the President—

"(A) shall not reserve any rights to seek further relief from a settling municipality which the President does not routinely reserve in other settlements under subsection (g);

"(B) shall not seek to have a municipality provide indemnification to the United States;

"(C) shall not require a municipality to act or fail to act in contravention of legal requirements that are of general applicability and were adopted by formal means concerning the assumption and maintenance of municipal fiscal obligations; and

"(D) shall encourage municipalities to enter into settlements that allow them to contribute services in lieu of money, to make delayed payments, or to make payments over time, through an annuity or other financing device.

"(9) JUDICIAL REVIEW.—Review of the President's action in denying a municipality's request for settlement under this subsection may be had by any interested municipality in the United States district courts in accordance with section 113(b) of this Act. Any such application for review shall be made within 90 days from the date the President publishes an explanation of why a settlement cannot be reached.".

SEC. 5. PRELIMINARY ALLOCATION OF RESPONSIBILITY.

(a) MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—Section 122(e)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following sentence between the second and third sentences: "Under these guidelines, the volume of municipal solid waste and sewage sludge shall refer to the quantity of hazardous constituents within municipal solid waste and sewage sludge, not the overall quantity of municipal solid waste and sewage sludge.".

(b) REQUEST BY MUNICIPALITIES.—Section 122(e)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subparagraph at the end thereof:

"(F) REQUEST BY MUNICIPALITIES.—If a municipality requests the President to prepare a nonbinding preliminary allocation of responsibility, the President shall provide such an allocation unless he provides a written explanation of why such an allocation would be contrary to the public interest.".

SEC. 6. RETROACTIVITY.

The amendments made by this Act shall apply to each municipality and other person against whom administrative or judicial action has been commenced before the effective date of this Act, unless a final court judgment has been rendered against such municipality or other person or final court approval of a settlement agreement including such municipality or other person as a party has been granted. If a final court judgment has been rendered or court-approved settlement agreement has been reached that does not resolve all contested issues, such amendments shall apply to all contested issues not expressly resolved by such court judgment or settlement agreement.

SECTION-BY-SECTION ANALYSIS OF THE TOXIC CLEANUP EQUITY AND ACCELERATION ACT OF 1991

SECTION 1—SHORT TITLE

The short title of the legislation is the "Toxic Cleanup Equity and Acceleration Act of 1991" (TCEAA). The legislation contains amendments to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601 *et seq.* Any reference to "CERCLA" or "Superfund" should be construed as a reference to that act.

SECTION 2—AMENDMENTS TO CERCLA DEFINITIONS

This section adds three definitions to CERCLA. The section does not alter any existing definitions under CERCLA and thus, for example, continues to define "person" as virtually any public or private entity or natural person, including federal, state, and local governments.

The section defines "municipal solid waste" (MSW) as including all waste materials generated by households and office buildings, as well as waste from other sources when it is similar to household waste. The definition also includes small amounts of hazardous waste that can legally become part of the municipal waste stream under the Resource Conservation and Recovery Act, 42 U.S.C. §6921(d). The term includes all constituent components of MSW, even though some of them might be deemed hazardous substances under CERCLA when they exist apart from MSW. The term does not include incinerator ash.

The section defines "sewage sludge" as essentially any residue removed during the treatment of waste water at a publicly-owned treatment works.

The section defines "municipality" to be any political subdivision of a state and includes individuals who act in an official capacity on behalf of a municipality.

SECTION 3—THIRD-PARTY SUITS FOR MSW OR SEWAGE SLUDGE

Under CERCLA, "potentially responsible parties" (PRPs) who have been notified by EPA that they may be liable for cleanup costs have the right to sue other parties who may also be responsible for the hazardous waste site. Such "third-party" or "contribution" suits provide PRPs a mechanism for making other polluters share the cleanup costs.

This section modifies CERCLA to prevent third-party contribution suits against municipalities or other persons if their only actions were related to the generation or transportation of MSW or sewage sludge. If municipalities owned or operated a facility, or generated or transported waste materials that do not meet the definitions of municipal solid waste and sewage sludge, the block on third-party suits does not apply.

This section also codifies EPA's Interim Municipal Settlement Policy. It states that the President cannot sue municipalities or other persons who merely generated or transported MSW or sewage sludge, unless "truly exceptional circumstances" exist. These circumstances exist when the President has reliable evidence from a particular site that hazardous substances have been released that are not ordinarily found in MSW or sewage sludge and that those substances have come from commercial, institutional, or industrial processes, not households. Truly exceptional circumstances also exist when the toxicity and volume of waste from commercial, institutional, and industrial sources is insignificant compared with the toxicity and volume of the MSW or sewage sludge, or when absent all the hazardous substances from commercial, institutional, and industrial sources, the hazardous substances from municipal solid waste or sewage sludge would be a significant cause of the contamination requiring the cleanup.

The section identifies two specific situations that do not constitute truly exceptional circumstances. First, when MSW or sewage sludge have been contaminated with hazardous substances at a waste transfer station, the generator or transporter of the original MSW or sewage sludge is not held responsible for the subsequent contamination (unless the generator or transporter also owned or operated the waste transfer station). Second, when sewage sludge has been approved by the President for "beneficial reuse," or would have so qualified at the time of disposal, such sludge cannot be the basis for the President bringing a lawsuit under Superfund.

SECTION 4—SETTLEMENTS

The section creates a special settlement approach for municipal generators and transporters of MSW and sewage sludge.

When a municipality is notified by any person that it may be sued for generating or tranporting MSW or sewage sludge, the section permits the municipality to request the President to enter into a settlement for all or part of the municipality's potential liability. The section requires that the settlement must be reached within 120 days, unless specific conditions are met.

Once the municipality requests a settlement, a moratorium on administrative or judicial action against the municipality begins, and it continues until a negotiated settlement is reached or until the President publishes an explanation of why a settlement cannot be reached. A municipality may ask a federal district court to review the President's decision denying the request for settlement.

The section provides for only three acceptable reasons for failing to settle: the municipality refuses to pay according to specific cost allocation criteria (see next paragraph), the municipality refuses to agree to settlement terms routinely required by the President in settlements with parties who bear insignificant responsibility for sites, or there is insufficient information to allocate costs. If the President believes there is insufficient information, the moratorium is extended until enough information is obtained, but a completed remedial investigation/feasibility study (RI/FS) is deemed to provide sufficient information, at least for the portion of the site studied in the RI/FS. Also, if the President has settled with another party (other than a *de minimis* party), it is presumed that he has enough information to settle with the municipality regarding matters addressed in the prior settlement.

The section requires a municipality to pay for costs based on the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste. MSW and sewage sludge are assumed to contain no more than one-half of one percent (0.5%) constitute hazardous substances unless the President obtains reliable site-specific evidence to the contrary.

SECTION 5—PRELIMINARY ALLOCATION OF RESPONSIBILITY

This section provides that at the request of a municipality, the President must prepare a nonbinding preliminary allocation of responsibility, unless doing so would be contrary to the public interest. In such allocations, the volume of MSW and sewage sludge must refer to the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste.

SECTION 6—RETROACTIVITY

This section provides that the TCEAA applies to all administrative or judicial actions that began before the effective date of the TCEAA, unless a final court judgment has been rendered or a court-approved settlement agreement has been reached.•

By Mr. PELL:

S. 1558. A bill to direct the Secretary of Transportation to take certain action in connection with the outporting of certain vessels; to the Committee on Commerce, Science, and Transportation.

READY RESERVE FLEET HOMEPORTING POLICY

Mr. PELL. Mr. President, I am introducing a bill to assure reasonable continuity of homeporting for ships of the Ready Reserve Fleet in the wake of deactivation from Operation Desert Storm.

The bill is identical to an amendment proposed by my colleague from Rhode Island, Representative JACK REED, to H.R. 1416, the Maritime Administration authorization bill. The amendment was accepted in committee and the legislation is now pending before the House.

The bill I am introducing, like the Reed amendment, simply requires that the same number of ships be outported in a given location as were there on August 1, 1990, but makes allowance for the military's preference for placing ships with longer activation schedule at more distant ports.

Our concern is based on a recent change in the Maritime Administration's outporting policy, as a result of which ships that had been anchored in Narragansett Bay, RI, prior to activation for Operation Desert Shield will not be returned.

The new outporting policy properly recognizes that ships with short activation schedules of less than 10 days be homeported near major military loading ports in the south Atlantic and Gulf Coast States to accommodate initial surge requirements. But it fails to acknowledge that more distant ports can properly be utilized for vessels with longer activation schedules.

My bill would simply require that if a vessel which had been outported in a given location prior to August 1, 1990, is moved to a new location to comply with the new policy, it should be replaced with a vessel with a longer activation schedule of more than 10 days.

Under policies which prevailed prior to Operation Desert Shield, five vessels of the Ready Reserve Fleet had been homeported in Narragansett Bay, generating some $10 million in business in the State, through mooring fees, repair and service charges, activation contracts and Navy reserve training activities. The loss of this revenue would be a blow to the Rhode Island economy at this time of recession, conditions aggravated by a serious banking crisis.

In my view, there simply is no justification for arbitrarily terminating the use of an anchorage area with outstanding and proven homeporting facilities, as offered by Narragansett Bay. I urge acceptanace of this measure to correct the shortcomings of the new outporting policy.

By Mr. DASCHLE:

S. 1559. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Finance.

DUTY SUSPENSION FOR CLOMIPHENE CITRATE

• Mr. DASCHLE. Mr. President, I am introducing today non-controversial legislation to make a technical correction to the temporary duty suspension on clomiphene citrate, a pharmaceutical preparation approved by the Food and Drug Administration and used for the treatment of human infertility. There are no U.S. manufacturers of clomiphene citrate, and it is imported into the country in bulk form and finished form. Both forms of clomiphene citrate were within the scope of the temporary duty suspension that prevailed under the Tariff Schedules of the United States [TSUS].

When the conversion was made from the TSUS to the Harmonized Tariff Schedule of the United States [HTSUS] on January 1, 1989, the finished form of clomiphene citrate was inadvertently omitted from the scope of the duty suspension, most likely because the HTSUS, unlike the TSUS, distinguishes between finished and bulk products, resulting in two separate tariff classifications. To remedy this omission, this bill amends the temporary duty suspension language so that it refer to the tariff classification numbers of both forms of clomiphene citrate.

Mr. President, I urge my colleagues to give this bill favorable consideration.•

By Mr. JOHNSTON (by request):

S. 1560. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

PRESERVATION OF ADDITIONAL HISTORIC PROPERTY

• Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Advisory Council on Historic Preservation, I send to the desk a bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Advisory Council on Historic Preservation, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Chairman of the Advisory Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. Section 470 et seq.) is further amended as follows: (a) Section 212(a) is amended by deleting the last sentence and inserting in lieu thereof the sentence "There are authorized to be appropriated not to exceed $5,000,000 in each fiscal year 1992 through 1996.".

ADVISORY COUNCIL ON
HISTORIC PRESERVATION,
Washington, DC, July 9, 1991.

The VICE PRESIDENT,
U.S. Senate,
Washington, DC.

DEAR MR. VICE PRESIDENT: Enclosed is a bill amending the National Historic Preservation Act of 1966, as amended, that will continue the appropriations authorization for the Advisory Council on Historic Preservation. Established in 1966, the Council is an independent Federal agency responsible for advising the President and the Congress on historic preservation matters and commenting to Federal agencies on the effects of their activities upon significant historic properties.

In 1988, the Council requested the President and the Congress to amend Section 212 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470t) to continue the appropriations authorization for the Council at a level of $2.5 million from FY 1990 through FY 1994. That authorization was subsequently enacted as Public Law 101-70 on August 3, 1989.

However, due to unanticipated increases in program levels, we now find that the President's FY 1992 budget request exceeds that authorization. Accordingly, the Council now requests that the Congress enact a revised appropriation authorization, at a level of $5 million annually for FY 1992 through FY 1996. We recommend that the enclosed bill be referred to the appropriate committee for consideration, and that it be enacted.

Sincerely,

JOHN F.W. ROGERS,
Chairman.●

By Mr. HATFIELD:

S. 1561. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon; to the Select Committee on Indian Affairs.

SILETZ RESERVATION ADDITION ACT

● Mr. HATFIELD. Mr. President, I rise today to introduce legislation on behalf of the Confederated Tribes of Siletz Indians of Oregon. This bill, which I first introduced in the 101st Congress, is designed to assist the Siletz Indians in their quest to achieve economic self-sufficiency, enhance their opportunities to exercise a higher level of self-determination and sovereignty in the management of their natural resources, maintain their environmental integrity through the positive use of natural resources, and foster the protection of third-party interests.

My legislation offers a model to further the U.S. stated policy of Indian self-determination by authorizing the tribe to voluntarily waive certain legal trust responsibilities borne by the Government in its management of Indian timberlands, and in the marketing of its timber. The Siletz Tribe has requested this new and innovative authority in an effort to assume greater management control over its resources and to take advantage of rapidly changing timber marketing conditions. The United States would be held harmless by the tribe in its exercise of this authority.

Under the provisions of this bill, the tribe would exercise a new dimension of self-determination over approximately 11,500 acres of public domain timberlands which would be transferred to the tribe and added to its present 3,600-acre reservation. These lands consist of over 100 parcels ranging in size from 20 to 500 acres. The lands are located wholly in Lincoln County, OR, and are managed by the Department of the Interior's Bureau of Land Management [BLM]. The fragmented nature of these lands currently poses management problems for the BLM which would be resolved by transfer of the land to the Siletz Tribe.

Historically, the Siletz Tribe occupied a 1,200,000-acre reservation in Western Oregon. The timber, wildlife, waterfowl, fruit, and berries located on the reservation provided the tribe with shelter and sustenance. Yet, misguided Federal Indian policies eased the way for powerful economic interests to acquire virtually all of this land. The tribes unique relationship with the United States was terminated by yet another misguided Indian policy in the 1950's. This so-called termination policy was designed to free Indians from the burdens of Federal trusteeship and open the doors of opportunity to mainstream America. The shortcomings and failures of this policy are well documented and require no futher elaboration at this time.

In the 1970's, I sponsored legislation in the Senate to provide for the restoration of the Siletz Tribe's unique relationship with the United States. My legislation was enacted into law in 1977, and placed the tribe in a position to launch efforts to achieve economic self-sufficiency.

Following restoration, the Siletz Tribal Council made a conscious decision to exercise its full range of options under the Indian Self-Determination Policy to give meaning and substance to its inherent sovereign powers. The council assumed control and management—save for legal trust responsibilities—over the programs of the Bureau of Indian Affairs and Indian Health Service pursuant to contractual arrangements.

I am pleased to note the council has managed its Federal grants and contracts in a responsible and businesslike manner. Federal audits of grants and contracts over several years have failed to disclose a single disallowed expenditure. I believe further the council is applying the same responsible and business-like management qualities to all of its economic development endeavors.

While the Siletz Tribe has demonstrated important progress, its future economic growth is inhibited by an inadequate land and timber base. The 3,600-acre reservation, along with a projected $8 million in Federal contracts and grants, was thought to be sufficient to provide an opportunity for tribal economic self-sufficiency. By 1983, however, the tribe realized that projected revenue from timber sales and Federal sources were overly optimistic. They concluded that the only way to achieve economic self-sufficiency was to seek additional land.

The tribe asked for my assistance in sponsoring legislation designed to examine all factors associated with the acquisition of public domain lands in Lincoln County for their beneficial use and ownership. But in making this request, the tribal leadership emphasized to me that they wanted more than a traditional Indian land transfer bill. The leadership expressed a strong desire to be vested with broader resource management authorities. The bill I am introducing today reflects that desire.

Mr. President, I do not want to give the impression that I introduced this measure without some concerns. Major issues need to be resolved before this bill can make a substantial move forward. Therefore, I conclude that a thorough study of the impacts of the tribe's plan must be examined through the Senate's legislative process.

As many of my colleagues are aware, the Northwest is in the midst of a highly polarized debate over the future of its forests. I speak specifically of the debate over the fate of the northern spotted owl—a species listed as threatened by the U.S. Fish and Wildlife Service. At this time, the final protection plan for the owl is unknown, both for the short- and long-term. In fact, several different proposals have been formulated designed to protect the spotted owl throughout its range.

The first of these protection measures was developed by a group of Northwest biologists called the Interagency Scientific Committee [ISC], which issued a report making recommendations for the protection of the northern spotted owl. The ISC report includes a plan to set aside habitat to assure the viability of the owl. This plan is primarily based on large set-asides of land called Habitat Conservation Areas [HCA's] and may form the basis for future protection of the owl. An initial look at the ISC report would indicate that about half of the proposed Siletz reservation addition lands contained in this bill are located in potential HCA's.

Not only does the tribe have to contend with the Interagency Scientific Committee's HCA's, it must also deal with spotted owl protection measures being developed by the U.S. Fish and Wildlife Service. These in-depth protection measures, ordered by the Federal courts, have broadened the scope of the ISC's recommendations to include an additional set-aside of 4 million acres of timberland for owl habitat. Because the final U.S. Fish and Wildlife owl protection areas have not been finalized, it is unclear at this time how the land the Siletz Tribe wishes to acquire under this bill will be affected by this designation.

Timber management activities envisioned by the tribe are clearly contrary to the minimal management schemes advocated by the Interagency Scientific Committee and the Fish and Wildlife Service for spotted owl habitat areas. Therefore, a transfer of these lands would do the tribe little good if the areas in question were set-aside for habitat conservation.

These major timber management questions must be resolved prior to any actual land transfer to the Siletz Tribe. Nevertheless, this should not stop the Select Committee on Indian Affairs from holding hearings to examine the underlying concepts of self-sufficiency and enhanced, responsible resource management contained in my legislation.

There is no question that the innovative tribal timber management concepts in this legislation will stir up controversy because they depart from the more traditional view of trust responsibility. Clearly, there have been recent examples of trust mismanagement suggesting a more independent tribal role is warranted. Others will argue, however, that eroding the Federal Government's role in overseeing management of trust resources is not in the long-term interest of Indian tribes. These issues need to be explored. I am introducing this legislation today in order to stimulate discussion and provide a forum for their debate.

Mr. President, I ask unanimous consent that the text of my bill and section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. For purposes of this Act—

(1) The term "Tribe" means the Confederated Tribes of Siletz Indians of Oregon.

(2) The term "Secretary" means the Secretary of the Interior.

DECLARATION OF TRUST

SEC. 2. (a) The Secretary shall declare that all rights, title, and interests of the United States in the surface and mineral estates of certain lands located in Lincoln County, Oregon, that are public domain lands other than—

(1) National Forest lands,

(2) the lands of the Oregon and California Railroad, and

(3) Yaquina Head,

are held in trust by the United States for the benefit of the Tribe.

(b) Lands that are declared to be held in trust under subsection (a) shall be part of the reservation of the Confederated Tribes of Siletz Indians of Oregon.

(c) The Secretary shall publish in the Federal Register a legal description of the lands that are declared to be held in trust under subsection (a).

MANAGEMENT OF RESOURCES

SEC. 3. (a)(1) Notwithstanding the Act of September 4, 1980 (94 Stat. 1072; 25 U.S.C. 711e note); sections 2116 and 2118 of the Revised Statutes (25 U.S.C. 177, 180); the Act of February 16, 1889 (25 Stat. 673; 25 U.S.C. 196); sections 5, 7, and 8 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 202, 407, 406); section 6 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 466); or any other provision of law, the Tribe is authorized to—

(A) manage, harvest, remove, sell, or otherwise alienate any timber, any interests in timber, or any other surface or subsurface resources on any lands held by, or in trust for, the Tribe, and

(B) perform any other activities on such lands incidental to the activities described in subparagraph (A), including forest presale activities and road construction and maintenance.

(2) Notwithstanding any other provision of law—

(A) the United States shall not be responsible for the care or management of any lands for which the Tribe has assumed responsibility under paragraph (1), and

(B) the United States shall not be liable for any action or omission of the Tribe that arises in connection with the activities the Tribe is authorized to conduct under paragraph (1).

(b)(1) If the ordinances of the Tribe do not include an ordinance adopted in consultation with the Secretary and the Oregon State Forester that is substantially in accord with the Oregon Forest Practices Act (Or. Rev. Stat. 527.610, et seq.) and the rules promulgated under such Act, the Tribe shall enforce such Act and rules with respect to lands held by, or in trust for, the Tribe as though such Act and rules were ordinances of the Tribe. The Secretary shall publish in the Federal Register any ordinance of the Tribe that is substantially in accord with such Act and rules and any amendments to such ordinance. Any amendments to such ordinance shall be made in consultation with the Secretary and the Oregon State Forester.

(2)(A) Notwithstanding the sovereign immunity of the Tribe, the State of Oregon or any person who is damaged by any action or omission of the Tribe that constitutes a violation of—

(i) an ordinance of the Tribe that is substantially in accord with the Oregon Forest Practices Act and the rules promulgated under such Act, or

(ii) if such an ordinance is not in effect, the Oregon Forest Practices Act or any rule promulgated under such Act,

may bring a civil action in the tribal court of the Tribe to compel compliance, to seek compensation for such damages, or to obtain compliance and compensation.

(B) If the Tribe does not have a tribal court, the State of Oregon or any person described in subparagraph (A) may bring a civil action in the United States District Court for the District of Oregon to obtain the relief described in subparagraph (A) and the United States District Court is authorized to provide that relief.

(C) The Tribe may be held liable for damages in any civil action brought under subparagraph (A) or (B) only to the extent that the United States would have been held liable for damages if the Secretary were responsible for the action or omission upon which the civil action is based.

(D) The courts of the State of Oregon shall not have jurisdiction over any civil action described in subparagraph (A) and shall not have the authority to provide the relief described in subparagraph (A).

(c)(1) If the Tribe assumes responsibility under subsection (a)(1) for any of the activities described in subsection (a)(1), the Tribe may terminate such responsibility by providing notice of such termination to the Secretary. The termination shall take effect on either—

(A) the date that is 1 year after the date on which notice of the termination is submitted to the Secretary, or

(B) a date upon which the Secretary and the Tribe have agreed.

The Secretary shall publish in the Federal Register advance notice of the date on which such termination is to take effect.

(2) The termination under paragraph (1) of any responsibility assumed under subsection (a)(1) shall not—

(A) affect the liability of the Tribe arising out of any action or omission of the Tribe that occurred on or before the effective date of the termination,

(B) transfer any liability to the United States for such actions or omissions,

(C) obligate the United States to reforest any area, or otherwise remedy any condition, by reason of such actions or omissions, or

(D) affect the eligibility of the Tribe for any services or assistance that are provided by the Secretary to Indian tribes because of their status as Indian tribes.

(d)(1) For each fiscal year for which the Tribe assumes responsibility under subsection (a)(1) for any of the activities described in subsection (a)(1), the Secretary shall pay to the Tribe, out of funds appropriated for such fiscal year under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act, an amount that equals or exceeds the amount of funds the Tribe would have received for such fiscal year for carrying out such activities under a contract entered into with the Secretary for such fiscal year under the Indian Self-Determination Act if the Tribe had not assumed responsibility for such activities under subsection (a)(1).

(2) If the Tribe receives funds under paragraph (1) for any fiscal year—

(A) the Tribe shall submit to the Secretary a report which provides an accounting of how the funds were expended, and

(B) the Comptroller General of the United States is authorized to conduct, at the discretion of the Comptroller, an audit of the Tribe with respect to the expenditure of such funds.

PROCEEDS FROM RESOURCES

SEC. 4. (a) Notwithstanding any other provision of law, the proceeds from the sale of timber on, or the sale of any other surface or subsurface resource of, lands held by, or in trust for, the Tribe that occur after the date of enactment of this Act (including sales occurring after such date under a contract that was entered into by the United States prior to the date of enactment of this Act) shall be paid to the Tribe.

(b) None of the proceeds described in subsection (a) that are paid to the Tribe shall be subject to Federal or State income taxes or be considered as income or resources of the members of the Tribe in determining eligibility for, or the amount of assistance under, the Social Security Act or any other program assisted by the Federal Government.

PAYMENTS IN LIEU OF TAXES

SEC. 5. In order to offset the loss of revenue caused by the other provisions of this Act, the Tribe shall pay to the County of Lincoln, Oregon, 1.5 percent of the gross revenues from timber harvested from the lands that are declared to be held in trust for the Tribe under section 2(a).

CONSTRUCTION OF THIS ACT

SEC. 6. Nothing in this Act, and no actions taken by reason of this Act—

(1) shall affect any rights any person (other than the United States) has on the day before the date of enactment of this Act in the lands that are declared to be held in trust for the Tribe under section 2(a),

(2) shall be construed to authorize the taxation of timber on such lands or of any interest in, or resources located on, such lands,

(3) shall be construed to authorize the alienation of any interest of the Tribe in any real property other than timber or other surface or subsurface resources or such lands,

(4) shall affect the responsibility of the United States to protect the lands held in trust for the benefit of the Tribe, and lands otherwise subject to restrictions imposed by the United States on alienation, from taxation and from alienation of any interest in such lands, other than in the timber, surface resources, or subsurface resources on such lands.

(5) shall preclude the Secretary from approving under part 151 of title 25 of the Code of Federal Regulations applications for trust status for any additional lands acquired by the Tribe.

(6) except as provided in section 3(b) and paragraph (7), affect the regulatory authority of the Tribe over lands held by, or in trust for, the Tribe,

(7) shall grant or restore any hunting, fishing, or trapping rights of any nature, including any indirect or procedural right of advantage to the Tribe or any member of the Tribe, or

(8) shall diminish any hunting, fishing, or trapping rights that existed prior to the date of enactment of this Act.

PUBLIC ACCESS

SEC. 7. The Tribe may restrict access to the lands that are declared to be held in trust for the Tribe under secion 2(a) to the extent that the Secretary is allowed to impose or enforce restrictions on access to public domain lands under Federal law.

TIMBER EXPORTS

SEC. 8. (a) The Tribe shall offer not less than 50 percent of the total sales volume for each year of timber harvested from the lands declared to be held in trust for the Tribe under section 2(a) for sale, through public auction, to United States firms that agree to use the timber purchased for production in the United States of wood products.

(b) Except as otherwise provided in subsection (a), no restrictions shall apply to the exportation of timber harvested from, or other surface or subsurface resources removed from, the lands that are declared to be held in trust for the Tribe under section 2(a).

(c) Nothing in this Act may be construed to impose any restrictions on the export of timber harvested from, or other surface or subsurface resources removed from, any lands held by, or in trust for, the Tribe other than the lands declared to be held in trust for the Tribe under section 2(a).

SECTION-BY-SECTION ANALYSIS OF THE SILETZ LAND ACQUISITION BILL

Section 1. Definitions.—The term "Tribe" is defined to mean the Confederated Tribes of Siletz Indians of Oregon; and the term "Secretary" to mean the Secretary of the Interior.

Section 2. Declaration of Trust.—Section 2(a) declares that all rights, title, and interests of the United States in the surface and subsurface estates of certain lands located in Lincoln County, Oregon, are held in trust by the United States for the Tribe. These lands are scattered and isolated tracts presently managed by the Bureau of Land Management. Several tracts are surrounded by Forest Service lands. Expressly excluded are Forest Service lands, the lands of the Oregon and California Railroad, and Yaquina Head.

Section 2(b) declares that the lands to be held in trust for the Tribe are part of the Tribe's reservation.

Section 2(c) requires that the Secretary publish in the Federal Register a legal description of the lands to be held in trust.

Section 3. Management of Resources.—Section 3(a)(1) provides that, notwithstanding any other provision of law, the Tribe is authorized to manage, harvest, remove, sell, or otherwise alienate any interests in timber or any surface or subsurface resources on lands held in fee by the Tribe and lands held in trust for the Tribe, including those lands presently in trust and those to be held in trust upon enactment of this legislation. The Tribe is also authorized to perform any other activities on any and all of its lands, whether in fee or trust, incidental to the use of the surface and subsurface resources of the land, including forest pre-sale activities and road construction and maintenance. Section (3)(1) does not authorize the alienation of any land held or to be held in trust for the Tribes.

Section 3(a)(2) provides that, notwithstanding any other provision of law, the United States shall not be responsible for the care and management of any lands for which the Tribe has assumed responsibility. Furthermore, the United States would not be liable under its trust obligation for any act or omission of the Tribe where the Tribe exercises its authority to manage and care for Tribal lands.

Section (b)(1) requires the Tribe to enforce the Oregon Forest Practices Act (Or. Rev. Stat. 527.610, et seq.) and the rules relating to that Act, unless the Tribe's ordinances include an ordinance that is substantially in accord with that Act. If the Tribe adopts such an ordinance, it must do so in consultation with the Secretary and the Oregon State Forester and the ordinance must be published in the Federal Register.

Section (b)(2) provides that, notwithstanding the sovereign immunity of the Tribe, the State of Oregon or any person who is damaged by any act or omission of the Tribe under a tribal ordinance that is substantially in accord with the Oregon Forest Practices Act or that Act, if the Tribe has no such ordinance, may bring a civil action in tribal court or, if the Tribe does not have a court, in Federal District Court. The Tribe may be held liable for damages only to the extent the United States would have been held liable if the Secretary were responsible for such act or omission.

Section (c)(1) provides that the Tribe may terminate its responsibility for the management and care of its lands by notifying the Secretary. The termination becomes effective one year after the date the notice is submitted to the Secretary or a date upon which the Secretary and the Tribe have agreed. Such termination shall not affect the liability of the Tribe for any act or omission by the Tribe that occurred on or before the effective termination date; transfer any such liability to the United States; or obligate the United States to reforest or otherwise remedy any condition that is the fault of the Tribe. Termination of tribal responsibility shall not affect the Tribe's eligibility for services or assistance that are provided to Indian tribes because of their special status.

Section 3(d) requires that, for any year in which the Tribe assumes responsibility for the management and care of its lands, the Secretary shall pay to the Tribe the amount of Snyder Act funds the Tribe would have received under a 638 contract to perform such activities. The Tribe is required to account to the Secretary for its use of the funds and the Comptroller General is authorized to audit the Tribe's use of the funds.

Section 4. Proceeds From Resources.—This section provides that proceeds from the sale of timber or any other surface or subsurface resources shall be paid to the Tribe. None of the proceeds shall be subject to Federal or State income taxes or be considered as income or resources of tribal members in determining eligibility of tribal members or amounts of assistance under the Social Security Act or any other Federal or federally assisted program.

Section 5. Payment in Lieu of Taxes.—This section requires the Tribe to pay to Lincoln County 1.5 percent of the net revenues from timber harvested from the lands added to the reservation under this Act.

Section 6. Construction of this Act.—This section provides that nothing in this Act and no action taken by reason of this Act shall affect certain rights of the Tribe, the United States, or third parties. (See bill for details).

Section 7. Public Access.—The Tribe is permitted to limit access to the lands to be held in trust under this Act to the extent the Secretary is now authorized to limit access.

Section 8. Timber Exports.—Section 8(a) requires the Tribe to offer for sale, through public auction, not less than 50 percent of the total annual sales volume of timber harvested from the lands to be held in trust under this Act, *provided* that such firms agree to use the timber for production of wood products in the United States.

Section 8(b) provides that no other restrictions shall apply to the exportation of timber or other surface or subsurface resources removed from the lands to be held in trust under this Act.

Section 8(c) preserves the right of the Tribe to export timber or other resources on lands held by the Tribe in fee or by the United States in trust other than the lands to be held in trust under this Act.•

By Mr. BRADLEY:

S. 1562. An Act to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan repayment is contingent upon such student's income, and for other purposes; to the Committee on Finance.

SELF-RELIANCE SCHOLARSHIPS

• Mr. BRADLEY. Mr. President, when I sit down with middle-income families in New Jersey, the talk always turns to the economic pressures we're all feeling. And always the No. 1 or No. 2 concern is the same—the cost of a college education. As public and private tuitions skyrocket and aid dries up for, the best way for kids to get ahead is drifting out of reach.

I rise today, Mr. President, to talk about finding a way to lift the barrier between young people with ability and the education they deserve and our Nation needs. Before I describe the Self-Reliance Scholarship Program in some detail, let me tell you about the reactions of some New Jersey families to the idea.

One woman wrote to me about the dilemma her younger sister faces. "Her choices were severely curtailed by our parents' modest, middle-class income, and the fact that she is the last remaining dependent child in their home. Even though my parents are 'better off' than in the 1970's, my sister does not even have the same opportunity I had 14 years ago. I think your idea is great!"

I also heard from a women who pointed out that with the rate of inflation in college costs, young people begin to worry about their own children even before they have paid off their own loans. "My husband and I have been married for 3 years," she wrote, "and even though we don't have children yet, we have already started saving for college, because it seems the only way we can afford it."

Other parents face a cruel choice between trying to pay for their families' needs today or save for the education they will need tomorrow. One father wrote me, "I have been working myself up into a lather trying to determine how on Earth I am going to get four children through college when I am living from hand to mouth today."

The hurdles are just as great for working people who understand that education must be a lifetime activity. One single parent described her struggle to earn a bachelor's degree in accounting. Her employer had offered tuition reimbursement, but canceled the benefit to cut costs in a merger. She paid for her first semester with a cash advance on her credit card. Now she faces high medical bills, and she wrote to me, "My dream of ever going back to college is gone." But self-reliance scholarships, she says, would be "the light at the end of the tunnel."

In a highly competitive international work force where quality and skills are the only resources that matter, higher education cannot be a luxury. It cannot be a luxury for our economy and it cannot be a luxury for individuals with ability.

Parents and students may not be familiar with this statistic, but they know from experience that a college graduate will earn about 60 percent more than someone with just a high school diploma. A college degree is worth as much as $500,000 over a lifetime. Our economy rewards college graduates because we need their skills so deeply

Self-reliance scholarships harness the value of a college education—the 60 percent higher salary, the $500,000—to get over the hurdle of paying for it. Student's own earning potential, not what their parents happen to earn, would open the door to whatever colleges they could get into. Students whose families earned too little to pay a State college tuition would not be turned away. Students whose families might earn a little too much to get aid under current programs would not be turned away.

Self-reliance scholarships would give anyone, at any age up to 50, up to $33,000 for higher education, which they would pay back as a percentage of their income. And the percentage would be flexible. If you took out $10,000, for example, you could sign a contract to pay back about 1½ percent of your income for the next 25 years. Or you could agree to pay a little more, say 2½ percent of your income, and pay off your education a little faster, in 15 years.

There would also be a ceiling and a floor on repayments, so that no graduate could avoid paying his or her fair share, and graduates fortunate enough to earn very high incomes would not be penalized for success. A typical student who borrowed $10,000 and agreed to pay back 1½ percent of income for 15 years would pay no less than $477 in the first year and no more than $1,083.

I have developed self-reliance scholarships because the current Federal student loan and grant programs do not meet the needs of today's students. First, those sources of funds are shrinking while the cost of tuition is rising. The Bush administration's answer has been to limit eligibility for Pell grants to families earning less than $10,000. But those aren't the only families that need help with tuition at today's prices. Trying to choose between the have-nots and the have-not-enoughs reflects a failure of imagination about the value of higher education. It's no choice at all. It's like the choice Secretary of Education Lamar Alexander suggests to parents who can't pay for college: choose a cheaper college. It's time for some fresh thinking about how to pay for college.

Self-reliance scholarships solve this problem by giving everyone a new option. Some students will use them to finance their entire education. Some might use family savings to pay for four-fifths of the cost, and self-reliance scholarships for the rest. Some might use them to pay for the difference between the college they really dream of attending and the one they would have to settle for under the current system. Some students will combine self-reliance scholarships with other grants and loans currently available. The only thing that all of them have in common is that all of these students will pay back their self-reliance scholarships in full.

That goes to the second big problem with the current system—the default rate. Students graduate with loan burdens that they simply can't pay on their starting salaries. So they default. Defaults on guaranteed student loans will cost more than $2 billion this year. But self-reliance scholarships would be geared to the ability to pay. Because the payments would be collected through the IRS, there would be no way to avoid repayment. With guaranteed student loans, the taxpayer pays the interest before graduation, the administrative costs, and the defaults. But self-reliance scholarship graduates pay back all the costs of the program. The system would pay for itself.

The third problem with the current system is that it does not meet the needs of nontraditional students. Working Americans need to continually upgrade their skills to get ahead in their jobs and to keep up with changing technology and job requirements. But there is very little help available to independent, nontraditional students. Self-reliance scholarships are the perfect option for such students, who usually have a good sense of just how much more they are going to earn with a better education.

The self-reliance scholarship will require an initial investment to get started before it begins to pay for itself. That pool of starting capital will be paid for, in my proposal, by a temporary 10-percent surtax on millionaires. I hope that the wealthiest Americans will see the importance of making this investment in kids with ability, and in turn, making an investment in the future of the American economy.

Mr. President, I've been very gratified by the response to the self-reliance scholarship proposal. I've talked about it with families in their homes in New Jersey; I've talked about it with students this spring at high school and college graduations; I've talked to college administrators and teachers; and I've talked to my colleagues here and on the House side. From everyone, I've heard the same thing: This is an idea whose time has come. Tuitions are skyrocketing. Aid is shrinking. Self-reliance is the answer.

For the United States to remain the No. 1 economic power in the world, we have to be ready for jobs that involve computers, information, numbers, and intense creativity. We've got to demand more from students, but we also have to promise more. We have to promise that if you work hard, if you have ability, if you believe in yourself, and if you can get into college, you'll be able to go. Self-reliance scholarships will help young people realize that promise by relying on themselves.

Mr. President, I ask unanimous consent to include two summaries of the Self-Reliance Scholarship Program in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SELF-RELIANCE SCHOLARSHIP PROGRAM

THE NEED FOR THE PROGRAM

The current federal student loan programs are not able to adequately meet the needs of many of today's students. Federal student aid has shrunk at the same time that tuition costs have increased dramatically. Additionally, many students today do not fit the traditional mold that the federal programs were meant to serve. The growing number of older students needing skills upgrading entering the higher eduction system are not helped by the current federal student aid programs.

The Bush Administration's answer to this complex problem is to increase the maximum Pell grant to $3,700 while making ineligible students whose families make more than $10,000. While this will certainly help some people, it does not address the concerns of anyone but the most impoverished. Student aid programs should be aimed at helping more families to pay for college, not fewer families.

THE SELF-RELIANCE SCHOLARSHIP PROGRAM

This new program would provide money to pay for college to students who promise to pay back a certain percent of their income for a set period of time. Students would have a wide range of payment options. For instance, a student who wanted to borrow $10,000 could repay 1.5% of her income for 25 years, or 2% for 20 years, or 2.5% for 15 years. At a maximum, a student could borrow $33,000 by agreeing to repay 5% of income for 25 years. (See Table I) Annual loan amounts could not exceed the cost of annual attendance.

Unlike the Pell and Stafford loan programs, there is no means test for this program. It is open to all US citizens up to age 50, including part-time students. It is not, however, open to students from proprietary schools which historically have had very high student loan default rates.

In order to cover the costs of the program and to ensure that students of all income levels will be attracted to the program, the program has instituted floor and ceiling amounts that borrowers would have to pay back. Anyone earning below 66% of the average salary of college-educated people would still have to pay back a minimum amount. Likewise, if a borrower made over 150% of the average, payments would be capped.

Three Examples of Persons taking out $10,000 in SRSs (Table II).

For instance, the average student graduating from college who had received $10,000 would pay in her first year $477. In her fifth year of employment, she would pay $554. In her fifteenth year she would pay $1,254. And, in her last year of payment she would pay $2,835.

Some people may enter fields that will never pay more than 66% of the average salary for college educated people. Such persons would pay $477 in their first year of employment, $554 in the fifth year, $845 in the fifteenth year and $1,312 in their last year.

Conversely, some people will enter fields that pay considerable more than the average salary. Such persons would pay back more than other earners, but never more than $1,083 in their first year of employment, $1,236 in the fifth year, $1,920 in the fifteenth year and $2,981 in their last year.

FINANCING OF THE PROGRAM

Initially, a 10% tax surcharge will be placed on persons with annual incomes over one million dollars. This tax will be levied to pay for the subsidy costs of the program. The principal for the loans will come from bonds to be offered by the Treasury. Because these are unsubsidized direct loans, taxpayers will not be paying for profits to the banks nor for interest subsidies while a student is in school. Eventually the repayments from the borrowers will be used to recapitalize the program, removing the need for further bond offerings or taxes.

TABLE I—SELF-RELIANCE SCHOLARSHIP PROGRAM, MAXIMUM AMOUNT BORROWED

	25 years	20 years	15 years
Percentage of income:			
1	$6,540	$5,330	$4,140
2	13,100	10,660	8,280
3	19,610	15,990	12,410
4	26,140	21,310	16,550
5	32,680	26,640	20,690

TABLE II.—ANNUAL REPAYMENTS FROM THREE REPRESENTATIVE BORROWERS WHO BORROWED $10,000 WITH AN AGREEMENT TO REPAY 1.5 PERCENT OF THEIR INCOME FOR 25 YEARS

	Year 1	Year 5	Year 15	Year 20	Year 25
If someone's salary is less than	$31,774	$36,259	$56,309	$70,172	$87,447
They pay this	477	544	845	1,053	1,312
If someone's salary is	28,941	36,965	83,578	125,673	188,969
They pay	[1] 477	554	1,254	1,885	2,835
If someone's salary is more than	72,213	82,407	127,976	159,481	198,742
They pay	1,083	1,236	1,920	2,392	2,981

[1] Because this person's salary in their first year of employment is below the floor amount, they must pay a minimum amount.

SELF-RELIANCE SCHOLARSHIP PROGRAM

LEGISLATIVE SPECIFICATIONS

The Self-Reliance Scholarship provides a new option to assist students in financing their undergraduate and graduate education. Students would be eligible to participate in the program provided they promise a percentage of their future income over the course of 15–25 years for repayment. Key components of the legislation follow:

Creation of a New Self-Reliance Scholarship Program: Establishing a new title under the Higher Education Act, the bill creates a program to assist students in financing their undergraduate and graduate education. Repayment for funds provided under the program is income-contingent, with payments over a number of years based on a percentage of earnings. There is no means test for the program. It is open for all U.S. citizens up to age 50, including part-time students.

Establishment of an Education Trust Fund: A new trust fund, "The Education Trust Fund," would be created. The fund will serve as the source for capital for the program. Initially, the fund will be financed through the issuance of bonds, with the subsidy value of the loan and administrative costs financed through a 10 percent tax surcharge on persons with family income over $1 million. After the program is operative for a number of years, the fund will become self-sustaining and tax collections will be discontinued.

Management of a New Program within the Department of Education: A new "Office for Self-Reliance Scholarships" would be established within the Department of Education to oversee the program. The Department of Education would have the option of contracting out operations of the program. Such sums as may be necessary for the administration and management of this program are authorized to be appropriated for this office from the revenues collected and deposited to the Trust from the tax described above.

Program Mechanics: Students would apply directly to the undergraduate and graduate institutions to which they have been accepted in order to participate in the program. The Office for Self-Reliance Scholarships will establish agreements with educational institutions to ensure that annual scholarship amounts do not exceed the cost of attendance.

Limitations on Borrowing: The maximum annual limit on borrowing would be set at $10,000; the lifetime scholarship limitation for a student would be set at $33,000. The minimum annual borrowing limit would be set at $500. The amounts awarded under the program do not affect eligibility for other programs under the Higher Education Act.

Repayments to the Trust Fund: All repayments shall be credited to the Education Trust. The loans will be paid back through the income tax system and tied to payroll tax deductions. Participating students could select from a variety of repayment options.

Determination of Repayment Percentage: The percentage of income deducted for repayment will be determined by the total amount borrowed and the number of years a student decides to repay. No student will pay more than 5 percent of their earnings in a given year, nor will any student repay their loan for more than 25 years. The Director of the Office of Self-Reliance Scholarships will determine the percentages to be withheld based on projected earnings of graduates as determined by Current Population Survey data and repayment of principal borrowed from the Trust Fund plus interest set at the lower of the average rate of a 10-year Treasury note and 30-year Treasury bond or 10 percent; currently, this is 8.3 percent.

Treatment of Married Couples: The program mirrors the current tax system in terms of treating students who are married. For married couples who file jointly, income would be calculated as the higher of the individual's income or one half of the joint family income.

Coordination with IRS and Tax System: The Office for Self-Reliance Scholarships will provide taxpayer information to, and coordinate repayment with, the Internal Revenue Service. This will reduce defaults and therefore, save taxpayer money.

Assuring for Broad Based Interest in the Program: Annual upper and lower payment limits would be established to ensure that students who earn very high salaries are not penalized and students earning very low salaries are paying their fair share. Lower and upper limits are set at amounts corresponding to repayments for earners of 66 percent and 150 percent of average income, respectively.

Options for Buying Out of SRS Withholding: The program would include a buyout option which would require the student to repay the principal amount borrowed, plus the interest specified above, plus an appropriate penalty.

Choice of Deferring and Accruing: Students may start repayment as late as the start of the first tax year following graduation. For these students, the amount borrowed will in effect be reduced by the accruing interest amount. Students may decide to not defer payments and start to pay immediately, thereby avoiding this penalty. No student may defer beyond 6 years from the date borrowing was initiated unless permitted to do so by the Director.

Cost Containment: The program includes a provision requiring participating institutions with tuition increases significantly exceeding the Higher Education Price Index to submit reports justifying these increases. After two years, the Director would report to Congress on reasons for these increases and on the efficacy of using this data in conjunction with establishing institutional agreements.

General Provisions: Any additional terms and conditions that the Secretary of the Treasury or Director deem necessary to protect the fiscal interest of the United States and to ensure effective administration of the program shall be prescribed by regulation.●

Mr. DURENBERGER. Mr. President, I rise today to enthusiastically commend and applaud my distinguished colleague from New Jersey as he introduces legislation offering a radical new approach to financing access to higher education.

The proposal introduced today by Senator BRADLEY would establish a bold new self-reliance scholarship program.

The new program would be available to all students, regardless of their income and with a minimum amount of paperwork and redtape.

It would provide up to $33,000 in loans to pay tuition and other expenses.

These loans could be used by either full- or part-time students up to age 50 at virtually any college, university, or technical school in America.

Most important, Mr. President, this proposal would allow students to repay their loans over 15 to 25 years—based on their incomes after graduation—not on their personal or family incomes at the time they enroll.

Under this aspect of the proposal, graduates in lower paying jobs would make lower loan payments. As incomes rise, so would the size of their repayments.

In fairness to all participants, an annual floor in payment levels would require every graduate to pay at least something back each year.

And, an annual ceiling on payments would help ensure that graduates with the highest incomes would not be discouraged from participating in the program.

Mr. President, there will be criticisms of some aspects of this proposal as there are of any new way of thinking about an old need.

Indeed, there are other proposals to income-related student loan payments that offer advantages to Senator BRADLEY'S approach—and that respond to many of the criticisms that he will receive.

Next week, I intend to introduce legislation of my own that takes a slightly different approach to income-based loan repayment.

But fundamental disagreement over how best to finance higher education does not exist among those who support different ways of tying student loan payment to the incomes of college graduates.

The real difference, Mr. President, is between Senator BRADLEY, myself, and others who support radical change, and those who are focused entirely on fixing and fine tuning the status quo.

Those of us who favor radical change, Mr. President, stand united in our determination to fundamentally reform a system that is unnecessarily bureaucratic and complex—a system that largely neglects the needs of middle-income students and their families—a system that spends huge amounts of scarce resources on third parties and on administration—money that could be going to support the aspirations of those low-income students who need help the most—a system that institutions, of higher education criticize constantly, but cannot do without.

Senator BRADLEY and I and others are also united in our determination to fundamentally change a system that is losing billions of dollars a year to a rising number of defaults—a system that is limiting institutional, career, and family-related choices of a growing number of students—a system that will become even more burdensome as costs continue to rise and as the ability of State governments to finance their public colleges and universities continues to falter.

Mr. President, we can and should increase and better focus the support we now give through the Pell and other grant programs to our lowest income students.

And, we must be better stewards of the Stafford, Perkins and other Federal loan programs that now serve more that 4 million students annually who are attending America's 8,000 colleges, universities and other higher education institutions.

But, the legislation Senator BRADLEY is introducting today sends a strong signal that fixing and finetuning the present system doesn't go far enough.

The proposal I and others will be introducing next week sends that same strong message.

Working together—Republicans and Democrats, House, Senate, the executive branch—I am confident that we can and will do better and that we can do it in this Congress at the time we reauthorize higher loan funding.

Mr. President, future generations of American students and their families are demanding that we do nothing less.

By Mr. KERRY (for himself, Mr. PELL, Mr. HOLLINGS, Mr. KENNEDY, Mr. STEVENS, Mr. PACKWOOD, Mr. KASTEN, and Mr. GORTON):

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; by unanimous consent, referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources.

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT

Mr. KERRY. Mr. President, I am pleased today to have introduced a bill to reauthorize the National Sea Grant Program, a university-based research and advisory program to understand, conserve, and enhance the Nation's ocean and coastal resources.

The National Sea Grant Program was established in 1966 by my good friend and colleague from Rhode Island, Senator CLAIBORNE PELL. Today, it is a network that encompasses over 300 colleges and universities and 3,000 scientists. The Sea Grant Program is part of the National Oceanic and Atmospheric Administration and is the major bridge between the Federal and academic oceanographic communities.

The Sea Grant Program was begun as a counterpart to the Land Grant Colleges in recognition of the importance of ocean resources to the Nation. I would like to remind my colleagues that the United States currently has more ocean area than land area under its jurisdiction. In addition, nearly 75 percent of the U.S. population now lives within 50 miles of the coast.

Sea Grant emphasizes applied research into such diverse and important topics as marine pollution, global climate change, fisheries development, red tides, marine tourism, marine biotechnology, international policy, and coastal zone management. It also provides our children with opportunities for education and research, ensuring that we will have trained marine scientists to provide the information that will be needed to properly manage and protect our ocean resources into the future.

I would like to mention specifically the Marine Advisory Service of the Sea Grant Program. This is an important service that enables the results of applied research to be disseminated and used in the activities of the marine community. The service provides outreach and technology transfer functions that are essential to improving our economic and technological competitiveness. I feel strongly that this is an important aspect of the Sea Grant Program that should be maintained.

Funding for Sea Grant is provided from Federal, State, and local sources. These are sound expenditures in terms of the economic gains that the program has demonstrated. A recent study estimated that the program returned over $842 million in economic benefits to the Nation for a 1-year appropriation of $39 million.

Yet despite the accomplishments and obvious benefits of this important program, the level of support for the program has dwindled over the past decade. In terms of real dollars, the program reached a funding peak in 1978 and declined by 34 percent by 1989. Last year, Congress provided some modest gains so that the program could at least keep pace with inflation.

Mr. President, the bill I am introducing today reauthorizes the National Sea Grant Program through 1995 and provides for modest increases in funding. This program is a very important element in our efforts to protect our environmental security, train young scientists, and maintain our technological and economic competitiveness.

I urge my colleagues to support this bill and this program. I ask unanimous consent that the full text of the bill be placed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than section 211, an amount—

"(1) for fiscal year 1991, not to exceed $45,000,000;

"(2) for fiscal year 1992, not to exceed $47,700,000;

"(3) for fiscal year 1993, not to exceed $50,562,000;

"(4) for fiscal year 1994, not to exceed $53,596,000; and

"(5) for fiscal year 1995, not to exceed $56,811,000.".

STRATEGIC MARINE RESEARCH PROGRAM

SEC. 3. (a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(B) in section 205(b)(3) by striking "or section 206";

(C) in section 208(c)(5) by inserting "and" immediately after the semicolon;

(D) by striking paragraph (6) of section 208(c) and redesignating paragraph (7) as paragraph (6);

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(F) in section 209(c)(1) by striking "or 206"; and

(G) in section 212(b) by striking "section 206 and".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and".

Mr. PELL. Mr. President, I am joining today with the Senator from Massachusetts, Senator KERRY, in introducing legislation to extend and increase the authorization of the National Sea Grant College Program within the Commerce Department's National Oceanic and Atmospheric Administration.

I take particular pleasure in sponsoring this legislation. The Sea Grant College Program was established 26 years ago by legislation which I authored in cooperation with former Representative Paul Rodgers of Florida. And, indeed, my State of Rhode Island has played a central part in the birth and development of the Sea Grant Program.

I conducted the first hearing on proposed Sea Grant legislation at the University of Rhode Island in 1965. Among those who was most helpful in putting forward and developing the concepts on which the program was based was my good friend John Knauss, who served at that time as dean of the Graduate School of Oceanography at the university. And I am pleased that John is serving today as Administrator of the National Oceanic and Atmospheric Administration.

In addition, the first Director of the Sea Grant College Program was Robert Abel, a native of Rhode Island, who did a superb job in guiding the development of the program in its first decade.

The Sea Grant Program, despite limited funding, has played a central role in the development of marine education, applied research, and extension services throughout the United States. If we did not have the Sea Grant College Program today, we would have to invent it quickly to meet our national, regional, and State needs in marine resource protection and development.

Regrettably, the Sea Grant College Program was hobbled during the 1980's by the repeated insistence of the Reagan administration that the program be terminated. Congress, year after year, rejected the termination proposals, but budget constraints resulting from the 1980's fiscal policies have resulted in level funding of the Sea Grant Program for many years.

We are still confronted by severe budget constraints, and the proposed new authorization provides only for modest increases in funding over the next 5 years that will at least allow an avoidance of further erosion of the program through inflation.

The National Sea Grant College Program has been immensely successful in assisting in the protection and development of our Nation's marine resources through the past 26 years. I look forward to speedy action on a new authorization that will permit a continuation of this outstanding program.

Mr. HOLLINGS. Mr. President, today I join with Senator KERRY in introducing a bill to reauthorize the National Sea Grant College Program. This program represents a national vision of oceans policy and a commitment to the sustainable use of our Nation's important Great Lakes and ocean waters.

Since its creation in 1966, when Congress foresaw the need to focus the country's energies on often unused or misused marine resources, the Sea Grant Program has helped direct our Nation's universities toward the study of our coasts and the sea.

As a result, the Sea Grant Program has become a national resource in the areas of water quality research, aquaculture, biotechnology, seafood and marine products, fisheries recruitment, ocean and coastal engineering, and marine policy.

More importantly, the Sea Grant Program is problem-oriented and builds bridges between Government and academia, as well as between research laboratories and those who need reliable information. With limited funds, the Sea Grant Program, in partnership with our States, has had substantial and positive economic impacts over its 25-year existence. It has contributed to the competitiveness of the Nation's coastal and marine economy, to the pool of skilled manpower, to scientific achievement, to technology transfer, and to public education on critical resource and environmental issues. It serves as a successful model for multidisciplinary research and for university/industry/Government cooperation for scientific advancement and economic development—items that have been embraced as keystones of national science policy.

In the State of South Carolina, the Sea Grant Program has been active in a number of important areas. For several years prior to Hurricane Hugo, the South Carolina Sea Grant consortium funded researchers who evaluated the vulnerability of coastal structures to wind damage and developed a microcomputer-based system that determines proper roof design under varying conditions. The resulting knowledge about wind-resistant construction was made widely available to architects, contractors, and homeworkers engaged in rebuilding in the aftermath of Hurricane Hugo.

The consortium also has helped to build South Carolina's aquaculture industry. Sea Grant-funded research and extension efforts have enhanced crawfish, shrimp, hybrid bass, and hard clam production in my home State and elsewhere. Hard clam culture technology improved in South Carolina has been adopted by numerous shellfish companies in the Northeast and Pacific Northwest. In addition, Atlantic Littleneck Seafarms has begun development in Charleston, SC, of one of the largest private hard clam aquaculture operations worldwide.

Mr. President, to meet the challenges faced by the Nation's coastal and Great Lakes resources, the Sea Grant Program must continue its role of supporting relevant research and transferring the results to coastal and marine businesses, the public, and government decisionmakers. I urge my colleagues to join me in supporting this important legislation to reauthorize the Sea Grant Program.

By Mr. CONRAD:

S. 1564. A bill to amend title 49, United States Code, relating to tax discrimination against rail transportation property; to the Committee on Commerce, Science, and Transportation.

PROPERTY TAX FAIRNESS AND COMMUNITY AND SCHOOL FISCAL STABILITY ACT

• Mr. CONRAD. Mr. President, today I am introducing a bill to clarify the intent of the tax provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (4–R Act).

State officials and railroads have long been at odds over the valuation of railroad property. States have argued that their citizens are hostage to sophisticated accounting techniques and well-financed litigation efforts used by the railroads to minimize their tax burdens. During the 1960's, the railroads turned to the Federal Government to seek relief from what they saw as discriminatory taxation.

Passage of the 4–R Act in 1976 was the culmination of the efforts of the railroads to seek Federal relief. Section 306 of the act amended the Interstate Commerce Act to prohibit discrimination of State taxation in rates and assessments of railroad property. Further, it allowed railroads to bypass the State administrative and court review and petition the Federal district courts. The section also allowed the court to issue injunctions blocking collection of disputed taxes until the case was settled.

This section has undercut the ability of States and local governments to tax rail carriers. The Federal Government is rarely involved in property tax matters. Furthermore, under the act, rail carriers are granted privileges not granted to other classes of taxpayers. They can bypass State administrative review channels and appeal directly to Federal district court. In addition, they are granted injunctive relief while their challenge is pending which is a privilege not available to homeowners, farmers or commercial property owners. This injunctive relief provision allows railroads to withhold millions of dollars of tax payments: payments which would fund county services and school districts. Finally, the 4–R Act's "other tax" provision have encouraged rail carriers to challenge the States on tax issues ranging from personal property tax exemptions to income taxes.

I have a longstanding interest in this matter, Mr. President. As the former North Dakota State Tax Commissioner, I believe that Federal court interpretation of the 4–R Act has simply gone too far. I agree with the notion that railroads should not face discrimination in the assessment of property tax, but section 306 grants them relief that is not available to any other type of taxpayer.

Railroads, granted these special powers, have succeeded in depriving States of millions of dollars of property taxes. North Dakota has lost several million tax dollars because of litigation with three railroads. In Washington State, over $6 million from 32 counties was enjoined for 3 years in a case involving Burlington Northern. Nationwide counties, cities, school districts, and States have lost over $500 million dollars as a result of 4–R cases.

Even more disturbing, the railroads have adopted an aggressive litigation strategy in bringing claims under the 4–R Act in an attempt to stretch the act well beyond its original purpose. In one particularly damaging case, Burlington Northern versus Oklahoma Tax Commission, the Supreme Court agreed with Burlington Northern that the legislative history of the property tax provision of the 4–R Act was irrelevant, and that the court could consider property valuation issues. The decision significantly broadened the scope of section 306, allowing courts authority to approve the actual dollar value of railroad property. This decision ignored the legislative history of the act, which indicates that the act was meant to prohibit tax discrimination in property tax rates and assessment ratios, and was not intended to put Federal judges in the property tax appraisal business.

Mr. President, the bill I am introducing today would restore fairness to the antidiscrimination provisions of the property tax provision of the 4–R Act. It would clarify that rates and assessment ratios, not valuations, are the focus of 4–R restrictions. It would assure that Federal courts review State actions, not replace them. It would end the railroads' privilege to seek Federal injunctions—a privilege not granted to any other taxpayer. Finally, the bill would clarify that property taxation is the focus of 4–R restrictions.

Mr. President, a number of organizations have been working for years to amend the 4–R Act, including the American Farm Bureau, Multistate Tax Commission, National Governor's Association, National School Boards Association, National Conference of State Legislatures, National League of Cities, National Association of Counties, and the National Association of Regulatory Utility Commissioners.

Mr. President, this is a sensible proposal. It simply restores fairness to the rail property tax system by requiring that railroads pursue the same course available to any other taxpayer when making claims of discriminatory taxation. I urge my colleagues to examine the legislation and join me in advocating these changes.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

4–R DRAFT SENATE BILL SUMMARY

VALUATION CHALLENGES

Section 1 (a)(5)—Amends Section 11503 (a) of title 49, United States Code.

Removes valuation challenges from the jurisdiction of the federal court by clarifying that the determination of true market value of rail transportation property is the responsibility of state assessing officials. The law would clearly state that only rates and assessment ratios, not valuations, are restricted by the 4–R Act tax provision.

FEDERAL DISTRICT COURT JURISDICTION AND INJUNCTIVE RELIEF

Section 1 (c)—Amends Section 11503 (c) of title 49 of the United States Code.

Removes the concurrent federal district court jurisdiction, and requires the railroads to exhaust state administrative and court channels before challenging in federal court.

Removes the district court's ability to enjoin state assessment or collection action.

THE "OTHER TAX" SECTION

Section 1 (b)—Repeals Section 11503(b)(4) of title 49, United States Code.

Repeals the catch-all provison that allows the railroads to challenge other taxes, in addition to property taxes, as being discriminatory. Removal of this section will return to the 4–R tax provision to its original intent to restrict just state *property* tax practices on railroad property. The railroads would no longer be able to challenge any difference in tax treatment as discriminatory under 4–R.•

By Mr. BIDEN:

S.J. Res. 183. Joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awarness Week"; to the Committee on the Judiciary.

NATIONAL CAMPUS CRIME AND SECURITY AWARENESS WEEK

• Mr. BIDEN. Mr. President, I rise today to introduce a resolution designating the week of September 1, 1991 as "National Campus Crime and Security Awareness Week." This resolution is a companion measure to House Joint Resolution 142, introduced in the House of Representative by Congressman WILLIAM F. GOODLING of Pennsylvania.

In just a little over a month from now, our college campuses will be overflowing with eager students expecting—as they should—an exciting year full of intellectual and personal growth. Unfortunately, far too many of these eager students will encounter danger on their campuses. It is shameful, but true, that our Nation's colleges and universities are no longer the islands of safety we once imagined them to be.

This resolution is a compliment to the Student Right-to-Know and Campus Security Act passed during the 101st Congress and signed into law by President Bush on November 8, 1990. Beginning on September 1, 1991, colleges and universities must collect campus crime data; by the following year, they must release that data to both faculty and students and report violent crimes to campus communities.

For all practical purposes, the Campus Security Act will not take effect until 1992. In the meantime, it is my hope that colleges and universities will take it upon themselves to educate students about campus security policies and crime prevention techniques. That is why I am introducing this legislation designating the week of September 1, 1991 as "National Campus Crime and Security Awareness Week."

Campus crime will not stop and wait until crimes must be reported under the Campus Security Act. Now is the perfect time of our Nation's higher education institutions to reach out to their students to give them the kind of vital information they need to avoid becoming one of 1992's campus crime victim statistics.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution and ensuring that our Nation's colleges and universities educate students about the dangers of campus crime.●

ADDITIONAL COSPONSORS

S. 401

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 514

At the request of Ms. MIKULSKI, the names of the Senator from California [Mr. CRANSTON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 723

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 723, a bill to amend section 1738A of title 28, United States Code, relating to child custody determinations, to modify the requirements for court jurisdiction.

S. 775

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 878

At the request of Mr. DODD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 924

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 924, a bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1253

At the request of Mr. SANFORD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1253, a bill to protect the right to carry out a lawful hunt within a National Forest.

S. 1270

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1270, a bill to require the heads of Departments and Agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1426

At the request of Mr. KASTEN, his name was added as a cosponsor of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

At the request of Mr. BUMPERS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1426, supra.

S. 1479

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1479, a bill to amend the Public Health Service Act to reauthorize certain programs with respect to health care areas, to provide for the establishment of model programs in behavioral health, and for other purposes.

S. 1554

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 140

At the request of Mr. WARNER, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Nevada [Mr. BRYAN], the Senator from Delaware [Mr. ROTH], the Senator from Mississippi [Mr. LOTT], the Senator from West Virginia [Mr. BYRD], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. PELL], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America Week".

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week".

SENATE JOINT RESOLUTION 173

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 173, a joint resolution designating 1991 as the 25th anniversary year of the formation of the President's committee on Mental Retardation

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution to express the sense of the Congress that the President should consider certain factors in 1992 before recommending extension of the waiver authority under section 402(c) of the Trade Act of 1974 with respect to the Union of Soviet Socialist Republics.

SENATE RESOLUTION 12

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Resolution 12, a resolution calling upon President Gorbachev to refrain from further use of force against the democratically elected Government of Lithuania, Latvia, or Estonia.

SENATE CONCURRENT RESOLUTION 55—CALLING FOR THE CONSTRUCTION OF AN INTERNATIONAL MEMORIAL TO THE VICTIMS OF COMMUNISM

Mr. SYMMS submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 55

Whereas since 1917, the rulers of international communism led by Vladimir I. Lenin and Mao Tse-tung have been responsible through imperialist conquest, revolutions, civil wars, purges, wars by proxy, military coups and other violent means for the deaths of over 100 million victims;

Whereas the imperial and quisling regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom and cultural life of the peoples of over forty captive nations;

Whereas there is a danger that the heroic sacrifices of the victims of communism may be forgotten as international communism and its imperial bases continue to collapse and crumble;

Whereas the sacrifices of these victims should be permanently memorialized so that never again will nations and peoples allow so evil a tyranny to terrorize the world.

Resolved by the Senate (the House of Representative concurring),

(1) That the United States construct an International Memorial to the Victims of Communism at an appropriate location within the boundaries of the District of Columbia and for the appointment of a commission to oversee the design, construction and all other pertinent details of the Memorial; provided, that all costs associated for land acquisition, design, construction and maintenance shall be obtained through private sources.

• Mr. SYMMS. Mr. President, since 1959, the President of the United States and Congress have observed, National Captive Nations Week. This year marks the 32d anniversary of this historic event.

For several decades, nations shackled in the bonds of communism have fought for their liberation and self-determination. Not necessarily fought with conventional weaponry, their struggle most often has been waged with the faith and the will to achieve freedom.

With the collapse of the Berlin Wall and the fall of the Warsaw Pact, the liberated democracies in Eastern Europe emerging from the grip of communism are aware their newly-born freedom nonetheless hinges, in part, on the outcome of the changes taking place in the Soviet Union. While their prospects toward achieving a more democratic society are encouraging, many nations today must still fight for their independence and freedom, such as the Baltic States, the Ukraine, mainland China, nations in Asia, Africa, and the Caribbean. What we witness now was envisioned in the first Captive Nations Week Resolution adopted over three decades ago.

With the successive demise of Communist control over much of Eastern Europe, it is very clear that freedom for nations around the world is not an impossible task to accomplish. The citizens of these countries want freedom and independence, and they should have our support throughout their transition. The changing times in Eastern Europe should be a signalling point to the United States and the free world that it is time to move quick and liberate these oppressed nations.

As President George Bush stated:

> The world has entered a new era. Communism has failed throughout Eastern Europe * * * more and more regimes that were once ruled by terror and force have fallen, swept away by courageous peoples who are eager to take their rightful place in the community of free nations—a community that is marked by respect for human rights and the rule of the law.

It is time for the American public to take action and stand up for democracy and freedom worldwide. The rights and freedoms we as Americans enjoy are not for a privileged few. They are the rights of mankind. The essence of commemorating captive nations week is that which lies in our heritage and our fight for independence. Our country has always set the standard for freedom and respect for human rights, and we should be willing to lend these captive nations our support and guidance. The great Thomas Paine once stated:

> Ignorance is of peculiar nature; once dispelled, it is impossible to reestablish it. It is not originally a thing of itself, but is only the absence of knowledge; and though man may be kept ignorant, he cannot be made ignorant.

Through our efforts to recognize the nations still bound by the yoke of communism, the world will not be kept in the dark anymore. Their moral struggle is not theirs alone. Indeed, it is the duty of every individual living in freedom to strive toward liberating those who cannot attain that God-given right themselves.

Communism, since its inception, has taken a hideous toll on humanity. In its short lifetime millions have died at its hands. The leaders espousing this decrepit ideology have spared nothing in their quest for individual and collective domination. They have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultural life of the peoples of over 40 nations. However, as the days of communism are truly numbered, we should never forget the people that have paid the price for living in such a system of government.

As the Nation commemorates "Captive Nations Week," I am also introducing a resolution that would seek to erect a monument commemorating the victims of communism. I would hope my colleagues will join me in sponsoring the resolution. I send the resolution to the desk and ask that it be referred to the proper committee.

Moreover, Mr. President, I have a speech that was given by former President Ronald Reagan on July 15, in Los Angeles, CA, which I would ask that it be printed in the RECORD.

In addition, I have a number of proclamations issued by the President and several city majors and State Governors commemorating "Captive Nations Week" and ask that they also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas: Captive Nations Week was originally approved by a joint resolution of the 86th Congress on July 17, 1959, which authorized and requested the incumbent President to proclaim the third week of July each year as Captive Nations Week; and

Whereas: Americans have traditionally affirmed their determination to keep faith with those who are denied their fundamental rights; and

Whereas: Despite movements for positive change in many parts of the world, many countries still await greater freedoms, and look to the United States as a model of liberty; and

Whereas: The heritage of the United States stems in large part from the unity amid diverse ethnic and religious backgrounds, and that unity has given the American people a unique love of the ideals of freedom, justice, and independence; and

Whereas: The Captive Nations Committee, Inc. is dedicated to securing freedoms for the oppressed nations of the world; and

Whereas: Captive Nations Week will be observed all over the United States from July 14th through July 20th, 1991, and will be marked with a Freedom Demonstration at the headquarters of the United Nations in New York City; and

Whereas: The issue of freedom is so central to the beliefs of the citizens of the Commonwealth;

Now, therefore, I, William F. Weld, Governor of the Commonwealth of Massachusetts, do hereby proclaim July 14th through July 20th, 1991 as "Captive Nations Week in Massachusetts" and urge the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

PROCLAMATION

Whereas, the cause of freedom is indivisible and universal; its denial or loss is creating a chasm and perils freedom everywhere, as witnessed by historical events; and

Whereas, the United States has been a symbol and champion of freedom for all mankind for over two centuries and has so demonstrated recently with the brilliant Desert Storm victory; and

Whereas, the world has witnessed dramatic changes in some parts of Europe, such as the fall of the Berlin Wall, lifting the infamous Iron Curtain and exposing the bankrupt Communist system; and

Whereas, over three decades ago, in 1959, the United States Congress recognizing the grave implications and threats this corrupt system posed to the free world, passed unanimously Public Law 86/90 calling for not only to halt further expansions, but clearly acknowledging the rightful claims to independence for all nations that fell into the Russian or other Communist orbit; and

Whereas, the ongoing heroic efforts of the Captive Nations to regain their lost but not abandoned freedoms, now dramatically brought into our own living rooms, clearly attest to the fundamental drive of the human spirit to be free; and

Whereas, there are clear indications that despots and dictators are determined to hold on to crumbling empires, as witnessed by Mikhail Gorbachev and lesser rulers of Yugoslavia who are using force and military equipment to quell the drive for independence; and

Whereas, the free world is faced with the monumental task of defending the rightful claims of the Captive Nations and must exert a concentrated effort to aid and support the ongoing struggle toward national independence and sovereignty,

Now, Therefore, I James D. Griffin, Mayor of the City of Buffalo, do hereby proclaim July 14 to July 21, 1991 as "Captive Nations Week" in the City of Buffalo and invite the people of our city to observe this week with appropriate ceremonies to give testimony and reaffirm their dedication to the ideals of Freedom, independence, national and human rights.

THE EXPANDING FRONTIERS OF WORLD FREEDOM

(Remarks by President Ronald Reagan)

I am pleased to be here with you this evening, in commemoration of Captive Nations Week. If things continue the way they have been going, next year we will have to call it Free Nations Week. (Laughter)

Remembering those nations which have lost—or newly won—their freedom is important to me, and I congratulate this event's co-sponsors: The Republic of China Chapter of the World League for Freedom and Democracy and the Claremont Institute for the Study of Statesmanship and Political Philosophy. In the purposes of these two organizations, we see reflected America's calling and her destiny—to nourish and defend freedom and democracy and to communicate these ideals everywhere we can.

We who are privileged to be Americans have had a rendezvous with destiny since that moment in 1630 when John Winthrop, standing on the deck of the tiny Arbella off the coast of Massachusetts, told the little band of Pilgrims, "We shall be as a city upon a hill. The eyes of all people are upon us . . ."

I have long believed that the guiding hand of Providence did not create this new nation of America for ourselves alone, but for a higher cause: the preservation and extension of the sacred fire of human liberty. The Declaration of Independence and the Constitution of these United States are covenants we have made not only with ourselves, but with all of mankind. Our founding documents proclaim to the world that freedom is not the sole prerogative of a chosen few, they are the universal right of all God's children. As John Quincy Adams promised, "Whenever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions and her prayers.

Can we doubt that a Divine Providence placed this land, this continent of freedom, here as a refuge for all those peoples in the world who yearn to breathe free? Look around this room tonight. Among our number we have Cambodians who have escaped the cruel purges of Pol Pot. We have the boat people of Vietnam, who risked their lives to escape from a tyranny worse than death. We have the Hmong, who fought so bravely with us for their freedom, and who withdrew with honor to these shores when that struggle was concluded. We have the myriad peoples of the Baltic States and Eastern Europe, who alike fled the dark descent of an iron curtain, in Winston Churchill's memorable phrase, over their homelands. We have the Free Chinese, who found sanctuary here and on the island of Taiwan, there to create a beacon of hope for the mainland.

Never have our duties as a people been more heavy than over the past few decades. A troubled and afflicted mankind has repeatedly looked to us—today's living Americans—to keep our rendezvous with destiny. True to our nation's calling, we have responded with a will. No people on this earth has fought harder or paid a higher price to advance the cause of freedom, nor has met with greater success.

In Europe, in Asia, in Central America and the Caribbean, and recently in the Middle East, we have led nation after nation out of the wilderness of invasion and captivity to the broad sunlit uplands of liberty. We stood shoulder to shoulder with our allies in Europe, until the iron curtain that artificially divided their continent was torn asunder and Germany was reunited. We held the line in Asia, buying time for countries like Korea, Taiwan, and the Philippines to build the institutions of democracy.

Margaret Thatcher, former Prime Minister of Great Britain, recently said that I, Ronald Reagan, singlehandedly won the cold war against Communism. (applause, laughter) I cannot accept this honor. To begin with, I had the Iron Lady at my side. (laughter) The eighties were a decade when you and I and the vast majority of Americans courageously suppported the struggle for liberty, self-government, and free enterprise throughout the world. Together with our allies abroad we turned the tide of history away from totalitarian darkness and into the warm sunlight of human freedom.

There can be no doubt that the tide of freedom is rising. At the start of this century, there were only a handful of democracies. Today more than half of the world's people, living in over 60 countries, govern themselves. Nations as varied as Lithuania, Croatia, and Armenia have legislatures elected by the people and responsive to the people. One of the engines of this progress is the desire for economic development—the realization that it is free nations that prosper and free peoples who create better lives for themselves and their children. Another is the natural desire of disparate peoples for self-determination.

The cult of the state may be dying, but it is not yet dead. In Eastern Europe, Poland, Hungary and Czechoslovakia now have popularly elected governments. An unwelcome army of occupation will soon withdraw. These governments now face the difficult question of privatizing the vast resources accumulated by their totalitarian predecessors. How quickly and completely they move to a free market economy will determine the standard of living of their peoples for years to come.

Moving south, Bulgaria, Yugoslavia, and Romania have yet to complete their democratic transitions. Bulgaria may be the first to achieve this, if the current parliament resigns as promised later this month and free elections are held in September.

We find Yugoslavia on the brink of civil war. The Croatian and Slovenian peoples, by majorities in excess of 90 percent, have indicated their wish to withdraw their republics from the Yugoslavian state. The state seems equally determined to preserve its territorial integrity, by force if necessary. As Americans, who believe in government by consent, our sympathies naturally lie with the breakaway republics. It is for the people, not the state, to determine where the boundaries of civil society shall fall.

This same principle of self-determination applies to the Soviet Union's many republics. I am not speaking here of the Baltic states. Lithuania, Latvia, and Estonia were illegally occupied by the Soviet Union at the opening of World War II. They are sovereign states by right and should be freed immediately. I am speaking of the Soviet Union's other republics. If the people of Armenia, of Georgia, and even the Ukraine, in free plebiscites, should vote to leave the Soviet empire, then they should be allowed to do so. America should not get into the business of preserving the artificial state structures established by monarchs and dictators.

Once the Soviet Union has dissolved into a loose confederation of independent nations, what then? Freed from the twin burdens of empire and Communism, the Russian people will reassert their natural greatness. Their land will stretch 7,000 miles from Leningrad—excuse me, I meant St. Petersburg (laughter)—to Vladivostok. They will be a nation of 160 to 190 million people, bent upon repairing the economic and social ravages of totalitarianism. If they choose democracy and the free market—and we should be encouraging them to do so—this can be accomplished quickly. In five years their family farms will feed not only themselves, but many of the nations around them. In fifteen years their enterprises, taking advantage of Russia's vast natural resources and the foreign investment that will pour in, will number among the best in the world.

Moving to China, we have seen the brutal way the Beijing regime responded to the cries of the Chinese people for democracy in Tiananmen Square. They fail to realize that you cannot crush hope with treads of tanks; you cannot drown democratic aspirations in a hail of bullets.

In our relationship with China we should always remember what our Chinese friends on Taiwan have accomplished: A resource-poor island has become one of the major trading nations in the world; a political transformation no less dramatic than that of Europe has resulted in full-fledged democracy. The implications of these changes for China's future are profound. As President Lee Teng-hui recently remarked, "We are building a prospersous democracy—not just for the Taiwan area itself, but for the whole of China. We are building a democracy for unification." We in America can never go wrong if we do what is morally right, and keep our commitments to Taiwan.

Soviet colonies around the globe, abandoned by Moscow in its own quest for survival, are withering and dying. We have just marked the 16th anniversary of the death of freedom for Vietnam and Cambodia. Hanoi and Phnom Penh are both abandoning the socialist economic model, and adopting a more market-oriented approach that will surely bring greater political freedom in its wake. The peace negotiations in Cambodia are making progress, but the participation of the butcherous Kymer Rouge in these talks gives many people pause. The people of Afghanistan are still struggling to free themselves from a Moscow-imposed totalitarianism.

As long as these struggles continue, freedom-loving people around the world must say: I am a Chinese imprisoned for advocating democracy at Tiananmen, I am an Afghan fighting to liberate my country from the tyranny of Marxism-Leninism, I am a Vietnamese, a Cambodian, a Hmong. I, too, am a potential victim of totalitarianism.

Those who preach the supremacy of the state will be remembered for the sufferings their delusion caused their peoples. It is my hope that in the 21st century, which is only 9 years away, human dignity will be everywhere respected; that the free flow of people and ideas will include not only the newly freed states of Eastern Europe, but those republics which are still struggling for their freedom to the east.

America's solemn duty is to constantly renew its convenant with humanity to complete the grand work of human freedom that began here 200 years ago. This work, in its grandness and nobility, is not unlike the building of a magnificent cathedral. In the beginning, progress is slow and painstaking. The laying of the foundations and the raising of the walls is measured in decades rather than years. But as the arches and spires begin to emerge in the air others join in, adding their faith and dedication and love to speed the work to its completion. My friends, the world is that cathedral. And our children, if not we ourselves, will see the completed work—the worldwide triumph of human freedom, the triumph of human freedom under God.

PROCLAMATION

Whereas, the dramatic changes this past year in Central Europe and within the Soviet Union, Central Asia and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress passed in 1959 and President Eisenhower signed into law as Public Law 86-90; and

Whereas, the resolution of 1959 demonstrated the foresight of the U.S. Congress and has been a basic source of inspiration, hope and confidence to all the captive nations; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in conquered nations constitute a powerful deterrent to any ambitions of Communist or post-Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States, by unanimous vote, passed Public Law 86-90 establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities as well as expressing their sympathy with and support for the just aspirations of captive peoples.

Now, Therefore, I, Carroll A. Campbell, Jr., Governor of the state of South Carolina, do hereby proclaim the week of July 14-20, 1991 as "Captive Nations Week" in South Carolina and call upon all citizens to join together in observing this week by offering prayers and dedicating their efforts for the peaceful liberations of oppressed and subjugated peoples all over the world.●

SENATE RESOLUTION 159—AUTHORIZING THE PRODUCTION OF DOCUMENTS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 159

Whereas, during the period of 1985 to 1986, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs received the deposition testimony of John Nardi, Jr., John Joyce, Nicholas Nardi, John Climaco and Sam Rapisards, in connection with its investigation into the handling by the Department of Justice, the Department of Labor, and the Department of Transportation of a labor fraud investigation of Jackie Presser, then President of the International Brotherhood of Teamsters;

Whereas, the Investigations Officer appointed by the United States District Court for the Southern District of New York to assist in the enforcement of the consent order entered in a civil action under the Racketeer Influenced and Corrupt Organizations Act brought by the United States against the International Brotherhood of Teamsters, has requested transcripts of the deposition testimony of these witnesses in furtherance of his law enforcement responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule IX of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Investigations Officer appointed by the United States District Court for the Southern District of New York records of the Subcommittee's investigation of the handling of the Presser investigation.

AMENDMENTS SUBMITTED

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

WELLSTONE (AND OTHERS) AMENDMENT NO. 824

Mr. WELLSTONE (for himself, Mr. CRANSTON, Mr. HARKIN, Mr. DASCHLE, and Mr. AKAKA) proposed an amendment to the bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes, as follows:

On page 144, between lines 20 and 21, insert the following:

(b) CHALLENGE MORATORIUM.—(1) Except as provided in paragraphs (2) and (3), the United States Government shall not agree to any transfers of major military equipment to any nation in the Middle East and Persian Gulf region. This moratorium is established to induce and encourage the other permanent members of the United Nations Security Council to join in this effort and also to induce and encourage other members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other major arms supplier nations to join in this effort.

(2) The requirement of paragraph (1) for a moratorium on United States arms transfers of major military equipment to the Middle East and Persian Gulf region shall cease to apply if the President submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives—

(A) a report stating that the President has determined that there has been agreement by another major arms supplier nation on or after date of enactment of this Act to transfer any major military equipment to any nation in the Middle East and Persian Gulf region; and

(B) the report required by section 646(a).

(3) Paragraph (1) does not apply to any transfer of major military equipment that is a necessary, emergency response to major and sustained hostilities in the Middle East and Persian Gulf region or to an imminent threat of such hostilities.

(4) Paragraph (1) and paragraph (2)(A) do not apply with respect to transfers which only involve the replacement on a one-for-one basis of equipment of comparable quality that has become inoperable after the date of enactment of this Act.

Beginning on page 147 strike line 21 and all that follows through line 9 on page 148.

On page 149, line 7, insert after "high-performance jet aircraft", the following: "attack helicopters, fuel-air explosives, cluster bombs,".

CRAIG AMENDMENT NO. 825

Mr. CRAIG proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—

(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandates that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in

Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War, thereby saving 13,000 miles and three weeks steaming effort around Cape Horn;

(8) the Republic of Panama has dissolved its defense forces and has no standing army, or other defense forces, capable of defending the Panama Canal from aggressors and, therefore, remains vulnerable to attack from both inside and outside of Panama and this may impair or interrupt the operation and accessibility of the Panama Canal;

(9) the presence of the United States Armed Forces offers the best defense against sabotage or other threat to the Panama Canal; and

(1) the 10,000 United States military personnel now based in the Canal Zone, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) POLICY.—It is the sense of the Congress that the President should—

(1) negotiate a new base rights agreement with the Government of Panama—

(A) to allow the permanent stationing of United States military forces in Panama beyond December 31, 1999, and

(2) consult with the Congress throughout the negotiations described in paragraph (1).

SIMON AMENDMENT NO. 826

Mr. SIMON proposed an amendment to the bill S. 1435, supra, as follows:

At the end of section 103, add the following new subsection (C)

(C) TRENDS IN POPULATION GROWTH.—Current trends in human population growth have no historical precedent. Global population, currently at 5.3 billion, is projected to grow by 90-100 million people every year in this decade.

SIMON AMENDMENT NO. 827

Mr. SIMON proposed an amendment to amendment No. 826 proposed by him to the bill S. 1435, supra, as follows:

In lieu of the Language Proposed to be inserted by the pending amendment insert the following:

At the end of section 103, add the following new subsection (C)

(C) FUNDING FOR UNITED NATIONS POPULATION FUND.—Up to $20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215/b(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain the funds made available pursuant to this subsection in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than $57 million for family planning programs in the People's Republic of China.

SEYMOUR AMENDMENT NO. 828

Mr. SEYMOUR proposed an amendment to the bill S. 1435, supra, as follows:

On page 143, after line 25, add the following:

(4) the unconditional recognition of the State of Israel.

SEYMOUR AMENDMENT NO. 829

Mr. SEYMOUR proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. 17. POLICY ON COMBATTING INTERNATIONAL NARCOTICS TRAFFICKING.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Cesar Gaviria of Colombia, and the members of his Government, have made important progress in the war against international narcotics trafficking, most notably including the arrest and prosecution of the Medellin cartel, and extensive programs in law enforcement cooperation and intelligence sharing with the United States.

(2) President Gaviria and the members of his Government have taken these initiatives at significant risk to their lives and the safety of their families.

(3) The Medellin and Cali cartels are made up of the world's most ruthless drug lords and international terrorists responsible for the assassination of politicians, police officers, judges, journalists, and countless innocent persons in Colombia.

(4) Pablo Emilio-Escobar Gaviria, the leader of the Medellin cartel, one of the world's most wanted criminals, is responsible for thousands of narcotics-related deaths worldwide and the smuggling of million of dollars worth of illegal drugs into the United States.

(5) Pablo Escobar and other leaders of the Medellin cartel have surrendered to Colombian authorities in exchange for leniency and the guarantee that they will not be extradited to the United States.

(6) The Government of Colombia had demonstrated that the facility used to incarcerate Pablo Escobar is, in fact, a functioning prison and they intend to isolate Pablo Escobar from directing any narcotics trafficking or other activities of the Medellin cartel.

(7) The Colombian assembly has recently voted to bar extradition of Colombian nationals under the Colombian Constitution, and the other Andean nations are considering similar measures.

(8) Cooperative agreements between the United States and other nations are essential to our efforts to dismantle drug cartels and bring international drug kingpins to justice.

(b) POLICY.—It is the sense of the Congress that—

(1) the Government of Colombia should continue its efforts to dismantle the Medellin cartel;

(2) the Government of Colombia should continue to insure that Pablo Escobar and the other leaders of the Medellin cartel are isolated from any international drug trafficking, money laundering, and other illegal activities;

(3) the Government of Colombia should show the same resolve in bringing the leaders of the Cali cartel to justice;

(4) The United States should continue to support the Government of Colombia's effort to eradicate the intimidation, bombings, kidnappings, murders, and other domestic violence associated with the narcotics trafficking in Colombia.

(5) though extradition of international drug kingpins would be an effective tool of justice, the United States, Colombia, and the other Andrean nations nevertheless should continue to work for additional cooperative agreements to combat narcotics traffickers;

(6) The President should assess the progress of the Government of Colombia in implementing each of the criterion pursuant to (1), (2), (3) and (5) in making his March 1992 certification of Colombia's full cooperation with the United States on controlling international narcotics trafficking and distribution.

GRAHAM AMENDMENT NO. 830

Mr. GRAHAM proposed an amendment to the bill S. 1435, supra, as follows:

On page 57, between lines 9 and 10, insert the following:

SEC. 216. INTERNATIONAL TRAINING ASSISTANCE.

(a) Of the funds made available under part I of the Foreign Assistance Act of 1961, the Agency for International Development ("the Agency") is encouraged to maintain funding for United States training at a level equal to or greater than the fiscal year 1990 level.

(b) The Agency shall develop comprehensive programs for the awarding of scholarships for the completion of a bachelor's degree in fields of study designed to enhance business, commercial, and other linkages between the sending country and the state in which the student studies. These programs shall demonstrate an appreciation for the free enterprise system and democratic institutions.

(c) To fulfill the goals of subsection (b), the Agency or its contracting agents shall endeavor to place students with scholarships in States in which the following criteria are met:

(1) An international coordinating office exists and reports directly to top State education or commerce official or to the Governor.

(2) State funds, either in cash, tuition remittance, other services, or collected private donations, match a minimum of 33 percent of the total program costs.

(d) The Agency shall collaborate with States seeking to develop international coordinating offices which meet the criteria established under subsections (c)(1) and (c)(2).

(e) The Agency is authorized to provide one-time startup funding to such State offices not to exceed $250,000 for each office, to be used for salaries, program administration, and follow-on activities, subject to the following restrictions:

(1) Funds made available by the Agency shall not exceed 50 percent of salary costs.

(2) Funds of the Agency which are allocated for administrative costs shall not be used for tuition.

(f) AID is encouraged to develop an incentive program to increase the number of students placed in States which have international coordinating offices which comply with the criteria established under subsection (c).

(g) To the maximum extent feasible, all missions of the Agency in Caribbean Basin and Andean countries shall establish or maintain scholarship programs that follow the criteria established for the Caribbean and Latin American Scholarship Program (CLASP).

LIEBERMAN (AND DODD) AMENDMENT NO. 831

Mr. LIEBERMAN (for himself and Mr. DODD) proposed an amendment to the bill S. 1435, supra, as follows:

On page 234, after line 24, add the following new title:

TITLE XIII—TRADE AND COMPETITIVENESS ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Aid, Trade, and Competitiveness Act of 1991".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) United States exporters are shut out of $10 billion to $12 billion worth of capital projects per year because of inadequate government support for our exporters, resulting in a loss of $2.4 billion to $4.8 billion in exports;

(2) in contrast, foreign governments actively support their nations' companies by providing a large share of their economic aid for capital projects;

(3) the Federal Government must be more aggressive in helping American exporters;

(4) the Federal Government must strengthen assistance and financing programs already in existence in the Export-Import Bank of the United States, the Agency for International Development (AID), and the Trade Development Program, fostering more and consistent cooperation between these agencies and establishing new programs at these agencies where necessary; and

(6) traditional development aid programs for health, education, and agriculture should not suffer as a result of the new aggressive tied-aid policy.

SEC. 1303. CAPITAL PROJECTS OFFICE WITHIN AID.

(a) ESTABLISHMENT OF OFFICE.—The Administrator of the Agency for International Development (AID) shall establish within the Bureau for Private Enterprise of the Agency a capital projects office to carry out the purposes described in subsection (b).

(b) PURPOSES OF OFFICE.—The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration the expert opportunities of United States firms; and

(2) to specifically consider opportunities for United States high-technology firms, including small- and medium-sized firms in putting together capital projects for developing nations and the nations of Eastern Europe.

(c) ACTIVITIES OF AID.—The Administrator of the Agency for International Development (AID), acting through the capital projects office in coordination as appropriate with the Export-Import Bank of the United States—

(1) shall put together capital projects in advanced developing nations and Eastern Europe;

(2) shall periodically review infrastructure needs in developing nations and Eastern Europe and shall explore commercial opportunities for United States firms in the development of new capital projects in these nations keeping both United States firms and Congress informed of these reviews;

(3) shall determine whether each capital project undertaken is developmentally sound, as set forth in the criteria developed by the Development Assistance Committee of the OECD;

(4) shall coordinate its activities with other AID offices, particularly the regional bureaus, working with each AID country representative in developing capital projects and commercial opportunities for United States firms in a manner which in no way interferes with the primary mission to help these nations with traditional projects; and

(5) shall coordinate where appropriate funds available to AID for "tied-aid" purposes.

SEC. 1304. ROLE OF THE CAPITAL PROJECTS OFFICE IN EASTERN EUROPE.

In addition to the activities of section 1303(c), the Administrator of the Agency for International Development, acting through the capital projects office—

(1) shall play a special role in helping to develop the infrastructure of the nations of Eastern Europe by meeting the challenge of infrastructure assistance provided by foreign governments to the nations of Eastern Europe;

(2) shall undertake a comprehensive study of the infrastructure of the various nations of Eastern Europe which shall:

(A) identify those sectors in the economies of these nations that are most in need of rebuilding;

(B) those sectors in those nations could through assistance identified in paragraph (A) develop strategies to assist such sectors from the capital projects office of the Agency for International Development, including joint projects of the Export-Import Bank of the United States and the Agency for International Development; and

(C) the state of technology in these nations and the opportunity for United States high technology firms to help develop a technological infrastructure in these nations, as well as an assessment of export opportunities for United States high technology companies; and

(3) upon completion of the study on Eastern Europe, shall establish an Eastern Europe program within the capital projects office of the Agency for International Development which—

(A) shall monitor the infrastructure needs of these nations;

(B) shall continue to help United States companies with their efforts to be a part of the rebuilding of the infrastructure of these nations;

(C) shall make a special effort to help United States high technology firms explore opportunities with the rebuilding of these nations' technological infrastructures;

(D) shall be able to make use of all existing programs of the Agency for International Development; and

(E) shall have in-country representation in Eastern Europe that is assigned duties respecting that country or region.

SEC. 1305. CAPITAL PROJECTS INTERAGENCY BOARD.

(a) ESTABLISHMENT.—There is established the Capital Projects Interagency Board (hereafter in this section referred to as the "Board").

(b) COMPOSITION.—The Board shall consist of the following officers or their designees:

(1) The Administrator of the Agency for International Development, who shall serve as Chairman.

(2) The President of the Export-Import Bank of the United States.

(3) The Director of the Trade and Development Agency.

(4) The Secretary of State, as a nonvoting member.

(5) The Secretary of Commerce, as a nonvoting member.

(6) The Administrator of the Environmental Protection Agency as a nonvoting member.

(c) STAFF FOR THE BOARD.—The Agency for International Development, the Export-Import Bank, and the Trade and Development Program shall make available to the Board such staff as may be necessary for the Board to carry out its duties.

(d) DUTIES OF THE BOARD.—The Board shall—

(1) coordinate the development of a strategic approach to the support of capital projects among the agencies represented on the Board, including:

(A) how developmentally sound a project is, using as a standard criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(B) the environmental impact of a project; and

(C) where appropriate the cofinancing of capital projects among voting "Board" members.

(e) REPORT.—Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Board established under subsection (a) shall submit to the Congress a report describing—

(1) the extent to which United States Government resources have been expended specifically to support capital projects;

(2) the extent to which the activities of the United States agencies described in subsection (b) have been coordinated; and

(3) the extent to which United States Government capital projects and tied-aid programs have affected United States exports.

SEC. 1306. NEGOTIATIONS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

If a new agreement within the Organization for Economic Cooperation and Development (OECD) has not been reached by December 31, 1991, that meets the objective of reducing the levels of concessional financing by member countries of the OECD other than the United States, the Secretary of the Treasury, together with the President of the Export-Import Bank of the United States, shall submit a report to Congress on the status of the negotiations, including an analysis of the negotiations since 1987, the causes for the failure to reach an agreement by that date, and reasons the United States Government believes that continued negotiation will result in achieving the above mentioned objective.

SEC. 1307. FUNDING.

There are authorized to be appropriated such funds as are necessary to carry out the purposes of this title.

SEC. 1308. DEFINITIONS.

For purposes of this title—

(1) the term "capital projects" means projects for economic infrastructure in sectors such as construction, environmental protection, mining, power and energy, tele-

communications, transportation, or water management; and

(2) the term "tied-aid credit" has the meaning given to such term in section 15(h)(1) of the Export-Import Bank Act of 1945.

BOREN (AND OTHERS) AMENDMENT NO. 832

Mr. BOREN (for himself, Mr. BENTSEN, Mr. BYRD, Mr. BAUCUS, Mr. HATCH, Mr. LIEBERMAN, Mr. DOLE, Mr. WALLOP, Mr. NICKLES, and Mr. HEFLIN), proposed an amendment to amendment No. 831 proposed by Mr. LIEBERMAN (and Mr. DODD) to the bill S. 1435, supra, as follows:

Strike out section 1307 of the amendment and insert in lieu thereof the following:

SEC. 1307. CAPITAL PROJECTS FUNDING; CASH TRANSFER REDUCTION; RESTRICTION ON WAIVERS.

(a) CAPITAL PROJECTS.—

(1) Of the total amounts authorized to be appropriated to the President for fiscal years 1992 and 1993 to carry out title III and subchapter A of chapter 1 and subchapter A of chapter 3 of title VI of this Act, and any amendments made thereby, there are authorized to be available $750,000,000 for fiscal year 1992 and $1,000,000,000 for fiscal year 1993 for capital projects. Such funds shall be in the form of grants for the construction, design, or servicing of developmentally sound capital projects.

(2) Such grants may be combined with financing offered by private financial entities or other entities.

(3) Pursuant to section 604(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(a)), funds allocated under this section may be used only for procurement of United States goods and services.

(4) Not later than January 1, 1992, the President shall submit a report to the Congress on the feasibility of allowing the Agency for International Development to offer credit guarantees for the financing of capital projects.

(b) CASH TRANSFER REDUCTION.—

(1) Notwithstanding any other provision of law, for each of the following fiscal years, cash transfers of economic support fund assistance shall not represent more than the corresponding percentage of total Economic Support Funds:

(A) For fiscal year 1992, 60 percent.

(B) For fiscal year 1993, 50 percent.

(2) Any reduction in cash transfer assistance required by this section shall not be made out of funds otherwise used for purchase of United States goods and services or for the repayment of debt arising out of obligations owed to or guaranteed by the United States Treasury.

(3) The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or for the repayment of debt owed to or guaranteed by the United States Treasury, and the degree to which recipients of cash payment assistance are required to or in fact use such assistance to purchase United States goods and services.

(4) Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (3).

(c) RESTRICTIONS ON WAIVERS.—Section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354) is amended by adding at the end thereof the following new subsection:

"(h)(1) In determining the authorized geographic code for the purchase of goods and services, the Administrator of the agency primarily responsible for carrying out part I of this Act shall not grant any waivers from Geographic Code 000 (United States only) except for the following reasons:

"(A) The good or service is not available from countries or areas included in the authorized geographic code.

"(B) An emergency requirement can be met in time only from suppliers in a country or area not included in the authorized geographic code.

"(C) For project assistance only, when Geographic Code 000 is authorized and the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from a country or area included in Geographic Area 941, a waiver to Geographic Area 941 may be granted.

"(D) For nonproject assistance, an acute shortage exists in the United States for a commodity generally available elsewhere.

"(2) In considering whether to grant any waiver permitted under paragraph (1), the Administrator shall first determine whether the good or service to be procured under the waiver could be imported lawfully into the United States.

"(3) The Administrator of the Agency for International Development shall report annually to Congress on the number of waivers described in paragraph (1) which were granted in the previous fiscal year, the corresponding value of goods and services which were covered under such waivers, a breakdown of the waivers by region and country, and an explanation of the reasons given for such waivers.".

DODD (AND OTHERS) AMENDMENT NO. 833

Mr. DODD (for himself, Mr. LEAHY, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUYE, Mr. KENNEDY, Mr. HATFIELD, Ms. MIKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN) proposed an amendment to the bill S. 1435, supra, as follows:

At the end of the bill, add the following new title:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than $85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) Period Covered by Presidential Determination.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) Exception.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) Prohibition.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) Requirement for Resumption of Assistance.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) Establishment of Fund.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) Transfer of Certain Military Assistance Funds.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) Use of the Fund.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) Duration of Availability of Funds.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) Continuation of Program.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) International Human Rights Monitoring.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nation's efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) Assistance.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to $10,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, $5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

DODD (AND OTHERS) AMENDMENT NO. 834

Mr. DODD (for himself, Mr. Leahy, Mr. Biden, Mr. Glenn, Mr. Wellstone, Mr. Inouye, Mr. Kennedy, Mr. Hatfield, Ms. Mikulski, Mr. Wofford, Mr. Levin, Mr. Sasser, Mr. Daschle, Mr. Exon, Mr. DeConcini, and Mr. Bingaman) proposed an amendment to amendment No. 833 proposed by Mr. Dodd (and others) to the bill S. 1435, supra, as follows:

On page 1, line 3, of the pending amendment strike all after the word "TITLE" and insert in lieu thereof the following:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than $85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) Prohibition.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) PERIOD COVERED BY PRESIDENTIAL DETERMINATION.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) CONTINUATION OF PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) INTERNATIONAL HUMAN RIGHTS MONITORING.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) ASSISTANCE.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to $11,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, $5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on For-

eign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

BROWN AMENDMENT NO. 835

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1435, supra, as follows:

On page 224, beginning on line 10, strike out Sec. 56 of the Bretton-Woods Agreements Act as added by Section 901 of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 836

Mr. DOMENICI (for himself, Mr. MACK, Mr. DOLE, Mr. COCHRAN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. GRAMM, Mr. DIXON, Mr. KASTEN, Mr. HELMS, Mr. DODD, Mr. SIMON, and Mr. BURNS) proposed an amendment to the bill S. 1435, supra, as follows:

On page 139, between lines 18 and 19, insert the following:

"Subchapter D—The American Centers Act"

An ACT to Establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics.

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act."

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of soviet republics upon request for the purpose of:

(1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;

(2) providng a repository for commercial, legal, and technical (including environmental and export control) information;

(3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and

(4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and democratic institutions;

(5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) DIRECTORS OF THE AMERICAN CENTERS.—Upon the appointment of an Executive Board as provided in Subsection (a), the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one of more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) POLICY COORDINATION OF AMERICAN CENTERS.—The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers of employees of the United States Government,

for the purpose of title V, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than $15,000,000 for fiscal year 1992, and not more than $25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with this Act.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic reforms, market oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any governmental agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) Restrictions. No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

DODD (AND OTHERS) AMENDMENT NO. 837

Mr. DODD (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. WELLSTONE) proposed an amendment to the bill S. 1435, supra, as follows:

On page 132, after line 22, add the following:

SEC. 630A. CONDEMNING ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) in December 1989, after decades of harsh repression by successive Communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

(2) this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

(3) a reunited Europe, meaning a harmonious community of free and friendly nations, must be established on the basis of full respect for human rights, including the rights of minorities, and a rejection of anti-semitism and other forms of ethnic and religious intolerance;

(4) the newly gained freedom in Romania has allowed the formation of new social and political organizations, and the establishment of new publications free of direct government control;

(5) this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

(6) Romania's Parliament, instead of condemning these developments, itself paid tribute recently to the extreme nationalist Ion Antonescu who was responsible for the murder of approximately two hundred and fifty thousand Romanian Jews and was executed as a war criminal;

(7) the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to observe and report on these dangerous anti-Semitic trends;

(8) even the recent solemn commemoration of the fiftieth anniversary of the mass murder of Romania's Jews by the Antonescu government was marred by an anti-Semitic provocation against Professor Wiesel; and

(9) the Government of Romania has not challenged and condemned these organizations and their activities directly and forthrightly.

(b) POLICY.—The Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) calls on the Government of Romania unambiguously to condemn those organizations promulgating anti-Semitism and animosity toward ethnic Hungarians, Gypsies, and other minorities;

(3) calls on the Government of Romania to use every lawful to curb these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to ensure full respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 838

Mr. MOYNIHAN (for himself, Mr. WELLSTONE, Mr. SPECTER, Mr. WOFFORD, Mr. DOLE, and Mr. MITCHELL) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place insert the following:

SEC. . Expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379(XXX).

Since the United Nations General Assembly Resolution 3379(XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search for a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and,

(d) has served to escalate religious animosity and incite anti-Semitism;

Since Israel recently undertook the dramatic rescue of thousands of Ethiopian Jews thereby further demonstrating the complete falsity of Resolution 3379;

Since the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Since the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution;

Since the Soviet Union has expressed a desire to participate in the search for a just and lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379;

Since the repeal of Resolution 3379 would serve as an important confidence-building measure;

Now, therefore, be it hereby declared that it is the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

BUMPERS AMENDMENT NO. 839

Mr. BUMPERS proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following;

Congress finds that:

(1) Amnesty International and others have reported that:

(a) The government of President Yoweri Museveni in Uganda has continued to detain hundreds of people in prison without charge or trail;

(b) There are arrests, punishment and killing of civilians in expected rebel areas, and an increased number of political prisoners;

(c) There are prisoners of conscience who are being cruelly treated;

(d) Extrajudicial executions by National Resistance Army forces have been reported from areas where there has been rebel activity;

(e) The government of Uganda has been slow to investigate reports of extrajudicial executions, as well as charges of rape and violence toward women by National Resistance Army soldiers in areas of rebel activity;

(2) The people of Uganda have lived without basic human rights for decades, and have suffered unspeakable atrocities under the rule of Idi Amin, one of the most brutal dictators the world has ever known;

(3) Serious abuse of human rights is contrary to the trend of increased freedom in the world:

(a) In Eastern Europe prisoners of conscience have been freed, and people have been allowed to choose their leaders;

(b) In Africa, Namibia voted strong human rights provisions into its new constitution;

(c) In South Africa, the release of Nelson Mandela and other political prisoners signalled the start of negotiations for change in that country;

(d) In Chile, a country with a history of human rights abuses such as extrajudicial executions and torture, a newly elected government is working to strengthen Chile's commitment to human rights.

Therefore; it is the sense of the Senate that:

(1) The Secretary of State should review the allegations of human rights abuses, and continue to monitor the human rights situation there;

(2) The Secretary of State should convey to the government of Uganda the serious concerns of the Congress and the American people regarding the deteriorating human rights situation in that country;

(3) And that further reports of human rights abuses will lead to a major review of economic assistance to Uganda by Congress and the Administration.

DOLE (AND HELMS) AMENDMENT NO. 840

Mr. DOLE (for himself and Mr. HELMS) proposed an amendment to the bill S. 1435, supra, as follows:

On page 57, between lines 9 and 10, insert the following new section:

SEC. 216. OFFICE FOR INTERNATIONAL REHABILITATION AND THERAPY.

(a) There is hereby established in the Bureau of Research and Development of the Agency for International Development, an Office for International Rehabilitation and Therapy (hereafter in this section referred to as the "Office"). The purpose of such Office is to provide technical and other assistance to and to encourage scientific and technical exchange with governmental and private entities in foreign countries providing medical and rehabilitation related assistance, including, but not limited to, prosthetic and vocational rehabilitation and training for children with physical or mental disabilities, including rehabilitation training for families of these children.

(b) The Office is authorized, subject to the availability of appropriations—

(1) to provide grants to, enter into cooperative agreements with, or contract for the provision of goods and services by private and voluntary organizations or not-for-profit entities in the United States; and

(2) to enter into cooperative agreements with or contract for the provision of goods and services by for-profit entities in the United States.

(c) Of the funds authorized to be appropriated for the Development fund for Africa under chapter 10 of part I, $10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in sub-Saharan African countries.

(d) Of the funds authorized to be appropriated in section 104(g)(1)(B) of the Foreign Assistance Act of 1961 for health assistance, $10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in countries outside sub-Saharan Africa, of which amount—

(1) $3,000,000 is authorized to be made available for assistance to Romanian children with disabilities, with emphasis on institutions for the severely handicapped; and

(2) $250,000 is authorized to be made available for the establishment of a joint Latin American/Caribbean and United States disabilities exchange program and conference.

(e) It is the sense of the Congress that, in providing assistance under this section, special attention should be given to providing assistance to children with physical or mental disabilities incurred as a result of war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist or other totalitarian regimes.

(f) Funds may be made available under this section notwithstanding any provision of law which restricts assistance to foreign countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(g)(1) There shall be established an Advisory Board on International Rehabilitation and Therapy (hereafter in this section referred to as the "Advisory Board"), which shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate, after consultation with the chairman of the Committee on Foreign Relations of the Senate.

(B) Two members appointed by the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Foreign Relations of the Senate.

(C) Two members appointed by the Majority Leader of the House of Representatives, after consultation with the chairman of the Committee on Foreign Affairs of the House of Representatives.

(D) Two members appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(E) Four members appointed by the President.

(2) The Advisory Board shall advise the Administrator of the Agency for International Development on matters related to the Office's program.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

(B) Any member of the Advisory Board who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Advisory Board.

(4) The Administrator of the Agency for International Development is authorized to provide for necessary secretarial and staff assistance for the Advisory Board.

VETERANS COMPENSATION PROGRAMS IMPROVEMENT ACT

CRANSTON AMENDMENT NO. 841

Mr. MITCHELL (for Mr. CRANSTON) proposed an amendment to the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans, compensation and pension programs, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "$60" and inserting in lieu thereof "$90".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.".

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) IN GENERAL.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) CHANGE IN PRESUMPTIVE PERIOD.—Section 312(c)(3) is amended by striking out ", except that" and all that follows through "leukemia)".

(b) EFFECTIVE DATE.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended—

(1) in paragraph (1)—

(A) by striking out "during the veteran's service on active duty" and inserting in lieu thereof "during active military, naval, or air service"; and

(B) by striking out "during the period" and inserting in lieu thereof "during a period"; and

(2) in paragraph (4)(A)—

(A) by inserting "(i)" after "means";

(B) by inserting before the period at the end the following: ", or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training".

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) EXTENSION.—Subsections (a) and (b)(1) of section 722 are amended—

(1) by striking out "one year" each place it appears and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears and inserting in lieu thereof "two-year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) PAYMENT IN LUMP SUM.—Section 722(b) is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning September 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.".

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.".

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

Section 612(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

Section 620A(e) is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1994".

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION.—Section 632(a) is amended by striking out "1990" and inserting in lieu thereof "1992".

(b) RATIFICATION.—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) SOCIAL WORKER LICENSURE REQUIREMENT.—Section 7402(b) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) SOCIAL WORKER.—To be eligible to be appointed to a social worker position, a person must hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.".

(b) EXEMPTION.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) AMENDMENT TO CHAPTER 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"§ 8161. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written lease entered into by the Secretary under this subchapter.

"(2) The term 'congressional veterans' affairs committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 8162. Enhanced-use leases

"(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an 'enhanced-use lease'. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

"(A) the designated property is to be used only for child-care services;

"(B) those services are to be provided only for the benefit of—

"(i) employees of the Department;

"(ii) individuals employed on the premises of such property; and

"(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

"(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

"§ 8163. Designation of property to be leased

"(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

"(1) local commerce and other aspects of the local community;

"(2) programs administered by the Department; and

"(3) services to veterans in the community.

"(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property under the lease;

"(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and

"(5) a description of how those uses would affect services to veterans.

"(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

"(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(3) Each notice under paragraph (1) shall include the following:

"(A) An identification of the property involved.

"(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department.

"(F) A description of how the proposed lease would affect services to veterans.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property.

"§ 8164. Authority for disposition of leased property

"(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

"(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

"§ 8165. Use of proceeds

"(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

"(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

"(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

"(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

"§ 8166. Construction standards

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

"§ 8167. Exemption from State and local taxes

"The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

"§ 8168. Limitation on number of agreements

"(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

"(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employees of the Department shall not be counted for the purposes of subsection (a).

"§ 8169. Expiration

"The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.".

(b) CLERICAL AMENDMENTS.—(1) The heading for chapter 81 is amended by adding at the end the following: "; LEASES OF REAL PROPERTY".

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property......8101".

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"8161. Definitions.
"8162. Enhanced-use leases.
"8163. Designation of property to be leased.
"8164. Authority for disposition of leased property.
"8165. Use of proceeds.
"8166. Construction standards.
"8167. Exemption from State and local taxes.
"8168. Limitation on number of agreements.
"8169. Expiration.".

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

"§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property.".

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consider-

ation in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) Fund.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74–171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) Waiver.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

Section 7(a) of Public Law 102–54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

(a) Liability Insurance.—Section 3 of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) Liability Insurance.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

"(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

"(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

"(C) The making of any recommendation for additional scientific study under subsection (e).

"(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

"(E) The preparation of the reports referred to in subsection (g).

"(2) A person referred to in paragraph (1) is—

"(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

"(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

"(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

"(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.".

(b) Delay in Certain Provisions.—(1) Section 3(b) of such Act is amended by striking out "two months after the date of the enactment of this Act" and inserting in lieu thereof "two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991".

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out "at the end of the six-month period beginning on the date of the enactment of this Act" and inserting in lieu thereof "at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991"; and

(B) in paragraph (2)(A), by striking out "six-month".

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits.".

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) Deposit of Coast Guard Amounts.—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) Title 38.—Title 38, United States Code, is amended as follows:

(1) Section 618(b)(2) is amended by striking out "arangements" and inserting in lieu thereof "arrangements".

(2) Section 716(b) is amended by striking out "upaid" and inserting in lieu thereof "unpaid".

(b) Public Law 101-237.—Effective as of December 18, 1989, section 423(b) of Public Law 101–237 is amended—

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii),"; and

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

(c) Public Law 102–16.—Effective as of March 22, 1991, section 9(d) of Public Law 102–16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 25, 1991, at 10 a.m., for a hearing on personal care attendants and independence for the disabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AN FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate of Thursday, July 25, at 3 p.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 25, at 10 a.m., to hold a hearing on the Conventional Forces in Europe [CFE] Treaty; Treaty Doc. 102-8.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on July 25, 1991, at 3 p.m., to hold a markup on S. 654, S. 893, S. 967, S. 968, S. 969, and S. 525.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on readjustment problems of Persian Gulf war veterans and their families at 10 a.m. on Thursday, July 25, 1991, in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, July 25, 1991, at 9:30 a.m. to conduct a hearing on authorizations for the Securities and Exchange Commission for fiscal years 1992-93.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 25, 1991, at 2 p.m. for a joint hearing on the Select Committee on Indian Affairs on employment on Indian reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 25, 1991, beginning at 2 p.m., in 485 Russell Senate Office Building, on employment on Indian reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 25, 1991, to receive testimony on S. 621/H.R. 543, S. 870, S. 1254, S. 1344, and H.R. 848.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 25, beginning at 10 a.m., to conduct a hearing on proposed legislation to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 25, beginning at 2 p.m., to conduct a hearing on international commercial nuclear reactor safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, July 25, at 9:30 a.m., for a hearing on the subject: Hollow Government—the Food and Drug Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, July 25, at 9:30 a.m. and 10:30 a.m, to hold two hearings. At 9:30 a.m., the committee will receive testimony on S. 165, Legislative Line-Item Veto Separate Enrollment Authority Act; and at 10:30 a.m., the committee will receive testimony on Senate Resolution 82, to establish a Select Committee on POW/MIA Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services to meet on Thursday, July 25, 1991, at 2:30 p.m., to act on Senate Joint Resolution 175, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 25, 1991, to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee be authorized to meet during the session of the Senate on July 25, 1991, at 10:00 a.m., to consider an emergency unemployment compensation measure; to consider the United States—Mongolian People's Republic Trade Agreement and Senate Joint Resolution 168 approving the extension of nondiscriminatory treatment to imports from Mongolia; to consider the United States-Republic of Bulgaria Trade Agreement and Senate Joint Resolution 169 approving the extension of nondiscriminatory treatment of imports from Bulgaria; to consider a section 332 investigation by the International Trade Commission on the impact on the United States uranium industry imports from the Soviet Union, China, and other nonmarket economies and on issues affecting United States canned tuna industry; to consider subcommittee assignments for Senators HATCH and GRASSLEY; and to hear and consider the nomination of Olin L. Wethington to be Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SENATE QUARTERLY MAIL COSTS

• Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the quarter ending June 30, 1991, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter. The population figures used in the calculation of the per capita amounts are those from the 1990 census.

The information reflects the continued frugality of the Senate in its spending on official mail. Even with the postage increase, the Senate's expenditures are projected to be less than half of the appropriation.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1991

Senators	Total pieces	Pieces per capita	Total cost	Cost per Capita
Adams				
Akaka	4,400	.00397	$896.91	$0.00081
Baucus	41,705	.05219	10,709.23	.01340
Bentsen	74,500	.00439	15,330.05	.00090
Biden				
Bingaman	8,805	.00581	1,836.32	.00121
Bond	252,945	.04943	211,861.76	.04140
Boren				
Bradley	1,100,000	.14230	128,742.13	.01665
Breaux	100,400	.02379	18,405.45	.00436
Brown				
Bryan	53,253	.04431	11,263.36	.00937
Bumpers	673	.00029	550.52	.00023
Burdick				
Burns	139,268	.17429	30,353.03	.03799
Byrd				
Chafee	163,500	.16294	27,227.61	.02713
Coats	927,100	.16722	147,440.42	.02659
Cochran				
Cohen	12,550	.01022	1,716.45	.00140
Conrad	69,450	.10872	9,880.99	.01547
Craig	3,250	.00323	447.50	.00044
Cranston	1,040,050	.03495	196,139.98	.00659
D'Amato	50,800	.00282	10,552.00	.00059
Danforth	151,600	.02963	20,809.04	.00407
Daschle	119,859	.17221	17,696.99	.02543
Deconcini	4,650	.00127	3,634.03	.00099
Dixon	8,878	.00078	2,333.01	.00020
Dodd	2,610	.00079	562.48	.00017
Dole				
Domenici				
Durenberger	27,475	.00628	5,910.33	.00135
Exon				
Ford				
Fowler	387,700	.05985	55,213.07	.00852
Garn				
Glenn				
Gore				
Gorton	85,450	.01756	17,997.85	.00370
Graham	39,000	.00301	8,070.64	.00062
Gramm	359,500	.02116	64,849.68	.00382
Grassley	90,000	.03241	17,850.20	.00643
Harkin				
Hatch				
Hatfield				
Heflin				
Heinz				
Helms				
Hollings				
Inouye	3,950	.00356	1,219.71	.00110
Jeffords	11,100	.01972	3,270.70	.00581
Johnston	78,505	.01860	17,028.99	.00404
Kassebaum				
Kasten	221,267	.04523	42,255.13	.00864
Kennedy				
Kerrey	3,713	.00235	3,052.85	.00193
Kerry	11,800	.00196	2,455.77	.00041
Kohl				
Lautenberg	1,225	.00016	268.40	.00003
Leahy	49,000	.08707	9,828.49	.01746
Levin	580	.00006	172.68	.00002
Lieberman	80,976	.02463	14,100.54	.00429
Lott	2,248	.00087	2,020.95	.00079
Lugar	85,325	.01539	16,306.97	.00294
Mack	1,897,850	.14669	361,239.34	.02792
McCain	133,450	.03641	25,136.30	.00686
McConnell				
Metzenbaum				
Mikulski				
Mitchell				
Moynihan	1,420,000	.07893	278,565.54	.01548
Murkowski				
Nickles	10,000	.00318	2,155.27	.00069
Nunn				
Packwood	162,582	.05720	31,145.75	.01096
Pell				
Pressler	1,035	.00149	878.44	.00126
Pryor				
Reid	9,245	.00769	3,842.28	.00320
Riegle	27,700	.00298	5,564.31	.00060
Robb				
Rockefeller				
Roth				
Rudman				
Sanford	32,000	.00483	6,514.21	.00098
Sarbanes	198,325	.04148	31,743.53	.00664
Sasser				
Seymour				
Shelby				
Simon	603,400	.05279	85,877.55	.00751
Simpson	13,000	.02866	1,790.45	.00395
Smith	4,130	.00372	1,308.52	.00118
Specter	1,218,325	.10254	173,455.46	.01460
Stevens	11,470	.02085	1,615.74	.00294
Symms	7,870	.00782	1,475.13	.00147
Thurmond				
Wallop	600	.00132	143.05	.00032
Warner				
Wellstone	9,590	.00219	1,918.00	.00044
Wirth	106,114	.03221	20,040.74	.00608
Wofford				

Other offices	Pieces	Cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee	550	$165.35
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Democratic Policy Committee		
Democratic conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		

U.S. POSTAL SERVICE,
Washington, DC, July 19, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the third quarter, Fiscal Year 1991, is enclosed. Total postage on fees for the quarter is $3,151,620.

A summary of Senate franked mail usage based upon three quarters of actual data for Fiscal Year 1991 is as follows:

Volume	33,032,287
Revenue per piece	$0.2022
Revenue	$6,678,367
Provisional payments to date	$10,000,000
Excess in provisional payments	$3,321,633

The three Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail activity, provide the following estimates for FY 1991:

Volume	73,864,685
Revenue per piece	$0.1954
Total revenue	$14,436,523
Current appropriation	$30,000,000
Estimated surplus	$15,563,477

However, the validity of these projections does remain uncertain due to substantial variances in Senate quarterly mailing patterns over the past several years.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting, Washington, DC.

FRANKED MAIL, POSTAL QUARTER III, FISCAL YEAR 1991

Subcategories	Pieces	Rates	Amount
SENATE			
1. Letters: First class (total)	1,627,287	$0.2900	$484,963
2. Flats: First class (total)	95,306	1.0980	104,646
3. Parcels			
Priority-up to 11 oz.			
Priority-over 11 oz.	11,744	4.5689	53,657
4th class-regular	22,183	4.1045	91,050
Total	33,927	4.2652	144,707
4. Orange bag pouches:			
First class	99,897	.3486	34,824
Priority-up to 11 oz.	1,219	2.9010	3,536
Priority-over 11 oz.	4,647	4.0537	18,838
Total	105,763	.5408	57,198
5. Agricultural bulletins:			
First class			
Priority-up to 11 oz.			
Priority-over 11 oz.			
3d class			
4th class special (Bk)			
4th class regular	111	7.2973	810
Total	111	7.2973	810
6. Yearbooks: 4th class special (Bk) (total)	15	1.4800	22
7. Other (odd size parcels):			
Priority-up to 11 oz.			
Priority-over 11 oz.	503	30,5650	15,374
4th class special (Bk)			
4th class regular	1,759	13.6731	24,051
Total	2,262	17.4293	39,425
Total outside DC	293,337	.5045	147,976
Permit imprint mailings:			
3d class bulk rate	13,206,721	.1302	1,719,776
Parcel post-Inter BMC–PI	69	7.6232	526
First class single piece-PI			
Address corrections (3547's)	643	.3499	225
Address corrections (3d cl)	634	.2902	184
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:			
IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			342
Permit fees			
Miscellaneous charges/ADJ			
Express mail service			450,820
Subtotal	15,411,075	.2045	3,151,620
Adjustments			
Grand total	15,411,075	.2045	3,151,620•

IN THE AFTERMATH OF A TRAGEDY, GOOD NEWS FROM INDIA

• **Mr. CRANSTON.** Mr. President, on Wednesday the Government of India announced an important new initiative designed to liberate free enterprise from economic control and to stimulate even greater foreign investment.

At the same time, the government of Prime Minister P.V. Narasimha Rao said it was slashing military expenditures in real terms by as much as an impressive 8 percent.

These are truly momentous changes and the Rao government deserves our congratulations and our support.

The decision to open up the enormous potential of India's economy to the world market portends benefits for them, and for us.

The promise of a substantial cut in military expenditures bodes well for peace and stability in a region too often characterized by irrational hatreds and bloody conflict.

Mr. President, it was just a few weeks ago that we in this Chamber were deeply saddened by the news of the assassination of Rajiv Gandhi, who was campaigning to regain the office of Prime Minister.

The magnitude of that crime was reflected in the deep pessimism that many pundits proclaimed at the time. A shudder went through the Western world as the thought arose: Would India's democracy—the world's largest—survive?

While India is, perhaps, not yet out of the woods, and while there are important concerns such as the human rights situation in Kashmir and the Punjab provinces, I think democracy there is showing an impressive resilience.

Despite Rajiv's death, India went on to conduct free and fair elections, in which his Congress Party emerged at the head of a parliamentary minority government. That this was done, at a time of fears of communal strife and national disintegration, was a reason in itself for cheer.

Prime Minister Rao's selection, too, was met with a certain feeling of trepidation. Despite his long and dedicated service, there were questions about just how forceful a political figure his talents and his party's minority status would allow him to be.

Clearly, the news of this week's economic reforms should go a long way to dissipating such fears. Truly India is embarked upon a productive revolution of enormous promise, a promise as big as the country itself.

I commend Prime Minister Rao on his vision and boldness, and I wish him and the Indian people well in this time of challenge and promise.

Mr. President, I ask that two articles, one from the New York Times, the other from Reuters, be published in the RECORD.

The articles follow:

[From the New York Times, July 24, 1991]

INDIA RETREATS FROM SOCIALIST PAST

(By Sanjoy Hazarika)

NEW DELHI, July 24.—Finance Minister Manmohan Singh set into motion today a range of changes intended to turn India's back on decades of insularity and government controls and to attract foreign money.

Politicians and economists said the changes marked a turning point in the nation's economic history. "Let the world hear it loud and clear," declared Mr. Singh, an economist. "India is now wide awake."

Mr. Singh's reforms are the most sweeping in recent decades and will allow foreign companies to hold as much as a 51 percent interest in Indian companies, up from the current maximum of 40 percent. They would also permit direct investment in as many as 34 important industries, including transportation, food processing, hotels, tourism and electrical equipment.

SOME GOVERNMENT CONTROLS STAY

The Government will keep controls in the manufacture of hazardous chemicals, motor vehicles, coal, petroleum, arms, atomic energy and drugs.

Mr. Singh said mounting fiscal deficits and government profligacy were putting an unbearable strain on India.

"The fiscal deficit of the central Government is estimated at more than 8 percent of G.D.P. in 1990-91, as compared with 6 percent at the beginning of the 1980's and 4 percent in the mid-1970s," Mr. Singh said in a two-hour statement in Parlimanent that was often interrupted by opposition lawmakers.

As a first step, Mr. Singh proposed reducing the budget deficit from the equivalent of 107 billion rupees (about $4 billion) last year to 77 billion rupees (about $3 billion) through increases in corporate taxes and new taxes on cigarettes, fertilizer, videocassette recorders and camera, refrigerators and entertainment. He also called for cuts in Government spending.

India is seeking several billion dollars in emergency assistance from the World Bank and the International Monetary Fund, Government officials said, to help manage its economic crisis. Mr. Singh met a central demand from the I.M.F. by ending subsidies on fertilizers and sugar, although he increased food subsidies.

The minority Congress Party Government of Prime Minister P.V. Narasimha Rao also said it would pare the military budget. Because of a 20 percent devaluation in the value of the rupee earlier this month, the military budget of 163 billion rupees is worth about $6.4 billion at current rates. This is nearly $600 million less than last year's budget of 157 billion rupees.

Some lawmakers and industrialists expressed fears of sharp price increases after Mr. Singh announced a 20 percent increase in the price of gasoline, aviation fuel and cooking gas.

"This is a highly inflationary budget," said Kamal Morarka, a former aide to the previous Prime Minister, Chandra Shekhar.

Jaswant Singh, a prominent leader of the main opposition party, the right-wing Bharatiya Janata Party, said, "In essence, the Finance Minister has rejected the Nehruvian ideal of Fabian socialism that has brought India to this abject pass."

Jawaharlal Nehru, India's first Prime Minister, introduced state controls in economic planning, encouraged the public sector at the cost of private enterprise and spoke of the virtues of socialism and the evils of free enterprise. The public sector in India developed as an institution that exercised control over the military, oil production and mining and was a leading employer.

Yet, Mr. Singh pointed out, the public sector accumulated losses and did little to justify the investment.

INDIA DROPS DECADES-OLD POLICIES IN BID TO MODERNIZE ECONOMY

(By Ruth Pitchford)

NEW DELHI INDIA.—India's minority government has broken with four decades of socialist, protectionist orthodoxy, saying it aims to emerge from an unprecedented foreign debt crisis as a world economic player.

Finance Minister Manmohan Singh issued a double challenge to powerful bureaucratic, political and industrial lobbies Wednesday, first presenting a new industrial policy to slash red tape and welcome foreign investors, then imposing an austerity budget.

"The crisis in the economy is both acute and deep." Singh told parliament after months in which India has struggled to avert a first default in its $71 billion foreign debt, the third biggest in the developing world.

"We have not experienced anything similar in the history of independent Inda . . . We must act fast and act boldly," he said.

In just one month in office, Singh has given the economy one of its biggest overhauls since independence from Britain in 1947, reversing decades of licensing, nationalization and subsidies.

Instead of apologies, Singh Wednesday offered parliament "an idea whose time has come . . . the emergence of India as a major economic power in the world."

Singh warned India's 850 million people to brace for at least three years of painful adjustment, but pledged to try to protect the 40 percent living below the poverty line.

His moves should encourage the International Monetary Fund as India seeks a multibillion dollar loan.

But economists say he is confronting bureaucrats, politicians and industrial groups who have made money out of manipulating a regime of fast-breeding licenses.

After centuries under colonial rule, India introduced policies which offered foreign investors tortuous bureaucracy, political diatribes and a maximum 40 percent stake in joint ventures under stringent conditions.

Last year it attracted just $73 million in foreign investment while billions flowed into its southeast Asian neighbors.

In a sharp about-turn, Singh has now specified a wide range of sectors where foreign investors would be welcome to take 51 percent in ventures, with minimal bureaucratic intervention.

His new industrial policy also axes many licenses needed for enterprises, which have kept some domestic businesses waiting for years for permission to expand while given others a market monopoly.

His budget slashed government spending. Even the defense budget was cut in real terms, despite separatist insurgencies in three border states and tensions with neighboring Pakistan.

Singh had already devalued the rupee by 18 percent against the dollar, withdrawn export subsidies and hiked interest rates.

Prime Minister Narasimha Rao, some 12 seats short of a parliamentary majority, has one advantage in forcing through the reforms—no opposition party wants another election yet.

The election which brought Rao's Congress party to power was the most traumatic in independent India's history. Polling violence raged after 18 months of political instability, economic crisis and caste, sectarian and secessionist fighting.

Then former Congress prime minister Rajiv Gandhi was assassinated during the campaign.

Singh, battling opposition charges that he has ditched Gandhi's election manifesto, dedicated the budget speech to him.

"(Gandhi's) dream lives on * * * of ushering India into the 21st century * * * a strong, united technologically sophisticated but humane India." Singh declared.

THE STEPHENS FAMILY: KEEPING FAITH WITH ITS AIKEN COUNTY ANCESTORS

• Mr. HOLLINGS. Mr. President, on August 2-3 a remarkable family gathering will take place in Aiken County, SC. From around the country, the descendants of Wilson and Adeline Stephens—19th-century slaves on the Tyler Plantation in Aiken County—will return to their roots in South Carolina's Savannah River Valley.

Wilson Stephens was born sometime between 1825 and 1839, was freed by the Emancipation Proclamation in 1863, and thereafter sharecropped 505 acres of land formerly part of the Tyler Plantation. He and his wife Adeline had 15 children, and lived until 1914 and 1916 respectively. Their house and lands were lovingly maintained by members of the family until 1951, when the Federal Government purchased the land to build the Savannah River Atomic Energy Plant.

Wilson and Adeline Stephens are survived today by nearly 800 direct descendants who live in 20 States, the District of Columbia, and 3 foreign nations. Many of them will be at the August gathering in Aiken to share a weekend of memories, good food, as well as worship at the Fair Branch Baptist Church, which the Stephens family helped to found.

This reunion will be a proud and bittersweet occasion for the Stephens clan: a time to walk the soil that their ancestors plowed for nearly 6 score years, as slaves and later as free men and women. It will be an all-American gathering, rich in history, family roots, and love.

Mr. President, on behalf of all our colleagues in the Senate, I extend to the entire Stephens clan our respect and best wishes.•

THE ADOPTION ASSISTANCE AND MATERNAL HEALTH CERTIFICATES ACT

• Mr. NUNN. Mr. President, I join Senator GORTON in introducing S. 1215, the Adoption Assistance and Maternal Health Certificates Act of 1991. This legislation has two purposes. The first is to provide women faced with unwanted pregnancies a real alternative to abortion. The second objective is to begin rebuilding the bridges between the millions of women who carry unwanted pregnancies in this Nation each year and 2 million childless couples currently on waiting lists to adopt children.

For many years I have been deeply dismayed at the number of abortions that are taking place in our country. For too many women facing unwanted pregnancies, the absence of support mechanisms has made abortion the most realistic option. S. 1215, through a pilot program that provides financial assistance to poor women who choose to carry their pregnancies to term, would help to make some of these abortions unnecessary by expanding the range of pregnancy options available to young women.

S. 1215 establishes a federally funded certificate program that will cover the cost of a maternity home stay for poor pregnant women. These maternity home facilities will be required to provide a full range of prenatal, educational, job training, and counseling services to income-qualified clients. Such a program would give a young woman, facing a very difficult situation, the opportunity to consider the best course of action for herself and for her baby.

Mr. President, between 1972 and 1982, the number of illegitimate births in this country increased by 77 percent while the number of abortions decreased by 22 percent. Prior to 1973, some 20 percent of children born outside marriage were released for adoption; by 1982, the last year for which comprehensive statistics are available, this figure fell to only 12 percent.

The decline in adoptions has been accompanied by a dramatic rise in the number of single-parent families. In the United States today, 25 percent of children are born into single parent homes. In those cases where a single mother is able to raise the child on her own, I believe it is important to keep these families intact. It is equally important, however, that in those cases where a young pregnant woman believes she is not ready to take on the responsibilities of parenthood that we make the adoption alternative available to her.

Our bill also makes a number of significant changes to existing adoption law. The legislation directs the Secretary of Health and Human Services to expand the scope of Federal data collection on adoption to give us a better idea of the types and number of adoptions that are occurring in the United States. Such information will be useful in the targeting of Federal assistance. Our proposal also mandates equal treatment for adoptive parents in insurance coverage and employer benefit policies, and provides increased reimbursement to State agencies that expedite the placement of children with physical disabilities and other special needs. S. 1215 also restores the Department of Defense adoption expense allowances that was eliminated under last year's DOD authorization bill. I am pleased to note that the Senate Armed Services Committee has also included this provision in the fiscal year 1992 DOD bill.

This legislation is not the entire answer for women facing unwanted pregnancies or for couples seeking children to adopt. It is, however, a first step toward making the adoption choice available to women and reducing some of the obstacles that face families seeking to adopt. I encourage my colleagues to join Senators GORTON, DECONCINI, MCCAIN, COCHRAN, INOUYE, CRAIG, and myself in cosponsoring this important bill.•

CORPORATE AVERAGE FUEL ECONOMY STANDARDS

• Mr. RIEGLE. Mr. President, the Michigan Legislature recently passed resolutions urging Congress to reject any efforts to impose unrealistic corporate average fuel economy standards [CAFE] on the auto industry.

The resolutions point out that the automobile industry is continuing to make improvements in fuel efficiency. They also highlight the impact enacting drastic increases would have on the availability of a range of cars and trucks for U.S. consumers, reductions in auto safety, and the loss of U.S. jobs.

Mr. President, I ask that the Michigan Senate Resolution No. 92 and Michigan House Resolution No. 126 concerning CAFE be included in the RECORD at this point.

The resolutions follow:

SENATE RESOLUTION NO. 92

Whereas, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

Whereas, efforts have been made recenty in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by 2001; and

Whereas, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact, and compact cars; and

Whereas, unrealistic standards would seriously reduce the availability of full-size and mid-size vans and pickup trucks—the workhorses of many small businesses and farms; and

Whereas, it has been estimated that significantly higher CAFE standards could cost as many as 300,000 jobs in the United States in the next decade; and

Whereas, higher CAFE standards would do little to enhance our nation's security, as it would reduce oil imports by only one to two percent by the year 2005; and

Whereas, many national safety experts have expressed the opinion that a drastic increase in the standards would increase the risk of fatalities and injuries because of smaller and lighter automobiles, creating a vast difference in vehicle sizes operating on the roads and highways; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress of the United States to reject any effort to impose unrealistic government-mandated standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the Senate, May 16, 1991.

HOUSE RESOLUTION NO. 126

Whereas, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

Whereas, efforts have been made recenty in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by 2001; and

Whereas, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact, and compact cars; and

Whereas, unrealistic standards would seriously reduce the availability of full-size and mid-size vans and pickup trucks—the workhorses of many small businesses and farms; and

Whereas, it has been estimated that significantly higher CAFE standards could cost as many as 300,000 U.S. jobs in the next decade; and

Whereas, higher CAFE standards would do little to enhance U.S. energy security—reducing oil imports by only one to two percent by the year 2005; and

Whereas, many national safety experts have expressed the opinion that a drastic increase in the standards would increase the risk of fatalities and injuries because of smaller and lighter automobiles, creating a vast difference in vehicle sizes operating on the roads and highways; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body urge the Congress of the United States to reject any effort to impose government-mandated, unrealistic standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, May 15, 1991.●

ORDERS FOR FRIDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Friday, July 26; that following the prayer, the Journal of proceedings be deemed approved to date and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein, and that the following Senators be recognized to speak: Senator MURKOWSKI for up to 10 minutes, Senator GRAHAM of Florida for up to 10 minutes, Senator DURENBERGER for up to 5 minutes, and Senator JOHNSTON for up to 20 minutes; and that the Senate resume consideration of S. 1345, the foreign aid authorization bill at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M., FRIDAY

Mr. MITCHELL. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand in recess as under the previous order until 9 a.m., Friday, July 26, 1991.

There being no objection, the Senate, at 12:05 a.m., recessed until Friday, July 26, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1991:

THE JUDICIARY

EDMUND ARTHUR MICHAEL KAVANAGH, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK VICE HOWARD G. MUNSON, RETIRED.

DEPARTMENT OF STATE

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

DAVID J. RYDER, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE DONNA POPE, TERM EXPIRED.

INTER-AMERICAN DEVELOPMENT BANK

RICHARD C. HOUSEWORTH, OF ARIZONA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE LARRY K. MELLINGER.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 3033, THE JOB TRAINING REFORM AMENDMENTS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. PERKINS. Mr. Speaker, today I am introducing a bill to reform the employment and training assistance programs under the Job Training Partnership Act [JTPA] and to improve the targeting of services and clients, particularly those served in title II of this act.

I want to thank my good friends and colleagues, Chairman FORD, of the Committee on Education and Labor, Mr. GOODLING and Mr. GUNDERSON, ranking members of the Committee on Education and Labor and the Subcommittee on Employment Opportunities, respectively, for cosponsoring this bill. Their cosponsorship represents a solid bipartisan agreement on this legislation and a mutual commitment to reforming JTPA.

Numerous proposals to amend JTPA have been introduced over the last few years. In fact, separate versions of amendments passed both the House and Senate last year. As the new chairman of the Subcommittee on Employment Opportunities, I committed earlier this year to taking a renewed look at each of these proposals. I am convinced that this consensus bill is a substantial improvement over the previous attempts, and I am committed to completing action on it this year.

This bill puts training back in JPTA, and makes it clear that JTPA is not simply an auxiliary placement program supplementing the work of the employment service. It includes amendments to encourage the JTPA system to coordinate services with those provided by the employment service, among others, in order to stretch resources and minimize duplication.

Since JTPA's enactment into law in 1982, there have been countless articles and reports criticizing various aspects of this program. Many of these criticisms have revolved around creaming and targeting issues. In general, the JTPA Program has been accused of serving the most likely to succeed and not those most in need of services. In addition, some reports, most recently those of the General Accounting Office [GAO], have cited discriminatory practices in serving women and blacks in a majority of the SDA's it surveyed. The GAO has claimed that the majority of comprehensive training services have been provided to the most job ready and not the least skilled. Providing comprehensive, long-term or multiyear services to the hardest to serve, or those with multiple barriers to employment, is a primary focus of this bill.

Additionally, the Inspector General's Office has repeatedly cited waste, fraud, and abuse problems with the contracting and procurement procedures used by the JTPA system. And almost all reports and articles criticizing the JTPA have noted the lack of Federal oversight and guidance concerning this program. I think the Congress and the administration are now in agreement on the need to increase oversight of this program. I have delayed the introduction of this bill in order to ensure that the legislative language addresses each of these issues and to ensure that JTPA's scarce resources are properly accounted for and targeted.

I believe that the legislation I am introducing today addresses each and every problem that has been cited as a reason not to increase funding in this program. The stagnant funding that this program received since inception has been one tragic result of the constant criticism. Currently, JTPA receives less than one-third of the funds spent for its predecessor, the Comprehensive Employment and Training Act in the 1970's.

In addition to increasing Federal oversight, this bill strengthens the cost accounting in all contracting. It mandates that all costs in contracting of services be charged to the appropriate cost categories, with extremely limited exceptions. This includes the elimination of most single-unit charge contracting. This, however, does not mean an elimination of performance-based contracts. As long as costs are charged to the appropriate categories of training, administration, and training-related or support services, performance-based contracting will continue to be allowed.

SDA's are encouraged to provide nonprofit and community-based organizations with proportionate amounts of funding necessary for administration cost and support services. We cannot properly serve those most in need without providing them the means to participate in longer term, comprehensive programs. This may include supportive services such as child care services, transportation, and stipends.

This bill increases the emphasis on education, yet recognizes that education is an expensive burden to the JTPA system. It encourages linkages with the local school system, but also mandates that education training be provided when necessary. I recognize and readily admit that JTPA cannot solve all the educational problems of our Nation's work force, but JTPA cannot ignore educational deficiencies if we are to adequately train tomorrow's workers. While we are not addressing the reform of our education system here we must confront the problems of the work force that presently exist.

While education is emphasized throughout the bill, a priority is placed on serving out-of-school youth, such as dropouts and noncollege bound high school graduates. I am seriously concerned about the lack of programs and resources available for these youth. We spend hundreds of billions of dollars in public and private funds on in-school youth, yet few, it any resources, other than JTPA, on out-of-school youth. This group is difficult to reach and more costly to serve; however, we must effectively reach out to these youth to provide them the tools necessary for success in the workplace.

Currently, JTPA serves less than 5 percent of the eligible poor population. If we are ever to solve the overwhelming problems of unemployment, poverty, crime, dependency, and utter hopelessness among so many in our Nation, we must provide better opportunities and alternatives for production employment. JTPA is sometimes called the second chance system for dropouts, the poor, and the uneducated; yet, for too many youth and adults, it is the last chance to attain the education and vocational skills necessary to be productive contributors to our society—not dependents upon it. JTPA, when at its best, can provide the tools necessary to lift people out of poverty and despair.

Mr. Speaker, let me close by quoting testimony I received during hearings on this act from the commissioner of employment for New York City, Josephine Nieves, on the work force preparation lesson from the Persian Gulf war. She testified that the so-called smart weapons were successfully "operated by smart forces heavily represented by minorities" or groups historically disadvantaged:

> Congress needs to question why our military succeeded in training its forces in the use of the most sophisticated and advanced technologies, while American business is crying for a work force that cannot meet even the most rudimentary requirements. The answer is simple. Training has always been the military's first priority. The military knows the requirement of each and every job and spends millions in training. It marshalled the resources required to produce a military force capable of carrying out each and every assignment. Its method proved that everyone is trainable.
>
> To produce a work force capable of meeting the economical challenges and work force requirements of the 1990's, Congress must give job training the same priority given to it by the military. Dollars must be directed to implementing training approaches for the hard-to-serve—individuals who largely have been left behind by our educational system. This requires strong, viable programmatic efforts by all of us. I believe JTPA is the vehicle to accomplish this important goal.

She added that JTPA's goal should be a "well trained, competitive work force that can meet the challenges of the international economic battlefield." I fully agree with the commissioner and would only add that this should be our Nation's goal, as well as JTPA's.

Mr. Speaker, attached is a summary of this bill to be printed in the RECORD in its entirety immediately following my remarks:

SUMMARY OF H.R. 3033, THE JOB TRAINING REFORM AMENDMENTS

The amendments to the Job Training Partnership Act (JTPA) make significant changes that are designed to reform and strengthen the Act's services for the economically disadvantaged adults and youth.

These amendments retain the public/private partnership that forms the basic delivery system for JTPA, and preserves the emphasis on program outcomes through the use of revised performance standards. Overall, throughout this bill an emphasis is placed on serving the hard-to-serve, with barriers to employment in addition to their poverty. Longer, more comprehensive services are mandated with an assessment and service strategy provided for each participant. The Secretary, in consultation with the Inspector General, would be required to issue detailed procurement standards to address the numerous program integrity abuses reported over the last few years.

ADULT AND YOUTH PROGRAMS

The bill separates the year round youth services provided in the existing title IIA adult and youth program into a new title IIC youth program. To be eligible for services under title IIA, individuals must be economically disadvantaged adults age 22 or older, and at least 60 percent of these adults must have at least one prescribed additional barrier to employment in addition to poverty. As in current law, 10 percent of these participants may be non-economically disadvantaged if they face at least one other barrier to employment.

The proposed title IIC program for youths, aged 16 through 21, will have the similar eligibility requirements to those listed above. High school dropouts under the age of 18, however, must return to school or some form of alternative educational program as a part of their participation in JTPA. Of the title IIC participants, 60 percent must be out-of-school. With limited exceptions, the Secretary of Labor may lower the service delivery area (SDA) requirement to a minimum of 40 percent.

The title IIB Summer Youth program will retain the same eligibility requirements as in current law. Language is added to this part to encourage the concurrent enrollment or transfer of summer youth into the title IIC year round youth program.

FUNDING

The bill includes a declaration of policy that encourages the expansion of the title II program by increasing funds by at least 10 percent each year to increase the 5 percent of eligible youth and adults currently served. Increased funding will be required simply to maintain current service levels, since these amendments require longer, more comprehensive training services.

Only technical changes are proposed in the funding formula, such as the exclusion of college students and individuals in the armed forces.

Subject to the approval of the Governor, SDAs may transfer up to 10 percent of their title IIA and IIC funds between these titles (IIA and IIC), depending upon local need to serve more adults or more youth. A new reallotment and recapture provision is added for excess carryover funds in title II program.

STATE SET-ASIDES

Of the funds appropriated for title IIA and IIC, 19 percent will be set-aside at the state level for the following activities: 6 percent for incentive grants to local SDAs who have met all performance standards and exceeded performance standards for the hard-to-serve; 5 percent for state administration and monitoring of programs; and 8 percent for state education coordination and grants. The existing 3 percent set-aside for older worker programs would be replaced with a requirement that at least 6 percent of funds under title IIA be targeted at participants aged 55 or older.

ASSESSMENT

The education, skill level, and service needs of each title IIA, 11B, and IIC participants will be assessed, and a service strategy must be developed. In titles IIA and IIC, each participant must be provided, directly or through arrangement, the education, skills training and supportive services necessary when the assessment indicates such a need.

Each SDA shall ensure that each applicant who meets the minimum income eligibility criteria be provided information on all appropriate services along with a referral to other appropriate programs to meet the applicant's basic skills and training needs. No state or SDA shall impose additional eligibility requirements that results in restricting access to appropriate services.

COST CATEGORIES

Under current law, SDAs must spend at least 70 percent of their funds on training activities, with a maximum of 15 percent on administration, and the remainder on support services. This bill proposes a minimum of 50 percent be spent on direct training activities, a maximum of 20 percent on adminstration, and the remaining 30 percent or less on support services and training-related services. Each of these categories is defined, including the addition of work experience, counseling, assessment, and case management into the training category, and the inclusion of stipends in the support services definition. With limited prescribed exceptions, all costs must be charged to the appropriate cost category.

PROCUREMENT

The Secretary would be required to prescribe regulations establishing detailed procurement standards to ensure fiscal accountability and prevent waste, fraud and abuse in these programs. In establishing these standards the Secretary shall consult with the Inspector General and take into consideration the relevant OMB circulars. The standards prescribed shall ensure that procurements are competitive, include an analysis of the reasonableness of costs, do not provide excess program income or profit, and that no conflict of interest exists in the grant selection.

This legislation allows SDAs to use advance payments of up to 20 percent when contracting with nonprofit organizations, based on the financial need of the organization.

IDENTIFICATION OF ADDITIONAL REQUIREMENTS

The bill adds a new requirement that any State or SDA imposed rule, regulation, policy, or performance standard relating to this program must be identified as a state or SDA imposed requirement.

Instructs the Secretary to provide guidance and technical assistance to states and SDAs on minimizing documentation to verify eligibility, demonstrate additional barriers to employment, and conduct assessments to ensure that these requirements do not discourage program participation. The establishment of uniform standards and automated intake procedures are encouraged.

ON-THE-JOB TRAINING

The bill limits on-the-job training (OJT) to 6 months and prohibits SDAs from contracting with employers who have not retained at least 75 percent of employees for at least one year and provided full employment benefits.

ECONOMIC DEVELOPMENT ACTIVITIES

The legislation prohibits the use of funds for activities such as: economic development, employment generating activities, revolving loan funds, foreign travel, contract bidding resource centers, and other activities that do not result in the direct creation of jobs in which JTPA participants are placed.

PERFORMANCE STANDARDS

The bill amends adult and youth performance standards to include employability competencies, such as the attainment of a high school diploma or its equivalent. The bill mandates that each Governor adjust the standards to reflect economic, geographic, demographic and other different factors in the state and SDAs.

The bill amends the incentive grants to emphasize exceeding performance in services to the hard-to-serve, or those with additional barriers to employment. Requires the Secretary to establish uniform criteria defining failure to meet performance standards by an SDA.

The legislation requires the Governor to report final performance for each SDA, and on his or her plans to provide technical assistance to SDAs failing to meet these standards. The Governor is required to notify the Secretary of continued failure (2 program years), along with plans for reorganizing and restructuring the SDA and the private industry council. If the Governor fails to address the SDA's failure to meet performance standards, the Secretary shall withhold one of the five percent state administration set-asides to provide these services.

DATA COLLECTION

The amendments would require improved and expanded data collection, particularly on sex, race, and occupation. The crosstabulation of similar state and SDA produced data will also be required.

YOUTH OPPORTUNITIES UNLIMITED

Creates a new Youth Opportunities Unlimited program under title IV to provide training grants to high poverty communities in a target area with a population of no more than 25,000. These grants would allow communities to provide comprehensive services to all low-income youth in need. A 50 percent state or local match is required.

HILLANDALE'S 50TH YEAR OF SERVICE IN MARYLAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. MORELLA. Mrs. Speaker, I would like to bring to the attention of my colleagues that the Hillandale Volunteer Fire Department is celebrating its 50th year of providing Montgomery County, MD, with the finest in fire and rescue services. As part of a celebration, the department is going to rededicate its building on Sunday, September 22, at 2 p.m. in front of station 12, 10617 New Hampshire Avenue, in Silver Spring. In a traditional rededication ceremony, the department will manually push all of the rescue apparatus into the engine room, symbolizing possession of the manpower necessary to get the equipment out in any situation.

Hillandale's volunteer and career force was begun by members of the community in an effort to provide a fire department within their own vicinity. In the tradition of Benjamin Franklin who initiated the first volunteer fire department, Hillandale's volunteer firefighters display consistent dedication, and their devotion should not go unnoticed, or unappreciated. I salute Hillandale's staff for its unswerving commitment to the community. The volunteers' willingness to place themselves in life-threatening situations in order to ensure the safety of others is inspiring, and deserves our highest praise and appreciation.

INTRODUCTION OF LEGISLATION TO REPEAL THE MANAGED ACCOUNTS PROVISION OF SECTION 11(a) OF THE SECURITIES EXCHANGE ACT OF 1934

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MARKEY. Mr. Speaker, today I am joining with Representative RINALDO, the ranking minority member of the Subcommittee on Telecommunications and Finance, in introducing legislation to repeal the managed account provision of section 11(a) of the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect transactions for managed accounts.

Initially, rule 11(a) was adopted during the mid-1970's, a transitional period for the securities industry in which fixed commission rates and strict limitation on exchange membership were giving way to the lower negotiated rates and more open exchange membership policies of today. Given the changes that have taken place in the securities industry since enactment of this provision, however, including the demise of fixed commission rates, the opening of exchange membership, increased access to current quote and trade information, and electronic routing of orders, the managed account provision is no longer an effective instrument of the securities marketplace. In fact, the managed account provision may actually impede the ability of investment managers to achieve the lowest possible transaction costs when they buy or sell stocks for the accounts they manage.

According to Robert C. Pozen, general counsel and managing director of Fidelity Investments, "The managed account restrictions preclude institutional clients from holding an exchange member accountable for its trade executions." Accordingly, current restrictions create an economic incentive for money managers to trade off of the exchanges—namely, in the over-the-counter market or on foreign exchanges.

One of the continuing challenges we must face is that of assuring that our system of market regulation keeps pace with the continuing changes taking place in our Nation's securities markets. We need to assure that our regulatory structure is continually updated, strengthened, and adapted to make our securities markets stronger and better suited to withstand the liquidity demands placed by both institutional and individual investors. The bill Representative RINALDO and I are introducing today would accomplish this in several ways.

First, it should result in lower transaction costs for investors by reducing costs incurred by the securities industry by approximately $200 million and $300 million annually. A study conducted by the Securities Industry Association in 1987 to determine the costs of the managed account prohibitions revealed that the prohibition in section 11(a) cost the industry between $200 million and $250 million in 1986 and 1987. According to New York Stock Exchange figures for 1989 and 1990, section 11(a) cost the securities industry between $335 million and $409 million and between $233 million and $285 million in 1989 and 1990, respectively. These costs are primarily associated with the required use of independent brokers on the exchange floor. Under this legislation, money managers would no longer be forced to use independent floor brokers, commonly known as "Two Dollar Brokers," to execute trades for their managed accounts. Instead, they could use an affiliated broker at a reduced cost.

Second, the bill would protect investors by continuing to require prior authorization for transactions conducted by an affiliated broker and full disclosure of fees paid to an affiliated broker for effecting any transaction for a managed account. The legislation would require any broker effecting a transaction for a managed account on a national exchange to obtain authorization prior to effecting the transaction. The bill also would require brokers to provide investors with an annual statement disclosing the amount of compensation received by the broker for effecting such transactions.

This legislation has received the support of the Securities and Exchange Commission. In July 1989, Chairman DINGELL of the full Energy and Commerce Committee and I wrote the SEC to request a study of the managed account provisions of section 11(a). The Commission found that, "[the] elimination of the managed account provision would remove the remaining costs without reducing significantly the protection of managed accounts," and recommended that the SEC support elimination of the managed account provision of section 11(a), provided that the Commission continued to be granted rulemaking authority to retain the managed account authorization and compensation disclosure requirements in order to heighten awareness of potential conflicts of interest. This legislation would maintain the Commission's authority in these areas.

On May 14, 1991, the Subcommittee on Telecommunications and Finance, which I chair, held a hearing on this matter. Testimony was heard from SEC Commissioner, Richard Roberts, Robert Pozen of Fidelity Investments, Coleman Nutter of First Manhattan, and Stuart Nelson of Sanford C. Bernstein & Co. All of the witnesses supported the repeal of the managed account provision of 11(a), provided that the SEC disclosure and authorization requirements were maintained. The bill we are introducing today responds to the needs and concerns identified in our hearing record, and in the spirit of maintaining a fair and orderly securities marketplace, I urge my colleagues to support its passage.

SECTION-BY-SECTION ANALYSIS OF THE MARKEY-RINALDO BILL TO REPEAL MANAGED ACCOUNT PROVISIONS OF SECTION 11(a)

A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

SECTION 1. PROHIBITED TRANSACTIONS.

Section 1 amends section 11(a)(1) of the Securities Exchange Act of 1934 to allow exchange members to effect transactions on national securities exchanges of which they or an affiliated person are members for any account they or their associated persons exercise investment discretion.

The section also inserts language at the end of section 11(a)(1) which maintains the Securities and Exchange Commission's authority to issue rules which require persons engaged in executing transactions for a managed account to:

1. obtain express authorization from the person or persons authorized to transact business for the account prior to effecting transactions for the account;
2. furnish the person or persons authorized to transact business for the account with a statement, at least annually, disclosing the aggregate compensation received by the exchange member in effecting such transactions.

THE DEMOCRATIC CLUB OF ASBURY PARK, NJ, ANNUAL FAMILY PICNIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, July 28, the Democratic Club of Asbury Park, NJ, will hold its annual family picnic. As always, the event will attract some of the leading political figures from the area, as well as many other people from other walks of life. And, as always, it promises to be a good time for all those families who take part.

What is unique about this year's event is that the Democratic Club is inviting all veterans from the Persian Gulf war and their families to the picnic free of charge. That goes for veterans from within the city of Asbury Park as well as those from surrounding communities.

Mr. Speaker, the tremendous accomplishment of the men and women of America's Armed Forces has produced an outpouring of gratitude on the part of millions of Americans. That gratitude has taken a multitude of forms, from lavish parades to special discounts for veterans to the many individual acts of kindness that American citizens have performed for their friends and neighbors who took part in Operation Desert Storm. Perhaps most important is the new-found respect for all Americans who now wear or have worn the uniforms of the Armed Forces. In extending their special invitation to the Desert Storm veterans from the Monmouth County areas, the Asbury Park Democratic Club has shown that the gratitide to all those who served their country in the Persian Gulf war continues to be strong and heartfelt.

CONGRATULATIONS ON THE OCCASION OF THE PIERNAS FAMILY REUNION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Ms. NORTON. Mr. Speaker, I rise today in recognition of the Piernas family as they celebrated their ancestral roots at a recent family reunion.

I am thrilled to say that this family is able to trace its ancestral roots to the birth of Louis Piernas in 1812 and his marriage to Adalade Labat in 1849. It is reassuring to know that families, such as theirs, have kept family unity and respect for heritage as a part of their lives.

I hope that the young members of the family realize the truly remarkable experience they are privileged to share. Throughout the generations, members of this family have made outstanding contributions to the history of our country. From Louis Piernas, Jr.—the first black postmaster of Bay St. Louis, elected in 1893—to Lawrence Piernas Guyot—who was a civil rights activists during the 1960's and is still involved in the struggle for human rights today—the young people of your family can hear first hand of their proud heritage. The Piernas youth should take full advantage of the wealth of knowledge to be gained from their elders and preserve this family tradition for future generations.

I salute the Piernas family as they continue to renew their ancestral roots.

TRIBUTE TO DALE AND BERNICE GRAHAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of an outstanding couple to the Michigan Farmer's Hall of Fame. Dale and Bernice Graham, of Mount Pleasant, MI, have been actively farming for 55 years. Their contributions to Michigan agriculture are truly deserving of praise and appreciation.

Dale and Bernice have been involved in many areas of agriculture. They have raised laying hens, turkeys, beef cattle, and now are actively involved in a dairy operation. The Grahams farm 1,000 acres and have worked to better their farm by improving the feeding system and recordkeeping. They have also incorporated conservation measures such as crop rotation and soil conservation into their farming operation.

The Grahams have also devoted time and energy to their family, church, and community. Dale has been on the Isabella Farm Bureau County Board and is involved in the Presbyterian Church. Bernice also belongs to the Michigan Farm Bureau. She is the chairman of the Presbyterian Women's Association. For 50 years, Bernice has taught children in the first through third grades. The Grahams have two sons who now are partners in the farming operation.

Dale and Bernice Graham have dedicated their lives to agriculture. Along with the hard work of farming they have freely given of their time and energy to community, church, and family.

Mr. Speaker, I know that you will join me in thanking and commending this couple for their years of service and labor. We all congratulate Dale and Bernice Graham for their induction into the Michigan Farmer's Hall of Fame.

REFORM AMENDMENTS TO JTPA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. GUNDERSON. Mr. Speaker, I am pleased to join my colleagues, Mr. PERKINS, Mr. FORD, and Mr. GOODLING, in introducing a bipartisan bill which amends the Job Training Partnership Act [JTPA]. The bill represents a strong effort to meet the concerns that have been raised regarding JTPA programs while maintaining its strengths.

JTPA is a unique Federal program that fosters partnerships across many levels. There is the partnership among the Federal, State, and local governments and the private sector; and there is the partnership among human resource agencies and programs. All of these partnerships are designed to provide education, training, and employment services to those most at risk in the work force. JTPA is also a program focused on performance outcomes rather than process.

Any amendments that are developed to address the concerns that have surfaced must continue to respect the uniqueness of the JTPA program. I believe that these amendments go a long way toward meeting that goal.

With these amendments we are looking to better target services to those most in need without burdening the system with paperwork and documentation. We also want to retain the flexibility at the local level to determine the services provided, and yet assure that each participant will receive a core set of services that will assure comprehensive strategies to address individual labor market deficiencies. Further, we are attempting to address the fiscal integrity questions that have arisen by instituting uniform procurement guidelines and requiring that all costs, with few exceptions, be charged back to specific cost categories.

The amendments move to reduce the number of set-asides in order to drive more money down to the program level. I am pleased however, that the 8-percent education set-aside has been retained. Education is the core element in this program, and we need to continue to encourage its involvement throughout. Another element of the JTPA program that has provided access for many disadvantaged youth to training and education programs has been retained as a separate program. Without the summer youth employment program, many disadvantaged youth would not have the opportunity to participate in work experience programs that give them a chance to gain needed employment experience and contact with the workplace.

Overall, these amendments address many of the concerns raised without compromising the intent of the program—to provide training to disadvantaged adults and youth so that they may become productive members in the workplace. We must continue to focus on flexibility, accountability, and quality in these programs. I look forward to working with my colleagues as this bill moves through committee so that we truly have a bill which improves JTPA while building on its unique strengths.

RECOGNIZING THE SERVICE OF EDWARD JAGEN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. MORELLA. Mr. Speaker, I rise to bring to the attention of my colleagues the outstanding community service of Edward J. Jagen, better known as the Blue Knight, the founder of the Good Knight Child Safety Awareness Program.

Mr. Jagen, a former police officer in the District of Columbia, has written a children's book called "The Good Knight Story," in which he teaches elementary school students how to avoid being abducted by strangers. Mr. Jagen, in the title role of the Good Knight, travels to suburban Maryland elementary schools reading and acting out his book. The end result of his endeavors is that young children, previously unaware of the dangers posed by some strangers, learn how to watch out for themselves, their siblings, and their friends. By weaving together, fantasy and reality, Sir Edward drives home a critically important, yet at the same time entertaining, message. At the conclusion of each program, Sir Edward knights his young listeners and inducts them into the Divine Order of Good Knights.

Mr. Jagen's service to our community has been recognized by Maryland Gov. William Donald Schaefer, by Montgomery County Executive Neal Potter, by D.C. Mayor Sharon Pratt Dixon, and by countless other leaders and civic organizations. I am pleased to have this opportunity to bring to the attention of the Congress Edward Jagen's outstanding service and to thank him for his invaluable contribution to our community.

I would also like to commend the Maryland Chapter of the National Missing Child Search Society, Inc., which has worked closely with Sir Edward in his crusade for child safety. Together, Sir Edward and Child Search have formed an effective and much appreciated child safety team in the Washington metropolitan area.

INTRODUCTION OF THE NTIA AUTHORIZATION ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MARKEY. Mr. Speaker, I rise in support of legislation authorizing appropriations for the National Telecommunications and Information Administration [NTIA], introduced today by my good friend and colleague, the ranking minority member of the Subcommittee on Telecommunications and Finance, Mr. RINALDO. This legislation reflects the actions taken on H.R. 2558 by the Subcommittee on Telecommunications and Finance, which included the adoption of an amendment in the nature of a substitute offered by my colleague from New Jersey.

Rapidly developing telecommunications and information industries are vital to the national interest of the United States, and as such, require that the Federal Government maintain effective policies and programs to keep pace with the rapid technological advancement in these industries. Because telecommunications policies are linked inextricably to American international competitiveness and commerce, there is a need for coordinated domestic and international policy development by the President. This role is currently played by the National Technology and Information Administration [NTIA] of the Department of Commerce. This legislation would free the NTIA from threats of reorganization or elimination by the Secretary of Commerce and would ensure that a permanent centralized agency will continue to advise the President on telecommunications and information policies.

In 1978, NTIA was created by Executive order to assume most of the responsibilities previously served by the now defunct Office of Telecommunications Policy [OTP] of the Executive Office and the Office of Telecommunications of the Department of Commerce. NTIA, an independent agency within the Department of Commerce, thus became the President's chief adviser on domestic and international telecommunications and information policy. Other of the OTP's functions, primarily those associated with international telecommunications, were assigned to the Department of State.

Since NTIA was never given statutory authorization by Congress, it has been subject to attempts at reorganization by the Secretary of Commerce. In 1989, Secretary William Verrity proposed to reorganize the Commerce Department by creating a new Office of Technology which would subsume the NTIA. Strong congressional objections notwithstanding, there was no strict prohibition against NTIA reorganization at that time. However, incoming Secretary Robert Mosbacher opted to maintain the organizational integrity of NTIA in response to congressional concerns that reorganization would impede the agency's effectiveness.

Concerns over the potential reorganization and downgrading of NTIA remain valid. This amendment will ensure that NTIA maintains its preeminent status as a leader in the development of telecommunications industry domestically and as a consultant with foreign entities with regard to international telecommunications issues. The statutory organization laid down in this legislation would not grant any new authority to NTIA. Rather, the act would codify and make permanent the existing structure.

NTIA is charged with several functions essential to the development of America's telecommunications industry. The agency is responsible for the development and presentation of domestic and international telecommunications and information policy for the executive branch, for management of the radio spectrum assigned to Federal Government users, and for performing research in telecommunication sciences. NTIA works with the administration in developing and presenting U.S. plans and policies at international communications conferences and related meetings, and formulates Federal Government positions, in consultation with the Federal Communications Commission, the Department of State, and other Federal agencies. Further, NTIA administers the Public Television Facilities Program [PTFP] which provides grants to extend the reach of public telecommunications services to as many U.S. citizens as possible and increase minority and women ownership of telecommunications systems.

NTIA manages and allocates the Federal Government's portion of the radio frequency spectrum. Nearly every Federal department or agency uses the spectrum for its communications facilities. The Federal Government uses the spectrum for, among other purposes, national defense, weather monitoring, air traffic control, and U.S. Capitol Police communications. NTIA currently operates with about 300 employees, more than two-thirds of whom will have duties primarily related to radio spectrum management and research, and PTFP administration.

For fiscal year 1991, $15.3 million was appropriated for the operating budget of NTIA. This legislation would authorize an appropriation for NTIA at $18,719,000 for fiscal year 1992 and $21 million for fiscal year 1993, plus such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law and other nondiscretionary costs.

The continued vitality of NTIA is necessary for the development of the information and telecommunications industries. This legislation would ensure that the administration will play this role in future years. I ask that my colleagues join Mr. RINALDO in support of this legislation.

SALUTE THE TROOPS PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. PALLONE. Mr. Speaker, on Saturday, July 27, the Borough of Belmar, NJ, will be the site of a Salute the Troops Parade. The parade is being jointly sponsored by the Monmouth County communities of Belmar, South Belmar and Spring Lake. It promises to be an enjoyable and patriotic celebration of all U.S. Armed Forces, particularly those who took part in America's victory in Operation Desert Storm.

Mr. Speaker, we can never fully express the depth of our gratitude to those brave Americans whose sacrifice in times of war have helped to safeguard the freedoms we too often take for granted. Our recent triumph in the Persian Gulf reminds us that freedom often carries a very high price. The role of the leader of the free world is a difficult burden, but one that America has never shied away from. In case there was any doubt about the viability of that longstanding American commitment, Operation Desert Storm has silenced the doubters.

While celebrating our Nation's strength, we must remember that the true source of that strength is the men and women of our Nation's Armed Forces. The combined force of their individual accomplishments and sacrifices, usually unheralded, is what has always made American victories possible. The fact that America uses its force in defense of freedom and human rights, and against tyranny and aggression, is what distinguishes this Nation from so many of the other great powers that have risen and fallen over the years.

For the members of the Armed Forces, past and present, occasions like Saturday's parade are a reminder that their fellow citizens remember and appreciate their sacrifices and will always be grateful.

A SALUTE TO ADVISORY NEIGHBORHOOD COMMISSIONER LEROY J. THORPE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Ms. NORTON. Mr. Speaker, I rise today to commend Advisory Neighborhood Commissioner Leroy J. Thorpe, Jr., of Single Member District 2C07, on the occasion of the 50th Anti-Drug Rally held by COPE, Citizens Organized Patrol Efforts, Inc. On Tuesday, June 19, members of the Shaw community and other invited guests came together to commend Leroy J. Thorpe, Jr., and the members of COPE for their extraordinary citizen initiative to eradicate crime and drugs from their community.

Mr. Speaker, COPE is credited with the closing of 17 crack houses in the Shaw and Columbia Heights community. COPE has worked successfully with the first and fourth districts of the Metropolitan Police Department and has earned the respect of the officers in these districts.

Finally, Mr. Speaker, COPE is an all volunteer, nonprofit organization. Throughout the District of Columbia COPE is showing citizens that concentrated and dedicated community action can be taken to reduce drugs and the incidence of crime. I know that my colleagues will join me in commending COPE for its commitment and hard work on behalf of neighborhood improvement.

TRIBUTE TO JAMES AND AGNES STEED

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of an outstanding couple to the Michigan Farmer's Hall of Fame. James and Agnes Steed of Buckley, MI, have been actively farming for 52 years. Their contributions to Michigan agriculture are turly deserving of praise and appreciation.

James and Agnes Steed farm 229 acres and were involved in the dairy industry. The Steeds began farming for themselves when James was deeded 40 acres from his parents' farm. James and Agnes started without much. They had a team of horses, one plow tractor, and they lived in a 14- by 24-foot house that James had built the summer before they were married. Later, they moved into a two-bedroom house until they had their fifth child. It was only then that a bathroom was added to the house. Through hard work and dedication the Steeds now own five tractors, have enlarged their farm so that it extends a mile east and west of their home, and the farm is debt free.

Agnes and James have devoted many hours to their community and family. They were both active in the Farm Bureau. James also served on the ABA board and on the township board of review. Agnes has worked side-by-side with James. To help raise money she would go out at night when everyone was sleeping and pick nightcrawlers. For every thousand worms she would get $12.50. The Steeds have raised five children, three boys and two girls.

James and Agnes Steed have spent their lives working on their farm. Agnes has said:

> It's a place to learn how to work hard, be honest, and look around you every day to see God's hand at work—also to appreciate God's beauty. City people don't know what they are missing! I'm glad we live on a farm in spite of the low income and hard work.

Mr. Speaker, I know that you will join me in thanking and commending this couple for their years of service and labor. We all congratulate James and Agnes Steed for their induction into the Michigan Farmer's Hall of Fame.

LABOR LAW REFORM—IMPROVE THE NATION'S EQUAL EMPLOYMENT OPPORTUNITY LAWS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. GUNDERSON. Mr. Speaker, in my ongoing effort to make the case for the need to reform the Nation's labor laws, I want to focus attention today on the Nation's equal employment opportunity laws.

Today, these specific laws hinder American competitiveness, first, by providing uncertainty to employers eager to avoid litigation; and second, by failing to assist workers who are victims of discrimination in a timely and consistent manner.

DUPLICATION AND INCONSISTENCY

Employers complain that each of the antidiscrimination laws is applied differently and entails different administrative filing deadlines, statutes of limitations, and administrative and court-ordered remedial procedures. A quick review of the major statutes demonstrates these problems.

SECTION 1981

Section 1981, enacted as part of the Civil Rights Act of 1866, prohibits discrimination in the making and enforcement of contracts. However, even though section 1981 was never intended as an employment statute, it has been interpreted as applying to contracts executed in the employment setting. This complicates the Federal focus in equal employment opportunity law because, while section 1981 allows for jury trials and compensatory and punitive damages, other equal employment opportunity laws do not.

TITLE VII, ADEA, AND FLSA

Similarly, enforcement procedures and remedies differ between many of the employment statutes. The 1964 Civil Rights Act followed a more specific prohibition, against gender discrimination in work force pay scales. However, the prohibition was enacted by the Equal Pay Act of 1963, an amendment to the Fair Labor Standards Act [FLSA], which is administered by the Department of Labor. Title VII, which embodies most other equal employment statutes, is administered by the EEOC.

Also, because the Age Discrimination in Employment Act [ADEA] was modeled after the Fair Labor Standards Act, but is enforced by the EEOC, it incorporates some enforcement procedures and remedies from each. In some areas, the ADEA represents a major departure from title VII.

REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT (ADA)

This problem also arises with differing remedies under the Rehabilitation Act and the ADA. Though both laws prevent discrimination in the workplace based on disabilities, they do so differently.

Three separate sections of the Rehabilitation Act govern employment discrimination cases. Section 501 governs nondiscrimination and affirmative action policies applied to Federal employees, and requires complainants to pursue a claim through their respective agencies or through a private cause of action. Section 504, which governs these policies as applied to recipients of Federal financial assistance, follows the same complainant processes. However, section 503, which governs these policies as applied to Federal contractors for contracts in excess of $2,500, is enforced by the Department of Labor, and allows no private cause of action.

The ADA has been laid across this matrix. Where the Rehabilitation Act preempts State laws, the ADA does not. Further, while the ADA is built upon concepts developed under the Rehabilitation Act, substantive differences between the two acts do exist. For example, there is no provision prohibiting discrimination based on association under the Rehabilitation Act as there is under the ADA. The ADA also imposes requirements governing medical examinations which differ from those under section 503. Finally, for its remedies and enforcement procedures, the ADA references title VII, not the Rehabilitation Act.

INCREASES IN LITIGATION

Employees who file discrimination complaints are denied the quick and fair resolution of their cases intended by the original 1964 act. A 1989 report by the Federal courts study indicated that, since 1969, the number of private employment discrimination cases filed in the Federal courts has increased by more than 2,000 percent—from under 400 cases in 1970 to almost 7,500 in 1989.

This increase in litigation, possibly a result of the shifting emphasis under section 1981 on larger punitive and compensatory damage awards, causes further delay for victims. A 1988 RAND study of wrongful discharge cases litigated between 1969 and 1988 found the average case lasting more than 3 years, and costing employers and employees an average of over $160,000 per case.

National policy to strengthen equal employment opportunity should include uniformity in enforcement procedures, greater emphasis on conciliation between employers and employees, including mechanisms for alternative dispute resolution, and broader access to justice for victims of discrimination.

As vice-chairman of the Subcommittee on Employment Opportunities, I have requested hearings on problems facing the Equal Employment Opportunities Commission [EEOC]. It is my hope that these hearings can help us find solutions to these and other problems facing employers, workers, and victims of discrimination.

INTRODUCTION OF H.R. 3035, A BILL TO SIMPLIFY THE TAX TREATMENT OF INTANGIBLE ASSETS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 3035, a bill to simplify the tax treatment of intangible assets. I am introducing this bill to begin public discussion of this proposed solution to a longstanding and significant problem under the tax laws.

The present tax treatment of intangible assets has long been a source of controversy between taxpayers and the Internal Revenue Service. Goodwill and going-concern value may not be amortized or depreciated. Other types of intangible assets used in a trade or business may be amortized, but only if the taxpayer establishes that the assets are distinct from goodwill and have a known limited useful life. Thus, both legal and factual disputes arise as to the existence of particular intangible assets and the proper method and period for amortizing them. When a trade or business is acquired, the amount of the purchase price that is attributable to particular intangible assets may also be disputed.

H.R. 3035 would eliminate much of this controversy and reduce the need for costly appraisals by providing a more uniform, predictable set of rules for amortizing intangible assets. Specifically, the bill would require that most acquired intangible assets, incuding goodwill and going-concern value, be amortized ratably over a uniform 14-year period. Thus, certain intangible assets that are not amortizable under current law would be amortizable over 14 years. Other intangible assets that are currently amortizable over longer or shorter periods would also be subject to 14-year amortization.

The bill would apply only prospectively, to property acquired after the date of enactment of the bill. The bill does not change the tax treatment of costs—such as advertising expenses, for example—incurred in the creation of intangible assets by the taxpayer.

Mr. Speaker, this bill is intended to provide certainty to taxpayers while eliminating the source of much tax litigation and controversy, thus freeing up for more productive use the resources of taxpayers, the Internal Revenue Service, and the courts. The bill is not expected to result in major dislocations of tax burdens among taxpayers, and is expected to raise relatively modest amounts of revenue. In this regard, the 14-year period of amortization was selected as the shortest amortization period that would avoid producing a negative revenue effect.

On June 26, 1991, I introduced H.R. 2777, the Tax Simplification Act of 1991, and H.R. 2775, relating to additional tax simplification. In addition, on June 24, 1991, I introduced H.R. 2730, the Pension Access and Simplification Act of 1991, and H.R. 2735, to simplify the tax treatment of mutual funds. It is my intention that H.R. 3035 be considered in conjunction with these other simplification bills. In addition to providing significant simplification, the small revenue gain associated with H.R. 3035 will provide a modest revenue source for the other simplification initiatives I have introduced to comply with the pay-as-you-go requirements of last year's budget agreement.

The Committee on Ways and Means will hold public hearings on H.R. 3035 and related legislation in the fall, so that the bill might be considered later this year.

An explanation of H.R. 3035 follows:

EXPLANATION OF H.R. 3035

Amortization of goodwill and certain other intangibles

PRESENT LAW

In determining taxable income for Federal income tax purposes, a taxpayer is allowed depreciation or amortization deductions for the cost or other basis of intangible property that is used in a trade or business or held for the production of income if the property has a limited useful life that may be determined with reasonable accuracy. No depreciation or amortization deductions are allowed with respect to goodwill or going concern value.

REASONS FOR SIMPLIFICATION

The Federal income tax treatment of the costs of acquiring intangible assets is a source of considerable controversy between taxpayers and the Internal Revenue Service. Disputes arise concerning (1) whether an amortizable intangible asset exists; (2) in the case of an acquisition of a trade or business, the portion of the purchase price that is allocable to an amortizable intangible asset; and (3) the proper method and period for recovering the cost of an amortizable intangible asset.

The bill would eliminate much of the controversy that arises under present law with respect to acquired intangible assets by specifying a single method and period for recovering the cost of most acquired intangible assets and by treating acquired goodwill and going concern value as amortizable intangible assets. The bill does not change the Federal income tax treatment of self-created intangible assets, such as goodwill that is created through advertising and other similar expenditures.

The bill requires the cost of most acquired intangible assets, including goodwill and going concern value, to be amortized ratably over a 14-year period. It is recognized that the useful lives of certain acquired intangible assets to which the bill applies may be shorter than 14 years, while the useful lives of other acquired intangible assets to which the bill applies may be longer than 14 years. The 14-year period of amortization was selected so that the bill would be approximately revenue neutral over the next five fiscal years.

EXPLANATION OF PROVISION

In general

The bill allows an amortization deduction with respect to certain intangible property (defined as a "section 197 intangible") that is acquired by a taxpayer and that is held by the taxpayer in connection with the conduct of a trade or business or an activity engaged in for the production of income. The amount of the deduction is determined by amortizing the adjusted basis (for purposes of determining gain) of the intangible ratably over a 14-year period that begins with the month that the intangible is acquired.[1] No other depreciation or amortization deduction is allowed with respect to a section 197 intangible that is acquired by a taxpayer and that is held by the taxpayer in connection with the conduct of a trade or business or an activity engaged in for the production of income.

In general, the bill applies to a section 197 intangible whether it is acquired as part of a trade or business or as a single pre-existing asset. The bill generally does not apply to a section 197 intangible that is created by the taxpayer or that arises solely by reason of the entering into (or renewal) of a contract to which the taxpayer is a party.[2]

Definition of section 197 intangible

In general

The term "section 197 intangible" is defined as: (1) goodwill; (2) going concern value; (3) certain specified types of intangible property that generally relate to workforce, information base, know-how, customers, suppliers, or other similar items; (4) any license, permit, or other right granted by a governmental unit or an agency or instrumentality thereof (except for rights of an indefinite duration as described below); (5) any covenant not to compete (or other arrangement to the extent that the arrangement has substantially the same effect as a convenant not to compete) entered into in connection with the direct or indirect acquisition of an interest in a trade or business (or a substantial portion thereof); and (6) any franchise, trademark, or trade name.

The term "section 197 intangible" does not include: (1) any property of a kind that is regularly traded on an established market; (2) a patent or copyright that is not acquired in a transaction (or a series of related transactions) involving the acquisition of a trade or business (or a substantial portion thereof); (3) a franchise to engage in any professional sport, and any item acquired in connection with such a franchise; and (4) any license, permit, or other right of an indefinite duration that is granted by a governmental unit or an agency or instrumentality thereof. In addition, the bill authorizes the Treasury Department to issue regulations to exclude from the definition of a section 197 intangible certain fixed term contract rights that are not acquired in a transaction (or a series of related transactions) involving the acquistion of a trade or business (or a substantial portion thereof).

No inference is intended as to whether a depreciation or amortization deduction is allowed under present law with repsect to any intangible property that is either included in, or excluded from, the definition of a section 197 intangible.

Goodwill and going concern value

For purposes of the bill, goodwill is the value of a trade or business that is attributable to the expectancy of continued customer patronage, whether due to the location of a trade or business, the name of a trade or business, the reputation of a trade or business, or any other factor.

In addition, for purposes of the bill, going concern value is the additional element of value of a trade or business that attaches to property by reason of its existence as an integral part of a going concern. Going concern value for this purpose includes the value that is attributable to the ability of a trade or business to continue to function and generate sales without interruption notwithstanding a change in ownership and the value that is attributable to immediate use or availability of acquired property of a trade or business (*e.g,* the net earnings that would otherwise not be received during any period were the acquired property not operational).

Workforce in place

The term "section 197 intangible" includes workforce in place (which is sometimes referred to as agency force or assembled workforce), the composition of a workforce (for example, the experience, education, or training of a workforce), and the terms and conditions of employment whether contractual or otherwise. Thus, for example, the portion (if any) of the purchase price of an acquired trade or business that is attributable to the existence of a highly-skilled workforce is to be amortized over the 14-year period specified in the bill. As a further example, the cost of acquiring an existing employment contract (or contracts) is to be amortized over the 14-year period specified in the bill.

Information base

The term "section 197 intangible" also includes business books and records, operating systems, and any other information base including lists or other information with respect to current or prospective customers. Thus, for example, the portion (if any) of the purchase price of an acquired trade or business that is attributable to the intangible value of technical manuals, training manuals or programs, data files, and accounting or inventory control systems is to be amortized over the 14-year period specified in the bill. As a further example, the cost of acquiring customer lists, subscription lists, insurance expirations, patient or client files, credit information, or lists of newspaper, magazine, radio or television advertisers is to be amortized over the 14-year period specified in the bill.

Footnotes at end of article.

Know-how and similar items

The term "section 197 intangible" also includes any formula, process, design, pattern, know-how, format, or other similar item. Thus, for example, the portion of the cost of acquiring existing software, films, sound recordings, video tapes, brochures, catalogues, or package designs that is attributable to the intangible value of such property is to be amortized over the 14-year period specified in the bill.

Customer-based intangibles

The term "section 197 intangible" also includes any customer-based intangible, which is defined as composition of market, market share, and any other value resulting from the future provision of goods or services pursuant to relationships with customers (contractual or otherwise) in the ordinary course of business.

Thus, for example, the portion (if any) of the purchase price of an acquired trade or business that is attributable to the existence of customer base, circulation base, undeveloped market or market growth, order backlog, insurance in force, mortgage servicing contracts, investment management contracts, or other contracts with customers that involve the future provision of goods or services, is to be amortized over the 14-year period specified in the bill. On the other hand, the portion (if any) of the purchase price of an acquired trade or business that is attributable to accounts receivable or other similar rights to income for goods or services provided to customers prior to the acquisition of a trade or business is not to be taken into account under the bill.[3]

In addition, the bill specifically provides that the term "customer-based intangible" does not include any interest as a lessor under a lease of tangible property (whether real or personal) if the interest as a lessor is acquired by the taxpayer in connection with the acquisition of the tangible property. Consequently, the premium paid to acquire the right to receive an above-market rate of rent under a lease of tangible property (where the right to receive the rent is acquired in connection with the tangible property) is to be taken into account under the principles of present law, which generally require the premium to be added to the basis of the property and recovered over the useful life of the property.[4]

Further, although a bank or other financial institution may be engaged in the provision of loans to customers in the ordinary course of business, the bill specifically provides that the term "customer-based intangible" does not include any interest as a creditor under any indebtedness that was in existence on the date that the interest was acquired. Consequently, the premium paid for acquiring the right to receive an above-market rate of interest under a debt instrument may be taken into account under section 171 of the Code, which generally allows the amount of the premium to be amortized on a yield-to-maturity basis over the remaining term of the debt instrument.

Finally, the bill specifically provides that the term "customer-based intangible" includes the deposit base or other similar items of a financial institution.

Supplier-based intangibles

The term "section 197 intangible" includes any supplier-based intangible, which is defined as the value resulting from the future acquisition of goods or services pursuant to relationships (contractual or otherwise) in the ordinary course of business with suppliers of goods or services to be used or sold by the taxpayer.

Thus, for example, the portion (if any) of the purchase price of an acquired trade or business that is attributable to the existence of a favorable relationship with persons that provide distribution services or the existence of favorable supply contracts, is to be amortized over the 14-year period specified in the bill. On the other hand, the portion (if any) of the purchase price of an acquired trade or business that is attributable to stocks, bonds, partnership interests, and other securities is not to be taken into account under the bill because the value of these intangible interests does not result from the future acquisition of goods or services pursuant to relationships in the ordinary course of business with suppliers of goods or services to be used or sold by the taxpayer.

The bill specifically provides that the term "supplier-based intangible" is to include any interest as a lessee under a lease,[5] except that the term is not to include any interest as a lessee under a lease of tangible property (whether real or personal) if (1) the lease has a fixed duration and is not renewable; and (2) the interest is not acquired in a transaction (or a series of related transactions) that involves the acquisition of assets which constitute a trade or business (or a substantial portion thereof).[6] Thus, for example, the cost of acquiring rights as a lessee under an existing 10-year lease of real property that is nonrenewable is to be taken into account under present law (see Treas. Reg. sec. 1.162-11(a)) rather than under the provisions of the bill, provided that the rights under the lease are not acquired in a transaction (or series of related transactions) that involves the acquisition of assets which constitute a trade or business (or a substantial portion thereof).

In addition, the bill specifically provides that the term "supplier-based intangible" is to include any interest as a debtor under any indebtedness (for example, indebtedness with a below-market interest rate), except that the term is not to include any interest as a debtor under any indebtedness that (1) was in existence on the date that the interest was acquired and (2) has a fixed duration and is not renewable.

Finally, the bill specifically provides that the term "supplier-based intangible" is not to include any interest in land (including an interest as a lessee) unless such interest is depreciable or amortizable (without regard to the bill) over a period of less than 30 years as of the date that the interest is acquired.[7]

Licenses, permits, and other rights granted by governmental units

The term "section 197 intangible" also includes any license, permit, or other right granted by a governmental unit or any agency or instrumentality thereof, except that the term is not to include governmental rights of an indefinite duration as more fully described below. Thus, for example, the cost of acquiring from any person a right originally granted by a governmental unit to engage in an activity is to be taken into account under the bill, except if the right is of an indefinite duration as specified below. For purposes of the bill, the renewal of a license, permit, or other right granted by a governmental unit or an agency or instrumentality thereof is to be considered an acquisition of such license, permit, or other right.

Covenants not to compete and other similar arrangements

The term "section 197 intangible" also includes any covenant not to compete (or other arrangement to the extent that the arrangement has substantially the same effect as a covenant not to compete) entered into in connection with the direct or indirect acquisition of an interest in a trade or business (or a substantial portion thereof). For this purpose, an interest in a trade or business includes not only the assets, of a trade or business,[8] but also stock in a corporation that is engaged in a trade or business or an interest in a partnership that is engaged in a trade or business.

Any amount that is paid or incurred under a covenant not to compete (or other arrangement to the extent that the arrangement has substantially the same effect as a covenant not to compete) entered into in connection with the direct or indirect acquisition of an interest in a trade or business (or a substantial portion thereof) is chargeable to capital account and is to be amortized ratably over the 14-year period specified in the bill.

For purposes of this provision, an arrangement that requires the former owner of an interest in a trade or business to continue to perform services that benefit the trade or business is considered to have substantially the same effect as a covenant not to compete to the extent that for any taxable year the amount paid to the former owner under the arrangement exceeds the amount that represents reasonable compensation for the services actually rendered by the former owner during such taxable year. As under present law, to the extent that the amount paid or incurred under a covenant not to compete or other similar arrangement represents additional consideration for the acquisition of stock in a corporation, such amount is not to be taken into account under this provision but, instead, is to be included as part of the acquirer's basis in the stock.

Franchises, trademarks, and trade names

The term "section 197 intangible" also includes any franchise, trademark, or trade name. For purposes of the definition of a section 197 intangible, the term "franchise" is defined to include any agreement that provides one of the parties to the agreement the right to distribute, sell, or provide goods, services, or facilities, within a specified area, except that the term is not to include any right granted by a governmental unit or an agency or instrumentality thereof.[9] In addition, as provided under present law, the renewal of a franchise, trademark, or trade name is to be treated as an acquisition of such franchise, trademark, or trade name.[10]

The bill continues the present-law treatment of certain contingent amounts that are paid or incurred on account of the transfer of a franchise, trademark, or trade name. Under these rules, a deduction is allowed for amounts that are contingent on the productivity, use, or disposition of a franchise, trademark, or trade name only if (1) the contingent amounts are paid as part of a series of payments that are payable at least annually throughout the term of the transfer agreement, and (2) the payments are substantially equal in amount or payable under a fixed formula. Any other amount, whether fixed or contingent, that is paid or incurred on account of the transfer of a franchise, trademark, or trade name is chargeable to capital account and is to be amortized ratably over the 14-year period specified in the bill.

Exceptions to the definition of a section 197 intangible

Property regularly traded on an established market.—The term "section 197 intangible" does not include any property of a kind that is regularly traded on an established market. Thus, for example, the cost of acquiring an existing futures contract, foreign currency contract, notional principal contract, or other similar contract of a kind that is regularly traded on an established market is not to be taken into account under the bill.

Certain patents and copyrights.—The term "section 197 intangible" does not include any patent or copyright if the patent or copyright is not acquired in a transaction (or a series of related transactions) that involves the acquisition of assets which constitute a trade or business or a substantial portion of a trade or business (including the acquisition of a franchise, trademark, or trade name). Instead, the provisions of present law are to continue to apply. A patent or copyright that is acquired in a transaction (or a series of related transactions) that involves the acquisition of assets which constitute a trade or business or a substantial portion thereof, however, is subject to the provisions of the bill.

Professional sports franchises.—A franchise to engage in professional baseball, basketball, football, or other professional sport, and any item acquired in connection with such a franchise also are excluded from the definition of a section 197 intangible. Consequently, the cost of acquiring a professional sports franchise and related assets is to be allocated among the assets acquired as provided under present law (see, for example, section 1056) and is to be taken into account under the provisions of present law.

Governmental rights of an indefinite duration.—The term "section 197 intangible" also does not include any license, permit, or other right that is granted by a governmental unit or an agency or instrumentality thereof if the right is granted for an indefinite period or the right is reasonably expected to be renewed for an indefinite period. In determining whether a license, permit, or other right that is acquired from another person (other the governmental entity that granted the right) is reasonably expected to be renewed for an indefinite period, one factor to be taken into account is the cost of acquiring the right as compared to the cost incurred in connection with the original grant (or renewal) of the right.[11]

Certain contract rights.—In addition, to the extent provided in regulations to be promulgated by the Treasury Department, the term "section 197 intangible" does not include any right under a contract (or any right granted by a governmental unit or an agency or instrumentality thereof) if the right has a fixed duration and is not renewable and the right is not acquired in a transaction (or a series of related transactions) that involves the acquisition of assets which constitute a trade or business or a substantial portion of a trade or business (including the acquisition of a franchise, trademark, or trade name).

Exclusion for certain self-created intangibles

The bill generally does not apply to any section 197 intangible that is created by the taxpayer or that arises solely by reason of the entering into (or renewal) of a contract to which the taxpayer is a party. Thus, for example, the bill does not apply to the costs incurred by a lessee in connection with the entering into (or renewal) of a lease or the costs incurred by a licensee in connection with the entering into (or renewal) of a license of any property other than a pre-existing section 197 intangible (for example, a license of pre-existing software or other know-how).[12]

On the other hand, the bill does apply to the cost of acquiring rights as a lessee under an existing lease (if the rights under the lease are acquired in a transaction (or a series of related transactions) that involves the acquisition of assets which constitute a trade or business) and the cost of acquiring rights as a licensee under an existing license of any property.

Notwithstanding the above, this exception for "self-created" intangibles does not apply to (1) any license, permit, or other right that is granted by a governmental unit or an agency or instrumentality thereof; (2) any covenant not to compete (or other arrangement to the extent that the arrangement has substantially the same effect as a covenant not to compete) entered into in connection with the direct or indirect acquisition of an interest in a trade or business (or a substantial portion thereof); and (3) any franchise, trademark, or trade name. Thus, for example, the cost of obtaining a license from the government (other than a license of indefinite duration) or the cost of obtaining a franchise from the franchisor is to be amortized over the 14-year period specified in the bill.

Special rules

Determination of adjusted basis

The adjusted basis of a section 197 intangible that is acquired from another person generally is to be determined under the principles of present law that apply to tangible property that is acquired from another person. Thus, for example, if a portion of the cost of acquiring an amortizable section 197 intangible is contingent, the adjusted basis of the section 197 intangible is to be increased as of the beginning of the month that the contingent amount is paid or incurred. This additional amount is to amortized over the remaining months in the 14-year amortization period that applies to the intangible as of the beginning of the month that the contingent amount is paid or incurred. In addition, any expenditure that is directly connected with the protection, registration, or defense of a previously acquired section 197 intangible is not to be taken into account under the bill, but, instead, is to be taken into account under present law.

Treatment of certain dispositions of amortizable section 197 intangibles

Special rules apply if a taxpayer disposes of a section 197 intangible that was acquired in a transaction or series of related transactions (or any such intangible becomes worthless) and, after the disposition (or the event that rendered the intangible worthless), the taxpayer retains other section 197 intangibles that were acquired in such transaction or series or related transactions. First, no loss is to be recognized by reason of the disposition (or worthlessness). Second, the adjusted bases of the retained section 197 intangibles that were acquired in connection with such transaction or series of related transactions are to be increased by the amount of any loss that is not recognized. The adjusted basis of any such retained section 197 intangible is increased by the product of (1) the amount of the loss that is not recognized solely by reason of this provision, and (2) a fraction, the numerator of which is the adjusted basis of the intangible as of the date of the disposition (or worthlessness) and the denominator of which is the total adjusted bases of all such retained section 197 intangibles as of the date of the disposition (or worthlessness).

Treatment of certain nonrecognition transactions

If any section 197 intangible is acquired in a transaction to which section 332, 351, 361, 721, or 731 applies (or any transaction between members of the same affiliated group during any taxable year for which a consolidated return is filed),[13] the transferee is to be treated as the transferor for purposes of applying this provision with respect to the amount of the adjusted basis of the transferee that does not exceed the adjusted basis of the transferor.

Treatment of insurance contracts

The bill applies to any insurance contract that is acquired from another person through an assumption reinsurance transaction (but not through an indemnity reinsurance transaction).[14] The amount taken into account as the adjusted basis of such a section 197 intangible, however, is to equal the excess of (1) the amount paid or incurred by the acquirer/reinsurer under the assumption reinsurance transaction,[15] over (2) the amount of the specified policy acquisition expenses (as determined under section 848) that is attributable to premiums received under the assumption reinsurance transaction. The amount of the specified policy acquisition expenses of an insurance company that is attributable to premiums received under an assumption reinsurance transaction is to be amortized over the period specified in section 848.

Regulatory authority

The Treasury Department is authorized to prescribe such regulations as may be appropriate to carry out the purposes of the provisions including regulations that clarify the types of intangible property that constitute section 197 intangibles.

EFFECTIVE DATE

The bill applies to property acquired after the date of enactment of the bill. Special rules are provided to prevent taxpayers from converting existing goodwill, going concern value, or any other section 197 intangible for which a depreciation or amortization deduction would not have been allowable under present law into amortizable property to which the bill applies.

Under these "anti-churning" rules, goodwill, going concern value, or any other section 197 intangible for which a depreciation or amortization deduction would not be allowable but for the provisions of the bill, that is acquired by a taxpayer after the date of enactment of the bill may not be amortized under this provision if: (1) the taxpayer or a related person held or used the intangible at any time on or before the date of enactment of the bill; (2) the taxpayer acquired the intangible from a person that held such intangible at any time on or before the date of enactment of the bill and, as part of the transaction, the user of the intangible does not change; or (3) the taxpayer grants the right to use the intangible to a person (or a person related to such person) that held or used the intangible at any time on or before the date of enactment of the bill. These anti-churning rules, however, do not apply to the acquisition of any intangible by a taxpayer if the basis of the intangible in the hands of the taxpayer is determined under section 1014(a) (relating to property acquired from a decedent).

For purposes of these anti-churning rules, a person is related to another person if: (1) the person bears a relationship to that person which is specified in section 267(b)(1) or 707(b)(1) by substituting 10 percent for 50 percent; or (2) the persons are engaged in trades or businesses under common control within the meaning of section 52 (a) and (b). The determination of whether a person is related to another person is made at the time that the taxpayer acquires the intangible involved, except that in the case of an acquisition of an intangible by any partnership which results from the termination of another partnership under section 708(b)(1)(B), the determination is to be made immediately before the termination occurs.

The bill also contains a general anti-abuse rule that applies to any section 197 intangible that is acquired by a taxpayer from another person. Under this rule, a section 197 intangible may not be amortized under the provisions of the bill if the taxpayer acquired the intangible in a transaction one of the principal purposes of which is to (1) avoid the requirement that the intangible be acquired after the date of enactment of the bill or (2) avoid any of the anti-churning rules described above that are applicable to goodwill, going concern value, or any other section 197 intangible for which a depreciation or amortization deduction would not be allowable but for the provisions of the bill.

Finally, the special rules described above that apply in the case of a transactions described in section 332, 351, 361, 721, or 731 also apply for purposes of the effective date. Consequently, if the transferor of any section 197 property to such property under this provision, then the transferee is not allowed an amortization deduction under this provision to the extent of the adjusted basis of the transferee that does not exceed the adjusted basis of the transferor.

FOOTNOTES

[1] In the case of a short taxable year, the amortization deductioni is to be based on the number of months in such taxable year.

[2] As more fully described below, the bill does apply to certain licenses, franchises, and convenants not to compete that are created by the taxpayer or that arise solely by reason of the entering into (or renewal) of a contract to which the taxpayer is a party.

[3] As under present law, the portion of the purchase price of an acquired trade or business that is attributable to accounts receivable is to be allocated among each receivable and is to be recovered as payment is received under the receivable or at the time that the receivable becomes worthless.

[4] *Schubert v. Commissioner*, 33 T.C. 1048 (1960), *aff'd*, 286 F.2d 573 (4th Cir.), *cert. denied*, 366 U.S. 960 (1961); *American Controlled Indus., Inc. v. United States*, 55 AFTR 2d 947 (S.D. Ohio 1984).

[5] If an interest as a lessee under a lease is a section 197 intangible, no deduction is to be allowed for the cost of acquiring such interest other than pursuant to the provisions of the bill (*i.e.*, no deduction is to be allowed under Treas. Reg. sec. 1.162–11(a)).

[6] For purposes of the bill, the acquisition of a franchise, trademark, or trade name is to be considered the acquisition of assets which constitute a trade or business (or a substantial portion thereof).

[7] For purposes of this exception, the deduction allowed under Treas. Reg. sec. 1.162–11(a) is to be considered an amortization deduction.

[8] For purposes of the definition of a section 197 intangible, a group of assets constitutes a trade or business if the use of such assets would constitute a trade or business for purposes of section 1060 (*i.e.*, if the assets are of such a character that goodwill or going concern value could under any circumstances attach to the assets). In addition, it is intended that for this purpose, any franchise, trademark or trade name constitutes a trade or business (or a substantial portion thereof).

[9] As explained above, any license, permit, or other right granted by a governmental unit or any agency or instrumentality thereof is a section 197 intangible, except if the license, permit, or other right is of an indefinite duration.

[10] Only the costs incurred in connection with the renewal, however, are to be amortized over the 14-year period that begins with the month that the franchise, trademark, or trade name is renewed. Any costs incurred in connection with the issuance (or an earlier renewal) of a franchise, trademark, or trade name are to continue to be taken into account over the remaining portion of the amortization period that began at the time of such issuance (or earlier renewal).

[11] *Cf. Nachman v. Commissioner*, 191 F.2d 934 (5th Cir. 1951) (amount paid for one-year city liquor license, which was acquired for $8,000 but which cost the original licensee $750, was not amortizable because license carried a valuable renewal privilege).

[12] These costs are to continue to be taken into account under present law, which generally requires the costs to be recovered over the term of the lease (or license) if the lease (or license) has a definite term. See Treas. Reg. sec. 1.162–11(a).

[13] The termination of a partnership under section 708(b)(1)(B) is not included in the transactions to which this rule applies.

[14] An assumption reinsurance transaction is an arrangement whereby one insurance company (the reinsurer) becomes solely liable to policyholders on contracts transferred by another insurance company (the ceding company). In addition, for purposes of the bill, an assumption reinsurance transaction is to include an acquisition of an insurance contract that is treated as occurring by reason of an election under section 338 of the Code.

[15] The amount paid or incurred by the acquirer/reinsurer under an assumption reinsurance transaction is to be determined under the principles of present law. See Treas. Reg. sec. 1.817–4(d)(2).

CONGRESSMAN GOODLING COSPONSORS BILL TO REAUTHORIZE EARLY INTERVENTION AND PRESCHOOL DISABILITY PROGRAMS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. GOODLING. Mr. Speaker, today I am cosponsoring a bipartisan bill which will reauthorize the early intervention and preschool programs under part H of the Individuals with Disabilities Education Act [IDEA]. These programs are essential in helping families meet the special needs of children with disabilities while maximizing the child's greatest potential.

Early intervention services are critical if we want to ensure that children with disabilities are able to reach first grade ready to learn. Such services may also reduce the need for and cost of special education later for children who receive services early.

In 1986, the Congress passed landmark legislation, Public Law 99–457, which established a program for States to develop a comprehensive, coordinated, multidisciplinary system to provide infants and toddlers with disabilities and their families early intervention services. This approach was revolutionary in the delivery of human resources services because it made States coordinate and pool different funding sources in order to serve infants and toddlers with disabilities and their families.

This bill builds upon Public Law 99–457 by fine-tuning the act rather than making any major and significant changes. It includes provisions that create a smooth transition for children with disabilities to move from early intervention programs into preschool programs without experiencing a gap in services; amends the definition of "children with disabilities" to provide States with discretion to include children experiencing developmental delays; authorizes demonstration grants for States to develop a system to identify, track, and refer those children at risk of substantial developmental delays for appropriate services; and, ensures that traditionally underserved groups have access to early intervention services.

This program is an investment in children with disabilities and their families that will lead toward greater independence in the future for these children. It is a successful program and one that deserves our support.

PRESIDENT REAGAN SALUTES CAPTIVE NATIONS WEEK

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. ROHRABACHER. Mr. Speaker, since this week is Captive Nations Week, many of us have taken note of the progress that freedom has made around the world in recent years, as well as the work that remains to be done to free those nations which remain under Communist tyrrany.

Last week, President Reagan proved once again that he deserves his reputation as one of history's greatest speakers when he addressed the 1991 Captive Nations Week Conference. I commend his statement to my colleagues:

THE EXPANDING FRONTIERS OF WORLD FREEDOM

(Remarks by President Ronald Reagan)

I am pleased to be here with you this evening, in commemoration of Captive Nations Week. If things continue the way they have been going, next year we will have to call it Free Nations Week. (laughter)

Remembering those nations which have lost—or newly won—their freedom is important to me, and I congratulate this event's co-sponsors: The Republic of China Chapter of the World League for Freedom and Democracy and the Claremont Institute for the Study of Statesmanship and Political Philosophy. In the purposes of these two organizations, we see reflected America's calling and her destiny—to nourish and defend freedom and democracy and to communicate these ideals everywhere we can.

We who are privileged to be Americans have had a rendezvous with destiny since that moment in 1630 when John Winthrop, standing on the deck of the tiny Arbella off the coast of Massachusetts, told the little band of Pilgrims, "We shall be as a city upon a hill. The eyes of all people are upon us . . ."

I have long believed that the guiding hand of Providence did not create this new nation of America for ourselves alone, but for a higher cause: the preservation and extension of the sacred fire of human liberty. The Declaration of Independence and the Constitution of these United States are covenants we have made not only with ourselves, but with all of mankind. Our founding documents proclaim to the world that freedom is not the sole prerogative of a chosen few, they are the universal right of all God's children. As John Quincy Adams promised, "Whenever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions and her prayers."

Can we doubt that a Divine Providence placed this land, this continent of freedom, here as a refuge for all those peoples in the world who yearn to breathe free? Look around this room tonight. Among our number we have Cambodians who have escaped the cruel purges of Pol Pot. We have the boat people of Vietnam, who risked their lives to escape from a tyranny worse than death. We have the Hmong, who fought so bravely with us for their freedom, and who withdrew with honor to these shores when that struggle was concluded. We have the myriad peoples of the Baltic States and Eastern Europe, who alike fled the dark descent of an iron curtain, in Winston Churchill's memorable phrase, over their homelands. We have the Free Chinese, who found sanctuary here and on the island of Taiwan, there to create a beacon of hope for the mainland.

Never have our duties as a people been more heavy that over the past few decades. A troubled and afflicted mankind has repeatedly looked to us—today's living Americans—to keep our rendezvous with destiny. True to our nation's calling, we have responded with a will. No people on this earth has fought harder or paid a higher price to advance the cause of freedom, nor has met with greater success.

In Europe, in Asia, in Central America and the Caribbean, and recently in the Middle East, we have led nation after nation out of the wilderness of invasion and captivity to the broad sunlit uplands of liberty. We stood shoulder to shoulder with our allies in Europe, until the iron curtain that artificially divided their continent was torn asunder and Germany was reunited. We held the line in Asia, buying time for countries like Korea, Taiwan, and the Philippines to build the institutions of democracy.

Margaret Thatcher, former Prime Minister of Great Britain, recently said that I, Ronald Reagan, singlehandedly won the cold war against Communism. (applause, laughter) I cannot accept this honor. To begin with, I had the Iron Lady at my side. (laughter) The eighties were a decade when you and I and the vast majority of Americans courageously supported the struggle for liberty, self-government, and free enterprise throughout the world. Together with our allies abroad we turned the tide of history away from totalitarian darkness and into the warm sunlight of human freedom.

There can be no doubt that the tide of freedom is rising. At the start of this century, there were only a handful of democracies. Today more than half of the world's people, living in over 60 countries, govern themselves. Nations as varied as Lithuania, Croatia, and Armenia have legislatures elected by the people and responsive to the people. One of the engines of this progress is the desire for economic development—the realization that it is free nations that prosper and free peoples who create better lives for themselves and their children. Another is the natural desire of disparate peoples for self-determination.

The cult of the state may be dying, but it is not yet dead. In Eastern Europe, Poland, Hungary and Czechoslovakia now have popularly elected governments. An unwelcome army of occupation will soon withdraw. These governments now face the difficult question of privatizing the vast resources accumulated by their totalitarian predecessors. How quickly and completely they move to a free market economy will determine the standard of living of their peoples for years to come.

Moving south, Bulgaria, Yugoslavia, and Romania have yet to complete their democratic transitions. Bulgaria may be the first to achieve this, if the current parliament resigns as promised later this month and free elections are held in September.

We find Yugoslavia on the brink of civil war. The Croatian and Slovenian peoples, by majorities in excess of 90 percent, have indicated their wish to withdraw their republics from the Yugoslavian state. The state seems equally determined to preserve its territorial integrity, by force if necessary. As Americans, who believe in government by consent, our sympathies naturally lie with the breakaway republics. It is for the people, not the state, to determine where the boundaries of civil society shall fall.

This same principle of self-determination applies to the Soviet Union's many republics. I am not speaking here of the Baltic states. Lithuania, Latvia, and Estonia were illegally occupied by the Soviet Union at the opening of World War II. They are sovereign states by right and should be freed immediately. I am speaking of the Soviet Union's other republics. If the people of Armenia, of Georgia, and even the Ukraine, in free plebiscites, should not vote to leave the Soviet empire, than they should be allowed to do so. America should not get into the business of preserving the artifical state structures established by monarchs and dictators.

Once the Soviet Union has dissolved into a loose confederation of independent nations, what then? Freed from the twin burdens of empire and Communism, the Russian people will reassert their natural greatness. Their land will stretch 7,000 miles from Leningrad—excuse me, I meant St. Petersburg (laughter)—to Valadivostok. They will be a nation of 160 to 180 million people, bent upon repairing the economic and social ravages of totalitarianism. If they choose democracy and the free market—and we should be encouraging to them do so—this can be accomplished quickly. In five years their family farms will feed not only themselves, but many of the nations around them. In fifteen years their enterprises, taking advantage of Russia's vast natural resources and the foreign investment that will pour in, will number among the best in the world.

Moving to China, we have seen the brutal way the Beijing regime responded to the cries of the Chinese people for democracy in Tiananmen Square. They fail to realize that you cannot crush hope with the treads of tanks; you cannot drown democratic aspirations in a hail of bullets.

In our relationship with China we should always remember what our Chinese friends on Taiwan have accomplished: A resource-poor island has become one of the major trading nations in the world; a political transformation no less dramatic than that of Europe has resulted in full-fledged democracy. The implications of these changes for China's future are profound. As President Lee Teng-hui recently remarked, "We are building a prosperous democracy—not just for the Taiwan area itself, but for the whole of China. We are building a democracy for unification." We in America can never go wrong if we do what is morally right, and keep our commitments to Taiwan.

Soviet colonies around the globe, abandoned by Moscow in its own quest for survival, are withering and dying. We have just marked the 16th anniversary of the death of freedom for Vietnam and Cambodia. Hanoi and Phnom Penh are both abandoning the socialist economic model, and adopting a more market-oriented approach that will surely bring greater political freedom in its wake. The peace negotiations in Cambodia are making progress, but the participation of the butcherous Khmer Rouge in these talk give many people pause. The people of Afghanistan are still struggling to free themselves from a Moscow-imposed totalitarianism.

As long as these struggles continue, freedom-loving people, around the world must: I am a Chinese imprisoned for advocating democracy at Tiananmen, I am and Afghan fighting to liberate my country from the tyranny of Marxism-Leninism, I am a Vietnamese, a Cambodian, a Hmong. I, too, am a potential victim of totalitarianism.

Those who preach the supremacy of the state will be remembered for the suffering their delusion caused their peoples. It is my hope that in the 21st century, which is only 9 years away, human dignity will be everywhere respected; that the free flow of people and ideas will include not only the newly freed states of Eastern Europe, but those republics which are still struggling for their freedom to the east.

America's solemn duty is to constantly renew its covenant with humanity to complete the grand work of human freedom that began there 200 years ago. This work, in its grandness and nobility, is not unlike the building of a magnificent cathedral. In the beginning, progress is slow and painstaking. The laying of the foundations and the raising of the walls is measured in decades rather than years. But as the arches and spires begin to emerge in the air others join in, adding their faith and dedication and love to speed the work to its completion, My friends, the world is that cathedral. And our children, if not we ourselves, will see the completed work—the worldwide triumph of human freedom, the triumph of human freedom under God.

TRIBUTE TO RICHARD AND ARLENE ERSKINE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of an outstanding couple to the Michigan Farmer's Hall of Fame. Richard and Arlene Erskine of Hemlock, MI, have farmed for 40 years. Their contributions to Michigan agriculture are truly deserving of praise and appreciation.

Richard and Arlene Erskine farmed 119 acres. Dick has farmed the same farm that he was born and raised on. The Erskines have milked Jersey cows and have also raised cash crops. Dick attended agricultural classes at Hemlock School. After graduating he worked at the Willow Run Bomber Plant before enlisting in the Air Force. He served for 3 years and then returned home. He began to farm his brother's farm in 1948. A year later, he rented the family farm from his parents. Dick bought the farm in 1954. The farm was enlarged when 40 acres across the road were purchased. A new house was added in 1968. Arlene was also raised on a farm and had worked at the Hess Michigolden Duck Farm prior to being married.

Dick and Arlene were married in 1973 and they still work together around the farm. The Erskines have 17 grandchildren.

Arlene and Dick have been active in their community. Arlene volunteers her time at the Bethsda Thrift Store and she belongs to the Lakefield Quilting Ladies. Dale has belonged to the MMPA, the Michigan Farm Bureau, and he is a life member of the Hemlock-Merrill VFW.

Dick and Arlene Erskine have devoted their lives to their children and to farming. Mr. Speaker, I know that you will join me in thanking and commending this couple for their years of service and labor. We all congratulate Richard and Arlene Erskine for their induction into the Michigan Farmer's Hall of Fame.

REPRESENTATIVE ZIMMER RECOGNIZES ONE MAN'S INSPIRING BATTLE

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. ZIMMER. Mr. Speaker, I rise today to introduce into the RECORD an instructive and inspiring newspaper article concerning one of New Jersey's most repected and distinguished residents, Steven Kalafer.

Steven Kalafer was diagnosed wth cancer last February. This article describes his life since the day he first heard the diagnosis confirmed. Exhibiting hope and confidence throughout his ordeal, Steve has set an example to which we might all aspire.

I would urge my colleagues to read, and thereby benefit from, this tale of one man's heroism:

HE'S NEVER ASKED "WHY ME?" CAR DEALER TACKLES CANCER WITH GRIT, OPTIMISM

(By Nicholas DiGiovanni)

"After three weeks of chemotherapy, one night I was at a dinner reception. I was running my hand through my hair—and clumps of hair came out in my hand."

About a month before that memorable evening, Steve Kalafer had learned that he had cancer.

Kalafer, owner of the Flemington Car and Truck Country dealerships along Route 202, underwent surgery in early February for removal of a malignant tumor from his neck.

Since his surgery, Kalafer, 41, has undergone 13 weeks of chemotherapy, followed by 22 daily sessions of radiation treatment at St. Peter's Medical Center in New Brunswick.

The day after the dinner, Kalafer called his wife's haridresser and "I asked them if they would shave my head." The alternative, he says with a grin, would have been "to look like a gerbil that had been in a fight."

He says he may keep his head shaved if he doesn't like the way his hair looks when it grows back—which it's starting to do.

His final radiation session was scheduled yesterday. After that, he will be required only to undergo monthly exams to make sure the cancer hasn't returned.

Kalafer's cancer, lymphoma, has a 90 percent cure rate when it is caught early, his doctors say. And it was caught very early; the tumor was classified as "stage 1" in a four-stage ranking system, with the fourth stage the most advanced and lethal.

He has continued working full time.

"Cancer is nothing to be ashamed of or secretive about," he says. "I thought it was important that people not be afraid to approach me." So he's been "out there on the showroom floor with a bald head.

What Kalafer calls his "journey through the hospital and medical system" began in late January.

"I've had a double chin for years and I always touch my neck when I'm thinking about something. I felt a little bump between my fingers. I asked my wife to feel it. Neither of us were very concerned, but we thought it should be checked."

In early February, after a CAT scan confirmed that the bump was a cyst or tumor, Kalafer underwent out-patient surgery, performed by Dr. David Bortniker of Somerville, at Somerset Medical Center.

The next day, Kalafer and his wife Suzanne returned to the doctor's office to discuss the surgery and get the results of pathology tests.

Kalafer wasn't really concerned that he might have cancer—until he saw the reaction of the nurse when he entered the doctor's office.

"She had her head down. She seemed quite serious. She couldn't make eye contact. There was a real sinking feeling."

They went into the doctor's office, and "before he could say anything, I asked if it was malignant or benign, and he said it was malignant. My world stood still."

The Kalafers left the office. "I walked out with my head spinning," he recalls, and when they got to the car, "I broke down. I started to sob. My wife comforted me and told me that we would fight it together."

Kalafer says that "Without her support, it would be very difficult. She's been my source of strength."

After waiting a few days for more detailed tests, doctors told Kalafer that his type of cancer has a high cure rate when it's caught early. Full-body CAT scans and a lymph angiogram—a test in which a dye is injected into the lymphatic system through incisions made in the feet—indicated that the cancer had not spread. The test results were confirmed at the Dana-Farber Hospital in Boston and Sloan-Kettering Memorial in New York City.

Kalafer and his wife had decided to wait a few days until they had more information before telling their two sons, 16-year-old Jonathan and 13-year-old Joshua, about their father's illness.

"We decided to be completely honest with them," Kalafer says. "I could see in their eyes that they were afraid. We told them what to expect and we told them they would know directly from us if anything changed.

"The boys are very close, and I think they supported each other. I warned them about the possible side-effects—puffiness, fatique, losing hair—and they asked questions.

"They asked if I thought I would be all right. I replied 'Yes.' Because I will be all right."

Kalafer's doctors prescribed what he described as "very aggressive therapy * * * to kill any stray cancer cells they might not have detected.

"I'm young and healthy, but these are toxins going into your body, so they also kill good cells. It does reduce your energy."

Still, there were very few side-effects. There were periods of fatique and toward the end of chemotherapy "my mouth and tongue developed severe sores. I couldn't eat or speak for five days." That condition cleared up when the chemical treatments were stopped.

Kalafer says he decided to continue to try to work "because it made me feel healthy" and to dispel the concerns of his employees and business associates, "to reassure them there would be no drastic changes in our business. All of them were wonderful, picking up the slack for me, doing things I couldn't do. The support they gave me was a wonderful thing and something I will never forget."

On the walls of Kalafer's small office at the Ditchsman Ford dealership he proudly displays photos of himself with Ronald Reagan and George Bush, framed letters to him from President Reagan and Henry Ford II, a Sports Illustrated cover signed by Dodgers pitcher Orel Hershiser.

But more important to him these days is a cardboard box containing the more than 300 get well cards and letters he has received, "from friends, customers I haven't spoken to in years, members of the community, other cancer patients." Also in the box are letters telling him of prayers offered in his behalf at synagogues and churches around the country—even at the Vatican—and contributions made to charities in his name.

"I was overwhelmed by it. People are very busy, and for them to take the time, and the expense . . . It reminds me of my favorite movie, 'It's a Wonderful Life,' when George Bailey gets in trouble and all his friends gather around to help him . . ."

Kalafer was especially moved by a letter he received from a woman who had breast cancer. "She described the emotions, how she felt when she was diagnosed. She told me I was not alone and there were people who are there for me."

Kalafer says the last thing he's looking for is sympathy. "I've had a wonderful life and I will continue to have a wonderful life. I have a fine family and a great business."

He adds that "When this happened, I didn't ask 'Why me?' I never asked 'Why me?' when all these good things happened to me, so I'm not going to ask that when something goes wrong.

"Having cancer, it's the way things are. You deal with it and you overcome it. If you were to dwell on it and be negative about it, you're paying the price twice.

"Having cancer is serious business, but I'm going to live my life and deal with whatever comes next.

"Many people have said, 'I guess your life has changed.' The only difference is that after they tell you you have cancer, there's no more static in your thought process. Things are very clear. The things that are unimportant are even more obvious now."

This Monday morning, Kalafer took part in an early-morning sales meeting, met with a reporter and photographer at 9:30, and at 10 a.m. hurried out to his car to drive to St. Peter's Medical Center for his radiation treatment.

He continued the interview in the car—stopping along the way to pick up coffee and bagels for the nurses in the oncology-radiation department. By noon, treatment completed for the day, he was back at work.

Kalafer says some of the most gratifying words he ever heard were spoken by one of his doctors two weeks ago. "I said, 'Am I going to die from this cancer?' He said, 'Steve, you'll die from something else.' That was music to my ears."

"A big part of becoming healthy has so much to do with your attitudes," Kalafer said. "When people hear, 'It's malignant,' it's not the end of the world. It's the beginning of a new way they have to live their lives. But there's life after they tell you that you have cancer."

TEACHING TOMORROW'S SKILLS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. McEWEN. Mr. Speaker, I commend the following article by Secretary of Labor, Lynn Martin to my colleagues. Lynn Martin has shown outstanding leadership during her tenure with the Department of Labor, and I wish her continued success in her efforts:

TEACHING TOMORROW'S SKILLS

Robert J. Samuelson ["Gibberish on Job Skills," op-ed, July 11] has entered a debate on an issue critical to the future of the American economy. Should our students have an education experience that is relevant to the world of work. Samuelson thinks not. I believe they should. Samuelson also says that "the best way to motivate students is to impose academic standards with teeth." I couldn't agree more.

The commission that produced the report that Mr. Samuelson criticized drew its recommendations from talking to employers about what skills entry workers need and from talking to students about why too many of them become turned off by the learning experience.

Beyond listening to employees and to students, the value of work-relevant education is driven by two basic assumptions: First, the workplace has changed and will continue to do so, and second, employers' hiring patterns have changed. We must enable the American work force—today's students and those already at work—to acquire the skills necessary to hold good jobs and to cope with a dynamic workplace.

Earlier this month I received the first report of my Secretary's Commission on Achieving Necessary Skills (SCANS). This report describes what skills are needed by all workers for a successful career in the "modern" economy. It states that everyone needs competencies and a foundation of basic and higher order thinking skills and personal qualities that foster discipline and self-confidence if students are to succeed in the 21st century. The report is a first in a several step process to produce the accountability measures that Samuelson believes are key to improved educational results.

The SCANS report calls for all student to acquire five competencies—the ability to: (1) allocate time, money and other resources (for example, to prepare schedules and budgets); (2) understand and use technology; (3) evaluate, process and use information, including the use of computers; (4) work with others as a teacher, negotiator, and team player; and (5) understand, monitor, improve and design social, organizational, and technological systems. The point of these work-based competencies is to enhance the capability of work force entrants and to motivate students to learn better the educational basics Samuelson correctly insists are so important.

Samuelson seems to agree with us about the foundation, but he disagrees with how those skills should be provided. We believe that schools—and workplaces—must provide structured opportunities for their acquistion. Some of our chief global competitors agree. A recent European Community report recommends that students acquire many of the SCANS skills through basic education.

Some critics believe that if schools would only return to the good old days of high standards and the 3Rs, the nation could effectively deal with international competition and new technology. We agree with the need for high standards and the 3Rs. Indeed, we estimate that fewer than half of all 21 to 25 year olds are adequately prepared in reading, writing and mathematics. But today's world requires even more. We agree with Samuelson that the value of a high school diploma must be restored. Diplomas must reflect the demands of a changing workplace for broader skills beyond the 3Rs.

The commission includes representatives from industries that would be out of business if their product lines were unchanged from that of 40 years ago: IBM making card punch machines instead of personal computers, Motorola making car radios but not cellular phones, GE making refrigerators but not jet engines, MCI not even in the business of phone services. Why should schools and their curricula remain unchanged during this revolution in every other aspect of our lives?

The educators and the business and labor representatives think it is important for workers to understand the bigger "system" in which they are operating and the actions needed to improve it. Take Motorola for example. It is one of the few American companies to win an increased market share in the Japanese pager, cellular phone and semiconductor markets and a Malcolm Baldridge Award for excellent quality. Motorola uses the five competencies to drive its Six Sigma Quality Program and is committed to not more than three parts per million defects in products or service to its customers.

When I visited union apprenticeship programs, the value of contextual learning was driven home when many young people told me that they finally understood why learning basics such as math was important. They said, "It's needed for the job."

Equally important, school districts have incorporated some elements of the SCANS approach into their teaching methods—with real success. Dayton, Ohio, to take one example discussed in a Post editorial [July 14], has "placed new emphasis on critical thinking, problems solving and hands-on activity for students. It's a procedure that forces teachers away from a strict reliance on texts and into demonstrations that require student participation." The result: "Students in five out of six of the elementary grades—and in eight out of 11 grades overall—showed more than one year's worth of improvement from 1990 to 1991."

These skills are not narrow and apply to all kinds of jobs in every field. They are not easy to acquire and acquiring them is to call all students to a higher standard. Samuelson asks if the commissioners believe this "nonsense." Well, the letter I signed to parents, employers and educators suggested that readers of the report "not take our word for it" about the competencies. We—the commissioners and I—asked them to test the conclusions in their own communities and offered to help them do it. Samuelson's suggestion is that, instead, you not read the report and hope for a return to the good old days of the 19th century school. I think not.

JUSTICE FOR FILIPINO HEROES: JUAN DE LA CRUZ, A PERIOD OF HOSTILITIES, AND H.R. 1138

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. CUNNINGHAM. Mr. Speaker, the overwhelming majority of America's heroic troops have returned home from Operation Desert Storm. They are home with their families, marching in summer parades, and receiving the honors and accolades due them.

Unfortunately, for the 4,000 Filipinos who served our country in the gulf, all the parades and honors and accolades in the world will still fail to make them eligible to apply for U.S. citizenship. What they want, they cannot obtain.

These Filipino heroes have brought their families to this country. They joined this country's Armed Forces. They fought for this country and risked their lives for this country. If any of them would have died in the line of duty—and thank the Lord none of them did—their families would have faced deportation in their time of unspeakable grief.

These returning heroes who fought for America should be granted the privilege to become citizens of America.

Let me enter into the permanent RECORD of this Congress a letter. It is written by a fictitious Filipino soldier, Juan de la Cruz—that is, "Uncle Sam"—from the sandy trenches of northern Saudi Arabia, and it is a Christmas wish to Santa Claus. This letter makes the injustice Filipinos face even more clear:

DECEMBER 15, 1990.

DEAR SANTA: My name is Petty Officer Juan de la Cruz, attached to the Marine detachment on the front line of the Desert Storm. Although I know a Christmas wish list is only for children, I am writing to you like a lonely child abandoned, walking alone on the streets.

Without fear of dying for America and for all other freedom-loving nations, I am here with other brave men and women ready to die for this great country.

I am a Filipino citizen, but I also feel like a brave American fighting man.

But my only fear is the well-being of my family in the States. I have apprehensions for my wife and two children. They can be sent home to the Philippines should I be killed in this war.

This is precisely why I am writing you, asking your assistance to protect the interest of my family and others who have the same problem. It might be too late for my wish to become an American citizen.

However, should I die, please ensure that I am given the full honor of a true American. Send me no wreath nor flowers but wrap my coffin with stars and stripes that will fly forever.

Thank you, Santa.

Sincerely,

JUAN DE LA CRUZ.

Mr. Speaker, several Members of this body are working to right this situation, in order to allow our Filipino gulf veterans the opportunity to apply for citizenship.

First, 38 Members of the House asked the President in a letter dated March 25, 1991, to use his authority under 8 United States Code

1440 to declare a "Period of Hostilities" with respect to the war in the gulf. Under section 329 of the Immigration and Nationality Act, this would permit Filipinos who served in America's Armed Forces in the gulf region to apply for U.S. citizenship.

The fact that U.S. troops still remain in the gulf does not keep the President from making this declaration. As was the case with the Vietnam conflict, the President can open the period of hostilities with one Executive order, and close it with a subsequent order. Let it be part of the permanent RECORD of this House that I further encourage the President to issue such an Executive order.

Second, my respected colleague Congressman DUNCAN HUNTER, the fifth-ranking Republican in this House, has introduced H.R. 1138, which amends the Immigration and Natonality Act in order to make the Presidential declaration effective and clear in the eyes of the courts. Currently immigration law is unclear about whether Filipinos whose point-of-entry into the United States Armed Forces is in the Philippines should benefit from a Presidential declaration of hostilities, and become eligible to apply for American citizenship upon the President's order.

The legislation was introduced with the cosponsorship of Congressman BILL LOWERY and myself, and now lies dormant in the House Judiciary Committee. For the sake of the Filipinos who fought for America in the gulf, and their families, I urge the Judiciary Committee's prompt consideration of this important and noncontroversial bill.

Let us as a nation give thanks for these 4,000 heroic Filipino men and women who fought for their adopted country—our country. As lawmakers, let us enact legislation which makes these true American heroes eligible to apply for U.S. citizenship, and encourage the President to issue an Executive order declaring a period of hostilities with respect to the war in the gulf.

VIETNAM VETERAN'S MEMORIAL

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, since its dedication almost a decade ago, the Vietnam Veteran's Memorial has become the most popular monument on the Mall in our Nation's Capital and a powerful means of national healing for the grief and frustration suffered during the Vietnam era and in the ensuing years. On a plain black wall are inscribed the names of 58,175 young patriots who gave their lives for the United States of America—a country they loved. Each of these names represents not only the young lives lost, but also the pain endured by those who survived the fallen men and women—the fellow service personnel, the families, and the friends.

Each day, 10,000 visitors come to Washington, DC to see the wall and make tracings of the inscribed names of loved ones onto paper. They take with them a sense of reconciliation and they leave behind a treasury of mementos, letters, poems, personal memorabilia and artifacts. These objects of remembrance—uniquely representative of the Vietnam era of American history—are both a moving tribute to those who have died and a means for many of finally coming to terms with their grief. Two years ago, I garnered the support of my colleagues in the House in contacting the National Park Service and the Smithsonian Institution to make sure that these artifacts are preserved and available for exhibit across the country.

A half-scale replica of the wall visits my own congressional district of Rochester, NY at a time when Vietnam veterans have been given renewed hope that painful and persistent POW/MIA questions will, at last, be resolved.

Winning and preserving our Nation's liberty and freedom has never been easy. Throughout our history it has required great determination, hardship and sacrifice. Among those who have made the greatest sacrifices are the members of the Armed Forces who were captured by our Nation's enemies and held as prisoners of war. Great pain is also borne by the families and loved ones of service personnel whose fates remain unknown.

As a nation, we remain committed to the fullest possible accounting of American prisoners and service personnel still listed as missing in action. In Congress, I have consistently supported legislation which acts upon this commitment to learning the truth. The Intelligence Authorization Act for fiscal year 1992—H.R. 2038—includes a provision requiring, with the consent of the involved families, full disclosure by U.S. Government agencies of any information concerning U.S. personnel classified as POW/MIA after 1940.

Legislative efforts, however, can do nothing to resolve questions about the 1,700 men and women missing in Southeast Asia without the cooperation of the Vietnamese and Lao Governments. During his visit to the United States last fall, Vietnamese Foreign Minister Nguyen Co Thach pledged "new levels of cooperation" by his government to accelerate efforts to resolve the POW/MIA question. The Deputy Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs, and head of the Inter-Agency Group on POW/MIA Issues, Ken Quinn, will soon travel to Hanoi and Vientiane to pursue this pledged cooperation. I am hopeful that Mr. Quinn's mission will yield accurate answers to lingering and painful questions about what really happened to the American POW's and MIA's in Southeast Asia.

Just as names inscribed on a black granite wall can serve to heal the wounds of a nation divided by war, so too can the resolution of POW/MIA questions finally heal the wounds of doubt and unknowing which have plagued families and fellow service personnel for decades.

Other questions remain. The 12-year debate on agent orange continues to haunt Vietnam veterans exposed to the herbicide during combat in Vietnam. I am proud to have cosponsored legislation, signed into law this year, which promises to resolve this debate. The Agent Orange Act of 1991 finally codifies that Vietnam veterans who suffer from non-Hodgkins' lymphoma, soft-tissue sarcoma, or chloracne are eligible for VA disability benefits. Perhaps even more important is that the Agent Orange Act of 1991 holds out the promise of answers to Vietnam veterans suffering other conditions whose relation to agent orange exposure remains a mystery. By directing the National Academy of Sciences to conduct a comprehensive review of all scientific and medical evidence relating to agent orange exposure, the legislation takes an important and long overdue step toward unlocking the mysteries of herbicide exposure and finding long-term solutions to the agent orange problem.

The brave men and women who served the United States in Vietnam deserve no less. I am proud of each and every one of our Nation's veterans and I will never let their needs be ignored.

EARLY CHILDHOOD EDUCATION NEEDED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. OWENS of New York. Mr. Speaker, the first of the six national education goals calls for school readiness for all of our children. For children with disabilities, the provision of early intervention services and preschool programs is the first step toward readiness. This legislation reauthorizes these early childhood education programs under part H of the Individuals with Disabilities Education Act [IDEA].

Our legislation parallels the Senate bill on many of the major issues, including differential funding to ensure continued State participation in the part H program, the need for family-centered programs, and the smooth transition from early intervention to preschool. Additionally, our bipartisan bill addresses the following issues:

MINORITIES AND UNDERREPRESENTED FAMILIES

We must ensure that our commitment to early childhood education programs is inclusive of all populations represented in our society. By the year 2010, it is projected that nearly one quarter of all children in the United States will be children of color. While poverty is on the rise among all children, minority children are more likely to live in poverty. The bill includes several changes to enhance the opportunities of parents from underrepresented populations to be active participants in these programs and to ensure that these families have access to culturally competent services.

A 1990 GAO report on Indian children with disabilities on reservations revealed the need to address issues of coordination, data collection, and the lack of leadership by the Bureau of Indian Affairs in providing services. These issues have been addressed in the bill.

AT-RISK CHILDREN

During our hearings, concern was expressed about the rising numbers of at-risk children and how best to serve them. To assist States in addressing the needs of this population, the bill provides funding of State planning grants to establish statewide coordinated systems that would identify, track, and appropriately refer these children.

PERSONNEL TRAINING

The recruitment, training, and retention of personnel continues to be a problem in the provision of services to children with disabilities. With the addition of the early intervention program under IDEA in 1986, the lack of qualified personnel entering this work force continues to adversely impact service provision. An initiative authorized in this bill provides an opportunity to train and retain workers, who currently hold entry level or paraprofessional positions in public and private agencies that serve these children and have demonstrated a commitment to remaining in the special education and related services field, using a nontraditional approach by providing for demonstration grants and technical assistance in this area.

It is clear that an investment in early childhood education is critical to the prevention of later educational failure. Only through early interventions and preschool experiences can our youngest population of individuals with disabilities and those at-risk for developmental delays be given any hope of successful educational outcomes. I hope my colleagues will ensure school readiness for the population by supporting this bill.

CONGRESSMAN BALLENGER SUPPORTS BIPARTISAN EARLY INTERVENTION AND PRESCHOOL DISABILITY REAUTHORIZATION BILL

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. BALLENGER. Mr. Speaker, today I am joining my colleague Congressman OWENS, chairman of the Select Education Subcommittee, in introducing a bipartisan bill to reauthorize the early intervention and preschool programs under the Individuals with Disabilities Education Act [IDEA]. These programs are vital in ensuring that young children with disabilities and their families receive the services they need so that they can enter the first grade ready to learn. In addition, early intervention services can minimize the educational costs of special education when these children reach school age and enter the first grade.

In 1986, the Congress passed landmark legislation, Public Law 99–457, which established a framework for States to develop a comprehensive, coordinated, multidisciplinary system to provide infants and toddlers with disabilities and their families early intervention services. The bill we are introducing today builds upon that law by making small improvements in the act rather than major structural changes.

One of the major hurdles facing this reauthorization was the ability of States financially to continue to participate in this program. Recognizing that the 5-year implementation period for this program may not have been long enough for some financially burdened States to provide services to all eligible infants and toddlers, the Congress recently enacted Public Law 102–52. This law creates a differential funding formula to allow additional time for States to implement the program and meet the mandate established under Public Law 99–457. We want to give States every opportunity to participate in this program because an investment in early intervention for children with disabilities is crucial for success to happen in later educational development.

Another critical change to this bill is ensuring that a smooth transition occurs for infants and toddlers moving from an early intervention program into a preschool program. Currently, there is a gap in services when the child turns 3 during the school year and must wait until the following year to enter a preschool program. This bill will allow more flexibility in spending preschool and early intervention dollars so that gaps in services can be closed.

One of the major issues facing the subcommittee was how to encourage more States to provide services to infants and toddlers at risk of having substantial developmental delays if early intervention services are not provided. Under current law, a State has the option of providing services to these children and I am proud to say that my own State of North Carolina has announced their intention to provide services to environmentally and biologically at risk children. The majority of States, however, have not made this commitment due to the lack of resources. This bill will require the Secretary of Education to fund demonstration programs for States to establish a statewide interagency coordinated system for identifying, tracking, and referring at risk children for appropriate services. Such demonstration programs should encourage States to find these children and provide services before a developmental delay occurs.

During our subcommittee hearings, we witnessed the success of early intervention programs by listening and meeting the Underdown family and their son Matthew. Matthew has Down Syndrome and is a product of early intervention and preschool services. He is a healthy, energetic 4-year-old who will be able to enter the public schools system for first grade with his nondisabled friends ready to learn. Early intervention services have made this possible. Such services will provide a strong base for ensuring that children with disabilities grow up to be independent, productive and happy adults.

This is legislation that works and I urge all of my colleagues to support it.

THE HEALTH CARE LIABILITY REFORM AND QUALITY OF CARE IMPROVEMENT ACT OF 1991

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. ARCHER. Mr. Speaker, today I am introducing legislation (H.R. 3037) at the request of the administration that addresses one of the cost-drivers behind this Nation's skyrocketing health care costs—medical malpractice.

Currently, the costs associated with malpractice—including premiums, litigation, settlements, and, indirectly, defensive medicine—play a significant role in the rapid growth of health care spending.

The administration's bill, the Health Care Liability Reform and Quality of Care Improvement Act of 1991, encourages States to take action to stem the excessive costs associated with malpractice liability. This legislation would have the States: First, enact health care liability tort reforms, including limits on noneconomic damages; second, establish an alternative dispute resolution mechanism; and third, adopt quality assurance reforms. States failing to adopt the reforms after 3 years would not receive their full Medicare and Medicaid funding increases.

In sending this legislation to the Congress, the President has recognized the immediate need to bring attention to the issue and, more importantly, to join in the dialog on malpractice reform. A section-by-section analysis of H.R. 3037 follows:

HEALTH CARE LIABILITY REFORM AND QUALITY OF CARE IMPROVEMENT ACT OF 1991

SECTION-BY-SECTION ANALYSIS

Analysis of Titles

I. Findings and Purpose.

II. Health Care Liability Reforms.

III. Federal Implementation of Health Care Liability Reforms.

IV. Construction of Provisions.

INTRODUCTION

This bill, the "Health Care Liability Reform and Quality of Care Improvement Act of 1991," sets forth health care liability reforms and provides incentives to the States to implement these reforms. The analysis below summarizes and explains the various provisions of the Act.

I. Findings and Purpose

Sections 101 and 102 set out the findings and purposes of the Act.

II. Health Care Liability Reforms

Section 201 sets out definitions of certain terms used in the Act. A key term tied to the application of many provisions of the Act is "health care provider." The definition is intended to broadly include within its sweep all professionals, regardless of their role, engaged in health care activities of any kind.

The term "health care liability action" is intended to cover all judicial proceedings of any kind that may relate to the remedial purposes of the Act. The term is broadly defined to exclude circumvention by artful pleading. It includes health care liability civil actions or proceedings of any kind regardless of the theory of liability (negligence, strict liability, statutory, constitutional or otherwise) pursued.

States must enact health care liability reforms meeting the criteria of Title II to participate in the incentive program established by this Title.

Section 203 eliminates the application of joint and several liability to non-economic damages in all health care liability actions subject to the Act, except for persons jointly engaged in conscious and deliberate conduct with actual knowledge of its wrongfulness. Subsection (a) requires that the trier of fact determine the percentage of each person's responsibility for the harm for which the action was brought. States may desire to consider whether the limitation on joint and several liability should be applied to economic as well as non-economic damages.

Section 204 imposes a $250,000 cap on all non-economic damages, including pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, companionship and services, with a cost of living adjustment as provided in subsection (c). The Secretary of Health and Human Services is empowered to waive the requirements "for good cause." The waiver authority is intended to be used sparingly to ensure that non-economic damages are limited within reasonable bounds. The decision of State Supreme Court declaring a State statute implementing the provision to violate a State constitution may constitute "good cause."

The cap applies to all health care liability actions which arise out of or were caused by the same personal injury or death. For purposes of Section 204, health care liability action is defined (Section 204(b)) to include all medical negligence/malpractice actions for damages and to apply to all plaintiffs and defendants in such actions.

Section 205, subsection (a), requires that any award of damages under the Act be reduced by the amount of compensation received from collateral sources of income for the same harm for which damages are awarded, except as provided in this section. The purpose of the section is to avoid double recoveries or windfalls.

Section 206 provides that no health care provider shall be required to pay damages awarded for future economic loss in a single, lump-sum payment. Instead, payments may be made periodically over the time that the loss is found likely to occur. If the court has a reasonable basis for believing that the person may not make the periodic payments, subsection (b) authorizes the court to require the purchase of an annuity or the funding of a reversionary trust to make such periodic payments.

Subsection (c) provides that the court order making such periodic payments is final and may be reopened only upon a showing of fraud (the term "fraud" is intended to adopt the term "fraud" as it is applied in the courts) or any ground permitting relief to be granted after entry of a final judgment, pursuant to the standard set forth in Rule 60 of the Federal Rules of Civil Procedure. Therefore, a structured judgment may be reopened only if a party establishes actual and material dishonesty, i.e., intentional perversion of truth for the purpose of inducing the surrender of a legal right. The Section also provides that it shall not be construed to preclude settlements providing for a single, lump-sum payment in order to avoid limiting the parties' power to reach accommodations to encourage out-of-court settlements.

Section 207 encourages utilization of Alternative Dispute Resolution ("ADR") mechanisms. Subsection (b) provides that the States must have in effect within three years after the enactment of the Act an ADR mechanism, at least as effective in deterring frivolous actions and resulting in fair and expeditious compensation as mediation or pretrial screening panel mechanisms to be specified in regulations.

Sample specifications for two ADR mechanisms (mediation and pre-trial screening) are set forth in the Appendix.

Section 208 specifies that to comply with the Act and to receive payments under the incentive program, the States must cooperate with certain Federal research efforts and improve the performance of State medical boards. The process of improving performance would begin with the collection of data on the activity of the boards. This would allow States to know where their performance stands relative to the Secretary's standards. However, States could also achieve compliance by taking actions which the Secretary finds are at least as effective as compliance with standards promulgated for State medical boards. In order to reduce the burden on States pursuing alternative approaches to meeting the quality assurance requirements, subsection (c) requires the Secretary to issue regulations specifying criteria for evaluating the effectiveness of risk management systems for institutions; quality assurance systems; and State programs for promulgation of standards of care in selected areas of medical practice as alternatives to compliance with subsection (b). Activity is already underway in these areas. Colorado has enacted a health facilities quality assurance program, and Maine has enacted a program that will lead to State standards of practice.

Section 209 provides that the States shall establish plans for State implementation to comply with the provisions as set forth in Sections 202 through 208 of the Act. For a State to be eligible for participation in the incentive pool established under Section 209, the State must have satisfied the criteria established under each of these sections.

Subsection (b) specifies the Notification procedure by which the State shall certify and document that it has health care liability reforms meeting the Act's criteria in effect.

Subsection (c) provides that the Secetary shall review each Notification and if the Notification demonstrates that the State has in effect such health care liability reforms, the Secretary shall approve the Notification, thereby authorizing the State to participate in the incentive program provided in the Section. If the Notification is not approved, the Subsection provides for the submission of a revised Notification and approval process.

Careful review of Notifications is key to insuring that the Act is implemented according to its terms. Accordingly, the Secretary is vested with discretion to require information to be supplemented in addition to the information required to be submitted with a certification.

Subsection (d) provides that upon a determination of non-compliance, the Secretary shall provide written notice of such determination and the reasons therefor. If the Secretary determines that after approval the State does not have currently in effect the health care liability reforms upon which the Notification approval was based, the Secretary shall give notice of such determination, withdraw approval of the Notification, and require the State, within 60 days after receipt of such notice, to return all funds provided to the State under the incentive program not yet expended unless the State takes the necessary corrective action to ensure and certify that the health care liability reforms remain in effect. Section 209(d)(3)(B).

Subsection (e) is included to ensure coordination by the Secretary with the Attorney General on questions of tort law and/or policy arising in the course of resolution by the Secretary of whether a determination of compliance or noncompliance shall be made.

Subsection (f) sets out the Incentive Program—Distribution of Funds process, the administration of which shall be established by the Secretary. Such process will pool the funds contributed and distribute the pooled funds annually on a proportional basis among States and hospitals in those States which have the health care liability reforms in effect.

Subsection (g) amends the Medicaid and Medicare programs to transfer a portion of such funds to the pool established for distribution to complying States.

Section 210 provides that the Secretary may waive this Act's requirements if the State has in place an experimental, pilot, or demonstration project, as defined by regulations promulgated by the Secretary, which, in the judgment of the Secretary, promotes the objectives of the Act.

Title III—Federal Implementation of Health Care Liability Reforms

Title III sets out the Federal Implementation of Health Care Liability Reforms. These reforms amend the Federal Tort Claims Act. Under Section 301, joint and several liability is limited similarly as in section 203. The section also limits the collateral source rule in a manner similar to section 205.

Section 301 places a cap of $250,000 on the amount of noneconomic damages that can be awarded against the United States. This subsection is the analogue of section 204.

Section 302 amends the Federal Tort Claims Act by authorizing periodic payment of judgments. This subsection is similar to Section 206.

The court would make the determination as to the amount, frequency and duration of the payments, and the United States could then make the payments periodically, either by periodic payments directly out of the Judgment Fund or by purchasing an annuity or funding a reversionary trust to make the payments.

Section 303 provides that Title III is intended to apply to all actions filed on or after, and all administrative claims pending on or after, the enactment of the Act.

Alternative Dispute Resolution procedures are not to be applied to the United States. The Federal Tort Claims Act already has in place a well functioning system of low-cost alternative dispute resolution. See 28 U.S.C. §2672.

Title IV—Construction of Provisions

Section 401 provides that the Act does not waive or affect sovereign immunity defenses, preempt State choice-of-law rules regarding claims by foreign nationals, and create or vest jurisdiction in Federal courts.

Section 401 also makes it clear that the Act sets forth the acceptable level of compliance with respect to health care liability reforms. However, the States may, if they determine to do so, implement additional or supplemental health care liability, reforms that limit liability or otherwise supplement the requirements that the Act imposes.

Section 402 is a severability clause which would preserve the balance of the Act if any portion of it is held to be invalid.

Section 403 provides that the Act shall become effective on the date of enactment.

Appendix to Section-by-Section Analysis

Sample specifications establishing an effective State mediation program

(1) The State shall establish a mechanism under which, prior to treatment, health care providers may offer their patients an opportunity to enter into an agreement to submit any claims of health care negligence to mediation prior to the commencement of a health care liability action.

(2) The State shall provide that an individual's consent to a mediation agreement may not be a prerequisite to the provision of health care services.

(3) The State shall provide that a health care liability action cannot be initiated with respect to an alleged injury prior to invoking the terms of a mediation agreement to resolve the dispute, if such an agreement under this subsection with respect to such injury is in effect at the time of such injury.

(4) The State shall provide that any mediation agreement entered into under this subsection must include, in boldfaced print, a notice that—

(A) by signing the agreement, the patient is relinquishing the patient's right to initiate or commence a health care liability action prior to the completion of the mediation process;

(B) the patient may revoke the mediation agreement at any time after the patient signs the agreement, except that the patient may not revoke the agreement after health care services are provided. The health care provider may not revoke the executed mediation agreement. The agreement shall be applicable to any cause of action that accrues prior to revocation of the agreement; and

(C) execution of the agreement by the patient cannot be required by the health care provider as a prerequisite to the provision of health care services.

(5) The State shall establish a mediation process including a mediation panel consisting of two or more non-judicial persons, including at least one health care professional, as mediators. The mediators would conduct hearings and meet with counsel for all parties, in an effort to resolve the dispute without litigation in accordance with the terms of the mediation agreement.

(6) If one or more of the parties reject the mediation panel's evaluation, the claim may proceed to litigation.

(A) If a party rejects an evaluation and the claim proceeds to litigation, that party shall pay the opposing party's actual costs unless the judgment is at least ten percent (10%) more favorable to the rejecting party than the mediation evaluation, after adjustment pursuant to clause (6)(B). However, if all parties reject the evaluation, no party is entitled to recover its costs from any other party.

A mediation evaluation shall be adjusted by adding to it the actual costs of the party accepting the mediation evaluation. Actual costs include those costs taxable in any civil action and reasonably incurred attorney fees as determined by the trial judge for services incurred subsequent to the rejection of the mediation evaluation. In no event shall the attorney fees determined by the trial judge exceed two hundred percent of the paying party's reasonable attorney fees incurred subsequent to the rejection of the mediation evaluation. "Reasonable attorney fees" shall be calculated on the basis of a reasonable hourly charge regardless of whether the fees were actually charged at a higher hourly charge or whether the fees were contingent upon the outcome of the action.

Sample specifications establishing an effective State Pre-Trial Screening Panel

(1) A Panel shall have at least three members and may sit as a single body or in smaller units of at least three members. Each Panel shall include at least one licensed or certified health care professional representative to be agreed upon by the parties, one person admitted to practice law in the State in which the panel sits, and may include such other members as the Attorney General of such State may provide. Wherever practicable, a representative from each health care specialty involved in a dispute under this Section shall be appointed to the Panel hearing such case, except that not more than three health care professionals shall serve on any Panel.

(2) Claims alleging professional negligence shall be decided according to the law of the State in which a Panel sits. The Panel shall, whenever practicable, decide a claim within six months after the date on which the claim is filed with the Panel. One continuance, not to exceed 90 days, may be granted to any party upon a showing that extraordinary circumstances and the interests of justice warrant the continuance. A Panel may dismiss any claim or defense it determines to be frivolous and impose administrative costs (not to exceed $10,000) upon a party whose claim or defense is so dismissed.

(3) After hearing all the evidence presented by the parties, a Panel shall decide whether or not the person alleging injury established professional negligence and, if so, whether that injury resulted from such negligence. Not later than 30 days after the conclusion of the hearing of the evidence (unless a delay is necessary due to extraordinary circumstances), a Panel shall transmit a written decision to the parties. The decision shall include a statement of the findings of fact and conclusions of law on which the Panel based its decision. A party to a claim decided by a Panel shall be entitled to file an action in the court of appropriate jurisdiction. The entire written record of the Panel proceedings, including the determination made, shall be admissible in a trial of such an action.

ACKNOWLEDGING THE RETIREMENT OF DAVID CLAXTON

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. HAYES of Illinois. Mr. Speaker, I rise today to acknowledge the retirement of a hard working American whose outstanding accomplishments and presence is well known within the ranks of organized labor. David Claxton, director of political affairs for the United Food and Commercial Workers International Union [UFCW], retired on June 1, 1991 after many years of service. Dave will be missed not only by his colleagues at UFCW, but by several Members of Congress and others who had come to rely on his advice and expertise.

Dave Claxton began his career as a trade unionist at the early age of 15 while employed by the Kroger Grocery Co. in Detroit, MI. He became a member of the negotiating team of Retail Clerks Union Local 876 and was elected to serve on its executive board at the age of 18. Dave had become one of the chief negotiators for his union which later merged with the Amalgamated Meatcutters Union to form the United Food and Commercial Workers International Union. Dave made major contributions to the UFCW which later became recognized as the largest union within the AFL–CIO. Later, Dave became an active lobbyist on behalf of his union fighting for issues important to his membership as well as a political activist providing support and expertise to Members of Congress. I worked closely with Dave during his years at UFCW and was impressed by his loyalty and tenacity. He later helped to organize my successful campaign for Congress and has always been ready and available to assist me in whatever way possible.

During Dave's long tenure of union activity, he successfully represented the needs and concerns of his membership with management. He recently stated that, "management 20 years ago considered its workers to be a vital part of the business and seemed to have exhibited more concern for their welfare." Mr. Speaker, I believe that Dave's endeavors provided a sound foundation upon which others may build in the area of labor-management relations.

As director of political affairs, Dave encouraged his membership to make combined contributions to the union's political action committee. His efforts in this regard helped to level the playing field so that working class men and women could actively participate in the democratic and political processes of this country. Dave has been a strong believer in the fact that organized labor allows people to speak with a unified voice in the work place; that both complaints and praises are vital to forging strong working relationships as well as work performance. I was happy to have had the opportunity to work with Dave in our struggle to bring justice and fairness to the workplace.

Although Dave has retired and will pursue other goals, his accomplishments through hard work and perseverance on behalf of working people will forever be a part of the UFCW, those of us with whom he worked and the communities that inspired him. I ask that my colleagues join me in extending my very best wishes to Dave Claxton for a healthy and happy retirement and much success in his future endeavors.

OVERTAXATION AND REREGULATION

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. DELAY. Mr. Speaker, it's time for Congress to learn that tax and regulatory costs cannot grow faster than productivity. Government imposition of increasing regulations on businesses has resulted in higher costs for businesses. The two ways to combat these costs are either an increase in productivity by businesses or an increase in the money supply by the Federal Reserve. Because government-imposed costs are rising faster than productivity, that leaves the Fed. Unfortunately, in its efforts to fight inflation, the Fed has failed to accommodate the rising burden of taxes and regulation. The bottom line, as Richard W. Rahn, chief economist of the U.S. Chamber of Commerce noted recently in the Wall Street Journal: Until Congress and the Fed learn their lessons, the American people face a declining standard of living. The article follows in full:

THE COST OF REGULATION: INFLATION AND RECESSION

(By Richard W. Rahn)

The Federal Reserve's traditional weapon for fighting inflation is tight control of the money supply. At the same time, the Fed is obliged to print money in order to cope with the costs imposed upon society by government regulation.

Regulation is inflationary. Those prices that are most sensitive to government policies rise fastest: The price of medical services is rising twice as fast as the overall consumer price index. Prices in those segments of the economy least amenable to government intrusion are far more stable: Basic commodity prices have shown a flat or even declining level of prices over the past two years.

The total cost of regulation is hard to measure, but I have concluded that between 34% and 67% of last year's 5.4% consumer price index increase was probably due to the monetization of growth in government regulation. Another 11% to 14% was due to the monetization of increases in federal, state and local taxation. Thus, as much as 80% of the reported CPI may be explained by the Federal Reserve's practice of creating money to cover government-mandated cost increases.

There has been some discussion at the Fed of the extent to which these government mandated cost increases should be monetized. The majority over the two years clearly has favored only partial, rather than full, monetization. Unfortunately, while changes in the CPI lag changes in monetary policy by as much as two years, the real economy responds quickly to monetary changes. As a result, although real economic growth has been in a two-year decline, measured inflation has just begun to fall.

Inflation as measured by the CPI increased at an annual rate of only 1.5% over the past three months. The Fed achieved this reduction in inflation through a high interest rate policy designed to slow economic growth, resulting in rapidly increasing unemployment and economic misery. At the same time prices of real assets, particularly land and buildings, were being driven down, greatly aggravating the savings and loan, banking and insurance crises. The fall in asset prices was further exacerbated by the 1986 Tax Act, which increased the capital-gains tax rate and reduced passive loss deductibility for certain types of real estate investment.

This has put businesses in a bind. The government is imposing upon them ever toughening wages and hour laws, environmental standards, safety and health measures, land use rules and so on, even as federal, state and local taxes go up. These cost increases do not just disappear because the Federal Reserve decides to have a non-inflationary monetary policy. Because of these mandated costs, the prices of new goods are rising. Consumers must pay higher prices for new goods, and are therefore forced to pay less for existing goods and assets. So those prices must fall, causing hardships to the holders of these assets, particularly real estate, and a cycle of self-defeating tax increases to bail out the socialized financial insurance funds that were supposedly protected by the value in these assets.

The misery caused by the current policy is clear, but what would have happened if the Fed has accommodated or monetized these government tax and regulatory costs increases? The rate of inflation would have been slightly higher. Again, if my estimate is correct than half or more of the increase in the CPI is accounted for by these mandated cost increases, then inflation might be running at 5% or even 6% today, as it did for the past two years. This would drive up the nominal rate of interest and could even lead to greater inflationary expectations unless the Fed was very explicit about what it was up to. If the Fed again could explain and convince people it was not starting a new inflationary engine but merely trying to compensate for bad tax and regulatory policy, then the side effects could be somewhat less damaging than that of the current monetary policy.

As long as government mandated cost increases are greater than productivity growth, real incomes will fall. However, given current government programs to provide financial insurance funds at taxpayer expense, the current and future tax burdens on these funds could be somewhat reduced with a slightly more inflationary policy. Also, the special hardships of foreclosures or firm shutdowns under a slightly more inflationary policy would probably be less.

Many economists believe that a 1% to 2% annual rise in the CPI is an appropriate goal in the real world. The CPI does not gauge quality improvements in products, which are often considerable. Since wags are "sticky"—that is, since they are tough to cut, even when other prices are falling—a little inflation enables wages to adjust downward while fostering the important psychological illusion of wage stability. Such modest illusions provides a social lubricant to make painful economic adjustments a little less painful.

Few economists, however, are happy with inflation rates much above 2%. Only a near-zero rate provides the predictability needed to maximize productive investment and avoid destructive taxation on inflated, as opposed to real, income. This is particularly important in capital-gains taxation.

But reported inflation averaged a little over 5% for the 1989-90 period and thus is clearly above the desired goal of 2% or less. Hence, many have argued that the Federal Reserve has not been sufficiently "tight" and needs to slow monetary growth even further, or at least decline to reduce interest rates for the time being.

This demand for more and more tightness is at variance, though, with the real cause of most of today's inflation. If the Fed could maintain 5% or 6% inflation, under the current regulatory blizkreig, the pain to most citizens might be reduced. Congress is forcing the Fed to choose between gradually impoverishing a large number of citizens or rapidly pauperizing fewer of them. Clearly, the long-term solution is to educate Congress, the administration and the American people that their tax and regulatory costs cannot grow faster than productivity does without reducing standards of living.

HEALTH CARE REFORM

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. SERRANO. Mr. Speaker, today's New York Times reports that Empire Blue Cross and Blue Shield, New York State's largest health insurer, has proposed to raise health insurance rates by 50 percent for all people who buy their own policies, and for employees of small businesses who are considered bad risks.

The people who will be affected by this change are those who already have the most difficulty in obtaining and paying for decent health coverage. Every day the newspapers across the country carry op-ed pieces and articles about ways to deal with the fact that 37 million Americans have no health insurance at all.

If Empire's proposed rate increases are approved, countless small business owners and their employees who currently struggle to pay for health care coverage will find themselves priced out of the market. Countless individuals whose employers already can't afford to provide health coverage will find themselves among the millions of U.S. citizens who cannot affort to buy health insurance for themselves and their families.

The fact that people in this country who work hard every day to care for and educate themselves and their children are unable to afford basic health care is appalling. We all know that this Nation's health care system, or rather our lack of a system, is seriously flawed, and needs to be fixed.

The reasons behind Empire Blue Cross and Blue Shield's proposed rate increase are a perfect illustration of what we need to change in order to have a working health care system in this country. According to the times article:

> Empire has noted that because it does not turn down any applicant for a policy, it covers higher proportion of sick people than do commercial insurers who can reject sicker applicants. It said it has to begin offering lower rates to healthier groups because it has been losing their business to commercial insurers, which, unlike Empire, can hold down their costs by rejecting sicker applicants.

As health care costs spiral out of control, commercial insurers increasingly skim off the healthiest segments of our population to insure. This gives them a competitive advantage over those health insurance carriers which are committed to spreading risk over a larger pool of policy holders. So insurers like Empire Blue Cross and Blue Shield must abandon their commitment to uniform community rates, and raise premiums for "bad risk" applicants, resulting in more and more Americans with no coverage at all.

I call upon my colleagues on both sides of the aisle to take action. There are many interesting ideas being put forth on this subject right now, and we have many reform proposals before us. It's time to deal with the tough decisions, and create an effective health care system for this Nation.

THE CENSUS UNDERCOUNT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my strong opposition to the recent decision of Commerce Secretary Mosbacher not to adjust the 1990 census figures to compensate for an undercount. Urban areas, such as my hometown of Chicago, will be hardest hit by an undercount primarily of minority populations. The number of persons estimated to have been left out of the census is approximately 5.2 million. This figure represents about 18.1 percent of the black, Hispanic, Asian-Pacific Islanders and American Indian populations. Because of the huge undercount among our minority populations, the Commerce Secretary's position is especially appalling. Once again, we are being told that non-white Americans won't be counted because we don't count. Well, the Commerce can try to deceive the public, but it cannot hide one undeniable fact: that the minority populations in this Nation are growing and growing rapidly. One day, this Nation will have to come to grips with that reality.

The other aspect of this decision that is appalling is the impact this decision will have on formula-based Federal grants and programs. States and localities will be getting far fewer dollars in Federal assistance than they need—and rightfully deserve—from the Federal Government for many programs that assist our most vulnerable citizens.

The decision by Secretary Mosbacher flies in the face of recommendations from the head of the Census Bureau, the person who is most familiar with the census and its methodology. It will also mean that the law suit filed by the cities of New York, Chicago and others will go forward. While I hope the suit is successful and gets the court to overturn the Secretary's decision, I am very concerned about what such a decision would mean for the redistricting process already well underway. The Commerce Department could have avoided the possibility for this upheaval by agreeing to the adjusted figures.

HOME-FRONT TECHNOLOGY

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. HUTTO. Mr. Speaker, I include this article in Extension of Remarks:

[Washington Post, July 6, 1991]

HOME-FRONT TECHNOLOGY FURNISHED KEY BOMB FOR PERSIAN GULF WAR—AIR FORCE, COMPANIES COMBINED ON CRASH PROJECT FOR BUNKER-KILLER

(By Gregg Jones)

DALLAS—For days, U.S. warplanes had pounded the Iraqi military bunker complex at Al Taji Air Base north of Baghdad without success. Even huge 2,000-pound bombs designed to slice through six-foot-thick bunker walls could not breach the command lair, encased in concrete and buried 100 feet deep.

On the evening of Feb. 27, four days into the ground offensive against Iraq, a U.S. Air Force F-111F fighter-bomber streaked north across the Saudi desert on a course for Al Taji. A long, cylinder-like device fell from the plane and, guided by a laser, hurtled toward the bunkers.

A small puff of smoke suddenly shot from an entrance to Taji Bunker No. 1. About seven seconds later, a huge explosion ripped through the command post, reducing the bunker to a jumble of broken steel and concrete, according to Air Force officials.

The mission marked the spectacular battlefield debut of the GBU-28, a bunker-killing bomb developed and rushed into combat with unprecedented speed by the Air Force, Texas Instruments Inc. and Lockheed Missiles and Space Co. during the Persian Gulf War.

The story of how the GBU-28 came into being, as pieced together from interviews with Air Force officers and Texas Instruments officials, offers a rare behind-the-scenes look at how home-front technology contributed to a stunningly successful war effort.

The bomb was the product of an extraordinary, seat-of-the-pants arrangement: No contract was signed; no written agreements were exchanged.

The story begins last autumn, only weeks after the Aug. 2 invasion of Kuwait by Iraqi forces, when U.S. intelligence reports first raised concerns that existing bombs might not be able to destroy heavily fortified enemy bunkers. Quietly, the Air Force launched design studies for a bomb that could penetrate the Iraqi underground fortifications.

After the air bombardment of Iraq began Jan. 17, Air Force reconnaissance photographs showed that a number of Iraqi bunker complexes had withstood direct hits by bombs that could destroy typical concrete bunkers. The Iraqi command posts were either too deep or too well protected by reinforced concrete.

Al Weimorts, an engineer at the Air-to-Surface Guided Weapons Systems Program Office at Eglin Air Force Base in Florida, began sketching designs for a longer, heavier bomb. A key element to Weimorts's idea was to use off-the-shelf Air Force materials to construct the bomb to save time. The problem was finding a steel tube long and strong enough for the bomb body.

A retired Army veteran at the Lockheed Missiles and Space Co. plant in Sunnyvale, Calif., recalled that the Army stockpiled old gun barrels. The barrels happened to be made from the same hardened steel needed for the bomb body. The gun barrels were traced to Letterkenney Arsenal in eastern Pennsylvania.

Without waiting for Pentagon approval, the Eglin weapons lab asked the arsenal to ship several eight-inch howitzer barrels to the Watervliet Army Arsenal in upstate New York. On Feb. 1, Army machinists started shaping the first bomb bodies from the gun barrels.

"If we had gone out to have somebody make them for us, it would have taken months," said Maj. Richard Wright, the GBU-28 program manager.

Next, the Air Force needed a guidance system that could deliver the huge, unwieldy bomb to its target with pinpoint accuracy. Texas Instruments Defense Systems and Electronics Group in Dallas already had experience engineering 2,000-pound, laser-guided bombs.

On Feb. 14, the Air Force asked Texas Instruments to develop the sophisticated guidance kit for the new 4,700-pound bomb. War demands necessitated that the TI team condense wind-tunnel and simulation tests—normally an 18-month to two-year process—into barely a week.

On Saturday afternoon, Feb. 16, the wind-tunnel testing began under the scrutiny of five engineers—three from TI and a pair from the Air Force. The process was excruciatingly tedious.

When the tests ended early Monday morning, another set of TI engineers was waiting to plug the figures into a computer simulator. Throughout the week, the team tried one set of numbers after another. Gradually, they pinpointed the correct software parameters needed to guide the bomb.

On Feb. 19, the Air Force asked TI to prepare two bomb guidance units—the critical front and back portions of the bomb—as quickly as possible. TI officials warned the Air Force that the controlling software might need further adjustments.

"We said, 'If you're willing to take the risk, we're willing to send them to you.' They said, 'Send it anyway,'" recalled Bob Peterson, a TI engineering manager.

Two days later, a TI Learjet whizzed down the runway at Love Field in Dallas with two bomb guidance units, bound for Eglin. Shortly afterward, the Air Force asked TI to rush two more guidance kits to Nellis Air Force Base in Nevada. The TI team worked through the night of Friday, Feb. 22, checking for software bugs and sent the two kits out on Feb. 23, within hours of the start of the ground war in the gulf.

The next morning, an F-111 fighter-bomber dropped an inert GBU-28 onto the Tonopah Test Range; the bomb plowed more than 100 feet into the ground, exceeding even the most hopeful expectations of project planners. The Air Force asked TI engineers immediately to prepare four additional bomb guidance kits.

The four kits and bomb tail sections arrived at Eglin on Monday, Feb. 25. The next day, the GBU-28 demonstrated its awesome destructive power in a test at Holloman Air Force Base in New Mexico. There, the bomb—18 feet, nine inches long—sliced through 10 huge slabs of concrete, totaling 22 feet in thickness. The Air Force reported that after passing through the concrete "like butter," the GBU-28 "skipped once on the ground and continued for about another half mile before it hit again."

Two more GBU-28s were still warm to the touch when Eglin personnel autographed the weapons and loaded them aboard a C-141 transport bound for Saudi Arabia. There, the huge bombs were fitted to the undersides of two F-111s. Within five hours, the F-111s where en route to Al Taji Air Base.

LET'S PUT CHILDREN BACK ON THE AGENDA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. ANDERSON. Mr. Speaker, I would like to thank Chairman Hall for yielding me this time. I would also like to commend the Select Committee on Hunger for calling this special order to focus attention on some of the challenges facing America's most important resources: our children.

Mr. Speaker, many Americans regard Los Angeles County as a place where their dreams can come true. For a growing percentage of the residents of LA County, however, the gap between dreams and reality is fast becoming too wide to bridge. For an ever increasing number of Los Angeles area children, the reality of poverty, crime, and abandonment threatens to extinguish all hope. While this issue certainly reaches every corner of our Nation, I would like to point out a few examples of the special problems facing the communities in and around my district.

As the overall national percentage of children under 18 continues to decline, the last decade has seen a 14-percent increase in the same category of children living in Los Angeles County. Children now make up 26 percent of LA County residents, the highest percentage among California's 58 counties. The last 10 years have also seen the percentage of LA County children living in extreme poverty jump by 21 percent, which represents a higer growth rate than either the California or national averages. Increased poverty and other factors detrimental to family unity have contributed to marked increases in violence, juvenile incarceration, teenage pregnancy, drug and alcohol abuse, and high school dropout rates within the LA County area.

These trends, a growing population of children combined with a shrinking capacity to properly educate and support them, illustrate an ominous situation that threatens many other communities throughout the country. Faced with this challenge, it is our responsibility to come up with innovative and effective policies designed to meet the changing needs of today's children.

The recently released final report of the National Commission on Children has accomplished a number of important feats in this regard. First of all, the report has provided an honest and straightforward look into the condition of America's children. While it clearly states that the vast majority of our youth live in stable and healthy family environments, it also frankly points out that a growing number of children are unknowingly eluding the nuturing grasps of overburdened parents, teachers, and social workers. Second, I think this report has gone a long way toward dispelling some commonly accepted economic, political, and racial myths about the condition of American children and families. For example, the report illustrates how children suffering from neglect and the associated educational, emotional, and physical problem cut broadly across ethnic, financial, and regional lines.

Finally, the Commission's report has provided us with a comprehensive set of recommendations for improving the conditions and reversing the trends it has identified. These recommendations focus on increased responsible action by individuals as well as institutions, in both the public and private sectors. While all these contributions represent a significant step towards improving the plight of children in this country, they are only part of the potential impact of this report.

In my view, the most important and profound accomplishment of the Commission's report would be to move child and family issues into the national spotlight. This report, along with the numerous local and regional studies it will no doubt encourage, will hopefully provide the basis for an informed and constructive debate not only within this body, but also in town halls, auditoriums and living rooms all across the country. I believe this nationwide debate to be crucial, because no matter how well-intentioned or well-financed Federal efforts may prove to be, experience has shown that without the expertise and cooperation of local authorities, even the most comprehensive programs usually some up short.

Family values and the stability of the working middle-class have long provided the foundation for America's growth. Today we are witness to a frightening deterioration of the American family, and I would argue a not unrelated decline in the vitality of the middle-class. Although the current political landscape is awash with issues of the national interest, I believe the American people are more concerned with addressing matters that hit not just close to home, but in their homes. It behooves us to remember that today's children will make up tomorrows work force, tomorrows voters, and the men and women who will someday occupy the seats in this very Chamber. We have an opportunity to clearly define our commitment to the American family. Let's put American children and families back on the national agenda.

MASS EXPULSIONS OF ARMENIANS FROM AZERBAIJAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. HOYER. Mr. Speaker, as I have noted previously in this forum, from September 10 to October 4, Moscow will be host to the third meeting of the Conference on the Human Dimension, a gathering of the Conference on Security and Cooperation in Europe with a particular focus on human rights and humanitarian concerns. Only a few years ago, convening a conference on human rights in Moscow would have been unthinkable, and the fact that all 35 member States of CSCE will participate in Moscow's hosting of such a conference attests to the laudable changes in the Soviet Union in recent years.

Yet there are incidents and trends in the Soviet Union which remain deeply troubling, all the more so because they appear to be sanctioned by the central Soviet authorities. I would like to express particular concern over recent events in the Republic of Azerbaijan. According to Soviet press reports and an independent international delegation of observers, since the end of April 1991, more than 10,000 Armenians living in villages in Azerbaijan have been forcibly and brutally ejected from their homes and involuntarily resettled in Armenia, where tens of thousands of people remain homeless after the devastating earthquake of 1988. In the process, innocent Armenian villagers have been illegally detained, beaten, and tortured, and their villages have been pillaged and then leveled by bulldozers, or else resettled by Azerbaijanis.

Who is carrying out these vicious acts? The Russian press, corroborated by international human rights observers, report that special police forces from Azerbaijan, as well as Soviet Internal Affairs and Army troops, are driving the Armenians out. Soviet troops and Azerbaijani police reportedly provide warning to the Armenians in their villages by dropping leaflets from helicopters and issuing megaphone threats demanding that the Armenians go to Armenia. If they refuse, they are told, they will be declared enemy guerrillas and will be shot. They are given a choice: Expulsion or death. Tanks and personnel carriers then drive the Armenian villagers out, they are loaded onto trucks, buses, and other military equipment and transported—essentially dumped—over the Armenian border.

A team of international observers, which included members from the United States, have confirmed reports of killings, abduction and imprisonment, rapes, destruction of homes, churches, and schools, and theft and vandalism of property—all against the Armenian population of Azerbaijan. These same observers report that while most of the beatings and killings were carried out by the Azerbaijani special police forces, Soviet troops aided in the initial surrounding of the villages and then stood aside while the police terrorized the villagers. In addition, hundreds of Armenians have been taken hostage by Azerbaijani police forces with the help of the Soviet Army.

The Azerbaijani authorities, backed by the Soviet Interior Ministry in Moscow, deny and whitewash this systematic operation against powerless villagers. They claim that the Soviet troops and special forces are merely enforcing passport controls to identify Armenian guerrillas; they also make the outrageous claim, contrary to all reports from outside witnesses, that the Armenians who are leaving are doing so voluntarily. In fact, reports indicate that many Armenians were coerced by the Azerbaijani police forces to sign statements of voluntary departure, often by torture, beatings, and death threats.

Mr. Speaker, these systematic and premeditated acts violate all manner of fundamental laws laid out in numerous conventions to which the Soviet Union has long professed adherence, including the U.N. Charter, the U.N. Universal Declaration on Human Rights, as well as the Helsinki accords. The involvement of Soviet troops on one side in what has until now essentially been a local ethnic conflict suggests that the Armenians are being punished by Moscow for refusing to sign the Union Treaty. Concomitantly, many commentators have theorized that Gorbachev is helping Azerbaijan to deport the Armenians in that Republic in reward for Azerbaijan's support of the treaty. Yet Armenia is acting lawfully in that its plans to leave the Soviet Union are in accordance with the Soviet Constitution and Soviet law, as approved by Gorbachev himself in the proposed treaty. Will the new Union Treaty in the end resemble previous Soviet Constitutions, which granted Republics rights on paper only?

We call on President Gorbachev to address this intolerable situation, to condemn the use of military force and torture against civilians, and to allow Western journalists access to the region. We call on him also to acknowledge the obvious involvement of regular Soviet Army troops in the mass expulsions and that he move to stop it. We must insist that the Soviet and Azerbaijani forces halt immediately these brutal and flagrantly unlawful violations of the rights of the Armenian residents in Azerbaijan.

NATIONAL MOTHERS OF TWINS ASSOCIATIONS NATIONAL CONVENTION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. KENNELLY. Mr. Speaker, The National Mothers of Twins Association is holding its national convention this week in Colorado Springs. I would like to take this opportunity to acknowledge their activities and special contributions to child rearing.

For 30 years, the National Mothers of Twins Association has helped educate parents, researchers, and the general public on the unique aspects of child development presented by multiple births. Through workshops, forums, and social activities, they help thousands of families and advance scientific knowledge in fields from genetics to psychology.

Having twin siblings myself, I can tell you that multiple births, though joyful, present great financial and emotional challenges for parents. Their efforts to provide happy and secure environments for their children are instructive to all parents. And this is so important as we begin to make children a higher national priority.

Mr. Speaker, today I would like to thank the Mothers of Twins Association for their fine work over the years and wish them well in the years ahead.

THE ACHIEVEMENTS OF CAPT. MONT SMITH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to recognize the achievements of Capt. Mont Smith, the commanding officer of the U.S. Coast Guard Air Station Kodiak, who is soon leaving Alaska.

People who know him professionally and personally have always recognized his excellent service to the Coast Guard and Alaska. A common theme underlying these comments is his dedication and professionalism as a Coast Guard officer and his commitment to participating in the community. These attributes have strengthened the bond between the Coast Guard and the local people, which I think should be more common in the way our Federal agencies operate.

The fleet of aircraft he commands is the most visible aspect of his job. His pilots' have an outstanding record of 24 hour readiness for emergencies and meeting the enormous responsibility to protect Alaska's vital fisheries interests. The vast size and diverse climate of our State pose hazardous challenges he has met time and again.

Further, Mont's untiring dedication to such community and charitable events as annual fundraising telethons, litterthons, and shooting competitions are most memorable for Kodiak residents. There are few traits that mark an Alaskan more than looking out for one's neighbor and helping our younger generation.

Mr. Speaker, in closing let me say that Alaskans will miss such a fine person, and we wish him well.

H.R. 2928

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. DERRICK. Mr. Speaker, last week my colleagues and I on the House Select Committee on Aging's Task Force on the Rural Elderly introduced H.R. 2928 designed to improve the lives of the rural elderly. It directs the Secretary of Transportation to conduct a study of the transportation needs of the Nation's rural elderly.

According to the National Council on Aging, transportation is the major impediment to delivery of services to the rural elderly. Research on the transportation needs of the rural elderly is necessary because the fastest growth in the U.S. population over the next two decades will be among the frail elderly, a population group with the greatest need for transportation services. Additionally, 1990 estimates by the Transportation Research Board reveal that nearly half or 46 percent of those in their seventies, and roughly three-fourths, or 74 percent of those over age 80 are nondrivers. An increase in the number of nondrivers will result in a greater demand for alternative forms of transit.

It is difficult to generalize about the transportation needs of the rural elderly because so much diversity exists within the older rural population and the geographic regions of rural America. Rural Alaska is very different from rural Missouri, which is very different from rural Maine, which is very different from rural South Carolina. Despite the regional differences that exist, most rural residents share a similar problem: They face severe difficulty in obtaining health care.

One of the major recommendations contained in the Office of Technology Assessment's [OTA] recently released report entitled "Health Care in Rural America," is to expand basic research on access to health care in rural areas. The OTA report addressed one of the harshest realities in rural America. Without adequate transportation, the rural elderly cannot get to senior centers and people in need of health services are unable to get to clinics and hospitals. In an emergency, this lack of access to health care can be life threatening.

Certainly, the transportation needs of rural residents are just as critical as the transportation needs of their counterparts in urban areas. The purpose of H.R. 2928 is to identify some of the most serious problems confronting the elderly when they attempt to access health care facilities. Identifying those problems will enable us to devise some practical solutions to one of the most serious problems facing rural elderly. I urge my colleagues to support this important legislation.

OBSERVING CAPTIVE NATIONS WEEK

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. BENTLEY. Mr. Speaker, fellow colleagues, I would like to take this time to observe President Bush's proclamation of the week of July 14 as Captive Nations Week. Since 1959, we have taken this third week in July to remember those nations which have fallen victim to aggression.

As a country built upon the value of equality, the United States has become the world's melting pot. People of all races and religions have come to the United States after facing persecution in their own countries. They seek a place to live where they are not fearful of speaking for what they believe or fearful of praying to their god.

I am proud to say that we in the United States are able to live this lifestyle while it remains only a dream in the captive nations. President Dwight D. Eisenhower created the Public Law 86–90 to ensure that these nations are remembered. Since this time, the world increasingly has become smaller. Modern technology has enabled us to visit countries thousands of miles away within a few short hours.

The advancement of technology has made us neighbors to many nations previously out of our reach. The closer the world has become, the more we can attest to the injustices and violations of intrinsic human rights as nations lose their independence to aggressors.

As we have turned on the evening news at night, we have witnessed the horror that aggression has manifested, forcing the United States to become these captive nations' vehicle for democratic ideals and beliefs.

Today, strides are being made to democratize these captive nations, primarily the Soviet Union. Each individual state has made miraculous progress in its struggle to achieve autonomy in the last few years in the U.S.S.R. As communism has proven to be an ineffective form of government, the Soviet states' initiative to break free has become increasingly evident. The city of Leningrad already has readopted its original name of St. Petersburg, a rebuttal to the communism Vladimir Lenin espoused.

As a country committed to freedom and democracy, the United States must take this week dedicated to the captive nations of the world and help the world employ our blueprint for a free democratic government.

President Eisenhower's proclamation was to be ordered each year until there no longer were captive nations to be remembered. Today in 1991, President Bush again has had to initiate the proclamation recognizing the many countries of the world still held captive. Let us now remember these countries and pray for the day when they too will know the freedoms we enjoy in the United States.

TRIBUTE TO THE CHARLES SCHOOR, VETERANS OF FOREIGN WARS POST 796

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Charles Schoor Veterans of Foreign Wars Post 796 in Port Huron, MI. The post will be celebrating its 70th anniversary on August 10, although the actual charter date is August 12.

The Charles Schoor Veterans of Foreign Wars Post 796 was chartered on August 12, 1921. There were 64 names on the original charter. An auxiliary to the post was formed and chartered on January 22, 1932 with 23 members.

The post was named in honor of Cpl. Charles Schoor who was a hero of World War I and was killed in action in France in 1918 on hill 212.

In 1938, the post bought two houses for the sum of $2,800.00. They were moved to the location of 320 Erie Street and fused together to form the first post home. The new post home was largely constructed with the support of its members. In fact, each shingle was financed entirely by members' donations.

During World War II, the post saw its membership grow to a total of 1,372. After the war, on March 13, 1949, a bronze memorial plaque was jointly dedicated and hung on the wall of the meeting room in honor of deceased post and auxiliary members.

The post has always remained active in fostering community interest in the great country its members served. The post assisted the St. Clair County Allied Veterans Council and radio station WTTH in helping to construct the first Vietnam War Memorial of its kind. The monument was constructed with an everlasting flame, which was lit during the dedication ceremonies held on November 11, 1969. The monument stands on the bank of the St. Clair River, east of the City-County Building in Port Huron, MI.

On February 12, 1969, the building and property on 320 Erie Street were sold to the city of Port Huron for an urban renewal development project. On the same day a contract was signed to purchase the building and properties on 1711 Pine Grove Avenue as the new post home. The new post was officially opened on May 27, 1970.

I commend the Charles Schoor Veterans of Foreign Wars Post 796 on their 70 successful years of existence. I am confident the next 70 years will be even better.

Above all Mr. Speaker, I pay tribute to the brave men and women who have given their lives to keep this great sovereign nation free.

REGARDING LEGISLATION TO AMEND THE PUBLIC UTILITIES HOLDING ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. KENNEDY. Mr. Speaker, today I am introducing legislation to stimulate energy conservation in America. The bill would amend the Public Utility Holding Company Act of 1935 to allow a public utility holding company, or one of its subsidiaries, to acquire or retain, in any geographic area, an interest in a company that provides energy conservation and load management services or equipment or both to utilities and their customers. Such a conservation and load management company would be permitted to provide these services without regard to geographic limitation.

As you know, the potential benefits of energy conservation to our country are great. If our country undertook a vigorous commitment to conservation and load management programs, we would reduce our dependence on unreliable overseas sources of foreign oil, improve our trade balance, and decrease air and water pollution. Moreover, we would stimulate the production of American technologies and American jobs that would be required to implement these programs. In addition, American businesses would stand to save a great deal of money in reduced energy costs.

Unfortunately, many parts of the country are underserved by companies that can help make these benefits a reality. The legislation I introduce today would help to alter that condition by removing statutory barriers to energy conservation activities. It will not, in my view, do anything to undermine the integrity of the Public Utility Holding Company Act. It will, however, unleash the full potential of energy conservation, and make our country more independent and prosperous. I hope it will be looked upon favorably by my colleagues.

INTRODUCTION OF THE SELF-RELIANCE SCHOLARSHIP PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MILLER of California. Mr. Speaker, for millions of young people, going to college has become the impossible dream. Rising costs for tuitions, fears of mounting personal debt, and insufficient education grants has created a barrier to higher education that threatens this country's intellectual and economic future.

And it does not just affect the poorest families in our country. An increasing number of middle-class families, for the first time since World War II, are finding higher education unaffordable.

During the 1980's, national tuition costs increased eight times as much as the median family income, and the net price of attending college, including room and board increased by 104 percent.

As a result, attending college has assumed the peculiar distinction of being a luxury despite its necessity.

In recent years, federal grants have targeted the poorest student, but little has been done to assist middle-class families obtain the financial means to send their children to college. Unfortunately, the proposals of the Bush administration would further restrict middle-class students' access to college by cutting off Federal loans to families earning more than $10,000.

Today, I am proud and excited to join my colleagues in introducing legislation that responds to the events of the past decade and offers students access to loans for college without jeopardizing the student's or the federal government's financial position.

The Self-Reliance Scholarship Program, through the creation of the Education Trust Fund, permits students, regardless of their income, to borrow between $500 and $33,000 to finance their undergraduate and graduate school costs. Unlike current student loan programs in which students repay a fixed amount regardless of their income, students will pay back what they borrow based on a fixed percentage of what they earn, depending upon the payment plan they select.

This new program is supplemental to existing student loan programs, such as Stafford loans and Parent Loans for Undergraduate Studies [PLUS].

To remain competitive with other nations, the United States needs to ensure that students have access to quality education. It is clear that access to higher education is directly related to one's ability to pay for it.

This legislation provides students with access to the education of their choice and recognizes the changing profile of today's students. Because of the extraordinarily high college costs, students no longer fit the traditional model—completing a college education in four years after graduating from high school.

Our community colleges and 4-year colleges and universities are attended by part time students, many of whom take 5 or 6 years to complete their degrees. There are workers in need of retraining, married students, displaced homemakers, and other nontraditional students. Yet many of these students are prohibited from participating in federal financial aid programs.

The Self Reliance Scholarship Program would create a direct student loan program, administered directly by the Federal Government, with repayments collected through the Internal Revenue Service. The program will save taxpayers money by reducing administrative costs relative to other loan programs and curtailing the default rate. After initial start-up costs, this program will become self-sustaining.

The reauthorization of the Higher Education Act of 1965 provides us with the opportunity to correct the imbalance in our current higher education financing programs. The Self-Reliance Scholarship Program helps all Americans to achieve a postsecondary education.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today in support of the Individuals With Disabilities Education Act Amendments of 1991. I am pleased to be an original cosponsor to this important legislation which focuses on continuing and improving the vital programs which serve our Nation's disabled children.

In 1986, Congress passed historic legislation which I authored to assist States in developing and implementing a statewide, comprehensive, coordinated system to provide early intervention services for infants and toddlers with disabilities and their families. This bill reauthorizes part H for 3 years and further amends the program and other relevant sections of the act to improve the operation of the programs and services established.

Section 4 of the bill is especially important to Montana. This amendment raises the amount of part B funds that smaller population States may spend from each year's grant for administering the part B program from $350,000 to $450,000. The cost of administering the part B program is increasing in all States. However, because of the cap on administrative costs, the dollars available for administration in 11 States and the District of Columbia have remained constant despite increases in a State's child count or part B appropriation. Due to the effects of inflation, the real purchasing power of these dollars has decreased since 1986. This increase in the administrative cap will go a long way to help States with the growing costs involved in providing services to our local disabled communities.

Another concern in my State is that traditionally underserved groups such as minorities, low-income and rural populations are not likely to fully participate in the part H program because of financial difficulties, unless special efforts are made to include them. To address this concern, section 8 amends the Early Education Discretionary Program; to establish competitive State planning grants for the purpose of establishing a statewide coordinated system to identify, track, and refer all categories of children who are at risk of having developmental delays, including those who are geographically isolated. This section also authorizes the use of these funds to facilitate and improve outreach to low-income, minority, rural, and other underserved populations.

We have heard many voices of support for these programs during the reauthorization. Public Law 99–457 has been called the most important children's disability legislation of the decade, and I am pleased that my colleagues have made a commitment to continue and improve programs for all children with disabilities.

INTRODUCTION OF A BILL TO AMEND THE LAW GOVERNING PAYMENT IN LIEU OF TAXES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. OWENS of Utah. Mr. Speaker, rural America is increasingly under seige, especially in the Western public lands States. The four traditional pillars of the western economy—mining, grazing, logging, and irrigation—are facing serious challenges. Many of these concerns are legitimate, and some are not, but the trend away from the traditional commodity economies of the West is obvious and probably irreversible. Given these conditions, the Federal Government's responsibility to treat the public lands States with fairness becomes even more critical.

I am proud to be an original cosponsor of Congressman PAT WILLIAMS' bill in the House of Representatives which will index Federal PILT payments with inflation. States which are primarily owned by the Federal Government—like Utah, with 67 percent—rely on the Federal Government's payments in lieu of taxes.

But there is still a problem with PILT which requires further attention. The bill that I am introducing today on behalf of the Utah House delegation will ensure that the Federal Government continues paying PILT on lands it acquires through land exchange. Under current law, the Federal Government is not required to make PILT payments on newly-acquired lands. The end result is that even though the Federal Government owns the same amount of land after the exchange, the receipts to the local communities are diminished. This situation does not encourage local communities to trade with the Federal Governments and creates a disincentive for the sound public policy of land exchange.

These are difficult times for rural America. The economic transition taking place will not be easy or painless. The Federal Government must be certain that an equitable amount is returned to local treasuries as compensation for a public non-taxable land base. I hope Congressman WILLIAMS' bill, along with the one I am proposing today, will be acted on quickly by the House.

TRIBUTE TO MARJORIE PAGE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. HEFLEY. Mr. Speaker, I rise this morning to pay tribute to one of Colorado's finest citizens, Marjorie Page. Celebrating 50 years of eminent service to Colorado's Arapahoe County, Marjorie has served in the office of the county clerk with pride, with distinction, and with the utmost concern for her fellow community members.

A resident of Arapahoe County since 1922, Marjorie has devoted countless hours to the betterment of many civic and social organizations, including the Englewood Business & Professional Women's Club, the Immanuel Lutheran Church, and the South Metro Chamber of Commerce. She has also been active in fundraising on behalf of such worthy organizations as the Kidney Foundation, Cancer Society, Multiple Sclerosis, United Way, and the Heart Fund.

For the personal concern she has shown for all who have had the pleasure to be in her company and for her consistent hard work and loyalty, Marjorie has been deserving of the many awards she has been honored with. She was named Woman of the Year in 1962, presented with the Clerk of the Year Award in 1982 by the National Association of County Recorders and Clerks, received the Distinguished Service Award in 1982 from the National Association of Counties, and named to the 1987–88 edition of "Who's Who of American Women."

Colorado can certainly be proud of Marjorie and her many achievements. Please join me in wishing her many more years of happiness and success in the great State of Colorado.

DADE COUNTY SCHOOLS EXPANDS OUTREACH WITH NEW BUILDING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Dade County Public Schools have long been committed to improving the quality of life in South Florida. The Dade County Schools are now planning to break ground on a new construction project to expand the Continuing Opportunities for a Purposeful Education [COPE] program. COPE is an educational outreach program to meet the special needs of young pregnant women and unwed mothers. The new building will offer a much needed expansion of this very effective program. The construction, which is scheduled to begin on July 30, is part of the public school systems "Building for the 21st Century" program.

The new building, named COPE Center South, will be used primarily as an educational facility, and is a complement to the COPE Center North of North Dade. Part of the building will also be utilized as a communications and public relations platform. This new educational facility has a much greater capacity than the old facility, which was housed in a rented church. The students will be able to learn in a normal classroom environment, while their children are taken care of in a nursery. There are also special pregnancy and social services classes available as well as beginning Head Start classes for infants and toddlers. COPE also acts as an employment office by offering many job opportunities to the young mother.

This dream of offering high school education to a greater number of pregnant teens and young mothers has been made possible with the efforts of a great number of people. Without the sacrifice of dedicated citizens and the leadership of the Dade County School Board, COPE Center South would not be constructed. In Particular, Mr. Tony Caballero should be commended for his leadership in directing the construction of this project. The members of the Blue Ribbon Committee should be noted for the guidance they have provided to the COPE Center South project. These include: Manolo Reyes; Robin Reiter-Faragalli of Corporate Community Involvement; Rev. John A. Ferguson of Second Baptist Church; Otis Pitts from Tacolcy Economic Development; Henrietta Waters; Elayne Weisburd; David Samson; Jose Collado; T. Willard Fair of the Urban League of Greater Miami; Byron Sparber of Squire, Sanders, and Dempsey; Alina Becker of the Cuban American National Council; Reverend Kenneth Major; Dr. Robert Hosmon of Miami Dade Community College; Russell Wheatley, the assistant superintendent of Dade County Schools; Octavio Visiedo, the superintendent of Dade County Schools; and George Knox.

RESTORING NATURALIZATION AUTHORITY TO THE COURTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MAZZOLI. Mr. Speaker, today I am introducing a bill to ensure that Federal as well as State courts can continue their traditional roles in naturalizing new American citizens.

My legislation reinstates the longstanding procedure under which immigrants, eligible for naturalization as citizens of the United States, participate in formal naturalization ceremonies held in courtrooms and presided over by Federal or State judges. At the same time, my bill will ensure that naturalization is accomplished in a timely and expeditious manner.

Effective October 1, 1991, the 1990 Immigration Act confers exclusive naturalization authority on the Immigration and Naturalization Service [INS] even though it allows an applicant to take the oath of allegiance from a judge.

Under my proposal, the authority to naturalize and administer oaths would be held by the courts for a 45-day period beginning when the INS has completed and approved an applicant's paperwork. A court wishing to continue its role in the naturalization process would be required to provide to the applicant and to the INS a schedule of dates—within that 45-day period—on which the court will conduct naturalizations. Failure to submit or comply with such a timetable will result in the automatic waiver of the court's jurisdiction. This allows the prospective citizen to participate in an administrative naturalization ceremony conducted by and before an INS officer.

My proposal continues the courts' traditional and historical role in naturalizations, while allowing courts the flexibility to decline jurisdiction temporarily when their dockets cannot accommodate the timely scheduling of naturalizations.

The Federal courts strongly support the enactment of this legislation to restore their role in the naturalization process.

On May 15 Federal district judges Robert Manley Parker, chief judge of the U.S. District Court for the Eastern District of Texas and Ronald S.W. Lew, U.S. District Court for the Central District of California, testified before the Subcommittee on International Law, Immigration, and Refugees, which I have the honor to chair. Speaking on behalf of the Judicial Conference of the United States, Judge Parker said,

> The 1990 legislation was enacted to streamline the naturalization process by reducing duplicative paperwork and overlapping administrative responsibilities borne both by the federal courts and the Immigration and Naturalization Service. The judiciary does not oppose these efforts, but rather, applauds the accomplishments of the legislature in streamlining the procedure for naturalization. The judiciary, however, has serious concerns with that portion of the Act which potentially would remove the courts from the administration of the oath-taking ceremony. The Act provides that applicants for naturalization can choose to have any United States district court, the Attorney General, or any state court meeting certain requirements administer the oath of allegiance.
>
> The oath-taking ceremony traditionally has been imbued with a special significance directly attributable to the participation of a judicial officer. Our judges are proud of the special role they play in administering the oath of allegiance to new citizens, and as a body, we do oppose that aspect of the new law which would largely remove the courts from the oath-taking ceremonies. Judge Lew and I are here today to discuss with you the importance of the court's role in administering the oath of allegiance and to advocate preserving the role of the judiciary in the oath-taking ceremony to the fullest extent practicable, while achieving the goal of the new law of conducting the ceremony in a timely fashion.

Under my bill no delay will occur between the oath-taking ceremony and the award to the newly sworn citizen of the certificate of naturalization. Such delays are possible under the 1990 act which authorizes the Immigration Service alone to issue the actual certificate of naturalization to the new citizen even though the courts conduct the naturalization ceremonies.

Moreover, may bill will eliminate unnecessary and confusing paperwork and will streamline procedures for completing the act of naturalization. This bill therefore addresses the intent of the 1990 legislation, which was to streamline the naturalization process by reducing paperwork and overlapping administrative responsibilities of the Federal courts and the Immigration and Naturalization Service.

Mr. Speaker, I believe that passage of this bill will preserve the right of each new citizen to a ceremony imbued with the dignity and solemnity befitting the occasion.

NO NEW RTC FUNDS UNTIL AUDIT IS COMPLETED

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. PANETTA. Mr. Speaker, Mr. ECKART and I are introducing legislation today, the Resolution Trust Corporation Public Audit Act, which will require the General Accounting Office [GAO] to complete an audit of the Resolution Trust Corporation [RTC] before any additional funding to cover net losses from the thrift crisis can be used by the RTC. This limitation would not affect funds already approved by Congress, only new financing. Specifically, our bill would prevent the obligation of any new funds by the RTC until the GAO has completed its 1990 audit of the RTC and the RTC oversight board has transmitted the results to Congress. This audit was required by the Resolution Trust Corporation Funding Act of 1991, which was enacted earlier this year, but it has not been completed.

Like many members, I was very disturbed by the GAO testimony last month that the RTC did not have accounting systems and financial data that were adequate enough for the GAO to complete the statutory audit of RTC's 1990 operations and financial condition. In just 2 years, RTC has become the largest financial institution in the United States. It has acquired assets with an original book value of over $320 billion from insolvent thrift institutions, and the thrift cleanup is not quite halfway complete under administration estimates. The RTC now has over 6,000 employees, and it continues to grow as more insolvent thrifts come under its control. Any agency that has grown so large, so quickly, must be held to the highest standards of management and financial accountability.

Further, how well the RTC manages and disposes of the assets it has acquired could easily increase or decrease the final cost of the thrift cleanup by billions of dollars. I fully realize that much of the net loss from the thrift crisis occurred when insured institutions became insolvent and that loss cannot be recovered. Nevertheless, the value of assets acquired from insolvent thrifts can be further dissipated if the RTC fails to protect those assets, or moves too slowly to sell them, or sells assets in a way that discourages potential buyers. In short, the ultimate cost of protecting insured deposits in thrifts will depend, in part, on the RTC's performance and efficiency.

Congress has a responsibility to oversee the performance of the RTC, and independent audits may be the most important tool we have in fulfilling that responsibility. More importantly, taxpayers have the right to know that the cost of the thrift crisis cleanup has been minimized wherever possible. Again, independent audits are a fundamental source of information for taxpayers about the cost and current status of the thrift cleanup.

RTC Chairman William Seidman testified before the House Budget Committee on June 27 that he expects the RTC to have used all but $5 billion of the $80 billion previously approved by Congress to cover net losses from the thrift crisis. If that estimate is correct, the RTC will exhaust its existing net loss funds sometime in October. The administration has requested an additional $80 billion for net losses, bringing the total to $160 billion. The administration hopes that this will allow completion of the cleanup.

I believe it is inappropriate to approve additional financing before we understand how previous net loss funds have been used by the RTC. We owe it to the taxpayers and to ourselves to ensure that the GAO's 1990 audit of the RTC is completed. Our bill simply blocks the use of any new funds until the GAO has completed the audit required by law. If it is completed before we are asked to vote on additional funds for the RTC—and I certainly hope it will be—then the limitation in our bill would not go into effect. However, if the administration's request for additional net loss funds begins to move through the legislative process before the audit is complete, our bill will provide a safeguard in case the GAO audit uncovers something that should be corrected through legislation before any additional funds are used by the RTC. At a minimum, our bill indicates to the administration, to the RTC, and to the GAO the importance the Congress attaches to the RTC's financial accountability and performance.

I hope you will join Congressman ECKART and myself in ensuring that the GAO audit of the RTC is completed and in providing a basic safeguard for the taxpayers.

INTRODUCTION OF COLLEGIATE ATHLETIC REFORM ACT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, during the last 100 years, the U.S. Government has intervened in intercollegiate sports at those times when the athletic leaders either cannot, or will not, reform the system. In 1905, the use of the flying wedge in college football caused 18 deaths, prompting President Theodore Roosevelt to demand a cleanup of the sport which resulted in significant rule changes that reshaped college athletics. In 1972, Congress passed title IX, which required colleges to spend an equal amount of money on women athletics as they spend on men's athletics. In 1978, a House subcommittee spent 9 months investigating the NCAA's enforcement division after stories of abuses arose. And in 1990, the Congress passed the Student Right to Know and Campus Crime Act, which required the reporting of graduation rates.

The main thrust of reform to college athletics has often come from outside the traditional athletic system. Today's numerous scandals, arbitrary penalties, and the NCAA's hodgepodge rules raises the question whether college athletics can heal itself or whether it needs outside surgery.

Intercollegiate athletics is facing a myriad of problems. The American public has lost confidence in its fairness; student-athletes in big-money sports spend more time with play books than with text books; and the money flooding the system is perverting the delicate balance between academics and athletics.

The NCAA's response to the crisis has been inadequate: Its members have promulgated an ironic system of rules that severely penalize the most minor infraction while ignoring the larger, corrupt practices which are evident in the system. While students are prohibited from receiving a small stipend to cover normal living expenses, NCAA staff fly in a private jet around the Nation setting up billion-dollar television contracts.

I am a product of the intercollegiate athletic system and I genuinely believe it still offers a host of benefits for those student-athletes who participate. Yet, the problems, as I see it, is that the NCAA has been tinkering around the edges with small rule changes instead of leading the call for reform. In 1987, when Congressman ED TOWNS, Senator BILL BRADLEY and myself introduced the Student-Athlete Right to Know Act, which became law in November, NCAA representatives objected to the simple graduation rate reporting requirements as intrusive and cumbersome.

To be fair, NCAA executive director, Dick Schultz, should be commended for developing an initial agenda for addressing the matter. There is no question that he has a difficult task ahead of him and that he is working very hard to achieve reform. However, the NCAA, in general, has been too resistant in adopting a new model for college sports.

That is why, today, I am introducing legislation which would impose comprehensive reform on intercollegiate athletics. It gives more power to college presidents and provides them with the mandate necessary to reform the system. In addition, it requires a system of revenue distribution that does not reward those schools who happen to win basketball and football games, but rather, rewards those schools who concentrate on the academic performance of their student athletes, and who develop balanced athletic programs for their men and women students. The key to reforming intercollegiate athletics, I believe, is getting a handle on the money. Unless we control this pervasive influence in college athletics, the incentive to cheat will always be present.

I won't go into every detail of the bill at this time, however, I will state my overall goal. The legislation seeks to restore education as the primary goal of our institutions of high learning. If these institutions continue to act as businesses, only concerned with increasing ticket sales and maximizing profits, then I believe they should be taxed as such. The bill establishes general guidelines for a new revenue distribution formula, but gives the college and university presidents the power to establish the formula in a way that takes into consideration the diverse nature of athletic programs.

Most of the proposals in this bill are not new. They have been part of the reform debate for most of this century. Some were proposed by the Knight Commission in 1990, only to be criticized by NCAA officials. Some were proposed by college presidents in 1983, only to be defeated by the NCAA convention. And, the general incentive for the bill can even be found in the 1929 report from the Carnegie Fund for the Advancement of Teaching when it said that recruiting had become corrupt, education was being neglected, and commercialism reigned king; 62 years later, these problems are still with us.

There are those who believe that Congress has no place for tinkering with the system of intercollegiate athletics. Yet, let's not forget that the NCAA is often in the halls on Capitol Hill, seeking legislative help on a variety of issues. For example, legislation was introduced earlier this year which would clarify colleges' tax status with regard to bowl games. One doesn't hear the NCAA complaining about this beneficial Federal intervention.

I would argue that stakes are too high to sit by while the svstem continues to erode. The taxpayers have invested too much in higher education to see their investment diminished by scandal after scandal in intercollegiate athletics. The time to act is now.

SCIENTIST AND HUMANITARIAN: DR. ROGER REVELLE

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. LOWERY of California. Mr. Chairman, I ask that you and my colleagues join me today in honoring one of, if not the greatest scientist that San Diego has ever known, the greatest oceanographer the world has ever known: Dr. Roger Revelle. Not only a dedicated, proficient scientist, Dr. Revelle was a caring humanitarian, continually searching for ways to use his knowledge and experience to help others. Dr. Revelle died at age 82 on July 15, 1991, in San Diego of complications related to a cardiac arrest.

Dr. Revelle's list of incredible accomplishments and service to society starts as early as 1936, when he received his Ph.D. in oceanography. Along with contributing immensely to the fields of marine sciences, ocean exploration, population dynamics, and international scientific cooperation, Dr. Revelle would go on to establish the concepts of global warming and plate tectonics.

Dr. Revelle was the primary impetus in founding the University of California, San Diego campus and served as director of the University's Scripps Institution of Oceanography from 1951 to 1964. Teaching at UCSD right up until the time of his death, Dr. Revelle served the university, the students, science, and humanity as a whole without considering the idea of retirement.

Dr. Revelle served in the Navy during World War II as officer in charge of the oceanographic section of the Bureau of Ships. During his tenure as director of Scripps Institution of Oceanography, Dr. Revelle and his colleagues developed a theory that molten rock was moving under a thin crust on the bottom of the ocean. This formed the foundation for theories of plate tectonics.

Dr. Revelle has been known as the "granddaddy" of the theory of global warming. After studying micro-organisms in the sea, he and another Scripps researcher warned of the perils of the increasing levels of carbon dioxide in the atmosphere.

In 1961, Dr. Revelle made a dramatic career switch that would have impressed even Benjamin Franklin. Pursuing new opportunities to serve society, Dr. Revelle became the science advisor to the Secretary of the Interior. President John F. Kennedy appointed him head of a panel charged with studying the problems of land and water development in the Indus River Basin of west Pakistan. In this capacity, Dr. Revelle helped develop plans to increase agricultural productivity in a low technology region of the world.

Continuing his studies of land, water, and energy resources and population growth, Dr. Revelle founded and headed the Harvard Center for Population Studies, in 1964. He was always the innovator, always the initiator. Supplementing his raw scientific capacity and his humanitarian tendencies, Dr. Revelle had an extraordinary knack for envisioning and coordinating new projects.

Between 1975 and 1978, Dr. Revelle made the transition back to UCSD and oceanography. Through the years, while receiving scores of awards and special commission positions, he maintained the air of a humble statesman of science. For example, after President Bush awarded him the National Medal of Science, he proclaimed, "I was never very well-educated." If he was not well-educated, he certainly made up for it, putting all his faculties to invaluable use.

Mr. Speaker, we have lost a modern hero, an American who studied the world and who changed it. His contributions to our planet are immeasurable, his legacy profound.

A TRIBUTE TO MR. ANDREW McNULTY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Andrew McNulty of Burke, VA for rising to the rank of Eagle Scout. He recently fulfilled all the requirements for the Eagle Scout and will be recognized for his efforts at a ceremony in August 1991.

The rank of Eagle Scout is achieved by very few Boy Scouts. It is the result of many hours of hard work and dedication. It specifically requires that each Scout plan and perorm a public service project of his own choice.

For his Eagle Scout project Andrew McNulty organized a blood drive to support our troops in Operation Desert Storm. Andrew McNulty's blood drive was a great success. He collected 38 units of blood out of a targeted 40 units, for a 95 percent success rate.

It is with great pleasure that I commend Andrew McNulty for this outstanding achievement. I extend my warmest wishes to Andrew for equal success in all of his future endeavors.

TRIBUTE TO MIKE MASARU MASAOKA

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. MAVROULES. Mr. Speaker, I rise today, like my colleagues, to honor the life and achievements of a great American Mike Masaru Masaoka. Mr. Masaoka gave tirelessly to the fight for civil rights for fellow Japanese-Americans that were forced into internment camps during World War II.

Unwavering dedication to his country as a member of the 442d Regimental Combat Team while other Japanese-Americans struggled in the camps, locked up, is testimony to his faith in America. The 442d became the Army's most decorated unit, with Mr. Masaoka receiving the Bronze Star, the Legion of Merit, and the Italian Cross for Military Valor.

Mr. Masaoka worked hard in persuading Congress to pass the Evacuation Claims Act of 1948, which was an attempt to pay back losses suffered by the internees. In 1950, he again fought for the cause of the Japanese-American by lobbying for the repeal of the Japanese Exclusion Act of 1924 which prevented Japanese immigrants from owning land and gaining United States citizenship.

The work of Mr. Masaoka has become a reality. The injustices suffered by the internees have begun to be righted. Never again must a group of American citizens be subjected to this kind of treatment. Through the efforts of Mr. Masaoka, we as a nation have recognized our mistakes and have finally sought to provide retribution for the mistreatment directed toward an entire ethnic group purely for political reasons.

INCOME DISPARITY: THE WIDENING GAP AND WHAT DO WE DO ABOUT IT?

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. SABO. Mr. Speaker, today I have introduced the Income Disparities Act of 1991 to address a serious problem in our society. In the last two decades we have experienced a dramatic shift in the distribution of incomes in this country. The 1991 Green Book put out by the House Ways and Means Committee graphically illustrates these changes. In 1977, the combined after-tax income of the bottom 40 percent of all Americans was more than double the total after-tax income of the richest 1 percent. In 1988, by contrast, the after-tax income of the richest 1 percent was equal to the combined after-tax income of the bottom 40 percent. This is a very serious problem for our society and it needs to be addressed.

My legislation deals with one aspect of the problem, excessive executive salaries. In 1960, it took the salaries of 41 factory workers to equal the salary of the average CEO. In 1988, according to Business Week, it took the combined salaries of 85 workers. This dramatic dispartiy in salaries has helped restore income inequality to its highest level since World War II, reversing several decades of progress. And this is occurring at the same time our economy no longer supports lower-paid urban wage-earners, forcing many to turn to the Government for critical support.

The maldistribution of incomes is not a new problem in the annals of history. Four hundred years before the time of Christ, Plato suggested that no one in a community should earn more than five times the pay of the ordinary worker. In the 1980's—2400 years later—management guru Peter Drucker suggested that CEO's should not earn more than 20 times as much as the company's lowest paid employee. Although there is no magic number for this relationship, there should be some balance between the pay of top executives and their employees.

The bill I am introducing would disallow business tax deductions for executive salaries in excess of 25 times the salary of the lowest-paid employee in the same organization. This proposal does not deal with nonsalary compensation such as royalty payments. Clearly, if an individual invents or develops something new, his rewards cannot be measured in relationship to that of other workers. However, it is difficult to believe one individual can be worth so much that he or she warrants a salary of 50 to 100 times other workers in the same business.

If employers want to compensate their high-level executives extravagantly, the taxpayer should not have to subsidize those levels of pay through business tax deductions. I have proposed 25 times because that is approximately the relationship of the President's salary to the minimum wage. While my proposal would not stop excessive salaries at the top, it would end indirect support of them through the corporate income tax structure. It would make a clear statement that the public policy of this country does not support extreme distortions in the incomes people make and it would reaffirm the fundamental dignity that the Government affords to all working people, including those at the lower end of the income scale.

The increases in income disparities of the last decade are clearly out of control and must be turned around. My proposal is one step in that direction.

THE INTRODUCTION OF THE CONSERVATION AND ALTERNATIVE ENERGY SUPPLY ACT

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mrs. UNSOELD. Mr. Speaker, in 1980, Congress had the foresight to enact a unique resource planning guide to help encourage conservation and efficiency in the use of electric power, and the development of renewable resources within the Pacific Northwest. The Northwest plan has been a tremendous success, and future projections for energy savings will help maintain a reliable and least-cost energy supply for Northwest citizens.

But is this Nation really doing all it can to promote conservation as a resource capable of enhancing energy independence? Do we know the facts concerning the potential benefits of conservation, and are we implementing, aggressively enough, renewable and less-polluting energy technologies? I believe current national energy policy fails to recognize the benefits of conservation, and this is why I am today introducing the Conservation and Alternative Energy Supply Act.

A sound and balanced national energy strategy is of critical importance to national security, economic prosperity, and the environment. A strategy which seeks to boost the development of new petroleum resources from environmentally sensitive areas will serve only to prolong America's dependence on oil while furthering environmental degradation and instability. My bill will help to identify how cost-effective conservation can serve immediately to reduce oil imports, limit environmental degradation, and provide the Nation with time to adapt to uncertainties in future energy supplies. Production without conservation is like flushing oil down the drain. It flies in the face of common sense and makes a farce of the call for domestic energy security.

The purpose of this bill is to ensure that Congress has sufficient information regarding the costs and benefits of the full array of energy options, especially the potential contribution of conservation and renewable alternative energy resources, to make sound and informed national energy policy decisions. The basic provisions of the bill are as follows:

Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report evaluating the potential contribution of cost-effective conservation and other energy alternatives which can help meet national energy and environmental demands on a consistent basis. The Academy shall also rank the energy options and make recommendations for implementing these options.

In evaluating the potential contribution of conservation as a prime energy resource, the Academy shall take into consideration the procedures set forth in the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96–501, or a similar proven resource management plan. The Academy shall estimate the energy savings realized by a nationwide program of implementing aggressive yet cost-effective conservation measures and resources including increased efficiency in the transportation sector through higher fuel efficiency standards, reduction of transportation speed limits, advanced vehicle propulsion technologies, and alternative transportation systems, and increased efficiency in the utility, residential, commercial, and industrial sectors through building weatherization upgrades, lighting retrofits, industrial motor improvements, and power transmission and generation upgrades. The Academy also shall identify the financial and regulatory barriers to energy conservation, and shall provide a list of potential and proven conservation measures and resources.

The Academy shall identify and evaluate the potential contribution of all other cost-effective energy alternatives, including renewable energy technologies, the use of substitutes for oil in the transportation sector, the accelerated production, and more complete recovery of petroleum from existing fields using innovative advanced oil recovery technology, and the production of oil from explored and proven, yet undeveloped, domestic fields.

Upon evaluating the contribution of conservation and other energy alternatives, the Academy shall rank all measures, resources, and potential alternatives on a least-cost comparative basis. This comparison must include the true cost of an energy resource including the direct costs of capital, financing, fuel, operation, decommissioning, and disposal of byproducts combined with the quantifiable environmental and health costs and benefits of energy production and use, and taking into account the financial subsidies. The Academy also shall consider the national security benefits of diversified energy resources and the public and environmental benefits and costs of renewable and less-polluting resources. Rankings shall include the projected costs of petroleum from Federal lands under consideration for development, based on current economic and oil price assumptions and cost estimates of exploration, development, transportation, mitigation, and reclamation.

The bill requires the Academy to make recommendations, including specific directions, for implementing the most cost-effective measures, resources, and alternatives under conservation, including statutory or regulatory structures and reward energy efficiency, technical, and financial assistance to encourage maximum voluntary cost-effective conservation and the attainment of cost-effective conservation objectives, demonstration projects to determine the cost effectiveness of conservation measures, and changes in energy research and development priorities and funding.

CLEVELAND'S UNEMPLOYMENT CRISIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. STOKES. Mr. Speaker, I rise today to bring to the attention of my colleagues a collection of newspaper articles published by the Cleveland Plain Dealer. These articles ran as part of a series looking at the unemployment crisis facing Greater Cleveland.

This second group of articles considers the roles of education, segregation and racism in the propulsion of this wave of joblessness that has come over Cleveland. They also point out, however, that unemployment is not an unfamiliar creature in Cleveland, and that Federal assistance is becoming sparse.

Mr. Speaker, unemployment is not unique to Cleveland. It is a problem nationwide that we, as representatives of the people, must tackle.

I want to thank the Cleveland Plain Dealer for distributing this information, and I want to urge my colleagues to read this most intelligent and intriguing work.

LACK OF EDUCATION, SEGREGATION, RACISM FUEL UNEMPLOYMENT

(By Norman Parish)

When employment counselor Charles Britton talks about the reasons some of his clients aren't getting jobs in Cleveland, it sounds as if he is reading from a script.

The lines are familiar: education or lack of education, transportation or jobs outside the reach of public transportation and, in some cases, his clients possibly have the wrong skin pigmentation—black.

"They (problems) are all interrelated," said Britton, director of the Greater Cleveland Opportunities Industrialization Center. "They are not easy to fix. There is no quick fix. But these problems exist."

Experts agree. Segregation, education and racism were repeated over and over again as reasons for the city's unemployment problem. Experts also were quick to point out another major influence in the city's unemployment tale: disappearing manufacturing jobs.

Last year's overall unemployment in Cleveland was 13.8%, while the black unemployment rate (20.7%) was more than double the white rate of unemployment (9%).

"Basically, what has happened is that the city has lost blue-collar jobs and there has been a substantial growth in information-processing jobs," said John Kasarda, director of the Kenan Institute of Private Enterprise at the University of North Carolina in Chapel Hill.

The change to jobs requiring more education started in the 1970s. By 1980, one out of every five jobs in Cleveland was held by people with college degrees, Kasarda said. But that year only 4% of the black males who were out of school held a college degree, and only 6% had completed high school, he said.

"Many of the people we worked with we have to help with providing basic academic skills and work with attitudes," said Britton. But he said attitude also plays an important role in getting a job. "If a person has the right attitude then he will find that it is not as difficult to get a job. We also provide tutoring."

Britton said OIC helped find work for more than 6,000 people during the last 18 years.

"Schools play a very prominent role in unemployment," said Billy Tidwell, director of research at the National Urban League in Washington, D.C. "The more skills that you have, the better you are able to compete for jobs. That relationship is getting greater as the skills change. It is hard to get anywhere without a high school diploma."

But Tidwell also blames racial segregation and the loss of manufacturing jobs for the unemployment problem that plagues many of the nation's inner cities. During the early 1980s, Cleveland and other Midwestern cities suffered a substantial loss of manufacturing jobs, Growth Association reports show.

In the late 1970s, 30% of all area jobs were manufacturing related. Now, manufacturing jobs make up about 22% of all jobs in Cuyahoga, Lake, Medina and Geauga counties. In 1985, there were 211,000 manufacturing jobs, now there are about 200,000 association figures show.

"There are a number of things happening," said Peg Gallagher, director of research for the Growth Association. "Some jobs were obviously being cut. Some jobs moved out of the area. Some manufacturing jobs moved just outside of the central city in areas like Solon, outside the immediate reach of the central city."

Studies show that Cleveland is one of the most segregated cities in the country and that segregation aggravates the problem of black joblessness. One study—conducted in 1989 by the University of Chicago—reported that blacks were so isolated in housing patterns that the city ranked among 10 "hypersegregated" cities in the nation.

The result of such segregation is that most blacks in the 10 cities have hardly any contact with whites.

The report, based on 1980 census data, is by Douglas Massey, a sociology professor at the University of Chicago, and Nancy Denton, a former research associate at the Population Research Center, an independent social science research agency at the university.

The study examined the census data for 60 metropolitan areas for five measurements of segregation, ranging from percentages of minorities in residential areas to the amount of space occupied by a racial group.

The analysis showed that blacks were highly segregated in all five criteria in Cleveland, Baltimore, Milwaukee, Chicago, Detroit and Philadelphia. Blacks were highly segregated in four of the criteria in Gary, Ind., Los Angeles, Newark, N.J., and St. Louis.

The 10 cities accounting for one-quarter of all blacks in the country, were considered "hypersegregated."

"The high segregation of unemployment is because blacks are located where there aren't many jobs," Denton said. "They don't live where the jobs are and businesses aren't prone to move into black neighborhoods. Another problem is networks. If you live in neighborhoods that are all black and the blacks don't have any jobs and then it's difficult to find out where the jobs are. In neighborhoods where there is work, someone might say, 'Gee, my company has an opening.'"

Denton also cites a Knight-Ridder study last month that ranked Cleveland as the third most segregated metropolitan area in the country. The study, which is based on 1990 U.S. census data, said 66.6% of the area's black population lives in neighborhoods that are at least 90% black.

At least 85% of black people living in Cuyahoga County would have to change neighborhoods to be equally distributed in the county's neighborhoods, she said.

In the study, Chicago was the worst, while St. Louis ranked second worst for segregation. Both Chicago and St. Louis were cities that had high rates of black unemployment in 1990. In a U.S. Labor Department survey, St. Louis had the second-highest ranking black unemployment rate at 18.9%, while Chicago had the third worst at 18.6%

Troy Duster, director of the Institute for Social Change at the University of California in Berkeley, also blamers segregation for high black unemployment, along with blatant racial discrimination.

A 1983 study of high school graduates in New Jersey, Duster said, showed that black and white graduates with the same grade-point averages had seemed to have equal chances of finding manufacturing jobs but whites were four times as likely to be hired in the service sector.

"In the manufacturing sector of the economy, there has been a greater likelihood to employ blacks than in the service sector," Duster said. "The service sector is one where there is much greater contact between the employee and the public. It is everything from retail sales to working in a restaurant."

Earlier this week, a report by the Urban Institute found that young blacks interviewing for jobs were less likely to be considered than their white counterparts, even if qualifications were the same.

The report matched 476 pairs of young male job seekers in Washington, D.C., and in Chicago—one black and one white with virtually identical academic records, work experience and personality profiles. The candidates, the report said, were matched so closely that any difference in treatment "could only be attributable to race."

The report concludes that when all factors except race are equal, the white candidate moved further along in the job process 20% of the time, while the black candidate moved further only 7% of the time.

The Urban Institute is a private, non-profit research group. The study was funded by the Rockefeller Foundation.

James H. Johnson, professor of geography and director of the Center for the Study of Urban Poverty at the University of California at Los Angeles, agrees.

Johnson points not only to racial discrimination and segregation but also to blacks not continuing to press for equal rights in employment.

Some experts say that the current fighting over a federal civil rights bill also is a hindrance. If the bill is passed, it would overturn a half dozen Supreme Court decisions that made it more difficult for minorities to sue employers for discrimination.

"Blacks not only gained from affirmative action but white women probably gained more," Johnson said. "During the 1960s, blacks probably relaxed. And at the time, we talked about open housing. But housing affordability areas kicked in. Later, the price of housing went through the ceiling. This excluded a large number of people from getting houses, contributing to segregation."

SEVEN-COUNTY UNEMPLOYMENT FIGURES

[Figures reflect unemployment trends in the seven-county area for March, 1991 in counties and cities with more than 25,000 population]

Municipality	Labor force	Employment	Unemployment	Unemployment rate
Cuyahoga County	732,300	674,500	42,800	5.9
Brook Park	13,600	12,800	800	5.9
Cleveland	243,200	220,900	22,400	9.2
Cleveland Hts	29,300	28,100	1,200	4.0
East Cleveland	17,700	15,800	1,900	10.6
Euclid	32,000	30,600	1,300	4.2
Garfield Hts.	17,700	16,900	700	4.2
Lakewood	33,500	32,200	1,300	4.0
Maple Hts.	15,400	14,700	700	4.2
No. Olmsted	18,800	18,100	700	3.8
Parma	48,000	45,800	2,200	4.5
Shaker Hts.	16,700	16,200	500	2.8
South Euclid	13,200	12,800	400	3.2
Strongsville	14,600	14,000	600	3.9
Westlake	9,600	9,300	300	3.6
Geauga County	40,700	38,400	2,300	5.7
Lake County	118,600	110,800	7,900	6.6
Mentor	24,000	22,400	1,500	6.3
Lorain County	119,200	108,400	10,700	9.0
Lorain	30,500	27,300	3,200	10.4
Elyria	26,100	23,500	2,600	9.0
Medina County	61,400	57,200	4,200	6.8
Brunswick	15,300	14,200	1,100	7.3
Portage County	72,800	67,300	5,500	7.6
Kent	15,200	14,200	1,000	6.6
Stow	13,500	12,900	600	4.8
Summit County	260,400	242,500	17,900	6.9
Akron	112,200	102,500	9,700	8.5
Barberton	14,200	13,000	1,200	8.6
Cuyahoga Falls	23,400	22,200	1,200	5.1

Source: Ohio Bureau of Employment Services. Figures rounded to nearest 100.

WORKERS SAY POOR EDUCATION BARRIER TO JOBS

(By Michael Sangiacomo and Norman Parish)

When some white empoyees at the LTV Steel Co. were asked about the reasons for high unemployment among Cleveland's black and white residents, they blamed poor education and cheap foreign imports.

When some black workers were asked the question, they blamed education but added another reason for the high rate of unemployment among blacks—racism.

About 15 employees, selected at random, were interviewed in the LTV parking lot recently and asked for the working man's perspective of the unemployment situation in the city. With 6,500 workers, LTV is one of the largest employers in Cleveland

Black men said that while education was a major problem in getting jobs, blacks faced other obstacles to employment. They said the caliber of jobs offered to them often was not as high as those offered to similarly qualified white men.

"I would say that the types of jobs blacks and whites hold are one of the reasons why blacks have a higher unemployment rate", said Nate Overby, 45 of Cleveland Heights. "Those are often the first jobs to go. A lot of the blacks would be laborers and whites would have skilled jobs."

Overby, who is black, is a mechanic at LTV. He said that in his 24 years at LTV, he had seen conditions improve at his company and at other companies in the Cleveland area. "Thirty years ago, it was racist. But things are better now than before."

Sam Micham, 41, of Cleveland is an ironworker at LTV, He said big business in Cleveland had a self-induced black quota.

"There are a lot of different reasons, for black unemployment," said Mitcham, who is black. "Big business will only hire as many people as they have to, especially with blacks.

"We should find a way to create jobs for ourselves. We (the black community) have all the ingredients we need to go into business.

He said apathy and education were key factors for both black and white unemployment. "Most certainly there is an employment problem. There are people who want to work but can't work. There are people who have things and who are apathetic and don't care about other people.

"Cleveland schools are not doing an adequate job but neither are the parents," he said. "It is hard to teach when you have to spend time disciplining children. We need some morals and values instituted in schools."

Micham said more training would be needed to keep pace with the computer age.

All those interviewed agreed that there was a visible unemployment problem in the city. About half had grown up in the city and moved out, mostly citing educational deficiencies.

But some of the men said education deficiencies in Cleveland, particularly in the predominantly black sections of the city, were a form of racism. White people who could afford to have moved out of the city so their children could get a better education and have a better chance at jobs.

"I want my children to go to college," said Arvin Stewart of Lakewood, who is white. "They couldn't do that with Cleveland education."

They said the schools were just not preparing young people to enter a work force that grows more and more sophisticated.

"There was a time when we had jobs for unskilled, uneducated people as laborers," said Mark Tomasch, LTV spokesman. "Those days are gone. We don't have those jobs anymore. The number of jobs here for people without good math and reading skills is rapidly declining."

The workers have also seen the shift in the work force.

"You can't use your hands no more; you have to use your head," said Jack Jackson of Cleveland, who is black. "A man isn't going to put you on a new $5 million machine unless he knows you can run it."

Tom Loy of Lagrange grew up in Cleveland but moved out of the city.

"Education is very important," said Loy, who is white. "That's what I try to emphasize to my kids. To beat the unemployment problem, we need a better school system, better teachers who are paid more, paid what they are worth. Some teachers are not so good and shouldn't be paid as much. They have our children one-third of the day; what they do is vital.

"When I went to school in Cleveland, we had a dress code," he said. "We had discipline. Now there is no dress code, no discipline, and there are guards in the halls. That's no way to run a school system."

Tom Pennington lived on Cleveland's West Side for 17 years before he moved to Brunswick.

"I don't think the teachers in the city have enough power," said Pennington, who is white. "They are scared of the kids they are trying to teach. It was different 20 years ago. You could get a job without an education. That isn't true anymore."

Jackson, a 59-year-old truck driver who has worked at LTV Steel for 11 years, said the problem was a little of everything. "There is unemployment because you have a lot of foreign work out there. And a lot of blacks are the last hired and the first fired.

"But education is the main problem," he said. "A lot of blacks don't go to school. I don't think racism has a lot to do with it now (unemployment). You can't use your hands anymore. You have to go to school. All the jobs are now computers. And it's not who you know, but what you know."

LANDING NEW JOB CAN BE WORST JOB, OBES WORKER SAYS

(By Michael Sangiacomo)

For the last 25 years, Irene Richardson's job at the Ohio Bureau of Employment Services has been to find jobs for others. She's helped more than 25,000 people in that time.

Some days are better than others. Sometimes she's able to help people turn their lives around. But whether she succeeds in helping an unemployed person actually land a job or not, she believes she has helped.

"I feel like I have helped them all," she said. "I listen to them, help them find jobs and give them the support they need to keep going."

Marie Sudduth, her friend and co-worker at the Maple Heights OBES office for 24 years, believes eventually, they can find jobs for most people.

"If they are sincere about wanting work, we can help them," she said. "Some admit they really don't want to work and are only here because they were told to look for work by the department of welfare. Others don't start looking until their 26 weeks of paid unemployment benefits are about to run out.

"I have good people that I know I can eventually place in a job if they can just hang on and not get discouraged," she continued. "It's hard for them."

Richardson and Sudduth seem to be typical of the OBES workers in the four Cuyahoga County branch offices that handle Cleveland area residents.

She said people with skills are easy to place, but for the unskilled it takes luck and perseverance. They go through frequent interviews and tests to determine what kind of work they can handle.

"Most of the jobs we deal with are lesser-paying jobs, $20,000 a year and down," Richardson said. "But we've had former presidents of companies who made $100,000 a year come to us for help. I have helped some people get several jobs over the years."

Workers at OBES offices around the county say the never-ending flow of job seekers can be depressing, and the workers have to insulate themselves from the cold reality of unemployment.

"If we get too emotional over one or two people, we won't be able to help all the others," said an OBES worker. "We have to work as hard as we can with as many as we can."

But other workers said the job gets very frustrating when it's apparent that qualified people get passed over because of the color of their skin.

"I get very frustrated," said one worker, who asked not to be named. "I'm not God, I can't solve the unemployment problem. Sometimes I send someone out on a job interview and I know he's perfect for the job. But I know he won't get it because he's black. Of course it's done very subtly. No company will come right out and say they don't want to hire minorities, but they manage to get the point across.

"The sad part is, the applicant knows exactly what happened," the worker said. "They don't need me to tell them, they've already figured it out.

"It breaks my heart."

Part of the job is to be honest with people about what might be keeping them out of the job market.

"One man came in wearing tons of jewelry," Sudduth said. "He had bracelets, necklaces, chains, rings. It looked bad. I told him he should remove it before going to an interview."

Other people don't want to be helped.

"Another man came in here for a job looking like a Hell's Angel," said Sudduth. "He wore a leather jacket, had long hair, tattoos up and down his arms, which stood out because he wore a T-shirt. He was a real rough looking guy. He was looking for a job in accounting. I almost told him to clean up before the interview, but he didn't bother. I mean, he had to know what he was doing. I don't think he really wanted the job."

The OBES workers repeated a litany that was heard all over the city—times have changed for the working man and woman.

"Before 1980, if you worked at a place for five years you were there for life," said Sudduth. "The layoffs were terrible, but they were not that common. These days layoffs are very common and no one, no matter how long they have worked at a compny, can feel secure."

Lately, we have been getting a lot of people coming in, many of them laid off after 20 years on the job," said Richardson. "They are very down. Their self-esteem is gone. They thought they would work there forever."

They tell the newly unemployed to get up, dust themselves off and start working on what may prove to be the hardest job of all—finding a job.

"We tell them what we can do to help," said Richardson. "But we also tell them what they can do to help themselves."

CITIES FACING URBAN CRISIS FIND THEY'RE ON THEIR OWN

(By Jonathan Walters)

The words "urban crisis" have returned to the American vocabulary, a quarter-century after rioting in Watts and Harlem first placed them there. The problems seem just as intractable as they did in the mid-1960s. The rhetoric sounds almost identical. But the situation is different.

In the 1960s, there was presumption generally—and in Washington, specifically—that something had to be done to improve the lot of cities and those who lived in them. There is no such presumption today.

Urban activists are beginning to realize that help for cities is not imminent. Even mayors who still make the old pilgrimage to Washington begging for dollars seem slowly to be facing that reality. More are looking inward, as fiscally and socially painful as it might be, for ways to get the job done.

"The politics are very different now," says Richard Nathan, director of the Rockefeller Institute of Government and author of "A New Agenda for Cities."

"Cities are perceived as dangerous places full of people who don't vote and who don't have any advocates."

Says Mayor Michael White of Cleveland: "Big cities are becoming a code name for a lot of things: for minorities, for crumbling neighborhoods, for crime, for everything that America has moved away from."

Figures from the 1990 census show the raw numbers of urban decline over the past few decades.

Detroit's population was 1,670,000 in the 1960 census; now it is 1,028,000. Chicago lost 7.4% of its population in the last decade alone; Newark, already decimated, lost an additional 16%. New York City managed to register a small gain in the 1980s, but only after city officials persuaded the census to make a number of adjustments, including higher estimates of the number of probationers and prison parolees.

The overwhelming majority of those leaving cities have been the people who deliver political clout: middle-class whites.

Atlanta, almost even in racial terms 20 years ago, is now 31% white and 67% black. In the same period, its population went from 497,024 to 394,017, a 20.7% decrease, while that of the surrounding metropolitan area increased 173.1% from 893,140 to 2,439,494.

Of course, the depopulation of many big cities is in large measure a sign of success: Helped by open housing opportunities and the fading of employment discrimination, minorities have moved out. But the cities become worse off as they empty and as the concentration of poor people left behind increases.

The departure of the politically crucial middle class, black as well as white, has made it easier for Congress and a series of presidents to ignore the mayoral pleas for help.

"When I was growing up," says White, "a mayor could get on the phone to a department head in Washington and say, 'Hey, you can't do that to Chicago.' Now we don't have that power."

The current mayor of Chicago, whose father was no doubt the man White had in mind, puts it even more bluntly. In bygone days, says Richard M. Daley, congressional candidates who didn't have the benediction of mayors didn't get elected. Today, he says, "the political machinery is gone." And with it, clout in Washington.

So the most important point about cities in the 1990s is not a startling one: They are on their own. Their role and the way they do business will be changing as a result.

Given the political difficulty of raising taxes (and the risk that doing so will merely drive more residents and businesses out), cities will increasingly be cutting costs and services.

As a first step, more will be making such top-to-bottom management reassessments as those recommended in "Financing the Nation's Capital," a report of the D.C. Commission on Budget and Financial Priorities, released last fall. It outlines numerous ways to streamline the city's management structure, one that suffers from a classic case of "too many chiefs and not enough Indians," says commission chairman Alice Rivlin.

Statistics suggest that Washington is not the only major city that could be more cheaply run. The variation in administrative costs among cities of similar size is enormous and seems to be based as much on politics as on management needs. Boston, for example, spends almost twice as much per capita on its administration as Pittsburgh, delivering roughly comparable services.

The implication of the Rivlin report and other recent research is that cities will be shedding staff in the 1990s while contracting out services.

"If San Francisco can contract out its entire finance department, there's not much a city can't contract out," says Terry Clark, coordinator of the Fiscal Austerity and Urban Innovation Project at the University of Chicago.

George Peterson of the Urban Institute thinks city administration in the future will be leaner institutions that primarily consider bids and let contracts. That will place an even greater premium, of course, on the hiring of top-quality managers and the willingness to pay what it takes to attract them.

But management audits and contracting out will save only so much. The next step is cutting services. Some urbanologists think the most hard-pressed cities may have no choice but to retreat toward the basics: fire, police and education.

The rest would have to be picked up by the private sector, volunteer groups, whomever.

But the back-to-basics movement is not one that excites many mayors.

"So, I'm going to tell 12,000 homeless people in my city to go to hell," Mayor White says sarcastically. "And then there are the 86,000 people who call us each year for our emergency medical services, and I'm going to tell them to go to hell, too, because we're going back to police and fire and education.

Cities, of course, are not going to abandon efforts to help their poor, but more of that help will be limited, and progress will be measured in small numbers of people making incremental advances.

Targeting of diminishing assistance will be critical.

The New York State Department of Social Service is experimenting with the use of computerized geographical information systems to map the urban poor and pinpoint the services available to them within a defined area. At the same time, charitable groups and businesses will be called on to shoulder an increasing share of the burden.

But it is hard to find any expert in the field who believes that the size of the underclass or the level of poverty in the inner city is going to be reduced in the near future.

"In the short run, I'm very pessimistic," says Anthony Downs, a housing specialist and senior fellow at the Brookings Institution in Washington. "And for me, the short run is 20 years."

HIGH RATE OF UNEMPLOYMENT NOT NEW IN LORAIN COUNTY

(By Frances Robles)

While the rest of the country talks about the recession crippling the economic, Elyria Chamber of Commerce President Esteile Dobrow isn't worrying.

She has seen it before.

"Quite honestly, we've been in a mini-recession since I started here 13 years ago," Dobrow said. "There's been a slowdown the past few months, an economic downturn. But we're used to it."

Dobrow isn't being pessimistic. She is just looking at the facts.

Though Lorain County's 9% unemployment rate in March may seem bad, it's significantly better than January's rate of 14.4%.

Figures released by the Ohio Bureau of Employment Services show the unemployment rate dropped six percentage points in the county's largest cities, Lorain and Elyria, from January to March.

In January, Lorain topped the state with 16.4% of its residents without jobs, compared to the most recent figures in March, showing 10.4% unemployed.

Elyria was second in the state in January with an unemployment rate of 15.7%. In March, that figure dropped to 9.9%.

Experts agree that the reason for Lorain County's high unemployment is the 7,500 people who rely on the often slumping auto industry for jobs. The auto industry, some say is directly responsible for monthly swings in unemployment figures because it often lays off workers on a week-to-week basis.

"If you're unemployed for a week, you're a statistic for a whole month," said Frank DeTillio, president of the Lorain County Chamber of Commerce. "Those figures are a gauge of something, I just don't know how much I trust them."

Dobrow doesn't trust the figures either. She says the unemployment numbers are misleading because even when auto workers are unemployed, their buying power doesn't suffer too badly. Unemployment benefits and supplementary pay from local unions together given workers about 95% of their regular wages, Dobrow said.

"Figures paint a poorer picture than has actually occurred." she added.

DeTillion says that on the other hand, figures could be too low because only people receiving unemployment benefits are counted. If people are out of work for more than 26 weeks, they are no longer counted as unemployed.

CONCERN REGARDING ADVANCE DIRECTIVES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1991

Mr. DONNELLY. Mr. Speaker, an article in the Washington Post last week suggested that health care facilities and nursing homes are having difficulty meeting the requirements of last year's budget legislation concerning living wills. I had predicted that problems would occur with these provisions. Earlier this year I introduced H.R. 566, legislation which would substantially modify the living will provisions of last year's budget legislation.

A comprehensive study was completed by the New England Journal of Medicine that examined the prospects of advance directives for life-sustaining care. This study points out the problems that could arise with the Federal legislation and confirms the predictions that I have with this legislation.

The study states that once a patient is transferred from one health care facility to another, the living will is not frequently transferred into the new medical record. It is common for patients to transfer to different facilities during their period of care. A major problem occurs when interpretations of the provisions of the living will are not consistent from one health care facility to another.

In 75 percent of the cases, care was less aggressive than the patient's wishes where care was inconsistent with the provisions of the living will according to the study. The study concluded that in the presence of an advance written directive, inconsistent care occurred more often even after the presence of a living will in the medical record.

The study strongly suggests that advance directives, such as living wills, are no assurance that the wishes of an incompetent patient will be followed by health care facilities. Mr. Speaker, that is why I have urged the passing of H.R. 566, and will continue to do so. I hope that many of my colleagues will agree with my position on this matter. This legislation has also been endorsed by the Daughters of Charity National Health System which is a national organization representing Catholic hospitals.

Mr. Speaker, I ask unanimous consent that this study be included in the RECORD at this point. Its final sentence sums up my feelings on why we should tread with care on this issue: "the use of—advance—directives is in its infancy, and we need to define and grapple with their limitations before we can use them optimally."

[From the New England Journal of Medicine, Mar. 28, 1991]

A PROSPECTIVE STUDY OF ADVANCE DIRECTIVES FOR LIFE-SUSTAINING CARE

(By Marion Danis, M.D., Leslie I. Southerland, M.P.H., Joanne M. Garrett, Ph.D., Janet L. Smith, M.P.H., Frank Hielema, Ph.D., C. Glenn Pickard, M.D., David M. Egner, M.A., and Donald L. Patrick, Ph.D., M.S.P.H.)

Abstract Background: The use of advance directives is recommended so that people can determine the medical care they will receive when they are no longer competent, but the effectiveness of such directives is not clear.

Methods: In a prospective study conducted over a two-year period, 126 competent residents of a nursing home and 49 family members of incompetent patients were interviewed to determine their preferences with respect to hospitalization, intensive care, cardiopulmonary resuscitation, artificial ventilation, surgery, and tube feeding in the event of critical illness, terminal illness, or permanent unconsciousness. Advance directives, consisting of signed statements of treatment preferences, were placed in the medical record to assist in care in the nursing home and to be forwarded to the hospital if necessary.

Results: In an analysis of 96 outcome events (hospitalization or death in the nursing home), care was consistent with previously expressed wishes 75 percent of the time; however, the presence of the written advance directive in the medical record did not facilitate consistency. Among the 24 events in which inconsistencies occurred, care was provided more aggressively than had been requested in 6 cases, largely because of unanticipated surgery or artificial ventilation, and less aggressively than requested in 18, largely because hospitalization or cardiopulmonary resuscitation was withheld. Inconsistencies were more likely in the nursing home than in the hospital.

Conclusions: The effectiveness of written advance directives is limited by inattention to them and by decisions to place priority on considerations other than the patient's autonomy. Since our study was performed in only one nursing home and one hospital, other studies are necessary to determine the generalizability of our findings. (N Engl J Med 1991; 324:882–8.)

The practice of medicine in the United States is imbued with the principle that patients have the right of self-determination.[1,2] The most supreme exercise of this right occurs when patients consent to life-sustaining treatments or refuse them.[3] Unfortunately, patients are often incapable of participating in the decision to use life-sustaining treatments when the need arises. To preserve their automony in such situations, advance directives such as the living will have been created.[4,5] Advance directives allow competent persons to extend their right of self-determination into the future, by recording choices that are intended to influence their future care should they become unable to make choices.[6] Despite wide advocacy of advance directives[5,8] and their legalization in 40 states, there is no information on how well they accomplish their purpose. Only anecdotal reports[9] and surveys of the attitudes of patients and physicians are available.[10] We therefore conducted a prospective study to examine the effectiveness of these directives.

METHODS

Study Subjects

All patients residing in a 120-bed skilled-care and intermediate-care nursing home in central North Carolina for at least one week between April 1, 1986, and July 31, 1987, were elibible to participate. The nursing home is licensed in North Carolina and certified for participation in the Medicaid and Medicare programs.

Patients were included in the study if they gave consent, and those incompetent to do so were included if their family members consented to the patient's participation. A patient was considered competent to give informed consent if, after being read the introductory explanation of the project, the pa-

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[1] Footnotes at end of article.

tient (1) stated, on being asked, that he or she understood the project, (2) could paraphrase the introductory explanation, and (3) could sign or mark the consent form. These same criteria were used to judge the patient's competence to create an advance directive.

For each patient in the study, a family member or another surrogate also participated whenever possible. If the patient was compentent to be interviewed, he or she designated the surrogate decision maker. If the patient was not competent to be interviewed, the selected surrogate was the person identified in the nursing home record as being financially responsible for the patient.

Questionnaires

The survey instrument included demographic questions about the patient's age, race, sex, education, and marital status. To ascertain their general preferences regarding life-sustaining treatment, the patients were asked which of the following statements they agreed with: "I want my doctor to keep me alive no matter how sick I am" or "There will be a time when I want my doctor to stop keeping me alive."

The patients were then asked about their specific preferences with respect to hospitalization, intensive care, surgery, cardiopulmonary resuscitation, and artificial ventilation under each of three circumstances: critical illness, terminal illness, and permanent unconsciousness. In addition, they were asked about their wishes with regard to tube feeding in the event of permanent unconsciousness. The surrogates were asked a parallel series of questions in order to determine their general preferences and specific treatment choices on behalf of the patient. Before being questioned about specific preferences, the patients and surrogates were read descriptions of intensive care, cardiopulmonary resuscitation, and artifical ventilation.

Critical illness was defined as a condition of extreme sickness involving a disease that could improve with medical treatment. Terminal illness was defined as a condition in which a person is dying with a disease that cannot get better no matter what the doctor does. Permanent unconsciousness was defined as a condition from which the person will never awaken. In the case of treatment, the respondents could choose (1) to have the treatment, (2) not to have the treatment, (3) to allow their doctors to decide, (4) to allow their families to decide, or (5) to make some other choice of their own. Cue cards labeled with each of the medical conditions, treatments, and possible choices were used during the interview. (The questionnaire is available on request.)

Documentation of Preferences

A statement was prepared for each patient that was based on the preferences expressed during the interview. The statement included the specific choices of treatment, the names of the surrogate decision makers chosen by the patient, and the statement of the patient's general preference (see the Appendix for a sample preference statement).

After the statements had been read to the patients, they were asked whether they still agreed with them and were asked to sign them. If they did not agree with the statements, changes were made before they gave their final signatures. The document was then placed in each patient's nursing home chart in the section designated for treatment orders, to be used as an advance directive. A copy was also placed in a sealed envelope in the front of the chart, stamped boldly in red ink as follows: "Statement of Patient's Preferences for Care: To Be Transferred with Patient If Discharged to Hospital." In the case of an incompetent patient, the statement of the surrogate's preferences for the patient's care was prepared, signed, and placed in the patient's nursing home chart to be used to direct the patient's future care.

Before inserting the statement in the patient's chart, a research assistant reviewed the chart to verify that the orders it contained were consistent with the wishes expressed in the statement. In particular, if a record included a do-not-resuscitate order that was inconsistent with the patient's or surrogate's stated wishes, this inconsistency was brought to the attention of the attending physician. In these cases, at the physician's discretion, either the preference statement was withheld from the chart because the physician disagreed with the investigator's evaluation of the patient's competence, or the orders in the chart were changed before the insertion of the document.

If a patient returned to the nursing home after a hospitalization, he or she was again presented with the document and asked whether there should be any changes before it was reinserted into the nursing home chart. When a preference statement was reviewed, the patient's competence to make decisions was reevaluated according to the criteria used initially. If the patient was subsequently evaluated as incompetent, the original document was inserted without modification.

Follow-up Data

The nursing home census was reviewed every weekday to identify deaths in the nursing home or hospitalizations. When either of these outcome events occurred, a research assistant reviewed either the hospital discharge summary or the nursing home chart to determine (1) the use of hospitalization, intensive care, cardiopulmonary resuscitation, artificial ventilation, surgery, or tube feeding, (2) the presence of critical illness, terminal illness (incurable illness with a prognosis of less than six months' survival), or irreversible unconsciousness, (3) the presence or absence of the advance directive in the medical record, and (4) the patient's competence to make choices at the time of the outcome event, as judged on the basis of mental status and level of consciousness as recorded by medical or nursing staff at the time of the event.

All attending physcians in the nursing home who cared for the patients included in the study and all attending physicians who cared for these patients during an outcome event in the hospital were interviewed to detemine why there has been any inconsistencies between the advance directive and the actual care provided to the patient. All registered nurses who had worked in the nursing home for at least six months during the study period were interviewed to determine whether they considered the interview and written directive helpful and how the process could be improved.

Statistical Analysis

The demographic characteristics of the patients and the responses of the interviewees were analyzed with use of summary statistics. The effectiveness of the written advance directives was measured in terms of how frequently the directives were available at the time of an ourcome event and how frequently the patient's care was consistent with the previously expressed wishes. The unit of analysis was the outcome event, not the individual patient. Because multiple events involving the same patient were not necessarily independent of each other, we performed all analyses twice—once using only the first outcome event for each patient, and a second time using all outcome events. The results of the two analyses were essentially identical and are therefore reported only for the analysis of all outcome events.

To examine which independent variables were associated with treatment that was consistent with advance directives, the Pearson chi-square statistic was used. A logistic regression model was then fitted to determine the joint effect of the factors of interest, with adjustment for any significant demographic variables. Consistency between previous wishes and subsequent treatment was the dichotomous outcome (1=inconsistent, 0=consistent). Four main factors were included in the final model: the prescence of the advance directive in the medical record at the institution where the outcome event occurred (present or absent), the origin of the advanced directive (patient or family), the competence of the patient at the time of the outcome event (incompetent or competitent), the location of the outcome event (nursing home or hospital). Potential confounding variables examined were the circumstances of the event (critical illness, terminal illness, or permanent unconsiousness), sex, race, age, and marital status. A backward elimination procedure was used to remove from the model any potential confounders that did not significantly affect the results of the analysis.

RESULTS

Patients' Characteristics

Two hundred ten eligible patients or their surrogates were asked to participate in the study; 175 (83 percent) did so. The patients who did not participate did not differ significantly in age, race, or sex from those who did participate.

Seventy-two percent of the patients (126) were judged competent to give informed consent. The competent and the incompetent patients had similar demographic characteristics, except that the incompetent patients were slightly older and more often white and female (Table 1).

One hundred forty-two family members or other surrogates participated in the study. Ninety-three persons were related to competent patients, and 49 were related to incompetent patients. The participating surrogates included children (63 percent), spouses (14 percent), siblings (2 percent), other relatives (16 percent), and friends or others (4 percent).

TABLE 1.—CHARACTERISTICS OF THE PATIENTS

Characteristic[1]	Competent patients	Incompetent patients
No. of patients	126	49
Age (yr):		
Mean ±SD	77±11	83±10
Range	41–96	[2]49–98
	Number (percent)	
Race:		
White	106 (84)	46 (94)
Black	19 (15)	2 (4)
Other	1 (1)	1 (2)
Sex:		
Male	52 (41)	[3]11 (22)
Female	74 (59)	38 (78)
Marital status:		
Married	27 (21)	9 (19)
Single	11 (9)	4 (9)
Widowed	75 (60)	31 (66)
Separated or divorced	12 (10)	3 (6)
Education completed:		
≤6 yr	16 (13)	4 (9)
7–11 yr	34 (27)	12 (27)

TABLE 1.—CHARACTERISTICS OF THE PATIENTS—Continued

Characteristic [1]	Competent patients	Incompetent patients
High school	25 (20)	10 (23)
Some college	18 (15)	7 (16)
College	31 (25)	11 (25)

[1] Data on marital status and education were not available for all subjects.

[2] Median split of age was used. P=0.03 for the comparison between groups by the chi-square test.

[3] P=0.02 for the comparison between groups by the chi-square test.

Treatment Preferences

The majority of the competent patients thought that there would come a time when they would want their doctor to stop keeping them alive (72 patients, or 57 percent). Forty-one (33 percent) wanted their doctor to keep them alive as long as possible. The remaining 13 patients (10 percent) did not know how they felt about these statements. As for specific treatment choices, the patients were most willing to receive life-sustaining treatment during a critical illness and least willing to receive such treatment during permanent unconsciousness (Table 2).

TABLE 2.—PREFERENCES OF 126 NURSING HOME RESIDENTS REGARDING LIFE-SUSTAINING TREATMENT

[Percent of total sample]

Situation and treatment [1]	Treatment	No treatment	Have doctor decide	Have family decide	Do not know, other
Critical illness:					
Hospitalization	58	4	15	22	<1
Intensive care	46	6	26	19	3
CPR	47	21	30	3	0
Surgery	32	15	23	25	6
Artificial ventilation	....	....	....	....	....
Terminal illness:					
Hospitalization	29	15	22	28	6
Intensive care	23	27	19	26	4
CPR	20	47	29	4	0
Surgery	14	34	18	23	11
Artificial ventilation	20	40	12	21	8
Permanent unconsciousness:					
Hospitalization	20	25	20	29	6
Intensive care	17	37	16	26	4
CPR	19	44	31	6	0
Surgery	8	42	17	24	9
Artificial ventilation	13	49	11	21	6
Tube feeding	16	49	14	18	3

[1] CPR denotes cardiopulmonary resuscitation.

The family members of the incompetent patients consistently preferred to have life-sustaining treatments withheld from the patients more frequently than the competent patients did for themselves. Thirty-six family members (73 percent) agreed that there would be a time when they would want the patient's doctor to stop keeping the patient alive; six family members (12 percent) disagreed; seven (14 percent) did not know how they felt about this statement. When they were asked about specific treatments, their choices paralleled those of the competent patients, with the inclination to choose life-sustaining treatments diminishing as the condition became less reversible (Table 3).

Three preference statements were withheld from the charts because of inconsistencies between the wishes expressed and the orders in the chart, or because of inconsistencies within the preference statement.

TABLE 3.—PREFERENCES OF 49 FAMILY MEMBERS OF INCOMPETENT NURSING HOME RESIDENTS REGARDING LIFE–SUSTAINING TREATMENT [1]

[Percent of total sample]

Situation and treatment	Treatment	No. treatment	Have doctor decide	Have family decide later	Do not know, other
Critical illness:					
Hospitalization	41	8	18	29	4
Intensive care	35	27	12	27	0
CPR	27	47	20	6	0
Surgery	10	41	10	37	2
Artificial ventilation	19	45	13	21	2
Terminal illness:					
Hospitalization	12	33	8	31	16
Intensive care	8	53	4	27	8
CPR	9	66	21	4	0
Surgery	6	69	4	17	4
Artificial ventilation	4	69	10	13	4
Permanent unconsciousness:					
Hospitalization	10	55	8	20	6
Intensive care	6	67	6	16	4
CPR	6	83	10	0	0
Surgery	0	90	4	4	2
Artificial ventilation	6	88	2	4	0
Tube feeding	6	75	9	6	4

[1] The preferences of family members of competent patients are not reported here because they were not incorporated into the advance directives. CPR denotes cardiopulmonary resuscitation.

Outcome Events

During the two-year study period there were 35 deaths in the nursing home and 71 hospitalizations, for a total of 106 outcome events, involving 76 patients. During these events, 134 relevant treatments were provided (Table 4). Ninety percent of the hospitalizations involved a state-funded, university-affiliated hospital. The remainder occurred in either a Veterans Affairs hospital or a county hospital.

TABLE 4.—TREATMENTS RECEIVED BY PATIENTS DURING OUTCOME EVENTS

Situation	Hospitalization	Treatment—				Tube feeding	Total
		Intensive care	CPR [1]	Surgery	Ventilation		
Critical illness	62	20	4	18	8	6	118
Terminal illness	5	1	0	1	0	1	8
Permanent unconsciousness	1	0	0	0	0	3	4
Other [2]	3	0	0	1	0	0	4
Total	71	21	4	20	8	10	134

[1] Denotes cardiopulmonary resuscitation.

[2] Includes patients who had an illness that was not critical or terminal, who were not permanently unconscious, or who were found dead.

Effectiveness of the Written Advance Directive

An advance directive remained in the nursing home chart for 74 percent of the 106 outcome events, but it was successfully delivered to the hospital and incorporated into the hospital record for only 25 of the 71 hospitalizations. During their interviews, nurses commented that staff turnover was the cause of unfamiliarity with the document and its infrequent transfer to the hospital.

The consistency between the advance directive and the care provided during the outcome event was analyzed for 96 of the 106 events. The remaining 10 events were not analyzed, because they involved circumstances to which the advance directive did not apply—i.e., unwitnessed deaths, illnesses that were not considered critical or terminal, or those that did not involve permanent unconsciousness.

Medical treatment was consistent with the advance directives in 72 of the 96 events (75 percent). Twenty-four events occurred in which care was inconsistent with previous wishes. (A detailed table of all cases of inconsistent care has been deposited with the National Auxiliary Publications Service.* In six cases care was more aggressive than had been requested, and consisted of ventilation (two cases), surgery (two), cardiopulmonary resuscitation (one), and tube feeding (one). For example, one patient declined artificial ventilation in the directive but had a reversible episode of respiratory failure during treatment for a seizure. This patient was consequently given artificial ventilation for a brief period. In another example, the family of an incompetent patient had declined surgery in its directive, but subsequently agreed to amputation of the patient's leg because of an open, infected femoral fracture.

Care was less aggressive than had been requested in 18 cases, largely because hospitalization or cardiopulmonary resuscitation was withheld. For example, a patient with end-stage congestive heart failure had requested hospitalization in the directive, but at a time when the patient was no longer competent, the family and doctor believed there was no benefit to be gained from aggressive care, and the patient died in the nursing home. A patient with severe embolic disease requested cardiopulmonary resuscitation in the directive, but after there had been repeated hospitalizations, the family, who had been directed by the patient to decide about hsopitalization, refused hospitalization; this patient died in the nursing home without cardiopulmonary resuscitation.

Consistency between previous wishes and patient care occurred less often when the advance directive was present in the medical record than when it was absent (P=0.045) (Table 5). Advance directives that originated with patients were as effective as those that origniated with families in leading to care consistent with previous wishes (Table 5). If a patient was incompetent at the time of an outcome event, care was less likely to be consistent with previous wishes than if the patient was competent (P=0.014) (Table 5). Finally, care in the hospital was more consistent with patients' previous wishes than care received in the nursing home (P=0.00003) (Table 5).

TABLE 5.—CONSISTENCY BETWEEN ADVANCE DIRECTIVES AND ACTUAL PROVISION OF CARE, ACCORDING TO THE PRESENCE OF THE DIRECTIVE IN THE MEDICAL RECORD, THE ORIGINATOR OF THE DIRECTIVE, AND THE PATIENT'S COMPETENCE AND LOCATION AT THE TIME OF THE OUTCOME EVENT

Variable	Consistent	Inconsistent	Total	X^2	P value
Presence of directive:					
Present	31	16	47	4.02	0.045
Absent	41	8	49	....	....
Total	72	24	96	....	....
Origin of directive:					
Family	27	9	36	0	10
Patient	45	15	60	....	....
Total	72	24	96	....	....
Patient's competence during event:					
Competent	28	3	31	6.06	.014
Incompetent	40	20	60	....	....
Total	68	23	91	....	....
Location of event:					
Hospital	59	9	68	17.21	.00003
Nursing home	13	15	28	....	....
Total	72	24	96	....	....

The results of the logistic regression analysis are summarized in Table 6. A backward elimination of the potential confounders found only marital status to be associated with the outcome, as well as with the four main effects of interest. Therefore, the final model included the presence of the advance directive in the record, the origin of the directive, the patient's competence at the time of the outcome event, the location of the event, and marital status.

The risk of receiving a treatment at the time of an event that was inconsistent with the advance directive is given for the four main effects (Table 6). If the advance directive was present in the chart at the time of an event, treatment was directive was absent. When the advance directive originated with the patient rather than the family, the treatment for an event was about 3.2 times as likely to be inconsistent. Patients who were incompetent at the time of an event were about four times as likely to receive treatment inconsistent with their directives. Finally, subjects treated at the nursing home at the time of an event rather than in the hospital were about four times as likely to receive a treatment that was inconsistent with their advance directives. Only this last difference reached statistical significance.

TABLE 6.—ADJUSTED PERCENTAGE OF INSTANCES OF CARE INCONSISTENT WITH ADVANCE DIRECTIVES [1]

Variable	No. of observations	Percent inconsistent	Relative risk	P value
Presence of directive:				
Present	45	22.8	2.3	0.15
Absent	46	10.0		
Origin of directive:				
Patient	56	23.1	3.2	.06
Family	35	7.3		
Patient's competence during event:				
Incompetent	60	25.1	4.0	.08
Competent	31	5.1		
Location of event:				
Nursing home	26	38.9	4.0	.01
Hospital	65	9.8		

[1] Percentages have been adjusted for other main effects and martial status. This analysis is based on 91 observations for which there was complete information for all variables.

DISCUSSION

The results of this study indicate that the treatments that patients received during outcome events were consistent with their previously expressed wishes most of the time. The presence of the written advance directive in the medical record did not facilitate this consistency, however. Inconsistent care occurred more often in the nursing home, when patients were incompetent, and when the advance directive was available.

The study was designed to maximize the possibility of examining the effectiveness of advance directives. A nursing home setting was used because the patient population was considered likely to experience a large number of observable life-threatening events during the study period. The advance directives were placed directly in the patients' charts at the nursing home to minimize difficulty with access to the document. Once an advance directive was placed in the chart, it was not interfered with by the investigators. Thus, the effect of nursing home routine and emergency events on the disposition of the directive could be determined. As other authors have suggested, the directives included both specific and general statements about treatment preferences so that the preferences of patients could be interpreted as clearly as possible.[11]

The generalizability of the study may be limited by the fact that it was conducted in a single nursing home and almost exclusively in a single acute care hospital. The institutional setting, at least in the nursing home, would tend to make the advance directive more readily available than a non-institutional setting, whereas compliance with the document might have varied had the study been conducted in several settings.

Why were the advance directives not followed in all cases? Although they may not have been followed in some cases because they were not available at the time of the outcome event, a review of the medical records and interviews with physicians suggest that in many cases there were other compelling reasons. In four cases, the initial preference expressed may have been too restrictive to allow care that was strongly believed to be appropriate at the time of the outcome event, as in the cases in which surgery or brief artificial ventilation afforded the patient substantial benefit. In four other cases the treatment chosen in the directive was not administered because it was not likely to afford benefit. In two cases the patients changed their minds, and in one the family changed its mind. Three families made choices at the time of an outcome event that contradicted the patients' previously expressed wishes. Finally, in two cases the advance directives were not followed because providers were unaware of them.

The logistic regression analysis pointed out that the presence of the written directive in the medical record did not increase the consistency between stated wishes and subsequent care. It should be noted that there was a high rate of consistency between preferences and actual care for all study patients. The failure to improve consistency cannot be explained by this high rate, however, since there was actually a trend toward less consistent care when the directive was present. One might speculate that high rate of consistency overall was achieved because the interview process itself, in which all study participants engaged, facilitated forethought and communication among patients, families, and care givers. This possibility is supported by the nurses' comments to the effect that the interviews often stimulated patients and families to discuss their treatment preferences with the staff.

The analysis pointed out further that the occurrence of an outcome event in the nursing home rather than the hospital was an independent predictor of inconsistency between the advance directive and subsequent care. One might speculate that the approach to medical care in a long-term care facility is naturally less aggressive than it is in an acute care hospital, and most of the inconsistencies were in the direction of undertreatment. Physicians may decide not to use life-sustaining treatment in the nursing home and may feel less pressure to do so, despite patients' wishes, because of the small likelihood of benefit from such treatments, particularly cardiopulmonary resuscitation, in this setting.[12] In addition, it may be much more difficult, even with some effort, to maintain a vigilant concern for autonomy when caring for a population of patients who are often unable to exercise choice.

These study findings imply that there are limits to the ability of written advance directives to enhance the autonomy of incapacitated patients. To improve the effectiveness of such directives they must be applicable and accessible, and they must be carefully heeded. To make them more applicable, patients might be advised to be cautious about refusing future treatments, such as surgery or ventilatory support, for treatable conditions and to anticipate that there will come a time when cardiopulmonary rescuscitation will not prevent death. For advance directives to be heeded adequately, all personnel in a variety of institutional settings must be alerted to them and be concerned about their proper transfer, particularly in emergencies. If a written document alone is ineffective, perhaps discussions of treatment preferences during conferences on patient care would increase its effectiveness.

Beyond this, the results suggest that regardless of how specific and accessible they are, written directives cannot be expected to anticipate all situations or all changes in attitude. These findings imply that the durable power of attorney should be given much more serious consideration as a mechanism for facilitating the autonomy of incapacitated patients.

Finally, some of the care decisions that were inconsistent with advance directives appeared to be based on principles of beneficence and proportionality. Thus, the data suggest that in caring for incapacitated patients, physicians balance respect for autonomy with other competing ethical principles in order to make what they believe are the wisest decisions. This raises the possibility that advance directives may on rare occasions pose an ethical and legal dilemma, because strict adherence to them precludes the opportunity to balance autonomy against other valuable ethical principles.

It should not be inferred from this discussion that the effort to maintain autonomy through the use of advance directives is futile or valueless. Rather, the use of such directives is in its infancy, and we need to define and grapple with their limitations before we can use them optimally.

We are indebted to the following medical students at the University of North Carolina at Chapel Hill for invaluable assistance in conducting interviews: Elizabeth Bell, Philippa Charleton, Elizabeth Crow, Mary Elizabeth Froelich, David Habel, Michelle Hand, and Arthur Payne; to Rebecca Summerford for her assistance; and above all, to the patients, families, physicians, and nursing home staff who made this project possible.

APPENDIX: SAMPLE STATEMENT OF PATIENT'S PREFERENCES.

To my Doctor:

While I have been at ——, I have discussed my wishes concerning my medical treatment in the event that I become extremely ill. I did this in the hope that if I made my wishes known beforehand, it would be easier for my doctors to know my preferences at a time when I am unable to express them.

If I become critically ill:

I want to be hospitalized.

I want to go into intensive care.

I want to have my heart revived if my heart stops.

I want to have surgery.

I want to be put on a breathing machine.

If I become terminally ill:

I want to be hospitalized.

I want my family members to decide whether I shall go into intensive care after they talk with my doctor.

I want my doctor to decide whether to revive me if my heart stops.

I want my family members to decide whether I shall have surgery after they talk with my doctor.

I want my family members to decide whether I shall be put on a breathing machine after they talk with my doctor.

If I am in an irreversible coma:

I want to be hospitalized.

I want my family members to decide whether I shall go into intensive care after they talk with my doctor.

I want my doctor to decide whether to revive me if my heart stops.

I want my family members to decide whether I shall have surgery after they talk with my doctor.

I do not want to be put on a breathing machine.

I want my family members to decide whether I shall be fed through a tube after they talk with my doctor.

If I am unable to make decisions for myself, I would like the following person to make necessary decisions on my behalf:

1. Name (relationship):
Address:
Phone: (home) ——— (work), ———.

If you cannot reach ———, I would like the following person to make the necessary decisions on my behalf:

2. Name (relationship):
Address:
Phone: (home) ——— (work), ———.

There will be a time when I want my doctor to stop keeping me alive.

I have provided this information in the hope that it will be easier to respect my wishes about my medical care at a time when I am unable to express them.

Patient: Name, signature, date.

Witness: Name, signature, date.

FOOTNOTES

* See NAPS document no. 04847 for 7 pages of supplementary material. Order from NAPS c/o Microfiche Publications, P.O. Box 3513, Grand Central Station, New York, NY 10163-3513. Remit in advance (in U.S. funds only) $7.75 for photocopies or $4 for microfiche. Outside the U.S. and Canada add postage of $4.50 ($1.50 for microfiche postage). There is an invoicing charge of $15 on orders not prepaid. This charge includes purchase order.

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[3] *Idem.* Deciding to forego life-sustaining treatment: a report on the ethical, medical, and legal issues in treatment decisions. Washington, D.C.: Government Printing Office, 1983.

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[8] Legal Advisors Committee, Concern for Dying. The right to refuse treatment: a model act. Am J Public Health 1983; 73:918-21.

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[11] Emanuel LL, Emanuel EJ. The Medical Directive: a new comprehensive advance care document. JAMA 1989; 261:3288-93.

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HOUSE OF REPRESENTATIVES—*Friday, July 26, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for all the great concerns that touch the issues of the world, and we also pray for those concerns that are near to us and about us each day. We remember especially in this our prayer those people who have special need, who seek Your guidance and who live by the hope and the peace that You alone can give. Where there is anxiety, we pray for confidence and where there is weakness, we pray for strength. May Your spirit, gracious God, that brought the whole world into being, also be with each person who turns to You and may Your good spirit abide in their hearts this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1047. An act to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 113. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle;

S. 1241. An act to control and reduce violent crime; and

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

The message also announced that the Senate agree to the amendments of the House of Representatives to the joint resolution (S.J. Res. 40) entitled "Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as 'National Historically Black Colleges Week.'"

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND REPUBLIC OF KOREA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–118)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND REPUBLIC OF POLAND CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–119)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND THE EUROPEAN ECONOMIC COMMUNITY CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–120)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the U.S. Court of Veterans Appeals, and for other purposes.

ADJOURNMENT

Mr. HOBSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, July 29, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1855. A letter from the Secretary of the Treasury, transmitting copies of "Congressional Guides for Constituent Information" as they concern two enhancements to ensure continued security of U.S. currency; to the Committee on Banking, Finance and Urban Affairs.

1856. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1990, pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

1857. A letter from the Assistant Attorney General for Legislative Affairs, transmitting views on H.R. 2507; to the Committee on Energy and Commerce.

1858. A letter from the Deputy Administrator, General Services Administration,

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1859. A letter from the Secretary of State, transmitting a copy of his certification and determination that it is in the national interest to waive the transfer of foreign assistance funds under the Fishermen's Protective Act, pursuant to 22 U.S.C. 1975; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 948. A bill to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse" (Rept. 102–167). Referred to the House Calendar.

Mr. ROE: Committee on Public Works and Transportation. H.R. 1779. A bill to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph N. Metcalfe Federal Building" (Rept. 102–168). Referred to the House Calendar.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2968. A bill to waive the period of congressional review for certain District of Columbia acts; with an amendment (Rept. 102–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2969. A bill to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District of Government, and for other purposes (Rept. 102–170). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 9 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 2950. A bill to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 31, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 102–171, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 3063. A bill to expand the social services available to at-risk children and families in the child welfare, mental health, and juvenile justice systems; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WOLF:

H. Con. Res. 189. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of reeducation camp detainees; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

252. The SPEAKER presented a memorial of the Palau National Congress, Republic of Palau, relative to the recognition and commemoration of the Honorable Morris K. Udall; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 917: Mr. ZIMMER, Mr. HALL of Ohio, and Mr. SAVAGE.

H.R. 1354: Mr. PICKETT, Mr. LEWIS of Florida, Mr. SOLARZ, Mr. WEISS, and Mr. BERMAN.

H.R. 1527: Mr. WILSON, Mr. MFUME, Mr. CONDIT, AND Mrs. BENTLEY.

H.R. 2437: Mr. HORTON, Mr. ACKERMAN, Mr. RANGEL, Mr. JONTZ, Mr. FUSTER, Mr. LANCASTER, Mr. JEFFERSON, Mr. GOSS, Mr. DEFAZIO, Mr. WILLIAMS, Mr. LEVINE of California, Ms. NORTON, Mr. LEHMAN of Florida, Mrs. BOXER, Mr. PETERSON of Florida, Mr. FAZIO, Mr. FROST, Mr. ROE, Mr. MFUME, Ms. ROS-LEHTINEN, Mr. FOGLIETTA, Mr. FORD of Tennessee, and Mr. QUILLEN.

H.R. 2755: Mr. UPTON, Mr. DELLUMS, AND Mr. JONTZ.

H.R. 2872: Mr. DERRICK, Ms. SLAUGHTER of New York, Mr. PORTER, and Mr. GUARINI.

H.R. 2950: Mr. VISCLOSKY, Mr. KOLTER, Mr. POSHARD, Mr. BORSKI, Mr. DE LUGO, Mr. MCEWEN, and Mr. CLINGER.

H.J. Res. 241: Mr. KOPETSKI, Mr. DARDEN, Mr. KASICH, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. MORAN, and Mr. PALLONE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

107. The SPEAKER presented a petition of Frank Kowalik, Ft. Lauderdale, FL, relative to a redress of grievance declaration; to the Committee on the Judiciary.

SENATE—*Friday, July 26, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable ALAN J. DIXON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us hear the conclusion of the whole matter: Fear God, and keep His commandments: for this is the whole duty of man.—Ecclesiastes 12:13.

Eternal God, the wisdom of Solomon speaks to our local, national, and world situation today. The wisest man in history, mighty King, had experienced all that to which the world aspires: Wisdom, wealth, unrestrained pleasure and power, sport, military victories, fame. The world was drawn to his palaces by the unimaginable splendor of his lifestyle.

Yet his heart was never satisfied. His final estimate of one who experienced the tragic, the consummate, emptiness of a life filled to overflowing with all that materialism has to offer: "Fear God, and keep His commandments: for this is the whole duty of man."

Gracious, loving God, help us to see that life without Thee is ultimately "striving after wind," hollow boredom, unmitigated meaninglessness. Turn our hearts to Thee that we may realize the fulfillment which Thou didst intend for Your creation. Awaken us, patient Lord, before it is too late.

In the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALAN J. DIXON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DIXON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein. The distinguished Senator from Alaska [Mr. MURKOWSKI] is permitted to speak for up to 10 minutes; the distinguished Senator from Florida [Mr. GRAHAM] is permitted to speak for up to 10 minutes; the distinguished Senator from Minnesota [Mr. DURENBERGER] is permitted to speak for up to 5 minutes; and the distinguished Senator from Louisiana [Mr. JOHNSTON] is permitted to speak for up to 20 minutes.

The Chair recognizes the distinguished Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I thank the Chair. I wish you and my colleagues a good morning.

THE PEOPLE OF ANWR

Mr. MURKOWSKI. Mr. President, this morning I am going to speak of the people of the Arctic, the people of ANWR.

Yesterday, I addressed this body at some length outlining specifically what ANWR was, the Arctic National Wildlife Reserve, and how important it is to our Nation.

Mr. President, I explained that the area covering ANWR, approximately 19 million acres, was a significant vast area along the Arctic coast of Alaska. I also advised the Chair that out of 19 million acres, 8 million acres had been set aside in a wilderness in perpetuity by Congress, another 9½ million acres had been set aside in a refuge, leaving for the discretion of Congress approximately 1½ million acres which is referred to as the 1002 area for potential oil and gas leasing.

We further indicated that Alaska, my State, has supplied this Nation with about 24 percent of its total domestic production since the mid-1970's, and now that field was on a decline at about 10 percent a year. Over an extended period of time, as the field declined, our Nation would look to two alternatives. Either increasing oil imports from foreign countries or developing more promising oil and gas properties within our national boundaries. The second alternative, developing domestic resources, would provide employment and add a contributing factor to our gross national product.

I think it is important to recognize, Mr. President, that as we look at our deficit balance of payments, it is rather interesting: One half is oil; the other half is trade, primarily with Japan and China.

Mr. President, we also discussed the status of the ANWR legislation, legislation pending before this body, the Johnston-Wallop National Energy Security Act of 1991, which was reported out of the Energy Committee on May 23 by a vote of 17 to 3.

We discussed the necessity of having a balance between production and conservation. We explained, Mr. President, that in the mid-1970's, this Nation adopted its first CAFE standards, saving about 1.4 million barrels a day. But within 6 months we also brought into production Prudhoe Bay, contributing about 2 million barrels a day. The point, Mr. President, is that we need both conservation and production.

We talked a little bit about energy security; the realization that we fought a war in the Persian Gulf to combat naked aggression, but also, Mr. President, to keep oil flowing for the Western nations.

We discussed the realization that the problem is getting worse, that OPEC continues to provide our Nation with 25 percent of the oil we consume.

We discussed the increased oil dependence of the Third World countries, where consumption is growing faster than it is at home.

We discussed that conservation alone is not enough, as we see that every major oil field in the United States is declining.

Mr. President, we recognize that ANWR is a cornerstone of our present energy policy. In the Johnston-Wallop bill, ANWR revenues fund over 60 percent of the conservation measures, everything from energy-efficient homes, solar energy, and clean coal technology. I think it is interesting to note that our friends in the environmental community face an interesting dilemma. If they strip ANWR out of the package or succeed in putting it into a wilderness, they bear the responsibility of killing the entire energy package.

Finally, Mr. President, we discussed some of the myths associated with ANWR: the footprint—I will talk a little bit more about it today. But, as I

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have indicated, of the 1.5 million acres in the coastal plain contemplated to be put up for lease, industry estimates they would use about 12,500 acres for development. Mr. President, 12,500 acres is about the size of the Dulles International Airport.

Another myth is that if oil is found it is only a 200-day supply. Well, Mr. President, if it were a 200-day supply, it would be the third largest field ever found in the United States.

There is also a myth about the caribou. I question the problem associated with the caribou. Caribou herds have actually increased in size. The central Arctic caribou herd, associated with the Prudhoe Bay areas has increased by large numbers. The herd was in the area of 3,000 at the time the pipeline was constructed. Today the central Arctic caribou herd has approximately 18,000 caribou. Mr. President, there are 28 caribou herds in Alaska. In fact, Alaska has more caribou than people.

So in conclusion, the review, I think, substantiates the reality that ANWR can be opened to oil and gas exploration and development safely. But I think we need to go a step further and talk about the people of ANWR.

For many centuries before Europeans came to Alaska's North Slope in search of whales and furs, native Eskimos lived in the area now called ANWR.

The early Eskimos were sustained by the wildlife resources indigenous to the area. They hunted caribou as they do now, seals, whales, fish, and waterfowl. They gathered berries and herbs. They lived in houses called igloos. But these igloos were not made of ice. They were constructed of driftwood, and skins, and tundra sod.

In a minute I will tell you how little of that has changed.

Human activity on the coastal plain increased with the arrival of European and colonial explorers, whalers, traders, trappers, and geologists. Temporary campsites became permanent villages established for year-round occupation.

The 20th century saw the birth of the Alaska petroleum industry and distant early warning [DEW] line radar stations were constructed at several locations within ANWR and are in evidence today.

However, today the Native Alaska population of ANWR resides primarily in the village of Kaktovik. This town is on Barter Island just north of the ANWR Coastal Plain.

Kaktovik is a small community, about 210 residents. Most are Inupiat Eskimos whose families have lived in the region for centuries. Villages of the North Slope must be small or the surrounding area would be over-hunted and residents would have to travel even greater distances for their food and subsistence.

The Eskimos of the North Slope still rely on the wildlife resources of the area. Studies have shown that Kaktovik Eskimo households obtain more than half of their total food supply from hunting and fishing that is natural and native to the surrounding area. Traditional sharing of food is still a strong cultural practice, as evidenced by the spring whale hunts, where the catch is shared with neighbors.

It was not that long ago that the Eskimos lived in sod houses excavated from the frozen tundra. Eskimo men my age, some that I know, have told me of growing up in sod houses just large enough for the family to lay down and sleep.

The reason for that is quite obvious. It is cold up there. Large areas are hard to heat.

Thirty years ago the only heated building in town was the elementary school. There was no TV, no water system, no health care facility, and village children were sent over 1,000 miles to Rangel, AK, for their primary education and to Sitka for a high school education.

But today things are different. How many lives have been saved because the villagers no longer have to go out on the frozen river to cut ice for drinking water. Who can say how many lives have been saved by the presence of the health facility. Who can say how important a community center is to the social and individual health of a small village that lives in the cold and dark of 9 months of winter, and almost eternal sunshine for the balance of the 3 months? It is a tough existence but it has improved.

I would also like to remind my colleagues that the people in this area are not wards of the Federal Government like some American Natives.

Today cultural lifestyles and patterns of subsistence remain similar to the past, but, as a result of Prudhoe Bay oil industry tax revenues to the North Slope Borough and new oil related employment opportunities, the quality of life in Kaktovik is much improved.

New modern houses have been constructed, homes are heated. Kaktovik has a village water system, a health facility, a fire station, a public safety office, a senior center and community center, its own high school, and two stores.

These are many of the things, Mr. President, you and I take for granted but indeed are quite new to the people of Kaktovik.

This is not just a matter of convenience. In Alaska, in the Arctic, it can be a matter of life and death. Who can say how the Kaktovik Eskimos feel about ANWR development? That is most important. They support it. They do not want to return to the harsh conditions of the past. Would you and I want to return to the harsh conditions of our ancestors?

The proud people of Kaktovik and the proud people of the Arctic do not want to be recipients of public assistance. They have watched the oil development at Prudhoe Bay carefully and are convinced that oil can be developed without harm to the environment. Particularly to their environment and their lifestyle. The Eskimos should know. There is no one more knowledgeable about ANWR than the people who have lived there for centuries.

Mr. President, let me show you a picture of the Arctic. Over my left shoulder is a picture of downtown Barrow. It is rather bleak. That is a spring picture. You can see the Sun out. If it was a winter picture, you could not see the Sun because the Sun does not shine in the winter. For 3 months of the summer, the Sun shines 24 hours a day. Mr. President, the Arctic is a hostile environment. But it is home to the people of Barrow. I remind the President that Barrow is about as far north as you can go. If you go much further than Barrow, you simply run out of land.

The people of the area have watched oil development at Prudhoe Bay over the last 15 years or so, and are now convinced that oil can be developed in their area, without harming the environment.

As I indicated, these people are particularly sensitive to that environment. Currently a good friend of mine and Senator STEVENS, Oliver Leavit, is visiting many of our colleagues, explaining the advancement of the lifestyles of the Eskimo people and the realization that they do not want to be wards of the Federal Government. They want to develop their resources wisely and in compatibility with the environment.

Mr. President, as we look toward the future I think it is important to recognize that the criteria and priorities of the people themselves is evidenced in a number of articles, which I would like to have printed in the RECORD today.

The first is Fortune magazine, January 28, 1991, by Eskimo leader and good friend of mine, Jacob Adams, "My people exist on nature but we can protect the environment."

Mr. President, I ask unanimous consent this article be printed in the RECORD in its entirety.

Mr. President, I also ask unanimous consent that portions of an article from the Arctic Slope Regional Corporation Annual Report referencing ANWR and Kaktovik be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Fortune Magazine, Jan. 28, 1991]

IT'S TIME TO DRILL ALASKA'S REFUGE

(By Peter Nulty)

The Arctic National Wildlife Refuge is almost as big as Indiana. It begins as a phalanx of magnificent rocky peaks high in the Brooks Range in Alaska's northeast corner, from there tumbling down a broad expanse of rolling foothills to a tundra plain scored by streams and gullies beside the Beaufort Sea. In all: 30,000 square miles, or 19 million acres. With only about 210 permanent residents—mostly Eskimo whalers in the coastal village of Kaktovik—the Arctic refuge is as unaltered by man as any wilderness can be at a time when human footprints mark even the moon.

Powerful forces may soon clash over whether the refuge stays that way. A small corner of it represents America's best chance of discovering major new oil reserves. Geology even hints that within the refuge lies a rare opportunity to uncover Saudi Arabia-size oil fields. The chance is minuscule, but a chance nonetheless. And the stakes are huge: If major reserves turn up, they could in the long run hobble OPEC, substantially improve America's balance of payments, and make the U.S. more energy independent.

The most tantalizing oil-prospecting territory in the U.S. is a strip of the flat coastal plain about 80 miles long and 20 miles wide that runs along the Beaufort Sea and makes up 8% of the refuge. This region is known by its bureaucratic name—the "1002 area"—after the clause in a 1980 federal law that directed the Interior Department to study the geology, flora, and fauna of the area and then advise Congress whether it should be explored for oil and gas or designated a wilderness closed to development. After exhaustive study the Interior Department concluded in 1987 that the coastal plain was "the Nation's best single opportunity to increase significantly oil production" and recommended leasing it to oil companies.

Some environmental groups, such as the Wilderness Society and the Sierra Club, would like to ban oil activity in the refuge permanently. Their cause has been aided mightily by the grounding in March 1989 of the Tanker *Exxon Valdez* in Prince William Sound, which had the effect of sinking several bills in Congress that would have opened the 1002 area for exploration. But with U.S. oil production down 15% in the past two years, oil imports accounting for 55% of the foreign trade deficit and rising, and the oil-rich states of the Persian Gulf in danger of all-out war, the environmentalists' case for not exploring the coastal plain is being overwhelmed by economic and geopolitical imperatives. If a war in the Gulf damage Middle East oil fields or drives prices to the heavens—or both—then the debate over exploring the refuge, usually known as ANWR (prounced *AN-war*), will get white hot. Even without war, this latest experience of Mideast turmoil will intensify concern about domestic energy sources—although developing ANWR, if it does contain commercial amounts of oil, would take 15 or 20 years.

Why not start drilling now? "The refuge is the last Arctic ecosystem untouched by man," says Don Hellman of the Wilderness Society. "To go in solely to satisfy our insatiable appetite for oil is a disgrace." Most environmentalists similarly focus on several emotionally compelling but inaccurate concepts, particularly that the coastal plain is unique and pristine. It is not quite either. The 1002 area is only two-thirds of the refuge's coastal plain, which itself is a small slice of the Arctic refuge. And the refuge is hardly America's only wilderness. The whole of ANWR makes up just 5% of Alaska's land area and 25% of the land in federal wildlife refuges in that state alone. The Interior Department estimates that oil production here, assuming oil is discovered, might require 12,700 acres of installations, or about 0.07% of ANWR's territory. Such facilities would look impressively large if you were standing in their midst, but in relation to all of ANWR they would be no more significant than a mosquito on a moose's rump.

Nor is the coastal plain virginal. The Eskimos travel in skimobiles and outboard motorboats, hunt with rifles, and watch television during the eight-month winters, when temperatures can reach—50° F. and the sun doesn't rise for 65 days. If the brief summer season, which lasts as long as six weeks, about 150 adventurers show up annually to hunt musk oxen or grizzly bears or to ride the rivers in rubber rafts. As part of an electronic warning system against Soviet attack, the Department of Defense built three installations along the coast. Two are abandoned, their buildings empty shells. The third, a radar station and airstrip at Kaktovik, is still in use.

The most important human artifact may turn out to be a steel pipe six inches in diameter and five feet tall that sticks out of the tundra about 15 miles east-southeast of Kaktovik. The pipe is almost impossible to find without an expert guide, but it is at the center of the biggest mystery in the petroleum industry: How much oil is in ANWR?

The pipe marks a well, KIC–1, drilled in 1985 and 1986 by a joint venture of Chevron and British Petroleum, headed by Chevron, on land leased from the Eskimos. (The Eskimo land is inside ANWR and, like the refuge proper, cannot be drilled without permission from Congress.) KIC–1 is called a "tight hole" because Chevron won't reveal what was found in the well.

No one else has much information, since the Chevron venture has leased all the available land in the area. Tom Cook, a geologist with Chevron in Alaska, will only say coyly: "That's a pretty oily place around there." Arlen Ehm, an independent consulting geologist in Anchorage, says, "The scuttlebutt is that it's a great well, but what's a rumor worth?" Still, Chevron is lobbying hard to get the coastal plain opened for development, and the consortium recently renewed its leases with the Eskimos—four years before the leases were due to expire.

Why is this lonely stretch of tundra so alluring? The Geological Survey conducted seismic studies of the 1002 area in the early Eighties and found 26 geologic structures capable of trapping oil and gas. Not only is that a large number of traps for an area this size, but also two of the traps are bigger than the one in Prudhoe Bay that may eventually yield at least nine billion barrels of oil. "These two structures have Middle East-size capacity," says Ozzie Girard of the U.S. Geological Survey, "but they are probably dry as a bone." That's because oil may not have migrated into the traps. Many structures capable of capturing oil are empty or only partially full, or they may contain water.

No one can be certain that the traps in ANWR have much, if any, oil. (They may hold natural gas, which at today's low prices would probably be uneconomic to develop, though it could be valuable in the future.) But they are also gargantuan and, in the extremely unlikely event that even one is full, it would alter history. Assuming conditions that are not unusual in the region, the bigger of the two, known only as No. 18, could yield 300 billion barrels of oil or more if it is full. That is more than Saudi Arabia's present proved reserves of about 254 billion barrels. The odds of a monster like No. 18 being full of oil are incalculably small. But if it were full, the U.S. would once again be the world's greatest oil power, and OPEC would become moribund.

Finding out is of little risk to the environment: Exploratory wells are drilled when the tundra is frozen and nearly immune to damage. And someone may already have taken a peek. KIC–1, Chevron's mystery well, was directly over structure No. 18. (At best, KIC–1 would be only a peek because a single well rarely tells the full story of how much oil is or isn't in a reservoir.)

The history of oil exploration shows that even when prospects are as enticing as this, the odds are still against the explorer. In ANWR the odds are not good, but they are better than average. The Interior Department sees a 19% chance that the refuge holds commercial quantities of oil, compared with the norm of 5%. Turned around, that means the odds are 4 to 1 against finding anything exploitable at present prices, instead of the usual 19 to 1 against. If exploitable reserves are there, says Interior, they most likely will amount to 3.2 billion barrels, enough to provide 8% of U.S. production and reduce imports 9% by 2005. But oddsmakers don't create oil, nature does. Maybe ANWR holds untold riches, or maybe it holds nothing. The only way to find out is to drill.

Alaskans are eager to begin. Oil accounts for 80% of the state's total revenue, and Prudhoe Bay, the state's golden goose, is in long, slow decline. All three gubernatorial candidates in the recent election, including winner Walter Hickel, who ran as an independent but had been a Republican governor of Alaska and Interior Secretary under Richard Nixon, favor exploring the coastal plain. They differed only on the question of who could drive the best bargain with Congress to split the royalties. William Noll, mayor of Seward, a fishing village on Prince William Sound, says, "It's a tragedy, or comedy of a high order, to put ANWR on the back burner because of the accident in Prince William Sound." Noll believes the cleanup is progressing "okay." (For the scientific community's assessment, see box.)

The Arctic Slope Regional Corp., one of 13 Alaskan native regional corporations established by Congress to manage the resources of native lands, favors opening the 1002 area. ASRC holds title to most of the native lands on the north slope, including the site where Chevron drilled KIC–1. The president is Jacob Adams, 44, an Eskimo whaling captain who hunts bowhead whales with a crew of about six men and hand-held harpoons out of a 20-foot boat. His view: "I love life in the Arctic. But it is harsh, expensive, and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development."

Hellman of the Wilderness Society protests that "it's been proven time and again that oil is an inherently messy business." Yet the environmental record of Prudhoe Bay is one reason Alaskans believe ANWR can be developed safely. "It's a real marvel," says a manager with the U.S. Fish and Wildlife Service in Alaska. "You could eat off the floors up there, but to say that publicly is heresy in the temple."

When Prudhoe was being developed, the biggest environmental worry was that it might harm the wildlife, particularly the Central Arctic caribou herd that give birth to most of their young in calving grounds near the oil fields. But the caribou have adapted nicely to the fields. Seeking to escape the dense clouds of mosquitoes that infest the marshy tundra, the caribou often congregate on the raised gravel roads that connect the oil wells, industrial plants, and living quarters at Prudhoe Bay. And the Central Arctic herd has grown from about 3,000 in 1972 to roughly 15,000 now, perhaps because natural predators like bears and wolves that attack and eat young calves are more wary of man's works than are the caribou, even though the oilmen at Prudhoe Bay are forbidden to hunt or carry firearms.

ANWR is seasonal home to the Porcupine herd of caribou, which numbers about 180,000. The herd migrates across the Porcupine River in Canada to ANWR in the brief spring and summer seasons to bear young and feed on tundra grasses. Again environmentalists are expressing concern for the herd's safety, but the Prudhoe experience suggested that in some ways the works of man offer more refuge than the wilderness.

Technologies that the industry has developed in the Prudhoe region, partly in response to relentless pressure from environmentalists, would make producing oil in ANWR even more compatible with the environment. Using the latest drilling techniques, the industry can space wellheads ten feet instead of 100 feet apart, reducing the area needed for, say, a 50-well production complex from 60 acres to ten.

ANWR will also pose new problems. Drilling uses a lot of fresh water, and the region's coastal plain has less of it than the Prudhoe area. An environmentally benign collection and storage system may be needed, or the pace of drilling could simply be restricted. With vigilance, such obstacles can be overcome.

A tougher nut to crack may be the philosophical question of whether the industry should enhance the ecosystem wherever possible, as it may have done inadvertently for the Central Arctic herd of caribou. For instance, the industry built thick gravel roads and drilling pads because running vehicles directly over the tundra would melt that permafrost and create impassable bogs. These additions, permanently dry, have created a more diverse habitat in the Prudhoe area. Some gravel quarries, connected by channels to rivers, have filled with fresh water and become favorite wintering quarters for fish, like the arctic char, which take refuge from the ice in deep pools. Their numbers may be increasing. Birds such as the common eider that need dry land for nesting might multiply if gravel roads and pads are revegetated rather than removed when their usefulness has ended.

Roger Herrera, an executive of BP in Alaska, asks, "Is biological value or aesthetic value more important here? Should the gravel be put back in the quarries to restore the environment or left to create new habitat?" Merely to have that choice suggests that development in remote areas has progressed a long way and that humans need suffer little guilt about pursuing their own ends in a corner of this wilderness.

THE ARCTIC NATIONAL WILDLIFE REFUGE

PREFACE

This is the fifth printing of the Arctic National Wildlife Refuge: Its People, Wildlife Resources, and Oil and Gas Potential. This report was prepared by Arctic Slope Consulting Engineers, a subsidiary of the Eskimo-owned Arctic Slope Regional Corporation (ASRC). Changes in this printing include a new cover and revisions to the maps to reflect recent Federal and State offshore lease sales and the continued drilling of exploratory wells in the lands and waters adjacent to the Arctic National Wildlife Refuge.

BACKGROUND

The Arctic National Wildlife Range was established by administrative action in 1960. The Range originally covered 8.9 million acres in northeastern Alaska. In 1980, Congress addressed the status of the Range in the context of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). ANILCA more than doubled the size of the Range to about 19.3 million acres. This greatly expanded area was redesignated as the Arctic National Wildlife "Refuge" ANWR).

ANWR borders the Arctic Ocean and lies between Prudhoe Bay and the Trans-Alaska Pipeline 50 miles to the west, and the United States-Canadian border to the east. Over 8 million acres (over 42%) of the 19 million-acre Refuge was designated as "Wilderness" in 1980 by ANILCA.

COASTAL PLAIN STUDY AREA

ANILCA also set aside a relatively small 1.5 million-acre area (8% of ANWR's total acreage) as the "Coastal Plain" study area. Immediately north of the Coastal Plain study area are Barter Island, the Eskimo village of Kaktovik, a military airfield, a Dew Line Station and other Federal installations. The Kaktovik Village Corporation owns 92,000 acres of private lands within and adjacent to the Coastal Plain study area. ASRC, the Eskimo-owned Regional Corporation, owns the subsurface and mineral rights to these lands.

The Coastal Plain study area was not designated for Wilderness in 1980. Instead, it was designated for further study by the Congress of its oil and gas and fish and wildlife resources. Congress directed a five-year study, the 1002(h) report, because its geological formation were known to be highly prospective for the discovery of major oil and gas reserves. There are surface oil seeps on the Coastal Plain. Rock outcroppings in the area are saturated with hydrocarbons. These conditions were noted and written about by U.S. Geological Survey personnel early in the century.

Federal, State, industry, and private geologists generally agree that the 1.5 million-acre Coastal Plain study area contains the Nation's most promising onshore prospect for discovery of major new oil and gas reserves. If commercial deposits of oil are discovered in the Coastal Plain study area, the Trans-Alaska Pipeline is less than 70 miles away. Further, new developments in Arctic land use planning, technology and oil production, as demonstrated at Milne Point and other newer fields adjacent to Prudhoe Bay, can be readily applied in developing the study area in a manner which minimizes environmental and wildlife impacts.

Since 1980, all public lands in the Coastal Plain study area have been statutorily withdrawn from leasing. A limited program of seismic work was permitted under the terms of ANILCA in the early 1980s. Many U.S. oil companies participated in this joint seismic program. Leasing or commercial development may not, however, be undertaken in the Coastal Plain area until such activity has been expressly authorized by an Act of Congress.

THE NATIVE PEOPLE'S INTEREST IN THE COASTAL PLAIN

ASRC is the Eskimo-owned Regional Corporation established pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). ASRC's 3,700 shareholders and their families have major cultural, subsistence, and economic interests in ANWR and the Coastal Plain study area. Kaktovik, one of the North Slope's eight Native villages, is located on Barter Island within ANWR and north of the study area. This area has been home to Kaktovik's 210 Eskimo residents and their ancestors for many centuries.

The discovery of oil at Prudhoe Bay in 1968 radically changed the North Slope and the Eskimo way of life forever. The Nation's need for oil and the Eskimo people's legal claim to ownership to all of the North Slope lands through historic use, occupancy, and aboriginal title led to the enactment of ANCSA in 1971. In settlement of the Eskimos' claim to ownership of Prudhoe Bay and the 56 million acres which comprise the North Slope, the United States granted the North Slope's historic residents less than 5 million acres of land. And these were the lands "left over" after State selections, after issuance of oil and gas leases, and after Federal establishment of Refuges and National Petroleum Reserves and withdrawals for other purposes.

In August 1983, ASRC entered into a land exchange with the United States. ASRC conveyed title to 101,000 acres of surface lands it had previously selected under ANCSA. As a result of this exchange, the National Park Service added very significant private inholdings it desired, including Chandler Lake, to the heart of the Gates of the Arctic National Park. In return, the Department of the Interior was obligated to convey to ASRC 92,000 acres of subsurface rights beneath the lands owned by the Kaktovik Village Corporation.

ASRC's lands in the Kaktovik Village area represent our shareholders' best chance—perhaps their last significant chance—to participate in the economic benefits of the oil and gas development which has been underway on our ancestral lands since the mid-1960s.

In addition to these direct economic interests in the Coastal Plain, the Inupiat Eskimo residents of Kaktovik and other Villages use ANWR and the Coastal Plain lands for maintaining their traditional life style and for subsistence uses.

THE SECTION 1002(H) REPORT

ANILCA authorized and directed a number of studies and reports on the oil and gas potential as well as the fish and wildlife resources of the Coastal Plain study area of ANWR. Section 1002(h) directed the Secretary of the Interior to prepare a report together with his recommendations ". . . with respect to whether further exploration for, and the development and production of, oil and gas within the Coastal Plain should be permitted. . . ."

On April 20, 1987, the Department of the Interior released a final report on the Coastal Plain study area recommending leasing, exploration, and development. This recommendation, if adopted by Congress, would enable my people to develop the oil and gas potential of the 92,000 acres of private lands ASRC owns near the Village of Kaktovik. It would also provide important benefits to the Nation in the form of new sources of domestic oil reserves. The Coastal Plain study area includes 26 major oil and gas prospects identified in the Department's Coastal Plain Resource Assessment.

THE NATIONAL INTEREST AND THE NEED FOR CONGRESSIONAL ACTION

My people strongly believe that the prohibition in existing law against commercial development of our private lands and on the public lands in the Coastal Plain study area should be removed. The Eskimo people once had a valid legal claim to all of the North

Slope lands. We should not be denied economic benefit from the small portion of the lands which are in our ownership today.

The Nation and American consumers should not be denied the benefits of the oil and gas resources which Federal, State, and private geologists all believe the Coastal Plain study area to contain. Since 1985, domestic crude oil production has fallen more than 17 percent or 1.8 million barrels per day. Meanwhile, in 1989, U.S. dependence on foreign oil sources rose to over 46 percent to meet growing demand. Our dependence on foreign oil has exceeded 50 percent in the first quarter of this year. The cost of imported oil is a major factor in the nation's growing trade deficit.

Prudhoe Bay produced its five billionth barrel of oil—half its total reserves—more than three years ago, in February 1987. The reserves of America's largest producing field are now nearly two-thirds depleted. Total North Slope production, which was over 2 million barrels per day in early 1988, has now declined to 1.7 million barrels per day. Prudhoe production is projected to fall to less than 1 million barrels per day by 1994.

STATUS OF LEGISLATION TO OPEN COASTAL PLAIN STUDY AREA

In early 1988 and again on March 16, 1989, the Senate Energy and Natural Resources Committee favorably reported legislation to open the Coastal Plain study area to limited program of carefully regulated leasing. The House Merchant Marine and Fisheries Committee has reported legislation in 1988 and was considering similar action in early 1989. On March 24, 1989, the tragedy of the *Exxon Valdez* oil spill occurred in Prince William Sound. This event foreclosed further legislative activity pending the enactment of new federal oil spill and prevention legislation. Oil spill legislation is now before a joint conference Committee of the Congress and its final enactment, a year and one-half later, appears likely before the end of this Congress.

The Prince William Sound oil spill has delayed debate and Congressional action on the Coastal Plain study area. But domestic oil production continues to decline while oil imports and the trade deficit continues to grow. Frontier exploration is being pushed from customary onshore areas of the North Slope to frontier areas of the Outer Continental Shelf (OCS) in the Beaufort and Chukchi Seas where the industry has less experience.

This does not make good sense to the Eskimo people. We believe onshore development in places like the Coastal Plain study area should be accorded priority until more experience is gained and better technology is developed for the extreme ice and weather conditions presented by the Arctic OCS. We are asked to bear the risk of OCS development to our culture, but denied possible benefit of routine development of our onshore resources.

PURPOSE OF THIS DOCUMENT

ASRC's shareholders and their families have important interests in ANWR, in the Coastal Plain study area, and in the activities taking place in the Arctic OCS. This is our home. We subsist on the fish and wildlife these lands and waters provide. We are the best experts as to what the land and environment of the North Slope can and will sustain without damage.

This report has been prepared to provide Congress and the American public with a balanced and fair appraisal of the life and the history of the Eskimo people who live on the North Slope, together with detailed information on the Coastal Plain's environment, its fish and wildlife resources, and its oil and gas potential. The final section of this report reviews what is known about the interaction of development activities in the Arctic environment and what could be expected if such activities are permitted by the Congress to take place on our private lands and/or the public lands in the Coastal Plain study area.

It is my hope that his report will set the stage for a balanced national debate—founded on factual information and practical experience—on the policies which should govern our private lands and the Coastal Plain study area. My people believe that, with proper regulation and enforcement, the Coastal Plain study area's potentially huge crude oil resources can be explored for and produced in ways that are compatible with their interests, the environment, and the fish and wildlife resources which use the Coastal Plain.

COMMON SENSE APPROACH IS NEEDED

Common sense, experience, and a balanced view of the national interest should be the guidlines for determining the future of the Coastal Plain study area. This is what ASRC's shareholders expect. This is what the nation deserves.

Preserving our land as wilderness and maintaining a quality environment costs money. We can afford preservation if we have a healthy economy. A healthy economy, however, requires the development of some of our most prospective energy resources. The Coastal Plain is the nation's best onshore prospect.

CONCLUSION

The Inupiat Eskimo people are subsistence hunters and users of the North Slope's fish and wildlife resources. Our people have carefully observed oil and gas development at Prudhoe Bay and on the North Slope and its impact on fish and wildlife resources. It is our judgment, based upon close personal experience, that we can have balanced and carefully regulated oil exploration and development on our private lands and on the public lands of the Coastal Plain study area. We can preserve the environment and the wildlife resources of ANWR and still provide economic and energy security benefits to our people and to the nation.

JACOB ADAMS,
Arctic Slope Regional Corp.

JULY, 1990.

Mr. MURKOWSKI. Mr. President, let me conclude by quoting one of my good friends, Jacob Adams, president of the Arctic Slope Regional Corp. in a paragraph written July 9, 1990:

> The Inupiat Eskimo people are subsistence hunters and users of the North Slope's fish and wildlife resources. Our people have carefully observed oil and gas development at Prudhoe Bay and on the North Slope and its impact on fish and wildlife resources. It is our judgment, based upon close personal experience, that we can have balanced and carefully regulated oil exploration and development on our private lands and on the public lands of the Coastal Plain study area. We can preserve the environment and the wildlife resources of ANWR and still provide economic and energy security benefits to our people and to the nation.

Mr. President, next week I will be discussing further portions of the issue of the appropriateness of opening ANWR for oil and gas leasing. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Iowa is recognized, Senator GRASSLEY.

ALLOWING FOR POSSIBLE COMPENSATION OF THE VICTIMS OF PORNOGRAPHY

Mr. GRASSLEY. Mr. President, this week the Judiciary Committee heard compelling testimony regarding compensation for the victims of pornography. Because there has been a longstanding interest in the legislative proposals that were considered at the hearing, I would like to take this time to address the Senate on this matter.

The proposals considered at this week's hearing are intended to provide added tools to the arsenal of protective legislation for crime victims. They are certainly not intended to substitute for strict enforcement of our criminal statutes.

I believe that if we are truly interested in protecting the women victims of violent crime—it is important that we should provide leadership regarding the correlation between exposure to obscenity, child pornography, and violent crime against women.

It is important, that is, if we are truly interested in providing real protection to women crime victims.

As we heard from some of the witnesses at our hearing, exposure to violent, hardcore pornography can result in violent acts being committed against women.

And we heard that exposure to pornography has a tendency to desensitize the attitude of users of pornography toward women as individuals.

Consequently, I believe it is important that women victims should have access to the courthouse to attempt to prove their harm has been caused, in part, by obscenity.

I was pleased to hear during hearings on the Violence Against Women Act earlier this spring, the attorney general of Iowa, Bonnie Campbell, endorses the ability of victims of crime to have access to the courthouse, including the victims of pornography.

Now, certainly, not all violence against women is the result of the use of obscenity. And, I certainly am not saying that if all violent obscenity were eliminated that all violence against women would cease.

However, if we are to fully address the causes of violence against women, this is certainly one area in which common sense tells us that there is a correlation.

Very often, those who are really responsible for creating victims of obscenity or child pornography escape any kind of liability, criminal, or civil. Consequently, battered wives, rape victims, and abused children are left with little or no legal recourse.

And on Tuesday, we had the opportunity to hear very moving testimony from a victim who described her childhood sexual assaults by several men, including her foster father. Pornography was used in the commission of terrible acts against this small child. The effects on her—and on others whom she now counsels—constitute a real, domestic tragedy.

Also, behavioral studies by the Federal Bureau of Investigation have revealed a strong correlation between heavy exposure to violent sexual material and violent sexual attacks.

More recent studies indicate a correlation between the growing number of youth who commit rape and other violent sexual offenses and the declining age at which one is exposed to sexually explicit materials.

Mr. President, we can no longer afford to indulge the highmoral notion that obscenity is a victimless enterprise. Nor can we simply dismiss the use of obscenity and child pornography as exercises in freedom of speech.

The truth is that a victim who has been assaulted by someone who is a user of obscenity, is also a victim of obscenity.

Of course, the victim's assailant is primarily responsible for the crime against the victim. By his use of obscenity or child pornography, an assailant may himself even be classified as a victim.

But I believe the producers and purveyors of the obscenity that substantially caused the assailant to commit his crime are also responsible—therefore, they should be liable for damages to the victim.

Obscenity and child pornography trades on the systematic abuse of women and children. It can promote violence against women due to its tendency to desensitize its users to the crimes of rape, torture, and murder.

It is not the innocent promotion of free speech. Rather, it infringes on the rights of women to be safe from the fear of violent crime by fueling the sexual terrorism in our society.

We are all outraged that millions of Americans are held hostage by the fear of sexual assault. We are horrified that so many are actually assaulted.

In fact, a recent poll sponsored by the National Victim Center on citizens' attitudes about victims' rights and violence indicates that female respondents are more likely than male respondents to be afraid of being attacked in their homes, on the street during the day or at night, or even when traveling.

The center's poll also indicates that, due to their fear of crime, female respondents are more likely to limit the times and places they go to work, do their shopping, or places they go to by themselves.

The 1986 Attorney General's Commission on Pornography heard from many witnesses. Included among these were married women who testified about the effects on their marriages of their husbands' use of pornography.

The descriptions regarding their husbands dependency on harder and harder forms of pornography are very moving. The effects on their families—both economic and psychological—are obvious and severe.

And while the statistics indicate that married men commit 9 percent of all violent crimes against women, it is the divorced and separated men who commit 35 percent of these crimes, and boyfriends and ex-boyfriends who commit 32 percent.

These are from the January 1991 Bureau of Justice statistics study on female victims of violent crime.

I do not believe the evidence from the 1986 Attorney General's Commission can be dismissed as anecdotal. Academic research points to the same conclusions.

This is not a matter of imposing private morality; it is a matter of public safety.

Is protecting future victims of sex crimes—or compensating past victims—less important than protecting smut peddlers? Whose side are we on?

There has been an outcry from critics of the legislation. Let me say that those of us who support this legislation are committed to ensuring that the bill does not conflict with the first amendment. Substantial changes have already been made to the bill to accommodate concerns related to the first amendment.

But let me ask the critics:

Why should distributors of obscenity and child pornography receive special immunity from the law for the harms caused by their commercial products?

Can the first amendment never accommodate a woman's right to recover damages from a pornographer?

Women, babies, children, teenagers, mothers, wives, sisters, daughters, and grandmothers—in fact, all Americans, are victims because of an industry that is allowed to subjugate and degrade women.

The obscenity and child pornography industries trade on the systematic abuse of women and children.

We should acknowledge that obscenity and child pornography can provide a blueprint for some sexual abusers.

We all agree that sexual crimes like rape and child abuse may leave lifelong psychological scars that may prevent the victim and his or her family from leading normal lives.

We all agree that Government has a legitimate interest in protecting its citizens from all violent crime, including violent sexual offenses, through reasonable, effective, and constitutional means.

And that these means can include providing victims the ability to recover for their physical injuries, medical and psychological treatment, and pain and suffering if they can prove in court that obscenity and hardcore pornography has been the substantial cause of the harm they have suffered.

Mr. President, the victims of this material deserve more than the status quo.

The ACTING PRESIDENT pro tempore. The Senator from Iowa yields the floor.

The Senator from Florida [Mr. GRAHAM] is permitted to speak up to 10 minutes.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1565 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator from Minnesota [Mr. DURENBERGER].

COST OF HEALTH INSURANCE

Mr. DURENBERGER. Mr. President, not a day goes by without another news report describing the inexorable decline and decay of our Nation's health insurance system. Unless we in the Congress do something about it, the number of uninsured Americans, now estimated to be approximately 33.4 million, is going to skyrocket over the next 5 years.

Just yesterday, the New York Times reported that Empire Blue Cross of New York, which is one of the largest Blue Cross and Blue Shield insurers in this country, ended its longstanding policy of community rating small group health insurance policies, and this continues a dangerous trend that we have seen throughout the country among the Blues.

Blue Cross and Blue Shield, which was originally formed to make sure that doctors and hospitals got paid in something besides a half a cow or the sausage that got made in the wintertime, but actually got paid in something fungible, has traditionally in all of our States been the one place where the cost of health insurance was averaged out according to the cost of doctor and hospital bills, and that is called community rating.

Most other of their commercial competitors long ago abandoned community rating and went to something called experience rating, which is exactly what Empire Blue Cross of New York is doing now. What they are doing is taking their small business customers and dividing them into what they call good risk groups and poor risk groups; the good risk groups being people that are young, people that are healthy, people who do not experience any serious illness, and they are going to get one price; the poor risk groups, older people, people with cancer, AIDS, chronic conditions such as diabetes, they are going to get a very different rate.

According to the article that I read in the New York Times, the annual premiums for family coverage in groups deemed poor risk will be $9,086 a year for comprehensive coverage, which is a rate increase of about 50 percent, and on a monthly basis it is like paying a $750 a month premium.

Mr. President, how many small businesses deemed poor risk will be able to afford such policies? I think we all know the answer to that. Zero. None. What about an individual or a family that does not receive insurance through the workplace? According to Empire, people who purchase policies on their own will have to pay $11,239 a year for comprehensive coverage, including a $300 deductible. That is about $1,000 a month expressed in a monthly premium.

So, Mr. President, segmenting the market to screen out bad risks essentially undermines the basic function of insurance.

As we go about the debate over national health insurance or universal access to health care, one of the first problems we are going to have to deal with is, access to what? What is this thing to which we want access? Most of us express it, as I have and Blue Cross has, in terms of health insurance. But is it real?

What is the product we buy? The product is simply a bill-paying service, the facility of knowing that when you go to the doctor or the hospital you will not have to take your checkbook; you take your Blue Cross card and your bills will be paid. That is what we would like to provide for all Americans.

The problem is the price that each of us has to pay for this product. Now, how can we make an $11,000 product affordable, $1,000 a month access to doctors and hospitals affordable? The first way you do it is through what they call a risk allotment, which is like spreading the risk across a lot of people. That is the function of insurance; the healthy pay for the sick and the young pay for the old. That is the function that is being undermined.

Mr. President, earlier this year I introduced legislation, S. 700, that would preclude insurers from engaging in these kinds of practices in the small group market.

Next week I will introduce legislation that will provide small businesses with a 50-percent tax credit for providing health insurance which will increase the affordability of insurance for small groups. The passage of both of these bills in this Congress is critical if we are going to maintain any semblance of a small group, small business health insurance market.

Mr. President, I ask unanimous consent that an article to which I referred in the Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH INSURER PLANS TO SEEK BIG RATE RISE

(By Milt Freudenheim)

New York State's largest health insurer said yesterday that it planned to raise health insurance rates by 50 percent for all 300,000 people who buy their own policies and also for 120,000 employees of small businesses who are considered bad risks because some have serious illnesses.

The move by Empire Blue Cross and Blue Shield would mean that the cost of comprehensive policies would rise to more than $11,000 a year for individuals and more than $9,000 for members of some small groups. The increases, which require approval by the State Insurance Department, would apply in New York City, Westchester, Nassau, Suffolk and Rockland Counties.

Abandoning a longstanding policy of charging uniform rates to all groups of 3 to 49 people, Empire Blue Cross said it would divide small-business customers in the region into "good risks," made up of younger people without serious illnesses, and "poor risk" groups that include older people and people with cancer, AIDS or chronic conditions like diabetes. Charges would go down for about 230,000 people in the good-risk groups.

COMMUNITY RATES

Only about a dozen of the 30 Blue Cross associations across the country still offer uniform charges, which are called community rates. The move away from community rates dismays many experts on health insurance who say the cost of the sick should be spread across as many people as possible.

Empire said people buying policies on their own, rather than receiving insurance through their business, would pay $11,239 a year for the most comprehensive family coverage, which has only a $300 deductible for doctor bills.

As for businesses and other groups of 3 to 49 people, Empire said annual premiums for family coverage in groups deemed a poor risk would be $9,086 for the most comprehensive coverage, up from $6,057 currently, and $6,482 for more limited coverage, which pays medical bills after a $2,000 deductible, compared with current premiums of $4,321 per year.

But for a business whose workers are deemed a good risk, the premium for the most comprehensive family coverage would drop to $5,027 a year, from $6,057 for the same complete coverage.

But spokesmen for consumer advocacy groups said thousands of New Yorkers in the poor-risk groups or those buying policies on their own would be unable to pay the new rates, joining at least 1.4 million people without health insurance in the metropolitan area.

Kevin Foley, a state deputy superintendent of insurance, said the state had urged Empire Blue Cross to preserve its universal rate for all comers. Although it is "not an absolute legal requirement," he said, "we don't intend to have that abandoned without some very serious consideration." A preliminary public hearing is scheduled at the New York University Medical Center on Aug. 5. A formal hearing will be held after Labor Day.

WE'RE SKEPTICAL

"It remains to be seen whether the rate increases are the best solution in the long run from a public policy standpoint," Mr. Foley said. "We're skeptical."

But Richard N. Gottfried, a Manhattan Democrat who heads the State Assembly's health care committee, said, "If Blue Cross can document a dollars-and-cents need for this kind of increase, it would be legally difficult for the Insurance Department to turn it down."

Empire has noted that because it does not turn down any applicant for a policy, it covers a higher proportion of sick people than do commercial insurers who can reject sicker applicants. It said it has to begin offering lower rates to healthier groups because it has been losing their business to commercial insurers, which, unlike Empire, can hold down their costs by rejecting sicker applicants.

Albert A. Cardone, chairman of Empire Blue Cross, said the insurer had lost 29,000 customers and their dependents this year, on top of 400,000 who had departed from 1988 to 1990.

He said Empire lost $54 million in the first five months of 1991, which it hopes to get back by charging the higher rates and attracting more healthier customers.

Empire has already raised rates 19.5 percent this year (in March) and 14.1 percent last year.

In requesting state approval for rate increases, Blue Cross, like other insurers, points to rising charges by hospitals and doctors.

Largely because it extends coverage to everyone and charges universal rates, Empire has been allowed by the state to pay hospital rates 13 percent lower than those paid by commercial insurers. Even though Empire proposes to chip away at its universal rates, it seems unlikely that the Legislature would remove this advantage.

Richard Kirsch, a spokesman for Citizen Action of New York, a consumer group, said the rate increases were "outrageous, particularly because Empire Blue Cross has always prided itself on being a community-rated company and receives lower hospital charges for that reason."

EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator from Louisiana for a period of 20 minutes, and advises the Senator that morning business ends in 3 minutes. So it would be an accommodation to the Chair and the distinguished Senator from Louisiana if he asked unanimous consent to extend the time for morning business.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that morning business be extended until the hour of 10 a.m.

The ACTING PRESIDENT pro tempore. It might accommodate two other Senators to make that 10:20 or so.

Mr. JOHNSTON. I ask unanimous consent to extend morning business until the hour of 10:20.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JOHNSTON. Mr. President, if I may amend that to not beyond 10:20.

Mr. REID. Mr. President, reserving the right to object, if I could ask that Senator WELLSTONE and Senator REID be recognized for 10 minutes each.

The ACTING PRESIDENT pro tempore. That will be the order.

So the Senator from Louisiana will be recognized for 20 minutes; the distinguished senior Senator from Nevada and the Senator from Minnesota will have 10 minutes each for a total of 40 minutes, so that it will be about 10:22 or 10:23.

And the Chair recognizes the distinguished senior Senator from Louisiana for 20 minutes.

Mr. JOHNSTON. Mr. President, I thank the Chair.

NATIONAL ENERGY SECURITY ACT

Mr. JOHNSTON. Mr. President, almost 2 months ago, the Senate Energy Committee reported S. 1220, the Energy Security Act of 1991, by a vote of 17 to 3. Over the past 2 weeks, I have spoken about various aspects of this bill and I have offered the Senate detailed descriptions of the measure's provisions on natural gas, on renewable resources, on electricity, on energy efficiency, on alternative fuel fleets, and other key topics.

My purpose in making those remarks has been to help the Senate comprehend the unprecedented scope and depth of energy policy reform presented by S. 1220. I hope that I have succeeded in demonstrating that this bill touches and improves virtually ever area of energy use and production in this country.

Today, I would like to call on the Senate to consider not the individual pieces of S. 1220, but the bill as a whole. In particular, I would like to invite the attention of my colleagues to weigh the substance of S. 1220 against the nebulous criticism that the bill is somehow antienvironmental.

Mr. President, let us consider what an antienvironmental bill, energy bill, would look like. I suppose that to begin with, it would simply ignore energy efficiency. It would also overlook development and use of renewable energy resources like wind, solar, geothermal, and this hypothermal antienvironmental bill would probably cast aside environmental safeguards in order to boost energy production.

Does S. 1220 show any of these basic signs of the antienvironmental bias? Is this a bill that rejects the environmental community's agenda? Mr. President, the answer to each of these questions is a resounding no.

S. 1220 is the most balanced, progressive, and environmentally sound energy policy legislation ever considered by the Senate, ever reported by a Senate committee. Let us look at the facts.

S. 1220 promotes the development and use of clean-burning alternative transportation fuels by establishing a far-reaching Federal, State, municipal, and private alternative fuel fleets program. Greater use of alternative fuels in motor vehicles will yield benefits both with respect to the environment and in reducing our reliance on imported oil. Compressed natural gas, methanol, ethanol, and liquid petroleum gas all have lower ozone forming potential than gasoline, something that we are all very interested in, considering the high level of ozone we have had here in Washington these last few weeks.

The use of compressed natural gas, electric vehicles, and hydrogen would reduce carbon monoxide emissions. CNG and liquid petroleum gas would result in lower emissions of several mobile source air toxics.

S. 1220 promotes the use of alternative fuels in mass transit. Like the fleets program converting mass transit vehicles to alternative fuels will also provide the benefits of oil savings and reduce emissions of pollutants into the environment.

S. 1220 promotes the development and use of nonpolluting electric and electric hybrid vehicles; that is, vehicles which have both batteries and a small engine to generate electricity while away from a source of recharging.

These vehicles are the single most effective means for reducing transportation sector emissions in urban areas. In fact, when compared to gasoline powered vehicles, electric vehicles can reduce emissions by major pollutants by some 97 percent.

S. 1220 encourages the use of our cleanest fossil fuel, natural gas, by industry and by utilities. Natural gas can displace other environmentally benign fuels in a variety of applications. Natural gas vehicles can reduce the formation of urban smog. Natural gas in vehicle powerplants can reduce the formation of the precursors of acid rain.

In addition, natural gas can displace dirtier fuels and reduce emissions of carbon into the atmosphere.

S. 1220 will eliminate regulatory delays that inhibit natural gas from fulfilling its potential as a tool of environmental policy. Research, development, and demonstration programs authorized in S. 1220 will promote the commercialization of natural gas and its end use technologies, that are more efficient and more environmentally friendly than the technologies which they are designed to replace.

S. 1220 promotes development and use of renewable energy resources such as solar, biomass, photovoltaics, wind, hydropower, and geothermal.

According to the Energy Information Agency, U.S. renewable energy production provides the energy equivalent of over 1 billion barrels of oil. In addition, renewable energy displaces more than 500 million tons of carbon dioxide, or the equivalent of 10 percent of the annual CO_2 emissions in the United States.

S. 1220 promotes more efficient water use in Federal irrigation projects, leaving more water in the Nation's streams and rivers, while reducing energy consumption. This will provide environmental benefits in the form of more water for fish, wildlife, and in-stream values.

It will also provide for more efficient generation of Federal hydroelectric projects.

S. 1220 expands Federal programs to promote the export of renewable energy, energy efficiency, and clean-coal technologies to lesser developed countries.

The committee bill helps lesser developed countries fund and develop renewable energy alternatives to expensive imported oil and coal, thus preserving foreign exchange, and in some cases, tropical forests.

The exports of clean-coal technologies will help lesser developed countries meet their burgeoning energy needs while decreasing their emissions of greenhouse gases.

China and the Soviet Union alone make up almost 30 percent of all greenhouse gas emissions. Making efforts at using energy more efficiently is crucial to stabilizing global climate change.

S. 1220 directs States to consider removing financial disincentives for utilities to invest in energy conservation and demand-side management as the least-cost method of meeting electric demand. The problem today is that electric utilities are not encouraged to conserve energy. They do not make money from conserving energy. They make money by producing it. This bill, S. 1220, changes that, and puts the incentives on conserving energy. This initiative has the potential to save the Nation over 200 billion barrels of oil equivalent each year by the year 2010.

S. 1220 requires certain Federal power marketing administrations, and the TVA, to implement or promote integrated resource planning. This process will help to ensure the implementation of energy efficiency measures.

S. 1220 mandates and authorizes energy efficiency standards for industrial, commerical, and residential applications, appliances, and equipment. It is estimated that this expansion of the existing DOE appliance standard program will reduce our Nation's energy demand by an additional 85 million barrels of oil equivalent each year by 2010.

S. 1220 promotes the collection and reuse of the 10 million barrels of used lubricating oil that are now improperly discarded in the Nation's soil and water each year.

S. 1220 launches several energy efficiency initiatives in the Nation's building sector. These include: New energy efficiency standards for all Federal buildings and all homes financed with

Federal mortgages; incentives to States to upgrade local energy building standards; national home energy rating guidelines; upgraded standards for manufactured housing, and policies to promote energy-efficient mortgages.

Mr. President, this is just a partial list of those elements of S. 1220 which demonstrate the Energy Committee's commitment to environmental priorities. It is all there, conservation, renewables, efficiency. Moreover, absolutely nothing in S. 1220 changes this country's commitment to the environment, or changes its environmental laws. The truth of the matter is that adoption of S. 1220 would mark a significant advance of environmental priorities. I urge my colleagues to reflect on this fact and to keep these comments in mind the next time they hear S. 1220 wrongly criticized as "anti-environmental."

Mr. President, I have heard from a number of environmental groups that S. 1220 does nothing for the environment. Mr. President, those who say that are either totally ignorant of S. 1220, not having read it or heard it accurately described, or else they are spreading disinformation. I prefer to believe that it is the former, that they simply do not know about S. 1220, because, in addition to dealing with energy production—and make no mistake, S. 1220 deals with energy production in a very effective way—S. 1220 also constitutes the most effective piece of environmental legislation in the energy field ever considered by this Senate.

While that may or may not be enough to convince some colleagues to go along with the totality of the bill, let me say, in the Energy Committee, we voted this bill out by a vote of 17 to 3, by an overwhelming margin on both sides of the aisle.

I hope my colleagues will consider and ponder what S. 1220 does for the environment.

Mr. President, I yield the floor aned the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor and yields the 7 minutes and 44 seconds he still controls.

The Chair recognizes the distinguished Senator from Minnesota for a period of 10 minutes.

THE RAIL LABOR SPECIAL BOARD REPORT

Mr. WELLSTONE. Mr. President, I rise in response to the recent publication of the report of the Special Board established by House Joint Resolution 222 (Public Law 102-29) to provide for a settlement of the labor-management disputes that have rocked the rail industry and its unions in recent months, and which culminated in a strike by all of the major rail unions on April 17, 1991.

Congress and the railroad workers of this country have been betrayed, and I am angry. When Congress negotiated the terms of House Joint Resolution 222, it was agreed that the new Board would take a second look at the often outrageous recommendations of Presidential Emergency Board No. 219. Many Members of Congress, on both sides of the aisle and in both Houses, supported that resolution only under great duress and only because they believed it maintained protections for striking workers and gave them what many thought they could not get; a second chance to make their case on the contentious issues which remained in sometimes bitter disagreement.

None of the rail labor disputes in the past 30 years has involved such deep disagreement on such complex and contentious issues, including working conditions, wages, health care, seniority districts, and a host of other issues, 98 carriers, 11 national unions, and over 230,000 rail industry employees are covered by the decisions of this Board, which are binding under current law.

The new Board has failed to meet clear congressional intent, stated in the earlier legislation, and instead has rubberstamped the findings and recommendations of the PEB. We may as well have avoided all the pain and struggle of the tense negotiations late into the night on House Joint Resolution 222, and voted up or down on the PEB report, for all the second look we got for our troubles. I have said before and will say it again: I, for one, would have voted against imposing the PEB recommendations.

Congress passed this legislation fully expecting a good faith, genuine reappraisal of the most contentious issues in disagreement. Instead, we effectively got a brushoff from the new Board.

We faced a national rail strike, which involved 11 major unions composed of over 235,000 workers, because those workers were being asked by the railroads to accept sacrifices in their health benefits and being forced to travel hundreds of miles from their homes, sometimes working for many weeks at a time in remote areas. Congress spent a considerable amount of time and energy negotiating the composition of this Special Advisory Board, precisely because we wanted the board to scrutinize closely the complex and difficult issues raised in these negotiations.

Instead, the Board chose to dismiss outright every single one of the recommendations which remained in dispute. Every single one. And it did so perfunctorily, restoring to long and largely irrelevant discussions about legal terms of art in the 13th and 14th century, instead of focusing on the basic fairness of the requests for modifications made by the parties. Congress clearly commissioned the Board to apply a standard of demonstrable inequity. It refused outright to apply this standard, saying it was legally unclear and unworkable.

Even refusing to address the requests for modification, the Board claimed "it would serve no useful purpose, and arguably would be counterproductive, to discuss each request in detail." Instead, it concluded by fiat that "the board finds that the recommendations of PEB 219 are fair and demonstrably equitable," each and every one. It denied modification of each and every recommendation sought by the parties. It is unbelievable to me to think that of all the issues between labor and management, all of the grievances, all of the concerns of the railroad workers, this board could not fine one that perhaps the President's emergency board might have erred on.

Many of my constituents who work on the railroads believe this board, appointed by the administration, has imposed upon them a terribly unfair settlement. With American railroads at their highest level of profitability in 30 years, due partially to increases in productivity outstripping that of American industry in general, they are outraged. And that outrage is beginning to show.

The unions and railroads still have several more days in which they could bargain a better settlement, before the decisions of this board become binding. Without such settlements, this very one-sided outcome will force what looks like peace in the rail industry, but it will be a troubled peace. It is in fact an illusion.

Last week, the second largest union, the Transportation Clerks Union, unseated its president—after he had recommended the members ratify a contract similar to this report. As one railroad official quoted in last Friday's Wall Street Journal observed, "The rank and file people are ready to get very tough with the rail industry. You have a growing backlash."

Mr. President, when you boil down all the facts and arguments, the basic element missing in the Board's report is simply equity. That is what Congress sought in mandating a second look. That is what Congress intended in explicitly setting a standard of demonstrable inequity in the bill. That is exactly what was refused by this board.

And as in so many of our critical and basic industries which are at a crossroads, the rail industry could afford to do the right thing by its employees. But instead it has chosen short-term profit. Lump-sum bonuses will disappear in payroll taxes and a newly mandated contribution to health insurance. Under the recommendations of this report, a representative of the United Transportation Union, the largest rail union in the country stated last week it would lose one-fourth or more of its membership. These workers, who are brakepeople, switchpeople, and conductors work around the clock to operate the trains.

The operating crews of our Nation's freight trains often must work 20 or 30 days in a row without a day off, and even on weekends and holidays they work for straight time pay. Many of them tell us their already dangerous jobs will become even more so with the reductions in the work force that will be prompted by this agreement. Last week a dangerous train wreck in California reminded us of the need to strengthen, not weaken, railroad safety.

Mr. President, the decisions of this Board will profoundly affect the lives and livelihoods of over 230,000 railroad employees and their families. Those workers have worked for the last 3 years without a pay increase. Their families have often suffered from their difficult work schedules and falling real incomes.

Railroad workers and their families deserved a second chance at negotiating a fair collectively bargained agreement. Congress intended for them to have such a second chance. This Board refused it.

Mr. President, a troubled, imposed peace is no peace at all. And I believe in the weeks and months to come we will continue to see railroad labor activists react angrily to the effects of this Board's decisions. They have a right to be angry. I share their anger at this betrayal of congressional intent, and I can only hope this anger will be turned to productive ends as American rail labor unions continue to fight and organize to maintain their rights within a system which has this time failed them miserably.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Nevada.

SOCIAL SECURITY NOTCH

Mr. REID. Mr. President, in about a year the two political parties of this country will be meeting to select their candidate to run for President of the United States. It is important to note that the Republicans have chosen President Bush, of course. During the next few months the campaign will begin that will be culminated next August when the two selections are made and then, of course, in November will be the election.

Mr. President, there is one issue that every candidate, every Democratic candidate, those who are running, those who are thinking about running, those who will ultimately run and President Bush, also, should put on the front burner. That is the Social Security notch problem.

It is time to repeal and to get rid of this Social Security notch problem. Mr. President, as we know, we have come to learn the words "notch babies" refer to a group of people who were born between the years 1917 and 1926, who by virtue of what we have done, along with the President, simply get less money than people born at some other time. These Social Security recipients, some receive as much as 20 percent less than their counterparts only because they were born at a certain time. And we, at our discretion, randomly chose certain age groups and those certain age groups receive less money.

Congress can debate, and I think they should and they will, Mr. President, this issue. That is the best way to make progress on this grave injustice.

I think the best way to start debating the issue is to have Presidential candidates talk about the issue. It is an issue that affects hundreds of thousands of people. There is not a Member of this body or a Member of the other body that does not hold a town hall meeting and have that question brought up. The question is why am I treated differently?

This is an injustice which plagues only a select group of people. I have mentioned that group of people, people born between the years 1917 and 1926, with particular hardship on those born between 1917 and 1921. The issue has been debated over and over and over again. But yet it has not been solved.

These are people, Mr. President, who lived through the Great Depression. Most of them were involved directly in the Second World War, some even in combat. But in spite of their sacrifices, we simply have not lived up to our responsibility.

Remember, these are not people who are on welfare. These are not people who are looking for a handout. These are people who have paid into the Social Security trust fund like everybody else. So why should they be treated differently?

Sad, but true, and I am sure it has happened to the Presiding Officer here and other Members of this body with people at these town hall meetings and when we visit senior citizen complexes. We have all had them say to us, what are you waiting for? Are you waiting for us to die and then try to do something about it?

Mr. President, today a number of notch babies will die. We will not have to worry about those notch babies, making sure that they are treated fairly. Each day a grave injustice is perpetrated when these people pass on. We have to do something to make this a fair Social Security system.

This body acted responsibly in April. An amendment I offered allowed the Senate budget resolution to be amended to allow room in that budget resolution to take care of these notch babies. It went to conference and as a result of the action of the conference committees this notch provision was dropped. But since that failed conference, as I referred to it, has transpired, the House has now 232 cosponsors to change and delete the notch provision. That is more than half. It only takes half to pass something over there. They are not bound like we are with filibusters, with a need to file cloture motions. They have more than half the vote.

So I call upon our colleagues in the other body to take action and move forward on the fact they have 232 cosponsors. I would ask that the House Ways and Means Committee move quickly, expeditiously to change the notch provision.

In the Senate we have 32 cosponsors on one piece of legislation. There are other pieces of legislation that have been offered relating to the notch provision. I think it is time to return the dollars to the hands of those who earned them. It is time to show our support for notch reform, the same way the House did. They have over half. We certainly should get over half to support this legislation.

Mr. President, in all of our offices we have people that help us answer the mail. These notch babies write in to us every day and we write back and say we are working on it. Well, I think this body should, and the Members that make up this body should write back to those notch babies and tell them we are going to do something about it this year, not next year.

I think, Mr. President, the way to get this debate started is to immediately have those people who are running for President of the United States say I favor repeal of notch.

I yield back the time that I have remaining.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPACE LIFE SCIENCES

Mr. GARN. Mr. President, just prior to last week's Senate action on the NASA's fiscal year 1992 appropriations bill, and our resounding affirmation of continued investment in the international space station Freedom, there was a bit of a media campaign waged by opponents of that program. As a Member of the Senate, and one who has participated in public life for the past 20 years, this form of political attack is quite familiar. What was surprising was the source of these arguments and rhetoric: scientists.

One specific case in point was an article which appeared in the Washington

Post on July 10, written by Robert L. Park, a professor of physics at the University of Maryland, which objected to the cost of the space station Freedom and totally rejected its scientific justification. Well opinions are like noses, every one is entitled to one. And while I certainly disagree with Dr. Park's assessment, I well appreciated that no project of the scale and significance of the space station, can expect to win unanimous consent.

Dr. Park's article made two sweeping assertions, however, which deserve to be rebutted: First that it is the consensus of scientists that the space station should not be built, and second that "the future is in robots."

Mr. President, many scientists do oppose the space station. Having spent the past 15 years working with the budgets for the National Science Foundation and NASA, I understand their fears that such a large project may constrain funding for other research and development activities, especially the very basic and theoretical work that academic careers and credentials are built on.

Unfortunately, Dr. Park, and the other scientists he refers to suffer from a misperception that there is some fixed percentage of the Federal budget that will always be devoted to science and technology. In reality, there is no such set-aside. Science and technology activities annually have to compete with all other Federal expenditures, including assistance to the homeless, veterans medical care, environmental protection, food supplements for the needy, and the vast array of other governmental activities.

And I might add that while overall Federal investment in science and technology has increased sharply in the past 10 years, its current 1-percent share of the budget pales in comparison to 4 percent devoted to these activities at the height of the Apollo Lunar Program in 1966. Basic science alone did nearly three times better in 1966—the midst of the Apollo Program—than it did in 1981. Its pretty clear to me that manned space activities do not compete with other science investment, rather it sounds out and reflects a broader national commitment to all science and technology investment.

Mr. President, the other assertion made by Dr. Park that I feel needs to be answered is his view that science is a hostile environment, we humans best stay on Earth and leave all exploration to robots. This mindset would have prevented our prehistoric predecessors from ever coming down from the trees. Advancements in automation and robotics should be used to extend mankind's exploration of our universe, not prevent it. I find it incredible that a scientist would so blithely reject research activities to better understand human adaption to the hostile space environment.

It would appear that Dr. Park, in an earlier age, would have been among those who argued that because God did not give man wings, we should not try to fly. After all, falling out of the sky is very dangerous. And I wonder what he thought of the sound barrier? Does Dr. Park dispute the notion that we can develop life support technologies to enable safe and efficient expansion of human presence beyond the surface of our planet?

Mr. President, in addition to these two central assertions of Dr. Park's article, he also belittled the work of the crew of the recent shuttle space life sciences mission. He said, they were "reduced to videotaping jellyfish swimming in zero gravity." As a politician, I am used to such cheap shots, but having once spent some time in training with our shuttle astronaut corps, I was offended by this deliberate expression of ignorance.

Mr. President, I recently received a copy of a letter written by Dr. Tammy Jernigan, a crew member of that shuttle flight. She not only corrects errors in Dr. Park's article, but dispassionately outlines the true scientific goals of that mission. With remarkable clarity, she also explains how the space station Freedom will contribute to these valuable research endeavors.

I ask unanimous consent that her excellent letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 23, 1991.

To the Editor:

In his efforts to argue that Space Station Freedom has no scientific justification, Robert Park sought to ridicule a recent Space Shuttle flight, SLS-40, also known as Space Lab Life Sciences 1 (SLS-1): He described our nine-day mission as one lasting only six days and stated that our primary scientific discovery involved videotaping 2,438 jellyfish swimming in zero gravity and then determining that the jellyfish seemed confused. Evidently, it is Robert Park who is confused and as a crew member of SLS-1, I wish to provide a more enlightened account of the scientific objectives of our flight.

The complement of experiments on SLS-1 included 18 primary experiments designed to study how the human body adapts to the microgravity environment of space and then readapts to the earth's gravitational field upon return. The experimental hardware was located in a reusable laboratory, known as Spacelab, carried in the payload bay of the Shuttle. Scientists from across the country designed experiments to investigate changes in the cardiovascular, cardiopulmonary, metabolic, musculoskeletal, neurovestibular, and immune systems of astronauts both in flight and postflight. These investigations, including Skylab, resulted in the most comprehensive study of human adaptation ever undertaken. During the mission, we collected even more data than our ambitious timeline prescribed, and the preliminary scientific reports will be out this September.

Space is a harsh environment, as Park points out, which is precisely why NASA designed a mission to understand more thoroughly the ability of the human body to adapt to such an environment. However, the research done during SLS-1 not only enables us to increase the productivity of astronauts in space, but also contributes to our well-being here on earth. Scientific investigations on SLS-1 also have application to such compelling medical issues as osteoporosis, blood pressure regulation, lung disease, and immune system deficiencies. While no one can predict the ultimate outcome of research, history has shown that the investment in space research and technology has been returned many fold in the form of economic stimulation and scientific advances, particularly in the area of health care.

The only disappointing aspect of our mission was the necessity to return our biomedical research laboratory to earth at the end of our nine-day Shuttle flight. Each physiological system acclimates to microgravity at a different rate, and there were still many changes occurring within the human body even after nine days. Consequently, there was a great deal more to be learned had we been able to operate our laboratory on a space station.

While NASA does not seek to justify Space Station Freedom solely in terms of scientific research, there are areas of research particularly suited to an orbiting laboratory, research such as that encompassed by the life sciences. It is interesting that Robert Park would choose SLS-1 as an example of why not to build a space station when this particular Shuttle flight so clearly illustrates one of the scientific advantages a permanently manned presence in space would provide.

TAMMY JERNIGAN,
Ph.D., Space Physics and Astronomy, Rice University, NASA Astronaut.

TRIBUTE TO MARSHALL HUMPHREY

Mr. DECONCINI. Mr. President, Arizona lost an extraordinarily able and dedicated leader with the death of Marshall Humphrey on July 22. A native of Phoenix, Marty exemplified not only the best in traditional values of American family life, but also the best traditions of dedicated public service. His leadership for a period of more than 40 years were critically needed in a young and growing State like Arizona.

Marty Humphrey's strong and steadfast leadership during his 8 years of public service in the Arizona Legislature remain a model for aspiring legislators of both parties. During the period when I served as Governor Goddard's legal counsel and, later, his administrative assistant in 1964–65, Marty gave me wise counsel and advice on the best way to accomplish the Governor's agenda.

Despite the fact that we came from different political parties. Marty was simply interested in good government, and was more than willing to share his knowledge and expertise with young men and women who wanted to dedicate their lives to public service. As a longtime friend of my father, perhaps Marty was particularly eager to teach me the political ropes.

As a member of the Arizona Legislature, Marty served on various committees which reflected his underlying interests—agriculture, public lands, planning and development, and vocational education. He was an ardent and vocal advocate for the central Arizona project, and it is no exaggeration to say that his support and advocacy were crucial factors in ensuring the ultimate success of this project. Marty led by example and quiet persuasion, and always with a passion to enhance the quality of life for all.

Marty Humphrey was a big man in both stature and spirit who had an enormous compassion for those less fortunate than he. His generosity to his church, to his community, to young people's organizations, to public service, and to the ideals upon which our Nation was founded will seldom be equaled.

He was a good man and a good friend, and will be sadly missed by all who had the good fortune to know him.

I salute Marshall Humphrey, one of the true pioneers of modern Arizona and extend my sincerest sympathy to his family.

THEIR 60TH WEDDING ANNIVERSARY

Mr. BURNS. Mr. President, it is not often a Member of this body, the U.S. Senate, gets an opportunity to recognize two people who represent America in its truest form.

On July 1, 1991, there was a special gathering in a small Midwest town, Gallatin, MO. We were all there to celebrate their 60th wedding anniversary. They are my parents; Russell and Mary Frances Burns.

Russell Burns married Mary Frances Knight in April 1931. Times were not the best as this Nation was in the depth of the Great Depression. Banks were going broke, there was no money and to many, the back of this great free society, the United States of America, was broken. There was not much optimism in those days and the future did not look bright. But this young couple evidently did not see that kind of world. They bought a small farm at the courthouse steps. It was selling for taxes, as many farms were in that day. Hard times for Americans during that era of our history. It was Americans like my parents that not only existed, worked hard and pinched every penny that came their way and they survived. Besides the economic difficulties of the "dirty thirties," there was a devastating drought in 1934 and 1936. They fed and clothed their family, paid their taxes, supported the local country school, served as 4-H leaders and participated in all the local clubs and organizations that contributed to the quality of life in that farm community as in all communities across our land.

It has been said, hard times builds character and to have survived and succeed during that part of our history took a lot of character and stamina. The work was hard and one had to make do with what one had and they did not have much. They did have youth and all of it's advantages, and a great sense of humor. Both had the ability to laugh at oneself.

I cannot remember 1 hungry day. Maybe the fare at the dinner or supper table was not the same as folks in higher social status but the quantity was always sufficient. My sister Judy and I never knew a day when there was a shortage of love, respect and understanding.

These folks who have been on this 60-year honeymoon have the qualities that sets all Americans apart from the rest of the world; the ability to dream, the ability to care and love, and develop those values that are the fabric of the American society. They understand sacrifice and the benefits of it.

These values were defined and passed on to not only my generation, but the next. Love of country, a deep love and respect of the soil where all life begins, is sustained and where it returns, love of people and mankind alike, and love of community were and still are the tenets of their generation. They are the shining example of what we all hold dear, the American.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there is no further morning business, morning business is closed.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1435, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Simon amendment No. 826, to recognize trends in population growth.

(2) Simon amendment No. 827 (to amendment No. 826), to authorize funds for the United Nations Population Fund.

Mr. SARBANES. Mr. President, I ask unanimous consent, because we will be considering other amendments which Members have submitted over this short period before I assume we will come back to the Simon amendment on which cloture was invoked, that the time used henceforth be charged against the 30 hours under cloture.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SARBANES. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 842–867

Mr. SARBANES. Mr. President, in a moment Senator MCCONNELL and I will send a package of amendments to the desk and ask that they be considered en bloc. It includes those amendments on the list that was agreed to last night which the managers are prepared to accept.

There is no controversy surrounding them, and I think in each instance they represent a constructive contribution to the legislation. I am going to read through the list very quickly for purposes of the record: a Ford-McConnell amendment on human rights in Guatemala; two Kennedy amendments, one on South Africa, one on China and Tibet; a Lugar-Glenn amendment on nuclear nonproliferation; a Simon amendment concerning the Horn of Africa; a Simon amendment concerning Liberia; a Simon-Kassebaum amendment concerning the Brooke waiver; a Rockefeller amendment on subcontracting in Kuwait; a Seymour amendment making a technical correction to the amendment yesterday on the Middle East; a Biden-Graham amendment on the rule of law; an amendment by Senators DOLE and LEVIN on violence in Azerbaijan; a Mack amendment on the index of economic freedom; a Symms amendment on policy toward growth in developing nations; a Chafee-Kassebaum amendment on West Bank schools; four DeConcini amendments, one on the CSCE, one on Angola, one on the Baltics, and one on microenterprise; a Mack-Graham amendment concerning trade with the enemy as it relates to Cuba; a Wirth amendment concerning volunteers for the SEED Program; a Leahy amendment dealing with technical matters on Public Law 480; a Dodd amendment making technical changes to the Enterprise for the Americas initiative; three Helms amendments, one involving U.N. auditing, one involving U.N. reports, and one involving the PLO; and a Brown amendment concerning reporting requirements on debt under the Enterprise for the Americas initiative.

Mr. President, I send those amendments to the desk and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes amendments 842 through 867 en bloc.

The PRESIDING OFFICER. Is there debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 842–867) were agreed to en bloc, as follows:

AMENDMENT NO. 842

On page 163, line 12 through 13, strike "in particular those involving Americans." and insert "such as those of Sister Dianna Ortiz, Michael Devine and Myrna Mack."

AMENDMENT NO. 843

(Purpose: To assist the victims of apartheid in South Africa)

At the appropriate place in the bill, insert the following:

(a) AUTHORIZATION.—Funds authorized to be appropriated to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, that are allocated for programs to assist the victims of apartheid and necklacing in South Africa and are in excess of amounts allocated for such purposes for fiscal year 1991, may be made available to or through non-governmental organizations for assistance for the victims of apartheid in South Africa, in the health, education, and housing sectors.

(b) CONDITIONS ON THE USE OF FUNDS.—(1) None of the funds authorized under this section shall be transferred to the Government of South Africa, or to parastatals or any other institution financed or controlled by the Government of South Africa.

(2) Nothing in this section shall be construed to affect or limit the tertiary scholarship and bursaries programs.

(c) FUNDING FOR FACILITIES THAT RECEIVE GOVERNMENT SUPPORT.—Notwithstanding any other provision of law, funds authorized by this section may be made available to provide assistance through non-governmental organizations for health, educational, and housing institutions or facilities although such institutions or facilities may be financed or controlled by the Government of South Africa subject to the following conditions:

(1) the President consults with the appropriate Congressional committees and South Africa organizations representative of the majority population of South Africa prior to making any determination under paragraph (2).

(2) the President determines and so reports to Congress 15 days in advance of the proposed obligation of funds in accordance with section 634A of the Foreign Assistance Act of 1961 that—

(A) the provision of assistance to such entities is necessary in order to achieve the objectives of this section to assist the victims of apartheid; and

(B) the Government of South Africa is continuing to make progress towards dismantling apartheid and establishing a nonracial democracy; and

(3) the assistance is identified as having been provided by the people of the United States.

(d) Beginning on January 1, 1992, and every three months thereafter, the President shall submit to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report describing the extend and type of assistance provided under this section during the preceding three-month period.

INCREASED ASSISTANCE TO VICTIMS OF APARTHEID—AMENDMENT NO. 843

Mr. KENNEDY. Mr. President, this amendment authorizes additional assistance to the victims of apartheid in South Africa in the areas of health, education, and housing. I urge the Senate to support it.

President Bush has asked that $80 million be provided, and I hope that assistance of this magnitude can be made available in the appropriations bill. Although many of us disagreed with the administration's decision to terminate United States economic sanctions against South Africa, I am pleased that we agree on the need for the assistance proposed by this amendment.

The recent revelations that the Government of South Africa has been secretly funding Inkatha only highlight the many obstacles that impede the ending of apartheid. I urge the South African Government to make a full, impartial, and public investigation of these disturbing developments.

The amendment I offer today provides an opportunity for the United States to continue assisting the struggle against apartheid by providing support for the victims of that cruel system. The United States currently provides about $40 million a year for this purpose, primarily through scholarships and a variety of human rights, private enterprise and other assistance through nongovernmental organizations. There remains a great need, however, in the area of health, education, and housing.

The vast majority of blacks in South Africa have seen their living conditions worsen in recent years. In education, $282 is spent for a black child, compared to $1,382 for a white child. The unemployment rate is 40 percent, and the illiteracy rate is 60 percent.

Most blacks have little hope of finding jobs, even if they succeed in overcoming the odds and successfully complete their education. Housing in South Africa is deplorable for the majority of the population. The 40,000 exiles returning to their country have no home or resources with which to start a new life.

While these problems will not be resolved until the majority of South Africans control their own government and the expenditure of their government's funds, there are limited but important ways for the United States to assist in providing a better life for the people of South Africa.

This amendment would do so in three areas—health, education, and housing. The funds would be channeled through nongovernmental organizations in consultation with the United States Congress and grass roots organizations representing the black majority and working in these areas, such as the South African Council of Churches, the National Medical and Dental Association, the African Teachers Association of South Africa, the National Education Coordinating Committee, and the South African Democratic Teachers Union.

In the limited instances where the victims of apartheid can best be assisted within the governmental organizations and institutions, such as schools and health clinics, the assistance could be channeled through nongovernmental organizations only if the administration first consults with Congress and the black majority in South Africa and gives the Congress 15 days to review the request.

The struggle to end apartheid is a long and difficult one. With this amendment, the people of the United States can help ease the burden for those who pay the heaviest price for that brutal system.

I urge my colleagues to support this amendment and I look forward to working together to advance the goal of democracy in South Africa.

AMENDMENT NO. 844

(Purpose: To encourage the termination of human rights abuses inside the People's Republic of China and Tibet)

At the end of the bill add the following:

SECTION 1. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this Act to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China and Tibet.

(b) PRINCIPLES.—It is the sense of the Congress that any United States national conducting an industrial cooperation project in the People's Republic of China or Tibet should adhere to the following principles:

(1) Suspend the use of all goods, wares, articles, and merchandise that are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor if there is reason to believe that the material or product is produced or manufactured by forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrests or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations and property and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment, and consult

with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to use business enterprises that are not controlled by the People's Republic of China or its authorized agents and departments as potential partners in the industrial cooperation project.

(5) Prohibit any military presence on the premises of the industrial cooperation project.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Chinese Government of these freedoms to the appropriate authorities of that government and to the International Labor Organization, which has an office in Beijing.

(7) Urge the Chinese Government to disclose publicly a complete list of all those individuals arrested since March 1989, to end incommunicado detention and torture, and to provide international observers access to all places of detention in the People's Republic of China and Tibet and to trials of prisoners arrested in connection with the pro-democracy events of April through June of 1989 and the pro-democracy demonstrations which have taken place in Tibet since 1987.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the operations of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Chinese Government concerns about restrictions on importation of foreign publications.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

SEC. 2. REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall register with the Secretary of State and indicate whether the United States national agrees to implement the principles set forth in section 1(b). No fee shall be required for registration under this subsection.

(b) EFFECTIVE DATE.—The registration requirement of subsection (a) shall take effect 6 months after the date of the enactment of this Act.

SEC. 3. REPORTING REQUIREMENTS.

(a) REPORT.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall report to the Department of State describing the United States national's adherence to the principles. Such national shall submit a completed reporting form furnished by the Department of State. The first report shall be submitted not later than 1 year after the date on which the national registers under section 2 and not later than the end of each 1-year period occurring thereafter.

(b) REVIEW OF REPORT.—The Secretary of State shall review each report submitted under subsection (a) and determine whether the United States national submitting the report is adhering to the principles. The Secretary may request additional information from the United States national and other sources to verify the information submitted.

(c) ANNUAL REPORT.—The Secretary of State shall submit a report to the Congress and to the Secretariat of the Organization for Economic Cooperation and Development describing United States nationals operating in China and Tibet have adhered to the principles outlined in Section 2(B). This report shall be submitted not later than 2 years after the date of the enactment of this Act and not later than the end of each 1-year period occuring thereafter.

SEC. 5. ENFORCEMENT OF CURRENT LAW.

(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit with respect to the People's Republic of China and Tibet to the appropriate congressional committees a report describing—

(1) enforcement procedures with respect to the implementation of section 1307 of title 19, United States Code;

(2) steps taken to investigate which goods, wares, articles, or merchandise are minded, produced, or manufactured, in whole or in part, by convict labor or forced labor; and

(3) the results of such investigations.

(b) DEFINITION.—For purposes of this section, the term, "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the terms "adhere to the principles", "adhering to the principles" and "adherence to the principles" mean—

(A) agreeing to implement the principles set forth in section 1(b);

(B) implementing those principles by taking good faith measures with respect to each such principle; and

(C) reporting accurately to the Department of State on the measures taken to implement those principles;

(2) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000; and

(3) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, and other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

AMENDMENT NO. 844

Mr. KENNEDY. Mr. President, I have offered an amendment calling for the establishment of ethical business practices in China and Tibet.

Today, jailed Tiananmen Square activists and Buddhist monks are being subjected to forced labor to assemble products for export to the United States, German, and Japanese markets. Many firms in the free world have become unknowing partners in deals with prison camps.

The United States should be doing more to end these human rights abuses. The amendment I am introducing today, which has been cosponsored by Senators GRASSLEY, PELL, DECONCINI, CRANSTON, WELLSTONE, and BROWN, would enlist U.S. businesses in this effort.

This legislation requires United States nationals engaged in commercial activities in China to follow certain guidelines in conducting business. Prisoners, including large numbers of political prisoners, are an integral part of China's labor force. Products from forced labor camps are sold in domestic and foreign markets and have become a large component of the Chinese economy. One-third of the tea produced in China, for example, comes from labor camps.

Prisoners mine, manufacture, and harvest a variety of other products including coal, textiles, steel, machine tools, automobiles, chemicals, electronic goods, fans, shoes, ceramics, and over 20 agricultural products.

The Chinese Government has actively, and successfully, sought United States markets for these goods. In scope, number of camps and prisoners, and degree of cruelty, these forced labor camps are deplorable. Between 4,000 and 6,000 exist in China and Tibet, and 10 to 20 million people are detained.

Large numbers of the forced laborers are political detainees; few have had trials. Prisoners work up to 15 hours a day and are not allowed to speak to one another. Torture with cattle prods for disobedience is common.

The United States should speak out against this shameful repression, and U.S. business should do its part, too. Our increasing commercial ties with China should not be at the expense of the forced labor of Chinese and Tibetan political prisoners.

This legislation requests United States nationals participating in joint ventures in China and Tibet to follow nine important principles:

First, to refrain from using products made by forced labor;

Second, to safeguard employees from dismissal because of their political beliefs and participation in nonviolent demonstrations;

Third, to ensure that business operations do not harm the environment;

Fourth, to use businesses not controlled by the Chinese Government when looking for business partners in China;

Fifth, to prohibit any military presence on the premises of industrial cooperation projects;

Sixth, to promote freedom of association and assembly among employees;

Seventh, to press Chinese authorities for a list of those arrested since the massacre in Tiananmen Square in 1989, for an end to secret detention, and for access by international observers to places of detention;

Eighth, to avoid political indoctrination programs on company premises, and

Ninth, to promote freedom of expression for workers.

The amendment requires the Secretary of State to report to Congress on whether U.S. companies are complying with these principles.

Current law prohibits the importation of products produced from forced labor, and the amendment also requires the Secretary of State to submit annual reports to Congress on steps taken to enforce the law.

Congress needs to take a strong stand against the gross injustices of forced labor. Our message of support for human rights in China is strongest if private industry and the Government speak with one voice. I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 845

(Purpose: To encourage the development of regional nuclear non-proliferation regimes)

On page 98, after line 19 insert the following:

SEC. 514. NUCLEAR NON-PROLIFERATION REGIMES IN SOUTH ASIA AND OTHER REGIONS.

(a) POLICY.—It is the sense of the Congress that—

(1) the problems of halting international commerce in nuclear-weapons-related technology, of prohibiting the development, acquisition, or use of nuclear weapons, and of responding to the effects of nuclear war are global in nature;

(2) progress toward resolving these problems requires the agreement of all nations to undertake binding, universal, and nondiscriminatory commitments to global principles represented by the Nuclear Non-Proliferation Treaty and the safeguards system implemented pursuant to that Treaty by the International Atomic Energy Agency;

(3) the design, negotiation, and development of regional nuclear non-proliferation regimes in South America, the Middle East, South Asia, East Asia, and in other regions can serve the global interest by reinforcing the universal standards and principles of the Nuclear Non-Proliferation Treaty and the safeguards verification system of that Treaty, as implemented by the International Atomic Energy Agency;

(4) agreements among nations promising not to attack one another's nuclear facilities are useful measures that can contribute to the creation of nuclear non-proliferation regimes;

(5) timely information about the progress of these non-proliferation regimes toward achievement of these global non-proliferation objectives is essential to the Congress in the deliberation, formulation, and oversight of United States nuclear non-proliferation policy; and

(6) the President should pursue a regional negotiated solution to the issue of nuclear non-proliferation in the countries of South Asia, including at least the countries of the People's Republic of China, India, and Pakistan, and the President should seek an accord to be signed by all nuclear weapons states in the Asian region which would prohibit nuclear attacks or the threat to use nuclear weapons by nuclear weapons states on countries in South Asia.

(b) REPORT.—The President shall submit to the Congress in January of 1992 and in January of each year thereafter a report describing the progress made and obstacles encountered in establishing regional nuclear non-proliferation regimes in South America, the Middle East, South Asia, and other regions. Each such report shall include a description of—

(1) any new regional agreements, treaties, or institutions that are created to advance global nuclear non-proliferation objectives;

(2) any new regional verification procedures and sanctions mechanisms to ensure progress toward achieving global nuclear non-proliferation objectives;

(3) any new proposals from countries in these regions to foster the development of regional regimes that promote global nuclear non-proliferation objectives; and

(4) a classified evaluation of any evidence that any nation has engaged in the previous year in activities described in subparagraphs (A) through (D) of section 601(a)(3) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 92 Stat. 120), or any other nuclear-weapon-related activity described in section 669 or 670 of the Foreign Assistance Act of 1961 (Public Law 87-195, 75 Stat. 42), together with an unclassified summary of this evidence.

(c) LIMITED WAIVER ON PROHIBITION ON ASSISTANCE.—Notwithstanding section 620E(e) of the Foreign Assistance Act of 1961, the President may, until April 1, 1993, provide agricultural commodities or other assistance under the Agricultural Trade Development and Assistance Act of 1954 (Public law 83-480) or under section 416 of the Agricultural Act of 1949 if the President determines and reports to the Congress that—

(1) it is in the national interests of the United States to do so; and

(2) such assistance would advance the nuclear non-proliferation objectives of the United States.

On page 110, line 21, strike out "September 30, 1994" and insert in lieu thereof "April 1, 1993".

On page 3, after the item relating to section 513, insert the following new item:

Sec. 514. Nuclear non-proliferation regimes in South Asia and other regions.

REGIONAL APPROACHES TO HALTING NUCLEAR PROLIFERATION

Mr. GLENN. Mr. President, in cooperation with other nations, the United States has now been trying to halt the global proliferation of nuclear weapons for 45 years. There have been many successful milestones in the evolution of these efforts, such as: The creation of the International Atomic Energy Agency [IAEA] and its safeguards system; the negotiation of the Nuclear Non-Proliferation Treaty [NPT], which now has 142 parties; the establishment of a nuclear-weapon-free zone in Latin America via the Treaty of Tlatelolco; the development of an international system of guidelines for exports of nuclear equipment and technology maintained by the Nuclear Suppliers Group; and the negotiation of numerous agreements and treaties prohibiting the deployment or testing of nuclear weapons in various parts of the world and in outer space.

I rise to speak today, however, about the continuing challenges we face in mobilizing international efforts to prevent the global spread of nuclear weapons and in searching for more effective means of regulating commerce in equipment and materials to produce such weapons. Saddam Hussein has recently shown the world how far a nation can go toward obtaining a nuclear weapon while remaining a party to the NPT and while—according to the IAEA—complying with the formal requirements of full-scope IAEA safeguards. North Korea has also signed, but not yet implemented, the NPT; so has Libya, Iran and other countries that remain of proliferation concern.

Clearly, the international community needs to continue its search for new measures of complementing and supporting the global standards embodied in the IAEA and the NPT.

REGIONAL NUCLEAR NONPROLIFERATION REGIMES

One area where progress may well be made in the 1990's relates to the development of nuclear nonproliferation regimes that are regional in focus but that implement global standards.

For example, Brazil and Argentine appear to be well on their way toward substantial improvements not only in their relations but in the development of a stronger regional nuclear nonproliferation regime. Both countries, for example, have announced their intentions to work toward placing all of their nuclear facilities under the safeguards auspices of the IAEA; this is a positive step indeed, compared with earlier attempts by both nations to restrict the role of the IAEA or to limit the whole notion of safeguards strictly to national or bilateral undertakings. Now both countries recognize the value of some universal standards and are taking some steps toward implementing them under IAEA auspices.

Brazil, in particular, has taken some extraordinary steps in publicizing the activities of a secret enterprise called, Project Solimoes, a 15-year effort by the Brazilian military to acquire a nuclear weapon. The President of Brazil took the bold steps of publicizing this project, condemning it, and according to many accounts, dismantling it. I can think of many nations that I wish would adopt this particular model for dealing with proliferation.

Although the job is far from complete in Brazil or in Argentina—since there remain certain sensitive activities outside of safeguards and since the military is still engaged in nuclear-related work in both countries—there is no doubt that some progress is being made. If only both nations would bury the hatchet and finally agree to become parties to the NPT, mutual confidence and stability would be all the more advanced. The United States should not weaken in its efforts to encourage both nations to accede to that treaty.

GLOBAL DIMENSION OF REGIONAL REGIMES

What makes the progress in establishing a nuclear-weapon-free zone in Latin America so encouraging is the apparent readiness of the key nations in the region to acknowledge that the stability and confidence of their regional is enhanced by the support it gives to international principles and standards. In particular, both nations now officially recognize the importance of mutual agreement to apply the universal safeguards standards of the IAEA to all their nuclear activities.

What is most noteworthy about the progress in Latin America is that it is not taking place strictly in an isolated regional context. The countries in the region well recognize that a nuclear war in the region would not merely have regional consequences. They recognize that the marketplace for sensitive nuclear technology is not regional in nature, but global. They also recognize that confidence is enhanced by increased reliance on a neutral, international inspection system with over 30 years of experience in implementing safeguards. In short, what we are seeing taking place in South America is the evolution of a regional regime within a broader global nuclear nonproliferation regime.

SOUTH ASIAN NUCLEAR REGIMES

In South Asia, both India and Pakistan have begun to take some steps away from the brink of nuclear confrontation; although these steps are still preliminary and the road ahead will no doubt be both long and rough, the United States should continue to encourage greater progress in building some regional solutions to the dangerously unstable nuclear stalemate that now exists in South Asia. The agreement between Pakistan and India not to attack each other's nuclear facilities is a solid step in the right direction. It is essential that these so-called regional solutions, however, be solidly grounded in fundamental international nuclear nonproliferation standards and principles.

Pakistan has made many proposals for the development of a regional nuclear nonproliferation regime in South Asia. Although Pakistan's multiple proposals to India have not yet produced any serious Indian counterproposals, India's readiness to enter into such undertakings could only be enhanced if Pakistan would take some concrete steps to constrain its bomb program—in other words, if Pakistan were to match its peaceful words with some peaceful deeds.

Yet in South Asia, just as in Latin America or any other region, the problem of nuclear proliferation emerges again as fundamentally a global problem. The environmental and political consequences of a nuclear war in South Asia could in no way be characterized as only regional in nature. The marketplace for sensitive nuclear technology is also global in nature. Similarly, if either nation should choose to become an international supplier of sensitive nuclear technology, the consequences of such sales for other nations—including our own—around the globe could well be profound.

In addition, several nations outside South Asia can play major roles either in making or in breaking any South Asian nuclear regime. China, for example, will play a crucial role in any future nuclear regime development in South Asia. If China continues to pose a nuclear threat to India and to provide bomb technology to Pakistan, prospects for a regional regime will vanish. The Soviet Union could also play a constructive role, especially if it adopts a policy of encouraging both India and Pakistan to adopt full-scope IAEA safeguards; however, the Soviet Union and France continue to show interest in selling reactors to both nations without any such requirement.

Given its longstanding relationship with Pakistan, and given the vast quantity of foreign assistance that was provided to Pakistan while it was continuing to work on the bomb, the United States has a special obligation to use its diplomatic influence to encourage Pakistan to live up to its many assurances about the peaceful nature of its nuclear program. If America balks, and turns a blind eye once again to bomb developments, then once again prospects for any meaningful regional approach will only be further eroded. That is why it is essential for America to reaffirm its determination to apply sanctions so long as Pakistan's nuclear program is wildly out of line with the stated peaceful national policies of the government. And that is why we must continue to encourage India to offer some constructive proposals aimed at curbing the dangerous appetite for nuclear weapons in South Asia.

SUMMARY OF PROPOSED AMENDMENT

Accordingly, the amendment I am introducing today states that it is the sense of Congress that regional nuclear regimes have valuable contributions to make in reaffirming international efforts over the last 45 years to halt the global spread of nuclear weapons. In particular, Congress would reaffirm the important roles that can be played by the IAEA and the NPT in assisting nations to develop regional regimes to halt the development of nuclear weapons. The Congress would specifically acknowledge the potential contributions to regime building that can come from agreements barring attacks on nuclear facilities.

Because of the interest in Congress in monitoring the development of regional nuclear nonproliferation regimes, the amendment would require the President to submit an annual report to Congress on the progress made and obstacles encountered in developing these regimes in South America, the Middle East, South Asia, and in other regions. Each report would describe any new treaties or agreements that have been negotiated, any new verification procedures, any new proposals from countries in these regions to foster the development of such regimes, and a classified evaluation of any evidence that nations which have agreed to enter into such regimes are acting in compliance with the terms of these regimes (an unclassified summary of the evidence is also required).

The amendment would also return the length of Pakistan's waiver of section 669 of the Foreign Assistance Act—one of the so-called Glenn-Symington amendments—to 1 year—the same duration as the last two waivers. Although I am personally not inclined to support any further continuation of this waiver—given that Pakistan appears to be continuing its bomb program notwithstanding its many peaceful regional nuclear proposals—I will today support giving the President another year of authority to exercise this waiver if he believes it is in the national interest.

In doing so, however, I take note of two important facts: First, renewal of this waiver authority does not mean that America now intends to lift its foreign aid embargo on Pakistan—Pakistan still has not met the standards of the Pressler amendment. This standard, created in 1985 in the wake of a series of major export control violations and illicit nuclear weapons-related activities, was specifically applied to Pakistan because the United States needed to provide assistance as part of our effort to remove the Soviets from Afghanistan; in return for providing such assistance in the face of Pakistan's flagrant violation of the Glenn-Symington amendments, Pakistan was held to a fundamental requirement that it would not possess nuclear explosive devices. It is Pakistan's inability to satisfy this standard that has resulted in the current aid cutoff.

The second important point to note is that although the President already has waiver authority for section 669 that will not expire until April 1992, he has not yet chosen to invoke that authority. If Pakistan continues to make clandestine efforts to acquire unsafeguarded uranium enrichment technology, such procurement activities will only make it all the more difficult for the President to invoke that authority.

Economic sanctions hurt. They are meant to hurt. An argument can be made, however, that inasmuch as America's quarrel is not with the people of Pakistan but with the misguided nuclear policies of its government, that limited agricultural assistance provided under Public Law 480 and the Agricultural Act of 1949 should continue to be provided over the same period as the Glenn-Symington waiver authority is effective to Pakistan, provided that such assistance would be judged by the President to be consistent both with the national interest of the United States and with our nuclear nonproliferation objectives.

I do not support lightly the notion of approving any further assistance to Pakistan whatsoever until it can roll back its nuclear program; yet because of the special humanitarian nature of this assistance, I am willing to support resumption of such assistance so long as it does not conflict with our national interest and nonproliferation goals. I will support the limited provision of this agricultural assistance on purely humanitarian grounds and I wish to announce that I do not expect to support in the future any new loopholes or end-runs around the embargo we now have in place on foreign aid to Pakistan.

I am pleased to welcome as a cosponsor of this amendment my distinguished colleague from Indiana, Senator LUGAR, whose efforts on behalf of our national objectives of nuclear nonproliferation are appreciated by all who work with him.

AMENDMENT NO. 846

(Purpose: To express the sense of the Congress regarding international relief efforts in the Horn of Africa)

On page 195, between lines 18 and 19, insert the following new section:

SEC. 690. INTERNATIONAL RELIEF EFFORTS IN THE HORN OF AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) a massive humanitarian emergency is sweeping across the Horn of Africa today—in Ethiopia, Somalia, and Sudan—where millions of lives are at risk from famine caused by war and civil strife;

(2) refugees are on the move in all directions across the region's borders, searching for peace and relief;

(3) reports from the field indicate that in some cases sufficient food and relief supplies are stockpiled at ports within a few hundred miles of starving refugees; and

(4) the lack of effective international coordination in the field is contributing to this human tragedy, and international diplomacy is failing to break the local political and logistical obstacles to the relief effort.

(b) POLICY.—The Congress—

(1) urges the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort and to better mobilize donor contributions; and

(2) urges the President to lend the full support of the United States to all aspects of the relief operation in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need.

AMENDMENT NO. 847

(Purpose: To authorize additional assistance to Economic Community of West Africa Peacekeeping effort in Liberia)

On page 191, line 21, amend section 687 by adding new subsections (c) and (d) as follows:

(c) Funds authorized by this Act, and funds made available in prior foreign assistance appropriations Acts which were allocated or used for military assistance under chapter 2 of part IV of the Foreign Assistance Act of 1961, may be made available, notwithstanding any provision of law that restricts assistance to countries, to support the members of the economic community of West Africa (ECOWAS) in expanding military involvement in Liberia for the purposes of peacekeeping.

(d) Any exercise of the authority of this section shall be subject to specific amounts provided in advance in an appropriations Act.

AMENDMENT NO. 848

SEC. . Notwithstanding any other provision of law, the President is authorized to provide assistance to Liberia, Ethiopia, and Nicaragua: *Provided*, That the President determines and so certifies to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives that the country to which assistance is to be provided has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required with respect to each country and for each fiscal year in which such assistance is to be provided.

AMENDMENT NO. 849

(Purpose: Expressing the sense of the Senate that United States businesses engaged in the rebuilding of Kuwait should use United States subcontractors and all available United States goods and services)

At the appropriate place in the bill; insert the following new section:

SEC. . USE OF AMERICAN SUBCONTRACTORS IN KUWAIT.

(a)(1) Whereas Kuwait has indicated its intention to award a substantial majority of the contracts (by value) for the rebuilding of its infrastructure and industrial base to United States businesses;

(2) Whereas this Kuwaiti policy is intended to recognize the contribution of the United States and its people to the liberation of Kuwait; and

(3) Whereas the Department of Commerce has developed a policy of strongly encouraging United States businesses awarded contracts for the rebuilding of Kuwait policy extend to the awards of subcontracts to United States businesses and the procurement of United States goods and services

(b) It is the sense of the Senate that—

(1) United States businesses engaged in the rebuilding of Kuwait should, to the maximum extent possible, use United States subcontractors and available United States goods and services; and

(2) the Department of Commerce should monitor and encourage the implementation of this policy.

Mr. ROCKEFELLER. Mr. President, this amendment would express the sense of the Senate that United States businesses engaged in the rebuilding of Kuwait should use United States subcontractors and all available American goods and services.

It is currently estimated, Mr. President, that the reconstruction of Kuwait may generate up to $25 billion in contracts over the next 5 years. We in the U.S. Congress should be doing everything possible to ensure that American industry and American workers benefit from this opportunity.

Mr. President, this amendment would take a step in that direction by urging American companies already successful in obtaining contracts in Kuwait to use American subcontractors. This should significantly increase the number of United States companies that will benefit from the reconstruction of Kuwait.

Thus far, the promise of substantial procurement has not been realized. The United States has sold roughly $1.5 billion in goods this year to Kuwait. Even though this figure is nearly twice the annual average before the Iraqi invasion, it is much lower than the popular estimates. Obviously, a sense-of-the-Senate resolution by itself will not make a dramatic change in the situation, but it will make clear our determination that our contractors should be maximizing the benefits to Americans, and that the U.S. Government stands behind that effort.

To use a popular term, this legislation will allow contracts to trickle down to the workers of America. The demand for steel girders in new buildings in downtown Kuwait City will mean jobs for steel workers in West Virginia, Indiana, and Pennsylvania, among other States. Demand for new cars can translate into work for the auto parts suppliers in Detroit. And the demand for new communications equipment, should result in contracts for the computer chip maker in Silicon Valley.

By adopting this amendment, we will send a message and demonstrate that the United States is serious in its commitment to make the U.S. worker and U.S. businesses competitive in the world market.

AMENDMENT NO. 850

On page 88, after line 8, add the following:

(c) supports the unconditional recognition of the State of Israel.

AMENDMENT NO. 851

SEC. . RULE-OF-LAW INITIATIVE.

Title III of the Support for East European Democracy (SEED) Act of 1989 is amended by adding at the end thereof the following new section:

"SEC. . RULE-OF-LAW INITIATIVE.

"(a) FINDINGS ON ASSISTANCE FOR LEGAL REFORM.—Congress finds that—

"(1) a major challenge facing SEED Program countries is converting to a legal system protective of the rights and liberties integral to a representative democracy and a thriving market economy;

"(2) accomplishing this comprehensive task efficiently will require sound academic and practical advice;

"(3) the American Bar Association has in the past cooperated successfully with AID in the development and operation of training programs for lawyers and judges in foreign countries;

"(4) The ABA has now undertaken a Central and East European Law Initiative [CEELI] that is mobilizing the Association's considerable resources to provide technical assistance and training in the areas of constitutional law, criminal justice, and judicial reform in SEED Program countries;

"(5) such an undertaking offers a uniquely powerful means of assisting the process of legal reform in SEED Program countries; and

"(6) in recognition of the potential value of the ABA contribution to East European reform, the President has, as a part of a larger Rule-of-Law Initiative, begun to cooperate with and support the ABA's CEELI effort.

"(b) ABA CONTRIBUTION TO RULE-OF-LAW INITIATIVE.—Congress urges the President to continue to cooperate with and support the American Bar Association in its efforts to assist SEED Program countries in establishing the modern legal framework necessary for a transformation to representative democracy and free market economies.".

AMENDMENT NO. 852

(Purpose: To Condemn the Violence in Nagorno-Karabakh)

It is the sense of the Senate that the Senate:

(1) condemns the attacks by internal security forces and the forces of the Azerbaijani government on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of forces newly deployed for the purpose of intimidation;

(4) calls for an immediate and to deportations of Armenians from Nagorno-Karabakh and the freedom for all refugees to return to their homes;

(5) calls for dialog among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict;

(6) Reaffirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various republlican; and

(7) expresses its deep concern over acts of retribution or intimidation against those republics which are seeking greater independence.

Mr. LEVIN. Mr. President, this amendment I have proposed along with Senator DOLE is similar to a resolution the Senate passed on May 17, 1991. Now as then, I have proposed this amendment because of my continued concern about the ongoing conflict between Armenia and Azerbaijan, and the turmoil and violence in and around Nagorno-Karabakh. Language identical to this amendment was included in the foreign aid authorization passed last month by the House of Representatives.

This amendment condemns the attacks against innocent children, women, and men in and around Nagorno-Karabakh, and calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh. This amendment calls for dialog; dialog among all parties is the only acceptable way to achieve a lasting peace.

All Americans want to do whatever is possible to foster the success of democracy and self-determination in the Soviet Union and its republics. The amendment reconfirms this commitment by the United States.

Mr. President, this amendment condemns the violence, calls for dialog, and reconfirms our commitment to the success of democratic reforms. For these reasons, I support its adoption.

Mr. DOLE. Mr. President, I am pleased to join Senators LEVIN, SEYMOUR, and SIMON in cosponsoring this timely and important amendment.

The amendment speaks for itself. The people of Armenia—both those within the Republic of Armenia, and those in Nagorno-Karabakh—are the victims of brutal aggression; an aggression perpetrated by the Azerbaijan Republic, and aided and abetted by the Soviet Central Government and Army.

Mr. President, time and again the Senate has spoken out clearly on our insistence that the Soviet Government not suppress through violence, intimidation or blackmail the clear desire of the people of the country's constituent Republics for Democracy and self-determination. Nowhere is that desire more manifest than in Armenia; and nowhere have the Soviets undertaken more blatant measures of force and threat and deceit to thwart the legitimate goals of the people.

Despite all that, the people of Armenia will persist. Even more, they are playing by the rules the Soviets themselves laid down. Unique among all the republics who have publicly declared their intention to achieve their own sovereignty, they have agreed to move toward that goal within the guidelines laid down by the Soviets.

Mr. President, the people of Armenia need our support, and deserve our support. We have sent them one signal of support today, by joining to agree to this amendment.

AMENDMENT NO. 853

At the end add the following:

TITLE —INDEX OF ECONOMIC FREEDOM ACT OF 1989

SEC. 1301. SHORT TITLE.

This title may be cited as the "Index of Economic Freedom Act of 1989".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that:

(1) Economic growth is a prerequisite for the sustained alleviation and elimination of poverty and its symptoms, including illiteracy, infant mortality, malnutrition, and landlessness.

(2) Economic freedoms are necessary for the poorest members of developing societies to break out of the cycle of poverty, through land ownership, access to credit, and removal of barriers to entrepreneurship.

(3) The United States, in partnership with developing nations, derives mutual benefits from economic freedoms that generate economic growth, increased trade, and investment opportunities.

(4) United States assistance to developing nations should be used to encourage policies that further sustainable economic growth, rather than offset the costly effects of policies which discourage individual initiative, produce capital flight, and subsidize environmentally destructive or wasteful use of resources.

(5) The American offer of assistance to developing nations constitutes a partnership based on mutual benefit, devotion of resources, and commitment to the achievement of policies conducive to the sustainable economic growth necessary for the alleviation of poverty. Development assistance, which is a limited American resource, should be primarily directed to those nations that exhibit the greatest commitment to the partnership for development through policies conducive to economic development.

(6) Economic reforms leading to sustainable economic growth can require short-term assistance for economic sectors where the previous growth-impeding policies which distort the allocation of resources. The United States should work with developing countries to alleviate possible short-term costs associated with economic reform.

(7) To be effective, United States assistance should be accompanied by a policy framework that promotes long-term, self-sustainable economic growth and development.

(8) To gauge a country's progress in providing economic incentives, an Index of Economic Freedom is needed which will gauge a country's progress toward policies conducive to sustainable economic growth.

SEC. 1303. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.

The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 671. INDEX OF ECONOMIC FREEDOM.—

(a) DEVELOPMENT OF INDEX.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Agency for International Development shall develop, for every country receiving development assistance under chapter 1 of part I of this Act, a system for determining and evaluating the progress being made by each such country to foster and enhance the freedom and opportunity of individuals to participate in the economic growth of their respective countries. Such system shall be referred to as the "Index of Economic Freedom" (hereafter in this section referred to as the "Index"). The Index shall be developed in consultation with such Federal agencies and private organizations as the Administrator deems appropriate.

(b) EXTENSION OF TIME.—The Administrator may extend the date by which the Index is required to be developed by an additional 90 days if he determines that the period specified in subsection (a) for the development of the Index is inadequate.

(c) FACTORS EVALUATED BY THE INDEX.—The Index should take into account such factors as the following and should be able to assess the degree of economic freedom and opportunity in a country:

"(1) PROPERTY RIGHTS.—The extent to which poor or landless individuals are illegally or otherwise artificially constrained from acquiring land or other forms of property or are unable to gain secure legal title to land, the degree to which laws and an independent judiciary protect private property and enforce contracts for individuals against the government, the extent of nationalization of property and the state's power to nationalize private property, and the degree of access of private parties to the judicial system.

"(2) REGULATIONS.—The difficulty and costliness of securing a business license, regulations which inherently favor established business at the expense of newcomers, and limitations on the freedom and ability of citizens to establish businesses or add prohibitive costs or additional risks to maintaining such businesses.

"(3) INFORMAL SECTOR.—The extent to which government policies force economic activity into nominally illegal informal sectors where otherwise legal activities are conducted outside of government regulations and requirements, and the extent to which those policies discourage the development of locally controlled non-governmental institutions.

"(4) WAGE AND PRICE CONTROLS.—The identity of industries or goods which are subject to government mandated wages or prices, the value of goods sold wholesale and retail subject to price controls, the degree to which private farmers are forced to sell produce at government established prices, and the degree to which farmers are not allowed to profit from the real market price of their products.

"(5) TAXATION.—The highest rate of taxation, the income level at which this rate takes effect, the relationship between per-capita income and the level at which the highest rate of taxation takes effect, rate of the value added tax (VAT), the level of taxation on assets, and the rate of monetary inflation.

"(6) TRADE POLICY.—Customs duty rates, quantitative restrictions on imports, import quotas, import prohibitions, foreign exchange availability for those engaged in international trade, export taxes, restrictive export practices, marketing-distorting export incentives such as subsidies, import licenses, and country-of-origin restrictions.

"(7) RESTRICTIONS ON INVESTMENT AND CAPITAL FLOWS.—Limitations on foreign investment and foreign ownership, limits on repatriation of principal and profits for foreign investors, and restrictions on removal of foreign or domestic capital from the home country.

"(8) SIZE OF STATE SECTOR.—Value of industries owned by the government, percentage of GNP produced by state-owned industries, prohibitions on private economic activities in certain sectors and the value of the state sector assets.

"(9) BANKING.—Degree of government ownership of banking sector, private citizens rights to own and operate banks and citizens' access to private sources of credit.

"(d) REPORT.—Beginning two years after the date of enactment of this section, and every 12 months thereafter, the Administrator shall apply the Index to each country which is eligible for development assistance under chapter 1 of part I of this Act on that date and, based upon such evaluation, shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of that evaluation. In making that evaluation, the Administrator shall rely, to the maximum extent practicable, on data supplied by private indigenous institutions in less developed countries.

"(e) DETERMINATION OF COUNTRIES ELIGIBLE FOR UNITED STATES SUPPORT.—Beginning two years after the date of enactment of this section, no assistance (except as otherwise provided by this Act) may be provided under chapter 1 of part I of this Act" with respect to a foreign country unless the advisability of furnishing support for that country has been considered in light of the data on that country contained in the latest report submitted under subsection (d).

"(f) USE OF INDEX TO EVALUATE COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—In furnishing development assistance under chapter 1 of part I of this Act, the Administrator shall use the Index to promote improvements in the underlying economic conditions evaluated by the Index while retaining flexibility in designing and implementing development programs and projects. The Administrator shall use the Index as a basis for evaluating the direction of policy changes in less developed countries and as a basis for evaluating specific projects and programs assisted by the Agency for International Development.".

SEC. 1304. ELIGIBILITY OF COUNTRIES FOR FINANCIAL ASSISTANCE FROM CERTAIN INTERNATIONAL INSTITUTIONS.

The Secretary of the Treasury shall direct the United States executive directors to the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the African Development Fund, the Asian Development Bank, and the Asian Development Fund to consider the advisability of opposing the extension of any loan or other financial assistance to countries which the Secretary determines have rated poorly under the latest report submitted under section 671(d) of the Foreign Assistance Act of 1961.

INDEX OF ECONOMIC FREEDOM

Mr. MACK. Mr. President, I have offered an amendment with a modification. The amendment requires the administration to develop an index of economic freedom. The modification makes some important changes that we have worked out with administration and with the managers of this bill. I thank all concerned for their cooperation in working out this amendment.

The purpose of this amendment is simple. It recognizes that economic freedom is the key to economic growth, which has made this country a dynamo of prosperity and a model to millions in developing countries across the globe. It says that we should develop an index of economic freedom and apply it to every nation that receives U.S. foreign assistance so we can know if they are making progress on economic reform.

This amendment has passed the Senate before, and the Foreign Operations bill of last year did contain language "encouraging" AID and Treasury to "seriously consider" developing such an index.

The development of an index of economic freedom is long overdue. Recognition of the link between economic freedom and growth and prosperity has been growing in the past few years and is becoming universal.

As a front-page article in the New York Times, Sylvia Nasar, "Third World Embracing Reforms To Encourage Economic Growth," July 8, 1991, stated:

> The old strategy for transforming a poor country into a rich one, advocated from the 1930's through the 1960's, called for rapid government-led industrialization at the expense of agriculture, protecting infant industry from foreign competition and replacing imports with domestic production for the local markets.
>
> At the nub of this philosophy was the notion that government should guide economic development. Thus came a tight web of licensing requirements, restrictions on who could enter or leave industries, constraints on bankruptcy filings and layoffs, and price controls. * * * "These views have not stood the test of time," the World Bank says bluntly.
>
> * * * And seemingly small steps toward deregulation have often produced great spurts of economic activity. Ghana, for instance, used to levy confiscatory taxes of 50 percent or more on cocoa, and some farmers left crops to rot in the fields or smuggled them out. When it sharply lowered the taxes, cocoa production and exports soared. When South Korea lifted interest rates on bank deposits in the 1970's, the size of its banking system quadrupled in less than 4 years.

We do have success stories we can point to now—countries where free market economic reforms have dramatically reversed decades of capital flight and resulting in a windfall of investment spurring economic growth. As the New York Times continued:

> Today Mexico * * * has taken to heart a notion that has won converts in Eastern Europe: when it comes to government, smaller is better. Since 1982, Mexico has sold 875 to 1,155 government-owned companies * * * the payoff has been 3 years of 3 to 4 percent growth and an inflation rate that is less than 20 percent—low by Latin standards. Even more promising, an estimated $10 billion that had been taken overseas has returned, as investors' confidence in the stability of Mexico's economy has grown.

Even the World Bank, not always known as a bastion of free market principles has become, in its 1991 World Development Report, trumpets the need for free market reforms. To quote from the report:

> Developing countries' prospects are principally in their own hands * * * governments need to intervene less in industrial and agricultural pricing, to deregulate restrictions to entry and exit * * * market-based incentives for saving and investment are essential if domestic resources are to play their essential part in financing development.
>
> * * * A measure of optimism is justified now that more and more countries are opting for a market-friendly approach. With strong international cooperation, the opportunities for development will be brighter.

This amendment provides for the establishment of a basis for measuring the progress of nations toward free market policies. The result will be a report to the Congress similar to the annual human rights report provided by the State Department. In other words, a report that gives us a sense of progress, or lack of progress, across a range of free market policies.

Mr. President, this is an important amendment that I hope will lead to the development of an important resource both to the Congress and to countries around the world. I support its adoption.

AMENDMENT NO. 854

(Purpose: To express the sense of the Congress that the United States should encourage growth in developing nations in order to create new markets for United States products and services)

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON DEVELOPING NATION GROWTH.

(a) FINDINGS.—The Congress finds that—

(1) the creation of new employment worldwide is increasingly needed to maintain stability as populations expand;

(2) such job growth in developing nations would open vital new markets for the products and services of the advanced nations; and

(3) private direct investment is needed to bring about growth in the developing nations.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should urge developing nations to pursue policies conducive to growth through private direct investment;

(2) the United States should urge industrialized nations to avoid erecting trade barriers which could have the effect of restricting imports from developing nations; and

(3) the United States should encourage developing nations to pursue a policy that supports "national treatment" for private direct investors.

Mr. SYMMS. Mr. President, as this body considers the multibillion dollar foreign assistance legislation, I believe we have overlooked a critical component to truly improving the economic welfare of developing nations and their citizens.

Often times, and many of my colleagues will agree, the assistance we have provided to developing nations has done little to promote economic growth. While Third World economic problems are mostly self-imposed and bureaucrats in less-developed-countries have hindered the economic development of their country, the United States and multinational lending agencies have compounded the problem by rarely encouraging growth-oriented policies linked to the economic assistance it provides. Simply turning money over to these countries will not promote economic change. In most cases, the economic aid has been used by the recipients to repay previous foreign aid loans, or continue to prop-up inefficient State-run industries.

Mr. President, one clear way in which we can take a step in the right direction would be to adopt the amendment I am offering which states the sense of the Congress that the United States should promote growth-oriented, private direct investment into these developing nations.

As the populations of developing nations rises, the demand for employment opportunities will increase significantly. Jobs mean individual stability thereby enhancing a country's collective stability and success—an extremely important point to consider.

Mr. President, many of these nations do pose an economic and security risk to the United States. History proves that less developed countries caught in an economic cesspool are ripe for even greater political and social unrest.

Clearly, it is in the United States best interest to link our foreign assistance and economic development loans to the promotion of free enterprise, private direct investment and serious growth-oriented policies.

It astounds me that year after year, we throw money—the taxpayer's hard earned money—to countries who squander it away rather than utilizing it to promote economic development.

Although I have never been a supporter of foreign aid, I can recognize the unlikelihood of ending this multibillion-dollar program. However, rather than merely dumping this money on the countries, we should make every effort to incorporate policies to promote development. Though the amendment I am offering is only a sense of the Congress, I believe this can be the first step toward recognizing the deficiencies in our current policies and opening the door toward true economic and political gains for developing nations as well as our own.

Mr. President, I support the adoption of the amendment.

AMENDMENT NO. 855

The United States Congress understands that all Palestinian schools and universities in the West Bank and Gaza Strip will be opened at an early date, and expresses the hope that they will remain open, and will be respected and regarded by all parties as places of learning.

THE REOPENING OF PALESTINIAN UNIVERSITIES IN THE ISRAELI OCCUPIED TERRITORIES

Mr. CHAFEE. Mr. President, I would like to thank Senator KASSEBAUM for joining me in proposing an amendment calling on the Israeli Government to reopen and keep open all Palestinian schools and universities in the Israeli occupied territories. She has long been interested in the treatment of Palestinian students in the West Bank and Gaza Strip. I would also like to thank Senators SARBANES and MCCONNELL, the distinguished floor managers of this bill, for accepting our amendment.

I would like to commend the Israeli Government for its decision to reopen Al-Quds, Bethlehem, and Hebron Universities. All these institutions are Palestinian schools located in the Israeli occupied West Bank. I am very hopeful that we will see the remaining Palestinian universities—An-Najah, Bir Zeit, and Gaza—reopen soon so that young Palestinians will be able to once again turn their attention to their own education.

Since the beginning of the Intifada in December 1987, all Palestinian schools and universities have been closed for varying periods of time. The ostensible reason for closing these institutions of learning has been that they are centers of Palestinian violence and that they must be closed to preserve order in the occupied territories.

In the past 2 years, I have successfully sought the passage of legislation calling on the Israeli Government to reopen these schools and universities. I have always felt that children and their education should not be held hostage to any political issue. Further, I firmly believe that if the endless cycle of Palestinian/Israeli violence is to stop, there has to be greater respect for human rights of all people in the region.

In this light, I would urge the Israeli Government to announce its plans for the other universities. Coming on the heels of Secretary of State James Baker's fifth visit to the area since the end of the Persian Gulf war, opening Palestinian universities may signal a willingness on the part of the Israeli Government to ease some of its restrictions in the occupied territories. It would also address the need, as expressed by Secretary Baker, for both sides to engage in confidence building measures. Opening these universities would be an important step toward laying the groundwork for better lines of communication between the Israeli Government and the Palestinians living in the occupied territories.

I sincerely hope that the Israeli Government will listen to the concerns of the American Congress and reopen all the remaining Palestinian universities.

AMENDMENT NO. 856

On page 142, between lines 3 and 4, add the following:

"(c) INTERIM ACTION.—As an interim step, the United States should consider introducing, during the ongoing negotiations on confidence and security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major defense equipment, particularly to the Middle East and Persian Gulf region."

THE NEED FOR AN INFORMATION EXCHANGE MECHANISM FOR INTERNATIONAL ARMS SALES AND TRANSFERS

Mr. DECONCINI. Mr. President, I have offered an amendment today urging the administration to introduce a proposal, at the ongoing negotiations on confidence- and security-building measures, to provide for an annual exchange of information in arms sales and transfers of the CSCE participating States. The recent war in the Persian Gulf underlines the threat to peace and stability posed by global arms transfers. A first step toward obtaining a more accurate picture of the extent and impact of this trade could be taken through the provision of more complete and detailed information on arms sales and transfers. There is an urgent need to address this issue which has a global scope and we feel that the United States, as a key actor, should exercise leadership in seeking steps toward a more responsible approach to the international arms trade.

The CSCE provides a logical forum for the countries of Europe and North

America to take a first step toward greater disclosure of the international arms trade. The CSCE has a proven track record in the confidence-building field. It is also important to keep in mind that 9 of the top 10 conventional arms-exporting States are CSCE participating States. In addition, the CSCE offers the benefit of having a mechanism already in place in Vienna which could facilitate such an information exchange. The 25 CSCE foreign ministers, meeting recently in Berlin, recognized the need for transparency in the transfer of conventional weapons and weapons technologies.

The introduction of a proposal on information exchange at CSCE in no way precludes more ambitious initiatives currently under discussion. It would be unfortunate to miss this opportunity to take a small, but meaningful step, in the right direction.

AMENDMENT NO. 857

(Purpose: To provide for limited assistance for Angola)

On page 195, between lines 18 and 19, insert the following:

SEC. 690. LIMITED ASSISTANCE FOR ANGOLA.

(a) DEMOCRACY-BUILDING AND OTHER ASSISTANCE.—(1) Beginning with fiscal year 1992, the President shall provide—

(A) nonpartisan election and democracy-building assistance to Angola for support in developing democratic institutions and supporting such institutions; and

(B) assistance for the voluntary relocation and resettlement of refugees, the demobilization and retraining of former military members of UNITA and the armed forces of the Government of Angola, the provisions of emergency medical assistance, with a special emphasis on the medical needs of children, and the provision of other appropriate assistance to implement the Estoril peace accords.

(b) SUPERSEDING EXISTING LAW.—Assistance under this section shall be provided without regard to any provision of law which prohibits direct or indirect assistance for Angola.

(c) PROHIBITION.—In the event that the Government of the People's Republic of Angola (PRA) or the National Union for the Total Independence of Angola (UNITA) violates the Peace Accords for Angola, then none of the funds made available under this Act or any other Act may be used for Angola.

(d) DEFINITION.—The term "Estoril peace accords" refers to the document entitled "Fundamental Principles for the Establishment of Peace in Angola", done at Lisbon on May 1, 1991.

At the bottom of page 5, after the item relating to section 689, add the following new item:

Sec. 690. Limited assistance for Angola.

(e) REPORTING REQUIREMENT.—The Secretary of State shall submit a report to Congress on June 1, 1992, and every six months thereafter providing details of how the authorized funds have been used.

Mr. DECONCINI. Mr. President, today I have offered an amendment to authorize the President to provide nonpartisan election assistance and other assistance to Angola in support of the peace accords. On May 31, 1991, after 16 long, bloody years of civil war, Dr. Jonas Savimbi of UNITA and President Eduardo Dos Santos of the MPLA met in Lisbon, Portugal to sign the Estoril accords. That act brought a cease-fire in the war and began a 16-month process which will culminate in free and fair elections in the fall of 1992.

We can consider our policy of cease-fire, national reconciliation and free and fair elections in Angola a success. I am optimistic. But, I would caution my colleagues—we are not there yet. The process is in its infancy and we will undoubtedly encounter many potholes and roadblocks along the way.

The amendment I am offering today is designed to assist this delicate process. It begins to lay the groundwork for the future of Angola and our future relationship with a freely elected Angolan Government. I am pleased to announce that I am supported in this effort by the chairman of the Africa Subcommittee, Senator SIMON, and the ranking member, Senator KASSEBAUM. This amendment is also supported by the State Department.

My amendment is a simple one.

First, it authorizes nonpartisan election and democracy-building assistance to Angola for support in developing democratic institutions and supporting such institutions.

Second, it also authorizes assistance for the voluntary relocation and resettlement of refugees, the demobilization and retraining of former members of UNITA and the armed forces of the Government of Angola, the provision of emergency medical assistance—with a special emphasis on the medical needs of children, and the provision of other appropriate assistance to implement the Estoril peace accords.

Let me remind my colleagues of a few facts about this issue which has been a contentious one in the past. We currently do not recognize the Government of Angola. This body affirmed U.S. policy on May 23 of this year when a sense of the Senate resolution sponsored by this Senator, and cosponsored by Senator SIMON, was passed by the full Senate. That resolution stated that we would recognize the new Government of Angola upon the completion and verification of free and fair elections. Under the peace accords, these elections are to be held sometime between September 1 and October 31, 1992.

We also have a policy of support for the anti-government organization known as UNITA. Any current support for UNITA will be terminated prior to the beginning of the official campaign period leading up to the Angolan elections. Other aspects of this program will be addressed on another bill at a later day. Let me stress that the amendment I am offering today would supplement any other aid program.

But, just as we have been involved in the Angolan civil war, so do we have a responsibility in assisting the Angolan peace and democracy process. My amendment will begin that process. The people of Angola have known only war for too long. They have not had the opportunity to participate in free and fair elections. They need to begin to learn about what is meant by "democracy" and "free elections." They cannot do that when they are focused on finding a job or trying to return to the homes that they fled during the war. They cannot do that when their children are sick and in need of medical assistance. Beginning a program of assistance to the people of Angola—as envisioned in my amendment—can help to address some of these immediate programs. It can also help to ensure that a balanced playing field is maintained during the period leading up to the elections next fall.

My amendment is a modest step toward beginning the process which will ultimately lead to the normalization of relations with Angola following free and fair elections. I urge my colleagues to put the antagonisms of the past behind us and support this amendment.

AID PROGRAM TO ANGOLA

Mrs. KASSEBAUM. Mr. President, I rise today to discuss the evolving United States aid program in Angola. Senator DECONCINI has proposed an amendment which would begin an overt United States aid program in Angola.

The authority in this amendment does two things: First, it provides assistance to the election process. In small sums, such aid could be very useful in the technical preparation for the election and the building of institutions for a postelection Angola.

Second, the amendment authorizes assistance for refugees, the demobilization of both MPLA and UNITA troops, the provision of medical aid, and the implementation of the Angola peace accords.

I am supporting this authority language because I view it as the first step in our efforts to convert our entire assistance program to Angola to an overt program.

I had intended to offer an amendment to this bill which would have changed our nonlethal aid program to UNITA from a covert to an overt one. After discussions with the administration and chairman of the Intelligence Committee, I am convinced that the United States is committed to this course of action.

Mr. President, I support the continuing U.S. program of nonlethal assistance to UNITA. The United States has a clear responsibility to support the humanitarian needs of UNITA and to assist the group in the implementation of the Lisbon accords.

However, I also strongly believe that our nonlethal program to UNITA should be an open, overt program. In this delicate transition period, U.S. policy must seek to ensure a peaceful transition to free and fair elections.

As long as our program remains covert, the United States leaves itself open to charges of misconduct, charges which could upset the process toward free and fair elections. A covert aid program will continue to raise questions of improprieties.

Mr. President, since the signing of the Angola peace accords, the goal of our covert aid program has been to support the peace agreement. That is also what we are doing here today with this amendment. This language begins an open U.S. aid program, which will hopefully lead to a completely overt program early next year.

I commend the Senator from Arizona for beginning the move toward an open assistance program in Angola. His amendment provides the framework for the ending of our covert program, and I would urge the administration and the Intelligence Committee to move at the earliest possible date toward an overt assistance program to UNITA. Such an above the board approach would serve the interests of the United States and UNITA as Angola moves toward their election campaign process.

AMENDMENT NO. 858

(Purpose: To foster additional support for the democratic aspirations of the Baltic States)

On page 119, at the end of line six, strike out the quotation marks and the second period, and between lines 6 and 7, add the following:

"(4) the United States Government should channel directly to the Baltic states United States Government technical and humanitarian assistance.

"(5) the United States should maintain direct contacts with the parliaments of Lithuania, Latvia and Estonia as the legitimate, freely elected and democratic representatives of the people of the Baltic states; and

"(6) the United States should seek support for observer status for the Baltic states in the Conference on Security and Cooperation in Europe (CSCE).".

EXPANDING SUPPORT FOR THE BALTIC STATES

Mr. DECONCINI. Mr. President, I rise today to propose an amendment providing for increased support for the peoples of Lithuania, Latvia, and Estonia. The time has come for the United States to go beyond pious words of support for the peoples of the Baltic States. Mere repetition of the U.S. nonrecognition policy will not suffice. We need to give concrete expression to this support and should expand our contacts with the Baltic States.

I was pleased to see that the committee has included both technical and humanitarian assistance for the people of Lithuania, Latvia, and Estonia. The Baltic peoples have borne a tremendous hardship, particularly as they have pursued their legitimate demand for effective independence.

It is important to ensure that United States technical and humanitarian assistance is received by the intended recipients: the peoples of Lithuania, Latvia, and Estonia. It is essential that such assistance be channeled directly to the Baltic States and not through Moscow, particularly in light of the collapsing Soviet infrastructure and Moscow's history of using such aid as a coercive political weapon.

The peoples of Estonia, Latvia, and Lithuania have made serious strides in reasserting their national independence. A major step in this process was the holding of multiparty elections in each of the Baltic States. The United States should recognize, establish, and maintain direct contacts with these democratically elected parliaments whose members are the legitimate representatives of the peoples of the Baltic States.

Finally, the United States should formally propose and seek observer status for the Baltic States in the Conference on Security and Cooperation in Europe [CSCE]. The administration, when pressed on this point, cites the fact that, under CSCE rules, the Soviet Union holds an effective veto over Baltic participation. Mr. President, if we had allowed the threat of a Soviet veto to guide our policy during the cold war, we would have never witnessed the dramatic changes which have taken place in much of Central and Eastern Europe and the Soviet Union in recent years. The truth of the matter is that the Baltic States deserve observers status in CSCE. If the Soviets want to stand in their way that is one thing. We should stop hiding behind the Soviets. The United States should formally propose and seek support for CSCE observer status for the Baltic States.

AMENDMENT NO. 859

(Purpose: To promote the development of microenterprises in developing countries)

At the end of the bill, add the following:

TITLE —MICROENTERPRISE DEVELOPMENT ACT OF 1991

SEC. 01. SHORT TITLE.

This title may be cited as the "Microenterprise Development Act of 1992."

SEC. 02. FINDINGS.

The Congress makes the following findings and declarations:

(1) More than a billion people in the developing world are living in poverty, with incomes of less than $370 a year.

(2) According to the World Bank, mortality for children under 5 averaged 121 per thousand for all developing countries.

(3) Nearly 40,000 children die each day from malnutrition and disease.

(4) Poor people themselves can lead the fight against hunger and poverty through the development of self-sustaining microenterprise projects.

(5) Women in poverty generally are less educated, have a larger workload, and have less access to economic opportunity than their male counterparts. Directly aiding women in the developing world has a positive effect on family incomes, child nutrition, and health and education.

(6) Microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty.

(7) The World Bank estimates that there are over 400,000,000 self-employed poor in the developing world and projects that, by the year 2020, 95 percent of African workers will be employed in the informal sector.

(8) For many people, lack of credit creates an obstacle to the development of self-sustaining enterprises.

(9) Projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan in Indonesia, and ADEMI in the Dominican Republic have been successful in promoting credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to "bank on the poor".

(10) The Agency for International Development has been a leader in small and microenterprise development in the past 20 years.

(11) The Congress earmarked funds for fiscal years 1988, 1989, 1990, and 1991 for microenterprise development activities and has called upon the Agency for International Development to take steps to ensure that its microenterprise activities included a credit component designed to reach the poorest sector of the developing world.

(12) In 1990, the Agency for International Development created the Office of Small and Microenterprise Development within the Bureau for Private Enterprise to lead and coordinate the Agency's microenterprise efforts.

(13) In March 1990, the Agency for International Development reported that new spending for microenterprise development was $58,800,000 for 1988 and $83,300,000 for 1989 and that the average loan size for the credit component of the program averaged $329 for 1988 and $387 for 1989. However, less than 10 percent of the spending for the 1988 program, and less than 7 percent of the spending for the 1989 program, was for loans of under $300.

(14) A February 1991 report by the General Accounting Office indicated that data in that March 1990 report was of "questionable validity" and that the Agency for International Development did not have a system to track detailed information concerning its microenterprise credit activities. Furthermore, the General Accounting Office found that none of the three missions that it visited targeted their microenterprise projects specifically to women or to the poorest 20 percent of the population, as recommended by the Congress.

(15) The Agency for International Development has stated its belief that it should have a system established to track this detailed information concerning its microenterprise credit activities during the fiscal year 1992.

(16) The Congress recognizes that provision of credit alone may not be sufficient to generate opportunities for successful microenterprise development and that assistance focused in the areas of institutional development, technical assistance, training, and policy reform may also be appropriate for assisting microenterprise development.

(17) The Agency for International Development has indicated its willingness to explore the idea of holding a series of regional workshops on microenterprise development. The Congress encourages the Agency to include in these workshops opportunities for training Agency personnel and United States and indigenous private and voluntary organizations in activities designed to reach the poorest of the poor.

SEC. 03. PURPOSES.

The purposes of this title are—

(1) to provide for the continuation and expansion of the commitment of the Agency for International Development to microenterprise development;

(2) to increase the amount of assistance going to credit activities designed to reach the poorest sector in developing countries; and

(3) to increase the percentage of such credit that goes to women beneficiaries.

SEC. 04. ASSISTANCE FOR MICROENTERPRISE DEVELOPMENT.

(a) GENERAL AUTHORITY.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance for programs of credit and other assistance for microenterprises in developing countries. In addition to providing financial resources for direct credit activities of indigenous financial intermediaries, assistance under this title may include assistance for institutional development of such intermediaries (including assistance to enable private and voluntary organizations to develop the capability to serve as financial intermediaries), technical assistance, training, and policy reform. Microenterprise credit and related activities assisted under this title shall be carried out primarily through those indigenous financial intermediaries and private and voluntary organizations that are oriented toward working directly with the poor and women.

(b) ELIGIBILITY CRITERIA FOR FINANCIAL INTERMEDIARIES.—The mission of the Agency for International Development that is responsible for a country receiving assistance under this title shall establish criteria for determining the financial intermediaries that will receive assistance under this title, taking into account the following:

(1) The extent to which the recipients of credit from the intermediary lack collateral.

(2) The extent to which the recipients of credit from the intermediary do not have access to the local formal financial sector.

(3) The extent to which the recipients of credit from the intermediary have relatively limited amounts of fixed assets.

(4) The extent to which the recipients of credit from the intermediary are among the poorest people in the country.

(5) The extent to which interest rates charged by the intermediary on loans reflect the real cost of lending.

(6) The extent to which the intermediary reaches women as recipients of credit.

(7) The extent to which the intermediary is oriented toward working directly with the poor and women.

(c) LOWER TIER FOR POVERTY LENDING ACTIVITIES.—A significant portion of the amount made available each fiscal year to carry out this title shall be used to support direct credit assistance by, and the institutional development of, those financial intermediaries with a primary emphasis on assisting those people living in absolute poverty, especially women.

(d) FOCUS ON WOMEN.—The Office of Small and Microenterprise Development in the Agency for International Development shall include in its annual action plans a strategy for increasing the access of women in developing countries to credit and other microenterprise development activities, with the goal of increasing to at least 50 percent the percentage of microenterprise credit that goes to women beneficiaries. This strategy shall be developed in consultation with the Agency's Women in Development Office.

SEC. 05. FUNDING SOURCES.

(a) SOURCES.—Funds to carry out this title shall be derived from the following sources:

(1) Funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to the functional development assistance accounts).

(2) Funds available to carry out chapter 10 of part I of that Act (relating to the Development Fund for Africa).

(3) Funds available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(4) Local currency accruing as a result of assistance provided under chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of that Act.

(5) Local currency proceeds available for use under titles II and III of the Agricultural Trade Development and Assistance Act of 1954 (as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)).

(6) Local currency which accrues as a result of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as in effect immediately before the effective date of the amendment made by section 1512 of the Agriculture Development and Trade Act of 1990.

(7) Local currency generated under subsection (b) of this section.

(b) AUTHORITY TO GENERATE LOCAL CURRENCIES.—In order to generate local currencies for use in providing assistance under this title, the President is authorized to use funds made available to carry out chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in local currencies, at a rate of exchange to be negotiated by the President and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the President. Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant this subsection.

(c) NONAPPLICABILITY OF CERTAIN LAWS.—Local currencies used under this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies owned by, owed to, or accruing to the United States.

SEC. 06. FUNDING LEVELS FOR FISCAL YEARS 1992 AND 1993.

(a) MINIMUM LEVEL OF ASSISTANCE.—There are authorized to be appropriated to the Administrator of the Agency for International Development $85,000,000 for fiscal year 1992, and $85,000,000 for fiscal year 1993, for microenterprise assistance pursuant to this title.

(b) ASSISTANCE FOR THE POOREST SECTORS.—

(1) MINIMUM FUNDING LEVEL.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $20,000,000 for fiscal year 1992 and $30,000,000 for fiscal year 1993, to be used to support poverty lending programs.

(c) USE OF LOCAL CURRENCIES.—In order to meet the minimum funding requirement of this section, local currencies described in section 05(a) may be used in lieu of an equivalent amount of dollars.

SEC. 07. MONITORING OF MICROENTERPRISE ASSISTANCE ACTIVITIES.

The Administrator of the Agency for International Development shall develop a monitoring system to track the performance of the Agency's microenterprise development activities, including their effectiveness in reaching the poor and women in each beneficiary developing country. In developing this system, the administrator shall consult with the Congress and with appropriate private and voluntary organizations.

SEC. 08. REPORTS TO CONGRESS.

The Administrator of the Agency for International Development shall report to the Congress annually on the Agency's microenterprise development activities, including the Agency's strategy for complying with the minimum funding requirements of subsections (a) and (b) of section 06.

MICROENTERPRISE ACTIVITIES DESERVE SUPPORT

Mr. DECONCINI. Mr. President, I am pleased today to offer an amendment to ensure that a small portion of our foreign aid program goes directly to helping the poorest of the world's poor. I am joined in this effort by a bipartisan coalition of 16 Senators.

Since 1988, Congress has urged the Agency for International Development [AID] to initiate a microenterprise loan program at its various missions around the world. The program has been funded in the foreign aid appropriations bill at levels between $50 million and $75 million. In addition, I would like to point out to my colleagues that this amendment, in a slightly different form, was added to the House-passed foreign aid authorization bill.

The amendment we are offering today would do two things:

First, it authorizes the appropriation of $85 million from development assistance funds for AID's microenterprise program.

Second, it authorizes the appropriation of $20 million of that $85 million for poverty lending programs.

Let me emphasize, Mr. President, that this is not a new program. It does not add money to the microenterprise program. Instead, it essentially earmarks $85 million of the many millions of dollars in development assistance for this important loan program.

In addition, it calls for $20 million of the $85 million to be used for making loans to poor individuals who are trying to escape poverty and establish very small businesses. This is less than 25% of the entire microenterprise program. Currently, these people are forced to go to their village money lender and borrow money at exorbitant interest rates. Under this program, these people would be able to get small loans at very low interest rates to establish their businesses. Some people need these loans to buy supplies: buying straw, for example, to make baskets, or a sewing machine to make dresses. Institutions such as the Grameen Bank in Bangladesh have had great success with this program and have achieved a loan repayment rate in excess of 95 percent.

I must inform my colleagues that AID is opposed to this amendment. Officials at AID have opposed this program and have dragged their feet in getting it established. But we on the Foreign Operations Appropriations Subcommittee with the strong support of Chairman LEAHY and ranking member KASTEN have continued to support it. While AID has fought us, to its credit, it has made great progress in getting the program operating in many AID missions around the world.

Specifically, AID is opposed to taking a portion of the entire program and targeting it for loans under $300. For some reason, AID officials believe that it is too difficult or too complicated a task to keep track of all of these small loans. Nevertheless, AID has been making improvements in meeting the goal of extending loans under $300 in its second annual report to Congress on microenterprise activities, dated April 30, 1991, the Agency comments on a number of programs which it operates in various countries whose average loans are far below the $300 threshold.

These include the Get Ahead Program in South Africa with an average loan size of $154, and Catholic Relief Services Village Banking Program in Thailand and Senegal with an average loan size of $67. In its report, AID states that it is developing a "microenterprise monitoring system" to better assist it in keeping track of the loans that its missions do make.

So, I must admit that I am confused by the signals AID is sending. The officials at AID do not like a $300 loan limit on a small portion of the overall bill. But it has many programs that are meeting that limit; it is improving its own data collection system, and it estimates that it will spend $114 million on microenterprise activities in 1991 and over $137 million in 1992. This is greatly in excess of the modest amount we are proposing in this amendment.

Mr. President, I urge my colleagues to support this amendment. Most Americans are opposed to foreign aid because they see that aid helping to make corrupt dictators wealthier while keeping their taxes higher at home. But I firmly believe the American people will support programs that will directly help people to help themselves. That is exactly what this amendment does. That is exactly what this program has been doing. I hope that this amendment will be adopted overwhelmingly.

And I also hope that the issue of the $300 loan level can be favorably addressed during conference with the House.

I ask unanimous consent that two editorials from the New York Times and the Arizona Daily Star on this issue be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1991]

BLACKS NEED HELP NOW

(By Lorna Hahn)

WASHINGTON.—The lifting of Congressional sanctions against South Africa will bring few immediate benefits to the country's seven million unemployed blacks. With state and local sanctions remaining, Eastern Europe beckoning and violence in South Africa continuing, U.S. businesses are leery about reinvestments there that could create desperately needed jobs.

But many blacks, very often women, have found ways to employ themselves in vending and service activities, day care and learning centers, agricultural and handicraft cooperatives and other useful little enterprises. Many would like to follow their example. These potential entrepreneurs could be helped directly and pretty quickly if the Senate approved the Microenterprise Development Act of 1991, a part of the foreign aid bill passed last month by the House.

This legislation would expand the credit operations of the Agency for International Development's Office of Small and Microenterprise Development so that even the poorest of a country's poor—mostly women—could borrow enough money to start a tiny business. Loan recipients would also receive whatever training and technical assistance help they might need in order to make the venture viable.

In South Africa, assistance would be channeled through the urban-based Get Ahead Foundation. This black-owned nonprofit organization promotes the development of small businesses in townships like Soweto. Partly funded since 1987 by A.I.D., which began with a $3.3. million grant, it has made short-term, low-interest loans averaging $160 to more than 5,000 people, at least 90 percent of them women who belong to small-savings plans.

The participants, mostly vendors, attend workshops in bookkeeping and pricing and business skills, and receive legal advice on vendor rights and taxation. Many "graduates" have gone on to obtain individual loans from banks and to link their enterprises to larger local and even national markets—and almost every single initial loan has been repaid.

The Microenterprise Development Act would extend this program to people wholly lacking in material assets and credit histories but who can produce an idea that makes sense. The creditworthiness of such untested but ambitious people has been repeatedly shown throughout the third world by the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan of Indonesia and Ademi in the Dominican Republic. Grameen provides loans averaging $67 to the very poorest women, and has a 98 percent rate of paybacks.

In South African townships, new A.I.D.-sponsored activities could be particularly beneficial if they went not only to women but also restless young people who see few constructive outlets for their frustrations and hopes.

If possible, a branch should be established to serve the wretchedly poor and often overlooked homelands, inhabited mainly by women, older men and children. There access to credit and skills could spell success for thousands who dig irrigation ditches by hand, save rand by rand to buy a few chickens, string beads and weave baskets to try to eke out the rudiments of a living.

Fostering microenterprises will hardly solve South Africa's economic problems, but it could make many people self-supporting, self-confident and socially responsible while the larger issues are being worked out. The very low budgets and lack of bureaucracies should make the program attractive to Americans who want to help deserving blacks but are weary of the waste and fraud that has beset so much foreign aid.

[From the Arizona Daily Star, July 23, 1991]

PITTANCE GOES FAR: TINY MICROENTERPRISE LOANS WORK MIRACLES

Nearly buried in the competition for U.S. foreign aid lies a proposal that could perform miracles of self-sufficiency for poor people worldwide. It's the Microenterprise Development Act, and it faces a struggle in Congress.

Compared with the usual big-time winners of U.S. foreign aid, the $85 million in microenterprise money requested for the next two years is a relative pittance to give the planet's poorest people a tiny boost toward self-sufficiency. Israel will probably get its $3 billion, Egypt its $2.1 billion, and other Mideast nations their handsome rewards for backing Operation Desert Storm. But backers of microenterprise money, including Sen. Dennis DeConcini, may have to use innovative tactics to win approval in this intensely competitive budget process.

DeConcini could amend the foreign aid authorization bill to include the Microenterprise Act. The authorization bill is usually stalemated in the Senate, so if the amendment didn't work, a rarely invoked tactic of introducing microenterprise funds as a free-standing bill might be tried. Either way, it will take considerable muscle to push it through.

When microenterprise money is awarded to poor people properly, results are amazing. The Grameen Bank of Bangladesh is an example. In just a few years, it has made loans averaging $67 to over 80,000 destitute women, and has enjoyed a 98 percent repayment rate.

The impressive success of this program lies not in big hydroelectric dams or new airports or new factories but in humble self-employment projects such as raising chickens, husking rice or making tiles. Loan recipients make the most of the small sums in ways that major projects could never achieve.

Yet microenterprise money isn't always doled out the way it was meant. DeConcini backed a General Accounting Office study of the money's use, and the office found that the U.S. Agency for International Development didn't target enough loans to the poorest individuals, specifically poor women entrepreneurs in Third World countries.

Congress actually recommended that 80 percent of the money go to people in the poorest 50 percent of the populations in each country who need money to start or operate a business. The GAO found that isn't happening, and that AID often exceeds the $300 loan guideline, for loans as high as $2,100. The agency thought $300 was too small to make a difference in some countries.

The microenterprise method, in its original design, works well. It's destructive to decide to switch to something else. Now AID has pledged to design and test a better monitoring system for the small loans.

Millions of families could improve their lives and give their children hope for survival and independence if the Senate finds its way to carry through on what the House has already passed. So many insignificant, struggling people could benefit from all these tiny loans that hang in the balance of senators' votes.

AMENDMENT NO. 860

At the appropriate place in the bill, add the following:

SEC. . PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.

The Trading with the Enemy Act is amended by adding at the end thereof the following new section:

"SEC. 44. Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989, unless a license may be issued for such transaction if such transaction were undertaken by a firm organized under the laws of any of the States of the United. States.".

AMENDMENT NO. 861

On page 132, after line 22, add the following new section:

SEC. 630A. PARTNERSHIP IN ESSENTIAL GOVERNMENTAL SERVICES.

(a) POLICY.—It is the sense of the Congress that a program should be developed to make United States Federal employees available on a temporary basis to assist SEED countries in the development of essential governmental and related services. Such a program should seek to meet legitimate needs identified by eligible SEED countries with appropriate United States Government employees whose short-term secondment to a SEED country would not disrupt or interfere with the United States Government services. In-country costs of such a program, such as housing, should be borne by the host country, while the salary of United States Government employees would continue to be paid by the relevant department or agency. Management of such a program should be administered through existing institutions, such as the Citizens Democracy Corps.

(b) AUTHORITY.—The President is authorized to make available, on a volunteer basis and as appropriate, Federal civil service employees of United States Government departments, agencies, and bureaus for temporary duty in SEED countries to assist those countries in the development of essential governmental services.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the Congress a report setting forth a plan to carry out this section.

AMENDMENT NO. 862

On page 162, at the end of line 8, insert a comma and add the following: "and assistance under the Agricultural Trade Development and Assistance Act of 1954".

On page 169, line 7 after "1961", add the following: "or the Agricultural Trade Development and Assistance Act of 1954".

On page 170, line 7, after "1961", add the following: "and the Agricultural Trade Development and Assistance Act of 1954".

Mr. LEAHY. Mr. President, earlier this week the committee removed at my request language relating to agricultural trade assistance in the section establishing limitations on assistance to Guyana and Guatemala. I asked the chairman to remove this language in order to make clear that food and agricultural aid is under the jurisdiction of the Committee on Agriculture.

I did not oppose the policy represented in these sections of chapter 5.

This amendment reinserts the references to the Agricultural Trade Development and Assistance Act of 1954 in these two sections relating to limitation on assistance to these two nations.

AMENDMENT NO. 863

(Purpose: To make certain en bloc amendments with respect to the Enterprise for the Americas and the Environment)

On page 196, line 6, strike the word "and" after "Hemisphere" and insert in lieu thereof a comma.

On page 196, line 7, strike the period at the end of the sentence and insert in lieu thereof ", and broad based environmentally sustainable development.".

On page 196, between lines 20 and 21 insert the following:

"(4) the sustainable use of the hemisphere's natural resources and environmental protection."

On page 197, line 20, strike the period and insert in lieu thereof ", and the sustainable use of natural resources."

On page 199, line 14, strike the period and insert in lieu thereof ", and will not have an adverse impact on such countries' natural resources.".

On page 210, line 11 after "agencies" insert the following: "and a broad range of interested non-governmental organizations".

On page 211, line 5, after "agencies," insert the following: "a broad range of".

On page 211, line 18 after "Development" insert the following: "and the government of the eligible country,".

On page 213, line 19, after "Development" insert the following: "and the government of the eligible country".

On page 217, line 21 renumber the current "SEC. 774. Debtor Consultation," as SEC. 775 and insert the following:

"SEC. 774. ELIGIBLE INVESTMENT ACTIVITIES.

"Not later than 180 days after enactment of this title, the Administrator of the Agency for International Development, in consultation with other government agencies and a broad range of interested non-governmental organizations, shall identify activities that use natural resources on a sustainable basis or otherwise practice sound environmental management and promulgate environmental standards to review proposed activities. Such standards shall, among other things, identify, and prohibit the sale of credits in support of specific activities that typically involve significant threats to the environment, natural resources and public health."

Mr. LIEBERMAN. I want to commend my colleague, the senior Senator from Connecticut, for his fine work on the Enterprise for the Americas Initiative contained in this bill. Once again, he has shown himself to be a leader in helping our neighbors to the South. His work will certainly help to make the economies of the nations of Latin America stronger. And that is good for us at home as well. They will be better able to buy American goods and services.

I am particularly pleased by the debt reduction portion of the Americas initiative. The Senator and his staff have devised a thoughtful way to ensure that there will be maximum benefit to any debt reduction that occurs. As my colleague knows, I have introduced a similar debt for environment bill, S. 1124, that would affect not only Latin America but other developing nations as well. I am pleased that the pending bill incorporates similar elements, and I appreciate my colleague's assistance in this regard.

The language in the pending bill mentions a number of possibilities for the grant program established as a result of debt reduction. One of those possibilities is environmental activities. I wonder if this would include clean energy or energy conservation sources such as fuel cells some of which, as you know, are manufactured in Connecticut.

Mr. DODD. I want to thank my colleague for his kind words. I also want to assure him that when we mention environmental activities in the Enterprise for the Americas Initiative, this includes clean energy and energy conservation sources. We have both worked hard to ensure that the fuel cell program continues to be funded. I am sure that this type of technology could be beneficial to the nations of Latin America as they endeavor to clean up their environment.

Mr. LIEBERMAN. I want to thank my friend for his efforts and for clarifying this point.

AMENDMENT NO. 864

(Purpose: To provide for auditing of accounts of international organizations)

On page 98, after line 19, add the following new section:

SEC. 514. AUDITING OF ACCOUNTS OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED NATIONS ORGANIZATIONS.—It is the sense of Congress that in the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President should (acting through the United States representatives to such organizations), propose and actively seek the establishment by the governing authorities of such organizations of independent, professionally qualified auditors for the purpose of providing a continuing program of selective examinations, review, evaluation, and audits of the programs and activities of such organizations.

(b) MULTILATERAL DEVELOPMENT BANKS.—

(1) IN GENERAL.—It is the sense of Congress that in the case of each of the organizations specified in paragraph (2), the President should, acting through the United States representative to such organization, propose and actively seek the establishment by the governing authorities of that organization of independent professionally qualified auditors for the purpose of providing a continuing program of examination, review, and audits of the programs and activities of that organization.

(2) MDB'S SUBJECT TO PARAGRAPH (1).—The organizations to which paragraph (1) applies are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Investment Corporation, the African Development Bank, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank.

AMENDMENT NO. 865

(Purpose: To specify the procedure for reports on international organizations)

On page 98, after line 19, add the following new section:

SEC. 514. REPORTS ON INTERNATIONAL ORGANIZATIONS.

(a) SUBMISSION DATE FOR ANNUAL REPORT.—The annual reports to the Congress under section 2 of the Act of September 21, 1960 (22 U.S.C. 262a), shall be submitted within 9 months after the end of the fiscal year to which they relate.

(b) ANNUAL REPORTS ON VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS BY ALL UNITED STATES GOVERNMENT AGENCIES.—

(1) REQUIREMENT FOR REPORTS.—Not later than January 31 each year, the President shall submit a report to the Congress listing all voluntary contributions by the United States Government to international organizations during the preceding fiscal year.

(2) INFORMATION TO BE INCLUDED.—Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and nature of the contribution, and the purpose for which the contribution was made. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

(3) OBLIGATION OF EACH AGENCY.—In order to facilitate the preparation of the report required by paragraph (1), the head of any Government agency that makes a voluntary contribution to any international organization shall report that contribution to the Director of the Office of Management and Budget on a quarterly basis.

(4) DEFINITION.—As used in this subsection, the term "contribution" means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel) or commodities, equipment, supplies, or other material.

AMENDMENT NO. 866

(Purpose: To withhold U.S. proportionate share for certain programs of international organizations)

On page 98, after line 19, add the following new section:

SEC. 514. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.

(a) REQUIREMENT TO WITHHOLD.—Funds authorized to be appropriated by this chapter shall not be available for the United States proportionate share for programs for countries or organizations or for projects described in subsection (d). This prohibition applies notwithstanding any provision of law that earmarks funds under this chapter for a particular international organization or program.

(b) USE OF FUNDS WITHHELD.—Funds returned or not made available to programs or projects pursuant to subsection (a) shall remain available until expended for use under this chapter.

(c) OBLIGATIONS.—The President—

(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this chapter; and

(2) shall report to the appropriate congressional committees the amounts of funds expended by each such organization for programs or projects described in subsection (d) and the amount contributed by the United States to each such organization.

(d) DESIGNATION OF PROGRAMS AND PROJECTS.—Subsection (a) applies with respect to programs for Cuba, Iran, Libya, Iraq, North Korea, Yemen, Syria, or the Palestine Liberation Organization and to projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

AMENDMENT NO. 867

(Purpose: To require a Presidential certification before a country's debt is reduced)

Page 205, line 23, is amended by inserting the following:

"(4) PRESIDENTIAL REPORT.—Before announcing his intention to reduce the amount owed to the United States for any country deemed eligible pursuant to chapter 3 of this title, the President shall report to Congress on:

(i) Other efforts undertaken to make possible the repayment of the debt;

(ii) A complete report on that country's financial health, including outstanding loans from other countries;

(iii) The effect of ongoing reforms in that country and their effect upon the balance of trade between it and the United States."

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendments were adopted en bloc.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I might say that we are down now to a precious few, and Senator CRAIG is here to offer his amendment. I understand that he is willing to enter into a 30-minute time agreement, with the time equally divided.

Mr. SARBANES. Mr. President, I ask unanimous consent that there be 30 minutes' debate on the Craig amendment, at the end of which, without any intervening business, there will be a vote on or in relation to the Craig amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Idaho.

AMENDMENT NO. 868

Mr. CRAIG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. SARBANES. Mr. President, parliamentary inquiry. I assume the time will be equally divided in the usual form.

The PRESIDING OFFICER. That is correct.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 868.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out Chapters 5 and 7 of Title VII, including sections 751, 752, 753, 771, 772, 773, and 774, of this Act.

Mr. CRAIG. Mr. President, this amendment as mentioned deals with debt forgiveness portions of this legislation, striking titles 5 and 7, and necessary sections thereof.

Mr. President, I understand the need to resolve the debt problem in Latin America. Certainly all of us do. It is in the best interests of our country, both economically and strategically, to help diversify and stabilize the economies of the southern region and our southern neighors. Only when those economies have reached that point will democracy be able to become a more permanent part of the political landscape of the region, beneficial to all.

However, I have a reason to believe that with the recession looming in our economy and our budget deficits causing us major problems at this time, it certainly is no time to abandon a hardheaded business sense in dealing with our neighbors to a frenzy of generosity toward our neighbors.

My amendment, Mr. President, would simply strike the debt forgiveness sections of this bill. I believe that before debt forgiveness should even be considered, we should know whether the country in question has the ability, to pay, we should explore other options of repayment, and we should work with our neighbors and other nations in Latin America that jointly deal in this debt to try to resolve it.

The idea of forgiving nearly 12 billion dollars' worth of loans at a time when we are asking our own citizens to tighten their own belts and when some of our own citizens are out of work at this moment and are looking toward their Government for some solution is, in my opinion, relatively unconscionable. But yet that is exactly what this legislation does.

One of the problems we have seen in the past, that is especially true in Latin America, is concentrating scarce resources on payments of commercially held loans rather than Government-held debt. But that does not necessarily mean a country does not have any assets with which to pay its debt. I think we need to look at options other than simply forgiveness of debt, options such as rescheduling debt and other forms of repayment, including natural resources and other products.

Let me give you an example. Several years ago I worked with the World Bank regarding the nations of Mexico and Peru. They were able to do some silver-backed bonds, issue them into the world market, and pay off some of their debt. It has worked extremely well for them, dropping their repayment costs down into the low percentage points.

Mr. President, debt forgiveness is something you just do not do with the sweep of a President's pen and the passage of a bill talking about walking away from $12 billion. It is not only, as I have said, bad for us; ultimately it is bad for the countries involved. We have what we call middle-income countries here, who are clearly demonstrating an ability to pay back debt. Yet we are going to say to them, let us create a stigma, if you will, for them by wiping out their debt instead of working with them to be as responsible as they should be.

Just as bankruptcy, Mr. President, inflicts a stigma on the individual, it inflicts a stigma on the countries involved. Their creditworthiness comes into question.

We are going to turn right around and become generous to them, at a time when we are talking about Eastern European countries who are emerging out of 45 years of Iron Curtain rule. We will be wanting to deal with them. They will say, "Gee, look at America's Latin American neighbors. They loan them billions of dollars and then they walk away from it. Maybe we can get billions of dollars from them and then later on walk away."

What I am suggesting in this amendment is that we deal with debt the way we have always dealt with it, deal with a country on an individual basis, that we deal with all countries involved with that country, and in so doing that we hold their respect, we hold our respect, and we suggest to our taxpayers that we are going to deal with the finite resource of their dollars in a responsible and fiscally right manner.

That is the whole of my amendment. I think it is reasonable. It does not lock us away from doing anything we have not already done. It just simply says that legislatively we will not forgive nearly $12 billion of Latin American debt. At the same time, I think—as we talk about the Enterprise of the America's Initiative, and fiscal responsibility is critical—nation-by-nation presence involved in these negotiations is fundamentally important, Mr. President.

With that, I retain the remainder of my time.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. SARBANES. Mr. President, I make a point of order against the amendment. It is not in order as drafted because it amends the bill in more than one noncontiguous place.

The PRESIDING OFFICER. The Senator is correct. The amendment is not in order as drafted.

Mr. CRAIG. Mr. President, I ask for the reason for the decision of the Chair in this instance.

The PRESIDING OFFICER. The amendment as drafted amends the bill in more than one noncontiguous way.

Mr. BROWN. Mr. President, is the point of order debatable?

The PRESIDING OFFICER. The point of order is not debatable.

Mr. BROWN. Mr. President, I rise in favor of the Craig amendment.

The PRESIDING OFFICER. The amendment is no longer before the Senate. The amendment falls. It has fallen on the point of order.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, the issue that has been addressed by the Senate is the appropriateness of the Craig amendment. I think it is fair to say that this particular amendment—concerning the point of order—was offered in the form it was offered because we understood the preference of the managers of the bill was to have this measure offered all at once. That is why it was presented in the form it was.

It was presented in this form as an accommodation. There was clear and sincere difference between the staff. But I hope that Senator CRAIG's—and my—willingness to accommodate the managers of the bill will not be used to extinguish Senator CRAIG's ability to have a vote on this question. I am sure there is no evil intent on anyone's part here, but I think it is also very clear that the reason it was offered in the form that it was, which apparently the managers of the bill have some concern about, was simply to accommodate their request.

I hope the Senators involved will be willing to work out something here. I am sure it is in no one's interest to extinguish the ability of this body to express their feeling on whether or not you should simply write off $11.8 billion in obligations to the United States.

It is an important issue, not one that should be denied expression by the Members of this body because of a misunderstanding between those who negotiated the rules of procedure.

I yield the remainder of my time.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I say to the distinguished Senator from Colorado that it was our very clear understanding that the inquiry about whether there could be an objection to an amendment on the grounds that it was divisible applied to the amendment that the Senator from Colorado with a certification and a reporting requirement. We earlier took that amendment after the Senator modified it as part of the package, and we agreed not to seek to make it divisible if offered as the Senator had originally intended.

That understanding was reached, it is true. It has nothing to do with this amendment just presented.

Mr. BROWN. Let me say to the Senator, the discussion I am relating, the staff had, at which point we made it clear it was a Craig amendment. And offering the Craig amendment in this form was one that I think there is a sincere disagreement on among the staffs.

My understanding of this is that the Senator is perfectly right on insisting on his point of order. My request is that he would not choose to do that, because it is because of a genuine understanding. I certainly recognize he is within his rights to do so.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, obviously, the managers of this legislation have recognized a technicality in the drafting of the amendment. I have to accept the ruling of the Chair based on that.

It is my disappointment that we cannot arrive at a recognition of the simple redrafting that would go on. Obviously, it is the right of the person who raised the point of order. But, at the same time, we are dealing with some important issues here as it relates to this body wiping away billions of dollars worth of debt, when it is even questionable whether it ought to be done or whether we, as responsible nations, as guardians of taxpayers' dollars, ought not to sit down with these countries who are indebted and suggest to them some reasonable way of working out the proposition.

That is the way it has been done in the past, and it has been done effectively. That is the responsibility of the executive in some instances, certainly working with parties of the nations involved, and certainly us in establishing legislation. And this type of precedent, I think, is tremendously damaging. We will be back to revisit this question, if we cannot gain the cooperation to craft the amendment in the proper form, because this is something the American taxpayers will speak out against.

If we are to extend a helping hand to other nations around the world, then we have to do so in a fiscally responsible fashion, especially when we are looking at our deficit and our debt burden and people out of work in this country. I cannot go home to my unemployed workers and say: I am sorry, but we can forgive billions of dollars worth of debt against countries who have cash flows that can afford to handle them. That is the issue here, and that clearly will be demonstrated in the RECORD.

I yield the remainder of my time.

Mr. BROWN. Mr. President, I ask unanimous consent to address the body for 5 minutes concerning the Craig amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. Mr. President, it is clear that the issue of the Craig amendment has been resolved through a technical point of order. So be it. Those are the proper rules of procedure, and ones that help make this body function efficiently. I recognize that. But I must say that the issue is important, and I think one that merits further consideration, which I think it will have on future legislation.

Let me say that there are a couple of relevant things here. One is the list of nations whom we are granting forgiveness of debt. They include a large number of nations that have the ability to pay the United States. Let me suggest also that there is not a single one of them that owes as much money as the United States does. All of them together do not owe as much money as the United States does. For us to be forgiving their debts when we are deeper in debt than they are, is a cruel irony. They also involve a number of countries, including Venezuela, that have enormous resources from which they have every ability to pay those debts, should they desire.

Mr. President, I ask unanimous consent that the list of these nations be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Latin American debt to the United States Government (January 1991)

Argentina	$524,955,820
Belize	26,412,350
Bolivia	527,947,386
Brazil	2,490,464,261
Chile	431,770,695
Colombia	998,390,147
Costa Rica	235,561,176
Dominican Republic	669,072,918
Ecuador	218,399,126
El Salvador	756,358,092
Guatemala	304,169,186
Guyana	115,048,601
Haiti	134,649,101
Honduras	455,649,236
Jamaica	865,800,888
Mexico	1,538,445,576
Nicaragua	264,564,738
Panama	240,301,541
Paraguay	34,882,914
Peru	798,170,032
St. Vincent	1,481,309
Trinidad & Tobago	113,936,144
Uruguay	46,238,711
Venezuela	20,006,261
Total	11,812,676,209

Source: Mr. Thomas Moran, Manager of the Foreign Credit Reporting System, Department of Treasury, From: "Status of Active Foreign Credits," published by the U.S. Government.

Mr. BROWN. There are several other considerations that I hope the Members will consider. The poorest nations on this list, who are having their debts forgiven, who I think would have a legitimate case to bring before this body in terms of debt forgiveness, already qualify under section 572 for debt forgiveness. I will repeat that: The ones that are legitimate cases here for debt forgiveness already qualify under section 572 for debt forgiveness. There is no need to bring those into this bill.

Third, we ought to ask ourselves what kind of lesson have we put for the future? I think it is important to note that these nations, who are writing off their debts, have the ability in the future to borrow from the United States after that 5-year window, and there is no requirement on the administration to make sure that these nations whose debts we have written off have to be creditworthy in the future.

The simple fact is that we have not only written off their debts, but we have failed to put in place a mechanism that will prevent this from recurring.

I think it is worthwhile to look at the attitude of our Japanese friends, who have indicated they think it is bad policy to write off debts, that it is far better to work with the creditors.

For those who consider this policy to be wise, I would simply refer them to our Founding Fathers. When faced with a similar difficult position of overwhelming debts after the Revolutionary War, this Nation made a decision to honor its debts to protect its future creditworthiness.

I simply say to those who think we are doing a favor allowing people to walk away from the legitimate obligations to the working men and women of this country that in the long run they do them a disfavor because they establish these countries as countries which have been unable to meet their obligations, countries which followed a pattern of defaulting on legitimate obligations, and that far from helping those countries perhaps in the long term will damage not only the U.S. taxpayer but will damage the citizens of those countries far more than any other action we could have taken.

I am sorry that we do not have a vote on that on this bill. I certainly respect the legitimate rules that have been raised here. I look forward to an opportunity to give the members a chance to express willingness to forgo legitimate obligations owed to the taxpayers on future legislation.

I yield back the remainder of my time.

Mr. SARBANES. Mr. President, I say to my colleagues, Senator BROWN and Senator CRAIG, the administration has been literally importuning us to act on the Enterprise for the Americas Initiative. The President announced this initiative in June 1990 and he then went to Latin America last year. It was a major part of his appeal to the Latin Americans to join with the United States in a new cooperative effort.

The authority given to the President to make debt reduction can only be exercised beginning in fiscal year 1992 and only in such amounts and to such extent as provided by a specific appropriations act. So it is not an authority once committed that is beyond congressional review or control, and I am sure the Senator is aware of that. I just point that out in order to respond to suggestions that somehow this provision would put the issue beyond the purview of the Congress. That is not the case.

Second, in order to be eligible to participate, a country must make significant progress toward policies designed to liberalize its investment regime and undertake other essential economic reforms, including an IMF economic reform regime. So a country cannot simply come in and avail itself of this without making very fundamental internal economic reforms, which I think all of us here would consider to be desirable, designed to move toward a market system and private enterprise.

So, it is a grant of authority at a general level to the President. The President was very anxious to have that because he thought it was necessary in order to deal with the Latin American countries. I do not often find myself making the case for broad Presidential discretion, and particularly not in the last few years when we have been on opposite sides of the political watershed. But I do think that this provision responds to the administration's request for flexibility while protecting a congressional role, and I am sure the Senator will come back and revisit that congressional role. I simply wanted to make those observations.

I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 869

(Purpose: To amend the Arms Export Control Act to delay the approval of arms sales, exports, and licensing agreements unless the corresponding memorandum of understanding, before entry into force, has been transmitted to the Congress)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment has been agreed to by the managers.

The PRESIDING OFFICER. Without objection, the Simon amendment that is pending is laid aside.

The clerk will report.

The legislative clerk read as follows

The Senator from Illinois [Mr. DIXON], for himself, Mr. BYRD, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. SHELBY, Mr. DECONCINI, Mr. KERRY, Mr. ROCKEFELLER, Mr. WELLSTONE, and Ms. MIKULSKI, proposes an amendment numbered 869.

Mr. DIXON. Mr. PRESIDENT, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 13 and 14, insert the following new section:

SEC. . REQUIREMENT REGARDING TRANSMITTAL OF MEMORANDA OF UNDERSTANDING.

Section 36 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this section, no Presidential certification under subsection (b), (c), or (d) shall be deemed to have been received by the Congress, for purposes of any such subsection, if the certification is made with respect to a sale, export, or agreement required by a memorandum of understanding [MOU] between the United States and a foreign government for the coproduction or codevelopment of major defense equipment, unless the President, before such MOU entered into force with respect to the United States, transmitted the text of such MOU and any related documents (including exchanges of letters between the governments) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

Mr. DIXON. Mr. President, Senators BYRD, BOREN, D'AMATO, FORD, HATFIELD, HOLLINGS, SHELBY, DECONCINI, KERRY, ROCKEFELLER, WELLSTONE, and MIKULSKI today join me in sending an important amendment to the desk and asking for its immediate consideration. This amendment, which amends the Arms Export Control Act, deals with an issue my colleagues will readily recognize as a longtime concern of mine. Indeed, this is not the first time I have introduced legislation to safeguard Congress' right, as well as duty, to review the memoranda of understanding [MOU] and all relevant documents that are part of agreements entered into by the President of the United States and foreign governments.

I continue to bring this issue up, Mr. President, because we have unfortunately experienced all too many times a situation where Congress has practically had to threathen the adminsitration before we received the critical cooperation we should have gotten from the outset. This is a grave problem—it shows a sloppy attitude on the part of the administration toward national security measures and it threatens the very integrity of our democratic governing process.

This process we adhere to with such respect and admiration was instituted by the founders of this Nation, who made it forcefully clear they did not want their country run exclusively by any one branch of government. They were wise enough even then to foresee the dangers of a system lacking the necessary checks and balances. Thus, while the President is given the responsibility for conducting negotiations with foreign nations, it is Congress to whom the Constitution in article 1, section 8, gives authority to "regulate commerce with foreign nations." The Constitution could not be more clear—Congress has the right to access any and all pertinent documents because the same Congress has the responsibility to make informed decisions on foreign commerce. Surely anyone can understand it is difficult for Congress to make informed decisions when denied necessary information.

That is why, Mr. President, I am offering this amendment which is designed to remind the administration of its duties under the law, indeed, under the Constitution. This amendment does not withdraw or impede the President's authority to negotiate sales agreements. What this amendment does is merely to require the administration to give the Speaker of the House and the President pro tempore of the Senate the actual memorandum of understanding and any side letters of agreement involved in foreign contracts for the coproduction or codevelopment of major defense equipment. The amendment also says that the 30-day period which Congress has for consideration of the agreement will not begin until Congress has received these documents.

Our amendment is designed to end once and for all the present charade in which we in Congress are continually asked to approve an agreement between the President and a foreign government, while nobody—nobody at all—in the Senate or the House is permitted to look at the document before we act.

We want no more rubberstamps, Mr. President.

I urge my colleagues to take careful note of this amendment, and the serious nature of what the administration has been doing by asking us to approve something sight unseen. Without a doubt, this is something none of us would do in conducting our private business; we can hardly do any less in conducting public business. All we are asking is that Congress be given the resources it needs to responsibly carry out its share of the governing process.

Mr. President, I thank my colleagues on both sides and the managers for accepting the amendment.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 869) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. I thank my distinguished colleagues.

The PRESIDING OFFICER. Who seeks recognition?

Mr. McCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration. I would also like to have considered with the amendment a perfecting amendment.

The PRESIDING OFFICER. Without objection, the pending Simon amendment will be laid aside.

Mr. SARBANES. Mr. President, I do not believe we have seen the second-degree amendment.

Mr. McCAIN. I might say to my friend from Maryland, the perfecting amendment is an additional amendment which perfects it and which really has no basic change in the amendment itself.

Mr. SARBANES. Under the agreement entered into last night, the two Senators from Arizona can offer an amendment on the United States-Mexico border environment issue, which I take it is this amendment.

Mr. McCAIN. Yes.

Mr. SARBANES. No other amendments are in order. I suggest to the Senator that he simply modify his amendment by putting it in the form in which he wishes to have it and sending it to the desk. That would then conform with the request. At the moment the Senator's submission does not appear to do so.

Mr. McCAIN. If the Senator will yield to me for a minute, I think I can clear this up.

I will withdraw my amendment. I will be ready in 5 minutes with those two together.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as if in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

ESTABLISHING A SELECT COMMITTEE FOR OVERSIGHT OF POW/MIA MATTERS

Mr. GRASSLEY. Mr. President, I rise for three purposes: First, to thank the Rules Committee for yesterday holding a hearing on a very important question before that committee—whether or not a select committee on POW's should be set up by this body. The second purpose is to urge the leadership of this body, hopefully, to take that issue up very quickly. And, third, to inform my colleagues of my views on this particular issue of whether or not this body should establish a select committee for oversight of POW/MIA's. I feel that this should be done.

I would like to say something about the bill's primary sponsors. Senator SMITH has personally and intimately been involved with this issue for a decade or more. He knows perhaps more about this issue than anyone in this body. His knowledge and forceful leadership on the POW/MIA issue is what has built such a broad and deep coalition of support for this bill in such a short period of time.

The Senate might not be in the position it is at this point considering this issue if it had not been for the work that Senator JESSE HELMS has also done on this issue as the ranking member of the Foreign Relations Committee. Without Senator HELMS, the investigation that I spearheaded 2 years ago would have died on the vine. Now that investigation has become the center of gravity for a bipartisan investigation by a standing committee of the U.S. Senate, the Senate Foreign Relations Committee.

I want to outline why this investigation should ultimately reside with a committee that deals exclusively with the POW/MIA issue but not to the exclusion of the Senate Foreign Relations Committee dealing with it as well.

I have been investigating this issue for 2 years, now. As I mentioned, I initiated the current investigation. I reviewed allegations brought to my attention by people within the Defense Department. Because of the credibility of these people, I could not dismiss the allegations. On the other hand, I was aware that previous inquiries dispelled such allegations, and I was also aware that this issue is emotionally charged. Given this dilemma, I decided the only way to discover the truth in a way that is acceptable to this body and to the public was to change the method of inquiry. So I brought in three professional investigators to investigate this issue, using an empirical investigatory process. These three investigators, collectively, had nearly 70 years of investigative experience in the executive branch, including criminal investigative experience. In addition, they had all served in Vietnam and were knowledgeable about the history and geography of that country.

Mr. President, the product of their work cannot be ignored by this body. That product has been released under the auspices of the minority side of the Foreign Relations Committee. The report shows that the U.S. Government has grossly mishandled the POW/MIA issue. It also confirms many of the allegations initially raised by my Pentagon sources. The testimony that Colonel Peck gave yesterday before the Rules Committee parallels our findings. And, in the event it would go unnoticed, a former, long-time DIA senior analyst in DOD's POW office by the name of Sedgwick Tourison wrote yesterday in the Washington Times that he resigned 3 years before Colonel Peck resigned for some of the same reasons.

The Helms reports, and the information collected by our investigators, provide the Senate with a firm foundation for further inquiry, devoid of politicism and emotionalism. Senator HELMS will provide any of you with details about these reports. But suffice it to say that investigation is now the centerpiece of a bipartisan investigation of the Senate Foreign Relations Committee. In my view, this is an important next step. However, I do not think for one moment that the Foreign Relations Committee, with its busy schedule, will be able to devote the full, thorough attention this issue deserves over the very long term. Rather, resolving the issue requires a committee devoted specifically to POW/MIA affairs. The mere fact that seven previous inquiries turned up nothing is the strongest case in point. The conclusions of those seven inquiries fly in the face of what trained, professional investigators have turned up over the last 2 years.

There seems to be some question as to whether this issue should be resolved by the Senate Foreign Relations Committee investigation or by a select committee. Let me say that I intend to support and contribute to both. That is because, in my view, both are needed. In short term, we need to continue the momentum of the current investigation. But there are numerous complex issues that cannot be resolved by the Foreign Relations investigation. Let me outline some of these.

There are literally thousands of documents, both classified and unclassified, that pertain just to live sightings. There is abundant overhead imagery. And that only takes care of DIA. Similar and abundant information also resides at the State Department and the Central Intelligence Agency. Moreover, there are hundreds of witnesses to be interviewed, both domestically and abroad. All of this pertains to only the Vietnam war. Then there are the other wars: World war I, World War II, the Korean war. Evidence of POW's left behind after these wars is just beginning to surface. Forty-nine pages are devoted to such evidence in the recent Helms report. And then there is the matter of future conflicts. These are all areas that collectively demand additional focus beyond what our present committees can provide.

Finally, I would like to address a present-day case in point that should illustrate the need for greater expertise on and attention to this issue by the Senate. The recent surfacing of photographs purported to be those of POW's has rekindled a high-profile, emotional debate. The participants are, on the one hand, administration debunkers, and on the other, conspiracy-mongers. The fact of the matter is, neither side knows enough to support his or her position fully. They each draw premature conclusions. The debunkers never met a piece of evidence they did not want to discredit. As for the conspirators, every piece of flimsy evidence seems to prove their case.

Take the photo of the three alleged POW's. The debunkers say they are Soviets because they are wearing Soviet clothes. What do they want them to wear in that part of the world, Izod sports shirts? Or something from J.C. Penny's? That is like saying someone eating Mexican food is obviously Mexican.

The conspiracy-mongers, on the other hand, take an unverified, unanalyzed photo and say that this proves a conspiracy and a cover-up. There has been no scientific analysis done to verify the photo; yet, the unverified photo somehow verifies a conspiracy!

It is these types of wild conclusions and speculation that need to be separated from a serious investigation. Believe me, the wild conclusions are on both sides.

Meanwhile, the real significance behind the photograph was entirely missed. Whether that photograph is real or not, the fact of the matter is that it took 7 months for DIA to do anything with it. And even then, it was because the issue was forced upon them. If this is not a clear and convincing case that DOD does not consider the POW/MIA issue to be a high priority, I don't know what is.

Somehow, someone has to inject some objectivity and balance into this process. And it has to be done in an ongoing manner. It is a long-term process. And no committee, with all its workload and important matters to consider, can do an adequate job unless that committee is devoted strictly to this issue.

In my view, the only way we will be able to sort out the fact from the fiction on this issue is to continue the empirically based investigation started by myself and Senator HELMS, and now joined by Senators KERRY and BROWN. Resolving this issue requires sorting out such a muddled morass of information that no standing committee with all its other important duties is able to do so either efficiently or effectively, in my view. Yes, there is a mountain of misinformation out there, as Ann Mills Griffiths said recently. But there is also a mountain of nonfeasance by U.S. Government officials and others, there is a mountain of explaining to do to the public and the families, and there is a mountain of resolve by Members of this body to get to the bottom of this issue and bring accountability to bear.

In conclusion, I urge my colleagues to recognize that underneath all the emotion, the politicizing, and the debunking associated with this issue, there is a core of data that supports many of the allegations raised in recent years, and a long-term, thorough investigation must go forth. In my view, we as an institution should adopt a fundamentally different attitude on this matter. We should take our lead from another institution here in this town, the Washington Post. In its July 4 lead editorial, the Post announced it is shifting its position from skepticism to agnosticism. That shift was based in large part on what our investigation has turned up. All of us in Congress would do well to adopt that same approach, shifting from skepticism to agnosticism. And once we have done that, we then need the tools, the expertise, and the resources to get the job done. That is the only way the public will ever be satisfied that the issue has been resolved, and that Congress will have any credibility on this issue with the families and the American people.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I want to take a minute, if I may. Last evening we had an extended debate on the issue of El Salvador and the issue of withholding 50 percent of the military aid to that country. As part of an extended debate, some of our colleagues went on at some length after the tabling motion failed.

As part of that discussion, rather extensive comments were made about a letter that was signed by a number of Ambassadors from various Central American countries urging this body not to support the proposition that was offered by the distinguished Senator from Vermont and myself last night. That proposition would continue the policy that had been adopted by the Congress last year to withhold 50 percent of the military aid to El Salvador and place a significant amount of pressure on both sides in that conflict to resolve their differences.

I did not engage in the latter part of that debate last evening, Mr. President. But I wanted to take the floor this morning to respond to the suggestion, made by these five Ambassadors in their letter to Members of this Chamber, urging us to spend money in El Salvador.

I always find it somewhat intriguing that other people always get very generous with our dollars. These five Ambassadors, many of whom I have respect for, always seem anxious for the American taxpayer to spend our money on some other place in the world. I note with some significance that none of these countries have spent a nickel of their money in El Salvador—not a nickel. Yet they write letters to us telling us to spend our money in another place.

I am going to take note of this and maybe when the Foreign Operations appropriations bills come around, maybe we can provide the assistance to El Salvador and just reduce the amount of assistance to these countries. If they are so generous with our tax dollars, maybe we can be a little less generous with their aid.

Mr. President, I certainly respect their right to have their own opinions. Certainly they have the right to express those opinions. I welcome their comments and their suggestions. But I suggest the next time they start offering advice as to how we ought to spend our money, they might spend a little of their own money as well. If they are so concerned about seeing that the Government of El Salvador gets $85 million in military assistance, then maybe they ought to suggest that they would be willing to forego the assistance we are providing to them for a year to make up the difference. Because we get advice from all over the world on how we ought to spend money on foreign aid, yet I rarely find any of these other countries willing to step up and contribute as well. This is particularly true for nations who are directly involved, as the nations of Central America have been over the last 10 years or so, with the issue of El Salvador.

I would also take note of the fact that some have suggested that we should listen to these countries—that they are providing good advice.

I would remind our colleagues that a few years ago they were advising us in other matters in the region, and some who suggested that we ought to follow their advice on this particular matter were unwilling to accept their advice when they were recommending support for the so-called Arias peace plan.

At any rate I did not last evening respond to the debating points raised about the suggestions that have come from the Ambassadors of these countries. But I strongly suggest the next time Ambassadors from various countries start recommending how we spend American taxpayer money, that they might first examine their own books to see whether or not they are contributing any money to the very cause they are asking us to contribute to. I urge them to think about that, and maybe we can assist them in that process as these authorization and appropriations bills go forward.

We are going to have an appropriations bill come up in September, and I will examine that bill carefully when it comes to these countries who were so anxious to support the cause they so strenuously espouse. And I will determine whether they are contributing any money whatsoever to this particular effort. To the best of my knowledge, they are not.

I strongly recommend the next time they want to write letters like this, they may want to belly up to the bar themselves first.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this is end of the week, and the managers of the bill would like to get this done. We had ample opportunity to have extended debate. I would have yielded at any time during my comments to my friend from Connecticut, who I know feels passionately about this issue.

I look forward to September, as he said, when we will be addressing this issue in the form of an appropriations bill. I have always respected his view. I believe he is one of the most knowledgeable Members of this body on foreign policy issues in general, and Central America specifically.

I will have to take some exception to the tenor of his remarks, which plainly are veiled threats at these countries, who felt that no legislative action to cut aid—not additional aid; they did not request additional aid, but took exception to cutting aid at this particular time. I believe they will view it as a veiled threat, or not-so-veiled threat.

I find that unfortunate, because I think obviously we want to judge these countries on their own merits. Also, my friend from Connecticut knows very well that these are very poor countries. Honduras is one of the poorest countries in the world, as is Guatemala. The prospect of them extending foreign aid to their neighbors, of course, is something that probably cannot be done readily.

But I do point out that these Central American countries have attempted to join together to form a common market. They have taken economic measures to improve the lot of their people. I know that my friend from Connecticut will continue to do so.

So I hope in his disappointment over what I think was a very spirited debate, and the kind of discussion and debate that needs to be done, needs to be carried out in this body, that he will not threaten these countries on the basis of their support or lack of support of another country.

As I said, the hour grows late. I look forward to a spirited involvement and engagement in September, and I want to assure my friend from Connecticut again, I have the highest respect and regard for his views and his expertise on this issue. It has been a privilege for me to work with him and travel with him on many occasions throughout the region of Central America over a long period of years.

Mr. DODD. Will the Senator yield?

Mr. McCAIN. I will be glad to yield.

Mr. DODD. I appreciate the Senator's comments. I have a great deal of fondness for the Senator from Arizona, as he knows, and I respect his views tremendously in this matter, and in many other matters as well.

I say to my friend, Mr. President, that it is not just this situation that troubles me; it was just that sense that we are so often advised by other countries on what to do. They are so willing and generous with their advice, and yet often so unwilling to do the other things a nation can do.

But I respect the point made by the Senator from Arizona. I do not say this in pique.

It is not just Central American countries; we get a lot of people, whether in Europe or the Pacific rim, who tell us what to do. We look around and ask, What do you folks do in this regard? In many cases, as I say, they are generous with their advice and stingy when it comes to sharing their responsibilities.

Incidentally, let me point out, because I know the Senator from Arizona knows him, Ruben Zamora's brother and another relative were abducted this morning on the streets on San Salvador, apparently by uniformed police. That's just one more piece of evidence of the horror that goes on in El Salvador—on both sides. I hope they will be returned quickly, we will discover who is responsible, and they will be safe and sound. But again, that's just another page in this tragic story in this country that has been so ravaged.

My colleague from Arizona and I both know that this is the kind of thing that goes on in El Salvador and we hope it stops, because these are some very good people who care deeply about their country, and we would like to see this come to an end.

I thank the Senator for his comments this morning, and I appreciate the spirit in which they are offered.

Mr. McCAIN. I thank my colleague from Connecticut.

Again, I did not know the information about Mr. Zamora's brother. We will all wait anxiously and hope and pray that his brother and his friend is returned. Another argument, and perhaps a validation in the efforts that the Senator, myself, and many other Members of this body have made in the effort towards bringing a peaceful resolution to that unhappy country because, clearly, the human suffering and agony that continues is something that deserves our attention and our every effort.

As I say, I look forward after the recess, I am sure shortly afterwards, we will engage in another spirited debate.

AMENDMENT NO. 870

(Purpose: To establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself and Mr. DECONCINI, proposes an amendment numbered 870.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the protection of the environment within the area comprising the border region between the United States and the Republic of Mexico, as defined by the 1983 Border Environment Agreement between the United States and Mexico.

SEC. 3. FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States the "United States-Mexico Border Environmental Protection Fund (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be appropriated or transferred to the Fund. No moneys in the Fund shall be available for obligation or expenditure except pursuant to an environmental emergency declaration pursuant to section 4.

(b) PURPOSE OF THE FUND.—The Fund shall be readily available for use by the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") to investigate and respond to conditions which the Administrator determines present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico.

(c) USES OF FUND.—(1) Moneys in the Fund shall be available, without fiscal year limitation, for use by the Administrator in carrying out field investigations and remediation of any environmental emergency declared by the Administrator under this Act.

(2) In carrying out his authority under this Act, the Administrator is authorized to expend moneys in the Fund directly or make such moneys available through grants or contracts.

(3) Moneys in the Fund shall be available for use by the Administrator for cost-sharing programs with the Republic of Mexico, any of the States of Arizona, California, New Mexico, or Texas, any political subdivision of any such State, federally recognized Indian tribes, or any other appropriate entity, for use in carrying out field investigations and remediation actions pursuant to this Act.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCY

(a) DETERMINATION BY ADMINISTRATOR.—The Administrator, whenever he determines conditions exist which present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico, may declare the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the sole jurisdiction of the International Boundary and Water Commission.

(b) PETITION OF GOVERNOR.—In addition to the authority under subsection (a), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, or the governing body of a Federally recognized Indian Tribe may declare the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the sole jurisidiction of the International Boundary * * *.

SEC. 5. INFORMATION SHARING.

The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and or Texas, * * * and the Republic of Mexico, is authorized to establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions thereof, and Indian tribes, of environmental problems affecting the border region of the United States and the Republic of Mexico. The Administrator shall integrate systems and procedures authorized by this section into any existing systems and procedures established to provide information sharing and early warning regarding environmental problems affecting the border region of the United States and Mexico.

SEC. 6. REPORT TO CONGRESS.

The Administrator, after consultation with the Secretary of State, the Republic of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the tribal governments of appropriate Indian tribes, shall submit an annual report to the Congress on the use of the Fund during the calendar year preceding the calendar year in which such report is filed, and the status of the environmental quality of the area comprising the border region of the United States and the Republic of Mexico.

The administrator shall publish the availability of the report in the Federal Register, along with a brief summary.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Administrator shall establish a United States-Mexico Border Environmental Protection Advisory Committee (hereinafter referred to as the "Advisory Committee").

(b) FUNCTIONS.—It shall be the functions of the Advisory Committee to—

(1) monitor and study environmental conditions within the border region of the United States and the Republic of Mexico;

(2) plan and make recommendations for ongoing environmental protection within such border region; and

(3) carry out such other functions as the Administrator may prescribe.

(c) COMPOSITION OF ADVISORY COMMITTEE.—The Advisory Committee shall consist of such number as the Administrator shall appoint. At least 2 of the members shall be from business, 2 from non-Government organizations, and 5 from State local or tribal governments. The term of each member shall be for a period of not more than 5 years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Advisory Committee.

(d) MEETINGS AND REPORTS.—The Advisory Committee shall meet at least on a quarterly basis, and report to the President and Congress not less than annually, on the state of the border region between the United States and the Republic of Mexico, together with the recommendations of the Advisory Committee, if any. The initial report shall be submitted within 12 months following the date of the enactment of this Act.

(e) COMPENSATION.—Members of the Advisory Committee shall serve without compensation. When serving away from home or regular place of business, a member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for individuals employed intermittently in the Government service.

SEC. 8. INTERNATIONAL AGREEMENTS.

(a) AUTHORITY.—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter "United States Commissioner") is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting border sanitation problems in international streams that cross the international boundary between the United States and the Republic of Mexico, caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) RECOMMENDATIONS.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico of measures to protect the health and welfare of persons along those international streams that cross the international boundary between the United States and the Republic of Mexico, and should include—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of such facilities;

(3) formulas for the division of costs between the United States and the Republic of Mexico; and

(4) time schedule for the construction of facilities and other measures recommended within the agreements authorized by this section.

SEC. 9. JOINT RESPONSES TO SANITATION EMERGENCIES.

(a) CONSTRUCTION OF WORKS.—The Secretary of State, acting through the United States Commissioner, is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of the Republic of Mexico for the purpose of joint response through the construction of works, repair of existing infrastructure, and other such appropriate measures in the Republic of Mexico and the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) HEALTH AND WELFARE.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico establishing general response plans to protect the health and welfare of persons along those international streams that form or cross the international boundary between the United States and the Republic of Mexico, and should include, but not be limited to—

(1) description of types of sanitation emergencies requiring response including, but not limited to, sewer line breaks, power interruptions to wastewater handling facilities, components breakdowns to wastewater handling facilities, and accidental discharge of sewage which results in the pollution of streams that form or cross the international boundary;

(2) description of types of response to emergencies including, but not limited to, acquisition, use and maintenance of joint response equipment and facilities, small scale construction, including modifications to existing infrastructure and temporary works, and the installation of emergency and standby power facilities;

(3) formulas for distribution of costs of responses to emergencies under this section on a case-by-case basis; and

"(a) FUNCTIONS OF THE BINATIONAL ADVISORY COMMITTEE.—It shall be the functions of the Binational Advisory Committee to (1) assist EPA and SEDUE in the monitoring and study of environmental conditions within the border region of the United States and Mexico; (2) plan and make recommendations to EPA and SEDUE for ongoing environmental protection within such border region; and (3) carry out such other functions as EPA and SEDUE may prescribe."

"(b) COMPOSITION OF U.S. DELEGATION TO THE BINATIONAL ADVISORY COMMITTEE.—The U.S. Delegation shall consist of such number as the Administrator shall appoint. At least two of the members shall be from business, two from non-government organizations, and five from State or local governments. The term of each member shall be for a period of not more than five years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the U.S. Advisory Committee."

"(c) MEETING AND REPORTING REQUIREMENTS.—Reporting and meeting requirements of the Binational Advisory Commission will be established by the members.

(4) requirements for defining the beginning and end of an emergency.

SEC. 10. CONSTRUCTION; REPAIRS; AND OTHER MEASURES.

(a) WATER POLLUTION EMERGENCIES.—The Secretary of State, acting through the United States Commissioner, is authorized to respond through construction, repairs and other measures in the United States to correct sanitation emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico, caused by the accidental discharge of untreated or inadequately treated sewage into such streams.

(b) CONSULTATION.—In responding to emergencies the Secretary of State shall consult and cooperate with the Administrator, affected States, counties, municipalities, Indian tribes, the Republic of Mexico, and other affected parties.

SEC. 11. BINATIONAL ADVISORY COMMITTEE.

The Administrator in cooperation with the Secretary of State, is authorized to enter into an agreement or other arrangement with the Republic of Mexico to establish an Advisory Committee comprised of members from the Republic of Mexico and the United States.

SEC. 12. TRANSFER OF FUNDS.

(a) TRANSFER AUTHORITY.—The Secretary of State, acting through the United States Commissioner, is authorized to include as part of the agreements authorized by sections 8, 9, and 10 of this Act, the necessary arrangements to administer the transfer to another country of funds assigned to one country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) COST-SHARING AGREEMENTS.—No funds of the United States shall be expended in the Republic of Mexico for emergency investigation or remediation pursuant to section 8, 9, or 10 of this Act absent a cost-sharing agreement between the United States and the Republic of Mexico unless the Secretary of State has determined and can demonstrate that the expenditure of such funds in the Republic of Mexico would be cost-effective and in the interest of the United States. In cases where funds of the United States are expended in the Republic of Mexico without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress explaining why costs were not shared between the United States and the Republic of Mexico, and why the expenditure of such funds without cost-sharing was in the national interest of the United States.

(c) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States the United States International Boundary and Water Commission Fund (hereinafter referred to as the "Commission Fund"). The Commission Fund shall consist of such amounts as may be appropriated or transferred to the Commission Fund.

(2) Moneys in the Commission Fund shall be available, without fiscal year limitation, for use by the Secretary of State in carrying out the provisions of sections 8, 9, 10, 11, and 12 of this Act.

(3) In carrying out the purposes of sections 8, 9, 10, 11, and 12 of this Act, the Secretary of State is authorized to expend moneys in the Commission Fund directly or make such moneys available to fulfill the purposes of any such section through grants or contracts.

SEC. 13. AUTHORIZATION.

(a) AUTHORIZATION FOR THE FUND.—There is authorized to be appropriated to the Fund $10,000,000, for use in accordance with the purposes of this Act.

(b) AUTHORIZATION FOR ADVISORY COMMITTEE.—There is authorized to be appropriated to the Administrator $500,000 for support and operation of the Advisory Committee.

(c) AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION FUND.—There is authorized to be appropriated to the International Boundary and Water Commission Fund $5,000,000 for carrying out sections 8, 9, 10, 11, and 12 of this Act.

(d) AVAILABILITY OF FUNDS.—All amounts appropriated pursuant to this Act shall remain available until expended.

SEC. 14. DISCLAIMER.

Nothing in this Act shall be construed as amending, repealing or otherwise modifying any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, or any other environmental law treaty or international agreement of the United States.

Mr. McCAIN. Mr. President, this amendment is cosponsored by Senator DECONCINI. I want to thank him for his lasting concern, interest, and action on border environmental issues. This issue is critically important to our State. We share a common commitment to protecting our border communities. I will be brief on this issue because I have received the support of both sides on this amendment, with the inclusion of a colloquy that Senator SARBANES will engage in in just a minute or two.

First, I would like to thank my colleague from Maryland and my friend from Kentucky for allowing me to bring this amendment to the floor and to agree to it.

Mr. President, this amendment provides critical environmental protection to the region along our Nation's 2,000-mile border with Mexico. The United States and Mexico have high international responsibilities to protect human health and the natural resources we share in the border region. Certainly, the successful efforts to conclude free trade agreement intensifies those responsibilities.

Mr. President, this amendment is simple and straightforward. It authorizes national and binational advisory committees on the border environment. The committees will monitor border environmental conditions and provide input from the general public and State and local officials on border environmental issues.

In addition, the amendment authorizes a binational informational sharing and early warning system on environmental hazards and increases coordination and communication between the United States and Mexico, and among Federal, State, and local governments on our side of the border. And, it authorizes the International Boundary and Water Commission to respond to sanitation emergencies along the United States-Mexico border.

Mr. President, to accomplish the aforementioned goals the measures creates a $15-million border emergency fund. This accord will enable us to respond to border environmental hazards and emergencies efficiently and with dispatch. Clearly, we have a compelling international responsibility to our neighbors, and we have Federal responsibilities to protect American lives and property along the border from the effects of pollution arising in Mexico.

President Salinas recognizes the importance of this issue and has committed to establishing a companion fund in Mexico with several million dollars as part of Mexico's contribution to this effort. Passage of this amendment is an important step in safeguarding human health and the environment of the border region.

The text of my amendment tracks very closely with Senate bill 503, the United States-Mexico Border Environmental Protection Act, which Senator DECONCINI and I introduced earlier this year.

The legislation seeks to promote environmental protection along our Nation's border with Mexico. Across that 2,000-mile boundary, numerous American and Mexican sister cities are joined, binding our two nations in a very real and personal way.

As friends and neighbors, there can be no doubt that we have profound international responsibilities to safeguard and protect the natural resources our citizens must share in the region. No activities or conditions occurring on one side of the border must be permitted to endanger the health of people or the environment on the other.

Passage of this amendment will help us ensure a healthier and safer border environment. It will do so by promoting pollution prevention in the region through binational resource monitoring, long-term planning, and public involvement. And, it will provide the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Most importantly, the legislation would establish a border environmental emergency fund. The creation of this account would enable us to respond to environmental hazards, particularly emergency situations, along the border with dispatch and priority.

As we all know, negotiations on border environmental issues are currently underway between EPA and Mexico's counterpart SEDUE. I'm very confident that the joint planning efforts taking place at the direction of President Bush and President Salinas will result in strong border environmental protection measures for the region. In fact, a draft agreement is expected to be released shortly.

This amendment in no way interferes or redirects those efforts. Rather it will supplement and complement those negotiations in a very meaningful way, particularly in regard to the creation of a special emergency fund. In fact, President Salinas has assured me that if Congress creates a border environmental protection fund, that Mexico would create a companion account.

Great nations, like individuals, Mr. President, must be responsible to their neighbors. This is a critical time in history. We are striving to open the doors of commerce between the United States and Mexico, joining together in the march of economic progress. In doing so, we must redouble our efforts to protect the natural resources which sustain us and upon which a happier and more prosperous future depends.

Again, this amendment will help us meet that responsibility. I thank my colleagues for their vision and support.

I would like to provide a specific example of how the authorities and resources contained in this amendment can be put to use. A plume of ground water contamination has been identified on the Mexican side of the border near Arizona in an aquifer shared by the United States and Mexico. This particular aquifer flows in a northerly direction toward the United States. We hope and expect, of course, that the Mexican authorities will take every step necessary to clean up the contamination and its sources, just as we must investigate this matter to determine if any activities in the United States are contributing to the problem. The emergency fund would provide resources for U.S. participation in the field investigation, and enable us to take remedial action should the plume endanger U.S. water resources. This is just one example. Other environmental hazards affecting ground water and the border air shed exist in varying degrees along the international boundary.

While the Environmental Protection Agency would utilize the fund to address issues under its jurisdiction, international sewage problems fall under the jurisdiction of the International Boundary and Water Commission. The commission was created by treaty with Mexico in 1944 to control floods, manage salinity and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. However, the commission's authority to respond to emergencies involving the sewage contamination of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a $5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer another example of why this legislation is needed. Last October the breakage of a sewer main in Sonora, Mexico, combined with heavy rains to carry raw sewage into Arizona along the Nogales Wash.

The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a state of emergency. No definitive and comprehensive action was taken to stem the flow of the sewage for several weeks due to concern about the availability of funds and uncertainty about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place, perhaps we could have prevented much of the sickness and suffering visited on the residents of Nogales. We could have also prevented the possible contamination of drinking-water wells which may either have to be closed or cleaned up at great expense. Passage of this legislation will ensure prompt and effective response in the future.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grande legislation authorized the IBWC to conclude agreements with Mexico to respond to surface-water contamination.

The United States-Mexico Border Environmental Protection Act expands the provisions of the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities here at home. The amendment seeks to establish an information-sharing and early-warning system so that Mexican and American officials at all levels will be apprised of environmental hazards and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

The EPA and IBWC funds will ensure comprehensive and timely response to hazards as they arise along the border. The long-term answer, however, is planning and prevention. In that regard, the bill seeks to bolster attention on the border environment and promote planning so that emergencies can be avoided. It calls for the establishment of domestic and binational advisory committees on the border environment. These groups would meet on a regular and formal basis to monitor environmental conditions along the border, as well as to plan and make recommendations for the continued protection of the region's air, land, and water resources.

Passage of this amendment is critical to the protection of the border environment and the maintenance of harmonious and productive relations with our friends to the south. Mr. President, Mexico recognizes the importance of this initiative as well. When I visited President Salinas in Mexico city last December, I informed him of my proposal to create a border environment fund. President Salinas agreed on the need for such an initiative and told me that if Congress created such an account, Mexico would do the same.

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. As I said before, now more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is a vital step to achieving that end.

I urge the Senate to consider and swiftly pass the United States-Mexico Border Environmental Protection Act.

Mr. President, I conclude by saying we have had some sad experiences already along the border in my own State, most recently in Nogales, AZ. There was a case of raw sewage flowing in from Nogales, Sonora, causing a serious public health problems. The Nogales experience highlights the importance of this kind of legislation and this kind of action.

I would also suggest if we are going to ratify a free-trade agreement, these border issues, environmental issues must be addressed.

Mr. President, I ask unanimous consent to have two articles on the issue of border environmental protection, one from the Arizona Republic and the other from the Tucson Citizen, printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Arizona Republic, Mar. 8, 1991]

U.S.-MEXICO PACT PROPOSED—FIGHTING BORDER POLLUTION

By adding to the well-being of residents of each country, a bill co-sponsored by Arizona Sens. Dennis DeConcini and John McCain has the potential for further strengthening the ties between the United States and Mexico. The purpose of the legislation is to fight border pollution.

The measure provides for rapid response to environmental hazards affecting the border region and calls for environmental monitoring and planning. It also seeks to promote international cooperation so that risk and emergencies can be avoided.

The need for such a plan, Sen. McCain says, was demonstrated last October when an area near Nogales, Ariz., was contaminated by a break in a Mexican sewer main. While a state of emergency was declared, the senator notes, comprehensive action to stem the flow of raw sewage into Arizona was delayed for several weeks by a lack of funds and uncertainty about the legal authority to take such action.

"Had the emergency fund and response authority been in place last year," the senator says, "perhaps we could have prevented much of the sickness and suffering visited on the residents of Nogales."

In urging prompt passage of the bill, Sen. McCain points to more trouble ahead. He cites a report from the Arizona Department of Environmental Quality identifying a plume of groundwater contamination in an aquifer shared by the United States and Mexico.

The Senate bill would create a $10 million emergency fund under the Environmental Protection Agency. It also would empower the International Boundary and Water Commission to respond to water pollution emergencies affecting streams that flow between the U.S. and Mexico, providing a $5 million fund for such responses.

The McCain-DeConcini measure would establish a U.S.-Mexico Border Environmental Protection Advisory Committee, under the auspices of the EPA, and assign it to oversee conditions in the border region—including activities in the U.S. that could contribute to border pollution—and make recommendations for safeguarding water and air quality.

Sen. McCain, who earlier had asked Mexico to respond to the Nogales crisis, met in December with Mexican President Carlos Salinas de Gortari. He received a commitment from Mr. Salinas of $4 million to help underwrite the cleanup of border environmental problems.

The provisions of the Senate bill, Mr. McCain notes, are similar to those in the Rio Grande Pollution Correction Act of 1987. It makes sense to include the entire border.

[From the Tucson Citizen, Mar. 6, 1991]

NOGALES HEALTH

U.S. Sens. John McCain and Dennis DeConcini have introduced legislation to provide $15 million in environmental funds to protect the health of border residents.

The money is needed to attack a border pollution problem that is so severe, it literally makes people sick.

In October, Gov. Rose Mofford declared a state of emergency after a hepatitis scare and the discovery of polio virus in the water of Nogales Wash.

Health officials say the wash, which carries raw sewage from Nogales, Mexico into Nogales, Ariz., contains high counts of nearly all disease-carrying microorganisms.

The water has been chlorinated since October, but stopping the flow of sewage was delayed for weeks due to lack of money and international authority.

McCain said sickness and suffering might have been prevented if an emergency fund and authority to use it had been in place last year.

He met in December with Mexican President Carlos Salinas de Gortari, who pledged $4 million to clean up border environmental problems.

The U.S. Congress should do its part by passing the U.S.-Mexico Border Environmental Protection Act.

Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator MCCAIN, as an original cosponsor of the amendment. This amendment is identical to legislation we introduced earlier this year; the United States/Mexico Environmental Protection Act. This legislation responds to a real and current threat to the health and environment of those citizens living along our border with Mexico.

As many of my colleagues know, I have long been concerned about the unique nature of binational environmental problems facing the United States and Mexico. The environment does not recognize the artificial boundaries. Because of the unique geographic and ecological characteristics of this region, border communities share common aquifers and air supplies. If there is a degradation our natural resources, citizens of both countries suffer.

This amendment will enable the EPA and the State Department to respond to urgent environmental situations in an emergency fashion. This will be particularly responsive to the current situation in Nogales, Arizona. For the benefit of my colleagues, untreated sewage from Nogales, Sonora is being discharged from damaged sewage lines into Nogales Wash and threatens drinking water supplies which service the communities on both sides of the border. Mexico lacks the resources to adequately respond to infrastructure deficiencies such as what is occurring in Nogales. This amendment will provide the resources needed to rapidly respond to this situation.

The United States-Mexico Environmental Protection Act also calls for extensive monitoring of environmental problems along the border. In my experience in working on these problems, one fact is clear to me; there is a definite lack of substantial information on the environmental issues along the border. This amendment will go a long way to rectifying this problem.

Mr. President, I want to commend Senator McCAIN for his initiative in this regard. With the United States-Mexico Environmental Protection Act, he has recognized a critical need and has responded to address it. I applaud his efforts and look forward to continuing to work with him to address these binational environmental issues.

Mr. McCAIN. I thank again my friend from Maryland for agreeing to this amendment. I yield to him.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, first of all, we are prepared to accept the amendment. I know the two Senators from Arizona, Senator McCAIN and Senator DECONCINI, are confronting a very serious problem in the United States-Mexico border area. The Environment and Public Works Committee had expressed some concerns about their jurisdiction in this matter.

Mr. BURDICK. Mr. President, the Environment Committee has reviewed the amendment offered by Senator McCAIN concerning sewage pollution in the United States-Mexico border area and does not object to the amendment in its present form.

The amendment, however, establishes specific responsibilities for the Administrator of the Environmental Protection Agency, specifically in sections 3, 4, 5, 6, 7, 14, and the corresponding subsections of the authorization section. These authorities are properly the jurisdiction of the Senate Environment and Public Works Committee. Does the distinguished floor manager of the bill agree with this assessment?

Mr. SARBANES. Yes, the sections of the amendment the Senator mentions are properly the jurisdiction of the Environment and Public Works Committee. We look forward to working with the Environment Committee in this important matter.

I am pleased it has been resolved in a manner that allows the two Senators from Arizona to move forward on a matter which I know is of very deep and critical concern to them. Frankly, as others learn more about the situatiom, it is sure to be of deep and critical concern to them as well, I would say to the Senator.

The PRESIDING OFFICER. Is there further debate? The Senator from Kentucky.

Mr. McCONNELL. I commend the Senator from Arizona for the good work he has done on behalf the people of his State.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 870) was agreed to.

Mr. SARBANES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 871

Mr. CRANSTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 871.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(a) The Congress finds that—

(1) one of the most important changes that must occur in newly emerging democracies is that a Nation's military and other security forces are fully under the control of civilian authority;

(2) the success and prestige of the United States Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty;

(3) the American model has an important array of lessons in the proper management of civil-military relations, such as—

(A) the clear and unequivocal direction provided by civilian political leaders of the military structure and forces;

(B) the control of the military budget by Congress provides essential oversight by elected officials responsible to the people;

(C) the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure;

(D) civilian-run nongovernmental agencies help inform and shape defense policy; and

(E) the United States military, which has no internal law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics;

(4) in many emerging democracies the corps of civilian managers that forms an integral part of military management in the United States does not exist, particularly within the parliaments or congresses of these new democracies;

(5) the lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis.

(b) Recognizing that democratic control over the military cannot be established without empowering civilian managers in defense and security issues and without circumscribing the role of the armed forces to that of national defense functions, it is the purpose of this section to require that, within 120 days of the enactment of this bill, the Administration shall provide to the Committee a report that—

(1) outlines a program for the training of foreign civilian officials, particularly members of national legislatures or parliaments and their staffs, in the management and administration of military establishments and budgets, and for training these civilian authorities in creating and maintaining effective military judicial systems and military codes of conduct, including the observance of internationally recognized human rights;

(2) this program shall have as its principal objectives (a) the contributing to responsible defense resource management; (b) the fostering of greater respect for and understanding of the principle of civilian control of the military, including the separation of civilian law enforcement and military national defense roles as stated in posse comitatus, and (c) the improvement of military justice systems and procedures in accordance with internationally recognized human rights.''

Mr. CRANSTON. Mr. President, one of the most important changes that must occur in newly emerging democracies is that a nation's military and other security forces are placed fully under the control of civilian authority.

Without a doubt, the success and prestige of the U.S. Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty.

I believe that the American model has an important array of lessons in the proper management of civil-military relations, such as the clear and unequivocal direction provided by civilian political leaders of the military structure and forces; the control of the military budget by Congress provides essential oversight by elected officials responsible to the people; the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure; civilian-run nongovernmental agencies help inform and shape defense policy; and the U.S. military, which has no internal law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics.

In many emerging democracies the corps of civilian managers that forms an integral part of military management in the United States does not exist, particularly within the parliaments or congresses of these new democracies.

This lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis.

My amendment would require the administration to report to the Foreign Relations Committee about the feasibility of instituting a program designed to train civilians, particularly elected officials from national legislatures and their staffs, in defense and national security issues.

This effort would be complementary to existing U.S. security assistance programs, such as the international military education and training. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. SARBANES. Mr. President, the Senator from California is addressing a very important issue, and that is civilian control over the military. We tend to take it for granted in this country. I must say, we do not fully appreciate how unusual a pattern it is here and in some of the other parliamentary democracies. An effort to provide assistance to emerging democracies in developing civilian control over the military is extremely important. I am prepared to accept the amendment.

Mr. MCCONNELL. If we could withhold for just one moment.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we have no problem with the Cranston amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 871) was agreed to.

Mr. CRANSTON. I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I will say to Members that we have only a few amendments remaining on the list of amendments that were declared last night to be in order. We urge those few colleagues who have not yet presented their amendments to come to the floor and do so in order that we can complete the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. HELMS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The Simon amendment is pending.

Mr. HELMS. In order to proceed to another amendment identified in the unanimous-consent request of last night, I ask unanimous consent that the Simon amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 872

Mr. HELMS. Mr. President, I send an amendment to the desk, the Jordan amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 872. At the appropriate place in the bill, add the following new section:

"SEC. . It is the Sense of Congress that no U.S. policy or assistance for Israel may be conditioned upon the denial of the right of Jews to settle anywhere in the area identifiable as Biblical Israel, including Judea and Samaria.".

Mr. HELMS. Mr. President, it would be an understatement to say that I was surprised by news reports this past Tuesday that Jim Baker and Brent Scowcroft, both of whom are friends of all of us, and for whom I have admiration, had declared that the proposed loan guarantees for housing for the massive influx of Soviet Jews might be conditioned upon Israel's agreeing not to build more settlements in the Biblical territories of Judea and Samaria taken in 1976 from Jordanian occupation.

I hope these reports are not correct. Jews and Arabs will not travel the road to peace together until they first learn to live together. The notion of "the settlements are an obstacle to peace" is misguided. It is well known that Israel's presence in the territories is amply justified by international law and that the settlements in the so-called West Bank are not taking land owned by Arab residents. My amendment at the desk is sense-of-the-Senate resolution restating the right of Jews to settle in Biblical Israel.

Parenthetically, Mr. President, let me mention that at the time of the establishment of Israel, I did not like the way it was done. I stated so publicly when I was not in public life. My position won for me a lot of criticism from people who did like the way it was done. I recall that I talked with a U.S. Senator who had just come back from that area, who predicted that there would be hostilities and resentment until the end of time. He described the bitter faces of the Arabs behind the barbed wire and all of that.

So I have not been exactly a favorite of AIPAC. They are good people, entitled to their views, but the amendment I am proposing indicates that I think that the Jews are correct in their position today. I think Jim Baker and Brent Scowcroft are wrong in their position, if indeed it is their position as reported this past Tuesday.

I say all of this, Mr. President, because the idea that Jews do not have the right to live in peace in the land of their forefathers, with other residents of the territory, is deeply abhorrent to what I perceive to be the American sense of fairplay.

After all, more than 90 percent of the places named in the Bible are found in Judea and Samaria. The territories are lands where Abraham, Isaac, and Jacob tended their flocks and where, along with Joseph, they are buried. So who are we in the United States to insist that the Jews cannot live in the land of their Patriarchs?

The objection to Jewish settlements in the territories of their forefathers comes from an implied assumption that there are no circumstances under which the settlements would be allowed. In fact, that policy seems to deny the very principle upon which the movement for the return of Jews to the Holy Land was founded. It seems to say that Jews may return to the Israel of 1948, but that they will not be allowed to return to the Israel of the Patriarchs, that is to say the Israel in the Biblical sense.

If the United States arbitrarily denies Jews the right to settle in the territories simply because they are Jews, then our policy would be tantamount to embracing the Zionism-is-racism policy of the United Nations.

By mandating an arbitrary halt to the settlements as a precondition for negotiations, the United States would be in the unique set of circumstances of insisting that the central principle at stake in the negotiations—that is, the right of Israel to exist—is somehow to be surrendered before negotiations begin.

Mr. President, Baptists—and I am one of them—Methodists, all the rest of us, have to understand that if Jews cannot live in Biblical Israel, the monstrous conclusion follows that they live in Israel only out of sufferance and not out of right.

Yes, there must be negotiations in the Middle East, but they also must begin on equal terms. The United States must not be in the position of trying to deny the fundamental issue at stake, in order to obtain some piece of paper that is only one more step toward the elimination of Israel itself.

Yet, the reports that I heard and read have been to the effect that Secretary Baker would deny loan guarantees for housing for the Soviet Jews in order to pressure Israel to give up its very rationale for existing. So how can a purely humanitarian issue be associated with the raw-power politics of the treacherous Middle East?

The loan guarantees will be debated at a later date and will no doubt be discussed in great detail. But for the moment, the Senate, I think, has a duty to go on record in strong opposition to the idea that the right of Jews to live peacefully with Arabs in the Biblical Territories of Israel, is a negotiable item.

Frankly, Mr. President, I have always been deeply disturbed by Israel's overwhelming dependence on foreign aid from the United States. I have said, very candidly, that Israel ought to be viewed as an important ally in that area because of the defense aspects, and I have made that clear time and time again.

The Wall Street Journal yesterday published an article which detailed some of the problems created by Israel's dependence upon foreign aid from the United States. I ask unanimous consent that this Wall Street Journal article of July 23 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 23, 1991]

CUT OFF AID TO ISRAEL AND WATCH IT THRIVE

(By Joel Bainerman)

JERUSALEM—Israel is being threatened with a cut-off of U.S. aid should it refuse to accept Secretary of State Baker's "invitation" to a U.N.-sponsored conference on Middle East peace. At stake is not just the $10 billion in loan guarantees that Israel had requested to help settle the wave of Soviet Jewish immigrants, but also the $3 billion a year that Israel now gets in military aid and debt forgiveness. Accepting Mr. Baker's invitation may or may not be a wise idea from the point of view of Israeli security; Israelis can, however, stop worrying about Mr. Baker's unspoken threat: The loss of U.S. aid would be a blessing for Israel's economy.

In the 42 years since the establishment of the state of Israel, the U.S. has given Israel $47.5 billion in aid; all but $2.8 billion of it since 1975. The $3 billion a year Israel now gets amounts to fully 6% of Israel's gross national product. If philanthropic donations from Jews in other countries are counted, the value of foreign assistance grows to 12% of Israel's GNP.

What has been the result of all this generosity? A group of Israeli economists recently pondered that question in a study for the Israeli International Institute for Applied Economic Policy Review in Tel Aviv.

RESULT OF GENEROSITY

Arnon Gafny, who served as governor of the Israeli central bank from 1976 to 1981, suggests that Israel is suffering from what economists call the "Dutch disease." A temporary "gift of nature," like the Dutch natural gas fields or Israel's external aid, may confer benefits for a limited period, but will often impair a country's competitiveness over the long term by encouraging it to spend beyond its people's own means.

Prof. Moshe Syrquin of Bar Ilan University observes that Israeli economy did pretty well until 1972, a period when U.S. aid was minimal. As aid increased, output and productivity slowed, and resources shifted from investment to consumption. Aid enabled Israel to live beyond its means: aid has jumped to 76% of the value of Israel's trade deficit in 1987 from 24% in 1970. It has also enabled Israel to maintain a sizeable welfare state: Government spending consumes more than 80% of gross domestic product; in 1970, before the aid began to flow, government spending took only 33% of GDP. At least in the Israeli context, Mr. Syrquin concludes, foreign aid permitted distortions in the economy to persist by postponing the necessity for domestic economic reform.

U.S. aid has enabled Israel to avoid the normal disastrous economic consequences of statism. Government plays an enormous role in the Israeli economy. Not only does it spend nearly four-fifths of the society's wealth, but the public sector employs more than 40% of the work force. Subsidies of food prices, farm incomes, housing, health services, credit, industry and transportation consume $5.5 billion each year, or about 10% of GNP—more than defense, whose share of GNP has dropped to 8.5% from 11.5% in 1981. The taxes to pay for these subsidies are crushing: more than 56% of earnings. Tax evasion is estimated at $3 billion a year, and the black economy is generally supposed to account for one-quarter of national output.

U.S. aid has also saved Israel from the necessity of confronting its ubiquitous trade union movement. Israel's unions enforce archaic labor laws that have cut output per employee to half the level that obtains in most industrial economies. A two-day general strike called by the Histradrut, Israel's federation of unions, in June 1990 to protest economic reform pulled 800,000 workers out of their jobs, costing the economy more than $100 million.

Israel's unions are also major investors, owning nearly one-third of the economy. Many Histradrut enterprises are moneylosers, but the unions have been able to extract government bailouts, as well as generous subsidies of their sick fund—bailouts that the government might have been considerably more reluctant to attempt in the absence of U.S. aid.

Israel could easily survive without U.S. aid, if it adopted free-market policies. The Tel Aviv Chamber of Commerce calculates that Israel's choking trade restrictions cost Israelis $2.5 billion a year in higher prices. (Even though wages average about one-third U.S. wages, the cost of living in Israel is higher.) If that's correct, free trade would offset 80% of the cost to the economy of a total U.S. aid cutoff.

Israelis could recoup even more of the money lost by an aid cutoff if they took the advice of Alvin Rabushka, a Hoover Institution fellow who directs research at the Institute for Advanced Strategic and Political Studies in Jerusalem. Mr. Rabushka has prepared an alternative state budget for Israel that slices $3 billion off Israel's $12.5 billion in non-defense government spending, by slashing subsidies and axing unnecessary programs, especially in industry and agriculture.

Israel could even eliminate the need for its requested $10 billion in settlement assistance—if indeed that assistance is needed at all—by selling some portion of its nationalized assets. The Israeli government owns 190 companies that are collectively worth at least $15 billion. On top of that, it owns 93% of all the land.

With such attractive alternatives, why does Israel swallow its pride and beg for aid from abroad? Why do its politicians maintain economic policies that retard growth?

A free market economy would undermine the way Israel's ugly political system works. If ministers of the government were deprived of the opportunity to appoint party hacks to highly paid positions in state-owned enterprises, they would lose an important means of building and maintaining personal constituencies. Losing the power to direct state funds to a religious school here, a bus line there, or a clinic over yonder would deprive them of the traditional currency of Israeli elections.

It's important for both Israel's supporters and its critics in the U.S. to understand that Israel is dependent on U.S. aid only because of its foolish economic choices. The moment that the U.S. ceases to pick up the yearly overdraft, Israel will be forced to change its ways. Israel's politicians, to do them justice, do put the security of the state ahead even of their appetite for power, and if that security requires privatization and budget cutting, then privatization and budget cutting is what they will do.

POLITICAL CHANGES

Many observers believe that economic change in Israel can only follow political reform. In fact, the economic shock of an aid cutoff could well precipitate political reform—particularly a stronger executive and the abandonment of the decrepit political system that gives tiny extremist parties veto power over national policy. At the moment, there is no chance of serious political reform because nearly every facet of life—even sports—is touched by government's spending power. The moment the market rather than politicians decides people's economic fate, the existing political parties and their complex systems of patronage will be superfluous; the principal obstacle to reform—the complex inter-relationship between political parties and civic life—will have dissolved.

Unconditional U.S. aid has been a very mixed blessing for Israel. It has genuinely made life easier for Israelis in the short term, but it has also underwritten self-destructive policies. Once Israel's Dutch disease is cured, healthy tissue—the private sector can grow and prosper. And an economically healthy Israel would be free to decide to accept or decline Mr. Baker's "invitations," without fear of losing its allowance from Uncle Sam.

Mr. HELMS. Mr. President, I have pointed out for a number of years that this unhealthy dependence on United States foreign aid—in return for supposed benefits—would eventually result in blackmail attempts to force Israel to surrender on key issues of its national survival. And now maybe that moment has come. That is the reason I am offering this sense-of-the-Senate amendment.

In the long run, Israel must realize that United States foreign aid is a two-edged sword. United States aid has become a line item in the Israeli budget.

Every dollar we give makes it more and more difficult for Israel to normalize its economy. Every dollar we give is a link in an iron chain that makes Israel so dependent upon the whims of the United States State Department that Israel's independence of action, its very freedom to pursue its most vital long-term interests, is threatened.

This is what I have been saying for a long time to my Jewish friends, as their Baptist friend. For many years it was not understood. There were political reactions to my position, which I understood then and which I understand now. That is the process in this country. But in the end, the truth generally emerges, and I think it may now be emerging, to the great discontent of a number of my friends who have in the past felt that I was wrong.

Even now, it is clear that the so-called land-for-peace policy being proposed for peace in the region is a policy that Israel has long identified as a threat to its survival. Nothing has changed since the gulf war to suggest that the surrender of actual territories for alleged peace will guarantee Israel's survival.

Indeed, the gulf war demonstrates the opposite. Saddam Hussein imposed his own kind of peace in Kuwait on August 2. Yet the United States believed, up to and including August 1, that Kuwait was secure. How wrong we were.

Israel had enough difficulty defending itself against missiles launched from a distance of 200 miles during Desert Storm. Can you imagine the problem if the missiles had been launched from the mountaintops of a PLO state 10 or 15 miles from Tel Aviv?

Moreover, the recent subjugation of the Christian community in Lebanon, and the installation of a Syrian-controlled puppet government, with the acquiescence of the United States State Department, is an example that Israel must examine with care. And I think they are doing exactly that.

Finally, Israel has already given up 90 percent of the territories that it occupied during the 6-day war, and substantially complied with U.N. Resolution 242, yet, it has had little experience of peace.

As I have said many times in the past, the massive levels of United States foreign aid that Israel has accepted in the past, and is still seeking, has created an unhealthy leverage against Israel in the forthcoming talks, and makes it difficult—I hope not impossible—for Israel to choose freely about its future.

I will do everything possible to help Israel to wean itself away from dangerous dependence on foreign aid, but for the moment the issue is whether Israel must surrender one of its fundamental principles.

Mr. President, the Government of Israel has come under intense pressure during the past week to agree to American proposals for a Middle East Peace Conference. This prospective conference, jointly sponsored by the United States and the Soviet Union, would involve the key Arab States in the Middle East—with the exception of Iraq—the United Nations in some undefined way, Palestinian representatives elected by no one, and the highest Israeli Government officials. That is supposedly the group that is going to meet.

According to the American Secretary of State, the overall structure of the generalized conference would provide for direct negotiations between Israel and its Arab adversaries, as well as between the Israelis and Palestinian representatives from Judaea and Samaria, the so-called occupied territories. Yet, none of the Arab leaders have indicated that they would actually be willing to meet face-to-face with the Israeli representatives. King Hussein of Jordan has specifically rejected such bilateral talks; yet, Secretary of State Jim Baker, would have us believe that the conference would consist of a series of bilateral negotiations. If that gentleman were here, I would like to ask him when and who will participate, because it is not clear to me.

The United Nations presence at this conference is particularly troubling, since no one is able to describe what the U.N. representative or representatives will be doing, let alone the precise U.N. role with respect to the overall negotiations. The record of the past does not provide much confidence from an international organization which still equates Zionism with racism and which has condemned the Government of Israel in literally dozens and dozens of declarations and resolutions by both the U.N. General Assembly and the U.N. Security Council. So all of these factors serve to turn on a red light—at least for this Senator.

Much has been made in the past several days of the willingness of Syria to attend the proposed conference without preconditions, and similiar claims have been made with respect to the kingdoms of Jordan and Saudi Arabia. This is the same Syria, Mr. President, which currently occupies almost all of Lebanon and rules it as a client state, having achieved that control while the United States was occupied with the war against Iraq in the Persian Gulf. So you can see how confusing it was when our Secretary of State announced this certain plan.

By the way, Syria is still on the United States terrorism list. Syria has not renounced terrorism as a weapon of national policy. Syria is still at war with Israel and keeps the bulk of its formidable military machine a mere 30 miles from the Israeli border. In fact, Mr. President, Syria has been involved in every Arab-Israeli conflict since the proclamation of the State of Israel. This is the same Syria which was involved in the blowing up of the United State marine base in Lebanon just a few short years ago.

When President, Assad, King Hussein, King Fahd, and the Palestinians indicate they will meet without preconditions, what is the real meaning of their implied assurances? Only the Deputy Foreign Minister of Syria has made any public statement on this quintessential issue, and Hafez Assad's letter to President Bush has still not been made public we do not know what is in it. It appears that the United States is going to require only one party to have to make concessions to its current enemies, and that one party is the State of Israel.

I cannot understand a foreign policy like that, nor can I support it.

The Golan Heights are on the negotiating table, the West Bank and Gaza are on the negotiating table, even the capital city of Jerusalem is on the negotiating table. I should add, Mr. President, that—incredibly—the U.S. Government considers East Jerusalem to be occupied territory and keeps its Embassy in Tel Aviv. If President Truman gave in to the Soviet pressure toward Berlin, at the time of the courageous Berlin Airlift, would there be a free and united Germany today? Of course not. The Palestinians, of course, would like all of Israel, but right now they are willing to settle for just East Jerusalem, the West Bank, and Gaza, with more territory to be added later. Do we so soon forget who the Palestinians supported in the war against Saddam Hussein? They did not support us. The Saudis, our recent allies, have never even conceded West Jerusalem to the Israelis.

In other words, Mr. President, the Arab States have historically and continually taken the position of whats ours is ours and whats yours is negotiable. These are parties which Secretary Baker maintains have no preconditions. It is Israel which must sacrifice before the Islamic altar of nonpreconditions.

Also, according to our friend, Jim Baker, United States Secretary of State, the Arab States are willing to withdraw their economic boycott of Israel if the Israeli Government stops the emigration of Soviet Jews to Judaea and Samaria and eliminates the building of new settlements or the enlarging of present settlements. What a wonderful deal this is. The Arab economic boycott of Israel is illegal in the first place, in international law, it is illegal in American domestic law, it is an absolute violation of the Bush administration's global economic policy, and it is economic warfare—illegal warfare—levied against Israel.

On the other hand, Mr. President, and this is my assessment of the situation, the Israeli possession of Judaea and Samaria has stronger claim to validity under international law and historical precedent than that of any Arab State. As a Baptist, I feel very strongly about that. Camp David envisioned autonomy for the Palestinians in the West Bank and Gaza. It did not—I repeat, I am talking about the Camp David accord—it did not provide for the creation of a Palestinian state, no matter what the pro-Arab factions in the U.S. Department of State would now have us believe.

Finally, what is the Soviet role going to be in all this? Are the Soviets going to be given a major behind-the-scenes role? Soviet relations with the State of Israel have undoubtedly improved, but where is the Soviet Embassy? Where is the Soviet Ambassador? Why should we believe that the Soviets suddenly and without explanation have become even handed toward the problems of the Middle East? This is the same country that maintained military advisers in Iraq during the recent Persian Gulf conflict, and I am talking about the Soviet Union.

Let me conclude, Mr. President, by saying that it appears to me that the United States is attempting to dragooning Israel to the peace table without a careful and well-developed consideration of posible consequences, anticipated and unanticipated. Israel may well be given the choice of either total world isolation or accepting the fact that a generalized peace conference will result in the piece-by-piece dismemberment of much of the Israeli State.

By the way, what would happen if President Mubarak is removed from the scene of if King Hussein is overthrown, or if President Assad gives his personal word, such as it is, and then succumbs to a fatal illness? The leadership of all the Arab States is based upon the power of a particular personality. You stop to think about it. They are not democracies. They are not bastions of freedom. Their word has not in the past been their bond.

One final thought and I am through:

How ironic it would be, if democratic Israel—the most supportive ally we have in the world—should be reduced to the condition to pursue the romantic illusions of the pro-Arab factions in the State Department for the past half century.

No matter how any of us felt about the way Israel was created, it is nonetheless a fait accompli—and Israel is today a viable and thriving democracy. The United States is the greatest democracy in the world, and we continue to tell ourselves that. I am convinced, Mr. President, that our policy should be clear, not shrouded in fumes of oil emanating from the authoritarian dictatorship of the Middle East.

Mr. President, I ask unanimous consent that a letter, from the Senator from Florida to Secretary of State James Baker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 23, 1991.

Hon. JAMES A. BAKER,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: While I understand your frustration at the current impasse in the Arab-Israeli peace process, I disagree with the Administration's view that Israeli settlements are the "greatest obstacle to peace."

If we are to raise the issue of obstacles to peace we should be clear: the greatest obstacle to peace is the lack of democracy in the Middle East. Israel, a democracy, is faced with unelected leaders who maintain a state of war with Israel for their own purposes and care little about the interests of their own people or the region.

Democracies do not fight wars with each other, let alone attempt to erase other democracies from the map. If the Arab states treated Israel as well as they treated each other there would still be no peace—because governments that rule by force at home are quick to resort to force abroad.

Israeli democracy is not the obstacle to peace; it is the only hope for peace—not only for Israelis but all the peoples of the region.

No democracy, let alone Israel whose population has suffered so greatly from decades of war, would seek to perpetuate a conflict a single day beyond what is necessary to safeguard her freedom and security.

Israel is the Kuwait of the Arab-Israeli conflict. Israel is the state whose existence is not recognized. Israel is the victim of three attempts in as many decades to wipe her off the map. Only the bravery and sacrifice of the people of Israel has prevented Israel from sharing the fate of Kuwait.

Let's stop blaming the victim and say the truth: it is the unelected leaders of the Arab world who refuse to negotiate an end to the Arab-Israeli conflict. Israeli democracy is not the problem; it is the solution. A peace process that does not recognize these principles, I am afraid, will not succeed.

Sincerely,

CONNIE MACK,
U.S. Senate.

Mr. HELMS. I yield the floor, Mr. President.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor of the present amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I inquire of the distinguished Republican manager of the bill, would he like a rollcall vote or for this to be considered on a voice vote?

Mr. MCCONNELL. I say to my friend from North Carolina, I discussed his amendment with the manager of the bill, Senator SARBANES, and I believe it is going to be acceptable. He is off the floor momentarily. Let us have a brief quorum call.

Mr. HELMS. If the manager is willing to accept it I am willing to have a voice vote.

Mr. MCCONNELL. I thank my friend from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I ask unanimous consent to lay aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 873

(Purpose: To provide for the establishment of the Middle East Environmental Defense Network (Project EDEN), for the purpose of promoting and strengthening regional environmental conservation and protection through public awareness, national action and intergovernmental cooperation)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] for himself, Mr. INOUYE, Mr. BURDICK, Mr. LIEBERMAN, and Mr. LEAHY proposes an amendment numbered 873.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 234, line 24, add the following new title:

TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.

(b) ESTABLISHMENT.—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) PURPOSE.—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalinization, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new technologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) FUNDING.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1992 and each fiscal year thereafter for United States participation in Project EDEN. The President may seek reimbursement for United States expenses associated with Project EDEN by the Conference as established in Sec. 1306.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) COMPOSITION.—The Planning Council shall be composed of 9 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) ADMINISTRATION.—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) PLANNING COUNCIL RESPONSIBILITIES.—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Planning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(f) ANNUAL REPORTING REQUIREMENTS.—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) COMPOSITION.—The countries referred to in subsection (a) are those countries designated by the United States Agency for International Development as Middle East and North Africa or which choose to participate in Project EDEN.

(c) RESPONSIBILITIES AND OBJECTIVES.—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of $100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) RESPONSIBILITIES.—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) ROLE OF THE ADMINISTRATOR OF AID.—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) COMPOSITION OF THE SECRETARIAT.—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) DIRECTOR-GENERAL.—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) STAFF OF THE SECRETARIAT.—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) ANNUAL ENVIRONMENTAL ASSESSMENTS.—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) PURPOSE.—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) ORGANIZATION.—The Fund should be established and managed by the Conference Secretariat.

(d) CAPITALIZATION OF FUND.—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) PURPOSES FOR DISBURSEMENT OF FUNDS.—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) AUTHORITY TO INCUR OBLIGATIONS.—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) USE OF IRAQI REPARATIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to seek 25 percent of any future reparations paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) ANNUAL CONTRIBUTIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) COORDINATION.—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) PURPOSES.—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environment ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.—The Secretariat, in coordination with the permanent Conference Chair, shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

Mr. KASTEN. Mr. President, this is an amendment which I, on behalf of Senator INOUYE and others, submitted for the RECORD a couple of days ago so that the Senate would have an opportunity to review it. It has to do with the establishment of a mechanism for cooperation in the management of environmental problems in the Middle East.

The environmental conditions in that region are serious and a number of people believe pose a threat to future cooperation in the region. Project EDEN establishes a mechanism for formal and informal scientific and governmental cooperation on those issues. It will promote both environmental cooperation as well as regional cooperation.

As I said, the amendment was submitted on Wednesday. It was printed in the RECORD at that time. We have also given the floor leadership an opportunity to review it. It has been available for several days. Several Senators, frankly, have had suggestions. We have worked with them and they have been accommodating over the last couple days.

The amendment is now cosponsored by Senator INOUYE, Senator BURDICK, Senator LIEBERMAN, and Senator LEAHY, in addition to myself.

I ask unanimous consent that a summary of this amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK

PROJECT EDEN

A new approach.—Project EDEN esablishes a new, comprehensive environmental architecture for the Middle East—addressing issues as diverse as hazardous waste disposal, water scarcity, desertification, biodiversity and oil pollution.

Advances the Peace Process.—The greatest steps on the path to peace the Middle East can be found in existing cooperation between the states on the region on specific environmental issues. EDEN will expand upon these contacts and encourage bi-lateral and multi-lateral problem-solving.

USAID the Guiding Force.—The United States, through the Agency for International Development, will be the guiding force behind Project EDEN.

Scientific, Problem-solving Orientation.—Project EDEN is to be a scientific, technical effort to address Middle East environmental problems—not a political forum.

International in Scope: Project EDEN recognizes the transnational nature of the region's environmental problems.

EDEN's Structure.—The amendment would establish a:

U.S. Planning Council within USAID to coordinate EDEN activities, provide recommendations on environmental strategy and priorities.

Permanent Conference on Environmental Security and Cooperation to be the forum for EDEN member states and to hold an annual meeting on the Middle East environment.

Conference Secretariat to be the working body of the Conference, providing oversight and budgeting of projects and activities.

Middle East Environmental Fund to finance EDEN activities through Iraqi reparations, member contributions and other donors, such as the World Bank.

Country Environmental Centers housing a date network between all member states and the U.S. for real time environmental crisis management, research and data exchange.

Mr. KASTEN. My hope is that this amendment can be agreed to.

Mr. SARBANES. Mr. President, I say to the distinguished Senator from Wisconsin, who is a cosponsor, we are prepared to accept the amendment. The administration has expressed misgivings about this amendment because there have been no hearings on it and they do not feel they have had an opportunity to be heard and to indicate how they think it might be changed or modified to make it more satisfactory.

I do want to note the ambitious planning council for which your amendment provides. I wish we could get such a planning council to address some of our domestic situations. That is not a bad group: The AID Administrator; the Secretary of State; the EPA Administrator; the NOAA Administrator; the Secretary of Agriculture; the Secretary of the Interior; the Director of the National Academy of Sciences Board on Science and Technology; the Director of the Trade and Development Program; and the Chairman of the Council on Environmental Quality. They would meet four times a year. That is a pretty high-powered planning council. I wish we could get a similar planning council to address some of our domestic problems and needs.

But having said that, and having noted the concern which the administration has expressed to us, I am prepared to go ahead and accept this amendment.

Mr. MCCONNELL. Mr. President, the amendment is acceptable on this side as well.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, I thank the Senator from Maryland and the Senator from Kentucky for their help and their work on this amendment and for agreeing to further modifications that we needed to make in this concept. I look forward to their leadership and I look forward to working with them.

Mr. President, if I could have the attention of the bill managers.

Mr. President, I have an amendment on the list of amendments that are due to be considered having to do with nuclear proliferation. It is my understanding that we have now been able to work out this overall question, that a middle ground has been established, and in fact a middle-ground amendment has been adopted. So it would be my intention, simply in the interest of helping the managers of the bill, to take the Kasten amendment with regard to nuclear proliferation off the list of amendments that are due to be considered. I will not offer that amendment. I simply want to expedite the proceedings here. I will not offer that amendment. I am satisfied with the result of the compromise.

Mr. SARBANES. Mr. President, earlier today we adopted a more comprehensive amendment which I think addressed some of the concerns which the Senator had. We appreciate his statement. I thank the Senator.

Mr. KASTEN. I thank the managers of the bill.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that it be in order for Members to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

AMENDMENT NO. 823

(Purpose: To require the transmittal of certain information to the Congress in connection with any arms sales to Middle East countries)

Mr. BIDEN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], proposes an amendment numbered 823.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 13 and 14, insert the following:

SEC. 415. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region;

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) that the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investments and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services is of such compelling importance to the security interests of the United States as to warrant such transfer notwithstanding the President's inability to make the appropriate certifications required by subparagraph (A).

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment" have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

On page 3, after the item relating to section 414, insert the following new item:

Sec. 415. Middle East security and democracy.

Mr. SARBANES. Will the Senator be willing to enter into a time agreement?

Mr. BIDEN. I will be delighted to. I believe a half-hour equally divided would be fine and it may not take that long. I think prudence would indicate that is the most appropriate time limitation.

Mr. SARBANES. I thank the Senator.

Mr. President, I ask unanimous consent that there be 30 minutes of debate on the Biden amendment equally divided in the usual form, and at the end of the 30 minutes or the yielding back of any time, without any intervening action, a vote on or in relation to the Biden amendment occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. President, the amendment I am offering serves a very simple purpose. It establishes the principle that our defense cooperation with nations of the Middle East during the gulf war must be put into a larger context, that we should not simply defend the status quo. The status quo is not, as one columnist recently wrote, the same as stability.

The situation in the Middle East continues to be unstable, in part as a consequence of the fact that there are a number of, essentially, oligarchies, if not monarchies, that in my view, do not, at this point, have a life expectancy that is going to go well into the next century. The fact of the matter is that there is a desire for movement toward democratization.

I am not naive, Mr. President. I have been around a long time, presumptuously to say, I have been dealing with foreign policy issues for a long time. I do not believe there is a democratic spirit prepared to spring up in every country of the world awaiting our discovery and encouragement. But, I do think, as has been clearly demonstrated by every expert who has testified before the Foreign Relations Committee, and I expect probably the Armed Services Committee and the Intelligence Committee as well, that we have essentially two compelling elements here. The President has reiterated them in the past and continues to do so. One is that U.S. interest is founded on stability, and stability is found in the existence of governments in the region that have the popular support of the people of those countries and the region itself. Secondly, stability is found in seeing to it that the have-nots of the region have some access to, some promise of, some hope for economic growth.

It is not the Saudi people or the Kuwaiti people that evoke hostility from so many in the Arab world toward Saudi Arabia or Kuwait. It is the fact that a very small number of people control and hold unto themselves what a vast majority of the 60 million Arabs in the region believe to be the birthright of all Arabs in the region—oil and its bounty. They find it somewhat inconsistent that while their bedouin brothers are roaming around the desert from hand to mouth, there are folks living in Riyadh with gold fixtures on their commodes and on their showers and on their bathtubs. It is not a situation that lends itself to long-term stability.

So I might add, what difference does this make to us? That is their problem one may say. However, it is obviously not their problem, because when any problem in that region of the world erupts in a way that threatens the prospect of the continued supply of oil to the Western World, we have a President and other leaders in this Nation and in the world who say, ah ha, we, the West, must go in and settle things.

How do we go in and settle things? We spend tens of billions of dollars sending hundreds of thousands of forces, tens of thousands of miles to settle things. What happens when it is all over? When it is all over, we have a Saudi governing family continuing to resist any democratization and not willing to share the birthright to any greater extent they have already. We have a Kuwaiti ruling family doing all that it can to suppress any instincts for democratization by engaging in a judicial system which in practice is draconian and doing everything in their power to maintain the status quo ante.

You even have Mr. Saddam Hussein wandering around Baghdad with a sidearm strapped to his side consolidating power at the expense of tens of thousands, hundreds of thousands of his people whose human rights are brutally ignored.

Mr. President, my amendment does two things. It attaches two conditions to future U.S. arms sales to the Middle East. Before weapons can be sold to a Middle Eastern country, the President must certify that the recipient nation either, first, is a democratic nation or, second, even if it is not a democracy, it is making some progress toward developing institutions that embody democratic principles. In other words, it is doing something to move from the status quo ante so that we do not have to send our sons and daughters again over to that region of the world because a significant portion of the population there concludes that they are not being represented.

Let me review this. It requires the President to certify either that the nation is already a democracy, like Israel, or that it is making some progress toward developing institutions that embody democratic principles.

In addition, the President must certify, in the case of the oil-exporting nation, that it is contributing, commensurate with its wealth, to the economic development of the region, in order that the American taxpayers are not the ones who are expending their dollars and sending their money, sending their treasure to the Middle East to generate stability, when in fact you have several families sitting upon tens of billions of dollars of wealth. They should be contributing to the stability.

Now, the out for the President is, even if he cannot certify that the recipient country is moving toward democracy and making some effort to see to it that there is economic stability in the region, he can still propose such a sale of arms if he deems the arms transfer to be of compelling importance to the security interests of the United States. In other words, the amendment seeks to promote democratic institutions and economic development. But it does provide the President with sufficient flexibility to go forward with the sale.

The amendment also provides the President the flexibility to decide the criteria to be used in submitting the certification. It does not mandate 20 steps that must be taken by a country before it can meet the test of this amendment.

Mr. President, this amendment is necessary to place U.S. policy in the Middle East on a proper course—in promotion of American ideals.

Promoting democracy, Mr. President, unfortunately, has never been our policy in the Middle East. Indeed, for years we sought precisely the opposite—the maintenance of monarchies that extend privileges and basic rights to a select few. Even now, the President apparently prefers the dictatorship of the Baath Party in Iraq—minus Saddam Hussein—to any other alternative.

Casting a blind eye to dictatorship should have no place in President Bush's new world order. Instead, we should promote political pluralism in the Middle East, encouraging our friends in the region to take steps to enhance the legitimacy—and thus the stability—of their regimes.

That is our policy around the globe—except the Middle East. Under President Reagan, we even created an institute, the very mission of which was the promotion of democratic values. That body, the National Endowment for Democracy, is working in every region of the world—Africa, Asia, Eastern Europe, Latin America—yet it has almost no operations in the Middle East.

Its Democratic Party affiliate—the National Democratic Institute for International Affairs—recently published a strategy paper on its approach to the various regions of the world. The chapter on the Middle East sheds interesting light on U.S. policy regarding democracy in the Middle East. In concluding that there is little rationale for taking a proactive approach in the region, the report cites the following reason, among others:

> We are unlikely to obtain the same type of encouragement from the U.S. Government as we have received elsewhere.

I am fully aware that democracy is not just around the corner in the Middle East. But the democratic ideal is alive in the region, and we should not shrink from encouraging it.

Nor should we be reluctant to persuade the Gulf States that investing their oil profits in the poorer nations of the Middle East is crucial to regional stability. A key cause of instability in the region is the jealousy felt by many Arabs toward the oil-rich states, whose contributions to Arab development they consider woefully inadequate.

A recent report by the Congressional Research Service that I commissioned supports this perception. According to the study, the aid programs of the Arab oil-exporting nations fell from a peak of $9.5 billion in 1980 to $1.5 billion in 1989, the lowest level in the 17-year period covered by the CRS report.

Arab leaders often speak of oil as the birthright of all Arabs. But as this study makes clear, only a handful of Arabs are benefiting from the supposed inheritance of all. In fact, in the years leading up to the gulf war, the key oil-rich countries—particularly Kuwait and Saudi Arabia—steadily reduced aid to their fellow Arabs.

Mr. President, I am sure that we will hear arguments that it is arrogant for us to suggest how other countries should proceed with their internal affairs; that democracy cannot be imposed from without; that our values are not the values of our Arab allies; that this will offend our friends in the gulf.

To those who say that this amendment might offend our allies in the gulf, I say that promoting democracy should not be an offense to anyone, especially those whom American soldiers fought to defend. It seems like the least we can expect.

We just sent 500,000 American troops to the gulf to defend these oil-rich monarchies from Iraqi aggression. I believe that our willingness to shed American blood in the Persian Gulf permits us to expect progress toward democracy and economic development.

Such progress is crucial to stability in this volatile region. Throughout the gulf crisis, many Arabs supported Saddam Hussein because of the enmity they feel toward the oil-rich monarchies. We cannot allow a future Saddam to exploit this resentment in the future.

My amendment will send a clear message to the gulf rulers—that the status quo is unacceptable. And it will send an equally clear message from Riyadh to Rabat—that pervasive economic and political progress is needed in the Middle East—far more than a new infusion of arms.

Mr. President, I ask how much time does the Senator from Delaware have remaining under his control.

The PRESIDING OFFICER (Mr. BRYAN). The Senator has 3 minutes 54 seconds.

Mr. BIDEN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me first point out that this amendment was offered and subsequently withdrawn in the Foreign Relations Committee. I do not know anybody who does not support in principle the expansion of democracy to the far corners of the globe. But this amendment should be considered for what it really is, a backhanded effort to levy criticism against some of the nations which we fought beside and for in the Persian Gulf.

Senator BIDEN's amendment was a surprise in an otherwise uneventful committee markup and now once again it is surprising because of the timing. This week has brought us news of potential breakthroughs in talks in the Middle East. Secretary Baker clearly is enjoying a degree of success in his tireless effort to negotiate the terms of the peace conference in which all parties feel comfortable participating. Why in the world, Mr. President, would the Senate take aim and fire at some of the participants after all the careful confidence-building efforts is beyond this Senator's understanding.

I simply do not think the Senate should compromise the delicate peace process that is inching along in the proper direction. If Members are not persuaded to defeat this amendment on the grounds it is poorly timed, I think they should consider the fact that it sets an impossible double standard. If we insist that all aid recipients be full-fledged, home-grown American-styled democracies, frankly, there would not be many countries left around the world which could benefit from our assistance.

This is not to say that we should sell our principles out or work to achieve anything less than free market economics and universal political participation. But we should recognize that aid and our objectives are a dynamic and changing process. We should leverage our aid to achieve the political and economic reforms in which we all believe. But it is not an overnight process. I think we ought to give Secretary Baker the vote of confidence and the window of opportunity he needs to complete this crucial round of talks.

Mr. President, just summarizing, we are all interested in promoting democracy. There is no question about that. But at this particular juncture, applying that kind of standard, even with the outs that the Senator from Delaware would provide the administration, it seems to me is particularly inappropriate. There is no history of democracy in the Middle East. There is only one democracy in the Middle East. We do have to go on and deal with other countries in the Middle East.

This is the first time in anybody's memory, at least since 1979, there has been significant progress in the Middle East toward peace. Let us not complicate the matter further, Mr. President. I share the goals of the Senator from Delaware, but it just seems to me it does not in any way contribute to the peace process to offer and approve this particular amendment at this time.

I might suggest to the Senator from Delaware, would he not be willing to modify his amendment to simply require a report, something that gets at what he is seeking to achieve short of the manner in which the amendment is currently drawn? Is there anything, I would ask my friend from Delaware, short of this that might satisfy him as we move toward the end of this debate and try to wrap up this foreign aid bill, the first one we will have passed in some 5 years?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 11 minutes and 11 seconds.

Mr. McCONNELL. I will retain the remainder of my time and hope that my friend from Delaware might have some encouraging remarks about how we might move foward.

Mr. BIDEN. Mr. President, I find it fascinating my friend from Kentucky says he does not know of anyone who does not support democracy. I know a whole bunch of people who do not support democracy and they start in the Middle East beginning with Kuwait.

He indicates it is inappropriate to promote democracy now. I find it interesting that it is inappropriate to promote democracy now. I did not think it was ever inappropriate to promote democracy.

No. 3, I harken back to the Senator's words on this bill. Just yesterday he made the statement that encouraged me to come forward. He said, "If there is anything that America stood for in the post World War II period, it is democracy and capitalism." I would like to work on the democracy part in addition to the capitalism part.

No. 4, this has nothing to do with the peace process, zero to do with the peace process. It does not affect Israel. It does not affect the Arab States in terms of their attitude toward one another. It affects whether or not there will be in fact a peace process that we can help encourage for the people in Kuwait, for the people in Saudi Arabia, relative to their government, and other places I might add.

Last, so I can have a little bit of time left to respond if need be, the fact of the matter is that all it requires the President to do is say there is some progress toward democratization.

I sat down with the Saudi Ambassador, and I went over it in detail with him. He did not see any problem with this amendment. I do not know why my friend from Kentucky finds it a problem.

I retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, let me just say that the administration certainly is not in support of this amendment of the Senator from Delaware, not because we are not in favor of promoting democracy or capitalism, but simply at the risk of being redundant for the very reason the Senator from Kentucky stated earlier. We are actually making some progress in the Middle East now. We are right on the verge it appears of significant breakthrough.

It seems to this Senator, and I think as well to the administration, that this is an amendment that is simply not needed at this particular time, which is not to say that any of us do not endorse democracy and capitalism. Obviously, we do. I hope that will emerge there in the Middle East at some point. But to set up any of these kinds of unrealistic requirements at this particular juncture in an area of the world that has no history whatsoever of democracy, it seems to me, is an unrealistic standard.

So I hope that the Biden amendment will be defeated. It seems to me it is simply not needed at this particular juncture.

We are all sort of keeping the heat on, if you will, in the Middle East with the statements that we have said about our hopes for the evolution of democracy. That is particularly the case in Kuwait. I think that setting up a process of grading our friends, giving them a grade, would be a diplomatic setback here at this particularly sensitive time. So I hope that the Senate will not approve the Biden amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 24 seconds.

Mr. McCONNELL. I retain the remainder of my time.

Mr. BIDEN. Mr. President, let me point out a few facts. The dictatorships in the Middle East are moving backward and not forward. For example, Kuwait's aid program of $1.1 billion in 1990 dropped in 1989 to $169 million to their fellow Arabs and brethren, an 84 percent drop. Saudi Arabia's aid was $5.7 billion in 1980 to their Arab brethren, and by 1989 it dropped to $1.2 billion, a drop of nearly 80 percent.

Last, this administration has never been concerned about democracy in the Middle East that I am aware of before, or after, or during the peace process. It is not a word that comes into their jargon very often.

The fact of the matter is there is a need for a prod. It has nothing to do with the present peace process. It has nothing to do with Arab-Israeli relationships. It has everything to do with what we stand for, and what principles we have, and the President has an out. All he has to do is say there is some progress somewhere. If there is not any progress and he still wants to sell them weapons, it is in the overwhelming national interest of the United States to sell them anyway.

I retain the remainder of my time, if I have any. I yield the floor.

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that he has 52 seconds left, and the Senator from Kentucky has 9 minutes and 24 seconds.

Mr. McCONNELL. Let me repeat, Mr. President, it is hard to argue at this particular juncture that an amendment targeted at the Middle East has nothing to do with the peace process. That is the big news in the Middle East right now. Three or four months ago the big news was the Persian Gulf war. Right now it is the Middle East peace process, which for the first time in a very long time appears to be moving forward.

Now it can be argued that the amendment targeted at the Middle East, the net result of which would be to have a public report card on our allies in the area, and right now virtually everybody in the area is our ally more or less, a public report card in which we presumably give one country a C, one country a D, and one country or more countries an F, would in any way contribute to what is the most important thing going on right now in that area, which is the prospects for peace.

So the issue on the Biden amendment is not whether we are for or against democracy evolving in the Middle East. The issue as to whether at this particular juncture having a public report card on our allies in the Middle East—in which they are stood up and given a grade, presumably none would get an A, maybe somebody would get a D, probably would get an F—in what way, Mr. President, does that make any contribution whatsoever at this most delicate time in which there is quite possibly for the first time maybe ever a chance to solve once and for all the Arab-Israeli dispute.

So, Mr. President, it seems to me while I know this amendment is well-intentioned, with all due respect to my friend from Delaware it seems to me contributes nothing to what is the most important issue in the area at the moment, and that is the prospects for peace.

Mr. President, I am prepared to yield the remainder of my time if the Senator from Delaware is. We can move ahead here. I will make a motion to table at the conclusion of our debate.

Mr. BIDEN. Mr. President, I will use up the last few seconds.

Mr. President, I find the Senator's reasoning absolutely fascinating. The administration comes forward with a massive new proposal for arms sales to Saudi Arabia. How does that not affect the peace process?

Just yesterday, the administration came up with a $300 million sale for munitions to Saudi Arabia. How does that not affect the peace process if that is the case? The administration opposed an effort by the Senator from Delaware and others to stop the Chinese from selling ballistic missiles to Assad of Syria. How does that not affect the peace process?

I find it interesting that the only time my Republican friend stands up to take issue with something going on in the Middle East is when the commodity offered to the Middle East is democracy. It is all right for Assad to get ballistic missiles from China. It is all right to sell hundreds of millions of dollars worth of arms but not democracy. I find that fascinating.

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that the time allocated to him has expired.

Mr. SARBANES. Mr. President, would the Senator like additional time? I would be happy to yield him some.

Mr. McCONNELL. Mr. President, I yield 2 minutes to the Senator from Rhode Island, after which, I plan to yield back my time so we can move ahead.

Mr. CHAFEE. Mr. President, I have a little difficulty with this amendment. As everyone knows, before these sales can be made now, there has to be a notification to the Congress of the United States. There is a delay process where we can consider whether we wish to proceed or not. I just am not quite sure what could be gained by this long list of items that the President must certify to the Congress.

I did not hear all of the remarks of the distinguished Senator from Delaware. I would be glad to have him respond on my time. I know he is out of his time.

But my first question is what happens in the event, for example, we give money to a nation for foreign military sales? Let us take the case of Israel where we gave them—I think it is $1.8 billion for military sales.

Would that notification be required in the case of those purchases?

Mr. BIDEN. Yes.

Mr. CHAFEE. I apologize because I was not here for his entire remarks. What is the matter with the present notification? There is nobody more familiar and knowledgeable with these matters than the distinguished Senator from Delaware. Does he know that the President has to give 45 days notice before there is a sale now?

And whereas that might be a limited—well, I think it is just a form of notice.

The PRESIDING OFFICER. The Chair informs the Senator from Rhode Island that the 2 minutes allocated to him has expired.

Mr. McCONNELL. Mr. President, I yield 2 additional minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I think the Senator well recognizes that during that period, we do not restrict ourselves to just is it a good sale from the U.S. point of view, as far as dollars and cents go. We spend a lot of time looking at, and we have had lengthy debates on those sales, as the distinguished Senator knows.

So I am not quite sure what is to be gained by this list of specifics in that declaration—exercise of governmental power, and that the Nation is determined by free and fair elections.

It seems to me this is a system of preventing or inhibiting sales to those nations that have been our allies but were not democracies. We wish they were, but every nation in the world is not just the way we would like it.

Mr. BIDEN. If I can respond, I say, Mr. President, that there is no long list. There are only two things he has to say: Either they are a democracy, or making some progress toward it; or, second, they are engaged in providing for the economic well-being of the region. The reason for it is very simple: To encourage these two things to happen. Very simple and straightforward. If the President concludes he cannot certify either of those, but the sales will still go forward, he can still go ahead and sell it.

Mr. CHAFEE. Except that, as the Senator knows, for a President to use the loophole that it is of such urgent, compelling interest to the security interests of the United States is a very, very tough hurdle to get over.

Mr. BIDEN. It does not say that. It just says "compelling." It does not even have to be urgent.

Mr. CHAFEE. I must have a misprint. The act I have says, "of such urgent and compelling interest." That may have changed. If so, maybe I am mistaken. Am I wrong on that?

Mr. BIDEN. Where is he reading from?

The PRESIDING OFFICER. The Chair would inform the manager that 1 minute——

Mr. McCONNELL. How much time do I have?

The PRESIDING OFFICER. One minute 57 seconds.

Mr. McCONNELL. Mr. President, I yield to the Senator from Rhode Island an additional 57 seconds.

Mr. CHAFEE. Is this going to take the Senator's whole time?

Mr. McCONNELL. That is right.

Mr. CHAFEE. Yes, I am reading from a description of the bill.

Mr. BIDEN. I think the Senator has an old copy. I do not mean that as a criticism. It says, "is of such compelling importance to the security interests of the United States as to warrant such transfers notwithstanding the President's inability to make such a certification."

Mr. CHAFEE. I have trouble with this. It seems we are levying a whole series of requirements and notification. We already have the notification, and the President will not be able to, in many cases, perhaps, override these objections, and so we lose the sale. The sale goes to somebody else.

By the way, have any other nations joined in this, any of the old suppliers out there?

Mr. BIDEN. Mr. President, as the——

The PRESIDING OFFICER. The Chair informs the Senator that only 45 seconds remain.

Mr. McCONNELL. Mr. President, if I can reclaim my time, let me sum it up, and I will make a motion to table the Biden amendment.

We already have the right to refuse arms sales under existing law. The only issue, I say to my colleagues, is whether in any way, at this particular juncture, it is helpful for a public report card on our allies in the Middle East on the question of whether they either, A, have a democracy, which none of them do; or, B, are making any progress toward a democracy, and will that help the peace process when, for the first time since at least 1979, we have a real opportunity for peace in that area?

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I understand and support the sentiments expressed by the Senator of Delaware. All of us would like to see more democracy and representative governments in the Middle East region. That is not at all the issue at hand, however.

I must oppose this amendment because it is highly inappropriate that the Senate should inject itself into the middle of a sensitive, delicate, and promising negotiating process. We contribute very little by trying to muscle our way to the negotiating table.

Yet again, it seems that the Senate just can't leave well enough alone when this country is involved in an ongoing productive negotiating process. Too many members want to be Secretary of State. This body is not intended, or equipped, to run U.S. foreign policy. Yes, we have an important role to play. No doubt. But why must we throw ourselves in the middle of things when the administration has the matter under control.

Mr. President, it is important that we appreciate that this amendment not only links U.S. arms sales, foreign policy, and security policy to a sovereign country's form of government. It also links these critical U.S. policies to their level of foreign assistance to other countries in the region.

Where else in the world do we condition U.S. policies—policies that are intended to promote fundamental U.S. interests—on an independent, sovereign country's foreign aid programs? No where, as far as I can determine at this moment.

The objectives laid out here are superb. No doubt about it. But that doesn't mean that we should therefore automatically put our 2 cents in. Secretary Baker is managing an extremely difficult process with a great deal of care and skill. Passing this amendment, no matter how laudable the underlying objectives, will not contribute to promoting the negotiating process.

Yes, Mr. President, I enthusiastically support democratic principles and want to see them expanded all over the world. But this amendment is not a measure of our support for these principles. It's an intrusion into ongoing process where this body should leave well enough alone at this point.

Thank you, Mr. President. I yield the floor.

Mr. PELL. Mr. President, I commend the Senator from Delaware for his initiative regarding Middle East security and democracy.

This amendment will serve American interests in the Middle East by shining a light on the continuing absence of essential democratic values in the region.

The amendment will also provide American diplomats with an important tool. If nations in the region want to purchase U.S. weapons, they must demonstrate progress toward political pluralism.

The promotion of democratic values should always be a central tenet of U.S. foreign policy, and it should be applied universally—in Asia, in Europe, in Latin America, and in the Middle East.

Contrary to arguments that I am sure will be offered, this proposal does not in any way restrict the President's ability to make foreign policy. The amendment provides the President with sufficient flexibility to sell arms to the region, even if the standards required by the amendment cannot be met.

Mr. McCONNELL. Mr. President, has my time expired?

The PRESIDING OFFICER. The chair informs the Senator that, yes, it has.

Mr. McCONNELL. I make a motion to table, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. HARKIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—39

Bentsen
Bond
Boren
Breaux
Brown
Burns
Chafee
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Durenberger
Exon
Garn
Gore
Gorton
Gramm
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kasten
Kerrey
Lott
Lugar
McConnell
Murkowski
Packwood
Roth
Rudman
Simpson
Smith
Stevens
Symms
Thurmond
Wallop

NAYS—57

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Bryan
Bumpers
Burdick
Byrd
Coats
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Ford
Fowler
Graham
Grassley
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Specter
Warner
Wellstone
Wirth
Wofford

NOT VOTING—4

Glenn
Harkin
Nunn
Pryor

So the motion to table the amendment (No. 823) was rejected.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized. The Republican leader will suspend for a moment so the Chair can inform the Senate all time for debate has expired. The pending question would be, then, the vote on the amendment itself.

Mr. SARBANES. Mr. President, I ask unanimous consent the Republican leader be able to proceed for 5 minutes. I think we may be able to work something out.

The PRESIDING OFFICER. Is there objection? The request has been made for 5 minutes for the Republican leader. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I did not know there was any time agreement. It was my understanding there would be no time agreements on any of the amendments. Certainly I would not have granted a time agreement on this or any other amendments. It is my hope we can dispose of this amendment and that we can also dispose of the amendment by Senator HELMS. I think if those two were disposed of, withdrawn, then we could probably complete action on this bill in the next 10, 15, or 20 minutes. If not, I am constrained to say, even though this is a time agreement, there is no time agreement on the bill and we would be compelled to speak at length.

The PRESIDING OFFICER. The Chair reminds the Senator that under the previous order, unless there is a unanimous consent to modify that, all time has expired.

Mr. SARBANES. Mr. President, I ask unanimous consent that the managers of the bill have 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The managers have 10 minutes, equally divided, I presume under the usual form.

Does the Senator wish to yield?

Mr. SARBANES. I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, if I could have the attention of the Republican leader, the vote on this last amendment was 57 votes against tabling. I do not know, quite bluntly, whether or not I could find another three votes if I needed to. But it is not my intention to bring this legislation down.

I would be delighted to postpone the vote on this amendment and would be delighted to sit with the majority leader and with Senator HELMS if there is a possibility of Senator HELM's withdrawing. I do not want to be the only one who keeps this bill from moving forward. And I will tell everyone now there may be another vehicle upon which I bring this same amendment up at another time. I am not committing I will not bring it up again. But I would be delighted, if I am the only impediment between this bill going to passage—let me put it this way. I will not be the only impediment. I can assure my colleague of that.

But I am not going to withdraw if it turns out, because there are other items on the bill, that we are later going to be told, by the way, you know, we are going to filibuster the bill anyway.

Mr. SARBANES. I would say to the minority leader, we have the Biden amendment pending on a unanimous-consent request that set the Helms amendment aside. Then we return to the Helms amendment. Of course, the Helms amendment would be pending because the Simon amendment was set aside.

So there are three stages. If we could get the Biden amendment withdrawn and the Helms amendment withdrawn, we then will be able to move to final passage on this legislation.

So, I think we are very close to completion.

Mr. DOLE. If the Senator will yield, there are still 20-some hours on the Simon amendment. Hopefully, that could be disposed of, too, if we could reach an agreement. I understand the Senator from Wyoming has been at least meeting with the administration on the Simon amendment and also meeting with the Senator from Illinois, Senator SIMON.

I would just like to accommodate the managers. I know they worked hard. I should have indicated no time agreements earlier on the pending amendment.

Mr. MCCONNELL. If the leader will yield, it is my understanding Senator HELMS is on his way to the floor now so we may be able to work this out.

Mr. SARBANES. Mr. President, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, indeed, we all know when we have a intractable situation. I just say, with regard to the Simon amendment, we have tried to revise that in a way which is now acceptable to the administration and to the sponsor. But I believe that it is not yet acceptable to one of our colleagues on this side of the aisle.

Perhaps we can work on some arrangement to lessen the time. I am certainly willing to help to do all those things. But the proposed resolvement of the Simon amendment has even been circulated to others who had previously objected to this type of program and they too have accepted this language. But I can go no further with my activities because of my colleague's feelings.

The PRESIDING OFFICER. The Chair informs the Senator, under two previous consent agreements, the Republican leader has 3 minutes and 23 seconds allocated to him; there is 5 minutes under the control of the floor manager, Senator MCCONNELL; and the floor manager, Senator SARBANES, has 1 minute and 33 seconds.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum with time not to be charged.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I have consistently supported——

The PRESIDING OFFICER. The Chair would have to advise the Senator from New Jersey we are now under a time schedule on the Biden amendment.

Mr. LAUTENBERG. I ask unanimous consent that we not use any of the time on that amendment, and I ask for a 1-minute allowance under unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CORRECTION OF VOTE

Mr. LAUTENBERG. Mr. President, I have consistently supported cargo preference laws and the effort to maintain a viable merchant marine in our country.

Last Wednesday, there was a vote to table the amendment of the Senator from Illinois, Mr. DIXON. It was a rollcall vote No. 146. I was recorded in the negative. I intended to be recorded in favor of the motion. It would not affect the outcome in any way. I ask unanimous consent that my vote be so recorded in the permanent RECORD as it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the Chair. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator HELMS be recognized to withdraw his amendment, and then Senator HELMS be recognized to withdraw his amendment, and following the withdrawal of his amendment Senator HELMS be recognized to address the Senate for up to 10 minutes with respect to the Simon amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. BIDEN addressed the Chair.

Mr. BYRD. Mr. President, will the distinguished Senator yield? Will the distinguished leader allow me a few minutes following the withdrawal of the Helms amendment just to speak. I want to speak with regard to that amendment.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following Senator HELMS' remarks, Senator BYRD be recognized to address the Senate for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MITCHELL. Mr. President, I modify my request to ask that Senator BYRD be recognized to address the Senate for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that the Biden amendment be withdrawn at this time.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 823) was withdrawn.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Helms amendment would have carried if I had pursued it, but in the interest of the Senators who need to catch planes, I am going to withdraw it. First of all, it is a sense-of-the-Senate resolution and, second, I was offered by the managers of the bill the opportunity to accept it on a voice vote. However, to pursue that course now might result in further discussion and unnecessary delay. I believe I have made my point.

Mr. DODD. Mr. President, point of order. We cannot hear the Senator.

The PRESIDING OFFICER. Will the Senator from Connecticut repeat his statement.

Mr. DODD. Point of order. We cannot hear the Senator from North Carolina.

Mr. HELMS. Very well. The Senator did not miss much.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. These sense-of-the-Senate resolutions are worth about the paper they are printed on normally, but my reading of the Senate is that the amendment would have been agreed to notwithstanding the objections of Senators whom I respect highly, and they know I do. But the hour grows late.

Having said that, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment. It is withdrawn.

The amendment (No. 872) was withdrawn.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina will be recognized for up to 10 minutes.

AMENDMENT NO. 826

Mr. HELMS. Mr. President, I want to say a few words about the amendment of the distinguished Senator from Illinois. I think those who believed last night on the tabling motion that they were casting a so-called prochoice vote may want to reconsider.

Mr. President, the pending amendment is about choice. I ask Senators who may have been considering support of the amendment to think more deeply about the implications of supporting UNFPA in any way at any time.

Many Senators who do support the amendment have stated frequently that they are prochoice. On the question of abortion, I am prochoice, too—except that I think that the unborn child should be given a chance to exercise his or her choice, too, about this business of staying alive.

But there is more to prochoice than the issue of abortion as a means of family planning. There is the whole idea of whether family planning should be a matter of voluntary choice, or whether the family should have no choice, whether the state should dictate the number of children, and the method of family planning. The central issue in the Symon amendment is whether family planning should be voluntary, or a matter of coercive state population control. Any contribution to the UNFPA is a contribution to programs of coercion.

The UNFPA has long had a hidden agenda as a strong advocate of coercive state population control. The ideologues in the so-called population movement have long been on record that coercion must be the ultimate policy. They are willing to tolerate voluntary choice as an interim, temporary policy. But the ultimate concept is that control of population must be dictated by the state, the Government that is, or dictated by global policies. The UNFPA's commitment to this doctrine in practice is obvious.

That is why UNFPA's relationship with state-enforced programs of population control in China is a very special one. UNFPA is not just a contributor, but a comanager of the Chinese program. UNFPA proudly points to China as the vanguard of future population control policies, and the model which all nations ultimately must follow.

In 1981, UNFPA Executive Director Rafael Salas stated:

> China provides a superb example of integrating population programs with the national goals of development.

In other words, coercive abortion.

In 1987, a UNFPA representative in Beijing stated that:

> China is actively working to set up a model of how social and economic factors can be harnessed in a harmonious way. The government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today.

In 1989, UNFPA Executive Director Nafis Sadik stated—contrary to the mountains of evidence to the contrary—

> The UNFPA firmly believes, and so does the Government of the People's Republic of China, that their program is a totally voluntary program.

The monstrous assertion that the China program is voluntary in any way is proof positive that the UNFPA really believes that coercion is a necessary part of the ultimate population control program.

That is the issue. Do we, as the U.S. Senate, want to support, in any way, the programs of the UNFPA when the ultimate agenda—of that outfit—is to deny every woman in the world the ability to choose freely, without State control, whether to use family planning or not, or what methods to use.

That is why funding has been withheld from the UNFPA by the United States. It is not just that the UNFPA has participated in the programs that deny fundamental human liberty in China. The reason is that the UNFPA believes that China is the pilot program to deny fundamental human liberty in every country.

The problem in China is not only the problem of coerced abortion. The draconian measures of forced abortion and forced sterilization are only the last resort in a complex series of coercive measures against the family which begin when a couple are married.

The official policy in China is a one-child-per-family rule, although in practice it has be extended to two children. Women in China have been forced to attend propaganda sessions on a regular basis with the attention of the community focused on each woman's compliance or lack of compliance with the assigned targets. In many villages, each woman's reproductive history and use of family planning methods is posted on a public bulletin board.

These methods have led to despair, suicide, and even programs or practices of infanticide. The tremendous suffering caused by these programs led to pressures for exceptions, with corresponding savage repression. Some may claim that these results are abuses but they are the evil fruits of an evil tree.

Mr. President, I ask unanimous consent that excerpts from the books by John Aird, entitled "Slaughter of the Innocents" and "The Second-Child Loophole" and on "Family Planning Infanticide" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. The quality and substantial amount of UNFPA management assistance in China has a significant impact on the establishment and maintenance of an effective demographic information system, and the ability to formulate targets, monitor compliance, and enforce China's one-child policy.

This bill, Mr. President, already provides $300 million for population activities by the United States. The $20 million proposed by the SIMON amendment is just another add-on.

Therefore, the real purpose of the SIMON amendment is to legitimize the UNFPA as an instrument of the population control philosophy even though the UNFPA philosophy supports and praises coercive programs of State control under the guise of family planning.

I believe that this Senate and this Government should refrain from any participation.

Mr. President, the pending amendment seeks to separate itself from the policy of coercive abortions in China by proposing to build a fence around the money to be authorized. The amendment specifies the $20 million authorized cannot be made available for China; that the UNFPA must maintain the funds in a separate account, and not commingle them with other funds; that they cannot be used for abortion or involuntary sterilization; and finally that UNFPA must return the funds to the United States if UNFPA provides more than $57 million for family planning programs in China.

But these restrictions fail utterly to accomplish the announced purposes of the Senator from Illinois. There is no mechanism for auditing the accounts of the UNFPA. There is no mechanism provided in the U.S. Government to determine whether UNFPA has misused the funds, and there are no sanctions which can be applied against the UNFPA if it fails to live up to any agreement it might make to return the funds if UNFPA increases its support for family planning programs in China.

What the amendment of the Senator from Illinois does is set the precedent that U.S. funding of UNFPA activities is desirable, and that the United States approves of the management of UNFPA.

Mr. President, I yield the floor.

EXHIBIT 1

[From Slaughter of the Innocents: Coercive Birth Control in China]

THE SECOND-CHILD LOOPHOLE

(By John Aird)

The relaxation of family planning had also resulted in widespread disregard of the narrowly defined categories of couples "with special difficulties" who were to be allowed a second child. More and more couples who could not qualify were declared exempt from the rules and permitted to go ahead. In July 1987 the State Statistical Bureau revealed that the 1984 policy of allowing localities in Liaoning, Shaanxi, and Shandong that had strong family planning organizations to "experiment" with letting rural families with an only daughter have another child had led to an abandonment of restrictions on second births in other areas. By the end of 1986, 70 percent of the villages in Shandong were authorized to approve second births in such cases, but 80 percent of the "unplanned" births in the province in that year occurred in villages that had not been so authorized. In Jilin Province the proportion of couples having a second child went from 5 percent in 1984 to 60 percent in 1986. The corresponding national figures were 10 percent and 50 percent.

It was said that because the policies varied from one place to another, "the masses compared the differences and emulated the ones with the largest 'openings.'" Apparently, local cadres in other regions had taken the "experimental" policies as a sign that the central authorities were on the point of abandoning the one-child policy, and this probably contributed to the rumors throughout the country from 1984 onward that everyone was now allowed a second child.

The central authorities demanded that tight control of second births be resumed. A national journal warned in March 1987 that the stipulations for second children had not been changed and must be strictly enforced. The family planning journal said in April that "improving" the policy did not mean expanding the categories of persons allowed a second child and that they must not yield to the masses' desires to have more children. In July local authorities were warned to "adhere strictly to the criteria" for second births, and the same injunction was issued by Acting Premier Li Peng in January 1988.

Accordingly, the provinces spread the word. Hunan complained that many places were allowing everyone to have a second child under the guise of "perfecting the policies" and that controls must now be strengthened. Qinghai warned that some areas allowed too many exemptions from the regulations. Shaanxi ordered that the "indiscriminate granting of exemptions" be stopped. Henan said couples could have a second child "only after going through the correct procedure." Guizhou told its cadres to "refrain from granting exemptions beyond the limits set by the documents." Heilongjiang said second births must be curbed in accordance with the policies.

For all other couples the one-child rule was to be reimposed. The principal means was to insert IUDs in women with one child, sterilize couples with two or more children, and abort all unauthorized pregnancies—the same demands that had led to the massive escalation of coercion in 1983. A Yunnan circular on family planning said, "We must mobilize the masses to vigorously and conscientiously implement the measures for birth control and remedial measures." Hebei Province told its cadres that in 1987 they must "make efforts to ensure that 90 percent of the women of childbearing age who already have a child use IUDs, 90 percent of the child-bearing women with two children and more receive tubal ligations, remedies [abortions] be given to 90 percent of the unplanned pregnant women, fines be imposed on 90 percent of the women who violate regulations on family planning work, the birth control rate reach 90 percent, and multiple births [births of second and higher parity children] be controlled below 1 percent . . . The Party committees and governments at all levels should conscientiously strengthen leadership over the work. Principal responsible comrades of the Party committees and governments should define management targets for ensuring the fulfillment of the planned population growth targets and the economic construction targets."

Cadres on Hainan Island, Guangdong Province, were told to "quickly put an end to the passive state in our family planning work . . . We must resolutely promote the work of collecting fees imposed on those who have exceeded the limit set on the number of births for the purpose of promoting the implementation of measures for sterilization . . . Our current emergency task of promoting family planning work must center on energetically stressing remedial measures for unscheduled pregnancies. At the same time, we must pay attention to stressing tubal ligations for those who have already given birth to two children.

"It is necessary to focus on remedial measures regarding pregnancies not covered by the plan and also to do a good job in carrying out ligation surgery after the birth of a second child and inserting intrauterine devices after the birth of a first.

Regional family planning work has been progressing slowly, and the number of completed sterilization operations has been on the low side."

Guizhou told its cadres to take "remedial measures" as the "focal point" of work in 1987 to "ensure the fulfillment of the population plan." Liang Jimin, Director of the General Office of the State Family Planning Commission, said that "abortion remains the chief means of birth control" and that the number of abortions was equal to half the number of births.

Even minorities, who had previously been shown more lenient treatment under the family planning program, were not exempt from these measures. The human rights organization Asia Watch learned from interviews that in Tibet "a pregnant woman, prior to the birth of a [third] child, is given medicine to induce an abortion. Things are done in this way. One doesn't have the freedom to abort or not. If a woman is in a hospital and in the course of an examination [it is seen that she is pregnant], the child is aborted. She is given medicine and an abortion is done without her even being asked."

Tibetans in Qinghai Province complained of forced abortions, large fines for unauthorized third births, and refusal of food ration cards for the children.

In January 1988 the national family planning journal urged that "reliable" birth control measures be carried out and added that "IUDs and ligations still must be taken as the principal means of birth control, especially in rural areas . . . The key is to carry out concrete measures at the basic level. Carrying out reliable birth control measures is an important link in basic level family planning work. In the past we proposed that ligation not be applied indiscriminately. The intention was to stress starting from facts and treating [each case] with discrimination. Now, for the same reasons, we cannot refrain from doing ligations and IUD insertions indiscriminately."

In July 1988 a population journal quoted an undated statement by Deng Xiaoping that "in order to lower the population growth rate, it is all right to use administrative and economic measures. So long as the rate can be lowered, it will be the greatest victory."

Throughout 1988 and into the spring of 1989, provincial directives emphasized tightening controls and strict enforcement of restrictions, quotas, and targets. The return to rigid methods meant the end of the somewhat more "flexible" approach to contraception adopted in 1984, under which some couples were allowed to use contraceptive techniques other than IUDs and sterilization.

NEW FAMILY PLANNING REGULATIONS

Another sign of the tightening of control over births was the issuance of more restrictive provincial and local family planning regulations that began in 1986 and continued into 1989. As before, they were instituted at the prompting of the central authorities, modelled on those adopted at higher levels, and required higher level approval before they could be promulgated. The new regulations increased the penalties for violations and were to be vigorously enforced. Sichuan's were formally adopted on July 2, 1987. They called for sterilization of couples with two or more children, "a heavy fine" for having an unauthorized birth, a monthly fine for an unauthorized pregnancy, to be refunded after an abortion was performed, and fines for "illegal" removal of IUDs. The stated aim was to enable local authorities to "rely upon legal procedures to control population growth . . ." Sichuan's cadres were told to "resolutely implement each of the 'Regulations,' strictly block early marriages, early births, births in excess of the planned quota, and other 'large gaps,' and stop all 'crooked gaps' in order to meet the population plan for this year." In September local public security bureaus in Sichuan issued their own circular to emphasize that "where the law applies, it must be adhered to; that the execution of the law must be strict; and that those who violate the law must be prosecuted."

Though the Sichuan family planning regulations punish officials who accept bribes or practice fraud and people who insult, threaten, or beat family planning personnel, they contain no warnings against the use of coercive tactics and no penalties for cadres who resort to coercion. They do provide for appeal to the courts for reconsideration of "erroneous" penalties imposed by the family planning departments, but they give no hint as to possible bases for appeal. Clearly, the regulations do not protect people against such tactics as mass mobilizations, harassments by family planning workers and officials, and group punishments designed to induce other people to ostracize and condemn non-compliant couples, coercive measures which the central authorities have never disapproved.

By September 1989, 17 of the 30 provincial level units in China had adopted new family planning regulations, which were said to be "playing an active role in unifying thoughts, stabilizing birth policies, and tightening family planning work." How severe the terms of subprovincial family planning regulations could be is shown by those adopted by Tianhe District, Dongpu Precinct, Guangzhou Municipality, as of January 1, 1987, as reported in a journal published by Chinese dissidents in the United States. The regulations stipulate that any woman who does not have an intrauterine device inserted within four months after giving birth shall be fined 20 yuan per month until she accepts the device. If a woman is allowed two children under the law and does not accept an intrauterine device after the birth of the second child, she must be sterilized. Before that measure is taken, she will be fined 50 yuan per month. . . . If a woman who has one child fails at birth control, the pregnancy must be terminated and the woman sterilized.

"If a woman who is eligible to have a second child has that child before she is given permission, or if any woman gives birth to a third child, all members of her family will lose their benefits. . . .

"A fine will be levied by the government on any woman who has a second or subsequent baby without permission. For the second baby, the fine will be 2,000 yuan, for the third baby 3,000 yuan, for the fourth baby 4,000 yuan, [and] each birth beyond the fourth will be assessed 4,000 yuan. If the baby born without government approval is only the second, and the mother voluntarily submits to sterilization, the penalty may be reduced by 80%. If the baby is the third, and the mother submits to sterilization, the penalty may be reduced by 50%. . . .

"For farm families in violation of the birth control laws, their share of farm profits will be garnished when profits are divided at the end of the year. If the child born illegally is the woman's second, 80% of the income will be impounded. If the child is the woman's third, 100% of the income will be taken. If the child is the second, and the penalty has not been paid but the woman has undergone sterilization, the assessment will be 50%. If the child is the third and these conditions exist, the assessment will be 70%. This assessment will stop when the penalty has been paid up. . . .

"If an unauthorized baby is the second, third, or subsequent child in a family and sterilization has not been accepted, the family will be denied permission to build a dwelling, their water and electricity will be cut off (or their water and electric rates will be increased five to ten times, depending on the type of residence), grain coupons will not be issued, [and] driver's licenses and private business licenses will be revoked. All these sanctions will end when the sterilization procedure is performed. (The above sanctions apply to all those listed in the family registration book.)

"If a cadre or staff member of a collective enterprise or cooperative business unit has an unauthorized second baby, the appropriate punishment will be administered by the employer. Birth control measures must be adopted. Both the man's and the woman's salary will be reduced by 40% and all bonuses will be suspended until the four-year required waiting period is over. If the unauthorized baby is the third or subsequent child, the employment of both parents will be terminated. . . .

"A woman who illegally removes her intrauterine device, or anyone else who violates birth control regulations or obstructs the work of the committees, should be punished in accordance with a law. . . ."

The renewed interest in family planning regulations seems to reflect a view expressed early in the 1980s that such laws legitimize the use of compulsory measures. In 1981 a writer in a national newspaper noted that "some people" who opposed the use of coercion in family planning did not approve of the formulation of a national family planning law. The writer argued that enforcement of law is "not the same as coercion." In 1982 and 1983 provincial spokesmen argued that Article 12 of the Constitution making family planning the duty of husbands and wives was "a fundamental law which the people must obey" and a "legal duty that citizens bear to the state." Nevertheless, despite urging from Qian Xinzhong and other Chinese family planning advocates, the national family planning law drafted in 1979 was never adopted.

Since July 1988, another national law has reportedly been under consideration. In February 1989, Peng Peiyun, the new Minister-in-Charge of the SFPC, who had replaced Wang Wei in January, indicated that the SFPC is actively at work on it and that it will go before the State Council "as soon as possible." In March Peng insisted that legislation must be "accelerated" because "without a legal basis, our birth control effort can hardly get anywhere." She added that the legislation was "especially urgent" and that the State Council had decided to draw up "provisional" regulations this year and adopt formal regulations "when the time is right." Peng apparently considered the national law essential in making family planning compulsory, and many other family planning supporters in China took up the demand. But some family planning officials reportedly were "not optimistic about the results of such action." One SFPC official was quoted as saying. "As long as such a great number of people ignore the law, what can the law do to them?"

FAMILY PLANNING INFANTICIDE

The most coercive measure allegedly used in the Chinese family planning program has never been alluded to in the Chinese media but has been described in several reports by outside sources. This is deliberate infanticide carried out by obstetricians in urban hospitals in China against infants born without official permission. Because these reports have not been confirmed, the extremely repugnant practices they describe have not been cited in the foregoing chapters, but their persistence and their specificity suggest that they may be more than ugly rumors.

The practice was first reported in 1981 by the Guangzhou correspondent of the Wall Street Journal, Michael Vink, who wrote that women with unauthorized pregnancies were given injections by hospital doctors that caused them to have stillbirths or to deliver nonviable infants. He also told of cases of doctors killing babies immediately after delivery if they were third children. In 1983 a British medical journalist reported that a hospital in Guangzhou required its doctors to make sure that no infant born without a permission slip from the mother's work unit be allowed to leave the hospital alive. The babies could be destroyed by "any kind of method," including strangulation. Doctors who allowed unauthorized babies to survive could be punished by loss of their jobs. In January 1985, Washington Post Beijing correspondent Michael Weisskopf reported an account from Inner Mongolia that since 1981, in accordance with a regulation banning births of second children to Han Chinese, doctors in Hohhot, the regional capital, routinely destroyed unauthorized babies by smashing the skull with forceps as the baby emerged from the womb or by injecting formaldehyde into the fontanel. Doctors who ignored the regulation risked losing their jobs, as in Guangzhou.

In 1987 the New York Chinese dissident journal China Spring carried a report by a Chinese doctor studying in Canada that hospital personnel in China destroyed unauthorized infants by injections of alcohol into the fontanel. He also reported that doctors who refused to carry out the procedure could be punished by demotion, salary reduction, or dismissal. He said the practice was followed in Haerbin, Shanghai, and Urumchi, as well as Guangzhou. A similar report was given by a Western physician involved in international human rights activities, who said that when he was in Tibet in 1987 with a medical expedition, he met a woman who said that her baby had been killed by a lethal injection and that she herself had been sterilized against her will in the Lhasa People's Hospital. This was one of several such reports he received.

In January 1989, similar practices were described in an article in a Washington Chinese newspaper by an author identified only as "a mainland scholar." The author reported that newborns were killed by injections of alcohol or ether and by stuffing gauze into their mouths. He asserted that Chinese doctors and nurses were required to carry out such practices against their will. He also alleged that organs from the destroyed infants were used in laboratory research. No specific communities or institutions were mentioned in the article.

Since 1981 female infanticide, a spontaneous action by rural Chinese families whose first and only permitted child under the one-child rule proved to be a daughter, has been repeatedly denounced by the Chinese government as barbaric and a violation of the one-child policy. Whether hospital infanticide, which supports the one-child policy, is official policy ordered from Beijing through Health Ministry channels, or whether it is a local invention that has been encouraged or at least tolerated by the central authorities, cannot be determined from the evidence available. However, it is significant that the reports come from widely scattered cities in China, that they are quite similar in details, and that the practices they describe have apparently continued over a period of years without official interdiction. It may also be significant that, as two of the above sources imply, these practices began in 1981, the year in which Deng Xiaoping is reported to have told family planning officials to "use whatever means you must, but do it!" If the reports are valid, hospital infanticide is apparently not one of the forms of coercion in the Chinese family planning program that are "stopped as soon as detected" by the authorities.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in order to accommodate the interests of several Senators, the distinguished President pro tempore, Senator BYRD, has authorized me to ask unanimous consent that the time allocated to him under the previous agreement be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank Senator BYRD for that courtesy.

I now yield to the distinguished manager.

AMENDMENT NO. 827

Mr. SARBANES. Is the pending business the Simon amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Maryland, I believe, has 1 minute and 33 seconds remaining.

The Chair stands corrected. That order was vitiated.

Is there further debate?

The yeas and nays have not been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 827) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 826, AS AMENDED

The PRESIDING OFFICER. The question is now on the amendment No. 826, as amended.

Is there further debate on the amendment?

The yeas and nays have been ordered on that question.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment (No. 826), as amended, is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 874

(Purpose: To make changes in the appointment of Members to the United States Delegation to meetings with other CSCE member nations)

Mr. SARBANES. Mr. President, on behalf of Senator MITCHELL and Senator DOLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for Mr. MITCHELL (for himself and Mr. DOLE), proposes an amendment numbered 874.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, lines 17 and 18, strike "including the Chairman of the United States Delegation" and insert "unless the Speaker determines otherwise".

On page 136, lines 21 and 22, strike "including the Vice Chairman of the United States Delegation" and insert "unless the President of the Senate, upon the recommendation of the Majority and Minority Leaders, determines otherwise".

On page 137, lines 4 and 5, strike "including the Chairman of the United States Delegation" and insert "unless the President of the Senate, upon the recommendation of the Majority and Minority Leaders, determines otherwise".

On page 137, line 11, strike "including the Vice Chairman" and insert "unless the Speaker determines otherwise".

On page 137, beginning on line 14, strike out "the period" and all that follows through "for" on line 17.

On page 137, line 24, strike "from the Committee on Foreign Affairs" and insert "designated by the Speaker".

On page 138, lines 1 and 2, strike "from the Committee on Foreign Relations" and insert "designated by the President of the Senate, upon the recommendation of the Majority Leader".

On page 138, lines 4 and 5, strike "from the Committee on Foreign Relations" and insert "designated by the President of the Senate, upon the recommendation of the Majority Leader".

On page 138, line 6, strike "from the Committee on Foreign Affairs" and insert "designated by the Speaker".

On page 138, line 12, strike "Chairman of the Committee on Foreign Affairs" and insert "chairman of the delegation".

On page 138, lines 14 and 15, strike "Chairman of the Committee on Foreign Relations" and insert "chairman of the delegation".

On page 138, line 15, insert at the end thereof the following new sentence: "Each delegation secretary shall be an officer or employee of the Senate or of the House of Representatives, as the case may be.".

Mr. SARBANES. This is an amendment to bring the provisions of the bill authorizing a U.S. delegation to the parliamentary assembly of the Conference on Security and Cooperation in Europe into conformity with the statutory authorizations for the predecessor commission and for other similar interparliamentary duties.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 874) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I say to the majority leader that we think we are at or close to the point of final passage. There are still a few Senators who had listed amendments. I do not know whether any of them will choose to offer them. If not, we are prepared to go to final passage now.

Mr. MITCHELL. Mr. President, a number of Senators have inquired as to when we will be able to complete action on this bill. It is my hope that we will do so right now. If no other amendments are offered, we will proceed to a vote on final passage on the bill, and that would be the last vote of the day. We could complete action for the week with action on this bill. If not, we will stay until we complete action on this bill. We are going to finish this bill today, we hope.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. KASTEN. Mr. President, I have an amendment which I believe has been reviewed in detail, and I think can be accepted.

The PRESIDING OFFICER. Is the amendment of the Senator from Wisconsin at the desk or does he wish to offer it?

Mr. KASTEN. I wish to offer this amendment.

AMENDMENT NO. 875

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 875.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, after line 19, insert the following new section:

SEC. . AUTHORIZATION ADJUSTMENTS.

In each of fiscal years 1992 and 1993, the amounts authorized by—

(1) section 532 (a) (7);
(2) section 504 (a) (1) (E); and
(3) section 302 (a) (1) (F)

of the Foreign Assistance Act of 1961, shall be deemed to be increased by amounts authorized for, respectively—

(1) section 502 (a) (1) through (6);
(2) section 504 (a) (1) (A) through (D); and
(3) section 302 (a) (1) (A) through (E)

of such Act, and any other provision of law specifying an amount of funds that may be made available for the countries, organizations, or programs identified in such section shall not apply, if—

(a) the country or organization for which such funds were authorized has significantly reduced its military, economic or political cooperation with the United States, or there has been a fundamental change in circumstances with respect to the program for which funds were authorized, or

(b) the further obligation or expenditure of the funds so authorized becomes impossible by operation of law. Nothing in this section shall render inapplicable to reprogramming provisions of section 634A of the Foreign Assistance Act.

Mr. KASTEN. Mr. President, let me just, if I can, briefly explain this amendment. I do not believe it should take a record vote. I am hopeful that the amendment can be agreed to.

But in a number of sections of this authorizing bill, particularly the sections having to do with ESF, IO&P,

which are international programs and FMS, foreign military sales, the bill, as it is written, tries to set both ceilings and floors for certain different accounts, which would mean that in a given program the authorizing bill had authorized $10 or $100 million or whatever for a program, and for one reason or another only $90 million were authorized, that remaining $10 million could not be spent in the overall program, but that remaining $10 million would in effect be dropped.

What this amendment says is that the totals within each account would remain as authorized, but that within each of these broader accounts if the dollars were switched, the dollars that were saved could still be spent and it would not be wasted.

This is an amendment which the administration is seeking. I believe that the Department of State and the White House have been in touch with the managers of the bill. I offer this amendment on behalf of the administration, and also on behalf of the Senator from Vermont [Mr. LEAHY].

The question here is whether or not the flexibility can remain in each of these different programs. Without this amendment being adopted, a degree of flexibility, which the administration desires, would not be possible.

The PRESIDING OFFICER. Is there further debate?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. LEAHY). Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 875) was withdrawn.

Mr. KASTEN. Mr. President, I am withdrawing this amendment with the understanding that, first, this is a conferenceable item; second, what we are trying to do is to work with the managers of the bill and the administration.

The administration is concerned that without this amendment they will lose the flexibility that they need in implementing and operating a very difficult foreign assistance program as it exists. But the managers of the bill have assured me that we will look at this issue between now and when this bill goes to conference. At this point we will also be able to have additional input from the administration and others.

I think with that understanding and the hour being what it is, the course that we are following is the most expeditious course. The issue is not going to go away. I hope that the administration will be involved more aggressively in support of this flexibility issue. But for the time being I think that this is the most expeditious way to deal with this legislation.

Mrs. KASSEBAUM. Mr. President, I would like to commend the managers of the bill for the excellent work they have done in formulating this bill and steering it through what we all know can be a very rocky road in the Senate.

The successful completion of an authorization bill for foreign aid, in my view, contributes greatly to our legislative process and to our overall foreign policy. The managers of this bill have achieved a feat today that many of us, even just a few short months ago, would not have believed was possible.

In commending the effort, I would like to highlight that this bill contains some very important reform elements. Although much more needs to be done, I believe the managers should be complimented for taking the first steps toward improving the flexibility and efficiency of our foreign aid program.

As many of my colleagues on the Foreign Relations Committee know, I have been a strong supporter of reforming the foreign aid process for a number of years. Since 1987, I have repeatedly introduced legislation aimed to achieve this goal.

Today, I am pleased to vote for a foreign aid bill which includes such improvements as consolidating the number of functional accounts, reducing the number of earmarks, particularly in the ESF account, and allowing the President the flexibility to break earmarks by 5 percent in order to fund emergency assistance. The bill also adds infrastructure as a goal for our development policy, an objective I have supported given the difficulties I have witnessed firsthand in Africa. And, finally, Mr. President, this bill includes language calling for management reform at AID, which I offered as an amendment in committee.

While these efforts are a first step, I believe they are a significant starting point for a much broader review of how we legislate foreign aid and of how the executive administers the programs. I look forward to working with the managers of the bill and my other colleagues in this body who share these same concerns.

Mr. DURENBERGER. Mr. President, I want to congratulate my colleagues on the Foreign Relations Committee for bringing the fiscal year 1992 foreign assistance authorization bill to its fruition, making a valuable contribution to the foreign assistance process in this country.

Notwithstanding the Committee's good work in completing action on the bill, it is not possible for me to support final passage of this bill. I strongly object to several very key provisions. First, those that overturn crucially important U.S. policy on foreign assistance for family planning programs. Second, the provisions expanding cargo preference regulations.

President Bush has indicated that he will veto this bill because of these provisions, and I support him in that direction.

As many of my colleagues and constituents know, the 1972 Foreign Assistance Act forbids the use of the U.S. public funding for abortions in foreign countries. The Mexico City Policy of 1984 expanded this restriction, forbidding U.S. funding of any foreign organization that performs or provides counseling services for abortion.

I am strongly opposed to the use of taxpayers' money, directly or indirectly, to promote abortion in any way.

Mr. President, I must also object to the cargo preference provisions of the bill, which by any reasonable definition, are antifarmer and anti-American jobs. I cosponsored an amendment, which did not prevail, that would have struck the provisions that require 50 percent of U.S. goods purchased through the foreign aid program be shipped on U.S.-flag vessels.

Current cargo preference provisions are bad enough, but the measure passed by the Senate expands those provisions, compounding an already unsatisfactory system.

According to AID, U.S.-flag vessels cost almost $30 per ton more than more competitive foreign vessels. AID indicates that in 1990, that translates into 21.6 million dollars' worth of goods that were not purchased from suppliers in each and every one of our States.

To put it as succinctly as possible, Mr. President, each dollar spent for the more expensive U.S.-flag carriers is one less dollar spent to purchase U.S.-made products.

It had been my hope that I could support final passage on this important legislation, but there are simply too many objectionable provisions. I hope that these problematic sections can be corrected in the future.

Thank you, Mr. President. I yield the floor.

Mr. HELMS. Mr. President, the Foreign Relations Committee completed markup of the International Security and Economic Cooperation Act (S. 1435) on June 24. During the committee markup, the Senator from South Dakota [Mr. PRESSLER] offered several important provisions to this bill which were adopted by the committee.

At the urging of Senator PRESSLER, section 622(g) of S. 1435 was added to the bill. This section authorizes up to $10,000 for technical assistance to the Baltic States and to republics of the Soviet Union that have freely elected governments. It also authorizes the establishment of nondiplomatic liaison offices in the Baltic States and the democratic republics of the Soviet Union.

The Support for East European Democracy [SEED] provision in S. 1435 was strengthened by a Pressler amendment. This Senator agrees with Senator PRESSLER that the private sector is uniquely qualified to take the lead in reversing the damage communism has done to the economies of Eastern Europe. The Pressler amendment insists on stronger eligibility criteria for any United States assistance to Eastern and Central Europe, the Baltic States, or to any democratic republic of the Soviet Union. This should assure that assistance will be obligated only if significant steps toward a market-oriented economy and representative democracy, including respect for private property ownership take place.

Mr. President, I commend the Senator from South Dakota for his leadership on these measures.

SAKHAROV

Mr. GRAHAM. Mr. President, this bill establishes the Andrei Sakharov Educational Exchange Program to further cooperation between the United States and the nations of Eastern Europe in the fields of environmental protection and health sciences through exchange of graduate students.

The bill urges the President to use the authority provided to make the Andrei Sakharov Educational Exchange Act an integral part of the SEED Program.

In April 1988 I had one of those memorable life experiences when, while visiting the Soviet Union, I was able to share a meal with Dr. Andrei Sakharov and his wife Yelena Bonner at our Ambassador's resident in Moscow.

I had just toured a major Soviet research center. So during dinner I turned the conversation toward a discussion of science in the Soviet Union. I asked Dr. Sakharov what are some potential areas of scientific cooperation that might be initiated between our two countries.

Dr. Sakharov recommended a graduate student exchange program in disciplines in which there were no national security implications. He specifically suggested environment and health sciences.

Those recommendations were typical of Sakharov's pragmatism, humanity, vision and his conviction that the human condition can—should be enhanced through cooperation and learning.

A man of passion and a champion of many causes, Dr. Sakharov brought a sense of urgency to his work. Yet despite the severity of the problems with which he grappled, Dr. Sakharov was optimistic that man had the ability to find solutions and improve the world in which he lived.

We should share both Dr. Sakharov's sense of urgency and his optimism. Through cooperation and learning we can lighten our collective burden.

I applaud the committee for its action in urging the administration in moving ahead on this program.

CUBA HUMAN RIGHTS

Mr. GRAHAM. Mr. President, this bill contains language of a resolution I introduced earlier this year applauding the U.N. Human Rights Commission for approving a resolution on March 6 mandating that a special representative "maintain direct contact with the Government and citizens of Cuba" and to report the results to the commission next year.

The United Nations on July 2 appointed Rafael Rivas Posada, a Columbian diplomat, as the special representative.

The Cuban Government immediately rejected the appointment, calling the U.N. initiative part of Washington's "aggressive policy toward Cuba" and saying that "there is no justification" for it."

Mr. President, that statement would be absurd if it wasn't so outrageous. Case after case of human rights abuses have been documented since Castro took power over 30 years ago. Castro has blood on his hands, and it's well documented blood.

Amnesty International, the Puebla Institute, the AFL-CIO, Americans Watch—all have carefully documented a laundry list of violations over the years.

The United Nations itself issued one of the more recent comprehensive reports in 1988—its first ever—condemning Castro's human rights violations.

The Castro government arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nation's 1988 investigation. This after a promise from Castro that he would take no action against those assisting U.N. investigators.

Mr. President, this bill sends a strong message that the U.S. Senate, for one, refuses to forget the daily human rights abuses taking place 90 miles off shore.

I applaud the Foreign Relations Committee for adopting this language.

THE EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

Mr. HARKIN. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Connecticut [Mr. DODD], and the distinguished Senator from Vermont [Mr. LEAHY].

Mr. President, I do not believe we should be sending any military aid to El Salvador and would have preferred that Congress adopt the Adams-Harkin bill, S. 601, to end all military aid to that nation's Armed Forces. Under current law, there is enough evidence to justify cutting off all aid to El Salvador. One provision of the law, that was overwhelmingly passed by Congress last year, called for a complete cutoff of all military aid to El Salvador if there was not a thorough and professional investigation into the murder of the six Jesuit priests, their housekeeper, and her daughter, on November 16, 1989. Nearly 2 years have passed since they were brutally murdered and little progress has been made in that case. Even after Congress cut off 50 percent of El Salvador's military aid last year, the Salvadoran Armed Forces continue to obstruct the investigation. Why? Because they know that the Bush administration will let them get away with murder and continue to provide military assistance. That's wrong.

The Jesuit case is extremely important to the future of Democracy in El Salvador. In a speech at the University of Central America in San Salvador on July 1, 1991, Representative MOAKLEY, chairman of the House Speaker's task Force, pointed out the importance of this case when he said:

> For if El Salvador, with all the international pressure, cannot bring those who murdered the Jesuits to justice, how can anyone expect justice the next time a labor leader or a teacher or a campesino is killed? How can we expect those who have seen their relatives and neighbors kidnapped and tortured and murdered to lay down their arms unless they can do so in an atmosphere of justice and law? How can we expect an end to the violence of the left unless there is an end to the impunity from prosecution of the right?

Chairman MOAKLEY continued by stating his belief that there is a strong possibility that the murders were ordered by senior military officers not currently charged. So I believe there is sufficient evidence to cut off all military aid under the existing law. President Bush, however, does not see it that way. He reads the law selectively, ignores the Salvadoran Army's violations of the law, upsets the balanced approach established by Congress last year, and provides military assistance to an Army which has committed outrageous and flagrant human rights abuse against its own citizens.

Since January 1991, when President Bush announced that he would release the military aid withheld by Congress last year, human rights abuses attributed to the security forces of El Salvador have increased dramatically, when compared to the first 6 months of 1990. According to the human rights office of the Archdiocese of El Salvador, Tutela Legal, during the first 6 months of 1991, the Salvadoran Armed Forces were responsible for 42 political killings. Just a few weeks ago, on July 7, we read about the brutal murder of Martin Ayala Ramirez. According to press accounts, in an act reminiscent of the early 1980's, the military tortured and killed Martin Ramirez because of his advocacy on behalf of slum dwellers. It seems like nothing changes.

Mr. President, as I have said in the past, the armed forces of El Salvador need to be purged of human rights violators and restructured. The impunity of military chiefs must be overcome and the Salvadoran military subjected to civilian control. Democracy will not take root in El Salvador as long as the military continues to act as if law has no power over it. In the words of the late Fr. Ignacio Ellacuria, rector of the University of Central America, "There will not be democracy without democratization of the Armed Forces." And there will not be democratization of the Armed Forces if the United States continues to provide unrestricted military assistance.

Mr. President, although I would have preferred that Congress cut off all military aid, and believe that under current law all military should be cut off, I do support the Dodd-Leahy amendment to withhold 50 percent of military aid, including 50 percent of the estimated $150 million in the pipeline. It is a modest proposal. At the very least Congress should provide incentives to the Government of El Salvador to reach a negotiated settlement with the FMLN and prosecute those responsible for the murders of the Jesuits.

History will show that real, substantive progress in the negotiations between the Government of El Salvador and the FMLN began after the congress cut off funds to El Salvador's military. This Congress has a strong desire to see a democratic society flourish in El Salvador. We have invested a lot of time, energy, and resources to that end. The least Congress can do is restore the original incentives established by the law passed last year.

Now I have heard a number of people argue that voting on this amendment will affect the ongoing negotiations. Well let me ask my colleagues, when the Bush administration announced on January 15, 1991, it was releasing the funds withheld by Congress last year, didn't that affect the negotiations? When the administration announced on January 29, 1991, that it was delivering three A-37 jet fighter-bombers and six attack helicopters, did not that affect the negotiations? When senior administration officials criticized the efforts of the United Nations Secretary General's special representative to the Salvadoran negotiations did not that affect the negotiations? And when the President recently decided to disburse more than $21 million in military aid, did not that affect the negotiations? Of course it did. Not only did those actions affect negotiations, they adversely affected the negotiation process What Congress must do now is get U.S. policy back on track and provide incentives for both sides to reach a settlement. The only mistake Congress made last year, and I am glad to see this year it was corrected in the Dodd-Leahy amendment, was not providing for a reasonable check to the administration's unbalanced approach toward El Salvador. I am very much in favor of Congress retaining the right to have a final say, over whether to release the aid that would be withheld, and I thank Senators DODD and LEAHY for including that provision in their amendment.

Mr. President, it is time to stop funding the war in El Salvador. The people of Iowa as well as the rest of our country are tired of funding the military in El Salvador, and will not permit such an outrage to continue. I urge my colleagues to support the Dodd-Leahy amendment, return a semblance of sanity to our foreign policy, and help bring peace to the war-torn nation of El Salvador.

Mr. KOHL. Mr. President, it is with mixed emotions that I have decided to vote for final passage of the foreign aid authorization bill. Any complex piece of legislation contains a mix of strengths and weaknesses—and on a purely arithmetic basis, this bill has many more strengths than weaknesses. I am particularly pleased with the treatment that the bill, as reported and as amended, gives to the Middle East. While the aid to Israel and Egypt is not insignificant, the legislative language is even more important and will, in my judgment, make a significant contribution to bringing peace to that troubled region.

My vote for final passage indicates my support for the bill. The following comments will, I hope, spell out my concerns in a few specific areas and give some direction to the Conference Committee and the administration as they move this bill through the final steps in the legislative process.

First, while I am pleased by the modifications which have been made to the Mexico City policy, I am disturbed by our failure—despite overwhelming support—to resume funding for the U.N. Fund for Population Activities. In a similar fashion, I am also disturbed by our failure—despite the support of a majority of members—to adopt the Dodd amendment on aid to El Salvador. In both areas I am disappointed by the decision made and deeply concerned about the process that was followed. To have the will of the majority thwarted so consistently is frustrating; and to see the Senate rules bent to accommodate scheduling concerns as consistently as they have been, is bothersome in term of the precedent it may set.

Second, I must make it clear that I find the provisions in this bill on cargo preference to be totally unacceptable. During the debate on the Dixon amendment, I spelled out my objections to the approach taken by the committee in some detail. I will simply say here that the provision is unfair to both the Great Lakes, which can not physically accommodate American flagged vessels, and the nations who receive our aid, which will have to pay more for transportation and as a result get less actual assistance. The impact of this provision on American agriculture will be devastating: it will reduce demand at precisely the time when foreign markets are supposed to be the salvation of the communities and people who depend on our agricultural sector. I want to make it very clear that while I found this bill, on balance, to be worthy of my support, I continue to hope that the conference committee will correct this problem. If it is not corrected, I hope the President will elect to veto the bill based on his well-known objections to the cargo preference provision. If that happens, I would have little choice but to support him, and hope that the Congress would sustain the veto, and then strip that provision from the bill and pass it again.

Mr. President, while I have very real reservations about this bill, I also have a great deal of respect for the Senators who crafted it. Chairman PELL and Senators SARBANES and MCCONNELL, certainly deserve our thanks for the effort and thought they have put into this legislation. I hope that as the process continues they will be able to correct the flaws I see in it and gain my full support to the product they have labored so long to produce.

The PRESIDING OFFICER. Are there further amendments to be proposed?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third time, and was read the third time.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, has the bill been read for a third time?

The PRESIDING OFFICER. Yes.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2508, the House companion bill, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken, and the text of S. 1435, as amended, be substituted in lieu thereof, and the bill be deemed to have been read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 18, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—74

Adams
Akaka
Baucus
Bentsen
Biden
Bond
Boren
Bradley
Breaux
Brown
Bryan
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Thurmond
Warner
Wellstone
Wofford

NAYS—18

Bumpers
Byrd
Conrad
Craig
Dole
Durenberger
Garn
Gramm
Hatch
Helms
Hollings
Kasten
Roth
Rudman
Smith
Stevens
Symms
Wallop

NOT VOTING—8

Bingaman
Harkin
Lott
Metzenbaum
Nickles
Nunn
Pryor
Wirth

So the bill (H.R. 2508), as amended, was passed.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. McCONNELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I move that the Senate insist upon its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CONRAD) appointed Mr. PELL, Mr. SARBANES, Mr. BIDEN, Mr. CRANSTON, Mr. DODD, Mr. WOFFORD, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. MURKOWSKI, and Mr. MCCONNELL conferees on the part of the Senate.

BILL INDEFINITELY POSTPONED—S. 1435

Mr. SARBANES. Mr. President, I ask unanimous consent that S. 1435 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I want to express my appreciation to my colleagues, and particularly to those on the Senate Foreign Relations Committee, for their cooperation and assistance in the passage of this legislation. This is a very important development. We have had difficulty in the Senate over the last few years in passing a foreign assistance authorization bill. We are very pleased that this has occurred this afternoon.

There are many members of the committee who were enormously helpful in this effort, but I would be remiss if I did not particularly recognize the extraordinary contribution made by the ranking member of the subcommittee, the very distinguished Senator from Kentucky, who was a positive and constructive force from the very beginning. I credit a great deal of the fact that we have been able to pass this legislation to his very effective efforts, and I want him to know how much I appreciate it.

Mr. President, I also want to express my appreciation to the staff people who helped us in this matter: Dick McCall and Marcia Verville, who have worked directly with me on the committee staff, Janice O'Connell; and Gail Coppage, who did much of the backup work, and we are very appreciative to her. I do not know all of the people on the other side of the aisle at the staff level, but I do know Robin Cleveland, and I want to particularly acknowledge her wonderful efforts in this regard. I also want to single out Diana Ohlbaum of my own staff who has worked with me for quite a long time on Foreign Relation issues.

I also want to express my deep appreciation to the majority leader for giving us this opportunity to bring this legislation to the floor, and for his very steady and strong support throughout the effort.

Again, Mr. President, I thank my colleagues for this very significant vote in favor of this legislation. We hope in the not-too-distant future to be back to the Senate with a conference report which all Members can support.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me say just briefly how much I admire and appreciate the work of my colleague from Maryland, Senator SARBANES. He is truly an expert in this very complicated and difficult field. It has been a pleasure to work with him and to have a chance to observe his extraordinary legislative skills, which were demonstrated in this difficult process.

Also, we certainly appreciate the majority leader giving us the opportunity to try to move this legislation forward. I thank Senator DOLE as well for his help.

At the staff level, I want to thank Robin Cleveland of my staff who has been a superb adviser on this process from beginning to end. But it has also been a truly cooperative venture. I thank Marcia Verville and Dick McCall of Senator SARBANE's staff. I also want to thank Lorne Craner, Todd Buchwald, and Bob Lester—Lorne and Todd at the State Department and Bob Lester at AID. Finally, I thank Senators DODD, HELMS, SIMON, and BIDEN. At the crucial time near the end their decisions allowed this process to go forward.

So, Mr. President, with those observations, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to congratulate the Senator from Maryland for the tremendously successful and skilled way he managed this bill and got it through, and his able staff, Marcia Verville and Dick McCall; the majority leader, Senator MITCHELL, who is the first majority leader in 6 years to permit this bill to come to the floor and has helped us make it work. I thank him very much indeed. I thank very much Mr. MCCONNELL and Robin Cleveland for their help and support.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

TELECOMMUNICATIONS POLICY

Mr. BURNS. Mr. President, July 25 may go down as a very monumental day in the history of the ever-changing world of telecommunications.

Ever since I was elected to this Senate, and working on the Commerce, Science, and Transportation Committee, it was obvious to me that new technologies were not being deployed and made readily available to every citizen of this country, and those new technologies not being deployed fast enough. We live in a different world where information travels with the speed of light and in order for rural areas like my own State of Montana to compete in this fast moving arena of commerce, these new technologies must be available to them.

Yesterday, Judge Greene lifted the restrictions on information services for the telephone companies. It was a great decision for every American.

I applaud this decision by Judge Greene. It was only a matter of time. Now the telecommunication policy of this country can now be shaped by the Congress instead of in the courts. The people of this country must be the ones through their elected representatives who set the policy that will allow competition in the domestic marketplace and in the international arena.

The American public will now receive a host of new and innovative services over their telephone lines, not just from the telephone companies, but from others as well.

Competition, the fuel that drives innovation and technology, will truly bring America into the information age.

I must caution my colleagues, this is just one step toward a vision of the future. This decision only deals with narrowband technologies and the future demands the deployment of broadband fiber-optic technologies. My bill and Senator GORE's bill, S. 1200, is middle ground and allows that vision to become a reality. The Burns-Gore bill defines and shapes the future of an industry that will be a key to the infrastructure of commerce as the interstate highways are to the transportation infrastructure today. It was Senator GORE's father who was the moving force, working with the Eisenhower administration, that made that dream a reality for all Americans.

A broadband network for all Americans, schools, hospitals, elderly, business, both small and large, must be our overriding goal.

The Burns-Gore bill provides safeguards and has always been middle ground for all interests in telecommunications.

It is my hope that the Burns-Gore proposal for infrastructure modernization will be heard in September and passed by a Congress willing to reclaim its rightful role in setting communications goals and policies that are best for the Nation and the consumer, and there is balance for all interests involved.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.N. DEADLINE FOR IRAQ

Mr. LIEBERMAN. Mr. President, many Americans are talking about the strange and horrible case of Jeffrey Dahmer, who allegedly dismembered at least 11 people in his Milwaukee apartment. He had previously been convicted of a sex offense in 1988. After less than a year in jail, he was given early release after telling a judge, "I can assure you that it will never happen again."

Mr. Dahmer, meet Saddam Hussein.

Saddam Hussein, who has assured the world of his own peaceful intentions many, many times, has missed another deadline, and is once again telling us it will never happen again. The day has come and gone for Iraq to fully abide by the terms of a deadline imposed by the U.N. Security Council and reveal the full extent of its nuclear program.

Is anyone surprised that Saddam Hussein has not complied?

This dictator has given us every reason over the years of his rule not to trust him. That is why it may become necessary to renew air attacks on Iraq's nuclear facilities, and other military targets. If the President decides to take that course of action, I will fully support him, as I am sure will most of this Congress and the people of this country.

It is unlikely such attacks will be launched today, tomorrow, or even in the next week or so. This was not a deadline like the one Iraq faced on January 15. But Saddam should not rest easy if another day dawns in peace for him and his cohorts. If he fails to fully comply with what the world is demanding of him—and I would guess, based on his record, that he will not—then strategic targets in Iraq must be bombed again.

Today the United Nations also confronts the issue of providing aid to the people of Iraq, many of whom are suffering from shortages of food, medicine and other staples of life. As the United Nations considers this issue, let the point not be lost as to who is responsible for this state of affairs. It is not the United States. It is not the coalition forces. It is Saddam Hussein, pure and simple.

Mr. President, whatever suffering exists in Iraq results from the brutality of Saddam, not from our hand. Yet, because we are a compassionate people—because we are so different from Saddam—we are trying to find a way to help those he continues to subjugate in his own country. But we must take care not to be used by the oppressor, as we seek to give comfort to the oppressed. Any plan to tap Iraq's frozen assets, in order to buy food, medicine, and other provisions, must be administered by outside, international agencies. Simply put, we cannot let Saddam or his cohorts get their hands on one single dollar with which we seek to help the people of Iraq. For we can be sure that dollar will be quickly laundered for us in rebuilding Iraq's military might or to feed Iraq's soldiers instead of its children.

The fastest, most efficient way to get food, medicine and other necessities of life to the children of Iraq and to bring a better day for the people of Iraq, is to get rid of Iraq's ruler. Yes, let us pursue humanitarian courses of action as best we can. But let us not let up in our desire to rid Iraq and the world of the menace of Saddam Hussein. The Iraqi people, perhaps best of all, realize that. In yesterday's Wall Street Journal, there is a fascinating account by reporter Tony Horwitz, of the open contempt many Iraqis feel toward Saddam. "American came all this way to liberate Kuwait, but did nothing to liberate us," he reports one student as saying. And the owner of a small shop yells out to him, "Tell Mr. Bush to come back and finish his business!"

I agree. Let us finish our business. Defeating Saddam, once and for all, is the key to real peace, health, security and hope for the people of Iraq and their neighbors around the region and the globe, people around the world. Whether his fate hangs on the guidance controls of a smart bomb, or in the mind of an angry Iraqi veteran, Saddam's time must be up.

Mr. President, it appears Jeffrey Dahmer's alleged crimes were not discovered by authorities earlier in part because his probation officer was excused from making on-site visits to his home, due to a heavy caseload.

Let us not make the same mistake on a global scale.

Let us not give Saddam Hussein probation for his crimes.

Let us not give up on on-site visits, by inspectors and, if necessary, our bombers.

Let us not give up our efforts to prosecute Saddam for his crimes against humanity.

Let him never forget that he will have no peace until the end of his days of power.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

DESIGNATING SENATOR KERRY MANAGER OF S. 1433

Mr. PELL. Mr. President, I understand I have been designated as the manager of the bill. I, in turn, designate the Senator from Massachusetts [Mr. KERRY] to be the manager of this bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized as the manager of the bill.

Mr. KERRY. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee. I would like, at the request of the leaders, to propound a unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT
S. 1433

Mr. KERRY. Mr. President, I ask unanimous consent that at such time the consideration of S. 1433, the State Department authorization for fiscal years 1992 and 1993, occurs that the following amendments be the only amendments in order to the bill, and that these amendments be subject to relevant second-degree amendments; and I further ask unanimous consent that no motion to recommit be in order during the pendency of these amendments.

Mr. President, the amendments are as follows: a Mitchell amendment, leadership amendment; a Dole amendment, leadership amendment; a managers' technical amendment package; an amendment by Senator LEVIN on South Africa; Senator HELMS, missile technololgy; Senator MURKOWSKI, Moscow Embassy; Senator HELMS, second degree to Senator MURKOWSKI, Moscow Embassy; Senator BUMPERS, credit guarantees; Senator GLENN, resolution on Kuwait; Senator PELL, Kurdish broadcasting; Senator PELL and Senator HELMS, chemical-biological weapons; Senator SIMON, the Foreign Service promotions, sense of Congress on Boris Yeltsin, and language on training—three amendments; Senator ROCKEFELLER, employment of U.S. citizens at U.S. Embassies; Senator HATCH, USIA Cultural Center, Moscow; Senators BROWN and LUGAR, post-open and closings, USIA: Senator BROWN, the NED Board, restrictions; Senator MITCHELL, Soviet exchanges; Senators DOLE and SIMON, Armenia; Senator KERRY of Massachusetts, personnel property loss; Senator MOYNIHAN, New York Bridge Authority; Senator PELL, East Timor; Senator SEYMOUR, PLO; Senator DIXON, passports/noncustodial; Senator ROTH, sense of the Senate, United States nuclear weapons in Europe; Senator SPECTER, Ben Franklin House; Senator LIEBERMAN, antiboycott Israel; Senator GLENN, Kuwait/U.S. contracts; Senator WALLOP, U.S.S.R. reimbursement, Embassy; Senator WALLOP, global warming; Senator WALLOP, a second amendment on global warning; Senator KERRY of Massachusetts, Moscow Embassy; Senator HELMS, arrearages on international organizations; Senator BRADLEY, student exchanges; Senator KASTEN, EEO grievance procedures; Senator MACK, economic freedom; Senator SMITH, Southeast Asia policy; Senator COATS, East-West Center; Senator PRESSLER, hiring practices; Senator WOFFORD, world net; Senator MCCAIN, Vietnam; Senator SEYMOUR, Vietnam; Senator KERRY of Massachusetts, Vietnam; Senator HATCH, special agents; Senator BROWN, China deportation; Senator BIDEN, China report; Senator HELMS, New York City reimbursement; Senator BROWN, new loans to be repaid; Senator MURKOWSKI, defense credit guarantees; Senator BROWN, striking dollars for international coffee organization; Senator BIDEN, Middle East; Senator RIEGLE, Soviet Union; and Senator BIDEN, Radio Free Europe-Radio Liberty.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BROWN. Reserving the right to object.

Mr. KERRY. I add two additional amendments for Senator SMITH, one on Southeast Asia policy and two on Southeast Asia policy. Mr. President, I reserve an additional amendment for myself on Southeast Asia policy.

Mr. President, an additional amendment, Senator GRASSLEY, Treasury Department on assets, and, Mr. President, an amendment by Senator GORTON, Yugoslavia.

Mr. BROWN. Reserving the right to object, Mr. President, and I will not object, but I would like to note for the record that Senator CRAIG had wanted to offer an amendment on debt reduction for Latin American debts. An objection was raised by another Senator that threatened the entire agreement and it could have made it impossible to bring up the bill at all.

Senator CRAIG has, in an effort to accommodate the Senate, been willing to withdraw his amendment. He will offer it on another measure. But I wanted to, first of all, commend Senator CRAIG for his efforts and second, serve notice that I believe a vote on debt reduction should take place, and that I intend to do all that I can to make sure it does take place within the next week.

Certainly we ought to be willing to accommodate the schedule, but it is an important issue that should not go by. I want Members to know we will have a vote on that at the appropriate time in the coming week.

I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object, if I might just add to my colleague from Colorado, first of all, I appreciate his cooperation throughout this process and particularly as we have tried to narrow down the amendments. The narrowing from the list obviously has some distance yet to travel, but it is our hope, obviously, that a great many of these amendments will not necessarily materialize in the short time that we will have to consider this legislation.

I also want to thank the Senator from Idaho [Mr. CRAIG] for his forbearance. He obviously could have insisted. I think the Senator has well expressed our appreciation for his willingness today to proceed forward at this moment in time. We do acknowledge it. I hope we can have that cooperation as we proceed to consideration of this bill.

Having just been through several days that have offered enormous opportunity for creativity in foreign affairs, we hope we would be able to move this piece of legislation somewhat more rapidly.

Mr. President, I do at this point have no further amendments to add and have no objection to offer.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Massachusetts, as modified? If not, that will be the order of the Senate.

The agreement is as follows:

Ordered, That at 12:00 noon on Monday, July 29, 1991, the Senate proceed to the consideration of S. 1433, A bill to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, the following amendments be the only amendments in order, and that they be subject to relevant second degree amendments:

Mitchell—Leadership amendment.
Dole—Leadership amendment.
Managers—Technical amendments.
Levin—South Africa.
Murkowski—Moscow Embassy.
Helms—2d degree to Murkowski.
Bumpers—Credit guarantees.
Glenn—Resolution on Kuwait.
Pell—Kurdish broadcasting.
Pell/Helms—Chemical biological weapons.
Simon—Foreign Service promotions.
Simon—Sense of Congress, Boris Yeltsin.
Simon—Language training.
Rockefeller—Employment of U.S. citizens at U.S. embassies.
Hatch—USIA cultural center/Moscow.
Brown/Lugar—Post open/closings, USIA.
Biden—Radio Free Europe/Liberty.
Biden—China Report.
Helms—Missile technology.
Brown—NED board/restrictions.
Mitchell—Soviet exchanges.
Dole/Simon—Armenia.
Kerry—Personnel property loss.
Moynihan—N.Y. Bridge Authority.
Pell-East Timor.
Seymour—PLO.
Dixon—Passposts/non-custodial.
Roth—Sense of Senate on U.S. nuclear weapons, Europe.
Specter—Ben Franklin House.
Lieberman—Anti-boycott/Israel.
Glenn—Kuwait/U.S. contracts.
Wallop—USSR reimbursement/embassy.
Wallop—Global warming.
Wallop—Global warming.
Kerry—Moscow embassy reparations.
Helms—Arrearages/international organizations.
Bradley—Student exchanges.
Kasten—EEO grievance procedures.
Mack—Economic freedom.
Smith—S.E. Asia policy.
Coats—East/West Center.
Pressler—Hiring Practices.
Wofford—World net.
McCain—Vietnam.
Seymour—Vietnam.
Kerry—Vietnam.
Hatch—Special agents.
Brown—China report.

Helms—Mandela/N.Y. money.
Brown—New loans to be repaid.
Murkowski—Deficit credit guarantees.
Brown—Strike money for international coffee organization.
Biden—Middle East.
Riegle—Soviet Union.
Smith—S.E. Asia policy.
Smith—S.E. Asia policy.
Kerry—S.E. Asia policy.
Grassley—Treasury Department assets.
Gorton—Yugoslavia.

Ordered further, That no motion to recommit be in order during the pendency of this agreement.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Minnesota [Mr. DURENBERGER] to the Advisory Commission on Intergovernmental Relations.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,323d day that Terry Anderson has been held captive in Lebanon.

COMMENDING THE ARCHITECT OF THE CAPITOL ON PLAN FOR CAPITOL VISITOR CENTER

Mr. MOYNIHAN. Mr. President, I rise today to commend the Architect of the Capitol, Mr. George White, for the ambitious plan he presented to the Rules Committee on Tuesday, July 23, to construct a visitor center underneath the East Plaza of the Capitol. The committee approved the conceptual plan and authorized proceeding with further design.

When undertaking such endeavors we ought to preserve the original design for the Capitol Grounds by Frederick Law Olmsted, an elegant plan with patterns resembling Tiffany glass. The elevation of new fixtures, such as fountains on the East Plaza, should conform as closely as possible to the motif of the Olmsted plan. Furthermore, the Architect's plan should contain no names until and unless Congress authorizes naming the fixtures.

SUBCOMMITTEE ON HEALTH FOR FAMILIES AND UNINSURED HEARING ON MEDICAID ISSUES

Mr. BRADLEY. Mr. President, the Subcommittee on Health for Families and the Uninsured is meeting today to discuss a series of issues about which Congress has made its intent and commitment clear. Addressing the plight of the poor and vulnerable segments of our society led to the creation of the Medicaid Program almost 30 years ago and, more recently, the Materinal and Child Health Block Grant Program. The rising cost of health care, a depressed national economy, shameful national infant mortality statistics, increasing numbers of uninsured, increasing numbers of children living in poverty, and an aging society, have served as the impetus in the last few years to expand the Federal role in providing greater access for these vulnerable segments of American society to health care services through Medicaid expansions. Because the Medicaid Program is a partnership between the States and the Federal Government, these mandates necessarily placed an increasing financial burden on States.

In order to fulfill Federal Medicaid expansions at a time when the national recession is driving up the need for public assistance and driving down general tax revenues, many States have implemented innovative programs to raise the necessary matching funds required to comply with the mandates. The States have needed flexibility in financing plans to provide the mandated services to the poor, elderly, and disadvantaged. Congress rejected the administration's attempts to deny States the flexibility represented by voluntary contributions and provider taxes in 1988, 1989, and 1990. Although Congress supports the States in their efforts to comply with Federal mandates for Medicaid expansions, we would discourage gaming of the system which would compromise the Federal-State partnership for shared funding.

In order to deliver the services supported by the maternal and child health block grants, coordination with other public health service programs has been necessary and encouraged. The planned shift of the MCH programs away from Public Health Service to the newly established Administration for Children and Families in the Department of Health and Human Services may compromise the linkages and coordination of health services which have been so successful in addressing the needs of poor women and children. I question the benefits to be gained by isolating these services at a time when we have begun to see improvement in national infant mortality statistics.

Another issue which this hearing will address is an issue in which I have been actively involved, provision of health benefits and improved access to health care for our elderly poor. It concerns me that the benefits established by Congress in the qualified Medicare beneficiaries legislation is not reaching the population for which it was established.

I hope that the hearing today will shed some light and answer some questions about the programs that Congress has worked hard to establish for the more than 26 million persons on Medicaid. Cost containment concerns of Medicaid will require comprehensive restructuring of the health care delivery system. However, the over 13 million children who receive health care with Medicaid coverage and millions more pregnant women and elderly poor cannot wait for comprehensive reform.

THE BELLE FOURCHE COWBOY BAND

Mr. DASCHLE. Mr. President, this year South Dakotans celebrate their unique heritage in a special way, for this year marks the 60th anniversary of the Belle Fourche Cowboy Band. The cowboy band has been performing at parades, rodeos, band shell concerts, and special events since 1931. Our spirit and pride in South Dakota's cultural history are embodied in the band, which, over time, has grown from 26 to almost 100 members. In their red cowboy shirts, blue jeans, white chaps, and white hats, the cowboy band has entertained not only the people of South Dakota, but audiences throughout the country.

Recently the Belle Fourche Cowboy Band was featured in "A History of Butte County South Dakota," by Kay Heck. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COWBOY BAND STORY

(By Kay Heck)

The Belle Fourche Cowboy Band was officially organized in 1931, but the history of local bands goes back before the turn of the century. In 1897 a band was organized involving such people as Attorney Tom La Fleisch, Dr. J.H. Champney, Dr. B.H. Harms, Prof. Rowland, Paul Bravo and J.H. Pearson. The first school band was started about 1910 by Joe Thullen, son of a pioneer blacksmith. This group was just getting a good start when Thullen moved to California to study art and music. In 1912 John Neal and Charles McClung, Sr. organized a small band which they held together about two years. Neal was an ex-theater musician from Chicago and McClung was the Butte County Register of Deeds.

In 1922, Neal and J.H. Pearson organized a band, Charlie McClung, the son, conducted a benefit concert in the old Pearson Opera House while visiting in the community. It was this appearance that led McClung to Spearfish and band work in the area. At one time Charlie had played trumpet in one of the John Philip Sousa's bands in Chicago.

In August of 1927 when the sugar factory came to town, J.H. Pearson appeared before the Commercial Club and asked for support for a band. The commission voted a one mil levy and McClung, having completed contracts in the eastern part of the state, organized the Belle Fourche Municipal band in the spring of 1928. The Black Hills Round-Up donated $500 and the Chamber of Commerce $250, which covered the budget for one year. In 1928, the high school added a band to their program with McClung as instructor. He remained instructor of the high school band and director of the municipal band until 1946.

At the urging of L.C. Morrison, secretary of the Chamber of Commerce and the Round-up, additional band support was received and the municipal band became the first Cowboy Band in June of 1931. The band had 26 members, some of whom were just out of school and some who had played in military bands in World War I.

Members of that original band organized in 1931 included: Kenneth Jay, Wilder Mabbott, Frank Gordon, Ted Thorson, Dale Adams, Jack Feeney, Ted Weiler, Harold Sheldorf, Sylvia Palety, Edith Arnold, Dave Clark, Bob McClung, Vern Gage, Joe Arnold, Dick Whitfield, Cy Elrod, Emery Boyer, Clarence Dodson, Vern Peterson, Bill Noble, Bill Care, Andy Gilbert, Jack Eccles, Harry Critchfield, J.H. Pearson and Director Charlie McClung.

Credit for the colorful attire of the band should go to L.C. (Red) Morrison, who was the Black Hills Roundup manager and Commercial Club secretary in those days. The state had elected Tom Berry, a cowpoke in the Will Rogers mold, as governor, and Gov. Berry was invited to the Roundup. To make the governor feel at home, Morrison persuaded the band to dress as cowboys and paraded them at the Roundup as the governor's own band.

Director Charlie McClung was quoted in recalling the occasion: "We wore 10 gallon hats, black and white shirts and buff corduroy pants tucked into fancy green and brown boots. We bought the clothes on credit, banking on paying for them out of Roundup profits. That year Roundup went $8000 in the red." Gov. Berry took the band as his own. He was later invited to the state fair at Huron. Many bands offered their services but Berry said: "Thanks, but I got a band of my own. A high-heel corral band." He phoned Mayor Dan McCutcheon and told him to send "my cowpoke band down here for my visit to the state fair."

The Cowboy Band reacted. They rented a bus, which got them as far as Highmore before it broke down. When they got to the state fair grounds at Huron they slept in tents, but they were there when the governor called for them. No one really knows how the trip was financed. This was in the middle of the depression and dollars were scarce, but the band made it.

Charlie McClung was a colorful character and much of that probably rubbed off on the organization in its formative years. McClung took fluctuations of quality in stride. "When we sound good, folks talk about our music. When we sound lousy, they compliment our colorful appearance."

Through the years, the band has brought credit and publicity to Belle Fourche. The band has played summer engagements from Miles City, MT, to Colorado Springs, CO, to Sheridan, WY. In 1935 the band was invited to play for visiting dignitaries at the Stratosphere Bowl during the time the National Geographic Society and the Army were making their famous balloon flights.

In 1949, the band took the longest trip in its history. It was invited to be the official band at the "Pike's Peak or Bust" rodeo at Colorado Springs. The band was gone for a week and costs were paid by the Colorado Springs Rodeo Association.

In June of 1953, the band was invited to play for President Eisenhower at a gathering of Young Republicans he was addressing at Mount Rushmore. The band was designated as the President's official band at this occasion.

There have been many Cowboy Band directors, but the best known was the original director Charlie McClung. He was followed by Bob Bartelt, Russell Olmsted, Vic Fondy, Charles Peyton, Gene Melton, Wayne Shuck and a variety of others. For a period of years the high school band director usually took over directing the summer band.

In 1983, after a lapse in the band organization, the first mass reunion ever of Cowboy Band members was held. The band's successful appearances during the 4th of July holiday renewed interest in the band and now a reunion is held every year during this time with a "round up" being held every three years. The band plays toe the tree rodeo performances, marches in the parade, plays for the class reunions held at this time and presents a concert in the Chassell Memorial band shell in Herrmann Park. The original uniforms have given way to red cowboy shirts, blue jeans, white chaps and white hats. New members are welcome and "old" members come from as far away as Alaska, Hawaii, Ohio—all over.

It is a joy and a pleasure for the band members to be able to bring their music to the city of Belle Fourche, and perhaps, as we march or present the concert, Charlie McClung is there in spirit and maybe we still give credibility to a statement he made about his band at one time: "I can get more pep out of that cowboy bunch than any band I ever waved a baton in front of."

COMMEMORATION OF CAPTIVE NATIONS WEEK

Mr. PRESSLER. Mr. President, President George Bush proclaimed the week of July 14–21 as "Captive Nations Week." Today, I would like to acknowledge the anniversary of this traditional observance, which began in 1959. For 32 years, not 1 year has passed by without a declaration by the United States President supporting the people in all nations who are forced to live in captivity—from Armenia to Afghanistan. I commend President Bush for his contribution to this tradition.

Americans who have ethnic roots in the Ukraine, Lithuania, or Cuba and all people who support freedom have inspired hope in the people of the captive nations. The desire for individual liberty and freedom has never died in those countries.

Despite the fall of the Berlin Wall and the spectacular and heartening events in Eastern Europe over the last few years, freedom remains elusive for many. I note especially the Baltic States of Lithuania, Latvia, and Estonia, which to this day are militarily occupied by the Soviet Union. I wish to speak also of the brave Armenians and Georgians, who over the last several years have suffered in the pursuit of freedom.

Mr. President, as Lenin himself acknowledged, Soviet Russia is a prison of nations. Indeed, the Soviet Union is composed of over 150 different nationalities with their own ancient cultures and proud traditions that have been stifled by Sovietization. This campaign to annihilate the cultural uniqueness and the diversity of the Soviet Union's many nationalities was resisted by the families and small communities which kept alive their history and traditions. These men and women are heroes in their nations.

Mr. President, empires are no match for the struggle of men and women for freedom. Unfortunately, the struggle for freedom is not won easily. I'll never forget the sight of innocent Lithuanians slaughtered by Soviet troops and tanks this past January. As President Woodrow Wilson so aptly stated in 1917:

> No peace can last or ought to last, which does not accept the principle that governments derive all their powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property.

Mr. President, I introduced a resolution last month with Senator HELMS that sets out the history and the struggles of the people of Moldavia. Moldavia, once a part of Romania, was annexed by the Soviet Union in 1940 under the terms of the Nazi-Soviet Pact of 1939. My resolution calls for U.S. support for the right of the Moldavian people to self-determination as defined in the Helsinki Final Act. My resolution does not take a radical position. It simply spells out the facts and asks for justice.

I applaud all those who seek to improve their lives through democracy. Captive Nations Week gives all Americans the opportunity to reflect on our own revolutionary past and our own battle for independence over 200 years ago.

FAMILY INCOME GROWTH IN THE 1980'S

Mr. KASTEN. Mr. President, I rise today to respond to the Center on Budget and Policy Priorities distorted report on family income. This report combines every conceivable methodological bias used to distort facts and promote class warfare.

The report released on July 24 looked at changes in family income from 1977 to 1988, using data calculated by the Congressional Budget Office [CBO] and adjusting for household size and inflation. The report concluded that the income gap between rich and poor widened in the 1980's and that "changes in Federal tax policy also contributed to the widening gap in aftertax income."

Mr. President, the Senate Republican Conference Task Force on Economic Growth and Job Creation, of which I am the chairman, released an analysis refuting the assertions in the Center on Budget and Policy Priorities report:

First of all, the base years in the report include the Carter administration.

The center's report lumps the 4 years of Jimmy Carter's administration, 1977–80, with the Reagan-Bush years, 1981–88, in its definition of the decade of the 1980's. Including the Carter years in an analysis of the Reagan-Bush years is not only intellectually dishonest but it biases the results; 1980—the last full year of the Carter administration—was the worst single year for family income in postwar history; real middle American family income dropped by $1,817.

Second, the U.S. Census Bureau is the authoritative source for family income statistics.

The U.S. Census Bureau, not CBO, is the authoritative source of family income data. According to the Census Bureau, since 1982—the year that the Reagan-Bush economic policies were implemented—real family income for the bottom fifth of families jumped 12 percent. Middle American family income is at an all-time high of $34,213.

Third, CBO family income data are flawed.

The real family income data used in the report is presented as inflation adjusted. However, inflation is not removed from capital gains income. As a result, capital gains as a share of income and as a source of income changes over time are grossly overstated. The CBO data are misrepresented as being inflation adjusted, and the lack of appropriate inflation adjustment for capital gains distorts all of the income data. It is simply a mistake to present real family income data which includes the effects of inflation.

The CBO data fully includes capital gains in income but does not include capital losses over $3,000. This asymmetrical treatment of capital income also distorts the income measures, and is misleading. Consequently, income in the top two quintiles is exaggerated.

While fully including capital gains realized by the affluent, the CBO data exclude capital gains accrued to the middle-class such as pensions and housing. This further distorts the CBO family income data.

Mr. President, I would hope that in the future my colleagues would examine the hard facts first before quoting reports based on flawed data and biased methodologies.

I ask unanimous consent that a report by Congressman DICK ARMEY, ranking member of the Joint Economic Committee and an article by economist Thomas Sowell on the subject of family income data be entered into the RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CBO MISMEASUREMENT OF CAPITAL GAINS INCOME

(Congressman Dick Armey, Ranking Republican Member, Joint Economic Committee, June 27, 1991)

This paper will review the controversy generated by my recently released study entitled "Distorting the Data Base: CBO and the Politics of Income Redistribution," hereafter the Armey report. As noted in that report, CBO's methodological errors, $75 billion capital gains realization forecast mistake (50 percent margin of error), and lack of disclosure remain significant problems. Over a five-year period the forecast mistake alone amounts to an error of $375 billion.

Unfortunately, CBO has failed to address the substantive points raised in this study, opting instead for obfuscation. The CBO response to the Armey report has raised further questions about the agency's credibility, nonpartisanship, and analytical objectivity.

CBO capital gains projections are used to calculate real family income data, baseline revenues for budget purposes, and are a focus of controversy over CBO revenue estimation. Thus they are integral to some of the most controversial issues in contemporary politics. CBO family income data are used by congressional committees, and are included in the Ways and Means Committee Green Book. My report showed that CBO treatment of capital gains exaggerated capital gains generated in 1990; thus the Green Book CBO data were especially misleading and useful to those fomenting class warfare in 1990 and 1991 and arguing against enactment of a reduced capital gains tax rate. However, CBO did nothing to disclose the huge errors in its capital gains estimates incorporated in the 1990 data.

"UNUSUAL METHODOLOGY" IN DERIVING REAL CAPITAL GAINS REALIZATIONS

My report accurately stated that CBO methodology was "unusual" because it is unusual to present capital gains realizations as a component of REAL income without making a basis (purchase price) adjustment for inflation. Contrary to CBO's assertion that CBO data methodology is fully explained in various publications, the CBO publications say nothing about CBO's lack of a basis adjustment in deriving real capital gains, and neither do the Green Books. Virtually any economist will tell you that it is simply a mistake to use nominal capital gains realizations in real income. If realizations are used as a component of real income, they should be basis adjusted to remove the effects of inflation.

Furthermore, as the head of the Commerce Department's Bureau of Economic Analysis has pointed out, official government family income data exclude capital gains realizations specifically because of adjustment problems and because they provide a misleading view of real family income trends. It is the CBO method of combining separate IRS capital gains data with Census income data to generate changes in real income over time which is unique, and defective.

CBO DOES PORTRAY ITS DATA AS "REAL INCOME"

The term "real income" means that the effects of inflation have been removed. However, CBO does not remove inflation from the capital gains component of income even when calculating real income. Thus CBO overstates real capital gains income both as a share of average income in any one year, and as a source of changes between years. Though the focus of the Armey report was not on distributional data per se, the CBO director has stated that CBO methods create distortions so that distributional results would be different if CBO nominal income data were not warped by the presence of inflation.

The Ways and Means Democrat staff has followed CBO practice in referring to these data as "real income." For example, on page 18 of a July 1988 CBO report the term "real income" is used four times in a single paragraph to describe CBO tax model data. On the same page the term real income appears three times in a footnote specifically comparing the CBO data to Census data on "real family income."

On pages 1292 and 1293 of the 1991 Green Book the terms "inflation adjusted income" and "real income" are used in the same context, with at least five more references to "real income" on page 1294 of the same document. The 1990 Green Book also has numerous references to real income.

Virtually nobody was aware that CBO included nominal capital gains in calculation of real income. CBO does not disclose its failure to make such an adjustment, keeping data users in the dark, and explaining one reason why the Armey report has attracted as much attention as it has.

CBO MEASURE DISTORTS THE MEASUREMENT OF FAMILY INCOME

The fact that CBO's treatment of capital income distorts the measurement of income and tax burden was acknowledged by the CBO director in a letter which was attached to the Armey report. According to the CBO director, "The inclusion of the inflationary component introduces certain distortions into distributional analyses * * * if the inflationary component could be removed, the incomes of those near the top of the distribution would be reduced relatively more than the incomes of those in the middle and bottom of the distribution. In a given year, the distribution of the tax burden would then be seen to fall more heavily on upper-income groups than is depicted by the currently available analyses. * * *"

He then goes on to say that if the "inflation rate were constant, the fraction of nominal income did not vary year to year, and the holding period for assets remained unchanged, comparisons between years would not be affected by removing the inflationary component of income." He concedes, however, "these conditions clearly have not been met."

Nonetheless, CBO has presented a hypothetical example which assumes an unvarying holding period and concludes that CBO has understated the income growth of the affluent. However, this is clearly an invalid example since the holding period does vary year-to-year, and because the holding periods of individual assets in any year also must be weighed to produce a weighted average holding period for each year for even roughly accurate measurement.

Furthermore, including nominal capital gains, which reflect inflation over many years, with income from other sources not materially affected by prior inflation bloats the share of capital gains in income in any year. By exaggerating the importance of capital gains in income, changes in nominal capital gains realizations over time would have an exaggerated effect on changes in total income and that of affluent families.

REAL ACCRUALS VERSUS NOMINAL REALIZATIONS IN REAL INCOME

The existence of other "deficiencies" in CBO income data does not excuse or provide a sound basis for CBO's misrepresenting an inflation distorted component of income as inflation adjusted. In addition, the CBO argument that the inclusion of nominal capital gains in real income substitutes for and is justified by complications regarding accrual accounting borders on the absurd. This is particularly true given the economic situation in 1990 and the fact that hundreds of billions of dollars worth of assets accruing to middle income families are not counted at all by CBO. Consideration of the situation in 1990, the end-year of the family income data in the 1990 Green Book, shows that the result of CBO methods and real accrual accounting would yield dramatically different results.

The report pointed out that capital gains calculated on an accrual basis is the appropriate approach if capital gains are to be included in real income.

Even CBO acknowledges that real accrued capital gains is the conceptually correct approach. However, the use of accrual accounting in 1990 would not have generated large increases in capital gains. After all, the economy was in recession, stock prices fell in real terms, and a massive asset liquidation was underway in several sectors. The NYSE composite index fell about 10 percent over the 12 months of 1990 after adjustment for inflation. Year over year, the index was down nearly 4 percent in real terms. Given the problems in other asset values, it seems unlikely that accrued capital gains income was much of a boost to the real income of any group in 1990, a recession year. Instead, real capital losses are much more likely.

Most of capital gains represent inflation, with real gains at most showing very modest increases. If one were to use the Standard and Poor's (S&P) 500 as a proxy for capital values, the average annual growth rate of accrued real capital gains would amount to 0.89 percent, less than 1 percent a year over the last 20 years. Both as a proportion of income and as a contributor to real income growth, real accrued capital gains would have been quite modest. In contrast, the average growth rate of nominal capital gains was 7.2 percent, over eight times the real figure.

However, annual real accrued gains in 1990 provide an even better illustration of the extent of CBO data distortion. The key issue is that CBO's methodology generates "real" capital gains increases in 1990 relative to 1977, while the correct measure would almost certainly show a decline. The CBO increase in real capital gains between 1977 and 1990 amounts to about $160 billion, while accrued real capital "gains" in 1990 would have been negative. Federal Reserve data show stock values down $260 billion, land values down $143 billion, and the value of residential structures down $69 billion; an adjustment for inflation would increase the amount of these nominal losses. According to the Federal Reserve, in 1990 the decline of net worth was the largest on record in the postwar period, despite CBO's projection of record capital gains.

Obviously the CBO methodology grossly distorts this component of income. It is incredible that CBO would dispute this point for a recession year—1990—amidst falling real stock prices and one of the largest asset liquidations in American economic history. CBO's assertion that the use of nominal capital gains is a satisfactory substitute for real annual accruals is preposterous, especially given the end-year of 1990 chosen in the 1990 Green Book.

CBO CAREFULLY AVOIDS MENTION OF $75 BILLION ESTIMATION ERROR, BUT DISPUTES BUDGET IMPLICATIONS

In a recent letter distributed to selected members of Congress, CBO refers very delicately to the fact that its "estimates are never precisely accurate" and that the CBO estimate of capital gains for 1989 was too high. Even this letter does not refer to the magnitude of the 50 percent error, which amounted to about $75 billion in 1989 and $375 billion over five years.

CBO claims that the Armey report misunderstands the budget impact of its huge error under current, admittedly arcane, budget rules. However, the Armey report is not based on the budget process, but on how Congress reacts to expected tax revenues—it spends them. If the projected revenue baseline is too high then Congress will build additional spending into the outlay baseline to fit the projected revenue envelope, and then some. When the deficit targets become effective in calendar 1993, the resulting imbalance between revenues and inflated spending means that "a serious budget crunch, and possibly sequester, may result in budgetary out-years."

This interpretation of congressional spending habits is well founded in public choice economics and the way Congress actually operates. CBO just missed this point entirely. Not incidentally, House Democrats have indicated that their tax and spending decisions will be guided by CBO budget estimates.

CBO FAILED TO CORRECT ITS ESTIMATES OR DISCLOSE ITS CAPITAL GAINS ERROR ON ITS OWN

It is bizarre for CBO to dispute this point of the Armey report and raise it as an issue because it is a matter of public record that CBO has done nothing to disclose or correct its capital gains error incorporated in the widely circulated 1990 family income data, despite its intensely partisan use. Only the issuance of the Armey report informed Congress, the public, and the media that the $75 billion capital gains error existed in the first place. Until this time, members of Congress, economists, and the public in general had been kept in the dark about this mistake.

Given the controversies over the issue of capital gains taxation, family income trends, and CBO scorekeeping of capital gains, the existence of this $75 billion mistake would have been of great interest to members of Congress, economists, the media, and the public. Instead, CBO denied access to this information. Why did CBO choose not to disclose its capital gains error?

WHERE'S THE BEEF?

The assertion by CBO that it had adjusted its revenue baseline downward because of its capital gains error seems especially dubious since its technical reestimate of July 1990 was made before 1989 annual capital gains data were available. Capital gains are mentioned nowhere in the CBO document as a significant component of its July 1990 technical adjustments. A request for a complete accounting of the July 1990 technical reestimate was ignored by CBO.

Under the July 1990 CBO technical reestimate, personal income tax revenues were adjusted downward by $12 billion in fiscal 1991 and $9 billion in 1992, relative to the January 1990 forecast. The average reduction in annual revenues over the forecast horizon (1991–1995) is $8.2 billion. One specific problem cited by CBO in its July reestimate was a downward revision in wage and salary income due to technical factors. This income revision, amounting to $58 billion in 1989, with effects in following years, would certainly affect projected revenues. An average tax rate of about 20 percent applied to this $58 billion would account for roughly $12 billion in annual individual income tax shortfalls in 1989 and 1990, with significant revenue effects in following years. This alone would account for most of the July 1990 CBO technical reestimate of personal income tax revenues over the forecast horizon, even if certain increases in the level of personal business income are included to offset some of the losses in labor income.

If the July 1990 CBO reestimate incorporates capital gains, where are their effects? The wage and salary revision already accounts for all or almost all of the reestimate in personal income taxes in the out-years. CBO cannot document its claim that the technical reestimate included the effects of its capital gains error. The revenue effects of the capital gains overestimate would be about $20 billion annually, a much larger amount than is consistent with the July reestimate, particularly given the wage and salary revision CBO does specifically mention. The July 1990 reestimate reduced 1994 personal income tax revenues by only $6 billion; this is not consistent with a $75 billion reduction in baseline capital gains income in 1994.

The most significant mention of capital gains is in the January 1990 CBO submission which asserted that 1990 revenues would be boosted by higher than expected 1989 capital gains revenues. According to CBO, "gains from the sale of capital assets appear to have increased during 1989 more than CBO projected." If capital gains were a factor later in the year in the opposite direction, one could reasonably expect some discussion of this. There isn't any.

Capital gains comprise a relatively modest portion of nonwithheld taxable income. A slowdown in these revenues could come from many different components of this income and other sources, including the economy slipping into a recession unforeseen by CBO, which it was. Some slowdown in withheld and nonwithheld tax revenues would be expected as the economy entered the recession in July. This factor, along with the technical revision in wage and salary income, leaves little if any room for any adjustment in capital gains revenues claimed by CBO. If the emerging recession had no effect on tax revenues, and the large reduction in wage and salary income had no revenue effect (though CBO cites it specifically as an important factor), and if no other factors were present, the outyear personal income tax revenue changes in the reestimate still would be too minor to cover the lost capital gains revenue.

CONCLUSION

The Armey report concluded that CBO had misrepresented its real income data because they included a large component of inflation in capital gains which distorts the CBO real family income data. Nothing CBO has said changes this fact. This grossly exaggerates 1990 real capital gains relative to 1977 based on the correct concept of real accruals.

The Armey report disclosed for the first time that CBO had overstated capital gains realizations by $75 billion in 1989 ($375 billion over five years) and following years. CBO had failed to disclose this estimating error on its own although it would have been of great interest to the Congress, media, and public. Nothing CBO has said changes this finding.

The Armey report pointed out that the way CBO combines income data from different sources is unusual, and the official who oversees the Census income data has already noted that it is misleading to include capital gains in real income the way CBO has. Moreover, given the analytical and measurement problems involved, it is selective to include some capital gains which tend to boost the income of some while omitting capital gains which would tend to increase the income of others.

[From Forbes, July 8, 1991]

LIES, DAMN LIES AND POLITICIZED STATISTICS

(By Thomas Sowell)

Statistics on income distribution are a much more reliable guide to political fashions than to economic reality. In an era when indignation has become a way of life, statistics are defined and compiled in ways that exaggerate income at the top and understate income at the bottom.

Recently, a much-publicized study by the Congressional Budget Office set off predictable cries in the media that the rich were getting richer and the poor were getting poorer. But the definitions and statistical methods used reveal more than the numbers themselves.

First of all, most of the $184 billion in government welfare benefits to low-income Americans simply does not get counted. Food stamps, public housing and Medicaid are among the noncash benefits that are left out.

At the other end of the income distribution, capital gains are treated in the CBO statistics in a way that would get a student flunked in elementary economics or statistics. Suppose that three investors each invest $10,000 in different ventures. If investors A and B each has his investments increase in money value to $15,000, and investor C has his investment wiped out completely in the year when statistics are compiled, then clearly their total investment—$30,000—remains the same in dollar terms. With the price levels having doubled, the investor has obviously lost half the real value of his investment.

The way the CBO statistics count it, however, these lucky investors have made $3,500 in real income.

Instead of saying that the investors' two capital "gains" of $5,000 each were actually losses in real terms, since $15,000 will now buy less than the $10,000 originally invested, the CBO counts them as gains and then corrects for inflation by dividing by two. By this bizarre reckoning, the real value of these two investments has increased by a total of $5,000. As for C's investment that was wiped out completely, economists would count that as a $10,000 money loss, or a $5,000 real loss, but the CBO counts it as only a $3,000 money loss, or a $1,500 real loss.

The reason is that the CBO data on this come from income tax statistics and the Internal Revenue Service will allow only a $3,000 capital loss per year. Subtract the understated capital loss from the overstated capital gains and you get a net $7,000 gain in money terms, or $3,500 in real terms. These investors may be headed for the poorhouse, but on paper they are among the rich who are getting richer.

Republican Congressman Dick Armey of Texas, an economist by profession, pointed out such problems in a letter to the Congressional Budget Office before the data were released to the public. The CBO graciously acknowledged the correctness of the congressman's criticisms but excused itself on grounds that "data needed to make these adjustments are not available." But these crucial flaws in the study were not revealed to the gullible media.

An additional source of misleading statistics is that data are often compiled and presented in terms of "family income" or "household income." But one of the reasons some families earn more than others is that some families contain more people, bringing home more paychecks. When a larger number of people earn a larger amount of money, that may be a statistical disparity without being a social "inequity" requiring the government to play Robin Hood.

A more fundamental problem with glib discussions of "the rich" and "the poor" is that income bracket statistics refer to an ever-changing mix of individuals. A longitudinal study at the University of Michigan found that nearly half the families who were in the bottom 20% in income one year were not there seven years later. Neither did most families in the top 20% remain there throughout the period studied. Those who were persistently poor—who were in the bottom 20% in income for at least eight out of ten years—constituted less than 3% of the population of the U.S.

Although political discussions abound with talk about the rich and the poor, both groups put together are probably no more than 10% of the population. But they are the ideological tail that wags the dog, as policies are debated in terms of their presumed effects on these two small groups, rather than the other 90% of the American people.

Income distribution statistics are typically an instantaneous picture of a process constantly in flux, as individuals move from bracket to bracket over a lifetime. Many of those in the lower brackets are young adults who are the children of those in higher brackets. Ideology translates these statistics into different social classes called "the rich" and "the poor."

Fortunately for this country, people are not born into the world with a little "R" or "P" on their foreheads, marking them as rich or poor for life. Unfortunately, too many intellectuals and politicians talk as if they were.

C. ROBERT SMITH

Mr. HATFIELD. Mr. President, there comes the time when to each of our friends and family we must say goodbye. Death is an inevitable part of life, but we suffer greatly from the lost opportunities to talk, share, and simply be with those we love and enjoy. In his mercy, God has given us the capacity to retain memories through which we remember and relive times with our loved ones after the goodbyes.

Today, I rise to say goodbye to my friend, C. Robert Smith, of Springfield, OR. For most of my political life, Bob has been a strong support to me. I carry with me many happy memories of his friendship and of good times that we shared.

Bob retired as general manager of the Springfield Chamber of Commerce last year after 33 years of dedicated service to his community and State. I want to ask unanimous consent that an article about Bob from the Springfield News be placed in the RECORD at this point so my colleagues may read the story of this public-minded citizen and my friend. To his family, I send my deepest sympathy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPRINGFIELD LOSES ITS BIGGEST BOOSTER

(By John Henrikson)

Flags in Springfield will fly at half mast Thursday in honor of one of the city's most respected community figures.

C. Robert Smith, who directed the Springfield Chamber of Commerce for 33 years and was known as "Mr. Springfield," died Monday in Springfield from complications related to cancer. Smith, who retired as chamber general manager last November, was 65.

The many people touched by Smith's long commitment to the city expressed sadness upon hearing of his death, and the City Council voted to call for the lowering of flags on the day of his funeral.

"I can't think of another person in Springfield that we would do this for," said Mayor Bill Morrisette. "No one has been in the forefront as long as he has."

Smith was raised in Tillamook and served in Navy amphibious forces during World War II. He graduated from Oregon State University in 1950 with a business major and forestry minor, and remained a life-long booster of the university.

In 1957, after managing family businesses in Tillamook, he was coaxed to come to work at the Springfield chamber.

Friends in the business community single out Smith's long tenure and civic advocacy as his greatest leadership attributes.

Current chamber President John Kelley said he marvels at how well Smith could adjust to changes in the organization and the business life of Springfield, which saw boom and bust during his time.

"He always had an attitude of can do, rather than a negative attitude," Kelley said. "He had the typical Springfield outlook on life. He enjoyed working here and living here."

Former chamber President Peter Pifer said that Smith's knowledge of the community gave continuity to the organization as well as enthusiasm.

"He was able to spend 33 years at this job and still remain fresh," Pifer said. "Bob was a guy who approached each year of life a fresh new year."

John Lively, a former mayor and director of the Eugene-Springfield Metropolitan Partnership, said that although Smith would sometimes hold strong opinions about what was the best for the community, he also would respect those who disagreed.

"When we reached agreement, he would support whatever we decided on," he said.

In addition to his chamber activities, which extended far beyond a nine-to-five job, Smith was involved in many other activities. He served on the McKenzie-Willamette Hospital Board of Directors for 13 years, and was a member of the Elks Rotary and OSU Beaver Clubs. In 1977, he was named Springfield's First Citizen by the chamber.

Tragically, Smith learned of his cancer shortly after retiring last year. He moved ahead with plans to wed Betty Balch, his secretary of 20 years, and they married on June 17.

"It's too bad that he won't be here to see the years to come," Morrisette noted. "He did a lot to set the stage for Springfield's future."

Shortly before returning, Smith reflected on his reasons for staying so long at the chamber. "I never felt like I worked for anybody," he said in a November 1990 interview with the News, "but more that I was working with a lot of great people. I think that what makes this town great is the people."

Services will be held for Smith Thursday at 2 p.m. at St. John the Divine Episcopal Church, 1023 G St.

CONGRATULATIONS TO OLIVIA NYHAN ON HER NEW U.S. CITIZENSHIP

Mr. KERRY. Mr. President, I rise today to join her family and friends in congratulating Olivia Nyhan on the occasion of her new U.S. citizenship. On July 25, 1991, Ms. Nyhan took the oath to become a citizen of the United States. It is a pleasure to welcome here to our great Nation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absense of a quoum has been suggested. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent that the earlier unanimous-consent agreement on S. 1433 be further clarified to state that no motion to recommit is applicable during the pendency of the agreement previously adopted.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent order is modified accordingly.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOR PRIVILEGE FOR STAFF

Mr. PELL. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of Senator KERRY'S staff: Mr. Brad Cohen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST ANNIVERSARY OF ADA

Mr. DOLE. Mr. President, 1 year ago today, 2,000 people gathered on the White House lawn for the historic signing of the Americans With Disabilities Act of 1990.

The ADA, which prohibits discrimination on the basis of disability in employment, public services, public accommodations, and telecommunications, was the most comprehensive civil rights law to be enacted since 1964.

The ADA's enactment marks another significant civil rights achievement for our country. Many critics of President Bush's civil rights policies have neglected to take into account his strong and consistent support for the rights of Americans with disabilities. Although many individuals deserve credit for the ADA, the contributions made by the Bush administration were critical to its swift passage.

The Bush administration not only played a key role in the ADA's consideration, but also demonstrated its commitment to effective implementation through prompt promulgation of the regulations. It is safe to say that another historic milestone was achieved with their timely completion. Many individuals including Attorney General Dick Thornburgh, EEOC Chairman Evan Kemp, and the distinguished members of the Architectural and Transportation Barriers Compliance Board [ATBCB], deserve special recognition for their outstanding work.

I also include the Federal Communications Commission.

Mr. President, I am confident that my colleagues share my sentiment that the ADA is more than political posturing. It is about the integration of all citizens into every aspect of American society. It is about real people with real life problems.

Yesterday, for example, I heard eloquent and moving testimony before the Committee on Labor and Human Resources on the need to ensure independence and equal opportunity for people with disabilities.

The hearing, which addressed the use of personal assistance services [PAS], made it clear that Congress needs to build on the gains achieved 1 year ago today. In his poignant testimony, Tim Steininger of Dodge City, KS, persuasively justified the revision of current policies to include a comprehensive and flexible PAS program. No doubt about it, the timely and thorough consideration of such a program is one of my top priorities.

Why? Because I believe, as do my colleagues, that everyone deserves the right to self-determination. Is this too much for a person with a severe disability to expect out of life? Inclusion should mean enjoying the rights that those of us fortunate to be self-sufficient take for granted everyday. Is that not what the ADA is all about?

Mr. President, I am optimistic about the future of disability policy. Let us build on the gains we've made to ensure independence and freedom for all Americans.

OFFICE OF SENATE SECURITY: ANNUAL REPORT

Mr. DOLE. Mr. President, the Office of Senate Security has just issued its annual report. I want to call the report to the attention of all Senators and relevant staff, and urge that they read the report carefully.

At the same time, I ask unanimous consent to have printed in the RECORD—for the information of all of its readers—a summary of the report, edited a bit to delete some sensitive material. The entire summary and report, of course, are available to all Senators and cleared staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

A. SECURITY CLEARANCES

There has been a decrease of 1.4% from last year in the number of Senate employees who hold active security clearances and an overall reduction of 6.5% since clearance limitations first took effect.

The number of Senators' personal staff who hold security clearances is down 7.0% from last year, and 22.5% since limits first took effect.

109 clearances were terminated during the year.

85 Senate employees received "periodic reinvestigations" to update security clearances granted more than five years ago.

B. SECURITY AWARENESS

Twenty-five briefings for Senate staff were conducted during the past year. Topics covered included computer security; counterintelligence; foreign travel; office security management; technical surveillance countermeasures.

A new counterintelligence briefing for Senate employees was developed. This briefing addresses changes in the foreign intelligence threat to the Senate resulting from recent developments in Eastern Europe and the Soviet Union.

C. COUNTERINTELLIGENCE ISSUES

Over the past twelve months, contacts between Senate employees and known or suspected foreign intelligence officers have continued at a pace and volume equal to the past two years.

OSS has initiated a review of the foreign intelligence threat to the Senate, in light of recent developments in Eastern Europe and the Soviet Union. This review will continue until such time as the intentions and capabilities of former Warsaw Pact intelligence services become clear.

D. DOCUMENT CONTROL

The Office of Senate Security received classified documents from 39 different agencies & departments over the past twelve months.

1200 classified documents, no longer required for the conduct of Senate business, were destroyed.

Classified material stored in Senate offices was inventoried and brought on-line with the OSS automated document control system.

E. TECHNICAL SECURITY

OSS investigated an incident of "hacking" into an unclassified Senate computer system by unauthorized personnel.

Computer security reviews were conducted on the Senate's mainframe computers, minicomputers, Local Area Networks (LANs), and on computer systems operated by the Architect of the Capitol.

A security review of the Senate Telecommunications Department's telephone switch was initiated.

A technical security briefing was presented to all cleared Senate staff.

NEW PROGRAMS & ACTIVITIES

OSS staff developed two free-text databases (terrorism and counterintelligence) to support existing Senate security programs. All hardware and software was obtained from existing Senate stock, at no additional cost.

G. MISCELLANEOUS

205 classified or sensitive hearings, briefings and meetings were conducted in S-406 and S-407 of the Capitol.

25 "All Senators" briefings were conducted in S-407; of those, 23 were associated with Operation Desert Shield/Storm.

A small conference room was constructed within existing OSS space, to provide an additional secure meeting room for Senators and staff.

Security profiles of 123 offices and committees were compiled in order to reduce the security vulnerability of Senate offices.

Mr. DOLE. Mr. President, I also want to take this occasion to note the good work of the Office, and to commend all of its staff members for their fine efforts. Mike Disilvestro has been its Director since the Office was formed, and has done an outstanding job. He has been very ably assisted by his entire staff: Al Saffold, Deputy Director; Jeriel Garland, Manager of Technical Security Programs; Jennifer Adkins and Patricia Makanui, staff assistants.

I take some special pride in the Office, because I first proposed its formation back in 1986. Subsequently, I worked closely with the then majority leader, and now President pro tempore of the Senate, Senator BYRD, on the legislation setting up the Office. Since Senator MITCHELL has assumed the role of Democratic leader, he and his staff have given the same strong support to the work of the Office. I thank him and commend him for that.

As the list of accomplishments in the report indicate, setting up the Security Office was an initiative which has proven its worth time and time again. I particularly want to note the continuing success we are having in reducing the number of Senate staff with security clearances. That was one of the goals Senator BYRD and I set for the Office when we established it. Those clearances are supposed to be issued solely on the basis of a real need on the part of staff; for years, though, they were being issued solely on the basis of a request—any request—no matter how flimsy the rationale. thanks to the good work of the Senate Security Office, I think we now have that problem well under control. We have also taken many additional, worthwhile steps to insure that sensitive material is handled sensibly and in a manner which protects the national security of the United States.

So to Mike Disilvestro and his fine staff, I want to express the thanks and commendation of the Senate. Keep up the good work.

FARMERS HOME ADMINISTRATION APPROPRIATIONS

Mr. DOLE. Mr. President, I want to call attention of my colleagues to a matter that we may be considering sometime next week if we get to the agricultural appropriations bill, particularly as it relates to Farmers Home Administration appropriations.

Mr. President, I rise today to bring to the attention of my colleagues several concerns which Senators on both sides of the aisle have raised with certain provisions of H.R. 2698, the Agriculture Appropriations Act of 1992. In light of these concerns, I hope that we can work out an accommodation in the short time remaining before the bill comes to the floor.

This bill provides a level of spending for direct farm operating loans made by the Farmers Home Administration which is well in excess of the amount needed on the basis of actual obligations under this year and last. It also zeroes out funding for one of the most promising innovations in federally assisted agricultural credit enacted in recent years. That innovation is the interest assistance component of the Farmers Home Guaranteed Farm Operating Loan Program which was enacted in connection with last year's farm bill and the Omnibus Budget Reconciliation Act.

Before abandoning this initiative when it has scarcely begun, Senators should recognize that interest-assisted guaranteed operating loans make sense any way you want to look at them.

It makes sense from the standpoint of economics to the farmer. It saves the Government money. It is sort of a transition for farmers in direct loans to interest-assisted guaranteed operating loans. For a lot of reasons we think it is a step in the right direction.

They are good for the borrower, bringing him or her into the mainstream of farm credit by establishing a working relationship with the private lender. What is more, this program enhances the borrowers prospects for making the transition from direct lending to guaranteed lending without Federal assistance, and ultimately on to conventional commercial credit. And that is good news for the lender, strengthening the position of rural banks and their overall ability to meet the diverse credit needs of rural communities. As a result, these interest-assisted loans are good for those communities and their potential for future development.

Finally, they are good credit policy from the Government's standpoint—they save money. Taking fully into account that the interest-assistance costs are offset by lower loss rates, the Guaranteed Lending Program is an attractive and fundamentally sound alternative to direct lending.

To date, guaranteed lending has succeeded far beyond the expectations of many. Interest assistance is the key to further success and progress—for farmers, for our rural communities and their banks, and for the Government. I hope that, with the cooperation of other Members, we can work out a reasonable reduction in the direct operating loan level and fund the interest-assisted guaranteed program now at a level which gives it a fair chance to succeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 262. Olin L. Wethington, to be a Deputy Under Secretary of the Treasury;

Calendar 264. Maj. Gen. John L. Fugh, to be the Judge Advocate General;

Calendar 265. Maj. Gen. Ronald H. Griffith, to the grade of lieutenant general;

Calendar 266. Lt. Gen. Donald W. Jones, to be placed on the retired list.

Calendar 267. Lt. Gen. Leonard P. Wishart III, to be placed on the retired list;

Calendar 268. Lt. Gen. Harry E. Soyster, to be placed on the retired list;

Calendar 269. Maj. Gen. Roger W. Sandler, to be chief of Army Reserve;

Calendar 270. Maj. Gen. Robert B. Johnston, to be lieutenant general; and

Calendar 271. Maj. Gen. Matthew T. Cooper, to be lieutenant general.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Olin L. Wethington, of Virginia, to be a Deputy Under Secretary of the Treasury.

THE JUDICIARY

J. Michael Luttig, of Virginia, to be U.S. circuit judge for the fourth circuit, not confirmed.

IN THE ARMY

The following named officer for appointment as the judge advocate general, U.S. Army, under the provisions of title 10, United States Code, Section 3037:

To be the judge advocate general

Maj. Gen. John L. Fugh, xxx-xx-xxxx, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Ronald H. Griffith, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Donald W. Jones, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Leonard P. Wishart III, 152-26-4608, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harry E. Soyster, [redacted] U.S. Army.

The following-named officer for appointment as chief of Army Reserve, U.S. Army, under the provisions of title 10, United States Code, Section 3038:

To be chief of Army Reserve, U.S. Army

Maj. Gen. Roger W. Sandler, [redacted] U.S. Army Reserve.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Robert B. Johnston, [redacted] USMC.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Matthew T. Cooper, [redacted] USMC.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ARMS CONTROL AND DISARMAMENT AGENCY AUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 156, S. 1434, the ACDA authorization bill, that the bill be deemed read a third time and passed, and that the motion to reconsider be laid upon the table; further that upon receipt from the House of H.R. 2474, without any intervening action or debate, all after the enacting clause be stricken and the text of S. 1434 be inserted in lieu thereof, that the bill be deemed read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2474), as amended, was deemed read a third time and passed.

Mr. PELL. Mr. President, I strongly support S. 1434, the Arms Control and Disarmament Amendments Act of 1991. The bill authorizes total spending for the Agency of $44,423,000, which should enable the Agency to sustain its present level of activities, allow the strengthening of some activities, such as the external research program. That program will return to significance with an authorization level of $2 million within the overall total.

The Senator from Massachusetts [Mr. KERRY], the chairman of the Subcommittee on Terrorism, Narcotics, and International Operations of the Committee on Foreign Relations, and the Senator from Colorado [Mr. BROWN], the ranking minority member of the subcommittee, deserve major credit for this carefuly considered bill, which was developed in the subcommittee. Their recommendations were adopted without change at the committee level.

Mr. President, I was involved in the creation of this small agency in 1961—three decades ago. It was created by statute as a separate entity devoted to the work of arms control and disarmament. It remains the only separate organization with such a charter in the world.

In 1961, it seemed ACDA had great promise. We had great hopes which frankly have not been realized. Fortunately, ACDA still retains a core of skilled professionals who continue to make significant contributions to the Nation's arms control efforts. The current director, Ronald F. Lehman, also deserves credit for the skill and professionalism he has brought to the job.

Nonetheless, it is clear to committee members that it is time for a thorough review of ACDA and a reassessment of its proper role and status in the executive branch. An important initial step will be a study by the Agency's inspector general, which is required by an amendment to the bill authored by the Senator from Illinois [Mr. SIMON]. Following submission of this report, the committee will take a fresh look at ACDA.

Mr. President, we have had substantial progress in recent years, including the Intermediate-Range Nuclear Forces Treaty, the protocols to the Threshold Nuclear Explosions and Peaceful Nuclear Explosions Treaties, and the Conventional Armed Forces in Europe Treaty. A new Strategic Arms Reduction Treaty is to be signed next week. Work continues at an accelerated pace on a multilateral chemical weapons ban.

There remain many more problems in arms control to be addressed, in particular the problems of the dreadful proliferation of nuclear, chemical, and biological weapons. Verification of compliance with these treaties will be a complex challenge.

We need to be sure that the executive branch is prepared to deal with these matters realistically and successfully. Moreover, we must be certain that the bureaucracy charged with arms control responsibilities brings the necessary vigor and innovation to arms control to ensure that the United States is a world leader in the quest for a stable and secure world.

I want to assure my fellow Senators that it will be a priority of the Committee on Foreign Relations in the period ahead to make certain that the executive branch has the personnel, organization, and resources to meet the challenge.

Mr. KERRY. Mr. President, I strongly commend to the Senate the Arms Control and Disarmament Amendments Act of 1991 which authorizes appropriations for fiscal year 1992 for the Arms Control and Disarmament Agency.

The Subcommittee on Terrorism, Narcotics and International Operations reviewed ACDA's plans and programs at a hearing on March 21, 1991, with the Honorable Ronald F. Lehman, Director of ACDA, Stephen Read Hanmer, Deputy Director of ACDA, and William Montgomery, Director of Administration of ACDA. The subcommittee met on May 16, 1991 to mark up an original bill authorizing appropriations for the Agency. At that markup the bill was considered and ordered reported favorably by unanimous vote.

The full committee met on June 12, 1991, to mark up the subcommittee's bill authorizing appropriations for the Agency. At the full committee markup the bill was considered and ordered reported favorably by a unanimous rollcall vote of 19 to 0.

The administration requested a substantial increase in the ACDA budget for fiscal year 1992. Current spending, less nonrecurring costs is $36,540,000, and the Agency asked for $47,446,000—an increase of nearly $11 million.

About $4.5 million of the proposed increase was for mandatory adjustments to base. Of that, $3,823,000 million is for pay increases. In addition, the Agency asked for $284,000 for such mandatory adjustments for drug testing, recruitment and training, and support of United States-Soviet inspections of chemical weapons facilities.

The Agency also sought a substantial increase in personnel levels. It asked for a $1,699,000 increase for 24 new full-time permanent positions above the current 204 and 2 reimbursable positions above the current approximately 65 to 70. An increase of $1,759,000 above the current $241,000 was sought to revitalize the external research program. The Agency also asked for $2,643,000 in further increases, largely for travel, language services, and support of the Geneva delegation.

At the subcommittee markup, the ranking minority member, Senator BROWN, and I proposed a reduction of $5.2 million in the requested increase. The subcommittee agreed. At the same markup, Senator SIMON proposed, and the subcommittee accepted, an amendment requiring the President to submit to the Congress, by January 1, 1992, a report prepared by the inspector general of ACDA.

That report is to assess ACDA's fulfillment of its primary four functions:

First, the conduct, support, and coordination of research for arms control and disarmament policy formulation;

Second, the preparation for and management of U.S. participation in international negotiations in the arms control and disarmament fields;

Third, the dissemination and coordination of public information concerning arms control and disarmament; and

Fourth, the preparation for, operation of, or as appropriate, direction of U.S. participation in such control systems as may become part of U.S. arms control and disarmament activities.

In addition, the report is to address the current ability and performance of ACDA in carrying out these functions and provide detailed recommendations for any changes in executive branch organization and direction needed to fulfill these primary functions.

In view of the requirement that the IG report include detailed recommendations, it was thought appropriate to authorize appropriations for only 1 year. The Members concluded that this approach would set the stage for a thorough congressional review of ACDA and the executive branch organization to deal with arms control issues next year following the submission of the IG report.

Following the subcommittee markup, ACDA officials provided additional materials to the subcommittee in order to justify an increase in the authorization level. Accordingly, at the committee markup on June 12, Senators BROWN and I offered an amendment to restore about $2.2 million of the cuts. To give the Agency greater flexibility, the amendment also deleted all earmarks of funds except for external research. The amendment, which was approved by the committee, authorizes $42,423,000 for the Agency, plus $2,000,000, the requested level, for the external research program, for a total of $44,423,000.

This total includes $41,390,000 for the current programs and mandatory adjustments, an additional $1,759,000 to bring the external research program up to the viable level of $2,000,000, and an additional $155,000 to allow support of the highly successful Foster Scholars Program at a level of around $500,000, and $1,324,000, or one-half the requested amount, for program increases. The total does not include funds to support personnel increases. Members believed that ACDA should be able to perform effectively, given a serious and responsible approach to budget structures, with the $3 million reduction in spending authority.

Following the discussion, the committee approved an original bill by a vote of 19 to 0.

Mr. President, when ACDA was founded in 1961, it was thought that the Agency could spearhead efforts to move us and other nations expeditiously toward the accomplishment of effective arms control measures. In the intervening years, there have been arms control accomplishments, but they certainly have not measured up to the hopes of 1961. In the 1960's and early 1970's the Agency was strong and succeeded in significant ground breaking. But, after SALT I, it was savaged, suffering a reduction in influence. In the late 1970's it enjoyed a resurgence, only to be troubled ever since. It has gone from a time when the Agency was centrally involved in all major arms control efforts to the present situation, in which all major arms control negotiations except for the Conference on Disarmament in Geneva are directed by others. Regretfully, the Agency has become even peripheral to the increasingly important activities involving compliance with new arms control agreements.

It is symptomatic of the Agency's present plight that, when a possible amendment to require two senior officials of ACDA—the Special Representatives for Arms Control and Disarmament Negotiations—to actually head negotiations, the State Department representatives indicated the Department would recommend a Presidential veto if the amendment were included. This position was taken despite the fact that the preparation for and management of negotiations has been a basic ACDA function by statute for 30 years. We believe it may be beyond ACDA's ability to fix itself. This judgment is made with no intended criticism of the capable current director, Ronald Lehman, who is undoubtedly doing his best with the Agency.

Nonetheless, it is imperative that there be a thorough reassessment of ACDA and its place in the executive branch firmament. Given the sweeping changes in Eastern Europe and the resulting and prospective changes in the threat posed from that region, and the emerging threats to stability in various regions, it is imperative that arms control efforts be forward-looking, innovative, and meaningful. The IG report should be an excellent start and guide which the Congress can assess and, in cooperation with the executive branch, can build upon.

For this effort to be productive, it is important not to presuppose either that ACDA will survive in its present or modified form or that it will not. An option could be greatly enhanced power and responsibility building upon the Agency's present charter.

Unfortunately, it is clearly the administration's present view that arms control is too important a matter to be left to ACDA. I would argue that arms control is too important a matter to be left to the vagaries of bureaucratic whim.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed at any time to the consideration of Calendar No. 145, S. 1433, the State Department authorization bill, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR THE EXTENSION OF UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to make a motion to proceed to the consideration of Calendar No. 186, S. 1554, a bill to provide for the extension of unemployment insurance compensation benefits filed today by the Finance Committee; that a cloture motion be deemed to have been filed against that motion without the actual submission of the motion; that the motion to proceed then be deemed withdrawn; that a vote on the motion to proceed occur on Monday, July 29, at a time to be established by the majority leader, after consultation with the Republican leader, but not earlier than 5 p.m., and that the live quorum preceding the cloture vote be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1992 AND 1993

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of S. 1433 at 12 noon on Monday, July 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF POLAND—MESSAGE FROM THE PRESIDENT—PM 67

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Governments of the United States of America and the Republic of Poland Amending and Extending the Agreement of August 1, 1985, Concerning Fisheries off the Coasts of the United States. The agreement, which was effected by exchange of notes at Washington on January 24 and June 12, 1991, copies of which are attached, extends the 1985 agreement for an additional 2 years and 6 months, from July 1, 1991, to December 31, 1993. The exchange of notes together with the 1985 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act. The exchange of notes also amends the 1985 agreement to incorporate the latest changes in U.S. law and policy into the agreement.

I urge that the Congress give favorable consideration to this agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN ECONOMIC COMMUNITY—MESSAGE FROM THE PRESIDENT—PM 68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Government of the United States of America and the European Economic Community Amending and Extending the Agreement of October 1, 1984, Concerning Fisheries off the Coasts of the United States, as amended and extended. The agreement, which was effected by exchange of notes at Washington and Brussels on February 1 and June 14, 1991, copies of which are attached, extends the 1984 agreement for an additional 2 years and 6 months, from July 1, 1991, to December 31, 1993. The exchange of notes together with the 1984 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act. The exchange of notes also amends the 1984 agreement to incorporate the latest changes in U.S. law and policy.

U.S. fishing industry interests have urged prompt consideration of this agreement to avoid disruption of ongoing cooperative fishing ventures. I urge that the Congress give favorable consideration to this agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Governments of the United States of America and the Republic of Korea Amending and Extending the Agreement of July 26, 1982, Concerning Fisheries off the Coasts of the United States, as amended and extended. The agreement, which was effected by exchange of notes at Washington on May 29 and June 19, 1991, copies of which are attached, extends the 1982 agreement for an additional 2 years and 6 months, from July 1, 1991, to December 31, 1993. The exchange of notes together with the 1982 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act. The exchange of notes also amends the 1982 agreement to incorporate the latest changes in U.S. law and policy into the agreement.

I urge that the Congress give favorable consideration to this agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1991, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

CALIFORNIA PUBLIC LANDS WILDERNESS ACT—MESSAGE FROM THE PRESIDENT—PM 71

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am pleased to submit for your consideration and passage the "California Public Lands Wilderness Act."

The Federal Land Policy and Management Act of 1976 directs the Secretary of the Interior to review the wilderness potential of the public lands. Based on the Bureau of Land Management's review of 7.1 million acres of public lands in California and 600 acres in Nevada, the Secretary has recommended that 62 areas encompassing 2.3 million acres be designated wilderness and 147 areas encompassing 4.8 million acres not be designated wilderness.

I concur with the Secretary of the Interior's recommendations, and I recommend designation of the 62 areas identified in the enclosed proposed legislation for inclusion in the National Wilderness Preservation System.

The proposed additions to the National Wilderness Preservation System represent the diversity of wilderness values in the State of California. These range from the forested areas in the King Range Conservation Area, along the northwest California coast, to the Algodones Sand Dunes near the Mexican border, comprising classic sand dunes in low desert. The recommendations span a wide variety of California landforms, ecosystems, and other natural systems and features. Their inclusion in the National Wilderness Preservation System will increase the geographic distribution of wilderness areas in California and complement existing areas of Federal and State designated wilderness. They will provide new outstanding opportunities for solitude as well as primitive and unconfined recreation.

The proposal provides that designation as wilderness shall not constitute a reservation of water or water rights for wilderness purposes. The proposal also provides for areas designated as wilderness that may contain valid existing mineral rights. Generally, these mineral rights will not be acquired. However, when necessary to prevent incompatible development, these rights could be acquired through exchange.

In addition, the Secretary recommends transferring to the National Park System over 108,000 acres of public lands, including about 82,000 acres suitable for wilderness designation. The Secretary also recommends that 147 wilderness study areas, encompassing 4.8 million acres, not be designated as wilderness. I concur with both of these recommendations.

Enclosed are the letter and wilderness study reports from the Secretary of the Interior concerning the 62 wilderness area proposals and the transfer of lands from the Bureau of Land Management to the National Park Service.

I urge the Congress to act expeditiously and favorably on the proposed legislation, so that the natural resources of these areas may be protected and preserved.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

POST-EMPLOYMENT RESTRICTION TECHNICAL CORRECTION ACT—MESSAGE FROM THE PRESIDENT—PM 72

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Post-Employment Restriction Technical Correction Act of 1991." This legislative proposal would enact a technical correction to the post-employment restrictions that apply to the most senior former officers and employees of the executive and legislative branches.

The current post-employment restrictions bar senior and very senior officers and employees of the executive branch from making communications to, or appearances before, their former departments and agencies on behalf of anyone (other than the United States or themselves) for 1 year after leaving office. A similar 1-year cooling-off ban applies to Congressmen, Senators, and senior congressional staff members.

While intended to limit the potential to profit from public service, the 1-year cooling-off ban prevents former senior officials and employees who leave for positions in election campaigns and with political party organizations from maintaining contacts with their former colleagues in the Federal Government. For example, a senior congressional staff member who leaves his post to manage a Member's reelection campaign could not, for 1 year, contact the Member to urge him to take a position on a bill pending before the Congress without violating the law. I do not believe that the Congress intended the post-employment restrictions to sweep so broadly.

Accordingly, I am proposing this technical correction to the post-employment restrictions to clarify that the 1-year cooling-off ban was not intended to apply to appearances or communications made by former senior Government officials on behalf of candidates for office, election committees, and political party organizations. This technical correction would add another exception to the six already-existing exceptions to the post-employment restrictions. I trust that the Congress will agree that enactment of this additional exception will prevent any unnecessary disruption to the workings of our electoral and political processes.

I look forward to working with the Congress to ensure enactment of this proposal.

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 11, 1991, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. 1703(c).

In Executive Order No. 12722, I ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a U.S. person. I also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. I prohibited travel-related transactions and transportation transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. U.S. persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

At the request of the Government of Kuwait, I also issued on August 2, 1990, Executive Order No. 12723, blocking all property of the Government of Kuwait then or thereafter in the United States or in the possession or control of a U.S. person.

On August 9, 1990, I issued Executive Orders Nos. 12724 and 12725 to ensure that the sanctions imposed by the United States were consistent with United Nations Security Council Resolution 661 of August 6, 1990. Under these orders, additional steps were taken with regard to Iraq and sanctions were applied to Kuwait as well to ensure that no benefit to Iraq resulted from its military occupation of Kuwait. The present report discusses only Administration actions and expenses directly related to the national emergency with respect to Iraq declared in Executive Order No. 12722, as implemented pursuant to that order and Executive Orders Nos. 12723, 12724, and 12725.

1. Since my last report, the Kuwaiti Assets Control Regulations ("KACR"), 31 C.F.R. Part 570, and the Iraqi Sanctions Regulations ("ISR"), 31 C.F.R. Part 575, which were issued by the Office of Foreign Assets Control of the Department of the Treasury ("FAC") to implement the prohibitions contained in Executive Orders Nos. 12722–12725, have been amended. The KACR were first amended on February 11, 1991 (56 FR 5351), to make technical amendments and clarify that a blocked account must be maintained in a U.S. financial institution. On March 6, 1991, a notice was issued (56 FR 9403) informing the public that specific licenses had been issued on February 25, 1991, permitting seven blocked Kuwaiti banks to settle obligations which arose prior to August 2, 1990.

On March 8, 1991, after the armed forces of the United States and its allies successfully ejected Iraqi troops from Kuwait, I notified the Congress of my intention to terminate all or part of the sanctions which had been imposed with respect to Kuwait. On March 11, 1991, the KACR were amended (56 FR 10356) to permit trade and commerce with and travel to Kuwait, effective March 8, 1991.

On March 26, 1991, the KACR were further amended (56 FR 12450) to authorize transactions on or after March 25, 1991, with respect to assets in which the Government of Kuwait has an interest, with the exception of the seven Kuwaiti banks previously authorized by specific license to utilize their blocked assets to engage in the orderly settlement of their pre-invasion obligations. On June 6, 1991, the KACR were amended with effect from June 4, 1991 (56 FR 26034), to authorize all transactions involving the property of these seven blocked banks.

Finally, on July 25, 1991, I issued Executive Order No. 12771 completely terminating the Kuwaiti sanctions.

The ISR were first amended on February 11, 1991 (56 FR 5636), to make certain technical amendments and to impose a one-time reporting requirement, for planning and administrative purposes, regarding blocked Iraqi Government assets and claims by U.S. nationals against the Government of Iraq. The preliminary results of this census of blocked assets and claims are reported below. On April 3, 1991, two appendices to the ISR were published (56 FR 13584). The first contained a list of individuals and organizations determined by the Office of Foreign Assets Control to be acting, or purporting to act, directly or indirectly on behalf of the Government of Iraq (Specially Designated Nationals of the Government of Iraq—"SDNs"). The second was a list of merchant vessels determined to be registered, owned, or controlled by the Government of Iraq. An amendment to the first appendix was published on June 25, 1991 (56 FR 29120), adding the names of seven individuals determined to be acting on behalf of the Government of Iraq and deleting the names of two organizations included in the initial listing.

A copy of each of the amendments to the KACR and the ISR is enclosed with this report.

2. The census of blocked Iraqi Government assets resulted in the identification of approximately 400 separate accounts or assets. Amounts totalling in excess of $1.2 billion were reported by domestic branches of U.S. banks and approximately $420 million by the offshore branches of U.S. banks. These are primarily deposits that were frozen on August 2, 1990, and amounts deposited into blocked accounts thereafter as a result of the completion of importations of Iraqi oil already en route to the United States on August 2. A small number of tangible and other properties held by non-financial institutions were also reported.

In the claims census, FAC received reports of claims from approximately 1100 U.S. nationals. Included were claims for items such as personal property looted or destroyed in Kuwait, loans or other obligations on which Iraq has defaulted, and lost future business or concession rights. Inasmuch as these claims have not been submitted to a formal claims resolution body, much less adjudicated, their actual aggregate value is not known. The process by which U.S. claims will be addressed will be determined when the details of the UN reparations plan are finalized.

3. FAC has issued 189 specific licenses (31 since my last report) to Kuwait entities administering assets or direct investments in the United States. These licenses permitted the continued operation and preservation of Kuwaiti Government assets in the United States, as well as certain expenditures by or on behalf of the Government of Kuwait. In addition, 148 specific licenses (80 since my last report) were issued regarding transactions pertaining to Iraq or Iraqi assets. Specific licenses were issued for the settlement, consistent with the prohibition against transfer of assets to Iraq, of pre-embargo imports and exports, the conduct of procedural transactions such as the filing of lawsuits, and compensation for legal representation. Pursuant to United Nations Security Council Resolutions 661, 666, and 687, specific licenses were also issued to authorize the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes.

To ensure compliance with the terms and conditions of licenses, reporting requirements have been imposed and are closely monitored. More than 1,400 compliance reports involving licenses issued pursuant to the Iraq emergency have been reviewed since my last report. Licensed accounts are regularly audited by FAC compliance personnel and by deputized auditors on loan from other regulatory agencies. In addition, FAC compliance personnel have also worked closely with both State and Federal bank regulatory and law enforcement agencies in conducting special audits of Iraqi accounts subject to the ISR. Compliance analyses are prepared monthly on major licensed corporations.

4. FAC and the Department of Justice have taken action in litigation concerning the blocked status of Iraqi Government assets. In *Brewer* v. The Socialist People's Republic of Iraq, Civ. No. 90–0004 (D.C. Feb. 1, 1991), plaintiffs sought to attach and execute against blocked Iraqi property in the District of Columbia to satisfy a default judgment entered by the U.S. District Court for the Eastern District of Missouri. The District of Columbia district court issued an order to show cause to the United States, providing the United States with an opportunity to explain why execution on blocked Iraqi Government property should be disallowed. After the United States filed a Statement of Interest, the district court denied the plaintiff's motion for attachment and execution against the blocked Iraqi property. Plaintiffs have requested reconsideration of the court's ruling.

In *Consarc Corporation* v. *Iraqi Ministry of Industry and Minerals, et al.*, Civ. No. 90–2269 (D.C. April 10, 1991), the plaintiff sued the Iraqi Ministry of Industry and Minerals and others for relief relating to a breach of contract for the supply of certain goods. The court entered a default judgment in favor of Consarc, awarding compensatory and punitive damages and declaring the rights of the parties in various items of blocked property. On June 17, 1991, the United States filed a Statement of Interest opposing the entry of the *in personam* damage award unless restricted to preclude unlicensed execution against blocked assets. The Statement of Interest also requests vacation of those portions of the declaratory relief which permanently dispose of rights in Iraqi property blocked pursuant to U.S. law.

5. Various enforcement actions discussed in previous reports continue to be pursued, and additional investigations of possible violations of the Iraqi sanctions have been initiated. These efforts will ensure that no activities in violation of the sanctions are allowed to confer any benefit on Iraq. Three individuals were successfully prosecuted in the U.S. District Court for the Middle District of Florida for attempting to broker the sale of 1.2 million barrels of Iraqi oil. On March 22, 1991, the property and accounts of a U.S. company identified as a participant in Saddam

Hussein's arms acquisition network were blocked.

The recent amendments to the ISR listing organizations determined to be Specially Designated Nationals ("SDNs") of the Government of Iraq publicly identifies 50 organizations and 44 individuals located both inside and outside Iraq which have been determined by FAC to be owned or controlled by, or acting on behalf of, the Government of Iraq. For purposes of the ISR, all dealings with the organizations and individuals listed will be considered dealings with the Government of Iraq. All unlicensed transactions with these persons, or in property in which they have an interest, are prohibited. The listing of Iraqi SDNs is not exhaustive and will be augmented from time to time as it is determined that additional organizations or individuals found to be owned or controlled by, or acting on behalf of, the Government of Iraq should be identified.

6. The expenses incurred by the Federal Government in the six-month period from February 2, 1991, through August 1, 1991, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq (including sanctions against Iraq and occupied Kuwait) are estimated at $6,520,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State (particularly in the Bureau of Economic and Business Affairs and the Office of the Legal Adviser), and the Department of Commerce (particularly in the Bureau of Export Administration and the Office of the General Counsel).

7. The United States imposed economic sanctions on Iraq in response to Iraq's invasion and illegal occupation of Kuwait, a clear act of brutal aggression. The United States together with the international community is maintaining economic sanctions against Iraq because the regime of Saddam Hussein continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and stability. The United Nations sanctions remain in place; the United States will continue to enforce those sanctions.

The Saddam Hussein regime has continued to violate basic human rights by repressing the Iraqi civilian population and depriving it of humanitarian assistance, and by failing to comply fully with binding United Nations Security Council resolutions. The Iraqi regime has failed to comply with UN resolutions calling for the elimination of Iraqi weapons of mass destruction, an end to the repression of the Iraqi civilian population, the release of Kuwaiti and other prisoners, and the return of Kuwaiti assets stolen during its illegal occupation of Kuwait. The United States will continue to apply economic sanctions to deter Iraq from threatening peace and stability in the region, and I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *July 26, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:13 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 153. An Act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 868. A bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes (Rept. No. 102–124).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1035. A bill to amend section 107 of title 17, United States Code, relating to fair use with regard to unpublished copyrighted works.

By Mr. BENTSEN, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1554. A bill to provide emergency unemployment compensation, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. D'AMATO):

S. 1565. A bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with routine transfers; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1566. A bill to amend the Internal Revenue Code of 1986 to permit withdrawals without penalty from retirement accounts to purchase first homes, to pay education and medical expenses, or to meet expenses during periods of unemployment, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. METZENBAUM):

S. 1567. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 1568. A bill to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 1569. A bill to implement the recommendations of the Federal Courts Study Committee, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1570. A bill to direct the Secretary of the Interior to convey the Fairport National Fish Hatchery to the State of Iowa; to the Committee on Environment and Public Works.

By Mr. EXON (for himself, Mr. KASTEN, and Mr. BURNS):

S. 1571. A bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. RIEGLE, and Mr. ADAMS):

S. 1572. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare Program, and to expand home health services under such program; to the Committee on Finance.

By Mr. COATS:

S. 1573. A bill to reduce the paperwork required of farmers to sign-up and participate in programs administered by the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. COHEN, Mr. BREAUX, Mr. PRESSLER, Mr. GRAHAM, and Mr. BOND):

S. 1574. A bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries; to the Committee on Finance.

By Mr. THURMOND (by request):

S. 1575. A bill to augment and clarify law enforcement agency roles in ordering aircraft to land and vessels to bring to, to enable improved money laundering investigations, to promote drug testing in Federal State criminal justice systems, and for other law enforcement system improvements; to the Committee on the Judiciary.

By Mr. WIRTH:

S. 1576. A bill to help stop the spread of nuclear weapons by controlling the production of nuclear weapons materials; to the Committee on Armed Services.

By Mr. DOLE (for himself and Mr. MITCHELL):

S.J. Res. 184. A joint resolution designating the month of November 1991, as "National Accessible Housing Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. D'AMATO):

S. 1565. A bill to amend the Federal Aviation Act of 1958 to ensure fair treatment to airline employees in connection with route transfers; to the Committee on Commerce, Science, and Transportation.

FAIR TREATMENT OF AIRLINE EMPLOYEES IN ROUTE TRANSFERS

Mr. GRAHAM. Mr. President, just over a year ago, I made a series of statements about the demise of Eastern Airlines, a very sad chapter in the history of commercial aviation in this Nation, a particularly sad day for Florida which had been home to this once great airline.

Eastern Airlines was a major employer in our State. It was a good corporate citizen in the communities in which it was located.

Today, Mr. President, over 5,000 Eastern Airlines employees in my State alone are receiving unemployment benefits. The Government has taken over the responsibility of ensuring their economic well-being because the airline industry was unable and unwilling to protect their jobs. Those benefits run out at the end of this month, Mr. President. Few of those individuals expect to find jobs; even fewer will find jobs commensurate with those that they held at Eastern Airlines.

Sadly, another great domestic airline has now been forced into bankruptcy, and its assets are on the chopping block. Since 1932, Pan American World Airways has pioneered the development of global air transportation. The first international air flight in the history of the world was the flight between Key West and Havana.

Pan American historically has been the largest airline participant in the country's international aviation system as well as its civil reserve air fleet. It operates a major part of our domestic transportation network. Pan American was the airline which opened U.S. commercial aviation to the Pacific, to Latin America, and was the first airline to use modern jet aircraft.

But today, in corporate board rooms, pieces of the airline are being swapped and bartered. Unfortunately, Mr. President, those negotiators seem to be ignoring one of the airline's most important assets, its human resources. A fine force of experienced men and women gave Pan American Airways the world-renowned status that it enjoys. The fate of those individuals is now hanging in the wind. Pan American employs over 22,000 persons, over 6,000 in my State. There is no guarantee or requirement that any of those employees will enjoy job protection once the airline's assets have been transferred to other companies.

Mr. President, this is not fair. It is not only not fair to these men and women who have served with dedication, who have helped to build what was once the flagship airline of America, but it is also unfair in relationship to what will happen to Pan American's coworkers in foreign countries.

The principal asset Pan American now has, in addition to the physical asset of its equipment and the asset of the organization itself, is that it owns a number of international route certifications. It has the right to fly, for instance, from Detroit to a site in Germany. It has the right to fly from New York to London, from Miami to South America. Those assets are going to be among the most prized in the process of the dissolution of Pan American Airways.

In virtually every one of those recipient countries, whether it is Germany, England, or Brazil, there will be a requirement that the employees, German, English, and Brazilian, be retained in employment in the successor airline. Those countries are going to be looking out for the interests of their Pan American employees in the international route certification transfer.

The United States has no similar protection for its international airline employees. That is not only unfair in terms of a recognition of the service of these men and women; it is unfair in relationship to the United States and its global position relative to the other nations which share in the international aviation network.

The bill which Senator D'AMATO and I are introducing today seeks to provide some assurance to employees of airlines like Pan American and, unfortunately, others who might be caught in a similar web of financial distress, to provide assurance to them and their families that their jobs will not be left behind on the board room floor.

Mr. President, the legislation that I will be offering shortly will provide in essence that if a certificate transfer—that is, the right to fly an international air route—is approved, the air carrier to which the authority is transferred shall hire in each class or craft no less than the number of employees from the air carrier which is transferring its certificate in the order of seniority, which the Secretary of Transportation determines to be required to appropriately operate the certificate authority which is being transferred.

That is to say that if a route from Miami to Rio de Janeiro is being transferred, the Secretary of Transportation will determine how many employees are required in order to appropriately operate that route, how many pilots, copilots, ground attendants, flight personnel, mechanical personnel, and other support employees are required to appropriately operate that certificate of authority. Then the recipient airline of those transferred routes would be required to hire those individuals in the order of seniority.

Mr. President, I believe that this provision is an appropriate one. It brings the United States into parity with most other foreign countries which will be affected by these route transfers.

Great Britain, Brazil, Uruguay, and Argentina are just a few of the countries which have legislated employee protection in the case of the transfer of an international air route. I believe American citizens should be afforded the same protection. That is the purpose of fairness in the legislation which I now send to the desk and ask for its appropriate referral.

I thank the Chair.

By Mr. PACKWOOD:

S. 1566. A bill to amend the Internal Revenue Code of 1986 to permit withdrawals without penalty from retirement accounts to purchase first homes, to pay education and medical expenses, or to meet expenses during periods of unemployment, and for other purposes; to the Committee on Finance.

SAVINGS WITHOUT PENALTY ACT

• Mr. PACKWOOD. Mr. President, today I am introducing the Savings Without Penalty Act of 1991. This legislation will eliminate early withdrawal penalties on individual retirement accounts [IRA's] and 401(k) and 403(b) savings plans when money is withdrawn for a first home and other special needs.

Since I've been in Congress, we have tried many tax incentives to encourage Americans to save more. One of the more successful ideas is the tax-deferred savings plan, such as 401(k) and 403(b) savings plans and IRA's. There is almost $600 billion now in those savings plans.

But many Americans, and especially younger workers, are reluctant to use these savings plans. For example, less than 7 percent of younger workers, under age 35, contribute to an IRA. Why? Because they do not want to be hit with a 10-percent early withdrawal penalty if they withdraw their money before retirement—generally, age 59½.

Most younger Americans have a difficult time making ends meet. They are just starting out in their careers. They are in their early years of parenting. Their income is low and their expenses are high. But, they need to set aside funds for unforseen events, such as loss of employment or high medical bills. They want to save for a first home. As their children grow up, they must save for their children's college education.

Yet, if Americans put money in a tax-deferred savings plan, the Tax Code punishes them for withdrawing money for these purposes by imposing a 10-percent penalty.

This is not right. We should encourage Americans to save, not penalize them. It's become more and more difficult for them to save. For example, home ownership of younger families has delined 15 percent over the last 8 years. We cannot afford to let this trend continue.

In my home State, the timber industry has fallen on hard times. The number of unemployed timber workers will only continue to grow. Those who were fortunate enough to put aside funds in an IRA or similar account need every penny of those funds to put food on their family's table. It's ridiculous to make them pay 10-percent of their savings to the Federal Government.

The legislation I am introducing today will allow Americans to use 401(k) and 403(b) savings plans and IRA's to save for the following purposes without incurring a 10-percent penalty:

First, purchase of a first home by the taxpayer and the taxpayer's spouse, child or grandchild.

Second, periods of unemployment of the taxpayer lasting longer than 6 months.

Third, catastrophic medical expenses.

Fourth, college education for the taxpayer and the taxpayer's spouse, child or grandchild.

Amounts withdrawn penalty-free because of unemployment can be repaid to the account within 1 year from returning to employment. Repaid amounts will be tax deductible.

The idea of allowing penalty-free withdrawals from retirement savings accounts for special needs is not a new one. My bill incorporates into one bill the best features of various proposals with some modifications.

I strongly believe that enacting this legislation will encourage Americans to save more. I hope many of my colleagues will join me and support this bill.

Mr. President, I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings Without Penalty Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PENALTY-FREE DISTRIBUTIONS FROM CERTAIN RETIREMENT PLANS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES OR DURING PERIODS OF UNEMPLOYMENT.—

"(i) IN GENERAL.—Distributions to an individual from an eligible individual retirement arrangement—

"(I) which are qualified first-time homebuyer distributions (as defined in paragraph (6)),

"(II) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year, or

"(III) which are made during a period of involuntary unemployment described in paragraph (8).

"(ii) DISTRIBUTIONS MAY BE INCREASED TO REFLECT TAX LIABILITY.—The amount of distributions to which subclause (I) or (II) of clause (i) apply for any taxable year shall be increased by other distributions to the extent that the amount of such other distributions does not exceed the product of—

"(I) the amount determined under subclause (I) or (II) of clause (i) (without regard to this clause), multiplied by

"(II) the highest rate of tax applicable to the taxpayer under section 1.

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) TECHNICAL AMENDMENT.—Section 72(t)(2)(B) is amended by inserting "and without regard to any amounts includible in gross income for such taxable year by reason of such distributions" after "taxable year".

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)(I)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the child or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—

"(I) IN GENERAL.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(II) ROLLOVER CASES EXCLUDED.—An individual shall not be treated as a first-time homebuyer if the residence acquired is treated as a new residence for purposes of section 1034. This subclause shall not apply if the individual elects not to treat the residence as a new residence for purposes of section 1034.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(i)(II)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH OTHER PROVISIONS.—

"(i) REIMBURSED EXPENSES.—No amount shall be treated as qualified higher education expenses if a scholarship or grant is received for such expenses or such expenses are otherwise reimbursed to the taxpayer.

"(ii) SAVINGS BONDS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(8) PERIOD OF INVOLUNTARY UNEMPLOYMENT.—For purposes of paragraph (2)(D)(i)(III)—

"(A) IN GENERAL.—The term 'period of involuntary unemployment' means the consecutive period beginning on the 180th day after an individual becomes unemployed and ending with the date on which the individual begins any employment which would disqualify the individual from receiving unemployment compensation.

"(B) EMPLOYEE MAY RECONTRIBUTE AMOUNT WITHDRAWN.—For purposes of this title, if, during the 1-year period following the close of any period of involuntary unemployment, an employee makes 1 or more contributions to eligible individual retirement arrangements in amounts not greater than amounts to which paragraph (2)(D)(i)(III) applied during the period of involuntary unemployment—

"(i) the employee may elect to treat such contributions (or any portion thereof) as recontributions of the amounts withdrawn,

"(ii) such contributions shall not be taken into account in determining any excess contributions of the taxpayer, and

"(iii) in the case of any deduction or exclusion with respect to contributions for which an election is made under clause (i)—

"(I) such deduction or exclusion shall only be allowed for contributions with respect to which the amount withdrawn was included in gross income, and

"(II) any limitation on the amount of such deduction or exclusion shall be increased by the amount of contributions described in subclause (I).

The Secretary may issue such regulations as may be necessary to carry out the provisions of this subparagraph, including additional reporting requirements to ensure compliance with such provisions.

"(C) UNEMPLOYMENT COMPENSATION.—For purposes of this paragraph, the term 'unemployment compensation' has the meaning given such term by section 85(b).

"(9) ELIGIBLE INDIVIDUAL RETIREMENT ARRANGEMENT.—For purposes of this subsection, the term 'eligible individual retirement arrangement' means—

"(A) an individual retirement plan,

"(B) a qualified cash or deferred arrangement (as defined in section 401(k)),

"(C) an annuity contract described in section 403(b) purchased under a salary reduction agreement (within the meaning of section 3121(a)(5)(D)), or

"(D) an arrangement described in section 501(c)(18)(D)."

(d) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)), distributions for qualified higher education expenses (as defined in section 72(t)(7)), or distributions during a period of involuntary unemployment (as defined in section 72(t)(8)), are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)), for the payment of qualified higher education expenses (as defined in section 72(t)(7)), or for distributions during a period of involuntary unemployment (as defined in section 72(t)(8))."

(3) Section 1034(l) is amended by inserting "(1)" before "For" and by inserting at the end the following new paragraph:

"(2) For election not to have section apply, see section 72(t)(6)(C)(i)(II)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

SUMMARY OF SAVINGS WITHOUT PENALTY ACT OF 1991

(Introduced by Senator Bob Packwood)

The bill will encourage Americans to save for a first home and other special needs through tax-deferred savings plans by permitting penalty-free withdrawal of funds from 401(k) and 403(b) savings plans and individual retirement accounts (IRAs) before retirement (age 59-½). The 10-percent penalty on early withdrawals discourages many workers, especially younger workers, from using these savings plans.

DESCRIPTION OF THE PACKWOOD PROPOSAL

Individuals would be permitted to make penalty-free withdrawals from 401(k) and 403(b) savings plans and IRAs for the following special needs:

Purchase of the first home by the taxpayer and the taxpayer's spouse, child, or grandchild.

Period of unemployment of the taxpayer lasting more than six months.

Catastrophic medical expenses.

College education of the taxpayer and the taxpayer's spouse, child or grandchild.

Amounts withdrawn penalty-free because of unemployment can be repaid to the account within one year from returning to employment. Repaid amounts will be tax deductible.•

By Mr. GRASSLEY (for himself and Mr. METZENBAUM):

S. 1567. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Labor and Human Resources.

ALZHEIMER'S DISEASE AND RELATED DEMENTIAS RESEARCH AMENDMENTS

• Mr. GRASSLEY. Mr. President, on behalf of myself and Senator METZENBAUM, I am introducing a bill which would reauthorize some provisions of title IX of Public Law 99-660 which pertains to a research program on Alzheimer's disease.

Title IX was originally passed in 1986, at the end of the 99th Congress, as part of an Omnibus Health Care Bill. It was the result of work by myself and Senator METZENBAUM. We had cooperated to produce legislation combining features of bills we had each introduced.

The legislation I introduce today has been in preparation by my staff for some time. I believe that the other provisions of the original title IX will be introduced soon by Senator METZENBAUM as part of a larger bill incorporating the bill I introduce today.

In any case, the legislation I introduce today will reauthorize the Federal council which has been coordinating Federal research on Alzheimer's disease since 1986.

It will reauthorize an advisory panel which provides expert advice to the Alzheimer's research programs of the Federal Government. Given that the funding for Alzheimer's research has greatly increased recently, the continued review, by this advisory panel, of the Federal research effort is particularly pertinent.

I also reluctantly included a sunset provision on the advice of legislative council who believes that provisions of the Federal Advisory Committee Act would require that the panel be sunsetted before the term I wish to set for the panel and other activities reauthorized by the bill. I believe that those charged with reviewing the work of the panel, and the other activities which would be authorized by this legislation, should decide on the merits whether the panel should be reauthorized when this term of authorization expires. It would be my strong hope that the issue would not be prejudiced by inclusion of this sunset provision.

The bill extends a research authority for the National Institute of Mental Health [NIMH] and for the Agency for Health Care Policy and Research. It is my belief that both of these agencies can contribute greatly to our understanding of how we can best take care of Alzheimer's disease victims and help their families as they struggle with this task.

NIMH currently has underway research on Alzheimer's disease and such closely related subjects such as caregiving. The agency for Health Care Policy and Research has a focus which should permit it to contribute also to our understanding of service settings for those with this disease.

I have included in this bill a provision reauthorizing a construction authority for the National Institute on aging Alzheimer's Centers Program. This authority is needed because the Alzheimer's Centers Program has been recently expanded through the addition of a core grant program and a satellite center program. All of these elements will work together in a cooperative effort. As I understand it, the enhanced Alzheimer's research system will be much more involved with direct research with patients than has been the case in the past.

This means that facilities will have to be available to accommodate Alzheimer's victims, perhaps for fairly lengthy periods of time. As those familiar with the course of the disease know, Alzheimer's disease victims, at certain stages of the disease, pose very special accommodation problems which require that their residences be modified. In addition, I understand that some new drug interventions may pose special problems of accommodation.

In any case, if the Alzheimer's Disease Centers Network are to engage in this kind of research, facilities must be available in which to do it. University researchers are not going to be able to go regularly to nursing homes or other sites where Alzheimer's disease victims may be found in order to conduct the kind of research that is now required to make progress against this disease.

Mr. President, I ask unanimous consent that a letter from Dr. John Blass, chairman of the advisory panel on Alzheimer's disease, reviewing the work of the panel be entered into the RECORD, together with the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alzheimer's Disease and Related Dementias Research Amendments of 1991".

SEC. 2. SHORT TITLE OF ACT.

Section 901 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 note) is amended by striking "Services Research Act of 1986" and inserting "Research Act of 1991".

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alzheimer's Disease and Related Dementias Research Act of 1986 (42 U.S.C. 11201 et seq.).

SEC. 4. FINDINGS.

Section 902 (42 U.S.C. 11201) is amended—

(1) by redesignating paragraphs (7) through (12) as paragraphs (9) through (14);

(2) by striking paragraphs (4), (5), and (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $38,000,000,000 and $42,000,000,000 per year solely for direct costs;

"(5) progress in the neurosciences and behavioral sciences has demonstrated the interdependence and mutual reinforcement of basic science, clinical research, and services research for Alzheimer's disease and related dementias;

"(6) programs initiated as part of the Decade of the Brain are likely to provide significant progress in understanding the fundamental mechanisms underlying the causes of, and treatments for, Alzheimer's disease and related dementias;

"(7) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias, and more progress can be expected in the near future, there is little likelihood of a breakthrough in the immediate future that would eliminate or substantially reduce—

"(A) the number of individuals with the disease and dementias; or

"(B) the difficulties of caring for the individuals;

"(8) the responsibility for care of individuals with Alzheimer's disease and related dementias falls primarily on their families, and the care is financially and emotionally devastating;".

SEC. 5. COUNCIL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 911 (42 U.S.C. 11211) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and Communicative Diseases" and inserting "Disorders";

(B) by striking paragraphs (10), (11), and (12); and

(C) by adding at the end the following new paragraphs:

"(10) the Administrator of the Agency for Health Care Policy and Research;

"(11) the Administrator of the Health Resources and Services Administration;

"(12) the Director of the National Center for Nursing Research;

"(13) the Chief Medical Director of the Department of Veterans Affairs;

"(14) the Director of the National Center for Health Statistics; and

"(15) such additional members as the Secretary of Health and Human Services (hereinafter referred to as the 'Secretary') considers appropriate.";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) The Assistant Secretary for Health shall serve as the Chairman of the Council."; and

(3) in subsection (d), by striking "twice" and inserting "once".

(b) FUNCTIONS.—Section 912 (42 U.S.C. 11212) is amended—

(1) in subsection (a)—

(A) by adding "and" at the end of paragraph (3);

(B) by striking "; and" at the end of paragraph (4) and inserting a period; and

(C) by striking paragraph (5); and

(2) by striking subsection (b) and inserting the following new subsection:

"(b)(1) The Chairman of the Council shall submit to the committees listed in paragraph (2) an annual report containing information on—

"(A) progress made by research, sponsored by the Federal Government, on Alzheimer's disease and related dementias; and

"(B) new directions that the Council considers potentially important in research on Alzheimer's disease and related dementias.

"(2) The Chairman of the Council shall submit the report described in paragraph (1) to—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Ways and Means of the House of Representatives;

"(C) the Committee on Veterans' Affairs of the House of Representatives;

"(D) the Committee on Labor and Human Resources of the Senate;

"(E) the Committee on Finance of the Senate; and

"(F) the Committee on Veterans' Affairs of the Senate."

SEC. 6. ADVISORY PANEL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 921 (42 U.S.C. 11221) is amended—

(1) in subsection (a)(2), by striking "the Director of the National Center for Health Services Research and Health Care Technology Assessment" and inserting "the Administrator of the Agency for Health Care Policy and Research";

(2) in subsection (b), by inserting ", after consultation with the Council," after "Office of Technology Assessment shall";

(3) in subsection (d), to read as follows:

"(d)(1)(A) Except as provided in subparagraph (B), members of the Panel appointed under subsection (a)(1) shall each serve for a term of 3 years.

"(B) Of the members appointed under subsection (a)(1) that are serving on the Panel on the day before the date of the enactment of this subsection—

"(i) five shall serve for a term that expires on such date;

"(ii) five shall serve for a term that expires 1 year after such date; and

"(iii) five shall serve for a term that expires 2 years after such date.

"(2) A vacancy on the Panel shall be filled in the same manner as the original appointment was made, and not later than 90 days after the date on which the vacancy first arises. A vacancy on the Panel shall not affect the powers of the Panel.";

(4) in subsection (f), by striking "twice" and inserting "once";

(5) in subsection (h), by striking "of $100 per day" and inserting "at the daily equivalent of the maximum rate specified for grade 15 of the General Schedule under section 5332 of title 5, United States Code,"; and

(6) by adding at the end the following new subsection:

"(i) Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), on September 30, 1994, the Panel shall be abolished and all programs established under this part shall terminate.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 923 (42 U.S.C. 11223) is amended to read as follows:

"SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $150,000 for fiscal year 1992, $157,500 for fiscal year 1993, and $165,500 for fiscal year 1994."

SEC. 7. RESEARCH RELATING TO SERVICES FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND FAMILIES OF THE INDIVIDUALS.

(a) RESPONSIBILITIES OF THE NATIONAL INSTITUTE OF MENTAL HEALTH.—

(1) GRANTS.—Section 931 (42 U.S.C. 11251) is amended—

(A) by striking subsections (b)(2) and (c);

(B) in subsection (a), by inserting "and specialized care" after "services"; and

(C) in subsection (b)(1)—

(i) by striking "Within 6 months" and all that follows through "plan shall" and inserting "The Director of the National Institute of Mental Health shall";

(ii) in subparagraph (A)—

(I) by striking "provide for" and inserting "ensure that the research conducted under subsection (a) includes";

(II) by striking clause (iii) and inserting the following new clause:

"(iii) the optimal range, types, and cost-effectiveness of services and specialized care for individuals with Alzheimer's disease and related dementias and for their families, in community, residential, and institutional settings, particularly with respect to—

"(I) the design of the services and care;

"(II) appropriate staffing for the provision of the services and care;

"(III) the timing of the services and care during the progression of the disease or dementias; and

"(IV) the appropriate mix and coordination of the services and specialized care;";

(III) in clause (iv), by inserting "the evaluation of best practices for the development of" before "appropriate"; and

(IV) in clauses (v) and (vii), by striking "and nursing home services" and inserting "nursing home services, and other residential services and care"; and

(iii) in subparagraph (B), by striking "research carried out under the plan" and inserting "the research".

(2) CONFORMING AMENDMENTS.—Section 931(b) (42 U.S.C. 11251(b) is amended—

(A) by striking "(1)";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B) of this paragraph), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 933 (42 U.S.C. 11253) is amended to read as follows:

"SEC. 933. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $8,000,000 for fiscal year 1992, $9,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994.".

(b) RESPONSIBILITIES OF THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

(1) RESEARCH PROGRAM AND PLAN.—Section 934 (42 U.S.C. 11261) is amended to read as follows:

"SEC. 934. RESEARCH PROGRAM.

"(a) GRANTS FOR RESEARCH.—The Administrator of the Agency for Health Care Policy and Research shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and for their families.

"(b) RESEARCH SUBJECTS.—The Administrator of the Agency for Health Care Policy and Research shall ensure that research conducted under subsection (a) shall include research concerning—

"(1) improving the organization, delivery, and financing of services for individuals with

Alzheimer's disease and related dementias and for their families, including research on the design, staffing, and operation of special care units for the individuals in institutional settings;

"(2) the costs incurred by individuals with Alzheimer's disease and related dementias and by their families in obtaining services, particularly services that are essential to the individuals and that are not generally required by other patients under long-term care programs; and

"(3) the costs, cost-effectiveness, and effectiveness of various interventions to provide services for individuals with Alzheimer's disease and related dementias and for their families."

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 936 (42 U.S.C. 11263) is amended to read as follows:

"SEC. 936. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $4,000,000 for fiscal year 1992, $5,000,000 for fiscal year 1993, and $6,000,000 for fiscal year 1994.".

SEC. 8. ALZHEIMER'S DISEASE CENTERS.

Section 445 of the Public Health Service Act (42 U.S.C. 285e-2) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following new paragraphs:

"(2) Notwithstanding section 496(b), Federal payments made under a cooperative agreement or grant under subsection (a) may be used for construction of the centers described in subsection (a).

"(3) As used in this subsection:

"(A) The term 'construction' does not include the acquisition of land.

"(B) The term 'training' does not include research training for which National Research Service Awards may be provided under section 487."; and

(2) by adding at the end the following new subsection:

"(d) There are authorized to be appropriated to carry out subsection (b)(2) such sums as may be necessary for fiscal year 1992 and each of the subsequent fiscal years.".

THE BURKE REHABILITATION CENTER,
White Plains, NY, July 19, 1991.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: Established under Title IX of P.L. 99-660, the Advisory Panel on Alzheimer's Disease was charged with advising Congress and the Executive Branch on issues related to Alzheimer's disease and other dementing disorders from FY 1988 through 1991. A list of the members is enclosed. Because initial funding for the Panel's activities was delayed when appropriations were not forthcoming, our work did not begin until midway through FY 1988 and our fourth authorized year will extend into FY 1992. Since, due in large part to your efforts, the Senate may soon consider whether to extend the Panel's authorization, as chair of the Panel, I am submitting this summary of our activities to date.

As you know, the high and rapidly increasing prevalence of dementing diseases in our aging population creates severe financial and social problems. Our 1989 and 1990 reports (enclosed) dealt with four mandated areas of concern in these conditions: biomedical research; services research; systems of home and community-based care; and health care and social services financing. Recommendations that address these concerns are summarized below. In addition, the 1990 report discussed staff recruitment and training needs.

The only *Rational* hope for prevention or cure of these illnesses is biomedical research. A series of medications are now in commercial development, based on recent biomedical advances. Discovery is accelerating rapidly, in part because of increased funding. However, the pace of scientific advance remains limited by funding levels that are not yet optimal.

Research on services is necessary to ensure that they not only are provided effectively and in a cost-efficient manner, but also *truly benefit the patients and their families.* Experience has shown that even the programs which appear most rational and compassionate at their inception need critical reevaluation to ensure their continuing utility to our clients. Such studies involve quality-of-life issues as well as measurement of biomedical and financial outcomes. Research in these vital areas is severely underfunded.

The provision of services for victims of Alzheimer's disease and other dementing disorders cannot be separated from the general issues of long-term care. Integration of home, community, and institutional services is needed, with case management to ensure appropriate utilization of resources. Models for such systems of care are already available and the Panel reports have identified critically important components.

Financing must be done with appropriate concern for current fiscal constraints, and the Panel reports deal in detail with potential mechanisms for controlling expenditures. The expenses imposed by Alzheimer's disease and related illness are now estimated at $82 billion a year, including opportunity costs, and will predictably rise as the population ages. Short of a "biological fix," our society cannot avoid facing these costs, which will fall primarily on the unlucky families with an afflicted member unless shared more broadly by the society as a whole.

In addition to its reports, the Panel has actively disseminated information on these issues. In June 1989, the Panel held a public forum in the Dirksen Senate Office Building that combined presentations on cutting-edge Alzheimer's research with the opportunity for congressional staff and interested members of the public to comment on Panel recommendations. Other Panel presentations have been made to relevant professional and public organizations. Moreover, we have reviewed the annual reports of the internal DHHS Council on Alzheimer's Disease, and have submitted our reports to the Council for its review and use.

As mandated, the Panel will transmit further reports to Congress in 1991 and 1992. We will shortly submit a report on the special needs of underserved minority populations. Another report now in preparation will examine the values and goals that underlie decisions about the care of patients with Alzheimer's disease and other dementias, and the way these implicit values are reflected in evaluating the outcomes of service programs. Yet another report will address the impact of law and regulation on patients' care.

Unfortunately but necessarily, at the conclusion of our present authority in mid-1992, other important topics will be left as unfinished business. These include, among others: state-level issues in the provision of care for Alzheimer's victims; the implications of biotechnological advances, including new drug development; and the opportunities for prevention implicit in the identification of modifiable risk factors by epidemiological research.

Given the rapidly increasing size of the elderly population most at risk for Alzheimer's disease and other dementias, the escalating private burdens and public costs of providing care for affected individuals, and the continual stream of very significant advances that researchers are now making in understanding the Alzheimer's disease process, the Advisory Panel believes it appropriate for Congress to continue to provide a mechanism through which expert and public advisory input may continue to be given. With the great expansions of resources for these diseases that have occurred and the further expansions which will continue to be considered, it will be essential to assure that appropriate expertise is available to monitor the rapidly changing research and services context, to contribute insights and suggestions for public policy in this area, and to help to optimize the use of limited resources. We strongly endorse legislative action to ensure the continuation of such advisory activity in future years, in whatever form Congress deems most fitting.

Sincerely,

JOHN P. BLASS, M.D., PH.D.,
Chair, Advisory Panel on Alzheimer's Disease.

ADVISORY PANEL ON ALZHEIMER'S DISEASE

APPOINTED MEMBERS

John P. Blass, M.D., Ph.D., Director Dementia Research Service, Burke Medical Research Institute, White Plains, NY.

Elaine M. Brody, M.S.W., Senior Research Consultant to Philadelphia (PA) Geriatric Center, Phoenix, AZ.

Kathleen Coen Buckwalter, Ph.D., R.N., Professor, College of Nursing, University of Iowa, Iowa City, IA.

Kenneth L. Davis, M.D., Chairman, Department of Psychiatry, Mt. Sinai School of Medicine, New York, NY.

David A. Drachman, M.D., Chairman, Department of Neurology, University of Massachusetts Medical Center, Worcester, MA.

Dorothy Kirsten French, Founder, The French Foundation for Alzheimer Research, Los Angeles, CA.

Richard L. Gehring, National Chairman, Alzheimer's Association, Bloomington, MN.

Lisa Gwyther, M.S.W., Director, Family Support Program, Duke University Center for Aging, Durham, NC.

Thomas J. Jazwiecki, C.P.A., M.B.A., National Advisor, Ernst & Young, Washington, DC.

Robert L. Kane, M.D., Minnesota Chair in Long-term Care and Aging, University of Minnesota School of Public Health, Minneapolis, MN.

Robert Katzman, M.D., Professor, Department of Neurosciences, University of California-San Diego, La Jolla, CA.

Eric B. Larson, M.D., M.P.H., Medical Director, University of Washington Medical Center, Seattle, WA.

Thomas V. Trainer, J.D., Of Counsel, David M. Thoms and Associates, P.C., Detroit, MI.

Lewis H. Weinstein, J.D., Founder, Alzheimer's Disease and Related Disorders Association of Eastern Massachusetts, Senior Partner, Foley, Hoag, and Eliot, Boston, MA.

Joshua M. Wiener, Ph.D., Senior Fellow, Brookings Institution, Washington, DC.

EX OFFICIO MEMBERS

The Honorable James O. Mason, M.D., Dr.P.H., Assistant Secretary for Health, U.S. Department of Health and Human Services, Washington, DC.

Joyce T. Berry, Ph.D., U.S. Commissioner on Aging, Adminstration on Aging, Washington, DC.

J. Jarrett Clinton, M.D., Administrator, Agency for health Care Policy and Research, Rockville, MD.

Alan I. Leshner, Ph.D., Acting Director, National Institute of Mental Health, Rockville, MD.

T. Franklin Williams, M.D., Director, National Institute on Aging, Bethesda, MD.

STAFF

Gene D. Cohen, M.D., Ph.D., Executive Secretary of Panel, Deputy Director, National Institute on Aging, Bethesda, MD.

George Niederehe, Ph.D., Deputy Executive Secretary of Panel, Head, Geriatric Treatment Research Program, Mental Disorders of the Aging Research Branch, National Institute of Mental Health, Rockville, MD.

Faye K. Vlahos, Secretary to Dr. George Niederehe, Mental Disorders of the Aging Research Branch, National Institute of Mental Health, Rockville, MD.•

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 1568. A bill to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; to the Committee on the Judiciary.

REDEFINITION OF MEMBERSHIP IN THE AMERICAN LEGION

• Mr. BIDEN. Mr. President, the victory of America's Armed Forces in the Persian Gulf was a remarkable achievement. I have noted several times—as have my colleagues—the thanks we owe to our military personnel who performed so bravely in the war.

Congress has already passed legislation to ensure that Desert Storm veterans receive just compensation and benefits. Today, Mr. President, I am pleased to introduce, along with the ranking member of the Judiciary Committee, Senator THURMOND, legislation that would allow these brave men and women to become members of the largest veterans organization in America, the American Legion.

In 1919, the American Legion was granted a Federal charter, which explicitly established membership eligibility requirements for the Legion. Under the terms of Federal charters, any change in membership requires Federal legislation. In the past, such laws have been enacted to include veterans of World War II, and the Korean, and Vietnam wars. Most recently, Congress approved a bill just last fall to allow veterans of the conflicts in Lebanon, Grenada, and Panama to be eligible for American Legion membership.

The bill we are introducing today will make Desert Storm veterans eligible for membership in the American Legion. Desert Storm veterans are defined as those who served in the military—including activated reservists and members of the National Guard—between August 2, 1990, the date when Iraq invaded Kuwait, until the cessation of hostilities. Although the fighting has been over for several months, the end of hostilities has not yet been officially declared. This undefined ending date is consistent with previous changes to the American Legion's charter.

Mr. President, I urge my colleagues to support this legislation so that the American Legion can continue its 72-year history of serving those who faithfully served America during war. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate The American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:

"SEC. 5. No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: Provided, however, That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.".•

By Mr. HEFLIN:

S. 1569. A bill to implement the recommendations of the Federal Courts Study Committee, and for other purposes; to the Committee on the Judiciary.

FEDERAL COURTS STUDY COMMITTEE IMPLEMENTATION ACT

• Mr. HEFLIN. Mr. President, I rise today to introduce a corrected copy of the Federal Courts Study Committee Implementation Act of 1991.

In November 1988, the 100th Congress created within the Judicial Conference of the United States a 15-member Federal Courts Study Committee and directed it, by April 2, 1990, to "make a complete study of the courts of the United States and of the several States and transmit a report * * * on such study." The statute specifically directed the committee to analyze alternative dispute resolution, Federal court structure and administration, intra- and inter-circuit conflicts in the courts of appeals, and the types of disputes currently embraced by Federal jurisdiction. More broadly, it directed the committee to "recommend revisions to be made to laws of the United States as the committee, on the basis of such study, deems advisable," to "develop a long-range plan for the judicial system," and to "make such other recommendations and conclusions it deems advisable."

In December 1988, Chief Justice William Rehnquist appointed the committee members, who were, in the words of the statute, "representative of the various interests, needs and concerns which may be affected by the jurisdiction of the Federal courts." The committee includes members of the Federal executive, legislative and judicial branches and representatives from State governments, universities and private practice, and I was privileged to serve as a member of this committee.

Last Congress, the Federal Courts Study Committee Implementation Act of 1990 was enacted into law as part of the Judicial Improvements Act of 1990. That Federal Courts Study Committee legislation authorized a study of intercircuit conflicts in the courts of appeals, extended the terms of office of bankruptcy judges, revised the retirement system for claims court judges, addressed issues concerning appeals of bankruptcy cases, provided supplemental jurisdiction for the Federal district courts, extended the life of the parole commission, and authorized a study of the Federal Defender Program, among other things.

The legislation which I am introducing today will incorporate additional recommendations of the Federal Courts Study Committee. A brief summary of the provisions set forth in title I of the legislation is as follows:

Section 101 authorizes a 5-year pilot project to resolve intercircuit conflicts.

Section 102 requires Congress to use a checklist in reviewing proposed legislation for technical problems.

Section 103 includes the Court of International Trade and the Court of Appeals for the Federal Circuit in the Federal judiciary budget process.

Section 104 requires each Federal circuit to establish bankruptcy appellate panels.

Section 105 delegates authority to the Supreme Court to prescribe rules for appeal of final and interlocutory decisions.

Section 106 abolishes the temporary emergency court of appeals and vests its remaining caseload in the Court of Appeals for the Federal Circuit.

Section 107 transfers jurisdiction for supervised release revocation hearings from district courts to the United States Parole Commission.

In addition, title II of this legislation establishes a commission to be known as the "National Commission on Federal Criminal Law Reform." This Commission will perform a comprehensive study of the Federal criminal laws and draft a proposed recodification of such laws.

Mr. President, what does this proposed legislation mean to the average American? The committee learned that between 1958 and 1988 the number of cases filed in the U.S. district courts tripled and the number of cases filed in the courts of appeals increased tenfold. I might remind my colleagues that 90 percent of the Nation's judicial business is conducted in State courts—yet it is obvious that in regard to the remaining 10 percent of business in the Federal courts, there has been a litigation explosion.

The ability of our Federal Court System to dispose of its caseload expeditiously and efficiently goes to the heart of dispensing justice, and we in the Congress have a duty to examine the recommendations of the Federal Courts Study Committee. Increasing the number of Federal judges is not the only solution. The committee has not recommended radical reform, but rather corrective surgery with regard to the structure and management aspects of the administration of justice.

I had previously introduced a bill quite similar to this one, but it contained certain sections of the recommendations of the Federal Courts Study Committee that I did not want included in the bill. Therefore, I am introducing a new bill with the sections that I advocate.

Mr. President, I request unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Courts Study Committee Implementation Act of 1991".

TITLE I—IMPLEMENTATION OF FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 101. INTERCIRCUIT CONFLICT RESOLUTION DEMONSTRATION PROGRAM.

(a) ORDER OF REFERENCE.—When by petition for a writ or certiorari or notice of appeal to the Supreme Court of the United States it is alleged, or it other appears, that an issue presented in the case involves a matter as to which the lower courts are in disagreement, the Supreme Court may issue an order of reference with regard to that issue. The order of reference shall include a listing of the United States courts of appeals which have decided the issue as to which a conflict exists.

(b) SELECTION OF COURT OF APPEALS.—When an order of reference has been issued in a case, the Clerk of the Supreme Court shall select at random a court of appeals, from all courts of appeals not on the applicable listing described under subsection (a), to hear such case for a decision en banc. Such court shall have jurisdiction over all issues referred and may issue such orders as may be necessary concerning its jurisdiction.

(c) EN BANC DECISION.—The en banc decision shall be final, subject only to the right of a party adversely affected by the decision to file a motion for review by the Supreme Court within thirty days after the date of the en banc opinion of the court of appeals. No response shall be made to such a motion, unless the Supreme Court orders it. The Supreme Court may review the case in the same manner as any case under section 1254(1) of title 28, United States Code.

(d) PRECEDENTIAL EFFECT OF DECISION.—If review under subsection (c) is not sought or if review is sought and denied, the opinion of the en banc court shall have the precedential effect in each circuit of an en banc decision of the court of appeals of each such respective circuit.

(e) TEMPORARY RULES.—The Supreme Court may issue temporary rules supplemental to its own rules and to the Federal Rules of Appellate Procedure governing the procedure in the Supreme Court and the courts of appeals in cases referred under this section.

(f) REPORT TO CONGRESS AND THE JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall establish a committee to monitor and evaluate the operation and effects of this section. No later than January 1, 1996, the committee shall submit a report to the Congress and the Judicial Conference on the operations and effects of this section. Such report shall include—

(1) the number and kinds of cases referred under this section;

(2) the cases which were eligible for referral under this section, but were not referred;

(3) the total caseload of the Supreme Court;

(4) such other information as the committee determines relevant to the continuation and effects of intercircuit conflicts nationally; and

(5) any recommendations as to whether the provisions of this section should be continued, modified, terminated, or replaced by an alternative procedure.

(g) EFFECTIVE DATE.—(1) The provisions of this section shall take effect on January 1, 1992.

(2) Notwithstanding the provisions of paragraph (3), all other provisions of this section shall apply to any case referred under the provisions of this section before December 31, 1997, as though such paragraph had not been enacted.

(3) The provisions of this section are repealed effective on December 31, 1997.

SEC. 102. JUDICIAL IMPACT STATEMENT OF PROPOSED LEGISLATION.

(a) COMMITTEE REPORTED BILLS AND RESOLUTIONS.—Each committee of the Congress shall include with any bill or resolution reported from such committee to the Senate or House of Representatives, a judicial impact statement that represents that the following legislative and judicial impact issues have been considered:

(1) the appropriate statute of limitation;

(2) whether a private cause of action is contemplated;

(3) whether pre-emption of State law is intended;

(4) the definition of key terms;

(5) the mens rea requirement in criminal statutes;

(6) severability of provisions;

(7) whether a proposed bill would repeal or otherwise circumscribe, displace, impair, or change the meaning of existing Federal law;

(8) whether State courts are to have jurisdiction and, if so, whether an action would be removable to Federal court;

(9) the types of relief available;

(10) whether retroactive applicability is intended;

(11) the conditions for any award of attorney's fees authorized;

(12) whether exhaustion of administrative remedies is a prerequisite to any civil action authorized;

(13) the conditions and procedures relating to personal jurisdiction over persons incurring obligations under the proposed legislation;

(14) the viability of private arbitration and other dispute resolution agreements under enforcement and relief provisions; and

(15) whether any administrative proceedings provided for are to be formal or informal.

(b) LEGISLATIVE PROPOSALS BY MEMBERS OF CONGRESS.—To the greatest extent practicable, each Member of Congress shall consider the legislative and judicial impact issues listed under subsection (a)(1) through (15) for any bill or resolution introduced in the Senate or the House of Representatives, and any amendment proposed to a bill or resolution.

(c) RULEMAKING POWER OF CONGRESS.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 103. INCLUSION OF THE COURT OF INTERNATIONAL TRADE AND THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN THE FEDERAL JUDICIARY BUDGET PROCESS.

(a) BUDGET PROCESS.—In the formulation of the budget submitted by the President under section 1105 of title 31, United States Code, all submissions of budget requests and information related to such formulation for the Court of International Trade and the Court of Appeals for the Federal Circuit shall be made to the Office of Management and Budget through the Federal judiciary in the same manner as a United States court of appeals.

(b) EFFECTIVE DATE.—The provisions of this section shall be effective on the date of the enactment of this Act and shall apply with respect to the formulation of the budget for fiscal year 1992.

SEC. 104. ESTABLISHMENT OF BANKRUPTCY APPELLATE PANELS.

Section 158 (b) and (c) of title 28, United States Code, is amended to read as follows:

"(b)(1) Unless a judicial council establishes a joint panel under the provisions of paragraph (2), the judicial council of each circuit shall establish a bankruptcy appellate panel, comprised of bankruptcy judges from districts within the circuit, to hear and determine appeals from final judgments, orders, and decrees, and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title.

"(2) The judicial councils of 2 or more circuits may establish a joint bankruptcy appellate panel comprised of bankruptcy judges from the districts within the circuits for which such panel is established, to hear and determine appeals under this subsection.

"(3) A panel established under this section shall consist of 3 bankruptcy judges provided a bankruptcy judge may not hear an appeal originating within a district for which the judge is appointed or designated under section 152 of this title.

"(c) All appeals under this section shall be heard by a bankruptcy appellate panel under subsection (b), unless a party elects to file an appeal under subsection (a). An appeal under subsections (a) and (b) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts and in the time provided by Rule 8002 of the Bankruptcy Rules.".

SEC. 105. SUPREME COURT AUTHORITY TO PRESCRIBE RULES FOR APPEAL OF FINAL AND INTERLOCUTORY DECISIONS.

(a) APPEAL OF FINAL DECISION.—Section 1291 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "The courts of appeals"; and

(2) by adding at the end thereof the following new subsection:

"(b) The Supreme Court may prescribe rules in accordance with section 2072 of this title, to define a final decision for the purposes of this section.".

(b) APPEAL OF INTERLOCUTORY DECISION.—Section 1292 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The Supreme Court may prescribe rules in accordance with section 2072 of this title, to provide for an appeal of an interlocutory decision to the courts of appeals, that is not otherwise provided for under subsection (a), (b), (c), or (d).".

SEC. 106. TEMPORARY EMERGENCY COURT OF APPEALS.

(a) APPEALS UNDER ECONOMIC STABILIZATION ACT.—Section 211 of the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799) is amended by striking out subsections (b) through (h) and inserting in lieu thereof the following:

"(b) Appeals from orders or judgments entered by a district court of the United States in cases and controversies arising under this title may be brought in the United States Court of Appeals for the Federal Circuit if the appeal is from a final decision of the district court or is an interlocutory appeal permitted under section 1292(c) of title 28, United States Code.".

(b) JUDICIAL REVIEW OF EMERGENCY ORDERS UNDER THE NATURAL GAS POLICY ACT.—Section 506(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3416(c)) is amended—

(1) in the first sentence, by striking out "the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended," and inserting in lieu thereof "the United States Court of Appeals for the Federal Circuit"; and

(2) by striking out "Temporary Emergency Court of Appeals" each place it appears and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit".

(c) CONFORMING AMENDMENTS.—Section 1295(a) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraphs:

"(11) of an appeal under section 211 of the Economic Stabilization Act of 1970;

"(12) of an appeal under section 5 of the Emergency Petroleum Allocation Act of 1973;

"(13) of an appeal under section 506(c) of the Natural Gas Policy Act of 1978; and

"(14) of an appeal under section 523 of the Energy Policy and Conservation Act.".

(d) ABOLITION OF COURT.—The Temporary Emergency Court of Appeals created by section 211(b) of the Economic Stabilization Act of 1970 is abolished effective on June 29, 1991.

(e) PENDING CASES.—(1) Any appeal which, on June 28, 1991, is pending in the Temporary Emergency Court of Appeals but has not been submitted to a panel of such court as of that date shall be assigned to the United States Court of Appeals for the Federal Circuit as though the appeal had originally been filed in that court.

(2) Any case which, as of June 28, 1991, has been submitted to a panel of the Temporary Emergency Court of Appeals and as to which the mandate has not been issued as of that date shall remain with that panel for all purposes and, notwithstanding the provisions of sections 291 and 292 of title 28, United States Code, that panel shall be assigned to the United States Court of Appeals for the Federal Circuit for the purpose of deciding such case.

SEC. 107. TRANSFER OF JURISDICTION FOR SUPERVISED RELEASE REVOCATION HEARINGS FROM DISTRICT COURTS TO THE UNITED STATES PAROLE COMMISSION.

(a) REVOCATION OF RELEASE.—Section 3148(b) of title 18, United States Code, is amended—

(1) by striking "district court" at the end of the first sentence and inserting "United States Parole Commission".

(2) by striking "judicial officer" and inserting "hearing officer" each place it appears.

(b) PROSECUTION FOR CONTEMPT.—Section 3148 of title 18, United States Code, is amended by striking subsection (c).

(c) HEARING OFFICERS.—Section 3148 of title 18, United States Code, as amended by subsection (b) of this section, is amended by adding at the end thereof the following:

"(c) The United States Parole Commission shall assign duly licensed attorneys as hearing officers in revocation hearings under this section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all actions filed or matters commencing on or after the date of enactment of this Act.

TITLE II—NATIONAL COMMISSION ON FEDERAL CRIMINAL LAW REFORM

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "National Commission on Federal Criminal Law Reform Act of 1991".

SEC. 202. ESTABLISHMENT.

There is hereby established a commission to be known as the "National Commission on Federal Criminal Law Reform" (hereafter in this Act referred to as the "Commission").

SEC. 203. DUTIES OF COMMISSION.

The duties of the Commission are to—

(1) perform a comprehensive study of the Federal criminal laws in title 18, United States Code and draft a proposed recodification of such title; and

(2) coordinate, cooperate, and exchange information with the Congress, the judiciary, and the Department of Justice in undertaking such recodification.

SEC. 204. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 13 members as follows:

(1) Three appointed by the President pro tempore of the Senate.

(2) Three appointed by the Speaker of the House of Representatives.

(3) Three appointed by the Chief Justice of the United States.

(4) Three appointed by the President.

(5) One appointed by the Conference of Chief Justices of the States of the United States.

(b) TERM.—Members of the Commission shall be appointed for the life of the Commission.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(d) CHAIRMAN.—The members of the Commission shall select one of the members to be the Chairman.

(e) APPOINTMENT DEADLINE.—The first appointments made under subsection (a) shall be made within 60 days after the date of the enactment of this Act.

(f) FIRST MEETING.—The first meeting of the Commission shall be called by the Chairman and shall be held within 90 days after the date of the enactment of this Act.

(g) VACANCY.—A vacancy on the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(h) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of Congress or as an officer or employee of a government leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of a government becomes an officer or employee of a government, the member may continue as a member of the Commission for not longer than the 90-day period beginning on the date the member leaves that office or becomes such an officer or employee, as the case may be.

SEC. 205. COMPENSATION OF THE COMMISSION.

(a) PAY.—(1) Except as provided in paragraph (2), each member of the Commission who is not otherwise employed by the United States Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which he is engaged in the actual performance of duties as a member of the Commission.

(2) A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation.

(b) TRAVEL.—All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 206. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(b) STAFF.—The Chairman of the Commission may appoint and fix the pay of such additional personnel as the Chairman finds necessary to enable the Commission to carry out its duties. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the annual rate of pay for any individual so appointed may not exceed a rate equal to the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

SEC. 207. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission or, on authorization of the Commission, a member of the Commission may, for the purpose of carrying out this subtitle, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department, agency, or entity within the executive or judicial branch of the Federal Government information necessary to enable it to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such facilities and support services as the Commission may request. Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission to assist the Commission in carrying out its duties under this subtitle.

(d) EXPENDITURES AND CONTRACTS.—The Commission or, on authorization of the Commission, a member of the Commission may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Commission or member considers appropriate for the purposes of carrying out the duties of the Commission. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in appropriation Acts.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 208. REPORT.

The Commission shall submit to each House of Congress, the Chief Justice of the United States, and the President a report not later than one year after the date of its first meeting. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its estimate for the completion of a proposed draft for a recodification of title 18, United States Code.

SEC. 209. TERMINATION.

The Commission shall cease to exist on the earlier of—

(1) the date the Commission submits a proposed draft for recodification of title 18, United States Code, to each House of Congress, the Chief Justice of the United States, and the President; or

(2) three years after the date of the enactment of this Act.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provisions of this title.•

By Mr. EXON (for himself, Mr. KASTEN, and Mr. BURNS):

S. 1571. A bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RAIL SAFETY IMPROVEMENT INITIATIVES ACT

• Mr. EXON. Mr. President, I am pleased today to introduce the Rail Safety Improvement Initiatives Act of 1991. This legislation authorizes a 3-year funding cycle for the Federal Railroad Administration [FRA] at levels designed to strengthen FRA's current safety programs, enable FRA to embark on new initiatives, and support needed research and development efforts.

This reauthorization comes 3 years after the last major action of Congress in this area, the Rail Safety Improvement Act of 1988, and at a time when we are all conscious of the paramount need to ensure the safe operation of our Nation's railroad industry. The recent tank car accident, which released more than 19,000 gallons of pesticide chemicals into the Sacramento River in northern California, underscores the importance to our collective welfare of vigorous agency action to enforce responsive railroad safety laws and administrative regulations.

The Rail Safety Improvement Initiatives Act of 1991 supports this objective by authorizing to be appropriated for the general safety programs of FRA the amounts of $41.24 million in fiscal year 1992; $53.116 million in fiscal year 1993; and $55.931 million for fiscal year 1994. The bill also authorizes to be appropriated for the railroad research and development programs of FRA—exclusive of research and development for magnetic levitation and other high-speed rail systems—the sums of $10.748 million for fiscal year 1992; $15.167 million for fiscal year 1993; and $15.759 million for fiscal year 1994. These funding levels will permit FRA to accelerate action on its current safety regulatory agenda, move forward on the new administrative initiatives mandated by this legislation, and support critical research and development efforts vital to continued productivity of the railroad industry.

Among revisions to existing railroad safety laws contained in this bill, the Secretary of Transportation would be required to establish and complete within 18 months, a pilot project to demonstrate the benefits of having available resident legal counsel in FRA regional offices empowered to streamline the enforcement review process.

In order to assess potential improvements in locomotive crashworthiness, the bill instructs the Secretary to investigate regulatory options and report to Congress within 24 months after the date of enactment of this legislation. In addition, the legislation takes steps to clarify the applicability both of the railroad safety laws and the Occupational Safety and Health Act of 1970 to the working conditions of railroad employees. The Secretary would therefore be required to work with he Secretary of Labor, solicit public comments, and report to Congress on efforts to facilitate inter-agency coordination and enforcement on issues related to the health and safety of railroad employees.

Other provisions of the legislation would require the National Transportation Safety Board to have primary access to event recorders and related train components to ensure the preservation of critical railroad accident data. The Secretary would be required to report to Congress on the current effectiveness of voice communications systems, and the prospects for implementation of new advanced train control technologies. The Secretary would also be required to report within 18 months on whether regulatory action should be taken addressing or requiring railroad use of power brakes and end-of-train devices.

In order to clarify and extend the Secretary's enforcement authority, the legislation would broaden the statutory definition of "person" subject to such authority, and provides for additional protection under Federal criminal law for Federal enforcement personnel. The legislation also prescribes technical amendments which would require that appeals of any final agency action taken under the Federal railroad safety laws must be brought in the appropriate court of appeals.

The bill also designates that the Northeast Corridor Safety Committee must meet every 2 years to consider matters concerning safety on the main line of the Northeast Corridor. Finally, authorizations for the Local Rail Freight Assistance Program are also included in the bill, in the amounts of $16 million for fiscal year 1992, $20 million for fiscal year 1993, and $25 million for fiscal year 1994.

In conclusion, Mr. President, the Rail Safety Improvement Initiatives Act of 1991 is a noteworthy reauthorization vehicle, and I am dedicated to working with my distinguished colleagues to pass this important piece of legislation.•

By Mr. BREAUX (for himself, Mr. RIEGLE, and Mr. ADAMS):

S. 1572. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare program, and to expand home health services under such program; to the Committee on Finance.

MEDICARE SKILLED NURSING FACILITY AND HOME HEALTH BENEFIT ACT

• Mr. BREAUX. Mr. President, I rise today, joined by Senator RIEGLE and Senator ADAMS, to introduce the Medicare Skilled Nursing Facility and Home Health Benefit Act of 1991. Our bill would eliminate the Medicare 3-day prior hospitalization rule for skilled nursing facility [SNF] benefits and would expand the existing home health care benefit.

Under current law, a Medicare beneficiary is only eligible for the skilled nursing facility benefit if he or she has, immediately prior to admittance to a SNF, spent at least 3 days as an inpatient in a hospital. The Medicare Skilled Nursing Facility and Home Health Benefit Act would repeal the 3-day prior hospitalization requirement.

The prior stay requirement prevents Medicare beneficiaries who need SNF care, but who do not need acute hospital care, from making use of the benefit. The American Association of Retired Persons testified before a House Subcommittee that the arbitrary 3-day prior stay requirement makes the structure of the current SNF benefit misleading and "largely illusory."

The second part of our bill refines and expands the current home health care benefit. Medicare currently covers intermittent home health care services of indefinite duration. Daily care is not covered. Due to inconsistencies between coverage and eligibility rules, Medicare patients who need 5 or 6 days of coverage per week are caught in limbo: sometimes they are covered, sometimes that are not.

Our bill would redefine intermittent to include care for anything less than 7 days per week. It would also permit full daily coverage—7 days per week—for up to 38 days per year. These improvements in the home health care benefit will allow Medicare patients to receive medically necessary services in the comfort of their own homes and avoid costly and unnecessary institutionalization.

The changes containing the Medicare Skilled Nursing Facility and Home Health Benefit Act of 1991 were contained in the Medicare Catastrophic Coverage Act of 1988 [MCAA] but were repealed when MCCA was repealed in 1989. Senator RIEGLE was a champion of the elimination of the 3-day prior hospitalization requirement when that legislation was enacted.

Much of Congress' attention recently has been focused on providing universal access to health care and controlling costs within the existing system. I commend many of my colleagues for their good work in this area—especially the majority leader for his efforts in developing legislation. Nevertheless, it is important that Congress not lose sight of the needs of senior citizens.

The proportion of our population that is over 65 will grow hugely over the next 2 decades. Americans are living longer and need more care as they grow older. In order to accommodate the future long-term care needs of our older citizens, we need to provide access to a wide variety of levels of care. If someone can get appropriate care in a SNF, rather than a hospital, or care in their own home rather than as an inpatient in a hospital, we can both save money and provide better care.

The provisions of our bill have the support of both consumer and provider groups, including; the American Association of Retired Persons, The Alzheimers' Association, the American Health Care Association, the American Association of Homes for the Aging, the National Association for Home Care and the National Committee to Preserve Social Security and Medicare.

The House companion to this measure, H.R. 1200, introduced by Congressman PETE STARK, has 140 cosponsors. I would like to thank Senator RIEGLE and Senator ADAMS for their valuable assistance with this legislation. I urge the rest of my colleagues to join me in support of three important Medicare improvements.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Skilled Nursing Facility and Home Health Benefit Act of 1991".

SEC. 2. ELIMINATION OF PRIOR HOSPITALIZATION REQUIREMENT FOR MEDICARE COVERAGE OF EXTENDED CARE SERVICES.

(a) IN GENERAL.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) extended care services for up to 100 days during any spell of illness;";

(2) in subsections (b)(2) and (e), by striking "post-hospital"; and

(3) by striking subsection (f) and redesignating subsection (g) as subsection (f).

(b) CONFORMING AMENDMENTS.—Title XVIII of the Social Security Act is amended—

(1) in section 1811 (42 U.S.C. 1395c), by striking "hospital, related post-hospital" and inserting "inpatient hospital services, extended care services";

(2) in subsections (a)(3) and (b)(3)(B) of section 1813 (42 U.S.C. 1395e), by striking "post-hospital";

(3) in section 1814(a) (42 U.S.C. 1395f(a))—

(A) in paragraphs (2)(B) and (6), by striking "post-hospital" each place it appears, and

(B) in paragraph (2)(B), by striking ", for any of the conditions" and all that follows up to the semicolon;

(4) in section 1861 (42 U.S.C. 1395x)—

(A) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking "paragraph (7) of this subsection, and subsection (i) of this section" and inserting "and paragraph (7) of this subsection"; and

(ii) in the third sentence, by striking "section 1814(f)(2), and subsection (i) of this section" and inserting "and section 1814(f)(2)",

(B) by striking subsection (i),

(C) in subsections (v)(1)(G), (v)(2)(A), and (v)(3), by striking "post-hospital" each place it appears, and

(D) in subsection (y)—

(i) by striking "Post-Hospital" in the heading and by striking "post-hospital" each place it appears; and

(ii) by striking paragraph (4);

(5) in section 1866(d) (42 U.S.C. 1395cc), by striking "post-hospital"; and

(6) in section 1883 (42 U.S.C. 1395tt), by striking "post-hospital" each place it appears in subsections (d)(1) and (f).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to extended care services furnished pursuant to an admission to a skilled nursing facility occurring on or after January 1, 1992.

SEC. 3. EXTENDING HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished in cases of initial periods of home health services beginning on or after January 1, 1992.•

• Mr. RIEGLE. Mr. President, today I am pleased to introduce with Senator BREAUX and Senator ADAMS a bill to expand Medicare coverage of services in skilled nursing facilities as well as in the home. The Medicare Skilled Nursing Facilities and Home Health Benefit Act will go a long way to make these services more readily available by eliminating a requirement of 3 days hospitalization before Medicare covers nursing home care and by expanding the period of covered home health care.

Seniors are a growing portion of our population. And as their numbers rise each year, so do their costs of long-term care, costs that can lead to impoverishment. The average cost of a year's care in a nursing home is $30,000—and most Americans have little protection against such costs. We have to make quality, affordable long-term care services more accessible to them. Many seniors and disabled people, and their family members, are shocked to find, too late, that Medicare does not provide unlimited coverage of chronic care.

In my own State of Michigan, 50,000 people reside in nursing homes at a cost of $148 million a year. Many more need high quality home care, as well. I have met with countless Michigan citizens to discuss ways to improve the availability of services in both of these areas.

The Medicare Catastrophic Coverage Act of 1988—since repealed—did not go far enough to cover long-term care, but one thing it would have done was to remove the requirement that a nursing home patient had to first be hospitalized for 3 days or more. I was the author of that amendment in the Senate. The repeal of the catastrophic coverage act, unfortunately, reinstated the 3-day hospital stay requirement to qualify for nursing home care under Medicare.

Now the proponents of that requirement would argue that it helps prevent unnecessary admissions to nursing facilities. However, it's just that barrier that poses a problem to getting nursing home care for people who did not need prior hospitalization. It also leads to unncessary hospital stays for those patients who only need the level of care a nursing home provides. And we expect eliminating the requirement may actually save the Federal Government money through fewer hospitalizations.

This measure is strongly supported by the American Health Care Association [AHCA] and the American Association of Retired Persons [AARP], who believe that the 3-day requirement places an unnecessary and costly barrier to gaining access to nursing facilities when it's needed most.

Another important feature of this bill will expand the scope and accessibility of Medicare coverage of home health care by redefining so-called intermittent care so that more people can be covered. Right now Medicare covers home care services of differing duration, depending on the contractor that handles a particular region. Medicare patients who need home care for less than 7 days sometimes are covered, other time not. Our bill defines the term "intermittent" to mean any period less than 7 days a week. It also will permit full coverage, 7 days a week, for up to 38 days a year.

On the House side, Congressman PETE STARK, chairman of the Ways and Means Health Subcommittee, has introduced a companion to this bill. It has also been supported by the American Association of Homes for the Aging, the National Association for Home Care, the Alzheimers' Association, and the National Committee to Preserve Social Security and Medicare, in addtion to the two organizations—AHCA and AARP—I mentioned earlier.

As a matter of both access and equity, Mr. President, our frail seniors and disabled citizens need, and deserve, these improvements in Medicare's coverage. This is just an incremental step we, in this Congress, can take on the longer road to reforming insurance coverage of our citizens' health care—and ensuring equal access to quality medical services.•

QUALIFIED MEDICARE BENEFICIARY PROGRAM

• Mr. PRESSLER. Mr. President, today I join my colleagues Senator BREAUX, Senator CHAFEE, Senator COHEN, and Senator GRAMM in introducing legislation which would help ensure the implementation of the Qualified Medicare Beneficiary Program [QMB].

Families USA and other senior citizen groups have recently stated that many senior citizens are not aware of this Medicare "buy-in" program. In fact some estimate that in my home State of South Dakota 68 percent of the eligible senior citizens are not enrolled in this program.

The eligibility criteria for this program are restrictive. No one who can afford to pay Medicare premiums and deductibles is entitled to assistance. In fact, a single person can't have an income exceeding $6,600 and assets can't exceed $4,000. Yet, with just one hospitalization a person may spend nearly $1,000 in Medicare premiums and hospital and doctor deductibles. This program is for the needy and we must find a better way of letting the public know of its benefits.

The legislation we introduce today will require the Social Security Administration [SSA] to accept QMB applications and it establishes a toll-free phone line to answer questions.•

By Mr. COATS:

S. 1573. A bill to reduce the paperwork required of farmers to sign up and participate in programs administered by the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE PAPERWORK REDUCTION

• Mr. COATS. Mr. President, today I have the pleasure of representing the interests of Indiana and American farmers, by introducing a bill to reduce the amount of paperwork required in signing up for Government agricultural programs.

The Federal Government continues to grow, not only in size but in complexity. The paperwork it imposes on those forced to deal with it is a heavy burden and a consistent complaint. For many, it means endless hours of wasted effort. Clearly, paperwork that can be eliminated, should be eliminated. And what remains must be streamlined.

Without doubt, participation in agricultural programs is among the most burdensome and confusing experiences in dealing with Government. The fault does not lie entirely, or even mainly, with the Department of Agriculture. It is Congress that places restrictive regulations on Government agencies, and especially on the Agriculture Department. Not only do we regulate farm payment programs, but also conservation programs, wetlands programs, and others. It is easy to see why the amount of paperwork generated is increasing.

In an increasingly litigious atmosphere, it is easy to see why agencies feel they must protect themselves by ensuring that laws are carried through with no margin for error. But this is not an excuse for needless repetition and endless paperwork. There is a real need for legal protection on the part of both the farmer and the Federal agency, but we must find a way to simplify the process.

In my travels to Indiana, I continually hear from farmers who tell me horror stories about the amount of paperwork they must complete to participate in farm programs. This is an industry that operates on thin margins and precise timing. It depends on the mercies of markets and the weather. There is usually a very small window of opportunity for a farmer to put his crop in the ground and insure him a decent harvest. All the conditions must be right for him to gain maximum output of his acres. To the American farmers days mean dollars.

At critical points of the season, a day's delay can cause considerable loss. So it is understandable when a farmer feels frustration when forced to spend a morning or afternoon sitting in the county ASCS office signing forms. Sometimes it take hours simply to have the bureaucratic regulations adequately explained in order for a farmer to understand what he is signing. As the old expression goes, you must make hay while the Sun shines. Redtape can make that impossible.

Some of our bureaucratic agencies might take a lesson from one of America's most criticized Federal agencies—the IRS. If the IRS can create an Ez form for paying income taxes, why can't the USDA, in a program of less complexity, create an Ez form for participating in farm programs?

Mr. President, it is because I share the frustration of Indiana's farmers that I am introducing this bill to lessen their burdens—burdens they often find most oppressive at the busiest times of the year.

This bill would require the Secretary of Agriculture to substantially reduce the volume of documentation required of farmers. It would mandate a reduction in the amount of time farmers must devote to visiting Department of Agriculture offices, cutting the paperwork required in a typical visit.

In trying to reduce this paperwork, my bill would require the Secretary of Agriculture to seek the input of at least 10 farmers participating in agriculture programs. We should be actively looking for the advice and insights of the people we are attempting to help.

I am convinced that a reduction in paperwork for farmers is both possible and essential. This bill, which depends on their input and opinions, would meet that important need. It is with these goals, and with that confidence, that I introduce this reform.•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. COHEN, Mr. BREAUX, Mr. PRESSLER, Mr. GRAHAM, and Mr. BOND):

S. 1574. A bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries; to the Committee on Finance.

MEDICARE ENROLLMENT IMPROVEMENT AND PROTECTION ACT

• Mr. RIEGLE. Mr. President, today, I'm introducing the Medicare Enrollment Improvement and Protection Act of 1991 with Senators CHAFEE, COHEN, BREAUX, PRESSLER, GRAHAM, and BOND. I'm pleased that Senator CHAFEE, the ranking minority member of the Finance Subcommittee that I chair, is the lead cosponsor.

Three years ago Congress acted to protect low-income seniors and disabled citizens from the increasing costs of deductibles, copayments, and premiums under the Medicare Program. The Qualified Medicare Beneficiary Program [QMB] was to be implemented by the Department of Health and Human Services [HHS] and the States beginning in 1989. Unfortunately, Mr. President, fewer than half of the people believed to be eligible for this benefit are getting it. For the 2.2 million seniors who are entitled to this benefit but not receiving it, the costs out of their pockets may be well over $1,000 a year if they are hospitalized just once. And that doesn't include copayments for physician's services.

A recent report by Families U.S.A. indicates that Medicare beneficiaries are not receiving benefits to which they are entitled because they do not know they are eligible or face other barriers that make it difficult to apply for the benefits.

Two years ago, together with many of my colleagues, I asked Secretary Sullivan to notify beneficiaries and fully implement this important program. But just 1 month ago, we had to write another letter calling on the Secretary to immediately design a program to seek out, notify, and enroll seniors and disabled persons eligible for the program.

Mr. President, I am introducing this comprehensive legislation today to improve enrollment in the program through better outreach and notification, including grants for face-to-face counseling, and provide for a refund for seniors or disabled persons who were eligible but did not apply for benefits. The bill is supported by many organizations including Families U.S.A., National Council of Senior Citizens, National Association of Area Agencies on Aging, and many others.

HISTORY OF NOTIFICATION AND COORDINATION PROBLEMS

I was among those who worked to preserve this benefit when the Medicare Catastrophic Coverage Act of 1988 was repealed. Since then, based on reports from national advocacy groups and Michigan citizens, I have initiated congressional letters to the Secretary of HHS pointing out problems of implementation and urging administrative changes and more outreach.

Let me describe an example of the kinds of problems we face. The son of an elderly widow called my Grand Rapids office for help in securing the QMB benefit for her. The woman's total income was well below the $6,620 poverty level that qualifies her for payment of her Medicare costs. We directed the constituent to the county welfare office, which should have been able to supply an application. However, that office told the man they had no information about such a benefit and that, since it appeared to be a Medicare benefit, he should contact a Social Security office. The Social Security office told him, "It's not us—and it's not open season for Medicare enrollment." The constituent called my office again, and we called the welfare office for him. Once our staff was able to talk with a superviser, the necessary papers were sent out to the woman.

Mr. President, regretably this is not an unusual example of what happens when people try to find out about this benefit. And this constituent at least heard about the benefit. Thousands more have never learned of it because the people who should have known they were eligible didn't know, or didn't tell them about it.

KEY PROVISIONS

To increase the public's awareness of this benefit, the bill requires HHS to mail information at least annually to Social Security beneficiaries whose incomes qualify them, and to supply notices to physician offices and medical facilities for posting. This literature should include a simplified form which, when completed by a low-income Social Security beneficiary, will enable HHS to begin the process of determining eligibility.

To make it easier to apply, Social Security offices—not just welfare offices—should provide and assist with applications. We authorize funds to permit the Health Care Financing Administration to take applications in Social Security offices and to train Social Security personnel to do so. Other grant funds will enable HHS to use area agencies on aging, senior centers, and other community-based organizations to locate and advise potentially eligible beneficiaries. And a toll-free phone line will make information even more readily accessible.

Let me give an example of how community groups can succeed with QMB outreach. The area agency on aging for six counties in southeastern Michigan already had 80 volunteers going into medical facilities to counsel seniors on Medicare and Medicaid benefits. When QMB was enacted, they added it into their interview procedure to find people who might qualify for it, and they refer people to the appropriate welfare office. Other paid outreach workers who conduct assessments of the needs of homebound elderly have also been trained by their agency to counsel and refer to QMB during their visits. This is just the kind of program we would want to fund with the outreach grants provided for in our legislation.

RETROACTIVE COVERAGE NEEDED

Retroactive benefit payments are not permitted under Medicaid rules now for QMB-eligible individuals. They often incur medical costs before they are found eligible—even though their incomes would have qualified them for the benefit. Our bill would rectify those situations. And for those people who would have been eligible but didn't know about the benefit, States should be required to refund cost-sharing expenses back to January 1, 1991.

Finally, to be able to monitor progress in these efforts, we require HCFA to report on implementation of this program 6 months and 12 months after enactment.

Mr. President, low-income seniors, especially those with serious medical problems, have a hard time meeting basic needs, such as food and rent. Congress intended to relieve some of their financial burden by alleviating their costs for Medicare. It's time we ensure they receive this relief, and I hope my colleagues will join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill and a letter from groups supporting the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enrollment Improvement and Protection Act of 1991".

TITLE I—IMPROVING ENROLLMENT

SEC. 101. NOTIFICATION.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b–2) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and",

(3) by inserting after paragraph (3) the following new paragraph:

"(4) a clear, simple explanation (designed to attract the reader's attention and stated in English and other languages determined by the Secretary) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii).", and

(4) by adding at the end thereof the following new sentence: "The portion of the notice containing the explanation described in paragraph (4) shall also be prepared in a manner suitable for posting and distributed to physician, hospital offices, and other medical facilities.".

(b) TOLL-FREE HOTLINE.—The Secretary of Health and Human Services shall establish a toll-free telephone number for information on medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)), including where to go for applications and other information. All notices described in section 1804(4) of the Social Security Act (42 U.S.C. 1395b-2(4)) shall include this toll-free telephone number.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 102. USE OF SOCIAL SECURITY ADMINISTRATION OFFICES AND SIMPLIFIED APPLICATION PROCESSES.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end thereof the following new section:

"ALTERNATIVE LOCATIONS FOR PROCESSING APPLICATIONS FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1931. (a) IN GENERAL.—The Secretary, through the Social Security Administration and the Health Care Financing Administration, shall provide, as an alternative to the procedure established by State agencies under State plans under this title, a procedure (including appropriate training of personnel by the Health Care Financing Administration) to accept an in-person application to determine if an individual meets the requirements for status as a qualified medicare beneficiary under section 1905(p)(1), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in section 1902(a)(10)(E)(iii).

"(b) SIMPLIFIED APPLICATION FORM.—The Secretary shall develop a short simplified application form with the consultation of consumer advocates and States agencies for use in social security offices and for periodic mailings (as determined by the Secretary) to individuals potentially eligible for the status described in subsection (a) to determine an individual's eligibility for such status. Such forms may be referred to the appropriate State agency designated under this title for review and decision, if necessary.

"(c) CERTIFICATION OF DETERMINATION OF STATUS.—(1) If the Secretary, based upon an application described in subsection (b), makes a determination that an individual meets the requirements for the status described in subsection (a), the Secretary shall certify such determination to the State in which the individual resides.

"(2) If the Secretary certifies to the State that an individual meets the requirements for such status, the individual shall be deemed to have met the requirements for such status.

"(3) Nothing in paragraph (2) shall be construed to prohibit a State from requiring an individual to continue to meet the requirements of such status after the individual is deemed to have met the requirements of such status under paragraph (2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. MANDATORY DIRECT ENROLLMENT OF PART A ELIGIBLES.

(a) IN GENERAL.—Paragraph (1) of section 1818(e) of the Social Security Act (42 U.S.C. 1395i-2(e)) is amended by striking "shall, at the request of a State made after 1989, enter into a modification of an agreement entered into with the State pursuant to section 1843(a)" and inserting "shall enter into an agreement with each State under terms described in section 1843".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 104. OPTIONAL PRESUMPTIVE ELIGIBILITY.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920 the following new section:

"PRESUMPTIVE ELIGIBILITY FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1920A. (a) IN GENERAL.—A State plan approved under section 1902 may provide for making medical assistance available for medicare cost-sharing (as described in clauses (i), (ii), and (iii) of section 1905(a)(10)(E)) to qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii) during a presumptive eligibility period.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income of the individual does not exceed the applicable income level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the individual for medical assistance described in subsection (a) under the State plan, or

"(ii) in the case of an individual who does not file an application by the last day of the month following the month during which the provider makes the determination referred to in subparagraph (A), such last day; and

"(2) the term 'qualified provider' means any provider that—

"(A) is eligible for payments under a State plan approved under this title, and

"(B) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(c) DUTIES OF STATE AGENCY, QUALIFIED PROVIDERS, AND PRESUMPTIVELY ELIGIBLE INDIVIDUALS.—(1) The State agency shall provide qualified providers with—

"(A) such forms as are necessary for an individual described in subsection (a) to make application for medical assistance described in subsection (a) under the State plan, and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) A qualified provider that determines under subsection (b)(1)(A) that such an individual is presumptively eligible for such medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made, and

"(B) inform the individual at the time the determination is made that such individual is required to make application for such medical assistance under the State plan by no later than the last day of the month following the month during which the determination is made.

"(C) Such an individual who is determined by a qualified provider to be presumptively eligible for such medical assistance under a State plan shall make application for such medical assistance under such plan by no later than the last day of the month following the month during which the determination is made.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1992, without regard to whether or not regulations to implement such amendment are promulgated by such date.

SEC. 105. OPTIONAL SPENDDOWN FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Paragraph (10) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended in the matter following subparagraph (E)—

(1) by striking "and (XI)" the first place it appears and inserting ", (XI)",

(2) by striking "and (XI)" the second place it appears and inserting ", (XII)", and

(3) by inserting before the semicolon at the end thereof, the following: ", and (XIII) in determining the eligibility for medical assistance of individuals described in clauses (i), (ii), and (iii) of subparagraph (E), the provisions of sections 1905(p) and 1905(s) supercede any other provision of this title (including subsection (f) of this section) which is inconsistent with such sections".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 106. OUTREACH GRANTS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants, one-half to State agencies and one-half to approved organizations, that submit applications to the Secretary that meet the requirements of this section for the purpose of providing information, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, benefits as qualified medicare beneficiaries (as defined in section 1905(p)(1) of the Social Security Act (42 U.S.C.1396d(p)(1)), qualified disabled and working individuals (as defined in section 1905(s) of such Act (42 U.S.C. 1396d(s)), and individuals described in section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396a(a)(10)(E)) (in this section referred to as "eligible individuals"). The Secretary shall prescribe regulations to establish a minimum level of funding for a grant issued under this section.

(2) APPROVED ORGANIZATIONS.—For purposes of paragraph (1), an organization shall be approved by the Secretary to submit an application described in subsection (b) if such organization has wide community support (as determined by the Secretary).

(b) GRANT APPLICATIONS.—

(1) SUBMISSIONS.—In submitting an application under this section, a State agency or approved organization may consolidate and coordinate an application that consists of parts prepared by more than one department of such State agency or organization.

(2) PROGRAM REQUIREMENTS.—As part of an application for a grant under this section, a State agency or approved organization shall submit a plan for an information, counseling, and assistance program. Such program shall—

(A) establish or improve upon an information, counseling, and assistance program that provides counseling and assistance to eligible individuals in need of information that may assist individuals in applying for medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3));

(B) establish a system of referral to appropriate Federal or State departments or agencies for assistance with problems related to enrollment in and full implementation of such medicare cost-sharing program, as determined by the Secretary;

(C) provide for a sufficient number of staff positions (including volunteer positions) necessary to provide the services of the information, counseling, and assistance program;

(D) provide for the collection and dissemination of timely and accurate enrollment information to staff members;

(E) provide for training programs for staff members (including volunteer staff members);

(F) provide for the coordination of the exchange of enrollment information between the staff of departments and agencies of the State government and the staff of the information, counseling, and assistance program;

(G) make recommendations concerning consumer issues and complaints related to such enrollment to agencies and departments of the State government and the Federal Government responsible for providing such medicare cost-sharing;

(H) establish an outreach program to provide the enrollment information and counseling described in subparagraph (A) and the assistance described in subparagraph (B) to eligible individuals; and

(I) demonstrate, to the satisfaction of the Secretary, an ability to provide the counseling and assistance required under this section.

(c) ADMINISTRATION.—The State agency or approved organization shall operate the information, counseling, and assistance program in locations other than State welfare offices, including Area Agencies on Aging, meals on wheels programs, senior centers, and other locations determined by the Secretary in consultation with such agency or organization.

(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this section shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program.

(f) ANNUAL APPLICANT REPORT.—A State agency or approved organization that receives a grant under subsection (a) shall, not later than 180 days after receiving such grant, and annually thereafter, issue an annual report to the Secretary that includes information concerning—

(1) the number of individuals served by the information, counseling, and assistance program of such State agency or organization; and

(2) the problems that eligible individuals encounter in enrolling for medicare cost-sharing (as so defined).

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, and annually thereafter, the Secretary shall issue a report to the Committee on Finance of the Senate, the Special Committee on Aging of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Select Committee on Aging of the House of Representatives that—

(1) summarizes the allocation of funds authorized for grants under this section and the expenditure of such funds;

(2) outlines the problems that eligible individuals encounter in enrolling for medicare cost-sharing (as so defined);

(3) makes recommendations that the Secretary determines to be appropriate to address the problems described in paragraph (2); and

(4) in the case of the report issued 2 years after the date of enactment of this section, evaluates the effectiveness of counseling programs established under this program, and makes recommendations regarding continued authorization of funds for these purposes.

(h) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—There are authorized to be appropriated, in equal parts from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund, $30,000,000 for each of the fiscal years 1992, 1993, and 1994, and $10,000,000 for each of the fiscal years beginning after fiscal year 1994, to fund the grant programs described in this section.

TITLE II—RETROACTIVITY

SEC. 201. RETROACTIVE ELIGIBILITY.

(a) IN GENERAL.—Subsection (a) of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by striking "or, in the case of medicare cost-sharing with respect to a qualified medicare beneficiary described in subsection (p)(1), if provided after the month in which the individual becomes such a beneficiary)" and inserting "or, in the case of medicare cost-sharing with respect to a qualified medicare beneficiary (as defined in subsection (p)(1), a qualified disabled and working individual (as defined in subsection (s)), or an individual described in section 1902(a)(10)(E)(iii), if provided in or after the third month before the month in which the individual makes application to become such a beneficiary or individual)".

(b) CONFORMING AMENDMENT.—Paragraph (8) of section 1902(e)(8) of the Social Security Act (42 U.S.C. 1396a(e)(8)) is amended to read as follows:

"(8) For purposes of payment to a State under section 1903(a), if an individual is determined to be a qualified medicare beneficiary (as defined in section 1905(p)(1), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in subsection (a)(10)(E)(iii), such determination shall be considered to be valid for an individual for a period of 12 months, except that a State may provide for such determinations more frequently, but not more frequently than once every 6 months for an individual.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications filed after December 31, 1991.

TITLE III—REFUNDS

SEC. 301. RETROACTIVE MEDICAID PAYMENT OF MEDICARE COST-SHARING.

(a) IN GENERAL.—Notwithstanding any other provision of law, any qualified medicare beneficiary described in section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)) who files an application within 1 year after the date of the enactment of this Act (in such form and with such documentation as determined by the Secretary of Health and Human Services) for payment of medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) shall receive a retroactive payment in addition to any other payment.

(b) RETROACTIVE PAYMENT.—For purposes of this section, the term "retroactive payment" means payment of medicare cost-sharing for the period—

(1) beginning with the later of—

(A) the month after the earliest date the qualified medicare beneficiary would have been first eligible for medicare cost-sharing, or

(B) January 1, 1991, and

(2) ending with the earlier of—

(A) the date such qualified beneficiary ceased to be eligible for medicare cost-sharing, or

(B) the date on which such beneficiary begins receiving payment of medicare cost-sharing (other than a retroactive payment) either pursuant to an application filed under this section or otherwise.

(c) SOURCE OF PAYMENT.—

(1) IN GENERAL.—In the case of retroactive payments not described in paragraph (2), the Federal Government shall be responsible for the Federal share (as determined under title XIX of the Social Security Act) of such payments and each State in which the qualified medicare beneficiary resided during the period of the retroactive payment determined under subsection (b) shall be responsible for the State share (as determined under such title) of such payment relating to such period of residency.

(2) FEDERAL SOURCE.—The Social Security Administration shall be responsible for any portion of a retroactive payment which represents premiums described in section 1905(p)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396d(p)(3)(A)(i)) which were withheld from benefit payments under title II of such Act.

TITLE IV—REPORT

The Secretary of Health and Human Services shall report to the Congress not later than 12 months after the date of the enactment of this Act, and in the interim not later than 6 months after such date, on the activities of the Department of Health and Human Resources to ensure enrollment and full implementation of the benefits described in section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) and the effectiveness of each such activity. Such reports shall also include any recommendations regarding any proposed legislation necessary to further improve such enrollment and implementation.

JULY 25, 1991.

Hon. DONALD RIEGLE
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: We, the undersigned organizations, are pleased to lend our full support for your proposal, the Medicare Enrollment Improvement and Protection Act of 1991.

As longstanding supporters of the Qualified Medicare Beneficiary (QMB) program, the purpose of which is to shield low income beneficiaries from the high cost-sharing requirements of the Medicare program, we are deeply concerned more than half of all seniors eligible for the QMB benefits are not receiving the benefits. Aggressive outreach and notification efforts have not been mounted by the DHHS to find and enroll potentially qualified individuals. As a result, more than 2 million elderly individuals and couples with incomes below the federal poverty line have been wrongly billed for Medicare premiums, copays, and deductibles since the program began more than three years ago.

Two critical areas of needed improvement are that beneficiaries must be able to enroll in the program through their local Social Security offices and the DHHS must actively notify beneficiaries, on an ongoing basis, about the program. Your bill would fully address these issues, as well as others of vital importance.

We appreciate your leadership in this pressing issue and look forward to working with you to make the QMB program a reality for the millions in need.

Sincerely,

Amerian Association of Homes for the Aging; AFSCME Retiree Program; Asociacion Nacional Pro Personas Mayores; Families USA; National Association for Families Caring for their Elders; National Association of Area Agencies on Aging; National Association of Foster Grandparents Program

Directors; National Association of Older American Volunteer Program Directors; National Association of Retired Federal Employees; National Association of RSVP Directors; National Association of State Units on Aging; National Caucus and Center on Black Aged; and Older Women's League.●

● Mr. COHEN. Mr. President, I am pleased to join as a cosponsor of the Medicare Enrollment Improvement and Protection Act of 1991, which my colleague from Michigan has introduced to ensure that low-income elderly and disabled individuals are protected against the rising out-of-pocket costs associated with the Medicare Program.

Congress first enacted legislation mandating that Medicaid pick up all Medicare premiums, deductibles and copayments for beneficiaries living below the poverty line in 1988. Therefore, I was alarmed by the recent Families USA report which found that between 2.2 and 2.3 million low-income seniors—approximately half of those eligible—are not receiving this important Medicare buy-in benefit.

And why not? Simply because they do not know about it and they have not applied.

It has long been said that knowledge is power. When it comes to the Medicare buy in, knowledge is money, and a good deal of it at that. Many poverty-level beneficiaries are spending $1,000 a year or more—at least one-sixth of their annual income—to cover the cost of Medicare premiums, deductibles, and copayments, which by law, should be paid by Medicare.

Both the Federal and State governments have joint responsibility for administering the buy-in program. Therefore, both are accountable for our failure to give adequate notice to potentially eligible beneficiaries about the availability of the benefit. However, it is clear that the Department of Health and Human Services can do more to reach out to potential beneficiaries to ensure that all poor elderly and disabled individuals receive this important benefit to which they are entitled under law.

The Special Committee on Aging held a hearing on this issue earlier this week, and I was pleased to hear testimony outlining the new initiatives planned by the administration to improve beneficiary access to the program. Dr. Gail Wilensky, Administrator of the Health Care Financing Administration; Gwendolyn King, Administrator of the Social Security Administration; and Joyce Berry, Commissioner of the Administration on Aging; testified that both HCFA and the Social Security Administration are implementing public information campaigns to increase awareness about the program and are exploring new ways to identify potentially eligible beneficiaries. The panel also testified that the Administration on Aging is planning to provide information on the program to State and area agencies on aging for distribution to senior centers and services providers.

I commend the administration on these initiatives and I also commend my colleague on his introduction of this legislation. I believe that enactment of the Medicare Enrollment Improvement and Protection Act will complement the administration's efforts, and I urge my colleagues to join me in cosponsoring it. It is imperative that the Health Care Financing Administration, the Social Security Administration, and the Administration on Aging work in concert with the States and the aging network to implement an effective outreach program that will ensure that all of our low-income seniors get the benefits they are entitled to under law.●

● Mr. BOND. Mr. President, today, we take an important step forward in correcting a terrible situation that has resulted in very low-income seniors not receiving assistance that they very much need and deserve. Congress has taken important steps in recent years to protect improverished seniors from out-of-pocket health care costs incurred under the Medicare Program. Unfortunately, the Federal Government has done an abyssmal job of notifying eligible seniors of the benefit.

In a study earlier this year, the Families USA Foundation revealed that over half of the 2.2 million to 2.3 million seniors eligible for this benefit were not receiving it and, in fact, did not even know about it. These very low-income elderly seniors were continuing to have the cost of the Medicare part B premium deducted from their Social Security checks each month when Medicaid should have been shouldering the cost. These impoverished seniors were also paying for physician and hospital bills even though by law they are not responsible for the costs. These are elderly individuals with incomes below $6,620 a year and less than $4,000 in assets, and couples with annual incomes below $8,880 and less than $6,000 in assets.

In my own State of Missouri, about 46 percent of eligible senior citizens were estimated to be paying needlessly, according to the Families USA report.

I commend my colleague, Senator RIEGLE, for introducing this important legislation that will take steps to insure that low-income seniors are made aware of these benefits to which they are entitled. In particular, I strongly support the provisions of this legislation that will provide retroactive coverage to January 1, 1991 for individuals who were eligible on that date. This is an important step that we owe to these seniors who were unable to apply for the benefit just because the Government had failed to let them know about this benefit.

As of January 1, 1989, Medicaid—the Federal/State program which provides health care for the poor—is supposed to pay for the Medicare premiums and deductibles for these low-income seniors and persons with disabilities eligible for Medicare, referred to as qualified Medicare beneficiaries or QMB's. These Medicare beneficiaries also are not responsible for any other out-of-pocket costs for Medicare-covered services. The buy-in coverage under the QMB program was available to all seniors with incomes below 85 percent of the poverty line in 1989 and was extended to seniors below 100 percent of the poverty line beginning January 1, 1991. The income limit rises to 110 percent of the poverty line in 1993 and 120 percent of the poverty line in 1995. In addtion, seniors with incomes between 100 and 120 percent of the poverty line are eligible for Medicaid payment of Medicare premiums.

Mr. President, I strongly urge my colleagues to support this legislation and I hope that the Congress will move swiftly to enact this legislation and correct what has been a very unfortunate failure in the efforts to help these improverished seniors.●

By Mr. THURMOND (by request):

S. 1575. A bill to augment and clarify law enforcement agency roles in ordering aircraft to land and vessels to bring to, to enable improved money laundering investigations, to promote drug testing in Federal and State criminal justice systems, and for other law enforcement system improvements; to the Committee on the Judiciary.

DRUG SUPPLY REDUCTION ACT OF 1991

● Mr. THURMOND. Mr. President, today, I rise to introduce the Office of National Drug Control Policy's Drug Supply Reduction Act of 1991. This legislation is necessary for the full implementation of President Bush's national drug control strategy.

Included in this package are interdiction system improvements and money laundering amendments. In addition, the bill contains drug testing provisions and needed technical corrections to the Criminal Code.

Mr. President, the drug czar's office, under the strong leadership of Bob Martinez, has been urging Congress to pass the legislative proposals for some time. In fact, much of this bill was adopted as part of the Senate crime bill. I strongly advise my colleagues to study this legislative package. There is no doubt that this bill continues our Nation's efforts to eliminate illicit drug abuse.

Mr. President, I ask unanimous consent that the full text of this bill, along with a section-by-section analysis, appear in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Drug Supply Reduction Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—INTERDICTION SYSTEM IMPROVEMENTS
Sec. 101. Short title for title I.
Sec. 102. Sanctions for failure to land or to bring to.
Sec. 103. FAA revocation authority.
Sec. 104. Coast Guard air interdiction authority.
Sec. 105. Coast Guard civil penalty provisions.
Sec. 106. Customs orders.
Sec. 107. Customs civil penalty provisions.
TITLE II—NEW COAST GUARD AUTHORITIES
Sec. 201. Short title for title II.
Sec. 202. Information exchange and assistance.
Sec. 203. Assistance to foreign governments and international organizations.
Sec. 204. Amendment to the Mansfield Amendment to permit maritime law enforcement operations in archipelagic waters.
TITLE III—FINANCIAL ENFORCEMENT
Sec. 301. Short title for title III.
Sec. 302. Anti-structuring amendment.
Sec. 303. FATF recommendations.
Sec. 304. Geographic targeting amendment.
Sec. 305. Amendments to the Right to Financial Privacy Act.
Sec. 306. Transfer of records to FinCEN.
Sec. 307. Technical amendment substituting the Secretary of Agriculture for the Secretary of Treasury.
Sec. 308. Search of outbound mail.
TITLE IV—DRUG TESTING
Sec. 401. Drug testing of federal offenders on post-conviction release.
Sec. 402. Drug testing in state criminal justice systems as a condition of receipt of justice drug grants.
TITLE V—OTHER LAW ENFORCEMENT SYSTEM IMPROVEMENTS
Sec. 501. Short title for title V.
Sec. 502. Enhancement of penalties for drug trafficking in prisons.
Sec. 503. Seizure of vehicles with concealed compartments.
Sec. 504. Close loophole for illegal importation of small drug quantities.
Sec. 505. Undercover operations—churning.
Sec. 506. Drug paraphernalia amendment.
Sec. 507. Correction of resentencing sanction for revocation of probation for possession of a controlled substance.
Sec. 508. Conforming amendments concerning marihuana.
Sec. 509. Addition of drug conspiracies and attempts and serious crack possession offenses by juveniles as warranting adult prosecution.
Sec. 510. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 511. Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.
Sec. 512. Clarification of narcotic or other dangerous drugs under the RICO statute.
Sec. 513. Conforming amendments to recidivist penalty provisions of the controlled substances act and the controlled substances import and export act.
Sec. 514. Elimination of outmoded language relating to parole.
Sec. 515. Conforming amendment to provision punishing a second offense of distributing drugs to a minor.
Sec. 516. Conditional waiver of four-year limitation for effective BJA projects.

TITLE I—INTERDICTION SYSTEM IMPROVEMENTS

SEC. 101. SHORT TITLE FOR TITLE I.

This title may be cited as the "Order to Land and To Bring To Act of 1991."

SEC. 102. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO.

(a) Chapter 109 of title 18 of the United States Code, is amended by adding at the end thereof the following new section:

"SEC. 2237. ORDER TO LAND OR BRING TO.

"(a)(1) In the enforcement of the laws of the United States relating to controlled substances, as that term is defined in the Controlled Substance Act, or relating to money laundering (sections 1956–57 of this title), it shall be unlawful for the pilot, operator, or person in charge of any aircraft which has crossed the border of United States, or any aircraft subject to the jurisdiction of the United States operating outside the United States, to refuse to obey the order of an authorized Federal law enforcement officer to land.

"(2) The Administrator of the Federal Aviation Administration and the Commissioner of Customs, upon consultation with the Attorney General, shall prescribe regulations governing the means by which an order to land may be communicated to the pilot, operator, or person in charge of an aircraft by Federal law enforcement officers.

"(3) This section does not limit in any way the preexisting authority of customs officer under section 581 of the Tariff act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(b) It is unlawful for any master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States to fail to bring to that vessel on being ordered to do so by a Federal law enforcement officer authorized to issue such an order.

"(c) Consent or waiver of objection by a foreign nation to the enforcement of United States law by the United States under this section may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(d) For purposes of this section:

"(1) a "vessel of the United States" or a "vessel subject to the jurisdiction of the United States" has the meaning set forth in the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) an aircraft "subject to the jurisdiction of the United States" includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation where the nation of registry has consented or waived objection to the enforcement of United States law by the United States;

"(3) the term "bring to" means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(4) "Federal law enforcement officer" has the meaning set forth in section 115 of this title.

"(e) A person who intentionally violates the provisions of this section shall be subject to—

"(1) imprisonment for not more than two years; and

"(2) a fine as provided in this title.

"(f) Any vessel or aircraft that is used in a violation of this section may be seized and forfeited. The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forefeitures, and the compromise of claims, shall apply to seizures and forefeitures incurred, or alleged to have been incurred, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. Any vessel or aircraft that is used in a violatioin of this section is also liable in rem for any fine or civil penalty imposed under this section.".

(b) CONFORMING AMENDMENT.—The analysis at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Order to land or to bring to.".

SEC. 103. FAA REVOCATION AUTHORITY.

(a) Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by adding at the end the following:

"(3)(A) The registration of an aircraft shall be immediately revoked upon the failure of the operator of an aircraft to follow the order of a Federal law enforcement officer to land an aircraft, as provided in section 2237 of title 18 of the United States Code. The Administrator shall notify forthwith the owner of the aircraft that the owner of the aircraft no longer holds United States registration for that aircraft.

"(B) The Administrator shall establish procedures for the owner of the aircraft to show cause—

(i) why the registration was not revoked, as a matter of law, by operation of subparagraph (A) of this subsection (3); or

(ii) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subparagraph (A), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subparagraph (A).".

(b) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(e)) is amended by adding at the end the following new subsection (d):

"(d)(1) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that (A) such person, while acting as the operator of an aircraft, failed to follow the order of a law enforcement officer to land the aircraft as provided in section 2237 of title 18 of the United States Code, and (B) that such person knew or had reason to know that he had been ordered to land the aircraft.

"(2) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, the provisions of paragraph (1) of this subsection shall not apply.

"(3) The provisions of subsection (c)(3) of this section shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.".

SEC. 104. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) AIR INTERDICTION AUTHORITY.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"SEC. 96. AIR INTERDICTION AUTHORITY.

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States over the high seas and waters over which the United States has jurisdiction. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 5 of such title is amended by adding at the end the following:

"96. Air interdiction authority."

SEC. 105. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) CIVIL PENALTY.—Chapter 17 of title 14, United States Code, is amended by adding the following new section:

"SEC. 667. CIVIL PENALTY FOR FAILURE TO COMPLY WITH A LAWFUL BOARDING OR ORDER TO LAND.

"(a) The master, operator or person in charge of a vessel or the pilot or operator of an aircraft who intentionally fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of title 14, United States Code, is liable to the United States Government for a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(b) The master, operator or person in charge of a vessel or the pilot or operator of an aircraft who negligently fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of title 14, United States Code, is liable to the United States Government for a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(c) Any vessel or aircraft used in violation of section 2237 of title 18, United States Code, or section 96 of title 14, United States Code, is also liable in rem for the criminal or civil penalty assessed under this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 666 the following:

"667. Civil penalty for failure to comply with a lawful boarding or order to land.".

SEC. 106. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930, as amended (19 U.S.C. 1581) is further amended by adding a paragraph (i) to read as follows:

"(i) As used in this section, the term "authorized place" includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches;

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19 U.S.C. 1644), or regulations issued thereunder, or section 2237 of title 18 of the United States Code, any location outside of the United States, including a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches.".

SEC. 107. CUSTOMS CIVIL PENALTY PROVISIONS.

(a) The Tariff Act of 1930, as amended, is further amended by adding a new section 591 (19 U.S.C. 1591) as follows:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND OR TO BRING TO.

"(a) The pilot or operator of an aircraft who intentionally fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 1591 of this title, or of section 2237 of title 18 of the United States Code, is subject to a civil penalty of not more than $25,000 which may be assessed by the appropriate customs officer.

"(b) The pilot or operator of an aircraft who negligently fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 1581 of this title, or of section 2237 of title 18 of the United States Code, is subject to a civil penalty of not more than $5,000, which may be assessed by the appropriate customs officer.".

TITLE II—NEW COAST GUARD AUTHORITIES

SEC. 201. SHORT TITLE FOR TITLE II.

This title may be cited as the "Coast Guard Assistance Act of 1991."

SEC. 202. INFORMATION EXCHANGE AND ASSISTANCE.

Section 142 of title 14, United States Code is amended—

(a) by inserting "(a)" at the beginning of the text, the words "and international organizations" after "with foreign governments", and the words "maritime law enforcement, maritime environmental protection, and" after "matters dealing with".

(b) by adding a new subsection "(b)" as follows:

"(b) the Coast Guard may, when so requested by the Secretary of State, utilize its personnel and facilities to assist any foreign government or international organization to perform any activity for which such personnel and facilities are especially qualified.".

SEC. 203. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 149 of title 14, United States Code is amended to read as follows:

SEC. 149. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

"The President may upon application from the foreign governments or international organizations concerned, and whenever in his discretion the public interest renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance. Utilization of members may include the detail of such members. Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions. While so detailed, such officers and enlisted members shall receive the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for all service while so detailed, as if serving with the Coast Guard.".

(b) CONFORMING AMENDMENT.—The analysis at the beginning of chapter 7 of title 14, United States Code, is amended by replacing the wording following "149" with: "Assistance to foreign governments and international organizations."

SEC. 204. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS

Section 2291(c)(4) of title 22, United States Code, is amended by inserting the words ", and archipelagic waters" after the words "territorial sea".

TITLE III—FINANCIAL ENFORCEMENT

SEC. 301. SHORT TITLE FOR TITLE III.

This title may be cited as the "Financial Enforcement Act of 1991."

SEC. 302. ANTI-STRUCTURING AMENDMENT.

Section 5324 of title 31, United States Code, is amended by adding the words "or section 5325 or the regulations thereunder" after the words "section 5313(a)" each time they appear.

SEC. 303. FATF RECOMMENDATIONS.

(a) Section 5318 of title 31, United States Code, is amended by adding new subsections (g) and (h), as follows:

"(g)(1) The Secretary may prescribe that financial institutions report suspicious transactions relevant to possible violation of law or regulation.

"(2) A financial institution may not notify any person involved in the transaction that the transaction has been reported.

"(3) The provisions of section 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) shall apply to reports of suspicious transactions under this section.

"(h) In order to guard against money laundering through financial institutions, the Secretary may prescribe regulations requiring financial institutions to have anti-money laundering programs, including, at a minimum, the following: internal policies, procedures and controls; designation of a compliance officer; an ongoing employee training program; and an independent audit function to test the program. The Secretary may promulgate minimum standards for such programs.".

(b) Section 5322 of title 31, United States Code, is amended by adding the words "or section 5318(g)(1)" after the words "under section 5315," every time they appear.

SEC. 304. GEOGRAPHIC TARGETING AMENDMENT.

Section 5326 of title 31, United States Code, is amended by adding a new subsection (c) as follows:

"(c) No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of or terms of the order to any person except as prescribed by the Secretary.".

SEC. 305. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.

Section 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended

(1) by deleting the words "in this chapter";

(2) by removing the period at the end thereof and adding the following: "or for refusal to do business with any person before or after disclosure of a possible violation of law or regulation to a Government authority. For purposes of this section, the term "financial institution" includes, in addition to financial institutions under this chapter, any business defined as a financial institution in section 5312(a)(2) of Title 31, United States Code, that is required by the Secretary of the Treasury under section 5318(g) of Title 31, United States Code, to file a suspicious transaction report with the Secretary.".

SEC. 306. TRANSFER OF RECORDS TO FINCEN.

Section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412) is amended by adding a new subsection (g) as follows:

"(g) Financial records originally obtained by an agency in accordance with this chapter may be transferred to the Secretary of the Treasury for analysis and use by the Financial Crimes Enforcement Network for criminal law enforcement purposes without customer notice.".

SEC. 307. TECHNICAL AMENDMENT SUBSTITUTING THE SECRETARY OF AGRICULTURE FOR THE SECRETARY OF TREASURY.

Section 516(d) of the Controlled Substances Act (21 U.S.C. 886(d)) is amended by striking the words "Secretary of the Treasury" where they appear in subsection (d) and inserting in lieu thereof the words "Secretary of Agriculture".

SEC. 308. SEARCH OF OUTBOUND MAIL.

Section 5317(b) of Title 31, United States Code, is amended to read as follows:

"(b)(1) For purposes of ensuring compliance with the requirements of section 5316 of this title or of sections 1956 and 1957 of title 18, United States Code, a Customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, including mail transmitted by the United States Postal Service which is not sealed against inspection, or which has a Customs declaration affixed by the sender, and any person entering or departing from the United States.

"(2) Notwithstanding 39 U.S.C. 3623(d), or any other provision of title 39, United States Code, with respect to any letter sealed against inspection being transmitted by the United States Postal Service, a search authorized by paragraph (1) may be conducted when a customs officer has reasonable cause to suspect that there are monetary instruments being transported in such a letter.

"(3) Nothing in this section shall be construed to limit the authority of the Secretary of the Treasury or the United States Customs Service under any other provision of law.".

TITLE IV—DRUG TESTING

SEC. 401. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end thereof the following new section: "Section 3608. Drug Testing of federal offenders on post-conviction release.

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.".

(2) The section analysis for chapter 229 of title 18, United States Code, is amended by adding at the end thereof the following: "3608. Drug testing of defendants on post-conviction release.".

(b) DRUG TESTING CONDITION.—

(1) Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking out "and";

(B) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(C) by adding a new paragraph (4), as follows:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the controlled substance Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. A defendant who tests positive may be detained pending verification of a drug test result."

(2) Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 2563(a)(4) of this title, the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. Third latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.".

(3) Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4) of this title, the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.".

(c) REVOCATION OF RELEASE.—(1) Section 3565(a) of title 18, United States Code, is amended by inserting in the final sentence after "3563(a)(3)," the following' "or unlawfully uses a controlled substance or refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),'.

(2) Section 3583(g) of title 18, United States Code, is amended by inserting after "substance" the following: "or unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of supervised release,".

(3) Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

SEC. 402. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS AS A CONDITION OF A RECEIPT OF JUSTICE DRUG GRANTS.

(a) IN GENERAL.—Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end of part E (42 U.S.C. 3750–3766b) the following: "Drug Testing Programs

"SEC. 623. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons subject to charges, confinement, or supervision in the criminal justice systems of the State. Such a program must meet criteria specified in regulations promulgated by the Attorney General under subsection (b) of this section. Notwithstanding the above, no state shall be required to expand an amount for drug testing pursuant to this section in excess of 10% of the minimum amoung which that state is eligible to receive under subpart 1 of this part.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impactical or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but no earlier than the promulgation of the regulations required under subsection (b),".

TITLE V—OTHER LAW ENFORCEMENT SYSTEM IMPROVEMENTS

SEC. 501. SHORT TITLE FOR TITLE V.

This title may be cited as the "Drug Law Enforcement System Improvements Act of 1991."

SEC. 502. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence impose by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the words "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting in lieu thereof "(d)".

SEC. 503. SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS.

(a) Section 3 of the Anti-Smuggling Act of 1935 (19 U.S.C. 1703) is amended:

(1) by amending the title of such section to read as follows:

"Sec. 1703. Seizure and forfeiture of vessels, vehicles and other conveyances";

(2) by amending the title of subsection (a) to read as follows:

"(a) Vessels, vehicles and other conveyances subject to seizure and forfeiture";

(3) by amending the title of subsection (b) to read as follows:

"(b) 'Vessels, vehicles and other conveyances' defined";

(4) by inserting "; vehicle, or other conveyance" after the word "vessel" everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

"(c) Acts constituting prima facie evidence of vessel, vehicle or other conveyance engaged in smuggling.

"For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of title 17, United States Code, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law.

"(2) in the case of a vehicle or other conveyance, the fact that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling.".

(b) The table of sections for Chapter 5 of title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

"1703. Seizure and forfeiture of vessels, vehicles and other conveyances.

"(a) Vessels, vehicles and other conveyances subject to seizure and forfeiture.

"(b) Vessels, vehicles and other conveyances, defined.

"(c) Acts constituting prima facie evidence of vessel, vehicle or other conveyance engaged in smuggling.".

SEC. 504. CLOSE LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497 (a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 505. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended by deleting the current language, and replacing it with the following:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.".

SEC. 506. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding the following new subsection (g):

"(g) Civil Enforcement.

"The Attorney General may bring a civil action against any person who violates the provisions of this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 507. CORRECTION OF RESENTENCING SANCTION FOR REVOCATION OF PROBATION FOR POSSESSION OF A CONTROLLED SUBSTANCE.

Section 3565(a) of title 18, United States Code, is amended by striking "sentence the defendant to not less than one-third of the original sentence" and inserting in lieu thereof "resentence the defendant under subchapter A to a sentence that includes a term of imprisonment".

SEC. 508. CONFORMING AMENDMENTS CONCERNING MARIHUANA.

(a) Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) and section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) are each amended by striking out "with respect to less than 50 kilograms of marihuana" and inserting in lieu thereof "with respect to less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana";

(b) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking out "except in the case of 100 or more marihuana plants" and inserting in lieu thereof "except in the case of 50 or more marihuana plants".

SEC. 509. ADDITION OF DRUG CONSPIRACIES AND ATTEMPTS AND SERIOUS CRACK POSSESSION OFFENSES BY JUVENILES AS WARRANTING ADULT PROSECUTION.

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841) or sections 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 960(b)(1), (2), or (3))," and inserting in lieu thereof "an offense (or conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963),"; and

(2) in the fourth undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting in lieu thereof "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), or section 1002(a), 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959, 960(b)(1), (2), or (3), or 963)"; and

(B) by striking "subsection (b)(1)(A), (B), or (C), (D), or (e) of section 401 of the Controlled Substances Act, or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3))" and inserting in lieu thereof "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), or the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e), 844 or 846, or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)".

SEC. 510. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking "and" at the end of clause (ii) and inserting in lieu thereof "or"; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph; and".

SEC. 511. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Sections 5038(d) and (f) of title 18, United States Code, are each amended by striking "or an offense described in sections 841, 952(a), 955, or 959, of title 21," and inserting in lieu thereof "or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b)(1), (2), (3)),".

SEC. 512. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER THE RICO STATUTE.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place those words appear and inserting in lieu thereof "a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)".

SEC. 513. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCE ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(1) Sections 401(b)(1)(B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B), (C), and (D) and sections 1010(b)(1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1), (2), (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting in lieu thereof "a prior conviction for a felony drug offense has become final";

(2) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony for a felony drug offense have become final".

(3) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means";

(4) Section 401 of the Controlled Substances Act (21 U.S.C. 841) and section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) are each amended by adding a new subsection (c), as follows:

"(c) For purposes of this title, the term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State of foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances."; and

(5) Section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) is amended by adding after the sentence beginning "If any person commits" the following: "If any person commits a violation of this paragraph or of section 418, 419, or 420 of the Controlled Substances Act after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence.".

SEC. 514. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Sections 401(b)(1)(A) and (B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A) and (B)) are each amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.";

(b) Sections 1010(b)(1) and (2) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1) and (2)) are each amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.";

(c) Section 419(c) of the Controlled Substances Act (21 U.S.C. 860(c)) is amended by striking "; parole" in the heading of such section and by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.";

(d) Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "; parole" in the heading of such section and by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 515. CONFORMING AMENDMENT TO PROVISION PUNISHING A SECOND OFFENSE OF DISTRIBUTING DRUGS TO A MINOR.

Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking "one year" and inserting in lieu thereof "three years".

SEC. 516. CONDITIONAL WAIVER OF FOUR-YEAR LIMITATION FOR EFFECTIVE BJA PROJECTS.

Section 504 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1986 (42 U.S.C. 3754), as amended by Public Law 100-690, is amended by adding the following section (g)—

"(g)(1) States may request a waiver from the four-year limitation in paragraph (f) of this subsection. The request for a waiver must include—

"(A) a full evaluation report of the program or project activities to date;

"(B) an assurance that non-Federal funds are insufficient to continue the program or project without continued Federal support; and

"(C) a plan for funding the program or project without Federal support after the sixth year.

"(2) The Director may waive the four-year limitation if he finds that continued funding of the program or project beyond the fourth year promotes the purposes of the grant program as described in section 501. Notwithstanding Federal expenditure limitations set forth in paragraph (a) of this section, the Federal share of expenditures for any program or project receiving a waiver shall not exceed—

"(A) 50 percent for the fifth year of the program or project; and

"(B) 25 percent for the sixth year of the program or project.

"No programs or projects may receive waivers beyond the sixth year. Programs or projects covered by the waiver included in the 1991 Justice Assistance Appropriations Act will be considered fifth year programs or projects in Fiscal Year 1992 and sixth year programs or projects in Fiscal Year 1993 for the purposes of this section.".●

By Mr. WIRTH:

S. 1576. A bill to help stop the spread of nuclear weapons by controlling the production of nuclear weapons material; to the Committee on Armed Services.

GLOBAL NUCLEAR WEAPONS MATERIAL CONTROL ACT

Mr. WIRTH. Mr. President. I rise today to introduce a bill that addresses two of the most pressing national security issues facing the United States today—the spread of nuclear weapons to additional nations, and the verification of nuclear arms reductions. Senators BIDEN, PELL, HATFIELD, KENNEDY, LEVIN, and DASCHLE join me as original cosponsors of this important legislation.

The gulf war with Iraq has focused our attention on the critical importance of controlling the proliferation of nuclear weapons, and on the alarming consequences of proliferation. The war has also showed how lacking the current controls are, and how far we still have to go in the effort to prevent proliferation before it happens.

Secretary of State James Baker recently termed the proliferation of weapons of mass destruction "perhaps the greatest security challenge of the 1990's." In response to this challenge, on May 29, 1991, President Bush called on the nations of the Middle East to help curb nuclear proliferation by implementing a verifiable ban on production of plutonium and highly enriched uranium for weapons.

The bill I introduce today would seek to extend the President's non-proliferation initiative to all nations. It calls upon the United States and the Soviet Union to lead the way toward a global ban on production of plutonium and highly enriched uranium for weapons—the essential nuclear weapons materials.

A global, verifiable ban on plutonium and highly enriched uranium production for weapons would strengthen barriers to the spread of nuclear weapons, as they cannot be built without adequate supplies of these materials. Such a ban would prevent nuclear weapons production by nations that do not possess these materials, and would place a cap on stockpiles that already exist.

A U.S.-led effort would increase political pressure on nations on the threshold of obtaining nuclear arsenals, such as India and Pakistan, to place their nuclear facilities under inspection in order to better control the spread of nuclear weapons worldwide. A global ban would also constrain budding nuclear nations like Iraq from obtaining weapons.

While there are important national security benefits to be gained by negotiating a halt in the production of plutonium and highly enriched uranium for weapons, the United States has nothing to lose by pursuing such an agreement.

The United States has already halted its production of these materials for weapons, and the Department of Energy [DOE] announced in February of this year that this halt will continue for the foreseeable future. The United States has not produced highly enriched uranium for weapons since 1964 and stopped making plutonium for weapons in 1988 when the Savannah River reactors shut down, initiating the de facto unilateral moratorium that exists today.

This legislation would help convert the unilateral United States production halt into a verifiable, bilateral agreement that would end Soviet plutonium production for weapons and seek to extend such an agreement to all nations.

For its part, the Soviet Union has openly endorsed a production ban. On April 7, 1989, President Gorbachev announced his decision to cease the production of highly enriched uranium for weapons, and the Soviet Union has since announced its intention to phase out all plutonium production of weapons by the year 2000. On May 12, 1989, Mr. Gorbachev suggested that the superpowers start drafting work on a bilateral agreement on the controlled cessation of the production of all weapons-grade fissionable materials.

A ban on the production of these materials for weapons would create a verifiable basis for the permanent dismantling of nuclear warheads retired by treaty. Although the recently completed START treaty will eliminate thousands of nuclear-armed missiles—and should be applauded for this achievement—it will not eliminate even one nuclear warhead.

This bill would require the Department of Energy to develop a program to explore ways to verifiably dismantle nuclear warheads and to dispose of the weapons material. The further we go in reducing nuclear arsenals, the more important it will become to control warheads removed from service so that they cannot be redeployed. Dismantling retired warheads would prevent downloaded warheads from being returned to their missiles, and would constrain the Soviet Union from breaking out of arms reduction treaties by making it more difficult to deploy additional nuclear weapons.

I strongly urge my Senate colleagues to support this bill. We must work to prevent further nuclear weapons proliferation, rather than respond to it after the fact. And we must ensure that we reduce our arsenals in a stable and verifiable manner. This bill would greatly aid both of these causes.

By Mr. DOLE (for himself and Mr. MITCHELL):

S.J. Res. 184. A joint resolution designating the month of November 1991 as "National Accessible Housing Month"; to the Committee on the Judiciary.

NATIONAL ACCESSIBLE HOUSING MONTH

Mr. DOLE. Mr. President, 1 year ago today on July 26, 1990, President Bush signed landmark legislation guaranteeing the inclusion of people with disabilities into the mainstream of American society. This law, the Americans With Disabilities Act [ADA], is intended to prevent discrimination in employment, public accommodations, transportation, and telecommunications. Just 1 year prior to the ADA's enactment, Congress passed the Fair Housing Act Amendments, prohibiting discrimination in housing against people with disabilities.

Seventy percent of all Americans will, at some time in their lives, have a temporary or permanent disability. Currently, 32 million Americans are over the age of 65, and many have or will develop vision, hearing, or physical disabilities as part of the natural aging process. Whether a result of aging or of an accident, accessible or barrier-free housing is a major concern for millions of Americans.

As we attempt to integrate Americans with disabilities into our communities, it is essential that we recognize the obstacles our friends and family members with disabilities face on a daily basis. Stairs, narrow doorways, and lack of maneuvering room can render a home completely unaccessible. It is essential to heighten public awareness about the environmental and structural barriers that prevent our neighbors from enjoying active lives in their own homes.

The private and public sectors both play an important role in promoting the full integration of disabled individuals. Programs initiated by the private sector have increased public awareness of accessible housing issues. This type of program is best exemplified by the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corp.

This program, entitled "Easy Access Housing for Easier Living," answers questions related to barrier-free design and other structural accommodations which allows for reasonable entry and circulation. Unfortunately, some uninformed critics may argue that such accommodations are too burdensome and costly. Yet, those who design and build homes would tell us otherwise.

While I realize that retrofitting existing structures is in some cases very expensive, it is cost effective and easy to design a barrier-free home from the start. Building bridges between those who build and sell homes and those with disabilities who want access to them is essential. This resolution is a step in that direction.

Let's encourage the establishment of other partnerships between the public and private sectors. Please join me in designating the month of November 1991, as National Accessible Housing Month.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 184

Whereas the Congress in the Americans with Disabilities Act of 1990 found that there are 43,000,000 individuals with disabilities in this Nation;

Whereas 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability that will prevent them from climbing stairs;

Whereas 32,000,000 Americans are currently over age 65 and many other citizens acquire vision, hearing, and physical disabilities as part of the aging process;

Whereas many older Americans who acquire a disability are forced to leave their homes because the homes are no longer accessible to them;

Whereas 1 out of every 3 persons in the United States will need housing that is accessible to the disabled at some point in their lives;

Whereas the need for accessible single-family homes is growing;

Whereas the need for public information and education in the area of accessible single-family homes is increasing;

Whereas this Nation has placed a high priority on integrating Americans with disabilities into our towns and communities;

Whereas the private sector has helped increase public awareness of the need for accessible housing, as exemplified by the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corporation, entitled "Easy Access Housing for Easier Living"; and

Whereas increased public awareness of the need for accessible housing should prompt the participation of civic leaders, and representatives and officials of State and local governments, in the drive to meet this need: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1991, is designated as "National Accessible Housing Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. WIRTH, the names of the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Virginia [Mr. ROBB], were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota [Mr. DURENBERGER], was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 456

At the request of Ms. MIKULSKI, the name of the Senator from Virginia [Mr. WARNER], was added as a cosponsor of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. GRAHAM], was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 512

At the request of Mr. ADAMS, the name of the Senator from California [Mr. CRANSTON], was added as a cosponsor of S. 512, a bill to authorize an additional $25,000,000 for the National Cancer Institute to conduct certain research on breast cancer, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the name of the Senator from Washington [Mr. GORTON], was added as a cosponsor of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from South Dakota [Mr. PRESSLER], was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act and the National Bank Act.

S. 866

At the request of Mr. BREAUX, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. FORD], and the Senator from Georgia [Mr. FOWLER], were added as cosponsors of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 872

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 872, a bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation.

S. 878

At the request of Mr. DODD, the name of the Senator from West Virginia [Mr. ROCKEFELLER], was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 881

At the request of Mr. INOUYE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 881, a bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1034

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1034, a bill to enhance the position of U.S. industry through the application of the results of Federal research and development, and for other purposes.

S. 1156

At the request of Mr. PACKWOOD, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1156, a bill to provide for the protection and management of certain areas on public domain lands managed by the Bureau of Land Management and lands withdrawn from the public domain managed by the Forest Service in the States of California, Oregon, and Washington; to ensure proper conservation of the natural resources of such lands, including enhancement of habitat; to provide assistance to communities and individuals affected by management decisions on such lands; to facilitate the implementation of land management plans for such public domain lands and Federal lands elsewhere; and for other purposes.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1229

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1229, a bill to exempt certain small employer purchasing groups from certain requirements of State laws relating to health benefit plans and to amend the Internal Revenue Code of 1986 to equalize tax benefits for self-employed persons participating in such groups.

S. 1243

At the request of Mr. HARKIN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1243, a bill to restrict assistance for Guatemala, and for other purposes.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1358

At the request of Mr. GRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1364

At the request of Mr. PRYOR, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1364, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes.

S. 1383

At the request of Mr. MCCAIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1383, a bill to amend title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by members and former members of the uniformed services and their dependents who are entitled to retired or retainer pay and who are otherwise ineligible for such payment by reason of their entitlement to benefits under title XVIII of the Social Security Act because of a disability, and for other purposes.

S. 1413

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1413, a bill to encourage the termination of human rights abuses inside the People's Republic of China and Tibet.

S. 1527

At the request of Mr. LEAHY, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1527, a bill to amend the Agricultural Act of 1949 to establish a price support and production base system for the production of milk and products of milk that will increase producer prices and balance production with consumption of milk and products of milk, to establish a producer board to administer certain export enhancement, diversion and other milk inventory management programs, and to require increased solids content in fluid milk, and for other purposes.

S. 1555

At the request of Mr. RIEGLE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1555, a bill to provide for disaster assistance to fruit and vegetable producers, and for other purposes.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

SENATE JOINT RESOLUTION 143

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to designate the week of August 4 through August 10, 1991, as the "International Parental Child Abduction Awareness Week".

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week".

SENATE JOINT RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from Texas [Mr. GRAMM], The Senator from Wyoming

[Mr. SIMPSON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Iowa [Mr. HARKIN], the Senator from Georgia [Mr. FOWLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Louisiana [Mr. BREAUX], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

AMENDMENTS SUBMITTED

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

FORD (AND McCONNELL) AMENDMENT NO. 842

Mr. SARBANES (for Mr. FORD, for himself and Mr. MCCONNELL) proposed an amendmet to the bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes, as follows:

On page 163, line 12 through 13, strike "in particular those involving Americans." and insert "such as those of Sister Dianna Ortiz, Michael Devine and Myrna Mack."

KENNEDY AMENDMENT NO. 843

Mr. SARBANES (for Mr. KENNEDY) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

(a) AUTHORIZATION.—Funds authorized to be appropriated to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, that are allocated for programs to assist the victims of apartheid, and necklacing in South Africa and are in excess of amounts allocated for such purposes for fiscal year 1991, may be made available to or through non-governmental organizations for assistance for the victims of apartheid in South Africa, in the health, education, and housing sectors.

(b) CONDITIONS ON THE USE OF FUNDS.—(1) None of the funds authorized under this section shall be transferred to the Government of South Africa, or to parastatals or any other institution financed or controlled by the Government of South Africa.

(2) Nothing in this section shall be construed to affect or limit the tertiary scholarship and bursaries programs.

(c) FUNDING FOR FACILITIES THAT RECEIVE GOVERNMENT SUPPORT.—Notwithstanding any other provision of law, funds authorized by this section may be made available to provide assistance through non-governmental organizations for health, educational, and housing institutions or facilities although such institutions or facilities may be financed or controlled by the Government of South Africa subject to the following conditions:

(1) the President consults with the appropriate Congressional committees and South African organizations representative of the majority population of South Africa prior to making any determination under paragraph (2).

(2) the President determines and so reports to Congress 15 days in advance of the proposed obligation of funds in accordance with section 634A of the Foreign Assistance Act of 1961 that—

(A) the provision of assistance to such entities is necessary in order to achieve the objectives of this section to assist the victims of apartheid; and

(B) the Government of South Africa is continuing to make progress towards dismantling apartheid and establishing a nonracial democracy; and

(3) the assistance is identified as having been provided by the people of the United States.

(d) Beginning on January 1, 1992, and every three months thereafter, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report describing the extent and type of assistance provided under this section during the preceding three-month period.

KENNEDY (AND OTHERS) AMENDMENT NO. 844

Mr. SARBANES (for Mr. KENNEDY, for himself, Mr. GRASSLEY, Mr. DECONCINI, Mr. PELL, Mr. CRANSTON, and Mr. BROWN) proposed an amendment to the bill S. 1435, supra, as follows:

At the end of the bill add the following:

SECTION 1. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this Act to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China and Tibet.

(b) PRINCIPLES.—It is the sense of the Congress that any United States national conducting an industrial cooperation project in the People's Republic of China or Tibet should adhere to the following principles:

(1) Suspend the use of all goods, wares, articles, and merchandise that are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor if there is reason to believe that the material or product is produced or manufactured by forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrests or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations and property and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment, and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to use business enterprises that are not controlled by the People's Republic of China or its authorized agents and departments as potential partners in the industrial cooperation project.

(5) Prohibit any military presence on the premises of the industrial cooperation project.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Chinese Government of these freedoms to the appropriate authorities of that government and to the International Labor Organization, which has an office in Beijing.

(7) Urge the Chinese Government to disclose publicly a complete list of all those individuals arrested since March 1989, to end incommunicado detention and torture, and to provide international observers access to all places of detention in the People's Republic of China and Tibet and to trials of prisoners arrested in connection with the pro-democracy events of April through June of 1989 and the pro-democracy demonstrations which have taken place in Tibet since 1987.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the operations of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Chinese Government concerns about restrictions on importation of foreign publications.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

SEC. 2. REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall register with the Secretary of State and indicate whether the United States national agrees to implement the principles set forth in section 1(b). No fee shall be required for registration under this subsection.

(b) EFFECTIVE DATE.—The registration requirement of subsection (a) shall take effect 6 months after the date of the enactment of this Act.

SEC. 3. REPORTING REQUIREMENTS.

(a) REPORT.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall report to the Department of State describing the United States national's adherence to the principles. Such national shall submit a completed reporting form furnished by the Department of State. The first report shall be submitted not later than 1 year after the date on which the national registers under section 2 and not later than the end of each 1-year period occurring thereafter.

(b) REVIEW OF REPORT.—The Secretary of State shall review each report submitted under subsection (a) and determine whether the United States national submitting the report is adhering to the principles. The Secretary may request additional information from the United States national and other sources to verify the information submitted.

(c) ANNUAL REPORT.—The Secretary of State shall submit a report to the Congress and to the Secretariat of the Organization for Economic Cooperation and Development describing whether United States nationals operating in China and Tibet have adhered to the principles outlined in Section 2(B). This report shall be submitted not later than 2 years after the date of the enactment of this Act and not later than the end of each 1-year period occurring thereafter.

SEC. 5. ENFORCEMENT OF CURRENT LAW.

(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit with respect to the People's Republic of China and Tibet to the appropriate congressional committees a report describing—

(1) enforcement procedures with respect to the implementation of section 1307 of title 19, United States Code;

(2) steps taken to investigate which goods, wares, articles, or merchandise are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor; and

(3) the results of such investigations.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the terms "adhere to the principles", "adhering to the principles" and "adherence to the principles" mean—

(A) agreeing to implement the principles set forth in section 1(b);

(B) implementing those principles by taking good faith measures with respect to each such principle; and

(C) reporting accurately to the Department of State on the measures taken to implement those principles;

(2) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000; and

(3) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, and other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

GLENN (AND LUGAR) AMENDMENT NO. 845

Mr. SARBANES (for Mr. GLENN, for himself and Mr. LUGAR) proposed an amendment to the bill S. 1435, supra, as follows:

On page 98, after line 19 insert the following:

SEC. 514. NUCLEAR NON-PROLIFERATION REGIMES IN SOUTH ASIA AND OTHER REGIONS.

(a) POLICY.—It is the sense of the Congress that—

(1) the problems of halting international commerce in nuclear-weapons-related technology, of prohibiting the development, acquisition, or use of nuclear weapons, and of responding to the effects of nuclear war are global in nature;

(2) progress toward resolving these problems requires the agreement of all nations to undertake binding, universal, and nondiscriminatory commitments to global principles represented by the Nuclear Non-Proliferation Treaty and the safeguards system implemented pursuant to that Treaty by the International Atomic Energy Agency;

(3) the design, negotiation, and development of regional nuclear non-proliferation regimes in South America, the Middle East, South Asia, East Asia, and in other regions can serve the global interest by reinforcing the universal standards and principles of the Nuclear Non-Proliferation Treaty and the safe-guards verification system of that Treaty, as implemented by the International Atomic Energy Agency;

(4) agreements among nations promising not to attack one another's nuclear facilities are useful measures that can contribute to the creation of nuclear non-proliferation regimes;

(5) timely information about the progress of these non-proliferation regimes toward achievement of these global non-proliferation objectives is essential to the Congress in the deliberation, formulation, and oversight of United States nuclear non-proliferation policy; and

(6) the President should pursue a regional negotiated solution to the issue of nuclear non-proliferation in the countries of South Asia, including at least the countries of the People's Republic of China, India, and Pakistan, and the President should seek an accord to be signed by all nuclear weapons states in the Asian region which would prohibit nuclear attacks or the threat to use nuclear weapons by nuclear weapons states on countries in South Asia.

(b) REPORT.—The President shall submit to the Congress in January of 1992 and in January of each year thereafter a report describing the progress made and obstacles encountered in establishing regional nuclear nonproliferation regimes in South America, the Middle East, South Asia, and other regions. Each such report shall include a description of—

(1) any new regional agreements, treaties, or institutions that are created to advance global nuclear non-proliferation objectives;

(2) any new regional verification procedures and sanctions mechanisms to ensure progress toward achieving global nuclear non-proliferation objectives;

(3) any new proposals from countries in these regions to foster the development of regional regimes that promote global nuclear non-proliferation objectives; and

(4) a classified evaluation of any evidence that any nation has engaged in the previous year in activities described in subparagraphs (A) through (D) of section 601(a)(3) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 92 Stat. 120), or any other nuclear-weapon-related activity described in section 669 or 670 of the Foreign Assistance Act of 1961 (Public Law 87-195, 75 Stat. 42), together with an unclassified summary of this evidence.

(c) LIMITED WAIVER ON PROHIBITION ON ASSISTANCE.—Notwithstanding section 620E(e) of the Foreign Assistance Act of 1961, the President may, until April 1, 1993, provide agricultural commodities or other assistance under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480) or under section 416 of the Agricultural Act of 1949 if the President determines and reports to the Congress that—

(1) it is in the national interests of the United States to do so; and

(2) such assistance would advance the nuclear non-proliferation objectives of the United States.

On page 110, line 21, strike out "September 30, 1994" and insert in lieu thereof "April 1, 1993".

On page 3, after the item relating to section 513, insert the following new item:

Sec. 514. Nuclear non-proliferation regimes in South Asia and other regions.

SIMON (AND OTHERS) AMENDMENT NO. 846

Mr. SARBANES (for Mr. SIMON, for himself, Mr. KENNEDY, Mr. SIMPSON, and Mrs. KASSEBAUM) proposed an amendment to the bill S. 1435, supra, as follows:

On page 195, between lines 18 and 19, insert the following new section:

SEC. 690. INTERNATIONAL RELIEF EFFORTS IN THE HORN OF AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) a massive humanitarian emergency is sweeping across the Horn of Africa today—in Ethiopia, Somalia, and Sudan—where millions of lives are at risk from famine caused by war and civil strife;

(2) refugees are on the move in all directions across the region's borders, searching for peace and relief;

(3) reports from the field indicate that in some cases sufficient food and relief supplies are stockpiled at ports within a few hundred miles of starving refugees; and

(4) the lack of effective international coordination in the field is contributing to this human tragedy, and international diplomacy is failing to break the local political and logistical obstacles to the relief effort.

(b) POLICY.—The Congress—

(1) urges the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort and to better mobilize donor contributions; and

(2) urges the President to lend the full support of the United States to all aspects of the relief operation in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need.

SIMON (AND KASSEBAUM) AMENDMENT NOS. 847 AND 848

Mr. SARBANES (for Mr. SIMON, for himself and Mrs. KASSEBAUM) proposed two amendments to the bill S. 1435, supra, as follows:

AMENDMENT NO. 847

On page 191, line 21, amend section 687 by adding new subsections (c) and (d) as follows:

(c) Funds authorized by this Act, and funds made available in prior foreign assistance appropriations Acts which were allocated or used for military assistance under chapter 2 of part IV of the Foreign Assistance Act of 1961, may be made available, notwithstanding any provision of law that restricts assistance to countries, to support the members of the economic community of West Africa (ECOWAS) in expanding military involvement in Liberia for the purposes of peacekeeping.

(d) Any exercise of the authority of this section shall be subject to specific amounts provided in advance in an appropriations Act.

AMENDMENT NO. 848

SEC. . Notwithstanding any other provision of law, the President is authorized to provide assistance to Liberia, Ethiopia, and Nicaragua, *Provided*, That the President determines and so certifies to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives that the country to which assistance is to be provided has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required with respect to each country and for each fiscal year in which such assistance is to be provided.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 849

Mr. SARBANES (for Mr. ROCKEFELLER), (for himself, Mr. D'AMATO, Mr. BURDICK, Mr. SPECTER, Mr. LEVIN, Mr. JOHNSTON, Mr. CONRAD, Mr. DASCHLE, and Mr. DODD) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill; insert the following new section:

SEC. 17. USE OF AMERICAN SUBCONTRACTORS IN KUWAIT.

(a)(1) Whereas Kuwait has indicated its intention to award a substantial majority of the contractors (by value) for the rebuilding of its infrastructure and industrial base to United States businesses;

(2) Whereas this Kuwaiti policy is intended to recognize the contribution of the United States and its people to the liberation of Kuwait; and

(3) Whereas the Department of Commerce has developed a policy of strongly encouraging United States businesses awarded contracts for the rebuilding of Kuwait to ensure that the intended benefits of the Kuwaiti policy extend to the awards of subcontractors to United States businesses and the procurement of United States goods and services.

(b) It is the sense of the Senate that—

(1) United States businesses engaged in the rebuilding of Kuwait should, to the maximum extent possible, use United States subcontractors and available United States goods and services; and

(2) the Department of Commerce should monitor and encourage the implementation of this policy.

Mr. ROCKEFELLER. Mr. President, this amendment would express the sense of the Senate that United States businesses engaged in the rebuilding of Kuwait should use United States subcontractors and all available American goods and services.

It is currently estimated, Mr. President, that the reconstruction of Kuwait may generate up to $25 billion in contracts over the next 5 years. We, in the U.S. Congress, should be doing everything possible to ensure that American industry and American workers benefit from this opportunity.

Mr. President, this amendment would take a step in that direction by urging American companies already successful in obtaining contracts in Kuwait to use American subcontractors. This should significantly increase the number of United States companies that will benefit from the reconstruction of Kuwait.

Thus far, the promise of substantial procurement has not been realized. The United States has sold roughly $1.5 billion in goods this year to Kuwait. Even though this figure is nearly twice the annual average before the Iraqi invasion, it is much lower than the popular estimates. Obviously, a sense-of-the-Senate resolution by itself will not make a dramatic change in the situation, but it will make clear our determination that our contractors should be maximizing the benefits to Americans, and that the U.S. Government stands behind that effort.

To use a popular term, this legislation will allow contracts to "trickle down" to the workers of America. The demand for steel girders in new buildings in downtown Kuwait City will mean jobs for steel workers in West Virginia, Indiana, and Pennsylvania, among other States. Demand for new cars can translate into work for the auto parts supplier in Detroit. And the demand for new communications equipment, should result in contracts for the computer chipmaker in Silicon Valley.

By adopting this amendment, we will send a message and demonstrate that the United States is serious in its commitment to make the U.S. worker and U.S. businesses competitive in the world market.

SEYMOUR AMENDMENT NO. 850

Mr. SARBANES (for Mr. SEYMOUR) proposed an amendment to the bill S. 1435, supra, as follows:

On page 88, after line 8, add the following:

(c) supports the unconditional recognition of the State of Israel.

BIDEN (AND GRAHAM) AMENDMENT NO. 851

Mr. SARBANES (for Mr. BIDEN) (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 1435, supra, as follows:

At the end of subchapter add the following new section:

SEC. . RULE-OF-LAW INITIATIVE.

Title III of the Support for East European Democracy (SEED) Act of 1989 is amended by adding at the end thereof the following new section:

"SEC. . RULE-OF-LAW INITIATIVE.

"(a) FINDINGS ON ASSISTANCE FOR LEGAL REFORM.—Congress finds that—

"(1) a major challenge facing SEED Program countries is converting to a legal system protective of the rights and liberties integral to a representative democracy and a thriving market economy;

"(2) accomplishing this comprehensive task efficiently will require sound academic and practical advice;

"(3) the American Bar Association has in the past cooperated successfully with AID in the development and operation of training programs for lawyers and judges in foreign countries;

"(4) the ABA has now undertaken a Central and East European Law Initiative (CEELI) that is mobilizing the Association's considerable resources to provide technical assistance and training in the areas of constitutional law, criminal justice, and judicial reform in SEED Program countries;

"(5) such an undertaking offers a uniquely powerful means of assisting the process of legal reform in SEED Program countries; and

"(6) in recognition of the potential value of the ABA contribution to East European reform, the President has, as a part of a larger Rule-of-Law Initiative, begun to cooperate with and support the ABA's CEELI effort.

"(b) ABA CONTRIBUTION TO RULE-OF-LAW INITIATIVE.—Congress urges the President to continue to cooperate with and support the American Bar Association in its efforts to assist SEED Program countries in establishing the modern legal framework necessary for a transformation to representative democracy and free market economies."

DOLE (AND LEVIN) AMENDMENT NO. 852

Mr. SARBANES (for Mr. DOLE) (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1435, supra, as follows:

It is the sense of the Senate that the Senate:

(1) condemns the attacks by internal security forces and the forces of the Azerbaijani government on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of forces newly deployed for the purpose of intimidation;

(4) calls for an immediate end to deportations of Armenians from Nagorno-Karabakh and the freedom for all refugees to return to their homes;

(5) calls for dialogue among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict;

(6) Reaffirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various republics; and

(7) expresses its deep concern over acts of retribution or intimidation against those republics which are seeking greater independence.

MACK AMENDMENT NO. 853

Mr. SARBANES (for Mr. MACK) proposed an amendment to the bill S. 1435, supra, as follows:

At the end add the following:

TITLE —INDEX OF ECONOMIC FREEDOM ACT OF 1989

SEC. 1301. SHORT TITLE.

This title may be cited as the "Index of Economic Freedom Act of 1989".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that:

(1) Economic growth is a prerequisite for the sustained alleviation and elimination of poverty and its symptoms, including illiteracy, infant mortality, malnutrition, and landlessness.

(2) Economic freedoms are necessary for the poorest members of developing societies to break out of the cycle of poverty, through land ownership, access to credit, and removal of barriers to entrepreneurship.

(3) The United States, in partnership with developing nations, derives mutual benefits from economic freedoms that generate economic growth, increased trade, and investment opportunities.

(4) United States assistance to developing nations should be used to encourage policies that further sustainable economic growth, rather than offset the costly effects of policies which discourage individual initiative, produce capital flight, and subsidize environmentally destructive or wasteful use of resources.

(5) The American offer of assistance to developing nations constitutes a partnership based on mutual benefit, devotion of resources, and commitment to the achievement of policies conducive to the sustainable economic growth necessary for the alleviation of poverty. Development assistance, which is a limited American resource, should be primarily directed to those nations that exhibit the greatest commitment to the partnership for development through policies conducive to economic development.

(6) Economic reforms leading to sustainable economic growth can require short-term assistance for economic sectors where the previous growth-impeding policies which distort the allocation of resources. The United States should work with developing countries to alleviate possible short-term costs associated with economic reform.

(7) To be effective, United States assistance should be accompanied by a policy framework that promotes long-term, self-sustainable economic growth and development.

(8) To gauge a country's progress in providing economic incentives, an Index of Economic Freedom is needed which will gauge a country's progress toward policies conducive to sustainable economic growth.

SEC. 1303. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.

The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 671. INDEX OF ECONOMIC FREEDOM.—

(a) DEVELOPMENT OF INDEX.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Agency for International Development shall develop, for every country receiving development assistance under chapter 1 of part I of this Act, a system for determining and evaluating the progress being made by each such country to foster and enhance the freedom and opportunity of individuals to participate in the economic growth of their respective countries. Such system shall be referred to as the "Index of Economic Freedom" (hereafter in this section referred to as the "Index"). The Index shall be developed in consultation with such Federal agencies and private organizations as the Administrator deems appropriate.

(b) EXTENSION OF TIME.—The Administrator may extend the date by which the Index is required to be developed by an additional 90 days if he determines that the period specified in subsection (a) for the development of the Index is inadequate.

(c) FACTORS EVALUATED BY THE INDEX.—The Index should take into account such factors as the following and should be able to assess the degree of economic freedom and opportunity in a country:

"(1) PROPERTY RIGHTS.—The extent to which poor or landless individuals are illegally or otherwise artificially constrained from acquiring land or other forms of property or are unable to gain secure legal title to land, the degree to which laws and an independent judiciary protect private property and enforce contracts for individuals against the government, the extent of nationalization of property and the state's power to nationalize private property, and the degree of access of private parties to the judicial system.

"(2) REGULATIONS.—The difficulty and costliness of securing a business license, regulations which inherently favor established business at the expense of newcomers, and limitations on the freedom and ability of citizens to establish businesses or add prohibitive costs or additional risks to maintaining such businesses.

"(3) INFORMAL SECTOR.—The extent to which government policies force economic activity into nominally illegal informal sectors where otherwise legal activities are conducted outside of government regulations and requirements, and the extent to which those policies discourage the development of locally controlled non-governmental institutions.

"(4) WAGE AND PRICE CONTROLS.—The identity of industries or goods which are subject to government mandated wages or prices, the value of goods sold wholesale and retail subject to price controls, the degree to which private farmers are forced to sell produce at government established prices, and the degree to which farmers are not allowed to profit from the real market price of their products.

"(5) TAXATION.—The highest rate of taxation, the income level at which this rate takes effect, the relationship between per-capita income and the level at which the highest rate of taxation takes effect, rate of the value added tax (VAT), the level of taxation on assets, and the rate of monetary inflation.

"(6) TRADE POLICY.—Customs duty rates, quantitative restrictions on imports, import quotas, import prohibitions, foreign exchange availability for those engaged in international trade, export taxes, restrictive export practices, market-distorting export incentives such as subsidies, import licenses, and country-of-origin restrictions.

"(7) RESTRICTIONS ON INVESTMENT AND CAPITAL FLOWS.—Limitations on foreign investment and foreign ownership, limits on repatriation of principal and profits for foreign investors, and restrictions on removal of foreign or domestic capital from the home country.

"(8) SIZE OF STATE SECTOR.—Value of industries owned by the government, percentage of GNP produced by state-owned industries, prohibitions on private economic activities in certain sectors and the value of the state sector assets.

"(9) BANKING.—Degree of government ownership of banking sector, private citizens rights to own and operate banks and citizens' access to private sources of credit.

"(d) REPORT.—Beginning two years after the date of enactment of this section, and every 12 months thereafter the Administrator shall apply the Index to each country which is eligible for "development assistance under chapter 1 of part I of this Act" on that data and, based upon such evaluation, shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of that evaluation. In making that evaluation, the Administrator shall rely, to the maximum extent practicable, on data supplied by private indigenous institutions in less developed countries.

"(e) DETERMINATION OF COUNTRIES ELIGIBLE FOR UNITED STATES SUPPORT.—Beginning two years after the date of enactment of this section, no assistance (except as otherwise provided by this Act) may be provided under chapter 1 of part I of this Act." With respect to a foreign country unless the advisability of furnishing support for that country has been considered in light of the data on that country contained in the latest report submitted under subsection (d).

"(f) USE OF INDEX TO EVALUATE COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—In furnishing development assistance under chapter 1 of part I of this Act, the Administrator shall use the Index to promote improvements in the underlying economic conditions evaluated by the Index while retaining flexibility in designing and implementing development programs and projects. The Administrator shall use the Index as a basis for evaluating the direction of policy changes in less developed countries and as a basis for evaluating specific projects and programs assisted by the Agency for International Development.".

SEC. 1304. ELIGIBILITY OF COUNTRIES FOR FINANCIAL ASSISTANCE FROM CERTAIN INTERNATIONAL INSTITUTIONS.

The Secretary of the Treasury shall direct the United States executive directors to the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the African Development Fund, the Asian Development Bank, and the Asian Development Fund to consider the advisability of opposing the extension of any loan or other financial assistance to countries which the Secretary determines have rated poorly under the latest report submitted under section 671(d) of the Foreign Assistance Act of 1961.

SYMMS AMENDMENT NO. 854

Mr. SARBANES (for Mr. SYMMS) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON DEVELOPING NATION GROWTH.

(a) FINDINGS.—The Congress finds that—

(1) the creation of new employment worldwide is increasingly needed to maintain stability as populations expand;

(2) such job growth in developing nations would open vital new markets for the products and services of the advanced nations; and

(3) private direct investment is needed to bring about growth in the developing nations.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should urge developing nations to pursue policies conducive to growth through private direct investment;

(2) the United States should urge industrialized nations to avoid erecting trade barriers which could have the effect of restricting imports from developing nations; and

(3) the United States should encourage developing nations to pursue a policy that supports "national treatment" for private direct investors.

CHAFEE (AND KASSEBAUM) AMENDMENT NO. 855

Mr. SARBANES (for Mr. CHAFEE, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill S. 1435, supra, as follows:

The United States Congress understands that all Palestinian schools and universities in the West Bank and Gaza Strip will be opened at an early date, and expresses the hope that they will remain open, and will be respected and regarded by all parties as places of learning.

DECONCINI AMENDMENTS NOS. 856 THROUGH 858

Mr. SARBANES (for Mr. DECONCINI and Mr. PRESSLER) proposed three amendments to the bill S. 1435, supra, as follows:

AMENDMENT NO. 856

On page 142, between lines 3 and 4, add the following:

"(c) INTERIM ACTION.—As an interim step, the United States should consider introducing, during the ongoing negotiations on confidence and security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major defense equipment, particularly to the Middle East and Persian Gulf region."

AMENDMENT NO. 857

On page 195, between lines 18 and 19, insert the following:

SEC. 690. LIMITED ASSISTANCE FOR ANGOLA.

(a) DEMOCRACY-BUILDING AND OTHER ASSISTANCE.—(1) Beginning with fiscal year 1992, the President shall provide—

(A) nonpartisan election and democracy-building assistance to Angola for support in developing democratic institutions and supporting such institutions; and

(B) assistance for the voluntary relocation and resettlement of refugees, the demobilization and retraining of former military members of UNITA and the armed forces of the Government of Angola, the provision of emergency medical assistance, with a special emphasis on the medical needs of children, and the provision of other appropriate assistance to implement the Estoril peace accords.

(b) SUPERSEDING EXISTING LAW.—Assistance under this section shall be provided without regard to any provision of law which prohibits direct or indirect assistance for Angola.

(c) PROHIBITION.—In the event that the Government of the People's Republic of Angola (PRA) or the National Union for the Total Independence of Angola (UNITA) violates the Peace Accords for Angola, then none of the funds made available under this Act or any other Act may be used for Angola.

(d) DEFINITION.—The term "Estoril peace accords" refers to the document entitled "Fundamental Principles for the Establishment of Peace in Angola", done at Lisbon on May 1, 1991.

At the bottom of page 5, after the item relating to section 689, add the following new item:

Sec. 690. Limited assistance for Angola.

(e) REPORTING REQUIREMENT.—The Secretary of State shall submit a report to Congress on June 1, 1992, and every six months thereafter, providing details of how the authorized funds have been used.

AMENDMENT NO. 858

On page 119, at the end of line six, strike out the quotation marks and the second period, and between lines 6 and 7, add the following:

"(4) the United States Government should channel directly to the Baltic states United States Government technical and humanitarian assistance.

"(5) the United States should maintain direct contacts with the parliaments of Lithuania, Latvia and Estonia as the legitimate, freely elected and democratic representatives of the people of the Baltic States; and

"(6) the United States should seek support for observer status for the Baltic states in the Conference on Security and Cooperation in Europe (CSCE).".

DECONCINI (AND OTHERS) AMENDMENT NO. 859

Mr. SARBANES (for Mr. DECONCINI, for himself, Mr. GORTON, Mr. KOHL, Mr. D'AMATO, Mr. ADAMS, Mr. GORE, Mr. CRAIG, Mr. WIRTH, Mr. GRAHAM, Mr. MOYNIHAN, Mr. MCCAIN, Mr. DASCHLE, Mr. BINGAMAN, Mr. DOMENICI, Mr. CRANSTON, Mr. MURKOWSKI, Mr. LUGAR, and Ms. MIKULSKI) proposed an amendment to the bill S. 1435, supra, as follows:

At the end of the bill, add the following:

TITLE —MICROENTERPRISE DEVELOPMENT ACT OF 1991

SEC. 01. SHORT TITLE.

This title may be cited as the "Microenterprise Development Act of 1991".

SEC. 02. FINDINGS.

The Congress makes the following findings and declarations:

(1) More than a billion people in the developing world are living in poverty, with incomes of less than $370 a year.

(2) According to the World Bank, mortality for children under 5 averaged 121 per thousand for all developing countries.

(3) Nearly 40,000 children die each day from malnutrition and disease.

(4) Poor people themselves can lead the fight against hunger and poverty through the development of self-sustaining microenterprise projects.

(5) Women in poverty generally are less educated, have a larger workload, and have less access to economic opportunity than their male counterparts. Directly aiding women in the developing world has a positive effect on family incomes, child nutrition, and health and education.

(6) microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty.

(7) The World Bank estimates that there are over 400,000,000 self-employed poor in the developing world and projects that, by the year 2020, 95 percent of African workers will be employed in the informal sector.

(8) For many people, lack of credit creates an obstacle to the development of self-sustaining enterprises.

(9) Projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan in Indonesia, and ADEMI in the Dominican Republic have been successful in promoting credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to "bank on the poor".

(10) The Agency for International Development has been a leader in small and microenterprise development in the past 20 years.

(11) The Congress earmarked funds for fiscal years 1988, 1989, 1990, and 1991 for microenterprise development activities and has called upon the Agency for International Development to take steps to ensure that its microenterprise activities included a credit component designed to reach the poorest sector of the developing world.

(12) In 1990, the Agency for International Development created the Office of Small and microenterprise Development within the Bureau for Private Enterprise to lead and coordinate the Agency's microenterprise efforts.

(13) In March 1990, the Agency for International Development reported that new spending for microenterprise development was $58,800,000 for 1988 and $83,300,000 for 1989 and that the average loan size for the credit component of the program averaged $329 for 1988 and $387 for 1989. However, less than 10 percent of the spending for the 1988 program, and less than 7 percent of the spending for the 1989 program, was for loans of under $300.

(14) A February 1991 report by the General Accounting Office indicated that data in that March 1990 report was of "questionable validity" and that the Agency for International Development did not have a system to track detailed information concerning its microenterprise credit activities. Furthermore, the General Accounting Office found that none of the three missions that it visited targeted their microenterprise projects specifically to women or to the poorest 20 percent of the population, as recommended by the Congress.

(15) The Agency for International Development has stated its belief that it should have a system established to track this detailed information concerning its microenterprise credit activities during the fiscal year 1992.

(16) The Congress recognizes that provision of credit alone may not be sufficient to generate opportunities for successful microenterprise development and that assistance focused in the areas of institutional development, technical assistance, training, and policy reform may also be appropriate for assisting microenterprise development.

(17) The Agency for International Development has indicated its willingness to explore the idea of holding a series of regional workshops on microenterprise development. The Congress encourages the Agency to include in these workshops opportunities for training Agency personnel and United States and indigenous private and voluntary organizations in activities designed to reach the poorest of the poor.

SEC. 03. PURPOSES.

The purposes of this title are—

(1) to provide for the continuation and expansion of the commitment of the Agency for International Development to microenterprise development;

(2) to increase the amount of assistance going to credit activities designed to reach the poorest sector in developing countries; and

(3) to increase the percentage of such credit that goes to women beneficiaries.

SEC. 04. ASSISTANCE FOR microenterprise DEVELOPMENT.

(a) GENERAL AUTHORITY.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance for programs of credit and other assistance for microenterprises in developing countries. In addition to providing financial resources for direct credit activities of indigenous financial intermediaries, assistance under this title may include assistance for institutional development of such intermediaries (including assistance to enable private and voluntary organizations to develop the capability to serve as financial intermediaries), technical assistance, training, and policy reform. microenterprise credit and related activities assisted under this title shall be carried out primarily through those indigenous financial intermediaries and private and voluntary organizations that are oriented toward working directly with the poor and women.

(b) ELIGIBILITY CRITERIA FOR FINANCIAL INTERMEDIARIES.—The mission of the Agency for International Development that is responsible for a country receiving assistance under this title shall establish criteria for determining the financial intermediaries that will receive assistance under this title, taking into account the following:

(1) The extent to which the recipients of credit from the intermediary lack collateral.

(2) The extent to which the recipients of credit from the intermediary do not have access to the local formal financial sector.

(3) The extent to which the recipients of credit from the intermediary have relatively limited amounts of fixed assets.

(4) The extent to which the recipients of credit from the intermediary are among the poorest people in the country.

(5) The extent to which interest rates charged by the intermediary on loans reflect the real cost of lending.

(6) The extent to which the intermediary reaches women as recipients of credit.

(7) The extent to which the intermediary is oriented toward working directly with the poor and women.

(c) LOWER TIER FOR POVERTY LENDING ACTIVITIES.—A significant portion of the amount made available each fiscal year to carry out this title shall be used to support direct credit assistance by, and the institutional development of, those financial intermediaries with a primary emphasis on assisting those people living in absolute poverty, especially women.

(d) FOCUS ON WOMEN.—The Office of Small and microenterprise Development in the Agency for International Development shall include in its annual action plans a strategy for increasing the access of women in developing countries to credit and other microenterprise development activities, with the goal of increasing to at least 50 percent the percentage of microenterprise credit that goes to women beneficiaries. This strategy shall be developed in consultation with the Agency's Women in Development Office.

SEC. 05. FUNDING SOURCES.

(a) SOURCES.—Funds to carry out this title shall be derived from the following sources:

(1) Funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to the functional development assistance accounts).

(2) Funds available to carry out chapter 10 of part I of that Act (relating to the Development Fund for Africa).

(3) Funds available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(4) Local currency accruing as a result of assistance provided under chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of that Act.

(5) Local currency proceeds available for use under titles II and III of the Agricultural Trade Development and Assistance Act of 1954 (as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)).

(6) Local currency which accrues as a result of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as in effect immediately before the effective date of the amendment made by section 1512 of the Agriculture Development and Trade Act of 1990.

(7) Local currency generated under subsection (b) of this section.

(b) AUTHORITY TO GENERATE LOCAL CURRENCIES.—In order to generate local currencies for use in providing assistance under this title, the President is authorized to use funds made available to carry out chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in local currencies, at a rate of exchange to be negotiated by the President and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the President. Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant this subsection.

(c) NONAPPLICABILITY OF CERTAIN LAWS.—Local currencies used under this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies owned by, owed to, or accruing to the United States.

SEC. 06. FUNDING LEVELS FOR FISCAL YEARS 1992 AND 1993.

(a) MINIMUM LEVEL OF ASSISTANCE.—There are authorized to be appropriated to the Administrator of the Agency for International Development $85,000,000 for fiscal year 1992, and $85,000,000 for fiscal year 1993, for microenterprise assistance pursuant to this title.

(b) ASSISTANCE FOR THE POOREST SECTORS.—

(1) MINIMUM FUNDING LEVEL.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $20,000,000 for fiscal year 1992 and $30,000,000 for fiscal year 1993, to be used to support poverty lending programs.

(c) USE OF LOCAL CURRENCIES.—In order to meet the minimum funding requirements of this section, local currencies described in section 05(a) may be used in lieu of an equivalent amount of dollars.

SEC. 07. MONITORING OF microenterprise ASSISTANCE ACTIVITIES.

The Administrator of the Agency for International Development shall develop a monitoring system to track the performance of the Agency's microenterprise development activities, including their effectiveness in reaching the poor and women in each beneficiary developing country. In developing this system, the Administrator shall consult with the Congress and with appropriate private and voluntary organizations.

SEC. 08. REPORTS TO CONGRESS.

The Administrator of the Agency for International Development shall report to the Congress annually on the Agency's microenterprise development activities, including the Agency's strategy for complying with the minimum funding requirements of subsections (a) and (b) of section 06.

MACK (AND GRAHAM) AMENDMENT NO. 860

Mr. SARBANES (for Mr. MACK, for himself, and Mr. GRAHAM) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.

The Trading with the Enemy Act is amended by adding at the end thereof the following new section:

"SEC. 44. Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989, unless a license may be issued for such transaction if such transaction were undertaken by a firm organized under the laws of any of the States of the United States.".

WIRTH AMENDMENT NO. 861

Mr. SARBANES (for Mr. WIRTH) proposed an amendment to the bill S. 1435, supra, as follows:

On page 132, after line 22, add the following new section:

SEC. 630A. PARTNERSHIP IN ESSENTIAL GOVERNMENTAL SERVICES.

(a) POLICY.—It is the sense of the Congress that a program should be developed to make United States Federal employees available on a temporary basis to assist SEED countries in the development of essential governmental and related services. Such a program should seek to meet legitimate needs identified by eligible SEED countries with appropriate United States Government employees whose short-term secondment to a SEED country would not disrupt or interfere with the United States Government services. In-country costs of such a program, such as housing, should be borne by the host country, while the salary of United States Government employees would continue to be paid by the relevant department or agency. Management of such a program should be administered through existing institutions, such as the Citizens Democracy Corps.

(b) AUTHORITY.—The President is authorized to make available, on a volunteer basis and as appropriate, Federal civil service employees of United States Government departments, agencies, and bureaus for temporary duty in SEED countries to assist those countries in the development of essential governmental services.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the Congress a report setting forth a plan to carry out this section.

LEAHY AMENDMENT NO. 862

Mr. SARBANES (for Mr. LEAHY) proposed an amendment to the bill S. 1435, supra, as follows:

On page 162, at the end of line 8, insert a comma and add the following: "and assistance under the Agricultural Trade Development and Assistance Act of 1954".

On page 169, line 7 after "1961", add the following: "or the Agricultural Trade Development and Assistance Act of 1954".

On page 170, line 7, insert after "1961", add the following: "and the Agricultural Trade Development and Assistance Act of 1954".

DODD AMENDMENT NO. 863

Mr. SARBANES (for Mr. DODD) proposed an amendment to the bill S. 1435, supra, as follows:

On page 196, line 6 strike the word "and" and after "Hemisphere" and insert in lieu thereof a comma.

On page 196, line 7, strike the period at the end of the sentence and insert in lieu thereof ", and broad based environmentally sustainable development.".

On page 196, between lines 20 and 21 insert the following:

"(4) the sustainable use of the hemisphere's natural resources and environmental protection.".

On page 197, line 20, strike the period and insert in lieu thereof ", and the sustainable use of natural resources.".

On page 199, line 14, strike the period and insert in lieu thereof ", and will not have an adverse impact on such countries' natural resources.".

On page 210, line 11 after "agencies" insert the following: "and a broad range of interested non-governmental organizations".

On page 211, line 5, after "agencies," insert the following: "a broad range of".

On page 211, line 18, after "Development" insert the following: "and the government of the eligible country,".

On page 213, line 19, after "Development" insert the following: "and the government of the eligible country."

On page 217, line 21 renumber the current "SEC. 774. DEBTOR CONSULTATION." as SEC. 775 and insert the following:

"SEC. 774. ELIGIBLE INVESTMENT ACTIVITIES.

Not later than 180 days after enactment of this title, the Administrator of the Agency for International Development, in consultation with other government agencies and a broad range of interested non-governmental organizations, shall identify activities that use natural resources on a sustainable basis or otherwise practice sound environmental management and promulgate environmental standards to review proposed activities. Such standards shall, among other things, identify, and prohibit the sale of credits in support of specific activities that typically involve significant threats to the environment, natural resources and public health."

HELMS AMENDMENTS NOS. 864 THROUGH 866

Mr. SARBANES (for Mr. HELMS) proposed three amendments to the bill S. 1435, supra, as follows:

AMENDMENT NO. 864

On page 98, after line 19, add the following new section:

SEC. 514. AUDITING OF ACCOUNTS OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED NATIONS ORGANIZATIONS.—It is the sense of Congress that in the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President should (acting through the United States representative to such organizations), propose and actively seek the establishment by the governing authorities of such organizations of independent, professionally qualified auditors for the purpose of providing a continuing program of selective examinations, review, evaluation, and audits of the programs and activities of such organizations.

(b) MULTILATERAL DEVELOPMENT BANKS.—

(1) IN GENERAL.—It is the sense of Congress that in the case of each of the organizations specified in paragraph (2), the President should, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of that organization of independent, professionally qualified auditors for the purpose of providing a continuing program of examination, review, and audits of the programs and activities of that organization.

(2) MDB'S SUBJECT TO PARAGRAPH (1).—The organizations to which paragraph (1) applies are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Investment Corporation, the African Development Bank, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank.

AMENDMENT NO. 865

On page 98, after line 19, add the following new section:

SEC. 514. REPORTS ON INTERNATIONAL ORGANIZATIONS.

(a) SUBMISSION DATE FOR ANNUAL REPORT.—The annual reports to the Congress under section 2 of the Act of September 21, 1950 (22 U.S.C. 262a), shall be submitted within 9 months after the end of the fiscal year to which they relate.

(b) ANNUAL REPORTS ON VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS BY ALL UNITED STATES GOVERNMENT AGENCIES.—

(1) REQUIREMENT FOR REPORTS.—Not later than January 31 each year, the President shall submit a report to the Congress listing all voluntary contributions by the United States Government to international organizations during the preceding fiscal year.

(2) INFORMATION TO BE INCLUDED.—Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and nature of the contribution, and the purpose for which the contribution was made. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

(3) OBLIGATION OF EACH AGENCY.—In order to facilitate the preparation of the report required by paragraph (1), the head of any Government agency that makes a voluntary contribution to any international organization shall report that contribution to the Director of the Office of Management and Budget on a quarterly basis.

(4) DEFINITION.—As used in this subsection, the term "contribution" means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel) or commodities, equipment, supplies, or other material.

AMENDMENT NO. 866

On page 98, after line 19, add the following new section:

SEC. 514. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.

(a) REQUIREMENT TO WITHHOLD.—Funds authorized to be appropriated by this chapter shall not be available for the United States proportionate share for programs for countries or organizations or for projects described in subsection (d). This prohibition applies notwithstanding any provision of law that earmarks funds under this chapter for a particular international organization or program.

(b) USE OF FUNDS WITHHELD.—Funds returned or not made available to programs or projects pursuant to subsection (a) shall remain available until expended for use under this chapter.

(c) OBLIGATIONS.—The President—

(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this chapter; and

(2) shall report to the appropriate congressional committees the amounts of funds expended by each such organization for programs or projects described in subsection (d) and the amount contributed by the United States to each such organization.

(d) DESIGNATION OF PROGRAMS AND PROJECTS.—Subsection (a) applies with respect to programs for Cuba, Iran, Libya, Iraq, North Korea, Yemen, Syria, or the Palestine Liberation Organization and to projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

BROWN AMENDMENT NO. 867

Mr. SARBANES (for Mr. BROWN) proposed an amendment to the bill S. 1435, supra, as follows:

"(4) PRESIDENTIAL REPORT.—Before announcing his intention to reduce the amount owed to the United States for any country deemed eligible pursuant to chapter 3 of this title, the President shall report to Congress on:

(i) Other efforts undertaken to make possible the repayment of the debt;

(ii) A complete report on that country's financial health, including outstanding loans from other countries;

(iii) The effect of ongoing reforms in that country and their effect upon the balance of trade between it and the United States."

CRAIG AMENDMENT NO. 868

Mr. CRAIG proposed an amendment to the bill S. 1435, supra, as follows:

Strike out Chapters 5 and 7 of title VII, including sections 751, 752, 753, 771, 772, 773, and 774, of this Act.

DIXON (AND OTHERS) AMENDMENT NO. 869

Mr. DIXON (for himself, Mr. BYRD, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. SHELBY, Mr. DECONCINI, Mr. KERRY, Mr. ROCKEFELLER, Mr. WELLSTONE, and Ms. MIKULSKI) proposed an amendment to the bill S. 1435, supra, as follows:

On page 88, between lines 13 and 14, insert the following new section:

SEC. . REQUIREMENT REGARDING TRANSMITTAL OF MEMORANDA OF UNDERSTANDING.

Section 36 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this section, no Presidential certification under subsection (b), (c), or (d) shall be deemed to have been received by the Congress, for purposes of any such subsection, if the certification is made with respect to a sale, export, or agreement required by a memorandum of understanding (MOU) between the United States and a foreign government for the coproduction or codevelopment of major defense equipment, unless the President, before such MOU entered into force with respect to the United States, transmitted the text of such MOU and any related documents (including exchanges of letters between the governments) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

McCAIN (AND DECONCINI) AMENDMENT NO. 870

Mr. McCAIN (for himself and Mr. DECONCINI) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place add a new title as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the protection of the environment within the area comprising the border region between the United States and the Republic of Mexico, as defined by the 1983 Border Environment Agreement between the United States and Mexico.

SEC. 3. FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States the "United States-Mexico Border Environmental Protection Fund" (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be appropriated or transferred to the Fund. No moneys in the Fund shall be available for obligation or expenditure except pursuant to an environmental emergency declaration pursuant to section 4.

(b) PURPOSE OF THE FUND.—The Fund shall be readily available for use by the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") to investigate and respond to conditions which the Administrator determines present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico.

(c) USES OF FUND.—(1) Moneys in the Fund shall be available, without fiscal year limitation, for use by the Administrator in carrying out field investigations and remediation of any environmental emergency declared by the Administrator under this Act.

(2) In carrying out his authority under this Act, the Administrator is authorized to expend moneys in the Fund directly or make such moneys available through grants or contracts.

(3) Moneys in the Fund shall be available for use by the Administrator for cost-sharing programs with the Republic of Mexico, any of the States of Arizona, California, New Mexico, or Texas, any political subdivision of any such State, federally recognized Indian tribes, or any other appropriate entity, for use in carrying out field investigations and remediation actions pursuant to this Act.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCY.

(a) DETERMINATION BY ADMINISTRATOR.—The Administrator, whenever he determines conditions exist which present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico, may declare the existence of an enviromental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the sole jurisdiction of the International Boundary and Water Commission.

(b) PETITION OF GOVERNOR.—In addition to the authority under subsection (a), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, or the governing body of a Federally recognized Indian Tribe, may declare, the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this Section if such condition is specifically within the sole jurisdiction of the International Boundary * * *.

SEC. 5. INFORMATION SHARING.

The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and Texas,* * * and the Republic of Mexico, is authorized to establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions thereof, and Indian tribes, of environmental problems affecting the border region of the United States and the Republic of Mexico.

The Administrator shall integrate systems and procedures authorized by this section into any existing systems and procedures established to provide information sharing and early warning regarding environmental problems affecting the border region of the United States and Mexico.

SEC. 6. REPORT TO CONGRESS.

The Administrator, after consultation with the Secretary of State, the Republic of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the tribal governments of appropriate Indian tribes, shall submit an annual report to the Congress on the use of the Fund during the calendar year preceding the calendar year in which such report is filed, and the status of the environmental quality of the area comprising the border region of the United States and the Republic of Mexico.

The Administrator shall publish the availability of the report in the Federal Register, along with a brief summary.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Administrator shall establish a United States-Mexico Border Environmental Protection Advisory Committee (hereinafter referred to as the "Advisory Committee").

(b) FUNCTIONS.—It shall be the functions of the Advisory Committee to—

(1) monitor and study environmental conditions within the border region of the United States and the Republic of Mexico;

(2) plan and make recommendations for ongoing environmental protection within such border region; and

(3) carry out such other functions as the Administrator may prescribe.

(c) COMPOSITION OF ADVISORY COMMITTEE.—The Advisory Committee shall consist of such number as the Administrator shall appoint. At least 2 of the members shall be from business, 2 from non-Government organizations, and 5 from State local or tribal governments. The term of each member shall be for a period of not more than 5 years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Advisory Committee.

(d) MEETINGS AND REPORTS.—The Advisory Committee shall meet at least on a quarterly basis, and report to the President and Congress not less than annually, on the state of the border region between the United States and the Republic of Mexico, together with the recommendations of the Advisory Committee, if any. The initial report shall be submitted within 12 months following the date of the enactment of this Act.

(e) COMPENSATION.—Members of the Advisory Committee shall serve without compensation. When serving away from home or regular place of business, a member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for individuals employed intermittently in the Government service.

SEC. 8. INTERNATIONAL AGREEMENTS.

(a) AUTHORITY.—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter "United States Commissioner") is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting border sanitation problems in international streams that cross the international boundary between the United States and the Republic of Mexico, caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) RECOMMENDATIONS.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico of measures to protect the health and welfare of persons along those international streams that cross the international boundary between the United States and the Republic of Mexico, and should include—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of such facilities;

(3) formulas for the division of costs between the United States and the Republic of Mexico; and

(4) time schedule for the construction of facilities and other measures recommended within the agreements authorized by this section.

SEC. 9. JOINT RESPONSES TO SANITATION EMERGENCIES.

(a) CONSTRUCTION OF WORKS.—The Secretary of State, acting through the United States Commissioner, is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of the Republic of Mexico for the purpose of joint response through the construction of works, repair of existing infrastructure, and other such appropriate measures in the Republic of Mexico and the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) HEALTH AND WELFARE.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico establishing general response plans to protect the health and welfare of persons along those international streams that form or cross the international boundary between the United States and the Republic of Mexico, and should include, but not be limited to—

(1) description of types of sanitation emergencies requiring response including, but not limited to, sewer line breaks, power interruptions to wastewater handling facilities, components breakdowns to wastewater handling facilities, and accidental discharge of sewage which results in the pollution of streams that form or cross the international boundary;

(2) description of types of response to emergencies including but not limited to, acquisition, use and maintenance of joint response equipment and facilities, small scale construction, including modifications to existing infrastructure and temporary works, and the installation of emergency and standby power facilities;

(3) formulas for distribution of costs of response to emergencies under this section on a case-by-case basis; and

(4) requirements for defining the beginning and end of an emergency.

SEC. 10. CONSTRUCTION; REPAIRS; AND OTHER MEASURES.

(a) WATER POLLUTION EMERGENCIES.—The Secretary of State, acting through the United States commissioner, is authorized to respond through construction, repairs and other measures in the United States to correct sanitation emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico, caused by the accidental discharge of untreated or inadequately treated sewage into such streams.

(b) CONSULTATION.—In responding to emergencies the Secretary of State shall consult and cooperate with the Administrator, affected States, counties, municipalities, Indian tribes, the Republic of Mexico, and other affected parties.

SEC. 11. BINATIONAL ADVISORY COMMITTEE.

The Administrator in cooperation with the Secretary of State, is authorized to enter into an agreement or other arrangement with the Republic of Mexico to establish an Advisory Committee comprised of members from the Republic of Mexico and the United States.

"(a) FUNCTIONS OF THE BINATIONAL ADVISORY COMMITTEE.—It shall be the functions of the Binational Advisory Committee to (1) assist EPA and SEDUE in the monitoring and study of environmental conditions within the border region of the United States and Mexico; (2) plan and make recommendations to EPA and SEDUE for ongoing environmental protection within such border region; and (3) carry out such other functions as EPA and SEDUE may prescribe."

"(b) COMPOSITION OF UNITED STATES DELEGATION TO THE BINATIONAL ADVISORY COMMITTEE.—The United States Delegation shall consist of such number as the Administrator shall appoint. At least two of the members shall be from business, two from non-government organizations, and five from State or local governments. The term of each member shall be for a period of not more than five years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the U.S. Advisory Committee."

"(c) MEETING AND REPORTING REQUIREMENTS.—Reporting and meeting requirements of the Binational Advisory Commission will be established by the members.

SEC. 12. TRANSFER OF FUNDS.

(a) TRANSFER AUTHORITY.—The Secretary of State, acting through the United States Commissioner, is authorized to include as part of the agreements authorized by sections 8, 9, and 10 of this Act, the necessary arrangements to administer the transfer to another country of funds assigned to one country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) COST-SHARING AGREEMENTS.—No funds of the United States shall be expended in the Republic of Mexico for emergency investigation or remediation pursuant to section 8, 9, or 10 of this Act absent a cost-sharing agreement between the United States and the Republic of Mexico unless the Secretary of State has determined and can demonstrate that the expenditure of such funds in the Republic of Mexico would be cost-effective and in the interest of the United States. In cases where funds of the United States are expended in the Republic of Mexico without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress explaining why costs were not shared between the United States and the Republic of Mexico, and why the expenditure of such funds without cost-sharing was in the national interest of the United States.

(c) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States the United States International Boundary and Water Commission Fund (hereinafter referred to as the "Commission Fund"). The Commission Fund shall consist of such amounts as may be appropriated or transferred to the Commission Fund.

(2) Moneys in the Commission Fund shall be available, without fiscal year limitation, for use by the Secretary of State in carrying out the provisions of sections 8, 9, 10, 11, and 12 of this Act.

(3) In carrying out the purposes of sections 8, 9, 10, 11, and 12 of this Act, the Secretary of State is authorized to expend moneys in the Commission Fund directly or make such moneys available to fulfill the purposes of any such section through grants or contracts.

SEC. 13. AUTHORIZATION.

(a) AUTHORIZATION FOR THE FUND.—There is authorized to be appropriated to the Fund $10,000,000, for use in accordance with the purposes of this Act.

(b) AUTHORIZATION FOR ADVISORY COMMITTEE.—There is authorized to be appropriated to the Administrator $500,000 for support and operation of the Advisory Committee.

(c) AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION FUND.—There is authorized to be appropriated to the International Boundary and Water Commission Fund $5,000,000 for carrying out sections 8, 9, 10, 11, and 12 of this Act.

(d) AVAILABILITY OF FUNDS.—All amounts appropriated pursuant to this Act shall remain available until expended.

SEC. 14. DISCLAIMER.

Nothing in this Act shall be construed as amending, repealing or otherwise modifying any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, or any other environmental law treaty or international agreement of the United States.

CRANSTON AMENDMENT NO. 871

Mr. CRANSTON proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

(a) The Congress finds that—

(1) one of the most important changes that must occur in newly emerging democracies is that a Nation's military and other security forces are fully under the control of civilian authority;

(2) the success and prestige of the United States Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty;

(3) the American model has an important array of lessons in the proper management of civil-military relations, such as—

(A) the clear and unequivocal direction provided by civilian political leaders of the military structure and forces; and

(B) the control of the military budget by Congress provides essential oversight by elected officials responsible to the people;

(C) the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure;

(D) civilian-run nongovernmental agencies help inform and shape defense policy; and

(E) the United States military, which has no internal law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics;

(4) in many emerging democracies the corps of civilian managers that forms an integral part of military management in the United States does not exist, particularly within the parliaments or congresses of these new democracies;

(5) the lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis.

(b) Recognizing that democraic control over the military cannot be established without empowering civilian managers in defense and security issues and without circumscribing the role of the armed forces to that of national defense functions, it is the purpose of this section to require that, within 120 days of the enactment of this bill, the administration shall provide to the committee a report that—

(1) outlines a program for the training of foreign civilian officials, particularly members of national legislatures or parliaments and their staffs, in the management and administration of military establishments and budgets, and for training these civilian authorities in creating and maintaining effective military judicial systems and military codes of conduct, including the observance of internationally recognized human rights;

(2) this program shall have as its principal objectives (a) the contributing to responsible defense resource management; (b) the fostering of greater respect for and understanding of the principle of civilian control of the military, including the separation of civilian law enforcement and military national defense roles as stated in posse comitatus, and (c) the improvement of military justice systems and procedures in accordance with internationally recognized human rights."

HELMS (AND OTHERS) AMENDMENT NO. 872

Mr. HELMS (for himself, Mr. PACKWOOD, and Mr. NICKLES) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . It is the sense of Congress that no U.S. policy or assistance for Israel may be conditioned upon the denial of the right of Jews to settle anywhere in the area identifiable as Biblical Israel, including Judea and Samaria.".

KASTEN (AND INOUYE) AMENDMENT NO. 873

Mr. KASTEN (for himself and Mr. INOUYE) proposed an amendment to the bill S. 1435, supra, as follows:

On page 234, line 24, add the following new title:

TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.

(b) ESTABLISHMENT.—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) PURPOSE.—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalinization, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new technologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) FUNDING.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1992 and each fiscal year thereafter for United States participation in Project EDEN. The President may seek reimbursement for United States expenses associated with Project EDEN by the Conference as established in Sec. 1306.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) COMPOSITION.—The Planning Council shall be composed of 9 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) ADMINISTRATION.—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) PLANNING COUNCIL RESPONSIBILITIES.—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Planning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(f) ANNUAL REPORTING REQUIREMENTS.—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) COMPOSITION.—The countries referred to in subsection (a) are those countries designated by the United States Agency for International Development as Middle East and North Africa or which choose to participate in Project EDEN.

(c) RESPONSIBILITIES AND OBJECTIVES.—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of $100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) RESPONSIBILITIES.—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) ROLE OF THE ADMINISTRATOR OF AID.—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) COMPOSITION OF THE SECRETARIAT.—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) DIRECTOR-GENERAL.—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) STAFF OF THE SECRETARIAT.—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) ANNUAL ENVIRONMENTAL ASSESSMENTS.—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) PURPOSE.—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) ORGANIZATION.—The Fund should be established and managed by the Conference Secretariat.

(d) CAPITALIZATION OF FUND.—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) PURPOSES FOR DISBURSEMENT OF FUNDS.—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) AUTHORITY TO INCUR OBLIGATIONS.—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) USE OF IRAQI REPARATIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to seek 25 percent of any future reparations paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) ANNUAL CONTRIBUTIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) COORDINATION.—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) PURPOSES.—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environment ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.—The Secretariat, in coordination with the permanent Conference Chair, shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

SARBANES (FOR MITCHELL) AMENDMENT NO. 874

Mr. SARBANES (for Mr. MITCHELL) proposed an amendment to the bill S. 1435, supra, as follows:

On page 136, lines 17 and 18, strike "including the Chairman of the United States Delegation" and insert "unless the Speaker determines otherwise".

On page 136, lines 21 and 22, strike "including the Vice Chairman of the United States Delegation" and insert "unless the President of the Senate, upon the recommendation of the Majority and Minority Leaders, determines otherwise".

On page 137, lines 4 and 5, strike "including the Chairman of the United States Delegation" and insert "unless the President of the Senate, upon the recommendation of the Majority and Minority Leaders, determines otherwise".

On page 137, line 11, strike "including the Vice Chairman" and insert "unless the Speaker determines otherwise".

On page 137, beginning on line 14, strike out "the period" and all that follows through "for" on line 17.

On page 137, line 24, strike out "from the Committee on Foreign Affairs" and insert "designated by the Speaker".

On page 138, lines 1 and 2, strike "from the Committee on Foreign Relations" and insert "designated by the President of the Senate, upon the recommendation of the Majority Leader".

On page 138, lines 4 and 5, strike "from the Committee on Foreign Relations" and insert "designated by the President of the Senate, upon the recommendation of the Majority Leader".

On page 138, line 6, strike out "from the Committee on Foreign Affairs" and insert "designated by the Speaker".

On page 138, line 12, strike "Chairman of the Committee on Foreign Affairs" and insert "chairman of the delegation".

On page 138, lines 14 and 15, strike "Chairman of the Committee on Foreign Relations" and insert "chairman of the delegation".

On page 138, line 15, insert at the end thereof the following new sentence: "Each delegation secretary shall be an officer or employee of the Senate or of the House of Representatives, as the case may be.".

KASTEN AMENDMENT NO. 875

Mr. KASTEN proposed an amendment to the bill S. 1435, supra, as follows:

On page 98, after line 19, insert the following new section:

SEC. . AUTHORIZATION ADJUSTMENTS.

In each of fiscal years 1992 and 1993, the amounts authorized by—

(1) section 532(a)(7);

(2) section 504(a)(1)(E); and

(3) section 302(a)(1)(F)

of the Foreign Assistance Act of 1961, shall be deemed to be increased by amounts authorized for, respectively—

(1) section 502(a)(1) through (6);

(2) section 504(a)(1)(A) through (D); and

(3) section 302(a)(1)(A) through (E)

of such Act, and any other provision of law specifying an amount of funds that may be made available for the countries, organizations, or programs identified in such sections shall not apply, if—

(a) the country or organization for which such funds were authorized has significantly reduced its military, economic or political cooperation with the United States, or there has been a fundamental change in circumstances with respect to the program for which funds were authorized, or

(b) the further obligation or expenditure of the funds so authorized becomes impossible by operation of law. Nothing in this section shall render inapplicable to reprogramming provisions of section 634A of the Foreign Assistance Act.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled "Forever Young: Music and Aging," which will explore the role of music in the survival of human vitality.

The hearing will take place on Thursday, August 1, 1991, beginning at 10 a.m. in room 216 of the Hart Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

Mr. COHEN. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled, "Older Women and Employment: Facts and Myths," to examine a variety of issues facing older women, both as they continue to work and as they try to reenter the job market.

The hearing will take place in room 385 of the Russell Senate Office Building in Washington, DC, on Friday, August 2, 1991, beginning at 9:30 a.m.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HEALTH FOR FAMILIES AND THE UNINSURED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the uninsured of the Committee on Finance be authorized to meet during the session of the Senate on July 26, 1991, at 10 a.m. to hold a hearing on Medicaid financing, the maternal and child health block grant, and qualified medicare beneficiary program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, July 26, 1991, at 9 a.m., for a hearing on "Channel One: Education Television Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, July 26, beginning at 10 a.m., to conduct a hearing to consider S. 58, the "National Biological Conservation and Environmental Research Act," which would establish a national policy for the conservation of biological diversity.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISABILITY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Disability Policy of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, July 26, 1991, at 9 a.m., for a field hearing on "Americans with Disabilities Act First Anniversary."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, July 26, 1991, at 9:30 a.m., for a hearing on "S. 353, Worker Family Protection Act of 1991."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AESCULAPIUS INTERNATIONAL MEDICINE IN GUATEMALA

• Mr. HARKIN. Mr. President, I wish to bring to the attention of my colleagues and the American people the work of Aesculapius International Medicine on behalf of improved health care in Guatemala.

Aesculapius International Medicine is a private, nonprofit organization which responds to situations throughout the world where the local political or military situation has made it dangerous for health care workers to provide health care. It is my understanding that the work of Aesculapius is nonsectarian, nonpartisan and in accordance with the principles set forth in the Universal Declaration of Human Rights which proclaims health care as a human right.

Mr. President, 30 years of civil conflict and poverty have devastated Guatemala's highland areas where thousands of Indians have disappeared, been killed, or forced to leave their homes. Further, these years of violence have discouraged most governmental humanitarian assistance efforts in the region. This tragic situation means that in most rural areas where 40 percent of indigenous children are malnourished at birth and two of every five children will not live to the age of 5, will not have access to adequate health care.

Mr. President, in light of the aforementioned situation, I believe it is appropriate to recognize the outstanding efforts of Aesculapius International Medicine. I am proud of this group of American health professionals who, at great personal sacrifice, are dedicated to assist the people of Guatemala. I strongly supported a similar project in El Salvador, upon which the Guatemalan project is modeled. I believe that programs, such as Aesculapius International Medicine, which assist people recovering from the ravages of war and enable them to find new hope in life are in the best tradition of our country and deserving of public recognition. The following is a more complete explanation of Aesculapius International Medicine's project in Guatemala.

AESCULAPIUS INTERNATIONAL MEDICINE [AIM]

In 1987, Aesculapius International Medicine [AIM], in conjunction with the Catholic Diocese of Solola, initiated a health care project in the western highlands of Guatemala. The parish of San Pedro La Laguna on Lake Atitlan was chosen as the appropriate site, based upon the lack of adequate existing health care sources. The Aesculapius team provides training and supervision to a network of indigenous Guatemalan health care providers—health promoters—serving four towns—San Pedro, San Pablo, San Marcos, and Tz'ununa—and a rural population of approximately 20,000. Training emphasizes health education, nutrition, and disease prevention, and is directed primarily toward children and women of childbearing years.

The Diocese of Solola includes the departments of Solola, Chimaltenango, and Suchitepequez. The area is one of the few regions in Central America where traditional indigenous language, dress, and customs have been preserved. It has approximately 750,000 inhabitants, of whom 90 percent are indigenous. Most speak one of the three Indian languages—Quiche, Cakchiquel, or Tzutujil. Fluency in Spanish is limited, and literacy even rarer, particularly among women and the elderly. Faming continues to be the major economic activity, with the majority of the population farming coffee, avocados, and onions for exportation, and corn and beans for subsistence. While a wide variety of crops is cultivated for export, the diet of most of the indigenous population is severely limited.

The most significant health problems found in the region include: malnutrition, intestinal parasites, diarrheal diseases, skin infections, alcoholism, anemia, tuberculosis, and other respiratory illnesses. According to local government statistics, the leading causes of death seen at government clinics in Solola include: Intestinal parasites, diarrhea, skin infections, upper respiratory illnesses, and anemia. The government centers do not consider malnutrition as a cause of death. However, Ministry of Education statistics indicate that 80 percent of indigenous children suffer from some degree of malnutrition.

In the western highlands, there is approximately 1 physician for every 85,000 people. When a physician is available, a prescription can often cost a family 10 days wages. The health care services are ill-suited to the reality of the indigenous population, and focus primarily on curative medicine. The Ministry of Health has stated that the small amount of attention directed toward preventative health has caused the rise in hospitalization, without any marked improvement in the general level of health.

The health care model used by Aesculapius, in its Guatemala project, is an adaptation of a model first developed by AIM in El Salvador in early 1984. However, the Aesculapius project in Guatemala distinguishes itself from the Salvador project, and other health promoter training efforts in the region, through its commitment to working almost exclusively with indigenous women. By working with women, maternal, and child health issues can be more directly addressed since it is the women of the region who are the primary care-givers. In traditional indigenous families, women are in charge of areas which greatly affect health, such as daily meal preparation and child care. AIM's work has had a significant effect on the health practices of the indigenous women involved; a recent survey indicates that as many as 80 percent of the household activities, and that 50 percent of those children who entered the project malnourished, have recuperated.

Most existing health projects in Guatemala require Spanish literacy as a prerequisite for training, thereby preventing most indigenous women from participating. Similarly, few programs make an effort to accommodate the unique needs of wives and mothers. For example, by holding training sessions in week-long segments, women are effectively excluded due to daily household and family commitments. Aesclapius has made a conscious decision to avoid these pitfalls.

A byproduct of AIM's emphasis on working with women health promoters is that the project provides indigenous women, a consistently marginalized population, an opportunity for self-advancement.

The role of the Aesculapius team is to develop and train a network of health promoters. Team members are fully trained health professionals, fluent in Spanish, who have made an 18-

month to 2-year commitment, and are unpaid volunteers. They provide training for the health promoters, the mid-level management, and the professional support required to maintain the health promoter network and assist in program development. The Diocese of Solola, the in-country counterpart for the project, introduces the project to the participating communities and ensures the safety of the promoters in an environment often hostile to popular health work.•

1991 GAO SURVEY OF CABLE RATES

• Mr. DANFORTH. Mr. President, Congressman EDWARD MARKEY, the chairman of the House Subcommittee on Telecommunications and Finance, asked the U.S. General Accounting Office [GAO] to conduct a third survey of cable television rates and services in May of this year. Previous GAO surveys were made in response to the chairman's request in August 1989 and June 1990.

We now have the results of GAO's third survey and I want to applaud Chairman MARKEY for his determination and leadership on this important consumer issue. For those of us familiar with the monopolistic practices of cable companies, the results of the GAO survey come as no surprise. The survey provides irrefutable evidence that cable companies continue to act like monopolies, even in the face of threatened legislation, unchecked by competition or regulation.

The study shows that cable rates continue to skyrocket. In the 4 years since deregulation was implemented the average monthly charge for the lowest priced basic cable service increased 56 percent and for the most popular basic cable service 61 percent, while inflation rose less than 18 percent. In the last 15 months alone, the rates for the lowest price basic tier increased 9 percent, yet the average number of channels on that tier decreased. Rates for the most popular basic cable service increased 15 percent, with two fewer channels available. Not only did prices continue to rise in the last year, but those prices bought fewer channels. The survey shows that 66 percent of cable subscribers for the lowest priced tier incurred increases of more than 10 percent in this 15-month period.

The GAO survey also quantifies the widespread retiering undertaken by the cable industry to avoid possible rate regulation. Many legislative proposals would regulate the rates of the tier on which broadcast signals are carried. So what have the cable companies done? In record numbers, they have created two tiers of basic services: One with little more than broadcast signals, and an enhanced basic tier which includes cable's most popular programs like CNN. In this way, only the stripped down basic tier with broadcast signals would be subject to rate regulation under most proposals. The study shows that the number of cable systems offering two or more tiers has more than doubled—from 16.6 to 41.4 percent. Cable will go to any lengths to avoid rate regulation. What unregulated monopolist would not?

Of course, the cable companies don't want consumers to subscribe only to their new lower priced basic tier. So some of the cable systems fail to tell their potential subscribers about the existence of that tier. GAO staff, acting as potential subscribers, randomly called the customer service departments of 30 cable systems to verify information on cable rates and services being offered. Seventeen of the systems called were known to have two or more tiers. But over half did not acknowledge having a lower priced tier, even when asked.

The only way to protect consumers from these kinds of abuses is to encourage competition and to enforce regulation where competition does not exist. The recent FCC proposal would regulate the rates of any cable system that does not compete with at least six over-the-air TV stations in its community. GAO found that this standard would leave 80 percent of all cable subscribers paying unregulated rates. That standard is simply not going to protect the consumer.

S. 12, the Cable Television Consumer Protection Act, which I introduced this Congress, would prevent this kind of unrestrained monopolistic behavior. S. 12 beats the cable industry at its own game. It does not allow cable companies to avoid regulation through retiering. S. 12 imposes real regulation while encouraging real competition.

Chairman MARKEY's outstanding leadership in the House has provided us with overwhelming evidence that the cable industry's greed continues unabashed today. It would be negligent, in the face of this evidence, to fail to act. I urge the Senate to move quickly on S. 12 to address this critical issue for consumers.•

ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

• Mr. ADAMS. Mr. President, today we mark the first anniversary of the signing into law of the Americans With Disabilities Act, a landmark rights bill to ensure that persons with disabilities are treated as equal, productive, and respected citizens of the United States.

No person should be discriminated against on the basis of a physical or mental disability. Disabilities are in-and-of themselves not necessarily limiting; lack of access to or exclusion from transportation, jobs, schools, and other opportunities is the real limitation. The Americans With Disabilities Act safeguards the rights of the disabled to transportation, equal job opportunities, and services that will further allow persons with disabilities to live independent and fulfilling lives.

Many persons with disabilities, through their own initiative and often without the assistance of Government-sponsored programs, have been significant contributors to the fields of science, the arts and humanities, and civic service, most famously, President Franklin Delano Roosevelt. But before the ADA, only those persons with the financial ability could maintain independent and productive lives. The ADA will enable every disabled person to use his or her minds, special talents, and energies to lead productive lives for themselves and for the benefit of us all.

That ADA is also very important for persons with the HIV virus and AIDS. Sadly, persons suffering from this disease are stigmatized and discriminated against in housing, employment, and other activities. The ADA will require persons with AIDS to be treated with the respect and dignity that they deserve as do all Americans.

Today, the administration is publishing the final regulations implementing the provisions concerning public accommodations, state and local governments, and employment. I am troubled by the Equal Employment Opportunity Commission's decision to include a standard that a person with a disability may be deemed unqualified for a job if he or she poses a high probably of substantial harm to himself or herself. The risk to self will have a negative impact in making employers change their attitudes toward and stereotypes of disabled persons.

Now we must make sure that this historic legislation is implemented correctly and that disabled persons know their rights. I will work to make that legislation meaningful for the 43 million disabled Americans.•

• Mr. INOUYE. Mr. President, I rise today to bring to the attention of my colleagues the General Accounting Office 1991 Survey of Cable Television Rates and Services. This report was prepared by GAO at the request of Congressman MARKEY, the chairman of the House Telecommunications and Finance Subcommittee. I want to commend Chairman MARKEY for his wisdom and foresight in requesting this report. This exemplifies Chairman MARKEY's commitment to ensuring that the Congress has a complete and current record upon which to base its legislative decisions.

Both the House and the Senate have been considering cable legislation for over 3 years now and the situation is getting worse, not better. Often when Congress indicates a desire to regulate an industry, the industry in question tries to clean up its act. Not the cable industry.

This report demonstrates that S. 12, the Cable Television Consumer Protection Act of 1991, is needed now more than ever. Cable rates for the most popular basic cable tier of programming have increased 61 percent since deregulation went into effect in 1986, while the rates for the lowest priced tier increased by 56 percent. During the same 4-year period, 1986 to 1991, the cost of consumer goods only rose by 17.9 percent.

According to GAO, "the average monthly rates for the lowest priced basic cable service increased by 9 percent, from $15.95 to $17.34 per subscriber" from December 1989 to April 1991. During that same period, the average number of channels offered on the lowest priced tier decreased by one channel. Consumers are paying more for less.

The cable industry has recently been touting the availability of its new low-priced basic tiers. Yet when GAO employees posing as consumers called 17 of the systems with the new low priced tiers, 8 of those systems did not even inform GAO of the existence of those tiers. Obviously subscribers cannot be expected to take advantage of tiers they do not even know exist.

The report also demonstrates that the FCC's June effective competition decision does not address the problem of run-away cable rates. The FCC ruled that effective competition exists when there are six over-the-air broadcast signals, up from three. This will permit local authorities to regulate the rates for basic cable service when there are fewer than six over-the-air broadcast signals. According to the GAO report, under this definition, 80 percent of the cable subscribers' rates would not be subject to rate regulation.

Mr. President, I also take this opportunity to address the cable industry's campaign of misinformation about S. 12 and its effect on consumer's cable rates. The cable industry is attempting to mislead consumers through newspaper ads, bill stuffers and advertisements on their systems. One fallacy they promote is that S. 12 will allow the television networks to a 20 percent-surcharge to cable subscribers' bills. Another dark scenario being painted by the cable industry is that S. 12 could result in the great television blackout. Nothing could be further from the true intent and effect of S. 12.

The retransmission consent provisions of S. 12 are straightforward. They simply provide that when a local station forgoes the option for must-carry protection, it may utilize its retransmission rights to negotiate with the local cable system over the terms and conditions of its carriage on the system. In other words, broadcasters will have the option of being treated like any other cable programmer. Cable operators negotiate with cable programming services for the right to carry those program services. Gone are the days when broadcasters received their revenues from advertisers and cable received its revenues solely from subscribers. Today, cable competes with broadcasters for local and national advertising.

Cable has also asserted that retransmission will cause cable rates to increase. The GAO report states that the price per channel of programming for the lowest priced tier increased from 51 cents to 58 cents per channel in the past year. The lowest priced tier is the tier of programming that contains the broadcast signals, signals which cable operators receive for free. Thus, subscribers are paying an average of 58 cents per channel for broadcast programming that is free to cable.

The retransmission provisions of S. 12 will permit local stations, not national networks, to control the use of their signals. S. 12 contains no formula for retransmission fees or surcharge. On the contrary, the committee report specifies that in its proceeding implementing retransmission consent, the FCC must ensure that local stations retransmission rights will be implemented with due concern for any impact on cable subscribers' rates. The Commission is also required to regulate the rates for the basic tier, the tier that contains the broadcast signals, to ensure that those rates remain reasonable. Thus, the FCC has a mandate to ensure that retransmission does not result in harmful rate increases.

Moreover, the bill is completely silent on what the negotiations between cable operators and broadcasters may entail—the parties may negotiate for money, or for nonmonetary consideration, such as channel position, additional channel capacity, joint advertising or promotional opportunities, or any other form of compensation.

In short, S. 12 will benefit all television viewers, whether they subscribe to cable or not, by helping to restore a local television marketplace that function's competitively. Instead of causing blackout of television signals, it will eliminate the cable industry's present absolute power over the signals it provides or denies to its subscribers. Instead of driving up rates, S. 12 will ensure that the FCC or local governments maintain control over these rates in the absence of effective competition to local cable systems.

Finally, the record should reflect that I have offered to sit down with the cable industry or any Members who have concerns about this bill to explore ways of addressing those concerns and to date no one has come forward. The cable industry has taken the position that there should be no legislation and has refused to try to work with me and other members of the committee.

In closing, protecting consumers is the issue. S. 12 will promote competition and impose regulation until that competition develops. I want to urge all of my colleagues to read the GAO report and to look beyond the rhetoric being employed by the cable industry to the solid foundation that supports S. 12.

Mr. President, I ask unanimous consent that the General Accounting Office 1991 Survey of Cable Television Rates and Services, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, July 17, 1991.

B-226720.

HON. EDWARD J. MARKEY,
Chairman, Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, House of Representatives.

DEAR MR. CHAIRMAN: The cable industry has grown tremendously in providing consumers with a wide range of video programming. Historically, there has been concern about rate increases and how cable systems offer services. As you requested in May 1991, we have completed our third survey of cable television rates and services. The two previous surveys, also made in response to your requests, were completed in August 1991[1] and June 1990.[2]

This report provides information on changes in basic cable television rates for both the lowest priced service available to cable subscribers and the most popular service—the one to which most customers subscribe—offered by cable systems; the number of channels offered; the levels or tiers of service offered; and the overall revenue to cable system operators per subscriber. To obtain this information, we contacted the 1,530 cable television systems that responded to our 1990 survey; we sent that survey to 1,971 systems. We chose this approach of resurveying the respondents to the 1990 survey because we already had information on these operations from 1984 through 1989 that would allow us to look at price changes over time. We also believed this was the only approach that would allow us to respond to your need for information on changes in cable rates by July 1991. Given the excellent response rate of 98 percent (1,505 of 1,530) of the systems surveyed, we believe that relying on information from the respondents to our previously selected sample provides a reasonable representation of changes in basic cable television rates since the completion of our prior study. Because responses were voluntary, we could not have completed our work without the excellent cooperation of the many cable operators, associated corporate officials, and industry representatives whose efforts were essential to the success of this study.

This report presents the results of our most recent survey, which covers the period from December 1989 to April 1991. It also highlights rate and service changes for these same systems since November 1986 (prior to deregulation of cable rates and services).

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[1] "Telecommunications: National Survey of Cable Television Rates and Services" (GAO/RCED-89-193, Aug. 3, 1989) and testimony entitled "National Survey of Cable Television Rates and Services" (GAO/T-RCED-89-60, Aug. 3, 1989).

[2] "Telecommunications: Follow-up National Survey of Cable Television Rates and Services" (GAO/RCED-90-199, June 13, 1990) and testimony entitled "Follow-up National Survey of Cable Television Rates and Services" (GAO/T-RCED-90-89, June 14, 1990).

RESULTS IN BRIEF

Our survey showed that over the period between December 1989 and April 1991:

Average monthly rates for the lowest priced basic service increased by 9 percent, from $15.95 to $17.34 per subscriber; the average number of channels offered dropped by one.

Average monthly rates for the most popular basic cable service increased by 15 percent, from $16.33 to $18.84 per subscriber; the average number of channels offered increased by two.

The number of systems offering only one tier or level of service decreased from 83.4 to 58.6 percent. The number of systems offering two or more tiers increased from 16.6 to 41.4 percent. Some of the legislative proposals introduced in 1990 would have generally restricted rate regulation to only the lowest priced basic service.

Overall monthly revenue (basic rate charges, premium services, pay-per-view, etc.) to cable operators per subscriber increased on average by 4.2 percent, from $26.36 to $27.47, between December 1989 and December 1990. In comparison, the increase between December 1990 and March 1991 was 4.7 percent for the 3-month period. As discussed later, the increase for the 3-month period was due, in part, to two pay-per-view offerings during March, which generated substantial revenue for some systems.

Appendixes I and II contain tables detailing the results of our survey.

BACKGROUND

Today cable service offers a wide range of video programming to millions of subscribers, including not only over-the-air television channels but also movies, sporting events, and other programming available only to cable subscribers. In rural areas cable television is seen by some as an essential service, serving as a window to the outside world because of otherwise poor television reception. In other parts of the country, however, cable is considered a multichannel video entertainment service, competing not only with broadcast television but also with other sources of entertainment, such as movie theaters and video rental stores.

When the Cable Communications Policy Act of 1984 (the Cable Act) was passed, about 32 million households had cable subscriptions. In the more than 6 years since passage of the act, Broadcasting magazine reported that cable subscriptions have increased to serve about 54 million households.

Cable systems market several different services—basic, optional, premium, and pay-per-view. Basic service includes any service offering the retransmission of local television broadcast signals and may also include programs available via satellite transmission, such as C-Span and Cable News Network (CNN), either as a single level of service or as two or more "tiers," each priced individually. Additional tiers of basic service are generally referred to as "expanded basic" service and offer additional channels beyond the basic level of service. Optional services are additional features that can be purchased, such as the set-top converter, the remote control, FM radio, a program guide, and additional television outlets. Premium service generally includes movie channels or other entertainment, such as Home Box Office (HBO) and Cinemax, at an additional monthly fee over and above the charge for basic service. Pay-per-view is selective program viewing for special sporting events, movies, or other shows for an additional fee per showing.

Cable television rates, once subject to broad control at the local or state level for generally the lowest priced basic service, have been deregulated since late 1986 in most communities, when the Federal Communications Commission's (FCC) effective competition regulations implementing the Cable Act took effect. Since then, local officials and consumer groups around the country have expressed concern about increases in cable rates, and a number of bills to reregulate cable rates have been introduced in the Congress. Cable industry officials, on the other hand, report that rate increases are moderating and are justified due to a number of factors, including cost increases, system upgrades, and improvements in customer services.

The act generally prohibits state and local governments from regulating basic cable service rates in those localities where the cable system is subject to "effective" competition. As defined by FCC, effective competition exists if residents of a locality received three or more television stations using their own antennas as an alternative to cable service.

On June 13, 1991, FCC modified its regulation to redefine the existence of effective competition for purposes of regulating basic cable service rates. The final order on this modification was released July 12, 1991. Effective competition would exist and local authorities could not regulate basic rates under either of the following conditions:

1. Six or more unduplicated over-the-air broadcast television signals are available in the entire cable community. To determine the systems and subscribers that this change could affect, we analyzed the data gathered during our 1990 survey. This analysis indicated that 59 percent of the systems serving 80 percent of the nation's subscribers would not have been subject to regulation under FCC's new criteria.

2. An independently owned, competing multichannel video delivery service provider is available to 50 percent of the homes passed (homes to which cable service is available) by the incumbent cable system, and subscribed to by at least 10 percent of the homes passed by the incumbent cable system. The FCC considers such providers to include a second cable service; multichannel, multipoint distribution systems; home satellite dishes; satellite master antenna television systems; and direct broadcast satellites. FCC noted that it adopted the proposed 50-percent availability 10-percent penetration benchmarks because they are sufficient to indicate the presence of an alternative provider and a viewing choice for the consumer.

BASIC RATES AND SERVICES

Over the more than 4 years since deregulation, our surveys showed that the charge for the lowest priced service increased 56 percent, from an average of $11.14 to $17.34 per month, and the subscriber on the average received 6 additional channels (24 to 30). The most popular basic service showed a higher increase of 61 percent, from an average charge of $11.71 to $18.84 per month; the subscriber on the average received 8 additional channels (27 to 35).[3]

Over the 15-month period—December 1989 to April 1, 1991—the monthly rates for the lowest priced basic service increased by 9 percent, from an average of $15.95 to $17.34 per subscriber, with the average number of channels decreasing by 1 (31 to 30). The monthly rates for the most popular service increased by 15 percent, from an average of $16.33 to $18.84, with an increase of 2 in the average number of channels offered (33.6 to 35.3). Table 1 below shows the rate changes since November 30, 1986.

TABLE 1.—AVERAGE MONTHLY BASIC SERVICE CHARGE PER SUBSCRIBER

Date	Average basic service charge per subscriber for:	
	Most popular service	Lowest priced service
Nov. 30, 1986	$11.71	$11.14
Dec. 31, 1989	16.33	15.95
Apr. 1, 1991	18.84	17.34

Table 2 shows how subscribers were affected by the different ranges of the rate increases. As the table shows, approximately 70 percent of subscribers for the most popular service and 66 percent for the lowest priced service incurred rate increases of more than 10 percent between December 31, 1989, and April 1, 1991. Additional basic service data are detailed in appendix I.

TABLE 2.—CHANGES IN BASIC RATES SINCE DEC. 31, 1989

[Percentages of subscribers with rate change between Dec. 31, 1989 and Apr. 1, 1991 for two services]

Change in rate	Most popular	Lowest priced
No change or decrease	6	12
Increase:		
>0 ≦5	5	6
>5 ≦10	18	16
>10 ≦20	40	35
>20 ≦30	19	17
>30 ≦40	7	7
>40 ≦50	1	2
>50	3	5

Retiering of Basic Service

The results of our most recent survey indicate that there was a sizable decrease in the number of systems offering only one tier of service from 83.4 to 58.6 percent between December 31, 1989, and April 1, 1991.

Correspondingly, the number of systems offering two or more tiers increased from 16.6 to 41.4 percent. Some of the legislative proposals introduced in 1990 would have generally restricted rate regulation to only the lowest priced basic service.

REVENUE PER SUBSCRIBER

Revenue per subscriber includes the revenue received by cable systems from all subscriber services, such as basic and premium services, installation, pay-per-view, and options. Average monthly revenue per subscriber received by cable systems increased from $21.78 to $28.76 between November 1986 and March 1991, an increase of 32 percent.[4]

Our survey showed that average monthly revenue per subscriber increased 4.2 percent, from $26.36 to $27.47, for the 12-month period between December 1989 and December 1990. Over the 15-month period of our survey between December 1989 and March 1991, the increase in average monthly revenue cable systems received per subscriber was 9 percent, from $26.36 to $28.76. The increase for the 3-month period from December 1990 to March 1991 was 4.7 percent (see app. II). The industry believes there was an anomaly in revenue that may have affected the statistics during this period. According to the industry, this increase can be attributable, at least in part, to the pay-per-view events occurring in March 1991. The Tyson-Ruddock fight in March was the third largest pay-per-view event in cable's history. Also, March 1991 included a big professional wrestling event.

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[3] During this period, the nation's overall price level for consumer goods, as measured by the gross national product implicit price deflator, rose by about 17.9 percent. Taking inflation into account by adjusting April 1991 cable rates to November 1986 constant dollars results in increases of about 32.0 percent for lowest priced basic service and 36.5 percent for most popular basic service.

[4] Taking inflation into account by adjusting 1991 revenues to 1986 constant dollars results in increases of about 12.0 percent for the average monthly revenue to cable systems per subscriber.

The total impact of these pay-per-view events is not clear. Discussions with officials of cable systems contacted during the survey indicated that in spite of the two big events, all cable systems did not show gains for March 1991. Some cable systems that had pay-per-view showed a decrease in the average monthly revenue per subscriber, while others had minimal increases. For example, one multisystem operator provided us average monthly revenue per subscriber for March 1991 with and without pay-per-view for 11 systems. Using the pay-per-view data, of the 11 systems, 3 showed decreases in the average monthly revenue per subscriber of as much as $.93; and 8 systems had increases of as much as $5.24. The portion of the increases attributable to pay-per-view ranged from $.03 to $2.96.

The cable industry is changing rapidly. Recently, many events have moved from over-the-air broadcasts to cable. Large numbers of championship boxing events are now available only on cable television. Both baseball and football now have games shown only on cable. Many cable systems are showing movies on a pay-per-view basis. The cable industry has expanded to provide more entertainment options to the viewing public. These types of options are becoming a standard. Therefore, we believe that although the March figure may be inflated over what it would have been without the Tyson-Ruddock fight, it also can be used to show the general revenue/pricing trend in the cable industry. As a further indication of this trend, we noted that in April and June, fights were offered on pay-per-view which exceeded the March revenue for the Tyson-Ruddock fight.

SCOPE AND METHODOLOGY

To obtain updated information on rates, revenue, tiers, and channels from our previous survey, we mailed questionnaires to the 1,530 cable systems that responded to our previous survey, noting that we would be calling to obtain the needed information. We made these calls over a 3-week period, obtaining information from 1,505 systems for a 98-percent response rate. Appendixes I and II contain tables detailing the results of our survey and the sampling errors for all estimates reported. Appendix III provides a complete description of the methodology used.

The detailed work related to conducting our survey took place between April 1991 and June 1991. In accordance with Subcommittee policy, we did not obtain comments on a draft of this report from representatives of the cable industry. However, in letters dated May 10, 1991, to GAO and May 15, 1991, to you, the National Cable Television Association (NCTA) expressed concerns about our survey methodology. Generally, they believed reliance on our previously selected random sample was not appropriate because the number of cable systems had increased; pricing data would not be comparable with prior survey results because NCTA considered this survey a new sample; collection of data over three different time periods would be confusing; and use of March 1991 revenue-per-subscriber data may be misleading because NCTA believes it was an atypical month.

Overall, we believe our survey methodology provides accurate information comparable to our prior survey results. We recognize that the number of cable systems operating has increased since our earlier surveys, primarily as a result of small cable systems not being recognized by the firm from which we obtained our statistics on cable systems. However, we believe that the 98-percent response rate we received in this survey from those cable companies responding to our earlier survey provides a sound basis for asserting that our survey results provide an accurate representation of the changes in cable industry rates for the period from December 1989 to April 1991. We have included tables in our report designed to show the time periods covered by information on price increases gathered in this and earlier GAO surveys, as well as the cumulative effects. As discussed on page 7, pay-per-view can have a significant effect on some companies' revenue, but not on others. In any event, pay-per-view is increasingly becoming a standard cable offering and therefore an integral part of any cable company's revenue base. More details on our responses to NCTA's concerns are contained in appendix III.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to interested parties and will make copies available to others upon request.

Major contributors to this report are listed in appendix IV. If I can be of further assistance, please contact me at (202) 275-5525.

Sincerely yours,

JOHN M. OLS, JR.,
Director, Housing and Community Development Issues.

ABBREVIATIONS

CNN—Cable News Network.
FCC—Federal Communications Commission.
GAO—General Accounting Office.
HBO—Home Box Office.
NCTA—National Cable Television Association.

APPENDIX I—CHANGES IN BASIC CABLE RATES AND SERVICES

TABLE I.1.—AVERAGE MONTHLY BASIC SERVICE CHARGE PER SUBSCRIBER

Date	Average basic service charge per subscriber for:	
	Most popular service	Lowest priced service
Nov. 11, 1986	$11.71 (±10) N=4,002 (±218)	$11.14 (±.11) N=3,995 (±218)
Dec. 31, 1988	$14.91 (±.11) N=5,405 (±227)	$14.50 (±.11) N=5,380 (±227)
Dec. 31, 1989	$16.33 (±.10) N=6,289 (±215)	$15.95 (±.10) N=6,284 (±215)
Apr. 1, 1991	$18.84 (±.10) N=6,435 (±212)	$17.34 (±.22) N=6,444 (±212)
Percent increase:		
1989–91	15.3 (±1.2)	8.7 (±1.9)
1986–91	60.8 (±1.9)	55.7 (±2.8)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

(Figure I.-1 not reproducible in the RECORD.)

TABLE I.2.—AVERAGE NUMBER OF BASIC CHANNELS RECEIVED PER SUBSCRIBER

Date	Average number of basic channels received per subscriber for:	
	Most popular service	Lowest priced service
Nov. 30, 1986	27.1 (±0.5) N=3,988 (±218)	24.2 (±0.5) N=4,005 (±218)
Dec. 31, 1988	32.2 (±0.6) N=5,429 (±227)	30.2 (±0.7) N=5,429 (±227)
Dec. 31, 1989	33.6 (±0.5) N=6,327 (±214)	31.2 (±0.4) N=6,329 (±214)
Apr. 1, 1991	35.3 (±0.4) N=6,445 (±212)	29.8 (±0.7) N=6,454 (±211)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

(Figure I.2 not reproducible in the RECORD.)

TABLE I.3.—AVERAGE MONTHLY CHARGE PER BASIC CHANNEL

Date	Average subscriber charge per channel for:	
	Most popular service	Lowest priced service
Nov. 30, 1986	$.44 (±.01) N=3,980 (±218)	$.47 (±.01) N=3,995 (±218)
Dec. 31, 1988	$.47 (±.01) N=5,380 (±227)	$.49 (±.01) N=5,380 (±227)
Dec. 31, 1989	$.49 (±.01) N=6,283 (±215)	$.51 (±.01) N=6,284 (±215)
Apr. 1, 1991	$.53 (±.01) N=6,435 (±212)	$.58 (±.01) N=6,444 (±212)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

TABLE I.4.—CHANGES IN BASIC SERVICE RATES

Change in rate	Percentage of subscribers whose rates changed between 12/31/89 and 4/1/91 for:	
	Most popular service	Lowest priced service
No change or decrease	5.5 (±1.0)	11.9 (±2.5)
Increase:		
>0 ≤5	5.2 (±1.4)	6.3 (±1.0)
>5 ≤10	17.7 (±1.6)	16.2 (±2.9)
>10 ≤20	40.0 (±2.1)	35.0 (±3.5)
>20 ≤30	19.4 (±1.8)	17.1 (±3.2)
>30 ≤40	7.2 (±1.4)	6.7 (±2.4)
>40 ≤50	1.4 (±0.5)	1.5 (±1.1)
>50	3.4 (±1.1)	5.4 (±2.5)

Note.—The table above contains sampling errors in parentheses for the values presented. Below are our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

Most popular service, N=6,139 (±218).
Lowest priced service, N=6,144 (±217).
> means greater than; ≤ means less than or equal to.

TABLE I.5 EXPANDED.—CHANGES IN RATES FOR MOST POPULAR PRICED BASIC SERVICE TIER BY SYSTEM SIZE

[Percentage of subscribers with rate change between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	19.4 (±10.2)	8.1 (±3.3)	7.5 (±2.3)	4.8 (±1.9)	2.6 (±0.0)	5.5 (±1.0)
Increase:						
>0 ≤5	(1)	3.7 (±1.8)	2.3 (±1.3)	4.5 (±1.8)	5.9 (±0.0)	5.2 (±1.4)
>5 ≤10	16.6 (±9.8)	19.8 (±7.3)	18.2 (±3.7)	17.5 (±3.4)	17.5 (±0.0)	17.7 (±1.6)
>10 ≤20	22.0 (±9.7)	33.2 (±8.7)	40.5 (±4.6)	38.8 (±4.4)	45.9 (±0.0)	40.0 (±2.1)
>20 ≤30	17.6 (±10.8)	13.1 (±4.0)	22.6 (±4.1)	22.8 (±3.8)	16.0 (±0.0)	19.4 (±1.8)
>30 ≤40	2.1 (±1.2)	11.5 (±11.0)	4.2 (±1.8)	6.4 (±2.5)	9.4 (±0.0)	7.2 (±1.4)
>40 ≤50	2.1 (±1.7)	1.6 (±1.4)	3.0 (±1.9)	1.7 (±1.1)	0.4 (±0.0)	1.4 (±0.5)
>50	4.7 (±3.8)	(1)	1.9 (±1.1)	3.5 (±1.8)	2.5 (±0.0)	3.4 (±1.1)
	N=3,281 (±204)	N=1,202 (±64)	N=799 (±33)	N=714 (±25)	N=143 (±0)	N=6,139 (±218)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.6 EXPANDED—CHANGES IN RATES FOR MOST POPULAR PRICED BASIC SERVICE TIER BY SYSTEM SIZE

Change in rate	Percentage of systems with rate change between 12/31/89 and 4/1/91					
	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	21.8 (±4.3)	10.7 (±3.0)	8.0 (±2.2)	6.8 (±2.0)	2.8 (±0.0)	15.6 (±2.4)
Increase:						
>0 ≤5	7.8 (±2.8)	5.3 (±2.2)	2.4 (±1.2)	4.7 (±1.6)	3.5 (±0.0)	6.2 (±1.6)
>5 ≤10	19.0 (±4.1)	17.3 (±3.7)	17.9 (±3.1)	18.4 (±3.0)	19.6 (±0.0)	18.5 (±2.4)
>10 ≤20	26.2 (±4.6)	39.0 (±4.8)	41.7 (±4.0)	38.6 (±3.8)	44.1 (±0.0)	32.6 (±2.7)
>20 ≤30	12.8 (±3.5)	17.0 (±3.7)	20.2 (±3.3)	21.4 (±3.2)	18.2 (±0.0)	15.7 (±2.1)
>30 ≤40	5.3 (±2.3)	4.3 (±2.0)	5.1 (±1.8)	5.0 (±1.7)	8.4 (±0.0)	5.1 (±1.3)
>40 ≤50	2.5 (±1.6)	2.0 (±1.4)	2.7 (±1.3)	2.1 (±1.1)	0.7 (±0.0)	2.3 (±0.9)
>50	4.7 (±2.2)	4.3 (±2.0)	2.1 (±1.2)	3.0 (±1.3)	2.8 (±0.0)	4.0 (±1.3)
	N=3,281 (±204)	N=1,202 (±64)	N=799 (±33)	N=714 (±25)	N=143 (±0)	N=6,139 (±218)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.7.—CHANGES IN MOST POPULAR BASIC SERVICE RATES BY SYSTEM SIZE

Percentage of subscribers whose rates changed between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	19.4 (±10.2)	8.1 (±3.3)	7.5 (±2.3)	4.8 (±1.9)	2.6 (±0.0)	5.5 (±1.0)
Increase:						
>0 ≤20	54.2 (±14.5)	56.7 (±11.0)	60.9 (±4.7)	60.8 (±4.5)	69.3 (±0.0)	62.9 (±2.2)
>20 ≤40	19.7 (±10.9)	24.6 (±10.4)	26.7 ±4.3)	29.2 (±4.2)	25.4 (±0.0)	26.7 (±2.1)
>40 ≤60	3.1 (±2.1)	3.4 (±1.9)	3.2 (±1.9)	2.3 (±1.2)	1.0 (±0.0)	2.1 0.6
>60 ≤80	(1)	(1)	(1)	1.0 (±1.0)	0.0 (±0.0)	0.6 (±0.4)
>80 ≤100	(1)	(1)	1.0 (±0.8)	(1)	0.6 (±0.0)	0.6 (±0.3)
>100	(1)	(1)	(1)	1.6 (±1.4)	1.2 (±0.0)	1.6 (±1.0)
	N=3,281 (±204)	N=1,202 (±64)	N=799 (±33)	N=714 (±25)	N=143 (±0)	N=6,139 (±218)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the value presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.8 EXPANDED.—CHANGES IN RATES FOR LOWEST PRICED BASIC SERVICE TIER BY SYSTEM SIZE

[Percentage of subscribers with rate change between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	31.0 (±13.7)	13.0 (±5.4)	14.8 (±5.2)	5.1 (±2.7)	9.0 (±0.0)	11.9 (±2.5)
Increase:						
>0 ≤5	3.9 (±2.0)	4.7 (±2.9)	5.0 (±2.8)	3.4 (±2.1)	12.7 (±0.0)	6.3 (±1.0)
>5 ≤10	22.1 (±13.5)	19.2 (±8.3)	14.5 (±6.0)	13.3 (±5.1)	16.6 (±0.0)	16.2 (±2.9)
>10 ≤20	19.4 (±8.4)	31.8 (±7.1)	34.1 (±7.7)	32.4 (±8.5)	48.3 (±0.0)	35.0 (±3.5)
>20 ≤30	10.6 (±5.7)	18.8 (±5.7)	24.4 (±7.6)	24.1 (±8.1)	6.0 (±0.0)	17.1 (±3.2)
>30 ≤40	2.1 (±1.6)	(1)	4.7 (±4.1)	10.2 (±6.5)	6.9 (±0.0)	6.7 (±2.4)
>40 ≤50	(1)	2.2 (±2.0)	(1)	(1)	0.0 (±0.0)	1.5 (±1.1)

TABLE I.8 EXPANDED.—CHANGES IN RATES FOR LOWEST PRICED BASIC SERVICE TIER BY SYSTEM SIZE

[Percentage of subscribers with rate change between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
>50	8.9 (±1.1) N=3,292 (±204)	6.7 (±3.7) N=1,206 (±64)	2.6 (±2.0) N=797 (±33)	8.6 (±5.9) N=707 (±26)	0.5 (±0.0) N=143 (±0)	5.4 (±2.5) N=6,145 (±218)

[1] Unrealiable estimate.

Note.—The table above contains sampling errors in parentheses for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.9 EXPANDED.—CHANGES IN RATES FOR LOWEST PRICED BASIC SERVICE BY SYSTEM SIZE

Change in rate	Percentage of systems with rate change between 12/31/89 and 4/1/91					
	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	28.2 (±4.9)	28.8 (±4.7)	43.0 (±4.2)	47.0 (±4.1)	46.3 (±0.0)	32.9 (±2.9)
Increase:						
>0 ≤5	9.6 (±3.2)	7.5 (±2.7)	12.4 (±2.8)	8.2 (±2.2)	5.1 (±0.0)	9.3 (±1.9)
>5 ≤10	18.9 (±4.3)	15.7 (±3.8)	11.1 (±2.7)	13.2 (±2.8)	12.5 (±0.0)	16.4 (±2.5)
>10 ≤20	23.4 (±4.6)	25.1 (±4.5)	18.6 (±3.3)	15.5 (±3.0)	22.8 (±0.0)	22.1 (±2.7)
>20 ≤30	10.3 (±3.3)	13.1 (±3.5)	9.4 (±2.5)	8.6 (±2.3)	2.9 (±0.0)	10.4 (±1.9)
>30 ≤40	3.4 (±2.0)	3.4 (±1.9)	2.9 (±1.4)	2.3 (±1.2)	5.1 (±0.0)	3.3 (±1.2)
>40 ≤50	1.7 (±1.4)	2.2 (±1.5)	(1)	2.0 (±1.1)	0.7 (±0.0)	1.6 (±0.8)
>50	4.5 (±2.3) N=2,975 (±210)	4.1 (±2.1) N=1,070 (±68)	2.3 (±1.3) N=730 (±35)	3.3 (±1.5) N=644 (±28)	4.4 (±0.0) N=136 (±0)	4.0 (±1.3) N=5,554 (±225)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parenthesis for the values presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.10.—CHANGES IN LOWEST PRICED BASIC SERVICE RATES BY SYSTEM SIZE

Change in rate	Percentage of subscribers whose rates changed between Dec. 31, 1989 and Apr. 1 1991 for:					
	Very small	Small	Medium	Large	Very large	All systems
No change or decrease	31.0 (±13.7)	13.0 (±5.4)	14.8 (±5.2)	5.1 (±2.7)	9.0 (±0.0)	11.9 (±2.5)
Increase:						
>0 ≤20	45.4 (±13.9)	55.7 (±8.1)	53.6 (±8.2)	49.1 (±9.1)	77.6 (±0.0)	57.4 (±4.0)
>20 ≤40	12.7 (±6.1)	22.4 (±6.5)	29.1 (±8.0)	34.3 (±9.1)	12.9 (±0.0)	23.8 (±3.7)
>40 ≤60	2.8 (±2.4)	5.8 (±3.4)	(1)	3.9 (±3.3)	0.0 (±0.0)	2.5 (±1.3)
>60 ≤80	(1)	(1)	(1)	(1)	(0.0) (±0.0)	(0.3) (±0.3)
>80 ≤100	(1) (1)	(1)	(1)	(1)	(0.0) (±0.0)	(0.5) (±04)
>100	(1) (1) (N=3,292) (±204)	(1) (1) (N=1,206) (±64)	(1) (1) (N=797) (±33)	(6.8) (±5.7) (N=707) (±26)	(0.4) (±0.0) (N=143) (±0)	(3.6) (±2.4) (N=6,145) (±218)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the value presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
>means greater than; ≤means less than or equal to.

TABLE I.11.—DOLLAR CHANGES IN BASIC SERVICE RATES SINCE DECEMBER 1989

[Percentage of subscribers whose rates changed between Dec. 31, 1989 and Apr. 4, 1991]

Change in rate	Most popular service	Lowest priced service
0–≤$2.00	40.0 (±2.2)	48.4 (±3.9)
>$2.00–≤$4.00	44.4 (±2.2)	39.3 (±3.9)
>$4.00–≤$6.00	11.7 (±1.5)	7.4 (±2.4)
>$6.00–≤$8.00	1.7 (±0.6)	1.2 (±0.7)
>$8.00–≤$10.00	0.6 (±.03)	(1) ....
>$10.00–≤$12.00	0.4 (±0.3)	(1) ....
>$12.00	1.1 (±0.9)	2.1 (±1.9)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the values presented. Below are our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
Most popular service, N=6139 (±218).
Lowest priced service, N=6145 (±218).
>means greater than; ≤means less than or equal to.

TABLE I.12.—DOLLAR CHANGES IN MOST POPULAR BASIC SERVICE RATES BY SYSTEM SIZE

[Percentage of subscribers whose rates changed between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
0–≤$2.00	63.8	41.9	46.7	36.3	37.1	40.0

TABLE I.12.—DOLLAR CHANGES IN MOST POPULAR BASIC SERVICE RATES BY SYSTEM SIZE—Continued

[Percentage of subscribers whose rates changed between Dec. 31, 1989 and Apr. 1, 1991]

Change in rate	Very small	Small	Medium	Large	Very large	All systems
	(±12.9)	(±9.5)	(±4.7)	(±4.3)	(±0.0)	(±2.2)
>$2.00–≤$4.00	25.7 (±11.4)	35.9 (±9.0)	41.6 (±4.7)	48.3 (±4.5)	46.1 (±0.0)	44.4 (±2.2)
>$4.00–≤$6.00	5.6 (±4.2)	13.7 (±10.8)	9.0 (±2.6)	11.2 (±3.0)	13.9 (±0.9)	11.7 (±1.5)
>$6.00–≤$8.00	1.6 (±1.3)	1.8 (±1.4)	(1)	2.4 (±1.4)	1.0 (±0.0)	1.7 (±0.6)
>$8.00–≤$10.00	(1)	(1)	1.1 (±0.9)	(1)	0.6 (±0.0)	0.6 (±0.3)
>$10.00–≤$12.00	(1)	(1)	(1)	(1)	0.5 (±0.0)	0.4 (±0.3)
>$12.00	(1)	(1)	(1)	(1)	0.8 (±0.0)	1.1 (±0.9)
	N=3,281 (±204)	N=1,202 (±64)	N=799 (±33)	N=714 (±25)	N=143 (±0)	N=6,139 (±218)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the value presented, as well as estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
> means greater than; ≤ means less than or equal to.

TABLE I.13.—DOLLAR CHANGES IN LOWEST PRICED BASIC SERVICE RATES BY SYSTEM SIZE

Change in rate	Percentage of subscribers whose rates changed between 12/31/89 and 4/1/91 for:					
	Very small	Small	Medium	Large	Very large	All systems
0–≤$2.00	68.8 (±12.0)	51.6 (±8.2)	49.8 (±8.2)	31.9 (±7.6)	57.6 (±0.0)	48.4 (±3.9)
>$2.00–≤$4.00	19.2 (±7.5)	36.3 (±7.7)	43.8 (±8.3)	48.5 (±9.1)	35.9 (±0.0)	39.3 (±3.9)
>$4.00–≤$6.00	3.6 (±2.4)	6.8 (±3.4)	4.7 (±4.1)	11.1 (±6.7)	6.5 (±0.0)	7.4 (±2.4)
>$6.00–≤$8.00	(1)	4.8 (±3.3)	(1)	(1)	0.0 (±0.0)	1.2 (±0.7)
>$8.00–≤$10.00	(1)	(1)	(1)	(1)	0.0 (±0.0)	(1)
>$10.00–≤$12.00	(1)	(1)	(1)	(1)	0.0 (±0.0)	(1)
>$12.00	(1)	(1)	(1)	5.7 (±5.5)	0.0 (±0.0)	2.1 (±1.9)
	N=3,292 (±204)	N=1,206 (±64)	N=797 (±33)	N=707 (±26)	N=143 (±0)	N=6,145 (±2,178)

[1] Unreliable estimate.

Note.—The table above contains sampling errors in parentheses for the value presented, as well as estimates of the number of cable systems
> means greater than; ≤ means less than or equal to.

TABLE I.14.—NUMBER OF TIERS OF BASIC SERVICE OFFERED BY CABLE SYSTEMS

Date	Percentage of systems offering:		
	One tier	Two tiers	Three tiers +
Nov. 30, 1986	74.3 (±2.3)	22.5 (±2.2)	3.2 (±0.9)
Dec. 31, 1989	83.4 (±1.9)	13.5 (±1.7)	3.1 (±0.9)
Apr. 1, 1991	58.6 (±2.5)	38.0 (±2.5)	3.4 (±0.7)

Note.—The table above contains sampling errors in parentheses for the value presented. Below are our estimates of the number of cable systems

Nov. 20, 1986, N=5258 (±227); Dec. 31, 1989, N=6527 (±209); Apr. 1, 1991, N=6470 (±211).

(Figure I.3 not reproducible in the RECORD.)

TABLE I.15.—RATES AND SERVICES OF CABLE SYSTEMS OFFERING ONE TIER VERSUS SYSTEMS OFFERING TWO OR MORE BASIC SERVICES IN AREAS RECEIVING SIX OR MORE OVER THE AIR SIGNALS.

Monthly average per subscriber as of Apr. 1, 1991	One basic service	Two or more basic services	
		Most popular	Lowest priced
Basic service rate	$17.97 (±.27) N=1,963 (±198)	$19.21 (±.11) N=1,671 (±132)	$14.59 (±.4) N=1,686 (±134)
Number of channels	32.7 (±0.7) N=1,963 (±198)	37.7 (±.06) N=1,671 (±132)	22.6 (±2.1) N=1,686 (±134)
Cost per channel	$.55 (±.01)	$.51 (±.01)	$.65 (±.05)

TABLE I.15.—RATES AND SERVICES OF CABLE SYSTEMS OFFERING ONE TIER VERSUS SYSTEMS OFFERING TWO OR MORE BASIC SERVICES IN AREAS RECEIVING SIX OR MORE OVER THE AIR SIGNALS.—Continued

Monthly average per subscriber as of Apr. 1, 1991	One basic service	Two or more basic services	
		Most popular	Lowest priced
	N=1,968 (±198)	N=1,671 (±132)	N=1,690) (±134)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

We used information from our previous survey to determine those cable systems located in areas receiving six or more over-the-air signals.

TABLE I.16.—RATES AND SERVICES OF CABLE SYSTEMS OFFERING ONE TIER VERSUS SYSTEMS OFFERING TWO OR MORE BASIC SERVICES IN AREAS RECEIVING LESS THAN SIX OVER-THE-AIR SIGNALS

Monthly average per subscriber as of Apr. 1, 1991	One basic service	Two or more basic services	
		Most popular	Lowest priced
Basic service rate	$17.35 (±.41) N=1,641 (±194)	$18.90 (±.38) N=866 (±113)	$15.06 (±1.03) N=862 (±113)
Number of channels	25.2 (±1.0) N=1,651 (±195)	32.6 (±0.9) N=866 (±113)	20.0 (±2.3) N=862 (±113)
Cost per channel	$.69 (±.03) N=1,641 (±194)	$.58 (±.02) N=866 (±113)	$.75 (±.06) N=866 (±113)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.
We used information from our previous survey to determine those cable systems located in areas receiving less than six over-the-air signals.

APPENDIX II—REVENUE TO CABLE SYSTEMS PER SUBSCRIBER AND OTHER INFORMATION

TABLE II.1—AVERAGE MONTHLY REVENUE EACH SUBSCRIBER GENERATES FOR THE CABLE SYSTEM

	Average revenue per subscriber
November 1986	$21.78 (±.21) N=3,295 (±207)
December 1988	$25.00 (±.21) N=4,753 (±228)
December 1989	$26.36 (±.22) N=5,532 (±226)
December 1990	$27.47 (±.25) N=6,220 (±216)
March 1991	$28.76 (±.26) N=6,201 (±217)
Percent increase:	
1989–90	4.2 (±1.6)
1989–91	9.1 (±1.7)
1990–91	4.7 (±1.7)
1986–91	32.0 (±2.0)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

(Figure II.1 not reproducible in the RECORD.)

TABLE II.2.—LOCAL OVER-THE-AIR PROGRAMMING AVAILABLE TO SUBSCRIBERS ON DEC. 31, 1989

[Subscribers with less than 6 local over-the-air signals]

Cable system size	Percent
Very small	46.5 (±15.4) N=3,363 (±202)
Small	33.3 (±5.1) N=1,182 (±65)
Medium	29.1 (±4.1) N=806 (±33)
Large	17.0 (±3.2) N=729 (±24)
Very large	13.5 (±0.0) N=150 (±0)
All systems	19.8 (±1.8) N=6,230 (±216)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

We used information from our previous survey to determine the percentage of subscribers with less than six local over-the-air signals.

TABLE II.3.—LOCAL OVER-THE-AIR PROGRAMMING AVAILABLE FROM CABLE SYSTEMS ON DEC. 31, 1989

Cable system size	Percentage of systems with less than six local over-the-air signals
Very small	50.0 (±5.1) N=3,394 (±201)
Small	38.1 (±4.8) N=1,198 (±64)
Medium	34.4 (±3.8) N=816 (±32)
Large	19.9 (±3.1) N=733 (±24)
Very large	15.9 (±0.0) N=151 (±0)
All systems	41.4 (±3.0) N=6,291 (±215)

Note.—The table above contains sampling errors in parentheses for the values presented, as well as our estimates of the number of cable systems (N) that would have responded had we surveyed all systems.

We used information from our previous survey to determine the percentage of systems with less than six local over-the-air signals.

APPENDIX III—OBJECTIVES, SCOPE AND METHODOLOGY

The Chairman, Subcommittee on Telecommunications and Finance, House Committee on Energy and Commerce, requested that we update our 1990 national survey of cable television rates and services. The Chairman requested that the data be current as well as compatible with the previous survey so that historical information trends could be developed and further examinations could be made of the effects of the Cable Act on changes in rates and services. After discussions with the Chairman's office, we agreed to obtain current information from the 1,530 cable systems that responded to our previous survey and specifically address the following questions:

1. What have been the changes in the cost of service for the lowest priced tier and number of channels offered?
2. What have been the changes in the cost of service for the most popular basic service and number of channels offered?
3. How many basic tiers of service are offered?
4. What have been the changes in the average monthly revenue per subscriber?

Responding to these objectives, we asked for the basic rate and number of channels, number of tiers of service, and subscriber information as of April 1, 1991. Revenue per subscriber was collected for December 1990 so that we could compare it with the previous 12-month time period, and also with March 1991 so that we could have the most current information.

The 1,530 cable systems we contacted had reported information for our last survey, which covered the period from December 31, 1984, to December 31, 1989, using a mail survey questionnaire. To initiate data collection for this survey, we mailed a preliminary questionnaire to the general managers of 1,530 cable systems, informing them of the information to be collected and also provided them with the appropriate instructions on when to expect our telephone calls. The letters were mailed April 24, 1991. The telephone calls began May 1, 1991, and continued for 3 weeks.

Although the current information was obtained over the telephone, the questions were structured the same as those in our previous mail survey. Surveying the same systems has the advantage of combining information from the same cable systems without requiring that a system provide GAO with data from 1984 to the current period. In receiving responses from 1,505 systems, we are receiving information from essentially the same sample as in the previous survey. The current sampling approach was selected because we wanted to make estimates of pricing changes over time, which a "fresh" sample would not have allowed us to make, unless the cable systems provided longitudinal data, which would have required a large commitment of time and resources by the cable systems.

Sample Selection

As indicated above, the 1,530 cable systems used in our sample for 1991 current information are the same systems that responded to the mail questionnaire survey in our 1990 rate survey. For that survey, we obtained cable system names and addresses from the 1989 data base maintained by Television Digest, Inc., publisher of the annual "Television and Cable Factbook," a well-known industry reference book. Television Digest, Inc., canvasses cable systems annually to update its data base.

The cable television industry has a wide range of different-sized systems, based on numbers of subscribers. To capture the industry's diversity and accurately represent any significant differences in rates and services based on size, our sample was previously designed using five size groupings (or strata) of systems as indicated in table III.1. However, to sample by cable system size, it was essential that the universe of systems from which we selected our sample include a subscriber count for each system. Of the 9,850 systems in Television Digest's 1989 data base, we eliminated 895 systems from our universe that did not have an accompanying mailing address or subscribe count, leaving 8,955 systems.

From that data base, we selected 1,971 systems according to five different-sized groupings to capture the diversity of the cable industry and accurately represent significant differences in rates and services based upon system size. As shown in table III.1, of the original sample of 1,971 systems, we had a 77.6-percent response rate (1,530 respondents) in our 1990 follow-up nationwide survey. We contacted the 1,530 systems and obtained responses from 1,505 of them, resulting in a response rate of 98 percent for this survey and a 76-percent response rate for the original sample of 1,971 systems used in our previous survey.

TABLE III.1.—GAO SAMPLE SELECTION METHODOLOGY

System size (no. of subscribers)	All systems (as of 1989) according to Television Digest	GAO sample			
		No. of systems	Number of subscribers (millions)	1990 response rate, percent	1991 response rate, percent
1–1,000	5,111	500	0.17	70.6	68.6
1,001–3,500	1,703	425	0.82	74.8	73.6
3,501–10,000	1,070	450	2.69	79.3	79.1
10,001–50,000	900	425	9.32	82.6	81.9
50,001 and up	171	171	16.12	88.3	84.8
Total	8,955	1,971	29.12	77.6	76.4

Our sample of 1,971 cable systems contained about 29 million subscribers, according to Television Digest, Inc. This sample represents about 20 percent of the universe of cable systems and accounts for about 62 percent of all cable subscribers as of 1989.

Because our respondents are the same cable systems that responded to our previous survey, we are using the data they provided last year for the years 1986 through 1989. In addition, to help to ensure that we received valid responses to our latest survey, we randomly selected 30 cable systems to verify the accuracy of the information collected. Acting as potential subscribers, we called the customer service departments of the 30 cable systems to obtain information on cable rates and services being offered. Seventeen of the 30 systems had two or more tiers, according to our survey, but when we contacted them as potential customers, only eight systems acknowledged having a lower priced tier. The other nine, even when asked, did not acknowledge the existence of the lower tier. Aside from this, the information the 30 systems did provide generally tracked with the rate and service data we had obtained during our survey. While this was a small sample, it is an indication that the rate data in this report can be considered conservative compared to the rates subscribers are actually paying.

Since we used a sample (called a probability sample) of cable systems to develop our estimates, each estimate has a measurable precision, or sampling error, which may be expressed as a plus/minus figure. A sampling error indicates how closely we can reproduce from a sample the results that we would obtain if we were to take a complete count of the universe using the same measurement methods. By adding the sampling error to and subtracting it from the estate, we can develop upper and lower bounds for each estimate. This range is called a confidence interval. Sampling errors and confidence intervals are stated at a certain confidence level—in this case, 95 percent. For example, a confidence interval, at the 95-percent confidence level, means that in 95 out of 100 instances, the sampling procedure we used could produce a confidence interval containing the universe value we are estimating.

As with our past survey, we agreed to keep information obtained from the cable systems confidential. No individual cable system's or company's response is identified or reported individually.

On May 10, 1991, the National Cable Television Association (NCTA) wrote to GAO expressing the following concerns about the methodology we were using in our survey:

1. We should have drawn a fresh random sample of systems because the universe of systems has grown and limiting our survey to only those systems that responded to our earlier survey automatically results in a biased, non-random sample.

2. Pricing changes over time across different samples will offset the reliability of the pricing changes because the resulting data would not be comparable.

3. The 3 different months for which we were collecting data will be confusing.

4. We should not be using March 1991 for revenue-per-subscriber data because it was obviously an atypical month.

On May 15, 1991, NCTA wrote to Chairman Markey expressing its concerns and enclosed a copy of its letter to us. Our response to the NCTA concerns is as follows:

1. Our time constraints for completing the survey did not permit the drawing of a "fresh" random sample of systems. We already had rate and service informaton back to 1984 for 1,530 systems, which had been randomly selected. While we are aware that the universe of cable systems has increased to some extent, we have been advised by the firm that collects these data that those are generally small systems which had not been previously recognized.

2. In this survey, we strove for a very high response rate because we were aware before we began that having two "samples" would seriously affect the reliability of the survey results. Thus, our 98-percent response rate ensured that we have, in effect, one sample. We believe our data base has high credibility because we have rate and service data from 1984 to 1991 on 1,505 cable systems that provide service to almost 27 million subscribers, which is about half of all subscribers. Our sample can be used to make estimates of price changes affecting about 45 million of the 54 million current cable subscribers.

3. We used the different months for two reasons. We selected December 1990 to be consistent with the data base we already had on these systems, where December was the annual data benchmark. March and April were selected because we wanted to obtain the most current data available. As we began our survey on May 1, systems would not have had revenue-per-subscriber data for April, but they would have had March revenue data and basic service rate data for April 1, which they readily provided. In making the decision on the months to be used, we favored currency.

4. NCTA contended at the time that March was atypical because of the pay-per-view events, suggesting instead that we use February or June 1991. According to industry information the March events have been surpassed by fights in April and June, as previously noted. The June fight was apparently one of the richest pay-per-view television fights in history.

In its May 15 letter to Chairman Markey, NCTA mentioned that it had virtually no opportunity to review the survey before it was mailed out. The four questions used in this survey were four of those used in the previous survey, the only change being the months to be covered. NCTA had reviewed those survey questions before they were used in the previous survey. Moreover, NCTA was provided a copy of our current survey early in the morning on April 22, and the survey was mailed late in the day on April 24, which was the day Chairman Markey made the final decision to go ahead with the survey. NCTA had no comments on the survey questions prior to mailing.

APPENDIX IV—MAJOR CONTRIBUTORS TO THIS REPORT

Resources Community, and Economic Development Division, Washington, DC

Paul J. O'Neill, Assistant Director.

Jacqueline A. Cook, Evaluator-in-Charge.

John A. Thomson, Jr., Senior Evaluator.

Jonathan T. Bachman, Senior Social Science Analyst.

Sarah Ann W. Moessbauer, Operations Research Analyst. •

WHAT SHALL I TELL MY CHILDREN WHO ARE BLACK?

• Mr. SIMON. Mr. President, some weeks ago, in a supplement to the Chicago Sun-Times, there was a cover story about Dr. Margaret Burroughs, a dynamic leader in Chicago who has helped on a host of cultural things in that city.

Her own story is a fascinating one. Among many other things, she almost became part of the 1936 Olympic team.

Her interests have been varied, but one of the lasting contributions she made was to found the DuSable Museum, a museum in the city of Chicago that celebrates both the African culture and the African-American culture.

But my immediate reason for my comments today is that I put aside a poem by Dr. Burroughs that appeared in the Chicago Sun-Times and re-read it the other day and thought it was important enough that it should be in the CONGRESSIONAL RECORD.

I do not recall ever placing a poem in the CONGRESSIONAL RECORD. Perhaps I have, but in 17 years in Congress, I do not recall having done it.

This poem is important because it tells the story of what many Americans go through, and why all of us have to reach out to one another with greater sensitivity no matter what our background is.

Mr. President, I ask to insert the poem, "What Shall I Tell My Children Who Are Black?" by Dr. Margaret Taylor Goss Burroughs, at this point into the RECORD?

The poem follows:

[N'Digo/Chicago Sun-Times Supplement, Mar. 1991]

WHAT SHALL I TELL MY CHILDREN WHO ARE BLACK?

(By Dr. Margaret Taylor Goss Burroughs)

What shall I tell my children who are black
Of what it means to be a captive in this dark skin?
What shall I tell my dearone, fruit of my womb,
Of how beautiful they are when everywhere they turn
They are faced with abhorrence of everything that is black.
The night is black and so is the boogy-man.
Villains are black with black hearts.
A black cow gives no milk. A black hen lays no eggs.
Bad news comes bordered in black, mourning clothes black.
Storm clouds, black, black is evil
And evil is black and devils food is black . . .

What shall I tell my dear ones raised in a white world
A place where white had been made to represent
All that is good and pure and fine and decent,
Where clouds are white and dolls and heaven
Surely is white, white place with angels
Robed in white, and cotton candy and ice cream
And milk and ruffled Sunday dresses
And dream houses and long sleek Cadillacs
And Angel's food is white . . . all, all . . . white.

What can I say therefore, when my child
Comes home in tears because a playmate
Has called him black, big-lipped, flatnosed
And nappy headed? What will he think
When I dry his tears and whisper, "Yes, that's true.
But no less beautiful and dear."
How shall I lift up his head, get to square
His shoulders, look his adversaries in the eye
Confident in the knowledge of his worth
Serene under his sable skin and proud of his own beauty?

What can I do to give him strength,
That he may come through life's adversities
As a whole human being unwarped and human in a world
Of unbiased laws and inhuman practices that he might
Survive. And survive he must! For who knows?
Perhaps this black child here bears the genius
To discover the cure for . . . cancer
Or to chart the course for exploration of the universe

So, he must survive for the good of all humanity.
He must and will survive.

I have drunk deeply of late from the fountain
Of my black culture, sat at the knee and learned
From Mother Africa, discovered the truth of my heritage
The truth, so often obscured and omitted
And, I find I have much to say to my black children.

I will lift up their heads in proud blackness
With the story of their fathers and their fathers'
Fathers. And I shall take them into a way back time
Of Kings and Queens who ruled the Nile
And measured the stars and discovered the
Laws of mathematics. Upon whose backs have been built
The wealth of two continents. I will tell him
This and more. And his heritage shall be his weapon.

And his armor will make him strong enough to win
Any battle he may face. And since this story is
Often obscured, I must sacrifice to find it
For my children, even as I sacrificed to feed,
Clothe and shelter them. So this I will do for them
If I love them. None will do it for me.
I must find the truth of heritage for myself
And pass it on to them. In years to come, I believe
Because I have armed them with the truth, my children
And their children's children will venerate me.
For it is the truth that will make us free!•

ARIZONANS RECEIVING AWARDS FROM JUNIOR SOLAR SPRINT

• Mr. DECONCINI. Mr. President, I rise today to recognize several outstanding young people from the State of Arizona for their unique achievements. The junior solar sprint competition, sponsored by the Department of Energy and Argonne National Laboratory was held on The Mall earlier this month. This competition focused on science, engineering and solar energy and featured junior high school students from across the Nation who designed, built, and then raced solar-powered model cars. I am proud to recognize the winning entries submitted by the following fine young Arizonans:

Steve Brown and Josh Luckow of Tortolita Junior High in Tucson, AZ, received a best design award and a best performance award.

David and Daniel Ayers of Imes School in Glendale, AZ, received a best design award and were finalists in the best performance category.

Mr. President, in light of the serious energy concerns that face this Nation, I feel that we should join in honoring these fine students for their interest and accomplishments in the utilization and application of renewable energy. Indeed, it is the youth of this great country who will be tomorrow's leaders, and I submit to my colleagues that these young scholars give us reason to have hope and confidence in our future. I am confident that I voice the feelings of the entire Senate in congratulating and commending these fine individuals for their unique accomplishments and contributions.•

INTELLIGENCE AUTHORIZATION ACT

• Mr. BOREN. Mr. President, on behalf of the Select Committee on Intelligence, I recently introduced S. 1539, the Intelligence Authorization Act, fiscal year 1992 (S. Rept. 102–117).

This bill would authorize appropriations for fiscal year 1992 for the conduct of the intelligence activities of the following elements of the U.S. Government: the Central Intelligence Agency, the Department of Defense—to include the Defense Intelligence Agency, the National Security Agency, and each of the military departments—and the national intelligence activities of the Departments of State, Treasury, Energy, and the Federal Bureau of Investigation.

The bill also would require the President, starting with the fiscal year 1993 budget request, to disclose the amounts requested for intelligence activities and the amounts spent in the prior fiscal year. In addition, the bill would require the conference report on the annual intelligence authorization to disclose the amount authorized for intelligence.

The bill also makes certain changes to the CIA retirement and disability system, and directs the FBI to conduct a study relative to the establishment of an undergraduate training program similar in purpose, conditions, content, and administration to those administered by the CIA, NSA, and DIA.

Finally, the bill authorizes funds within the intelligence budget for a national security education program. This program will begin to correct serious deficiencies in the Nation's training in the areas of foreign languages, regional studies, and international studies.

Mr. President, I ask that the text of this legislation be printed in the RECORD.

The bill follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1992".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1992, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany S. _____ of the One Hundred Second Congress.

(b) AVAILABILITY OF THE SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers for such personnel authorized for fiscal year 1992 under sections 102 and 202 of this Act whenever he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such section for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. PRESIDENTIAL BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(29) a separate, unclassified statement of the aggregate amount of expenditures for the previous fiscal year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities.".

SEC. 105. FUNDING OF INTELLIGENCE ACTIVITIES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Any bill reported by a committee of conference of the Congress which authorizes funds to be appropriated for intelligence and intelligence-related activities of the United States shall contain an unclassified statement of the aggregate amount of such funds authorized to be appropriated.".

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Intelligence Community Staff for fiscal year 1992 $28,832,000, of which amount $6,566,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized

240 full-time personnel as of September 30, 1992, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1992, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1992, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1992, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency are subject to those provisions.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $164,100,000 for fiscal year 1992.

SEC. 302. SURVIVOR BENEFITS FOR CHILDREN WHO HAVE A SURVIVING PARENT.

(a) COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES.—Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)(1), by striking out "wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving";

(2) in subsection (c)(2), by striking out "wife or husband but by a child or children, each surviving child shall be paid" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving child";

(3) by amending subsection (d) to read as follows:

"(d) On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any remaining child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children were then being initiated.";

(4) by adding at the end thereof the following new subsection:

"(q) For purposes of this section—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b)."; and

(5) in subsection (e), by striking out "under paragraph (c) or (d) of this section, or (c) or (d)" and inserting in lieu thereof "under subsection (c) of this section, or subsection (c) or (d)".

(b) DEATH IN SERVICE.—Section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)—

(A) by striking out "wife or a husband and a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(1)" and inserting in lieu thereof "subsections (c)(1) and (d) of section 221"; and

(C) by striking out the last sentence;

(2) in subsection (d)—

(A) by striking out "wife or husband, but by a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221 (c)(2)" and inserting in lieu thereof "subsections (c)(2) and (d) of section 221"; and

(C) by striking out the last sentence; and

(3) by adding at the end thereof the following new subsection:

"(e) For purposes of subsections (c) and (d)—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b).".

SEC. 303. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY.

(a) Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by redesignating subsection (q) (as added by subsection (a)) as subsection (r); and

(2) by inserting after subsection (p) the following new subsection:

"(q)(1)(A) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who elects at such time (in accordance with subsection (b)) to waive a survivor annuity for the spouse, may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) of this section made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for such spouse of the participant.

"(B) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who, at such time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity, may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) is deposited into the fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the system which is associated with providing a survivor annuity under subsection (b) and results from such election, taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

"(ii) interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

"(6) The Director shall, on an annual basis, inform each participant who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election.".

(b)(1) The amendments made by subsection (a) shall take effect three months after the date of enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendment made by subsection (a)(2) shall apply with respect to participants and former participants who retire before, on, or after such amendment first takes effect.

(B) The provisions of paragraph (1)(B) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2) of this section) shall apply to participants and former participants who retire before the date on which the amendments made by subsection (a) first takes effect. For the purpose of applying such provisions to these annuitants—

(i) the 18-month period referred to in section 221(q)(1)(B) of such Act shall be considered to begin on the date on which the amendments made by subsection (a) first becomes effective; and

(ii) the amount referred to in paragraph (2) of section 221(q) of such Act shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

SEC. 304. WAIVER OF THIRTY-MONTH APPLICATION REQUIREMENT.

(a) WAIVER.—Section 224(c)(2)(A) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new sentence: "The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of October 1, 1986.

SEC. 305. REIMBURSEMENT FOR DISABILITY EXAMS—DIRECTOR'S DISCRETION.

Section 231(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), is amended in the sixth sentence by striking "shall" and inserting in lieu thereof "may".

SEC. 306. TECHNICAL CORRECTIONS TO SECTION ON PREVIOUS SPOUSES OF CIARDS PARTICIPANTS.

(a) SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (a)—

(A) by striking out "whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section";

(B) by striking out "applicable to spouses" and inserting in lieu thereof "applicable to former spouses (as defined in section 8331(23) of title 5, United States Code)"; and

(C) by striking out "married for at least nine months with service creditable under section 8332 of title 5, United States Code" and inserting in lieu thereof "as prescribed by the Civil Service Retirement Spouse Equity Act of 1984"; and

(2) in subsections (a) and (b), by striking out "the effective date of this section" each place it appears and inserting in lieu thereof "September 29, 1988".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) The amendments made by subparagraphs (B) and (C) of subsection (a)(1) shall be deemed to have become effective as of September 29, 1988.

(3) The amendment made by subparagraph (A) of subsection (a)(1) shall be deemed to have become effective as of September 30, 1990, and shall apply in the case of annuitants whose divorce occurs on or after such date.

SEC. 307. TECHNICAL CORRECTION TO MANDATORY RETIREMENT PROVISION UNDER CIARDS.

Section 235(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in the first sentence, by striking "grade GS-18 or above" and inserting in lieu thereof "of level 4 or above of the Senior Intelligence Service pay schedule"; and

(2) in the second sentence, by striking "less than GS-18" and inserting in lieu thereof "that of level 4 of the Senior Intelligence Service pay schedule".

SEC. 308. EXCLUSION OF CIA FOREIGN NATIONAL EMPLOYEES FROM CERTAIN CSRS PROVISIONS AND FROM FERS.

(a) DEFINITION OF "EMPLOYEE".—Section 8331(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (xii);

(2) by striking the period at the end of clause (xii) and inserting in lieu thereof "; or"; and

(3) by adding after clause (xii) the following: "(xiii) a foreign national employee of the Central Intelligence Agency whose services are performed outside the United States and who is appointed after December 31, 1989.".

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) A foreign national employee of the Central Intelligence Agency whose services are performed outside the United States shall be ineligible to make an election under this section.".

(c) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Director of Central Intelligence may exclude from the operation of this chapter a Central Intelligence Agency foreign national employee who is a permanent resident alien.".

(d) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall be effective as of January 1, 1990.

(2) The amendments made by subsections (b) and (c) shall be effective as of January 1, 1987.

(3) Any refund which becomes payable as a result of the effective dates made by this subsection shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

SEC. 309. CORRECTIONS AND CLARIFICATIONS TO QUALIFIED FORMER SPOUSE PROVISIONS UNDER FERS.

(a) SPECIAL RULES FOR FORMER SPOUSES.—Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

"SPECIAL RULES FOR FORMER SPOUSES

"SEC. 304. (a) Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, including subsections (d) and (e) of section 8435 of such title, shall apply in the case of an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) For purposes of this section—

"(1) the term 'employee' means an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, including one referred to in section 302(a) of this Act;

"(2) the term 'qualified former spouse' means a former spouse of an employee who was divorced from the employee after November 15, 1982 and who was married to the employee for at least 10 years during periods of service by the employee which are creditable under section 8411 of title 5, at least five years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Central Intelligence Agency;

"(3) the term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5 divided by (B) the total number of days of the employee's creditable service;

"(4) the term 'spousal agreement' means any written agreement (properly authenticated as determined by the Director) between an employee and the employee's spouse or qualified former spouse that has not been modified by court order; and

"(5) the term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment or legal separation.

"(c)(1)(A) Unless otherwise expressly provided by any spousal agreement or court order governing disposition of benefits payable under subchapter II or subchapter V of chapter 84 of title 5, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or subchapter V of chapter 84 of title 5.

"(B) The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employees service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) The benefits payable to an employee under subchapter II of chapter 84 of title 5 shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of title 5.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4)(A) the benefits of a qualified former spouse under this subsection commence on—

"(i) the day the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order of spousal agreement, together with such additional information or documentation as the Director may prescribe;

whichever is later.

"(B) The benefits of such former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5)(A) Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5.

"(B) If a retired employee whose annuity is reduced under subparagraph (A) is recalled to service under section 302(c) of this Act, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date the employee would qualify, on the basis of his or her creditable service, for benefits under subchapter II of chapter 84 of title 5, or on the date the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of title 5.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d)(1)(A) Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, to an eligible surviving spouse of the employee.

"(B) The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable services.

"(2)(A) The survivor benefits payable under this subsection to a qualified former spouse shall include the amount payable under section 8442(b)(1)(A) of title 5, and any supplementary annuity under section 8442(f) of title 5, that would be payable if such former spouse were a widow or widower entitled to an annuity under such section of title 5.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) of this Act shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5)(A) Except as provided in subparagraph (B), a modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(B) In the case of a post-retirement divorce or annulment, a modification referred to in subparagraph (A) shall not be effective if issued—

"(i) more than a year after the date the decree of divorce or annulment becomes final, or

"(ii) after the death of the annuitant,

whichever occurs first.

"(C) To the extent a modification under subparagraph (B) increases a qualified former spouse's share of the survivor benefits, the annuitant shall pay a deposit computed in accordance with the provisions of section 8418 of title 5, United States Code.

"(6) After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within two years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5 or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of—

"(i) the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) An employee may not make any election or modification of election under section 8417 or 8418 of title 5, United States Code, or any other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(f) Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(g)(1) Except as provided in paragraph (2) in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 of this Act shall apply to such employees former spouse (as defined in section 204(b)(4) of this Act) who would otherwise be eligible for benefits under such sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purpose of computing such former spouse's benefits under sections 224 and 225 of this Act—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A) of this section; and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2) of this subsection, the amendments made by this section shall be deemed to have become effective as of January 1, 1987.

(2) Subsection (g) of section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by this section, shall be deemed to have become effective as of December 7, 1987.

SEC. 310. ELIMINATION OF OVERSEAS SERVICE REQUIREMENT FOR FORMER SPOUSES.

(a) ELIGIBILITY.—Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (60 U.S.C. 403 note) is amended by striking out "at least five years of which were spent outside the United States by both the participant and the former spouse" and inserting in lieu thereof "at least five years of which were spent by the participant outside the United States or otherwise in a position whose duties qualified him or her for designation by the Director as a participant pursuant to section 203 of this Act".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only to a former husband or wife of a participant or former participant whose divorce from the participant or former participant became final after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.

(a) STUDY.—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note)), and the Defense Intelligence Agency (under 10 U.S.C. 1608).

(b) IMPLEMENTATION.—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

(c) AVAILABILITY OF FUNDS.—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

TITLE VI—CENTRAL INTELLIGENCE AGENCY PROVISIONS

SEC. 601. AMENDMENT TO TITLE 5.

Section 5315 of title 5, United States Code, is amended to insert at the end thereof the following:

"Inspector General, Central Intelligence Agency".

TITLE VII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

SEC. 701. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLAR- SHIPS, FELLOWSHIPS, AND GRANTS"

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. FINDINGS.

"The Congress finds that—

"(1) the security of the United States is and will continue to depend on our Nation's international leadership;

"(2) United States leadership is and will increasingly be based on our Nation's political, economic, as well as military strength around the world;

"(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

"(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

"(5) the Federal Government has a vested interest to ensure that the employees within its national security agencies are prepared to meet the challenges of this changing international environment;

"(6) the Federal Government also must address the fact that American undergraduate and graduate students are inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

"(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, regional studies, and international studies to help meet such challenges.

"SEC. 803. PURPOSES.

"It is the purpose of this title—

"(1) to establish the National Security Education Trust Fund to—

"(A) provide the necessary resources, accountability, and flexibility to meet the Nation's security needs, especially as such needs change over time;

"(B) increase the quantity, diversity, and quality of teaching and learning of subjects in the fields of international studies, area studies, and foreign languages deemed to be critical to the Nation's interest;

"(C) enhance the pool of possible applicants to work in the national security agencies of the United States Government; and

"(D) in conjunction with other Federal programs, expand the international experience, knowledge base, and the perspectives on which the United States citizenry, government employees, and leaders shall rely; and

"(2) to permit the Federal Government to advocate the cause of international education;

"SEC. 804. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The National Security Education Board shall conduct a program of—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens to enable such students to study abroad, for at least 1 semester, in countries identified by the Board as critical countries pursuant to section 805(c)(2);

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of international studies, area studies, and foreign languages, that the Board determines pursuant to section 805(c)(3) to be critical areas of such disciplines; and

"(ii) agree to work for the Federal Government or in the field of education, in the area of study for which the scholarship was awarded, in accordance with the agreement described in paragraph (3); and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in international studies, area studies, and foreign languages that the Board determines pursuant to section 805(c)(4) to be critical areas of such disciplines.

"(2) RESERVATIONS.—The Board shall have as a goal reserving—

"(A) ⅓ of the amount available for obligation under section 806(f)(1) to award scholarships pursuant to paragraph (1)(A);

"(B) ⅓ of such amount to award fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to award grants pursuant to paragraph (1)(C).

"(3) AGREEMENT.—Each individual receiving a fellowship pursuant to paragraph (1)(B) shall enter into an agreement with the Board which shall provide assurances that each such individual—

"(A) shall maintain satisfactory academic progress; and

"(B) shall agree to work for the Federal Government or in the field of education, in the area of study for which the fellowship was awarded, for a period determined by the Board which shall at least be equal to the period that fellowship assistance was provided under this title and shall not exceed 3 times such period, upon completion of such individual's education.

"(b) CRITERIA AND INFORMATION.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title; and

"(2) provide for the wide disbursement of information regarding the activities assisted under this title.

"(c) DISTRIBUTION OF ASSISTANCE.—The Board shall take into consideration providing an equitable geographic distribution of scholarships, fellowships, and grants awarded under this title among the various regions of the United States.

"(d) MERIT REVIEW.—The Board shall utilize a merit review process in awarding scholarships, fellowships, and grants under this title.

"(e) INFLATION.—The amount of scholarships, fellowships, and grants awarded under this title shall be annually adjusted for inflation.

"SEC. 805. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairperson of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) the Director of the Central Intelligence Agency.

"(F) The Director of the United States Information Agency.

"(G) 4 individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) SPECIAL RULE.—Individuals appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(2) identify as the critical countries described in section 804(a)(1)(A) those countries that are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying;

"(3) identify as the critical areas within the disciplines described in section 804(a)(1)(B) those areas that the Board determines to be critical areas of study in which United States students are deficient in learning;

"(4) identify as critical areas those areas of study described in section 804(a)(1)(C) in which United States students, educators, and government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training; and

"(5) review the administration of the program assisted under this title.

"SEC. 806. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'. The Fund shall consist of amounts transferred to it pursuant to subsection (b) of this section and amounts credited to the Fund under subsection (d) of this section.

"(b) TRANSFER OF AMOUNTS.—

"(1) TRANSFER.—The Secretary of Defense is authorized to transfer to the Trust Fund $180,000,000 from funds appropriated for fiscal year 1992 pursuant to section 101 of the Intelligence Authorization Act, Fiscal Year 1992.

"(2) RESERVATIONS.—From the amounts transferred pursuant to paragraph (1) for fiscal year 1992, the Board shall reserve—

"(A) $15,000,000 to award scholarships pursuant to section 804(a)(1)(A);

"(B) $10,000,000 to award fellowships pursuant to section 804(a)(1)(B); and

"(C) $10,000,000 to award grants pursuant to section 804(a)(1)(C).

"(c) INVESTMENT OF FUND ASSETS.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts transferred to the Fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(f) OBLIGATIONS FROM THE ACCOUNT.—The Board is authorized to obligate such sums as are available in the Fund (including any amounts not obligated in previous fiscal years) for—

"(1) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(2) properly allocable administrative costs of the Federal Government for the activities described in this title.

"SEC. 807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to carry out this title, the Board may—

"(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule;

"(2) prescribe such regulations as the Board considers necessary governing the manner in which its functions shall be carried out;

"(3) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Board, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

"(4) accept and use the services of voluntary and noncompensated personnel;

"(5) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 5 of title 41, United States Code;

"(6) rent office space in the District of Columbia; and

"(7) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Board shall submit to the President and to the Congress an annual report of its operations under this title. Such report shall contain—

"(1) an analysis of the mobility of students to participate in study abroad programs;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas the Board determines are receiving inadequate attention;

"(3) the impact of the Board's activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 808. EXECUTIVE SECRETARY.

"(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Board who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Board and shall carry out the functions of the Board subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe.

"(b) COMPENSATION.—The Executive Secretary of the Board shall be compensated at the rate of basic pay payable for employees at level III of the Executive Schedule.

"SEC. 809. AUDITS.

"The activities of the Board under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Board pertaining to such activities and necessary to facilitate the audit.

"SEC. 810. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 806;

"(2) the term 'Board' means the National Security Education Board established pursuant to section 805; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".•

POST-DISPATCH AGAINST SANCTIONS DECISION

• Mr. SIMON. Mr. President, many of us have expressed serious concern about the administration's decision to lift sanctions on South Africa.

We do not, for a moment, question that significant progress has been made; and despite the recent scandals in South Africa, I still believe that President de Klerk is a person of goodwill, who wants to get things resolved in a positive way.

That those of us in the Senate and House who have expressed concern about the administration's hasty decision are not alone, is illustrated by an excellent editorial that appeared in the St. Louis Post-Dispatch.

I ask to insert that editorial in the RECORD at this point.

The editorial follows:

BAD DECISION ON SANCTIONS

Since President Bush opposed economic sanctions against South Africa from the start, it's no surprise that he removed them the first chance he got. He may be removing in the process the very tool that could speed up peaceful change in South Africa.

The president's action is based on questionable information. He said South Africa had met all five U.S. conditions for lifting the five-year-old U.S. embargo, including freeing all political prisoners. The president is taking Pretoria's word that it has emptied its jails and opened its borders to political exiles.

But Amnesty International reports that the government still holds political prisoners in its jails. In addition, there are claims that up to 40,000 South African exiles have been barred. If this is true, it appears that Pretoria has failed to meet the U.S. requirement that all South Africans be allowed to return and take part in the political process.

There also are questions as to whether South Africa has effectively dismantled the Racial Classification Act, as required by the U.S. sanctions law. Pretoria's repeal of this act applies only to newborn citizens. Others will still be classified according to race until a new Constitution is drawn up.

Mr. Bush also spoke of what he called a "profound transformation in the situation in South Africa." He overlooks the kind of thing he'd quickly call attention to if South Africa were an Eastern European nation, namely that the government denies the vote to 77 percent of the population.

There is little that Congress can do. It could pass another sanctions law, but that seems unlikely. It could, however, challenge Mr. Bush by pointing out that neither he nor South Africa has met all the law's conditions. The law requires the White House to convene an international conference to urge other industrial nations to work together to prevent South Africa from circumventing the sanctions, as it did by turning to Japan, for example, to compensate for the loss of some U.S. investments. Nor did the president urge the European nations to hold off on lifting sanctions when they decided to do so months ago.

Equally shortsighted is the International Olympic Committee's decision to readmit South Africa. Together these moves send Pretoria the signal that it doesn't have to negotiate in good faith with the black majority. It also undermines the ANC leadership of Nelson Mandela, who urged the president not to lift the sanctions and who is under pressure from the group's military wing not to abandon armed struggle.

If President F.W. de Klerk takes a hard line in negotiations with the ANC, as he might well do now that the economic pressure and world ostracism have vanished, Mr. Mandela might also show equal inflexibility. The upshot could be dashed hopes among the black majority, followed by anger and unprecedented bloodshed. That is why it wouldn't have hurt Mr. Bush to delay lifting sanctions until he had clearer signals about the direction in which South Africa was headed.•

ARIZONANS BEING HONORED BY "TAKE PRIDE IN AMERICA"

• Mr. DECONCINI. Mr. President, I rise to acknowledge the exemplary achievements of several Arizonans who were honored this week at the Fifth Annual Take Pride in America National Awards Ceremony here in Washington, D.C. Mr. President, as you know, Take Pride in America is a national public awareness campaign that encourages the wise use of America's land and water resources through a partnership of Government, private organizations, and individual citizens. Accordingly, several organizations from my State were selected to receive awards for their commitment and contribution to the preservation of our valuable natural resources.

The first organization that was honored, the Arizona Public Service Company Volunteers, has now received its third consecutive Take Pride in America National Award. Arizona Public Service [APS] is an electric utility that boasts one of the largest and most active corporate volunteer programs in Arizona. This year APS is being recognized for a two-part effort that involved nearly 350 volunteers who worked to erect protective fencing around the 140-acre Desert Botanical Garden in Papago Park near Phoenix and to build a horse corral at Pioneer, AZ, a living history museum located on 80 acres of public land.

Other Arizona groups that were recognized were the Tonto National Forest Anglers Unit and the Arizona Game and Fish Department, which collaborated on the Saguaro Lake Project, a long-range, comprehensive plan by the U.S. Forest Service to improve fisheries habitat and angling opportunities at this lake. The organizations worked with the Tonto National Forest, Mesa Ranger District to map a strategy, raise necessary funds, and carry out the appropriate assignments. In all, over 1,200 volunteers have worked to install specially-designed equipment that provides the type of hibitat needed for the different species of fish to thrive in Saguaro Lake.

Mr. President, I would also like to draw your attention to the accomplishments of the River Education Specialist Program, which has functioned since 1988 as a cooperative venture between the U.S. Forest Service—Tonto National Forest, Mesa Ranger District—and the Student Conservation Association. The program's mission is to establish a uniformed presence along the Lower Salt River to educate hundreds of thousands of visitors on proper river ethics and water safety. In addition to environmental education, crews have also provided services such as litter collection, emergency first aid, and search and rescue.

Lastly, I would like to commend to my colleagues the efforts of last year's 12th Annual Lower Salt River Cleanup, during which 300 volunteers turned out to collect over 12 tons of debris including furniture, appliances, abandoned vehicles, and other trash. The U.S. Forest Service coordinated this massive effort to clean the 12-mile stretch of scenic river known as the Salt River Recreation Area. More than 800,000 seasonal visitors leave behind hundreds of tons of trash each year. This 1-day cleanup would not be possible without the backing of a network of public and private organizations including radio stations, businesses, local and state officials, and conservation organizations.

Mr. President, our Nation continues to face considerable challenges regarding the conservation and preservation of our natural resources which we hope to pass on to future generations. However, I trust that I speak for this entire body in expressing our pride and appreciation for the efforts of the many individuals and organizations that were honored this week. They have each proven that they do indeed take pride in America. Collectively, their efforts are helping to stem the tide of destructive forces that threaten our Nation's resources, and their accomplishments should be acknowledged and appreciated by Americans everywhere.•

INVESTING IN THE PRODUCTIVITY OF AMERICANS

• Mr. HARKIN. Mr. President, yesterday morning the Labor and Human Resources Committee held a very important hearing. The subject of the hearing was the need for improved access to affordable personal assistance services for Americans with disabilities.

The hearing was especially timely, because today is the first anniversary of the signing of the Americans With Disabilities Act. As the Senate sponsor of the ADA, that was my proudest day in Congress. It was also a landmark step in the journey toward assuring that affordable, consumer-directed personal assistance services are available to Americans that need them.

The ADA is about equal access to the American dream. It's not about handouts. It's about putting people with disabilities on equal footing with everybody else. It's about breaking down barriers and opening doors of opportunity to bring all Americans with disabilities into the mainstream of American life.

But, as the witnesses at yesterday's hearings so forcefully and movingly testified, for some people with disabilities, the full promise of the ADA of equal opportunity and participation in the mainstream will not be realized without changes in programs to assure them needed assistive technology and personal assistance services. The principles embedded in the ADA provide the basis for these changes and more—the establishment of a national disability policy which includes access to affordable, quality personal assistance services.

Mr. President, the witnesses at yesterday's hearing all gave moving statements, from their own personal or family experiences, of the critical importance of personal assistance services in terms of quality of their lives and their productivity. One of the witnesses, Justin Dart, my good friend and Chairman of the President's Committee on Employment of People with Disabilities, made an especially powerful statement.

The essence of Justin Dart's statement went beyond the specific topic of the hearing, it spoke to what our society is all about. He spoke to Americans' fundamental sensitivity to the injustice of discrimination. He also talked about empowering people at the most basic of levels—giving all Americans a reasonable chance at achieving the American dream.

His statement harkened back to the call of Franklin Delano Roosevelt for us to come together again as an American family. A family united and dedicated to investing in the common good.

His testimony, which I would ask be included in its entirety at the conclusion of my statement, eloquently makes the case for investing in the productivity of our Nation. We have to put our resources into preventing barriers which can stop people from reaching their full potential. We have to reach down early in life to do that. And that means assuring all women quality affordable prenatal care. It means assuring all infants and children good nutrition, immunization against disease, and other appropriate health care. It means assuring access to Head Start and other early intervention services to all those who need them. It means assuring access to personal assistance services.

It is investments in things like these that will make Americans individually and as a nation strong. And I believe that is most fitting to be rededicating ourselves to making those investments on this the first anniversary of the Americans With Disabilities Act.

The testimony follows:

TESTIMONY OF JUSTIN DART, JR., THURSDAY, JULY 25, 1991

Mr. Chairman, it is a privilege to appear before your committee today. Once again I congratulate you on your historic personal leadership for the passage of the world's first comprehensive civil rights law for people with disabilities by any nation. And I congratulate ADA sponsor Senator TOM HARKIN, hero of all Americans with disabilities, Senator ORRIN HATCH, a statesman of exceptional courage and conscience, Senators DURENBERGER, SIMON, JEFFORDS, and all of your distinguished colleagues.

I speak to you today not as a Presidential appointee, but rather as an individual citizen advocate.

ADA is a landmark in the evolution of human being—the world's first comprehensive civil rights law for people with disabilities by any nation.

It holds the potential for the emancipation and productive independence of every person with a disability on Earth.

I am proud of America. I am proud of President Bush. I am proud of our great Congress, and especially of my colleagues in the disability rights movement.

ADA is an absolutely essential tool to achieve equality. But ADA is not equality.

To the millions of isolated, impoverished Americans with disabilities who are still imprisoned by prejudice and paternalism, ADA is a promise to be kept.

That promise is empowerment. For whatever the words of the law say, the clearly implied promise of ADA is that all Americans with disabilities will be empowered to fulfill their potential as equal, as prosperous and as welcome members of the mainstream.

America is watching. The world is watching. Because we are America, our success, or our failure to keep the promise of ADA will impact the quality of the lives of several generations in every nation.

How can we move from ADA to empowerment in real life?

Of course, there must be vigorous leadership by all branches of Federal, State, and local government to implement rights legislation and programs of service.

The Bush administration will fulfill its absolute responsibility to provide leadership for empowerment. But history has proven conclusively that Government alone cannot give equality. The final responsibility for keeping the promise of ADA is ours as citizen advocates.

Of course, there must be continued and greatly expanded united advocacy by the disability community.

Of course, there must be a dynamic campaign to educate and motivate all Americans to participate in the harmonious implementation of ADA.

But that is not all.

The reality of all nations makes it painfully clear that civil rights laws, affirmative action and raw opportunity alone, do not automatically enable people to achieve lives of quality in an increasingly complex technological society. The substance of equality and of quality of life is empowerment in the economic and social mainstream.

In spite of the dramatic experimental progress of the last two decades, the employment of people with disabilities in America has gone from 41 percent in 1970, to 33 percent in 1988, about 15 percent for psychiatric survivors. And we still have black and Hispanic ghettos 27 years after the Civil Rights Act of 1964. In the midst of history's most dynamic economy, substantial proportions of all races and nationalities in America are still mired in poverty.

We have reached the limits of traditional social and economic systems.

Empowerment is the missing clause in the social contract. The next great task of Mr. Jefferson's historic experiment in democracy is to convert a society which offers magnificent opportunities, into a society which empowers all of its people to take advantage of those opportunities.

We must build on the great foundations that you and our other great pioneers of empowerment have made. We must develop a mature science of empowerment that will enable all Americans to fulfill their inalienable right and their inalienable responsibility to achieve their full potential as fully productive, fully participating members of the mainstream.

Personal assistance services must be a keystone component of an effective science of empowerment.

The question of cost has been raised.

In the context of a society in which disability has become a normal characteristic of the human process, personal assistance services are not a luxury but an essential investment in survival and productivity like health care, highways, railroads, telephones, defense, and agriculture.

Of course, as with any investment in productivity—homesteads in the pioneer west, a computer, an automated assembly line system—there is an initial cost.

But making these investments is not an option. Enabling its members to be productive in terms of quality of life is the fundamental and only rational purpose of human society.

Families, communities, nations that forget this always pay a terrible price.

President Bush has estimated that excluding two thirds of Americans with disabilities from the mainstream costs us $200 billion per year.

It has been demonstrated again and again that effective personal assistance services cost far less than traditional medical services, institutionalization or social welfare.

Effective personal care services often results in greatly increased productivity and quality of life for both recipient and provider.

Malcolm Brody, a decorated Vietnam veteran with a severe head injury, is productively employed by Lex Frieden, whose productivity does not have to be justified to anyone in this room.

Another wheel chair user, Peg Nosek, was a member from 1980–1984 of the experimental home based program which Mrs. Dart and I have operated for 22 years. When Peg joined us she was frustrated with the problems of personal assistance services, in debt and dependent on public and private welfare. With refined approaches to personal assistance she attained a masters degree, a PHD, part time professional employment, and left us with a positive bank balance. She now holds prestigious professional employment and owns her own home. She pays substantial taxes and no longer uses welfare benefits.

I became a wheel chair user when I was 18 years old. Personal assistance services have enabled me to have a life the fullness of which has far exceeded the wildest dreams of my imagination as an able bodied youth. I am fortunate that I could afford adequate assistance services. Most of my colleagues cannot.

America must give first priority attention to the establishment of comprehensive public and private personal assistance services that will be available to all who need them.

There must be research to develop the present wright brothers approaches to personal care assistance.

There must be education of people with disabilities, potential personal assistance service providers, and the general public in regard to their responsibilities and opportunities.

We must designate substantial public and private funding to initiate adequate programs now.

In closing, Mr. Chairman, I appeal for a truly comprehensive national personal care assistance program. Simply putting a politically expedient bandaid on an inadequate policy would increase the national deficit—morally and economically—and could condemn several generations of people with disabilities to incarceration in paternalistic institutions, and the rat infested back rooms of ghettos.

The distinguished Harvard educator Jerome Bruner has correctly stated that, "we do well to recall that most revolutions have been lost precisely because they did not go far enough."

The distinguished philosopher Pierre Teilhard de Chardin said, "Surely our great grandsons will not be wrong if they think of us as barbarians." He was on the right track, but a raging optimist. Because we, his great grandchildren still seem to think it is civilized to invest enormous sums of money in luxury cars, yachts and vacation houses, while depriving millions of people with disabilities the personal services they need to achieve the minimum levels of an existence we would call human.

Let us unite in action to keep the promise of ADA.●

WILLIAM FAY'S IMPORTANT ARTICLE

● Mr. KASTEN. Mr. President, the forces of product liability reform are truly on the rise. Yesterday, reform-minded members of the House of Representatives introduced H.R. 3030, a measure very similar to our own S. 1400—a much-needed remedy for our out-of-control tort liability system.

Also, in the Washington Times of July 24, there appeared a cogent, well-argued piece by William D. Fay of the Product Liability Coordinating Committee. Mr. Fay is an excellent advocate, and we are grateful for his efforts. I ask that his article appear in the RECORD, and I recommend it to my colleagues.

The article follows:

INVISIBLE LAWYERS TAX

(By William Fay)

The next time you walk into a hardware store, examine the ladders for sale very carefully. They probably look remarkably similar to the ladders manufactured 20 years ago. Yet, even adjusted for inflation, a ladder today costs $20 more than it did a generation ago. Why? Because of the Lawyers Tax.

The Lawyers Tax, a phrase coined by Vice President Dan Quayle, is the price we pay for our out-of-control tort system. Rather than having a predictable, stable nationwide system establishing liability rules for faulty products, and a certain mechanism for rewarding the injured or aggrieved, we have a hodgepodge, as widely variant from state to state as the payoff in any week's state lottery.

While our international competitors contend with national liability laws or, as in the case of the European Community, adopt uniform standards within their trading bloc, we have 51 different sets. Juries in some states have rewarded people who have fallen off ladderes and injured themselves—even though the injured plaintiff had, prior to his fall, consumed enough alcohol to have been convicted for DWI. Even if you don't live in a state with such a foolish law, you still pay extra. You still pay the Lawyers Tax.

Our current patchwork of liability laws harms American competitiveness, punishes consumers and stifles innovation. One has only to look at the products that have not been made, the items that have been taken off the shelf, and the destruction of certain vulnerable industries to understand the damage our current liability system does to our national competitiveness and innovation.

For example, G.D. Searl & Co. discontinued manufacturing intrauterine devices, not because they were unsuccessful or unprofitable but because the company was having to pay upward of $1.5 million per year to defend itself—successfully in all cases—from liability suits. Because of liability fears, the Merchants Corp. of America decided not to manufacture what would have been the nation's highest-quality infant car seat. Mountaineering innovator Yvon Chouinard sold his company because of a spate of lawsuits blaming his equipment, rather than human error, for the risks of mountaineering.

In industry after industry, America's competitiveness is at risk because liability exposure forces innovators to discontinue product lines or face millions of dollars in legal expenses. As America struggles in an increasingly competitive international trade environment, we face an era of diminished entrepreneurial horizons. All because companies find that, under our current patchwork of different laws in different states, it simply is not worth the risk to bring new products to market.

Because of the explosion of liability claims, the small craft industry, which employed 17,000 people in 1979, employed as few as 1,000 people just 10 years later. (In the case of small aircraft, the Lawyers Tax is a whopping $75,000 per plane!) This market has now all but been ceded to foreign competitors, an all too typical result.

According to one study, American industry spends more on lawyers to defend against liability claims than it spends to buy new machine tools to improve productivity. Total U.S. liability costs are 15 times those of Japan. U.S. liability insurance rates are 20 times those of Europe.

Our current system even has the perverse effect of reducing, not encouraging, innovation in safety. For in some states, introducing new and safer products is deemed an admission to a jury that your old product was unsafe, and you knew it. Thus, sky-high damages can be awarded.

It is for these reasons—the damage done to our national competitiveness, the inhibition of innovative technologies, and the perverse effect of diminishing improvements in safety—that a bipartisan coalition has come together in Congress to reform our nation's liability laws. The Product Liability Fairness Act (S 640) was recently introduced in the Senate by Sens. Bob Kasten, John D. Rockefeller IV, and John Danforth, and now has 35 cosponsors. In the House, Reps. Roy Rowland, Hamilton Fish, Dan Glickman and Norman Lent this week will introduce a companion measure cosponsored by dozens of members from both parties and every region of the country.

This federal legislation represents a far better strategy for liability reform than would legislative campaigns in dozens of individual state capitols. In fact, the National Governors Association, a group normally reluctant to cede state turf to the federal government, has endorsed passage of a uniform federal product liability law.

The chances of national liability reform being enacted have been dramatically improved by the commitment made by Sen. Ernest Hollings to hold hearings on the bill when the Senate Energy and Commerce Committee returns in September from the summer recess.

These product liability reform measures encourage settlement to grant quick relief to injured parties; eliminate lawsuits involving overage capital goods; and protect the rights of injured people to file lawsuits up to two years after the injury and its cause were discovered or should have been discovered. At the same time, they establish tough standards for awarding punitive damages, make it possible to consider punitive damages apart from other issues; and disallow suits in which drug or alcohol-induced behavior was the primary cause of the mishap.

The bill nonetheless will face strong opposition from those who most benefit from the status quo: the Association of Trial Lawyers of America. Although ATLA is relatively unheralded, it is to Washington lobbying as the '71 Miami Dolphins were to football: undefeated. The fight over product liability reform will be an important legislative battle, with nothing less than American competitiveness—and the end of the Lawyers Tax—on the line.•

THE RESOLUTION TRUST CORPORATION'S OVERSIGHT STRUCTURE

• Mr. KERREY. Mr. President, for the past 2 years I have been making a case for changing the oversight structure of the Resolution Trust Corporation. I do so again this afternoon.

The change I have proposed is simple and is based on very simple, fundamental principles. I believe taxpayer money can be saved and accountability improved if we combine the two boards that have authority over the Resolution Trust Corporation [RTC]. The dual board structure currently in place slows decisions, restricts policy choices and increases the political tension surrounding the RTC's work.

The savings and loan crisis and the Bush administration's response to it are so complicated and the numbers so large that it is difficult to evaluate the various proposals to improve things. In an environment of political suspicion it is not surprising that some have suggested doing nothing.

I believe it would be a mistake for us to do nothing more than appropriate more money, Mr. President. It would be a mistake because we can save the taxpayers some money by making structural changes. As important, we need to provide citizens with greater public access to the decisions being made by the oversight board itself.

When we debate the appropriations for the RTC, I will address ways in which taxpayers could save money with a more simplified oversight process. This afternoon I would like to address the absence of public accountability.

The principle of full disclosure and accountable government provided a powerful argument against the closed state structure in Eastern Europe and the Soviet Union. We know that sunshine is the best antidote for abusive practices by political representatives. When we fight for the public's right to know, we are engaged in a crucial struggle to maintain the most important distinction between self-rule and tyranny.

Mr. President, the RTC Oversight Board falls far short of the high standards most of us have set for accountability. The law requires the Board to have at least four meetings per year, which I believe is simply not often enough. When they do meet as they did yesterday, the public has little opportunity to question or present ideas.

Mr. President, I ask that a story about yesterday's meeting by David Beeder of the Omaha World Herald be included in the RECORD at the conclusion of my remarks. Reading this story should cause all of us to be concerned about the conduct of this public oversight board.

In a Senate Banking Committee meeting on June 26, 1991, the chairman of the RTC Oversight Board, Treasury Secretary Brady, said: "I am trying to explain so everybody understands that we're not a bunch of people that just wander in and have a meeting." His statement was in defense of the diligent oversight of the board.

However, yesterday's meeting portrays a much different scene. The board was meeting to review the Government's cost of repaying depositors in failed savings and loan associations. The meeting lasted several hours; however, the public was allowed to sit in for only 1 hour.

Treasury Secretary Brady was not there. He sent Mr. John E. Robson, Deputy Secretary of the Treasury, who called the meeting to order. Secretary Kemp was also not there; in his place was Mr. John Weicher, Assistant Secretary of Policy Development and Research at the Department of Housing and Urban Development. Mr. Alan Greenspan did not send a subordinate; he appeared in person.

According to the World Herald reporter, Mr. Beeder, the public meeting looked like this:

> After calling the meeting to order at 3 p.m., Mr. Robson heard presentations by Mr. Peter Monroe, the board president, and three other RTC officials. There were few questions from board members. None were invited from the audience. At 4 p.m. the public meeting was concluded by Mr. Robson. Board members remained in the building where the meeting was held for nearly two hours after the public meeting was adjourned.

Mr. President, this is unacceptable. It is intolerable. No wonder the public is frustrated and angry. They are being denied their right to know first by a board that is unwilling to hold more public meetings and second by the attitude of the Secretary of the Treasury. He told the Senate Banking Committee on June 26 that he might agree to a few more public meetings but didn't really like them because people have a way of trying to hold you to your public statements.

We need to change this. I hope my colleagues will look closely at the way this board is conducting themselves and will conclude as I have that the public deserves much better.

The article follows:

TRUST BOARD MEETS IN PRIVATE AGAIN

(By David C. Beeder)

WASHINGTON.—A federal board that has been criticized by Sen. Bob Kerrey, D-Neb., for working mainly behind closed doors held a one-hour public meeting Thursday, then apparently went into a two-hour private meeting.

The Oversight Board of the Resolution Trust Corp. was called to order by John E. Robson, deputy secretary of the Treasury, shortly after 3 p.m. to review the government's cost of repaying depositors in failed savings and loan associations.

Peter H. Monroe, board president, said that as the board prepares to mark its second anniversary, it has distributed $144 billion to 15 million federally insured depositors in 45 states.

He said failed institutions with $327 billion in assets had been seized by the government, and $167 billion of the assets had been liquidated.

"This is the largest liquidation in the history of the world," Monroe said.

Robson concluded the public meeting shortly before 4 p.m. after presentations by Monroe and three other officials of the Resolution Trust Corp.

There were few questions from board members. None were invited from the audience.

Board members remained in the building where the meeting was held for nearly two hours after the public meeting was adjourned.

Alan Greenspan, a board member who is chairman of the Federal Reserve Board, left in a waiting limousine at 5:55 p.m. with several aides.

Board member Robert C. Larson, who is vice chairman of the Taubman Co. and the Taubman Realty Group, left in a limousine at 6:08.

Substitute board member John Weicher, assistant secretary of policy development and research at the Department of Housing and Urban Development, appeared to be searching for a cab when he left the building shortly after Larson.

Last month, Kerrey made a speech in the Senate in which he reported the board had met 22 times in 23 months. Four meetings were open, and three meetings were partially open.

In a Senate Banking Committee hearing June 26, Kerrey questioned Brady about the board's infreqent public meetings.

"We've had exactly the same number that are required by the legislation," Treasury Secretary Nicholas F. Brady said.

"I am trying to explain so everybody understands that we're not a bunch of people that just wander in and have a meeting," Brady said.

Brady told Kerrey the quality and urgency that is being applied to this particular problem cannot be measured by the number of meetings.

Kerrey said he did not consider it adequate to hold only the number of public meetings required by law.

"I think the requirements of the statute for public meetings are insufficient to provide the level of accountability that the public in fact not only demands, but I think is entitled to have," Kerrey told Brady.•

THE MEDICAID PROGRAM

• Mr. CHAFEE. Mr. President, over the past few years, Congress has enacted legislation which we hope would ensure that millions of low-income seniors would receive critically needed relief from the cost of their Medicare premiums, copayments and deductibles. Under current law, States must, through the Medicaid Program, pay the Medicare premiums, copayments, and deductibles for qualified Medicare beneficiaries [QMB's] living in families with incomes below 100 percent of the Federal poverty level. By 1995, they must pay the premiums for those whose income is between 100 percent and 120 percent of the Federal poverty level.

Unfortunately, according to a report issued by Families USA, of the estimated 4 million beneficiaries who are likely to be eligible for this program, less than half have applied for the benefits. Yet, although State Medicaid programs should be paying the $29.90 monthly premium an estimated 2.3 million low-income elderly who are eligible for QMB assistance continue to have the cost of the premium deducted from their Social Security checks each month. More tragically, there are individuals eligible for this program who cannot afford to have the part B premium deducted from their checks and thus do not enroll in Medicare part B. These individuals have no coverage for often critically needed physician services.

Why aren't these seniors taking advantage of the program? It's quite simple, the Federal and State governments have not done enough to ensure that eligible individuals are even aware the program exists.

Today, I join my colleague from Michigan, Senator RIEGLE in introducing legislation which will help ensure that individuals who are eligible for QMB benefits take advantage of them. First, the legislation requires the Secretary of Health and Human Services to notify all new Medicare beneficiaries of the QMB program when they apply for participation in the Medicare Program. In addition, the Secretary will be required to notify annually, those individuals whose incomes meet the QMB eligibility criteria.

The bill also makes significant changes in current law to make it easier for those who are eligible to apply for benefits. Under this legislation, Social Security offices would be required to accept applications for QMB benefits. In addition, grants totaling $30 million would be made available to States and State agencies, as well as community-based organizations such as senior centers and private organizations to be used for public awareness activities, and counseling.

These and other provisions in the legislation should significantly increase our ability to reach these low-income seniors and make them aware of QMB benefits to which they are entitled. Hopefully, through this legislation, Federal and State governments can live up to the commitments we have made to ensure that those who cannot afford Medicare beneficiary cost-sharing requirements are not denied access to critically needed health care services.

I urge my colleagues to join with us in cosponsoring this legislation. Thank you, Mr. President.•

ANNIVERSARY OF THE AMERICANS WITH DISABILITY ACT

• Mr. DURENBERGER. Mr. President, as we stand here today, America is 1 year closer to the goal of full equality for 43 million people whose citizenship has been limited by disability.

One year ago today President Bush signed his name to the Americans With Disabilities Act, one of the civil rights landmarks of our time. It culminated an extraordinary cooperative effort among citizens, educators, legal experts, and legislators of both parties.

We can only imagine, Mr. President, what will be said on this floor on this day 25 years from now. Few of us will still be here, if any of us are. But I expect that on that occasion, in 2015, our successors will look back on the accomplishments of the ADA and say that America did itself an enormous favor just by doing the right thing.

They will celebrate an America which is able to see the ability behind the disability. They will point out how America's competitiveness benefitted greatly from the human resources which ADA brought into the marketplace. And they will point to the enduring truth of our democracy that there is always great power in bringing character and opportunity together.

We have much more to do, Mr. President. ADA establishes the rights of Americans with disabilities. We need to take the steps necessary to help people take full advantage of those rights.

Here in the Senate we have established a working group on disability policy. It is our job to look at each bill that comes through the Senate, to ensure that it does not subtly discriminate against the disabled and to look for ways we can facilitate their full integration into our society. The recently passed highway bill is such an example. Passage of ADA helped direct the Environment and Public Works Committee to make several important changes to that bill.

We must also fully examine Medicare and Medicaid policies housing legislation, education bills and transportation legislation. There are unfortunately countless subtle ways in which federal law discriminates against the disabled which must be weeded out. There are new services, like those of personal care attendants which must be worked into our health programs.

Mr. President, this is a great day. I am hopeful we can continue to work during the next year so that on July 25, 1992 we will find ourselves even closer to goal of being one America, in which all citizens enjoy equal rights and opportunities.●

RAILROAD LABOR AND MANAGEMENT

● Mr. KERREY. I rise today to express my disappointment in the actions of the Special Board established by Congress on April 18 to resolve the remaining contested issues in the contract dispute between railroad labor and management.

Knowing well that Congress could not effectively or appropriately dictate the details of the ultimate agreement between the railroad companies and labor, I voted for the establishment of the Special Board as the most responsible process possible for further negotiations. The national interest and legitimate concerns of railroad workers required a fresh examination of the disputed issues. This fresh examination did not occur. Instead, the Special Board chose not to give workers a second chance, narrowly interpreting Congress' action and deferring to the controversial recommendations of PEB 219 on all counts. The Special Board betrayed the faith Congress placed in it upon establishing it to review the recommendations of PEB 219.

As a consequence, on July 19, before the Board's report was a day old, Union Pacific made a devastating announcement—that it was forcing 1,600 Union Pacific families into mandatory retirement.

Prior to the formation of the Special Board, Congress had told the 12,000 Nebraska railroad workers to end their strike and return to work. I trusted that Congress' action, by establishing a Special Board, offered the workers another chance. This did not happen. Today, these workers face impending layoffs and changing work rules without even the simple satisfaction of knowing that their concerns were heard.

I feel betrayed and do not like the feeling that I betrayed Nebraska railroad workers by placing my faith in the Special Board. The Special Board's call on the parties to this dispute to "put behind the all or nothing attitudes which have guided their bargaining and return to the more harmonious relationships of the past" is simply not facilitated by its actions.

I wanted equitable consideration of the issues. I wanted the fair settlement of railroad labor and management disputes.

I expect you did too. We got nothing.

Clearly, our interests are not the same as labor's or management's. Our duty to the American people—all the people—is to provide the environment for a stable, viable system of national transportation. We cannot pander to either of the requisites of productivity—labor or management—and deliver such stability. Neither can we husband the seeds of discord and expect to reap productivity.

My vote for fair settlement was betrayed. My vote for resolution was returned without respect.

There is an American dream. It is a productive nation linked by stable transportation. It is also homes for hardworking people and educations for their children and working conditions that breed pride and a return of fairness on contributions to productivity and profitability.

I submit that the American people have been shortchanged by the Special Board established by Congress to review the recommendations of PEB 219.●

ORDERS FOR MONDAY, JULY 29, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m. on Monday, July 29, 1991; that following the time for the two leaders, there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each; and that the period for morning business not extend beyond 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of Senate Joint Resolution 184 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL MONDAY, JULY 29, 1991, AT 11:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and no other Senator is seeking recognition, I ask unanimous consent the Senate stand in recess as under the previous order until 11:30 a.m. on Monday, July 29, 1991.

There being no objection, the Senate, at 5:15 p.m., recessed until Monday, July 29, 1991, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1991:

THE JUDICIARY

JAY C. WALDMAN, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

THOMAS E. SHOLTS, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE WILLIAM M. HOEVELER, RETIRED.

MONTI L. BELOT, OF KANSAS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF KANSAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

MARY LITTLE PARELL, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

SANDRA S. BECKWITH, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO VICE A NEW POSITION CREATED BY PUBLIC LAW 101-605, APPROVED DECEMBER 1, 1990.

DAVID C. BRAMLETTE, OF MISSISSIPPI, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

RONALD M. WHYTE, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF JUSTICE

ROBERT Q. WHITWELL, OF MISSISSIPPI, TO BE U.S. STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS. (REAPPOINTMENT).

RICHARD CULLEN, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS VICE HENRY E. HUDSON, RESIGNED.

WILLIAM D. HYSLOP, OF WASHINGTON, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS VICE JOHN E. LAMP, RESIGNED.

KEVIN C. POTTER, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS VICE PATRICK J. FIEDLER, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 1991:

DEPARTMENT OF THE TREASURY

OLIN L. WETHINGTON, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, U.S. ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3037:

To be the judge advocate general

MAJ. GEN. JOHN L. FUGH [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RONALD H. GRIFFITH [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD W. JONES [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. LEONARD P. WISHART III [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HARRY E. SOYSTER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE, U.S. ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3038:

To be chief of Army Reserve, U.S. Army

MAJ. GEN. ROGER W. SANDLER [redacted] U.S. ARMY RESERVE.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ROBERT B. JOHNSTON [redacted] USMC.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. MATTHEW T. COOPER [redacted] USMC.

EXTENSIONS OF REMARKS

REUNIFICATION OF CYPRUS NEEDED

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. DIXON. Mr. Speaker, today I rise to join my colleagues in a special order on the 17th anniversary of the invasion of Cyprus. This anniversary represents a time we should reflect and remember the embittered struggle of the Cypriot people.

Seventeen years ago, Cyprus was invaded by Turkish forces who occupied the northern part of the island in violation of U.N. charter article 2(4). Over 5,000 Greek Cypriots lost their lives. Families were forced from their homes and thousands of Greek Cypriots were left as refugees in their own homeland. Cyprus today remains a divided nation, with Turkish troops controlling the North, the Greek Cypriot Government controlling the South. The United Nations has repeatedly passed resolutions calling for the removal of Turkish troops.

Over the years, Cyprus has remained a true and loyal ally to the United States and we should recognize her loyalty. The Persian Gulf war is a perfect example. Cyprus supported the American condemnation of the Iraqi invasion of Kuwait and supported all of the United Nations resolutions on Iraq. During operations Desert Shield and Desert Storm, Cyprus authorized military overflight of its territory, as well as use of Cypriot air bases by American and coalition forces.

The cold war has ended, the Iron Curtain has fallen, the winds of change have swept over Angola and Ethiopia. It is time that Cyprus once again became one nation. A united effort must be made on the part of our Government to work with the United Nations to renew negotiations for a unified country. The Cypriot people have suffered enough.

I hope that this week, which marks the 17th anniversary of the invasion of Cyprus, will serve as a starting point for the United States to double its effort to bring peace to Cyprus and end the stalemate.

Mr. Speaker, we do not wish to observe another painful July 20. I commend the distinguished gentlemen from Florida, Congressman MICHAEL BILIRAKIS, and from Ohio, Congressman EDWARD F. FEIGHAN, and the gentlewoman from Maryland, Congresswoman HELEN DELICH BENTLEY for calling this special order, and agree with my colleagues that the climate is ripe for a reunification of Cyprus.

CENTER FOR MARINE CONSERVATION CONDUCTS NATIONAL COASTAL CLEANUP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to your attention the achievements of the Center for Marine Conservation. While the institutions are essentially dedicated to preserving and protecting endangered marine wildlife, they also conduct an annual national coastal cleanup. These coastal cleanups represent the Nation's growing desire to protect our environment.

The CMC conducts a coastal cleanup annually in September. Each year, thousands of Floridians participate in the Nation's largest coastal cleanup. In the September 1990 cleanup, over 18,000 Floridians participated, extracting almost 400,000 pounds from the coastal waters. It is estimated that almost 90 percent of the waste collected is lethal to Florida's marine wildlife. Over 80 percent of this material was recycled into reusable products. The coastal cleanup of 1990 was recognized by the Guiness Book of World Records as the largest of its type in the world.

The CMC's coastal cleanup have also inspired many officials to introduce bills which place restrictions on the amount of garbage that can be disposed of in the ocean. The Center for Marine Conservation hopes that these restrictions will reduce the dangers to our coasts, and, in time, make the coastal cleanups unnecessary.

The Center for Marine Conservation [CMC], founded in 1972, is a nonprofit organization whose focus is on the protection of marine wildlife and their habitats. This goal is accomplished primarily through the conservation of the coastal and deep-sea resources. Currently, the CMC has branches in Florida, Texas, California, and Virginia.

I would like to commend the Center for Marine Conservation on its tremendous achievements to our coastal community. I would like to recognize several members of our society without whom these projects would not have been possible. The following coordinators of Dade County have helped organize the coastal cleanups into practical, efficient projects: Tessie Doheny, Bonnie Barnes-Kelly, Jim King, Luisa Alvarez, Lisa Garvin, Don Pybas, and Bryant Diersing. I would also like to recognize the following sponsors for their dedication to our community: The Knight Foundation, Florida Department of Environmental Regulation Coastal Zone Management Section, Florida Department of Natural Resources, Society for the Plastics Industry, Inc., Dunspaugh-Dalton Foundation, Publix Super Markets, Inc., Southern Bell, the National Association for Plastic Container Recovery, Cowles Charitable Trust, and Mrs. Howard F. Whitney, Jr. If you have any questions about the CMC or its coastal cleanup program in Florida, please feel free to contact them at 1–800–CMC–FLORida.

PLIGHT OF OUR NATION'S DAIRY FARMERS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. ECKART. Mr. Speaker, I rise today to express my deep concerns regarding the future plight of our Nation's dairy farmers. Our dairy farmers are currently suffering from the lowest milk prices since 1978. As ardently as the Congress works to alleviate the hardships of the dairy producers, the administration continues to threaten to veto any legislation containing provisions to increase price supports and production controls. While the President continues to nod his head in disagreement of provisions to assist the producers of one of our Nation's most vital commodities, dairy farmers in congressional districts across the Nation lie awake at night wondering how they can continue on. How can we, as a nation, continue to assist those abroad while many in our own backyards suffer?

This is a time of particularly severe hardship for many farmers in my district in northeastern Ohio. Many of the farmers in my district are dairy producers, grape growers, and horticulturalists. Not only are these farmers enduring the financial losses of a depressed market and rising expenses, they are also in the midst of a significant drought. Continued lack of rainfall and high temperatures in the region have contributed to lingering devastating conditions.

I have surveyed each of the five counties in my district to assess the damage from the prevailing drought. Hay production rates are falling, few pastures are left for animals to graze on, water levels are at an all-time low meaning many farmers must irrigate, corn production is at a very critical stage, crops are maturing at record rates which will undoubtedly push harvest dates up for several weeks, Lake County's $15 million ornamental horticulture industry is in serious danger, and northeastern Ohio's wine industry is threatened. These circumstances are the result of a prolonged drought that could have devastating long-term effects on our economy.

At this point in time these farmers see no relief in sight. The farmers look to the U.S. Government for help and there is none. The U.S. Department of Agriculture is not granting any of the five counties in my district haying and grazing privileges. These privileges are granted to counties who experience a 40-percent loss in precipitation. Counties in my dis-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trict do not qualify because drought conditions are very spotty. Some areas of counties are far dryer than others. When reporting rainfall levels, counties are required to use measurements taken from rain recording stations from a designated area in the county. Oftentimes, the measurement comes from an area that is not as dry and drought-stricken as another. Discrepancies are bound to occur. No disaster relief payments are in sight for these individuals. Immediate relief for our farmers is crucial in light of the hardships caused by the shift in normal weather patterns in the area.

Yesterday we voted on a measure to extend agricultural disaster assistance to farmers nationwide. This legislation will provide much needed assistance to agricultural producers suffering severe crop loss. I commend my colleagues who supported the Extend Agricultural Disaster Assistance Act.

I would like to urge my colleagues to support the Milk Inventory Management Act which will soon be coming to the floor. I believe that this bill, drafted by the Agriculture Committee, will greatly aid our Nation's dairy producers.

Mr. Speaker, I believe we must make these and other valiant efforts to assist our Nation's agricultural producers.

A TRIBUTE TO JAMES DAVID MOYES, MARK PHILLIP MOYES, AND JARED WARREN CRAIG

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. ORTON. Mr. Speaker, I rise today to honor the Boy Scouts of America, and specifically three young men who were able to apply the valuable training they received from their Scouting troop. These young men are a credit to Utah and the Boy Scouts of America. More importantly they were able to save the life of someone in need.

The Provo River, located in my district, has a swift and turbulent current, but is also a popular Utah fishing site. On August 11, 1990, Aaron Moyes, 14; First Class Scout James David Moyes, 12; Scout Mark Phillip Moyes, 11; and Star Scout Jared Warren Craig, 13, went fishing.

As the boys were fishing, a cloudburst began. The boys made a lean-to for protection. After the rainstorm, Aaron borrowed a lure from his brother James. While casting, the lure was entangled in the limb of a moss-covered tree. Aaron climbed the tree to get it out, slipping several times. As he approached the lure, the limb cracked, dropping Aaron approximately 15 feet, unconscious, into the rain-filled river.

Jared stood on the bank and held James' arm as James waded into the river to pull his brother to safety. Two weeks prior to the accident, their Scout troop had learned about emergency situations and first aid. James and Jared treated Aaron for shock and applied mouth-to-mouth resuscitation while Mark went to the highway for help.

The doctor told the boys Aaron was lucky to be alive. Because of their quick thinking and correct application of first aid, the Boy Scouts of America awarded James Moyes and Jared Craig the National Medal of Merit given for an act of service of rare or exceptional character and uncommon display for the well-being of others. Mark Moyes was awarded the National Certificate of Merit for performing a singular act of service. The boys were presented with the award at a Court of Honor June 9, 1991.

I had the privilege to be present as these boys were honored by their troops. The actions of these boys is what Scouting is all about—being prepared for any situation and facing that situation with composure. As James said, "I wasn't glad it happened, but I was glad I could help my brother."

Mark and James Moyes are now members of Troop 65, sponsored by the Springville Fifth Ward, of the Church of Jesus Christ of Latter-day Saints. Jared Craig is a member of Troop 435 sponsored by the Cherry Hill Fourth Ward, of the Church of Jesus Christ of Latter-day Saints.

As a Member of Congress, and a former Boy Scout, I add my commendation to these outstanding young men for their courageous actions in a life-threatening situation.

INTRODUCING A RESOLUTION REGARDING POLITICAL DETAINEES IN VIETNAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. WOLF. Mr. Speaker, since the end of the Vietnam war, the Vietnamese Government has admitted to holding over half a million people in reeducation camps inside Vietnam, with estimates pushing that number upward to 2 million people.

Most of those sentenced to reeducation were guilty of no crime. They were sent to prison because of their political or religious beliefs.

In the 101st Congress, I introduced House Concurrent Resolution 113, calling upon the Government of Vietnam to release these prisoners without delay, and to negotiate with the United States to allow these prisoners to emigrate. A Senate companion to this resolution was passed unanimously by the House and Senate in June 1989.

Fortunately, the Congress was not alone in condemning the Vietnamese Government's imprisonment of these detainees. The international community also deplored this gross violation of human rights and urged the Hanoi government to release these prisoners of conscience. The Government of Vietnam responded and in June 1989 entered into negotiations with the United States to allow these detainees to leave Vietnam.

An agreement was signed between the United States and Vietnam in August 1989, and by January 1990, the first of these detainees came to the United States under the United States Special Released Reeduction Center Detainees Resettlement Program.

Approximately 9,000 Vietnamese detainees entered the United States through the detainees resettlement program in 1990. An estimated 20,000 will come to the United States through that program this year. While I am grateful that the Vietnamese Government appears to be cooperating with this emigration program, it saddens me to realize that each detainee being released spent an average of 6½ years in a detention camp before being freed.

I have also received reports that the Vietnamese Government has rearrested some of the detainees who have already been given permission to emigrate under the detainees resettlement program. According to these reports, many of these arrests have occurred since this spring, when the Government of Vietnam began a new crackdown on political opponents.

In response to these reports, and because more than 100,000 detainees still remain in Vietnam, I am introducing today a concurrent resolution calling upon the Government of Vietnam to: First, continue providing the names of people in detention or in prison because of their opposition to the Government; second, release all reeducation camp detainees and all other prisoners of conscience; third, promptly grant all Vietnamese who qualify for resettlement in the United States permission to imigrate, and fourth, end immediately all arrests or rearrests of detainees or former detainees.

It is my hope that the Vietnamese Government will continue to cooperate with the United States regarding the emigration of these detainees. We must see a good faith effort and evidence that the Government of Vietnam is committed to political change, however, for United States relations with Vietnam to improve.

I urge my colleagues to join in cosponsoring this resolution to further signal to the Vietnamese Government that this issue is still important to the American people and is key to Vietnam becoming an accepted member of the international community.

H. CON. RES. —

Whereas 16 years have passed since the end of the Vietnam conflict;

Whereas thousands of opponents of the Government of the Socialist Republic of Vietnam, including officials of, and others associated with, the former Republic of Vietnam, were detained without trial in "reeducation" camps or prisons beginning on 1975;

Whereas a series of large-scale amnesties took place in the late 1980's resulting in the release of many detainees;

Whereas despite these welcome releases, many Vietnamese remain in long-term detention because of their suspected opposition to the Government of Vietnam, and many family members of detainees do not know their status;

Whereas the Government of Vietnam has continued in recent years to imprison individuals because of their political and religious expression or association or related nonviolent activity;

Whereas the Government of Vietnam has stated publicly that the remaining "reeducation" camp or prison detainees would be released and that former detainees would be allowed to emigrate;

Whereas the United States has repeatedly stated that the resettlement of "reeducation" camp or prison detainees is one of its highest priorities in its dealings with Vietnam on humanitarian issues and has made it clear to the Government of Vietnam that it is willing to allow former and current detainees to enter the United States;

Whereas in July 1989 the United States and Vietnam reached an agreement in principle concerning the resettlement of those released from "reeducation" camps or prisons and Vietnam reaffirmed that released detainees and their families could emigrate from Vietnam;

Whereas such emigration has been implemented and expanded with the cooperation of the Government of Vietnam; and

Whereas the willingness of the Government of Vietnam to satisfactorily resolve this humanitarian issue will have an important bearing on the relationship between Vietnam and the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls on the Government of Vietnam—

(1) to make public the names of all individuals who continue to be held in "reeducation" camps or prisons in connection with suspected opposition to the Government of Vietnam;

(2) to release immediately all remaining long-term "reeducation" camp or prison detainees, as well as all individuals imprisoned in Vietnam in recent years because of their political or religious expression or related nonviolent activities;

(3) to promptly grant exit permission to all Vietnamese who qualify for resettlemnt in the United States through the United States Special Released Reeducation Center Detainees Resettlement Program; and

(4) to end immediately all arrests or rearrests of detainees, including all detainees who have applied for or have been granted permission to leave Vietnam.

IN MEMORY OF PFC. ADRIENNE LYNETTE MITCHELL

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Pfc. Adrienne Lynette Mitchell, the first woman from California to die in combat in the Persian Gulf war, and to join her parents and the Veterans of Foreign Wars in commemorating the renaming of VFW Post 11087 in my congressional district as "Private First Class Adrienne Lynette Mitchell Post 11087."

Private first class Mitchell was the 20 year-old daughter and second child of Frank and Sammie Mitchell of Moreno Valley, CA. Born in Taiwan, she spent most of her childhood globetrotting with her family as her father, an Air Force master sergeant, now retired, was assigned to various domestic and overseas bases. Finally, the family settled in Moreno Valley when Frank Mitchell was assigned to March Air Force Base, in Riverside, CA. At Moreno Valley High School, Adrienne was always out-going, developing into a serious student who played basketball, ran track and maintained a 3.03 grade point average.

After high school, Adrienne held several jobs including that of cashier in the "chow hall" on March Air Force base. She had hopes of continuing her education at UCLA and pursuing a legal career. Adrienne talked of wanting to make a difference and of bettering the situation of her people—African-Americans. Attracted by the educational benefits offered by military service, Adrienne elected to join the U.S. Army Reserves.

Activated by the Army from reserve status, Private first class Mitchell was sent to Saudi Arabia as part of Operation Desert Storm. She arrived in Dharan, Saudi Arabia, in early February. On February 25, 1991, just 2 weeks after her arrival, an Iraqi Scud missile struck and destroyed a warehouse which had been converted recently to a dormitory for newly arrived American troops. Private first class Mitchell was among 25 American servicemen and 3 servicewomen killed in that deadly attack. Only 2 days later, combat between the Iraqi and Allied forces would officially cease. Private first class Mitchell was buried at Riverside National Cemetery on March 7, 1991, only 5 months after commencing her service in the U.S. Army. Ironically, her father served for over 30 years, including stints in Vietnam and Central America—without suffering injury.

On July 26, 1991, the Veterans of Foreign Wars will commemorate the renaming of VFW Post 11087 as Pfc. Adrienne Lynette Mitchell Post 11087 with a special ceremony. Please join me, Mr. Speaker, in commemorating the memory of Private first class Adrienne Lynette Mitchell on this solemn occasion, and in extending sincere condolences and best wishes to the Mitchell family.

STUDENT'S WINNING ESSAY ON PUBLIC SERVICE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. PEASE. Mr. Speaker, I would like to bring to your attention the following essay which was written by a student attending Oberlin College in my district. Heather S. Eckard was chosen by the Public Employees roundtable to receive a 1991 Public Service scholarship based on the essay that she wrote entitled "Why I Have Chosen To Pursue a Government Career." I am sure that my colleagues will greatly enjoy reading Heather's well-written essay about why she plans to opt for a career in the public sector versus private industry. In fact, many of her reasons for doing so will ring true for many of us.

The text of the essay follows:

WHY I HAVE CHOSEN TO PURSUE A PUBLIC SERVICE CAREER

I have been involved as a volunteer in numerous environmental organizations, and have independently worked with the elderly. I find the priorities and the goals, and the resulting working environments of public service organizations to stimulate me more than those of jobs I have experienced in the private sector. Though I have never worked for a governmental agency, I believe the purposes for which many are created results in their functions and characteristics being similar to those of non-profit and other service organizations like those in which I have been involved; thus, I feel that my talents and interests are conducive to successful work in governmental agencies, as I have been successful in public service, and that a governmental career would be satisfying to me in ways similar to those ways in which public service satisfies me.

When I first became interested in environmental matters, I sought to learn more about the issues through small focus groups; I found the people involved in these interest groups to be sincerely welcoming, united in their cause (although not always in their voices), and almost unbelieveably dedicated. It is most significantly for these reasons that I became more and more involved, and now plan to dedicate my career to public service. Compared to my work experiences in the private sector, which include telemarketing, retail sales, food service and secretarial accounting, I find that people in public service are more open with and encouraging of each other, more free to express themselves creatively, more sensitive to the needs of others and, overall, more driven.

Upon deeper reflection, perhaps these people are not more driven, but what they are driven by really entices me. In the private sector, people seem to be driven predominantly by the lures of power and money, which they work to achieve at almost any cost, stepping on anyone in their way. The working environment is very cut-throat, with each person looking out only for him/herself, and the dollar is the bottom line. After experiencing this, I have to ask myself: how truly rewarding is the reward for all this effort to "succeed"?

In public service, people are the bottom line. Rather than stepping on someone else to succeed individually, the goals involve reaching out to others to help them rise above societal problems and restraining individual situations, so that they might succeed as well. This priority means that it takes a sensitive, caring, often patient person to make a difference in public service; based on my natural sense of communication in working with older people, I feel that I am this type of person. Also, with such a shared goal, everyone must work together—one person can't do it alone. Everyone contributes to something they believe in, for a cause that they are willing to give, as I've observed, so much of their time, energy and spirit for.

Helping people, not working for power or profits, makes me feel good. After working for eight months to provide community education about environmental problems, it was entirely satisfying for me to realize that vision: to watch school children's eyes light up as they understood an environmental science project I had designed; to have their parents and teachers ask me more about energy conservation or toxic chemicals in home cleaning products; to see people of all ages pick up literature that I had made available for an environmental fair; to hear people talk about recycling and know that somehow, I was a small part of their awareness. . . . These things made all the hard work well worth it; this reward was truly rewarding to me.

I get the same sensations when spending time with the elderly. I feel "successful" when I can make an older person's day just by picking up the phone and calling to chat, or jotting them a newsy note; I know that many of them wait for the junk mail each day, so they have something to read, and I feel that I am sometimes the only thing that keeps them from being totally lonely. In my work as assistant to a retired partner of an accounting firm, I have to handle relations with many of his retired clients. I find that little things, simple to me, such as explaining a tax law or some health insurance procedure, greatly help them. It takes so little effort, but it means so much; these things make a difference. Indeed, like no other job I've experienced—be it selling clothing, waitressing, or secretarial work—public service makes me aware of how I fit into the bigger picture.

It may seem that I am naive in my utopian attitude about the positive elements of public service. Yet, working in so many volunteer organizations, I have confronted many of the frustrations of such organizations, similar, in some ways, to the red-tape I've witnessed in private sector bureaucracies. In keeping with the two-page essay limit, I will not discuss what I perceive to be problems of public service; yet, I want to acknowledge that I am aware that such obstacles exist. Based on my experience in facing some of the organizational hurdles involved in public work, I feel that I have the intelligence and ambition to take my best running leap at these hurdles, and to "succeed". For me, the bottom line is that fighting red-tape, when the reward is based on a value I hold strong in my heart, is very much worth my efforts. I feel that with belief, perseverance, and in sticking to the working environment of respect and cooperation which I find so rewarding in public service, I will be very fulfilled by the differences I will make in a governmental career.

HONORING COL. WILLIAM W. MILLER'S 27 YEARS SERVICE IN THE U.S. AIR FORCE

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. SARPALIUS. Mr. Speaker, I rise today to recognize an outstanding individual and, most importantly, a great American. I urge my fellow colleagues to join me in honoring Col. William W. Miller for 27 years of unselfish service to the U.S. Air Force. Colonel Miller's service will end at one of our Air Force's finest facilities— Sheppard Air Force Base in Wichita Falls, TX.

Bill Miller was born April 19, 1942, in Pittsburgh. He is a graduate of North Allegheny High School and Grove City College with a degree in history. He obtained his masters degree in history from North Michigan University in 1975, and a masters in political science from Auburn University in 1983. His experience is also enhanced by his completion of Squardon Officer School in 1971, Air Command and Staff College in 1973, Industrial College of the Armed Forces in 1976, and Air War College in 1983.

In 1964, Colonel Miller received his commission through the Air Force ROTC Program and was assigned to the 484th Armament and Electronic Maintenance Squadron at Turner AFB. In May 1966, he received his navigator wings at Mather AFB and was assigned to the 410th Bombardment Wing at K.K. Sawyer AFB. At Sawyer, he flew the B–52H as a navigator, instructor navigator, and radar navigator.

Colonel Miller in 1973 was assigned as operations officer of the radar bomb scoring site at Fort Drum, NY. During that period, he was on temporary duty as a ground-directed bombing crew controller to Udorn Royal Thai AFB.

In 1974, he was reassigned to the 410th Bombardment Wing as senior standardization/evaluation radar navigator and then as chief, training devices branch. In 1977, Colonel Miller returned to the 323d Flying Training Wing at Mather AFB. In June 1980, he became commander of the 449th Flying Training Squadron at Mather.

In 1984, following graduation from Air War College, he was assigned to the AF ROTC at the University of Nebraska as commander and professor of aerospace studies. He was assigned to Headquarters Air Training Command, Randolph AFB, as director, navigator/survival training and life support from June 1984 until he was assigned to Sheppard Air Force Base in February 1986.

Colonel Miller in January 1988 became vice commander and chief, operations division of the wing at Sheppard. He has served in that position until October 1988, when he became commander of the Wing. He assumed his present position as vice commander of Sheppard AFB in February 1990.

Mr. Speaker, with this many years of active service you can be certain Col. Bill Miller has received awards for outstanding service. He has more than 4,500 flying hours, 125 B–52D combat stories in Vietnam, including 5 Linebacker II missions. His military decorations and awards include the Distinguished Flying Cross with 2 oak leaf clusters, Meritorious Service Medal with 2 oak leaf clusters, Air Medal with 6 oak leaf custers, Air Force Commendation Medal wqith 1 oak leaf cluster, Air Force Achievement Medal, Presidential Unit Citation, Air Force Outstanding Unit Award with 12 oak leaf clusters, Combat Readiness Medal, Vietnam Service Medal with 4 bronze stars, Republic of Vietnam Gallantry Cross with palm, and Republic of Vietnam Compaign Medal.

Not only is Col. Bill Miller an outstanding leader in our armed services, but he also a strong family member. Colonel Miller is married to the former Joellen Schwartz of Buffalo, NY. Colonel Miller is also the proud father of four sons—Bill, Andy, Mark, and Michael.

Mr. Speaker I ask my fellow Members of Congress to join me in congratulating Col. William W. Miller for 27 years of leadership in the U.S. Air Force.

A TRIBUTE TO FREDERICK T. CIOFFI

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 1991

Mr. PANETTA. Mr. Speaker, I rise today in honor of Frederick T. Cioffi upon his retirement after 33 years of Federal service. Mr. Cioffi, who retired from the Department of Education, Office for Civil Rights, on July 1, 1991, played a major role in the enforcement of the Federal nondiscrimination laws in our Nation's educational institutions.

One of the Federal Government's most important responsibilities is to ensure equal educational opportunity. In pursuing this task, the challenge is to deliver on a promise the Nation has long held out to its citizens—that every individual has the right to develop his or her talents to the fullest.

The Department of Education's Office for Civil Rights enforces civil rights laws as they apply to recipients of Federal funds. These laws now extend to approximately 16,000 school districts, 3,600 colleges and universities, and thousands of proprietary schools, libraries, museums, and correctional facilities. In 1969, I was the Director of the Office for Civil Rights. At that time, the Office was in the process of desegregating formerly de jure school systems through enforcement of title VI of the Civil Rights Act of 1964 in the 17 Southern and border States. One of the first employees with the agency was Mr. Cioffi, who started with the compliance program in 1965 when civil rights enforcement was decentralized among the program agencies in the former Department of Health, Education, and Welfare [HEW].

That cadre of original employees had a profound effect on the elimination of racial discrimination and the establishment of nonracial unitary school systems. Through their tireless and courageous efforts, more than 700 school systems converted to nondiscriminatory operations as a result of investigations conducted by HEW and approval of legally acceptable desegregation plans. Mr. Cioffi was a team leader for many of the investigations conducted in these school districts, which today offer education free of racial discrimination. Later, he directed the title VI school compliance program in the Northern and Western States.

Frederick Cioffi is one of the last of the original group of investigators who remained with the Office for Civil Rights these many years. His accomplishments are many, including the crucial leadership he provided in determining the civil rights eligibility of applicant school districts under the Emergency School Aid Act [ESAA]. This turned out to be one of the most successful programs ever initiated from a civil rights perspective. In requiring compliance with specific civil rights provisions as a precondition to the award of Federal financial assistance, the ESAA Program had a significant role in the prevention and elimination of unlawful discrimination. During 1975–81, the Office for Civil Rights received remedial plans from and granted waivers to 505 school districts that were initially ineligible for ESAA funds because they had violated at least one of the civil rights requirements of the regulations.

Mr. Cioffi went on to hold 16 different positions in the Office for Civil Rights, including management of two regional offices, and was the Acting Assistant Secretary for Civil Rights in 1981. The Office's compliance responsibilities have increased over the years with the enactment of new nondiscrimination laws prohibiting discrimination on the basis of sex, handicap, and age in federally assisted programs. As a result of Mr. Cioffi's persistent efforts to effectively enforce the Federal civil rights laws, many individuals and groups who had been victims of discrimination gained an opportunity to lead full and productive lives.

Frederick Cioffi strived to make a difference in the lives of school children and students attending our colleges and universities—to give them the opportunity to maximize their capacities and realize their educational and career aspirations. Mr. Speaker, I ask my colleagues to join me now in commending Frederick Cioffi. His long and distinguished record and his commitment to advancing Federal civil right enforcement was of immeasurable benefit to this Nation.

HOUSE OF REPRESENTATIVES—*Monday, July 29, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, July 29, 1991.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, eternal God, that Your loving power will bridge the separations that so often prevent individuals and groups from experiencing the blessings of life. May the presence of Your reconciling spirit, gracious God, move aside the alienation and estrangement that so isolates people from each other, and may we instead receive the love and respect and kindness and understanding that are Your gifts to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. THOMAS] will lead us in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1434. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency for fiscal year 1992, and for other purposes.

The message also announced that pursuant to Public Law 86-380, the Chair, on behalf of the Vice President, appoints Mr. DURENBERGER, to the Advisory Commission on Intergovernmental Relations.

CONGRATULATIONS TO HANK LANDAU ON HIS RETIREMENT

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, a great labor leader and a great American—Hank Landau—will retire on July 31 as CEO and secretary-treasurer of the New York State Building and Construction Trades Council [AFL-CIO].

Hank has served the New York labor movement for 43 years. He rose from the ranks to become president and business manager of his Sheet Metal Workers Local Union 83—offices he held for 18 consecutive years before assuming his present positions.

Throughout his distinguished career, Hank was always there to serve—whether it was New York State government, the Capital Region Technology Development Council, the Capital District Regional Educational Center for Economic Development, or the Northeast New York Alliance of Business.

As a negotiator, he is tough but fair. As an advocate, he is fearless when it comes to protecting or advancing the well-being of all workers—like his fight to preserve the prevailing wage rate, or to win increased workers' compensation benefits, to name just two examples.

I am proud to be Hank Landau's friend. And I know he will continue to serve us in other capacities.

Hank, I wish you and Carol, all the best.

LEGISLATION TO CRACK DOWN ON ILLEGAL DEALING IN MILITARY MEDALS

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, no one can put a price tag on bravery and courage, but recently, a growing number of criminals have been putting a price tag on the Congressional Medal of Honor.

Over the last few years, stolen and illegally obtained Medals of Honor have been showing up at gun shows and flea markets around the country, some selling for as little as $500. At several recent Desert Storm parades, frauds have worn these stolen medals and demanded to march with the troops.

The law clearly makes this practice illegal, but the punishment is so tame by today's standards that no one fears prosecution; and thus, the practice spreads.

Today, I am introducing a bill that will recognize the importance we place on the Medal of Honor by upgrading the fines involved for dealing in military medals and closing a loophole being used by criminals to avoid prosecution. I would hope that Congress can act on this legislation to crack down on these practices and reaffirm the integrity and sanctity of the Congressional Medal of Honor.

NOTCH BILL STANDS FOR FAIRNESS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, America's notch babies, are fed up with being shortchanged on their Social Security checks.

In 1977, Congress erred when it passed a Social Security reform package that led to a benefit cut for senior citizens who were born between January 1, 1917 and January 2, 1927. We've waited too long to correct this oversight that is costing almost 12.3 million seniors tens of thousands of dollars in lost benefits. These retirees are now aged 64 to 74, and many of them are finding it hard to survive on fixed incomes.

Mr. Speaker, H.R. 917 is a bipartisan bill that will restore fairness without busting the Federal budget, or jeopardizing the Social Security trust fund. Additional revenues from the trust fund reserve could be used to pay the higher benefits to notch retirees.

According to the Social Security Administration, H.R. 917 will cost roughly $4.6 billion per year through 1999. For notch seniors, or their survivors, that adjustment could mean an increase in benefits of up to $88 per month. The costs of this bill are likely to begin falling by the late 1990's, while the trust fund reserve is expected to surpass the $1 trillion mark by 1999.

These figures confirm that America can afford to provide full benefits to

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

notch retirees. Therefore, fairness demands that we do so. The time has come to bring H.R. 917 to the floor for a vote so we can resolve this matter.

WHERE ARE THE DEMOCRATS LEADING THE COUNTRY?

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, here we are, beginning our last week of this session before the month long August recess. Looking over the schedule for the week—put together by the Democrats who run this place—I can see why their party is viewed increasingly as not knowing what they stand for and where they would lead the country.

To listen to the rhetoric one would conclude that the Democrats are out to convince the middle class that they—the Democrats—have their best interests in mind.

Well, let us look at this schedule:

The Flight Attendant Duty Time Act. Great title. But it means higher air fares.

The Intermodal Surface Transportation Infrastructure Act. Another great title. This one means higher gas taxes—actually an increase of over one-third in the Federal gas tax on top of last year's increase of over 50 percent.

And the Dairy Price Support and Inventory Management Act. This, of course, means higher consumer prices for milk and other dairy products.

No wonder the Democrats are having such a tough time winning over the middle class. Frankly, the middle class just cannot afford to have friends like these whose hands are always in their pockets.

THE VIETNAM WAR CONTINUES

(Mr. TRAFICANT asked and was given permission to addresss the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after years of congressional hearings and a decade of Rambo, the Vietnam war goes on.

A recently released photograph of three American MIA's has brought some hope to American families, but the National Security Adviser, Brent Scowcroft says, No. 1, the picture is a phony; No. 2, the Government of Vietnam is trustworthy and would not lie to the United States on this issue; and No. 3, he says he believes that there are no more American MIA's still in Southeast Asia.

□ 1210

Let me caution Congress. I do not know the truth. You do not know the truth. The fact is, only God knows the truth on this issue, and that leaves Brent Scowcroft out of it.

It is time for a full review and investigation. It is time to find out what really is happening over there. Congress should set policy, not a National Security Adviser.

REMOVE SADAM HUSSEIN AND TRY HIM AS WAR CRIMINAL

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, 1 year ago this week Saddam Husein ordered the brutal invasion of Kuwait.

We all agree that coalition forces won a great victory in Operation Desert Storm, but we are now in danger of losing the peace.

President Bush said yesterday that Saddam Hussein is continuing to hide and conceal his capacity to make nuclear weapons. Hussein continues to persecute the Kurdish minority in Iraq, and he still retains the power to strike again.

Mr. Speaker, we owe it to the veterans of Operation Desert Storm, to our citizens, our children, and the future of America, to make sure that Saddam is reined in.

Saddam Hussein must be removed from power in Iraq. Today I repeat my call to the President to develop a delta force team, remove Saddam Hussein, and bring him to trial as a war criminal.

CORRECTING A CONGRESSIONAL MISTAKE ON VISAS FOR VISITING ARTISTS AND PERFORMERS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Congress made a mistake in 1990, and the best thing to do when you make a mistake is to admit it and to rectify that mistake.

As chairman of the Subcommittee on International Law, Immigration, and Refugees, of the Committee on the Judiciary, I am moving to help Congress correct a mistake we made last autumn. That mistake was to have placed unnecessary and unreasonable limits, sanctions, and restrictions on the entry temporarily of artists, performers, musicians, and people in the cultural community from abroad to perform here in the United States.

Meetings which I have had here in Washington and in meetings I have had back home in Kentucky and Louisville have certainly convinced me that the arts community and arts presenters have made a very persuasive case that these 1990 laws and the regulations which would implement them would prevent the artistic life of our country to go forward.

Mr. Speaker, last week I introduced a bill that would change two categories of the 1990 law, I think in responsible and correct fashion, that would allow foreign artists to come in temporarily, but would at the same time not ignore the fact that there are U.S. artists who are in need of appointments as well.

I invite my colleagues to take a look at that bill and to join me in correcting the error of the 1990 law.

INTRODUCTION OF THE CALIFORNIA PUBLIC LANDS WILDERNESS ACT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, in 1976 Public Law 94-579 was enacted into law and created that which has been known as the Federal Land Policy and Management Act. As that bill was passed, the Los Angeles Times in 1980 said:

> The plan appears to protect the interests of preservationists while recognizing needs of minors, ranchers, and utility groups. It is a balanced plan. No one will be entirely happy with it, and that's a good sign.

The FLPM began a process of 4 years of hearings and some 40,000 individual inputs regarding the future desert lands in California. The work directed by the Congress to the administration has now been completed by the Bureau of Land Management.

Today, Mr. Speaker, I am pleased to join with my three colleagues who represent the desert territory involved in the product of the work of the administration and the Bureau of Land Management. It is a balanced proposal that will preserve the most important territory in the West. I ask my colleagues to consider it very carefully and to join us in our efforts to pass this legislation.

Mr. Speaker, the California Public Lands Wilderness Act is the result of 4 years of public hearings involving over 40,000 individual comments. It will provide permanent wilderness protection for 62 separate wilderness areas, totaling 2.3 million acres and expand the existing Death Valley and Joshua Tree National Monuments. It was developed by the publicly appointed 15 member California Desert Conservation Area Advisory Committee. The CDCA Advisory Committee was composed of representative individuals from every walk of life—including groups such as native Americans, conservationists, and off-road vehicle enthusiasts.

The CDCA compromise was aptly described by the Los Angeles Times in an editorial of October 13, 1980.

This is a bill which complies with the Interior Committee's mandatory deadline which was established in Public Law 94-579—the Federal Land Policy and Management Act of 1976. In consulting the broadest spectrum of user groups, it reflects the philosophy that those who live and work in the desert are its best conservationists. I ask for your careful consideration and support of this most important wilderness and public lands initiative.

CONGRESS MUST NOT STRANGLE SMALL BUSINESS JOB CREATION

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, small businesses are critical in today's economic environment because of the historic role they play in getting us back on the road to recovery.

During the last three recessions—those starting in 1969, 1974, and 1980—small businesses contributed 82 percent, 66 percent, and 100 percent of job growth, respectively. Clearly, small businesses create jobs and spark economic recovery.

Mr. Speaker, we should also note that Kiplinger's midyear survey of enterprises throughout the country reveals that business is improving in almost every sector of the economy.

The question then, my colleagues, is whether we are going to help small businesses create jobs and opportunities when we need them most, or whether we are going to strangle them with more mandates, taxes, and regulations.

Remember, it is easy to say you're for small business, but it's how you vote that really counts.

EXCELLENT PROGRESS IN PRESIDENT BUSH'S MIDDLE EAST POLICY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, some on the other side of the aisle like to level criticism at our great President because of the fact that he has been spending so much time on foreign policy issues. Frankly, the brilliant remarks of my friend, the gentleman from Ohio [Mr. GRADISON] outlining what our colleagues are trying to do on domestic policy are worth underscoring, and I would like to associate myself with those remarks.

Mr. Speaker, just a few hours ago, President Bush took off on what clearly is one of the most historic summits ever. It is the first postcold war summit to take place. He is now flying to Moscow for this meeting with President Gorbachev. We hope very much that as we see the signing of the Strategic Arms Reduction Treaty, which took 9 years to put into place, that we will bring an end to the threat of nuclear extinction for this planet.

We also hope very much that we see a successful resolution to the problems that exist in the Middle East, and that is something obviously that is going to be discussed in Moscow.

Mr. Speaker, we have this great chance for peace in the Middle East and I am very enthused about that prospect. The fact that we have seen now both the Arabs and the Israelis talk about the fact that they can get together is a very positive sign for the future.

Yes, we have many domestic problems here in the United States and President Bush has clearly outlined a domestic policy agenda, but this week I wish him well in his first postcold war summit with President Gorbachev.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 29, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit four sealed envelopes received from the White House, the first two at 2:20 p.m. and the second two at 4:50 p.m. on Friday, July 26, 1991, as follows:

(1) Said to contain a message from the President whereby he transmits notification of the continuance of the national emergency with respect to Iraq;

(2) Said to contain a message from the President whereby he transmits proposed legislation entitled the "California Public Lands Wilderness Act";

(3) Said to contain a message from the President whereby he transmits a 6-month periodic report concerning the national emergency with respect to Iraq; and

(4) Said to contain a message from the President whereby he transmits proposed legislation entitled the "Post-Employment Restriction Technical Correction Act of 1991."

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

CALIFORNIA PUBLIC LANDS WILDERNESS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at pages 20016.)

REPORT ON CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–122)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20015.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20016.)

□ 1220

POSTEMPLOYMENT RESTRICTION TECHNICAL CORRECTION ACT OF 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–124)

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20016.)

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 25, 1991, this is District of Columbia Day. The Chair recognizes the gentleman from California, [Mr. DELLUMS] chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA EMERGENCY DEFICIT REDUCTION ACT OF 1991

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia and pursuant to the order of the House of Thursday, July 25, 1991, I call up the bill (H.R. 2969) to permit the Mayor of the District of Columbia to reduce the budgets of the board of education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Deficit Reduction Act of 1991".

SEC. 2. PERMITTING MAYOR TO REDUCE BUDGETS OF BOARD OF EDUCATION AND OTHER INDEPENDENT AGENCIES.

"(a) In General.—Title IV of the District of Columbia Self-Government and Government Reorganization Act is amended by inserting after section 452 the following new section.

"REDUCTION IN BUDGETS OF INDEPENDENT AGENCIES

"Sec. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

"(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

"(2) A proposal submitted by the Mayor under Paragraph (1) shall be deemed to be approved by the Council—

"(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

"(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

"(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the District of Columbia courts or the Council.".

"(b) Effective Date.—The amendment made by subsection (a) shall apply to budgets for fiscal years beginning on or after October 1, 1990.

SEC. 3. PERMITTING DISTRICT OF COLUMBIA TO CARRY OUT EMPLOYEE SEPARATION PROGRAM.

Section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–242(3), D.C. Code) is amended by striking the period at the end of the fourth sentence and inserting the following: ", except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991.".

SEC. 4. PERMITTING DISTRICT OF COLUMBIA TO ISSUE BONDS FOR FINANCING EXISTING GENERAL FUND DEFICIT.

(a) In General.—Section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–321(a), D.C. Code) is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by striking "outstanding" and inserting "outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of $331,589,000, existing as of September 30, 1990,"; and

(3) by adding at the end the following new paragraph:

"(2) The District may not issue any general obligation bonds to finance the operating deficit described in paragraph (1) after September 30, 1992.".

(b) Waiver of 30-Day Congressional Review Period for District Act Authorizing Issuance of Bonds.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the General Fund Recovery Act of 1991 (D.C. Act 9-64) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2969 facilities the moves taken by the District government to set its financial house in order by ensuring local authority to adopt a number of budget austerity measures, including modified reduction in force procedure, and the ability to issue deficit reduction bonds.

Mr. Speaker, H.R. 2969 grants the Mayor the authority to reduce the bottom line for appropriated funds of independent agencies to prevent the District budget from going out of balance.

It also authorizes a modified reduction in force procedure for employees regardless of the date of their first employment by the District.

In addition, Mr. Speaker, H.R. 2969 authorizes the issuance of general obligation bonds backed by the full faith and credit of the District of Columbia—and not the Federal Government—to eliminate from the balance sheet of the District of Columbia the operating deficit in the general fund. The authority to such bonds ends September 30, 1992.

Mr. Speaker, the Council of the District of Columbia has adopted a 21-page bill, the General Fund Recovery Act of 1991. This act increases short-term borrowing authority for fiscal years 1991 and 1992 from $300 million to $450 million each year, but discontinues short-term borrowing if general obligation bonds—authorized at $331.5 million in the Council bill—are issued.

However, Mr. Speaker, issuance of the bonds may not be possible unless a change is made in language in the Home Rule Act which seems to limit the use of general obligation bonds to capital projects and "to refund indebtedness of the District at any time outstanding."

Mr. Speaker, the words which I have just quoted—indebtedness of the District—may not be broad enough to include the accumulated operating deficit in the general fund, which is the problem facing the District.

For that reason, Mr. Speaker, Congress is being asked by District officials to specify the accumulated deficit as a proper subject for general obligation bonds and to waive the 30-day congressional layover period for the Council Act approving the bonds. Section 4 of H.R. 2969 accomplished that.

Mr. Speaker, District officials believe, and the Committee on the District of Columbia is persuaded, that all three items must pass as a package in order to accomplish the desired result. The bond issue will not work without the other two features of the plan to control the expenditures of the District. The austerity measures will not work by themselves without a cash flow that meets the daily operation of the government and long-term enforcement of discipline in balancing the District's budget.

Mr. Speaker, the 3-part package, as reflected in H.R. 2969 makes sense. We are especially aware that the austerity required today is to large extent due to the fact of the accumulated deficit of $284 million which was passed on to the government of the District of Columbia at the advent of home rule in 1973. This figure has been verified by an independent audit.

Mr. Speaker, H.R. 2969 is a good bill crafted in a bipartisan manner by myself and the distinguished gentleman from Virginia, Thomas Bliley, who serves as the ranking Republican member on the District of Columbia Committee and unanimously supported by the members of the Committee on the District of Columbia. It deserves the support of all my colleagues on both sides of the aisle.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the sponsor of this legislation, I rise in strong support of H.R. 2969, the District of Columbia Emergency Deficit Reduction Act of 1991.

The package of three actions on the part of the District of Columbia which we are considering today is an integral part of the overall fiscal restructuring and budget reform process that Mayor Dixon has undertaken since her inauguration in January. The financial condition of the District is still precarious, indeed it is rather abysmal. Just

2 weeks ago we were presented with a perfect example of the exact status of the District's major problem and why extraordinary actions are all that are left to the District to overcome its predicament.

When it was discovered that revenue collections were falling even further behind projections than has been anticipated the immediate reaction was one of fear and disaster. This should not have been the case. If either the times were normal or the District's financial condition were not so bad this discovery would have led to nothing more than some reprogramming and spending reductions to cover the reduced income because the normal cash reserve would have enabled the District to stay current in its accounts. In the District's present condition however, there is no cash reserve and payrolls and other bills can not be paid unless the money is raised from immediate spending reductions. These reductions are almost impossible to find this late in the fiscal year and when the District has already reduced spending this year by $216 million.

The District's recovery from this situation can not be based on any one action alone. No realistic amount of spending reductions, increased taxes, or higher Federal payments can both rid the District of its cash-robbing deficit and build a budget structure for the future which has the resources it needs to work. Only a combination of dramatic actions can save the District from disaster.

Each of the steps in this process is painful to someone. The emergency supplemental funding and increased Federal payment were not easy to secure. To some extent, the House has taken these steps on faith. Now it is the District's turn and the bill before us today shows that the Mayor and council are willing to do their part and take painful action where it is most needed.

Section 2 of this bill, which will allow the Mayor and the council to exercise real control over the budgets of independent agencies, was a significant factor in my consideration of this legislation. While the legislation does not amend section 452 of the Home Rule Act, as I would like to do, it is clear that Congress intends from enactment of H.R. 2969 that an agency can not use those provisions to avoid, subvert, or thwart the will of the District's elected political leadership—the Mayor and the council. As the sponsor of this legislation, it is my intent and my desire that the District's executive and legislative branches use this power wisely and as broadly as necessary depending on the economic circumstances which may dictate the use of this amended power of agency budget control.

The existing cumbersome budget process makes it practically impossible to effect current year spending reductions by independent agencies. These agencies make up 21 percent of the District's total budget and their practical exemption from necessary midyear appropriation reductions places an even greater than necessary burden on the line agencies when emergencies arise and reductions must be ordered. H.R. 2969 enacts the District government's proposal to amend the Home Rule Act to allow effective control over independent agency budgets. Both the executive and legislative branches of the District government must agree before any reduction can take place and this process can not be used to increase an agency's budget.

I strongly support this action to give the Mayor, as chief financial officer of the District, effective control over all elements of the local government. I believe that the Mayor and the council ought to have line item power over agency budgets and I have supported this concept since I arrived in Washington in 1981. As a former mayor myself, I understand the frustration inherent in being held responsible for raising the funds required for a governmental function but then not having any control over how that money is spent. I believe that allowing total spending control to be placed in the hands of officials not responsible for raising that money is a disaster waiting to happen.

I also hope that the citizens of the District realize that this provision is a symbol of the success of democracy in the District as well as a demonstration that the District and the Congress can work together cooperatively. This is a change that was initiated and passed by a Mayor and a council which were elected with a mandate from the voters, not Congress or the President, to change the status quo. The citizens of the District should be proud that home rule can be changed to meet the needs of today.

The downsizing of the District payroll under section 3 is necessary and long overdue. I have long been concerned that the District is vastly overstaffed for the size and service requirements of the city and that it's position as employer of last resort would eventually contribute to the budget crisis that is now upon us. This situation directly contributed to the financial crisis the District now faces and it must be dealt with before any permanent improvement can take place.

The Mayor has already eliminated more than 2,000 government jobs that were vacant and now is preparing to take the next step and actually reduce the actual number of employees of the District. This action was recommended by the Rivlin Commission. I support it and I wish it had been done a long time ago when it could have averted a crisis rather only be a part of getting out of one.

I applaud the Mayor and the council for their courage and fortitude and for their willingness to go to the heart of the problem—personnel. This reduction in the government payroll will save about $75 million every year in the future once fully implemented. These funds are vitally needed to allow flexibility in the budget process and the continuation of programs actually serving the citizens of the District.

Section 4 of H.R. 2969 is where the other two sections join together with H.R. 2123—formula Federal payment bill—which the House passed on June 11, 1991, to form the legs of a tripod to support the key element designed to get the District back on its financial feet. H.R. 2969 authorizes the District of Columbia to issue $331,589,000 in bonds to retire the accumulated operating budget deficit that is stealing all available cash to keep accounts current. Without the legs of the tripod the key element collapses because it would put too much of a strain on each year's budget. With the three legs in place the bonds can be used to pay off past due obligations, get the District accounts into current balance and provide a constantly replenished cash reserve which is needed to smooth out the imbalance between revenues and bills during the year and to overcome unexpected difficulties such as the newly discovered decrease in revenues.

Early on in this process I expressed my concerns and reservations about issuing long-term bonds to finance debt—even a structural deficit carried over from the past. I had these doubts when this issue was first raised in 1981 and I continue to have them. This is generally not good fiscal policy and should never be used except to avoid going over the brink of insolvency. I have now reached the conclusion that the intractable nature of the District's accumulated deficit problem combined with the former administration's mismanagement has left the District virtually on the edge of a catastrophe.

Once a jurisdiction reaches the nadir in which the District finds itself there are very few options left to deal with the problem. In this case there are only three alternatives which I can identify: First, have the Federal Government give the District the cash it must have or forgive it's debts owned to the Treasury to let the District accumulate cash quickly; second, allow the issuance of deficit reduction bonds as we have been requested to do or; third, force the District to implement its budget in such a way to pay off this debt with yearly budget surpluses.

The Federal Government is in no position to give the District any more funds than it has recently agreed to do to avoid immediate catastrophe. The amount of money that the District could realistically be expected to set aside each year in a budget surplus to pay off the deficit over time would take far longer than is available to avoid economic ruin because the cash shortage would continue to hamstring the District's budget to the point of collapse. By process of elimination we arrive at the one solution remaining—a one time bond issue.

In my final analysis, I was convinced by Mayor Dixon and Council Chairman Wilson that they understand the depth of the crisis they face and that they agree with me that the actions they are taking are undesirable in any other set of circumstances. These actions, painful though they may be, are necessary. The District faces a crisis. The options available to deal with the crisis are limited. Only a cohesive, interlocking package of actions can effectively deal with the situation. The package is workable and it does force the District government to strictly control its budget. The Mayor and the chairman also know that this action can never be taken again. This is not just the intent of the Mayor or my desire—it is a fact of the financial markets which are the final arbiters in these matters.

The District inherited the deficit and it will always be a millstone unless we act responsibly today.

Mr. Speaker, I believe that there is overwhelming support for the District of Columbia Emergency Deficit Reduction Act. I have also very much appreciated the new attitude in evidence at the District Building and I would like to take this opportunity to again praise Mayor Dixon and Chairman Wilson for their efforts on behalf of the District and their willingness to do what is required. I am convinced that the Mayor and the chairman recognize the depth as well as the nature of their problems and that they are committed to doing what is necessary to get the District's fiscal house in order. They have earned our respect and I believe that they have earned the gratitude of all of the citizens of the District.

Let me also thank our distinguished chairman, the gentleman from California [Mr. DELLUMS]. I have enjoyed working with him and I greatly appreciate his leadership on this necessary legislation.

☐ 1230

Ms. NORTON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, despite the inherent difficulty of the issues, H.R. 296 and H.R. 2969 come to you in the unusual posture of a unanimous committee vote. The District of Columbia is requesting changes in its charter to allow the city to respond to an egregious economic crisis. Furloughs of city employees may be necessary even so. Most of your own large cities are facing similar problems.

There are two differences between your cities and the District. First, the District under Mayor Sharon Pratt Dixon and City Council Chair John Wilson, has moved rapidly to make large cuts and savings and as a result has thus far avoided layoffs of front line employees. Second, the District for lack of complete home rule, must come to the Congress to get permission to take responsible cost cutting measures that most cities could take on their own.

Two of these measures passed the D.C. City Council by a vote of 12 to 1, the other unanimously. Still the District Committee held hearings to look behind these bills and satisfied itself that, as the local officials claimed, the deficit reduction bonds would be used only for that purpose; that independent agencies would be cut only at the bottom line and not at the line item; and that dismissals of midlevel management employees would be attended by due process.

The Congress has generally shown a gratifying appreciation for the democratic process in the District. This deferral is especially warranted when locally elected officials have overwhelmingly approved a particularly difficult course of cuts and sacrifices. Only the locally elected officials can be held accountable. Those who work but do not live in the District have thereby submitted themselves to our laws and, in any case, have no cause for concern because the appeal process will assure that function and competence, not residence is the basis for judgments about continued employment.

This may not be the course some Members would have chosen. It is the course chosen by the elected officials closest to the people to make such decisions. We need do no more here today than endorse their decisions reached responsibly and democratically.

Mr. DIXON. Mr. Speaker, I rise in strong support of H.R. 2969, the District of Columbia Emergency Deficit Reduction Act of 1991. This act amends the home rule charter and grants the Mayor and Council the authority they have requested to better manage the District of Columbia government.

The new leadership of this District was elected last fall, a relatively short time ago. And in that brief period they have shown a willingness to meet the problems and hardships head-on and come up with solutions and develop sound methods to resolve those difficulties. They have shown that they will do whatever is necessary, even though at times it might be painful, to get this District back on track regardless of how popular or unpopular that course of action may be. The medicine may not taste too good, but it will make the patient well.

Mr. Speaker, the bill that is now before us includes three very important issues.

First, it allows the Mayor, with Council approval, to reduce the spending authority of all independent agencies within the executive branch, including the board of education, whenever the Mayor determines that the reduction is necessary to keep the budget for the District of Columbia government in balance.

When the District runs a budget deficit, we look to the Mayor to explain why. So it is only fair for the Mayor to have the authority to reduce all budgets after appropriation acts are approved if revenues are not coming in at the projected levels. And I feel confortable that this administration will be fair in applying these cuts when they are required.

The second part of this bill will put in place the Mayor and Council's employee separation program. This is a very difficult thing for the city to do.

But these are very difficult times.

Revenue growth of 10 percent, 11 percent, and even 19 percent which the District experienced during the 1980's has been challenged by a downturn in the economy. Revenues in fiscal year 1992 are projected to be 1.8 percent higher than fiscal year 1991, considerably less than inflation itself.

The impact of such a sharp downturn can be summed up in one word—devastating.

The third issue addressed in H.R. 2969 is deficit bond financing. The District has run deficits in 2 of the last 3 years. These deficits resulted from two diametrically opposed factors—lower revenues caused by the downturn in the economy, and increased spending for health care, public safety, and education.

Mr. Speaker, the subcommittee which I chair has had the opportunity to examine the appropriate witnesses—experts in the field of municipal finance. We heard what they had to say with respect to deficit reduction bonds, and they said it is something you want to avoid if at all possible. But if necessary, it is something that is done, and when done properly with the necessary planning and commitment, can be accomplished successfully.

In anticipation of the adopting of this bill, the District government is developing a budget balancing plan with a self-regulating mechanism that will provide maximum assurance that balanced budgets will be achieved.

And I know this Mayor and Council are committed to putting this District government back on a sound financial footing so they can use that foundation to build a better Nation's Capital, a better community.

Mr. Speaker, I join with my colleagues on both sides of the aisle in supporting this bill.

The distinguished chairman of the committee, my colleague from California [Mr. DELLUMS] and the ranking member, the gentleman from Virginia [Mr. BLILEY] are to be commended for their prompt response in bringing this bill to the floor today with strong bipartisan support.

Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Speaker, I simply would like to say first that I thank my colleague, the distinguished gentleman from Virginia [Mr. BLILEY] for his very kind and generous remarks. I would say that it is equally a pleasure to work with my colleague, and I agree with him that it is a great pleasure to work with our newest Member, the gentlewoman from the District of Columbia [Ms. NORTON].

Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING THE PERIOD OF CONGRESSIONAL REVIEW FOR CERTAIN DISTRICT OF COLUMBIA ACTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia and pursuant to the order of the House of Thursday, July 25, 1991, I call up the bill (H.R. 2968) to waive the period of congressional review for certain District of Columbia acts, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2968 waives the congressional review period for certain District of Columbia Council acts, which were transmitted to Congress for review in accordance with the provisions of the Home Rule Act. With the upcoming recess for August and the planned date for adjournment in early October, many of these council acts may not take effect for months and some will be delayed until 1992. This review period on occasion has delayed the effective date for some council acts for over 4 months.

Most of these council acts relate to the District government's recent budget cuts and their Omnibus Budget Act to reduce deficit spending and streamline the government. These council acts are purely local in nature and have no Federal interest impact. Without this congressional waiver, the city government would be hampered by the uncertainty of not knowing when each council measure would take effect. The Mayor and the city council are taking bold steps to strengthen the fiscal affairs and management of the city. The Congress has been in strong support of assisting the local government's ability to function efficiently and come to grips with the city's tough financial problems. For these reasons the Committee on the District of Columbia unanimously recommends passage of H.R. 2968.

Mr. Speaker, I'm submitting for the RECORD today a revised copy of the Congressional Budget Office letter regarding H.R. 2968 because of a minor typo in the July 26 letter printed in the report accompanying this bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2968, a bill to waive the period of Congressional review for certain District of Columbia acts, as ordered reported by the House Committee on the District of Columbia on July 25, 1991. This estimate supersedes the one dated July 26, 1991. CBO estimates that this bill would result in no cost to the federal government. H.R. 2968 would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 2968 would allow thirty-one acts of the District of Columbia to take effect without the usual thirty-day Congressional review period. Under current law, most District of Columbia acts passed by the District Council and signed by the Mayor (or passed over Mayoral veto) take effect without Congressional action, but only after a thirty-day review period. H.R. 2968 would waive the review period for selected District acts, thus allowing the acts to take effect on the date of this bill's enactment. CBO estimates that this change in law would result in no additional cost to the federal government. It is possible that the earlier enactment date may result in some costs to savings to the District of Columbia, but these differences would depend on District actions that are not required under this bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Patricia Conroy, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

□ 1240

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as an original cosponsor of this bill, I rise in strong support of H.R. 2968. This bill will grant a waiver of the 30 legislative day congressional review period for local District of Columbia legislation.

Under the Home Rule Act, all local legislation is sent to Congress for a 30-day review period before going into effect. However, when the Congress is in recess or adjourned for more than 3 days, those days are not counted as part of the review period. As a result, when this House goes into its scheduled August recess, the effective date of those District acts listed in this bill will be delayed by 36 additional calendar days. Of course, should the Senate recess before the House, or come back later, the delay could be greater. Moreover, should this House adjourn as scheduled on October 4, 1991, the effective date of many of the District acts contained in H.R. 2968 would be delayed into the next session of Congress.

Several of the acts listed in H.R. 2968 form important elements of the Mayor's deficit reduction and government streamlining programs. They should not be delayed unnecessarily.

Three of the bills provide for industrial revenue bonds for private organizations in the city. Delay in issuing those bonds risk a decline in the market for them and could jeopardize the projects the bonds are intended to finance.

Among the other local acts listed in H.R. 2968 are measures that rationalize the District of Columbia Code, clear the way for local projects, and effect redistricting of the city's wards in accordance with the 1990 census. All of these measures are local in nature. Delaying their effective date would not serve any useful congressional purpose. Delay, however, may have a harmful effect for the District and its residents.

Finally, in waiving the 30-day review period for local legislation, Congress does not express support or otherwise endorse the city council's actions. The vast majority of D.C. Council acts go into effect automatically following the expiration of the 30-day review period. H.R. 2968 does nothing more than allow local acts currently pending to go into effect without the unnecessary delays that will result from the upcoming recess.

While these are helpful to the city, they are noncontroversial and involve no Federal interest. All of these acts are within the city government's jurisdiction under home rule and are local in nature.

For these reasons, Mr. Speaker, I would ask my colleagues to support H.R. 2968.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Speaker, I would be remiss today if I did not recognize the very fine work of staff of the committee on the District of Columbia. As chair of the D.C. Committee, I am deeply appreciative of staff on both sides of the aisle for excellent work they have done in preparation for today's floor action.

In addition to work done by the professional staff, I want to commend the administrative staff and others who are in support for their solid contribution in a timely response, often under difficult circumstance, to prepare the materials for easy reading.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. Act 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

(18) The District of Columbia Public Hall Regulation Temporary Amendment Act of 1991 (D.C. Act 9-50).

(19) The Redistricting Procedure Amendment Act of 1991 (D.C. Act 9-53).

(20) The Uniform Disposition of Unclaimed Property Act of 1980 Amendment Act of 1991 (D.C. Act 9-62).

(21) The Fire Company Staffing Act of 1991 (D.C. Act 9-63).

(22) The District of Columbia Paternity Establishment Act of 1991 (D.C. Act 9-76).

(23) The District of Columbia Interstate Banking Act of 1986 Amendment Act of 1991 (D.C. Act 9-79).

(24) The Health Care Professional Volunteer Assistance Protection Amendment Act of 1991 (D.C. Act 9-78).

(25) The District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991 (D.C. Act 9-77).

(26) The Citizens Energy Advisory Committee Extension Amendment Act of 1991 (D.C. Act 9-82).

(27) The Extension of the Moratorium on Retail Service Station Conversions Amendment Act of 1991 (D.C. Act 9-81).

(28) The Juror Fees Amendment Act of 1991 (D.C. Act 9-80).

(29) The Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Act 9-75).

(30) The Queen's Stroll Street Designation Temporary Act of 1991 (D.C. Act 9-74).

(31) The Youth Rehabilitation Amendment Act of 1985 Amendment Act of 1991 (D.C. Act 9-33).

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the bill and the amendment.

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "$60" and inserting in lieu thereof "$90".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits

Amendments of 1989 (Public Law 101–237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.".

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) In General.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) Change in Presumptive Period.—Section 312(c)(3) is amended by striking out ", except that" and all that follows through "leukemia)".

(b) Effective Date.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended—

(1) in paragraph (1)—

(A) by striking out "during the veteran's service on active duty" and inserting in lieu thereof "during active military, naval, or air service"; and

(B) by striking out "during the period" and inserting in lieu thereof "during a period"; and

(2) in paragraph (4)(A)—

(A) by inserting "(i)" after "means";

(B) by inserting before the period at the end the following: ", or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training".

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) Extension.—Subsections (a) and (b)(1) of section 722 are amended—

(1) by striking out "one year" each place it appears and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears and inserting in lieu thereof "two-year".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) Payment in Lump Sum.—Section 722(b) is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning September 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.".

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.".

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

Section 612(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

Section 620A(e) is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1994".

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

(a) Extension.—Section 632(a) is amended by striking out "1990" and inserting in lieu thereof "1992".

(b) Ratification.—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) Social Worker Licensure Requirement.—Section 7402(b) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) Social Worker.—To be eligible to be appointed to a social worker position, a person must hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.".

(b) Exemption.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) Amendment to Chapter 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"§ 8161. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written lease entered into by the Secretary under this subchapter.

"(2) The term 'congressional veterans' affairs committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 8162. Enhanced-use leases

"(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an "enhanced-use lease". The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will *be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.*

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

"(A) the designated property is to be used only for child-care services;

"(B) those services are to be provided only for the benefit of—

"(i) employees of the Department;

"(ii) individuals employed on the premises of such property; and

"(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

"(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

"§ 8163. Designation of property to be leased

"(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

"(1) local commerce and other aspects of the local community;

"(2) programs administered by the Department; and

"(3) services to veterans in the community.

"(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property under the lease;

"(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and

"(5) a description of how those uses would affect services to veterans.

"(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

"(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(3) Each notice under paragraph (1) shall include the following:

"(A) An identification of the property involved.

"(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department.

"(F) A description of how the proposed lease would affect services to veterans.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property.

"§ 8164. Authority for disposition of leased property

"(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

"(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

"§ 8165. Use of proceeds

"(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

"(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

"(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

"(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

"§ 8166. Construction standards

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

"§ 8167. Exemption from State and local taxes

"The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative

to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

"§ 8168. Limitation on number of agreements

"(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

"(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employees of the Department shall not be counted for the purposes of subsection (a).

"§ 8169. Expiration

"The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.".

(b) CLERICAL AMENDMENTS.—(1) The heading for chapter 81 is amended by adding at the end the following: "; LEASES OF REAL PROPERTY".

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property......8101"

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"8161. Definitions.
"8162. Enhanced-use leases.
"8163. Designation of property to be leased.
"8164. Authority for disposition of leased property.
"8165. Use of proceeds.
"8166. Construction standards.
"8167. Exemption from State and local taxes.
"8168. Limitation on number of agreements.
"8169. Expiration.".

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

"§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property.".

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74–171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

Section 7(a) of Public Law 102–54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

(a) LIABILITY INSURANCE.—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

"(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

"(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

"(C) The making of any recommendation for additional scientific study under subsection (e).

"(D) The conduct of any subsequent review referred to in subsection (f) and the making of

any determination or estimate referred to in such subsection.

"(E) The preparation of the reports referred to in subsection (g).

"(2) A person referred to in paragraph (1) is—

"(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

"(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

"(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

"(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.".

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out "two months after the date of the enactment of this Act" and inserting in lieu thereof "two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991".

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out "at the end of the six-month period beginning on the date of the enactment of this Act" and inserting in lieu thereof "at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991"; and

(B) in paragraph (2)(A), by striking out "six-month".

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits.".

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) DEPOSIT OF COAST GUARD AMOUNTS.—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 618(b)(2) is amended by striking out "arangements" and inserting in lieu thereof "arrangements".

(2) Section 716(b) is amended by striking out "upaid" and inserting in lieu thereof "unpaid".

(b) PUBLIC LAW 101-237.—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii),"; and

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

(c) PUBLIC LAW 102-16.—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I do not intend to object, and would yield to the chairman of the committee for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, H.R. 1047, as amended, would make needed improvements to several aspects of the compensation, pension, and life insurance programs administered by the Department of Veterans Affairs. Many of the provisions were passed by the House last year as title II of H.R. 5326, the failed compensation COLA bill. The bill also includes important provisions regarding the acquisition and use of VA facilities and property, as well as amendments to VA health care provisions.

Included in the bill are technical corrections regarding payments of nonservice-connected pensions to certain veterans in nursing homes or domiciliaries. The bill would authorize the Secretary of Veterans Affairs to pay parents' DIC benefits on a less frequent basis than that provided under current law. It would give the Secretary greater latitude in accepting gifts or bequests for the Department that would enhance the administration of benefits. It would also protect individual veterans' disability ratings from reductions due solely to revisions in the rating schedule. The bill would conform the manifestation period applicable to leukemia with other radiogenic conditions covered under the atomic veterans presumptions and expand applicability of these radiogenic presumptions to include certain members of the Guard and Reserves who may have participated in the atmospheric testing of atomic weapons.

In addition, the bill would liberalize the manner in which service-disabled life insurance benefits may be applied for or paid; authorize an open season for certain veterans to purchase additional paid-up additions of national service life insurance; and clarify a provision in the Omnibus Budget Reconciliation Act of 1990 regarding benefits eligibility of certain surviving spouses and children of veterans.

Section 1 of the bill designates the act as the "Veterans' Benefits Programs Improvement Act of 1991."

Section 101 corrects an error made in connection with the enactment of section 111 of Public Law 101-237 which increased the applicable maximum rate of pension payable to veterans in nursing homes or domiciliaries. The technical correction would increase the rate in section 3203(a)(1)(C), which applies to readmissions within 6 months of discharge, from $60 to $90 per month, with an effective date as if the amendment had been made in section 111 of Public Law 101-237.

Section 102 would amend section 415 of title 38 to permit payment of dependency and indemnity to parents—also referred to as parents DIC—on a less than monthly basis. The committee has been advised that, in certain instances, payment of this benefit on a monthly basis can adversely affect certain beneficiaries' eligibility for other Federal needs-based benefits. This amendment simply authorizes the Secretary to provide the same options under this program to needy parents of veterans whose deaths are service connected as are available to beneficiaries under the improved pension program.

Section 103 would amend section 355 of title 38 to provide that no readjustment in the schedule for rating disabilities shall cause a veteran's disability rating in effect on the date of the readjustment to be reduced unless an actual improvement in the veteran's disability has been shown to have occurred. The committee is aware of cases, particularly with respect to adjustments in the rating schedule pertaining to the evaluation of hearing loss, in which individual veteran's ratings have been reduced, although no improvement in the veteran's disability has occurred. Enactment of this provision is necessary to protect veterans' ratings, especially in light of forthcoming future readjustments to the rating schedule which otherwise could have resulted in similar reductions.

Section 104 would amend section 312(c) by conforming the manifestation period applicable in the case of a radiation-exposed veteran suffering from the disease of leukemia to the manifestation period of 40 years which is applicable to other cancer-related diseases for which presumptions of service connection were provided under Public Law 100-321. This amendment is consistent with a recommendation submitted to the committee by the Secretary of Veterans Affairs advisory committee on environmental hazards and with conclusions reached as to the long-term effects of exposure to low levels of ionizing radiation set forth in the BEIR V committee report follow-up to the BEIR III committee report.

Section 105 would expand applicability of presumptions found in section

312(c) of title 38 for veterans exposed to low levels of ionizing radiation, during atmospheric testing of nuclear weapons or the occupation of Hiroshima and Nagasaki during World War II, to certain members of the National Guard and Reserve who also participated in the tests but were not on active duty. The committee has been advised that as many as 1,500 such individuals may have participated in these tests. The general counsel of the VA has determined that such individuals, not having been on active duty, are not covered by these presumptions.

Section 201 would extend the time period for applying for additional life insurance coverage under the service-disabled life insurance [SDVI] program from 1 year following a determination of service connection of a disability to 2 years after that date.

Section 202 would revise the manner in which payments of service-disabled veterans life insurance are made in the case of certain incompetent service-connected disabled veterans. Under current law, payments to a beneficiary determined in accordance with statute must be made by a minimum of 120 equal monthly payments. This provision would require that such payments be made in a lump sum to the first beneficiary and that, in a case in which monthly payments had commenced prior to the enactment of this provision, the Secretary shall pay the remaining balance in one lump sum.

Section 203 would establish a 1-year period beginning on September 1, 1991, during which veterans with accumulated dividends on account could purchase additional amounts of paid-up national service life insurance. Under current law, only current annual dividends may be applied for this purpose. This provision would also authorize the Secretary, from time to time, to provide for additional 1-year open seasons.

Mr. Speaker, several provisions of H.R. 1047 extend or otherwise improve VA health care programs. The House initiated a number of these provisions last session in H.R. 5470. Although H.R. 5740, as amended, passed the House, the Senate took no action on it. This session, we took these provisions up again in H.R. 2280, which the House passed this June. I'm pleased that the Senate has sent us a bill which includes these or very similar measures.

The first of these provisions, section 301 of the bill, would authorize VA to provide dental treatment in certain instances where it is medically necessary on an outpatient basis. Such dental treatment would be available when medically essential in cases where a veteran is either already under VA care or treatment or, in the case of a patient requiring hospitalization, it could be provided on a preadmission basis. Establishing this authority will free VA of the need to hospitalize a patient simply to assure that dental problems, which could compromise a medical condition, do not go untreated.

Under existing law governing the VA's dental program, the Department must obtain a second opinion on the need for dental treatment proposed to be provided on a fee basis, where the cost of such treatment over a 12-month period would exceed $500. The $500 limit has not been increased since the enactment of this requirement in 1979.

Section 302 of the bill would raise from $500 to $1,000 the threshold for requiring such dental reexaminations. Enactment of this provision would avoid VA's incurring many costly, unproductive dental reexaminations.

The bill would also extend two contract programs. Section 303 would extend through December 31, 1994, VA's authority to contract with halfway houses or other community-based treatment facilities for the care of veterans suffering from alcohol or drug abuse or dependence. Section 304 would extend through September 30, 1992, the now-expired authority to contract with the Veterans Memorial Medical Center in the Philippines for the care of eligible United States veterans.

Section 305 would establish education and licensure qualifications for new appointments of social workers. The measure would call for new social-workers to hold a master's degree in social work, and it would require licensure, certification, or registration if the State in which the individual is to be employed would require it. The bill would permit waiving the latter requirement on a case-by-case basis for a period of up to 3 years.

Mr. Speaker, section 401 of the bill is derived from an administration proposal submitted by the Secretary of Veterans Affairs to the Congress on April 26, 1990. The principal aim of this legislation is to improve services to veterans, either directly through construction of VA facilities to serve them, or indirectly, through enhancements that will assist the VA in recruiting and retaining a skilled work force. This legislation is designed to enable the Department to acquire services without direct capital expenditures and to enter into competitive arrangements whereby VA property is developed or managed in a manner that saves Government expenditures or produces revenue for the Government.

For a number of years, the Department of Veterans Affairs has been stymied in its efforts to acquire and improve facilities to assist in accomplishing its mission of providing services to veterans. This is partly the result of a lack of funds necessary to build and modernize the large number of facilities which serve our Nation's veterans. It is also due in part to legal restraints on the Secretary's ability to encourage development of underutilized VA facilities in a manner consistent with VA's needs and those of the community in which the facility is located.

This legislation would authorize the Secretary, following public hearings and an extended review process, to designate certain properties for enhanced use leases. The Secretary would be authorized to lease such properties for up to 35 years where new buildings or substantial rehabilitation of an existing building was contemplated, or up to 20 years in other cases. According to VA officials, this length of lease is sufficient to encourage private developers to make valuable improvements on VA real property. These same officials have advised the committee that the Department is considering proposals which would utilize this authority to build or manage parking garages, child care centers, regional office space, golf courses, temporary lodging facilities, and park and recreation facilities on VA grounds. In return for the opportunity to make a profit, the developer will provide either space or services to the facility which is the site of the improvement. In some cases, such as child care centers, the benefit will be indirect, that is, a child care center will be established where it is needed using private funds, making the VA a more attractive employer to existing or potential workers. In other cases, the VA will get space for a needed function, for example, two floors out of a six-story commercial office building would be reserved for the VA to colocate a regional office onto the grounds of a medical center. It should be noted that 25 percent of the net proceeds of any enhanced use lease will be allotted to the VA facility that is the site of the property involved. This provision should encourage facility managers to utilize this authority.

There are a number of procedural requirements included in the legislation to ensure that any agreement will not be inconsistent with, and will not adversely affect the mission of, the Department. These include the public hearing requirement and advance notice to the Committees on Veterans' Affairs. However, given the wide array of potential projects which the Secretary may undertake with this authority, and the concomitant need for flexibility in structuring such authority, the best way to evaluate the Department's proposal is to see how it works, and how it in fact enhances VA facilities. The authority provided will permit the Secretary to enter into as many as 20 enhanced use leases prior to December 31, 1994. During 1994, the Congress will examine the extent to which the Secretary achieved the stated objectives of this legislation. Based on that review, the Congress may extend, modify, or terminate the authority.

Section 402 of this bill would authorize the Secretary to acquire and use real property for medical facilities, cemeteries, or VBA regional offices before the title to the property is approved by the Attorney General and even though the title to the property is not absolute and unconditional. This authority is similar to authority which the Secretary of Defense possesses. Although the committee does not believe it will be necessary for the Secretary to invoke this authority on a frequent basis, occasions may arise that would warrant its use. The committee notes that the Justice Department has similar authority under the regulations prescribed under section 255 of title 40, United States Code. From evidence available to the committee, however, it appears that the Justice Department is reluctant to exercise this authority in cases where it appears to be warranted.

Under the authority in section 402, the Secretary will be authorized to accept 4½ acres of land adjacent to the VA Medical Center in Jackson, MS, from the State for a new VA regional office to be built in the next 4 years. This new facility would mean that veterans could get their claims adjudicated and their medical care at the same time. In addition, the new building would provide space for the new regional medical director's staff and the area field director's staff. In other words, Mr. Speaker, everything will be located on one site. I want to thank Senator CRANSTON and Senator SPECTER for working with us on this particular project. It means much to the veterans of Mississippi and I am grateful for their support.

Mr. Speaker, section 403 of the bill would transfer Pershing Hall to the Department of Veterans Affairs. It is almost identical to H.R. 5506 which passed the House last year and to H.R. 154 which passed the House on February 5, 1991.

Pershing Hall is a building owned by the Federal Government located in the middle of downtown Paris, France. Some have estimated the appraised value of the building and furnishings to be $50 to $60 million.

Many American community and civic organizations use Pershing Hall. Some of the tenants include the USO, the American Womens' Group in Paris, Boston University, and the State University of New York. Should the building be transferred to the Department of Veterans Affairs, the Secretary would, of course, discuss the future use of Pershing Hall with all of the current users of the building.

Mr. Speaker, although the United States has had full, unrestricted title to the building for almost 50 years, no agency of the Government has ever occupied the building or exercised administrative control over it. It is time someone took charge of the building and the Secretary of Veterans Affairs has agreed to do it.

Mr. Speaker, this valuable and historic building in downtown Paris was established for the primary use of veterans. The building was also supposed to serve as a memorial to Gen. John J. Pershing and the American Forces that served with him during World War I. For all practical purposes, the memorial does not exist.

The American Legion took control of the building in 1928 and managed the facility for many years under an operating agreement with the Department of France American Legion Paris Post No. 1. Due to disagreements concerning management and use of the facility, The American Legion decided to terminate the operating agreement in May 1982. Since that date, the committee has continued to receive many complaints about the way the building is being managed and the lack of access to the building by veterans.

In 1985, based on a GSA task force report, the committee was informed that a legislative proposal would be submitted by the administration to transfer title of the building to the State Department. The proposal was never submitted to the Congress.

Last year, I asked Secretary Derwinski to send a site team to Paris to see what could be done to resolve problems there. The site team confirmed there were numerous problems with the operation and management of Pershing Hall. Secretary Derwinski was so concerned that he has agreed to take custody of the building and to work with the American Battle Monuments Commission in establishing the memorial as was originally intended.

In addition, a VA contact office could be located in the building to assist veterans residing in that part of the world, and the Secretary would have authority to lease out any remaining space. Proceeds from the leased space would be deposited into a revolving fund to offset expenses. It is intended that the fund will be self sustaining.

A more detailed explanation of this section can be found in House Report 101-858 filed by the Committee on Veterans' Affairs on October 13, 1990.

Mr. Speaker, we must act without further delay to resolve the problems that currently exist at Pershing Hall. I am confident the transfer of this facility to the VA will solve those problems.

I appreciate Secretary Derwinski's interest. It is the first time we have seen the head of any department or agency willing to assume responsibility for the facility.

Section 502 would make a technical correction to section 8004 of the Omnibus Budget Reconciliation Act of 1990 which repealed certain portions of title 38 affecting consideration of an individual as the unremarried spouse of a veteran—particularly for dependency and indemnity compensation [DIC] and burial eligibility—or the child of a veteran. This provision would clarify the effect of the reconciliation provision to accurately reflect the intent of Congress that the change in law shall not serve to deny, reduce, or terminate benefits to any individual who, on October 31, 1990, was, or would have been considered as the unremarried spouse or child of the veteran, as long as no subsequent marriage has occurred.

Section 503 would authorize the Secretary of Veterans Affairs to provide liability insurance for the National Academy of Sciences or any other scientific organization to cover claims for monetary damages resulting from negligent actions or omissions, or wrongful actions by the Academy or its employees in carrying out the review of scientific evidence concerning the association between exposure to herbicides in Vietnam and certain diseases suspected of being associated therewith. The cost of such insurance coverage would be covered from funds made available to carry out the study.

This section would also require the Secretary to reimburse the Academy for the cost of any judgment, attorneys fees, or incidental expenses not covered by the liability insurance. Such reimbursements would be made from funds made available to carry out the scientific review.

Finally, this section would extend, until 2 months from the date of this act, the timeframe within which the Secretary must act in seeking an agreement with the Academy for the review. It would also delay, for a like period, the effective date of various conforming amendments to Public Law 98-542 affecting the jurisdiction and size of the advisory committee on environmental hazards and the authority of the Secretary to make decisions regarding benefits eligibility under that public law.

Section 504 would expand the authority of the Secretary of Veterans Affairs to accept gifts, devises, and bequests, that will enhance the Secretary's ability to provide services or benefits for veterans. Under current law, pursuant to sections 1006, 1007, 5004, and 5101 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and the Department's medical facilities and their patients. However, no broad authority exists which would allow other DVA activities, such as the regional offices of the Veterans Benefits Administration, to benefit from the generosity of veterans and service organizations or other parties. The VA was precluded by law from accepting a bequest to a regional office, for example, which was intended to express a veteran's thanks. Existing law has similarly ruled out acceptance by VBA and other elements of the Department of otherwise appropriate donations of office equipment or similar materials. The committee believes this expansion of gift-acceptance authority can only work to the benefit of the Nation's veterans.

Section 505 would make a technical amendment to section 3101(c) of title 38 to authorize the deposit of amounts collected for unpaid survivor benefit plan premiums from Coast Guard members into the retired pay account of the U.S. Coast Guard. Current law requires that all such sums now collected through offsets of compensation and pension payable to these individuals be deposited into the Department of Defense military retirement fund under chapter 74 of title 10. The Coast Guard, however, as a component of the Department of Transportation, maintains a separate fund, the retired pay account, for the receipt of these payments or collections. The committee believes enactment of this provision will ensure that the collected funds will be deposited into the proper account.

There follows a joint explanatory statement concerning the provisions contained in H.R. 1047 as amended:

JOINT EXPLANATORY STATEMENT ON H.R. 1047, THE PROPOSED VETERANS' BENEFITS IMPROVEMENTS ACT OF 1991

H.R. 1047, as passed by the House of Representatives on April 11, 1991, and amended by the Senate, the proposed "Veterans' Benefits Improvement Act of 1991," reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered, but not enacted, in the Senate and the House of Representatives during the 101st Congress. These are H.R. 5326, the proposed "Veterans Compensation Amendments of 1990," and H.R. 5740, the proposed "Veterans' Health Care Amendments to 1990," which the House passed on October 15, 1990, and S. 2100, the proposed "Veterans Benefits and Health Care Amendments of 1990" (hereinafter referred to as the "Senate bill"), which the Senate Committee reported on July 19, 1990, but was not considered by the Senate prior to the end of the 101st Congress.

The Committees have prepared the following explanation of H.R. 1047. Differences between the provisions contained in H.R. 1047 as passed by the House and amended by the Senate (hereinafter referred to as "Compromise agreement") and the Senate and House provisions on which they are based are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—COMPENSATION AND PENSION PROGRAMS

Pension benefits for institutionalized veterans

Current law: Subparagraphs (A) and (B) of section 5503(a)(1) of title 38, United States Code, limit the amount of needs-based pension that VA may pay to a veteran who has no dependents and is being furnished domiciliary or nursing-home care by VA for more than three full calendar months. Subparagraph (C) of section 5503(a)(1) limits the amount paid to such a veteran receiving such care for more than one full calendar month if the veteran was readmitted to a VA nursing-home or domiciliary care facility within six months after a previous period of care that resulted in a reduction of pension under subparagraph (A) or (B). Section 111 of Public Law 101-237 increased the maximum pension payment from $60 a month to $90 under subparagraphs (A) and (B) of section 5503(a)(1) but, by inadvertence, a conforming change was not made in subparagraph (C).

House bill: Section 201(a) of H.R. 5326 would have amended section 5503(a)(1)(C) of title 38 to increase from $60 to $90 the maximum monthly pension payable thereunder to veterans readmitted to VA nursing-home or domiciliary care. This provision would have taken effect as if the amendment had been included in section 111 of Public Law 101-237.

Senate bill: No provision.

Compromise agreement: Section 101 follows the House provision.

Frequency of payment of parents' DIC

Current law: Section 415(a) of title 38 provides that dependency and indemnity compensation (DIC) shall be paid monthly to certain, low-income parents of a veteran who died from a service-connected condition.

House bill: Section 203 of H.R. 5326 would have authorized the Secretary to pay parents' DIC benefits less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under section 415 of title 38.

Senate bill: No provision.

Compromise agreement: Section 102 follows the House provision.

Preservation of ratings when changes made in rating schedules

Current law: Under section 355 of title 38, the Secretary of Veterans Affairs is required to "adopt and apply a schedule of ratings of reductions in earning capacity" resulting from specific disabilities. The schedule must provide eleven grades of disability, from zero percent to 100 percent, on which to base payment of disability compensation. The schedule of ratings, which appears in part 4 of title 38 of the Code of Federal Regulations, provides very specific, detailed rules for evaluating disabilities and assigning percentage ratings. Section 355 also requires that the Secretary "from time to time readjust this schedule of ratings in accordance with experience."

An October 27, 1988, opinion of the VA General Counsel (Op. G.C. 11-88) held that, when the schedule is adjusted, VA lacks the authority "to protect ratings assigned under superseded criteria."

House bill: Section 205 of H.R. 5326 would have prohibited rating reductions based on a change in evaluation methods or standards of the VA disability rating schedule unless the veteran's disability had improved.

Senate bill: Section 102 is substantively identical to the House provision, except that it would have authorized, rather than required, prospective-only application of changes in the disability rating schedule.

Compromise agreement: Section 103 follows the House provision.

Presumptive period for occurrence of leukemia in veterans exposed to radiation

Current law: Section 312(c)(3) of title 38 provides presumptions of service connection for specific diseases that appear within specified time periods after the last date on which the veteran participated in a radiation-risk activity. The general presumptive period in this section is 40 years; in the case of leukemia (other than chronic lymphocytic leukemia), the period is 30 years.

House bill: Section 206 of H.R. 5326 would have increased the limitation in the case of leukemia to 40 years.

Senate bill: Section 112 would have eliminated all latency-period limitations in section 312(c).

Compromise agreement: Section 104 follows the House provision.

Presumption of service-connection for certain radiation-exposed reservists

Current law: Section 312(c) of title 38 provides presumptions of service-connection for certain diseases of veterans who participated on-site in a radiation-risk activity while serving on active duty, but not for reservists and National Guard members whose on-site participation in a radiation-risk activity occurred while they were serving on active duty for training or inactive duty training.

House bill: Section 207 of H.R. 5326 would have expanded the presumptions of service-connection for radiation-exposed veterans to cover individuals who were serving on active duty for training or inactive duty training while participating on-site in a radiation-risk activity. The resulting presumptions of service-connection would apply with respect to only compensation, dependency and indemnity compensation, health-care services, burial benefits, and survivors' educational assistance.

Senate bill: Section 111 was substantively identical to the House provision except that the presumptions would have applied with respect to all title 38 benefits based on service-connection.

Compromise agreement: Section 105 follows the Senate bill.

TITLE II—LIFE INSURANCE PROGRAMS

National Service Life Insurance Program

Current law: Section 722(a) of title 38 requires VA to provide $10,000 in Service Disabled Life Insurance [SDLI] at standard rates to a veteran released from active duty after April 24, 1951, who has a service-connected disability rated at 10 percent or more than renders the veteran uninsurable. To qualify, the veteran must apply for the policy within one year from the date that service-connection of the disability is determined by VA.

Section 712(a) of title 38 provides that payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months, if that disability began (1) after the date of the insured's application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixty-fifth birthday.

Section 722(b)(1) provides that, in the case of a veteran who (1) the Secretary determines was mentally incompetent from service-connected disability (A) at the time of release from active service, (B) during any part of the 1-year period from the date of service connection of a disability is first determined, or (C) after release from active service but are not rated service-connected until after death; and (2) remained continuously mentally incompetent until death; and (3) died before the appointment of a guardian or within 1 year after the appointment of a guardian, the veteran will be deemed to have applied for and been granted SDVI, as of the date of death, in an amount which, together with any United States Government or National Service Life Insurance aggregates $10,000.

House bill: Section 9(b) of H.R. 1047 as passed by the House on April 11, 1991, would amend section 722 so as to (a) extend from 1 year to 2 years the time period following a determination of service-connection during which a veteran may apply for SDVI; and (b) extend from 1 year to 2 years the time periods, noted above, which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Senate bill: Section 501 would (a) provide supplemental coverage at standard premiums, of up to an additional $10,000 in SDVI to certain veterans who are eligible for a waiver of premiums due to total disability, and (b) specify that a veteran not currently eligible for waiver of premiums of SDVI would have a year, upon notification of eligibility, to apply for the supplemental coverage.

Compromise agreement: Section 201 follows the House bill and provides that the amendment would be effective as of September 1, 1991.

Payment of service disabled veterans' life insurance in lump sum

Current law: Section 722(b)(4) of title 38 provides that SDVI payments to a beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI must be made by a minimum of 120 equal monthly payments.

House bill: Section 10 of H.R. 1047 as passed by the House on April 11, 1991, would require that payments of SDVI under section 722(b)(4) be made in a lump sum and that, in a case in which monthly payments had commenced to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Senate bill: No provision.

Compromise agreement: Section 202 follows the House provision.

Open season for use of dividends to purchase additional insurance

Current law: Under subchapter 1 of chapter 19 of title 38, VA administers the National Service Life Insurance (NSLI) program, which is generally for World War II veterans. Section 707(c) authorized VA, upon application made in writing by an insured before February 1, 1973, to apply any NSLI dividend credits and deposits to purchase paid up insurance.

House bill: Section 11 of H.R. 1047 as passed by the House on April 11, 1991, would establish a 1-year period beginning on July 1, 1991, during which veterans with accumulated dividends on account could use the dividends to purchase additional amounts of paid up life insurance and also would authorize the Secretary to provide for additional 1-year open seasons.

Senate bill: No provision.

Compromise agreement: Section 203 follows the House provision.

TITLE III—HEALTH-RELATED PROVISIONS

Eligibility for outpatient dental care

Current law: Under section 612(b)(1) of title 38, outpatient dental services may be furnished for only (a) a condition that is service connected and compensable in degree; (b) a service-connected condition that is not compensable in degree in the cases of certain recently discharged veterans or of former prisoners of war or if the condition is due to combat wounds or other service trauma; (c) a condition that is associated with and aggravating a disability that was incurred in or aggravated by active-duty service; (d) a condition for which treatment was begun while the veteran was receiving inpatient care and for which outpatient services are necessary to complete the treatment; or (e) a condition of a veteran who either has a service-connected disability rated as total or is a former prisoner of war who was detained or interned for a period of not less than 90 days.

House bill: No provision.

Senate bill: Section 212 would authorize VA to provide medically necessary outpatient dental care in preparation for inpatient admission or to a veteran otherwise receiving VA medical care.

Compromise agreement: Section 301 follows the Senate bill.

Requirement for second opinion for fee-basis outpatient dental care reimbursement

Current law: Section 612(b)(3) of title 38 provides that the total amount which VA may expend during any twelve-month period for contract outpatient dental services for an individual veteran may not exceed $500, unless the Secretary determines prior to the furnishing of such services, that, based on an examination of the veteran by a VA dentist (or, where a VA dentist is not available, a contract or fee-basis dentist), the furnishing of the services at a cost in excess of $500 is reasonably necessary.

House bill: No provision.

Senate bill: Section 228 would increase from $500 to $1,000 the amount that VA may expend during any twelve-month period for the furnishing of outpatient dental services to a veteran under a contract or fee-basis arrangement without requiring the determination of the necessity for the services at that cost based on a VA (or contract) examination.

Compromise agreement: Section 302 follows the Senate provision.

Extension of contract authority for alcohol or drug abuse treatment

Current law: Under section 620A of title 38, VA is authorized to contract for care and treatment and rehabilitative services at various community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or disabilities. This authority expires on September 30, 1991.

House bill: No provision.

Senate bill: Section 214 would have made permanent VA's contract authority for alcohol or drug abuse treatment.

Compromise agreement: Section 303 would extend this contract authority through December 31, 1994.

Extension of authority to make contracts to the Veterans Memorial Medical Center, Republic of the Philippines

Current law: Section 632 of title 38 (a) permitted the President, through September 30, 1990, to authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center (VMMC) in Manila under which (1) the United States was required to provide for payments for hospital care and medical services (including nursing home care) in the VMMC, as authorized by section 624 of title 38 and on the terms and conditions set forth in that section, to eligible United States veterans, and (2) the payments could consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the VMMC; and (b) authorized annual appropriations of $1 million, through fiscal year 1990, to be used for making grants to the VMMC to assist in replacing and upgrading equipment and in rehabilitating the physical plant and facilities of the VMMC. In Public Law 101-507, Congress appropriated $484,000 for fiscal year 1991 for such grants.

House bill: Section 104 of H.R. 5740 would have extended for one year, through September 30, 1991, VA's authority to contract with the VMMC to provide medical care to eligible United States veterans and the authorization of annual appropriations of $1 million for grants to the VMMC.

Senate bill: Section 215 would (a) have extended for five years, through September 30, 1995, VA's authority to contract with the VMMC and the authorization of appropriations of $1 million for grants to the VMMC, and (b) have earmarked $50,000 of the annual appropriations for education and training of VMMC personnel.

Compromise agreement: Section 304 would extend through September 30, 1992, VA's authority to contract with the VMMC for the United States veterans and ratify any VA actions that would have been authorized during the period of October 1, 1990, through the date of enactment as if the extension had been enacted on October 1, 1990.

Educational and licensure requirements for social workers

Current law: There are no provisions in current law imposing educational licensure requirements for VA social workers.

House bill: Section 201 of H.R. 5740 would have required that an individual to be appointed as a social worker in the Veterans Health Administration possess a Master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the state in which the individual is to be employed. These requirements would have applied only to newly hired social workers and would not affect individual social workers currently employed by VA.

Senate bill: Section 205 was substantively identical to the House bill.

Compromise agreement: Section 305 contains this provision.

TITLE IV—REAL PROPERTY AND FACILITIES

Enhanced-use leases and special disposition of property

Lease Authority

Current law: Under section 8122 of title 38, VA may lease its property to a third party for no more than three years.

House bill: No provision.

Senate bill: Section 704 would have established a 4-year (FYs 1991-94) "enhanced-use lease" pilot program under which VA would have been able to enter into extended leases of VA-owned properties and accept in-kind consideration in lieu of or in combination with cash if (1) the Secretary determined that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and will be consistent with and not adversely affect that mission; (2) selection of the lessee was made pursuant to competitive procedures prescribed after consultation with the Administrator of General Services; (3) the term of the lease did not exceed (A) 35 years if construction of a new building or the substantial rehabilitation of an existing building was involved, or (B) 20 years otherwise; (4) a local public hearing was conducted regarding the proposed lease after prescribed notice was given; (5) the Secretary provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register advance notice of VA's intention to designate the property for an enhanced-use lease (with the deadline for the notice being not less than 90 days before entering into the lease if notice was given in the first three months of a calendar year or not less than 180 days before the lease was entered into if notice was given at any time); (6) a second, updated notice containing a cost-benefit analysis was provided to the Committees not less than 30 days before the lease is entered into; and (7) copies of the proposed lease were provided to the Committees not less than 10 days before the lease was entered into.

The use of this extended lease authority with regard to certain VA properties in Southern California would have been prohibited unless (1) the lease was specifically authorized by law; or (2)(A) the property was used solely for child-care services that were provided exclusively for the benefit of VA employees, individuals employed on the premises of the land, and employees of schools affiliated with VA health-care facilities, and (B) the majority of employees benefitted by the service were employed by the Department and the majority of children served were children of VA employees.

Funds received by VA under an enhanced-use lease would have been deposited in VA's Nursing Home Revolving Fund. Any authority for the Secretary to make cash payments to a lessee under an enhanced-use lease would have been required to be provided for in advance in an appropriation Act.

Construction standards for Federal buildings would have applied to construction under an enhanced-use lease. VA's interest in an enhanced-use lease would have been exempt from State and local taxes.

The number of enhanced-use leases would have been limited to not more than 30 under the pilot program and not more than 10 in any fiscal year, not counting any lease the primary purpose of which is the provision of child-care services for VA employees.

Compromise agreement: Section 401 follows the Senate bill, except that (1) the authority to enter into an enhanced-use lease would take effect on the date of enactment and expire December 31, 1994; (2) the Secretary would not be required to consult with the Administrator of General Services before establishing procedures for the competitive selection of lessees; (3) the local public hearing would consider the proposed designation and the uses to be made of the property under a lease of the general character then contemplated, rather than the proposed lease; (4) the deadline for the first notice to the Committees, and the Federal Register notice, of intention to designate the property for an enhanced-use lease would be not less than 60 days of continuous session of Congress before the lease is entered into; (5) the second notice to the Committees would be due not less that 30 calendar days before the lease is entered into; (6) the requirement for submission of a copy of a proposed lease to the Committees 10 days before the lease is entered into is deleted; (7) VA payments to the lessee for the use of space or services could be made without being expressly provided for in an appropriations Act as long as they are made out of funds appropriated for the activities using the space or services; and (8) the number of enhanced-use leases would be limited to 20.

Special Disposition of Property

Current law: Under section 8122 of title 38, the Secretary may not during any fiscal year transfer to another Federal agency or to a State an interest in real property that has an estimated value in excess of $50,000 unless (1) the transfer (as proposed) was described in the budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, and (2) VA receives compensation equal to the fair market value of the property.

The Secretary may, without regard to the above restrictions, transfer property to a State for use as the site of a State home nursing-home or domiciliary facility if (1) the Secretary has determined that the State has provided sufficient assurance that it has the resources necessary to construct and operate the facility, and (2) the transfer is made subject to the condition that, if the property is used at any time for any other purpose, all right, title, and interest in and to the property will revert to the United States.

House bill: No provision.

Senate bill: Section 704 would have authorized the special disposition of a leased property (for cash or other such consideration as the Secretary and the Administrator of General Services jointly determined was in the best interest of the United States) if (1) during the term of the lease or within 30 days after its expiration, the Secretary determined that the leased property was not needed by VA and initiated action for the disposal to the lessee, (2) the Administrator of General Services was requested to carry out a special disposition, and (3) 90 days advance notice was provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register. Funds from a special disposition, minus expenses incurred by the General Services Administration in disposing of the property, would have been deposited in VA's Nursing Home Revolving Fund.

Compromise agreement: Section 401 follows the Senate provision, with the additional requirement that the Secretary determine that disposition of leased properties under this new authority, rather than under section 8122, is in the best interest of the Department.

Acquisition of real property

Current law: Under sections 230 and 1006 and subchapter I of chapter 81 of title 38, the Secretary may establish regional offices and other field offices and acquire lands or interests in land needed for national cemeteries or medical facilities.

Under section 255 of title 40, United States Code, public money may not be expended for the purchase of land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired. The Attorney General may delegate approval responsibility under this section to other departments and agencies, subject to the general supervision by and in accordance with regulations promulgated by the Attorney General.

House bill: Section 305 of H.R. 2280 as passed by the House on June 25, 1991, would authorize the Secretary to acquire and use real property for the purposes of sections 230 and 1006 and subchapter I of chapter 81 of title 38 (1) before the title to the property is approved by the Attorney General, and (2) even though the property would be held in other than fee simple interest if the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

Senate bill: No provision.

Compromise agreement: Section 402 follows the House provision.

Pershing Hall, Paris, France

Current law: No provision.

House bill: H.R. 154 as passed by the House on February 5, 1991, which was derived from H.R. 5506 as passed by the House on October 18, 1990, would place under VA jurisdiction, custody, and control an existing United States memorial, known as Pershing Hall, that was erected in Paris, France, for the use and benefit of American officers and enlisted personnel who served in World War I. The Secretary would be required to administer, operate, develop, and improve Pershing Hall in such manner as the Secretary determines appropriate to meet the needs of veterans (including maintaining an office to disseminate information), respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits. Also, the Secretary would be required, after consultation with the American Battle Monuments Commission, to provide for a portion of Pershing Hall to be dedicated as a memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I. That memorial would be established and supervised by the Commission.

The Secretary would be authorized to enter into agreements for the operation, development, and improvement of Pershing Hall, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated, or 20 years in other areas of the Hall. Consideration for the leases would be in the form of cash or in-kind, or a combination, and would include the value of space leased back to VA, not of rent paid by VA. The Secretary would not be authorized to enter into a lease until the expiration of 60-day period of continuous session of Congress following the date of submission of the proposed lease to the Senate and House Committees on Veterans' Affairs.

This section would establish the Pershing Hall Revolving Fund [PHRF] to be administered by the Secretary, into which would be transferred (1) at such times and in such amounts as determined by the Secretary, up to $1,000,000 in total from funds appropriated to the Department for the construction of major projects, (2) the present balance of the Pershing Hall Memorial Fund, which would be abolished, and (3) proceeds from the operation of Pershing Hall or from any lease agreement involving Pershing Hall. The Secretary would be required to reimburse funds transferred from the major construction account promptly from other funds as they become part of the PHRF. The Secretary of the Treasury would be required to invest any portion of the PHRF that, as determined by the Secretary of Veterans Affairs, were not required to meet current expenses in interest bearing obligations of the United States or guaranteed by the United States. The interest on, and proceeds from any sale of, these obligations would be credited to the PHRF. Additionally, the Secretary would be authorized to expend not more than $100,000 in any fiscal year from the amount in the PHRF—after payment of expenses relating to Pershing Hall and reimbursement of any funds transferred from the major construction account—on projects, activities, and facilities determined by the Secretary to be in keeping with VA's mission. Such expenditures made during a fiscal year would be required to be reported to the Congress by November 1 following the end of that fiscal year.

The Secretary would be authorized to carry out the provisions of this section with regard to provisions of law prescribing procedures and standards for the Secretary in leasing and transferring VA property and declaring such property as excess to VA's needs (section 5022 of title 38), requiring leases of Federal properties to be for cash only and for rental payments to be deposited in the Treasury as miscellaneous receipts (section 393b of title 40, United States Code), and providing for the transfer of excess properties among Federal agencies and for the disposal of surplus properties (sections 483 and 484 of title 40).

Senate bill: No provision.

Compromise agreement: Section 403 follows the House bill but would expressly authorize the Secretary to (1) establish and operate a regional office to assist veterans and their families in obtaining veterans' benefits, and (2) provide allowances and benefits described in section 235 of title 38 to VA employees who are United States citizens and assigned to Pershing Hall.

TITLE V—MISCELLANEOUS

Duration of Compensated Work Therapy Program

Background: Public Law 102-54 authorizes the Secretary of Veterans Affairs in fiscal years 1992-95 to carry out a demonstration program linking compensated work therapy programs with therapeutic transitional housing.

House bill: No provision.

Senate bill: No provision.

Compromise bill: Section 501 would authorize the Secretary to begin to carry out this demonstration program in fiscal year 1991.

Savings provisions for elimination of benefits for certain remarried spouses

Current Law: Section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which repealed sections 103(d)(2), (d)(3), and (e)(2) of title 38, thereby eliminating reinstatement of VA benefits eligibility for certain remarried surviving spouses or married children whose disqualifying marriages (including apparent marriages, for surviving spouses) end by death or divorce. This provision became effective for claims for benefits filed on or after November 1, 1990.

Because the effective date is based on when a claim is filed, rather than on when the disqualifying marriage ends, some spouses and children who qualified for reinstatement on October 31, 1990, lost eligibility for reinstatement for any benefits if they failed to apply before November 1, 1990. In some cases, the spouse or child was reinstated to entitlement for one VA benefit, for which they filed a claim prior to November 1, 1990—for example, dependency and indemnity compensation—but not for other VA benefits or services, such as home-loan guaranty, educational assistance, and CHAMPVA benefits.

House bill: No provision, but on April 11, 1991, the House passed in section 12 of H.R. 1047 legislation to provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry or enter into an apparent marriage on or after that date.

Senate bill: No provision. But on June 26, 1991, the Senate Committee ordered reported in section 8 of S. 775 a provision substantively identical to the House provision.

Compromise agreement: Section 502 follows the provisions in section 12 of H.R. 1047 as passed by the House and in section 8 of S. 775 as ordered reported by the Senate Committee.

Agent orange review

Current law: Section 3 of the Agent Orange Act of 1991, Public Law 102-4, enacted February 6, 1991, requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences (NAS), within two months after enactment, pursuant to which NAS would review scientific information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. The law provides that, if unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS (or the alternative organization) would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) whether there is an increased risk of the disease among those exposed to herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS (or the alternative organization) also would recommend further studies necessary to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents and would provide follow-up reports at least once every two years for the next ten years.

Current law contains no provision directly addressing the issue of the contractor's potential liability in connection with the Agent Orange study.

House bill: No provision.

Senate bill: No provision.

Compromise agreement: Section 503 would authorize the Secretary to provide liability insurance for the NAS (or the alternative contract organization) to cover any claim for money damages awarded in a legal challenge of the study. Claims for money damages would be required to be based on the negligence of an employee or representative of NAS (or the alternative contract organization) in connection with carrying out its responsibilities under the contract. The Secretary would also be authorized to provide reimbursement for reasonable attorney's fees, incidental expenses, and any judgment not covered by insurance. Such reimbursement would be paid from funds appropriated to carry out the study. In no event would such reimbursement come from the judgment fund authorized by section 1304 of title 31, United States Code.

Section 503 would also change from two months after enactment of the Agent Orange Act to two months after the enactment of this measure the time period after which the Secretary must seek to enter into a contract with an alternative scientific organization.

The Committees expect that the enactment of this provision will enable VA and NAS to conclude quickly the contract contemplated by the Agent Orange Act.

Expansion of authority to accept gifts, bequests, and devises

Current law: Under sections 1006, 1007, and 8301-05 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and for veterans' hospitals and homes.

House bill: Section 202 of H.R. 5326 would have allowed the Secretary to accept for use in carrying out all laws administered by the Secretary, gifts, devices, and bequests which would enhance the Secretary's ability to provide services or benefits.

Senate bill: No provision.

Compromise agreement: Section 504 follows the House provision.

Technical amendment relating to collection of certain indebtedness to the United States

Current law: Section 5301(c) of title 38 requires that all sums collected in connection with a debt associated with a veteran's participation in the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan under chapter 73 of title 10, United States Code, through offsets of veterans compensation or pension be deposited into the Department of Defense Military Retirement Fund under chapter 74 of title 10.

House bill: Section 204 of H.R. 5326 would have required that such collections from the Coast Guard members be deposited into the Retired Pay Account of the Coast Guard.

Senate bill: No provision.

Compromise agreement: Section 505 follows the House provision.

Mr. STUMP. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I strongly support H.R. 1047, as amended, and I associate myself with our distinguished chairman's remarks.

One of the Senate's amendments deserves to be briefly highlighted. The so-called enhanced use provision would set up a pilot program for a concept originally proposed by the administration. If the concept proves itself, it could be very important both to the Department of Veterans Affairs and to the future management of Federal property generally.

It would authorize the VA to lease its real property or building space to private businesses for purposes of benefit to the VA.

The VA would have the right to specified services or to use part of the space in any buildings constructed. Any land involved would remain the property of the VA and leases could be up to 35 years. Businesses should be attracted by favorable commercial locations, the reduction of costs and the opportunity for the profitable extended use of improvements.

To provide direct benefit to the VA and veterans, rather than just the Federal Treasury, 25 percent of the net proceeds from enhanced use activities would be retained by the local facility.

It is not our intention that the local facility would have its budget offset or reduced by the amount retained. Rather, it is our intention that the facility budget would be supplemented as an incentive to local management to make the most of enhanced use.

In these days of deficit reduction and severely pinched operating budgets, this new approach to property management could help maintain and even improve critical Federal services, especially to veterans.

The Secretary of Veterans Affairs, Ed Derwinski, and his Assistant Secretary for Acquisition and Facilities, David Lewis, deserve our particular recognition for initiating and promoting enhanced use at the VA.

Mr. Speaker, H.R. 1047 contains several health-related provisions which were originally contained in H.R. 2280, the Veterans' Health and Research Amendments of 1991, which passed the House on June 25.

The provisions contained in the legislation we are considering today would extend the VA's current contract authority for alcohol or drug abuse treatment by 3 years. This program is due to expire on September 30. The bill would also extend the authority to make contracts to the Veterans Memorial Medical Center in the Philippines.

In addition to these needed program extensions, the measure would make changes to the VA's Outpatient Dental Care Program as requested by the Department and would require that the minimum entry requirement for employment of a social worker in the VA be a master's degree in conjunction with licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed.

Mr. Speaker, also among the provisions contained in this measure are several which were contained in H.R. 5326, last year's House-passed COLA bill.

They include expansion of the Secretary's authority to accept gifts and bequests to enhance provision of benefits and services to our Nation's veterans, a change in the presumptive period for occurrence of leukemia in veterans exposed to ionizing radiation from 30 to 40 years, and addition of a presumption of service connection to certain radiation-related diseases to reserve components involved in nuclear tests.

For national service life insurace [NSLI] this measure would provide a 2-year application window. Veterans with accumulated dividends would be provided 1-year open seasons in which to purchase additional amounts of paid up national service life insurance. Further, beneficiaries of veterans covered under the service-disabled life insurance would be entitled to receive lump sum insurance payments.

Finally, I wish to thank Chairman MONTGOMERY and the members of the committee's staff for working out a compromise with the other body.

This measure, with its amendments, will enhance benefits for our deserving veterans. I urge my colleagues to support it.

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Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this measure, H.R. 1047, the Veterans' Compensation Program Improvement Act of 1991. I want to thank our distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], and the gentleman from Ohio [Mr. APPLEGATE] for taking care of so many of our concerns with regard to our veterans, and to make more effective many of the veterans' measures that this body has considered and adopted in the past.

H.R. 1047 authorizes improvements in veterans' compensation and pension programs, by allowing the payment of parents' dependency and indemnity compensation less frequently than monthly if the amount of the annual benefit less than 4 percent of the maximum annual rate payable.

Additionally, this measure prohibits a readjustment in the rating schedule from causing a veteran's compensation amount to be reduced unless an improvement in the veteran's disability is shown to have occurred.

Moreover, H.R. 1047 increases the amount of veterans' mortgage life insurance available to a veteran owning a home to the lesser of $90,000 or the amount of the loan outstanding on the home. Currently, the amount is the lesser of $40,000.

Mr. Speaker, this important measure confirms the support in Congress for our veterans by acknowledging certain conditions as service connected. H.R. 1047 creates a 40-year presumptive period for members of the Reserves who were exposed to atmospheric detonation of a nuclear device during active duty or inactive duty for training and who contract specified diseases or illnesses.

Mr. Speaker, this is a significant veterans' comprehensive omnibus measure. Accordingly, I urge the full support of this measure by my colleagues and I thank the leadership of the Committee on Veterans' Affairs for bringing it to the floor at this time.

Mr. STUMP. Mr. Speaker, under my reservation of objection, I am happy to yield to the chairman of the Subcommittee on Compensation, Pension, and Insurance, the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding. I want to pay my compliments also to our chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for helping to bring us to where we are today. There is an agreement. It has come back from the Senate with the provisions that we had originally sent over. We have most all that we had asked for, with one exception, and I would like to make this suggestion and question our distinguished chairman.

Mr. Speaker, we had the Veterans Mortgage Life Insurance Program that we had, which I thought was one of the most important aspects of this bill. By raising that amount from $40,000 to $90,000, it would not cost the veterans anything. This is for specially adapted housing.

Mr. Speaker, it is my understanding that the Senate decided they would take this out in conformance with the 1990 Budget Act as pay-as-you-go, but that at a later date, this year, they will come back after they have found the cost savings and provide the money that would help to provide for this very necessary bill.

Mr. Speaker, I would ask the gentleman from Mississippi [Mr. MONTGOMERY], am I correct in assuming that?

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the gentleman from Ohio [Mr. APPLEGATE] is correct. He is referring to a provision that was contained in H.R. 1047 as passed by the House on April 9, which would have increased insurance coverage under the Veterans Mortgage Life Insurance Program from a maximum of $40,000 to $90,000, which the gentleman was strong in support of this provision. This would have cost $2 million during fiscal year 1992.

Mr. Speaker, in order to hold down the cost of H.R. 1047, the Senate suggested, and it was mutually agreed to, that we would delete this provision from the bill, with the understanding that later this year the provision will be favorably acted on when we can find the $2 million over there. That provision will be put back in the bill.

Mr. APPLEGATE. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. MONTGOMERY] for that explanation, and would thank the gentleman, along with the gentleman from Arizona [Mr. STUMP], for all the work they have put into bringing us to where we are today.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, I wish to commend the gentleman from New York [Mr. GILMAN] for his interest in veterans programs. Every bill that we bring up, the gentleman from New York [Mr. GILMAN] is here and has comments on. I certainly want to thank the gentleman for his support over the years in helping veterans.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 1047, which improves the quality and delivery of medical care for our Nation's veterans. The House previously showed its commitment to this type of legislation when it passed a similar bill, H.R. 2280, the Veterans' Health and Research Amendments of 1991, on June 25.

In particular, H.R. 1047 authorizes the DVA to extend its Outpatient Dental Care Program and extends by 3 years the DVA's current contract authority for the treatment of drug or alcohol abuse.

This bill also strengthens the requirements that a DVA social worker must meet prior to being hired. A social worker would be required to have at least a master's degree in conjunction with licensure, certification or registration requirements, if any, of the State in which the social worker is to be employed.

I urge my colleagues to support H.R. 1047 in order to continue to provide our veterans with the quality health care they deserve.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and include extraneous matter, on H.R. 1047, the legislation just considered.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

VETERANS' COMPENSATION RATE AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1046) to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, as amended.

The Clerk read as follows:

H.R. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 4.8 PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$80" in subsection (a) and inserting in lieu thereof "$84";

(2) by striking out "$151" in subsection (b) and inserting in lieu thereof "$158";

(3) by striking out "$231" in subsection (c) and inserting in lieu thereof "$242";

(4) by striking out "$330" in subsection (d) and inserting in lieu thereof "$346";

(5) by striking out "$470" in subsection (e) and inserting in lieu thereof "$493";

(6) by striking out "$592" in subsection (f) and inserting in lieu thereof "$620";

(7) by striking out "$748" in subsection (g) and inserting in lieu thereof "$784";

(8) by striking out "$865" in subsection (h) and inserting in lieu thereof "$907";

(9) by striking out "$974" in subsection (i) and inserting in lieu thereof "$1,021";

(10) by striking out "$1,620" in subsection (j) and inserting in lieu thereof "$1,698";

(11) by striking out "$2,014" and "$2,823" in subsection (k) and inserting in lieu thereof "$2,111" and "$2,959", respectively;

(12) by striking out "$2,014" in subsection (l) and inserting in lieu thereof "$2,111";

(13) by striking out "$2,220" in subsection (m) and inserting in lieu thereof "$2,327";

(14) by striking out "$2,526" in subsection (n) and inserting in lieu thereof "$2,647";

(15) by striking out "$2,823" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,959";

(16) by striking out "$1,212" and "$1,805" in subsection (r) and inserting in lieu thereof "$1,270" and "$1,892", respectively; and

(17) by striking out "$1,812" in subsection (s) and inserting in lieu thereof "$1,899".

(b) SPECIAL RULE.—The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

(1) by striking out "$96" in clause (A) and inserting in lieu thereof "$101";

(2) by striking out "$163" and "$50" in clause (B) and inserting in lieu thereof "$171" and "$52", respectively;

(3) by striking out "$67" and "$50" in clause (C) and inserting in lieu thereof "$70" and "$52", respectively;

(4) by striking out "$77" in clause (D) and inserting in lieu thereof "$81";

(5) by striking out "$178" in clause (E) and inserting in lieu thereof "$187"; and

(6) by striking out "$149" in clause (F) and inserting in lieu thereof "$156".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$436" and inserting in lieu thereof "$457".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	*Monthly rate*	*Pay grade*	*Monthly rate*
E–1	*$623*	*W–4 .....*	*$893*
E–2	*641*	*O–1 ......*	*788*
E–3	*659*	*O–2 ......*	*813*
E–4	*700*	*O–3 ......*	*871*
E–5	*719*	*O–4 ......*	*921*
E–6	*735*	*O–5 ......*	*1,016*
E–7	*770*	*O–6 ......*	*1,147*
E–8	*813*	*O–7 ......*	*1,238*
E–9	*[1]850*	*O–8 ......*	*1,357*
W–1	*788*	*O–9 ......*	*1,456*
W–2	*820*	*O–10 ....*	*[2]1,597*
W–3	*844*		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $917.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,711.".

(2) by striking out "$68" in subsection (b) and inserting in lieu thereof "$71";

(3) by striking out "$178" in subsection (c) and inserting in lieu thereof "$187"; and

(4) by striking out "$87" in subsection (d) and inserting in lieu thereof "$91".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$299" in clause (1) and inserting in lieu thereof "$313";

(2) by striking out "$431" in clause (2) and inserting in lieu thereof "$452";

(3) by striking out "$557" in clause (3) and inserting in lieu thereof "$584"; and

(4) by striking out "$557" and "$110" in clause (4) and inserting in lieu thereof "$584" and "$115", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$178" in subsection (a) and inserting in lieu thereof "$187";

(2) by striking out "$299" in subsection (b) and inserting in lieu thereof "$313"; and

(3) by striking out "$151" in subsection (c) and inserting in lieu thereof "$158".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this Act shall take effect on December 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1046 and H.R. 175.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1046, as amended, would provide a 4.8-percent cost-of-living adjustment in compensation and DIC benefits, effective December 1.

Members may recall that the veterans' COLA bill was delayed last year due to some problems in the other body. This year we are proposing a clean bill. It contains no other provisions, I hope the Senate will pass it without amendments.

Before I yield to the very able chairman of the Subcommittee on Compensation, Pension, and Insurance, Mr. APPLEGATE, for an explanation of the bill, I want to thank him for his work on this important measure.

I also want to thank the gentleman from Arizona [Mr. STUMP], the ranking minority member.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. APPLEGATE], the chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, H.R. 1046, as reported, would provide a 4.8-percent cost-of-living adjustment in the rates of compensation for veterans suffering from service-connected disabilities and in the rates of dependency and indemnity compensation [DIC] paid to surviving spouses and children of veterans whose deaths are service-connected.

The increased rates in the reported bill would become effective on December 1, 1991.

While we will not know what the actual change in the Consumer Price Index [CPI] will be until some time in October, the current CBO baseline projects the need for an adjustment in benefit levels of 4.8 percent. The cost-of-living adjustment provided in the reported bill is consistent with the baseline and corresponds exactly with the level of funding provided in the budget resolution for the COLA during fiscal year 1992 of $486 million.

As always, should the actual change in the CPI be higher, I will fully support whatever COLA is necessary to insure that the eroding effect of inflation on these benefits is fully offset.

Mr. Speaker, I want to acknowledge the outstanding leadership of the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, as well as the ranking minority member, the gentleman from Arizona [Mr. STUMP], for they have done outstanding work in taking care of the veterans of this country and seeing that their needs are met.

Mr. Speaker, this is a very important bill, a clean bill, which has been brought to the floor in short order. We certainly hope that with this continued support, we will see that same kind of support come from the other side of this building.

Mr. Speaker, I include for the RECORD a more detailed explanation of the bill as reported.

PROPOSED COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE ADJUSTMENTS

Sections 2 through 7 of H.R. 1046 would provide, effective December 1, 1991, a 4.8 percent cost-of-living adjustment in the rates of compensation and dependency and indemnity compensation.

Should the proposed 4.8 percent rate increase be enacted, the changes in compensation and DIC rates would be as follows:

COMPENSATION AND DIC RATES EFFECTIVE DEC. 1, 1991

	Increase (monthly rate)	
	From	To
Percentage of disability or subsection under which payment is authorized:		
(a) 10 percent	$80	$84
(b) 20 percent	151	158
(c) 30 percent	231	242
(d) 40 percent	330	346
(e) 50 percent	470	493
(f) 60 percent	592	620
(g) 70 percent	748	784
(h) 80 percent	865	907
(i) 90 percent	974	1,021
(j) 100 percent	1,620	1,698
Higher statutory awards for certain multiple disabilities:		
(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of these organs: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	66	66
(k)(2) Limit for veterans receiving payments under (a) to (j) above	2,014	2,111
(k)(3) Limit for veterans receiving benefits under (l) to (n) below	2,823	2,959
(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200) visual acuity or less), permanently bedridden or so helpless as to require aid and attendance	2,014	2,111
(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance	2,200	2,327
Percentage of disability or subsection under which payment is authorized:		
(n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis	2,526	2,647
(o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent of total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis	2,823	2,959
(p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed	2,823	2,959
(p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed	2,823	2,959
(p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed	2,823	2,959
(p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of	2,823	2,959
(q) [This subsection repealed by Public Law 90–493.]	....	....
(r)(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates	1,212	1,270
(r)(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate	1,805	1,892
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	1,812	1,899
(t) [This subsection repealed by Public Law 99–576.]		

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below:

	Increase (monthly rate)	
	From	To
If and while veteran is rated totally disabled and—		
Has a spouse	$96	$101
Has a spouse and child	163	171
Has no spouse, 1 child	67	70
For each additional child	50	52
For each dependent parent	77	81
For each child age 18-22 attending school	149	156
Has a spouse in nursing home or severely disabled	178	187
Has disabled, dependent adult child	178	187
Pay grade:		
E–1	594	623
E–2	612	641
E–3	629	659
E–4	668	700
E–5	686	719
E–6	701	735
E–7	735	770
E–8	776	813
E–9	[1] 811	[1] 850
W–1	752	788
W–2	782	820
W–3	805	844
W–4	852	893
0–1	752	788
0–2	776	813
0–3	831	871
0–4	879	921
0–5	969	1,016
0–6	1,094	1,147
0–7	1,181	1,238
0–8	1,295	1,357
0–9	1,389	1,456
0–10	[2] 1,524	[2] 1,597

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $917.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,711.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

	Increase (monthly rate)	
	From	To
One child	$299	$313
Two children	431	452
Three children	557	584
Each additional child	110	115

SECTION-BY-SECTION ANALYSIS OF H.R. 1046

Section 1 states that this Act may be cited as the Veterans' Compensation Rate Amendments of 1991.

Section 2 would amend present section 314 of title 38, relating to the rates of service-connected disability compensation.

Subsection (a) of section 2 would amend subsections (a) through (j) of present section 314 to increase by 4.8 percent the basic monthly rates of compensation paid to veterans with service-connected disabilities rated from 10 to 100 percent. The Committee bill would also increase by 4.8 percent:

The higher rates of compensation authorized under subsections (l) through (o) and (s) of section 314 for veterans with certain combinations of severe disabilities;

The maximum amount payable monthly to a veteran under subsection (p), which authorizes the Secretary to pay the next higher rate or intermediate rate to a veteran whose disabilities exceed the requirements for any of the rates prescribed in section 314, or who is both blind and deaf;

The rates payable monthly under subsection (r) to veterans who are in need of aid and attendance; and

The rate payable under subsection (s) to veterans who are permanently housebound.

Subsection (b) of section 2 would authorize the Secretary to increase by 4.8 percent the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38. Public Law 85-857 generally codified in title 38 of the United States Code the law relating to veterans' benefits; section 10 of that law provides that any person who was receiving benefits as a veteran on December 31, 1958, under public laws administered by the VA but not so codified, is to continue to receive benefits at the rates payable under such public laws or under corresponding provisions of title 38, whichever is the greater, so long as he or she remains eligible.

Section 3 would amend paragraph (1) of present section 315 of title 38, relating to additional compensation payable monthly to veterans with service-connected disabilities rated as 30 percent or more disabling who have spouses, children or dependent parents, to increase those allowances by 4.8 percent. Under paragraph (2) of present section 315, which is not amended by the Committee bill, the additional compensation payable for dependents to veterans rated from 30- to 90-percent disabled is prorated, so that, for example, a veteran rated at 30 percent receives 30 percent of that amount specified in paragraph (1) of section 315.

Section 4 would amend present section 362 of title 38, relating to the clothing allowance payable annually to a veteran receiving compensation whose disability requires the use of a prosthetic or orthopedic appliance or appliances, including a wheelchair, that tends to wear out or tear the veteran's clothing, to increase that allowance by 4.8 percent.

Section 5 would amend present section 411 of title 38, relating to the rates of dependency and indemnity compensation (DIC) for the surviving spouses of veterans whose deaths are service connected.

Clause (1) of section 5 would amend subsection (a) of present section 411 to increase by 4.8 percent the DIC benefit payable monthly to the surviving spouse of a veteran who has died as a result of service-connected disability. Under current law, a surviving spouse's DIC is paid according to the pay grade—service rank—of the deceased veteran. The DIC rate payable to the surviving spouses of veterans who had attained the grades of E-1 through O-10 would be increased by 4.8 percent, and proportionate increases would be provided in the rates payable to the surviving spouses of veterans who had served in positions specified in footnotes 1 and 2 to the table of grades and rates in existing section 411 of title 38, United States Code.

The enactment of these increases would automatically result in identical increases in the benefits payable at DIC rates under sction 418 of title 38 to surviving spouses of certain veterans compensated at the 100-percent rate whose deaths were not service connected.

Clause (2) of section 5 would amend subsection (b) of present section 411 of title 38 to increase by 4.8 percent the dependents' allowance for each child under the age of 18 to a surviving spouse receiving DIC.

Clause (3) of section 5 would amend subsection (c) of present section 411 of title 38 to increase by 4.8 percent the additional amount of DIC payable monthly to a surviving spouse who is a patient in a nursing home or who is helpless or blind or so nearly helpless or blind as to be in need of regular aid and attendance.

Clause (4) of section 5 would amend subsection (d) of present section 411 of title 38 to increase by 4.8 percent the DIC payable monthly to a surviving spouse who is so disabled as to be permanently housebound.

Section 6. Subsection (a) of section 6 would amend present section 413 of title 38, relating to DIC for surviving children of veterans whose deaths were service-connected, to provide a 4.8 percent increase in the monthly rates of DIC payable to the veteran's children where no surviving spouse is entitled.

Benefits payable at DIC rates under section 418 of title 38 to the surviving children of certain veterans compensated at the 100 percent rate whose deaths were not service connected would also be automatically increased as a result of this increase.

Subsection (b) of section 6 would amend present section 414 of title 38, relating to supplemental DIC for certain surviving children.

Paragraph (1) of subsection (b) would amend subsection (a) of present section 414 to provide a 4.8 percent increase in the additional allowance payable monthly to a child eligible for DIC who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (2) of subsection (b) would amend subsection (b) of present section 414 to provide a 4.8 percent increase in the DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (3) of subsection (b) would amend subsection (c) of present section 414 to provide a 4.8 percent increase in the additional DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child pursuing a course of education approved under present section 104 of title 38.

Section 7 would provide that the amendments made by the Act shall take effect on December 1, 1991.

I want to take just a minute to acknowledge the outstanding leadership of the chairman and the ranking minority member, Mr. STUMP, in bringing this bill to the floor in such short order.

I urge all Members to support passage of this bill.

□ 1300

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1046, the Veterans' Compensation Rate Amendments of 1991.

I want to congratulate the chairman of our committee, SONNY MONTGOMERY, and the chairman of the Subcommittee on Compensation, Pension and Insurance, Mr. APPLEGATE, for bringing this bill to the floor before the August district work period. Also, I wish to commend both gentlemen for preserving H.R. 1046 as a clean bill, particularly in view of the problems we encountered with last year's COLA legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 1046, a measure to increase the rates of disability compensation for veterans.

I would like to commend the gentleman from Ohio [Mr. APPLEGATE] for introducing this important measure, and the distinguished chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for their unceasing efforts on behalf of our Nation's veterans.

H.R. 1046 authorizes a 4.8-percent cost-of-living adjustment [COLA] which will take effect December 1, 1991, for disabled veterans as well as families of veterans who died from service-connected injuries.

Mr. Speaker, 2.5 million service-connected disabled veterans depend on their VA compensation payments and the delay of a VA COLA constitutes an unjust hardship. The passage of this important measure will confirm the support in Congress for our Nation's veterans.

This measure increases the rates of veterans' disability compensation, additional compensation for veterans' dependents, the clothing allowance for certain disabled veterans, dependency and indemnity compensation for surviving spouses and children, and supplemental dependency and indemnity compensation for disabled adult children.

Additionally, H.R. 1046 authorizes the Secretary of Veterans Affairs to adjust administratively the rates of disability compensation payable to persons who are not in receipt of compensation for service-connected disability or death.

Mr. Speaker, last year regrettably, Congress was unable to approve a VA COLA. It's time to send a clear message to our Nation's veterans that Congress acknowledges their diligence and dedication. Let us not permit any delay in approving this year's VA COLA.

Accordingly, I urge my colleagues to fully support this measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I want to point out to my colleagues that this is a 4.8-percent cost-of-living increase for compensation of DIC persons who are affected by this legislation, and I would say we are sorry we had this problem last year on the compensation programs. But thanks to Mr. APPLEGATE and Mr. STUMP, who is the ranking member of this subcommittee, and others, we have the bill before the Congress to vote on today, one of our most important pieces of legislation that we will bring up.

We do have the blue sheets on the Democratic side that further explain this bill and the next bill that we will bring up.

Ms. LONG. Mr. Speaker, today the House will consider the bill H.R. 1046, the Veterans' Compensation Rate Amendments of 1991.

H.R. 1046 would enact a standard 4.8-percent cost-of-living adjustment [COLA] payable to service-connected disabled veterans and their families for fiscal year 1992. We owe so much to our veterans, and passage of this legislation will reaffirm our commitment to those persons who have made grave sacrifices to protect the United States and our allies.

Last fall, during the budget negotiations, COLA legislation was delayed for so long that it was not enacted during the 101st Congress. As a result, anxious veterans were forced to wait until January of this year to receive the benefits that they have earned through their military service.

I am sure that my colleagues will agree that we must not have a repeat of last year's events. I urge the Congress and President Bush to move quickly and decisively on behalf of veterans by enacting H.R. 1046.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to commend Chairman MONTGOMERY and the ranking member, Mr. STUMP, for their hard work in bringing H.R. 1046 to the floor today.

As the chairman has stated, H.R. 1046, the Veterans' Compensation Rate Amendments of 1991, will provide a 4.8 percent cost-of-living increase, effective December 1, in compensation benefits for service-connected disabled and their eligible dependents.

It is imperative that we pass this legislation in an expedient manner and avoid the fiasco of last Congress when over 2 million disabled veterans were unexpectedly denied a cost-of-living increase before the 101st Congress adjourned. Fortunately this situation was remedied at the start of the 102d Congress when legislation was passed to provide veterans with a cost-of-living increase retroactively. Nonetheless, we did our veterans a great disservice in the 101st Congress, one not to be repeated in the 102d Congress.

I urge my colleagues to support H.R. 1046.

Mr. ALEXANDER. Mr. Speaker, I rise in support of this legislation which recognizes that we owe a debt to those who have been called on to defend our freedom.

They left families and friends to go to Europe or Vietnam or Iraq, because their country called.

Some never came back from those conflicts. Others came back with lifelong disabilities.

There is no way to place a price on either sacrifice.

All we can do is to ensure that they are not forgotten.

For those who returned with disabilities, it is within our power to make their lives as comfortable as possible.

I am happy to see that this bill contains an increase in monthly disability compensation to our veterans with service-connected disabilities effective December 1.

And, I am pleased that increases are also included in payments which go to spouses, children or parents of veterans who died as a result of service-connected disabilities.

These benefits will in no way make up for lives lost or those forever altered by disability, but they can help to make life more comfortable for our disabled veterans or for the relatives of those who paid the ultimate price.

Mr. SMITH of Florida. Mr. Speaker, I rise in support of H.R. 1046. Chairman MONTGOMERY'S amendment is a fine one and is worthy of the support of this body.

The bill increases the monthly disability compensation payments to veterans with service-connected disabilities by 4.8 percent, effective on December 1, 1991, and increases the monthly payments to spouses, children, or parents of veterans who died as a result of service-connected disabilities, also effective on December 1, 1991, by 4.8 percent.

Liberty and justice are the birthright of every person alive. In some nations, however, those rights are trampled on. Once in a very long while, our men and women are called into combat to fight against those who would seek to squelch those inalienable rights. Their service, in which they risk their lives, is an honor to us all.

As we know, many veterans have been wounded in combat. Some of these veterans reside in my south Florida district. I see them often and hear their stories. The patriotism that these people have exhibited is a model for all of us. To slightly increase the amount of money that we given these veterans and their families is a small price to pay for the service that they have given to this country.

That is why I am proud to support the veterans' compensation rate amendments.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1572

Mr. OLIN. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. EDWARDS] be removed as a cosponsor of H.R. 1572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HUGH DAVIS MEMORIAL WING

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 175), to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the Hugh Davis Memorial Wing.

The Clerk read as follows:

H.R. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLINICAL WING AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN SALEM, VIRGINIA.

The clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, the construction of which began in 1988, shall be known and designated as the "Hugh Davis Memorial Wing". Any reference to such clinical wing in any law, map, regulation, document, paper, or other record of the United States shall be considered a reference to the "Hugh Davis Memorial Wing".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 175 would name a clinical wing at the VA Medical Center in Salem, VA, the Hugh Davis Memorial Wing.

Since 1945, 28 hospitals have been named by Congress in honor of Presidents of the United States and other distinguished individuals.

The naming of a clinical wing for an individual as proposed by H.R. 175 would be the first time a portion of a medical center has been named by the Congress.

Earlier this year, our distinguished colleague from Virginia, Mr. OLIN, introduced H.R. 175 which was referred to our committee. In a very short time the bill received unanimous approval by all members of the Virginia congressional delegation and veterans service organizations chartered in the State. The committee concurs with the sponsors of the legislation that due to the unique management skills and the compassion Mr. Davis displayed in his service to veterans over the years, it is very appropriate that a wing of the medical center bear his name.

Hugh Davis was a World War II veteran. He was inducted into the Army in June 1943 and served with distinction until his discharge in 1946.

Following discharge from the Army, Mr. Davis continued his Federal service with the Veterans' Administration in Nashville, TN. He served the veterans of our country from 1946 until his death in March 1989.

Mr. Davis served as director of the Salem VA Medical Center for almost 17 years. During the course of his career, he held top management positions. Before becoming director at Salem, Mr. Davis served as Assistant Director of the VA Medical Centers in Biloxi, MS, Fayetteville, AR, and Mountain Home, TN.

Mr. Davis served as Director of the VA Medical Center in Hot Springs, SD, until his transfer to Salem in 1972.

Mr. Speaker, I urge my colleagues to support this bill that honors a very dedicated former VA employee.

Mr. Speaker, I yield such time as he might consume to the gentleman from Virginia, Mr. OLIN, the sponsor of this legislation.

Mr. OLIN. Mr. Speaker, I would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] for bringing H.R. 175 to the floor and for their kind remarks.

Mr. Speaker, I rise today to express my support for H.R. 175, a bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the Hugh Davis Memorial Wing.

It is only fitting to name this new outpatient/nursing clinical addition after the late Hugh Davis. As the past Director of the medical center, Hugh Davis was the driving force behind getting the Veterans' Administration to fund this new facility. Mr. Davis' distinguished career spans not only the 17 years he served as Director of the Salem VA Medical Center, but includes a total of 47 years of service for the Federal Government.

His Federal career began in 1942, when Mr. Davis filled a position as a clerk-typist for the U.S. Army—which then drafted him to fight for his country in World War II from 1943 until 1946. Once the war was over, Mr. Davis returned to Federal service with the Veterans' Administration. He continued his education while advancing through the ranks of the Veterans' Administration, holding various fiscal and accounting positions. Elevating him to administrative positions, the VA took Mr. Davis from Tennessee, Indiana, Kentucky, Washington, DC, Mississippi, Arkansas, and finally to Salem, VA, in July 1972, where he remained until his death. In 1980, he was appointed assistant dean of the University of Virginia School of Medicine, and was promoted to associate dean in 1986. Hugh Davis was an active civic leader, as well. He was a member of the board of the United Way, Roanoke Chapter of the American Red Cross, Kiwanis, Veterans of Foreign Wars, American Legion, and a life member of the Disabled American Veterans and the list goes on.

Hugh Davis anticipated the future needs of the veterans in southwest Virginia, and dedicated his career to meeting those needs. He worked tirelessly to achieve a medical center that provided a wide range of high quality medical services for the veterans it served. He was responsible for numerous modernization and construction projects. However, his major construction accomplishment, which was termed by many as his pet, was the new five-floor clinical addition that is scheduled to be finished in 1992. The new addition will contain 268 beds and will provide consolidation of clinics, nursing units, and support services currently located in six separate buildings. This new building will also correct patient privacy, space, and functional deficiencies, which were goals of Mr. Davis throughout his tensure as Director. Hugh Davis deserves at least this memorial for guiding his medical center from an antiquated psychiatric facility to the modern, psychiatric and surgical hospital that it is today.

H.R. 175 has the support of the entire Virginia delegation, the House Veterans' Committee and all the major Virginia veterans organizations. As my friend and colleague, Chairman MONTGOMERY, stated in the CONGRESSIONAL RECORD upon the death of Mr. Davis in 1989:

> He is going to be missed not only at the hospital, but throughout the Virginia veterans community and in the Halls of Congress where he maintained a cooperative working relationship with those of us involved in veterans' affairs.

When family, friends, employees, and the veterans community came to me to request this memorial, it was my honor to introduce this bill. The new clinical addition to the Salem VA Medical Center is a final monument to Hugh Davis for his lifelong dedication to veterans, the Veterans' Administration and his community.

□ 1310

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 175, a bill which will name the new clinical wing of the Department of Veterans Affairs Medical Center in Salem, VA for its former director, Huge E. Davis.

Mr. Davis served as the director of the medical center from July 1972 until his death on March 5, 1989. During that time, Mr. Davis distinguished himself as an outstanding administrator and advocate on behalf of veterans. His distinctive service is highly deserving of this honor.

Mr. Speaker, I urge unanimous passage of H.R. 175.

Mr. Speaker, I yield such time as he may consume to the ranking member on the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, as the ranking member on the Veterans' Affairs Subcommittee on Hospitals and Health Care, I want to lend my support to H.R. 175, which designates a clinical wing at the DVA Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing."

During his 17 years as the director of the Salem VAMC, Mr. Davis spearheaded the medical center's expansion to include an outpatient/nursing clinical addition and a chapel. It is only fitting that a wing of this medical center be dedicated to Mr. Davis in recognition of the contribution he made to providing area veterans with a comprehensive range of services.

I urge my colleagues to support H.R. 175.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds to tell Members that I believe this is certainly worthy.

It is wonderful to help people like Mr. Davis who worked for the Veterans' Department in dedication to helping others.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 175. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY, JULY 31, 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, July 30, 1991, it adjourn to meet at 11 a.m. on Wednesday, July 31, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

JOINT REFERRAL OF H.R. 2092 TO COMMITTEE ON FOREIGN AFFAIRS AND COMMITTEE ON THE JUDICIARY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the bill (H.R. 2092) to carry out obligations of the United States under the U.N. charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extra judicial killing, which was originally referred to the Committee on Foreign Affairs, be jointly referred to the Committee on Foreign Affairs and the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING TRANSFER OF CERTAIN NAVAL VESSELS TO THE GOVERNMENT OF GREECE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2901) to authorize the transfer by lease of 4 naval vessels to the Government of Greece.

The Clerk read as follows:

H.R. 2901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO LEASE.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease the following "CHARLES F. ADAMS" class guided missile destroyers to the Government of Greece: "JOSEPH STRAUSS (DDG–16), SEMMES (DDG–18), RICHARD E. BYRD (DDG–23), WADDELL (DDG–24). A lease under this Act may be renewed.

(b) APPLICABLE LAW.—Such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796A; relating to reports to Congress) shall only apply to renewals of the lease.

SEC. 2. COSTS OF LEASE.

Any expense of the United States in connection with the lease authorized by section 1 shall be charged to the Government of Greece.

SEC. 3. CONSIDERATION FOR LEASE.

Norwithstanding section 321 of the Act of June 30, 1931 (40 U.S.C. 303b), the lease of the ships described in section 1(a) may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ships by the Government of Greece.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act unless the lease authorized by that section is entered into during that period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2901. The purpose of H.R. 2901 is to authorize the transfer of four naval vessels to the Government of Greece. These ships have been determined to be not needed for public use. All four vessels have been in the naval inventory for over 20 years. These transfers by lease are pursuant to the United States-Greece Mutual Defense Cooperation Agreement of 1990. Further, since the vessels have exceeded 75 percent of their normal service lives, the rental payments will be waived but all costs for maintenance, repairs, and training will be assumed by the Government of Greece. The lease of these four ships will be at no cost to the U.S. Government. The Congressional Budget Office has prepared a cost estimate of this legislation, which I will submit for the RECORD at this point.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2901, a bill to authorize the transfer by lease of four naval vessels to the Government of Greece, as ordered reported by the House Committee on Foreign Affairs on July 23, 1991. Enactment of the bill would result in no significant costs or savings to the federal government, and would not affect the budgets of state or local governments.

The bill authorizes the lease of four guided missile destroyers to the Government of Greece. Two of the destroyers currently are decommissioned, while two are scheduled to be decommissioned within the next two years. No lease payments would be received for use of the destroyers, but the Government of Greece would be responsible for any costs associated with the lease, as well as for any costs associated with maintenance and repairs.

The provisions of the bill do not affect direct spending or receipts of the federal government, therefore enactment of the bill would have no pay-as-you-go implications.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kent Christensen who can be reached at 226–2840.

Sincerely,
ROBERT D. REISCHAUER.

Mr. Speaker, I fully support the transfer of these ships to the Government of Greece and believe that the transfer will further enhance the close cooperation between our two governments. I urge my colleagues to support this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman the gentleman from Florida [Mr. FASCELL] indicated, the purpose of this legislation is to authorize the transfer of four naval vessels to the Government of Greece.

The administration has assured me that the four guided missile destroyers—U.S.S. *Joseph Strauss*, U.S.S. *Semmes*, U.S.S. *Richard E. Byrd*, and U.S.S. *Waddell*—are no longer needed in the United States active inventory.

Further, the U.S. Navy strongly supports the lease of these vessels to advance the valuable, cooperative relationship that we have developed with the Greek navy.

All costs associated with the initial 5-year lease, including maintenance, repairs, and training, as well as any costs associated with the initial transfer of the destroyers, are to be borne by the Government of Greece.

I support this technical legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend our distinguished chairman, the gentleman from Florida [Mr. FASCELL] and our distinguished ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for bringing the measure to the floor at this time.

I call to the attention of my colleagues that this proposal of leasing four *Charles Adams* class guided missile destroyers to the Government of Greece does not encumber our budget in any manner. This bill specifies that any United States' expense involving the lease of these destroyers will be charged to the Government of Greece. The CBO estimates that enactment measure would result in no significant costs or savings to our Government.

I believe that this is an appropriate measure to help one of our important allies in that part of the world.

Accordingly, I urge my colleagues to support the measure.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 2901.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HELSINKI HUMAN RIGHTS DAY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 264) designating August 1, 1991, as "Helsinki Human Rights Day," as amended.

The Clerk read as follows:

H.J. RES. 264

Whereas August 1, 1991, is the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereinafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia.

Whereas the Helsinki accords express the commitment of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the participating States have committed themselves to "ensure that their laws, regulations, practices and policies conform with their obligations under international law are brought into harmony with the provisions of the Declaration of Principles and other CSCE commitments";

Whereas the participating States have committed themselves to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States";

Whereas the participating States have recognized that respect for human rights is an essential aspect for the protection of the environment and for econmomic prosperity;

Whereas the participating States have committed themselves to respect fully the right of everyone to leave any country, including their own, and to return to their country;

Whereas the participating States have affirmed that the "ethnic, cultural, linguistic and religious identify of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identify without any discrimination and in full equality before the law";

Whereas the participating States recognize that "democratic government is based on the will of the people, expressed regularly through free and fair elections; and democracy has as its foundation respect for the person and the rule of law; and democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person";

Whereas on November 21, 1990, the heads of State or government from the signatory States signed the Charter of Paris for a New Europe, a document which has added clarity and precision to the obligations undertaken by the States signing the Helsinki accords;

Whereas the Conference on Security and Cooperation in Europe has made major contributions to the positive developments in Eastern and Central Europe and the Union of Soviet Socialist Republics, including greater respect for the human rights and fundamental freedoms of individuals and groups;

Whereas the Conference on Security and Cooperation in Europe provides an excellent framework for the further development of genuine security and cooperation among the participating States; and

Whereas, despite significant improvements, all participating States have not yet fully implemented their obligations under the Helsinki accords; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1991, the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory States to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory State which may be in violation;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is further requested, in view of the considerable progress made to date, to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain, including the question of self-determination of peoples.

SEC. 2. The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors to the United States of the other 34 Helsinki signatory States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 264, as amended, designating August 1, 1991 as Helsinki Human Rights Day.

This measure, which is similar to legislation we have passed in previous years, was considered by the Subcommittee on Human Rights and International Organizations and the Subcommittee on Europe and the Middle East. The full Committee on Foreign Affairs considered and reported the resolution favorably on July 23, 1991. The committee adopted a technical amendment changing the number of Helsinki signatory countries from 33 to 34 to include Albania, which recently became a member of the Conference on Security and Cooperation in Europe. The resolution was also referred to the Committee on Post Office and Civil Service which, because of the timeliness of the measure, waived consideration so that we could bring it to the floor today. I would like to thank the distinguished chairman of the Post Office Committee, Mr. CLAY for his cooperation in this regard and I include our correspondence on this measure in the RECORD at this point.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 23, 1991.

Hon. WILLIAM CLAY,
Chairman, Committee on Post Office and Civil Service, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee on Post Office and Civil Service waive considertion of H.J. Res. 264, to designate August 1, 1991 as "Helsinki Human Rights day", without prejudice to the committee's jurisdiction. This legislation has been referred jointly to the Committees on Foreign Affairs and on Post Office and Civil Service.

Because of the timeliness of this measure, the Committee on Foreign Affairs, which approved H.J. Res. 264 on July 23, 1991, would like to schedule it for Floor consideration under suspension of the rules as soon as possible.

Your cooperation in this matter would be greatly appreciated.

With best wishes, I am
Sincerely yours,
DANTE B. FASCELL,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, July 24, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of July 24, 1991, I am pleased to advise you that this Committee is willing to waive consideration, without prejeudice to this jurisdiction, of H.J. Res. 264 ("Helsinki Human Rights Day"), which has been jointly referred to our Committees. I have no objection to your requesting the House to consider this matter.

With kind regards,
Sincerely,
WILLIAM L. CLAY,
Chairman.

Mr. Speaker, while the Helsinki signtory countries, particularly those of Eastern and Central Europe, have made great strides in ensuring respect for human rights and fundamental freedoms in their countries in the last 2 years, serious problems still remain. Whether it is the suppression of the independence movement in the Baltic States, the virtual civil war in Yugoslavia, the plight of the Kurdish minority in Turkey, or the resurgence of antisemitism in Romania, the denial of the rights of ethnic or religious minorities continues to jeopardize these nations' progress toward democratization and the peace and prosperity of the entire region. Recent and disturbing events in several countries involving ethnic minorities demonstrate the need to continue to emphasize protection of human rights, especially ethnic and minority rights.

This resolution, which calls upon the President to commemorate August 1, 1991 as Helsinki Human Rights Day and continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki Final Act by all Helsinki signatories, makes an important contribution toward that end. I commend the chairman of the Helsinki Commission and chief sponsor of the resolution, Mr. HOYER, for his continuing efforts in this regard. Mr. HOYER has long been a champion of human rights around the world and has been relentless in his efforts to keep human rights at the forefront in our foreign policy dialog with every country and that we in Congress and the executive branch make every effort to ensure that the fundamental human rights of all people are respected. For the leadership that the gentleman has shown over the years, especially during his chairmanship of the Helsinki Commission, we should all be extremely grateful. I urge the adoption of the resolution.

☐ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 16 years ago, when the Helsinki Final Act was signed, its ideals were widely praised. The peoples of Europe and North America, whether free or living under Communist dictatorships, all hoped that human rights would one day be respected throughout Europe.

For many years, the Communist governments that signed the Helsinki

Final Act routinely violated its provisions. Now most of these governments have been overthrown by their own people. Democratic government is taking root in Eastern Europe. The events of 1989 were a triumph for the values contained in the Helsinki accords.

Recent events demonstrate the need for continued emphasis on respect for human rights. Tensions between nationalities in Eastern Europe and the Soviet Union and Communist attempts to stop or reverse political reform have resulted in violence, repression, and even civil war. These developments threaten the new freedoms of Eastern Europe and the Soviet Union as well as the stability of all of Europe.

By designating August 1, 1991, as Helsinki Human Rights Day, Congress will publicly reaffirm the crucial importance of the protection and promotion of human rights. I commend the Bush administration for its efforts to support human rights in Europe and hope that it will continue to make the protection of human rights a cornerstone of its European policy.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for House Joint Resolution 264, designating August 1, 1991, as "Helsinki Human Rights Day." August 1, 1991, represents the 16th anniversary of the signing of the Helsinki accords and I would like to commend our distinguished colleague, the gentleman from Maryland [Mr. HOYER] for introducing this measure.

The legislation before us notes that it has been 16 years since the Helsinki Final Act was signed by 35 signatory nations, each pledged to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all, without distinction as to race, sex, language, or religion." In the years that followed, we have seen our State Department and the Helsinki Commission at the forefront, speaking out against human rights abuses among many of the signatory nations. Very often, abuses in the Soviet Union were among the focal points of our ongoing efforts.

The creation of the Helsinki Commission was an acknowledgment of the growing dominance of the human rights on the international agenda. Its adoption was a landmark event, allowing the United States to press nations on human rights issues despite the frequent protestation that human rights were internal matters.

Mr. Speaker, this legislation authorizes and requests the President to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory states to abide by their obligations, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

The President is further requested to continue his efforts to achieve implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory state which may be in violation.

Accordingly, Mr. Speaker, I commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], as well as our ranking Republican member of our Foreign Affairs Committee, Mr. BROOMFIELD, for expeditiously bringing this measure before us. Accordingly, I urge its full support by my colleagues.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER], the chairman of the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I thank the chairman of the full committee, the gentleman from Florida [Mr. FASCELL] and also the gentleman from Michigan [Mr. BROOMFIELD], the ranking member, for as the gentleman from New York [Mr. GILMAN] has stated, their facilitation in bringing this resolution to the floor.

We commemorate in this resolution, which I had the privilege of cosponsoring with many other Members, Helsinki Human Rights Day. I understand the chairman had some nice things to say to me before I got on the floor, and I thank the gentleman for that; but let me say, Mr. Speaker, that no Member of this House or of the U.S. Senate has been any more in the forefront of furthering the Helsinki Final Act and the principles for which it stands than has our chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL].

Indeed, the gentleman from Florida [Mr. FASCELL] embodies the Helsinki Commission as it relates to the United States. Those of us who have had the opportunity of traveling to CSCE meetings know that for the Helsinki signatory states, the gentleman from Florida [Mr. FASCELL] is the leader of the CSCE process in the United States.

As the present chairman of the Helsinki Commission and sponsor of this resolution, I rise in strong support of House Joint Resolution 264, which designates August 1, 1991, as Helsinki Human Rights Day.

Joining me in cosponsoring this bill are over 70 of my colleagues, including all the House Members of the Helsinki Commission.

In addition, identical legislation passed the Senate, I am pleased to say, on June 26, introduced by my distinguished cochairman of the Commission, Senator DECONCINI.

On August 1, 1975, representatives from 35 European states, the United States, and Canada, joined in signing the Final Act of the Conference on Security and Cooperation in Europe. This agreement, commonly known as the Helsinki accords, covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation, and human rights and human contacts.

During the past few years, we have seen a dramatic improvement in the human rights situation of the signatory countries. All of the Eastern and Central European nations, as well as all of the Republics of the Soviet Union have held free and fair elections. Most of the countries in Eastern and Central Europe have banished the Communist and Socialist labels from their country titles. Citizens in most instances are free to travel and practice their religion; not universally, but in most instances; independent presses have been established.

The Senate is in the process of ratifying a conventional forces in Europe Reduction Treaty. International cooperation occurs on environmental disasters, such as the Chernobyl nuclear accident. Signatory states are working together to try to settle ethnic conflicts that threaten to tear nations apart which was seen most dramatically demonstrated in Yugoslavia.

□ 1330

This cooperation and these successes are a testament to the Helsinki process—a process that is bringing Europe together and making our world more secure.

Yet, Mr. Speaker, as all of us know problems persist. The Baltic States of Latvia, Lithuania, and Estonia struggle for the independence they so rightly deserve, republics in the Soviet Union seek to determine their futures, free from center intervention; ethnic strife in Armenia and Azerbaijan threatens to explode into a major war. In Eastern and Central Europe, anti-Semitic, anti-Roma and other forms of ethnic intolerance have emerged, sometimes exploding in violence.

It is for the above reasons, Mr. Speaker, that we must continue to speak out on behalf of human rights violations in the 35 Helsinki countries.

Mr. Speaker, as we have seen the progress attained, as we have seen the Iron Curtain come down, as we have seen the intermediate-range missiles accord and now the START accord and the CFE Treaty reached, it would appear that the world is more stable and more secure. I would accept that premise.

But to some degree it is a more complicated world in which we now live, where the nuances, particularly the human rights violations, may be lost in the possible euphoria of a more secure East/West relationship.

It is, therefore important that we reassert, reemphasize, and recommit ourselves to making sure that the principles of the Helsinki Final Act in reaching a more secure world, a more cooperative world and a more just treatment of individuals is indeed attained.

It is an ideal toward which the free world and indeed all mankind must strive and be eternally vigilant as individuals confront governments that from time to time undermine the rights of its citizens.

Mr. Speaker, I thank the gentleman from Florida, Mr. FASCELL, the chairman of the Committee on Foreign Affairs, for his leadership, which has been so beneficial not only to those of us who live in this Nation, but to the hundreds of millions of people who live in the Soviet Union, and Central and Eastern Europe, who have been benefited by the leadership of chairman FASCELL on these critical issues.

In closing, this resolution once again reasserts our Nation's commitment to the Helsinki accords. I urge adoption of the joint resolution here in the House and urge the other signatory states to fully implement the human rights and humanitarian concerns of the Helsinki Final Act.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude on my side by saying once again that I thank the distinguished gentleman from Maryland [Mr. HOYER], chairman of the Helsinki Commission. Under his leadership it has done an outstanding job.

I want to commend him for the continuation of that work and for the very important point that he just addressed; that is, the fact that there is democratization taking place around the world, and it seems there is a lessening of tensions with the reduction in the confrontation of East and West, but that has also given rise to a whole new series of problems which sometimes have a tendency to be overlooked.

I have never ceased to marvel at man's ability for inhumanity to man; I have never ceased to marvel and be depressed, I might say in a general philosophical sense, about the way we sometimes treat human dignity around the world. And now with the rise of freedoms and liberalization in some places, we find the whole new rash of nuances that the gentleman from Maryland has pointed out, which could give rise to all types of difficulties with respect to human rights and the dignity of individuals. This points out the necessity to do what the gentleman does in this resolution; that is, to emphasize the continuing need of people everywhere, but particularly in the United States as a leader in the world, to remember constantly that this struggle against the inhumane treatment of individuals is a constant struggle.

It seems a shame to have to say that and it seems almost a paradox that you have to pass a resolution to keep reminding people; but the reality is that that is exactly what we have to do, otherwise who would begin to guess at the extent of savagery that would be inflicted on people?

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of House Joint Resolution 264 and as a Member who has long been active in the cause of human rights in Eastern and Central Europe, this Member rises in strong support of Helsinki Human Rights Day.

The Helsinki process has, since its conception in 1975, been a vital instrument in bringing democracy and respect for basic human rights to Eastern and Central Europe.

The Helsinki accords—which call for freedom of thought, conscience, religion, without distinction as to race, sex, or language—are a milestone in man's effort to secure basic rights and liberties.

The progress has been remarkable, and nations that once honored the Helsinki accords in the breach—nations like Poland, Czechoslovakia, and Hungary—now have exemplary human rights records.

The goals of the Helsinki process were reaffirmed at the Paris summit of 1990, as all the nations of Europe—and the United States—now are participants. The Helsinki process also figured prominently at the recent G–7 meeting. No doubt the Helsinki accords will be discussed when President Bush meets with Mikhail Gorbachev in Moscow this week.

The Helsinki process has gained in momentum, and the CSCE is now taking a leadership role in shaping the future of Europe. There is now a permanent secretariat in Prague, and a Conflict Prevention Center in Vienna.

Unfortunately, the Conflict Prevention Center is being sorely tested at this moment—the disintegration of Yugloslavia is the first major test of the post cold war. We all hope and pray that the Helsinki process will be able to contribute to a peaceful settlement in the Balkans.

Yet the crisis in Yugloslavia in no way diminishes the important contribution of the Helsinki accords. It is altogether proper, therefore, that the Congress should recognize Helsinki Human Rights Day.

As an original cosponsor of House Joint Resolution 264, this Member commends the author of this resolution, the gentleman from Maryland [Mr. HOYER] and the many others who have toiled to ensure that the Helsinki process is preserved. This Member would strongly urge the adoption of this resolution.

Mr. PORTER. Mr. Speaker, it is a pleasure for me to join my colleagues in celebrating the signing of the Helsinki final accords by designating August 1, 1991, as Helsinki Human Rights Day.

If there is one word that can summarize the world today, it's change. Fortunately change has meant a victory for those of us who champion human rights.

In the 16 years since the accords were signed, human rights and democracy have become household words. Now, as never before, many governments are striving to bring greater freedoms to their citizens. Where the Helsinki accords once served primarily as a beacon of light for those suffering around the world, now, in many cases, the promises described in those documents have been fulfilled.

But much work remains to be done. Innocent people continue to suffer, often because of ancient ethnic hatreds, and as individuals have gained more freedom, ethnic strife has escalated. We have seen Yugloslavia move dangerously close to civil war in the past weeks since the Republics of Croatia and Slovenia have declared independence. We have also seen the Baltic Republics declare independence from the Soviet Union and the central Soviet Government respond with unnecessary brutality.

It is the responsibility of the Government of every country to respect the fundamental rights of each and every citizen. For if the Government does not set a lawful example for its people, the rule of law does not exist.

And it is our responsibility in the U.S. Congress, to continue to pressure the signatories of the Helsinki final accords to respect all basic human freedoms.

It is with great respect for the Helsinki process that I acknowledge the many accomplishments of the past year and it is a personal honor for me to serve as a member of the Helsinki commission.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the joint resolution, House Joint Resolution 264, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING RESURGENT ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 186) condemning resurgent anti-Semitism and ethnic intolerance in Romania.

The Clerk read as follwos:

H. CON. RES. 186

Whereas in December 1989, after decades of harsh repression by successive communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

Whereas this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

Whereas a reunited Europe, meaning a harmonious community of free and friendly nations, must be established on the basis of full respect for human rights, including the rights of minorities, and a rejection of anti-Semitism and other forms of ethnic and religious intolerance;

Whereas the newly gained freedom in Romania has allowed the formation of new social and political organizations and the establishment of new publications free of direct government control;

Whereas this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

Whereas Romania's parliament, instead of condemning these developments, itself stood in a moment of silence recently for the extreme nationalist Ion Antonescu who was responsible for the murder of approximately 250,000 Romanian Jews and was executed as a war criminal;

Whereas the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to participate in the commemoration of the 50th anniversary of the mass murder of Romania's Jews by the Antonescu government;

Whereas even that recent solemn commemoration was marred by anti-Semitic heckling against Professor Wiesel; and

Whereas these extremist organizations and their activities continue despite the Romanian Government's affirmation of its commitment to fight against discrimination on the grounds of race, color, national origin, or religion: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) urges the Government of Romania to continue to speak out against anti-Semitism and to work actively to promote harmony among Romania's ethnic and religious groups;

(3) calls on the people of Romania to resist the negative appeal of these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to continue to take steps toward greater respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 186, condemning resurgent anti-Semitism and ethnic intolerance in Romania. This measure, which I introduced last week, along with Representatives GEJDENSON and LANTOS, is similar to Senate Concurrent Resolution 52, introduced by Senators DODD, LIEBERMAN, and LAUTENBERG. It addresses the disturbing signs of anti-Semitism and other forms of bigotry and intolerance that have manifested themselves recently in Romania with little or no opposition from the leadership of that country.

While most of the countries of central and eastern Europe have peacefully transformed themselves from totalitarian dictatorships to nascent democracies, Romania has experienced great difficulty in establishing a stable transition to democracy. Violence marked the overthrow of the Ceausescu government and, unfortunately, violence, or the threat of it, continues to be a hallmark of Romanian political life. Another hallmark appears to be intolerance.

In fact, extremism characterized by a vicious intolerance of minorities, seems to be on the rise in Romania. While I applaud the greater political liberalization that has allowed independent organizations and publications to flourish, I deeply regret the anti-Semitic and bigoted nature of many of these groups and their activities. Just a few weeks ago, we witnessed a disturbing and very regrettable example of this kind of anti-Semitism when Nobel Peace laureate Elie Wiesel was heckled during his speech in Iasi in Romania commemorating the 50th anniversary of the mass murder of Romania's Jews by the war-time Antonescu government. It is absolutely unacceptable and deplorable that such anti-Semitic manifestations can take place in the Europe of 1991.

I believe the Government of Romania should be doing much more to condemn the repugnant anti-Semitic and other ethnically intolerant sentiments prominent in Romania today. While I recognize that some members of the Romanian Government have spoken out against discrimination and intolerance, I note with particular regret that the parliament of Romania has not only refrained from such condemnations of anti-Semitism but has even gone so far as to observe a moment of silence for Ion Antonescu, who was responsible for the deaths of so many Romanian Jews in World War II.

In order to become a true democracy, Romania needs to become a pluralistic society, one where the rights of minorities are respected and differing viewpoints are tolerated. This meaure calls on the Government of Romania to speak out against anti-Semitism more forcefully and to work actively to promote harmony among Romania's ethnic and religious groups. It calls on the people of Romania to reject those organizations promulgating anti-Semitism, and animosity toward ethnic minorities, and to work to strengthen the forces of tolerance and pluralism existing in Romanian society.

□ 1340

If we are going to have true democracy, and it seems that the people of the world have made that commitment now, after all these long years of intolerance, why allow a small group to continue to raise these questions again? These acts are hard to understand, whatever their basis may be in history and it is the kind of thing that we recognize has to be stopped immediately. If not, it just simply continues to feed upon itself and create a problem for all humanity, and that is the purpose of this resolution.

Mr. Speaker, we know the Romanian Government has worked hard. We know they have made some progress. But to stand mute as long as these acts continue, is not the hallmark of a strong democratic effort. It is certainly not the benchmark of anything that is humanitarian.

Therefore, I urge the House to strongly support this important resolution and send a signal to the Government of Romania that the world community will not remain mute and turn a blind eye to acts of ethnic intolerance, wherever they occur and in whatever form they take.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rise of anti-Semitism in Romania is another troubling indication of the ethnic hatreds that must be overcome in Eastern Europe in order to bring about lasting democracy.

Under the former Communist regime, Romania had a poor record on the treatment of ethnic minorities. It is time for the new leaders of Romania to make a break with the past and overcome ethnic prejudice. Community and government leaders must have the courage to confront these prejudices and ensure that the abuses and horrors of the past are not repeated.

I support this resolution calling on the Romanian Government to take steps against ethnic prejudice and to secure the internationally recognized human rights of all minority groups. If such abuses persist without adequate redress or reproach, I would certainly support limiting assistance to the Romanian Government.

Those in Romania who seek to reinterpret or glorify the Holocaust must not go unchallenged. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 186, and I commend the gentleman from Florida, [Mr. FASCELL] for his outstanding work in introducing it.

In 1989, the world watched as decades of rule by one of the most ruthless and dictatorial regimes in history, the

Ceaucescu regime in Romania, came to a swift and violent end. The world hoped and prayed that Romania had had its last taste of repression and tyranny. It was hoped that Romania would rapidly assume a role among the community of nations of Central and Eastern Europe in establishing a free and democratic political system, and movement toward a free market economy.

The downfall of communism should represent the establishment of a harmonious community of free and friendly nations based on full respect for human rights, including the rights of minorities and a rejection of anti-Semitism and all other forms of racism and prejudice.

The new-found freedom in Romania has allowed the formation of new social and political organizations and the establishment of new publications free of direct Government control. Regrettably, this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism and anti-Semitism.

Mr. Speaker, this resolution condemns the resurgence of anti-Semitism and ethnic animosity in Romania and calls on the Romanian Government to work actively to promote harmony among Romania's ethnic and religious groups, and calls upon the Romanian people to resist the negative appeal of these racist messages that are becoming so prevalent in Romanian society.

Accordingly, Mr. Speaker, I urge my colleagues to fully support passage of this measure.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, let me first of all thank the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], for yielding this time to me. I also want to commend him for introducing this resolution and for facilitating its consideration by the House.

Mr. Speaker, I asked to speak on the resolution because it has a kind of special significance for me. Almost a century ago my grandmother came to the United States from Romania, and in 1977, during the course of a trip to Romania, I undertook to visit the city in Romania from which she had come. It is known as Iasi.

Mr. Speaker, when I got to Iasi, knowing really nothing about it, I had no idea whether it was a little village or a large city. I discovered, much to my amazement, that it was the second largest city in the country. It had a Jewish community of about 4,000 people.

But what most interested me was that, around the turn of the century, when my grandmother had come here as a young woman, Iasi was considered the Jerusalem of Eastern Europe. There were over 150 synagogues, and a flourishing Jewish community. I was told that the first Yiddish play in history was performed there shortly before the turn of this century.

But what most moved me about my experience in Iasi was the discovery that in June 1941, almost 50 years ago, 1 week after the Nazis had commenced their invasion of the Soviet Union and other parts of Eastern Europe, a pogrom took place in Iasi at the hands of the Romanians themselves in which several thousand Jewish people in the city were rounded up, herded to the town square where they were all killed by machine gun fire. Another several thousand Jewish people were then put on a train, which became known as the "Train of Death," and that train simply shuttled back and forth around the Romanian countryside for a week or two without stopping, without opening the doors to provide the people with food, or water, or anything else, until literally every one of the Jewish people from Iasi who had been put on that train had died. It subsequently became known as the Iasi pogrom, one of the most terrible of all the spontaneous pogroms that took place in Eastern Europe at that time.

I subsequently discovered, by the way, that the Israeli Ambassador to the United States several years ago, Meir Roseanne, was a young boy growing up in Iasi at the time. He was only 9 when the pogrom took place, and he and his parents survived because they hid in the basement of their home. But that was a very traumatic experience. While I was in Iasi, they took me to the Jewish cemetery where they have a massive grave for all of the victims of the Iasi pogrom, and on the headstone of that grave they have a quotation from the chief rabbi of Romania. He had delivered a eulogy many years after to the people who had died there, in which he said that on that day the Sun and the Moon stood still because of the shameful events that were taking place in Iasi.

□ 1350

That is why I find it so incredible that in spite of the tragic fate which befell the Jewish community in Romania, as in so many of the other countries of Eastern Europe, even now more than a half a century after those terrible events took place, things are happening in Romania which suggest that the people of that country do not seem to have learned the lessons of their own tragic history.

I simply cannot understand how it is possible for the Romanian Parliament to be adopting resolutions paying tribute to a man who is responsible for these events.

Now the tyrant Ceausescu is gone and a new chapter is supposed to be beginning in Romanian history. All of us here hope that it will now be possible to develop a much closer and more cooperative relationship with a truly democratic Romania. But I think it is very important for the leaders of Romania and for the Romanian people to know that any new and more creative and constructive and enduring relationship between the United States and Romania will not be possible if the people and parliament of that country, instead of condemning the more horrible and inhumane aspects of their history, instead pass resolutions celebrating it.

So I think this is a constructive resolution. I think it is appropriately worded. I think it sends a very important but respectfully phrased message to the people of Romania. Hopefully they will give it the consideration to which it is entitled, as they decide how best to deal with their own past and the future.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to associate myself with the remarks of the chairman and the ranking member, the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from Ohio [Mr. GILLMOR], as well as the moving remarks of the gentleman from New York [Mr. SOLARZ], who has a very personal response—as do so many of our fellow citizens as they recall parents, spouses, brothers and sisters, relatives, friends, and neighbors who have suffered as a result of the irrational hatreds and the vilest of acts visited upon one human being by another.

Mr. Speaker, at the recent CSCE experts meeting on national minorities, anti-Semitism and ethnic intolerance were prominent among the issues raised by members of the Helsinki Commission staff who served on the U.S. delegation. In recent months, the American press has focused much attention on the situation in Romania. The disturbing wave of anti-Semitism and ethnic hatred in Romania, expressed in the extremist press and in the actions of certain organizations, has understandably aroused concern.

On June 4, the Government of Romania issued an official declaration condemning and distancing itself from anti-Semitic and racist press articles. This is a welcome step forward, especially given the ambiguous relationship that some Romanian officials, including the Prime Minister, have entertained with the extremist press thus far. But in a climate of instability and tension, occasional statements may not be enough. Leadership demands a bold and consistent demonstration of beliefs, especially when they are controversial. Leadership demands setting a clear standard for others.

Mr. Speaker, individuals who hate Jews—or for that matter, any other minority—can be found in any society, unfortunately, including our own. The issue we should address, therefore, is the willingness of governments to respond to such hatred and activities and combat the influence of such people and groups. We should not advocate the restriction of freedom of speech or association. Indeed, our country rigorously defends those rights, even when it means defending the right to favor intolerance.

But when intolerance inspires criminal acts, those acts must be severely criticized and swiftly prosecuted. And leaders at every level of government should openly and loudly condemn such attitudes and actively promote tolerance, mutual understanding, and equal rights.

That is what the Helsinki Final Act was about, in many respects. Mr. Speaker, anti-Semitism has persisted through the ages. Its pernicious effects are harmful not only to Jews but also to the non-Jews whose minds it corrupts and whose humanity it undermines.

Mr. Speaker, Romania is facing a tremendous series of challenges as it struggles to make the transition to a market economy and a democratic society, but religious or ethnic intolerance could hinder progress by dividing society at a time when cooperation and mutual respect are essential.

It is ironic that Romania for the most part under Ceausescu banished or at least allowed to emigrate most of its Jewish population. There remains in Romania a small residue of the once large Jewish population.

Religious or ethnic intolerance, as I said, could hinder the progress that Romania is attempting to make.

On July 24, the Romanian Ministry of Culture urged the Government to reprimand two of the most vicious papers, Romania Mare and Europa, for what has been called "incitement to violence and hatred among ethnic groups."

Mr. Speaker, this century has been replete with the chronicles of millions of deaths arising out of the hatred that we know as anti-Semitism or racism or some other manifestation of irrational, negative feelings of one individual toward another.

I commend the chairman and the ranking member for presenting this resolution. It is an important statement, a reaffirmation that our focus continues to be on the proper and just treatment of individuals by their government and by their fellow citizens.

Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I want to commend my distinguished colleagues Mr. FASCELL, Mr. LANTOS, and Mr. GEJDENSON for bringing before the House the issues of anit-Semitism and ethnic intolerance in Romania.

These issues are timely indeed, not only in Romania but throughout East-Central Europe and in all 34 CSCE participating states.

At the recent CSCE Experts Meeting on National Minorities, anti-Semitism and ethnic intolerance were prominent among the issues raised by members of the Commission staff who served on the U.S. delegation.

In recent months, the American press has focused much attention on the situation in Romania. The disturbing wave of anti-Semitism and ethnic hatred in Romania, expressed in the extremist press and in the actions of certain organizations, has understandably aroused concern. On June 4, the Government of Romania issued an official declaration condemning and distancing itself from anti-Semitic and racist press articles.

This is a welcome step forward, especially given the ambiguous relationship that some Romanian officials, including the Prime Minister, have entertained with the extremist press thus far. But in a climate of instability and tension, occasional statements may not be enough. Leadership demands a bold and consistent demonstration of beliefs, especially when they are controversial. Leadership demands setting a clear standard for others.

Individuals who hate Jews—or other minorities—can be found in any society, including our own.

The issue we should address is the willingness of governments to respond to such activities and combat the influence of such people and groups. We should not advocate the restriction of freedom of speech or association; indeed, our country rigorously defends those rights, even when it means defending the right to favor intolerance. But when intolerance inspires criminal acts, it must be prosecuted. And leaders at every level of government should openly and loudly condemn such attitudes, and actively promote tolerance, mutual understanding, and equal rights.

Mr. Speaker, Romania is not alone in confronting this problem. In the Soviet Union, the loosening of central controls over society has liberated many anti-Semitic groups and newspapers associated with official organizations. Communist forces and candidates in elections have tried to discredit reform and reformers by linking them to Jews, and the Soviet leadership appears reluctant to condemn anti-Semitism unequivocally and openly.

Anti-Semitism has persisted through the ages. Its pernicious effects are harmful not only to Jews but also to the non-Jews whose minds it corrupts and whose humanity it undermines.

Yet it is particularly troubling in societies undergoing transitions, since anti-Semitism has historically been tied to forces of reaction. Its appearance in the political arena in unsettled times strikes at the prospects for lasting, fundamental reform and democratization. It is precisely because antidemocratic forces have attacked democracy and freedom of opportunity—including economic opportunity—by labeling them as "Jewish" or "pro-Jewish" that political leaders who truly value democracy should take a public stand.

Mr. Speaker, Romania is facing a tremendous series of challenges as it struggles to make the transition to a market economy and a democratic society. But religious or ethnic intolerance could hinder progress by dividing society at a time when cooperation and mutual respect are essential. On July 24, the Romanian Ministry of Culture urged the Government to reprimand two of the most vicious papers, Romania Mare and Europa for what has been called "incitement to violence and hatred among ethnic groups."

We should encourage our colleagues in Romania, and in other countries undergoing transition, to take a strong stand on these issues, and to actively promote tolerance and understanding. I believe that our own history, and our ongoing efforts to foster interethnic harmony, are testament both to the advances that can be made and to the need for responsible governments to tackle such issues diligently and consistently.

Again, I want to thank my colleagues Mr. FASCELL, Mr. LANTOS, and Mr. GEJDENSON for bringing these important issues before the House. They are issues that touch the very bedrock of democratic values, and they are especially vital in these swiftly changing times.

Mr. FASCELL. Mr. Speaker, I thank the distinguished chairman of the Helsinki Commission, the gentleman from Maryland [Mr. HOYER]. I concur wholeheartedly in his remarks, and I agree with him on the importance of this resolution.

Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I thank the chairman for yielding me the time and also for his leadership on this very important issue.

I rise in support of the legislation which will strongly condemn the resurgence of organized anti-Semitism and ethnic animosity in Romania. In the last 2 years, we witnessed some truly remarkable events in Eastern and Central Europe. Perhaps one of the most gratifying of all was the overthrow of Ceausescu in Romania. Sadly, however, it was easier to do away with the man than to do away with the legacy of hatred, prejudice, and violence that were hallmarks of his reign of terror.

In the year and a half since the end of the Ceausescu era, there have been far too many instances of organized acts demonstrating racism, anti-Semitism, and ethnic prejudice. Outright acts of violence have been perpetrated against the Gypsy minority and against the ethnic Hungarians living in their ancestral homeland of Transylvania.

In 1989, shortly after the revolution, ethnic Hungarians were victims of premeditated, well-organized street violence that ended in bloodshed and grave injury to many community leaders. The tragic irony is that the revolution that delivered all Romanians from their ordeal under Ceausescu began in the churches of Transylvania.

More recently, Mr. Speaker, against the backdrop of the solemn 50th anniversary of the mass murder of Jews by the Romanian army, the parliament of Romania celebrated the memory of Ion Antonescu, who himself was responsible for the murder of approximately 250,000 Romanian Jews and indeed was executed as a war criminal.

□1400

During consideration of laws pertaining to the Romanian police, the lower house of Parliament struck from the text the word "anti-Semitism" that otherwise banned racism, facism, and xenophobia. The matter is still pending in the Romanian Parliament.

Mr. Speaker, it is critically important for us to send, as this resolution does, a very clear message to the Romanian people, that the Government has sent signals, the Parliament has sent signals, that anti-Semitism is a way of life in Romania and will continue to be such. It has sent signals that violence against ethnic Hungarians, violence against Gypsies, and violence against other ethnic minorities will be tolerated by the Government.

Mr. Speaker, it is critical for us to send a loud and clear message, as this resolution does, that any attempt on the part of the Romanian Government to achieve most-favored-nation trading status, to achieve any kind of closer relationship with the United States, to join fully the world economy, will be dependent and heavily dependent on their adopting the most minimal standards of human rights for all of their citizens, and on their condemning in the strongest possible terms the horrors of the Nazi era Iron Triangle in Romania, and on their willingness to recognize and live with that history, and not try and pass resolutions, not just to forget that history, but indeed to celebrate mass murderers. That sticks in the craw of every single American, and it is critical for us to send that message to the Romanian Government and the Romanian Parliament.

Mr. Speaker, I urge Members to vote for this resolution.

Mr. GREEN of New York. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 186, which condemns resurgent anti-Semitic and ethnic intolerance in Romania.

The newly gained freedom of expression as a result of the December 1989 overthrow of the Communist regime of Nicolae Ceausescu has led to the formation of new social and political organizations within Romania. Unfortunately, at the same time, however, that also had led to a revival of ethnic hatred and anti-Semitism.

The Romanian Parliament, instead of condemning those developments, recently held a moment of silence for Ion Antonescu, who was responsible for the murder of approximately 250,000 Romanian Jews. He later was executed as a war criminal.

In addition, most recently, when Nobel Peace laureate author, humanist, and Holocaust survivor Elie Wiesel visited Romania, the country of his birth, on the 50th anniversary of the mass murder of Romania's Jews, he was confronted with anti-Semitic heckling.

I also long have been concerned with the Romanian Government's treatment of those of Hungarian origin residing in Transylvania. The Government repeatedly has attempted to stamp out their language and cultural identity. That clearly is reprehensible.

Those actions must not go unnoticed by the rest of our world. Acts of ethnic bigotry and anti-Semitism will not be tolerated.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 186, condemning religious and ethnic intolerance in Romania.

At the end of 1989, a group of former Communists, dissidents, army generals, and others violently overthrew the Communist dictator of Romania, Nicolae Ceausescu. A new government was formed after multiparty elections were held 6 months later.

At first there was strong international support when the newly formed Government of Romania stated its commitment to economic reform and the improvement of human rights conditions.

It has become apparent, however, that, although great advancements have been made in human rights, there are still many serious concerns and Romania's human rights record remains dismal.

Ethnic minorities continue to seriously suffer under the central Romanian Government. Hungarians in Transylvania are systematically denied the rights accorded other Romanians, and Gypsies throughout the country are treated as second-class citizens. In addition, renewed incidents of anti-Semitism have led Romanian Jews to fear Government policies toward ethnic and religious minorities.

It is clear that Romania faces an awesome task of creating a free and fair Government out of the ruins of one of the most repressive Communist regimes in Eastern Europe. But without respecting the fundamental rights of each and every individual in their country, Romania will not move forward and enter the community of free nations.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. ATKINS] for his most eloquent statement and reasoning for this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 186.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 186.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING HUMAN RIGHTS ABUSE IN THE ISLAMIC REPUBLIC OF MAURITANIA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution—House Concurrent Resolution 176—expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania, as amended.

The Clerk read as follows:

H. CON. RES. 176

Whereas the Government of the Islamic Republic of Mauritania, under the leadership of Colonel Maaouya Ould Sid'Ahmed Taya, engages in a consistent pattern of gross violations of internationally recognized human rights;

Whereas the Department of State, in its Country Reports on Human Rights Practices for 1990, stated that the human rights situation in Mauritania continued to deteriorate in 1990, with the government engaging in extrajudicial killings and torture;

Whereas political power in Mauritania remains firmly in the hands of the ruling "Beydanes" (Moors of Arab/Berber descent) and has been used to persecute and marginalize black Mauritanians from the Halpulaar, Wolof, Soninke, and Bambara ethnic groups;

Whereas members of these ethnic groups have been subjected to gross abuses of human rights by the Government of Mauritania, including the following: (1) the forcible expulsion in 1989 and 1990 of up to 60,000 black Mauritanians into Senegal and 10,000 into Mali, where most continue to reside in refugee camps; (2) the burning and destruction of entire villages and the confiscation of livestock, land, and belongings of black Mauritanians by the security forces in 1989 and 1990 in an effort to encourage their flight out of the country; (3) the death in detention as a result of torture, neglect, or summary execution of at least 500 political detainees, following the arrest of between 1,000 and 3,000 black Mauritanians in late 1990 and early 1991; (4) discrimination against non-Hassaniya-speaking black Mauritanians in all walks of life including unequal access to education, employment, and health care; (5) an aggresive policy of "Arabization" designed to eradicate the history and culture of black ethnic groups; and (6) the use of state authority to expropriate land from black communities along the Senegal River Valley through violent tactics;

Whereas, despite the formal abolition of slavery in 1980, the practice continues in regions of Mauritania;

Whereas on June 5, 1991, seven opposition political leaders were arrested in Mauritania after they announced the formation of a coalition of opposition political groups; and

Whereas these gross abuses of human rights violate Mauritania's obligations under the Universal Declaration of Human Rights, the Convention to End All Forms of Racial Discrimination, the Convention on the Abolition of Slavery, the African Charter on Peoples' and Human Rights, and provisions of the Mauritanians Constitution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) deplores and condemns the Government of Mauritania's persecution of non-Hassaniya-speaking black Mauritanians and the continued practice of slavery in Mauritania;

(2) calls upon the Government of Mauritania to abide by its international obligations and the provisions of the Mauritanian Constitution to protect the rights of all Mauritanians;

(3) calls upon the Government of Mauritania to permit an impartial investigation by independent Mauritanian organizations into the death in detention of hundreds of black Mauritanians and to bring to justice those responsible;

(4) calls upon the Government of Mauritania to permit international human rights and humanitarian organizations (including the International Committee of the Red Cross, Africa Watch, Amnesty International, and international medical organizations) to conduct fact-finding missions to Mauritania;

(5) calls upon the Government of Mauritania to take immediate steps to enforce Mauritanian law and end the practice of slavery;

(6) welcomes recent actions by the Government of Mauritania, including the amnesty and release in April 1991 of hundreds of political prisoners held without charge or trail;

(7) further welcomes President Taya's announcement on April 15, 1991, promising legislative elections and allowing political parties to be formed;

(8) regrets that, despite such promises, Mauritanian authorities nonetheless arrested in early June 1991 a number of trade unionists and government critics who had called for greater democratization;

(9) welcomes the diminution of tensions between Senegal and Mauritania, and encourages both governments to take actions to prevent a recurrence of the events of April 1989 by taking special measures to protect each other's nationals within their borders;

(10) commends the Department of State for its thorough reporting on human rights abuses in Mauritania in the Country Reports on Human Rights Practices for 1990; and

(11) calls upon the President to take the following actions to convey the concern of the United States about gross violations of human rights in Mauritania:

(A) Publicly condemn abuses of human rights such as killings and imprisonment of black Mauritanians and the continued practice of slavery.

(B) Encourage the appointment of a special rapporteur on Mauritania at the United Nations Human Rights Commission.

(C) Oppose loans to Mauritania in the World Bank and the African Development Fund (except for loans to meet basic human needs) in accordance with section 701 of the International Financial Institutions Act.

(D) Encourage the Government of France, the Government of Spain, the Government of Germany to limit assistance to Mauritania to humanitarian assistance provided through private voluntary organizations, and oppose loans to Mauritania in the World Bank and the African Development Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is growing concern among Members of Congress, as well as the international human rights community, over reports of serious human rights violations in Mauritania. The original sponsors of this legislation, Mr. WEISS, Mr. PAYNE, and Mr. BURTON, address these concerns in House Concurrent Resolution 176.

House Concurrent Resolution 176 is a bipartisan initiative which cites the abuses currently being leveled by the Republic of Mauritania. These abuses include the alleged practice of torture, summary execution, and forced deportation.

The ethnic group most victimized are the black Mauritanians who continue to suffer from their Government's policy of so-called Arabization. Though the Government formally outlawed the practice of slavery in 1980, these laws have not been enforced and slavery continues to be a way of life for many black Mauritanians. We also deplore the expulsions of black Mauritanians, the burning and destruction of their property and the manner in which they are treated both in and out of prison.

During the recent markup of House Concurrent Resolution 176, held by the Subcommittee on Africa, which I chair, and the Subcommittee on Human Rights and International Organizations, chaired by my friend, the distinguished gentleman from Pennsyvlania [Mr. YATRON], this measure was favorably received as it passed both subcommittees unanimously. This resolution condemns the above-mentioned human rights violations and calls on the Mauritanian Government to abide by its international obligations and to protect human rights.

House Concurrent Resolution 176 calls upon the President to publicly condemn the human rights abuses in Mauritania and to encourage the appointment of a special rapporteur on Mauritania at the U.N. Human Rights Commission. It further requests that the President oppose loans to Mauritanians in the World Bank and the African Development Fund, except for basic human needs. This measure also encourages the Governments of France, Spain, and Germany to limit their assistance to Mauritania.

I want to commend the original authors of this legislation for their commitment to human rights, Mr. WEISS, Mr. PAYNE, and Mr. BURTON, for their diligent efforts of this particular issue. I urge my colleagues to support this very worthwhile measure.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support for House Concurrent Resolution 176 and commend my colleagues on the Foreign Affairs Committee, especially TED WEISS, GUS YATRON, and DAN BURTON, for introducing this resolution.

For years, the Government of South Africa has been condemned, and rightly so, for its denial of basic human rights to a majority of its citizens. But human rights abuses against black populations in other parts of Africa have largely been ignored.

For many years, Mauritania's ruling Arab/Berber population has pursued a policy of Arabization of the entire country. As a result, many black Mauritanians have suffered deportation, death, and discrimination at the hands of the Government. In the last 2 years, up to 70,000 blacks have been deported, and between 1,000 and 3,000 have been arrested.

Not only does the Mauritanian Government brutally disregard the rights of many of its citizens, but it firmly allied itself with Iraq during the Persian Gulf war. The administration should consider putting increased pressure on the Mauritanian Government to respect the rights of all its citizens.

House Concurrent Resolution 176 offers some useful proposals for the administration to consider regarding United States policy toward Mauritania. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for House Concurrent Resolution 176, a bill to express the sense of Congress regarding human rights violations in the Islamic Republic of Mauritania. I commend the gentleman from New York [Mr. WEISS] for bringing this important matter to our attention.

Mr. Speaker, our Nation has always stood up for freedom and democracy. We are very fortunate to live in a world where more and more nations are embracing these sacred values. But this makes it all the more important that the United States remain vigilant in its attitude toward those nations that refuse to recognize the sanctity of individual human rights. The lesson of Iran must remain fresh in our memory.

Mr. Speaker, one such nation that refuses to recognize the rights of the individual is the Islamic Republic of Mauritania. Under the leadership of Col. Maaouya Ould Sid'Ahmed Taya, Mauritania has entered the 1990's with a deteriorating human rights record. Mauritania is ruled by a military committee backed up by a security force of approximately 16,000 members. These armed forces have been responsible for widespread human rights abuses and often appear to report to no one.

Perhaps the worst of the Mauritanian's abuses has been the illegal, summary expulsion of tens of thousands of Senegalese Nationals who were perceived by the Government as a threat. As many as 45,000 Senegalese

Mauritanians are camped on the other side of the Mauritanian/Senegalese border, prohibited from returning home by the Government. Today the conditions along this border have deteriorated into an unbridled frontier justice. Due process of law is nonexistent and torture and execution are rampant.

The Government of Mauritania has also displayed utter contempt for human rights through its treatment of non-Hassayian-speaking black Mauritanians. Although no exact figures are available, substantial numbers of executions have been reported in virtually every village along the Senegal River. Security forces have been executing at the slightest pretense, including two young boys who were killed for refusing to hand over a cow to security forces. This is outrageous.

Mr. Speaker, the inhuman behavior of the Mauritanian Armed Forces has no place in our modern world. It cannot, and must not, go unnoticed by the rest of the world. Mauritania is a nation in which freedom of speech has become a fantasy and slavery a reality.

I strongly urge our colleagues to join with the sponsors of this bill to publicly condemn these human rights abuses. I also join in calling on our President to encourage the appointment of a special rapporteur on Mauritania at the United Nation Human Rights Commission and to oppose loans to Mauritania in the World Bank and the African Development Fund.

President Bush has expressed his support for the establishment of a new world order. Mr. Speaker, I deeply believe that this order must be ethical and based on the sanctity of all human rights.

Accordingly, House Concurrent Resolution 176 is a strong step in that direction and I call upon my colleagues to fully support this measure.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

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Mr. BEREUTER. Mr. Speaker, it has been correctly noted that human rights conditions in the African nation of Mauritania are absolutely deplorable.

As ranking Republican on the Subcommittee on Human Rights and International Organizations, this Member participated in a recent hearing on this issue. That hearing brought to light absolutely appalling conditions, where none of the basic liberties that we Americans take for granted are permitted.

In particular, to find that slavery remains a regular practice, in this day and age, was absolutely astounding. Although slavery was officially abolished in 1980, there is no enforcement mechanism, and no one is ever charged with violating the antislavery laws.

The forcible expulsion of tens of thousands of black Mauritanians into Senegal, with the military seizing their property and literally forcing them to flee at bayonet point, represents the worst sort of inhumanity. When people protest, they have either been summarily executed, or they have been thrown in prison without being charged.

The gentleman from New York [Mr. WEISS], had done an important service in drafting House Concurrent Resolution 176. It sends an important message, and it calls upon the President to respond to Mauritania's long record of human rights violations in a strong and decisive manner. And, it calls upon our representatives at international lending institutions to reflect our concern for human rights. I commend him for his initiative and urge the adoption of this resolution, and I recognize the contribution of the distinguished gentleman from California [Mr. DYMALLY] in advancing this legislation.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. WEISS. Mr. Speaker, imagine how the United States House of Representatives would respond if 500 political prisoners were tortured to death by the Government of El Salvador. Imagine now the media would react if such an atrocity occurred in South Africa or China. The international community—and we in Congress—would rightly respond with outrage and condemnation.

When this very same tragedy occurred in the northwest African nation of Mauritania a few months ago, the event was hardly even reported in the international media.

In recent testimony before the Foreign Affairs Committee, human rights organizations reported countless examples of torture, summary execution, forced deportation, and even the continued practice of slavery in Mauritania. Earlier this year, more than 500 political prisoners died in Mauritanian jails as a result of torture, summary execution, or simple neglect.

The bipartisan resolution before the House today—which I introduced with our colleagues DONALD PAYNE and DAN BURTON—is at an attempt to focus international attention on the egregious human rights record of the Mauritanian Government.

The vast majority of these abuses are committed against Mauritania's black population, which has been systematically persecuted and marginalized by the Government's aggressive policy of Arabization.

Executions, torture, and forcible expulsion are only the most visible signs of Government abuses. The Mauritanian leadership severely discriminates against non-Hassaniya-speaking black Mauritanians in all walks of life, including unequal access to education, employment, and health care.

Even the heinous practice of slavery, although formally abolished in Mauritania in 1980, continues in some parts of the country. According to the human rights organization Africa Watch, which has conducted extensive interviews with escapees, there are tens of thousands of black slaves in Mauritania today.

According to the State Department's most recent Country Report on Human Rights Practices.

> Credible reports of unlawful detention and torture surfaced during the year, and most other human rights, including denial of fair public trial, freedom of expression, association and the right of citizens to change their government remain tightly circumscribed.

In recent weeks, the Mauritanian Government has taken a number of steps to improve Mauritania's atrocious human rights record. For example, in April the Government released hundreds of political prisoners held without charge or trial. President Taya also announced that political parties would be allowed and that legislative elections would be scheduled. These are indeed encouraging signs.

Unfortunately, despite these developments, Mauritanian authorities last month arrested a number of trade unionists and Government critics who called for greater democratization. In other words, many of the same abuses continue.

House Concurrent Resolution 176—which was unanimously approved by the Foreign Affairs Committee—condemns these human rights abuses and calls on the Mauritanian Government to abide by its international obligations and to protect human rights.

The resolution also commends the Bush Administration's human rights reporting on Mauritania, and calls on the administration to take several steps in response to these abuses; most importantly, to oppose loans to Mauritania in the World Bank and the African Development Fund.

I urge my colleagues to support this resolution and to send a strong signal about our concern for human rights in Mauritania.

Mr. FASCELL. Mr. Speaker I rise in support of House Concurrent Resolution 176, as amended, which expresses the sense of Congress regarding human rights violations in the Islamic Republic of Mauritania. I would like to commend my colleagues Mr. WEISS of New York and Mr. PAYNE of New Jersey, the original sponsors of this resolution for bringing this matter to the attention of the House. I would also like to thank the chairman of the Committee on Banking, Finance and Urban Affairs, Mr. GONZALEZ, for agreeing to forgo consideration of this legislation so that we might bring it to the floor today. In that regard, I would ask unanimous consent that the correspondence between myself and Chairman GONZALEZ be included in the RECORD at this point.

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, July 24, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for writing to inform me of your Committee's interest in bringing H. Con. Res. 176, to the attention of the House as soon as possible. It is my understanding that this bill seeks to express the sense of Congress regarding human rights violations in the Islamic Government of Mauritania.

The Chairperson of the Subcommittee on International Development, Finance, Trade and Monetary Policy, Congresswoman Oakar, and I share your view that this is important and timely legislation which warrants the attention of the House. Though the bill was jointly referred to the Banking Committee, the Committee agrees to waive its consideration of H. Con. Res. 176 and to be discharged from further consideration of the legislation without prejudice.

I appreciate you consideration in seeking our cooperation on this matter.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 23, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee on Banking, Finance, and Urban Affairs waive consideration of H.Con.Res. 176, expressing the sense of Congress regarding human rights violations in the Islamic Government of Mauritania, without prejudice to the Committee's jurisdiction. This legislation has been referred jointly to the Committees on Foreign Affairs and on Banking, Finance and Urban Affairs.

Because of the timeliness of this measure, the Committee on Foreign Affairs, which approved H.Con.Res. 176 on July 23, 1991, would like to schedule it for Floor consideration under suspension of the rules as soon as possible.

Your cooperation in this matter would be greatly appreciated.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL
Chairman.

House Concurrent Resolution 176 outlines in some detail the deteriorating human rights condition in Mauritania, including that Government's involvement in mass detentions, torture, and extrajudicial killings—events which are corroborated in the State Department's most recent human rights report. The resolution notes that the Islamic Government of Mauritania, in its pursuit of an aggressive policy of Arabization, has systematically persecuted, marginalized, imprisoned and executed black Mauritanians. In 1989, up to 60,000 of these non-Arab, black Mauritanians were forcibly expelled into Senegal; an additional 10,000 were forced into Mali. Many of these refugees continue to live in refugee camps. In addition, House Concurrent Resolution 176 calls upon the Government of Mauritania to more vigorously enforce its antislavery laws. It is indeed shocking to learn that this 19th century institution is still alive and well in some areas of this world.

House Concurrent Resolution 176 condemns the Government of Mauritania for its persecution of non-Arab, black Mauritanians, and calls upon the Government to respect internationally accepted standards of human rights and to enforce its antislavery laws. In addition, the resolution calls upon the President of the United States to condemn publicly the killings and imprisonment of black Mauritanians and to oppose loans to Mauritania—except for loans to meet basic human needs—from the World Bank and the African Development Fund.

In closing, I urge the speedy adoption of this timely, important, and noncontroversial resolution.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 176, which calls attention to the egregious condition of human rights in the west African nation of Mauritania.

The Government of Mauritania, controlled by Moors of Arab/Berber descent, systematically persecutes the majority population made up of non-Arab, black Mauritanians.

The list of violations committed against black Mauritanians is horrifying: from forced deportations and extrajudicial killings, to reports of actual slavery.

In April 1989, a border dispute with Senegal led the Government of Mauritania to forcibly deport 80,000 black Mauritanians. As many as 55,000 of these non-Arab Mauritanians remain encamped across the border and are not permitted to return to their homes. At the same time, many have had their land seized and when they do return to Mauritania and try to retrieve the property that is rightfully theirs, security forces have retaliated with violence, resulting in many deaths.

The exodus of black Mauritanians to Senegal was precipitated by extrajudicial killings by security forces and vigilante groups in villages in southern Mauritania, causing whole villages to flee in order to escape the violence.

Most disturbing are accounts of continued slavery in Mauritania. Although the Mauritanian Government outlawed slavery in 1980, freed slaves have recently made statements explaining that these laws have not been fully implemented. Apparently, presents are often given as a form of payment for slaves and many slaves are actually unaware that laws even exist prohibiting slavery.

These actions are blatant violations of internationally recognized standards of human rights. We must send a strong message to the Mauritanian Government that unless the rule of law is respected in their country, we will hold back all loans that do not go toward meeting basic human needs for their citizens.

The situation in Mauritania must be brought to the attention of the international community and we must work together to bring about democratic change to this desert country.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of House Concurrent Resolution 176. This bipartisan resolution on human rights in Mauritania was unanimously approved on July 10 by the Subcommittee on Africa under the leadership of Chairman DYMALLY and the Subcommittee on Human Rights chaired by Mr. YATRON.

I understand Mr. YATRON was released from the hospital today and will be recovering at home from major surgery. Mr. YATRON has been a stalwart of human rights for Africa and I am most appreciative of his interest in bringing these unpublicized abuses to the world's attention.

The resolution outlines the consistent pattern of human rights abuses in the Islamic Republic of Mauritania—abuses which include torture, summary execution, and forced deportation.

You may recall in 1989 and 1990 when 60,000 black Mauritanians were expelled from their homeland and forced into neighboring Senegal and even as far as Gambia.

More recently, in May 1991, Africa Watch reported that at least 200 black political detainees died while in unlawful detention. Many were the victims of severe torture. Others died because of starvation or illness.

Our own State Department estimates that as many as 500 prisoners died while in detention. These detainees were part of a group of 1,000 to 3,000 black army officers and civil servants and who had been arrested between October 1990 and late February 1991, and held incommunicado.

Details of this terrible story of the many political prisoners only surfaced in late March, after the Government declared an amnesty for political prisoners.

The response of the Mauritanian Government to this outrage was to appoint a commission to investigate the deaths composed only of Mauritanian military officers. Under the circumstances, many believe this will not be an impartial investigation.

In essence a de facto apartheid system exists in Mauritania, with all political power resting firmly in the hands of the ruling Beydane who are Moors of Arab/Berber descent.

In addition to this long list of abuses, Mauritania is still the site of one of the most demeaning types of human rights violations—slavery. In 1981, the Anti-Slavery Society calculated that there were probably a minimum of 100,000 total slaves in Mauritania. In recent interviews with Mauritanian refugees in Senegal, Africa Watch confirmed that the practice of slavery continues.

In this day and age we cannot tolerate such practices anywhere in the world.

Timely action is required by all democratic societies, and I implore my colleagues to vote for House Concurrent Resolution 176 today, which calls on the Mauritanian Government to abide by its international obligations and to protect the human rights of all people within their borders.

The Bush administration is to be commended for its excellent human rights reporting on Mauritania and is asked to take several steps in response to these abuses; most importantly, to oppose loans to Mauritania in the World Bank and the African Development Fund.

In this regard I should mention that an amendment proposed by Mr. BEREUTER is included in the resolution. This amendment clarifies that the resolution is not intended to affect loans to meet basic human needs in Mauritania.

In conclusion, Mr. Speaker I want to thank my esteemed colleague Mr. WEISS for his inspiring and devoted work to introduce this resolution.

I urge my colleagues to vote for House Concurrent Resolution 176.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. DYMALLY], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 176, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RESCUE OF ETHIOPIAN JEWS FROM ETHIOPIA TO ISRAEL

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia, as amended.

The Clerk read as follows:

H. CON. RES. 171

Whereas despite 2,700 years of anti-Semitism, physical destruction, land confiscation, enslavement, and forced conversion. Ethiopian Jews (or "Beta Yisrael") have maintained their Jewish heritage and prayed for their return to their biblical homeland;

Whereas approximately 14,000 Ethiopian Jews have been separated—brother from sister, husband from wife, and parent from child—since the emergency airlifts of Operation Moses and Operation Joshua in 1984 and 1985;

Whereas the Administration carried out its diplomatic negotiations with the Ethiopian Government based on a policy of family reunification and human rights in Ethiopia; and

Whereas several thousand Ethiopian Jews wish to emigrate and millions of Ethiopians remain at risk because of famine; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) President Bush, Administration officials, and the President's emissary should be commended for their involvement in key diplomatic initiatives to secure the timely release of approximately 14,000 Ethiopian Jews;

(2) The Government of Israel should be commended for—

(A) carrying out "Operation Solomon," one of the largest rescues of its kind in history,

(B) its ceaseless diplomatic and humanitarian efforts in reuniting Jews with their families over the course of several years, and

(C) welcoming this beleaguered community with open arms;

(3) dedicated individuals and private voluntary organizations should be applauded for their unflagging support of the Jewish community in Ethiopia;

(4) the United States should make every effort—

(A) to promote democracy in Ethiopia, and

(B) to increase its support for famine relief so that millions of Ethiopians do not perish; and

(5) the right of all Ethiopians to emigrate freely should be respected, including the right of Ethiopian Jews to emigrate to Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, House Concurrent Resolution 171 expresses the sense of Congress that President Bush and the administration should be commended for their diplomatic efforts in securing the release of 14,000 Ethiopian Jews. The sense of Congress regarding Israel's operation in the 1988 rescue mission of the Ethiopian Jews is also expressed.

Mr. Speaker, I want to commend my friend, the gentleman from New York, [Mr. SOLARZ] for bringing this important issue to the Members of Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from California very much for yielding time to me, and I want at the outset to express my deep appreciation to the distinguished chairman of the Subcommittee on Africa for his willingness to permit us to bring this resolution up in such a timely fashion.

I also want to pay tribute to some of my colleagues, particularly my very good friend from New York on the other side of the aisle, Mr. GILMAN, and the other distinguished gentleman from New York, Mr. ACKERMAN, who I do not think could be present right now, but both of whom have played an absolutely indispensable role in facilitating the rescue of this ancient Jewish community in Ethiopia.

A little over a month ago, Mr. Speaker, one of the most extraordinary and dramatic rescue operations in history took place when the Israeli Government, through Operation Solomon, managed in a day or so to airlift 14,000 Ethiopian Jews from Addis Ababa, the capital of Ethiopia, to Israel. These were the remnants of a Jewish community which existed in Ethiopia for 2½ millenia, and who were finally being brought to their homeland in Israel.

Earlier in 1980 there were two previous rescue operations in which our country was very much involved, and I believe it is only appropriate at this time to pay particular tribute to President Bush, whose role in those earlier rescue operations and in this one was absolutely indispensable, and without whose commitment to this cause it would not have been possible.

This was a matter of considerable humanitarian urgency. At the moment it appears that a kind of stability has been established in Ethiopia, for which we are all very grateful. But a little over a month ago when the Government of that country was on the verge of collapse, when it had already lost control of Eritrea, when rebel armies were advancing on Addis Ababa, there was a very real possibility that anarchic conditions could prevail, not unlike those that developed in Liberia several months ago as a result of which tens of thousands of people lost their lives.

And the Jewish community in Ethiopia was particularly fearful that in a time of anarchy, of civil war, of violence and insurrection, without any viable central authority, that people might look for scapegoats, and given the extent to which if, for no other than religious reasons, they were somewhat different from other Ethiopians, there was a genuine fear that these people might be the victims. And so this Operation Solomon was mounted.

The United States interceded very effectively with the then Government of Ethiopia. Our former colleague in the other body, RUDY BOSCHWITZ, was dispatched by President Bush as a special emissary to Ethiopia to plead on behalf of these people, and with the permission being granted, the Israelis organized this extraordinary airlift. It succeeded. Families were reunited and these people were brought to Israel, where they will spend the rest of their days.

The purpose of this resolution is to pay tribute to those who made it possible, to encourage our own Government to make every effort to promote the cause of democracy in Ethiopia, to increase famine relief, and to make sure that all Ethiopians, including of course the handful of Jews who still remain, are granted the fundamental right of emigration.

Along with commending the President, administration officials, and the Government of Israel, I also want to salute the private voluntary organizations who played such a vital role in processing immigration documents, contacting families in Israel, and providing food, clothing, and medical supplies to the thousands of Ethiopian Jews forced to wait in the capital.

In particular, I want to cite the dedicated and tireless efforts of Nate Shapiro and Will Recant of the American Association of Ethiopian Jewry [AAEJ], who have worked closely with the Congressional Caucus for Ethiopian Jewry on this issue since 1986.

Finally, I want to point out that Operation Solomon makes a mockery of the infamous United Nations resolution that equates Zionism with racism. That Israel rescued 14,000 black Jews and that Israelis welcomed them joyously with open arms proves once and for all that, in contrast to the wretched U.N. resolution, Zionism is a national liberation movement that embodies brotherhood and not racism.

So I thank the chairman of the subcommittee for bringing this resolution before us, and I urge its adoption by the House.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

I also want to commend my colleagues, STEVE SOLARZ, BEN GILMAN, Chairman DYMALLY, and GARY ACKERMAN, for their strong leadership on this important issue. I support this timely and thoughtful resolution expressing the sense of the Congress concerning the rescue of Ethiopian Jews from Ethiopia.

After thousands of years of separation, the Ethiopian Jews have finally returned to their biblical homeland. For many years in a remote region of Ethiopia, they retained their Jewish heritage and yearned for the day when they could return to their roots. Their prayers were finally answered.

Israel was true to its promise to welcome Jews from all over the world. In 1984 and 1985, thousands of Ethiopian Jews were airlifted to Israel. This year, Operation Solomon took 14,000 more Jews to Israel. That airlift was one of the largest rescue missions in history and it was carried out during a bloody civil war in Ethiopia.

I commend the Government of Israel for keeping its doors open to these children of Israel and for its humanitarian efforts on their behalf. Let us hope that the remaining Ethiopian Jews can some day return to their homeland and that our Government will be sensitive to the sufferings of many in Ethiopia today.

I urge my colleagues to support this resolution.

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Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 171 which commends President Bush, the Government of Israel, members of the State Department as well as the President's emissary, former Senator Rudy Boschwitz, for their participation in conceiving and implementing Operation Solomon—the historic airlift in May of Ethiopia's Beta Israel. I thank the gentleman from New York [Mr. SOLARZ], for introducing this measure on behalf of the congressional caucus for Ethiopian Jews, on which we both serve as cochairmen.

The miraculous rescue of over 14,000 Ethiopian Jews took place through the untiring dedicated efforts of so many individuals. On the heels of a crumbling Mengistu regime the precious remnants of Ethiopia's Jewish community were spirited out aboard military, passenger, and cargo aircraft to Israel, the historic homeland of the Jewish people. History was made in 33 hours.

Working to help bring about this fascinating event was the congressional caucus for Ethiopian Jewry. It was created after Operations Moses and Joshua—secret efforts which evacuated thousands of Ethiopian Jews from refugee camps in the Sudan in 1984 and 1985—suspended flights due to public disclosure. Our cochairman in the other body is the gentleman from California, Senator CRANSTON, who until recently was joined in that effort by the gentleman from Minnesota, former Senator Rudy Boschwitz. Indeed, the caucus' goal was to quietly work for the complete emigration of Ethiopia's Jewish community to Israel.

Knowing that many thousands more of the Beta Israel remained behind in Ethiopia's Gondar province, subject to discrimination and Mengistu's villagization program, the caucus, bipartisan and bicameral in nature, has initiated letters and meetings with various government officials on their behalf.

Working with the American Association for Ethiopian Jews, as well as other private Jewish organizations, every opportunity was exploited to increase the paltry monthly emigration rate and to ensure the safety of this fragile community. The Government of Israel, the Agency for International Development, and the American Jewish Joint Distribution Committee cared diligently for the Beta Israel both during and after so many thousands streamed down to Addis Ababa from Gondar province last summer. Providing essential medical and social services, the lives of so many were in their hands.

Operation Solomon has now reunified family members separated for 6 years or more. Parents were separated from children, brothers were separated from sisters, and wives were separated from husbands. Though it was a major success, several thousand Beta Israel remain in Gondar province, having been unable to travel to Addis Ababa with the rest of the community. At the same time, several hundred Ethiopian Jews in Addis Ababa were unable to reach the planes and therefore remain in the capital city to this day. Our congressional caucus for Ethiopian Jewry will continue to be concerned until freedom of emigration for every member of the Beta Israel community is available.

Accordingly, Mr. Speaker, I urge our colleagues' support for House Concurrent Resolution 177. American dedication to human rights, democracy, and freedom of expression, as well as the Jewish commitment to "pikuach nefesh"—the saving of a life, came together in Operation Solomon. All those involved are most deserving of this special recognition.

Mr. DYMALLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, let me thank the gentleman and express my commendation to him as chairman of the Subcommittee on Africa for his splendid work not only on this resolution but on all the work of the subcommittee as well. Let me also add my congratulations to the congressional caucus on Ethiopian Jewry, the Government of Israel, and the American Jewish community here in the United States, for their efforts in bringing about one of the historic humanitarian acts in modern times.

There is still work that needs to be done in Ethiopia and this resolution addresses itself to that. I know that my colleagues will join the gentleman from California [Mr. DYMALLY], in unanimous approval of this resolution.

Mr. Speaker, I would also like to express my appreciation to Congressmen SOLARZ, ACKERMAN, and GILMAN, the original cosponsors of this resolution, for bringing this legislation before the House. I also wish to commend the chairman of the Subcommittee on Europe and the Middle East and the chairman of the Subcommittee on Africa for their efforts in expediting the consideration of the resolution.

Mr. Speaker, the recent rescue of approximately 14,000 Ethiopian Jews and their return to Israel following the fall of the Mengistu regime in Ethiopia is but the latest chapter in one of the most daring rescues in modern times. Following on Operation Moses and Operation Joshua in 1984 and 1985, thousands of Jews from Ethiopia have now been reunited with their families and begun new lives in Israel.

As the resolution notes, Mr. Speaker, many persons have been involved in this action including President Bush and his administration, the Government and people of Israel who have welcomed this beleaguered community, and countless individuals and organizations. Their efforts have borne fruit.

In celebrating these events, however, we must remember that there still remains in Ethiopia a number of Jews who should have the opportunity to join their community in Israel. We must continue our efforts to bring them safely to their biblical homeland. We must also, Mr. Speaker, explore ways to help the people of Ethiopia address the serious drought conditions now threatening that country.

Mr. Speaker, the fighting in Ethiopia has stopped. The time has now come for the United States to assist the people of Ethiopia in building a lasting peace based on democratic principles and individual freedom.

I urge support for the resolution.

Mr. SCHEUER. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 171, of which I am a cosponsor, because I believe it rightly commends the administration for its tremendous success in attaining the freedom of Ethiopia's Jewish population.

In May, I was fortunate to witness the miraculous arrival of some of the more than 14,000 Ethiopian Jews airlifted from their war-torn country to the Jewish State. In Israel for a conference of Jewish parliamentarians from around the world, I greeted many of the Ethiopian refugees as they completed their exodus. Though confused and disoriented, these brave people were elated and grateful for their safe delivery to their true homeland.

At that time, I offered my heartiest congratulations to the administration, former Senator

Rudy Boschwitz of Minnesota, and all those others who labored so tirelessly towards making the airlift a reality. As a result of their efforts, our administration achieved the window of opportunity, and the Israeli Government acted immediately to mount the massive rescue operation that has come to be known as Operation Solomon.

In just a little more than a day, these long lost Jews were reunited with their families, regained their human rights and civil liberties, and now can look forward to a bright future.

Today, I again applaud the administration for its energetic efforts to make the rescue operation a possibility, and Israel's swift action in taking advantage of this historic opportunity.

The whole enterprise, in which the United States and Israel worked together intensively to achieve a goal long sought by the two nations, serves as a model for our two countries as to how we can best attain our mutual longstanding goals when we work in close cooperation. I hope that the same approach, and success, will come to current efforts to achieve peace in the Middle East.

I also hope that our administration will continue to act with similar enlightened leadership and swift decisiveness to secure the continued exodus of Soviet Jews to Israel. Such emigration recently has been slowed by the addition of unnecessarily onerous and time-consuming procedures to the emigration process.

When we work together, we can achieve great success. I urge us all to keep that in mind in the coming months.

Mr. PORTER. Mr. Speaker, it is with pleasure that I rise in support of House Concurrent Resolution 171, concerning the airlift of Ethiopian Jews from Ethiopia to Israel.

The unique plight of the Ethiopian Jews has, over the years, given cause for great concern. For thousands of years, these Jews, separated from their brothers and sisters by a continent, suffered persecution solely because of their religious beliefs.

In the 1980's, their plight came to the attention of the international community. Through much hardship, Israel was able to rescue thousands of them over the past 10 years, unfortunately separating many families in the process.

Recently, Israel made the rescue of Ethiopian Jews a top priority and was able to successfully evacuate 14,000 people. Although several thousand remain, the great majority of Ethiopian Jews seeking to rejoin their families in Israel have been able to do so.

This effort by the Israeli Government is truly commendable. The struggle of these people, several thousand years old, is now over. Although they face difficulties assimilating into a completely different world, they can be free to pursue their religion without fear of persecution and harassment.

Mr. REED. Mr. Speaker, I rise today in support of House Concurrent Resolution 171, a resolution to commend the administration for their diplomatic efforts to secure the release of 14,000 Ethiopian Jews. I would also like to recognize Israel for its recent role in "Operation Solomon" as well as its past efforts to aid Ethiopians seeking freedom in Israel.

The recent airlift of 14,000 Ethiopian Jews to Israel is further testimony of the continuing need for a Jewish homeland. The pictures in the media of crowded airplanes and joyous crowds arriving in Israel moved us all.

I particularly want to salute the skill and courage of those Israeli diplomats and military personnel who played a role in this stirring exodus. It is also appropriate to note and commend the critical leadership provided by our Government in assisting in this noble relief operation.

While commending the success of "Operation Solomon," we must continue to support regional efforts to assist Ethiopia to feed its people and establish a democratic political system.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 171. I am proud to be a cosponsor of this important resolution.

As many of my colleagues may be aware, during the last weekend of May, the Israeli Government rescued over 14,000 oppressed and impoverished Ethiopian Jews. In 33 hours the Israeli Government conducted a logistical feat known as Operation Solomon. My wife Janet and I were fortunate enough to be in Israel to witness this modern day miracle. Immediately following my remarks is an article Janet wrote about Operation Solomon.

The Israeli Government deserves the highest praise for their steadfast dedication to rescuing as many Ethiopian Jews as possible. Despite the lengthy gap between another major airlift, Operation Moses, and Operation Solomon, the Israeli Government never gave up the hope of rescuing each and every Jew who wished to leave Ethiopia. Indeed, the Israeli Government proved—once again—that the spirit of Zionism still flourishes. As Operation Solomon made abundantly clear, where there are Jews in danger, Israel will do all it can to bring them to a safe haven and home in the Jewish state.

The Israeli Government, however, is not the only party that deserves praise. Without question, Operation Solomon became a reality through the very able efforts of the Bush administration. Quite simply, without the assistance of President Bush, Ambassador Herman Cohen, and former Senator Rudy Boschwitz, a critical opportunity—within the chaos of a bloody civil war—may have been lost. Mr. Speaker, I applaud the Bush administration for a job well done.

I would also like to commend the American and Israeli citizens who ceaselessly worked for the day on which thousands of Ethiopian Jews would be reunited with their loved ones as citizens in the State of Israel. Without the extraordinary efforts of these individuals and advocacy organizations, Operation Solomon could not have happened and thousands of Ethiopian Jews would be left stranded within war torn Ethiopia.

Finally, I would like to acknowledge the overwhelmingly positive response of the Israeli public. While in Israel, I witnessed firsthand the ecstatic rejoicing that greeted the arrival of the Ethiopians. State absorption officials requested that Israelis bring items for donation to their local post office. The resulting chaos saw post offices jammed full with donated food, clothing, and toys. Traffic jams in front of post offices snarled traffic for hours. For days after Operation Solomon, images of the airlift dominated the media.

Mr. Speaker, now that the rescue of Ethiopian Jewry is near completion, the even more difficult task of absorption has begun. I am confident that the Israeli Government, the Bush administration, concerned citizens in both Israel and the United States, and Congress will do whatever is necessary to see that the rescue of Ethiopian Jewry is seen through their absorption into Israeli society.

OPERATION SOLOMON: ETHIOPIA'S JEWS FLY HOME

(By Janet Waxman)

"Operation Solomon: Ethiopia's Jews Fly Home", The Jerusalem Post headlined. And my husband Henry (Democratic Congressman Henry A. Waxman of Los Angeles) and I were witness to the miracle. We witnessed an unparalleled airlift. 14,200 Jews rescued in one great swoop, just before all hell broke loose, and flown to the land of their forefathers. We witnessed too, the fulfillment of the words of the prophets, who foretold the ingathering of the exiles to Zion from every corner of the Earth. From north and south, they came to Zion.

The logistics were staggering. 14,200 people in 33 hours! Equipment, air controllers, engineers, guards flown in—along with 150 interpreters and 65 organizers originally from Ethiopia. There were 32 Israeli Air Force and El Al planes, 28 in the air at once. A record 1080 passengers crammed into one jumbo jet. There were seven births in the air. A $35 million ransom was paid!

"It looked like the exodus from Egypt," one of the organizers exclaimed. "If someone had told you that the equivalent of an entire city—including women, children, the elderly and the very sick—could be carried out in 24 hours, would you believe it?"

And what a homecoming! I doubt there was a dry eye in the country. When Israel Radio and Armed Forces radio announced that the immigrants had practically come with only the clothes on their backs, the country became a madhouse, with people racing to the post offices to give gifts, creating huge traffic jams.

A young Ethiopian rabbi told us, "I can hardly describe the joy of the Israelis. There has been such an outpouring there is no place to store things. And I know that many of these generous people are struggling themselves."

Most touching of all were the family reunions—lots of them, for this wave had brought the wives and children and parents of men who had been strong enough to make the trek to the Sudan and be airlifted out during Operation Moses in 1984.

Who are these people? No one knows when they became Jewish. They have passed down from one generation to another their religious beliefs and practices. Most assert, "We are a people from the west, from Sudan (ancient Kush)." Legends abound. Some say that they are one of the lost tribes of Dan. Others describe themselves as the descendents of King Solomon and the Queen of Sheba's handmaiden. Still others identify themselves as descendants of the sons of Moses. The point is they are Jews, and like Jews worldwide they consider Israel their homeland—the land of their forefathers.

What is known is that they were once a great nation of one million. By 1800 they had been reduced to 250,000 through forced conversions, poverty, and disease. Slavery, anti-Semitic murders, and civil war also took their toll. Like other isolated Jewish communities they believed they were the last Jews in the world. Resolutely, they followed biblical commandments and fervently prayed to return to Zion.

By modern times, only about 30,000 remained. Most lived in the highlands and were poverty stricken craftsmen or sharecroppers not allowed to own land. Perhaps 3% lived in Addis Ababa and had higher education.

Under former dictator Mengistu Haile Mariam their situation continued to decline. Many were arrested and tortured for practicing the religion or attempting to leave for Israel. Synagogues were closed, books burned. Many more converted under pressure.

And now that they are Israelis, the question is, how will they be treated? How will they do? Over the years, my husband Henry and I have visited absorption centers all over the country. As with any immigration, youngsters definitely have the best chances. Consider that in Ethiopia the average age of death is 44. 35 is old age. Imagine, then, how hard it would be for a 25 year old starting all over again, learning a new language, new ways, new skills. Most of those 35 plus may have to be cared for the rest of their lives. It's understandable when you realize that they've just started to learn not to walk out of second story windows and not to walk in front of cars.

These same parents though, are tremendously excited and that their children are being given the best Israel has to offer. Their youngest go directly to nursery and public schools. Many parents jump at the chance to send their high schoolers to boarding schools in Jerusalem with kids from around the world. Their oldest children learn skills in demand today, becoming auto mechanics, electricians, and medical and dental assistants, or attend a university.

But they all know it is the army that makes "real Israelis". Of the 700 in the military many have made the elite Golani Brigade and paratroopers. Last year, 24 Ethiopian Jews graduated as officers.

Ethiopia's Jews are home. As one burly sergeant major said as he gently took an old woman's arm to help her from the plane, "This is what Israel is all about." Let's celebrate!

Mr. MILLER of Washington. Mr. Speaker, I rise in support of this important resolution. As a member of the congressional caucus on Ethiopian Jewry, I was very pleased that the House passed this resolution. Our Government and the Government of Israel deserve praise for their tremendous effort in bringing 14,000 Ehtiopian Jews to Israel. The administration's determined diplomatic efforts helped lead to the release of the 14,000. And, of course, the Israeli Government's continued commitment that all Jews may come to Israel, and its heroic efforts to bring those Jews from Ethiopia to Israel, inspire us all.

But those who deserve our praise the most are the 14,000 themselves. These Ethiopian Jews, despite oppression, anti-Semitism, and attempts to destroy their religious and cultural identity, persevered. Despite the separation of brother from sister, husband from wife, and child from parent, they never gave up hope. And neither did we.

Israel has rescued these people from famine and violence in one of the largest rescues of its kind. Operation Solomon was a success because of the dedication of a people and its leaders. But our job is not done. There are still several thousand Ethiopian Jews who wish to emigrate, and famine still exists in Ethiopia. We must continue our efforts so that all who wish to emigrate from Ethiopia will have that freedom. We must continue our efforts so that the day will come when Ethiopia and famine will not be synonymous. Operation Solomon was an example of what we can accomplish with determined effort. Let us not rest with the success of Operation Solomon, but instead build ever further from it.

Mr. DYMALLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMENDING THE PEOPLE OF MONGOLIA ON THEIR FIRST MULTIPARTY ELECTIONS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 21) commending the people of Mongolia on their first multiparty elections, as amended.

The Clerk read as follows:

S. CON. RES. 21

Whereas the people of Mongolia had the first multiparty elections of their seventy year history in July of 1990 and have taken great strides toward a multiparty, pluralistic and democratic government;

Whereas the newly elected government of Mongolia has pledged to continue a peaceful transition to a democratic government and has committed to accept and implement free market and free trade principles;

Whereas the Congressional leadership welcomed the President of the newly elected government on his first State visit to the United States in January;

Whereas President Bush has requested the granting of Most Favored Nation status to The Mongolian People's Republic;

Whereas Mongolia has asked for economic assistance to bolster its movement toward democracy and economic reform, and the Executive Branch has responded by providing development and food assistance for fiscal year 1991 and has proposed similar assistance for fiscal year 1992; and

Whereas Mongolia presents the world with an admirable example of the peaceful conversion to free world values and democratic principles: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) hereby offers its congratulations to the people of Mongolia for a generally free and fair election process and looks forward to growth and development of United States-Mongolia relations on issues of mutual interest, such as regional stability, trade, and human rights;

(2) commends the political leaders and parties of Mongolia that worked together to achieve the creation of democratic pluralism and free market institutions and urges the United States Government to continue to grant all appropriate economic and technical assistance to Mongolia and its people; and

(3) welcomes the people of Mongolia into the Community of free nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and requests that he further transmit such copy to the Government of Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

[Mr. SOLARZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also support Senate Concurrent Resolution 21, which expresses the support of Congress for Mongolia's efforts to develop democracy and free market institutions.

In July 1990, Mongolia joined the community of free nations by holding the first multiparty elections in its 70-year history. With the election, Mongolia became the first Communist country in Asia to follow the path of peaceful political and economic reform laid out by the countries of Eastern Europe.

I hope the leadership of the other Communist countries of Asia—China, North Korea, Vietnam, Cambodia, Laos, and Burma—will take a lesson from Mongolia.

Transition to democracy can occur peacefully, and will also result in the economic benefits of closer relations with the world's free-market economies.

I strongly encourage my colleagues to vote in favor of this resolution to express our support for democracy in Mongolia.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, not very many years ago, then-President Ronald Reagan predicted that communism is going to end up on the ash heap of history. At the time, there were many who ridiculed him for saying that, and wondered where he got that information.

Amazing things have happened in a few short years since that occurred, not the least of which is the democratization or the movement toward a multiparty free economy in Mongolia. Mongolia was the first country after the Soviet Union to adopt a Communist form of government, so we have seen incredible changes around the world and now deep in the heart of Eastern Asia.

The resolution, as the chairman of the subcommittee pointed out, does congratulate the people of Mongolia. He and I did, in fact, have dinner with the President and the Foreign Minister and others from Mongolia. We met also with members of a parliamentary delegation.

My impression is that the Government and the officials of Mongolia really are interested in moving toward democracy. They really want a multiparty system. They really want a free enterprise system. As a matter of fact, they have welcomed the offer by the National Republican Institute, of which I am the chairman, to have people from our Institute work with them in that regard.

I am pleased to say we are going to do exactly that.

I want to congratulate everyone who had a part in bringing this resolution to the floor, and I urge my colleagues to support it.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for Senate Concurrent Resolution 21, a bill to commend the people of Mongolia on their first multiparty elections.

Mr. Speaker, we are living in a very special era. The political sea changes we have witnessed in the past few years will be, perhaps, the most unique history our grandchildren will have a chance to read. All too often, it is tempting to take these changes lightly, without stopping for a moment to realize just how fortunate both we in the United States and those who are seeing this light for the first time in foreign countries, truly are.

I rise today to congratulate the people of Mongolia on the first multiparty elections in their history. Mongolia has long been a highly centralized Communist state. However, in recent years, the strength of the opposition movements has grown. Like most Communist parties worldwide, the Mongolian Communist Party was forced to retreat. The Mongolian constitution was amended to delete the Communist Party's leading role, create a Presidential system as well as a more representative legislative branch. In addition, political parties were legalized. The result was free elections in July 1990.

The democratic reforms taken by the Mongolian Government in 1990 can stand as a model for the whole world to behold. Dramatic progress was made in most human rights areas. Mongolians today enjoy a degree of freedom of speech and expression that just a few years earlier would have been incomprehensible Freedom of assembly, freedom of religion, and the rights of citizens to change their government are also now staples of Mongolian political life. The July elections have also received relatively high marks from the State Department, with respect to their independence.

The newly elected Government of Mongolia has pledged to continue its march toward democracy and has accepted free market and free trade principles. I firmly believe that our Government, and this Congress, has the responsibility and obligation to assist peoples worldwide who are embracing freedom and democracy. The Mongolians deserve our warmest congratulations and our fullest support.

Mr. Speaker, when we examine the recent changes in this world, we are filled with a sense of awe. I have grown up and spent most of my life in a world fearing the threat of tyranny. Democracy and freedom were values for which we fought dearly and often suffered greatly. Today we find ourselves looking at a world which may soon be made up of a much larger community of democracies than we ever dreamed. As the Mongolians join this community, I welcome them to a brigher future and look forward to their many successes.

Accordingly, Mr. Speaker, I urge full support for this measure.

Mr. PORTER. Mr. Speaker, it is with great pleasure today that I rise in support of Senate Concurrent Resolution 21, commending the people of Mongolia on their first multiparty elections.

Mongolia, sandwiched between the Soviet Union and China, was the first country to adopt communism after the Soviet Union. For 70 years it was a highly centralized Communist state, strongly influenced by the Soviet Union.

Last year the people of Mongolia threw off the yoke of communism and installed their first freely elected government. Now, 1 year later, they are successfully on their way to becoming a multiparty democracy.

Although there is much work to be done, including obstacles in creating a free-market economy and in developing judicial independence, Mongolia has made impressive strides in granting its citizens greater freedoms.

Today we send a strong and clear message of congratulations to the people of Mongolia for having the courage to lead Asia on the path to democracy and hope that by its example, the rest of Asia, including China and Tibet, will soon be on the way to free, fair, and truly representative governments.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the last 2 years, the post-World War II world has been fundamentally and irrevocably altered. From Stettin in the Baltic to Trieste in the Adriatic, the Iron Curtain has ascended all across Europe.

Virtually every one of the one-party Leninist dictatorships in Eastern and Central Europe have now been replaced by multiparty parliamentary democracies. But it is not only in Europe that communism is beginning to collapse.

In 1990, Mongolia became the first Communist country in Asia to make the transformation from a crypto-Stalinist dictatorship into a multiparty parliamentary democracy with a market-oriented economy.

This resolution, which has already been adopted by the upper body, congratulates the people of Mongolia on holding their first truly free and fair election. It commends those Mongolians who made possible this extraordinary transition, and it encourages the executive branch of our Government, which I am pleased to say apparently needs no encouragement, to provide all appropriate forms of economic and technical assistance to the government in Ulan Bator.

□ 1430

I note that Secretary Baker has just visited Mongolia. It is the first time in history that an American Secretary of State has been there.

I very much hope that the extraordinary example of a Communist country in Asia, making the transition of a socialist dictatorship to a parliamentary democracy serves as an example to the remaining Communist tyrannies in that part of the world, which seem to have fallen somewhat behind the times. Communism has collapsed in Eastern and Central Europe. It is in the process of collapsing in the Soviet Union where it first got its start, about 74 years ago. However, it is still alive, if not well, in China, in North Korea, in Vietnam, in Cambodia, and in Laos.

Just as the collapse of communism in Poland served as an inspiration to the other countries of Eastern Europe which shortly followed suit, let Members hope that the collapse of communism in Mongolia serves as a similar example to the people who remain enslaved by Communist tyrannies elsewhere in Asia.

This resolution takes note of these developments and extends to the people of Mongolia the hardiest congratulations of the United States, and welcomes them at long last into the community of free nations.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. Mr. Speaker, I consider it a high honor and personal pleasure to yield however much time he consumes to the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I want to say to my chairman of the Subcommittee on Asian and Pacific Affairs that I will not take the time to warrant that kind of introduction.

However, I want to commend the gentleman and members of the subcommittee with regard to this resolution and the very clear explanation of why a resolution of this kind is so important. We need to emphasize the fact that Mongolians have stepped out to join the rest of the world, unlike some of our colleagues in Asia, and a few other places around the world, including Cuba, who have not seen fit to join the modern world.

We need to do everything we can to encourage the Mongolians to do more as they move along toward liberalization of their own society.

Let me also remind our colleagues that they have not only caught on very fast, but they have worked very fast and very swiftly. Already the President of Mongolia has been to this country. We have met with the delegations of Mongolians. They are very anxious, excited, and interested in working with the United States. We ought to demonstrate in every way we can that we are willing to reciprocate.

Mr. SOLARZ. Mr. Speaker, if the gentleman will permit me, the chairman of the committee, the gentleman from Florida [Mr. FASCELL] mentioned that the President of Mongolia had been here in February. As I look across the aisle I see my very good friend, the gentleman from California [Mr. LAGOMARSINO] whom, if memory serves correctly, was with me at a small dinner that President Ochirbat gave for us and one or two of our colleagues, when he came to Washington in February, I believe it was.

During the course of the dinner we asked President Ochirbat of Mongolia what he thought of the war that was then taking place in the gulf. He reminded Members that 633 years ago, Kublai Khan, the grandson of Genghis Khan, who was then the ruler of the Mongolian empire, dispatched an expeditionary force to sack Baghdad, because, we were told, the Iraqis were acting arrogantly.

So it seems as if not much changes in that part of the world. I must say that President Ochirbat brings a useful historic perspective to some of the continuing problems we face in dealing with the Iraqis at the present time.

□ 1440

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 21) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Concurrent Resolution 21, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 2837, MILK INVENTORY MANAGEMENT ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 12 midnight, July 29, 1991, to file its report on H.R. 2837, entitled the "Milk Inventory Management Act of 1991."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TECHNICAL AMENDMENTS TO VARIOUS INDIAN LAWS ACT OF 1991

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1193) to make technical amendments to various Indian laws, as amended.

The Clerk read as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technical Amendments to Various Indian Laws Act of 1991".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

(a) EXTENSION OF TIME FOR OPERATION OF CERTAIN GAMING ACTIVITIES.—Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended by adding at the end of paragraph (7) the following new subparagraphs.

"(E) Notwithstanding any other provison of this paragraph, the term 'class II gaming' includes, during the 1-year period beginning on the date of enactment of this subparagraph, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands in the State of Wisconsin or Montana on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requested the State, by no later than November 16, 1988, to negotiate a Tribal-State compact under section 11(d)(3) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3)).

"(F) If, during the 1-year period described in subparagraph (E), there is a final judicial determination that the gaming described in subparagraph (E) is not legal as a matter of State law, then such gaming on such Indian land shall cease to operate on the date next following the date of such judicial decision".

(b) REAUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL INDIAN GAMING COMMISSION.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of section 18, there is authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for the fiscal year beginning October 1, 1991.".

SEC. 3. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

Section 204 of the Indian Land Consolidation Act (25 U.S.C. 2203) is amended—

(1) by deleting "(1) the sale price" and inserting in lieu thereof "(1) except as provided by subsection (c), the sale price"; and

(2) by adding immediately after subsection (b) the following new subsection:

"(c) The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on the date of the enactment of this subsection, by the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan for the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.".

SEC. 4. AMENDMENT TO THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE ALLOTMENT OF LANDS OF THE CROW TRIBE, FOR THE DISTRIBUTION OF TRIBAL FUNDS, AND FOR OTHER PURPOSES".

Section 1 of the Act entitled "An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920 (41 Stat. 751) is amended by inserting immediately after "*Provided,* That any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made", a comma and the following: "except for those terms that pertain to conservation and land use measures on the land, and the Superintendent shall ensure that the leases contain proper conservation and land use provisions and shall also enforce such provisions".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 1193, the Senate bill now under consideration.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1193 is the Technical Amendments to Various Indian Laws Act of 1991.

The bill contains two amendments to the Indian Gaming Regulatory Act. First, pursuant to requests from the tribes in Wisconsin and Montana and the governments of the two States, it allows for an extension of the grace period for the tribal operation of certain video games in Wisconsin and Montana.

This allows for additional time to negotiate tribal-State gaming compacts within those States.

In spite of our allowing this extension, I have some concerns about the operation of certain video machines. When the act was passed, gaming was divided into three classes. Class I is traditional gaming regulated by tribes. Class II is supposed to be bingo and certain card games allowed in the State. These Class II games are regulated by tribes and monitored by the Commission. Specifically excluded from class II are electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

The committee has received reports that in spite of this provision—slot machines are being operated on Indian lands in direct violation of this law.

The intention of the law was that forms of gambling and slot machines, if they were legal in a State for any purpose, were to be brought to the table and dealt with in a class III compact between the tribe and the State.

The committee is concerned that slot machines and other games are being operated on Indian lands out of compliance with the Indian Gaming Regulatory Act.

The committee will give this matter strict scrutiny and seeks to put anyone violating the act on notice that noncompliance puts all Indian gaming in jeopardy.

Second, the bill provides for a reauthorization of the National Indian Gaming Commission through the end of fiscal year 1992. This is a variation from the bill as passed by the Senate. The committee changed the reauthorization period from 2 years to 1 year. We did this for two reasons. First, under the law the Commission was supposed to be partly self-sufficient by now. It is not. An additional year should be ample time to develop a method to assess fees from tribal gaming operations. Second, next year when the Commission returns for another reauthorization for either full or partial Federal funding the committee seeks to scrutinize the mission, goals, and progress of the Commission. We need to know that it is doing the job for the tribes and that gaming is being conducted within the parameters of the law.

The bill also amends the Indian Land Consolidation Act to allow the Cherokee Nation of Oklahoma to accept less than 10 percent of the appraised value for the sale of certain lands to Mutual Help home buyers.

Finally, the legislation amends the Crow Allotment Act of 1920 to clarify the Interior Secretary's responsibility to maintain sound conservation practices on certain leased lands.

Set forth below is an analysis of the bill:

EXPLANATION OF PROVISIONS

Section 1 cites the bill as the "Technical Amendments to Various Indian Laws Act of 1991".

Section 2(a) amends the Indian Gaming Regulatory Act (IGRA) passed in October 1988 to extend for another year the grace period for operation of certain video gaming machines in the states of Montana and Wisconsin. Due to unforeseen circumstances, tribes in those two states have been unable to complete negotiations to enter into tribal/state compacts with respect to video games that were operated on May 15, 1988, and were legal at that time. On passage of IGRA certain games were classified as class III games and became subject to regulation under a tribal/state compact. Congress enacted a one-year grace period during which time tribes could continue to operate the machines in question while working with the states to negotiate compacts. That grace period was extended for one year for tribes in Minnesota and, in another enactment, for tribes in Montana and Wisconsin. The Minnesota tribal/state compacts have been negotiated and are in place. However, tribes in Montana and Wisconsin have asked for another one year grace period and the Governors and Attorneys General of those states have concurred, as well as the U.S. Senators and Representatives from those states.

This provision extends only to the two states, and is not intended to act as a license for tribes in other states to engage in Class III gaming activities that were not otherwise legal in the states in which they were operated upon the date of enactment of the Indian Gaming Regulatory Act or which would be illegal unless operated pursuant to a tribal/state compact.

Section 2(b) extends the authorization for funding the National Indian Gaming Commission through fiscal year 1992. When the Commission was authorized under IGRA, it was envisioned that the Commission would operate with Federal funding for the first two years, after which time, funding for the Commission would be derived from fees assessed on Class II gaming operations that the Commission is charged with regulating, with a matching Federal appropriation. However, because the President's appointments to the Commissioner were delayed, the Commission just became fully operational last month.

Congressman Sidney Yates, Chairman of the Interior Appropriations Subcommittee in the House, has indicated that he must abide by the letter of the Indian Gaming Regulatory Act, and thus, unless authority for full Federal funding is extended, he will be unable to provide any funding for the Gaming Commission in the coming year. The Commission has yet to finalize regulations that would provide for the assessment of fees, and once finalized, the regulations must be submitted to the Interior Department and the Office of Management and Budget before they are published in the Federal Register. Accordingly, in the absence of a Federal appropriation, the Commission will have no means of carrying on its critical functions after September 30, 1991.

Section 3 amends the Indian Land Consolidation Act to provide for a unique circumstance. Currently, the Act requires that when Indian tribes sell lands to consolidate their holdings, they must receive no less than within 10 percent of the appraised value for such lands. In the 1960's and 1970's, 300 homes were built by the Cherokee Nation Housing Authority on Cherokee trust lands, and offered for sale to individual Mutual Help homebuyers. The Cherokee Nation is now proposing to sell the land to the individual Mutual Help homebuyers, but because of the appraised value for purposes of sale includes the improvements on the land, the Land Consolidation Act requirement that the tribe must receive within 10 percent of the appraised value of the land means that the Nation will have to recoup a cost from the homebuyers that has already been paid. The amendment to the Act authorizes the Cherokee Nation to accept less than the 10 percent of appraised value for the sale of the lands.

Section 4 amends the Crow Allotment Act of 1920, as amended. That Act allowed Indian allottees who were classified as "competent" to lease their lands without the approval of the Secretary of the Interior. The BIA issued regulations under the Act that allows the Secretary "to assure conservation and protection of their lands". Nevertheless, the Office of the Solicitor has advised that the Bureau does not retain any responsibility for compliance of the lease provisions, including conservation provisions. The BIA has therefore been reluctant to require lessees to comply with established conservation practices. The Inspector General audited the leases in 1988 and found that uncertainty exists regarding the BIA's authority over them, resulting in non-enforcement of good land use management practices and in the consequent deterioration of farm lands. This amendment clarifies that the Secretary's authority and responsibility for the maintenance of sound conservation practices extends to the Crow Indian competent leased land. The Secretary's enforcment authority is intended to include lease cancellation, bond forfeiture, or other enforcement mechanisms typically used by the Secretary in such enforcement actions.

Mr. Speaker, I urge my colleagues to support the passage of this legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Arizona [Mr. RHODES] and myself, I rise in support of S. 1193, although I am compelled to express my opposition to the House amendment to the Senate-passed bill.

S. 1193 contains technical amendments to certain Federal Indian statutes, including a 2-year extension of the funding authorization for the National Indian Gaming Commission. The Senate-passed bill is wholly uncontroversial, has no significant costs or budget implications, and deserves the approval of this body. However, the bill before the House today amends the section pertaining to the Gaming Commission and reduces the funding authorization from 2-years to 1 year.

There are several reasons why a 2-year extension of the Commission's funding authorization is the most prudent course of action.

First, the Indian Gaming Regulatory Act, enacted on October 17, 1988, created the Commission and authorized and envisioned 2-years of appropriations for startup purposes. These 2 years would have been fiscal years 1989 and 1990. However, the Commission did not get its first employee and spend its first dollar until June 1990, when Mr. Anthony Hope was appointed as Chairman of the Commission. The Commission itself was not fully constituted until April 1991, when the third Commissioner was sworn in. It is perhaps more realistic to consider the Gaming Commission's startup years to be fiscal years 1992 and 1993.

Second, the Gaming Act provides that beyond the startup years, the budget of the Commission may include a request for appropriations in an amount equal to the amount of funds derived from the collection of assessments from tribal gaming operations for the fiscal year preceding the fiscal year for which the appropriation request is made. Without a special startup funding authorization for fiscal year 1993, the appropriations request for fiscal year 1993, which is currently being prepared by the executive branch, cannot exceed the amount derived from assessments from fiscal year 1992. At this point, the amount to be derived from assessments during fiscal year 1992 is unknown.

This brings me to the third reason the 1-year extension is objectionable. Since the Commission was only able to begin conducting official business this last spring, the Commission's regulations for the assessment and collection of fees from tribal gaming operations are not yet promulgated. Although promulgation is expected in the very near future, it is unknown what kind of challenges to the regulations may occur and thereby delay and diminish further the Commission's ability to collect the assessments in time to make the Commission self-sufficient by the start of fiscal year 1993.

If by the start of fiscal year 1993 the Commission is unable fully to collect fees from tribal gaming operations, and also lacks funding authorization from Congress, the Commission will be handicapped in its ability to enforce and implement the provisions of the Indian Gaming Regulatory Act as intended by Congress.

Although I object to the House amendment to S. 1193, I urge passage of the bill in order that it may be conferenced with the Senate. It is my hope that the problems associated with the House bill will be fully corrected in conference.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the Senate bill, S. 1193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ROBERT W. KASTENMEIER UNITED STATES COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 948) to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

The Clerk read as follows:

H.R. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 120 North Henry Street in Madison, Wisconsin, shall be known and designated as the "Robert W. Kastenmeier United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert W. Kastenmeier United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in support of H.R. 948. This legislation would honor a great friend and colleague, Robert W. Kastenmeier, by designating the U.S. courthouse located at 120 North Henry in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

Robert W. Kastenmeier was born and raised in Beaver Dam, WI. He practiced law in Wisconsin until his election to Congress in 1958. In Congress he had a distinguished career making significant contributions, particularly in the area of the courts.

He served as chairman of the House Judiciary Committee's Subcommittee on Courts, Intellectual Property and the Administration of Justice for 21 years.

He was also a leader in other areas. He was a strong defender of individual rights, including support for the 1964 and 1968 Civil Rights Acts and the Voting Rights Acts of 1985. Throughout his career he was a defender of civil liberties, including prison reform, privacy protection, a free press, and an enlightened justice system.

In tribute to his many contributions to the State of Wisconsin and the Nation, I urge my colleagues to approve this legislation, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 948 designates the U.S. courthouse, located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

First elected in 1958, Congressman Bob Kastenmeier served the citizens of Wisconsin with distinction until his retirement from the House in 1990. Throughout his career in the House, he worked diligently to strengthen the criminal justice system. As the former chairman of the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, he is the recognized leader of judicial reform.

Given Bob Kastenmeier's outstanding contributions to the judicial system, it is fitting that we honor our former colleague in this manner. I urge all Members to support H.R. 948.

□ 1450

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. SAVAGE], chairman of our Subcommittee on Public Buildings and Grounds.

Mr. SAVAGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I support H.R. 948, the bill to designate the U.S. courthouse in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

In 1958, Robert Kastenmeier was elected to the U.S. House of Representatives to represent Wisconsin's Second Congressional District. He served on the House Judiciary Committee and was subcommittee chairman of the House Judiciary Subcommittee on Courts, Intellectual Property, and the Administration of Justice.

It is most appropriate that a Federal courthouse be named in honor of Robert Kastenmeier, one who devoted his life and continues to make contributions in the judicial arena.

Therefore, I urge passage of H.R. 948.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Subcommittee on Public Buildings and Grounds, the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFFE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think anything I would say would be redundant since the chairman of the committee and the chairman of the subcommittee and the ranking minority member of the full committee have been very eloquent and thorough in their discussion of our former colleague, Mr. Kastenmeier.

Mr. Speaker, I rise in full support of this legislation.

H.R. 948 designates the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse." Bob Kastenmeier was first elected to serve in the House in 1958. When he left, at the end of the 101st Congress, Bob was the chairman of the Subcommittee on Courts, Intellectual Property, and the Administration of Justice. H.R. 948 is a fitting tribute to a man who used his leadership role on the Judiciary Committee to create a stronger Federal court system. I urge all Members to support H.R. 948.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 948.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 948, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RALPH H. METCALFE FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

The Clerk read as follows:

H.R. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building under construction at 77 West Jackson Boulevard in Chicago, Illinois, shall be known and designated as the "Ralph H. Metcalfe Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ralph H. Metcalfe Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1779. This legislation honors a remarkable American and former colleague, Ralph H. Metcalfe, by designating the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

Before entering the political arena, Ralph Metcalfe achieved international acclaim by successfully representing the United States in the 1932 and 1936 Olympics.

In later years, he taught political science at Xavier University in New Orleans, served as first lieutenant in the U.S. Army, as director of the Chicago Commission on Human Relations and as Illinois State Athletic Commissioner. He also represented the third ward of Chicago as alderman and committeeman.

In 1971, Ralph Metcalfe was elected to Congress where he served for four terms with distinction as a member of the Merchant Marine and Fisheries, Post Office and Civil Service, and Interstate and Foreign Commerce Committees. He was also an invaluable member of the Congressional Black Caucus.

Mr. Speaker, this is a fitting and appropriate honor for a great American and friend. I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Subcommittee on Public Buildings and Grounds, the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. I thank the gentleman for yielding.

Mr. Speaker, it is very rare we have an opportunity to recognize someone who has distinguished himself both in service as a Member of this Congress as well as the athletic world.

I am particularly enthusiastic about what we are to do today. As a little personal note, Ralph Metcalfe and a handful of others were my heroes when I was very involved in the world of track, many, many years ago. Although my accomplishments were not anything like theirs, they were always the symbol that we would strive for.

For that reason I am very enthusiastic about this. The bill that we are considering right now passed through the subcommittee and through the full committee unanimously and I encourage our colleagues to vote the same way today.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our Subcommittee on Public Buildings and Grounds, the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I thank the chairman for yielding.

Mr. Speaker, let me first say something about this building because it is a bit unusual.

Mr. Speaker, it is the first completed under a lease-purchase arrangement where a private developer undertook the project. In other words, it did not require funds out of the building trust fund as would have been required if the Government itself had undertaken the construction and development of this project, although at the end of 30 years the Government will receive title to the property which is a 27-story, 660,000 square feet of occupiable space, a building designed for the Government's office and judicial needs.

But more than that it is a model for this Nation in affirmative action regarding business participation of minorities and women.

Mr. Speaker, of the total cost of the building, some $153 million, almost two-thirds of that amount are involved in subcontracts and of the subcontracts, almost $30 million went into the minority business community of the Chicago area and $7.5 million to women-owned businesses in the Chicago area.

In the process of the 2½ years that it took to construct this building it generated, including what it contributed directly, some 500 jobs in the Chicago area and represented some $500 million pumped into the Chicago economy.

But, more important than that, Mr. Speaker, blacks too must be seen in their contributions to our Nation and too few Federal buildings across this land bear the names of blacks. It is important not only for the motivation of the black children but for the education of white children to know that we too have contributed to the great legislative history of our Nation. Ralph Metcalfe was more than a distinguished Member of this body, he was indeed an Olympic track star, but was a giant in local Chicago politics before being elected to Congress.

More than that, he served his constituents of the First Congressional District long and well and left a tremendous legacy including the experience and knowledge passed on to his eventual successor, later the first black mayor of Chicago, my good friend and late colleague, the distinguished Harold Washington.

So this was indeed a significant contribution to our Nation.

Finally, let me add that this will complete a triangle of three Federal office buildings in downtown Chicago, one named after the late Senator Dirksen, another named after the late Congressman Kluczynski and now, finally, Ralph Metcalfe. In those three names we can see what democracy is really about.

□ 1500

Mr. Speaker, in Chicago we have had the problem of streets being named after a black, but only that portion of the street that ran through a black neighborhood. In this instance this name will be on the building in the international downtown, the heart of our city, and I think this should make us all proud of Chicago in that it should become a model for this Nation.

Mr. Speaker, H.R. 1779 is a bill to designate a Federal building in Chicago, IL, the "Ralph H. Metcalfe Federal Building."

The Federal building has a unique history. I am especially pleased to propose a name for this building because in 1986, I initiated legislation which authorized the funding of $153 million for its construction.

This 27-story, 660,000-square-foot structure is scheduled to be completed next month. It is one of the first major Federal buildings to be developed by lease-purchase arrangement, an innovative financing arrangement which will save the taxpayers millions of dollars.

In addition, the development project serves as a model, having the highest percentage of minority and women subcontractors in the area.

I introduced H.R. 1779 because there are very few buildings in America named for African-Americans. Generally speaking, Federal buildings are named after individuals who have made significant contributions to this Nation.

When most Americans hear the name Ralph H. Metcalfe, they think of how Metcalfe represented their country in the 1932 and 1936 Olympics. Metcalfe won gold, silver, and bronze medals. That was a significant contribution to this Nation and to the world.

Ralph Metcalfe served as a first lieutenant in the U.S. Army and was also a political science professor and track coach at Xavier College in New Orleans. These posts also were significant contributions to this Nation.

In 1971, Ralph H. Metcalfe was elected to the U.S. House of Representatives. He served on the Merchant Marine and Fisheries, Post Office, Civil Service, and Interstate and Foreign Commerce House Committees. He served the constituents of the First Congressional District of Illinois long and well, and he left a tremendous legacy, including the experience, knowledge and wisdom passed on to his eventual successor, the late Harold Washington. This, too, was a significant contribution to the Nation.

In addition to being a nationally prominent American, Ralph H. Metcalfe held a variety of important local posts in Chicago and the State of Illinois. He represented Chicago's third ward as alderman and committeeman, served as director of the Chicago Commission on Human Relations, and was an Illinois State Athletic Commissioner.

Though we did not serve in Congress concurrently, I knew Ralph Metcalfe well. To quote my distinguished colleague, the Honorable JIM OBERSTAR, at the subcommittee hearing on this matter on April 25, "* * * He (Metcalfe) stood up to privilege and power and stood up for principle and I think it's time we stand up for Ralph Metcalfe."

I urge my colleagues to join me in the passage of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my very able colleague, the gentleman from Illinois [Mr. SAVAGE], for initiating this legislation.

H.R. 1779 will designate the Federal building under construction at 77 West Jackson Boulevard in Chicago, IL, the "Ralph H. Metcalfe Federal Building." Ralph Metcalfe distinguished himself as both an athlete and a public servant.

Prior to coming to Congress in 1971, he served in the U.S. Armed Forces as a lieutenant, taught political science at Xavier University, and was director of the Chicago Commission on Human Relations. His first elected office was as an alderman and committeeman for the third ward in Chicago.

During his tenure in the House, Congressman Metcalfe was a highly regarded member of the Merchant Marine and Fisheries Committee and the Post Office and Civil Service Committee. Unfortunately, his House career was cut short by his untimely death in 1978.

Designating a Federal building in Chicago as the "Ralph H. Metcalfe Federal Building" is a fitting tribute for our former colleague, and I urge all Members to support H.R. 1779.

Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 1779.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1779, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT OF INTENTION TO PROCEED TO CONSIDERATION ON TUESDAY NEXT OF HOUSE JOINT RESOLUTION 308, RESOLUTION OF DISAPPROVAL OF BASE CLOSURE RECOMMENDATIONS

Mr. ASPIN. Mr. Speaker, pursuant to section 2908(d) of Public Law 101-510, I would like to announce my intention to move to proceed to consideration of House Joint Resolution 308, disapproving the recommendations of the Defense Base Closure and Realignment Commission, on Tuesday, July 30, 1991.

THE MOST EXPENSIVE FEDERAL OFFICE BUILDING CONSTRUCTION IN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues a matter that not many Members have focused on: A plan by the CIA to relocate between 5,000 and 6,000 employees from 21 offices in the Washington area. Members have not focused on this matter because the House has been left out of the decisionmaking process on the relocation plan. This lack of congressional consultation is particularly troubling because this plan would cost $1.2 billion—making it the most expensive Federal office building construction in history.

I will not take the time of the House today to outline the many serious concerns that I have about the CIA relocation plan. The House Permanent Select Committee on Intelligence will hold an open hearing on this matter tomorrow morning, and the committee should be commended for providing a forum where this relocation plan can be given the careful scrutiny it deserves. I have been asked to testify at the hearing, and I would request that the statement that I plan to make be included in the CONGRESSIONAL RECORD at the close of my brief remarks today.

In brief, I plan to raise four questions about the relocation plan that should be answered, in the name of good government, before the relocation is allowed to proceed.

First, how much would the relocation cost, and are these costs justified?

Second, how would the relocation affect the ability of the CIA to perform its mission?

Third, how would the relocation affect the 5,000 to 6,000 employees involved and their families?

And fourth, did the process that the CIA used to develop this plan meet the standards that Federal agencies should meet?

Until these items are addressed, many will remain unconvinced that the relocation plan as it stands is warranted. These concerns should be addressed before the CIA is authorized to proceed with its present course, for the sake of the employees involved, the American taxpayers, and the integrity of the Central Intelligence Agency.

STATEMENT OF REPRESENTATIVE FRANK R. WOLF, HOUSE HEARING ON CENTRAL INTELLIGENCE AGENCY RELOCATION JULY 30, 1991

Mr. Chairman, I want to thank you for holding this hearing and for inviting me to testify. As members of the Committee are aware, the CIA has announced a plan that would create two new large CIA facilities, which would be in addition to CIA headquarters at Langley. Press reports indicate that the plan would involve the relocation of between 5,000 and 6,000 employees from 21 offices in the Washington area to two new campus-type facilities.

I plan to raise four questions today about the proposed relocation plan that should be answered, in the name of good government, before the relocation is allowed to proceed. Many will be surprised to learn that although the proposed relocation would cost $1.2 billion, would involve thousands of federal employees and their families, and would affect the ability of the CIA to perform its mission, Congress has been kept in the dark about the decision. Even though this would be the most expensive federal office construction project in history, the House and almost the entire Senate have been left out of the process.

Because Members of the House have been left out of the decision-making process on the relocation plan, many Members have not focused on this matter. Given that the relocation would involve thousands of employees at a very important agency of the federal government and would cost more than a billion dollars, the lack of congressional consultation is very troubling. It raises serious questions about whether Congress' constitutionally granted role has been followed.

The history of the CIA relocation is murky, but it has its origins several years ago when the agency began to review ways to reduce the cost of leasing space in the National Capital Region. A group at the CIA was tasked with considering various options, including the consolidation of facilities at existing and new locations. During this period the CIA failed to inform Congress of the scope of its plans. In fact, in recent months CIA officials were purposefully vague and misled me about the status of the relocation plan. I was told on several occasions that the plans for relocation were still in a preliminary stage, right up until the plan was announced as a done deal. And earlier this year I was urged not to discuss publicly the plans for relocation. Did the top leadership of the CIA want to make sure that the House had already completed action on the Fiscal Year 1992 Intelligence Authorization Act, before making known the true scope of their relocation plan?

Members of this Committee included language regarding the relocation in H. Rept. 102-65, the report which accompanied H.R. 2038, the Intelligence Authorization Act for Fiscal Year 1992. The Committee report requested that the Director of Central Intelligence "undertake a community-wide review of facilities and activities to determine if consolidation among agencies should take place, and whether the need for area consolidation—specifically by the DIA and CIA—is warranted based on the community requirements." Yet just nine days after this measure passed the House, the CIA announced its relocation plan.

The Intelligence Authorization bill passed the House on June 11, and the same day I had a letter hand-delivered to CIA Director William Webster which posed 47 separate questions about the pending plan for consolidation. This letter followed up a meeting that I had with Director Webster in which I raised several concerns about the proposed relocation. I was told at that time, as I had been told over the past several months, that the CIA was still in the initial phases of considering the relocation. Despite my request, and despite the language in the report to the Intelligence Authorization bill which called for a thorough analysis of the need for and effects of a relocation, on June 20 a plan was announced that would close 21 Washington-area CIA offices and consolidate them in two new campus-like facilities.

Some have raised the possibility that, because the decision-making process was so completely cut off from public scrutiny, and because even the oversight of this Committee was avoided, political pressure influenced the development of this plan. If this were true, it would certainly not be in the public interest. If it were true, it would be inappropriate and would mean that even the most powerful intelligence agency in the world would bow to outside pressure. If it were true then this relocation plan should fail. Because in any enterprise, whether a new business or a new building, in any structure, it is the foundation which most needs strength.

Again, I want to thank you for holding this hearing, which is an important step toward illuminating how the plan was developed, and what it could mean for the future of the CIA. I hope that the Committee gives careful scrutiny to this plan, to determine whether an expenditure of $1.2 billion is justified for a consolidation that would result in three large CIA facilities, one in West Virginia.

I plan today to offer a few comments which should suggest that many, many questions remain unanswered. In fact, it is my understanding that thus far the appropriations for this project have been hidden. It has been reported that the initial funds for the CIA to consider the feasibility of consolidation were hidden in the classified annex to the Fiscal Year 1991 Defense Appropriations bill, so that the public and even most Members of Congress were unaware of it. That funds for planning a federal office undertaking of this magnitude were hidden in a classified annex is completely inappropriate. The American public deserves a thorough accounting of the relocation plan, because of the important national security concerns and the amount of taxpayer funds involved.

As I indicated a moment ago, today I want to focus on four questions that need to be answered regarding a CIA relocation. The first question is how much the relocation would cost. The second is how the relocation would affect the ability of the CIA to perform its mission. The third is how the relocation would affect the 5,000 to 6,000 employees involved and their families. And the final question is whether the process that the CIA used to develop this plan is in the best interests of the American public, and was consistent with the standards of good government that any federal agency should meet.

COST OF CIA RELOCATION PLAN

Judge Webster's July 6 response to my June 11 letter indicates that the CIA relocation plan would cost $1.2 billion, making it the most expensive federal office building construction project in the history of this nation. The construction costs alone would total $660 million. This is more than the Pentagon cost when it was constructed. It is more than the cost of any of the pending consolidations of other federal agencies, even those with special security requirements that must be included in the construction. But Members should also be aware of additional costs that will be associated with constructing secure facilities for the CIA. First, the agency will have the use approved sources of materials, and during construction these materials will need to be inspected. The construction companies involved will be required to use screened personnel. These will be very expensive items, and could substantially increase the eventual costs of this plan.

But construction costs will not be the only costs borne by the general Treasury if this plan is adopted. The Director of Central Intelligence's July 6 letter indicates that moving costs associated with relocating the physical offices involved would total $2 million. The move of these items will require guards at both ends and along the route of transport, as well as the inventory of everything picked up and everything delivered. This will be a time-consuming, disruptive, and expensive process.

The letter does not contain an estimate for the total costs of relocating CIA employees and their families, thus the $1.2 billion figure may increase as we learn the actual number of employees who would be forced to move. A portion of the employees whose positions move to West Virginia would be eligible for government reimbursement for relocation expenses under chapter 57 of Title 5, United States Code. The CIA's July 6 response stated that relocation expenses could total an average of $45,000 per qualifying employee.

Secure communications would be a major added expense under the relocation plan. While the total cost of new communications is unclear, the CIA indicated that the cost of communications connectivity to the Jefferson County site is an additional $3 million above the amount it would cost for the same connections at closer sites.

We should also ask what the additional costs will be related to security clearances. If this relocation is like others planned to West Virginia, then many of the employees will choose not to relocate. The CIA will have to hire employees to replace them, and these new employees will need a polygraph clearance. It is my understanding that these clearances are now averaging between 9 and 15 months to complete, at a cost of approximately $13,000 per clearance. Thus, the clearance of new employees could prove to be an additional significant disruption to the operations of CIA components relocated to West Virginia. The clearance costs would also add to the already high $1.2 billion figure.

Clearly, these significant costs merit careful scrutiny by the Congress. If the Congress is to authorize the expenditure of $1.2 billion in taxpayer funds, there should be detailed analyses of whether the plan would promote the mission of the CIA, with attention paid to how the plan would affect CIA employees and their families. It is just as important that Congress determine whether the process that the CIA employed in selecting the two sites proposed in its plan ensures that the federal government will get the most for each taxpayer dollar spent.

EFFECTS OF RELOCATION ON CIA OPERATIONS

Creating two separate and distinct new consolidated campus-type facilities, with one up to two hours from the District of Columbia, could have a profound effect on the ability of the CIA to perform its vital mission. The world has changed dramatically in recent years, and the United States intelligence community will need to keep pace with these changes to fulfill its mandate and meet the challenges of the years ahead. It seems self-evident that the CIA should seek to strengthen its institutional unity as it adjusts to its new role. It seems self-evident that the CIA should build upon the strengths of its human resources as it meets these challenges. Yet the proposed relocation plan would achieve the opposite result on both counts.

The relocation plan as it stands would create disunity at the agency by creating geographic separation that would lead to operational separation, jeopardizing the institutional integrity of the agency. Each campus would develop its own personality, and an "us" versus "them" attitude could debilitate the agency. At a time when the CIA will be called upon to develop a renewed institutional unity to meet the needs of a new world order, the current relocation plan would balkanize the agency.

It would also drain the resource that will be most important in helping the agency adjust to its new mission—the CIA employees. I will discuss the effects of the proposed relocation on CIA employees in more detail in a moment, but I want to emphasize that dislocating employees and drastically affecting their daily commute and their family lives will have a very negative effect on their ability to perform their jobs. Already at Langley headquarters and at the other facilities, employees are becoming concerned with the potential that they will be relocated.

In addition, it is important when discussing a relocation to emphasize that the CIA is not just another federal agency: it is the central intelligence function of our government. The CIA coordinates and oversees the entire intelligence community. In this role, it must interact on a daily basis with the White House and with other federal agencies. During times of heightened national security activity, the CIA must be able to get information to federal agencies at a moment's notice.

Consider an element of the CIA that might not seem to need to be close to Washington, such as the agency's printing operations. During a time of international conflict, when events may escalate at a moment's notice, the CIA must have the ability to deliver written reports quickly to the White House and to other agencies. Having documents that must be hand-delivered due to national security considerations printed at a location two hours from downtown Washington would simply not be in the national interest.

It is also important to note that a relocation of components of the CIA could have an adverse effect on other agencies, such as the Army, Navy, Air Force, Defense Intelligence Agency, the National Security Agency, the Defense Advanced Research Projects Agency, the Joint Chiefs of Staff, and the departments of Commerce, Justice, and State. Often when CIA employees meet with employees of these agencies it must be done at a CIA facility, in an area cleared for the specific project. If the CIA were relocated to West Virginia, would employees from these other agencies be forced to make a long commute for such meetings?

In addition, some CIA employees, for mission purposes, never acknowledge their actual place of employment. Members should consider whether this will be possible in a rural area in West Virginia. In northern Viriginia, where there are many federal employees and other professionals, maintaining this sort of cover is relatively easy.

Thus, it is important that we ask: is it prudent to spend $1.2 billion on a relocation plan that would negatively affect the ability of the CIA to carry out its mission?

DISLOCATION OF CIA EMPLOYEES

As a former federal employee, I have worked over the years with colleagues from both parties to promote the interests of federal employees and to secure pay and benefits that attract and retain high quality people. Many of the programs that I have championed, such as child day care, leave sharing, and flexible work schedules, currently benefit CIA employees. I firmly believe that these programs help the CIA better serve the American public. The CIA's greatest asset is not its satellites or high technology or intelligence gathering techniques: the agency's greatest asset is its people. Yet the CIA leadership has not given sufficient emphasis to the interests of employees in formulating the relocation plan.

The employees at the 21 CIA satellite facilities involved in the relocation plan have become part of their communities in Virginia, Maryland, and the District of Columbia. They have joined places of worship, are involved in community service, have spouses employed in the area, and children active at local schools. As the ranking member of the Select Committee on Children, Youth, and Families, I am very concerned that the needs of these families be taken into account.

In Director Webster's July 6 response to my June 11 letter, he stated that "the vast majority of current employees would not need to relocate to work at either of the proposed consolidation sites." The CIA has made several assumptions in arriving at this response. The first is that CIA employees would choose to commute to their new location, regardless of where they currently live. It is no wonder that the CIA would prefer to believe it.

By claiming that employees would be able to commute from their current homes the CIA avoids the harsh reality that employees would face a difficult choice: employees will have to decide whether to sell their homes, which could mean severe financial difficulty in the current real estate market, or face a long commute.

By claiming that employees would not have to move their homes, the CIA also understates the true cost of the relocation, because the federal government will be liable for employee relocation allowances such as: household goods shipping costs, real estate commissions, closing fees and the taxes the fees incur, storage costs, temporary housing costs, new home search assistance costs, family move costs, and the taxes incurred in reimbursement for moving expenses.

If we unravel the CIA's statement that employees would not have to relocate their homes, we see that the agency makes even more troubling assumptions. The CIA leadership assumes that employees will be willing to endure a commute that could be three hours to as much as four hours a day, two hours each way, from parts of northern Virginia, where the majority of current employees live, to Jefferson County, West Virginia.

As one who has worked to improve the transportation systems in this region, this is particularly troubling to me. A four-hour daily commute will affect the morale and performance of CIA employees at the new facility. The negative effects will be intensified during the winter months, when ice and snow could make the commute to West Virginia dangerous and at times impossible. There may be times when employees, rather than make a several hour commute on icy roads back to northern Virginia, would have to spend the night at the proposed facility.

We should also consider how a multi-hour daily commute would affect the family lives of CIA employees. Many employees would lose precious time that they spend with their children and spouses at home. And today, when so many pressures in our society threaten the family structure and the upbringing of children, every additional hour spent away from the family hurts. The CIA relocation plan as it stands would divide parents from their children for hundreds of precious hours each year.

Another assumption that the CIA has made is equally troubling. The CIA leadership seems to expect many current employees whose jobs would be moved to West Virginia will leave the agency rather than relocate. In Director Webster's July 6 letter, he states that "many of the employees who will work at the proposed sites will be hired between now and the late 1990s." In response to another question, he states that the agency might consider "early-out" retirements as an option for employees.

What does this mean for the current employees who have years of experience and have devoted their careers to the CIA? Many intelligence positions are highly specialized, and given the current state of the economy, mid-career employees could have a difficult time finding comparable work. Would mid-career employees be able to find comparable jobs outside of the CIA? Think for a moment how difficult it is for a man or woman in their mid-50s to change careers.

This is not a particularly good time to be searching for a job. The data compiled by the Bureau of Labor Statistics is not encouraging for these employees, since 1990 data indicates that more than 40 percent of those employees who had lost full-time jobs and moved into other full-time jobs took a pay cut.

Another proposed federal relocation to West Virginia, involving the relocation of 2600 positions at the FBI Identification Division (ID), suggests that many employees will not choose to relocate. The FBI surveyed employees of the ID division and found that only 32 percent of them would relocate. A 1987 survey of private sector companies found that human resources departments experience a refusal-to-relocate rate of about one quarter of employees whose positions have been moved.

I think it is important to consider whether the CIA relocation plan would result in the exodus of some of the best and brightest CIA employees. Before moving forward with the current plan, the CIA should survey employees at the offices involved to determine just how many would be prepared to relocate. The CIA should also determine whether top management at these facilities would relocate.

The CIA should try to retain many of the experienced and dedicated individuals whose jobs would be affected by any plan for consolidation. Under the current plan, it is unclear what consideration the CIA would make for employees whose families would be uprooted by the relocation? Judge Webster's July 6 response indicates that "about 58 percent of [the CIA] work force is male, and about 41 percent is female." No explanation is given for the missing percentage. His letter also projects that by the year 2000 the percentage of female employees would increase by roughly 11 percent, and that the number of employees with working spouses and school age children will increase proportionately.

What provisions would be made for working parents, who have established a network of support in child care providers, after school programs, and extracurricula activities? What provisions would be made for employees who have children with special educational, physical, or emotional needs that are currently being met in programs in this area? What provisions would be made for employees whose spouses work close in to Washington, D.C., and could not find comparable work near the new location? What provisions would be made for employees with teenage children who are settled into a school in this area, and who could face adjustment problems? Should we be concerned that research has shown that geographic relocation results in impaired social relationships and destructive behavior among teens?

In sum, the relocation plan as it stands could have a devastating effect on thousands of CIA employees and their families. It is critical that we ask ourselves whether we can justify spending $1.2 billion to implement a plan that could have such far-reaching negative effects.

THE PROCESS USED TO DEVELOP THE RELOCATION PLAN

Many serious concerns have been raised about the manner in which the site selection process for the relocation was conducted, and about the way that the plan announced on June 20 was developed. Given the size and the scope of the relocation plan, what kind of precedent would it set for future large federal procurements?

In regard to the site selection process, many Members of Congress will be surprised to learn that the General Services Administration, the federal government's lead agency on federal office space matters, was not involved. Even though GSA currently coordinates with CIA on several million square feet of office space, even though GSA has repeatedly demonstrated that it can effectively plan, design, and acquire space for CIA and meet its security requirements, that agency was not involved. And members of this committee should be aware that GSA has worked successfully with other agencies with security requirements, such as the National Security Agency, the FBI, and the departments of Defense and State. Had the GSA been involved, it is likely that a more orderly and appropriate procurement process would have taken place.

Instead of working with GSA, the CIA spent additional taxpayer dollars by going to an outside consultant. Moreover, it is my understanding that neither the Office of Management and Budget nor the White House were involved in the development of the plan. Did the National Security Council or the Defense Intelligence Agency have input into the national security aspects of this plan? These questions remain.

It is unclear whether any formal rules of procurement governed the CIA's review of possible locations for a new facility. Director Webster's July 6 letter states that a real estate consultant was retained by the CIA, and that the consultant screened properties, ranked them, and that only four primary sites were submitted to senior CIA management for consideration. This approach would raise serious concerns in any procurement process, much less this one which involves $1.2 billion in federal funds.

Why was there no public solicitation for offers? Was there a formal and systematic review of offers? Were there negotiations between contracting officers and interested parties, so that a competitive process would result in the best deal for the American taxpayer? Why were there no extended negotiations, to obtain best and final offers?

Why has there been no assessment of the environmental impacts of potential courses of action? Was an environmental impact statement prepared? What would be the impact of the plan upon soil, water, and air quality at the proposed sites? What would be the impact upon vegetation and wildlife?

Why has there been no assessment of traffic impacts of the relocation plan? Let me suggest that CIA officials check the traffic projections over the next 10 years along Route 7, which is the avenue that they propose employees use to commute to the new site, and see if they still maintain that the commute from headquarters to Jefferson County will only be 70 minutes.

Projections by the Virginia Department of Transportation indicate that traffic along Route 7 West will double in the next 20 years. And these projections were made without considering the many thousands of extra trips that would be made daily if the CIA relocated to West Virginia.

Why was there no attempt to locate the site so that employees could utilize the METRO system? I have worked hard with Members from this area to win the support of Congress for funds for the METRO system, which is one of the finest in the country, and federal agencies should attempt to utilize the system.

Why was there no attempt to take advantage of the glut of commercial space in northern Virginia, to get a good deal on additional space? Was there serious consideration given to properties already held by the federal government—such as RTC properties or military properties that will be excessed? These questions and many more suggest the need for an orderly, open, and competitive procurement process.

Many will also have serious misgivings about the manner in which the relocation plan was developed. What interest is served when a handshake and a nod settle a plan that would affect 5000 to 6000 employees and their families, would cost $1.2 billion, and would determine the very course of one of the most important agencies of the federal government? This is not the way that the federal government should operate and that decisions should be made.

MANY QUESTIONS REMAIN UNANSWERED

I have raised questions today that have troubled me for several months, and which I believe deserve to be answered. The concerns I raise are not parochial: it is not merely the loss of thousands of jobs from northern Virginia to West Virginia that concerns me deeply. It is the way that the plan would affect the mission of the CIA, the way that the federal employees involved and their families would be affected, and the significant cost of this venture.

I am also deeply concerned about the way that the CIA plan was developed, and the way that the sites were selected. Given these important considerations, every Member of Congress should support full and open debate of this plan.

I want to conclude with a few suggestions for the Committee to consider:

1. No major CIA relocation plan should be adopted until its costs—including construction, relocation, and the many incidental costs—are justified by tangible benefits to the agency and documented savings in operational and lease costs.
2. No relocation plan should be adopted unless it is established that the plan would not adversely affect the operations of the CIA.
3. No relocation plan should be adopted until assurances are made that it will not result in the dislocation of thousands of employees who would face either selling their homes or a multi-hour daily commute.
4. No relocation plan should be adopted unless the CIA and the GSA jointly conduct a fair, orderly, open, and competitive procurement process which includes a delineated geographic area that keeps the CIA facility within a reasonable distance from CIA headquarters and downtown Washington, D.C.

Until these items are addressed, many will remain unconvinced that the relocation plan as it stands is warranted. Many are concerned that it would hurt the CIA, that it would hurt thousands of CIA employees and their families, and that its cost would not justify the disruption that it would cause to one of the most critical arms of the federal government. These concerns should be addressed before the CIA is authorized to proceed with its present course, for the sake of the employees involved, the American taxpayers, and the integrity of the Central Intelligence Agency.

Again, thank you for giving me the opportunity to testify.

COMPETITIVENESS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, America wants to be No. 1. That is a blessing—and a curse.

It is a blessing because we are an ambitious and a tenacious people, who always strive to make things better. It is also a blessing because our economic strength helps us to be the leader in international relations; and by and large, we have done a good job in setting international standards of conduct.

It is a curse because when other nations get close to our level of economic performance, our ambition can too easily turn to desperation; and when we are desperate, we can make major mistakes.

Right now, we seem on the verge of just such a reaction to the perceived decline of our international competitiveness.

Make no mistake, our economic performance is not what it should be. But we seem poised to rush into a major policy mistake before we really understand what competitiveness is.

Perhaps the greatest mistake we could make is to seek competitiveness through the quick fix, or the silver bullet. We misunderstand the workings of the open world economy if we believe that some single, simple policy change will make all American businesses more powerful relative to their international competitors. In fact, if we put all of our trust in some shiny-looking bullet, our policy gun will most likely misfire—leaving most American businesses worse off relative to their international competition.

Rather, I believe that we can best promote the consistent long-term growth of U.S. living standards—what I believe is the best measure of our competitiveness—by focusing on the fundamentals that determine our economic performance: Our national saving; our investment in physical capital, human capital, and technology; and the efficient use of all of the economic resources that we have at hand.

WHAT IS COMPETITIVENESS?

In recent years, competitiveness has become almost a household word. But it is a mush word: Too often used to convey unrealistic and vaguely articulated hopes and expectations; or to symbolize just about anything that a particular interest wants to promote. Though many people have talked about competitiveness, few have tried to say just what it is.

True competitiveness is the ability of an economy to achieve sustained increases of its standards of living in today's increasingly, open world economy. Competitiveness must include the value of the economy's currency, because if the currency falls, then the standard of living in the economy, through its ability to buy other nations' products, declines. A competitive nation's prosperity comes from its people's command over products and assets, not by a trade surplus.

Competitiveness is often portrayed by, in effect, a snapshot; but it is really captured only in a moving picture. Competitiveness is not a state, it is a process—being able to respond to the advances of other nations, and to make our own strides ahead.

WHAT COMPETITIVENESS IS NOT

That definition might come as a surprise. In fact, most people seem to think of competitiveness today simply in terms of a nation's trade surplus or deficit. Obviously, our competitiveness bears some relation to our position relative to our trading partners. But I believe that such a one-dimensional definition is short-sighted; indeed, the one sure way that we can get off track in pursuing competitiveness is to panic about our standing relative to other nations. We have to be realistic in our world view.

Forty-five years ago, with most other major nations weakened by economic mismanagement and world war, the United States could dominate the international scene. However, this could not continue—nor should we have wanted it to. We made a major effort to rebuild and reinvigorate the non-Communist nations around the world—including our most recently vanquished adversaries. Our Marshall plan and other reconstruction efforts were a tribute not only to our generosity, but to our wisdom. The progress and the example of the free-market nations have undermined world communism, and opened the door to an unprecedented peace and prosperity for the whole world.

We should take a lesson from the broad sweep of the post-World War II era. We are not better off if other nations falter; in fact, we are worse off. Poorer nations are inferior trading partners; they have less to offer us, and less ability to buy from us. We do not become taller by dragging others down.

We might be happier in terms of international relations if all other nations were weak; then we could call all the shots without challenge. But that is unrealistic. Other nations around the world, even when as beaten down as the other powers after World War II, can always make rapid progress just by imitating the world leader. In just the past few years, several developing nations have made enormous leaps by building on an improving and educated labor force and copying technology from the bigger economic powers. That process is inevitable. We were wise after World War II to lead and contribute to that process, rather than trying vainly to hold back the tide.

This historical lesson is pertinent because many observers have interpreted competitiveness through an unrealistic view of world trade. Many people seem to think that a competitive nation should run large and continuing trade surpluses. And it is true that over the last decade, during which competitiveness became a U.S. buzz word, the United States ran large and continuing trade deficits.

These people need to understand that the world system of flexible exchange rates is designed to prevent such large and continuing trade imbalances—and it is normally quite effective. With flexible exchange rates, trade imbalances bear the seeds of their own reversal. If a nation runs a large trade deficit, the value of its currency will fall as it spends more of its currency on its imports than it earns on its exports. Eventually, this will stimulate exports and inhibit imports, and thus push its trade back toward balance.

As this process plays itself out, every nation—regardless of its competitive strength or weakness—will tend to stay near trade balance. A competitive nation will be more prosperous because it has a valuable currency, and thus a stronger command over the products and the assets of other nations—not because it has a trade surplus.

Similarly, a wealthy nation would not have a competitiveness problem just because its wages were higher than in most countries. International exchange rates would adjust to bring about a reasonable balance in trade. This should be obvious from our own history; in the past, we have had trade surpluses with lower wage countries than ourselves and trade deficits with relatively high wage countries.

The flexible exchange rate system fails to have this effect only when there is something very wrong in the world exchange of financial assets—as opposed to the exchange of goods and services. In the 1980's, the system worked fine; but the United States developed an insatiable demand for credit that spilled over our borders and spread around the world—driving up the value of the dollar, and causing those large and continuing trade deficits. We gave other economic powers an enormous price advantage over us through the relative declines of their currencies.

The rub is that we cannot painlessly run this process in reverse to pursue a trade advantage. To run our trading position into the ground, all we had to do was borrow other nations' savings hand over fist, and produced instant gratification. To drive our currency down and thereby strengthen our trading position, however, we would have to invest overseas with abandon—and that would require vastly increasing our saving, decreasing our consumption, and thereby temporarily reducing our standard of living substantially. Spending sprees are frequent, but saving sprees are comparatively rare, and hard to induce in a nation such as ours.

Thus, we cannot achieve a continuing large trade surplus under normal economic conditions. In fact, pursuit of a trade surplus as the hallmark of competitiveness might well lead us to choose policies that would reduce, not increase, our standard of living as a nation. But there are other kinds of policy mistakes that can erode our competitiveness as well; prominent among them are silver-bullet policies that promise far more than they can deliver.

CHASING THE SILVER BULLET

If we misunderstand what competitiveness is, and if we shoot from the hip with some alleged silver bullet at symptoms instead of causes, we can do serious economic damage. Indeed, in the past few years, the slogan of competitiveness has been used as a cover to advocate quick-fix policies that serve other purposes, and might really make our Nation less competitive and less generally prosperous. There are three broad agendas that fall under this heading: Subsidizing exports; subsidizing particular sectors or firms in the economy; and subsidizing saving and investment. None of these addresses the fundamental factors on which competitiveness is based.

Subsidizing exports: Those who believe that competitiveness is a trade surplus might argue that we should pursue that goal directly. The silver bullet for achieving a trade surplus is generally taken to be some form of general subsidy for exports, or general penalty for imports.

Suppose that we did decide to buy a trade surplus—somehow providing rebates at the border so that our exports were cheaper overseas, or taxing imports here so that they were less attractive. In either case, we would be taxing ourselves—reducing our own standard of living—so that foreigners could buy our exports more cheaply, or so that we could afford fewer imports. That might make us more competitive, by some definitions; but would it really make us better off? Would it be smart economic policy to be poorer, but to sell more exports?

Nor would that policy have even its desired effect for any length of time. If we provided subsidies to our exports or penalties to our imports, the dollar would rise in value to compensate, offsetting the trade-surplus policy. Worse still, other nations might retaliate by introducing their own rebates or taxes, making everyone worse off. Such beggar-thy-neighbor trade policies are widely believed to have caused, or at least significantly worsened, the Great Depression.

Though it is not often recognized, sweeping policies designed to reduce our trade deficit generally follow this very simple pattern. An example is the proposal to substitute a national sales tax or value-added tax [VAT] for some existing tax. A new sales tax or VAT would apply to imports and not to exports. But that would not generally make our exports cheaper to foreigners; our exports would travel overseas at the same price they carry now. And it would not make imports more expensive relative to U.S. goods; the same tax would be collected on both.

Some advocates make a more complicated argument. They allege that substituting a sales tax or VAT for the corporate income tax would reduce prices of exports, because they believe that the corporate tax is built into prices, but a VAT would not be. In other words, right now foreigners are paying the part of our corporate income tax that is built into the prices of the exports they buy, but instead, we would pay the VAT. That shift would be the same as the simple proposal described above: increasing the taxes that we pay to make our exports cheaper, and thereby reducing our standard of living. It does not make much sense. And even if the tax swap did initially increase exports and reduce imports, the international value of the dollar would rise, undoing the initial change in the balance of trade.

So there is no silver bullet to decrease our trade deficit. Changing our tax policy to try to move our trade balance would be like having the tail wag the dog—except that the dog would likely refuse to budge anyway.

Subsidizing individual sectors or firms: If we cannot increase our trade balance across the board, some would seek to help particular firms or sectors of the economy that are believed to be important to trade, or to economic growth more broadly. The second alleged silver bullet is a subsidy designed to make a particular business or business sector more competitive. We must take care, however, to distinguish between what is helpful to the nation as a whole, and what will serve only the few.

For example, a tax break for exporting computers, or for companies that make computers, might make these U.S. companies more competitive. But would it be good for the country as a whole? How are our taxpayers better off if we use their dollars simply to subsidize foreign consumers of particular products? Further, if the dollar amount of computer exports did rise, there would be an increase in the international value of the dollar. While sales of the subsidized products might increase, other exporting industries would actually be worse off directly, and imports would increase as well.

Furthermore, there is nothing about export jobs, per se, that make them inherently better for the Nation than jobs in other sectors of the economy. The purpose of exports, for the country as a whole, is to swap our products on favorable terms for other nations'. Increasing exports with no increase in the return flow does not increase our Nation's economic well-being, it reduces it.

Thus, policies that respond to pressures from particular business sectors might change the composition of trade—in that we would export more computers—but not the overall balance, because other exports would decline. These policies may be justified in some cases—because of hardships in a particular industry, or to change other countries' unfair trade policies. But most of the time, they simply help one U.S. business sector at the expense of the rest of U.S. business.

Subsidizing saving and investment: Another type of sweeping competitiveness policy is to subsidize saving and investment. The argument is that tax subsidies for saving—like individual retirement accounts [IRA's] or tax exemptions for interest income—will induce people to save more. Likewise, tax subsidies for investment—like the investment tax credit or the capital gains exclusion that were repealed 5 years ago—are thought by some to increase investment, productivity, and competitiveness.

It would be helpful if U.S. families and businesses would save more, but what counts is saving by the entire economy—households, businesses, and governments. An incentive that drives up the budget deficit will drain away at least part of any increase in private savings that it might induce. The evidence is that incentives would not increase private savings by more than they would increase the deficit; so it would be one step forward, one step—or maybe more—back.

The major problem is this: Any subsidy that rewards saving that would have been done anyway hurts the economy, rather than helps it, because it raises the deficit in return for saving that would have taken place in any event. Likewise, any subsidy that rewards simply moving money from one account into another hurts, rather than helps, because it raises the deficit without adding to saving.

Individuals did put large amounts of money into individual retirement accounts when contributions were deductible for all in the early 1980's; but it is most unlikely that much of this was additional saving that would not have been done anyway. Research has shown that much of the IRA deposit money came from people who already had large cash savings, and thus could just put a different label on their past savings to get the tax break. Many banks urged their customers to borrow the money to put in an IRA. That was not additional saving. And over the entire period when IRA's were available to all, the household saving rate fell sharply—from about 7 percent at the beginning of the decade to about 4 percent when IRA's were cut back. In sum, it is hard to believe that IRA's increased saving much, if at all; and given that most individuals are still eligible for fully deductible IRA's, it is equally hard to believe that liberalizing IRA's would make a discernible difference in our future standard of living or reduce our trade imbalance.

Likewise, a capital gains tax break is unlikely to help the U.S. economy to any significant degree. In fact, the period in which we cut capital gains taxes most aggressively—from 1978 to 1986—is the period in which our concerns about competitiveness began and grew. Since 1986, in fact, our investment in machinery has been stronger, and the U.S. trade deficit has declined.

A capital gains tax incentive is questionable competitiveness policy for many of the same reasons as for IRA's. The Federal Government loses revenue and our national savings decline for every tax-favored capital gain that would have been realized anyway. The best evidence is that additional capital gains that are realized because of the capital gains tax cut do not make up for that loss; we do not lose money on every transaction and make it up on volume. Predictions of massive revenue losses on capital gains after the 1986 tax reform have been proved dead wrong; we increased tax revenue by eliminating the capital gains tax break in 1986. Given that fact, it is very hard to imagine that we would make money again by turning around and going back.

A capital gains tax break is also most unlikely to increase investment. Corporations raise half of their new capital by borrowing, rather than by selling the corporate stock on which capital gains might be earned; this pattern goes back to the heyday of capital gains tax cuts, not just to when the capital gains break was eliminated. And fully half of the equity that corporations do sell is owned by institutions not subject to capital gains tax: pension funds, nonprofit institutions, insurance companies, and foreigners. They do three-quarters of the trading in corporate stock. So a capital gains tax cut will not make it easier for corporations to raise funds for investment, because the stock markets are already dominated by investors who pay no capital gains tax.

Proponents of the capital gains silver bullet seem to think that the American dream is to become a full-time Wall Street trader. But it isn't that way at all—in part because of the biggest tax break for capital gains, which is still in place. Americans dream of passing on valuable blocks of corporate stock, or valuable family businesses, to their children. The reason is that assets can be sold at their value at the time of bequest with no capital gains tax. Because of this capital gains tax break, households already pay very little capital gains tax—and so a further break will not send them rushing headlong into the market.

Nor is a capital gains tax break likely to make people more willing to embark on new ventures and start up new firms. Some argue that potential entrepreneurs who think that they have million-dollar ideas will hold back if the capital gains tax rate is 28 percent, but will take the plunge if the capital gains tax rate is 22 percent. I find that unbelievable. The United States has the lowest tax rates in the developed world on the interest, dividends, and corporate profits that such a new business would earn if it makes good. And even before the capital gains break was repealed in 1986, fully 85 percent of formal venture capital came from institutions not subject to capital gains tax. So a capital gains break does little to energize the kind of investment that makes us more competitive.

What a capital gains tax break does energize is overbuilding of commercial real estate: empty office buildings and shopping centers. While the typical American household wants to keep its assets in the family for at least a generation, the typical real estate deal is designed to be sold in just a few years. Such projects don't make money on rental income; they make money on appreciation of value—and you have to sell to cash in. Over the period of continuous capital gains tax cuts from 1978 to 1986, what grew like kudzu around America was not investment in productive equipment, it was investment in commercial real estate.

Look around you; in most American metropolitan areas, there are see-through office and retail buildings that are monuments to the capital gains silver bullet. Think how much more competitive we would be if the money, and the time, and the effort that went into those buildings had gone instead into building what the rest of the world—or even just America—wants to buy. That is competitiveness: putting our resources where they are needed, be that in real estate or any other industry.

Other advocates believe that an investment tax credit for purchases of business machinery would make our economy more prosperous and competitive. But the evidence does not support this silver bullet either. Restricting a tax benefit to equipment sounds efficient, but it is impossible to draw the line between what is productive for the economy, and what is not. The boom in personal automobile leasing was caused in large part because a business could buy equipment—an automobile—collect the tax breaks, and rent it to a family at a cut-rate price—in effect giving them a share of the tax breaks. How is our economy more competitive if Dad drives Junior to baseball practice in a leased, instead of a purchased, automobile? But it would not be fair simply to rule that automobiles were not equipment; they are, to a delivery firm or a taxicab owner. Instances like this one abound in the history of tax subsidies for investment.

Since 1986, without an investment tax credit, real investment in equipment has increased steadily to an all-time record percentage of real GNP. The reason seems to be that with low tax rates, businesses buy the equipment that earns them income, and do not waste their money on expenditures that do not turn a profit. That clears the credit markets for productive investments, and holds interest rates down.

In sum, silver-bullet policies that are alleged to increase our competitiveness do not work. In contrast, we seem to have better fortune when we pursue competitiveness and prosperity one small step at a time.

COMPETITIVENESS: SOME LESSONS FROM HISTORY

What does it mean for the United States to be competitive? What lessons can history provide?

Unfortunately, the answer is that the answer changes. At different times since World War II, our economy has provided some aspects of competitiveness and prosperity, and we should not forget these successes. But as the world changes and circumstances change, they outrun the old answers. One lesson of history is that we need to avoid serious policy mistakes, and we need to be flexible to take advantage of every opportunity.

Postwar dominance: 1947–73: In 1947, we were not exactly a rich country. We had an aging housing stock, and our factories and machines were also old and tired—except for those that we had built for our war effort. Our Federal debt load relative to national income was twice what it is now. And our average standard of living, as measured by real, before-tax median cash income, was only 45 percent of what it was in 1989. We were, however, indisputably competitive—the rest of the world had even less productive capacity, because we had largely destroyed Germany and Japan, who in turn had done considerable damage to Britain and the U.S.S.R.

What did we do with the competitiveness we had in 1947? In fact, we accomplished quite a lot. We kept up our guard to contain the expansion of the Communist command economies. We rebuilt the economies of the free industrial nations, to the point where, 40 or so years later, the relative failure of the totalitarian command economy became impossible for even its rulers to ignore. And we doubled the real before-tax income of most Americans.

And during the period of our greatest economic accomplishments, up through the early 1970's, we reduced the burden of our public debt. We ran budgets that were near balance except in times of recession, and left all the saving done by Americans to be invested in productive capital here and abroad. We did not actually reduce the national debt, but the national income grew much faster than the national debt. The reconstructed nations of Europe and Asia became more productive and competed with us, to our mutual benefit in terms of standards of living; but through the 1970's our international accounts remained in rough balance, and we had a surplus of domestic savings that we lent to add to our wealth and to help develop other countries.

Thus, our economy exhibited many attributes of competitiveness in the 1950's and the 1960's; it achieved continued growth of living standards, and maintained a strong position in the world.

But there are aspects of that golden age of 1947–73 that were not sustainable and that we cannot duplicate. For one thing, we will never again have the lead over the rest of the world that we had in 1947 because of wartime destruction. Further, some of our productivity gains were based on cheap energy and degradation of the environment. We cannot go back to that; it was never sustainable.

Energy shocks: 1973–81: The U.S. economy took a major blow in the 1970's—really two events: the energy price shocks of 1974 and 1979. The era of cheap energy was over, and fairly massive reconversion of the U.S. economy was required just to maintain previous standards of living. These price increases would have been impossible without our overdependence on energy that was underpriced relative to its true economic and social cost.

These shocks reversed at least two notable trends of the earlier period of U.S. dominance. The growth of U.S. incomes was reversed in the two sharp recessions, so that net gains over the period were small. And the growth of our economy slowed to the pace of the growth of our national debt; so the earlier shrinkage of our debt burden ended.

While the 1970's provided no really good news, they did shake us out of our energy and environmental complacency. They also showed us, for the first time since the end of World War II, that continued strong growth could not be taken for granted. Unfortunately, that insult to our ambition released a desperate—and ultimately vain—chase of a policy silver bullet.

Policy mistakes: 1981–present: A final blow to the economy was the run of massive structural Federal budget deficits of the 1980's—a riverboat gamble that yielded some big long-term problems.

Ironically, the 1981 experiment in supply-side economics was a response to an early concern about a kind of competitiveness. We saw that economic growth had slowed in the energy-troubled 1970's, believed that saving and investment were going out of fashion, and decided that we needed a silver bullet to turn the economy around. The genesis of this radical policy shift is ironic because it was after 1981 that our trade deficit—the definition of competitiveness to so many who are concerned about it today—began to go south in a big way.

Although the economic policies of the Reagan administration did not create America's competitive problem, they brought that problem to a head. In doing so, they may have caused permanent structural damage to some industries, and forced us to accept more painful adjustments to erase our trade deficits.

For much of the postwar period, the United States ran trade surpluses; there was a surplus from trade in goods—merchandise trade—every year between 1946 and 1971, which was increased by frequent surpluses from trade in services and from growing investment income. By the 1970's, however, many European countries and Japan were approaching the level of technological sophistication and productivity of the United States, and the trade surplus began to shrink. In the late 1970's, the United States ran large merchandise trade deficits—though the increase in our deficit in oil trade, pushed up by the new, higher prices, more than accounted for the total deficit—but still managed to maintain a small surplus in our overall financial flows with the surplus in trade in services and increasing investment income from abroad. We invested at a healthy clip at home, and had savings left over to buy large volumes of assets abroad, until by 1980 we owned more foreign assets than foreigners owned here by a margin of $380 billion.

Unfortunately, in 1981, the large tax cuts—enacted specifically to improve our economic performance—and defense spending increases really began to turn our trade picture around. The resultant large Federal deficits plus an additional decline in private saving required us to borrow from abroad in massive amounts, a sharp contrast to our net lending to the rest of the world over the previous 30 years. The rise of the exchange rate caused by foreigners' buying of all of these dollar assets not only exposed the deteriorating competitive position of U.S. industry, but did structural damage as well. Because the dollar was way up and their products were correspondingly cheap compared to ours, foreign firms were able to establish distribution networks here and in other markets around the world. They took advantage of this opportunity by building customer goodwill and a reputation for quality. U.S. firms were late to realize that they were in a global market with world class competitors. By the middle of the decade, we were running trade deficits approaching $150 billion per year.

Thus, the big 1981 tax cuts caused the collapse of our position in world trade. But like all policy silver bullets, supply-side economics failed even on its own terms. The Republicans claimed that the Reagan economic program would cause a sharp increase in economic growth, a decline of inflation and a rise in private saving and investment, all of which would melt away the Federal deficit by 1984. But by now, even some of supply-side economics' earliest supporters admit that the huge Federal deficits overwhelmed the economy, sending interest rates sky high. The high interest rates in turn totally offset the large corporate tax cuts that were designed to make American business more competitive by stimulating investment. The collapse of private saving at the same time only aggravated the problem.

The high-flying dollar of the early 1980's gave us an illusion of prosperity: suddenly, imports and foreign travel were unbelievably cheap. But that paper prosperity was not sustainable. The dollar was high only because foreigners were purchasing dollars in large volumes to lend to us and buy our assets, in order to finance our enormous budget deficit. Some supply-siders claimed that foreigners wanted to lend to Americans and buy American assets because they could see that our economy was so strong; but all reasonable economists knew that foreign investors would not continue lending to us forever. Sooner or later, our borrowings would loom sufficiently large against our wealth and our income that prudent investors would no longer want to expand their holdings of dollar-denominated assets. At that point, demand for the dollar would fall, and the dollar would have to fall in value. In fact the world financial community cooperated to make that adjustment on a controlled basis, and the dollar dropped fairly rapidly beginning in 1985. The illusory prosperity based on an over-valued dollar vanished.

Lessons of the 1980's: The competitive problem is more complex than many would like to believe. In some ways, the dramatic deterioration of the 1980's forced American business to recognize its weaknesses and begin to deal with them. However, while individual firms can regain competitiveness by improved management practices and the application of technology, we now understand that our national dominance of world trade of the 1950's and 1960's cannot be recovered. Other countries, as we could only expect, have imitated much of our technology, the education of our labor force, our industrial plant and equipment, and our managerial skills; and so they can come closer to our overall level of economic performance. Chasing our old dominance through tariffs and other trade barriers would be self-defeating, and would hurt our own exporters rather than helping them to expand markets.

Still, economic policies that recognize the damage done by the debt buildup of the 1980's can reverse that destructive trend.

While continued progress in reducing the Federal deficit will not guarantee trade competitiveness, it is necessary. If we continue our dependence on foreign credit—and the high real interest rates needed to attract it—we will continue to force the dollar artificially high, and will hinder new investment and reduce the degree of American ownership in the investment that is made. An increasing share of domestically produced income will flow to foreign owners, rather than to workers and investors here.

The Federal deficit is a key part of our legacy of debt. Interest costs on the Federal debt now account for 13.8 percent of net outlays, or some $206 billion next year. As we pointed out in the House Budget Committee report on the budget resolution, the level of Federal debt is now so high that an explosion is possible—where interest costs pile upon interest costs in an accelerating spiral. Thus, deficits beget deficits, and the erosion of our international trade position caused by the 1981 tax cuts could become selfcompounding. The private debt burden has also begun to erode our economic health; one cause of the current recession was the credit crunch of overextended financial institutions tightening lending standards.

Finally, many commentators believe that the recovery from this recession will be weak, because consumers and businesses will be reluctant to take on new debt. Businesses may be more financially fragile than in the past, and so may hesitate to make risky new investments in technologies or production facilities. They will need to put their cash into servicing their debt rather than going after new markets. Our foreign competitors will not be so constrained, and will continue to promote their exports vigorously.

Thus, this policy mistakes of 1981 will weaken our trade position for years to come, and thereby threaten our overall economic health and standards of living. Such errors must be avoided in the future. Furthermore, the debt explosion of the 1980's has itself altered our economic environment, and we must make policy in cognizance of that change.

WHAT DOES OUR ECONOMY NEED TO BECOME MORE COMPETITIVE?

We need to concentrate, as a society, on the basic challenge—improving U.S. living standards today and into the future—rather than on symptoms of our economic sluggishness—like the trade balance. What does our economy need to promote our fundamental objective?

Competition: It might sound trite, but one of the fundamental ingredients of competitiveness in an economy is competition.

Why did American industry lose its trade position so rapidly in the 1980's, with our merchandise trade deficit skyrocketing from $25 billion in 1980 to $160 billion in 1987? As I have noted earlier, there was a slow erosion of our world trade dominance from the end of World War II to the early 1970's. That was both expected—because other nations could imitate us and catch up relatively easily—and desirable—because a prosperous free world was more politically stable. And it is also true that the fundamental cause of our trade collapse was our huge budget deficit, and the resultant decline of our national saving rate, driving up the value of the dollar and therefore the relative price of our products.

However, in the view of the rest of the world and of many people here, U.S. industry was not defeated on price alone. Far from it; both inferior quality and lagging product innovation contributed, along with price. Our slack performance probably came from decades of cozy relationships among producers and workers, isolated together in the world's biggest market. If product development in one firm was stagnant, it could lag in the others. If one firm's product was sloppy, other firms' products could be the same at no risk. If one firm gave a big pay raise and passed it on in prices, others could follow suit and keep the pace. Did we become fat and happy? Probably so.

We are still the world's biggest and most productive economy, and so we need not slavishly imitate any other nation. But competition is one attribute of the Japanese economy that we should covet. For all of the talk of cozy business-government relationships in Japan, in the marketplace, by all accounts, competition in fierce.

Though competition is a part of our capitalist creed, we are in danger of losing sight of its importance—ironically, at least in part because of our concern about competitiveness. Some would advocate that we allow our producers to team up against the Japanese—because we believe that there is strength in numbers, and because we think of the Japanese as a united front the "Japan, Inc." metaphor. We need to understand the risk of going back to our fat and happy days, when firms would imitate each other endlessly while the new and better ideas began to come from overseas.

Efficiency: We need to make the most of what we have, and to use our resources well. We will not remain a world leader by building empty office buildings and shopping centers. We need both competition and evenhanded government rules to allow our economic rewards to flow to value in the marketplace.

But our need for efficiency extends beyond our material resources. We must also develop our human resources. That requires better education of the entirety of our population—not just those destined for higher education. And in a rapidly changing technological environment, it almost certainly requires retraining of adult workers, as some skills become obsolete.

Investment: You cannot make something from nothing. We may grow our crops in order to eat, but if we eat our seed corn this year, we will go hungry next year.

Yet the investment issue goes even deeper. Beyond simply producing, we need to produce more efficiently—both better and cheaper. That means modernizing and improving our capital stock, not just replicating it. In 1990, Japan not only invested a greater percentage of its GNP, it invested more than we did in absolute terms—even though its economy is only half our size. At that rate, though, its economy will not be half our size for long.

We also need to invest in technology. New ideas are combined with machines, and themselves change machines, to improve the productive process. If lagging manufacturing techniques are what have slowed the progress of the U.S. economy, then improved manufacturing techniques will be needed to bring it up to speed.

WHAT IS THE FEDERAL GOVERNMENT'S ROLE?

We all agree that the Nation has an important task ahead to regain its economic vibrancy, or competitiveness; but it does not necessary follow that the Federal Government is fully responsible, or even that it should direct the process.

In a market economy, government should not be a dominant force. On the other hand, it is impossible to imagine a competitive economy without the Federal Government. Every political force, from the most conservative to the most liberal, has its own agenda for increasing competitiveness, differing one from the other mostly in the details when viewed in the larger scheme of things.

The issue here is more philosophy than programs. In broad terms, I would assert, government is unlikely to point the economy in the right direction, but it can easily divert the economy to the wrong path. Thus, government must avoid mistakes, and maintain the flexibility of the private sector to respond to opportunities in the world marketplace.

Economic stability: A stagnant, inflation-riddled economy cannot maintain its competitiveness. Manufacturers with weakened U.S. sales and cash positions find it hard to invest to stay on the cutting edge; and inflation makes it harder for businesses and their overseas clients to plan. The Federal Government, with the cooperation of the Federal Reserve, must maintain prosperity and price stability through its fiscal and monetary policies.

Obviously, we have made serious mistakes here. The 1980's saw large budget deficits and high interest rates, with resultant low investment and large trade deficits. The inevitable reversal on the dollar, which was necessary to turn our trade deficit around, gave foreigners a fire sale opportunity to buy U.S. assets—including firms with promising technologies—on the cheap. We still have not recovered on interest rates, national saving, and investment. Thus, the 1980's gave our long-term prosperity a one-two punch.

We will not leave the 1980's behind unless we get a vigorous recovery going. Using continued stagnation to fight our current moderate inflation can only add to the downward momentum of weak growth and limited tax revenues. There is, or soon will be, a worldwide capital shortage based on the needs of the newly open economies of the East bloc. It will not be improved by running the U.S. economy in low gear with consequent high budget deficits.

Taxation: In theory, Government can quash incentives with oppressive and confiscatory tax rates; but apart from the fantasies of supply-side economists, that has not been our problem.

To a greater extent, Government has rewarded manipulative and unproductive behavior: real estate and other tax shelters; paper transactions and carefully timed asset sales, like the infamous butterfly straddles of the early 1980s; and the transfer of existing financial assets into favored accounts, like IRA's. This kind of game-playing wastes our economic resources, and diverts our whole national mindset away from production and value in the marketplace. What happens if we educate our brightest minds, both explicitly and subliminally, that the way to get ahead in this society is to reduce someone's taxes by moving paper from one pigeonhole to another—rather than producing a good or service that people really want?

We have had more success in the last 5 years with a tax system that rewarded more—penalized less—the earning of income, in whatever form. Since 1986, despite the doomsday moanings of supply-side economists, investment in equipment, as a share of our GNP, is up; though investment in commercial real estate has declined, that is certainly a good trade for the economy as a whole. And since 1986, our trade deficit has declined; so by any definition, our competitiveness has been served well.

Regulation: We should not more overburden American business with heavy costs of compliance with regulations than with burdensome taxes.

However, we should require that businesses follow basic standards of humane behavior. Businesses might be able to produce more cheaply if we repealed the child labor laws; but would that make us more competitive over the long run? It is more important to build a skilled and involved workforce than it is to cut costs to the bone. If the failure to set sound standards for employment practices encourages firms to squeeze one-time, short-sighted savings out of employee morale, there will be less competitive pressure to find true and enduring efficiencies and innovations. When our international competitors make their advances elsewhere, they will have the edge.

Reduction of social impediments: Crime and environmental degradation decrease productivity, because firms must divert their resources to counteract or prevent the ill effects. If firms have to hire private security services, the costs must come out of the living standards of the public, either in higher prices or lower wages or profits. Similarly, one firm's pollution can hamper another firm's productivity such as making a waterway less attractive to tourists or less productive for fishing.

Government has a primary role to play in reducing such impediments to competitiveness. Government can prevent, deter, and punish crime; it can also set efficient environmental laws that target the pollutants that have the greatest effects on production costs and the quality of life.

Investment: The Federal Government can encourage private investment by maintaining economic stability, as was noted earlier; businesses will hesitate to make long-term commitments if they are uncertain about the future. Government can also encourage investment by reducing its budget deficit's drain on the pool of national savings, and thereby reducing pressure on real interest rates.

However, there are other investments that the private sector will not make that are nonetheless necessary for economic health. These include some physical capital—infrastructure; technology—basic and non-appropriable research; and human capital education and training.

It is hard for businesses to be competitive when their shipments are late, because of transportation delays, and costly, because of damage to motor vehicles from worn-out roads and bridges. U.S. investment in infrastructure declined as a share of GNP into the mid-1980's, and has recovered only partially. Some of that decline was a natural result of the substantial completion of the Interstate Highway System; but there is reason to believe that maintenance and replacement investments have not kept up with our needs. Just as with a private home or automobile, neglect of necessary maintenance can cause costs to pile up until they become prohibitive. The Federal Government has a major role to play in maintaining our infrastructure, though it is not solely responsible. The budget deficit has been one of the most important causes of our neglect.

The Federal Government has long accepted a role in financing investments in science, on the ground that the private sector would not make such investments to a sufficient degree. The reason is that scientific knowledge is generally not specific to a particular business, and so any firm could copy the work of the investing firm for free.

In contrast, investments in engineering or technology have typically been assumed to be largely specific to a particular firm, meaning that the firm that generates the new knowledge can capture the profits from the investment. In the last few years, however, there has emerged a growing consensus that the line that has been drawn between "science" and "technology" for purposes of directing public funding is artificial, and probably counterproductive. There are almost certainly investments in engineering and technology that are not specific to particular firms or industries, and whose returns therefore are not likely to be captured fully by those who do the investing. Firms will therefore shy away, and the Federal Government could help the marketplace by providing such generic technology. The Federal role would be to generate knowledge which can be used freely by everyone throughout the economy and the Nation—a classic and universally accepted role for Government.

There is danger that such a process could backfire. It could become a massive subsidy for politically well connected firms—"picking winners," like the "silver bullet" competitiveness approaches that we should try so hard to avoid. Instead, any effort in promoting technology should be kept small, and should follow as closely as possible the independent judgments of experts in the field—pursuing knowledge in technology the way the National Science Foundation operates in science.

Similarly, there has emerged a growing consensus for investments in people. Complex technology requires highly skilled workers; for example, state-of-the-art assembly-line equipment is no longer operated by brawn alone. The weaknesses of the U.S. educational system are by now widely documented, and many of our failings are at the earliest stages of the educational process, and at the poorest levels of society. Highly effective programs have been identified for improving health and learning capacity from before the birth of a child through entry into elementary school, and funding those programs should be high on our competitiveness list. However, we cannot ignore children and teenagers who lack the knowledge and skills required in the labor force, but who are already beyond the reach of those effective early-childhood programs. Those older children will themselves become parents, and their lack of success in the labor market will handicap their own children.

However, providing these prerequisites of competitiveness requires resources. To spend some money smarter, we must cut some less-smart spending, or raise taxes. If we are not willing to ask for a tax increase, then we must impose strict tests of productivity on all forms of investment in physical and human capital, and question every dollar in the current budget.

Fairness: We will not be motivated as a people if many among us have no realistic chance to succeed. That would breed loss of hope, loss of the work ethic, and other impediments to economic health. Nor would we be fair if the contributions of the typical worker were not decently rewarded.

We are wealthy enough as a Nation to achieve fairness without stifling levels of income tax rates; our wealthy face lower tax rates than any similarly situated people. Our tax system should allow typical American workers to know that they share an important role in our economy and society. Without that assurance, their skills, and the skills of their children, will not be used to the full to maintain our place in the world.

We might especially note that competition yields losers as well as winners, and that technological change leaves some human skills behind. If we want to encourage people to take risks, if we want to keep our resources in use, and if we want to be a just society, we must deal with the people, firms, and communities who lose in the competitive process when capital and technologies become obsolete. Workers and entrepreneurs will be more likely to take the kinds of risks that yield extraordinary rewards if the costs of failure are bearable.

CONCLUSIONS

Competitiveness is not dominance—at least not in a world at peace, where people are free to learn and to yearn for a better life.

And competitiveness cannot be won in the flash of a silver bullet.

Instead, competitivness is an ongoing process of responding to competition and pursuing opportunity, of working and investing. It cannot make us all rich quick, but it can yield a continuing preeminent position and a steady growth in our standard of living.

If we accept that challenge of seeking competitiveness, the challenge will not be our only reward.

☐ 1510

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 313, REGARDING OVERSEAS BASE CLOSURES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 102–172) on the resolution (H. Res. 206) providing for the consideration of the joint resolution (H.J. Res. 313) to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States, which was referred to the House Calendar and ordered to be printed.

☐ 1530

THE HUMAN PROTECTION ACT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, today I rise to introduce the Human Protection Act. I am sure that all of us believe in clean air, clean water, and protecting our environment. However, we have gone beyond the point of reason.

Some of us have somehow reached the unbelievable conclusion that the protection of a plant or animal is more important than protection of human life. If we do not take sensible precautions, we will continue to wipe out the livelihoods of thousands of humans, prevent the development of safe roads and affordable housing, and permanently depress the economy for entire regions of the Nation.

I repeat that I support steps taken to protect and preserve habitat for endangered species. However, how do you tell a family in Colorado that they cannot have water because a Colorado Squawfish is more important than they are.

To help provide moderation to the Endangered Species Act [ESA], I am introducing the Human Protection Act along with nine other Members of Congress. The bill would amend the ESA to provide flexibility to the act. It would allow economic consequences to be considered in the listing of an endangered species, allow adverse consequences to humans to take precedence over the protection of plants and animals and require that regulatory actions minimize encroachments on private property rights whenever possible.

The Human Protection Act does not limit, eliminate, or repeal protection for threatened and endangered species. The ESA will remain a viable method to protect those species that have become threatened or endangered because of man's influence. Like the National Environmental Policy Act, the Human Protection Act merely refines the process which will be used to list a threatened or endangered species or its habitat and ensure that all relevant factors are considered during the listing process.

Presently, the Secretary of the Interior, and in certain instances, the Secretary of Commerce decide whether to list a species as endangered or threatened. The listing of a species triggers certain duties that prohibitions or limitations on certain actions that may be taken. These actions may range from building a needed dam to destroying the livelihood of 93,000 loggers.

The ESA requires that the Secretary base his determinations regarding the listing of a species solely on the basis of scientific data. This prevents economic factors from being considered in the listing of a species. The Human Protection Act would amend the ESA to allow the consideration of socioeconomic factors in listing a species as threatened or endangered.

Section 3 of the Human Protection Act prohibits the taking of any action for which the potential economic benefits to society do not outweigh the potential economic costs as they are determined by Executive Order 12.291. Section 3 of the bill requires that regulatory objectives shall be chosen to maximize the net benefits to society. This would aid in strengthening economic considerations in the listing of a species and the establishment of critical habitat.

The last section of the bill requires that the Federal Regulatory Agency do a "taking implications assessment" prior to promulgating new regulations, and to obtain certification from the Attorney General proving compliance with Executive Order 12.630, which requires agencies to assess the potential for the taking of private property in the course of Federal activity.

This section would help prevent the taking of private property in the establishment of critical habitat. Many estimate that the U.S. Fish and Wildlife Service's critical habitat proposal for the Northern Spotted Owl is estimated to impact more than 3,000,000 acres of private property in Washington, Oregon and northern California.

The ESA has impacted the entire Nation. From increasing the cost of affordable housing, to destroying the economic viability of entire regions.

In the Northwest, the listing of the Spotted Owl threatens to eliminate more than 93,000 jobs on public and private lands. The U.S. Fish and Wildlife Service's critical habitat proposal will force tens of thousands of workers and their families to the unemployment lines. The Human Protection Act would allow the consideration of economic as well as environmental concerns in the listing of any species. This would help protect working families from sure economic devastation.

In northwestern New Mexico and southwestern Colorado, the Animal-La Plata Water project has been stopped due to the protection of the Colorado Squawfish. Twenty years ago, the Government was trying to kill the Squawfish in the area and presently, management projects are being carried out in Idaho to control the numbers of Squawfish.

I contend that we cannot continue to place the protection of human beings below that of plants and animals. The time has come to make the ESA more flexible. I urge all my House colleagues to stand up and protect the livelihood of the American family by joining us in consponsoring this vital legislation.

☐ 1540

TECHNOLOGY TRANSFER FLOWING FROM UNITED STATES TO JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, recently the Office of Technology Assessment [OTA] released a report on the global arms trade which was at once both revealing and frightening on how our policymakers have eroded our industrial base.

The report spells out just what the transfer of our technology, particularly weapons systems, means both to Japan and the United States. It is not a pretty picture for the United States.

According to OTA, the United States:

> Transfers more major weapons systems to Japan than it does to any other nation. Although this is not viewed as a problem in the current bilateral relationship, it was viewed as a problem if relations between the two countries soured.

The report pointed out that:

> The flow in defense technology between the United States and Japan has been a one-way street to Japan, with few exceptions.

It also stated:

> In general, government and corporate leaders in Japan appear eager to receive U.S. defense technology, and at the same time, are reluctant to share theirs with the United States.

The problem with the transfer of technology to Japan was pinpointed by OTA that:

> The present U.S. policy to permit frequent transfers of defense technology to Japan will continue to build up the defense industrial base of that nation. This, of course, raises the question of the rearming of Japan.

Another very important issue OTA emphasized was the effect on our industrial base when research and development is transferred to Japan.

Just how the Japanese view this flow of defense technology was spelled out in the white paper, "Defense of Japan 2000", which was published in 1991.

The Japanese Defense Agency explained that Japan had manufactured E-2C's airborne early warning aircraft, portable SAMS and items of equipment in "terms of Foreign Military Sales." It also manufactured P-3C's antisubmarine patrol aircraft, F-15 interceptor, and Patriot missiles.

What is important in that explanation is the following quote from the white paper:

> These various forms of cooperation, including the supply of technologies from the U.S. have contributed a great deal not only to the completeness and improvement of the Japanese defense capability but also to the establishment of foundations for Japan's defense industry.

Just how we came to this state of affairs with Japan is not well known. But a letter I received from a former Air Force officer somewhat explains some of the steps taken to place us on the losing side of the technology battle.

For obvious reasons I have changed the names in the letter.

The letter is from a retired American Air Force officer. It reads:

> While watching a presentation about Japan on Public Television it dawned on me that you would be interested in some experiences of mine relating to the transfer of technology to Japan. In particular, their entry into computers.
>
> For more than seven years in Japan I served as an Air Force officer. My situation was unusual because I could read and write the Japanese language, had a background in radar, air traffic control, tactical air control systems, and was rather an expert on computers.
>
> In 1964 that was a very rare combination. I was given the additional duty as the "American" project officer for the soon to be installed BADGE system, a then highly advanced computerized radar and tactical air defense network being produced by the Hughes Aircraft Company to be owned and operated by Japan. It was a joint network that would link other computer driven systems world wide.
>
> At that time Japan had no expertise in computers. No one produced a computer, there was virtually no research of technology. In fact at the time Japan was just beginning to enter production of their own solid state devices i.e. transistors and diodes. We sold to Japan up to that time.
>
> There was an Air Force officer, General Greed, who was due to retire shortly who led the Military Advisory Group in Tokyo. He was about to retire in a year and arranged an offer to go to work for the Hughes Aircraft Company. He was in charge of much of the initial negotiations with the Japanese government and Self Defense Force.

The other major player was Mr. Well Known Politician-Ambassador who was extremely pro-Japanese.

> The Americans wanted to put in the system, at all cost. The Japanese claimed they could not afford to maintain or operate it—so a series of strange deals were made to convince the outwardly hesitant Japanese government to accept the project.
>
> What resulted was an offer from us to allow the Japanese to set up a production facility in Japan so that 50 percent of the project was built in Japan at our cost. It turned out to be the most ridiculously one sided transfer of technology ever.
>
> What occurred was that in one swift action Japan entered the computer business with state of the art equipment, production facilities and technology.
>
> This was the most advanced technology in the world. A third generation, modular, transitorized computer design as well as the production line of the essential components.
>
> Hughes set up a venture with Nippon Electric Corporation which was selected by the Japanese government as its partner. They set up production facilities with equipment from the States and training for the production people, all of whom were Japanese.
>
> Hughes would make a fast buck, General Greed would get his job, and Japan entered the Age of Computers, driving a Rolls Royce. The Japanese Minister of Industry arranged a cooperative sharing of technology to the Big Five electronics firms equally.
>
> What wasn't understood was the Japanese way of doing business was not like ours. The Japanese Trade ministry called in all of the other major electronics companies who bid in secret meetings as to who would get all the subcontracts. Their culture allows them to do just that—ours does not.
>
> The agreement was that all would share equally in the technology and all would share profits no matter who was appointed to be the winning bidder.
>
> The joint venture was a sham as well because in Japan a foreign company cannot own more than 49 percent of a business or corporation. They cannot own land and they can't even have their own management. The real Board of Directors was as usual Japanese only.
>
> The former American soldier wrote, "my role was interesting as I was the only member on the American military team who spoke the language and knew about computers. For me it was an extra duty. I would go to the meetings between the Japanese and American sides and because of my low rank, had little or no role.
>
> Being able to speak Japanese and read a newspaper was so unusual for a foreigner that my Japanese counterparts began bringing me with them as an oddity, to those second and third gatherings. Their corporate executives often took me to gatherings reserved for discussion on policy, like pre-bidding, discussion of purpose, etc.
>
> It confused them but they were always open as if I wasn't there or was part of their team. There was only once that someone questioned speaking frankly when I was present.
>
> I discovered on my own how cooperation between the Japanese government and industry worked. Naturally I sent in reports which were ignored. What bothered me most were the discussions in which the Japanese at all levels thought we were crazy. They correctly assumed we were stupid and only interested in short profits.
>
> "We Japanese would never be so foolish", they would say. "You've given us everything for free" was a typical statement. It was followed with the remark "We Japanese have smart heads and would never be so foolish".
>
> I thought we were crazy as well. I sat in both formal and informal meetings where the future use of the technology was discussed. I would send in reports on what was said and how the Zaisbatsu still cooperated. The reports were filed in the rotary file or I was told I didn't know what I was talking about. In fact someone tried to get me transfered and I was told to cool it.
>
> To give you an idea of how foolishly we operated, I once attended a meeting in which there was a long table in which a dozen high ranking Japanese sat on one side and the Americans on the other.
>
> The top American didn't show up but sent an assistant, a Colonel from the MAAG. There was an interpreter requested for the American side which was provided from a Japanese government agency. The interpreter for the Japanese was a Major who was my counterpart. I was told to sit behind those at the table because our side assumed only a Japanese could deal with our interests.
>
> Every Japanese representative spoke English well but used an interpreter. Not one American negotiator spoke Japanese. This is basically the way it always worked.
>
> Everyone on the Japanese side had spent weeks preparing and had in depth knowledge. Our side came in with no preparation and our leader hadn't even read a brief.
>
> The Japanese began the discussion in Japanese and their interpreter translated into English. Our leader made a series of statements and jokes which were not translated at all by the interpreter. Instead he ignored the Americans statement altogether and as usual laced his statements with personal flaws of the Americans present. Our leader and team would assume they were laughing at the jokes.
>
> The Japanese thought we were fools and we were. The FSX fighter will be a replay of this transfer of technology. The major difference is the Japanese are much better prepared to take it all from us now than in 1964.
>
> A side line to this were the actions of the Mr. Well Known Pol-Ambassador, who together with the Hughes Company used political plays in Washington in order to get approval for the projects. Most interesting is that several months after the project began operation, the Ambassador made a documentary movie on Japan. It was excellent and very flattering to Japan.
>
> What bothered me is the Ambassador's reference to the Japanese successes in all areas to include forecasting the capturing of the computer electronics industry. He probably is the key player in the arranging for the transfer of technology. At that time however he was my hero.

The American's letter made me angry and also scared. How, I asked myself, could Americans then be so greedy and give away our future? Remember, this story is 27 years old. We know now what happens to American jobs after we transfer the technology. We now know that our industrial base has been seriously eroded, first in one industry and then another.

The results were bragged about by Mr. Ishihara, one of the authors of "The Japan That Can Say No." In a second book Mr. Ishihara stated that 92 of the 93 computer chips in our military hardware in the Persian Gulf came from Japan. Ishihara claims that Japan made the Patriot missile work.

We should stop and consider Mr. Ishihara's words, the GI's letter and the statements from the OTA report.

Americans have been led down the road to a fools paradise listening to

Government policymakers and greedy businessmen tell us only the bottom line counts.

The future of the country as a democracy matters. We stand as a land of opportunity for our citizens and immigrants who are attracted to our shores. Americans refer to our country as "Uncle Sam" but given the present trend of policies we can call ourselves "Uncle Patsy." It is time for all Americans to sharpen up and demand responsible leadership and new policies from their officials.

□ 1550

INJUSTICE IN GRENADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

Mr. DYMALLY. Mr. Speaker, I bring to the Members of the House an issue of some controversy and great injustice.

I think of the 17 persons who were tried and convicted of the murder of Prime Minister Maurice Bishop of Grenada, West Indies.

A trial court sentenced 14 of the defendants to death, and 3 were sentenced to long prison terms. An appeal court of necessity was subsequently convened, in the absence of a constitutional court, to review the sentence.

Last week, the appeals court affirmed the sentence in an oral decision. Counsel for the defendants were not given a copy of the written order.

Today, I want to read into the RECORD some pertinent material regarding the injustice in this case.

First, I want to bring to your attention an editorial from the respectable Boston Sunday Globe, dated July 28, 1991.

□ 1600

[From the Boston Sunday Globe, July 28, 1991]

ABETTING A PERVERSION OF JUSTICE

The news item from the Caribbean evoked the most gratuitous military venture of the Reagan years. A temporary Court of Appeal on the island of Grenada upheld convictions of 17 persons tried for the murder of the island's revolutionary leader, Maurice Bishop, and others. The bare facts told nothing about a travesty of justice, nor about US responsibility for a judicial proceeding that would never be tolerated by Americans for Americans.

The 14 defendants who were sentenced to death and the three sentenced to long prison terms were denied the basic rights of due process and fair proceedings.

They were not represented by defense counsel. They were not apprised of most of the evidence against them, and they were not able to cross-examine witnesses and present their own evidence. Neither they nor their representatives took part in selecting the jurors. The jurors were selected from a panel chosen by a member of the prosecution team. Before the trial, members of that jury panel had reviled the defendants in the courtroom shouting "Murderers!" and "Criminals!"

The appeals process was equally unfair. Three lawyers were appointed as appellate judges specifically for this case by the same authorities who had prosecuted the original trial.

Because the Grenadian constitution replaced by Bishop's revolution permitted an ultimate appeal to the Queen's Privy Council (the British Commonwealth's equivalent of the Supreme Court), the authorities delayed their return to the old constitution. And when they did renew the prerevolutionary constitution, they stipulated that it could not apply to the defendants and their right of appeal to the Privy Council.

This perversion of justice was financed by the US government, prepared by psychological-warfare operations of the US Army, and pursued under Washington's political guidance. At a moment when communist regimes are finally being replaced by the rule of law, America ought not to be promoting kangaroo courts on Grenada.

Mr. Speaker, last year, to be exact August 3, 1990, 19 Members joined me in sending the following letter to His Excellency Nicholas Brathwaite, Prime Minister of Grenada. It was in the case of *Andy Mitchell, et al.*, v. *The Queen Criminal Appeals*, Nos. 4-20 of 1986. The letter read:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1990.

Re *Andy Mitchell, et al.*, v. *The Queen Criminal Appeals*, Nos. 4-20 of 1986.

His Excellency NICHOLAS BRATHWAITE,
Prime Minister, Botanical Gardens, St. George's, Grenada, West Indies.

DEAR MR. PRIME MINISTER: We write to you regarding the above cited criminal proceedings in Grenada against soldiers and officials of the former Revolutionary Government. We believe we share with you a deep interest in ensuring that justice prevails in these capital cases which are currently pending before your country's Court of Appeals.

Without judging the ultimate merits of the many issues present in these proceedings, we believe that, individually and collectively, serious questions of fundamental fairness have been raised. In capital cases such as these, due process and fair proceedings are particularly crucial elements. Reports that they have been largely absent in these cases cause us great concern.

It is imperative that any final order issued by the Court of Appeals be free of the cloud of suspicion necessarily arising from serious deficiencies in judicial proceedings. Thus, we strongly urge that execution of that order be stayed until such time as independent judicial review on the merits has been made. This can be done when your country rejoins the Organization of Eastern Caribbean States and review by the Privy Council is restored.

Such review would ensure not only that the ultimate goal of achieving justice is obtained, but that the reputation of your country for fully respecting the human rights of its citizens is preserved in the international community.

We appreciate your taking our deep concerns into consideration on this most serious matter.

Sincerely,

Mervyn M. Dymally, Don Edwards, George W. Crockett, Jr., Ronald V. Dellums, Craig Washington, Julian C. Dixon, Charles A. Hayes, Louis Stokes, Kweisi Mfume, Floyd H. Flake, James A. Traficant, Jr., John Lewis, Peter H. Kostmayer, Donald M. Payne, Major R. Owens, Robert W. Kastenmeier, William Clay, Brian Donnelly, Gus Savage, Charles B. Rangel.

I also sent a cover letter to the Honorable James A. Baker III, Secretary of State, Department of State. The letter reads:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Enclosed is a copy of the letter several members and I have sent to Prime Minister Brathwaite in Grenada which I believe is self-explanatory.

We urge you to take action at the highest possible diplomatic levels to ensure that the concerns we have expressed with respect to these cases are conveyed to the Prime Minister on behalf of the United States of America.

Thank you for your consideration in this matter.

Sincerely,

MERVYN M. DYMALLY,
Member of Congress.

Today, Mr. Speaker, the following letter was sent to His Excellence Sir Paul Scoon, the Govenor General, St. Georges, Grenada, West Indies, to the Honoroable Nicholas Brathwaite, Prime Minister, Botanical Gardens, St. Georges, Grenada, West Indies, and the Honorable Joan Purcell, Chair, the Committee on the Prerogative of Mercy, St. Georges, Grenada, West Indies, Re *Andy Mitchell, et al*, v. *The Queen Criminal Appeals*, Nos. 4-20 of 1986.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1991.

His Excellency Sir PAUL SCOON,
The Governor General,
St. Georges, Grenada, West Indies.

The Honroable JOAN PURCELL,
Chair, The Committee on the Prerogative of Mercy,
St. Georges, Grenada, West Indies.

The Honorable NICHOLAS BRATHWAITE,
Prime Minister, Botanical Gardens,
St. Georges, Grenada, West Indies.

Re *Andy Mitchell, et al*, v. *The Queen Criminal Appeals*, Nos. 4-20 of 1986.

DEAR GOVERNOR GENERAL SCOON, PRIME MINISTER BRATHWAITE, MINISTER PURCELL: we write to you regarding the above cited criminal proceedings in Grenada against soldiers and officials of the former Revolutionary Government.

While we have not yet seen copies of the opinion of the Court of Appeal which has recently affirmed the sentences of all defendants, we are very concerned about the proceedings as a whole and the sentences particularly.

Without substituting our judgment for the Courts on the ultimate merits of the many issues present in these proceedings, we believe that, individually and collectively, serious questions of fundamental fairness have been raised. In capital cases such as these, due process and fair proceedings are particularly crucial elements. Reports that they have been largely absent in these cases cause us great concern.

It is imperative that any final order issued by the Court of Appeals be free of the cloud of suspicion necessarily arising from serious deficiencies in judicial proceedings. Thus, we strongly urge that execution of that order be stayed until such time as independent judicial review on the merits has been made. This can be done when your country rejoins the Organization of Eastern Caribbean States and review by the Privy Council is restored. To deny this one major case the right to such review is an extreme violation of the principle of equal protection of the law which is the foundation of our civil rights and is universally respected.

Such review would ensure not only that the ultimate goal of achieving justice is obtained, but that the reputation of your country for fully respecting the human rights of its citizens is preserved in the international community.

We point out that Grenada is a signatory to the American Convention on Human Rights. We applaud Grenada for this. That Convention in Article 4, Section 4 provides: "In no case shall capital punishment be inflicted for political offenses or related common crimes."

It is uncontestable, therefore, that the death penalty cannot be imposed in this case which fits the classic definition of political offenses. We urge you to make early declaration that the sentences of death cannot be carried out.

We appreciate your taking our deep concerns into consideration on this most serious matter.

Sincerely,

MERVYN M. DYMALLY,
Member, Committee on Foreign Affairs.
DONALD M. PAYNE,
Member, Committee on Foreign Affairs.

P.S.—Other signatures to follow.

Mr. Speaker, on July 12, 1991, the Honorable Ramsey Clark, former U.S. Attorney General of the United States, issued a statement which I want to bring to the attention of the Members, and I quote:

STATEMENT BY FORMER U.S. ATTORNEY GENERAL RAMSEY CLARK ON THE DECISION OF THE TEMPORARY GRENADA COURT OF APPEAL AFFIRMING DEATH SENTENCES FOR 14 FORMER HIGH OFFICIALS OF GRENADA AND LENGTHY PRISON SENTENCES FOR THREE OTHERS, JULY 1, 1991[1]

At noon, July 12, 1991 in St. Georges, Grenada, the temporary Court of Appeal selected to review the convictions of seventeen Grenadians alleged to have acted in "common design" to murder Prime Minister Maurice Bishop and others on October 19, 1983 completed announcement of its decision affirming all convictions and the 14 death sentences and 3 lengthy prison sentences which were imposed in December, 1986.

The three judges reading from notes and typed portions of their decision over a period of 3½ days delivered their opinion more than 9 months after the end of arguments by counsel in the absence of most counsel for the appellants. This followed a decision they approved to cut off funds for appellate counsel all of whom live in Jamaica or Guyana and providing them six days notice of the announcement date. The decision was not available in writing.

The decision was wholly political in context and tone. It included no consideration of facts and law that made the entire proceeding illegal, false in its finding of fact and a corruption of justice. Among the many fatal errors in the proceedings and this decision are:

The entire proceedings were before judges chosen specifically to hear this case by the same authorities who prosecuted the case though the courts (and) were declared unconstitutional on May 10, 1985 by the prior judges of the Court of Appeal.

The investigation was conducted by the United States and the prosecution judges and court expenses were paid for by the United States following its illegal invasion of Grenada, seizure of the island and detention of the individuals now sentenced to death, or decades of imprisonment.

The entire trial in which all defendants faced death penalties was conducted in the absence of any legal counsel for defendants and the convicted defendants were removed from the courtroom which was within the prison compound during the presentation of all evidence against them.

The jury array was chosen by a member of the prosecution team appointed registrar the day before the array was summoned following the illegal removal of the duly appointed registrar.

The jury was chosen from persons known to be hostile to defendants in the absence of defendants and any counsel or other representative and after the array of 140 had threatened defendants shouting "murderers," "criminals" and other hateful words.

The Judicial provisions of the Constitution of Grenada were suspended throughout the 7 years and 8 months of these proceedings on a claim of necessity only to be reinstated by a bill which was passed by the Parliament of Grenada on July 5, 1991 which further provided in Section 7(4) that no appeal can be made from "anything or matter arising" from the decision made today.

Despite total control of the evidence following the U.S. invasion, the lengthy detention of thousands of potential witnesses, the seizure of all documents and physical evidence and the isolated confinement and torture of the defendants, the prosecution presented no credible evidence of a conspiracy, or "common design" to murder Maurice Bishop or anyone else.

The defendants, unrepresented, isolated from all assistance, regularly beaten and threatened, confined alone in windowless rooms on bread and water for weeks at a time, deprived of access to the media throughout their 7 years and 8 months of confinement to date and having been removed from the courtroom during testimony, were unable to cross examine any witness, were never read or otherwise apprised of most of the evidence against them and because they were unaware of its content were unable to present witnesses or testify in their own behalf to respond to evidence presented by the Crown. Cross examination and presentation of evidence by the defense was made impossible.

No argument, or other address was made to the jury by or on behalf of the defendants following an emotional four week summation by the prosecution largely unsupported by the record and a highly biased and unsupported charge by the trial judge. Not one word was uttered in their behalf in the presence of overwhelming prejudice.

The trial court totally failed to make any effort to protect rights of defendants or to appoint counsel to protect their rights. Instead, he repeatedly instructed the jury, contrary to law and the facts, to prejudice defendants. He failed to require presentation of evidence known to him which was exculpatory, or contradicted the Crown's key witness Cletus St. Paul.

The trial court knowingly permitted perjured testimony and concealed inconsistent prior statements by Cletus St. Paul. He failed to instruct the jury that, if believed, the testimony of St. Paul, which was unreliable, was insufficient to establish the guilt of any defendant. He kept from the jury evidence of deep prejudice by St. Paul arising from his having spread false rumors against defendants before the death of Maurice Bishop. He required each juror to sign each verdict in violation of law.

The three judges today affirming the convictions knew of the facts stated above and many other errors and prejudicial matters in the record. Its opinion, repeatedly quoting from Shakespeare's *Julius Caesar*, bears less relationship to historical events and the court record it purports to describe than Shakespeare's play did to events in Rome 1600 years before it was written.

The three judges knowing that prior inconsistent statements were made by Cletus St. Paul, that his testimony was false and his description of how he witnessed what he claimed to witness was physically impossible, and if believed failed to provide evidence of guilt of any defendant and that former President Judge J.O.F. Haynes had declared his intention of securing the evidence of prior inconsistent statements by St. Paul, made no reference to perjury, impossibility, or even credibility of Cletus St. Paul on which the convictions for murder of ten defendants who were not near the death site depends.

The three judges gratuitously stated that they would have convicted of murder the one defendant who was acquitted of all charges suggesting the jury did so because of his good behavior during trial, highly improper jury conduct, and the three defendants convicted of manslaughter in the absence of any credible evidence in the record to support such convictions, manifesting their political prejudice and breach of duty.

The decision of the three judges repeatedly misstates facts in the record. For example, they say the record "strikingly" failed to name a single juror who actually sat in trial as having uttered, or even heard, prejudicial remarks from the array, when the record repeatedly shows the Foreman himself was a principal antagonist threatening defendants. The background history recited at length by the Court is pure fiction, outside the record of the trial and contradicted in many key particulars by documents, press reports, professional historians and established and admitted facts. It is simply a rhetorical, political tract.

Every effort will be made to prevent the execution of these sentences. People who care about the truth, justice and human rights must protest to:

The Governor General of Grenada, Sir Paul Scoon, St. Georges, Grenada, West Indies.

His Excellency Nicholas Braithwaite, Prime Minister, Botanical Gardens, St. Georges, Grenada, West Indies.

The Committee on the Prerogative of Mercy, Minister Joan Purcell, Chairman, St. Georges, Grenada, West Indies.

President George Bush, The White House, 1600 Pennsylvania Ave., Washington, D.C., U.S.A.

Hon. Joao Clemete Baenasoares, The Secretary General of the Organization of American States, Room 20, 17th & Constitution Ave., N.W., Washington, D.C. 20006.

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[1] Ramsey Clark attended the court sessions on July 9 and 10 at which the decision of the Court of Appeal was in part read.

Mr. Speaker, tomorrow it is my intention to read to the Members the petition to the Inter-American Commission on Human Rights for provisional and permanent relief against death penalties and sentences of imprisonment. Mr. Speaker, I yield back the balance of my time.

□ 1620

THE INJUSTICE IN GRENADA

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I first would like to thank the gentleman from California [Mr. DYMALLY] for the time and attention that he has given to this most important issue and for the leadership that he has provided to this House in helping to unravel what is going on in Grenada at this time. I am delighted to be here today with the gentleman from California to add my voice to the attention that he is drawing to this issue.

Mr. Speaker, I rise today to speak to what I consider a grave situation of unfairness and injustice that is occurring on the small island of Grenada. Of course Grenada is familiar to our Government and to our citizens. We drew worldwide attention to this tiny island when we invaded it in 1983. Well, Grenada is back in the world news today because a temporary court of appeals has upheld the convictions of 17 persons convicted for allegedly murdering Prime Minister Maurice Bishop and others. Fourteen of the seventeen have been sentenced to the death. These sentences could be carried out in the next few days.

Why am I bringing this matter to the attention of this House? Why am I joining the gentleman from California [Mr. DYMALLY] in rising to speak to this issue today?

Mr. Speaker, I believe there is still time to avert the killing of these men and the one woman who have been convicted and who have not been afforded due process. I believe that we should understand that they have not had an opportunity to defend themselves.

Mr. Speaker, in a report released on July 12 from former U.S. Attorney General Ramsey Clark, who observed the entire trial and appeals process, Ramsey Clark concluded the decisions were wholly political and that there was no consideration of fact or law. In his report Clark charged over 15 major infractions of judicial process. He noted that judges chosen to hear the case were the same authorities who had prosecuted the case. The jury was chosen by an official who a day before had been a member of the prosecution who was chosen from an array of persons known to be hostile to the defendants. Clark also noted the entire trial was conducted in the absence of any legal counsel for the defendants, and they again, as was mentioned by the gentleman from California [Mr. DYMALLY], were removed from the courtroom during the presentation of all evidence against them. There was no legal counsel for the defendants, and they were not allowed to be present during the presentation of the evidence against them.

Mr. Speaker, these prisoners have been in custody of the United States or the Government of Grenada at all times since the United States invasion of Grenada in October 1983. During those years they have been held under conditions that constitute cruel, inhuman, and degrading punishment. They have been beaten and tortured, and they frequently have been held in solitary confinement. They have been fed bread and water for weeks, and they have not been allowed visitors. In one case, one of the prisoners' children were not allowed visas to come to the United States where they have relatives who could help care for them and ensure that they get an education.

Mr. Speaker, I rise today because, despite the fact of the invasion, these proceedings and all that is going on in Grenada defies everything that we stand for in this country, and, while I do not pretend to know all of the details, I rise today because I support the due process. I support the right of the accused to at least be confronted with the accusations against them and their right to counsel.

I believe we cannot stand as a Government that is intimately involved with Grenada, who not only invaded Grenada, but have supported and paid for and been involved in the investigation of these defendants, who have supported and paid for the trials and the court proceedings that have gone on.

Mr. Speaker, we have the opportunity to stop these killings and these deaths. There is no reason why any of these defendants should be put to death without having been given due process.

Yes, there is a Committee on the Prerogatives of Mercy that can be appealed to in Grenada, but, yes, they can be appealed to our own State Department, and, yes, the Members of this body have an opportunity to confront the Prime Minister and others in Grenada and ask them to review what has taken place, ask them to look into the allegations of a lack of due process.

Mr. Speaker, it is time to stop the senseless killings of human beings who may indeed be innocent, and so I rise today to say: Let us stand up for what we have told the world we believe in, fairness and justice. Let us stand up and not allow our resources to be used to put people to death who have not, indeed, been proven guilty of the crimes that they have been charged with.

Mr. Speaker, I am delighted that I am a Member of Congress at this time. I watched as we involved ourselves in Grenada and all that has happened there. I have watched as we have been intimately involved in constituting a temporary government there. While I have been watching all of this, I guess I held out hope that we would see that justice would be carried out, and, despite the fact that the appeals court has ruled that they will uphold the decisions of the lower court, again it is not too late for us to step up at this time and say, "Let us step back from the decisions of the appeals court. Let us appeal to the Committee on the Prerogatives of Mercy, and let us ask that those defendants be given an opportunity to defend themselves."

Mr. Speaker, I think it is a simple request. It is a request that I think would be expected of this great Government.

Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I want to take this opportunity to commend the gentlewoman from California [Ms. WATERS], my friend, for joining me in this crusade for justice in Grenada. She uttered a word that I think had great significance, and that is she had hoped, as I did, that the Court of Appeals and Necessity, of necessity because there never was a court of appeals under the revolutionary government; there was a court of appeals under the original Constitution of Grenada, but they chose not to use the court of appeals because it would have gone to the court of appeals in the West Indies and the previous council in the United Kingdom, but I am most grateful to the gentlewoman from California [Ms. WATERS] for joining in this crusade for justice.

Mr. Speaker, what we are asking the Committee on Mercy here is to temper justice with mercy in this case, and I thank the gentlewoman from Los Angeles for her contribution in this very important matter.

□ 1630

VACATION OF SPECIAL ORDER AND REINSTATEMENT OF TIME FOR SPECIAL ORDER

Mr. LEACH. Mr. Speaker, I ask unanimous consent that my 60-minute special order for today be vacated and that I be allowed to proceed for 5 minutes on special order.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Iowa?

There was no objection.

RACISM AND AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, as the 1992 election preliminaries commence, two signal speeches—one by a distinguished representative of the other body, Senator BILL BRADLEY, and the other by the Chairman of the U.S. Commission on Civil Rights, Arthur A. Fletcher—are deserving of review.

In a July 10 floor statement Mr. BRADLEY suggested that racial tension is too dangerous to exploit and too important to ignore. In July 22 letters to the President and leaders of the House and Senate, Mr. Fletcher requested that America's political parties take decisive action to prevent the use of campaign tactics that divide the Nation along racial lines.

The leadership of Mr. BRADLEY and Mr. Fletcher is to be commended. They are right in their concerns, right in their perspective, and right in their timing. Now is the time to set the temper and tone as well as the philosophical agenda of the electoral debate, not only for 1992 but for our third century of experimentation with self-governance.

In historical perspective, it might be said that there have been three great debates in the history of the Republic. The first centered on the question of whether a nation-state could be founded on the principles of the rights of man. The second, encompassing the suffragette movement, the Civil War, and the civil disobedience movement of Martin Luther King was all about definitions—whether rights applied to individuals who were neither pale nor male. The third debate, symbolized by the New Deal, the Great Society, as well as the counterweight of the Reagan revolution is about the issue of financial empowerment, economic opportunity as opposed to political rights, the question of whether individual Americans of all backgrounds have a chance to share equitably in the fruits of the American free enterprise system.

It is also about tolerance. Americans can credibly disagree with each other whether an activist, enlarged government advances social justice or denies the same by stultifying incentives and tilting investment priorities. But no civil American can hold anything except that the role of government should be to check prejudice and bind the wounds of social discord.

If one believes—as I do—that the framework within which political issues are dealt is generally as important as prescriptions for government action, it is incumbent on people in public life to appeal to the highest, not the lowest, instincts of the body politic.

For American reality to match American ideals, public officials have a special responsibility to uplift rather than tear down, to unify rather than divide.

There is no room, explicitly or implicity, for race baiting—by whites a la David Duke and the Willie Horton imagery against blacks or vice versa a la Louis Farakhan.

Individuals should be judged by their spirit, not their appearance; by their values and work ethic, not their social status.

What America needs is a new political ethic as well as new rules to govern campaigns.

With respect to establishing a new ethic, individuals in public life have a responsibility to go out of their way to eschew racism and to advance in foreign as well as domestic policy the Jeffersonian precept that underlies our democracy: that all men are created equal, that they are endowed by a Creator with universally understood rights. Whether it be apartheid abroad or civil rights at home, we all must come to grips with our philosophical as well as melting pot heritage. In a society which is still of an immigrant nature, where the entering work force will be more than 40 percent nontraditional white within a decade, the American people have no choice but to throw aside the blinders of prejudice and open up opportunities for all through social healing, through universal access to education and quality health care.

On a national basis, candidates should sign a pledge of tolerance and make a compact with the electorate not to divide society on the basis of race, religion, ethnicity, age, or place of national origin.

I stress within this pledge the issue of age as well as the more broadly understood categories of prejudice for two reasons: First, age prejudice is more real than commonly understood; and second, it has been more played upon by politicians than many suspect. It may be true that conservatives have been more prone than liberals to play the "race" card, but liberals, on the other hand, have evidenced a survivalist knack for dividing society along generational lines, employing demagogic scare tactics on the Social Security issue. Restraint from both extremes would make for a healthier dialog and healthier society.

Here, the President's nomination of Clarence Thomas to the Supreme Court is of symbolic significance. Thomas has offended some by stressing individual accountability as well as rights and brought political doubt because of his service under a conservative Republican President. What is most impressive, however, about the debate surrounding the wisdom of the President's choice is that it is remarkably color blind. Many civil rights activists oppose Thomas for his views, though they share a common skin color; many conservatives support Thomas' nomination, though their skin may be of a different hue. In a sense, little could be healthier for the system: A confirmation debate rooted in ideals where all sides respect the social background of the nominee.

In terms of new rules, everybody in this Chamber should understand that poor people more than any other group in our society have a vested interest in campaign reform. In a system where money buys access, the voices of the poor become muffled by the clanging coins of political action committees. The time is nigh for Congress to start caring more for democratic values than political skins.

By contrast to this embarrassment, if not scandal, surrounding the refusal of a disproportionately white Congress to do the right thing on campaign reform, minorities have every right to be proud that a military composed disproportionately of minorities and led by a black professional won a victory in the gulf which could lead to the establishment of a new world order. The greatest equal opportunity employer in the history of the world—the U.S. Armed Forces—showcased to the world what America at its idealistic best can produce.

The victory in the gulf, coupled with the collapse of the Soviet empire in Eastern Europe, makes increasingly clear that America's greatest challenge in the decade ahead will be from within, not without. If we are to win the war on drugs, on crime in the streets; if we are to expand our economy and compete in world commerce; if we are to sing with our hearts and uplift our souls, American society must dare to pull together and win the war on racism. Tolerance must prevail over prejudice.

COMMENTS ON AMERICA 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the House is about to conclude its business this week before the summer recess, and we have had a number of important items on our agenda. No doubt there will be important items on the agenda in the fall. All of the business of the House is important.

I rise to bring attention to the fact that the business related to education needs more attention. Education is a priority that has been determined by the American people in poll after poll after poll. They are concerned about education. They are concerned about Federal aid to education, and it is an ongoing concern.

We have a situation now where the President has launched an initiative which is to be applauded, and that initiative is going forward. My concern is that there is too little discussion of the President's initiative on education in general, and that there is a lopsided debate about to take place.

The lopsided debate occurs because the only comprehensive education plan on the drawing board, the only one presented to the American people, is the President's plan, which they have labeled America 2000, an education strategy outlined in the pages of this red book. And there are thousands and thousands of copies of this red book that have been reproduced and are circulating all over America. And they are shaping the debate about education with this red book called America 2000.

My regret is that there is no similar comprehensive strategy for education being proposed by the Democratic Party. It is only the administration, the Republican Party, putting forth a strategy for the reform of education in America.

We have piecemeal approaches here. We have bills that have been introduced by various persons related to education, but nothing as comprehensive as this, which offers vehicles for achieving educational change as well proposing substantive changes.

America 2000 is to be applauded because the President has at least put together a comprehensive package. Unfortunately, promoting the package as if it were a Madison Avenue product. For that reason it is going to get attention. There will be attention paid to America 2000.

My comments at the time of the issuance of America 2000 are still relevant. At that time I had said the following:

> President Bush's America 2000 education proposal falls short of projecting the kind of overwhelming effort needed for the transformation of American education. Nevertheless, this is a set for initiatives which contains significant new idea nuggets and the proposal's more comprehensive approach represents a bold step in the right direction.

Unfortunately, blind insistence on 200 million dollars' worth of Choice, the program called Choice, is the kind of aggressive partisan politics which could discredit and smother this initiative of the President and his administration. Choice is still more a partisan political slogan than it is a tested and validated strategy for school system governments and administrations.

□ 1640

The fact that this proposal, this education strategy of the President, makes Choice a centerpiece, is unfortunate. Making Choice less partisan and more scientifically buttressed is a first step that a new Education Secretary who has pledged to keep this program on a nonpartisan or bipartisan plane should undertake.

It is hoped that the President's new plan will close out the long era of ideologically petty, piecemeal, incremental, Mickey Mouse strategies for educational improvement. Just as military campaigns require that numerous actions must take place simultaneously, the revamping of education in America will need no less.

Unfortunately, this proposal does not acknowledge several successful precedents for providing Federal leadership to establish and to maintain and refine a nationwide supportive resource for an effort like education, for a function like education.

What America needs is a Federal support system for education which is as broad based and grass roots as the Department of Agriculture's programs, a system which is as scholarly, professional, and modernized as the National Institutes of Health, and a system which is as thorough and appropriately funded as the research and development programs of the Department of Defense.

The tragedy is that we have, for a long time, known what works in the efforts to build Federal support systems for worthwhile national public objectives and activities. For several Neanderthal and ignoble reasons, Washington has refused to apply what works in order to move forward the agenda for educational improvement.

Without legislative proposals to back up the present brief outline of America 2000, it is difficult to comment extensively. Perhaps the greatest step in the right direction in this America 2000 proposal is the promise to establish 535-plus new American schools, one for each congressional district and U.S. Senator, bringing reforms and renovative programs down to a workable level in units of equal size.

Coupled with the America 2000 communities crusade, this is a concept pregnant with productive possibilities for the future. Beyond the mere 1 experimental school, each grouping of approximately 580,000 people which would be in each new congressional district, deserves an entity which provides greater assistance for educational improvement.

We will propose an entity at the level of the congressional district later in my discussion.

The New American Schools Development Corporation proposal, which is part of America 2000, resembles the institute model of the National Institutes of Health.

The unique element here is the attainment of private sector funding to jump start this New American Schools Development Corporation, which as of this date has already been launched.

Three to seven R&D teams operating out of the Development Corporation will lay the foundation for spinoffs of additional Institutes-type organizations. Right now the Nation desperately needs an institute for the education of average students. It needs an institute for the utilization of technology and instruction. It needs an institute to maximize the role of nonclassroom institutions, such as libraries, museums, planetariums, zoos, et cetera.

In this America 2000 proposal, the bringing of America online is another activity recommended for study, and that is certainly an idea whose time has come.

For several years now, librarians have been proposing a national electronic information highway, to provide all educational institutions with ready access to the best of information, the best of research, instructional materials, and educational expertise. We applaud this recognition of the fact if we are to fight and win the war for improved education, more attention must be paid to libraries and information systems, which are as vital to education as ammunition dumps and warehouses of spare parts for weapons are to traditional warfare.

Although America 2000 can be applauded for helping to professionalize the debate on education reform, any sophomore can see that this America 2000 plan reflects a kind of caveman stubbornness which refuses to acknowledge some of the obvious basic problems.

For one, the majority of the school districts in America right now need financial aid, which could best be provided through education, revenue sharing, or some other kind of funding based on a dedicated tax.

Grass root teachers and educators out there are going to find it hard to respond to proposed improvement in strategies, while their operating budgets for day-to-day activities are being cut. Perhaps this is a task which Mr. Bush and Mr. Alexander, the new Education Secretary, have left for themselves.

Perhaps we need to go further and declare education a national security function. If national education were declared a national security function, it could be placed in the same group of budget items that the Department of Defense occupies. Those three divisions for budgetary items, defense, nondefense, and international relations, we could have education moved over to Defense as a national security function, and all of the savings realized for defense should immediately be applied to education.

This is not the kind of proposal you will find in America 2000, but it is the kind of proposal which needs to be added to the debate.

Access to higher education has also been ignored in the America 2000 plan. School improvements will require more and better teachers, but the pool of teachers is shrinking. A greater number and variety of students in college will mean there are more candidates for the teaching profession, especially more who are capable and willing to work in the inner city areas, which are experiencing the greatest education crisis.

Secretary Alexander could greatly enhance his cause by revamping the administration's current positions on aid to college students where they are proposing too little aid for too few students. Despite its addiction to choice and its sins of omission which I have outlined here, America 2000, as I said before, has raised the debate and the process of striving for educational reform to a higher level. All government policy makers must now pledge to promote a nonpartisan education agenda for improvement which will be driven by the best, the brightest, the most scholarly, the most practical, the most experienced, and the most frontline involved among us.

We must all pledge ourselves to follow wherever this broad-based objective process leads us. There is no short cut. To overhaul education in this Nation and to achieve a uniquely American solution, we must mount an overwhelming effort, comparable to fighting and winning a war. This effort must be mounted immediately. We cannot wait until the year 2000.

The greatest flaw in America 2000 as an educational strategy is they propose objectives which will all finally be accomplished in the year 2000. Right now, American schools and school boards, school districts, school systems, are bleeding. They are hemorrhaging from a budget cut process that is encouraged by the recession that is upon us, a recession which, despite the optimistic statements that have been made recently at the local level, grows deeper and deeper every day and takes a harder and harder toll on public services, education among them.

Among the Democrats we have not ignored education completely. We have addressed the issue in various bills that have been offered. There are efforts going forward now to reauthorize the Higher Assistance Act, which are very important.

Unless we deal with our higher education system, our college students, our potential teachers of tomorrow, we will not be able to make meaningful changes in the elementary and secondary and preschool education system.

That is important. America 2000 ignores that. But it is very important.

We have also had other proposals offered, one by Senator KENNEDY and Congressman BILL GRAY, which calls for an Urban Schools of America Act of 1991.

The Urban Schools of America Act is in many ways far more relevant than most of America 2000 with respect to addressing the emergency problems of right now and today. Our urban schools are the ones who are in greater trouble than any others.

All of the schools of America need improvement. All should strive to meet world class standards. Some of our best schools in suburban areas, in affluent areas, some of those best schools can be greatly improved. When they are compared, the students are compared, to students in other industrialized nations, they do fall short. Science and math, geography, tests of students in 16 industrialized nations have shown us that when you take the very best of science and math students that we have, and pit them against the best in Korea and Japan, in Hong Kong, and a few other nations, they are considered industrialized nations, our students score near the bottom.

□ 1650

So our very best students need to be improved. Our very best schools need to be improved.

But the problem in our urban schools, in our inner cities is one of near collapse. The systems are collapsing, the buildings are dilapidated, the recent cutbacks have increased the number of students in each classroom so that the gains of past years when we greatly reduced the number of students per teacher have been lost. After-school programs which supplemented the educational program of the schools each day and provided a place for children who had no parents at home, whose parents were working, have been closed. There are a litany of disasters that have befallen the New York City school system, which I could recite here, but they are very much like those of a number of school systems across the country, not only in urban areas, but also to a lesser degree in suburban and rural areas.

The Urban Schools of America Act will act immediately to provide funds. They will not wait for another 10 years until the year 2000 to bring some Federal aid to our schools in urban centers.

One major provision of the Urban Schools Act offered by Senator KENNEDY and Congressman GRAY is a repair program to aid urgent urban school facilities. According to a report by the Council of Great City Schools, a third of America's inner-city schools are now over 50 years old and have a cumulative backlog of repairs estimated at $5 billion. They proposed to immediately provide some assistance to deal with this very concrete problem. Children cannot learn if the facilities that they are housed in do not encourage learning.

Another item contained in the USA Act authorizes formula grants for hard-pressed city school systems, at least one in every State to fund local programs that help to meet our national education goals and form partnership with business and community groups. They call in the same act for Federal research on urban education and provide city schools with resources to strengthen their own research capabilities. It authorizes review of Federal regulations whose simplification might enhance student's learning.

The most important item here is, unlike the America 2000 comprehensive strategy, a proposal for immediate action to deal with emergency and urgent needs of schools that are on the verge of collapsing. That is an absent from America 2000.

Our majority leader, Congressman GEPHARDT has also offered a bill called the Rewards for Results Act of 1991. It is very concrete. It talks about rewarding not only individuals, individual students, but also rewarding school systems and States for their compliance with certain activities which would promote education. It takes two of the goals that are listed in America 2000, the goal which says that every student should start school ready to learn, and the goal which calls for America to be No. 1 in math and science by the year 2000, and it offers concrete incentives for States which promote those goals.

It is a good bill. Again, it is a one-shot approach, just as the USA Act is a one-shot approach. But it is on target in terms of addressing immediate and concrete needs.

In order to shape the debate about education, which is as important as any issue we will face in this Congress in this session or in the next one, we need to have not just one-shot approaches, however on target they may be. We need an alternative to America 2000. We need a comprehensive approach. We need to take the time as a party, the Democrats need to take the time and whatever resources are necessary to shape an alternative plan which talks about education in America from a point of view which addresses these urgent and immediate problems which talks about channeling Federal resources into aid to education, which talks about coming to the aid of our inner-city school systems that are collapsing, which addresses the fact that nothing can be accomplished without additional resources.

I have introduced legislation which is related to research and development in education because of the fact that I am chairman of the Subcommittee on Select Education which is responsible for the reauthorization of the Office of Educational Research and Improvement. I have confined my legislation this year to matters related to research. Again, it addresses immediate problems.

One item is the National Institute for the Education of At-Risk Students Act, which was introduced on May 23. It calls for the increased creation of an institute for the educationally at-risk students, and it addresses the problem of at-risk students, not only in the immediate inner-city poverty areas, but also rural poverty areas as well as the special problems faced by bilingual students. It is based upon findings which show that State and local governments are not able to, or they refuse to, deal with the problem sufficiently.

State and local governments have not only failed to halt the decline of inner-city schools, their financial support has been less than that provided for other school districts. According to the Committee on Education and Labor report entitled "Short-Changing Children: The Impact of Fiscal Inequity on the Education of Students at Risk," which was released last year, spending disparities have worsened for many educationally at-risk groups. At the elementary level, the 10 highest spending local education agencies spent over 3 times as much as the 10 lowest spending ones, and from State to State this disparity plays itself out dramatically with many court cases now having been brought within States to try to get equity in the financing of school systems.

For rural children in 1986, the poverty rate in rural areas was 50 percent higher than the urban rate. The growing effects of sustained poverty in rural areas may further endanger the school improvement efforts in these areas. Research on the impact of rural poverty on school outcomes is still in its infancy, and there is a great need for demonstration projects to overcome poverty and problems caused by escalating loss of populations, the populations rudimentary are scarce, and for bilingual students. By the year 2000 it is estimated that 3.4 million limited-English-proficient school-age children will be entering the school system. In 1988 there were over 140,000 documented immigrants age 5 to 19, and according to a number of other sources, there is at least an equal number of undocumented immigrants. The lack of proficiency in the English language in school places these children at risk for school failure.

These three categories, rural and inner city, the rural poor and the bilingual children are dealt with in the National Institute of Educationally-At-Risk Students, which is much needed and a separate piece of legislation, which has also been introduced related to education. Again, the need for the comprehensive program which puts all of this together, which packages it in a way which allows us to go out and start a more meaningful dialog with the American people, that need is still great.

A document called Voices from the Field, which was produced with the support of the William T. Grant Foundation, the Commission on Work, Family and Citizenship, and the Institute for Educational Leadership, this document points out exactly what is happening to the debate on education. There are the opinions of 30 experts offered here on America 2000, 30 expert opinions on the Bush administration's strategy to reinvent America's schools. These are the top experts, some of the top experts in the educational field, and they have all addressed themselves to responding to America 2000.

It is great to have such a debate. It is great that their ideas are compiled here and that there will be more discussions like this one. However, the fact that they are all focused on America 2000 and reacting to America 2000, responding to America 2000 means that there is no discussion of the very vital issue of more financial assistance to schools right away. In 1992 and 1993 and immediately, the budget cuts that are being promulgated across America at the State and local level, with more than two-thirds of our States in serious financial trouble, and at least the same number of our cities in serious financial trouble, there is a need for a discussion of immediate Federal aid to education.

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There is a need for discussion of education revenue-sharing where the Federal Government can turn back money, money that is raised either via a dedicated tax like the gasoline tax or money that is raised as a result of savings in defense, because education is declared a national-security issue and moved from the present set of domestic areas functions and over to the defense function. There are a number of debates of this kind which will not take place if we focus on America 2000.

America 2000, as I said before, has some good ideas. One such idea is a proposal that America 2000 communities be established all across America. An America 2000 community is a community at a level of a congressional district which has decided that they will adopt the six national education goals.

After adopting those goals, they are going to set up some kind of system for accountability and have a report card on how they are working to achieve those goals. An America 2000 community is a community which brings together all sectors, the business sector, the parents, the students, community-based organizations. They will all come together to attempt to improve the schools.

I applaud this approach. I think it is one of the features of America 2000 which should be applauded and followed. The problem is that at the level of the congressional district where these discussions take place, where we mobilize all sectors of the community, there should be more than just a discussion of the tenets that are proposed in America 2000.

When all of the various players are brought together at the level of a congressional district, there should be more than a discussion of choice as one of the alternative strategies for education. There should be a discussion of how more funding can be brought into the school systems. There should be a discussion of what is needed to improve our school systems by having a transfer of technologies, some of the kinds of things that industry has already done in education, some of the kinds of things that the Army, and Navy, and Air Force have already done in education which can be transferred into our school systems for the improvement of our schools.

In a few weeks we will release a report from my committee called Education 2015 which will talk about a 15-year plan in three stages which will seek to make step-by-step improvements in our educational system. That should be a part of the discussion that goes forward when these groups come together in America 2000 communities.

There is a need for America 2000, a red book, to be met with a blue book or some other color book from the Democratic Party, from all of the education, the people who are concerned about education in the country, who have a different approach, by people who may agree with some parts of America 2000 but others find other parts objectionable, by people who most of all see that America 2000 as far as it goes falls far short of offering the kind of a comprehensive program that brings into play the kind of overwhelming effort needed to revamp the education system in America to improve education in America. We either approach it the way Operation Desert Storm was approached, an overwhelming strategy, a strategy of overwhelming resources, of using all that we have available, of using the very American approaches that are unique, maximizing our advances in technology, not hesitating to test all kinds of theories, taking the period of the next 5 years to put on the drawing board all kinds of demonstration projects that have promise, and in the next 5 years evaluating to find out what works and, after that, implementing a strategy based on what is found to be workable and suitable for our various 110,000 schools across America and our 15,000 school districts. All of this is possible. It will not happen if the only item on the drawing board is America 2000. It will not happen if the debate is not broadened, if the debate is not a full debate, if the debate does not go beyond the present Balkanization of ideas which is taking place within the Democratic Party, and where piecemeal solutions are being offered from separate sources. And there is no comprehensive program.

We need a comprehensive plan. We need an alternative to America 2000. The debate should go forward. It is as important right now in this year as any debate, any issue.

I look forward to the consideration of many important issues such as the savings and loans, the return of the savings-and-loan issue to the House, and I hope that there will be a full discussion similar to the discussion that we had on Desert Storm where every Member will be allowed to debate the issues related to the savings and loan bailout. I look forward to the proposals to bail out the banking industry. I look forward to the proposal to bail out the insurance industry. I hope there will be full discussion on all of these industries which are drawing off the resources of America. They are very important.

I look forward to the debate on the provision of unemployment insurance to more persons that I hope will take place this week. I look forward to the debate and the proposals that are going to be submitted on a national health care plan which is long overdue.

But nothing is more important than the debate, a full debate, and some resolutions on education. We must go forward, and we must not wait until the last minute. That debate should be joined now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT) from July 25 through August 2, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

Mr. SCHULZE, for 60 minutes, on August 1.

Mr. INHOFE, for 60 minutes, on July 31.

(The following Members (at the request of Mr. DYMALLY) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DYMALLY, for 60 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, on July 31.

Mr. TAUZIN, for 60 minutes, on August 1.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

(The following Member (at the request of Mr. OWENS of New York) to revise and extend his remarks and include extraneous material:)

Mr. ABERCROMBIE, for 60 minutes, on July 30.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of New York, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mr. GEKAS.
Mr. MCEWEN.
Mr. MORRISON.
Ms. SNOWE.

(The following Members (at the request of Mr. DYMALLY) and to include extraneous matter:)

Mr. PANETTA.
Mr. PEASE.
Mr. MAZZOLI.
Mr. LANTOS.
Mr. YATRON.
Mr. SWETT.
Mr. CLEMENT.
Mr. KANJORSKI.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 113. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film; to the Committee on Education and Labor.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On July 26, 1991:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

H.J. Res. 181. Resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 30, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1860. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to modify and extend the authority of the Secretary of Defense to waive reimbursement for certain costs incurred in the NATO Airborne Warning and Control System [AWACS] Program; to the Committee on Armed Services.

1861. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve during the period January 1, 1991, through March 31, 1991, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1862. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that the Commission has extended the time period for issuing a final decision in docket No. 40365, "National Starch and Chemical Corporation versus the Atchison, Topeka and Santa Fe Railway Company, et al.," by 60 days to October 7, 1991, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

1863. A letter from the Archivist of the United States, transmitting a report concerning the administration of functions of the Archivist, the administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund; a report concerning records management activities for the fiscal year ending September 30, 1990, pursuant to 44 U.S.C. 2904(c)(8); to the Committee on Government Operations.

1864. A letter from the Farm Credit Bank of Wichita, transmitting the annual report for the Farm Credit Consolidated Pension Plan for the Associations and Banks in the Ninth Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1865. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing the public financing of Presidential primary and general election candidates, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1866. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing disposition of excess campaign or donated funds by Members of Congress, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1867. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing matching fund submission and certification procedures for Presidential primary candidates, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1868. A letter from the Chairman, Martin Luther King, Jr., Federal Holiday Commission, transmitting the annual report for 1991, pursuant to Public Law 98-399, section 8 (98 Stat. 1475; 100 Stat. 406; 103 Stat. 61); to the Committee on Post Office and Civil Service.

1869. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 806 of the Military Family Act of 1985 relating to employment opportunities for spouses of Department of Defense employees who are dislocated as a condition of employment to include spouses of certain civilian employees of the Department of Defense; jointly, to the Committees on Armed Services and Post Office and Civil Service.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 206. Resolution providing for the consideration of House Joint Resolution 313, a joint resolution, to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States (Rept. 102–172). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of California:

H.R. 3064. A bill to amend title 31, United States Code, to authorize executive and legislative agencies to sell debts owed to the United States, and for other purposes; to the Committee on Government Operations.

By Mr. BOUCHER (for himself, Mr. PACKARD, Mr. BROWN, Mr. WALKER, Mr. BRUCE, Mr. BOEHLERT, Mr. KOPETSKI, Mr. VALENTINE, Mr. PERKINS, Mr. NAGLE, Mr. BROWDER, Mr. BACCHUS, and Mr. GILCHREST):

H.R. 3065. A bill to authorize the National Science Foundation's environmental protection, management, and assessment activities in the Antarctic, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Energy and Commerce, and Merchant Marine and Fisheries.

By Mr. LEWIS of California (for himself (by request), Mr. THOMAS of California, Mr. MCCANDLESS, and Mr. HUNTER):

H.R. 3066. A bill to designate certain lands in the State of California as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCCANDLESS:

H.R. 3067. A bill to amend title 18, United States Code, to clarify the maximum fine for the offense of selling military decorations or medals, and to clarify that trades are included as sales; to the Committee on the Judiciary.

By Mr. MCEWEN:

H.R. 3068. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 3069. A bill to amend title 10, United States Code, to provide that former prisoners of war who have service-connected disabilities rated less than 100 percent disabling, but not less than 50 percent disabling, shall be entitled to military commissary and exchange privileges in the same manner as veterans with service-connected disabilities rated as 100 percent disabling; to the Committee on Armed Services.

By Mr. STARK:

H.R. 3070. A bill to amend title XVIII of the Social Security Act to correct the method of payment for physicians' services with respect to the adjustment for asymmetry in the transition and the behavioral offset; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 3071. A bill to recognize and grant a Federal charter to the Military Order of the World Wars; to the Committee on the Judiciary.

H.R. 3072. A bill to amend title 38, United States Code, to increase the limitation on the maximum amount of the estate of certain veterans without dependents who are receiving hospital treatment or institutional or domiciliary care from the United States before disability compensation, pension, and certain other benefits are suspended; to the Committee on Veterans' Affairs.

H.R. 3073. A bill to amend title 38, United States Code, to provide, upon the death of a veteran who is receiving periodic monetary benefits from the Department of Veterans Affairs, for the payment of all accrued benefits of that veteran to the veteran's spouse or dependent children, rather than only benefits due and unpaid for a period not to exceed 1 year; to the Committee on Veterans' Affairs.

H.R. 3074. A bill to amend title 38, United States Code, to provide for the payment of additional compensation at the so-called K rate to a veteran with a service-connected disability who has suffered the loss or loss of one lung or one kidney; to the Committee on Veterans' Affairs.

H.R. 3075. A bill to amend title 38, United States Code, to provide that a veteran entitled to inpatient care from the Department of Veterans Affairs shall also be entitled to the provision of nursing home care from that Department; to the Committee on Veterans' Affairs.

H.R. 3076. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish contract hospital care to veterans with service-connected disabilities in cases not now permitted by law; to the Committee on Veterans' Affairs.

H.R. 3077. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide appropriate nonmedical support services to veterans entitled to outpatient or ambulatory care; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mrs. MINK):

H.R. 3078. A bill to amend the Higher Education Act of 1965 to exclude the value of personal residences and family farms from the calculation of expected family contributions for student aid programs; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 3079. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, NJ; to the Committee on Interior and Insular Affairs.

By Mr. SISISKY:

H.R. 3080. A bill to amend title VII to authorize funds for the construction of a regional fine arts center and a child development complex at Saint Paul's College in Lawrenceville, VA; to the Committee on Education and Labor.

By Mr. SLATTERY (for himself and Mr. GLICKMAN):

H.R. 3081. A bill to amend section 210 of the Energy Reorganization Act of 1974 to provide protection against discrimination for certain employees, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself and Mr. BRUCE):

H.R. 3082. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself and Mr. COLEMAN of Missouri):

H.R. 3083. A bill to amend the Higher Education Act of 1965 to ensure the continued safety and soundness of the Student Loan Marketing Association, and for other purposes; to the Committee on Education and Labor.

By Mr. DANNEMEYER:

H.R. 3084. A bill to amend the Internal Revenue Code of 1986 to encourage the purchase of health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. MCEWEN:

H. Con. Res. 190. Concurrent resolution concerning humanitarian assistance to Iraq; to the Committee on Foreign Affairs.

By Mr. ASPIN (for himself, Mrs. SCHROEDER, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, Mr. FOGLIETTA, Mr. MCCLOSKEY, Mr. BROWDER, Mr. TAYLOR of Mississippi, Mr. BONIOR, Mr. REED, Mr. EVANS, Mr. GEREN of Texas, Mr. SISISKY, Mrs. BOXER, Mr. MAVROULES, Mr. FRANK of Massachusetts, Mr. DORGAN of North Dakota, Mr. BRYANT, Mr. TALLON, Mr. ATKINS, Mr. PANETTA, Mr. WELDON, Mr. RAVENEL, Mr. SWIFT, and Mr. DURBIN):

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States; to the Committee on Armed Services.

By Mr. MCEWEN:

H.J. Res. 314. Joint resolution designating the week beginning August 18, 1991, as "National American Saddlebred Horse Week"; to the Committee on Post Office and Civil Service.

By Mr. WEBER (for himself, Mr. ARMEY, Mr. BAKER, Mr. BALLENGER, Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. CRANE, Mr. CLINGER, Mr. COX of California, Mr. DELAY, Mr. DICKINSON, Mr. DORNAN of California, Mr. DREIER of California, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HASTERT, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mr. LENT, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MICHEL, Mr. MOORHEAD, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. VANDER JAGT, and Mr. ZELIFF):

H.J. Res. 315. Joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1991; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. MCEWEN (for himself and Mr. BURTON of Indiana):

H. Res. 207. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 3085. A bill for the relief of Mary F. Derocher; to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 3086. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. COLEMAN of Missouri and Mr. MORRISON.

H.R. 288: Mrs. ROUKEMA, Mr. WOLF, Mr. KOSTMAYER, Mr. SIKORSKI, Mr. GILMAN, Mr. EVANS, Mr. FORD of Tennessee, Mr. LIPINSKI, Mr. OBERSTAR, Mr. FUSTER, Mr. SHAYS, Mr. FEIGHAN, Mr. RANGEL, Mr. ACKERMAN, and Mr. BRUCE.

H.R. 418: Mr. BILIRAKIS, Mr. RAVENEL, Mr. RANGEL, Mrs. LLOYD, Mr. DE LA GARZA, and Mr. HOUGHTON.

H.R. 461: Mr. ZIMMER, Mr. PENNY, and Mr. BACCHUS.

H.R. 670: Mr. SMITH of New Jersey, Mr. FORD of Tennessee, Mr. ZELIFF, and Mr. OLIN.

H.R. 786: Mr. SMITH of New Jersey.

H.R. 999: Mr. SYNAR.

H.R. 1022: Mr. WILLIAMS and Mr. ATKINS.

H.R. 1084: Mr. ATKINS.

H.R. 1130: Mr. MINETA and Mr. HAYES of Louisiana.

H.R. 1147: Mr. HUTTO, Mr. ROEMER, Mr. CRANE, and Mr. MANTON.

H.R. 1155: Mr. RHODES, Mr. DARDEN, Mr. UPTON, and Mr. PETERSON of Florida.

H.R. 1240: Mr. KLECZKA.

H.R. 1414: Mr. JOHNSON of Texas.

H.R. 1445: Mr. EMERSON.

H.R. 1472: Mr. STEARNS, Mr. LUKEN, and Mr. EDWARDS of Oklahoma.

H.R. 1473: Mr. RITTER and Mr. FLAKE.

H.R. 1527: Mr. DIXON, Mrs. BYRON, Ms. HORN, and Mr. TRAFICANT.

H.R. 1554: Mr. OBEY.

H.R. 1559: Mr. ATKINS.

H.R. 1664: Mr. ROYBAL, Mr. PENNY, Mr. TAYLOR of Mississippi, Mr. BRYANT, Mr. KOSTMAYER, Mr. ECKART, Mr. RANGEL, and Mr. FROST.

H.R. 1696: Mr. ECKART.

H.R. 1703: Mr. ATKINS.

H.R. 1722: Mr. LEVINE of California.

H.R. 1860: Mr. NEAL of North Carolina.

H.R. 2126: Mr. RANGEL and Ms. NORTON.

H.R. 2258: Mr. BILBRAY and Mr. EDWARDS of California.

H.R. 2287: Mr. ATKINS.

H.R. 2309: Mr. ESPY, Mr. EVANS, Mr. MONTGOMERY, Mr. PETERSON of Minnesota, Mr. RAVENEL, Mr. TOWNS, and Mr. TRAFICANT.

H.R. 2327: Mr. ARCHER, Mr. LENT, Mrs. UNSOELD, Mr. TOWNS, Mr. SMITH of Oregon, Mr. LEWIS of Georgia, Mr. WILSON, Mr. JONES of North Carolina, Mr. HOBSON, Mr. WYLIE, Mr. GINGRICH, Mr. DREIER of California, Mr. SAXTON, Mr. THOMAS of Wyoming, Mr. THOMAS of Georgia, Mr. BARNARD, Mr. VOLKMER, Mr. PORTER, Mr. BLILEY, and Mr. VALENTINE.

H.R. 2336: Mr. SKEEN, Mr. EVANS, Mr. DUNCAN, Mr. HANCOCK, Mr. SCHIFF, Mr. GEREN of Texas, and Mr. CLINGER.

H.R. 2385: Ms. NORTON, Mr. SKEEN, Mr. BURTON of Indiana, Mr. JEFFERSON, Mr. ESPY, Mr. GORDON, Mr. APPLEGATE, and Mr. CLEMENT.

H.R. 2470: Mr. GOODLING.

H.R. 2511: Mr. ZELIFF and Mr. BRUCE.

H.R. 2553: Mr. JAMES, Mr. ARMEY, Mr. RINALDO, and Mrs. MEYERS of Kansas.

H.R. 2643: Mr. SOLOMON and Mr. STEARNS.

H.R. 2645: Mr. ENGEL.

H.R. 2689: Mr. HEFLEY and Mr. ARMEY.

H.R. 2693: Mr. QUILLEN and Mr. FAWELL.

H.R. 2716: Mr. GALLO and Mr. INHOFE.

H.R. 2724: Mr. ZIMMER.

H.R. 2746: Mr. TOWNS, Mr. GILMAN, Mr. OWENS of New York, and Mr. EVANS.

H.R. 2756: Mr. WOLF.

H.R. 2774: Mr. KILDEE, Ms. KAPTUR, Mr. WILSON, Mr. BRYANT, Mr. TOWNS, Mr. FROST, Mr. SERRANO, Mr. FOGLIETTA, Mr. ROYBAL, Mr. DELLUMS, Mr. DE LA GARZA, Ms. NORTON, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, and Mr. DONNELLY.

H.R. 2784: Mr. TOWNS, Mr. BERMAN, Ms. KAPTUR, Mr. RANGEL, Mr. HAYES of Illinois, and Mr. GEJDENSON.

H.R. 2801: Mr. DE LA GARZA, Mr. GUARINI, Mr. SHAYS, Mr. RANGEL, Mr. ROWLAND, Mr. SWIFT, Mr. SCHAEFER, Mrs. COLLINS of Illinois, Mr. GORDON, Mr. HARRIS, Mr. EVANS, Mr. APPLEGATE, Mr. RITTER, Mr. PURSELL, Mr. FRANKS of Connecticut, Mr. EMERSON, Mr. PAYNE of New Jersey, Mr. BATEMAN, Mrs. KENNELLY, Mr. ARCHER, Mr. TANNER, Mr. FIELDS, Mr. HENRY, Mr. FAWELL, Mr. FORD of Michigan, and Mr. WILSON.

H.R. 2830: Mr. DOOLEY and Mr. GORDON.

H.R. 2867: Mr. SMITH of Texas.

H.R. 2879: Mr. ESPY.

H.R. 2895: Mr. ANDREWS of Texas.

H.R. 2924: Mrs. BOXER, Mr. COLEMAN of Texas, Mr. EVANS, Mr. JEFFERSON, Ms. KAPTUR, Ms. NORTON, and Mr. WYDEN.

H.R. 2946: Mr. GILCHREST, Mr. KASICH, Mr. LAFALCE, Mr. LEVINE of California, Mr. RIGGS, Mr. STARK, and Mr. WISE.

H.R. 2975: Mr. WASHINGTON and Mr. KOSTMAYER.

H.J. Res. 67: Ms. HORN, Mr. APPLEGATE, Mr. SAWYER, Mr. MCHUGH, Mr. TAYLOR of Mississippi, and Mr. DARDEN.

H.J. Res. 142: Mr. APPLEGATE, Mr. CAMP, Mr. COX of California, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DUNCAN, Mr. GILCHREST, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. INHOFE, Mr. IRELAND, Mr. JAMES, Mr. LEACH, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of Ohio, Mrs. MORELLA, Mr. NICHOLS, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PANETTA, Mr. RIGGS, Mr. ROHRABACHER, Mr. SAXTON, Mr. SCHIFF, Mr. SCHULZE, Ms. SNOWE, Mr. SOLOMON, Mr. STUMP, Mr. THOMAS of California, Mr. ZELIFF, and Mr. ZIMMER.

H.J. Res. 196: Mr. EMERSON, Mr. SLATTERY, and Mr. HUBBARD.

H.J. Res. 284: Mrs. BOXER, Mr. NEAL of Massachusetts, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. DARDEN, Mr. JONES of North Carolina, Mr. LANCASTER, and Mr. KOSTMAYER.

H.J. Res. 294: Mr. GUNDERSON, Mr. MCEWEN, Mr. ESPY, Mr. YOUNG of Florida, and Mr. OWENS of New York.

H. Con. Res. 171: Mr. WOLF, Mr. DEFAZIO, Mr. ENGEL, Mr. GALLO, Ms. PELOSI, and Mr. MANTON.

H. Con. Res. 184: Mr. TOWNS, Mr. COSTELLO, Mr. BRUCE, and Mr. DURBIN.

H. Res. 152: Mr. ZELIFF, and Mrs. MEYERS of Kansas.

H. Res. 167: Mr. ZELIFF, Mrs. MEYERS of Kansas, and Mr. SANDERS.

H. Res. 184: Mr. FROST, Mr. BLAZ, Mr. REGULA, Mr. POSHARD, Mr. SCHEUER, Mr. WISE, Mr. LAGOMARSINO, Mr. WALSH, and Mr. STUMP.

SENATE—*Monday, July 29, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteous God, the Word of Jesus concerning the source of evil provides a penetrating insight into human nature: "* * * those things which proceed out of the mouth come forth from the heart; and they defile the man. For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies. * * *"—Matthew 15:18, 19.

We take our intellects more seriously than the deeper drives within us. We think much about advancing our knowledge, very little about maturing the heart. Yet, as we hear these words, we know instinctively they are right. The evil we say or do is born from within us.

Patient God, give us grace and wisdom to pay more attention to our conscience that we may appropriate the gracious gift of the Holy Spirit who is able to generate within us "* * * love, joy, peace, patience, gentleness, goodness, faith, meekness, temperance * * *."—Galatians 5:22, 23.

Help us to see ourselves as You see us and to allow Your Spirit to do His work in our hearts.

In His name who said, "Blessed are the pure in heart." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized under the standing order.

FIFTH ANNIVERSARY OF TELEVISED SENATE PROCEEDINGS

Mr. MITCHELL. Mr. President, today marks the fifth anniversary of television coverage of Senate proceedings on a full-time basis. Since July 29, 1986, Americans have had the opportunity to watch gavel to gavel proceedings of the U.S. Senate on television.

The successful effort to bring live televised Senate proceedings into American homes began with the work of then-Majority Leader Howard Baker of Tennessee.

In January 1981, Senator Baker introduced legislation to provide for the broadcast of Senate proceedings.

That set the stage for 5 years of debate.

In 1986, after several prior attempts, the Senate, under the leadership of Senators BOB DOLE and ROBERT BYRD, approved this legislation.

The legislation took the form of a two-step trial process—first, to make broadcasts available only to House and Senate Office Buildings. A month later, public broadcasts began on a trial basis.

Finally, after these trial periods were deemed successful, the Senate, by a vote of 78–21, approved permanent televised coverage of its proceedings.

The 5 years of debate that preceded television broadcasting explored vigorously the changes that the medium might bring to Senate proceedings. But in a larger sense, those debates also explored the changes that the passage of time had already brought to the institution.

Modern communications, the modern Federal Government, and the demands of both have made the Senate different from the institution it was when it first convened 200 years ago.

Today, the demand for public accountability and open proceedings cannot be denied. No institution that wishes to preserve its credibility can deny the right of those on whose behalf it functions to see how it functions.

Americans, both as citizens and consumers, expect to know how the institutions of government work. They expect to be able to hold those institutions and the people in them to account.

American democracy, as a result, today includes pressures and demands undreamt of by the Founders of our system. But the ability of our institutions to meet the changing demands of the people demonstrates, yet again, the genius of the system they created.

The televising of Senate proceedings is only a small part of this process of change and growth. But this anniversary marks a significant step in a broad process that deserves to be noted.

In that connection, I also wish to commend the private industry efforts which are part of the process by which the operations of the Congress are brought to the home screens of the people.

C-SPAN, the privately funded network which carries both House and Senate broadcasts on separate cable channels, reflects the unique kind of private and public relationship which our system nourishes. C-SPAN stations provide more than 54 million Americans with the ability to watch their legislature in action.

Television is now a permanent fixture in Congress. I hope through this medium Americans continue to be educated about the legislative process.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders will be reserved.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding the Journal of the proceedings has been approved to date?

The PRESIDENT pro tempore. The Chair will state it has not been approved.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 o'clock noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

FORCING ISRAEL TO GIVE UP LAND FOR PEACE IS WRONG—ADDRESS BY JAMES W. NANCE, U.S. NAVY ADMIRAL, RETIRED

Mr. HELMS. Mr. President, one of my countless blessings during my nearly three score and 10 years on this Earth has been my lifetime friendship

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with Bud Nance, now a distinguished and brilliant retired Navy admiral. Admiral Nance now lives in McLean, VA. But both he and I are "Monroe boys" even though we are neither boys nor do we now live in Monroe, NC.

I think both of us were adults before it even occurred to me that his name is not Bud Nance. It is James W. Nance. I have many inspiring memories of Bud Nance, but if I had to pick the one that was the most inspiring, it was the day that he completed his tour of duty as skipper of an aircraft carrier, the U.S.S. *Forrestal*, and in a ceremony at Norfolk turned over the command of that enormous ship to his successor.

Mrs. Helms and I were there to pay our respects to a fine American, a true patriot with whom I walked to grammar school in Monroe years ago. Even as a little boy, Bud Nance already had the traits of character that signaled a certainty that he would be a decent, constructive, and courageous American. He is all that and more.

Bud Nance and I visit together frequently, in person and by telephone. A few months ago he mentioned in passing that he was preparing a speech that he had been requested to make about Israel.

Mr. President, some may wonder why this native of Monroe, NC, who is Scotch Presbyterian, a distinguished Navy admiral who describes himself as "an ultraconservative southerner," this deeply thoughtful citizen who insists that he "feels no special relationship toward any country except the United States"—why would Bud Nance be asked to speak on the State of Israel? It is a good question.

Mr. President, I will tell you why. Bud Nance, because of his career in the Navy, knows the Middle East like the back of his hand. But more important, Bud Nance is a deeply committed Christian and a student of the Holy Bible.

Bud told me about his speech, and I asked him to send me a copy of his remarks, which he did. After I had read it, the thought occurred to me that his conclusions about the Middle East peace process, now being pressed by Secretary of State Baker, should be made available to Senators and all others who read the CONGRESSIONAL RECORD.

For that reason, Mr. President, I ask unanimous consent that the text of the recent address by Navy Adm. James W. Nance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

When we talk today about Middle East peace and security, we accept as facts:

(1) We must solve the Arab-Israeli problem.

(2) We must solve the Palestinian problem.

(3) The only way we can accomplish the first two objectives is for Israel to give up land for peace.

We automatically accept these things as being factual because the self-styled experts in the Administration and many in Congress repeatedly tell us they are facts.

To assess these "facts" from a military standpoint, Dr. Churba looked around for someone with no emotional involvement in the region—a Scotch Presbyterian, an ultraconservative Southerner, someone who feels no special relationship toward any country except the United States.

In essence, this is the reason Dr. Churba asked me some months ago what I thought of the "facts" used in the Middle East peace process now being orchestrated. In short, Dr. Churba wanted an unbiased, unencumbered assessment, and that is what I hope I have done.

In looking at the problem, I started right at the birth of the present state of Israel. On November 29, 1947, the United Nations approved the partition of the British Mandate of Palestine. The Arab states unanimously rejected this action.

Upon the withdrawal of the British and the establishment of Israel as a free state on May 14, 1948, the armies of five Arab nations invaded the new Jewish state on all fronts. The Jordanian army conquered the area on the western side of the Jordanian River which was later to be identified as the West Bank.

This area remained under Jordanian rule for 18 years until the Six Day War in 1967. (Incidentally, this annexation by Jordan was recognized by only two nations in the world—the U.K. and Pakistan. It was even opposed by the Arab League.) Isn't it interesting that the West Bank was never referred to as "occupied territory" until Israel took it back from Jordan in 1967 after the Six Day War? The question arises, if it wasn't "occupied territory" when Jordan had it, why is it now?

When we look at Israel, what are we really talking about? How big is that place? Relatively speaking, we know that West Germany is about the size of Ohio, East Germany is about the size of Indiana, Estonia the size of Delaware, Lithuania about the size of West Virginia, Poland about the size of New Mexico.

So how big is Israel? The entire state of Israel—including the West Bank, the Gaza Strip, and the Golan Heights—is smaller than the gunnery range at Nellis Air Force Base. On this land, we have jammed 4⅓ million people. Israel expects a million more immigrants within the new few years.

In relation to its size, Israel has the longest border that it absolutely must defend of any country in the world. With its pre-1967 borders or without the West Bank, Israel is only 9 miles across at its center close to Tel Aviv.

This is scarcely more than the distance from the Pentagon to Mount Vernon. A modern tank can traverse this distance in about 15 minutes. (In airplanes I have flown, it is impossible to make a standard rate turn at altitude and remain within the boundaries of Israel at this point.)

With the West Bank included, Israel is approximately 40 miles across at its mid-point. The City of Atlanta is more than 40 miles across. In this thin strip of Israel, running along the coast west of the West Bank, we have ⅔ of Israel's Jewish population and ¾ of their industry.

Now let's look at each of the occupied or disputed territories. If Israel went back to its pre-1967 borders, it would have to return the Golan Heights to Syria. Before the Six Day War in 1967, I went to a kibbutzim just at the foot of the Golan Heights. With binoculars, I looked up at Syrian tanks and artillery. Since I knew at that distance the Syrians could not tell a Gentile from a Jew, I was very uncomfortable.

The validity of my discomfort was well demonstrated in the war in 1973. In this war, hundreds of Syrian tanks succeeded in breaching the Israeli lines of defense because they had shelled and struck from the high ground. Israeli troops were pushed to within 12 miles of the sea in this, one of the wider parts of the country. Without the Golan Heights, the vulnerability of the northeast flank of Israel would be multiplied and the loss of Israeli lives in defending the area would also be multiplied.

Despite its relatively small size, the West Bank is the prime strategic defensive real estate in the area. Without the West Bank, most of the major population and industrial centers of Israel are easily within artillery range.

Obviously, the major strategic advantage of the West Bank to Israel is that it is a natural barrier to any attack on Israel from the east. The Judean Mountains and Samarian Ridge that run down the north-south axis of the West Bank afford complete domination of the area. Any attacking army from Jordan would have to cross the Jordan River, which is fordable in a tank in only a few places. In addition, any attacking army would have to climb from the lowest point on earth (at the Dead Sea) and the rift valley that runs along the Jordan River to the 3000 foot elevation of the West Bank Mountains.

With the West Bank, the Israelis have one of the world's best natural tank and armored vehicle traps. As contrasted to the eastern slopes of these mountains, which are very steep, the western slopes fall gently down to the heart of Israel. The kibbutzim and settlements that the Israelis have now, and the new ones being located on the West Bank, are all strategically located to give advance warning of attacks, allowing more time for Israel to mobilize its reserves, thereby increasing Israel's security.

Incidentally, over 40 percent of the water Israel has comes from underground aquifiers in the West Bank.

With the West Bank in Israeli hands, the border with Jordan is less than half what it was before. There are now 750,000 Palestinians living along the western slopes of the West Bank. During the years that Jordan occupied the West Bank, 382 terrorist actions were carried out from the area. This area helps offset the Arab's high numerical advantage in manpower, tanks, planes, and artillery.

The Gaza Strip is much less a strategic requirement to the security of Israel than the West Bank. However, before 1967, Israeli counterterrorist border patrols had four times the distance to cover than they have today—183 miles compared to 45 miles. During the period of 1949 to 1956, in a 7-year period, 460 terrorist attacks were launched against Israel from the Gaza Strip by some of the 480,000 Arabs living there.

As I studied the Mid-East and Israeli security, there were certain facts that stood out and dominated my conclusions:

(1) Israel must win any war it fights. Germany, Japan, France, England, Iraq, Egypt, and almost every other country in the world, have lost wars and survived. But if Israel loses a war to the Arabs, Israel will no longer exist. The Israelites lost a war 2,000 years ago and they were scattered all over the face of the earth. With the ability to kill that is possessed today, if the Israelis lost, there would probably not be any Israelis to scatter. This very fact alone makes it more log-

ical that the Israelis will use nuclear weapons as one of several miracle cures in order to solve their problem and preventing a loss. It also makes it more logical that Israel will engage in a preemptive strike if they perceive that conditions of war are imminent.

(2) In studying this problem, I bought a copy of the Koran. I have read its 114 books, or chapters, twice in the hope that I could find something that would give me the slimmest belief that there can be peace between the Arabs and the Israelis. I also studied the 19 events that are listed as the major happenings in the life of Muhammad from his birth in 570 A.D. to his death on June 8, 632 A.D.: His mother's death, his marriage, his victories in converting the Arabs to the Islam religion are all listed. In addition, three of the major events for Muhammad were when the Jewish tribe of Al-Nadhir was crushed and defeated in 626 A.D., when the Jewish tribe of Qurayzah was raided and defeated in 627 A.D., and when the Jews of Khaybar were put to the sword in 629 A.D. Three of the 19 major events in Muhammad's life were when he slaughtered Jews. I do not believe the Arab-Israeli dispute is over land—land won't solve the problem. It is much deeper than that. It dates back to Abraham. The problem will not be solved by anything material.

(3) There are too many people involved in the conflict—especially the PLO, who do not want the problem to be solved. They make a living out of the conflict. This is obvious from the fact that whenever the peace process starts showing progress, a terrorist attack will occur. A case in point is the four Israeli women who were stabbed to death recently when Jim Baker went to Israel. As Abba Eban said, they never miss an opportunity to miss an opportunity. Another point of interest is that far more moderate Arabs have been killed on the West Bank by PLO death squads than have been killed in conflicts with the Israelis. The radicals simply won't let the moderates make any peace headway.

There is simply no doubt that Israel would give up a significant amount of its security if the Israelis leave the disputed territories. With this in mind, I looked at the situation and asked myself, "What would we in the United States do if we were in their position?" Now let's suppose the Russians made some claim to Florida, Georgia, Alabama, and Louisiana. That would be comparable to the Palestinians's claim to the West Bank. What would be our reaction if we were told we would have to get out and the Russians were going to occupy these states? Do I need to give you an answer?

Now we are being told by many of our self-styled experts that the Middle East is really a peaceful, tranquil, wonderful area. However, there has been a temporary 2,500-year interruption to all this peace with turmoil, terrorism, mayhem, and war. As I said though, this is only a temporary 2,500-year interruption. The experts are telling us if we could just get those Jews out of the Golan Heights, out of the West Bank, and out of the Gaza Strip, we could have peace again. I had trouble figuring this out since we didn't have peace when there was no Israel. There was more fighting and unrest when Israel was not in the disputed areas than there is now. Why would giving up the disputed areas give us peace we have not had for 2,500 years?

Because of time constraints, my conclusions are only a brief summation. However, I can find absolutely no logical reason for Israel to give up one inch of the disputed areas. Quite to the contrary, I believe if Israel were to move out of the Golan Heights, the West Bank, and the Gaza Strip, it would (1) increase the instability in that area; (2) increase the possibility of war; (3) increase the necessity for Israel to preempt in war; (4) increase the possibility nuclear weapons would have to be used to prevent an Israeli loss; and (5) increase the possibility the United States would have to become involved in a war in the area.

Short of a complete disestablishment of Israel, giving up land will have no lasting effect on peace in the area. And even that could be questioned.

It is not in the United States's best interest to have Israel leave the disputed areas and we should not put pressure on Israel to do so. We do not have to solve the Arab-Israeli conflict because we can't. We do not have to provide the Palestinians a homeland. And Israel does not have to give up land for "peace" because it would do no good.

THE REMARKABLE RAY BROOKS: LAST OF "FLYING ACES" OF WWI

Mr. HELMS. Mr. President, last week I was saddened by the news that reached me belatedly of the death of one of America's heroes—a man whom I never met but whom I nonetheless considered a dear and personal friend.

Capt. Arthur Raymond Brooks was 95 when he passed away on July 17. I believe it is correct to identify Ray Brooks as the last surviving flying ace of World War I. He became a hero of mine when I learned that in 1918 he was one of the fine young Americans who dared to fight the first war in history in which airplanes were used in combat.

A newspaper account says that at age 22, Captain Brooks was a fighter pilot with the 139th and 22d Aero Squadrons. He participated in 12 aerial battles and was credited with 6 kills from June to October 1918.

Mr. President, I will speak further about Captain Brooks in a moment, but first I perhaps should mention how I became familiar with him and the other surviving flying aces of World War I.

One of my good friends in North Carolina is John Kent, a former chief pilot with United Airlines. John is now retired and lives in Durham. For many years, John Kent kept in touch with those flying aces—writing to them, visiting with them, and doing thoughtful things for them. In early 1984, John just casually mentioned the flying aces to me and furnished a list of their names and addresses.

One day in the late summer of 1984, John Kent told me that there was to be a convention of surviving flying aces right here in Washington. John remarked what a wonderful thing it would be if those old gentlemen could be invited to the White House. When I next met with President Reagan, I told him about these elderly gentlemen and their upcoming convention. I did not even have to suggest to the President the possibility of inviting these gentlemen to the White House.

The President, as a matter of fact, made a note of it, stuck it in his pocket, and on October 18, 1984, down they went, these seven, I think it was, surviving flying aces. They went to the White House to visit their President.

President Reagan later told me that it was one of the most emotional things that had ever happened to him. "There they were," he said, "lined up in their wheelchairs as I walked in. Some had walking canes—a few standing erect and proudly. When I went down the line, each insisted on struggling to stand up, at attention and then salute me."

Just telling about it brought tears to the President's eyes. And, needless to say, it was a meaningful occasion for each of those old gentlemen.

Mr. President, because I had mentioned the convention to the President and because they were invited to the White House, I received a letter signed by everyone of those flying aces. I have it hanging on my wall. Their handwriting was shaky, but the letter was warm and generous. The concluding line in the letter read, "Senator, these seven Old Eagles salute you. Go for it, youngster."

Mr. President, as I looked again at that letter this morning, I found myself shaking my head in the realization that, with the death of Ray Brooks, all of them are now gone.

But, back to Ray Brooks: My friend, John Kent, tells me that Ray Brooks was Gen. Jimmy Doolittle's closest friend. As a personal note, I am obliged to mention that Jimmy Doolittle has himself been a special hero of mine since my boyhood. His picture is on my wall, and we have corresponded on many occasions.

Mr. President, let me now briefly return to Ray Brooks. The Newark, NJ Star-Ledger of July 18 published a detailed account of Ray Brooks' career, and I think I can best describe this remarkable man's remarkable career simply by asking unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newark (NJ) Star-Ledger, July 18, 1991]

CAPT. A. R. BROOKS, WORLD WAR I AIR ACE

Capt. Arthur Raymond Brooks, believed to be the last surviving flying ace of World War I, died yesterday at his home in Summit. He was 95.

Mr. Brooks, who was predeceased by his wife, Ruth, in 1967, died of natural causes. Late yesterday funeral arrangements were incomplete.

As a 22-year-old flier with the 139th and 22d Aero Squadrons, Brooks engaged in 12 aerial battles and was credited with six "kills" from June to October 1918.

He flew missions into German-occupied territory and achieved "ace" status—which is awarded to pilots who shoot down more than five planes—on Sept. 14, 1918.

In that battle in the French skies between Metz and Fresnes, Mr. Brooks took on eight

Fokker D-VII fighters, shooting down two, forcing another two to limp home disabled, and evading the remaining four before crash-landing his bullet-riddled plane in a field behind enemy lines.

His sixth and final air victory came on Oct. 9, 1918, during the Meuse-Argonne battle, an intense Allied offensive, for which he was awarded the Distinguished Service Cross.

He was awarded the Silver Medal of the City of Paris in 1972 for his World War I contributions.

The Spad 13 that Mr. Brooks flew with the 22d Pursuit Squadron, named the Smith IV, was restored and is on display at the National Air and Space Museum in Washington, D.C.

Born in Framingham, Mass., Mr. Brooks became interested in the workings of trains that pulled up to his father's granary. He soon began sneaking to the local roundhouse to watch the massive engines being repaired.

He built rafts out of old railroad ties, and when a nearby lake froze over in the winter, Mr. Brooks constructed an ice boat that zipped along the frozen surface at up to 60 mph.

In an interview last year, Mr. Brooks admitted being bitten by the flying bug as early as powered flight became a reality in 1903.

"I loved airplanes. I was fascinated by the thought of flying," he said.

Mr. Brooks graduated from high school in 1913 as class valedictorian and went on to the Massachusetts Institute of Technology, with which he had a lifelong association.

Upon graduating in 1917, he joined the military and got his flight training with the Canadian Royal Flying Corps in Toronto and the U.S. Signal Corps in Hicks, Texas.

"I was an eager beaver to die for this country. Don't ask me why, that's just the way I felt," he said of his entry into World War I.

"I had a guardian angel. Before I left for Europe, a friend told me she would ask a nun to pray for me. I owe it all to that nun and my guardian angel," he said.

After the war, Mr. Brooks stayed in aviation. He designed and installed a set of beacon lights from Boston to old Hadley Field in South Plainfield and south to Richmond, Va., and west to Bellefonte, Pa. that were used as the only means of navigation for U.S. Mail planes on early airmail routes.

Mr. Brooks went on to Bell Labs in 1928, working on the development of electronic air navigation and air-to-ground navigation. He also helped develop the first air-to-ground telephone in the early 1930s.

Mr. Brooks retired from Bell Labs in the 1960s, but not from flying. Last year his friends told of his continued skill for flight.

"When Ray was in his late 80s, we were flying home from Rhinebeck (N.Y.) and I let him take over the controls of my Piper Arrow," said Jack Elliott, aviation columnist for The Star-Ledger and a long-time friend of Mr. Brooks. "I looked over and I thought my instrument panel was broken because every single needle was dead center and they never wavered. When anyone else flies, the needles move back and forth constantly, but not Ray. He was steady as you can get."

GAO CONTRA REPORT

Mr. REID. Mr. President, when Congress appropriated money for the repatriation and resettlement of the Nicaraguan resistance—the Contras—it required the GAO to report on the use of that money. In addition, Congressman DUNCAN HUNTER and I requested that the GAO investigate the adequacy of food and medical care provided to the Contras and their dependents while they were in Honduras awaiting repatriation.

The report was just published on Thursday, July 25. If one reads the "Results in Brief," one finds the following statement as the lead:

> United States, Honduran, and Resistance officials agreed that the U.N. repatriation program successfully met its primary objective of repatriating as many demobilized combatants and dependents from Honduras as chose to be repatriated.

One would think from that summary statement that all went well. One needs to really get into this report to find out what really happened, however. There were, in fact, high rates of death among children, people without food, and poor sanitary conditions. People died.

This is clearly a report that has been sanitized by the U.S. State Department. Sentences are carefully worded, and hard judgments are conspicuously absent.

I had requested that particular camps be looked into for child deaths. These were the Las Vegas Camp and the Yamales Valley. The report reads as follows:

> In response to complaints that children in the Las Vegas Camp and in the Yamales Valley were not receiving sufficient food, the State Department requested the Centers for Disease Control to send an expert to review the nutritional status of both groups of children. The expert evaluated a study of the nutritional status of Resistance children in the Yamales Valley done by the Honduran Red Cross and reported in August 1990 that malnutrition levels were actually below those that could be expected among the general populations of Nicaragua and Honduras. The report also noted that malnutrition did not seem to be a problem in the Las Vegas camp.

The expert from the Centers for Disease Control evaluated a study written by the Honduran Red Cross. He did not examine the children, he examined a study written by an organization that was accused of stealing the food. And he comes to the conclusion that malnutrition did not seem to be a problem in the Las Vegas Camp. Of course, by August, when he made this report, the United Nations had already been there several months and had gotten the problem under control.

Former Gov. Mike O'Callaghan was there earlier in the year, and reported to the GAO that there were empty warehouses in the valley and food shortages when he visited. He even showed them pictures. In two other places in the report, it is stated that "death rates among infants and young children living in UNHCR-assisted camps were substantially above normal expectations." The expert from the Centers for Disease Control states that decreases in the death rate by July 1990 was partly due to that fact that "the most vulnerable segments of the population die first." In other words, the babies had already died.

I recommend that my colleagues read this report, but they should read it carefully. Do not stop at the executive summary.

I also want to make it clear that I do not fault the GAO for this report, but rather the State Department for making it a whitewash. The GAO managed to include a great deal of information in the report, and I know that, through their visits to the region, they were able to get certain food rations increased, and they should be commended for that work.

It is only because certain people who care—Gov. Mike O'Callaghan, the individual investigators from the GAO, DUNCAN HUNTER, and my staff among them—that more people did not die. It is my feeling that if these matters had not been brought out into the open, not much would have been done to change them.

S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Mr. FORD. Mr. President, recently, some of my colleagues on the other side of the aisle criticized S. 250, the National Voter Registration Act of 1991, because they claimed that the costs were prohibitive; that this bill would pass along unfunded Federal mandates to the States. In fact, the minority stated in the committee report accompanying S. 250 that "State after State has insisted that the costs of S. 250 will be substantial and they will have to curtail other programs such as education or child nutrition to come up with the funds needed to meet the unfunded mandates in the bill."

Mr. President, I am well aware of the many cost estimates which have been submitted and to which the minority refers. The question that these estimates raise, and which the minority does not seem to address, is: What factors are being used to put these cost estimates together? I believe that many of these estimates do not reflect the true costs of the registration mechanics required by the bill and many of these estimates are inflated.

The cost estimates from these States should not be accepted at face value. Many of these estimates include the costs for computerization. Mr. President, S. 250 does not require that States computerize their voter registration rolls. In fact, in several of the States where the motor-voter program is currently operating, computerization is not used. For example, the District of Columbia has instituted the motor-voter program without computerization and it has been effective in increasing registration. If the District of Columbia is capable of doing motor-voter without computerization, I think most States can as well.

I know that many of the States are using S. 250 as a means of urging automation of the registration process. But, the reality of the situation is that fully 92 percent of the registered voters in this country are already on some form of automated list—lists that can be purchased by any Member of the Senate.

One of the other problems which I have with these cost estimates is that many States are including other costs not associated with the technical requirements of the bill.

For example, during the Rules Committee consideration of the bill, the committee received testimony from a California county clerk, Mr. Tony Bernhard. He testified that his cost estimate for California was $20 million. But included in his cost estimate were the costs for the general administration of the electoral process. Some of the items that he included were voting booths, ballot boxes, flags, signs, tables, additional rosters, and the costs for staff at the polling place. His basic argument was that since California was going to experience an increase in its registration rolls, the Federal Government should pick up the tab for the maintenance of a larger voter roll. But, because the bill did not provide any funding, States like California would have to cut basic health and safety budgets to pay for the costs of a larger voting roll.

Mr. President, this argument is very disturbing. What the opponents to this legislation are arguing is that the Federal Government should pick up the tab for a larger voter registration roll. Mr. President, this is an admission that this bill is going to increase the number of registered voters. That is the whole purpose of this legislation. And the statistics show that registered voters do vote. And that is a democracy in action.

Mr. President, we have a cost estimate for this bill. As my colleagues know, the usual means of determining the costs for a bill is through an analysis by the Congressional Budget Office. And CBO did a thorough analysis of the costs associated with this bill, which included contacting State and local election officials to assess the impact of the bill. In fact, one of the States that CBO contacted was California. I wish that some of my colleagues would take a moment to read that cost estimate, included in the committee report accompanying S. 250, because I think that they will find it very enlightening. I will ask unanimous consent that a copy of the letter from CBO be printed at the conclusion of my remarks.

Mr. President, the CBO estimate states that the average cost of the bill for the first 5 years is $20 to $25 million. But the CBO estimate demonstrates that S. 250 will result in substantial cost savings.

CBO estimates that the reduced postal rate, which is provided in S. 250, will save local election officials $4 million annually in lower postal rates. In fact, the automatic updating of addresses provided in the registration programs of S. 250, as well as the list cleaning procedures, will most likely ensure that for each election, State election officials are going to have more accurate and up-to-date registration lists, which will save local election officials enormous time and money by eliminating mailings to people no longer registered to vote.

I am mindful that there are costs associated with the bill. But, as CBO noted these costs will be offset by a reduction in the costs of part-time employees hired to handle the increased workload associated with each registration deadline. Receiving registration forms over the course of a year, rather than in one large rush just prior to the registration deadline, has allowed some States like Colorado and Michigan to reduce their part-time staff during election years. Because local election officials would not be required to hire part-time employees, these same local election officials could expect to save $10 million in a Presidential election year and $7 million in a non-Presidential election year in administrative costs.

Mr. President, if you look at the methods that are used by the States to update their registration lists, S. 250 provides further additional savings. About 20 percent of the States canvass all voters on the lists, while the remaining 80 percent do not contact all voters, but target only those who did not vote in a previous election. About five States simply drop people from the lists for failure to vote. Most of these States send some type of notice.

S. 250 establishes standards for address verification programs and specifically authorizes the use of the National Change of Address Program [NCOA]. By permitting the States to use the National Change of Address Program, this will allow election officials to directly identify those who have moved and send them a forwardable notice. Although election officials would have to pay a vendor licensed by the Postal Service to do a computer match of registration lists and NCOA list, these costs could be offset by reducing the postage and printing costs that officials pay for less-focused canvassing. In my own State of Kentucky, the secretary of state recently stated before the Subcommittee on Elections in the House that the adoption of NCOA saved Kentucky almost $800,000 in the cost of a statewide list verification program.

Incidentally, Mr. President, I would like to point out that during the Rules Committee consideration of this measure last Congress, an amendment was offered by the minority which would have permitted States to use the National Change of Address Program. I find it interesting that in the minority's so-called alternative, the use of a proven costs saver, the National Change of Address Program, is not even encouraged.

Mr. President, the minority's proposal, S. 921, authorizes an appropriation of $25 million to be administered by the Attorney General on a matching grant, dollar-for-dollar, basis. And yet, their proposal does nothing to make registration systems cost efficient. I previously mentioned that the District of Columbia instituted motor-voter and was able to create the program at the cost of 6 cents a form. In New York City, in-person registration costs the taxpayer an average of $83.28 for each new registered voter. This only demonstrates, Mr. President, that S. 921 is another classic example of Government waste. Rather than implement a uniform national registration system, S. 921 would reinforce the current voter registration systems which is the heart of the cost problem.

Mr. President, voter registration should not be a partisan issue. Unfortunately, some Members have belittled this bill as a bill that will benefit Democrats. I deeply regret that the debate has turned into a partisan issue. The purpose of S. 250 is to make voter registration uniform for all Americans. The right to vote is not a partisan right. It is an individual right. S. 250 will assure that all Americans qualified to register will have the opportunity to register to vote in a manner that is convenient. And S. 250 will achieve this through cost-efficient means, as demonstrated in the CBO analysis.

I ask unanimous consent that the letter from the Congressional Budget Office referred to earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 250, the National Voter Registration Act of 1991. Enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 250.

2. Bill title: National Voter Registration Act of 1991.

3. Bill status: As ordered reported by the Senate Committee on Rules and Administration, April 24, 1991.

4. Bill purpose: S. 250 would create a national system of voter registration procedures for elections for federal office. Responsibility for implementing the system would fall largely to the states, with the federal government responsible for enforcement, as well as some financial and technical assistance.

Requirements for States: Under the national system of voter registration, most states (except those with election day registration and those with no registration requirement at all) would be required to provide the following methods of registration:

Motor/Voter: When someone applies for a driver's license (new, renewal, or change of address) at the state motor vehicle authority, the application procedure would have to include the opportunity to register to vote. An individual would have to decline in writing on an application form to avoid registering by this means, or would have to sign an attestation, under penalty of perjury, that the individual is eligible to register to vote.

Mail Registration: Each state would make available through various sources a form, prescribed by the Federal Election Commission (FEC), that applicants could complete and mail to the election official to register for federal elections.

Agency Registration: Each state would have to designate some state and federal offices as well as private sector locations (such as public libraries, unemployment offices, banks, fishing and hunting license bureaus, or post offices) to distribute and collect applications for voter registration. Such locations would then forward the applications to the appropriate election official.

Currently, the federal government has little involvement with voter registration. Each state has its own laws governing registration, and in practice, registration practices vary widely even among local election jurisdictions within a state. S. 250 would mandate that states provide the specified registration methods consistently in all jurisdictions.

In addition, S. 250 would mandate that any state programs used to update voter registration lists shall be uniform and nondiscriminatory and may not remove someone from the list for not voting. The bill would permit a state, if it determines a voter has moved, to remove the voter from the list only after sending a forwardable notice with a return card that would allow the voter to confirm the correct address.

Finally, each state would have to designate a chief state official responsible for implementing the state's functions under S. 250.

Requirements for the Federal Government:

S. 250 would require the U.S. Postal Service to provide election officials with a postal rate subsidy for any mailings that the bill requires the officials to conduct, such as the registration confirmation notice and the registration update notice. The bill authorizes the appropriation of funds sufficient to reimburse the Postal Service for its losses in providing the subsidy. If the Congress does not appropriate the necessary amounts, then the Postal Service would no longer offer the subsidy.

The bill also would require the FEC to provide information to the states regarding their responsibilities and to report to the Congress once every two years on the impact of the registration procedures required by the bill. The FEC also would have to develop a uniform application form to be used by states for mail registration.

In addition, S. 250 would authorize the Attorney General to bring civil actions in court to enforce the provisions of the bill. Individuals also would be allowed to ask the court for relief from any violations of the bill's provisions.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Payment to the Postal Service for revenue forgone:	....	....	....	....	....
Estimated authorization level	4.0	4.0	4.5	4.5	4.5
Estimated outlays	4.0	4.0	4.5	4.5	4.5
Federal Election Commission:					
Estimated authorization level	0.2	0.2	0.2	0.2	0.2
Estimated outlays	0.2	0.2	0.2	0.2	0.2
Bill total:					
Estimated authorization level	4.2	4.2	4.7	4.7	4.7
Estimated outlays	4.2	4.2	4.7	4.7	4.7

The costs of this bill fall within budget functions 370 and 800.

Basis of Estimate:

Based on the total number of change-of-address actions filed with the Postal Service, CBO expects the postal subsidy could amount to no more than $3 million annually—probably in the vicinity of $2 million—to cover a portion of the cost of mailing registration update notices. In addition, CBO estimates that officials would mail about 25 million voter confirmation notices, based on election officials' reports that the number of registration applications amounts to 20 percent of the total number of registered voters in the jurisdiction. (There are about 120 million registered voters nationwide). Assuming an average subsidy of 7.3 cents per piece of mail, subsidizing the mailing of these confirmation notices would cost about $2 million annually at current rates. CBO assumes that an increase in postal rates will occur in 1994, at which time the cost of this subsidy would increase.

Based on information from the FEC, CBO estimates that the additional staff and associated expenses necessary to develop a mail registration form and to provide assistance to the states would cost approximately $200,000 annually, beginning in 1992. The requirements imposed on states and localities would become effective beginning January 1, 1993, unless provisions in a state's constitution conflict with implementing S. 250. In such cases, a state would not have to comply with S. 250 until January 1, 1994.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated Cost to State and local governments:

S. 250 would require states to provide three types of voter registration for federal elections beginning in 1993: motor/voter, mail-in, and agency registration. The bill also would mandate that states use a uniform and nondiscriminatory program for maintaining accurate lists of eligible voters.

Consistent with CBO's usual procedures for estimating the cost effects of legislation, this estimate compares the cost to states of complying with the bill's provisions to the cost of their current practices under existing law. Few state and local governments currently employ all the methods required by the bill for registering and maintaining voters on the rolls. In addition, without S. 250, states and localities are unlikely to replace their existing practices with those outlined in the bill. Therefore, the costs states would incur in changing their registration procedures would be directly attributable to enactment of the bill.

Summary of Costs:

Direct Costs: If the bill is enacted, state and local governments would have to pay for the cost of complying with the bill's registration provisions. For the additional staff, postage, and printing expenses associated with the expected increase in registrations, especially through motor/voter, CBO estimates that it would cost state and localities an average of $20 million to $25 million a year for the first five years of the program. Added costs would be somewhat lower than the average in federal election years, and above the average in other years, since the procedures required by the bill would have the effect of smoothing the current election-year peaks in registration costs. Some of these expenses would begin in 1992, the year before the bill's provisions take effect, as the states prepare to offer the new registration methods.

Although the bill would not directly require it, some states may decide to acquire, expand, or upgrade computer systems to facilitate implementation of the bill. To the extent that state and local governments make such changes in computer technology, their costs could increase further. For example, we expect that one-time costs could amount to $60 million to $70 million to computerize the registration lists of all the jurisdictions that currently do not have computers. We cannot predict how many jurisdictions would do so, or how many that now have computers would choose to change their system.

Another provision that would require most states to make a change from current practices affects the polling place where a registrant may be permitted to vote. Under S. 250, if a registrant has changed addresses within a jurisdiction without notifying the registrar, but the new and old addresses are covered by different polling places, then the registrant would have the option of voting at the old or new polling place, or some other polling place that has a list of registered voters. Election officials have indicated that this requirement would be quite difficult to implement without a computerized registration list. Without such a capability, it might not be possible to fully meet this requirement, so the cost to election officials of this provision cannot be estimated at this time.

Offsets to Costs: Because S. 250 would authorize the Postal Service to provide a rate subsidy to election officials for mailings required by the bill, state and local governments would be able to shift some of the costs they incur now to the federal government. S. 250 would require officials to notify registrants as to the outcome of their application and to contact those whom the officials plan to drop from the rolls because of a change in address. (Most officials already take both of these actions.) CBO estimates that the postal subsidy for these mailings would total about $4 million annually. Thus, upon enactment of S. 250, state and local election officials would save approximately $4 million annually in postage costs.

Other Costs: To the extent that S. 250 is successful in increasing the number of registered voters in all jurisdictions, state and local governments likely would face other costs that are not directly associated with implementing the bill's provisions. For example, if more people are registered, then presumably voter turnout during elections would increase. Because election officials try to maintain a certain ratio of voters per polling place, officials might have to add new polling places, voting machines, and poll workers. However, these officials would take similar steps because of growth or migration patterns, and it would be difficult to separate the bill's effect on increased turnout from other contributing factors.

Certain states with specialized election laws would encounter some secondary effects of the bill. California law, for example, requires state and local officials to mail all voters on the registration list a sample ballot and an explanation of all ballot initiative issues before each election. If enactment of S. 250 results in more people registered, then the cost of such special mailings will be greater. On the other hand, the bill's provisions that encourage improved list-cleaning would result in more accurate voter registration lists, and election officials would save money by not having to mail voting materials to or prepare polling places for people who no longer would be on the lists. We have not estimated the total costs or savings from such effects in the various states, which would depend in part on how successful this legislation would be accomplishing its goals. California, which has some of the most extensive requirements relating to communications with registered voters, has estimated that it costs between $4 and $5 per registered voter to print ballots, print labels, mail sample ballots, and provide polling places. Most other states have lower costs, because they do not have all these requirements mandated by law.

Because S. 250 would allow individuals to sue for relief from violation of the bill's provisions, state and local governments and officials are potentially liable to pay fines and court and attorney fees if they lose a lawsuit. Such costs would not result directly from the bill, but rather from court cases that CBO cannot predict.

Current Law: Under current law, each state sets its own rules or guidelines for registering to vote in federal elections, and many states allow a wide range in practice among decentralized, local election jurisdictions (usually counties or cities and towns). Just over half the states already have mail-in registration, and about one-fourth of the states have some form of motor/voter registration. States and local jurisdictions pay the costs of registering voters, and the federal government does not currently assist them with these costs.

Data Collection:

Because voting registration practices vary so widely, the incremental costs of implementing new procedures in the nation's 18,000 election jurisdictions is difficult to determine. In preparing this estimate, CBO assumed that local jurisdictions within a state generally follow registration guidelines set out by the state (even though there are some variations). We then compared the states' current guidelines with the requirements in the bill. (CBO relied on state-by-state summaries of registration practices prepared by various election information clearinghouses.)

In so doing, CBO surveyed the election officials in just over half of the states (as well as about two dozen counties of varying sizes). We collected cost information from some states that already provide one or more of the registration procedures mandated in this bill. In addition, some states provided CBO with the fiscal notes prepared for their state legislatures when they were considering one of these options. We also contacted about half of the 14 states that currently do not offer any of the bill's registration methods for their asessment of the bill's likely impact.

Assumptions: Based on this information about the general registration practices in each state and the steps each state would have to take under S. 250, CBO makes the following assumptions regarding implementation that could affect the costs to state and local governments:

In most states, motor/voter would become the primary method of registering voters. Because most people have a driver's license and are required to renew it periodically, a motor/voter system eventually would provide most people with a convenient opportunity to register, especially after a change of address.

Although completing a driver's license application at the state department of motor vehicles (DMV) would be the most common way people would apply for registration, local election officials would remain largely responsible for maintaining accurate voter lists.

The several states with constitutional provisions that would conflict with the bill, such as requiring voters to sign an oath in person in front of a registrar, would change their laws to be consistent with S. 250. Otherwise, those states would have to maintain separate registration rolls and conduct federal elections separate from other elections. This estimate does not include any cost for such separate elections.

Costs of Registration Provisions:

Motor/Voter—DMV Costs: S. 250 would require states to include a voter registration application form as part of an application for a state driver's license. The bill language suggests that states use a consolidated form, but also allows them the flexibility of using two forms. CBO assumes that states could use two forms if they desire, because the committee's report language emphatically declares the committee's intent to allow this option to states. Thus, states that already have a two-form motor/voter process would not have to change, and states that would have to decide how to set up a motor/voter process could have a choice.

Based on the experience of the states that already have motor/voter, it appears that the additional costs to states of implementing motor/voter registration would result mainly from hiring additional staff to handle the extra paperwork. For example, state DMVs would need more employees at high traffic locations to continue to process applicants in the same amount of time as they currently do. For the 34 states that do not now have some form of motor/voter, the cost of such additional employees and related expenses could range from $20 million to $25 million annually during the first five years of implementation. Since most states require renewal of a driver's license every four years, costs would decrease in later years, because most people would have had an opportunity to register and only those who move would have to update their registration.

Motor/Voter Election Official Costs: Once the DMV receives an application, it probably would forward a copy to the local election official to process the registration, as is current practice in the states that now have motor/voter. While CBO expects that officials in sparsely populated jurisdictions would be able to absorb small increases in the number of applications, others would face increased costs. In especially populous jurisdictions, election officials would have to hire more staff to handle the likely increase in applications and to check for duplicate registrations (although some states with motor/voter report these are less than they had originally anticipated). Counties we contacted report that the number of registration applications they handle annually amounts to about 20 percent of the number of registered voters in the county (there are about 125 million registered voters nationwide). Based on information from counties in states that curretnly have motor/voter, it appears that the workload could increase by 20 percent because of people registering who otherwise would not have registered, duplicate registrations, and ineligible applications.

Assuming the incremental cost for a county election office of handling an additional application is $1.50, then local jurisdictions, in aggregate, would have to pay an additional $5 million to $10 million annually. Some of these costs would only be incurred during the first few years. Once most people are on the rolls and the number of unregistered voters decreases, use of the motor/votor system would decrease as voters only register if they have moved.

Such costs, however, would be somewhat offset by a reduction in the cost of part-time employees hired to handle the increased workload around each registered deadline. Officials in some states with motor/voter, such as Colorado and Michigan, report that receiving forms from the DVA evenly over the year rather than in a last-minute pre-election rush has allowed them to reduce their part-time hires and use their full-time staff more efficiently. Based on information from several localities that hire part-time staff during election years, we expect local officials nationwide could save about $10 million in a presidential election year and about $7 million in non-presidential election years by reducing part-time hires. (There would be no savings in non-election years because no part-time help is necessary.)

The total costs that election officials would face would be offset further by the postal rate subsidy authorized by S. 250. While the bill requires election officials to notify applicants of the outcome of their registration application, it also would provide a discount of about 43 percent for notices mailed by third class. Because most states already mail such notices to applicants, the notification requirement would not result in additional costs, but the subsidy would shift about $2 million of postage costs currently incurred by election officials to the federal government.

Motor/Voter: Computer Costs: Rather than forwarding an application from the DMV to a county registrar, a possible alternative, untested thus far, would be to transmit the voter information electronically. The cost of adding registrants to a jurisdiction's list would be lower if the voter data were transferred to computer by tape or other device rather than entered by hand. Some states have indicated that they would probably implement the motor/voter requirement by switching their record-keeping from paper to computers, and arranging for electronic transfer of data from the DMV system to the voter registration system. Some state officials have suggested that record-keeping would be improved if election officials used signature digitizers to store voters' signatures on computer, but this would cost extra. Although the bill would not mandate states to computerize, in some instances states or counties might decide computerization would be the best action, even though it would require a significant one-time investment in equipment.

CBO has no information on which to base an estimate of how many counties would computerize or how many more states would create a statewide registration system. (Currently, 21 states have one.) Based on data from Election Data Services, it appears that jurisdictions already use computers to maintain lists for about 70 percent to 80 percent of the registered voters in the country. Aside from jurisdictions that might wish to change their existing computer systems, jurisdictions could potentially purchase new equipment to computerize the remaining one-fourth of the nation's voters.

We have examined the costs of existing registration and election systems and have determined that it costs between one dollar and two dollars per voter record for a computer system. Jurisdictions with small populations (less than 100,000) would have to pay closer to two dollars, and jurisdictions with larger populations would have to pay less. For example, a county with 75,000 registered voters could expect to pay in the neighborhood of $150,000 for an elections system. A state with 7 million registered voters would pay about $7 million for a basic statewide system. Computerizing the registration lists for the 30 million to 35 million people in jurisdictions currently without computers could cost up to $60 million to $70 million.

Mail-In and Agency Registration: Because most voters (we assume 80 percent to 90 percent) eventually would register through the motor/voter system, mail-in and agency registration would serve as alternate means for those few remaining voters who do not have a driver's license. In those states that currently provide one or both of these methods, the number of registrations received from these sources would decrease over time as voters register instead through the DMV, and would, after the first few years, eventually generate from $5 million to $10 million in annual savings that would partially offset increased costs of motor/voter. If all states that currently do not have mail-in registration were to implement it along with the other two methods, it would cost them about $1 million to $2 million annually because they would not use mail-in registration as much as states that currently have mail-in registration do.

Almost all states report that they have some form of agency or satellite registration, which in some states means a voter has to swear an oath in front of a deputy registrar at one of several county offices. S. 250 envisions a somewhat expanded type of agency registration in which forms are available at a variety of locations where voters can complete and submit them (or else take them home and mail them in). Again, this would not be a major source of registering voters, and the costs are not expected to be significant in aggregate, although some additional training costs might be necessary to expand the pool of people able to assist voters in completing the forms. Only those states that currently have just a deputy registrar system would have to print extra forms to be available throughout the jurisdiction, but these costs probably would be offset by the reduced amount of work for the registrars and clerks who would not have to register as many voters in person.

Costs of Voter Confirmation Provisions: Because voters usually do not notify election officials of address changes, the names and addresses of outdated registrants often accumulate on the rolls. Election officials revise registration lists to clean out those who have moved, died, or are otherwise ineligible to vote in that jurisdiction. S. 250 would prescribe that whatever method a state uses to maintain accurate registration rolls, it should be uniform and nondiscriminatory. Further, the bill would prohibit states from removing registrants from the list simply for not voting.

Current Law: All states now employ some procedure for updating at least once every two years (except four states that review lists every four years), though practices may vary somewhat from county to county. About 20 percent of the states canvass all voters on the list. The remaining 80 percent do not contact all voters, but instead target only those who did not vote in the most recent election (using not voting as an indication that an individual might have moved). Of these, about five states simply drop the non-voters from the list without notice. These states could not continue this practice under S. 250.

Whether states canvass all those on the list or just the non-voters, most send a notice to assess whether the person has moved. In about 30 states, election officials also provide voters with a way to update or prevent removal from the registration list.

National Change of Address System: S. 250 suggests, but does not require, an approach election officials can use to make sure that their list cleaning method is uniform and nondiscriminatory. Instead of using non-voting as an indication that a voter has changed addresses, an election official could contact only those who have actually moved, and at their new addresses. By using the National Change of Address (NCOA) system of the U.S. Postal Service, election officials could directly identify those who have moved and would send those people a forwarding notice with a pre-addressed, postage paid card that outlines the registration options available and allows people to respond to the officials. While an elections jurisdiction would have to pay a vendor licensed by the Postal Service to do a computer match of the registration list and the NCOA list (costing from $2 to $8 per 1,000 addresses matched), these costs probably would be offset by reducing the postage and printing costs that officials currently pay for less-focused canvassing. Several pilot studies of this system in California and Oregon, sometimes called Project MAIL, report that counties would save money by significantly reducing the number of notices sent out.

Postal Rate Subsidy: Whether election officials decide to use this NCOA approach or choose their current or other method for list cleaning (as long as it is uniform, nondiscriminatory, and does not drop for nonvoting), their postal costs associated with this process would decrease if S. 250 is enacted. The bill authorizes a postal rate subsidy for mailings associated with the list cleaning requirement, thereby shifting costs from the states to the federal government. The ultimate amount of this shift would depend on the number of notices mailed. We have no data on the amount of mail election officials currently send out to update their lists. However, if most states adopt the NCOA approach, the number of changes of address, about 40 million annually, would represent the maximum possible number of matches between the registration rolls and the NCOA list. With an average third class subsidy of about 7.3 cents per piece of mail, the cost of this subsidy is unlikely to exceed $3 million annually. In fact, it is likely to be less—probably in the vicinity of $2 million—because not everyone on the NCOA list will be on a registration list, some changes of address are temporary only, and officials will update their lists through other methods such as motor/voter. When voters move within a state and get a new driver's license, they also would be updating their voting registration, thereby reducing the number of voters that officials will have to contact to determine whether they are recorded on the rolls accurately.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

FUTURES TRADING PRACTICES ACT OF 1991

Mr. LEAHY. Mr. President, the clock keeps ticking.

Three months ago, on April 18, the Senate voted 90 to 8 to adopt S. 207, the Futures Trading Practices Act of 1991. This bill was the toughest futures reform package approved by this body in decades and was a critical white-collar crime initiative. Its primary purpose was to address serious regulatory flaws exposed by the indictments of 48 Chicago futures traders in mid-1989 on charges of cheating customers. Thirty-two of those traders have so far been convicted or pled guilty.

It took more than 2 years to bring S. 207 to the Senate floor. Now, having passed it by a wide margin, we find the bill once again trapped in legislative limbo.

Congress acted quickly and decisively when we learned in January 1989 that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. That summer, an emergency in the Chicago soybean market had raised a storm of concern among farm producers. The result was a stark crisis of confidence in these markets which are so vital to our national economic well-being.

Hearings and investigations in the Committee on Agriculture, Nutrition, and Forestry and by the General Accounting Office revealed that strong medicine was needed for the futures trading pits: tighter enforcement by a toughened Commodity Futures Trading Commission; better audit trails; stricter policing by the exchanges, and more public involvement in exchange decisions.

The Senate Agriculture Committee unanimously reported a bill to achieve these goals in November 1989, but final action on the legislation was blocked last year by a turf fight—a battle over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission. This debate had stemmed most recently from the stock market free-falls of October 1987 and October 1989 and from the introduction of certain new financial instruments: index participations, swaps, hybrids, and others.

The sharp divisions over this jurisdictional issue produced a legislative deadlock lasting more than a year. Still, after months of diligent, hard work, we were able to resolve it. The Committee on Agriculture met in March 1991 and unanimously reported the trading practice reform package from 1989 virtually unchanged and, at the same time, adopted a compromise on jurisdiction worked out between Treasury Secretary Nicholas Brady and CFTC Chairman Wendy Gramm. When the bill reached the Senate floor in April, we argued this issue at length. Senator BOND and Senator WIRTH presented an alternative proposal on jurisdiction. We had a vigorous debate; we voted our ideas up-or-down. We made a decision and moved on.

Meanwhile, the House of Representatives passed its own CFTC reform bill, H.R. 707, on March 5, 1991, virtually unchanged from the reform package adopted by the House in the prior Congress. The only step remaining on the futures reform trail was to work out the differences between the House and Senate provisions in a joint conference committee.

On May 14, the Senate chose conferees to meet with the House.

It is now 3 months since the Senate passed its CFTC reform bill, and 10 weeks since we chose conferees. Yet so far, the other body has failed to appoint representatives to a House-Senate conference.

As a result, the process once again has grounded to a halt.

There may well be reasons for this delay. I know that many Members of the House of Representatives, particularly those members who worked diligently and effectively on the development and approval of H.R. 707, are fully committed to reform. I understand that the House faces a complex parliamentary situation with respect to this bill. Three House committees potentially have claims on seats at the conference table. Each of these committees has a busy workload, as does the House Parliamentarian.

But while we wait, the clock keeps ticking. We will soon begin the August recess. When we return in September, both the House and Senate will face very heavy agendas and a strong desire to adjourn for the year.

Mr. President, Congress cannot forever put off biting the bullet on CFTC reform. U.S. financial markets will remain at risk from trading abuse and sagging confidence until the reforms in S. 207 and H.R. 707 become law.

Just in the time we have waited for a conference, the case for reform has continued to build. On May 15, 1991, the CFTC charged seven additional floor traders with customer fraud stemming from its investigation of the New York futures exchanges. On June 5, a Federal grand jury indicted 2 firms and 3 traders on 60 counts of trading fraud on the New York markets.

The costs of not finishing our work and enacting futures trading reforms are high:

First, futures exchanges will not be forced to install precise, tamper-proof audit trail systems;

Second, dual trading will continue unhindered;

Third, new conflict-of-interest rules will not take effect. Exchanges will not be forced to include 20-percent public directors on their governing boards;

Fourth, customers will remain barred from suing for punitive damages against floor traders and brokerage firms;

Fifth, there will be no Federal oversight of stock-index futures margins; new financial products will remain blocked;

Sixth, the CFTC will remain weakened. Its budget will be open to attack for lack of an authorizing statute. Its credibility will be questioned for lack of a congressional mandate.

In short, our failure to enact reforms is virtually an engraved invitation to a repeat of the futures trading scandals which dominated the newspaper headlines in 1989. But when it happens the next time, the fault will not lie solely in Chicago or New York. Some of the fault will be shared by those in Washington who failed to fix the well-documented defects in the regulatory system.

The time has come to act on CFTC legislation. I urge my colleagues in the House to appoint conferees so that we can resolve our differences and move this legislation to the President's desk this year.

TRIBUTE TO CLIFDALE ELEMENTARY SCHOOL

Mr. THURMOND. Mr. President, I would like to take this opportunity to commend the students and faculty of Clifdale Elementary School of Spartanburg, SC. Clifdale Elementary School recently won first place in the elementary school division of the Concerned Businessmen's Association of America's "Set a Good Example" contest.

The competition, now in its fifth year, challenges students to participate in antidrug projects which they design themselves. This year's contest, with the theme "Set a Good Example: Don't Use Harmful Drugs," drew over 800 participants.

Clifdale Elementary School was the first place winner for elementary schools nationwide. The students of Clifdale deserve the highest commendation for this impressive achievement.

Clifdale's students participated in daily drug awareness projects emphasizing the harmful effects of drug abuse. The students have indeed set a good example for their peers, and it is my sincere hope that the lessons they have learned will stay with them throughout their lives.

I would also like to commend Clifdale's principal, Dr. Bob Glenn, Clifdale's dedicated faculty, and the school's community sponsor, Dr. William Bledsoe for their participation in this worthy effort.

SPIRIT MOUND

Mr. PRESSLER. Mr. President, South Dakota has many important historical sites, including the Spirit Mound located 6 miles north of Vermillion.

According to David Lavender, author of "The Way to the Western Sea," explorers Meriwether Lewis and William Clark first heard of the legend of Spirit Mound at a meeting with the Oto Indians at Council Bluffs, IA. The Indian legend of Spirit Mound said that evil spirits in human form lived there. These little devils were believed to be 18 inches high with large heads and were armed with arrows that could kill at a great distance. Meriwether Lewis, William Clark, and other members of their famous expedition on August 25, 1804, visited this hill in the middle of a plain. From the top of the hill, the men enjoyed a most beautiful landscape that included numerous herds of buffalo.

Today, a group of concerned citizens have formed the Lewis and Clark/Spirit Mound Trust, which is dedicated to the purchase, preservation and restoration of the historical site. If any of my colleagues or readers of the RECORD are interested in contributing to this historical preservation effort, they can do so by paying $10 for an annual membership in the trust. More information about Spirit Mound can be obtained by writing to the South Dakota Preservation Office, 3 East Main, Vermillion, SD 57069. Also, on September 22, 1991, the Sixth Annual Spirit Mound Run will be held. This run will follow Lewis and Clark's 9-mile historic trek from Spirit Mound to their river landing.

I ask unanimous consent that additional information on Spirit Mound appear in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

GROUP SEEKS TO ACQUIRE, PRESERVE SPIRIT MOUND

(By Barbara Thirstrup)

Six miles north of Vermillion is a promontory which has had special significance for Indians and early explorers.

Now it is being used for a cattle feeding operation, and a silo has been trenched into its side.

The site is Spirit Mound, where Lewis and Clark spent a day on their Missouri River journey, and where Indians feared to go because of legendary inhabitants.

A group of Vermillion citizens have formed the Lewis and Clark/Spirit Mound Trust, which is dedicated to the purchase, preservation and restoration of the historical site.

Spirit Mound, a hill eight miles north of the Missouri River, was visited by Lewis and Clark on their journey of 1804–1806. The explorers were told that the Sioux Indians believed it was the home of "Deavels that had remarkable large heads" and were a foot tall.

"The legend began and still exists that the Spirit Mound formation was established by the Great Spirit and that the little people were there to keep the Sioux in line so that they didn't kill more buffalo than they could eat," said Major General Lloyd Moses, former director of the Institute of Indian Studies at the University of South Dakota.

"We want to make it an historical and ecological park," said Larry Monfore, the group's founder. "First we have to raise about $290,000 to purchase the land, and then we'll need about $200,000 to restore it, and another $500,000 to maintain it so it can survive on the interest."

Paul Putz, of the South Dakota Historical Preservation Office, said, "One of the reasons we need to do it now is there is a feedlot on the steepest side, and there is a trench silo already. Erosion will soon deteriorate it to where there will be nothing left."

In order to acquire the 320 acres on and around Spirit Mound, the group has begun a fund-raising drive. "We're starting on a local level, but we want to do a national mailing to historians, educators and ecologists," said Monfore.

The group tried to get city, county, state, and federal support for the project in its beginning stages, but, as Monfore put it, "They all thought it was a good idea, but they weren't interested in providing financial support, so we decided to form our own private group to raise money to buy the land."

The restoration phase will involve planting the area into native grasses, duplicating the conditions existing when Lewis and Clark visited. "We'd like to have a walking trail to the top of Spirit Mound, where people would be able to see the river valley. We'd have signs identifying kinds of grasses and wildlife, and we'd like to have a visitor's center," said Monfore. He said the area would have pheasants, deer, antelope, and other prairie wildlife.

The area would be available for environmental studies and observations by students and the public in general.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was the leaders' time reserved?

The PRESIDENT pro tempore. The Republican leader's time is reserved.

IRAQ NUCLEAR AMENDMENT

Mr. DOLE. Mr. President, later this week—hopefully sometime tomorrow—the Senate will begin consideration of the Defense Department authorization bill.

I want to advise my Senate colleagues of my intention to offer to that bill an amendment which would authorize President Bush to use all available and appropriate means to accomplish the goal of eliminating Iraq's nuclear capability.

I am pleased that the distinguished Senator from Connecticut [Mr. LIEBERMAN] has agreed to join me in offering this amendment. And I hope that many other Senators from both sides of the aisle will join with us over the next couple of days in putting together this amendment.

The amendment will make clear that we do not want to use force to accomplish this goal. It will further indicate our hope that the President, should he be forced to exercise a military option, will take every possible precaution to avoid or minimize civilian casualties.

But the amendment will not equivocate on our determination to see that Iraq's nuclear capability is wiped out, once and for all, one way or another. The risks of accidental civilian casualties in accomplishing that goal, though a cause of real concern, pales in comparison to the concern that all of us have about the prospect of Saddam Hussein acquiring nuclear weapons.

Mr. President, I invite all Senators to contact me or my staff if they wish to join us in crafting and offering this amendment, at the appropriate time, to the DOD authorization bill.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the Senator's time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of S. 1433, under the order, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1433) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, the current business is the consideration of the Foreign Relations Authorization Act?

The PRESIDENT pro tempore. S. 1433.

Mr. PELL. Mr. President, the bill which we are now considering authorizes appropriations of $6 billion for fiscal year 1992 and $5.5 billion for fiscal year 1993 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. The Foreign Relations Committee reported this bill favorably to the Senate on June 12 by a strong, bipartisan vote of 18 to 0.

In general, the authorizations for fiscal year 1993 are a straightline of the fiscal year 1992 authorizations. However, the fiscal year 1993 authorization for the State Department is $500 million less than the fiscal year 1992 authorization because the latter includes a lump-sum for all arrearages owed by the United States to the United Nations and other international organizations.

Title I of the bill authorizes total appropriations of $4.6 billion for fiscal year 1992 for the State Department—an increase of $970 million over the fiscal year 1991 appropriated level. The largest single spending category in the Department's budget, the "Administration of Foreign Affairs, is authorized at $2.7 billion. Within this category, $130 million is provided for the construction of the new office building at the U.S. Embassy in Moscow. However, the bill does not specify which construction option—teardown or top hat—the administration should pursue.

The bill authorizes $1.3 billion for International Organizations and Conferences, the second largest spending category in the State Department budget. This authorization provides for full repayment over the next 4 fiscal years of arrearages of U.S. assessed contributions to international organizations. This authorization reflects the committee's strong support of the President's decision to pay U.S. contributions as they come due and to repay all U.S. arrearages.

The third largest spending category, migration and refugee assistance, is authorized at $600 million—an increase of $110 million over the administration's fiscal year 1992 request. The committee found the administration's request woefully inadequate to meet the enormous and pressing needs of refugees throughout the world. The committee achieved this increase by decreasing the authorization for foreign military financing and for the State Department's building account.

The bill also amends the State Department Basic Authorities Act to create a new title dealing with the foreign relations of the U.S. historical series. This title is based on legislation that I introduced last year with Senators BOREN and HELMS. It is designed to ensure the accuracy and completeness of the series.

Title II of the bill authorizes appropriations of $1.1 billion for fiscal year 1992 for the U.S. Information Agency. This represents an increase of $58.1 million over the fiscal year 1991 appropriated level. As one who has long been a strong advocate of exchanges as a means of improving international understanding, I am pleased that the committee has seen fit not only to provide increased resources for existing programs but also to establish new programs. These exchanges, particularly those for the newly established democracies in Eastern Europe, are dollars well spent. The fiscal year 1992 authorization for USIA also provides an increase of $5 million for the National Endowment for Democracy and funding for the establishment of a USIA office in Laos.

Title II also mandates the establishment of a USIA cultural center in Kosovo, Yugoslavia. This provision, which I sponsored, was a byproduct of a trip I took earlier this year to Yugoslavia and Albania. Recent events in Yugoslavia have confirmed my judgment that a United States presence in Kosovo, where the Albanian majority is brutally repressed by the Serbian minority, is critical.

Title III of the bill authorizes $218.7 million in appropriations for fiscal year 1992 for the Board for International Broadcasting for the operations of Radio Free Europe/Radio Liberty. This authorization provides for continued operation of Radio Free Afghanistan.

Title IV, dealing with spoils of war, places weapons captured by the United States under existing laws governing the transfer of U.S. military equipment. Title V prohibits the issuance of "Israel only" passports for Americans traveling to the Mideast. Title VI addresses various policy issues with respect to Southeast Asia.

Title VII establishes an Office for the Prosecution of Persian Gulf War Criminals in the State Department. This title is identical to legislation passed by the committee and the full Senate earlier this year. I believe it is essential that Iraqi authorities be held responsible for actions which constituted crimes against humanity and peace.

Title VIII deals with arms sales to the Middle East and title IX includes various miscellaneous foreign policy provisions.

Mr. President, I believe that this is a good bill. For the first time, this legislation has been marked up at the subcommittee as well as the full committee level. I would like to thank the subcommittee chairman, Senator JOHN KERRY, and the ranking minority member of the subcommittee, Senator HANK BROWN, for their good work and bipartisan cooperation on this legislation and the enormous contributions they made during the full committee's markup.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from North Carolina.

Mr. HELMS. Mr. President, it is always a pleasure to work with the distinguished chairman of the Foreign Relations Committee. He and I decided last week that it would be appropriate for the subcommittee chairmen on the foreign aid bill, Senator SARBANES and Senator MCCONNELL, to handle that bill, and they did an excellent job. However, I enjoy working with the chairman as minority floor manager, I look forward to this afternoon's work.

Mr. President, today the Senate considers S. 1433, the Foreign Relations Authorization Act for fiscal years 1992 and 1993. The bill authorizes funds for the State Department, international organizations, the U.S. Information Agency, the Board for International Broadcasting, and a host of other entities.

The bill is the product of diligent work, much of it by the International Operations Subcommittee of the Foreign Relations Committee. I look forward to managing S. 1433 with the subcommittee chairman, the Senator from Massachusetts, JOHN KERRY. Let me extend my personal thanks and high respect for the ranking Republican on the subcommittee, the Senator from Colorado, HANK BROWN. Senator BROWN is one of the most effective and personable freshman Senators with whom I have served and he has left a major, positive mark on this bill. Together with other subcommittee members and committee staff, a bill has been produced that has bipartisan support and is broadly based.

The subcommittee deserves commendation for holding the largest number of oversight hearings on agency budgets in recent memory. Despite increases in the committee's own budget which has been used for additional majority staffing, these hearings and the bipartisan subcommittee process on S. 1433 were accomplished without additional committee staff.

Because of the consultations undertaken by Senators KERRY and BROWN, S. 1433 is unlikely to require numerous amendments or extended discussion, as have State Department authorizations in recent years.

Mr. President, I regret that this legislation has, to a great extent, been held hostage to the foreign aid authorization bill. The Foreign Relations Committee reported the foreign assistance bill, S. 1435, with provisions so objectionable to the administration that President Bush has threatened to veto it. Knowing the strong opposition of U.S. taxpayers to the idea of foreign aid, it was determined that the Foreign Relations authorization, S. 1433 should be delayed until the Senate had acted on foreign aid.

Nevertheless, the Senate has, at last, been able to bring up the Foreign Relations authorization. As we begin consideration, let me outline a few key issues in S. 1433 with which the Senate will be dealing.

COST OF THE BILL

Mr. President, S. 1433 authorizes a total of $5,987,370,000 for fiscal year 1992 and $5,484,071,000 in 1993. The 1992 figures represent an increase of $1,190,199,000 over 1991 appropriation levels, an increase of 21.7 percent. This is probably enough to give most Senators what car buyers call sticker shock.

The committee has been assured that this huge increase represents a number of one-time authorizations. For example, in accordance with administration requests, the Foreign Relations Committee authorized 4 years worth of so-called arrearages to the United Nations. This is money the U.S. Government correctly withheld during the 1980's because of the abuse heaped upon the United States combined with bloated U.N. bureaucracies and reckless spending.

Overlooking the fact that the United States has surely not received sufficient good service to cover the United Nation's past sins, Congress responded favorably to the President's request to begin repayment of so-called arrearages in the current fiscal year. Having taken that pill, the administration says it wants to ease the job of the Foreign Relations Committee by sparing it from authorizing these so-called arrears for each of the next 4 fiscal years.

Let me say, Mr. President, this Senator, the ranking member of the Foreign Relations Committee, is totally opposed to dumping more money in the United Nations and I do not think we ought to pay the arrearages which occurred in the first place because of the incompetence and failures of the United Nations. But that is a decision made by the majority and once again I am in the minority.

In my case, Mr. President, the result is a lump sum authorization of $1,327,333,000 in authorization for international organizations this year, an increase of $417,428,000 or 45.9 percent over current year appropriations. In 1993, the committee recommends authorization of $824,034,000. Judging from the patterns of recent years, I would not be surprised if the administration comes back to Congress for supplemental authority for 1993.

Let me say for the record right now that I am far from convinced that the United Nations is prepared to remain faithful to zero growth budgets, such as those produced in recent years.

Mr. President, authorization levels in S. 1433 also reflect significant increases for the State Department. The committee has authorized $2,629,935,000 for 1992. That represents an increase of 19.6 percent or $430,882,000 over 1991 appropriations, while the U.S. economy is in such desperate shape and while the Federal deficit is moving toward $4 trillion.

For example, the bill provides $1.743 billion for salaries and expenses at the State Department, an increase of $141 million—or 8.8 percent over appropriations levels for the current fiscal year. That increase is more than twice the rate of inflation and is largely caused by enormous salary increases for Senior Foreign Service officers and members of the Senior Executive Service.

Many of these increases are as high as 22 percent. You can imagine how John Q. Public feels when he learns about things like that throughout this Federal Government.

Other significant increases in the cost of S. 1433 for the State Department include an added $162.468 million for acquisition and maintenance of buildings abroad, an increase of 71.4 percent over 1991 appropriations. Migration and refugee assistance has been increased by $114,352,000 over last year's appropriated levels. That is an increase of 23.5 percent. Mr. President, there are even rumors to the effect that even larger increases may be proposed during consideration of this bill. I support assistance to needy people, but I am just as committed to offsetting increases within S. 1433, as was done in subcommittee and committee.

There is, however, one vital area of the State Department which is significantly underauthorized. That is the Office of the Inspector General. Sherman Funk has been an outstanding incumbent in that position and Congress reposes much confidence in the gentleman. In fact, S. 1433 requests or mandates a number of studies to be done by this highly effective office. While quick to authorize new exchange programs and costly increases in other programs, I hope that the committee will demonstrate equal zeal for the Inspector General's Office today and in conference.

Mr. President, the June–July edition of State magazine, which is for employees to the State Department, features an interesting interview with the former Under Secretary for Management, Ivan Selin. Senators should know that the State Department has convinced itself that it is operating under a draconian budget, and so one section of the interview has the headline, "forced penny-pinching."

I cannot help chuckling when I think of a title like that referring to the expenditures by the U.S. State Department, for that matter any other Department of the Federal Government.

Mr. Selin is asked about the State Department budget, "Will it be the same situation year after year?" Mr. Selin begins his answer with a rhetorical question and I think it was a good one, "Will we ever have enough money? The answer is absolutely not."

Diogenes can put out his lantern. Here is an honest man.

Then Mr. Selin made some very pertinent observations, which ought to be part of the RECORD as we consider this bill. He said, "No company would do what we do. They would lay off people, close unprofitable plants, take the hit against earnings, and then operate within their resources in the next few years."

Of course, Mr. President, but let me continue to quote Mr. Ivan Selin.

Mr. Selin continued, "although resources are grossly inadequate, there's still a lot of wastage. We can't hit Defense Department standards, probably, but they're at a much larger scale than we are. No bureau that has ever been founded in the State Department has been abolished * * * staffing of embassies has not really been seriously reconsidered since after the war. * * *"

I guess he meant World War II.

Mr. President, I hope you will pay close attention to the concluding comment of Mr. Ivan Selin.

Mr. President, Mr. Selin concluded with these comments, "But the answer is that, No. 1, we don't have enough money * * * and No. 2, we can get a little more * * *. No. 3, we have the responsibility to do a lot better in using the resources we have than in the past. I'm just talking about identifying priorities and getting rid of lower priorities, so that adequate resources can be put on the higher priorities. We do have the tools to do that, and generally, we have the authority to do that, and we're starting to do it."

During 2 years at the State Department, Ivan Selin had taken some steps to cut costs. Unfortunately, this Senator does not see substantial reductions reflected in the administration's budget request. And, despite successful efforts of the International Operations Subcommittee to keep Senate authorization figures below those of the House of Representatives, rapidly increasing State Department budgets ought to be the central focus of cost control efforts of the Foreign Relations Committee in the future. In the short term, Mr. President, the Senate should hold the line on committee reported numbers during conference deliberations.

Ivan Selin has departed the State Department to manage the Nuclear Regulatory Commission. The Washington Post featured several recent comments of Mr. Selin, as he compared the State Department to rationally managed organizations—maybe the word ought to be "contrasted." Commenting on his new post, Mr. Selin said, "Compared to State, where you have no confidence that doing a better job will lead to better performance, it's pretty straightforward." He was then asked if he found his job at State difficult, and Mr. Selin replied, "The State Department is easy, because standards of acceptable management are so low."

Mr. President, in the letter received from the State Department with comments on S. 1433 are a number of critical statements regarding the bill's attitude toward State Department management and personnel policies. These generally ask Congress to trust the State Department, and to wait patiently for the State Department to report—after the fact—what it has been doing on these topics.

Ivan Selin's expert testimony does little to instill congressional confidence in the State Department. The traditional haughtiness of that Department is fundamentally out of step with the concerns of the American people, this Senator believes, and of Congress, this Senator hopes. The time has come for the State Department to quit behaving as an elitist club that can stand above the U.S. taxpayer or the Congress.

APPROPRIATIONS IN EXCESS OF AUTHORIZATION

Mr. President, in addition to my concern about the size of the authorizations contained in S. 1433, I am concerned that the authorization bill passed by the other body (H.R. 1415) is even more costly. Moreover, current indications are that the Commerce, Justice, State Department appropriations bill, which will be considered shortly, exceeds amounts authorized in S. 1433.

At this point, I just want Senators to be alerted to the possible disparity. While some public figures are claiming that deep cuts have been inflicted in nondefense spending, the opposite is the case. As the gap between cost-cutting rhetoric and runaway spending widens, I believe the American people will have no choice but to resolve this contradition.

TWO-YEAR AUTHORIZATION

Mr. President, this year the Foreign Relations Committee departed from past practice by writing a 2-year bill for agencies and programs contained in S. 1433. Senators KERRY and BROWN sensibly reasoned that the past practice of 1-year authorizations have placed the Senate at a competitive disadvantage with the other body during conference deliberations. S. 1433 rectifies that problem and should strengthen the Senate's position.

Mr. President, in a specific area—authorization of appropriations for the U.S. Information Agency—the Foreign Relations Committee's endorsement of a 2-year authorization is wise and necessary. The House of Representatives chose to authorize USIA for 1 year only.

At issue is the question of international broadcast policy. The Foreign Relations Committee strongly supports independence of the Voice of America and strengthening capacities of Radio Liberty while retaining functions of Radio Free Europe.

The other body may have no fear of a radical change in U.S. broadcast policy, especially to Central and Eastern Europe. Witnesses before the Foreign Relations Committee have verified that the new era of struggling governments, enjoying less control by Communist parties, need the model and encouragement of American broadcasts.

Despite requests from Central European chiefs of State, there is some indication that U.S. broadcasts may be scaled back. As a former journalist and broadcaster myself, Mr. President, I know that U.S. broadcasts provide important encouragement to governments which have shaken off Soviet colonial rule. In addition, free governments of the Baltic States and elected governments in the Soviet Union need the honest, professional broadcast services that the Voice of America and Radio Liberty provide.

A 2-year authorization for USIA is one of the best ways to preserve strong broadcast services to Central and Eastern Europe and other places. The Foreign Relations Committee has not hesitated to encourage formation of new broadcast services to underserved areas, or to reaffirm strong support for services such as Radio Free Afghanistan. A 2-year authorization must be preserved in conference.

MOSCOW EMBASSY

Mr. President, this Senator's position on reconstructing a secure new office building at the U.S. Embassy in Moscow are outlined extensively in the committee report (S. Rept. 102–98).

Subsequent to filing the report, the Subcommittee on Commerce, Justice, and State of the Appropriations Committee approved funding levels sufficient to tear down the current chancery building and replace it on the same site with a new, secure building. Thanks to the enlightened leadership of the Senator from South Carolina [Mr. HOLLINGS] the Senate has a chance to endorse the best Moscow construction option.

The fundamental issue in Moscow is the national security of the United States. It is well-known that the Soviet regime has stepped up efforts to spy on official Americans in the Soviet Union. As numbers of U.S. officials increase at the Moscow Embassy complex, the need for a completely new building increases as well.

Because Moscow Embassy construction is a national security issue, I do not believe a debate about relative costs should be the determining factor. No Senator is more committed to saving taxpayer funds than the senior Senator from North Carolina. But being penny-wise in Moscow will directly imperil vital U.S. national security interests. It is also important to recall that, while hard estimates have been made about the cost of tearing down the Moscow chancery building, ballpark estimates are as close as the advocates of the so-called top hat option can provide.

Since the Senate has no idea what the actual financial cost of the top hat construction option may be, arguments that it is necessarily cheaper than the teardown option must be discounted. However, we do know that top hat entails security costs. The top hat solution simply does not provide sufficient secure space for the near future. Therefore, if top hat is approved, Congress will have to authorize additional new secure space in just a few years.

In 1990, after a weak lobbying effort by the State Department on behalf of the teardown option, the Foreign Relations Committee voted to postpone a choice of construction options for Moscow. Writing in the committee report (S. Rept. 101–334) to accompany S. 2749, the supplement authorization for the State Department, majority authors noted that, "the expenditure of more than one-quarter of a billion dollars on tearing down an existing building would be an advertisement of American incompetence * * *."

Mr. President, there is considerable truth in that statement. But the time has come to bypass issues of unprosecuted malfeasance and misfeasance on the part of the State Department and other agencies. Congress has played a role by failing to force a construction solution before now. The Senate can insist that the State Department and other elements of the administration do the right thing by tearing down the existing building and reconstructing on the same site, or it can save face for the State Department.

Mr. President, Americans are not incompetent, but they are sick and tired of inaction on the Moscow Embassy. A member of the Foreign Relations Committee staff visited Moscow in May to review the situation. He found a universal desire to end the impasse and by tearing down the existing building. The verdict tracks closely the general message given to the Subcommittee on International Operations in two classified hearings held before marking up S. 1433.

It is time for Congress to prove it can decide between construction options during the 102d Congress. Moreover, it is my hope that the administration will commit itself to completing the project by the end of 1995—a target which can be reached and which offers the best chance of precluding further Soviet undermining of our best efforts.

Mr. President, the correct action of the Appropriations Subcommittee may need the reinforcement of a strong vote in favor of the so-called teardown option during consideration of S. 1433. That could provide effective ammunition for the conference on this bill, and could convince the other body—which, on May 15, narrowly approved a provision delegating a decision back to the State Department. If that action is recommended, this Senator from North Carolina promises enthusiastic support.

U.N. SYSTEM FUNDING

Mr. President, my position on the more than $1 billion in authorization to be provided to the United Nations and its affiliated agencies is outlined in my additional views. At this point, let me commend the International Operations Subcommittee of the Foreign Relations Committee for beginning serious oversight efforts of U.N. system funding. Chairman JOHN KERRY and ranking Republican HANK BROWN have done more than has been done in recent memory to create a public record on vital U.N. issues.

President Bush has determined that the United States will pay assessed contributions—25 percent of the general budget and 30.7 percent for peacekeeping activities—so-called arrearages, and, of course, very generous voluntary contributions. The original version of the Kassebaum-Solomon amendment provided the administration and Congress with guidelines to review U.N. compliance with fundamental budgetary, personnel, and organizational reforms. This year, a version of the language which allows the United Nations more leeway is contained in S. 1433 and the companion measure from the other body.

Mr. President, for the sake of legislative history, I believe that Congress will insist that America's participation in the U.N. budget process be transparent—that is, that Congress know why the United States makes the decisions it does and how those decisions are carried out.

Certainly, President Bush's endorsement of full funding does not—and ought not—to be interpreted as a blank check for the United Nations. In many countries, the executive and legislative branches are one and the same. But in a country with a separation of powers, involvement by the Congress is a must, both for authorizing and appropriations committees. Therefore, not every recommendation may be greeted warmly without specific justification.

U.S. MISSION TO THE UNITED NATIONS

At several points in S. 1433, Mr. President, Senators will not references to management and operations at the U.S. mission to the United Nations in New York City. Although these items are in both legislative and report language (S. Rept. 102–98), I cannot help but express a sense of frustration that important issues there remain unresolved, or unexamined, 3 years into the Bush administration.

The mission to the United Nations is a hybrid: a domestic division of the Bureau for International Organization Affairs that considers itself an overseas post, a hardship location, and independent of most routine supervision. The mission is not and cannot be a law unto itself.

The majority of mission employees share none of the protections extended to the civil service. These employees are generally not in high-level positions. They are paid on a scale called GG—exempted from the civil service. Their best advocates within the State Department are the civil service ombudsman, John Byerly, and the inspector general of the State Department, Sherman Funk.

Most U.S. mission employees are civil servants, with job classifications GG, GS, or GM. However, the mission also contains a small contingent of Foreign Service officers.

Mr. President, an extraordinary amount of top management time has been devoted to recruiting and retaining foreign service officers. The Foreign Service personnel system seems not to be prepared to create meaningful noncash incentives to encourage officers to choose to the work at the New York Mission. Many Foreign Service officers who are used to five-star treatment during an overseas posting feel entitled to the similar perquisites if they are assigned to the U.S. mission to the United Nations.

For example, most Foreign Service officers at the U.S. mission believe they should live in close proximity to the United Nations, while the civil service employees reside throughout the New York metropolitan area. The Foreign Service seems to believe it is indispensable to the U.S. mission, and that special cash benefits should accrue to them while they are there. Extending the possibility of cash benefits to civil servants, Mr. President, does nothing to resolve the underlying problem. Perhaps the numbers of Foreign Service officers in New York should be reduced, or the current practice of assigning additional Foreign Service officers to the U.S. mission during the U.N. General Assembly should be expanded.

All employees at the U.S. mission are equally dedicated. Many are highly skilled and effective. Yet the tendency of the Foreign Service to be treated with kid gloves is a threat to morale. For example, after the State Department's inspector general recommended that the Administrative Counselor at the mission be drawn from among competent civil servants, mission management insisted on putting a Foreign Service officer in that position.

I have heard the complaints of Foreign Service officers at the U.S. mission. They feel the U.S. Government, and even the Congress, has let them down by denying them compensatory benefits to make service in New York easier. Some concerns have merit. Mr. President, 2 years ago the Senate considered the Foreign Relations Authorization Act. Since that time there has been plenty of time for the Bureau of International Organization Affairs, working with Congress, to list agreed problems at the U.S. mission and propose realistic solutions. Yet the impasse continues.

President Bush's increasing reliance on the United Nations and other multilateral organizations means that the United States must have a highly motivated, effective mission to the United Nations. The recommendations and legislative history contained in S. 1433 seek to promote this kind of progress, in part by signaling a congressional desire for a partnership to make mission improvements happen.

NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. President, section 208 of S. 1433 includes some relatively mild provisions to get the attention of the National Endowment for Democracy and its affiliated institutes. With broad bipartisan support, these are attempts to get the NED and its institutes to engage in a confidence-building program with Congress.

At a minimum, these provisions communicate the interest of Senators to be included in the way the Endowment and core institutes programs, audits and evaluation public funds. This includes the senior Senator from North Carolina and the minority staff of the Committee on Foreign Relations.

Since 99 percent of NED funding originates from the U.S. taxpayer, there is sense of Congress legislation urging the endowment to raise more money privately. Congress intends that the NED and core institutes become less elitist and more transparent. Operating procedures seem inbred and secretive, its self-evaluation of projects may be biased. Programs and priorities are all cleared by the State Department. Only the NED and its institutes can reconstruct confidence with the Congress.

DEADLINE FOR RESPONSES TO CONGRESSIONAL INQUIRIES

Mr. President, to establish some legislative history on Section 127 of S. 1433, this section is based on an amendment offered by the Senator from South Dakota [Mr. PRESSLER] in response to broad concern about delays and nonanswers to proper committee inquiries.

Oversight hearings, and especially nomination hearings, require that the committee obtain answers and documents to evaluate policies, practices and employment histories. When complete, timely answers are not received, the Foreign Relations Committee and other congressional committees are forced to take actions to signal displeasure. Section 127 represents an attempt to codify a reasonable procedure whereby the executive branch and Congress can cooperate more fully on these key items of concern.

REIMBURSEMENT OF PRIVATE CITIZEN VISITS TO THE U.N.

Section 143(b), if enacted, would set a perilous precedent by permitting reimbursement of security costs associated with protecting private citizens who visit the United Nations or its affiliated agencies. Specifically, it could permit the State Department to reimburse New York City for protecting Mr. Nelson Mandela in 1990. But it could as easily extend to visits of Mother Theresa, the Dalai Lama, or many other private celebrities.

If not stricken from the bill, it is the hope of this Senator that this provision be interpreted extemely narrowly and, if possible, to apply to a single claim only.

STATE DEPARTMENT PERSONNEL STUDY

Four years ago, Mr. President, Congress believed that the large number of serious personnel problems within the Foreign Service could best be remedied by creating a special Commission of experts and relying on their recommendations. The result was the Thomas Commission, which made its written report in 1989. To date the State Department has applied some of the Commission's recommendations selectively.

Section 152 recognizes that problems exist, and will continue to exist. By creating a Commission of personnel experts, Congress intends to build an information base by which it may fine tune personnel law and procedures in the future. Following enactment of the Thomas Commission the State Department created a competitive Commission. Working simultaneously on similar issues to the Thomas Commission, the duplicative Bremer Commission clouded Thomas Commission recommendations and permitted the State Department to pick and choose between recommendations depending on which were less sweeping.

Mr. President, it is the intent of Congress that a duplicative Commission not be created once the Commission in section 152 is set up. It is clear that the State Department would rather have no Commission at all. In-house personnel studies occur constantly, supplemented by independent recommendations of the Inspector General and civil service ombudsman. The Commission authorized in section 152 is not intended to duplicate work, but should provide useful recommendations to the Congress and the State Department about key personnel questions.

The State Department alleges that in-house personnel studies are so numerous and excellent that Congress should rely on their results. However, Mr. President, the persistence of personnel complaints and problems means that Congress must have additional and independent expert opinion in order to make the best policy.

REPORT ON UNESCO

Mr. President, section 167 mandates an update on the report of Unesco authorized in Public Law 101-246. The earlier study, a joint recommendation of myself and the Senator from New York [Mr. MOYNIHAN] produced a strong report from the administration to the effect that Unesco practices and budgeting still are significantly out of step with reform guidelines used by the U.S. Government. From the credible information I have received, this Senator doubts that the report authorized in this section will find more than cosmetic and rhetorical reforms. However, an updated study is worth the effort.

HOUSING BENEFITS

Section 170 of S. 1433 is similar to a provision contained in the House-passed authorization bill sponsored by

Representative KASICH of Ohio, dealing with the housing program for some employees of the U.S. mission to the United Nations. While some improvement was made by virtue of an agreement struck between the Appropriations Committee and the former U.S. permanent representative, General Walters, persistent complaints continue.

A study of housing needs and problems, with recommendations to the Congress for improvement, can finally begin to resolve these issues. This Senator believes that problems have persisted in large measure because of the conviction by mission management that it alone understood the needs and has the best grasp on solutions. A study conducted by the Bureau for International Organization Affairs, therefore, can be the cornerstone for a long-term resolution.

BALTIC INITIATIVE

Section 903 represents continuing slow progress in a direction that brings diplomatic representation into line with United States policy when it comes to the illegally occupied Baltic States of Estonia, Latvia, and Lithuania. It represents the work of the Senator from South Dakota [Mr. PRESSLER], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. BROWN].

Soviet colonial forces have failed to subjugate the noble, freedom-loving peoples of these independent republics after more than 50 years.

Despite American refusal to accept, de jure, the legality of Soviet occupation, the State Department's enthusiasm for the Gorbachev regime has constrained its actions, de facto.

Mr. President, section 903 is a modest attempt to promote consistent policy. It is not enough to have circuit riding diplomats working out of the St. Petersburg consulate or the Moscow Embassy. Even regular, brief visits to the occupied states will not establish the kind of diplomatic presence Americans demand. It is regrettable, Mr. President, that Iceland and a number of other countries are engaged at a higher diplomatic level in the Baltic Republics than is the United States.

FOREIGN RELATIONS OF THE U.S. HISTORICAL SERIES

Finally, Mr. President, I am pleased that the bill contains a section concerning the foreign relations of the U.S. historical series and the declassification of State Department records after 30 years.

I commend the chairman of the committee for his leadership on this important matter which is of concern to all Americans.

I hope that this legislation will contribute significantly to informed public debate about the foreign policy of these United States in the years to come.

Those who come after us deserve to know the truth about the foreign policy of their country.

On October 19 of last year, the Senate adopted S. 3225 which was similar to the language of this section. I was a cosponsor of this legislation as was the ranking member of the Intelligence Committee, the distinguished Senator from Maine [Mr. COHEN] and the chairman of that committee, the distinguished Senator from Oklahoma [Mr. BOREN]. Needless to say, the Foreign Relations Committee and the Intelligence Committee closely collaborated on this legislation and the staff of the respective committees worked very hard and very effectively on a bipartisan basis.

Mr. President, foreign policy has consequences of which peace and war are the most important to the Nation. Without a sound foreign policy, our Nation cannot long remain secure.

Without informed public debate about our foreign policy, our liberties and our way of life cannot long remain secure.

Without informed public debate about our foreign policy, the checks and balances envisioned by the Framers of the Constitution cannot perform their intended function.

Mr. President, informed public debate is a powerful check against the exercise of arbitrary power.

Mr. President, nothing is more important to informed public debate about our foreign policy than public access to historical records.

The Foreign Relations of the U.S. historical series was first published in 1862 and has been regularly published since. The series is a fundamental primary source of official documents which provide legislators, scholars, journalists, and private citizens with critical information about the formulation of the foreign policy of the United States.

The legislation before us, for the first time since the inception of the series, creates a legislative charter for the Department of State's published historical record. The legislation requires that the series be brought up to a 30-year standard for the series after a 5-year transition period and for the declassification of State Department records after a 2-year transition period.

I would have preferred a 15-year or 20-year standard. In my view, too much about our foreign policy is hidden for too long from public scrutiny. The first volume of the series in 1862 published documents that were 1 year old.

The legislation recognizes that there may have to be certain exemptions from declassification even after 30 years. Criteria for such exemptions are stated. While these exemptions may need to be applied in some cases it is the intent of this legislation that they will be used sparingly, on an item-by-item and document-by-document basis. These exemptions do not provide a justification for wholesale withholding of entire categories or lots or records and let the record be very clear about this significant point.

This Republic can ill afford to have its foreign policy held captive by a self-perpetuating power elite. For far too long the foreign policy of these United States has been unduly influenced by and controlled by what has come to be called the Eastern Establishment. This complex concentration of financial and intellectual power all but seized control of our foreign policy in the wake of World War I and has maintained its grip on the foreign policy decisionmaking of this country ever since.

I hope that increased access to the records of the Department of State will provide a check to the exercise of unrestrained power over our foreign policy decisionmaking by the Eastern Establishment.

AMENDMENT NO. 876

(Purpose: To establish sanctions against the use of chemical and biological weapons in violation of international law and to establish sanctions against illicit chemical and biological weapons related transfers)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself and Mr. HELMS, proposes an amendment numbered 876.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE X—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 1002. PURPOSES.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons; and

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Subtitle A—Measures To Prevent the Proliferation of Chemical and Biological Weapons

SEC. 1021. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 1022. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by the preceding provisions of this Act, is further amended.

(1) by redesignating subsections (m) through (s) as subsections (n) through (t), respectively; and

(2) by inserting after subsection (l), as added by section 302 of this Act, the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2) and section 10(r), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 1023. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after Section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11B. (a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdictdion of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1990—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in that activities which were the basis of that determination and if that affiliate is controlled in fact by the foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue each consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods, or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied in a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7, the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technogy that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or other-wise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICATION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriation penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

SEC. 1041. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 442 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 1042.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 1042. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) SANCTIONS.—If, at any time, the President makes a determination pursuant to section 441(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the sanctions set forth in the following paragraphs:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(5) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(6) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(7) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(8) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(9) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(10) LANDING RIGHTS.—At the earliest practicable date, the United States Government shall terminate, consistent with international law, the authority of any air carrier which is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10))).

(b) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the need of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow onsite inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States; or

(B) at any time, if the President determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of that country.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating

the rationale and circumstances which led the President to exercise that waiver authority.

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in any of paragraphs (4) through (9) of subsection (a) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 441(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405), as that subsection is so redesignated by the preceding provisions of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(7) or (a)(8) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 441(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

Subtitle C—Reporting Requirements

SEC. 1061. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

Mr. PELL. Mr. President, I am now offering an amendment incorporating the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. This amendment was adopted unanimously by the Senate in similar form last October and again last February following a Presidential veto as an amendment to the Omnibus Export Amendments Act of 1991. For reasons not related to this amendment, that bill is not progressing in the House. I am proposing the amendment today, together with my fellow author, the Senator from North Carolina [Mr. HELMS] in order to get this vital legislation into law.

The Senate bill which formed the basis for the amendment was approved by the Senate last May in a 92-to-0 vote.

Mr. President, this is crucially important legislation. It deals with a problem of central importance at this time—the spread of chemical and biological weapons. Earlier this year, we went through the experience of Desert Storm, during which the sons, daughters, and spouses of America were threatened by the possibility of attack with poison gas. This amendment is designed to prevent the Saddam Husseins of the world from ever threatening us again with such weapons.

The underlying and simple message of the chemical and biological weapons control legislation is that the United States, which has foresworn the use of chemical and biological weapons, will do its utmost to erect effective barriers against the illegal use of chemical and biological weapons and against illicit commerce that contributes to the development of these weapons. Before proceeding further, I would like to congratulate the President for two recent actions this spring. He has foresworn the retaliation with chemical weapons if we are attacked with chemical weapons, and he stated our willingness to destroy all our chemical stockpiles, including the 2-percent-residual stockpile.

The chemical weapons title has two major purposes:

To establish sanctions against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own citizens.

To establish sanctions against foreign companies that assist certain countries in acquiring a chemical or biological weapons capability.

These are the principal provisions of the chemical weapons title:

Whenever information becomes available that a country may have used chemical or biological weapons, the President shall, within 60 days, make a determination as to whether such weapons have been used by a nation in violation of international law or against its own citizens.

Not later than 60 days after receipt of a request by the chairman of the Senate Foreign Relations Committee or the House Foreign Affairs Committee, acting after consultation with the ranking minority members, the President must report back to the committees as to whether a country has used such weapons.

If the President determines that a country has used chemical or biological weapons in violation of international law or has used lethal chemical weapons or biological weapons against its own citizens, the President shall impose specific sanctions.

A country sanctioned for chemical or biological weapons use would automatically face immediate imposition of these 10 sanctions:

Termination of U.S. assistance under the Foreign Assistance Act of 1961;

Termination of U.S. Government or commercial arms sales;

Termination of arms sales financing;

U.S. opposition to loans by international financial institutions;

Denial of U.S. Government credit including credit through the U.S. Eximbank;

Prohibition of loans or credit from U.S. banks;

Prohibition of the export of controlled dual-use goods and technology;

Prohibition of the export of other goods and technology;

Restrictions on imports from the sanctioned nation; and

Termination of landing rights in the United States.

There are appropriate exceptions for humanitarian assistance, food, and agricultural products. Provision is made for contract sanctity. In the earlier version of the bill, the President was required to impose only 6 of 11 sanctions. In this amendment, 10 sanctions are required both as a reflection of the Desert Storm threat and because the Senate disagreed with the House in preferring the imposition of all specified sanctions.

The sanctions must remain in effect for at least 1 year before being waived or removed unless there has been a fundamental change in leadership and policy in the country that used chemical weapons.

Sanctions would be imposed on foreign companies which knowingly and materially contribute to efforts to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons by any country that the President has determined has since January 1, 1980—

Used chemical or biological weapons in violation of international law;

Used lethal chemical or biological weapons against its own nationals;

Made substantial preparations to do the described activities; and

Been designated pursuant to section 6(j) of the Export Administration Act of 1979 as a country which supports international terrorism.

Sanctions would include:

A prohibition on U.S. Government procurement of goods and services from the sanctioned company; and

A prohibition on imports of that company's products.

The President may waive these sanctions if he determines that the government with jurisdiction over the company involved has taken specific and effective actions, including appropriate penalties, to terminate involvement.

The sanctions could be terminated by the President after 1 year if all proscribed activities have ceased. A Presidential waiver is allowed after sanctions have been in effect for a year.

The President is not required to apply sanctions in the case of existing contracts; certain defense procurement; purchases of spare parts and necessary servicing and maintenance, essential information and technology, medical and other humanitarian items.

Mr. President, all of these provisions were discussed at length with the administration and with the House in devising the compromise bill approved last fall and last January upon which this title is based.

Unfortunately, through this process the President's advisers earlier chose to focus their attention on the narrow issue of Presidential prerogative and not on the far more important goal of preventing the illegal use of chemical and biological weapons and setting penalties against companies involved in chemical and biological weapons proliferation.

In his memorandum of disapproval, the President said that the legislation would "unduly interfere with the Presient's authority in carrying out foreign policy." The President announced he was issuing an Executive order that, unlike this bill, would give the President the necessary flexibility in implementing sanctions and penalties.

Mr. President, a reading of the November 16 Executive order indicated that "necessary flexibility" meant, simply, the ability to do nothing. The Executive order allows the Secretary of State to avoid imposition of sanctions or to terminate them if a company aiding and abetting a particular nation's quest for chemical and biological weapons ceases that activity. In other words, an offending company could ship all of the dangerous equipment for a chemical weapons plant and avoid penalty if the shipments were finished before discovery. By contrast, the bill requires sanctions for at least a year. I trust the Senate understands the crucial importance of deterring and publishing those whose greed overrides any morality which would deter them from these reprehensible activities.

With regard to sanctions against use, the Executive order allows the Secretary of State to forego the application of sanctions due to significant foreign policy or national security reasons. My fellow Senators know what that means. It means that the most disgusting regime on Earth—such as that of Saddam Hussein in Iraq—could gas thousands of people—could even commit genocide—and the act would be excused if the secretary was convinced that imposition of sanctions might have a bad effect on relations with that country.

There are other problems with the Executive order. Unlike the bill, under the Executive order, company sanctions do not apply in cases of countries repeatedly providing support for acts of terrorism. Unlike the bill, the company sanctions would only be triggered by commerce with countries which have illegally used chemical or biological weapons or made substantial preparations to do so after the date of the Executive order—November 16, 1990. Shipments to a country that used chemical weapons prior to the issuance of the Executive order would not trigger any sanctions or penalties at all.

In March, the administration announced an enhanced proliferation control initiative, which established significantly stiffer licensing requirements for both materials and equipment transfers to the Middle East and South Asia. I welcomed tougher licensing controls. They could serve as a useful complement to this legislation.

I am frankly disappointed in the administration's approach to date. It underscores the importance of enactment of this legislation. This bill is consistent with the President's apparent goals with regard to chemical weapons, but it includes the necessary teeth to make certain that countries using chemical weapons illegally or against their own citizens face stiff sanctions. Moreover, it ensures that companies wanting to engage in illicit commerce in chemical and biological weapons are penalized severely.

Mr. President, poison gas was used to horrible effect in World War I, and the world was so revolted by that action that it created the 1925 Geneva protocol. That protocol has been an important instrument in deterring the use of chemical weapons. In recent years, however, it has become increasingly clear that the Geneva protocol is simply not enough. We need this bill in place. We need to be tough on countries and companies that misbehave in regard to chemical weapons. With this bill as law, we would have proven to other nations that we are willing and able to assume leadership in the area of chemical and biological weapons control.

I would hope that the administration would have the wisdom to move away from its unfortunate and unseemly earlier opposition to this title, cooperate in its enactment, and join in moving on to other critically important objectives such as achievement of a multilateral ban on the use, production, and stockpiling of chemical and biological agents.

Mr. HELMS. Mr. President the amendment before the Senate represents a matter of great urgency, namely controlling the spread of weapons of mass destruction. I am pleased to cosponsor it again with the distinguished chairman.

The Senate is already on record four times on this issue. In May 1990 the Senate agreed to sanctions on countries which use chemical and biological weapons and sanctions on the companies which supply them. An identical provision was adopted in the fall of 1990 as part of the Export Administration Act. The conference reported a nearly identical provision as part of the Export Administration Act amendments but that the bill was vetoed. Finally, the Senate passed S. 320 on February 20 which, again, is almost identical to the conference report of 1990. Unfortunately, the House has not chosen to act on S. 320.

The amendment offered by the distinguished chairman of the Foreign Relations Committee is identical to S. 320 with one slight modification to reflect current realities.

The amendment would provide sanctions against the use of chemical and biological weapons. These are sanctions against countries or regimes, such as Iraq. If a country has been determined by the President to be using chemical or biological weapons, that country may not import from the United States, export to the United States or receive financial assistance from the United States. In all there are 11 sanctions.

S. 320 provided discretion for the President to choose some but not all of the 10 sanctions. It is the chairman's view, and I concur, that the horror of chemical and particular germ warfare is such that a stronger deterrent is needed. Therefore, if the regime is found to be engaged in this practice, all the sanctions would apply.

The amendment also provides sanctions on foreign companies which supply the ingredients and technology to produce chemical and biological weapons. This is identical to S. 320, already adopted by the Senate. If these renegade companies are determined to be engaged in such trade, they may not export to the United States or contract with U.S. Government agencies. The sanctions are similar to those imposed on Toshiba for exporting submarine technological to the Soviet Union. The sanctions may be terminated 1 year after the President has determined that the company has ceased aiding and abetting foreign governments to acquire chemical or biological weapons.

If we have learned anything in the past year, it is that the spread of weapons of mass destruction to unstable portions of the Third World represents a major national security threat to the United States and our allies. This amendment certainly represents one of the major tools we have available to control mass weapons proliferation.

I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Rhode Island?

If not, the question is on agreeing to the amendment.

The amendment (No. 876) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 877

(Purpose: Voice of America broadcasts in Kurdish)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 877.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Section 234 is amended by striking subsections (b), (c), (d), and (e) and inserting in lieu thereof the following—

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than six months after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than one hour each day.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available under Section 231 of this Act, there are authorized to be appropriated to the Voice of America for purposes of carrying out this section $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993.

(e) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than three months after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progrsss make toward implementation of this section.

(f) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(g) SURROGATE HOME SERVICE.—Not later than one year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than two hours a day.

Mr. PELL. Mr. President, this amendment accommodates the USIA about a program in the bill which I authored to require VOA broadcasts in Kurdish. It provides a separate authorization for it. USIA told me it supports the amendment and supports the establishment of a VOA Kurdish broadcast, and we will work to get such broadcast on the air quickly if this legislation passes.

The PRESIDING OFFICER. Is there debate?

Mr. HELMS. Mr. President, the amendment before us modifies a provision adopted in the Foreign Relations Committee. It has a noble purpose. It creates a broadcasting service in the Kurdish language within USIA; $1 million is authorized for fiscal year 1992 and $1.5 million in 1993 to create this program.

For the record, Mr. President, the Kurdish people already are served by broadcasts in languages that all Kurds speak: Turkish, Farsi, and Arabic. Chairman PELL's amendment is another cost associated with the gulf war.

But since Saddam Hussein remains in power in Iraq, the amendment is an attempt to provide broadcasts to the Kurdish people, for whom that dictator has been such a curse. U.S. Armed Forces have done what they could to help the Kurds recover from his savage attacks.

This amendment is an attempt to build a relationship with the Kurds over a longer term. We certainly have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 878

(Purpose: To express the sense of the Congress concerning human rights abuses in East Timor)

Mr. PELL. Mr. President, I send an amendment to the desk on behalf of Senator WALLOP, Senator KERRY, Senator MOYNIHAN, Senator SIMON, Senator LEVIN, Senator DURENBERGER, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. WALLOP, Mr. KERRY, Mr. MOYNIHAN, Mr. SIMON, Mr. LEVIN, and Mr. DURENBERGER, proposes an amendment numbered 878.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) at least 100,000 individuals out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of conflict continues to exist in East Timor; and,

(5) the governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to cooperate with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) that the administration should work with the United Nations and the govern-

ments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of the conflict in East Timor.

Mr. PELL. Mr. President, this amendment expresses the sense of the Congress concerning human rights abuses in East Timor, a former Portuguese colony which was invaded by Indonesia in 1975.

The amendment calls on the President to urge the Indonesian Government to end all forms of human rights abuses in East Timor, to facilitate the work of international human rights groups seeking to monitor conditions there, and to cooperate with international humanitarian relief and development organizations.

Last New Year's Eve, the Indonesian-appointed Governor of East Timor observed that unlike international efforts to expel Iraq from Kuwait, no one wanted to come to the rescue of East Timor. This resolution attempts to rectify this cynical view of the international community's concerns. While we are not advocating Indonesia's expulsion from East Timor, we are reminding Indonesians that they have international responsibilities to respect the human rights of the East Timorese, improve their quality of life, and resolve the ongoing conflict there in a peaceful fashion.

I believe this amendment has been cleared on both sides of the aisle.

During his 1989 visit to Indonesia which included East Timor, a mainly Roman Catholic nation, Pope John Paul II stated:

> At times nations are tempted to disregard fundamental human rights in a misguided search for political unity based on military or economic power alone. But such unity can easily be dissolved.

I request unanimous consent that an article which appeared on April 7, 1991, in the London Observer entitled "Secret Killing of a Nation," be included in the RECORD following my remarks. It gives a detailed description of East Timor's troubled past and troubled present.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the London Observer, Apr. 7, 1991]

SECRET KILLING OF A NATION

(By Hugh O'Shaughnessy)

For the children of the orphanage outside Dili, the scrappy little town which serves as the capital of occupied East Timor, the jungle is a nightmare.

"They told how they slept by day and ran, ran, ran by night," said a young woman who cares for them, "sometimes stepping on the squelching bodies of the wounded who had to be left to die.

"I committed a terrible mistake one morning," said the woman, whom I shall call Maria Jose "I thought we'd play hide and seek to amuse the children. Amelia, aged five, and I hid from the matron. I told her to keep quiet and not move a muscle. But she thought she was back in the jungle and on the run again. She started screaming and sobbing. It took me an hour to calm her down again."

The horrors of a war of extermination bite deep into the memories of children, especially those who have fled into the forest with their parents to escape the Indonesians. But East Timor is an entire country in shock. After 15 years of occupation by Indonesian troops and deaths of perhaps 200,000 people, one-third of the Timorese population, 60-year-olds are resigned to life of terror, five-year-olds are petrified. The young, however, are frightened—but defiant.

"Now the U.N. has got Saddam Hussein our of Kuwait, when are they coming to help us get the Indonesians out of occupied East Timor?" As dusk came down on misty green paddy fields at a secret rendezvous several hours' drive from Dili, Aurélio and his three resistance companions, all in their twenties, were in sardonic mood as they met their first Western journalist.

Fifteen years resisting illegal Indonesian occupation after their country was in effect abandoned in 1975 by its Portuguese colonial masters, has taught 600,000 Timorese that some United Nations Security Council resolutions are more equal than others. Those passed against an expansionist Iraq bring a quick and terrible response: those that demand action against a large and important Western ally such as the Indonesia of General Suharto receive more leisurely attention.

The scepticism of Aurélio and his companions, however, is tempered by the fact that after a decade and a half of international isolation and draconian censorship they are finding ways of breaching a wall of silence.

My visit was one of their first opportunities to tell the world, in their own words, of suffering and resistance which the International Committee of the Red Cross compared, more than a decade ago, to that of Biafra and Cambodia. Events since have become yet more sombre. As war in the Gulf subsidies, the facts about an ordeal much more serious than that suffered by the Kuwaitis is emerging.

Meanwhile, against crushing odds, the ragged few hundred guerrillas of the grandly named Falintil, the Armed Forces of National Liberation of Timor, and the underground network that sustains them, fight on.

By all logic, Timorese resistance should have been wiped out. For every East Timorese there are nearly 300 Indonesians; for every badly-equipped Falintil rifleman there are hundreds of Indonesian troops supported by artillery, fighters, bombers, helicopters and enough ships to prevent any single piece of military equipment reaching the resistance.

The Falintil continues to challenge the Indonesians, however, in the jungles and scrub under the leadership of its commander, shadowy and elusive Xanana Gusmão, whose capture is feverishly being sought this month by 10 Indonesian battalions.

Bare survival is the least of Falintil's problems. "The difference between Falintil and us in the town is that we have to pay for our food," said Armando jokingly. A former member of the Portuguese army with jungle experience who now drives a bus in Dili, he said: "The forest is full of food—fruit, roots, birds, deer. No one starves."

As the Indonesians slowly become more expert in anti-guerrilla operations. Xanana's war, as he himself admits, is increasingly a defensive one. But at times his men dispatch a few of the enemy: 10 coffins, each draped with the Indonesian flag, were loaded onto the plane at Dili airport last month.

In the first days of Timorese resistance to the Indonesian invaders the nucleus of the guerillas was mainly local troops trained by the Portuguese, who brought their own weapons and ammunition left by Lisbon's representatives. Today the arms must come from the Indonesian army. "The Falintil pay a bit more than £100 for a rifle, about the same for a box of grenades or ammunition," one senior Timorese said in Dili.

"Suharto's army is riddled with corruption. Sale of arms is well organised and profits are well distributed among troops and officers. Corruption is systematic. The army often forces villagers to buy petrol. Then they seize it back and accuse them of theft. Sometimes the villagers find the drums are just full of water anyway."

The military run a trading company, Denok, which buys cheap in Timor and sells dear in Indonesia. Indonesian generals have few accounting strategems to learn from the Irangate plotters or General Pinochet's army swindlers in Chile. Despite army corruption, however, the Falintil is desperately short of weapons. "Every bullet has to find its mark," said Estêvão, a former bodyguard of Xanana.

The Falintil is nevertheless backed by increasingly stubborn opposition ot the invaders among East Timorese civilians, particularly, perhaps, among young Timorese such as Aurélio and his comrades who have no memory of anything but occupation. A majority, it seems, back Fretilin, the Revolutionary Front of East Timor, which in November 1975 declared independence in East Timor—a fateful freedom that lasted no more than the seven days it took for Indonesia to invade.

Timorese chances of success, though still slim, are bolstered by a slowly growing consciousness in the outside world of their plight. This is being built upon by a Portuguese government which has tardily acknowledged it bears much responsibility for the Timorese mess, and is now seeking to win Timorese self-determinaion through diplomacy. Next year, when Portugal will be in the powerful position of occupying the European Community presidency for six months, promises to be a particularly tough time for Indonesian diplomats.

The Timorese ordeal began on 7 December 1975. Taking advantage of political chaos in Portugal, which was in the midst of its own revolution, the Indonesian dictator, General Suharto, sent in his troops to take over the remote colony Portugal had stumbled on in the sixteenth century and had fought over with the Dutch for its precious aromatic sandalwood.

In 1975, with most of the sandalwood cut down, Lisbon's revolutionaries were eager to be shot of the eastern half of the island Portugal was left with. Breaking assurances by Indonesian Foreign Minister Adam Malik, then a leading figure of the Non-Aligned Movement, Suharto flooded East Timor with troops. Jakarta suddenly started arguing that the young radicals of the Fretilin with their advanced Portuguese ideas were a threat to Indonesia.

Lest the world should hear about the massacres, the Indonesian army killed two British journalists, two Australians and a New Zealander and threw the Red Cross out of East Timor. Visitors were expelled and rigorously kept out for 15 years.

Suharto's *coup de main* was immediately condemned by the UN Security Council and General Assembly. The West, however, anxious not to upset a trenchantly conservative and strategically important regime which had come to power in 1965 in a putsch in which a million Communists and other left-wingers were killed, sat back.

The Australians assured Jakarta that Canberra would not protest. The invasion took place the day after US President Gerald Ford and Secretary of State Henry Kissinger flew out of the Indonesian capital.

The Timorese, outnumbered and isolated, were not, however, willing go down without a fight. Used to lax government from distant Lisbon by Portuguese who controlled the country, in so far as they controlled it at all, through local chieftains, the Timorese baulked at centralised government by the Javanese in Jakarta.

Dark-skinned, curly-haired and more akin to South Seas peoples than those of the East Indies, Timorese resented the close racial domination of the lighter-skinned, straight-haired Javanese. Bitter religious differences also developed.

When the Portuguese left, a third of Timorese were Christians. The stand the local Catholic Church took against Indonesian atrocities brought more conversions, which were further bolstered by Suharto's own decree that all Indonesians should profess some religion.

Today, the overwhelming majority of Timorese are Catholics, struggling against the world's largest Muslim state. Churches are packed.

The toll this struggle has taken is horrific. Speaking as long ago as 1977, Malik said, "50,000 or perhaps 80,000 might have been killed. It was war . . . Then what's the big fuss?" In 1979, Mochtar Kusumaatmadja, then Indonesia's Foreign Minister, admitted 120,000 had died. Today the total is incalculable, certainly about 200,000, or about one in three East Timorese. Some were killed in battle, some died in concentration camps into which Indonesians herded the peasants whose villages they destroyed. Some starved, others died of war-borne epidemics.

Indonesians have stopped at nothing to control of what they insist is now a province of Indonesia. "A company of Indonesian troops captured this 17-year-old girl," one priest told me in Dili. "They repreatedly raped her, cut off her breasts and put one in each hand, cut off her private parts and stuffed them in her mouth and left her corpse for the rest to see."

Outside Laleia, Xanana's village birthplace, a Timorese offered to dig up the remains of 17 victims of Indonesian troops buried in a common grave. The presence of army patrols prevented the operation but existence of the grave, one of many, was confirmed by highly reliable sources.

Although General Suharto, still ruling after 26 years, recently decided finally to open East Timor to foreign visitors in a bid to demonstrate "normality," the Indonesian army is stepping up the pressure.

At the quayside in Dili the giant tank-landing ship, Teluk Bone, closed its huge bow doors and slowly pulled away, watched by a few Indonesian women and a silent crowd of watching Timorese. The next day a sister ship, whose signal lamp had been winking across the harbour the previous night, docked with fresh troops for battle. In the highly militarised town Indonesian forces buzz about in heavy trucks and smart British Land-Rovers, occupying scores of barracks and private houses.

In other, unmarked houses a growing number of civilian prisoners are detained and tortured, common practice since 1975. Indonesians torturers have, so to speak, carved a niche for themselves in refined use of the razor on human flesh.

At a disused airport a fleet of big-bellied helicopters stands ready, some thumping off now and then into the scrubby hills which press down on the little town. Dili is, meanwhile, launch pad for Suharto's policy of "Indonesianising" occupied East Timor by illegally bringing in scores of Indonesians. The red and white Indonesian flag flies everywhere.

"When the Portuguese were here they'd fly the flag on Sundays. Indonesians fly the flag every day," said Armando, the bus driver. They fly it guiltily, however. Attempting to photograph a flag-raising ceremony at a parade ground in Baucau, I was stopped by an Indonesian officer in the elite special forces, the so-called Pink Berets. "It's not permitted," he giggled in nervous English.

During my stay in Dili my room was searched and I was often followed.

Portuguese, once the language of the Timorese elite, and a link to the world beyond Indonesia is in decline. The Indonesians, seizing on the woeful neglect of education in the Portuguese era, have built many schools and colleges but have insisted the medium should be Bahasa, the lingua franca of Indonesia. Only one college still teaches in Portuguese.

Tetum, the indigenous language, is not used in commerce or administration. Much of the commerce of Dili is in the hands of the Javanese incomers who are seen everywhere behind shop counters and in government offices. "They come off every boat," says Carlos Filipe Ximenes Belo, the Catholic bishop. "In 10 years Dili will cease to be a Timorese town, if things go on as they are."

While Timorese resist, the world's chanceries look the other way, trying not to upset Suharto but, neither altogether accepting the legality of the occupation. The exception is Australia, Timor's nearest neighbour, whose government recently signed an agreement which purports to divide Timor's offshore mineral rights between Canberra and Jakarta. Senator Gareth Evans, Australian Foreign Minister, recently said the oil wealth alone could be worth "zillions."

I ask the young man I have called Aurélio and his friends about the deal. "Os australianos são ladrões," they explode. "The Australians are thieves. They are taking the people's wealth."

Portugal, whose stance is that it is still by rights the administering power and is attempting to give Timorese the right of self-determination, contests the Australian deal and is suing the Canberra government in the International Court of Justice in The Hague, in effect for theft.

Short-term, Timorese hopes are pinned on the UN and a planned Portuguese parliamentary delegation visit to Dili soon. The visit has been accepted in principle by Suharto as a way of demonstrating the island is "normalised," but no date has been fixed.

The Suharto regime knows it will be the focus of massive demonstration in occupied East Timor. For aging Suharto, occupied East Timor is vital to maintenance of an empire of 12,000 islands already showing signs of strain.

Irian Jaya, former Dutch New Guinea which Indonesia acquired after a dubious poll a few years after the Dutch surrendered the bulk of their East Indian empire in 1949, is in revolt. In West Sumatra, Muslim fundamentalism is combining with local separatist feeling to produce revolt against Jakarta.

If occupied East Timor were to go, the future of the world's fifth most populous country could be nearly as precarious as the USSR's. But Timorese, particularly the young, do not care.

As we parted by the now darkened paddy field Aurélio said: "If we resist they kill us. If we don't resist they still kill us. So we might as well resist."

Genocide is a word much overused in modern times for any old massacre. In East Timor it suits the circumstances perfectly.

Mr. HELMS. Mr. President, the amendment offered by Chairman PELL and cosponsored by the senior Senator from Wyoming [Mr. WALLOP] is an attempt to clarify administration positions regarding violations of civil and political rights in East Timor.

This controversial area has been the scene of continuing political disturbances for years, and it is high time for the United States to help encourage a political solution.

We support the pending amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 878) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 879

(Purpose: To support democracy and self-determination in the Baltic States and the republics within the Soviet Union)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. SIMON, proposes an amendment numbered 879.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations particularly the CSCE and independence for all Soviet republics which seek such status;

(2) to continue to support restoration of independence for Estonia, Latvia, and Lithuania;

(3) to shape its foreign assistance and other programs to support those republics whose

governments are democratically elected and to encourage democracy throughout the Soviet Union; and

(4) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and the Baltic States and Soviet republics, condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination, and view the threatened and actual use of force to suppress the self-determination of Soviet republics and the Baltic States as an obstacle to fully normalized United States-Soviet relations.

SEC. 2. REPORT TO CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a comprehensive report on actual and threatened uses of force against the Baltic States, the Soviet republics, and autonomous regions within the Soviet Union. For 1992 and each subsequent year such a report shall be included as part of the annual country reports on Human Rights Practices prepared by the Department of State in compliance with section 116(d)(1) of the Foreign Assistance Act of 1961.

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senator from Illinois [Mr. SIMON] in offering this amendment.

It is nearly identical to legislation we offered earlier this year, S. 860, to express our support for the process of democratization in the Baltic States and the Republics of the Soviet Union.

I do not believe that this issue really requires much more debate. The issues, and the position articulated in this amendment, have already been discussed and debated on the Senate floor many, many times.

Clearly, the Baltic States have taken historic steps to assert their independence—an independence we have long acknowledged. And there is nearly unanimous support in this body for their struggle.

Many of the constituent Republics of the Soviet Union have also asserted their sovereignty, and are at various places on the path to turn that intention into a reality. Again, the goals for which they are struggling enjoy wide support, both in the Congress and in the country at large.

Meanwhile, the Soviet Central Government is grappling with its own profound and protracted political crisis—the results of which are far from clear.

But what is clear is that the United States must be—and, equally important, must be seen to be—squarely on the side of freedom and free enterprise, for the Baltics and for the Republics of the Soviet Union.

We must do everything we can—in terms of direct pressure and moral suasion—to see that the Soviet central authority end its aggression, coercion, intimidation, and blackmail against those forces seeking self-determination and free markets.

We must do everything we can to urge all parties to put aside violent means to achieve their goals, and instead pursue them peacefully.

We must do everything we can, in our aid and trade policies, to support the movements for freedom in the Baltics and the Republics.

That is exactly what this amendment requires—that the United States take a stand consistent with our ideals and history, on the side of freedom.

It further requires reports on Soviet policies, and the situation in the Baltics and the Republics—so that the Senate will have all the facts, particularly insofar as the Soviets do use force or the threat of force to achieve their goals.

Adoption of this amendment could not be more timely. Our national policy has certainly been moving in the direction of a more direct assertion of our support for the movements for freedom in the Baltics and the Republics. The President's recent meeting with Russian President Yeltsin can be seen in that light.

More important, right now, President Bush is en route to Moscow for the summit. He will go on to Kiev, the capital of Ukraine—a stop that will surely be seen as one sign of our support for the principle of self-determination. Agreeing to this amendment as those events go forward will certainly amplify the message the President is delivering, of our support for freedom and free markets.

I hope all Senators will join in sending this important message, by supporting this amendment.

I think this amendment has been cleared on both sides of the aisle.

Mr. PELL. Mr. President, I strongly support this amendment offered by the Senator from Kansas. I do so particularly, as in the early fifties I remember being the Baltic desk officer in the State Department and we were doing what we could at that time to keep the spirit of freedom alive in those countries. Through the years, the United States has played a leading role in doing this, and I think this amendment is the evidence of a policy of longstanding.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from North Carolina.

Mr. HELMS. The amendment is supported on this side as well.

Mr. PELL. There is support on this side of the aisle.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 879) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 880

(Purpose: Requiring a report on the uses to be made of United States arrearage payments to the United Nations)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 880.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 22, insert the following new paragraph:

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expand or otherwise use such funds.

Mr. HELMS. Mr. President, the pending bill, S. 1433, authorizes more than $370 million without knowing how it is going to be spent. This amendment, which I have just offered, is a modest effort to resolve a great mystery: How the U.N. system intends to spend the unearned windfall of so-called arrears from the U.S. taxpayers.

My amendment simply says it will permit the Congress to learn how these funds will be spent before these funds are obligated. It seems to me it will be a fair deal, certainly for the taxpayers.

Our colleague, the Senator from Kansas [Mrs. KASSEBAUM] has repeatedly sought information from the administration as to how the $370,876,000 authorized in this bill will be used by the United Nations and its affiliated agencies.

The administration has promised the Foreign Relations Committee that it will use its best efforts to discover an answer to this mystery. My amendment makes it easier for the administration to gather and report the answers.

Mr. President, my amendment requires disbursement of so-called arrearages to be conditioned on a report by the President that specifies how the United Nations intends to spend or otherwise use the funds. Without a doubt, Mr. President, the U.S. taxpayer demands to know and needs to know how the United Nations will spend the funds which Congress is generously providing in S. 1433.

The United Nations must realize that Congress desires to play a significant role in United States decisions about the United Nations budget priorities. This amendment should assure constituents in North Carolina, and every other State, that Congress knows how the United Nations will use these funds.

Mr. President, I am told that the administration has no objection to this amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. PELL. Mr. President, I understand this amendment is acceptable to the administration. It reflects the approach the administration will be following with respect to the arrearages. I think it is a good amendment, and I am glad to support it from this side of the aisle.

Mr. HELMS. I thank the Senator.

Mr. WALLOP. Mr. President, I rise to express my increasing concern over the situation in the former Portuguese colony of East Timor, the island territory which was invaded and forcibly annexed by Indonesia in 1975.

In previous years, Members of the Senate have expressed concerns on a range of humanitarian issues in East Timor, such as war-related hunger and human rights violations. There have been marginal improvements in some regards in East Timor. However, in light of new and disturbing reports of flagrant human rights abuses and the deteriorating humanitarian situation, I believe that further action is warranted. It is my hope that this amendment will spur such action.

Our resolution makes three statements with regard to policy toward East Timor. First, the resolution states that President Bush should urge the Government of Indonesia to take action toward ending human rights violations in East Timor and to permit full freedom of expression in East Timor.

Second, it states that the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and humanitarian relief organizations seeking to work in East Timor. Finally, it states that the administration should work with the United Nations and the Governments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of conflict in East Timor.

Mr. President, 1975 may seem rather long ago and East Timor may seem only a tiny island among the many that stretch along the Indonesian Archipelago. But this area of continuing conflict desperately deserves greater attention. It is time that the United States took a stronger role in seeing a political solution to the grave situation in East Timor.

With few notable exceptions, the world turned a blind eye to Indonesia's brazen aggression in 1975, when East Timor was a vulnerable little enclave left by the retreat of the Portuguese Empire. When Indonesia invaded and annexed East Timor, there was a shameful lack of condemnation from the world community. I hope that our actions here today are the beginning of change on that front.

Mr. President, Portugal ruled East Timor for 450 years, ended by Lisbon's 1974 revolution which brought immediate decolonization and, shortly thereafter, civil war in East Timor. But East Timor did declare independence on November 28, 1975; on December 7, 1975, Indonesia, the ruler of West Timor, invaded. The invasion lasted 1 day after President Ford and Secretary of State Kissinger left Jakarta. Sixteen years later, with some 200,000 people—a full third of the population—dead, our President would serve America's principles well by raising his voice, as he did in the gulf, against the brutal aggression in East Timor.

Although the United Nations condemned the violent actions of Indonesia's brutal dictator, General Suharto, the West was anxious not to upset a strategically important regime which had come to power in 1965. Absent any moral dissuasion from the West, Suharto flooded East Timor with troops, effectively breaking assurances by his foreign minister. And so the world could not know about the massacres that followed; the Indonesian military killed two British journalist, two Australians, and a New Zealander and expelled the Red Cross from East Timor. Visitors, too, were expelled and rigorously kept out for 15 years. And while information was limited during that time, visits of some reporters and relief organizations gave us disturbing evidence of the situation there.

Of the some 200,000 that were killed, some were killed in battle, some died in concentration camps into which Indonesians herded the peasants whose villages they destroyed. Some starved; others died of war-borne epidemics. And although General Suharto, still ruling after 26 years, recently decided to open East Timor to foreign visitors as a way to demonstrate "normality," the Indonesian Army is increasing pressure.

Reliable sources in East Timor relate stories of Indonesian forces and those under their control using razor blades to cut the faces of young East Timorese dissenters. Reports from Amnesty International in recent months detail torture, beatings, and other serious abuses of East Timorese. These, as well as other reports of atrocities, belie reports of improvements in the human rights situation in East Timor.

On the humanitarian front, there exist inordinately high rates of tuberculosis, malaria, malnutrition, and infant mortality in East Timor. Such problems are particularly worrisome when one recalls the catastrophic famine that occurred largely at the hands of the Indonesian military in the late 1970's.

In closing, Mr. President, let me say that we must make it clear to the Indonesian authorities that we are aware of and monitoring closely the situation in East Timor. The United States could be an effective and positive force in this region by seeking ways to insure that the Indonesian Government cooperate with private organizations, both secular and religious, that are in a position to help address these problems.

Additionally, I hope that the United States will be alert to any diplomatic openings that may present themselves in the future, with an eye toward a political solution that might end the needless suffering in East Timor and bring about true self-determination for the people of East Timor. I am keenly aware of the value of close relations with the Government of Indonesia. But it is precisely because of these close relations that we can have reason to believe that the Government of Indonesia would be responsive to these concerns.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 880) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 881–886

Mr. PELL. Mr. President, I send to the desk six amendments as follows: An amendment relating to microtechnology on behalf of Senator HELMS; an amendment relating to Boris Yeltsin on behalf of Senator SIMON; an amendment related to language training on behalf of Senator SIMON; an amendment relating to foreign service promotions on behalf of Senator SIMON; an amendment relating to employment of United States citizens at United States Embassies on behalf of Senator ROCKEFELLER; and an amendment relating to credit with the Government of Israel on behalf of Senator LIEBERMAN.

The PRESIDING OFFICER. Hearing no objection, these six amendments will be considered en bloc. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes amendments numbered 881 through 886 en bloc.

Mr. PELL. I ask unanimous consent that reading of these amendments be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 881

(Purpose: To amend the Arms Export Control Act)

At the appropriate place in the bill, add the following new section:

SEC. . AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.

(1) Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,";

(2) Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies".

(3) Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

Mr. HELMS. Mr. President, amendment No. 881 changes the missile technology provisions of the Arms Export Control Act to make it clear that the United States is prohibiting the acquisition of an actual missile system as well as the technology related to its design. The amendment also makes it clear that where nonmarket countries are using Government-owned companies to sell missile technology, the United States intends to sanction all the arms exporting entities, not just some fly-by-night outfit with a post office box. Finally, the amendment makes it clear that the sanctions are limited to military aircraft companies, not civilian aircraft companies.

MISSILE TECH AMENDMENT

Recently the Communist Chinese have admitted that they transferred a number of M-11 class ballistic missiles to Pakistan.

It has been widely reported in the press that the Communist Chinese were instrumental in Pakistan acquiring nuclear technology.

In response to this threat, the Congress last fall passed missile technology amendments to the Defense authorization bill.

Basically, foreign countries which export ballistic missile technology cannot have access to American technology or, in extreme cases cannot export to the United States for 2 years.

These provisions provide a strong deterrent for companies based in free-market countries but do not provide sufficient deterrent in nonmarket countries such as Communist China where the Government itself owns the exporting company.

In these cases it is just too easy for the exporting Government to set up front companies and close them down when they get caught.

The amendment before us simply strikes the current phrase "countries where it may be impossible to identify a specific governmental entity" and substitutes the term "countries with nonmarket economies".

This makes it clear that the Congress intends to ensure that the missile exporting Government cannot simply move the boxes around and start up under another name.

The amendment also makes it clear that it is a violation of the missile technology provisions to acquire the missile itself as well as its design and so on.

Finally the amendment makes it clear that technology related to the military aircraft program, not the civilian aircraft program, would be on the denial list.

AMENDMENT NO. 882

(Purpose: To congratulate Boris Yeltsin on being elected President of the Russian Republic in the first democratic election in Russia)

At the appropriate place in the bill, add the following new section:

"SEC. . SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC.

(a) CONGRESSIONAL FINDINGS.—the Congress finds that—

(1) the Russian people freely elected Boris Yeltsin as their president on June 12, 1991;

(2) the election held in the Russian Republic was the first democratic election for the presidency of Russia;

(3) the support given by President Yeltsin for "freedom for the Baltic peoples" is to be commended and encouraged;

(4) the support given by President Yeltsin for a "market economy, a plurality of forms of ownership, equality of all forms of property under the law, privatization, giving land to the farmers, carrying out land reform, a credit reform and bringing in foreign investment" is to be commended and encouraged;

(5) the support expressed by President Yeltsin for warm and friendly relations between the peoples of the Russian Republic and the American people is to be commended and encouraged.

(b) POLICY.—It is the sense of the Congress that—

(1) the people fo the Russian Republic and their president, Boris Yeltsin, are to be congratulated for the first democratic election held in Russia on June 12, 1991;

(2) the people of the United States encourage President Yeltsin and the Russian people to continue their political, economic, military and social reforms on the road to a free, open and democratic society.

AMENDMENT NO. 883

(Purpose: To encourage language training in the Foreign Service)

At the appropriate place in the bill, add the following new section:

"SEC. . ENCOURAGING LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disavantaged in the promotion process.

Mr. SIMON. I am pleased that the Senate adopted my amendment on encouraging language training in the Foreign Service earlier today. The amendment simply says that the Foreign Service promotion boards shall ensure that precepts are drawn up that will provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports. In this way, employees in language training will not be disadvantaged in the promotions process, as they clearly are now.

Mr. BROWN. If I may say to my good friend from Illinois, are we not also sending a message to the diplomatic corps to place more emphasis on language training and language skills in the crucial area of promotions? It seems to me that the amendment of the Senator from Illinois gets right to the heart of the matter: If you want to get promoted, you better take language training seriously, and the promotion panels had better take it more seriously, too.

Mr. SIMON. My distinguished colleague from Colorado is exactly right. And let me add here that, while my amendment leaves it up to the Departments of State and Commerce and USIA to devise these new precepts, it makes sense to equate attainment of professional competency in a language with the exceptional performance to use the ranking terms of the employee efficiency reports. Competency in language training would be attaining a tested score of S-3/R-3 or higher after 24 weeks of a world language, 44 weeks of a hard language and 88 weeks of a superhard language.

Mr. BROWN. If I understand the Foreign Service Institute's system, is it correct to say that the world languages are the Romance and Germanic languages, and one or two others like Swahili; the hard languages are a variety of non-European languages; and the superhard languages are Russian, Chinese, Japanese, Arabic, and Korean?

Mr. SIMON. That is correct. I thank the Senator. I should like to add that he has done a superb job as ranking minority member on the Subcommittee of Terrorism, Narcotics and International Operations.

AMENDMENT NO. 884

(Purpose: To include a review of certain personnel issues in Section 152 of their bill)

On page 42, line 4, strike the period after "appointees" and insert the following: "; and matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), relating to senior Foreign Service officers who were working under section 607 (d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefits had been denied them, were involuntarily retired under section 607 after June 2, 1990.".

AMENDMENT NO. 885

(Purpose: To authorize local compensation plans for United States citizens employed in the Foreign Service abroad who were hired while residing abroad)

On page 49, after line 22, insert the following new section:

"SEC. 159. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)) is amended—

(1) in the first sentence, by inserting after "Service," the following: "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

Mr. ROCKEFELLER. Mr. President, I want today to focus the attention of my colleagues on a group of forgotten Americans—the often neglected, and sometimes discriminated against 3.5 million U.S. citizens who are living overseas.

Over the years we have prided ourselves on acting quickly to defend Americans abroad when a crisis develops. But our concern for our country men and women overseas should not arise solely in times of crisis or tragedy. We have a greater responsibility to our fellow citizens.

Unfortunately, it is all too easy for us to dismiss their concerns. We can say that there are so few of them or that it is their decision to live abroad. They are, after all, far away. But these are people with roots in this country just like the rest of us. In their daily lives, in all of their actions, they represent the United States abroad. They work for American companies, carry American passports, and often live in American enclaves. They are Americans in every sense of the word.

We should heed their concerns not only because of their citizenship, but because they are some of our most important players in the battle to increase exports. Many of them work overseas for American firms helping to sell American products. They purchase American goods, from food to cars to clothes, introducing their foreign friends to American products. Their role in increasing the exposure of American products helps us gain a foothold in often stubborn foreign markets.

Instead of recognizing these valuable contributions, U.S. law, perhaps unintentionally, often discriminates against them. We are the only major industrialized nation in the world that levies incomes taxes on all of its citizens, not just on all of its residents. Consequently, Americans overseas are taxed twice, once in their country of residence and again by the United States—a one-two punch that discourages many companies from opening offices abroad.

Second, American citizenship laws are sometimes arbitrary and misguided. We are one of the most generous countries in the world when it comes to granting citizenship to foreigners. For example, if a Russian tourist has a child on American soil, the child is entitled to American citizenship. Yet our laws make it extremely difficult for American citizens overseas to acquire citizenship for their children. It is five times easier for a child born out of wedlock to one American parent living abroad to gain citizenship than it is for a child of one American parent and one foreign parent living in the same country. This is clearly an antifamily provision which ought to be be changed.

A third anomaly has made it difficult for American civilians living abroad to obtain employment in American Embassies. I am not talking about high security jobs, or jobs where a national from the host country is needed. I am talking about the hundreds of administrative jobs, from drivers to librarians to secretaries to accountants, now occupied by other employees which might easily be filled by American civilians. The United States is one of the only countries in the world that largely excludes its own citizens from employment in its Embassies. Most other countries actively recruit job applicants from their homelands for Embassy employment.

It is time that we start treating Americans living abroad as full citizens. The amendment I offer today will recognize that Americans abroad have the right to equal employment opportunities by reversing the discriminatory hiring practices that our Government has practiced in its foreign embassies.

Americans living abroad often meet all of the qualifications for Embassy employment: Fluency in the language, intimate knowledge of the culture, personal contacts in the country, and familiarity with the currency. Ironically, the only thing preventing them from being hired is their American citizenship.

The exclusion of American citizens from employment opportunities has caused several extremely unfortunate situations. I have received letters from Americans abroad who were told by personnel officers that they were the most qualified job applicants for a position. When Embassy personnel discovered, however, that the applicants were American citizens, they were denied the job. In at least one case, an American was forced to give up her American citizenship in order to accept a job at an American Embassy.

Mr. President, it is deplorable that the U.S. Government discriminates against potential employees on the basis of nationality. But the fact that it discriminates against only American citizens is simply ridiculous. In fairness, this is not entirely the State Department's fault. The law authorizes employment for foreign nationals and for relatives of U.S. Government employees but is unclear about the third category of U.S. citizens who are not such relatives. Many Embassy administrative officers have interpreted that omission to mean that such employment is prohibited.

The amendment (No. 885) I am offering will correct this confusion. It is permissive. It provides the necessary legal authority to hire Americans who are not also relatives of Government employees. It will not require the State Department to hire Americans when the Embassy feels it necessary to hire a foreign national. It will not require the department to end its preferential hiring program for Embassy dependents and spouses who are often legally prevented from working in their host country. It will not force Embassies to hire Americans who have not passed security clearances for jobs which require security clearances. What it will do is permit the State Department to hire U.S. citizens if it so desires.

The State Department supports this measure. Its managers realize that it will provide them with greater flexibility to staff our Embassies with the most qualified personnel consistent with the public interest. The main goal of this amendment is to end discrimination against a group of Americans and take a first step toward treating them as full citizens. In doing so, I understand that these Americans hired abroad will be compensated based on the same scale applied to other Americans. These Americans should be treated just like every other American employee in the Embassy.

Mr. President, this amendment is not so much about employment law or about the administration of the State Department as it is about protecting the rights of a group of American citizens who are currently being treated unfairly. By adopting this amendment, we will begin to restore equity for a group of American citizens we have too often forgotten.

I urge my colleagues to support this amendment. It will achieve real progress in ending discrimination against over 3 million Americans, and provides a no-cost means for expanding the job and economic opportunities for our fellow citizens living in other parts of the world.

Mr. PELL. Mr. President, it is my understanding that the Senator from

West Virginia does not intend to require the State Department to change its current compensation procedures. At the present time, I understand the Department does not intend to change its compensation procedures which pay Americans abroad at American, rather than host country, rates. As I read this amendment, it will permit the Department to continue that practice and provides for the same treatment for the category of Americans who are not relatives of U.S. Government employees.

Mr. ROCKEFELLER. The Senator is correct. As I stated when I offered the amendment, it is my intent to restore equity to the hiring practices of American Embassies. At the same time, however, it is also my intention that these American citizens be treated for compensation purposes, as all other Americans currently are. I have conferred with the State Department and have no objection to their preference for maintaining equity among their American employees by paying American civilians hired abroad on the same wage scale as their other American employees: Both foreign service career officers and American spouses and dependents. This is the sensible solution—we would not want two American citizens working in essentially the same positions but earning substantially different salaries.

AMENDMENT NO. 886

(Purpose: To require that the United States Government hold certain discussions and report to Congress with respect to the secondary and tertiary boycotts of Israel by Arab nations)

At the end of the bill, add the following:

TITLE X—PROCOMPETITIVENESS AND ANTIBOYCOTT ACT OF 1991

SEC. 1001. SHORT TITLE.

This title may be cited as the "Procompetitiveness and Antiboycott Act of 1991".

SEC. 1002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Arab boycotts of Israel have distorted interntional trade and investment;

(2) the secondary and tertiary boycotts of Israel by Arab nations has put American companies refusing to obey it at a competitive disadvantage;

(3) the secondary and tertiary boycotts of Israel by Arab nations has stifled foreign investment in Israel;

(4) companies that conform to the boycotts contribute to the distortion of international commerce and investment; and

(5) it is in the interest of all nations to have free trade and a liberal climate for investment.

SEC. 1003. OECD REPORT.

(a) DISCUSSIONS AT THE OECD.—The United States Ambassador to the Organization for Economic Cooperation and Development (OECD) shall discuss with representatives from other OECD member nations—

(1) the extent to which companies, public and private, obey the secondary and tertiary boycotts of Israel by Arab nations;

(2) the effectiveness of antiboycott laws of those nations that currently have or have had such laws;

(3) the extent to which the boycotts has skewed global trade and investment, as well as regional trade and investment in the Middle East;

(4) the extent to which companies not obeying the boycotts are placed at a competitive disadvantage as a result of the boycott;

(5) the extent to which the boycotts contradicts OECD trade and investment policy; and

(6) the development of a set of guidelines, using the Arrangement on Export Credits as a model for the development of these guidelines, that OECD nations can agree on as a way to eliminate compliance with the Arab secondary and tertiary boycotts of Israel.

(b) REPORT TO CONGRESS.—The United States Ambassador to the OECD shall submit to Congress a report six months after the date of enactment of this Act on the progress of discussions as described in section 1003(a).

SEC. 1004. GATT REPORT.

(a) IN GENERAL.—The United States Trade Representative shall enter into discussions with representatives from member nations of the General Agreement on Tariffs and Trade (GATT) to determine the extent to which—

(1) the Arab secondary and tertiary boycotts of Israel has distorted trade;

(2) members of and observers to the GATT encourage actions, including the furnishing of information or entering into implementing agreements, which have the effect of furthering or supporting the secondary and tertiary boycotts;

(3) the GATT can and should work to eliminate the Arab secondary and tertiary boycotts of Israel; and

(4) GATT articles, specifically Articles I and XI, can be used to eliminate compliance with the secondary and tertiary boycotts and what additional measures, including penalties, can be applied to nations imposing and obeying the secondary and tertiary boycotts.

(b) REPORT TO CONGRESS.—The United States Trade Representative shall submit to Congress a report six months after the date of enactment of this Act on the discussions as described in section 1004(a).

SEC. 1005. PRESIDENTIAL REPORT.

Not later than 90 days after the date of enactment of this Act, the President shall submit a report to the Congress on—

(1) what progress has been made on getting other nations to end compliance with the secondary and tertiary boycotts; and

(2) what progress has been made to get Arab nations to end the secondary and tertiary boycotts of Israel.

SEC. 1006. DEFINITIONS.

For purposes of this Act, the term "secondary and tertiary boycotts" mean the boycotts by Arab governments of companies which provide goods or services to Israelis or Israeli firms, invest in Israel or Israeli firms, ships that call at Israeli ports, and the goods and services of people or entities which support the State of Israel.

Mr. LIEBERMAN. Mr. President, today I am offering an amendment that will help to make American companies more internationally competitive by getting our economic allies to persuade companies within their borders to stop obeying the secondary and tertiary boycotts of Israel.

The boycott of Israel by Arab nations has been in existence since the mid-1940's when the Arab League formalized the boycott of Palestinian Jews. While it is bad enough that Arab nations themselves refuse to deal with Israel, it is even worse that they have created a blacklist of companies from third-party nations that engage in economic relationships with Israel.

It is against the law for American companies to obey the secondary boycott of Israel. But our law can only truly be effective if we get other nations to do the same: Ignore the secondary boycott. We need to create a level playing field for American companies to do business where they want by making certain that no nation that believes in free international trade in any way condones the participation of a company within its borders in the secondary boycott. In a very real way, the secondary and tertiary boycotts are the ultimate expression of disregard for a market based economy.

While we in this country have some good laws on the books to prohibit the participation of American companies in these restraints on trade, we must begin the process of getting other nations to do the same, either through the passing of their own tough domestic laws that would penalize companies that follow Arab League boycott guidelines, or by establishing international rules of the road for ending boycott compliance.

On March 16 of this year, I hand delivered a letter signed by 85 of my colleagues in this body to Crown Prince Saad of Kuwait, asking that his government end the secondary boycott of Israel. Since that time, a number of Senators have raised the issue of the secondary and tertiary boycott with the White House and the governments of other nations.

The amendment that I have introduced is similar to legislation I introduced earlier this year which is cosponsored by 18 Members of the Senate. This amendment, like the bill, emphasizes the harm that the secondary and tertiary boycott has on the international commerce and calls on international economic organizations that were founded on the principles of free trade to play a part in ending the boycotts. I refer specifically to the OECD and the GATT. The amendment also requires a report from the administration to the Congress on progress that has been made to get other nations to end compliance with the boycott and to get the Arab nations to end the boycott entirely.

I attempt to achieve these goals in three fundamental ways: First, by requiring our Ambassador to the OECD to enter into negotiations with other member nations on what steps must be taken to end compliance with the boycott, by establishing guidelines on how to eliminate compliance with the secondary boycott; second, by requiring the USTR to enter into discussions with members of the GATT to get that organization more involved in trying to eliminate the secondary and tertiary boycott; and third by requesting that the President send a report to the Congress on what steps the administration has taken to end the boycott.

This amendment points out and attempts to address the anticompetitiveness aspect of the secondary and tertiary boycotts. The primary boycott is an issue that will be addressed by Israel and the Arab nations. But the secondary and tertiary boycotts affect American companies. Why should American companies be penalized as a result of this pernicious practice. That is not good for American business. That is not fair competition. It's blackmail, and it has to stop.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Is there debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments (Nos. 881–886) were agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

Mr. PELL. Mr. President, I would like to point out to our colleagues that we have now passed 11 a.m. This is an important bill. We want to get through not too late this evening. I hope any Senators with amendments will come over to present their amendments at this time. Our intention is to keep moving, and we hope to finish in the early evening.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I in no way want to delay anyone who has an amendment. But might I ask the distinguished manager, the chairman, if I can have 15 minutes as if in morning business with the clear understanding that, If that is in any way delaying, I will stop at any time that he desires.

Mr. PELL. If an amendment, an actual amendment in hand, comes over, the Senator will desist. Otherwise we will all be educated in this 15 minutes.

Mr. DOMENICI. I thank the chairman very much. I ask unanimous consent that I be permitted to speak up to 15 minutes as if in morning business with the understanding that, if the chairman needs any of my time so as to proceed more diligently with the amendment, I will be glad to yield back whatever I have not used.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL COMMISSION ON CHILDREN

Mr. DOMENICI. Mr. President, not too long ago a very distinguished group of Americans, 34 in number, men and women, Republicans, Democrats, and Independents, so that they were not picked by any party denomination, chaired by the distinguished junior Senator from West Virginia [Mr. ROCKEFELLER], delivered to the people of this country a report. The National Commission on Children issued their report on the status of children in the United States of America.

Mr. President, most of the attention regarding that report has focused upon material things that the young people of America need—focused on hunger, focused on health care and the like, all of which are very, very important.

But, Mr. President, a certain portion of this report, chapter 12, is a most extraordinary chapter, and I believe it is historic in that it is in a sense a Government document because it was produced by a public Commission—I have just described the Commission, 34 Americans appointed by Congress and the President, chaired by the distinguished Senator ROCKEFELLER from West Virginia—but, interestingly enough, Mr. President, this report is not about material shortcomings of the young people of this Nation, but rather, believe it or not, is styled creating a moral, m-o-r-a-l, a moral climate for children.

Believe it or not, the very first paragraph says:

> The acquisition of values and a moral framework for decisionmaking is a central aspect of human development.

And it continues and says:

> The ability to distinguish between right and wrong, to empathize with the feelings and concerns of others, and to act upon these judgments is uniquely a human characteristic.

And it proceeds to say that every successful society is marked by a common value and common values that determine the nature and conduct of relationships between individuals and between the larger community of members.

And it proceeds on:

> Today, too many young people seem adrift without a steady moral compass to do their daily behavior or to plot a thoughtful and responsible course for their lives. We see the worst manifestation of this in reports of violent and predatory behavior by adolescents in large and small communities across this land. It is evident, in their lifestyles and sexual conduct, that they indulge in personnal gratification at the expense of others and at the expense of others' safety and well-being. It is revealed as well in a culture that ranks wealth and acquisition of material possessions above service to one's community or nation. It is also demonstrated in a declining voting rate of our younger citizens.

Mr. President, this report of about 22 pages proceeds to indict all of us, to indict parents, to indict business leaders, to indict those who are part of the media of this country, particularly those who are part of radio and television, and admonishes us all to change so that the young people of this Nation will not see what they are now seeing as a daily diet by way of pornography, murders wholesale, the gorier the better, sexual conduct that is beyond what any of us thought we would be seeing on the public networks. The young people of America see these as a daily diet.

Mr. President, I was amazed the other day when I was looking at what a couple of States—the State of Michigan, and the city of Rochester, NY, what these two communities in America—said about what employers wanted most of employees for skilled and semiskilled jobs. Guess what they said.

We have been led to believe that employers are very concerned about mathematics, two languages, proficiency in English, knowledge in history. But guess what the report showed? It showed that, in those two jurisdictions, with respect to skilled and semi-skilled jobs, of the first five things employers were looking for, none of them had to do with academics, believe it or not.

They wanted to know whether you were on drugs or not, whether you were prone to drink too much, whether you knew what integrity and honesty was. Did you understand what it was to be a fellow worker in the same place and have people that depended upon you? They were all values. Believe it or not, the employers were looking for basic values that would produce a credible, sensible, hard-working employee, man or woman.

Only if you went beyond the first five to the 6th 7th, maybe even the 10th criteria for employment, did you run into academic needs. I am not suggesting that there is any relationship between those particular semiskilled and skilled job preference requirements and education. I submit to you that there is something in there that is related to this chapter, changing a moral climate for our children, or creating a moral climate for our children.

Mr. President, I believe that those who put this report together—and I gathered from what I have heard from the distinguished chairman that, believe it or not, after all the work that was done on this report about the status of children, this one was unanimous; that everyone agreed, as I indicated, men and women in different stages and different states of life, obviously, different cultures and different heritages by way of origin, they all agreed 100 percent that the things in this report that pertained to creating a moral value for children is an American must.

I rise today to comment on it for a couple of reasons. I hope that more Americans will avail themselves of this. I hope more business leaders will avail themselves of this. I hope more bishops and archbishops will avail themselves of this, more priests, and clergy, and ministers and those who are training our young people; and yes, more teachers and principals and those who are professionally educating our children; and, yes, those who are dreaming up the substance from which place TV serials and the like are produced.

I understand in this society we are really governed only by constitutional limitations, and there are few when it comes to speech. Therefore, there are few when it comes to what you can write, show on television, and put on a radio. But because you can do it, I do not believe that means you have to do it.

I believe it is an absolute must that this report be embraced by millions of Americans. And just as they become proponents of what the Federal Government and the State government ought to be doing for young people, in material ways, such as nutrition, health, and education, I hope they all look at chapter 12 and say: What can we be doing about this, creating a moral climate for children?

Last, I hope that more will look at this, look at this either in this CONGRESSIONAL RECORD, or avail themselves of a copy of it, and ask themselves, what can I do with it, so that it will indeed get passed on from person to person, because who knows when it will find itself before somebody who can have a real influence.

I submit, anyone with any kind of concern about this country and its future—and it is a grand and glorious country—in fact we are as free as we can be. The fact that we are so free is part of the problem encapsulated in this chapter. Nonetheless, as I indicated, freedom does not mean that we must act always to the outer limits, but rather we must continue to create a moral climate for children. I believe this offers a rare opportunity for people to support it, to promote it, and do something about it.

Mr. President, I ask unanimous consent that the report to which I have alluded—and I have not quoted from very much because I do not have time; I have stated it in my own words—be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CREATING A MORAL CLIMATE FOR CHILDREN

The acquisition of values and a moral framework for decision making is a central aspect of human development. The ability to distinguish between right and wrong, to empathize with the feelings and concerns of others, and to act upon these judgments is a uniquely human characteristic. Every successful society is marked by common values that determine the nature and conduct of relationships between individual and between the large community and its members. These values are the glue that holds societies together and motivates people to behave in socially responsible and acceptable ways.

The National Commission on Children's hearings, town meetings, site visits, and discussions with children, teenagers, parents, and other adults revealed much that was troubling about the values that many children learn from the actions of their parents and prominent citizens, from the media and other manifestations of popular culture, and from the subtle messages of the nation's social policies and institutional practices.

Today, too many young people seen adrift, without a steady moral compass to direct their daily behavior or to plot a thoughtful and responsible course for their lives. We see the worst manifestation of this in reports of violent and predatory behavior by adolescents in large and small communities across the nation. It is evident in lifestyles and sexual conduct that indulge personal gratification at the expense of others' safety and well-being. It is revealed as well in a culture that ranks wealth and the acquisition of material possessions above service to one's community or to the nation. It is also demonstrated in the declining voting rates of young citizens.

Much of what we saw and heard also made us worry about the public values implicit in individual words and actions and in Americans' failure to act in concert to change the conditions that harm children and undermine their familes' ability to support and nurture them. As a commission on children, we could not avoid questioning the moral character of a nation that allows so many children to grow up poor, to live in unsafe dwellings and violent neighborhoods, to lack access to basic health care and a decent education. In our visits to communities across the country, we saw the consistent presence of institutional immorality—often unintended, but present child welfare system and the public health system. We visited schools with leaky roofs and playgrounds littered with addicts' needles. We talked to students who feared they would be shot on their way to school. We met a homeless child who spoke of sleeping on the floor of a welfare hotel, and a runaway girl who shared the nightmare of his life on the streets.

Of course, we heard as well of individual and collective acts of tremendous generosity and kindness, but we had to ask why these were the exceptions and benign neglect so often the rule. We wondered about the moral message conveyed to children through public actions and individual behavior—messages about their worth to adults, about what they should strive for in their lives, and about how they should view and treat others.

Children and adolescents need clear and consistent messages about personal conduct and public responsibility. "The National Commission on Children therefore urges public and private sector leaders, community individual Americans to renew their commitment to the values of human dignity, character, and citizenship and to demonstrate that commitment through individual actions and in the setting of national priorities." Specifically, we recommend that:

Parents be more vigilant and aggressive guardians of their children's moral development, monitoring the values to which their children are exposed, discussing conflicting messages with their children, and, if necessary, limiting or precluding their children's exposure to images parents consider offensive;

The recording industry continue and enhance its efforts to control the distribution of inappropriate materials to children;

Television producers exercise greater restraint in the content of programming for children, and stations show greater restraint in the amount and type of advertising aired during children's programs;

Communities create opportunities for voluntary service by children and adults and recognize the contributions of volunteers; and

Individuals renew their personal commitment to the health and well-being of all the nation's children and demonstrate this commitment by giving highest priority to personal actions and public policies that support children and value families.

THE ROOTS OF CHILDREN'S MORAL CONFUSION

At least some of children's moral confusion stems from the conduct and attitudes of prominent adults and major social institutions. In recent years, the nation has seen religious leaders and public officials involved in scandals that belie their professed commitment to family values and betray the public's trust. Leading financiers and corporate executives have been prosecuted for enriching themselves at the expense of their clients or shareholders. Rampant materialism among adults fosters shallow ambitions in children and encourages them in empty, reckless, and sometimes dangerous pursuits. The media and entertainment industries glamorize drugs, sex, greed, and violence through movies, television, and music, and in the personal lives of some popular entertaiments and athletes.

There are also disturbing indications that a growing number of mothers and fathers lack both the ability and the commitment to be responsible parents. Profound social and economic changes in the past two decades have fundamentally altered the roles and relationships of many parents and children, as well as the routines of family life. Some of these changes have had troubling consequences. More children today grow up without the consistent presence of a father in their lives. Working parents, even in two-parent families, find it difficult to spend as much time with their children as they would like and their children need. A higher percentage of unmarried teenagers give birth today than in decades past, and these young mothers often lack the maturity, economic means, and parenting skills to care for themselves and their children.

Finally, children's moral confusion reflects the contraditions that exist in the larger society around them. Individual and collective actions often belie our stated allegiance to common values. For example, the links between race and economic disadvantage surfaced so often in our investigations that we question the depth of the nation's commitment to eradicating racism. Violence pervades the lives of so many of the children we met that we question society's commitment to protect and nurture its young people. Longstanding policies and established practices that belittle the poor and shortchange the young seem to deny Americans' commitment to the common good.

In more than a year of hearings, town meetings, site visits, and focus groups, the Commission received a consistent message from adults and children alike that too many Americans have drifted away from the values and beliefs that promote personal happiness, strong, supportive families, and a caring society. This message was highlighted by parents in Indiana, teenagers in Boston and Kansas City, and ministers in South Carolina. It was also the central theme of testimony by the U.S. Secretary of Health and Human Services, who called for restoratioon of "a vigorous, demanding, dynamic culture of character."

THE NATION'S VALUES

America is a pluralistic society, strengthened by the variety of cultures that continually recreate our nation. The nation's founders sought to protect this diversity by enshrining freedom of speech and worship in the Bill of Rights. To this day, the coexistence of an array of viewpoints in the nation is cause for pride and powerful testimony to our love of freedom.

But we must also be concerned about how our children develop values and about the values we convey to them individually and as a nation. There is a growing sense that, in its effort to protect diversity, America has neglected its concomitant responsibility to preserve and protect certain fundamental values that govern our conduct toward others and define our rights and obligations as citizens. Commendably, Americans have resisted efforts to impose a uniform culture through the schools, the media, or government action. Yet in so doing, we may also have neglected to stress to children the common values upon which a free and vibrant society depends—respect for human dignity, the cultivation of personal character, and the exercise of responsible citizenship. These are the values that all sectors of society must reiterate to the nation's children in words and actions.

Human dignity

Human dignity has three components. The first is self-respect, or respect for one's own body, behavior, and beliefs. Self-respecting individuals refuse to let others exploit them, and they adopt health and behavioral practices that promote their physical and psychological well-being. Self-respect is a prerequisite for treating others with dignity and respect.

The second aspect of human dignity is respect for others, which includes respect for diversity and a refusal to condone bigotry or accept discrimination based on race, religion, gender, or lifestyle.[1] Respect for others does not imply agreement with them, but it does reflect a fundamental commitment to treating all individuals with dignity. Respect for others also reflects an understanding of the relationship between rights and responsibilities and therefore entails a refusal to enter into relationships that benefit only oneself.

Finally, human dignity involves caring—having compassion for those in need, regardless of whether their own actions contributed to their need. A caring individual and a caring society practice charity toward the weak and the vulnerable through individual acts and community efforts.

Character

Men and women of character exemplify ageless virtues—hard work and perseverance, a willingness to accept responsibility for their own actions, and personal integrity. They reject deceit and believe honesty must be at the core of human interactions and experiences. Individuals of character recognize that it is wrong to take unfair advantage of others, whether through exploitation of weakness, refusal to accord them a fair share of resources and opportunity, or adoption of rules and practices that reflect selfishness and greed. They also reject violence as a means of resolving disputes or satisying desires.

Citizenship

The United States was founded on democratic ideals. American history is a continuing struggle to bring these ideals to reality through participation in the processes and institutions of government at every level, through respect for the legitimate use of law and authority, and through the willingness to speak out when power is abused or rights are arbitrarily restricted. True patriotism, based on both an understanding and an appreciation of the history and traditions of the nation, demands nothing less. Freedom is the great privilege of citizenship in a democracy. Intelligent exercise of that freedom and willing acceptance of one's civic duties are the accompanying obligations.

Every recommendation in this report, as well as its underlying rationale, embodies these values.

HOW CHILDREN DEVELOP VALUES

Children's moral development has long been the subject of intensive investigation. Scholars disagree about how much influence various factors have in the acquisition of values, but they generally agree that children's moral development, like their physical, intellectual, and social development, is a gradual process that begins in the early years of life and continues through adolescence. As children grow and mature, their sense of right and wrong becomes more sophisticated, and their responses to situations requiring ethical judgments become more complex.

Throughout the various stages of moral development, children are influenced by the people around them, beginning with parents and extending to other adults and peers. Children are also influenced by the major social institutions in their lives, by their surroundings, and by their culture.

Parents

Children learn to live in society by living in a family. Parents influence children's values through the example they set in their daily lives, by establishing and enforcing rules, and by communicating approval or disapproval of a child's actions. By creating an orderly and reliable environment, parents give children the security to gradually acquire independence. By creating a loving environment, they make children feel valued, a necessary condition to being able to value others. Not surprisingly, almost two-thirds of children interviewed in a recent national survey indicated that they turn to their parents for moral guidance.

A growing body of social science research highlights the link between family relationships and adolescent risk-taking, particularly early initiation of secual activity. In general, young people are less likely to become sexually active at a young age when children and parents share the same values, when family ties are close, and when parent-child relationships are based on communication and strong parental support. Other studies show that teenage girls are less likely to engage in early sexual intercourse when their mothers' parenting style combines affection with firm, mild discipline and clear limits on behavior. The Commission's surveys of parents and children suggest that children appreciate their parents' steady guidance and consistent enforcement of rules. While about half of the children surveyed were satisfied with the amount of oversight they received from their parents, 8 percent reported wishing "a lot" of the time that their parents were "more strict" or "kept closer watch" over them and their lives. Thirty-nine percent said they sometimes felt that way. Only 2 percent said they never want their parents to be stricter or more attentive.

Other Adults

As children grow, their circle of influential adults widens, and they are exposed to other authority figures and role models. Adults who link children with community institutions, particularly teachers, religious leaders, school counselors, and leaders of youth service organizations, also influence children's moral development, although not nearly to the extent that parents and other relatives do. These adults play a greater role in establishing a moral climate for decision making than as advisors on specific moral or ethical dilemmas. A national survey of the beliefs and moral values of American children indicates that children are generally reluctant to turn to adults such as teachers or clergy for advice on specific questions of morals or values. This is true even for children who indicate that their teachers care about them for those who state that religion is an important part of their daily lives.

When asked to identify the celebrities or national heroes they admire, children are most likely to name entertainers and athletes. These individuals provide a frame of reference for children as they confront moral and ethical decisions. Accordingly, when the actions of celebrities perpetuate a culture of greed, self-aggrandizement, and irresponsible behavior, they send harmful messages to children and youth.

Peers

Peers have considerable influence, both positive and negative, over children's moral development. In peer relationships, children learn about reciprocity, cooperation, fairness, and sharing. As children get older, they are increasingly likely to turn to their friends, rather than their parents or other adults, for ethical advice or moral guidance. Adolescents' perceptions of their friends' actions and beliefs—accurate or not—have enormous influence over their own behaviors and attitudes. For example, teenagers who believe that a high proportion of their friends of the same gender are sexually active (or would like to be) are much more likely to become sexually active themselves.

Socioeconomic factors

Major economic and social forces can also influence a young person's values. Research suggests that hard economic times can cause some young people to question and even reject the values they learned as children. For example, the recession of the late 1970s and early 1980s and the decline in low-skill manufacturing jobs corresponded with a growing sense among many young blacks and blue-collar whites that their future prospects were limited at best, that the value of education and employement skills was questionable, and that their ability to make and sustain a viable marriage was in doubt.

Recent decades have also been marked by changing attitudes and less consensus on appropriate sexual conduct, childbearing, and marriage. For some parents and children, it may appear that society has changed the rules in the middle of the game. In other families, parents' moral guidance may strike children as irrelevant to the circumstances they see around them. In still other families, parents may find themselves questioning their own moral beliefs at the same time their children are looking for clear guidance.

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[1] At times, individual rights yield to the right to religious freedom. It is the practice of some religious communities, for example, to assign different roles to men and women.

Religion

The drafters of the Constitution denied state support to any religion, but they also protected freedom of worship, believing that the exercise of religion would encourage the development of moral character among the nation's citizens. Indeed, religious leaders have inspired or led many of the nation's major social and political movements, including the temperance movement, the civil rights movement, and the "Moral Majority."

Through participation in a religious community—in communal worship, religious education, and social action programs—children learn and assimilate the values of their faith. For many children, religion is a major force in their moral development; for some, it is the chief determinant of moral behavior. Research on the effects of religion on children's day-to-day conduct also suggests that teenagers who are religious are more likely to avoid high-risk behaviours. Surveys of parents and children conducted by the National Commission on Children found that children whose parents described themselves as "very religious" were more likely to report that they could talk to their mothers about personal problems or concerns and that their mothers respected their ideas and opinions. These children were also more likely to report frequent discussions with their parents about religion or values.

Schools

There is no such thing as value-free education. Society's values are implicit in what schools teach, how they teach it, and whether or how they urge students to apply these lessons to their daily lives and future plans.

In addition, American public schools have taught an explicit values curriculum for much of their existence. Though the mid-nineteenth century, this curriculum largely embraced Protestant values, conveyed through the Bible readings, prayers, ceremonies, and some reading materials. By the end of the nineteenth century, this was replaced by "character education," a secular form of moral education that emphasized such virtues as honesty, self-discipline, kindness, and tolerance through cooperative endeavors and extracurricular activities. In recent decades, moral education in public schools has oftern advocated resolving moral dilemmas through the clarification of values and the application of reason, but it has avoided endorsing values or beliefs that may not be universally shared. In similar fashion, public school textbooks typically avoid reference to mainstream religious practices in the United States or what some consider to be traditional values.

As American society has become more diverse, some parents are uneasy about the values their children are taught in school. This has understandably made textbook publisher, teachers, and school administrators more cautions in the values they espouse. The perverse result, however, is that a major social institution entrusted by most parents with preparing children for adulthood is too often silent on critical moral and ethical issues.

In recent years, a number of school programs have stepped into the void with curricula deliberately designed to teach values considered by leading educators to be fundamental to life in a democratic society. The Baltimore County Public Schools, for example, developed a values education program that uses the Constitution and the Bill of Rights to identify common national values. Lessons about those values are incorporated into students' coursework and the daily operations of the school. Elsewhere, values education program stress civic involvement and community service.

Popular Culture

Popular culture, as expressed in a society's music, art, and literature and through the news and entertainment media, has always had a tremendous influence on individuals' thought and conduct. This is particularly true for children and adolescents, whose ability to understand the cultural and behavioral messages they receive and to distinguish between "real life" and what they see, hear, or read develops gradually, along with their ability to make judgments about the validity of cultural messages for their lives and personal conduct.

Cultural conflicts between generations are an age-old phenomenon. It seems that adults have always worried about the negative influence of popular culture on children. The music and dance of the 1950s were considered scandalous by some, as was the advent of "long hair on men in the 1960s. Throughout the twentieth century, parents in communities across the country have at one time or another expressed concern or outrage over books assigned to their children in school or records sold to them. In many cases, what shocked one generation's parents has often seemed routine, even quaint, to that same generation's children.

In recent years, however, some trends in television programming, news reporting, advertising, movies, and music have gone beyond normal cultural changes and are cause for lasting concern by parents and others interested in children's development. From a very young age, children today are increasingly exposed to images and messages that are extremely violent, gratuitiously and explicity sexual, and overtly hostile toward and demeaning of women and minorities.

Television: Children born today will spend more time watching television than doing anything else except sleeping. An average 6-month-old watches television nearly one and a half hours a day. By age three, children become purposeful viewers and can identify their favorite shows. Viewing time peaks at an average of four hours per day in early adolescence and then levels off at two to three hours per day in the teenage years.

A growing body of television programming for children has proven educational benefits. Viewing programs such as "Mr. Rogers' Neighborhood," "Sesame Street," "ABC Afterschool Specials," and others has many benefits. These programs foster positive social behaviors, counter racial and ethnic stereotype, and promote intellectual skills that are essential to success in the early school years. At the same time, a number of shows for a general audience, including "Family Ties," "The Cosby Show," and 'A Different World," have set new industry standards for the responsible airing of controversial social issues and for the thoughful treatment of sensitive personal issues.

Much of the programming produced for young children, however, seems to make little or no effort to promote common values. Most programs on weekend days are highly violent, albeit the violence is often of a "humorous" nature. In recent television seasons, children were "entertained" with more than 25 acts of violence per hour. On each of the three major commercial networks, children's weekend, daytime programs are consistently three to six times more violent than the programs broadcast in prime time. The amount and quality of advertising that accompanies these shows are also troubling, since children are less resistant than adults to marketing messages. Children's programming is interrupted more frequently than other programming with advertisement directed to children as consumers. In recent years, shows have even been developed around characters based on toys, in effect creating half-hour and hour-long commercials.

As children get older, their viewing preferences shift from children's fare to more general programming, exposing them to frequent depictions of sex, violence, substance abuse, and crime before they have the intellectual skills and the maturity to handle them. Teenagers are exposed to an estimated 3,000 to 4,000 references to sexual activity on television and in movies each year. The levels of violence portrayed on television, particularly in the early evening hours, when school-age children are most likely to be watching, increased dramatically in the mid-1980s. At the same time, news coverage of violent episodes at home and abroad has increased, leading some child development professionals to worry about its impact on children.

Some researchers maintain that television violence has little effect on viewers. Others conclude that it causes some children to have heightened concerns over their personal safety and leads to subsequent aggressive behavior, particularly among children and others who regularly view television violence over long periods of time. In 1989, the American Academy of Pediatrics concluded there was sufficient evidence to suggest that protracted television viewing is one cause of violent or aggressive behavior. It further expressed concern over television's implicit and explicit messages to young viewers promoting the use of alcohol and promiscuous or unprotected sexual activity.

Beginning in the 1970s, explicit and implicit sexual messages on television increased dramatically, rarely accompanied by mention of abstinence, contraception, or consideration of the negative consequences of unintended pregnancies and sexually transmitted diseases. Television advertising has similarly adopted sex as a major theme, using sexual innuendos and overtones to promote everything from automobiles to fast-food restaurants.

Television is a fact of life in America today, and few parents would ban it from their homes. Still, even the most careful parents feel helpless at times before the steady onslaught of advertising, violence, and sex that pours forth from the family television. For many parents, television has become a double-edged sword. It often achieves its potential as an educator, entertainer, and even occasional babysitter. Yet it frequently presents children with values and messages antithetical to parents' most deeply held beliefs. Moreover, unless it is controlled, television viewing may take time away from other activities that have more social, educational, or physical benefits.

Music and Music Videos: Musicologists and psychologists have contended for years that music has emotional impact. It can soothe or excite listeners, evoke sadness or euphoria. Yet public concern has grown over the potential impact on children and teenagers of some contemporary music and music videos. In particular, heavy metal music has focused increasingly on extreme violence that is generally sexual in nature and directed against women. A University of Georgia study concluded that music videos produced by heavy metal groups are "violent, male-oriented, and laden with sexual content," with violence occurring in almost 57 percent of the videos that were examined. More than 80 percent of these videos also linked sex with violence. Recently, some observers have expressed similar concern about the content of some rap music, finding it violent, misogynous, and anti-Semitic.

In recent years, individual parents and organized parent associations have expressed mounting concern over the effects of offensive lyrics and images on teenagers and younger children. Most music popular with children and adolescents, however, appears mainstream in its value orientation, and existing research does not demonstrate massive negative effects from popular music. Correlational studies indicate that while music may reinforce listeners' dangerous or antisocial behavior, it does not appear to cause it. In other words, adolescents who are already alienated, have delinquent tendencies, or are similarly at risk may also be more likely to prefer heavy metal and other music that emphasizes aggressive and even violent behavior, but the music itself does not appear to create these feelings.

The recording industry has responded to increasing complaints by pointing out that violent, explicit, and otherwise offensive lyrics and videos are a very small part of the total number of recordings released by the industry. The majority of rock lyrics, they maintain, are either generally unobjectionable or promote positive social attitudes and practices. Moreover, they maintain that music reflects, rather than creates, society's values. Recently, in response to pressure from organized groups of parents, the Recording Industry Association of America has adopted a voluntary labeling system to alert parents and teenagers to products with offensive or explicit lyrics.

ENCOURAGING A BETTER MORAL CLIMATE FOR CHILDREN

Children may not always do as we say, but they will almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character, and citizenship is both a parental and a community responsibility. For most families, the day is long past when parents and small communities could shield children from premature exposure to questionable influences. Today, the diversity of most American communities and the explosion in mass communication technology makes that impossible. Instead, it is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

Public values

In stressing fundamental values to children, the Commission believes that two problems warrant particular attention. The first is the persistence of racism, which has plagued the nation since its founding. By the year 2000, one-third of American children will be from a minority group, and for that reason alone, they can expect at some point in their lives to encounter hostility, ridicule, and low expectations. While the nation has made significant progress in eliminating the legal barriers to full participation in American society, attitudes and practices persist that divide the nation and deny some of its citizens equal standing. Further progress will depend in part on changes in personal attitudes and behavior and in part on vigilant government action to protect the rights of all citizens.

Our second concern is the epidemic of violence that claims children and adolescents at a rate unprecedented in the nation's history. Violence, as noted in earlier chapters of this report, kills, maims, and terrorizes too many of our nation's children. Some are perpetrators, more are victims. We hope our recommendations will give young people reason to reject rash acts and take steps to protect their own futures. We also applaud efforts by schools and community groups to teach children and adolescents more peaceful means of resolving conflicts. And we call for public policies to keep weapons out of the hands of children and those who would use them to threaten and harm others.

The Role of Parents

Parents have primary responsibility for their children's moral development. In this area, as in others, parents are their children's first and most important teachers. Through their nurturing, guidance, example, and monitoring, parents convey to children—in words and actions—the values they hold dear.

We reiterate here the principle stated in Chapter 4:

The family has primary responsibility for teaching values and creating the ethical context that is fundamental to our society and our democracy. Children learn to love others by being loved. They learn to respect and value the rights of others by being respected and valued themselves. They learn to trust when they have unwavering support from parents and the other adults closest to them. The capacity for understanding and valuing the feelings of others is present in every child, and it flowers when children are encouraged to empathize with others * * *. From the time they are very young, children learn responsibility and commitment, freedom and dissent in small, manageable steps. Experiences within the family provide them with the moral and ethical framework for their lives as adults.

In light of this enormous responsibility, we also reiterate the recommendation in Chapter 9 urging individuals and society to reaffirm their commitment to strong, stable families as the best environment for raising children, as well as the recommendation urging couples to delay pregnancy until they are emotionally capable of assuming the obligations of parenthood.

As American society becomes more complex, so does the responsibility of parents to monitor, interpret, and buffer the various value-laden messages children receive from the broader community and its major institutions. The National Commission on Children recommends that parents be more vigilant and aggressive guardians of their children's moral development, monitoring the values to which their children are exposed, discussing conflicting messages with their children, and, if necessary, limiting or precluding their children's exposure to images parents consider offensive. We further recommend that parents join together as consumers to urge restraint upon the commercial interests that they believe directly or indirectly send harmful or inappropriate messages to children.

There are many ways parents can exercise such vigilance. They can vote and otherwise set an example of the responsible exercise of citizenship and caring. They can speak out as advocates for their own children and others who have no direct voice in the political process. As recommended in Chapter 7, parents should be actively involved in their children's schools. At home, they can establish and enforce rules about the amount of time and the content of children's television viewing, and they can watch TV with their children, using it as a way to increase family communication through discussions of issues raised on programs. We also urge parents to listen to the music their children listen to and watch the videos, discuss objectionable contents, and, if they believe it necessary, forbid their children to own certain recordings and videos. The Recording Industry Association of America places warning labels on albums, tapes, and discs with explicit lyrics; it is now up to parents to heed those warnings.

Advertisers spend more than $33 billion a year reaching consumers, including children, through television and radio. Children themselves are powerful consumers. In each case, market forces can effect tremendous change. Therefore, in the best traditions of capitalism and democracy, we urge concerned parents to join together in letter-writing campaigns, boycotts, and other forms of legal protest to pressure producers and manufacturers who directly or indirectly promote messages parents consider offensive and damaging to children.

News and Entertainment Media

The news and the entertainment media have tremendous potential to educate children and expose them to other cultures and new ideas. We applaud increasing efforts to develop quality programming for children and teenagers. We further applaud growing recognition within the recording industry of its responsibility to help parents shield children from explicit lyrics. The National Commission on Children recommends that the recording industry continue and enhance its efforts to avoid the distribution of inappropriate materials to children.

Within the television and movie industries, there are many exemplary productions for children, as well as efforts to urge more sensitive programming for children and families. In particular, Children's Action Network has urged producers and writers to base their presentations of complex and difficult issues on current knowledge and the best available information, in this way helping to educate the public and dispel harmful and inaccurae stereotypes. For example, a 1991 episode of "Knot's Landing" portrayed the life of a foster child with great sensitivity and accuracy following meetings that included the show's creative staff, foster children, and child welfare staff.

The Commission remains troubled, however, by the violence and commercialism that pervades television programming for children, especially for young children. To address this issue, Congress enacted the Children's Television Act of 1990 to:

Limit the number of minutes devoted to commercials during children's programming;

Mandate that a television station's educational and informational service to young people be considered as a factor in license renewal;

Direct the Federal Communications Commission to review policies governing commercialization of children's television; and

Create a National Endowment for Children's Educational Television to support the development of new educational programs and series for children age 16 and younger.

The National Commission on Children recommends that television producers exercise greater restraint in the content of programming for children. We further urge television stations to exercise restraint in the amount and type of advertising aired during children's program. Toward this end, we encourage Congress and the Federal Communications Commission to take all necessary action to implement fully the provisions of the Children's Television Act of 1990.

The Role of Communities

Human dignity, character, and citizenship come to life for children when they are put into action. The National Commission on Children urges communities to create opportunities for voluntary service by children and adults and to recognize the contributions of volunteers that better the community and assist its members. As discussed in Chapter 8, we particularly stress the importance of adult volunteers who can act as mentors, tutors, and role models for children and young people. All children need a special person who cares, who is willing to listen, and who will invest time and energy in them.

We reiterate our recommendation, also in Chapter 8, that communities, schools, and government at all levels continue to create and expand community service opportunity for young people to help them understand and appreciate the values of human dignity, character, and citizenship; to teach them about the broader community in which they live; and to help them develop empathy for others and a sense of their own capacity to improve the lives of those around them. As discussed in Chapters 3 and 8, when children and youth participate in community service activities, they themselves are among the most important beneficiaries in terms of personal growth and greater understanding of the needs of others. Schools, religious institutions, and community organizations are the natural homes for such voluntary activities by children and adults, and they should be encouraged and applauded in their efforts to fulfill this important role.

The Role of Society

A nation's values are measured more by its actions than its words. We are deeply saddened by the absence of widespread moral outrage at the conditions and prospects of so many American children, and we wonder where the personal will and the political leadership are to turn this situation around. Americans' notion of community—of those with whom they feel a bond—appears to grow smaller as the nation grows more diverse. Increasingly, it even appears to leave out children with whom one has no direct tie. In other chapters, we have argued that America's economic well-being and its future as a thriving democracy depend on ensuring that every American child has an opportunity to achieve his or her full potential. We believe our future as a moral society depends on this as well.

Therefore, the National Commission on Children urges all Americans to renew their personal commitment to the common good and demonstrate this commitment by giving highest priority to personal actions and public policies that promote the health and well-being of the nation's children. We recognize that reasonable men and women will differ in their view of what causes many of the ills suffered by children and families today and in their proposed solutions. Yet we also believe that creative solutions emerge from vigorous and thoughtful debate. That has been our experience as a commission, and it is our fervent hope for the nation.

COSTS AND BENEFITS

Congress authorized $4 million for establishment of the National Endowment for Children's Educational Television, part of the Children's Television Act of 1990. We urge immediate appropriation of these funds. The other provisions of the act appear to have only minor administrative costs.

Most of the other recommendations in this chapter do not require money. They require an investment of time, attention, and thoughtfulness by parents and other caring adults, by those in the news and entertainment fields, by educators and government officials. We are convinced that helping young people acquire and maintain strong personal values is an investment that will yield benefits for individuals and for society as a whole for years to come.

CONCLUSION

Americans have long celebrated and jealously guarded the nation's pluralism, viewing with appropriate skepticism those who would impose their own values or doctrines on others. Yet at the root of everything Americans hold dear about their country are fundamental values and rights that have sustained this nation in times of crisis and called forth our best when others are in need. As a society and as individual citizens, we would be well served to cultivate in our children these enduring values of human dignity, character, and citizenship.

In a free society, there will always be tension between freedom of expression and upholding common social values. Censorship is the antithesis of what we embrace. Forging common values will never depend solely on laws, but also on persuasion and example. Success will require thoughtful action and self-restraint by individuals and major institutions with the ability or potential to influence children's moral development. This makes the task of parents, public leaders, educators, media executives, entertainers, and advertisers more difficult, but no less important.

BIOTECHNOLOGY PATENT PROTECTION ACT OF 1991

Mr. DOMENICI. Mr. President, it is interesting that the distinguished occupant of the chair is Senator DECONCINI of Arizona, because I am going to make a statement in support of the Biotechnology Patent Protection Act of 1991, and I understand from the work I have done that the distinguished occupant of the chair is the principal proponent of clarifying the patent laws of our Nation, so that such things as the research and the structure of the human anatomy, which we call genome research, where genes are being located within various chromosome structures. This work is yielding a whole new body of patentable or copyrightable ideas, and it needs to be clarified so we do it right, because we are fearful that we will get down the path with this research and find others are producing the cures, pharmaceuticals and drugs of the future. Obviously, genome and genome mapping is indeed the most significant health wellness activity of our Government. It will open the door to cures for hundreds of genetically-related diseases, and in the process, there will be many patentable items that are seriously different from items in the past. I understand the measure will help immensely with that problem.

Mr. President, I support the bill being sponsored by Mr. DECONCINI that would seek to ensure that American biotechnology companies are able to keep proprietary rights to the products that they develop. It has come to my attention that a decision within In re Durden handed down by the courts 6 years ago has made it difficult to obtain process patents for biotechnology products. However, without this type of patent protection foreign companies are able to take DNA sequence knowledge created in this country overseas to produce products that can then legally be imported back into this country.

In fact this exact process occurred just recently with an American biotechnology company. The Amgen corporation had spent many years and millions of dollars creating a drug by the name of EPO. After obtaining a patent on both the gene for EPO and the microorganism used to produce this drug, Amgen began marketing this promising new product. Soon after this, however, a Japanese company by the name of Chugai Pharmaceuticals used this technology developed by Amgen to produce EPO in Japan and export it to the United States. Had there been a process patent for EPO the Process Patent Amendments Act of 1988 would have prevented the importation of EPO into this country.

Mr. President, I recently held a workshop dealing with technology transfer from the Human Genome Initiative to the American biotechnology industry. I was very pleased to hear of the remarkable progress that American scientists have made in deciphering the Human Genome. Within the last year scientists have found the genes for fragile X syndrome and Lou Gehrig's disease. At the same time medical doctors at the National Institutes of Health have conducted gene therapy aimed at treating a young girl afflicted with the same disease that tragically killed David, the "bubble boy," in 1984.

Further, the knowledge and technology developed by the Human Genome Initiative has provided a further stimulus to the young American biotechnology industry. Last year the biotechnology industry had an annual revenue of over $2 billion and a stock market value of $18 billion. The President's Council on Economic Competitiveness estimates that the domestic biotechnology industry will grow to $50 billion in annual revenue by the year 2000.

Mr. President, everyone in this Chamber is aware of the great pain created by the loss of industries in the past to foreign competitors. The field of biotechnology was created almost exclusively by Americans and we still hold a commanding lead in almost every area of the industry. We must act, with legislation such as this bill sponsored by the distinguished Senator from Arizona, to ensure that biotechnology does not become one more industry that Americans created and then lost.

Mr. President, might I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has approximately 3 minutes remaining.

ECONOMIC STATUS OF AMERICANS

Mr. DOMENICI. Mr. President, sometime ago, I guess about 4 or 5 days ago, July 24, or the day prior thereto, an article found itself in the Washington Post. It said, and I hold it here: "The Rich Got Richer, the Poor Got Poorer," the study says. "Think tank finds income gap widened in the 1980's."

Mr. President, let me suggest that the Senator from New Mexico has, on a previous occasion, challenged the conclusion of a report such as this, and there is nothing at all new about this one. In fact, if anything, the think tank that produced it is playing with numbers and percentages and dates and, might I say, even worse manner than the previous ones which the Senator from New Mexico attacked.

Let me just see if I can point up why this particular report does not mean what it says. Mr. President, this report starts with the year 1977, and it ends with the year 1988. It is purportedly indicating that the decade of the eighties, which I perceived to be 1981 through the first part of 1990, was a bad decade in that the rich got richer and the poorer got poorer.

Mr. President, let me suggest for those who are putting this kind of thing together that they recognize a couple of principles and go out and ask all their economic friends if they are not true. First, when you have a recession there are two truisms at least. One is the poor get poorer and the poor are hurt the most in a recession. The rich do not get hurt as much in a recession.

I cannot do anything about that, and no one who was in a policymaking position in the 1980's could really fix that. You can go back and check. The people that get hurt the most and the quickest are the poor.

What did they put in this study that makes it absolutely wrong? They put 1977 in, Mr. President, not 1981. They put in 1977, 1978, 1979, 1980, 1981, and part of 1982. Guess what those years were? They included the worst part of the 1970's and repercussions of the 1970's that fell on the early 1980's. And guess what existed during those 5½ years—two recessions, not one. The second one was a big recession, the one in the early years of Ronald Reagan when Federal Reserve Board Chairman, Paul Volcker, ratcheted up interest rates and said, "Let us have a recession and get rid of inflation."

What preceded it? What preceded that recession was the stagflation of the last 2 years of President Jimmy Carter: high interest rates, high inflation, and little or no real growth.

Who was getting hurt during those periods? The poor. The reason I say this is because I really believe what we ought to learn from this is that recessions are not good for America. That is what we learned from it. And they are bad even more so for the poor. There is no doubt that in that over this 5½-year period, the poor got poorer, substantially poorer.

What is the second thing we learn about recessions and periods that follow recession? A very simple proposition: even when you start coming out of a recession, it is difficult to move out of decline large numbers of poor people in the United States. I do not know about other economies that are capitalistic or private enterprise-oriented, but in our second proposition it is hard to move them out and up.

Mr. President, nonetheless, if instead of picking all of those recession years and putting them in this study, and I just told you which ones, 1977, 1978, 1979, 1980, 1981, and part of 1982, if they would have picked the growth years from 1982 through a year ago, what would they have found?

They would have found my third proposition: If you have a sustained recovery everyone gets better, everyone is moved upward. Thousands and thousands of people moved out of poverty into the mainstream.

Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks a table showing that if anything is true about the growth period from about 1983 through the end of the decade, it is that the rich got richer and the poor got richer, which is what I think we probably want in the American economic system.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, what else do we want? We want minorities to move out of poverty, if they have been swept up in it by a recession.

I might remind those who do want growth in America, there are only two states: You are either growing, or you are in recession. I assume not many people like recessions. I think they probably like, whether they want to call it growth or not, the good times that sustained economic growth with low inflation brings.

I submit in the RECORD a table showing the numbers of minorities that got out of poverty the growth period of the 1980's.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DOMENICI. Mr. President, for those who want to lay blame remember that the following adages are true: During recessions the poor get poorer. You have to stay out of recessions if you want America to have a population that is experiencing rising prosperity spread across more income levels of the population.

I yield the floor.

EXHIBIT 1

PERCENT CHANGE IN REAL FAMILY INCOME BY QUINTILE [1]

	1975–79	1979–83	1983–89
Percent change:			
Lowest quintile	7.0	−17.4	11.8
Second	11.2	−10.5	10.7
Middle	12.0	−5.5	11.0
Fourth	12.2	−1.9	10.6
Highest quintile	10.3	2.9	12.2

[1] Each quintile represents one-fifth of the income distribution.

EXHIBIT 2

Decline in poverty—from 1982–89

Percent change in poverty rate:	
All families	−15.7
White	−18.1
Black	−14.8
Hispanic	−14.3
Female-headed [1]	−9.5
Elderly	−20.0

[1] Persons in families with female householder, no husband present.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate resumed consideration of the bill.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 888

(Purpose: To establish a program to provide Soviet graduate students with scholarships for study in the United States)

Mr. PELL. Mr. President, on behalf of Senators MITCHELL, SASSER, BOREN, BIDEN, SARBANES, and CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. MITCHELL, for himself, Mr. SASSER, Mr. BOREN, Mr. BIDEN, Mr. SARBANES, and Mr. CRANSTON, proposes an amendment numbered 888.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new title:

SEC. . SHORT TITLE.

This Act may be cited as the "United States Law and Business Training Program for Soviet Graduate Students Act".

SEC. . STATEMENT OF PURPOSE.

The purpose of this Act is to establish a scholarship program designed to bring students from the Soviet Union to the United States for study in the United States.

SEC. . FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide continuing financial support to individuals from the Soviet Union to study in the United States, and to gain experience and training in free market economics, Western business and legal systems, and public administration, in order to assist the process of economic and political reform in the Soviet Union, increase mutual understanding, and build lasting links between the Soviet people and the people of the United States;

(2) providing scholarships to Soviet students to study in the United States will over time effectively create strong bonds between the United States and the future leadership of the Soviet Union and its republics, while assisting the Soviet people in their political and economic reform efforts;

(3) study in United States institutions by Soviet students will enhance trade and economic relationships by providing professional and business contacts;

(4) students from the Soviet Union have in the past been unable to study in the United States for political and financial reasons;

(5) it is essential that the United States citizenry increase its knowledge and understanding of the Soviet Union, its language, cultures, and socioeconomic composition as the Soviet Union assumes a role in the world economic community; and

(6) a scholarship program for students from the Soviet Union to study in the United States would complement international efforts to assist the Soviet Union in its economic, political and social reforms.

SEC. . SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education coupled with private and public sector internships by nationals of the Soviet Union who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—To encourage students to use their training in the Soviet Union, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to the Soviet Union for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, one-half of the repayment shall be forgiven.

SEC. . GUIDELINES.

The scholarship program under this Act shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency shall develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant from the Soviet Union shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic and political reforms in the Soviet Union, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this Act that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

SEC. . FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.

There are authorized to be appropriated to the United States Information Agency $10,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993, to be used to carry out this Act.

SEC. . COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Mr. PELL. Mr. President, this is an amendment creating a new exchange program at the graduate level for the Soviet Union. Scholarships may be provided to the Soviet Union in the field of business administration, economic law, and public administration to study in the United States for 1 year. The funding level will be $10 million.

My understanding is that this has been cleared by the leadership on both sides of the aisle.

Mr. HELMS. Mr. President, I have one specific objection to the amendment by Senator PELL on behalf of Senator MITCHELL and others.

On page 6, beginning at line 16, and specifically at line 18, it states, "There are authorized to be appropriated to United States Information Agency $17,500,000 for fiscal year 1992, and $35 million for fiscal year 1993, to be used to carry out" the purposes of the Mitchell amendment.

Unless this matter is heard by the committee, or unless I could be assured that the Appropriations Committee is to examine it carefully, I question the expenditure of this money for this purpose at this time when obviously we are in a state of economic crisis.

So I am going to be asked to be recorded in the negative pending consideration by the Appropriations Committee. If the Appropriations Committee approves it, fine.

Mr. PELL. If the Senator would yield for a moment.

Mr. HELMS. Yes.

Mr. PELL. My understanding is in the amendment as it is now it has been reduced to $10 million not $17.5 million. So I think that point has been taken care of.

Mr. HELMS. Well, I still have the same question because there has been no hearing on this. And while around this place $10 million is just a pittance, it is not a pittance in those areas of North Carolina and others that are feeling extreme hardship.

But I will respectfully vote "no" and ask to be recorded in the negative on this. But I do not want to hold up the amendment.

Mr. PELL. I thank my colleague very much, indeed.

Mr. President, I ask that the amendment be agreed to.

Mr. DOMENICI. Mr. President, I happened to be here on the floor of the Senate when the majority leader introduced this proposal on June 27. As I said to him and Chairman SASSER at that time, the overall concept of bringing a limited number of students from the Soviet Republics to the United States to concentrate of law and business is an excellent idea. In 2 or 3 years these men and women will have the opportunity to help their people consolidate the economic and political reforms now under way in the Soviet Republics.

As I told the majority leader privately last week, a number of other Senators attempted to respond to the same challenge in an amendment to S. 1435, the foreign aid authorization. That proposal was designed for the shorter term. Like the Mitchell scholarships, it would plug gaps in our ability to provide technical and business assistance to the Soviet peoples.

This Senator and 13 others, on a bipartisan basis, put in language that would authorize the President to set up American centers in Russia, the Ukraine, Armenia, and such others among the Republics that request and are willing to help support an American center in their midst.

These American centers would not necessarily be staffed by American

Government officials, but they would be under the authority of Directors and a qualified Executive Board appointed by the President, if he chooses to use this authority.

As I envision the American centers, they would constitute an American presence in major cities outside of Moscow for those who seek American help, and for those thousands of Americans who have demonstrated their willingness to assist the Soviet peoples in their difficult transition toward a functioning market economy. The American centers would assist and advise, without in any way restricting anyone who wants to help.

I ask unanimous consent to insert at this point in the RECORD the text of amendment 836, as passed by the Senate on July 25.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 139, between lines 18 and 19 insert the following:

"Subchapter D—The American Centers Act"

An Act to establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act".

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of Soviet republics upon request for the purposes of:

(1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;

(2) providing a repository for commercial, legal, and technical (including environmental and export control) information;

(3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and

(4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and deomocratic institutions;

(5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional, civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) DIRECTORS OF THE AMERICAN CENTERS.—Upon the appointment of an Executive Board as provided in Subsection (a) the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one or more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) Policy Coordination of American Centers. The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers of employees of the United States Government,

for the purpose of title 5, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than $15,000,000 for fiscal year 1992, and not more than $25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with the Act.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic reforms, market oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any government agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) RESTRICTIONS.—No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made, to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

Mr. DOMENICI. The Mitchell-Sasser scholarship proposal and the American Centers proposals complement each other. Neither one would provide cash assistance to the Soviet Government. Both of them would help the new Republican governments, as well as individuals and businesses to catch up after 70 years of communism.

As I understand the proposal, the Mitchell scholarships will bring several hundred young professionals from Russia and, to the maximum extent practicable, each of the other Republics, to the United States for at least 1 year. The program would include both academic and professional training, and could include internships with American companies. It is not a traditional academic exchange program, which are provided for elsewhere.

This is a good approach to the medium-term challenges facing the Soviets. If the USIA implements it in an imaginative manner, these young Soviets will return home in 1993 or 1994 with a working knowledge of how our democracy and our economy actually works. For all of these reasons, I would ask to be added as a cosponsor to the Mitchell amendment.

Mr. SASSER. Mr. President, I am pleased to be a principal cosponsor to this amendment establishing the United States Law and Business Training Program for Soviet Graduate Students Act. This legislation will establish a scholarship program to bring students from the Soviet Union to the United States to study law and business administration.

With this measure, for the first time a substantial number of young Soviets will be able to come to the United States to enter educational programs. And they will come to the United States to study business administration, economics, law, and public administration. These are the fields which will contribute the most to promoting economic and political reforms in the Soviet Union.

And what could be more useful at this moment of history? The Soviet Union faces a time of fundamental change. The old guard of communism is being replaced by free-market forces and democratic ideas.

But, these changes will take time. And no matter what our desires are for speeding these changes along—the fact is that it will be the next generation of Soviet citizens which will see these changes through and indeed, reap the rewards of this effort.

To make this happen, we must help plant the seeds of change. And what better way than through education?

One way to do this is to allow young Soviet citizens to come to the United States to learn how our system works. To see democracy in action; to study law and business; to make the most valuable kinds of connections—those between our two peoples.

And what better way to plant the seeds of change than to give Soviet graduate students the ability to come to the United States and get hands-on experience in the business world and to take that knowledge back to the Soviet Union.

This program will do just that. It will combine formal education at universities in the United States with real world experience provided through internships and training in professional settings.

Furthermore, it will ensure that these students will return to the Soviet Union to speed economic and political reform, by making each scholarship in the form of a loan with repayment only to be forgiven after the student returns to the Soviet Union.

And it will be fair, providing equal opportunities for students from each of the Soviet republics and making financial need a criteria for receiving a scholarship. It will not be a giveaway program for those who can afford other alternatives.

This is a well-crafted piece of legislation. I commend Senator MITCHELL for his leadership on this matter and I thank his staff for their efforts in crafting this amendment.

I look forward to this program being fully funded in the Commerce, State, Justice appropriations bill and proving its worth in promoting economic and political reform in the Soviet Union.

SOVIET LAW AND BUSINESS SCHOLARSHIPS

Mr. MITCHELL. Mr. President, I am pleased that the committee today is accepting this amendment authorizing $10 million to begin a modest but extremely valuable Soviet scholarship program.

The United States Law and Business Training Program for Soviet Graduate Students is an innovative approach toward helping the Soviet people help themselves.

The amendment establishes a program through which promising Soviet graduate students would come to the United States to study and work in their fields of law, business, public administration, and business administration.

Expertise in these fields is sorely needed if the Soviet Union is to make a successful transition toward a free market and a democracy.

At the moment, there are American scholarship programs to help Soviet undergraduates in a wide variety of disciplines. The United States sponsors numerous short-term technical programs that provide limited exposure or training for Soviets in particular fields.

But there is no American effort to provide in a thorough and comprehensive program both the conceptual underpinnings and practical experience in the fields so crucial to reform in the Soviet Union.

This program provides a concrete mechanism for providing to Soviet citizens a real understanding of the political and economic system that we enjoy in the United States. By providing a rising class of young professionals with this practical knowledge, we help them make a difference in the process of reform on the ground in the Soviet Union.

This is clearly an investment of enormous potential.

It is one we should be making now.

I am delighted that the committee's action will enable USIA to get this important program underway in the coming fiscal year.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Rhode Island on behalf of Senator MITCHELL and others?

If not, the question is on agreeing to the amendment.

The amendment (No. 888) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate go into morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 1577 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, is there some time remaining?

The PRESIDING OFFICER. There is approximately 5 minutes remaining in the period for morning business.

TRIBUTE TO JO OBERSTAR

Mr. DURENBERGER. Mr. President, I rise today to remember a great and a courageous woman who fell victim to breast cancer yesterday. Jo Oberstar was the wife of U.S. Representative JIM OBERSTAR. Together they represented Minnesota's Eighth Congressional District for many years, and before his election they represented the district because Jim was employed by his predecessor in the Congress, John Blatnik.

Jo Oberstar was my friend, and I grieve for her family and for all of their friends. Jo Oberstar will be missed greatly.

Another friend of ours, Veda Ponikvar, a long-time editor of the newspaper in JIM OBERSTAR's hometown of Chisholm, MN, called Jo one of the finest Irish ladies she had ever known. If you know the iron range of Minnesota you will know there are not a lot of Irish up there. Most of the people come from Eastern Europe. So the special ones really stand out.

Jo Oberstar, as Veda watched her over the years, was compassionate, had a real understanding of human needs. And Veda said that Jo's love for children and family were exemplified in the way that she supported Jim in his service in the Congress, and the special way which she raised four children: Ted, Noelle, Annie, and Monica.

Veda always remembered that Jo gave of herself a thousandfold, that everybody loved her. And, like many of us, there was something almost ethereal about Jo Oberstar. She looked like a fragile angel, but she could move mountains. She had a sense of humor. She had an ability to deal with, cope with unpleasant things in a way that somehow always turned them around.

Jo was born in Rochester, NY. She received a bachelor's degree from Trinity College right here in Washington, DC, and then she went to Yale for a master's degree. From there she went to teach, she went to counsel, she went to raise children and found a lot of time for many other activities. She was a director of the Isaac Walton League, wrote its first national citizen action guide on water pollution control long before anybody ever thought that water pollution was a national problem. She was a board member of the National Rehabilitation Center here in Washington and a board member of Peace Links.

I spent a lot of time with Jo in her capacity in the Canadian Center for

Legislative Change. She took it upon herself, part because of where she was born, part because of where she married, and part because she just loved to do it, to bring Canadian legislators, parliamentarians, the Americans closer together. I must say in my time here in the U.S. Senate, no one has brought the people, or the political representatives of these two countries more closely together in a more intimate way, in a more realistic way, then Jo Oberstar.

I have said before that breast cancer is a thief and a destroyer. The disease has touched nearly every family in America. It has touched mine. Now it has touched the Oberstar's, and I am truly sorry. Jo was diagnosed with breast cancer 8 years ago and a lot of the things that I have said about her today she had done in that 8-year period, because there were times of remission and, as we all know, there were times of sickness. Those close to Jo always saw hope and strength. And when you talk about fighting the good fight, she did it.

So I stand today to say goodbye to Jo Oberstar, and to call, again, on all Americans to help us find a cure for breast cancer, and to do it now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. MACK. Mr. President, I rise to make some comments with respect to an issue we are going to be dealing with, if not later today, then certainly before the end of this week. The issue is the extension of unemployment benefits.

I read, over the weekend, an editorial that was in the New York Times, which referred to a couple of alternatives that have been proposed.

The Senate is going to look at a proposal to extend unemployment compensation benefits for a period, under certain circumstances, of up to an additional 20 weeks. We are not going to be addressing the question about how we pay for it because the proposal relies upon the President to declare a Budget Act emergency and, therefore, under the budget rules a revenue offset will not be required.

In the House of Representatives Congressman DONNELLY and Congressman DAN ROSTENKOWSKI have also proposed extending benefits but have said if an emergency is not declared that the way it shoud be paid for is by raising taxes on employers.

The plan proposed in the Senate is again that kind of liberal thought that just says, "Go ahead and extend the benefits; do not worry about how you are going to pay for it." The other thought, projected by Members of the House Democratic leadership, basically says, "Let us pay for the unemployment benefit extension placing a higher tax on employers."

I suggest just the opposite of what is intended will occur. I assume that everyone who has proposed extending those benefits is doing it with the purpose of trying to provide assistance to those who are unemployed. The reality is if you increase the taxes on people who provide jobs, you are, in fact going to find out that there are going to be less jobs as a result of it.

Employers will naturally try to find ways to continue the profitability of their business, and they will end by laying people off. So instead of solving the problem, we are going to make the problem worse. I would propose as an alternative that we ought to take into consideration that instead of placing a tax on employment, we ought to reduce the capital gains tax rate. The data clearly shows that if you lower the capital gains tax rate, you actually increase jobs in the Nation.

The debate ought to focus over the next few days about the extension of unemployment benefits. But it ought to be done on the basis of what we can do to create jobs. What can we do to give people hope for the future? Instead of just talking about extending the benefit, let us try to find a way to make America more productve again; let us try to find out how to create jobs again.

I close my comments by saying I think one of the messages of the 1980's is that if you lower tax rates, you increase employment and you have a much lower need for unemployment compensation benefits.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 889

(Purpose: To eliminate conflicts of interest on the Board of the National Endowment for Democracy)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 889.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . CONFLICTS OF INTEREST.

"No future sitting member of the Board of the National Endowment for Democracy can serve simultaneously on the Board of Directors or be an active member of the leadership or any grantee receiving more than 5 percent of National Endowment for Democracy funds.".

Mr. BROWN. Mr. President, both the House bill and the Senate bill have attempted to address some of the concerns raised regarding the National Endowment for Democracy. Included in those concerns is one that relates to potential conflicts of interest.

In the past, members of the Board of Directors have also held active positions in the NED grantee organizations. It raises an obvious conflict of interest as board members are required to pass judgment on the wisdom of granting appropriations or funding to the organizations that they are active members of.

This amendment is an attempt to deal with that. It addresses the problem directly. The current problem really revolves around four core groups: The National Republican Institute; the National Democratic Institute; the Free Trade Union Institute; and the Center for International Private Enterprise, associated with the Chamber of Commerce. Representatives of these groups or other selective groups do receive more than 5 percent of the endowment of the grants.

What we are suggesting is we not have new members on the board that are part of these core grantee groups. It does not mean that these core grantee groups will not continue to play a lead role and very active role in promoting democracy around the world. They will and should. They have long been active in this effort, and they have long carried on significant and important efforts in their own behalf, as well as through the use of NED funds.

What it does suggest is in the process of allocating NED funds, the people receiving the money will not be the ones making the decision on that allocation. It is a straightforward amendment. It involves a simple concept of concern for conflict of interests that I think is shared by both parties in this Chamber. I recommend its adoption to all Members.

Mr. President, I yield at this point, and retain the remainder of my time.

Mr. PELL. Mr. President, I support the point my colleague is trying to make by offering this amendment, and I agree with him that there could be an appearance of a conflict of interest if all four NED grantees sat on the NED Board of Directors.

However, I would like to point out the four core grantees—NRI, NDI, the Free Trade Union Institute, and the Center for International Private Enterprise—get their budget from NED at the start of each year.

I also note that from the very beginning when NED was founded, the four core grantees have had and are expected to have a special relationship with NED. Only one core has a representative currently on the board and that individual chairmanship expires at the end of January 1993.

I ask of the Senator from Colorado what other groups that receive grants are on the NED Board?

Mr. BROWN. Mr. President, there are the four groups basically that the Senator is aware of: The Republican Institute received 10.7 percent of the funds over the years; the National Democratic Institute, which has received 9.8 percent. I am not sure why they should receive less than the Republicans; the Free Trade Union Institute, which has received 40 percent; and the Center for National Enterprise, which is at 10.6 percent.

Mr. PELL. I thank the Senator very much. I think this is a good amendment and I will support it.

Mr. BROWN. I thank the chairman. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 889) was agreed to.

Mr. PELL. I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 890

(Purpose: To delete U.S. funding for the International Coffee Organization)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 890.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, after line 21, add the following new section:

SEC. 170A. PROHIBITION ON FUNDING.

(a) FINDINGS.—

The Congress finds that—

(1) the State Department has requested $899,000 for fiscal year 1992 to fund the International Coffee Organization;

(2) the International Coffee Agreement (ICA) and its administrative arm, the International Coffee Organization (ICO), were born in 1983 to stabilize global coffee trade, by establishing an export quota system;

(3) an export quota system for coffee acts directly against the interests of American consumers by keeping prices at artificially high levels;

(4) this fact has been demonstrated since the ICA was suspended in July 1989 and prices fell from $3.17 per pound in June 1989 to $2.87 per pound in June 1991; and

(5) although the agreement lapsed in 1989, United States imports of coffee increased by 26 percent in 1990 over 1988 levels, at a total cost reduction of $548 million due to lower prices.

(B) PROHIBITION.—No funds appropriated under any provision of law shall be available for making further payments to the International Coffee Organization, or ICO.

Mr. BROWN. Mr. President, the amendment before the body deals with the International Coffee Organization. I am concerned about the potential of the United States participating in a cartel much to the disadvantage of the consumers of this Nation. The facts are these. The International Coffee Organization is an association that the United States has belonged to involving significant funding. The request is for almost $900,000 in 1992. The organization is actively engaged in the process of trying to organize a cartel for limitation on production designed specifically to increase the price of coffee to consuming nations.

The facts are very clear. The United States is a consuming country, not a producing country. When we have had an active cartel that has controlled production and allocations of produce, the prices for coffee have been significantly higher for Americans. It is certainly understandable that producing countries would be interested in higher prices for coffee. But what is not understandable is that the United States would participate in or even encourage a cartel activity which would penalize the consumers of America. There is no suggestion that this kind of cartel activity is helpful to Americans in any way. We are the ones, along with the rest of the consuming world, who pay the price.

What we suggest is simply a prohibition on funding for this organization. It saves the taxpayers $889,000, but more than that, I think it will save the consumers of this country a significant amount of money, into the millions and tens of millions a year in the coming decade.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PELL. Mr. President, I would like to ask the Senator from Colorado what benefits producing countries get from the International Coffee Organization now that the export quota system has broken down?

Mr. BROWN. The distinguished Senator is correct, the export quota system has broken down although the organization is in the process of trying to reestablish some sort of quota system. The organization does have a benefit for its members in that it attempts to maintain figures on production and consumption and publish them internationally, so in terms of an information agency, it still plays a purpose. The concern I guess this Senator has is over the anticompetitive and anticonsumer potential with this organization attempting to reestablish the quota system.

Mr. PELL. Does the United States get any benefit from this approach?

Mr. BROWN. At this point the only United States benefit is one of receiving the information published by the organization itself.

Mr. PELL. I thank the Senator very much. This amendment is acceptable from this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 890) was agreed to.

Mr. PELL. I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

AMENDMENT NO. 891

(Purpose: To strike provisions relating to special agents and insert modification to existing text)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. HATCH, proposes an amendment numbered 891.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, beginning with line 2, strike all through line 12 on page 39, and insert the following in lieu thereof:

"(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly submit to the Committees on Judiciary and Foreign Relations of the Senate and the Committees on Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(B) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshalls, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest;

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority;

(3) Disadvantages which would be likely to result from granting of such authority;

(4) Proposed statutory language which would if enacted provided any such authority recommended, and

(5) Proposed regulations to implement any such enacted authority."

Mr. BROWN. Mr. President, this particular amendment has been proposed by Senator HATCH. It involves the arresting authority for special agents. This will replace section 144, which grants the Diplomatic Security Service security arrest authority with the requirement that the Secretary of State and the Attorney General jointly submit a report to Congress with recommendations concerning whether special agents of the DSS should have such authority. The report is due no later than 180 days after enactment of this act. The report may include proposed statutory language and implementing regulations.

I am advised that this amendment is acceptable to both sides along with the Department of State and Department of Justice. I therefore urge its adoption.

Mr. PELL. The Senator is correct, Mr. President. This amendment has been approved on both sides of the aisle. I recommend its enactment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 891) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 892

(Purpose: To Encourage Employment of U.S. Citizens by Certain International Organizations)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 892.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The United States is assessed 25 percent of the budget of the United Nations and many other specialized agencies;

(2) A number of international organizations have developed geographic distribution formulas as a guide to hiring personnel from specific countries;

(3) As the largest contributor to most United Nations system organizations, the United States should be assigned a high percentage of jobs in those organizations;

(4) At present, the employment of American professional staff members meets the geographic distribution formula in only two international organizations—the United Nations and the World Health Organization;

(5) Increased employment of American professional staff members by international organizations in which the United States is currently underrepresented enhances the effectiveness of those organizations;

(6) Increased employment of American professional staff members also represents tangible evidence that the United States is participating substantively in international organizations;

(7) Such increased employment further encourages confidence that United States assessments are a wise use of taxpayer funds.

(8) The following international organizations had in effect a geographic distribution formula on January 1, 1991: the United Nations; the Food and Agriculture Organization (FAO); the International Civil Aviation Organization (ICAO); the United Nations Industrial Development Organization (UNIDO); the World Health Organization (WHO); the World Intellectual Property Organization (WIPO); and the International Atomic Energy Agency (IAEA).

(b) CERTIFICATION.—Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall certify to the Congress that an organization which had a geographic distribution formula in effect on January 1, 1991, is making progress in increasing American staffing, or that it has met its geographic distribution formula.

(c) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated in section 102(a)(2) of this Act to pay arrearages for assessed contributions for prior years shall not be available unless the Secretary certifies that the conditions in paragraph (b) have been met.

Mr. PRESSLER. Mr. President, the purpose of this amendment is to provide more value for American assessed contributions to a number of U.N. system agencies. At the present time, a number of U.N. agencies use geographic formulas to guide hiring practices. My amendment encourages the State Department to aggressively motivate the agencies to increase the number of U.S. citizens working in them.

This kind of approach makes a lot of sense. After all, the United States is assessed 25 percent of the total budget of most international organizations. In the bill before us, S. 1433, more than $1.3 billion is authorized for U.N. system agencies.

As the cost of the U.N. programs increases to the American taxpayer, it is only fair for them to ask what we are getting for the money. As Americans ask about the United Nations, Mr. President, I believe that Congress and the administration ought to be able to assure taxpayers that, at least in those agencies with geographic hiring formulas, there is real progress for hiring U.S. citizens. However, according to my information, U.S. citizens are well represented in just two international organizations that have geographic distribution formulas.

Currently the United Nations and seven other U.N. agencies have policy guidance to hire employees based on geographical distribution. Yet, according to a report that accompanies the bill, Senate Report 102–106, only two of those eight organizations, the World Health Organization and the United Nations itself, are making progress in increasing the number of Americans on the staff. That means, Mr. President, that the Food and Agricultural Organization, FAO, the International Civil Aviation Organization, the International Labor Organization, the United Nations Industrial Development Organization, the World Intellectual Property Organization, and the International Atomic Energy Agency are lagging behind in hiring U.S. citizens.

A chart giving the status of these six organizations can be found on page 110 of the Senate Appropriations Committee report.

Mr. President, although the Foreign Relations Committee did not consider the issue during the subcommittee or full committee markup, the Commerce-Justice-State Committee of the Appropriatons Committee raised this important issue. On pages 80 and 81 of H.R. 2608, as reported from the subcommittee, there is legislative language to accomplish the same ends as my amendment.

I am offering this amendment because it is good policy for the United Nations to hire more Amercan citizens and to reinforce actions proposed by the Appropriations Committee. My amendment calls on the Secretary of State to champion those U.N. system organizations which had geographic hiring plans in effect on January 1,

1991. The Secretary must then certify to Congress that the organization has met its target goal or is making progress in increasing American staffing. If the Secretary of State cannot make a certification, Mr. President, funds authorized to pay arrearages to the U.N. organizations in the U.N. system cannot be make available.

Mr. President, my amendment is in no sense anti-United Nations. Instead, I believe its enactment will provide an important additional reason for the United States to support U.N. programs generously. In addition, increased employment of American professionals in the U.N. systems could add diversity and expertise that can benefit international organizations.

So, Mr. President, to summarize my amendment and to summarize what I am trying to accomplish: The United States is a member of the United Nations. I have been a supporter of the United Nations, and in fact, I have been a member of the Minnehaha County U.N. organization in my home county in South Dakota. But the United Nations is not always popular with our citizens because of a number of things that it carries out.

A few years ago, the United States withdrew from one U.N. organization because it had become so anti-American in its statements and in some of its practices. What happens in the U.N. organizations is that there are a lot of Third World countries working together with previously the Soviet bloc that would get a lot of their people in the senior bureaucratic positions in the United Nations. They would take the United Nations in a direction which was contrary to the West, contrary to the United States' interests, and contrary to our way of thinking.

While this was going on, the United States would be paying 25 percent of the cost of the United Nations and its various agencies.

I believe that the United Nations can do a lot of good. The United Nations is coming back into its own. We have seen it functioning in the Middle East. We have seen it functioning in problems surrounding Iraq, Indeed, in this body, the Senate depended on the U.N. resolution when we voted here last January on authorizing the President to have the authority to use force in Iraq, a historic vote in this Chamber I might add, which passed very narrowly by three or four votes.

So this is a very important role for the United Nations to play, but it is very important that the United States have a fair number of employees, be they top officials, top career people in the U.N. bureaucracy, or be they secretaries or whatever. Sometimes we have not been forceful enough in asserting that.

So what the Congress is saying, and has been saying, and what my amendment says, is that we want fair treatment in the United Nations for our people. And we want our people in key positions, we want our people doing jobs in the United Nations—not that they would be doing them simply for the United States, but that they be doing them for the United Nations. At least they would like to have sort of the hometown perspective.

So, Mr. President, I ask for the immediate consideration of this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BROWN. Mr. President, I rise in support of the amendment before the body. It seems to me the Senator has developed an ingenious method here of encouraging fair hiring policies within the United Nations. Honestly, frankly, I think the implementation of this policy will help develop and expand support for the United Nations in its important role within the United States—not harm it. I am happy to join in supporting this amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I agree with the premise of this amendment; that we should hire more American citizens. However, I do not believe that the payment of arrearages should be made conditional on improvement in this area.

Our contributions to the United Nations and other international organizations were withheld in order to force improvement in the budget process by those organizations. Now that the improvements have been made, the President has decided to repay all U.S. arrearages. To now condition that repayment on improved hiring practices vis-a-vis U.S. citizens could undermine that commitment.

The administration agrees that Americans are underrepresented in these organizations, but the organizations should be held accountable for balancing their staff geographically. However, as the Senator knows, the administration opposes this way of doing it and, therefore, opposes this amendment.

Factually, I believe that this amendment is absolutely contrary to the policy of President Bush, who wants to repay our arrearages without any strings attached. It is also a slap at the United Nations and other U.N. partners, whose cooperation was and is critical to our effort against Iraq.

For these reasons, I am compelled to oppose the amendment.

Mr. PRESSLER. Mr. President, I very much respect the Senator's concern, and perhaps we can work out a colloquy.

Let me make the point that the Appropriations Committee has already adopted this language, and I believe in the authorizing function to work.

As a member of the Foreign Relations Committee, I am very eager to see our committee be the initiator of the authorizing committee and having the authorization bill succeed and become law. I believe that this language is identical to the Appropriations Committee language.

So I point that out. I thank my friend, I thank my friend from Colorado very, very much and I thank my friend from Rhode Island very much. I hope we can work this amendment through.

Mr. PELL. I thank the Senator very much indeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I urge adoption of the amendment and ask for the yeas and nays. I would be happy to delay the yeas and nays, until the leadership on the floor wishes to do so.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I suggest that the vote take place at 5 o'clock, or when the majority leader so determines.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. PELL. Mr. President, I ask unanimous consent that the pending Pressler amendment be laid aside and the rollcall vote occur at a time to be determined by the majority leader after consultation with the Republican leader but not earlier than 5. And I further ask unanimous consent that no amendments to the amendment nor any further debate be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that an amendment of the Senator from Ohio [Mr. GLENN] be considered at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 893

(Purpose: To express the sense of the Congress that the awarding of contracts for the rebuilding of Kuwait should reflect the extent of military and economic support offered by the United States in the liberation of Kuwait)

Mr. PELL. Mr. President, I send that amendment to the desk, and ask for its immediate consideration.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. GLENN, for himself, Mr. AKAKA, and Mr. HELMS, proposes an amendment numbered 893.

Mr. PELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT.

(a) FINDINGS.—The Congress finds that—

(1) the men and women of the Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait, and the independence and sovereignty of Kuwait have been restored;

(2) considerable damage has been done to the infrastructure, environment, and industrial capacity of Kuwait, and reconstruction of Kuwait's economy is currently underway;

(3) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers are currently awarding contracts for supplies and goods and for engineering, consulting, and construction services for the rebuilding of Kuwait; and

(4) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers have awarded and may award contracts for the rebuilding of Kuwait which provide the opportunity for substantial participation by United States small and disadvantaged businesses.

(b) POLICY.—It is the sense of Congress that—

(1) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should award contracts for the rebuilding of Kuwait with a preference given to any supplies or goods mined, produced, or manufactured in the United States and with a preference given to engineering, consulting, and construction services of firms established and doing business in the United States; and

(2) The Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should encourage, to the maximum extent practicable, the participation of United States small businesses and disadvantaged businesses, including minority-owned businesses and women-owned businesses, in contracts for the rebuilding of Kuwait.

Mr. GLENN. Mr. President, I rise to propose an amendment which I have every hope and expectation will be accepted by the managers. The amendment is based upon a concurrent resolution I introduced May 9 and which is currently cosponsored by 25 of my colleagues. Very briefly, the amendment expresses the sense of the Congress that Kuwait should be encouraged to award its reconstruction contracts to American businesses. The Kuwaitis have stated that they would like to direct a substantial portion of reconstruction contracts to United States firms. Nothing could be more appropriate given the lead role of the United States in the liberation of that country.

I am not saying that the Kuwaitis should do business solely with the United States. What I am saying is that the awarding of contracts should reflect the magnitude of American support extended during the gulf conflict. An equally important part of my resolution encourages the participation of American small business, as well as minority- and women-owned businesses, in the Kuwait reconstruction effort. There is much work to be done and we know that these businesses can contribute.

Mr. President, my amendment makes it clear that no matter how the future contracting is conducted—be it through the Army Corps of Engineers, the Kuwaiti Government, or Kuwaiti businesses—Congress wants American firms, large and small, to play as large a role as possible.

What we are talking about here is partnership. In the gulf conflict, the United States was a leading partner with Kuwait in the liberation of their country. Now, with the fighting behind us, that same spirit of partnership needs to be maintained as the campaign to rebuild the nation of Kuwait proceeds.

Mr. AKAKA. Mr. President, I am pleased to join with my colleague from Ohio, Senator GLENN, in offering this amendment which would express the support of Congress that the awarding of contracts for the rebuilding of Kuwait should reflect the extent of military and economic support offered by the United States in the liberation of Kuwait.

Our amendment would also encourage the participation by American small and disadvantaged businesses, including minority- and women-owned businesses.

Mr. President, on March 25, 1991, the Government of Kuwait pledged its support for the participation of American small firms, including disadvantaged and minority businesses, in the rebuilding of the country. However, many small United States businesses are at a disadvantage in competing for contracts to reconstruct Kuwait because they are unable to compete effectively for contracts against larger and better capitalized firms with established experience in foreign markets.

During a conference in May, sponsored by the distinguished minority leader, Senator DOLE, and the Small Business Administration, it was estimated that a small firm would need about $240,000 to maintain a representative in Kuwait. This figure did not include the additional costs associated with sending company officers to Kuwait for site visits.

To address the difficulties faced by small American firms in obtaining contracts for the rebuilding of Kuwait, I introduced Senate Concurrent Resolution 48 last month, which would supplement a Glenn resolution identical to the amendment now under consideration. My resolution would encourage, to the maximum extent practicable, the participation of U.S. small, disadvantaged, minority-owned, and women-owned businesses in the awarding of subcontracts.

Mr. President, we should remember that in the past decade, small businesses have created 75 percent of the new jobs in the United States, and have developed many of the Nation's technological advances during that same period. Small firms could make great contributions to the rebuilding of Kuwait and they should be given every opportunity to bring their unique and innovative talents to this effort.

The cumulative efforts of our country's small firms could have an important impact on the future of Kuwait, the gulf region, and our business community. Our amendment would unequivocally express the strong support of Congress that awarding primary contracts and subcontracts to American firms would be just recognition of the economic and military support provided by the United States in the liberation of Kuwait.

Mr. President, I urge my colleagues to support this amendment.

Mr. PELL. Mr. President, this amendment by Senator GLENN I believe has been approved on both sides of the aisle and we support it. I believe that in these difficult economic times many businesses could benefit by its implementation.

The PRESIDING OFFICER. The Senator form North Carolina.

Mr. HELMS. Mr. President, I am a cosponsor of this amendment and it has been cleared on this side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 893) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I inquire of the distinguished chairman, is he disturbed that Senators are not coming over to call up their amendments?

Mr. PELL. Very disturbed indeed, because the leadership has said they will pull this bill down if we do not get it through today.

In addition to that, it is my understanding from the leadership that around 5 o'clock, if Senators continue not to offer their amendments, he is prepared for us to go to third reading. I urge Senators to come over. We have the ranking minority member, Senator HELMS, and myself ready here to process amendments. All we need is Senators to come along to offer them.

Mr. HELMS. As I look at the list, we have handled all but two or three in the first category. I am reluctant to identify the Senators who have amendments scheduled. But I would say, Mr. President, that on the first and second page, of the Calendar of Business, or pages 2 and 3 to be precise, there is a list of the Senators who have reserved amendments.

I am going to join the distinguished chairman in doing our best to go to third reading as shortly after 5 o'clock this afternoon as possible, because here it is quarter to 3 and we have been on this bill 2 hours and 45 minutes.

I presume that Senators are interested in their amendments. I am not going to mention any Senator's name, but I would urge staff to look on pages 2 and 3 of the Calendar of Business for Monday, July 29, 1991, and see if their Senators are listed and urge them to get on over here and offer their amendment because we are going to do our best to go to third reading as near after 5 o'clock as possible.

Mr. PELL. That is absolutely correct. And I see here we have already finished almost 20 amendments that have been passed on the Consent Calendar and we are now faced with another 20, 25, that need to be acted upon.

AMENDMENT NO. 894

(Purpose: Section 911 clarifying amendment)

Mr. HELMS. Having said that, Mr. President, on behalf of the distinguished Senator from Wyoming [Mr. WALLOP] I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], on behalf of Mr. WALLOP, for himself and Mr. BIDEN, proposes an amendment numbered 894.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 162, amend from line 4, through page 163, line 23, to read as follows:

"(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

"(1) climate change is a common concern of the international community;

"(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

"(e) all nations need to participate in international responses to climate change;

"(4) extensive scientific research has taken place on global climate change, but further study is needed;

"(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

"(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

"(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and

"(8) strong leadership by the United States is crucial to achieving an agreement on a framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

"(b) POLICY.—It is the sense of the Senate regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

"(1) improved coordination of research activities and monitoring of global climate change;

"(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

"(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

"(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

"(5) the development of plans by each country to reach those goals.".

Mr. WALLOP. Mr. President, this amendment is cosponsored by Senator BIDEN. I understand that it has been cleared by the floor managers.

The amendment I am offering amends section 911 to reflect three recent developments effecting international global climate change discussions: First, the July 17 "Economic Declaration" of the G-7 economic summit in London; second, section 1003 of S. 1220, the National Energy Security Act of 1991, as reported by the Senate Committee on Energy and Natural Resources; and third, the formal position of the U.S. Government as set forth in its March 15, 1991, submission to the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

In the international deliberations concerning global climate change, the United States properly and aggressively has advocated enhanced international cooperation in developing and assessing scientific, technical, and economic information with respect to greenhouse gases and their effects on climate, the possible impact of such effects, and response measures that could be taken at national, regional, or international levels.

The United States also has endorsed and pursued so-called no-regrets policies—those policies that contribute to the reduction of greenhouse gases but are beneficial for reasons other than climate change, such as energy efficiency. Examples include increased energy efficiency, better management of forests and other natural resources, reductions in the use of CFC's, and the lower atmospheric emissions that will result from the Clean Air Act Amendments of 1990.

Mr. President, certain language in section 911, as reported, can cause problems for the United States because it goes well beyond the recent economic declaration of the G-7 economic summit in London.

My first concern relates to subsection 911(a)(5), where the finding states that "the lack of full scientific understanding should not be used as a reason for inaction." This suggests that the U.S. posture is one of inaction; this is not the case.

The United States is pursuing the no-regrets policy that I mentioned and is taking action consistent with that policy. The administration has pointed out that under current law and policy measures already undertaken, such as the Montreal protocol to phase out CFC's, the Clean Air Act Amendments of 1990, and programs to plant more trees, the net greenhouse gas emissions of the United States in the year 2000 are expected to be equal to, or even below, the 1987 levels.

Mr. President, global climate change is a very complex concept. Section 911 suggests the actions to be taken are clear, which is not the case. The provision also suggests that actions should be taken without consideration of their benefits or costs and without sufficiency of our scientific understanding. When the potential benefits of an action are poorly or minimally understood and cannot be justified under a no-regrets policy, it would be a serious mistake to disregard the scientific uncertainties. The greater the economic costs or the smaller the benefits of a proposed action, the greater the need for full understanding of the social, economic, energy, and environmental consequences. This position is consistent with certain key provisions of S. 1220, which received extensive consideration by the Senate Committee on Energy and Natural Resources in hearings and markup.

My amendment clarifies that lack of full scientific understanding should not be used as a reason for, and I emphasize, postponing actions where the benefits of an action, for example, the energy conservation benefits of an action, are consistent with a no-regrets policy.

Mr. President, the second area of concern addressed by my amendment relates to the interrelations between the findings and goals that appear in three subsections, as follows:

Subsection 911(a)(6) finds that "the United States has an obligation to be a progressive force in development of global goals and schedules for reduction of greenhouse gas emissions in an equitable manner by all nations of the world;

Subsection 911(b)(4) states that it is the sense of the Senate that the international convention on global climate change should seek to provide for a "net stabilization of greenhouse gas emissions by the year 2000"; and

Subsection 911(b)(5) states that it is the sense of the Senate that the international convention on global climate change should seek to provide for "establishment of verifiable goals for net reduction of greenhouse gases by each nation in an equitable manner; * * *.

Mr. President, when read together, the practical effect of these three provisions is to endorse the establishment by 1992 of goals and schedules for their achievement by the United States or other nations without full understanding of their implications for each country that is going to be expected to develop a plan for their achievement.

My amendment clarifies that what is being sought by 1992 is a commitment by all nations to three principles:

First, a commitment to improved understanding of the causes of global climate change and the social, economic, energy, environmental, and competitive implications of any proposed actions to stabilize or reduce greenhouse gas.

Second, a commitment to further scientific research on global climate change to remove the scientific uncertainties that remain on the causes and consequences of global climate change and on the consequences of any proposed courses of action.

Finally, my amendment clarifies that each nation is responsible for establishment of its own national strategies to address the causes of climate change as well as courses of action to ameliorate any adverse effects. Moreover, such strategies are to be formulated with full public accountability for the elements of such a strategy.

On this last point, the amendment clarifies that the Senate fully supports the efforts to formulate a global climate change convention that contains goals. However, any amendment also clarifies that these subsections are not intended to express prior support for any actual goals or schedules that may be included in such a convention until such time as the Congress and the President may conclude, on the basis of the investigation and study that such goals and schedules are feasible and wise from the standpoints of their economic, energy, social, environmental, and competitive consequences for the United States.

What is clear, Mr. President, is that the United States may well bear a disproportionate burden in the implementation of any global climate change agreement. The goals and schedules for limitations on greenhouse gas emissions that are currently being urged by certain of the trade competitors of the United States—European countries, Japan, and others—are unwise and may very well be discriminatory.

Before the United States commits itself to global climate change goals that go beyond a no regrets policy, the American people need fully to understand the economic, energy, social, environmental, and competitive implications of any strategies intended to stabilize or reduce greenhouse gases.

The need to investigate the feasibility of any such global climate change goals is consistent with considered judgment of the Senate Energy and Natural Resources Committee, which, in approving S. 1220, determined that, before acting further, current legislation should require the Government only to "investigate the feasibility and the economic, energy, social, environmental, and competitive implications of stabilization of greenhouse gases." It was the considered judgment of the committee that it would be premature, at this time, to adopt any new national energy policy intended to address global climate change other than a no-regrets policy.

Mr. President, the amendent I am offering supports strong leadership by the United States as crucial to achieving an agreement on a framework global climate change convention in time for the June 1992 U.N. Conference on Environment and Development. The amendment also endorses a coordinated, international commitment to advancing scientific knowledge of global climate change and to the formulation of multinational strategies consistent with a no-regrets policy. In this manner, the amendment also removes any suggestion of support for unilateral action by the United States.

Mr. President, I urge its adoption.

FRAMEWORK GLOBAL CLIMATE CHANGE NEGOTIATIONS

Mr. BIDEN. Mr. President, crucial international negotiations to develop a framework convention on global climate change issues are underway. The negotiations are massive; over 140 nations are gathering around the table to discuss this issue. As the single largest emitter of greenhouse gases, the biggest chair at the table is reserved for the United States.

Unfortunately, the biggest chair has been devoid of leadership. The U.S. negotiators to the framework convention have presented nothing that could be considered a serious offer in the negotiations. In fact, our representatives' negotiating strategy appears more designed to scuttle the talks than to lead them in a worthwhile direction.

Many of us in this body have watched as these events have unfolded. We have listened to the President and his representatives say great things about the need to take action on global environmental issues. We have joined others in eagerly awaiting the policy pronouncements that will convert these promises into action. And we have been disappointed as those policies have repeatedly come up short.

The global climate change convention talks are an opportunity that cannot be so cavalierly thrown away. I offered an amendment in the Foreign Relations Committee to make it clear where the Senate stood on these negotiations. The amendment was accepted by Democrats and Republicans on the committee and included in the State Department bill before us.

The provisions of that resolution have now been accepted, with only minor modifications, by the Senate. It is a strong statement of goals and commitments that should be included in a framework convention on global climate change. It also makes clear that the Senate believes the U.S. negotiators should not just cross their fingers and hope for these developments to occur but have the obligation to fight for them.

The resolution I authored, and which was modified to reflect the suggestions of my colleague from Wyoming, is clear in its intent. The resolution finds that "the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world."

This means the Senate rejects the approach of sitting on the sidelines. It also rejects calling for an agreement that simply asks countries what their business as usual policies would be, and then measure in 20 years where those results leave us. It does call for the United States to take its rightful place at the head of the negotiating table.

The resolution finds that "the lack of full scientific understanding should not be used as a reason for inaction or postponing action." Additional research is needed into global climate change, but to await all the answers is to reject actions under any circumstances.

The resolution supports a policy of "establishment of national strategies to address global climate change and to make public an accounting of the elements of such strategy and the effect on net emissions of greenhouse gases." Strategies adopted to address climate change must be able to withstand the public scrutiny. They cannot be developed using wildy optimistic assumptions that will only leave our planet in disastrous shape in the future.

The resolution supports "establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner." Again, no more support for policies that will actually increase greenhouse gas emissions. The Senate is calling for a reversal of the growth of greenhouse gases in the atmosphere. And in the context of the framework convention, reductions mandated in other conventions, the Montreal Protocols in particular, are not to be included.

Finally, "the development of plans by each country to reach those goals." This is important. The broad goals should reflect what is needed to protect the health of the planet. And the plans of each country must be organized to meet those broad goals.

Two recent articles describe the folly of the administration's approach to the framework convention. I ask that an article from the Washington Post reporting on the British Government's decision to abandon the United States' strategy be printed in the RECORD. I also ask that an op-ed by Jessica Matthews that puts the U.S. position in a broader perspective be printed in the RECORD.

The position our country's negotiators have put themselves in is untenable. There is a difference between exhibiting rugged individualism and foolishness. There is a reason why our negotiators stand alone in their strategy—it is an indefensible one. They are not protecting a noble principal, they are resisting facts.

The resolution approved by the Senate today sends a strong message. We must be a progressive force on this issue. The White House cannot issue bold proclamations but only support the most timid of actions. The framework convention must call for targets and timetables for greenhouse gas reductions or our planet's future lies at risk.

The U.N. Convention on Environment and Development is less than a year away. But time remains for the United States to salvage the talks. The rest of the world awaits a progressive policy from our negotiators. It is our hope that this resolution helps lead to a reassessment of our negotiating position, and development of a realistic and progressive one.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GORILLA IN THE GREENHOUSE

(By Jessica Matthews)

Up and down the East Coast, gardeners are baffled by flowers blooming two months and more ahead of schedule. In my own garden, October chrysanthemums were in bloom on the Fourth of July. Greenhouse warming leaps, unbidden, to mind. One cannot help wondering whether the plants are sensing a climate pattern ahead of human temperature measurements.

Measurements also show a warming trend, but not quite so dramatically. Globally, 1990 was the warmest year since measuring began in the 1850s. The 1980s were the warmest decade in that period—about half a degree warmer than the preceding 40 years. The six warmest years in the last 140 were '90, '88, '87, '83, '89 and '81. The snow is melting earlier in Alaska, and Arctic sea ice is retreating.

These are some of the reasons Europe is impatient to begin controlling greenhouse gas emissions. There are still many puzzles and uncertainties, but the science of global warming is far more robust than most Americans, including the president, have been led to believe.

Bush has allowed John Sununu to overpower conflicting view within the administration. The chief of staff's obsession with the subject is by now well-known. It is so strong that several top officials have decided that there is no point in contesting the issue. Secretary of State James A. Baker III took the extraordinary step of opting out by legally recusing himself on the grounds of a conflict of interest due to his personal oil and gas holdings. (He has never explained why such a conflict would not extend to Middle Eastern diplomacy.)

At the G–7 summit last week, the United States was alone in preferring environmental rhetoric to action. The strength of European annoyance was revealed by unusual on-the-record complaints about the U.S. posture. "The U.S. wants to avoid anything other than generalization. Everybody else wants to make a commitment," was how one European official, quoted in the Los Angeles Times, put it.

Heretofore, Britain has always acceded to U.S. pressure to block international greenhouse commitments, but it has served notice that it will no longer. After being rebuffed in a recent effort to find a compromise between the United States and the European positions, British Environment Secretary Michael Heseltine learned that Sununu had dismissed him as a freelancer who did not reflect his government's views.

Heseltine fired back a letter to the White House described by British government sources as "unusually tough and personal," enclosing a speech just delivered by Prime Minister John Major. Apparently unconcerned by the possibility of a direct conflict with the United States one week before the summit, Major made clear that the rest of the world views the United States as the 800-pound gorilla of global carbon dioxide emissions, responsible for a quarter of the world's total, as compared with the European Community's 13 percent. In several not-so-subtle references to the United States, Major emphasized Britain's intention to control its emissions "if others do their part."

Without Britain or Japan in its corner, the United States' principal allies in resisting greenhouse commitments in the broader global negotiations are Saudi Arabia and the Soviet Union. Saudi Arabia opposes any plan that might lower consumption of its only product. The Soviet Union cannot cope with additional requirements of any kind, though improved energy efficiency would greatly benefit its economy. The rest of the world finds it hard to see why the United States belongs in this company. The consensus view held by Europe, Japan, Canada and a growing number of developing countries is to ready a treaty, including emission-control goals, for signing at next June's U.N. Conference on Environment and Development, the so-called "Earth Summit."

This last of the major U.N. conferences of the century could pose a problem for Bush if the climate negotiations continue to make progress despite U.S. opposition. The Brazil meeting would provide an unparalleled photo opportunity on the brink of the presidential campaign if several agreements are ready for signing and most of the world's leaders attend. Or the president could be forced to stay home to avoid embracing a treaty he has resolutely opposed, offering his Democratic opponent a powerful argument that the "environment president" turned out not to be one.

There is not much time left to adjust the U.S. stance. It was just six years ago that scientists first suggested that global warming warranted international action. Three years later, in 1988, a meeting of governments in Toronto called for a 20 percent cut in carbon dioxide emissions by 2000 and completion of a climate convention by 1992. At the time, both goals seemed wildly optimistic, targets purposely set to exceed governments' grasp rather than achievable aims.

In 1991 the Toronto goals no longer seem fanciful. Six countries, including Germany, have pledged to meet the emissions goal. The rest of Europe, Japan and Canada have committed to stabilizing their emissions at approximately 1990 levels. There is a realistic chance of a finished treaty by 1992, despite the unprecedented complexity of an undertaking that involves all countries and touches on energy use, economic policy, north-south equity, the accounting for long past emissions, future population growth and other equally thorny issues, all once solely domestic affairs.

The treaty would be a beginning and not an end. But even so, the pace of events so far is meteoric. Nothing in the history of diplomacy would have suggested a few years ago that progress could be so rapid. Noting the strength of international readiness to begin slowing greenhouse emissions, and the degree of American isolation, Bush should realize that it's high time he heard more than Sununu's views on the matter.

BRITAIN CENSURES U.S. GLOBAL WARMING VIEW

(By Glenn Frankel)

LONDON, July 13.—Britain has sent a strongly worded letter to the White House criticizing the American position on global warming and signaling that Britain will no longer side automatically with the United States on the issue at such international conferences as this week's Group of Seven summit here, according to informed British sources.

They said British environment secretary Michael Heseltine sent the letter to White House Chief of Staff John Sununu earlier this week. It accompanied a copy of a speech Prime Minister John Major gave Monday in which he called on the United States to join Britain in setting limits on carbon dioxide emissions, an issue the Bush administration so far has resisted taking action on.

Major, at a conference organized by the Sunday Times, noted that the United States accounts for 23 percent of the world's CO_2 emissions—by far the largest polluter—and said, "The world looks to them for decisive leadership on this issue, as on others." He also said that while more research was needed on the issue, "research cannot excuse inaction—the threat is too serious."

The speech marked a sharp break with the policy of his predecessor, Margaret Thatcher, whose government gave virtually automatic support to the United States when global warming and other environmental issues arose at conferences.

The speech and the Heseltine letter are the latest round in a British campaign to compel the Bush administration to reconsider its stand on global warming. Heseltine, who became environmental secretary after helping engineer Thatcher's downfall last November, traveled to Washington last month to try to convince the White House that it had become isolated from the rest of the world community on the issue and to offer Britain's help in arranging a compromise.

Heseltine saw a number of senior administration officials, including Sununu, Office of Management and Budget Director Richard G. Darman and Environmental Protection Agency Administrator William K. Reilly. Sources said his most contentious meeting was with Sununu, who has insisted that scientific evidence is not yet conclusive in documenting the so-called "greenhouse effect" and who has taken the lead in opposing setting a U.S. target for the reduction of carbon dioxide emissions.

Sources said Heseltine came away from his meetings with U.S. officials disappointed by their apparent unwillingness to recognize that they face a serious political problem on the global warming issue. His disappointment was compounded after he returned to London and heard that Sununu had attacked him at a White House meeting by saying the environment secretary did not know what he was talking about on the emissions issue and that Heseltine was a freelancer who did not accurately reflect the Major government's position.

But Major's speech, which also called for the establishment of a British equivalent of the EPA, made clear the prime minister and the environmental secretary are largely in agreement on the issue.

"In the past, Britain covered for the U.S. and served as the honest broker between the U.S. and Europe," said Daniel Becker, director of the global warming and energy program for the Sierra Club. "Major's speech signals the end of the road. It shows the extent to which the United States is now isolated on this issue."

At their Paris summit two years ago, the leaders of the Group of Seven major industrialized nations promised "decisive action" to curb global warming. Major, who is hosting this year's summit, has promised he will raise the issue again this week. He has also said he will ask the G-7 leaders to pledge to attend next year's environmental summit in Rio de Janeiro. The United States in the past has been reluctant to send high-level officials to such sessions because it has often taken an unpopular and isolated position on the issues under discussion, administration officials have said.

Britain has committed itself to stabilizing carbon dioxide emissions at their present level by the year 2005, while other European Community members say they will do so by 2000. the United States has set no target, and U.S. environmental groups contend that current administration policies would lead to a 15 percent increase in emissions by 2005.

Officials in Heseltine's ministry confirmed the sending of the letter, which was first reported in the Times of London. Although they would not divulge its contents, officials said the Times article, which characterized the letter as "unusually tough and personal," was substantially accurate.

One British source said the speech and the accompanying letter amounted to "not a rupture" between Britain and the United States, "but a toughening of the posture."

Mr. HELMS. Mr. President, this amendment makes invaluable clarifications in the language of the bill relating to international global climate change. It is acceptable to this side and I believe it is also acceptable on the other side of the aisle.

Mr. PELL. The Senator is correct. It is acceptable on the majority side, and I ask that the amendment be agreed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 894) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

AMENDMENT NO. 895

Mr. PELL. Mr. President, I send an amendment related to Middle East arms sales to the desk on behalf of the Senator from Delaware, Mr. BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 895.

Mr. PELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following section:

SEC. 916. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region.

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) That the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investment and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services would serve the national interests of the United States.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment" have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

Mr. PELL. Mr. President, this amendment requires the President to issue a report describing progress made by countries in the Mideast toward building or maintaining democratic coalition institutions. The amendment also requires the President to certify that the country to which an arms sale is made is a democratic country or a democracy or is making democratic progress or that the sale would serve U.S. national interests. This amendment has been cleared with the administration, and I understand there is no objection to it.

Mr. BROWN. Mr. President, we have reviewed the amendment and find it an excellent amendment and join in calling for its adoption.

Mr. BIDEN. Mr. President, this amendment is similar to the proposal that I offered last Friday to the foreign aid authorization bill. At that time, the Republican manager of the foreign aid bill made a motion to table, which failed on a vote of 57–39. Following that vote, the other side threatened to filibuster my amendment. Rather than jeopardize passage of the foreign aid bill, I withdrew my amendment.

The amendment that I offer today is a slightly modified version of that proposal. I understand that it is acceptable to the managers and the administration.

Because I delivered an extensive statement during the debate on Friday, I will not take much of the Senate's time today. Allow me to review briefly its provisions.

The amendment attaches two conditions to future U.S. arms sales to the Middle East. Before weapons can be sold to a Middle Eastern country, the President must certify that the recipient nation is either: First a democratic nation; or second is making progress toward developing institutions that embody democratic principles. In addition, in the case of an oil-exporting nation, the President must certify that it is contributing, commensurate with its wealth, to the economic development of the region.

If these certifications cannot be made, the President can still propose such a sale if he believes it would serve the National interest. In other words, the amendment seeks to promote democratic institutions and economic development, but it provides the President with sufficient flexibility to go forward with the sale.

Mr. President, this amendment is necessary to place U.S. policy in the Middle East on a proper course—in promotion of American ideals. Promoting democracy has never been an objective of U.S. policy in the Middle East. Indeed, for years we sought precisely the opposite—the maintenance of monarchies that extend privileges and basic rights to a select few. Even now, the President apparently prefers the dictatorship of the Baath Party in Iraq—minus Saddam Hussein—to any other alternative.

Casting a blind eye to dictatorship should have no place in President Bush's new world order. Instead, we should promote political pluralism in the Middle East, encouraging our friends in the region to take steps to enhance legitimacy—and thus the stability—of their regimes. I am fully aware that democracy is not just around the corner in the Middle East. But the democratic ideal is alive in the region, and we should not shrink from encouraging it.

Nor should we be reluctant to persuade the Gulf States that investing their oil profits in the poorer nations of the Middle East is crucial to regional stability. A key cause of instability in the region is the jealousy felt by many Arabs toward the oil-rich states, whose contributions to Arab development they consider woefully inadequate.

A recent report by the Congressional Research Service that I commissioned supports this perception. According to the study, the aid programs of the Arab oil-exporting nations fell dramatically during the last half of the 1980's. Aid declined from a peak of $9.5 billion in 1980 to $1.5 billion in 1989, the lowest level in the 17-year period covered by the CRS report. Kuwait's aid program, which was $1.1 billion in 1980, dropped in 1989 to $169 million—a drop of 84 percent. Saudi Arabia's aid was $5.7 billion in 1980; by 1989 it had dropped to $1.2 billion—a drop of nearly 80 percent.

Arab leaders often speak of oil as the birthright of all Arabs. But as this study demonstrates, only a handful of Arabs are benefiting from the supposed inheritance of all.

Mr. President, I am sure that we will hear arguments that this will offend our friends in the gulf. To those who say that this amendment might offend our allies in the gulf, I say that promoting democracy should not be an offense to anyone, especially those whom American soldiers fought to defend. It seems like the least we can expect.

We just sent 500,000 American troops to the gulf to defend these oil-rich monarchies from Iraqi aggression. I believe that our willingness to shed American blood in the Persian Gulf permits us to expect progress toward democracy and economic development. Without such progress, we will never have stability in this volatile region. Another Middle East crisis could develop—and another cry for American help could follow.

Mr. President, I am grateful to the mangers of this bill for ther cooperation. I urge the approval of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 895) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 896

(Purpose: Striking New Authority relating to Reimbursement for Protecting Private Citizens while in New York City)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 896:

Strike from page 37, line 24 through page 38, line 24.

Mr. HELMS. Mr. President, I am looking at page 38 of the bill, and unless section 143(b) is removed from the bill, it will set a perilous precedent by permitting reimbursement of security costs incurred by the city of New York, for the purpose of protecting private citizens who visit the United Nations or its affiliated agencies.

According to the committee report language to accompany S. 1433, found on page 32 of Senate report 102–98, this important legal change is proposed to "correct an apparent anomaly in the law." Then, the report continues, "The U.S. Secret Service is authorized to protect persons visiting a mission to an international organization, but the law does not explicitly cover persons visiting the international organization itself."

That language is very important in terms of Senators needing to understand what is afoot.

Current law, Mr. President, makes a great deal of sense—but the alteration proposed in section 143(b) does not even make good nonsense. At present, a visit by an official of a foreign government, who visits a mission accredited to the United Nations in New York City and who requires police protection, can create a claim. Under current law, New York City can request the State Department to pay for at least a portion of security-related costs that the New York City Police Department incurs for foreign government officials. But the bill adds a new category of claims.

Section 143(b) amends the law retroactively to permit New York City to pursue claims against the State Department for visits by private foreign citizens to the United Nations. In other words, current law covers only visits by foreign government officials. But the language in this bill would broaden the law to include protection for visits of private citizens.

Senators must not be confused by all of this. There is more. The purpose of section 143(b) is not to allow New York City to make a claim associated with visits of distinguished personalities such as Mother Teresa or the Dalai Lama or any other private celebrity. The section is specifically crafted for only one purpose: to permit New York City to claim reimbursement for a visit in June 1990 by Nelson Mandela.

I think Senators will recall how, after the South African Government released Nelson Mandela from jail in February 1990, Mr. Mandela began a whirlwind series of visits to international capitals. He was invited by President Bush to meet with him at the White House. During that official segment of his American trip, it was appropriate under the law that Mr. Mandela was protected by the U.S. Secret Service agents. No question about that.

But, Mr. President, Nelson Mandela went on to visit other U.S. cities, such as Los Angeles, Miami, and New York City. While in New York, Mr. Mandela gave a speech to the United Nations. And during the same visit, I think Senators will recall that Mandela adamantly defended the close alliance between his organization, the African National Congress, and international terrorists and thugs. Nelson Mandela's list of close allies include Mu'ammar Qadhafi of Libya, Yasser Arafat of the so-called Palestine Liberation Organization, and that noted statesman of the Western Hemisphere, Fidel Castro of Cuba.

On July 27, last week, Mr. Mandela visited Fidel Castro in Cuba and received effusive praise from the Cuban dictator.

Mr. President, I ask unanimous consent that the account of Mr. Mandela's visit to Cuba be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, Senators should be aware, if they are not already aware, that at this very time we are debating the issue Mr. Mandela has been on a virtual pilgrimage to honor Fidel Castro.

Mr. President, this is not the time to reopen discussion of future United States policy toward South Africa. I made my remarks on that topic on July 10, after President Bush correctly terminated many of the U.S. sanctions against the people of that country, over the objections of Nelson Mandela.

This Senator from North Carolina merely wishes to note that section 143(b) is specifically backdated, that is to say, made retroactive, to cover the visit of private citizens to the United States and specifically to the United Nations.

Therefore enactment of this section not only would create claims by any private citizens who ever visits the United Nations and who needs police protection or thinks he does. It would also allow New York City to claim reimbursement for the specific visit of Mr. Nelson Mandela last year—and that is what this change is all about. And this is what this Senator objects to. Hence, the pending amendment.

Mr. President, passage of the motion to strike protects the taxpayers of America against another raid. Of course, the United States is obligated to protect the guests of the President of the United States. Moreover official visitors in New York who are visiting missions to the United Nations and affiliated organizations also create a reasonable claim against the taxpayers. This is only proper since they are diplomats representing foreign governments. But by striking section 143(b) as this amendment proposes to do, Senators can assure that the funds provided by the American taxpayers are used for proper purposes rather than for questionable ones.

EXHIBIT 1

[From the Washington Post, July 28, 1991]

CASTRO HEAPS PRAISE ON VISITING MANDELA

(By Lee Hockstader)

HAVANA, July 27.—Two of the world's most recognized symbols of defiance and longevity, Cuban President Fidel Castro and South African anti-apartheid leader Nelson Mandela, met here this week for the first time and immediately forged a mutual admiration society.

Castro, well-known as a formidable orator, showered greater praise than even he is known for on his obviously flattered guest, lauding the intelligence, bravery, patriotism, commitment to justice—even the trim physique—of the president of the African National Congress.

"We are in the presence of one who is truly a marvel of work and intelligence," Castro said in a public appearance Thursday with Mandela.

Mandela, on a three-day visit here timed to coincide with the 38th anniversary of the start of the Cuban revolution, returned the favor. He said that "from its earliest days, the Cuban revolution has itself been a source of inspiration to all freedom-loving people." He denounced "a vicious imperialist-orchestrated campaign to destroy the [revolution's] impressive gains," an apparent reference to the United States.

Mandela, showing irritation, also brushed off questions from reporters about Cuba's human rights record, which has been harshly criticized by some of the same international monitoring organizations that took up Mandela's cause during his nearly three decades in South African prisons.

If the two men's assertions of mutual affections sounded similar, their motivations appeared to be distinct.

For the 64-year-old Castro, isolated internationally and under fire for his refusal to liberalize Cuba's one-party Communist system or allow public dissent, the embrace of the Cuban leader by a leader of Mandela's moral authority seemed a defense against Castro's critics.

With his Communist friends in Eastern Europe stripped of their power and his allies in the Soviet Union growing more distant, Castro's closest friend in the international scene suddenly seems to be Mandela, a new acquaintance.

In a ceremony Friday marking the anniversary of his 1953 attack on the Moncada barracks, the opening shot of the Cuban revolution, Castro awarded Mandela the Order of Jose Marti, Cuba's highest civilian honor. With Mandela still at his side, Castro then delivered his usual anti-capitalist, anti-imperialist speech, to which he added a blast at Washington for having backed South Africa's white-minority government and its apartheid system of racial separation.

Mandela, 72, whose ANC is allied with the South African Communist Party, may have had ideological common cause with the Cuban leader, a longtime supporter of the struggle against apartheid and the ANC. But his visit seemed more an expression of thanks to Castro for Cuba's 16-year intervention in Angola's war against the South African army and U.S.-backed rebels.

More than 300,000 Cubans served in Angola from 1975 until the Cuban withdrawal completed this year, and more than 2,000 of them were killed there.

"We come here with a sense of great debt that is owed to the people of Cuba," Mandela said in a speech preceding Castro's on Friday. "What other country can point to a record of greater selflessness than Cuba has displayed in its relations with Africa?"

Critics in the United States and elsewhere have suggested that Mandela has misspent some of his moral capital by meeting with such leaders as Castro, Palestine Liberation Organization Chairman Yasser Arafat and Libyan President Moammar Gadhafi, whose International Prize for Human Rights Mandela accepted. Mandela has bristled at such criticism, especially from the United States, which he points out has backed South Africa's white regimes.

On a trip to Miami last year, Mandela provoked a bitter reaction from the city's large Cuban exile community by refusing to criticize Castro. The visit heightened tensions between Cubans and blacks in that city.

Asked in a news conference today about the criticism directed at Castro by Miami's Cubans, Mandela responded angrily.

"Who are they to call for the observance of human rights by Cuba? They kept quiet for 42 years when human rights were being attacked in South Africa. . . . Who are they to teach us about human rights?"

Asked about tensions between Miami's blacks and Cubans, he struck a more conciliatory note.

"If by visiting this country I am going to create tensions in Miami, I am very sorry for that because I have come here in a spirit of peace," he said.

"The people in Miami are entitled to their own friends and allies. . . . The people of South Africa in general and the ANC in particular are entitled to have their own friends and allies. . . . And in this particular case, Cuba is our friend," he said.

Mandela said he has been reinvited to visit Miami, but it was not clear by whom.

During his visit here, Castro satisfied what he said was Mandela's first request upon arrival—to meet three-time Olympic heavyweight boxing champion Teofilo Stevenson. When Castro introduced them at a public ceremony Thursday, Stevenson and Mandela embraced, both smiling broadly.

Mandela also toured Havana's old colonial quarter Friday, but heavy security kept him from mixing much with the workers and youngsters who usually crowd the narrow cobblestone streets there.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, this provision raises the authorized ceiling for reimbursing contract firms in State and local governments for providing protection to foreign diplomats and visitors who come to the United States. The ceiling has not been raised since 1982, 9 years ago. The costs have increased substantially since then. This provision does not require the Federal Government to provide reimbursement but simply allows the State Department to do so.

In addition, it amends existing law providing for the protection of diplomatic missions and visits outside of Washington. The legislative history of this provision made it clear that the Secretary of State is not to be limited to protecting only heads of State visiting missions and the amended language would unambiguously grant the Secretary of State flexibility to protect major foreign visitors visiting international organizations even if they do not visit missions to these organizations.

Finally, this provision allows the State Department to reimburse the localities for expenses that were incurred in the past at the Federal Government's request but exceeded the reimbursement ceiling. Objections to this provision because it would allow New York City to be reimbursed for the visit of Nelson Mandela to the United Nations I believe is not justified.

The Federal Government protected Mandela when he spoke to Congress, and it is inconsistent to refuse to reimburse New York for protecting Mandela when he spoke to the United Nations. Had New York not protected Mandela there is no doubt that the Federal Government would have done so, as it did throughout the visit to the United States at a much higher cost.

Any expenses incurred by New York which are not related to the extraordinary protective needs arising from the Mandela visit to the United Nations are excluded from this visit.

Once again, let me remind my colleague that this provision does not mandate reimbursement. It simply provides authority for reimbursement for justifiable expenses.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I request unanimous consent that the vote on this matter be postponed until sometime after 5 o'clock, the time to be determined by the majority leader in consultation with the Republican leader, if that is agreeable with the Senator from North Carolina; that the vote be on or in relation to this Helms amendment on section 143.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 897

(Purpose: To require a report on Chinese proliferation practices)

Mr. PELL. Mr. President, I send to the desk an amendment on behalf of Senator BIDEN, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 897.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

At the end of the bill, add the following new section:

SEC. 916. REPORT ON CHINESE PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices."

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfer of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

Mr. PELL. Mr. President, what this amendment does is simply requires the administration to submit a report to Congress on the subject of Chinese nuclear and chemical biological and missile proliferation. This is an extremely important matter, and the Congress needs all the information available to assess the Chinese irresponsible proliferation practices.

Mr. BROWN. Mr. President, our side has reviewed the amendment. We join in encouraging it.

Mr. PELL. I thank my colleague. From our viewpoint, we believe this is a good amendment and recommend adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 897) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 898

(Purpose: To ensure a detailed report is available to Congress and the American people 45 days prior to the announcement of a waiver of most-favored-nation trading status for the People's Republic of China)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 898.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. 917. REPORTS CONCERNING CHINA.

(A) Not later than 45 days prior to the announcement of most-favored-nation trading status for the People's Republic of China, the President shall submit to the chairmen and ranking members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) HUMAN RIGHTS.—Including—

(a) The surveillance, intimidation and harassment of Chinese citizens living within China because of their pro-democracy activities;

(b) The surveillance, intimidation and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities.

(c) The use of torture or other cruel, inhuman or degrading treatment or punishment;

(d) Political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese government for their pro-democracy activities;

(e) Prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(f) The use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(g) The Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(h) The detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religous belief.

(2) WEAPONS PROLIFERATION.—

(a) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms;

(b) Joining Arms Supplier Regimes.—The adoption of guidelines and restrictions set forth by—

(1) the Missile Technology Control Regime;

(2) the Australia Group on Chemical and Biological arms proliferation; and

(3) the Nuclear Suppliers Group.

(3) Restrictions on Trade Between the United States and China.—Including—

(a) Internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(b) Regulations established since 1988 to ensure strict control over more than 100 categories of products;

(c) Excessive duties imposed on imports to China;

(d) Excessive licensing requirements for imported goods;

(e) Restrictions on private ownership of property, including capital;

(f) Section 301 violations, including attempts to evade United States import quotas;

(g) Protection for intellectual property.

(B) Historical background.—The report shall also include—

(1) A compendium of all actions taken by the Chinese government since the Tianamen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade);

(2) A list of all United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(C) Classified annex.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(D) Appropriate congressional committees.—The "appropriate congressional committees" referred to in (A) above shall include the Foreign Relations and Finance Committees of the Senate and the Foreign Affairs and Ways and Means Committees of the House.

Mr. BROWN. Mr. President, the amendment is fairly straightforward. It calls for a report on China 45 days in advance of any announcement of a waiver of most-favored-nation trading status for the People's Republic of China. It asks the report to cover critical areas such as human rights, arms sales and nuclear proliferation, restrictions in trade between the United States and China. It reflects, I think, the concerns that were raised in previous debate on the most-favored-nation status. It simply requires a report that deals with these subjects in depth, and it makes the record clear as to what progress, or lack of progress, is made in these areas. I think it will bring to the attention of this body, and others in the American Government, a clear idea of the status of these vital areas that I think both parties are quite concerned with.

I urge adoption of the amendment.

Mr. PELL. Mr. President, I think this is a useful amendment. We have just had a lengthy debate on MFN for China, and a report like this will enable us to evaluate, next year at this time, whether China has in fact made progress on many of the issues of concern to all of us in this Chamber, and to the American people as a whole.

We are willing to accept this amendment. I think it is a fine one.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I would like to pose a question to the distinguished chairman, Senator Pell. I am concerned that Senators are not coming over to offer their amendments. Maybe it would be well to emphasize what we have emphasized before, that shortly after 5 o'clock, if no Senator is on hand to offer amendments, I intend to call for third reading.

The majority leader has made clear that there will be no time tomorrow for this bill. Here it is 3:35, and we still have about two dozen amendments that have been identified in the unanimous consent.

So, by speaking to the distinguished chairman, I am notifying Senators on this side of the aisle who have an amendment, that they would be well advised to come on over and offer their amendments. I think that Senator Pell feels the same way about the Senators on his side.

Mr. PELL. The Senator from North Carolina is absolutely correct. It is our intention, if Senators will not come over, around 5 o'clock or shortly thereafter, to move for third reading of the bill.

My understanding is that the majority leadership supports that, and we have just heard that the minority leadership supports that.

I urge Senators to come over as quickly as possible. We got through a lot of the less difficult amendments—about 20—but we still have another two dozen to get through. So please come over, or please accept third reading.

Mr. HELMS. I thank the Senator.

Mr. President, I hope the staffs who may be listening to this colloquy between the distinguished Senator and me will look on pages 2 and 3 of the Calendar of Business for today, and they will see identified all of the amendments that have been reserved by various Senators. We are going to be here tonight in any case. We have a cloture vote coming up, plus two amendments on which the yeas and nays have already been ordered. There will be more than that in the list of amendments yet to be considered.

So I do hope that the staffs will take a look at pages 2 and 3 of the Calendar of Business for today. If their respective Senators are listening here, maybe we can get some of them over here and start processing the amendments.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 899

(Purpose: To require a report on terrorist assets in the United States)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. Brown], for Mr. Grassley, proposes an amendment numbered 899.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 169, after line 12, add the following new section:

SEC. 916. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) Beginning 90 days after the date of enactment of this Act and every 12 months thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations, the Committee on Foreign Affairs, the Committee on Finance and the Committee on Ways and Means, a report describing the nature and extent of assets held in the United States by terrorist countries, nationals of terrorist countries, and any organization or individual engaged in terrorist activities.

(b)(1) For purposes of this section, the term "terrorist countries," refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act.

(2) For purposes of this section, the term "terrorist activities" refers to those activi-

ties defined in section 601(a)(B) of the Immigration Act of 1990, Public Law 101-649.

Mr. GRASSLEY. Mr. President, this amendment is another weapon in our arsenal against terrorism. It would require that the Treasury Department report to key congressional committees on the extent of assets held in the United States by terrorist countries and organizations.

This amendment is particularly important as the BCCI scandal unfolds. The Bank of Credit and Commerce International—called by some the bank of criminals and crooks international—reportedly served as a bank for outlaws and terrorists. We need to have the facts about who used the BCCI and how our financial system was manipulated by individuals like Saddam Hussein and Abu Nidal. How many more BCCI's are out there? How much of America is owned and controlled by agents of terror?

The American people have a right to know how terrorists are doing business in our country. And this amendment would simply, and in a straightforward manner, provide them with this information.

And Mr. President, this amendment will complement the Anti-Terrorism Act of 1991, which passed the Senate in April. That bill creates a civil remedy for victims of terrorism. A report on the assets held in this country by terrorists will enable the victims to direct their legal actions with more precision and accuracy.

Once a year the Secretary of the Treasury would be required to report on the assets held by countries on the State Department's list of terrorist nations, as well as terrorist organizations. Under the Arms Export Control Act, the Secretary of State is required to make a determination regarding the governments of countries that have "repeatedly provided support for acts of international terrorism." Such nations are not permitted to buy American-made weapons, cannot receive foreign aid, and cannot get export licenses for many U.S. products. Now their assets held in our country would also have to be disclosed to the public.

And the report would also have to include information about the assets of terrorist organizations—those groups which have been involved in any of the following—the highjacking or sabotage of aircraft or ships; seizing or detaining and threatening to kill or injure another in order to compel someone else to do something as a condition for the release of the individual; the commission of a violent act against an internationally protected person; an assassination; or the use of weapons with the intent to endanger one or more persons. This definition of terrorist activity comes from last year's Immigration Act.

Mr. President, this legislation is long overdue and I am hopeful my amendment can be accepted by the managers of the bill. It is sound public policy for the Congress and the American people to know the extent of terrorist-backed investments in our Nation's financial institutions.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I am familiar with this amendment. I think it is an excellent one. I trust that the reports will be well read, and I suggest that we support it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 899) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

AMENDMENT NO. 900

(Purpose: To amend the Foreign Service Act of 1980 relating to grievance proceedings under the Act)

Mr. BROWN. Mr. President, I send an amendment to the desk on behalf of Mr. KASTEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. KASTEN, proposes an amendment numbered 900.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this Act referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of the subparagraph (G) and inserting "; and" and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964;

"(ii) section 6(d) of the Fair Labor Standards Act of 1938;

"(iii) section 501 of the Rehabilitation Act of 1973;

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv)."

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2)."; and

(B) by adding at the end (as a flush left sentence) the following:

"Notwithstanding the provisions of subsections (b)(1)-(4), nothing in this subsection or in any other provision of law, shall exclude from the meaning of the term "grievance" under this chapter any act, omission, or condition alleged to be discrimination referred to in subsection (a)(1)(H)."

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c) Notwithstanding subsection (a), a grievance based solely on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H) is forever barred unless it is filed with the Department within a period of 180 days after the occurrence or occurrences giving rise to the grievance. There shall be excluded from the computation of any such period: (1) any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence and (2) any time during which, as determined by the Foreign Service Grievance Board, the grievant was assigned to a post overseas at which the act, omission, or condition alleged to be discrimination occurred."

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging such discrimination had been filed with the Commission."

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),"; and

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), the grievant may either—

"(A) file a written grievance under this chapter, or

"(B) file a written complaint under another provision of law, regulation, or Executive Order that authorizes relief, but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a written grievance under this chapter, or

"(B) files a written complaint under such other provisions of law, regulation, or Executive Order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—(1) Section 1110 of the Act (22 U.S.C. 4140) is amended by—

(1) striking out "Any" and inserting in lieu thereof "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based, in whole or in part, on discrimination prohibited under subsection 1101(a)(1)H), a grievant adversely affected or aggrieved by a final order or decision of the Board or the Secretary may obtain judicial review of the order or decision in the district courts of the United States.

"(3) Cases appealed under section (b)(2) shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under subsection (b)(2) must be filed no later than 90 days after the date that the aggrieved party received notice of the final action of the Secretary or the Board.

"(4) In any case appealed under subsection (b)(2), the court shall review the record and hold unlawful and set aside any Board or Secretary action, findings, or conclusions in accordance with the procedure and standards set forth in subsection 1110(a) of the Act (22 U.S.C. 4140(a)) and section 706 of title 5, United States Code, except that the aggrieved party shall have the right to have the facts subject to trial de novo by the court reviewing the order or decision."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. BROWN. Mr. President, Senator KASTEN sums the thrust of the amendment with the following words:

> The Committee has included language in the bill which provides Foreign Service employees who are aggrieved by statutorily prohibited discriminatory acts two options: either filing such complaints as grievances in the grievance system, or as EEO complaints in the agency EEO system. When a member of the Foreign Service believes that he or she has been discriminated against on the basis of race, sex, national origin, religion, age, or handicap, this amendment would permit the officer the option of filing either an EEO case or a grievance. Currently, Foreign Service employees have only been able to exercise the EEO option.

Basically, what the amendment does, Mr. President, is simply grant an option to these employees which other American citizens have.

I urge the adoption of the amendment.

Mr. KASTEN. Mr. President, in the foreign operations legislation for the current fiscal year Senator LEAHY and I introduced and the Senate approved this same amendment. The amendment also had the specific concurrence of the leadership of the Foreign Relations Committee.

Mr. President, the amendment deals with judicial review of grievances alleging discrimination in the Foreign Service. In last year's report, we described the legislation as follows:

> The Committee has included language in the bill which provides Foreign Service employees who are aggrieved by statutorily prohibited discriminatory acts two options: either filing such complaints as grievances in the grievance system, or as EEO complaints in the agency EEO system. When a member of the Foreign Service believes that he or she has been discriminated against on the basis of race, sex, national origin, religion, age, or handicap, this amendment would permit the officer the option of filing either an EEO case or a grievance. Currently, Foreign Service employees have only been able to exercise the EEO option.

Mr. President, when we went to conference later in October 1990, this amendment was deleted because of objections by the Post Office and Civil Service Committee in the House. In our conference report on the appropriations legislation, we stated the following:

> The conferees agreed to remove Section 594 of the Senate bill and defer to the objections raised by the Post Office and Civil Service Committee—one of the House authorizing committees * * *. Section 594 is a long overdue amendment to the Foreign Service Act of 1980. It provides Foreign Service officers with rights Civil Service employees have long possessed: to file complaints involving prohibited discrimination pursuant to more expeditious negotiated grievance procedures. Currently, Foreign Service officers are compelled to file such complaints through time-consuming appeals procedures such as agencies' EEO offices. The conferees strongly urge the authorizing committees to correct this inequity expeditiously during the next Congress.

Mr. President, this spring the Civil Service Subcommittee, chaired by Congressman SIKORSKI of the House Post Office and Civil Service Committee, held hearings on the legislation. In a bipartisan and unanimous vote, the subcommittee has reported out H.R. 1686, legislation which closely mirrors the amendment being offered today.

Mr. President, we are offering this legislation once again in the hope that the authorization committee will finally be able to correct this inequity for Foreign Service personnel of the State Department as well as other international agencies.

Mr. PELL. Mr. President, I think this is an excellent amendment. Speaking as a former Foreign Service officer, this fulfills a need, and I am very glad, indeed, that it is before the Senate. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 900) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, first of all, I would like to express my appreciation to the distinguished chairman of the Foreign Relations Committee who, basically, covered for this Senator because I had an unavoidable problem which delayed me from being able to be here this morning for a bill for which I am chairman.

I am very very appreciative to the chairman of the full committee for making such extraordinary progress and moving it along so far in the course of the day. I am not sure, but maybe if I had stayed away we might have finished it faster.

But I am very appreciative for that, Mr. President. We are really moving very rapidly on this.

I ask Senators. We have a finite list of amendments, and we are moving well through it thanks to Senator BROWN and Senator PELL. The leadership, I gather both leaders, have already expressed a desire to try to proceed to third reading around 5 o'clock. I think it is the majority leader's intention to try to do so.

A number of amendments which are on the limited list of amendments are amendments which we believe we would be able to accept. So we ask Senators—there are not many of them—who are on that list if they are available to be able to come down to the floor now and assist in that.

I am sure most Senators would appreciate it if we did not have to start what will be a tough week with a late night in an effort to try to finish this bill. I know the leader wants to try to do that.

In addition, we are waiting for Senator BROWN to come back at which time we will proceed forward with a couple of amendments which I know that we can take. I would appreciate that very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, on behalf of Senator BIDEN, I will shortly send to the desk an amendment which has the agreement of both sides. This is an amendment regarding our policy on Radio Free Europe. As all of us know, the events in Eastern Europe remain serious, and the developing democracies there are going through a process that is complicated, and in many cases dangerous.

There are many who feel that it is very important to assert in stronger terms the importance of Radio Free Europe to that process. I think all of us who watched events in Czechoslovakia, Hungary, and indeed, all of the region—but I specifically mention Czechoslovakia—noted with satisfaction as well as interest and pride the degree to which the news, information, and broadcasts that came through Radio Free Europe were indeed a very significant part of the transition that took place there. Indeed, Vaclav Havel personally specifically talked about the impact that it had on their lives.

Senator BIDEN seeks to try to point out how critical that is in his amendment and expresses the sense of the Senate that broadcasts should continue in that region throughout Eastern Europe, and should not be curtailed in any way, until a pattern of free and fair election is clearly demonstrated along with a successful establishment and consolidation of democratic rule.

AMENDMENT NO. 901

Mr. KERRY. Mr. President, I send this amendment to the desk and ask for its immediate consideraton.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. BIDEN (for himself and Mr. HELMS), proposes an amendment numbered 901.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 108, delete lines 13 through 25 and substitute in lieu thereof the following:

SEC. 303. POLICY ON RADIO FREE EUROPE.

(a) FINDINGS.—Congress finds that Radio Free Europe—

(1) by providing valuable information to the people of Eastern Europe, played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy, but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contributor to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

(b) POLICY.—It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should not curtail its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) a pattern of free and fair elections in that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, this amendment is absolutely acceptable on this side. As a matter of fact, I ask unanimous consent that I be identified as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. Is there additional debate?

The question is on agreeing to the amendment.

The amendment (No. 901) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will shortly send to the desk an amendment on behalf of Senator Murkowski. This is an amendment on behalf of Senator MURKOWSKI. This is an amendment, in conjunction with the plan that is already required in the legislation regarding the Moscow Embassy, that requires the Secretary to specifically submit for consideration and to notify us of the full consideration with respect to the various options of the rebuilding of the Moscow Embassy, whether teardown, whether top hat with two layers, or top hat with four floors.

As all Members know, the Moscow Embassy has been the singular most complex and contentious part of this bill over the last years. We have spent a great deal of time on it this year, and I believe we are on a track that hopefully can resolve it.

Totally separate from that track, the Senator from North Carolina has moved within the context of the appropriations process to specify a specific option, and that will require some negotiation between the House and the Senate. We have chosen in this particular bill to in a moment proceed along by making an adequate amount of money available in order to do the job, and that includes the job of teardown.

I will say for the RECORD, this Senator is in favor of teardown. That is the route I think we ought to go. I think the Senator from North Carolina shares that. There are divergent views on that. This does not specify the route; it merely requires the Secretary of State to submit to us his analysis of consideration of the various options.

AMENDMENT NO. 902

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. MURKOWSKI, proposes an amendment numbered 902.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To be inserted in the bill as Sec. 142(b)(3).

(3) In the preparation of such plan, the Secretary shall insure that detailed consideration be given to at least three construction options: viz, full teardown, and rebuild, four-floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added, and a two-floor "top hat" in which no floors are removed but two are added.

Mr. KERRY. I yield to the Senator from Alaska.

Mr. MURKOWSKI. I wish to compliment the Senator from Massachusetts on the very conscientious attempt he has made to resolve the longstanding dispute over the U.S. Embassy building in Moscow. As a result of his efforts, the foreign Relations Committee reported out an authorization bill that provides $130 million toward completion of a new U.S. Embassy. The Secretary of State is directed to choose a construction option and report to "the appropriate committees of the Congress a comprehensive plan" for a new Embassy.

In selecting a construction option, I believe the Secretary should be guided by two basic principles: spend as little of the taxpayer's money as possible while providing a secure and efficient facility. It has long been my contention that it should be possible to meet these criteria without removing a single floor from the uncompleted new Embassy office building and by simply adding two newly constructed floors. This might be called a two-floor top hat construction option.

I have offered an amendment to be inserted in the bill as section 142(b)(3) which would require the Secretary to give serious consideration to the two-floor top hat as one of the available construction options.

Mr. KERRY. I appreciate the Senator's effort to join with other members of the Foreign Relations Committee to see this issue resolved and to insure the Nation finds the best possible solution for what is a terribly difficult problem. The Senator's proposal is thoughtful and serious and deserves careful consideration by the State Department and the Intelligence Community.

We have accepted his amendment as part of a package of noncontroversial and technical amendments.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

AMENDMENT NO. 903 TO AMENDMENT NO. 902

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 903 to amendment No. 902.

At the end of the pending amendment, add the following:

"It is the sense of the Senate that, pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide:

A classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.".

Mr. HELMS. Mr. President, I thank the distinguished clerk. I asked him to read it in its entirety because the amendment speaks for itself.

Mr. President, my amendment simply requests that the President report to the Senate on the covert Soviet SS-23's banned by the INF Treaty. I do not believe this amendment is controversial in the least.

In fact, it is almost identical to an amendment of mine adopted by the Senate last year, on August 2, 1990, by unanimous consent.

The only difference between last year's amendment and this one is that last year the Senate also requested a report on the status of the Soviet Krasnoyarsk radar. A special report on Krasnoyarsk does not seem necessary now, however, because the Soviets finally seem to be dismantling it entirely. Indeed, they even seem to have accelerated their dismantling of Krasnoyarsk, and it may be completely destroyed by the end of this year. I hope so. Of course, they may be moving the Krasnoyarsk components to some other place, but we will see about that.

But since August 2, 1990, the President has not given the Senate its requested full report on the covert Soviet SS-23 missiles.

And that is a lapse on Pennsylvania Avenue, and I think we ought to jog the President's memory, or those who advise him, or those who just somehow fail to issue the reports which have been requested.

Indeed, there is important new intelligence on these SS-23's that was not included in the February 1991 report to Congress on Soviet Noncompliance With Arms Control Treaties. This important new evidence was acquired too late to be included in the February report, and it has not been reported to the Senate at all. And yet now the President is about to sign a START Treaty, perhaps on Wednesday, July 31, 1991.

Since last August, the Soviets have continuously refused to dismantle these SS-23 missiles, which were banned globally by the INF Treaty. In contrast to the Soviet admission that Krasnoyarsk was a clear violation of the ABM Treaty, and the belated Soviet actions to tear it down in order to come into compliance, the Soviets are still stonewalling on the SS-23 issue.

Mr. President, my critique of the INF Treaty was based upon my assessment that the Soviets had engaged in negotiating deception to preserve covert INF forces, that they had falsified their declared data on the numbers of their INF missiles, and that they had illegally retained banned INF missiles as covert forces.

In April 1990, the Soviets finally admitted that they covertly provided SS-23 missiles banned by the INF Treaty to three Eastern European nations—the former East German Democratic Republic, Czechoslovakia, and Bulgaria.

In March 1990, the former chief United States INF negotiator, Ambassador Maynard Glitman, described this Soviet covert deployment of banned SS-23's in Eastern Europe as "deceit and mendacity," and he added that this deceit and mendacity had characterized Soviet private and public behavior before during and after the INF negotiations. I wish that Ambassador Glitman had mentioned this deceit and mendacity during the Senate's consideration of the INF Treaty.

President Bush in his February 1991 report to Congress on Soviet Noncompliance With Arms Control Treaties called the Soviet covert SS-23 deployment "bad faith." But this February report was only an interim, incomplete report, and did not include the full SS-23 story. As I mentioned, this important new evidence on the covert SS-23's was acquired too late to include in the February report.

Now the administration has this important new evidence relating to the SS-23 deployment, but they will not release this new evidence to the Senate or to the public. I asked that this new evidence be reported to the Senate in March, but so far nothing has happened.

More recently, the United States CFE negotiator has accused the Soviets of fraud in the CFE negotiations, and we have conclusive smoking gun intelligence evidence that the Soviet data declared at the time of CFE Treaty signing November 19, 1990, was grossly false. Moreover, Russian President Boris Yeltsin told Senators last month, and former Soviet Foreign Minister Eduard Schevardnadze also conceded in 1988, that Soviet negotiators had long engaged in falsification and deception in arms control negotiations.

Mr. President, on July 17, 1991, the Acting Director of Central Intelligence, Mr. Richard Kerr, testified in public to the Senate Committee on Foreign Relations on the proposed Conventional Forces in Europe Treaty. In his unclassified testimony, the Director of Centeral Intelligence stated specifically that under the INF Treaty: "* * * the detection of a single proscribed [INF] weapon [is] a violation [of the INF Treaty] once the reductions period is completed."

Well, I must agree with the DCI, Mr. Richard Kerr. The 3 year INF reduction period was over on May 31, 1991, and after that date, all United States and Soviet INF missiles and all their support equipment, anywhere in the world, were supposed to be completely destroyed. But is there new evidence that Soviet INF missiles and INF equipment that were all supposed to have been destroyed by May 31, 1991, are still intact? Would this be a flagrant violation of the INF Treaty?

Mr. President, we should recall that former Secretary of State George Shultz stated during the INF ratification hearings in the Senate Foreign Relations Committee that the United States would react strongly to any Soviet violations of the INF Treaty. But the United States has not reacted strongly at all to Soviet INF violations, and now before the Senate has even been fully informed about the most important one—the covert SS-23's—the President is about to sign a new START Treaty.

Mr. President, I hope that President Bush will ask the interagency compliance group to send a full report to the Senate on the SS-23's soon, and also answer these questions soon, before he signs a new START Treaty.

The Senate needs a full report on the Soviet covert SS-23's before the President signs a major new arms treaty, START, perhaps on Wednesday. The Senate originally unanimously requested this report last August, but all we got was an incomplete report in February. It is time that we receive a full report.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, the Senator from North Carolina is correct. The amendment does speak for itself. We are happy to accept this amendment. This is an area of inquiry that we verified last year, and which we think ought to be made.

Needless to say, it is important for the Senate to assert in conjunction with possible treaty consideration some sort of oversight with respect to those treaties. We have always done that, and the Senator from North Carolina is correct that this particular question about this missile is an important one, and it is one the Senate ought to have a report on.

We are happy to accept this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on amendment No. 903 of the Senator from North Carolina to amendment No. 902 of the Senator from Alaska.

The amendment (No. 903) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate?

The question now occurs on amendment No. 902. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 902), as amended, was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I would remind colleagues we are about to have a vote, I think. But this is the moment the leader intended to try to proceed to third reading. Both sides have agreed to try to go to third reading.

So, Mr. President, I hope if anybody else has an amendment this is the moment.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 904

(Purpose: To condition certain loans to Latin American and Caribbean countries)

Mr. BROWN. Mr. President, I have an amendment that I am sending to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 904.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 169, after line 12, add the following new section:

SEC. 916. CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED.

(a) CERTAIN ADDITIONAL LOANS PROHIBITED.—No government of a Latin American or Caribbean country for which the United States has reduced any debt described in subsection (b) shall be eligible for any loan authorized pursuant to the Foreign Assistance Act of 1961 for a period of up to five years from the date that the debt reduction has been initiated and, then, such country is eligible for such a loan only if the President has certified to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that such country has the ability to repay the loan throughout the term of the loan.

(b) DEBT COVERED.—The debts referred in subsection (a) are the amounts owed to the United States (or any agency of the United States) that are outstanding as of January 1, 1991, as a result of concessional loans made by the United States (or any agency of the United States) pursuant to the Foreign Assistance Act of 1961 (or any predecessor foreign economic assistance law) by any Latin American or Caribbean country.

(c) SUPERSEDING OTHER PROVISIONS OF LAW.—The provisions of this section supersede any other provision of law.

Mr. BROWN. Mr. President, the amendment is quite simple. What it indicates is that nations whose debts we have forgiven in the Caribbean area, as well as Latin America, which have been forgiven under a law passed by this body or affirmed by this body recently, would not be eligible for new loans unless the President steps forward and certifies they have the ability to repay future loans.

I might mention that included in the list of nations, 11.8 billion dollars' worth of loans, are countries such as Venezuela, which has enormous resources in terms of oil, natural gas, and other natural resources; Mexico, which also has enormous natural resources.

So the suggestion is simply this. We made some bad loans. We can second guess those who made those loans, but that decision has been made and passed. The money has been put out. We have passed the point where we have forgiven those loans, presumably because we feel they are uncollectible. But it is not too late to make sure we do not make the same mistake a second time.

So this measure simply says when you are going to loan to those countries who defaulted on those loans, in effect, when you are going to make additional loans to countries who defaulted on their obligations to the United States, that at least the executive branch is required to certify that they have the ability to repay those loans.

Mr. President, some will suggest this is too tough a standard, that you should not expect people to repay their loans or even the President to certify they have the ability or he thinks they have the ability to repay their loans.

But let me suggest what is important here. It is not that we may not choose to help these countries again in the future. I suspect many of them were countries this Nation will want to work with in a mutual effort in the future. But what is at stake here is the question of whether or not it is the Congress of the United States that appropriates money or whether that money is appropriated by default.

Let me suggest how that works. In the case of loans that are in the process of being forgiven, those loans were made without specific authorization of Congress with regard to the funds that were expended to each country. This body, the elected representatives of the people, did not vote to give Venezuela $20 million, and yet that could be the result of what has happened. That money was loaned and we have not passed the ability to write off that loan.

By insisting that new loans have to be ones where the country that borrows the money has the ability to repay, all we are saying is that if you want to take taxpayers' money and give it away, you have to have the elected representatives of this Nation vote on it. You could always come up with new loans for these countries, but only if they are not creditworthy do you have to have Congress act. That is not severe, that is not tough, that is not overly binding.

As a matter of fact, the purpose of the foreign aid bill is to correspond those matters and have the elected representatives vote on it. This simply closes the loopholes. It says one mistake is enough. It says we are going to follow the normal procedure. It says when you use the money of the taxpayers of this Nation, you at least ought to either have your elected representatives vote on it or, by the very minimum measure, not loan money to countries that have defaulted on those measures.

Let me ask how many here would take a check from someone whose check has bounced. Is there anyone here who would do that? Is there anyone here who thinks that is good business practice? The fact is, taking bounced checks does not make much sense. And taking a second check from someone whose check you know has bounced makes little sense at all.

We ought to ask our Nation to follow reasonable procedures. This is simple, it is basic, and it is a minimal requirement. I believe the taxpayers of this Nation have a right to ask at least this much from us.

Mr. President, at this point, I ask unanimous consent that the entire list of debts to the Latin American governments as well as Caribbean governments which we have passed authorization to write off be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Latin American debt to the United States Government, January 1991

Argentina	$524,955,820
Belize	26,412,350
Bolivia	527,947,386
Brazil	2,490,464,261
Chile	431,770,695
Colombia	998,390,147
Costa Rica	235,561,176
Dominican Republic	669,072,918
Ecuador	218,399,126
El Salvador	756,358,092
Guatemala	304,169,186
Guyana	115,048,601
Haiti	134,649,101
Honduras	455,649,236
Jamaica	865,800,888
Mexico	1,538,445,576
Nicaragua	264,564,738
Panama	240,301,541
Paraguay	34,882,914
Peru	798,170,032
St. Vincent	1,481,309
Trinidad and Tobago	113,936,144
Uruguay	46,238,711
Venezuela	20,006,261
Total	11,812,676,209

Source: Mr. Thomas Moran, Manager of the Foreign Credit Reporting System, Department of Treasury. From: Status of Active Foreign Credits, Published by the U.S. Government.

Mr. BROWN. Mr. President, I retain the remainder of my time. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I have just gotten hold of this since I arrived here this afternoon, and I have looked at it. I commend my colleague from Colorado for what I think he is trying to do, but I have some question about whether or not there are some things that he does not intend to do that may happen as a consequence of this amendment and whether or not the language is framed in a way that it might not have a better impact if we were to change it a little bit. I would be happy to discuss that more specifically with my colleague.

What my colleague seeks to do is appropriate. There are countries that have had their debts reduced, and many Americans are struggling, obviously, to make ends meet and are questioning why they should be seeing dollars go down a hole where a country does not take reform efforts or does not pull its own fiscal act together, and yet they take our hard-earned tax dollars and get another loan or a loan from a bank which writes it off and then it comes back to haunt us, by virtue of the write-off, and we wind up picking up the difference.

The problem here is—and I think it is something we need to work on—severalfold. First of all, paragraph (c) of the amendment states that this will supersede all other provisions of law. Now, there are other laws that apply to loans, and we have prohibitions against countries getting loans if they do not live up to certain standards.

For instance, in the narcotics law, if a country is not fully cooperating with us or if other problems exist in the effort to fight narcotics, we have the ability to cut back, to not continue loans.

According to this legislation, by virtue of the supersession clause, coupled with paragraph (a), which suggests that a loan will be authorized if the President certifies that such country has the ability to repay, it would then create a new standard for all repayments because of the supersession, and it would say that all they have to do is be able to repay notwithstanding the existence of another provision of law.

Even if you did not read it that way, even if you did not accept that potential confusion, the other problem that I think exists—and I would like to see if we can work some language out that would perhaps address this—but the other problem that at least this Senator sees is that it says that the qualification for whether you give a loan will be that "such country has the ability to repay the loan throughout the term of the loan." I do not know any President who can certify that a country can repay it throughout the term of the loan.

But, second, what happens if you have a government under one President and one administration in Latin America that had seen its loans reduced and then you have a total change of government and in comes a reform-minded government that says we have a plan, we are going to cut spending, we are going to devalue whatever the currency is, we are going to undertake very strict fiscal measures, we are going to put our country through a certain amount of pain, but essential to our getting through this hard time is that we have some ability to grow and expand our base economically? We are dependent upon some infusion of a loan in order to do that. It is going to be an extraordinary leap of faith to be able to assume that on day 1 or month 1 of that new administration coming in, they have the ability to repay a loan throughout its terms.

Yet, according to this, that is the only standard on which you could make that loan, when that loan may be in the interests of our foreign policy. That loan may be precisely what we would seek to do in an effort to get that country into a stronger position so that, indeed, they can go down the road. And that is often a judgment we make subjectively in these kinds of matters.

So I would simply suggest to my colleague, maybe we ought to take a moment to talk about that. I may be wrong, but that is certainly my reading and I would be happy to see if we could come to somewhat of an agreement. I agree with him. I do not think we should be making stupid loans, and an awful lot of stupid loans were made, and there is no question about it. Some extraordinary loans were made under circumstances that make you wonder how anybody was in the business. Obviously they are not now, some of them, as a consequence of that. So I hope we could arrive at some agreement on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I thank my colleague from Massachusetts for his thoughtful remarks. They are typical of the thorough approach he has taken toward this legislation and the efforts of the subcommittee.

I am glad to report that I think the measures he brought up benefit by clarification. First of all, subparagraph (c). We have checked on subparagraph (c). What it means, simply, is that these provisions are in addition to other provisions. So rather than jeopardize the other provisions, they simply say you have to go through, you have to have the certification here for the additional loan.

So there is no problem. I am happy to make that point clear for the record. There is no problem with regard to drug questions or anything else. The simple fact is, if you fail to comply, if you fail to meet your obligations and you have defaulted and we have written off the note, then you have an added requirement of the Presidential certification.

Let me remind the body, though, here, that even if you cannot meet Presidential certification you can certainly be considered in the foreign aid appropriations bills and authorization bills. All this means is that Congress gets a chance to vote, if you are planning on loaning money to someone who is not creditworthy.

This provision is not out of line with the temper of the measure that passed this body. Included in that is a provision that no new loans were to be granted to countries that have defaulted on their obligations to the

United States or had their debts forgiven under the provisions of that measure for 5 years. So that the question of recognizing a special status for people who fail to pay their loans and obligations to the United States is already recognized in the bill. This simply adds a second term, a second provision for countries that have fallen into that category.

The Senator also mentioned what is, I think, an important area we ought to look at. That is the question of countries that have gotten new governments, that bear some promise. That, under the measure, simply becomes a question for the President to determine. If he comes to the conclusion this government is indeed sincere and can, with that change of policy, meet that obligation, the President is perfectly free under this legislation to issue the certification. It is simply a matter for his judgment.

But, lastly, let me come to the point, I think, that is appropriate. The list that we have had printed in the RECORD is a list of countries that have loans of $11.8 billion, that the American taxpayer has come up with the money for and loaned overseas. These were loans that were made unsecured. They were made to foreign governments. That came out of the hard work and the efforts and the labor of the working men and women of this country. Each one of us who goes back to our State is going to have to answer to the taxpayers for those defaults—more particularly for our wilingness to write those loans off.

That decision has been made by this body. The decision has been made by this body to write off those loans, or get the President to write off those loans in perpetuity. They are not kept on the books, not kept as a counterweight for future obligations we might incur. They are simply written off. They have been written off by a country that has the biggest deficit of any country in the history of the world.

I do not know about other Senators, but this Senator does not feel comfortable telling the working men and women of this country they have to forget the money that is owed to them, particularly when many of those countries have enormous assets, and an ability to pay. All this bill says is if you have defaulted on your obligation to the American taxpayer, to the working men and women of this country, if you are going to get out of that obligation, you at least have to be creditworthy if you are going to get another loan.

I hope my colleagues will support this measure. I hope we will have a strong vote in favor of saying one mistake is enough and at least you ought to have a credit report, a credit check before you make second loan.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I wonder if my colleague will yield for a question just for a moment. I appreciate his comments very, very much. I might say for the record, since I was not here at the opening, I have enjoyed enormously working on this in a close, bipartisan, and very friendly fashion. I think we have made a good piece of legislation here.

I would just like to ask him how he sees this standard being applied in terms of the capacity to repay a loan throughout the term? If he might give us a sense of how he would see that judgment being exercised?

Mr. BROWN. The language that is included was meant to give broad discretion to the administration. By emphasizing or at least including the words "throughout the term of the loan," our thought was that regarding the Government which he has made the case for, that is turning things around—that this allows the President to take into consideration not simply the hard assets and liabilities of the country at the present time but the potential of the country in future years. So, indeed, many people who might not qualify for a loan today would, under this definition, be allowed to borrow the money because the President could take into consideration their future ability to deal with that obligation.

Mr. KERRY. So, if I may inquire further, Mr. President, the Senator is specifically inserting in his definition of "ability" a subjectivity that gives a significant amount of latitude to the President of the United States. Is that correct?

Mr. BROWN. That is correct and that was our intent. Frankly, we recognize many of these loans have been offered not simply as a business deal but as an effort to assist other countries. And we think that should be considered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Let me just interrupt my flow of questioning here to do a bit of housekeeping, if I may very quickly. That is to propound a unanimous-consent request.

Mr. President, with respect to the pending Helms amendment No. 896, I ask unanimous consent there be a limitation on time for debate as follows: 10 minutes for Senator MOYNIHAN, 10 minutes for Senator D'AMATO, and 10 minutes for Senator HELMS, and that following the conclusion or yielding back of time that there be a vote on or in relation to the amendment at a time to be set by the majority leader after consultation with the Republican leader, and that no amendments to the language proposed be stricken be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, reserving the right to object, I just inquire of the distinguished Senator from Massachusetts if this has been cleared with the Republican leader?

Mr. KERRY. This has, indeed, been cleared on both sides.

Mr. BROWN. This has been cleared.

Mr. COCHRAN. I withdraw my reservation, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to the request? Without objection, it is so ordered.

AMENDMENT NO. 904

Mr. KERRY. Mr. President, I thank my colleague, and I thank the Senator from North Carolina. If I could come back, Mr. President, to the question I was asking the Senator from Colorado. As I understand his answer, the President of the United States would be able to look at a country that does not have the immediate ability to pay but that the President deems, by virtue of changes that are being made, by virtue of Government policies or whatever broad set of considerations the President wanted to use as a part of his analysis, the President could determine that a loan should go forward; is that correct?

Mr. BROWN. That is correct.

Mr. KERRY. Mr. President, I wonder if my colleague would share with me, having both of us stated that what we wanted to do is not allow money to somehow go down a rat hole, there is no real guarantee that it might not; is that not fair to say. That we are giving the President subjectivity which some might say might not be that different from the subjectivity that has been exercised in the past.

Mr. BROWN. Mr. President, I think the Senator makes an excellent point. There is no ironclad guarantee that this money will be repaid. I think that is correct, although I at least feel there is some benefit. It seems to me in cases where a nation not only does not have the ability to repay the loan, but has not been willing to adopt those policies that could turn things around, it seems to me it makes the administration a little less likely to extend credit under those circumstances. By having the Executive go on line, it requires them to at least do an analysis of this kind which is not now clearly called for and at least requires them to make a judgment in this area, which has not always been the case either.

Mr. KERRY. I appreciate the frankness and candor of my colleague in that spirit. Certainly, his language would send a message and cannot really bind a particular kind of behavior. I think his definition of ability is helpful.

I am troubled still, and perhaps I am troubled a little bit by ignorance, and

I ask my colleague to give me further guidance, if he would, with respect to the superseding issue.

As I read this particular paragraph, paragraph (c), it says: "The provisions of this section supersede any other provision of law."

It does not refer specifically to the loan process or to this section, but any other provision of law, period. I do not understand why that would not, for instance, in the Brooke-Alexander amendment where you have a rule with respect to 6-month arrearages on loans where no country can go beyond 6 months without automatically being cut off, why would this not apply to that section also, thereby obviating the Brooke-Alexander amendment, which would, in effect, mean you have only one standard now with respect to loan programs?

Mr. BROWN. I appreciate the Senator bringing this point up. It should be made very clear that the superseding provision of subparagraph (c) simply makes it clear that the additional requirement, that is the certification of an ability to repay, is simply an additional requirement. So there is no requirement here that the President extend the loan. It is merely a clarification that all loans made to countries who defaulted after that time period have to have a Presidential certification for a new loan.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to add Senator HELMS as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I believe the pending business is the amendment of the Senator from Colorado; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, there is no objection on our side with the exception of the continued sense of interpretive difference here with respect to the issue of the supersession clause. My colleague and I have discussed it, and what we will do is take this amendment at this time with the understanding that when we get to conference, if it continues that there is in fact a legal impediment by that, we would deal with it at that point in time.

Mr. President, I have no further comment at this time.

I yield the floor.

Mr. BROWN. Mr. President, with no other debate on the amendment, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 904) was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 905

(Purpose: To establish an endowment fund to support a student exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 905.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, between lines 10 and 11, insert the following:

SEC. 226. ENDOWMENT.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director is authorized to establish an Endowment Fund (hereafter in this section referred to as the "Fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Secretary may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Secretary shall transfer to the Fund the amounts appropriated pursuant to the authority of subsection (f) and any other funds available to carry out the exchange program assisted under this section.

(2) GIFTS.—(A) The Secretary is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any funds received by the Secretary pursuant to subparagraph (A) shall be transferred to the Fund.

(3) IN GENERAL.—The Secretary, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Secretary may withdraw or expend funds from the Fund for any expenses necessary to carry out the exchange program described in subsection (a).

(3) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and.

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 to carry out the provisions of this section. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

Mr. BRADLEY. Mr. President, this is an amendment which will create an endowment fund of up to $4 million in order to establish an exchange program between high school students in former Warsaw Pact countries including the eastern part of Germany and the United States. It is my intention that the bulk of this flow would be from high school students in Eastern Europe including the eastern part of Germany to the United States.

It would be administered by the USIA, and high school students in the eastern part of Europe, former Warsaw Pact countries, would come and spend a year with American families. I believe that that year spent with American families would be of long-term benefit to this country, would promote democracy, would allow them to see firsthand how our democracy works, would give them an appreciation of how a market economy works, how our democracy works, and how a pluralistic society functions better than any book they could ever read. It would also provide that funds be allowed to be contributed to this endowment fund from the private sector if such funds were available.

I think it is a major and positive investment. We need to do it now because many of those countries have had no experience with a market-oriented economy or with the democratic process, and this would give them that opportunity.

Mr. HELMS. Mr. President, I have discussed this amendment with the distinguished Senator, and I find it has great merit. We approve it on this side.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for his efforts. This is part of a larger effort on which Senator BOREN and I, and Senator BRADLEY and others have been working. It really dovetails into another piece of legislation which will come to the floor. I think it is a very important part of expanding our ability to reach those people who really need to be reached.

We have an enormous number of graduate students in this country in various programs. We are simply not reaching the secondary level or equivalency.

I congratulate the Senator for his sensitivity to that impact and particularly in that part of the world. I think it is important for us to note these programs are just extraordinary in their return. They are so low an investment in the long run for the understanding people get. All you have to do is travel to one of these other countries and get a sense of the awe that they hold for the United States and the difference it makes to their lives, just any scrap of information, any piece of the outside world that gives them a sense of the opportunities available to us. All of a sudden you take a student and give them a piece of that over a period of time and the cultural, political, and social impact is enormous.

This is a very good piece of a larger effort which is going to take place. I know the Senator from Oklahoma is present. This is a very important piece, because what he is doing is really going to augment the national security capacity of this country ultimately. I congratulate him for his sensitivity to this entire effort.

Mr. BOREN. Mr. President, I thank my colleague from Massachusetts for his comments. I join with him in commending the Senator from New Jersey for this initiative.

We have been working together, the members of the Foreign Relations Committee and the members of the Intelligence Committee, to improve and increase the international skills of the next generation of Americans. We find ourselves very thin in the areas of knowledge of foreign language, international studies, experts in various regions of the world. This kind of knowledge is essential if we are to be secure as we move into the next century. The attributes for world leadership as we approach the next century will be very different than those in the past.

We are in a very new environment, one that demands that our young people speak the languages of the world and understand the regions of the world in a way they were never forced to do before. Our very survival, the very definition of national security itself, must encompass the development of these skills. Along with it, it is exceedingly important that we build bonds of friendship and relationships, especially with the next generation of leaders who will be coming foward in those nations that were formally part of the Warsaw Pact.

Early in high school years we need to begin to build these bonds of friendship and understanding, commitment to the ideals that have indeed been the motivating factor for those that have brought about the revolutionary changes in the movement toward freedom in Eastern Europe. We need to assure ourselves that the next generation will have the same kind of commitment to those ideals, and will have an even deeper understanding of these institutions.

That is exactly what the Senator from New Jersey is helping to assure through this proposal: The beginning of really a very modest effort to exchange students now, beginning at the high school level, between the United States and those countries, East Germany and the other countries of the Warsaw Pact.

So I congratulate him on it. It is very consistent and complementary to the efforts that we will be bringing to the floor as part of the intelligence bill later this year—what we have called the National Security Education Act as part of our intelligence bill.

I strongly support what is being attempted here. I thank him, and also thank the distinguished chairman of the subcommittee who has worked closely with us and who has also contributed his ideas, including his very strong support for the programs that would increase and improve the training of teachers in these fields like foreign language and regional studies, something that we will be considering as a part of the intelligence bill later on.

So I congratulate all of those involved in this particular proposal. I want to express my strong support for it.

The PRESIDING OFFICER. Is there further debate?

Mr. BRADLEY. Mr. President, again I want to thank the distinguished minority representative, Senator HELMS, and Senator KERRY and Senator BOREN for their support of this initiative. Again, it is my intention that we have the weight of the exchange from the students from Warsaw Pact countries coming to the United States. It is my hope that the overwhelming—80 or 90 percent of the flow—flow could be in that direction because I think it is very important that they see firsthand how America functions. High school students would be able to have an experience that I think would last a lifetime.

I appreciate the support of the Members.

Mr. PELL. Mr. President, this is an excellent amendment. The USIA Program is currently underway to help graduates and undergraduates, but not younger people. This program is unique in that it helps high school students, and it is one that should be encouraged—and I hope supported by the Congress.

Mr. BRADLEY. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 905) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I inquire what the business is at the present time.

The PRESIDING OFFICER. S. 1433, State Department authorization, is the pending business.

Mr. KERRY. Mr. President, I think the Senator is trying to figure out what the order is with respect to the amendment that he wants to speak to of Senator MOYNIHAN and Senator HELMS. We have, under the unanimous-consent agreement that we entered into earlier, agreed that there would be one-half hour allotted to that amendment with 10 minutes to the Senator from New York, 10 minutes to the Senator from North Carolina, and 10 minutes to the Senator from New York. I do not believe that any particular order was set out.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 896

Mr. D'AMATO. Thank you Mr. President. I wanted to ascertain if we were on the amendment that deals with the protection services that are offered as it relates to the Secretary of State and his discretion to use various protective services depending upon where and when.

Let us be clear about what this amendment will do. This amendment deals with reimbursement for the city of New York as it relates to its police and the extraordinary services that it provides. What does it provide? It provides services to the diplomats at the United Nations or the diplomatic missions, those protective services.

There are some who may say this is costing the taxpayers more money. They point out, for example, Mandela's visit to New York City. Is not that terrible, that all of these moneys are going to be spent and that New York City is going to be reimbursed?

Let us be clear about this amendment. If this amendment is passed, it will mandate higher costs for the taxpayers of the United States. Understand, if this amendment is passed it mandates higher costs for the citizens of the United States. The effect of this amendment will be to deprive the Secretary of State of the discretion to use the New York Police Department for protecting of dignitaries. He loses that option. When he loses that option, the dignitaries will still be afforded protection, as they are elsewhere. What happens? He will then have to use the Federal protective services. And the Federal protective services will cost the taxpayers twice as much as what the New York City Police Department provides.

That is unfair to all our taxpayers. That is unfair to the while fabric of our community and what this country is about. If indeed the Secretary of State, this Secretary or any other future Secretary, can find more cost effective ways of protecting the diplomatic corps who reside at the United Nations, then let him do so. But let us not adopt this amendment that would wind up costing our taxpayers more money, provide less in terms of protection, give a duplicative kind of protection, and would fly in the face of what makes sense.

This amendment will raise the cost to taxpayers, not lower them. When you read them initially you might tend to think, why should we be giving money? We are giving money that is an extraordinary service that otherwise would have to be paid for by the Federal Protective Service. It is that simple. We should not cloud the extraordinary services rendered by New York City and its police force in behalf of the U.S. Government.

That is what is being done. It is not an ordinary service. Is it because it is in behalf of our Government that asks should we provide these services to the distinguished dignitaries to visit? I think so. I do not believe we want to say we have no responsibility. I think it will behoove us to give to the Secretary of State the ability to designate those. And obviously he is working with the protective services of this country in making that determination.

Mr. President, I see that our distinguished senior Senator is here. I have no need to speak to this further. I might point out that not only our senior Senator here brings with him the background in terms of governmental service as an ambassador, as special assistant to former President Johnson, and to former President Nixon, but also himself was the representative of this Nation at the United Nations. He was our Ambassador. As such I think he can talk with some particularity as to the pitfalls of this amendment and why it should be defeated.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from the State of New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank my able and energetic colleague for having made this case so effectively. It is no wonder that almost 50 years into the experience of the United Nations such an amendment should come to the floor. The decision to locate the headquarters of the United Nations in the United States was an important statement at the time that the Secretary of State, the then Secretary, our revered George C. Marshall, signed an agreement between the United States and the United Nations known as the "headquarters agreement," having to do with the control of the administration of the United Nations as the largest diplomatic enclave in the world to be located in New York City.

President Truman sent this agreement to the Senate, and in it, he said very simply:

> (July 2, 1947) The United States has been signally honored in the location of the headquarters of the United Nations within our country.
>
> Naturally, the United States wishes to make all appropriate arrangements so that the organization can fully and effectively perform the functions for which it was created and upon the successful accomplishment of which so much depends.

For nigh onto half a century, the city of New York has assumed the responsibilities for the protection of diplomatic missions, visiting heads of state, visiting dignitaries from other countries, many of whom arrived in situations of great tension in the regions from which they come, and which it is our duty under the 1947 agreement to protect and provide the access to the city, to the United Nations, to their missions.

This has been done with extraordinary success, and in that near half century, we have never had an untoward event, not because no such event ever set out to happen, but because the New York City Police Department has learned their work.

No other such effort has ever been required—partially in Geneva, but not nearly. The New York City Police Department works intimately with the Secret Service, the FBI, with the police departments of other countries around the world, in its exceptionally efficient, unobtrusive, effective mode of carrying out the international responsibilities of the United States. How it could be questioned that we ought to do the simple task of reimbursing the city very modest sums, as my friend and colleague said, I do not know. If the city were to turn it over to the Federal Government, it would be an enormous cost. If we were to think of this in terms that you would counter on the Senate floor, we might make the case that there could be worse things for the economy of New York than to have 10,000 Federal protective officers stationed there. It would not be very helpful to the U.S. budget. But that is the alternative.

Should the President or the Senate think that is a desirable one, they can look at it. But we do not. We have a simple provision. The chairman of the Committee of Foreign Relations, who is present, at the founding of the United Nations, our revered chairman, Senator PELL, stands behind this simple measure.

It is not troubling that it is here on the floor; it is disappointing. I cannot but suppose it will be resoundingly the judgment of the Senate to support the committee, support the chairman, to carry out this elemental duty which we undertook in 1947, with George C. Marshall as Secretary of State, and Harry S. Truman as President of the United States.

I cannot imagine the need to prolong this debate, and I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time on this amendment is controlled by the Senator from North Carolina.

Mr. HELMS. addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HELMS. Mr. President, I do not blame the Senator from New York for trying to bring home the becon. But the problem is, this money is coming out of the hides of all of us in the other 49 States, and it is setting a precendent that I am not sure this Senator wants to set.

The city of New York wants the taxpayers all over the country to pick up the tab for a security function provided by the New York City Police Department. It is as simple as that. Nelson Mandela—let us be blunt about it—came to this country, and he went to New York, and he went to other States. But no other city has come trotting to Washington, DC, or has sent their Senators, to say: look, you help us pay for a function that we are supposed to pay for ourselves.

There is only one purpose of the language of my amendment that is pending at the desk. My amendment would strike the language in the bill which is intended to pay millions of dollars to New York City for security provided for Nelson Mandela's visit to New York City in June of 1990.

Nelson Mandela is a private citizen. He has no diplomatic status. He is not a head of state, nor was he visiting any U.S. Government premises. I told AL D'AMATO a few minutes ago that I understood, and I think he understands the way I feel about it. I said the same thing to my friend, PAT MOYNIHAN. But this is a little much.

Nelson Mandela traveled throughout the United States. He visited many cities. All of these cities and State jurisdictions provided security for him. And I repeat: They have not sent their Senators trotting to Washington, DC, to say: Bail us out.

I do not think this provision ought to be in there. Why should New York be any different from the other cities? Why should the taxpayers of North Carolina and the other 49 States have to pay for costs incurred by New York City for a private visit by a private citizen of another country?

Of course, Mr. Mandela visited the headquarters of the United Nations, but he did not visit any diplomatic mission—the equivalent of an Embassy—at the United Nations.

If a head of state visits the United Nations, U.S. law provides that the United States pays for security as part of the cost of diplomacy. If a foreign minister visits the United Nations, the United States pays. But Mr. Mandela, despite his broad notoriety, is not a diplomat. He is a private citizen; I reiterate that for the purpose of emphasis.

Moreover, New York City is asking millions of dollars in Federal funds, funds paid by the taxpayers all across this country, for his visit to Yankee Stadium. That is hardly a cost associated with the United Nations.

Mr. President, by broadening the law to include visits in the future by private citizens to the United Nations, do you not see that this bill opens the door to future extravagances of this kind? A precedent is a precedent. This is why I am seeking to strike the provision in the bill which will result in us the future years, in paying millions upon millions of dollars from the taxpayers' funds for governmental functions of the city of New York.

The taxpayers of the United States should not have to pay any local expenses of New York City.

Furthermore, I wonder who is paying for Mr. Mandela's security down in Cuba? But Nelson Mandela just went down there and worshipped at the shrine of Fidel Castro.

In any case, this is not a good precedent for this Senate to set. There may be the votes cast out of friendship and sympathy for New York City. New York City is all right. I like to go there occasionally, but I would not like to live there. But I say to you, Mr. President, we should not set this precedent.

I reserve the remainder of my time, which is how much?

The PRESIDING OFFICER. The Senator from North Carolina has 4 minutes and 48 seconds.

Mr. HELMS. I thank the Chair.

Mr. President, I am prepared to yield back my time. Has all time been used except mine?

The PRESIDING OFFICER. Neither Senator from New York used all his time. The senior Senator has 4 minutes and 46 seconds remaining.

Mr. MOYNIHAN. Mr. President, I yielded back my time and I intended to do so for the distinguished junior Senator from New York. So on this side we have no further time.

Mr. HELMS. I am perfectly willing to yield back the remainder of my time provided Senator D'AMATO does the same.

Mr. D'AMATO. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Very well.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is my understanding all time now is yielded back. It is my understanding the leader still intended to set a time for this vote some time in the future.

The PRESIDING OFFICER. The order does provide for that, that is correct.

Mr. KERRY. Mr. President, we are proceeding at a very good clip here. We have every few amendments left on the list.

I might just share with colleagues a sense of where we are. We are waiting for Senator SMITH, who has some language that I think he is trying to work out. Senator ROTH has an amendment. Senator LEVIN has an amendment. Senator GORTON has an amendment on Yugoslavia.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. KERRY. I am delighted to yield.

Mr. HELMS. Why do not we each of us have our respective cloakrooms check the Senators who have amendments outstanding and see if indeed they are going to offer the amendments so that we will have a clearer picture? I think we ought to move to third reading as soon, as we can.

Mr. KERRY. I think that is a good idea. We checked with some of them. A number of these amendments have gone away in the last few minutes. We are down to the Senators I think I named. I think the Senator from North Carolina has a good idea. If we run a check through both cloakrooms, we can have a sense and we could go to third reading in short order. I know both leaders hope very much we could do that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. May I inquire if the yeas and nays have been requested on final passage?

The PRESIDING OFFICER. They have not.

Mr. HELMS. I request the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 906

(Purpose: To provide State Department personnel with compensation for loss of personal property incident to service)

Mr. KERRY. Mr. President, I will shortly send an amendment to the desk which is agreed to on both sides, I believe.

This is an amendment which instructs the Department of State to report back to the Congress in 90 days with a plan to try to provide additional compensation for State Department employees who suffer personal property losses incident to their service overseas. Currently, those losses are covered only up to an amount of $40,000. With events in the world and the kind of situations that employees of the State Department have been subjected to in recent years, those losses often are much greater than that amount. One can imagine the price of a car nowadays and a few personal belongings and you quickly have gone over that kind of price.

So what we hope is that the State Department would submit a notion of how we might be able to extend that coverage for those who are subjected to those kinds of situations.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 906.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

Not later than 90 days after enactment of this Act, the Department of State shall submit to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

Mr. HELMS. Mr. President, the amendment is entirely acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment number 906.

The amendment (No. 906) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I do not know if the Senator from Arizona has an amendment he is about to proceed with.

Again I would say to colleagues, those who are on the list, we are down to the last Senators who are on the list. I know the leaders were just out on the floor. The hope is that we will go to third reading very shortly. There are a couple of votes that are backed up.

AMENDMENT NO. 907

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. KERRY, and Mr. SMITH, proposes an amendment numbered 907.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 119, line 20, strike all through page 121, line 9, and insert in lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia;

(2) the scope and pace of relations are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam War, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam Conflict era;

Mr. McCAIN. Mr. President, it is my understanding that this amendment has been cleared by both sides.

Mr. HELMS. I would say to the Senator we probably will, but I have not seen it. May I have a copy?

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CHINA MFN ACTION PLAN

Mr. BAUCUS. Mr. President, last week, the Senate had a spirited debate on extension of most-favored-nation status to China.

The Senate was divided over whether MFN was the right tool for expressing our concerns over Chinese behavior.

But the Senate was unanimous that Chinese behavior was unacceptable. We all expressed deep concern over China's abuse of human rights, sales of weapons, and trade practices.

Just before the debate began in the Senate, the President transmitted to me a letter detailing a number of steps he planned to address on our concerns with China. In return he urged the Senate not to impose new conditions on the extension of MFN to China.

Many Senators—including myself—were impressed by the President's letter and voted to extend MFN without conditions.

But now the burden is on the President to fulfill the commitments he made in his letter.

Over the next few weeks, the issue of extending MFN to China is likely to be before the Senate again when the Senate considers the conference report and the likely Presidential veto.

As I decide how to vote on those questions, I will be looking for evidence that the President has at least begun to implement his commitments.

Beyond that, if substantive progress has not been made by the time MFN must be reconsidered next year, Congress is unlikely to extend MFN without conditions.

Mr. President, I would like to review briefly the steps I expect the President to take with regard to China.

HUMAN RIGHTS

All Senators are deeply concerned about Chinese abuses of human rights.

In his letter, the President indicated that he planned to continue diplomatic efforts aimed at freeing political prisoners in China. We must see concrete evidence that these efforts are making progress.

The President also indicated that he plans to continue a policy of opposing multilateral loans to China that do not serve basic human needs and continue sanctions put in place after Tiananmen Square.

In my view, fulfilling this commitment will require more than simply going through the motions of opposing multilateral lending. We must also actively lobby the other members of the World Bank to support our position.

The most substantive commitments made with regard to human rights concern stopping importation of Chinese goods made by prison labor. Morally, we simply cannot allow goods produced by Chinese political prisoners to be imported into the United States.

In the letter, the President announced that he had directed the Customs Service to prohibit entry of entire classes of goods suspected of having been produced by prison labor.

This prohibition will continue until the Chinese sign an agreement to cease export of these goods to the United States or demonstrate that the goods in question are not produced by prison labor.

In my capacity as chairman of the International Trade Subcommittee of the Senate Finance Committee, I plan to work with Customs Service and human rights groups to see that this commitment is fully and vigorously implemented.

MISSILE AND NUCLEAR PROLIFERATION

The President also outlined an ambitious plan for halting Chinese exports of missiles and nuclear material.

The centerpiece of the President's plan was to press the Chinese to adhere to the Nuclear Nonproliferation Treaty and the missile technology control regime. In this regard, the Chinese did agree during a recent round of talks in Paris to work with other major countries to prevent exports of missiles and nuclear materials to the Middle East.

In the coming months, I will be looking for further concrete evidence of progress on these issues.

Certainly, if the Chinese were to transfer dangerous missiles to the Middle East or other unstable regions, I expect the President to immediately impose severe sanctions on China.

TRADE

As chairman of the International Trade Subcommittee, I am particularly concerned with China's unfair trade practices.

As the administration has noted, China has engaged in a long list of unfair trade practices, including circumventing textile trade agreements, pirating United States intellectual property, and blocking United States exports to China.

With regard to circumvention of textile agreements, the administration has already this year charged $85 million worth of penalties against China's textile quota. The President noted that further charges would likely be made within a matter of days.

With regard to piracy of intellectual property, the administration—at my request—named China as a priority foreign country under the Special 301 provisions of the 1988 Trade Act. In accordance with the law, a Special 301 investigation was initiated against Chinese piracy in May.

The initial deadline for the investigation is November 26. If the Chinese do not agree to cease piracy of United States intellectual property, I expect the administration to implement the law and retaliate against Chinese exports to the United States.

The most important deadline in the President's letter arrives next month. Chinese trade barriers block as much as several billion dollars' worth of United States exports annually. To respond to those barriers, the President wrote:

> The administration has proposed holding another round of market access consultations in August, 1991. If that round of negotiations fails to yield substantial commitments from the Chinese authorities to dismantle market access barriers, the Administration will self-initiate Section 301 action to address those barriers * * *.

Unless the August consultation yields an agreement to eliminate all major Chinese trade barriers, I expect the President to launch a major Section 301 investigation at Chinese trade barriers.

I realize that this investigation is likely to be the largest of its kind ever initiated and could result in retaliatory tariffs being imposed on hundreds of millions and perhaps billions of dollars worth of Chinese goods. Nonetheless, Chinese trade barriers can no longer be tolerated and I expect the President to fully live up to his commitment.

TAIWAN

Finally, in part as a general demonstration of our general displeasure with China, the President committed to support actively Taiwan's application to join the GATT.

Although it is clearly in the interest of the United States and the world trading community for Taiwan to join the GATT, the administration had previously blocked such a move because of pressure from China.

To implement the commitment to support Taiwan's application, I expect the administration to put the topic of Taiwan's application on the next GATT Council meeting.

CONCLUSION

The President and I have both argued that present law gives him all of the tools he needs to respond to our concerns with China.

Now, he has the chance to prove his case.

Over the coming weeks and months, we will be comparing the administration's actions against the commitments made in his letter. Our level of scrutiny will be high.

If the President and the Chinese expect the Congress to continue to extend MFN without conditions, the President must vigorously fulfill his commitments.

If he fails to, there can be little doubt that the Congress will attach conditions to further extensions or cut off MFN for China entirely.

Mr. President, I thank the Senator from Massachusetts, the Senator from Rhode Island and others, and yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 907 WITHDRAWN

Mr. McCAIN. Mr. President, there has been a slight modification of the amendment I previously offered. I ask unanimous consent to withdraw the amendment I had previously submitted for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 907) was withdrawn.

AMENDMENT NO. 908

Mr. McCAIN. Mr. President, for myself, Senator KERRY, and Senator SMITH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. KERRY, and Mr. SMITH, proposes an amendment numbered 908.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 119, line 20, strike all through page 121, line 9, and insert in lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing regulations diplomatic and economic with Vietnam and Cambodia provided that;

(2) the scope and pace of relations with Vietnam are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

The PRESIDING OFFICER. Is there objection to the consideration of the amendment? The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I know that many Senators feel very strongly about resolving the issues that separate the United States and Vietnam, and I appreciate their efforts to focus attention on this question. Senators KERRY, SMITH, and I are offering this amendment so that the Senate might go on record as observing the important connection of these issues to the development of a new relationship with Vietnam. I want to thank my friend from Massachusetts, and my friend from New Hampshire for joining me in spnsoring this amendment, which I believe represents the interests of all Americans.

Mr. President, George Washington, in his farewell address, advised his country to "cultivate peace and harmony" with all nations. "The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and interests."

We would be wise to recall Washington's advice as we measure our grievances with Vietnam against our interests in a new relationship. It is not in the interests of the United States to remain forever estranged from Vietnam. Yet neither is it in the interests of the United States to risk the resolution of questions with which the American people are gravely concerned by prematurely developing normal diplomatic and economic relations with Vietnam.

It may strike some Senators as ironic that so many years after the end of the Vietnam war, normal relations with Vietnam could be considered premature. I share with many Americans a desire to close the final chapter of that war and enter into a new relationship with our old adversary. However, our primary obligations are clear, and they must govern our relationship until they are fulfilled.

We are first and foremost obligated to the 2,273 Americans who are still classified as missing in action or prisoner of war in Southeast Asia, and their families.

We are obligated to the Cambodian people who have been mired in abject misery from war and deprivation for decades. We are obligated to the former officials of South Vietnam, and to former Vietnamese employees of the United States who still linger in reeducation gulags. We are obligated to the people of Vietnam who still suffer under political repression while other peoples around the world are entering into a new dawn of freedom.

These questions are, and must remain the primary occupation of the U.S. Government. We need not sacrifice either our obligations or our interest in a new relationship with Vietnam. We need only understand that if the wounds of war are indeed to be resolved by a new relationship with Vietnam, that new relationship will have to be marked by respect and comity. Without resolving the questions that still separate us we will not achieve that kind of relationship, and the memory and the pain of war will remain.

I thank Senators for understanding this truth. I look forward to working with my colleagues to secure the fullest possible accounting of American POW's and MIA's, to helping bring peace to the people of Cambodia, to securing the release of Vietnamese political prisoners, and to beginning a new relationship with the people of Vietnam.

I want to again thank my colleague from Massachusetts and my colleague from New Hampshire. All of us have differed from time to time as to exactly the proper route that we should take to closing the final chapter of this painful and unpleasant memory to most Americans. At the same time, I share the same goal with the Senator from Massachusetts and the Senator from New Hampshire: to resolve these issues in a way that allows us to move forward in peace and harmony with the Vietnamese people and, thereby, ease the wounds and the pain that still afflicts this Nation concerning the era that we called the Vietnam war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona for his amendment and also for his comments.

The Senator from Arizona spoke about the memories and the pain of the experience and, indeed, the horror of them. There is no Member of the U.S. Senate who on a day-to-day basis carries, I think as much of the daily reminder of that as the Senator from Arizona whose experience is really an extraordinary one.

When I had the chance to be part of a delegation and fly over to Saudi Arabia and to Iraq shortly after the war, I had a chance to get to know the Senator better. I must say, listening to his descriptions of what it was like when he was held as a prisoner in Vietnam and listening to his description of how he survived that crash and, indeed, the experience itself, it was really quite extraordinary.

So there are few people in the Senate who can obviously speak with the kind of credibility and with the directness as can the Senator from Arizona.

The amendment, I think, will assist in the process of making very clear what the Senate's view is with respect to the linkage of the MIA/POW issue and other issues to the considerable discussion that has been going on about economic ties, and so forth.

Again, I reiterate that this Senator does not believe there should be a full normalization or diplomatic ties with the issues outstanding that the Senator from Arizona has discussed. On the other hand, I think there are a number of us in the Senate who believe that moving more rapidly to engage in certain economic exchanges will facilitate the achievement of those goals.

When I was in Hanoi about a month ago, I met with the Swedish, French, Australian, British, and German Ambassadors. We had about a 2-hour lunch during which every single one of them spontaneously looked at me and said, "Why are you people not over here? Why do you not have your people on the ground in this country? You would be learning more, you would know what is happening. If you are really concerned about MIA's and POW's, what better way to roam the countryside as we do and learn and find out whether or not it is possible there is somebody out there?"

I think any of us know that just in the norms of human exchange that if we are there in that kind of capacity, the chance just to have a dinner or drink a beer or sit across a table from somebody, get to know them, have a relationship builds trust and it builds the capacity to be able to garner information.

It seems to me that if we want to have somebody find out whether 5 years ago or 10 years ago they saw an American being held in captivity or whether recently they have seen somebody in the country, you could not speed up the process more than by having some people on the ground who are beginning to do that, in addition to the very competent personnel who have been over there as part of the joint team who are searching for people.

But there are so many doubts right now. There is such a credibility gap that nothing would do more than to try to reestablish credibility and to have people there who without any governmental position or without any kind of formality in their relationship could begin to let us know what is happening.

So, Mr. President, I think this is a good amendment because it sets out the POW/MIA issue critical to all of us in this country and must be resolved. The issue of Cambodia is vital to all of us and must be resolved as an important part of that affecting the pace, though not obviously the totality of the relationship.

Finally, Mr. President, the question of reeducation is as integral to our thinking on these matters because it is a matter of human rights and it is the kind of thing that the United States has just asserted with respect to China and ought to be asserted with respect to any country that refuses to treat its citizens with the kind of decency that those of us in the free world are too easily able to take for granted.

Mr. President, I think this is a good amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, first of all, let me indicate to my two learned colleagues that I have the deepest respect for the personal experience both these Senators have had in Vietnam and I rise as a former chairman of the Veterans' Committee who has had the honor of holding some 40 hours of hearings, along with the senior Senator from California [Mr. CRANSTON] with regard to the MIA/POW issue.

I, too, have expressed a significant degree of frustration associated with that process. As a consequence, Mr. President, I think it is appropriate to recognize specifically what we are doing in this statement of policy. The Foreign Relations Committee voted 12 to 1 for specific language with regard to the policy of the United States with regard to Vietnam.

I think at this time, Mr. President, it is important to point out a specific statement of policy of the action taken by the Foreign Relations Committee:

> It is the sense of the Senate that the goal of the United States policy in Vietnam would be advanced by increasing access to Vietnam and by the expeditious removal of the trade embargo against Vietnam.

The amendment that has been proposed by my good friend from Arizona addresses it in a specific statement as follows:

> * * * in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States.
>
> * * *

Indeed, Mr. President, we have a distinction. The distinction is in the original action taken by the Foreign Relations Committee. We were not trying, if you will, for a commitment of a resolve of the Cambodian conflict. In the action taken initially by the Foreign Relations Committee, we were interested in the question of access. In other words, can we resolve at least a portion of the questions that remain with regard to Vietnam by access?

Mr. President, I ask unanimous consent to print in the RECORD a letter from Foreign Minister Thach relative to the matter of access because I think it is germane to this deliberation and discussion and should be in the formal records of the U.S. Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HANOI, *June 25, 1991.*

Hon. FRANCIS H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SIR: I have received your letter dated 18th June 1991 and highly appreciate your efforts as well as those of your colleagues to improve relations between our two countries. As you know, the Government of the Socialist Republic of Vietnam consistently looks upon the question of MIA as a humanitarian issue not to be linked with any political condition. Therefore, while hundreds of thousands of Vietnamese missing-in-action still remain unaccounted for, the Vietnamese Government has been doing its utmost to alleviate the suffering of American MIA's families. Also for that reason, we have never put any specific restrictions on U.S. specialists as well as politicians, American people and MIA families themselves coming to Vietnam to look for American MIAs.

From September 1989 to March 1991, hundreds of trips were made to 28 provinces, from North to the South, from deep jungles to the islands by U.S. specialists who freely interviewed many people from common people to high-ranking officials, all this in spite of the fact that the U.S. Administration still pursues a hostile policy toward Vietnam as shown in its continued embargo against Vietnam and restrictions put on SRV visitors' travel inside the U.S.

In order to promote an early solution to the MIA issue, at the U.S. Government's request SRV Government has recently agreed to the establishment of a U.S. MIA office in Hanoi. Specialists from both sides have drafted regulations on this office's operation and are waiting for approval from the two governments so that the office can soon begin to function officially.

On May 5th 1991, at Senator John Kerry's request the Vietnamese side agreed to grant permits for U.S. veterans organizations to set up a U.S. MIA liaison office in Hanoi and to allow American MIA families to come to Vietnam to join in the search for the MIAs. The Vietnamese side welcomed this initiative and made it clear that, for Americans sent to Vietnam for the legitimate purpose of looking for MIAs, Vietnam will create favorable conditions such as speedy entry and exit visa formalities according to international practice and granting of permits to facilitate travel anywhere in Vietnam.

The Vietnamese side holds that both sides, Vietnam and the U.S., have no interest in prolonging the moral wounds of war. On the contrary, both Vietnam and the U.S. need to settle the MIA issue as best and as fast as possible. The Vietnamese side is looking forward to concrete steps by the U.S. in consonance with this desire.

Yours Sincerely,

NGUYEN CO THACH,
Minister for Foreign Affairs, Socialist Republic of Vietnam.

Mr. MURKOWSKI. Mr. President, really, what we are doing by this action, is we are linking a Cambodian resolve instead of, in the opinion of the junior Senator from Alaska, the necessity of recognizing in the past 14, 15, 16 years the linkage simply has not worked and the merits of delinking, I think, deserve consideration. In addition, the highest priority is to resolve the MIA/POW issue, and that has not been resolved either.

The question arises from the Senator from Alaska, this could be best done by access—in other words, taking advantage of the current position of the Government of Vietnam with regard to access as opposed to what it was previously.

I recall in 1986, visiting Vietnam, and when the question of access came up and the question of the MIA/POW's and many unanswered questions, the response was simply, well, Senator, you have to take our word for it; we are a sovereign country.

That is no longer the case with regard to Vietnam. The Vietnamese have offered us access. The question of whether it meets our criteria is something else. But what is our criteria? Is it to have a humanitarian organization have access to Vietnam to satisfy ourselves? I do not think so necessarily, Mr. President. But certainly this Government has the sophistication; it has the knowledge to send in, if, indeed, the Vietnamese Government is willing to allow it—I think they would be hard pressed not to. It would certainly put them to the test—a group that would satisfy ourselves as to the expertise, the intelligence capability, and so forth, to have access to that country and address the issue that is utmost on our minds, and that is the MIA/POW issue.

What we are doing by this action is restating our policy of previous years that simply ties it into a Cambodian settlement.

I would like to see a Western presence in Vietnam because I think a Western presence would go a long way toward establishing, if you will, significant influence not only in Vietnam but as a consequence to bring in pressures, bring in Western influence, which could very well resolve the Cambodian dilemma.

As we address the amendment, I think we see the McCain amendment seeking to amend the underlying language which was offered in the committee by Senator KERRY and myself and that vote of 12 to 1. That language states the United States policy goals would be furthered by reaching an agreement with Vietnam that would result in ending our trade embargo against Vietnam. The POW/MIA issue, as I have stated before, continues to be our highest priority. But I believe that objectives outlined in the amendment could best be achieved more quickly by the question of having access to Vietnam and asking for it.

Over the last 4 years or so a mission headed by General Vessey has been working with Vietnam to fully resolve the outstanding POW/MIA cases, and since this dialog began they have had more progress in the issue than certainly at previous times, yet we have a long way to go.

I do not intend to oppose the amendment, as I indicated to my friend from Arizona, but I would like to inform my colleagues that I have introduced this topic of access previously with regard to a resolution of our Vietnam situation. I think it certainly deserves credit.

What we are attempting to do is, of course, design a roadmap, and without access I still think we are dealing from a point of isolation rather than access.

If we go back to the original intent of the Foreign Relations Committee action, Mr. President, it was mandated that before there could be any of the considerations associated with any type of communication with Vietnam, it would depend on progress on the POW/MIA issue. It was again questioned as to what kind of a group would satisfy us or whether it would take many trips. But the question again was let us try access for a change; full access to the country will help get greater results. If we want to scour the countryside, then let us do it. The Vietnamese must authorize full access and unlimited travel. As I have indicated, that has been proposed by the Vietnam Government. To my knowledge, we have not taken them up on it.

Let us not also forget, Mr. President, we have already moved the goalposts. You recall when the position and the policy of this Nation was that we demand as a condition for any relationship of any kind the withdrawal of troops from Cambodia. That was basically done in 1989. Now we have moved the goalposts by demanding that the Vietnamese produce a Cambodian settlement. That is just what we are doing in this policy in which we are now about to move.

So I do not think that the focus should shift. I really feel that there is a movement in this direction. Our policy is shifting to some extent from a resolve of the MIA/POW issue to a question of resolve of the Cambodian issue. I think the POW/MIA issue should remain utmost in our mind.

Mr. President, we are not talking under any terms and circumstances of normalization. There is no diplomatic recognition. We would utilize the legation in New York for our contacts. But, Mr. President, there is no United States presence currently in Vietnam. There is Korean. There is French. There is Japanese. They are doing business there.

The point of United States influence, United States presence in that part of the world by United States legitimate business in a nonstrategic trading opportunity I think deserves merit because, again, Mr. President, I think our influence can assist not only in a resolve of the ultimate Cambodian situation, but by having access into the country I think we can address what is utmost on the minds of all of us, and that is the simple question and the very emotional question of resolving the issue of the MIA/POW's.

Mr. President, I certainly recognize the sensitivities as expressed by my colleagues who, as I have stated, have a very personal consideration in this. But I think it is important to point out that we are basically moving into a policy conforming to the dictates of the administration where we simply tie in a Cambodian settlement to any consideration of any type of lower level relationship with Vietnam.

Mr. President, the Senator from Alaska is not convinced that is the quickest and best way to resolve the MIA/POW issue. The Senator from Alaska is convinced we should ask the Vietnamese for access into that country, well thought out, by a group we feel has the capability and let us scour the countryside and get this issue behind us once and for all. Unfortunately, I do not think we are doing that by this action.

Mr. KERRY. Mr. President, the distinguished minority leader is waiting to proceed with an amendment, so I will just take one quick minute.

I say to my friend from Alaska, who has worked closely with me on this, this Senator does not view this amendment as moving away from the policy which he has just described and with which I still agree. I think the wording, which is what we have worked on in the course of the day, those of us who do believe we could proceed faster by moving more rapidly on the economic front, let's do so. It does not deny it exists. It simply says the scope and pace of relations will be affected by it. But you can still operate under the economic leading toward the future.

On the other hand, for those who disagree with that, there is room enough to make the argument that this does not make an affront to their view. I think it is a happy compromise and I think we continue to push.

Mr. HELMS. The amendment as modified is acceptable on this side.

Mr. KERRY. Mr. President, the amendment is acceptable on this side.

Mr. DURENBERGER. Mr. President, I rise to comment briefly on the United States trade embargo toward Vietnam and Cambodia and our relations with those countries.

There are clearly differences among Senators on how best to proceed regarding these matters. There are no differences, however, in the objectives we all seek. Eventual normal trade and diplomatic relations with Vietnam and Cambodia; settlement to the Cambodia conflict; and as great as possible resolution of the POW/MIA questions. We all share these objectives. These are only differences on how to achieve them.

Yes, the trade embargo has its costs—on us and the target countries. But the embargo gives us critical leverage over Vietnam in areas of extreme importance to this country: a comprehensive settlement to the Cambodia conflict and the fullest possible accounting of our POW's/MIA's in Indochina.

The recent party congress in Vietnam seems to confirm that the conservative Communist leadership is firmly in control, and that they are unwilling to share any political power. They may bring non-Communists into the cabinet, but I am not persuaded at this point that they would have much power.

There are noteworthy indications, however, that the Communist leaders are in fact willing to work much more cooperatively with the United States on the Cambodia settlement and POW/MIA matters.

At a time when they are edging toward us, it does not seem prudent to relieve too much pressure. There are indications that the party leadership has a strong desire for the United States to lift the embargo in order to provide the impetus and fuel for a huge economic recovery and expansion.

It seems to this Senator that we should maintain the pressure of the embargo in order to encourage greater compromises not only on Cambodia and the MIA's, but also regarding democratization and market liberalization in Vietnam. We have very few good cards in our hands regarding Vietnam. The embargo is certainly one of them. We should not cast it aside too lightly.

Yes, there is an argument to be made for shifting from the stick to the carrot in our relations with Vietnam. But such a shift should not be made primarily based on economic and business motivations. Let us not abandon a policy that the Bush administration has worked hard to develop and implement, and one that has great potential for success.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 908) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 909

Mr. DOLE. Mr. President, I send an amendment to the desk for myself and the distinguished Senator from Rhode Island [Mr. PELL] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE.], for himself and Mr. PELL, proposes an amendment numbered 909.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

SEC. . PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO AND TRADE RELATIONS WITH DEMOCRATIC GOVERNMENTS AT THE REPUBLC LEVEL.

An essential purpose of the United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stabel economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions. In regard to those nations which are in transition from communism to democracy, it is the policy of the United States, to the extent feasible and consistent with United States national interest, to provide foreign aid to, and to encourage expanded trade with, democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

Mr. DOLE. Mr. President, last week during Senate consideration of the fiscal year 1992 foreign aid authorization bill, the Senate passed a provision expressing Senate support for democratic republics in the Soviet Union. This amendment builds on that principle and extends it to the Democratic Republics of Yugoslavia.

This amendment makes it the policy of the United States to support those democratic republics directly—through foreign aid and trade relations. At the present time, United States policy provides only for assistance to, and trade relations with, the Soviet and Yugoslav central governments. Under the present system, we have only two options: to support these central governments or withhold support to these central governments. What we don't have as an option, is direct support to the freely-elected democratic governments at the republic level within the Soviet Union and Yugoslavia. As all of my colleagues know, while there are some reformers in both the Soviet and Yugoslav central governments, these are not elected, democratic governments—they are Communist governments. And, as we have seen in the Baltics, in Kosova, and most recently in Slovenia and Croatia, these are governments which still resort to violence against democratic movements, democratic republic governments and their citizens. Therefore, the real hope for democracy's ultimate victory in the Soviet Union and Yugoslavia is the survival and growth of democratic republic governments.

I believe that this amendment will substantially strengthen, as well as implement—in the Soviet Union and in Yugoslavia—the principles upon which United States foreign assistance is based, namely the development of democratic institutions and free enterprise systems. This amendment will let us put our money where our mouth is, it will be possible now to back our rhetoric in support of democracy with tangible support.

Mr. President, we know who the true democrats are, and where they are. What's left to do is to support them, so that they will not be crushed under the weight of Communist central governments. This amendment offers new hope for these fledgling democratic republic governments which are still struggling against communism. I urge my colleagues to support this amendment.

I think this amendment has broad support on both sides of the aisle. I know of no objection to the amendment.

Mr. KERRY. Mr. President, there is no objection on this side.

Mr. HELMS. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 909) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, may I inquire of the managers of the bill whether they are prepared to deal with the amendment that I have given them copies of at this point?

Mr. KERRY. Mr. President, I believe if the Senator from Washington is going to proceed with the language as we discussed, we are prepared to move forward.

AMENDMENT NO. 910

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 910.

At the appropriate place in the bill, insert the following:

Findings:

All individuals are endowed with the unalienable rights of Life, Liberty, and the pursuit of Happiness;

The powers of government are derived from the consent of the governed;

It is the role of government to protect and foster these rights;

It is the duty of the people to abolish governments destructive of these rights;

In the course of human events, it may become necessary to dissolve political bands which connect one people with another; and

The Government of Yugoslavia, among others, has denied its people these fundamental rights and used its armed forces to attack and kill its own citizens.

Therefore, it is the sense of the Senate that the United States, in accord with the philosophy of the Declaration of Indepenence, support the right of the people of Solvenia and Croatia to establish new governments that honor the unalienable rights of all of their citizens.

Mr. GORTON. Mr. President, at certain times, it seems to this Senator that it is appropriate to refer to our historic backgrounds and to our first principles. In that connection, in sponsoring this amendment, I would like to refresh the memories of my colleagues with one paragraph from the Declaration of Independence of the United States.

Jefferson wrote:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

We all know those words, but they are followed by words which are particularly appropriate at this point. Mr. Jefferson goes on to say:

> That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Ojbect evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

As the Communist system breaks down and its reach and depth diminishes, nationalism and ethnic strife frozen in time for the better part of half a century has surfaced throughout the world. For the United States, this situation poses several foreign policy dilemmas. Foremost among them is responding appropriately and consistently to the demands for independence by groups in a country where freedom, religion, ethnic identity, and culture have been repressed.

In the past, the United States, in most cases, has given precedents to territorial integrity and stability over independence and freedom. The most recent and notable example of this policy on our own part is our reaction to the Kurdish independence movement in Iraq.

There are exceptional cases however, in which the United States has taken the opposite stance. The most recent example that comes to mind is with respect to Eritrean independence from Ethiopia.

Clearly, each independence movement is unique, and though there are no hard and fast rules for dealing with these situations, there is a solid precedent for American policy: our own Declaration of Independence. Two hundred and fifteen years ago, our Founding Fathers reasoned that "in the course of human events" it may become necessary "for one people to dissolve the political bands which have connected them with another." On this basis, the

United States broke from Great Britain.

But the principles of this great document are not limited to the American people. Abraham Lincoln, reflecting on this thought in the depths of the Civil War said, and I quote him:

> I have never had a feeling, politically, that did not spring from the sentiments embodied in the Declaration of Independence. * * * I have often inquired of myself what great principle or idea that kept this Confederacy so long together. It was not the mere matter of separation of the colonies from the motherland, but that sentiment in the Declartion of Independence which gave liberty not alone to the people of this country, but hope to all the world, for future time. It was that which gave promise in due time the weights would be lifted from the shoulders of all men, and that all should have equal chance. This is the sentiment embodied in the Declaration of Independence. * * * I would rather be assassinated on this spot than surrender it.

As Lincoln noted, the principles of the Declaration of Independence are universal and are applicable throughout the world. For this reason, the United States, in accordance with the philosophy of the Declaration of Independence, should, in the view of this Senator, support independence movements in Slovenia and Croatia.

Mr. President, not all human events counsel separation, whether for the United States or in Yugoslavia. Light and transient causes are certainly not reasons to resolve longstanding boundaries and political unions. But as the Thirteen Colonies recognized, some acts of existing governments cannot be overlooked. For the colonists, living under an absolute tyranny was one such condition.

In Yugoslavia, Slovenia and Croatia have endured nearly 50 years of Communist rule, and three quarters of a century of union with Serbia, reason enough, perhaps, for wanting a new system of government. But Slovenia and Croatia have been subjected to an absolute tyranny under a Serbian-dominated government that rivals in severity that experienced by our forefathers.

Slovenia and Croatia have been subjected to standing armies used to quell demonstrations for freedom. Yugoslavia is nearly as ethnically diverse as the United States. Unlike the United States, it is not a melting pot. Historically and geographically independent ethnic groups have not, regrettably, melded into one nationality. Yet, rather than agree to a looser federation, the central government maintained ethnically segregated, generally Serbian-dominated, armies to preserve peace in the republics. Like the British, the Yugoslav Government did this without the consent of the people affected.

Finally, Yugoslav Armed Forces, under Serbian control "independent of and superior to the civil power," to use the words of the Declaration, took control. In June, they rolled into Slovenia to quell calls for reform and demonstrations for freedom.

Since then, they have continued to incite the domestic insurrections in Croatia. This use of the armed forces of the central government to kill its own citizens irretrievably broke the social contract binding the people of Yugoslavia into one nation. Our colonists were subjected to treatment, which they duly noted in the Declaration.

Mr. President, this senator holds second place to none in his respect for the historic struggles of the Serbian people. One of the most profound and moving books I have ever read is by Rebecca West, entitled "Black Lamb & Grey Falcon," a peek into the history of Serbia and its attempt to escape from the domination of others.

Nevertheless, that domination has not been accepted by many of its minority groups. Three quarters of a century of attempting a centralized government seems at least in the views of the citizens of Slovenia and Croatia to have failed. Having been the subject of attempts to——

Mr. KERRY. Mr. President, will my colleague yield for a moment?

Mr. GORTON. I am delighted to.

Mr. KERRY. I wonder if I could ask my colleague, without interrupting, we are trying to proceed with a couple of amendments that are contested. This is an uncontested amendment that we will accept.

I wonder if my colleague—I know the leader is trying to move this process—would be willing to enter into an agreement on time?

Mr. GORTON. I say to the Senator from Massachusetts that the time remaining in my remarks is less than that of his interruption.

Mr. KERRY. I thank the Senator.

Mr. GORTON. Mr. President, this binding among the peoples of Yugoslavia has been destroyed by the central government. As our forefathers believed in 1776, and the Slovenes and Croats believe now, it is a people's right to change so oppressive a form of government. This is an unalienable right we Americans must not ignore.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 910) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 912

(Purpose: To strike funds for USIA's "Worldnet" television program)

Mr. WOFFORD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from Pennsylvania [Mr. WOFFORD] proposes an amendment numbered 912.

Mr. WOFFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 83, strike lines 18 and 19 and insert in lieu thereof: "and Expenses", $401,109,500 for the fiscal year 1992 and $401,109,500 for the fiscal year 1993, provided that no funds shall be available for any expenditure related to the "Worldnet" television program.

Mr. KERRY. Will the Senator yield for a moment?

Mr. WOFFORD. Yes.

Mr. KERRY. Mr. President, with respect to the amendment of the Senator from Pennsylvania, I ask unanimous consent that on that amendment dealing with Worldnet, there be 20 minutes equally divided and controlled in the usual form; that following the conclusion or yielding back of time, there be a vote on or in relation to the amendment at a time set by the majority leader, after consultation with the Republican leader, and that no amendments to the amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent, also that the Senator from Arkansas have his amendment considered next, or have his issue considered next.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, this amendment will save the taxpayers over $22 million by striking the funds for USIA's Worldnet television program. This program has only minimal viewership and entirely duplicates efforts done far better by the private sector.

Worldnet was initiated in 1983 by the USIA Director, Charles Wick, who had grand visions of a global U.S. Government television network. At vast expense USIA acquired satellite time, constructed ground receivers and produced daily programming. One program was an uninspired version of "The Today Show," while another took on the job of teaching viewers who already spoke English the intricacies of American English.

Meanwhile, USIA officers scurried around European cities trying to cajole foreign cable operators to carry this programming.

USIA made extravagant claims for Worldnet viewership. In one moment of exuberance, Director Wick claimed 5 billion viewers saw Worldnet's coverage of the 1985 Reagan-Gorbachev summit. On another occasion, USIA claimed more than 20 million regular viewers of its Worldnet programming.

These claims were viewed with considerable and, as it turns out, justified skepticism by the distinguished chairman of the Foreign Relations Committee, Senator PELL. As part of the 1987 USIA authorization, Senator PELL proposed an amendment requiring USIA to hire an independent audit company to survey the number of actual viewers of Worldnet. The Pell amendment provided that Worldnet could continue to receive funding as long as it had 2 million viewers or just 10 percent of the USIA claim.

The survey was completed in 1988. It showed that Worldnet had no more than 200,000 viewers, just 10 percent of the Pell threshold and only one percent of the USIA claim.

Furthermore, the survey determined that, without counting viewers of the "George Michael Sports Machine," which was carried over the air by an Italian television station, the viewership of Worldnet's public affairs programming was in the neighborhood of 20,000.

In Germany, the survey found that during certain time periods Worldnet went out on cable without a single viewer.

Meanwhile, the American private sector was entering the field of international television with spectacular success.

CNN now operates in more than 60 countries and has tens of millions of viewers.

During the gulf war, CNN became the world's authoritative source for up-to-the-minute news and the place where our leaders, as well as those of other countries, made their diplomatic pronouncements.

Through CNN, our leaders were able to fight and win the public relations battle of the Persian Gulf war. And, we were able to do this at no cost to the American taxpayer.

According to USIA's Congressional Liaison Office, Secretary Baker has not appeared one single time on Worldnet. Not once. Clearly, the administration considers Worldnet a waste of its time. I hope the administration will also agree with me that Worldnet is a waste of the American taxpayers' money.

Unfortunately, it is hard to kill programs here in Washington, however wasteful they may be. Worldnet was resurrected in 1989 and continues today.

Perhaps if our taxpayers had unlimited sums of money, we could afford to produce television that no one watches. But not at a time when human needs are growing here at home, our economy's in recession, millions are unemployed and the real incomes of working families are falling while taxes are rising.

Over the last 12 years, the budget for the U.S. Information Agency has more than tripled, making it one of the fastest growing agencies in our Government.

While much of this growth has been merited, the easy availability of funds has allowed the agency to avoid the tough choices that other parts of our Government have had to face.

Let us be sensible fiscal conservatives. Let us kill a program that does not work and cannot compete with the private marketplace. And instead invest our tax dollars where they can do some good right here at home.

American taxpayers will be more than $22 million better off.

I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). Who is controlling time for purposes of yielding at this point?

Mr. KERRY. I believe the unanimous consent said that the Senator from Pennsylvania would control his 10 minutes, and I will control the 10 minutes for the proponents.

Mr. WOFFORD. I yield to the distinguished Senator from Rhode Island.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Four minutes, 43 seconds. The Chair informs the Senator from Massachusetts that the time allocation was under the usual form. If the Senator from Massachusetts opposes the amendment offered by the Senator from Pennsylvania, the Senator from Massachusetts controls the time.

Mr. KERRY. The Senator from Massachusetts opposes the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time.

Mr. KERRY. I do not believe I control the time of the Senator from Pennsylvania. The Senator from Pennsylvania is yielding to the Senator from Rhode Island.

Mr. PELL. Mr. President, I just want to rise and say I think the amendment is a good amendment. There would be $21 million saved to the taxpayers, and that is a tidy sum of money. I yield the remainder of my time.

Mr. WOFFORD. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I believe the Senator from Indiana wishes to speak. How much time will the Senator need?

Mr. LUGAR. I wish to speak in opposition, if the Senator will yield 5 minutes.

Mr. KERRY. I yield 5 minutes.

Mr. LUGAR. Mr. President, this amendment is extremely shortsighted. I know of no media available to the U.S. officials to present the United States' position that is more effective than Worldnet. Indeed, the whole purpose of this appropriation bill is to appropriate money for an effective American foreign policy, to project our views. I make that point because the commercial networks are under no obligation to promote the viewpoints of the U.S. Government, our views as Americans.

Indeed, the networks are under some obligation to be objective, present many views, the views of the anchormen or the views of the editorial writers or those at least who are a part of the networks to begin with, and then to try to find opposing views at least to find some balance.

The USIA has found uniquely with Worldnet an opportunity to penetrate the thought processes of countries, friends or foe alike. I take two examples from personal experience in recent months. Just last week the distinguished Member of the House, Mr. SOLARZ, and I were asked by Worldnet to interact with officials in China. Our Embassy in Beijing invited 40 officials of the Chinese Government to attend a session in which those officials asked of SOLARZ and myself questions about United States policy.

We made assertions about China. We made very strong assertions, as a matter of fact, in middle of the most-favored-nation debate about human rights problems in that country, and the bandwagon effect of history that is bringing on market economics and democracy, and China should join it. Our views were transmitted to our consulate in China and, likewise to our consulate in Hong Kong. That is a service that is not performed by ABC, by CNN, by any of the networks, commercial entities of the United States of America, unless by invitation the Chinese decide at least to put on portions of those programs.

In a recent program to Latin America I was involved in dialog with a journalist in Caracas who ran the entire show as a part of his talk show at noontime to an audience estimated at a million persons. This was a direct advocacy of American views, over Caracas, to all the persons listening at that particular time.

I make this point, Mr. President, because I appreciate perhaps the proponents of the amendment have not known of the powers of American television when projected constructively by USIA, but Senators ought to know, the money ought to be retained. The amendment should be defeated. As a matter of fact, Mr. President, it would be well for all Senators to have a better idea of the power of American journalism and the ability of American foreign policy to affect the course of affairs.

There is no more powerful medium than television, and our ability to change tyranny into democracy in Eastern Europe, in Latin America, and now even in Southeast Asia, it seems to me, hinges very largely on our creative abilities to get ideas, to insinuate them into societies, that sometimes have repealed those ideas and made communication very difficult.

For these reasons, Mr. President, I am hopeful that Worldnet will be supported and that this amendment will be rejected. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 5 minutes and 26 seconds.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Indiana. I ask my colleagues to think hard about this amendment. I share the belief very, very deeply that this amendment is shortsighted, that it would take away a very important communications tool that has increased in its importance in recent years.

Mr. President, Worldnet is not a television network, so to speak. Worldnet sends out special kinds of programs, but also sends out tapes, special information packages that cannot go out through the commercial television system. Worldnet is totally distinct from the other kinds of television which people use as an excuse to suggest that Worldnet ought to be cut.

Let me also point out, unlike CNN which broadcasts in English and periodically in Spanish, Worldnet is available in a number of different languages, including Arabic, Indonesian, and even Urdu.

Second, CNN is available only to those who pay for it or only to those who have access to a satellite dish. But Worldnet is based on the notion that information is a right and not a privilege. So Worldnet is available, as a result, to anybody and particularly to Third World countries.

Finally, CNN does not and should not represent the United States. Worldnet specifically is there to represent a viewpoint of the United States just as other countries are trying to represent their viewpoint through increasingly present systems of television.

In a 2-week sampling from June 3 to 17, U.S. posts in Latin America and the Caribbean reported a placement of some 1,441 items, a total of 159 hours of air time, in channels of 21 out of 27 countries served by USIA posts.

I call to the attention of my colleagues this USIA advisory commission which, in its annual report, said that at a time when the influence of television is increasing, Worldnet budget has already dropped by 17 percent from 1989 to 1991. So, Mr. President, I would suggest respectfully that that budget is already insufficient and that is precisely what the U.S. advisory commission found.

I would hope that my colleagues will recognize the interactive television gains that we get through Worldnet and the extraordinary benefits that many people in other countries, policymakers, and others, have agreed that Worldnet presents. I hope that this cut will be rejected as a result of the benefits that are provided by this important service.

I retain the remainder of my time.

The PRESIDING OFFICER. The Chair would advise the Senator from Pennsylvania has 4 minutes and 24 seconds remaining on his time. The Senator from Massachusetts controls 2 minutes and 8 seconds.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, I just say to the Senator from Indiana that Worldnet is not a very valuable tool. Practically no one is viewing it.

I say to the Senator from Massachusetts that indeed Worldnet is not a television network. It is not much of a television programming when practically no one is watching.

I come to this amendment not just out of a desire to find ways to save taxpayers money in general, but because of the very specific experience over many years that makes me skeptical of government television programs. During the very beginning of the growth of the United States official Government information services, I spent most of a year in India and Pakistan. A decade or so later, I spent 2 years in Ethiopia and in many countries of Africa. I worked in other countries for other periods of my life. And in all of those places I have seen the skepticism, and I think justifiable skepticism, that people have about any government's including our Government's, official programming.

Now we have been expanding this Worldnet into an area where CNN and the private sector from the United States have been doing a spectacular job.

I will just rest with saying that I believe that the real position of the United States is best represented not by Government television programming in Worldnet, but by the free press, the free television, of the United States. That is what the United States represents. A free society is its own best advertisement. That would best convey what we want to convey in this world—what freedom really is—and it will save taxpayers more than $22 million.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, How much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 7 seconds.

Mr. KERRY. Mr. President, I yield 1½ minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in opposition to this amendment. It seems to me with this bill and other measures that we have advanced in this body we have suggested the American viewpoint, the American vision, ought to be communicated to the world. We do it through consulates. We do it through embassies. We do it through ambassadors. We do it through world conferences. We do it through world exchange programs. We do it through assistance programs. We do it through loans. It is an area where reasonable men and women can disagree as to the extent and the amount of money appropriate.

But if you accept the proposition, as I believe every Member of this body does, that this Nation needs to communicate its ideas and its visions to the world, to say you are going to do that by every means except television simply is not very sound.

It seems to me, if we are in the business of communicating our ideas for the world, that we have overlooked one of the most basic and effective tools we can have if we say that television, and communication of ideas through television, should not be part of it. I believe this expenditure of money is one that is perhaps one of the more effective and cost effective ways of communicating our message.

If I were to trim the budget—and I made a number of recommendations today to do that—but if I were to trim it, this would be one of the last areas to cut, not one of the first. I hope the amendment will be defeated.

The PRESIDING OFFICER. The Chair will inform the Senator that the time allocated to the Senator has expired.

The Senator from Massachusetts controls 30 seconds.

Mr. KERRY. Mr. President, I yield 30 seconds to the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I rise to oppose the amendment to strike Worldnet funding. Worldnet has a proven track record. Since 1983, the U.S. Information Agency [USIA] has utilized satellite technology to deliver premiere public affairs programming for international television viewers. Worldnet utilizes the medium of this century—television.

Worldnet broadcasts spread needed information in regions of the world that do not have good indigenous television and film services. Worldnet reaches areas that do not have access to international media services such as CNN. Worldnet assists fledgling media services in Eastern Europe achieve quality broadcasts by channeling satellite transmissions to U.S. Embassies and USIA posts around the world. The embassies then make the broadcasts available to both select and mass audiences.

Mr. President, our European allies, including France and Germany, understand the importance of international television broadcasting as a cost effective method of promoting democracy. Over the last few years these nations have invested heavily in international satellite television.

At the time of European expansion of international television broadcasts, the budget for Worldnet has dropped by 17 percent from fiscal year 1989 to fiscal year 1991. Despite these budget cuts, Worldnet has been able to increase its broadcasts to Eastern Europe and Latin America.

Mr. President, I agree with the Senator's goal of replacing U.S. Government-funded media services with private media services. However, at this time, Worldnet is often the only source of television news. Rather than eliminating all Worldnet funding, I would suggest a study of the effectiveness of, and need for, Worldnet under the coordination of USIA.

Mr. President, I commend the Senator for offering an amendment that appears to be a $25 million savings for the American taxpayer. However, the deletion of Worldnet funding probably will result simply in the money being diverted elsewhere at the expense of this effective foreign policy tool.

Mr. President, I would state from personal experience, once being in Cairo, Egypt, where the people at the local television station told me that they frequently use the material, I think we have to learn to use television in its battle for ideas. We use Radio Free Europe. We use television to convey ideas for all other ideological warfare. I think that if we do not continue this, we just abandon this effort, we will be abandoning a very important opportunity.

The news from the United States is an important thing. And a lot of television stations around the world use as a source this Worldnet, and I think we should be putting our best foot forward. I think Worldnet has been successful.

The PRESIDING OFFICER. The time allocated to the Senator from Massachusetts has expired.

The Senator from Pennsylvania has 1 minute and 46 seconds remaining.

Mr. WOFFORD. I would only say, Mr. President, if this expenditure of $22 million were worth it, I would think the Secretary of State, Secretary Baker, would find it worth his time to be on Worldnet at least once. I am ready for the yeas and nays.

The PRESIDING OFFICER. Is the Senator requesting the yeas and nays?

Mr. WOFFORD. I am.

The PRESIDING OFFICER. Is there a sufficient second?

In the opinion of the Chair, there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator wish to yield his time back? One minute ten seconds are remaining to the Senator from Pennsylvania.

Mr. WOFFORD. Yes, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. KERRY. Mr. President, I have two amendments that are both acceptable on both sides. I send to the desk a package of technical amendments.

The PRESIDING OFFICER. The Chair understands, pursuant to the unanimous-consent request, that the majority leader will designate a time for the vote on this amendment as well as others.

Under the previous agreement, the Senator from Arkansas was to be recognized for a period of 20 minutes, to be controlled in the usual form, 10 minutes allocated to each side.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a request for a unanimous-consent agreement which has been cleared by the distinguished Republican leader and will permit us to proceed to disposition of this bill and the other pending votes this evening.

Mr. President, I ask unanimous consent that Senator KERRY be recognized to offer two amendments, which I believe have been cleared on both sides.

Following disposition of those amendments, I ask unanimous consent that Senator BUMPERS be recognized to address the Senate for 5 minutes, following which Senator DODD be recognized to address the Senate for 5 minutes, following which Senator ROTH then be recognized to offer an amendment expressing the sense of the Senate on U.S. nuclear weapons in Europe; that there be 20 minutes of debate on the Roth amendment, equally divided and controlled in the usual form, with no amendments to the amendment in order; that, upon the use of or yielding back of that time, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Roth amendment; that, following the disposition of the Roth amendment, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Wofford amendment; that, following the disposition of the Wofford amendment, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Pressler amendment No. 892; that, following the disposition of the Pressler amendment, the Senate proceed to vote, without any intervening action or debate, on or in relation to the Helms amendment No. 896; that, following the disposition of the Helms amendment, the bill be read for the third time; that the Foreign Relations Committee then be discharged from further proceedings on H.R. 1415, the House companion measure; that all after the enacting clause be stricken and the text of S. 1433, as amended, be inserted in lieu thereof, and the Senate then proceed to vote without any intervening action or debate on final passage of H.R. 1415.

I further ask unanimous consent that, following the vote on final passage of H.R. 1415, there be 10 minutes of debate equally divided in the usual form on the motion to proceed to the consideration of S. 1554, a bill to provide emergency unemployment compensation; that, upon the conclusion or yielding back of that time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the consideration of S. 1554. I further ask unanimous consent that all of the votes other than the first and last stated vote be for 10 minutes only.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, the unanimous-consent agreement propounded by the majority leader is agreed to.

Mr. MITCHELL. Mr. President, Senators should now be aware then that there will be six rollcall votes this evening, the first of which will commence, if all of the time set forth is used, in approximately 35 minutes and that, if the Roth amendment is accepted or the time not used, votes could begin in as little as 15 minutes.

So I hope all Senators' offices will notify Senators that beginning somewhere between 15 to 35 minutes from now the Senate will begin a series of six rollcall votes.

I thank my colleagues for their cooperation. I thank the distinguished chairman and ranking member of the full committee and the managers of the bill for their diligence in proceeding to bring this bill to a conclusion this evening.

I thank the Senator from Arkansas for his courtesy as well.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair might inform the Senators that, as the Chair understands the unanimous-consent agreement, the Senator from Massachusetts [Mr. KERRY] is to be recognized for the purpose of offering two amendments, and then the Senator from Arkansas [Mr. BUMPERS] is to be recognized for a period of 5 minutes.

Under the unanimous-consent agreement, the Chair recognizes the Senator from Massachusetts.

AMENDMENT NO. 913

(Purpose: To make technical corrections)

Mr. KERRY. Mr. President, I believe I sent the amendment to the desk and I now ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 913.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 3, immediately above the item relating to section 162, insert the following item:

Sec. 161. Material donations to United Nations peacekeeping operations.

On page 3, in the item relating to section 171, strike out "The".

On page 4, strike out the item relating to section 303 and insert in lieu thereof the following:

Sec. 303. Policy on RFE/RL.

On page 9, after the period at the end of line 21, insert the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 10, after the period at the end of line 12, add the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 18, strike lines 13 through 16.

On page 18, line 17, strike out "(3)" and insert in lieu thereof "(2)".

On page 19, line 3, strike out "(4)" and insert in lieu thereof "(3)".

On page 19, line 6, strike out "(5)" and insert in lieu thereof "(4)".

On page 19, strike the period at the end of line 9 and insert in lieu thereof the following: ", except that the 15-day period under that section shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved.".

On page 19, line 10, strike out "(6)" and insert in lieu thereof "(5)".

On page 19, line 13, strike out "(7)" and insert in lieu thereof "(6)".

On page 25, line 3, strike out "notification and".

On page 25, line 6, strike out "notification" and insert in lieu thereof "detailed reporting".

On page 25, line 7, strike out "notify on a timely basis" and insert in lieu thereof "submit a report on a timely basis to".

On page 25, line 10, insert at the end thereof the following: "Such report shall set forth for each person denied a visa pursuant to such section—

"(1) the name of the alien;

"(2) the alien's nationality; and

"(3) a factual statement of the basis for such denial.".

On page 25, line 20, strike out "the basis for" and insert in lieu thereof "a short statement of the grounds for".

On page 36, line 3, strike "and".

On page 36, between lines 3 and 4, insert the following:

"(I) activities of the Immigration and Naturalization Service; and".

On page 37, strike out line 5 through 11 and insert in lieu thereof the following:

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

On page 28, beginning on line 18, strike out "reimbursable" and all that follows through "period' on line 20 and insert in lieu thereof the following: "deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by this subsection were in effect during that period and the services had been requested by the Secretary of State".

On page 47, line 12, insert "by inserting 'preschool,' before 'kindergarten' and" after "(A),".

On page 48, strike lines 12 through 15.

On page 54, line 4, strike out "60 days" and insert in lieu thereof "9 months".

On page 55, line 22, strike out "in" and insert in lieu thereof "by".

On page 63, line 2, add at the end thereof the following new sentences: "In the event that the head of any originating agency considers it necessary to deny access to the Advisory Committee to the original text of any record, that agency head shall notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.".

On page 63, line 19, strike out "Advisory Committee" and insert in lieu thereof "Secretary of State".

On page 63, lines 20 and 21, strike out "The Secretary of State" and insert in lieu thereof "him by the Advisory Committee".

On page 63, line 21, add at the end thereof the following new sentence: "In the event that the Secretary of State decides not to furnish such copy to the originating agency, the Secretary shall notify the Advisory Committee in writing, describing the reasons for his decision.".

On page 63, line 23, insert "from the Secretary of State" after "report".

On page 64, line 3, strike out "Advisory Committee" and insert in lieu thereof "Historian".

On page 64, line 13, insert "(as determined by the Secretary of State and the Archivist of the United States)" after "value".

On page 65, line 16, before the semicolon insert the following: "or would demonstrably impair the national security of the United States".

On page 66, line 6, strike out "Act" and insert in lieu thereof "title".

On page 66, between lines 10 and 11, insert the following:

In the event that the Secretary of State considers it necessary to deny access to records under paragraph (3), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

On page 66, line 25, strike out "systematic".

On page 73, line 2, strike out "one" and insert in lieu thereof "two".

On page 86, strike lines 18 through 21 and insert in lieu thereof the following: "The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America'.".

On page 91, between lines 2 and 3, insert the following new undesignated paragraph:

Section 225(a) of such Act is further amended by striking out "shall" each of the two places it appears and inserting in lieu thereof "are authorized to".

On page 95, line 18, strike out "Act" and insert in lieu thereof "title".

On page 109, line 4, strike out "Act" and insert in lieu thereof "title".

On page 110, line 4, strike out "30" and insert in lieu thereof "90".

On page 110, lines 7 and 8, strike out "during Operation Desert Shield or Operation Desert Storm" and insert in lieu thereof "subsequent to August 2, 1990".

On page 110, line 13, strike out "Act" and insert in lieu thereof "title".

On page 110, line 17, before the sermicolon insert the following: "or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the select Committee on Intelligence of the House of Representatives".

On page 111, line 2, strike out "or".

On page 111, line 3, insert before the period the following: "which has become United States property in accordance with the laws of war".

On page 111, line 5, strike out "Act" and insert in lieu thereof "title".

On page 111, strike out lines 6 and 7 and insert in lieu thereof the following:

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take possession of certain property solely for use during the immediate conflict;

On page 111, line 11, strike out "or".

On page 111, line 13, strike out the period and insert in lieu thereof a semicolon.

On page 111, between lines 13 and 14, insert the following:

(4) the return of spoils of war to previous owners from whom such property has been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

On page 114, line 9, strike out "Act" and insert in lieu thereof "title".

On page 116, line 24, strike out "Act" and insert in lieu thereof "title".

On page 130, line 13, strike out "Act" and insert in lieu thereof "title".

On page 149, line 11, strike out "Baltic Republics" and insert in lieu thereof "Baltic States".

On page 154, line 23, strike "(known as the 'Sejm')".

On page 169, line 12, after the period, add quotation marks and a period.

On page 6, line 16, strike "$1,743,005,000" and insert in lieu thereof "$1,727,005,000".

On page 6, line 17, strike "$1,745,005,000" and insert in lieu thereof "$1,735,005,000".

Mr. KERRY. Mr. President, this amendment represents a package of technical corrections which has been accepted by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Massachusetts?

If not, the question is on agreeing to the amendment.

The amendment (No. 913) was agreed to.

AMENDMENT NO. 914

(Purpose: To express the sense of the Congress that the United States should seek, through diplomatic channels, the release of political prisoners in South Africa)

Mr. KERRY. Mr. President, I send a second amendment to the desk on behalf of Senators LEVIN and KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. LEVIN, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 914.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 169, after line 12, add the following:

SEC. . POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pre-

toria Minute," in which both parties accepted a definition of "political prisoner" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South African;

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986;

(5) the United States Congress remains concerned about the delay in the resolution of this central issue.

(b) POLICY.—It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the resolution of this controversy and the release of all political prisoners;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners;

(3) satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners, is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

Mr. KERRY. Mr. President, this amendment expresses the sense of the Congress that the administration should undertake to pursue, through diplomatic actions with the South African Government, the resolution of the controversy over the release of political prisoners. The amendment requires the President to report on what progress has been made on this issue. I think, as we all know, the controversy on this issue continues to be a major obstacle to the talks among both the South African Government and the ANC. I think all of us believe this would be a good amendment. I think it is accepted on both sides.

Mr. LEVIN. Mr. President, the United States Congress has already clearly stated the importance that it attaches to the release of all South African political prisoners and to the establishment of a climate conducive to the free exercise by South Africans of all races of their right to participate in the political process.

Release of all political prisoners has also been a fundamental demand of the antiapartheid forces in South Africa and the international community. It has been a key condition for the relaxation of international pressure and readmittance of South Africa to the community of nations.

On August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute," in which both parties accepted a definition of "political prisoners." Pursuant to this agreement, all political prisoners were to be released by April 30, 1991. However, after that agreed upon deadline, the Human Rights Commission of South Africa and the African National Congress have identified a significant number of political prisoners who remain incarcerated in South Africa, including the "homeland" areas.

My amendment expresses the sense of the Congress that the United States should seek, through diplomatic channels, the release of all political prisoners in South Africa and requires the Secretary of State to submit to the Congress a report documenting the progress which has been amde concerning their release. My amendment also reaffirms the sentiment of Congress that a satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

Mr. President, I am very pleased that my colleague, Senator KASSEBAUM, the ranking minority member of the Subcommittee on Africa has joined as a cosponsor to this resolution.

Mr. HELMS. Mr. President, earlier today I suggested that this is not the time to debate future United States policy regarding South Africa.

The amendment by the Senator from Michigan [Mr. LEVIN] steps to the brink of debating South Africa but does not go over the edge.

If adopted, the Levin amendment, in my opinion, should not alter United States policy toward South Africa. After all, Mr. President, United States policy regarding so-called political prisoners was established by President Bush when sanctions ended.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Chair hearing none, the question is on agreeing to the amendment.

The amendment (No. 914) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Mr. President, I had intended to offer an amendment tonight to strike section 915 of this bill. That was a provision that was inserted in the committee by the Senator from Connecticut [Mr. DODD], which would authorize us to embark on yet another method of selling arms.

I know there is not a single person in this body for whom I have a greater respect or closer friendship than my good friend, the Senator from Connecticut.

Mr. President, I feel strongly about not starting another methods of selling arms, especially in the wake of the Persian Gulf when every poll shows that every American says that if we learned anything from the Persian Gulf it should be to stop the proliferation of arms all around the world.

Indeed, negotiations are going on right now in Paris between all the permanent members of the Security Council to stop it.

Yet here we have a $1-billion loan guarantee which OMB says will be subsidized to the tune of $63.5 million a year. This is a 2-year authorization in this bill.

Incidentally, the reason I am not going to offer the amendment tonight is because it is going to have to be confronted again on the appropriations bill and there is not any point in putting the Senate through the wringer twice on the same issue. Therefore, I am not going to offer my amendment tonight. Appropriations is really the determinative vote anyway.

Section 915 is very cerefully crafted to say that the Arms Export Control Act is amended to authorize an additional $1 billion in guaranteed loans, the loan rate to be set at whatever rate the Eximbank would charge for the same loan. That is complicated because the Eximbank has a lot of complicated formulas.

This is another $1 billion in loan guarantees that will cost the taxpayers of America $63.5 million each year, and all you can do when you go to bed at night is pray that whomever you make these concessionary loans to will pay them back. If they do not, add the full billion to the burden of the American taxpayers.

Section 915 is very carefully crafted to say that sales may only be made to our NATO allies, plus Japan, Australia, New Zealand, and Israel.

I would like to ask the American people and my colleagues in the Senate, who here wants to subsidize a loan to Japan? Who, here, wants to subsidize a loan to Great Britain? Or Germany? Or Italy? Or any of the others?

Interestingly, this provision includes Iceland. Do you know what Iceland spends on national defense? Zero. Not a dime. They have not spent a dime in years on defense. But they are included in this amendment.

I do not want to make all the arguments just as though I had offered the amendment because there is going to be a long, protracted debate on the floor when the appropriations process comes up. But the truth of the matter is that the argument will be made that the unemployment rate in States like

Connecticut and Delaware and Massachusetts is very high. Those States do, indeed, have significant defense industries. And I know that unemployment is high. But I promise my colleagues, the unemployment rate in Connecticut is not nearly as high as in 25 counties in east Arkansas.

I applaud the Senator from Connecticut for trying to do something for his people. If I were in his position I might be doing the same thing. But, Mr. President, the worst possible reason in the world for an amendment to increase the number of arms sales by $1 billion—the worst argument in the world—is that it creates jobs.

We are going to create jobs in the defense industry? And send more and more weapons all over the world? And have those weapons, maybe, ultimately, pointed at us? That's what happened with some weapons in the Persian Gulf war.

The PRESIDING OFFICER. The Chair informs the Senator from Arkansas that the 5 minutes allocated to him has expired.

Mr. BUMPERS. Mr. President, I will save the rest of my ammunition for a later time.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is recognized for 5 minutes.

Mr. DODD. Mr. President, let me begin my remarks by saying that I have no higher regard for any Member of this body than I do for the distinguished Senator from Arkansas. But on this matter his argument would be appropriate if we were discussing a provision of this legislation that dealt with arms sales to Third and Fourth World countries. Rather, we are dealing here with sales of private contractors to NATO countries and New Zealand, Australia, Japan, and Israel.

This is not a subsidy to Japan. It goes to help out private contractors trying to compete effectively in a marketplace that has changed. We no longer compete with governments. That is what we are up against around the world. That is certainly true within the European Community and elsewhere.

All we are trying to do is create a level playing field in those markets. We are trying to see to it that our products will have at least some sort of an equal chance to compete effectively with those of industries that are being highly subsidized primarily by the governments of Japan and Western Europe.

This amendment confines the nations to just that group and only that group. And it deals only with private contractors, not government-to-government sales.

So while I respect immensely the concern of the Senator from Arkansas about expanding further arms sales around the world, this particular provision—which passed on a recorded vote in the Foreign Relations Committee—is designed specifically to see to it that American workers and American industries are not disadvantaged in that marketplace. Frankly, that is what has happened.

This provision in the legislation is designed to see to it that we create that level playing field.

I wish the world were such that there were not going to be any more arms sales; that there were not going to be any more defense contractors; that we were going to stop once and forever the sales of jet engines or helicopters or other equipment. That would be ideal and I wish that were the case, and I respect the desire of the Senator from Arkansas for that to be the case. I am sure everyone in this body has similar views.

The hard realities of life, though, are that there will be defense articles made and produced in Europe and elsewhere around the globe. It is an important industry in this country. And it is our industry that is suffering. We are already seeing a 25- to 30-percent reduction in the U.S. defense industry as a result of changed conditions in the world.

But to suggest that our industries ought to be put out of business when it comes to trying to compete effectively in foreign markets, I think would be a mistake.

So this legislation is not just a bill that deals only with Connecticut or New England, but rather industries across this country that have contributed significantly to this Nation's health and well-being and, frankly, ought to have the opportunity to compete fairly and effectively in those marketplaces.

So Mr. President, I support the work of the Foreign Relations Committee. I thank my colleagues on the committee for having supported this provision. My hope is that we would fund this provision because it could make a difference to American workers, to American industries, to American technology, and to research and development in these important areas. Frankly, that is the reason it was included in this legislation.

And let me say that I commend the administration for being supportive in helping draft this legislation in a way that would do the job most effectively.

Mr. President, I say to anyone who would try to expand this market to Third or Fourth World countries, I would strongly oppose any effort in that regard. But at least in those markets where the Japanese and others highly subsidize their industries, at least in those markets where we try to compete and we cannot even get in the door, this legislation will allow us at least to get in that door. This legislation will see to it that American products can be competitive on a price level.

Until these other countries change their policies when it comes to subsidizing their industries, I think we ought to decide we are going to play by the same rules. If they change their rules, we will change our rules. But until that occurs, I do not think American people whose jobs are on the line ought to have to suffer because other countries will not play by the rules by which my friend from Arkansas would like them to play.

I thank the distinguished Senator from Massachusetts and the distinguished Senator from Rhode Island and others who supported this provision when it was raised in the Foreign Relations Committee. This is not going to save a large number of jobs. It is not going to make a tremendous difference in that regard. But it could make the difference for some. For that reason, it is an important provision, and I thank them for their support.

I yield the remainder of my time.

Mr. LIEBERMAN. Mr. President, I rise in opposition to the gentleman from Arkansas' amendment. I believe that it would hurt our defense exporters at a time when we are dramatically downsizing our military—thereby affecting their ability to do business—and when our economy is suffering through the throes of a recession. You might even call it a depression of New England.

Our defense manufacturers are a critical part of our manufacturing base. They produce products which are competitive worldwide. But the problem confronting our defense manufacturers has nothing to do with the quality of their products, it has to do with the lack of an adequate financing program to help them compete against manufacturers from other nations. Without this financing, they are at a competitive disadvantage.

The United States is one of the few leading exporting nations that does not support its defense manufacturers with their export sales. The result of this lack of support is that domestic producers lose sales or shift production overseas through subsidiaries to countries which will provide export credits. At a time when our defense industry is downsizing as a result of inevitable cutbacks, we cannot afford to hurt our exporters further by refusing to support their export activities. We stand to lose too many jobs if we do not help. This is particularly important to my home State of Connecticut which relies heavily on its defense industry.

What Senator DODD did with the language now contained in the bill is establish a program that would help our exporters without putting the Federal Government at great financial risk. He does this in two ways: by ensuring that the Eximbank does a risk analysis of all pending transactions and by limiting the universe of companies that are permitted to take advantage of the program. The only nations that are eligible to use the guarantee authority are NATO nations, Israel, Japan, and our ANZUS allies.

What the Dodd language does not do is set up the program at the Export-Import Bank. The administrative function for the program is at the State Department. This should help to diminish concerns about the so-called crowding our problem, that some supporters of the Eximbank were afraid of when it was first suggested that the Eximbank begin a policy of exporting financing. Eximbank would merely make available its expertise to ensure that all transactions were financially sound.

We talk a great deal in this body about competitiveness. We speak about how we want to help American companies to compete on a level playing field, how we want to help them deal with unfair foreign competition. The Dodd language on export financing helps us to achieve that goal by making available necessary export financing for our exporters so that they can compete against foreign firms.

It is important to remember that arms traffic will not stop if we decide not to add our exporters. What will occur is our companies will once again be put at a competitive disadvantage. We simply cannot allow that to happen, particularly since this bill only affects sales to longstanding American allies.

With the language contained in this bill, Senator DODD provides a framework for establishing a carefully controlled defense export financing program that addresses the financial and political concerns of both the administration and Congress. He puts a workable program in place so that our defense exporters will no longer be at a competitive disadvantage.

I urge my colleagues to vote against the amendment of the gentleman from Arkansas.

The PRESIDING OFFICER. The Senator from Connecticut having yielded this time back, under the previous order, the Senator from Delaware [Mr. ROTH] is recognized for the purpose of proposing a sense-of-the-Senate resolution, 20 minutes to be allocated for debate under the usual control.

The Senator from Delaware is recognized.

AMENDMENT NO. 915

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 915.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE RESEARCH AND DEVELOPMENT OF UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) POLICY.—It is the policy of the Senate that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when, and where such tactical nuclear systems will be deployed.

Mr. ROTH. Mr. President, the amendment which I have offered seeks to express the sense of the Senate, concerning the research and development of new United States tactical nuclear systems designed for deployment in Europe. In short, I do not believe that this Nation should research or develop any such system until our Western European allies have publicly announced how, when, and where these new systems will be deployed.

Currently, this Nation is proceeding with the research and development of a new, air-launched nuclear missile, the SRAM–T, which is designed for deployment in NATO Europe. But we have absolutely no public commitment from our European allies that they will accept this missile on their soil. We are spending money on a system which may never be deployed.

We must remember the historical background to the current European situation. The INF Treaty withdrew intermediate range nuclear missiles from Europe. Subsequently, the collapse of the Warsaw Pact rendered the remainder of the United States ground-based nuclear arsenal in Europe obsolete, since the Lance missile and nuclear artillery lacking the range to hit Soviet territory, could only be targeted upon the new democracies of Eastern Europe.

At that stage, several European members of the North Atlantic Treaty Organization began privately—and I stress the word "privately"—to express concern by the apparent denuclearization of Europe. Nuclear weapons had always been viewed as a seminal deterrent to conventional conflict and the United States nuclear weapons deployed in Europe were viewed as a guarantee of the United States commitment to NATO's common defense. But now, the only effective United States nuclear weapons in Europe were gravity bombs, along, of course, with offshore ship and submarine weapons—weapons which the United States could draw out of Europe at will.

In order to calm these anxieties, the United States under encouragement from a number of NATO governments, began development of the SRAM–T. Since the weapon would be air-launched, it would not violate the INF Treaty, though it and its launching vehicle, probably an F–15, would have sufficient range to strike Soviet soil. The weapon would be deployed at United States air bases in Europe to demonstrate clearly the United States commitment to use, in the final event, nuclear weapons in defense of Europe.

Now I must descend from the levels of high strategy to the mundane level of everyday politics. While European governments might encourage the United States to proceed with systems such as the SRAM–T, they are not, by any means, willing to announce their commitment to the system and to permit its deployment upon their soil.

The reasons for their reluctance are clear. New nuclear deployments are almost always unpopular, particularly in cramped and densely populated Western Europe. That unpopularity will, necessarily, be magnified by the fact that the voting public, on both sides of the Atlantic, correctly perceives the Soviet military threat to their security to be in rapid retreat. Certainly, I would not wish to be the German chancellor who has to explain to the German electorate that, though the Warsaw Pact has collapsed and the Red army has retreated eastward, they now must accept new, modern nuclear weapons on German soil.

The answer to this dilemma from European governments to date, has been procrastination—the need to deploy new tactical nuclear weapons in Europe will supposedly be explained to the European public at a later time, when supposedly, the atmosphere is better than it is now. But, in fact, Mr. President, I suspect that all of us here today know that such a time will never come. It will never be convenient to announce the deployment of new nuclear weapons in Europe. The fatal day will be put off, repeatedly, and the United States will be left with an expensive, useless nuclear weapon on its hands along with a tarnished image as an external force which tried to force nuclear weapons into a newly peaceful Europe.

Those who dispute this scenario should recall the history of our deployment of Pershing II and ground-launched cruise missiles in Europe. We had been urged to follow this course by several European governments who were concerned by the buildup of Soviet SS–20's targeted on Western Europe. However, when the United States responded to that suggestion, it was not greeted with strong support. To the contrary, parties which, in the past, had pressed for new United States nuclear deployments now behaved like reluctant suitors and frequently postured before their electorates as reluctant victims of a bellicose United States Government which was determined to deploy new nuclear weapons in Europe. Eventually, the new weapons were deployed, but only after a great deal of trauma.

We must ask ourselves, Mr. President, if it proved so difficult to deploy new United States nuclear weapons in Europe in the 1980's, when Europe was definitely threatened by an armed, aggressive Soviet Government and armed forces, how much more difficult will it be to deploy such weapons when the Soviet threat to Europe has retreated and possibly even disappeared?

I put it to my colleagues that most NATO European governments will never, under current circumstances, risk their standings with their national electorates in order to approve the deployment of new United States tactical nuclear systems. At the very least, this Government should suspend laying out money on such systems until we and our European and Canadian allies, sitting together in the NATO council, have publicly committed ourselves to the deployment of new tactical nuclear systems and have informed all of our voting publics exactly how, when, and where these systems will be deployed.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, we are going to accept this amendment. I just want to say, for the record, there are Senators, obviously, with differing views about what weapons ought to be inserted when, where, and how. But I think the Senator has appropriately raised the notion that the NATO council ought to be looked to for advice, although I know the Senator has by no means the notion that once they have given their advice that is somehow binding or more than advisory, which is all it could be.

But it is important for us to have that view, and clearly it is appropriate that we should look to the NATO council.

We are delighted to accept this amendment.

Mr. President, I yield back such time as may remain on this side. I believe there is no one speaking in opposition, and all time is yielded back.

The PRESIDING OFFICER. The Chair notes all time is yielded back under the control of the Senator from Massachusetts. The Chair inquires of the Senator from Delaware; he has 2 minutes and 12 seconds under his control.

Mr. ROTH. I yield back my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 915) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, amendment No. 912, offered by the Senator from Pennsylvania [Mr. WOFFORD] is the pending amendment.

Mr. KERRY. Mr. President, I move to table the amendment of the Senator from Pennsylvania, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is now on agreeing to table the amendment of the Senator from Pennsylvania, Mr. WOFFORD.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to remind Senators we will now have a series of votes. The first one will be for 15 minutes; all others except for the last vote will be for 10 minutes.

It is an imposition on colleagues for Senators not to stay here and vote during the 10 minutes on the succeeding votes. I urge all Senators to do so out of courtesy to their colleagues, so we can complete this bill and our business today at a reasonable hour.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing—

Mr. STEVENS. Mr. President, may I address an inquiry to the leader.

What follows the last vote?

Mr. MITCHELL. I have discussed that with the distinguished Republican leader. It is our hope to proceed to one of the remaining appropriations bills, probably the agriculture appropriations bill, although there will be no votes on it this evening after the cloture vote.

I hope we can get it in position to vote on in the morning, or State, Justice, Commerce appropriations.

Mr. STEVENS. The cloture vote will be the last vote this evening?

Mr. MITCHELL. The last vote this evening.

VOTE ON AMENDMENT NO. 912

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wofford amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—55

Bentsen
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Glenn
Gorton
Gramm
Grassley
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kasten
Kerry
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Packwood
Pressler
Robb
Rockefeller
Roth
Rudman
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—42

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Gore
Graham
Harkin
Johnston
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Sanford
Sarbanes
Sasser
Wellstone
Wirth
Wofford

NOT VOTING—3

Hatch
Nickles
Pryor

So, the motion to table the amendment (No. 912) was agreed to.

VOTE ON AMENDMENT NO. 892

The PRESIDING OFFICER (Mr. SANFORD). The question is on agreeing to the Pressler amendment, No. 892. The yeas and nays have been ordered.

Mr. KERRY. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, it present and voting, the Senator from Utah [Mr. HATCH], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—25

Adams
Bradley
Breaux
Bryan
Burdick
Byrd
Cranston
Durenberger
Fowler
Glenn
Gore
Hatfield
Jeffords
Kennedy
Kerry
Moynihan
Packwood
Pell
Reid
Robb
Sanford
Sarbanes
Simon
Wellstone
Wofford

NAYS—72

Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Garn
Gorton
Graham
Gramm
Grassley
Harkin
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nunn
Pressler
Riegle
Rockefeller
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—3

Hatch
Nickles
Pryor

So, the motion to table the amendment (No. 892) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota. The yeas and nays have been ordered.

Mr. KERRY and Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 892) is agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 896

The PRESIDING OFFICER. The question is now on the Helms amendment No. 896.

Mr. KERRY. Mr. President, I move to table the Helms amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—57

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Warner
Wellstone
Wirth
Wofford

NAYS—40

Bond
Brown
Burns
Chafee
Coats
Cochran
Conrad
Craig
DeConcini
Dole
Domenici
Exon
Garn
Gorton
Gramm
Grassley
Hatfield
Helms
Hollings
Kassebaum
Kasten
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Packwood
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop

NOT VOTING—3

Hatch
Nickles
Pryor

So, the motion to lay on the table the amendment (No. 896) was agreed to.

REPORT ON U.N. ARREARAGES, AMENDMENT NO. 880

Mr. MOYNIHAN. Mr. President, I rise to speak to the amendment offered earlier today by the Senator from North Carolina [Mr. HELMS] requiring a report on the use of the arrearages that the United States will be paying to the United Nations. Let me begin by saying, as I have in the past, that I am pleased that the Congress is facing up to the issue of our debt to the United Nations. The United States has become the biggest deadbeat in the U.N. system. We have placed ourselves in the company of states like Libya, South Africa, and Syria as a state which does not pay its legal obligations to the United Nations. Now that time is past and we are moving ahead to fulfill these obligations.

There were definitely problems at the United Nations. As a former Permanent Representative, I know full well that the United Nations needed improvement. But there has been improvement. The United Nations has embraced consensus-based budgetary decisionmaking. We now have a high degree of confidence that no funds will be spent for activities to which the United States has strong objections. In particular, I wish to commend the longstanding and vigorous efforts of our colleague, Senator KASSEBAUM, for working to encourage budgetary reform at the United Nations.

The amendment offered by the Senator from North Carolina asks for a report. This is unobjectionable. With the new spirt of cooperation and consensus at the United Nations we know that the report will tell the Congress that the arrearage payments we are making are going toward activities that the United States has no objection. For that reason, I cannot see how anyone would object to the report that the Senator requests.

Mr. PELL. I fully concur with the remarks of the senior Senator from New York. The amendment offered by the Senator from North Carolina does no more than request a report on how the U.S. arrearage payments will be spent. Given the very positive role that the United Nations is playing around the world today, I look forward to learning more about its activities and the way in which the U.S. arrearage payments will contribute to those activities. I likewise concur in the view that—as a result of the consensus-based budgetary decisionmaking at the United Nations—there is nothing that we are likely to learn in this report that will cause the Senate any concern.

Mrs. KASSEBAUM. I agree with my colleagues in having no objection to a report on the manner in which the United Nations will use the U.S. arrearage payments. I will be particularly interested to learn how these funds will be allocated to the United Nations' refugee programs. The growing refugee problem is a true crisis, and one which demands a serious review of how we allocate resources and implement programs.

Mr. DURENBERGER. Mr. President, I rise to comment briefly on the committee language pertaining to United States relations with Laos.

My State of Minnesota has a substantial Laotian population, including many native Hmong. The Laotian community in Minnesota obviously follows events in their homeland very closely and with a great interest and concern. Quite of few still have family living in Laos.

Many Laotian-Minnesotans contact me regularly to express their continuing concerns and anxiety about persistent human rights violations in Laos, particularly against the Hmong people.

Mr. President, although it is certainly true, as the committee bill states, that significant positive changes are occurring in Laos regarding moves toward liberalizing markets, establishing a system of laws, and cooperating on POW/MIA and drug trafficking matters, I believe it is extremely important for members of the Senate to appreciate that there are still shortcomings in Laos, particularly regarding respect for basic human rights and the treatment of refugees returning from camps on the Laos-Thailand border.

As many of my colleagues will recall, I visited Laos in 1989. It was an extremely positive and beneficial experience for me, and hopefully for our hosts as well. We discussed many of these issues, including the human rights questions. The Laotian leaders with whom we met expressed a desire a move forward on these matters and to work cooperatively with the United States across of the spectrum of our mutual concerns.

I value that commitment by the Laotian leaders, and I believe it is extremely important for the Senate to promote still greater and more positive changes in Laos. I support the committee language, as far as it goes, Mr. President. But I am not convinced that it goes far enough.

I believe the committee could have made stronger references to the absolute imperative for the United States to insist that the Laotian Government respect fundamental human rights of all Laotian people and continue making progress on democratization and market liberalization. It should be our policy objective not only to recognize and reward changes already made, but to ensure that Laos carries through to far greater reforms than currently embraced.

Mr. President, many Laotian-Minnesotans have expressed particular concerns regarding reports of forced repatriations of Laotian refugees in camps in Thailand or near the Lao-Thai border. I have shared these concerns with the State Department, and it is my hope that the Foreign Relations Committee will also address these matters in future hearings.

Mr. President, Members of the Senate will recall that in early June of this year, there was a large demonstration in Washington of the Hmong-Laotian community of the Human Rights in Laos, Mr. Nkajlo Vangh, shared with me an extensive report on the demonstration and the concerns of Laotian community in this country. Because of its length, I will not submit the entire report for the RECORD, but I believe the Senate would benefit from portions of this report, which I will submit at the appropriate time.

The Foreign Relations Committee should be commended for including authorization to establish a USIA office in Vientiane. Such an office can make a valuable contribution to providing citizens of Laos with information and insights about the United States and about democratic values, market economies, and political freedoms. This is an important provision, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks the conclusion and summary section of the report referred to above.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITE PAPER ON THE PURPOSES OF HMONG AND LAOTIAN DEMONSTRATIONS IN WASHINGTON, DC, ON JUNE 9–10, 1991

(Submitted by The Lao Human Rights Council on behalf of those refugees in Thailand and their fellows in the United States.)

CONCLUSION AND SUMMARY

It is our hope that the U.S. Government and the United Nations will seriously consider the above requests and calls for help and humanitarian assistance. World politics is changing. The powers of peoples change the world. Communism in Eastern Europe and around the world was collapsed by the so-called democracy project. Now is the time to pursue this project in Laos. Laotian people desire peace, freedom, democracy, and human rights. We need American support, help, contributions, and humanitarian assistance. Freedom of refugees and movement must replace the forced repatriation of refugees to Laos.

We are here in Washington, DC, because we need help and humanitarian assistance from the U.S. Government and the American people. The United States Government must no longer ignore the crying and dying of the Hmong refugees in the Mekong River and inside Laos. Four decades ago, President Harry Truman declared in 1947 that "it must be the policy of the United States to support free peoples" against outside threats to their freedom and self-determination. In January 1961, President John F. Kennedy addressed the American people that "ask not what your country can do for you—ask what you can do for your country." Similarly, the American people and Government must not ask what Hmong and Laotian people can do for America. The American people and Government must ask themselves what they can do for Hmong and Laotian people who are crying and dying now. The time has come and is overdue for the United States to take some actions on Laos. During the Indochina war, Hmong and Laotian people and the Americans shared the price of peace, democracy and freedom for the free world we all saw in 1989. The world might not have changed the way it was in 1989 without cooperation between Laotians and Americans during the cold war. Indeed we have performed excellent duties for the free world in the past several decades. In 1975, the Vietnam war was over for Americans. However, the war is not over for Hmong and Laotian people in Laos yet. Indeed, we had commitments to fight the war together. So today, we must share the price of peace and freedom together. Indeed, Hmong and Laotian people do not receive this kind of price. They do receive death, human tragedies and tears for 15 years. We all regretted that the United States and the world have turned blind eyes to see and deaf ears to hear these human tragedies and tears. Therefore, Hmong and Laotian Americans and other individuals who share our concerns come together today to request help and humanitarian assistance and concern of the U.S. Government and the United Nations, ASEAN, and the international community.

We are here to notify the United States Government, Thai Government, Communist Pathet Lao government, ASEAN governments and the United Nations that those refugees inside Thailand are not willing to return to Laos at this moment because it is not safe for them to return. They will go home when it is the appropriate time. They will return home based on the 15 points which were adopted by the people on January 20, 1991. Please see attached copies of the 15 points.

We denounce and reject the letter of March 1, 1991, which Mr. Vue Mai, the chairman of the Vinai Refugee Camp, sent to the United Nations High Commissioner for Refugees in Bangkok and in Geneva. This letter contained that Hmong and Laotian refugees who are inside Thailand are willing to return to Laos. Indeed. This letter was made by Vue Mai himself without the approval and consultation of the other nine group leaders of the camp and of the refugees. Therefore, on May 24, 1991, nine group leaders of the refugees forced Mr. Vue Mai to resign. They denounced and rejected the letter of March 1, 1991. Therefore, the statements of March 1, 1991, which contained that Hmong and Laotian refugees are willing to return to Laos shall be null and void. The Lao Human Rights Council and Hmong and Laotian Americans and refugees supported and endorsed the decision of the nine leaders of the Vinai Refugee Camp issued on May 24, 1991. Now, Mr. Vue Mai is out of power in the refugee camp. Therefore, his letter of March 1, 1991, to the United Nations became null and void on the date of May 24, 1991.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1992–93

Mr. BROWN. Mr. President, I am pleased to join other members of the Foreign Relations Committee in this step of developing an effective State Department authorization bill. The chairman of the Subcommittee on Terrorism, Narcotics and International Operations is to be commended for his careful, thorough leadership and his many attempts to accommodate a wide range of views on many controversial topics.

The bill before us is currently within the administration's requested allocation. However, during the subcommittee and full committee markups, several changes were made in spending priorities—approximately $50 million was redirected from requested initiatives to those favored by members of the committee.

Although throughout the process we have reached agreement on many controversial provisions—frankly, many more than I had expected we would—a few have not been solved that are important.

Especially important to the State Department and the U.S. Information Agency [USIA] are the removal of three provisions currently in law that severely restrict their management flexibility and prevent natural economies necessary to maximize the effect of U.S. diplomatic efforts in a rapidly changing world environment. The first two prevent either the State Department or USIA from closing any overseas posts without a one-for-one replacement with a post of a higher priority. It is obvious how severely constraining this provision is.

The third requires that USIA maintain the same proportionate levels of personnel overseas to those in the United States as they had in 1981. This requirement has clearly outlived its usefulness. The world has changed dramatically since 1981 as have the United States foreign policy commitments. As a result, Congress has mandated significant change at USIA since 1981. In the last 10 years, USIA has added 911 positions to support congressionally mandated or congressionally sponsored programs. This requirement is another example of Congress' ability to cut off its nose to spite its face: USIA reports an effort to comply completely with that section would require drastic reductions in broadcasting and educational exchange personnel—the very programs Congress has favored.

The bill is strongly grounded in support for the Baltic countries, for Israel, and for the growing democratic movement in Yugoslavia. It requires the administration to start investigating the feasibility of a Radio Free China and launches a top-to-bottom review of the State Department's personnel system.

We have undertaken efforts in this bill to ensure the National Endowment for Democracy begins an effective reform and gets back on its feet. In the Endowment's early years, many problems were uncovered with the Endowment's ability to account for its funds and to evaluate the effectiveness of its programs. Congress was assured in 1984, 1985, and 1986 these problems would be fixed. However, this year, the General Accounting Office released an audit of the Endowment that demonstrated, beyond any doubt, that these problems had not been rectified.

To ensure the Endowment fixes the many problems outlined in the report—such as awarding grants uncompetitively, not evaluating grants against a set of goals and objectives, and ineffectively tracking and auditing Endowment grants—the bill before us today includes provisions designed to require reform at the Endowment. Specifically, it withholds release of the additional $5 million requested for fiscal year 1992 until the NED reports it has complied with the GAO report and the GAO certifies it has complied. Also included is a provision to require USIA inspector general financial audits on a yearly basis.

In addition to these significant steps, the bill includes a provision designed to help get America's financial house back in order. The provision requires international credit checks before the United States makes international loans or grants, including those through a multilateral institution. The bill also withholds all arrearage payments to "special purpose" international organizations until the Secretary of State reports on the benefits to the United States of membership In these organizations and their effect on America's consumers.

Furthermore, the bill adds additional conditions to our sanctions against Iraq, requiring that sanctions remain in place until those Kuwaitis still held as prisoners in Iraq are released. It also includes an important provision expressing the sense of the Congress that resolving the fates of those prisoners of war or unaccounted for in Southeast Asia should be the Nation's highest foreign relations priority.

Taken as a whole, the bill represents an excellent effort, and a lot of hard work. I would like to thank Senator JOHN KERRY, and his hardworking, helpful staff. Nancy Stetson, the subcommittee staff director for the majority, has done an excellent job and has taken special pains to represent the views of all Senators on the committee. I would also like to thank Steve Polanski, Brad Cohen, and Mary Stakem of the majority staff for their hard work and many long hours, and without the hard work and advice of Bruce Rickerson and others on the minority staff and their many long days and nights, we would not have been ready to bring this to the floor.

Mr. President, thank you. I yield the floor.

COMPOSITION OF U.S. DELEGATIONS TO THE CSCE ASSEMBLY

Mr. DECONCINI. Mr. President, last November the heads of state or Government of the Conference on Security and Cooperation in Europe, recognizing the important role parliamentarians can play in the CSCE process, called for the creation of a CSCE parliamentary assembly. In early April of this year parliamentarians from the CSCE participating States gathered in Madrid to formally create the CSCE Assembly. Is my understanding correct that the legislation before the Senate today authorizes participation in the Assembly?

Mr. PELL. Yes. The Senator from Arizona is correct. This bill does authorize U.S. participation in the CSCE Assembly. Over the years the Commission on Security and Cooperation in Europe, cochaired by the distinguished Senator from Arizona, [Mr. DECONCINI], has played a leading role on the Helsinki process. The members of the Commission have developed a real expertise which will be indispensable to U.S. delegations at meetings of the CSCE Assembly.

Mr. DECONCINI. During House consideration of the State Department authorization bill, there was a colloquy between the Foreign Affairs Committee chairman, DANTE FASCELL, and chairman of the Helsinki Commission, STENY HOYER, on the inclusion of members of the Helsinki Commission on U.S. delegations to meetings of the CSCE Assembly. Is the Senator from Rhode Island familiar with this exchange?

Mr. PELL. I am. For the reasons outlined above, I urge the President of the Senate, upon recommendation of the majority and minority leaders of the Senate, to be sure that each U.S. delegation to the Assembly includes at least two members of the CSCE Commission.

Mr. DECONCINI. I thank the distinguished chairman for his kind remarks concerning the role of the CSCE Commission in the Helsinki process and for his recognition of the contribution its members will make to the work of the CSCE Assembly.

PRESSLER AMENDMENT NO. 892 TO STATE DEPARTMENT AUTHORIZATION BILL

Mr. BIDEN. Mr. President, I would like to note the dilemma that the Pressler amendment to the State Department authorization bill presented to me, and I suspect to many of my colleagues as well. I strongly support the full payment of U.S. arrearages to the United Nations, and have maintained that position over the past several years. The United Nations plays a critical role in world affairs, and has increasingly demonstrated its importance in recent months, as best exemplified by its successful efforts to help unify the international coalition against Saddam Hussein. In view of my regard for the work of the United Nations, I in no way want my vote in favor of the Pressler amendment to be misinterpreted as opposing U.S. payment of arrearages.

Nevertheless, the United Nations must act more diligently to ensure that U.S. citizens are hired fairly and in numbers commensurate with this Nation's overall contribution to the United Nations. I hope that the Pressler amendment will send a signal to the United Nations, as well as to the Bush administration, that we regard the fair and full employment of Americans by U.N. agencies to be a high priority.

Mr. LAUTENBERG. Mr. President, I rise in support of the State Department authorization bill. The bill includes a provision I authored, the Anti-Boycott Passport Act. The provision is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport has an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new diplomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

The provision in this bill is identical to a bill that I introduced. I am pleased that the full text of my bill is included in this legislation. Representatives BERMAN and SNOWE have introduced an identical bill in the House of Representatives, and a hearing was held on June 13.

The provision at issue would require Secretary Baker to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East.

For nondiplomatic United States travelers, the legislation would prohibit so-called Israel only passports. So, for example, if the Saudis or any Arab League country want to persist in this policy, United States travelers would be issued "Saudi Only" or "Arab League Only" passports, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel.

The provision would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for U.S. nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel Only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel.

The provision would force the Arab League countries—which the United States defended in the recent war—to accept passports from United States officials even if they have visited Israel.

Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They, too, should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should; but if it doesn't, we must enact this legislation and put an end to this outrageous practice.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order the Foreign Relations Committee is discharged from further consideration of H.R. 1415. All after the enacting clause is stricken. The text of S. 1433, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered on the House bill, as amended.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES], are necessarily absent.

I further announce that, if present and voting the Seantor from Utah [Mr. HATCH] would vote "yea".

The result was announced—yeas 86, nays 11, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—11

Burns
Byrd
Conrad
Craig
DeConcini
Dixon
Helms
Lott
Smith
Symms
Wallop

NOT VOTING—3

Hatch
Nickles
Pryor

So the bill (H.R. 1415) as amended, was passed.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I believe we need to appoint conferees.

The PRESIDING OFFICER. Does the Senator wish to move to insist on a position and ask for a conference?

Mr. KERRY. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer (Mr. SANFORD) appointed Mr. PELL, Mr. KERRY, Mr. SIMON, Mr. MOYNIHAN, Mr. BIDEN, Mr. SARBANES, Mr. DODD, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. BROWN conferees on the part of the Senate.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to express my gratitude to Senator KERRY for the great job of managing that he did, and Senator MITCHELL for scheduling this. I also thank Senator HELMS and Senator BROWN; and also very much, indeed, Nancy Stetson and Steve Polansky.

Also, I thank all Senators for facilitating the passage of this legislation, without whose help this would not have happened.

Mr. KERRY. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee, Senator PELL, for his succinct summary of the bill which we have just considered. At the start of this Congress, the Foreign Relations Committee adopted a new structure under which subcommittees would take a more active role. Therefore, this bill was considered and marked up first at the subcommittee level by the Subcommittee on Terrorism, Narcotics and International Operations, which I Chair.

After holding five comprehensive hearings, the subcommittee on May 14 reported an original bill to the full committee by a 7 to 0 vote. As the chairman of the committee has already indicated, the committee favorably reported the bill to the Senate on June 12 by a unanimous vote of 18 to 0. These votes reflect the bipartisan process by which the bill was formulated and the strong support that it has engendered from both sides of the committee.

I would like to thank the ranking minority member of the subcommittee, HANK BROWN, for his cooperation and contributions throughout this process.

In marking up this bill, the subcommittee and the full committee endeavored to stay within the cap on discretionary spending for function 150—the international affairs function—set by the budget agreement. Therefore, increases in one account were offset by corresponding decreases in another account within the bill, with two exceptions. The committee lowered the authorization for foreign military financing in the foreign aid authorization bill in order to increase the authorization for migration and refugee assistance in this bill. The committee also offset $3.4 million for new academic exchanges by authorizing less than the administration's request for the Arms Control and Disarmament Agency.

This approach was taken deliberately in order to produce authorization levels that are realistic in budgetary terms. I hope my colleagues will bear this in mind if they are considering offering funding amendments. It is my hope that when the Senate finishes with this bill, the funding levels will continue to be reasonable in the context of the budget caps.

Mr. President, since this is the first time that the subcommittee has had responsibiliity for marking up this legislation, a rather conservative approach was taken. In many instances, the administration's requests were fully funded. However, in some important respects, priorities were reordered.

As the chairman of the committee has previously indicated, the authorization for migration and refugee assistance was increased by $110 million to a total of $600 million. It takes only a cursory look at the worldwide refugee situation to determine that the administration's fiscal year 1992 request—$490 million—is nowhere near enough to meet the needs. This request was based on an estimate of 15.7 million refugees. In the intervening months since the State Department's budget was prepared, conflicts in Liberia, Somalia, Iraq, and elsewhere have caused a dramatic increase in the number of refugees. Today, there are an estimated 18.2 million refugees. Clearly, the needs of these additional refugees need to be addressed and the committee has sought to do that through its higher authorization level.

The Foreign Relations Committee traditionally has been a strong proponent of international exchanges. In keeping with that tradition, the committee not only fully funded the administration's fiscal year 1992 request for exchanges but also restored the $2.7 million cut made by USIA—for budgetary purposes—for exchanges in Africa, Asia, and Latin America. In addition, the committee authorized over $13 million for new exchange programs including one for Vietnamese students that I proposed.

The fiscal year 1992 authorization for the State Department's building account was decreased by $50 million to offset the increases in other programs. Of this, $30 million went to the refugee account. The buildings account was used for offsets because it can absorb them. Funding for capital programs is disbursed more slowly than for other accounts.

In addition, in past years, the administration has frequently reprogrammed funds from and within the buildings account, often because of construction delays. The committee's authorization level, although $50 million less than the request, is still $162 million over the fiscal year 1991 appropriated level. That sum does not include the $130 million which the administration has requested and the committee has authorized for construction of the new office building at the U.S. Embassy in Moscow.

There are many views within the committee and indeed within the Congress on what construction option should be chosen for the Moscow Embassy. The bill before us leaves that question open. While I personally am inclined to support teardown and rebuild, I think that the most important issue is not the option but resolving the disagreement in order that work begin on one option or the other. This issue has been with us for far too long. If we in the Congress cannot reach agreement on what should be done, then clearly we ought to leave it up to the administration's discretion and let them get on with it.

Mr. President, I would like to mention three other important aspects of this bill. First, as our chairman has already noted, the bill authorizes both full funding for the assessed contributions to the United Nations and other international organizations and repayment of all outstanding arrearages. The administration requested full authorization for the arrearages this year. The committee willingly provided it.

Second, unlike the bill passed by the House, this bill authorizes appropriations for USIA for both fiscal years 1992 and 1993. The House provided only a 1-year authorization because of the review currently being conducted by the President's Task Force on U.S. Government International Broadcasting. The outcome of that review will have important ramifications for USIA's broadcasting activities.

Senator BROWN and I are fully prepared to examine all of these issues next year. However, we felt, and the full committee agreed, that USIA should not be penalized in the appropriations process for lack of an authorization for fiscal year 1993.

Third, as the chairman of the committee said, the fiscal year 1993 authorizations are generally a straight line of those for fiscal year 1992. This approach was taken because neither the administration's official requests nor the budget allocations for fiscal year 1993 have been finalized.

Mr. President, I believe that the bill we are about to consider is a reasonable piece of legislation. I want to thank the chairman and the ranking minority Member, Senator HELMS, for the support and encouragement that they have given to me and Senator BROWN throughout this process.

Mr. President, I particularly thank Senator BROWN for our working relationship. Also, I thank all the staff: Nancy Stetson, Steve Polansky, Brad Cohen, Bill Ashworth, and Mary Stakem; also the Republican staff: Carter Pilcher and Bruce Rickerson.

Mr. BROWN. Mr. President, I extend my particular thanks to Senator KERRY. He has been a delight to work with on this bill. He is too tough a negotiator, but outside of that, he has done a superb job.

Senator HELMS and Senator PELL have been particularly helpful and kind, along with their staff, Nancy Stetson, who has been most helpful to us, along with Deborah DeMoss and Bruce Rickerson on our side.

EMERGENCY UNEMPLOYMENT COMPENSATION

MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there now will be 10 minutes of debate on the motion to proceed to S. 1554.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I would like to urge my colleagues to vote in favor of invoking cloture on the motion to proceed to S. 1554, the Emergency Unemployment Compensation Act of 1991.

No one disputes the pain and hardship of the unemployed and I think a debate on these important issues is time well spent.

It is unfortunate that the other side of the aisle is using this serious issue as a political game and apparently only decided to do so barely a week ago.

The Bentsen proposal appeared on my doorstep right before markup. Now, with no hearings, no report filed, and little consideration, we are marching to floor consideration so that my colleagues on the other side of the aisle have something to talk about over the August recess.

I had a meeting this afternoon which included Secretary of Labor, Lynn Martin and Dick Darman. I anticipate more such meetings as we evaluate alternatives to the Bentsen proposal.

I believe the Bentsen proposal is seriously flawed—it breaches the budget agreement and is unnecessarily costly and administratively complex.

I hope that we can come to some agreement very shortly.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator of Texas.

Mr. BENTSEN. Mr. President, we have held hearings on unemployment compensation and extended benefits. For some time, the staffs of the members of the committee have had the details of what we would propose. I had hoped we would be able to bring up unemployment compensation S. 1554, a bill providing extended benefits tonight.

Frankly, I think it would be a very serious mistake if we resorted to procedural maneuvers to try to delay the consideration and the vote until sometime after the August recess. We have 8.8 million people out of work. Unemployed workers are exhausting their regular benefits at the rate of some 300,000 a month. That means we are going to have another 300,000 who are going to be without benefits if we wait until September.

We reported this bill out of the committee by a vote of 16 to 4. We had bipartisan support for it there. I understand the administration does not consider this an emergency. But they did consider it an emergency when they wanted help for the Kurds; when they wanted help for the Turks; when they wanted help for the Israelis, and the Congress went along. We thought that was justified.

What we are asking now is for this administration to go along with us in looking after the unemployed in this country. Harry Truman used to say: It is a recession if your neighbor is out of work; it is a depression if you are out of work. That is what we are facing today across this country.

We have a situation here where parents may have a sick child yet they cannot take that child to the doctor because they do not have the money to handle the cost. They are out of work, have no health insurance and have run out of unemployment benefits. They need our help.

So what do they do? They wait until the child is too sick and finally take him or her to the emergency room. And then we have a situation where a father goes out in the morning and gets in his car to try to find work. He finds his car was repossessed the night before.

We have someone come home from Desert Storm and find he has to wait 4 weeks to get his benefits, and that then those benefits are going to be one-half of what the civilian gets. That is not right. That is not fair. And that Desert Storm veteran comes back to a very bad job market.

We take care of that situation in this legislation, and that is why it is important that we get this bill out of the Senate quickly. If we could get this voted on early, we could have it on the President's desk by the end of this week and thereby take the kind of action that ought to be taken to try to help Americans facing this kind of an emergency.

I really hope, Mr. President, we can see this problem resolved and that we can get Senate approval accomplished, and have the bill on the President's desk to see that those checks are available for families who have run out of their unemployment benefits. We have too many Americans who are hanging out there. These folks are really hurting.

Mr. President, I yield back the remainder of my time.

VOTE

The PRESIDING OFFICER. All time has been yielded back. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1554, a bill to provide for the extension of unemployment insurance compensation benefits, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—96

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—1

Helms

NOT VOTING—3

Hatch
Nickles
Pryor

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). WIthout objection, it is so ordered.

The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 263, J. Michael Luttig to be U.S. circuit judge for the fourth circuit. I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination, considered and confirmed, is as follows:

THE JUDICIARY

J. Michael Luttig, of Virginia, to be U.S. circuit judge for the fourth circuit.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the 30 hours for debate postclosure on the motion to proceed to S. 1554, under the provisions of rule XXII, be deemed to have elapsed on Wednesday morning, July 31, upon the convening of the Senate, and at that time the motion to proceed be deemed agreed to, and that the Senate then be deemed to have filed a cloture motion on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 179, H.R. 2698, the agriculture appropriations bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, **[**$2,282,000**]** *$2,150,000*: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided,* That the Secretary may transfer salaries and expenses funds sufficient to finance a total of not to exceed 50 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, **[**$543,000**]** *$514,000*: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, **[**$6,149,000**]** *$5,303,000*.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, **[**$596,000**]** *$576,000*.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, **[**$50,808,000**]** *$51,598,000*, of which $5,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, **[**$25,700,000**]** *$25,349,000*.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, **[**$1,918,000**]** *$2,038,000*: *Provided,* That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, **[**$27,943,000**]** *$24,757,000*, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands: *Provided further, That funds provided herein shall not be available for obligation until September 20, 1992.*

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, **[**$25,014,000**]** *$24,764,000*; and in addition, for payment of the USDA share of the National Communications System, $50,000; making a total of **[**$25,064,000**]** *$24,814,000* for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, **[**$1,307,000**]** *$1,265,000*.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,925,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $468,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, **[**$62,786,000**]** *$60,786,000*, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $24,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, [$580,000] *$563,000.*

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, [$59,125,000] *$56,245,000*; of which $500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, [$83,401,000] *$75,447,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), [$2,367,000] *$2,341,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, [$560,000] *$544,000.*

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $5,000,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, [$658,424,000] *$629,143,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land [or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the use of proceeds from the sale, which shall be deposited in a trust fund in the United States Treasury and which shall remain available until expended, for acquisition of real property and equipment, for construction of replacement facilities, and for relocation costs; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities] *at Weslaco, Texas*: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [$49,473,000] *$61,818,000*: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94–129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,785,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $18,533,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $27,400,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; [$58,299,000] *$61,978,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); [$99,000,000] *$102,000,000, of which*

$25,000,000 shall not be available for obligation until September 20, 1992, for competitive research grants, including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; [$1,168,000] *$500,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); [$300,000] *$1,300,000* for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; [not to exceed $5,000,000 for higher education grants under section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152), including administrative expenses;] *$3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; [$4,000,000] $3,750,000* for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $6,725,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; *$400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854), and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318);* and [$17,650,000] *$17,391,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $8,580,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, [$412,886,000] *$419,788,000.*

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, [$62,529,000] *$60,769,000.*

Extension Service

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $262,712,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,525,000; [payments for the urban gardening program under section 3(d) of the Act, $3,557,000;] payments for the pest management program under section 3(d) of the Act, [$8,950,000] *$7,450,000*; payments for the farm safety program under section 3(d) of the Act, [$1,970,000] *$2,970,000*; payments for the pesticide impact assessment program under section 3(d) of the Act, [$3,580,000] *$3,230,000*; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99–198, $9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for extension work under section 209(c) of Public Law 93–471, [$1,031,000] *$991,000*; payments for a groundwater quality program under section 3(d) of the Act, [$12,375,000] *$10,375,000*; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100–219, $2,550,000; *payments for the Agricultural Telecommunications Program, as authorized by Public Law 100–624 (7 U.S.C. 5926), $2,000,000;* payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; [payments for a food safety program under section 3(d) of the Act, $1,750,000;] payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 under section 3(d) of the Act, $2,765,000; *payments for Indian reservation agents under section 3(d) of the Act, $2,000,000;* and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, [$25,755,000] *$23,706,000*; in all, [$407,978,000] *$401,732,000*, of which not less than $79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$9,079,000] *$10,397,000*, of which not less than $2,300,000 is for Home Economics.

National Agricultural Library

For necessary expenses of the National Agricultural Library, [$17,253,000] *$17,149,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $500,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.*

Office of the Assistant Secretary for Marketing and Inspection Services

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service and Packers and Stockyards Administration, [$550,000] *$535,000.*

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, [$426,903,000] *$415,987,000*, of which [$85,922,000] *$78,356,000* shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which [$5,000,000] *$4,500,000* shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That $500,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That none of these funds shall be used to develop, establish, or operate any user fee program for agricultural quarantine and inspection to prevent the movement of exotic pests and diseases from Hawaii and Puerto Rico as authorized by 31 U.S.C. 9701: *Provided further, That none of these funds shall be used to relocate the United States Department of Agriculture Animal and Plant Health Inspection Service's Methods Development Center from its present site in Hobo-*

ken, New Jersey, to a site in any other State before September 30, 1992.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, **[**$21,396,000**]** *$20,900,000, of which $4,998,000 shall not be available for obligation until September 20, 1992.*

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $473,512,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, **[**$11,397,000**]** *$10,557,000*: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed **[**$39,383,000**]** *$40,176,000* (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), **[**$5,640,000**]** *$5,140,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109: *Provided further, That $99,000 of these funds shall be available for a field office in Hawaii.*

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, **[**$56,636,000**]** *$42,066,000*; of which not less than $2,313,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $50,735,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the Agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,360,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1992, $50,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by section 1541 of Public Law 101-624, and such purchases shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,250,000.

MISCELLANEOUS TRUST FUNDS

[For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $400,000, making a total of $1,650,000**]** *For expenses necessary to capitalize the Laboratory Accreditation Program, $600,000,* under the Agricultural Marketing Act of 1946 (7 U.S.C. 1623).

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, **[**$12,009,000**]** *$11,859,000.*

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, **[**$551,000**]** *$531,000.*

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); and laws pertaining to the Commodity Credit Corporation, **[**$720,705,000; of which $719,289,000 is hereby appropriated, and $573,000**]** *$720,436,000; of which not to exceed $719,289,000 is to be derived by transfer from the Commodity Credit Corporation fund, and $558,000* is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations[*:Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to establish or implement a wetlands reserve program as authorized by 16 U.S.C. 3837 et seq]*: Provided further, That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.*

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

Federal Crop Insurance Corporation

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $322,870,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, [$221,500,000] *$260,500,000*.

Commodity Credit Corporation Fund

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1992, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $9,000,000,000 in the President's fiscal year 1992 Budget Request (H. Doc. 102–3)), but not to exceed $8,450,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during prior fiscal years. Such losses for fiscal years 1990 and 1991 include $900,000,000 in connection with carrying out the Export Enhancement Program (EEP), $200,000,000 in connection with carrying out the Market Promotion Program (MPP), formerly the Targeted Export Assistance Program (TEA), $300,000,000 in connection with carrying out the Federal Crop Insurance Program, $445,773,000 in connection with domestic donations, $281,605,000 in connection with export donations, and $6,322,622,000 in connection with carrying out the commodity programs.

[OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

[For fiscal year 1992, CCC shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.]

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, [$9,103,000] *$9,071,000*, of which $5,098,000 may be transferred from Commodity Credit Corporation funds, $2,731,000 may be transferred from the Commodity Credit Corporation Program Account in this Act and [$1,274,000] *$1,242,000* may be transferred from the Public Law 480 Program Account in this Act. Of these funds, up to $4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95–501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

TITLE II—CONSERVATION PROGRAMS

Office of the Assistant Secretary for Natural Resources and Environment

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, [$563,000] *$543,000*.

Soil Conservation Service

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $564,129,000, of which not less than $5,713,000 is for snow survey and water forecasting and not less than $8,064,000 is for operation and establishment of the plant materials centers: *Provided*, That of the foregoing amounts not less than [$411,800,000] *$400,000,000* is for personnel compensation and benefits: *Provided further*, That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

The Secretary of Agriculture is authorized to construct buildings and related facilities on federally owned land in Skagit County, Washington, for plant materials purposes: Provided, That the total amount of expenditures for the buildings and facilities on the site shall be derived from, and shall not exceed, the amount of money received from the exchange of lands in Skagit County, and Bellingham, Washington.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $13,251,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $9,545,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, [$205,238,000] *$205,266,000* (of which [$30,091,000] *$36,091,000* shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [$30,000,000] *$20,028,000* shall be available for emergency measures as provided by sections [403–405] *401–405* of the Agricultural Credit Act of 1978 (16 U.S.C. [2203–2205] *2201–2205*), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), [$32,516,000] *$31,236,000*: *Provided*, That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,271,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

Agricultural Stabilization and Conservation Service

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, [$194,435,000] *$193,652,000*, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further, That not to exceed $3,500,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality which is authorized by section 1439 of the Food, Agriculture, Conservation, and Trade Act of 1990, such amount to remain available until expended for cost-share payments, incentive payments, technical assistance and other disbursements as may be determined to be needed for this purpose: Provided further, That notwithstanding the Soil Conservation and Domestic Allotment Act or any other provisions of law, the Agricultural Stabilization and Conservation Service may share irrigation system connection costs, including but not limited to water meters, connecting pipe, and other installation charges, incurred by Hawaiian Home Land homesteaders operating land having a history of irrigation: Provided further, That such cost sharing shall be in accordance with the Agricultural Conservation Program, and conducted with the existing funds allocated to Hawaii.*

[AGRICULTURAL WATER QUALITY INCENTIVE PROGRAM

[For necessary expenses to carry into effect the program authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), $3,500,000.]

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $18,620,000, to remain available until expended.

[EMERGENCY CONSERVATION PROGRAM

[For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.]

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $14,783,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), **[**$1,642,760,000**]** *$1,611,277,000*, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to section 1438 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3837), $91,000,000, to remain available until expended, to be used for (1) payments for wetland easements, either in a lump sum or over a period of five to twenty years for permanent easements, or over a period of five to twenty years for wetland easements which are not permanent but are, notwithstanding any other provision of law, for fifteen years or thirty years or the maximum duration allowed under applicable State law; (2) cost-share assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: Provided, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: Provided further, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: Provided further, That none of the funds made available by this Act shall be used to enter in excess of 100,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, **[**$572,000**]** *$552,000*.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: **[**$1,626,451,000**]** *$1,406,451,000* for loans to section 502 borrowers, as determined by the Secretary, of which **[**$350,000,000**]** *$100,000,000* shall be for unsubsidized guaranteed loans; $11,330,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; $573,900,000 for section 515 rental housing; *and* $600,000 for site loans**[**;–and $284,000,000 for credit sales of acquired property**]**: *Provided, That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.*

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: low-income housing section 502 loans, **[**$324,896,000**]** *$287,591,000*, of which **[**$12,360,000**]** *$1,130,000* shall be for guaranteed loans; section 504 housing repair loans, **[**$5,280,000**]** *$4,999,000*; section 514 farm labor housing, **[**$9,536,000**]** *$9,002,000*; section 515 rental housing, **[**$268,585,000**]** *$248,499,000*; **[**and credit sales of acquired property, $40,612,000**]** *and site loans, $9,000.*

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, **[**$425,173,000**]** *$428,746,000*.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, **[**$308,100,000**]** *$319,900,000*: *Provided*, That of this amount not more than $11,800,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $128,158,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That $174,728,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1992 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1988, 1989, 1990, and 1991 may also be extended beyond five years to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $500,000.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, $43,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $21,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, **[**$555,500,000**]** *$861,000,000*, of which **[**$509,000,000**]** *$774,000,000* shall be for guaranteed loans; operating loans, **[**$3,500,000,000**]** *$1,840,000,000*, of which **[**$2,600,000,000**]** *$1,000,000,000* shall be for guaranteed loans; $7,000,000 for water development, use, and conservation loans, of which $1,500,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; *and* for emergency insured and guaranteed loans, $600,000,000 to meet the needs resulting from natural disasters**[**;–and for credit sales of acquired property, $250,000,000.**]**

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: Farm ownership loans, **[**$33,359,000**]** *$58,735,000*, of which **[**$15,270,000**]** *$38,870,000* shall be for guaranteed loans; operating loans, **[**$220,200,000**]** *$141,412,000*, of which **[**$31,200,000**]** *$12,475,000* shall be for guaranteed loans; **[**$2,615,000**]** *$499,000* for water development, use, and conservation loans, of which **[**$30,000**]** *$43,000* shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, **[**$1,000,000**]** *$253,000*; for emergency insured and guaranteed loans, **[**$32,100,000**]** *$121,560,000* to meet the needs resulting from natural disasters; *and* for watershed, flood and resource conservation loans, **[**$2,162,000**]** *$2,000***[***;–and for credit sales of acquired property, $117,500,000.***]**

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, **[**$230,179,000**]** *$229,557,000*.

[During fiscal year 1992 none of the funds in this Act may be used to make loans in excess of the foregoing amounts, except to the extent provided in advance in an Appropriations Act.**]**

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Agricultural Credit Insurance Fund at levels other than those provided for in advance in appropriations Acts.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,750,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, **[**$635,000,000**]** *$535,000,000*, of which $35,000,000 shall be for guaranteed loans; community facility loans, $125,000,000, of which $25,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $100,000,000: *Provided, That none of the funds made available in this Act may be used to make transfers between the above limitations.*

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: water and sewer facility loans, **[**$96,840,000**]** *$75,530,000*, of which **[**$840,000**]** *$630,000* shall be for guaranteed loans; community facility loans, [$14,325,000] *$12,519,000*, of which [$325,000] *$508,000* shall be for guaranteed loans; and guaranteed industrial development loans, [$7,920,000] *$5,870,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$54,906,000] *$52,286,000*.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), [$22,050,000] *$16,260,000*: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $32,500,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, [$689,000] *$656,000*.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $350,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, That these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $8,750,000.

[SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

[For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.]

RURAL COMMUNITY FIRE PROTECTION GRANTS

[For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) (7 U.S.C. 1932) *of the Consolidated Farm and Rural Development Act* to any qualified public or private nonprofit organization, $20,750,000: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further, That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture: Provided further*, That, effective for fiscal year 1991 and thereafter, grants made pursuant to this appropriation shall not be subject to any dollar limitation unless such limitation is set forth in law.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, [$1,500,000] *$3,000,000*: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, [$748,584,000] *$750,225,000*; of which [$37,637,000] *$38,959,000* is hereby appropriated, [$425,173,000] *$428,746,000* shall be derived by transfer from the Rural Housing Insurance Fund Program Account and merged with this account, [$230,179,000] *$229,557,000* shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account and merged with this account, [$54,906,000] *$52,286,000* shall be derived by transfer from the Rural Development Insurance Fund Program Account and merged with this account, *$21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account and merged with this account*, and [$689,000] *$656,000* shall be derived by transfer from the Rural Development Loans Program Account and merged with this account: *Provided*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$3,670,000] *$4,300,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, [not less than] $622,050,000 [nor more than $933,075,000;] and rural telephone loans, [not less than] $239,250,000 [nor more than $311,025,000]; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1992 total commitments to guarantee loans pursuant to section 306 shall be [not less than] $933,075,000 [nor more than $2,100,615,000] of contingent liability for total loan principal: *Provided further*, That loans may be modified in an amount not to exceed $493,700,000: *Provided further*, That as a condition of approval of insured electric loans during fiscal 1992, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982[:–*Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds:] *Provided further, That no funds appropriated in this Act may be used to develop or implement any other test, ratio, or criteria to deny or reduce loans or loan advances.*

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, [$229,967,000] *$157,609,000, and* cost of loans guaranteed pursuant to section 306, [$6,531,000] *$14,152,000* [*and cost of the other loan guarantees, $105,000.*]

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$29,163,000] *$28,311,000*.

[During fiscal year 1992 none of the funds in this Act may be used to make loans in excess of the foregoing amounts, except to the extent provided in advance in an Appropriations Act.]

Hereafter, no funds in this Act or any other Act shall be available to carry out loan pro-

grams under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1992 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be [not less than $177,045,000–nor more than $210,540,000.]

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), [$11,331,000] *$3,629,000*.

In addition, for administrative expenses necessary to carry out the loan programs, [$8,632,000] *$8,392,000*.

[RURAL COMMUNICATION DEVELOPMENT FUND

[To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, $1,264,000.

[DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

[For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $5,000,000, to remain available until expended.]

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, [$5,000,000,– to remain available until expended] *$8,406,000*.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, [$1,700,000] *$2,546,000*.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, [$256,000] *$243,000*: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1992, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, [$37,795,000] *$36,703,000*; of which [$29,163,000] *$28,311,000* shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account and [$8,632,000] *$8,392,000* shall be derived by transfer from the Rural Telephone Bank Program Account: *Provided*, That none of the funds in this Act may be used to authorize the transfer of *additional* funds to this account from the Rural Telephone Bank: *Provided further*, That not less than [$500,000 of this appropriation shall be expended to provide community and economic development technical assistance] *$500,000 nor more than $1,500,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs* to rural electric and telephone systems by Rural Electrification Administration employees who are located within REA and [assigned to REA's Rural Development Coordinator and who may not be reassigned or relocated to the Rural Information Center or other agency or office] *whose full time responsibilities are to administer such community and economic development programs: Provided further, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.*

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, [$542,000] *$522,000*.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789), [$6,067,386,000] *$6,068,743,000*, to remain available through September 30, 1993, of which [$1,392,294,000] *$1,393,651,000* is hereby appropriated and $4,675,092,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to $4,083,000 shall be available for independent verification of school food service claims: *Provided further*, That [$1,143,000] *$1,500,000* shall be available to operate the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $23,011,000, to remain available through September 30, 1993. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), [$2,600,000,000] *$2,573,400,000*, to remain available through September 30, 1993, *of which up to $5,000,000 may be used to carry out the farmer's market coupon demonstration project.*

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, [$91,284,000] *$88,318,000*: *Provided*, That funds provided herein shall remain available through September 30, 1993: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), [$22,162,975,000] *$23,662,975,000*; of which [$1,500,000,000] *$3,000,000,000* shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available through September 30, 1992, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That $1,013,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028; of which $10,825,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), [$233,437,000] *$225,143,000*.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $32,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, [$50,000,000] *$45,000,000*: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, [$101,617,000] *$105,453,000*; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, [$11,255,000] *$9,788,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $125,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [$110,023,000] *$106,626,000*: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

[AMERI FLORA '92 EXPOSITION

[To enable the Secretary to meet any extra expenses of participating in the planning, organizing and carrying out of the Ameri Flora '92 Exposition, the first international horticulture and environment exposition to be held in the United States, $500,000 as authorized by section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended.]

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) [$513,800,000] *$511,619,000* for Public Law 480 title I credit, including Food for Progress credit; (2) [$57,000,000] *$52,185,000* is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) [$696,000,000] *$710,087,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) [$254,959,000] *$333,609,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, [$389,979,000] *$388,319,000*.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, [$1,979,000] *$1,800,000*.

[PUBLIC LAW 480 DEBT RESTRUCTURING

[For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans authorized by title I and title VI of the Agricultural Trade Development and Assistance Act of 1954, as amended by section 1512 of Public Law 101–624, there is hereby appropriated not to exceed $668,000.]

COMMODITY CREDIT CORPORATION

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 [of (Public Law 101–624)] *(7 U.S.C. 5622 note) of the Food, Agriculture, Conservation, and Trade Act of 1990*.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, or guaranteed loans authorized by the Agricultural Trade Act of 1978, as amended, $155,524,000.

In addition, for administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, [$3,320,000] *$2,465,000*.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), [$7,392,000] *$7,247,000*: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

[SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

[For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), $1,062,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.]

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; [$725,962,000] *$704,734,000*, of which [$188,858,000] *$167,630,000* shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That *of the sums provided herein, $51,490,000 shall not be available for obligation until September 30, 1992, and, in addition to the $51,490,000, $45,421,000 is hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the sums provided herein, not to exceed $2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1992" and inserting in lieu thereof "May 1, 1997".

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, [$10,350,000] *$8,350,000*: *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

Payments to the Farm Credit System Financial Assistance Corporation

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1992, as authorized, $112,606,000: *Provided*, That not to exceed $2,175,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; [$47,300,000] *$46,597,000*, including not to exceed $700 for official reception and representation expenses.

Farm Credit Administration

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed $40,290,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed $1,500 shall be available for official reception and representation expenses.

TITLE VII—GENERAL PROVISIONS

SEC. 701. [The] *Hereafter, the* expenditure of any appropriation [under this Act] *for the Department of Agriculture* for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 702. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1992 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 442 passenger motor vehicles, of which 439 shall be for replacement only, and for the hire of such vehicles.

SEC. 703. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901–5902).

SEC. 704. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 705. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 706. [Advances] *Hereafter, advances* of money to chiefs of field parties from any appropriation [in this Act] for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

SEC. 707. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 708. New obligational authority provided for the following appropriation items [in this Act] shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, [$5,000,000 for] the contingency fund to meet emergency conditions, [Integrated Systems Acquisition Project,] *the reserve fund for the Grasshopper and Mormon Cricket Control Programs*, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities[, and up to $10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center;] Cooperative State Research Service, buildings and facilities; [Scientific Activities Overseas (Foreign Currency Program);] *Office of International Cooperation and Development, Middle-Income Country Training Program;* Dairy Indemnity Program; [$3,500,000 for] higher education graduate fellowships grants under section [1417] *1417(b)(6)* of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. [3152] *3152(b)(6)*); [$8,580,000 for a program of] capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University; and buildings and facilities, Food and Drug Administration: *Provided, That, hereafter, such appropriations are authorized to remain available until expended.*

SEC. 709. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 710. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 711. [Notwithstanding] *Hereafter, notwithstanding* any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 712. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 713. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 714. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 715. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 716. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 717. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 718. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 719. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1991 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 720. In fiscal year 1992, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 721. [Funds provided] *Hereafter, funds appropriated to the Department of Agriculture* by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 722. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 723. [Provisions] *Hereafter, provisions* of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

SEC. 724. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 8,259; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 725. [Funds provided in this Act] *Hereafter, funds appropriated to the Department of Agriculture and the Food and Drug Administration* may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 726. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 727. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 728. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 729. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 730. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1992 shall be first offered to the borrowers for prepayment.

SEC. 731. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

SEC. 732. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 733. [When] *Hereafter, the Department of Agriculture, when* issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 734. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

[SEC. 735. None of the funds in this Act may be used to establish any new office, organization or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.]

SEC. 735. Of the $200,000,000 made available for the Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, $70,000,000 shall not become available for obligation until September 30, 1992.

SEC. 736. Funds available to the Animal and Plant Health Inspection Service (APHIS) under this and subsequent appropriations shall be available for contracting with individuals for services to be performed outside of the United States, as determined by APHIS to be necessary or appropriate for carrying out programs and activities abroad. Such individuals shall not be regarded as officers or employees of the United States under any law administered by the Office of Personnel Management.

SEC. 737. [Notwithstanding] *Hereafter, notwithstanding* any other provision of law, any appropriations or funds available to the agencies of the Department of Agriculture may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Department of Agriculture position and that are necessary to comply with State laws, regulations, and requirements.

SEC. 738. [Funds provided in this Act] *Hereafter, funds appropriated to the Department of Agriculture* may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of 7 U.S.C. 2272, when such volunteers are engaged in the work of the U.S. Department of Agriculture; and for promotional items of nominal value relating to the U.S. Department of Agriculture Volunteer Programs.

SEC. 739. [The] *Hereafter, the* Secretary shall complete the sales of Farmers Home Administration inventory farms, in accordance with the law and regulations in effect before November 28, 1990, in situations in which a County Committee, acting pursuant to section 335 of the Consolidated Farm and Rural Development Act, had made its initial selection of a buyer before November 28, 1990. Such sales shall be completed as soon as the selection decision is administratively final and all terms and conditions have been agreed to. [In carrying out sales of inventory property, priority shall be given to the former owner and members of the immediate family.]

SEC. 740. None of the funds appropriated or otherwise made available by this Act shall be used to exclude from coverage under section 2244 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) any crop of valencia oranges that, regardless of harvest year, was destroyed or damaged by freeze or related condition in 1990 and is otherwise covered by that section.

SEC. 741. Notwithstanding any other provision of law, loan subsidy rates used in carrying out loan programs provided for in this Act shall not exceed those estimated by the Office of Management and Budget and published in the Budget of the United States Government for fiscal year 1992.

EXTENSIONS OF PROVISIONS' OF THE HOUSING ACT OF 1949

SEC. 742. (a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

(b) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 (42 U.S.C. 1490c(f)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

Section 502(h)(3)(C) of the Housing Act of 1949 (42 U.S.C. 1472 note) is amended by striking all that follows "rural area" and by inserting a "." after "rural area".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992".

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the agriculture appropriations bill tomorrow morning at 10 a.m., that Senator LEAHY be recognized to offer an amendment to the committee amendment on page 48, line 5, with respect to the wetlands preserve; that there be 40 minutes equally divided in the usual form for debate on the Leahy amendment; and that a vote on or in relation to the Leahy amendment occur at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, and I yield to the distinguished chairman of the subcommittee and manager of the bill.

Mr. BURDICK. Mr. President, today we consider the 1992 appropriations bill for agriculture, rural development, and related agencies—H.R. 2698. I would like to take a brief moment to summarize the bill as it is reported to the Senate.

In overall numbers, this bill contains $53.1 billion. Well over half of that—$33 billion—is for nutrition programs such as Food Stamps, Child Nutrition, and WIC. Most of this amount is considered mandatory spending. In addition, the bill contains $10.7 billion for other mandatory programs such as reimbursements to the Commodity Credit Corporation, the Conservation Reserve Program, and payments to the Farm Credit System Financial Assistance Corporation. My point is that of the total money in the bill, very little of it is for truly discretionary programs over which the committee can exercise control.

SUBCOMMITTEE ALLOCATION

I also want to point out that the subcommittee's allocation for discretionary funding is $465 million less than the House in budget authority and $422 million less in budget outlays. Given that allocation, we had to trim the House bill considerably in order to bring this bill to the floor. We were not able to recommend as high of a level as the House for many programs, including WIC, the Food and Drug Administration, agricultural research, and farm loan programs. In my opinion, the subcommittee faced the toughest test yet in writing an appropriations bill.

Nevertheless, we have recommended funding levels that, in total, are within our allocation, without a penny to spare.

SPECIAL SUPPLEMENTAL FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Mr. President, I know of the widespread interest in the WIC Program. And I share that interest. The committee has consistently provided significant increases for WIC. This year is no different. I am pleased that we are able to recommend a level of $2.57 billion—the same as the budget request. This is an increase of $223 million over last year and by far the biggest increase in discretionary programs we were able to provide.

LOAN PROGRAMS

In addition, we have restored, to the extent possible, loan levels for rural housing programs, rural electrification programs, and farm programs. I believe the amounts provided will be adequate to carry on responsible programs.

FOOD AND DRUG ADMINISTRATION

I know there is concern about the funding level we have provided for the Food and Drug Administration. And I share that concern. The bill contains $704 million for salaries and expenses of the Food and Drug Administration. This is $168 million more than the President requested. And it is the level needed, according to the Congressional Budget Office, to fund current programs at FDA at current levels.

The problem with the funding level is that the President asked for $198 million for FDA through the institution of user fees. Well, Mr. President, the establishment of user fees does not fall under the jurisdiction of the Committee on Appropriations. If the President wants to propose user fees to augment his FDA budget, then he should go to the authorizing committee and obtain their authorization. The President has proposed user fees in the past, and this committee has ignored the request and made up for the user fee proposal in appropriated funds. But this year, we did not have sufficient funds to do that.

While we have provided sufficient funds to maintain current programs, we have made a portion of it available only after the President requests it. In addition, a portion will not be available for obligation until the end of the fiscal year. And, a portion is designated an emergency and will need to be requested and so designated by the President before it becomes available.

NEW PROGRAMS

Mr. President, the recommendations contained in this bill do not include increased funding—and in many cases no funding at all—for many ongoing or new programs that Members requested and that are worthy of funding. The budget constraints simply do not allow it. Nevertheless, we are able to recommend funding to start several new programs such as the Wetlands Reserve Program, the Water Quality Incentive Program, and the Alternative Agricultural Research and Commercialization Program.

With that brief summary, Mr. President, I commend the bill to my colleagues and I ask for their support.

Mr. COCHRAN. Mr. President, let me congratulate and thank my distinguished colleague and friend from North Dakota for his cooperation in the development of this legislation.

Mr. President, the appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 1992, H.R. 2698, includes funds for all agencies of the U.S. Department of Agriculture, except the Forest Service which is funded in another bill. It includes such programs as research, conservation, lending, price support, export promotion, and nutrition. The bill funds the Food and Drug Administration, the Commodity Futures Trading Commission, as well as the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation. Also, it establishes limitations on the administrative expenses of the Farm Credit Administration and the Farm Credit Assistance Board.

H.R. 2698 was passed by the other body on Wednesday, June 26, 1991; it was marked up by the Agriculture Appropriations Subcommittee and the full Appropriations Committee on Tuesday, July 23. The report accompanying this bill is Senate Report 102-116.

As reported by the committee, the Agriculture, rural development bill includes $53.1 billion in total budget authority [BA] and $36.2 billion in outlays for fiscal year 1992. This is $970 million less in budget authority than was made available in the 1991 bill. After adjustments by the Congressional Budget Office [CBO], the bill reflects $40.8 billion in spending authority and $29.4 billion in outlays for mandatory programs, and $12 billion in BA and $10.9 billion in outlays for discretionary programs. The bill is consistent with the subcommittee's 602(b) allocation for discretionary spending.

AGRICULTURAL PROGRAMS

A key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based, well-funded research program for agriculture and technology transfer needs. In fact, $1.6 billion is specifically directed to the research and extension activities; of this amount $102 million has been provided for the national research initiative or competitive grants program.

The conservation programs of USDA are critical to improving and conserving our soil and water resource quantity and quality, improving agriculture, and reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share programs and provides for the continuation of the Conservation Reserve Program. In addition, funding has been included to establish the newly authorized Wetlands Reserve Program, a program which is needed to restore and protect our American wetlands.

Through various programs, the committee has also attempted to strengthen U.S. agriculture's potential in world markets. Continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate and short-term export credit guarantee programs, export credit guarantees to emerging democracies, the Public Law 480 or Food for Peace Program, the Export Enhancement Program [EEP], and the Marketing Promotion Program [MPP].

RURAL DEVELOPMENT

Mr. President, I am pleased to report that the committee has given increased attention in this legislation to rural development and has emphasized and supported the existing programs that will sustain and improve economic development activities. Programs have been developed over the years to help meet important needs in rural areas, such as transportation, water, credit, housing, and electricity. Many of these programs have been beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

NUTRITION PROGRAMS

The nutrition programs that are administered by USDA's Food and Nutrition Service have become a major part of this legislation. This year, over 63 percent of the amount appropriated in this bill goes to help meet the nutrition needs of citizens in our country, many of whom cannot adequately provide for their own nutrition needs within their own resources. The Food Stamp Program, the Supplemental Food Program for Women, Infants, and Children [WIC], and the child nutrition programs—school breakfast, school lunch, summer food, and adult and child day care—are examples of the programs that are funded in this bill.

Mr. President, under the current fiscal conditions that we face, I believe that the Appropriations Committee has produced an Agriculture, rural development appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

Mr. President, a wide range of programs are funded in this bill and I trust the Senate will find favor with the bill and approve it. The discussion that we will have on some amendments tomorrow I think will help the bill. I know that some amendments will be accepted. We expect that we could have a vote on maybe one amendment tomorrow morning or around midday.

Mr. President, I think at this point we were going to ask the Senate to agree to the committee amendments.

Mr. BURDICK. Mr. President, I ask unanimous consent that the committee amendments, with the exception of the amendment on page 48, line 5 through page 49, line 3, be agreed to en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

Mr. COCHRAN. Mr. President, there is no objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except the amendment on page 48, line 5 through page 49, line 3.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have a unanimous-consent agreement worked out on both sides related to an amendment to be offered by the distinguished Senator from Vermont. I think the Senator has that language to recite.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 916

Mr. BURDICK. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. BURDICK] proposes an amendment numbered 916.
>
> On page 76, line 18, strike: "$155,524,000" and insert in lieu thereof: "such sums as necessary".

Mr. BURDICK. Mr. President, the amendment will strike the $155,524,000 provided in the bill as the subsidy for making $5,700,000,000 in export loans and provide "such sums as necessary". The budget requested "such sums as necessary" and estimated that $155,524,000 would be needed.

The concern is that the $5,700,000,000 in loans represents the minimum and there is no maximum. However, the subsidy of $155,524,000 would not allow the Department to go above the minimum. The administration needs the flexibility to exceed the minimums if the situation warrants in order to promote our agricultural exports and provide credit to those countries in need.

Furthermore, Commodity Credit Corporation export loans are exempt from credit reform under section 504(c) of the Federal Credit Reform Act of 1990. Therefore, no appropriations are required. The administration made a mistake by even asking for "such sums as necessary" in its budget request. No request of any kind is needed.

Finally, this appropriation is in a mandatory account so there is no change to the discretionary scoring of the bill and no change to the bill's stature with regard to the 602(b) discretionary allocation.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. COCHRAN. Mr. President, we have no objection to the amendment on this side. It has been requested by the Department of Agriculture and we recommend approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 916) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

Mr. DIXON. Mr. President, I rise today in support of an exciting and innovative technology, the Pircon-Peck process.

The Pircon-Peck process utilizes sulfur from boiler coal combustion as basic fertilizer ingredients. The fertilizer produced has the same quality as fertilizer presently used by our country's farmers.

Sulfur is the most costly component of fertilizer, representing more than 50 percent of the nitrogen-phosphate fertilizer manufacturer's per unit production cost. Whether it is mined or recovered, sulfur is scarce and costly, and the United States imports much of it. This only adds to our Nation's trade deficit.

With the Pircon-Peck process, sulfur is obtained from Midwestern coal, and is utilized in the production of agricultural fertilizer. Rather than being a pollutant, the sulfur is used as a valuable mineral.

Participants of the Pircon-Peck process include the U.S. Department of Agriculture, the University of Illinois, the Illinois Department of Energy and Natural Resources, the Illinois Department of Commerce and Community Affairs, Western Illinois University, the Institute of Gas Technology and Resources, and Agricultural Management, Inc.

Congress appropriated $2.1 million in fiscal year 1988 to initiate this program, and the State of Illinois has provided $4.5 million. The technology now needs $2.73 million in fiscal year 1992, to fulfill the Federal obligation of the cost-sharing agreement with the other participants.

Mr. President, this technology makes sense both economically and environmentally. The United States and, indeed, the world, faces the challenge of coverting today's pollutants into tomorrow's resources.

While complying with the Clean Air Act is important, it is also costly. The Pircon-Peck process utilizes the sulfur from coal combustion as a valuable component of agricultural fertilizer, rather than it becoming another pollutant; it decreases our dependence on sulfur imports for fertilizer production; it allows for a high-quality, low-cost fertilizer for farmers; and it generates employment opportunities in rural communities.

I urge my dear friend and distinguished colleague to support the Pircon-Peck process, and recommend that the U.S. Department of Agriculture provide available funds for this technology.

Mr. BURDICK. I understand the Senator from Illinois' concern about this technology, and urge the U.S. Department of Agriculture to provide for this valuable program.

Mr. DIXON. I thank my colleague from North Dakota.

Mr. PELL. I appreciate the excellent job that has been done by the members of the Agriculture Appropriations Subcommittee and the members of the full Appropriations Committee.

Under the able leadership of its chairman, the senior Senator from North Dakota [Mr. BURDICK] the subcommittee has worked hard to assure that only the most urgently needed funds are earmarked for obligation in fiscal year 1992.

That job has been made exceptionally hard in these difficult economic times by increased demands for money to fund the new agriculture and conservation programs created by the new farm bill.

Last year the committee provided the University of Rhode Island with $1.94 million in fiscal year 1991 funds to pay for the engineering and architectural services needed to prepare for the construction of Coastal Institute buildings.

This year only $500,000 was earmarked for construction in fiscal year 1992 funds, enough to keep the project alive but substantially less than the projected $8.4 million cost of the first phase of construction.

I understand that the committee signaled its support for the project, but also held back on full funding until it could be obligated within the same fiscal year. That point is not likely to come before fiscal year 1993, after the initial engineering and architectural work is complete.

At this time, I would like to ask my distinguished colleague if it is the committee's intention to consider substantial construction funds in fiscal year 1993—when the architectural and engineering work is complete and the funds can be obligated?

Mr. BURDICK. The senior Senator from Rhode Island [Mr. PELL] is correct. The $500,000 earmarked for this project in fiscal year 1992 funds indicates the committee's continuing interest in and support for this project.

The Coastal Institute Building Program at the University of Rhode Island will create urgently needed facilities to unite a group of closely related disciplines—resource economics; fisheries, animal and veterinary science; and natural resource science—under a single roof.

It is the intention of the committee that, once the architectural and engineering work is completed it will consider funding in the amount that can be expended in that fiscal year for the first phase of construction.

Mr. PELL. I thank the senior Senator from North Dakota [Mr. BURDICK] for that clarification and that commitment. I appreciate the excellent work he and the members of his committee have done to balance the needs of this and many other worthy programs of national interest.

Mr. COCHRAN. Mr. President, as I understand it, that probably takes care of the amendments that we will be able to deal with tonight. There are other amendments to be offered in the morning and, under the order that the leader has entered in the RECORD, we will be back on the bill with an amendment at 10 o'clock, as I understand it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WIRTH. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,326th day that Terry Anderson has been held captive in Lebanon.

FAMINE IN THE HORN OF AFRICA

Mr. KENNEDY. Mr. President, once again the specter of mass famine looms across the Horn of Africa. War and civil strife has again produced another flow of refugees and massive upheavals of people in Ethiopia, Somalia, and Sudan. Today we are seeing a regional crisis of people, with the collapse of the governments in Ethiopia and Somalia producing internal chaos, and drought and conflict taking an increasing toll in Sudan.

The scale of the humanitarian crisis unfolding today in the Horn has outpaced the ability of United Nations and other international relief agencies to respond. Although it is clearly a regional crisis, with refugees and famine victims moving within their countries and across three international borders, there has yet to be a regional response by the world community.

Last Friday, the Senate acted to draw urgent attention to this humanitarian emergency by adopting an amendment for greater international coordination and assistance. In sponsoring this amendment, I was joined by my distinguished colleague on the Immigration and Refugee Affairs Subcommittee, Senator SIMPSON, as well as the chair and ranking member of the Africa Subcommittee of the Foreign Relations Committee, Senator SIMON and Senator KASSEBAUM.

We called upon the U.N. Secretary General, Javier Perez de Cuellar, to immediately appoint U.N. field coordinators for the region who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort, as well as mobilize greater donor contributions.

Mr. President, there is ample precedence for the appointment of such high-level U.N. field coordinators, going all the way back to the role Sir Robert Jackson played in the aftermath of the Bangladesh crisis in 1972, to his role in the Cambodian relief effort of 1979.

Indeed, the last time the Horn faced a similar regional famine crisis, in 1984–85, the Secretary General acted to appoint a personal representative in the field to coordinate the U.N. agencies' efforts.

Similar action is urgently needed today.

Reports from the region suggest a manmade tragedy will occur unless we break the diplomatic and logistical roadblocks currently hampering the relief program.

For example, unlike Ethiopia in 1984–85, when the international community was behind the curve and the issue was coordination to get enough food to arrive. Today ample food stocks are on hand in the ports of Assab and Djibouti, but the problem is to get it out to starving refugees and displaced villagers just miles away. The food is simply not moving from the ports, hampered by a lack of coordination in the field.

There also appears to be no regular, systematized interagency meetings to bring both the U.N. agencies as well as other international and voluntary agencies together to exchange information, coordinate actions, set priorities, and deal with logistical logjams as they occur.

Today, hundreds of thousands of Somalian refugees sit in the Ogaden desert in eastern Ethiopia, only miles from the Djibouti port, where food is piled high. Yet hardly any of it is moving to the camps. The World Food Program estimates that 150 trucks are needed immediately. But who is there to coordinate or stimulate an adequate international response to this need?

Similarly, in Assab, food is available, but the International Committee of the Red Cross reports it can't break the political/logistical problems blocking onward shipments to feeding centers in central and northern Ethiopia, where refugees are in desperate need of food and medical supplies.

The situation in Somalia is a shambles, with no functioning government that any other government or agency can deal with. It is a country fractured into three warring clans. If ever there was a role for the United Nations to directly intervene on humanitarian grounds, it is Somalia today. If it can be done in Iraq under the leadership of the Secretary General's field representative, it can be done in Somalia.

A recent letter sent by InterAction, the umbrella organization for America's voluntary agencies, to James O.C. Jonah, the Under Secretary General currently responsible for the U.N. effort, outlines some very thoughtful recommendations which they hope the Secretary General will consider and implement as soon as possible.

I ask that the text of the InterAction letter, as well as a report by Refugees International, be printed later in the RECORD.

Mr. President, I am pleased the Senate has acted to support the U.N. effort to deal with the escalating human crisis in the Horn of Africa.

I hope high-level U.N. field coordinators will soon be appointed, and that some of the unnecessary impediments to the current international relief operation can be dramatically reduced. Otherwise, countless lives will needlessly be lost.

Mr. President, I ask that the text of the resolution adopted by the Senate be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

On page 195, between lines 18 and 19, insert the following new section:

SEC. 690. INTERNATIONAL RELIEF EFFORTS IN THE HORN OF AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) a massive humanitarian emergency is sweeping across the Horn of Africa today—in Ethiopia, Somalia, and Sudan—where millions of lives are at risk from famine caused by war and civil strife;

(2) refugees are on the move in all directions across the region's borders, searching for peace and relief;

(3) reports from the field indicate that in some cases sufficient food and relief supplies are stockpiled at ports within a few hundred miles of starving refugees; and

(4) the lack of effective international coordination in the field is contributing to this human tragedy, and international diplomacy is failing to break the local political and logistical obstacles to the relief effort.

(b) POLICY.—The Congress—

(1) urges the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort and to better mobilize donor contributions; and

(2) urges the President to lend the full support of the United States to all aspects of the relief operation in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need.

AMERICAN COUNCIL FOR
VOLUNTARY INTERNATIONAL ACTION,
Washington, DC, July 17, 1991.

Mr. JAMES O.C. JONAH,
Under Secretary General, The United Nations, New York, NY.

DEAR MR. UNDER SECRETARY GENERAL: On behalf of all the representatives of the agencies that met with you yesterday, I want to thank you for the meeting, for your openness, frankness understanding of the situation and the concerns of the NGOs. I am confident that with this type of interaction, we can build a better partnership between NGOs and your office at the United Nations.

I herein summarize the key points for our discussion. I am sure that these brief points will trigger the fullness of our discussion yesterday:

1. It is important that the emergency throughout Africa be targeted, not just the Horn of Africa.

2. We are pleased that Mr. Michael Priestly will be your special coordinator for this program and based in New York. He needs to be given your and the Secretary General's full authority to act decisively.

3. We are convinced that the U.N. also needs a person, based in the region, who can act with the Secretary General's authority. We urge you to appoint a regional coordinator and/or a special on-the-ground representative in each of the most severely affected countries.

4. Throughout the meeting, a number of specific recommendations were made to insure the success of the effort.

a. Mr. Priestly needs the authority to assure that the U.N. specialized agencies work together as a team. Inter-agency rivalries must cease. We believe these can only be overcome with strong, effective leadership and a clear mandate from U.N. headquarters in New York.

b. An improved U.N./African emergency information system should be set up immediately. It would issue unified reports, both continent-wide and by country, on the famine and emergency situation in Africa.

c. A directorate should be established to include representatives secunded from U.N. operational agencies (such as UNDP, UNICEF, WFP). Each should be given paramount responsibility for specific operational areas.

d. A regular coordination meeting needs to be established in New York with NGOs. Similar information and coordination meetings need to be set up in each affected country.

e. A special report to, or meeting during the upcoming General Assembly could be important to mobilize world opinion on the emergency.

5. We are extremely concerned that Africans, this time around, are dying in silence. It is imperative that the U.N. take bold action to help publicize the emergency. We recommend a high-level trip, by the Secretary General, perhaps accompanied by high-visibility persons (ex-heads of State, for example), who could bring the media's attention to Africa.

6. The African famine is taking place in a political environment which must be looked at and addressed. The U.N. has gained prestige and power. We urge your office to deal with and seek others in the U.N. to deal with the political issues which are so vital. Safe passage, open roads and ports, cease-fires, even peace, are issues that must be tackled.

We are convinced that in the U.S. there is no donor fatigue. What there is, is greater donor sophistication and donor skepticism. People are aware that politics interfere with relief operations: food rots on the dock, food is diverted, innocent people are bombed. The media is quick to point out these problems. We need the U.N. to use its political leverage and clout to remove some of the obstacles and to deal with these issues. Negative publicity affects all of us as we attempt to mobilize our constituencies.

If we can surmount these obstacles together, then we are convinced that the American public and government will respond to the crisis. We recognize the urgency of the problem. People are starving at this very moment. It is time for energetic, bold action. We believe the U.N. should be at the forefront of this.

We look forward to working with you in this critical emergency. The U.S. relief organizations pledge their support to you and your colleagues. We wish you well on your important mission to the Horn.

Respectfully yours,

On behalf of the Operational U.S. PVOs active in the Horn,

PETER J. DAVIES,
President and CEO.

ETHIOPIAN CRISIS FINDINGS AND RECOMMENDATIONS

BACKGROUND

The scale of the emergency unfolding in Ethiopia and throughout the Horn has outpaced the capacities of the U.N. agencies responsible. In addition, there are problems of coordination and lack of clarity as to overall objectives, priorities and key action recommendations for U.N. and NGO agencies, governments and donors.

Several current examples:

There are ample food-stocks in Djibouti, but within a few hundred miles, refugees and returnees are beginning to starve.

Information about the most urgent feeding priorities for refugees and returnees are slow to move up through the UNHCR/WFP decision-making channels, with the result that some of the worst areas are addressed last.

In Ethiopia, there are insufficient coordination meetings to bring the agencies together to exchange relief information, much less harmonize actions.

There does not seem to be a planning component to lay out over-all priorities adjusted to changing conditions. Among other things, this means that donors who might be ready to assist have no clear idea of what is currently most needed.

Other U.N. agencies and NGOs, on the ground, were not informed before the recently commenced airlift to the Ogaden.

The diverse U.N. agencies present in the Horn would benefit greatly from a single focal point to optimize their activities and eliminate the present inefficiencies inherent in their separate efforts.

As problems in the region are linked, so must solutions be regional in character, particularly voluntary repatriation.

RECOMMENDATIONS

1. Appoint Regional Coordinator: To improve response of the United Nations to the relief and refugee emergency in the Horn and to better mobilize donor contributions, the Secretary General should appoint a regional coordinator resident in Addis Ababa with a full mandate over representatives from all U.N. agencies.

The appointee, who should be named immediately, should have international stature and enjoy the full confidence of the Secretary General. It may be recalled that Sir Robert Jackson effectively played this coordinative role in the Cambodian crisis commencing in 1979.

2. Increase food deliveries from Djibouti to areas of greatest need: For a number of reasons, a key logjam in the food pipeline is now the long-haul capacity out of Djibouti. WFP estimates that 150 trucks are needed immediately. To quickly inject more long-haul trucks, the U.S., NATO, and other countries should provide long-haul trucks by air to Djibouti. In the case of the U.S. and coalition partners, trucks from the Persian Gulf area could arrive with the minimum lead time.

3. Upgrade UNHCR management and field staff: Given the dimensions of the emergency, UNHCR is understaffed. More personnel, particularly with emergency experience, are urgently required.

In Ethiopia, for example, the UNHCR has just assigned a deputy representative with emergency experience and leadership capabilities; there is a similar need for such an officer to take charge of all operations in the eastern part of the country.

To provide an expatriate field presence, UNV's or other volunteers should be assigned to each camp to provide timely and accurate monitoring and feedback information and recommendations. Perhaps, field volunteers from donor countries could be mobilized even more quickly and economically than UNV's.

4. Provide food more quickly to new arrivals: Newly arriving, returnees and refugees from Somalia are sometimes not being registered and fed quickly. Particularly, returnees lacking registration documentation from Somalian refugee camps, are not given ready access to feeding.

UNHCR should streamline procedures to verify and register returnees and new arrivals and provide them priority access to feeding, if their condition so merits.

5. Western Ethiopia: Find and provide aid to refugees who fled Itang, Fugnido and Dimma camps.

FOREIGN RELATIONS OF THE U.S. HISTORICAL SERIES

Mr. PELL. Mr. President, I am particularly proud of the committee's role in formulating and approving the section of the State Department authorization bill (S. 1433) concerning the foreign relations of the U.S. historical series and the declassification of State Department records after 30 years. On October 19 of last year the Senate adopted S. 3225, which was substantially similar to the language of this title. I was pleased to be joined in original sponsorship of that bill by the ranking member of the Foreign Relations Committee, Senator HELMS, and the chairman and the ranking member of the Select Committee on Intelligence, Senator BOREN and Senator COHEN. This sponsorship reflects the close collaboration of the Foreign Relations Committee and the Intelligence Committee in the development of this legislation.

This title for the first time provides a legislative charter for the State Department's published historical record, the foreign relations series, with guidelines and procedures for the selection of materials including records from other agencies involved in American foreign policy. Although the foreign relations series was first published in 1862, there have been problems with some recent volumes that have failed accurately to reflect important aspects of America's involvement in foreign affairs. The bill also provides legislative authorization for the Advisory Committee on Historical Dipolmatic Documentation, and for the declassification of State Department records generally in the same 30-year period prescribed for the foreign relations series.

Mr. President, it is essential for the proper understanding of American foreign policy that we should know the history of that policy. And for that, access to the documentary record is essential. The purpose of this section is to assure that the record of American foreign policy is made available with accuracy and completeness.

The bill provides that the editing of the foreign relations series "shall be guided by principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy." These guidelines are similar to those stated by former Secretary of State Francis B. Kellogg on March 26, 1925, which have been printed in the prefaces of existing volumes of the series for many years.

An important part of this title provides that other departments and agencies engaged in foreign policy shall cooperate with the State Department Historian in selecting records for the foreign relations series, and in permitting access to original records by appropriately cleared staff of the State Department's Historical Office. Procedures are set forth for the declassification of such documents for the foreign relations series, with the alternative where required of selective deletions or, if necessary, an edited summary. The advisory committee is to play a key role in assuring that any such modifications in the text accurately reflect the original records.

These procedures are important because some of the most serious distortions in recently published volumes of the foreign relations series have resulted from the omission of highly relevant materials from other agencies needed to provide a complete record of American foreign relations. Two examples were the volume covering the United States role in Iran in the early 1950's, and the volume on Guatamala, 1954. In both cases the deleted topics have been covered in memoirs by U.S. officials who had been active in these countries at the time, and in other published accounts, so the omission from the foreign relations series was especially glaring.

On the basis of the discussions that have been held with officials from concerned offices and agencies of the administration, and with the Intelligence Committee, I have every hope that the procedures set forth in this legislation will assure the completeness and accuracy of the foreign relations series, traditionally regarded by historians, scholars and policymakers as an original source for the record of American foreign policy.

The legislation makes clear that the documentary record of American foreign policy shall be made available as completely and comprehensively as possible. To the extent that records can be declassified sooner than 30 years, as is often the case, that should of course continue. But the 30 year standard is fundamental, and should be scrupulously observed following a transition period of 5 years for the foreign relations series and 2 years for the declassification of State Department records.

The bill recognizes that there may have to be certain exemptions from declassification even after 30 years, and it states criteria for such exemptions. For example: records wholly prepared by a foreign government, records which would compromise still protected weapons design or technology, U.S. cryptologic systems and codes. There are also exemptions for records which would disclose the identities for confidential sources who are still living if this would have a substantial risk of harm to such persons, and exemptions for internal personnel and visa records. An exemption is also stated for records the declassification of which "would demonstrably impede current diplomatic negotiations or other ongoing activities of the U.S. Government, or would demonstrably impair U.S. national security."

I would emphasize that while these exemptions may need to be applied in some cases even after 30 years, it is my strong hope and belief that they will be used sparingly, on an item-by-item and document-by-document basis rather than serving as a reason for wholesale withholding of entire categories or lots of records.

It is strongly in our interest as a free nation that the official records of our history be available to be analyzed and studied to the fullest possible extent, with the fewest possible omissions. Only in that way will the writing of our history live up to our traditions of freedom and full disclosure. The bedrock for foreign policy formulation, and for the conduct of American foreign policy itself, is an accurate record of what has gone before.

In the past year we have seen the importance of the integrity of the historical record in the countries of Eastern Europe, the Soviet Union, and other nations, where there has been a flood of new documentation from governments that for many years concealed and even falsified the record. From these recent, dramatic examples we have seen the strength that a country draws from the availability of honest information about its past. This legislation will ensure that the United States adheres to the tradition of providing an accurate and complete historical record of our foreign policy.

I ask that letters I have received endorsing this section from the chairman of the Advisory Committee on Historical Diplomatic Documentation, Professor Warren F. Kimball of Rutgers University, from the American Political Science Association, and from the American Historical Association be printed in the RECORD at this point. I also ask that an article by Senator BOREN and myself from the Boston Globe and an op-ed piece in the New York Times by the former head of the Historical Advisory Committee, Prof. Warren I. Cohen, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RUTGERS,
New York, NJ, July 11, 1991.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I write to endorse, with real enthusiasm, Part F of S.1433—the portion of the Foreign Relations Authorization Act that pertains to Foreign Relations of the United States, to the declassification of State Dept. records generally after 30 years, and to the Advisory Committee on Historical Diplomatic Documentation. I believe this legislation goes a long way towards resolving the problems that have affected these subjects and have prevented the Advisory Committee from achieving their intended goals.

I, as Chair of the current Advisory Committee, along with the committee members have followed the development of this legislation closely, and we have availed ourselves of opportunities to make constructive suggestions that have been included in the bill. I believe that the current bill is practical, and that the recent changes answer all of the technical and Constitutional questions some have raised. You, you committee members, and the staff persons involved have my congratulations for a job well done.

The bill in its present form not only lets the Historical Advisory Committee give the Secretary of State the kind of honest, independent, professional advice needed, but it also insures that the American public is guaranteed the kind of historical information it needs for democracy to function. Nothing in this bill, which deals only with 30-year old and older records, would compromise current foreign policy, nor should Americans be afraid of their history.

As a small postscript, I am personally actively involved in a number of Soviet-American projects regarding the history of the Second World War. At a recent meeting with Soviet historians, they told me of their deep concern that young people there no longer believed that history was of any value. They quoted a poll showing that 60% of Soviet citizens did not believe that they had been told the truth about their history during World War II. Since that is, perhaps, the most favorable era of the 75 year history of communist rule, the percentage of disbelievers for other periods must be even higher. The legislation proposed by you and your committee will help to insure that Americans, young and old, never have to become so cynical of their history.

Sincerely yours,
WARREN F. KIMBALL,
Professor.

AMERICAN POLITICAL SCIENCE ASSOCIATION,
Washington, DC, July 22, 1991.

Senator CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: The American Political Science Association is the major professional organization whose members are engaged in the study of politics and government. Founded in 1903, the Association is committed to advancing research opportunities among its members. Association membership is composed primarily of political scientists doing research and teaching in U.S. universities and colleges. One third of the Association's members are engaged in research and teaching in the fields of international relations and comparative politics.

The Association's Council, speaking on behalf of the Association's 14,000 members, adopted the attached resolution in August 1990 regarding the "Foregin Relations of the United States" historical series. The Association is strongly committed to preserving the scholarly integrity of the series, and commends the members of the Committee on Foreign Relations for their recent efforts in this direction.

The Association fully endorses the provisions dealing with the "Foreign Relations" series in S. 1433. The bill provides for two steps that the Association feels are essential to the scholarly enterprise. First, provision is made for review of the "Foreign Relations" series by outside nonpartisan scholars. Protected by security clearances, the scholars will guarantee the historical integrity of the series without jeopardizing the legitimate security interests of the United States. Second, a systematic declassification policy for State Department records over thirty years old is firmly established. With necessary exemptions to protect sensitive materials provided for, the new policy will greatly facilitate scholarly inquiry.

The Association thanks you and your colleagues for the carefully crafted language of S. 1433. We strongly endorse its passage.

Once again the Association thanks you for your service to the scholarly community, and your appreciation of the fact that our future strength is based upon on an informed understanding of the past.

Sincerely,
CATHERINE E. RUDDER,
Executive Director.

RESOLUTION ON THE INTEGRITY OF THE FOREIGN RELATIONS OF THE UNITED STATES DOCUMENTARY HISTORY VOLUMES AMERICAN POLITICAL SCIENCE ASSOCIATION COUNCIL ADOPTED, AUGUST 1990

Whereas, the Foreign Relations of the United States, has been published by the Department of State since 1861 and serves as a record of American foreign relations, as faithful as possible, given legitimate security concerns; and

Whereas, the documentary series, now numbering over 300 volumes, has been a cornerstone of scholarly research and writing in American foreign relations; and

Whereas, until recently the scholarly community has expressed strong confidence in the editorial integrity of the series which provided both detailed coverage of major issues and guidance for locating unpublished State Department documents; and

Whereas, the integrity of the Foreign Relations of the United States series is now threatened by changes during the last decade in the editorial review process for handling sensitive materials; and

Whereas, recent volumes of the Foreign Relations of the United States, published more than thirty years following the historical events described, containing an appalling increase in the amount of incomplete and deleted documents, which the State Department's Historical Documents Review Division and other government agencies have excised from the volumes; and

Whereas, recent Foreign Relations volumes with significant increase in deletions and omissions create an incompleteness that in itself is a distortion; and

Whereas, the Department of State itself in carrying out the foreign policy of the United States needs a full and accurate record of its past programs and decisions on which its own offices can rely; and

Whereas, our democratic government rests on informal public debate and deliberations by policymakers based on access to the fullest possible records of the past and on an accurate presentation of our history; and

Whereas, various agencies of the United States government are urging foreign governments to open their archival records, it is essential that the United States follow a standard worthy of emulation; and

Whereas, the role of the State Department's Advisory Committee on Historical Diplomatic Documentation, made up of the representatives of the American Political Science Association, the American Historical Association, the Organization of American Historians, the American Society of International Law, and the Society for Historians of American Foreign Relations, is now threatened as they are no longer participants in the review process and are no longer in a position to attest to the integrity of the series;

Resolved, the American Political Science Association urges Secretary of State James Baker to take necessary steps to restore the integrity of the Foreign Relations of the United States by establishing a procedure by which the Advisory Committee, who have "secret" clearances, may review the necessary materials in order to make judgments on the integrity of the series.

AMERICAN HISTORICAL ASSOCIATION,
Washington, DC, July 18, 1991.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I am writing on behalf of the American Historical Association to support Title IV—Foreign Relations of the United States Historical Series—of S. 1433. Your work in crafting this excellent legislation is most appreciated, for S. 1433 goes a long way toward ensuring the integrity of the State Department's historical series, The Foreign Relations of the United States. The recent, lamentably incomplete volume on Iran in the series covering the year 1953 is an example of the fault to be remedied by the proposed legislation. The volume is totally silent on the role of U.S. covert action in the overthrow of Mossadeq, even though Archie Roosevelt, station chief in Iran at the time, has long since given a full account of U.S. actions in his published memoirs.

We are pleased that S. 1433 authorizes the publication of a thorough, accurate, and reliable documentary record through the Foreign Relations series, places the series on a thirty year time table, gives statutory authority for the Advisory Committee on Historical Diplomatic Documentation, and develops a policy of systematic declassification for State Department records over thirty years old with exceptions for the most sensitive records. This legislation will assist in correcting many of the current declassification problems, which have resulted from lack of internal or external oversight of the work of the State Department's Historical Documents Review Division, which has responsibility for declassifying historical State Department records.

Last year the American Historical Association Council passed the enclosed resolution supporting legislation to ensure the integrity of the Foreign Relations series. In May the American Historical Association Council voted to support the Senate draft of legislation which has since been introduced as S. 1433.

The legitimate claim of security in the conduct of foreign affairs is respected by all responsible historical scholars, and we believe that the provisions for continued classification are fully adequate for protecting sensitive information that could harm our current foreign policy.

Sincerely,

SAMUEL R. GAMMON,
Executive Director.

NATIONAL COORDINATING COMMITTEE FOR THE PROMOTION OF HISTORY,
Washington, DC, July 18, 1991.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I am writing on behalf of the American Historical Association, the Organization of American Historians and the National Coordinating Committee for the Promotion of History which is composed of fifty historical and archival organizations to thank you for your work on S. 1433, which addresses the problem of lack of integrity in the State Department historical series, "The Foreign Relations of the United States." We are pleased that S. 1433 authorizes the publication of a thorough, accurate, and reliable documentary record through the "Foreign Relations" series, places the series on a thirty year time table, gives statutory authority for the Advisory Committee on Historical Diplomatic Documentation, and develops a policy of systematic declassification for State Department records over thirty years old with exceptions for the most sensitive records.

Several attached documents illustrate the need for a policy at the State Department of systematic declassification of records over thirty years old. One is the enclosed 1990 list prepared by the National Archives of State Department lot files that are not open to scholars and the public because they have not been declassified. The other is some pages from the introductions to two volumes of the "Foreign Relations" series that were published last fall. Both volumes indicate that the manuscripts for these volumes were completed over a decade ago. Delays in declassification of records played a major role in this lengthy delay.

Attached is also a resolution passed last December by National Coordinating Committee for the Promotion of History's Policy Board supporting legislation on the "Foreign Relations" series.

Sincerely,

PAGE PUTNAM MILLER,
Director.

RESOLUTION ON INTEGRITY OF THE "FOREIGN RELATIONS OF UNITED STATES" DOCUMENTARY HISTORY VOLUMES

Whereas, the "Foreign Relations of the United States," has been published by the Department of State since 1861 and serves as a record of American foreign relations, as faithful as possible, given legitimate security concerns; and

Whereas, this highly respected and prestigious documentary series, now numbering over 300 volumes, has been a cornerstone of scholarly research and writing in American foreign relations; and

Whereas, until recently the scholarly community has expressed strong confidence in the editorial integrity of the series which provided both detailed coverage of major issues and guidance for locating unpublished State Department documents; and

Whereas, the integrity of the "Foreign Relations of the United States" series is now threatened by changes during the last decade in the editorial review process for handling sensitive material; and

Whereas, recent volumes of the "Foreign Relations of the United States," published more than thirty years following the historical events described, contain an appalling increase in the amount of incomplete and deleted documents, which the State Department's Historical Documents Review Division and other government agencies have excised from the volumes; and

Whereas, recent Foreign Relations volumes with significant increases in deletions and omissions create an incompleteness that in itself is a distortion; and

Whereas, the Department of State itself in carrying out the foreign policy of the United States needs a full and accurate record of its past programs and decisions on which its own offices can rely; and

Whereas, our democratic government rests on informed public debate and deliberations by policymakers based on access to the fullest possible records of the past and on an accurate presentation of our history; and

Whereas, various agencies of the United States government are urging foreign governments to open their archival records, it is essential that the United States follow a standard worthy of emulation, and

Whereas, the role of the State Department's Advisory Committee on Historical Diplomatic Documentation, made up of representatives of the American Historical Association, the Organization of American Historians, the American Political Science Association, the American Society of International Law, and the Society for Historians of American Foreign Relations, is now threatened as they are no longer informed participants in the review process and are no longer in a position to attest to the integrity of the series;

Resolved, the National Coordinating Committee for the Promotion of History urges Secretary of State James Baker to take necessary steps to restore the integrity of the "Foreign Relations of the United States" by establishing a procedure by which the Advisory Committee members, who have "secret" clearances, may review the necessary material in order to make informed judgments on the integrity of the series; and

Resolved, the National Coordinating Committee for the Promotion of History send copies of this resolution to the President of the Senate, Speaker of the House of Representatives, and the Chairperson and ranking minority member of the appropriate Congressional committees.

Adopted by the Executive Board of the Organization of American Historians and the Council of the Society for Historians of American Foreign Relations on March 22, 1990, by the Policy Board of the National Coordinating Committee for the Promotion of History on March 23, 1990, and by the Research Division of the American Historical Association on March 30, 1990.

UNREVIEWED LOT FILES IN NATIONAL ARCHIVES—AS OF DEC. 12, 1990

[Items with asterisks are currently under review]

Lot number	Description	Boxes
	Material for Which NARA Has Guidance	
53D28	A Sec Adm/Administrative Files 1945–49	18
52–73	A Sec Adm/Organization of Foreign Serv 1945–8	2
58D68	ACOPS-Adv Cmte on Personnel Security 1944–52	4
78D440	Afric.&SW Asian Grp/Re:NearEast.Aff 1942–53	3
M72	Allied Mission-Observ of Greek Elections 1946	27
53D65	Amb Jessup Files/UN Gen Ass6th&7thSess 1951–2.	4
59D101	Amer in Detention: Lourdes&Baden-Baden 1942–4	3
53D466	Americ.Section/Anglo-Carib Comm 1940–48	57
58D655	ASec Admin:Administrative Records 1944–55	1
63D255	ASec for African Affairs 1951	5
55D650	ASec for Congressional Relations 1949–52	3
53D468	ASec NearEastern & S Asian Aff-McGhee 1949–51	20
55D207	ASecAdmin-Budget related files 1948–50	2
58D252	ASecAdmin-Names Files 1948–54	1
54D349	AsstSec for Public Affairs-Sargeant	16
60D216	AsstSec Int'l Org Aff(Wilcox) 1958	4
60D136	Atterbery Files 1940–48	7
568	Bell Mission to Philippines, 1950–51	24
52–51	Bonesteel Papers/MAP 1950–51	15
54D224	Brit Commonwealth/N Eur Aff-Subj Files 1941–53	24
59D559	Brit Commonwealth/W Eur Affairs 1941–54	1
60D90	Bur Far East Affairs-Corr/Subject Files 1958	2
79D137	Bur of Admin Intelligence Files 1946–53	2
53D223	Bur of Security & Counsular Affairs 1946–53	3
62D421/ 64D353.	Bureau of African Affairs 1955–9	2
60D68	Bureau of Economic Affairs 1945–58	6
62D316	Case of Noel & Herman Field 1945–56	3
57D614	Case of William Oatis 1951–54	3
60D257	Chief, Div of Dependent Area Aff(Gerig)1948–54	3
M21	Civilian Internee Files, 1941–45	Film
58D740	Clemency&Parole Bd/War Criminals (Jap.)1952–8	45
60D37	Corr Files-Off of S. African Affairs 1950–2	1
66D428	Country Laws & Regulations 1957	3
56D553	Country Trade Subject Files 1934–50	4
55D429	Deputy Asst Sec/United Nations Affairs1944–53	12
54D202	Director-Office of Public Affairs (Russell)	15
58D133	Disarmament Files 1942–52	34
60D131	Div For Activity Correl/FBI Memoranda 1947–53	21
58D116	Div of Foreign Activity Correlation 1942–51	32
52D432	E.W. Barrett-Asst Sec for Public Affairs 1951	6
60D449	Economic Affairs of India 1953–58 Subj Files	1
57D289	Economic Bur-Int'l Business Practices 1944–52	33
56D509/ 56D617.	Eur Reg Aff-Danube Flood Relief Prog 1954–6	1
56D617/ 56D509.	Eur Reg Aff-East-West Trade Files 1952–4	1
60D240	Exec Sec. Committee & Subject Files-S. Area 1943–53.	13
53D403	ExecSec-Draft Acheson Speeches/w/Truman 1950–3.	31
65D464	ExecSec:Nat'l Aeronautics & Space Council 1959	2
60D24	Exploitation/Captured German Records 1945–8	10
60D11	Far East Aff-Sp Asst. for Reg. Progr 1953–7	1
53D470	Files of Ambassador Jessup, 1948–53	6
58D683	Foreign Service Posts-Files/Name Files 1954–5	1
123	Formulation of European Recovery Prog 1947–50	48
60D113	Francis Wilcox Files 1954–7	4
55D331	FSI—Program Policy Files 1925–48	6
428	Gen Assembly-Special Session-Palestine 1947–51	6
56D459	Gen Rec of Executive Secretariat 1948–56	9
24	Greek, Turkish, Iranian Affairs 1947–50	31
M46	Griffin Mission to SE Asia 1950	6
87D236	Historical Studeis Bd-Historian's Office 1944–54	39
54D84	Inauguaral Mtg IMF/World Bank 1946	6
57D373	India-Nepal-Ceylon Affairs 1944–57	10
52–95	Info Memos-Office of Public Affairs 1948–52	3
57D244	Int'l Commodity Problems 1946–50	3
53D307	Int'l Refugee Org/Displaced Persons Commiss 1946–52.	22
52–40	Int'l Security Admin—Central Files 1944–51	30
52–24	Int'l Security Aff-Policy & Program Dev 1947–51	24
53D443	Int'l Security Affairs Committee 1951	5
54D5	Inter- & Intra-Dept'l Committees 1942–52	21
52D408	Intergov Cmte on Refugees/Migration/UNRRA 1944–47.	20
60D133*	Internat'l Economic Devel-Subj Files 1945–56	3
57D284	International Trade Files 1934–56	105
58D576	Investigation of Commerce Int'l Corp 1945–54	3
52D398	Italian Economic Material 1937–51	3
78D173	Japanese Peace Treaty Files 1947–51	4
56D527*	Japanese Peacy Treaty, 1947–54	7
70D254	Johnston Mission/Jordan River Waters 1945–9	6
60D680	KNA Airplane Incident 1958	1
54D170	Labouisse Economic Files 1942–51	3
62D205	Legal Adv-Div of United Nat'l Affairs 1945–9	4
56D540	Legal Adviser German Affairs 1946–56	14
76D107	Loyalty/Security Files re: JP Davies 1942–59	9
61D86	McKnight Files 1958–50	1
62D367	Memos & Docs re: NSC 1947–54	3
59D448	MilAsstCoordDiv-MAPs/EAsian Countries 1953–6	3
59D448A	MilAsstCoordDiv-MAPs/WEur Countries 1952–6	3
57D577	Misc Lot/Subject Files 1947–55	1
57D417	Misc Lot/Subject Files 1949–56	1
55D323	MiscRecs-Predecessor of I.O. 1941–51	31
59D665	Mutual Defense Assistance Control Staff	23
64D234	Mutual Defense Control Staff	1
52–184	NAT Economic & Military Asst Aff Div 1950–1	3
78D394	National Intelligence Estimates 1950–54	6
56D418	Near East & African Affairs 1945–52	3
55D643	Near East Asian Economic Affairs 1947–51	10
58D48	Northern African Affairs 1945–56	5
53D211	Off Exec Sec/Jessup Files 1946–52	14
59D3	Off Files of F.F. Lincoln 1954–6	1
52–316	Off of Economic Organiz. Affairs Div 1946–51	3
54D376	Off of For Serv-Vischer & Culley Files 1946–52	2
54D363	Off of Greek, Turkish, Iranian Affairs 1932–51	7
57D298	Off of Near East Asian Affairs 1941–54	18
54D294	Office of A Sec for Admin 1950–53	21
58D627	Office of African Affairs 1950–56	1
54D304	Office of Communications & Records 1949–51	6
57D134	Office of Congressional Relations	21
55D115*	Office of Eur Reg Aff-Parsons Files 1951–3	4
56D571	Office of Greek Affairs 1946–51	1
57D529	Office of Iranian Affairs 1946–54	1
57D155	Office of Iranian Affairs 1946–54	6
54D403	Office of Near Eastern Affairs 1920–52	13
54D341	Office of South Asian Affairs	1
59D237	Office of UN Political Security Affairs 1945–7	13
58D321	Officer in Charge Burma Affairs 1948–55	1
59D612	Officer in Charge Burma Affairs 1949–58	1
59D645*	Officer in Charge French-Iberian Aff 1957–58	1
54D427	Pacific-Nat'l Def/Commercial Air Bases 1943–4	3
57D421	Pakistan-Afghanistan Affairs 1950–56	2
55D592	Palestine Subject Files 1948–51	1
78D442	Petroleum Policy Staff-Iran 1921–51	5
58D207	Philippine & SE Asian Affairs 1940–55	5
53D355/ M–3	Philippine Rehab Program 1946–51	27
55D303	Policy Cmte-Arms & Armaments (PCA) 1947–9	3
56D324	Policy Committee on Immig & Naturaliz 1947–56	6
66D70*	Policy Planning Staff Files 1955	12
66D487*	Policy Planning Staff Files 1956	8
59D539	POW Cmte/Int'l Red Cross Conferences 1946–57	18
57D641	Public Affairs Guidance-African Affairs 1955–6	1
58D245	Publications/Div Research Far East 1946–52	12
55D38	Purse Files—Congressional Liaison 1946–54	3
60D601	Rec of International Refugee Organization 1946–52.	1
55D607	Rec rel to Narcotics Matters 1903–55	62
53D444	Records of Exec Sec/Acheson 1944–52	34
61D78	Records of the Colombo Plan 1958–59	3
88D208	Recs of Foreign Treaties (non-US) 1922–7	42
75D353	Recs re: Helmand River Project 1937–59	2
78D439	Riley Files/UN Truce Middle East 1948–53	3
54D342	Secret Summaries/Current Foreign Rel 1944–45	6
57D462	SOA Reg Conference & Country Files 1951–54	6
57D448	SpAsst Fisheries & Wildlife/Coord Ocean Aff	27
59D1	Special Hungarian Project 1950–57	15
55D400/ 401/ 402*.	Special War Problems Division 1939–54	16
57D657*	Special War Problems Division 1939–54	21
58D6*	Special War Problems Division 1939–54	3
58D7*	Special War Problems Division 1939–54	25
58D8*	Special War Problems Division 1939–54	120
61D200	Subj Files re: Burma/Thailand 1950–59	3
59D439	Subj Files re: China Trade Controls 1955–7	1
57D224	Subj Files re: France 1943–54	1
59D36	Subj Files re: Greece & Cyprus	2
60D39	Subj Files re: Greece/Cyprus 1955–58	1
58D25	Subj Files re: India 1954–56	1
62D68/ 62D409.	Subj Files re: Indonesia 1947–58	2
61D85	Subj Files re: Indonesia 1954–58	2
61D68	Subj Files re: Japan 1954–59	6
68D77	Subj Files re: Laos 1955–61	1
63D18	Subj Files re: Malaya/Singapore 1950–58	2
61D69	Subj Files re: Ryukyu Islands 1952–58	2
60D50	Subj Files re: Thailand 1955–59	1
58D610	Subj Files re: Turkey 1947–58	4
61D96	Subj Files re: Turkey 1954–58	2
62D417	Subj Files re: Union of S. Africa 1948–59	1
56D537	Subj Files re: US–UK Trade 1940–56	1
58D197	Subject Files—Labor Adviser	9
59D170	Treaty Violation Files 1945–9, Un-American Activit	54
61D214	UN Adviser-Bur of NE, Asian & Afric Aff 1940–57	23
58D33	UN Affairs (Hickerson/Murphy/Key) 1945–54	6
57D191	UN Affairs Policy Planning Staff 1949–52	2
300	UN Conference San Francisco 1945	3
54D82	UN Monetary/Financial Conf-Bretton Woods 1944	15
60D454	US Participation in UN 1949	3
53D289	War Refugee Board/Santa Rosa Polish Ref Camp	1
57D277	War Trade Intelligence Files	18
55D601	Western Economic Affairs 1952–54	1
56D37	WEurAff-Indonesia, NEast Indies, NN'Guinea 1948–51.	1
480	World Trade Intelligence Files 1941–46	Film
	Sub-total	1,887
	Material for Which NARA Has No Guidance Due to Subject, Area or Date Span	
69D8	ASec for African Affairs (Williams) 1961–66	3
88D3	Background of EO 10422 1953–79	30
58D213	Executive Secretariat-Daily Summaries 1955–56	6
58D619	Executive Secretariat-Daily Summaries 1957	2
60D530	Executive Secretariat-Daily Summaries 1955–8	9
59D355	John H. Ohly Files	5
70D246	Johnston's Jordan Valley Miss 1954–6	1
84D111	Kissinger Commission—Central America 1983–4	29
76D232	Misc Lot & Office Files 1952–60	2
88D228	Name Cards–Presidential Appointments 1961–8	6
67D158	Nat'l Intell Survey Cmte 1948–62	6
61D43	Office Files rel MidEast Affairs 1958–9	2
66D123	Project GAMMA/Joint US-UK Working Group 1957–8.	3
79D273	Rec re: Bricker Amendment 1952–60	10
85D275	Rec re: Lee Harvey Oswald 1961–4	5
69D186	Rec re: Lee Harvey Oswald/Warren Commiss 1958–64.	2
58D338	Rec rel to Iran 1950–55	1
88D226	Recs of Foreign Service Applicants 1978–81	9
57D616	Richards Mission to MidEast 1956–7	6
61D432	Spec Ass for East-West Exchanges. 1955–61	3
61D48	Subj Files re: Arabian Peninsula 1948–58	2
61D260	Subj Files re: Arabian Peninsula 1952–60	2
59D654	Subj Files re: Iran 1950–57	1
60D533	Subj Files re: Iran 1951–58	3
61D407	Subj Files re: Iran 1956–59	2
61D20	Subj Files re: Iraq/Jordan 1955–59	2
61D124	Subj Files re: Israel & Lebanon, 1954–9	1
60D580	Subj Files re: Israel 1955–59	1
59D582	Subj Files re: Labanon/Israel 1955–57	2
61D12	Subj Files re: Middle East 1955–58	3
62-D134	Subj Files re: Near Eastern Affairs 1956–59	1
60D545	Subj Files re: Palestine 1953–57	1
71D368	Subj Files re: PRC 1954–61	1
60D48	Subj Files re: UAR/Sudan 1950–58	2
61D298	Task Force on Latin America 1961	12
	Sub-total	176
	The Following Records Contain a Wide Range of Material, Some of Which May Be of a Type for Which NARA Has No Guidance	
60D516	A Sec Adm/Subject Files 1956–58	3
M88	Council of Foreign Ministers	295
59D293	David E. Longanecker Office Files 1955–7	1
56D454	Div of Acquisition & Distribution-OLI 1947–55	9
62D333	ExecSec/Working Files-Psych. Strategy Bd 1951–3	8
57D321	Files of L. Unger 1951–56	2
58D528	Intell Bureau–Office of the Director 1950–9	6
59D27	Intell Bureau–Office of the Director 1955–9	6
61D417	Meeting Summaries & Project Files 1951–9	6
58D719/ 58D663.	Off of Munitions Control, 1934–59	9
58D742	Off of UN Political Security Affairs 1945–57	13
58D606	Recs rel International Conferences 1949–58	18
59D338/ 59D459.	Special Assistant-Mutual Security Coord 1952–9	51
62D385	Subj Files re: Nat'l Security Policy 1950–57	5
59D71	Transcripts Dept'l Conferences/Meetings 1946–59	126
60D613	US Delegation Posit Papers/Subj Files 1946–59	18
64D214	US Delegations to Int'l Conference	12
	Sub-total	588
	Total	2,651

[Foreign Relations of the United States, 1955–1957]

VOLUME XXV: EASTERN EUROPE

(U.S. Government Printing Office, Washington, 1990)

NOTE: The following memoirs were consulted at the time this volume was prepared in 1980. The Department takes on responsibility for their accuracy nor endorses their interpretation of the events.

[Foreign Relations of the United States, 1955–1957]

VOLUME XIX: NATIONAL SECURITY POLICY

(U.S. Government Printing Office, Washington, 1990)

NOTE: The publications listed below were consulted at the time this volume was prepared in 1978, 1979, and 1980. The Department of State takes no responsibility for their accuracy nor endorses their interpretation of the events.

[From the New York Times, May 8, 1990]

AT THE STATE DEPTARTMENT, HISTORYGATE

(By Warren I. Cohen)

EAST LANSING, MI—The State Department is playing games with history. The result is that thousands of scholars, journalists and diplomats who depend on the renowned series of documents on foreign policy known as "Foreign Relations of the United States" can no longer trust its reliability.

At least one volume published last year, "Iran, 1952–1954," was a fraud, a gross distortion of American activity there. It says nothing about the C.I.A.'s role in overthrowing Prime Minister Mohammed Mossadegh and restoring the Shah. Do we think we're hiding this from the Iranians?

I resigned, on Feb. 15, as chairman of the State Department's advisory committee on historical diplomatic documentation. I wrote to Secretary of State James Baker that I could not protect the integrity of the 130-year-old series. Besides, his staff reneged on an agreement to provide the committee with the information it needed to prevent further damage to the credibility of the record.

Delays have been caused by an overly elaborate, costly declassification process that encourages distortion and coverup. Beside the secretiveness of the C.I.A. and National Security Council, a few State Department Neanderthals try to hide every minor indiscretion.

At a time when Moscow is disclosing terrible secrets, including Stalin's massacre of 15,000 Polish prisoners in the Katyn Forest, and when we are flooded with documents from Eastern European archives, our Government has undermined the reputation of its own documentation. It is hiding 30- to 40-year-old "secrets" and publishing a misleading record.

Before this scholarship is treated with the contempt that has long greeted most of its foreign equivalents, steps must be taken to restore the integrity of these volumes.

The State Department should immediately implement an agreement negotiated last year that restores the advisory committee's access to material withheld from publication in order to enable it to determine whether such omissions distort the record.

To prevent future obstruction, Congress should speed up the declassification process, which has slowed from getting 20-year-old documents in the 60's to, at best, 30-year-old documents in the 80's.

Congress should require the State Department to form a committee to review all documents that are withheld on national security grounds. The members ought to include organizations represented on the advisory committee—among them, the American Historical Association, Organization of American Historians and Society for Historians of American Foreign Relations.

The committee should contain, for the first time, representatives of the Foreign Service Association, the media and staffs of Congressional committees concerned with foreign affairs. All members would be required to obtain security clearances. The department would retain responsibility for determining what is to be published.

It is not in our national interest that foreign governments and U.S. citizens suspect that the State Department is in the historical-fiction business.

[From the Boston Globe, May 27, 1990]

THE NATION'S LEGACY: WHY U.S. FOREIGN-POLICY RECORDS ARE "A FRAUD"

(By Claiborne Pell and David L. Boren)

The first volume of Foreign Relations of the United States, the publication that constitutes the official record of US foreign policy, covered US diplomacy for the year 1861. Our foreign policy for much of that year centered on the secession of the Southern states and US attempts to discourage foreign recognition of the Confederacy. That volume was published in 1862, only one year after the events, a far cry from present volumes. which are running close to 40 years behind current events.

To be sure, it was easier in those less complicated times for the State Department to search through its files and produce all the needed documents, because that single department was the locus of virtually all US diplomatic efforts. At the same time, one can imagine the objections of cautious declassifiers in the 1860s, bridling at the release of crucial documents so soon after the events. Despite its many years of publication, the same issue faces the Foreign Relations series today.

The Foreign Relations volume covering the Guatemalan coup of 1954, for example, in which a force under Col. Castillo Armas overthrew the government of President Jacobo Arbenz, contains no mention of the CIA's role in that operation. In fact, the only CIA document in this section suggests the contrary: that there was no CIA involvement in the coup. The Guatemala documents were published in 1983, almost 30 years after the event and long after knowledge of the CIA's role in this operation had become well known.

Likewise, the volume on Iran for the period 1952–1954 does not indicate the CIA's role in overthrowing the Mossadeq government there, although a substantial account has been published on the coup by a CIA officer who was involved in the operation, and it is substantially covered in materials released by the British government—which has traditionally been at least as cautious as the United States in its declassification schedules.

The chairman of the State Department's own advisory committee on historical documentation, Professor Warren I. Cohen of Michigan State University, resigned earlier this year in objection to the way in which declassification is now being handled. He has written that the Iran, 1952–1954 volume is "a fraud, a gross distortion of American activity there." Noting that the volume says nothing about the CIA's role, he asks, "Do we think we're hiding this from the Iranians?"

Historians and political scientists throughout the world depend on the Foreign Relations series, the official diplomatic record, which is edited and prepared by the State Department's Office of the Historian, Bureau of Public Affairs, as a basic source for the raw materials that are essential to their work. State Department files are supplemented by papers from other government agencies involved in the formulation of foreign policy.

The series was institutionalized by Secretary of State Frank B. Kellogg, who in 1926 issued the instructions that still govern these volumes. There should be no alteration of the text, said Kellogg, and no deletions without indicating where deletions have been made. Further, nothing may be omitted "for the purpose of concealing or glossing over what might be regarded by some as a defect of policy."

Omissions of documents are permissible under Kellogg's guidelines only where they would be redundant, where publication would "tend to impede current diplomatic negotiations or other business," as necessary "to preserve the confidence reposed in the Department (of State) by individuals and foreign governments," and for other limited reasons. The Preface to each volume states that it contains, "subject to necessary security considerations, all documents needed to give a comprehensive record of the major foreign policy decisions of the United States."

In these days of high-speed code machines, nearly all of what constitutes the record of US foreign policy is initially classified. In addition, important information pertinent to the diplomatic record involves actions by agencies other than the State Department, such as the National Security Council and the Central Intelligence Agency. The State Department has its own declassifiers, but they have no control over—and little influence on—the other agencies and organizations whose records are needed for a complete picture of US foreign policy to emerge.

As chairman, respectively, of the Senate Foreign Relations and Senate Intelligence committees, we are acutely aware of the need to control access to classified documents in cases when releases would be damaging to the United States or our allies. We support the director of Central Intelligence as he exercises his responsibility to safeguard US intelligence sources and methods, and to hold in confidence information collected by the CIA and other elements of the intelligence community. We support equally the efforts of the secretary of state to safeguard our diplomatic communications and protect our foreign policy interests. We do not want to release documents that ought to remain classified.

Having said this, however, we find it amazing that so many documents are omitted from the Foreign Relations series many years after the events took place, and long after the need for classification has vanished.

To some people, the accuracy of the historical record may appear to be a peripheral issue. We disagree. In a democracy, where the people make policy, it is essential for all of us to know accurately our own past.

Mr. BOREN. Mr. President, an important part of the authorization bill that we are considering at this time concerns the historical documents volumes published by the State Department as the Foreign Relations of the United States. This series has been published by the State Department since 1862, and the volumes provide a record of U.S. foreign policy that is of value to scholars, journalists, and the interested citizens of this country.

It came to my attention last year, as it did to other Members of this body, that some of the recent volumes contain serious flaws. Specifically, the volumes on Iran in the 1950's and Guatemala in 1954 omitted documents that reflected the CIA's role in those countries during the period covered by the series. These omissions were made despite widespread knowledge of the CIA's role in these activities, and despite the fact that the CIA itself had given publication clearance to the memoirs of certain former CIA officers who had worked on the Iran operation.

It seemed to me, as it did to then-Intelligence Committee Vice Chairman COHEN and to the chairman and ranking member of the Foreign Relations Committee, that there was a way to correct this problem without harming national security information. A bill that addressed this issue was introduced by the four of us and passed the Senate in the last days of the previous Congress. It passed too late in the session, however, to be considered by the House of Representatives. The State Department authorization bill contains at part F a section that is very similar to the bill the Senate passed last year, and I support that provision.

As chairman of the Select Committee on Intelligence, I want to be sure that any publication of documents in a publicly available series, or any systematic declassification of State Department documents, was done in such a fashion that national security was not harmed. I am convinced that this legislation meets that objective. I am convinced that the mechanisms established in this legislation contain safeguards adequate to protect the legitimate interests of the U.S. intelligence community while allowing the public to know how U.S. foreign policy has been formulated and implemented.

Specifically, no documents are even considered for publication unless they are at least 26 years old. This number was selected by the intelligence agencies to insure that more recent operational information would not even be inadvertently released.

Any State Department historians or State Department Advisory Committee members who are given access to classified intelligence documents—even those 26 years old or older—must have the high-level security clearances required for access to the document. This could even include polygraphs in some instances. Both the State Department Historian and the Advisory Committee members have been informed of this requirement.

The originating agency is never forced to declassify the document if the head of that agency believes that even after 26 years it is still too sensitive to be made public. A report has to be made to the Secretary of State if there is a refusal to declassify or to prepare a redacted document or to prepare a declassified summary of the document.

There are certain exemptions to the systematic 30-year declassification of State Department records, exemptions that I believe are quite reasonable and protect both national security information and the privacy of living individuals who have furnished information to the U.S. Government.

Mr. President, I believe this legislation represents a reasonable compromise between those who would keep all information classified forever on the grounds that something in it might possibly at some future time be of value to a foreign government and those who do not recognize the necessity for keeping certain information classified for a period of time. I believe that the declassification exemptions for 26-year-old intelligence records for 30-year-old State Department records should be used sparingly. These exemptions are not to be regarded as loopholes by which agencies can refuse to allow the American public to know what forces and decisions have guided U.S. foreign policy. They are to be used selectively and only when there is a genuine need to protect national security secrets.

Over the past year, we have incorporated many of the agencies' suggestions into this version of the legislation. I will not tell you that the Intelligence agencies are wholeheartedly in favor of this legislation, but I will say that their disagreement with it in its present form has been muted. I am convinced that this legislation contains the safeguards required to protect the needs of the intelligence community. Fewer safeguards would not satisfy me; greater restrictions would not satisfy the public's right to know.

I stand behind this part of the State Department's authorization bill.

MEASURE INDEFINITELY POSTPONED—S. 1433

Mr. WIRTH. Mr. President, I ask unanimous consent that S. 1433 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO REDEFINING MEMBERSHIP, ELIGIBILITY IN THE AMERICAN LEGION

Mr. WIRTH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1568, a bill to amend the act incorporating the American Legion, so as to redefine eligibility for membership therein, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1568) to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate The American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:

SEC. 5. No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.".

Mr. WIRTH. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY BY AND REPRESENTATION OF MEMBERS OF THE SENATE

Mr. WIRTH. Mr. President, on behalf of the majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) to authorize testimony by and representation of Members of the Senate and in re: American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, several days ago the Senate agreed to Senate Resolution 158, 102d Congress, authorizing a former employee of the Senate to give a deposition in civil litigation in the U.S. District Court for the District of Arizona arising out of the failure of Lincoln Savings and Loan Association. That testimony had been requested by defendants in the proceedings, which are known as In re American Continental Corporation/Lincoln Savings and Loan Association.

The plaintiffs in the litigation, who are bondholders who had invested money in American Continental Corp., Lincoln's parent company, are also seeking deposition testimony, from Senators, JOHN GLENN and JOHN MCCAIN, concerning the role played by accountants in this matter. In keeping with Senate practice, and at the request of the Senators, this resolution would authorize the Senators to testify and to be represented by the Senate Legal Counsel for purposes of protecting the Senate's constitutional privileges. Apart from matters of institutional privilege, the Senators will utilize their personal counsel.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 160

Whereas in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, plaintiffs have requested the testimony of Senator John Glenn and Senator John McCain;

Whereas pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas by rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John Glenn and Senator John McCain are authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except when their attendance at the Senate is necessary for the performance of their legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator John Glenn and Senator John McCain in connection with their testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 2508

Mr. WIRTH. Mr. President, I ask unanimous consent that the following Senators be appointed by the Chair as conferees on H.R. 2508, only with respect to chapter 7 of title VII—relating to authority for the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945—and chapter 1 of title IX—relating the IMF quota increase and authority for the U.S. Government to accept the proposed amendments to the Fund's Articles of Agreement: Mr. RIEGLE, Mr. SARBANES, and Mr. GARN.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2507. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; and

H.R. 2893. An act to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2507. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2893. An act to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1247: A bill to amend the Securities Exchange Act of 1934 to extend the regulatory authority of the Secretary of the Treasury under the Government Securities Act of 1986, and for other purposes (Rept. No. 102–126).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–207. A joint resolution adopted by the Legislature of the State of Alaska to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION 12

Be it resolved by the Legislature of the State of Alaska:

"Whereas development of the state's resources is an important issue to residents of the state, and the Alaska Legislature has generally supported initiatives to develop those resouces, including those resources that may be found in the coastal and ocean waters and on the seabed of the outer continental shelf adjacent to the state; and

"Whereas, under current law, the federal government is not required to share the lease sale income, royalties, and other revenue generated from outer continental shelf resource development, leaving to the states and affected municipalities the responsibility of meeting any increased costs attributable to the development; and

"Whereas S. 49, the Ocean and Coastal Resources Enhancement Act, pending during the 102nd Congress, would, if approved, require the federal government to share one-third of the revenue generated by a particular development located on a state's outer continental shelf with the adjacent state and the communities within the state that are affected by the development; and

"Whereas the revenue-sharing concept set out in S. 49 would assist the states and their municipalities to meet dislocations and adverse effects of outer continental shelf resources development projects, accelerate the development of necessary infrastructure, provide capital for necessary support services, and provide revenue for essential environmental protection projects;

"*Be it resolved* That the Alaska State Legislature endorses and supports S. 49 and urges its prompt passage by the United States Congress and approval by the President of the United States."

POM–208. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

SENATE JOINT RESOLUTION 30

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas the state supports the prudent and orderly development of the state's outer continental shelf oil and gas resources in an environmentally acceptable manner; and

"Whereas, with the exception of the North Aleutian Basin section of Bristol Bay, the state has not requested a ban or moratorium on oil and gas leasing and drilling on any of Alaska's outer continental shelf planning areas; and

"Whereas the state does not receive any significant revenue from outer continental shelf oil and gas lease sales; and

"Whereas an annual average of 45,000,000 to 60,000,000 adult salmon migrate through the North Aleutian Basin to the Bristol Bay river system, and an annual average of 1,000,000,000 salmon smolt out-migrate through the North Aleutian Basin to ocean feeding grounds; and

"Whereas the entire North Aleutian Basin is within an area defined by the International Pacific Halibut Commission as a halibut nursery conservation area; and

"Whereas the current federal oil drilling leases in the North Aleutian Basin are located in a vital red king crab habitat area; and

"Whereas the Bristol Bay region is considered to be one of the world's richest fisheries and is home to numerous migratory waterfowl, sea birds, and marine mammals that are important to subsistence as well as to the North Aleutian Basin ecosystem; and

"Whereas Bristol Bay region domestic commercial fisheries for salmon, crab, herring, pollock, halibut, yellowfin sole, rock sole, cod, and other groundfish have an average annual wholesale value of approximately $1,000,000,000 and employ over 10,000 people annually; and

"Whereas the state recognized the economic importance of the Bristol Bay area when it set aside the Bristol Bay fisheries reserve; and

"Whereas currently there is a moratorium on oil and gas leasing in the North Aleutian Basin; and

"Whereas there is an element of risk in all oil and gas exploration, development, and transportation; Be it

"*Resolved*, That the Alaska State Legislature finds the existing benefits to the people

of Alaska and the nation from the Bristol Bay fisheries far outweigh the federal government's need to explore the region for oil and gas; And be it further

"*Resolved*, That the Alaska State Legislature supports the development of a federal plan to repurchase the oil and gas leases that were sold in North Aleutian Basin Lease Sale 92 or to allow the lessees to credit the cost of the leases towards other federal outer continental shelf sales; And be it further

"*Resolved*, That the Alaska State Legislature respectfully requests the Governor of Alaska, the appropriate federal officials, and the appropriate federal legislators to enter into discussions for the purpose of reaching an agreement on a repurchase or credit plan for the leases that resulted from Lease Sale 92; And be it further

"*Resolved* by the Alaska State Legislature that a Lease Sale 92 repurchase or credit plan should include a provision that the leases that are repurchased or included in a credit plan may not be resold; And be it further

"*Resolved*, That the Alaska State Legislature respectfully requests the United States Congress and the United States Secretary of the Interior to continue the current moratorium on oil and gas leasing in the North Aleutian Basin outer continental shelf planning area and implement the repurchase or credit plan."

POM-209. A joint resolution adopted by the Third Olbiil Era Kelulau; ordered to lie on the table:

"SENATE JOINT RESOLUTION 3-116

"Whereas Congressman George Miller became congressman in the 94th Congress of the United States, and has served successively in the House of Representatives of the U.S. Congress ever since up to the present 102nd Congress of the United States; and

"Whereas because of his resourceful skills and untiring efforts in the service of the House Committee, Congressman Miller was recently chosen by his colleagues in the Committee to assume the chairmanship of this important Committee after the retirement of Congressman Morris K. Udall, who then was the Chairman; now, therefore,

"*Be it resolved* by the Senate of the Third Olbiil Ara Kelulau, Fourteenth Special Session, 1991, the House of Delegates concurring, that on behalf of the people of the Republic of Palau the Olbiil Era Kelulau does hereby congratulate and commend Congressman George Miller of California on the occasion of his assumption of the chairmanship of the House Committee on Interior and Insular Affairs, U.S. Congress."

POM-210. A joint resolution adopted by the Third Olbiil Era Kelulau; ordered to lie on the table:

"SENATE JOINT RESOLUTION 3-117

"Whereas Congressman Morris K. Udall from Arizona became congressman in the 87th Congress of the United States, and has served successively ever since up to the present 102nd Congress of the United States; and

"Whereas since then Congressman Udall's wise counsel, resourceful skills and unremitting efforts in the service of weak people of underdeveloped countries exemplify greatest sacrifice in its highest tradition; and

"Whereas despite his personal discomfort as a result of some form of ailments, which prevented him from traveling great distances, Congressman Udall made a trip in not too distant past with his Committee to the Republic of Palau as part of his dedicated services to the people; and

"Whereas Congressman Udall has recently retired for an acute medical reason he himself refused to acknowledge, because of his great love to serve the people; now, therefore,

"*Be it resolved* by the Senate of the Third Olbiil Era Kelulau, Fourteenth Special Session, 1991, the House of Delegates concurring, that on behalf of the entire Republic of Palau the Olbiil Era Kelulau does hereby express recognition and commend the Honorable Morris K. Udall, Congressman from Arizona, on the occasion of his retirement and for his long and outstanding services as Chairman of the House Committee on Interior and Insular Affairs, U.C. Congress."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. GRAHAM, and Mr. HATFIELD):

S. 1577. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1578. A bill to recognize and grant a Federal charter to the Military Order of World Wars; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DANFORTH, Mr. FORD, Mr. GORE, Mr. SIMON, Mr. BRYAN, Mr. GRASSLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. PRESSLER, Mr. BURNS, and Mr. FOWLER):

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. AKAKA, Mr. BURDICK, Mr. DECONCINI, Mr. SIMON, and Mr. CRANSTON):

S. 1580. A bill to amend chapter 35 of title 5, United States Code, to provide for reemployment of certain Federal employees after a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1581. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. ROCKEFELLER, and Mr. BRADLEY):

S. 1582. A bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy; to the Committee on Finance.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KASTEN (for himself, Mr. MACK, Mr. NICKLES, Mr. LUGAR, Mr. GRAMM, Mr. ROTH, Mr. HELMS, Mr. BURNS, Mr. BROWN, Mr. SYMMS, Mr. GARN, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. LOTT):

S.J. Res. 185. A joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WIRTH (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 160. A resolution to authorize testimony by and representation of Members of the Senate in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. GRAHAM, and Mr. HATFIELD):

S. 1577. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the Act, and for other purposes; to the Committee on Labor and Human Resources.

ALZHEIMER'S DISEASE RESEARCH, TRAINING, AND EDUCATION AMENDMENTS

Mr. METZENBAUM. Mr. President, 20 years ago, no one in this country had heard much about the two A's, two illnesses, one called AIDS, and one called Alzheimer's.

I rise today to introduce legislation dealing with the subject of Alzheimer's, an illness that has pervaded this Nation, that has afflicted the aged, that has come about as if it were a wave crossing the Nation.

Today, literally hundreds of thousands, millions of senior citizens are walking along well, doing well, but they have lost their memory. They cannot remember where they are or where they are going. Some have lost their voices.

Alzheimer's takes such an unbelievable toll upon so many millions of Americans, and the problem is increasing, not decreasing.

Mr. President, today with my distinguished colleagues, Senator GRASSLEY of Iowa, Senator GRAHAM of Florida, and Senator HATFIELD of Oregon, I rise to introduce the Alzheimer's Disease Research, Training, and Education Amendments of 1991.

This is not the first piece of legislation on this issue. In fact, Senator GRASSLEY and I have collaborated to produce Alzheimer's legislation some years ago. As always, I am proud to have his major contributions to this bipartisan consensus bill.

Today, more than 4 million Americans are afflicted with Alzheimer's disease—a tragic and irreversible affliction that destroys the mind and humanity of its victim. And the situation may get worse.

The number of people with severe dementia is projected to exceed 6 million by the year 2040. Moreover, the fastest growing age group, the over 85 population, is particularly at risk of becoming afflicted with Alzheimer's.

With the year 2000 just a decade away, we must act to stem the devastation that Alzheimer's inflicts on patients and their families. Our gravest error with the greatest human and financial cost would be to do nothing in the face of this massive health problem.

The Alzheimer's Disease Research, Training, and Education Amendments of 1991 attacks this disease on many fronts. It reauthorizes Title IX of Public Law 99-660, which established the Council on Alzheimer's Disease.

The council consists of the heads of many Federal health agencies. It is authorized to coordinate and report on federally sponsored research efforts.

The advisory panel is composed of national leaders in five categories of expertise: Biomedical research scientists, health service providers, long-term care providers, financing, and family care givers in national voluntary organizations. It has been highly praised in meeting its charge to advise the the Department of Health and Human Services, the Council, and Congress on Alzheimer's Research Priorities and Policy recommendations.

By now, we all know that research is not the only weapon we must use in fighting this disease. We must also develop the best and most cost-effective services for clinical and supportive care of Alzheimer's victims and their families.

Alzheimer's is costing us some $90 billion a year in Medicare nursing home payments and family resources. In addition, the most recent report of the advisory panel documents that our health personnel are inadequately trained to meet the long-term care needs of Alzheimer's patients.

Our legislation will continue the authorization for the awarding of grants for the training of health care professionals, paraprofessionals, and family caregivers. It also establishes a national education program on Alzheimer's to promote public awareness.

The cost of this bill is miniscule compared to the human and financial devastation that would be averted. Indeed, we could double our Federal spending on Alzheimer's research and treatment for about as much as we spend on the wings and wheels of just one B-2 Stealth bomber.

Mr. President, the choice is clear, we can and must move forward on combating Alzheimer's disease.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alzheimer's Disease Research, Training, and Education Amendments of 1991".

SEC. 2. SHORT TITLE OF ACT.

Section 901 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 note) is amended by striking "Services Research Act of 1986" and inserting "Research Act of 1991".

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alzheimer's Disease and Related Dementias Research Act of 1991 (42 U.S.C. 11201 et seq.).

SEC. 4. FINDINGS.

Section 902 (42 U.S.C. 11201) is amended—

(1) by redesignating paragraphs (7) through (12) as paragraphs (9) through (14);

(2) by striking paragraphs (4), (5), and (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $38,000,000,000 and $42,000,000,000 per year solely for direct costs;

"(5) progress in the neurosciences and behavioral sciences has demonstrated the interdependence and mutual reinforcement of basic science, clinical research, and services research for Alzheimer's disease and related dementias;

"(6) programs initiated as part of the Decade of the Brain are likely to provide significant progress in understanding the fundamental mechanisms underlying the causes of, and treatments for, Alzheimer's disease and related dementias;

"(7) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias, and more progress can be expected in the near future, there is little likelihood of a breakthrough in the immediate future that would eliminate or substantially reduce—

"(A) the number of individuals with the disease and dementias; or

"(B) the difficulties of caring for the individuals;

"(8) the responsibility for care of individuals with Alzheimer's disease and related dementias falls primarily on their families, and the care is financially and emotionally devastating;".

SEC. 5. COUNCIL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 911 (42 U.S.C. 11211) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and Communicative Diseases" and inserting "Disorders";

(B) by striking paragraphs (10), (11), and (12); and

(C) by adding at the end the following new paragraphs:

"(10) the Administrator of the Agency for Health Care Policy and Research;

"(11) the Administrator of the Health Resources and Services Administration;

"(12) the Director of the National Center for Nursing Research;

"(13) the Chief Medical Director of the Department of Veterans Affairs;

"(14) the Director of the National Center for Health Statistics; and

"(15) such additional members as the Secretary of Health and Human Services (hereinafter referred to as the 'Secretary') considers appropriate.";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) The Assistant Secretary for Health shall serve as the Chairman of the Council."; and

(3) in subsection (d), by striking "twice" and inserting "once".

(b) FUNCTIONS.—Section 912 (42 U.S.C. 11212) is amended—

(1) in subsection (a)—

(A) by adding "and" at the end of paragraph (3);

(B) by striking "; and" at the end of paragraph (4) and inserting a period; and

(C) by striking paragraph (5); and

(2) by striking subsection (b) and inserting the following new subsection:

"(b)(1) The Chairman of the Council shall submit to the committees listed in paragraph (2) a report containing information on—

"(A) progress made by research, sponsored by the Federal Government, on Alzheimer's disease and related dementias; and

"(B) new directions that the Council considers potentially important in research on Alzheimer's disease and related dementias.

"(2) The Chairman of the Council shall submit the report described in paragraph (1) to—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Ways and Means of the House of Representatives;

"(C) the Committee on Veterans' Affairs of the House of Representatives;

"(D) the Committee on Appropriations of the House of Representatives;

"(E) the Committee on Labor and Human Resources of the Senate;

"(F) the Committee on Finance of the Senate;

"(G) the Committee on Veterans' Affairs of the Senate; and

"(H) the Committee on Appropriations of the Senate.".

SEC. 6. ADVISORY PANEL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 921 (42 U.S.C. 11221) is amended—

(1) in subsection (a)(2), by striking "the Director of the National Center for Health Services Research and Health Care Technology Assessment" and inserting "the Administrator of the Agency for Health Care Policy and Research";

(2) in subsection (d), to read as follows:

"(d)(1)(A) Except as provided in subparagraph (B), members of the Panel appointed under subsection (a)(1) shall each serve for a term of 3 years.

"(B) Of the members appointed under subsection (a)(1) that are serving on the Panel on the day before the date of the enactment of this subsection—

"(i) five shall serve for a term that expires on such date;

"(ii) five shall serve for a term that expires 1 year after such date; and

"(iii) five shall serve for a term that expires 2 years after such date.

"(2) A vacancy on the Panel shall be filled in the same manner as the original appointment was made, and not later than 90 days after the date on which the vacancy first arises. A vacancy on the Panel shall not affect the powers of the Panel.";

(3) in subsection (f), by striking "twice" and inserting "once";

(4) in subsection (h), by striking "of $100 per day" and inserting "at the daily equivalent of the maximum rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code,"; and

(5) by adding at the end the following new subsection:

"(i) Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), on September 30, 1996, the Panel shall be abolished and all programs established under this part shall terminate.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 923 (42 U.S.C. 11223) is amended to read as follows:

"SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $150,000 for fiscal year 1992, $157,500 for fiscal year 1993, $165,500 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 7. RESEARCH RELATING TO SERVICES FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND FAMILIES OF THE INDIVIDUALS.

(a) RESPONSIBILITIES OF THE NATIONAL INSTITUTE OF MENTAL HEALTH.—

(1) GRANTS.—Section 931 (42 U.S.C. 11251) is amended—

(A) by striking subsections (b)(2) and (c);

(B) in subsection (a), by inserting "and specialized care" after "services"; and

(C) in subsection (b)(1)—

(i) by striking "Within 6 months" and all that follows through "plan shall" and inserting "The Director of the National Institute of Mental Health shall";

(ii) in subparagraph (A)—

(I) by striking "provide for" and inserting "ensure that the research conducted under subsection (a) includes";

(II) by striking clause (iii) and inserting the following new clause:

"(iii) the optimal range, types, and cost-effectiveness of services and specialized care for individuals with Alzheimer's disease and related dementias and for their families, in community and residential settings (including home care, day care, and respite care), and in institutional settings, particularly with respect to—

"(I) the design of the services and care;

"(II) appropriate staffing for the provision of the services and care;

"(III) the timing of the services and care during the progression of the disease or dementias; and

"(IV) the appropriate mix and coordination of the services and specialized care;";

(III) in clause (iv), by inserting "the evaluation of best practices for the development of" before "appropriate"; and

(IV) in clauses (v) and (vii), by striking "and nursing home services" and inserting "nursing home services, and other residential services and care"; and

(iii) in subparagraph (B), by striking "research carried out under the plan" and inserting "the research".

(2) CONFORMING AMENDMENTS.—Section 931(b) (42 U.S.C. 11251(b)) is amended—

(A) by striking "(1)";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B) of this paragraph), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 933 (42 U.S.C. 11253) is amended to read as follows:

"SEC. 933. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $8,000,000 for fiscal year 1992, $9,000,000 for fiscal year 1993, $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

(b) RESPONSIBILITIES OF THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—

(1) RESEARCH PROGRAM AND PLAN.—Section 934 (42 U.S.C. 11261) is amended to read as follows:

"SEC. 934. RESEARCH PROGRAM.

"(a) GRANTS FOR RESEARCH.—The Administrator of the Agency for Health Care Policy and Research shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and for their families.

"(b) RESEARCH SUBJECTS.—The Administrator of the Agency for Health Care Policy and Research shall ensure that research conducted under subsection (a) shall include research concerning—

"(1) improving the organization, delivery, and financing of services for individuals with Alzheimer's disease and related dementias and for their families, including research on the design, staffing, and operation of special care units for the individuals in institutional settings, as well as individuals in home care, day care, and respite care;

"(2) the costs incurred by individuals with Alzheimer's disease and related dementias and by their families in obtaining services, particularly services that are essential to the individuals and that are not generally required by other patients under long-term care programs; and

"(3) the costs, cost-effectiveness, and effectiveness of various interventions to provide services for individuals with Alzheimer's disease and related dementias and for their families.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 936 (42 U.S.C. 11263) is amended to read as follows:

"SEC. 936. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $4,000,000 for fiscal year 1992, $5,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 8. TRAINING AND EDUCATIONAL ACTIVITIES.

(a) ACTIVITIES.—Section 962 (42 U.S.C. 11292) is amended to read as follows:

"SEC. 962. EDUCATION OF THE PUBLIC, INDIVIDUALS WITH ALZHEIMER'S DISEASE AND THEIR FAMILIES, AND HEALTH AND LONG-TERM CARE PROVIDERS.

"(a) TRAINING AND CONTINUING EDUCATION GRANTS.—

"(1) GRANTS.—The Director of the Bureau of Health Professions may award grants to eligible entities to enable the entities to provide training programs, and continuing education programs, with respect to health care for individuals with Alzheimer's disease or related disorders.

"(2) AWARD OF GRANTS.—In awarding grants under this subsection, the Director of the Bureau of Health Professions shall—

"(A) award the grants on the basis of merit;

"(B) award the grants in a manner that will ensure access to the programs described in paragraph (1) by rural, minority, and underserved populations throughout the country; and

"(C) ensure that the grants are distributed among the principal geographic regions of the United States.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Director of the Bureau of Health Professions at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require, including, at a minimum—

"(A) an assurance that the eligible entity will make the training programs and continuing education programs described in paragraph (1) available to health care professionals, health care paraprofessionals, and family caregivers; and

"(B) an assurance that the eligible entity will coordinate such training programs and continuing education programs with the Alzheimer's Disease Research Centers described in section 445(a) of the Public Health Service Act (42 U.S.C. 285e-(2)).

"(4) ELIGIBLE ENTITY.—To be eligible to receive grants under this subsection, an entity shall be—

"(A) an educational institution providing training and education in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(B) an educational institution providing preparatory training and education of personnel for nursing homes, hospitals, and home or community settings;

"(C) an Alzheimer's Disease Research Center described in section 445(a) of the Public Health Service Act; or

"(D) any other public or not-for-profit sources of assistance to individuals with Alzheimer's disease or related disorders and the families of such individuals.

"(5) COORDINATION.—The Director of the Bureau of Health Professions shall coordinate the award of grants under this subsection with other appropriate agencies.

"(b) NATIONAL INSTITUTE ON AGING GRANTS.—

"(1) TRAINING MODELS GRANTS.—

"(A) GRANTS.—The Director of the National Institute on Aging may award grants to eligible entities to assist the entities in developing and evaluating model training programs—

"(i) for health care professionals, health care paraprofessionals, and family caregivers providing care and treatment for individuals with Alzheimer's disease and related disorders; and

"(ii) with attention to such variables as—

"(I) curricula development for training and continuing education programs;

"(II) care setting; and

"(III) intervention technique.

"(B) ELIGIBLE ENTITY.—To be eligible to receive a grant under this paragraph, an entity shall be an entity described in subparagraph (A), (B), (C) or (D) of subsection (a)(4).

"(2) EDUCATIONAL GRANTS.—The Director of the National Institute on Aging is authorized to make grants to public and nonprofit private entities to assist such entities in establishing programs, for educating health care providers and the families of individuals with Alzheimer's disease or related disorders, regarding—

"(A) caring for individuals with such diseases or disorders; and

"(B) the availability in the community of public and private sources of assistance, including financial assistance, for caring for such individuals.

"(3) AWARD OF GRANTS.—The Director of the National Institute on Aging shall award grants under this subsection in accordance with the requirements specified in subparagraphs (A) through (C) of subsection (a)(2).

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Director of the National Institute on Aging at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require.

"(5) COORDINATION.—The Director of the National Institute on Aging shall coordinate the award of grants under this subsection with other appropriate agencies.

"(c) NATIONAL EDUCATION PROGRAM.—The Director of the National Institute on Aging, in consultation with the Council on Alzheimer's Disease and the Alzheimer's Disease Education and Referral (ADEAR) Center, and utilizing the resources of the Alzheimer's Disease Research Centers Program, established in section 445 of the Public Health Service Act, shall establish a National Alzheimer's Education Program to—

"(1) provide coordination, leadership, and technical assistance, and work with public and private organizations, in Federal education and promotion efforts regarding Alzheimer's disease and related disorders, for—

"(A) the general public;

"(B) individuals with Alzheimer's disease and related disorders and the families of such individuals;

"(C) health and long-term care providers; and

"(D) other public agencies, including Federal, State and local public agencies;

"(2) develop and distribute educational materials, including print and electronic materials, on Alzheimer's disease and related disorders, for the persons described in subparagraphs (A) through (C) of paragraph (1);

"(3) encourage and work with the print and electronic media to provide information on—

"(A) Alzheimer's disease and related disorders;

"(B) sources of assistance to individuals with such diseases and disorders and the families of such individuals;

"(C) progress in research; and

"(D) the availability of preventive, diagnostic, treatment, and supportive services; and

"(4) encourage and work with public and private efforts to develop models for education, training, and assistance programs for the persons described in subparagraphs (B) and (C) of paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 964 of such Act (42 U.S.C. 12294) is amended—

(1) by inserting "(a)" after "964.";

(2) in subsection (a), as designated by paragraph (1) of this section, by striking "this part" and inserting "sections 961 and 963"; and

(3) by adding at the end the following new subsections:

"(b) There are authorized to be appropriated $5,000,000 for fiscal year 1992, $6,000,000 for fiscal year 1993, $7,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(a).

"(c) There are authorized to be appropriated $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(b)(1).

"(d) There are authorized to be appropriated $5,000,000 for fiscal year 1992, $6,000,000 for fiscal year 1993, $7,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(b)(2).

"(e) There are authorized to be appropriated $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(c) .".

SEC. 9. ALZHEIMER'S DISEASE CENTERS.

Section 445 of the Public Health Service Act (42 U.S.C. 285e-2) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following new paragraphs:

"(2) Notwithstanding section 496(b), Federal payments made under a cooperative agreement or grant under subsection (a) may be used for construction of the centers described in subsection (a).

"(3) As used in this subsection:

"(A) The term 'construction' does not include the acquisition of land.

"(B) The term 'training' does not include research training for which National Research Service Awards may be provided under section 487."; and

(2) by adding at the end the following new subsection:

"(d) There are authorized to be appropriated to carry out subsection (b)(2) such sums as may be necessary for fiscal year 1992 and each of the subsequent fiscal years.".

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DANFORTH, Mr. FORD, Mr. GORE, Mr. SIMON, Mr. BRYAN, Mr. GRASSLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. PRESSLER, Mr. BURNS, and Mr. FOWLER):

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE 900 SERVICES CONSUMER PROTECTION ACT

• Mr. INOUYE. Mr. President, I rise today with Senator MCCAIN to introduce the 900 Services Consumer Protection Act of 1991, legislation designed to address problems that have arisen due to the use of pay-per-call services, better known as 900 numbers. Senator MCCAIN and I have both introduced measures, S. 471 and S. 1166, to address the problems that have arisen due to the growth of this new industry. This bill represents a compromise between the two measures. I want to thank and commend Senator MCCAIN for his efforts and I also want to thank his staff.

I want to take this opportunity to recognize the efforts of the members of the Commerce Committee and the cosponsors of this measure for their assistance on this compromise. Finally, I want to thank the Federal Communications Commission, the Federal Trade Commission, the telephone companies, and the 900 services industry, all of whom have worked with us to reach this compromise.

Let me take a few minutes to describe the industry and the problems that this bill is intended to address. Pay-per-call services give callers access to a variety of information services through the telephone network. Customers can obtain access to this information by calling a 10 digit number whose prefix is typically 900 or 700. When consumers call one of these numbers, they are then assessed a charge in addition to the regular long distance charge. Generally, callers are charged either a flat fee per call, or by the minute. The charge appears on the caller's telephone bill and can be as high as $25 per call or $10 per minute.

These numbers are used to: provide information, like stock quotes, and sports data; conduct polls, call one number for yes and another number for no; provide legal and other advice; provide mass announcements, which play prerecorded messages; promote sweepstakes; sell goods; raise funds for charitable and political organizations; provide dating services and group access bridging, gab lines or party lines.

The way most 900 services operate is that the information service provider enters into a contract with a telephone company—most often long distance companies. The telephone company makes telephone lines available to the information service provider and also handles the billing and collection. The 900 service provider offers the information, such as stock quotes. The service provider then advertises the service and the 900 number using print and/or broadcast media. When a consumer calls the stock quote 900 number, he/she is then billed directly on his/her telephone bill. The telephone company collects the charge for the consumer, takes out its share to cover the cost of providing the lines and the billing service, and passes the remainder of the charge to the service provider. It is important to note that the telphone company does not provide the information; the telephone company provides the telephone lines and billing, but, generally does not provide the information content. This may change as a result of Judge Greene's decision to permit the Bell Company to provide information services.

The 900/700 pay-per-call business, which began in the early 1980's, has developed into a $759 million industry and is projected to grow into a $1.6 billion industry by 1992. Testimony presented at a Communications Subcommittee hearing on this issue, estimated that there are presently 14,000 different pay-per-call programs available.

In recent years, the increased usage of 900 numbers has resulted in many consumer complaints. Since January of 1988 the FCC has received over 2,000 complaints, and the complaints are continuing. The FCC received 197 complaints in November of 1990, and 190 in January of 1991. The most frequent complaints concern false or deceptive disclosure of rates and products. Advertisements often fail to disclose the cost of the calls to 900 numbers, or the cost of the call is printed in small illegible "mice" print. Some ads only state the cost of the call once, or in slurred, last minute voice-overs, but repeat the 900 numbers frequently throughout the advertisement.

Some of these services target children who do not appreciate the costs of dialing these numbers. Especially dangerous are those that run TV and radio advertisements telling children to hold the phone up to the TV or radio. The tones associated with each telephone number are then broadcast over the TV or radio so that the call is dialed automatically. As a result, children do not even have to know how to dial to be connected to one of these services.

Finally, this problem is exacerbated by the fact that these charges are collected through the monthly telephone bill. This not only lends legitimacy to the charge, because it looks like the telephone company is responsible for the charge, but the consumer believes that he/she must pay the charge or the telephone company will disconnect their service.

These problems have not gone unnoticed. Some telephone companies have voluntarily begun to institute measures to provide some protections to consumers. For example, GTE Hawaiian Telephone Co. has made call blocking of 900 and 700 numbers available to all of its customers. The blocking service is free the first time it is requested by a customer. If the customer cancels the service and then reinstates it there will be a charge. However, this only addresses part of the problem and this service is not universally available.

To address these problems, the 900 Services Consumer Protection Act of 1991 expands the jurisdiction of the FCC, FTC, and the States to provide express authority to address the problems raised by the explosive growth of the pay-per-call industry. The major provisions do the following:

Require that 900 services provide a preamble stating the cost of the call, all per call charges, describing the information, product, or service to be provided, and gives the caller the option to hang up without being charged;

Ban 900 services aimed at children under the age of 12;

Require the phone companies to give their subscribers the option to block all calls to 900 numbers from their phone, where technically and economically feasible;

Prohibit local telephone companies from disconnectng subscribers for failure to pay interstate 900 number charges;

Prohibit broadcasters from carrying advertisements that emit tones that automatically dial a telephone number when the phone is held up to the radio or television;

Require full and clear disclosure of the rates for these calls in all advertisements;

Prohibit the use of 800 numbers, free calls that automatically connect callers to 900 numbers, that charge the caller;

Require the telephone company who contracts with 900 service providers to make available on request the information concerning the 900 service providers it contracts with, including the name and address of the 900 service provider, the costs of the service, and any other information the FCC deems appropriate.

Give the FCC, the FTC, and the States the authority to enforce the provisions of this legislation.

In closing, I believe that this legislation is very important and I urge all of my colleagues to support this effort. The bill Senator MCCAIN and I are introducing has virtually no opposition. It ensures that consumers are protected against abuses by pay-per-call service providers, while permitting legitimate service providers to expand their business opportunities.

Mr. President, I ask unanimous consent that the text of this bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "900 Services Consumer Protection Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The pay-per-call telecommunications industry has grown into a national, billion-dollar industry as a result of recent technological innovations.

(2) Many pay-per-call businesses provide valuable information, increase consumer choices, and stimulate innovative and responsive services that benefit the public.

(3) Some interstate pay-per-call businesses, however, are engaging in practices which are misleading to the consumer, harmful to the public interest, and/or contrary to accepted standards of business practices.

(4) The improper activities of these businesses damage the reputation of the entire pay-per-call industry, causing harm to the many reputable businesses that are serving the public in an honest and honorable fashion.

(5) Many of the harmful practices of the pay-per-call industry are currently beyond the reach of regulatory agencies and existing legislation.

(6) The nationwide, interstate scope of pay-per-call services makes it impossible for the individual States to regulate these businesses within their individual borders.

(7) Therefore, Congress should enact legislation that provides for the proper and orderly regulation of the pay-per-call industry in order to protect the public interest and allow for the continued growth of pay-per-call businesses.

SEC. 3. PURPOSE.

It is the purpose of this Act—

(1) to put into effect a system of regulation and review of the pay-per-call business; and

(2) to give the Federal Communications Commission and the Federal Trade Commission authority to prescribe regulations, adopt enforcement procedures, and conduct oversight concerning the pay-per-call industry, to give State attorneys general authority to enforce Federal law and regulations concerning that industry, to afford reasonable protection to consumers, and to assure that violations of Federal law do not occur.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term.

(2) The term "common carrier" has the meaning given that term under section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)).

(3) The term "information service" does not include any regulated communication service provided by a common carrier.

(4) The term "provider of a pay-per-call service" does not include a common carrier when its sole action with respect to a pay-per-call service is—

(A) to carry such service over its network; or

(B) to bill and collect for such service.

(5) The term "caller" means a person using a pay-per-call service.

(6) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

SEC. 5. FCC AND FTC REGULATIONS ON PAY-PER-CALL SERVICES.

(a) RULEMAKING PROCEEDINGS.—The Federal Communications Commission and Federal Trade Commission shall, within 120 days after the date of enactment of this Act, initiate coordinated rulemaking proceedings to establish a consistent system for oversight and regulation of pay-per-call services in order to provide for the protection of consumers in accordance with this Act, and other applicable Federal statutes and regulations. The final rules or regulations issued pursuant to such proceedings shall be effective within 1 year after the date of enactment of this Act.

(b) MINIMUM STANDARDS FOR PAY-PER-CALL SERVICES.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall require that a pay-per-call service—

(1) shall include an introductory disclosure message that describes the service being provided and the maximum charge per minute or the per call and other charges, and informs the caller that charges for the call will begin at the end of the introductory message;

(2) shall enable the caller to hang up before the end of the introductory message without incurring any charge whatsoever;

(3) shall, after the institution of any increase in charges for the service, disable any bypass mechanism which allows repeat callers to avoid listening to the complete introductory disclosure message required under paragraph (1), for a period of time sufficient to give such repeat callers adequate and sufficient notice of the increase;

(4) shall not be aimed at children under the age of 12, unless such service is a bona fide educational service; and

(5) shall prohibit the use of a toll-free telephone number from which a caller will be automatically connected to an access number for a pay-per-call service.

(c) Common Carrier Obligations.—The rules or regulations issued by the Federal Communications Commission under subsection (a) shall include the following requirements for common carriers:

(1) A common carrier which contracts with a provider of a pay-per-call service shall make readily available on request—

(A) a list of the access numbers for each of the pay-per-call services it carries;

(B) a short description of each such service;

(C) a statement of the maximum charges per call or per minute, and any other charge, for each such service;

(D) a statement of its name, business address, and business telephone; and

(E) such other information as the Federal Communications Commission considers necessary for the enforcement of this Act and other applicable Federal statutes and regulations.

(2) A common carrier shall not disconnect a subscriber's local exchange telephone service, or long distance telephone service, because of nonpayment of charges for any pay-per-call service.

(3) A common carrier that provides local exchange service shall—

(A) offer telephone subscribers (where technically and economically feasible) the option of blocking access from their telephone number to all, or to certain specific, prefixes used by pay-per-call services, which option—

(i) shall be offered at no charge (I) to all subscribers for a period of 60 days after the issuance of the rules or regulations under subsection (a), and (II) to any subscriber who subscribes to a new telephone number prior to and for a period of 60 days after the time the new telephone number is effective; and

(ii) shall otherwise be offered at a reasonable fee as established by the appropriate State regulatory commission; and

(B) offer telephone subscribers (where the Federal Communications Commission determines it is technically and economically feasible), in combination with the blocking option described under subparagraph (A), the option of presubscribing to or blocking only specific pay-per-call services for a reasonable one-time charge.

(4) A common carrier that engages in billing and collection of charges for pay-per-call services shall—

(A) give telephone subscribers the option of cancelling charges for pay-per-call services in instances of unauthorized use or misunderstanding of such charges at the time of use, subject to guidelines prescribed by the Federal Communications Commission to prevent subscribers from abusing that option;

(B) send, to every person subscribing to a new telephone number and, within 60 days after the issuance of such rules or regulations, to all telephone subscribers, and at least annually thereafter, a disclosure statement that—

(i) sets forth all rights and obligations held by the subscriber and the carrier with respect to the use and payment for pay-per-call services; and

(ii) describes the applicable blocking options required under paragraph (3) (A) and (B);

(C) in any billing to telephone subscribers that includes charges for any pay-per-call service, display any charges for pay-per-call services in a part of the subscriber's bill that is identified as not being related to local and long distance telephone charges; and for each charge so displayed, specify the type of service, the amount of the charge, and the date, time and duration of the call;

(D) in instances when such carriers contract for the collection and distribution of charges by any provider of pay-per-call services that solicits charitable contributions, shall obtain from that provider proof of the tax exempt status of any person or organization for which contributions are solicited;

(E) have the right to recover such carrier's costs of complying with subparagraphs (A), (B), and (C) from the provider of pay-per-call services for which such carrier conducts billing and collection;

(F) stop the assessment of time-based charges upon disconnection by the caller; and

(G) require that pay-per-call services be offered only via the use of certain telephone number prefixes.

(d) Advertising Restrictions.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall—

(1) require that any provider of a pay-per-call service shall include, in any advertisement for a pay-per-call service a disclosure stating the maximum charge per call or per minute for calling the advertised number and such other information as the Federal Trade Commission shall consider necessary;

(2) require that, whenever the number to be called is shown in television and print media advertisements, the provider of a pay-per-call service shall ensure that the charges for the call are clear and conspicuous and displayed for the same duration as that number is displayed;

(3) prohibit any person from advertising on any radio station, television broadcast station, or community antenna television station by means of an advertisement that emits electronic tones which can automatically dial an access number for a pay-per-call service;

(4) require that any telephone message soliciting calls to a pay-per-call service specify clearly, and at the audible volume of the solicitation, the maximum charge per call or per minute and other charges for such a call; and

(5) prohibit any person from advertising a toll-free telephone number from which a caller can or will be automatically connected to an access number for a pay-per-call service.

(e) Matters for FCC and FTC Consideration.—(1) In conducting a proceeding under subsection (a), the Federal Communications Commission shall consider requiring by rule or regulation that—

(A) a pay-per-call service—

(i) automatically disconnect a call after one full cycle or program; and/or

(ii) automatically disconnect interactive programs if no activity occurs within a reasonable, specified time period; and

(B)(i) a pay-per-call service providing a live interactive group program shall include a beep tone or other appropriate and clear signal during the program so that callers will be alerted to the passage of time; and

(ii) such tone or other signal shall be explained in the disclosure statement required under subsection (c)(4)(B).

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that—

(A) a pay-per-call service to which a person presubscribes shall be exempt from the requirements of subsection (b); and

(B) a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

(f) Effect on Dial-a-Porn Prohibitions.—Nothing in this section shall affect the provisions of section 223 of the Communications Act of 1934 (47 U.S.C. 223).

SEC. 6. FEDERAL AGENCY ENFORCEMENT.

(a) Federal Communications Commission.—Any violation of the regulations issued by the Federal Communications Commission under section 5 of this Act shall be treated as a violation of the rules and regulations under the Communications Act of 1934 and therefore shall be subject to the provisions of title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.), including—

(1) criminal penalties for willful and knowing violation of Commission rules, regulations, conditions, and restrictions consisting of a fine of not to exceed $500 for each day in which an offense occurs; and

(2) forefeiture penalties for the willful or repeated failure to comply with statutory provisions or Commission rules, regulations, or orders—

(A) of not to exceed $100,000 for each violation or each day of a continuing violation by a common carrier subject to title II of the Communications Act of 1934, or by an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission; and

(B) of not to exceed $10,000 for each violation or each day of a continuing violation by a person that is not such a common carrier or applicant.

(b) Federal Trade Commission.—Any violation of any rule prescribed by the Federal Trade Commission under section 5 of this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices and therefore shall be subject to any remedy or penalty applicable to any violation thereof. The Federal Trade Commission shall prevent any person from violating a rule, regulation, or order of the Federal Trade Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 7. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) Authority of Attorneys General.—Whenever the attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any provider of a pay-per-call service has engaged or is engaging in acts which violate any rule or regulation of the Federal Trade Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such acts, to enforce compliance with any rule or regulation of the Federal Trade Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(b) Exclusive Jurisdiction of Federal Courts.—The district courts of the United

States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section against a provider of a pay-per-call service to enforce any liability or duty created by any rule or regulation of the Federal Trade Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule or regulation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(c) FTC RIGHTS.—The State shall serve prior written notice of any such civil action upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right (1) to intervene in the action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(d) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(e) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(f) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.

(g) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of any rule or regulation under this Act, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(h) DEFINITION.—As used in this section, the term "attorney general" means the chief legal officer of a State.

SEC. 8. STUDY OF THE USE OF CALLERS' TELEPHONE NUMBERS.

(a) STUDY.—The Federal Trade Commission shall conduct a study of the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers to generate, compile, and sell or lease lists of such numbers. Such study shall investigate the extent to which such numbers are obtained with or without the knowledge or consent of the caller and shall identify methods by which callers could be given the opportunity to grant or withhold that consent.

(b) REPORT.—The Federal Trade Commission shall, within 1 year after the date of enactment of this Act, submit to the Congress and the Commission a report on the results of the study required by subsection (a). To the extent that the study identifies any abuses in the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers, such report shall include recommendations for administrative or legislative changes to prevent such abuses.●

● Mr. McCAIN. Mr. President, I am pleased to introduce the 900 Services Consumer Protection of 1991. This bill represents a comprehensive effort by Senator INOUYE and me to address the consumer abuses in the pay-per-call industry.

As I have stated in the past, I believe that the pay-per-call industry offers consumers a broad range of choices for entertainment, information, and business services. This industry is clearly here to stay, and will continue to have a positive impact.

This legislation will not hamper the industry but will instead lead the way to greater consumer awareness and trust of the services available. This will enable the industry to continue to grow and prosper.

I would like to thank the chairman of the Subcommittee on Communications, Senator INOUYE, for his great effort in moving this legislation forward. His commitment to protecting consumers, and children in particular, is steadfast. I am grateful to him for his commitment to join together to bring forth one comprehensive bill which best represents the interests of both consumers and the industry.●

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. AKAKA, Mr. BURDICK, Mr. DECONCINI, Mr. SIMON, and Mr. CRANSTON):

S. 1580. A bill to amend chapter 35 of title 5, United States Code, to provide for reemployment of certain Federal employees after a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

REEMPLOYMENT OF FEDERAL EMPLOYEES AFTER A REDUCTION IN FORCE

● Ms. MIKULSKI. Mr. President, I am introducing legislation today to protect Federal employees from being laid off through a reduction-in-force [RIF] and then replaced by political appointees or temporary employees. I am introducing this bill on my behalf of myself and my colleagues Senator SARBANES, Senator AKAKA, Senator BURDICK, Senator DECONCINI, Senator SIMON, and Senator CRANSTON.

My bill is intended to:

First, offer the right of first refusal to those employees who are RIFed and whose jobs are restored within 2 years;

Second, prevent the replacement of career civil service employees with political appointees; and

Third, prevent the replacement of full-time employees with temporary or contract employees.

Why is this bill necessary? Let me tell you a story:

On January 10, 1989, Mark Sheehan, a constituent of mine from Rockville, MD, was told to report to the office of his boss, the Director of Public Information for the Department of Justice.

Mr. Sheehan reported to his boss' office, along with 12 of his colleagues from the Office of Public Affairs. The Director told Mr. Sheehan he would have his grade reduced from a GS-15 to a GS-13. The rest of his colleagues were told they were off the payroll in a month.

Mr. Sheehan and his colleagues were told that this RIF was necessary because of budget constraints. And Mr. Sheehan, with 28 years' tenure with the Federal Government, decided that rather than stay on in the office with reduced responsibilities and at a reduced pay grade, he would retire and make his position available for one of his younger colleagues. And not only that, he used his knowledge of the Justice Department and his contacts to help several of his other colleagues get placed in other Federal jobs—but it wasn't easy.

Meanwhile, guess what? About 4 months after the RIF, and despite these alleged budget constraints, the Office of Public Affairs added a political appointee to its staff, at a GS-15 pay equivalent. Eight months after the RIF, two more political appointees were added to the staff at the GS-11 and GS-12 levels, and in May 1990, a fifth political appointee joined the staff.

When Senator FRITZ HOLLINGS, chairman of the Appropriations Subcommittee which funds the Department of Justice, learned about these politically motivated RIF's, he included language in the 1991 appropriations bill that reduced staffing in the Office of Public Affairs to the level reflected by the RIF.

That was the right thing for Senator HOLLINGS to do. But it didn't get Mr. Sheehan's job back, or the jobs of his colleagues. The politically motivated RIF never should have happened in the first place.

I don't tell this story to single out the Department of Justice. Federal employees in every agency of the Federal Government face a risk of being RIF'd every day.

Sometimes a Federal agency is forced to downsize for reasons of budgetary necessity. When that happens, RIF's may occur. That can represent a personal disaster for the employees who are let go. Still, we all know that it can't always be avoided.

However, RIF's should not be used for purposes unrelated to changing budget priorities. They should not be used as a tool to replace career civil servants with political appointees, or to replace full-time professionals with temporary or contractual employees without job security, health benefits, or pensions. Finally, if budget needs mandate RIF's, then the RIF'd employees should be offered the chance to get their old jobs back if the budget picture brightens.

This bill won't get Mark Sheehan's old job back for him. But at least it sends a message to him and to the hundreds of thousands of other dedicated public servants who devote their careers to the Federal Government: The Congress cares about them. We appreciate their service to the Nation. We want to protect them from unnecessary, arbitrary or politically motivated layoffs.

I hope my colleagues will join me and my six cosponsors in supporting this bill, and I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill appear in the RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REEMPLOYMENT OF FEDERAL EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) REEMPLOYMENT AFTER REDUCTION IN FORCE.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Reemployment after reduction in force

"(a) Subject to the provisions of subsection (b), if an agency releases an employee under regulations for a reduction in force under section 3502(a), and within 2 years after the date of such release—

"(1) seeks to employ a person for a position in the competitive area which was the employee's competitive area at the time of release, such agency shall offer such person reemployment in such position before offering employment to any other person for such position; or

"(2) seeks to employ a person for the position from which such employee was released or to perform the duties performed by such employee, the agency may not employ a contract employee or a temporary employee for such position or to perform the duties which were performed by the released employee;

"(3) seeks to establish any position in the excepted service within the office (or other administrative unit) which employed such employee, such agency shall first submit to the Office of Personnel Management and the Congress—

"(A) written notification of—

"(i) the intent to establish such excepted service position; and

"(ii) the date such establishment shall be effective, which may be no earlier than 60 days of submission of the notification;

"(B) a written detailed explanation of the reasons for the necessity of establishing the position in the excepted service;

"(C) the pay rate and classification of such position; and

"(D) a list of all employees released under a reduction in force within such office (or other administrative unit) during the 2-year period immediately preceding the date of submission.

"(b) If an agency releases employees from positions in a competitive area under regulations for a reduction in force under section 3502(a), and within 2 years after the date of the last such release seeks to employ persons in all or some of such positions, but not in a sufficient number to result in the reemployment of all such released employees, the agency shall offer such released employees reemployment on the basis of seniority before offering employment to any other persons for such positions."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following:

"3505. Reemployment after reduction in force.".

SEC. 2. REEMPLOYMENT OF SENIOR EXECUTIVE SERVICE PERSONNEL.

Section 3595 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) If an agency removes a career appointee from the Senior Executive Service under competitive procedures established under subsection (a) for a reduction in force, and within 2 years after the date of such removal—

"(1) seeks to employ a person for the position from which such career appointee was removed, such agency shall offer such person reemployment in such position before employing any other person for such position; or

"(2) seeks to establish any position in the excepted service within the office (or other administrative unit) which employed such career appointee, such agency shall first submit to the Office of Personnel Management and the Congress—

"(A) written notification of—

"(i) the intent to establish such excepted service position; and

"(ii) the date such establishment shall be effective, which may be no earlier than 60 days after the date of submission of the notification;

"(B) a written detailed explanation of the reasons for the necessity of establishing the position in the excepted service;

"(C) the pay rate and classification of such position; and

"(D) a list of all career appointees removed under a reduction in force within such office (or other administrative unit) during the 2-year period immediately preceding the date of submission.".

SECTION-BY-SECTION ANALYSIS OF THE MIKULSKI RIF BILL

Section 1. Creates new Section 3505 in Title 5, U.S.C. which provides:

(1) Right of First Refusal: If an agency RIFs an employee, and within two years seeks to fill the position again, the agency must offer the RIFed employee reemployment before offering the position to anyone else.

(2) Contract or Temporary Employees: If an agency RIFs an employee, and within two years seeks to fill the position again, the agency may not replace the RIFed employee with a contract or a temporary employee.

(3) Political Appointees: If an agency RIFs an employee, and within two years seeks to add new politically-appointed positions, the agency must first provide written justification to OPM and the Congress, including a detailed explanation of why a political appointee is necessary to perform the job's functions, and a list of all RIFs in the agency during the previous two years.

(This procedure would give Congress the opportunity to block the hiring if appropriate. The cumbersome notice procedure also would serve as a strong disincentive to agencies to RIF career civil service employees and replace them with political appointees.)

Section One also provides that if an agency RIFs more than one employee, and within two years seeks to fill some of the positions again, but not a sufficient number to reemploy all the RIFed employees, the agency must offer the RIFed employees reemployment on the basis of seniority.

Section Two. Amends 5 U.S.C. 3595 to apply the "right of first refusal" and "political appointee" provisions in Section One to members of the Senior Executive Service.•

By Mr. ROCKEFELLER:

S. 1581. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development agreements; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY TRANSFER IMPROVEMENTS ACT OF 1991

• Mr. ROCKEFELLER. Mr. President, there is no question that we have a competitiveness crisis in this country. Some in the administration—the potato chip people, recalling that mysterious orphan quotation that is circulating—would argue otherwise. They will say either that there is no problem, or that, even if there is, it doesn't make much difference.

After 10 years of denial and delay from some corners, however, I think we now realize that debate is over. The erosion of our manufacturing competitiveness is clear and accepted by virtually all economists and analysts. The tragedy is the 10 years we have wasted trying to decide if we have a problem.

That 10 years is gone. The challenge now is to turn the corner of the debate from talking about the problem to talking about the solution. Or more accurately, we must form an array of solutions, because we have also learned there is no one, simple answer to this complex current of events. And that is what I want to do today—to discuss one part of the solution.

Today, I want to lay out one proposal relating to the diffusion of technology developed in concert with the Government—one of ways to make America more productive and competitive. While we have made major progress in setting up procedures for licensing innovations that grow out of work in our Federal laboratories, we have not taken the same steps with respect to software.

As Senators know, software is increasingly important in our technology mix. We are an information society, and the way we handle, process, and pass on information will be the core of our economy in years to come. It is also an area where we maintain a global lead—for the time being and perhaps far into the future if we act strategically.

The bill I am introducing today, the Senate version of the Technology Transfer Improvements Act of 1991, would encourage closer collaboration between Federal laboratories and U.S.

companies in the development of computer software.

In 1980 and again in 1986 and 1989 Congress passsed laws to encourage closer collaboration between Federal laboratories and industrial partners. The Federal Government has over 700 laboratories, employing almost one-sixth of the Nation's scientists and engineers. Their budgets total some $20 billion a year. While each laboratory has a primary mission in an area such as defense, health, or agriculture, they also have a wealth of technology and expertise which they could share with industry to make a major contribution to U.S. economic growth and international competitiveness. The taxpayer has already paid for the laboratories. We should take advantage of their untapped technical riches.

The technology transfer offices created by the Stevenson-Wydler Technology Innovation Act continue to provide important information to U.S. industry about laboratory activities and inventions. But that has not been enough. The laboratories had very good technologies, but they generally needed more research and development to turn them into successful commercial products. At the same time, companies were reluctant to invest in laboratory-developed technology unless they could have clear intellectual property rights to the resulting products.

In 1986 and 1989, Congress responded to this concern by amending Stevenson-Wydler to give agencies and most laboratories clear authority to negotiate cooperative research and development agreements [CRADA's] with companies and other partners and to negotiate patent arrangements up front.

These laws have been great successes. Not all agencies have used them as much as I would like, but the numbers of CRADA's are impressive nonetheless. By end of fiscal year 1988, there were 99 CRADA's in place; by the end of fiscal year 1990 the number totaled 460. The numbers of CRADA's are particularly high at the National Institutes of Health and the National Institute of Standards and Technology. We also are seeing more and more of them at DOE. These agreements are helping industry and in many cases the Government by bringing in royalties.

The remaining problem is that these agreements don't cover computer software, even though we know that it constitutes some of the best technology available in Federal laboratories. Under current law Federal employees may not copyright software. Since software cannot be copyrighted, companies are understandably reluctant to invest money in CRADA's to develop products that cannot be protected.

To pick one example, the Department of Defense has great expertise in developing training software. The techniques they use to develop software for training soldiers to repair tanks also could be used to write sophisticated software to teach algebra and science to our children. But no commercial company will enter into a CRADA with a DOD laboratory to develop software because it cannot be copyrighted. The company has no assurance that it can capture the benefits of its investment because under current rules the software would be available to everyone.

As the computer revolution has accelerated, we see increasing interest in the idea of CRADA's to develop software. Software is now a multibillion dollar industry, and one of the few high-technology industries where the United States still retains the world lead. We cannot take that lead for granted, however. As in other technologies, our competitors are working hard to become major powers in software. A critical element of restoring our leadership in advanced technologies will be the degree to which we can help the American software industry remain successful.

The copyright-licensing problem remains a major obstacle to achieving that objective. A May 1991, report by the General Accounting Office found that laboratories it surveyed listed copyright protection for software as a major concern:

> Respondents referred to the need for statutory authority to copyright and license software developed by Federal employees and the need for appropriate legislation to protect computer software in development in Federal laboratories.

Traditionally, the Government has preferred that copyright documents, statistics, and other items developed with taxpayer funds remain in the public domain. That is a policy I support generally. But it is not an effective or fair way to help American business take advantage of Federal expertise in software. The current rules deter the effective use of Government expertise in software by discouraging Government-industry collaborations.

My proposed Technology Transfer Improvements Act of 1991 would remedy this problem. The bill would amend the Stevenson-Wydler Act to allow Federal agencies to copyright software developed under CRADA's and to negotiate arrangements regarding those copyrights with the industrial participants in CRADA's. Computer software developed under CRADA's could be copyrighted just as inventions developed under CRADA's can now be patented.

I should point out, Mr. President, that this bill is drafted very precisely. It deals only with software developed under CRADA's. It does not amend or seek to amend general copyright law, and it does not allow Federal employees to copyright anything except computer software developed under a formal CRADA. I know that some in the information and data industry are concerned that this bill might lead Congress to propose copyrighting all Federal documents and data. I want to assure everyone that this bill deals only with software developed under formal cooperative research and development agreements. There is no intention of expanding into other areas.

This bill was originally drafted by technology transfer experts at the Department of Commerce. It has the official support of the administration. It was introduced in the House of Representatives last January by Congresswoman CONNIE MORELLA of Maryland. I am very pleased to be working with Mrs. MORELLA and the Commerce Department on this important issue. The House bill number is H.R. 191.

As I indicated when I began my remarks, Mr. President, this bill is only a small piece of the puzzle. It deals with a specific and important barrier to diffusing Federal laboratory technology. At a later point I will be making some additional proposals to deal with other pieces. But using the fruits of Federal-private cooperative research to better competitive advantage is so basic and so important that it deserves our rapid consideration. I hope all Senators will support the bill.●

By Mr. MITCHELL (for himself,
Mr. DASCHLE, Mr. MOYNIHAN,
Mr. ROCKEFELLER, and Mr.
BRADLEY):

S. 1582. A bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy; to the Committee on Finance.

MEDICARE HOME HEALTH OCCUPATIONAL THERAPY ACT

Mr. MITCHELL. Mr. President, I rise to introduce legislation which would make occupational therapy the fourth skilled service under the Medicare home health benefit. I am pleased to be joined by a number of my colleagues on the Finance Committee including Senators DASCHLE, MOYNIHAN, and BAUCUS.

Under the Medicare home health benefit only the need for skilled nursing care, physical therapy, or speech therapy qualifies a beneficiary for home health care. If a beneficiary qualifies for the home health benefit only then are occupational therapy services covered.

Occupational therapy focuses on increasing a patient's functional level in activities of daily living. Occupational therapy services provide a critical rehabilitative service to patients with strokes, heart attacks, diabetes, arthritis, and multiple sclerosis, as well as victims of disabling accidents.

Like physical or speech therapy, occupational therapy is a skilled health service which assists patients in making the transition between an institution and caring for themselves at home. The timely application of occupational therapy services often plays a critical role in ensuring a patient's full recovery, preventing further disability and promoting successful readjustment to his or her home and community.

Occupational therapy can enhance a patient's quality of life, independence and reduce the need for more costly treatments. For example, an elderly woman living alone with a flare-up of chronic arthritis can be severely limited in her mobility and ability to care for herself. An occupational therapist can design splints to increase her range of motion and prevent further damage, and make adaptations to her home in an effort to increase her mobility and independence. Without these interventions the woman's arthritic joints could permanently lose range of motion and could inhibit her ability to walk and function independently.

This is only one illustration of the benefits of occupational therapy services in the home. Inclusion of occupational therapy as a qualifying service under the Medicare home health benefit would provide for timely, appropriate, and cost-effective treatment.

I have asked the Congressional Budget Office to reexamine the costs of this legislation and expect to have cost estimates in the near future. I believe this bill represents a good investment in the health care of the elderly and disabled. I urge my colleagues to join me in supporting this legislation.

Mr. BRADLEY. Mr. President, I join my colleague Senator MITCHELL in introducing this legislation to assure that a valued home health benefit, occupational therapy, be appropriately available to Medicare recipients.

The services that occupational therapists deliver to patients recuperating at home play a critical role in ensuring the patient's optimal recovery. By focusing on increasing the patient's functional level after illnesses such as strokes, heart attacks, spinal cord injuries, or disabling arthritis, the occupational therapists ensure successful readjustment to the home and community environment.

Mr. President, occupational therapy, along with skilled nursing care, physical therapy, and speech therapy are services available to Medicare beneficiaries after certification of need by their attending physician. In some instances occupational therapy is the only service required, or the need for occupational therapy extends beyond the need for other services. However, there are current restrictions on the therapy availability.

Under present law, Medicare beneficiaries may receive occupational therapy only if they are in need of another qualifying service, such as physical or speech therapy. This legislation will correct the situation and will recognize occupational therapy as the fourth independent skilled service.

Mr. President, this legislation will allow occupational therapists to provide medically prescribed and cost-effective therapy by assisting the patient and his/her family in making the transition between an institution and self-care in the home without the need to be linked to the provision of another skilled service.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes; to the Committee on Energy and Natural Resources.

PIPELINE SAFETY IMPROVEMENT ACT

• Mr. EXON. Mr. President, I rise today on behalf of myself and Senators DANFORTH and KASTEN to introduce legislation to reauthorize the Federal pipeline safety program through fiscal year 1994. This legislation addresses several issues designed to improve pipeline safety.

One major focus of the bill is the expansion of the Department of Transportation's [DOT] pipeline safety responsibilities to include environmental protection, in addition to the protection of life and property, in assessing safety priorities. In order to readily identify older pipelines, the bill requires pipeline companies to maintain maps that include the location of older pipelines and pipelines situated in urban and environmentally sensitive areas. Also, in order to minimize damages in urban and environmentally sensitive areas, the bill directs DOT to determine regulations for rapid detection and location of pipeline ruptures.

Furthermore, this legislation requires DOT to set performance standards and regulations for the use of excess-flow valves where technically feasible and beneficial to public safety. This section also requires DOT to undertake a study to evaluate the ability of excess-flow valves to improve safety in gas distribution systems.

Regarding the need for replacement of older cast iron pipelines, the bill requires DOT to publish a notice on the availability of industry guidelines for such replacement, as developed by the Gas Pipeline Technology Committee. Additionally, after the guidelines have been in place for 2 years, this section calls for DOT to determine the extent to which operators have adopted plans for safe management and replacement of cast iron pipe. Also, this bill mandates that DOT conduct a rulemaking to determine the safety of pipe not owned by pipeline operators, including requirements that distribution companies assume some additional operational and maintenance responsibilities.

The section on one-call notification systems provides authority for the imposition of civil penalties against any person who excavates, with power-operated equipment—other than for routine agricultural purposes—without first calling a one-call pipeline location notification system, resulting in damages to a pipeline that are required to be reported to the Secretary of Transportation. The bill also requires DOT to consult with the Occupational Safety and Health Administration [OSHA] to establish procedures to notify OSHA of pipeline accidents which may have violated OSHA regulations.

The Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 provided for DOT's development and enforcement of regulations to govern the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline and fuel oil. The acts also provided for State participation in the enforcement of Federal regulations. Currently, the Office of Pipeline Safety within DOT regulates pipeline safety under both the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

The legislation Senators DANFORTH, KASTEN, and I are introducing today, addresses safety and environmental issues raised during hearings before the Subcommittee on Surface Transportation by the Administrator of the Research and Special Programs Administration of DOT, the Chairman of the National Transportation Safety Board, the National Association of Regulatory Utility Commissions, and various industry representatives. In addition, my distinguished colleague, Senator DANFORTH, raised concerns regarding the adequacy of current pipeline safety laws and regulations as a result of findings which surfaced in the wake of several pipeline accidents which occurred in Missouri and Kansas. These accidents involved natural gas distribution lines, cast iron natural gas lines, and older oil pipelines.

This bill is essential because continued authorization of these programs is vital to ensure not only the safety of lives and property, but also to deter potential danger and damage to our so very precious environment.•

By Mr. KASTEN (for himself, Mr. MACK, Mr. NICKLES, Mr. LUGAR, Mr. GRAMM, Mr. ROTH, Mr. HELMS, Mr. BURNS, Mr. BROWN, Mr. SYMMS, Mr. GARN, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. LOTT):

S.J. Res. 185. Joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981; to the Committee on the Judiciary.

THE 10TH ANNIVERSARY OF THE ENACTMENT OF THE ECONOMIC RECOVERY TAX ACT OF 1981

Mr. KASTEN. Mr. President, this August 13, 1991, marks the 10th anniversary of the Economic Recovery Tax Act [ERTA]. The principle element of this program was a 25-percent across-the-board reduction in income taxes.

This program was a tremendous success; pulling the economy out of recession, sparking the longest peace-time economic expansion in U.S. history, creating millions of new jobs, dramatically reducing inflation and interest rates, and increasing the living standards of Americans in all income classes.

By the late 1970's Government had grown too big and too powerful, taxes were too high and regulation was excessive. Family incomes fell, job opportunities declined, and some of the basic necessities of American life were being pushed out of reach for millions of families.

The American people demanded a change and they got it. President Reagan and then Vice President Bush implemented an agenda of lower taxes and less regulation. The fundamental premise of the Republican agenda was that a vigorous and growing economy was the best means of helping people, and that the most important engine of economic growth is the private sector. Without the Reagan-Bush agenda, there is no question that Government would be vastly more intrusive today than it is.

The 1981 Economic Recovery Tax Act was designed to improve incentives, restore economic growth and make the Tax Code fairer. By all objective measures, ERTA performed as promised:

Over 20 million new jobs were created.

Inflation—averaging above 12 percent during the Carter administration—has been cut by more than half.

Lower inflation lead to lower interest rates; rates ended the decade at approximately half their double-digit levels in 1980.

The misery index, which combines the rate of inflation and unemployment, declined from 20 percent in 1980 to about 10 percent today.

The expansion, which began in 1983, became the longest peacetime expansion on record—85 months of uninterrupted economic growth.

Perhaps most important of all, ERTA reduced Federal income tax rates for all income groups. Without the 1981 tax cuts, the average American family would now pay $1,500 more in income taxes every year.

ERTA was of particular benefit to low- and middle-income families because it mandated that tax brackets be indexed upward each year according to the rate of inflation. This eliminated inflation-induced bracket creep whereby cost-of-living increases earned by workers simply pushed them into higher tax brackets. ERTA put a stop to the age old trick of using government-induced inflation to generate higher taxes.

While the economy grew and incentives to work increased, tax revenues doubled during the decade. In fact, by reducing the attraction of tax shelters and increasing the incentive to earn more income, ERTA resulted in the wealthy paying far more in income taxes by the end of the decade than at the beginning. As the result of improved incentives, the tax cuts led to an increase in the share of income taxes paid by higher income groups as the tax burden of the top 1 percent of all taxpayers increased by 45 percent from 1982 to 1988.

By comparison the income tax burden on the middle class and poor was dramatically reduced. The bottom 50 percent of all taxpayers saw their share of total income taxes decline from 7.4 to 5.7 percent from 1982 to 1988.

This trend culminated in the Tax Reform Act of 1986, when 4 million lower income workers were completely removed from the income tax rolls.

During the 1980's, the rich got richer—but the poor got richer too. Between 1983, the first full year of the expansion produced by the tax cuts, and 1989, real family income for the lowest 20 percent of the income distribution rose nearly 12 percent, approximately the same rate as for all other income levels. The economic growth sparked by the recovery also enabled Government to do more to help the poor. When all Government programs are taken into account, the average income of households in the lowest 20 percent of the income distribution is $5,500 higher per household today than in 1983.

Our historic surge in economic growth almost doubled the amount of tax revenues collected by the Federal Treasury. In the anemic high-tax rate economy of 1980, the Treasury collected $517 billion in taxes. Today, the Federal Government is collecting over $1 trillion annually—nearing twice as much.

Tax revenues have grown by nearly 30 percent more than needed to keep pace with inflation since 1980.

Clearly, a growing low-tax rate economy is the only way to ensure that Government has enough money to fulfill its essential functions.

We have budget deficits for one simple reason: Federal spending has risen at an even faster rate than Federal tax revenue. Spending grew 12.5 percent just from 1990 to 1991, and from 1981 to 1990 spending, after inflation, grew 41 percent.

This year—for the first time since World War II—the Federal Government will spend more than 25 percent of the Nation's gross national product.

These facts conclusively prove that the 1981 tax cuts were not responsible for the budget deficits of the 1980's.

One of the most important lessons of the 1980's is that tax cuts and economic freedom help all Americans. We must carry this lesson into the 1990's and continue to limit the ability of the Federal Government to shackle American families and businesses with punitive taxes and excessive regulations.

Mr. President, I ask unanimous consent that an article by Senator PHIL GRAMM and the full text of the Kasten-Mack resolution be entered in the RECORD immediately following my remarks:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 185

Whereas August 13, 1991, will mark the 10th anniversary of the enactment of Public Law 97-34, the Economic Recovery Tax Act of 1981 (hereinafter referred to as the "Act");

Whereas the primary objective of the Act was to spur economic growth and create jobs by increasing incentives to work, invest and produce;

Whereas the Act reduced income tax rates by the same percentage across-the-board, thereby benefiting all income groups;

Whereas the Act increased tax revenue from certain income groups by reducing the attraction of tax shelters and increasing the incentive to report taxable income;

Whereas the Act benefited low and middle-income families by eliminating inflation-induced "bracket creep" whereby a cost-of-living increase pushed low and middle-income taxpayers into higher tax brackets;

Whereas the first major installment of the individual tax cuts took effect in 1982 and the economy started to rebound and the subsequent recovery was the longest peacetime expansion in the Nation's history, generating over 20,000,000 new jobs and raising median family income by 12 percent, without increasing inflation;

Whereas the Act's investment incentives helped increase real gross investment as a share of the Gross National Product to a post-war high in the 1980's which greatly contributed to the recovery of United States productivity growth from its near standstill in the 1970's;

Whereas manufacturing productivity growth averaged 4.5 percent a year from 1982 to 1989, more than twice as fast as during the period from 1973 to 1981;

Whereas the positive impact of the tax cuts on the Nation's productive capacity contributed to the reduction in the rate of inflation in the decade of the 1980's;

Whereas, as the result of improved incentives, the tax cuts led to an increase in the share of income taxes paid by higher income groups as the tax burden of the top 1 percent of all taxpayers increased by 45 percent from 1982 to 1988;

Whereas without the 1981 tax cut, the average American family would now pay $1,500 more in income taxes every year;

Whereas the tax cuts led to a decrease in the share of income taxes paid by low and middle-income taxpayers as the bottom 50 percent of all taxpayers saw their share of total income taxes decline from 7.4 percent to 5.7 percent from 1982 to 1988;

Whereas despite the tax cuts, personal income tax payments as well as overall tax revenues doubled between 1980 and 1990 partly because the lower marginal tax rates spurred economic growth;

Whereas budget deficits arose because Federal spending increased at a faster rate than Federal tax revenues; and

Whereas the Act's success in revitalizing the Nation's economy and creating jobs encouraged over 55 countries to either reduce their marginal tax rates during the 1980's or schedule tax rate reductions for the early 1990's: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the Congress hereby commemorates the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981 and recognizes that the Act restored the Nation's economic growth, sparked the creation of over 20,000,000 new jobs, reduced inflation and made the tax code fairer by reducing income taxes across-the-board. The President is authorized and requested to issue a proclamation recognizing the accomplishments and the 10th anniversary of the Act.

[From the Washington Times, July 23, 1991]

SKEWING DATA TO DISCREDIT REAGAN

(By Phil Gramm)

"Even when the facts are available, most people seem to prefer the legend and refuse to believe the truth when it in any way dislodges the myth."—American drama critic John Mason Brown.

Whether most people prefer myths to realities. Democrats rely almost totally on fiction in their continuing effort to discredit the economic achievements of the nation during Ronald Reagan's presidency. In their effort to mislead the public about the Reagan era, the Democrats have confused themselves to such an extent that they now reject economic growth as the fundamental source of opportunity and prosperity.

U.S. economic growth during the Reagan presidency, according to the Democrats, meant only that the rich got richer and the poor got poorer. To hear Democrats tell it, the 1980s were a time of not-so-benign neglect, when millions of families saw the American dream slip beyond their grasp. Listen to these gloomy assessments of the "Reagan '80s":

"For the last 10 years, the working men and women of America . . . have been getting hit below the belt by Reagan and Bush economic policies." said Sen. Tom Harkin, Iowa Democrat.

"The 1980s were kind of a period when the wealthy basically ripped off the rest of society—and President Reagan essentially blessed the transfer," said House Budget Committee Chairman Leon E. Panetta, California Democrat.

"During 1978–1987, real income fell for the poorest 40 percent of Americans and stagnated for the middle income 20 percent, while the upper 40 percent gained. . . . [M]uch of the rise in poverty can be traced to the Reagan-Bush budget policies, which constituted an attack on the poor." So said Rep. William Gray, Pennsylvania Democrat, then chairman of the House Budget Committee.

How did the Democrats reach such dismal conclusions about the Reagan era? When you go behind their rhetoric and look at the data on which it is based, you find an incredible, sleight-of-hand distortion of the facts. Remarkably, Democrats always discredit the achievements of the Reagan program by blaming at least two years of President Carter's economic failures on Mr. Reagan's spectactularly successful supply-side economics program. The real Reagan era brought about the longest (92 months) and strongest (32 percent) expansion of the American economy in peacetime history.

Looking at the actual data used by Mr. Gray in his criticism of Reagan-Bush policies quoted above, you find that each and every negative statistic he complains about was generated before Mr. Reagan's policy went into effect. From 1978–80, the bottom 40 percent of income earners saw their average income fall by 6.5 percent. From 1981–87, it rose 7.6 percent. The middle 20 percent and upper 40 percent of income earners saw their average incomes fall 5.7 percent and 5.3 percent, respectively, from 1978–80, and rise 10.1 percent and 17 percent, respectively, from 1981–87. When you drop 1978, 1979 and 1980—years when Mr. Carter was president every day—from Mr. Gray's data, all of his negative conclusions collapse.

That Mr. Gray and other Democrats would twist the economic data to malign the Reagan program is hardly a surprise. What is a surprise is that news organizations not only let them get away with it, but use the distorted data themselves. The fact is, each and every criticism of Reaganomics is based on counting as part of the Reagan era the year 1980 and often earlier, when Mr. Carter, was still in office, along with 1981, when Mr. Carter's disastrous economic program was still fully in place.

It's easy to forget, but important to remember, that Jimmy Carter was president every day of 1980. Although Mr. Carter left the White House in January 1981, he signed every fiscal 1981 appropriations bill into law except a tiny supplemental appropriations measure approved by President Reagan in June 1981. Mr. Reagan's budget cuts and spending priorities didn't take effect until October of that year.

Moreover, Mr. Reagan's three-year, 25 percent tax cut program didn't get under way until January 1982, when the first of three rate reductions took effect. That date is important in making a critique of Reaganomics, because—as every student of economic principles knows—the full effect of a tax cut on the economy isn't felt for at least a year. The Congressional Budget Office points out that "after a reduction in tax rates, there is an increase in GNP * * * the peak of which occurs after four quarters in all of the models [used by CBO]." Economists Robert B. Ekelund Jr. and Robert D. Tollision have observed: "Estimates vary, but it is thought tax or spending changes may take from one to two years to have their full impact on income and employment."

While most economists would measure the impact of the Reagan program beginning in January 1983, no economist would argue the Reagan program could have substantially affected the economy prior to January 1982.

Remembering that Mr. Reagan took office on Jan. 20, 1981, and that his tax cut took effect Jan. 1, 1982, here are some examples of the Reagan critics' distorted use of the data:

In the 1991 "Overview of Entitlement Programs" (Known as the Green Book), published by the House Ways and Means Committee, the Democratic-controlled panel printed a table showing that the average income of the poorest two-fifths of American families declined between 1979 and 1989. The Green Book, the statistical source most cited by Reagan-bashers, contains the Carter years 1979, 1980 and 1981.

Now here's the real picture: U.S. Census figures show that the average income of the bottom 40 percent of families declined by 8.1 percent from 1979 through 1981 (Carter era), while it rose by 12.6 percent from 1982 through 1989 (Reagan era).

A study by the Democratic staff of the Joint Economic Committee, titled "Falling Behind: The Growing Income Gap in America," draws this conclusion: "Families in the lower and middle parts of the income distribution are increasingly falling behind those at the top. In fact, those in the lowest forty per cent of the distribution actually had lower real incomes, on average, in 1989 than they did in 1979." There they go again! While these numbers are used routinely by Democrats to critique the "Reagan era," all the bad things that happened in the 1980s occurred in 1980, when Mr. Carter was president, and in 1981, when his policies were still in effect.

The real picture: Census figures show that during 1979–81 (Carter era), the number of families making less than $15,000 rose by 22.5 percent, while those earning more than $50,000 declined by 12.4 percent. In short, there was an increase in the number of families slipping down the income ladder during the last three years of the Carter era.

But during 1982–89 (Reagan era), you see the opposite happening: The number of families making less than $15,000 declined by 14.3 percent, while the number earning more than $50,000 rose by 36 percent. In short, more families climbed up the income ladder during the Reagan era.

In a most revealing March 1991 study, the Democratic staffs of the Joint Economic and Senate Budget Committees take issue with an '80s study done by Sen. Pete Domenici, New Mexico Republican, and myself, and make this criticism: "By starting in 1982 [referring to the Gramm-Domenici report], when the economy was mired in the deepest recession of the postwar era, the study ignores the hole that was dug during the first years [note the plural form] of the Reagan-Bush era." By referring to the "first years" of the Reagan-Bush era prior to 1982, it is clear that the Democrats are blaming Mr. Reagan not just for 1981, when Mr. Carter's economic policies were still in effect, but also for 1980, when Mr. Carter was still in office.

The real picture is this: From 1979–81 (Carter era), average family income declined by 8.7 percent, while from 1982–89 (Reagan era), it rose by 12 percent.

To realize what a distortion it is to lump the 1980–81 Carter period into the Reagan era, it must be pointed out that economically 1980 was the single worst year in the post-World War II era for American families. That year, average real (inflation-adjusted) family income dropped by $1,817. Also, the income of the poorest 20 percent of families fell by a record $716, while the poverty rate jumped a record 1.3 percentage points. Candidate Ronald Reagan did not cause that economic mess in 1980; it caused Mr. Reagan to be elected president.

What's more, in 1981, when the good old malaise of Carternomics lingered on, Americans experienced the second-biggest annual decline in average income and the second-largest annual increase in the poverty rate.

Now here's what happens when you exclude 1980 and 1981 from the "Reagan '80s" and count only the period when the Reagan economic program was in effect (that is, 1982 through 1989):

Instead of rising by 1.1 percentage points, poverty fell by 1.1 percent.

Instead of growing by 5.4 million, the number of poor declined by 300,000.

Instead of increasing by only $759, the average income of middle-income families rose by $3,673.

Instead of falling by $559, the average income of the poorest fifth of families went up by $604.

When you look at the income figures from the real Reagan economic era of 1982 through 1989, this is what you see: The average income of the poorest fifth of American families actually increased by 10.4 percent. The average income for other groups also rose by 9.5 percent for the second-lowest fifth; 11.7 percent for the middle fifth; 12.2 percent for the second-highest fifth; and 13.6 percent for the highest fifth.

In short, the rich, the poor and middle-class all got richer when Mr. Reagan's economic program was in effect. That's the real picture of supply-side economics in the Reagan '80s, and it's very different from the caricature drawn by Democrats, which has been accepted as gospel by the media. By contrast, during Jimmy Carter's economic era (1978 through 1981), the poverty rate rose by 2.6 percentage points; the number of Americans living in poverty increased by 7 million; average family income fell by $3,008, and the real income of the poorest fifth of families declined by $1,163.

What's significant about this blizzard of numbers is not just that the Democrats have distorted the truth about the Reagan era in order to score political points against Republicans. What's really important—and disturbing—is that by trying to discredit Reaganomics, the Democrats are in effect concluding that the economic growth it created was unfair. As a result, in all the world today only Cuban dictator Fidel Castro and the Democratic Party believe that more government, rather than an expanding economy, is the source of prosperity and opportunity.

The truth is that "a rising tide lifts all boats," as President Kennedy liked to say. While today's Democrats can't seen to grasp that a growing economy benefits rich and poor alike, that's exactly what happened during the real "Reagan '80s."

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. KENNEDY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Virginia [Mr. ROBB], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 523

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with environmental laws and requirements.

S. 685

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 709

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes.

S. 844

At the request of Mr. DOMENICI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 844, a bill to provide for the minting and circulation of 1 dollar coins.

S. 878

At the request of Mr. DODD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 914

At the request of Mr. GLENN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1270

At the request of Mr. MCCAIN, the names of the Senator from Utah [Mr. GARN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1332

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1410

At the request of Mr. PRESSLER, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1410, a bill relating to the rights of consumers in connection with telephone advertising.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Texas [Mr. BENTSEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1482

At the request of Mr. DIXON, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1482, a bill to amend the Social Security Act to improve the notice of Medicaid payment of Medicare cost-sharing, and for other purposes.

S. 1488

At the request of Mr. GRASSLEY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1488, a bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, of the availability of assistance under title III of such act.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr., Federal Holiday Commission.

S. 1554

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. CONRAD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. GRAHAM], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE CONCURRENT RESOLUTION 44

At the request of Mr. JEFFORDS, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Missouri [Mr. BOND], the Senator from

Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. HARKIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. MOYNIHAN], and the Senator from Alaska [Mr. MURKOWSKI], were added as cosponsors of Senate Concurrent Resolution 44, a concurrent resolution expressing the sense of Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

SENATE JOINT RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE RESOLUTION 160—AUTHORIZING TESTIMONY BY AND REPRESENTATION OF MEMBERS OF THE SENATE

Mr. WIRTH (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, plaintiffs have requested the testimony of Senator John Glenn and Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John Glenn and Senator John McCain are authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except when their attendance at the Senate is necessary for the performance of their legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator John Glenn and Senator John McCain in connection with their testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

PELL (AND HELMS) AMENDMENT NO. 876

Mr. PELL (for himself and Mr. HELMS) proposed an amendment to the bill (S. 1433) to authorize appropriations for fiscal years 1992 and 1993 and for the Department of State, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE X—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 1002. PURPOSES.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons; and

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Subtitle A—Measures To Prevent the Proliferation of Chemical and Biological Weapons

SEC. 1021. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 1022. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) Export Administration Act.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by the preceding provisions of this Act, is further amended.

(1) by redesignating subsections (m) through (s) as subsections (n) through (t), respectively; and

(2) by inserting after subsection (l), as added by section 302 of this Act, the following:

"(m) Chemical and Biological Weapons.—

"(1) Establishment of list.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) Requirement for validated licenses.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) Countries of concern.—For purposes of paragraph (2) and section 10(r), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 1023. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) Amendment to Export Administration Act.—The Export Administration Act of 1979 is amended by inserting after Section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"Sec. 11B. (a) Imposition of Sanctions.—

"(1) Determination by the President.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) Countries receiving assistance.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism.

"(3) Persons against which sanctions are to be imposed.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by the foreign person.

"(b) Consultations With and Actions by Foreign Government of Jurisdiction.—

"(1) Consultations.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) Actions by government of jurisdiction.—In order to pursue each consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) Report to Congress.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) Sanctions.—

"(1) Description of sanctions.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) Procurement sanction.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods, or services from any person described in subsection (a)(3).

"(B) Import sanctions.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) Exceptions.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied in a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) Termination of Sanctions.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) Waiver.—

"(1) Criterion for waiver.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) Notification of and report to Congress.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) Definition of Foreign Person.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) Amendment to Arms Export Control Act.—The Arms Export Control Act is amended by inserting after chapter 7, the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) Imposition of Sanctions.—

"(1) Determination by the President.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technogy that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICATION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriation penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

SEC. 1041. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 442 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 1042.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chem-

ical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 1042. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) SANCTIONS.—If, at any time, the President makes a determination pursuant to section 441(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the sanctions set forth in the following paragraphs:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(5) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(6) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(7) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(8) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(9) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(10) LANDING RIGHTS.—At the earliest practicable date, the United States Government shall terminate, consistent with international law, the authority of any air carrier which is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10))).

(b) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the need of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow onsite inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States; or

(B) at any time, if the President determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of that country.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority.

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in any of paragraphs (4) through (9) of subsection (a) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 441(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405), as that subsection is so redesignated by the preceding provisions of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(7) or (a)(8) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 441(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

Subtitle C—Reporting Requirements

SEC. 1061. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

PELL AMENDMENT NO. 877

Mr. PELL proposed an amendment to the bill S. 1433, supra, as follows:

Section 234 is amended by striking subsection (b), (c), (d), and (e) and inserting in lieu thereof the following—

(b) Broadcasts in Kurdish.—As soon as practicable, but not later than six months after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) Amount of Programming.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than one hour each day.

(d) Authorization of Appropriations.—In addition to funds otherwise available under section 231 of this Act, there are authorized to be appropriated to the Voice of America for purposes of carrying out this section $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993.

(e) Plan for a Kurdish Language Service.—Not later than three months after enactment of this Act, the Director of the United States Information Agency shall submit to the chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

(f) Hire of Kurdish Language Speakers.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(g) Surrogate Home Service.—Not later than one year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than two hours a day.

PELL (AND OTHERS) AMENDMENT NO. 878

Mr. PELL (for himself, Mr. Wallop, Mr. Kerry, Mr. Moynihan, Mr. Simon, Mr. Levin, and Mr. Durenberger) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

(a) Findings.—The Congress finds that—

(1) at least 100,000 individuals out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continues to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of conflict continues to exist in Eact Timor; and

(5) the governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict;

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action and to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to cooperate with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) that the administration should work with the United Nations and the governments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of the conflict in East Timor.

DOLE (AND SIMON) AMENDMENT NO. 879

Mr. DOLE (for himself and Mr. Simon) proposed an amendment to the bill S. 1433, supra, as follows:

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations particularly the CSCE, and independence for all Soviet republics which seek such status;

(2) to continue to support restoration of independence for Estonia, Latvia, and Lithuania;

(3) to shape its foreign assistance and other programs to support those republics whose governments are democratically elected and to encourage democracy throughout the Soviet Union; and

(4) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and the Baltic States and Soviet republics, condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination, and view the threatened and actual use of force to suppress the self-determination of Soviet republics and the Baltic States as an obstacle to fully normalized United States-Soviet relations.

SEC. 2. REPORT TO CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a comprehensive report on actual and threatened uses of force against the Baltic States, the Soviet republics, and autonomous regions within the Soviet Union. For 1992 and each subsequent year such a report shall be included as part of the annual country reports on Human Rights Practices prepared by the Department of State in compliance with section 116(d)(1) of the Foreign Assistance Act of 1961.

HELMS AMENDMENT NO. 880

Mr. HELMS proposed an amendment to the bill S. 1433, supra, as follows:

On page 9, line 22, insert the following new paragraph:

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

HELMS AMENDMENT NO. 881

Mr. PELL (for Mr. Helms) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.

(1) Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,";

(2) Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies";

(3) Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

SIMON AMENDMENTS NOS. 882 THROUGH 884

Mr. PELL (for Mr. Simon) proposed three amendments to the bill S. 1433, supra, as follows:

Amendment No. 882

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC.

(a) Congressional Findings.—The Congress finds that—

(1) the Russian people freely elected Boris Yeltsin as their president on June 12, 1991;

(2) the election held in the Russian Republic was the first democratic election for the presidency of Russia;

(3) the support given by President Yeltsin for "freedom for the Baltic peoples" is to be commended and encouraged;

(4) the support given by President Yeltsin for a "market economy, a plurality of forms of ownership, equality of all forms of property under the law, privatization, giving land to the farmers, carrying out land reform, a credit reform and bringing in foreign investment" is to be commended and encouraged;

(5) the support expressed by President Yeltsin for warm and friendly relations between the peoples of the Russian Republic and the American people is to be commended and encouraged.

(b) POLICY.—It is the sense of the Congress that—

(1) the people of the Russian Republic and their president, Boris Yeltsin, are to be congratulated for the first democratic election held in Russia on June 12, 1991;

(2) the people of the United States encourage President Yeltsin and the Russian people to continue their political, economic, military and social reforms on the road to a free, open, and democratic society.

AMENDMENT NO. 883

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

AMENDMENT NO. 884

On page 42, line 4, strike the period after "appointees" and insert the following: "; and matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), relating to senior Foreign Service officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied them, were involuntarily retired under section 607 after June 2, 1990.".

ROCKEFELLER AMENDMENT NO. 885

Mr. PELL (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1433, supra, as follows:

On page 49, after line 22, insert the following new section:

SEC. 159. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)) is amended—

(1) in the first sentence, by inserting after "Service," the following: "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

LIEBERMAN AMENDMENT NO. 886

Mr. PELL (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1433, supra, as follows:

At the end of the bill, add the following:

TITLE X—PROCOMPETITIVENESS AND ANTIBOYCOTT ACT OF 1991

SEC. 1001. SHORT TITLE.

This title may be cited as the "Procompetitiveness and Antiboycott Act of 1991".

SEC. 1002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Arab boycotts of Israel have distorted international trade and investment;

(2) the secondary and tertiary boycotts of Israel by Arab nations has put American companies refusing to obey it at a competitive disadvantage;

(3) the secondary and tertiary boycotts of Israel by Arab nations has stifled foreign investment in Israel;

(4) companies that conform to the boycotts contribute to the distortion of international commerce and investment; and

(5) it is in the interest of all nations to have free trade and a liberal climate for investment.

SEC. 1003. OECD REPORT.

(a) DISCUSSIONS AT THE OECD.—The United States Ambassador to the Organization for Economic Cooperation and Development (OECD) shall discuss with representatives from other OECD member nations—

(1) the extent to which companies, public and private, obey the secondary and tertiary boycotts of Israel by Arab nations;

(2) the effectiveness of antiboycott laws of those nations that currently have or have had such laws;

(3) the extent to which the boycotts has skewed global trade and investment, as well as regional trade and investment in the Middle East;

(4) the extent to which companies not obeying the boycotts are placed at a competitive disadvantage as a result of the boycott;

(5) the extent to which the boycotts contradict OECD trade and investment policy; and

(6) the development of a set of guidelines, using the Arrangement on Export Credits as a model for the devlopment of these guidelines, that OECD nations can agree on as a way to eliminate compliance with the Arab secondary and tertiary boycotts of Israel.

(b) REPORT TO CONGRESS.—The United States Ambassador to the OECD shall submit to Congress a report six months after the date of enactment of this Act on the progress of discussions as described in section 1003(a).

SEC. 1004. GATT REPORT.

(a) IN GENERAL.—The United States Trade Representative shall enter into discussions with representatives from member nations of the General Agreement on Tariffs and Trade (GATT) to determine the extent to which—

(1) the Arab secondary and tertiary boycotts of Israel has distorted trade;

(2) members of and observers to the GATT encourage actions, including the furnishing of information or entering into implementing agreements, which have the effect of furthering or supporting the secondary and tertiary boycotts;

(3) the GATT can and should work to eliminate the Arab secondary and tertiary boycotts of Israel; and

(4) GATT articles, specifically Articles I and XI, can be used to eliminate compliance with the secondary and tertiary boycotts and what additional measures, including penalties, can be applied to nations imposing and obeying the secondary and tertiary boycotts.

(b) REPORT TO CONGRESS.—The United States Trade Representative shall submit to Congress a report six months after the date of enactment of this Act on the discussions as described in section 1004(a).

SEC. 1005. PRESIDENTIAL REPORT.

Not later than 90 days after the date of enactment of this Act, the President shall submit a report to the Congress on—

(1) what progress has been made on getting other nations to end compliance with the secondary and tertiary boycotts; and

(2) what progress has been made to get Arab nations to end the secondary and tertiary boycotts of Israel.

SEC. 1006. DEFINITIONS.

For purposes of this Act, the term "secondary and tertiary boycotts" mean the boycotts by Arab governments of companies which provide goods or services to Israelis or Israeli firms, invest in Israel or Israeli firms, ships that call at Israeli ports, and the goods and services of people or entities which support the State of Israel.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

KASTEN AMENDMENT NO. 887

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE LUXURY EXCISE TAX ON BOATS.

It is the sense of the Senate that—

(1) the luxury excise tax on boats has imposed an unfair burden on boat manufacturers and workers in this country;

(2) the luxury excise tax on boats has brought the loss of thousands of jobs in the boat building industry;

(3) middle-class workers, not the wealthy, are harmed by the tax; and

(4) the House of Representatives should immediately adopt and send to the Senate for consideration legislation to repeal the luxury excise tax on boats.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 and 1993

MITCHELL (AND OTHERS) AMENDMENT NO. 888

Mr. PELL (for Mr. MITCHELL, for himself, Mr. SASSER, Mr. BOREN, Mr. BIDEN, Mr. SARBANES, and Mr. CRANSTON) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill add the following new title:

SEC. . SHORT TITLE.

This Act may be cited as the "United States Law and Business Training Program for Soviet Graduate Students Act".

SEC. . STATEMENT OF PURPOSE.

The purpose of this Act is to establish a scholarship program designed to bring students from the Soviet Union to the United States for study in the United States.

SEC. . FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide continuing financial support to individuals from the Soviet Union to study in the United States, and to gain experience and training in free market economics, Western business and legal systems, and public administra-

tion, in order to assist the process of economic and political reform in the Soviet Union, increase mutual understanding, and build lasting links between the Soviet people and the people of the United States;

(2) providing scholarships to Soviet students to study in the United States will over time effectively create strong bonds between the United States and the future leadership of the Soviet Union and its republics, while assisting the Soviet people in their political and economic reform efforts;

(3) study in United States institutions by Soviet students will enhance trade and economic relationships by providing professional and business contacts;

(4) students from the Soviet Union have in the past been unable to study in the United States for political and financial reasons;

(5) it is essential that the United States citizenry increase its knowledge and understanding of the Soviet Union, its language, cultures, and socioeconomic composition as the Soviet Union assumes a role in the world economic community; and

(6) a scholarship program for students from the Soviet Union to study in the United States would complement international efforts to assist the Soviet Union in its economic, political and social reforms.

SEC. . SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education coupled with private and public sector internships by nationals of the Soviet Union who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—To encourage students to use their training in the Soviet Union, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to the Soviet Union for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, one-half of the repayment shall be forgiven.

SEC. . GUIDELINES.

The scholarship program under this Act shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be non-political and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency shall develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant from the Soviet Union shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic and political reforms in the Soviet Union, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this Act that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

SEC. . FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.

There are authorized to be appropriated to the United States Information Agency $10,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993, to be used to carry out this Act.

SEC. . COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

BROWN AMENDMENT NOS. 889 AND 890

Mr. BROWN. Proposed two amendments to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC . CONFLICTS OF INTEREST.

No future sitting member of the Board of the National Endowment for Democracy can serve simultaneously on the Board of Directors or be an active member of the leadership of any grantee receiving more than 5% of National Endowment for Democracy funds."

On page 57, after line 21, add the following new section:

SEC. 170A. PROHIBITION OF FUNDING.

(a) FINDINGS.

The Congress finds that—

(1) the State Department has requested $899,000 for fiscal year 1992 to fund the International Coffee Organization;

(2) the International Coffee Agreement (ICA) and its administrative arm, the International Coffee Organization (ICO), were born in 1983 to stabilize global coffee trade, by establishing an export quota system;

(3) an export quota system for coffee acts directly against the interests of American consumers by keeping prices at artificially high levels;

(4) this fact has been demonstrated since the ICA was suspended in July, 1989, and prices fell from $3.17 per pound in June, 1989, to $2.87 per pound in June, 1991; and

(5) although the agreement lapsed in 1989, United States imports of coffee increased by 26 percent in 1990 over 1988 levels, at a total cost reduction of $548 million due to lower prices.

(B) PROHIBITION.—No funds appropriated under any provision of law shall be available for making further payments to the International Coffee organization, or ICO.

PRESSLER AMENDMENT NO. 892

Mr. PRESSLER proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The United States is assessed 25 percent of the budget of the United Nations and many other specialized agencies;

(2) A number of international organizations have developed geographic distribution formulas as a guide to hiring personnel from specific countries;

(3) As the largest contributor to most United Nations system organizations, the United States should be assigned a high percentage of jobs in those organizations;

(4) At present, the employment of American professional staff members meets the geographic distribution formula in only two international organizations—the United Nations and the World Health Organization;

(5) Increased employment of American professional staff members by international organizations in which the United States is currently underrepresented enhances the effectiveness of those organizations;

(6) Increased employment of American professional staff members also represents tangible evidence that the United States is participating substantively in international organizations:

(7) Such increased employment further encourages confidence that United States assessments are a wise use of taxpayer funds.

(8) The following international organizations had in effect a geographic distribution formula on January 1, 1991: the United Nations; the Food and Agriculture Organization (FAO); the International Civil Aviation Organization (ICAO); the United Nations Industrial Development Organization (UNIDO); the World Health Organization (WHO); the World Intellectual Property Organization (WIPO); and the International Atomic Energy Agency (IAEA).

(b) CERTIFICATION.—Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall certify to the Congress that an organization which had a geographic distribution formula in effect on January 1, 1991 is making progress in increasing American staffing, or that it has met its geographic distribution formula.

(c) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated in section 102(a)(2) of this Act to pay arrearages for assessed contributions for prior years shall not be available unless the Secretary certifies that the conditions in paragraph (b) have been met.

HATCH AMENDMENT NO. 891

Mr. BROWN (for Mr. HATCH) proposed an amendment to the bill S. 1433, supra, as follows:

On page 39, beginning with line 2, strike all through line 12 on page 39, and insert the following in lieu thereof:

"(a) REPORT.—Not later than 180 days after the date of enactment by this Act, the Attorney General and the Secretary of State shall jointly submit to the Committees on Judiciary and Foreign Relations of the Senate and the Committees on Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(E) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshalls, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest;

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority;

(3) Disadvantages which would be likely to result from granting of such authority;

(4) Proposed statutory language which would if enacted provide any such authority recommended, and

(5) Proposed regulations to implement any such enacted authority."

GLENN (AND OTHERS) AMENDMENT NO. 893

Mr. PELL (for Mr. GLENN, for himself, Mr. AKAKA, and Mr. HELMS) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT.

(a) FINDINGS.—The Congress finds that—

(1) the men and women of the Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait, and the independence and sovereignty of Kuwait have been restored;

(2) considerable damage has been done to the infrastructure, environment, and industrial capacity of Kuwait, and reconstruction of Kuwait's economy is currently underway;

(3) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers are currently awarding contracts for supplies and goods and for engineering, consulting, and construction services for the rebuilding of Kuwait; and

(4) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers have awarded and may award contracts for the rebuilding of Kuwait which provide the opportunity for substantial participation by United States small and disadvantaged businesses.

(b) POLICY.—It is the sense of Congress that—

(1) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should award contracts for the rebuilding of Kuwait with a preference given to any supplies or goods mined, produced, or manufactured in the United States and with a preference given to engineering, consulting, and construction services of firms established and doing business in the United States; and

(2) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should encourage, to the maximum extent practicable, the participation of United States small businesses and disadvantaged businesses, including minority-owned businesses and women-owned businesses, in contracts for the rebuilding of Kuwait.

WALLOP (AND BIDEN) AMENDMENT NO. 894

Mr. HELMS. (for Mr. WALLOP, for himself and Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

On page 162, amend from line 4, through page 163, line 23, to read as follows:

"(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

"(1) climate change is a common concern of the international community;

"(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

"(3) all nations need to participate in international responses to climate change;

"(4) extensive scientific research has taken place on global climate change, but further study is needed;

"(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

"(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

"(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and

"(8) strong leadership by the United States is crucial to achieving an agreement on framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

"(b) POLICY.—It is the sense of the Senate regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

"(1) improved coordination of research activities and monitoring of global climate change;

"(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

"(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

"(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

"(5) the development of plans by each country to reach those goals.".

BIDEN AMENDMENT NO. 895

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

At the end of the bill, add the following section:

SEC. 916. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region;

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) that the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investments and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services would serve the national interests of the United States.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment"

have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

HELMS AMENDMENT NO. 896

Mr. HELMS proposed an amendment to the bill S. 1433, supra, as follows:

Strike from page 37, line 24 through page 38, line 24.

BIDEN AMENDMENT NO. 897

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section.

SEC. .

At the end of the bill, add the following section:

SEC. 916. REPORT ON CHINESE PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices."

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

BROWN AMENDMENT NO. 898

Mr. BROWN proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. 917. REPORTS CONCERNING CHINA.

(A) Not later than 45 days prior to the announcement of most-favored-nation trading status for the People's Republic of China, the President shall submit to the chairmen and ranking members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) HUMAN RIGHTS.—Including—

(a) The surveillance, intimidation and harassment of Chinese citizens living within China because of their prodemocracy activities;

(b) The surveillance, intimidation and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities.

(c) The use of torture or other cruel, inhuman or degrading treatment or punishment;

(d) Political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese government for their pro-democracy activities;

(e) Prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(f) The use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(g) The Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(h) The detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religous belief.

(2) WEAPONS PROLIFERATION.—

(a) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms;

(b) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(1) the Missile Technology Control Regime;

(2) the Australia Group on Chemical and Biological arms proliferation; and

(3) the Nuclear Suppliers Group.

(3) RESTRICTIONS ON TRADE BETWEEN THE UNITED STATES AND CHINA.—Including—

(a) Internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(b) Regulations established since 1988 to ensure strict control over more than 100 categories of products;

(c) Excessive duties imposed on imports to China;

(d) Excessive licensing requirements for imported goods;

(e) Restrictions on private ownership of property, including capital;

(f) Section 301 violations, including attempts to evade United States import quotas;

(g) Protection for intellectual property.

(B) HISTORICAL BACKGROUND.—The report shall also include—

(1) A compendium of all actions taken by the Chinese government since the Tianamen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade);

(2) A list of all United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(C) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in (A) above shall include the Foreign Relations and Finance Committees of the Senate and the Foreign Affairs and Ways and Means Committees of the House.

GRASSLEY AMENDMENT NO. 899

Mr. BROWN (for Mr. GRASSLEY) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the following new section:

SEC. 916. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) Beginning 90 days after the date of enactment of this Act and every 12 months thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations, the Committee on Foreign Affairs, the Committee on Finance and the Committee on Ways and Means, a report describing the nature and extent of assets held in the United States by terrorist countries, nationals of terrorist countries, and any organization or individual engaged in terrorist activities.

(b) (1) For purposes of this section, the term "terrorist countries," refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act.

(2) For purposes of this section, the term "terrorist activities" refers to those activities defined in section 601(a)(B) of the Immigration Act of 1990, Public Law 101-649.

KASTEN AMENDMENT NO. 900

Mr. BROWN (for Mr. KASTEN) proposed an amendment to the bill S. 1433, supra, as follows:

SEC. . AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this Act referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of the subparagraph (G) and inserting "; and" and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964;

"(ii) section 6(d) of the Fair Labor Standards Act of 1938;

"(iii) section 501 of the Rehabilitation Act of 1973;

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv)."

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2)."; and

(B) by adding at the end (as a flush left sentence) the following:

"Notwithstanding the provisions of subsections (b)(1)–(4), nothing in this subsection or in any other provision of law, shall exclude from the meaning of the term "grievance" under this chapter any act, omission, or condition alleged to be discrimination referred to in subsection (a)(1)(H)."

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c) Notwithstanding subsection (a), a grievance based solely on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H) is forever barred unless it is filed with the Department within a period of 180 days after the occurrence or occurrences giving rise to the grievance. There shall be excluded from the computation of any such period: (1) any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence and (2) any time during which, as determined by the Foreign Service Grievance Board, the grievant was assigned to a post overseas at which the act, omission, or condition alleged to be discrimination occurred."

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging such discrimination had been filed with the Commission."

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),"; and

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), the grievant may either—

"(A) file a written grievance under this chapter, or

"(B) file a written complaint under another provision of law, regulation, or Executive Order that authorizes relief, but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a written grievance under this chapter, or

"(B) files a written complaint under such other provisions of law, regulation, or Executive Order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—(1) Section 1110 of the Act (22 U.S.C. 4140) is amended by—

(1) striking out "Any" and inserting in lieu thereof "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based, in whole or in part, on discrimination prohibited under subsection 1101(a)(1)H), a grievant adversely affected or aggrieved by a final order or decision of the Board or the Secretary may obtain judicial review of the order or decision in the district courts of the United States.

"(3) Cases appealed under section (b)(2) shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under subsection (b)(2) must be filed no later than 90 days after the date that the aggrieved party received notice of the final action of the Secretary or the Board.

"(4) In any case appealed under subsection (b)(2), the court shall review the record and hold unlawful and set aside any Board or Secretary action, findings, or conclusions in accordance with the procedure and standards set forth in subsection 1110(a) of the Act (22 U.S.C. 4140(a)) and section 706 of title 5, United States Code, except that the aggrieved party shall have the right to have the facts subject to trial de novo by the court reviewing the order or decision."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.

BIDEN (AND OTHERS) AMENDMENT NO. 901

Mr. KERRY (for Mr. BIDEN, for himself, Mr. HELMS, and Mr. LUGAR) proposed an amendment to the bill S. 1433, supra, as follows:

On page 108, delete lines 13 through 25 and substitute in lieu thereof the following:

SEC. 303. POLICY ON RADIO FREE EUROPE.

(a) FINDINGS.—Congress finds that Radio Free Europe—

(1) by providing valuable information to the people of Eastern Europe, played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy, but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contributor to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

(b) POLICY.—It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should not curtail its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) a pattern of free and fair elections in that nation has clearly demonstrated the successful establishment and consolidated of democratic rule.

MURKOWSKI AMENDMENT NO. 902

Mr. KERRY (for Mr. MURKOWSKI) proposed an amendment to the bill S. 1433, supra, as follows:

To be inserted in the bill as Sec. 142(b)(3).

(3) In the preparation of such plan, the Secretary shall insure that detailed consideration be given at least three construction options: viz, full teardown and rebuild, four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added, and a two floor "top hat" in which no floors are removed but two are added.

HELMS AMENDMENT NO. 903

Mr. HELMS proposed an amendment to amendment No. 902 proposed by Mr. KERRY (for Mr. MURKOWSKI) to the bill S. 1433, supra; as follows:

At the end of the pending amendment, add the following:

"It is the Sense of the Senate that, pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide:

"A classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.".

BROWN (AND HELMS) AMENDMENT NO. 904

Mr. BROWN (for himself and Mr. HELMS) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the following new section:

SEC. 916. CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED.

(a) CERTAIN ADDITIONAL LOANS PROHIBITED.—No government of a Latin American or Caribbean country for which the United States has reduced any debt described in subsection (b) shall be eligible for any loan authorized pursuant to the Foreign Assistance Act of 1961 for a period of up to five years from the date that the debt reduction has been initiated and, then, such country is eligible for such a loan only if the President has certified to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that such country has the ability to repay the loan throughout the term of the loan.

(b) DEBT COVERED.—The debts referred in subsection (a) are the amounts owed to the United States (or any agency of the United States) that are outstanding as of January 1, 1991, as a result of concessional loans made by the United States (or any agency of the United States) pursuant to the Foreign Assistance Act of 1961 (or any predecessor foreign economic assistance law) by any Latin American or Caribbean country.

(c) SUPERSEDING OTHER PROVISIONS OF LAW.—The provisions of this section supersede any other provision of law.

BRADLEY AMENDMENT NO. 905

Mr. BRADLEY proposed an amendment to the bill S. 1433, supra, as follows:

On page 92, between lines 10 and 11, insert the following:

SEC. 226. ENDOWMENT.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director is authorized to establish an Endowment Fund (hereafter in this section referred to as the "Fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Secretary may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Secretary shall transfer to the Fund the amounts appropriated pursuant to the authority of subsection (f) and any other funds available to carry out the exchange program assisted under this section.

(2) GIFTS.—(A) The Secretary is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any funds received by the Secretary pursuant to subparagraph (A) shall be transferred to the Fund.

(3) IN GENERAL.—The Secretary, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Secretary may withdraw or expand funds from the Fund for any expenses necessary to carry out the exchange program described in subsection (a).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 to carry out the provisions of this section. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

KERRY AMENDMENT NO. 906

Mr. KERRY proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

McCAIN (AND OTHERS) AMENDMENTS NO. 907 AND 908

Mr. McCAIN (for himself, Mr. KERRY, and Mr. SMITH) proposed two amendments to the bill S. 1433, supra, as follows:

AMENDMENT NO. 907

Beginning on page 119, line 20, strike all through page 121, line 9, and insert lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideas;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia;

(2) the scope and pace of relations are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam, for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

AMENDMENT NO. 908

Beginning on page 119, line 20, strike all through page 121, line 9, and insert lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia; Provided that

(2) the scope and pace of relations with Vietnam are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam, for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

DOLE (AND PELL) AMENDMENT NO. 909

Mr. DOLE (for himself and Mr. PELL) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following section:

SEC. . PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO AND TRADE RELATIONS WITH DEMOCRATIC GOVERNMENTS AT THE REPUBLIC LEVEL.

An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions. In regard to those nations which are in transition from communism to democracy, it is the policy of the United States, to the extent feasible and consistent with United States national interest, to provide foreign aid to, and to encourage expanded trade with, democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

GORTON AMENDMENT NO. 910

Mr. GORTON proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following:

Findings: All individuals are endowed with the unalienable rights of Life, Liberty, and the pursuit of Happiness;

The powers of government are derived from the consent of the governed;

It is the role of government to protect and foster these rights;

It is the duty of the people to abolish governments destructive of these rights;

In the course of human events, it may become necessary to dissolve political bands which connect one people with another; and

The Government of Yugoslavia, among others, has denied its people these fundamental rights and used its armed forces to attack and kill its own citizens.

Therefore, it is the sense of the Senate that the United States, in accord with the the philosophy of the Declaration of Indepdence, support the right of the people of Slovenia and Croatia to establish new governments that honor the unalienable rights of all of their citizens.

UNEMPLOYMENT COMPENSATION EXTENSION ACT

KASTEN AMENDMENT NO. 911

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill S. 1554, supra, as follows:

At the end of the bill insert the following new title:

TITLE —PLANT OPENING AND JOB CREATION INCENTIVES

SEC. . SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Plant Opening Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—General Tax Incentives

SEC. . REDUCTION IN CAPITAL GAINS TAX RATE.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX.

"If for any taxable year a taxpayer has a net capital gain, then, in lieu of the tax imposed by sections 1, 11, 511, 821(a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain."

(c) REDUCTION IN MINIMUM TAX RATE ON CAPITAL GAINS.—Paragraph (1) of section 55(b) is amended by adding at the end thereof the following new sentence:

"To the extent the excess referred to in subparagraph (A) does not exceed the net capital gain for the taxable year (determined with the adjustments of this part), subparagraph (A) shall be applied by substituting '15 percent' for the percentages set forth in subparagraph (A)."

(d) CONFORMING AMENDMENTS.—

(1) Subsection (j) of section 1 is hereby repealed.

(2) The table of sections for part I of subchapter P of chapter 1 is amended by striking the item relating to section 1201 and inserting the following:

"Sec. 1201. Alternative tax."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. . REINSTATEMENT OF EDUCATIONAL ASSISTANCE EXCLUSION.

(a) GENERAL RULE.—Section 127 (relating to educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

SEC. . ELIMINATION OF 1990 INCREASE IN SOCIAL SECURITY TAXES.

(a) EMPLOYMENT TAXES.—

(1) Subsection (a) of section 3101 (relating to rate of tax on employees) is amended by striking the last 2 items in the table and inserting the following:

"1988 or thereafter .... 6.06 percent."

(2) Subsection (c) of section 3111 (relating to rate of tax on employers) is amended by striking the last 2 items in the table and inserting the following:

"1988 or thereafter .... 6.06 percent."

(b) SELF-EMPLOYMENT TAX.—Subsection (a) of section 1401 (relating to rate of tax) is amended by striking the last 2 items in the table and inserting the following:

"December 31, 1987 .... 12.12 percent."

Subtitle B—Enterprise Zones

SEC. . SHORT TITLE.

This subtitle may be cited as the "Enterprise Zone Development and Employment Act of 1991".

SEC. . PURPOSES.

It is the purpose of this subtitle to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

PART I—DESIGNATION OF ENTERPRISE ZONES

SEC. . DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7881. Designation.

"SEC. 7881. DESIGNATION.

"(a) DESIGNATION OF ZONES.

"(1) DEFINITIONS.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as an enterprise zone.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), at least one-fourth must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available),

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(3) AREAS DESIGNATED BASED SOLELY ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Housing and Urban Development shall designate those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (C), (D), (E), and (F) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action with respect to such area is inadequate.

"(C) SEPARATE APPLICATION TO RURAL AND OTHER AREAS.—Subparagraph (A) shall be applied separately with respect to areas described in paragraph (2)(B) and to other areas.

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months following the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 24-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1989.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprize zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may after—

"(A) consultation with the officials described in subsection (a)(1)(B), and

"(B) a hearing on the record involving officials of the State or local government involved,

revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 103A(1)(4)(B)) with a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section,

"(C) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period,

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relate,

"(E) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), and

"(F) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in at least 4 of the subparagraphs of paragraph (2).

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone; for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area,

"(E) the allowance of a deduction from State or local income taxes for fees paid or accrued for services performed by a nongovernmental entity but which were formerly performed by a governmental entity,

"(F) the giving of special preference to contractors owned and operated by members of any minority, and

"(G) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

"(3) RECOGNITION OF PAST EFFORTS.—In evaluating courses of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(e) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D. Designation of Enterprise Zones."

SEC. . EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such enterprise zones' designation in accomplishing the purposes of this Act.

SEC. . INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7881(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) ENTERPRISE ZONES TREATED AS LABOR SURPLUS AREAS.—Any area which is designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall be treated for all purposes under Federal law as a labor surplus area.

PART II—FEDERAL INCOME TAX INCENTIVES

Subpart A—Credits for Employers and Employees

SEC. . CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) LIMITATIONS BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(2) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1989, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306(b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the enterprise zone was designated as such under section 7881, or the date on which the enterprise zone is designated under State law, enacted after January 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed during:	The applicable percentage is:
The first 3 years after starting date	50
The 4th year after the starting date	40
The 5th year after the starting date	30
The 6th year after the starting date	20
The 7th through 20th year after the starting date	10
The 21st year after the starting date or later	0

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7881.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any Federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS DETERMINED UNDER SECTION 51(A).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7881 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 41(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7871 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) PHASEOUT OF CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(A) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(i) 7.5 percent in the earlier of—

"(I) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7881, or

"(II) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7881(b)(1)(B),

"(ii) 5 percent in the next succeeding taxable year,

"(iii) 2.5 percent in the second next succeeding taxable year, and

"(iv) zero thereafter, and

"(B) the amount determined under subsection (a)(2) shall be reduced by—

"(i) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(ii) 50 percent in the next succeeding taxable year,

"(iii) 75 percent in the second next succeeding taxable year, and

"(iv) 100 percent thereafter.

"(2) REVOCATION OF DESIGNATION.—If the designation of an area as an enterprise zone is revoked under section 7881(b)(2), such area shall continue to be treated as an enterprise zone for the period of 3 taxable years beginning after the date of such revocation except that only the allowable percentage of the amount of the credit which would (but for this paragraph) be allowable under this section for such a year shall be allowed. For purposes of the preceding sentence, the term 'allowable percentage' means the amount determined in accordance with the following table:

"If the taxable year beginning after the revocation is:	The allowable percentage is:
The first such year	75
The second such year ..	50
The third such year	25.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under the regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer.

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in an enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes."

(b) NO DEDUCTION ALLOWED.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

"(c) RULE FOR SECTION 30 CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 30 (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (a)."

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by inserting after paragraph (25) the following new paragraph:

"(26) CREDIT UNDER SECTION 30.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 30, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 30 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) unused enterprise zone employment credit under section 30,".

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by inserting "and any enterprise zone employment credit under section 30(b)" before the period at the end thereof.

(B) Subsection (a) of section 6411 (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting "enterprise zone employment credit carryback," after "section 172(b)," in the first sentence, and

(ii) by striking so much of the second sentence as follows "the return for the taxable year" and inserting the following: "of the net operating loss, net capital loss, unused enterprise zone employment credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year (or, with respect to any portion of an enterprise zone employment credit carryback, or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a research credit carryback or an enterprise zone employment credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year) in the manner and form required by regulations prescribed by the Secretary".

(C) Subsections (a)(1) and (b) of section 6411 are each amended by inserting "unused enterprise zone employment credit," after "net capital loss,".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new item:

"Sec. 30. Credit for enterprise zone employment."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. . CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section , is amended by adding after section 30 the following new section:

"SEC. 30A. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—the term 'qualified employee' means an individual—

"(A) who is described in section 30(f)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) ENTERPRISE ZONE.—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7881.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3 3/4 percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7881 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2 1/2 percent in the next succeeding taxable year;

"(3) 1 1/4 percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, 29, and 30, over

"(2) the tentative minimum tax for the taxable year."

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 30 the following new item:

"Sec. 30A. Credit for enterprise zone employees."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years after December 31, 1989.

Subpart B—Credits for Investment in Tangible Property in Enterprise Zones

SEC. . INVESTMENT TAX CREDIT FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.

(a) SECTION 38 PROPERTY.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out "or" at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", or", and by adding after subparagraph (G) the following new subparagraph:

"(H) new enterprise zone construction property (within the meaning of subsection (t)) which is not otherwise section 38 property."

(b) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Subsection (a) of section 46 (relating to amount of investment tax credit) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) in the case of new enterprise zone construction property, the enterprise zone percentage."

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Subsection (b) of section 46 is amended by adding at the end thereof the following new paragraph:

"(5) ENTERPRISE ZONE PERCENTAGE.—

"(A) IN GENERAL.—The enterprise zone percentage is 10 percent.

"(B) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Subparagraph (A) shall be applied by substituting the following percentages for 10 percent:

"(i) For the taxable year described in section 30(i)(1)(A)(i), 7.5.

"(ii) For the next succeeding taxable year, 5.

"(iii) For the second next succeeding taxable year, 2.5.

"(iv) For any subsequent taxable year, zero."

(3) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph:

"(4) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the enterprise zone percentage."

(c) DEFINITIONS.—Section 48 (relating to definitions and special rules) is amended by redesignating the subsection relating to cross reference as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

"(1) IN GENERAL.—The term 'new enterprise zone construction property' means any section 1250 property which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7881, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

"(2) SPECIAL RULES.—

"(A)(i) The term 'new enterprise zone construction property' shall not include property acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (determined as of the time the property is acquired by the taxpayer).

"(ii) For purposes of clause (i), a person (hereinafter in this clause referred to as the 'related person') is related to any other person if—

"(I) the related person bears a relationship to such other person specified in section 267(b) or 707(b)(1), or

"(II) the related person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of subclause (I), '10 percent' shall be substituted for '50 percent' in applying sections 267(b)(1) and 767(b)(1). In the case of the acquisition of any property by any partnership which results from the termination of another partnership under section 708(b)(1)(B), the determination of whether the acquiring partnership is related to the other partnership shall be made immediately before the event resulting in such termination.

"(B) In applying section 46(c)(1)(A) in the case of property described in paragraph (1)(C)(i), there shall be taken into account only that portion of the basis which is properly attributable to construction or erection during such period.

"(3) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone."

(d) LODGING TO QUALIFY.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and," and

(3) by adding at the end thereof the following new subparagraph:

"(E) new enterprise zone construction property."

(e) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(10) SPECIAL RULES FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit is disposed of the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(4) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k)."

(f) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new enterprise zone construction property (within the meaning of section 48(t)(1)), paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d) shall be applied without regard to the phrase '50 percent of'."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1988, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986.

Subpart C—Nonrecognition of Qualified Enterprise Zone Capital Gain Where Acquisition of Enterprise Zone Business Property

SEC. . NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. NONRECOGNITION OF CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

"(a) NONRECOGNITION OF GAIN.—If—

"(1) any property is sold and there would (but for this section) be recognized gain with respect to such sale,

"(2) within the 1-year period beginning on the date of such sale qualified replacement property is acquired by the taxpayer, and

"(3) the taxpayer elects the application of this section with respect to such sale,

such gain from such sale shall be recognized only to the extent that the amount realized from such sale exceeds the cost to the taxpayer of such replacement property.

"(b) QUALIFIED REPLACEMENT PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement property' means—

"(A) any tangible personal property used predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(B) any real property located in an enterprise zone used predominantly in the active conduct of a trade or business within such enterprise zone, and

"(C) any interest in a corporation, partnership, or other entity if, for the 3 most recent taxable years of such entity ending before the date of the purchase of such interest, such entity, was a qualified business.

"(2) QUALIFIED BUSINESS.—The term 'qualified business' means any person—

"(A) which is actively engaged in the conduct of a trade or business within an enterprise zone during each of the 3 most recent taxable years of such entity ending before the date of sale of the interest,

"(B) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(C) with substantially all of its tangible assets located within an enterprise zone.

"(3) REAL ESTATE RENTAL.—Ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) EXCHANGE TREATED AS SALE.—An exchange by the taxpayer of property for other property shall be treated as a sale of the first property, and the acquisition of any qualified replacement property on the exchange of property shall be treated as a purchase of such replacement property.

"(2) SECTION NOT TO APPLY TO ORDINARY INCOME.—Subsection (a) shall not apply to any gain to the extent such gain is treated as ordinary income under any provision of this chapter.

"(d) REDUCTION IN BASIS.—Where the purchase of any qualified replacement property results under subsection (a) in the nonrecognition of gain on the sale of any other property, the basis of such replacement property shall be reduced by an amount equal to the amount of gain not so recognized on the sale of such other property. Where the purchase of more than 1 qualified replacement property is taken into account in the nonrecognition under subsection (a) of gain on the sale of a property, the preceding sentence shall be applied to each such replacement property in the order in which such properties are purchased.

"(e) STATUTE OF LIMITATIONS.—If the taxpayer during any taxable year sells any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of the 3-year period beginning on the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified replacement property which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase any such investment within the 1-year period described in subsection (a), or

"(C) the failure by the taxpayer to purchase any such replacement property within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(b) HOLDING PERIOD.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale or exchange of any other property, there shall be included the period for which the property sold or exchanged had been held as of the date of such sale or exchange."

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(26) in the case of any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of gain on the sale or exchange of other property, to the extent provided by section 1043(d)."

(d) CLERICAL AMENDMENT.—The table of sections of part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1043. Nonrecognition of qualified enterprise zone capital gain where acquisition of enterprise zone business property."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1991, in taxable years ending after such date.

Subpart D—Deduction for Purchase of Enterprise Stock

SEC. . DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 197. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

"(a) IN GENERAL.—At the election of the taxpayer, there shall be allowed as a deduction the aggregate amount paid during the taxable year for the purchase of enterprise stock on the original issue of such stock by a qualified issuer.

"(b) MAXIMUM DEDUCTION.—

"(1) IN GENERAL.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer for the taxable year shall not exceed $100,000.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1), the taxpayer and all persons who are related persons with respect to the taxpayer shall be treated as 1 person, and the $100,000 amount in paragraph (1) shall be allocated among the taxpayer and such persons in proportion to their respective purchases of stock during the taxable year for which credit is allowable by this section.

"(3) ALLOCATION OF DEDUCTION WHERE MORE THAN $100,000 OF STOCK PURCHASED.—If the amount of stock purchased by any person exceeds the limitation under this subsection with respect to such person, the deduction allowed under this section shall be allocated pro rata among the stock so purchased in accordance with the purchase price per share.

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—If any enterprise stock with respect to which a deduction was allowed under this section is disposed of by the taxpayer, then the lesser of—

"(A) the excess of—

"(i)(I) in the case of a sale or exchange, the amount realized, or

"(II) in the case of any other disposition, the fair market value of the stock, over

"(ii) the adjusted basis of such stock, or

"(B) the amount of the deduction allowed under this section with respect to such stock,

shall be treated as ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 3 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If any enterprise stock is disposed of before the end of the 3-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the enterprise stock recapture amount.

"(B) ENTERPRISE STOCK RECAPTURE AMOUNT.—For purposes of subparagraph (A), the term 'enterprise stock recapture amount' means an amount equal to the amount of interest (determined at the rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock so disposed of.

"(d) TREATMENT WHERE ISSUER CEASES TO BE QUALIFIED.—

"(1) IN GENERAL.—If—

"(A) any qualified issuer with respect to the stock of which any taxpayer has made an election under this section ceases to meet the requirements of subsection (e)(2)(A)(i), (iii), or (iv), and

"(B) such cessation occurs at any time before the close of the 5th taxable year ending after the date such stock was issued,

the tax treatment described in paragraph (2) shall apply to the taxable year of the taxpayer in which such cessation occurs.

"(2) TAX TREATMENT OF TAXPAYER.—The tax treatment described in this paragraph for any taxable year is—

"(A) the taxpayer shall include in income as ordinary income the amount of the deduction allowed under this section with respect to such stock,

"(B) the tax imposed by this chapter for such taxable year shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the disqualification date,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock.

"(3) DISQUALIFICATION DATE.—For purposes of paragraph (2), the term 'disqualification date' means the earlier of—

"(A) the date of the issuance by the qualified issuer (or any related person with respect to such issuer) of any regulated security, or

"(B) the last day of the taxable year of the qualified issuer in which the requirements of subsection (e)(2)(A) (i) or (iv) ceased to be met.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE STOCK.—The term 'enterprise stock' means common stock issued by a qualified issuer but only if the proceeds of such issue are used by such issuer in the conduct of a qualified business (as defined in section 1043(b)(3)(B)).

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any C corporation which, at the time of issuance of the stock involved—

"(i) is conducting a qualified business described in section 1043(b)(3)(B),

"(ii) does not have a net worth (either before or immediately after the issuance of the stock involved) exceeding $2,000,000,

"(iii) has not had at any time during the 5-year testing period any outstanding regulated securities issued by such corporation, and

"(iv) has derived during the testing period more than 50 percent of its gross receipts during such period from sources other than royalties, rents (other than rents from real estate described in section 1043(b)(3)(C)), dividends, interest, annuities, and sales and exchanges of stock or securities.

"(B) RELATED PERSONS TAKEN INTO ACCOUNT IN CERTAIN CASES.—For purposes of clauses (ii) and (iii) of subparagraph (A), the issuer and all persons who are related persons with respect to such issuer shall be treated as 1 person.

"(C) TESTING PERIOD.—For purposes of subparagraph (A), the term 'testing period' means the period beginning on the first day of the 5th taxable year beginning before the issuance of the stock involved and ending on the date of such issuance.

"(3) REGULATED SECURITIES.—The term 'regulated securities' means any security—

"(A) registered on a national exchange under section 12(b) of the Securities Exchange Act of 1934, or

"(B) registered (or required to be registered) under section 12(g) of such Act (determined without regard to section 12(g)(2) of such Act).

"(4) RELATED PERSON.—A person is a related person to another person if—

"(A) such persons are treated as a single employer under subsections (a) and (b) of section 52, or

"(B) in the case of individuals, such persons are husband and wife.

"(f) SPECIAL RULES.—

"(1) AMOUNT PAID AFTER CLOSE OF TAXABLE YEAR.—An amount paid after the close of the taxable year for the purchase of enterprise stock shall be treated for purposes of subsection (a) as paid during such year if—

"(A) such amount is so paid not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), and

"(B) the taxpayer was under a binding contract as of the close of such taxable year to purchase such stock.

"(2) LIMITATION ON AMOUNT OF DEDUCTION.—If—

"(A) any enterprise stock is issued in exchange for property,

"(B) the basis of such stock in the hands of the taxpayer is determined by reference to the basis of such property, and

"(C) the adjusted basis (for determining gain) of such property immediately before the exchange exceeded its fair market value at such time,

then the deduction under this section, and such adjusted basis, shall both be reduced by the excess described in subparagraph (C).

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of any stock, the basis of such stock (without regard to this subsection) shall be reduced by the amount of the deduction allowed with respect to the purchase of such stock."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis), as amended by this title is amended by striking out "and" at the end of paragraph (25), by striking out the period at the end of paragraph (26) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(27) to the extent provided in section 197(g), in the case of stock with respect to which a deduction was allowed under section 197."

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 197. Deduction for purchase of enterprise stock."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock purchased after December 31, 1991.

Subpart E—Rules Relating to Private Activity Bonds

SEC. . PRIVATE ACTIVITY BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(g)(5) (relating to limitations on property financed with tax-exempt bonds) is amended to read as follows:

"(C) EXCEPTIONS.—Subparagraph (A) shall not apply to any which is placed in service—

"(i) in connection with any qualified residential rental project (within the meaning of section 142(a)(7)), or

"(ii) as new enterprise zone construction property (within the meaning of section 48(t))."

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Paragraph 12 of section 142(a) (relating to termination of small issue exemption) is amended by adding at the end thereof the following new subparagraph:

"(D) ENTERPRISE ZONE FACILITIES.—This paragraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1991, in taxable years ending after such date.

Subpart F—Ordinary Loss Deduction for Securities of Enterprise Zone Business Which Become Worthless

SEC. . ORDINARY LOSS DEDUCTION ALLOWED FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS.

(a) GENERAL RULE.—Subsection (g) of section 165 (relating to losses) is amended by adding at the end thereof the following new paragraph:

"(4) SECURITIES OF ENTERPRISE ZONE BUSINESS.—If any security of a qualified business (as defined in section 1043(b)) which is a capital asset becomes worthless during the taxable year—

"(A) paragraph (1) shall not apply, and

"(B) the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of property which is not a capital asset."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to losses sustained after December 31, 1988, in taxable years ending after such date.

Subpart G—Increase in Research Credit for Research Conducted in Enterprise Zones

SEC. . INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES.

(a) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by adding at the end thereof the following new subsection:

"(i) INCREASE IN CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONE.—Subsection (a)(1) shall be applied by substituting '37½ percent' for '20 percent' with respect to the lesser of—

"(1) the excess described in subsection (a)(1), or

"(2) the excess which would be described in subsection (a) if only research conducted in enterprise zones were taken into account.

For purposes of paragraph (2), an area shall be treated as an enterprise zone for a base period with respect to a taxable year if such area is designated as an enterprise zone for such taxable year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991, and to base periods with respect to such taxable years.

Subpart H—Sense of the Congress With Respect to Tax Simplification

SEC. . TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1986 added to, or amended by, this Act.

Subpart I—Regulations

SEC. . REGULATIONS.

The Secretary of the Treasury or his delegate shall issue such regulations as may be necessary to carry out the amendments made by this title not later than 6 months after the date of the enactment of this Act.

PART III—REGULATORY FLEXIBILITY

SEC. . DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OR REGULATORY FUNCTIONS

Section 601 of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5); and

(2) by striking paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 30(f) of such Code)."

SEC. . WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating "611." and "612." as "612." and "613.", respectively, and inserting the following new item immediately after "610.":

"611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means."

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. . COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to 7881 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

DEPARTMENT OF STATE AUTHORIZATION, FISCAL YEARS 1992 AND 1993

WOFFORD AMENDMENT NO. 912

Mr. WOFFORD proposed an amendment to the bill S. 1433, supra, as follows:

On page 83, strike lines 18 and 19 and insert in lieu thereof: "and Expenses", $401,109,500 for the fiscal year 1992 and $401,109,500 for the fiscal year 1993, provided that no funds shall be available for any expenditure related to the "Worldnet" television program.

KERRY AMENDMENT NO. 913

Mr. KERRY proposed an amendment to the bill S. 1433, supra, as follows:

On page 3, immediately above the item relating to section 162, insert the following item:

Sec. 161. Material donations to United Nations peacekeeping operations.

On page 3, in the item relating to section 171, strike out "The".

On page 4, strike out the item relating to section 303 and insert in lieu thereof the following:

Sec. 303. Policy on RFE/RI.

On page 9, after the period at the end of line 21, insert the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 10, after the period at the end of line 12, add the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 18, strike lines 13 through 16.

On page 18, line 17, strike out "(3)" and insert in lieu thereof "(2)".

On page 19, line 3, strike out "(4)" and insert in lieu thereof "(3)".

On page 19, line 6, strike out "(5)" and insert in lieu thereof "(4)".

On page 19, strike the period at the end of line 9 and insert in lieu thereof the following: ", except that the 15-day period under that section shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved.".

On page 19, line 10, strike out "(6)" and insert in lieu thereof "(5)".

On page 19, line 13, strike out "(7)" and insert in lieu thereof "(6)".

On page 25, line 3, strike out "notification and".

On page 25, line 6, strike out "notification" and insert in lieu thereof "detailed reporting".

On page 25, line 7, strike out "notify on a timely basis" and insert in lieu thereof "submit a report on a timely basis to".

On page 25, line 10, insert at the end thereof the following: "Such report shall set forth for each person denied a visa pursuant to such section—

"(1) the name of the alien;

"(2) the alien's nationality; and

"(3) a factual statement of the basis for such denial.".

On page 25, line 20, strike out "the basis for" and insert in lieu thereof "a short statement of the grounds for".

On page 36, line 3, strike "and".

On page 36, between lines 3 and 4, insert the following:

"(I) activities of the Immigration and Naturalization Service; and".

On page 37, strike out line 5 through 11 and insert in lieu thereof the following:

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

On page 28, beginning on line 18, strike out "reimbursable" and all that follows through "period" on line 20 and insert in lieu thereof the following: "deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by this subsection were in effect during that period and the services had been requested by the Secretary of State".

On page 47, line 12, insert "by inserting 'preschool,' before 'kindergarten' and" after "(A),".

On page 48, strike lines 12 through 15.

On page 54, line 4, strike out "60 days" and insert in lieu thereof "9 months".

On page 55, line 22, strike out "in" and insert in lieu thereof "by".

On page 63, line 2, add at the end thereof the following new sentences: "In the event that the head of any originating agency considers it necessary to deny access to the Advisory Committee to the original text of any record, that agency head shall notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.".

On page 63, line 19, strike out "Advisory Committee" and insert in lieu thereof "Secretary of State".

On page 63, lines 20 and 21, strike out "The Secretary of State" and insert in lieu thereof "him by the Advisory Committee".

On page 63, line 21, add at the end thereof the following new sentence: "In the event that the Secretary of State decides not to furnish such copy to the originating agency, the Secretary shall notify the Advisory Committee in writing, describing the reasons for his decision.".

On page 63, line 23, insert "from the Secretary of State" after "report".

On page 64, line 3, strike out "Advisory Committee" and insert in lieu thereof "Historian".

On page 64, line 13, insert "(as determined by the Secretary of State and the Archivist of the United States)" after "value".

On page 65, line 16, before the semicolon insert the following: "or would demonstrably impair the national security of the United States".

On page 66, line 6, strike out "Act" and insert in lieu thereof "title".

On page 66, between lines 10 and 11, insert the following:

In the event that the Secretary of State considers it necessary to deny access to records under paragraph (3), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

On page 66, line 25, strike out "systematic".

On page 73, line 2, strike out "one" and insert in lieu thereof "two".

On page 86, strike lines 18 through 21 and insert in lieu thereof the following: "The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America'.".

On page 91, between lines 2 and 3, insert the following new undesignated paragraph:

Section 225(a) of such Act is further amended by striking out "shall" each of the two places it appears and inserting in lieu thereof "are authorized to".

On page 95, line 18, strike out "Act" and insert in lieu thereof "title".

On page 109, line 4, strike out "Act" and insert in lieu thereof "title".

On page 110, line 4, strike out "30" and insert in lieu thereof "90".

On page 110, lines 7 and 8, strike out "during Operation Desert Shield or Operation Desert Storm" and insert in lieu thereof "subsequent to August 2, 1990".

On page 110, line 13, strike out "Act" and insert in lieu thereof "title".

On page 110, line 17, before the semicolon insert the following: "or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the select Committee on Intelligence of the House of Representatives".

On page 111, line 2, strike out "or".

On page 111, line 3, insert before the period the following: "which has become United States property in accordance with the laws of war".

On page 111, line 5, strike out "Act" and insert in lieu thereof "title".

On page 111, strike out lines 6 and 7 and insert in lieu thereof the following:

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take possession of certain property solely for use during the immediate conflict;

On page 111, line 11, strike out "or".

On page 111, line 13, strike out the period and insert in lieu thereof a semicolon.

On page 111, between lines 13 and 14, insert the following:

(4) the return of spoils of war to previous owners from whom such property has been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

On page 114, line 9, strike out "Act" and insert in lieu thereof "title".

On page 116, line 24, strike out "Act" and insert in lieu thereof "title".

On page 130, line 13, strike out "Act" and insert in lieu thereof "title".

On page 149, line 11, strike "Baltic Republics" and insert in lieu thereof "Baltic States".

On page 154, line 23, strike "(known as the 'Sejm')".

On page 169, line 12, after the period, add quotation marks and a period.

On page 6, line 16, strike "$1,743,005,000" and insert in lieu thereof "$1,727,005,000".

On page 6, line 17, strike "$1,745,005,000" and insert in lieu thereof "$1,735,005,000".

LEVIN (AND KASSEBAUM) AMENDMENT NO. 914

Mr. KERRY (for Mr. LEVIN, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the following:

SEC. . POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute", in which both parties accepted a definition of "political prisoner" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South Africa;

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986;

(5) the United States Congress remains concerned about the delay in the resolution of this central issue.

(b) POLICY.—It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the resolution of this controversy and the release of all political prisoners;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners;

(3) satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

ROTH AMENDMENT NO. 915

Mr. ROTH proposed an amendment to the bill S. 1433, supra, as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE RESEARCH AND DEVELOPMENT OF U.S. TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically;

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new U.S. tactical nuclear weapons on European soil.

(b) POLICY.—It is the policy of the Senate that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when and where such tactical nuclear systems will be deployed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1992

BURDICK (AND COCHRAN) AMENDMENT NO. 916

Mr. BURDICK (for himself and Mr. COCHRAN) proposed an amendment to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 76, line 18, strike: "$155,524,000" and insert in lieu thereof: "such sums as necessary".

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on title XVII of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and S. 1501, the Reclamation Reform Act of 1991.

The hearing will take place on Thursday, September 12, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366, or Anne Svoboda at (202) 224-6836.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 1228, the Western Water Policy Review Act of 1991.

The hearing will take place on Thursday, September 19, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366, or Anne Svoboda at (202) 224-6836.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Conservation and Forestry, will hold a hearing on S. 1294, the Recreational Hunting Safety and Preservation Act of 1991, on Thursday, August 8, 1991, at 2:30 p.m., at the Willson School, on 404 West Street, in Bozeman, MT.

For further information please contact Woody Vaughan of the subcommittee staff at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WIRTH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Monday, July 29, at 10 a.m., for a field hearing in Toledo, OH, on the subject: Great Lakes dredging and the environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. WIRTH. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Monday, July 29, beginning at 10 a.m., to conduct a hearing on legislation to address Superfund problems facing municipalities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WIRTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, July 29, 1991, at 3 p.m. to hold a hearing on the nomination of William H. Yohn, to be U.S. district judge for the Eastern District of Pennsylvania, Harvey Bartle III, to be U.S. district judge for the Eastern District of Pennsylvania, Michael R. Hogan, to be U.S. district judge for the District of Oregon, and Shelby Highsmith, to be U.S. district judge for the Southern District of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WIRTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 29, at 4:30 p.m., to hold an ambassadorial nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING THE U.S. COAST GUARD AND COAST GUARD AUXILIARY

• Mr. INOUYE. Mr. President, I wish to commend the U.S. Coast Guard's contributions in Operation Desert Shield and Operation Desert Storm, and the Coast Guard Auxiliary's efforts to attend to our domestic needs at home.

In recent weeks and months, the return of our military men and women from the desert has been foremost on our minds; we have been tying yellow ribbons to show our support, holding parades, and celebrating the victory in a grand fashion.

Everyone is talking about Operation Desert Storm. In so doing, the focus has been on the Air Force pilots who guided the smart bombs, the tank battalions and infantry men who delivered the "Hail Mary punch," the Marines who occupied Khafji and Kuwait City, the engineers who cleared mine fields and the Navy fliers who shot down Scud missiles. We oftentimes overlook the essential contributions of personnel "behind the scenes."

The U.S. Coast Guard asked more than 950 young men and women to risk their lives by serving in Operation Desert Shield and Operation Desert Storm. It is not widely known that these brave men and women were responsible for the safe loading and unloading of dangerous ammunition, the preparation of Ready Reserve vessels and the reactivation of mothballed military ships for use in the conflict. It is not widely known that it was the United States Coast Guard who led the response team in the massive oilspill off the coasts of Kuwait and Saudi Arabia.

Coast Guard personnel were also deployed on Navy ships to help enforce the U.N. embargo of goods going into and out of Iraq by boarding vessels in embargoed areas. The men and women of the U.S. Coast Guard braved the dangerously mined waters in the Persian Gulf and faced extremely adverse situations alongside the soldiers to maintain port security.

We must give credit where credit is due. I wish to applaud the logistical efforts of the U.S. Coast Guard. With only limited resources and on short notice, the Coast Guard organized and executed the safe and efficient handling of necessary war cargo, provided security to ports, and helped protect the environment. It undertook these complex tasks in a timely and precise manner. The Coast Guard also had the foresight to ensure that their duties stateside—to protect and serve American citizens in American waters—were left in capable hands. When Coast Guard personnel were needed in the gulf, the Coast Guard Auxiliary provided search and rescue assistance which literally saved thousands of lives at sea. In my home State alone, more than 500 volunteer members organized 15 flotillas throughout the Hawaiian islands. Auxiliary members in Hawaii assisted the Coast Guard in 79 search and rescue missions, saved 7 lives, and assisted 166 persons during 1990.

I wish to applaud the 32,000 unpaid civilian volunteers who make up the present Coast Guard Auxiliary forces. Under the guidance of the U.S. Coast Guard, these brave men and women stood ready to serve, willing to risk their lives as well, during often dangerous search and rescue missions. In addition to answering their country's call to duty, these outstanding volunteers used their own boats and provided their own maintenance. They did so unselfishly, tirelessly and patriotically.

The success of Operation Desert Storm required the combined efforts of hundreds of thousands of people. Mr. President, I wish to pay tribute to the unsung heroes and heroines—the men and women of the U.S. Coast Guard and Coast Guard Auxiliary. Without their expertise and courageous sacrifices we would not be celebrating our victory today.

The willingness of the men and women of the Coast Guard to place themselves in harm's way in support of our soldiers, and the willingness of the Coast Guard Auxiliary to assist the U.S. Coast Guard in carrying out its respsonsibilities to ensure the safety of U.S. citizens are not widely known or recognized. Mr. President, today I wish to say, "Thank you very much."•

MEDICARE'S SKILLED NURSING FACILITY AND HOME HEALTH CARE BENEFITS

• Mr. ADAMS. Mr. President, I am pleased to join my distinguished colleagues, Senators BREAUX and RIEGLE, in introducing legislation to improve access to skilled nursing facility [SNF] and home health care coverage by Medicare beneficiaries. The legislation we are introducing today addresses two key problem areas that significantly undermine the value of these two crucial benefits.

First, our legislation would repeal the current requirement that a beneficiary must be hospitalized for a 3-day period in order to be eligible for the SNF benefit. Second, it would clear up inconsistencies in coverage and eligibility rules for Medicare's home health care benefit that have created immense difficulties for both beneficiaries and providers. Similar provisions were included in the Medicare Catastrophic Coverage Act [MCCA]. These important and progressive improvements were lost when the MCCA was repealed due to its very serious financing problems.

The current 3-day hospital stay requirement has become an outdated and wholly unreasonable—and unfair—barrier to Medicare beneficiaries obtaining needed services. Because of the very high cost of nursing home care, many beneficiaries who are denied SNF coverage for which they would otherwise be eligible, face large and unnecessary out-of-pocket costs for nursing home care. Moreover, when beneficiaries are hospitalized for 3 days in order to establish eligibility for the SNF benefit, the Medicare Program—and the taxpayer—suffer due to the extraordinary costs of unnecessary hospitalizations.

This requirement has become an anachronism. The combination of changes brought about by the prospective payment system and its DRG's and new developments in health care have significantly reduced the lengths of hospital stays. Short stays of 1 or 2 days are no longer uncommon; many patients who would have spent 3 or more days in a hospital several years ago would be hospitalized for shorter periods today. That is a welcome change. Yet, for many of them, there is no less of a need for SNF care. It makes no sense to deny these beneficiaries Medicare's nursing home coverage because of changes in hospitalization patterns. For many others, a trip to the hospital for even 1 day is unnecessary. A May 1989 study for the Department of Health and Human Services estimated that over 20 percent of short hospital stays were unnecessary. It makes no sense to put physicians in the position of hospitalizing a patient for 3 days just to ensure they get the nursing home or rehabilitative care they need under Medicare.

Mr. President, the second part of this legislation addresses a significant area of ambiguity and inconsistency in Medicare policy badly in need of reform. Medicare law currently states that a patient must require "skilled nursing care on an intermittent basis" to become eligible for Medicare coverage of skilled home health nursing services. The definition of "intermittent" is inconsistent: present Medicare policy permits eligibility under the program if such care is necessary for up to 4 days a week regardless of the duration of care, while coverage is allowed for up to 7 days a week when the service is not needed indefinitely. This bill would remedy this by defining "intermittent" to include care for up to a maximum of 6 days a week.

The second problem our legislation addresses related to the home health care benefit is that current policy outright denies coverage to those who need daily skilled nursing care for an indefinite period. This means, for example, that patients with nonhealing wounds or that are technology-dependent, such as those on ventilators, very often have no coverage whatsoever. This legislation would provide, as did the MCCA, for full daily coverage 7 days per week for up to 38 days eligibility for these patients, as it would for patients with a temporary need for care.

Mr. President, we have agreed that these are sound public policy changes once before. Unfortunately, they were caught up in the much larger MCCA debate and were repealed along with the rest of the MCCA. I am honored to join Senators BREAUX and RIEGLE today and I urge the rest of our colleagues to join us in supporting this necessary and sensible bill.●

H.R. 1047, VETERANS' BENEFITS IMPROVEMENT ACT OF 1991

● Mr. DOMENICI. Mr. President, I rise today to address the issue of the direct spending contained in H.R. 1047, the Veterans' Benefits Improvement Act of 1991.

I believe Congress and our Nation owes a great debt to our Nation's veterans, those service men and women who have given so much for our Nation. But we must attempt to meet that obligation without breaking the provisions of the Omnibus Budget Reconciliation Act of 1990.

Though I have no objection to the substantive policy contained in H.R. 1047, the bill could add as much as $15 million to the Federal deficit over the next 5 years and the Veterans' Affairs Committee has not provided any offsets to cover this cost.

If the committee does not provide offsets to cover the cost of the direct spending in this legislation, there will be an across-the-board sequester for all entitlement programs, including Medicare, unemployment compensation, and the Commodities Credit Corporation.

The Veterans' Affairs Committees must contribute their share to the burden of reducing the deficit and must adhere to the budget agreement of 1990, the agreement Congress labored so long to construct. I sincerely hope the Veterans' Affairs Committees of both the House and the Senate will work together to produce legislation providing the necessary offsets so we may avoid a sequester.●

S. 1220—THE NATIONAL ENERGY SECURITY ACT OF 1991

● Mr. JOHNSTON. Mr. President, on July 23, 1991, the Congressional Budget Office transmitted to me a cost estimate for S. 1220, the National Energy Security Act of 1991. The legislation was ordered reported by the Committee on Energy and Natural Resources on May 23, 1991. The report on the bill was filed with the Senate on June 5, 1991 (Rept. 102-72). Because the cost estimate was not available at the time the report was filed it was not included in that document. For this reason, I request that a letter from Robert D. Reischauer dated July 23, 1991, together with the Congressional Budget Office cost estimate for S. 1220 be printed in the RECORD for the advice of the Senate following my statement.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1220, the National Energy Security Act of 1991.

CBO estimates that this bill would result in direct spending of $800 million in 1994 for payments to Alaska (Title VII) and in additional revenues of $50 million in 1994 and 1995 (Title III), both of which are included in CBO's estimate for pay-as-you-go scoring. In a colloquy on the Senate floor on April 25, 1991, the Chairman and Ranking Minority Member of the Senate Budget Committee stated that the Budget Committee would not count these payments to Alaska, which would result from oil and gas leasing on the Arctic National Wildlife Refuge, as increasing the deficit.

TABLE 1.—SUMMARY OF ESTIMATED COST FOR S. 1220

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Authorizations:					
Specified authorication levels	531	154	165	11	11
Estimated authorizations	1,416	1,643	2,183	1,898	1,123
Total authorizations	1,948	1,797	2,238	1,909	1,133
Estimated outlays	842	1,470	2,091	2,023	1,755
Direct spending:					
Estimated budget authority			800	(1)	(1)
Estimated outlays			800	(1)	(1)
Asset sale receipts:					
Estimated budget authority			−1,601	−1	−1
Estimated outlays			−1,601	−1	−1

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1220.

2. Bill title: National Energy Security Act of 1991.

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources, June 5, 1991.

4. Bill purpose: S. 1220 would expand federal programs aimed at developing more domestic energy resources, encouraging the use of alternative fuels for transportation, and improving energy efficiency in both the private and public sectors. The bill would allow oil and gas leasing in the Arctic National Wildlife Refuge (ANWR), reorganize the government's program for providing uranium enrichment services to nuclear utilities and U.S. defense programs, and authorize a significant increase in federal spending on a broad range of energy research, development, demonstration, and commercialization activities. The proposed authorizations encompass virtually all major energy resource and technology areas, including:

Electric and other alternative-fuel vehicles;

Renewable resources such as hydropower and solar energy;

Energy efficiency technology for lighting, heating, and other applications;

Advanced nuclear reactor technology; and

Recovery and processing of oil, gas, and coal.

The bill also would amend programs for setting fuel economy standards for automobiles and light trucks, but would not set specific requirements for such standards. In addition, the bill would amend the Federal Power Act, the Natural Gas Act, and the Public Utility Holding Company Act to encourage increased use of hydropower, natural gas, and other domestic resources.

Other provisions of S. 1220 would attempt to revive the U.S. uranium industry by authorizing federal assistance for cleaning up uranium mill tailings sites and encouraging the use of domestic uranium; authorize additional payments to coastal states and communities from new federal revenues that result from leases on the Outer Continental Shelf; encourage completion of a one billion-barrel Strategic Petroleum Reserve; and authorize a ten million-barrel Defense Petroleum Inventory.

5. Estimated cost to the Federal Government:

TABLE 1.—SUMMARY OF ESTIMATED COST FOR S. 1220—Continued

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Revenues	....	....	17	33	33

[1] Less than $500,000.

The costs of this bill fall primarily within budget functions 050, 270, and 300. (Other budget functions would be affected by the bill's provisions on federal energy management).

Basis of Estimate: For purposes of this estimate, CBO assumes that the bill would be enacted by the beginning of fiscal year 1992 and that all funds authorized would be appropriated by the start of each fiscal year. Estimated authorizations are based on information provided by the Department of Energy (DOE) and the Department of the Interior (DOI). Estimated outlays are based on historical spending patterns of similar programs. A discussion of estimated costs for each title follows.

Titles I and II. These titles are statements of the bill's findings, purposes, and definitions. There is no budget impact for either title.

Title II—CAFE. This title would amend the federal program for Corporate Average Fuel Economy (CAFE) standards.

The estimated authorizations shown on Table 2 include the costs to develop standards and regulations for the amended CAFE program as well as spending from the newly-created excessive fuel consumption fund. S. 1220 would establish a new fund into which would be deposited all fees collected for violations of CAFE standards, including those fees that would be collected under current law. The Secretary of Energy would be authorized to make expenditures from this fund, subject to appropriations, for grants to states for programs to encourage the retirement of older vehicles and for other energy conservation programs. The estimated authorizations—$330 million over the 1992–1996 period—are based on CBO's estimate of total receipts of these fees in each year, starting at $44 million in 1992 and 1993, and increasing in subsequent years pursuant to the fee increases specified by the bill.

The bill would increase federal revenues by increasing the base fee used to calculate CAFE penalties from $5 to $10, beginning in model year 1993, and to $20 beginning in model year 1996. This base fee is multiplied by the number of tenths of a mile-per-gallon by which the manufacturer falls below the applicable standard and by the number of vehicles manufactured by that manufacturer during the relevant model year. The bill would give the Secretary of Transportation the authority to increase the fuel economy standards beginning in model year 1996, but would not mandate any specific standard.

CBO assumed that, under current law, penalties paid for future model years would equal the average paid for the past several model years. (In the past five years, five European manufacturers have accounted for almost all the fines.) Using this assumption, CBO estimates that payments would total approximately $44 million per year under current law. Because S. 1220 would double the base fee, we estimate that payments for model years 1993 through 1995 under this bill would be twice the level expected under current law. Further, we estimate that the penalties for model year 1993 would be paid in fiscal years 1994 and 1995.

This estimate is highly uncertain. If companies currently paying penalties increase their average fuel economy, the additional revenue collected as a result of the penalty increase would be smaller. We believe, however, that these companies are unlikely to take steps to increase fuel economy significantly soon enough to affect receipts through fiscal year 1996. Alternatively, if the average fuel economy of other manufacturers falls below the standard and they begin to pay penalties, the additional revenues collected as a result of the penalty increase would be much greater. In any case, the impact would probably increase after fiscal year 1996, as the base fee would again double and the standard may increase.

TABLE 2.—ESTIMATED COST FOR TITLE III—CAFE

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Authorizations:					
Estimated authorizations	46	45	66	88	88
Estimated outlays	18	48	55	76	86
Revenues:					
Gross	0	0	22	44	44
Net of income and payroll tax offsets	0	0	17	33	34

Title IV—Fleets and Alternative Fuels: Title IV would require that federal and state governments gradually increase the percentage of their automotive vehicles that use alternative motor fuels—from 10 percent of new vehicle purchases in 1995 to 90 percent for 2000 and thereafter. This title also would authorize programs to promote the development and use of electric and other alternative-fuel vehicles nationwide.

Based on information from the General Services Administration (GSA), other agencies, and industry groups, CBO estimates that the federal government will purchase on average about 50,000 vehicles per year over the next five years and that alternative-fuel vehicles will cost about $2,000 more than gasoline-powered vehicles in 1995 and 1996. Under the bill's requirement that alternative-fuel vehicles comprise at least 10 percent of new federal vehicles in 1995 and at least 15 percent in 1996, CBO estimates a minimum cost of $12 million in 1995 and $20 million in 1996, including higher fueling and maintenance costs. Lower resale values for alternative-fuel vehicles would further add to federal costs after 1997, when the first vehicles purchased under this title are replaced. Federal costs for procuring alternative-fuel vehicles could increase dramatically after 1996, as the minimum purchase requirement rises to 90 percent of new vehicles by 2000.

The bill contains specific authorizations for a program to promote use of alternative fuels in mass transit, for assistance to states in meeting alternative fuel fleet requirements, and for other sections in Title IV. These authorizations total $175 million over the 1992–1996 period. In addition, the bill authorizes such sums as necessary to administer a program to demonstrate new electric vehicle technologies and for federal assistance in developing an electric vehicle infrastructure in the United States. These programs are estimated to cost $158 million, mostly to promote the development and use of alternative fuels. Table 3 summarizes the estimated costs of Title IV.

TABLE 3.—ESTIMATED COST FOR TITLE IV—FLEETS AND ALTERNATIVE FUELS

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	65	45	45	10	10
Estimated authorizations	1	16	51	37	45
Total title IV authorizations	66	61	96	47	55
Estimated outlays	14	32	78	71	79

Title V—Renewable Energy: This title would authorize spending to promote the development and use of renewable energy resources such as hydropower, solar heating and photovoltaic electricity, geothermal resources, and biomass fuels. Title V also would amend the Federal Power Act to streamline licensing of hydropower facilities. The bill contains specific authorizations for establishing a Committee on Renewable Energy Commerce and Trade (CORECT), and for conducting joint research and development ventures with nonfederal entities on a variety of renewable energy technologies. In addition, the bill authorizes such sums as necessary for continuing CORECT activities in 1993 and 1994, and for other activities related to use of renewable resources. Table 4 summarizes the estimated costs of Title V.

TABLE 4.—ESTIMATED COST FOR TITLE V—RENEWABLE ENERGY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	52	40	41	....	....
Estimated authorizations	17	29	34	5	6
Total title IV authorizations	69	69	75	5	6
Estimated outlays	28	61	71	46	11

Title VI—Energy Efficiency: This title would expand federal energy efficiency programs. Major provisions of Title VI would:

Require the federal government to adopt all efficiency measures that have a payback period of 10 years of less and to conduct other activities aimed at improving federal energy management,

Require DOE to establish new standards for building energy efficiency;

Encourage private industry to adopt voluntary efficiency guidelines;

Encourage electric utilities to invest in energy efficiency technologies;

Establish requirements for recycling lubricating oil;

Authorize new assistance to state, local, insular, and tribal communities for investments in energy efficiency; and

Require the Department of Health and Human Services and DOE to study alternative methods of using low-income energy assistance funds, including the potential purchase of future options contracts for fuel.

Title VI contains specific authorizations for some provisions, and authorizes such sums as necessary to carry out others. Table 5 summarizes the estimated costs for this title.

TABLE 5.—ESTIMATED COST FOR TITLE VI—ENERGY EFFICIENCY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	68	23	33	1	1
Estimated authorizations Federal energy management		200	225	225	250
Other provisions	39	44	50	61	70
Total title VI authorizations	107	267	308	287	321
Estimated outlays	40	173	286	258	259

The largest potential budget impact of Title VI is for the provision requiring the government to implement, by the year 2000, all energy efficiency measures for which the costs can be recovered in operational savings over a period of 10 years or less (10-year payback). Based on information provided by DOE, CBO estimates that meeting this requirement would cost at least $5 billion in spending on energy efficiency measures over the 1992–2000 period. Once agencies complete all of the conservation measures with payback periods of 10 years or less, the government would save an estimated $800 million per year in energy costs. Current spending for energy use in federal buildings totals more than $4 billion per year, most of which is for defense facilities. DOE estimates that implementing all 10-year payback measures would cut energy spending by about 20 percent. Title VI would authorize $50 million for 1992 to begin implementing energy efficiency measures.

For the purposes of this estimate, we assume that over the next five years agencies would obligate about $1.2 billion and spend about $1.0 billion to implement those measures with the greatest potential for efficiency improvement. (For example, they might adopt all efficiency measures with payback periods of five years or less by 1996.) These costs would be partially offset by operational savings of about $250 million over the same period. (Table 5 reflects estimated spending net of savings.) Under these assumptions, annual savings would grow to about $200 million per year by 1997. Completing all measures with a payback of 10 years or less would require at least $4 billion in additional spending after 1996.

Title VII—ANWR Oil and Gas Leasing: Title VII would open ANWR to oil and gas leasing, specify that any receipts from such leasing be split evenly between the federal government and the State of Alaska, and authorize the use of federal receipts from ANWR leasing for arctic research and research and development targeted at improving domestic energy security. Table 6 summarizes the estimated cost for Title VII, and an explanation of these costs follows the table.

TABLE 6.—ESTIMATED COSTS FOR TITLE VII—ANWR OIL AND GAS LEASING

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Asset sale receipts:					
Estimated budget authority			−1,601	−1	−1
Estimated outlays			−1,601	−1	−1
Direct spending: Payments to Alaska:					
Estimated budget authority			800	(1)	(1)
Estimated outlays			800	(1)	(1)
Energy fund authorizations:					
Estimated authorizations				852	43
Estimated outlays				313	424
DOI and EPA authorizations:					
Estimated authorizations	3	3	3	8	8
Estimated outlays	2	3	3	5	6

(1) Less than $500,000.

Title VII would authorize a competitive oil and gas leasing program to be carried out by DOI on areas of the coastal plain of ANWR. DOI would be required to include terms and conditions in leases to ensure that the environment of the coastal plain is protected. Any areas found by DOI to be particularly vulnerable to environmental damage could be removed from leasing consideration.

DOI would have nine months after the bill's enactment to promulgate regulations for the leasing program. The first lease sale would be limited to no more than 300,000 acres and would be held within 18 months of the issuance of regulations (27 months after the bill's enactment). The second lease sale would occur three years after the initial sale with subsequent sales authorized to occur every two years thereafter.

All bonus bid, rental, and royalty receipts from lease sales would be split evenly between the federal government and the State of Alaska. The federal share of receipts would be deposited into a new account to be called the Energy Security Fund. DOE would be required to prepare a list of energy programs and projects, and the Energy Security Fund, including interest earned on its balances, would be available to finance these projects beginning one year after the list is transmitted to the Congress. CBO estimates that, assuming appropriation of the necessary funds, spending from the Energy Security Fund would total $313 million in 1995 and $424 million in 1996.

In addition to the amounts shown in the table, the government would receive about $900 million in 1997 as a result of the second lease sale authorized in this title. Half of these receipts would be paid to Alaska in that year. The remainder of the funds would be spent by DOE, assuming appropriation of the funds, over the 1997–2001 period.

Subtitle C specifies the terms and conditions for issuing and monitoring leases on the coastal plain. CBO estimates that the first lease sale would occur early in fiscal year 1994, 25 months after enactment of the bill. To derive receipt estimates, CBO assumed that legal challenges would not prevent DOI from issuing regulations and holding lease sales within the specified time period. If Alaska brings suit against the federal government challenging the receipt-sharing provisions, the first lease sale may not occur by 1994. Further, CBO assumes that Section 7318 of the bill, relating to the rights of the Inupiat Eskimos, would have no impact on the federal budget. If legal action arises out of the provisions of this section, additional federal outlays for damages could be incurred.

Based on an analysis by DOI of potential tract values, CBO estimates that competitive bidding in the first lease sale would yield bonuses totaling approximately $1.6 billion. Annual rentals from leases issued in the first sale would total about $1 million, beginning in 1994. As specified in the bill, the second lease sale could not occur until 36 months after the first sale. We estimate that this second sale would therefore occur in fiscal year 1997 and would bring in an additional $900 million in bonus buds.

Net of payments to Alaska, federal receipts from these sales would total about $800 million in 1994 and $450 million in 1997. Royalties, which would begin only after oil production has actually begun, are unlikely to be received until well after the year 2000.

Subtitle D would direct the Secretary of the Interior to administer the provisions of the bill through regulations, lease terms and other measures to ensure that oil and gas-related activities have no significant impact on subsistence users, on the environment, or on fish and wildlife. Site-specific analysis and other measures to monitor and mitigate environmental effects would be required. CBO estimates that, assuming appropriation of the necessary funds, these activities would increase federal outlays by about $2 million in 1992 and by about $3 million annually thereafter.

In addition, after the first lease sale, EPA would be authorized to spend $5 million a year to enforce environmental laws. Of this amount, at least 25 percent would be transferred to the State of Alaska to offset its enforcement costs. CBO estimates that, assuming appropriation of the necessary funds, environmental enforcement would result in additional federal outlays of about $2 million in 1995, $3 million in 1996, and $5 million annually thereafter until 10 years after production ceases, as specified in the bill.

Subtitle E would establish liability and reclamation standards for federal lands affected by oil and gas-related activities. This title would also provide for the creation of the Coastal Plain Liability and Reclamation Fund, which would receive the proceeds from a new $0.05 per barrel fee on oil and gas from ANWR entering the Trans-Alaska Pipeline System (TAPS). Interest earned on fund investments and any amounts recovered from parties responsible for environmental damage would also be deposited into the fund. Collections and expenditures from the funds would not occur until after production begins (well after the year 2000) and are thus not included in this estimate.

Subtitle F would provide that proceeds from ANWR-related transactions such as competitive bids, royalties and rents be distributed evenly between the U.S. government and the State of Alaska. CBO assumes that Alaska's share of gross receipts would be disbursed to the state in the year collected through the permanent appropriation for payments under the Minerals Leasing Act.

Title VIII—Advanced Nuclear Reactor: This title would authorize activities targeted at developing and commercializing advanced nuclear fission technologies. The proposed advanced reactor program would have a goal of commercializing new technologies capable of providing private electric power to a utility grid no later than the year 2010. To begin work on such new technologies, the bill would authorize such sums as necessary for fiscal years 1992, 1993, and 1994. Table 7 summarizes the estimated cost for this title, which would be mostly for the preliminary engineering design of one or more prototype advanced nuclear reactor technologies.

TABLE 7.—ESTIMATED COST FOR TITLE VIII—ADVANCED NUCLEAR REACTOR

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorizations	112	116	118	....	....
Estimated outlays	50	97	116	65	18

Title IX—Nuclear Reactor Licensing: Title IX would attempt to streamline the licensing of commercial nuclear reactors by changing the existing two-step process (for obtaining both construction and operating licenses) to a one-step process for obtaining a combined license for commercial operation, pending a post-construction hearing. CBO estimates that these provisions would have no net effect on the federal budget because any changes in costs for licensing activity by the Nuclear Regulatory Commission (NRC) would be offset by corresponding changes in NRC fees.

Title X—Uranium: This title would reorganize the government's uranium enrichment enterprise and assist the domestic uranium industry. Table 8 summarizes the estimated costs for Title X. A detailed explanation of this title's key provisions and estimated costs follows the table.

TABLE 8.—ESTIMATED COST FOR TITLE X—URANIUM

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	300	....	....	....	....
Estimated authorizations	5	....	....	....	....
Total title X authorizations	305	....	....	....	....
Estimated outlays	3	27	50	50	75

Subtitle A would establish a wholly owned government corporation to replace the existing DOE program for providing uranium enrichment services to commercial nuclear powerplants and to government defense and research programs. Key features of the proposed corporation are summarized below. The bill would:

Set the corporation's initial debt at $364 million, payable with interest to the Treasury over a period of 20 years. Payment of the $364 million debt would constitute all of the recovery of past costs associated with the uranium enrichment program. By contrast, the General Accounting Office (GAO) estimates that unrecovered federal costs for uranium enrichment now total about $11 billion.

Provide the uranium enrichment corporation with up to $2.5 billion in borrowing authority, but would not allow the corporation to borrow from the Treasury's Federal Financing Bank. The corporation would fund its spending through a combination of its revenues and borrowing from the public. Under current law, the Congress provides an annual appropriation to fund the DOE program.

Provide that the proposed corporation be managed by an Administrator and a corporate board, both appointed by the President. The Secretary of Energy would have general supervision over the Administrator for health, safety, environment, and national security concerns.

Transfer current DOE production facilities for uranium enrichment to the corporation. The corporation would then issue capital stock to the Treasury to represent the book value of assets transferred.

Require the corporation to set prices to (1) recover its initial debt; (2) pay for its costs of service; (3) recover cost of decontamination and decommissioning; and (4) provide a "normal business" profit—to be paid in dividends to the Treasury.

Exempt the corporation from sequestration under the Balanced Budget Act (Gramm-Rudman-Hollings). With the exception of initial set-up costs, the corporation's spending would not be subject to annual appropriations.

Subtitle A also would establish a fund, using enrichment receipts, for the decontamination and decommissioning (D&D) of the government's uranium enrichment facilities.

Subtitle B contains provisions that would assist and attempt to revitalize the domestic uranium industry by:

Establishing a program that could lead to increased purchases of domestic uranium by nuclear utilities;

Establishing a national strategic uranium reserve (consisting of uranium stocks currently held by the U.S. government);

Directing the Secretary of Energy to encourage the use and export of domestic uranium;

Requiring the federal government to purchase only domestic uranium for defense needs; and

Establishing a program for partial reimbursement, by the federal government, of remedial action at active uranium and thorium processing sites. The bill authorizes $300 million for this purpose.

Costs for Title X, Subtitle A: The major potential short-term budget impact of the bill would result from the creation of a new Uranium Enrichment Corporation, which would carry out functions currently performed by DOE. The bill would authorize such sums as necessary to pay the costs of setting up the corporation. Except for these initial expenses, the new corporation's spending would not be subject to annual appropriation. Once it is established, the corporation would have the authority to spend any funds obtained from the sale of enriched uranium or through borrowing from the public.

CBO does not estimate any budget impact over the 1992–1996 period for the provision that defines unrecovered costs of the uranium enrichment enterprise as $364 million. Defining unrecovered costs at the bill's specified level could affect long-term pricing of enrichment services, but is unlikely to have any near-term effect because most of the expected receipts from the sale of such services over the next five years are already committed under contract. Over the long term, the U.S. government's ability to recover past costs of the enrichment program will be limited by market forces. Both DOE and the proposed corporation would have to price services so as to compete effectively with other suppliers.

For the 1992–1996 period, CBO estimates that the corporation would spend an average of $1.5 billion to $1.6 billion a year and take in similar amounts in annual commercial receipts; net outlays—excluding intragovernmental transactions—would be about $50 million in fiscal year 1992 and about $125 million over the 1992–1996 period. The corporation would also provide enrichment services for government programs, primarily for defense activities. Receipts from these intragovernmental sales would total about $130 million in 1992 and slightly higher amounts in subsequent years. The annual totals of commercial and government receipts for enrichment services are likely to be greater than gross spending on uranium enrichment activities over the 1992–1996 period. Hence, net spending by the corporation would be negative over the next five years. Some of the Corporation's receipts, however, would be offset by spending in other programs (primarily defense), specifically for the purchase of those enrichment services.

Whether the proposed change in the uranium enrichment program would significantly affect the government's net spending over the next five years depends on what appropriations would otherwise be. Spending plans for uranium enrichment are particularly uncertain because of potentially large increases in the program's costs for power, capital improvements, environmental cleanup activities, and new enrichment facilities.

Nevertheless, it is possible that spending on enrichment under the bill would exceed that under current law because the enrichment program no longer would have to compete with other federal programs for appropriations and because it would have to bear certain costs that are not required under current law. For example, CBO estimates that setting up the corporation would require up to $5 million in administrative and legal costs. The bill would authorize the appropriations of such sums as necessary to meet these set-up costs. The bill also would require the corporation to make payments to states, in lieu of taxes, beginning in fiscal year 1997. We estimate that these payments would total $5 million to $15 million per year, starting in 1997.

Use of Corporation Borrowing Authority: On average, projected spending would remain below or close to the total of estimated corporation receipts (commercial and government sales) for the 1992–1996 period. Hence, CBO does not estimate that the corporation would use its $2.5 billion borrowing authority in the near term—except perhaps for some short-term borrowing to meet cash-flow requirements. Long-term borrowing would become more likely if and when the corporation builds new enrichment facilities, depending on whether new technology and market demand warrant an expansion of enrichment capacity. Initial spending for construction of a new enrichment plant could begin before 1996, but would not be completed until the late 1990s. This estimate does not assume any such spending in excess of amounts which would have been spent from appropriations under current law.

Decontamination and Decommissioning (D&D): The bill would establish a fund for the eventual decontamination and decommissioning of uranium enrichment facilities. The three principal facilities are the production plants in Paducah, Kentucky; Portsmouth, Ohio; and Oak Ridge, Tennessee. (The Oak Ridge plant is no longer in active service, but DOE has not conducted any major D&D work for the plant.) Costs to complete D&D will probably total considerably more than $1 billion, in 1991 dollars, per facility. Based on information provided by DOE, CBO does not estimate any significant spending on D&D activities during the 1992–1996 period. In fact, most of the eventual D&D spending will probably take place after 2000.

The corporation would have to set aside, from its receipts, at least 50 percent of estimated total D&D costs by 2000. CBO does not estimate any change in commercial receipts over the 1992–1996 period, as a result of this D&D set-aside provision. Intragovernmental enrichment receipts could increase under the bill, but any such changes would have no net budget impact because these receipts are exactly offset by spending in defense and other nuclear materials programs. The D&D set-aside provision could affect pricing of commercial enrichment services after 1996, when most new contracts would be agreed to.

Costs for Title X, Subtitle B: The provisions of Subtitle B would result in $300 million of additional spending, indexed to inflation and subject to appropriations, to fund remedial actions at uranium and thorium processing facilities. Assuming appropriations of the authorized funds, CBO estimates that about $200 million would be spent during the 1992–1996 period, with the remaining funds spent after 1996. This estimate is based on information provided by the Nuclear Regulatory Commission's Denver field office, which monitors uranium site plans and cleanup activities. CBO estimates that other provisions of Subtitle B would have no significant impact on the budget over the 1992–1996 period.

Title XI—Natural Gas: This title would amend the Natural Gas Act, the Natural Gas Policy Act of 1978, and the Federal Power Act in an attempt to improve regulation of the natural gas industry. Title XI provisions would encourage construction of new natural gas pipeline facilities and the use of natural gas as a vehicular fuel.

The Federal Energy Regulatory Commission (FERC) is responsible for regulating the natural gas industry. FERC assesses and collects fees to cover 100 percent of its costs. Hence, CBO estimates that Title XI would have no net effect on the federal budget because any changes in costs for FERC activity would be offset by corresponding changes in fees.

Title XII—Outer Continental Shelf: Title XII would direct the Secretary of the Interior to pay, 60 days after the start of each fiscal year, into the Coastal State and Community Outer Continental Shelf (OCS) Impact Assistance Fund, 37.5 percent of all bonuses, rents, and royalties from new wells collected during the previous fiscal year. Then, subject to appropriations action, the Secretary would pay the amounts deposited in the fund to states affected by OCS activities according to a formula specified in the bill.

Because the bill would establish February 5, 1991 as the starting date for earmarking OCS receipts for the fund, the first payment to states would be in 1992, assuming appropriation of the earmarked amounts. For the near term, the annual cost of Title XII would be 37.5 percent of all bonuses and rents collected in the previous fiscal year. (CBO estimates that payments for bonuses and rents from new wells would be $800 million for the portion of fiscal year 1991 that would be subject to this bill, and $560 million annually over the 1992- 1995 period.) In addition, 37.5 percent of royalties from wells that begin production after February 5, 1991 would be paid, but such royalties are not expected until 1994; the resulting payments to states would be minor for the next two years: $5 million in 1995 and $20 million in 1996. Table 9 summarizes the estimated payments to states from the fund under Title XII.

TABLE 9.—ESTIMATED COST FOR TITLE XII—OUTER CONTINENTAL SHELF

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	300	210	210	215	230
Estimated outlays	300	210	210	215	230

Title XIII—Research, Development, Demonstration, and Commercialization: Title XIII would require DOE to conduct research and development activities to support the eventual commercialization of new technologies in a broad range of energy areas, including:

Natural gas end-use and supply enhancement;

High efficiency heat engines;

Oil shale development;

High-temperature superconducting electric power;

Renewable energy resources;

Natural gas and electric heating and cooling;

Nuclear fusion;

Electric vehicles; and

Advanced oil recovery and tar sands.

Title XIII would also require DOE to study telecommuting's potential for reducing domestic energy and transportation costs, and options for minimizing the volume and toxic lifetime of nuclear waste. In addition, this title would require DOE to expand its support of science and mathematics education in the United States. The bill would authorize $40 million per year for 1992, 1993, and 1994 for research, development, and demonstration of high-efficiency heat engines and for natural gas and electric heating and cooling technologies. It also would authorize such sums as necessary, over the 1992–1994 period, to carry out other provisions of the Title XIII. Table 10 summarizes the estimated costs of this title.

TABLE 10.—ESTIMATED COST FOR TITLE XIII—RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIALIZATION ACTIVITIES

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	40	40	40	....	....
Estimated authorizations	469	530	944	47	49
Total title XIII authorizations	509	570	984	47	49
Estimated outlays	223	448	738	505	201

The largest components of the estimated cost for Title XIII are for continuing nuclear fusion research, conducting more extensive electric vehicle research, development, and demonstrations, and a 1994 authorization for renewable energy and energy efficiency R&D.

Title XIV—Coal, Coal Technology, and Electricity: This title would require DOE to continue and expand coal research, development, and demonstration programs to promote the use of coal in a variety of applications, both in the U.S. and abroad. For example, research areas would include potential non-fuel uses of coal, underground coal gasification, coal-fired magnetohydrodynamics, and coal-fired locomotives. Title XIV would authorize $20 million over the 1992–1994 period for research on non-fuel use of coal, and such sums as necessary to carry out other provisions of the title. Table 11 summarizes the estimated costs of Title XIV.

TABLE 11.—COST FOR TITLE XIV—COAL, COAL TECHNOLOGY, AND ELECTRICITY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	6	7	7	....	....
Estimated authorizations	350	369	396	312	324
Total title XIV authorizations	356	376	403	312	324
Estimated outlays	145	293	383	360	334

Title XV—Public Utility Holding Company Act Reform: Title XV would amend the Public Utility Holding Company Act (PUHCA) to exempt certain wholesale generators of electricity from federal regulations, thus encouraging independent power producers to compete with traditional electric utilities in wholesale power markets.

The Federal Energy Regulatory Commission (FERC) is responsible for federal regulation of the electric utility industry. Because the FERC assesses and collects fees to cover 100 percent of its cost, CBO estimates that Title XV would have no net effect on the federal budget because any changes in costs for FERC activity would be offset by corresponding changes in fees.

Title XVI—Strategic Petroleum Reserve. The bill's last title would encourage DOE to fill the Strategic Petroleum Reserve (SPR) to the mandated level of one billion barrels as soon as possible, using any appropriate combination of oil purchases, oil leasing, or oil exchange agreements with foreign governments. Title XVI would also create a Defense Petroleum Inventory of 10 million barrels of crude oil to meet the requirements of the Department of Defense in case of an oil supply disruption.

Based on information provided by the DOE and using CBO's oil price assumptions, CBO estimates the Defense Petroleum Inventory would cost approximately $75 million to construct and maintain over the next five years, and about $265 million to fill to the level of 10 million barrels, assuming appropriation of the necessary funds. Other provisions of Title XVI would have no impact on federal spending or receipts. Table 12 summarizes the estimated costs of this title.

TABLE 12.—ESTIMATED COST FOR TITLE XVI—STRATEGIC PETROLEUM RESERVE

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	75	80	85	100	....
Estimated outlays	18	78	101	93	50

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Section 257(e) of that act states in part that receipts generated from the sale of federal assets cannot be counted for the purposes of deficit reduction. While the lease sales mandated in Title VII would increase gross federal receipts by an estimated $1,602 million through 1995, these receipts result from the sale of the right to explore and extract minerals from federal land. CBO considers these transactions to be asset sales as defined by section 250(c)(21) of the Budget Enforcement Act. The receipts generated from these lease sales, therefore, should not be counted toward deficit reduction under the new procedures. CBO considers the payments to Alaska, totaling $800 million in 1994, to be direct spending. We therefore would count these payments as additional outlays for the purposes of pay-as-you-go procedures. Further, the increased CAFE penalties imposed by

Title III would result in additional receipts that would be counted toward deficit reduction under these procedures.

TABLE 13.—CBO ESTIMATE OF PAY-AS-YOU-GO SCORING

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Outlays	0	0	0	800	(1)
Receipts	0	0	0	17	33

[1] Less than $500,000.

7. Estimated cost to State and local governments:

Title IV would require state and local governments to gradually increase the percentage of alternative-fuel vehicles in fleets operating in any metropolitan area with a population over 250,000. It is difficult to predict the number of annual purchases by state and local governments that would be subject to Title IV requirements. Based on information from industry associations and government agencies, CBO estimates that at least 50,000 new vehicles per year would be subject to Title IV requirements for the purchase of alternative fuel vehicles.

In 1995, 10 percent of vehicles purchased by states and localities would have to be alternative-fuel vehicles. They are projected to cost about $2,000 more to produce than an identical gasoline-powered vehicle. On this basis, CBO estimates that the cost to state and local governments to purchase and operate alternative-fuel vehicles would be at least $12 million in 1995, and would increase as higher percentages of alternative-fuel vehicles are required. Costs after 1995 could increase significantly as the purchase requirement rises from 10 percent to 90 percent of new vehicles by the year 2000. Higher fueling and maintenance costs, as well as lower resale values for alternative-fuel vehicles, also would be significant. Costs to state and local governments would vary depending on the scale of production of alternative-fuel vehicles and the regional price of gasoline relative to other fuels.

The State of Alaska would share 50 percent of all bonus bids, rentals, and royalties realized from enactment of the ANWR provisions in Title VII. As a result, CBO estimates that payments to Alaska would increase by approximately $800 million in 1994. A subsequent payment totaling $450 million would result from a second lease sale in 1997. Assuming appropriation of the necessary funds, after the first lease sale, the state would receive at least $1 million annually to offset some of its costs to enforce compliance with environmental laws.

Under Title X, both Kentucky and Ohio are likely to receive federal payments in lieu of state and local taxes for facilities operated by the proposed uranium enrichment corporation. Under the bill as amended, however, these payments would not begin until 1997. The corporation would determine the amount of any such payments. Potential payments would depend on estimates of the corporation's annual net income and the value of the corporation's property. Based on tax information provided by the two states, CBO estimates that payments could total between $5 million and $15 million per year, beginning in 1997.

Title XII would direct the Secretary of the Interior to pay 37.5 percent of OCS bonuses, rents, and royalties to coastal states affected by the federal government's oil and gas leasing program. Assuming the Congress appropriates the authorized amounts, affected states would receive about $300 million in 1992, and from $210 million to $230 million annually over the 1993–1996 period.

In addition, several titles (III through VI, XIII, and XIV) would provide federal matching funds for a variety of energy planning, conservation, research, development, and demonstration programs. Some of the money authorized by these titles would be provided on the condition that nonfederal money is used to match a portion for the federal funds. As a result, enacting S. 1220 could add to state and local government costs to the extent that state and local governments choose to expend funds to obtain the federal matching funds. Some of the money needed to match federal funds may be provided by private organizations. CBO cannot estimate the amount of state and local government spending that would result from enacting the matching fund provisions of S. 1220.

8. Estimate comparison: None.

9. Previous CBO estimate:

On May 31, 1991, CBO provided a cost estimate for S. 210, the Comprehensive Uranium Act of 1991, as amended by the Senate Committee on Energy and Natural Resources on May 22, 1991. Title X of S. 1220 is identical to S. 210, as amended, and the estimate for Title X is the same as the estimate for S. 210 provided on May 31.

On March 8, 1991, CBO provided a cost estimate for the ANWR provisions contained in Title IX of S. 341, as introduced. The estimates of asset sale receipts for oil and gas leasing on ANWR are unchanged in this estimate for S. 1220. The main difference between the two estimates for Title VII reflect the change made in S. 1220 to make Energy Security Fund spending and spending by the EPA subject to appropriations. In the earlier version of the bill (S. 341, as introduced), such spending would not have been subject to appropriations.

10. Estimate prepared by: Kim Cawley and Pete Fontaine (DOE), Teresa Gullo (ANWR), James Hearn (OCS), Majorie Miller (CAFE), and Michael Buhl (alternative-fuel vehicles), all at 226–2860.

11. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).•

INTERNATIONAL SPECIAL OLYMPICS

• Mr. DURENBERGER. Mr. President, on Friday night one of the most inspiring and exciting events we have ever experienced in Minnesota came to the end with the closing ceremony of the International Special Olympics. It was an event which has changed the lives of thousands of people forever. There could be no more complete celebration of the human spirit than that experienced by these people who, although they are different in so many ways, were unified in the pursuit of excellence.

Six thousand athletes participated, from 103 countries and 53 U.S. States and territories. Fifteen thousand family members from around the globe also came. The youngest was 8 years old and the oldest was 85. There were over 2,000 coaches in the 16 sports competed in the Special Olympics; 40,000 people volunteered their time to help bring the games off successfully. Eight heads of state participated.

Mr. President, those statistics, as amazing as they are, understate the magnitude of this event. I can say from personal experience that each athlete, each coach, each parent, and each volunteer came away from this event with a new understanding of what courage and achievement mean. As the son of an athletic director, I've been to a lot of sports events in my life. But the skill and heart displayed by these athletes throughout the 8 days of the games was like nothing I have ever seen or felt.

All the athletes were persons with mental retardation. But it was their ability, not their disability, that shined through.

There was the power lifter who lifted over 4½ times his body weight.

There was the roller skater who overcame the personal tragedy of the death of a sister shortly before the games began who went on to set a Special Olympic world record.

There was the first ever Special Olympic Half-Marathon, competed in by a former runner from the Boston Marathon.

As a Minnesota Senator, I could not be more proud of the 40,000 people from my State who gave time, talent, money, and encouragement to this wonderful event. Most of them probably feel as I do: For everything given, twice as much was received. No State could have done a better job than Minnesota in making these games all they were meant to be. Special thanks belong to Executive Director Mark Musso and Development Director Linda Wylie, who gave months of their lives to this event.

It was my special honor to serve as Team Minnesota's honorary coach, and those 100 athletes mean so much to me. They have given me an example of strength and character I will never forget. I am proud to include their names in the RECORD.

Mr. President, it will probably be 12 years before the International Summer Special Olympics returns to the United States. I look forward to that day, and hope that all my colleagues and all Americans can in some way be a part of this event, which celebrates and elevates the best that is in each one of us.

The list follows:

1991 TEAM MINNESOTA

AQUATICS

Athletes: Dave Barbo, Mankato; Jeffry Burke, Aurora; Darrin Collum, Montevideo; Andrew Dean, Farbault; Jody French, Montevideo; Rosemary Holen, St. Paul; Nicole Rumpca, Montross; Kathleen Plummer, St. Anthony; Alternate, Kathy Kilns, Roseville.

Coaches: Judy Loburg, Head Coach, Buffalo; Suzie Klein, Assistant Coach, Brian Stoarzyk, Assistant Coach, Superior, WI.

ATHLETICS

Athletes: Susan Baumgartner, LaCrescent, Wayne Bjerken, Columbia Heights; Kyle Hanson, Pine City; Gary Jacobson, Rossau; Sean Kansiter, Saginaw; Michael Neher, Hayfield, Matt Non, Proctor, Marilyn Pepper, Arlington; Anna Smith, Nisswa; Adam Steffey, Red Wing, Diane Stilday, Lake George; Daniel Stiller, Paquot Lakes; Jason Uecker, Blue Earth; Kurt Van DeWalker, Red Wing; Alternates, Christy Borun, Wyoming; Joshua Jewell, Rochester.

Coaches: Kathy Robatcek, Head Coach, Cambridge; Brad Kirk, Assistant Coach, Mountain Lake; Jodi Lund, Assistant Coach, Bemidji; Kip Narbo, Assistant Coach, Lori Steensira, Assistant Coach, Maple Grove.

BASKETBALL

Athletes: Angie Gelling, Ashby; Nancy Keily, Golden Valley; Linda Markle, Duluth; Renee Motchenbacher, Mora; Debbie Stennes, Rochester; Mary Stennes, Rochester; Ann Strassburg, Fridley; Suzie Takle, Bemidji; Stephanie Wannebo, Pine River; Barb Willenbring, Waite Park; Alternate, Lisa Sanders, Sauk Centre.

Coaches: Jan Roth, Head Coach, Plainview; Clark Lapley, Assistant Coach, Cass Lake.

BOWLING

Athletes: Regina Andera, Robbinsdale; Barb Burss, Alexandria; Emily Cameron, St. Cloud; Stephanie Fair, Maple Grove; Adam Forsgren, Brooklyn Center; Dave Godin, Int'l Falls; Gary Smoot, Mankato; Bernice Wagner, Alexandria; Kim Alton, St. Paul; Tom Corbett, St. Paul; Melissa Dyrhaug, St. Paul; Mandy Foster, St. Paul.

Coaches: Sue Thompson, Head Coach, St. Cloud; Kris Schones, Assistant Coach, St. Paul; John Kozak, Assistant Coach, Robbinsdale; Debbie Zehrer, Assistant Coach, Sauk Centre.

CYCLING

Athletes: Nicholas Rounds, Bagley; Melissa Stingley, Proctor; Dean Wicktor, Cambridge-Isanti; Kathleen Donahue, Minneapolis.

Coach: Karin Babb, Head Coach, Cambridge.

EQUESTRIAN

Athletes: Steven Moos, Bermidji; Dana Peterson, Chaska; Jeannie Sterling, Cloquet; Alternate, Tina Stacken, St. Louis Park.

Coaches: Deborah Radio, Head Coach, Chaska; Gloria Syck, Assistant Coach, Duluth.

FOOTBALL (SOCCER)

Athletes: Bill Benage, Hopkins; Tom Benage, Hopkins; Nolan Carlson, St. Louis Park; David Christensen, New Hope; Wayne Keilen, Kenyon; Matt Lee, St. Louis Park; Shawn Lee, Milaca; Larry Wessel, St. Cloud.

Coaches: Tim Boran, Head Coach, Faribault; Isay Lisser, Assistant Coach, Walte Park.

GYMNASTICS

Athletes: Susie Bears, Parkers Prairie; Kathy Gray, Proctor; Stephanie Maves, Duluth; Melissa Miller, Proctor; Dorothy Somppi, Duluth; Amy Volby, Excelsior.

Coaches: Karen Atidneon, Head Coach, Hamel; Catherine Eggleston, Assistant Coach, Tampico, IL; Tammy Podgorak, Assistant Coach, Superior, WI.

POWERLIFTING

Athletes: Chris Austrums, Minneapolis; Jay Carlson, Cambridge-Isanti; Louis Nosan, White Bear Lake; Tom Opst, Minneapolis.

Coaches: John Schaefer, Head Coach, Superior, WI; Don Whitby, Assistant Coach, Duluth.

ROLLER SKATING

Athletes: Katia Baltes, St. Cloud; Josephine Brown, Anoka; Robert Ulrich, Anoka; Alternate, Mark Hayds, Anoka.

Coach: Sue Jackson, Head Coach, St. Cloud.

SOFTBALL

Athletes: Rodney Anderson, Mora; David Bartz, Mora; James Davis, Duluth; Peter Drury, Rochester; Terry Eppard, Rochester; Steve Kwapick, Duluth; Jim Law, St. Paul; Doug Lueck, Mankato; Quentin Ohm, Montevideo; James O'Malley, Montevideo; Don Pitcher, Fairmont; Billy Tirrum, Fairmont; Kraig Trebeach, Redwood Falls; Jim Urban, Mankato; Cory Wagner, Mankato; Alternate, Chris Gehrke, St. Paul.

Coaches: Charles Klopp, Head Coach, Minneapolis; Dan McEachran, Assistant Coach, St. Louis Park; Jim Smith, Assistant Coach, Fairmont.

TENNIS

Athletes: Melissa Adcock, Eden Prairie; Jason Flaherty, Burnsville; Scott Raberge, Bloomington.

Coach: Carol Feldmann, Head Coach, Alexandria.

VOLLEYBALL

Athletes: Michael Hansen, New Ulm; Christopher Johnson, Duluth; Bill Gugsek, Duluth; Daryl Munstermann, Mankato; Andrew Nelson, Mankato; John O'Keaffe, Mankato; Bobby Poirier, Duluth; Rick Rankin, Duluth; Alan Tettelbaum, Duluth; Travis Winbsuer, Duluth.

Coaches: Luann Pokomowski, Head Coach, Mankato; Raysa Carlson, Assistant Coach, Superior, WI.•

VETERANS' HOSPICE SERVICES ACT OF 1991

• Mr. D'AMATO. Mr. President, I rise today to join my colleague, Senator GRAHAM, in cosponsoring S. 1358—the Veterans' Hospice Services Act of 1991. I am pleased to lend my support to this vital effort to give terminally ill veterans the option of hospice care services.

I have long been a strong believer in the value of hospice care as an alternative to traditional hospital or nursing home care for the terminally ill. Today, hospice enjoys broad public support, and its benefits are available, under current law, to Medicare and most Medicaid patients.

Unfortunately, such benefits are not widely available to our Nation's veterans. Studies indicate that the vast majority of terminally ill veterans die in an institutional hospital setting, rather than in the comfort of their own homes. It is shameful that those Americans who have sacrificed the most in defense of their country are being denied the opportunity to die with dignity.

The Veterans Hospice Services Act would redress this injustice by giving our Nation's veterans the right to choose hospice care if they want it. The legislation would authorize the Secretary of Veterans Affairs to establish 15 to 30 pilot programs to deliver hospice care to terminally ill veterans. The bill would encourage the VA to test a variety of hospice care delivery models—including in-house programs staffed by VA personnel, or contract programs that allow the VA to work with private, profit or non-profit hospice organizations.

It is time to extend the option of hospice care to our Nation's veterans. I commend my colleague from Florida for his efforts to give them this option, and I urge my colleagues to join me in cosponsoring S. 1358.•

COMMENDING OIC SUMMER PROGRAM PARTICIPANTS

• Mr. GORE. Mr. President, I rise today to commend a very special group of young people for the successful completion of the Nashville Opportunities Industrialization Center [OIC] Summer Youth Employment and Training Program. Steven Batts, Laron W. Bridgeforth, Marcus L. Bright, Tracey O. Bright, Chad E. Cannon, Toi M. Cole, Antonio L. Davis, Carolyn M. Elrath, Elaine Johnson, Jessie L. Knowles, Reginald E. Lyons, Martha A. Martin, Sheronda R. Newsome, Catherine E. Northcott, Shauntel D. Pullen, Tracy L. Walls, James R. Williams, Katrinia L. Williams, Jacqueline C. Woodard and Jessie Woodard completed the rigorous educational and employment requirements and I applaud their dedication and hard work.

The Summer Youth Employment and Training Program is a partnership of the Nashville Opportunities Industrialization Center, the Metropolitan Government of Nashville/Davidson County, and the Job Training Partnership Act. The goal of this program is to provide classroom skills training in math, language arts, and reading and to provide on the job work experience in various professional offices in Nashville. As these young adults face the challenges of the future, the skills and experience they receive from this program will help them be competitive in the job market and enable them to reach their career goals.

The success of this program would not be possible without the hard work of the participants, staff, and partners of OIC. I commend OIC executive director Betty Cunningham, summer youth coordinator Lee Mackey, and the other dedicated staff members for their tireless efforts. I salute the "can-do" spirit of those associated with this important program and wish these special young people continued success in the future.•

ORDERS FOR TOMORROW

Mr. WIRTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that there be a period for the transaction of morning business not to extend beyond 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WIRTH. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9:30 a.m., Tuesday, July 30.

There being no objection, the Senate, at 9:57 p.m., recessed until Tuesday, July 30, 1991, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 29, 1991:

THE JUDICIARY

J. MICHAEL LUTTIG, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

EXTENSIONS OF REMARKS

THE INTRODUCTION OF THE MEDICARE PHYSICIAN PAYMENT REFORM AMENDMENTS OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. STARK. Mr. Speaker, I rise to introduce H.R. 3070, the Medicare Physician Payment Reform Amendments of 1991.

The purpose of this bill is to ensure implementation of Medicare's physician payment reform in a manner that reflects the intent of Congress when the payment reform legislation was enacted.

In 1989, the Congress enacted landmark legislation reforming the method for determining Medicare payments to physicians.

Known as the resource-based relative value scale, or RB RVS, the reform made changes in the way Medicare pays physicians. The RB RVS was intended to increase fees paid for primary care services and services provided in rural areas. At the same time, the reform provided a rational methdology to establish fair payments for all services.

The RB RVS was not intended to save money—in fact, when it was enacted it was understood by the Congress and scored by the Congressional Budget Office, and the Office of Management and Budget as budget neutral. Its intent was simply to redistribute existing expenditures on a more rational basis.

This badly needed reform was enacted with the support of a broad coalition that included physicians, beneficiaries, and the Bush administration.

On June 5, the Department of Health and Human Services published draft regulations that could destroy this reform.

The draft regulations proposed by the Department include a series of policies that will reduce payments to physicians by billions of dollars over the next 5 years.

The administration alleges that these policies are needed to ensure budget neutrality. However, by the administration's own projections, these adjustments in fact will reduce payments to physicians by $7 billion over the 5-year transition period. Others estimate that the savings could exceed $15 billion.

These projected savings clearly violate the intent of Congress, and the pact made with physicians only 2 years ago.

I believe that this problem has been created by the administration, and I sincerely hope that the administration will solve the problem when it publishes the final regulations in late October.

A letter, signed by 35 of the 36 members of the Committee on Ways and Means has been sent to Secretary Sullivan strongly urging him to make the necessary changes to the draft rule.

Letters also have been sent to the Secretary by the House Committee on Energy and Commerce and the Senate Finance Committee. A letter signed by all 45 members of the House California delegation has been sent to Dr. Sullivan.

Clearly, there is strong sentiment in Congress that the Department should fix the problem it created.

However, there may be some officials in the administration who may attempt to block any attempt to restore this critical reform to its proper path.

As chairman of the Subcommittee on Health of the Committee on Ways and Means, I am not willing to let the administration trample on the deal we made with physicians.

If for any reason the administration fails to act, Congress must be prepared to enforce its intent, and to enact legislation that gets Medicare payment reform back on track.

The bill I am introducing today, The Medicare Physician Payment Reform Amendments of 1991, would accomplish this by addressing three problems in the transition rules for phasing in the RB RVS.

The first provision clarifies the calculation to the transitional fees to insure that they are budget neutral. As currently drafted, this aspect of this extremely complex statute contains certain ambiguities. The administration has chosen to interpret this section in a manner that generates nearly $7 billion in savings.

The Medicare Physician Payment Reform Amendments of 1991 would clarify this section to insure that the transition rules do not, by themselves, reduce Medicare payments to physicians over the course of the transition.

The second provision addresses a somewhat more complex issue.

In the draft regulations, the administration proposes an additional arbitrary reduction in fees of over 10 percent.

According to the administration, physicians may respond to the implementation of the RB RVS by increasing the volume and complexity of the services they bill Medicare. Known as the behavioral offset, this adjustment is based primarily on the results of a single controversial study of a single State's experience in the 1970's.

Using this study, the draft rule proposes an additional cut of over 10 percent to offset this projected response. The clearly stated intent of this adjustment is to correct prospectively for a projected, anticipated response.

While this adjustment has surprised people who are not familiar with the Byzantine nature of budget scoring rules, the adjustment is familiar to people who have worked on Medicare.

In fact, the payment reform legislation anticipated this issue by including an explicit mechanism for correcting for both expected and unexpected responses to implementation of the RB RVS.

Known as the Medicare volume performance standard system, or MVPS, this provision established an annual process to evaluate growth in Medicare expenditures compared to a target. If Medicare costs exceed the target, Medicare spending bill be reduced in accordance with the process established under this system.

The key difference between this approach and that proposed by the Department is that the MVPS is retrospective while the adjustment in the draft rule is prospective. Given the uncertainty and controversy over the magnitude of the behavioral response, Congress clearly adopted the retrospective MVPS approach as an integral part of the OBRA 89 payment reform provisions.

The Medicare Physician Payment Reform Amendments of 1991 would reiterate this intent by explicitly prohibiting the use of any prospective correction for behavioral responses in implementing the RB RVS.

Taken together, these two provisions also eliminate the so-called tripling effect included in the draft rules.

Some will suggest that this bill would cost billions of dollars.

In fact, it will not increase costs one penny above the amounts anticipated when the RB RVS reform was enacted in OBRA 89.

This bill would spend more than is included in current budget baselines that have been manipulated to reflect the phantom savings in the administration's proposed rule.

To keep Congress' intent from being thwarted by budget rules created after OBRA 89, the bill includes a declaration of an emergency and declares an exemption from the budget rules to prevent a sequester in future years.

My colleagues know that I am deeply concerned by the rapid rise in the cost of Medicare's Part B Program. I am the first to say that Medicare payments for physician services are increasing too fast and must be slowed. I have sponsored a variety of bills, some enacted and some not, that are designed to slow the rate of growth in Medicare spending.

If the clarifications in this bill result in higher costs, I will work with my colleagues to recoup these costs through the MVPS system. If payments to physicians do not increase, then this bill will have saved the payment reform movement and kept our promises to our physician community.

Mr. Speaker, this bill, and the issues it addresses, is not about how much we should pay physicians. Rather it is about whether or not physicians can deal with the Congress in good faith.

I sincerely hope that Congress will never have to enact this bill.

But if the administration is unable or unwilling to implement the RB RVS in the manner in which Congress intended, then it will be necessary for us to act decisively to demonstrate our determination to keep the commitments we make.

I urge all of my colleagues to join me in cosponsoring this bill. Your participation will help demonstrate our resolve to the administration.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A summary of the bill follows:

Summary of H.R. 3070, the Medicare Physician Payment Reform Amendments of 1991

Section 1. Title.

Section 2. Adjustment for Asymmetry of the Transition. The bill would amend the RB RVS transition rules to prohibit the Secretary from adjusting the conversion factor to reflect any asymmetry in the transitional fees.

In 1992, all fees would be reduced by 2 percent to adjust for the asymmetry of the transitional fees in that year. This adjustment would then be phased out by 1996. That is, the asymmetry transition reduction would be 1.5 percent in 1993, 1 percent in 1994, and 0.5 percent in 1995. There would be no adjustment after 1995 when the RB RVS transition has been completed.

Section 3. Prohibition of Behavioral Offset Adjustment. The bill would prohibit the Secretary from adjusting the conversion factor to take into account changes in expenditures due to behavioral responses relating to implementation of the RB RVS, including anticipated changes in the volume or mix of services.

Section 4. Emergency Legislation. The bill would designate this bill as emergency legislation under the Balanced Budget and Emergency Deficit Control Act of 1985. Any spending resulting from this bill would not be counted for the purposes of calculating a sequester.

Section 5. Effective date. The bill would be effective on enactment and would apply to Medicare payments for services provided on or after January 1, 1992.

THE DISTINGUISHED SCIENTIFIC ACHIEVEMENTS OF DR. WILLIAM BAIR

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. MORRISON. Mr. Speaker, I want my colleagues to share with me today the good news that I have regarding one of my most distinguished constituents. On July 23, 1991, the Health Physics Society, at its annual meeting here in Washington, presented its Distinguished Scientific Achievement Award to Dr. William Bair, who is manager of the Life Sciences Center at Battele's Pacific Northwest Laboratories.

Dr. Bair, who was at one time elected by his peers to be president of the Health Physics Society, has been in the forefront of scientific developments relating to maintaining and improving the health of workers associated with atomic energy programs for nearly four decades. He is truly one of the outstanding scientists in the world dealing with radiation biology. He has long list of achievements and scientific papers, but I believe the simplest way for me to tell you about Dr. Bair is to enclose the citation that was part of his receiving the Health Physics Society Distinguished Scientific Achievement Award.

Citation Accompanying Health Physics Society Distinguished Scientific Achievement Award: Presented to Dr. William Bair

In 1991 recipient of the Distinguished Scientific Achievement Award, Dr. William J. Bair, is well known to health physicists for his extraordinary contributions to radiation biology over a career of four decades, and for the strong and vital scientific leadership he has exercised over the years. A 1949 graduate of Ohio Weslayan University, Dr. Bair was awarded the Ph.D. in Radiation Biology from the University of Rochester in 1954. That same year he joined the staff of the Hanford Laboratories and began a distinguished and productive career that has gained him deserved world renown for seminal contributions to inhalation toxicology, carcinogenesis, and the biology of the transuranium elements.

It is not possible to briefly comment or list the many scientific contributions Dr. Bair has made over the years. Although the space granted his research was limited, it resulted in more than 100 publications in peer-reviewed literature, numerous reports and oral presentations of his findings. Suffice it to say that this research represents significant contributions to our knowledge of the metabolic behavior and biological effects of inhaled radionuclides and the application of this knowledge to the development of radiation protection standards important to assuring the safety of workers and the general public as illustrated by the following brief example: During his career, Dr. Bair was instrumental in the development of specialized controlled animal exposure systems for radionuclides which continue to be used today by later generations of researchers. Using the systems he helped to develop, Dr. Bair investigated the influence of particle size, concentration, and chemical form on deposition, retention, clearance and translocation of plutonium and other radionuclides in rats and beagles. These studies formed the basis of respiratory tract models for inhaled plutonium and other radionuclides, and were among the first to demonstrate lung cancer in dogs exposed to inhaled $^{239}PuO_2$. Later studies established the relationship between lung cancer and other isotopes and compounds of plutonium, as well as other transuranium elements, and were the first to report differences in the biological behavior of the dioxides of ^{238}Pu and ^{239}Pu. He was also among the first to show that bronchopulmonary lavage could remove inhaled plutonium dioxide from the lung, and that exposure to radon could cause lung cancer in experimental animals.

In addition to his accomplishments in the laboratory, Dr. Bair has proven a leader in developing and promoting scientific progress and the careers of others through his excellence in management of scientific research. In his current position as Manager of the Life Sciences Center for Battelle Pacific Northwest Laboratories he has carried on and enhanced a great tradition of health physics and radiation biology research. He has served on numerous scientific committees and advisory bodies, among them the National Council on Radiation Protection and Measurements and several committees of the National Academy of Sciences, International Commission on Radiological Protection, and U.S. Department of Energy.

Dr. Bair, a past president of the Health Physics Society, is well known as a man of great integrity, for his kind of a gentlemanly comportment, and his willingness to help others explore scientific questions and develop their careers. He has been recognized for his scientific contributions as the recipient of the U.S Atomic Energy Commission E.O. Lawrence Award (1970), inclusion in Who's Who, as the recipient of the Ohio Weslayan University Distinguished Alumni Citation, election to Sigma Xi and now, most fittingly by the 1991 Distinguished Scientific Achievement Award of the Health Physics Society.

A SALUTE TO PARTICIPANTS IN THE JOBS FOR OHIO'S GRADUATES PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. STOKES. Mr. Speaker, I am pleased to bring to the attention of my colleagues a most exciting and challenging program which has proven successful in my congressional district and throughout Ohio.

The Jobs for Ohio's Graduates [JOG] Programs, a statewide school-to-work program, operates in 14 Ohio cities. This unique program assists high school seniors in developing job skills. These skills include employment interviews, decisionmaking, public speaking, and telephone techniques. More importantly, the JOG Program instills in our youth the confidence, determination, and incentive that is necessary to enter today's competitive job market.

My office has again had the good fortune of participating in the regional competition. I proudly extend special congratulations to Tiffany Speigner of Cleveland Heights High School, who tied for third place in the State in the employment interview competition. I would like to recognize the other students who took part in the 1991 career development conference.

Garfield Heights High School: Mike Ferrari, Brian Lesniak, Bill Macheroni, Carla Maneage, Robert Piros, Mike Vekas, and Mike Weed.

Health Careers Center: Natalie Burge, Rafel DeJesus, Kim Hall, Julia Kellom, Jennifer Nelson, Antoinette Pace, Marcinia Perry, Carmen Pettis, Leasana Sanders, Andrea Smith, Janette Sprivey, Soy Tiang, Dessis Tucker, Jacqueline Walker, Tawana Warren, Darrell Williams, and Tiara Young.

Cleveland Heights High School: Arlend Evans, Cory Haywood, Nathaniel Hullum, Crystal McCree, Pamela Odom, Antwan Peterson, and Tiffany Speigner.

Shaw High School: Cheryl Austin, Jocelyn Dennis, Angela Love, and Ben Steele.

Jane Addams Business Careers Center: Brian Cook, Aimee Devezin, Andrea Johnson, and Wallace Wigley.

Aviation High School: Alex Abrams, Ken Barnes, Antonio Hall, Brian Jones, Lebron Parker, Ron Robinson, Darrell Stovall, and Maria Tirado.

TRIBUTE TO LEO BLACKBURN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. McEWEN. Mr. Speaker, I rise today to bring to the attention of my colleagues a most remarkable man whose life exemplifies service above self.

Leo Blackburn of Portsmouth will soon be celebrating his 80th birthday, and what a marvelous example he has set for the rest of us. His record of accomplishment is indeed remarkable.

Leo Blackburn is chairman emeritus and former owner of Southeastern Business College and Lorain Business College. He also serves as secretary of the Portsmount Sister City Committee, director and legislative committee chairman for the Ohio Council of Private Colleges and Schools, and director of the Portsmount Area Convention and Visitors Bureau.

Leo served his community as postmaster in the 1950's and as State senator for the seventh and eighth Ohio Senate districts. He served as a commander in the U.S. Navy during World War II, as a Naval Reserve officer for 11 years, and was a founder of Portsmouth's Naval Reserve Unit.

He has served as chairman of the Red Cross, March of Dimes, the United Fund and was the first chairman of the Ohio State Board of School and College Registration. He has served on the Ohio Advisory Committee for Vocational Education and as president of the Scioto County Retired Teachers Association.

Mr. Speaker, I could talk all afternoon about what Leo Blackburn has done for his community and what he has accomplished while serving others. His work has not gone unnoticed. His dedication to his community has won him great admiration and recognition.

Leo Blackburn has received the Distinguished Service Award of Ohio Council of Colleges and Schools; the Distinguished Alumni Education Award for Wilmington College; three special recognition awards from the Ohio House of Representatives for outstanding contributions in the areas of education, civic, and humanitarian service; the 1986 Kiwanis Ambassador of Good Will Award for advancing the cause of peace and international understanding; the 1987 Training Partnership Act Service Award; the 1988 Ohio Secretary of State Distinguished Service Award for his service on the Ohio Elections Committee; the 1991 Outstanding Service Award from the Scioto County Retired Teachers Association; and the 1991 Certificate of Appreciation for Service to Murray Military Museum.

Leo has been married to Julia for over 54 years, and both attend the Wesley United Methodist Church. Not surprisingly, their two sons, David and Sam, are following in their fathers' example of leadership and community service.

I greatly admire Leo and join a chorus of friends in wishing him all the best on his 80th birthday. Liz joins me in wishing him many more years of continued service to our community. I extend heartfelt thanks for all he has accomplished for the people of Portsmouth, Scioto County, and our Nation.

"DEMOCRACY—THE VANGUARD OF FREEDOM"—AN ESSAY BY JENNIFER CAROL EARHART

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. HUBBARD. Mr. Speaker, today I would like to draw the attention of my colleagues to an excellent essay written by Jennifer Carol Earhart of Hopkinsville, KY.

Jennie Earhart, a 17-year-old senior at Christian County High School, was the Kentucky winner in the annual Veterans of Foreign Wars' Voice of Democracy scriptwriting contest.

I am very proud of Jennie. I have read her essay, and I am impressed with the deep understanding she has of our democratic system. It is my hope that all of the young people in this country will develop the same keen awareness and interest that Jennie has so aptly displayed in this excellent essay.

Jennie is the daughter of Carlton and Barbara Earhart, and I commend her for a job well done.

The essay is as follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

What is democracy? To a child it might simply be something studied in history class. To a teenager it tells us we have the right to choose. Adults visualize democracy as the privilege enjoyed by Americans thanks to the sacrifices and dedication of our forefathers. The word one might question more so than democracy though, would be vanguard. A vanguard is one who leads, or an event that leads to another. Of course, people in different situations view democracy as being the vanguard of freedom. Some time ago I read that people who are denied these privileges ultimately plead for the sweet perfume of the peaceful rose of freedom. But they must understand that this precious bloom must first be cultivated and then protected. Indeed, the root of freedom is responsibility, the stem is discipline, and the flower of freedom is vigilance. Everyone is responsible for the stability of freedom. Unfortunately, many talk about keeping alive the eternal flame, yet few offer to pay the bill.

The fact is the world is changing so fast and so dramatically that we can barely see its details, let alone its scope. Yes, the changes are stunning, but we go on. * * * The trend toward freedom and democracy is promoted not only by a deep inner drive for human dignity, but by the growing realization that democracy works best. Our forefathers, such as Thomas Jefferson, the writer of the Declaration of Independence, and thus the vanguard of democracy in America, proved this in saying that, "America is the last great hope of mankind." It still is!

Our democratic values have helped us build the most dynamic, open society in recorded history, a source of inspiration to most of the world. It is a promise of a better tomorrow for the many people who have never known the gifts of human freedom. For instance, the people of Russia longed for freedom such as we Americans enjoy. Mikhail Gorbachev is seen as the vanguard of democracy in Russia for his attempts at freedom. Obviously, the movement of countries towards a more democratic form of government is not going to be smooth! The outcome may not go towards Jeffersonian perfection, because there will be setbacks and compromises. Even in a world where democracy and freedom have made great gains, threats of terrorism, hostage-taking, renegade regimes, and unpredictable rulers all require a strong and engaged America.

Politicians usually order nations to war out of ignorance, greed or anger. Yet, soldiers fight for notions, not nations. By far the greatest of these notions is loyalty. Jefferson, as well as Lincoln, knew that the success of America lay not in the greatness of its presidents, but in the greatness of its people. A democracy, unlike a dictatorship, depends not on extraordinary men, but on ordinary men and women doing their jobs extraordinarily well. These ordinary men and women are our war heroes who live on, some in flesh, others in the memories of those who buried them on foreign shores. Out there a few—a very few real heroes still walk among us. They are the vanguards of our freedom today.

In this world of increasing interdependence, the lessons for the United States and the Soviet Union—the most important security relationship in the present era—are evident. We cannot escape from one another. We are bound together in an equation that makes the security of each of us dependent on that of the other. We must try to live together, and the best way to do that is in a democracy.

CROATIANS, SLOVENIANS, AND ALBANIANS DEMONSTRATE FOR DEMOCRACY IN YUGOSLAVIA

HON. "DICK" SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. SWETT. Mr. Speaker, 12,000 Americans of Croatian, Slovenian, and Albanian descent assembled on the west lawn of the U.S. Capitol on behalf of freedom and democracy for their native lands. These people were expressing their serious and profound concern about the recent excessive violence and repressive action taken by the central Yugoslav Government, the Yugoslav National Army, and the Government of the Republic of Serbia.

It is vital that we, in the United States, support the forces of freedom and democracy in Croatia, Slovenia, and Kosova against the forces of repressive totalitarianism. Mr. Speaker, I would like to place in the RECORD my statement to this distinguished group.

STATEMENT OF HON. DICK SWETT

The winds of freedom and democracy are blowing across Central and Eastern Europe. The past two years have witnessed an unprecedented upsurge in the forces of freedom over the forces of communist tyranny that have dominated this part of the world for the past half century. In the last year we have seen free and democratic elections in Poland, Czechoslovakia, Hungary, Bulgaria, Slovenia, Croatia, Bosnia-Hercegovina, and Macedonia. Freedom-loving peoples around the world have rejoiced as democratic governments have been elected to represent the will of these people.

The only counter-trend to the democratic upsurge in this part of the world are the communist dominated government of the Republic of Serbia and the still-communist dominated central government of Yugoslavia. These reactionary forces in Yugoslavia are the principal reason for the recent violence and bloodshed in Slovenia and Croatia and for the longstanding violence and repression against the Albanian majority in Kosova.

In this century, we have witnessed totalitarian governments and repressive governments which have ignored and undermined the real will of their people. We have seen the vicious brutality of Fascism and Communism. But as we enter the last decade of this century, it has become abundantly clear that you cannot permanently stop the democratic will of the people. In the past few months that truth has again been brought home in Slovenia, in Croatia, and in Kosova.

It is essential that our government's policy toward all nations—and toward these people in particular—reflect our support for democracy and for the right of people to democratically determine their future. The State Department and the White House must know that a policy which props up forces of repression and thwarts the democratic will of the Slovenes, the Croats and the Albanians of Kosova can never succeed.

A policy which supports communism and repression against freedom and democracy is doomed to failure. The State Department and the White House must remember the lessons of the Berlin Wall, the lessons of Solidarity in Poland, the lessons of the candlelight vigils of the "Velvet Revolution" in Czechoslovakia, and the lessons of the violent uprising against the tyranny of the Ceausescus in Romania.

As Abraham Lincoln said, "Those who deny freedom to others deserve it not for themselves." The infringement of the freedom and democratic rights of people anywhere is a threat to the freedom and democratic rights of men and women everywhere. That is why it is vital that we here in the United States stand up for the rights of the Slovenes, Croatians, and Albanians in Kosova.

A DAUGHTER'S VIEW OF THE PERSIAN GULF WAR

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. ASPIN. Mr. Speaker, I rise today to read some poems that were handed to me while I was back home in Wisconsin. These heartfelt poems were written by 12-year-old Jessica Messick to her father, U.S. Army Warrant Officer Kenneth W. Messick, who was serving in the Persian Gulf during Operation Desert Storm. These poems would be an inspiration to any parent who had to leave children behind when they went to serve their country. I found Jessica's poems to be very moving and I would like to share them with my colleagues here today.

A DAUGHTER'S VIEW OF THE PERSIAN GULF WAR

(By Jessica L. Messick)

I SAID GOODBYE

I said goodbye to my dad today.
He went to war a world away.
It made me proud, it made me strong.
It made me cry, it made me long
For the Persian Gulf War to be over soon,
So my dad can be back under the U.S. moon.

FREEDOM

My daddy has gone far away
To another hour in another day.
He fights for oil and much, much more,
For the freedom of a country I'd never heard of before.
When people ask what my daddy does,
I say he fights for freedom, and he does it because,
He believes that all men have the right to be free.
The Kuwaitis, the Iraqis, the Americans and me.

BODYSNATCHERS

My dad flies a chopper with a big red cross.
His job in the war is to minimize loss.
He belongs to the 1022nd Med. Co.
When a solider is down, it's his job to go.
He flies through the air, in danger or not,
To save a brave soldier where others have fought.
He risks his own life so that others may live.
I know to the troops his life he may give.

A LETTER

Dear Daddy, I'm writing this letter today,
To tell you I miss you, you're so far away.
Are you eating O.K. and sleeping enough?
Have you gotten our letters and boxes of stuff?
I'm helping Mom like you asked me to do.
I'm studying hard, playing saxophone too.
My friends have been nice, but they don't understand,
What it's like having a dad fight in a faraway land.
Mom is just fine, but it's hard on her too.
I know that she worries each day about you.
Addie is good, says she misses "Papa."
She can say "Persian Gulf" in two-year-old talk.
Take care of yourself, come home on the double!
Always be safe and stay out of trouble.
I'm proud of you Dad, in whatever you do.
You are my hero, and your "Dolly" loves you!

A DAUGHTER'S PRAYER

Dear God, bring my daddy home to me
From far away, across the sea.
I love him, I need him, I want him right here
To hug me, to hold me, and always be near.
But if, dear God, my prayer cannot be,
Please love and take care of my daddy for me.

Jessica turned 13 on Saturday. Happy birthday, Jessica.

BETTY WELDON RECEIVES HONORARY DEGREE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. SKELTON. Mr. Speaker, it gives me great pleasure to recognize a truly outstanding individual, Betty Goshorn Weldon of Jefferson City, MO. An honorary litterarum doctorate degree was awarded to Mrs. Weldon during the commencement ceremonies at William Woods College in Fulton, MO, on May 11, 1991.

Mrs. Weldon was also the commencement speaker. As the president and publisher of the Jefferson City News-Tribune, Mrs. Weldon has developed the Tribune into one of Missouri's most highly regarded newspapers.

Mr. Speaker, I take this opportunity to recognize Betty Weldon and her accomplishments. She is truly an outstanding Missouri leader. Through the years, she has shared her remarkable leadership abilities with her community and State. I herewith insert her commencement address at William Woods College:

COMMENCEMENT ADDRESS BY BETTY GOSHORN WELDON

Good morning! I'm glad to be here and, hopefully, several minutes from now you won't be too sorry I am.

Incidentally, last year I was granted an honorary degree and none of my family came. Today, one of them is here and I know why—she wants to make sure I tell you the truth, nothing but the truth, and don't mislead you.

When President Barnett invited me to address you, my first inclination was at once to reply "no"; what can I possibly tell them? Then I thought . . . well, I have a lot in common with those young women. We do have similar educations. I went two years to an all girls' boarding school and was graduated from an all girls' college. In retrospect, I have had a very good life. Our younger daughter, just this past week, said "Mom, you have had a full life," and I have. There is no doubt that my life would not have been so full and continue to be so full without my education. Believe me, I have never regretted it.

The "obituaries" that are written about speakers are always flattering—they're supposed to be. But let me assure you I'm no genius. I believe in this respect I was a great disappointment to my mother; she was a genius. She was graduated from Iowa University at age 19, Phi Beta Kappa, majoring in Latin and minoring in Greek. Latin was almost my ruination. When I took college boards, I had to have six years of a foreign language and I still cringe to recall that Latin exam. I probably barely passed. Then I had two years of French. The mademoiselle said I spoke French with a Spanish accent so, when I went to college, I decided naturally to take Spanish for the two required years. Well, it seems then I spoke Spanish with a French accent. That finished my linguistic efforts.

I must tell you a favorite story of my family's—except I do believe they exaggerate. We were touring a magnificent Spanish castle and I was intrigued with all the clocks—probably over a hundred—all wound and keeping perfect time. They say I asked our guide about the el clockos!

What are the attributes of a successful individual? What goals should a person set? What is the "formula for success?" I don't pretend to have answers for these questions.

Looking back over the years, I know what I have experienced and what I have learned. I can truthfully say at least eighty percent of my own problems have been ones I have made for myself although, goodness gracious, I had no idea I was doing so at the time. I am not including in this, of course, unavoidable tragedies such as losing a loved one. Here, too, it does make a difference—in my opinion—how we handle them at the time and then adjust to them later. I don't think it ever helps to blame others for our unhappiness—it is a waste of effort.

As far as attributes or talents, I don't really believe I have many except a willingness to work (I didn't exactly overdo this during college). No one would ever call me lazy. You can accomplish so much by just being willing to work. Truly, if you go into business, there is no quicker way to gain the respect of your associates than to work hard.

There is so much talk today about equal rights for women. I never heard of it and I didn't feel disadvantaged. In working, there are several other things I have done. I have always tried to dress like a woman. Although I may be old-fashioned in this regard, I have never worn pants to the office. I think I have gotten along fairly well with men—I respect them as men and, hopefully, they have respected me as a woman and an associate. I have not, however, let them walk over me, so to speak, and occasionally I do lose my cool with them—both in the past and, I'm sure, in the future. And a bit of a suggestion from my husband: When I met him, he was the most handsome, most intelligent, most capable man I had ever met and I still think so. He was founding president of the largest television advertising agency. Anyway, from time to time I told him how wonderful he was, how much I appreciated him and so forth. He always would say: "flattery will get you everywhere." My mother said she didn't know how I hooked him. I am not suggesting anyone can flatter her way to success but it does always help to let your associates in the work place—and out—know you appreciate them.

I probably have two other personal attributes. I am generous and I do genuinely care about other people. Undoubtedly these were traits my parents encouraged. An only child raised in the Christian faith, I have always had a strong faith. I have never doubted and have always believed that all things work for good to them that love God. I wish I was a better example of what a Christian should exemplify, but I do keep trying. Incidentally, I have been called "Pollyanna" by my good husband so this year—after naming innumerable horses over the years—I decided to name one after me, "Pollyanna."

President Barnett thoughtfully sent me examples of previous graduation addresses but what I'm saying to you today is obviously not an address. They were—perhaps I should say—awesome and suggested goals to achieve. What a challenge! But I have never had goals, unless it was to get through college. If I had been really intelligent, I would have had the goal of becoming a famous astronomer but, after two years of college, I gave that one up—the math was horrendous and, along with foreign languages, that was my other great scholastic weakness.

Really, though, I have never had time to have goals. Things have just happened and most have been fun. I've been a reporter, beginning in 1943. In 1944, I covered my first political convention—what fun—about 150 reporters including only a few women. I had the "scoop" that Truman was the vice-presidential nominee; attended Roosevelt's last press conference, and on, ad infinitum. Then, as a direct result of my alma mater, I worked with the UN when it was exciting to set up a United Nations Institute on the Mount Holyoke campus in South Hadley, Massachusetts. I have met and know every famous person I ever wanted to from President Reagan to Gromyko—except for one—a special hero of mine, John Wayne. I have traveled everywhere I've wanted from Petra to Nairobi to London and Paris and have a terrific family whom I love dearly but must confess I can't say I always like all of them. We do disagree.

But I have never set goals. If someone had told me my goal should be the first woman to start a television station ten years after I was graduated, I would have said they were crazy. My family occasionally thinks I am. However, I did so. I was divorced, with a young son, and my father had died. He had filed for an application along with two other groups—one was composed of some Kansas City theatre owners; the other included a former Missouri governor, a local attorney, a member of the University of Missouri Board of Curators who also owned the Springfield paper, and some Texas oil millionaires. Dad had owned the Jefferson City newspapers as well as KWOS Radio. His father before him had been a newspaper man. Dad and Mother formed a weekly in Eagle Grove, Iowa, and came to Jefferson City when I was 5.

My first memories were of riding the press—a flatbed—when Dad ran his papers once a week in the evening. How well I can remember making wells out of slugs of type. Now we have computers. I personally miss the noise of the Linotypes.

Anyway, I was heartbroken about losing Dad and knew that we might very well eventually lose the papers if they were weakened by a rival media. I decided I had to do something.

It is obvious that we finally were granted the TV franchise and eventually that of CBS. The station's initials—KRCG—are my Dad's, Robert Charles Goshorn, and the location is on property we owned because we couldn't afford to go anywhere else. Since that time, the property also has become the site for Callaway Hills Farm.

I would love to reminisce about all our experiences but, of course, there is not time. I will tell you of one. Our first locally sponsored commercial was for a bread company. The commercial was live and the first time we showed a loaf of bread on camera, a gigantic bug crawled out! The sponsor, thankfully, was most understanding.

Something that may amuse you graduates is that in those days, we didn't just automatically get all the network programming. I had to either sell our area to national firms or the local salesmen had to sell shows to local businesses. We did have two hours of network programming around noon—Soaps. Remember, those were the pioneer days of television and these soaps would every now and then go off the air—not, of course, due to anything we did—just the connections. Well, guess who would call and complain—not the women, but the men. We learned that men were going home for lunch to watch them!

It was also lots of fun and what memories I have. After all, I did marry a terrific man.

We all worked hard and struggled—we were so poor; never knew if we would meet our payroll. Then I met Bill Weldon. Everyone—absolutely everyone in television around the country—from San Francisco and Los Angeles to Boston and New York, knew and respected him. Basically, our troubles were taken care of, most often just by a phone call from him. He often has said he didn't know how I could know so little and even get the TV station in operation—but I knew enough to marry him, also to work very, very hard.

Incidentally, a special bonus for working hard is I can't remember ever being bored, honestly, and I do always look forward to tomorrow—of course, some tomorrows more than others!

I don't recall really ever having goals; yet I certainly don't think I have ever drifted. Rather, I guess you might say I have grabbed the opportunities as they come by. Dare to do the impossible.

No goals, no "formula for success,"—but, on my, I have had my dreams and most of them have been about horses—American Saddlebreds. I don't remember when I didn't want a horse. Finally, when I was ten years old, my Dad got me a registered Saddlebred from an old trainer in California, Missouri. I was so excited! And to top it all off, she was going to have a baby—wonder of wonders! When the great day arrived and Astral Pat had her foal, guess what he was—a good Missouri mule. The seller, of course, wanted it back and knew all along that mules then were more valuable than horses. We had lots of fun together, Pat and I, riding everywhere. But I still had dreams of a real show horse. How I even started to dream such dreams I have no idea. The only horse show I can remember was one in a circular ring—I believe in Jefferson City—long before I got Pat.

My first real horse show was when, during my college freshman year, our riding instructor took a group to Madison Square Garden. I had been to Virginia and Maryland hunts while in boarding school in Washington but this was different! My dreams got bigger and bigger. More than ever, I wanted an American Saddlebred Show Horse. The war came; I hurried through college in 3 years and, for graduation, I asked Dad for enough money to buy a show horse!

I still didn't know anything really about horses and—because of work, the war and such—I didn't pursue my dream for another year. Somehow I learned of the Kalarama Farm dispersal sale (the famous American Saddlebred sire, Kalarama Rex, had just died) so I saved up enough gas coupons (gas was rationed), asked Mom and a friend of hers to keep me company, and went to Kentucky. I'll never forget that gorgeous blue grass day—it was so exciting! But with all those men bidding, I was lost. There was a broodmare I wanted—"Pennypack's Pride." She turned out to be the dam of the dam of Yorktown, a renowned world champion. Perhaps that was foretelling the future but I ended the day with all my money.

Those of you—and I'm sure there are many—who know of Beaumont Inn have heard of Mrs. Dedman, the grandmother of today's owners. She could see I was a little "down" and, when I told her why, suggested I visit George Gwinn's farm. George is unquestionably the premier Saddlehorse salesman of all times. Once again, I was totally out of place—so many important people. George, always the true Southern gentleman (my Mom said he could out-Rhett Rhett Butler), treated me as though I was Mrs. Astor. I saw a beautiful brown filly—Kalarama Khaki Kaper Ka yearling. I immediately fell in love with her. She was the answer to my dream. How much?—$3,000. That was all I had to spend. Later I learned it was something to dicker George down which I did to $2,500. I renamed the horse Fourth Estate. She was the granddam of Will Shriver. My second purchase, several years later, was Kate Shriver—I shouldn't say "my purchase"; it was my Dad's—renamed after his mother. Kate Shriver became World Champion Fine Harness horse when only four but, most important, she was the dam of Will Shriver.

After Bill and I were married, we bred Fourth Estate and Kate to the world renowned Wing Commander. Kate did not get in foal but Fourth Estate did and presented us with a stud colt. Now no one can say we females don't occasionally connive and, in my opinion, sometimes it's healthy or maybe even necessary to connive. Bill remarked to me that the colt should be worth a lot of money—heaven forbid! He had recently lost one of his best friends, Johnny Gillen—what better name for the colt, in my opinion. Some of you already know what happened. Johnny was bred to Kate and they had two world champions; the first a gelding named after my Dad, Rob Shriver. The second, left a stallion, was named after my husband, Will Shriver.

I could go on and on about Will and his family. You don't necessarily have to know much to have your dreams come true. Goodness, when I started my dreaming, I really was totally ignorant—I just loved horses and one in particular. When Will won the 5-gaited World Championship in 1976, which was the most exciting night possible, horse people thought me literally crazy to move him from Kentucky and not stand him to the public.

But Will is my most special friend. I wanted him with me. The only time I ever showed any real horse knowledge was in buying broodmares that no one else wanted but had good old-time breeding. I forgot to mention that for many years I was out of the horse world starting the TV station, marrying, starting a family and so on. By the way, I sold a world champion 5-gaited gelding, Gary Moore, to buy a camera for the TV station.

There is no way I can possibly explain the happiness the horses—in particular, Will Shriver—have given me. Incidentally, Will celebrated his 25th birthday May 3rd, with a large peppermint candy cake. He knew too—why. Bill says, in our family, Will comes first, the children second, and he hopes he's third, ahead of the dogs.

Speaking of dogs, I don't ever remember being without a dog. We have six that we live with at home now and I don't really know how many are in residence at the farm—over 100. These are ones that no one has wanted and we are trying to find homes for them. Thankfully, our daughter, Tony, is in charge of them. I can remember one time when I first started taking in strays and Bill complained. I just told him to be thankful we didn't live next to an orphanage. He never fussed again. I can't imagine anyone being truly happy without a pet.

I still have a dream with Will—it is that his offspring win all three divisions of the World Championship the same year. I don't think it ever hurts to dream.

You all didn't come today to hear a lot of advice from me and I've tried not to give you any. My children may not agree with me but I learned many years ago that most young or even old people do not want advice unless they ask for it and then when they do, in my opinion, it's either because they don't know what to do or they want you to agree with them.

I have tried to tell you some of the things that have worked for me and, hopefully, they may give you some guidance.

Various influences have certainly affected me greatly. They have been first my faith; next my family in particular, my Dad, Mom and Bill; my interest and enthusiasm for the media particularly the daily printed; my love of animals; and finally last but certainly not least, my education. Probably none of whatever success I have had would have been likely without it. Be thankful for your education. I'm confident it has been the best.

Don't forget to dream—dreams do come true. Reach for the stars and you may reach the moon. On your way, have a wonderful time and I am convinced—life is what you make it.

A SALUTE TO THE 1991 GENERAL EDUCATION DEGREE RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. STOKES. Mr. Speaker, the importance of a high school education cannot be overemphasized. Unfortunately, there are many Americans who never complete high school. Today, I rise to pay tribute to the general education degree recipients of the Cleveland Heights/University Heights City School District and to the tutors, volunteers, staff, and families who so graciously gave their time and support.

Recently, 45 students received their general education degrees and were honored at the Adult Basic Education Program and reception at Cleveland Heights High School in Cleveland. The Honorable Beryl E. Rothschild, mayor of University Heights, OH, presented certificates at the ceremony, and students were allowed to make brief statements.

Mr. Speaker, these students spoke of their plans to attend college, begin military careers, and enter the work force. However, the students all had one similarity in their remarks. Each spoke of how they are doing something with their lives they could not have done without a diploma.

These graduates are to be commended for their efforts, and I am proud to salute each of them.

GENERAL EDUCATION DEGREE GRADUATES

Jamey Appell, Harry Baker, Mrs. Laurence Rolle Baker, Lavonne Barnes, John Broadus, Phillip Clark, Linda Cobb, Terry Cobb, Eddie Collier, Annetta Cothron, Susan Crismor, Patricia Fanara, Brent Fields, Cynthia Fortson, Eleanor Gamble.

Tommy Gray, Larone Greer, Willie Hampton, Laverne Hill, Juene Hilliard, Christopher Hockey, Patrick Joyner, Thomas Kmiec, Cotrell L. Lowe, Ernest Maddox, Emanual Marino, Dheri W. McPherson, Robert Millhuff, Jacqueline Myles, Earl Peck.

Patricia Pines, Sharyn Pines, Arkadij Prodan, Hildegard Reed, Antoine Julian Rosefort, Calvin Seay, Mary Shaw, Brian Stavis, Jena Taylor, Kathryn Taylor, Erica Thompson, Michael Trigiani, Rebecca Walker, Sheila Wimbley, Fuller C. Woods, Jr.

HOUSE COMMITTEE ON POW/MIA AFFAIRS NEEDED

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. McEWEN. Mr. Speaker, I rise today to urge my colleagues in the House to join me in support of legislation I introduced today to establish a House Select Committee on POW/MIA Affairs. This resolution would permit the House to proceed directly toward answering troubling POW/MIA questions.

Unresolved POW/MIA questions have created an emotional and serious problem. The Communist governments in Southeast Asia and North Korea continue to drag their feet on this issue. There are even questions being asked regarding the U.S. Government's handling of POW/MIA matters.

Mr. Speaker, these charges are serious enough to warrant further investigation by a Select Committee of the House. A Select Committee on POW/MIA Affairs would provide for a closer, more coordinated, working relationship with the administration's POW/MIA Interagency Group. It would also assure cooperation with all Federal Government agencies with information on the POW/MIA issue.

The committee's establishment would address the concerns of many Americans who are not satisfied that all possible efforts have been made to achieve the fullest possible accounting of every brave American soldier who has not returned home from war.

This expression of congressional interest would also send a clear message to North Korea, Laos, Vietnam, and Cambodia that the American people are not satisfied with the cooperation of these countries in addressing the POW/MIA issues.

Mr. Speaker, I urge my colleagues to join me in this effort to address the POW/MIA questions that continue to frustrate many Americans. This firm commitment to action is the least the House can do to match the service and sacrifice that the brave Americans now listed as POW/MIA gave to our country.

TRIBUTE TO SAM AND VICTORIA HAMRA

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to Sam and Victoria Hamra. On July 20, 1991, in Steele, MO, the Sam Farris Hamra Community Center and Victoria A. Hamra Auditorium was dedicated in their memory.

Sam Hamra's life is symbolic of the American dream. He arrived in this country as a young boy and through hard work and dedication he attained his goals. He took advantage of the opportunities offered by this land and subsequently worked tirelessly to give something back. He and his wife Victoria were active members in all aspects of community life. Sam Hamra's interests ranged from the Boy Scouts to the charter presidency of the industrial corporation which brought Steele its first factory.

Indicative of his concern for the future of his community, he established a scholarship that is awarded annually to a graduate of South Pemiscot County High School. He was a man of numerous accomplishments who was known and respected throughout the State of Missouri.

But the most important legacy of Sam Hamra is his family. He and Victoria instilled in their children the values that defined their lives: Love for each other, respect for God, pride in their country, concern for the welfare of others, and the dignity of hard work. I know this to be true because his son Sam F. Hamra, Jr., has been my friend for many years.

The Sam F. Hamra Community Center is a fitting memorial to a man who believed in and acted upon the power of the average citizen to be a force for progress in the community.

THE ALZHEIMER'S DISEASE AND RELATED DEMENTIAS RESEARCH AMENDMENTS OF 1991

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Ms. SNOWE. Mr. Speaker, today I am pleased to introduce, together with my colleague, Representative BRUCE, the Alzheimer's Disease and Related Dementias Research Amendments of 1991. This bill extends the Advisory Panel on Alzheimer's Disease, the Council on Alzheimer's Disease, and research relating to services for individuals with Alzheimer's disease and related dementias, and their families, as originally authorized in Public Law 99-660. This is legislation which Senator GRASSLEY and I introduced in 1986, and in which Senator METZENBAUM also played a leading role. Senators GRASSLEY and METZENBAUM are introducing a similar bill in the Senate.

For many years, I have been greatly concerned about the mental, physical, emotional, and financial devastation which Alzheimer's disease inflicts upon its victims, including the hidden victim, the family caregiver. And since 1983, I have been actively involved in introducing legislation, holding hearings and sponsoring forums focusing on biomedical research for Alzheimer's disease and the needs of family caregivers.

As you are probably aware, Alzheimer's is a ravaging disease which gradually erodes the mind, and finally leaves the patient totally physically helpless and unable to care for themselves. Victims can live for as long as 20 years, and account for at least half of nursing home residents. It is the fourth leading cause of death of adults in the United States, affecting as many as 4 million older Americans. The incidence increases dramatically with age, particularly with the over-85 population which is projected to increase fivefold in the next 50 years. Conservative estimates of the current direct costs only of caring for individuals with Alzheimer's disease are about $40 billion per year—other estimates exceed $80 billion per year.

In recent years, Congress has substantially increased appropriations for biomedical research on Alzheimer's disease—but the problem remains that relatively few of approved, meritorious grant applications actually receive Federal funding. However, although there have been few dramatic clinical breakthroughs in recent years, there have been a steady stream of significant research advances and the goals of understanding the cause of the disease and possible ways to treat or prevent it are now more clearly in sight.

The Advisory Panel on Alzheimer's Disease, which this bill reauthorizes, was established by the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to advise Congress and the executive branch about emerging issues and priorities in research and service delivery regarding Alzheimer's disease and related dementias. Since then, new epidemiological data which suggests that the prevalence of this disorder is considerably higher than previously estimated, reemphasizes the importance of a rigorous program of research and proper planning for services.

In its two published reports, the Panel of outstanding experts evaluated the current status of, and made recommendations for legislative and administrative action in, four mandated areas: biomedical research, research relating to services for individuals with Alzheimer's disease and their families, systems of home and community-based services, and health care and social services financing. Recommendations were also made on research funding, appropriate components of a long-term care system for Alzheimer's patients, and staff training and recruitment. Further annual reports to Congress will focus on values and goals underlying care of Alzheimer's patients; ethnic, cultural, and minority group issues; and the impact of law and regulation on Alzheimer's patient care. Significant unfinished business remains such as: State-level issues in providing care; biotechnological advances relating to new drug development and biomedical research; and epidemiological research to uncover new areas for possible interventions for potential risk factors, such as head injuries, heart attacks, and environmental toxins.

Given the magnitude of the disorder, the number of still unanswered questions, the unfinished work of the Panel, and the need for further advice to Congress and the executive branch about new directions in research and the provisions of care, the Panel needs to be reauthorized in order to complete its work. The significant growth in both knowledge about Alzheimer's disease and increases in funding for research further underscores the importance of a readily available expert advisory body to monitor progress and advise the Government about the most scientifically and fiscally sound approaches to take.

Likewise, the immense and diverse problems associated with Alzheimer's disease relate to the research interests and expertise of multiple programs and agencies within the Department of Health and Human Services [DHHS]. The Council on Alzheimer's Disease was established to coordinate continuing research on Alzheimer's disease throughout DHHS, to establish a mechanism for the sharing of information, to identify the most promising areas of research and to establish mechanisms to use the results of research. The Council is also required to submit an annual report to Congress. The Council has been very effective in facilitating effective coordination and collaboration among these numerous DHHS programs and agencies, within a broad-based research framework entailing seven major areas of activity. The need is clear to also extend the Council.

Until more progress is made in biomedical research, it is imperative to enhance focusing on finding the best ways to care for people with Alzheimer's disease, and to alleviate the stress of and strengthen and support family caregivers. So far, systematic research on how to most effectively design, deliver, and finance services for Alzheimer's care has been slow, scanty, and has usually lacked evaluation as to whether programs meet their goals. Important findings from research on the difficulties of functioning as a primary caregiver and on family stress indicates significant social, emotional and health consequences such as stress-related illness, abuse, anger, and depression. Studies being funded by the National Institute of Mental Health have found evidence that the chronic impact of caregiving affects immune functioning, thus increasing the incidence of infectious diseases. The need for services research is clear.

Therefore, the bill which I am introducing today reauthorizes services research by the National Institute of Mental Health and the Agency for Health Care Policy and Research. This includes research relating to: The optimal range, types and cost effectiveness of services, and specialized care for individuals with Alzheimer's disease and related dementias and their families; and for improving the organization, delivery and financing of services for individuals with Alzheimer's disease. Including special care units in nursing homes.

Until the cause, cure, and treatment is found, the human and fiscal costs of Alzheimer's and related diseases will accelerate precipitously with the rapidly expanding older population. The reauthorization of the Advisory Panel and Council on Alzheimer's disease, and of services research, will help to coordinate and give expert guidance to ensure a stronger and more coherent, focused Federal response to this devastating disease.

LEGISLATION TO EXCLUDE HOME EQUITY FROM STUDENT FINANCIAL AID NEEDS ANALYSIS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mrs. MINK. Mr. Speaker, today I have introduced legislation with my distinguished colleague from Rhode Island, Mr. JACK REED, to exclude the value of family homes and farms from the calculation of need for Federal student aid programs.

As many homeowners in America have found out, the value of real estate fluctuates dramatically around the nation. This fluctuation has a direct and harmful impact on many college-bound students. Under the current student financial aid needs analysis those students and families who live in high-cost areas are penalized for the escalated value of their homes.

In the last decade many families across the Nation have seen the price of their homes soar to levels that they themselves could not afford today, and as a result, these families are not able to qualify for desperately needed financial aid.

The assessment of home equity in the student financial aid eligibility is an unfair barrier that hurts many middle-class families and students in our country. The legislation we have introduced today addresses the financial realities of today's American family and restores equity into the federal needs analysis formula.

Mr. Speaker, in Hawaii families are saddled with a cost of living that is approximately 22-

percent higher than the national average and the highest average sales price of a single-family home in the Nation. With the average middle-income homes appraised between $300,000 and $400,000, families in Hawaii have been excluded from much needed financial assistance to send their children to college.

Hawaii, is not the only State effected, the New England States and California have had similar experiences. Other families in the Midwest are penalized because of the value of their family farms. As we are all aware, America's farmer has so often borne the brunt of our changing economy. To now say to our farm families that the worth of their farm on paper prohibits them from sending their children to college, regardless of how tight money may be for them, is one injustice too many.

Mr. Speaker, the goal of Congress when we first enacted financial aid for college was to provide a means for students to be included rather than denied access to higher education. For this reason I urge my colleagues to support this legislation and restore equity in our Federal financial aid system.

THE SOUTH AFRICAN GOVERNMENT AND THE FATE OF THE SHARPEVILLE SIX

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. LANTOS. Mr. Speaker, in recent months, South Africa has made substantial progress toward the elimination of its racist policies. All of us in the Congress wholeheartedly welcome these changes that have been made. At the same time, however, we urge the South African Government to go further.

The Government of South Africa has yet to satisfy one of the provisions of the Comprehensive Anti-Apartheid Act of 1986, the legislation that imposed economic sanctions against South Africa. The international community has not witnessed the release of all persons persecuted for their political beliefs or detained unduly without trial.

Witness the fate of the "Sharpeville Six."

In a trial that raised serious questions about South Africa's criminal justice system, Reginald Sefatsa, Reid Mokoena, Oupa Diniso, Theresa Ramashamola, Duma Khumalo, and Francis Mokhesi—known collectively as the Sharpeville Six—were found guilty and sentenced to hang for the murder of a South African township counselor. The official was attacked after he opened fire on a large crowd during a mass protest against increased rents and taxes.

At no time were the Sharpeville Six accused of actually murdering the South African official. Instead, they were tried under an insidious statute employed by the South African legal system to bludgeon political dissent: the Doctrine of Common Purpose.

In essence, they were convicted and sentenced to death by hanging because of their proximity to the scene of the crime and for having a supposed common purpose with those who actually murdered the official. There was no attempt by the prosecution to establish that the six were guilty of committing the murder.

The Doctrine of Common Purpose and the judicial proceedings which resulted in the Sharpeville Six verdict were so antithetical to civilized standards of law, that the international community was outraged. Due in part to that response, the death sentences of the Sharpeville Six were communted.

Many observers in the international community thought that since the Sharpeville Six were classified by the South African Government as common criminals and not political prisoners they would spend most, if not all, of their lives in prison. However, after a review of the case, South African officials recently released Oupa Diniso and Duma Khumalo.

The news of their release was heartening. Still, the imprisionment of the remaining four is intolerable. Reports that their cases are currently under review has raised the hopes of the international community for an early release.

Mr. Speaker, Reginald Sefatsa, Reid Mokoena, Theresa Ramashamola, and Francis Mokhesi are victims, not criminals. They deserve freedom. The President may have lifted the sanctions against South Africa, but the fight for racial justice in that torn country continues. The Government of South Africa still has much to do in the way of proving to the international community its commitment to reform. The government should continue the course of change with the immediate release of the remaining Sharpeville Six.

THE ECONOMIC RECOVERY TAX ACT OF 1981

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. WEBER. Mr. Speaker, today I am introducing a joint resolution that will celebrate one of the most important pieces of legislation in the last decade: the Economic Recovery Tax Act of 1981.

Many critics of the Reagan era are trying to water down the positive effects of ERTA. They claim that only the rich were helped by across-the-board tax cuts, and that the Reagan package did virtually nothing for the middle class and poor. On the 10th anniversary of ERTA, we need to set the record straight.

This law was passed to spur economic growth, create jobs, and put America on a road to recovery. It was a response to a country mired in sluggish growth, with soaring inflation and high interest rates.

The Economic Recovery Tax Act of 1981 was President's Reagan's solution to a crippled economy. He, along with Congressman KEMP and Senator ROTH, knew that the only way to spur the economy was to reduce the tax burden on American workers and industry.

Looking back on this piece of legislation, we can see that the progrowth strategy of 1981 proves that cutting taxes and increasing work and investment incentives is the successful route to recovery. Ten years later we need to remember that the economy still needs low taxes, a sound monetary policy, and less Government regulation.

Many of us have been working hard over the last decade to extend the policies set by this progrowth package, and in these times it is even more imperative that we strive for these goals.

During the eighties we saw the longest peacetime expansion in this Nation's history. We were able to create 20 million jobs, increase the median family income by 12 percent, and double manufacturing productivity.

Also, without the 1981 tax cut, the average American family would now pay $1,500 more in income taxes every year. The tax cuts also led to a decrease in the share of income taxes paid by low and middle-income taxpayers.

Today, I ask that you join me in recognizing the 10-year anniversary of this great act. By supporting this resolution, we are showing America that we will continue to take steps to reduce taxes and create the opportunities for employment that can be found only in this country.

GOOD SHEPHERD CHURCH DEDICATED IN PLYMOUTH, PA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. KANJORSKI. Mr. Speaker, Sunday, July 28, 1991, residents of Plymouth, PA dedicated the new Good Shepherd Polish National Catholic Church. It is a day they all looked forward to with much anticipation and joy.

Since 1984, when the parishioners declined to consolidate with another parish and build a new church to replace their rapidly deteriorating one, the Good Shepherd congregation has raised $1.1 million.

It was their faith and their love of community that inspired these people to make the sacrifices necessary to raise such a large amount of money. As construction costs grew, they still found the wherewithal to finance their dream.

Mr. Speaker, their feat is admirable because they did not raise this money through conventional fundraisers. No, these dedicated parishioners donated these funds from their own paychecks and their own bank accounts.

In addition, these parishioners are responsible for maintaining and administering the church property, therefore allowing the pastor, Father Czeslaw Kuliczkowski, to concentrate on spiritual matters.

With this strong dedication and devotion to the church and the community, it is easy to predict the success of the Good Shepherd Church and I am certain it will continue to grow in strength and number for years to come.

CONGRESSIONAL CALL TO CONSCIENCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. MRAZEK. Mr. Speaker, remarkably, at last week's G–7 meeting in London, Mikhail Gorbachev stood side-by-side with the leaders of the major industrial nations. If this isn't a sign that Soviet-global tensions have retreated, I don't know what is. Yet, even with the many positive steps taken among our nations, we still have a lot to accomplish. While a significant number of Soviet Jews have left for new countries, mostly Israel, the doors still remain partially closed for two major reasons.

First, changes in the Soviet passport law cast an uncertain future on Soviet emigration. Before the change, Soviet citizens who wished to leave the Soviet Union were required to obtain exit visas. While the process of obtaining these visas was long and complicated, it is now unclear how cumbersome the new law will be by comparison. Now, the Soviet Government is assigning international passports instead of the exit visas. However, it is too early to tell how Soviet Jews will be affected by this new law in the long run.

The second reason is a result of U.S. emigration policy. While world events have transformed our relationship with the Soviet Union, changing events has not caused our country to alter its archaic quota system. Soviet Jewish emigration remains at 50,000 per year, even as hundreds-of-thousands of Jews are trying to leave. While this number was satisfactory during the cold war when few Soviet Jews were able to leave the Soviet Union, the number is far too small for today. Furthermore, Soviet Jews that wish to enter our country must meet one of two major requirements if they want to emigrate within months and not years. They must either be closely related to their sponsor—parent, sibling, child, spouse—or must face direct persecution. Even with these strict criteria, the Immigration and Naturalization Service is now handling over 10 times the number of requests it handled 2 years ago.

Mr. Speaker, throughout the cold war era, our Government called upon the Soviet Union to stop its ruthless persecution of Jewish citizens and allow them to emigrate to the United States. While thousands of Soviet Jews had applied for exit visas each year, almost all of them were denied emigration by the Soviets. With the arrival of glasnost came a new hope that the Soviet Jews would be freed from this oppression and be allowed to emigrate to the United States.

Clearly, we must reassess our policy after we have pressured the Soviet Government for so many years to reform their emigration policies. In 1990, Israel received 1 million requests for emigration from Soviet Jews while settling over 100,000 throughout their small country. For many years, Congress, at the urging of many Americans, has actively pushed the Soviet Government to relax its policies. Now, by continuing the 50,000 person limit, we are turning our backs on those people we have been trying to help.

At the same time, the Soviet Union has continued to establish roadblocks for Jews who want to emigrate to the United States. The case of Svetlana Sorkin and her family is a good example.

The Sorkin family first applied for emigration in February 1988. They were rejected by Soviet authorities on the grounds that Svetlana's husband Roman had access to state secrets when he worked at an electrical plant from 1977 to 1983. They reapplied for visas in March and September of that same year and were finally approved in November 1988. When the Sorkins were all prepared to leave, the Soviet authorities revoked their visas at the last minute. The local KGB told the Sorkins that the Means of Communication Industry was responsible for the cancellation. When the Sorkins contacted the ministry, they told the family that the ministry had no objection to the family's emigration. For 2½ years, this bureaucratic nightmare has continued and the Sorkins regrettably still are living in the Soviet Union.

Mr. Speaker, the plight of the Sorkin family is not an isolated incident. The Sorkins are only one example of the Jews who apply for exit visas each year and are either denied or are delayed from leaving. Constituents throughout my district have brought to my attention the unfortunate tales of their friends and family in the Soviet Union such as the families of Gennadi Babyrov, Ester Brustein, Mikhail Raikhman, Aleksander Shlain, Ilya Vilensky, Mark Kananov, the Kalmason's and Haya Musman. Many of these cases involve close relatives. The travesty of this whole affair is that many of these families cannot expect an interview with immigration officials for several years.

The Vilenski family, sponsored by their first cousin, Lorraine Buchsbaum, has been trying to leave the Soviet Union since February of last year. The Vilenskis are the closest relatives to Ms. Buchsbaum aside from her daughter. In order to escape persecution, the family was forced to flee their home in the Ukraine and move to Siberia. Sadly, it is possible that the Vilenskis may not receive an interview for at least 5 years because they are cousins and are not immediate relatives.

It is my hope that we can do all within our power to allow these Soviet Jews and others to emigrate to the country of their dreams.

TRIBUTE TO COL. JAMES P. (PAUL) KING

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. CLEMENT. Mr. Speaker, I rise today on behalf of Representatives TOM BEVILL and BUD CRAMER of Alabama, Representatives HAL ROGERS and CARROLL HUBBARD of Kentucky, Representative JAMIE WHITTEN of Mississippi, Representatives JAMES QUILLEN, MARILYN LLOYD, HAROLD FORD, DON SUNDQUIST, BART GORDON, JIM COOPER, and myself of Tennessee, and Representative RICK BOUCHER of Virginia, to recognize the accomplishments of Col. James P. (Paul) King, the outgoing commander of the Nashville District of the Army Corps of Engineers.

Since assuming command of the district in 1989, Colonel King has exhibited vision, leadership, and enthusiasm by fostering a command climate that emphasizes effective utilization of human resources and a high standard of professionalism. In all occasions and circumstances, he has led by example and inspired employees of the district to do their very best.

Colonel King has maintained a genuine and compassionate interest in the people under his command. During the first weeks of his tenure, he saved a civilian employee's life by administering CPR after the employee collapsed from a heart attack. At the same time, he established a series of town meetings at corps field projects to listen to employee concerns, and instituted a safety program to curb a rising accident rate.

Mr. Speaker, under Colonel King's supervision, the Nashville district has realized significant accomplishments in many diverse areas, including:

In partnership with the Tennessee Valley Authority, Colonel King negotiated an agreement in which the corps will design and construct a $361 million project at Kentucky lock.

He successfully orchestrated the transfer of the completed Big South Fork River and Recreation Area to the National Park Service under an extremely tight schedule.

He altered the disposal areas of the $2.8 million Harlan tunnels project in order to provide fill material for a new school site.

On the project level, the levee-floodwall-highway project at Pineville-Wallsend was completed, and construction began on the improvement of the Barbourville, KY, flood control levee.

Additionally, he engineered the selection of the Nashville District as the Hazardous and Toxic Waste Design Center for the Ohio River division.

The Nashville District enjoys a 98.2-percent generator availability rate, which is the highest in the corps, a 96-percent rate on 60-day turnaround for permit auctions, national recognition as leaders in natural resource management with over 47 million visitors last year, and outstanding partnerships with the navigation industry.

Mr. Speaker, we urge our colleagues to join us in honoring Col. James P. King as an exemplary and caring leader. His outstanding and diverse technical and managerial accomplishments will be sorely missed by the people of the Nashville District of the Corps of Engineers.

KENTUCKY JUNIOR VOLLEYBALL TEAM TAKES THE GOLD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today with pride to advise our colleagues that the Kentucky Junior Volleyball Association [KJVA] won the gold medal at the 1991 U.S. Girls Junior Olympic Volleyball Championships which took place in Tampa, FL, earlier this month.

The Kentucky volleyball team is composed of students, age 14 and younger, from Catholic grade schools in Jefferson and Oldham Counties and is coached most ably by Ron Kordes.

Forty-eight teams converged on Tampa for this junior Olympic competition, and the young Kentucky team had to face well-seasoned and reputable teams from California and Florida. The team won the gold medal in the finals against the powerful Bay Club of San Jose, CA.

The KJVA team prepared for Tampa by competing in tournaments in Cincinnati, New Orleans, and Chicago. They got "tournament tough," and the results in Tampa proved that the long bus trips and the grueling competitions were well worth the effort.

Mr. Speaker, most people think of Kentucky as the basketball capital of the Nation. It is. But, the success of the junior volleyball team may soon make Kentucky, the Bluegrass State, the volleyball capital of the Nation as well.

I commend and congratulate the team's director, Bob Blanford, Coach Ron Kordes, first team All-American Stephanie Diebold, second team All-American Marisa Brickley and the rest of the gold medal aggregation: Stacy Donham; Liz Beckham, Nicole Grimes, Jennifer Grubbs, Sharon Hagan, Laren Mackey, Erin Massie and Melissa Starck.

TRIBUTE PAID TO HONOR SCHOLAR CHARLES FASANO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Charles Fasano of Mifflinburg, PA, one of 11 young people from the 17th Congressional District of Pennsylvania who were recently awarded Robert C. Byrd scholarships for outstanding academic achievements.

Robert C. Byrd scholarships are federally funded grants awarded to students like Charles, who are top-ranked in their respective classes. More than 3,900 applications for the $1,500 scholarships were received this year. Each of these outstanding students met rigid academic standards including an overall grade point average of 3.5 on a 4.0 scale or above, SAT scores of 1100 or better, and a rank within the top 5 percent of their respective classes.

Charles is a graduate of Mifflinburg Area Senior High School. The scholarship he has received will be used during the 1991–92 academic year. This fine student has shown initiative throughout his high school years, as the time he has invested in academic achievement has brought him recognition which will help him in his college career. Charles, in his scholastic work, has left an impression of leadership and ability for those who will follow him, an impression which will also precede him in his next academic endeavor.

I ask all my colleagues to join me today in congratulating Charles and all the fine young scholarship recipients and in wishing them the best of luck in their future academic endeavors.

INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1991

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. BOUCHER. Mr. Speaker, today I have introduced a bill to strengthen the National Science Foundation's [NSF] activities in support of environmental protection and tourism control in Antarctica. A summary of the provisions of the bill follows this statement.

Antarctica is a unique scientific laboratory of great value to the international community:

The upper atmosphere over the pole is a screen for viewing the results of interactions of solar plasmas and the Earth's magnetic field, and for detecting evidence of space physics processes. The extremely stable, clean, and dry atmosphere enables astronomers and astrophysicists to probe the universe with unprecedented precision from a ground-based site.

It is an ideal biological laboratory for studying such effects as adaptation of organisms under extremes of light, temperature, and moisture, where, for example, a fish has developed natural antifreeze.

Antarctica's extreme climate, which can induce social, psychological, and physiological stresses, provides an appropriate location to study human health and performance. NASA will use this natural lab for human studies tied to the manned space program.

Antarctica is also a major part of the global heat engine that determines world climate. The vast Antarctic ice sheet interacts with oceanic and atmospheric circulation to modulate global climate. Accordingly, the behavior of the ocean-atmosphere system in Antarctica is expected to provide an early warning of climate change.

The 2-mile-thick ice sheet covering the pole is a repository of the past climate record of great benefit to climatologists and other scientists.

Many naturally occurring global events are greatly magnified in the Antarctic environment, with the result that changes such as ozone layer depletion and climate change are detected there first.

In sum, Antarctica is one of the world's most valuable scientific research platforms, and it is essential to ensure its continued availability for a broad range of research.

The NSF has been responsible for support of research in Antarctica from the beginning of the U.S. presence on the continent. Since 1971, NSF has been responsible for budgeting and managing the entire U.S. national Antarctic program, including logistics support. Among other responsibilities, the Foundation must ensure American compliance with the environmental protection measures contained in the Antarctic Treaty, its protocols, and other informal agreements among nations signatory to the treaty. NSF is also responsible under the Antarctic Conservation Act for overseeing the activities of U.S. citizens in Antarctica and ensuring conservation, the protection of native flora and fauna, and preservation of the ecosystem.

Over the past several years, NSF has received criticism for inadequate stewardship of the U.S. Antarctic Program as it affects the Antarctic environment. Specific actions by NSF, such as maintaining a landfill, allowing open air burning of solid waste, and failure to remove toxic substances, have received particular criticism.

In recent years, there has been a substantial increase in the activities of tour operators in the Antarctic region, creating the need for better regulation of tourism and its interface both with the research community and the Antarctic environment.

The purpose of the legislation is to specify actions NSF must take to ensure that environmental assessment, monitoring, and control occurs for all U.S. activities in the Antarctic and to institute better tourism control.

The bill will require NSF to implement a comprehensive solid waste management plan for all U.S. stations, including deadlines for implementation. It requires environmental assessments of all significant activities, establishment of a long-term environmental monitoring program, and a thorough environmental audit by experts from outside the NSF.

Also, the bill calls for a review of the effects of the growing tourism industry in Antarctica and requires NSF, on the basis of the study, to issue regulations for control of tourism.

Mr. Speaker, the value and importance of Antarctic research are well understood. At the same time, it is recognized that the research activity itself will cause some environmental disturbance in this pristine region, where traces of human activity are preserved virtually forever. The goal must be to weigh the environmental effects against the value of the science and develop rational ways to minimize adverse effects. Clearly, a better job must be done in the future than has been done in the past. I believe the proposed legislative measure will help ensure that this desired goal is reached.

PROUD TO RECOGNIZE LISA ROMANI, CRIS SIMMON, AND TAMMIE TRUPP

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. YATRON. Mr. Speaker, I rise today to honor three young women from the Sixth District of Pennsylvania. These women are talented, bright, and determined members of the Girl Scouts of America.

On August 8, 1991, a special ceremony will be held in their honor at the Christ Lutheran Church in Reading, PA, at which time they will be awarded the Girl Scout's Gold Award. These three young women have successfully fulfilled the requirements for this award, which includes participation in activities for merit patches, exploration of career fields, development of leadership qualities, and involvement in community interest projects.

In addition, each woman has been involved in activities outside of Girl Scouts. Lisa Romani of Reading is a lifeguard, she manages her school's football team, and has received a Certificate of Appreciation for Community Volunteering. Cris Simmon of Laureldale is president of her local chapter of Students Against Drunk Driving, is actively involved in marching, concert, and pep bands, and has tutored students with learning disabilities. Tammie Trupp of Reading is a cheerleader, has been a volunteer in her community, and is currently in training to become a Girl Scout leader. Their dedication to their communities, schools, and troops makes them deserving recipients of the Gold Award, the highest award a Girl Scout can earn.

Mr. Speaker, I am indeed proud to recognize Lisa Romani, Cris Simmon, and Tammie Trupp before you, the Members of the House of Representatives, and the Nation. There is no doubt that the Gold Award will be the first of many great achievements for these fine young women. Let us take this time to commend them for their accomplishments and to wish them the best of wishes for continued success in the future.

OUTDOOR CATHEDRAL

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mr. WILSON. Mr. Speaker, the first Member of this body to bring the Big Thicket of east Texas to the attention of Congress now sits in the White House. For nearly 30 years the formation of a Big Thicket Preserve and the expansion of that preserve to protect sections of this unique and beautiful part of Texas has been dear to the hearts of many of my friends at home.

One of those friends is Howard Peacock: Author, folklorist, and lover-of-the-outdoors. Howard's talent with words far surpasses mine, and since legislation to add very important creek areas to the preserve is now before both House and Senate committees I feel it is appropriate to share an article he wrote this past spring celebrating his enjoyment of the Big Thicket.

[From the Beaumont (TX) Enterprise, Apr. 5, 1991]

OUTDOOR CATHEDRAL—BIG THICKET TRAILS OFFER NATURAL TRANQUILITY

(By Howard Peacock)

One early April afternoon this past year, with the spirit of Fool's Day still lingering on, the litter of bills, deadlines, problems, and unanswered correspondence on my desk suddenly became an insult to life and reason.

The sight of it affronted my sense of freedom as a citizen with paid-up taxes and my heritage as a 64-year-old child of God. Whereupon I arose and got behind the wheel of Ol' Blue, my 1983 Chevy, and drove to the Pitcher plant bog east of Warren, down a red-dirt road whose name, if it ever had one, I've never known.

Talk about luck. I hit the bog at the hour when the young spring sun had just tilted into the western sky, casting a Rembrandtian glow over the fat, buttery-yellow blooms of these strange plants that eat animal flesh. Their scientific name sounds like a sultan's prima belly-dancer, Sarracenia alata. At this moment, thousands of the plants at their peak of bloom were carpeting acre after acre of the clearing, framed by tall pines. Sun-struck, the entire scene shimmered and gleamed like a vast sheet of new-spun gold.

"Surely," I murmured to no one, "this is a day of days, a trail of trails, in the Big Thicket."

The first time I'd experienced awe of the Big Thicket—Ol' Arch Fillingim, the great country newspaper editor, called it "The Holy Ghost Thicket"—was when I was 9 or 10 years old and got to go with a troop of Cub Scouts to Camp Mitigwa on Village Creek.

At the time I was a city boy, growing up within bleacher-roar of Stuart Stadium and doing my best to swing a bat like Hank Greenberg, hurl a fastball like Schoolboy Rowe, heroically spear line drives like Mark Christman. But at Camp Mitigwa I glimpsed a second world—an ever-new cosmos of wild plants, bugs, snakes, birds, furry creatures, soils, and water . . . blessed swimmin' hole water; blessed, beautiful Village Creek.

Since then I've walked 50, maybe 100 or 200, trails in various parts of the Big Thicket, and wondered if one of them might turn out in my old age to be my favorite.

One time, the late Harold Nicholas guided me through a maze of acidbog baygalls south of Saratoga that dazed human sight. After an hour in those shadowed regions, the reflections of trees in the groundwater literally turned the world upside down. The sensation was so novel that it didn't matter if you might be lost. Harold, a protege of the legendary Lance Rosier and a self-taught watercolor artist who painted the wildflowers of the Thicket with lyrical delicacy and precise details, took this trail to a certain Black oak. The old tree was so huge that its trunk at neck height made Harold, a powerful man with massive shoulders and chest, seem downright puny alongside.

Sixty miles or so northeast of those baygalls is another favorite trail. It leads to what might well be the finest example of a climax Beech-Magnolia-Loblolly forest in this part of America. Covering only a few acres, it has the character and mood of a wilderness cathedral, canopied by colossal trees. In primitive epochs, lightning would strike such a climax forest and the resulting fires burn it bare. Then the slow procession of grasses, forbs, shrubs, small "nurse trees," and dominant trees would begin all over again.

By far the most exuberant "trail" in the Big Thicket is a float down Village Creek. I say exuberant because nature here is full of exclamations, both audible and visual, and so are you. "Hey!," you're always hollering, "look at that old wood-pecker hotel!" (a high-rise dead tree trunk full of nesting holes), or, "Catch those coon tracks on the bank over there—look like bear tracks!," or some such. You're especially lucky if Maxine Johnston of Batson or Pete Gunter is in your boat. Both are delightful companions and knowledgeable Big Thicketeers for all the paddling, portaging around fallen logs, and sloshing about you must do; not to mention the noontime demolishing of fried chicken, sandwiches, and apples on a sloping sandbar.

For a short day's float, put in where Village Creek crosses Farm Road 418 between Kountze and Silsbee. Haul out several miles downstream at the Larsen Sandylands.

The most inspiring trail in the Thicket takes you through the Wild Azalea Canyons north of Newton, if—and it's a very big IF—you catch the bloom on the right day, usually only one or two days in the first week of April. You won't believe the sight, or the fantastic fragrance, of tens of thousands of wild azaleas at their peak of bloom.

Just about any Big Thicket wanderer can name trails that have become favorites over years of sauntering. Most know trails that others don't. The Big Thicket is that diverse, that secretive. Geraldine Watson of Silsbee is the preeminent living savant of such matters. She can show you vistas and nature's ways that enlarge life itself. A good way to start is to ask the National Park Service, phone 839-2689, for a packet of Big Thicket Trail brochures.

About 1,000 kinds of wild flowering plants grace the trails of the Thicket, according to experts. Few of them appear everywhere; each species has its own special needs for habitat. Generally, the showiest blooms unfold in the springtime and summer parade. First, the haws and redbuds, then the Dogwoods, then the Grancy Graybeards. In the meadows and roadsides, a profusion of wildflowers, from two dozen species of wild orchids to four genera of carnivorous plants, form kaleidoscopes of shape and color.

My choice for an all-purpose anytime trail is the Kirby Nature Trail off Farm Road 420, about seven miles north of Kountze. These woods hold a diversity of plant and animal life that seems to me phenomenal. Here is a forest in transition, evolving from timber harvests of several decades ago toward climax cathedrals 100, maybe 200 years ahead. Beech-crowned uplands cross a trail descending to tupelo-buttressed streambottoms. Here are kingly oaks and soaring bull pines, wild black cherries, toothache trees, and groves of hornbeams whose leaves in summer cast nature's eeriest green flickers. Ferns, violets, and partridge berries speckle the spongy forest floor. In these woods the last Big Thicket sighting of the Ivory-billed woodpecker was reported more than a generation ago. And here, but not here alone, during the 1960s and 1970s, scores of skeptics from nearby towns and counties, and citizens from throughout America, realized that our nation needed to preserve what was left of Big Thicket wilderness. They went home and wrote strong letters to their congressmen to support Rep. Charlie Wilson's legislation to save important parts of the Thicket. The result was the Big Thicket National Preserve, established in 1974, America's first sanctuary of nature to wear that title.

In early spring, as you enter the Kirby Nature Trail, colonies of that peculiar plant, Jack-in-the-pulpit, greet your first steps like clusters of happy preachers. By contrast, a mile later, incredible cypress trees tower nearly 100 feet high over the Village Creek floodplain. These cypresses are ancient royalty, circled by gnarled monuments of golden "knees." The National Park Service has placed a bench here for viewing, resting, and pondering this awesome sight and the riches of our national heritage.

A TRIBUTE TO DONALD EUGENE BROOKS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1991

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Donald Eugene Brooks on the occasion of his retirement after 42 years of invaluable service to the police department and citizens of Montgomery County, MD.

Donald Brooks, with unwavering diligence and a commitment to excellence, rose through the ranks and was appointed chief of police in 1988. Chief Brooks had a long and distinguished career of service and witnessed the county change from a predominantly rural setting to one that was highly urbanized. With great foresight, Chief Brooks recognized the early signs of crime such as drug-related violence. Working in partnership with affected communities and governmental agencies, Chief Brooks helped to avoid the dramatic rise in such crime that was experienced elsewhere. With the development of innovative strategies to combat crime, the transition of Montgomery County had far fewer impediments.

For a man with such a long and varied career, it would be difficult, at best, to list all of his accomplishments. Chief Brooks never lost sight of the reason he joined the Montgomery County Police Department; to serve the citizens and provide them with the very highest quality police service. He will be honored at a retirement celebration on August 23, 1991.

Mr. STARK. Mr. Speaker, today, along with my colleague BILL GREEN, I am pleased to introduce the Assault Weapon Act of 1991.

This bipartisan measure, sponsored by 35 Members of Congress, will:

First, ban both the future domestic manufacture and importation of only those firearms that have specific provisions designed to accept a silencer, a bayonet, a grenade launcher, a flash suppressor for night-time shooting, or a folding stock;

Second, ban the future manufacture and importation of all semiautomatic shotguns with a fixed magazine of more than 7 rounds—like the 12-round riot shotgun known as the Street Sweeper;

Third, ban the future manufacture and importation of all ammunition magazines of 10 or more rounds;

Fourth, ban the future manufacture of the aftermarket do-it-yourself kits which enable a firearm to accept a silencer, bayonet, flash suppressor, grenade launcher and which enable a firearm to accommodate a folding stock—intended to make the weapon more concealable; and

Fifth, impose a mandatory minimum Federal prison sentence of 10 years for the use of those firearms in a crime of violence or a drug-trafficking crime—30 years second offense.

In July 1989, the Bush administration banned the importation of 43 types of foreign-made semiautomatic assault rifles—totalling over 700,000 rifles—in an effort to address the increasing use of specific types of firearms—the AK–47, for example—in crimes of violence or drug-related crimes.

The administration banned these firearms because they violated the existing Federal firearms statute that imported firearms must be "suitable for, or adaptable to, sporting purposes." The administration issued its complete report on the issue after an exhaustive study and review. For the first time, the executive branch developed constructive criteria to justify its decision and distinguished the difference between military-style semiautomatic assault rifles and common, conventional semiautomatic firearms used for hunting or sporting purposes.

The Stark/Green bill is based primarily on the criteria developed by the Bush administration. The bill addresses the firearm's specific characteristics—like a threaded barrel intended to accept a silencer, a bayonet lug, a grenade launcher, a flash suppressor for night-time shooting, or a folding stock for concealing the firearm.

This measure also addresses the ammunition magazine issue. The Stark/Green bill proposes to ban the future manufacture and importation of 10 or more rounds of ammunition, unlike the Bush administration's crime package proposal which banned ammunition magazines of 15 or more rounds.

Though the President's import ban was an important and commendable effort, the administration has inexplicably failed to address the proliferation of domestic-made semiautomatic assault rifles. Unfortunately, U.S. manufacturers appear to have filled much of the vacuum created by the 1989 ban.

The Bush administration's 1989 ban was not without precedent: in 1986 and 1987, the Reagan administration had banned the importation of the Striker 12, a South African semiautomatic assault shotgun with a fixed magazine of 12 rounds. Later, the Reagan administration prohibited the importation of a South Korean 12-round riot shotgun named the U.S.A.S. 12. Not surprisingly, the import ban has been easily circumvented by a U.S. manufacturer, who is today producing the domestic version of the Striker 12, affectionately renamed the "Street Sweeper." Who on earth would name, let alone defend, the manufacture of a 12-round riot shotgun named the "Street Sweeper?"

In a letter to me earlier this year, the Bush administration revealed that in 1989 almost 100,000 semiautomatic assault weapons were manufactured in the United States with specific provisions to accept a silencer or bayonet—a 51 percent increase from the previous year. What legitimate sporting purposes do silencers and bayonets have?

Silencers have been prohibited since the 1934 National Firearms Act. Yet last year, 406 Federal criminal cases involved silencers. Weapons designed to accept these attachments are popular with drug dealers and terrorists. No legitimate hunter or sportsmen in my congressional district would defend silencers, bayonets, Street Sweepers, or 95-round ammunition magazines.

The Bush administration took the first significant step toward curbing the proliferation of semiautomatic assault weapons with its 1989 import ban. The Congress, together with the White House, should address the domestic question.

Statistics show that these laws can, and do, have an effect. For example, California's Semiautomatic Assault Weapon Act took effect in July 1989. One year later, the city of Oakland, in my own congressional district, reported a 37 percent cut in criminal misuse of these weapons for drug-related crimes and crimes of violence.

From 1985 to 1989, the Oakland Police Department kept meticulous records of assault weapons used in crimes of violence or drug-related crimes, such as Ak–47's, MAC–10's, TEC–9's. In 1985, it was 12; in 1986 it was 56; in 1987, it was 113; in 1988, it was 214. In 1989, what happened when the California law passed? Criminal misuse in crimes of violence or drug-related crimes decreased, to 162 in 1989 and 134 in 1990.

While these laws do not eliminate all criminal misuse, they do help law enforcement do the job the public asks of it. Placing reasonable restrictions on the availability of semiautomatic assault weapons—those firearms not used for traditional hunting or sporting purposes—are a commonsense approach to a complex problem.

The Bush administration has taken action already. I recently read of a poll taken by a legitimate polling agency which reported that 70 percent of Americans favor a ban on assault rifles. We have the opportunity to pass legislation that will treat semiautomatic weapons comprehensively.

This bill is not revolutionary—it uses the same criteria the administration developed for the 1989 import ban and proposes simply that made in the U.S.A. semiautomatic assault weapons be addressed through a ban on future manufacture. This bill says nothing about current ownership or future transfer, and is limited in its approach by only addressing the manufacture question.

I look forward to working with my colleagues, the law enforcement community, and those who wish to take a tough stance in our Federal crime-fighting efforts and a strong war on drugs. The text of the assault Weapon Act of 1991 legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Assault Weapon Act of 1991".

SEC. 2. PROHIBITION AGAINST THE IMPORTATION AND THE MANUFACTURE OF ASSAULT WEAPONS AND RELATED DEVICES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s) It shall be unlawful for any person to import or manufacture—

"(1) a firearm having threading, lugs, or other characteristics which are designed to facilitate the direct attachment of a silencer, bayonet, grenade launcher, flash suppressor, or folding stock to the firearm;

"(2) any part or combination of parts designed to facilitate the attachment of a bayonet, silencer, grenade launcher, flash suppressor, or folding stock to a firearm;

"(3) a shotgun with a fixed magazine which is capable of holding 7 or more rounds of ammunition;

"(4) a detachable magazine, drum, belt, feed strip, or similar device which has a capacity of, or can be readily restored or converted to accept, 10 or more rounds of ammunition;

"(5) any combination of parts—

"(A) designed and intended solely and exclusively for assembling a device described in paragraph (4); and

"(B) from which a device described in paragraph (4) could be assembled if such parts were possessed or controlled by 1 person; or

"(6) any part specifically designed for use in assembling a device described in paragraph (4).".

(b) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(5) Whoever knowingly violates section 922(s) shall be fined not more than $10,000, imprisoned not more than 10 years, or both.".

SEC. 3. ENHANCED PENALTIES FOR THE POSSESSION OR THE USE OF AN ASSAULT WEAPON OR A RELATED DEVICE IN A CRIME OF VIOLENCE OR IN A DRUG TRAFFICKING CRIME.

Section 924(c) of title 18, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking "subsection" and inserting "paragraph"; and

(2) by adding at the end the following:

"(4) The provisions of paragraph (1) of this subsection shall apply in like manner to whomever, in the circumstances described in such paragraph (1), uses or carries an item described in section 922(s), except that—

"(A) in the case of the first conviction of a person under this paragraph, such person shall be sentenced to imprisonment for ten years; and

"(B) in the case of the second or subsequent conviction of such person under this paragraph, such person shall be sentenced to imprisonment for thirty years."

Mr. HEFLEY. Mr. Speaker, today I introduce a bill which has strong support by both labor and management. This bill would amend the Fair Labor Standards Act of 1938 to exempt district wildlife managers from the act.

Without the exemption, my State alone stands to lose $1.4 million through the payment of overtime. Most of the district wildlife managers around the country view themselves as professionals, but because of the varied nature of their jobs they do not fit under the professional exemption in the FLSA.

Not only does this mean that State governments will lose money, but services would not be met. District wildlife managers may work as few as 14 hours per week or as many as 70 hours per week. During peak work periods, many State wildlife management agencies are so financially strapped that they cannot pay their employees overtime, leaving much work left undone. This only increases the chances that illegal poachers will continue to decimate animals and that legitimate hunters will hunt without the presence of wildlife management officers.

Many State wildlife management agencies across the country support this exemption. More importantly, many of the employees of those agencies also support this exemption. The employees feel that they are hindered by the FLSA coverage and cannot do their jobs properly. This bill would help the agencies, employees, and the public who rely so heavily on these multitalented individuals.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 30, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 31

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

9:15 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 543, to reform Federal deposit insurance, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions.

SD-538

9:30 a.m.

Environment and Public Works

Business meeting, to mark up H.R. 794, Silvio O. Conte National Fish and Wildlife Refuge Act, S. 391, Lead Exposure Reduction Act, S. 455, Indoor Air Quality Act, S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 36, New York Zebra Mussel Monitoring Act, S. 1278, authorizing funds for the Office of Environmental Quality, S. 627, Lindy Claiborne Boggs Lock Designation, and to consider other pending committee business.

SD-406

Small Business

To resume hearings to examine a report on how to improve the Small Business Investment Company Program of the Small Business Administration.

SR-428A

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on H.R. 1464, authorizing funds for fiscal year 1992 for the Maritime Administration, Department of Transportation.

SR-253

Finance

To resume hearings on S. 612, to encourage savings and investment through individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation.

SD-215

Judiciary

To hold hearings on pending nominations.

SR-385

Labor and Human Resources

To hold hearings on provisions of S. 1227, to provide affordable health care to all Americans.

SD-430

10:30 a.m.

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to examine how the National Association of Insurance Commissioners (NAIC) oversees the activities of the Executive Life Insurance Company in California.

SD-226

11:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings on S. 976, authorizing funds through fiscal year 1996 for programs of the Solid Waste Disposal Act, focusing on products packaging and labeling provisions.

SD-406

1:00 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Soviet trade opportunities.

SR-253

2:00 p.m.

Energy and Natural Resources

To resume hearings on S. 1351, to encourage partnerships between Department of Energy laboratories and educational institutions, industry, and other Federal laboratories in support of critical national objectives in energy, national security, the environment, and scientific and technological competitiveness.

SD-366

Commission on Security and Cooperation in Europe

To hold hearings to review the recently completed Geneva Meeting on National Minorities of the Conference on Security and Cooperation in Europe (CSCE), and to examine U.S. policy objectives, strategies and major issues to be discussed at the September 10–October 4, 1991 human rights meeting in Moscow.

SD-562

AUGUST 1

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on coal mine health and safety issues.

SD-138

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1156, to provide for the protection and management of certain areas on public domain lands managed by the Forest Service in the States of California, Oregon, and Washington.

SD-366

Governmental Affairs

To hold hearings to examine Department of Energy procurement and subcontracting practices.

SD-342

Select on Indian Affairs

To hold joint hearings with the House Interior Committee on S. 1036 and H.R. 1426, bills to provide for the recognition of the Lumbee Indian Tribe of North Carolina.

1310 Longworth Building

10:00 a.m.

Appropriations

Transportation Subcommittee

Business meeting, to mark up H.R. 2942, making appropriations for fiscal year

1992 for the Department of Transportation.

SD-116

Commerce, Science, and Transportation

To hold hearings on S. 22, to regulate interstate commerce with respect to parimutuel wagering on greyhound racing, and to maintain the stability of the greyhound racing industry.

SR-253

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on a proposed Department of Transportation headquarters, the relationship between the Judiciary and the Government Services Administration for the provision of space for the Courts, and on the General Services Administration's (GSA's) planning and management procedures and the condition of the Federal Building Fund.

SD-406

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To hold hearings to examine narcotics and foreign policy implications of the Bank of Credit and Commerce International (BCCI) affair.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Special on Aging

To hold hearings to examine the role of music for the aging, focusing on music as medical therapy and a means of extending human vitality.

SH-216

2:00 p.m.

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to examine narcotics and foreign policy implications of the Bank of Credit and Commerce International (BCCI) affair.

SD-419

3:00 p.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on proposals to extend the patent term of certain products, including S. 526 and S. 1165.

SD-226

4:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

AUGUST 2

9:30 a.m.

Special on Aging

To hold hearings to examine issues relating to aging women remaining in the workforce and aging women re-entering the job market.

SR-385

Joint Economic

To hold hearings on the employment-unemployment situation for July.

SD-628

10:00 a.m.

Governmental Affairs

To hold hearings to examine the impact of trucking company takeovers on employees and the trucking industry.

SD-342

10:30 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 1530, to authorize the integration of employment, training and related services provided by Indian tribes to improve the effectiveness of those services, reduce unemployment in Indian communities, and adhere to the policy of Indian self-determination.

SR-485

SEPTEMBER 10

10:00 a.m.

Judiciary

To hold hearings on the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

SEPTEMBER 19

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the resettlement of Rongelap, Marshall Islands.

SD-366

SEPTEMBER 24

9:00 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

CANCELLATIONS

JULY 30

2:00 p.m.

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings on S. 1445, to revise the Safe Drinking Water Act to reduce human exposure to lead in drinking water.

SD-406

POSTPONEMENTS

JULY 31

2:00 p.m.

Joint Economic

To resume hearings to examine the current poverty situation in the United States.

2359 Rayburn Building

HOUSE OF REPRESENTATIVES—*Tuesday, July 30, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GRAY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 30, 1991.

I hereby designate the Honorable WILLIAM H. GRAY III to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O God, that our Nation has been receptive to people of faith of many traditions and we are grateful for the opportunities to worship and practice our beliefs in freedom. Allow us, gracious God, to be aware of the traditions of those who are different from us and our backgrounds, and give us all a tolerance of other citizens whose experience differs from our own.

Even as we give thanks for the blessings of our religious liberties, we remember those individuals, some from our own land and whose names we remember in our hearts, who do not share these gifts, and who are separated from those they love. May the freedoms and liberties that we celebrate each day, soon be with them and may Your spirit encourage them and give them peace this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from California [Mr. BROWN] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. BROWN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2508. An act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2508) "An act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. SARBANES, Mr. BIDEN, Mr. CRANSTON, Mr. DODD, Mr. WOFFORD, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. MURKOWSKI, and Mr. MCCONNELL, and Mr. RIEGLE, Mr. SARBANES, and Mr. GARN, only with respect to chapter 7 of title VII—relating to authority for the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945—and chapter 1 of title IX—relating to the IMF quota increase and authority for the U.S. Governor to accept the proposed amendments to the Fund's Articles of Agreement—to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1568. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. BROWN. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be permitted to sit today while the House is in session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ALBANY—ALL-AMERICAN CITY

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, it is an honor and a privilege for me to say congratulations, Albany, NY, on being named an "All-American City" for 1991.

The National Civic League's recognition of New York State's capital city spotlights the efforts of business, government, and citizens working together for the betterment of the community. Through the Albany plan, they attacked drug abuse and focused on education, treatment, and enforcement. Affordable-housing initiatives, despite Federal funding reductions, culminated in 1,550 new housing units representing substantial new investment.

Artistic and cultural opportunities abound for creators, performers, and audiences, and they have made Albany a major cultural center.

Mayor Thomas Whalen, his administration, and, in particular, the people of the city of Albany, should be saluted for setting such a great example of community pride and cooperation.

I look forward to joining Mayor Whalen at the White House next Tuesday as the people of Albany are properly recognized for their very proud achievement.

HANDS OFF THE GAS TAX

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, over 25,000 upstate New Yorker's have spoken out against higher gas taxes by signing these petitions to Congress.

These 25,000 signatures underscore that upstate New Yorkers are tired of more and more gas taxes.

☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

We already pay the highest combined State and Federal gasoline taxes in the Nation.

Like millions of Americans, my suburban and rural constituents need their cars to earn a living, to obtain an education, and care for their families.

Increased State and Federal gas taxes will take hundreds of dollars each year from the pockets of working families in New York, and across the United States.

Today there is $17 billion sitting in the Federal highway trust fund, but Congress will not let these funds be spent.

Congress should get needed infrastructure projects underway now by using the highway trust fund for its intended purpose and drop the outrageous plan to again sock it to motorists by pumping up gas taxes.

These 25,000 signatures, and hundreds more every day, are sending a strong, clear message to Congress: Hands off the gas tax.

WOMEN'S HEALTH MEASURES—A PRIORITY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I would like to take a moment to share with my colleagues my thoughts as to how important I feel it is to make a commitment to provide the support necessary to adequately research the health problems which are of primary concern to the women of this country.

Breast and ovarian cancers are what I am specifically talking about today. We have all heard the statistics—that some 44,000 American women die each year from breast cancer; that some 12,000 American women die each year from ovarian cancer.

These numbers are unacceptable because to me one death is one too many. That is why I do not feel the question is whether or not we can afford to conduct better research and to provide better health care. Research is an investment in health and inaction is not an option.

We must start today. We must ensure that women receive adequate health care. It is something to which we must be wholeheartedly and zealously committed. I am, and I know that, by supporting research, we can save lives.

IS HAVING A JOB A LUXURY?

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, the soak-the-rich mentality that prevailed in this House last year is destroying middle-class families all over America.

One of my constituents, Robert Healey, of Viking Yachts, testified before the luxury tax congressional hearing yesterday and asked Congress to repeal the luxury tax on boats. He said that his business, which at one time employed 1,400 people in plants in New Jersey and St. Petersburg, FL, has had to lay off more than 1,200 workers; that is right, 85 percent of his work force.

Mr. Healey also stated that he had to completely close down the plant in St. Petersburg. This means that some 1,200 highly specialized workers will not be able to pay income taxes and will not be able to pay Social Security or Medicare taxes either.

How much money must we lose before we realize how many lives we have destroyed with this disastrous tax? This tax is a loser. It is a loser for workers, a loser for employees, and it is a loser for the Federal Treasury.

Join with me and other colleagues who support repealing the luxury tax on boats, and remember just one thing; this is the people's House, and so for once let us do something for the people. Let us repeal this disastrous tax.

BCCI: BANK OF CRIME AND CORRUPTION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, BCCI, now known as the bank of crime and corruption, was subject to indictments for the biggest bank fraud in world history. BCCI did business with drug dealers, terrorists, dictators, even the CIA.

Bribes, grand larceny, and fraud; 5 billion dollars' worth of fraud, Mr. Speaker, and guess what, they won a $200 million fine. Would you not like to run with $5 billion and pay a $200 million fine? They will not even collect it.

Second of all, they are saying that, "None of you nine thieves are allowed to open another bank in America." What about a McDonald's or a 7-Eleven, folks?

With regulators like this, Mr. Speaker, Congress should hire the neighborhood crime watch. They would do a better job.

Congress had better take a look at the Federal Reserve Board. When someone flies with $5 billion and no one catches it until an indictment, it seems awfully funny to me.

BATTLE OVER THE BUREAUCRATIC BOWEL

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, it is time to alert the American public to the danger of regulatory constipation emanating from the WIC Program guidelines being considered at the Department of Agriculture. WIC's nutrition guidelines promote the eating of both cereals and fruits—as long as they are not packaged and eaten together. What kind of prunes do we have setting these guidelines?

Today's Washington Post suggests that several Senators are concerned that there is great danger in compromising nutritional standards by allowing WIC Program participants to eat fruit packaged with cereals. Well, I guess any group of 100 people will have its share of Frosted Flakes.

Mr. Speaker, it is time for the WIC administrators to say "Cheerio" to these proposed guidelines, and let America's needy children sit down to a nutritious bowl of Raisin Bran. And, let me assure the good folks at the Department of Agriculture that eating fruit can loosen up bureaucratic blockages just as surely as eating bran.

☐ 1210

WRONG DECISION BY DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I will vote against House Joint Resolution 308 to disapprove the base closing recommendations, because the Commission followed the mandate of Congress to provide a fair process that will result in the reasonable and appropriate closure and realignment of our country's military bases, and will save our country billions of dollars.

However, the Defense Base Closure and Realignment Commission was wrong to decide to include the Corps of Engineers reorganization proposal in its base closure recommendations.

I do not believe that the Commission had authority to propose reorganization of the corps. Unlike the Commission's expansive study of military base closures, the Commission virtually ignored the mission and purpose of the Corps of Engineers in its final plan.

Congress now has 1 year to come up with its own corps reorganization proposal. The time to start this effort is now. As chairman of the Subcommittee on Environment, Energy and Natural Resources I have initiated an oversight review of the corps' realignment proposals. The subcommittee will use the information to thoroughly evaluate the soundness of the proposal and forward this information to the appropriate legislative committees. The subcommittee findings will be essential for any new plan the Congress will develop in the coming year.

H.R. 917, THE SOCIAL SECURITY NOTCH ADJUSTMENT ACT OF 1991

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in nearly every city and town in America, there are two retired older Americans, both of whom worked hard all their lives in the same occupation, both are good citizens, and both very much depend on their monthly Social Security checks. The only difference between them is that one retiree is a year older than the other, and, surprisingly, the elder of the two receives $124 more each month from Social Security.

It is hard to believe that the Social Security system, a program which will impact nearly every American, would give substantially different benefits to people with similar work records but who differ slightly in age. This is the Social Security notch problem. It is that group of older Americans who have worked hard to support a family, yet receive significantly less retirement benefits than others, simply because their birthdate fell between 1917 and 1921.

This problem has been debated for 13 years now. I support Congressman ROYBAL's bill, the Social Security Notch Adjustment Act of 1991, because it brings justice to the Social Security system. A system so many older Americans depend on.

CAMPAIGN REFORM BILL URGED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, a year ago almost to this very day, to the everlasting credit of the Speaker of the House, the gentleman from Washington [Mr. FOLEY], this House debated and produced a campaign reform plan on the very eve of our leaving for the August recess in 1990.

Unfortunately, the House and the Senate versions were not reconciled, and so today, 1 year later, we still have no campaign reform bill.

The elements, it seems to me, Mr. Speaker, of such a bill would be a voluntary limit on campaign spending, which can be achieved only through either partial public financing or cheaper rates on television, some reduction in the influence and the role of political action committees, and an enhanced role for individual donors.

It seems to me, Mr. Speaker, this is the kind of bill we should pass. We cannot do it this week, but we can do it before the end of this calendar year. Upon our return in September, I certainly hope that this Chamber takes up and passes a good stiff campaign reform bill.

LUXURY TAX HEARING

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the luxury tax is hitting the middle class, and must be repealed before middle-class Americans are harmed any further.

At a hearing yesterday we heard from several Americans who have been severely hurt by the luxury tax. In particular, we heard from Charles and Alice Potts. Mr. Potts is a disabled Korean war veteran from Missouri. He and his wife decided to buy a minivan equipped for Mr. Potts' disability. To their dismay, the cost of the minivan exceeded the $30,000 luxury tax threshold after the cost of the conversion. After much redtape, and the help of the Veterans' Administration, the Potts were told that the luxury tax did indeed apply to their converted van. The bottom line—Mr. and Mrs. Potts are paying for the luxury of simple transportation.

Congress certainly did not intend to tax people like Mr. Potts when they allowed the luxury tax to be included in last year's budget agreement. As Mr. Potts concluded in his testimony yesterday, the luxury tax was supposed to affect only the wealthy. Well, it certainly does not.

Mr. Speaker, I urge my colleagues to support repeal of the luxury tax in its entirety. It was clearly a mistake and is detrimental to the American middle class.

BUSH DOMESTIC POLICY FAILURES

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, once again, President Bush is off in another part of the world. This week, in Moscow, he will sign a much-needed arms treaty. He will also conference with Gorbachev on how the United States can help to straighten out the failed Soviet economy. When President Bush returns, Mr. Speaker, I hope that he will give a little attention to the needs of America and our people for a change.

During the past year President Bush has asked Congress to give emergency aid to the Kurds, the Israelis, the Turks, and many others whose problems he believes merit even more deficit spending. At the same time, the President threatens to veto aid to the workers of America. President Bush has asked for most-favored-nation trading status for the Chinese and the Soviets to help boost their economies.

What we really need is for President Bush to declare most-favored-nation status for America—its economy and people. The Soviet Union and China are President Bush's most favored. Unfortunately, working Americans with domestic needs are George Bush's least favored.

SETTING THE RECORD STRAIGHT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let Members set the record straight on the Republicans' policies in the 1990's and 1980's.

Myth: Tax cuts in the 1980's starved the Federal Government; fact: 1990 Federal revenues increased over 35 percent from 1980 to 1990.

Myth: Federal spending on social programs was reduced; fact: During the 1980's the poverty level increased by less than 1 percent, while the total Federal spending on children increased by 18 percent. This is 3 times the rate of population growth.

Myth: Middle-family income declined in the 1980's; fact: In 1989 the inflation-adjusted income of families increased for the seventh straight year and reached its alltime high.

Myth: Taxes on the rich decreased while taxes on the poor increased; fact: Between 1980 and 1990 the rich had their taxes reduced 9 percent, the middle income reduced 20 percent, and for the poorest Americans, taxes were reduced 275 percent.

Remember, Mr. Speaker, the 1986 tax reform bill removed 6 million families from the tax rolls. Let Members keep the facts straight. It is a myth to think the Reagan-Bush policies hurt this country. The fact is, they have created jobs and stimulated economic growth.

COME HOME, MR. PRESIDENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise today out of frustration and with a sense of urgency. In Connecticut, we are 2 years into a recession. The banking system and the unemployment compensation system are not performing; hardly anyone expects a recovery in the near future. Salaries and wages have declined 3.5 percent in the past year. People are calling out for relief from the rising costs of health care, taxes, and education.

Today I urge the President to come home and convene a domestic economic summit to force immediate action on the unemployment system, the credit system, the cost of health care, middle-class tax relief, and the need to foster strong American industries.

The President's attention span for these problems at home is painfully short. He is quick to subsidize the defense of Japan or provide loans to the Soviet Union, but says his hands are tied when it comes to a domestic problem. No one doubts the importance of forging cooperation at the G–7 meetings in London, or shoring up relations with Greece or Turkey, or going to

Moscow to meet with President Gorbachev. But somewhere in these foreign travels, the President should glance home and recognize that his talents are needed here.

A summit of our political and economic leaders would send a message to working Americans that their needs are still a priority.

If it takes a summit to get the President to focus on problems here at home—then let us have one. We have world class problems that require the best from our leaders.

□ 1220

LUXURY TAX COSTS JOBS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the luxury tax included in the so-called budget agreement of 1990 should be repealed.

In his first inaugural address, Thomas Jefferson asked rhetorically:

> What more is necessary to make us a happy and prosperous people?

The answer he gave is instructive:

> A wise and frugal government which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned.[1]

Mr. Speaker, the luxury tax is destroying workers' jobs. We held hearings yesterday and heard story after story of people thrown out of work. Mr. Chet Markley, a skilled craftsman with 27 years of experience with the Trojan Yacht Co., lost his job. He remains out of work because his industry has been crippled by the tax.

Indeed, we are killing our own industry and undermining our own economic productivity, plain and simple.

We must take Thomas Jefferson's advice to heart and start the ball rolling toward increasing people's happiness and prosperity once again by repealing the antiworker luxury tax.

THE SUMMIT AND SOVIET MFN

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, George Bush is off gallivanting again, playing super diplomat. This time he has gone to help the Soviet Union out of their economic mess, but he has no plan to help America out of its economic malaise. It seems all the President is doing these days is traveling abroad as our neglected problems here at home get worse.

Yes, Soviet citizens need jobs, but so do Americans. Yes, the Mideast needs peace, but we need peace on our crime-ridden urban streets.

The President's formula for Soviet economic recovery is most-favored-nation status. He is bestowing this prize when the Soviets have not fulfilled the prerequisite set by Congress—free flow of emigration.

The Soviet emigration law is a sham and George Bush fell for it. It will not be law until at least 1993. Emigration can still be blocked by vague financial claims. This move is premature and I will fight against ratification when MFN comes to the Hill.

We are wondering, Mr. Speaker, we are wondering just what is President Bush's most favored nation. Is it America? You would not know with all the time he travels abroad.

George Bush, park Air Force One, unpack your suitcase and stay with us awhile. America needs you, too.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members of the House that remarks from the well should be addressed to the Speaker.

INTRODUCTION OF LEGISLATION TO BENEFIT WATER USERS IN YAKIMA RIVER BASIN

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, today Senator GORTON and I are introducing legislation which will bring benefits to all water users in the Yakima River basin, be they irrigators, the Yakima Indian Reservation, or anadromous fish. Our legislation will authorize the second phase of the Yakima River enhancement project through water conservation measures designed to reduce the amount of water diverted from the river and its tributaries for irrigation purposes, and devote that saved water to raising instream flows for the basin's fishery resources.

Through negotiations with members from all interests in the Yakima River basin, we bring to Congress legislation backed by the local irrigators, the Yakima Indians, the State of Washington, and the Bureau of Reclamation. Now, we're not asking Congress to fund huge new dams and expensive water storage proposals. This is not a big, new water project bill. Instead, we bring to you an environmentally measured approach, which holds the promise for improving salmon runs in a river almost certain to have petitions for threatened and endangered species filed in the near future.

In my view, this legislation can serve as a shining example for other dry areas in the Western United States, on how to better use current water for irrigation and municipal purposes while at the same time improving river conditions for anadromous fisheries. Through the implementation of innovative water conservation measures, I believe the Yakima River basin will be better able to weather future droughts and avoid the water shortfall miseries which plague farmers and fish alike.

TIME FOR PRESIDENT BUSH TO START DOMESTIC PROGRAM AT HOME

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it is good news when President Bush and Mikhail Gorbachev sign a START agreement to reduce nuclear weapons, and I congratulate them for that. We need to reduce the nuclear arsenals of both superpowers.

However, when the week is over the President is going to have to come home. It is long past the time for the President to park Air Force One and begin some "START" talks in this country.

Maybe the President should begin some talks here to start putting Americans back to work, to start reducing our crippling budget deficits, to start fixing our health-care system, to start saving family farmers, to start dealing with crime in America, with education, and with trade.

Yes, it is time, long past the time, for the President to start focusing on problems here at home, to start helping to put America back on track.

IRS THREATENING SMALL BUSINESSES WITH INDEPENDENT CONTRACTOR RULES

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, America's 20 million small business owners are essential to our Nation's economic well-being. Their creativity, innovation, and entrepreneurial spirit generate 60 percent of all new jobs in the United States.

The Internal Revenue Service is threatening the viability of many of these smaller firms with its independent contractor rules.

Overzealous IRS agents are aggressively seeking to reclassify many independent contractors as employees, and slapping ruinous back tax and penalty liabilities on well-meaning small business owners.

This morning, the Small Business Committee's Subcommittee on Exports, Tax Policy and Special Problems held a hearing on the impact of this IRS practice on our Nation's smaller firms. The hearing was requested by the ranking member of that subcommittee, the distinguished gentleman from Texas [Mr. COMBEST].

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[1] Thomas Jefferson, First Inaugural Address, quoted in Bartletts Familiar Quotations.

My colleagues, the horror stories related during this hearing were truly outrageous. But witnesses were not there simply to complain about what's wrong with the system. They also offered possible solutions to clarify workers' employment status.

My colleagues, we must do something to stop this needless harassment of our Nation's small businesses by the IRS. Remember, it is easy to say that you are for small business. But it is how you vote that really counts.

PRESIDENT BUSH IS SETTING RECORDS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, during one of his recent visits to the White House, President Bush paid tribute to Joe DiMaggio and Ted Williams, two Hall of Famers who set records in baseball 50 years ago; but with his typical modesty, the President neglected to mention records being set by his own administration, and President Bush is setting records.

He has set a record for the most countries visited by a President, most miles racked up on Air Force One, most frequent flyer coupons earned in the shortest time, fewest mentions of the unemployed by a President during a prolonged recession, biggest deficits run by a President in American history, and the largest bailout of a single industry, the S&L's, in the history of capitalism.

Mr. Speaker, if the President's travel plans do include Washington, have him tell us that the people of the Research Triangle Park matter as much as his friends in Gorky Park; assure us that the unemployed people of St. Petersburg, FL, matter as much as the jobless people of St. Petersburg in the Soviet Union. Have him convince us that he believes America's problems are his problems, too.

THE GAS TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Americans need to grab their wallets again, because the Democrats in this House are out to raise their taxes once more.

No matter that they just did it less than 6 months ago. Now, they want to do it again, and they are not even being the least bit creative about it. In fact they want to tax you the same way they did last fall—at the gas pump.

I suppose they concluded that because the American people did not complain too much when gasoline prices skyrocketed during the Persian Gulf war, they will not fuss when the temporary increase becomes a permanent one.

I guess last year's 5-cent gas tax increase was not quite enough, so they have proposed another 5-cent increase, this time to pay for all the little extras included in the highway transportation bill. If that is not enough, someone else is calling for a 50-cent-a-gallon increase in the Federal gas tax—10 cents a year for the next 5 years.

When is Congress going to realize that tax increases are not the answer to balancing the budget? Tax increases are not justification for Congress's lust for spending.

America's taxpayers are getting a raw deal. We need to cut the pork from the bill, put the Federal dollars where they are most needed, and save hardworking Americans from yet another burdensome tax hike.

This time they do not even pretend this is a tax the rich sham, this is a straight forward get middle America assault.

□ 1230

PORK BARREL POLITICS AND BASE CLOSINGS

(Mr. ANDREWS of Maine asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Maine. Mr. Speaker, there are military bases all across this country that are open not because of military necessity, but because of pork barrel politics.

The independent base closure commission was created to break the stranglehold of pork barrel politics and make recommendations on military installations based on the national interest.

The fact that Loring Air Force Base in Maine is on the list of bases to be closed, and the fact that the decision is going to inflict hardship on my State makes today's vote on their recommendations a very difficult and painful one.

But 30 years ago, Senator Margaret Chase Smith of Maine faced this same painful decision when the Air Force decided to close a military base in Presque Isle, ME.

This is what she said:

> The far easier course for me to pursue politically would be to vigorously protest this action, to demand that the Presque Isle Air Force Base be kept operating to aid the economy of the area and to avoid the impact and dislocation this closing is bound to have.
>
> But in all good conscience, I cannot do this, for this would simply be playing politics with our national security, our national defense and our taxpayers dollar.

Senator Smith spoke these words on March 30, 1961.

They should be remembered by all of us today.

RAISING TAXES DOES NOT NECESSARILY INCREASE REVENUES

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, pity the poor college sophomore. He pays his college tuition, he goes to class, and his professor tells him, and his textbook tells him, that when the Nation faces a recession the Government should lower taxes. He thinks he understands, and he looks to Washington. He finds that when this Nation faced the recession, this Government raised taxes.

He goes back to the classroom. His professor says, When you raise taxes, especially luxury taxes on real items purchased by real people, people will buy less of this. When they buy less of it, people will produce less of it. When they produce less of it, people will lose jobs, and when they lose jobs they will pay less in income taxes and Social Security taxes and excise taxes and sales taxes. The result will be that the Government that tried to raise the revenues by levying the taxes will actually lose revenues while they destroy people's jobs.

He looks back to Washington and says, "They made a mistake. What are they going to do about it?" He finds the Democrat leaders in Washington saying, "We didn't do enough."

Mr. Speaker, crazy is doing more of the same thing and expecting a different result. Tax raising Democrats are doing that. The poor student is being driven crazy, trying to make sense out of it.

THE SENATE AND THE PRESIDENT SHOULD NOT FIDDLE WHILE OUR FIELDS BURN

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we are all familiar with the story of how Nero fiddled while Rome burned. Today, nearly 2,000 years later, I fear that history is repeating itself.

Right now, in the fields of the Midwest, crops are withering in the drought gripping much of the country. On Sunday, I walked through the fields of the Third District of Indiana with a group of farmers I represent. I saw the dry, cracked earth, the dried-out soybeans, and the scorched corn.

As Congress prepares to recess for the August district work period, I urge the Senate and the President to act quickly to address the plight of our farmers. I am proud to say that the House of Representatives took a step in that direction by passing the Agricultural Disaster Assistance Act last week.

Mr. Speaker, I do not understand why President Bush is opposed to assisting farmers with this measure. Without this legislation, the men and women working on America's farms—the very people who produce food for populations across the globe—will no longer be able to afford to put food on their own tables or the tables of the American people.

Just try to tell Tom Bradford of Walkerton, IN, or Kenny Singleton, Dwight Annis, and John Dooms of North Liberty, IN, that there is no emergency. Some people would even have the American people believe that Soviet farmers need help more than our American farm families.

Mr. Speaker, there is an emergency and it demands action now. I urge the Senate and the President to prohibit history from repeating itself. I urge the Senate and the President to pass the Agriculture Disaster Assistance Act. We cannot afford to fiddle while our fields burn.

SUPPORT URGED FOR ADEQUATE EMERGENCY DISASTER RELIEF

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, there has been a great deal of debate recently concerning agriculture disaster relief. Most Americans, and many in Washington, DC, are unaware of the serious drought crisis now taking place throughout the country.

This drought has already begun to take a devastating toll on small farmers from Texas to Pennsylvania. In the Midwest many farmers have had little to no rain since early June. There has already been a tremendous amount of damage to corn and soybean crops, and with a serious weather change unlikely in the near future, America's farmers could be facing another major crisis, which comes on the heels of devastating droughts in 1983 and 1988 which scores of farmers are still recovering from.

This weekend I met with farmers who are being devastated by this criteria and found corn stalks which would be 8 feet tall only waist high. Some farmers report they will be lucky to harvest a tenth of their regular yield and many fields are not worth harvesting. Many farmers will be relying on their savings to keep them afloat financially.

This crisis will not only affect small farmers, it will affect consumers at the supermarket checkstand and may have a drastic impact on our national economy.

Mr. Speaker, there may not be a lot of hoopla or media attention to this ravaging drought, but I assure you that we are indeed facing a major crisis. I urge my colleagues and the administration to support adequate emergency disaster relief.

THE SOUTH CAROLINA PEACH—ONE OF NATURE'S PERFECT FOODS

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, today, along with slicing the budget pie, I recommend we consider slicing something sweeter. Only 38 calories, filled with vitamin C, calcium, iron, and fiber—the South Carolina peach is one of nature's perfect foods—sweeter than a budget victory and juicier than Washington gossip.

Today, the South Carolina congressional delegation, upstate peach growers and the South Carolina Farm Bureau are proud to present each Member of Congress with a basket of South Carolina peaches.

In recent years, drought, freezes, and Hurricane Hugo have put a great amount of stress on the industry. These disasters were felt in many parts of the South Carolina economy. Farmers, packers, truckers, as well as many small farm related businesses depend on our annual peach crop for a large part of their yearly income: 1991 has been a banner year. The 31,000 acres of peach orchard—more than 3 million trees—in our State have produced nearly 350 million pounds of fruit. And we want to share with you some of South Carolina's finest.

I am proud to be able to help these South Carolina farmers celebrate a great harvest and say thanks for your past support.

A COMMEMORATIVE MEDAL FOR AMERICAN DESERT SHIELD AND DESERT STORM TROOPS

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, this afternoon the House will act on H.R. 1107, legislation to provide for a Silver Congressional Commemorative Medal for American Desert Shield and Desert Storm troops.

This medal will be paid for entirely from the proceeds of a bronze replica medallion to be sold by the U.S. Mint to members of the public who want an official, U.S. Government commemorative, rather than one of the mementos being advertised here by foreign governments.

Mr. Speaker, this medal is our chance to say thanks—in silver—to the rank-and-file men and women who served in the field, just as we said thanks to the generals on April 11 when we passed legislation providing for the Schwarzkopf and Powell gold medals.

I want to take this opportunity to thank the many Members of the House who have advised me on H.R. 1107 and the many Members who have cosponsored the bill.

I look forward to its passage today.

NEW PROPOSALS HIGHLIGHT CRIME PREVENTION PACKAGE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, while preventing crime ranks high on everyone's agenda, we have lacked support for some important tools to do so. Today I am introducing a crime prevention package including two proposals that will enhance our ability to ensure public safety, prevent crime, and support the health and well-being of families.

We usually hear about police when a crime is committed on the street. Yet, in order to ensure a healthy and effective police force, the everyday needs of police officers and their families need attention. Officers, administrators, and support personnel agree that existing stress reduction and family support programs while effective, remain scarce. The first proposal, the Law Enforcement Family Support Act, addresses the serious stress placed on officers and their families by police work. This legislation will provide grants to State and local police departments to fund family support services, and will establish an Office of Family Support within the Department of Justice to oversee development of family-friendly policies for law enforcement personnel.

The second proposal will provide support to a proven youth development and crime prevention effort—The Midnight Basketball League. It provides opportunities that respond to the needs of unemployed male youth who have left school. It also helps to reduce crime in high-crime areas. Supported by a creative public/private partnership, the program offers, first, positive recreation during the hours from 10 p.m. to 2 a.m. when most youth crimes are committed, second, special job and other skills training, and third, critically important adult male role models and mentors. Many of the players have found permanent employment through the league, several have completed GED requirements, and not one of the athletes has been in trouble with the law in the 3 years during which the league has been in operation.

Please join me in support of these two proposals which will improve our capability to prevent crime and enhance family and community development.

INTRODUCTION OF ECONOMIC GROWTH ACT OF 1991

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, tomorrow Senator PHIL GRAMM and I will introduce the Economic Growth Act of 1991. We are concerned about the recession, and we want to encourage new jobs, new home buying, new opportunities for senior citizens to work without a Social Security penalty and new opportunities to save for health, education, and home buying, as well as retirement.

Mr. Speaker, this week the Democratic Party leadership plans to bring up a tax increase on jobs, a tax increase on driving to work, and then, having killed jobs in the middle of a recession, they intend to extend unemployment to take care of the people they have made unemployed.

I have two challenges. First, I urge every Member, Republican and Democrat, who cares about creating jobs to help cosponsor the Economic Growth Act of 1991; and, second, I would urge the Committee on Rules to make in order our Economic Growth Act so that, if extended unemployment comes to the floor with a tax increase that will kill jobs, we have a chance to vote for a substitute which will clearly create jobs.

Mr. Speaker, the Economic Growth Act will create at least a half a million to a million new jobs. It will increase government revenue. It will help young people buy homes. It will help senior citizens work, and it will establish IRA's for everyone.

So, Mr. Speaker, I hope every Member will look at the Economic Growth Act and see that as a clear alternative to the Democratic Party strategy of raising taxes and killing jobs in the middle of a recession.

CALLING ON PRESIDENT BUSH TO NOT FORGET THE PEOPLE WHO ELECTED HIM

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, President Bush just got back from Europe, played a couple of rounds of golf, and now he is gone again, to the Soviet Union, and hopefully he will bring back some peace accord. But for some reason or another he does not want to stay home, and the Americans are saying: "Mr. President, you can run, but you can't hide."

Now my colleagues might ask, "What Americans are saying this?" Mr. Speaker, they are the unemployed, and there are 1,600,000 unemployed people who have run out of benefits already, and they are the underemployed who do not have enough money to by all the niceties of life, and those who do not have any health insurance at all, and how about the farmers and small business people who are losing their farms and their small businesses?

Mr. Speaker, there are a million others who need the President and need his leadership back home. The Americans are saying:

"Mr. President, you ought to stay home, and don't forget about the people who elected you in the first place, and it sure wasn't the Europeans, the Soviets, or the Chinese, or the Japanese."

HOW ABOUT MOST-FAVORED-NATION STATUS FOR OUR FARMERS?

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, on Friday of last week I had a chance to visit with 40 farmers in my district, in Fairmont, and Rankin, and Armstrong, towns that do not mean a lot to a lot of people, but they are certainly important to the people I met with. We had a chance to go out into some of their fields and talk abut the problems they are having with rain in Illinois, and this is what we picked out of cornfields in that State: corn that was stunted.

Mr. Speaker, I have 35 counties in Illinois that have had less than an inch and a half of rain since June 1, 35 counties that have asked for relief. Five of those are in my district. The farm bill gave relief to farmers in both drought and in flood situations, but the 1990 farm bill does not apply to the 1991 crop, and, as I met with those farmers, they said, "What are you doing about the drought of this year," and I said, "Well, we have legislation to appropriate $1,750 million to farmers who are suffering from drought but, the President sent a letter that he may veto that legislation."

Mr. Speaker, this morning, when they turned on the radio, they heard that the President was in the Soviet Union, and it said that the Soviet Union wants to have most-favored-nation status for that country. I am hoping, Mr. Speaker, you will tell the President when he comes back that we would like to have in our part of the country for farmers the most-favored-nation status for our farmers also.

QUIT COMPLAINING ABOUT THE PRESIDENT AND GO TO WORK

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, I remember the election in 1984 very well, and it seems that the Soviet Union had its fourth President in 3 years, and the Democrat leadership was bemoaning, going around throwing its hands in the air, wailing, because President Reagan had not met with the leadership of the Soviet Union, and how absurd, and how irresponsible for President Reagan to be only concerned with domestic issues when the international arena was where our real peace and safety lie. They were asking, why wasn't Ronald Reagan meeting with the new leader of the Soviet Union? Why wasn't he attending these summits? Why was he always concerned with tax reform, and creating jobs at home, and lowering the burden on the working people and all those things in middle America?

They were saying he needed to get his eyes up and get his sights abroad.

I remember George McGovern said the greatest travesty in America in 1984 was that Ronald Reagan was the first President to have not met with a Soviet leader.

Mr. Speaker, by standing firm with our principles, internationally, we were able to bring an era of peace, which now for the first time the President of the United States is signing an agreement where these long-range missiles are being reduced, not increased, as under Carter, but reduced, and international peace, and now what do we hear from the folks hour after hour, day after day, moment after moment? They are bemoaning the fact that the President is bringing international peace and international respect.

Mr. Speaker, the only person that can pass a highway bill, a crime bill, a tax reform bill, an education reform bill, is the Congress of the United States. The President proposed it in January. It is now August recess for the Congress. They have not passed a single thing. They ought to quit complaining about the President and go to work.

HUMAN RIGHTS ABUSE IN PERU

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, sometime this week, the Bush administration will provide Congress with a report card on human rights in Peru. The President must submit this certification before U.S. aid may be provided.

But the President's report on Peru won't look like the assessment of the United Nations—which documents more disappearances in Peru than any other country in the world.

The President's certification won't look like that of the Organization of American States—which includes more unresolved human rights violations in Peru than any country in Latin America.

And the President's report won't look like the assessment of Americas Watch or Amnesty International—which have charged Peruvian security forces with egregious and systematic human rights abuses.

On the contrary, President Bush intends to certify that Peru's military and police forces are not engaged in a consistent pattern of human rights abuses, and that the Peruvian security forces are effectively under the control of civilian authority.

This shameful and fraudulent human rights report will clear the way for an administration request to provide more than $34 million in military aid to Peru.

Mr. Speaker, this human rights determination will violate United States law and be an affront to Congress—especially the majority who voted for human rights conditions on United States aid to Peru. Until real progress is made in Peru, not one dime of aid should be released.

CAPT. FRANK ZABROCKY RECEIVES NAVY'S PUBLIC SERVICE AWARD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today I would like to recognize a very special gentleman, Capt. Frank Zabrocky.

Captain Zabrocky was the master of the U.S. Merchant Marine vessel MV *Mallory Lykes* during Operation Desert Shield/Storm. During the Persian Gulf crisis Captain Zabrocky safely and successfully transited oil covered and mine filled waters to the port of Al Mishab which was 87 miles closer to the front than any previously used port. From Al Mishab he directed the safe offloading of highly explosive and vital cargo while the port was under missile attack.

These efforts reflect great credit upon Captain Zabrocky himself, the Military Sealift Command, the Department of the Navy, and the Department of Defense.

For this extraordinary service, the Department of the Navy has awarded to Mr. Zabrocky the Public Service Award.

This award is the third highest form of public service recognition granted by the Navy, and is given for a significant contribution with substantial impact upon a given activity at a specific geographical location.

□ 1250

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 313, REGARDING OVERSEAS BASE CLOSURES

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution, it shall be in order to consider in the House the joint resolution (H.J. Res. 313) to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States. The joint resolution shall be debatable for not to exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 206 provides for consideration in the House of the overseas base closure measure. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee.

In addition, Mr. Speaker, the rule provides one motion to recommit. Later today, Mr. Speaker, we will be voting on a joint resolution to disapprove the Commission's recommended closure of 25 major domestic bases.

If we approve the closing of these bases, we all know communities will be disrupted and jobs lost.

On the other hand, these are the difficult adjustments we must make as the cold war ends and as we scale back our military spending.

But not one foreign base is on the list to be closed. That is disturbing.

The collapse of the Warsaw Pact makes us wonder whether we need all of the more than 200 military installations in Germany; it does not put into question the usefulness of domestic bases.

The joint resolution before us simply mandates what is the sense of Congress embodied in current law.

I remind my colleagues that the Defense Base Closure and Realignment Act of 1990 expresses the sense of Congress that:

> The termination of military operations by the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity

The joint resolution would simply require the next two base closure commissions, in 1993 and 1995, to include overseas bases.

The joint resolution in no way diminishes the Secretary's existing discretionary authority to close foreign bases and this was made clear in testimony before the Rules Committee yesterday.

This is a straightforward proposition. There is nothing complex about it. Today, we must vote on whether to close domestic bases. There is no good reason to postpone discussion of adding overseas bases to the next two lists.

Mr. Speaker, closing bases is a painful process. We can not continue to protect overseas bases while we disrupt American communities, threaten our already fragile economy, lay off American workers; We can no longer shoulder the burden of the world's defense alone.

This is a timely proposition. It is appropriate to consider the matter in the House today. The rule provides for a vote on the proposition and assures the minority its motion to recommit with instructions.

It is a fair rule and I urge its adoption.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 313, which we are considering here today, epitomizes that old saying that "rules are made to be broken." It ignores every rule this House has ever devised for an orderly legislative process, rules providing for committee hearings, committee amendments, committee reports, minority views, and a reasonable lay-over period before House floor consideration. It is really an ironic shame that the Committee on Rules should be party to such a gross violation of the rules, for such olderly procedure.

On Thursday of last week, we were advised by the very distinguished majority whip-elect, the gentleman from Michigan [Mr. BONIOR] that today we would be considering an unnumbered resolution regarding overseas base closures. And in response to a specific question as to whether it would be a sense of Congress resolution or whether it would change the charter of the Commission, Mr. BONIOR said to this body, and I quote, "The sense of Congress resolution, that is correct."

Mr. Speaker, something happened to that sense of Congress resolution on its way to the Committee on Rules last Friday afternoon. It was miraculously transformed into a direct amendment to the Base Closure Commission's charter.

Mr. Speaker, at close to 5 p.m. last Friday this joint resolution arrived on the Committee on Rules' doorstep, labeled as a "discussion draft" and bearing no sponsor's name, no apparent parent to it. I guess we should just be thankful it did not say that it was authored by Mr. Triple X, our old friend from a previous armed service bill.

We were informed, though, that the resolution was being written by the distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], and one would think that if that were the case, the chairman would want to have the full blessing and the full support of his committee and would convene a meeting to mark up and report that measure, which is the normal procedure of this House as laid out in the rules of our House.

But even though the disapproval resolution to be considered under expedited procedures later today was reported by the Committee on Armed Services, no such consideration or report was accorded this overseas base closure resolution, even though its provisions do not take effect until 1993—2 years from now.

Mr. Speaker, is it any wonder that we are protesting a process that treats this 1993 bill like it is some kind of dire emergency? What national emergency are we supposed to be dealing with here? I have not received a satisfactory answer to that question and can only conclude that this is either for political face-saving or to cover some other part of the political anatomy of this body.

One might excuse this measure as an afterthought, but that implies that some thought was given to this matter.

Mr. Speaker, we will be told by the majority that it was not necessary to follow all the procedural niceties required by the normal legislative process, what we refer to as regular order around here, since this is a straightforward proposition that requires no hearings, no deliberations, and most of all no thought.

In other words, either we favor including foreign base closures in the recommendations of the Commission or we do not.

Mr. Speaker, the issue really is not as simple as all that, even though it would appear to be the soul of simplicity and appeal.

For instance, has the Committee on Armed Services or the author of this resolution, whoever he may be, considered the potential ramifications that this resolution might have on this country's overseas treaty obligations? I do not see any evidence that such a matter was even taken into consideration. There is no committee report to even look at to find out. How can we define our clear legislative intent when we do not even have that report before us.

We are being asked to fly blind, legislate in the dark, and trust that we will not look too bad when this bill is exposed to the dawn's early light. Mr. Speaker, I do not want to belabor my procedural objections to this rule, suffice it to say that this process demeans the entire House of Representatives. We deserve better of our committee system on such an important issue as American overseas commitments.

□ 1300

This bill and this process do not give us that better that we deserve. They give us instead the worst possible way to proceed. We should defeat this rule and let this legislation follow the regular order that was devised for such important issues.

A vote against this rule is a vote to uphold the regular legislative process through the standing rules of this House that we all cherish so much.

Mr. Speaker, let me in closing just read the administration's position on this bill, just some of its last few sentences, because I think they say it all. The joint resolution could also interfere with the President's conduct of foreign affairs.

Then it goes on to say, I think for those of us who have worked hard for better sharing of the distress burden by our allies, such as the gentlewoman from Colorado [Mrs. SCHROEDER], myself, and others, "As the Commission meets only once every 2 years, heavy reliance on the commission process for overseas closures could keep DOD from bringing overseas-based forces home in a timely fashion." Now, I know we all recall the threatened delays that stood in the way of the idea of closing domestic bases, the claims of partisanship and idea of prohibiting appropriations to carry out such closures. But, has it really sunk in that by bring this ill-considered bill to the floor in such a rush we may be unnecessarily delaying the closure of some overseas bases until 1993 or 1995? As it stands now, the Secretary has the authority to close overseas bases at his discretion, and he has announced his intention to close facilities on a quarterly basis, not just an annual basis. Why fix that ain't broke?

Mr. Speaker, that kind of unnecessary delay is wrong. We ought to leave it up to Secretary Cheney, to Chairman of the Joint Chiefs of Staff Colin Powell, and to the President, to make this determination.

Mr. Speaker, I would therefore urge defeat of the rule.

Mr. MOAKLEY. Mr. Speaker. I yield 7 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the Subcommittee on Military Installations and Facilities.

Mrs. SCHROEDER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding.

Mr. Speaker, I am pleased to take the floor at this time to answer some of the allegations made by the distinguished gentleman from New York [Mr. SOLOMON].

First of all, let me point out that none of the rules of the House have been broken, nor the committee, nor anything else. This is long overdue. I think the issue is nobody wants to come out and be for foreign bases, so you are trying to figure out some way to be for the President, but not be for foreign bases. So you decide to attack it this way.

How can I say none of the rules of the House have really been infringed upon? We have had hearings, we have approached this over and over again. The first round of base closings, the House Committee on Armed Services put in both foreign and domestic bases. The entire committee voted for that. It came out. When we got it to the House floor, foreign bases were taken out. Therefore, the committee has been looking at this for a long time.

Then on the second round, they did exactly the same thing. The House Committee on Armed Services again felt that it was important to consider both foreign and domestic bases at the Commission level. Once again, this time we got it through the House, but the Senate decided that they would take it out.

This is the third time around. The world has changed even more. So I do not think that the House Committee on Armed Services needs to go another round of looking at this.

The whole reason for having bases overseas was to forward deploy our troops against the Communist line. The problem is, that has now all changed.

Here we are with all these installations in West Germany, protecting West Germany from East Germany; except it is now all one Germany, and all the East Germans are in West Germany shopping at the mall. Tell me what kind of sense that makes.

So you do not really need to have a hearing to look at all of this again, because we thought we needed to look at the whole thing before all this world change had really happened. So this has been the House Committee on Armed Services' position over and over and over again.

We felt as we looked retrospectively at the Base Closing Commission's report, it is very hard for them to look at all of our forces when they are not allowed to look at all of our forces, they can only look at the forces in the United States. Then they are told, cut back the number of bases that would allow us to cut the number of forces 25 percent. That is going to overaffect bases at home, if you cannot look at all the bases where we have people.

So we really thought this absolutely has to be made part of the RECORD, that we do not think this should ever happen again, and from henceforth, ever more, we must look at the whole thing in order to be able to figure out how we downscale.

The next issue has been the administration has been scrambling around trying to tell us how many bases they have closed overseas.

Mr. Speaker, let me tell Members, most of it we have not been able to get numbers on, to find out details about. We find out usually that they are very, very minor installations.

Mr. Speaker, I recommend to all Members the DSG report, which is in the back, on foreign bases. It shows all of the major installations. They are still all there.

I will tell Members as the chairwoman of the House Committee on Armed Services' Subcommittee on Military Installations and Facilities, overseas bases are bloody expensive to maintain. You have got to send families back and forth, furniture back and forth, reconstruct hospitals, put in schools, put in shopping malls, put in gasoline stations, and on and on and on.

Back home, you do not have to do that. So we save an incredible amount of money if we could look at these bases. All the major bases are basically there.

One major base that they have taken credit for closing down was Torrejon. They did not close it down, the Spanish kicked us out. What they do not tell us is they also want $1 billion to build another base to replace it in Italy, rather than bringing them home.

So there has been an incredible amount of footdragging. There has been a gung-ho thing to strangle local communities and close bases at home, but, heaven forbid that we should put any of our allies through stress by laying off some of their people or the economic strain of closing those bases, even though the world has changed and they may be very obsolete.

The other side of the coin is if you look at every one of our military allies, they felt very free to cut back to meet the current threat. They have not said, "Well, because we had a certain number, we must always have that number." They realize the number and the basing mode should be tied to what the threat is, not to what the people think it should be in history. So they have been doing this.

Mr. Speaker, I must say that this process has been very orderly and that the Committee on Armed Services has been very consistent. The frustration has been incredible, trying to find out what the real facts are.

Mr. Speaker, all sorts of lists are going to be waved around here today of military installations. I have gone through the list that we have seen. I found one page from the Army in which, on the entire page, where they listed all the things that they had closed overseas, do you want to know how many military people that cut back? Out of this whole list, there it is, that is great, you can get it in your office, you think it is terrific, one person. One person that is going to be cut.

So a lot of this is real hokey. They say at the top they are closing 9 sites. I went through them site by site and found out that 66 of the 99 sites did not have one single person that was going to be recalled to the United States. So what they were were obsolete radio stations or filling stations or something that was not there. So there is a lot of scrambling, trying to make this look better.

Mr. Speaker, we heard from the other side that if we pass this, we will be taking away from the President the right to close bases overseas for 2 years.

That is absolutely wrong. Counsel and everyone else has looked at this language, and all this language says is that in the next Base Closing Commission, they must be empowered to look at every base, on matter where it is located.

It does not take one teeny, tiny bit of power away from the President and the Secretary of Defense to close any base anywhere outside the United States before those 2 years. In fact, they would be real smart to do it, because I think the American people are getting real tired of being the 911 number for the world and providing all these services free of charge.

Mr. Speaker, I think the President is trying to finally catch on. That is why they are sending us lists of things they said they would close, except it does not mean anything. We are going to have a debate about that today.

Mr. Speaker. I salute this, and hope we get right down to it and pass this, sending a real message that the time has come to treat bases equally, no matter where they are.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would tell our guests in the gallery that we welcome them here and hope they have a good time, but they are not supposed to join in the proceedings on the floor.

Mr. SOLOMON. Mr. Speaker, I yield 6½ minutes to the gentlemen from New York [Mr. MARTIN], a member of the Committee on Armed Services and the ranking Republican on the Subcommittee on Military Installations and Facilities.

Mr. MARTIN. Mr. Speaker, I rise in opposition to the rule and the procedure which brings us here today. I found out about this resolution on Thursday afternoon. While it has changed any number of times, it comes down to its simplest form as to just adding a paragraph relative to overseas bases to the Base Closure and Realignment Commission's charter that we passed over a year ago. Incidentally, later this afternoon we are going to be dealing with the first round of base closures under that provision.

☐ 1310

The rush to get this to the floor today has denied this body any consideration, oversight or hearings by the subcommittee or the full committee, notwithstanding the fact that changing the alignment and force structure overseas is a far different process from doing that here in the continental United States. Let us keep in mind why we have a Base Closure Commission at all. It is because this Congress over the course of the past 15 years, because of legislation passed by this Congress, made it virtually impossible for any Secretary of Defense or any President to close any base in America, no matter how unneeded it was.

There are political overtones to this procedure today. We will be discussing that more down the line.

But I want to point out the real world ahead of us as far as this subject is concerned. The good news is, this is not the end of it for this year. In our subcommittee and full committee hearings relative to the resolution on base closure, we have spoken of the need to change and refine the procedure prior to the next round. We have discussed with Mr. Courter, the chairman of the Commission and we have discussed with other Members changes that are needed in base closure legislation, whether or not we include overseas bases. I quite frankly think, when this process ends it is going to be a good thing to allow the Commission to consider overseas bases as a substitute for what might be recommended for closing in 1993. That is all well and good. But I think we ought to at least go through the procedures of the House to come up with a piece of legislation.

All of those safeguards we put in, some of them work better than others. For those Members whose districts were affected by the Base Closure and Realignment Commission, do Members really think that all of the bases on both sides of the Pacific and the Atlantic should be treated the same? For instance, I really do not think those criteria we set out concerning economic impact around the area to be closed relate to a base to be closed in Asia or Europe. I really do not think so. But I think that we ought to have some kind of a procedure that we go through that makes some sense and understand there is a difference.

To the gentlewoman from Colorado who suffered the same frustrations that I have as far as the numbers were concerned, and she could not find out how many personnel were affected, one of the reasons is that it changes day after day. She said the figure of one person here. Perhaps the Democratic Study Group made a mistake and did not add the zeroes. The fact of the matter is, through the announcement, and there is another announcement today I want to point out, it affects 97,000 U.S. military and civilian personnel overseas and an additional 15,000 foreign nationals. That is pretty good. I think what we are trying to do here is say well, Mr. Cheney, you have announced you are closing 235 facilities overseas since January of 1990. Now, you are doing a good job, but we want you to do a good job a whole lot faster. Maybe that is what he is doing, because in addition to that 235 there is an announcement today of another 79 facilities. I have not been to those facilities, and a bit of good news for those politically motivated, I guess, Bitburg is on the list as well. These relate to the Air Force worldwide, a lot of bases in the United Kingdom, for instance.

Our objection on this side of the aisle is to the hysteria over the weekend that my God, this place is going to be criticized if we pass the base closure resolution this afternoon and do not have an opportunity to rail on a couple of hours against President Bush and Dick Cheney for not closing bases fast enough. I hope after this afternoon that the sponsors live up to what they said they would do yesterday in the Rules Committee; that they would have a colloquy on the floor explaining that it is not the intent of this body to say this is the sole means of closing bases overseas. Otherwise, we would be restricting Dick Cheney from even making the announcement that he wants to close another 79 bases in Europe under his most recent plan. That is who hell bent for leather they were on getting this legislation to the floor today, that they would even risk an interpretation that would say that the Secretary cannot close bases overseas without going through the Base Closure Commission.

Someone pointed out in the Rules Committee yesterday, has anybody overseas ever had any objection to closing a base. Yes, they do, and Americans over there too. And I thought it was very important that we make sure that they do have that colloquy so we do not face a lawsuit from some of these thousands of foreign nationals or from one of the 97,000 U.S. personnel that have already been affected by base closure legislation overseas and not have the Secretary of Defense in any way restricted from closing those overseas bases.

In closing, allow me to say that for this Member, and I think for most Members of Congress, there are none of us who want to have one uniformed person stationed outside the continental United States if it is not in the interest of the United States of America. But to suggest that the only reason we have people in Europe, the only reason we have people in the Pacific is for the interests of defending Japan or someone else is absolute nonsense. We should have people overseas when it is in our national interest, and not a single person more.

The good news is that quite possibly after the committee work and conference with the Senate we will have a piece of legislation that makes sense.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, I rise in strong support of today's rule. I would like to commend the Committee on Rules for bringing this resolution to the floor to provide a forum to discuss and create a more comprehensive process during future base closures. I would also like to thank Chairman ASPIN and all of those involved in drafting this resolution.

Chairman ASPIN's resolution proposes that during the next round of base closures we focus upon both foreign and domestic installations for realignment. The question of which installations to close or realign will remain a difficult issue. However, economic, strategic, and political considerations suggest that overseas installations, especially in Germany, Japan, and Korea, are prime locations for a reduced American presence.

Improvements in East-West relations have made force reductions in Europe, especially in Germany, a viable and prudent course of action. The removal of American forces from Germany would not only reduce the direct cost of maintaining personnel and physical property, but would also reduce the number of German civilians employed by the United States. Releasing foreign nationals from service would help trim the budget without a loss in American jobs.

Political changes in Eastern Europe have also lessened America's strategic burden. The disintegration of the Warsaw Pact has made the presence of American troops unnecessary for the protection of Western Europe. No longer must the 11th Armored Cavalry Regiment stand watch over the Fulda Gap, looking eastward toward the possibility of war. Today, the gap is only a geographic feature within a united Germany.

Additionally, NATO's plans for future force structure foresee the creation of at least one multinational division capable of deterring aggression anywhere in Europe, Southwest Asia, or North Africa. Consequently, continuing to station forces in Europe to act as a reserve would be redundant. In fact, we already maintain a strategic reserve, XVIII Airborne Corps, which, as was demonstrated by Operation Desert Storm, serves as an excellent rapid deployment force capable of operating anywhere in the world.

Similar strategic and economic arguments apply to the maintenance of American forces in Korea and Japan. For instance, the strategic rationale for maintaining large numbers of American forces in Korea is outdated. North Korea still poses a threat to South Korea, but, with the weakened condition of the Soviet Union and improved East-West relations, this threat has greatly diminished. Maintaining large numbers of forces so far forward, combined with the loss of military assets in the Philippines, will severely strain our ability to project power in the region. A more prudent approach would be to maintain our strategic flexibility by sustaining the 6th Infantry Division in Alaska, while continuing the Department of the Army's plans to scale back our forces in Korea. Additionally, reducing American troop strength in Korea according to current defense plans will save over $3 billion during the next 5 years.

We must curtail defense spending in order to reinvest in America. Our economic welfare constitutes a crucial factor in determining the strength of the United States. We must maximize the resource we have, not only maintaining our security but also investing for the prosperity of our Nation.

I urge you to support the rule, and more importantly, I urge you all to join me in helping America by recommending the inclusion of all military installations, foreign and domestic, in the next round of closures.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. ARMEY], who was the original sponsor of base closure legislation and is an outstanding Member.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me first address the procedural question. I think I would have to support the recommendation of the gentleman from New York [Mr. SOLOMON] on the procedural basis alone. A rule, a closed rule on an unreported joint resolution is probably not something that we Republicans are ever going to want to vote for, and I certainly would recommend to my colleagues we do not do so.

But let me talk about this resolution. Back in 1977 we passed legislation that made it impossible for any domestic base to be closed. The legislation was to prevent the closure of domestic bases.

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For years nothing happened on the domestic side, and that is the reason why the concept of the Base Closing Commission was developed, to break the Gordian knot tied around the closure of domestic bases.

During the time we developed that legislation, we thought about including foreign bases as well, and the answer was really quite simple. The problems surrounding the closure of domestic bases and foreign bases are two different sets of problems.

Mr. Speaker, you might recall that when in fact we finally passed the 1988 legislation that enabled the closure of domestic bases, that legislation had been considered jointly by three committees of Congress. Had we included, at that time, foreign bases, we would have had to jointly refer the legislation to another committee, in particular the Committee on Foreign Affairs.

When you get about the business of closing foreign bases, you get involved with treaties. You get involved with longstanding agreements, alliances, and you must have the input of the Committee on Foreign Affairs into this process.

Here we are asking for legislation that has not been looked at by the Committee on Foreign Affairs; that has not been reported by the Committee on Foreign Affairs; that has not been reported by the Committee on Armed Services; that has been brought up, as it were, over the weekend under a closed rule; that addresses an enormous set of problems that would result in the domestic Base Closing Commission having its time, its effort, and its talent; that which will be criticized severely today, on the more narrow problem, and its application of that time and effort and expertise on the more narrow problem it will be criticized; and we will be saying take on these problems and take on this whole set of different problems as well.

It seems to me it should be enough, given that no base closing commission is necessary to the task of closing foreign bases, that they take into consideration those actions undertaken in the normal orderly fashion by the administration.

I urge a no vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the Subcommittee on Military Installations and Facilities.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just wanted to quickly answer—since the gentleman would not yield.

The gentleman is correct. He did not want to put foreign bases in, and we did. First, however, the point about having it jointly referred to the Committee on Foreign Affairs is not correct. We had two choices on the floor. They had gone through all the committees, and at that time this Congress had that choice, and they selected the provision of the gentleman from Texas [Mr. ARMEY], which did not have foreign bases in it. We say this is a different day.

Second, I think his points are correct about how difficult it is to close bases politically at home, and, yes, the Base Commission was to deal with that.

But it should be very easy politically for the administration to close bases overseas, and they have not had the courage to close nearly as many bases as the Congress had through the base-closing procedure, so I am getting a little tired of hearing this.

I have got the news release from today where they are talking about, "Goody, goody, you do not need this, because by the end of fiscal year 1995, which is a while from now, we are going to take 10,000 military personnel out of Europe." Well, that is not as many as one base that we have closed in some areas. So I am getting a little tired of that excuse.

I want some political courage on the administration's side. If they do not have it, let us put it into base closing.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the majority party—the party of fairness, equity, and inclusion—is at it again.

What we have before us is another one of those examples that all good dictatorships care more about making the trains run on time than they do about democracy, because the fact is that this particular bill before us is brought to us not out of any committee. It was introduced by someone, somewhere, yesterday. It was brought to the House Committee on Rules yesterday and brought on the floor today under a closed rule, which means absolutely no amendments.

I find it very difficult to believe that this is the appropriate way to be legislating. We have no idea who wrote this bill. We have some names on the bill.

Did the gentleman from Wisconsin [Mr. ASPIN] write this bill? The gentleman from Massachusetts, the chairman of the committee, says that the gentleman from Wisconsin [Mr. ASPIN], is the author of the bill. The gentleman from Wisconsin [Mr. ASPIN], is the chairman of the committee that should have considered this bill.

So the gentleman from Wisconsin [Mr. ASPIN], in what has to be considered ultimate arrogance, decided to write a bill ignoring his committee and bring it directly to the floor. I mean, what kind of process is that?

It is certainly not a process that fits within the Rules of the House of Representatives.

The bill evidently was changed between the time that we saw an original of it last Friday and it came to the floor today. The gentleman from New York said a few minutes ago that the bill has been changed several times. When it was announced in the schedule last week, we were told it was going to be a bill of a totally different character, so I know it was changed between the time of the schedule announcement last week and we came to the floor today.

I just wondered, did the Democratic leadership approve bringing the bill to the floor in this way? Can someone tell me? Did the Speaker and the Democratic leadership agree to bring the bill to the floor in this manner? Well, I am getting no answer.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman knows that all bills that come to the floor are there because the Speaker wants them on the floor.

Mr. WALKER. So, in other words, the Democratic leadership agreed to a process where a bill is introduced at noon yesterday, and is brought to the floor at noon on the next day, and was done so under a process that allows no amendments, and was done so under a process that allowed no committee hearings, or no subcommittee hearings?

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I explained before that the Committee on Armed Services—and it has been the House position before—we should include foreign bases, and so the Democratic leadership decided they should bring this out and say it. Now, the gentleman is telling me we have to have a Base Closing Commission, because the Congress does not have guts to close bases. The Democratic leadership feels the administration does not have the guts to close them.

Mr. WALKER. Reclaiming my time, I heard the gentlewoman's explanation before, and then she stood up here as the chairman of a subcommittee and suggested to the House that what we ought to read in order to defend the bill was from the Democratic study group's report. Some of us are not members of the study group. We do not have access to those reports.

The gentlewoman, rather than having something out of her own committee that can be brought to the floor on a bipartisan committee, suggested to this House we ought to use the Democratic study group as a principal analysis of the bill.

My point is very simply that this is a bill that did not go through the processes of the House as the rules would specify, and the gentlewoman's only point is, well we have had hearings on this, we do not have to look at the particulars of the bill; the Committee on Foreign Affairs that has some jurisdiction in this area should not have a chance to look at this bill; let us rush it to the floor, because, by golly, it will make a good political vote—at the time we have a domestic closure bill out here, and we ought to have some good bill out there to allow us to kick the administration a little bit, and if we can get a good kick at the administration on the floor during the day, then that will help protect us a little bit from the vote that we have to cast on getting rid of some obsolete and wasteful bases.

I just do not think that we ought to allow a dictatorship to prevail in the House rather than democracy. The reason for the rules of the House is so that we operate under the rule of law. The rule of law in the House of Representatives is our rules, and the bottom line is that we have decided to ignore the rules here, and simply go to the Committee on Rules with a bill that no one had ever seen before, and bring it to the floor the very next day.

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This is a lousy way to operate. It is not in the keeping of the deliberations of this deliberative body, and it is high time we understand that those kinds of processes should be abandoned. Instead, we have more and more of this type of thing taking place. This is not the first time this year it happened, not the second time. There have been a series of this kind of actions that makes me believe the activists on the other side of the aisle have made a conscious decision that they will ignore democracy in this House of Representatives, and instead move more and more toward a legislative dictatorship.

I think it is a terrible kind of bill. I think we ought to join the gentleman from New York in doing what he has suggested we do. Vote no on this bill.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in support of the rule, and of House Joint Resolution 313 and to express my opposition to House Joint Resolution 308, which would disapprove the list of military base closings and realignment recommended by the Defense Base Closure and Realignment Commission. Undoubtedly, we must scale down our oversized military, and closing and realigning the bases on the Commission's list will be an important step in this direction.

I regret, however, that many decisions made by the Base Closure Commission were not based just on merit. It is clear that the incomplete Stapleton homeport at Staten Island, NY, would not have survived a process based on merit and integrity alone. This becomes obvious upon examination of the Commission's own final analysis of Stapleton.

The Commission's documents state that closing the Staten Island homeport would result in significant savings, $100 million outright and $500 million annually. Those estimates appear to be grossly understated. The savings would not come at the expense of national security, for according to the Commission, Stapleton is not essential. First, the analysis notes that Staten Island is not needed for its berthing capacity. The Navy already has a large excess berthing capacity for its Atlantic Fleet and existing ports—Norfolk, Mayport, and Charleston—can easily berth the 1997 fleet.

Second, the Commission's final analysis obviates the Staten Island homeport's lack of clear purpose. Stapleton was originally conceived as a homeport for the battleship *Iowa* and its support fleet. The *Iowa* has since been decommissioned and supporters of the Stapleton homeport have been searching for a new justification for completing the base. The Commission's analysis notes the port's altered mission and that the number of ships in surface action group recently designated for Staten Island has been diminished from five to three. The report also notes that deployment of this surface action group as an independent group is uncertain.

In terms of using the Staten Island homeport as a naval reserve training center, the Commission states that it merely would be "helpful." Helpful is a far cry from necessary, and for the $100 million required up front to finish the port and the additional $50 million required annually thereafter, a base had better be more than just helpful, it had better be indispensable.

While homeport's supporters have stated that a completed and operating homeport will produce 4,000 jobs in New York and bring the city $375 million a year, the Commission concluded that only 800 military and 800 civilian jobs would result, and that will be a substantial annual fiscal loss based on the Navy's COBRA.

Mr. Speaker, while I oppose scrapping the whole base closure and realignment list, I do question the irrational decision to exclude an unfinished, exorbitant, unnecessary base. The Commission's decision in this case clearly was not based on merit, and thus must have been based on some other considerations. I'm afraid this independent Commission was not above politics as we intended it to be.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time. I rise in strong support of the rule. I have been listening to the debate about the complexities of the rule, and I think perhaps a better way for all Members to understand why we need a vote on foreign base closings, and why we need this rule, was best expressed to me by a shipyard worker at the Philadelphia Naval Shipyard, a worker who now has layoff looming over his head as a result of the Base Closure Commission recommendation.

Shortly before the recommendation of the Base Closing Commission, there was the volcano eruption around the Subic Bay Naval Facility in the Philippines. This worker came up to me and said:

> Congressman, I don't understand why this Friday, when the Federal Government takes money out of my paycheck for my Federal income taxes, that some of that money, a couple hundred million dollars, is going to go to the Subic Bay in the Philippines to rebuild a naval base; at the same time, in the guise and the false promise of saving money, the Federal Government will take my job away from me in Philadelphia. Why is that?

I did not have any answer for the worker, and I think that this resolution and this rule today helps Members to provide that answer. The administration says that this resolution would interfere with its ability to make foreign policy. I say that it should. This is not an imperial autocracy. This is a democracy, and the legislative branch has the right to help make foreign policy, as well.

The administration says that our allies would be discomfited by this resolution. I say this: If this country bore the burden of leadership in the recent crisis in the Persian Gulf as it has over the years, then we also bear the authority of leadership and the right to make decisions, sometimes whether our allies like it or not.

Finally, the administration says that this base closing process will not work very well when we regard international and foreign basis. Well, I do not think it worked very well in the domestic case either. It could be proved, and I hope it will be proved. If the administration thinks the base closing process is good enough for Philadelphia, then the base closing process is good enough for the Philippines.

Support the rule. Give Members an opportunity to confront this question today.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise in support of the rule. I have listened attentively and with interest to my respected colleague, the gentleman from Pennsylvania, talking about the procedures involved in this rule and obtaining this vote today. I would rather talk about some of the substance involved.

This afternoon this House will vote on a package which will put almost 60,000 American workers out on the street—men and women who made their contribution to America's defense.

In Philadelphia, 35,000 hard working Americans will soon find themselves in the unemployment line.

This would be easier to swallow if military bases, both domestic and foreign were considered on an equal footing.

Around the globe, the Pentagon maintains dozens of military bases. They are aging relics of a cold war that no longer exists. In Germany, in Japan, in Great Britain, and in Korea sit bases supported by thousands of United States-paid foreign workers.

The irony is that many of these nations are beating the pants off of us in the marketplace.

For me, the issue is equity. If we shut down domestic bases and put American workers out on the street, let us at least put workers abroad on an level playing field. Vote yes on this resolution.

Mr. DREIER of California. Mr. Speaker, I yield myself 4 minutes, but first, Mr. Speaker, I yield 1 minute to my friend, the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I just wanted to clear the record. As far as foreign bases are concerned, since January 1 of last year the Secretary of Defense has announced the closure reduction of 314 bases. The gentlewoman said some of these are very insignificant and some of them are.

Unfortunately, our base selection status, particularly in Europe, had a lot to do with what we commandeered from the Nazis. Some 314 have already been designated affecting over 100,000 military, civilian, and foreign nationals.

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One thing I want to clear up that really makes a big difference here, the bill the gentleman from Pennsylvania talks about, and we will get to debate that later this afternoon, the bill that he talks about ends the domestic base closure process until 1993. That is the only process for closing domestic bases in the United States.

The fact of the matter is that this process does not relate to overseas bases at the present time. There is a big difference, and the Secretary has every intention of closing more overseas bases over the next 18 months, so that 314 figure and the 112,000 is just a start.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his contribution.

Mr. Speaker, I suspect that I will probably support this legislation when it comes down the line, because I was proud to have been an original cosponsor with the gentleman from Texas [Mr. ARMEY] in his effort to try to close some of the wasteful domestic and military bases here in the United States; but it seems to me that we are faced with a very important procedural question here. We have to ask ourselves, are we especially in the minority going to support a closed rule on an unreported resolution? I come down deciding that there is no way in the world that I could support that, not just because of procedure, but because of some other matters which have been discussed here today.

As we look at the question of treaties that exist with other countries, it is a much different situation looking at these overseas military bases than it is the domestic ones.

We spent literally years, the gentleman from Texas [Mr. ARMEY] and others, trying to bring about the Commission here in the United States to look at our domestic bases. Now in one fell swoop we want this decision to be made instantaneously here in the House. I think there are some things that should be done more rapidly than they are, but when we have important alliances throughout the world, it seems to me that we should be a little more careful as we proceed with this.

As we do that, Mr. Speaker, I think that it is important that every Member of this House have the right to offer amendments, look at the process itself.

Mr. Speaker, I urge at this point opposition to the rule, and I hope very much that we will be able to proceed with a balanced approach to this.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the rule.

Mr. Speaker, it is curious to see the great wailing and knashing of teeth on the part of the minority party about this rule, which is a very simple rule on a very simple resolution. The resolution simply says that as we look and as we close back on our domestic bases, we ought to do the same thing with the foreign bases.

The President presently has that authority on foreign bases. The President has made a determination not to shut down very many of those facilities.

We have shut down under the Base Closure Commission 8 percent of our domestic bases. The President has recommended shutting down 4 percent of foreign bases.

We are simply saying that we ought to look at some sense that says we ought to consider America first. We ought to consider job impacts in America with greater concern and greater care than job impacts in Germany, that we ought not to be in the business of keeping bases open overseas simply as a reward to foreign allies, while we destroy the economies of our own communities, and that we ought to do this based on a broad sense with a great concern for national security; where are the best places for us to have our facilities located, and clearly increasingly there will be a need to have them located in the United States.

But the administration will not confront this. Members of the minority party are afraid to deal with this issue, and we say let us deal with it, foreign and domestic. Let us deal with all the facilities. Let us deal with them honestly, tell the American people what we are shutting down.

The President says he is shutting down hundreds of facilities overseas, but it turns out that many of them have one and two personnel in them.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, Members will note that today is an even day, July 30, because on even days the Republicans are for open rules. On odd days, they are for closed rules.

When we took up the fast track legislation, a somewhat more complex piece of legislation than this, and our friend, the gentleman from Michigan, had an amendment that he wanted offered, the Republicans voted overwhelmingly not to let it be offered; but that is because it was on an odd day, so people who might think it is odd ought to understand that the Republicans are for an open rule sometimes, but they are not for an open rule other times. As long as we have that principle straight, they will better be able to figure it, because one of the most important pieces of legislation we voted on this year, the fast track, was put on a very fast track by the Republicans who did not want any amendments.

Now what they tell us is this is much too complicated to deal with today. It is five lines.

Mr. Speaker, not only did I read it quickly, but the gentleman from Mississippi, the chairman of the Appropriations Committee, could read it quickly and everyone would understand it.

It says that with respect to the procedure already set up will include foreign bases. It builds on everything.

This bill says we should look at foreign bases. And do you know what? They do not want to vote on that, because they do not want to have to close foreign bases. They do not mind personally, but the President does not want to do that. The President is a man whose eagerness is for foreign policy.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. MARTIN. Mr. Speaker, the gentleman points out accurately how simple that legislation is. The problem is that it relates to something totally different, bases that we own and that are in the continental United States where we want them to take into consideration things such as the economic impact and those kinds of things.

I do not know about the gentleman, but I am not as excited about going through the entire process and worrying about the economic impact on some small bases.

Mr. FRANK of Massachusetts. Well, Mr. Speaker, I will take my time back.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Massachusetts has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 30 additional seconds to the gentleman.

Mr. FRANK of Massachusetts. The gentleman is for building a new base in Croatonne, Italy. I think that an easy way to save the economy is not to do that.

It will not be exactly the same, but we will look at those bases.

The point is that up until now following the point I made, this and the previous administration have bases get closed here and they do not get closed there.

I am voting for the base closure bill. I voted for the amendment of the gentleman from Texas, but I want to see some equity, and it is clear that our friends on the other side do not want to discuss the merits. They come up with this phony issue about closed rules, which they are ultimately for and against. They do not want to talk about fairness for Americans.

Mr. SOLOMON. Mr. Speaker, before yielding to the gentleman from South Carolina, let me just say that the previous speaker, the gentleman from Massachusetts, talked about even days and odd days. You know, any day we get an open rule around here is an odd day.

A further observation is that the truth of the matter is that most of the people who are railing about closing bases here today made these same similar speeches back in 1981 and 1982, and if we had listened to them then we would not have democracy breaking out all over the world. The Soviet Union would still be a superpower. So let us tread lightly, gentlemen.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, as an aside, I will say to the gentleman from Pennsylvania that if we tangle with the gentlewoman from Colorado later on today, please kind of mute your rhetoric, because my spies tell me that today is her birthday.

Mr. Speaker, the process I think of the Base Closing Commission has been relatively fair, and given the constraints of time, I think that it went on very well. Most of us that come from States that had affected bases, we listened to hours and hours of rhetoric, both pro and con; but since the final list has come out, some interesting and disturbing fallout has taken place. One concerns a base in my district which was on the list, but which survived the list. It is best described in a lead editorial in our local paper, the News and Courier, and I will read from it:

NAVELEX THREATS

Bureaucracy, said Honoré de Balzac, is a giant mechanism operated by pygmies. He might have added that one crosses the pygmies at the risk of being showered with verbal darts. Take, for example, the reported tongue-lashing administered to officials of the Charleston NAVELEX facility recently by a uniformed bureaucrat.

From all reports, U.S. Navy Capt. John J. Donegan, who helps oversee the service's reduction operations, blew into town July 10 breathing fire. In effect, he told managers of the Naval Electronic Systems Engineering Center in North Charleston that the facility's days are numbered. According to notes taken by NAVELEX leaders, he warned that "when I get in place . . . you won't be allowed to take on new work." And, he left no doubt that NAVELEX would be on the hit list when the Pentagon weighs further base closings in 1993.

Capt. Donegan's warning that the NAVELEX work orders will evaporate when he's "in place" is an apparent reference to the fact that he's soon to receive his rear admiral's star.

Capt. Donegan's outrageous outburst against NAVELEX officials because they succeeded in persuading the federal Defense Base Closure and Realignment Commission to keep the facility in the Lowcountry invited the wrath of South Carolina's senior U.S. senator. Sen. Thurmond wrote to Navy Secretary H. Lawrence Garrett III asking that the secretary review Capt. Donegan's comments and suggested that perhaps "the Navy is 'out to get' the Charleston center."

It certainly would appear that way. The Navy, which prepared the case for closing the NAVELEX facility, did a lousy job of it. So bad, in fact, that former Secretary of the Navy William Ball III, a member of the base-closing commission, said after an inspection of the facility May 31 that the service was flat out wrong to recommend its closing.

There never was any doubt that NAVELEX will face scrutiny when the commission reconvenes in 1993 to consider further closings. The facility should continue to stand or fall on its own merits—not the vengeance of Navy bureaucrats.

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Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule. I commend the Congress for attempting to make cuts in our huge defense budget that I have supported for almost 7 years. It is prudent, it is appropriate that we do so. In addition, Mr. Speaker, times have changed in the world that makes it much easier for Congress to take such action.

Some of those changes are that the Berlin Wall is now a speed bump. I liken it to a caution sign on the Shirley Highway. The Iron Curtain is like a screen door.

As we speak and debate, the Soviet Union is asking for foreign aid from Uncle Sam. So it is appropriate that we should make some cuts in defense, and military bases are expensive.

So Congress now is saying that maybe we should be looking at some foreign bases. Now, I sort of agree with that. Here is something I would like to remind the Congress of: We this year have a $350 billion budget deficit. In there—and I asked the Congressional Budget Office to give me an assessment for a piece of legislation—Congress spends $170 billion per year to protect Japan, Germany, and foreign nations; $170 billion.

Now let me tell you how it works, folks: We borrow $250 billion from Japan and Germany, then we give them back $170 billion in military services. And if you really want to bomb your bunker, we then pay them interest. Now, this Madam Chairwoman here, who is exhibiting probably more anatomy than all of these other chairmen combined, is saying, "Why don't we close some of those pork-barrel bases overseas?"

Ladies and gentlemen, Germany lists our Star Wars Program under the economic development plan. I would just like to say to the Congress I have a little military installation in my area. It has helped now with Hussein, we helped with Hitler, and I am telling you what right now: You leave these pork-barrel shops overseas and you talk about my base, and you got a big problem. You do not have to worry about a foreign entity.

Mr. Speaker, I close out by saying if we were businessmen, we may be indicted for aiding and abetting a military takeover, a hostile takeover over our own military, closing our own bases.

Mr. Speaker, we had men and women put their lives on the line. Now they are going to come back and they are going to have closed bases and unemployment lines. I am hearing more and more people saying, "Let's take care of America first."

Let me say this: We do not weaken America by closing bases overseas, but we begin to weaken America by continuing to close bases in America.

I am tired of it. I am tired of seeing Congress paying our neighbors' rent bill while the sheriff is conducting auctions with our own homes, American taxpayers' homes.

With that, I would just like to say I support the rule. I am glad to see the Congress is now taking a look at those bases overseas because when our military personnel get that check over there, they go buy products in Germany, they spend that check in Germany. Let us bring some of them home and protect our borders, stop people from jumping the fence, and make cuts overseas. Leave our military installations at home alone until we address those issues overseas.

Mr. SOLOMON. Mr. Speaker, I yield the remaining 2 minutes of our time, in order to close debate, to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Speaker, our freshman class met, and we were asked what was the one thing we would do to improve Congress. And that is to change the Rules Committee. This is a classic example, I think. Since I have been here 6 months, it is like playing a poker game where normally a full house wins but the opposition only has two pair and they say, "Oh, in this case two pair wins."

The gentleman from Ohio [Mr. TRAFICANT] was a quarterback at one time. He would not play in a game where the odds were stacked against him on the other side, and neither would I. I think this is one of the things we need to look at.

The gentlewoman from California voted against domestic base closures because it was in her own district. And now that we are looking out at foreign bases—and I want to talk to the rule and the substance—I met with Dick Cheney this morning. Dick Cheney and the President are attempting to make those cuts. I support making foreign base cuts. I support saving taxpayer dollars and jobs back home. But we need to do it in an orderly manner.

I spent most of my life in the Philippine Islands. My esteemed colleague, the gentleman from New Jersey [Mr. ANDREWS], talked about, "Why should we save the Philippines?" Well, I flew over North Korea and South Korea during some conflicts, I flew over the head of Idi Amin, and I also looked at the Aquino government and the problems they are having with Communists today. We did that and operated out of Subic Bay. We are closing Clark Air Force Base. And that is on an orderly basis.

As far as Philadelphia, the Navy is being forced to live with the cuts that you voted for. And Philadelphia did not prove liable in that. The Navy has to take the bones that you give it and operate in the future, and they know exactly what they need. Philadelphia was not one of those, unfortunately.

Let us get rid of this poker game rule. I urge defeat of this rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only I yield all the remaining time, 1½ minutes, to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the chairman of the Committee on Rules for yielding this time to me.

Mr. Speaker, I commend the Committee on Rules for bringing forth this rule, which allows us to address this problem because what this rule does is allow us later today simply to address the issues of equity and fairness. We will later today vote, as many have already said, some who agree and some who disagree, on the base closure recommendations. This is going to cost many Americans their jobs. It is going to change the makeup of many communities, and it will cause many people to reconsider their future plans.

I think we owe, out of basic equity and fairness, to make sure that the Base Closure Commission in the next rounds applies the same procedures to those foreign bases, that we understand at the same time they are weighing the equities around America about opening and closing bases, that they are doing the same overseas.

☐ 1400

As many speakers have already said today, we are spending billions and billions of dollars to maintain these bases, many of which are obsolete, many of which have no further mission, and yet we continue to maintain them. I think we have an obligation to say to the taxpayers of this country that we are applying the same process to those bases as we are here. It may not come up with the same number of bases, or the same savings, or the same value, but I think people have a right to know that Congress is insisting that that same process in fact works. The President has found this process to be credible. The Secretary of Defense has found this process to be credible. We ought to apply it to foreign bases, and I would hope that people would vote for the resolution.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 161.

[Roll No. 230]

YEAS—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—161

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bustamante
Campbell (CA)
Ford (TN)
Hefner
Hopkins
Johnson (CT)
Oberstar
Roberts
Waters
Yatron

☐ 1421

The Clerk announced the following pair:

On this vote:

Mr. Bustamante for, with Mr. Roberts against.

Mr. GILMAN and Mr. PETRI changed their vote from "yea" to "nay."

Mr. CARR changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2699, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, July 30, 1991, to file a conference report on the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, July 30, 1991, to file a conference report on the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2506, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, July 30, 1991, to file a conference report on the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, JULY 31, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT TO ACCOMPANY, AND AMENDMENTS REPORTED IN DISAGREEMENT ON, H.R. 2699, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, July 31, 1991, or any day thereafter, to consider conference reports to accompany, and amendments reported in disagreement on the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, and that the conference report and amendments in disagreement be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, JULY 31, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT TO ACCOMPANY, AND AMENDMENTS REPORTED IN DISAGREEMENT ON, H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, July 31, 1991, or any day thereafter, to consider conference reports to accompany, and amendments reported in disagreement on the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes, and that the conference report and amendments in disagreement be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MAKING IN ORDER ON OR AFTER WEDNESDAY, JULY 31, 1991, CONSIDERATION OF CONFERENCE REPORT ON H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. MCCURDY. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, July 31, 1991, or any day thereafter to consider the conference report to accompany the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and that all points of order against the conference report and its consideration be waived.

This request has been discussed with the minority and I understand that there is no objection to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTE TO JO OBERSTAR

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I am going to ask Members to join me in a moment of silent prayer. Jo Oberstar, the wife of one of our distinguished colleagues, the gentleman from Minnesota, JIM OBERSTAR, was buried this morning, having died of breast cancer. I hope all Members will join me in a moment of silence in her wonderful memory.

A moment of silence was observed.

REGARDING OVERSEAS BASE CLOSURES

Mr. ASPIN. Mr. Speaker, pursuant to House Resolution 206, I call up the joint resolution (H.J. Res. 313) to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States, and ask for its consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 313

Whereas it is necessary to reduce military operations by the United States at military installations located outside the United States because of the changing threat to the national security and budgetary constraints;

Whereas the number of United States military personnel stationed overseas is scheduled to be reduced over the next five years;

Whereas Congress has accepted one set of recommendations from commissions regarding the closure and realignment of military installations inside the United States and is considering a second set;

Whereas closures and realignments of military installations inside the United States have profound economic impact on the communities involved; and

Whereas it is essential, therefore, that future recommendations by the Secretary of Defense and by the Defense Base Closure and Realignment Commission concerning the closure and realignment of military installations include recommendations with respect to the termination and reduction of military operations carried out by the United States military installations located outside the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; 104 Stat. 1808) is amended by adding at the end the following new section:

"SEC. 2912. MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

"The Secretary and the Commission shall, with respect to recommendations made for closure and realignment of military installations in 1993 and 1995, include recommendations for the termination and reduction of military operations carried out by the United States at installations outside the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 206, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from New York [Mr. MARTIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House has before it today two resolutions on the subject of base closures. I introduced the first bill—House Joint Resolution 313—with PAT SCHROEDER and 24 other original cosponsors. This bill deals with the issue of closing foreign bases and restates a position long held in the House of Representatives. The second bill—House Joint Resolution 308—introduced by TOM FOGLIETTA and OLYMPIA SNOWE—deals with the subject of domestic base closures. We'll debate the pros and cons of this resolution of disapproval later on this afternoon.

I'd like to briefly explain the bill before us now. As you know, current law provides for a bipartisan Base Closure Commission to review base closure recommendations made by the Secretary of Defense against a force structure plan and objective criteria like cost savings. This Commission has been deliberating since April and has, in fact, submitted its final recommendations on closures and realignments to both the President and Congress.

The Commission did a good job—and I support their work. But the problem was that they were precluded from looking at well over half of the pie. Although the Armed Services Committee and the House have repeatedly urged that U.S. military bases overseas be closed as a high priority, the Commission was unable to look at overseas bases for possible closure. House Joint Resolution 313 would change this by allowing future commissions—in 1993 and beyond—to review recommendations on foreign base closures.

Let me make a couple of points on this proposal. First, our committee has held many hearings and has reported various pieces of legislation urging that the 1988 commission as well as the current commission look at overseas closures. The overseas part of the proposal has never survived conference, principally because we never worried about partisan politics getting in the way of closing installations overseas. Moreover, DOD always argued that overseas base closures would get into the State Department's business and somehow mess up the foreign policy of the United States.

Those arguments may have carried the conference in the past, but today we have a fundamentally changed situation. The Berlin Wall has fallen, the Warsaw Pact has crumbled, and we need to take a fresh look at what military forces we need—and don't need—to protect our interests in this new world environment.

This means that we need to review our entire basing structure in view of changed world circumstances—not just our basing structure here at home. To look at bases in the United States but not at bases abroad is to leave untouched 60 percent of our military forces. And that's not strategically smart when we're building down the force by 25 percent to fair to the communities here at home that we've asked to tighten their belts, and accept job and revenue losses associated with a base closure.

Second, and specifically on the fairness point, there is a growing concern that DOD is not in the same hurry to close overseas bases as it is to close facilities here at home. Although DOD has announced 235 base closures and reductions overseas, we haven't been able to get any information about what this list means.

For example, despite repeated requests for civilian and military personnel numbers stationed at these facilitied, DOD has been unable to tell us how big these installations are. In many cases, we don't know whether we're closing a major installation with thousands of civilians employed or a gas station outpost on the German autobahn. And the biggest irony of all, I'm told, is that DOD only put on its list of 235 last week when they sensed that the House might consider including foreign bases under the jurisdiction of the Base Closure Commission.

So, it seems to me that there are compelling policy reasons and fairness reasons why this bill makes sense. Let me now tell you what our opponents say.

As I alluded to earlier, our opponents say that overseas basing issues directly relate to the foreign policy of the United States and fall under the purview of the State Department and the President. There are memoranda of understanding with foreign countries, treaties, status of forces agreements, and the like. A commission of outsiders might create havoc and recommend a closure that is contrary to the foreign policy interests of the United States.

My answer to this is that the process would essentially be the same for overseas bases as it is for domestic bases. The Secretary of Defense would propose, the commission would review and recommend to the President, if the President agreed the package would come to Congress and so on. There is an elaborate mechanism built into the current structure to permit the President and the Secretary of Defense ample input into the process. And that input would be identical for foreign basing questions.

Second, our opponents say, is that the Secretary of Defense is already doing a good job of closing overseas bases. After all, 235 is a large number, so we don't need to change current law.

Here again, we don't know what the Secretary is closing. Evidently no one in the Pentagon knows either how many people are stationed at these 235 bases. When you ask how this can be, they tell you that the overseas commanders—and not the Pentagon—own such information. And they go on to say that releasing additional personnel information might stir up the local communities in Germnay and the United Kingdom.

I hardly need to point out the absurdity of these arguments. After all, how in the world can DOD announce overseas closures based on a 25-percent reduction in force structure when no one at the Pentagon knows how many people are involved? And as for not wanting to excite the local populations, why doesn't DOD afford local communities here at home the same level of concern they afford foreign communities facing a possible closure?

Finally, some have questioned whether this bill might actually slow down the Secretary's ability to close overseas bases by forcing him to work within the commission process rather than simply closing an overseas base whenever he sees fit. This is not the case and I'd like to engage the gentlewoman from Colorado in a colloquy for the purposes of clarifying this very point.

□ 1430

I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding. I want to make sure that it is correct that House Joint Resolution 313 as drafted would not preclude the Secretary of Defense from closing bases outside the United States before 1993?

Mr. ASPIN. That is correct. This resolution does not prohibit earlier closures—it simply requires that the Secretary of Defense and the Base Closure Commission include recommendations for closures outside the United States with any recommendations for domestic closures in 1993 and 1995. It does not apply the other provisions of the Base Closure Act of 1990 to overseas bases.

Mrs. SCHROEDER. I thank the gentleman.

Mr. ASPIN. Mr. Speaker, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the chairman for yielding to me. As he has stated himself, and as has been alleged in debate here on the rule, and probably on the bill itself, that this legislation is in direct conflict with or overrides existing international treaties and agreements and enabling legislation. So I ask the chairman to clarify this matter on the record today to affirm and assure this body that House Joint Resolution 313, if enacted in its current form, does not supersede existing international treaties and agreements providing for the establishment and access of the United States to bases overseas and for the termination process, whatever that may be that is contained in those treaties or agreements.

Mr. ASPIN. The gentleman from Florida is absolutely correct. It does not oversee anything like treaties or memorandums of understanding or status of forces agreements.

Mr. FASCELL. I thank the chairman.

Mr. ASPIN. Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the debate on the rule I think most everyone who paid attention fully understands the real reason we are here today, and why some thought it was necessary to draft this piece of legislation over the course of the weekend.

That having been said, I want to thank the chairman of the full committee for setting forth a number of problems with this piece of legislation. But the good news is, Mr. Speaker, I think that over the course of the process and prior to 1993, the Base Realignment and Closure Commission round of 1993, we will have had the proper opportunity to draft a piece of legislation that makes some sense, and I believe it is necessary that the commission have the opportunity to look at bases overseas as well as here. But the fact of the matter is that the legislation that gave us the work product we are going to deal with in an hour or so, namely, the recommendations of the Commission to close some domestic bases, was drafted for that purpose, to ensure that the political problems that we have had in the United States to close any domestic bases over the course of the past 15 years has been because this body has put roadblocks in front of the Department of Defense and the Secretaries of Defense from both political parties in their attempts to close certain bases.

The problem I have with this piece of legislation, and I think it can be repaired, is that we are taking just one simple paragraph and superimposing it on a process that was meant to deal with domestic bases and have it deal with foreign bases. I am glad that the chairman took care of the colloquy so that there can be no confusion as to whether or not Secretary Cheney can continue, as to his credit he has done. I just wanted to bring the chairman up to date. I was looking for the same information he was, and it took a while to get it, but I wanted to point out, Mr. Chairman, that it is not 235, it is now up to 314 bases. I am happy to provide the chairman of the committee with the numbers we have received as far as affecting some 112,000 personnel, that is to date.

Furthermore, as we know, under the procedure the Secretary of Defense has 18 months prior to the BRAC recommendations of 1993 to close more than the 314 overseas facilities he has already recommended abandoning.

□ 1440

The difference is that domestically this is the last recommendation for closing domestic bases until 1993. The Secretary, because of the law, cannot make any further recommendations with references to domestic bases until that time.

We had hearings on this particular legislation, the Snowe legislation which is coming up later. We had Mr. Courter, the chairman of the Closing Commission, before us. We had discussed, tangential to the business before us, the possibility of having to change the legislation we passed a year ago to make it better and fairer. Changes will be made to indeed make the process fairer and better.

I want to thank the gentlewoman and the chairman for entering into that colloquy, because I think that clears up an anomalous situation where some aggrieved party in a foreign country could bring the Secretary of Defense to court for trying to close maybe a 315th base prior to the time that this will take effect in 1993.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. MARTIN. Wishing the gentlewoman, and the chairman of my subcommittee, a happy birthday, I am happy to yield to the gentlewoman from Colorado, and point out that part of the present for her birthday might be me supporting this in the high hopes we can make sense out of it down the road.

Mrs. SCHROEDER. Mr. Speaker, I was going to make a parliamentary inquiry about whether or not I had to call the gentleman a gentleman if he pointed out that it was my 51st birthday, but I will not.

Nevertheless, let me thank the distinguished gentleman from New York. I must say he worked very hard on this.

Obviously what we plan to do today, and the gentleman laid it out very well, we have two bills here on the domestic base closures. We are going to hear a lot from Members as to how they think we can make the process better, and we know that later on we will have the distinguished chairman of the Closure Commission, Mr. Courter, up with his recommendations.

If this legislation passes right now, which will put foreign bases in that, the gentleman from New York is absolutely right. We will have to exempt some clauses applying to it, because as the gentleman from New York says, we are really not nearly as concerned about the economic impact on Bitburg as we would be on Denver or other places. And so we will do that, and we will come out with a much better procedural thing.

Today I think we are gathering different pieces so the subcommittee can work its will.

I thank the gentleman from New York for sitting through so many of those long hearings. I am sure we are going to have more. But we will be getting it out, and we will be getting it out in that form, and I think it will be something we can all be very proud of.

Mr. MARTIN. I thank the gentlewoman for clearing that up.

I had the funny feeling during the debate on the rule that some people who have not been as involved in the process as the gentlewoman and I have did not exactly understand what we were talking about. This, in fact, does not mesh. The basis of the legislation was domestic, for whatever reason, and it requires a little bit more thought, and it is just one reason that I brought up to the gentlewoman that I do not see the Commission holding a hearing at every base around the world that we are going to close to look into the economic problem that it is going to cause the community.

I am not unsympathetic to them, but I do not think that was our intent. We will try to make this legislation work, and I know that we are going to be having some meetings with the other body as well.

The gravamen of the problem is the understanding that for the next 18 months, although he has done a tremendous job in recommending the closure of 314 bases, already affecting over 100,000 people, Secretary Cheney will have the opportunity to do more of that in the next 18 months, while he will not have any opportunity to talk about domestic base closures until 1993.

Mr. Speaker. I reserve the balance of my time.

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make one comment in response to the gentleman from New York, which is to say that I think that if this provision has half the effect that it has when it is made part of the law, that it has had as it is potentially part of the law, we will do amazingly well under this. Since this whole idea came to the surface, the Pentagon has been a regular flurry of activity about closing overseas bases.

We had an announcement about 235 bases being closed overseas, and that just occurred on July 22 was when we got that announcement. They were dribbled out beforehand, but we never had a consolidated look at the whole list, and they are scrambling to tell us how many people that affects.

Then, lo and behold, this morning at 10:21 a.m. this very morning, comes over another press release with now 79 more installations, underline more installations, in Europe being closed.

You know, we ought to just postpone this and keep bringing it up once a week. We will pretty quickly be caught up overseas where we are domestically.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from New York.

Mr. MARTIN. Mr. Speaker, on that point that the gentleman brings up, it was long before, I believe, we had been talking about adding this on top of the base closure legislation that the Secretary announced those 245 closures, but I wanted the gentleman to know this, that yesterday afternoon I talked with Dick on the telephone, and I said, "We need the numbers. People have a right to know. How many people does this affect?" So far it was that 245. Part of the problem is it changes daily as more and more are announced. He said, "We have another list that is going out." I said, "Why save it? Send it out."

Whether it came out today or whether it came out tomorrow is a process of 314 bases in this period of time, so if the gentleman wants to take credit for it and feels that that is the driving force, this piece of legislation, so be it.

Mr. ASPIN. It is strangely coincidental that since this topic came up we have had two major announcements, one on July 22 and the other on July 30. We have had more announcements and more details than we have had the whole year up until now.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of House Joint Resolution 313, which expands the charter of the Base Closure and Realignment Commission to include U.S. bases located outside of the United States.

Historically, the Armed Services Committee has included overseas bases in all reported legislation involving base closures. Unfortunately, the provision has been deleted either by floor amendment or in conference and, of course, never became law. House Joint Resolution 313 would change this by allowing future commissions to review recommendations on foreign base closures.

It is simply not fair to continue to close domestic bases and leave untouched over 50 percent of our Armed Forces. Communities in the United States are suffering economically with job and revenue losses associated with closures while thousands of foreign nationals go untouched at overseas bases.

The Department of Defense has announced, through press releases, the return of 235 sites to host countries. We have tried for weeks without success to get information on which we can determine whether these sites involve major personnel reductions or whether thay are simply radar sites on a hilltop with no personnel attached.

This begs the question: How can DOD announce overseas base closures based on a force structure plan and a 25-percent reduction in force if no one in the Pentagon knows how many people are involved.

Mr. Speaker, I am convinced that DOD only released its list of 235 bases last week because they watched our base closure hearings on CNN and realized we meant business on overseas bases.

It is clear that the administration is in no rush to close overseas bases. They argue that foreign bases are directly linked to foreign policy concerns—and those are matters for the President to consider. But are concerns about job losses in foreign countries more important than concerns about local communities here at home?

Mr. Speaker, I urge my colleagues to support House Joint Resolution 313 because it will put foreign bases on the same footing as domestic bases. The 1993 Base Closure Commission would review foreign bases for closure and realignment just as it will continue to review domestic bases. This does not mean, however, that the Secretary of Defense must wait until 1993 to close overseas bases. I want to make it very clear that nothing in this resolution precludes earlier closures.

At a time when we are drawing down the military by 25 percent and asking many communities here at home, including my own, to tighten their belts and sacrifice, we cannot hold harmless major overseas installations.

Vote "aye" for House Joint Resolution 313. It is a vote for fairness.

Mr. MARTIN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY], who has been involved in this base closing since 1988.

Mr. ARMEY. Mr. Speaker, the business of closing military bases is a very difficult, technically complex decision-making process requiring a considerable amount of expertise in analyzing complex data bases in light of very comprehensive national defense plans, and quite often, as we see lately, redefinitions of military deployment plans.

□ 1450

It is quite often, again within the context of changing world circumstances and changing defense technology. That makes it a very tough business wherever we might close a base and requires a tremendous amount of objective expertise.

Now, that is further complicated when we contemplate closing bases domestically, because then we have not only the complex technological and military logistic considerations, but we have some politics as well. It was politics that "done in" base closing domestically in 1977, and it was impossible for 20 years to close a base in this country. It became necessary—not desirable, but necessary—to resort to the concept of a base closing commission to get around political obstructions that existed for domestic base closings, and to provide, I think, a sense of safety, security, fair play to those who might be affected in a domestic base closing, and I think quite necessarily so.

That is why we established this Commission. It has worked, and it has worked well. Now, the reason we did not include foreign bases in the Commission was twofold: First, it is not necessary. The frank fact of the matter is that there is no U.S. member or no Member of the U.S. House of Representatives or the U.S. Senate that is trying to stop the United States from closing a foreign base. Therefore, we need no commission to get around them, or to alleviate them of their parochial anxiety. Second, we complicate the data analysis and the problems immensely when we add the foreign bases. The Commission then, of course, has to look at the whole concept of foreign deployment, all the technological data related to bases, all the information of our alliances and treaties as well, to do what it is not necessary that they do, what can be done without them.

Now, later on today we will have a great debate on the motion of disapproval for those recommendations made by this year's Commission. During that debate we will see any number of affected Members of Congress coming to the floor and saying that this Commission was not technically competent to make the decisions, they could not and did not handle the data correctly. They are going to express their reservations about the ability of the Commission to do this job on a domestic set of decisions.

If, in fact, there is reason, legitimate reason, for Members to be concerned about the technological competence and ability of this Commission, I think not, but if there is reason to be concerned about this Commission's ability to handle the data base for the domestic bases, why would they then say, add on unnecessarily the tremendous increase in data for them, to analyze for foreign bases, as well?

People have said I ought not to oppose this resolution, this resolution will do. And I think, quite appropriately so, give quite a bit of comfort to those people who are affected by these domestic closure decisions.

I do not begrudge them that little bit of comfort, and I know they will take the opportunity to avail themselves of a yes vote on this resolution.

The fact is, by common consensus, should this resolution be passed, enacted into law, it is generally regarded, will not make any difference in the kind of decisions made on foreign bases. Why complicate the task of a group of very dedicated and hard-working people, on these commissions, when there will be no change in the outcomes, domestically or internationally? We might, in fact, so overcomplicate their data base that we put them in jeopardy of making real errors.

It is a tough enough problem the way it is. Do not saddle these people with trying to do what is not necessary for them to do, and thereby giving them such an overload of information that they could be making mistakes, and what it is that they apparently cannot get done with anything other than these commissions. I must recommend a no vote.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from New York [Mr. MARTIN] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. ASPIN] has 16½ minutes remaining.

Mr. MARTIN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I think it is very appropriate that we raise the issue of both foreign and domestic base closures at once, because it points out the reality that we are going to face as a Congress over the next 5 years; that is, a decreasing defense budget.

There is no secret, the 5-year plan that has been submitted to our Committee on Armed Services anticipates a real decline of 34 percent. There is no way we can reach that number without cutting both foreign and domestic bases.

The question which was, I think, so well articulated by my distinguished colleague from Texas, and by the ranking minority member, is how do we reach the conclusion of closing down our foreign bases with the same or greater speed as we are closing down domestic bases? The problem and the question, I suppose, which some Members have, without having had the benefit of having hearings on this is: Are we going to use the rules of a baseball game for the rules of a basketball game in trying to reach what I think will be a clear consensus of agreement that foreign bases should be closed?

I, like my distinguished Republican minority leader on the subcommittee, will probably support this because I think we need to have the reduction in foreign bases. That points out the next problem, which we are going to hear as we get into domestic closures.

Many people are going to say that process was flawed. It was unfair. They did not consider their particular States and the economic impacts. They did not consider the facts in making their decisions. There is no perfect decision in this base closure process. This was perhaps the most open, the most fair, and the most impartial and impolitic process that we have seen.

Certainly it hurts in these States which have had domestic closures. However, we must move onward. We must make the decisions.

We as a congressional body must support the base closure bill. When this base closure bill comes to the floor—and it will come to the floor shortly—we cannot say, but for my backyard I would vote for it, but I cannot, because in fact it has a negative impact. We must look to the future of foreign bases, but we must, shortly, as we approach the domestic bases, support the base closure bill. We must cut our bases. We must do it appropriately, and we must do it today. There is no time to delay.

Therefore, I thank the gentlewoman, and I thank the distinguished chairman for raising this issue. I hope this philosophy of following up the recommendations of the Base Closure Commission will, in fact, persuade many Members subsequent to this vote to support the base closure bill.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, first, I commend Chairman ASPIN and Chairwoman SCHROEDER for bringing this measure to the floor.

The painful base closure process that we've just been through has pitted community against community in a battle for economic survival.

We've had to close these bases because the cold war is over. Now, after biting the economic bullet at home; it's time to consider whether some of the economic consequences that attend base closure shouldn't be shared by those allies overseas whom we've sacrificed so much to defend.

Mr. Speaker, I say yes. Senior officials of the Philippine Government have said they want us out. It will cost hundreds of millions of dollars to rebuild Clark and Subic. The Okinawans want us out. We occupy 20 percent of the island of Okinawa, and on that island, rather than being a boost to the local economy as are military expenditures at home, our military presence is a drag on the Okinawan economy. In Europe there is no one to defend against. The evil empire has collapsed.

There are those who, for reasons unconnected with the security of the United States, feel we need bases across the globe. Well, if it is our policy to use U.S. tax dollars to subsidize foreign economies at the expense of our own, I wish they would be honest enough to say so, to say that we should prop up foreign economies with the U.S. military budget. Because that's what we're doing.

And that's what this bill redresses. It subjects U.S. overseas bases to the same process that cut hundreds of thousands of jobs across America. It make them candidates for closure in the same way as bases at home. How can we in good conscience put American workers, on the chopping block while exempting foreign workers at U.S. bases overseas?

The answer is that we can't. That's the message of this bill, and I ask each Member to join me in embedding that principle in the base closure process.

□ 1500

Mr. Speaker, for those who may not understand, and I understand they in turn wanted to inform Chairman ASPIN as to what these bases are, let me tell you what they are, and this comes right from the Office of the Assistant Secretary of Defense.

I say to the gentleman from Wisconsin [Mr. ASPIN], guess what, we are going to be closing a bakery in case you get a little apple strudel, you have a little yen for that in the morning, and if it drips on your shirt, we are going to close the quartermaster laundry. That is after you have left the guest house on your way down to the gas station. That is the so-called bases that we are closing, the gas station, the laundry, the bakery, and the guest house. That is what we are worried about.

This constitutes the confidential nature of international negotiations—about what? Whether or not the apple strudel is up to par today? That is what we are dealing with, So much for the international negotiations.

We are not slowing down anything. What we are accelerating is the process of seeing that the American taxpayer for once gets a break instead of the shaft.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of this resolution, and point out that I believe there is no dispute among most Members in understanding the need for reductions in the military. We are facing about a 25 percent reduction in the defense area over the next 5 years, and reduce 22 percent of our active-duty military personnel. Everybody understands that.

There is no dispute about the need to review our infrastructure in a changing world. That, too, needs to take place, and there is no dispute about the tough choices that need to be made. Nobody needs to tell anybody, particularly those involved in this base closure list, what tough choices are all about.

The issue here is fundamental fairness. If in fact we are going to close major installations in the continental United States, then there is clearly no reason, considering the world situation, why we cannot close major installations abroad. You cannot close entire posts, you cannot close entire housing areas and then somehow say that it is enough to close the laundry or the bakery or the housing annex, as pointed out here.

So those communities that have been loyal, most loyal to the military mission have every right to expect comparable treatment. When it comes to the consideration of closures abroad, they have every right to expect that fundamental fairness. This resolution provides that.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I commend the chairman, the gentleman from Wisconsin [Mr. ASPIN] for his work on the committee, and the gentlewoman from California.

I plan to support the resolution, but I would also hope, we have just seen Dick Cheney, Secretary of Defense, and his leadership in Desert Storm without the direct involvement of Congress have a victory for us. I would think that if we allow him with that leadership to do the same thing with our base closures, because all of us do admit that we need to close down bases and we need to close down more than my colleague pointed out than bakeries and laundromats; but I think we need to do that responsibly and take a look, for example, in the Philippine Islands where I spent a great part of my time, we had Filipinos die for this country since long before World War II and we have a large population in this country. Our presence in the Philippines stopped a major Communist coup against the Aquino government in the Philippines. I have no doubt if we pull out of there, that country will go to the Communists, probably more so than any country we look at.

I do not know if we will be able to do that with a volcano that is active near the Clark Base, but I know that Japan is right there close to Subic Bay and it is critical.

I think if you take a look at the value, for example, and I am only using one example that we need to look at, in Vietnam today we have Badger Backfire and Bear bombers in Cameron Bay; although the Soviet Union is not supposed to be a threat today, well, let the Soviet Union move our supplies in to Vietnam and maybe I will change my mind.

I operated in the Indian Ocean and south when Entebbe was captured by the Israeli Air Force and flew overhead of Idi Amin in protection. We operated out of the Philippine Islands.

I flew up in the Sea of Japan in defense of Korea during the games. The nearest place that we would have to go is Guam. I cannot tell you the time delays and the expense that it would cost our American taxpayers to do that very thing.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, we are hearing all kinds of discussion from both sides today, but one argument is substantial and serious. That is the argument that this legislation interferes with the prerogatives of the President and the Secretary of Defense; but in actuality, it only sets a 1993 and 1995 guideline for their current processes.

The process still belongs to the President as Commander in Chief, to the President's Secretary of Defense and to the President's Base Closure Commission.

What this legislation does is simple. It tells the Defense Department to get on with the business of streamlining the foreign infrastructure, while coordinating this action with closures and realignments here at home, and that is a very important point.

These foreign base closure decisions should be considered in making decisions on domestic closures and realignments. This process coordinating foreign and domestic bases makes sense not only to American defense employees and communities who are being asked now to make this sacrifice, but it makes sense to the American taxpayer.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker made mention of the purpose of getting the Base Alignment and Closure Commission involved. While it probably was not important this time, as I say, the Secretary is in the process of closing these bases, whatever you want to call them, they affect 100,000 people and over 90,000 uniformed personnel, and he has also done that during a period of time, and I am sure you read about it in the newspapers, when we had a war going on and some 535,000 personnel going to the Persian Gulf and returning. So there have been other things going on while they have been closing these bases.

But I see a time down the line when the President would make a recommendation and that the Commission would make a determination that maybe we could perform some type of function in the United States that is now being performed overseas, and again the President would have an opportunity to raise his objections, so I do not have any problem with that.

As I said, somewhere down the line we will have a chance to look at this language and have it make some kind of sense in the context of closing overseas bases, rather than trying to mesh an ill-fitting procedure that was designed for closing domestic bases.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

□ 1510

Mr. MCCLOSKEY. Mr. Speaker, I rise in strong support of House Joint Resolution 313. It is appalling that the administration would strongly oppose this measure.

Right now, ongoing massive economic stress continues in southern Indiana and nationally. As we speak today, two major industrial plants have announced closings in my district in the last 48 hours.

Could the demise of International Steel in Evansville and Keller Aluminum in Linton have anything to do with administration policies being skewed against American workers here at home?

Could the massive commitments we've made for 50 years to the defense of Western Europe, Japan, and elsewhere have anything to do with our problems in competing?

Could it have anything to do with our trade and fiscal deficits?

The administration is arbitrarily closing the Fort Benjamin Harrison Finance Center at Indianapolis with similar scenarios elsewhere.

And as thousands of hoosiers face unemployment at Fort Ben, at International Steel, and Keller Aluminum, we are told the administration is strongly opposed to including overseas bases in the closing and realignment process.

Well—let me tell you—the American people are not opposed to this resolution. At an Evansville town meeting Saturday, numerous constituents told me in no uncertain terms that they are fed up. They are feeling blistered at losing jobs and getting taxed to open up new bases overseas such as Crotone, in Italy.

They know the Soviet Union poses a much-weakened threat. They know the greater threat is letting our own economy deteriorate.

With domestic bases closing at twice the rate of overseas facilities, let's bring it back home with a strong "yes" vote on House Joint Resolution 313.

Mr. MARTIN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise today in strong support of House Joint Resolution 313.

As someone who has just gone through the base closing process in extensive detail, as we will outline it in the debate on the base closing bill itself in the next 2 hours, I want to add my support to the need to consider overseas facilities.

One of the reasons why I voted for the original Base Closing Commission legislation was to remove the politics from the process. When I say remove the politics, I am talking about twofold politics. First of all, politics, Republican versus Democrat. I am one who is satisifed that we have accomplished that task.

What I am not satisfied with, however, in the process we just went through, was to remove the internal Service politics. I would hope that as we consider the passage and implementation of House Joint Resolution 313 and as we consider the debate on the domestic base closing bill, we must consider changes that are necessary in the process that will remove the internal Service politics from base closing considerations.

Three specific points came to mind in our consideration of several of the sites that were eventually recommended for closing.

First of all, the staff that was used by the various Base Closing Commission subgroups working with the Army, the Navy, and the Air Force, were largely made up of Pentagon personnel. In future base closing commissions, whether it be for foreign or domestic bases, we need to make sure that we have balanced staff representing not just the military's perspectives but also those citizens who can assist us in a fair and impartial process, once again to remove the Service politics.

The second thing that is needed is subpoena power. We will unveil during the next 2 hours of debate an instance where an admiral who was forced out of the Navy on May 1, was told not to testify before the Base Closing Commission by an Under Secretary of the Navy in regard to one specific installation.

If you or I were to do that in a civilian matter or a criminal case, we could be hauled to court and indicted for obstruction of justice.

The Base Closing Commission, when asked why that person did not appear, we were told that the person refused to come in. The Base Closing Commission needs to have subpoena power.

The third thing is any Base Closing Commission needs more time. As we heard from Chairman Courter before the Committee on Armed Services, this Commission had a very difficult time in reviewing all of these bases in the short period of time that they had to consider them.

These three changes need to be made desparately in any process. Certainly while the process itself, I think was flawed, especially from the standpoint of the Navy in our domestic base closing legislation, we need to consider these changes for any base closing effort that is going to occur in the future.

I would ask my colleagues to consider these facts and, as we on the Committee on Armed Services work to change the base closing process, that we would consider these three items as important recommendations.

Mr. MARTIN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, it seems to me that we should have considered bases all over the world at the same time when we appointed this Commission, not just domestic bases. I think if bases need to be closed, they ought to be prioritized and the priority should be directed first at those bases overseas that are not necessary.

I want to tell you a little bit about the base closure in Indianapolis, IN, at Fort Benjamin Harrison Army Finance Center.

The Army Finance Center building in Fort Benjamin Harrison is the second-largest building in the U.S. Army inventory, excluding only the Pentagon. It is built like the Rock of Gibraltar.

Now, the Base Closure Commission, when they reviewed Fort Benjamin Harrison and the Army Finance Center, did a very cursory check of the finance center. I think they are being penny-wise and pound-foolish, and I want to tell my colleagues why I say that.

To relocate the 2,700 employees who work at the Army Finance Center in Indianapolis, it is going to cost $120 million. Now, the estimates are that only about 30 percent of those people, or 810, will want to be relocated, because their families work in Indianapolis and live there. That means that about $36 million will be allocated to transfer these people to a new location. That means 1,890 new employees will have to be hired and trained some place else. The cost of that varies, but most people say it is going to cost between $50 million and $100 million.

But let us take the lower figure of $50 million. Then you add to that the new facility cost, which is going to be at least $90 million for a facility not nearly as substantial as the one at Fort Benjamin Harrison.

Then you add to that something that was never factored in, and that is the communications system. The Army Finance Center at Fort Benjamin Harrison is connected with every facility and base around the world. And if you have to create a new communications system like that, it is going to cost tens of millions of dollars. A conservative estimate is it will cost at least $30 million.

So let us add these up, the conservative figures: $36 million to relocate people, at least $50 million minimum to train new employees, $90 million for a new facility, and at least $30 million for a new communications system.

You add that all together and it is a minimum, an absolute minimum, of $206 million. To refurbish and upgrade the Army Finance Center at Fort Benjamin Harrison in Indianapolis, IN, would cost a maximum of $125 million. That means if you subtract $125 million from $206 million minimum, you are going to waste $81 million of U.S. taxpayers' money.

Now, I submit to you that I do not believe the Commission did their job, they did not do their homework. In addition to that, they are being penny-wise and pound-foolish, and the American taxpayer is going to pay for it.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the chairman for yielding this time to me.

Mr. Speaker, I have had the privilege of serving on the Subcommittee on Military Installations and Facilities of the Committee on Armed Services for a number of years. We have wondered, on that subcommittee, why the administration or the Defense Department has never really asked that foreign bases be closed.

When we passed the Dick Armey resolution that set up this Commission, this Base Closure Commission, it was struck out. We put in there at one time that foreign bases should be considered to be closed along with domestic bases, and it was taken out of the resolution on this floor, which I think was a mistake. We should have been considering for several years now foreign base closures.

I think the Base Closure Commission has done an excellent job of handling domestic bases. It is a tough assignment. We have had seven distinguished Americans serving on that Base Closure Commission, and they have done an outstanding job.

And I know if you add for 1993 and 1995, when they will have to consider also foreign bases, they will handle themselves well, as they have done on the domestic bases.

So I rise in support of House Joint Resolution 313 and hope my colleagues will support this resolution.

□ 1520

Mr. MARTIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to make a point to follow up on what the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from Indiana [Mr. BURTON] had to say because it is the crux of the matter facing us today.

As I said, the subcommittee and, hopefully, the full committee will be involved after we get through this exercise in fixing the legislation we now debate and do something to accommodate having foreign bases taken into consideration. The gentleman from Pennsylvania [Mr. WELDON] had talked about subpoena power. We are going to consider that. We are going to consider changing the percentage of staff. We are going to consider the nature of the full-time staff. We are going to consider the nature of the time that the Commission has to respond to the President's original list when it comes out. The gentleman from Pennsylvania [Mr. KOLTER] pointed out that perhaps we ought to give them more time to respond to ensure that more Commissioners can visit more bases. I do not know as we want to have the Commissioners visiting every overseas base that is recommended by the Department of Defense, or certainly we will get nothing done.

But I just wanted to point out that those are some of the processes that are going to be changed, and, if we can just get this exercise over with and have some hearings on it, I am satisfied we will have a bill that makes more sense.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, there has somehow been a misimpression created today that the Department of Defense has been reluctant or slow to close facilities overseas, and that clearly, clearly has not been the case. Including the announcements today of some 79 additional facilities, the Department of Defense has slated 314 installations abroad. That is roughly 19 percent of all overseas base structures that are expected to close in the coming months. That is pretty dramatic.

In fact, Mr. Speaker, it is even more ambitious than what we have been able to do thus far with base closure one and base closure two. The 88 recommendations here domestically and the current recommendations of the Commission, which we are about to adopt a resolution on, called for reductions of only about 9 percent of our domestic base structure. That is better than 50 percent smaller, less of a closure than what we have been able to do abroad.

The Department of Defense has been moving along at a pretty rapid clip. On January 29, 1990, some 48 foreign facilities were announced for closure. On September 18, 1990, another 150. February 5, 1991, an additional facility. April 12, an additional 33. On May 2, 1991, an additional facility, and on May 17, two additional, for a grand total, prior to today's announcement, of an additional 79, for 235, bringing the grand total now up to some 314.

If my colleagues look at what the Base Closure Commission did, they did not extend beyond the Department of Defense recommendations here domestically. In fact they overturned them on four facilities, at Fort McClellan in Alabama, the Naval Training Center in Florida, the Naval Air Station at Whibby Island in Washington, and Moody Air Force Base in Georgia. They impeded, they impeded the attempts to close facilities.

Mr. Speaker, it makes no sense to add this additional level of bureaucracy and review for a process that is moving along quite well.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. LOWERY of California. I yield to the gentleman from New York.

Mr. MARTIN. Mr. Speaker, I appreciate the gentleman from California [Mr. LOWERY] bringing up those figures, but I just wanted to update them even more, that through today the Department has recommended the closing of 19 percent of all the overseas bases, and they project by September of next year, 13 months from now, that they will have recommended closure of fully 30 percent of all foreign bases, just to bring the gentleman from California up to date.

Mr. LOWERY of California. Mr. Speaker, I know that with our reduction in force structure by 1995 that we are looking at cutting the size of our European manpower between now and 1995 by some 50 percent. Rather dramatic. If we impose this every-2-year base-closure process, it means we will look at it in 1993, and we will look at it in 1995, but the Department of Defense would like to move at a more rapid pace.

What are we going to do in 1992? What are we going to do in 1994 when we would have the opportunity to close facilities, but we would have to wait for the Base Closure Commission's procedure, for their permission?

Mr. Speaker, the problem we have with domestic bases is the political will to close them. Thus, the reason we established the current procedure, and back on July 12, 1988, when this House voted some 223 to 184 specifically to implement applying this cumbersome process to foreign facilities because quite frankly we do not need this level of review of foreign facilities.

There is another aspect that we need to keep in mind. We are in various places around the globe through treaty agreements and arrangements, agreements that have been worked out with host nations. Those can be very sensitive matters. Those need a great deal of attention and delicate negotiation. We, I do not think, want to disrupt some of our bilateral international arrangements with allies by bringing this into the open before the matters can be indeed negotiated.

Let me just conclude by saying that we need to shatter the myth and vote against this proposal that somehow we are closing only here at home, nothing abroad. It is not the case. Some 314 international facilities are already slated for closure, and more are on the way.

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond briefly to the gentleman from New York [Mr. MARTIN]. I mean basically the points he raised we have already dealt with here today, and I would like to say that the number of bases being closed overseas is multiplying as we speak.

Mr. Speaker, this is a phenomenal piece of legislation. Just introduce it, and look at all the number of bases that are coming out of the woodwork. I mean all of a sudden 79 came over today, 235 as of July 22. This is a tremendous piece of legislation. If this thing does half as well when enacted as it does when proposed, we are going to close a lot of overseas bases.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ASPIN] for yielding this time to me, and I appreciate his help in bringing this measure to the floor.

Again, I think this is a very important measure. It is about equity and fairness. There is no question that some foreign bases have been closed. This measure is consistent with that proposition. We know that those choices are going to become more difficult, and we simply believe that those foreign bases should go through the same procedure that now the Secretary of Defense has found credible, the President has found credible, with respect to our bases at home, the impact on our communities and people's future lives that are going to be impacted by this process.

Mr. Speaker, our allies have had a very good year. We have fought their wars, we have fed their hungry, we are loaning them money, and now what we are asking on behalf of the taxpayers is a simple, fair, sane consideration of those communities that are giving here at home with the closures of their bases, to the downsizing of our military, to the changing of the military structure in the world, that our allies will participate to the same extent and relieve the American taxpayers of that burden.

Mr. Speaker, that is what this resolution is about. That is what it accomplishes, and it does it using very fair and equitable means, the same means we applied to bases here at home, and I would hope that all of my colleagues would support it.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, I thank the gentleman from California [Mr. MILLER] for yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from California [Mr. MILLER]. For 40 years, for 40 years, we in this country have sacrificed to defend the NATO countries from the Warsaw Pact, and what a noble sacrifice it was, and it worked.

However, Mr. Speaker, as my colleagues know, the cold war is over now. Everybody agrees to it. When Maggie Thatcher said it was over, I think the whole world agreed it was over.

□ 1530

Times are changing and the time is past now where we can only look at America to make these sacrifices.

I have not supported these base closure bills that have come before us for two basic reasons. First, because of the fact that no foreign bases were really in there at all. Second, there is not enough money for environmental cleanup, and we still have a major problem with that.

The amount that is in there is nowhere near enough, and we are leaving a lot of these communities as ghost towns. So I have a real problem, but this bill is the first time I have been enthusiastic about these base closures, because when I heard there were more than 200 bases in Germany, 200 bases in Germany, and that the German parliamentarians were coming here to visit members of the Committee on Armed Services and begging them not to close their bases because it was disrupting their communities, I could not believe that, in fact, we were not disrupting their communities.

We are putting all the disruption in this country, all the problems on our workers, and if anyone wants to know the difference between Democrats and Republicans on this issue, I hope they will listen to this debate. We care about our people and we want our allies to start paying their fair share.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will state that the gentleman from Wisconsin [Mr. ASPIN] has 2½ minutes remaining, and the gentleman from New York has no time remaining.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the people back in Illinois have asked me what is the theory at the Department of Defense which would lead them to continue to leave open military bases around the world and close bases in the United States. Surely they must have some plan for closing bases overseas.

It took me a long time, several years of debate, to finally figure it out. It is called the volcano approach. If a volcano goes off next to an American foreign base, we will close it. We have done that in Naples, Italy. It looks like we are going to do it in the Philippines. But I know it is going to take 220 volcanoes in Germany for us to finally realize that World War II is over.

How many volcanoes will it take in Japan before we come to realize that the $40 billion that American taxpayers have paid to defend the Japanese over the last 10 years is money better spent right back here in the United States, educating our kids, providing health care, helping middle-income families send their kids through college?

These closure commissions can meet until doomsday, but until they realize that we have got to ask our allies, our friends overseas to bear some burden for their own defense, we in the United States will continue to pick up the price tag.

This resolution is important and it is timely. It should come through with a solid vote so that Secretary Cheney and President Bush and the people who make military policy do not sit around waiting for volcanoes to go off overseas.

I have got news for them. There is a volcano going off in the United States from taxpayers who are sick and tired of seeing billions of dollars spent overseas to protect countries which are knocking our socks off when it comes to foreign trade.

Mr. ASPIN. Mr. Speaker, I yield my remaining time, 30 seconds, to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, I appreciate the chairman yielding time to me. This is a case where let us not let the facts get in the way of the politics. The fact of the matter is, we are not a commission. Already, 314 foreign facilities are slated for closure. What the domestic Base Closure Commission did was overrule the Department of Defense and keep four facilities that they wanted to close open here in the United States. That is a move in absolutely the wrong direction.

We are reducing at a much more rapid pace foreign facilities, by more than 50 percent reductions abroad from what we are expecting here at home.

Mr. FAZIO. Mr. Speaker, when the House votes today on the Defense Base Closure and Realignment Commission's recommendations to close 35 domestic military bases, there will be one component of the overall U.S. military base infrastructure that has been left out of the equation—U.S. foreign bases.

At a time when we are telling Americans that we have to close military bases in their community because we cannot afford to keep them open, it is unconscionable that we do not also require the Defense Department to close obsolete military bases overseas. It is highly ironic to me that while we are closing bases, laying off workers, and impacting communities here in America, we do not demand that our allies also bear the brunt of our declining defense budgets. In fact, it seems to me that the Defense Department is carrying out base closures in reverse order. Foreign bases should be the first place we look to close installations and save money.

House Joint Resolution 313 will eliminate this irony by requiring the Defense Department and the Defense Base Closure and Realignment Commission to include recommendations for the closure and realignment of U.S. installations overseas when they make their recommendations in 1993 and 1995. In reorganizing our Nation's military forces, we must do so based on worldwide military requirements. House Joint Resolution 313 is the first step toward ensuring that reductions in U.S. bases take place in this worldwide framework. I strongly urge my colleagues to support this resolution.

The SPEAKER pro tempore. All time has expired.

Pursuant to the provisions of House Resolution 206, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASPIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 14, not voting 7, as follows:

[Roll No. 231]

YEAS—412

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter

Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Zeliff
Zimmer

NAYS—14

Armey
Ballenger
Crane
DeLay
Goodling
Goss
Hancock
Hyde
Kolbe
Lewis (CA)
Lowery (CA)
Petri
Quillen
Young (FL)

NOT VOTING—7

Bustamante
Campbell (CA)
Hefner
Hopkins
Oberstar
Savage
Yatron

□ 1559

Mr. PETRI changed his vote from "yea" to "nay."

Mrs. KENNELLY and Messrs. MCHUGH, NUSSLE, COX of California, DOOLITTLE, and GILCHREST changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION DISAPPROVAL

Mr. ASPIN. Mr. Speaker, pursuant to section 2908(d) of Public Law 101-510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (House Joint Resolution 308) disapproving the recommendations of the Defense Base Closure and Realignment Commission, as submitted to the President on July 10, 1991.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

The motion was agreed to.

□ 1601

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 308, with Mr. MFUME in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered as having been read the first time.

The CHAIRMAN. Pursuant to section 2908 of Public Law 101-510, debate on the joint resolution shall not exceed 2 hours.

The text of the joint resolution is as follows:

H.J. RES. 308

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on July 10, 1991.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 60 minutes in opposition to the joint resolution, and a Member in favor of the joint resolution will be recognized for 60 minutes.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the joint resolution.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 60 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to yield 30 minutes of my time to the gentleman from Alabama [Mr. DICKINSON], the ranking member of the Committee on Armed Services, and that he may yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, of my 60 minutes, I ask unanimous consent to yield 30 minutes, to the distinguished gentleman from Michigan [Mr. DAVIS], and that he be allowed to yield portions of that 30 minutes to other Members.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me briefly recap where we are today on base closures. Basically, we're now at the tail end of a process that began 1½ years ago.

Back in January 1990, the Secretary of Defense sent forth to Congress a list of proposed base closures in the United States. He did this before writing a new 5-year defense plan, and without the kind of objective justification materials any junior analyst would expect to see.

It was clear to me then—and it remains clear to me now—that the substance of closing domestic bases is right. As we reduce our military forces by 25 percent over the next 5 years, we should close bases that are no longer necessary for our national security. But the way the Secretary went about the business of trying to close bases was all wrong. So Congress wrote a new law to get the process back on track.

This new law was part of last year's defense authorization bill and it contained certain key parts.

First, it said we need a force structure plan so that we know what kind and how many forces we need for the future.

Second, it required a set of objective criteria—like cost savings, for example—against which closure decisions could be analyzed and judged.

Third, it established a new bipartisan commission to review the Pentagon's proposed closure list to ensure that it flowed from the force structure plan and the objective criteria. No partisan politics allowed.

Fourth, it required the process to be completely open and accessible—for Members of Congress, local communities, the military, GAO—everyone that had a view could be heard.

Fifth, it gave the President and the Congress a final period to review and reject the Commission's work if either saw fit. The President has already approved the package before us. It will soon go into effect automatically unless both Houses of Congress pass a resolution of disapproval rejecting the package in its entirety.

And sixth, it streamlined current law on base closures to allow for the expeditious closure of bases once the decision to close had been fully reached under the process.

Today we are on step five. After 2½ months of hearing extensive testimony from many witness, visiting each base recommended for closure and reviewing alternative closure possibilities, the Base Closure Commission announced its final recommendations for closure and realignment. In all, 34 bases are recommended to cease operations and 48 others are recommended for realignment. There is a one-time cost of $4.1 billion associated with the package, with annual savings thereafter of $1.5 billion.

During the course of this debate, you will no doubt hear from various members that the Commission made a mistake in the case of one base or another. I certainly would not rule out the possibility that some mistakes were made—and certainly the Commission would be the first to admit that some of its decisions were extremely close judgment calls.

The key question for today's debate is whether the overall process fulfilled its promise of fairness and whether it produced a reasonable result. The answer, I believe, is yes.

In a few minutes, we will all be asked to vote on the Resolution of Disapproval before us. If you support the work of the Commission, you should vote "no." If you wish to reject the work of the commission, you should vote "aye."

I urge my colleagues to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of House Joint Resolution 308, disapproving the recommendations of the Defense Base Closure Commission.

Mr. Chairman, we made a lot of progress between base closure I and base closure II in making the process fair; but we overlooked some very important issues that in my opinion contribute to a flawed process. Taking out the ability to look at foreign bases meant there is no overview.

I really feel very strongly there are other serious questions surrounding the Commission's work and the law as we wrote it. I would like to share with you some of the problems.

No. 1, we did not clarify whether whistleblower protection extended to those who could have contributed to the process. The commission made everyone testify in public, and whistleblowers just could not talk without guaranteed protection. This is an outrage because those of lower rank could not explain the pressure from the top to change numbers.

No. 2, I am very concerned about the problems GAO outlined with the Navy recommendations and I question whether the Commissioners took the criticisms seriously enough. The Navy has now escaped two closings, thumbing their noses at the process.

No. 3, GAO told us they did not have adequate time to analyze the issues in depth. It was really a rush procedure and lengthening the process would allow GAO to go beyond the package given them by Defense.

No. 4, one of the big problems that emerged was that one-third of the staff for the Commission came from the Department of Defense and ended up in supervisory roles. The military detailees should have been in support roles only and not in charge. We had not anticipated they would be in charge and certainly did not intend it. There were a lot of questions raised—especially in regard to Maine and Colorado—concerning whether we ever got any real information past the Air Force colonel in charge. The DOD detailees were only assigned to the Commission staff for a short period of time after which they would go back to the military where their promotions would be dependent on the people who put the closure list together in the first place. Obviously, it was hard for them to objectively and publicly criticize their superiors. This should be changed before the next round of closures.

No. 5, the Commission told my city not to put on pep rallies, just deal with the facts. Then some Commissioners said they voted for another base than Denver because they put on a 10,000-person pep rally.

And finally, we have gone through two of these base closure drills and have not yet established the priority of closing overseas bases. It seems to me if anyone looked at our overseas bases versus our domestic bases, there is absolutely no question where the real money would be saved. I find it ironic that the only way we seem to be able to close overseas bases is to have a volcano go off.

When you realize that we still have 220 active installations in Germany that probably cost more to maintain than almost all the installations in the United States put together, one has to wonder why we are closing domestic bases first.

But, we have not been able to include overseas bases in the base closure process because, until today, we were unable to get the votes.

In addition to my concerns, Jim Courter, Chairman of the Base Closure Commission, indicated in testimony before the committee that the Commission itself will have recommendations for further improvement of the base closure process later this fall.

I can assure you we will be looking at all of these issues in an effort to perfect the process before 1993.

Mr. Chairman, we have made it better, but we are not there yet. For this reason, I intend to vote "aye" for the resolution of disapproval.

□ 1610

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all acknowledge the need to close some military bases. As we reduce our military structure by 25 percent, including reductions of approximately half a million active duty personnel over the next 5 years, we must also confront the need to reduce the military bases both at home and abroad.

Closing bases is painful for the families and the communities involved, and we do not have much practice at it. Up until the 1988 Commission's recommendations, Congress had actively prevented the Department of Defense from closing a domestic base for 17 years.

This was why we had to come up with the concept of a commission.

Unfortunately, when Secretary Cheney proposed additional base closures in 1990, Congress returned to form and rejected the proposal by calling it partisan. Personally, I did not find this to be the case, but this was the general hue and cry that we heard here on Capitol Hill. So we reinvented the wheel by creating another Base Closure Commission.

Those of us involved in drafting the new Commission's charter were mindful of the need to make this latest round of closure recommendations as fair and open as possible. I think we succeeded. We created an independent Commission and charged it with drawing up a base closure list that was based on a publicly announced set of specific criteria.

I believe beyond a shadow of a doubt that the Courter Commission acted in conformance with the process created by Congress for reviewing and finally selecting bases for closure and realignment. The same is true of a large bipartisan majority of members of the House Committee on Armed Services.

Last week, by a vote of 17 to 2, the Subcommittee on Military Installations and Facilities approved the Commission's work and its recommendations to close 34 bases and to realign 48 others. Support for the Commission was reaffirmed the next day by a full committee vote of 46 to 8.

Mr. Speaker, like many of my colleagues, I anticipate that some additional fine tuning of the base closure process will occur. Lessons learned from the 1988 Commission were incorporated into the charter of the Courter Commission, and as has been pointed out, I am sure that what we learned this year will result in improvements to the 1993 Commission. However, fine tuning the process must not stand in the way of our shutting down or realigning the military bases in question today.

Mr. Speaker, before closing let me comment briefly on this issue of overseas bases. I have heard a number of people talk about the need to close overseas bases. No one denies that this is the case. What I cannot understand is why these same people continually suggest that no overseas bases have been closed. Up until today, there were 235 overseas bases affecting 97,000 U.S. military and civilian personnel that the Secretary of Defense had proposed for closure or realignment. Today, an additional 79 overseas bases were announced which means 314 overseas bases have now been identified and proposed for closure or substantial realignment by the Secretary of Defense.

I think the Secretary of Defense is getting a bum rap when we say that he has not been working on closing bases overseas. Despite all of our hand wringing, most of them are governed by treaties, memorandum of understanding, and status of forces agreements with foreign countries that the Congress is not well equipped to deal with. Let the record show that 314 have been proposed for closure, and more are coming.

Let me say in closing, Mr. Speaker, that I endorse the recommendations of the 1992 Defense Base Closure and Realignment Commission. I think that it has been a fair and open process. I strongly urge my colleagues to join me in voting against the resolution of disapproval.

Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MARTIN] be allowed to control the balance of my time, and that he be able to yield blocks of time at his discretion.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DAVIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I rise in strong opposition to the resolution.

Mr. Chairman, I rise in strong opposition to the resolution and in favor of the proposed base closures and realignments.

Mr. Chairman, our purpose here today is not to decide whether or not we like the proposed closures or are enthusiastic about the dislocations they will undoubtedly cause; certainly none of us is. I myself am quite concerned about the proposed closure of Carswell Air Force Base near my district. Thousands of people are employed directly or indirectly by the base. I am very aware of the pain that this will cause many of them.

Our purpose, rather, is to judge whether or not the decision to close these bases was made reasonably.

In this procedure—which is very similar to the one contained in a bill I first introduced in 1987 and which is successfully leading to the closure of some 86 installations—we agreed to remove these decisions from the realm of politics and to abide, within broad limits, by the judgment of a nonpartisan body. We did so for very good reasons.

For several decades before 1987, base closing decisions were often contaminated by unworthy political considerations. Although it was certainly necessary to close many older installations as military circumstances changed, various administrations and the Congress proved incapable of making these decisions on objective military grounds. Too often, bases were closed or kept open in order to reward or punish the Members of Congress representing them.

This lead to some unfortunate results. During the late seventies, several statutes were enacted that made it effectively impossible for the Defense Department to close even the most wasteful large installations. By reading the legislative history, I am convinced that this legislation was passed precisely to prevent bases from being closed for political—or at least nonmilitary—reasons. As a result, no major base was closed for over 12 years.

This unusual procedure is the answer to this problem. Under it, a nonpartisan Commission is permitted to review base closing recommendations. If it approves them, the protective statutes inhibited base closures are waived or modified. Congress' and the administration's ability to amend the recommendations are sharply limited.

This is a simple matter of good government. Just as a municipality may choose to have city contracts awarded or utilities directed by a professional manager rather than the city council in order to limit the possibility of favoritism, we have decided—again, within broad but important limits—to allow a nonpartisan body to make this type of decision subject to our oversight.

Having so decided, it is our task today to decide only whether or not there was a glaring error in the Commission's work or if we have some other overriding reason to doubt the Commission's judgment.

I believe that if one reads the Commission report, studies the analysis done by the GAO, and the report accompanying this resolution of the Armed Services Committee, one will find that there is no overriding reason to stop this process. The correct vote on the resolution is then to vote "no."

Let me add that one huge advantage to this base closing procedure is that it allows a base closing decision to be made with some finality. In the past, proposed base closings were often disputed for years before a final verdict was rendered. That was the worst of all possible worlds. Even if the base was eventually saved from closure, the businesses around the base were greatly harmed by the persistent uncertainty.

Under this procedure, however, all the communities affected had a chance to thoroughly make their case for their base. Now, this time of deliberation will come to an end and the decision will be made. At this point, communities can roll up their sleeves, pull together, and find the best way to adjust to the base closure.

I have no doubt that many, if they are hardworking and skillful, will do quite well. In the past, communities have often responded to base closures by turning the closed facilities into airports, schools and community colleges, industrial parks. Often they have ultimately employed more people and offered a larger tax base than the community enjoyed when the military was operating the property. There is hope after a base closure.

As difficult as this issue is, I am absolutely convinced that no one can truly benefit by maintaining installations that could and should be closed.

I urge the House to reject this resolution.

Mr. DAVIS. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Chairman, I rise in strong support of the resolution of disapproval today. Lest someone label me a member of the Sour Grapes Caucus, let me say at the outset, No. 1, I have consistently disagreed with the 5-year defense cuts that have been projected by the Committee on Budget and by the Department of Defense. I think we are cutting too fast, and we will have damage far beyond what we understand today.

No. 2, I supported the base closing process in the legislation. I supported it because I wanted to remove politics of the process of closing bases, and I think to a large extent, we have done that from the standpoint of Republican versus Democratic politics.

What we have not done is remove the internal service politics that has played such an important role in deciding which facilities to close.

Finally, let me say that I was one of the only Members in this Congress that offered a base for closure in my former home town, where I was the mayor. I have tried for 4 years, including offering an amendment accepted as part of the base closing legislation, to give communities preference to close facilities where they want to shut them down. So I have tried to close a facility, and I was turned down by the Base Closing Commission as well as the Department of Defense.

My problem, Mr. Chairman, and other problems that Members will hear during this debate today, lies totally with the Navy.

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The Navy's process was flawed. In fact, the process the Navy used was nonexistent. It was a sham. It was a rubber stamp process from the beginning. I tried my darnedest to find that rubber stamp in the Pentagon and, Mr. Chairman, I finally found it and here it is.

During the entire process the Pentagon used this rubber stamp to push through a process that was in fact totally flawed.

As a matter of fact, 2 months prior to the actual listing of the regulations and requirements for the base closing process, we were able to obtain a memo from Admiral Hekman, who up until

May 1 was responsible for naval shipbuilding nationwide. That memo was dated December 19, 1990.

I would like to submit it for the RECORD at this point:

DEPARTMENT OF THE NAVY,
NAVAL SEA SYSTEMS COMMAND,
Washington, DC, December 19, 1990.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP–04).

Subject: Realignment Data for Philadelphia Naval Shipyard.

Ref: (a) COMNAVSEA 1tr 5000 OPR 07FB/FO373 Ser: 00/6224 of 20 Nov 90. (b) CINCLANTFLT 1tr 4700 Ser N436/007378 of 14 Sep 90.

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Shipyard Systems Engineering Station (NAVSSES) and the Naval Inactive Ship Maintenance Facility (NISMF). While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas. In reference (b) CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 93, as the shipyard is required to support scheduled workload until that time.

P.M. HEKMAN, JR.

DEPARTMENT OF THE NAVY,
NAVAL SEA SYSTEMS COMMAND,
Washington, DC, March 15, 1990.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP–04).

Subject: Realignment Date of Philadelphia Naval Shipyard.

Ref: (a) CNO 1tr Ser 431F/1U596399 of 11 Jan 91. (b) NAVSEA 1tr Ser OC/6312 of 19 Dec 90.

1. In reference (a), you indicated that my recommendation that Philadelphia Naval Shipyard be downsized rather than closed was not accepted by the Base Closure/Realignment Advisory Committee. The fleet needs the capability of a naval shipyard to provide a credible repair capability able to service the Newport, Philadelphia, New York and Earle areas, as well as to provide a source of repair when a private sector shipyard is unable to complete the assigned work in the areas, as stated in reference (b).

2. Under the closure option and in interest of clarification, the 30 people mentioned in reference (a) were an estimate of the number of people required to man the drydock in a mothball status. In addition to this, 255 people would be required to man the remaining facilities: 155 to provide residual facilities support and 100 to run the propeller shop and foundry. This compares with approximately 1,200 personnel under the "small repair facility" option: 155 residual facility support, 100 to run the propeller shop and approximately 945 to perform repair work for the fleet. Any required additional support for this facility would be from another large naval shipyard such as Norfolk Naval Shipyard.

3. I continue to take the position that retention of a credible repair capability at Philadelphia for naval ships homeported in the Northeast area is the most cost effective solution:

(1) It provides the fleet with low cost, reliable repair capability.

(2) It helps spread the effects of the costs to Navy Programs of the other repair facilities (foundry, utilities, etc.).

Further, the workload distribution for naval shipyards in the 90's supports full operations at Philadelphia through mid FY 95. As previously briefed, executing a realignment of Philadelphia Naval Shipyard in FY 93 will cause significant perturbations to carrier overhauling yard assignments and could result in an East Coast CV overhauling on the West Coast.

P.M. HEKMAN, JR.

NAVAL SHIPYARD, PHILADELPHIA, PA

(FOUO) The Advisory Committee recommends Philadelphia Naval Shipyard, Philadelphia, PA, for realignment.

(FOUO) The primary work requirement of Philadelphia Naval Shipyard (PNSY) is the maintenance and modernization of non-nuclear aircraft carriers. This extensive modification and modernization program is collectively known as the Service Life Extension Program (SLEP). As part of the projected force level reduction, it was determined that SLEP overhauls would no longer be necessary as PNSY. Since workload associated with non-nuclear aircraft carriers will decline, PNSY was identified for a significant drawdown. The shipyard production shops and drydocks would be maintained in caretaker status such that they could be reactivated and put into operation in the event of emergent need. Philadelphia possesses 50 percent of the carrier capable drydocks on the east coast. Closure of these facilities reduces the carrier drydock capability to two drydocks (one under government control and the other under private ownership).

(FOUO) Due to their unique characteristics and requirements, three field activities will remain when the shipyard is mothballed: the Naval Ship Systems Engineering Station (NAVSSES), the Philadelphia Naval Shipyard Propeller Shop and Foundry, and the Naval Inactive Ship Maintenance Facility (NISMF). Additionally, one Naval Reserve Unit will remain.

(FOUO) Total Costs/Savings (SM)

Conversion Costs:	
MILCON/O&M,N	301.8
Environmental Cleanup	50.0
Total Costs	351.8
Annual Savings (BOS only)	6.0

(U) The major (over 100 personnel) tenants of this shipyard include:

NAVSSES (will stay on site)
NAVAL HOSPITAL
Two NAVAL RESERVE UNITS

(FOUO) Tenants to be moved as a result of this action:

Integrated Logistics Office Program (ILOP)
One Naval Reserve Unit
Navy Damage Control Training Center

(FOUO) Tenant relocation sites for this action include:

Norfolk Area Facilities: NAVSTA Norfolk, NAS Norfolk, Norfolk Naval Shipyard, and St. Juliens Creek Annex.

(FOUO) Tenants to be disestablished as a result of this action:

Naval Audit Service Office
Defense Reutilization Management Office
Navy Publications & Printing Service Office
Reserve Readiness Command Reg 4
Cryptological Office
ROICC NAVFAC
Naval Dental Clinic
Naval Hospital

(FOUO) The following obstacles and constraints pertain to this action:

MILCON of an estimated $19M is required to build and equip a repairable Depot Overhaul Point in Norfolk.

Strong political opposition expected.

That memo in fact says, and I will quote from that memo from Admiral Hekman, the Chief of Naval Operations:

> While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas.

So 2 months prior to the regulations being issued, the Navy has already made up its mind, close Philadelphia.

We talked about eight specific criteria the Navy would use that were agreed to in the law. Forget about the criteria. Throw them out the window, because the Navy did what it set out to do, and that was to close Philadelphia right from the get-go.

This rubber stamp was used by the Navy. DOD had approximately 1 month to consider the Navy's recommendations, and they used the same rubber stamp.

The GAO, as a matter of fact, on May 15 in their report, says the Navy had no process. The Navy's process was absent of criteria that would allow the GAO to ascertain whether or not they were fair.

The GAO also then used this rubber stamp.

The Base Closing Commission then got the list. What did they say? They said, "We didn't have adequate time."

But what incensed me most was a specific request to talk to Admiral Hekman; the Base Closing Commission did not bring him in and did not allow him to state for the record that the Navy's facts and figures were in fact wrong.

Then the President had 8 days to consider the process, and he, too, used this stamp, this rubber stamp, to say that we are going to jump onboard and we are going to support this process.

Now, if I were a cynic, I would say why aim at Philadelphia? If I would look at the Navy's 2-year project, as provided to the Senate, in the second year they won $800 million of long-lead money to do an aircraft carrier, at a cost of $6 billion in 1995.

What would be the only objection you could throw in the way of that aircraft carrier in 1995? Well, it is obvious, sloughing an aircraft carrier for a cost of less than $1 billion at the only yard that does that, the Philadelphia Naval Shipyard.

It is now down to us, Mr. Chairman. We have to make our decision. Many say, "I'm safe. My case is down the list. I don't have to worry."

Let me remind my colleagues, on the back of this rubber stamp are the dates 1993 and 1995.

We will not forget that, if you support the process today. We will not forget, if you agree to a process that is so flawed as has been reported by the GAO and by everyone who has looked at what the Navy did in recommending to close Philadelphia and ignoring the recommendations of its senior NAVSEA official.

Mr. Chairman, to my colleagues I say now is the time to stand up and do what is right. I supported the law. The process that was used is not in compliance with the law that we passed.

I say to my colleagues, we will remember your vote today. We will remember it in 1993. We will remember it in 1995, so do not come back then and tell us the process is flawed at that point in time. Support us today. Support my colleagues on the committee. Support those who feel that this Base Closing Commission base process did not live up to the letter of the law, and do what I think all of us have to do, and that is the priority of Congress, and that is to reject the resolution, to allow the Defense Department to close these facilities and to reject the Base Closing Commission recommendations.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], for the purpose of entering into a colloquy.

Mr. HOYER. Mr. Chairman, the Base Closure Commission in its report reversed the Department of Defense recommendation to relocate the naval electronic systems engineering activity [NESEA] from St. Inigoes, MD, to Portsmouth, VA.

In taking this action, as the Chairman knows, the Commission found that the Department had substantially deviated from two criteria, that is the availability of land, facilities, and airspace and the cost and manpower implications.

NESEA, in southern Maryland, owns 852 acres of Government property and has another 400 acres available for expansion. The site at which they were to be relocated in Portsmouth has only 100 leased acres, from what I understand.

Further, the Commission found that:

> Development in the Portsmouth area could affect the Navy's ability to conduct tests on RADRAS and communications equipment.

My question to the chairman is: What is the committee's position with regard to this specific Commission recommendation? In light of this recommendation, do you agree that no action should be taken to relocate the NESEA facility without further action by the Congress?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, let me be very clear to the gentleman on this point. The President supports the Commission's work in its totality by virtue of the fact that he approved the Commission's package and transmitted it to Congress under the law. I personally support the Commission's work in full. The committee, by reporting the resolution of disapproval adversely, supported the Commission's work in its totality. And now the House will have the opportunity to support all or none of the Commission's recommendations when we vote on House Joint Resolution 308.

Assuming the House votes down the Resolution of Disapproval, all of the Commission's recommendations will go into effect. No one—not the Navy, not DOD, and not the Congress—is permitted to pick and choose which recommendations they wish to respect and which they wish to ignore. That is the process under the law and we are all bound to uphold it. Neither the Navy nor DOD should take any action to undermine this process by unnecessarily reducing functions at bases the President and the Commission have ordered to remain open.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his diligence and for his consideration of this issue.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], the distinguished author of the resolution and one of its cosponsors.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, today, closing military bases is as popular as apple pie. It is hard to fight such a popular movement. Our defense budget is declining, and I support that. Military bases will be closed, and I support that, too.

Nevertheless, I urge my colleagues to support the Foglietta-Snowe resolution to disapprove the Base Closure Commission's list. This process was supposed to be fair and objective. But it was not fair. How was it unfair? Regarding the Philadelphia Navy Yard, let me count the ways.

It was not fair because the facts were ignored. We proved that the yard's workers are the most efficient and most cost effective in the Nation. Chairman Courter acknowledged this fact on various occasions. But efficiency and cost savings were disregarded.

We proved that the yard was necessary for reasons of national defense. That is because, among other reasons, the Navy needs the yard's drydocks for work on aircraft carriers, and other large conventional ships. But these facts go buried in the process.

It was unfair because the Navy hid the facts and muzzled its officials. It hid the fact, for example, that closing the Navy yard will cost $1 billion, $900 million more than what the Navy told the Commission. It tried to hide memos from Adm. Pete Hekman, the former Commander of Naval Sea Systems Command. He urged keeping the navy yard open.

It was unfair because the Commission stacked its staff with detailees from the Pentagon. The Commission then ordered this staff to independently review the recommendations of their former and future bosses. That is like asking Saddam Hussein to conduct an independent review of America's military.

It was unfair because it was biased and subjective. The Navy's own controller almost bragged that, of course, the process was subjective. He said that a subjective—and thus illegal—plan was necessary because if they went by the numbers, quote, they would have closed the wrong bases, unquote.

It was unfair because the pain of base closure was not shared equitably. Some States got off scot-free. But Pennsylvania took a beating—35 percent of all civilian jobs will be lost by Pennsylvanians; 65 percent of all Navy jobs will be lost by Pennsylvanians. Is that equity?

It was unfair because the proposal calls for the navy yard to be mothballed. Thus, not only will 47,000 people lose their jobs, but there's no environmental cleanup, no economic conversion, no way to develop new jobs, and no way for the city to start earning tax revenues from this 2-mile, priceless waterfront property.

This litany of unfairness must be rejected. The men and women at the Philadelphia Navy Yard have made their contribution to our national defense.

Please tell them that their work has not been in vain. Vote for the Foglietta-Snowe resolution.

Mr. MARTIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida, [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, in my testimony to the defense base closure and Realignment Commission, as well as in a working meeting with Chairman Courter and a member of that Commission, I spoke about the possible impacts upon the Tampa Bay area of the proposed closure or realignment of MacDill Air Force Base in Tampa, FL.

I was—and, to a large degree, still am—concerned that the Commission's recommendation to realign MacDill could result in loss of the runways at that important military facility.

In fact, as far as MacDill is concerned, I believe that this could wind up defeating the entire purpose of this exercise, which is to cut costs to the taxpayer by closing obsolete or unnecessary military bases. MacDill is neither.

In Operation Desert Storm, America's special forces played absolutely crucial roles in bringing the conflict to a rapid and successful conclusion. MacDill serves not only as the home of General Schwarzkopf's central command, but also as the headquarters of Special Operations Command, and, thus, it was intrinsically involved in the role our special forces played in the Kuwait theater.

Also, notwithstanding MacDill's proven value in international force projection, its strategic location in the midst of the Caribbean Basin makes it a very valuable regional asset as well.

Under the Commission's recommendation to the President, the tactical fighter training operation will be transferred to Luke Air Force Base in Arizona and the airfield will be closed. However, special operations command will remain at MacDill, and I believe it would be a mistake to tear out the runways there—if that is in fact the ultimate objective.

It can accommodate almost any aircraft type, and two of the largest military actions in recent memory—Operation Desert Shield/Storm and Operation Just Cause in Panama—were staged through MacDill. Furthermore, it seems to me that having runway and aviation facilities at MacDill certainly facilitate the full and effective functioning of Special Operations Command.

Mr. Chairman, I believe it would be a grave mistake to remove the runways from MacDill—some of the longest and widest in the entire Nation. I appreciate the necessity to alter the scope of our military in light of world events, and I support efforts in this regard and shall vote against the legislation to disapprove. However, I believe that forever destroying the proven capabilities of the important strategic and regional asset represented by the runways at MacDill Air Force Base would not serve this purpose.

I earnestly hope that the Department of Defense will bear this in mind in its realignment plans for MacDill in both the near and long term.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY]

Mr. MONTGOMERY. Mr. Chairman, I would like to say that I am the ranking majority member of the Subcommittee on Military Installations and Facilities chaired by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, I rise in support of the recommendations made by the Base Closure Commission because I think the process was fair and open. So I ask my colleagues to vote "no" on House Joint Resolution 303.

Mr. Chairman, I mainly want to comment about the Commission itself. The seven individuals on this panel in my opinion did an outstanding job. It is a very unpopular and thankless task to be involved in a situation that will result on the loss of jobs and the closing of installations that have been in communities for many years. This commission probably had one of the toughest assignments that has ever been given to any group in Federal service—but they did it with dignity, with compassion, and in my opinion with fairness.

Chairman Courter and the Commission members were very knowledgeable about the law governing base closures and about each individual base under consideration, and they conducted all of their business out in the open. There were never any secret meetings, no executive sessions. They were very careful not to go to lunch in groups of more than three to make sure there was never a quorum present.

Anyone who wanted to call the Commission or staff members could do so, and they returned your calls. These people were accessible at all times.

I also want to commend the staff for the very difficult job they had. The work required long hours but they handled it well.

Now, I would hope, Mr. Chairman, that we would not make major changes in the base closure law at this time. I think we should wait and hear from Members of Congress, from the Commission, and from the staff before we make any recommendations. We can look at this situation in 1992. I ask my colleagues to vote "no" on this resolution.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS], a distinguished member of our subcommittee.

Mr. EVANS. Mr. Chairman, I rise today in support of the resolution to disapprove the Base Closure Commission's recomendations.

I do so because I am deeply disturbed by the process. I believe in the rush to close installations we have not carefully examined the facts. This despite the fact that our success in Desert Storm was due in large part to many of the installations now on the list.

GAO's role in the process should shed some light on its shortcomings. As you may remember, the law establishing the Base Closure Commission asked GAO to review closure and realignment data to insure its integrity. In essence, the GAO was supposed to be the honest broker of the process. Yet, GAO couldn't fulfill this role because it never had the time to take a careful look at the information. GAO's report is filled with references of time constraints. This should come as no surprise since GAO had only a month to look at the data. A prime example is how this affected GAO's work on the Rock Island Arsenal.

When Rock Island was identified as a target for realignment, I obtained the data on all of the realignments in Rock Island's superior command, the Army Materiel Command [AMC]. After reviewing it, I could see it was significantly flawed. It was clear that Rock Island was never considered as a recipient of AMC commodity functions. This happened despite the fact that Rock Island is the home of AMCCOM, a major commodity command. In addition, the data did not include the arsenal's large supply of unused office space.

GAO should have revealed these inconsistencies, but it did not have the time. A good example is the method on which the GAO reviewed Army data. GAO used the AAA [Army Audit Agency] to confirm installation data. Instead of checking the data itself, GAO only examined AAA's auditing methods. The failure to closely scrutinize the data is even more disturbing when you consider that the AAA reviewed data at only 16 Army bases. According to GAO, data on Rock Island was not reviewed by the AAA. In effect, significant inconsistencies were never checked.

So, Mr. Chairman, I urge my colleagues to take a close look at the Commission's recommendations and urge them to support the resolution to disapprove.

Mr. MARTIN. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding to me.

Mr. Chairman, this has not been an easy process. It has certainly been a long process. For this gentleman, this process has been going on now for 3 years. It has been consuming, it has been very difficult and, at some point, it has been almost all we have done with our lives.

At some point it has even gotten a little humorous. At one point one of the gentlemen from the other side of the aisle decided that my middle name was Fort Dix.

While we were successful in our efforts to convince the BRAC Commission to preserve Fort Dix, the result for other bases was not so fortunate. In particular, the Philadelphia Navy Yard.

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Mr. Chairman, the Philadelphia Navy Yard is an important part of the Delaware Valley economy, and the result for other bases around the country, I am sure, was very difficult as well. The decision to close the Philadelphia Navy Yard is one that has caused consternation and concern throughout our entire area, and I commend the Philadelphia delegation, the Pennsylvania delegation and the gentleman from New Jersey [Mr. ANDREWS] for the fine work that they did in making the case of the Philadelphia Navy Yard.

Mr. Chairman, despite my personal feelings about the Navy Yard, I believe the commission carried out its mission in a fair and conscientious manner. It truly was an independent commission, void of any special interests or bias. Its deliberations were carried out in an open forum, which is a distinct difference from the 1988 Commission. This open forum was available, not only to Members of Congress, but to impacted citizens as well, and, unlike the previous Commission, at least one Member of the body visited each and every base under consideration.

Mr. Chairman, in my mind every possible step has been taken to insure that the report is fair and best satisfies our national security needs, and that is exactly the way Congress ordered the Commission to carry out its business. Unfortunately we all knew that the downsizing of our military would demand sacrifice.

Mr. Chairman, I also would like to take this opportunity to commend the individuals in the communities surrounding Fort Dix for their successful effort in gaining the base an opportunity to earn an important military mission. I hope everyone understands that for me to vote against this report today would be to rebuke the work of the many dedicated people in the Fort Dix community and the decision made on Fort Dix by the Commission. Our credibility would be placed in serious question, and those who paid heed to the case we made for Fort Dix, and so today I will vote to support the Commission's decision.

Mr. DAVIS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Maine [Ms. SNOWE] who has followed this process diligently for the last few months.

Ms. SNOWE. Mr. Chairman, I thank the gentleman from Michigan [Mr. DAVIS] for being so generous in yielding this time. I also, Mr. Chairman and members of the committee, want to express my gratitude to the gentleman from Pennsylvania [Mr. FOGLIETTA] for his leadership and action on this resolution and to the gentlewoman from Colorado, the chairwoman of the subcommittee, the gentlewoman from Colorado [Mrs. SCHROEDER] for her leadership as well.

Mr. Chairman, let me just say to my colleagues at the very outset that, first of all, I understand how our efforts are going to be dismissed because somehow our bases were closed, and, therefore, this must be purely parochial. Well, let me just issue a cautionary word. Our experience with this process could be visited upon my colleagues and their constituents if they have a military facility or installation in their district, and there are two more rounds in 1993 and 1995 that are mandated, will be mandated, by law. So, I hope that my colleagues will listen very carefully.

Mr. Chairman, I know that some try to portray our comments as less than legitimate, and, therefore, we have no standing in this debate. To the contrary. My colleagues ought to listen very carefully.

A simple question: Why was this process established in the first place? Well, the assertion was that congressional politics blocked the closure of any base in the 1980's. Well, the very fact is the Reagan administration never made any requests for closing any bases in the 1980's. This process was intended to remove the supposed evil of congressional politics from the base closure process.

What was left after doing so? Well, we do not have a politics-free zone here. This is different. We now have a new substitute, and that is Pentagon politics. Pentagon politics drove this process from the word go.

Our experience in Maine with Loring Air Force Base provides a vivid example of this unfortunate reality, Mr. Chairman. There are nine basic criteria by which the commission and the Pentagon were to judge each base. We were told that the first four criteria were the ones that they were going to use to judge these bases exclusively. There were the key military and strategic criteria, essentially how well a base could be used to fight a war today, as well as into the future. We in the Maine delegation accepted that completely.

By that benchmark, Mr. Chairman, we were confident that a convincing case could be mounted for Loring. Our objection was not to close other bases, but our objective was to demonstrate that Loring should not be closed. We showed that Loring, for example, was the closest base in the continental United States to the Soviet Union east of the Urals, to Europe and to the Middle East. There are no restrictions on the air space. In fact, Secretary Don Rice said that this was a key consideration in evaluating the military importance of a particular base.

Loring is a megabase. It was built for fighting wars. It has enormous capacity, second in all of SAC. It has two runways, and only two other SAC bases have two runways. It has the largest capacity for weapon storage and for fuel storage in all of SAC. We have spent more than $300 million at Loring Air Force Base in this last decade.

My colleagues can understand why the Maine delegation thought we had a good case to make. If one out of the three SAC bases in the Northeast was to be closed, after all one would not close the one that has the most operational flexibility or the greatest expansion for the future beyond the turn of the century. In fact, it also has the best geostrategic location, but at every turn Loring's assets were downplayed or misrepesented by the Air Force, and flaws at other bases were overlooked.

For example, Mr. Chairman, SAC estimated that it would cost $144 million to upgrade Loring to code one. The base officials said, "No, it will only take $26 million." The base officials said that it would only take $1 million to upgrade the roads at Loring Air Force Base. Well, lo and behold, SAC officials said, no, it would take $4 million." The visiting Commissioners saw the roads, and they say they were immaculate and that this $34 million was absurd.

Meanwhile, costs to upgrade at other bases were low balled. The hospital at Pattsburgh Air Force Base; officials there said it would cost $40 million for upgrading. What did SAC give to the Air Force Base executive group? Two hundred sixty thousand dollars. That is Pentagon politics.

Now my colleagues might say the Commission was independent, so none of these Air Force machinations should have mattered. An independent commission, one would think, would be able to see the Air Force's manipulation and take appropriate action. We thought that way, too. But how independent could any commission be which was staffed by active duty Air Force officers? Far from providing objective expertise, these officers consistently championed Air Force positions. Do not forget, they had to return to their regular positions at the Pentagon.

The lack of neutrality is best illustrated by a comment of a senior Air Force officer on the Commission staff made during the meeting with the Maine delegation staff, he said:

> If Loring survives, I had better not see any military construction requests come over for Loring.

Mr. Chairman, that is Pentagon politics, and it did not stop with the Air Force's presence on the Commission. Air Force officials and the Secretary of the Air Force made numerous contacts with commissioners. In fact, it got so bad that the Secretary of the Air Force issued a press release the day before the Commission's final deliberations calling for the closure of one base, Loring Air Force Base. He even recruited Gen. Colin Powell to press his case. Clearly the Secretary was worried that the facts did not support the conclusions or that the Commission was leaning toward Loring, as evidenced by their June 16 meeting. In fact, one Commissioner was suggesting expanding Loring.

What we have seen to everyone's shock and amazement on that final night of June 30 was a discussion that did not focus on Loring's strategic and military merits. No, it focused on something else that was a noncriterion, quality of life. Never mind that, as one Air Force official said, one cannot measure quality of life, never mind that the GAO had rejected that quality of life being used as a criterion, and never mind that Commissioner Duane Cassity, a retired Air Force general, noted in a June 6 meeting how nebulous the concept was. Yet on that night, the final night of deliberations, General Cassidy said that, if he had vacillated between Loring and Plattsburgh, and that, if everything else was equal, and I quote, he "couldn't find anything but quality of life as a discriminator" between the two bases. If General Cassidy and the Commissioners were trying to find the discriminating factor, other than military criteria, they should not have turned to one of their own making, but to one of the eight legitimate criteria, such as economic impact of the base closing on the community.

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Instead General Cassidy went so far as to say that the devastating economic impact of Loring's closure, worst in the Air Force, was proof positive that the quality of life there was poor. He said, and I quote, "For the very reason that business won't go there, you are asking a GI to move there."

In effect, he turned what should have been a criterion supporting Loring, economic impact, into an argument for its closure. Pentagon politics.

This was the first time the Commission had publicly discussed quality of life as a determining factor. It was not in the Pentagon guidelines. It was not a criterion. No documentation and no data was assembled to prove that assertion.

In fact, the delegation had no opportunity to counter that claim as we most surely would. Again, Pentagon politics.

Then finally, I should say the question of air space. Secretary Rice told the Commission, and I quote:

> The one factor we focused on more heavily than anything else was air space and encroachment, not just the current situation but forward 10 or 20 years.

Loring's air space, as I have said, is unencumbered, in contrast to every other SAC base in the Northeast. This was not a consideration for the Air Force. In fact, a week and a half ago, they were up in northern Maine where Loring is located asking for 3,700 low-level military training flights flying at 300 feet. So obviously air space is very important to the Air Force, but not when it comes to considering the future value of Loring Air Force Base.

We have suggested that they take their flights elsewhere and they should not disturb the pristine quality of life in northern Maine.

Thus, in the final analysis, it appears that the Commission and the Air Force felt it was more important to have access to concerts than unencumbered air sapce. They felt it was more important to be close to Montreal and Lake Placid than the Soviet Union and the Middle East. They felt it was more important to provide off-base recreation than on-base expansion in the future.

Mr. Chairman, members of the committee, this is just an illustration of what the State of Maine went through in trying to mount our case before the committee. We found that there was a biased staff, illegitimate criteria and the failure to use accurate information by the Air Force. This could happen to you, and that is why I am urging members of this committee to vote for the Foglietta-Snowe resolution, because if we vote against it, we are embracing this process.

I might finally say to the members of this committee that I would hope that those who are anxiously embracing the Commission's work would also equally be anxious in embracing legislation to support economic conversion and to cleaning up the hazardous waste sites on these military installations. Our responsibility does not end with this legislation. It just begins.

Mr. Chairman, I submit for the RECORD the following report:

REPORT TO THE 1991 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—LORING AIR FORCE BASE, MAINE, MAY 22, 1991

(From the Governor of Maine, the Maine Congressional Delegation and the Save Loring Committee)

INTRODUCTION

The Secretary of Defense, upon the recommendation of the Secretary of the Air Force, identified six Strategic Air Command (SAC) bases for closure. Loring Air Force Base, in Limestone Maine, is one of the six bases on the closure list.

The Air Force analysis upon which Senior Defense Department officials based their recommendations, contains numerous factual errors and is methodologically flawed. In the case of Loring AFB, the analysis fails to give sufficient weight to the strategic importance of the base's location, capacity, and operational flexibility. It also seriously misrepresents the condition of the base's facilities and grossly underestimates the devastating local economic impact of closure.

This report identifies errors in the Air Force analysis and provides accurate data concerning all pertinent aspects of Loring AFB. An accurate assessment must conclude that, given its strategic location and extraordinary capabilities, Loring AFB offers unparalleled flexibility and capability for meeting the national security challenges of the future.

This report clearly demonstrates that in selecting Loring AFB for closure, the Air Force substantially deviated from the Final Criteria established by the Defense Department for base closure.

COMMENTS ON GENERAL METHODOLOGY

"Front loading" base closures

Title XXIX of Public Law 101-510, entitled the "Defense Base Closure and Realignment Act of 1990", established the authority of the Commission to preside over base closures for three years, 1991, 1993, and 1995. This legislation clearly reflects Congressional intent that the base closure process take place in three intervals of two years each.

In making its 1991 recommendations to the Commission, the Air Force apparently ignored this intent and instead recommended all anticipated base closures in the first year (1991) of the process. In his testimony before the Commission on April 15th, Secretary of the Air Force Donald Rice confirmed that the Air Force had "front loaded" their recommendations for closures by putting them all before the FY91 Base Closure Commission. Secretary Rice stated:

> [W]e might only get one bite at this apple. The law says there will be three commissions, but whether the process will be able to swallow the egg a second time or not, who knows. So we just try to get as much as we can reasonably justify and see our way clear to understand into this first package, and that was the guidance our group operated under. . . . I do not anticipate that you would see more SAC bases and more SAC bases being affected beyond the ones that we see here.

This statement raises a serious question as to whether the Air Force complied with the spirit, if not the intent, of the legislation. Three rounds of base closures are intended between now and 1996. Decisions will be guided largely by military force structure concerns, but also are expected to take into account other factors such as economic impact. The Air Force has testified that no selection on its base closure list was affected by economic considerations. The Air Force did not take an approach which might have more evenly distributed the economic hardship resulting from its decisions. This is a matter of particular concern during a period of national economic recession.

Arbitrary determination to close six (6) SAC bases

The Air Force also testified that the recommendation to close 6 SAC bases was based on anticipated force structure reductions. According to General Eugene Habiger, Co-Chairman of the Air Force's Base Closure Executive Group, 240 SAC aircraft would be retired or otherwise removed from the Air Force's force structure. According to General Habiger, the Air Force "rule of thumb" is 40 aircraft per base, therefore a reduction of 240 aircraft justifies the closure of 6 bases.

The Force Structure Plan submitted to Congress, however, does not reflect a reduction of 240 SAC aircraft. The number reported by the Plan is substantially lower.

I. STRATEGIC LOCATION

Loring AFB occupies a unique and strategically significant location at the northeaternmost point of the United States. Originally constructed to accommodate B-36 bombers, Loring AFB was sited to take advantage of Maine's proximity to Europe and the Soviet Union.

Situated at the tip of the 600 mile New England promontory, Loring AFB is the closest continental U.S. (CONUS) base to virtually every potential conflict area east of the United States.

Potential conflict area and closest CONUS base

Europe—Loring AFB, Maine.
Soviet Union (west of Urals)—Loring AFB, Maine.
Middle East—Loring AFB, Maine.
Persian Gulf—Loring AFB, Maine.
Mediterranean—Loring AFB, Maine.
Libya—Loring AFB, Maine.
Africa—Loring AFB, Maine.

When compared with the next closest bases along the shortest, great circle routes, Loring AFB is closer to these potential conflict areas by the following distances:

Next closest USAF bases	Additional distance (beyond Loring AFB) to Europe, Middle East, Soviet Union, Persian Gulf, Mediterranean, Libya	Equivalent U.S. distance
Plattsburgh AFB, NY	310 miles	Wash, D.C.—Niagara Falls, NY.
Giffiss AFB, NY	450 miles	Wash, D.C.—Montreal, Canada.

Next closest USAF bases	Additional distance (beyond Loring AFB) to Europe, Middle East, Soviet Union, Persian Gulf, Mediterranean, Libya	Equivalent U.S. distance
K.I. Sawyer AFB, MI	800 miles	Wash, D.C.—Minneapolis/St. Paul, MN.

Military importance of proximity to potential conflict areas

Loring AFB's proximity to all potential conflict areas east of the U.S. offers the following military advantages over all other CONUS bases:

Shortest response time from a CONUS base;

The ability to conduct sustained operations (e.g., conventional bombing, sea control) from CONUS;

Longest on-station time from CONUS;

Lowest roundtrip fuel requirements from CONUS;

Shortest roundtrip flight time from CONUS;

Last chance for maintenance/fuel/crew rest in CONUS;

First CONUS landfall on return trip.

Loring AFB is the ideal base for the following missions

1. Strategic Bombing (SIOP)

If strategic nuclear bombers were stationed at Loring AFB they could reach all targets west of the Ural Mountains first and with the lowest roundtrip fuel consumption.

2. Conventional Bombing

Coventionally armed, Loring AFB's bombers can conduct sustained operations against any potential target east of the United States (Libya, Middle East, Soviet Union, Africa, etc.) with the shortest flight times and lowest fuel consumption of any CONUS base.

3. Tanker Operations

Loring AFB straddles the primary great circle route for the entire eastern half of the United States to Europe, the Soviet Union, the Middle East, and the Persian Gulf. As the "last stop" along that route, Loring AFB is ideally situated to provide tanker support in both wartime and peacetime operations.

4. Sea Control

No CONUS base is better situated than Loring AFB to support sea control missions in the North Atlantic. B-52 aircraft, armed with Harpoon anti-ship missiles or with CAPTOR mines, can conduct sustained operations in the North Atlantic with greater on-station time and lower roundtrip fuel requirements from Loring AFB than from any other CONUS base.

[If Loring AFB is closed, the nearest B-52 base to the North Atlantic will be Griffiss AFB, NY. B-52's flying from Griffiss would have two hours less time in the operating area.]

> ". . . As a country separated from many of its allies and areas of interest by vast distances we will ensure we have those forces needed to control critical sea and air lines of communications in crisis and war."
>
> PRESIDENT GEORGE BUSH,
> *National Security Strategy of the United States, 1990.*

5. Staging for Fighters, Special Ops, etc.

Loring AFB is ideally situated to serve as a staging base for fighter aircraft, Special Operations units, special mission aircraft (e.g., JSTARS, AWACS, RC-135, TR-1, et al.), and other aircraft or units bound for Europe, the Middle East, the Persian Gulf, etc.

As the U.S. military strategy transitions from "forward defense" to "forward presence" the importance of forward bases such as Loring AFB becomes increasingly apparent. These bases can provide the "jump off" point for units deploying in response to contingencies. And just as our forces must be prepared for the next "come as you are" conflict, so must our base structure be best suited to support those forces.

6. NORAD

At the northeastern tip of the U.S., Loring AFB's location is both ideal and essential for continental air defense, Loring AFB is the first U.S. landfall along the most likely route for aerial attack from Europe/Asia, and therefore provides the earliest opportunity to intercept incoming aircraft or cruise missiles.

NORAD currently maintains F-15 fighters on alert at Loring AFB. These fighters routinely intercept Soviet reconnaissance aircraft and TU-95 Bear H aircraft capable of carrying cruise missiles. Loring AFB-based F-15's flew 420 sorties in FY90.

In the April 26 hearing before the Base Closure Commission, Chairman of the Joint Chiefs, General Colin Powell, acknowledged that concerns had been raised by NORAD regarding the proposal to close "a New England air base" (i.e., Loring AFB).

Wartime Operations From Loring AFB

The Air Force analysis properly recognized Loring AFB's strategic value in wartime. In the four wartime criteria established by the Air Force, Loring AFB rated all GREENS:

Tanker SIOP support—GREEN.

SIOP support—GREEN.

Mating—GREEN.

Survivability—GREEN.

Loring AFB's proximity to potential targets and to the preferred great circle routes to Europe, the Soviet Union, the Middle East, etc., make it an ideal location for wartime operation of bombers and tankers.

Peacetime operations from Loring AFB

For peacetime operations, Loring AFB's ratings were somewhat lower. This results from:

1. The observation that Loring AFB is located a considerable distance from the concentration of fighter aircraft (i.e. RECEIVERS) and from the live bombing ranges in Nevada and Utah; and

2. Distortions in the Air Force methodology which attempts to reduce all bases to a common "SAC base" for evaluation purposes. This approach focuses on training but ignores peacetime operational requirements.

CERT/Low Level

Loring AFB was ranked GREEN in two of the more important peacetime training missions:

CERT—GREEN.

Low Level—GREEN.

CERT (Conventional Enhanced Release Training) is a bombing range located adjacent to the runway on which B-52's can drop practice ordnance. Loring AFB is one of only four (4) SAC bases that have a CERT.

A major Low Level training area entry point lies just 165 miles from Loring AFB. This area contains several alternative routes and training opportunities, and provides varied training options throughout the year. The preponderance of bombing and navigation training is accomplished during Low Level flight activity.

Distance to live bombing ranges/RCVRS/ Tanker Saturation

While Loring AFB's location is ideal for wartime, it has the disadvantage of being far from the western Strategic Training Route Complex (STRC), and the Nevada and Utah bombing ranges—the only U.S. ranges where B-52's may drop live munitions. Since SAC training requirements only require crews to drop ordnance on these ranges twice a year, this is a relatively minor inconvenience. Far more frequent training is conducted in the Low Level route structure adjacent to Loring AFB and on the CERT which is located at Loring AFB. Furthermore, since all eastern based B-52's must fly several hours to reach the STRC and live bombing ranges this problem is not unique to Loring AFB.

Loring AFB was rated RED for "distance to Receivers" and "Tanker Saturation". This is a function of Air Force planning that recognizes the wartime requirement for locating tankers in the northern half of the country (for SIOP purposes) while stationing fighters in the southern half. This peacetime criticism of the northern based tanker location is valid, however, the importance of having the tankers properly situated for wartime should continue to outweigh this concern. Therefore, Loring AFB should not be penalized because its wartime role creates minor inconveniences during peacetime.

The Air Force failed to consider peacetime operational missions

While focusing on the distance to the STRC and live bomging ranges, (relatively infrequent training missions for all SAC bomber crews) the Air Force analysis completely ignored the importance of peacetime operational missions.

For the purposes of the Air Force analysis, Loring AFB was treated as if it were as far inland as KI Sawyer AFB (Michigan). No credit whatsoever was given in the analysis for the importance of Loring AFB's operational transatlantic refueling missions or to the training value of those missions.

In fact, the air refueling performed by Loring AFB tankers for routine transatlantic traffic provides a rich, variable, and realistic training environment for both tanker crews and receivers. Loring AFB accounts for as much as 70% of the refueling provided for operational transatlantic traffic.

Desert Shield/Desert Storm

While maintaining a credible nuclear deterrent will remain one of our military's highest priorities, the recent Desert Shield/ Desert Storm operation is a timely reminder of the more likely contingencies we will face during the next twenty years.

Desert Shield/Desert Storm underscored the continuing requirement for the United States to be able to provide prompt, massive, intensive and decisive military power. Because of its geostrategic location, Loring AFB played a pivotal role in the conduct of Desert Shield/Desert Storm, and in the return of U.S. forces from the Persian Gulf.

During the contingency, Loring AFB bombers fought from forward bases, and some Loring AFB tankers supported the effort from forward bases. Tankers operating from Loring AFB served as force multipliers by refueling bombers, transports and fighters transiting the North Atlantic to the Persian Gulf. Loring AFB also provided a last-chance opportunity for maintenance, crew rest or ground refueling before crossing the ocean.

During the return of personnel and equipment from Desert Storm, Loring AFB's location again advantaged the effort. Tankers from the base were vital to the safe transit of the Atlantic, and permitted many aircraft to proceed non-stop to their destinations. As the nation's most northeastern military facility, Loring AFB also played a vital role for many aircraft that could not safely continue to their destinations. Numerous transport, fighter and bomber aircraft returning from the Persian Gulf landed at Loring AFB for maintenance, ground refueling, or personnel services.

Between August 2, 1990 and May 10, 1991 more than 1,700 aircraft in transit to or from Desert Shield/Desert Storm made technical or refueling stops at Loring AFB. These included C-141, C-5, C-130, C-21, A-4, A-10, Boeing 707, F-16, F/A-18, F-111, P-3, TR-1, U-2, B-52, KC-10, KC-135, E-3A, EA-6B, and E-8A aircraft.

II. CAPACITY AND FLEXIBILITY

Loring AFB was built in the 1950's to accommodate 100 B-36 bombers. Consequently, its ramps, parking areas, weapons storage, and fuel storage capacities all far exceed current requirements. Loring AFB's overall capacity ranks second among all 21 SAC bases. This capacity, coupled with Loring AFB's strategic location, provides defense planners with unparalleled flexibility for future expansion.

Runways

Loring AFB is one of only three (3) SAC bases which have two fully capable runways. The second runway was completed in 1985.

Ramp space

Loring AFB's ramp space exceeds 1.1 million square yards. It ranks 2nd among all SAC bases in total ramp space and 1st in excess ramp space.

No base is better suited than Loring AFB to accommodate transient or staging aircraft.

Weapons Storage

Loring AFB's weapons storage capacity is 10,247,882 NEW (Net Explosive Weight)—the highest in all of SAC. Plattsburgh AFB, NY—the nearest SAC base to Loring AFB which is slated to remain open—has less than 28% of Loring AFB's weapons storage capacity.

Further, Loring AFB has one of two fully capable conventional weapons storage facilities in CONUS maintained by SAC. This facility represents a significant warfighting capability.

Fuel Storage

Loring AFB ranks 1st in all of SAC in fuel storage capacity (9,193,374 gallons). The nearest SAC base to Loring AFB, Plattsburgh AFB, NY, has less than 35% of Loring AFB's fuel storage capacity.

Construction of a new, state-of-the-art aircraft refueling system will be completed at Loring AFB in September, 1991.

No SAC base is better equipped to support and sustain tanker operations than Loring AFB.

Land Area

At 14,300 acres, Loring AFB is the 2nd largest base in SAC. There is ample space to accommodate any number of new missions and there is no threat of encroachment from the surrounding community.

Utilities

Contrary to the Air Force analysis, Loring AFB's utilities facilities have sufficient excess capacity to double their current output of heat, potable water, sewage and waste water, and electricity (with the installation of an additional transformer: cost $300,000).

Troop Housing/Messing

Loring AFB has three modern troop dormitories constructed in the mid-1980's. A new troop dining facility was also constructed in the mid-1980's and the second dining facility (Alert Facility dining hall) was renovated.

Loring AFB's Troop Housing/Messing capacity ranks 3rd in all of SAC.

Aviation Maintenance

Loring AFB ranks 5th in all of SAC for Aviation Maintenance capacity.

A new composite maintenance facility with more than 100,000 sq. ft was completed in 1983.

Loring AFB is a warfighting base

In short, Loring AFB has what a warfighter needs: runways, ramp space, weapons storage, fuel storage, troop housing and dining facilities, maintenance facilities, and the capacity to increase utilities output by twice the current demand. These are the measures that count; and these are the measures in which Loring AFB excels.

Loring AFB was built for warfighting—not for golf tournaments.

III. CONDITION OF LORING AFB'S FACILITIES

The Air Force analysis reported the condition of the facilities at Loring AFB as "well below average." That conclusion and the data used to support it, are grossly inaccurate. In fact, the contrary is true. More than 75% of the facilities at Loring AFB have been renovated or were newly constructed since 1981, and are today in excellent condition.

Background

Loring AFB was first targeted for closure in 1976. The Air Force's primary rationale at that time was the poor condition of Loring AFB's facilities. In 1976 it was estimated that Loring AFB needed up to $300 million in facilities' improvements.

Between 1976 and 1979 considerable debate took place over the strategic importance of Loring AFB resulting in a reversal of the Air Force decision to close the base. When the decision to keep Loring AFB open was made in 1979, the Congress committed itself to upgrading the base facilities. Since 1981, nearly $300 million in military construction and operations and maintenance (O&M) funds have been spent to upgrade the facilities at Loring AFB. Several additional millions have been spent on self-help projects. Today, the condition and capacity of Loring AFB's facilities make it one of SAC's most capable and efficient bases.

Recently constructed facilities

Over the past eleven years the following major military construction projects were completed at Loring AFB:

New Composite Maintenance Facility—FY85—$11 million.

Three New Troop Dormitories—FY85—$14.4 million.

New Hospital—FY85—$24.9 million.

New Dining Hall—FY85—$3.5 million.

New Pre-Launch Survivability Runway (13,000 ft. x 175 ft.) FY85—$16 million.

New Commissary (47,000 sq. ft.)—FY86—$5.6 million.

New Waste Water Treatment Plant—FY83—$4.9 million.

All of these new facilities are now fully operational.

Recently improved facilities

In addition to the new construction projects, many existing facilities have been substantially upgraded. They include:

Remodeled Family Housing—$43.4 million.

Remodeled Alert Facility—$3.1 million.

Converted Maintenance Dock to Fuel Cell repair facility—$2.2 million.

Upgraded Weapons Storage Area—$4.1 million.

Upgraded Heat Plant—$3.7 million.

Converted Heat Plant—$19.7 million.

Upgraded Aircraft Refueling System "Taxi-on Taxi-off" (POL)—$13.3 million.

Remodeled Wing Headquarters and Command Post—$2 million.

Errors in the Air Force analysis

Errors in the methodology of the Air Force analysis resulted in the gross misrepresentation of the true condition and cost to upgrade the facilities at Loring AFB as well as at other bases. These errors include:

1. The complete and arbitrary elimination from consideration of several expensive and operational significant facilities.

According to the staff of the Air Force Executive Group, only the "big driver" (i.e., one major element) was considered under several of the Investment Categories (e.g., Aviation Operational Facilities, Aviation Maintenance Facilities, POL Supply/Storage, etc.) even though as many as 19 sub-elements were listed. As a result, several important subcategories were virtually ignored in the analysis.

Example: Aircraft Hydrant Refueling Systems.

In the case of aircraft hydrant refueling systems which are installed at all SAC bases and which may cost upwards of $20 million, the analysis virtually ignored them. They are listed under Aviation Operational Facilities (as a subcategory entitled Airfield Fuel Dispensing) the Air Force chose only to consider pavements under this category. Consequently, Loring AFB received no credit for its new, state-of-the-art $13.3 million hydrant refueling system (to be completed in just four months) while Dyess AFB was not identified as having a $17.5 million milcon requirement to upgrade its hydrant refueling system in FY93-94.

As a result of this shortcut approach to evaluating facilities, the following Aviation Operational Facilities were excluded from consideration:

Aircraft Hydrant Refueling Systems.

Navigation and Traffic Aids.

Navigation and Traffic Aids—Buildings.

Airfield Pavement Lighting.

Operational-Buildings.

Operational Facilities Other than Buildings.

The failure to include such high cost systems renders meaningless the Air Force analysis' projections for costs to upgrade base facilities to condition code 1.

2. Failure to account for ongoing construction projects.

According to the Air Force Executive Group staff, no credit was given for ongoing milcon projects.

No matter how great the cost of the project, no matter that the funds were already obligated or even expended, ongoing milcon projects were ignored.

The General Accounting Office (GAO) Report to the Congress and the Chairman, Defense Base Closure and Realignment Commission confirmed this methodological flaw: "* * * the Air Force did not consider the impact of ongoing military construction improvements when evaluating facilities at the bases." However, the Air Force was incorrect in asserting that consideration of such projects "would not have affected the rating".

This faulty approach led to several significant distortions of the true condition of Loring AFB's facilities. Here are just a few examples:

Example No. 1: POL Supply/Storage [Air Force analysis: Condition RED].

Here's the full story:

Loring AFB's tank farm storage facility received full cathodic protection in the summer of 1990 and a new administration building was completed in late 1990. Currently there are two ongoing projects to repair the interior of tank #3. Upon completing these projects, the tank farm will require only normal routine maintenance requirements and will have a GREEN rating.

(Source: Infrastructure Assessment—Loring AFB, Maine, January 1991)

Example No. 2: Utilities Facilities (Heat) [Air Force Analysis: Condition Red].

Here's the full story:

During late 1990 and early 1991, system improvements were designed and awarded for new boilers #7 and #8. Currently, these changes are 90% complete on boiler #8 and a recently awarded contract on boiler #7 is scheduled for completion in the fall of 1991. Upon completing these ongoing projects, the heating plant will have a Green rating. (Source: Infrastructure Assessment-Loring AFB Maine, January 1991)

Example No. 3: Utilities Facilities (Water) [Air Force Analysis: Condition Red].

Here's the full story:

The potable water plant was in violation due to inadequate treatment of the discharge from the filter backwash and from the flocculation basin. A project to correct this problem is currently 95% completed. The new facility involves settling tanks, pump station and settling ponds. With these new changes, the rating for this facility is now a Green.

A contract was awarded in the fall of 1990 to correct some of the waste water treatment plant design deficiencies. This contract is presently 50% done and will be completed by November 1991. With these corrections, the rating of the treatment plant will be Green. (Source: Infrastructure Assessment-Loring AFB Maine, January 1991)

3. Gross inconsistencies in the Air Force data.

A review of the back-up materials (entitled "1991 Air Force Base Closure Report Back-Up Data, Flying Category Strategic Subcategory, Book 1 of 3") reveals numerous startling inconsistencies between what was reported in the base closure questionnaires and what was presented to the Air Force Executive Group.

Example No. 1: POL Supply/Storage.

For example, the back-up data for the POL.

Supply/Storage facility at Barksdale AFB reads as follows:

"Bulk storage containment berms and basins have deteriorated and no longer provide adequate protection to preclude a spill from contaminating soil and ground water. Estimate $1.4 million to repair containment berms and basins.

Astonishingly, the materials presented to the Air Force Executive Group described the POL Supply/Storage at Barksdale as 100% condition code 1 and 0 cost to upgrade.

[It is also worth noting that the condition of the hydrant refueling system at Barksdale AFB is described in the back-up materials as "extremely poor" with suspect reliability and requiring $20 million to replace it in FY95-96. Yet the materials presented to the Executive Group reported Barksdale's POL/Supply Storage as 100% code 1 with 0 cost to upgrade, and Aviation Operations (under which the legend places the hydrant refueling system) as 99% coded 1 with a cost to upgrade of just $2.7 million. In other words, no where in the materials presented to the Executive Group, was the true condition of Barksdale's hydrant system ("extremely poor") identified, and no where in those materials was the cost to upgrade the system ($20 million) identified.]

When queried for an explanation of these and numerous equally striking inconsistencies, the Air Force replied, "We did not crosscheck the inputs from the major commands [e.g., SAC] with the base closure questionnaires."

[At Grand Forks AFB the back-up materials provide this unsettling description of the POL Storage and hydrant facilities: "Type II systems have exceeded design life and replacement parts are no longer available. The underground operating tanks are an environmental threat and explosion-proof electrical conduit has been damaged creating a fire and explosion hazard. Programming a $3.2 million hydrant replacement project". Incredibly, the materials submitted to the Executive Group described the POL Supply/Storage at Grand Forks as 100% Code 1, with 0 cost to upgrade; and the Aviation Operations as 100% Code 1 with 0 cost to upgrade.]

Example No. 2: Cost to upgrade Medical facilities to conditions code 1.

In the base closure questionnaries (contained in Book 1 of 3 of the Strategic Subcategory back-up materials) each SAC base was asked what it would cost to upgrade their Medical facilities to condition code 1. The deviations between what the bases reported and what was submitted to the Executive Group are dramatic:

COST TO UPGRADE MEDICAL TO CODE 1

[Dollar amounts in millions]

Base	Answer on questionnaire	Answer submitted to Executive Group
Barksdale AFB	$14.7	$.15
Beale AFB	15.0	.27
Dyess AFB	25.0	7.34
Ellsworth AFB	3.1	.07
F.E. Warren AFB	15.0	0
Plattsburgh AFB	40.5	.26

The Air Force was asked to provide an explanation for these extraordinary deviations. None was provided.

[Loring AFB, which completed construction of a new hospital in March 1989, was properly graded at 100% code 1, and 0 cost to upgrade.]

4. Inclusion of obsolete facilities or buildings for which no replacement is required or planned.

It appears from the materials submitted to the Executive Group that in some cases the analysis took into account both the condition and cost to upgrade existing facilities (i.e., buildings) which are obsolete and slated to be demolished, but instead treated them as if they were to be replaced.

Example: Troop Housing/Messing.

[Air Force Analysis: Condition Yellow].

Here's the full story:

There are three new troop dormitories at Loring AFB which were constructed in the mid-1980's at a cost of $14.4 million. A fourth is obsolete, unoccupied, and slated for demolition rather than replacement. The three new dormitories are modern, brick buildings that meet or exceed all Air Force habitability requirements. In fact, they serve as the model for Air Force dormitories throughout the country. The main dining hall was newly constructed in FY85 at a cost of $3.5 million and another $3.1 million was spent to remodel and upgrade the dining hall in the alert facility. In 1990, Loring AFB's dining facilities received the SAC's R.T. Rhiney Food Service Management Award, and placed 3rd overall in an Air Force-wide competition. Yet inexplicibly, Loring AFB's Troop Housing/Messing were rated at 45% Code 1 with a cost to upgrade of $18.1 million. Such numbers are utterly inconsistent with the true condition of Loring AFB's facilities unless one assumes the condition and cost to replace buildings slated for demolition.

Other discrepancies

Two additional areas in which this report takes strong exception to the Air Force analysis of Loring AFB's facilities are:

Aviation Maintenance

Major improvements and new construction projects have dramatically improved the condition of Loring AFB's Aviation Maintenance facilities during the past decade. These were apparently overlooked in the Air Force analysis. They include construction of a new 115,000 sq. ft. composite maintenance facility; conversion of the main dock to a fuel cell repair facility; and the complete remodeling and energy improvements to the jet engine shop.

What is true for the base as a whole, is true for the aviation maintenance facilities: almost every aviation maintenance facility on the base has been renovated or was newly constructed since 1981.

Utilities Facilities

Loring AFB's utilities facilities are in excellent condition, contary to the Air Force's rating of RED. More than $60 million has been invested during the past ten years to upgrade and modernize these facilities. These projects include: $23.4 million to convert the heating plant from oil to coal in the mid-1980's; $20 million for the installation of two new boilers in 1986; upgrading three existing boilers at a cost of $3.8 million; and modernization of the water sewage treatment facility.

These upgrades have produced direct and measurable improvements in energy efficiency of the base. Loring AFB's energy efficiency has improved more than 23% in five years—the second best improvement in all of SAC. Loring AFB's energy efficiency is the best among all regional SAC bases.

Energy efficiency (BTU/Sq. Ft.) FY90

Base:	
Loring AFB	163.4
Griffiss AFB	186.2
Plattsburg AFB	189.7

Recognition from Secretary of Defense

During the past decade, Loring AFB's facilities have undergone a dramatic transormation. Congress has kept its commitment, made in 1979, to upgrade those facilities.

While the Air Force overlooked these substantial improvements, the Secretary of Defense did not. In June 1990, in recognition of Loring AFB's outstanding facilities, Secretary of Defense Cheney presented Loring AFB with the Department of Defense Installation Excellence Award.

IV. AIRSPACE AVAILABILITY/ENCROACHMENT

Airspace availability is a crucial consideration for the operation of any airbase. Throughout the country, communities have grown up around airbases and airports, crowding airfield operations and frequently leading to noise complaints. These complaints in turn often lead to restrictions on flight operations. Under extreme conditions, Quiet Hours are imposed limiting take-offs, approaches, landings, and maintenance ground runs on aircraft engines during specified hours.

At the April 15th Base Closure hearing, the following exchange took place between Chairman Courter and Secretary of the Air Force Donald Rice:

Chairman Courter: Was consideration given to future training needs, that is, expansion capability, additional air space requirements, the air space crunch that you have with the expanded East Coast plan and other types of plans with respect to the commercial use of air space on shore and offshore in the United States?

Mr. Rice: Mr. Chairman, we tried to look at that as thoroughly and as carefully as we could, and . . . while we took lots of factors related to military value and operational utility into account, probably the one factor we focused on more heavily than anything else was air space and air space encroachment, and our concerns about not just the current situation but trying to project forward 10 or 20 years as best we could.

Did the Air Force properly consider airspace availability and encroachment?

While Secretary Rice said the right words at the April 15th hearing, his philosophy is not reflected in the proposal to close Loring AFB.

The Air Force apparently did consider airspace to be a crucial consideration—it merited a separate back-up data. Here is what that back-up data reveals about the airspace availability at the three regional SAC bases (Loring AFB, Griffiss AFB, and Plattsburgh AFB):

Each base was evaluated on the basis of existing and future encumbrances on airspace or encroachment from the surrounding community. Using the Air Force scale of GREEN=5, YELLOW=3, RED=1, the three bases rank as follows:

Number of (each color)	Loring AFB	Griffiss AFB	Plattsburgh AFB
GREEN (x 5)	60	30	15
YELLOW (x 3)	3	24	30
RED (x 1)	1	0	1
Total (Max of 70)	64	54	46

Loring AFB received the highest rating (GREEN) in all but one category (access to bombing range, existing/future). Griffiss AFB and Plattsburgh AFB were both rated YELLOW for air space restrictions and encroachment.

In the Air Force Base Closure Executive Group's meeting minutes, Griffiss AFB, Plattsburgh AFB, and Castle AFB are all described as having "continuing" encroachment problems which are "extremely difficult" to adjust. (See Tab 16 and 23 of Executive Group minutes for February 26 and March 6.) Yet Loring AFB, which has no encroachment problem, has been proposed for closure while Griffiss AFB and Plattsburgh AFB are to remain open.

QUIET HOURS

The imposition of Quiet Hours (i.e., restrictions on flight operations and some ground maintenance) on a base is a clear indication of encroachment. Here is how the three regional bases stand:

Loring AFB: No Quiet Hours.

Griffiss AFB: Quiet Hours from 2200–0600.

Plattsburgh AFB: Quiet Hours from 2200–0600.

Loring AFB offers unrestricted airspace and virtually no encroachment

In its relatively remote location in northern Maine, far from congested metropolitan centers and commercial air traffic routes, Loring AFB offers an ideal environment for operational and training flights. Encroachment problems are virtually nonexistent.

No changes in either the airspace availability or encroachment situation are anticipated during the next twenty years.

V. COST/SAVINGS ANALYSIS

Air Force analysis

The Air Force ranked Loring AFB 1st for total savings over a 20-year period ($465 million) and 2nd for initial annual savings ($66.6 million) among all SAC bases. These figures are based on direct operations savings, direct military and civilian personnel savings, additional CHAMPUS costs, and some additional housing costs.

In fact, the Air Force's estimate of savings ($465 million over twenty years) from closing Loring AFB is grossly exaggerated.

Flaws in Air Force methodology and ranking

The methodology and conclusions in the Air Force estimates of savings that would accrue from the closure of Loring AFB are seriously flawed. First, the Air Force overstated savings to DOD by overestimating operating costs and underestimating closure costs. Second, it gave no consideration whatsoever to other significant costs to the federal government. When these additional federal costs are considered, extreme discrepancies emerge.

The Maine State Planning Office (SPO) produced alternative estimates of the net savings associated with closing Loring AFB. The SPO analysis included more accurate DOD savings and costs estimates, and examined other federal costs associated with the closing of Loring AFB. The results of this analysis indicate that the Air Force dramatically overestimated the net savings from closing Loring AFB as shown below.

[Dollar amounts in millions]

	Savings 1st year	Savings over 20 years
Air Force	$66.6	$465.0
State Planning Office	13.1	179.9

Estimates prepared by the Maine State Planning Office (SPO), described in the next section, demonstrate that the actual savings to be realized from closing Loring AFB are significantly less in absolute terms than was reported by the Air Force. The savings from closing Loring AFB would change its ranking with regard to the other SAC bases from second greatest to second lowest in the first year of closure. Overall, instead of yielding the greatest savings from closure among all SAC bases, 15 other SAC bases would yield higher net savings.

Net savings to the Department of Defense overestimated by the Air Force

The following identifies four areas in which the Air Force either overestimated savings or underestimated costs to the Department of Defense from the closure of Loring AFB. (Table 1):

1. Home Assistance Program (HAP): As noted by the General Accounting Office (GAO), the cost of HAP is excluded from Air Force calculations. Given the poor economic climate that would result from base closure, the SPO conservatively estimates that HAP costs for Loring AFB personnel will be at least $6.4 million.

Discrepancy/One Year: $6,400,000.

Discrepancy/Twenty Years: $6,400,000.

2. Military and Civilian Salary Savings: In calculating personnel savings from closing Loring AFB, the Air Force used average salary figures that are well above those provided at Loring AFB. Consequently, Air Force savings estimates are overstated. The Air Force estimates of average military salaries are 67 percent above Loring AFB's actual average gross military salary, and 590 percent above Loring AFB's average gross civilian salary. The SPO estimates assume that fringe benefits would increase personnel costs 40 percent over gross payroll.

Discrepancy/One Year: $4,132,000.

Discrepancy/Twenty Years: $82,624,000.

3. Radar Facility: Loring AFB currently provides radar coverage for the Northern Maine Regional Airport in Presque Isle. The loss of this coverage due to closure of Loring AFB will significantly jeopardize both the safety and economic viability of Northern Maine Regional Airport. Given the importance of this airport to the local economy, it is likely that the federal government will arrange to provide continuing radar coverage in the event of closing Loring AFB. Similar arrangements have been provided to local airports in New Hampshire as a result of the recent closing of Pease AFB in New Hampshire.

Discrepancy/One Year: $1,000,000.

Discrepancy/Twenty Years: $5,000,000.

4. Unemployment Benefits: The Air Force underestimated unemployment benefit costs. The SPO estimates that 360 civilian base employees will be unemployed for an average of 29 weeks, at an average cost per week of $218/person. The actual cost will be $2,276,000 in the first year, compared to the Air Force estimate of $198,000.

Discrepancy/One Year: $2,276,000.

Discrepancy/Twenty Years: $2,276,000.

TABLE 1.—COMPARISON OF SELECTED DOD COST/SAVINGS ESTIMATES FOR THE CLOSURE OF LORING AIR FORCE BASE [1]

[In thousands of dollars]

	Air Force	SPO	1st year	20 years
Air Force overestimated savings by:				
Civilian personnel [1]	13,950	12,299	1,651	33,020
Military personnel [1]	33,694	31,213	2,481	49,620
Subtotal	47,644	43,512	4,132	82,640
Air Force underestimated costs by:				
Unemployment [2]	198	2,276	2,078	2,078
Home assistance program [2]	0	6,404	6,404	6,404
Radar facility [1]	0	1,000	1,000	20,000
Subtotal	198	9,680	9,482	28,482
Total	47,842	53,102	13,614	111,122

[1] Annual average.

[2] One-time cost.

Significant costs to the Federal Government that the Air Force failed to consider

The following identifies ten areas of significant additional cost to the federal government resulting from the closure of Loring AFB which the Air Force failed to consider (Table 2):

1. Federal Income Tax Revenue: The Air Force did not include federal income tax revenues lost from closing Loring AFB. The SPO estimates that federal income tax revenues lost as a result of eliminating Loring AFB personnel, combined with indirect jobs lost, are substantial.

Discrepancy/One Year: $9,252,000.

Discrepancy/Twenty Years: $103,226,000.

2. Small Business Administration (SBA) Loan Defaults: The closure of Loring AFB, the single largest employer in the region, will precipitate the failure of many small businesses. The SPO estimates that several additional SBA loan defaults will occur in Aroostook County as a direct result of closing Loring AFB.

Discrepancy/One Year: $3,000,000.

Discrepancy/Twenty Years: $3,000,000.

3. Food Stamps: No account was taken by the Air Force of the additional demand for food stamps that would be created by closing Loring AFB. The SPO estimates that an additional 4,500 people (1,730 households) would require food stamps if Loring AFB were to close, a figure which is expected to decrease 10% each successive year.

Discrepancy/One Year: $3,240,000.

Discrepancy/Twenty Years: $29,209,000.

4. Farmers' Home Administration (FmHA) Loan Defaults: The SPO estimates a default rate of 15% on the outstanding Aroostook

County FmHA debt of $48.3 million for residential and multi-family loans, should Loring close.

Discrepancy/One Year: $10,948,000.

Discrepancy/Twenty Years: $10,498,000.

5. Office of Economic Assistance/Economic Development Administration: The Air Force failed to take into consideration the amounts that would be expended by the Office of Economic Assistance and Economic Development Administration to assist the local communities in adjusting to the base closure. The SPO estimates that Maine will receive at least $15 million in defense impact aid if Loring AFB should close.

Discrepancy/One Year: $5,000,000.

Discrepancy/Twenty Years: $5,000,000.

6. U.S. Department of Labor: With the closure of Loring AFB, Maine would become eligible for base closure re-training assistance available through the Department of Labor. Given the magnitude of the economic loss resulting from closure of Loring AFB, Maine would receive a minimum of $4 million.

Discrepancy/One Year: $4,000,000.

Discrepancy/Twenty Years: $4,000,000.

7. Aid to Families with Dependent Children (AFDC): The SPO predicts an increase of 20%, (300 people) qualifying for AFDC benefits, with an average benefit level of $500/person as a result of closing Loring AFB. The total impact to the federal government is calculated using a 64% federal share of the costs, and assumes a reduction of 10% per year in caseload after the first year.

Discrepancy/One Year: $1,152,000.

Discrepancy/Twenty Years: $10,386,000.

8. Medicaid: No consideration was given to additional Medicaid costs in the Air Force analysis. The SPO estimates that closing Loring AFB would result in an increase of 20% in the Medicaid caseload, for a total cost of $953,000 in the first year, of which the federal share would be 64%.

Discrepancy/One Year: $610,000.

Discrepancy/Twenty Years: $5,499,000.

9. VA Benefits: VA loan guarantees for home mortgages would also be affected by closing Loring AFB. The SPO estimate applies a 10% default rate accepted by the Air Force in past economic impact assessments.

Discrepancy/One Year: $1,800,000.

Discrepancy/Twenty Years: $1,800,000.

10. Economic Development Administration (EDA): As with VA loans, the EDA loan default rate is calculated at 10%.

Discrepancy/One Year: $128,000.

Discrepancy/Twenty Years: $128,000.

TABLE 2.—ADDITIONAL FEDERAL COST (NON-DOD) [2]

[Dollars in thousands]

Federal program	Air Force	SPO estimate—	
		1 year	20 years
Federal Income Tax Revenue [1]	0	$9,252	$103,226
Aid to Families with Dependent Children [1]	0	1,152	10,386
Food Stamps [1]	0	3,240	29,209
MEDICAID [1]	0	610	5,499
Farmers' Home Administration [2]	0	15,747	15,747
Small Business Administration [2]	0	3,000	3,000
Economic Development Administration [2]	0	128	128
Veterans' Administration [2]	0	1,800	1,800
Office of Economic Assistance [2]	0	5,000	5,000
Total	0	39,929	173,995

[1] Annual average.

[2] One-time cost.

Air Force figures were misleading to the Executive Group

The total discrepancies listed above significantly reduce the Air Force estimates of the savings to be derived from closing Loring AFB. Applying the adjustment to savings estimated by the SPO to the Air Force's original estimated savings of $465 million yields a net 20-year savings of only $179.9 million, as summarized in Table 3. The Executive Group could not possibly make an informed decision to recommend closing Loring AFB given the magnitude of error in the Air Force analysis. Not only are the actual savings far lower than stated by the Air Force, but Loring's ranking relative to other SAC bases is significantly altered when all relevant factors are taken into consideration. In fact, consideration of all relevant costs lowers Loring AFB's cost savings ranking from 1st to 16th among all SAC bases.

TABLE 3.—SUMMARY OF AIR FORCE AND SPO COST SAVINGS ANALYSES

[Dollars in thousands]

	Air Force	SPO estimate—	
		1st year	20 years
Table 1 (DOD costs)	$47,462	$13,614	$111,122
Table 2 (Additional Federal costs)	0	39,929	173,995
Grand total	47,842	53,543	284,117
DOD net savings estimate		66,000	465,000
SPO net savings estimate (total SPO estimate minus DOD estimate)		13,100	179,900

Environmental Costs

Loring AFB is included on the "Superfund" National Priorities List. Civilian conversion and reuse will be greatly impeded by the presence of 42 hazardous waste sites on the base property. Toxic contamination includes waste oils, fuels cleaned from aircraft and vehicles, polychlorinated biphenyl (PCB's), and pesticides.

Until recently, clean-up for Loring AFB was estimated at $150 million; however, Federal and state authorities now believe this estimate to be greatly understated. The Strategic Air Command has informally advised the Maine State Department of Environmental Protection (DEP) that the correct range is now $300 to $900 million.

This new estimate was confirmed on April 22nd by Mr. Gary Vest, Deputy Assistant Secretary of the Air Force for the Environment, Safety, and Occupational Health, who advised Maine Congressional Delegation staff that it will require approximately $800 million to clean up Loring AFB to meet state standards.

In fact, no one can be sure just how much Loring AFB's clean-up will cost. A Remedial Investigation Feasibility Study (RI/FS) has yet to be conducted. The Maine State Department of Environmental Protection believes that environmental clean-up is likely to cost less if Loring AFB remains open as an operational military facility because a base with restricted access may not require the same kind of clean-up as will be necessary for commercial or residential property.

VI. ECONOMIC IMPACT ANALYSIS

While many communities and regions will face temporary economic dislocation as a result of base closures, the impact of closing Loring AFB on Aroostook County and Maine will be catastrophic and permanent. On two occasions, Deputy Assistant Secretary of the Air Force James Boatright, co-chair of the Air Force's Base Closure Executive Group, stated that "Loring was the single worst case of local economic impact of any Air Force base recommended for closure."

Since its inception, Loring AFB has been largely responsible for driving the local economy. In 1979, Senator Edmund Muskie observed that the remote area of Aroostook County where the base is located ". . . was a wilderness when the Department of Defense decided to build Loring . . . and it will be a wilderness when Loring leaves, leaving behind it the wreckage of people, mostly small business people, who have staked their lives there."

The Air Force minimized the devastating economic impact on the region from Loring AFB's closure by assigning inappropriate rankings to impact criteria; underestimating employment, income, and job losses through the use of flawed methodology; and disregarding the significant barriers to converting Loring AFB to civilian use. A comparison of Air Force and SPO economic impact estimates are summarized in Table 3 below.

TABLE 3.—COMPARISON OF AIR FORCE AND MAINE STATE PLANNING OFFICE ECONOMIC IMPACT ASSESSMENT OF THE CLOSURE OF LORING AFB [3]

[Dollar amounts in millions]

	Baseline	Air Force	Percent	ME SPO	Percent
Employment	44,600	−5,674	13	−8,500	19
Income	$1,049	−$103	10	−$152	14
Population	86,000	−11,450	13	−14,715	17
Net local government revenues	NA	−$2.6	NA	−$4.7	NA

Significance of Loring AFB to the local economy

Loring AFB is the single largest employer in Aroostook County, providing 4,600 federal jobs (including 3,300 military). Base military and civilian personnel make up 10% of total county employment. Moreover, because wage levels at Loring AFB are well above the county average, base payroll accounts for 19% of Aroostook County wage and salary income.

Loring AFB supports over 8,500 jobs (19% of the total), directly or indirectly, in Aroostook County and accounts for $152 million in earnings annually. Base expenditures in the county totaled $125.1 million in FY 1990. These expenditures included $87.4 million in military and civilian payroll, $17.7 million in construction projects, $11.9 million for services and an additional $8.1 million for materials, equipment and supplies.

Loring AFB's prominent position in the Aroostook County economy provides a critical measure of stability amidst the shrinking food processing and forest products industries. Located in remote Northern Maine, Aroostook County has a per capita income level that is only 81% of the State average, and 74% of the U.S. average. The county also suffers from the above-average unemployment rates and a steady out-migration of 1,200 persons each year.

Economic impact of closing Loring AFB

Aroostook county's economy is in precarious balance, as indicated in figures 2 & 3. [Figs. 2 and 3 reproducible in the RECORD.] The stability offered by Loring AFB has allowed the county to strengthen job growth in recent years, despite the reduction in overall population. In the absence of the stable underpinning provided by Loring AFB, the Aroostook County economy would rapidly deteriorate into long-term decline.

The loss of Loring AFB would do more than merely eliminate many of highest paying jobs in the northern Maine economy. Within three years of closure, Aroostook County will suffer the loss of 20% of its economic base including 8,500 jobs, $152 million in annual earnings (1990$) and the exodus of 15,000 of its residents. Loring AFB's closure would shatter the budding revival of the regional economy and burden remaining residents and businesses with higher-cost services and fewer amenity resources.

Maine Public Service Company, Aroostook County's electric utility, estimates that electric rates could rise by as much as 12% as a result of the loss of revenue base provided by Loring AFB and the associated residents. In addition, the loss of residential and commercial taxpayers and the devaluation of existing property will result in municipal shortfalls of $4.6 million annually. This increase will have to be borne by a smaller base of tax payers holding property that is very likely to see continued significant depreciation. These rising costs will not only reduce the disposable income of residents but will weaken the position of the County's capital and energy intensive paper and food processing industries, which will bear the brunt of increases in electric and property tax rates.

Finally, the closure of Loring AFB would undermine important components of Aroostook County's economic infrastructure. Commercial air travel associated with Loring AFB now accounts for at least one-third of enplanements at Northern Maine Regional Airport. A loss of travel volume of this magnitude is likely to result in the elimination of service from two of the three commercial providers now serving Northern Maine Regional.

Rail freight service provided by the Caribou Line of the Bangor & Aroostook Railroad would be placed in severe jeopardy with the closure of Loring AFB. Now serving several Aroostook businesses from agriculture to forest products, the vast bulk of the revenue from this line comes from the transport of coal to Loring AFB. Loss of this business would likely cause the line to be abandoned.

Opportunities for redevelopment

The environmental contamination of Loring AFB is extensive and presents a formidable obstacle to its re-use. Even if the environmental factors of Loring AFB were properly addressed, Aroostook County would face nearly insurmountable odds in stabilizing its economy following the closure of Loring AFB.

Loring AFB's remote location poses a significant barrier to redevelopment. The impacted region is more than 65 miles from the northernmost terminus of the interstate highway system and 250 miles from a major metropolitan area (Portland). This isolation would be further intensified by the loss of air service and the escalating costs of utilities, services, and government precipitated by the closure of Loring AFB.

With two runways and ancillary facilities, Loring AFB is best suited as an aviation facility. However, past base closures in the proximity of Loring AFB preclude its conversion to civilian aviation use. In 1962, Presque Isle Air Force Base was converted to become Northern Maine Regional Airport, followed in 1968 by the closure of Dow AFB in Bangor, Maine, which became Bangor International Airport (BIA). BIA has since emerged as a transatlantic transit stop for scheduled and chartered flights to and from Europe. These facilities, particularly BIA's presence, negates any prospect for Loring AFB to provide similar service because the transatlantic traffic base simply is not large enough to support both of them.

The recent closure of Pease AFB in New Hampshire, directly across the border from Maine, further reduces Loring AFB's conversion prospects as a civilian aviation facility. Pease AFB's redevelopment will greatly affect the aviation market in northern New England. In fact, it is a source of concern for BIA's future. As a matter of overall transportation policy, it would be self-defeating for the State of Maine even to attempt to convert Loring AFB as a regional aviation facility.

The economic landscape beyond Aroostook County presents further difficulty. The closure of Loring AFB would come at a time when many of the forces that drove economic growth in Maine and New England have largely run their course. Maine has suffered a regional economic downturn for over two years and now finds itself in the midst of a protracted national recession. Since 1989, Maine employment has declined by over 20,000 jobs, or 4%. The long-term outlook indicates that job growth during the 1990's will slow to an average rate of just 1% per year, down from the 2.6% annual growth experienced during the 1980's.

On May 10, 1991, Deputy Assistant Secretary of the Air Force James Boatright testified to the Commission that Air Force bases "are not nearly as valuable to the private sector as they are to the Air Force. They aren't made, it has been said to be taken apart." A rural Air Force base" may not be attractive to potential buyers. It may be questionable if such bases can be disposed of at all."

Miscalculations in the Air Force Analysis

In some cases, the economic impact rankings assigned to Loring AFB by the Air Force were the result of either a failure to correct irregular data or an underestimate of the likely economic consequences of the closure of Loring AFB.

First, the Air Force made a procedural error in assessing the relative impact of income loss to Aroostook County. The Air Force failed to correct historic income data to account for an aberrant potato price spike in 1974 and subsequent price drop in 1975. The Air Force figure indicated that the impact of closing Loring would equal 45% of the historic high, a YELLOW rating, but in fact, the corrected income impact is equal to 233% of the historic high, a GREEN rating.

Second, the Air Force assigned an improper ranking of yellow to the fiscal impact results on local government. A net fiscal loss of $2 million was erroneously ranked as positive or neutral. Using a more accurate methodology, the real impact is $4.7 million, and therefore should be rated green.

These errors seriously understate the severe economic consequences of closing Loring AFB, and produced inaccurate ratings which were considered by the Executive Group in making its recommendations.

Category	Air Force analysis	Corrected ranking	Reason
Impact on local income.	yellow	green	Corrected impact is 233%, not 45%.
Fiscal impact on local government.	red	green	Impact will be $4.7m, not $2.6m.

Methodological flaws in the Air Force analysis

The Air Force committed a number of methodological errors in measuring the economic impact of closing Loring AFB.

First, they utilized an inappropriate estimating tool to gauge regional economic impact. The Economic Impact Forecasting System (EIFS) model is based on a simplistic application of "export base" theory. Consequently, it understates the economic effect of facility operations and is incapable of simulating the response of the local economy to the economic shock imposed by a base closure. As just one example, it fails to capture the effect of population out-migration on local spending and employment in years following closure.

As a result of the EIFS model structure, employment, income and fiscal impacts are underestimated. According to Daniel Spiegel of the University of Illinois, who maintains the model for the U.S. Army, "the analysis [provided by EIFS] is only an estimate of the impact of anticipated closure . . . and is not to be viewed as a substitute for thorough regional economic analysis".[4]

Second, the Air Force misapplied the EIFS model. It underestimated Loring AFB spending in the local economy for equipment, supplies and services by $9.6 million,[5] and failed to include $17.7 million in construction spending in FY 1990, and did not include all income components of military and civilian personnel as required by the model, resulting in an underestimate of direct income of about 15%.

As a result of these errors and omissions, the Air Force significantly underestimated the local economic impact of base closure. Utilization of an appropriate regional economic analysis tool,[6] combined with additional updated information, yields a dramatically different assessment of the economic impact of the closure of Loring AFB, particularly in view of the demographic base of Aroostook County.

Should Loring AFB close, the economic impact will, in fact, be catastrophic. It will have devastating effects on the people and the community that have supported Loring AFB. It will, as Senator Muskie predicted, become a wilderness, devoid of its economic lifeblood.

ENDNOTES

[1] Notes to Table 1.

Personnel: replaced "composite rate" with actual gross payroll.

Composite military salary = $36,664; actual mil = $21,879 (value used in EIFS = $21,161.)

Composite civilian salary = $32,518; actual = $20,479. (value used in EIFS = $14,343.)

Unemployment: Air Force estimate = $198,000. State Planning Office estimate = $1,963,000. (360 civilian unemployed for 29 wks at $218/wk.)

Homeowner's Assistance Program: Air Force = $0; State Planning Office estimate = $6.4 million. 512 civilian and 128 military homeowners with average mortgage balance of $10,000, and an average sale price of $44,203.

Radar coverage for Northern Maine Regional Airport: Air Force = $0; State Planning Office estimate = $1 million/yr.

[2] Notes to Table 2.

Federal income tax: based on earnings lost as a result of closing. Includes direct and indirect jobs loss to base closing, but excludes Loring transfers.

AFDC: 20% rise in caseload (300), rise in benefit to $500/case. Federal share = 64%. Reduced by 10%/year after first year.

Food Stamps: 4500 people (1730 households), at $60/person. Reduced by 10%/year after first year.

MEDICAID: 20% increase in AFDC-MEDICAID caseload. AFDC-MEDICAID = $953,000; federal share = 64%.

FHMA: 10% default rate on outstanding Aroostook County debt of $48.3 million in residential loans and $56.6 Million in multi-family loans.

SBA: SPO estimate based on Kilmarx report. 1988.

EDA: Based on $1,279,207 in outstanding loans and a 10% default rate.

VA: SPO estimate based on Kilmarx report. 1988.

OEA/EDA Defense impact aid: SPO estimate.

[3] Impacts include the loss of direct military and civilian jobs and indirect employment and associated income. Population impact includes base personnel and dependents and indirect outmigration associated with closure-related job loss.

[4] EIFS Paper of 1/11/89.

[5] EIFS local expenditures for equipment, supplies & services = $8.99 million; ERIS FY90 = $18.6 million.

[6] FS-53 Forecasting and Simulation Model for Maine. A product of Regional Economic Models, Inc.

The CHAIRMAN. The Chair will advise those Members controlling debate that the gentleman from Wisconsin [Mr. ASPIN] has 21 minutes remaining, that the gentlewoman from Colorado [Mrs. SCHROEDER] has 22½ remaining, that the gentleman from New York [Mr. MARTIN] has 19 minutes remaining, and that the gentleman from Michigan [Mr. DAVIS] has 14 minutes remaining.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is with great reluctance that I lend my voice in support of the Base Closure and Realignment Commission's findings, and against House Joint Resolution 308. My reluctance stems from the loss of one of the finest naval bases in the country—the Long Beach Naval Station. Like many of my colleagues, I was dismayed by the Commission's initial closure list. The vital strategic importance of the Long Beach Naval Station, combined with the realities of lost jobs and relocated families in my district, compelled me to fight for its removal from the list.

From the beginning of this base closure process, however, I have stated my support for a logical and fair method of base evaluation that was based on future mission requirements, force flexibility, and overall efficiency. I want to commend the Base Closure Commission for adhering to these criteria and submitting recommendations that, although not pleasing to everyone, live up to that standard of fairness. I will have to answer to my constituents, some of whom will suffer from this decision, but I do so confident in the knowledge that I have supported a proposal which serves the best interest of this country, now and in the future.

The post-cold war era provides us the opportunity to reduce the size and scope of our military. The realization that some of our districts will be affected should not wither our resolve to responsibly cut back our Armed Forces. And though it will mean the loss of the Long Beach Naval Station, I will support the Base Closure and Realignment Commission's recommendations. I urge my colleagues to do likewise.

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA], the hard working chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Chairman, I think most of us recognize the realities of what will happen today. Despite the opposition of those affected, the recommendations of the Commission are likely to be approved and the 36 affected communities will have to face the very difficult challenge of making a total readjustment. My community is obviously one of those that will be affected.

After 75 years of loyally supporting the military mission at Ft. Ord, division headquarters, and the training post, our community is the home of the 7th Light Infantry Division. A community task force was developed when the post was put on the list to make the defense and budgetary arguments to the Commission why the 7th Division ought not to be moved. In short, we have the best housing situation, the best family housing situation in the Army, bar none, and we also have the best training areas in the Army, bar none, with Ft. Hunter Liggett and Camp Roberts. It was there that the 7th Division became the best light infantry division in the Army.

Those arguments were rejected by the Secretary of Defense, the Secretary of the Army, and the Commission. I do not question the integrity of those that made the decision, but obviously we do question the process and the ultimate decision itself.

I also understand that all of us have to move beyond this vote. The challenge that now faces 122 communities in this country is only the beginning. In 1993 this process will repeat itself and in 1995 it will repeat itself again.

Let me remind Members that in the 5-year budget agreement we are looking at a 25-percent reduction in defense, and that means among personnel alone a cut of almost 435,000 and among civilian personnel a cut of about 133,000.

In these next 5 years Members and their communities will face the same fear, the same uncertainty, the same anxiety that ours face today. I am confident that my community and all Members' communities can face this adjustment successfully, and, indeed, we can develop even a more stable base for our communities if the administration and the Congress will give their support. Extremely important issues will determine whether this process results in triumph or tragedy.

There are two crucial issues involved. One is cleanup. Unless cleanup is expedited, those posts could remain white elephants in everyone's district, undeveloped and bringing no savings. We need to have laws changed so that we can expedite that process. If a base is a Superfund site, the entire base is locked up until the last portion is cleaned of toxic wastes. We must appropriate adequate funding to quicken this process, and we must ensure that environmental restoration is, at the same time, complete.

In addition, we need sufficient economic assistance. Base closures are the equivalent of natural disasters in these communities. They are economic disasters, and we need assistance for retraining, for businesses, for retirees, for the unemployed, for veterans that are affected and for homeowners.

The key here is that the military cannot walk away from these communities. This is not the end of the process of base closure and realignment. All Members understand that. This is the beginning. Regardless of how we vote today, our help will be needed.

There is a simple message here. Please do not abandon the communities who have given their loyalty to the military mission in their areas and have served this Nation well. Please do not abandon those communities.

If Members support us in this transition, let me assure them that we can be successful in the job of building a new America in a new and changing world.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FOGLIETTA] be allowed to handle the rest of the time on my side.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

□ 1700

Mr. MARTIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, our subcommittee has been involved in this process over the course of the last 3 years. While I rise in opposition to the resolution, I do so reluctantly. I say reluctantly, because, yes, I understand the pain in those communities, like the gentleman from California [Mr. PANETTA] just spoke about. But even more reluctantly because what drives this engine of base closure and realignment, both in this country and throughout the world, is the fact, again something alluded to by the gentleman from California, a fact overlooked by most people, that we in the next 5 years, we the Congress, we the administration, we this country, are going to in effect lay off 500,000 uniformed personnel, 1/435, give or take, from each one of our districts.

I lost my dad about 3 months ago. I think back to some of the things that he had to say, and, believe me, he had a lot to say, and particularly on these kinds of subjects.

He said how stupid Congress could be in laying off 500,000 troops. Here is a man who had fought in World War I and was a little bit upset in what we, the Congress, did to our military after the war, only to find ourselves in Europe again 20 years later. The same happened only 5 years later in Korea, and through the Vietnam experience. History repeats itself. Yes, Dad, we might be making the mistake again but having made that decision we must now make the decision to close bases.

That bothers me. I do not think this Congress of the country has focused on it, and that is part of the problem. But when you are laying off 500,000 people, you are going to have to close bases.

We are going to make the process better. We all understand that there are flaws in this process, no matter how much better than it was in the 1988 go-around. The process has to be changed. It will be made fairer, it will be made better. But let us not overlook the pain economically, and every other way, that it causes the communities that have been associated with these bases for so many years and have done such a great job to support our military personnel.

Mr. DAVIS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding, and yield to my distinguished colleague, the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I know the gentleman from Indiana [Mr. BURTON] is going to speak about the Army Finance Center in Indianapolis. The unique position it has with all these closings is it was not granted a hearing, in violation of the Commission's own rules. I commend the gentleman for what he has done so far to make some sense out of this, and I pledge to continue my cooperation with him.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. Chairman, let me say we are here supposedly to save money. We have got a $350 to $400 billion deficit staring us in the face this year, so we are all concerned about that deficit and want to save money. But we must not be penny wise and pound foolish.

When the Commission looked at the Army Finance Center at Ft. Benjamin Harrison, they did a cursory check of the center. They were there about 45 minutes, and they did not do their homework.

It is going to cost this Government $85 to $90 million more to close that center than it will to keep it. I want to explain how I came to this conclusion.

There are 2,700 employees at that center. To replace them or relocate them someplace else will cost $120 million. But all of them will not move because their families live in Indianapolis and they work there. They estimate about 30 percent will move, or about 810 of them; 810 of them being relocated will cost $36 million.

Then we would have to hire 1,890 new personnel for the new finance center, wherever it is, and that will cost an estimated $50 to $100 million to train these people.

A new facility is going to cost $90 million, and it will not be anything like the facility we have at Indianapolis at the Army Finance Center at Ft. Benjamin Harrison. That building is built like the Rock of Gibraltar. It is second in size only to the Pentagon, and it will last 100 years.

The fact of the matter is we are talking about spending $90 million to replace it with an inferior product.

In addition to that, they are going to have to replace the communications system that they have that connects that Army Finance Center with every Army base in the world. It is estimated by Indiana Bell and the other facilities that deal with this communications system that it is going to cost tens of millions of dollars, roughly probably $30 to $40 million.

But if you add together the $36 million it will cost to relocate people, $50 million minimum to hire and train 1,890 new employees, $90 million for the new facility, and $30 million minimum for the new communications system, you are talking about $206 million.

To refurbish or update that center in Indianapolis, they tell us it will cost $125 million. You take $125 million from the $206 million it is going to cost to replace that facility and retrain those people, and you are talking about a deficit of $81 million. Eighty-one million dollars we are going to waste by closing this center down, a center that served us well and is already there.

It is penny wise and pound foolish. The American taxpayer is going to pay for this, and they did not do their research. It is a terrible tragedy, and I urge Members to reject this entire Commission report, because they did not do their homework.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I thank the gentleman for yielding, and thank him for his continued leadership on this issue.

Mr. Chairman, for the people who work at the Philadelphia Naval Shipyard, this issue is very simple: When you cut through all the political rhetoric and all the budget talk, they are going to lose their jobs. They are not going to have a job if this decision goes through.

For those of us in this institution, I suppose the issue is a bit different. We hear from some people that those of us that support this resolution do so for parochial reasons. That is an obvious point.

I think there is a broader issue here today though, Mr. Chairman. I think the issue is one of credibility. Is this a Government that keeps its word any more?

This Government gave its word to the people of the United States that this process would save money. In the case of the Philadelphia Naval Shipyard, that is just wrong.

There is nothing to substantiate the conclusion of the Commission that there would be an annual savings of $36 million. No document, no proof, no evidence. The Government gave its word to the people at the Philadelphia Shipyard that this would be a fair process.

What really happened in that process? The Navy predetermined the dicision. They looked at only one public shipyard, out of eight. Only one, the Philadelphia Naval Shipyard.

The GAO could find no basis for the Navy's conclusion. They went to the Commission and said, "We cannot figure out how they did what they did."

The Commission staff heard from the Comptroller of the Navy in a private meeting. His words, "The process was subjective. We didn't use numbers. We can't reconstruct the process, because if we had used numbers, we would have closed the wrong bases."

Testimony was suppressed. New evidence was introduced at the last minute. When they gave their word that the process would be fair, their word did not hold true.

Finally they gave their word that it is still true in this country that if you get up in the morning and work as hard as you can, you will have a job, as long as you do the best you can. That word is being broken for those people at the shipyard today.

Mr. Chairman, for that reason, I urge Members to join us in voting yes on the Foglietta-Snowe resolution.

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, I rise in opposition to the resolution. We are at this point today because we recognized last year that, due to budget constraints and the changes in the international environment, the size of our Armed Forces would be declining, requiring a smaller defense infrastructure. To help make the difficult political decision of which military bases are no longer needed and should be closed, an independent Base Closure Commission was established. The Commission has made its recommendations, they have been accepted by the President, and it is now time for Congress to take a stand by either accepting or rejecting the Commission's report.

To repudiate the base closure process at this point by voting for this disapproval resolution, would, in my view, be a grave mistake. It would keep open bases which are no longer needed, and which will cost us billions to maintain. The Base Closure Commission has recommended the closure of 34 installations and the realignment of 48 others. These actions are expected to result in net savings of $2.3 billion between 1992 and 1997 and annual savings of $1.5 billion thereafter.

Approving the disapproval resolution would also reinforce the notion that Congress lacks the political will to make hard decisions that place national interests above parochial concerns. The base closure process is to take place again in 1993 and 1995. If we reject the process this time, we reinsert politics into the closure proceedings and seriously compromise the success of future base closure commissions. I strongly urge my colleagues to oppose this resolution.

☐ 1710

Mr. DAVIS. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, I rise in support of the resolution to disapprove the recommendations of the

Base Closing Commission. I plan to vote for the disapproval resolution and against the Commission's recommendations.

We all are going to speak on bases that are in our districts, in our area. But I hope as I make this statement Members will listen to a couple of things that I bring up as we go along, because there are things in the report and things that happened to me that I hope did not happen to other Members' bases, because it just shows that politics played a role in this. And in my opinion, that was not the intention of this Commission.

Mr. Chairman, I rise here today to assure my colleagues and those I represent: Yes, I certainly am angry that England Air Force Base in Alexandria, LA, will close. Although England was rated, by the Commission itself, sixth out of 15 Tactical Air Command bases, it will still close. Yes, I am angry that an inferior TAC base—Moody Air Force Base, in Valdosta, GA—will remain open while England Air Force Base closes its gates.

I voted in favor of the base closure law because I knew that force structure requirements needed to be met. Although I knew that single mission bases such as England Air Force Base would be closely scrutinized, I always knew England could withstand the process. I believed that in a fair, impartial, independent, nonpartisan review England would be deemed a great base and one to receive a second mission. Instead, the Commission played politics.

According to standards set forth by both the Air Force and the Commission, England Air Force Base was superior to Moody Air Force Base. Yet, England gets the knife. Anyway you look at it, the Commission played politics. The Commission took the easy way out. The Commission acted to protect itself. The Commission chose to protect its product. As a matter of fact, if you listen closely to the audio minutes after England was voted to close and Moody was voted to remain open, you hear a voice saying, "* * * You closed the wrong base." Yet, the process was flawed, and yes, I am angry and the people of Louisiana are angry. We have every reason to be angry. Instead of an impartial process, we got a bill of goods.

Some 3,042 military personnel and 697 civilians will be displaced not to mention the economic devastation the disabled economy of Louisiana will suffer.

I realize that the majority of Members of this House are not affected by the Commission's recommendations and consequently will vote to support the Commission list. But, you should heed our words and be wary of this unfair, partial process. Specifically, the Base Closure Commission was comprised of one-third Pentagon personnel—the same group of men and women who sat as the staffs of the Pentagon's own commissions, the same group of men and women who planned the closures that were submitted to the Commission. It is unbelievable that these same unbiased individuals were chosen to advise the Commissioners and comment on outside information. Do you realize that many of these men and women are going to return to the Pentagon as soon as the vote is completed in the House and Senate? No doubt, they will be praised for a job well done. Mr. Chairman, let me make my view clear: This was a job wrongly done.

You unaffected Members must also remember. In 2 years, you will be facing the same process again. If you decide to leave this unfair, political result in effect, without, at a minimum a protest vote, you may regret it later. In particular, I am speaking to those of you who narrowly were spared closures and realignments.

What more can I say? I am in support of the House Joint Resolution 308 and I will vote against the Commission's list. I urge my colleagues, in all fairness and good conscience, to do the same.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding time to me.

This base closing process, like the one we followed in 1988, has not been politically driven. Each of us in Congress has had ample opportunity to express directly to Secretary Cheney and to the Commission our own strongly held views, and we've done just that.

While I believe the U.S. Navy has erred badly in nominating for closure the Philadelphia Naval Shipyard, the clear majority of bases joining the shipyard on this list merit being closed.

The summit taking place in Moscow this week reminds us that our world has changed dramatically in recent years. Today, President Bush has called again on the Soviets to join us in accelerating the dismantling of our military industrial complexes to join us in turning our swords into plowshares.

Today, the United States does not need all of its ships, its aircraft, its warheads and its divisions of troops. And, though it's difficult to acknowledge, neither do we need each of the hundreds of military bases that still dot America's landscape.

The consequences of that reality are painful ones, however, for the families whose lives will be disrupted, whose livelihoods may be imperiled, if we vote to permit these bases to close. There are steps that we can take to soften those blows—innovative tax policy and fully funded programs specifically designed to ease the pain of dislocation. If we vote today to permit these bases to close, we must be prepared to vote later on to deal with the suffering that today's votes regrettably may cause.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding time to me.

My colleagues, we are here today to ratify base closing decisions initially proposed by the Pentagon, then slightly modified by an ad hoc commission, decisions which will change the landscape, which will change the very essence of American communities for generations to come. Decisions made by a Commission that acted in haste. Decisions made by a Commission often with incomplete data. In Louisiana, the Air Force seemed not to know what the Army was planning to do. Decisions made by the Commission that was not acting independently of the Pentagon. Much of their staff was furnished by the Pentagon.

Decisions made not free of political influence. On the last day of the last meeting of the Commission, an unedited C-SPAN tape picked up a Commissioner saying, "England Air Force Base was the one we should have saved."

My friends, I would suggest decisions not made in haste would have resulted in a different makeup of what we are facing today. We do not have to be a rubberstamp. Let us tell the Commission to go back, to do the job right.

I ask for a "yes" vote on this resolution of disapproval.

□ 1720

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise today to oppose House Joint Resolution 308, a resolution to disapprove the findings and recommendations of the Defense Base Closure and Realignment Commission. Let me say Mr. Chairman, however, that I do so with a great deal of reluctance, but also with a sense of what is good for our national interest and the future vitality of our defense posture. Clearly, a leaner military is the way to go as our national defense requirements shrink. A lighter military means greater performance, cost savings, reduced deficits, and the ability to focus diminishing defense dollars on our most urgent national security priorities. But, we must manage the transition process fairly, and with an eye toward preserving essential missions and capabilities. It is because I feel so strongly about how we go about streamlining defense bases that I have some reservations with regard to House Joint Resolution 308. Certainly the process is not perfect, but I believe it is the best we have.

My reservations stem from having had to carefully weigh two tradeoffs: One between a local and a national concern and the other which is imbedded in a package deal that pits one bad recommendation against a good set of recommendations. Clearly, Mr. Chairman, as the military say, I am between a rock and a hard spot. I have to choose between a singularly flawed decision process concerning the White Oak Laboratory, which is located in my congressional district in Silver Spring, MD, and between, what is on balance, a collectively fair process concerning the entire package of facilities slated for closure or realignment in this year's round. I do not like having to paint my decision in these terms, but it accurately reflects the culmination of an uphill battle I have fought to reverse the White Oak decision and pull it from the list we are voting on today.

As you know, on April 12, the Secretary of Defense forwarded to the Base Closure and Realignment Commission the Navy proposal to reduce and realign 70 percent of the White Oak Laboratory positions as part of its overall plan to consolidate 90 percent of the Navy research and development structure. I reviewed the proposal and criteria for White Oak Laboratory and found it to be an exceedingly flawed decision in search of a rationale. The criteria were easily disputed and the cost figures contrived. In short, the Navy plan was hastily conceived, ill-documented, and haphazardly analyzed for cost—which was confirmed by the GAO. I validated my assessment through a visit to the lab, consultations with top officials at the lab and in the Navy, a staff visit to the gaining facility, and through analysis of countless documents and letters pertaining to the realignment criteria and impact. I also worked with the Maryland delegation, my colleagues, and the employees and citizens of White Oak to evaluate the Navy plan.

In fact, Mr. Chairman, as I testified before the Base Closure and Realignment Commission on May 22, 1991, and again before my colleagues on June 3, 1991, the White Oak proposal will result in a net loss to the taxpayers, a hemorrhage of 70 percent of the talented scientists and engineers employed there, and a major upheaval in critical Navy technology warfare missions—chiefly mine warfare and surface ship ASW.

Moreover, Mr. Chairman, at every opportunity, I explained to the Commission, my colleagues, and my constituents that the Navy laboratory realignment proposal circumvented the policy process set up by Congress. In the 1991 DOD Authorization Act, Congress mandated that the DOD set up a separate commission to study the conversion and consolidation of defense laboratories and to recommend closures and realignments. This was done in recognition of the complexity and special nature of defense laboratories, their contribution to the technology base, and that their success depends largely on the body of highly skilled scientists and engineers who staff the labs and who perform missions that have long-term impact on the technical capabilities of the Armed Forces.

Today, Mr. Chairman, the set of base closures and realignments includes a package of 16 Navy RDT&E facilities slated for realignment. None of these facilities, to include White Oak Laboratory, was considered on a case-by-case basis. My own feeling is that a shining example of a laboratory of the future got lost in the shuffle. Today's vote further guarantees that these facilities will be lumped together.

The Base Closure and Realignment Commission has also recommended that the separate laboratory commission review their findings regarding the Navy labs and advise the Secretary of Defense how best to implement this consolidation plan. The lab commission report is not due out until September 30, 1991. Yesterday I had discussions with the chairman of the lab commission, Mr. Charles Adolph, and was advised by him that his commission would not audit the Base Closure and Realignment Commission's findings on a lab-by-lab basis. Thus, despite every effort to get a fair hearing for the White Oak Laboratory, and repeal the recommendation, I have yet to find a receptive ear.

My only hope is that the lab commission considers an alternative I proposed which would keep the mine warfare and surface ship ASW functions at White Oak. This would be a more cost effective and conceptually sound alternative. I firmly believe that there is no reason that a vote today to approve the package of recommendations before us should interfere with the independent recommendations of the lab commission who can still alter the outcome for White Oak Laboratory.

In the meantime, I will do everything I can to see that the needs and concerns of the employees of White Oak and their families are met and that the realignment process is implemented fairly and adequately to minimize disruption in service to the fleet.

Mr. Chairman, I believe it an untenable position to sacrifice the greater good of the national interest for the sake of an individual concern. Despite my misgivings on the White Oak Laboratory plan, I must support the overall plan for base closures and realignments. Mr. Courter is to be commended for the fairness, accessibility, and openness he displayed throughout this difficult and painful process. The country has been well-served and our military defense needs carefully balanced. In a time of shrinking budgets and threats, we are drawing down our military forces by 25 percent. Thus, we also need to reduce the bases that house those forces. The process is not perfect, but it is as close as we can come to achieving our goals in a balanced and thoughtful manner. For these reasons, Mr. Chairman, I will vote to oppose House Joint Resolution 308.

Mr. DAVIS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. MARTIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify one point made by my distinguished colleague, the gentleman from Delaware [Mr. CARPER], in regard to the process of turning our swords into plowshares by realigning these bases; I might point out that of the 34 facilities recommended for closing, only one has been listed as not being able to be utilized, and that is the Philadelphia Naval Shipyard.

Some of us think that the reason that the Navy does not want the Philadelphia Shipyard to be utilized for other purposes is that there are 15 potential Superfund sites that have been identified within the Philadelphia complex.

In the case where we can utilize the property, that would be one thing, but that is not the case with Philadelphia.

Mr. RIDGE. Mr. Chairman, anyone who has followed the base-closing debate knows it is a very difficult decision for all of the Members in this particular Chamber.

Having talked with my colleagues on both sides of the aisle representing two particiular facilities in the southeastern part of Pennsylvania, I have decided to support this motion of disapproval. It is pretty clear that Pennsylvania will suffer unfairly, and I have assessed it disproportionately, because of the closing of the Philadelphia Naval Yard as well as the Bucks County Naval Air Development Center.

It would be one thing if they were to be closed because they were obsolete, wasteful, or unnecessary, but at no time has the Navy ever suggested that any of these criteria are accurate or pertain to either of these facilities.

Let us face it, the Navy has never made it a secret that they would like to close their facility in Philadelphia, so when the command is asked to compile a list for closure, the Philadelphia Naval Yard is equivalent to a first-round draft choice. It goes right to the top of the list. Here is the rub: This facility is the most efficient, cost-effective facility of its kind in the country. So much for standards and criteria.

Nearly 13,000 people directly and probably 13,000 people indirectly will lose their jobs not because of inefficiency or waste or no military mission, nor will they lose it because of the Commission's objective assessment of the criteria. They will lose it because the Navy failed to make full disclosure of information favoring its remaining open.

I suggest to the Members that unlike the Army and the Air Force, the Navy did not follow its own criteria, and in failing to do so, they have made one of the worst decisions, since they also failed to follow the signals leading up to the attack on Pearl Harbor, and that same analogy is true with regard to the Naval Air Development Center.

A lot of us get accused of being micromanagers. The Naval Air Development Center in Warminster, PA, is the Navy's only, and I say again, only center for aircraft systems research and development. It is the only one they have got.

Predictably, around this center there are now companies that work with the DOD and the Navy, and there is a technical infrastructure. Around that Warminster facility there has grown over the past several years technical, corporate, and educational infrastructure all very much a part of the avionics research, the aircraft research, that goes on at the Warminster facility.

None or very little of this is available in Patuxent, MD. They have not come in with any explanation to satisfy this gentleman or most of the members of the Pennsylvania delegation from that area that transferring this facility and the people at this facility from an area and a community that provides enormous infrastructure, meets infrastructure needs, to Patuxent, MD, that meets none, is a prudent, responsible, thoughtful decision.

It makes absolutely no sense at all. It is a multibillion-dollar gamble that ultimately pilots will pay for, the American taxpayers will pay for.

Mr. Chairman, I would encourage you to support this motion of disapproval. The closing of these two facilities in Pennsylvania has not met objective, realistic, responsible criteria.

The Navy will tell you that the Philadelphia Shipyard is the best that they have got; the Warminster facility is the only research facility they have honing in on that particular area, and they have not justified its removal.

So I request support for this motion for disapproval.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, like many other Members of Congress I will be wrestling with the impact from a military base closure. The closure of the Sacramento Army Depot is very difficult for me to support. The base has been recognized as one of the premier Army facilities over the years: It received the 1989 Army Communities of Excellence Award, and a 1990 Governmentwide award for outstanding management. The 3,300 employees at the Sacramento Army Depot are among our community's finest assets. I am continually amazed by their skills, commitment to their jobs, and their devotion to their country. It is they who make closing this base so difficult.

However, last year, after the Sacramento Army Depot had already appeared on one DOD hit list and seemed to be headed toward another, the Sacramento business and political community came to a difficult, yet inescapable, conclusion. Our prospects for saving our base were slim at best. And so we decided to work with the Pentagon to achieve cost savings while preserving the Department's most valuable investment at the base—its civilian employees.

We proposed a simple, yet practical solution: It would be less expensive and less disruptive to move our depot's employees 10 miles to McClellan Air Force Base, which performs similar electronic repair work, than to move the operation to the opposite side of the country just to keep the workload at an Army base. Our plan advocated interservice consolidation as a means of achieving the greatest cost savings. We submitted the Sacramento plan as an alternative to the DOD plan. I am pleased to report that the Defense Base Closure and Realignment Commission considered it as such and the members and staff spent endless hours verifying the statistics and comparing them to the Army's proposal.

Validating the Sacramento plan went beyond the standard question of whether to close a base. But each Commissioner voiced a strong interest and willingness to give it a comprehensive study. Predictably, the Army tried to protect their turf and we had to deflect their criticisms with additional evidence demonstrating the higher savings and fewer worker transfers. The Commission endured the political and technical assaults from both sides. In fact, they encouraged the debate. The Commission briefed us on counter-arguments received from the branches of the military, and actively solicited data and the methodology underlying the Sacramento plan.

Ultimately, the Commission found it difficult to verify the costs and savings proposed in the Army plan. Thus it opted for an open competition exclusively between five Army bases and McClellan Air Force Base. The bidder that charges the lowest rate for repair work will get the Sacramento army depot workload.

While the outcome cannot be called decisive, the process and the Commission's openness was a welcome reprieve from the backroom decisionmaking we had been subjected to by the Army. The Commission provided supporters of the Sacramento plan with ample opportunity to make substantive points and I feel that in the final analysis, the decision to realign the workload was insulated from political pressures and the Army's strong-arm tactics.

As we all know, DOD will implement a 25-percent force structure reduction over 5 years. The Commission's base closing list reflects an excellent attempt to maintain our military strength while cutting the defense budget by $1.7 billion annually. In the case of Sacramento plan, the Commission provided an opportunity to realize even greater savings than projected by the Army. In addition, the Commission is promoting interservice consolidation, a necessary reorganization move which the military branches are reluctant to face.

During the Commission's deliberations, I found the Commission and staff knowledgeable and receptive to all possible cost-cutting options. Chairman Jim Courter and the other Commission members were charged with the difficult task of validating DOD's recommendations on 43 base closures and 28 realignments in only about 80 days. Under Chairman Courter's leadership, the Commission not only did the work, but operated as a truly independent review panel, neither a tool of the administration nor of Congress.

The base closure will undoubtedly cause great upheaval in local communities. But we must consider the need to convert our military infrastructure to other productive civilian uses. We must redouble our efforts to fight the domestic problems, strengthen our economy, and cut back the budget deficit. I congratulate Chairman Courter and other Commission members for trying to maintain an objective viewpoint during this round of base closings, and they have my support on this vote.

☐ 1730

Mr. FOGLIETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, in 1988 I supported this House's decision to create a Base Closure and Realignment Commission which sought to remove partisan politics from the process, treat impacted communities sensitively, and preserve our national security.

Like most Americans, I believe that the global political changes of recent years demand that we reassess national spending priorities and that one of the first steps is to close and consolidate some of our military bases at home and abroad. As painful as it might be to me and those I represent, I would support the closure of bases in my own district if I were confident that the law was followed faithfully and the conclusion reached was in our Nation's best interest.

Sadly, I do not believe the report before us today meets those two simple tests.

I will not belabor my point by repeating all of the arguments made on behalf of Fort Devens in Ayer, MA to the

Base Closure Commission by members of the Massachusetts delegation, the Lieutenant Governor, community leaders, military retirees, and citizens.

But let me raise one issue today, that should be of importance to this House and to each and every one of you—particularly those who have bases in their districts which were spared.

In 1988, Fort Devens was a prime target for closure by the first Base Closure and Realignment Commission. It was clear then, as it is today, that the hierarchy of the U.S. Army favored the closure of Fort Devens—the last remaining Army base in all of New England. The community in Massachusetts worked hard and made its best case to the Commission. And we prevailed. When the Commission issued its report, it recommended that Fort Devens have transferred from its command the Army Intelligence School. But, in its place, the Information Systems Command [ISC] was to be moved from Fort Huachuca to Fort Devens, capitalizing on the range of academic and industry expertise in high technology in Massachusetts. Not only was the base to remain open, but BRAC 1 selected Fort Devens for the largest growth of any base in the realignment process. It was good news for the community—not only was there a net gain of 1,420 jobs, but more importantly the specter of base closure had been put to rest. The Pentagon took its best shot, a nonpartisan panel had evaluated the base—and the conclusion was that Devens had an important role to play in our Nation's defense.

The Commission's recommendation was ratified by the President and by the Congress. It was the law of the land.

But a funny thing happened on the way to realignment. The Intelligence School began its move from Devens promptly. But for 3 years, the Army did more than drag their feet on moving the information systems command to Devens—they were openly belligerent. The Secretary of the Army publicly stated his opposition to the move of the ISC to Devens. The Pentagon ignored the law which called for the move when they froze the construction contracts for the ISC's facilities.

The end of the story is obvious. Fort Devens, with a depleted mission and no ISC in place, was like a piece of raw meat in shark-infested waters as this year's base closure process began anew.

I will vote for the resolution of disapproval today out of respect for the integrity of the process—integrity that was violated. To all of you whose bases were spared, I caution—beware of BRAC 3. For the sake of the communities you represent, I say—let us learn an important lesson today. No other community should have to ride the emotional and economic roller coaster that Fort Devens has—up 1 year and down the next.

The law is the law. Communities must abide by BRAC's recommendations. Member's of Congress must abide by BRAC's recommendations. Shouldn't the Pentagon?

I realize that the military situation may change in ways that can dictate an essential alteration in the base closure recommendations from one BRAC to another. But this can also become a Pentagon excuse to justify the result they desire. BRAC 2 reversed the Pentagon's recommendation to close Fort McLellan—will the Army now drag its feet and let Fort McLellan fall by the wayside in just 2 years during BRAC 3? Will the same happen to Moody Air Force Base, Orlando Naval Training Center, or Naval Air Station Whidbey Island?

Absent proof of a change in situation, the Pentagon must abide by the law if the process is to maintain any integrity. Absent that proof, it is clear to me that Congress is allowing the Pentagon to act unilaterally and with impunity—this is an egregious violation not just of the law itself, but also of the spirit of fairness and integrity that has led the Congress to endorse this unprecedented process in the first place.

For me, the immediate task ahead is how best to aid the communities affected by the closure of Fort Devens. I am confident that the people of Ayer, Shirley, Lancaster, and Harvard—will survive this closure—but not thanks to the Federal Government.

In 1917, the U.S. Army entered into a social contract with the communities in which Fort Devens is located. Today, by this vote, the House of Represenatives will authorize the abrogation of that contract. The community will be left with 54 toxic waste sites and an uncertain Federal commitment for their cleanup. They will remain home to thousands of retirees who will no longer have ready access to important medical services and hundreds of civilian employees who face unemployment. And, despite repeated commitments, the Army has still not told the community when they are leaving. Is this any way to treat a faithful partner of more than seven decades? I think not.

In the months ahead, I hope you will join me in fighting for fairness for the communities impacted by our decision today. I hope that in the coming years the Congress will be more vigilant in noting that the honor of the BRAC process can all too easily be willfully compromised by the implementing agency, the Pentagon.

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the resolution of disapproval and in support of the actions of the Base Closure Commission.

I do this because I believe that this Commission has established a credibility of process that is very important to this body. I believe that when we created this Commission a couple of years ago the objective was to take some of the politics, and some, hopefully, all the politics out of it, out of the process of base closures, and to provide a method of an objective review that the Department of Defense made in the way of its decisions or recommendations on closing military installations in this country.

Having worked up close with this Commission over the past several months, I happen to believe that they have done precisely what they were charged with doing. I had in my district one of the major targets of the Defense Department's closure list, the Navy Training Center in Orlando. Through the process, the Commission spent hours working on this. Every one of the Commissioners were freely available to me, to my staff, and to others whenever they were called upon to listen to the arguments to be made, to find the latest data, and review the process. Not only that, but their staff was conscientious. An admirable job was done under adverse conditions by Paul Hirsch, as well as the chief analyst of the committee, Alex Yellin, handling the Navy functions, and Jerry Vernon, who had the role of handling the Naval Training Center in Orlando. They were objective, worked long hours, worked very hard in trying to come up with the right answer in regard to this particular facility, and I think in the end their decisions, the Commission's decision unanimously to remove Orlando from the list was a correct decision and one based on that objective judgment.

It is for this reason, and because I have had that up-close experience that I come before my colleagues to advocate the position today of disapproving this resolution of disapproval. In other words, voting it down. We need to have this process. It will not always come out the way we want it, but I would be like a couple of other Members today had it gone the other way, having had the experience as the gentleman from California just a few minutes ago indicated, of working with these people who did the job this time, knowing how conscientious they were, how objective they were, knowing the number of hours they put in, and knowing the importance of making this process work, and knowing that they believe in making this process work and were dedicated to that cause. That even had their decision come the other way, as in my case, I would be here today before Members telling them precisely the same thing.

We need to vote down this resolution of disapproval. We need to reaffirm our belief in this particular system, this independent commission process, and we need to go on to the next two rounds established by statute in 1993 and 1995 with an independent commission intact and in place and with the support of this Congress in order for the Congress to have objective closings that we all know have to be made. I urge the resolution be defeated.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ASPIN] whose time is controlled by the gentleman from Mississippi [Mr. TAYLOR] has 14 minutes remaining, the gentlewoman from Colorado [Mrs. SCHROEDER] whose time is controlled by the gentleman from Pennsylvania [Mr. FOGLIETTA] has 13 minutes remaining, the gentleman from New York [Mr. MARTIN] has 7 minutes remaining, and the gentleman from Michigan [Mr. DAVIS] has 3 minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of the findings of the Base Closing Commission.

A "no" vote on House Joint Resolution 308 would show that the Congress can make the hard choices, the difficult choices necessary to keep this country as a major superpower, both in the military sense, as well as in an economic sense. The estimates are that these base closures will save Americans $1.5 billion each year after the year 1998. That will be welcome news, it seems to me, to tired taxpayers who have been laboring through the years, maintaining bases that are surplus to our valid security needs, and have little or no national or military utility.

□ 1740

This Nation's enemies have changed. Now it seems to me what the Base Closure Commission was required to do and what we are required to do is to change to meet the new challenges of a New World.

In the 2 minutes given to me to make this statement, our Nation's debt will increase by over $800,000 in interest payments alone, in just that amount of time. That is the amount of excess spending this Nation is engaged in. That, my friends, is the new enemy. That is the enemy that threatens our economic security and ultimately our national security.

Walk around the streets of any town or city in the State of Oregon and you will see that we need more work force training in schools and colleges, not in obsolete military bases. We need targets of opportunity and hope for our inner-city youth, not redundant sites for target practice in military installations around the country. We need extra beds for homeless veterans and drug treatment centers, not excess beds in military barracks.

With all due respect to my colleagues who will lose bases in their districts, I am voting against this resolution. I am voting to save us some of the funds that we need to create a New World economic order beginning right here in the good old United States of America.

Mr. FOGLIETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, this is about the worst boondoggle that I have ever been involved in. If anybody in this Chamber thinks the President, the Pentagon, or the Base Closing Commission knows where we are going with this process, they are sadly mistaken.

The Pentagon had an explicit mandate to apply the established criteria impartially to all military bases, but the Pentagon ventured way out of the confines of fairness when it came to the Myrtle Beach Air Force Base. Unfortunately, the Commission and the President ignored the many flaws exposed in the Pentagon's rationale for closing that base.

I am also disturbed that the Department of Defense moved so quickly to close our domestic bases, while they did not include foreign bases in their recommendations.

I am wholeheartedly in accord with the concept of closing unneeded military installations as part of the effort to reduce our Federal budget deficit; however, I cannot abandon my responsibility to my constituents because the process was flawed from the beginning and Myrtle Beach Air Force Base deserved a fair shake; but now it is imperative for us to keep in mind that thousands of Americans are going to be adversely impacted by these decisions, dispossessed of their livelihoods.

As the curtains are closed on bases around the country, I strongly urge all my colleagues to help get these communities rolling again.

Mr. FOGLIETTA. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, military installations on the base closure and realignment list must pass a 2-part litmus test. First, can national security goals be met without the facility? Second, will closure or realignment of the facility save money? I oppose the base closure recommendations because I believe the Navy's decision to realign the Naval Underwater Systems Center [NUSC] in New London, CT, will not only endanger its undersea warfare mission, but will not save money.

That is why, Mr. Chairman, I must rise in support of House Joint Resolution 308, the resolution to disapprove the 1991 base closure and realignment recommendations.

A number of factors associated with many of the Navy's realignment proposals are very disturbing. You don't have to take my word for it—read the report of the General Accounting Office [GAO].

First, the GAO reports that the Navy's process lacked sufficient supporting documentation for GAO to be able to determine the basis for military value ratings given to Navy installations. As GAO notes, the Navy provided "inadequate documentation" to support its decisions, relying mostly on a rather non-descriptive series of outline charts, nor did the Navy "establish [the] required internal controls to ensure the accuracy of the data used". (page 5, GAO/NSIAD-91-224) A quantum leap of faith is required to understand how the Navy chose several of the candidates for the base closure list.

Second, the GAO was unable to verify the accuracy of the economic model used to predict annual savings. According to GAO, the Cost Of Base Realignment Actions [COBRA] model does not account properly for inflation. Neither does COBRA include a realistic figure for its discount rate. A 10-percent discount rate is used, when the figure should be closer to the rate of government bonds, 6 percent or 7 percent. Rather than attempt to manipulate the inflation and discount figures, GAO used a very simple sensitivity test on the COBRA model—they postulated 50 percent and 100-percent increases in the costs of each closure and realignment, just to see whether the savings would pan out even if the costs were seriously underestimated. The savings associated with 20 percent of the installations on the list were extremely sensitive to the size of one-time costs incurred. That is, if the costs increased 50 percent, the payback period became incalculable; 100 years or more. NUSC/New London is one of the installations in that category. (page 58, GAO).

I understand the argument that COBRA should be used only to gauge a range of options; to compare the relative value of one prospective closing or realignment to another, and not as the basis for appropriations. However, if key figures are changed in the COBRA model to make it more realistic, it can yield very different results.

Mr. Chairman, I can't believe the costs associated with NUSC realignment are accurate. The most glaring evidence is that the Homeowners Assistance Program cost for NUSC employees is calculated at a big round zero in the Navy's COBRA model. Yet the proposed realignment would transfer about 800 civilian employees to NUSC/Newport and Dahlgren, VA. In the sluggish real estate market of Eastern Connecticut, NUSC employees facing transfer may be hard-pressed to negotiate prices at which they could afford to sell, particularly anticipating a move to the pricier Newport market. The GAO's 1989 report recommended that the costs of the Homeowners Assistance Program be included in COBRA. (page 56, GAO). That means more than a line of COBRA programming code; it means a real value should be placed there for COBRA to calculate. Mr. Chairman, if the Navy had done that, it would have shown that NUSC/New London doesn't belong on the base closure and realignment list.

In addition to the flawed economic assumptions behind it, the proposed realignment of NUSC will impair our ability to maintain the cutting edge in submarine technology, which is so vital to national security. The inherent stealthiness of submarine technology is critical to this Nation's superiority at sea. And it is the caliber of our people that really makes the difference in whether or not we retain our technological advantage. For that reason I am deeply concerned that severe reductions in NUSC/New London personnel will have unpredictable qualitative ramifications. Under Federal civil service regulations, the NUSC realignment proposal is classified as an adverse action. Under an adverse action, employees with 25 years service automatically become entitled to early retirement. The early retirement option could severely impact the Navy's ability to retain NUSC/New London's hundreds of world-class and senior scientists. Retirement-eligible individuals are usually reluctant to move to a more expensive area, such as Newport, and face increased mortgage payments at a time of life when most people look forward to mortgage-free living.

Likewise, journeyman-grade engineers and scientists at GS-12 are going to have a much harder time finding housing to purchase in the expensive Newport market, and with little time invested in their pension plans, may be tempted to leave government service. What savings will we have realized by losing our investment in the training of these individuals?

As I have said, NUSC/New London's personnel resources are of inestimable value to the development of U.S. submarine technology. Consider this: NUSC/New London is the only lab site where you can dock a Trident submarine, and the NUSC scientists can go aboard and work with the crew on research and improvements. The realignment proposal retains this facility, but it is just one example of the synergism which now exists between NUSC/New London, the New London Naval Submarine Base across the river, and the Electric Boat submarine construction yard downriver in Groton. How much synergism between transferred NUSC personnel and the rest of the submarine community will be lost as a result of the realignment proposal? It's impossible to put a monetary value on the loss of interaction between people.

Mr. Chairman, in these tough budget times, it is important that unnecessary and duplicative facilities be closed in order to save the taxpayers money. However, the Navy's realignment plan for NUSC is severely flawed and will not save money in the short term or the long run.

Military facilities must be carefully selected for their ability to contribute to national security in an era of declining defense dollars. Former Navy Secretary William Ball, the only member of the Base Closure Commission to visit NUSC, expressed his reservations about the Navy action and cited the crucial function that NUSC/New London serves.

With that, Mr. Chairman, I urge my colleagues to reject the base closure list. Realignment of NUSC will jeopardize the Navy's undersea superiority, and it will not produce cost savings for American taxpayers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I do not agree for 1 minute with the decision of the commission to close Bergstrom Air Force Base in Austin, TX. It is an excellent facility, strategically located, and able to support any mission the Air Force wants to hand it. But the Air Force has phased out its present mission—tactical reconaissance—and did not want to put a new mission at Bergstrom. All that I, and community leaders, in my district sought from the commission was a fair hearing to make the case that Bergstrom Air Force Base deserved a new mission. We got an open hearing from the commission, but our case did not carry. Our Austin task force did an excellent job, and we gave it our best shot. We have no apologies to make for our efforts.

Even though I do not agree with the commission or the Pentagon on my base, I do not think that that is enough for me to oppose closing any base at all. Congress set up the process under which the Base Closure Commission did its job, and I do not know of any widespread or systematic departures by the commission from the guidelines set out by Congress. I am aware that there are some Members who feel strongly that bases in their districts were treated unfairly, and those Members are pursuing ways to keep their bases open. But the commission, on the whole, operated within the law.

We in Austin have never wanted to keep Bergstrom open just for the sake of keeping it open. We recognize that we must downsize our military. We should be glad that world tensions have declined to the point where this country does not have to spend so much on the military. But you can not be for the peace dividend without voting for the peace dividend. This vote is part of the hard work of creating the peace dividend. For these reasons, I will oppose the resolution to disapprove the President's recommended list of base closures.

Closing a base is painful for a community. People lose jobs, retirees lose access to health care and other services they depend upon. We have the obligation to ease the blow for these people. But where there is pain there is also opportunity for growth. I have faith that my community, and others affected by base closings, will come out suger than before as we put these facilities to new uses.

Mr. DAVIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of talk today about the process and whether the process is flawed.

Certainly I think as I looked at the Commission, as many of us did and watched the way they performed, I think they did their job as well as they could with the time that we allotted. Perhaps the mistake was made when we passed the original bill which became law that set up the time span in which they were able to do their deliberations. I do not think we gave them enough time. I do not think, as an example, that we weighted enough of the decisionmaking on economic impact in a particular area.

□ 1750

It seems to me that economic impact should have had a greater effect on their decision than it did. As an example, in my congressional district in the State of Michigan, there were only three full-time military installations in the entire State. All three were in my congressional district.

With the closing of Wurtsmith Air Force Base, this made the second base, two out of three bases, that were closed in my congressional district. I think we should have been a little fairer in making these determinations.

In the area where Wurtsmith Air Force Base is located it is a very small community, 3,000 people. The unemployment rate today, before the base closes, is 14 percent. Obviously, when the base closes, taking out $145 million from the local economy, the unemployment rate will probably double or may reach 30 percent.

I do not think that is fair. We should have looked at the economic impact much more than we did.

Be that as it may, I think all of us recognize that we are going to lose on this issue. Those of us who have bases are going to vote for the resolution, those that do not will very likely vote the other way. Probably in the next goround, 1993, 1995, the rest of us will probably be voting the other way, and you folks that are going to have bases will find out what we are going through now.

One of the things that we have done, and I have to give credit to the people that I represent, they have taken a very positive attitude and are gearing up for what is going to happen when Wurtsmith Air Force Base does close.

I have introduced a piece of legislation. Now, one of the gentlemen, I think the gentleman from California [Mr. MINETA], talked about cleanup, making sure that the bases are cleaned up so that in fact they can be used for other purposes. That is very, very significant and important. But I have also introduced a piece of legislation that will be cosponsored, or is, by many other Members; with a companion bill to Senator ROTH's legislation on the other side. It was actually his idea. But right now the pecking order as to who gets what at a base that is closed works this way: First dibs go to the Federal Government or any Federal agency. Any of the assets, any of the furniture, any of the fixtures, any of the buildings are offered to a Federal agency. If they do not want any of these facilities, then they can next offer it to the State. In my case, the State of Michigan. If they choose not to use any of these facilities, then it is offered to the local community.

The bill that I have introduced reverses that pecking order and says that the community will have first opportunity to use these assets. To me that only makes sense because these communities are the communities that are hurt. These assets were paid for by the taxpayers and we have a responsibility, in my opinion, to do whatever we can to make it easy for these communities to be able to attract industry or whatever we can do to improve their local economy.

So I would hope that my colleagues, as we go on through this process, that we will take recognition of the fact that these communities have been hurt and we have a tremendous responsibility to help them out.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the resolution to disapprove the recommendations of the Base Closure and Realignment Commission.

It has not been a simple decision to support the Commission's recommendation to close dozens of military bases nationwide with resulting dislocations in the lives of tens of thousands of military and civilian personnel, nevertheless, in the final analysis it is a necessary step which we should take. The cold war is over. Those military bases and installations of yesterday must be made to face the reality of today's needs and means. The strategic threat which has hung over our Nation for over 40 years has been reduced. Consequently, the justification for maintaining a massive military establishment complete with hundreds of bases nationwide must be reevaluated. Many of these military bases are simply obsolete and all military bases are very costly to maintain. The past decade has seen national policy which significantly reduced Federal assistance to people in need of affordable housing, health care, education, and other urgent aid. As a public policy we cannot afford to support the same military base structure today which has been of questionable justification in the recent past.

The Base Closure Commission was directed by Congress to take on the very difficult task of determining which military bases should be closed or realigned. I know that the Commission, under the chairmanship of our former colleague, Jim Courter, has, in the short time available, done its best to produce this report. While I do not agree with all of the Commission's decisions, I believe that the Commission has attempt to perform its duties. During the past year, the Commission has visited dozens of military installations nationwide in an effort to gather information so that it could make reasonable and informed decisions about which bases should be closed or realigned. This has surely not been a perfect process. The Commission makeup did not have the cross section of the expertise and diversity of different points of view that should have been possible. The appointing authority did not provide the proper membership.

In my view, Congress should also have directed the Commission to assess the utility of maintaining foreign military installations from the start not as an afterthought. There is simply no sound reason why the Commission's mandate of finding ways to cut costs while maintaining a viable national defense should have been limited only to domestic military bases. In this regard, I have strongly supported efforts to expand the Commission's mandate along such lines in the past and in the future subject to congressional review.

Similarly, I am sorely disappointed that the Commission chose to assert questionable jurisdiction in one area where literally dozens of Members of Congress urged them to refrain. The Commission voted unanimously, on June 30, to adopt a reorganization plan for the U.S. Army Corps of Engineers despite the fact that this particular plan was never the subject of congressional or public hearings and had never received any thorough scrutiny by the House of Representatives Public Works and Transportation Committee which has jurisdiction over the civilian public works projects of the corps. The BRAC Commission, however, voted to delay the implementation of the reorganization plan for 1 year, until July 1, 1992, to permit Congress to review this issue and to pass legislation to implement either this or some alternative reorganization plan. This is small comfort and hardly makes up for the poor process and lack of authority in the basic law that created BRAC.

It does demonstrate the BRAC Commission on uncertain ground and in an effort to co-opt the process for any Corps of Engineers reorganization. Unfortunately, while there are apparently few Corps of Engineers district offices which do more military construction work than civilian public works projects, there are none which do only military construction. Most USACE offices do 70–80 percent even 100 percent civilian projects, C&M, and administrative tasks. Thus, any decision to implement a reorganization plan which significantly reduces the districts and divisions of the corps will necessarily have a very strong impact upon the corps' civilian public works projects. It will also have a very pronounced effect upon the corps' relationships with State and local governments across the Nation which work closely with the Corps of Engineers on costsharing for water projects, such as dams and floodwalls, as well as on environmental activities, such as the issuance of permits under provisions of the Clean Water Act. The St. Paul District Office of the corps, for example, which is slated for closing under this last-minute plan, has forged valuable and special working relationships with Indian tribes in the upper Midwest as well as with Canadian officials regarding several river systems which flow jointly between the United States and Canada. Clearly, these USACE functions are beyond any specific or general mandate which Congress granted to the BRAC Commission when it was created to review military base closure.

It is my understanding that there is report language in the House 1992 Defense authorization bill as well as the Senate Defense 1992 authorization bill itself which will have the effect of limiting and curtailing the BRAC Commission's jurisdiction and clarifying the original authority if enacted. House and Senate appropriations initiatives for 1992 funding in the Water and Defense appropriations bills specifically would prohibit the Army from spending any funds to implement its reorganization plan for the Corps of Engineers. Congress must specifically provide such funding for such reorganization to become a reality. Furthermore I am hopeful that the chairman of the Committee on Public Works and Transportation, Mr. ROE, will soon move to schedule hearings on this issue and to prevent the implementation of the Army's reorganization plan for the corps by providing for a congressional mandate to streamline, reorganize, and reassign a few roles for the USACE in the future.

While it may be true that the Corps of Engineers is in need of reorganization, this last-minute plan hatched on May 24, 1991, after months of denial that such plan existed, should certainly not be the vehicle for implementing such a reorganization. This May 24 plan has not had the benefit of thorough public scrutiny, it is not surprising that it contains some very major flaws. For example, several highly ranked corps offices are slated for reductions or closure, while others which score significantly lower in the corps' own rankings are retained or even increased. The Army has not offered any convincing explanation for this anomaly nor does the Base Closure Commission.

Secretary of Defense Cheney had it right in the first instance when he deferred the reorganization of the USACE to the Congress and the Committee of Jurisdiction. The Commission decided on its own initiative, however, to examine the Corps of Engineers after Secretary Cheney had decided, on April 12, not to include the corps in his base closing recommendations and to defer to Congress on this issue. While most military facilities in the Commission's report were subject to many weeks and months of review, the Commission based its recommendation on the Corps of Engineers on a 6-week review, during which period it considered the numerous other recommendations of the DOD for base realignment and closing.

Mr. Chairman, despite these problems which I believe will be overcome through separate legislative actions identified and only because I believe that these deficiencies will be rectified do I urge my colleagues to join me in supporting the Commission's recommendations for base closures by rejecting the resolution of disapproval and continuing the process of reassessing yesterday's facilities and matching our military installations with our need and means for today and tomorrow.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, first, I want to commend my colleague the gentleman from Philadelphia, TOM FOGLIETTA, for all his hard work on this issue. His leadership has been unfailing for years.

Mr. Chairman, the whole idea behind base closure is to save money. The defense budget is declining and excess bases should be eliminated. I understand and support that concept. However, I believe the Commission has made mistakes in their choices, mistakes that will not save money but cost money. We need to stop this list now, before we compound those mistakes.

Among the larger mistakes the Commission made was to agree with the Navy that the Philadelphia Naval Shipyard should be closed. They listed Philadelphia for closure despite the fact that the closure will save no money and that the environmental and economic impacts of closing the shipyard should preclude that action.

Many of the conclusions the Navy made about Philadelphia, and which the Commission accepted, were wrong. They seriously misjudged the economic and environmental impacts of closing the shipyard. And they were wrong about the savings that would be realized by closing Philadelphia: there will be none.

The Navy claims that it will cost $130 million to close the Philadelphia Naval Shipyard and that annual savings over a 20-year period would be $36 million. I believe that both those figures are wrong.

The Navy's own environmental impact statement of December 1990 estimates construction and personnel costs of closing Philadelphia would be $284 million. That does not include the cost of preservation of facilities or equipment at Philadelphia or the cost of construction and wages for additional workers at other shipyards. In addition, the cost of environmental cleanup alone, as listed by the environmental impact statement, would be $162 million. That in and of itself is more than the Navy says it will cost to close Philadelphia.

The Navy also said it would cost $102 million in the first year to shift work from Philadelphia to other, more expensive shipyards. But it does not count additional costs for after the first year. Even at substantially lower costs, doing Philadelphia's work at other shipyards wipes out the claimed savings of $36 million a year.

Philadelphia is the only shipyard that does Service Life Extension Program [SLEP] overhauls on conventional aircraft carriers. The work the shipyard does on aircraft carriers and other Navy vessels proved its worth in the Persian Gulf war.

The resources available at Philadelphia are not available anywhere else. It will cost the Navy over $1 billion to replace the infrastructure, drydocks and engineering facilities available at the shipyard.

Philadelphia is the best naval shipyard in the United States. The workers at the shipyard are the most efficient in the Navy and cannot be replaced.

Finally, closing the shipyard would devastate Philadelphia's economy. Directly and indirectly; closing the shipyard means over 35,000 lost jobs, and a 26-percent growth in Philadelphia's unemployment rate, a catastrophic increase. The city would lose millions annually in tax revenue, at a time when Philadelphia can least afford it.

The distribution of closures in the Commission's list is unfair. Pennsylvania takes a bigger hit in civilian jobs than any other State with bases on the closure list; 35 percent of all civilian job losses come from Pennsylvania and New Jersey. Sixty percent of the Navy's civilian jobs cuts are from the Philadelphia Naval Shipyard and Naval Station.

It is unreasonable to require one area of the country to sustain that much economic damage while other areas are untouched.

On top of the direct devastation that this list will cause in Philadelphia is the Navy's plan for the shipyard. The Navy wants to mothball the shipyard in case they need it in a future emergency. That will eliminate any possibility that the shipyard can be used by the community for anything else.

The Navy is taking away the shipyard and its jobs and revenue and simultaneously preventing Philadelphia from developing the site to replace the lost jobs revenue.

The Navy's plan for the shipyard will remove from use a 1,500-acre waterfront property worth $3 billion. That is a double jeopardy for a city that is in poor shape financially.

Mothballing the shipyard also removes any incentive for the Navy to complete an environmental cleanup. This allows the Navy to underestimate the environmental costs of closing the Philadelphia Naval Shipyard.

I have had firsthand experience in my district with a military closure gone bad. In 1977, the Army closed the Frankford Arsenal. For 6 years the arsenal site sat dormant, a federally abandoned ghost-town. First, the Army spent 2 years studying the site. Then, in 1979, a contract was awarded for the arsenal cleanup. After further study and documentation, clean up began in 1980.

In 1981, the Army certified that the arsenal met the criteria for unrestricted use and turned it over to the General Services Administration. However, PCB's, asbestos, and lead-based paint remain a problem to this day, almost 15 years after the Army closed the Frankford Arsenal. The arsenal was a blight on surroundings neighborhoods for 6 years after a private developer finally bought it.

The Frankford Arsenal is now an industrial and commercial facility that employs 3,000, with the potential for an additional 1,000 jobs. But the arsenal's ultimate success carried a high price and taught us a lesson: The Defense Department should be made to fully restore facilities it chooses not to use. DOD should not be allowed to abandon facilities, or, just as bad, mothball them and prevent their use by nearby communities.

I admit that I have a parochial interest here. Many of my constituents will lose jobs. But closing the Philadelphia Naval Shipyard will not save money. It will cost more to cleanup the shipyard than the Navy says it will cost just to close it. And if closing Philadelphia is not a money-saver, why force the economic devastation on Philadelphia that closure guarantees. If the Commission is wrong about Philadelphia, they may very well be wrong about other bases, too.

I urge my colleagues to reject the base closure Commission's list and support House Joint Resolution 308.

☐ 1800

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MCMILLEN].

Mr. McMILLEN of Maryland. Mr. Chairman, I rise today in support of the resolution of disapproval. My opposition to the recommendations agreed upon by the Defense Base Closure Commission is a result of the Commission's decision to include far-reaching proposals to restructure our defense research and development laboratories.

As many of you know, the Base Closure Commission voted to include as part of the base closure list the Navy's and Army's proposals to consolidate research and defense laboratories. The problem with this decision is that there has been very little review of these consolidation proposals. No congressional hearings were ever held specifically on the consolidation proposals, and the Commission clearly did not have the time nor the resources to adequately review the technical merits of the plan, nor to devote attention to each R&D facility affected.

Laboratories are different from bases and should not be realigned without a sound basis. Unfortunately, this basis—be it policy considerations or cost effectiveness—has not been clearly demonstrated. The proposal to realign the David Taylor Research Center in Annapolis epitomizes the flaws in the Navy's consolidation plan.

The proposal to realign David Taylor underestimates the costs, and gives little consideration to the impact on the future mission and national strategy of consolidating the functions currently handled in Annapolis.

The base closure report will implement the recommendations made by the Department of the Navy's report on base closure and realignment—Navy report—issued in April of this year. This will realign the DTRC Annapolis and NAVSSES Philadelphia with DTRC Carderock, as part of its overall plan to consolidate activities into four major RDT&E warfare centers. This will entail the movement of certain key functions affecting materials, submarine hull, and mechanical and electrical propulsion, along with the facilities to carry out such functions from Annapolis to Carderock.

COST EFFECTIVENESS ISSUES

According to the Navy report, the upfront costs of the DTRC Annapolis realignment is roughly $48 million, with an estimated annual return of $5.6 million.

The major savings envisioned by the Navy plan is equal to the savings associated with reductions in personnel already mandated by current law. As part of last year's defense authorization, there will be a 20-percent work force reduction, regardless of the restructuring. This would provide annual savings equal to the $5.6 million envisioned in the Navy report. Thus, a simple downsizing would achieve the same savings, without the loss of capability and without the costs of restructuring.

Furthermore, the DTRC Annapolis is a naval industrial fund [NIF] facility. This means that the laboratory must operate as a self-sustaining business in which all costs except military construction are paid through direct charges to specific projects. As a profit center, DTRC Annapolis has grossed an average of $80 million per year for the past 10 years. With the proposed realignment, this revenue would drop off.

The Navy report also assumes that 80 percent of the Annapolis employees to be transferred would retain their residence in Annapolis since DTRC Carderock is considered commuting distance. This is unrealistic, particularly as a long-term state of affairs. Consequently, this assumption has the effect of grossly underestimating the total relocation costs. A more realistic assessment of the move is in the $80 to $100 million region.

To put these figures in perspective, the General Accounting Office [GAO] notes that the initial return on the $49 million upfront costs will be 10 years, and that with a 50-percent increase in these costs, the payback period will be 100 years. Considering the fact that the Navy report also identifies $24 million in environmental cleanup costs, which is separate from the $48 million, any possible return on investment—according to table I.33 of the GAO report—would be negligible.

MATERIALS ISSUE

This last point raises another important issue. The proposed transfer of the hazardous materials process to Carderock would require the construction and approval of new environmental control systems in Carderock. This will raise the problem of transporting hazardous waste through the local community, and could result in lengthy court challenges. As the Navy report notes:

> DTRC Annapolis generates hazardous waste will be transferred to DTRC Bethesda to support the transferred activities. Not only will this increase storage problems at Bethesda, but it will also increase truck traffic of hazardous wastes through a residential area. This will cause increased safety risks and potential health hazards to those living in the community.

MACHINERY ISSUES

These last points highlight problems which do not appear to have been well thought out. And this goes to the heart of my concern over the consolidation proposals in general, and the proposed realignment of DTRC Annapolis in particular. Although the notion of consolidation appears beneficial at face value, the articulation of a future technological strategy remains absent.

DTRC Annapolis is the focus of the Nation's largest, most intensive R&D effort and capability for HM&E systems—including stealth characteristics—of ships, submarines, and other vehicles. It is also the primary national resource for ship and submarine machinery and materials R&D, and represents the primary U.S. capability for submarine and surface ship machinery electromagnetic and acoustic quieting technologies. And, according to the Navy report, DTRC Annapolis is the "key Navy resource for advanced intergrated electric drive technology."

After acknowledging these functions, and the priority of such functons, the Navy report then proposes separating several integrated functions, fragmenting important R&D programs. A prime example is separation of the electrical research from the mechanical research in Annapolis. This is extremely short sighted, and will deny the Navy of a technical capability to control risks and costs of its integrated electric drive program. I cannot underestimate the importance of this program, and the grave consequences should it be restructured.

The Navy is currently embarking on a radical departure from mechanical shaft-driven systems of the last 100 years. This program is the single most important development that will launch new, improved propulsion and ship arrangements capability for all future Navy ships. Annapolis is currently the key laboratory developing this emerging technology, and Carderock is not equipped to do it at all.

Essentially, the integrated electric drive program will link the central power system for both propulsion and ships-power for all other ship functions. Congress has also been pressing for a parallel program in superconducting machinery as the next generation of integrated electric drive to reduce weight by one half, and improve performance. DTRC Annapolis is the only lead laboratory for integrated electric drive and superconducting machinery in existence.

By moving the function, not only are we incurring new construction costs, but we will lose time in developing the technology, and risk losing expertise as well. This point highlights the lack of a strategic plan behind the laboratory restructuring.

It should be noted that DTRC Annapolis has sufficient space, buildings, and expertise to keep pace with these new naval and national thrusts. And in many cases, it is better suited than Carderock to continue many of these functions, particularly the integrated electric drive program. DTRC Carderock has unsuitable space/location for: First, land-based full scale models for integrated electric drive; second, acoustic test facilities for ship silencing; and third, accomodations for toxic metals/nonmetals work.

These points demonstrate the fact that the proposed realignment of DTRC will not be cost effective and does not make policy sense. It is important to remember that the Base Closure Commission is a product of declining defense budgets and the need to utilize our defense dollars wisely. We must be sure that the future defense infrastructure is cost effective and efficient. Realignment for the sake of realignment, particularly if the return on the upfront costs is nonexistent, is not acceptable. We need to be sure of the mission, the savings, and the benefits of the consolidation plans. Looking at the proposed realignment of DTRC Annapolis, I seriously question how well the overall consolidation plan has been thought out, for it is clear that the proposed realignment for DTRC Annapolis certainly is not.

Regarding the larger issue of including laboratories in the base closure process, the base closure list slates the vast majority of research laboratories—including 90 percent of all Navy labs—for closure or realignment. Essentially, the DOD tacked the consolidation proposals, originally developed as part of the defense management review, for the Army and Navy's research and development laboratories onto the base closure list.

My concern has always been that, by implementing these proposals through the 1991 base closure list, the DOD is effectively restructuring the entire Federal R&D system without sufficient oversight. The role of the Advisory Commission on the Consolidation and Conversion [CCC] of Defense Research Development Laboratories in the consolidation process has been nullified, and there is not even enough time for the General Accounting Office to provide an adequate cost analysis of the proposals.

I would note here that there is no separate cost estimate regarding the Navy's laboratory consolidation proposal either in the Navy report, or in the recent GAO study presented to the Commission last week. Furthermore, as the GAO noted in testimony before this Commission,

First, GAO did not have enough time to adequately review the numbers.

Second, it did not even begin to review the cost/benefits of the proposed laboratory consolidation proposals. There is no separate mention of the cost of the Navy and Army proposals to overhaul our R&D infrastructure.

Third, nor did GAO have enough time to analyze the actual source data fed into the Cobra model to determine its validity; GAO merely focused on the consistency of the data through the process.

Fourth, the Navy's numbers are suspect. As the report states:

"* * * the Navy had insufficient documentation to support its efforts, which precluded GAO from evaluating the Navy's process * * *" and

"The Navy did not establish required internal controls to ensure the accuracy of the data used." and

"GAO found cases where the services used inaccurate data in the [COBRA] model."

Fifth, "* * * since the Navy did not document the rationale for its decisions, GAO was unable to analyze its specific closure and realignment recommendations."

Considering the fact that the consolidation is aimed at saving taxpayer dollars, it would behoove us to ensure that this goal is achieved. Unfortunately, the report issued by GAO on this point is not reassuring.

Admittedly, much can be done to improve the current system to increase its efficiency, cost effectiveness, and to retain its personnel. However, to my knowledge, no congressional hearings have been held specifically on the consolidation proposals, and the timeframe of the base closure process precludes the kind of indepth analysis of the costs and benefits that such a major restructuring should require.

Furthermore, such an overhaul of our technological infrastructure should take into consideration a number of issues which are not addressed in the consolidation proposals. These include not just questions of infrastructure, but also personnel and regulatory matters. Wholesale statutory reform regarding payscales, management practices, future personnel trends, and regulatory exemption is necessary.

Moreover, the impact of the laboratory issue transcends the budgetary issues of consolidation, and raises questions about what the future mission of our R&D system will be, and who will carry it out. A recent article in "Washington Technology" highlights the future role the DOD R&D system will play in determining priorities in the use of the 75.6 billion dollars' worth of Federal R&D. The article highlights the consequences of the future consolidations.

The administration argues in a March 29, 1991, letter from former R&D director Charles Herzfeld that:

> The Department (of Defense) must conform to the dates established by Congress with regard to base closure. * * * the act also requires that the Department consider all military installations inside the United States equally. In order to comply with this legislation, the defense laboratories were not excluded from the Department's review of bases for closure or realignment.

Admittedly, Congress passed a law which had conflicting provisions. However, it is clear that by choosing to follow the base closure provisions exclusively, the laboratory restructuring proposals will be enacted without effective oversight.

The U.S. economy and our national defense are both technology-based, the cutting edge of development being done by the Federal R&D system. To allow Federal labs to continue to degenerate into second-rate facilities will ultimately have an adverse impact on the economy and our defense. Particularly in light of the future reliance upon technology to overcome numerically superior adversaries, it would behoove all concerned to ensure the restructuring is based on sound policy and is well thought out.

The commission did, however, delay implementation until after January 1, 1992. This delay was adopted so that the Federal Advisory Commission on the Consolidation and Conversion of Defense Research and Development Laboratories (Advisory Commission) would have time to review the recommended realignments and closures.

Given this action, it is apparent that the Base Closure Commission recognized that the Advisory Commission has a role to play in thoroughly reviewing the proposed consolidations of our military research and development laboratories. However, there remains some controversy about the exact role of the Advisory Commission. The Department of Defense would prefer that the Advisory Commission bypass any substantive review of the actual proposal, and focus solely on how best to implement the base closure recommendations. This would be a mistake.

Last year's Defense authorization—Public Law 101-510—which created the Advisory Commission provided a statutory charter to determine the feasibility and desirability of various means to improve the operations of DOD laboratories. To quote the actual language of the law, the Commission is charged with considering "conversion of some or all such laboratories to Government-owned, contractor-operated laboratories; modification of the missions and functions of some or all such laboratories; and consolidation or closure of some or all such laboratories." The Commission is also directed to determine "a proposed schedule for each consolidation, closure, or conversion of a laboratory considered appropriate." The action by the Defense Base Closure Commission in no way alters this legislative mandate.

My concern, which I have brought to the attention of this body in the past, has always been that the realignment of the Defense R&D system should be done in a manner which ensures the long-term viability and effectiveness of U.S. technological development. It is imperative, therefore, that the Advisory Commission on Laboratories fulfill its mandate and provide a thorough analysis of the overall consolidation proposals as well as of the proposed individual realignments. This is nothing more than the function of the Advisory Commission as defined by statute.

In summary, I will continue to oppose the base closure recommendations for the aforementioned reasons. I understand the problems associated with reducing the military infrastructure, and am not opposed to base closures. I do not even oppose the consolidation of Federal R&D laboratories. What I am opposed to is the way in which these proposals have been fast tracked through Congress. By supporting the Base Closure Commission's recommendations we are abdicating our responsibility and acquiescing in the circumvention of the proper policy process. This is unconscionable.

I would note that I have requested that the Armed Services Committee acknowledge the Advisory Commission's mandate, and I have further requested that the Armed Services Committee review the Advisory Commission recommendations when they are released at the end of September. Given the magnitude of the restructuring, a congressional oversight hearing would be in order, particularly in light of the fact that no congressional hearings have ever been held on the services' laboratory consolidation proposals. Our R&D infrastructure is too important to allow such a major restructuring to occur without sufficient oversight.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I rise today in support of House Joint Resolution 308, disapproval of the base closing recommendations, because I believe the Base Closure and Realignment Commission has given greater weight to financial considerations than military factors in its recommendations. In doing so the Commission has made a proposal which treats my home State of Indiana, our communities, and the thousands of military retirees who live and work there, unfairly.

In the case of Grissom Air Force Base, located in my district, the Air Force's own data demonstrate that Grissom is militarily superior to several bases not included on the Commission's target list. Grissom's location deep in the interior of the country makes the base better able to survive cruise missile and submarine-launched missile attacks. Currently half of all SAC bases, mostly along the eastern and western seaboards, lie within the range of such weapons. Any design for a stronger defense system should take advantage of opportunities to transfer missions from more vulnerable bases along the coasts to safer facilities such as Grissom.

The fact is that Grissom's ratings are better than or comparable to at least four bases which the Commission did not target for closure but are also vulnerable to nuclear attack. It appears, then, the reason Grissom has been selected is its relatively low cost of closure and the projected short-term savings which would result. During the Commission's consideration of Grissom, Commissioner Robert Stuart, who visited the base, said "It's a fine base, but return on investment and savings—that's our mission." In other words, cost consideration were given greater weight than military factors by the Base Closure and Realignment Commission.

I think this is wrong, but at the same time, there is no question in my mind that the cost savings for closing Grissom that were estimated by the Pentagon are much too high, a problem exacerbated by the fact that the Commission has also recommended that Ft. Benjamin Harrison be closed.

In its May 15 report, the GAO identified several shortcomings in the COBRA model used to calculate the savings of a closed base, particularly as it related to future health care costs of military retirees paid by the Government. The report said: "the model ignores the cost of Medicare to the Federal Government * * * While not a DOD cost, Medicare increases costs to the Federal Government. DOD decided to continue exclusing Medicare costs, and the revised COBRA model only accounts for the patient load that is expected to transfer to military health insurance." The report concluded that "the associated Medicare costs will increase the total costs of closures."

Mr. Chairman, Indiana would be the only State to lose all of its active bases in this round of closures. The Chairman of the Joint Chiefs of Staff, Colin Powell, told the Commission that there was little coordination of targeted closures between branches and I believe the Commission has been insensitive to the consequences of closing both bases. The result of the combined closures would not only have a severe economic impact on our State but it would also leave thousands of military retirees and dependents, many of whom came to Indiana to be near these facilities, without the services to which they are entitled. Certainly bases should not be kept open solely to provide services to military retirees, but our commitment to these retirees should not be ignored merely because it is financial expedient to do so.

There are good military reasons for keeping Grissom open and, in doing so, we would also be able to meet our obligations to retirees. Closing Grissom would result in a double loss to our country: the elimination of an effective and efficient facility and the continued erosion of benefits to those who have served our country so well.

The President, the Pentagon, and Congress all agree that new budget realities and security need mean that the United States can no longer afford and no longer requires military forces of the size we have maintained. It is for that reason that we must make sure that the force structure we do support is the most effective possible. The Commission's recommendations may leave us with a less expensive military force but it will also leave behind a less effective one.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes and 20 seconds to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today to speak on behalf of the one of the great Air Force bases in this country—Castle Air Force Base located in my district. After providing 50 years of distinguished service to this Nation's defense, Castle is slated for closure in 1995.

I know that we must cut the defense budget. The declining force structure dictates that we must do this. Bases are going to have to close. When the Defense Department announced its proposed closure list on April 12 of this year, I kept an open mind. I wanted to know the justification for their placing Castle on the closure list. I would not have opposed closing the base had they had solid ground for their decision. But as the discussion on Castle wound its way through the Base Closure Commission deliberations, I realized that closing Castle Air Force Base at this time would be a costly and serious military mistake.

The Defense Base Closure and Realignment Commission had a tall order before it. Commission Chairman Jim Courter is to be commended for making sure that he and the other Commissioners were accessible to us. But the evaluation of Castle Air Force Base, along with the other Strategic Air Command base proposed for closure, was flawed on a number of counts.

First, Castle was miscategorized by the Pentagon, and this fundamental methodological error was perptpetuated by the Base Closure Commission staff throughout the Commission's proceedings. Castle Air Force Base is the location of the Strategic Air Command's B-52/KC-135 Combat Crew Training School. Castle is a training facility. But neither did the Pentagon nor the Base Closure Commission staff treat it as such. Instead, they compared Castle with the 18 operational Strategic Air Command bases whose missions are fundamentally different than the one carried out by Castle.

Second, the proposed $100-million move of the Castle mission to Fairchild Air Force Base at this stage in the B-52 lifecycle will almost require a second costly move of the KC-135 Combat Crew Training School since the Air Force has proposed to place all strategic bombers in the 21st century in midcontinental locations after the B-52 leaves the inventory. Air refueling training will be hard to conduct in the Pacific Northwest if there are no bomber—receivers with which to train.

Third, the Strategic Air Command bases under consideration by the Base Closure Commission during its final hours of deliberations did not receive the same full and balanced discussion afforded to all other military installations which the Commission considered. Instead, there was an attempt to lump all SAC bases together as a package at 11 p.m. on June 30. Much to his credit, Chairman Jim Courter convinced the rest of his colleagues to take separate votes on each SAC base, but the procedural maneuvering cut into the time during which substantive discussion could have taken place on each base.

In addition, the Base Closure Commission staff introduced new data and arguments on each SAC base at the eleventh hour of deliberations. No community rebuttal was permitted, further clouding the discussion.

I realize that the House today will, in all probability, sustain the report of the Commission. I, reluctantly, will vote in favor of disapproving its report because I sincerely believe that the taxpayers of this country will be shortchanged by the closure of Castle Air Force Base at this time. I would like to thank all of those dedicated individuals who participated on Castle Air Force Base Task Force 2000 whose diligence and professionalism made a lasting impression during the Commission's deliberations. We must move on now to the next phase, so it is important that we maintain our unity and our strength.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, the House will vote today on the recommendations of the Commission on Base Closure and Realignment as submitted to the Congress on July 10 by President Bush. Like many of my colleagues, the Commission has recommended for closure a military installation in my home State. That installation, Fort Devens, located in Ayer, MA, currently employs 6,700 military and 2,600 civilian personnel, many of whom live in the north Worcester County portion of my district. If Fort Devens were to be closed, the economic impact this would have, particularly on the communities surrounding and servicing the base, would be devastating. This is the primary reason why I plan to vote to disapprove the recommendations of the Commission.

But I have another reason, one more personal. Three years ago, the very same Commission recommended that Fort Devens would remain open as a viable military installation. I was personally assured that the Information Systems Command, currently located at Fort Huachuca, AZ, would be transferred to Fort Devens.

Thousands of dollars were spent in anticipation of this exchange. Businesses relocated and homes were built to accommodate the expected influx of personnel. Like my constituents, I expected the Department of Defense to keep their word and honor the commitment made to the men and women of Fort Devens. Unfortunately, the DOD, using the same criteria it used in 1988, broke their promise and recommended that Fort Devens be closed. As I said in my testimony before the Commission last May, the decision to close Fort Devens represents, in my opinion, a deliberate breach of faith between the Department of Defense and the working men and women of Massachusetts.

By voting to disapprove the recommendations of the Base Closure Commission, I am honoring my commitment to the people of north Worcester County by doing everything I can to keep Fort Devens open.

In the end, Mr. Chairman, my constituents and I both learned a valuable lesson in this process, and that is when the Army says a base will be realigned, what they really mean is that its about to be closed.

□ 1810

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I want to end my participation in this debate by observing that I have consistently argued against delegating this important job to a commission. The people elected us to make decisions—not to delegate the job to unelected, unaccountable unexperts.

Mr. MARTIN. Mr. Chairman, I reserve the balance of my time.

It is flat wrong to say that we politicians never support the closure of military bases in their region. My colleague from Pennsylvania, CURT WELDON, has sought to close an Army Reserve facility in his region since he came to Congress. But the Army will not let him. Some of my colleagues from New York had the courage to support shutting down the Staten Island Homeport Project. Stopping Staten Island will save at least $35.5 million a year. But the Navy opposes this position, and the Commission decided not to save these millions of dollars.

Mr. Chairman, I say to the Members, let us do our jobs. Let us not hide behind political gimmicks and smoke and mirrors. Let us reassert our authority. Let us say no to a legacy of unfairness. I urge my colleagues to vote yes on Foglietta-Snowe.

Mr. MARTIN. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I ask my colleagues to vote no on this resolution. In my opinion, the Base Closure Commission has been fair. It has been impartial and it has certainly been thorough.

Most of my colleagues really generally agree that the President of the United States and the Secretary of Defense realize that the threat of the Soviet Union is not there any more and that we should cut our military by 25 percent. One of the ways, and it is a tough way, that we can save money is by making the hard decision today and support the Commission recommendations of base closure.

Mr. Chairman, if Members believe in the base closure process, I ask them to vote no on this resolution.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Pennsylvania.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding to me. I just wanted to engage in a colloquy with the gentleman because some of the Members who have been at other meetings on Capitol Hill might not understand. This is a motion of disapproval, so those who want to support the Commission's findings and recommendations will vote no; is that correct?

Mr. MONTGOMERY. Mr. Chairman, that is correct. And if Members do not support the Commission recommendations, they would vote aye.

Mr. DINGELL. Mr. Chairman, as a leader in congressional efforts to root out waste, fraud, and abuse in the defense industry, I firmly support the goal of the bipartisan Defense Base Closure and Realignment Commission [BRAC] to create a more efficient military operation by eliminating unnecessary expenditures and streamlining costs.

I, however, have significant reservations about the recommendations of the BRAC report as they relate to the U.S. Army Corps of Engineers. The proposed reorganization of the corps for the Great Lakes region will violate the intent of the Commission by creating vast inefficiencies, frustrating international Great Lakes efforts, and damaging regional preservation and recreation goals.

Standing in strong, widespread, and bipartisan company, I have organized a coalition of 59 Great Lakes Members representing 5 States to request that congressional hearings on this important issue be held by the end of the year. Attached is a copy of the written request to Chairman ROBERT A. ROE, House Committee on Public Works and Transportation.

HOUSE OF REPRESENTATIVES,
Washington DC, July 24, 1990.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: Representing more than fifty Congressional Districts throughout five states in the Great Lakes Region, we are writing to you to express our deep concern over the U.S. Army Corps of Engineers' reorganization study proposing to eliminate the Detroit and Chicago Regional Offices and the St. Paul District Office, and to place jurisdiction over the vast majority of the Great Lakes region in the Buffalo District Office.

We are concerned that this proposal would create great inefficiencies and drastically undermine the ability of the Corps to provide planning, maintenance, and supervision to the Great Lakes Region. Consolidating the Great Lakes regional offices in the geographically Eastern-most corner of the region will present a significant impediment to providing supervision and oversight of the

Corps' Great Lakes projects. Distancing major research institutions and agencies responsible for formulating Great Lakes preservation and management policies, and removing offices located closest to the most heavily concentrated Corps' Great Lakes projects will severely impede coordination and development. Additionally, closing the St. Paul District Office and moving its functions will jeopardize the Corps' close working relationship with officials in five upper Midwest States and Canada.

We share your view that the Corps' reorganization proposal demands careful congressional scrutiny by the Public Works and Transportation Committee and urge you to hold hearings on this important issue prior to the adjournment of the first session of the 102nd Congress. Congress must have the opportunity to review the Corps' recommendations which were conducted without any outside review or analysis. Furthermore, we believe that in choosing to ignore its own carefully conducted studies ranking the Detroit, Chicago, and St. Paul offices above the Buffalo office in every major category, the Corps has elevated the necessity of prompt and intensive Congressional review.

We thank you for your attention to this request and look forward to your response.

Sincerely yours,

John D. Dingell, David R. Obey, Philip R. Sharp, Bruce F. Vento, Sidney R. Yates, Barbara-Rose Collins, Robert H. Michel, Dan Rostenkowski, James L. Oberstar, Bob Traxler, William O. Lipinski, Frederick S. Upton, Les Aspin, William D. Ford.

Peter J. Visclosky, David E. Bonior, Carl D. Pursell, George E. Sangmeister, Frank Annunzio, F. James Sensenbrenner, Jr., Guy Vander Jagt, John Conyers, Jr., William S. Broomfield, Jim Moody, Henry J. Hyde, Dennis M. Hertel, Martin Olav Sabo, Marty Russo, Terry L. Bruce, Richard J. Durbin.

Robert W. Davis, Sander M. Levin, J. Dennis Hastert, Dale Kildee, Lane Evans, Vin Weber, John Edward Porter, Gus Savage, Toby Roth, Timothy J. Penny, Charles A. Hayes, Jill Long, Paul B. Henry, Bob Carr, Howard Wolpe, Steve Gunderson.

Glenn Poshard, Scott Klug, John W. Cox, Jr., Thomas W. Ewing, Gerry Sikorski, Andrew Jacobs, Jr., Tim Roemer, Dave Camp, Collin C. Peterson, Jim Ramstad, Jim Jontz, Cardiss Collins, Philip M. Crane.

Members of Congress.

Ms. MOLINARI. Mr. Chairman, I rise today to express my satisfaction with the Defense Base Closure and Realignment Commission's full review of our Nation's military installations.

As a Member with a Navy base in her district under consideration for possible closure in the base closure and realignment process, I worked very closely with the Commission and its staff. Throughout the deliberations, it was my experience that the Commission diligently sifted through the conflicting testimony and documentation, in order to make the best judgment for the good of our country. I applaud the work of the Commission which in every instance, handled itself in the fair, open, and impartial manner originally intended by the law.

While I am happy that the Commission decided not to close Naval Station New York, I am equally pleased that the evolution of base closings and realignment has moved forward in a positive, equitable, and nonpartisan manner. I am convinced that the decision to save my facility was based on a rational and fully capable system which ultimately worked according to plan.

I am totally convinced that while not without controversy, this process is far superior to the unfair closure attempts made in this body last year. As you'll recall, Mr. Chairman, there was an attempt by a few Members to single out the Staten Island homeport for closure last September. I stated to my colleagues during debate on that amendment, that micromanagement of installations by individual Members is no way to run the military. I asked that the Base Closure Commission be allowed to perform its duties, which it has done, fairly and objectively.

I have no illusions that Members whose bases were hit by the Commission's decision, will continue their vow to fight on. I know the pain to a local community through a closure can be devastating. There remains some kinds in the process which need to be fully worked out. For instance, I concur with my colleagues who believe that the Commission should consider a similar impartial process and study our overseas installations.

It is my opinion however, that in this year's base closure recommendations, there does not appear to be substantial deviation from the original force-structure plan and criteria. Based on my own experiences and a full review of the Commission's final analysis, I will join the administration and Department of Defense in opposing the resolution to reject the 1991 base closure recommendations. I can only hope that in 1993 and 1995, the evolution and impartiality of this process can continue in similar fashion.

Mr. COUGHLIN. Mr. Chairman, I rise today to express my support for the measure pending before us and my profound opposition to the recommendations to close the Philadelphia Naval Shipyard, the Philadelphia Naval Station, and to realign the Naval Air Development Center in Warminster.

There are a number of reasons why I object to the list that the Defense Base Closure and Realignment Commission has put forward.

First, I am deeply disturbed that the Commission did not choose to challenge the Navy's recommendations more thoroughly. Both the General Accounting Office and the Commission itself found the Navy's decisionmaking process to be both deficient and flawed in key respects.

The GAO found itself "* * * unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decisionmaking process or the results of its deliberations. In addition," the GAO noted, "the Navy did not establish an internal control plan to ensure the validity and accuracy of information used in its assessment as required by OSD."

The Base Closure Commission came to a similar conclusion, noting on May 22, that "the Navy group employed a great deal of subjective judgment in drawing up their list of recommendations for closure and realignment." The Commission continued, "[t]he GAO and the Commission staff have pointed to an alarming lack of information about the Navy's decision-making process."

Because of these deficiencies in the Navy's decisionmaking process and flaws identified by the GAO and the Commission in the Navy's data inputs and calculations, the Commission asked that the Navy present additional information.

In the case of the Naval Air Development Center, I asked the Navy for this information, too, in order to present a balanced case to the Commission. But despite the fact that this was supposed to be an open process, a process in which Members could participate on behalf of facilities of importance to their constituency, I did not receive information that was repeatedly requested by my office until Friday, June 28, just 2 days before the Commission cast its final votes. By then it was too late to rebut the Navy's claims with any degree of effectiveness.

It is difficult for me to say this, as a former Marine captain, but I believe the Navy deliberately stonewalled me. I believe there was a conscious decision taken by Navy officials to keep this information from members of the Philadelphia area congressional delegation for as long as possible. I know that other members of the delegation received similar treatment, and I assure you, Mr. Chairman, we are incensed about it.

I believe the net result of this process was that Navy facilities in the Philadelphia area got short shrift in the Commission's evaluation process. Though I have not studied them as closely, I expect this applies to Navy facilities in other areas, too.

Unlike other areas, however, I can tell the Members of this body that the Philadelphia area took the overwhelming hit on this list. According to the Navy, we will lose some 60,000 jobs in the Philadelphia area as a consequence of these recommendations, increasing overall unemployment by 2.1 percent. Local experts on the economy expect these totals to be even higher. Meanwhile, Philadelphia's economic state is already a precarious one.

Finally, I want to comment on the national security implications of the recommendations, which I expect Members will find to be the most critical factor of those that I would mention.

Naval Complex Philadelphia, located on a 1,425-acre site at League Island, is one of eight U.S. Navy shipyards nationwide and one of four located on the east coast. Throughout its history it has served our national security well. During World War II, the Philadelphia Naval Shipyard built 51 ships for our Nation's defense effort, including the battleships *New Jersey* and *Wisconsin*. It remains capable of building such ships today.

Since the early 1980's, Philadelphia Naval Shipyard has been renowned for its highly successful work on a number of key Navy programs. These include the aircraft carrier Service Life Extension Program [SLEP], which fully modernizes an existing carrier and provides it with another 15 to 20 years of life for one-fourth the cost of a new carrier; the New Theat Upgrade Program, which modernizes our older destroyers and cruisers to the state of the art in early warning and electronics capabilities; and the overhaul, modernization, and repair of CG–47 class Aegis cruisers, among our Nation's newest and most sophisticated surface combatants.

The Department of the Navy's own strategic and operational requirements for Naval shipyards mandate, among other things, that Naval shipyards:

a. Provide responsive, geographically dispersed, strike-free industrial capability in support of fleet readiness.

b. Ensure the availability of a qualified, ready work force whose priority of work can be controlled by the Navy to support changing operational commitments and emergent work.

c. Provide an immediate mobilization industrial base for rapid expansion to support combat operations.

These requirements further specify that the Navy maintain two shipyards on each coast capable of repairing aircraft carriers and three shipyards on each coast capable of installing, testing, and repairing current state of the art electronics and missile weapons sytems.

The Philadelphia Naval Shipyard's infrastructural assets remain critical to meeting these requirements and ensuring that our national security interests are preserved.

Philadelphia Naval Shipyard has two of the three east coast public drydocks capable of accommodating U.S. Navy aircraft carriers. The remaining public drydock is located at Norfolk Naval Shipyard in Virginia.

In recommending the closure of Philadelphia Naval Shipyard, the Navy has proposed that two private drydocks owned and operated by Newport News Shipbuilding Co. be utilized to meet the Navy's strategic and operational requirements.

This proposal is wholly inadequate for a number of reasons.

First, the two drydocks at Newport News Shipbuilding Co. will be occupied by the carriers CVN–74 and CVN–75, which are now being built, and by other carrier work, for years to come. It is unlikely that these drydocks will be available for emergent work.

Second, Newport News Shipbuilding Co.'s proximity to Norfolk does not provide for a geographically dispersed industrial capability, as the Navy's own requirements dictate. Aside from providing a virtually singular target to any potential adversary, the Navy would risk the possibility that a regional disaster, like a hurricane, might severely debilitate its ability to service aircraft carriers on the east coast.

In addition, as Newport News Shipbuilding Co. is privately owned, the requirement for a work force "whose priority of work can be controlled by the Navy" would not be met. Furthermore, Newport News' employee population is not a strike-free one.

Finally, current Navy plans call for Norfolk's aircraft carrier-capable drydock to be used for nuclear modernization efforts. If Newport News' drydocks are filled with CVN–74 and CVN–75 and the Navy is to be able to provide for emergent carrier work, the Norfolk drydock would have to be kept vacant. Scheduled modernization work for other carriers could not go forward.

In addition to providing a truly vital capability to drydock aircraft carriers, however, Philadelphia Naval Shipyard has three of the five east coast public drydocks capable of docking the Navy's larger combatants and auxiliaries. These include our CG–47 class Aegis cruisers, our LHD–1 and LHA–1 class amphibious assault ships, our DD–963 and DDG–993 class destroyers, and our AOE–1 class supply ships.

It is supremely instructive to observe that the Navy's own analysis notes that:

> While the Navy fleet in general is downsizing by 19 percent, the types of ships worked on by the Naval Shipyards is downsizing by only 1 percent, and in some cases is increasing (large Amphibious and Aegis ships). Thus, the need for certain facilities to accomplish this work is not diminished.

If we deactivate the drydocks at Philadelphia, we will be seriously undermining our ability to service these vessels.

America's network of public shipyards ensures that we retain the capabilities that are essential to our national security. The fact is that private shipyards, by their very nature, cannot be a substitute for an effective, reliable constellation of public shipyards.

If we allow Philadelphia Naval Shipyard's infrastructure to be closed down and its work force to be dispersed, this superb facility and its capabilities will simply cease to exist. The Navy's plan calls for mothballing the most important assets at the yard. But I can assure Members that the city of Philadelphia will seek to have these properties turned over for development. Meanwhile, the reconstitution of an equally capable facility, with a competent, well-trained work force, would require a monumental expenditure of funds and many years to complete.

For all of these reasons, Members of the House should reject the Base Closure Commission's recommendations.

But the fact is these are not the only reasons the House should reject the Base Closure Commission's recommendations. The recommendations also call for the total realignment of the Naval Air Development Center [NADC], located in Warminster, PA. NADC is the Navy's principal center for naval aviation research and development, and its role is to develop, simulate, and measure the performance of advanced systems and components proposed for future generations of naval aircraft and related technologies. This includes determining future aircraft configurations, developing products to meet naval aviation needs, and supporting these products up to and including the time of fleet usage. NADC conducts a full spectrum of systems and technology research and development.

The Navy's recommendations for base closure-realignment call for the consolidation of all R&D and test and evaluation [T&E] functions into four new warfare centers and a Navy corporate laboratory. Among the new warfare centers would be a new Naval air warfare center, which would represent a consolidation of R&D and T&E functions in the fields of aviation and air-delivered weapons.

Under this consolidation plan, NADC would be virtually closed, with some 1,845 positions relocated to the Naval Air Test Center [NATC] facility at Patuxent River, MD. According to the Navy, 1,702 of the relocated positions would be civilian employee positions.

I believe that the Navy's plan to relocate the NADC research and development mission to the NATC test and evaluation facility in Patuxent River, MD, is a serious mistake for a number of reasons.

First, I do not believe the Navy properly estimated the dollar costs of this proposed realignment. This is especially important in light of the General Accounting Office's calculation that a 50-percent increase in the one-time costs associated with NADC's realignment would increase the payback period to 100 years or more.

Second, I do not believe the Navy properly considered the Congress' requirement that a global analysis of the Department of Defense's laboratory structure be undertaken, as was set forth in section 246 of the National Defense Authorization Act for fiscal year 1991—Public Law 101–510. You will recall that this section called for the establishment of an Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories. In my view, the congressional intent was clearly that a panel with the expertise to consider the gamut of questions related to DOD labs, including the desirability of joint service facilities, review the entire lab network. I believe the Base Closure Commission exceeded its authority when it reviewed the lab complex.

Third, I do not believe the Navy used the proper determinants in evaluating NADC's military value, with the result that the Navy has severely underestimated the serious national security implications of its actions.

To assess military value and determine future needs, the Navy grouped similar facilities—like shipyards, naval air stations, naval stations, et cetera—and conducted a capacity analysis for each of these categories of facilities. This process called for a pooling of data on the similar resources available at the facilities within the given category and for determining whether there was a surplus or deficit of these resources within the category or within a given facility. This information was then used to determine whether facilities in a given category could be closed without imperiling the Navy's ability to support its forces or its ability to fulfill its mission requirements.

In the case, however, of Navy facilities involved in R&D, like NADC, or T&E, this evaluation was problematic. This is because, as the Navy noted in its "Detailed Analysis of Base Closure and Realignment Recommendations" (p. F1),

> [e]ach of the RDT&E activities have unique aspects which make them suited to do a specific range of RDT&E activities. Their missions, internal structure, mode of operation and facilities are different. For this reason, there are no metrics which can be used across the entire category to evaluate the activities.

In an effort to resolve this dilemma, the Navy devised a plan to consolidate these operations based on the type of platform that is the focus of the given R&D or T&E facility's work. The plan calls for the consolidation of the administrative functions of all these facilities under four warfare centers and the corporate laboratory. In some cases—as in the case of NADC—it also called for the realignment of technical functions.

In devising this plan, the Navy essentially relegated all of its R&D and T&E facilities to a generic lab category. It did so despite the quite different missions that these facilities have—differences that the Navy, as noted above, itself admits exist.

This point cannot be overstated, because implicit in this general categorization—and more specifically, in the proposal to move NADC's research and development functions to the NATC test and evaluation center—is a Navy perception that laboratory facilities are little more than the sum of their supporting structures.

An evaluation on this basis, however, fails completely to consider the impact of realignment on the specific current or future mission requirements of NADC or on the future operational readiness of the fleet. These are the real issues. They are first and foremost a function of the personnel at R&D facilities like NADC. It is these personnel—with their collective technical prowess and institutional memory—who ensure that our fleet's R&D needs are met.

I believe an administrative consolidation makes sense. There is no point in having duplicative administrative or support functions underway in the current budget environment.

What I object to is the empirically unwise decision to disrupt ongoing programs as a consequence of the realignment of technical functions—which is what has been called for in the case of NADC.

The Navy is seeking the relocation of some of the Navy's best scientists, engineers, and thinkers from a major metropolitan area that features the gamut of educational and cultural resources to a location in rural Maryland. In deference to my friends here from Maryland, the area around Patuxent River is indeed a quaint and rustic setting. But the fact is it offers little in the way of educational or cultural opportunities to scientists and engineers who have or are pursuing advanced degrees. Opportunities for spouse employment in St. Marys County, in which the Patuxent River facility is located and which has a population of 76,000, are limited.

Despite these considerations, the Navy at one point in this process predicted that "up to 80 percent" of the personnel at NADC invited to move to Patuxent River would do so—letter from Assistant Secretary of the Navy, Gerald Cann, to Hon. PETER KOSTMAYER, April 23, 1991. It was later conceded by the Navy that the 80-percent figure was unrealistic. Even so, in its COBRA model for NADC, the Navy calculated that an equally untenable 62.3 percent of the NADC personnel asked to move would do so.

This does not square with previous surveys which have found that a much lower percentage of affected employees move in the event of realignments and closures. In the case of the closure of the Rodman Laboratory at Rock Island, IL, in 1977 and the relocation of its functions to the Picatinny Arsenal in New Jersey, fewer than 100 of the 1,150 eligible employees elected to move. When the Frankford Arsenal in Philadelphia closed and its functions were transferred to Picatinny, a mere 7 percent of the scientifiic and engineering personnel involved opted to move. Importantly, the distance between Frankford and Picatinny is closer than that between NADC and NATC.

Moreover, the Navy's figures are for NADC employees. It must be considered that the NADC contractor base—some 1,500 employees in the NADC area—will also be significantly diminished in the event of realignment. Few of the contracting firms working with NADC have the resources to relocate all of their personnel and their families.

As the Navy's ability to meet its current and future mission requirements and to ensure the operational readiness of the fleet are dependent on preserving, to the maximum extent possible, this technical personnel base, this is a crucial factor in determining whether our national security needs will be met if NADC is moved.

This is a critical point. The current state of naval aviation should induce serious concern in any interested observer. In recent months the Navy's most important aviation programs have been canceled. These include the A–12 fighter-bomber, which was to be the Navy's premier carrier-based attack aircraft and follow on to the A–6 Intruder; the Naval Advanced Technology Fighter [NATF], which was to be the next generation fleet air superiority fighter and replacement for the F–14 Tomcat fighter; and the Advanced Tactical Support Aircraft [ATSA], which was to be a new common platform to replace EA–6B Prowler electronic warfare aircraft, E–2C Hawkeye fleet airborne warning control system [AWACS] aircraft, and S–3 Viking carrier-based antisubmarine warfare [ASW] aircraft. The Navy has also canceled the P–7 long-range ASW aircraft, which had been destined to replace the land-based P–3 Orion antisubmarine aircraft.

The result of these cancellations—affecting virtually every key fixed-wing naval aviation requirement—is that the Navy must improve its existing aircraft to meet its needs in the 1990's and beyond. Significant upgrades of both the F/A–18 and the F–14D have been requested to meet interim Navy needs, and the House fiscal year 1992 Defense authorization bill calls in addition for the development of an improved F–14 quickstrike variant and the full development of the V–22 Osprey tiltrotor aircraft. Additional Navy A–6 bombers likely will have to be rewinged and improved to provide a continued ability to offer surface target medium strike capabilities until the new A–X attack aircraft is available, sometime after the year 2000. The EA–6B, E–2C, and S–3 will need improvements to give them continued life, while the budget request includes funds to initiate the upgrading of the P–3 ASW aircraft into an Orion II model. Every one of these programs will rely heavily on NADC for critical development and technical support.

The impact of NADC's realignment on the timetables for these projects cannot be anything but severely detrimental. For example, the F/A–18E/F Hornet, the next model in the F/A–18 series of highly successful Navy fighter-attack aircraft, is due to first fly in January 1995. The F/A–18E/F program involves lengthening the fuselage and increasing the size of the wings of the current F/A–18. These modifications, according to the Defense Department, will eventually enable the F/A–18E/F to replace older F–14 models in providing long-range air defense of our aircraft carriers. NADC, which is responsible for critical development work on the F/A–18E/F, is due to move its R&D functions to Patuxent River in 1995 and its combat systems functions to China Lake in 1995. How could this proposed move of NADC functions have anything but severe negative impact on the timely development and deployment of this extremely important new aircraft?

In addition to strictly aviation work, NADC is also intimately involved in work on airborne ASW technologies like sonobuoys. Efforts to improve the LAMPS ASW helicopter are being undertaken at NADC, and all LAMPS ASW helicopters life-cycle software support is provided by NADC. These technologies are critical. Despite the recent decline in the Soviet threat, Soviet submarine systems have recently undergone a dramatic qualitative improvement and remain a principal concern of the Navy. Soviet SSBN's remain capable of destroying United States targets within minutes. The latest edition of the highly authoritative "Jane's Fighting Ships" termed the magnitude of the Soviet submarine program "frightening," especially in light of problems in the Soviet economy. A number of developing nations are also acquiring submarine capabilities that should be viewed as disconcerting, to say the least. What impact will NADC's realignment have on these crucial programs?

NADC is also intimately involved in research and development on the gamut of our most advanced naval aviation technologies. Highly advanced night vision capabilities, helmet-mounted and head-tracking technologies, laser eye-protection systems, advanced aircraft control and cockpit display technologies, sophisticated low observable aerodynamic design work, radar upgrades, efforts to achieve supermanueverability and to enable pilots to withstand the g-forces associated with such capabilities—up to 20 g's—all these projects and many more will be thrown into jeopardy if NADC is moved.

One has to ask how the Navy realistically expects to meet its current and future aviation requirements and preserve operational readiness if it is dismantling and moving its sole center for aviation development work at such a decisive time. Can it possibly be true that the technology base necessary to effect these modifications—the people of NADC and the contractors with whom they work—will be unaffected if current work relationships are broken up?

As we saw just months ago, America's clear edge in military technology can be parleyed into decisive military victory with, most critically, the minimal loss of U.S. and allied lives. The military superiority witnessed in Operation Desert Storm was directly related to the U.S. investment in military R&D and the excellence of our R&D laboratories. Our R&D facilities played not just a supporting role, but provided up-to-the-minute responses to critical requirements. During Operation Desert Storm, NADC was called upon and successfully arranged for the urgent delivery of nuclear-biological-chemical [NBC] crew protection suits to American aviators. What would occur if a second Desert Storm scenario arose in the 1994–95 timeframe, when NADC would be in a state of disarray, in the midst of a huge relocation? What straits would we find ourselves in as a nation if a new crisis unfolded and key R&D personnel, having moved on from NADC, were simply not available?

Mr. Chairman, I have laid out before the House the reasons why I believe the recommendations of the Base Closure Commission do not serve the Nation's interests. I am under no illusion that persuading the majority of this body on this issue will be an easy task. But I would ask my colleagues here today to take into consideration the arguments I have set forth, in particular with regard to the impact these recommendations would have on our national security. I believe an objective analysis will lead Members to vote in favor of this resolution.

Mr. EMERSON. Mr. Chairman, while I recognize that some of our domestic military bases will eventually need to be realigned or closed due to the downsizing of our military structure, I am greatly concerned about the Commission's recommendations to realign the Army Corps of Engineers. This Congress has not had adequate time to thoroughly explore all the ramifications of this aspect of the report. It is imperative that before we undertake a step of such magnitude that this legislative body have adequate time to review the implications and consequences of such a move, and to date, that simply has not happened. It is argued that we have prospective opportunity to fix the realignment, but I think that process is backward. We should do the job properly in the first instance.

If reorganizing the Army Corps of Engineers is to be pursued, this needs to be done as a separate matter from considering the issue of closure of domestic military bases. Each corps district office has special talents and a wealth of historical knowledge about each particular geographic area of this country that must be preserved and taken into account in addressing this Nation's vast infrastructure needs. While I do believe that efficiency and improvement are worthy goals and ones that should be pursued, I have strong reservations about the net effect of the quality of service to our local communities and to this Nation as a whole if the Army Corps of Engineers realignment is pursued as recommended.

Mr. RIDGE. Mr. Chairman, today I rise in strong support of House Joint Resolution 308, introduced by my colleague from Pennsylvania, Congressman TOM FOGLIETTA. This resolution disapproves the recommendations made by the Defense Base Closure and Realignment Commission.

In addition to the justified objections that have been raised regarding the unfair process followed to determine those bases to be closed, I would also like to take this opportunity to reiterate my concerns regarding the impact on the Commonwealth of Pennsylvania.

In the past several weeks and months since this process began, it has become apparent that Pennsylvania will shoulder a disproportionate share of the civilian job losses as a result of the Commission's recommendations. This comes at a particularly difficult time as the Commonwealth is already suffering from the downturn in the economy and from severe budgetary woes.

Mr. Chairman, the Philadelphia Naval Shipyard and Station as well as the Warminister Naval Air Development Center are both targeted on the Commission's list. The irony of the Commission's decision to include these facilities is that valid reasons exist for keeping both of these facilities open. It has become apparent to me—and to the other Members who have carefully scrutinized the record over the past several months—that a skilled and dedicated work force exists at these facilities. Moreover, Philadelphia is the Navy's most cost-effective and productive naval shipyard in the Nation.

The estimated impact on the commonwealth is staggering. The Philadelphia closure alone will cost the State 23,000 jobs. This number becomes even more significant when compared to that of other States. Pennsylvania bears the burden of 31 percent of the direct civilian job loss. This is the highest percentage reduction of all the States in the Nation; 52 percent of the direct civilian jobs the Navy would cut nationwide would be Pennsylvania jobs.

Despite these figures, I find it astonishing that the base closure and realignment report states: "While causing an oversupply of housing in an already slow market, no additional impacts are anticipated."

The author of this short-sighted statement fails to take into consideration the many costs that will be borne by the Commonwealth, including the $53 to $69 cost of unemployment compensation. In addition, the State will lose approximately $25 million in revenues from income taxes, sales receipt taxes and business taxes. The Governor's office has estimated that approximately $100 million of the Commonwealth's budget will be negatively impacted by Philadelphia's closure.

Any State would be hard-pressed to absorb such costs, yet Pennsylvania faces a more difficult challenge as a result of the State budgetary short-fall. The damage to State programs caused by budgetary constraints will only be exacerbated by the impact of closing these two valuable Pennsylvania facilities.

A long battle was fought to keep both Warminister and Philadelphia a part of the Nation's military future and a part of Pennsylvania's economy. This effort failed in part because of a review process that did not meet congressional intent—it was neither fair nor objective.

Mr. REED. Mr. Chairman, like many of my colleagues, I have reviewed very carefully the recommendations of the Base Closure and Realignment Commission. And although it was difficult to reach a decision on this matter, I decided to oppose this resolution and support the commission's recommendations.

The Naval Construction Battalion located in Davisville, RI, has been recommended for closure. I disagree with this decision because I feel closing CBC Davisville does not serve the goals of efficiency or the security of our Nation. In 1988 Naval Facility Insp. Gen. Capt. Warren M. Garbe, reported that he found "a team spirit and a unity not commonly seen * * * and that the facility is in many cases, a model for others." All areas surveyed by the inspector general were rated satisfactory, the highest grade possible. In 1989, the CBC facilities participated in a mobilization exercise. CBC Davisville ranked No. 1. The reason Davisville ranked No. 1 is simple—the Davisville work force is intensely proud, and has had a strong tradition of Yankee ingenuity and frugality since the facility's creation. Indeed, Port Heuneme was included on the proposed closure list in 1988, not Davisville. The base also has excellent transportation facilities including direct rail, interstate highway, and a deep water port.

Moreover, I am concerned with the future of the men and women who work at this base, and I plan to do all I can to minimize any disruption the closure of CBC Davisville causes.

Nevertheless, I will support the commission's recommendations for a number of reasons.

As a former military officer, I recognize the simple fact that our future strategic and military needs have changed. The cold war is over and our future defense strategies must recognize fundamental alterations in the international climate such as the reunification of Germany. Simply put—if we have fewer troops, we need fewer bases.

The second major reason I support the commission's decisions is the need to cut defense spending, especially in light of our present budget deficit. A strong national defense is crucial, however, we must work to build a strong domestic economy. True national security involves investing in the future of our Nation and channelling resources to needs here at home such as education and health care.

Third, when I reviewed the entire report, including the recommendation to expand the Naval Underwater Systems Center in Newport, RI, I believe the overall objectives of the commission's decisions demonstrate that the Base Closure and Realignment Act of 1990 created a process which will serve the best interests of our Nation's defense.

I recognize that we had our day in court. I initially contacted the Commission and authorities at Department of Defense and the Navy to express my dismay at the proposal. I also testified, on behalf of myself and Senators PELL and CHAFEE, before the Commission here in Washington, and the employees of Davisville also presented their case in Boston. Our efforts on behalf of Davisville were thorough and exhaustive. But despite our arguments and the merits of our case the Commission made the decision to close Davisville.

At the same time, there are still ways we can make the process more equitable. I refer to the legislation Chairman ASPIN has introduced and which I have cosponsored and will be considered on the floor today. This resolution would expand the scope of the current Base Closure and Realignment Act to include the examination of U.S. military installations overseas. We all recognize the changes in the international climate, the need to cut defense spending, and our planned reductions in forces. Therefore, the next round of base closings should include all bases, domestic and foreign, in the next round of closures.

Today's vote reflects concern for the security of the Nation and economic development at home. I hope my colleagues will support legislative efforts to help workers from these closed facilities adjust to the civilian job market. We must also realize that although the closure or realignment of a military installation can have short-term negative effects, in the long run civilian commercial uses of closed facilities create more prosperous and stable opportunities for economic growth and employment.

Mr. KOSTMAYER. Mr. Chairman, I rise today in reluctant support of House Joint Resolution 308, a resolution to disapprove the base closure list. I say reluctant support because I have for years now been a proponent of the base closure process and I continue to believe the general process has merit.

But let me say, Mr. Chairman, that while the general process has merit, the process this year has suffered from a series of fatal flaws.

The GAO lacked sufficient time to do the job we asked them to do.

The Base Closure Commission lacked the time to properly evaluate facilities on the list.

Proponents of individual facilities were unable to respond to Defense Department information that in many cases was delivered to the Base Closure Commission at the last minute.

Facilities proposed for closure or realignment simply didn't get the thoughtful hearing they were due.

My facility, the Naval Air Development Center, in Warminster, PA—a Navy laboratory that employs nearly 3,000 people—was never even mentioned by name the day the Base Closure Commission voted to relocate it to Maryland.

Instead, the NADC realignment was clumped together with more than a dozen other Navy laboratories and approved en bloc.

Adding insult to injury, on the very last day of its deliberations the Base Closure Commission added $60 million to the cost of the NADC transfer and extended its payback period from 9 to 29 years without even realizing it. They did so by voting to keep in place a St. Inigoes, MD, engineering activity the Navy planned to move to make way for NADC personnel.

It's hard to believe, but the Base Closure Commission apparently didn't know enough about the realignment of NADC to realize that it was part of chain reaction that had to include moving one activity out of St. Inigoes, MD, before the NADC could be moved in.

Unfortunately for America's taxpayers, the Base Closure Commission made these decisions—and presumably several others—without realizing their consequences. And so if this list is approved the Navy will begin a relocation of the Naval Air Development Center that won't save us one penny until at least the year 2025.

Mr. Chairman, I do not presume to speak with authority on the wisdom of all the closures and realignments on this list. But I am intimately familiar with the process that led to the inclusion of almost all the Navy's Research and Development Laboratories on the base closure list, and I can tell you that process was flawed almost from beginning to end. And I know for certain that the transfer of the Naval Air Development Center will neither save the taxpayers money nor enhance our national defense.

For that reason, I will support this resolution of disapproval, and I urge my colleagues to do the same.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the resolution.

Everyone recognizes that our current and future defense budgets simply cannot support our present military infrastructure. And, regardless of how painful base closings are for impacted communities, bases must be closed.

Many serious and legitimate concerns were raised as to the political nature of the base closure recommendations when Secretary Cheney released his first list in January 1990. Because of these concerns, Congress included legislation as part of the fiscal year 1991 Defense authorization bill which put in place a clear, objective, and fair process for closing bases. Under these provisions, a bipartisan commission was appointed to conduct a thorough review of the Defense Secretary's base closure recommendations.

The seven Commissioners, and particularly the Commission Chairman, our former colleague Jim Courter, are to be commended highly for the open, objective, and independent manner in which they approached this very difficult task. Each Member of Congress and each affected community were given full access to the Commission. The Commission listened to testimony, scrubbed the numbers, and made its recommendations on the merits of each base.

In my own district, the Sacramento Army Depot was included on Defense Department's list of proposed closures. Unlike other communities, though, the Sacramento community agreed that the Sacramento Army Depot should be closed when it went before the Commission. We also stated, however, that in order to achieve the greatest cost savings, bases must be closed in a businesslike manner. Interservice rivalries had to be overcome and the consolidation of facilities across service lines had to be a part of any serious effort to streamline our military base infrastructure. Cross-service consolidation and interservicing are the only ways to eliminate redundant, underutilized facilities throughout all three Military Departments.

During its deliberations, the Commission rejected conventional Pentagon rivalries and continued to be impressed by the notion of interservicing that the Sacramento community advocated. In its final report, while the Commission recommends the closure of the Sacramento Army Depot, the Commission also requires that the workload at the Army Depot be competed between the Sacramento Air Logistics Center at McClellan Air Force Base and five other Army facilities. This requirement rejects the original DOD plan which called for moving all of the Army depot's workload without any competition to other Army facilities around the country.

Rather than continue to separate logistics functions according to each military department, the Commission's recommendation tries to achieve even greater savings by eliminating DOD-wide duplication of maintenance activities and enhancing the interservicing of maintenance and logistics functions. In addition, and most importantly of all, the Commission's recommendation, with respect to the Sacramento Army Depot, will establish a real world competition to determine where the workload can be performed most effectively and at the least cost. Furthermore, it enables the Sacramento community, which already has the trained personnel and know-how, to compete for this workload to keep jobs in Sacramento, but move the work to McClellan Air Force Base.

In the final analysis, the Commission's recommendations will save money and is in the best interest of the Department of Defense and the American taxpayer. I urge my colleagues to support the Commission's recommendations and oppose the resolution of disapproval.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise today to express my disapproval of a proposal wrongly included by Commission on Base Realignment and Closure in the Commission's recommendations regarding military bases. I am referring to the Commission's decision to exercise jurisdiction over the reorganization of the U.S. Army Corps of Engineers.

The Commission was created by Congress with the specific purpose of examining the proposed realignment and closure of military bases. Like many Members from both Houses and on both sides of the aisle, I submitted testimony to the BRAC Commission, arguing that the reorganization of the Corps of Engineers is not within the Commission's purview.

The U.S. Army Corps of Engineers has a significant civil works mission; in Kansas City, civil works projects include the management of numerous lakes throughout Missouri, Iowa, Kansas, and Nebraska, controlling the Missouri River flows, and continuing their important role in other water resource issues. When Secretary Cheney announced his intention to separate the reorganization of the corps from the BRAC–91 process, it was my understanding that the committees with jurisdiction over the nonmilitary functions would determine if such a reorganization is necessary, and if so, assist in developing the criteria by which the Corps will be reorganized.

Something as important as the reorganization of the Corps of Engineers—which will affect not only the Corps' employees, but members of communities who depend on a strong working relationship with the corps—demands careful congressional scrutiny.

I have strong reservations about the inclusion of the Corps reorganization plan in the BRAC process because such a decision is outside the Commission's jurisdiction. It is unfortunate that a decision as significant as this, in terms of its long-term impact, will be made in the absence of congressional ability to separate and address the issues surrounding the Corps of Engineers. Members who might oppose reorganization of the corps are now forced to base their vote on an unrelated decision regarding the closure and realignment of military bases.

It is also unfortunate that words to this effect in opposition to the exercise of jurisdiction by Commission have been ignored, but I feel it is important to continue my opposition to this part of this process.

Mr. SYNAR. Mr. Chairman, on July 1, 1991, the Defense Base Closure and Realignment Act of 1990 released its recommendations, which called for closing 34 installations and realigning activities at 48 others. According to the Commission's analysis, these actions would save $2.3 billion between 1992 and 1997 and $1.5 billion annually after that.

I will not oppose the BRAC Commissions recommendations. The Commission followed the mandate of Congress to provide a fair process that will result in the reasonable and appropriate closure and realignment of our country's military bases, and will save our country billions of dollars.

I am disappointed, however, that the Commission's final recommendations include the Corps of Engineers reorganization proposal. I do not believe Public Law 101–510 gives the Commission the authority to propose reorganization of the corps. Unlike the Commission's expansive study of military base closures, the Commission virtually ignored to review and evaluate the mission and purpose of the Corps of Engineers in its final plan.

This study, developed without congressional consultation, calls for 14 corps district offices to be closed or realigned and reducing the number of division offices from 10 to 6. While Congress has previously authorized a study of corps organization structure, the development of a specific, detailed reorganization plan was neither contemplated nor authorized by the legislative, oversight or appropriations committees. Such a major reorganization demands careful congressional scrutiny. In this case, however, the corps has done its reorganization study without any outside review or analysis.

The realignment of the corps will not be initiated until July 1, 1992, unless legislation is enacted by the Congress providing an alternative realignment by July 1, 1992, in which event the Secretary of Defense will initiate the realignment as determined by the legislation.

As chairman of the Government Operations Subcommittee on Environment, Energy, and Natural Resources I am charged with oversight of the civil activities of the U.S. Army Corps of Engineers. Through my chairmanship of this subcommittee and my 13 years of service on behalf of the Second District of Oklahoma, I have become very familiar with the corps and the Tulsa district office's performance of its civilian activities.

The Tulsa district office has major water project management responsibilities affecting thousands of consumers and businesses in Oklahoma and surrounding States. The Tulsa district office oversees almost 50 percent of all corps municipal industrial water contracts; 121 municipal industrial water projects in all. The water management responsibilities include managing 140 miles of the 445-mile McClellan-Kerr River Navigation Waterway, operating 37 lakes and reservoirs, and monitoring the hydropower control on 50 State and Bureau of Reclamation lakes. The Tulsa corps office is also responsible for managing 14.7 percent of all lands managed by the corps, some 1.12 million acres.

Furthermore, the Environment, Energy, and Natural Resources Subcommittee has conducted considerable oversight investigations over the past 7 years into the serious environmental problems facing the Departments of Energy and Defense. Because of the subcommittee's jurisdiction over EPA, the subcommittee continually follows that Agency's progress in carrying out its Superfund cleanup responsibilities. In this respect, I am sure the Commission is well aware that, because of technical and engineering expertise, the Tulsa district office plays an increasingly critical support role in all these efforts—work which may well be jeopardized by the corps' new closure and realignment proposals.

Indeed, the corps' own reorganization study emphasizes that the Corp's Support for Others Program is "* * * oriented toward the EPA Superfund, DOD Environmental Restoration, work for the Department of Energy and other Federal agencies, and foreign military sales. Although workload is difficult to predict, there are very strong possibilities of significant increases, both in size and complexity. Thus, we predict an upward trend in the Support for Others mission."

Moreover, the next paragraph goes on to highlight the importance of the corps' environmental work for DOD, stating the Department expects "* * * a significant long-term workload increase due to the Defense Environmental Restoration Program [DERP] and the environmental compliance programs."

I am hard pressed to believe it can be in the Nation's interest to undertake a reorganization proposal which might adversely affect the corps' ability to assist its sister agencies in these critically important environmental restoration efforts—environmental problems which, as you know, have been neglected for decades.

Given the vast responsibility of the Tulsa district office, I have concerns that this decision has not been reviewed with the increasing management responsibilities or long-term savings in mind. I believe Congress should carefully scrutinize the purported savings estimated by the corps from the proposed consolidation of district offices. I am not convinced that the 37 reservoirs, detailed water management functions, and more than 1 million acres of land currently the responsibility of the Tulsa office will be better managed from locations in two other States several hundred miles farther away from the projects.

The kinds of serious questions and concerns I have addressed are not unique to the Tulsa district office. Indeed, compelling questions have been raised with respect to the validity of the corps' assertions about the need for many of these closures and realignments and the corps' suggestions of overall efficiency improvements. So many, in fact, that my Subcommittee on Environment, Energy, and Natural Resources has initiated an oversight review of the corps' realignment proposals.

The subcommittee will use the information to thoroughly evaluate the soundness of the proposal and forward this information to the appropriate legislative committees. The subcommittee findings will be essential for any new plan the Congress will develop.

Mr. FORD of Michigan. Mr. Chairman, as the House considers disapproving the Defense Base Closure and Realignment Commission's report, I would like to call to the attention of my colleagues a provision of that report which has not been adequately addressed in the uproar over the proposed base closures. This provision is BRAC's recommendation regarding the realignment of the Army Corps of Engineers. A part of this recommendation is the consolidation of all the Great Lakes Region Corps offices, including the Detroit office, into one office at Buffalo. While the BRAC report has delayed implementing this recommendation until next year, it asserts its plan to do so if the committees of jurisdiction in the House and the Senate do not undertake the appropriate review and achieve the passage of legislation reorganizing the corps in some form. I joined my friend Congressman JOHN DINGELL, along with 57 other Great Lakes regional colleagues, in urging Chairman ROE to heed BRAC's warning and lead his committee in studying this reorganization plan and coming up with a better one. I submit a copy of this letter for the RECORD.

The impact of eliminating all of the Great Lakes region Army Corps of Engineers offices will certainly be detrimental. Congress cannot abdicate its responsibility in this matter by allowing BRAC's unscrutinized recommendations to be implemented.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1990.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: Representing more than 50 Congressional districts throughout 5 States in the Great Lakes Region, we are writing to you to express our deep concern over the U.S. Army Corps of Engineers' reorganization study proposing to eliminate the Detroit and Chicago Regional Offices and the St. Paul District Office, and to place jurisdiction over the vast majority of the Great Lakes region in the Buffalo District Office.

We are concerned that this proposal would create great inefficiencies and drastically undermine the ability of the Corps to provide planning, maintenance, and supervision to the Great Lakes region. Consolidating the Great Lakes regional offices in the geographically Eastern-most corner of the region will present a significant impediment to providing supervision and oversight of the Corps' Great Lakes projects. Distancing major research institutions and agencies responsible for formulating Great Lakes preservation and management policies, and removing offices located closest to the most heavily concentrated Corps' Great Lakes projects will severely impede coordination and development. Additionally, closing the St. Paul District Office and moving its functions will jeopardize the Corps' close working relationship with officials in five upper Midwest States and Canada.

We share your view that the Corps' reorganization proposal demands careful congressional scrutiny by the Public Works and Transportation Committee and urge you to hold hearing on this important issue prior to the adjournment of the first session of the 102d Congress. Congress must have the opportunity to review the Corps' recommendations which were conducted without any outside review or analysis. Furthermore, we believe that in choosing to ignore its own carefully conducted studies ranking the Detroit, Chicago, and St. Paul offices above the Buffalo office in every major category, the Corps have elevated the necessity of prompt and intensive congressional review.

We thank you for your attention to this request and look forward to your response.

Sincerely yours,

John D. Dingell, David R. Obey, Philip R. Sharp, Bruce F. Vento, Sidney R. Yates, Barbara-Rose Collins, Robert H. Michel, Dan Rostenkowski, James L. Oberstar, Bob Traxler, William O. Lipinski, Frederick S. Upton, Les Aspin, William D. Ford.

Peter J. Visclosky, David E. Bonior, Carl D. Pursell, George E. Sangmeister, Frank Annunzio, F. James Sensenbrenner, Jr., Guy Vander Jagt, John Conyers, Jr., William S. Broomfield, Jim Moody, Henry J. Hyde, Dennis M. Hertel, Martin Olav Sabo, Marty Russo, Terry L. Bruce, Richard J. Durbin.

Robert W. Davis, Sander M. Levin, J. Dennis Hastert, Dale Kildee, Gus Savage, Toby Roth, Timothy J. Penny, Charles A. Hayes, Jill Long, Paul B.

Henry, Bob Carr, Howard Wolpe, Steve Gunderson.

Glenn Poshard, Scott Klug, John W. Cox, Jr., Thomas W. Ewing, Gerry Sikorski, Andrew Jacobs, Jr., Tim Roemer, Dave Camp, Collin C. Peterson, Jim Ramstad, Jim Jontz, Cardiss Collins, Philip M. Crane.

Members of Congress.

Mr. MARTIN. Mr. Chairman, I yield back the balance of my time.

Mr. FOGLIETTA. Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

Pursuant to section 2908 of Public Law 101-510, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. DERRICK] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 308) disapproving the recommendations of the Defense Base Closure and Realignment Commission, reported the joint resolution back to the House.

The SPEAKER pro tempore. Pursuant to section 2908 of Public Law 101-510, the question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 60, nays 364, not voting 9, as follows:

[Roll No. 232]

YEAS—60

Alexander
Andrews (NJ)
Atkins
Bentley
Borski
Bruce
Burton
Camp
Campbell (CO)
Condit
Costello
Coughlin
Coyne
Davis
DeLauro
Donnelly
Durbin
Early
Emerson
Evans
Foglietta
Frost
Gaydos
Gejdenson
Geren
Gray
Hayes (LA)
Hertel
Holloway
Huckaby
Hughes
Jacobs
Jontz
Kennedy
Kennelly
Kolter
Kostmayer
McCloskey
McDade
McMillen (MD)
Murphy
Murtha
Myers
Natcher
Neal (MA)
Owens (NY)
Pallone
Panetta
Perkins
Rhodes
Ridge
Schroeder
Shuster
Snowe
Swett
Tallon
Thornton
Traficant
Traxler
Weldon

NAYS—364

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Byron
Callahan
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Dwyer
Dymally
Eckart
Edwards (OK)
Edwards (TX)
Engel
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Nagle
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bustamante
Campbell (CA)
Edwards (CA)
Hefner
Hopkins
Oberstar
Roemer
Waxman
Yatron

□ 1836

Mrs. LLOYD and Mr. ACKERMAN changed their vote from "yea" to "nay."

Messers. MCMILLEN of Maryland, MCDADE, and SWETT changed their vote from "nay" to "yea."

So the joint resolution was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 308, the joint resolution just considered, on the House Joint Resolution 313, the joint resolution passed earlier today.

The SPEAKER pro tempore (Mr. CONDIT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL EXPLANATION

Mr. ROEMER. Mr. Speaker, during rollcall vote No. 232 on House Joint Resolution 308, I was unavoidably detained. Had I been present I would have voted "no".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow.

HOLLYWOOD AND TELEVISION: THE WAR ON STANDARDS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN of California. Mr. Speaker, this morning I would like to extend my remarks with two articles submitted for the RECORD, one from the Los Angeles Times by Robert Lichter that is entitled "Prime Time Goes Politically Correct."

Listen to this opening paragraph:

Hollywood, not content to entertain, pushes its liberal agenda on the masses; the result is advotainment.

The nation's television critics who descend on Los Angeles this month to preview the new prime-time offerings will see a fantasy world derived less from the lives of the viewing audience than from Hollywood's political agenda. Prime-time fare is mutating into a kind of "advotainment" that places entertainment in the service of political advocacy. Given the current political cast of the creative community there is no doubt about the new direction of prime time: TV is going PC.

That "PC" means "politically correct."

In addition to Mr. Lichter's article I would put in one from the American Legion magazine called "The War on Standards," by one of the best television and motion picture critics extant today, Michael Medved. The subtitle of the article is "Ugliness Has Been Enshrined as a New Standard as the Ability to Shock Becomes a Replacement for the Ability to Inspire."

The articles referred to are as follows:

PRIME TIME GOES POLITICALLY CORRECT

(By S. Robert Lichter)

Hollywood, not content to entertain, pushes its liberal agenda on the masses; the result is advotainment.

The nation's television critics who descend on Los Angeles this month to preview the new prime-time offerings will see a fantasy world derived less from the lives of the viewing audience than from Hollywood's political agenda. Prime-time fare is mutating into a kind of "advotainment" that places entertainment in the service of political advocacy. Given the current political cast of the creative community, there is no doubt about the new direction of prime time: TV is going PC."

Examples of "politically correct" programming are legion. Last season, viewers of "L.A. Law" learned that the U.S. Army indiscriminately butchered Panamanian civilians during the 1989 invasion. On "thirtysomething," angst-ridden Michael quit his advertising agency because it blacklisted an actor opposed to the Gulf War. Next season promises more of the same, as the "new history" filters down to the small screen. On "I'll Fly Away," a white district attorney and his black housekeeper will fight racism in the 1950s South. On "Home Front," returning World War II veterans and their wives will confront job discrimination, sexism and changing social mores.

Sometimes TV's PC sensibility is expressed in plot lines based on headlines. Thus, "Shannon's Deal" featured a CIA-run drugs-for-weapons scheme that recalled the Iran-Contra scandal. One of "My Two Dads" went to jail for dumping pollution into an oil company's toilets, to protest against the way they "treat our world like a toilet." Other times the producers' politics are built right into a lead character, like "Rosie O'Neill's" Establishment-fighting public defender. Finally, PC politics pop up in lines of dialogue. "Murphy Brown" calls Jesse Helms "an embarrassment to primates," and students on "Head of the Class" learn that the Reagan Administration was where "fact and fiction finally came together." Could anyone imagine similar cracks about, say, Jesse Jackson and Jimmy Carter turning up on prime time?

No longer content merely to entertain, television's creators increasingly seek to educate their audience. The stars of hit shows spend their nights battling social injustice on the tube and their days testifying before Congress on the issues they dramatize. Thus, a docudrama on Oliver North's career aired while the controversial colonel's trial was in progress. * * *

Prime time wasn't always like this. Until the late 1960's, television's alternate reality was dominated by the private lives of traditional families and the protection of society by high-minded law enforcers. Social institutions worked, moral codes were clear-cut, life's problems were manageable and the people in charge could usually be trusted to manage them pretty well. At that point television discovered a brand of left-wing populism that began to populate the airwaves with evil business executives and crooked cops, families buffeted by social inequities and maverick good guys who had to fight the system in order to make it work. These trends gradually intensified to produce the current prime-time social agenda, which features heavy criticism of social institutions from business to the justice system; endorsement of feminism, environmentalism and liberal sexual mores, and championing the victims of social prejudices from racism to homophobia.

There is much to be said for a genre of popular entertainment that engages real-world issues rather than running from them. The problem is that these issues are filtered through the prism of Hollywood's singular political consciousness. Television preaches a kind of Porsche populism that reflects the industry's socially liberal and cosmopolitan sensibility. Our survey of top writers, producers and studio executives found that three out of four place themselves on the political left and four out of five vote Democratic in presidential elections.

Even more telling is our finding that two-thirds of Hollywood's creative elite believe that TV entertainment should play "a major role in promoting social reform." Hollywood's insular political culture, combined with its increasing zeal for social activism, raises the possibility that issue-oriented programming will degenerate into political propaganda. Not everyone has qualms about this.

Feminist producer Linda Bloodworth-Thomason ("Designing Women") says bluntly, "It's 23 minutes of prime-time television . . . to address any topic I want. I'd be lying if I didn't say I put my personal opinions in. I do get my own propaganda in." Little wonder that producers have begun working closely with activist groups to integrate their messages in the prime-time schedule on a continuing basis.

Conspicuously absent from prime time's laundry list of "socially responsible" images are portrayals of such middle American concerns as religious faith, old-fashioned patriotism, and even occasional respect for authority. Far from reflecting the concerns of its audience, Hollywood is challenging life in America to imitate art. The goal is to guide middle-American tastes in the direction of intellectual and political trends emanating from New York and Los Angeles.

It may seem unlikely that the great American dream machine should opt for social engagement over escapism, but no more so than academia's recent turn from education toward indoctrination. In both cases the rise of PC proceeded from a similar mind-set. As producer and industry activist Lynne Guber puts it, "If (viewers) think they're being preached to, they must ask themselves how they created the situation of having to be preached to. The reason we have to tell them what is happening is because they created the problem themselves in the first place."

THE WAR ON STANDARDS

(By Michael Medved)

Everywhere around us, in every realm of artistic endeavor, we see evidence of the rejection of traditional standards of beauty and worth. In the visual arts, in literature, in film, in music of both popular and classical variety, ugliness has been enshrined as a new standard, as we accept the ability to shock as a replacement for the old ability to inspire.

In film, the art form which I most regularly consider, the process of degradation has already reached levels that should lead all thoughtful critics to despair for the future of the medium. Indescribable gore drenches the modern screen, even in movies allegedly made for families. And the most perverted forms of sexuality—loveless, decadent, brutal and sometimes incestuous—are showing regularly at a theater near you.

Perhaps you haven't seen *The Grifters*, a critical favorite of the last few months. Oscar winner Anjelica Huston co-stars with John Cusak in a story about the sexual tension between a mother-and-son team of con artists. In the climactic sequence. Huston attempts to seduce her boy in order to steal his money, but this heart-warming family reunion ends with blood spurting endlessly from his severed jugular vein.

This kind of work is regularly described as high art, along with another sort of ugliness that is even more commonly celebrated on movie screens today. Film after film centers on characters who are, fundamentally, despicable—amoral losers who give us nothing to admire, nor even to care about.

In years past, in the heyday of Gary Cooper, Jimmy Stewart and Katharine Hepburn, Hollywood was accused of creating characters who were larger than life, more deeply lovable and admirable than people in the real world. Today, the movie business regularly offers us characters who are smaller than life, who are less decent, less intelligent, less noble than our own friends and neighbors. Four years ago, George Roche wrote an eloquent and important book that highlighted the threat within our culture to those values of civilization and faith that many of us hold most dear. The name of the book was *A World Without Heroes*. And that is precisely the sort of world that Hollywood portrays again and again on screen. It is a world in which ugliness and emptiness emerge as the new standard for our society.

The second front in this war against standards involves an attack on the family that seems to gather new force with every passing year. For thousands of years, society has acknowledged the fact that a permanent partnership between a man and a woman, for the purpose of nurturing children, offers the best chance of human happiness and fulfillment. This fundamental notion has not only been challenged in recent years, it has been assaulted with unparalleled ferocity by some of the most powerful forces in our culture.

The popular music business, for instance, has become a global enterprise of staggering proportions that generates billions of dollars every year through the simple-minded glorification of animal lust.

Once upon a time, parents worried about the impact of idolized crooners like Frank Sinatra, Elvis Presley, or the Beatles, but these performers were tender, wholesome romantics compared to today's music scene. The singers of yesterday certainly exploited sexuality as part of their appeal, but the fantasies they purveyed in their songs still centered on long-term emotional relationships between men and women. What is most striking about the popular music of the moment is the cold, bitter and sadistic edge to the vision of fleeting sex it promotes.

Another message of the music that is ceaselessly reinforced by television and movies is the perverse but pervasive idea that "kids know best." Teen-agers are regularly portrayed as the source of all wisdom, sanity and sensitivity, while their parents are shown as hopeless, benighted clowns. With Bart Simpson regularly turning up on all lists of the most admired Americans, we've certainly come a long way from the Andy Hardy model, with young Mickey Rooney learning life's lessons from his father, the stern but kindly judge. This new idea that children have all the answers, and have to show the older generation how to live and how to adjust to the brave new world around them, is a hold over from the destructive obsessions of the '60s youth culture, and it poisons the climate for family life.

According to the Census Bureau, two-thirds of all American adults are currently married, but movies today focus overwhelmingly on single people. If you want to test this premise, all you have to do is pick up a copy of any metropolitan newspaper and read the entertainment section to see what's playing at your local theaters. The number of films about single people will outnumber the films about married people by a ratio of five or six to one. And even those relatively rare films that do make an attempt to show life within a family will most often depict a marriage that is radically dysfunctional.

Apparently, some stern decree has gone out from the upper reaches of the Hollywood establishment that love between married people must never be portrayed on screen. If a wedding occurs in the course of a film, it invariably marks the conclusion of a romance, never the beginning nor the middle of the love relationship.

Even those films that seem to celebrate the joys of child-rearing display a contemptuous attitude toward marriage. A few years ago, Hollywood discovered that babies could serve as a major draw at the box office, and attempted to lure moviegoers with a series of diapers-and-formula fantasies. The three most successful of these films, *Three Men and a Baby*, *Look Who's Talking*, and *Baby Boom*, featured single people in the parental roles. The underlying message could hardly be more clear: Infants may be cute and cuddly and desirable, but they are best enjoyed without the inconvenient entanglements of marriage. This is precisely the sort of irresponsible message that encourages the tragic epidemic of out-of-wedlock births that is sweeping the country.

With its single-minded focus on unmarried characters, the movie industry converts the idea that it's exciting to live on your own, but boring and stifling to live within a marriage. The unspoken assumption is that married people never experience anything that's interesting enough to be dramatized in a feature film. There are many sociological and psychological reasons that couples break up, but can anyone doubt that the popular culture's determined assault on the traditional family has contributed to the problem?

This brings us to the third front in the current culture wars, and perhaps the most crucial battlefield of all, and that is the attempt to undermine organized religion. A war against standards leads logically and inevitably to hostility to religion, because it is religious faith that provides the ultimate basis for all standards. The God of the Bible is not a moral relativist, and He is definitely judgmental. The very nature of the Judeo-Christian God is a Lord who makes distinctions. To the extent that we as human beings feel that we are created in God's image, we make distinctions too, and we have standards.

That is a position that is honored by millions upon millions of our fellow citizens, but it is regularly ridiculed in the mass media. One of the national television networks has chosen to promote its most popular show with a scene that mocks a family saying grace. With the Simpsons solemnly gathered around their cartoon dinner table, Bart intones: "Dear God, we pay for all this stuff ourselves, so thanks for nothing."

Meanwhile, the federal government pays to display a crucifix immersed in a jar of the artist's own urine; and the nation's most prominent vocalist, Madonna, abuses Christian symbols and sacraments in sexually explicit music videos commonly viewed by children.

When I try to discuss some of these issues with working professionals in the entertainment industry, they usually offer the same response: "Nobody's forcing people to see these movies," they'll say. "If you object to the messages that you're getting from a piece of creative work, then you can exercise your right to avoid that film, or to switch that channel on your TV set, or to turn your radio off. If something offends you, then it's easy to tune it out."

Unfortunately, they're wrong. Popular culture is an overwhelming and omnipresent force in this society; not even the most determined and conscientious efforts can effectively insulate you, or your children, from its powerful reach. The point is that you can say to yourself, "I'll just tune out the messages of the media," but it's not possible today. In the past, if you talked about popular culture, you meant going to a movie theater perhaps once a week and paying your money to see a single show. But modern technoloical advances have brought us boom boxes, and Walkmans and VCRs, television and MTV. The messages, the images, are everywhere around us, and seep into every corner of our lives.

Is it a coincidence that the war on standards in art, music, television and film, corresponds with increasingly destructive behavior on the part of the young people who are the most devoted consumers of these media? Is there no connection between the media's obsession with crime and violence and the fact that the number of 14 to 17 year olds who were arrested in 1990 was 30 times what it was in 1950?

The rate of out-of-wedlock births in this country has increased by 500 percent since 1960, and 1 out of 10 of all teen-age girls will become pregnant in 1991. The Centers for Disease Control recently reported that more than a quarter of American females have engaged in sexual intercourse by age 15—five times the rate that prevailed as recently as 1970. How can media moguls plausibly maintain that these behavioral trends have nothing to do with the sex-drenched popular culture that plays such a central, all-consuming role in lives of so many young Americans?

Ironically, the leaders of the entertainment industry downplay the significance of their own work, insisting that the fantasies they have created have no influence on anyone. The networks and the studios have commissioned studies from various experts to support their appallingly illogical contention that violence on screen has no connection to violence in real life, and intensely sexual material does nothing to encourage promiscuity.

This same industry then turns around and asks advertisers to pay hundreds of thousands of dollars for 30 seconds of air time in the hope that this fleeting exposure will directly alter the public's buying behavior. Don't they grasp the internal contradiction here? On the one hand, we're told that an hour of television programming has no real world consequences whatsoever, and on the other we're led to believe 60-second spots that occasionally interrupt this program are powerful enough to change public perceptions of everything from canned goods to candidates.

The industry is right when it touts the impact of media images, but I can't accept the contention that motion pictures, and song lyrics, and music videos and TV shows are somehow less influential than commercials. That is why the current war on standards in the popular culture is such an important struggle for America's future. I believe that this will be the issue of the 1990s, the issue of values, of trying to maintain standards against those who are seeking to erase them altogether.

There's a tendency at both ends of the political spectrum to confuse this question with absolutist claims about the need for censorship versus the protection of the First Amendment. Expanded censorship is not the answer, and attempts to move in that direction will prove counter-productive.

The key issues in the current conflict won't be decided in the halls of Congress or the offices of the federal bureaucracy. They will be settled, as fundamental questions are always settled most effectively in America, through the application of free-market principles and displays of private-sector determination and resourcefulness.

Part of this process will no doubt involve sponsor boycotts, direct protests, letter-writing campaigns and other forms of organized pressure. These tolls are far more appropriate than new governmental regulation, which is at best, a blunt, sloppy and ineffective instrument. A group called CLEAR TV—Christian Leaders for Responsible Television—already has enjoyed some notable success. They recently pushed Burger King, one of the largest advertisers on network television, to take out a series of newspaper ads in which the company pledged its support for family values, and promised to apply those values in judging any future TV shows it will sponsor.

While environmentalists are employing all means available to persuade major corporations to stop polluting our air and water, we should use similar persuasion to prevent the further pollution of our culture. It's high time to broaden our sense of corporate responsibility to include a serious consideration of the long-term impact of the entertainment that a company may produce or sponsor.

As part of the continuing struggle, we must do more than protest the bad; we should also begin promoting the good, and providing uplifting alternatives to the trash that currently dominates the scene. It's a sad fact that talented individuals with traditional convictions or religious scruples have too often shunned active involvement in show business because of that arena's longstanding reputation for sleaziness. Unfortunately, this means abandoning the field to the sickos and sybarites, and you see the results on your television and movie screens. Let the call go out immediately: The outnumbered good guys in Hollywood desperately need reinforcements.

Keep in mind that the entertainment industry is one area of endeavor in which a few gifted individuals can still make an enormous difference. The American people have shown that they are ready to respond when given the opportunity, as in the utterly unexpected $100 million success of a wholesome, life-affirming film project like *Driving Miss Daisy*.

Even more recently, an unheralded, low-budget picture called *China Cry* demonstrated once again that good values can mean good box office. This off-beat production, funded by a determined group of evangelical Christians, may not be the greatest film ever made, but it's a heartfelt, passionate piece of movie making about a young woman who undergoes a religious conversion while suffering persecution at the hands of the Chinese communists. Without well-known stars or any promotion budget to speak of, this audacious little picture has drawn an amazing response from the public, averaging more than $6,000 per screening in its first weeks of release. This means that in multiplex theaters where it has played alongside big budget major studio productions, it has easily clobbered films such as *Rocky* or *Goodfellas* or *Predator II*. We need more films like *China Cry*, but we'll only get them if concerned individuals are willing to roll up their sleeves to dirty their hands, and to get to work, outside the mainstream if necessary, to change the direction of popular culture.

The change, when it comes, will amount to nothing less than a grassroots revolution. It won't flow from the top down, but from the bottom up. If we place all our faith in a few bigwigs in Los Angeles, or New York, or Washington, nothing will happen. We must rely instead on a thousand different centers of energy and dedication, in every corner of these United States, to make sure that popular culture will once again reflect, and encourage, the fundamental goodness of our people.

□ 1840

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3029) entitled, "Food, Agriculture, Conservation, and Trade Act Amendments of 1991," as amended.

The Clerk read as follows:

H.R. 3029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food, Agriculture, Conservation, and Trade Act Amendments of 1991".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AGRICULTURAL COMMODITY PROGRAMS

Sec. 101. References.
Sec. 102. Conserving use acres.
Sec. 103. Double cropping of 0/92 acres.
Sec. 104. Announcement of acreage reduction programs for rice.
Sec. 105. Corn and sorghum bases.
Sec. 106. Cover crops on reduced acreage.
Sec. 107. Production of black-eyed peas for donation.
Sec. 108. Cotton user marketing certificates.
Sec. 109. Malting barley.
Sec. 110. Deficiency payments for wheat and feed grains.
Sec. 111. Minor oilseeds loan rates.
Sec. 112. Sugar.
Sec. 113. Crop acreage base.
Sec. 114. Miscellaneous amendments to the Agricultural Act of 1949.
Sec. 115. Miscellaneous amendments to the Food, Agriculture, Conservation, and Trade Act of 1990.
Sec. 116. Miscellaneous amendments to the Agricultural Adjustment Act.
Sec. 117. Miscellaneous amendments to the Agricultural Adjustment Act of 1938.
Sec. 118. Section redesignation.
Sec. 119. Other miscellaneous commodity amendments.
Sec. 120. Sense of Congress regarding imported barley.

TITLE II—CONSERVATION

Sec. 201. Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990.
Sec. 202. Amendment to the Soil Conservation and Domestic Allotment Act.
Sec. 203. Amendments to the Food Security Act of 1985.

TITLE III—TRADE RELATED TECHNICAL CORRECTIONS

Sec. 301. Superfluous punctuation in farmer to farmer provisions.
Sec. 302. Punctuation correction in Enterprise for the Americas Initiative.
Sec. 303. Spelling correction in section 604.
Sec. 304. Missing word in section 606.
Sec. 305. Punctuation error in section 607.
Sec. 306. Typographical correction in section 612.
Sec. 307. Erroneous quotation.
Sec. 308. Elimination of superfluous words.
Sec. 309. Erroneous cross reference correction.
Sec. 310. Punctuation correction.
Sec. 311. Date correction.
Sec. 312. Missing subtitle heading correction.
Sec. 313. Redesignation of subsection.
Sec. 314. Date correction to section 404.
Sec. 315. Date correction to section 411.
Sec. 316. Redesignation of section.
Sec. 317. Cross reference correction.
Sec. 318. Placement clarification.
Sec. 319. Punctuation correction.
Sec. 320. Redesignation.
Sec. 321. Elimination of obsolete cross reference.
Sec. 322. Conforming amendment relating to the Environment for the Americas Board.
Sec. 323. Correcting clerical errors in section 204 of the 1978 Trade Act.
Sec. 324. Capitalization correction.
Sec. 325. Correction of error in date.
Sec. 326. Correction of typographical error.
Sec. 327. Cross reference correction.
Sec. 328. Elimination of superfluous word.
Sec. 329. Cross reference correction.
Sec. 330. Amendment to section 602.
Sec. 331. Section 407 corrections.
Sec. 332. Section 407(b) amendment.
Sec. 333. Supplemental views in annual report.
Sec. 334. Consultations with Congress.

TITLE IV—RESEARCH

Sec. 401. Competitive, special, and facilities research grants.
Sec. 402. National Agricultural Research, Extension, and Teaching Policy Act of 1977.
Sec. 403. Rural development and small farm research and education.
Sec. 404. National Genetic Resources Program.
Sec. 405. Alternative agricultural research and commercialization.
Sec. 406. Deer tick research.
Sec. 407. Miscellaneous research provisions.

TITLE V—CREDIT

Sec. 501. Amendments to the Consolidated Farm and Rural Development Act.
Sec. 502. Amendments to the Farm Credit Act of 1971.
Sec. 503. Effective date.

TITLE VI—CROP INSURANCE AND DISASTER ASSISTANCE

Sec. 601. Federal crop insurance.
Sec. 602. Disaster relief.

TITLE VII—RURAL DEVELOPMENT

Sec. 701. Amendments to the Consolidated Farm and Rural Development Act.
Sec. 702. Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990.
Sec. 703. Amendments to the Rural Electrification Act of 1936.

TITLE VIII—AGRICULTURAL PROMOTION

Sec. 801. Short title.
Sec. 802. Pecans.
Sec. 803. Mushrooms.
Sec. 804. Potatoes.
Sec. 805. Limes.
Sec. 806. Soybeans.
Sec. 807. Honey.
Sec. 808. Cotton.
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TITLE IX—MISCELLANEOUS TECHNICAL CORRECTIONS
Sec. 901. Technical and other corrections relating to food and nutrition programs.
Sec. 902. Organic certification.
Sec. 903. Agricultural fellowships.
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Sec. 905. Protection of pets.
Sec. 906. Critical agricultural materials.
Sec. 907. Federal Insecticide, Fungicide, and Rodenticide Act and related provisions.
Sec. 908. Grain standards.
Sec. 909. Packers and stockyards.
Sec. 910. Redundant language in Warehouse Act.
Sec. 911. Perishable agricultural commodities.
Sec. 912. Exemption of pizza from definition of meat food product.

TITLE I—AGRICULTURAL COMMODITY PROGRAMS

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title a section is amended, repealed, or referenced, such amendment, repeal, or reference shall be considered to be made to that section of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

SEC. 102. CONSERVING USE ACRES.

(a) RICE.—Section 101B(c)(1) of such Act (7 U.S.C. 1441-2(c)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) ALTERNATIVE CROPS.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (D) to be devoted to—

"(i) sweet sorghum, guar, sesame, castor beans, crambe, high-erucic acid oilseeds, millet, plantago ovato, triticale, rye, or mung beans;

"(ii) commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States; or

"(iii) commodities grown for experimental purposes, including kenaf and milkweed.".

(b) COTTON.—Section 103B(c)(1) of such Act (7 U.S.C. 1444-2(c)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) ALTERNATIVE CROPS.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (D) to be devoted to—

"(i) sweet sorghum, guar, sesame, castor beans, crambe, high-erucic acid oilseeds, millet, plantago ovato, triticale, rye, or mung beans;

"(ii) commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States; or

"(iii) commodities grown for experimental purposes, including kenaf and milkweed.".

(c) FEED GRAINS.—Section 105B(c)(1)(F) of such Act (7 U.S.C. 1444f(c)(1)(F)) is amended by striking clause (i) and inserting the following new clause:

"(i) INDUSTRIAL AND OTHER CROPS.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) to be devoted to—

"(I) sweet sorghum, guar, sesame, castor beans, crambe, high-erucic acid oilseeds, millet, plantago ovato, triticale, rye, or mung beans;

"(II) commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States; or

"(III) commodities grown for experimental purposes, including kenaf and milkweed.".

(d) WHEAT.—Section 107B(c)(1)(F) of such Act (7 U.S.C. 1445b-3a(c)(1)(F)) is amended by striking clause (i) and inserting the following new clause:

"(i) INDUSTRIAL AND OTHER CROPS.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) to be devoted to—

"(I) sweet sorghum, guar, sesame, castor beans, crambe, high-erucic acid oilseeds, millet, plantago ovato, triticale, rye, or mung beans;

"(II) commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States; or

"(III) commodities grown for experimental purposes, including kenaf and milkweed.".

SEC. 103. DOUBLE CROPPING OF 0/92 ACRES.

(a) FEED GRAINS.—Section 105B(c)(1)(F) of such Act (7 U.S.C. 1444f(c)(1)(F)) is further amended by adding at the end the following new clause:

"(iii) DOUBLE CROPPING.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any portion of the acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) that is devoted to an industrial, oilseed, or other crop pursuant to clause (i) or (ii) to be subsequently planted during the same crop year to any crop described in subparagraph (B), (C), or (D) of section 504(b)(1). The planting of soybeans as such subsequently planted crop shall be limited to farms determined by the Secretary to have an established history of double cropping soybeans during at least three of the preceding five years. In implementing this clause, the Secretary shall require the producer to agree to forgo eligibility to receive a loan under section 205 for the crop of any oilseed produced on the farm under this clause.".

(b) WHEAT.—Section 107B(c)(1)(F) of such Act (7 U.S.C. 1445b-3a(c)(1)(F)) is further amended by adding at the end the following new clause:

"(iii) DOUBLE CROPPING.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any portion of the acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) that is devoted to an industrial, oilseed, or other crop pursuant to clause (i) or (ii) to be subsequently planted during the same crop year to any crop described in subparagraph (B), (C), or (D) of section 504(b)(1). The planting of soybeans as such subsequently planted crop shall be limited to farms determined by the Secretary to have an established history of double cropping soybeans during at least three of the preceding five years. In implementing this clause, the Secretary shall require the producer to agree to forgo eligibility to receive a loan under section 205 for the crop of any oilseed produced on the farm under this clause.".

(c) ESTABLISHMENT OF DOUBLE CROPPING HISTORY.—Section 503(a) of such Act (7 U.S.C. 1463(a)) is amended by adding at the end the following new paragraph:

"(4) ESTABLISHMENT OF DOUBLE CROPPING HISTORY.—For purposes of establishing and maintaining crop acreage base and planting history pursuant to a practice of double cropping for the 1991 through 1995 crops, a crop acreage base planted to a crop, other than the specific program crop, under section 504 shall be considered to be planted to the specific program crop.".

SEC. 104. ANNOUNCEMENT OF ACREAGE REDUCTION PROGRAMS FOR RICE.

Section 101B(e)(1) of such Act (7 U.S.C. 1441-2(e)(1)) is amended by striking subparagraph (C) and inserting the following new subparagraph:

"(C) ANNOUNCEMENTS.—

"(i) PRELIMINARY ANNOUNCEMENT.—If the Secretary elects to implement an acreage limitation program for any crop year, the Secretary shall make a preliminary announcement of any such program not later than December 1 of the calendar year preceding the year in which the crop is harvested. The announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform percentage reduction in the rice crop acreage base described in paragraph (2)(A).

"(ii) FINAL ANNOUNCEMENT.—Not later than January 31 of the calendar year in which the crop is harvested, the Secretary shall make a final announcement of the program. The announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform precentage reduction in the rice crop described in paragraph (2)(A).".

SEC. 105. CORN AND SORGHUM BASES.

Section 105B(e)(2) of such Act (7 U.S.C. 1444f(e)(2)) is amended by adding at the end the following new subparagraph:

"(H) CORN AND SORGHUM BASES.—Notwithstanding any other provision of this Act, with respect to each of the 1992 through 1995 crops of corn and grain sorghum—

"(i) the Secretary shall combine the permitted acreages established under subparagraph (D) for such farm for a crop year for corn and grain sorghum; and

"(ii) for each crop year, the sum of the acreage planted and considered planted to corn and grain sorghum, as determined by the Secretary under this section and title V, shall be prorated to corn and grain sorghum based upon the ratio of the crop acreage base for the individual crop of corn or grain sorghum, as applicable, to the sum of the crop acreage bases for corn and grain sorghum established for each crop year.".

SEC. 106. COVER CROPS ON REDUCED ACREAGE.

(a) RICE.—Section 101B(e)(4)(B) of such Act (7 U.S.C. 1441-2(e)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of rice under this subsection shall be required to plant to, or maintain as, an annual or perennial cover

50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of rice, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of such State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. Such State committee shall establish the final seeding date for the planting of such cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(b) COTTON.—Section 103B(e)(4)(B) of such Act (7 U.S.C. 1444-2(e)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of upland cotton under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of upland cotton, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of such State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. Such State committee shall establish the final seeding date for the planting of such cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(c) FEED GRAINS.—Section 105B(e)(4)(B) of such Act (7 U.S.C. 1444f(e)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of feed grains under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of feed grains, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of such State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. Such State committee shall establish the final seeding date for the planting of such cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(d) WHEAT.—Section 107B(e)(4)(B) of such Act (7 U.S.C. 1445b-3a(e)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of wheat under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of wheat, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of such State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. Such State committee shall establish the final seeding date for the planting of such cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

SEC. 107. PRODUCTION OF BLACK-EYED PEAS FOR DONATION.

(a) 50/92 PROGRAM FOR COTTON.—Section 103B(c)(1)(D) of such Act (7 U.S.C. 1444-2(c)(1)(D)) is amended by adding at the end the following new clause:

"(ix) BLACK-EYED PEAS FOR DONATION.—The Secretary shall permit, under such terms and conditions as will ensure optimum producer participation, all or any part of the acreage required to be devoted to conservation uses as a condition for qualifying for payments under this subparagraph to be devoted to the production of black-eyed peas if the producer agrees to donate the harvested peas from such acreage to a food bank, food pantry, or soup kitchen (as defined in paragraphs (3), (4), and (7) of section 110(b) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note)) that is approved by the Secretary.".

(b) ACREAGE REDUCTION PROGRAM.—Section 103B(e)(2) of such Act (7 U.S.C. 1444-2(e)(2)) is amended by adding at the end the following new subparagraph:

"(G) BLACK-EYED PEAS FOR DONATION.—The Secretary shall permit, under such terms and conditions as will ensure optimum producer participation, producers on a farm to plant black-eyed peas on not more than one-half of the reduced acreage on the farm if the producer agrees to donate the harvested peas from such acreage to a food bank, food pantry, or soup kitchen (as defined in paragraphs (3), (4), and (7) of section 110(b) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note)) that is approved by the Secretary.".

SEC. 108. COTTON USER MARKETING CERTIFICATES.

(a) ISSUANCE.—Section 103B(a)(5)(E) of such Act (7 U.S.C. 1444-2(a)(5)(E)) is amended—

(1) by striking clause (i) and inserting the following new clause:

"(i) ISSUANCE.—Subject to clause (iv), during the period beginning August 1, 1991, and ending July 31, 1996, the Secretary shall issue marketing certificates to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive four-week period in which—

"(I) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe exceeds the

Northern Europe price by more than 1.25 cents per pound; and

"(II) the prevailing world market price for upland cotton (adjusted to United States quality and location), established under subparagraph (C), does not exceed 130 percent of the current crop year loan level for the base quality of upland cotton, as determined by the Secretary."; and

(2) by adding at the end the following new clause:

"(iv) EXCEPTION.—The Secretary shall not issue marketing certificates under clause (i) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this subparagraph, exceeds the Northern Europe price by more than 1.25 cents per pound.".

(b) PREVAILING WORLD MARKET PRICE.—Section 103B(a)(5)(C)(ii) of such Act (7 U.S.C. 1444-2(a)(5)(C)(ii)) is amended by striking "and (B)" and inserting ", (B), and (E)".

SEC. 109. MALTING BARLEY.

Section 105B of such Act (7 U.S.C. 1444f) is amended—

(1) in subsection (e)(2)(G), by adding at the end the following new sentence: "The Secretary shall make an annual determination of whether to exempt such producers from compliance with any acreage limitation under this paragraph and shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of such determination before announcing such determination."; and

(2) by striking subsection (p) and inserting the following new subsection:

"(p) MALTING BARLEY.—

"(1) ASSESSMENT REQUIRED.—In order to help offset costs associated with deficiency payments made available under this section to producers of barley, the Secretary shall provide for an assessment for each of the 1991 through 1995 crop years to be levied on any producer of malting barley produced on a farm that is enrolled for the crop year in the production adjustment program under this section. The Secretary shall establish such assessment at not more than five percent of the value of the farm program payment yield established for barley produced on the farm during each of the 1991 through 1995 crop years.

"(2) VALUE OF MALTING BARLEY.—The Secretary may establish the value of such malting barley at the lesser of the State or national weighted average market price of malting barley for the marketing year. In calculating the State or national weighted average market price, the Secretary may exclude the value of malting barley which is contracted for sale by producers prior to planting.

"(3) EXCEPTION TO ASSESSMENT.—In counties where malting barley is produced, participating barley producers may certify to the Secretary prior to computation of final deficiency payments that part or all of the producer's production was (or will be) sold or used for nonmalting purposes. The portion certified as sold or used for nonmalting purposes shall not be subject to the assessment.".

SEC. 110. DEFICIENCY PAYMENTS FOR WHEAT AND FEED GRAINS.

Section 114(c) of such Act (7 U.S.C. 1445j(c)) is amended—

(1) in the material preceding the paragraphs, by striking "sections" and inserting "section";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by striking paragraph (2) and inserting the following new paragraphs:

"(2) With respect to feed grains, 75 percent of the final projected deficiency payment for the crop, reduced by the amount of the advance, shall be made available as soon as practicable after the end of the first five months of the applicable marketing year.

"(3) With respect to wheat, the final projected deficiency payment for the crop, reduced by the amount of the advance, shall be made available as soon as practicable after the end of the first five months of the applicable marketing year. Such projected payment shall be based on the national weighted average market price received by producers during the first five months of the marketing year for the crop, as determined by the Secretary, plus 10 cents per bushel.".

SEC. 111. MINOR OILSEED LOAN RATES.

Section 205(c) of such Act (7 U.S.C. 1446f(c)) is amended—

(1) in paragraph (2), by striking "flaxseed" and inserting "flaxseed, individually,";

(2) in paragraph (3), by striking "that, in the case of cottonseed, in no event less" and inserting "in no event shall the level for such oilseeds (other than cottonseed) be less"; and

(3) by adding after and below paragraph (3) the following new sentence:

"To ensure that producers have an equitable opportunity to produce an alternative crop in areas of limited crop options, the Secretary may limit, insofar as practicable, adjustments in the loan rate established under paragraph (2) applicable to a particular region, State, or county for the purpose of reflecting transportation differentials such that the regional, State, or county loan rate does not increase or decrease by more than plus or minus nine percent from the basic national loan rate.".

SEC. 112. SUGAR.

(a) SUGAR PRICE SUPPORT.—Section 206 of such Act (7 U.S.C. 1446g) is amended—

(1) in subsection (e), by striking "announce the loan rate" and inserting "announce and publish in the Federal Register the basic loan rates for beet sugar and cane sugar";

(2) in subsection (g)—

(A) by inserting "and sugar cane" after "In the case of sugar beet"; and

(B) by inserting "or sugar cane" after "sugar beets" both places it appears; and

(3) in subsection (i)—

(A) by striking the period at the end of paragraph (1) and inserting "that has been marketed in normal commercial channels.";

(B) by striking the period at the end of paragraph (2) and inserting "that have been marketed in normal commercial channels."; and

(C) by striking paragraph (3) and inserting the following new paragraph:

"(3) COLLECTION.—

"(A) TIMING.—Marketing assessments required under this subsection shall be collected during the marketing year on a monthly basis and shall be remitted to the Commodity Credit Corporation within 30 days after the end of each month of the marketing year. Any cane sugar or beet sugar processed during a marketing year that has not been marketed by August 31 of that year shall be subject to assessment on that date. Such sugar shall not be subject to a second assessment at the time that it is marketed. For purposes of this paragraph, the term 'marketing year' means the period beginning on September 1 of a year and ending on August 31 of the next year.

"(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.".

(b) SECURITY INTERESTS.—Section 405 of such Act (7 U.S.C. 1425) is amended by striking subsection (b) and inserting the following new subsection:

"(b) SUGARCANE AND SUGAR BEETS.—The security interests obtained by the Commodity Credit Corporation as a result of the execution of security agreements by the processors of sugarcane and sugar beets shall be superior in rank to any and all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and any and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived. The preceding sentence shall not affect the application of section 401(e)(2).".

(c) SUGAR INFORMATION REPORTING.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) in subsection (a)—

(A) by striking "cane sugar refiners" and inserting "sugarcane processors, cane sugar refiners,"; and

(B) by striking "person's importation," and inserting "person's production, importation,";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d);

(3) by inserting after subsection (a) the following new subsection:

"(b) DUTY OF PRODUCERS TO REPORT.—

"(1) YIELD AND ACRES.—All producers of sugarcane or sugar beets shall report, in the manner prescribed by the Secretary—

"(A) the producer's sugarcane or sugar beet yields and acres planted to sugarcane or sugar beets for all of the 1985 through 1989 crop years; and

"(B) on an annual basis, beginning with the 1991 crop year, the producer's sugarcane or sugar beet yield and acres planted to sugarcane or sugar beets for each of the 1991 through 1995 crop years.

"(2) ALTERNATIVE REPORTING METHODS.—If a producer cannot provide the information required in paragraph (1), alternative methods of establishing yields and acres planted to sugarcane or sugar beets may be used as prescribed by the Secretary."; and

(4) in subsection (d), as redesignated by paragraph (2), by striking "data on imports" and inserting "data on production, imports".

(d) SUGAR CARRYOVER STOCKS.—Section 359b(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)) is amended—

(1) in paragraph (1)(A), by inserting before the semicolon the following: "and the quantity of sugar that would provide for reasonable carryover stocks";

(2) in paragraph (1)(C)(i), by striking "the quantity of estimated consumption" and inserting "the sum of the quantity of estimated consumption and reasonable carryover stocks"; and

(3) in paragraph (2), by striking "consumption," and inserting "consumption, stocks,".

(e) ESTABLISHMENT OF SUGAR MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)(1), by striking "from the estimated sugar consumption" and inserting "from the sum of the estimated sugar consumption and reasonable carryover stocks"; and

(2) in subsection (g)(1), by striking "manner, or" and inserting "manner, establish such marketing allotments for a fiscal year or any portion of such fiscal year, or".

SEC. 113. CROP ACREAGE BASE.

(a) Planting Flexibility.—Section 503(c) of such Act (7 U.S.C. 1463(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) acreage in addition to an amount not to exceed 20 percent of the crop acreage base for a crop of feed grains or wheat if—

"(A) the acreage is planted to dry peas, lentils, alfalfa, mung beans, or high-erucic acid oilseeds, any industrial, experimental, or other crop permitted under section 105B(c)(1)(F)(i) or 107B(c)(1)(F)(i), or any other crop designated by the Secretary; and

"(B) payments are not received by producers under sections 105B(c)(1)(E), and 107B(c)(1)(E), as the case may be;".

(b) Adjustment of Bases.—Section 503(h) of such Act (7 U.S.C. 1463(h)) is amended—

(1) by striking "The county" and inserting "(1) The county"; and

(2) by adding at the end the following new paragraph:

"(2) Restoration of crop acreage base.—

"(A) In general.—For the 1992 through 1995 crop years, the county committee shall allow an eligible producer to increase individual crop acreage bases on the farm, subject to subsection (a)(2), above the levels of base that would otherwise be established under this section, in order to restore the total of crop acreage bases on the farm for the 1992 through 1995 crop years to the same level as the total of crop acreage bases on the farm for 1990.

"(B) Eligible producer defined.—For the purposes of this paragraph, the term 'eligible producer' means a producer of upland cotton or rice who, the appropriate county committee determines—

"(i) was required to reduce one or more individual crop acreage bases on the farm in 1991 in order to comply with subsection (a)(2) and the change in the calculation of cotton and rice crop acreage bases to a three-year formula as provided in section 1101 of the Food, Agriculture, Conservation, and Trade Act of 1990; and

"(ii) has participated in the price support program in 1991 and each subsequent year through the current year.

"(C) Rulemaking.—The Secretary shall issue regulations to carry out this paragraph.".

SEC. 114. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ACT OF 1949.

The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is further amended—

(1) in section 101B(c)(1)(B) (7 U.S.C. 1441-2(c)(1)(B)), by redesignating the second clause (ii) as clause (iii);

(2) in section 103B(a) (7 U.S.C. 1444-2(a))—

(A) in paragraph (1)(B), by striking "upland cotton," and inserting "upland cotton),"; and

(B) in paragraph (3), by striking "the date of enactment of this Act" and inserting "November 28, 1990";

(3) in section 105B(c)(1)(B)(iii)(IV)(bb) (7 U.S.C. 1444f(c)(1)(B)(iii)(IV)(bb)) by striking "(bb) Barley Calculations.—" and inserting "(bb) Barley calculations.—";

(4) in section 105B(g) (7 U.S.C. 1444f(g))—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in paragraph (6)(E), by striking "is" both places it appears and inserting "are";

(5) in section 107B(g)(1) (7 U.S.C. 1445b-3a(g)(1)), by striking "subsection (d)" and inserting "subsection (e)";

(6) in section 110 (7 U.S.C. 1445e)—

(A) in subsection (n), by striking "the date of enactment of this section" and inserting "November 28, 1990"; and

(B) in the subsection (k) at the end of such section—

(i) by striking "(k)" and inserting "(p) Review.—"; and

(ii) by striking "subsection (e)(1)" and inserting "this section";

(7) by redesignating subsection (b) of section 201 (7 U.S.C. 1446) (as amended by section 1161(b)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3521)) as subsection (c);

(8) in section 202(a) (7 U.S.C. 1446a), by striking "Administrator" both places it appears and inserting "Secretary of Veterans Affairs";

(9) in section 204(h)(3) (7 U.S.C. 1446e(h)(3)), by adding at the end the following new sentence: "A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 and 3821).";

(10) in section 406(b)(4) (7 U.S.C. 1426(b)(4)), by striking "the date of enactment of the subsection" and inserting "November 28, 1990,"; and

(11) in section 426 (7 U.S.C. 1433e)—

(A) in subsection (c)—

(i) by striking "division" in paragraphs (1) and (6) and inserting "Division"; and

(ii) by striking "subsection (e)" in paragraph (7) and inserting "subsection (f)";

(B) in subsection (f), by striking "county or State" and inserting "State or county";

(C) in subsection (g), by striking "County Committees" and inserting "county committees"; and

(D) in subsection (h), by striking "section 8(e)" and inserting "section 8(b)".

SEC. 115. MISCELLANEOUS AMENDMENTS TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended—

(1) in section 404(a) (7 U.S.C. 1444f-1(a); 104 Stat. 3419)—

(A) in the material preceding the paragraphs, by inserting "(through the Commodity Credit Corporation)" after "Secretary of Agriculture"; and

(B) in paragraph (1)—

(i) by striking "(hereafter" and inserting ", hereinafter in this section"; and

(ii) by striking "105B of the Agricultural Act of 1949 (as added by section 401 of this Act)" and inserting "105B(a) of the Agricultural Act of 1949 (7 U.S.C. 1444f(a))";

(2) in section 1124 (7 U.S.C. 1445e note; 104 Stat. 3506), by striking "warehouse" both places it appears and inserting "warehousemen";

(3) in section 1353 (7 U.S.C. 1622 note; 104 Stat. 3567), by striking "et seq" and inserting "et seq.";

(4) in section 2241 (7 U.S.C. 1421 note; 104 Stat. 3963)—

(A) in subsection (a)(4)(A), by inserting "extra long staple cotton," after "upland cotton," each place it appears;

(B) in subsection (b)(1), by inserting "extra long staple cotton," after "upland cotton,"; and

(C) in subsection (b)(4), by inserting "extra long staple cotton," after "upland cotton,";

(5) in section 2243(b)(2)(A) (7 U.S.C. 1421 note; 104 Stat. 3966), by striking "to harvest" and inserting "for harvest";

(6) in section 2249 (7 U.S.C. 1421 note; 104 Stat. 3972), by striking "chapter" and inserting "subchapter" each place it appears;

(7) in section 2250(b)(1) (7 U.S.C. 1421 note; 104 Stat. 3973), by striking "cotton" and inserting "upland cotton, extra long staple cotton";

(8) in section 2257 (7 U.S.C. 1421 note; 104 Stat. 2974), by striking "chapter" and inserting "subchapter" each place it appears;

(9) in section 2258 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter";

(10) in section 2259 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter";

(11) in section 2263 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter" each place it appears;

(12) in section 2265 (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "chapter" and inserting "subchapter";

(13) in section 2266(a) (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "subchapter" and inserting "chapter";

(14) in section 2267 (7 U.S.C. 1421 note; 104 Stat. 3976)—

(A) in subsection (a) by striking "subchapter" and inserting "chapter" each place it appears; and

(B) in subsection (b) by striking "chapter 1" and inserting "this chapter";

(15) in section 2268(b) (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "subchapter" and inserting "chapter" each place it appears; and

(16) in section 2271 (7 U.S.C. 1421 note; 104 Stat. 3977), by striking "payment of" and inserting "payments or".

SEC. 116. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in section 8b(b)(2) (7 U.S.C. 608b(b)(2)), by striking "(7 U.S.C. 1445c-2)" and inserting "(7 U.S.C. 1445c-3)"; and

(2) in section 8c(5)(B) (7 U.S.C. 608c(5)(B)), is amended by striking "and," before clause (f) and inserting ", and".

SEC. 117. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938.

The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended—

(1) in section 319(l) (7 U.S.C. 1314e(l))—

(A) by inserting "in a State" after "one farm";

(B) by striking "of Tennessee"; and

(C) by adding at the end the following new sentence: "This subsection shall apply only to the States of Tennessee and Virginia.";

(2) in section 358e(h)(2) (7 U.S.C. 1359a(h)(2)), as redesignated by section 118(a) of this Act, by striking "nuts" and inserting "peanuts";

(3) in section 374(a) (7 U.S.C. 1374(a))—

(A) by inserting after "30 inch rows" the following: "(or, at the option of those cotton producers who had an established practice of using 32 inch rows before the 1991 crop, 32 inch rows)"; and

(B) by adding at the end the following new sentence: "For the 1992 through 1995 crops, the rules establishing the requirements for eligibility for conserving use for payment acres shall be the same rules as were in effect for 1991 crops."; and

(4) in section 379(a) (7 U.S.C. 1379(a))—

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; or";

(C) by striking "; or" at the end of paragraph (6) and inserting a period; and

(D) by redesignating paragraph (7) as subsection (c), moving such subsection to appear after subsection (b), and conforming the left margin of such subsection to subsection (b).

SEC. 118. SECTION REDESIGNATION.

(a) SECTION REDESIGNATION.—Sections 359 and 359a of part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359, 1359a) are redesignated as sections 358d and 358e, respectively.

(b) CONFORMING AMENDMENTS AS RESULT OF REDESIGNATIONS.—

(1) PRICE SUPPORT PROGRAM.—The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended—

(A) in section 108A(3)(A) (7 U.S.C. 1445c-2(3)(A)), by striking "section 359" each place it appears and inserting "section 358d"; and

(B) in section 108B(c)(1) (7 U.S.C. 1445c-3(c)(1)), by striking "sections 359 and 359a" each place it appears and inserting "sections 358d and 358e".

(2) MARKETING QUOTAS.—The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended—

(A) in section 358(v)(3) (7 U.S.C. 1358(v)(3)), by striking "section 359(c)" and inserting "section 358d(c)";

(B) in section 358-1(e)(3) (7 U.S.C. 1358-1(e)(3)), by striking "section 359(c)" and inserting "section 358d(c)";

(C) in section 358d (7 U.S.C. 1359), as redesignated by subsection (b)—

(i) by striking "section 359(a)" in subsection (b) and inserting "subsection (a)"; and

(ii) by striking "section 108B" each place it appears in subsections (m)(1)(C), (p)(1), and (r)(2)(A) and inserting "section 108A"; and

(D) in section 358e(b)(1) (7 U.S.C. 1359a(b)(1)), as redesignated by subsection (b), by striking "section 359(c)" and inserting "section 358d(c)".

SEC. 119. OTHER MISCELLANEOUS COMMODITY AMENDMENTS.

(a) MISSING LANGUAGE.—Section 1001(2)(B)(iv) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(iv)) is amended by inserting "section" before "107B(c)(1)".

(b) EXTRA LANGUAGE.—Section 1001A(a)(2) of the Food Security Act of 1985 (7 U.S.C. 1308-1(a)(2)) is amended by striking "0 to".

(c) MISSING LANGUAGE.—Section 5(i)(3) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking "(42 U.S.C. 1396d(5)))" and inserting "(42 U.S.C. 1396d(5))))".

SEC. 120. SENSE OF CONGRESS REGARDING IMPORTED BARLEY.

(a) FINDINGS.—The Congress finds the following:

(1) Significant quantities of barley are currently being imported into the United States from Scandinavian origins, and there is reason to believe that such imports will continue in the future.

(2) Such imported barley is being purchased at a price artificially established at a level significantly below that of domestically produced barley due to unfair and predatory export subsidies and schemes employed by the exporting countries of origin.

(3) It is likely that the continued importation of such quantities of subsidized barley will significantly and adversely affect producers of domestic barley and impair the operations of existing farm commodity programs for barley in the United States.

(b) SENSE OF CONGRESS.—Based on these findings, it is the sense of Congress that the Secretary of Agriculture and the President of the United States should immediately and aggressively employ all available options under existing laws, including those under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in order to prevent material damage to the producers of domestic barley and to prevent material interference with and increased outlays under the programs established pursuant to section 105B of the Agricultural Act of 1949 (7 U.S.C. 1444f).

TITLE II—CONSERVATION

SEC. 201. AMENDMENTS TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) AMENDMENTS TO SECTION 1451.—Section 1451 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5822) is amended—

(1) in subsection (b)(1)(D), by striking "(e)" and inserting "(f)";

(2) in subsection (d), by inserting "each of" before "the calendar";

(3) in subsection (f)(5), by striking "assisting" and inserting "assist"; and

(4) in subsection (h)(7)(B)—

(A) in clause (i), by inserting before the period at the end of the first sentence the following: ", but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1)"; and

(B) in clause (ii), by striking "under" and all that follows through "Agricultural" and inserting "under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural".

(b) AMENDMENTS TO SECTION 1466.—Section 1466 of such Act (7 U.S.C. 4201 note) is amended—

(1) in subsection (c), by striking "Funds" and inserting "funds"; and

(2) in each of subsections (e) and (f), by striking "section (b)" and inserting "subsection (b)".

(c) AMENDMENT TO SECTION 1468(a)(2).—Section 1468(a)(2) of such Act (7 U.S.C. 4201 note) is amended by striking "Funds" and inserting "funds".

(d) AMENDMENT TO SECTION 1483(c).—Section 1483(c) of such Act (7 U.S.C. 5503(c)) is amended by inserting "and" after "Animal".

(e) AMENDMENTS TO SECTION 1499.—Section 1499 of such Act (7 U.S.C. 5506) is amended—

(1) in the 4th sentence of subsection (a)—

(A) by inserting "Agricultural" before "Environmental"; and

(B) by striking "1612" and inserting "1472";

(2) in subsection (b), by striking "AFFECT" and inserting "EFFECT"; and

(3) in subsection (c), by inserting "and" after "Animal".

(f) NEW SECTION.—

(1) EDUCATION PROGRAM.—Such Act is further amended by inserting after section 1499 the following new section:

"SEC. 1499A. EDUCATION PROGRAM REGARDING HANDLING OF AGRICULTURAL CHEMICALS AND AGRICULTURAL CHEMICAL CONTAINERS.

"The Secretary of Agriculture shall direct the Extension Service to operate a program in each State to catalogue the Federal, State, and local laws and regulations which govern the handling of unused or unwanted agricultural chemicals and agricultural chemical containers in such State. The program established under this section shall also make available to producers of agricultural commodities and the general public, and provide upon request, educational materials developed or collected by the program.".

(2) The table of contents in section 1(b) of such Act (104 Stat. 3359) is amended by inserting after the item relating to section 1499 the following new item:

"Sec. 1499A. Education program regarding handling of agricultural chemicals and agricultural chemical containers.".

(g) EFFECTIVE DATE.—Except in the case of the amendment made by subsection (f), the amendments made by this section shall take effect as if such amendments had been included in the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) at the time such Act became law.

SEC. 202. AMENDMENT TO THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

The 13th sentence of the 5th undesignated paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by inserting ", except that, in the case of a person elected to be a national officer or State president of the National Association of Farmer Elected Committeemen, the limitation shall be four consecutive terms" before the period.

SEC. 203. AMENDMENTS TO THE FOOD SECURITY ACT OF 1985.

Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) by striking "fall and winter"; and

(2) by striking "for an applicable reduction in rental payment" and inserting "and occurs during the 7-month period in which grazing of conserving use acreage is allowed in a State under the Agricultural Act of 1949 or after the producer harvests the grain crop of the surrounding field for a reduction in rental payment commensurate with the limited economic value of such incidental grazing".

TITLE III—TRADE RELATED TECHNICAL CORRECTIONS

SEC. 301. SUPERFLUOUS PUNCTUATION IN FARMER TO FARMER PROVISIONS.

Section 501(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(a)(3)) is amended by striking the comma after "public".

SEC. 302. PUNCTUATION CORRECTION IN ENTERPRISE FOR THE AMERICAS INITIATIVE.

Section 603(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738b(a)(3)) is amended by inserting a hyphen between "Inter" and "American".

SEC. 303. SPELLING CORRECTION IN SECTION 604.

Section 604(a)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c(a)(2)) is amended by striking "Avaliability" and inserting "Availability".

SEC. 304. MISSING WORD IN SECTION 606.

Section 606(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738e(c)) is amended by inserting "accounts" after "Corporation" the last place it appears.

SEC. 305. PUNCTUATION ERROR IN SECTION 607.

Section 607(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C 1738f(a)) is amended by striking the quotation mark before "Fund" and inserting it after "Fund" the last place it appears.

SEC. 306. TYPOGRAPHICAL CORRECTION IN SECTION 612.

Section 612(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C 1738k(a)(1)) is amended by striking "462), and—" and inserting "2281 et seq.);".

SEC. 307. ERRONEOUS QUOTATION.

(a) In General.—Section 1515(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "title 1 and" and inserting "titles 1 and".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date the amendment made by such section 1515(b) took effect.

SEC. 308. ELIMINATION OF SUPERFLUOUS WORDS.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (l) by striking "September 30," where it appears immediately before "December 31".

SEC. 309. ERRONEOUS CROSS REFERENCE CORRECTION.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (m) by striking "this Act" each place it appears and inserting "this section".

SEC. 310. PUNCTUATION CORRECTION.

Section 103(d)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5603(d)(2)) is amended by inserting a close parenthesis mark before the final period.

SEC. 311. DATE CORRECTION.

Section 203(g)(3) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(g)(3)) is amended by striking out "the date of enactment of this Act" and inserting "November 28, 1990,".

SEC. 312. MISSING SUBTITLE HEADING CORRECTION.

Title II of the Agricultural Trade Act of 1978 is amended by inserting after the title heading the following:

"Subtitle A—Programs

SEC. 313. REDESIGNATION OF SUBSECTION.

Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by redesignating subsection (g) as subsection (f).

SEC. 314. DATE CORRECTION TO SECTION 404.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is amended by striking out "the date of enactment of this Act" and inserting "November 28, 1990,".

SEC. 315. DATE CORRECTION TO SECTION 411.

Section 416(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5676(e)) is amended by striking out "the effective date of this section" and inserting "November 28, 1990,".

SEC. 316. REDESIGNATION OF SECTION.

The Agricultural Trade Act of 1978 is amended by redesignating section 506 as section 505.

SEC. 317. CROSS REFERENCE CORRECTION.

Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is amended by striking "section 104" each place it appears and inserting "section 103".

SEC. 318. PLACEMENT CLARIFICATION.

Section 1532 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "thereof" and inserting "of title I".

SEC. 319. PUNCTUATION CORRECTION.

Section 108 (b) of the Agricultural Act of 1954 (7 U.S.C. 1748) is amended by striking the period at the end of paragraph (1)(B) and inserting a semicolon.

SEC. 320. REDESIGNATION.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by redesignating subsections (l) and (m) (as amended by sections 308 and 309) as subsections (k) and (l), respectively.

SEC. 321. ELIMINATION OF OBSOLETE CROSS REFERENCE.

Section 108(b)(4) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(4)) is amended by striking "the trade assistance office" and all that follows through "section 201),".

SEC. 322. CONFORMING AMENDMENT RELATING TO THE ENVIRONMENT FOR THE AMERICAS BOARD.

Section 610(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "five" and inserting "six"; and

(B) by inserting "at least one of whom shall be a representative of the Department of Agriculture" after "Government"; and

(2) in subparagraph (B), by striking "four" and inserting "five".

SEC. 323. CORRECTING CLERICAL ERRORS IN SECTION 204 OF THE 1978 TRADE ACT.

Section 204(d) of the Agricultural Trade Act of 1978 (7 U.S.C. 5624) is amended—

(1) by striking "AGENCY OR PRIVATE PARTIES" in the heading and inserting "AGENCIES"; and

(2) by striking "government" and inserting "Government".

SEC. 324. CAPITALIZATION CORRECTION.

Section 403(i)(2)(C) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733(i)(2)(C)) is amended by striking "Committees" and inserting "committees".

SEC. 325. CORRECTION OF ERROR IN DATE.

Section 409, 410(a), 410(b), 410(c), and 411(e) of the Agricultural Trade Development and Assistance Act of 1954 are each amended by striking "the date of enactment of this Act" and inserting "November 28, 1990".

SEC. 326. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 406(b)(5)(D) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)(5)(D)) is amended by striking "items" and inserting "time".

SEC. 327. CROSS REFERENCE CORRECTION.

Section 407(c)(1)(A) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(1)(A)) is amended by striking "this section" and inserting "title I".

SEC. 328. ELIMINATION OF SUPERFLUOUS WORD.

Section 407(c)(1)(C) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(1)(C)) is amended by striking "other".

SEC. 329. CROSS REFERENCE CORRECTION.

Section 411(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736e(a)) is amended by striking "this title" and inserting "title I of this Act".

SEC. 330. AMENDMENT TO SECTION 602.

Section 602(a)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(2)) is amended by striking "in accordance with subsection (c)".

SEC. 331. SECTION 407 CORRECTIONS.

(a) SUBSECTION (c)(4).—Section 407(c)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(4)) is amended—

(1) by inserting "provides or" after "in which such person"; and

(2) by striking "if the person is" and inserting "of a person".

(b) ELIMINATION OF WORD.—Section 407(d) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking "other".

SEC. 332. SECTION 407(b) AMENDMENT.

Section 407(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(b)(1)) is amended by striking "or agricultural commodity donated".

SEC. 333. SUPPLEMENTAL VIEWS IN ANNUAL REPORT.

Section 614 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738m) is amended—

(1) by inserting "(a)" before "Not later"; and

(2) by adding at the end the following:

"(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Each member of the Board shall be entitled to receive a copy of any report to be transmitted to the Congress pursuant to this section at least 14 days before the report is to be so transmitted, to have 14 days within which to prepare and submit supplemental views with respect to the implementation of this chapter for inclusion in such report, and to have those views included in the report when it is so transmitted.".

SEC. 334. CONSULTATIONS WITH CONGRESS.

The Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after section 614 the following:

"SEC. 615. CONSULTATIONS WITH CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this chapter and the eligibility of countries for benefits from the Facility under this chapter.".

TITLE IV—RESEARCH

SEC. 401. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

(a) SHORT TITLE.—Subsection (a) of section 2 of Public Law 89-106 (7 U.S.C. 450i) is amended—

(1) by inserting "(1)" before "In order"; and

(2) by adding at the end the following new paragraph:

"(2) SHORT TITLE.—This section may be cited as the 'Competitive, Special, and Facilities Research Grant Act'.".

(b) OTHER AMENDMENTS.—Such section is further amended—

(1) in subsection (b)(10), by striking "and" after "1993,";

(2) in subsection (e)—

(A) by striking "RECORD KEEPING.—" and inserting "INTER-REGIONAL RESEARCH PROJECT NUMBER 4.—";

(B) in paragraphs (1) and (7), by striking "this section" and inserting "this subsection";

(C) in paragraphs (2), (3), (4), (5)(C), and 6(A), by striking "IR-4 program" and inserting "IR-4 Program";

(D) in paragraph (5)(B)—

(i) by striking "registration," and inserting "registrations,"; and

(ii) by inserting "and" at the end of the subparagraph; and

(E) in paragraph (6)—

(i) by striking "within one year of the date of the enactment of this paragraph" and inserting "not later than November 28, 1991,"; and

(ii) by inserting a comma after "reregistrations" in the first sentence;

(3) in subsection (f), by striking "LIMITS ON OVERHEAD COSTS.—" and inserting "RECORD KEEPING.—";

(4) in subsection (g), by striking "AUTHORIZATION OF APPROPRIATIONS.—" and inserting "LIMITS ON OVERHEAD COSTS.—";

(5) in subsection (h)—

(A) by striking "RULES.—" and inserting "AUTHORIZATION OF APPROPRIATIONS.—";

(B) by striking "subsection (b) of this section" and inserting "subsections (b) and (e)"; and

(C) by striking "the provisions of";

(6) in subsection (i)—

(A) by striking "APPLICATION OF OTHER LAWS.—" and inserting "RULES.—";

(B) by striking "is authorized to" and inserting "may"; and

(C) by striking "the provisions of";

(7) in subsection (j) (as redesignated by section 1497(1) of the Food, Agriculture, Conservation, and Trade Act of 1991 (104 Stat. 3630)), by inserting "APPLICATION OF OTHER LAWS.—" after "(j)"; and

(8) by redesignating subsections (j), (k), and (l) (as inserted by section 1615(b) of that Act (104 Stat. 3731)) as subsections (k), (l), and (m), respectively.

SEC. 402. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended—

(1) in section 1407(e) (7 U.S.C. 3122(e)) by striking the semicolon at the end of paragraph (7) and inserting a period;

(2) in section 1408 (7 U.S.C. 3123)—

(A) in subsection (e), by striking "government" and inserting "Government"; and

(B) in subsection (g)(1), by striking "Federally" and inserting "federally";

(3) in sections 1404(18) and 1408A(a) (7 U.S.C. 3103(18), 3123a(a)), by inserting "and" after "Science";

(4) in section 1408A(c)(2)(H) (7 U.S.C. 3123a(c)(2)(H)), by striking "farmerworkers" and inserting "farmworkers";

(5) in section 1412 (7 U.S.C. 3127), by striking "and Advisory Board" in subsections (b) and (c) and inserting ", Advisory Board, and Technology Board";

(6) in section 1419(b) (7 U.S.C. 3154(b)), by striking "subsection (c)" and inserting "subsection (d)";

(7) in section 1432 (7 U.S.C. 3194), by striking "SEC. 1432. (a)";

(8) in section 1446(e) (7 U.S.C. 3222a(e)), by striking "objective or" and inserting "objective of";

(9) in section 1458(a) (7 U.S.C. 3291(a)), by striking the period at the end of paragraph (3) and inserting a semicolon;

(10) in section 1463(a) (7 U.S.C. 3311), by striking "subtitle H and"; and

(11) by striking section 1473E (7 U.S.C. 3319e).

SEC. 403. RURAL DEVELOPMENT AND SMALL FARM RESEARCH AND EDUCATION.

(a) PROGRAMS AUTHORIZED.—Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended—

(1) in subsection (f)—

(A) by striking the subsection heading and inserting "COMPETITIVE GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES.—"; and

(B) in paragraph (2), by striking "during the period beginning on the date of the enactment of this Act and ending on" and inserting "until"; and

(2) in the subsections following subsection (g)—

(A) by striking "(b) RURAL DEVELOPMENT EXTENSION" and inserting "(h) RURAL DEVELOPMENT EXTENSION";

(B) by striking "(h) RURAL HEALTH" and inserting "(i) RURAL HEALTH";

(C) by striking "(h) RESEARCH GRANTS.—" and inserting "(j) RESEARCH GRANTS.—"; and

(D) arranging such subsections to appear in the proper order.

(b) DISTRIBUTION OF FUNDS.—Section 503(c)(1) of that Act (7 U.S.C. 2663(c)(1)) is amended—

(1) by striking "the provisions of section 502(e) of this title" and inserting "subsections (e) and (i) of section 502"; and

(2) by striking "objectives of section 502(e) of this title" and inserting "objectives of those subsections".

SEC. 404. NATIONAL GENETIC RESOURCES PROGRAM.

(a) IN GENERAL.—Subtitle C of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3744) is amended—

(1) in the subtitle heading, by striking "Genetics" and inserting "Genetic"; and

(2) in section 1633(a) (7 U.S.C. 5842(a)), by striking "Resources program" and inserting "Resources Program".

(b) TABLE OF CONTENTS.—The item relating to such subtitle in section 1(b) of such Act (104 Stat. 3359) is amended to read as follows:

"Subtitle C—National Genetic Resources Program".

SEC. 405. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION.

Section 1658(d) of the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5902(d)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; and"; and

(2) by striking "; and" at the end of paragraph (3) and inserting a period.

SEC. 406. DEER TICK RESEARCH.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (i), by striking "Agricultural Research Service" and inserting "Secretary of Agriculture , acting through the Cooperative State Research Service, to make competitive grants"; and

(2) in subsection (k)(1), by striking "Except for research funded under subsection (i), research" and inserting "Research".

SEC. 407. MISCELLANEOUS RESEARCH PROVISIONS.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3703) is amended—

(1) in section 1619(b)(8) (7 U.S.C. 5801(b)(8)), by striking "Marianas Islands" and inserting "Mariana Islands";

(2) in section 1628(c) (7 U.S.C. 5831(c)), by striking "education" and inserting "educational";

(3) in section 1629(c)(1) (7 U.S.C. 5832(c)(1)), by striking "insure" and inserting "ensure";

(4) in section 1634(1) (7 U.S.C. 5843(1)), by striking "committee established" and inserting "council established";

(5) in section 1638(b)(5) (7 U.S.C. 5852(b)(5)), by striking "National Sciences Foundation" and inserting "National Science Foundation";

(6) in section 1639(a) (7 U.S.C. 5853(a)), by striking "Act" and inserting "subtitle";

(7) in section 1652(b)(1) (7 U.S.C. 5883(b)(1)), by striking "pheremones" and inserting "pheromones";

(8) in section 1668(g)(2) (7 U.S.C. 5921(g)(2)), by striking "WITHOLDINGS" and inserting "WITHHOLDINGS";

(9) in section 1670(d) (7 U.S.C. 5923(d)), by striking "acquaculture" and inserting "aquaculture";

(10) in section 1672(c) (7 U.S.C. 5925(c)), by redesignating paragraphs (A) through (I) as paragraphs (1) through (9), respectively;

(11) in section 1673(f) (7 U.S.C. 5926(f)), by striking "programs or" and inserting "programs of";

(12) in section 1674 (7 U.S.C. 5927)—

(A) in subsection (d)(3)(A), by striking "Schedules" and inserting "Schedule"; and

(B) in subsection (f), by striking "Committee" both places it appears and inserting "Committees";

(13) in section 1675(c) (7 U.S.C. 5928(c))—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) ESTABLISHMENT.—Notwithstanding subsection (g)(1), the Secretary shall establish not more than four centers."; and

(B) in paragraph (2), by striking "PERIODS AND PREFERENCES.—Grants" and inserting the following: "OPERATING GRANTS.—The Secretary shall make grants to operate the centers established under paragraph (1). Such grants shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (a). Such grants";

(14) in section 1677 (7 U.S.C. 5930)—

(A) by striking "Reservation" each place it appears in subsections (a), (b), and (e) and inserting "reservation";

(B) by striking "Reservations" both places it appears in subsection (a) and inserting "reservations"; and

(C) by striking "Tribal" in subsection (c) and inserting "tribal";

(15) in section 1678(d) (7 U.S.C. 5931(d)), by striking "Teaching, and Extension" and inserting "Extension, and Teaching"; and

(16) in section 1681(a)(2), (7 U.S.C. 5934(a)(2)), by striking "teacheal mite" and inserting "tracheal mite".

TITLE V—CREDIT

SEC. 501. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) AMENDMENTS TO SECTION 304.—Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsection (d) as subsection (a) and moving such subsection to appear before subsection (b).

(b) AMENDMENT TO SECTION 312(a).—Section 312(a) of such Act (7 U.S.C. 1942(a)) is amended by striking "systems." and all that follows and inserting "systems (for purposes of this subtitle, the term 'solar energy' means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-nuclear Energy Research and Development Act of 1974), (12) training in maintaining records of farming and ranching operations for limited resource borrowers receiving loans under section 310D, and (13) borrower training under section 359.".

(c) AMENDMENTS TO SECTION 331.—

(1) DIRECT AMENDMENTS.—Section 331(b)(4) of such Act (7 U.S.C. 1981(b)(4)) is amended—

(A) by striking "this title"; and

(B) by striking "1949 from" and inserting "1949, from".

(2) INDIRECT AMENDMENTS.—

(A) CLARIFICATION OF REPEAL.—Section 1805 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3819) is amended by striking subsections (b) and (c) and inserting the following:

"(b) PAYMENT OF ACCRUED INTEREST.—Section 331 (7 U.S.C. 1981) is amended in the second undesignated subsection by striking paragraph (h) and redesignating paragraphs (i) and (j) as paragraphs (h) and (i), respectively.".

(B) CLARIFICATION OF TECHNICAL CORRECTIONS.—Section 2388(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4052) is amended—

(i) by inserting ", as amended by section 1805(b) of this Act," before "is amended";

(ii) in clause (i) of subparagraph (A), by striking "(h), and (i)" and inserting "and (h)";

(iii) by striking clause (iv) and redesignating clauses (v), (vi), and (vii) of subparagraph (A) as clauses (iv), (v), and (vi), respectively;

(iv) in clause (iv) of subparagraph (A) (as so redesignated by clause (iii) of this subparagraph), by striking "(i)" and inserting "(h)"; and

(v) in clause (vi) of subparagraph (A) (as so redesignated by clause (iii) of this subparagraph)—

(I) by striking "(j)" and inserting "(i)"; and

(II) by striking "(10)" and inserting "(9)".

(d) Amendments to Section 333(2)(A).—Section 333(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983(2)(A)) is amended by redesignating clauses (1), (2), and (3), as clauses (i), (ii), and (iii), respectively.

(e) Amendments to Section 353.—Section 353 of such Act (7 U.S.C. 2001) is amended—

(1) in subsection (c)(6)(A)(ii), by striking "the date of enactment of this paragraph" and inserting "November 28, 1990"; and

(2) in subsection (m), by striking "335(e)(1)(A)" and inserting "335(e)(1)".

(f) Amendments to Section 363.—Section 363 of such Act (7 U.S.C. 2006e) is amended—

(1) by striking "3801(a)(16))" and inserting "3801(a)(16)))"; and

(2) by striking "prior to the date of enactment of this section" and inserting "before November 28, 1990".

SEC. 502. AMENDMENTS TO THE FARM CREDIT ACT OF 1971.

(a) Amendments to Section 1.11(a).—Section 1.11(a) of the Farm Credit Act of 1971 (12 U.S.C. 2019(a)) is amended—

(1) by striking "(a) Agricultural or Aquatic Purposes" and inserting the following:

"(a) Agricultural or Aquatic Purposes";

(2) by striking "(1) In general" and inserting the following:

"(1) In general"; and

(3) by striking "(2) Limitation on loans for basic processing and marketing operations" and inserting the following:

"(2) Limitation on loans for basic processing and marketing operations".

(b) Amendment to Section 2.0(b)(8).—Section 2.0(b)(8) of such Act (12 U.S.C. 2071(b)(8)) is amended by striking "charter to" and inserting "charter, to".

(c) Amendments to Section 3.8.—Section 3.8 of such Act (12 U.S.C. 2129) is amended—

(1) in subsection (a)(4), by striking "(4) A" and inserting "(4) a"; and

(2) in subparagraph (D), by moving such subparagraph 2 ems to the right so that the left margin of such subparagraph is aligned with the left margin of subparagraph (C) of such section.

(d) Amendment to Section 4.28.—Section 4.28 of such Act (12 U.S.C. 2214) is amended by striking "2.17" and inserting "2.16".

(e) Amendment to Section 5.17(a)(8)(B)(ii).—Section 5.17(a)(8)(B)(ii) of such Act (12 U.S.C. 2252(a)(8)(B)(ii)) is amended by striking the last period.

(f) Amendment to Section 5.35(3).—Section 5.35(3) of such Act (12 U.S.C. 2271(3)) is amended by striking "D" and inserting "E".

(g) Amendments to Section 6.2(d).—Section 6.2(d) of such Act (12 U.S.C. 2278a-2(d)) is amended by striking "subchapter 1" each place such term appears and inserting "subchapter I".

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if such amendments had been included in the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) at the time such Act became law.

TITLE VI—CROP INSURANCE AND DISASTER ASSISTANCE

SEC. 601. FEDERAL CROP INSURANCE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended—

(1) in section 506(d) (7 U.S.C. 1506(d))—

(A) by striking "section 508(c)" and inserting "section 508(f)"; and

(B) by striking the semicolon at the end and inserting a period;

(2) in section 506(m) (7 U.S.C. 1506(m))—

(A) by striking "wilfully" and inserting "willfully"; and

(B) by striking "to" after "exceed";

(3) in section 507(c)(2) (7 U.S.C. 1507(c)(2)), by inserting a comma after "private insurance companies";

(4) in section 508(a) (7 U.S.C. 1508(a)), by striking "(1)";

(5) in section 508(b)(3) (7 U.S.C. 1508(b)(3), by striking "title V" and inserting "title 5";

(6) in section 508 (7 U.S.C. 1508), by redesignating subsections (l), (m), and (n) as subsections (k), (l), and (m), respectively; and

(7) in section 518 (7 U.S.C. 1518) by striking "subsection (a) or (i)" and inserting "subsection (a) or (k)".

SEC. 602. DISASTER RELIEF.

(a) 1989 Act.—Section 104(d)(1) of the Disaster Assistance Act 1989 (7 U.S.C. 1421 note) is amended by inserting "(A)" after the paragraph heading.

(b) 1988 Act.—Section 301(b)(2)(A) of the Disaster Assistance Act of 1988 (7 U.S.C. 1464 note) (as amended by section 1541 of the Food, Agriculture, Conservation, and Trade Act of 1990) is amended—

(1) in the subsection heading, by striking "Sunflower Seed" and inserting "Sunflowerseed"; and

(2) in paragraph (2)(A)—

(A) by inserting a comma after "(7 U.S.C. 612c)" in clause (i);

(B) by striking "such Act" in clause (i) and inserting "such section"; and

(C) by striking "sunflower seed" in clause (iv) and inserting "sunflowerseed".

(c) Clarification of Amendment.—Section 2232(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-510; 104 Stat. 3959) is amended by striking "is amended to read:" and inserting "is amended by striking the material before the clauses and inserting the following:".

TITLE VII—RURAL DEVELOPMENT

SEC. 701. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Amendments to Section 306(a).—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended—

(1) in paragraph (11)(B)(ii)—

(A) in subclause (I), by inserting "and" after the semicolon; and

(B) in subclause (II), by striking "; and" and inserting a period; and

(2) by striking paragraph (21).

(b) Amendments to Section 306C(a)(2).—Subparagraphs (A) and (B) of section 306C(a)(2) of such Act (7 U.S.C. 1926c(a)(2)(A) and (B)) are each amended by moving the left margin of such subparagraphs 2 ems to the right.

(c) Amendments to Section 310B.—Section 310B of such Act (7 U.S.C. 1932) is amended—

(1) in subsection (i)(2)(B)(iv), by striking "(ii) of this subsection" and inserting "(iii) of this subparagraph";

(2) in subsection (i)(5), by striking "365(b)(3)," and inserting "365(b)(3)),";

(3) by transferring to the end of such section the provision added by section 2386 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4051); and

(4) by redesignating the provision so transferred as subsection (j).

(d) Amendments to Section 364(e).—Section 364(e) of such Act (7 U.S.C. 2006f(e)) is amended—

(1) in paragraph (2), by striking "the date of enactment of this section" and inserting "November 28, 1990"; and

(2) in paragraph (3), by striking "the date of enactment of this section" and inserting "November 28, 1990,".

(e) Amendments to Section 365(b).—Section 365(b) of such Act (7 U.S.C. 2008(b)) is amended—

(1) in paragraph (4)(A), by striking "(3)(C)" and inserting "(3)(A)(iii)"; and

(2) in paragraph (5), by striking "(3)(B)" and inserting "(3)(A)(ii)".

(f) Amendment to Section 366(h).—Section 366(h) of such Act (7 U.S.C. 2008a(h)) is amended by striking "of such officer" and inserting "of such officer's".

(g) Amendment to Section 367(b)(1).—Section 367(b)(1) of such Act (7 U.S.C. 2008b(b)(1)) is amended by striking "365(b)(6)" and inserting "366(b)(6)".

(h) Miscellaneous Amendments.—

(1) Identical amendments.—Each of the following provisions of such Act is amended by striking "this Act" each place such term appears and inserting "this title":

(A) Section 306(a)(12)(D) (7 U.S.C. 1926(a)(12)(D)).

(B) Section 306(a)(20) (7 U.S.C. 1926(a)(20)).

(C) Section 310B(d)(5) (7 U.S.C. 1932(d)(5)).

(D) Section 310B(d)(7) (7 U.S.C. 1932(d)(7)).

(E) Section 331(b)(3) (7 U.S.C. 1981(b)(3)).

(F) Section 346(b)(3)(C) (7 U.S.C. 1994(b)(3)(C)).

(2) Other miscellaneous amendment.—Section 352(b)(3) of such Act (7 U.S.C. 2000(b)(3)) is amended by striking "be".

(i) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect as if such amendments had been included in the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) at the time such Act became law.

(2) Miscellaneous amendments.—The amendments made by subsection (h) to any provision specified therein shall take effect as if such amendments had been included in the Act that added the provision so specified at the time such Act became law.

SEC. 702. AMENDMENTS TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) Amendment to Section 2302(b)(1).—Section 2302(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2006f note) is amended by striking "the date of enactment of this section" and inserting "November 28, 1990".

(b) Amendments to Section 2311.—Section 2311 of such Act (7 U.S.C. 2007a) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking "4(b)" and inserting "4(e)";

(B) by striking "the section 4(c)" and inserting "section 4(l)"; and

(C) by striking "450b(c)))" and inserting "450b(l)))"; and

(2) in paragraph (4), by striking "this Act" and inserting "this chapter".

(c) Amendments to Section 2313.—Section 2313 of such Act (7 U.S.C. 2007c) is amended—

(1) in subsection (a)(2), by striking "Fund established under paragraph (1)" and inserting "Rural Business Investment Fund";

(2) in subsection (b)(1), by striking "fund established by subsection (a)" and inserting "Rural Business Investment Fund"; and

(3) in subsection (c)(6), by inserting "Business Investment" before "Fund".

(d) Amendment to Section 2314(a)(1)(A)(i).—Section 2314(a)(1)(A)(i) of such Act (7 U.S.C. 2007d(a)(1)(A)(i)) is amended by striking "from the Fund under this chapter" and inserting "under this chapter from the Rural Business Investment Fund".

(e) Amendment to Section 2315(d)(2).—Section 2315(d)(2) of such Act (7 U.S.C.

2007e(d)(2)) is amended by striking "engage in conduct, in".

(f) AMENDMENTS TO SECTION 2322.—Section 2322 of such Act (7 U.S.C. 1926-1) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking "section 306(a)(9) and 306(a)(10)" and inserting "paragraphs (9) and (10) of section 306(a)"; and

(B) by striking "sections 306(a)(19)(A) and (B)" and inserting "subparagraphs (A) and (B) of section 306(a)(19)"; and

(2) in subsection (i)(1), by striking "and (3)".

(g) AMENDMENT TO SECTION 2332.—Section 2332 of such Act (7 U.S.C. 950aaa-1) is amended by striking "Federal government" and inserting "Federal Government".

(h) AMENDMENTS TO SECTION 2388(h).—

(1) AMENDMENTS.—Section 2388(h) of such Act (104 Stat. 4053) is amended—

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

(2) SPECIAL RULE.—The Consolidated Farm and Rural Development Act shall be applied and administered as if the amendment made by 2388(h)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 had never been enacted.

(i) REPEAL OF SECTION 2388(i).—Subsection (i) of section 2388 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4053) is hereby repealed and the Consolidated Farm and Rural Development Act shall be applied and administered as if the amendments made by such subsection had never been enacted.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if such amendments had been included in the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) at the time such Act became law.

SEC. 703. AMENDMENTS TO THE RURAL ELECTRIFICATION ACT OF 1936.

(a) Amendments to Section 501.—Section 501 of the Rural Electrification Act of 1936 (7 U.S.C. 950aa) is amended—

(1) in paragraph (6), by inserting "and" after the semicolon;

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if such amendments had been included in the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) at the time such Act became law.

TITLE VIII—AGRICULTURAL PROMOTION

SEC. 801. SHORT TITLE.

Section 1901 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6001 note; 104 Stat. 3838) is amended by striking "This Act" and inserting "This title".

SEC. 802. PECANS.

Subtitle A of title XIX of such Act (7 U.S.C. 6001 et seq., 104 Stat. 3838) is amended—

(1) in section 1907(22) (7 U.S.C. 6002(22)), by striking "inshell" and inserting "in-shell";

(2) in section 1910(b)(8)(G) (7 U.S.C. 6005(b)(8)(G))—

(A) by striking "paragraph (3)(A), (B), and (C)," and inserting "subparagraphs (A), (B), and (C) of paragraph (3),"; and

(B) by striking "paragraph (3)(D) and (E)" and inserting "subparagraphs (D) and (E) of paragraph (3)"; and

(3) in section 1915(b)(2) (7 U.S.C. 6010(b)(2)), by striking "section" after "1913 or".

SEC. 803. MUSHROOMS.

Subtitle B of title XIX of such Act (7 U.S.C. 6101 et seq.; 104 Stat. 3854) is amended—

(1) in section 1925(h) (7 U.S.C. 6104(h)), by striking "government" and inserting "governmental";

(2) in section 1928(d)(1)(A) (7 U.S.C. 6107(d)(1)(A)), by striking "United States district court" and inserting "United States District Court"; and

(3) in section 1929(b)(2) (7 U.S.C. 6108(b)(2)), by striking "section" after "1927 or".

SEC. 804. POTATOES.

Section 310(a)(2) of the Potato Research and Promotion Act (7 U.S.C. 2619(a)(2)) is amended by striking "(2) when" and inserting "(2) When".

SEC. 805. LIMES.

Subtitle D of title XIX of such Act (7 U.S.C. 6201 et seq.; 104 Stat. 3870) is amended—

(1) in section 1955(e)(1)(B) (7 U.S.C. 6204(e)(1)(B)), by striking "government employees" and inserting "Government employees";

(2) in section 1959(b)(2) (7 U.S.C. 6208(b)(2)), by striking "section" after "1957 or"; and

(3) in section 1958(d)(1) (7 U.S.C. 6207(d)(1)), by striking "United States district court" and inserting "United States District Court".

SEC. 806. SOYBEANS.

Subtitle E of title XIX of such Act (7 U.S.C. 6301 et seq.; 104 Stat. 3881) is amended—

(1) in section 1969 (7 U.S.C. 6304)—

(A) in subsection (g)(2)(A)(ii), by striking "Agricultural" and inserting "Agricultural";

(B) in subsection (l)(2)(F)(vii)(V), by striking "that requests" and inserting "that request"; and

(C) in subsection (g)(4)—

(i) by inserting a comma after "and"; and

(ii) by striking the semicolon after "Board";

(2) in section 1970(b)(3) (7 U.S.C. 6305(b)(3)), by striking "this Act" and inserting "this subtitle"; and

(3) in section 1974 (7 U.S.C. 6309)—

(A) in subsection (b)(3), by striking "section 1969(k)(4)" and inserting "section 1969(l)(4)"; and

(B) by redesignating the second subsection (b) as subsection (c).

SEC. 807. HONEY.

The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.) is amended—

(1) in section 9(h) (7 U.S.C. 4608(h)), by inserting "to" before "an importer"; and

(2) in section 11A(b)(2) (7 U.S.C. 4610a(b)(2)), by striking "section" after "10 or".

SEC. 808. COTTON.

(a) COTTON PROMOTION ACT.—The Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.) is amended—

(1) in section 7(e)(4) (7 U.S.C. 2106(e)(4)), by striking "title" and inserting "Act";

(2) in section 8(b)(2) (7 U.S.C. 2107(b)(2)), by striking "section 17C(2)" and inserting "section 17(c)(2)";

(3) in section 10(b) (7 U.S.C. 2109(b)), by striking "section 8(b) or 8(c)" and inserting "subsection (b) or (c) of section 8"; and

(4) in section 11(a) (7 U.S.C. 2110(a))—

(A) by inserting "of this Act" after "section"; and

(B) by striking "of this Act," after "subsection (b),".

(b) REPORTS.—Section 1998 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2101 note; 104 Stat. 3913) is amended by striking "title" each place it appears in subsections (a) and (b) and inserting "subtitle".

SEC. 809. FLUID MILK.

Section 1999L(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6411(b); 104 Stat. 3922) is amended by striking "this subsection" and inserting "this section".

TITLE IX—MISCELLANEOUS TECHNICAL CORRECTIONS

SEC. 901. TECHNICAL AND OTHER CORRECTIONS RELATING TO FOOD AND NUTRITION PROGRAMS.

(a) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—The Food Stamp Act of 1977 (7 U.S.C. 2011–2032) is amended—

(1) in section 3 by redesignating subsection (u) as subsection (t),

(2) in section 5(d)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(3))—

(A) in subparagraph (A) by striking "used for" and all that follows through "involved)", and inserting "awarded to a household member enrolled" and

(B) in subparagraph (B) by inserting "tuition and mandatory fees (including the rental or purchase of any equipment, materials, and supplies required to pursue the course of study involved), " after "program for",

(3) in section 16(g) by inserting a comma after "1991",

(4) in the first sentence of section 17(b)(3)(C) by striking "402(g)(1)(A)" and inserting "402(g)(1)(A))", and

(5) in section 19(b)(1)(A)(i) by striking "directly." and inserting "directly".

(b) AMENDMENT RELATING TO THE HUNGER PREVENTION ACT OF 1988.—Section 1772(h)(5) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3809) is amended by striking "Relief" and inserting "Prevention".

(c) DEFINITION OF RETAIL FOOD STORE.—Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99–570; 100 Stat. 3207–167) is amended by striking "and (b)" and inserting ", (b), and (c)".

(d) APPLICATION OF AMENDMENTS.—(1) The amendments made by subsection (a) shall not apply with respect to certification periods beginning before the date of the enactment of this Act.

(2) The amendment made by subsection (c) shall take effect on October 1, 1990, and shall not apply with respect to any period occurring before such date.

SEC. 902. ORGANIC CERTIFICATION.

Title XXI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat 3935) is amended—

(1) in section 2105 (7 U.S.C. 6504), by striking the period at the end of paragraph (2) and inserting "; and";

(2) in section 2110 (7 U.S.C. 6509)—

(A) in subsection (d)(1)(B), by striking "paraciticides" and inserting "parasiticides"; and

(B) by redesignating subsection (h) as subsection (g);

(3) in section 2111(a)(1) (7 U.S.C. 6510(a)(1)), by striking "post harvest" and inserting "postharvest";

(4) in section 2112(b) (7 U.S.C. 6511(b)), by striking "PRE-HARVEST" and inserting "PREHARVEST";

(5) in section 2116(j)(2) (7 U.S.C. 6515(j)(2)), by striking "certifying such" and inserting "such certifying";

(6) in section 2118(c)(1)(B)(i) (7 U.S.C. 6517(c)(1)(B)(i)), by striking "paraciticides" and inserting "parasiticides"; and

(7) in section 2119(a) (7 U.S.C. 6518(a)), by striking "(to" and inserting "to";

(8) in section 2120(f) (7 U.S.C. 6519(f)), by inserting a comma after "et seq.)" the first

place it appears, "Drug", and "Fungicide"; and

(9) in section 2121(b) (7 U.S.C. 6520(b)), by striking "District Court for the District" and inserting "district court for the district".

SEC. 903. AGRICULTURAL FELLOWSHIPS.

Section 1543(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293; 104 Stat. 3694) is amended by striking "Program" and inserting "program".

SEC. 904. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (a)(3), by striking "section" and inserting "subsection";

(2) in subsection (c)(1)(C), by inserting "program" after "agricultural"; and

(3) in subsection (d)(3), by striking "Not later than 1 year after the date of enactment of this Act," and inserting "Not later than November 28, 1991,".

SEC. 905. PROTECTION OF PETS.

Section 28(b)(2)(F) of the Animal Welfare Act (7 U.S.C. 2158(b)(2)(F)) is amended by striking "subsection (b)" and inserting "subsection (a)".

SEC. 906. CRITICAL AGRICULTURAL MATERIALS.

The Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) is amended—

(1) in section 5(b)(9) (7 U.S.C. 178c(b)(9)), by striking the first comma after "industrial purposes"; and

(2) in section 11 (7 U.S.C. 178i), by striking "insure" both places it appears and inserting "ensure".

SEC. 907. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AND RELATED PROVISIONS.

(a) IN GENERAL.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is amended—

(1) in section 2(e)(1) (7 U.S.C. 136(e)(1))—

(A) by striking "section 4" and inserting "section 11"; and

(B) by striking "use" in the second sentence and inserting "uses";

(2) in section 2(q)(2)(A)(i) (7 U.S.C. 136(q)(2)(A)(i)), by striking "size of form" and inserting "size or form";

(3) by conforming the left margin of paragraph (3) of section 4(f) (7 U.S.C. 146a-1(f)) to the left margin of the preceding paragraph;

(4) in section 6(f)(3)(B) (7 U.S.C. 136d(f)(3)(B)), by striking "an unreasonable adverse affect" and inserting "an unreasonable adverse effect";

(5) by striking "APPPLICATORS" in the section heading of section 11 and inserting "APPLICATORS";

(6) in section 12(a)(2) (7 U.S.C. 136j(a)(2))—

(A) by striking "thereunder. It" in subparagraph (F) and inserting "thereunder, except that it";

(B) by striking "or" at the end of subparagraph (O); and

(C) by striking the period at the end of subparagraph (P) and inserting a semicolon;

(7) in section 20(a) (7 U.S.C. 136r(a)), by striking "insure" and inserting "ensure";

(8) in section 20(c) (7 U.S.C. 136r(c)), by striking "incidential pesticide" in the second sentence and inserting "incidental pesticide"; and

(9) in section 26(c) (7 U.S.C. 136w-1(c)), by striking "use" and inserting "uses".

(b) UNEXECUTABLE AMENDMENT.—The phrase sought to be struck in section 102(b)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988 (Public Law 100-532; 102 Stat 2667) shall be deemed to be "an end-use product".

(c) RECORDKEEPING.—Section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i-1) is amended—

(1) in subsection (a), by striking "(7 U.S.C. 136a(d)(1)(C))" and inserting "(7 U.S.C. 136a(d)(1)(C)))"; and

(2) in subsection (d)(1), by inserting "of" after "fine".

SEC. 908. GRAIN STANDARDS.

The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 3 (7 U.S.C. 75), by striking "The" in subsections (i), (j), (k), (u), (v), (w), (x), (z), and (aa) and inserting "the";

(2) in section 16(a) (7 U.S.C. 87e(a)), by striking "Administrtor." in the second sentence and inserting "Administrator."; and

(3) in section 17B(a) (7 U.S.C. 87f-2(a))—

(A) by striking "The" and inserting "On December 1 of each year, the";

(B) by striking "committee on Agriculture" and inserting "Committee on Agriculture; and

(C) by striking "one year" and all that follows through "such committees".

SEC. 909. PACKERS AND STOCKYARDS.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended—

(1) in section 202(c) (7 U.S.C. 192(c)), by striking "dealer. any" and inserting "dealer, any"; and

(2) in section 406(b)(2) (7 U.S.C. 227(b)(2)), by striking the comma after "unmanufactured form,".

SEC. 910. REDUNDANT LANGUAGE IN WAREHOUSE ACT.

Section 17(c)(1)(B) of the United States Warehouse Act (7 U.S.C. 259(c)(1)(B)) is amended by striking ", or to a specified person".

SEC. 911. PERISHABLE AGRICULTURAL COMMODITIES.

The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.), is amended—

(1) in the first section—

(A) by striking out "That when used in this Act—" and inserting the following:

"SECTION 1. SHORT TITLE AND DEFINITIONS.

"(a) SHORT TITLE.—This Act may be cited as the 'Perishable Agricultural Commodities Act, 1930'.

"(b) DEFINITIONS.—For purposes of this Act:"; and

(B) by striking the semicolon at the end of paragraphs (1), (2), (3), (4), (5), (6), and (9) and inserting a period;

(2) in section 4(a) (7 U.S.C. 499d(a)), by striking "anual" in the material before the first proviso and inserting "annual";

(3) in section 5(c)(2) (7 U.S.C. 499e(c)(2)), by striking "(as" and inserting ", as";

(4) in section 6 (7 U.S.C. 499f)—

(A) by adding a period at the end of subsection (c); and

(B) by striking the semicolon at the end of subsection (d) and inserting a period;

(5) in section 7 (7 U.S.C. 499g), by striking the semicolon at the end of subsections (a), (b), and (c) and inserting a period;

(6) in section 8(a) (7 U.S.C. 499h(a))—

(A) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; and

(B) by striking the semicolon at the end of the subsection and inserting a period;

(7) in section 14(a) (7 U.S.C. 499n(a))—

(A) by striking "(7 U.S.C., Supp. 2, secs. 1 to 17 (a))" and inserting "(7 U.S.C. 1 et seq.)"; and

(B) by striking the semicolon at the end of the subsection and inserting a period; and

(8) by striking section 18 (7 U.S.C. 499r).

SEC. 912. EXEMPTION OF PIZZA FROM DEFINITION OF MEAT FOOD PRODUCT.

Section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j)) is amended by inserting after the first sentence the following new sentence: "The Secretary may exempt pizzas containing meat from definition as a meat food product if the meat components of such pizzas have been prepared, inspected, and passed in a cured or cooked form in compliance with the requirements of this Act.".

The SPEAKER pro tempore (Mr. CONDIT). Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3029 seeks to correct a number of technical problems that have come to the attention of Agriculture Committee members since enactment of Public Law 101-624, the Food, Agriculture, Conservation, and Trade Act of 1990, last November.

The majority of the provisions contained in H.R. 3029 are purely technical in nature and were suggested by the independent Office of the Law Revision Counsel which codifies the laws passed by Congress.

As is the case with any major, lengthy piece of legislation, human proofreading errors occur. Most of the provisions in this bill correct various punctuation, capitalization, and citation errors. These are simple human errors that escaped the scrutiny of the staff of the House and Senate Agriculture Committees when we finalized the 1,237 page conference report for the 1990 farm bill last year.

There are provisions in this bill that are somewhat more substantive in nature. However, even these provisions seek to correct technical problems which have come to our attention—either in the wording of last year's farm bill or by questions raised in the initial interpretations of the law made by the U.S. Department of Agriculture.

I would note that most of these provisions were initially proposed by the Subcommittee on Wheat, Soybeans and Feed Grains and the Subcommittee on Cotton, Rice and Sugar in separate markups. We have worked closely with the Department of Agriculture in drafting this bill, and I am pleased to say that the administration does support passage of this legislation.

Mr. Speaker, there are a lot of problems out there in rural America and on our Nation's farms these days. The recession has hit not only our factories and businesses, but also our Nation's farm community.

Every member of the Committee on Agriculture, including myself, has been urged by well-meaning people in our district or by this or that interest group to make major changes in the 1990 farm law.

Although it's not perfect legislation, the Committee on Agriculture wants to give the 1990 farm law a chance to work. The members have exhibited restraint and discipline in bringing to the floor today legislation which makes very limited changes and are without budgetary cost.

In the areas where the bill is more substantive, the amendments seek to achieve the original intent of the 1990 farm bill by providing the Department of Agriculture the direction it needs to carry out these programs in a fair and equitable manner.

Mr. Speaker, I briefly want to highlight the more substantive provisions of the bill:

Several sections of the bill will ensure that farmers can take full advantage of the planting flexibility provisions of last year's farm act.

Other provisions make technical improvements to the conservation and environmental aspects of commodity program operations.

These provisions clarify how the planting requirement for cover crops is to be carried out and stipulates the acreage for annual enrollment in the 1990 farm bill's Integrated Farm Management Program which encourages crop rotation.

The bill also has several provisions which clarify and make explicit certain changes in the food stamp and nutrition programs to benefit low-income Americans.

In last year's reconciliation bill, we were forced to change the calculation of deficiency payments from a 5-month basis to a 12-month basis.

H.R. 3029 does not change this but simply requires USDA to pay wheat producers a projected deficiency payment at the end of the first 5 months of the marketing year. This provision will ensure that financial planning for the wheat producer will not be disrupted by last year's change.

The bill also clarifies the implementation of the oilseed marketing loan program, explicitly allows the interchange of corn and sorghum crop bases, clarifies certain aspects of the cotton program, and exempts fresh pizzas from duplicative meat inspections.

Mr. Speaker, this bill was approved by unanimous voice vote of the committee. I think our colleagues should be aware of the conscious decision made by the members of the Committee on Agriculture to keep this bill focused on the technical fixes needed to make the 1990 farm legislation work more effectively.

The Agriculture Committee has been and wants to continue to be sensitive to the budget problems our Nation faces. Our committee and the entire Congress have agreed to legislative savings in farm spending totaling $46.5 billion since 1982. We have been responsible in every farm bill and budget reconciliation bill since 1982.

I would point out to my colleagues that this technical corrections bill is not only budget neutral—it actually provides us with some budget savings over the next 5 years.

The bill is scored by the Congressional Budget Office as saving about $3 million over the next 5 years. The Department of Agriculture estimates the bill save $15 million over the next 5 years.

Mr. Speaker, this bill will help our farm programs operate more effectively and as we intended. It will benefit a wide spectrum of American agriculture and all of us who depend on it for an abundant and affordable supply of food and fiber. I urge my colleagues to support passage of this very necessary piece of legislation.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, first of all, I want to reiterate the fact that this bill saves $15 million, according to the Department of Agriculture. I understand the Department does support the bill.

Mr. DE LA GARZA. So does OMB.

Mr. GLICKMAN. So does OMB.

I rise in full support of this bill. I thank the chairman for making the technical changes necessary to make the 1990 farm bill work better.

Mr. Speaker, I rise in support of H.R. 3029 which makes technical changes to farm programs enacted by the farm bill, the Food, Agriculture, Conservation, and Trade Act of 1990.

Since February, the Committee on Agriculture has taken an active oversight role in the implementation of the 1990 farm bill. I appreciate and compliment Chairman DE LA GARZA and ranking member, Mr. COLEMAN'S, efforts in getting this bill to the floor and hope that it will become law soon so that producers can start planning for this winter's planting.

Last March the Subcommittee on Wheat, Soybeans, and Feed Grains, which I chair, held a hearing in Washington to discuss with producer groups their problems with the farm bill. The subcommittee then traveled to Bonner Springs, KS, to hear from farmers themselves about how they are dealing with the farm bill's new programs. I am sure my subcommittee will stay active in overseeing this farm bill as the years progress, but I must say these two hearings were very helpful in outlining a few issues the Agriculture Committees overlooked when writing the conference report last year.

Mr. Speaker, the provisions contained in H.R. 3029 are budget neutral, so they will not cost the Government any additional money to implement. Second, Mr. Speaker, these provisions accentuate a number of objectives that were established in the 1985 Food Security Act and then again extended in the 1990 Farm Act. To expand upon the market-oriented agricultural policy of the 1985 act the committee chose to include more planting flexibility in the farm programs. While the committee would have wished to continue offering income support on those flexibility acres, the Omnibus Budget Reconciliation Act of 1990 required it to eliminate those payments.

Because producers are receiving less Government support than before, the committee felt that certain farm programs and restrictions should be lifted to enable farmers to respond better to market prices, upon which they now are so reliant. So the provisions outlined below, which are amendments to the wheat, feed grains, and oilseeds titles of the 1990 farm bill, are an attempt to do just that, loosen program constraints and expland certain programs.

First, H.R. 3029 will allow the planting of minor use, experimental, and industrial use crops on conserving use acres—0/92 program.

Second, the bill will allow producers who plant minor oilseeds, or minor use, experimental, or industrial use crops, on conserving use acres to double-crop that acreage with soybeans so long as the producer has a history of double-cropping soybeans.

Third, this bill will codify and clarify certain Department of Agriculture regulations on the deadline and types of crops that must be planted on set-aside acres. This provision will give States greater flexibility to tailor these requirements to the particular growing conditions in those States.

Fourth, the bill will require the Department of Agriculture to provide wheat producers their payments more expeditiously than provided in the farm bill.

Fifth, corn and grain sorghum producers will be allowed once again, as they were under the 1985 farm bill, to combine their corn and grain sorghum acreage and plant whichever crop best fits their crop rotation practice.

Sixth, the bill will allow producers, through the 1995 crop year, to plant as much as 20 percent of a crop acreage base to peas, lentils, alfalfa, or minor use, industrial, or experimental crops. This provision extends a similar provision which was in effect for the 1989 through 1991 crop years.

Mr. Speaker, I know that my producers in Kansas and all other wheat and feed grains producers in this country will benefit from these changes in the farm programs. In fact, they have been waiting for us to act on this bill. At a time when Government support for agriculture is declining, farmers need the flexibility to grow different crops for the best market return without being penalized by the farm program. My subcommittee worked very hard in analyzing different flexibility options and I believe this bill incorporates the best of those options.

Finally, Mr. Speaker, this bill contains one other provision adopted in committee which will remove an outdated and anticompetitive regulatory burden which has restricted the number of options school lunch administrators have had in planning menus. Under the current regulatory scheme, vendors who are interested in providing fresh pizza for school lunches are effectively precluded from doing so, though providers of frozen pizza and many other meat products, such as meat sandwiches, hamburgers, and bagel dogs face no similar requirements.

During the committee's consideration of the 1990 farm bill last year, this issue was under review by the Department of Agriculture and initial indications were that it could act on its own to solve this problem without any changes in the law. Since that time, USDA has concluded it needs additional statutory authority which this legislation will grant the Department.

The legislation grants the Secretary the authority to exempt from the requirements of the Federal Meat Inspection Act pizza topped with meat products. Before saying what it does, let me note what it does not do:

It does not require the Secretary to grant the exemption; however, it is the intent of the committee that the Secretary initiate a rulemaking, with full opportunity for public comment, within 90 days to implement the exemption.

It does not exempt meat or meat products from any inspection, Federal or State or local, that would normally occur under the present system. The exemptive authority applies only to the meat-topped pizza itself and then only if the meat used in the pizza has been inspected, processed, and cooked or cured in full compliance with the Federal Meat Inspection Act.

What the amendment will do is ensure that vendors providing fresh pizza to school lunches will not have to undergo a third Federal inspection before the pizza is served. The meat in the pizza will still be subject to two inspections, one at the time of slaughter and one at the time the meat is processed, and will have to be cooked in a restaurant subject to State and local health codes.

Presently, USDA has exempted a number of meat products from this third inspection requirement on the grounds that such products have not historically been considered products of the meat food industry. Ironically, some of the products which have been exempted are products, such as hamburgers, which contain far more meat then the typical meat-topped pizza.

Mr. Speaker, this amendment simply brings some common sense to the present, very confusing and contradictory system. It will also level the playing field for vendors of all types of foods interested in serving the school lunch industry and, most importantly, it will give school lunch administrators and students the choices they have been requesting and deserve.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3029, the Food, Agriculture, Conservation and Trade Act Amendments of 1991.

This bill concludes the committee's work from last year when we wrote the 5-year farm bill. As always, when writing such a mammoth piece of legislation, there are technical errors and problems that could not be foreseen at the time it was drafted. The bill before us corrects the bill's purely technical errors and addresses some of its unforeseen problems with the law.

There are some provisions in the bill, for instance, dealing with a requirement that producers must plant a cover crop on a portion of their acreage conservation reserve land under the commodity programs, that are changes in policy. But they are minor and create no new spending.

When we started this process, Chairman DE LA GARZA and I were concerned about costs. We have worked closely with the Department of Agriculture and the Congressional Budget Office, and I am confident that the bill contains no new spending. There are in fact minor savings. Otherwise, I would not be supporting this legislation. USDA supports passage of the legislation.

Mr. Speaker, I urge the adoption of the bill.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I want to commend the committee for the excellent work they have done on a number of important issues including addressing the flexibility on feedgrains between corn and sorghum, and I appreciate the gentleman's work.

Mr. Speaker, this Member rises in strong support of H.R. 3029, a bill that would make technical corrections to the 1990 farm bill. The 5-year farm bill is an immense document with many provisions designed to create or fine tune programs that will work effectively throughout the United States on a number of different crops in myriad different cropping situations. It is truly a tribute to the House and Senate Agriculture Committees and the U.S. Department of Agriculture that technical corrections of such a small number as found in H.R. 3029 are necessary to improve the workings of farm programs. A number of these changes, however, are important to the farmers and agribusiness families of Nebraska.

This Member would especially like to thank the chairman of the Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA] and the ranking member [Mr. COLEMAN] for addressing the issue of necessary flexibility in corn and sorghum bases through H.R. 3029. Under the 1985 farm bill, there was one base for feedgrains—corn, sorghum, oats, and barley. This provision allowed an individual producer to plant a combination of corn and sorghum that was the best fit to expected weather, insect and weed conditions, market price projections and irrigation water availability for that season. This decision was made without fear that any particular year's mix of sorghum and corn plantings would have significant impact on future farm program benefits. This provided a large measure of flexibility to farmers in regions, such as Nebraska's First District, where corn and sorghum are both significant viable crops. Additionally, this flexibility benefited farmers without increasing the cost of the farm program.

In the 1990 farm bill, the Secretary of Agriculture was directed to establish a separate base for each program crop. If this change had been fully enacted by the Secretary of Agriculture, farmers in this Member's district would have been forced to make substantially more of their cropping decisions based solely on the farm program rather than market conditions. Former Secretary of Agriculture, Clayton Yeutter, used discretionary authority to restore some of the flexibility of the 1985 farm bill to corn and sorghum producers for the 1991 crop year.

On February 20 of this year, the gentleman from Nebraska [Mr. BARRETT] and this Member introduced H.R. 980, the Corn and Grain Sorghum Base Clarification Act of 1991. This bill would extend the flexibility granted by the Secretary of Agriculture to corn and sorghum producers in 1991 for the remainder of the 1990 farm bill. While H.R. 3029 does not contain the exact provisions of H.R. 980, this Member is confident that the corn-sorghum provision found in the bill will restore the needed flexibility.

This Member would again like to commend the members of the Agriculture Committee for their work on this technical corrections bill. Their efforts continue to increase the market orientation of U.S. farm policy.

Mr. COLEMAN of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, two of the concerns of the agricultural producers of our nation which we attempted to address in the 1990 farm bill are the need for more flexibility in the farm program, and the importance of addressing environmental issues in a common-sense way that doesn't burden the farmer with excessive and counterproductive regulation. I believe that one of the provisions of the new farm bill which speaks positively to both those concerns is the Integrated Farm Management Program Option [IFMPO]. This program was enacted to provide farmers with a new voluntary option for meeting their farm production and conservation goals. With the 1995 deadline for full implementation of conservation compliance plans fast approaching, many farmers need the additional degree of flexibility to adopt resource-conserving crop rotations which this program provides.

The IFMPO reduces commodity program barriers to sustainable agriculture by providing base protection to farmers who implement plans to protect soil and water, and who plant at least 20 percent of their base acres to resource-conserving crops. Participating farmers are allowed to plant resource-conserving cover crops on base acres and be paid as if they had planted the program crop, for example, corn, wheat, cotton, barley, rice, and so forth. Producers are also allowed to harvest, as well as hay and graze, certain of the resource-conserving cover crops. Resource conserving crops include small grain legume mixtures—except wheat, forage legumes, and forage legume grass mixtures.

Regrettably, there were some initial problems in implementing the program at the county level. First of all, program rules interpreted the law to allow only 3 to 5 million acres of land to be enrolled in the program during the 1991–95 period. In fact, Congress intended to allow that amount of land to be newly enrolled in each of the 5 years involved. This provision has been clarified in the technical corrections bill before us.

There was also an initial problem with USDA requiring all of a farm to be enrolled in the IFMPO, rather than just certain acreage bases selected by the producer. According to the Cooperative Extension Service, many farmers prefer to use whole farm planning which includes enrolling just certain acreage bases during the transition to sustainable agriculture practices. This congressional intent was classified in discussions about this bill by the House Agriculture Committee.

There has also been a barrier to participation in the IFMPO because of an unanticipated penalty suffered by producers of underplanted acres as a result of the triple base provisions of OBRA. Under other circumstances, the producer with underplanted acres can use those acres to satisfy his or her triple base requirements, but the IFMPO participant cannot. This penalty has deterred a significant number of farmers who have previously used conservation cropping practices from enrolling in the IFMPO. The penalty was never intended by Congress, since Congress enacted the IFMPO for the very purposes of encouraging farmers to modify farming practices and systems to reduce unneeded inputs and farm in a more environmentally benign manner. This problem has also been remedied through today's technical corrections.

Due to these problems and others with administration of the IFMPO, acreage enrollments during the 1991 sign-up period were disappointingly low. In fact, only about 56,000 acres were enrolled across the entire United States. This was compounded by the fact that the final rules for the program were not published until shortly before the end of the sign-up period, and the rules contradicted the law on several key points. Instructions on how the state and county ASCS offices should administer the program were also a problem. Many farmers have complained of wanting to enroll in the IFMPO but of being effectively denied the opportunity.

Mr. Speaker, it is our hope that these technical corrections we are considering today will make the Integrated Farm Management Program an attractive option for farmers who wish to adopt sustainable agriculture practices.

Mr. BARRETT. Mr. Speaker, I rise in support of H.R. 3029, legislation making technical corrections and amendments to the 1990 farm bill. I am particularly pleased with a provision of the bill that addresses problems farmers would face in coming seasons, because of an unintended effect of last year's farm bill.

Under the 1985 farm bill, producers could plant corn or grain sorghum on a combined corn and grain sorghum base, in a manner that best suited their rotation and production needs. Unfortunately, the 1990 farm bill unintentionally took away that flexibility. The 1990 act separates corn and sorghum base acres and does not allow their interchange—thereby eliminating the farmer's ability to undertake the best management practices in the farm operation.

The loss of this flexibility could have a dramatic impact on Nebraska's economy. The value of our corn and grain sorghum production reaches over $2.2 billion annually, and generated more than $1.8 billion in cash receipts in 1989 for Nebraska farmers. If Secretary of Agriculture Clayton Yeutter had not found a way to provide for the fair and equitable establishment of corn and sorghum bases during this, the 1991 crop year, we would have seen a decline in farm income.

To address this problem, I introduce H.R. 980, The Corn and Grain Sorghum Base Clarification Act, to expressly provide the Secretary of Agriculture the authority to allow producers to interchange corn and sorghum base acres. I am pleased that the committee included language similar to H.R. 980 in the legislation we are considering today.

Mr. Speaker, to permanently correct this unintended effect of the 980 farm bill, I strongly urge my colleagues to join me in supporting H.R. 3029, the farm bill technical amendments, to fully restore a farmer's ability to combine feed grain bases through the 1995 crop year, and make other important adjustments to the 1990 farm bill.

□ 1850

Mr. COLEMAN of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SPEAKER pro tempore. (Mr. CONDIT). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3029, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered, H.R. 3029.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WORLD CUP USA 1994 COMMEMORATIVE COIN ACT

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2801) to authorize the minting of legal tender coins to commemorate the 1994 World Cup and to provide a financial legacy to youth and amateur soccer in the United States, as amended.

The Clerk read as follows:

H.R. 2801

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World Cup USA 1994 Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 750,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(b) ONE DOLLAR SILVER COINS.—The Secretary shall issue not more than 5,000,000 one dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(c) HALF DOLLAR CLAD COINS.—The Secretary shall issue not more than 5,000,000 half dollar coins which shall be minted to the specifications for half dollar coins contained in section 5112(b) of Title 31, United States Code.

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for the coins minted under this Act from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN.

(a) DESIGN REQUIREMENTS.—The design of each coin authorized hereunder shall include the official 1994 World Cup logo adopted by World Cup USA 1994, Inc., the organizing committee for the event (hereinafter referred to as the "Organizing Committee") and shall reflect the unique appeal of soccer. On each coin authorized hereunder there shall be a designation of the value of the coin, and inscriptions of the words "United States of America", "E Pluribus Unum", "In God We Trust", "Liberty" and "World Cup USA 1994".

(b) DESIGN COMPETITION.—The Director of the United States Mint shall sponsor a nationwide open competition for the design of each coin authorized hereunder beginning not later than 3 months and concluding not later than 9 months after the date of the enactment of this Act. The Director of the United States Mint shall select 10 designs for each coin to be submitted to the Secretary, who shall select the final design for each such coin in consultation with the Organizing Committee.

SEC. 5. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 for the half dollar coins.

(e) WORLD CUP COMMUNITIES.—The Secretary shall use best efforts to market World Cup coins in the United States with particular focus on communities in which World Cup games are held.

(f) INTERNATIONAL SALES.—The Secretary, in cooperation with the Organizing Committee, shall develop an International Marketing Program to promote and sell coins outside the United States.

(g) REPORTS TO CONGRESS.—

(1) REQUIRED.—Not later than 15 days after the last day of each month which begins before January 1, 1996, the Secretary shall submit a report describing in detail the activities carried out under this Act to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS OF REPORT.—Each report submitted pursuant to paragraph (1) shall include a review of all marketing activities under this section and a financial statement which details sources of funds, surcharges generated, and expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping.

SEC. 6. ISSUANCE OF THE COINS.

(a) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be minted and available for issue no later than January 3, 1994, but shall be issued only during 1994.

(b) PROOF AND UNCIRCULATED COINS.—The coins authorized under this Act shall be issued in uncirculated and proof qualities.

(c) BUREAUS OF THE MINT.—Not more than 1 facility of the Bureau of the Mint may be used to strike any particular combination of denomination and quality.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Organizing Committee. All remaining funds from the sale of the coins authorized under this Act shall be deemed to be surcharges and transmitted in accordance with this section.

(b) USE OF PROCEEDS.—Amounts received under subsection (a) shall be used by the Organizing Committee for purposes of organizing and staging the 1994 World Cup, with 10 percent of such funds to be made available through the United States Soccer Federation Foundation, Inc., for distribution to institutions for scholastic scholarships to qualified students.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents and other data of the Organizing Committee as may be related to the expenditure of amounts paid under section 8.

SEC. 10. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund to the Organizing Committee; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 11. FINANCIAL ASSURANCES.

(a) NO NET COST.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 2 shall not result in any net cost to the Federal Government.

(b) PAYMENT ASSURANCES.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment;

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the Members of the House that I am proud to bring before the House H.R. 2801, the World Cup USA 1994 Commemorative Coin Act. In the short period since I introduced this legislation with my colleagues, Mr. GONZALEZ, Mr. WYLIE, Mr. MCCOLLUM, Mr. FASCELL, Mr. LAROCCO, and Mr. COX, the measure has gained the support of over 250 Members of Congress. The bill was reported out of subcommittee by a unanimous vote.

Two weeks ago Pele, the internationally renowned soccer star came to Washington to testify before my subcommittee on behalf of the World Cup USA Coin Program. During his soft-spoken, but compelling testimony he said that when he first arrived in the United States to play for the New York Cosmos soccer club his dream was to bring the World Cup soccer championship to the United States. By voting for this bill we can help make this dream come true. Also testifying before the subcommittee were Peter Vermes and Shannon Higgins, members of the men's and women's national teams, respectively, Hon. Chris Cox, Alan Rothenberg, president of the U.S Soccer Federation, and Chuck Cale, CEO of World Cup USA.

In 1994, these exciting soccer matches will bring over 1.5 million visitors to the United States. Furthermore, it is estimated that these visitors will spend at least $1.5 billion during that period. As you can see, the World Cup will bring substantial economic benefit to the United States and the host communities. As the original cosponsor of this bill, let me say that this coin bill before us today is an investment which will generate significant returns to our local communities. Let me add that this investment will not cost the Government a single dime.

The surcharges generated by the World Cup coin sales will be the second largest revenue source for the United States to host the games. The funds will be used to stage the games in up to 12 cities during a 1 month period in 1994.

The attention of the world that hosting this event will bring presents a unique opportunity for Americans to showcase our country at its best.

Many Americans not familiar with the World Cup may be surprised to learn that it is the largest single-sport spectacle in the world—only the Olympic games compared in scope and international appeal. For example, the most recent World Cup, held in Italy in 1990, was viewed by a cumulative worldwide television audience of over 26 billion. The championship game alone drew 1.3 billion viewers, the largest live audience in history. In comparison, the 1991 Super Bowl had an audience of 110 million.

The first World Cup was held in Uruguay in 1930, and except for the war years—1942 and 1946—the event has been held quadrennially. Brazil, West Germany, and Italy have each won the World Cup three times, while Uruguay and Italy have each won the coveted trophy twice each. England was victorious in 1966. The United States has yet to win a World Cup and has qualified for the final round on only two occasions in the last years, 1950 and 1990. However, the U.S team showed promise in the 1990 World Cup and just recently won the Gold Cup, a tournament with our neighboring countries in Central America and the Caribbean.

This is the first time in history that the United States has been selected to host the World Cup which is staged every 4 years. Two dozen communities throughout the United States are currently competing for the chance to be one of the locations selected to host a portion of the games. Unlike the Olympics, teams from 24 finalist countries will compete over a 4-week period—June 17, 1994—in as many as 12 locations around the country.

I look forward to the opportunity for our country to host the world's finest soccer and ask for your support for the bill that will help make it possible.

Mr. Speaker, the committee will file a committee report on H.R. 2801, the World Cup USA 1994 Commemorative Coin Act. The Committee intends to further clarify issues such as open criteria, marketing, accountability and others. The committee intends to provide guidance to the Treasury and the Mint in carrying out the provisions of this bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, support H.R. 2801, the World Cup USA 1994 Commemorative Coin Act.

However, as this is the first commemorative coin that we have considered on the floor of the House in the 102d Congress, it is appropriate to address a few comments about commemorative coins programs in general.

There needs to be an understanding on how a coin program works. The Treasury Department designs and produces a coin to commemorate a person or event.

The Treasury then markets and sells the coins at a price sufficient to ensure that there is no net cost to the Federal Government. In addition, a surcharge is added to the cost of each coin. The surcharge is in turn given to the designated beneficiary of the coin program.

Consequently, each commemorative coin program means millions of dollars for a beneficiary.

As a result, at a time when economic ills have Federal, State, and local budgets shrinking, a commemorative coin program is increasingly viewed as a cure-all to benefit a worthy cause.

The bulk of commemorative coins are sold to collectors. Collectors buy them because they are limited. By continuing to expand the number of programs and the number of coins produced, we may be destroying the market we need to make a commemorative coin program successful.

If we are to keep and maintain a strong commemorative coin program in the United States, I would suggest to my colleagues that when they are asked to cosponsor a commemorative coin, they carefully review and consider each program on its own merits and in connection with all other programs we have authorized.

My comments are not intended to reflect on any specific piece of legislation that has been introduced. I offer these comments simply to express a concern that we not overindulge in too much of a good thing. As I said at the outset, I support H.R. 2801. Soccer has been described as the world's most popular team sport.

Several months ago, I had the opportunity to be in Moreno Valley, a city in my district, on a Saturday morning. There, in a park, was soccer field after soccer field. They all were full. Children of all ages were playing and as their games ended, there were other teams waiting to take the field.

The 1994 World Cup will provide an opportunity to showcase the sport of soccer and the United States. The games, like the Olympics, will not be subsidized by tax dollars. The sale of commemorative coins will generate the revenues needed to organize, promote, and stage the games throughout the country.

While I have some concerns over the high mintage levels authorized by this legislation, I am willing to let the marketplace prove us right or wrong.

Earlier this year, I announced my intention to offer to all commemorative coin legislation the requirement that the surcharge be divided, with half going to the designated beneficiary and half going to reduce the national debt. I offered such an amendment to H.R. 2801 when it was before the Subcommittee on Consumer Affairs and Coinage. Unfortunately, it was defeated by an overwhelming majority.

Although I was disappointed by that vote, I support this legislation, and I commend my colleague from California, the chairman of the subcommittee, and sponsor of the legislation for bringing it forward.

Mr. Speaker, I reserve the balance of my time.

Mr. TORRES. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. McCANDLESS], for supporting this legislation.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. WYLIE], the ranking minority member of the Committee on Banking, Finance, and Urban Affairs.

Mr. WYLIE. Mr. Speaker, I rise in strong support of the World Cup USA 1994 coin bill. I am happy to have cosponsored this legislation with Chairman TORRES and commend him and his staff for expeditiously moving this legislation.

The World Cup is perhaps one of the greatest international sporting events and I believe it is an honor for our country to be able to host this tournament. The World Cup is watched by millions worldwide, and I want our country to be a worthy host for the spotlight.

I am particularly happy that the World Cup is considering holding games on the campus of Ohio State University in my home town of Columbus, OH. I know many of my good friends in Columbus are anxiously awaiting the opportunity to host these historic games and I share their support for the World Cup.

I believe the World Cup will have the same appeal to Americans as the Olympics and I think it is appropriate to authorize commemorative coins for these games in order to assist with their funding. I believe that such a program would be a great success and would demonstrate the commitment that the United States has to the World Cup.

I believe that the World Cup is a truly worthy program to benefit from the issuance of commemorative coins. I urge my colleagues to support this bill and enable its prompt passage.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, my California colleagues, Congressman TORRES and Congressman McCANDLESS, are to be congratulated for their work in bringing this bill to the floor; likewise, my colleague, the gentleman from Ohio [Mr. WYLIE].

This is a wonderful opportunity for the U.S. Congress to assist in the promotion of a purely privately funded and sponsored event—not at taxpayer expense—that will be hosted here in the United States, the largest sports event ever in the world, the World Cup, 1994.

I have had the distinct privilege of being involved in the U.S. World Cup event since the United States was seeking the opportunity to host the World Cup when Ronald Reagan was President. I worked as a lawyer for President Reagan in the counsel's office and assisted him in making the representations to the International Governing Body of Soccer [FIFA] so that the United States would have the opportunity to meet the filing deadline and to have the opportunity successfully, as it turned out, to compete as a World Cup host country.

Now I am looking forward, having won the bid, to America's hosting what promises to be a magnificent event.

It is now up to the Congress to do our part to make this historic opportunity a reality, and we are doing so through the means of this bill, the World Cup USA 1994 Commemorative Coin Act. It is an opportunity for the Congress to lend a helping hand so that millions of people around the world will see America through the medium of soccer in a most favorable light.

As an avid soccer fan and player myself, both in high school and on the varsity of the University of Southern California, I have had the opportunity to learn the joys of competition and, of course, the courage necessary to accept defeat; too often, I think the latter.

I have not, like some mortals, had the opportunity to compete in a World Cup, but I have found that through soccer millions of America's youth can learn lessons about sportsmanship, about self-discipline and about winning and losing that carry them through the rest of their lives.

The World Cup offers us a wonderful chance to attract young people to this sport and to assist them in their later lives. The World Cup coin bill is a small but significant part of this event. It will create gold, silver and clad coins to be sold to the public in celebration of the upcoming World Cup, and will give interested Americans an opportunity to support the games and to own a keepsake for life.

There are other ways that this bill will involve Americans. The design of the coin itself will permit participation from across America because designs from any interested person will be accepted in a competition for the final design.

Profits from the sale of these coins will go to the organizing committee and will be used in staging the event. This is a very important source of revenue. It will be the second source of revenue after ticket sales in order to make the World Cup a success. A sellout of these coins could generate $67 million, which will flow back into our communities and which will be an opportunity to invest in America and Americans without using any tax dollars whatsoever.

Mr. Speaker, I would again like to congratulate my colleagues, Congressman TORRES and Congressman MCCANDLESS and Congressman WYLIE, for their efforts in bringing this bill to the floor, and I urge all my colleagues to join with them in cosponsoring and voting for this bill.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding this time to me.

I simply rise when I see so many Californians on the floor to join in extending my hearty congratulations for a measure which is clearly very important. As we look at the challenge of trying to do things with government involvement, without expending taxpayer dollars, I am always for it, and this is one of those right here.

Clearly, athletic endeavors are a very important basis over the last several decades of life here in the United States.

□ 1910

Mr. Speaker, to see my colleagues, the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. MCCANDLESS] working as hard as they have to bring this about, I congratulate them and look forward to the opportunity to vote in favor of this legislation.

Mr. KYL. Mr. Speaker, as a cosponsor, I am pleased to rise in support of H.R. 2801, the World Cup USA 1994 Commemorative Coin Act.

Mr. Speaker, the United States has been chosen to host the World Cup soccer championship in 1994, the first time the country has ever won that coveted opportunity. Arizona is vying for the chance to host a portion of the 52 games of the tournament, and I hope we will win that, too.

The World Cup, as the world's largest single sporting event, compares only to the Olympic games in terms of international appeal. When the World Cup was last held in 1990, it was viewed by a cumulative worldwide television audience of over 26 billion people. The championship game itself was viewed by 1.3 billion, the largest live audience in history.

Hosting the World Cup is obviously a tremendous opportunity for the country and the communities that will host the tournament games.

This legislation will not only commemorate the United States' role as host of the 1994 World Cup, but it will also raise revenues for World Cup USA 1994, the event's organizing committee. And, 10 percent of the funds will be devoted to schools with athletic scholarships.

I would note that this will be accomplished at no net cost to the Treasury. All costs will be offset by the price of the commemorative coins themselves.

Mr. Speaker, I urge the unanimous adoption of this important legislation.

Mr. McCANDLESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONDIT). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 2801, as amended.

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 10, nays 10.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REQUEST FOR GENERAL LEAVE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2801, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PERSIAN GULF SILVER MEDALS

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1107) to establish a silver congressional commemorative medal for members of the U.S. Armed Forces who serve in a combat zone in connection with the Persian Gulf conflict, as amended.

The Clerk read as follows:

H.R. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to commemorate the sacrifices made and service rendered to the United States by members of the United States Armed Forces who serve in a combat zone in connection with the Persian Gulf conflict.

SEC. 2. SILVER CONGRESSIONAL COMMEMORATIVE MEDAL.

(a) IN GENERAL.—The Secretary of the Treasury shall design and strike a silver medal with suitable emblems, devices, and inscriptions to be determined by the Secretary in commemoration of the sacrifices made and service rendered to the United States by members of the United States Armed Forces referred to in section 3(a).

(b) SOURCE OF BULLION.—The Secretary of the Treasury shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.) and such silver shall be furnished to the Secretary at no cost by the custodian of the stockpile.

SEC. 3. ELIGIBILITY TO RECEIVE MEDAL.

(a) IN GENERAL.—Any member of the United States Armed Forces who serves in a combat zone in connection with the Persian Gulf conflicts shall be eligible for a silver medal referred to in section 2.

(b) DETERMINATION.—Eligibility under subsection (a) shall be determined by the Secretary of Defense and such Secretary shall establish a list of the names of such eligible individuals before the end of the 120-day period beginning on the date of the enactment of this Act.

(c) NEXT OF KIN.—If any member referred to in subsection (a) is deceased, the next of kin of such member may receive the medal referred to in section 2.

(d) DELIVERY.—The medals struck pursuant to section 2(a) shall be delivered by the Secretary of the Treasury to the Secretary of Defense and the Secretary of Defense shall arrange for the distribution of the medals to the eligible individuals.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the silver medal described in section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost of duplicates and the cost of designing and striking the medals under section 2, including labor, materials, dies, use of machinery, and overhead expenses.

(b) PROCEEDS IN EXCESS OF COST TO BE USED TO REDUCE THE NATIONAL DEBT.—Any amount received by the Secretary of the Treasury from the sale of duplicate medals under subsection (a) in excess of the costs described in such subsection shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 7. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing medals under this Act will not result in any net cost to the United States Government.

(b) NO EXPENDITURES IN ADVANCE OF RECEIPT OF FUNDS.—The Secretary of the Treasury shall not strike, mint, or distribute the medals described in section 2 until such time as the Secretary certifies that sufficient funds have been received by the Secretary under section 5 or from donations from private persons to ensure that striking, minting, and issuing medals described in section 2 will not result in any net cost to the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1107, the Operation Desert Storm Congressional Silver Medal. These congressional commemorative medals will show the Congress' appreciation for the efforts made by all those who served in the Persian Gulf. The more than 600,000 servicemen and women renewed the Nation's confidence in our ability to protect a nation's sovereignty. Our troops led the coalition forces in rapidly executing the common objective—getting the Iraqi forces out of Kuwait.

These silver medals will be produced at no cost to the Government. To ensure that the budget neutrality of this bill is maintained, all the funds necessary to mint the silver medals will first have to be raised through the sale of bronze duplicates and any private donations.

As chairman of the House Banking Subcommittee on Consumer Affairs and Coinage, I would like to express my personal gratitude to all the courageous men and women who served in the Persian Gulf. I would also like to commend my colleague, Mr. LAROCCO, for the fine work he has done on this legislation.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would also like to thank the many other members of the committee and of the House who have supported and cosponsored H.R. 1107, a bill to provide a Silver Congressional Commemorative Medal to U.S. troops who served in the Persian Gulf with Operations Desert Storm and Desert Shield.

Mr. Speaker, let me say to the Members of the House that last winter this House conducted the most exhaustive debate in modern history on our involvement in the Persian Gulf.

The Congress gave its wholehearted support for our troops in the field and that congressional support never wavered.

During that historic debate and during the war, we were never divided in our support for the troops—the men and women of Operations Desert Storm and Desert Shield.

We all agreed that American troops, when called upon to do a job would do it and do it well.

Mr. Speaker, when American troops went into harm's way, all of the Members of this House supported them.

We knew that they would make the sacrifices demanded and do what was required.

We all followed their actions on television and through the daily Pentagon briefings.

We worried for their safety and we worried for their families.

We saw their fatigue and their triumphs, their tragedies and their victories.

We knew that they would do the job.

Operation Desert Storm was the largest operation in modern U.S. military history to use an all-volunteer force. They proved themselves.

It was the first operation of its size to rely heavily on Reserves. They proved themselves.

And it was the first large-scale operation to make extensive use of the talents of military women. They, too, proved themselves.

And, Mr. Speaker, watching our troops meet yet another challenge, we all thought: "They deserve our gratitude."

That is what we are preparing to give them today.

On April 11, this House voted without dissent to give gold medals to General Schwarzkopf and to General Powell.

Today we have a chance to recognize the rank-and-file troops without whom the brilliance of Generals Schwarzkopf and Powell would have been for nought.

Working with my friend, the gentleman from California who serves as ranking Republican on the Consumer Affairs and Coinage Subcommittee, and with other members of the committee, we have fashioned a bill that calls on the U.S. Mint to create a bronze medallion to commemorate our troops in the gulf.

This medallion will be sold to the public and its proceeds will be used to provide the troops with a silver medal.

Mr. Speaker, through the years Congress has directed the Mint to issue commemoratives to benefit many worthy causes: U.S. participation in the Olympic Games, the restoration of the Mount Rushmore Memorial, the fine work of the USO, and just now, to defray the cost of hosting the 1994 World Cup Soccer tournament.

Today, with this bill, we have the opportunity to authorize the creation of a medallion which will benefit one of the worthiest causes of all: showing our appreciation to the men and women of Desert Storm for a job well done.

This bill will cost the taxpayers nothing.

It simply gives those who chose to do so the opportunity to purchase an official commemorative of Operation Desert Storm and directs the minting of silver medallions for the men and women of Desert Storm with the proceeds.

This bill has bipartisan sponsorship.

It was reported by the Consumer Affairs and Coinage Subcommittee without dissent.

It is sponsored by Representatives of 47 States.

Sponsors include the chairman of the Armed Services Committee, the chairman of the Veterans' Affairs Committee, and the House cochairs of the Vietnam Veterans in Congress organization, of which I am proud to be a member.

Mr. Speaker, in April we voted gold medals for the generals.

Today, let us vote for something—a silver medal—for the troops.

I urge the adoption of H.R. 1107 and thank the Members of the House for their support.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on August 2, 1990, armed forces from Iraq invaded and occupied the nation of Kuwait.

The actions of Saddam Hussein were universally condemned, and many efforts where undertaken in an effort to reach a peaceful and diplomatic solution.

As a last resort, the U.N. Security Council authorized the use of "all necessary means" to expel Iraq from Kuwait after January 15, 1991 if diplomatic and economic efforts wer unsuccessful.

On January 12 of this year, by a vote of 250 to 183, the House of Representatives approved the use of military force against Iraq.

The events of the next several weeks demonstrated the wisdom of that vote We put our faith in the men and women in our Armed Forces, and they made all Americans proud.

There have been many efforts to commemorate the deeds and sacrifices of the participants in Operations Desert Shield and Desert Storm.

The Department of Defense reinstated the National Defense Service Medal for our troops.

The President, by Executive order, established the Southwest Asia Service Medal to provide special and distinctive recognition for exceptional service in the Middle East.

In addition, individual and unit citations, and combat ribbons and badges are being awarded.

Here in the House, our colleague from Idaho, Mr. LaRocco, introduced legislation to provide for a congressional commemorative silver medal to be awarded to each member of the Armed Forces who served in the Middle East.

I must say that I opposed H.R. 1107 as introduced.

In testimony before the Subcommittee on Consumer Affairs and Coinage, the Bureau of the Mint estimated that the cost of the medals would be $6.4 million.

At a time when we are facing record deficits, I was reluctant to support a multimillion dollar program to award medals.

In addition, I shared the concerns of Lt. Gen. Donald Jones, who appeared before the subcommittee.

General Jones expressed the view of the Department of Defense that this legislation would set a precedent that diminished the efforts and sacrifices of troops that served in other conflicts.

To his credit, the gentleman from Idaho sought to address the economic concerns.

In the subcommittee, he offered an amendment to provide that the silver medals be struck and distributed at no net cost to the Federal Government.

As a means of raising money to pay for the medals, the gentleman from Idaho proposed the sale of bronze replicas to the public.

I offered additional language to his amendment that prohibits the Secretary of the Treasury from producing and distributing the silver medals until he certifies that sufficient funds have been raised to cover their cost. That language was adopted.

The bill before us will allow the public to decide whether we should spend the resources or establish the precedent of giving a silver commemorative medal to the veterans of the Persian Gulf war. They will vote by their purchase of bronze replicas or by making donations.

As such, I have no objection to this bill, and will, in fact, support it.

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Mr. TORRES. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. Roemer].

PERSONAL EXPLANATION AND REQUEST FOR PRINTING OF STATEMENT

Mr. ROEMER. Mr. Speaker, on rollcall vote 232 on House Joint Resolution 308, I was unavoidably detained. Had I been present, I would have voted no.

Mr. Speaker, I ask unanimous consent that my statement appear in the Record immediately following Rollcall vote No. 232.

The SPEAKER pro tempore (Mr. Condit). Is there objection to the request of the gentleman from Indiana?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. TORRES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. Skelton], a member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I take this opportunity to commend the committee, the subcommittee Chair, the gentleman from California [Mr. Torres], the gentleman from California [Mr. McCandless], the ranking member, for bringing this commemoration bill to the floor.

Mr. Speaker, it was back on January 12 that we had a measure before us that all of us hoped would never come to pass during our careers as Members of Congress, but it did. It was authorizing the use of force, military force, to extract Saddam Hussein's forces out of the country of Kuwait. As my colleagues know, that was successful. It was strongly supported in this body. Subsequent to that our forces did just what the Commander in Chief asked and what our Congress authorized. They did throw Saddam Hussein's forces out of Kuwait.

Mr. Speaker, they did a superb job. They wrote a new chapter in military history. They did so because of the caliber of young men and women that we had, the high level of training, the outstanding weapons and equipment that they had and also the Guard and Reserve assistance that was in the gulf and elsewhere.

As a result of all of that, I think it is certainly fitting and proper that the soldier, the airman, the sailor, the marine, the young man on the line, whether it be in a Bradley fighting vehicle, or the helicopter, or a foot soldier, be commemorated in this way, and I certainly think this is very appropriate.

I again congratulate and commend this foresight in bringing this to the floor. It will mean something in history decades from now.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to call to the House's attention my error in referring to the gentleman from Idaho [Mr. LaRocco] as being from Ohio. Mr. Speaker, reappointment will not go that far during the next few months.

Mr. LaROCCO. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from Idaho.

Mr. LaROCCO. Mr. Speaker, I thank the gentleman from California [Mr. McCandless]. I am proud to be from the Potato State, and no slam against Buckeyes, but I appreciate that. I am often confused with somebody from Iowa, but rarely from Ohio.

Mr. McCANDLESS. Mr. Speaker, the chairman started out with Ohio, and I thought I would go along with the chairman.

Mr. LaROCCO. Mr. Speaker, I thank the gentleman from California [Mr. McCandless] very much for that correction.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. Michel].

Mr. MICHEL. Mr. Speaker, let me first say that I understand the good intentions behind this bill, but good intentions cannot make up for the fact that H.R. 1107 is not necessary.

Mr. Speaker, the bill says that the medal commemorates the sacrifices made and services rendered to the United States by troops in the gulf, but American troops went to the gulf because it was their duty to do so. That is the way of the warrior, as it has been from time immemorial.

Mr. Speaker, what can a silver commemorative medal add to the stark and, in an odd sense, beautiful fact that so many did their duty so well, and I might add: As volunteers?

The words from the Gettysburg Address come to mind: "* * * we cannot dedicate, we cannot consecrate, we cannot hallow," and so forth. In a similar sense we in the Congress cannot, by awarding commemorative medals, add anything to the glory won in the gulf by our Armed Forces.

Mr. Speaker, I happen to be a firm believer in awarding medals according to the customs and the regulations of the military. I am personally very proud of my Purple Heart, Bronze Stars, Combat Infantryman Badge, service medals, and so forth. That is why I heartily approve the awarding of the National Defense Service Medal and the Southwest Asia Service Medal to gulf warriors. Such medals do have meaning, and they are part of the great tradition of military service.

Mr. Speaker, in my view the vote on January 12, 1991, authorizing the President to use force was the time when Congressmen had a real chance to do something for our military and for our country. In that vote some of us chose one road. Some of us chose another, each according to his or her conscience, and history will judge us on that vote, not on this one.

Again, if I may paraphrase Lincoln: The brave men and women, living and dead, who struggled in the gulf, have consecrated their duty far above our poor power to add or detract with a silver commemorative medal.

The Department of Defense is against this idea. The Secretary of Defense, Dick Cheney, feels that the men and women of our Armed Forces have been adequately recognized for their good job, particularly as we make comparisons with our other wars, length of service, et cetera, and I would have to raise this question: What about those in World War I, if my colleagues want to go back that far? When I first served here, we had a veteran from the Spanish-American War from my hometown. Every once in a while something came up with respect to that war. What about Korea? What about Vietnam?

Mr. Speaker, I think what we need now is frankly to simply raise the question here of the propriety of what we are doing, laudable as the cause may very well be. I compliment the distinguished gentleman from California for the amendment that he offered, and he apparently had adopted, to the original base legislation. I think that is some improvement. But it does not get away from my base criticism and objection, and that is something extraordinarily special here for this group of veterans, as distinguished from those who served in past wars and did not get that kind of recognition or contribution when, frankly, many were overseas 2½, 3 years or more as a contribution to the defense of this country, not a hundred hours of war, or 3 months, or 6 months, laudable as that is.

Mr. Speaker, I think we ought to be thinking in terms of some comparatives here in the final analysis, and I thank the gentleman from California [Mr. McCANDLESS] for yielding this time to me.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this House not too long ago stood in division. Many of us were contemplating the issue of whether we should commit men and women to the Persian gulf.

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This House in its finest hour in debate was able to sustain the President's desire to commit forces to that part of the world. In spite of the fact that there was division, once this House decided the issue, then every Member stood behind the Commander in Chief and those troops that were committed to that part of the world.

Today, Mr. Speaker, the Members of this House have sought and seen fit that we comemorate the brave men and women who participated in that endeavor. This Congress is committing itself but to a small token of appreciation. It is a small token, a silver medal, but, Mr. Speaker, it is symbolic of the way that we feel.

The subcommittee has garnered enough signatures from Members of this House to bring this issue to the floor. Those men and women put their lives on the line, and we are commemorating that. It is not the Department of Defense. They are not elected to make that decision. This House has sought that posture, Mr. Speaker, and so I oppose the former speaker who seemed to indicate to me that our men and women were not worthy of this silver medal. I strongly support that we should do this in honor to them.

Mr. LAROCCO. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Idaho.

Mr. LAROCCO. Mr. Speaker, I would like to say that not long ago we voted in this body, without dissent, for two gold medals for the generals. This is an expression of gratitude, an expression of thanks to the men and women. I emphasize women, who took such a large role in this conflict.

It is a small expression of gratitude and thanks, and I cannot take responsibility for this body of what they did for the Vietnam veterans after the war. I was not in Congress then. I was in the Army.

Now we have a chance to bring a bill before this body to say thank you, to express our gratitude, not do it in gold, as we did for the generals, but do it in silver, glistening, a glistening thanks. I think we can do it, and we fashioned a good bill with the help of the minority.

This bill has bipartisan support, and the Vietnam veterans in Congress have supported this. I think it deserves action and positive action, Mr. Speaker.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is my generation that did serve in Vietnam. While I was in the service during that period of time, I did not go to the Vietnam theater. Some in this House did. There are others who in this country are still suffering the effects of that war.

I am wondering if we might be able to modify this measure in order to include the Vietnam veteran. Would the author of the amendment be amendable to amending this motion to include the Vietnam veterans?

Mr. LAROCCO. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Idaho.

Mr. LAROCCO. Mr. Speaker, this measure is intended as an expression of gratitude to the brave men and women who served in Desert Storm and Desert Shield. There was no proposal like that that was mentioned during the committee action on this.

The gentleman raises a good point, but at this time under suspension with this bill at this point, I think it is late to consider that. It was not brought up during the discussion.

We have bipartisan support. There are many people in this body who support this measure the way it is and who have helped amend it so that we could get it through.

Mr. WALKER. Mr. Speaker, we can do things by unanimous consent even under suspension. So I am asking the gentleman, could we in fact include the Vietnam veterans in this bill?

Mr. LAROCCO. If the gentleman would continue to yield, I would be happy to work with him as a cosponsor of an individual piece of legislation, the Walker-LaRocco bill, that would honor the Vietnam veterans in such a way.

Mr. WALKER. Mr. Speaker, I am asking the gentleman why we cannot do it right here. It seems to me that there is the opportunity to do it right here on the floor yet this evening. Is that not possible to do?

The gentleman is not willing to do that.

Mr. LAROCCO. Mr. Speaker, I am willing to work with the gentleman on a separate piece of legislation.

Mr. WALKER. Mr. Speaker, I am saying it can be done right here and now. I am asking the gentleman whether he is willing to go along with that to be done here this evening.

Mr. LAROCCO. Mr. Speaker, I think that the debate that happened on this monumental conflict in our Nation's history and the fact that this was an All-Volunteer Force, we have heard the arguments, I think that we accept them.

I understand the gentleman's point, and I am willing to go halfway with the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman does not sound like he is willing. Is the chairman willing to ask unanimous consent to include the Vietnam veterans in this particular measure?

Mr. TORRES. Mr. Speaker, if the gentleman would yield, there is no question but that the gentleman's request has great merit to it. I believe that the Vietnam war veterans should be recognized. Vietnam veterans are recognized. We have a Vietnam memorial. We do not have a memorial to the veterans of the Persian Gulf. We do not even have a memorial to the veterans of the Korean war.

Mr. WALKER. Mr. Speaker, we are working on that. I certainly hope that we get that.

Mr. SOLOMON. Mr. Speaker, that will be the next unanimous-consent request coming out, the way you insulted our Republican leader.

Mr. TORRES. Mr. Speaker, I take issue with the gentleman's outburst. I am a Korean war veteran. We will work diligently in this House to see that that Korean memorial comes to pass, as possibly a coin, as well as for Vietnam veterans.

Mr. WALKER. Mr. Speaker, I hear the gentleman, but I do not hear anybody suggesting that they would be willing to accept a unanimous-consent request which would be very easy. I agree with the gentleman from New York. Then if we do it for Vietnam, it seems reasonable that there are some people who served in Korea, people who served in World War II. All of them probably ought to be honored similarly under this particular measure.

I was just asking about the Vietnam vets, many of whom are still in hospitals and so on, suffering today, psychological effects in some cases, the health effects of what happened in Vietnam. And yet I do not hear anybody suggesting that they are willing to accept a unanimous-consent request.

I will try it anyway.

Mr. Speaker, I ask unanimous consent that the measure reflect a silver medal for the veterans of the Vietnam conflict.

The SPEAKER pro tempore (Mr. CONDIT). The Chair does not recognize the gentleman's request for unanimous consent.

Mr. WALKER. Mr. Speaker, we have had unanimous-consent requests out here all the time.

The SPEAKER pro tempore. The gentleman from California [Mr. TORRES] is the manager, and he is the only one that the Chair will recognize.

Mr. WALKER. Mr. Speaker, would the gentleman yield to me for the purpose of that unanimous-consent request?

Mr. TORRES. Mr. Speaker, I listened to the gentleman earlier. I gave him my explanation. At this time I would object to the gentleman's request.

Mr. WALKER. Mr. Speaker, I understand.

Mr. Speaker, I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, the requst of the gentleman from Pennsylvania will be taken up by the subcommittee. I ask the gentleman from Pennsylvania to move through the procedure that this House moves through in order to issue a commemorative coin.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, I have yielded back.

The SPEAKER pro tempore. The gentleman from Pennsylvania still has the floor.

Mr. WALKER. Mr. Speaker, I yielded back the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. MCCANDLESS. Mr. Speaker, may I ask who has the time?

The SPEAKER pro tempore. The gentleman from California [Mr. TORRES] now is recognized, and he has 9 minutes remaining.

Mr. TORRES. Mr. Speaker, this Congressman, along with the members of the subcommittee on both sides of the aisle, will certainly take up for consideration in the proper fashion the issuance of a commemorative medal for Vietnam war veterans at the most expeditious moment with the required signatures, and we will move that expeditiously to the subcommittee and on to the floor of this House.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman was in the well talking about his generation and talking about the Vietnam war veterans. I would like to have the same consideration for the Korean war veterans who got no consideration when they came back home, not even a welcome home.

Is the gentleman willing to make the same consideration and follow through on it?

Mr. TORRES. Mr. Speaker, again to the gentleman, I would simply say that in the same vein of good faith on this floor, on this floor we will do the same for Korean war veterans. The gentleman has to initiate the process, just like we do everything else on this House floor.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must in all good conscience make a comment.

I have nothing but respect for the gentleman from California [Mr. TORRES], our subcommittee chairman. But with all due respect, the remarks made by the Republican leader were misinterpreted in the gentleman's response.

The gentleman from Illinois [Mr. MITCHEL] did not in any way say anything derogatory. Quite the contrary, he praised the activities of our Armed Forces in the Middle East. The gentleman's concern was not the performance or lack thereof of these people, men and women. His concern was the precedent setting, as he considered it, and those that I mentioned in my remarks in the Defense Department, the precedent-setting act that this possibly could move forward on and the fact that we have had a number of wars prior to this where no recognition of this group was ever given.

I would like that to be placed clearly on the record.

Mr. Speaker, I have not further requests for time, and I yield back the balance of my time.

Mrs. LLOYD. Mr. Speaker, I rise today in strong support of H.R. 1107, the bill to direct the Treasury Department to design a silver congressional commemorative medal to honor those who served in the Persian Gulf. I have spoken on the House floor on several occasions both during the war and after, on behalf of our brave men and women in the Armed Services. They merit every outstanding compliment and good word that every Member, including myself, has bestowed upon them. When Congress convened last year to debate the resolution authorizing the use of force in the Persian Gulf, we witnessed some of the most impassioned and meaningful debate in congressional history. While not all Members voted for the use of force, once the war started, the ranks fell in line and this body showed its unequivocal support for our men and women overseas.

The war is over now and the country has taken part in many celebrations and homecomings that have so wonderfully shown the feeling of the country. We must continue to ride this national momentum of patriotism and pride, first for those troops still deployed in the Middle East, and second for those reunited with their families and getting on with their lives. I urge my colleagues to support H.R. 1107, a very important measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 1107, as amended.

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 13, nays 13.

Mr. TORRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this vote will be postponed.

REQUEST GENERAL LEAVE

□ 1940

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just considered.

Mr. WALKER. I object.

The SPEAKER pro tempore (Mr. CONDIT). Objection is heard.

CHRISTOPHER COLUMBUS COIN AND FELLOWSHIP ACT

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 500) to require the Secretary of the Treasury to mint coins in commemoration of the quincentenary of the discovery of America by Christopher Columbus and to establish the Christopher Columbus Fellowship Foundation, as amended.

The Clerk read as follows:

H.R. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christopher Columbus Coin and Fellowship Act".

TITLE I—CHRISTOPHER COLUMBUS QUINCENTENARY COINS

SEC. 101. SHORT TITLE.

This title may be cited as the "Christopher Columbus Quincentenary Coin Act".

SEC. 102. SPECIFICATION OF COINS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall mint and issue not more than 500,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall, in accordance with section 104, bear a likeness of Christopher Columbus. Each five dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 4,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one dollar coins shall, in accordance with section 104, be emblematic of the quincentenary of the discovery of America. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 6,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall, in accordance with section 104, be emblematic of the quincentenary of the discovery of America. Each half dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins minted under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 103. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 104. DESIGN OF COINS.

The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Christopher Columbus Fellowship Foundation and the Commission of Fine Arts.

SEC. 105. ISSUANCE OF COINS.

(a) FIVE DOLLAR COINS.—The five dollar coins minted under this title may be issued in uncirculated and proof qualities and shall be struck at the United States Mint at West Point, New York.

(b) ONE DOLLAR AND HALF DOLLAR COINS.—The one dollar and half dollar coins minted under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the Bureau of the Mint may be used to strike any particular combination of denomination and quality.

(c) PERIOD OF ISSUANCE.—The Secretary may issue the coins minted under this title during the period beginning on January 1, 1992, and ending on June 30, 1993.

SEC. 106. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 per coin for the half dollar coins.

SEC. 107. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 108. USE OF SURCHARGES.

(a) IN GENERAL.—The surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the Christopher Columbus Fellowship Fund and be available to the Christopher Columbus Fellowship Foundation. All remaining funds from the sale of the coins authorized under this title shall be deemed to be surcharges and transmitted in accordance with this section.

(b) AUDITS.—The Comptroller General shall have the right to examine such books, records, documents, and other data of the Christopher Columbus Fellowship Foundation as may be related to the expenditure of amounts paid under subsection (a).

SEC. 109. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 110. COINAGE PROFIT FUND.

(a) DEPOSITS.—All amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund.

(b) PAYMENTS.—The Secretary shall make the deposits of the amounts required under section 108(a) from the coinage profit fund.

(c) EXPENDITURES.—The Secretary shall charge the coinage profit fund with all expenditures under this title.

SEC. 111. REPORTS TO CONGRESS.

(a) REQUIRED.—Not later than 15 days after the last day of each month which begins before July 1, 1993, the Secretary shall submit a report describing in detail the activities carried out under this title to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) CONTENTS OF REPORT.—Each report submitted pursuant to subsection (a) shall include a review of all marketing activities under section 106 and a financial statement which details sources of funds, surcharges generated, and expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping.

TITLE II—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Christopher Columbus Fellowship Act".

SEC. 202. PURPOSE.

The purpose of this title is to establish the Christopher Columbus Fellowship Program to encourage and support research, study, and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind.

SEC. 203. CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION.

(a) ESTABLISHMENT AND PURPOSES.—There is established, as an independent establishment of the executive branch, the Christopher Columbus Fellowship Foundation (hereinafter in this title referred to as the "Foundation").

(b) MEMBERSHIP.—The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

(1) 2 members appointed by the President pro tempore of the Senate.

(2) 2 members appointed by the Minority Leader of the Senate.

(3) 2 members appointed by the Speaker of the House of Representatives.

(4) 2 members appointed by the Minority Leader of the House of Representatives.

(5) 5 members appointed by the President.

(c) CHAIRMAN AND VICE CHAIRMAN OF THE FOUNDATION.—The President shall designate a Chairman and a Vice Chairman from among the members appointed by the President.

(d) TERMS OF OFFICE; VACANCIES.—Each member of the Board of Trustees appointed under subsection (b) shall serve for a term of 6 years from the expiration of the term of such member's predecessor, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was ap-

pointed shall be appointed for the remainder of such term; and

(2) of the members first appointed—

(A) 4 shall be appointed for a term of 2 years;

(B) 5 shall be appointed for a term of 4 years; and

(C) 4 shall be appointed for a term of 6 years, as designated by the President.

(e) EXPENSES; NO ADDITIONAL COMPENSATION.—Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 204. FELLOWSHIP RECIPIENTS.

(a) AWARD.—The Foundation is authorized to award fellowships to outstanding individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind. Recipients shall be known as "Columbus Scholars".

(b) TERM.—Fellowships shall be granted for such periods as the Foundation may prescribe but not to exceed 2 years.

(c) SELECTION.—The Foundation may provide, directly or by contract, for the conduct of a nationwide competition for the selection of fellowship recipients.

SEC. 205. STIPENDS.

Each person awarded a fellowship under this title shall receive a stipend as determined by the Foundation.

SEC. 206. CHRISTOPHER COLUMBUS FELLOWSHIP FUND.

(a) IN GENERAL.—There is established in the Treasury a fund to be known as the Christopher Columbus Scholarship Fund (hereafter in this title referred to as the "fund"), which shall consist of—

(1) amounts deposited under subsection (d);

(2) obligations obtained under subsection (c);

(3) amounts contributed to the Foundation; and

(4) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Christopher Columbus Quincentenary Coin Act.

(b) INVESTMENTS.—

(1) DUTY OF SECRETARY TO INVEST.—The Secretary of the Treasury shall invest in full any amount appropriated or contributed to the fund.

(2) AUTHORIZED INVESTMENTS.—Investments pursuant to paragraph (1) may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. for such purpose, such obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SPECIAL OBLIGATIONS.—The purposes of which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that, if such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the mutiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue at the market price, is not in the public interest.

(c) SALE OF OBLIGATIONS.—Any obligations acquired by the fund (except special obligations issued exclusively to the fund in accordance with subsection (b)(3)) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) INTEREST.—The interest on, and the proceeds from, the sale or redemption of any obligations held in the fund shall be credited to and form a part of the fund.

(e) AVAILABILITY OF FUND.—

(1) STIPENDS.—The fund shall be available to the Foundation for payment of stipends awarded under section 205.

(2) EXPENSES.—The Secretary of the Treasury is authorized to pay to the Foundation from the interest and earnings of the funds such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provision of this title.

(f) DISBURSEMENTS.—Disbursements from the fund shall be made on vouchers approved by the Foundation and signed by the Chairman.

SEC. 207. AUDITS.

The activities of the Foundation under this title may be audited by the Comptroller General of the United States. The Comptroller General shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities and necessary to facilitate the audit.

SEC. 208. EXECUTIVE SECRETARY OF FOUNDATION.

(a) DUTIES.—There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board.

(b) COMPENSATION.—The Executive Secretary of the Foundation shall be compensated at an annual rate of basic pay not in excess of the amount payable for Executive Level V.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) The Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees (other than the Executive Secretary) be compensated at a rate in excess of the rate of basic pay payable for GS–15 of the General Schedule;

(2) procure temporary and intermittent services of such experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not in excess of the rate of basic pay payable for Executive Level V;

(3) prescribe such regulations as the Foundation may determine to be necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, includng per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes;

(7) make advances, progress, and other payments which the Board deems necessary under this chapter without regard to the provisions of section 529 of title 31, United States Code;

(8) rent office space;

(9) conduct programs in addition to or in conjunction with the Fellowship program which shall further the Foundations' purpose of encouraging new discoveries in all fields of endeavor for the benefit of mankind; and

(10) to make necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Congress an annual report of its operations under this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Banking Subcommittee on Consumer Affairs and Coinage I am pleased to support this bill to commemorate the 500th anniversary of Christopher Columbus' discovery of America. It was 100 years ago that Congress passed its first commemorative coin for the 400th anniversary of Columbus' journey to the Americas.

Mr. ANNUNZIO's bill, the Christopher Columbus Commemorative Coin and Fellowship Act, will help fund a new foundation in the spirit of Columbus' exploration of new and unknown horizons. The Christopher Columbus Foundation will assist scholars to advance discoveries in all fields, benefiting people throughout the world for years to come.

In our subcommittee hearing in May the U.S. Mint testified that this commemorative coin program "has great potential for wide acceptance by the public." During 1992 there will be many events celebrating the quincentenary of Columbus' exploration which will provide the necessary exposure for a successful coin program. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from California, the chairman of the subcommittee, has outlined the provisions of H.R. 500.

It calls for the minting of commemorative coins in recognition of the 500th anniversary of the voyages of Christopher Columbus.

The surcharges from the sale of the coins will go to the Christopher Columbus Fellowship Foundation.

The Foundation is authorized "to award fellowships to outstanding individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind."

Recipients of the fellowships shall be known as Columbus scholars.

The Foundation should have an easier time of attracting scholars than Christopher Columbus had in attracting a crew.

According to history, many members of Columbus' crew had to be induced by 4 months' pay in advance, and by a decree that volunteers would be free from arrest for 2 months after their return.

H.R. 500 also provides for the administration of the Foundation, and allows GAO to audit it.

During the hearing before the subcommittee, I asked the gentleman from Illinois [Mr. ANNUNZIO], the sponsor of legislation, a question that I believe should be a part of the legislative history.

If Mr. ANNUNZIO would join me in a brief colloquy, I would ask him the following question: Some say that it is inappropriate to commemorate Columbus' discovery of America because there is historical evidence that explorers from Scandinavia had been here first. How would you respond to that?

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. MCCANDLESS. I am glad to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, when I testified before the Committee on the Judiciary on the holiday bill in which the second Monday of October was designated as a national holiday, Mr. MCCLORY of Illinois, who was a member of the Committee on the Judiciary, asked the same question about the Viking Lief Ericson, about Saint Vincent the Irishman, and so forth and so on.

Mr. Speaker, the only difference is this: That when Columbus discovered America, it stayed discovered.

Mr. MCCANDLESS. Mr. Speaker, I thank the gentleman from Illinois [Mr. ANNUNZIO].

Mr. Speaker, with that, I support the legislation, and reserve the balance of my time.

Mr. TORRES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. ANNUNZIO], the author of this bill.

Mr. ANNUNZIO. Mr. Speaker, the Nation is fast approaching the 500th anniversary of the arrival of Christopher Columbus to the shores of America, an event which has been called perhaps the most important recorded in secular history.

H.R. 500, the Christopher Columbus Coin and Fellowship Act, which we have before us today, will honor next year the greatest explorer in history. In doing so, we also pay tribute to the generations of brave and bold Americans who, like him, have overcome great odds in order to chart the unknown.

I want to thank the distinguished gentleman from California [Mr. TORRES], the chairman of the Consumer Affairs and Coinage Subcommittee, for his efforts in bringing the bill to the floor today. I also want to thank the ranking minority member of the subcommittee [Mr. MCCANDLESS] for his cooperation.

I also want to thank the distinguished chairman of the Education and Labor Committee [Mr. FORD] and the distinguished chairman of the Science, Space, and Technology Committee [Mr. BROWN], for providing the necessary clearances so that the House can take up this bill today.

The importance of Columbus' discoveries in 1992 cannot be overstated. Until Columbus discovered the New World, the focus in Europe had been to the East. By discovering the New World, and showing that one could return, he changed Europe's focus from East to West.

For nearly half a millennium, Americans have followed the example of this great explorer, challenging the frontiers of knowledge. Throughout our nation's history, the spirit of discovery has been demonstrated by scholar and student, expert and novice, alike.

The most important aspect of this legislation is not the commemorative coins, but the establishment of the Columbus Foundation which will award fellowships to assist modern day explorers in their search for discoveries that can benefit mankind.

Next year, the Nation will proudly participate in events honoring Columbus.

What better way to honor the memory of this great explorer than to create an enduring legacy by encouraging and supporting research, study and labor design to produce new discoveries in all fields of endeavor. The non-partisan Christopher Columbus Foundation will award fellowships to outstanding individuals to encourage new discoveries. These Columbus Scholars would be selected on the basis of a nationwide competition. The scholars would receive stipends to pursue discoveries in fields of their choice.

And this program will be conducted at no cost to the nation's taxpayers.

If all the coins are sold, the foundation will begin operations with an endowment of $51.5 million. It is also authorized to accept contributions, and as the fame and benefits of Columbus Scholars becomes well known, the Foundation should attract significant amounts of contributions.

Mr. Speaker, this is a program which passed the House last year, only to have time expire in the Senate. Our Nation's first commemorative coin was struck in 1892 to honor the 400th anniversary of Columbus' discovery. As we approach the 500th anniversary, it is only fitting that we honor this great man with these coins.

Mr. Speaker, I urge the passage of H.R. 500.

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Mr. TORRES. Mr. Speaker, I yield 1 minute to the gentlwoman from the State of California, [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in support of this legislation and thank the gentleman very much for the work he has done to bring it to the floor. I also want to commend our former chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], for his work on this legislation. I had the privilege of serving on the subcommittee when he was chair before he moved on to be chair of the Financial Institutions Subcommittee of the Committee on Banking, Finance and Urban Affairs, and I know how much effort he also put into this, giving us this opportunity to vote on it tonight.

As a district which has a large number of Italian-Americans in it, not that that has direct bearing on this, but we take particular pride in this legislation this evening, and want to thank the gentleman from Illinois, [Mr. ANNUNZIO] and the gentleman from California [Mr. TORRES] for their efforts to bring it to the floor.

Mr. MCCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. WYLIE], the ranking minority member of the full Committee on Banking, Finance and Urban Affairs.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise to express my support for H.R. 500, the Christopher Columbus Coin and Fellowship Act of 1991. I would like to praise Congressman ANNUNZIO for the splendid work he has done on this bill and for his persistent effort.

Christopher Columbus represents a special figure in America's history to me and one I believe is truly worth commemorating. I represent and live in Columbus, OH, the largest city in the world named after the great explorer and the flagship city of the quincentenary celebration. Our town with its great university, Ohio State, and its other educational institutions is a place that I feel has captured the spirit of Christopher Columbus. It seems highly appropriate to me that not only does this bill commemorate the 500th anniversary of the discovery of America, but it also establishes an educational foundation to promote research designed to produce new discoveries in all fields of endeavor for the benefit of mankind. This ideal was important to Christopher Columbus and it embodies the spirit of my hometown, and his namesake Columbus, OH. I am hopeful that our university, Ohio State, will in the near future have several Columbus scholars that will be able to identify both with the explorer and our city. I am optimistic that the work and discoveries of this new generation of explorers will move our society ahead and have the same effect as the discovery of America 500 years ago.

H.R. 500 will promote the spirit of Christopher Columbus and support worthy scholars working in his image. I call upon the House to pass this important legislation.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman from Columbus—Ohio, that is—for his remarks.

Mr. TORRES. Mr. Speaker, I, too, want to commend the gentleman from Ohio for his comments and for his support of this legislation.

Mr. GUARINI. Mr. Speaker, I rise to commend my distinguished colleague FRANK ANNUNZIO for all his hard work and persistance in passing the Christopher Columbus Coin and Fellowship Act of 1991. This legislation embodies the true spirit of Christopher Columbus' journey to America. It is not only a positive contribution to the Columbus quincentenary in 1992 but also will establish an enduring legacy that will be cherished for years to come.

This legislation commissions the minting of a commemorative coin honoring the 500th anniversary of Christopher Columbus' journey to America which will be celebrated next year. Anticipating the potential for extensive public interest—and sizable revenues as a result—Mr. ANNUNZIO proposes using the proceeds from the coin sales to establish the Christopher Columbus Fellowship Program. The program will provide funds to support research designed to produce new discoveries in all fields of endeavor for the benefit of mankind without any burden to the taxpayer.

If all the coins are sold, the Foundation will begin operating with an endowment of $51.5 million. The fund will also be able to accept private donations, assuring it a source of income well into the future. The Christopher Columbus Foundation will be nonpartisan with its members serving without pay. It will award fellowships to deserving individuals who will compete in a nationwide competition open to all.

Mr. Speaker, the great voyage upon which Christopher Columbus would encounter the New World was made possible by Ferdinand and Isabella. It is especially fitting, therefore, that on this 500th year anniversary of that great event, all my distinguished colleagues, led by Representative ANNUNZIO, will through the fellowship program offer individuals the chance to embark on similar voyages of discovery. I rise in strong support of the Christopher Columbus Coin and Fellowship Foundation Act of 1991 and thank my colleague FRANK ANNUNZIO for initiating such a worthwhile project.

Mr. McCANDLESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONDIT). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 500, as amended.

The question was taken.

Mr. TORRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REQUEST FOR GENERAL LEAVE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 500, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On July 29, 1991:

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the U.S. Court of Veterans Appeals, and for other purposes.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK].

Mr. WALKER. Mr. Speaker, is the motion in writing? The motion is not in writing: it, therefore, is not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, as a parliamentary inquiry may I ask, is this motion required to be in writing?

The SPEAKER pro tempore. All motions must be in writing upon demand.

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House do now adjourn.

The SPEAKER pro tempore. The question in on the motion to adjourn offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 14, noes 20.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

Mr. WALKER. Mr. Speaker, that is an improper motion.

The SPEAKER pro tempore. Obviously a quorum is not present.

Mr. WALKER. Mr. Speaker, it is an improper motion.

The SPEAKER pro tempore. It is a proper point of order on a negative vote on a motion to adjourn.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 109, nays 72, not voting 252, as follows:

[Roll No. 233]

YEAS—109

Ackerman
Anderson
Annunzio
Aspin
Atkins
AuCoin
Bacchus
Bennett
Bilbray
Bonior
Borski
Boxer
Brown
Bruce
Byron
Cardin
Clement
Coleman (TX)
Condit
Cooper
Coyne
Cramer
de la Garza
DeLauro
Dingell
Dixon
Donnelly
Dooley
Eckart
Edwards (CA)
Edwards (TX)
Engel
Evans
Fascell
Fazio
Flake
Ford (TN)
Frank (MA)
Gejdenson
Glickman
Gonzalez
Gordon
Guarini
Horn
Hoyer
Hubbard
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
Lancaster
LaRocco
Levine (CA)
Lewis (GA)
Lowey (NY)
Luken
Markey
McCurdy
McDermott
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moran
Nagle
Natcher
Neal (MA)
Olver
Owens (NY)
Pallone
Panetta
Pelosi
Peterson (FL)
Peterson (MN)
Price
Quillen
Rahall
Rangel
Reed
Roe
Roemer
Rowland
Russo
Sarpalius
Savage
Scheuer
Schumer
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Stark
Stokes
Swett
Swift
Tanner
Taylor (MS)
Torres
Waters
Weiss
Wyden

NAYS—72

Allard
Ballenger
Barton
Bliley
Boehlert
Boehner
Callahan
Camp
Chandler
Coble
Coleman (MO)
Cox (CA)
Cunningham
Dreier
Duncan
Edwards (OK)
Ewing
Fawell
Franks (CT)
Gallo
Gilchrest
Gilman
Gingrich
Goodling
Goss
Green
Gunderson
Hammerschmidt
Hancock
Hastert
Hobson
Holloway
Inhofe
James
Johnson (CT)
Klug
Kyl
Lagomarsino
Lewis (CA)
Lowery (CA)
McCandless
McEwen
McGrath
Meyers
Michel
Miller (OH)
Morella
Morrison
Nichols
Rhodes
Riggs
Rogers
Ros-Lehtinen
Roukema
Santorum
Saxton
Schiff
Shays
Shuster
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Walsh
Wylie
Zeliff
Zimmer

NOT VOTING—252

Abercrombie
Alexander
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Baker
Barnard
Barrett
Bateman
Beilenson
Bentley

Bereuter
Berman
Bevill
Bilirakis
Boucher
Brewster
Brooks
Broomfield
Browder
Bryant
Bunning
Burton
Bustamante
Campbell (CA)
Campbell (CO)
Carper
Carr
Chapman
Clay
Clinger
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Coughlin
Cox (IL)
Crane
Dannemeyer
Darden
Davis
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Emerson
English
Erdreich
Espy
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frost
Gallegly
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gradison
Grandy
Gray
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kasich
Kleczka
Kolbe
Kopetski
LaFalce
Lantos
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McDade
McHugh
McMillan (NC)
McMillen (MD)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Mrazek
Murphy
Murtha
Myers
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Ramstad
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rohrabacher
Rose
Rostenkowski
Roth
Roybal
Sabo
Sanders
Sangmeister
Sawyer
Schaefer
Schroeder
Schulze
Sensenbrenner
Serrano
Sharp
Shaw
Sisisky
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Spence
Spratt
Staggers
Stallings
Stenholm
Studds
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Yates
Yatron
Young (AK)
Young (FL)

□ 2030

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 31, 1991, at 11 a.m.

CONFERENCE REPORT ON H.R. 2506

Mr. FAZIO submitted the following conference report and statement on the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-176)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2506) "making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 8, 12, 14, 15, 17, 18, 19, and 20, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Delete all of Section 1 of said amendment and insert the following:

Sec. 1. (a) Section 1 of the Congressional Operations Appropriations Act, 1991 (2 U.S.C. 61g-6a), is amended by deleting "$75,000" and inserting in lieu thereof "$275,000".

(b) Subsection (a) shall take effect on October 1, 1991.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$64,093,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$31,741,500*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$32,351,500*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$22,542,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,021,000;* and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,425,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of "$40,000,000" named in said amendment insert: *$40,406,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$196,266,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$438,679,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

Delete all of subsection (g) of said amendment and insert the following:

SEC. 312 (a)(1) The Clerk of the House of Representatives shall maintain and operate a child care center (to be known as the "House of Representatives Child Care Center") to furnish preschool child care—

(A) for children of individuals whose pay is disbursed by the Clerk of the House of Representatives or the Sergeant at Arms of the House of Representatives and children of support personnel of the House of Representatives; and

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b)(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the Minority Leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Clerk on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) In carrying out subsection (a), the Clerk is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d)(1) There is established in the contingent fund of the House of Representatives an account which, subject to appropriation, and except as provided in paragraph (2), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Clerk shall deposit in the account any amounts received under subsection (c).

(2) During fiscal year 1992, of the funds provided in this Act for the "HOUSE OF REPRESENTATIVES" under "SALARIES AND EXPENSES", not more than $45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).

(e) As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term "support personnel" means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(f) House Resolution 21, Ninety-Ninth Congress, agreed to December 11, 1985, enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b–184f) is repealed.

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of section "312" named in said amendment, insert: *313* and at the end of said amendment insert the following:

SEC. 314. (a) Section 102(a)(2) of the Ethics in Government Act of 1978 is amended—

(1) by repealing subparagraph (A);

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(3) by amending subparagraph (A) (as redesignated) to read as follows:

"(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of $100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.";

(4) by striking "$25 or more in value" in subparagraph (B) (as redesignated) and inserting "more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater"; and

(5) by striking "or (B)" in subparagraph (C) (as redesignated).

(b) Section 505(3) of the Ethics in Government Act of 1978 is amended by inserting "(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government)" before "by a Member".

(c) Section 901(a) of the Ethics Reform Act of 1989 is amended—

(1) by repealing paragraphs (1), (3), and (4);

(2) by redesignating paragraphs (2), (5), (6), (7), and (8) as paragraphs (1) through (5), respectively;

(3) in paragraph (1) (as redesignated), by striking "having an aggregate value exceeding $300 during a calendar year" and inserting "in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater";

(4) in paragraph (2) (as redesignated) by striking "less than $75" and inserting "$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978"; and

(5) in paragraph (3) (as redesignated), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(d) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking "$75 or less" and inserting "$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978";

(2) by striking "paragraph (5) of section 7342" and inserting "section 7342(a)(5)"; and

(3) by inserting "or $250, whichever is greater" after "United States Code,".

(e) The last sentence of section 770(k) of the Internal Revenue Code of 1986 is amended to read as follows: "For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.".

(f) The provisions of this section that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(g) The amendments made by this section shall take effect on January 1, 1992.

And the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of section "314" named in said amendment insert: *315*; and the Senate agree to the same.

VIC FAZIO,
LAWRENCE SMITH,
BILL ALEXANDER,
JOHN P. MURTHA,
BOB TRAXLER,
JAMIE L. WHITTEN,
JERRY LEWIS,
JOHN EDWARD PORTER,
BARBARA F. VUCANOVICH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

HARRY REID,
BARBARA A. MIKULSKI
(except for amendment No. 1),
BROCK ADAMS
(except for amendment No. 1),
DANIEL K. INOUYE,
SLADE GORTON,
MARK O. HATFIELD,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2506) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and Senate in explanation recommended in the accompanying conference report.

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Amendment No. 1: Appropriates $466,248,600, after deducting $3,190,000 in FY 1992 rescissions, for the operations of the Senate, and contains several administrative provisions, as proposed by the Senate. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have agreed to delete Sec. 1 relating to Senate staff salaries and to substitute a new Sec. 1 regarding certain transfer authority. The conferees emphasize that the provisions prohibiting honoraria in this amendment will take effect upon enactment and will not be applied retroactively.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

SALARIES, OFFICERS AND EMPLOYEES

Funds for a position described as a "Counsel to the Sergeant at Arms of the House of Represenatives" are included in this Act. It is a general understanding, however, that all legal work performed for the Officers of the House, including the Sergeant at Arms, is performed by the Office of General Counsel to the Clerk. That office functions under the direction and supervision of the Speaker and Bipartisan Leadership Legal Advisory Group. In order to avoid a proliferation of legal staff to House Officers, the funds appropriated herein are to be expended consistent with this understanding and the position in the Office of the Sergeant at Arms should be entitled a special assistant to the Sergeant at Arms, or similar designation. The individual employed in that position should be assigned such duties, other than the rendering of legal services, as are necessary to provide for the proper functioning of the Office of the Sergeant at Arms.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Amendment No. 2: Provides $64,093,000 for the salaries and related personnel expenses of the Capitol Police instead of $63,343,000 as proposed by the House and $64,843,000 as proposed by the Senate. Of this amount, no more than $1.7 million may be expended for pay compression, subject to authorizing legislation, without reprogramming approval from the Committees on Appropriations.

The Capitol Police Board is directed to review the practice of accumulating compensatory time in the event senior police officers and officials exceed their "normal" eight hour workday. Senior officials and officers are expected to work additional hours when necessary to fulfill their duties and to exercise the responsibilities attendant to their rank or job title. The conferees will leave the level at which this policy should be applied (e.g. captains, or lieutenants and above) to the discretion of the Capitol Police Board. It is clearly not appropriate, however, for the chief, deputy chief, assistant chiefs, and inspectors to be claiming compensatory time in the hundreds of hours for performance of duty. To what extent the Board believes that policy should apply to Captains and Lieutenants should be ascertained by the Board.

Amendment No. 3: Appropriates $31,741,500 to the Sergeant at Arms of the House, to be disbursed by the Clerk of the House, for the salaries and related personnel expenses of the Capitol Police assigned to the House rolls instead of $31,389,000 as proposed by the House and $32,094,000 as proposed by the Senate.

Amendment No. 4: Appropriates $32,351,500 to the Sergeant at Arms and Doorkeeper of the Seante, to be disbursed by the Secretary of the Senate, instead of $31,954,000 as proposed by the House and $32,749,000 as proposed by the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Amendment No. 5: Deletes language in the House bill regarding a reimbursement to the Office of Technology Assessment.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Amendment No. 6: Appropriates $22,542,000 instead of $22,372,000 as proposed by the House and $22,789,000 as proposed by the Senate for the salaries and expenses of the Congressional Budget Office. The conferees have agreed to provide $170,000 for a deputy director and an administrative assistant.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

Amendment No. 7: Appropriates $23,021,000 for "Capitol buildings," "Capitol buildings and grounds" instead of $21,990,000 as proposed by the House and $23,427,000 as proposed by the Senate. The $406,000 reduction under the Senate bill reflects the transfer of salaries of elevator operators to the Senate payroll.

Amendment No. 8: Provides that $4,905,000 for "Capitol buildings," "Capitol buildings and grounds" shall remain available until expended as proposed by the Senate instead of $3,405,000 as proposed by the House.

CAPITOL GROUNDS

Amendment No. 9: Appropriates $4,425,000 for "Capitol grounds" instead of $4,150,000 as proposed by the House and $5,029,000 as proposed by the Senate. The areas surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, are among the best maintained grounds in the Nation's Capital. The Architect of the Capitol and his staff are commended for the manner in which the grounds are maintained. This does not mean that improvement is not possible. The Architect of the Capitol should develop a program that identifies areas in which improvements may be made. The conferees have provided an additional $275,000 above the House bill to improve maintenance and care of Capitol lawns, to complete the program for replacement of trash receptacles, and to provide benches at various locations throughout the 250 acres of Capitol Grounds.

SENATE OFFICE BUILDINGS

Amendment No. 10: Appropriates $40,406,000 for "Senate office buildings", of which $10,149,000 shall remain available until expended, instead of $40,000,000, of which $10,149,000 shall remain available until expended, as proposed by the Senate.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Amendment No. 11: Appropriates $55,725,000 for salaries and expenses of the Congressional Research Service as proposed by the House instead of $56,000,000 as proposed by the Senate. The CRS should reallocate resources to add senior level science and technology capability. The conferees encourage the Congressional Research Service to provide technical and other research assistance to the United States Alternative Fuels Council, supported by a reimbursement of funds from the Department of Energy. The CRS should use these funds to procure technical reports and other research assistance from qualified sources through existing contracting authority (2 U.S.C. 166(h)), an interagency transfer of funds, or other appropriate means.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Amendment No. 12: Appropriates $89,341,000 for "Congressional printing and binding," "Government Printing Office" as proposed by the Senate instead of $89,941,000 as proposed by the House.

TITLE II

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Amendment No. 13: Provides $196,266,000 for "Salaries and expenses," "Library of Congress" instead of $201,494,000 as proposed by the House and $197,582,000 as proposed by the Senate. Additional funds for the deacidification project are not allowed due to the timing of the need for these funds and because the conferees believe there are continuing questions of the technologies and their treatment effects on books and other materials. The conferees have agreed to delete $222,000 provided in the House bill for certain improvements at the 6th and East Capitol St. building; the $1,000,000 in the Senate bill for automation; and the $180,000 for financial services positions. In addition, $279,393 for 10 deacidification positions is deleted; however, $142,761 may be used for 3 unfinanced, but currently authorized operating accountants.

The conferees direct that the unobligated $5,400,000 still available in the deacidification account not be obligated without the prior approval of the House and Senate Appropriations Committees. The conferees encourage the Library to continue its efforts to identify appropriate, technically acceptable deacidification technologies for preserving the Library's paper-based materials.

The conferees believe that a more clearly defined, selective acquisitions policy for special collections in the Library of Congress to limit acquisitions to those that are of utmost importance to the American record and world culture will help stem unnecessary growth in the Library's collections. The Library should explore the feasibility of locating in other depositories special collections of a more regional and local nature. Further, the Library is directed to establish criteria for accepting or rejecting prospective special collections that might be housed at depositories already renowned for excelling in collections of a similar nature.

Amendment No. 14: Deletes provision in House bill authorizing funds to remain available until expended for the deacidification program.

Amendment No. 15: Provides that $622,000 is available to support the catalog cards service as proposed by the Senate. Current law requires the Library of Congress to recover the cost of this program through charges to purchasers of the services provided, and the conferees view this subsidy to be temporary in nature. The Library of Congress should encourage libraries that continue to use catalog cards to find alternative means, including CD-Rom, microfiche or other methods. Many State libraries are able to collaborate with smaller community libraries in this regard and the Library of Congress may be able to support those efforts.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

The conferees direct that the Government Printing Office, acting as contracting officer for the Defense Logistics Agency under a delegation of procurement authority from the General Services Administration, should withhold a contract award for the FEDLOG procurement until current inquiries being made by the General Accounting Office are completed.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Amendment No. 16: Appropriates $438,679,000 for the General Accounting Office instead of $440,879,000 as proposed by the House and $434,379,000 as proposed by the Senate. The reduction under the House bill should not be applied to the asbestos removal project. Beginning in October 1991, the GAO is directed to provide a monthly report listing all investigations and audit and evaluation projects undertaken during that period to the Speaker of the House, President pro tempore of the Senate, the Majority Leader of the House, the Minority Leader of the House, the Majority Leader of the Senate and the Minority Leader of the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 17: Amends a section number in previously enacted legislation as proposed by the Senate.

Amendment No. 18: Deletes a limitation in the House bill regarding P.L. 101–576.

Amendment No. 19: Requires that cost of living adjustments be absorbed within the funds provided in this Act as proposed by the Senate.

Amendment No. 20: Amends P.L. 101–302 regarding the Senate art collection as proposed by the Senate.

Amendment No. 21: Deletes subsection (g) of Sec. 311 of the Senate bill regarding the House day care center, and adds a new section 312 which authorizes the Clerk of the House to operate a self-sustaining child care center, and creates an account within the contingent fund of the House which shall be operated much as a revolving fund into which all tuition and other center-generated income will be deposited. This account, except for a one time supplement described below, shall be the source of the funds required for all salaries and expenses of the day care center, including employer's share of benefit programs. To make up any deficiency during the first year of operation, not to exceed $45,000 may be reprogrammed from savings in funds appropriated to the House. However, the House conferees do not intend any further infusion of appropriated funds. The House conferees intend that the fiscal year 1992 budget program for this activity shall be subject to review by the appropriate authority. A 15 member advisory board will be appointed by the Speaker of the House (with seven members recommended by the Minority Leader) to advise the Clerk on policy matters.

Amendment No. 22: Changes a section number and adds Sec. 314 which amends the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, rule 43 of the House of Representatives, and section 7701(k) of the Internal Revenue Code. Sec. 314 (a) amends the financial disclosure law in three respects: (1) it combines the reporting of tangible gifts and gifts of food, lodging, transportation and entertainment into one category, and replaces the $100 and $250 disclosure thresholds, respectively, with "minimal value" as established under the Foreign Gifts and Decorations Act, or $250, whichever is greater; (2) it replaces the $250 disclosure threshold for travel reimbursements with the greater of $250, or "minimal value" under the Foreign Gifts Act; (3) it sets the minimum exemption for disclosing gifts at $100, adjusted periodically in the same manner as in the Foreign Gifts Act. Subsection (b) amends the definition of "honorarium" to include payment for a "series of appearances, speeches, or articles," if the subject matter is related to the individual's official duties or payment is made because of the individual's status with the Government, rather than only payment for a single event. Subsection (c) amends the Senate gifts rule, in title IX of the Ethics Reform Act, to conform to the comparable House gifts rule. It repeals the separate $100 limit on gifts from persons with a direct interest in legislation, and replaces the $300 limit on other gifts with the "minimal value" limit under the Foreign Gifts Act, or $250, whichever is greater. The subsection also repeals the paragraph which allows an individual to deduct the value of gifts given to the donor. Subsection (d) amends the Code of Official Conduct in rule 43 of the House by adjusting the gift exemption to $100, indexed as in the Foreign Gifts Act, and setting $250, or minimal value, as the limit on total gifts from an individual. Subsection (e) amends the tax code, as amended by the Ethics Reform Act, to include the Senate under the provision that no tax consequence or benefit to a Senator or Senate employee may be derived from direct contributions of honoraria payments to a charitable organization.

The conferees have added language specifying that the provisions of Sec. 314 are enacted as an exercise of the rulemaking power of the House and Senate.

The conferees reaffirm their commitment to the longstanding principle of comity between the Senate and House of Representatives, derived from the constitutional authority of "each House [to] determine the Rules of its Proceedings." Article I, sec. 5, cl. 2.

Accordingly, Senate and House conferees support the following principles as a basis for maintaining comity:

1. The constitutional right of the Senate to govern matters falling within the Standing Rules of the Senate, and of the House of Representatives to govern matters falling within the Rules of the House of Representatives shall be respected by the other body.

2. More specifically, regarding standards for ethical conduct, those matters which are currently governed by Senate and House of Representatives rules, respectively, shall remain within the exclusive jurisdiction of each body to regulate. However, regarding government-wide statutory ethics rules, it is appropriate for the Senate and House of Representatives to cooperate in developing uniform principles for the Legislative Branch.

3. On matters involving the administration of the various offices and instrumentalities within the Senate and House of Representatives, respectively, the right of each body to establish its own rules, standards, and procedures shall be respected, recognizing, however, that both bodies have an interest in the total amount of funds appropriated for the Legislative Branch.

Amendment No. 23: Deletes the Senate provision which appropriates $200,000 for the National Commission on Children.

Amendment No. 24: Changes a section number.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follows:

New budget (obligational) authority, fiscal year 1991	$2,216,457,026
Budget estimates of new (obligational) authority, fiscal year 1992	2,638,535,500
House bill, fiscal year 1992	1,805,378,000
Senate bill, fiscal year 1992	2,305,322,600
Conference agreement, fiscal year 1992	2,306,230,600
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+89,773,574
Budget estimates of new (obligational) authority, fiscal year 1992	−332,304,900
House bill, fiscal year 1992	+500,852,600
Senate bill, fiscal year 1992	+908,000

Vic Fazio,
Lawrence Smith,
Bill Alexander,
John P. Murtha,
Bob Traxler,
Jamie L. Whitten,
Jerry Lewis,
John Edward Porter,
Barbara F. Vucanovich,
Joseph M. McDade,
Managers on the Part of the House.

Harry Reid,
Barbara A. Mikulski
(except for amendment No. 1),
Brock Adams
(except for amendment No. 1),
Daniel K. Inouye,
Slade Gorton,
Mark O. Hatfield,
Ted Stevens,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2427

Mr. BEVILL submitted the following conference report and statement on the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes:

Conference Report (H. Rept. 102-177)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2427) "making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 6, 16, 17, 18, 19, 20, 29, 33, 35, 37, 42, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 40, 41, 43, 46, 50, 54, and 55, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$194,427,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment and delete the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,554,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$564,209,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted, insert the following: *$1,472,489,000, to remain available until expended*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 4, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22, 23, 24, 28, 30, 31, 32, 34, 36, 39, 45, 47, 48, 49, and 53.

Tom Bevill,
Vic Fazio,
Lindsay Thomas,

Jim Chapman,
David E. Skaggs,
Bernard J. Dwyer,
Jamie L. Whitten,
John T. Myers,
Carl D. Pursell,
Dean A. Gallo,
Joseph M. McDade,
Managers on the Part of the House.

J. Bennett Johnston,
Robert C. Byrd,
Ernest F. Hollings,
Quentin N. Burdick,
Jim Sasser,
Dennis DeConcini,
Harry Reid,
Mark O. Hatfield,
Jake Garn,
Thad Cochran,
Pete V. Domenici,
Arlen Specter,
Don Nickles,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Amendment No. 1: Appropriates $194,427,000 for General Investigations instead of $200,566,000 as proposed by the House and $176,211,000 as proposed by the Senate.

The conference agreement includes $2,000,000 for preconstruction engineering and design (PED) for the Los Angeles-Long Beach Harbors, California, project. If additional funds are required in fiscal year 1992 to complete the feasibility study for the project, the conferees agree that the Corps of Engineers may use the funds provided for PED for that purpose.

The Riverside-Quindaro Bend Levee District—Levee 385 in Missouri was originally authorized in 1944 and the Corps of Engineers has spent $2,500,000 on preliminary planning and design of the project. There is strong local sponsor support for construction of the project, which fulfills the requirement of Public Law 99-662. It is the intention of the conferees that the $750,000 provided in fiscal year 1992 be used to expedite completion of preconstruction engineering and design for Unit L-385 in accordance with the cost sharing requirements of section 103(a) of Public Law 99-662.

The Corps of Engineers is directed to use up to $250,000 from within available funds to make an assessment of the feasibility of the purchase, maintenance, and improvement of Makena Beach in Hawaii.

Upon enactment, the Corps of Engineers is directed to immediately begin the study of the streamflow enhancement project at the Rouge River, Huron River and Belleville Lake as authorized by section 102(r) of the Water Resources Development Act of 1990.

The conferees agree that there should be complete and thorough public comment on the Watertown and Vicinity, South Dakota, project before any funds are expended for preconstruction and construction activities. However, if, after the public comment period, it is determined that a given alternative is justified, then fiscal year 1992 funds can be used for preconstruction activities.

The fiscal year 1992 budget request for the Corps of Engineers included $21,700,000 for research and devleopment under the General Investigations appropriation, which is $5,500,000 less than the amount appropriated in fiscal year 1991. However, the total amount requested for research and development activities in all appropriation accounts in fiscal year 1992 was $61,250,000. That amount included over $22,000,000 in research and development work under the Operation and Maintenance appropriation. The conferees are concerned with this trend of spreading research related programs throughout several appropriation accounts and direct the Corps of Engineers to work with the House and Senate Committees to address this issue.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *: Provided, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1992 in the amounts specified:*

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, $500,000;

Casino Beach, Illinois, $375,000;

Chicago Shoreline, Illinois, $150,000;

Illinois Waterway Navigation Study, Illinois, $2,185,000;

McCook and Thornton Reservoirs, Illinois, $2,000,000;

Miami River Sediments, Florida, $200,000;

Lake George, Hobart, Indiana, $330,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

St. Louis Harbor, Missouri and Illinois, $900,000;

Fort Fisher and Vicinity, North Carolina, $250,000;

Passaic River Mainstem, New Jersey, $7,150,000, of which $400,000 shall be used to initiate the General Design Memorandum for the Streambank Restoration Project, West Bank of thie Passaic River, as authorized by section 101(a)(18)(B) of Public Law 101-640;

Buffalo Small Boat Harbor, New York, $70,000;

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $3,200,000; and

La Conner, Washington, $60,000.

Provided further, That using $425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a reconnaissance report and initiate a feasibility phase study of the bank stabilization problems at Norco Bluffs, California, as authorized by section 116(b) of the Water Resources Development Act of 1990: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete preconstruction engineering and design of the Miami River, Florida, sediments project, to include the full dredging of all polluted bottom sediments from the Seybold Canal and the Miami River between the mouth of the river and the salinity control structure at 36th Street, and the disposal of the polluted sediments in an environmentally sound manner, in compliance with Public Law 99-662, using funds appropriated for that purpose in this Act and the Energy and Water Development Appropriation Act, 1991, Public Law 101-514: Provided further, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: Provided further, That with $425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Olcott Harbor, New York, project, including all activities necessary to ready the project of construction as authorized by Public Law 99-662: Provided further, That with $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to create, in cooperation with the National Park Service and other agencies as appropriate, a comprehensive river corridor greenway plan for the Lackawanna River Basin, Pennsylvania: Provided further, That with $120,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake a study, in cooperation with the Port of Walla Walla, Washington, of the disposition of the current Walla Walla District headquarters: Provided further, That using $1,100,000 of the funds appropriated in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete the South Atlantic Cargo Traffic study authorized by section 116(a) of the Water Resources Development Act of 1990 at full Federal expense in accordance with existing law: Provided further, That the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to conduct research and development associated with an advanced high speed magnetic levitation transportation system during fiscal year 1992: Provided further, That with $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a regional environmental reconnaissance study to identify and quantify point and nonpoint sources of pollution of Old Hickory, Percy Priest and Cheatham Lakes in Tennessee, and to complete a reconnaissance study of the nondam alternatives for the Mill Creek flood control project in Nashville, Tennessee.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have been advised that the Corps of Engineers is proceeding with the flood control study for Colleguas Creek, California, consistent with the direction provided in the House-passed bill. Therefore, agreement deletes the House language as proposed by the Senate.

For the Calleguas Creek project, the conferees have taken note of the desire of local interests that the Corps of Engineers compute the benefits that would result from a change in cropping pattern to more capital intensive crops within the floodplain in a nontraditional manner. While the conferees believe that the Corps should continue its standard practice, the conferees desire to see the effect that the nontraditional approach would produce. Therefore, the conferees direct that the Corps compute and display the resulting benefits in accordance with its standard procedures and in this desire nontraditional manner.

The conference agreement includes language proposed by the Senate authorizing the Secretary of the Army to conduct research and development associated with an advanced high speed magnetic levitation transportation system amended to clarify that the language only applies to fiscal year 1992. The conferees have included the language so that the ongoing activities of the Corps of Engineers in this area will not be interrupted while the appropriate authorizing committees of the House and Senate address this issue.

The conference agreement also deletes language proposed by the Senate relating to the Montauk Point, New York, reconnaissance study. This language is not required since funding for this project has been included in the amount appropriated in Amendment No. 1.

Amendment No. 3: Deletes language proposed by the Senate providing $850,000 for the Wyoming Valley, Pennsylvania, levee raising project. This language is not required since funding for the project has been included in the amount appropriated in Amendment No. 1.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the Hosue will offer a motion to recede and concur in the amendment of the Senate that provides $450,000 for the Corps of Engineers to intiate a reconnaissance study of proposed dams and related riverfront development along the North Canadian River in Oklahoma.

Amendment No. 5: Deletes language proposed by the Senate providing $500,000 for the Corps of Engineers to initiate the Definite Project Report for the Cranston, Rhode Island, Wastewater Conveyance System as authorized by section 117 of Public Law 101-640. This language is not required by section 117 of Public Law 101-640. This language is not required since funding for this project has been included in the amount appropriated in Amendment No. 1.

Amendment No. 6: Deletes language proposed by the Senate providing $250,000 for the Corps of Engineers to undertake a reconnaissance study to assess the water resource needs of the Muddy River in Massachusetts. This language is not required since funding for this study has not been included in the amount appropriated in Amendment No. 1.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $500,000 to carry out the provisions of section 401 of Public Law 101-596 instead of $1,000,000 as proposed by the Senate.

CONSTRUCTION, GENERAL

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$1,160,461,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,160,461,000 for Construction, General excluding the Red River Waterway project instead of $1,191,310,000 as proposed by the House and $1,203,760,000 as proposed by the Senate.

With the funds appropriated for the Phoenix, Arizona, and Vicinity (Stage 2) project, the Secretary of the Army is directed to initiate construction to cover the Arizona Canal Diversion Channel for approximately 150 linear feet east of Central Avenue in Phoenix; for 1,760 feet west from 32nd Street to the property line of the Arizona Biltmore in Phoenix; and from 1,250 feet east of 32nd Street to the Cudia City Wash Spillway in Paradise Valley. The Secretary is further directed to take all appropriate steps to expedite construction. Such work shall be carried out under the terms and conditions set forth in the agreement executed in accordance with section 221 of the Flood Control Act of 1970 (Public Law 91-611) between the Maricopa County Flood Control District and the Secretary of the Army, dated July 21, 1977.

In order to advance an important dredge diposal option for the Oakland Harbor, California, deepening project, the conferees direct the Corps of Engineers, using $250,000 in available funds, to initiate the planning, engineering, design and environmental work necessary for the development of the Sonama Baylands Wetlands project.

With respect to the $5,900,000 provided to continue construction on the Sacramento Deep Water Ship Channel in California, the conferees direct the Corps of Engineers to expeditiously complete Section 10 enforcement proceedings, and to direct the permittees to relocate all utility pipelines, cables and related facilities as necessary to safely construct the project, or which are no longer in compliance with the permits.

The conferees direct the Corps of Engineers to expend up to $2,000,000 from previously appropriated funds for the Souris River Flood Control Project, to include the Department of the Interior's share (50%), for the purpose of constructing the carp control barrier and related works at Dam 357 in the J. Clark Salyer National Wildlife Refuge. A 1989 Memorandum of Understanding between the Corps and Fish and Wildlife Service called for a jointly financed project. Environmental conditions require that the project move forward immediately in order to protect the refuge.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: : *Provided, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1992 in the amount specified:*

Red River Emergency Bank Protection, Arkansas and Louisiana, $7,300,000;

O'Hare Reservoir, Illinois, $4,000,000;

Kissimmee River, Florida, $5,000,000;

Red River Below Denison Dam, Louisiana, Arkansas, and Texas, $2,300,000;

New York Harbor Collection and Removal of Drift, New York and New Jersey, $2,500,000; and

Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000.

Provided further, That with $20,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the levees/floodwalls and to undertake other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 and to continue the work for the river diversion tunnels and to undertake other structural and nonstructural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367; Provided further, That with $9,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue floodwall construction at the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367; Provided further, That with $17,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $2,437,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete specific project reports for McDowell County, West Virginia, Hatfield Bottom, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky: Provided further, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia; specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Hatfield Bottom, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky; and construction of Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: Provided further, That using $43,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to prosecute the planning, engineering, design and construction of projects under the sections 14, 103, 107, 111, 205 and 208 Continuing Authorities Programs: Provided further, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineer on or about July 26, 1989: Provided further, That with $750,000 of the funds appropriated herein, or funds hereafter provided in subse-

quent annual appropriations Acts, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 100–202 for the Des Moines Recreational River and Greenbelt project in Iowa: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall expend $300,000 of the funds appropriated herein in fiscal year 1992 on plans and specifications, environmental documentation and hydraulic modeling to advance to the maximum extent practicable the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California: Provided further, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the project for shoreline protection at Emeryville Point Park Marina, California, under the authority of section 103 of the River and Harbor Act of 1962, as amended, at a total estimated first cost of $1,396,000 with an estimated first Federal cost of $907,000 and an estimated first non-Federal cost of $489,000, in accordance with the plan recommended by the Division Commander in the report entitled Detailed Project Report, section 103, Shoreline Protection Project, Emeryville Point Park Marina dated November 1988. The cost sharing for this project shall be in accordance with the provisions of title I, section 103, of Public Law 99–662 for hurricane and storm damage reduction: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the San Timoteo feature of the Santa Ana River Mainstem flood control project by scheduling design and construction. The Secretary is further directed to initiate and complete design and to fund and award all construction contracts necessary for completion of the San Timoteo feature. Furthermore, the Corps of Engineers is directed to use $2,000,000 of the funds appropriated herein to initiate the design: Provided further, That using $1,252,000 previously appropriated for the Hansen Dam, California, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan, design and construct a swim lake and associated recreational facilities at Hansen Dam as described in the February 1991 Hansen Dam Master Plan prepared by the United States Army Corps of Engineers Los Angeles District: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pursue the acquisition of Mollicy Farms for environmental restoration, flood control and navigation and the completion of the Ouachita-Black Rivers navigation project in Louisiana and Arkansas in accordance with law and the revised General Design Memorandum for the project, including required cutoffs and bendway widenings in Louisiana and Arkansas. The Federal Government is authorized to advance rights-of-way acquisition funds for the cutoffs and bendway widenings at Federal expense, and the States of Louisiana and Arkansas shall have 10 years after construction begins to repay its portion of the costs: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall include as project costs in accordance with the Post Authorization Change Report, dated April 1989, as revised in January 1990, the costs for aesthetics for the Brush Creek, Kansas City, Missouri, project, which shall be shared with non-Federal interests under the provisions of section 103(a) of Public Law 99–662: Provided further, That with funds heretofore, herein or hereafter appropriated, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 101–101 for the O'Hare Reservoir, Illinois, and Wallisville Lake, Texas, projects: Provided further, That with funds appropriated herein and hereafter for the Lake Pontchartrain and Vicinity, Louisiana Hurricane Protection project, the Secretary of the Army is authorized and directed to provide parallel hurricane protection along the entire lengths of the Orleans Avenue and London Avenue Outfall Canals by raising levees and improving flood protection works along and parallel to the entire lengths of the outfall canals and other pertinent work necessary to complete an entire parallel protection system, to be cost shared as an authorized project feature, the Federal cost participation in which shall be 70 percent of the total cost of the entire parallel protection system, and the local cost participation in which shall be 30 percent of the total cost of such entire parallel protection system: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct project modifications for improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, within Prince Georges County, Maryland, using $700,000 of the funds appropriated herein, under the authority of section 1135 of Public Law 99–662, as amended: Provided further, That $100,000 of the funds appropriated herein shall be made available to the Town of Krotz Springs, Louisiana, for restoration and improvement of Bayou Latanier: Provided further, That with $2,500,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Fort Yates Bridge, North Dakota and South Dakota, project using continuing construction contracts: Provided further, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to construct hurricane and storm protection measures for Folly Beach, South Carolina, in accordance with the Charleston District Engineer's Post Authorization Change Report dated May 1991: Provided further, That the Secretary of the Army is authorized and directed to provide $100,000 from funds herein appropriated to reimburse the Town of Grand Isle, Louisiana, for interim emergency measures constructed by the Town: Provided further, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to study, design, and construct streambank protection measures along the bank of the Tennessee River adjacent to the Sequoyah Hills Park in the City of Knoxville, Tennessee, under the authority of section 14 of Public Law 79–526: Provided further, That the April 1977 contract for Recreational Development at Stonewall Jackson Lake, West Virginia, is amended to include such elements as proposed by the State on March 28, 1990, except a golf course; and, in addition, $123,681,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, and the Secretary of the Army is directed to complete the actions necessary to award continuing contracts, which are not to be consisdered fully funded, and to award such contracts for the second phase construction for Locks and Dams 4 and 5 during the first quarter of fiscal year 1992; to continue construction of the McDade, Moss, Elm Grove, and Cecile Revetments in Pool 5 which were previously directed to be initiated in fiscal year 1991; to award continuing contracts in fiscal year 1992 for construction of the following features of the Red River Waterway Pool 4 and 5 which are not to be considered fully funded: Caroll Capout, Cupples Capout, Sunny Point Revetment and Dikes, Curtis Revetment, and Eagle Bend Revetment; and to continue land acquisition in the vicinity of Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area to insure acquisition of manageable units and to develop such lands to maximize benefits for mitigation of fish and wildlife losses; and to initiate planning and acquisition of mitigation lands in the Bayou Bodcau area for the mitigation of fish and wildlife losses all as authorized by laws

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $43,000,000 for the Corps of Engineers' Continuing Authorities Programs instead of $44,000,000 as proposed by the House and $40,500,000 as proposed by the Senate.

The conference agreement includes funding for the projects in the Continuing Authorities Programs listed in the House and Senate reports. The conference agreement also includes $50,000 for a section 205 flood control study at Slaughters, Kentucky. Within the amount provided for the section 205 flood control program, funds are included to initiate construction of the Estate Mon Bijou project in St. Croix, U.S. Virgin Islands.

The conferees expect the U.S. Army Corps of Engineers to use authority available to it to acquire all appropriate lands necessary for mitigation and flood control to carry out the Ouachita-Black Rivers navigation project in Louisiana and Arkansas.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that provides $5,000,000 for emergency construction of aspects of the Bethel, Alaska, bank stabilization project.

Amendment No. 11: Deletes language proposed by the House and language proposed by the Senate regarding the Red River Waterway, Mississippi River to Shreveport, Louisiana, project. Funding for the Red River Waterway project has been included under Amendment No. 9.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conferees agree with the language contained in the House report regarding the Yazoo Basin, Mississppi, Demonstration Erosion Control program.

Within available funds, the Corps of Engineers is directed to use $400,000 to continue work on the report of the infrastructure and port development needs at Newport, Mississippi.

OPERATION AND MAINTENANCE, GENERAL

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$1,535,229,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,535,229,000 for Operation and Maintenance, General instead of $1,547,855,000 as proposed by the House and $1,537,265,000 as proposed by the Senate.

The conferees have been made aware of severe public access problems at Lee's Ford Marina at Wolf Creek Dam-Lake Cumberland, Kentucky. Within available funds, the Corps of Engineers is directed to use $400,000 to initiate work to provide improved road access and additional car and trailer parking at this site. The conferees expect the Corps to request adequate funding to complete this work in fiscal year 1993.

In order to reduce the risk of Eastern Equine Encephalitis to human populations surrounding the Kerr Reservoir in Virginia and North Carolina, the conferees direct the Secretary of the Army, acting through the Wilmington District of the Corps of Engineers, to initiate a mosquito larviciding program for 1992 using the biological control *Bacillus thuringiensis var. israelensis* in areas of County Government reported *Aedes Vexans* mosquito infestation.

Within the funds available for the Wetlands Research Program, the conferees direct the Corps of Engineers to provide $1,000,000 to continue research at the De Plaines River Wetlands Demonstration Project in Wadsworth, Illinois.

The conference agreement includes $500,000 for the Corps of Engineers to repair the foundation of the lighthouse located at the end of the West Breakwater at Lorain Harbor, Ohio.

The conference agreement includes an additional $1,000,000 for the New York and New Jersey Channels project to continue the study of alternative dredged material disposal sites authorized by Section 412(c) of the Water Resources Development Act of 1990.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Provided, That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs: Provided further, That $1,000,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreation facilities at Sepulveda Dam, California: Provided further, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan and design a fifteen-acre swim lake and related recreational facilities at Hansen Dam, California: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the one-time repair and rehabilitation of the Flint, Michigan, project in order to restore the project to original project dimensions: Provided further, That $40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: Provided further, That $150,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, for the development of Gateway Park at the Lower Granite Lock and Dam project: Provided further, That with $2,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts, which are not to be considered fully funded, for construction of the riverfront park at Charleston, West Virginia, in accordance with the cost sharing principles of Public Law 99-662: Provided further, That with $8,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed on a one-time basis, at full Federal expense, and without requirement of local sponsorship, to maintain navigation access to and berthing areas at all currently operating public and private commercial dock facilities associated with the Federal navigation project on the Columbia and Snake Rivers, from Bonneville Dam to Lewiston, Idaho, at a depth commensurate with the Federal navigation project, and the Federal Government is exempted from any liability due to damages to public and private facilities including docks adjacent to the access channels and berthing areas resulting from this maintenance: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to provide water releases from Broken Bow Lake for the Mountain Fork trout fishery under terms and conditions acceptable to the Secretary of the Army for a time period not to exceed two years from the date of enactment of this Act: Provided further, That with $4,825,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the fish lift at the Cooper River, Charleston Harbor, South Carolina (Rediversion Project), authorized by the River and Harbor Act of 1968, Public Law 90-483, and to monitor operation of the fish lift for two years following such modifications*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That using $900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to rehabilitate recreation facilities at Wilson Lake, Kansas*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate providing $900,000 for the rehabilitation of recreation facilities at the Corps of Engineers' Wilson Lake project amended to include the state where the project is located.

REGULATORY PROGRAM

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that prohibits the Corps of Engineers from using funds appropriated in the Act to delineate any land as a "water of the United States" using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands issued in January 1989 or any subsequent manual not adopted in accordance with requirements of the Administrative Procedures Act; provides a procedure for handling ongoing permit applications and enforcement actions that are based on the 1989 manual; and provides that none of the funds appropriated in the Act may be used to implement proposed regulations to amend the fee structure for the Corps' regulatory program.

GENERAL PROVISIONS

Amendment No. 16: Restores House language stricken by the Senate relating to payment of the non-Federal share of the costs of preconstruction engineering and design of water resources projects.

Amendment No. 17: Restores House language stricken by the Senate that will permit the Corps of Engineers to convey to the Port of Camas-Washougal property that has been reserved for the Port by Congress in Public Law 98-396.

Amendment No. 18: Restores House language stricken by the Senate that modifies the authorization for the Guadalupe River, California, project.

Amendment No. 19: Restores the section number proposed by the House.

Amendment No. 20: Restores the section number proposed by the House.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *108*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that modifies the authorization for the Folly Beach, South Carolina, project.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *109*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that requires the Secretary of the Army to continue, for one year, to operate and maintain the Fox River project in Wisconsin in a caretaker status and to concurrently continue to negotiate a fair, reasonable, and orderly transfer of responsibilities and ownership of the project to the State of Wisconsin and other non-Federal interests in the State. The Corps is directed to report to the House and Senate Committees on Appropriations on the results of the negotiations at the end of the year's extension.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 110. None of the funds appropriated in this Act or any prior Act shall be used to close any Corps of Engineers Division or District headquarters office.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *111*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that provides that none of the funds appropriated in the Act are available to implement the final rule for the Corps of Engineers' shoreline management regulation fee schedule.

In addition, the conferees are aware of a controversy concerning a new, more restrictive policy proposed by the Corps of Engineers' Little Rock District concerning vegetation modification at water resources development projects in the District. In light of the controversy surrounding this new policy, the conferees direct that the Corps refrain from its implementation of these new restrictions unless they are approved by the

Congress. In the interim, adjacent property owners will be allowed to mow all property within 200 feet of a habitable structure and maintain an 8-foot wide meandering path to the shoreline.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	ALABAMA				
(N)	CHICKASAW CREEK, AL	150,000	---	150,000	---
(FDP)	CHOCTAWHATCHEE AND PEA RIVER BASINS, AL & FL	475,000	---	475,000	---
(FDP)	VALLEY CREEK, WARRIOR RIVER AND TRIBUTARIES, AL	169,000	---	169,000	---
	ALASKA				
(N)	COOK INLET	---	---	495,000	---
(FDP)	SEWARD, FOURTH OF JULY CREEK, AK	51,000	---	51,000	---
(FDP)	SEWARD, LOWELL CREEK, AK	306,000	---	306,000	---
	SITKA HARBOR, AK	---	---	50,000	---
	ARIZONA				
(FDP)	CENTRAL MARICOPA COUNTY DRAINAGE AREA, AZ	320,000	---	320,000	---
(FDP)	GILA RIVER & TRIBUTARIES, LOWER SANTA CRUZ RIVER, AZ	83,000	---	83,000	---
(FDP)	GILA RIVER INDIAN COMMUNITY, AZ	125,000	---	125,000	---
(FDP)	HASSAYAMPA RIVER AT WICKENBURG, AZ	74,000	---	74,000	---
(FC)	HOLBROOK, AZ	---	140,000	---	140,000
(FC)	LOWER SANTA CRUZ RIVER, AZ	---	300,000	---	300,000
(FC)	NOGALES WASH, AZ	---	---	---	330,000
(FC)	RILLITO RIVER, AZ	---	1,075,000	---	1,075,000
(FDP)	TUCSON DRAINAGE AREA, AZ	125,000	---	125,000	---
	ARKANSAS				
	ARCHEYS FORK, AR	---	---	300,000	---
(FDP)	ARKANSAS RIVER BASIN LEVEES, AR & OK	---	---	---	200,000
(FDP)	ARKANSAS RIVER WETLANDS AND FLOOD CONTROL, AR	300,000	---	300,000	---
(FDP)	CENTRAL ARKANSAS STUDY, AR	200,000	---	200,000	---
(FDP)	LITTLE RIVER COUNTY, AR	150,000	---	150,000	---
(FDP)	OUACHITA RIVER BASIN, HOT SPRINGS, GARLAND COUNTY, AR.	608,000	---	608,000	---
(N)	WHITE RIVER AND TRIBUTARIES, AR & MO	200,000	---	200,000	---
	CALIFORNIA				
(FC)	AMERICAN AND SACRAMENTO RIVERS, CA	---	5,000,000	---	5,000,000
(FDP)	CALLEGUAS CREEK, CA	220,000	---	220,000	---
(FC)	CARNEROS CREEK, CA	---	600,000	---	600,000
(SPE)	COAST OF CA, STORM & TIDALWAVES, S. COAST REGION, CA	460,000	---	460,000	---
(FC)	COYOTE & BERRYESSA CREEKS, CA	---	625,000	---	1,000,000
(N)	HUMBOLDT HARBOR AND BAY, CA	315,000	---	315,000	---
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	---	2,000,000	---	2,000,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	---	3,000,000	---	3,000,000
	LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, CA	---	---	1,000,000	---
(FC)	LOWER MISSION CREEK, CA	---	900,000	---	900,000
(FDP)	MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	327,000	---	327,000	---
	MISSION BAY, SAN DIEGO COUNTY, SHORE PROTECTION, CA	---	---	350,000	---
(N)	MONTEREY HARBOR, CA	132,000	---	132,000	---
(N)	MORRO BAY HARBOR, CA	---	300,000	---	300,000
(FC)	NAPA RIVER, CA	---	1,550,000	---	1,550,000
	NEWPORT BAY HARBOR, CA	---	---	400,000	---
	NORCO BLUFFS, SANTA ANA RIVER, CA	---	---	425,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, CACHE CREEK BASIN, CA	200,000	---	200,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YOLO BYPASS, CA	150,000	---	150,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YUBA RIVER BASIN, CA	325,000	---	325,000	---
(N)	NOYO RIVER & HARBOR, CA	---	400,000	---	400,000
(FDP)	RANCHO PALOS VERDES, CA	200,000	---	200,000	---
(SPE)	SACRAMENTO-SAN JOAQUIN DELTA, CA	350,000	---	350,000	---
	SAN DIEGO WATER SUPPLY, CA	---	---	400,000	---
(SP)	SAN FRANCISCO COUNTY, OCEAN BEACH, CA	160,000	---	160,000	---
(N)	SAN FRANCISCO HARBOR, CA	324,000	---	324,000	---
	SAN FRANCISCO COUNTY WATER SUPPLY, CA	---	---	400,000	---
(FDP)	SAN JOAQUIN R. BASIN, CALIENTE CK STREAM GROUP, CA	212,000	---	212,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO & CANTUA CREE	700,000	---	700,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, KAWEAH RIVER, CA	48,000	---	48,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, MOKELUMNE RIVER & TRIBS, CA	300,000	---	300,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, SAN JOAQUIN R MAIN STEM & TRI	612,000	---	612,000	---
(FC)	SAN LORENZO RIVER, CA	---	100,000	---	200,000
(N)	SAN RAFAEL CANAL, CA	---	1,500,000	---	1,500,000
(FDP)	SANTA ANA RIVER & ORANGE CO, CA	126,000	---	126,000	---
(N)	SANTA BARBARA HARBOR, CA	---	325,000	---	325,000
(N)	SANTA CRUZ HARBOR SHOALING, CA	310,000	---	310,000	---
(N)	SANTA MONICA BREAKWATER, CA	150,000	---	150,000	---
(FC)	TULE RIVER, CA	---	200,000	---	200,000
(FDP)	UPPER GUADALUPE RIVER, CA	430,000	---	430,000	---
(FDP)	WALNUT CREEK BASIN, CA	200,000	---	200,000	---
(FDP)	WHITEWATER RIVER BASIN, CA	170,000	---	170,000	---
	COLORADO				
(FC)	ALAMOSA, CO	---	250,000	---	250,000
(FDP)	BOXELDER, SPRING, & DRY CREEKS, FT. COLLINS, CO	140,000	---	140,000	---
(FDP)	GOOSE CREEK, BOULDER, CO	100,000	---	100,000	---
(FDP)	RALSTON AND LEYDEN CREEKS, CO	165,000	---	165,000	---
	DELAWARE				
(N)	C&D CANAL-BALTIMORE HBR CONNECTING CHLS (DEEPENIG), DE	800,000	---	800,000	---
(SP)	DELAWARE BAY COASTLINE, DE & NJ	150,000	---	150,000	---
(SP)	DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	500,000	---	500,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	FLORIDA				
(SP)	BREVARD COUNTY, FL	110,000	---	110,000	---
(N)	CANAVERAL HARBOR, FL	---	399,000	---	399,000
(FDP)	COAST OF FLORIDA EROSION AND STORM EFFECTS STUDY, FL	75,000	---	400,000	---
(FDP)	FROG POND, FL	150,000	---	150,000	---
(FDP)	HILLSBORO CANAL, FL	150,000	---	150,000	---
(BE)	MARTIN COUNTY, FL	---	350,000	---	350,000
	MIAMI RIVER SEDIMENTS, FL	---	---	---	200,000
(BE)	NASSAU COUNTY, FL	---	350,000	---	350,000
(N)	PALM VALLEY BRIDGE, FL	360,000	---	360,000	---
(BE)	PANAMA CITY BEACHES, FL	---	850,000	---	850,000
(N)	PANAMA CITY HARBOR, FL	---	400,000	---	400,000
(FDP)	PERDIDO KEY BEACHES, FL	277,000	---	277,000	---
	PONCE DE LEON INLET, FL	---	---	150,000	---
(FDP)	TAMPA BAY, FL (COASTAL AREAS)	150,000	---	150,000	---
(N)	TAMPA HARBOR, ALAFIA RIVER AND BIG BEND, FL	50,000	---	50,000	---
	GEORGIA				
(N)	BRUNSWICK HARBOR, GA	---	350,000	---	350,000
(SP)	GLYNN COUNTY BEACHES, GA	341,000	---	341,000	---
(N)	LOWER SAVANNAH RIVER BASIN, GA & SC	150,000	---	150,000	---
(MP)	RICHARD B. RUSSELL DAM & LAKE, WILDLIFE MITIGATION, GA	---	300,000	---	300,000
(N)	SAVANNAH HARBOR COMPREHENSIVE, GA	---	250,000	---	800,000
(FDP)	SAVANNAH RIVER BASIN, GA, SC & NC	100,000	---	100,000	---
	HAWAII				
(FDP)	URBAN FLOOD CONTROL - HONOLULU, HI	219,000	---	219,000	---
	IDAHO				
(FC)	LITTLE WOOD RIVER, VICINITY OF GOODING AND SHOSHONE, I	---	174,000	---	174,000
	ILLINOIS				
(FDP)	ALEXANDER AND PULASKI COUNTIES, IL	310,000	---	310,000	---
(FDP)	APPLE CREEK, IL	229,000	---	229,000	---
	CHICAGO RIVER, NORTH BRANCH, IL	---	---	100,000	---
	CASINO BEACH, IL	---	---	---	375,000
	CHICAGO SHORELINE, IL	---	---	---	150,000
(FDP)	DES PLAINES RIVER, IL	224,000	---	224,000	---
	ILLINOIS WATERWAY NAVIGATION STUDY, IL	---	---	2,185,000	---
(FDP)	KASKASKIA RIVER BASIN, IL	250,000	---	250,000	---
	MCCOOK AND THORNTON RESERVOIRS (CUP), IL	---	---	---	2,000,000
(RCP)	UPPER MISSISSIPPI RIVER NAVIGATION STUDY, IL, IA, MN,	1,200,000	---	1,200,000	---
	INDIANA				
	FALLS OF THE OHIO WILDLIFE CONSERVATION AREA, IN & KY.	---	---	---	250,000
(FC)	FORT WAYNE METROPOLITAN AREA, IN	---	525,000	---	525,000
	INDIANAPOLIS, IN	---	---	50,000	---
(FDP)	INDIANAPOLIS, WHITE RIVER BASIN, IN	462,000	---	462,000	---
	LAKE GEORGE, HOBART, IN	---	---	---	330,000
	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN	---	---	---	170,000
(FDP)	WABASH RIVER BASIN COMP. STUDY, IN & IL (MID REACHES)	100,000	---	300,000	---
	WHITE RIVER, INDIANAPOLIS CENTRAL WATERFRONT, IN	---	---	200,000	---
	IOWA				
(FDP)	BLACK HAWK COUNTY, IA	90,000	---	90,000	---
(FC)	PERRY CREEK, IA	---	35,000	---	150,000
(FDP)	THURMAN TO HAMBURG, IA - PUMPING FACILITIES	107,000	---	107,000	---
	WEST DES MOINES - DES MOINES, IA	---	---	---	350,000
	KANSAS				
(FC)	BIG BLUE RIVER, MARYSVILLE, KS	---	---	200,000	---
(FC)	ARKANSAS CITY, KS	---	411,000	---	411,000
(RCP)	SOLDIER CREEK DIVERSION UNIT, TOPEKA, KS	150,000	---	150,000	---
(FDP)	TURKEY CREEK BASIN, KS & MO	125,000	---	125,000	---
(FC)	UPPER LITTLE ARKANSAS RIVER WATERSHED, KS	---	463,000	---	463,000
(FC)	WINFIELD, KS	---	350,000	---	350,000
	KENTUCKY				
	HICKMAN BLUFF, KY	---	---	200,000	---
(FC)	BEAVER CREEK BASIN, KY	---	50,000	---	150,000
(N)	CUMBERLAND-TENNESSEE RIVERS, KY, GA, AL, MS, NC, TN &.	501,000	---	---	1,000,000
(FDP)	EAGLE CREEK, KENTUCKY RIVER, KY	200,000	---	200,000	---
	EASTERN KENTUCKY COMPREHENSIVE, KY	---	---	200,000	---
(FC)	FRANKFORT (SOUTH FRANKFORT), KY	---	478,000	---	478,000
(N)	GREEN AND BARREN RIVERS, KY	225,000	---	950,000	---
(FC)	HAZARD, KY	---	300,000	---	300,000
(FDP)	JACKSON, KY	160,000	---	160,000	---
(N)	MCALPINE LOCKS AND DAM, IN & KY	---	1,700,000	---	1,700,000
(FDP)	METROPOLITAN LOUISVILLE, KY	355,000	---	355,000	---
	METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	---	---	75,000	---
(N)	UNIONTOWN LOCKS AND DAM, KY	860,000	---	860,000	---
(FDP)	WEST LIBERTY, KY	225,000	---	225,000	---
	SAILING LINE, LOUISVILLE, KY	---	---	50,000	---
	SALT RIVER BASIN, KY	---	---	350,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	LOUISIANA				
(N)	ALGIERS LOCK, LA.	570,000	---	570,000	---
(FC)	ALOHA RIGOLETTE, LA.	---	169,000	---	169,000
(FDP)	AMITE RIVER AND TRIBUTARIES, LA.	210,000	---	210,000	---
(FC)	COMITE RIVER, LA.	---	1,000,000	---	1,000,000
(FC)	EAST BATON ROUGE PARISH, LA.	---	450,000	---	450,000
(FDP)	GRAND & WHITE LAKES, LA.	427,000	---	427,000	---
(FDP)	JEFFERSON - ORLEANS PARISHES URBAN FLOOD CONTROL, LA.	298,000	---	298,000	---
	JEFFERSON PARISH (PUMPING STATION NO. 3), LA.	---	---	300,000	---
(FDP)	LAKE CATAOUATCHE LEVEE, LA.	396,000	---	396,000	---
(N)	PORT OF CAMERON, LA.	50,000	---	50,000	---
(FC)	TANGIPAHOA, TCHEFUNCTE, AND TICKFAW RIVERS, LA.	---	430,000	---	430,000
(FC)	WEST BANK - EAST OF HARVEY CANAL, LA.	---	100,000	---	100,000
	MAINE				
(FDP)	ST. JOHN RIVER	---	---	400,000	---
(N)	WELLS HARBOR, ME.	125,000	---	125,000	---
	MARYLAND				
(FDP)	ANACOSTIA RIVER & TRIBUTARIES, MD & DC.	450,000	---	1,127,000	---
(N)	BALTIMORE HARBOR ANCHORAGES & CHANNELS, MD.	207,000	---	207,000	---
(RCP)	JENNINGS RANDOLPH LAKE REALLOCATION, MD & WV.	183,000	---	183,000	---
	MASSACHUSETTS				
(N)	BOSTON HARBOR, MA.	---	500,000	---	500,000
(N)	HYANNIS HARBOR, BARNSTABLE, MA.	50,000	---	50,000	---
(FC)	MASSACHUSETTS COASTAL, ROUGHANS POINT, REVERE, MA.	---	260,000	---	260,000
	MUDDY RIVER, MA.	---	---	250,000	---
(FC)	SAUGUS RIVER & TRIBUTARIES, MA.	---	1,570,000	---	1,570,000
	MICHIGAN				
	BAY CITY, MI.	---	---	120,000	---
	BOLLES HARBOR, MI.	---	---	80,000	---
(RCP)	CLINTON RIVER SPILLWAY, MI.	125,000	---	125,000	---
(FC)	ECORSE CREEK, MI.	---	160,000	---	160,000
(N)	GRAND HAVEN HARBOR, MI.	---	225,000	---	225,000
(RDP)	MENOMINEE RIVER, MI & WI.	150,000	---	150,000	---
	ROUGE RIVER, MI.	---	---	125,000	---
(N)	SAGINAW BAY AND RIVER MI.	125,000	---	125,000	---
(N)	ST. JOSEPH HARBOR, MI.	125,000	---	125,000	---
	MINNESOTA				
(FDP)	CROOKSTON, MN.	290,000	---	290,000	---
(N)	GREAT LAKES CONNECTING CHNLS & HBRS FINAL RPT, MN, MI.	---	210,000	---	210,000
(FC)	HOUSTON, MN.	---	250,000	---	250,000
(FDP)	LITTLE FALLS, MN.	110,000	---	110,000	---
(FDP)	RED LAKE & CLEARWATER RIVERS , MN.	155,000	---	155,000	---
	MISSISSIPPI				
(FDP)	EAST FORK BASIN FISH & WILDLIFE RESTORATION, MS.	82,000	---	82,000	---
(FDP)	JACKSON METROPOLITAN AREA, MS.	660,000	---	660,000	---
(FDP)	PASCAGOULA RIVER BASIN, MS.	250,000	---	250,000	---
	WOLF AND JORDAN RIVERS, MS.	---	---	---	300,000
	MISSOURI				
(FDP)	BLUE RIVER BASIN, KANSAS CITY, MO.	40,000	---	40,000	---
(FC)	BLUE RIVER BASIN, KANSAS CITY, MO.	---	100,000	---	100,000
(FDP)	CUIVRE RIVER AREA AND VICINITY, MO.	210,000	---	210,000	---
(FDP)	DARDENNE CREEK, MO.	160,000	---	160,000	---
(FDP)	DRY FORK AND EAST FORK, FISHING RIVER,MO.	70,000	---	70,000	---
(SPE)	JEFFERSON COUNTY, MO.	124,000	---	124,000	---
(FDP)	MISSOURI RIVER LEVEE UNIT, L-385.	---	---	---	750,000
(RCP)	MRLS,. UNIT L-246, CUTOFF LAKE, MO.	270,000	---	270,000	---
(FDP)	PLATTIN CREEK, MO.	160,000	---	160,000	---
(FDP)	ST. JOSEPH, MO AND VICINITY.	200,000	---	200,000	---
	ST. LOUIS COUNTY, MO.	---	---	160,000	---
	ST. LOUIS HARBOR, MO & IL.	---	---	---	900,000
(FDP)	WYACONDA RIVER BASIN, MO & IA.	97,000	---	97,000	---
	NEBRASKA				
(FDP)	ANTELOPE CREEK, LINCOLN, NE.	121,000	---	121,000	---
	BURT - WASHINGTON COUNTIES, NE.	---	---	280,000	---
(FC)	WOOD RIVER, GRAND ISLAND, NE.	---	234,000	---	234,000
	NEVADA				
(FDP)	LAS VEGAS WASH & TRIBS (DUCK CREEK), NV.	300,000	---	---	---
	LAS VEGAS WASH & TRIBS (DUCK CREEK - PITTMAN WASH), NV	---	---	500,000	---
(FDP)	LOWER TRUCKEE RIVER, NV.	100,000	---	100,000	---
	LOWER LAS VEGAS WASH WETLANDS, NV.	---	---	700,000	---
(FC)	TROPICANA AND FLAMINGO WASHES, NV.	---	1,400,000	---	1,400,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	NEW JERSEY				
	ARTHUR KILL CHANNEL EXT - CARTERET, NJ & NY	---	---	300,000	---
(SP)	BRIGANTINE INLET TO GREAT EGG HARBOR, NJ (SHORE PROTEC	200,000	---	200,000	---
(N)	DE RIVER, PHILADELPHIA, PA TO TRENTON, NJ, TIOGA MARIN	---	70,000	---	70,000
(N)	DELAWARE RIVER COMPREHENSIVE NAVIGATION STUDY, NJ, PA.	97,000	---	97,000	---
(N)	DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	---	2,000,000	---	2,000,000
(FC)	LOWER SADDLE RIVER, NJ	---	1,100,000	---	1,100,000
(FC)	MOLLY ANN'S BROOK AT HALEDON, PROSPECT PARK AND PATERS	---	340,000	---	340,000
	NY HARBOR & ADJACENT CHANNELS, CLAREMONT TERMINAL, NJ.	---	---	---	500,000
	NY HARBOR & ADJACENT CHANNEL, PORT JERSEY CHANNEL, NJ.	---	---	---	500,000
(FC)	PASSAIC RIVER MAINSTEM, NJ	---	5,000,000	---	7,150,000
(FC)	RAMAPO RIVER AT OAKLAND, NJ	---	177,000	---	177,000
	RARITAN RIVER BASIN (DISMAL SWAMP), NJ	---	---	200,000	---
(FC)	RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	---	2,600,000	---	3,169,000
	RARITAN BAY, NJ	---	---	300,000	---
(N)	SALEM RIVER, NJ	---	145,000	---	145,000
(SP)	TOWNSENDS INLET TO CAPE MAY INLET, NJ	300,000	---	300,000	---
	NEW MEXICO				
(FDP)	ALBUQUERQUE ARROYOS, NM	270,000	---	270,000	---
(FDP)	ESPANOLA VALLEY, NM, RIO GRANDE & TRIBS	90,000	---	90,000	---
(FDP)	LAS CRUCES, NM, EL PASO AND VICINITY	370,000	---	370,000	---
	RIO RANCHO, NM	---	---	150,000	---
(FC)	ROSWELL, PECOS RIVER, NM	---	380,000	---	380,000
	NEW YORK				
	BUFFALO SMALL BOAT HARBOR, NY	---	---	70,000	---
(SP)	LONG BEACH ISLAND, NY	285,000	---	285,000	---
	MONTAUK POINT, NY	---	---	225,000	---
	OLCOTT HARBOR, NY	---	---	---	425,000
(SPE)	ONONDAGA LAKE, NY	225,000	---	---	---
	ROCHESTER HARBOR, NY	---	---	175,000	---
(FC)	WESTCHESTER CTY STREAMS, SHELDRAKE R TOWN OF MAMARONEC	---	120,000	---	120,000
	WAPPINGERS LAKE, NY	---	---	100,000	---
	ONONDAGA LAKE (SEC. 401, P.L. 101-596)	---	---	500,000	---
	NORTH CAROLINA				
(N)	CAPE FEAR-NORTHEAST (CAPE FEAR) RIVER, NC	270,000	---	270,000	---
(SP)	DARE COUNTY BEACHES, NC	100,000	---	100,000	---
	DRUM INLET, NC	---	---	150,000	---
	EASTERN NORTH CAROLINA ABOVE CAPE LOOKOUT, NC	---	---	150,000	---
	FORT FISHER, NC	---	---	---	250,000
	MANTEO (SHALLOWBAG) BAY, NC	---	---	---	250,000
(N)	MOREHEAD CITY HARBOR, NC	---	465,000	---	465,000
(FC)	SUGAR CREEK BASIN, NC & SC	---	626,000	---	626,000
(BE)	WEST ONSLOW BEACH & NEW RIVER INLET, NC	---	295,000	---	295,000
	WILMINGTON HARBOR OCEAN BAR, NC	---	---	---	1,000,000
(SP)	WRIGHTSVILLE BEACH - NORTH PORTION, NC	150,000	---	150,000	---
	NORTH DAKOTA				
(SPE)	DEVILS LAKE, ND	100,000	---	100,000	---
(FDP)	GRAND FORKS, ND	260,000	---	260,000	---
	OHIO				
(FDP)	BELMONT AND JEFFERSON COUNTIES, OH	200,000	---	200,000	---
	CLINTON, OH	---	---	250,000	---
(FC)	HOLES CREEK AT WEST CARROLLTON, OH	---	150,000	---	150,000
(FDP)	METROPOLITAN CINCINNATI, OH, KY & IN	67,000	---	67,000	---
(N)	OTTAWA RIVER HARBOR, OH	---	400,000	---	400,000
(SPE)	TRUMBULL COUNTY, OH	160,000	---	160,000	---
(FDP)	VERMILION RIVER, OH	65,000	---	65,000	---
(FC)	WEST COLUMBUS LPP, OH	---	3,106,000	---	3,106,000
	OKLAHOMA				
	NORTH CANADIAN RIVER, OK	---	---	450,000	---
(FC)	FRY CREEKS, BIXBY, OK	---	312,000	---	312,000
	OREGON				
	AMAZON CREEK WETLANDS PROJECT	---	---	150,000	---
(MP)	COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	---	785,000	---	785,000
(FDP)	COLUMBIA SLOUGH, OR	141,000	---	141,000	---
(N)	COOS BAY, OR (DEEP DRAFT NAVIGATION)	---	455,000	---	455,000
(FDP)	JOHNSON CREEK, OR	230,000	---	230,000	---
(FDP)	WALLA WALLA RIVER, OR & WA	182,000	---	182,000	---
(FDP)	WILLAMETTE RIVER BASIN REVIEW STUDY, OR	250,000	---	250,000	---
(FDP)	WILLAMETTE RIVER TEMPERATURE CONTROL, OR	299,000	---	299,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	PENNSYLVANIA				
(FC)	CURWENSVILLE LAKE, PA - REALLOCATION	---	800,000	---	800,000
(FDP)	JUNIATA RIVER & TRIBUTARIES, PA	120,000	---	120,000	---
(FC)	LACKAWANNA RIVER, PA	---	1,000,000	---	1,000,000
	LACKAWANNA RIVER GREENWAY CORRIDOR, PA	---	---	700,000	---
(FDP)	LEHIGH RIVER BASIN, PA	475,000	---	475,000	---
(N)	LOCKS AND DAM 2, 3 AND 4, MONONGAHELA RIVER, PA	---	1,400,000	---	1,400,000
(FDP)	RAYSTOWN LAKE, PA - REALLOCATION	130,000	---	130,000	---
	ROCHESTER, PA	---	---	---	50,000
(FDP)	SAW MILL RUN BASIN, PA	250,000	---	250,000	---
(FC)	SAW MILL RUN, PA	---	340,000	---	340,000
(FDP)	SCHUYLKILL RIVER BASIN, POTTSTOWN AREA, PA	150,000	---	150,000	---
(FDP)	SCHUYLKILL RIVER BASIN, READING AREA, PA	225,000	---	225,000	---
	SOUTH BRANCH BLACKLICK CREEK, PA	---	---	150,000	---
(SPE)	SUSQUEHANNA RIVER BASIN FISH RESTORATION, PA, NY, & MD	200,000	---	200,000	---
	WYOMING VALLEY LEVEE RAISING, PA	---	---	---	800,000
	PUERTO RICO				
(FC)	ARECIBO RIVER, PR	---	300,000	---	300,000
(N)	GUAYANES, LAS MAREAS AND GUAYANILLA HARBORS, PR	150,000	---	150,000	---
(FC)	RIO DE LA PLATA, PR	---	700,000	---	700,000
(FC)	RIO GRANDE DE LOIZA, PR	---	350,000	---	350,000
(FDP)	RIO NIGUA AT SALINAS, PR	112,000	---	112,000	---
(FC)	RIO PUERTO NUEVO, PR	---	892,000	---	892,000
(N)	SAN JUAN HARBOR, PR	---	800,000	---	800,000
	RHODE ISLAND				
	BLOCK ISLAND HARBOR, RI	---	---	350,000	---
	CRANSTON, RI	---	---	500,000	---
	SOUTH CAROLINA				
(N)	CHARLESTON HARBOR DEEPENING	---	---	350,000	---
(BE)	MYRTLE BEACH, SC	---	1,166,000	---	1,166,000
(SP)	SOUTH CAROLINA SHORES, NORTH PORTION, SC	300,000	---	300,000	---
	SOUTH DAKOTA				
(FDP)	ABERDEEN AND VICINITY, SD	96,000	---	96,000	---
(SPE)	BIG BEND DAM - LAKE SHARPE (WILDLIFE RESTORATION), SD.	60,000	---	60,000	---
(FC)	BIG SIOUX RIVER, SIOUX FALLS, SD	---	280,000	---	280,000
(SPE)	JAMES RIVER ENVIRONMENTAL, SD	235,000	---	235,000	---
(SPE)	OAHE DAM - LAKE OAHE (WILDLIFE RESTORATION), SD	140,000	---	140,000	---
(FDP)	VERMILLION RIVER BASIN, SD	145,000	---	145,000	---
(FC)	WATERTOWN AND VICINITY, SD	---	314,000	---	314,000
	TENNESSEE				
(FDP)	METROPOLITAN CHATTANOOGA-HAMILTON CO., TN	274,000	---	274,000	---
(FDP)	METROPOLITAN REGION OF NASHVILLE, TN	250,000	---	250,000	---
	TEXAS				
(FC)	ABILENE, TX (BRAZOS RIVER BASIN)	---	600,000	---	600,000
(FC)	ARROYO COLORADO, TX	---	380,000	---	380,000
(FC)	BEAL'S CREEK, BIG SPRING, TX	---	148,000	---	148,000
(FDP)	BOSQUE RIVER WATERSHED, TX	170,000	---	170,000	---
(FC)	BRAYS BAYOU (HOUSTON), TX	---	1,000,000	---	1,000,000
(N)	CHANNEL TO VICTORIA, TX	---	442,000	---	442,000
(FC)	CYPRESS CREEK, TX	---	1,000,000	---	1,000,000
(FC)	DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX.	---	400,000	---	400,000
(FC)	FIVE MILE CREEK, DALLAS, TX	---	103,000	---	103,000
(RCP)	GIWW-ARANSAS NATIONAL WILDLIFE REFUGE, TX	625,000	---	625,000	---
(N)	GIWW-SARGENT BEACH, TX	---	450,000	---	450,000
(RCP)	GIWW-SARGENT BEACH, TX	410,000	---	410,000	---
(FDP)	GRAHAM, TX (BRAZOS RIVER BASIN)	110,000	---	110,000	---
(FC)	GREENS BAYOU (HOUSTON), TX	---	900,000	---	900,000
(FC)	HALLS BAYOU (HOUSTON), TX	---	300,000	---	300,000
(N)	HOUSTON-GALVESTON NAVIGATION CHANNELS, TX	---	2,700,000	---	2,700,000
(FC)	HUNTING BAYOU (HOUSTON), TX	---	300,000	---	300,000
(FDP)	LOWER TRINITY RIVER BASIN, TX	723,000	---	723,000	---
(SP)	MATAGORDA COUNTY SHORE, TX	50,000	---	50,000	---
(N)	MATAGORDA SHIP CHANNEL, TX	360,000	---	360,000	---
	PECAN BAYOU, TX	---	---	450,000	---
(N)	PORT LAVACA TO RED BLUFF, TX	100,000	---	100,000	---
	RED RIVER, INDEX, AR TO DENISON DAM, TX	---	---	---	500,000
	RED RIVER WW, SHREVEPORT, LA TO DAINGERFIELD, TX	---	---	---	3,200,000
(FC)	SHOAL CREEK, AUSTIN, TX	---	750,000	---	750,000
(FC)	SOUTH MAIN CHANNEL, TX	---	150,000	---	150,000
(FDP)	UPPER TRINITY RIVER BASIN, TX	1,200,000	---	1,200,000	---
	UTAH				
(FC)	UPPER JORDAN RIVER, UT	---	475,000	---	475,000
(FDP)	WEBER RIVER AND TRIBUTARIES, UT	200,000	---	200,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	VIRGINIA				
(RCP)	AIWW BRIDGE AT GREAT BRIDGE, VA	339,000	---	339,000	---
(FC)	BUENA VISTA, VA	---	1,751,000	---	1,751,000
	RICHMOND FILTRATION PLANT, VA	---	---	---	950,000
(FDP)	UPPER JAMES RIVER BASIN, VA & WV	500,000	---	500,000	---
(BE)	VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	600,000	---	600,000
	WASHINGTON				
(SPE)	CHIEF JOSEPH DAM POOL RAISE, WA	166,000	---	166,000	---
(RCP)	HOWARD HANSON DAM, ADDITIONAL WATER STORAGE, WA	237,000	---	237,000	---
	LA CONNER, WA	---	---	---	60,000
(RCP)	LAKE WASHINGTON SHIP CANAL, WA	112,000	---	112,000	---
(FDP)	LOWER SNOHOMISH RIVER, WA	225,000	---	225,000	---
	NOOKSACK RIVER, WA	---	---	200,000	---
	SKAGIT RIVER, WA	---	---	200,000	---
(FDP)	TRI-CITIES LEVEES, WA	250,000	---	250,000	---
	WALLA WALLA DISTRICT DISPOSITION STUDY, WA	---	---	120,000	---
	WEST VIRGINIA				
(FC)	CABIN CREEK LPP, WV	---	135,000	---	135,000
(FC)	ISLAND CREEK AT LOGAN, WV	---	370,000	---	370,000
(N)	KANAWHA RIVER NAVIGATION STUDY, WV	995,000	---	995,000	---
(FC)	MOOREFIELD, WV	---	950,000	---	950,000
(FC)	PETERSBURG, WV	---	550,000	---	550,000
(SPE)	WEST VIRGINIA COMP STUDY, WV (OHIO RIV MI 40-317)	124,000	---	124,000	---
	WISCONSIN				
(FDP)	FOX RIVER CHANNEL GREEN BAY, WI	250,000	---	250,000	---
(FDP)	MILWAUKEE METROPOLITAN AREA, WI	275,000	---	275,000	---
(FC)	PORTAGE, WI	---	378,000	---	378,000
	WYOMING				
(FDP)	JACKSON HOLE RESTORATION, WY	212,000	---	212,000	---
	REVIEW OF AUTHORIZED PROJECTS				
	COORDINATION STUDIES WITH OTHER AGENCIES	9,519,000	---	9,519,000	---
	COLLECTION AND STUDY OF BASIC DATA				
	MISCELLANEOUS				
	COASTAL FIELD DATA COLLECTION	3,000,000	---	3,000,000	---
	CONSTRUCTION PRODUCTIVITY ADVANCEMENT RESEARCH (CPAR)	4,500,000	---	4,500,000	---
	DEVELOPMENT OF A FEDERAL INFRASTRUCTURE STRATEGY	2,500,000	---	2,500,000	---
	ECONOMIC IMPACTS OF GLOBAL WARMING	400,000	---	400,000	---
	ENVIRONMENTAL DATA SYSTEMS	300,000	---	300,000	---
	ENVIRONMENTAL SERVICE PRIVATIZATION	1,000,000	---	1,000,000	---
	FLOOD PLAIN MANAGEMENT SERVICES	7,100,000	---	7,100,000	---
	HYDROLOGIC STUDIES	300,000	---	300,000	---
	INTERNATIONAL WATER STUDIES	700,000	---	700,000	---
	MAGNETIC LEVITATION TRANSPORTATION PILOT PROGRAM	8,000,000	---	8,000,000	---
	NATIONAL WATER MANAGEMENT DURING DROUGHT	2,000,000	---	2,000,000	---
	PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	450,000	---	450,000	---
	REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	150,000	---	150,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	130,000	---	130,000	---
	STREAM GAGING (U.S. GEOLOGICAL SURVEY)	600,000	---	600,000	---
	TRANSPORTATION SYSTEMS	850,000	---	850,000	---
	TOTAL	31,980,000	---	31,980,000	---
	RESEARCH AND DEVELOPMENT	21,700,000	---	21,700,000	---
	SUBTOTAL, GENERAL INVESTIGATIONS	104,862,000	74,758,000	122,448,000	94,507,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-19,278,000	---	-22,528,000	---
	TOTAL, GENERAL INVESTIGATIONS	85,584,000	74,758,000	99,920,000	94,507,000

TYPE OF PROJECT:

(N)	NAVIGATION
(BE)	BEACH EROSION CONTROL
(FC)	FLOOD CONTROL
(MP)	MULTIPURPOSE, INCLUDING POWER
(SP)	SHORELINE PROTECTION
(FDP)	FLOOD DAMAGE PREVENTION
(RCP)	REVIEW OF COMPLETED PROJECT
(RDP)	REVIEW OF DEFERRED PROJECT
(COMP)	COMPREHENSIVE
(SPEC)	SPECIAL

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	ALABAMA		
(N)	BAYOU LA BATRE, AL	500,000	500,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	1,000,000	1,000,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL &	10,000,000	15,000,000
(FC)	THREEMILE CREEK, MOBILE, AL	10,229,000	10,229,000
(FC)	VILLAGE CREEK, JEFFERSON COUNTY, AL	8,000,000	8,000,000
(N)	WILLIAM BACON OLIVER LOCK AND DAM, AL	11,810,000	11,810,000
	ALASKA		
	BETHAL BANK STABILIZATION, AK	---	5,000,000
(FC)	HOMER SPIT STORM DAMAGE REDUCTION, AK	3,295,000	3,295,000
(N)	KODIAK HARBOR, AK	10,000,000	10,000,000
	ARIZONA		
(FC)	CLIFTON, AZ	2,600,000	2,600,000
(FC)	HOLBROOK, AZ	---	100,000
(FC)	PHOENIX ARIZONA AND VICINITY, AZ (STAGE 2)	20,650,000	22,650,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR	1,000,000	1,000,000
(FC)	FOURCHE BAYOU BASIN, LITTLE ROCK, AR	1,724,000	1,724,000
(N)	MCCLELLAN-KERR AR RIVER NAV SYSTEM, LOCKS AND DAMS, AR	13,700,000	15,460,000
	OUACHITA AND BLACK RIVERS, AR & LA	---	300,000
	RED RIVER EMERGENCY BANK PROTECTION, AR & LA	---	7,300,000
	CALIFORNIA		
(FC)	CACHE CREEK SETTLING BASIN, CA	8,989,000	8,989,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	6,450,000	6,450,000
(FC)	FAIRFIELD VICINITY STREAMS, CA	2,525,000	2,525,000
(FC)	GUADALUPE RIVER, CA	9,750,000	9,750,000
(FC)	MERCED COUNTY STREAM GROUP, CA	2,780,000	2,780,000
	NEW MELONES LAKE, CA	---	1,000,000
(N)	OAKLAND HARBOR, CA	3,000,000	3,000,000
(N)	OCEANSIDE HARBOR, CA	---	3,100,000
(FC)	REDBANK AND FANCHER CREEK, CA	12,300,000	12,300,000
(N)	REDONDO BEACH, KING HARBOR, CA	421,000	421,000
(N)	RICHMOND HARBOR, CA	800,000	800,000
(FC)	SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	4,200,000	4,200,000
(N)	SACRAMENTO RIVER DEEPWATER SHIP CHANNEL, CA	5,900,000	5,900,000
(FC)	SACRAMENTO RIVER FLOOD CONTROL PROJECT, CA (DEF CORR)	3,150,000	3,150,000
	SACRAMENTO RIVER FLOD CONTROL PROJECT (GCID), CA	---	300,000
(FC)	SACRAMENTO URBAN AREA LEVEE RECONSTRUCTION, CA	7,370,000	7,370,000
(N)	SAN FRANCISCO BAY TO STOCKTON, CA	1,342,000	1,342,000
(FC)	SAN LUIS REY RIVER, CA	13,500,000	13,500,000
(FC)	SANTA ANA RIVER MAINSTEM, CA	78,200,000	78,200,000
	SANTA PAULA CREEK CHANNEL, CA	---	800,000
(FC)	SWEETWATER RIVER, CA	4,041,000	4,041,000
(FC)	WILDCAT AND SAN PABLO CREEKS, CA	2,400,000	2,400,000
(E)	YOLO BASIN WETLANDS, SACRAMENTO RIVER, CA	1,600,000	2,260,000
	DELAWARE		
(FC)	DELAWARE COAST PROTECTION, DE	165,000	165,000
	FLORIDA		
	BROWARD COUNTY (HOLLYWOOD/HALLANDALE BEACHES), FL	---	3,798,000
(FC)	CENTRAL AND SOUTHERN FLORIDA, FL	14,000,000	14,100,000
(FC)	DADE COUNTY, FL	3,100,000	3,100,000
(N)	FORT PIERCE HARBOR, FL	3,956,000	3,956,000
(FC)	FOUR RIVER BASINS, FL	400,000	400,000
	KISSIMMEE RIVER, FL	---	5,000,000
(N)	MIAMI HARBOR CHANNEL	---	400,000
	PALM BEACH COUNTY, DELRAY BEACH, FL	---	3,575,000
(BE)	PINELLAS COUNTY, FL	6,400,000	6,400,000
(N)	PORT SUTTON CHANNEL, FL	670,000	670,000
(BE)	SARASOTA COUNTY, FL	7,775,000	7,775,000
	GEORGIA		
(FC)	OATES CREEK, RICHMOND COUNTY, GA	2,112,000	2,112,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	10,000,000	10,000,000
	RICHARD B. RUSSELL DAM & LAKE, WL MITIGATION, GA & SC.	---	10,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	HAWAII		
(FC)	ALENAIO STREAM, HI..................................	1,870,000	1,870,000
(N)	KAWAIHAE SMALL BOAT HARBOR, HI......................	130,000	130,000
(N)	MAALAEA HARBOR, MAUI, HI............................	1,620,000	1,620,000
	ILLINOIS		
(FC)	ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF C	3,103,000	3,103,000
(FC)	EAST ST LOUIS, IL...................................	7,200,000	7,200,000
(N)	ILLINOIS WATERWAY, 4 LOCKS, IL (REHAB)...............	8,200,000	---
(FC)	LOVES PARK, IL......................................	265,000	265,000
(N)	MELVIN PRICE LOCK AND DAM, IL & MO...................	26,300,000	26,300,000
(N)	MELVIN PRICE LOCK AND DAM, SECOND LOCK, IL & MO.......	46,000,000	46,000,000
(N)	MISSISSIPPI RIVER, DAMS 11-18, 21 & 22, IL, IA & MO (R	4,510,000	---
(N)	MISSISSIPPI RIVER, LOCK & DAM 15, IL & IA (REHAB).....	4,600,000	---
(N)	MISSISSIPPI RIVER, LOCKS & DAM 13, IL & IA (REHAB)....	2,100,000	---
(N)	OLMSTED LOCKS & DAM, IL & KY.........................	11,400,000	11,400,000
	O'HARE RESERVOIR, IL................................	---	4,000,000
(N)	UPPER MISS RIVER SYSTEM ENV MGMT PROG, IL, IA, MO, MN.	19,455,000	19,455,000
	INDIANA		
(FC)	EVANSVILLE, IN......................................	1,100,000	1,100,000
(FC)	LITTLE CALUMET RIVER, IN............................	6,500,000	6,500,000
	IOWA		
	DES MOINES RECREATIONAL RIVER AND GREENBELT, IA.......	---	750,000
	MISSOURI RIVER F & WL MITIGATION, IA, NE, KS & MO.....	---	1,500,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS, & MO.........	945,000	945,000
(FC)	WEST DES MOINES - DES MOINES, IA....................	---	700,000
	KANSAS		
(FC)	GREAT BEND, KS......................................	7,000,000	7,000,000
(FC)	HALSTEAD, KS..	2,000,000	2,000,000
	KENTUCKY		
	SALYERSVILLE, KY....................................	---	600,000
(FC)	YATESVILLE LAKE, KY.................................	3,500,000	3,500,000
	LOUISIANA		
(FC)	ALOHA RIGOLETTE, LA.................................	---	50,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	21,491,000	21,491,000
(FC)	LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)....	1,750,000	1,750,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA..................	2,000,000	2,000,000
(N)	MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	8,133,000	8,133,000
(FC)	NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)......	12,400,000	12,400,000
(FC)	PEARL RIVER, SLIDELL, ST TAMMANY PARISH, LA..........	1,000,000	1,000,000
	RED RIVER BELOW DENISON DAM, LA, AR, & TX............	---	2,300,000
(N)	RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	38,291,000	123,681,000
(FC)	WESTWEGO TO HARVEY CANAL, LA (HURRICANE PROTECTION)..	3,700,000	3,700,000
	MASSACHUSETTS		
(BE)	REVERE BEACH, MA....................................	300,000	300,000
(FC)	TOWN BROOK, QUINCY AND BRAINTREE, MA.................	8,550,000	8,550,000
	MINNESOTA		
(FC)	BASSETT CREEK, MN...................................	3,000,000	3,000,000
(FC)	CHASKA, MN..	500,000	500,000
(N)	DULUTH SUPERIOR CHANL EXTENSION, MN & WI.............	500,000	500,000
(N)	MISSISSIPPI RIVER LOCKS & DAMS 2-10, MN, WI & IA (REHA	8,220,000	---
(FC)	ROCHESTER, MN.......................................	12,400,000	12,400,000
(FC)	ST PAUL, MN...	3,000,000	3,000,000
	MISSISSIPPI		
(N)	GULFPORT HARBOR, MS.................................	6,000,000	6,000,000
(FC)	SOWASHEE CREEK, MERIDIAN, MS........................	3,556,000	3,556,000
(FC)	TOMBIGBEE RIVER AND TRIBUTARIES, MS & AL.............	1,000,000	1,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	MISSOURI		
(FC)	BLUE RIVER CHANNEL, KANSAS CITY, MO	15,000,000	15,000,000
(FC)	BRUSH CREEK, KANSAS CITY, MO	5,170,000	5,770,000
(FC)	CAPE GIRARDEAU-JACKSON, MO	10,300,000	10,300,000
(FC)	HANNIBAL, MO	370,000	370,000
(MP)	HARRY S TRUMAN DAM AND RESERVOIR, MO	4,600,000	4,600,000
(FC)	MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	700,000	700,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	5,700,000	5,700,000
	NEBRASKA		
(FC)	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	50,000	50,000
(FC)	PAPILLION CREEK AND TRIBUTARIES LAKES, NE	3,590,000	3,590,000
	NEW HAMPSHIRE		
(N)	PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH & ME	2,675,000	2,675,000
	NEW JERSEY		
(N)	BARNEGAT INLET, NJ	3,801,000	3,801,000
(N)	DELAWARE RIVER IN THE VIC OF CAMDEN, NJ (BECKETT ST. T	1,279,000	1,279,000
(FC)	GREAT EGG HARBOR INLET & PECK BEACH, NJ	10,000,000	10,000,000
	RARITAN AND SANDY HOOK BAYS, NJ	---	700,000
(BE)	SANDY HOOK TO BARNEGAT INLET, NJ	27,000,000	27,000,000
	NEW MEXICO		
(FC)	ACEQUIAS IRRIGATION SYSTEM, NM	1,000,000	1,000,000
(FC)	ALAMOGORDO, NM	400,000	400,000
(FC)	ALBUQUERQUE NORTH DIVERSION CHANNEL, NM (DEF CORR)	1,800,000	1,800,000
	RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE	---	3,000,000
	NEW YORK		
	ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON PT	---	2,000,000
(N)	HEMPSTEAD HARBOR, NY	4,138,000	4,138,000
(N)	KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	28,500,000	30,000,000
	NY HARBOR COLLECTION AND REMOVAL OF DRIFT, NY & NJ	---	2,500,000
(N)	SHINNECOCK INLET, NY	631,000	631,000
(FC)	YONKERS, NY (DEF CORR)	155,000	155,000
	NORTH CAROLINA		
(N)	AIWW-REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC	7,900,000	7,900,000
(FC)	B EVERETT JORDAN DAM AND LAKE, NC	3,200,000	3,264,000
(FC)	CAROLINA BEACH AND VICINITY, NC	797,000	797,000
(FC)	FALLS LAKE, NC	8,700,000	9,000,000
	NORTH DAKOTA		
	MISSOURI RIVER, FORT YATES BRIDGE	---	2,500,000
(FC)	SHEYENNE RIVER, ND	2,840,000	2,840,000
(FC)	SOURIS RIVER BASIN, ND	15,565,000	15,565,000
	OHIO		
(FC)	MILL CREEK, OH	5,000,000	5,000,000
(FC)	RENO BEACH HOWARD FARMS, OH	2,150,000	2,150,000
(FC)	SENECAVILLE LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFET	825,000	825,000
	OKLAHOMA		
(FC)	MINGO CREEK, OK	13,900,000	13,900,000
	OREGON		
(N)	BONNEVILLE NAVIGATION LOCK, OR & WA	82,000,000	82,000,000
(MP)	BONNEVILLE POWERHOUSE, OR & WA (REHAB)	8,699,000	---
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	4,600,000	4,600,000
(FC)	ELK CREEK LAKE, OR	3,000,000	3,000,000
(FC)	LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	100,000	100,000
	PENNSYLVANIA		
(N)	GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PA	34,500,000	34,500,000
(FC)	LOCK HAVEN, PA	17,100,000	17,100,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
N)	POINT MARION, LOCK AND DAM 8, MONONGAHELA RIVER, PA &.	30,000,000	30,000,000
BE)	PRESQUE ISLE PENINSULA, PA (PERMANENT)	4,369,000	4,369,000
FC)	TURTLE CREEK, PA	3,186,000	3,186,000
	PUERTO RICO		
(FC)	PORTUGUES AND BUCANA RIVERS, PR	17,600,000	15,013,000
	SOUTH CAROLINA		
(N)	CHARLESTON HARBOR, SC	12,000,000	12,000,000
	FOLLY BEACH, SC	---	600,000
	TENNESSEE		
(MP)	CENTER HILL DAM, TN (DAM SAFETY)	1,700,000	1,700,000
	TEXAS		
(N)	BRAZOS ISLAND HARBOR, TX	1,000,000	1,000,000
(FC)	CLEAR CREEK, TX	2,400,000	2,400,000
(FC)	COOPER LAKE AND CHANNELS, TX	13,000,000	13,000,000
(FC)	EL PASO, TX	9,300,000	9,300,000
(N)	FREEPORT HARBOR, TX	6,560,000	6,560,000
(FC)	JOE POOL LAKE, TX	500,000	500,000
(FC)	LAKE WICHITA, HOLLIDAY CREEK AT WICHITA FALLS, TX	1,000,000	1,000,000
(N)	MOUTH OF COLORADO RIVER, TX	1,000,000	1,000,000
(FC)	RAY ROBERTS LAKE, TX	5,400,000	7,800,000
	RED RIVER BASIN CHLORIDE CONTROL, TX & OK	---	3,000,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX (DAM SAFETY)	950,000	950,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT, TX	14,000,000	14,000,000
(FC)	SIMS BAYOU AT HOUSTON, TX	7,100,000	7,100,000
(FC)	TAYLORS BAYOU, TX	2,000,000	2,000,000
	UTAH		
(FC)	LITTLE DELL LAKE, UT	3,740,000	3,740,000
	VERMONT		
(FC)	CONNECTICUT RIVER BASIN, TOWNSHEND & BALL MOUNTAIN DAM	600,000	600,000
	VIRGINIA		
(FC)	RICHMOND, VA	29,500,000	29,500,000
(FC)	ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	470,000	770,000
	WASHINGTON		
(MP)	CHIEF JOSEPH ADDITIONAL UNITS, WA	2,100,000	2,100,000
(MP)	COLUMBIA RIVER JUVENILE FISH MITIGATION, WA, OR & ID..	31,700,000	31,700,000
(N)	GRAYS HARBOR, WA	12,700,000	12,700,000
(MP)	LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	13,100,000	13,100,000
(FC)	MUD MOUNTAIN DAM, WA (DAM SAFETY)	14,000,000	14,000,000
(FC)	ZINTEL CANYON DAM, WA	4,533,000	4,533,000
	WEST VIRGINIA		
(FC)	EAST LYNN LAKE, WV	48,400,000	48,400,000
(N)	GALLIPOLIS LOCKS AND DAM, WV & OH	38,000,000	38,000,000
(FC)	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	13,200,000	57,770,000
(N)	WINFIELD LOCK AND DAM, WV	15,000,000	15,000,000
	WISCONSIN		
(FC)	STATE ROAD AND EBNER COULEES, WI	6,000,000	6,000,000
	MISCELLANEOUS		
	AQUATIC PLANT CONTROL (1965 ACT)	9,000,000	9,000,000
	BEACH EROSION CONTROL PROJECTS (SECTION 103)	800,000	2,000,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	6,700,000	10,000,000
	EMPLOYEES' COMPENSATION	16,828,000	16,828,000
	FLOOD CONTROL PROJECTS (SECTION 205)	20,000,000	20,000,000
	INLAND WATERWAYS USERS BOARD - BOARD EXPENSES	30,000	30,000
	INLAND WATERWAYS USERS BOARD - CORPS EXPENSES	160,000	70,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	MITIGATION OF SHORE DAMAGES (SECTION 111)...........	---	500,000
	NAVIGATION PROJECTS (SECTION 107).......................	2,700,000	10,000,000
	PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	7,500,000	7,500,000
	SECTION 933 1986 WRDA..	1,000,000	1,000,000
	SMALL SNAGGING & CLEARING PROJECTS (SECTION 208).......	---	500,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-151,597,000	-194,089,000
	REDUCTION FOR ANTICIPATED UNOBLIGATED BALANCES........	---	-79,034,000
	TOTAL, CONSTRUCTION GENERAL....................	1,222,357,000	1,284,142,000

TYPE OF PROJECT:
(N) NAVIGATION
(BE) BEACH EROSION CONTROL
(FC) FLOOD CONTROL
(MP) MULTIPURPOSE, INCLUDING POWER

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
(FDP)	SOUTHEAST ARKANSAS STUDY, AR	215,000	215,000
(FDP)	ALEXANDRIA, LA	233,000	233,000
(FDP)	MISSISSIPPI DELTA, MS	300,000	300,000
(FDP)	ST. FRANCIS RIVER, FISH AND WILDLIFE, AR & MO	230,000	230,000
(FDP)	JACKSON AND TRENTON, TN	---	600,000
	COLLECTION AND STUDY OF BASIC DATA	280,000	280,000
	PRECONSTRUCTION ENGINEERING AND DESIGN:		
(FC)	EASTERN ARKANSAS REGION (COMPREHENSIVE STUDY), AR.	420,000	420,000
(FC)	HELENA & VICINITY, AR	225,000	225,000
(FC)	LOWER WHITE RIVER, BIG CREEK & TRIBUTARIES, AR	308,000	308,000
(FC)	WHITEMAN'S CREEK, AR	300,000	300,000
	SUBTOTAL, GENERAL INVESTIGATIONS	2,511,000	3,111,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	109,500,000	109,500,000
(N)	HELENA HARBOR, PHILLIPS COUNTY, AR	6,200,000	6,200,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	21,800,000	21,800,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO	9,670,000	9,670,000
(FC)	WEST MEMPHIS & VICINITY, AR	4,800,000	4,800,000
(FC)	ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	9,700,000	9,700,000
(FC)	ATCHAFALAYA BASIN, LA	25,800,000	25,800,000
(FC)	MISSISSIPPI & LOUISIANA ESTAURINE AREAS, MS & LA	3,100,000	3,100,000
(FC)	MISSISSIPPI DELTA REGION, LA	4,200,000	4,200,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	4,630,000	4,630,000
(FC)	HORN LAKE CREEK & TRIBUTARIES (INCL. COW PEN CREEK), M	250,000	250,000
(FC)	SARDIS DAM, MS (DAM SAFETY)	440,000	440,000
	YAZOO BASIN, MS:	(31,775,000)	(31,775,000)
(FC)	BIG SUNFLOWER RIVER, MS	1,100,000	1,100,000
(FC)	DEMONSTRATION EROSION CONTROL, MS	19,000,000	19,000,000
(FC)	MAIN STEM, MS	25,000	25,000
(FC)	REFORMULATION UNIT, MS	3,200,000	3,200,000
(FC)	TRIBUTARIES, MS	5,500,000	5,500,000
(FC)	UPPER YAZOO PROJECTS, MS	2,350,000	2,350,000
(FC)	YAZOO BACKWATER FOWL F&WL MITIGATION LANDS, MS	500,000	500,000
(FC)	YAZOO BACKWATER, MS	100,000	100,000
(FC)	MEMPHIS HARBOR (ENSLEY BERM), TN	925,000	925,000
(FC)	NONCONNAH CREEK, TN & MS	3,500,000	3,500,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN	1,200,000	1,200,000
	SUBTOTAL, CONSTRUCTION	237,490,000	237,490,000
	MAINTENANCE		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	65,860,000	65,860,000
(FC)	LOWER ARKANSAS RIVER - NORTH BANK, AR	810,000	810,000
(FC)	LOWER ARKANSAS RIVER - SOUTH BANK, AR	164,000	164,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,100,000	7,100,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO	10,000,000	10,000,000
(FC)	TENSAS BASIN, BOEUF & TENSAS RIVERS, AR & LA	2,729,000	2,729,000
(FC)	WHITE RIVER BACKWATER, AR	800,000	800,000
(FC)	ATCHAFALAYA BASIN, LA	10,007,000	10,007,000
(FC)	BATON ROUGE HARBOR - DEVIL SWAMP, LA	230,000	230,000
(FC)	BAYOU COCODRIE & TRIBS, LA	120,000	120,000
(FC)	BONNET CARRE, LA	805,000	805,000
(FC)	LOWER RED RIVER - SOUTH BANK LEVEES, LA	50,000	50,000
(FC)	MISSISSIPPI DELTA REGION - CAERNARVON, LA	188,000	188,000
(FC)	OLD RIVER, LA	4,197,000	4,197,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	2,620,000	2,620,000
(N)	GREENVILLE HARBOR, MS	361,000	361,000
(N)	VICKSBURG HARBOR, MS	249,000	249,000
	YAZOO BASIN, MS:	(15,339,000)	(22,226,000)
(FC)	ARKABUTLA LAKE, MS	2,204,000	3,272,000
(FC)	BIG SUNFLOWER, MS	170,000	170,000
(FC)	ENID LAKE, MS	2,785,000	4,168,000
(FC)	GREENWOOD, MS	580,000	580,000
(FC)	GRENADA LAKE, MS	2,973,000	4,137,000
(FC)	MAIN STEM, MS	898,000	3,216,000
(FC)	SARDIS LAKE, MS	2,581,000	3,535,000
(FC)	TRIBUTARIES, MS	988,000	988,000
(FC)	WILL M WHITTINGTON AUX CHAN, MS	410,000	410,000

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	YAZOO BACKWATER, MS	359,000	359,000
(FC)	YAZOO CITY, MS	1,391,000	1,391,000
(FC)	WAPPAPELLO LAKE, MO	3,220,000	3,220,000
(N)	MEMPHIS HARBOR (MCKELLAR LAKE), TN	1,300,000	1,300,000
(FC)	INSPECTION OF COMPLETED WORKS	1,206,000	1,206,000
(FC)	MAPPING	819,000	819,000
	SUBTOTAL, MAINTENANCE	128,174,000	135,061,000
	REDUCTION FOR SAVINGS AND SLIPPAGE	-21,625,000	-22,225,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	346,550,000	353,437,000

TYPE OF PROJECT:
(N) NAVIGATION
(FC) FLOOD CONTROL
(FDP). FLOOD DAMAGE PREVENTION

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	ALABAMA		
(FC)	ALABAMA - COOSA RIVER COMPREHENSIVE WATER STUDY, AL...	1,704,000	1,704,000
(N)	ALABAMA - COOSA RIVER, AL	4,927,000	6,400,000
(N)	BAYOU CODEN, AL	595,000	595,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	15,813,000	18,000,000
(N)	DAUPHIN ISLAND BAY, AL	224,000	224,000
(N)	FLY CREEK, AL	225,000	225,000
(N)	GULF INTRACOASTAL WATERWAY, AL	3,603,000	3,603,000
(MP)	MILLERS FERRY LOCK & DAM - WILLIAM "BILL" DANNELLY LAK	3,724,000	3,724,000
(N)	MOBILE HARBOR, AL	16,066,000	16,836,000
(N)	PERDIDO PASS CHANNEL, AL	707,000	707,000
(MP)	ROBERT F. HENRY LOCK AND DAM, AL	3,229,000	3,229,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS	15,995,000	18,000,000
(MP)	WALTER F. GEORGE LOCK AND DAM, AL & GA	6,051,000	6,051,000
	ALASKA		
(N)	ANCHORAGE HARBOR, AK	1,932,000	1,932,000
(FC)	CHENA RIVER LAKES, AK	1,033,000	1,108,000
(N)	CRAIG HARBOR	404,000	404,000
(N)	DILLINGHAM SMALL BOAT HARBOR, AK	721,000	721,000
(N)	HOMER SMALL BOAT HARBOR, AK	396,000	396,000
(N)	NINILCHIK HARBOR, AK	232,000	232,000
(N)	NOME HARBOR, AK	556,000	556,000
	ARIZONA		
(FC)	ALAMO DAM, AZ	989,000	989,000
(FC)	PAINTED ROCK DAM, AZ	771,000	771,000
(FC)	WHITLOW RANCH DAM, AZ	83,000	83,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR	5,920,000	5,920,000
(MP)	BLAKELY MT DAM - LAKE OUACHITA, AR	3,615,000	3,615,000
(FC)	BLUE MOUNTAIN LAKE, AR	888,000	888,000
(MP)	BULL SHOALS LAKE, AR	4,433,000	4,433,000
(MP)	DARDANELLE LOCK AND DAM, AR	6,440,000	6,440,000
(MP)	DEGRAY LAKE, AR	3,304,000	3,304,000
(FC)	DEQUEEN LAKE, AR	973,000	973,000
(FC)	DIERKS LAKE, AR	886,000	886,000
(FC)	GILLHAM LAKE, AR	918,000	918,000
(MP)	GREERS FERRY LAKE, AR	4,445,000	4,945,000
(N)	HELENA HARBOR, AR	469,000	469,000
(N)	MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	24,071,000	24,071,000
(FC)	MILLWOOD LAKE, AR	2,036,000	2,036,000
(MP)	NARROWS DAM - LAKE GREESON, AR	3,084,000	3,084,000
(FC)	NIMROD LAKE, AR	1,142,000	1,142,000
(MP)	NORFORK LAKE, AR	3,351,000	3,351,000
(N)	OSCEOLA HARBOR, AR	590,000	575,000
(N)	OUACHITA AND BLACK RIVERS, AR & LA	6,100,000	6,100,000
(MP)	OZARK-JETA TAYLOR LOCK AND DAM, AR	3,955,000	3,955,000
(N)	WHITE RIVER, AR	2,171,000	2,171,000
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE, CA	1,648,000	1,648,000
(FC)	BUCHANAN DAM - H.V. EASTMAN LAKE, CA	1,297,000	1,297,000
(N)	CHANNEL ISLANDS HARBOR, CA	145,000	145,000
(FC)	COYOTE VALLEY DAM - (LAKE MENDOCINO), CA	2,011,000	2,011,000
(N)	CRESCENT CITY HARBOR, CA	1,538,000	1,538,000
(FC)	DRY CREEK - WARM SPRINGS LAKE AND CHANNEL, CA	2,493,000	2,493,000
(FC)	FARMINGTON DAM, CA	130,000	130,000
(N)	FISHERMAN'S WHARF AREA, CA	290,000	290,000
(FC)	HIDDEN DAM - HENSLEY LAKE, CA	1,302,000	1,302,000
(N)	HUMBOLDT HARBOR AND BAY, CA	2,880,000	2,880,000
(FC)	ISABELLA LAKE, CA	589,000	589,000
(N)	LOS ANGELES - LONG BEACH HARBOR MODEL, CA	155,000	500,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	2,586,000	2,986,000
(FC)	MERCED COUNTY STREAM GROUP, CA	168,000	168,000
(FC)	MOJAVE RIVER DAM, CA	223,000	223,000
(N)	MORRO BAY HARBOR, CA	88,000	88,000
(FC)	NEW HOGAN LAKE, CA	1,898,000	1,898,000
(MP)	NEW MELONES LAKE, CA	770,000	770,000
(N)	NEWPORT BAY HARBOR, CA	287,000	287,000
(N)	NOYO RIVER & HARBOR, CA	34,000	34,000
(N)	OAKLAND HARBOR, CA	2,734,000	2,734,000
(N)	OCEANSIDE EXPERIMENTAL SAND BYPASS SYSTEM, CA	1,300,000	1,300,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	OCEANSIDE HARBOR, CA	836,000	2,000,000
(N)	PETALUMA RIVER, CA	3,280,000	3,280,000
(FC)	PINE FLAT LAKE, CA	1,680,000	1,680,000
(N)	PORT SAN LUIS, CA	1,108,000	1,108,000
(N)	RICHMOND HARBOR, CA	2,355,000	2,355,000
(N)	SACRAMENTO RIVER (30 FOOT PROJECT), CA	838,000	838,000
(N)	SACRAMENTO RIVER - SHALLOW DRAFT CHANNEL, CA	75,000	75,000
(N)	SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	777,000	777,000
(N)	SAN DIEGO HARBOR, CA	326,000	326,000
(N)	SAN FRANCISCO BAY - DELTA MODEL STRUCTURE, CA	2,301,000	2,301,000
(N)	SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	2,419,000	2,719,000
	SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,015,000	2,015,000
(N)	SAN FRANCISCO HARBOR, CA	1,585,000	1,585,000
(N)	SAN JOAQUIN RIVER, CA	1,388,000	1,388,000
(N)	SAN PABLO BAY AND MARE ISLAND STRAIT, CA	1,445,000	1,445,000
(FC)	SANTA ANA RIVER BASIN, CA	2,070,000	2,070,000
(N)	SANTA BARBARA HARBOR, CA	795,000	995,000
	SEPULVEDA DAM, CA	---	1,000,000
(FC)	SUCCESS LAKE, CA	1,385,000	1,385,000
(N)	SUISUN BAY CHANNEL, CA	1,015,000	1,015,000
(FC)	TERMINUS DAM (LAKE KAWEAH), CA	1,471,000	1,471,000
(N)	VENTURA HARBOR, CA	3,215,000	3,215,000
(N)	YUBA RIVER, CA	33,000	33,000
	COLORADO		
(FC)	BEAR CREEK LAKE, CO	352,000	352,000
(FC)	CHATFIELD LAKE, CO	832,000	832,000
(FC)	CHERRY CREEK LAKE, CO	444,000	444,000
(FC)	JOHN MARTIN RESERVOIR, CO	1,535,000	1,535,000
(FC)	TRINIDAD LAKE, CO	807,000	807,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE, CT	246,000	246,000
(FC)	COLEBROOK RIVER LAKE, CT	294,000	294,000
(N)	CONNECTICUT RIVER BELOW HARTFORD, CT	624,000	624,000
(N)	GUILFORD HARBOR, CT	514,000	514,000
(FC)	HANCOCK BROOK LAKE, CT	237,000	237,000
(FC)	HOP BROOK LAKE, CT	682,000	682,000
(FC)	MANSFIELD HOLLOW LAKE, CT	449,000	449,000
(FC)	NORTHFIELD BROOK LAKE, CT	252,000	252,000
(FC)	STAMFORD HURRICANE BARRIER, CT	338,000	338,000
(FC)	THOMASTON DAM, CT	372,000	372,000
(FC)	WEST THOMPSON LAKE, CT	455,000	455,000
	DELAWARE		
(N)	CHESAPEAKE AND DELAWARE CANAL, ST. GEORGES BRIDGE REPL	14,000,000	14,000,000
(N)	INDIAN RIVER INLET AND BAY, DE	1,640,000	1,640,000
(N)	INTRACOASTAL WATERWAY, CHINCOTEAGUE BAY TO DELAWARE BA	18,000	18,000
(N)	INTRACOASTAL WATERWAY, DE RIVER TO CHESAPEAKE BAY, DE.	17,030,000	17,030,000
(N)	INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	32,000	32,000
(N)	MISPILLION RIVER, DE	957,000	957,000
(N)	WILMINGTON HARBOR, DE	2,911,000	2,911,000
	DISTRICT OF COLUMBIA		
(N)	ANACOSTIA RIVER BASIN, DC	198,000	198,000
	POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	596,000	596,000
(N)	POTOMAC RIVER BELOW WASHINGTON, DC	222,000	222,000
(N)	WASHINGTON HARBOR, DC	216,000	216,000
	FLORIDA		
(N)	AIWW, NORFOLK TO ST. JOHNS RIVER, FL, GA, SC, NC, & VA	1,946,000	1,946,000
(N)	APALACHICOLA BAY, FL	737,000	737,000
(N)	CANAVERAL HARBOR, FL	3,763,000	3,763,000
(N)	CARRABELLE HARBOR, FL	263,000	263,000
(FC)	CENTRAL & SOUTHERN, FL	5,465,000	5,465,000
(N)	CHARLOTTE HARBOR, FL	554,000	554,000
(N)	CLEARWATER PASS, FL	500,000	500,000
(N)	CROSS FLORIDA BARGE CANAL, FL	1,969,000	1,969,000
(N)	EAST PASS CHANNEL, FL	742,000	742,000
(N)	ESCAMBIA-CONECUH RIVERS, FL	8,000	8,000
(N)	FERNANDINA HARBOR, FL	2,475,000	2,475,000
(N)	FORT PIERCE HARBOR, FL	346,000	346,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	INTRACOASTAL WATERWAY, CALOOSAHATCHEE R. TO ANCLOTE R.	321,000	321,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	2,158,000	2,158,000
(N)	JACKSONVILLE HARBOR, FL	1,816,000	1,816,000
(MP)	JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	4,914,000	4,914,000
(N)	MIAMI HARBOR, FL	504,000	504,000
(N)	OKEECHOBEE WATERWAY, FL	2,399,000	2,399,000
(N)	OKLAWAHA RIVER, FL	77,000	77,000
(N)	PALM BEACH HARBOR, FL	1,196,000	1,196,000
(N)	PANAMA CITY HARBOR, FL	305,000	305,000
(N)	PONCE DE LEON INLET, FL	504,000	504,000
	REMOVAL OF AQUATIC GROWTH, FL	2,869,000	2,869,000
(N)	ST. LUCIE INLET, FL	714,000	714,000
(N)	TAMPA HARBOR, FL	2,758,000	2,758,000
(N)	WITHLACOOCHIE RIVER, FL	221,000	221,000
	GEORGIA		
(MP)	ALLATOONA LAKE, GA	7,584,000	7,584,000
(N)	APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	4,156,000	4,156,000
(N)	ATLANTIC INTRACOASTAL WATERWAY (SAVANNAH DISTRICT), GA	868,000	868,000
(N)	BRUNSWICK HARBOR, GA	3,182,000	3,182,000
(MP)	BUFORD DAM AND LAKE SIDNEY LANIER, GA	5,383,000	5,383,000
(MP)	CARTERS DAM AND LAKE, GA	3,883,000	5,883,000
(MP)	HARTWELL LAKE, GA & SC	6,909,000	6,909,000
(MP)	J. STROM THURMOND LAKE, GA & SC	8,289,000	8,289,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	4,322,000	4,322,000
(N)	SAVANNAH HARBOR, GA	5,253,000	5,253,000
(N)	SAVANNAH RIVER BELOW AUGUSTA, GA	137,000	137,000
(MP)	WEST POINT DAM AND LAKE, GA & AL	4,830,000	4,830,000
	HAWAII		
(N)	BARBER'S POINT HARBOR, HI	57,000	57,000
(N)	HONOLULU HARBOR, HI	292,000	292,000
	IDAHO		
(MP)	ALBENI FALLS DAM, ID	3,748,000	3,748,000
(MP)	DWORSHAK DAM AND RESERVOIR, ID	6,413,000	6,413,000
(FC)	LUCKY PEAK LAKE, ID	1,008,000	1,008,000
	ILLINOIS		
(N)	CALUMET HARBOR AND RIVER, IL	558,000	558,000
(FC)	CARLYLE LAKE, IL	3,544,000	3,544,000
(N)	CHICAGO HARBOR, IL	1,948,000	1,948,000
(N)	CHICAGO RIVER, IL	1,386,000	1,386,000
(FC)	FARM CREEK RESERVOIRS, IL	222,000	222,000
(N)	ILLINOIS WATERWAY, IL & IN	16,428,000	16,428,000
(N)	ILLINOIS WATERWAY, IL (LMVD PORTION)	1,584,000	1,584,000
(N)	KASKASKIA RIVER NAVIGATION, IL	1,567,000	1,567,000
(FC)	LAKE SHELBYVILLE, IL	3,961,000	3,961,000
(N)	MISS RIVER BTWN MISSOURI RIVER AND MINNEAPOLIS, IL, MN	80,728,000	80,728,000
(N)	MISS RVR BTWN MO RIVER & MINNEAPOLIS, IL & MN (LMVD PO	11,744,000	11,744,000
	NORTH BRANCH CHICAGO RIVER, IL	---	150,000
(FC)	REND LAKE, IL	3,339,000	3,339,000
(N)	WAUKEGAN HARBOR, IL	941,000	941,000
	INDIANA		
(FC)	BEVERLY SHORES, IN	22,000	22,000
(FC)	BROOKVILLE LAKE, IN	714,000	714,000
(N)	BURNS WATERWAY HARBOR, IN	701,000	701,000
(N)	BURNS WATERWAY SMALL BOAT HARBOR, IN	122,000	122,000
(FC)	CAGLES MILL LAKE, IN	542,000	542,000
(FC)	CECIL M. HARDEN LAKE, IN	511,000	600,000
(FC)	HUNTINGTON LAKE, IN	469,000	469,000
(N)	INDIANA HARBOR, IN	535,000	535,000
(N)	MICHIGAN CITY HARBOR, IN	138,000	138,000
(FC)	MISSISSINEWA LAKE, IN	483,000	483,000
(FC)	MONROE LAKE, IN	513,000	513,000
(FC)	PATOKA LAKE, IN	468,000	468,000
(FC)	SALAMONIE LAKE, IN	519,000	519,000
	IOWA		
(FC)	CORALVILLE LAKE, IA	2,722,000	3,000,000
(FC)	MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA..	52,000	52,000
(N)	MISSOURI RIVER - SIOUX CITY TO MOUTH, IA, NE, KS & MO.	7,312,000	7,312,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	RATHBUN LAKE, IA	1,910,000	1,910,000
(FC)	RED ROCK DAM - LAKE RED ROCK, IA	3,922,000	3,922,000
(FC)	SAYLORVILLE LAKE, IA	3,985,000	3,985,000
(N)	SMALL NAV PROJ AT SIOUX CITY, IA	5,000	5,000
	KANSAS		
(FC)	CLINTON LAKE, KS	1,355,000	1,355,000
(FC)	COUNCIL GROVE LAKE, KS	849,000	849,000
(FC)	EL DORADO LAKE, KS	503,000	503,000
(FC)	ELK CITY LAKE, KS	772,000	772,000
(FC)	FALL RIVER LAKE, KS	1,120,000	1,120,000
(FC)	HILLSDALE LAKE, KS	915,000	915,000
(FC)	JOHN REDMOND DAM AND RESERVOIR, KS	1,687,000	1,687,000
(FC)	KANOPOLIS LAKE, KS	1,262,000	1,262,000
(FC)	MARION LAKE, KS	903,000	903,000
(FC)	MELVERN LAKE, KS	1,629,000	1,629,000
(FC)	MILFORD LAKE, KS	1,908,000	1,908,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE, KS	989,000	989,000
(FC)	PERRY LAKE, KS	1,997,000	1,997,000
(FC)	POMONA LAKE, KS	1,482,000	1,482,000
(FC)	TORONTO LAKE, KS	366,000	366,000
(FC)	TUTTLE CREEK LAKE, KS	1,545,000	1,545,000
(FC)	WILSON LAKE, KS	1,316,000	2,216,000
	KENTUCKY		
(MP)	BARKLEY DAM AND LAKE BARKLEY, KY	5,730,000	5,730,000
(FC)	BARREN RIVER LAKE, KY	1,185,000	1,185,000
(N)	BIG SANDY HARBOR, KY	1,031,000	1,031,000
(FC)	BUCKHORN LAKE, KY	707,000	707,000
(FC)	CARR FORK LAKE, KY	930,000	930,000
(FC)	CAVE RUN LAKE, KY	561,000	561,000
(FC)	DEWEY LAKE, KY	947,000	947,000
(N)	ELVIS STAHR (HICKMAN) HARBOR, KY	524,000	524,000
(FC)	FISHTRAP LAKE, KY	1,179,000	1,179,000
(FC)	GRAYSON LAKE, KY	860,000	860,000
(N)	GREEN AND BARREN RIVERS, KY	1,362,000	1,362,000
(FC)	GREEN RIVER LAKE, KY	1,246,000	1,246,000
(N)	KENTUCKY RIVER, KY	1,420,000	1,420,000
(MP)	LAUREL RIVER LAKE, KY	1,124,000	1,124,000
(N)	LICKING RIVER OPEN CHANNEL WORK, KY	15,000	15,000
(FC)	MARTINS FORK LAKE, KY	603,000	603,000
(FC)	MIDDLESBORO, KY	120,000	120,000
(FC)	NOLIN LAKE, KY	1,294,000	1,294,000
(N)	OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV	15,460,000	15,460,000
(N)	OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV.	3,266,000	3,266,000
(FC)	PAINTSVILLE LAKE, KY	659,000	659,000
(FC)	ROUGH RIVER LAKE, KY	1,482,000	1,482,000
(FC)	TAYLORSVILLE LAKE, KY	682,000	682,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND, KY	6,133,000	6,133,000
(FC)	YATESVILLE LAKE KY	704,000	704,000
	LOUISIANA		
(N)	ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	4,127,000	4,127,000
(N)	BARATARIA BAY WATERWAY, LA	1,403,000	1,403,000
(FC)	BAYOU BODCAU RESERVOIR, LA	370,000	370,000
(FC)	BAYOU PIERRE, LA	38,000	38,000
(N)	BAYOU TECHE, LA	142,000	142,000
(FC)	CADDO LAKE, LA	96,000	96,000
(N)	CALCASIEU RIVER AND PASS, LA	9,423,000	9,423,000
(N)	FRESHWATER BAYOU, LA	849,000	849,000
(N)	GULF INTRACOASTAL WATERWAY, LA	13,513,000	13,513,000
(N)	HOUMA NAVIGATION CHANNEL, LA	241,000	241,000
(N)	LAKE PROVIDENCE HARBOR, LA	272,000	272,000
(N)	MADISON PARISH PORT, LA	71,000	71,000
(N)	MERMENTAU RIVER, LA	1,572,000	1,572,000
(N)	MISSISSIPPI RIVER - BATON ROUGE TO GULF OF MEXICO, LA.	46,117,000	49,117,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	15,666,000	19,166,000
(N)	MISSISSIPPI RIVER, OUTLETS AT VENICE, LA	1,659,000	1,659,000
(N)	RED RIVER WATERWAY - MISSISSIPPI RIVER TO SHREVEPORT,	6,743,000	6,743,000
	REMOVAL OF AQUATIC GROWTH, LA	1,585,000	1,585,000
(FC)	WALLACE LAKE, LA	181,000	181,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MAINE		
(N)	KENNEBEC RIVER, ME	647,000	647,000
(N)	SACO RIVER, ME	747,000	747,000
	MARYLAND		
(N)	BALTIMORE HARBOR & CHANNELS, MD & VA	11,236,000	11,236,000
	BALTIMORE HARBOR (DRIFT REMOVAL), MD	329,000	329,000
	BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	365,000	365,000
(N)	CHESTER RIVER	785,000	785,000
(FC)	CUMBERLAND, MD AND RIDGELEY, WV	82,000	82,000
(FC)	JENNINGS RANDOLPH LAKE, MD & WV	1,282,000	1,282,000
(N)	KNAPPS NARROWS, MD	559,000	559,000
(N)	OCEAN CITY HARBOR & INLET & SINEPUXENT BAY, MD	383,000	383,000
(N)	TWITCH COVE AND BIG THOROFARE RIVER, MD	573,000	573,000
(N)	WICOMICO RIVER, MD	201,000	201,000
	MASSACHUSETTS		
(FC)	BARRE FALLS DAM, MA	485,000	485,000
(FC)	BIRCH HILL DAM, MA	433,000	433,000
(FC)	BUFFUMVILLE LAKE, MA	347,000	347,000
(N)	CAPE COD CANAL, MA	10,501,000	10,501,000
(FC)	CHARLES RIVER NATURAL VALLEY STORAGE AREAS, MA	163,000	163,000
(FC)	CONANT BROOK LAKE, MA	151,000	151,000
(FC)	EAST BRIMFIELD LAKE, MA	328,000	328,000
(FC)	HODGES VILLAGE DAM, MA	331,000	331,000
(FC)	KNIGHTVILLE DAM, MA	519,000	519,000
(FC)	LITTLEVILLE LAKE, MA	512,000	512,000
(FC)	NEW BEDFORD, FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	283,000	283,000
(FC)	TULLY LAKE, MA	444,000	444,000
(FC)	WEST HILL DAM, MA	447,000	447,000
(FC)	WESTVILLE LAKE, MA	396,000	396,000
	MICHIGAN		
(N)	ALPENA HARBOR, MI	224,000	224,000
(N)	ARCADIA HARBOR, MI	87,000	87,000
(N)	BLACK RIVER HARBOR, MI	87,000	87,000
(N)	BOLLES HARBOR, MI	216,000	216,000
(N)	CHANNELS IN LAKE ST. CLAIR, MI	196,000	196,000
(N)	CHARLEVOIX HARBOR, MI	156,000	156,000
(N)	CLINTON RIVER, MI	59,000	59,000
(N)	DETROIT RIVER, MI	5,001,000	5,001,000
	FLINT RIVER FLOOD CONTROL, MI	---	1,000,000
(N)	FRANKFORT HARBOR, MI	302,000	302,000
(N)	GRAND HAVEN HARBOR, MI	1,211,000	1,211,000
(N)	HAMMOND BAY HARBOR, MI	120,000	120,000
(N)	HARBOR BEACH HARBOR,MI	3,726,000	3,726,000
(N)	HOLLAND HARBOR, MI	1,135,000	1,135,000
(N)	INLAND ROUTE, MI	18,000	18,000
(N)	KEWEENAW WATERWAY, MI	1,166,000	1,166,000
(N)	LELAND HARBOR, MI	172,000	172,000
(N)	LEXINGTON HARBOR, MI	141,000	141,000
(N)	LITTLE LAKE HARBOR, MI	172,000	172,000
(N)	LUDINGTON HARBOR, MI	2,092,000	2,092,000
(N)	MANISTEE HARBOR, MI	945,000	945,000
(N)	MANISTIQUE HARBOR, MI	494,000	494,000
(N)	MARQUETTE HARBOR, MI	283,000	283,000
(N)	MENOMINEE HARBOR, MI & WI	90,000	90,000
(N)	MONROE HARBOR, MI	1,129,000	1,129,000
(N)	MUSKEGON HARBOR, MI	887,000	887,000
(N)	NEW BUFFALO HARBOR, MI	135,000	135,000
(N)	ONTONAGON HARBOR, MI	4,283,000	4,283,000
(N)	PENTWATER HARBOR, MI	158,000	158,000
(N)	PORT SANILAC HARBOR, MI - MITIGATION OF SHORE DAMAGE	36,000	36,000
(N)	PRESQUE ISLE HARBOR, MI	389,000	389,000
(N)	ROUGE RIVER, MI	93,000	93,000
(N)	SAGINAW RIVER, MI	2,124,000	2,124,000
(N)	SAGINAW RIVER, MI-DIKE DISPOSAL	356,000	356,000
(FC)	SEBEWAING RIVER (ICE JAM REMOVAL), MI	13,000	13,000
(N)	SEBEWAING RIVER, MI	338,000	338,000
(N)	ST. CLAIR RIVER, MI	457,000	457,000
(N)	ST. JOSEPH HARBOR, MI	1,181,000	1,181,000
(MP)	ST. MARYS RIVER, MI	12,339,000	12,339,000
(N)	WHITE LAKE HARBOR, MI	274,000	274,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MINNESOTA		
(FC)	BIGSTONE LAKE, WHETSTONE RIVER, MN & SD	156,000	156,000
(N)	DULUTH - SUPERIOR HARBOR, MN & WI	3,122,000	3,122,000
(N)	GRAND MARAIS HARBOR, MN	155,000	155,000
(FC)	LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	393,000	393,000
(N)	MINNESOTA RIVER, MN	165,000	165,000
(FC)	ORWELL LAKE, MN	247,000	247,000
(FC)	RED LAKE RIVER, MN	90,000	90,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,176,000	2,176,000
	SAUK LAKE, MN	---	40,000
(N)	TWO HARBORS, MN	418,000	418,000
	MISSISSIPPI		
(N)	BILOXI HARBOR, MS	627,000	627,000
(N)	CLAIBORNE COUNTY PORT, MS	3,000	3,000
(FC)	EAST FORK, TOMBIGBEE RIVER, MS	16,000	16,000
(N)	GULFPORT HARBOR, MS	2,470,000	2,470,000
(N)	MOUTH OF YAZOO RIVER, MS	169,000	169,000
(FC)	OKATIBBEE LAKE, MS	1,717,000	1,717,000
(N)	PASCAGOULA HARBOR, MS	4,902,000	4,902,000
(N)	PEARL RIVER, MS	145,000	145,000
(N)	ROSEDALE HARBOR, MS	339,000	339,000
(N)	YAZOO RIVER, MS	4,000	4,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR, MO	389,000	389,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	4,846,000	4,846,000
(FC)	CLEARWATER LAKE, MO	2,042,000	2,042,000
(MP)	HARRY S TRUMAN DAM AND RESERVOIR, MO	8,854,000	8,854,000
(FC)	LITTLE BLUE RIVER LAKES, MO	812,000	812,000
(FC)	LONG BRANCH LAKE, MO	648,000	648,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	10,721,000	10,721,000
(FC)	POMME DE TERRE LAKE, MO	1,718,000	1,718,000
(FC)	SMITHVILLE LAKE, MO	1,232,000	1,232,000
(N)	SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	93,000	93,000
(MP)	STOCKTON LAKE, MO	4,086,000	4,086,000
(MP)	TABLE ROCK LAKE, MO	6,144,000	6,144,000
(FC)	WAPPAPELLO LAKE, MO	100,000	100,000
	MONTANA		
(MP)	FT PECK DAM AND LAKE, MT	3,126,000	3,126,000
(MP)	LIBBY DAM, MT	4,331,000	4,331,000
	MISSOURI R BTWN FORT PECK DAM, MT & GAVINS PT DAM, SD.	---	1,500,000
	NEBRASKA		
(MP)	GAVINS POINT DAM, LEWIS & CLARK LAKE, NE & SD	5,280,000	5,280,000
(FC)	HARLAN COUNTY LAKE, NE	1,472,000	1,472,000
	MISSOURI NATIONAL RECREATION RIVER	---	200,000
(MP)	MISSOURI R MASTER MANUAL REVIEW, NE, IA, KS, MO, MT, N	973,000	973,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES, NE	623,000	623,000
(FC)	SALT CREEK AND TRIBUTARIES, NE	615,000	615,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA	335,000	335,000
(FC)	PINE AND MATHEWS CANYONS DAMS, NV	100,000	100,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM, NH	324,000	324,000
(FC)	EDWARD MACDOWELL LAKE, NH	339,000	339,000
(FC)	FRANKLIN FALLS DAM, NH	470,000	470,000
(FC)	HOPKINTON-EVERETT LAKES, NH	953,000	953,000
(FC)	OTTER BROOK LAKE, NH	442,000	442,000
(FC)	SURRY MOUNTAIN LAKE, NH	395,000	395,000
	NEW JERSEY		
(N)	BARNEGAT INLET, NJ	650,000	650,000
(N)	COLD SPRING INLET, NJ	1,238,000	1,238,000
(N)	DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,906,000	3,906,000
(N)	DELAWARE RIVER-PHILADELPHIA TO THE SEA, NJ, PA & DE	14,048,000	14,048,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	NEW JERSEY INTRACOASTAL WATERWAY, NJ	1,621,000	1,621,000
(N)	NEWARK BAY HACKENSACK & PASSAIC RIVERS, NJ	1,890,000	1,890,000
(N)	RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	123,000	123,000
(N)	RARITAN RIVER, NJ	133,000	133,000
(N)	SALEM RIVER, NJ	680,000	680,000
(N)	SANDY HOOK BAY, NJ	129,000	129,000
(N)	SHOAL HARBOR & COMPTON CREEK, NJ	135,000	135,000
	NEW MEXICO		
(FC)	ABIQUIU DAM, NM	1,683,000	1,683,000
(FC)	COCHITI LAKE, NM	1,586,000	1,886,000
(FC)	CONCHAS LAKE, NM	806,000	806,000
(FC)	GALISTEO DAM, NM	281,000	281,000
(FC)	JEMEZ CANYON DAM, NM	362,000	362,000
(FC)	SANTA ROSA DAM AND LAKE, NM	892,000	892,000
(FC)	TWO RIVERS DAM, NM	294,000	294,000
	NEW YORK		
(FC)	ALMOND LAKE, NY	341,000	341,000
(FC)	ARKPORT DAM, NY	191,000	191,000
(N)	BAYRIDGE & RED HOOK CHANNELS, NY	110,000	110,000
(N)	BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,396,000	2,396,000
(N)	BUFFALO HARBOR, NY	1,448,000	2,448,000
(N)	BUTTERMILK CHANNEL, NY	500,000	500,000
(N)	CONEY ISLAND CREEK, NY	712,000	712,000
(N)	EAST CHESTER CREEK, NY	635,000	635,000
(N)	EAST ROCKAWAY INLET, NY	867,000	867,000
(FC)	EAST SIDNEY LAKE, NY	303,000	303,000
(N)	FIRE ISLAND TO JONES INLET, NY	1,849,000	1,849,000
(N)	FLUSHING BAY & CREEK, NY	118,000	118,000
(N)	GOWANUS CREEK CHANNEL, NY	78,000	78,000
(N)	GREAT SOUTH BAY, NY	800,000	800,000
(N)	HEMPSTEAD HARBOR, NY	1,121,000	1,121,000
(N)	HUDSON RIVER CHANNEL, NY	795,000	795,000
(N)	HUDSON RIVER, NY	2,759,000	2,759,000
(N)	LONG ISLAND INTRACOASTAL WATERWAY, NY	1,043,000	1,043,000
(FC)	MT MORRIS LAKE, NY	1,362,000	1,362,000
(N)	NARROWS OF LAKE CHAMPLAIN, NY & VT	40,000	40,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY	3,108,000	4,108,000
	NEW YORK HARBOR (DRIFT REMOVAL), NY	4,022,000	4,022,000
	NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	659,000	659,000
(N)	NEW YORK HARBOR, NY	5,013,000	5,013,000
(N)	NEWTOWN CREEK, NY	78,000	78,000
(N)	NORTHPORT HARBOR, NY	84,000	84,000
(N)	PORT JEFFERSON HARBOR, NY	135,000	135,000
(N)	ROCHESTER HARBOR, NY	800,000	800,000
(N)	SHINNECOCK INLET	260,000	260,000
(FC)	SOUTHERN NEW YORK PROJECTS, NY	1,743,000	1,743,000
(N)	TARRYTOWN HARBOR, NY	832,000	832,000
(N)	WESTCHESTER CREEK, NY	78,000	78,000
(FC)	WHITNEY POINT LAKE, NY	357,000	357,000
	NORTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (WILMINGTON DISTRICT),	6,207,000	6,207,000
(FC)	B EVERETT JORDAN DAM AND LAKE, NC	1,017,000	1,017,000
(N)	BEAUFORT HARBOR, NC	415,000	415,000
(N)	BOGUE INLET AND CHANNEL, NC	711,000	711,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON, NC	966,000	966,000
(N)	CAROLINA BEACH INLET, NC	575,000	575,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT, NC	195,000	195,000
(FC)	FALLS LAKE, NC	924,000	924,000
(N)	LOCKWOODS FOLLY RIVER, NC	836,000	836,000
(N)	MANTEO (SHALLOWBAG) BAY, NC	5,845,000	6,500,000
(N)	MOREHEAD CITY HARBOR, NC	2,076,000	2,500,000
(N)	NEUSE RIVER, NC	133,000	133,000
(N)	NEW RIVER INLET, NC	1,064,000	1,064,000
(N)	NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	841,000	841,000
(N)	OCRACOKE INLET, NC	278,000	278,000
(N)	ROLLINSON CHANNEL, NC	405,000	405,000
(N)	SILVER LAKE HARBOR, NC	805,000	805,000
(FC)	W. KERR SCOTT DAM AND RESERVOIR, NC	1,505,000	1,505,000
(N)	WATERWAY CONNECTING PAMLICO SOUND AND BEAUFORT HARBOR,	281,000	281,000
(N)	WILMINGTON HARBOR, NC	4,934,000	4,934,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NORTH DAKOTA		
(FC)	BOWMAN HALEY LAKE, ND	307,000	307,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA, ND	7,397,000	7,397,000
(FC)	HOMME LAKE AND DAM, ND	124,000	124,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND	862,000	862,000
	LAKE SAKAKAWEA	---	50,000
(FC)	PIPESTEM LAKE, ND	491,000	491,000
	OHIO		
(FC)	ALUM CREEK LAKE, OH	772,000	772,000
(N)	ASHTABULA HARBOR, OH	414,000	414,000
(FC)	BERLIN LAKE, OH	1,564,000	1,564,000
(FC)	CAESAR CREEK LAKE, OH	680,000	680,000
(FC)	CLARENCE J. BROWN DAM, OH	487,000	487,000
(N)	CLEVELAND HARBOR, OH	6,702,000	6,702,000
(N)	CONNEAUT HARBOR, OH	139,000	139,000
(FC)	DEER CREEK LAKE, OH	438,000	438,000
(FC)	DELAWARE LAKE, OH	492,000	492,000
(FC)	DILLON LAKE, OH	721,000	721,000
(N)	FAIRPORT HARBOR, OH	511,000	511,000
(N)	HURON HARBOR, OH	605,000	605,000
(N)	LORAIN HARBOR, OH	872,000	1,372,000
(FC)	MASSILLON, OH	25,000	25,000
(FC)	MICHAEL J. KIRWAN DAM AND RESERVOIR, OH	686,000	686,000
(FC)	MOSQUITO CREEK LAKE, OH	860,000	860,000
(FC)	MUSKINGUM RIVER LAKES, OH	5,806,000	5,806,000
(FC)	NORTH BRANCH KOKOSING RIVER LAKE, OH	459,000	459,000
(FC)	PAINT CREEK LAKE, OH	504,000	504,000
(FC)	ROSEVILLE, OH	25,000	25,000
(N)	SANDUSKY HARBOR, OH	683,000	683,000
(N)	TOLEDO HARBOR, OH	7,105,000	7,105,000
(FC)	TOM JENKINS DAM, OH	269,000	269,000
(FC)	WEST FORK OF MILL CREEK LAKE, OH	416,000	416,000
(FC)	WILLIAM H. HARSHA LAKE, OH	583,000	583,000
	OKLAHOMA		
(FC)	ARCADIA LAKE, OK	422,000	422,000
(FC)	BIRCH LAKE, OK	709,000	709,000
(MP)	BROKEN BOW LAKE, OK	2,002,000	2,002,000
(FC)	CANDY LAKE, OK	39,000	39,000
(FC)	CANTON LAKE, OK	5,425,000	5,425,000
(FC)	COPAN LAKE, OK	991,000	991,000
(MP)	EUFAULA LAKE, OK	5,169,000	5,169,000
(MP)	FORT GIBSON LAKE, OK	3,311,000	3,311,000
(FC)	FORT SUPPLY LAKE, OK	919,000	919,000
(FC)	GREAT SALT PLAINS LAKE, OK	521,000	521,000
(FC)	HEYBURN LAKE, OK	532,000	532,000
(FC)	HUGO LAKE, OK	918,000	918,000
(FC)	HULAH LAKE, OK	456,000	456,000
(FC)	KAW LAKE, OK	1,347,000	1,347,000
(MP)	KEYSTONE LAKE, OK	2,797,000	2,797,000
(FC)	OOLOGAH LAKE, OK	1,211,000	1,211,000
(FC)	OPTIMA LAKE, OK	541,000	541,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES, OK	8,000	8,000
(FC)	PINE CREEK LAKE, OK	830,000	830,000
(MP)	ROBERT S. KERR L&D AND RESERVOIRS, OK	3,041,000	3,041,000
(FC)	SARDIS LAKE, OK	846,000	846,000
(FC)	SKIATOOK LAKE, OK	1,471,000	1,471,000
(MP)	TENKILLER FERRY LAKE, OK	3,113,000	3,113,000
(FC)	WAURIKA LAKE, OK	1,194,000	1,194,000
(MP)	WEBBERS FALLS LOCK AND DAM, OK	3,025,000	3,025,000
(FC)	WISTER LAKE, OK	796,000	796,000
	OREGON		
(FC)	APPLEGATE LAKE, OR	471,000	471,000
(FC)	BLUE RIVER LAKE, OR	178,000	178,000
(MP)	BONNEVILLE LOCK & DAM-LAKE BONNEVILLE, OR	11,388,000	11,388,000
(N)	CHETCO RIVER, OR	432,000	432,000
(N)	COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	11,094,000	11,094,000
(N)	COLUMBIA RIVER AT MOUTH, OR & WA	8,849,000	8,849,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES, OR.	461,000	461,000
	COLUMBIA & SNAKE RIVERS PORTS DREDGING, OR & WA	---	8,000,000
(N)	COOS & MILLICOMA RIVERS, OR	190,000	190,000
(N)	COOS BAY, OR	4,313,000	4,313,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	COQUILLE RIVER, OR	302,000	302,000
(FC)	COTTAGE GROVE LAKE, OR	621,000	621,000
(MP)	COUGAR LAKE, OR	1,037,000	1,037,000
(MP)	DETROIT LAKE, OR	1,917,000	1,917,000
(FC)	DORENA LAKE, OR	613,000	613,000
(FC)	FALL CREEK LAKE, OR	369,000	369,000
(FC)	FERN RIDGE LAKE, OR	733,000	733,000
(MP)	GREEN PETER-FOSTER LAKES, OR	2,152,000	2,152,000
(MP)	HILLS CREEK LAKE, OR	769,000	769,000
(MP)	JOHN DAY LOCK & DAM - LAKE UMATILLA, OR	13,557,000	13,557,000
(MP)	LOOKOUT POINT LAKE, OR	3,057,000	3,057,000
(MP)	LOST CREEK LAKE, OR	3,368,000	3,368,000
(MP)	MCNARY LOCK AND DAM, OR	10,780,000	10,780,000
(N)	PORT ORFORD, OR	301,000	301,000
(N)	ROGUE RIVER AT GOLD BEACH, OR	713,000	713,000
(N)	SIUSLAW RIVER, OR	656,000	656,000
(N)	SKIPANON CHANNEL, OR	413,000	413,000
(N)	TILLAMOOK BAY & BAR, OR	274,000	274,000
(N)	UMPQUA RIVER, OR	1,147,000	1,147,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	704,000	704,000
(FC)	WILLAMETTE RIVER BASIN BANK PROTECTION, OR	166,000	166,000
(FC)	WILLOW CREEK LAKE, OR	426,000	426,000
(N)	YAQUINA BAY & HARBOR, OR	1,221,000	1,221,000
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER, PA	9,209,000	9,209,000
(FC)	ALVIN R. BUSH DAM, PA	411,000	411,000
(FC)	AYLESWORTH CREEK LAKE, PA	178,000	178,000
(FC)	BELTZVILLE LAKE, PA	753,000	753,000
(FC)	BLUE MARSH LAKE, PA	1,456,000	1,456,000
(FC)	CONEMAUGH RIVER LAKE, PA	1,003,000	1,003,000
(FC)	COWANESQUE LAKE, PA	1,315,000	1,315,000
(FC)	CROOKED CREEK LAKE, PA	1,592,000	1,592,000
(FC)	CURWENSVILLE LAKE, PA	421,000	421,000
(FC)	EAST BRANCH CLARION RIVER LAKE, PA	861,000	861,000
(N)	ERIE HARBOR, PA	46,000	46,000
(FC)	FOSTER JOSEPH SAYERS DAM, PA	513,000	513,000
(FC)	FRANCIS E. WALTER DAM, PA	703,000	703,000
(FC)	GENERAL EDGAR JADWIN DAM & RESERVOIR, PA	233,000	233,000
(FC)	JOHNSTOWN, PA	606,000	706,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,348,000	1,348,000
(FC)	LOYALHANNA LAKE, PA	1,077,000	1,077,000
(FC)	MAHONING CREEK LAKE, PA	1,432,000	1,432,000
(N)	MONONGAHELA RIVER, PA	15,522,000	15,522,000
(N)	OHIO RIVER LOCKS AND DAMS CONSTRUCTION, PA	9,129,000	9,129,000
(N)	OHIO RIVER OPEN CHANNEL, PA	155,000	155,000
(FC)	PROMPTON LAKE, PA	562,000	612,000
(FC)	PUNXSUTAWNEY, PA	5,000	5,000
(FC)	RAYSTOWN LAKE, PA	2,998,000	2,998,000
(N)	SCHUYLKILL RIVER, PA	97,000	97,000
(FC)	SHENANGO RIVER LAKE, PA	1,772,000	1,772,000
(FC)	STILLWATER LAKE, PA	292,000	292,000
(FC)	TIOGA-HAMMOND LAKES, PA	1,715,000	1,765,000
(FC)	TIONESTA LAKE, PA	977,000	977,000
(FC)	UNION CITY LAKE, PA	265,000	265,000
(FC)	WOODCOCK CREEK LAKE, PA	715,000	715,000
(FC)	YORK INDIAN ROCK DAM, PA	446,000	446,000
(FC)	YOUGHIOGHENY RIVER LAKE, PA	1,962,000	1,962,000
	PUERTO RICO		
(N)	ARECIBO HARBOR, PR	375,000	375,000
(N)	MAYAQUEZ HARBOR, PR	150,000	150,000
(N)	PONCE HARBOR, PR	400,000	400,000
(N)	SAN JUAN HARBOR, PR	600,000	600,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (CHARLESTON DISTRICT),	3,067,000	3,067,000
(N)	BROOKGREEN GARDEN CANAL, SC	70,000	70,000
(N)	CHARLESTON HARBOR, SC	3,611,000	3,611,000
	CHARLESTON HARBOR, REDIVERSION, SC	---	4,825,000
(N)	COOPER RIVER, CHARLESTON HARBOR, SC	3,405,000	3,405,000
(N)	FOLLY RIVER, SC	6,000	6,000
(N)	GEORGETOWN HARBOR, SC	3,014,000	3,014,000
(N)	JEREMY CREEK, SC	3,000	3,000
(N)	LITTLE RIVER INLET, SC & NC	80,000	80,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	MURRELLS INLET, SC	84,000	84,000
(N)	PORT ROYAL HARBOR, SC	1,344,000	1,344,000
(N)	SHIPYARD RIVER, SC	409,000	409,000
(N)	TOWN CREEK, SC	6,000	460,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE, SD	5,814,000	5,814,000
(FC)	COLD BROOK LAKE, SD	190,000	190,000
(FC)	COTTONWOOD SPRINGS LAKE, SD	152,000	152,000
(MP)	FT. RANDALL DAM - LAKE FRANCIS CASE, SD	6,862,000	6,862,000
(FC)	LAKE TRAVERSE AND BOIS DE SIOUX, SD & MN	310,000	310,000
(MP)	OAHE DAM - LAKE OAHE, SD & ND	8,487,000	8,487,000
	TENNESSEE		
(MP)	CENTER HILL LAKE, TN	6,934,000	6,934,000
(MP)	CHEATHAM LOCK AND DAM, TN	6,372,000	6,372,000
(MP)	CORDELL HULL DAM AND RESERVOIR, TN	3,653,000	3,653,000
(MP)	DALE HOLLOW LAKE, TN	3,712,000	3,712,000
(MP)	J. PERCY PRIEST DAM AND RESERVOIR, TN	2,997,000	2,997,000
(MP)	OLD HICKORY LOCK AND DAM, TN	5,409,000	5,409,000
(N)	TENNESSEE RIVER, TN	13,212,000	13,212,000
(N)	WOLF RIVER HARBOR, TN	693,000	693,000
	TEXAS		
(FC)	AQUILLA LAKE, TX	586,000	586,000
(FC)	ARKANSAS-RED RIVER CHLORIDE CONTROL - AREA VIII, TX	694,000	694,000
(N)	BARBOUR CUT TERMINAL CHANNEL, TX	49,000	49,000
(FC)	BARDWELL LAKE, TX	1,474,000	1,474,000
(N)	BAYPORT SHIP CHANNEL, TX	97,000	97,000
(FC)	BELTON LAKE, TX	3,439,000	3,439,000
(FC)	BENBROOK LAKE, TX	1,224,000	1,224,000
(N)	BRAZOS ISLAND HARBOR, TX	49,000	49,000
(FC)	BUFFALO BAYOU AND TRIBUTARIES, TX	1,714,000	1,714,000
(FC)	CANYON LAKE, TX	1,521,000	1,521,000
(N)	CHANNEL TO HARLINGEN, TX	1,015,000	1,015,000
(N)	CHANNEL TO PORT MANSFIELD, TX	2,127,000	2,127,000
(N)	CHANNEL TO VICTORIA - GIWW, TX	176,000	176,000
(FC)	COOPER LAKE AND CHANNELS, TX	742,000	742,000
(N)	CORPUS CHRISTI SHIP CHANNEL, TX	1,967,000	1,967,000
(MP)	DENISON DAM - LAKE TEXOMA, TX	5,326,000	5,326,000
(FC)	ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5,000	5,000
(FC)	FERRELLS BRIDGE DAM - LAKE O'THE PINES, TX	1,976,000	1,976,000
(N)	FREEPORT HARBOR, TX	2,097,000	2,097,000
(N)	GALVESTON HARBOR AND CHANNEL, TX	212,000	212,000
(FC)	GRANGER DAM AND LAKE, TX	1,712,000	1,712,000
(FC)	GRAPEVINE LAKE, TX	1,707,000	1,707,000
(N)	GREENS BAYOU CHANNEL, TX	49,000	49,000
(N)	GULF INTRACOASTAL WATERWAY, TX	16,330,000	16,330,000
(FC)	HORDS CREEK LAKE, TX	857,000	857,000
(N)	HOUSTON SHIP CHANNEL, TX	5,295,000	5,295,000
(FC)	JOE POOL LAKE, TX	539,000	539,000
(FC)	LAKE KEMP, TX	217,000	217,000
(FC)	LAVON LAKE, TX	3,523,000	3,523,000
(FC)	LEWISVILLE DAM, TX	2,140,000	2,140,000
(N)	MATAGORDA SHIP CHANNEL, TX	2,268,000	2,268,000
(FC)	NAVARRO MILLS LAKE, TX	1,355,000	1,355,000
(FC)	NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,153,000	1,153,000
(FC)	O. C. FISHER DAM AND LAKE, TX	2,558,000	2,558,000
(FC)	PAT MAYSE LAKE, TX	859,000	859,000
(FC)	PROCTOR LAKE, TX	1,415,000	1,415,000
(FC)	RAY ROBERTS LAKE, TX	628,000	628,000
(N)	SABINE-NECHES WATERWAY, TX	8,111,000	10,311,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX	2,852,000	2,852,000
(FC)	SOMERVILLE LAKE, TX	2,164,000	2,164,000
(FC)	STILLHOUSE HOLLOW DAM, TX	1,311,000	1,311,000
(N)	TEXAS CITY SHIP CHANNEL, TX	1,895,000	1,895,000
(MP)	TOWN BLUFF DAM-STEINHAGEN LAKE-WILLIS HYDROPOWER, TX	1,275,000	1,275,000
(N)	TRINITY RIVER & TRIBUTARIES, TX	1,541,000	1,541,000
(FC)	WACO LAKE, TX	1,856,000	1,856,000
(FC)	WALLISVILLE LAKE, TX	404,000	404,000
(MP)	WHITNEY LAKE, TX	2,780,000	2,780,000
(FC)	WRIGHT PATMAN DAM AND LAKE, TX	1,738,000	1,738,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	VERMONT		
(FC)	BALL MOUNTAIN LAKE, VT	570,000	570,000
(FC)	NORTH HARTLAND LAKE, VT	408,000	408,000
(FC)	NORTH SPRINGFIELD LAKE, VT	475,000	475,000
(FC)	TOWNSHEND LAKE, VT	582,000	582,000
(FC)	UNION VILLAGE DAM, VT	350,000	350,000
	VIRGINIA		
(N)	APPOMATTOX RIVER, VA	383,000	383,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, VA	3,801,000	3,801,000
(N)	BONUM CREEK, VA	123,000	123,000
	BROAD CREEK, VA	---	50,000
(N)	CHANNEL TO NEWPORT NEWS, VA	54,000	54,000
(N)	CHINCOTEAGUE INLET, VA	617,000	617,000
	CHINCOTEAGUE INLET INNER CHNL & LEWIS CREEK CHNL, VA	---	550,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW, VA	1,233,000	1,233,000
	HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR (DRIFT REMOVAL	237,000	237,000
(N)	JAMES RIVER CHANNEL, VA	1,170,000	1,170,000
(MP)	JOHN H. KERR DAM AND RESERVOIR, VA & NC	6,643,000	6,643,000
(FC)	JOHN W. FLANNAGAN DAM AND RESERVOIR, VA	1,124,000	1,124,000
(N)	NEWPORT NEWS CREEK, VA	190,000	190,000
	NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	309,000	309,000
(N)	NORFOLK HARBOR AND CHANNELS, VA	4,530,000	4,530,000
(FC)	NORTH FORK OF POUND RIVER LAKE, VA	349,000	349,000
	PARKER CREEK, VA	---	50,000
(MP)	PHILPOTT LAKE, VA	1,719,000	1,719,000
(N)	POTOMAC RIVER AT ALEXANDRIA, VA	168,000	168,000
(N)	THIMBLE SHOAL CHANNEL, VA	186,000	186,000
(N)	WATERWAY ON THE COAST OF VIRGINIA, VA	1,463,000	1,463,000
	WASHINGTON		
(N)	ANACORTES HARBOR, WA	29,000	29,000
(N)	BELLINGHAM HARBOR, WA	44,000	44,000
(MP)	CHIEF JOSEPH DAM, WA	9,958,000	9,958,000
(MP)	COLUMBIA R. SYSTEM OPERATION REVIEW, WA, OR, ID & MT	1,753,000	1,753,000
(N)	COLUMBIA RIVER AT BAKER BAY, WA & OR	201,000	201,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK & SAND ISLAND, WA	5,000	5,000
(N)	EVERETT HARBOR AND SNOHOMISH RIVER, WA	955,000	955,000
(N)	GRAYS HARBOR AND CHEHALIS RIVER, WA	5,034,000	5,034,000
(FC)	HOWARD A HANSON DAM, WA	1,070,000	1,070,000
(MP)	ICE HARBOR LOCK AND DAM, WA	8,713,000	8,713,000
(N)	KENMORE NAVIGATION CHANNEL, WA	16,000	16,000
(N)	LAKE CROCKETT (KEYSTONE HARBOR), WA	241,000	241,000
(N)	LAKE WASHINGTON SHIP CANAL, WA	6,878,000	6,878,000
(MP)	LITTLE GOOSE LOCK AND DAM, WA	8,556,000	8,556,000
(MP)	LOWER GRANITE LOCK AND DAM, WA	5,667,000	5,817,000
(MP)	LOWER MONUMENTAL LOCK AND DAM, WA	6,037,000	6,037,000
(FC)	MILL CREEK LAKE, WA	577,000	577,000
(FC)	MT. ST. HELENS SEDIMENT CONTROL STRUCTURE , WA	724,000	724,000
(FC)	MUD MOUNTAIN DAM, WA	1,628,000	1,628,000
(N)	OLYMPIA HARBOR, WA	29,000	29,000
(N)	PUGET SOUND AND TRIBUTARY WATERS, WA	741,000	741,000
(N)	SEATTLE HARBOR, WA	566,000	566,000
(FC)	STILLAGUAMISH RIVER, WA	395,000	395,000
(N)	SWINOMISH CHANNEL, WA	725,000	725,000
(FC)	TACOMA - PUYALLUP, WA	46,000	46,000
(N)	TACOMA HARBOR, WA	33,000	33,000
(MP)	THE DALLES LOCK & DAM - LAKE CELILO, WA	7,133,000	7,133,000
(N)	WILLAPA RIVER AND HARBOR, WA	61,000	61,000
(FC)	WYNOOCHEE LAKE, WA	97,000	97,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE, WV	839,000	839,000
(FC)	BLUESTONE LAKE, WV	1,529,000	1,529,000
(FC)	BURNSVILLE LAKE, WV	1,171,000	1,171,000
	CHARLESTON RIVERFRONT PARK, WV	---	2,000,000
(FC)	EAST LYNN LAKE, WV	1,132,000	1,132,000
(N)	ELK RIVER HARBOR, WV	1,000	1,000
(FC)	ELKINS, WV	5,000	5,000
(N)	KANAWHA RIVER LOCKS AND DAMS, WV	8,534,000	8,534,000
(N)	OHIO RIVER LOCKS AND DAMS HUNTINGTON, WV	14,333,000	14,333,000
(N)	OHIO RIVER OPEN CHANNEL WORK HUNTINGTON, WV	1,764,000	1,764,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	R. D. BAILEY LAKE, WV	1,186,000	1,186,000
(FC)	STONEWALL JACKSON LAKE, WV	865,000	865,000
(FC)	SUMMERSVILLE LAKE, WV	1,168,000	1,168,000
(FC)	SUTTON LAKE, WV	1,602,000	1,602,000
(N)	TYGART LAKE, WV	1,139,000	1,139,000
	WISCONSIN		
(N)	ASHLAND HARBOR, WI	195,000	195,000
(N)	CORNUCOPIA HARBOR, WI	72,000	72,000
(FC)	EAU GALLE RIVER LAKE WISCONSIN, WI	535,000	535,000
(N)	FOX RIVER, WI	1,679,000	1,679,000
(N)	GREEN BAY HARBOR, WI	1,783,000	1,783,000
(N)	KEWAUNEE HARBOR, WI	468,000	468,000
(FC)	LA FARGE LAKE, WI	25,000	25,000
(N)	MANITOWOC HARBOR, WI	691,000	691,000
(N)	MILWAUKEE HARBOR, WI	1,258,000	1,258,000
(N)	PORT WASHINGTON HBR, WI	189,000	189,000
(N)	PORT WING HARBOR, WI	60,000	60,000
(N)	SHEBOYGAN HARBOR, WI	606,000	606,000
(N)	STURGEON BAY, WI	510,000	510,000
	WYOMING		
(FC)	JACKSON HOLE, SNAKE RIVER, WY	945,000	945,000
	MISCELLANEOUS		
	BEACH DISPOSAL (SECTION 933)	600,000	600,000
	COASTAL AMERICA PARTNERSHIP	7,000,000	---
	DREDGING RESEARCH PROGRAM	5,000,000	5,000,000
	ENVIRONMENTAL REVIEW GUIDE FOR OPERATIONS	2,500,000	2,500,000
	INSPECTION OF COMPLETED WORKS	7,811,000	7,811,000
	MONITORING OF COMPLETED COASTAL PROJECTS	2,000,000	2,000,000
	NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	8,000,000	8,000,000
	POLICY AND PROCEDURES OPTIONS FOR PROJECT O&M	1,500,000	1,500,000
	PROJECT CONDITION SURVEYS	8,979,000	8,979,000
	PROTECTION, CLEARING, AND STRAIGHTENING OF CHANNELS (S	50,000	50,000
	RECREATION PARTNERSHIP INITIATIVE	200,000	200,000
	REMOVAL OF SUNKEN VESSELS	1,000,000	1,000,000
	REPAIR, EVALUATION, MAINTENANCE, AND REHABILITATION RE	6,000,000	6,000,000
	SCHEDULING OF FLOOD CONTROL RESERVOIR OPERATIONS	2,853,000	2,853,000
	SURVEILLANCE OF NORTHERN BOUNDARY WATERS	3,144,000	3,144,000
	WATER CONTROL RESEARCH PROGRAM	675,000	---
	WATERBORNE COMMERCE STATISTICS	3,885,000	3,885,000
	WETLANDS ACTION PLAN AND DEMONSTRATION PROGRAM	1,000,000	1,000,000
	WETLANDS RESEARCH PROGRAM	11,000,000	7,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-42,682,000	-56,182,000
	TOTAL, OPERATION AND MAINTENANCE	1,514,935,000	1,535,229,000

TYPE OF PROJECT:

(N)	NAVIGATION
(BE)	BEACH EROSION CONTROL
(FC)	FLOOD CONTROL
(MP)	MULTIPURPOSE, INCLUDING POWER

TITLE II—DEPARTMENT OF THE INTERIOR

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

Amendment No. 25: Appropriates $13,554,000 for General Investigations instead of $13,789,000 as proposed by the House and $13,204,000 as proposed by the Senate.

The conferees note that the work described in the Senate report relating to the Fort Hall Indian water rights settlement should be undertaken under the Operation and Maintenance account.

CONSTRUCTION PROGRAM

Amendment No. 26: Appropriates $564,209,000 for the Construction Program instead of $553,209,000 as proposed by the House and $564,409,000 as proposed by the Senate.

Within available funds, $2,000,000 is provided, subject to authorization, to undertake design work and prepare an Environmental Impact Statement for the Tongue River Dam project in Montana.

Amendment No. 27: Provides for $92,093,000 to be available for transfer to the Upper Colorado River Basin Fund as proposed by the Senate instead of $85,093,000 as proposed by the House.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Interior to use $7,000,000 of the funds appropriated in the Act to award continuing contracts for construction of the Sixth Water Aqueduct, Bonneville Unit, Central Utah Project and further directs that funds expended by the Central Utah Conservancy District in anticipation of the passage of the Central Utah Project Completion Act shall be credited toward the District's cost-sharing obligations required by the Completion Act.

Amendment No. 29: Deletes language proposed by the Senate making $1,200,000 available for the rehabilitation and betterment of the Shoshone Irrigation Project, Cody, Wyoming. The amount appropriated in Amendment No. 26 includes $800,000 for this work.

LOAN PROGRAM

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans and/or grants authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l), as follows: cost of direct loans and/or grants $2,000,000 to remain available until expended: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,240,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $890,000: Provided, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,000,000 each for the Tohono O'Odham Nation, Schuk Toak District, Arizona, and the Eastern Municipal Water District No. 3, California, loans for fiscal year 1992 as proposed by the Senate.

The Senate language has been amended to make technical corrections.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 205. The Bureau of Reclamation may invite non-Federal entities involved in cost sharing arrangements for the development of water projects to particpate in contract negotiation and source selection proceedings without invoking provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix (1988)): Provided, That such non-Federal participants shall be subject to the provisions of the Federal Procurement Integrity Act (41 U.S.C. 423 (1988)) and to the conflict of interest provisions appearing at 18 U.S.C. 201 et seq. (1988).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that allows the Bureau of Reclamation to increase participation by non-Federal partners in project activities.

The Senate language has been amended to clarify the types of contracting processes that the Bureau of Reclamation's cost sharing partners could be invited to participate in, and to specify that any non-Federal participants would be subject to the same procurement integrity and conflict of interest restrictions as Federal employees.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
UPPER SAN PEDRO RIVER OPTIMIZATION STUDY	150,000	150,000
CALIFORNIA		
AMERICAN RIVER FOLSOM SOUTH OPTIMIZATION STUDY	100,000	100,000
DELTA WATER MANAGEMENT	---	300,000
INDIAN WELLS VALLEY WATER MANAGEMENT STUDY	122,000	122,000
KESWICK RESERVOIR WATER QUALITY STUDY	20,000	20,000
OFFSTREAM STORAGE INVESTIGATION	---	100,000
REFUGE WATER SUPPLIES	100,000	100,000
SAN JOAQUIN BASIN ACTION PLAN	40,000	40,000
SAN JOAQUIN RIVER BASIN RESOURCE MGMT. INITIATIVE	310,000	310,000
SAN JOAQUIN VALLEY CONVEYANCE	---	100,000
SANTA ANA WATERSHED MANAGEMENT STUDY	250,000	250,000
COLORADO		
DOLORES RIVER WATER QUALITY IMPROVEMENT STUDY	125,000	125,000
UPPER ARKANSAS RIVER BASIN WATER QUALITY INVESTIGATION	275,000	275,000
UPPER GUNNISON-UNCOMPAHGRE BASIN PROJECT	160,000	160,000
IDAHO		
IDAHO RIVER SYSTEMS MANAGEMENT	150,000	150,000
MINIDOKA, NORTHSIDE PUMP. DIV DRAINWTR MGMT STUDY	150,000	150,000
KANSAS		
ARKANSAS RIVER WATER MGMT. IMPROVEMENT STUDY	133,000	133,000
MONTANA		
FLATHEAD RIVER BASIN STORAGE OPTIMIZATION STUDY	185,000	185,000
TONGUE RIVER DAM	---	40,000
NEBRASKA		
LOUP RIVER BASIN WATER MANAGEMENT STUDY	---	100,000
NORTHERN NEVADA WATER AUGMENTATION PROGRAM	58,000	58,000
NEW MEXICO		
MIDDLE RIO GRANDE ASSESSMENT/MGMT STUDY	100,000	100,000
NEW MEXICO REGIONAL WATER RESOURCES STUDY	300,000	300,000
OREGON		
GRANDE RONDE WATER OPTIMIZATION STUDY	75,000	75,000
JOSEPHINE COUNTY WATER MGMT IMPROVEMENT STUDY	100,000	100,000
TUALATIN RIVER BASIN	---	200,000
UPPER DESCHUTES RIV BASIN WATER CONSERVATION PROJECT	220,000	220,000
UPPER JOHN DAY WATER OPTIMIZATION PROJECT	53,000	53,000
WILLAMETTE RIV BASIN WATER OPTIMIZATION STUDY	135,000	135,000
SOUTH DAKOTA		
BLACK HILLS HYDROLOGY STUDY	---	200,000
MID-DAKOTA RURAL WATER SUPPLY	---	50,000
SOUTHEASTERN PIPELINE	---	100,000
TEXAS		
LOWER COLORADO RIVER BASIN TOTAL WATER MGMT STUDY	50,000	50,000
LOWER RIO GRANDE BASIN STUDY	50,000	50,000
UTAH		
SEVIER RIVER WATER MANAGEMENT STUDY	126,000	126,000
UTAH AREA WATER DEMAND MODEL	126,000	126,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
WASHINGTON		
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT..........	600,000	600,000
WYOMING		
WIND RIVER BASIN STUDY................................	125,000	125,000
VARIOUS		
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM......	1,013,000	1,013,000
DROUGHT INVESTIGATIONS................................	180,000	180,000
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES...	2,928,000	2,728,000
FISH & WILDLIFE HABITAT PRESERVATION & ENHANCEMENT....	150,000	150,000
FOUR CORNERS WATER ASSESSMENT.........................	150,000	150,000
GENERAL PLANNING STUDIES..............................	900,000	900,000
INVESTIGATION OF EXISTING PROJECTS....................	408,000	408,000
MINOR WORK ON COMPLETED INVESTIGATIONS................	540,000	540,000
TECHNICAL ASSISTANCE TO STATES........................	1,417,000	1,417,000
TOXIC CONSTITUENT STUDIES.............................	100,000	100,000
UPPER SNAKE RIVER BASIN STORAGE OPTIMIZATION..........	100,000	100,000
WALLA WALLA RIVER STREAMFLOW IMPROVEMENT PROJECT......	130,000	130,000
WETLANDS PRESERVATION/RESTORATION.....................	210,000	160,000
TOTAL, GENERAL INVESTIGATIONS....................	12,614,000	13,554,000
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
ARIZONA		
HEADGATE ROCK HYDROELECTRIC PROJECT...................	4,589,000	4,589,000
INDIAN WATER RIGHTS SETTLEMENT PROJECT (SAWRSA).......	6,708,000	6,708,000
CALIFORNIA		
CENTRAL VALLEY PROJECT:		
AUBURN-FOLSOM SOUTH UNIT............................	1,500,000	2,400,000
MISCELLANEOUS PROJECT PROGRAMS......................	6,680,000	7,580,000
SACRAMENTO RIVER DIVISION...........................	16,786,000	16,786,000
SAN FELIPE DIVISION.................................	1,000,000	1,000,000
SAN LUIS UNIT.......................................	4,235,000	4,235,000
TRINITY RIVER RESTORATION PROGRAM...................	6,870,000	6,870,000
COLORADO		
GRAND VALLEY UNIT, TITLE II, CRBSCP...................	16,371,000	16,371,000
LOWER GUNNISON BASIN UNIT, TITLE II, CRBSCP...........	6,998,000	6,998,000
PARADOX VALLEY UNIT, TITLE II, CRBSCP.................	4,410,000	4,410,000
SAN LUIS VALLEY PROJECT, CLOSED BASIN DIVISION........	5,969,000	5,969,000
NEBRASKA		
NORTH LOUP DIVISON, P-SMBP............................	21,350,000	21,350,000
NORTH DAKOTA		
GARRISON DIVERSION UNIT, P-SMBP.......................	25,000,000	33,000,000
OREGON		
UMATILLA BASIN PROJECT................................	---	4,000,000
SOUTH DAKOTA		
BELLE FOURCHE UNIT, P-SMBP............................	7,885,000	7,885,000
MNI WICONI PROJECT....................................	---	2,150,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
WASHINGTON		
COLUMBIA BASIN PROJECT:		
IRRIGATION FACILITIES	4,060,000	4,060,000
THIRD POWER PLANT, GRAND COULEE DAM	1,000,000	1,000,000
WYOMING		
BUFFALO BILL DAM MODIFICATION, P-SMBP	5,440,000	5,440,000
VARIOUS		
BOULDER CANYON PROJECT, AZ,NV	23,440,000	23,440,000
COLORADO RIVER BASIN SALINITY CONTROL PROJ., TITLE I	20,174,000	20,174,000
SUBTOTAL, REGULAR CONSTRUCTION	190,465,000	206,415,000
DRAINAGE AND MINOR CONSTRUCTION:		
BOISE PROJECT, PAYETTE DIVISION, ID	2,415,000	2,415,000
BRANTLEY PROJECT, NM	276,000	276,000
COLORADO RIVER FRONT WORK & LEVEE SYSTEM, AR,CO	7,000,000	7,000,000
CULTURAL RESOURCES ACT., ID,ND,MT,OR,SD,WA,WY	105,000	105,000
FRYINGAN-ARKANSAS PROJECT, CO	1,700,000	1,700,000
GILA PROJECT, AZ	38,000	38,000
KLAMATH PROJECT, OR,CA	1,448,000	1,448,000
LEADVILLE MINE DRAINAGE TUNNEL, CO	2,036,000	2,036,000
MCGEE CREEK PROJECT, OK	90,000	90,000
MINIDOKA PROJECT, ID	2,490,000	2,490,000
MOUNTAIN PARK PROJECT, OK	450,000	450,000
NEWLANDS PROJECT, NV	2,070,000	2,070,000
PICK-SLOAN MISSOURI BASIN PROGRAM:		
EAST BENCH UNIT, MT	50,000	50,000
BOSTWICK DIVISION, NE	---	680,000
FARWELL UNIT, NE	760,000	760,000
OAHE UNIT, SD	85,000	85,000
OWL CREEK UNIT, WY	15,000	15,000
RAPID VALLEY PROJECT, SD	100,000	100,000
RECREATION FACILITIES AT EXISTING RESV, VARIOUS	696,000	696,000
SAN ANGELO PROJECT, TX	530,000	530,000
VELARDE COMMUNITY DITCH, NM		500,000
WASHOE PROJECT, CA,NV	305,000	305,000
WETLANDS DEVELOPMENT, VARIOUS	3,029,000	3,029,000
YAKIMA FISH PASSAGE/PROTECTIVE FACILITIES, WA	3,550,000	3,550,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION	29,238,000	30,418,000
SAFETY OF DAMS PROGRAMS:		
BIA - DAM SAFETY PROGRAM	12,000,000	---
BOISE PROJECT, DEER FLAT DAM, ID	6,975,000	6,975,000
CENTRAL VALLEY PROJ., FOLSOM DAM, CA	10,000,000	10,000,000
CENTRAL VALLEY PROJ., SAN LUIS UNIT, O'NEILL DAM, CA	2,477,000	2,477,000
DEPARTMENT OF INTERIOR DAM SAFETY PROGRAM	650,000	650,000
HYRUM PROJECT, UT	100,000	100,000
INITIATE SOD CORRECTION ACTION, VARIOUS	11,825,000	11,825,000
MODIFICATION REPORTS & PRECONSTRUCTION ACTIVITY	3,000,000	3,000,000
SALT RIVER PROJECT, BARTLETT DAM, AZ	3,622,000	3,622,000
SALT RIVER PROJECT, HORSESHOE DAM, AZ	4,701,000	4,701,000
SALT RIVER PROJECT, STEWART MTN. DAM, AZ	4,164,000	4,164,000
SAN CARLOS IRRIGATION, COOLIDGE DAM, AZ	23,234,000	23,234,000
SUBTOTAL, SAFETY OF DAMS	82,748,000	70,748,000
REHABILITATION AND BETTERMENT:		
HYRUM PROJECT, UT	429,000	429,000
MILK RIVER, GLASGOW DIVISION, MT	410,000	410,000
MILK RIVER, MALTA DIVISION, MT	350,000	350,000
OGDEN RIVER PROJECT, UT	2,648,000	2,648,000
WEBER BASIN PROJECT, UT	9,195,000	9,195,000
SHOSHONE IRRIGATION PROJECT, WY	---	800,000
SUBTOTAL, REHABILITATION AND BETTERMENT	13,032,000	13,832,000
PRECONSTRUCTION ACTIVITY:		
COLORADO RIVER BRIDGE CROSSING, AZ,NV	1,000,000	1,000,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
SCIENCE AND TECHNOLOGY:		
DESALTING TECHNOLOGY	1,000,000	2,000,000
GLOBAL CLIMATE CHANGE	3,000,000	3,000,000
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM	3,992,000	3,992,000
WATER TECHNOLOGY/ENVIRONMENTAL RESEARCH	7,000,000	7,000,000
SUBTOTAL, SCIENCE AND TECHNOLOGY	14,992,000	15,992,000
TOTAL, CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	331,475,000	338,405,000
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND		
PARTICIPATING PROJECTS		
COLORADO		
ANIMAS-LA PLATA PROJECT	3,000,000	3,000,000
DOLORES PROJECT	54,280,000	54,280,000
UTAH		
CENTRAL UTAH PROJECT, BONNEVILLE UNIT	27,577,000	34,577,000
CENTRAL UTAH PROJECT, UINTAH UNIT	50,000	50,000
DRAINAGE AND MINOR CONSTRUCTION:		
PARTICIPATING PROJECTS:		
DALLAS CREEK PROJECT	186,000	186,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES:		
RECREATIONAL FACILITIES	13,642,000	13,642,000
FISH AND WILDLIFE FACILITIES	16,636,000	17,636,000
TOTAL, COLORADO RIVER STORAGE PROJECT	115,371,000	123,371,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA PROJECT, WATER DEVELOPMENT (LCRBDF)	117,266,000	117,266,000
CENTRAL ARIZONA PROJECT, NON-INDIAN DIST. SYSTEMS	517,000	517,000
CENTRAL ARIZONA PROJECT, SAFETY OF DAMS	14,950,000	14,950,000
TOTAL, COLORADO RIVER BASIN PROJECT	132,733,000	132,733,000
ASSOCIATED ITEMS		
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-33,300,000	-30,300,000
TOTAL, CONSTRUCTION PROGRAM	546,279,000	564,209,000
LOAN PROGRAM		
ARIZONA		
TOHONO O'ODHAM	---	1,000,000
CALIFORNIA		
EASTERN MUNICIPAL WATER DISTRICT	---	1,000,000
ADMINISTRATION OF THE LOAN PROGRAM	890,000	890,000
TOTAL, LOAN PROGRAM	890,000	2,890,000

TITLE III—DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Department of Energy. Additional items of conference agreement are discussed below.

LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT

The conference committee has expressed concern with the management of the Department's Laboratory-Directed Research and Development (LDRD) program. As a result, the Department has issued Department of Energy Order 5000.4 which strengthens the management of LDRD programs. The conferees support the provisions of the Order and expect the Department to monitor the programs to assure they comply with the Order.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$2,961,903,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,961,903,000 for Energy Supply, Research and Development Activities instead of $2,854,053,000 as proposed by the House and $2,940,516,000 as proposed by the Senate.

Amendment No. 33: Restores House language deleted by the Senate amendment providing research funding for the Boron Neutron Capture Therapy program.

The conferees direct the Department of Energy to review all funding requirements for the Boron Neutron Capture Therapy program. This funding profile should cover all costs for the period fiscal years 1992–1995 including research and development and possible facilities.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter and inserted by said amendment, insert the following: *, of which $84,800,000 shall be available only for the Institute for Micromanufacturing, Louisiana Tech University; the Ambulatory Research and Education Building, Oregon Health Sciences University; Cancer/Oncology Center, Medical University of South Carolina; Biomedical Research Institute, LSU Medical Center, Shreveport, Louisiana; Technology Complex at Pittsburg State University, Pittsburg, Kansas: Energy, Mineral and Materials Science Research Building Expansion at the University of Alabama; Research Institute at Loma Linda University Medical Center; Cancer Research Center at Indiana University School of Medicine at Indianapolis; Old Colony Center for Technological Applications at Bridgewater State College in Bridgewater, Massachusetts; and the Center for Molecular Electronics at the University of Missouri-St. Louis*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate providing funds for a Technology Research Program. In addition, the conference agreement provides funds for the following specific projects:

The conference has included $10,000,000 for the Institute of Micromanufacturing at Louisiana Tech University. The Manufacturing Systems Engineering Research Center, established in 1988 by the Louisiana Board of Regents and supported by the State, is advancing the knowledge base in micromanufacturing. The focus is applied research emphasizing the design and development, testing, assembly, and production of micron and submicron structures and devices.

The conferees recommend $10,000,000 for an ambulatory research and education building at the Oregon Health Sciences University. These funds will be used for design and construction, and may also be used for equipment acquisition to the extent that federally funded equipment is offset by non-Federal matching funds. This project is complementary to the Neurosensory Research Center and will provide the initial funding for a new ambulatory research facility to further the development of clinical applications in the specific fields, and upgrade the condition of the existing ambulatory teaching facilities. The facility will enable the university to develop the ambulatory research opportunities in three of its centers of emphasis, neuroscience, oncology, and endocrinology and metabolic disorders, and will facilitate the transition from bench research to clinical applications. It is the conferees' understanding that no continuing operating funds will be requested or required to support the facility.

The recommendation also provides $4,800,000 for the Medical University of South Carolina's Cancer/Oncology Center. The MUSC Center has recently been selected by the Department of Energy to establish a cancer and birth defect surveillance system covering communities near the DOE's Savannah River site. These funds will provide the necessary equipment for support of the cancer registry, and the epidemiology laboratory, and other activities of the center.

The recommendation includes $6,000,000 to complete project 89–R–121, the Biomedical Research Institute, LSU Medical Center in Shreveport, Louisiana. The Biomedical Research Institute is supported and operated as a public-private partnership by the Biomedical Research Foundation, the Louisiana State University system, and the State of Louisiana. Through this partnership, the Federal system, and the State of Louisiana. Through this partnership, the Federal Government is providing funds to construct a state-of-the art facility which will house and conduct major specialized research and programs for cardiovascular disease, molecular biology, and neurobiology. The funds included here in will complete six state-of-the art core research laboratories for monoclonal antibody production, oligonucleotide and peptide synthesis gene cloning, DNA sequencing, high performance liquid chromatography, tissue culture, and positron emission tomography. Research projects will be jointly sponsored by the foundation, the medical center, and industry.

The conference agreement includes $4,000,000 for the Technology Complex at Pittsburg State University, Pittsburg, Kansas. The Technology Complex requires extensive restoration. The printing technology program is ranked best in the Midwest, the plastic society has named the plastic engineering program the best in the Nation, the Architectural Woodworking Institute has designated Pittsburg State as the National Wood Technology Education Center, and finally, both the Automotive Technology Program and the Mechanical Manufacturing Program are nationally ranked.

The conference agreement includes $10,000,000 to expand the Energy, Mineral and Materials Science Research Building at the University of Alabama. The construction will allow an expansion of the University's research and educational activities in areas such as energy development and conservation, environmental geology and mineral resources, environmental impact assessment, waste reduction, aquatic biology, high energy physics, and materials science and engineering.

The conference recommendation include $10,000,000 for construction of the Research Institute at the Loma Linda University Medical Center. The Research Institute will enhance proton beam therapy with monoclonal antibodies, a new modality for cancer diagnosis and therapy. Monoclonal antibodies offer new immunological opportunities to destroy widespread deposits of tumors which have metastasized, or spread through the body. These antibodies are developed in the laboratory and are tagged with radioactive isotopes. This form of cancer treatment takes up where proton beam therapy leaves off. The radiolabelled monoclonal antibody technology works much like a "guided missile system," sending tagged antibodies to attack and destroy cancer cells that have metastasized throughout the body, while providing tactical support to proton therapy which targets the energy of the proton beam to the primary tumor site. Because radiolabelled monoclonal antibodies offer great promise in attacking metastatic cancer cells, monoclonal antibody therapy, combined with proton therapy, can provide a highly successful treatment approach to cancer. The Loma Linda Therapy Center will be the only facility in the world where the proton beam therapy can be combined with radiolabelled monoclonal antibody research and treatment.

The conference recommendation includes $10,000,000 to construct a Cancer Research Center at the Indiana University School of Medicine at Indianapolis. The Federal commitment is to be matched by non-Federal funding. This facility would strengthen the University's research into cause and treatments of cancer and allow Indiana to better participate in the solution of basic problems relating to the disease.

The conference agreement includes $10,000,000 for construction of the Old Colony Center for Technological Applications at Bridgewater State College in Bridgewater, Massachusetts. This center will create a regional center for high technology and the benefit to K–12 education and to the economic developement of this particularly hard-hit area of Southeastern Massachusetts would be tremendous. The Old Colony Center for Technological Applications would enhance the science and math skills of teachers and students, and the education and subsequent marketability of the students in the high-tech world of global competitiveness would be greatly improved.

The conference agreement provides $10,000,000 in capital funds for the Center for Molecular Electronics at the University of Missouri-St. Louis. The Center for Molecular Electronics conducts multidisciplinary research in two of the fastest developing and increasingly commercially significant fields of science, the fields of molecular electronics and synthetic metals. Two of the goals of the Center for Molecular Electronics are to enhance our understanding of and to develop new organic based synthetic metals, especially, superconductors. Thus, the research interests and efforts of the Center for Molecular Electronics are very timely in their support of national efforts to remain internationally competitive in this area of research and development. Another very important goal of the Center is that of technology transfer. By working in conjunction with the St. Louis Technology Center, the Center for Molecular Electronics is particularly well suited to speed the application of its research from the laboratory to the market.

Amendment No. 35: Deletes language proposed by the Senate specifying funding for solar projects. Funding for these projects is set forth in the tables accompanying the Statement of the Managers.

SOLAR AND RENEWABLE ENERGY PROGRAMS

The conferees agree that the Solar and Renewable Energy programs should be funded at the higher amount identified in either the House or Senate report.

For ocean energy systems, the conferees have provided $2,000,000 as proposed by the Senate for the PICHTR-OTEC project and for the development of ocean resources. Funds to continue the PICHTR-OTEC effort are to be made available as in past fiscal year to PICHTR, the organization established by the State of Hawaii pursuant to section 3 of Act 152 of the 1983 Hawaii legislative session.

The managers have agreed to provide $4,500,000 to continue the regional biofuels program with continuing emphasis on demonstrating and transferring technologies to the private sector. The Department is directed to allocate all funds directly to the regional programs with no region receiving less than 15 percent of the total program funding. These regional programs include activities related to technology transfer, technical assistance and industry support, and resource assessment and development. In addition, the managers note that the existing focus on commercial direction combustion technologies should be continued. These regional programs should be expanded to include activities supporting biomass-based liquid fuel and waste-to-energy applications.

The conferees agree with the Solar International program as proposed by the Senate. Given the limited resources available for this important program, the conference recommends that, other than ongoing design activities, the program should direct its support to organizations which are directly involved in overseas export promotion.

Within the geothermal program, $3,000,000 is provided for a project to demonstrate the economic benefits of improved electric generators in geothermal applications. These funds shall be available for the first year of a project that shall not exceed three years in duration.

ELECTRIC ENERGY SYSTEMS AND STORAGE

The conferees agree with the Senate report language discussing a Department analysis of the need for transmission capacity.

The conferees support the continued research on the potential health effects of electromagnetic fields. It is the conferrees' intent, however, that duplication of research efforts be avoided. For this reason, it is the intent of the conferees that the Department of Energy be the lead agency for such research and that research conducted by the government be coordinated through the Department. It is the conferees' further intent that research efforts relating to electromagnetic fields be credible, reliable and of the highest quality. In order to assure this coordination, the Department is directed to have the National Academy of Sciences perform a study of the potential health risks associated with exposure to electromagnetic fields, and $600,000 is included for this study.

From within the amount provided for Energy Storage, $900,000 is for diurnal and industrial research and $1,100,000 the seasonal thermal energy is for storage program.

NUCLEAR ENERGY

The conference agreement includes $5,000,009 for the Space Exploration Initiative, a cooperative program with the National Aeronautics and Space Administration. The Department's work should be restricted to its mission to develop and test new power systems.

BIOLOGICAL AND ENVIRONMENTAL RESEARCH

The conference recommendation includes $750,000 for the Center for Health Technologies, Inc., Miami, Florida. The Center for Health Technologies, Inc., is a nonprofit corporation, which was created by South Florida business leaders and scientists. The Center received startup funding by the State of Florida in 1990. The Center's primary goal is to expedite the growth of health technology industries through the transfer of laboratory developments into successful biomedical, biotechnology and health care products and services. The primary technique utilized by the Center in achieving its goal of technology transfer is its Incubator, an organizational device by which startup companies are provided with a broad spectrum of services to aid them in developing into self-supporting health technology businesses. Of the $750,000, $400,000 is to be allocated to support the technology development efforts. The balance of the funds is to be allocated to assist the Center in its architectural activities to design the structure which will physically house its affiliate companies.

The conferees agree that funds provided in fiscal year 1991 for the Demonstration Pediatric PET Scan project may be used for renovation, construction and rehabilitation of space, and purchase of the PET Scan machine will take place after these alterations and construction are completed.

From within available funds, the conferees direct that the Department prepare conceptual designs and detailed engineering drawings to consolidate the human genome program at the Lawrence Berkeley Laboratory into a single facility. It is anticipated that future Department of Energy budgets will include funds to construct the facility.

Of the $74,500,000 provided for global and regional climate change, $11,000,000 is available for the National Institute for Global Environmental Change including $2,000,000 for a new Southeastern Regional Center to be located at the University of Alabama. None of these funds shall be obligated until a management plan has been approved by the Institute and its host institutions, and transmitted to the Committees on Appropriations.

The conferees agree to the distribution of funds to the National Institute for Global Environmental Change as proposed by the House. Global warming research funds, including those made available to the National Institute for Global Environmental Change and its components shall primarily support the Department's high priority initiatives to rapidly improve the capability to predict global and regional climate change.

For fiscal year 1991, the Congress provided funds for the creation of Centers of Excellence for Laser Medical Applications. Grants have now been let for this program through the peer review process. These centers are developing laser techniques for surgery and treatment of a variety of diseases. Laser surgery dramatically reduces the need for costly surgery. The conferees agree that continued funding of this program out of the funds provided will reduce the cost of health care and more importantly provide vastly improved health care.

Project 87-R-130, Center for Molecular Medicine and Immunology, Institute for Nuclear Medicine Research facility, may proceed under a modified proposal for the project with purchase or renovation plans for a new facility under a three-year grant extension with a phased-in construction plan. Given the critical needs of New Jersey, the conferees authorize the construction to begin as soon as possible. The Center is in the process of acquiring land from the County of Essex, New Jersey, valued at $2,400,000 and has raised an additional $500,000 privately. This acquisition, when completed, the private funds, and the contribution of maintenance services, will constitute the non-Federal share.

SUPPORTING RESEARCH AND TECHNICAL ANALYSIS

From within funds made available in applied mathematical science, basic energy sciences, and other energy programs in this account not otherwise discussed in this report, an amount equal to 83% of the current fiscal year 1991 amount is to be made available to continue the research programs supported by the Department of Energy at the Supercomputer Computations Research Institute (SCRI) located at Florida State University. DOE and FSU shall work toward normalizing the SCRI support within the DOE budget. The conferees continue to be impressed by the contributions of SCRI to high performance computing in the U.S.

The conference allowance includes $400,000 for the University of Connecticut as proposed by the Senate.

The conferees agree with the Experimental Program to Stimulate Competitive Research (EPSCoR) as proposed by the Senate. The Department shall prepare a plan for the five-year development of this program by February 1, 1992.

In addition to the EPSCoR program traineeships, the Department should consider additional graduate traineeships to help broaden the availability of high-quality science education and opportunities for professional scientific training in energy-related fields for all programs under the jurisdiction of the Office of Energy Research including the general sciences program and SSC.

The conferees agree to the Senate report language providing $100,000 for Rural Enterprises, Inc.

EDUCATION PROGRAMS

The conferees have provided a reduction of $22,400,000 to the Energy Supply, Research and Development program for non-defense education programs. The Department has ongoing and new initiatives dealing with scientific and energy-related education programs. The conferees are supportive of these programs and note that these education programs support the Department's defense mission equally with its other scientific programs.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$1,313,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,313,600,000 for Uranium Supply and Enrichment Activities instead of $1,337,600,000 as proposed by the House and $1,367,600,000 as proposed by the Senate.

Amendment No. 37: Deletes language proposed by the Senate earmarking funds for the Atomic Vapor Laser Isotope Separation program.

Because of severe budget constraints, the conference recommendation includes a $24,000,000 undistributed reduction to the Uranium Supply and Enrichment Activities appropriation.

GENERAL SCIENCE

Amendment No. 38: Appropriates $1,472,489,000 for General Science instead of $1,405,489,000 as proposed by the House and $1,507,489,000 as proposed by the Senate and deletes language proposed by the House earmarking funds for the Fermilab main injector.

As stated in both the House and Senate reports, the conferees continue strong support for the SSC. However, because of severe budget constraints the funding has been limited to $483,700,000. The conference allowance also includes $15,000,000 to initiate the Fermilab main injector which will continue to modernize the Fermilab. The conferees agree to the funding for the Continuous Electron Beam Accelerator Facility as proposed by the Senate.

NUCLEAR WASTE DISPOSAL FUND

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$275,071,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $275,071,000 for the Nuclear Waste Disposal Fund instead of $305,071,000 as proposed by the House and $295,071,000 as proposed by the Senate.

Amendment No. 40: Earmarks $5,000,000 for the State of Nevada to conduct oversight as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 41: Deletes language proposed by the House providing an earmark for State Legislature oversight.

Amendment No. 42: Earmarks $4,000,000 for local governments as proposed by the House instead of $5,000,000 as proposed by the Senate.

Amendment No. 43: Deletes and provides technical change to House language as proposed by the Senate.

Amendment No. 44: Earmarks $3,500,000 for infrastructure studies instead of $3,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 96 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), $4,623,428,000, to remain available until expended.

NEW PRODUCTION REACTOR

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense new production reactor activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $515,500,000, to remain available until expended, of which $100,000,000 shall be for design of new production reactor capacity, to become available for obligation sixty days after issuance of the Record of Decision on the Environmental Impact Statement on New Production Reactor Capacity.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, include the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), $3,680,672,000, to remain available until expended, of which $17,100,000 shall be available only for the Environmental and Molecular Sciences Laboratory, and of which $20,000,000 shall be made available to the State of New Mexico to assist the State and its affected units of local government in mitigating the environmental, social, economic, and other impacts resulting from the Waste Isolation Pilot Plant: Provided, That a portion of the $20,000,000 received by the State of New Mexico may be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, the Waste Isolation Pilot Plant based on a State assessment of needs, conducted in consultation with its affected units of local government, and the demonstration of impacts: Provided further, That the $20,000,000 shall be provided upon initiation of the performance assessment phase at the Waste Isolation Pilot Plant site.

MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials production, and other defense program activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $3,148,400,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of $11,968,000,000 for Atomic Energy Defense Activities as provided by the Senate instead of $11,768,500,000 as proposed by the House.

To provide better financial control and more clearly display the activities funded as part of atomic energy defense activities, the conference agreement provides four appropriation accounts instead of a single account as in past years. The new accounts are: Weapons Activities; New Production Reactor; Defense Environmental Restoration and Waste Management; and Materials Production and Other Defense Programs.

The conferees are aware of the potential technology transfer between Sandia National Laboratory and the Diagnostic Instrumentation and Analysis Laboratory. This involves computer-controlled, optical and laser-based diagnostic and analysis systems. This cooperative effort, which will also include non-Federal funds, is a prime example of the technology transfer effort that is needed at DOE. In this arrangement, high-value, federally-developed technologies will be scaled up from a laboratory setting to an effective industrial use. This work contributes to the development of critical technologies identified by the Department of Defense in their report, *Critical Technologies Plan*.

The conferees agree to provbide $1,600,000 to complete the Center for Advanced Electronics Technology at Sparks State Technical College in Eufala, Alabama. This facility will be a state-of-the-art electronics training center to prepare students and workers in electronics and related fields of study to prepare for future workforce needs in energy and energy-related research and development activities as well as energy industries.

WEAPONS ACTIVITIES

The conference agreement provides $2,515,478,000 for production and surveillance activities. The conferees direct that funds originally proposed for the Nuclear Depth Strike Bomb and SRAM-T be reallocated to address the increase in weapons retirements over the level assumed in the President's 1992 budget, for site facility and equipment maintenance, for preproduction and process engineering connected with pit reuse, to reduce maintenance backlogs, particularly at the Y–12 plant, for new requirements related to the W-79, if authorized, and for compliance requirements at Y–12.

The conferees have included $15,000,000 in the weapons research and development program for continued development of an advanced chemical processing technology. The Senate had included this funding in the materials production program. The Lawrence Livermore National Laboratory has developed plutonium processing techniques as a key part of the laser isotope separation program. These new technologies, equipment and processing systems could lead to the design of a future fully integrated plutonium processing facility, including waste minimization.

NEW PRODUCTION REACTOR

The conference agreement includes a total of $15,500,000 for light water reactor target development work, including completion of the EIS and ROD activities; close out, in fiscal year 1992, of all target development work; cleanup of contaminated facilities; and documentation and transfer of development and testing data. The conferees understand that EIS and ROD activities associated with the

New Production Reactor Program are nearing completion and that only a small amount of funding is needed to support the completion of those activities as planned by the Department.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement includes bill language directing the Department to use $17,100,000 for design and construction of the Environmental and Molecular Sciences Laboratory (EMSL). The conferees emphasize that these funds shall be used to begin construciton of this basic research laboratory which will help develop the scientific basis for technologies that are required to meet the regulatory criteria for environmental remediation of hazardous waste and nuclear waste sites and for basic sciences research and development. Various scientific advisory committees and regulatory agencies have identified technolgical gaps that need to be filled, and EMSL's mission is to develop the scientific basis for those technologies for the Department of Energy. The conferees also strongly agree with the House report language and are concerned with the lack of coordination within the Department on this project and intend that the project proceed in accordance with these missions as proposed by the Secretary of Energy. The Secretary is requested to insure that the construction of this laboratory is coordinated with departmental organizations with unique technical resources to manage collaborative research projects and research laboratories.

The conferees support the development of a research program on a continuous emission monitor for incinerators and demonstration of the technology at a Department of Energy defense facility.

The conferees agree to provide $7,500,000 for the defense high-level waste disposal fee.

EDUCATION, TRAINING AND TECHNOLOGY TRANSFER

The conference agreement provides $49,900,000 for education programs, training and education of workers, and expansion of technology commercialization activities at all Department of Energy Laboratories and facilities. This program will ensure that adequately trained workers and scientific and technical personnel are available to accomplish the national security mission of the Department.

DEPARTMENTAL ADMINISTRATION

Amendment No. 46: Makes technical change to heading as proposed by the Senate.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$405,976,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $405,976,000 for Departmental Administration instead of $414,976,000 as proposed by the House and $416,476,000 as proposed by the Senate.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$121,624,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a net appropriation of $121,624,000 for Departmental Administration instead of $130,624,000 as proposed by the House and $131,624,000 as proposed by the Senate.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks funds for the Reduced Enrichment in Research and Test Reactor program.

POWER MARKETING ADMINISTRATIONS

Amendment No. 50: Makes technical change to heading as proposed by the Senate.

BONNEVILLE POWER ADMINISTRATION

It is the conferees' understanding that the Bonneville Power Administration is committed to completion of the 4,800 megawatt upgrade project.

WESTERN AREA POWER ADMINISTRATION

Amendment No. 51: Appropriates $306,478,000 as proposed by the House instead of $326,478,000 as proposed by the Senate.

Amendment No. 52: Provides for receipts from the Department of the Interior Reclamation fund of $278,173,000 as proposed by the House instead of $298,423,000 as proposed by the Senate.

Federal Energy Regulatory Commission

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Federal Energy Regulatory Commission to collect in advance for research, development and demonstration of projects using natural gas in motor vehicles and other activities. This amendment will give the FERC the authority it needs to approve GRI's R&D on natural gas vehicles and emission control using natural gas, by allowing FERC to consider the environmental benefits to existing and future ratepayers.

Department of Energy

	FY 1992 Budget Request	Conference
ENERGY SUPPLY RESEARCH AND DEVELOPMENT		
SOLAR ENERGY		
I. Solar applications		
A. Solar building technology research		
Operating expenses	1,000,000	2,000,000
B. Photovoltaic energy systems		
Operating expenses	49,300,000	58,900,000
Capital equipment	1,500,000	1,500,000
Subtotal, Photovoltaic energy systems	50,800,000	60,400,000
C. Solar thermal energy systems		
Operating expenses	19,569,000	28,650,000
Capital equipment	450,000	450,000
Subtotal, Solar thermal energy system	20,019,000	29,100,000
D. Biofuels energy systems		
Operating expenses	32,500,000	35,000,000
Capital equipment	4,300,000	4,300,000
Subtotal, Biofuels energy systems	36,800,000	39,300,000
E. Wind energy systems		
Operating expenses	13,744,000	21,200,000
Capital equipment	200,000	200,000
Subtotal, Wind energy systems	13,944,000	21,400,000
F. Ocean energy systems		
Operating expenses	---	2,000,000
Subtotal, Solar applications	122,563,000	154,200,000
II. Other solar energy		
A. International solar energy program - OE	1,500,000	2,000,000
B. Solar technology transfer		
Operating expenses	512,000	1,000,000
C. Solar Energy Research Institute		
Capital equipment	340,000	340,000
Construction:		
General plant projects	1,165,000	1,165,000
91-E-100 Solar energy research fac. (SERF)	10,000,000	10,000,000
Subtotal, Construction	11,165,000	11,165,000
Subtotal, Solar Energy Research Institute	11,505,000	11,505,000
D. Resource assessment		
Operating expenses	1,110,000	1,110,000
Capital equipment	90,000	90,000
Subtotal, Resource assessment	1,200,000	1,200,000

Department of Energy

	FY 1992 Budget Request	Conference
E. Program support - OE	936,000	936,000
F. Program direction - OE	4,662,000	4,662,000
Subtotal, Other solar energy	20,315,000	21,303,000
TOTAL, SOLAR ENERGY	142,878,000	175,503,000
(Operating expenses)	(124,833,000)	(157,458,000)
(Capital equipment)	(6,880,000)	(6,880,000)
(Construction)	(11,165,000)	(11,165,000)
GEOTHERMAL		
I. Geopressured research		
Operating expenses	2,500,000	5,000,000
II. Geothermal technology development		
Operating expenses	15,886,000	20,386,000
Capital equipment	821,000	821,000
Subtotal, Geothermal technology development	16,707,000	21,207,000
III. Program direction - OE	963,000	963,000
TOTAL, GEOTHERMAL	20,170,000	27,170,000
(Operating expenses)	(19,349,000)	(26,349,000)
(Capital equipment)	(821,000)	(821,000)
HYDROPOWER		
I. Small scale hydropower development - OE	957,000	957,000
II. Program direction - OE	86,000	86,000
TOTAL, HYDROPOWER	1,043,000	1,043,000
ELECTRIC ENERGY SYSTEMS AND STORAGE		
I. Electric energy systems		
A. Electric field effects research		
Operating expenses	5,000,000	5,000,000
B. Reliability research		
Operating expenses	3,100,000	3,100,000
C. System and materials research		
Operating expenses	21,100,000	21,100,000
Capital equipment	900,000	900,000
Subtotal, System and materials research	22,000,000	22,000,000
D. Program direction - OE	657,000	657,000
Subtotal,Electric energy systems	30,757,000	30,757,000

Department of Energy

	FY 1992 Budget Request	Conference
II. Energy Storage Systems		
A. Battery storage		
Operating expenses	3,200,000	3,200,000
Capital equipment	200,000	200,000
Subtotal, Battery storage	3,400,000	3,400,000
B. Thermal and chemical storage		
Operating expenses	3,400,000	3,400,000
C. Program direction - OE	446,000	446,000
Subtotal, Energy storage systems	7,246,000	7,246,000
TOTAL, ELECTRIC ENERGY SYSTEMS AND STORAGE	38,003,000	38,003,000
(Operating expenses)	(36,903,000)	(36,903,000)
(Capital equipment)	(1,100,000)	(1,100,000)
NUCLEAR		
I. Nuclear energy R & D		
A. Light water reactor		
Operating expenses	62,500,000	62,500,000
B. Advanced reactor R & D		
Operating expenses	48,539,000	58,539,000
Capital equipment	1,000,000	1,000,000
Subtotal, Advanced reactor R & D	49,539,000	59,539,000
C. Space reactor power systems		
Operating expenses	53,180,000	37,180,000
Capital equipment	2,120,000	2,120,000
Construction:		
86-N-105 SP-100 fac. mods - HEDL	700,000	700,000
Subtotal, Space reactor power systems	56,000,000	40,000,000
D. Advanced radioisotope power system		
Operating expenses	49,000,000	45,000,000
Capital equipment	7,000,000	6,000,000
Subtotal, Advanced radioisotope power system	56,000,000	51,000,000
E. Space exploration initiative		
Operating expenses	29,000,000	4,500,000
Capital equipment	1,000,000	500,000
Subtotal, Space exploration initiative	30,000,000	5,000,000
F. Facilities		
Operating expenses	113,569,000	83,569,000
Capital equipment	2,800,000	2,800,000
Construction:		
92-E-200 Mods to reactors	5,850,000	5,850,000
GPN-102 GPP	3,600,000	3,600,000
89-N-115 Fire suf. imp., ANL	2,000,000	2,000,000
Subtotal, Construction	11,450,000	11,450,000
Subtotal, Facilities	127,819,000	97,819,000

Department of Energy

	FY 1992 Budget Request	Conference
G. Program direction - OE	16,100,000	16,100,000
Subtotal, Nuclear energy R & D	397,958,000	331,958,000
(Operating expenses)	(371,888,000)	(307,388,000)
(Capital equipment)	(13,920,000)	(12,420,000)
(Construction)	(12,150,000)	(12,150,000)
II. Civilian waste R & D		
A. Spent fuel storage R & D		
Operating expenses	590,000	4,590,000
B. Program direction	110,000	110,000
Subtotal, Civilian waste R & D	700,000	4,700,000
TOTAL, NUCLEAR	398,658,000	336,658,000
(Operating expenses)	(372,588,000)	(312,088,000)
(Capital equipment)	(13,920,000)	(12,420,000)
(Construction)	(12,150,000)	(12,150,000)
ENVIRONMENT, SAFETY AND HEALTH		
I. Environment, safety and health		
Operating expenses	158,070,000	158,070,000
Capital equipment	1,600,000	1,600,000
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	159,670,000	159,670,000
OFFICE OF NUCLEAR SAFETY		
I. Nuclear safety		
Operating expenses	12,500,000	12,500,000
Capital equipment	30,000	30,000
TOTAL, OFFICE OF NUCLEAR SAFETY	12,530,000	12,530,000
LIQUEFIED GASEOUS SPILL TEST FACILITY		
I. Spill test facility		
Operating expenses	1,115,000	1,115,000
ENVIRONMENT R & D		
I. Biological and environmental research		
Operating expenses	286,128,000	326,878,000
Capital equipment	16,832,000	16,832,000
Construction:		
GP-E-120 General plant projects	3,500,000	3,500,000
Subtotal, Biological and environmental research	306,460,000	347,210,000
II. Program direction	6,100,000	6,100,000
TOTAL, ENVIRONMENT R & D	312,560,000	353,310,000
(Operating expenses)	(292,228,000)	(332,978,000)
(Capital equipment)	(16,832,000)	(16,832,000)
(Construction)	(3,500,000)	(3,500,000)

Department of Energy

	FY 1992 Budget Request	Conference
FUSION		
I. Fusion Energy		
A. Confinement systems	183,250,000	183,250,000
B. Development and technology	56,650,000	56,650,000
C. Applied plasma physics	61,750,000	61,750,000
D. Planning and projects	4,250,000	4,250,000
E. Inertial fusion energy	8,150,000	8,150,000
F. Program direction - OE	7,500,000	7,500,000
G. Capital equipment	11,000,000	11,000,000
H. Construction:		
GPP-900 General plant projects	1,950,000	1,950,000
92-E-340 Fire and safety protection improvements	2,600,000	2,600,000
Subtotal, Construction	4,550,000	4,550,000
TOTAL, FUSION	337,100,000	337,100,000
(Operating expenses)	(321,550,000)	(321,550,000)
(Capital equipment)	(11,000,000)	(11,000,000)
(Construction)	(4,550,000)	(4,550,000)
SUPPORTING RESEARCH AND TECHNICAL ANALYSIS		
I. Basic energy sciences		
A. Materials sciences	257,116,000	257,116,000
B. Chemical sciences	158,300,000	158,300,000
C. Applied mathematical sciences	75,500,000	81,500,000
D. Engineering and geosciences	35,800,000	35,800,000
E. Advanced energy projects	10,800,000	54,800,000
F. Energy biosciences	24,700,000	24,700,000
G. Program direction - OE	7,500,000	7,500,000
H. Capital equipment	37,000,000	37,000,000
I. Construction:		
92-E-332 Accelerator improvements	6,626,000	6,626,000
GPE-400 General plant projects	4,500,000	4,500,000
89-R-402 6-7 GeV syn. radiation source	90,360,000	90,360,000
87-R-406 1-2 GeV synch rad sc, LBL	6,498,000	6,498,000
Subtotal, Construction	107,984,000	107,984,000
Subtotal, Basic energy sciences	714,700,000	764,700,000
(Operating expenses)	(569,716,000)	(619,716,000)
(Capital equipment)	(37,000,000)	(37,000,000)
(Construction)	(107,984,000)	(107,984,000)

Department of Energy

	FY 1992 Budget Request	Conference
II. Energy research and university support		
A. Energy research analyses - OE..................	4,026,000	4,026,000
B. University and science education programs - OE		
1. Laboratory coop science education ctrs......	27,563,000	32,063,000
2. University program..........................	7,750,000	12,750,000
3. University reactor fuel assistance..........	3,730,000	3,730,000
4. University research instrumentation.........	4,998,000	5,998,000
Subtotal, University & science education programs.	44,041,000	54,541,000
C. Laboratory technology R&D transfer............	4,900,000	9,900,000
D. Advisory and oversight - OE...................	10,100,000	10,100,000
Subtotal, Energy research and university support......	63,067,000	78,567,000
III. Multiprogram energy laboratories - facility sup		
A. Multiprogram general purpose facilities		
92-E-309 Sanitary system mod (BNL) - phase I	1,238,000	1,238,000
92-E-312 Roof replacement (LBL) - phase I...	2,500,000	2,500,000
92-E-321 Fire safety improve (ANL)..........	603,000	603,000
92-E-322 East canyon electrical safety (LBL)	377,000	377,000
92-E-323 Upgrade steam distrib. (ORNL)......	1,080,000	1,080,000
92-E-324 Bldg. 326 life safety compli (PNL).	1,700,000	1,700,000
92-E-326 Transformer switchgear upgrade (BNL	3,300,000	3,300,000
92-E-329 Substation upgrades & improvements	500,000	500,000
92-E-328 Programs support (AMES)............	1,500,000	1,500,000
91-E-323 Building 90 seismic rehab., LBL....	2,700,000	2,700,000
90-R-100 Trans. fac. replacement, ANL.......	2,378,000	2,378,000
90-R-121 Rehab fire, water, pumping and storage systems, ANL........................	533,000	533,000
90-R-107 Boiler replacement, BNL............	19,000	19,000
90-R-108 Ctrl. shops alteration & add., BNL.	8,000	8,000
90-R-110 Instrumentation sup. lab. rehab, LB	1,903,000	1,903,000
90-R-111 Original labsite substation, LBL...	2,703,000	2,703,000
90-R-113 Elec. syst. upgrade, ORNL..........	8,000	8,000
90-R-117 Slope/seismic stabilization, LBL...	806,000	806,000
90-R-118 Fire protection upgrade, ORNL......	12,000	12,000
88-R-806 Environmental health & safety project, LBL.............................	9,000	9,000
88-R-807 Electrical system rehab, ANL.......	5,000	5,000
87-R-753 Rehabilition laboratory space (building 200), ANL.........................	9,000	9,000
Subtotal, Multiprogram general purpose facilities	23,891,000	23,891,000
TOTAL, SUPPORTING RESEARCH AND TECHNICAL ANALYSIS.....	801,658,000	867,158,000

Department of Energy

	FY 1992 Budget Request	Conference
(Operating expenses)	(632,783,000)	(698,283,000)
(Capital equipment)	(37,000,000)	(37,000,000)
(Construction)	(131,875,000)	(131,875,000)
POLICY AND MANAGEMENT		
I. Policy and management		
A. Policy and management - ER	1,150,000	1,150,000
B. Policy and management - NE	33,843,000	33,843,000
C. Policy and management - CE	1,905,000	1,905,000
TOTAL, POLICY AND MANAGEMENT	36,898,000	36,898,000
ENERGY APPLICATIONS		
I. Technical information management program		
Operating expenses	14,100,000	14,100,000
Capital equipment	900,000	900,000
Subtotal, Technical information management program	15,000,000	15,000,000
II. In-house energy management		
Operating expenses	3,540,000	3,540,000
Construction:		
90-A-601 Modifications for energy mgmt	17,110,000	17,110,000
Subtotal, In-house energy management	20,650,000	20,650,000
TOTAL, ENERGY APPLICATIONS	35,650,000	35,650,000
ENVIRONMENTAL RESTORATION AND WASTE MGMT (NON-DEFENSE)		
I. Corrective activities		
A. Nuclear energy		
Operating expenses	271,000	271,000
Construction:		
GP-E-600 General plant projects	283,000	283,000
Subtotal, Nuclear energy	554,000	554,000
B. Energy research		
Operating expenses	1,964,000	1,964,000
Capital equipment	1,810,000	1,810,000
Construction:		
GP-E-600 General plant projects	7,368,000	7,368,000
92-E-601 Melton Valley LLLW collection and transfer system upgrade, ORNL	4,500,000	4,500,000
92-E-602 Air exhaust mods., TA-53 LANL	3,505,000	3,505,000
91-E-307 800 Area landfill leachate (ANL)	1,400,000	1,400,000
91-E-304 Sanit. wastewater treatment upgrade	3,500,000	3,500,000
90-R-115 Laboratory and sanitary sewer collection system rehab (ANL)	832,000	832,000
90-R-116 Hazardous waste mgmt proj (BNL)	238,000	238,000
90-R-119 Sanitary wastewater treatment plant improvements (ANL)	3,185,000	3,185,000

Department of Energy

	FY 1992 Budget Request	Conference
88-R-830 Liquid low level waste collection and transfer sys upgrade (ORNL)	979,000	979,000
Subtotal, Construction	25,507,000	25,507,000
Subtotal, Energy research	29,281,000	29,281,000
Subtotal, Corrective activities	29,835,000	29,835,000
(Operating expenses)	(2,235,000)	(2,235,000)
(Capital equipment)	(1,810,000)	(1,810,000)
(Construction)	(25,790,000)	(25,790,000)
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	133,292,000	133,292,000
2. Formerly utilized sites, remedial action projects	49,000,000	49,000,000
3. Uranium program mill tailings, remedial action projects	139,900,000	139,900,000
4. Uranium mill tailings, groundwater restoration project	2,000,000	2,000,000
Subtotal, Operating expenses	324,192,000	324,192,000
Construction:		
90-R-402 Storage of the ANL CP-5 reactor	40,000	40,000
89-R-113 Environmental upgrades, BNL	1,901,000	1,901,000
Subtotal, Construction	1,941,000	1,941,000
Subtotal, Environmental restoration	326,133,000	326,133,000
(Operating expenses)	(324,192,000)	(324,192,000)
(Construction)	(1,941,000)	(1,941,000)
III. Waste management		
Operating expenses:		
1. Waste operations	41,688,000	119,106,000
2. West valley	104,000,000	104,000,000
3. Low level waste	8,500,000	8,500,000
Subtotal, Operating expenses	154,188,000	231,606,000
Capital equipment	965,000	965,000
Construction:		
GP-E-600 General plant projects	4,712,000	4,712,000
91-E-322 Building compliance	3,200,000	3,200,000
91-E-305 Waste minimization fac. upgrade, BNL	1,400,000	1,400,000
91-E-306 Haz waste treatment fac, PNL	3,030,000	3,030,000
89-R-111 Building utilities, PNL	32,000	32,000
88-R-812 Hazardous waste handling, fac. LBL	---	1,582,000
Subtotal, Construction	12,374,000	13,956,000
Subtotal, Waste management	167,527,000	246,527,000

Department of Energy

	FY 1992 Budget Request	Conference
(Operating expenses)	(154,188,000)	(231,606,000)
(Capital equipment)	(965,000)	(965,000)
(Construction)	(12,374,000)	(13,956,000)
TOTAL, ENVIRON RESTOR AND WASTE MGMT (NON-DEFENSE)	523,495,000	602,495,000
(Operating expenses)	(480,615,000)	(558,033,000)
(Capital equipment)	(2,775,000)	(2,775,000)
(Construction)	(40,105,000)	(41,687,000)
Subtotal, Energy supply research and development	2,821,428,000	2,984,303,000
Adjustments:		
Education programs	---	-22,400,000
TOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT	2,821,428,000	2,961,903,000
(Operating expenses)	(2,508,115,000)	(2,648,508,000)
(Capital equipment)	(92,858,000)	(91,358,000)
(Construction)	(220,455,000)	(222,037,000)
URANIUM ENRICHMENT		
I. Uranium enrichment activities		
A. Gaseous diffusion operations and support		
Operating expenses	974,456,000	974,456,000
Capital equipment	10,000,000	10,000,000
Construction:		
92-U-200 Sanitary water system upgrading	1,500,000	1,500,000
91-U-200 Replace capacitors, GDP, Paducah	4,400,000	4,400,000
91-U-201 Refurbish int. purge fac., GDP, Ports	1,800,000	1,800,000
91-U-207 Roof upgrading, GDP, Portsmouth	8,340,000	8,340,000
91-U-208 S & S upgrading, GDP, Portsmouth	8,700,000	8,700,000
90-N-501 Cooling tower mods	6,600,000	6,600,000
GP-N-501 GPP	10,499,000	10,499,000
89-N-501 UF6 cylinders	7,600,000	7,600,000
87-N-502 Coding tower upgrade, GDP, Paducah	3,000,000	3,000,000
Subtotal, Construction	52,439,000	52,439,000
Subtotal, Gaseous diffusion operations and support	1,036,895,000	1,036,895,000
B. Atomic vapor laser isotope separation		
Operating expenses	204,300,000	154,300,000
Capital equipment	6,100,000	6,100,000
Construction:		
GP-N-600 General plant projects	3,200,000	3,200,000
Subtotal, Atomic vapor laser isotope separation	213,600,000	163,600,000
C. Alternate applications		
Operating expenses	1,000,000	1,000,000
D. Corrective activities		
Operating expenses	2,265,000	2,265,000
Construction:		
91-U-206 Reduction of PCB contamination	16,519,000	16,519,000

Department of Energy

	FY 1992 Budget Request	Conference
GP-N-205 General plant projects	2,350,000	2,350,000
Subtotal, Construction	18,869,000	18,869,000
Subtotal, Corrective activities	21,134,000	21,134,000
E. Environmental restoration		
Operating expenses	73,068,000	73,068,000
F. Waste management		
Operating expenses	27,587,000	27,587,000
Capital equipment	1,260,000	1,260,000
Construction:		
GP-N-210 General plant projects	856,000	856,000
Subtotal, Waste management	29,703,000	29,703,000
G. Program direction - OE	12,200,000	12,200,000
H. Working capital	159,400,000	---
I. Undistributed reduction	---	-24,000,000
Subtotal, Uranium enrichment activities	1,547,000,000	1,313,600,000
(Operating expenses)	(1,454,276,000)	(1,220,876,000)
(Capital equipment)	(17,360,000)	(17,360,000)
(Construction)	(75,364,000)	(75,364,000)
Revenues	-1,547,000,000	-1,547,000,000
TOTAL, URANIUM ENRICHMENT ACTIVITIES	---	-233,400,000
(Operating expenses)	(-92,724,000)	(-326,124,000)
(Capital equipment)	(17,360,000)	(17,360,000)
(Construction)	(75,364,000)	(75,364,000)
GENERAL SCIENCE AND RESEARCH		
I. High energy physics		
A. Physics research		
Operating expenses	150,370,000	145,370,000
B. Facility operations		
Operating expenses	275,690,000	270,690,000
Capital equipment	83,250,000	83,250,000
Construction:		
92-G-302 Fermilab main injector	43,450,000	15,000,000
92-G-304 Accelerator improvements and mods	15,805,000	15,805,000
90-R-104 Fermilab linac upgrade project	6,166,000	6,166,000
GP-E-103 General plant projects, various locations	13,398,000	13,398,000
Subtotal, Construction	78,819,000	50,369,000
Subtotal, Facility operations	437,759,000	404,309,000
C. High energy technology		
Operating expenses	73,830,000	73,830,000
D. Other capital equipment	4,490,000	4,490,000
Subtotal, High energy physics	666,449,000	627,999,000
(Operating expenses)	(499,890,000)	(489,890,000)
(Capital equipment)	(87,740,000)	(87,740,000)
(Construction)	(78,819,000)	(50,369,000)

Department of Energy

	FY 1992 Budget Request	Conference
II. Nuclear physics		
A. Medium energy physics		
Operating expenses	108,100,000	108,100,000
B. Heavy ion physics		
Operating expenses	74,700,000	74,700,000
C. Low energy physics		
Operating expenses	28,391,000	28,391,000
D. Nuclear theory		
Operating expenses	14,000,000	14,000,000
E. Capital equipment	26,300,000	28,300,000
F. Construction:		
92-G-301 AIP	4,100,000	4,100,000
91-G-300 Relativistic heavy ion collider	49,350,000	49,350,000
GP-E-300 General plant projects, various locations	3,949,000	3,949,000
87-R-203 Continuous electron beam accelerator facility, Newport News, VA	31,800,000	41,800,000
Subtotal, Construction	89,199,000	99,199,000
G. Other capital equipment - CE	1,700,000	1,700,000
Subtotal, Nuclear physics	342,390,000	354,390,000
(Operating expenses)	(225,191,000)	(225,191,000)
(Capital equipment)	(28,000,000)	(30,000,000)
(Construction)	(89,199,000)	(99,199,000)
III. General science program direction - OE	6,400,000	6,400,000
IV. Superconducting super collider		
Operating expenses	103,593,000	103,593,000
Capital equipment	56,340,000	56,340,000
Construction:		
90-R-106 Superconducting super collider	373,767,000	323,767,000
Subtotal, Superconducting super collider	533,700,000	483,700,000
TOTAL, GENERAL SCIENCE AND RESEARCH	1,548,939,000	1,472,489,000
(Operating expenses)	(835,074,000)	(825,074,000)
(Capital equipment)	(172,080,000)	(174,080,000)
(Construction)	(541,785,000)	(473,335,000)
ISOTOPE PRODUCTION AND DISTRIBUTION FUND		
A. Isotope production	8,500,000	8,500,000

Department of Energy

	FY 1992 Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
I. Research and development		
A. Research and development - weapons		
Operating expenses	882,300,000	1,017,300,000
Capital equipment	87,950,000	97,950,000
Construction:		
GP-D-101 General plant projects, various locations	21,400,000	21,400,000
92-D-102 Nuclear weapons research, development and testing facilities revitalization, Phase IV, various locations	6,600,000	6,600,000
90-D-102 Nuclear weapons research, development and testing facilities revitalization, Phase III, various locations	22,100,000	34,100,000
88-D-106 Nuclear weapons research, development and testing facilities revitalization, Phase II, various locations	53,608,000	53,608,000
Subtotal, Construction	103,708,000	115,708,000
Subtotal, Research and development - weapons	1,073,958,000	1,230,958,000
B. Inertial fusion		
Operating expenses	165,300,000	165,300,000
Capital equipment	17,200,000	29,500,000
Subtotal, Inertial fusion	182,500,000	194,800,000
C. Safeguards and security		
Construction:		
88-D-104 Safeguards and security upgrade, phase II, LANL, Los Alamos, NM	1,515,000	1,515,000
87-D-104 Safeguards and security enhancement II, LLNL, Livermore, CA	4,650,000	5,300,000
Subtotal, Safeguards and security	6,165,000	6,815,000
Subtotal, Research and development	1,262,623,000	1,432,573,000
II. Testing		
A. Weapons program		
Operating expenses	447,500,000	457,500,000
Capital equipment	34,450,000	34,450,000
Construction:		
GP-D-101 General plant projects, various locations	7,400,000	7,400,000
Subtotal, Weapons program	489,350,000	499,350,000
B. Safeguards and security		
Construction:		
85-D-105 Combined device assembly facility, Nevada Test Site, NV	12,027,000	12,027,000
Subtotal, Testing	501,377,000	511,377,000
Subtotal, Research, development and testing	1,764,000,000	1,943,950,000
(Operating expenses)	(1,495,100,000)	(1,640,100,000)
(Capital equipment)	(139,600,000)	(161,900,000)
(Construction)	(129,300,000)	(141,950,000)

Department of Energy

	FY 1992 Budget Request	Conference
III. Production and surveillance		
Operating expenses..................................	2,273,600,000	2,273,950,000
Capital equipment..................................	87,900,000	87,900,000
Construction:		
Decision costs:		
91-D-122 Short range attack missile tactical (SRAMT) production facilities, various locs..	23,372,000	---
90-D-122 Production capabilities for the nuclear depth/strike bomb (ND/SB), various locations	10,000,000	---
Subtotal, Decision costs..........................	33,372,000	---
Production base:		
Facilities capability assurance program:		
88-D-122 Facilities capability assurance program (FCAP), various locations	47,473,000	47,473,000
Production support facilities:		
GP-D-121 General plant projects, various locations	34,700,000	34,700,000
90-D-124 High explosives (HE) synthesis facility, pantex plant, Amarillo, TX	12,927,000	12,927,000
Subtotal, Production support facilities	47,627,000	47,627,000
Subtotal, Production base - construction	95,100,000	95,100,000
Environment, safety and health:		
92-D-122 Health, Physics/Environmental Projects, RFP, Golden, CO..................	7,200,000	7,200,000
92-D-123 Plant Fire/Security Systems Replacement, RFP, Golden, CO................	5,200,000	5,200,000
92-D-126 Replace Emergency Notification Systems, VL..................................	4,200,000	4,200,000
91-D-126 Health physics calibration facility, Mound Plant, Miamisburg, OH........	4,000,000	4,000,000
90-D-126 Environment, safety and health enhancements, various locations..............	1,428,000	1,428,000
85-D-121 Air and water pollution control facilities, Y-12 Plant, Oak Ridge, TN........	3,000,000	3,000,000
Subtotal, Environment, safety and health.......	25,028,000	25,028,000
Safeguards and security:		
92-D-125 MSSA/MSTF Sec, Upg, RFP, Golden, CO.	3,500,000	3,500,000
88-D-123 Security enhancements, Pantex Plant, Amarillo, TX	30,000,000	30,000,000
Subtotal, Safeguards and security.............	33,500,000	33,500,000
Subtotal, Construction..........................	187,000,000	153,628,000
Subtotal, Production and surveillance................	2,548,500,000	2,515,478,000

Department of Energy

	FY 1992 Budget Request	Conference
IV. Program direction		
Operating expenses	161,750,000	161,750,000
Capital equipment	2,250,000	2,250,000
Subtotal, Program direction	164,000,000	164,000,000
TOTAL, WEAPONS ACTIVITIES	4,476,500,000	4,623,428,000
(Operating expenses)	(3,930,450,000)	(4,075,800,000)
(Capital equipment)	(229,750,000)	(252,050,000)
(Construction)	(316,300,000)	(295,578,000)
MATERIALS PRODUCTION		
I. Reactor operations		
Operating expenses	584,418,000	584,418,000
Construction:		
Environment, safety and health:		
92-D-141 Reactor Seismic Improvements, Savannah River, SC	14,200,000	14,200,000
90-D-150 Reactor safety assurance, Phase I, II, and III, Savannah River, SC	14,530,000	14,530,000
89-D-148 Improved reactor confinement system, Savannah River, SC	12,121,000	12,121,000
Subtotal, Construction	40,851,000	40,851,000
Subtotal, Reactor operations	625,269,000	625,269,000
II. Processing of nuclear materials		
Operating expenses	531,217,000	531,217,000
Construction:		
Environment, safety and health:		
92-D-142 Nuclear Material Processing Training Center Savannah River SC	2,500,000	2,500,000
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	12,000,000	12,000,000
90-D-141 Idaho chemical processing plant fire protection, INEL, ID	12,000,000	12,000,000
Subtotal, Environment, safety and health	26,500,000	26,500,000
Subtotal, Processing of nuclear materials	557,717,000	557,717,000
III. Supporting services		
Operating expenses	305,433,000	305,433,000
Construction:		
Programmatic projects:		
92-D-150 Operations Support Facilities, SR	3,000,000	3,000,000
92-D-151 Plant maintenance and improvements, Phase I, Savannah River, SC	4,060,000	4,060,000
92-D-153 Engineering Support Facility, SR	8,017,000	8,017,000
91-D-143 Increase 751-A electrical substation capacity, Phase I, Savannah River, SC	2,614,000	2,614,000

Department of Energy

	FY 1992 Budget Request	Conference
GP-D-146 General plant projects, various locations	40,000,000	40,000,000
90-D-151 Engineering ctr, Savannah River, SC.	105,000	105,000
86-D-149 Productivity retention program, phases I thru VI, various locations	36,865,000	36,865,000
85-D-139 Fuel processing restoration, Idaho fuels processing facility, INEL, ID	82,700,000	82,700,000
Subtotal, Programmatic projects	177,361,000	177,361,000
Environment, safety and health:		
92-D-143 Health Protection Instrument Calibration Facility, Savannah River, SC	2,000,000	2,000,000
90-D-149 Plantwide fire protection, phases I and II, Savannah River, SC	39,000,000	39,000,000
Subtotal, Environment, safety and health	41,000,000	41,000,000
Safeguards and security:		
89-D-140 Additional separations safeguards, Savannah River, SC	28,150,000	28,150,000
88-D-153 Additional reactor safeguards, Savannah River, SC	6,528,000	6,528,000
Subtotal, Safeguards and security	34,678,000	34,678,000
Subtotal, Construction	253,039,000	253,039,000
Subtotal, Supporting services	558,472,000	558,472,000
V. Capital equipment	92,198,000	92,198,000
VI. Program direction	43,244,000	43,244,000
TOTAL, MATERIALS PRODUCTION	1,876,900,000	1,876,900,000
(Operating expenses)	(1,464,312,000)	(1,464,312,000)
(Capital equipment)	(92,198,000)	(92,198,000)
(Construction)	(320,390,000)	(320,390,000)
OTHER NATIONAL SECURITY PROGRAMS		
I. Verification and control technology		
Operating expenses	214,900,000	209,900,000
Capital equipment	10,100,000	10,100,000
Construction:		
90-D-186 Center for national security and arms control, SNL, Albuquerque, NM	10,000,000	10,000,000
Subtotal, Verification and control technology	235,000,000	230,000,000
(Operating expenses)	(214,900,000)	(209,900,000)
(Capital equipment)	(10,100,000)	(10,100,000)
(Construction)	(10,000,000)	(10,000,000)

Department of Energy

	FY 1992 Budget Request	Conference
II. Nuclear safeguards and security		
Operating expenses	88,731,000	88,731,000
Capital equipment	5,269,000	5,269,000
Construction:		
GP-D-186 General plant projects	2,000,000	2,000,000
Subtotal, Nuclear safeguards and security	96,000,000	96,000,000
(Operating expenses)	(88,731,000)	(88,731,000)
(Capital equipment)	(5,269,000)	(5,269,000)
(Construction)	(2,000,000)	(2,000,000)
III. Security investigations - OE	62,600,000	62,600,000
IV. Security evaluations		
Operating expenses	15,000,000	15,000,000
TOTAL, OTHER NATIONAL SECURITY PROGRAMS	408,600,000	403,600,000
(Operating expenses)	(381,231,000)	(376,231,000)
(Capital equipment)	(15,369,000)	(15,369,000)
(Construction)	(12,000,000)	(12,000,000)
NEW PRODUCTION REACTORS		
I. New production reactors		
Operating expenses	152,335,000	142,835,000
Capital equipment	11,200,000	11,200,000
Construction:		
92-D-300 New Production Reactor cap., Var. Loc.	334,465,000	359,465,000
92-D-301 NPR safety center, LANL, N. M.	2,000,000	2,000,000
Subtotal, Construction	336,465,000	361,465,000
TOTAL, NEW PRODUCTION REACTORS	500,000,000	515,500,000
(Operating expenses)	(152,335,000)	(142,835,000)
(Capital equipment)	(11,200,000)	(11,200,000)
(Construction)	(336,465,000)	(361,465,000)
NAVAL REACTORS DEVELOPMENT		
I. Naval reactors		
A. Plant development		
Operating expenses	93,000,000	110,000,000
B. Reactor development		
Operating expenses	268,997,000	268,997,000
C. Reactor operation and evaluation		
Operating expenses	205,600,000	205,600,000
D. Capital equipment	58,400,000	58,400,000
E. Construction		
GP-N-101 General plant projects, various locations	8,500,000	8,500,000
92-D-200 Labortories facilities upgrades, various locations	4,900,000	4,900,000
90-N-102 Expended core facility dry cell project, naval reactors facility, ID	15,000,000	15,000,000

Department of Energy

	FY 1992 Budget Request	Conference
90-N-103 Advanced test reactor off-gas treatment system, INEL, ID	2,800,000	2,800,000
90-N-104 Facilities renovations, Knolls Atomic Power Laboratory, Niskayuna, NY	5,000,000	5,000,000
Subtotal, Construction	36,200,000	36,200,000
F. Program direction	15,963,000	15,963,000
Subtotal, Naval reactors development	678,160,000	695,160,000
II. Enriched materials		
Operating expenses	122,840,000	122,840,000
TOTAL, NAVAL REACTORS DEVELOPMENT	801,000,000	818,000,000
(Operating expenses)	(706,400,000)	(723,400,000)
(Capital equipment)	(58,400,000)	(58,400,000)
(Construction)	(36,200,000)	(36,200,000)
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT		
I. Corrective activities		
A. Environmental management		
Operating expenses	27,689,000	27,689,000
Capital equipment	1,249,000	1,249,000
Construction:		
GP-D-177 General plant projects	3,650,000	3,650,000
Subtotal, Environmental management	32,588,000	32,588,000
B. Defense programs		
Operating expenses	33,518,000	33,518,000
Capital equipment	6,520,000	6,520,000
Construction:		
92-GPD-171 General plant projects	3,700,000	3,700,000
92-D-402 Sanitary sewer system rehab. LLNL	3,000,000	3,000,000
92-D-403 Tank upgrades project LLNL	3,500,000	3,500,000
90-D-125 Steam plant ash disposal facility, Y-12 plant, OR	8,122,000	8,122,000
89-D-126 Environmental, safety, & health upgrade, phase II, mound plant, Miamisburg, OH	41,000	41,000
88-D-102 Sanitary wastewaters systems consolidated, LANL, Los Alamos, NM	1,546,000	1,546,000
Subtotal, Construction	19,909,000	19,909,000
Subtotal, Defense programs	59,947,000	59,947,000
Subtotal, Corrective activities	92,535,000	92,535,000
(Operating expenses)	(61,207,000)	(61,207,000)
(Capital equipment)	(7,769,000)	(7,769,000)
(Construction)	(23,559,000)	(23,559,000)
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	1,074,392,000	1,074,392,000

Department of Energy

	FY 1992 Budget Request	Conference
III. Waste management		
Operating expenses:		
1. Waste operations	1,722,096,000	1,723,796,000
Capital equipment	95,913,000	95,913,000
Construction:		
GP-D-171 General plant projects	80,677,000	80,677,000
92-D-171 Mixed waste receiving and storage facility, LANL	6,640,000	6,640,000
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant	2,400,000	2,400,000
92-D-173 NOx abatement facility, ID	7,000,000	7,000,000
92-D-174 INEL sanitary landfill, ID	10,000,000	10,000,000
92-D-176 B Plant safety class ventilation upgrades, RL	4,400,000	4,400,000
92-D-177 Tank 101-AZ waste retrieval system, RL	5,800,000	5,800,000
92-D-180 Inter-Area line upgrade, SR	2,100,000	2,100,000
92-D-181 INEL Fire and life safety improvements, ID	3,000,000	3,000,000
92-D-182 INEL sewer system upgrade, ID	2,100,000	2,100,000
92-D-183 INEL transportation complex, ID	895,000	895,000
92-D-184 Hanford infrastructure underground storage tanks, RL	300,000	300,000
92-D-185 Road, ground, and lighting safety improvements, 300/1100 areas, RL	800,000	800,000
92-D-186 Steam system rehab., Phase II, RL	400,000	400,000
92-D-187 300 area electrical distribution conversion & safety improvements, Phase II, RL.	1,100,000	1,100,000
91-D-175 300 area electrical distribution conversion and safety improvement,Phase I, RL.	4,419,000	4,419,000
91-D-173 Hazardous low-level waste processing tanks, Savannah River Site, SC	10,100,000	10,100,000
91-D-172 High-level waste tank farm upgrade, Idaho chemical processing plant, INEL, ID	30,000,000	30,000,000
91-D-171 Waste receiving and processing facility, module 1, Richland, WA	7,400,000	7,400,000
90-D-126 ES&H improvements, var. loc	7,419,000	7,419,000
90-D-171 Laboratory ventilation and electrical system upgrade, Richland, WA	1,116,000	1,116,000
90-D-172 Aging waste transfer line, Richland, WA	6,000,000	6,000,000
90-D-173 B-plant canyon crane replacement, Richland, WA	5,800,000	5,800,000
90-D-174 Decontamination laundry facility, Richland, WA	3,700,000	3,700,000
90-D-175 Landlord program safety compliance-I, Richland, WA	8,840,000	8,840,000
90-D-176 Transuranic (TRU) waste facility, Savannah River, SC	5,500,000	5,500,000

Department of Energy

	FY 1992 Budget Request	Conference
90-D-177 RWMC transuranic (TRU) waste treatment and storage facility, ID	25,000,000	25,000,000
90-D-178 TSA retrieval containment building, ID	4,490,000	4,490,000
89-D-172 Hanford environmental compliance, Richland, WA	27,700,000	27,700,000
89-D-173 Tank farm ventilation upgrade, Richland, WA	4,231,000	4,231,000
89-D-174 Replacement high level waste evaporator, Savannah River, SC	14,145,000	14,145,000
89-D-175 Hazardous waste/mixed waste disposal facility, Savannah River, SC	4,330,000	4,330,000
89-D-122 Production waste storage facility, Y-12 plant, Oak Ridge, TN	9,238,000	9,238,000
89-D-141 M-Area waste disposal, Savannah River, SC	4,170,000	4,170,000
88-D-173 Hanford waste vitrification plant (HWVP), Richland, WA	37,000,000	79,200,000
87-D-181 Diversion box and pump pit containment buildings, Savannah River, SC	4,697,000	4,697,000
86-D-103 Decontamination and waste technology LLNL, Livermore, CA	5,060,000	5,060,000
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	9,100,000	9,100,000
Subtotal, Construction	367,067,000	409,267,000
Subtotal, Waste management	2,185,076,000	2,228,976,000
(Operating expenses)	(1,722,096,000)	(1,723,796,000)
(Capital equipment)	(95,913,000)	(95,913,000)
(Construction)	(367,067,000)	(409,267,000)
IV. Technology development		
Operating expenses	274,778,000	274,778,000
Capital equipment	17,500,000	17,500,000
Construction:		
91-EM-100 Environmental & molecular sciences laboratory, Richland, Washington	17,100,000	17,100,000
Subtotal, Technology development	309,378,000	309,378,000
V. Transportation Management		
Operating expenses	18,220,000	18,220,000
Plant and capital equipment	650,000	650,000
Subtotal, Transportation Management	18,870,000	18,870,000
VI. Program direction	24,749,000	24,749,000
Program savings and slippage	---	-68,228,000
TOTAL, DEFENSE ENVIRONMENTAL RESTOR AND WASTE MGMT	3,705,000,000	3,680,672,000

Department of Energy

	FY 1992 Budget Request	Conference
(Operating expenses)	(3,175,442,000)	(3,108,914,000)
(Capital equipment)	(121,832,000)	(121,832,000)
(Construction)	(407,726,000)	(449,926,000)
Education programs, training and tech transfer	---	49,900,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	11,768,000,000	11,968,000,000
(Operating expenses)	(9,810,170,000)	(9,941,392,000)
(Capital equipment)	(528,749,000)	(551,049,000)
(Construction)	(1,429,081,000)	(1,475,559,000)
DEPARTMENTAL ADMINISTRATION		
I. Administrative operations		
A. Office of the secretary - salaries and expenses	2,886,000	2,886,000
B. General management - personnel compensation and benefits	159,360,000	159,360,000
C. General management - other expenses		
1. Travel	5,477,000	5,477,000
2. Services	145,818,000	145,818,000
3. Capital equipment	6,862,000	6,862,000
Subtotal, Other expenses	158,157,000	158,157,000
D. Program support		
1. Policy analysis and system studies	6,448,000	4,351,000
2. Consumer affairs	47,000	47,000
3. Public affairs	55,000	55,000
4. International policy studies	2,459,000	2,459,000
5. Office of minority economic impact	3,640,000	3,640,000
Subtotal, Program support	12,649,000	10,552,000
Subtotal, Administrative operations	333,052,000	330,955,000
II. Cost of work for others	99,021,000	99,021,000
III. Miscellaneous revenues	-284,352,000	-284,352,000
Subtotal, Departmental administration	147,721,000	145,624,000
Use of unobligated balances	-14,000,000	-24,000,000
TOTAL, DEPARTMENTAL ADMINISTRATION	133,721,000	121,624,000
(Operating expenses)	(126,859,000)	(114,762,000)
(Capital equipment)	(6,862,000)	(6,862,000)
OFFICE OF THE INSPECTOR GENERAL		
Office of the inspector general	31,431,000	31,431,000

Department of Energy

	FY 1992 Budget Request	Conference
ALASKA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	3,318,000	3,318,000
2. Use of prior year balances	-100,000	-100,000
TOTAL, ALASKA POWER ADMINSTRATION	3,218,000	3,218,000
SOUTHEASTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	2,749,000	2,749,000
2. Purchase power and wheeling	22,120,000	22,120,000
3. Use of prior year balances	-1,000,000	-1,000,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	23,869,000	23,869,000
SOUTHWESTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	18,217,000	18,217,000
2. Purchase power and wheeling	7,071,000	7,071,000
3. Construction	8,432,000	8,432,000
4. Use of prior year balances	-5,256,000	-5,256,000
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	28,464,000	28,464,000
WESTERN AREA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Construction and rehabilitation	109,985,000	109,985,000
2. System operation and maintenance	118,636,000	118,636,000
3. Purchase power and wheeling	105,857,000	105,857,000
4. Unobligated balances	-3,000,000	-28,000,000
5. Transfer of permanent authority from DOI	(5,465,000)	(5,465,000)
TOTAL, WESTERN AREA POWER ADMINISTRATION	331,478,000	306,478,000
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	141,071,000	141,071,000
Offsetting revenues	-141,071,000	-141,071,000
NUCLEAR WASTE DISPOSAL FUND		
Nuclear waste disposal fund	305,071,000	275,071,000

Department of Energy

	FY 1992 Budget Request	Conference
ENERGY AND WATER DEVELOPMENT ACCOUNTS:		
Energy supply research and development		
Operating expenses	2,508,115,000	2,648,508,000
Plant and capital equipment	313,313,000	313,395,000
Total, Energy supply research and development	2,821,428,000	2,961,903,000
Uranium enrichment		
Operating expenses	1,454,276,000	1,220,876,000
Plant and capital equipment	92,724,000	92,724,000
Subtotal, Uranium enrichment	1,547,000,000	1,313,600,000
Revenues	-1,547,000,000	-1,547,000,000
Total, Uranium enrichment	---	-233,400,000
General science and research activities		
Operating expenses	835,074,000	825,074,000
Plant and capital equipment	713,865,000	647,415,000
Total, General science and research activities	1,548,939,000	1,472,489,000
Isotope production and distribution fund	8,500,000	8,500,000
Atomic energy defense activities		
Operating expenses	9,810,170,000	9,941,392,000
Plant and capital equipment	1,957,830,000	2,026,608,000
Total, Atomic energy defense activities	11,768,000,000	11,968,000,000
Departmental administration		
Operating expenses	126,859,000	114,762,000
Plant and capital equipment	6,862,000	6,862,000
Total, Departmental administration	133,721,000	121,624,000
Office of the inspector general	31,431,000	31,431,000
Power marketing administrations:		
Alaska Power Administration	3,218,000	3,218,000
Southeastern Power Administration	23,869,000	23,869,000
Southwestern Power Administration	28,464,000	28,464,000
Western Area Power Administration	331,478,000	306,478,000
Total, Power marketing administrations	387,029,000	362,029,000
Federal energy regulatory commission	---	---
Nuclear waste disposal fund	305,071,000	275,071,000
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	17,004,119,000	16,967,647,000

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Amendment No. 54: Appropriates $190,000,000 as proposed by the Senate instead of $170,000,000 as proposed by the House.

The conferees agree that a total of $22,700,000 is provided for corridor construction in Alabama; a total of $16,300,000 is provided for corridor construction in Mississippi; and a total of $58,000,000 is provided for corridors G and H in West Virginia.

The conferees support the Senate proposal to provide $400,000 to continue the tourism development work being conducted in accordance with Senate Report 101-378 accompanying the fiscal year 1991 appropriations bill.

TITLE V—GENERAL PROVISIONS

Amendment No. 55: Deletes House language stricken by the Senate which prohibits the expenditure of funds to implement the Chief Financial Officers Act of 1990.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$20,812,710,000
Budget estimates of new (obligational) authority, fiscal year 1992	21,609,828,000
House bill, fiscal year 1992	21,494,999,000
Senate bill, fiscal year 1992	21,984,582,000
Conference agreement, fiscal year 1992	21,839,500,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+1,026,790,000
Budget estimates of new (obligational) authority, fiscal year 1992	+229,672,000
House bill, fiscal year 1992	+344,501,000
Senate bill, fiscal year 1992	145,082,000

TOM BEVILL,
VIC FAZIO,
LINDSAY THOMAS,
JIM CHAPMAN,
DAVID E. SKAGGS,
BERNARD J. DWYER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
CARL D. PURSELL,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

J. BENNETT JOHNSTON,
ROBERT C. BYRD,
EARNEST F. HOLLINGS,
QUENTIN N. BURDICK,
JIM SASSER,
DENNIS DECONCINI,
HARRY REID,
MARK O. HATFIELD,
JAKE GARN,
THAD COCHRAN,
PETE V. DOMENICI,
ARLEN SPECTER,
DON NICKLES,
Managers on the Part of the Senate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees and miscellaneous groups concerning the U.S. dollars utilized by them during the calendar year 1990 and the second quarter of 1991, as well as the consolidated report of second quarter 1991 expenditures for official foreign travel authorized by the Speaker of the House, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Individual expenses:											
Peter Abbruzzese—Defense Cooperation Subcommittee, Santa Fe, NM—January 1990.					357.49		1,109.52				1,467.01
Key West, FL—Advance for April 1991 standing committee meeting.					384.55		182.37				566.92
Delegation expenses:											
Ground transportation: Defense Cooperation Subcommittee, Santa Fe Jan. 12; Scientific and Technical Subcommittee, San Fransciso, June 1990; Scientific and Technical Subcommittee, San Diego, July 1990.									737.90		737.90
Control room expenses: Standing committee, Iceland, April 1990.									331.80		331.80
Official delegation receptions: Regional Council of Tuscany, Washington, DC, Mar. 28; lunch for Subcommittee on CSBM's, Washington, DC, Mar. 6; reception for Subcommittee on Alliance Strategy and Arms Control, Washington, DC, June 12; tea for Special Committee on Alliance Strategy, Washington, DC, June 1990.									1,646.50		1,646.50
Administrative support expenses									121.14		121.14
Interpretation expenses: Scientific and Technical Subcommittee meeting, San Diego, July 1990.									360.00		360.00
Committee total					742.04		1,291.89		3,197.34		5,231.27

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Apr. 17, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Kweisi Mfume	3/30	4/6	Capetown, South Africa				[3] 10,131.22				10,131.22
Earl Rieger	4/5	4/9	Japan		1,400.00		1,859.00				3,259.00
Jeffrey Morelli	4/5	4/9	Japan		1,400.00		1,859.00				3,259.00
Barbara Timmer	4/13	4/17	London, England		822.00		702.00				1,524.00
David Gstalder	4/23	4/27	Vancouver, Canada		728.00		1,215.48				1,943.48
Herb Spira	4/23	4/27	Vancouver, Canada		728.00		1,217.50				1,945.50
Gary Parker	4/24	4/27	Vancouver, Canada		728.00		700.49				1,428.49
Marguerite (Peg) Brown	5/5	5/9	Abidjan, Ivory Coast		800.00		2,676.00				3,476.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					6,606.00		20S360.69				26,966.69

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Denotes military transportation.

HENRY GONZALEZ, July 15, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dan Rostenkowski	6/7	6/9	Bulgaria		554.00						554.00
	6/9	6/11	Poland		389.00						389.00
	6/11	6/13	Italy	652,585	497.00						497.00
Hon. Jim Bunning	4/2	4/3	Guatemala	591.18	118.00						118.00
	4/3	4/5	El Salvador	1,228.92	154.00		95.83				249.83
	4/5	4/7	Nicaragua		332.00						332.00
Charles Brain	6/7	6/9	Bulgaria		554.00						554.00
	6/9	6/11	Poland		389.00						389.00
	6/11	6/13	Italy	652,585	497.00						497.00
Charles Mellody	6/7	6/9	Bulgaria		554.00						554.00
	6/9	6/11	Poland		389.00						389.00
	6/11	6/13	Italy	652,585	497.00						497.00
George Weise	6/7	6/9	Bulgaria		554.00						554.00
	6/9	6/11	Poland		389.00						389.00
	6/11	6/13	Italy	652,585	497.00						497.00
Committee total					6,364.00		95.83				6,459.83

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—Transportation by military aircraft.

DAN ROSTENKOWSKI, Chairman, July 16, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charles Rose	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. Cardiss Collins	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. Ron Coleman	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. Sherwood Boehlert	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. J. Alec McMillan	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. Ralph Regula	5/24	5/26	Netherlands		603.00		[4] 1621.00				2,224
Hon. Gerald Solomon	5/24	5/27	Netherlands		804.00		(3)				804.00
Hon. Marge Roukema	5/24	5/27	Netherlands		804.00		(3)				804.00
Marcie Reis	5/24	5/27	Netherlands		804.00		(3)				804.00
Ronald W. Lasch	5/24	5/27	Netherlands		804.00		(3)				804.00
Committee total					7,839.00		1,621.00				9,460.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

[4] Commercial transportation.

DANTE B. FASCELL, May 29, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THAILAND, PHILIPPINES, AND INDIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 27 AND APR. 9, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jim McDermott	3/29	3/31	Philippines		267.50		[3] 5,640.00				5,907.50
	3/31	4/4	Thailand		456.00		[3] 1,650.00				2,106.00
	4/5	4/9	India		377.00						377.00
Charles M. Williams	3/29	3/31	Philippines		267.50		[3] 5,640.00				5,907.50
	3/31	4/4	Thailand		456.00		[3] 1,650.00				2,106.00
	4/5	4/9	India		377.00						377.00
Miles Lackey	3/29	3/31	Philippines		267.50		[3] 6,254.00				6,521.50
	3/31	4/4	Thailand		456.00		[3] 1,650.00				2,106.00
	4/5	4/9	India		377.00						377.00
Committee total					3,301.50		22,484.00				25,785.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Roundtrip air in Thailand.

JIM McDERMOTT, July 10, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE IVORY COAST AND PUERTO RICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 21, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William H. Gray	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hon. Kweisi Mfume											
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hon Barbara-Rose Collins	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hon. Donald Payne	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hon. Craig Washington	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hon. William Jefferson	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Wendy Lewis	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Hazel Ross-Robinson	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Angela Montez	4/18	4/20	Ivory Coast								
	4/20	4/21	Puerto Rico								
Military transport							1,132.55				1,132.55
Committee total							10,192.95				10,192.95

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY, May 21, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SAUDI ARABIA, KUWAIT, IRAQ, AND BAHRAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 22, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. G.V. Montgomery	4/18	4/22	Saudi Arabia, Kuwait, Iraq, and Bahrain								
Hon. Austin J. Murphy											
Hon. Earl Hutto											
Hon. Claude Harris											
Hon. H. Martin Lancaster											
Hon. L.F. Payne, Jr											
Hon. John S. Tanner											
Hon. Gene Taylor											
Hon. Bill Emerson											
Hon. Alfred A. McCandless											
Hon. Barbara F. Vucanovich											
Hon. Arthur Ravenel, Jr											
James G. Maske											
Gary P. Pulliam											
Stefan L. Rusnak											
Michael Poloyac	4/18	4/22	Saudi Arabia, Kuwait, Iraq, and Bahrain								
Henry J. Schweitzer											
Jeffrey Swedberg											
Michael Pieper											
Keith Kirk											
Barbara Earman											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—No reportable travel expenses incurred on this trip: (a) Military transportation (Army); (b) Members and staff were guests of the Government of Kuwait.

G.V. MONTGOMERY, June 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 28 AND APR. 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Gephardt	4/28	4/30	Mexico		304.00						304.00
Commercial transportation							1,017.00				1,017.00
Mr. Robert P. Koch	4/28	4/30	Mexico		304.00						304.00
Commercial transportation							368.00				368.00
Mr. Michael R. Wessel	4/28	4/30	Mexico		304.00						304.00
Commercial transportation							368.00				368.00
Mr. Daniel N. Nelson	4/28	4/30	Mexico		304.00						304.00
Commercial transportation							368.00				368.00
Committee total					1,216.00		2,121.00				3,337.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, June 18, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO TURKEY AND SWITZERLAND U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 30, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Matthew McHugh	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Hon. Howard Berman	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Hon. Christopher Smith	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Hon. Marge Roukema	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Terry R. Peel	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Martin Rendon	4/19	4/28	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Lise Hartman	4/19	4/29	Turkey		494		9,042.50				9,536.50
	4/29	4/30	Switzerland		209						209.00
David Laufman	4/19	4/29	Turkey		494		11,742.50				12,236.50
	4/29	4/30	Switzerland		209						209.00
Committee total					5,624.00		91,240.00				96,864.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MATTHEW McHUGH, May 22, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 31, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank McCloskey	5/24	5/28	Ireland, Northern Ireland	537.59	1,032.00		4,711.00				5,743.00
				110.00							
Hon. Fredrick Boucher	5/24	5/28	Ireland, Northern Ireland	537.59	1,032.00		4,711.00				5,743.00
				110.00							
Kevin Peterson	5/24	5/31	Ireland, Northern Ireland	1,107.59	1,923.00		4,711.00				6,634.00
				110.00							
Paul Weber	5/24	5/28	Ireland, Northern Ireland	537.59	1,032.00		4,711.00				5,743.00
				110.00							
Committee total					5,019.00		18,844.00				23,863.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK McCLOSKEY, June 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, BULGARIA, CZECHOSLOVAKIA, AND BELGIUM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND JUNE 1, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristi E. Walseth	5/23	5/26	France	3,795.33	651.00					3,795.33	651.00
	5/26	5/30	Bulgaria		1,135.00						1,135.00
	5/30	6/1	Belgium	15,822	450.00					15,822	450.00
Commercial transportation							3,516.70				3,516.70
William Freeman	5/19	5/26	Czechoslovakia		450.00						450.00
	5/26	5/30	Bulgaria		1,135.00						1,135.00
	5/30	5/31	Germany	292.07	171.00					292.07	171.00
Commercial transportation							3,656.20				3,656.20
Cathy Brickman	5/19	5/26	Czechoslovakia		450.00						450.00
Commercial transportation							3,010.10				3,010.10
Bud Collins	5/19	5/26	Czechoslovakia		450.00						450.00
Commercial transportation							3,010.10				3,010.10
Committee total											18,085.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, June 16, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 28 AND APR. 4, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Steve Biegun	3/28	4/4	Spain		2,036.00		(3)				
John J. Brady	3/28	4/4	Spain		2,036.00		(3)				
Deborah Burns	3/28	4/4	Spain		2,036.00		(3)				
Hon. George Darden	3/28	4/4	Spain		2,036.00		(3)				
Hon. Dante Fascell	3/28	4/4	Spain		2,036.00		(3)				
Hon. Edward Feighan	3/28	4/4	Spain		2,036.00		(3)				
Hon. Jan Meyers	3/28	4/4	Spain		2,036.00		(3)				
Hon. John Miller	3/28	4/4	Spain		2,036.00		(3)				
R. Spencer Oliver	3/28	4/4	Spain		2,036.00		(3)				
Marcie Ries	3/28	4/4	Spain		2,036.00		(3)				
Martin Sletzinger	3/29	4/4	Spain		1,764.00		(3)				
George Stephanopoulous	3/28	4/4	Spain		2,036.00		(3)				
Sara Winslow	3/28	4/4	Spain		2,036.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 28 AND APR. 4, 1991—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					44,160.00		(3)				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

DANTE B. FASCELL, July 8, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EL SALVADOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND MAY 31, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James P. McGovern	5/28	5/31	El Salvador	3,036.57	381.00		843.00				1,224.00
William Woodward	5/28	5/31	El Salvador	3,036.57	381.00		843.00				1,224.00
Committee total					762.00		1,686.00				2,448.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES P. McGOVERN, June 21, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JOHN BRANDOLINO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 26 AND APR. 30, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Brandolino	4/26	4/28	Poland		248.00						248.00
	4/28	4/30	Hungary		348.00						348.00
Committee total					596.00						596.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BRANDOLINO, June 6, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. GRETCHEN P. WHITE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 10 AND MAY 13, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gretchen P. White	5/10	5/13	Mexico		400.00						400.00
Committee total					400.00						400.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GRETCHEN P. WHITE, June 13, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. RUTH MARTHA THOMAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ruth Martha Thomas	5/24	5/26	Netherlands		402.00						1,206.00
	5/26	5/27	Belgium		225.00						225.00
Committee total					627.00						1,431.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RUTH M. THOMAS, June 26, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARCIE REIS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marcie Reis	5/24	5/27	Netherlands		804.00						804.00
Committee total					804.00						804.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—Military transportation.

DANTE B. FASCELL, July 8, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHARLES TIEFER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 2, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles Tierfer	5/25	6/2	Venezuela	50,000	1,000.00		656.00			50,000	1,656.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES TIEFER, July 16, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. NANCY A. PANZKE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 8 AND JUNE 13, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Nancy A. Panzke	6/7	6/9	Bulgaria		554.00						554.00
	6/9	6/11	Poland	2,772,000	442.00						
					137.00						579.00
	6/11	6/13	Italy	652,585	497.00						497.00
Committee total					1,630.00						1,630.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NANCY A. PANZKE, July 8, 1991.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1870. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize civilian students to attend the U.S. Naval Postgraduate School; to the Committee on Armed Services.

1871. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Greece for defense articles and services (Transmittal No. 91-42), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1872. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Proposed Foreign Claims Settlement Commission Amendments"; to the Committee on Foreign Affairs.

1873. A letter from the Manager, Employee Benefits, Farm Credit Bank of St. Paul, transmitting the Farm Credit Bank of St. Paul retirement plan for the year ended December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1874. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1875. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1876. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1877. A letter from the Secretary of the Interior, transmitting the Federal Coal Management Report, fiscal year 1990, pursuant to 30 U.S.C. 208-2; to the Committee on Interior and Insular Affairs.

1878. A letter from the Executive Director, Kaho' olawe Island Conveyance Commission, transmitting the Kaho' olawe Island Conveyance Commission Interim Report; to the Committee on Interior and Insular Affairs.

1879. A letter from the Secretary of Commerce, transmitting the Department's annual report on the administration of the provisions of title IV of the Outer Continental Shelf Lands Act Amendments of 1978; to the Committee on Merchant Marine and Fisheries.

1880. A letter from the Department of the Army, transmitting a draft of proposed legislation to authorize the Secretary of the Army to develop and implement a challenge cost-sharing program for the management of recreation facilities and natural resources at water resources development projects under the Secretary's jurisdiction; to the Committee on Public Works and Transportation.

1881. A letter from the Secretary of Energy, transmitting the eighth annual revision update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan, pursuant to 42 U.S.C. 9002(d); to the Committee on Science, Space, and Technology.

1882. A letter from the Clerk of the House, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and rule XLIV, clause 1 of House Rules (Doc. No. 102-125); to the Committee on Standards of Official Conduct.

1883. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and justification regarding Stinger missiles in Bahrain, pursuant to Public Law 101-167, section 581(a) (103 Stat. 1250); jointly, to the Committees on Appropriations and Foreign Affairs.

1884. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit: Commodity Credit Corporation's financial statements for 1989 and 1988; jointly, to the Committee on Government Operations and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 2898. A bill to clarify that the expenses of administering the Old Age, Survivors and Disability Insurance programs are not included in the budget of the U.S. Government, and for other purposes; with amendments (Rept. 102-174, Pt. 1). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3029. A bill entitled, "Food, Agriculture, Conservation, and Trade Act Amendments of 1991"; with amendments (Rept. 102-175). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO. Committee of Conference. Conference report on H.R. 2506 (Rept. 102-176). Ordered to be printed.

Mr. BEVILL: Committee of Conference. Conference report on H.R. 2427 (Rept. 102-177). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of July 29, 1991]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2837. A bill to amend the Agricultural Act of 1949 to improve the milk price support program and to establish a milk inventory management program to operate during calendar years in which purchases of milk and milk products by the Commodity Credit Corporation are estimated to exceed 5 billion pounds; with an amendment; referred to the Committees on Education and Labor and Ways and Means for a period ending not later than September 27, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1 (g) and (v), rule X, respectively (Rept. 102-173, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 3087. A bill to restore pre-TAMRA Estate tax rules to estates of noncitizen international organization employees; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. HORTON, and Mr. KOPETSKI):

H.R. 3088. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records; to authorize the establishment of a DNA identification index; and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. ROWLAND, Mr. RAVENEL, Mr. ROGERS, Mr. SISISKY, Mr. PAYNE of Virginia, Mrs. PATTERSON, Mr. HARRIS, and Mr. PETERSON of Florida):

H.R. 3089. A bill to reduce infant mortality in underserved areas by improving access to needed health care services by pregnant women; to the Committee on Energy and Commerce.

By Mr. WAXMAN:

H.R. 3090. A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services; to the Committee on Energy and Commerce.

By Mr. BONIOR:

H.R. 3091. A bill to amend the Solid Waste Disposal Act to grant States the authority to enact laws to accept or reject solid waste from other States; to the Committee on Energy and Commerce.

By Mr. HANSEN (for himself, Mr. SMITH of Oregon, Mr. HERGER, Mrs. VUCANOVICH, Mr. MARLENEE, Mr. DOOLITTLE, Mr. YOUNG of Alaska, Mr. STUMP, Mr. FIELDS, Mr. MCEWEN, Mr. ALLARD, and Mr. THOMAS of Wyoming):

H.R. 3092. A bill to amend the Endangered Species Act of 1973 to provide for making determinations of whether a species is an endangered species or a threatened species other than solely on the basis of the best scientific and commercial data available, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and the Judiciary.

By Mr. HEFLEY (for himself and Mr. THOMAS of Wyoming):

H.R. 3093. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from the overtime requirements of that act for individuals who perform multiskill duties in connection with wildlife; to the Committee on Education and Labor.

By Mr. JACOBS:

H.R. 3094 A bill to amend title 5, United States Code, to provide civil service retirement credit to a Federal employee for any period of service performed with the American Red Cross abroad during a period of war; to the Committee on Post Office and Civil Service.

By Mr. MCEWEN:

H.R. 3095 A bill to amend the the Internal Revenue Code of 1986 to provide for the rollover of gain from the sale of capital assets; to the Committee on Ways and Means.

By Mr. MILLER of Ohio:

H.R. 3096 A bill to provide that certain limitations on the payment of unemployment compenstion to former members of the Armed Forces shall not apply to individuals involuntarily discharged or released from the Armed Forces; to the Committee on Ways and Means.

By Mr. MORRISON:

H.R. 3097. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ORTIZ (for himeslf Mr. SERRANO, Mr. MARTINEZ, Ms. ROS-LEHTINEN, Mr. ROYBAL, Mr. RICHARDSON, Mr. TORRES, Mr. BLAZ, Mr. BUSTAMANTE, and Mr. FUSTER):

H.R. 3098. A bill to improve the college participation rates of groups underserved by institutions of higher education and for other purposes; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 3099. A bill to designate the waters of the California central coast as a national marine sanctuary; to the Committee on Merchant Marine and Fisheries.

By Mr. PETERSON of Florida:

H.R. 3100. A bill to designate the building located at 4396 Lafayette Street in Marianna, FL, as the "T. Thomas Fortune Post Office Building"; to the Committee on Post Office and Civil Service.

By Mrs. SCHROEDER (for herself, Mr. RIGGS, and Mr. MILLER of California):

H.R. 3101. A bill to establish an office of family support within the Department of Justice and to make grants to State and local law enforcement departments; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. RIGGS, and Mr. WOLF):

H.R. 3102. A bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job-training, and other educational activities for residents of public housing and federally assisted housing; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

By Mr. SCHULZE:

H.R. 3103. A bill to provide for the deductibility of certain mortgage interest and real property taxes by Federal employees receiving overseas housing allowances; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. GREEN of New York, Mr. RANGEL, Mrs. MORELLA, Mr. SHAYS, Mr. CAMPBELL of California, Mr. BEILENSON, Mr. SMITH of Florida, Mr. YATES, Mr. SOLARZ, Mr. JEFFERSON, Mr. TOWNS, Mr. BACCHUS, Mr. STUDDS, Ms. NORTON, Mr. CONYERS, Mr. TRAFICANT, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. LANTOS, Mr. FEIGHAN, Mrs. BOXER, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. SCHEUER, Mr. HOYER, Mr. ACKERMAN, Mr. TORRES, Ms. PELOSI, Mrs. SCHROEDER, Mr. JOHNSTON of Florida, Mr. ROYBAL, Mr. FASCELL, Mr. SERRANO, Mr. DWYER of New Jersey, Mr. DELLUMS, and Mr. BERMAN):

H.R. 3104. A bill to amend title 18, United States Code, to prohibit the importation and the manufacture of firearms designed to accept a silencer, bayonet, grenade launcher, flash suppressor, or folding stock, of certain ammunition feeding devices, and of related devices, and to provide for the imposition of enhanced penalties for the possession or the use of any such item in a crime of violence or in a drug trafficking crime; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 3105. A bill to condition arms sales to Saudi Arabia on that country's willingness to negotiate a commercial treaty with the United States that would protect United States persons doing business with Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. BONIOR:

H.R. 3106. A bill to provide that no funds may be obligated for the expansion or purchase of the Berz-Macomb Airport in Macomb County, MI; to the Committee on Public Works and Transportation.

By Mrs. COLLINS of Illinois:

H.R. 3107. A bill to require the regional holding companies of local telephone carriers to establish and carry out plans for procurement from businesses owned by minorities and women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUNDERSON (for himself, Mr. DOOLEY, Mr. BOEHNER, and Mr. WALSH):

H.R. 3108. A bill to amend the Agricultural Act of 1949 to improve the operation of the milk price support program by establishing a dairy inventory management program that will operate during calendar years in which purchases of milk and milk products by the Commodity Credit Corporation exceed 5 billion pounds and by establishing a milk diversion program that will operate when such purchases exceed 8 billion pounds; to the Committee on Agriculture.

By Mr. JENKINS (for himself, Mr. BARNARD, Mr. MCGRATH, and Mr. CRANE):

H.R. 3109. A bill to amend the Internal Revenue Code of 1986 to clarify liability for certain employment taxes; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3110. A bill to suspend until January 1, 1995, the duty on certain agricultural sprayer parts; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3111. A bill to provide permanent duty-free entry for certain magnetic video tape recordings; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. PICKLE, Mr. GEREN of Texas, Mr. FAZIO, Mr. TALLON, Mr. CONDIT, Mr. CAMPBELL of Colorado, and Mr. HUCKABY):

H.R. 3112. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of businesses within Federal military installations which are closed or realigned and for the hiring of individuals laid off by reason of such closings or realignments, and for other purposes; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia (for himself and Mr. OLIN):

H.R. 3113. A bill to require the Secretary of Energy to disregard certain costs in evaluating bids to perform nuclear hot cell services; jointly, to the Committees on Interior and Insular Affars, Energy and Commerce, Armed Services, and Science, Space, and Technology.

By Mr. SERRANO:

H.R. 3114. A bill to permit Pell Grant recipients to receive grants to cover more than one full-time academic year of study during a 12-month award year period and to extend the period of eligibility for Pell Grants by one academic year; to the Committee on Education and Labor.

By Mr. SOLOMON:

H.R. 3115. A bill to establish a silver congressional commemorative medal for members of the U.S. Armed Forces who serve in a combat zone in connection with the Korean conflict; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TANNER (for himself, Mr. Ford of Tennessee, and Mr. Sundquist):

H.R. 3116. A bill to amend title 28, United States Code, to provide for the appointment of an additional bankruptcy judge for the Western Judicial District of Tennessee; to the Committee on the Judiciary.

By Mr. VOLKMER:

H.J. Res. 316. Joint resolution designating September 18, 1991, as "National Biomedical Research Day"; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.J. Res. 317. Joint resolution to authorize the President to use all necessary means to accomplish the elimination of Iraq's chemical, biological, and nuclear weapons capability; to the Committee on Foreign Affairs.

By Mr. SAWYER (for himself, Ms. Oakar, Mr. Roberts, and Mr. Goodling):

H. Res. 208. Resolution to establish an Albert Einstein Congressional Fellowship Program; to the Committee on House Administration.

By Mr. ROTH:

H. Res. 209. Resolution to express the sense of the House of Representatives that the House of Representatives should recognize the role that the travel and tourism industry plays in the economy of the United States and should agree to the establishment of the Rural Tourism Development Foundation, as provided for in S. 1204, as passed by the Senate during the 102d Congress; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

253. By the SPEAKER: Memorial of the Senate of the State of Oregon, relative to the Army National Guard; to the Committee on Armed Services.

254. Also, memorial of the General Assembly of the State of New York, relative to the funding of the Family Resource and Support Program; to the Committee on Education and Labor.

255. Also, memorial of the Senate of the State of Washington, relative to the Endangered Species Act; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. STAGGERS introduced a bill (H.R. 3117) for the relief of Ghassan Hasbani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Zimmer.

H.R. 147: Mr. Solomon.

H.R. 191: Mr. Thornton and Mr. Henry.

H.R. 311: Mr. Inhofe and Mr. Armey.

H.R. 313: Mr. Herger.

H.R. 317: Mr. Atkins.

H.R. 330: Ms. Norton.

H.R. 418: Mr. Murphy, Mr. Hammerschmidt, Mr. Boehlert, Mr. Harris, and Mrs. Vucanovich.

H.R. 431: Mr. McCloskey, Mr. Dooley, and Mr. Owens of New York.

H.R. 520: Mr. Lehman of Florida, Mr. Harris, Mr. English, and Mr. Johnson of South Dakota.

H.R. 645: Mr. Levine of California, Mr. Swett, Mr. Bennett, Mrs. Meyers of Kansas, and Mrs. Collins of Illinois.

H.R. 676: Mr. Gejdenson, Mr. Browder, and Mr. Lantos.

H.R. 814: Mr. Bryant.

H.R. 840: Mr. Wolf, Mr. Sisisky, Mr. Young of Florida, Mr. Barnard, Ms. Snowe, Mr. DeFazio, Mr. Boucher, Mr. Payne of Virginia, Mr. Bruce, and Mr. Washington.

H.R. 858: Mr. Roemer, Mr. Grandy, Mr. Goss, Mr. Beilenson, Mr. Hancock, Mr. Ireland, and Mrs. Lloyd.

H.R. 875: Mr. Engel and Mr. Feighan.

H.R. 905: Mr. Solomon.

H.R. 911: Mr. Kolter, Mr. Hastert, Mr. Rowland, Mr. Atkins, and Mr. DeLay.

H.R. 919: Mr. Gunderson.

H.R. 945: Mr. Hayes of Illinois, Mr. Dymally, Mr. Camp, Mr. Roybal, Mr. Ireland, Mr. Ford of Tennessee, Mr. Peterson of Minnesota, Mr. Hatcher, Mr. Lewis of Georgia, and Mr. Flake.

H.R. 1059: Mr. Matsui.

H.R. 1067: Mr. Hall of Texas, Mr. Kleczka, Mr. Moran, Mr. Cox of California, Mr. Geren of Texas, Mr. Moorhead, Mr. Lewis of Florida, Mr. Thornton, Mr. Wilson, Mr. Hall of Ohio, Mrs. Collins of Illinois, Mr. Luken, Mr. Lewis of California, Mr. Lewis of Georgia, Mr. Johnston of Florida, Mr. Hamilton, Mr. Coleman of Missouri, Mr. Carper, Mr. Bennett, Mr. Brewster, Mr. Stump, Mr. Waxman, Mr. McCrery, Mr. Sarpalius, Mr. Hyde, Mr. Dornan of California, Mr. Herger, Mr. Gallegly, Mr. Aspin, Mr. Hastert, Mrs. Boxer, Mr. Dooley, Mr. Dellums, Mr. Mollohan, Mr. Cunningham, Mr. English, and Mr. Fawell.

H.R. 1106: Mr. DeLay.

H.R. 1178: Mrs. Kennelly.

H.R. 1179: Mr. Boucher.

H.R. 1186: Mr. Lehman of California, Mr. Rogers, Mr. Browder, Mr. Schiff, Mr. Neal of Massachusetts, Mr. Slattery, Mr. Torricelli, Mr. Frank of Massachusetts, and Mr. Harris.

H.R. 1200: Mr. Fazio.

H.R. 1201: Mr. Hughes.

H.R. 1225: Mr. Moorhead, Mr. Santorum, Mr. Dixon, Mr. Fish, Mr. Ford of Tennessee, Mr. Engel, Mr. Baker, and Mr. Cox of California.

H.R. 1263: Mr. McCollum.

H.R. 1264: Mr. McCollum.

H.R. 1360: Mr. Gilman.

H.R. 1406: Mr. Torricelli, Mrs. Patterson, and Mr. Nagle.

H.R. 1418: Mr. Horton.

H.R. 1429: Mr. Moorhead.

H.R. 1450: Mr. Atkins.

H.R. 1503: Mr. Walker, Mr. Bennett, Mrs. Unsoeld, Mr. Savage, Mr. Ray, Mr. Towns, Ms. Pelosi, Mr. Bryant, Mr. Huckaby, Mr. Bonior, Mr. Staggers, Mr. Laughlin, and Mr. Spratt.

H.R. 1509: Mr. Johnson of South Dakota, Mr. Allard, Mr. English, Mr. Stump, Mrs. Byron, Mr. Guarini, Mr. de Lugo, Mr. Espy, Mr. Browder, Mr. Young of Alaska, Mrs. Lloyd, and Mr. McHugh.

H.R. 1515: Mr. Chandler and Mr. Gilman.

H.R. 1516: Mr. Jefferson, Mr. Lewis of Georgia, Mr. Ray, Mr. Hall of Texas, and Mr. Tanner.

H.R. 1524: Mr. Rowland, Mr. Reed, Mr. English, Mr. Rahall, Mr. Wise, Mr. McCloskey, Mr. Hayes of Illinois, Mr. Kopetski, Mr. Price, Mr. AuCoin, Mr. Mineta, Mr. Coyne, Mr. Smith of New Jersey, and Mr. Gordon.

H.R. 1539: Mr. Smith of Florida, Mr. Eckart, and Mr. Ford of Michigan.

H.R. 1545: Mr. Baker and Mr. Ramstad.

H.R. 1569: Mr. Dwyer of New Jersey and Mr. Klug.

H.R. 1624: Mrs. Patterson, Mr. Smith of New Jersey, Mr. Edwards of Texas, Mr. Ridge, Mr. Paxon, Mr. Santorum, Mr. Stenholm, and Mr. Payne of Virginia.

H.R. 1652: Mr. Atkins and Mr. Hefley.

H.R. 1663: Mr. AuCoin, Mr. Stump, and Mr. Burton of Indiana.

H.R. 1682: Mr. Skelton.

H.R. 1703: Mr. Feighan.

H.R. 1753: Mrs. Meyers of Kansas, Mr. Evans, Mr. Sarpalius, and Mr. Horton.

H.R. 1756: Mr. Peterson of Minnesota.

H.R. 1916: Mr. Zeliff.

H.R. 2012: Mr. Russo, Mr. Andrews of Texas, Mr. Leach, and Mr. Porter.

H.R. 2058: Mr. Roth.

H.R. 2983: Mr. Bilbray, Mr. Rangel, Mr. McNulty, Mr. Torres, Mr. Neal of Massachusetts, and Mr. Jefferson.

H.R. 2089: Mr. Atkins, Mr. Bonior, and Mr. Machtley.

H.R. 2208: Mr. Emerson and Mr. Jones of Georgia.

H.R. 2223: Mr. Vento, Mr. AuCoin, Mr. Williams, Mr. Oberstar, Mr. Frank of Massachusetts, Mr. Rahall, Mr. Rangel, Mrs. Unsoeld, Mr. Jontz, Mr. Mrazek, Mr. Conyers, Mr. Ackerman, Ms. Kaptur, Mr. Gejdenson, Mr. Dwyer of New Jersey, Mr. Penny, Ms. Norton, Mr. Frost, Mr. Wise, Mr. Foglietta, Mr. Sanders, Mr. Staggers, Mr. Martinez, and Mr. Mollohan.

H.R. 2239: Mr. Cox of Illinois, Mr. Sanders, and Mrs. Johnson of Connecticut.

H.R. 2246: Mr. Johnston of Florida and Mr. Myers of Indiana.

H.R. 2248: Mr. Torricelli.

H.R. 2258: Mr. Machtley and Mr. Stallings.

H.R. 2333: Mr. Aspin.

H.R. 2385: Mr. Geren of Texas.

H.R. 2451: Mr. Lewis of Georgia, Mr. Rangel, Mr. Eckart, Mr. Slattery, Mr. Hughes, and Mr. Ford of Tennessee.

H.R. 2460: Mr. Lewis of Florida and Mr. Porter.

H.R. 2553: Mr. Machtley.

H.R. 2581: Mr. Nichols and Mr. Dooley.

H.R. 2595: Mr. Moorhead.

H.R. 2598: Mr. Oxley, Mrs. Vucanovich, and Mr. Hobson.

H.R. 2629: Mr. Mineta, Mr. Foglietta, and Mrs. Meyers of Kansas.

H.R. 2633: Mr. Boehner, Mr. Taylor of North Carolina, Mr. Machtley, Mr. Petri, Mr. Poshard, Mr. Weldon, Mr. Riggs, Mr. Klug, Mr. Ramstad, and Mr. Jefferson.

H.R. 2649: Mr. Stearns.

H.R. 2672: Mr. Clinger, Mr. Shaw, Mr. Kasich, Mr. McDade, Mr. McCollum, Mr. Moorhead, Mr. Rhodes, Mr. Combest, Mr. Hancock, Mr. Tallon, Mr. Zimmer, Mr. Taylor of North Carolina, Mr. Bateman, Mr. Jenkins, and Mr. Johnson of Texas.

H.R. 2709: Ms. Snowe, Mr. Kostmayer, and Mr. Aspin.

H.R. 2735: Mr. Russo.

H.R. 2763: Mr. Harris, Mr. McDade, Mr. Stump, Mr. Young of Alaska, Mr. Cramer, and Mr. Bilbray.

H.R. 2767: Mr. Frost, Mr. Stallings, and Mr. Jontz.

H.R. 2801: Mr. Davis, Mr. Andrews of Texas, Mr. McCrery, and Mr. Ortiz.

H.R. 2815: Mr. INHOFE.

H.R. 2880: Mr. SAVAGE, Mr. DWYER of New Jersey, Mr. MACHTLEY, Mr. AUCOIN, Mr. ATKINS, Ms. DELAURO, Ms. SNOWE, Mr. MFUME, Mr. JONTZ, and Mr. LEHMAN of Florida.

H.R. 2890: Mr. SLATTERY.

H.R. 2898: Mr. MARTINEZ, Mr. EVANS, Ms. PELOSI, Mr. DE LUGO, and Mr. HAYES of Louisiana.

H.R. 2902: Mr. RAMSTAD, Mr. OXLEY, and Mr. SOLOMON.

H.R. 2903: Mr. RAMSTAD, Mr. OXLEY, Mr. UPTON, and Mr. SOLOMON.

H.R. 2904: Mr. RAMSTAD, Mr. OXLEY, Mr. UPTON, and Mr. SOLOMON.

H.R. 2906: Mr. DWYER of New Jersey, Mr. GUARINI, Mr. GIBBONS, and Mr. MCGRATH.

H.R. 2944: Mr. BEILENSON.

H.R. 3009: Mr. COX of California.

H.R. 3040: Mr. OLVER, Mr. KOLTER, Mr. HAYES of Illinois, Ms. DELAURO, Mr. STOKES, Mr. LEHMAN of Florida, Mr. WISE, Mr. MFUME, Mr. KILDEE, and Mr. KLECZKA.

H.J. Res. 5: Mr. HALL of Ohio, Mr. HYDE, Mr. JOHNSON of Texas, Mr. SENSENBRENNER, Mr. VANDER JAGT, Mr. BARTON of Texas, Mr. CHANDLER, Mr. MCEWEN, Mr. BAKER, Mr. MCGRATH, Mr. HANCOCK, and Mr. STUMP.

H.J. Res. 67: Mr. JONES of North Carolina, Mr. NEAL of Massachusetts, Mr. MAVROULES, Mr. PANETTA, Mr. SHAYS, and Mr. MINETA.

H.J. Res. 73: Mr. KILDEE.

H.J. Res. 95: Mr. KLUG, Mr. WASHINGTON, Mrs. LOWEY of New York, Mr. SAWYER, Mr. GALLO, Mr. SMITH of New Jersey, Mr. HEFNER, Mrs. UNSOELD, Mr. HAMILTON, Mr. LUKEN, Mrs. COLLINS of Michigan, Mr. LIGHTFOOT, Mr. DORNAN of California, Mr. THOMAS of Georgia, Mr. GILMAN, and Mr. JONES of Georgia.

H.J. Res. 156: Mr. COUGHLIN, Mr. LEWIS of Florida, and Mr. DE LA GARZA.

H.J. Res. 159: Mr. PENNY, Mr. GORDON, Mr. LANTOS, Mr. SCHEUER, Mr. FOGLIETTA, Mr. HUCKABY, and Mr. ATKINS.

H.J. Res. 166: Mr. ANDERSON, Mr. BEVILL, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CHANDLER, Mr. CRANE, Mr. DICKINSON, Mr. DUNCAN, Mr. DYMALLY, Mr. GALLO, Mr. GRANDY, Mr. HAMILTON, Mr. HANSEN, Mr. INHOFE, Mr. LAFALCE, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MILLER of California, Mrs. MINK, Mr. MONTGOMERY, Mr. MORRISON, Mr. NEAL of Massachusetts, Ms. NORTON, Ms. OAKAR, Mr. OXLEY, Ms. PELOSI, Mr. QUILLEN, Mr. RINALDO, Mr. SERRANO, and Mr. SUNDQUIST.

H.J. Res. 227: Mr. RUSSO, Mr. GRAY, Mrs. COLLINS of Illinois, Mrs. BENTLEY, Mr. HASTERT, Mrs. BOXER, Mr. FORD of Michigan, Mr. COX of Illinois, Mr. EVANS, Mr. BURTON of Indiana, Mr. MILLER of California, Mr. BRUCE, Mr. DURBIN, Mr. RAHALL, Mr. DONNELLY, Mr. FROST, Mr. COSTELLO, Mr. GILMAN, Mr. ECKART, Mr. GAYDOS, Mr. HOCHBRUECKNER, Mr. JONES of Georgia, Mr. DE LA GARZA, Mr. MARTIN, Mr. SLATTERY, Mr. TAUZIN, and Mr. VISCLOSKY.

H.J. Res. 233: Mr. KLECZKA, Mr. EMERSON, Ms. SLAUGHTER of New York, Mrs. MEYERS of Kansas, Mr. BROWN, Mr. REED, and Mr. VISCLOSKY.

H.J. Res. 241: Mr. DAVIS, Mr. HOCHBRUECKNER, Mr. JONES of North Carolina, Mr. LIVINGSTON, Mr. MCEWEN, Mr. TANNER, Mr. SLATTERY, Mr. SCHUMER, Mr. WYDEN, and Mr. YATRON.

H.J. Res. 284: Mr. WAXMAN, Mr. TRAFICANT, Mr. ECKART, Mr. WEISS, and Mr. BERMAN.

H.J. Res. 287: Mr. JOHNSON of South Dakota, Mr. THOMAS of California, Mr. HASTERT, Mr. MRAZEK, Mrs. BYRON, Mr. SYNAR, Mr. BENNETT, Mr. THOMAS of Wyoming, Mr. RAVENEL, Mr. VALENTINE, Mr. HARRIS, Mr. KASICH, and Mr. JENKINS.

H.J. Res. 299: Mr. QUILLEN, Mr. LUKEN, Mr. OWENS of Utah, Mr. CRAMER, Mr. SMITH of Florida, Mr. PRICE, Mr. MCCLOSKEY, Mr. NOWAK, Mr. JEFFERSON, Mr. HUNTER, Mr. LEHMAN of California, Mr. MOLLOHAN, Mrs. BENTLEY, Mr. MACHTLEY, Mr. DONNELLY, Mr. HALL of Texas, Mr. COSTELLO, Ms. LONG, Mr. ESPY, Mr. DEFAZIO, Mr. WALSH, Mr. VENTO, Mr. DICKS, Mr. HAYES of Illinois, and Mr. HEFNER.

H.J. Res. 300: Mr. ASPIN, Ms. LONG, Mr. NATCHER, Mr. IRELAND, Mr. FOGLIETTA, Mr. MOORHEAD, Mr. HEFNER, Mr. MCMILLEN of Maryland, Mr. DURBIN, Mr. COLEMAN of Texas, Mr. BENNETT, Mrs. BOXER, Mr. PURSELL, Mr. COOPER, Mr. MCNULTY, Mr. RAHALL, Mr. MRAZEK, Mr. NAGLE, and Mr. OWENS of New York.

H.J. Res. 302: Mr. SIKORSKI.

H.J. Res. 313: Mr. KASICH.

H. Con. Res. 100: Mr. DIXON, Mr. GEKAS, Mr. BILIRAKIS, Mr. KLECZKA, Mr. SMITH of Texas, Mr. MANTON, Mr. BATEMAN, Mr. FORD of Michigan, and Mr. DANNEMEYER.

H. Con. Res. 137: Mr. KLUG, Mr. DANNEMEYER, and Mr. GOSS.

H. Con. Res. 146: Mr. COX of Illinois.

H. Con. Res. 163: Mr. SAWYER, Mrs. MEYERS of Kansas, and Mr. MCGRATH.

H. Con. Res. 168: Mr. JEFFERSON, Mr. FAZIO, Mr. FROST, Ms. NORTON, Mr. MACHTLEY, Mr. HYDE, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 188: Mr. PALLONE, Mr. LANTOS, Mr. RAMSTAD, Mr. KYL, Mr. LEHMAN of Florida, Mr. BROWN, Mr. KOPETSKI, Mr. STALLINGS, Mr. DORNAN of California, Mr. LOWERY of California, Mr. WOLPE, and Mr. MRAZEK.

H. Res. 107: Mr. ROHRABACHER, Mr. OWENS of New York, Mr. GOSS, Mr. SENSENBRENNER, Mr. POSHARD, Mr. PEASE, Mr. DANNEMEYER, Mr. YOUNG of Alaska, Mr. JACOBS, Mr. GIBBONS, Mr. HENRY, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mrs. VUCANOVICH, Mr. HOUGHTON, Mr. MILLER of Washington, Mr. BILIRAKIS, Mr. PORTER, Mr. MACHTLEY, Mr. HORTON, Mr. RITTER, and Mr. BEILENSON.

SENATE—*Tuesday, July 30, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning, let us thank God for the healthy baby boy, Thomas Joseph, born to Ruby and Marty Paone last Friday.

Lord, who shall abide in thy tabernacle? who shall dwell in thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart.—Psalm 15:1-2.

Eternal God, full of grace and truth, thank Thee for men and women in places of responsibility who take seriously their accountability to conscience, constituents, the Senate, the Nation. Grant to each Senator the will to order his priorities of accountability and to sacrifice, if necessary, the lesser for the greater. Give them courage not to allow the voice of the crowd force them to violate truth or conscience or sacrifice national interest. Deliver them from allowing ambition to be elected to be more important than responsibility to the Nation nor personal privilege to take precedence over the integrity of the Senate as an institution. Help them never to forget that they are public servants, accountable first to God from whom comes all authority.

In His name who is incarnate truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, this morning there will be a period of morning business until 10 a.m., and I now ask unanimous consent that during that period Senator JOHNSTON and then Senator HATCH each be recognized to speak for up to 15 minutes, and that from 12:15 p.m. until 2:15 p.m. today, the Senate stand in recess to accommodate the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the period for morning business, which will conclude at 10 a.m., the Senate will resume consideration of H.R. 2698, the agriculture appropriations bill.

When the Senate returns to consideration of that bill at 10, under a previous order, Senator LEAHY will be recognized to offer an amendment to a committee amendment on which there will be a 40-minute time limitation.

A vote on or in relation to that amendment will occur at a time to be determined by the majority leader following consultation with the Republican leader.

It is my hope and expectation that the Senate will complete action on the agriculture appropriations bill early today and will then move on to other available appropriations bills.

From 12:30 until 2:15, the Senate will be in recess to accommodate the respective party conferences.

Mr. President, let me repeat what I have said on several previous occasions, that in order to complete action on the several measures which remain this week and which include the Department of Defense authorization bill and the unemployment compensation bill, there will be late sessions each night with votes occurring at any time. I thank my colleagues for their patience and cooperation in this regard.

Mr. President, I am advised that I misspoke in requesting the recess for the party conferences. I intended to say 12:30 p.m. until 2:15 p.m., and I ask that my request be modified to reflect that change.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues and reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein.

The Senator from Louisiana is recognized.

NATIONAL ENERGY SECURITY ACT OF 1991

Mr. JOHNSTON. Mr. President, for the past 2 weeks I have spoken about various features of S. 1220, the National Energy Security Act of 1991. I have discussed what the bill does in such areas as renewable resources, natural gas, energy efficiency, and alternative fuel fleets.

Today, I will talk about two vital initiatives concerning electric utility regulation: vital and important and I might say revolutionary in those bills, and that is that which we call integrated resource planning and Public Utility Holding Company Act reform. Both have to do with the most elemental part of how we generate electricity, and, that is, incentives.

As we have seen the Soviet empire collapse economically, both in the Soviet Union and in Eastern Europe, we have found that the principal reason for it is that the incentives were all in the wrong place. There was no incentive in the Soviet Union for competition. There was no incentive for efficiency. Rather, the incentives were all on the side of making do and not rocking the boat.

Mr. President, that is precisely the situation in the generation of electricity in America. It would amaze most people in America to know that there is no incentive for an electric utility company to save energy, even though it might be better environmentally, even though it might be better for the customers of that utility. There is no incentive at all.

• This "bullet" symbol identifies statements or insertions which are not spoker by a Member of the Senate on the floor.

The incentive in American electric generation is to put things in the rate base. What do we mean by that? That means if you build a new, big plant and it costs a lot of money, then the public utility commission will allow you a percentage profit on that big plant, so it means that if you have a choice between saving energy and building a new, big plant, then the incentives are all on the side of building a new, big plant. That is why it is so vitally important we change those incentives. We have done that in a section of our bill that we call integrated resource planning.

What is integrated resource planning? Perhaps the best way to answer that question is by quoting a short section from S. 1220 itself. It states that integrated resource planning is a "planning and selection process for new energy resources that evaluates the full range of alternatives, including new power supplies, energy conservation and efficiency and renewable energy resources in order to provide adequate and reliable service to electric customers at the lowest system cost."

Mr. President, that is nothing more than common sense, but it is not now in the law. The term "system cost" is defined as "all direct and quantifiable net costs for an energy resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance and, in the case of imported energy resources, maintaining access to foreign supplies of energy."

Obviously, we never take those things into consideration in America today. We do not give much thought to how we are going to protect that supply line. In the case of Desert Storm, it was enormously expensive. We do not give much thought sometimes to what it is going to cost to comply environmentally or to dispose of those wastes.

For the purpose of implementing this standard, S. 1220 recognizes the primacy of State law with respect to power planning decisions. It requires State commissions to conduct a formal proceeding for the purpose of considering integrated resource planning, but it does not necessarily require them to adopt and implement it.

So, on the one hand, Mr. President, we want to give full effect to State law and States rights but, on the other hand, we want to require the State to go through the discipline of considering least-cost planning, integrated resource planning, as we call it.

In addition, S. 1220 requires this integrated resource planning standard to be adopted by the TVA and to be considered by the Southwestern Power Administration and the Southeastern Power Administration, as a condition for the extension of new contracts to wholesale purchasers.

Perhaps the most important integrated resource planning provision of S. 1220 determines utility ratemaking. Under the practice in most States, any reduction in the kilowatt hours sold by a utility reduces the utility's earnings.

Since conservation and other demand side management measures reduce electric consumption, investment in these resources financially harms utilities. S. 1220 would remedy this situation by requiring State regulatory commissions to consider making utility investment in demand side management just as profitable as investment in new generation facilities. Thus, it would remove the current financial biases and disincentives so that integrated resource planning is able to take a truly comprehensive look at resource choices.

Mr. President, the importance of this provision cannot be overstated. We talk a great deal about conservation, but at the same time economic policies at the State level actively discourage conservation. Until the existing disincentives are removed at the State level, we cannot expect to see demand side management reach its full potential.

A logical corollary to the notion that we should look at power planning in a comprehensive way is the fact that no one person or group has a monopoly on good ideas or ability. An optimal plan for electric supply from the economic and environmental prospective is likely to be the product of many proposals from many different sources.

The only rational way to evaluate such possibilities is to look at it on a competitive basis, one that looks at nonprice factors such as reliability and environmental costs, as well as the actual production cost.

Mr. President, the second way in which the incentives are vastly misstated and misapplied in the electric generation market are in what we call the Public Utility Holding Company Act.

This Public Utility Holding Company Act was an act passed in the 1930's, designed to prevent all of the excesses that occurred right before the Great Depression, in which a few companies got control of the whole electric market and made a noncompetitive situation, one that was precariously financed, and one that was full of all kind of problems that the Public Utility Holding Company Act in fact did solve.

The problem is, Mr. President, that we took all of the competition out of the generation of electricity. And taking the competition out, combined with this phenomenon of the rate base, means today that the generation of electricity in America is frequently not done in the interest of the consumer; not only is it not environmentally well done, but there is absolutely no incentive for building a plant that is the most efficient or having the person or the company that is the most efficient in building that plant do the job.

As a practical matter, what PUHCA requires is that in the jurisdiction of a utility, in the area served by that utility, as a practical matter the only person who can build the big central power plants is that utility itself. All that utility must do is get that plant approved by the public utility commission, and with that approval they can produce the energy regardless of whether or not they are the best players.

Mr. President, in 1978 we passed a bill which we called the Public Utilities Regulatory Policies Act, PURPA, and what it did was allow for an exemption from PUHCA in two instances: what we called cogeneration—that is where you produce electricity and steam and have a steam host out there—some big company that produces a product and has a need for that leftover steam. Everyone remembers Jimmy Carter talking about cogeneration. Well, this was PURPA that allowed that steam host to be used, and in effect provided for competition in the generation of that electricity.

PURPA also provided an exemption for the generation of electricity from certain renewable resources like solar energy.

So where you have cogeneration and where you have solar energy, what we have developed in this country is competition in the use of those two resources, in supplying energy to utilities. There are a lot of other provisions about PURPA, but the important thing for our discussion today is that in the generation of the some 30,000 megawatts which PURPA has produced, which we otherwise would not have produced, they have been produced by competition.

What have we found? We have found that it has been in the interest of the consumer—first because of price, second because of reliability.

When we talk about the generation of electricity, reliability—that is, you do not want the lights to go out just on the hottest day or just when you need the lights to get up in the morning or go to bed at night; you do not want them to go off at that important time; you have to be reliable. We found in PURPA that this power generated competitively is both more competitive—that is, cheaper, generally speaking—in terms of price, and it is good in terms of reliability.

So what we want to do in PUHCA reform, Public Utility Holding Company Act reform, is to bring that competition into the generation of electricity for all plants.

Title XV of S. 1220 provides this remedy, provides this ability to have competition. It does so by creating corporate entities known as exempt wholesale generators, or EWG's. EWG's must be exclusively in the business of wholesale generation. They are exempt from PUHCA. They can be owned by utilities or nonutilities, in a subsidiary relationship without triggering the restrictions of PUHCA. In making this change, title XV paves the way for the evolution of a competitive market in electric generation.

PUHCA reform has attracted a broad coalition of support representing many disparate interests. It has also attracted opposition.

What we are talking about, Mr. President, is a multihundred billion dollar business. Some people want to get into the business because they think they can produce a product reliability at a cheaper price. Some already in the business feel threatened because, frankly, they have a bird nest on the ground.

Mr. President, right now all the incentives are to get it in the rate base and get it approved. So what you do is you go to the public utility commission and you say look, we need some new power. What is in style? What is in vogue now? Maybe it is the big coal plant with a scrubber, a very expensive plant perhaps. And if the public utility commission says OK, you buy it, you build it using accepted methods. And it is in the rate base, and you get a percentage profit on that forever. It just rolls on and on and on. Your customers will never know whether or not somebody else could do it cheaper using that same technology. They will never know whether or not another kind of energy would be cheaper. They never will know, Mr. President. Your profits roll on and on because of the rate base.

What we want to do is say that when you need some new power, you have the ability to go look around. Can the XYZ Co., which specializes in a coal-fired plant with a scrubber, beat B company, which specializes in gas turbines? We want them to be able to do that, Mr. President, in the most efficient way.

Most Americans would be surprised if utilities were financially penalized for investing in conservation when it is the most economical way of meeting power needs. And they would be equally perplexed if Federal law prohibited the best builders and operators of electric generation from competing to serve new power needs. Yet strangely enough both propositions are true. As part of a national energy policy, S. 1220 removes these and other irrational obstacles to the provision of low cost electricity. It does so by promoting the use of integrated resource planning in meeting new power demand and removing the obstacles to wholesale power competition contained in the Public Utility Holding Company Act of 1935 [PUHCA].

If we are going to plan for the future, we will have to start by abandoning many of our cherished ideologies. Within the electric utility industry there are those who refuse to see electric supply in any terms other than the construction of boilers, turbines and generators by conventional utilities. On the opposite extreme, it is fashionable among some environmentalists to argue for sole reliance upon demand side management and supplemental contributions by renewable energy as the exclusive means of meeting future electric demand. Both attitudes are dangerously unbalanced.

In the complex calculus of electricity it is too much to expect that there will be a single right formula. Instead, as we decide how to meet new power demand, we should ensure that all the possibilities are looked at in an objective and comprehensive way. We should be thinking in terms of planning rather than palm reading.

S. 1220 embodies this approach to electric supply by promoting integrated resource planning and coupling it with measures to foster competition in power supply.

What is integrated resource planning? Perhaps the best way to answer that question is by quoting from S. 1220 itself. The bill defines the concept as a: Planning and selection process for new energy resources that evaluates the full range of alternatives, including new power supplies, energy conservation and efficiency, and renewable energy resources, in order to provide adequate and reliable service to * * * electric customers at the lowest system cost."

In turn, the term "system cost" is defined as:

> All direct and quantifiable net costs for an energy resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

For purposes of implementing this standard, S. 1220 recognizes the primacy of State law with respect to power planning decisions. It requires State commissions to conduct a formal proceeding for purposes of considering integrated resource planning. But it does not necessarily require them to adopt and implement it.

In addition, S. 1220 requires this integrated resource planning standard to be adopted by the Tennessee Valley Authority and to be considered by the Southwestern Power Administration and the Southeastern Power Administration as a condition for the extension of new power contracts to wholesale purchasers.

Perhaps the most important integrated resource planning provision of S. 1220 concerns utility ratemaking. Under the practice in most States, any reduction in the kilowatthours sold by a utility reduces the utility's earnings. Since conservation and other demand side management measures reduce electric consumption, investment in these resources financially harms utilities. S. 1220 would remedy this situation by requiring State regulatory commissions to consider making utility investment in demand side management as profitable as investment in new generation facilities. Thus, it would remove current financial biases such that integrated resource planning is able to take a truly comprehensive look at resource choices.

The importance of this provision cannot be overstated. We all talk a great deal about conservation, but at the same time economic policies at the State level actively discourage it. Until the existing disincentives are removed at the State level, we cannot expect to see demand side management reach its large potential.

A logical corollary to the notion that we should be looking at power planning in a comprehensive way is the fact that no one person or group has a monopoly on good ideas or ability. An optimal plan for electric supply from an economic and environmental perspective is likely to be the product of many proposals from different sources. The only rational way to evaluate such possibilities is on a competitive basis—one that looks at nonprice factors such as reliability and environmental cost as well as price. Thus, integrated resource planning incorporates the use of market mechanisms as one of its central pillars. It differs from the model of the past by substituting an objective mechanism—market competition—for the pricing judgment of the regulator and substituting the proposals of many potential players for that of the utility alone.

In electric power the superiority of competition to regulation is not merely theoretical. Studies show a wide variation in the costs for the construction of conventional fossil and nuclear plants by regulated utilities. Clearly, some companies are better at what they do than others. Moreover, under the Public Utility Regulatory Policies Act of 1978, or PURPA, competitive bidding among special generation facilities known as "qualifying facilities" has produced reliable, low cost power.

The problem is that the PURPA box is a little too small for expanded competition. Qualifying facilities must either be cogeneration facilities—which produce steam and electricity—or renewable facilities. Both have practical limitations.

Why cannot enterpreneurs simply become independent power producers, or IPP's, and compete to sell wholesale power to utilities with whatever kind of powerplant they believe is the best?

The problem is with the restrictions of an obscure law known as the Public Utility Holding Company Act of 1935 [PUHCA]. For outdated reasons, PUHCA limits the use of holding company structures in the electric business. While the act is complex, its basic proposition is simple: Any company that wants to use a separate subsidiary for the generation of electricity may only do so within an electrically integrated, and therefore geographically limited, area.

Unfortunately, IPP's must be developed in a holding company format, regardless of whether they are owned by utilities or nonutilities. First, the financial markets will generally require IPP's to be project financed which requires the creation of a separate subsidiary. Second, to the extent that a utility is the owner of a project, regulators will require the creation of a separate subsidiary for purposes of risk separation and cost accounting.

While there are a few ways to avoid the restrictions of PUHCA, they are of limited use. In PURPA, Congress recognized the problems caused by the Holding Company Act and created an exemption from the Act for Qualifying Facilities. Without a similar change, PUHCA's restrictions on the use of holding companies will stand as an effective bar to the development of IPP's.

Title XV of S. 1220 provides a remedy. It does so by creating corporate entities known as exempt wholesale generator or EWG's. EWG's must be exclusively in the business of wholesale generation; are exempt from the Act; and can be owned by utilities or nonutilities in a subsidiary relationship without triggering the restrictions of PUHCA. In making this change, title XV paves the way for the evolution of a competitive market in electric generation.

The idea of PUHCA reform has attracted a broad coalition of support representing many disparate interests. It has also attracted opposition. Much of this opposition appears to be rooted in misunderstanding, and in some cases misinformation, about what title XV does and does not do. For that reason it is helpful to explode some of the myths on this subject.

Myth No. 1 is that title XV deregulates the electric industry. While the bill does remove the corporate impediments I have described, it does not in any way reduce regulatory oversight of power transactions. The bill maintains FERC jurisdiction over electric sales and actually enhances the power of State commissions. It can hardly be considered deregulation.

Myth No. 2 is that title XV will create the ability for utilities to form affiliates and engage in self dealing free from regulatory oversight. The truth of the matter is that under existing law utilities have formed affiliates to sell power to themselves for several decades. Such sales are routine. They don't present much of a problem because FERC only permits them to take place under cost-of-service pricing. S. 1220 does not change this result.

Myth No. 3 is that title XV will eliminate State regulation of the utility industry. In fact, title XV gives State commissions an absolute right to veto purchases of power from EWG's and, for the first time in Federal law, establishes the general right of State commissions to review the wholesale purchasing practices of their native utilities.

Myth No. 4 is that enactment of title XV will discourage the use of renewable technology. In fact the opposite is true. By fostering competition, title XV also rewards the innovation needed for greater development of renewable resources. Moreover, unlike renewable QF's, renewable facilities owned by EWG's under title XV are not subject to size and fuel mix restrictions, thus giving them more flexibility.

Myth No. 5 is that the use of relatively high proportions of debt to finance EWG's will lead to unreliable power supplies and financial failure. Based upon similar experience with qualifying facilities under PURPA, it appears that a typical EWG will initially employ a capital structure weighted toward debt as a means of minimizing cost of capital. However, as evidenced by the excellent performance and reliability of qualifying facilities, there is nothing inherently risky in such financing. Over time the level of debt carried by an EWG will decline because it is financed on a project basis. On average, therefore, it will carry less debt than the typical utility which maintains relatively constant levels of debt because it is financed on a corporate basis. It is worth mentioning, moveover, that both FERC and State commissions have adequate authority to restrict the use of debt financing should circumstances warrant it.

Finally, myth No. 6 is that competition in wholesale power markets is not possible without also providing for mandatory transmission access. The facts show otherwise. In competitive bidding to date, QF's and other competing supply sources have typically offered 10 or more megawatts for every megawatt needed. Moreover, utilities are providing transmission services to get that power to market. As of February 1991, 44 winning projects in competitive bidding, representing 40 percent of the megawatts, had been awarded on the basis that the developer needs and is able to obtain transmission service. The remaining projects are to be located within the service territory of the purchaser.

In summary, the supposed policy reasons for opposition to title XV are without substance, while the need for change is compelling. PUHCA reform would provide significant benefits to consumers. It is an idea whose time has come.

Taken as a whole, the provisions of S. 1220 dealing with electric regulation offer a comprehensive vision for meeting our future electric needs. Collectively, they ensure that we will look at resource choices in a way that is both environmentally sound and economically efficient. I urge my colleagues to support these critically important provisions when S. 1220 is considered on the Senate floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHNSTON. I yield the floor.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

LOAN GUARANTEES TO ISRAEL

Mr. HATCH. Mr. President, this fall Congress will be asked to consider the granting of loan guarantees for the State of Israel to assist her in the absorption of new refugees. These guarantees are not only justified on purely moral and humanitarian grounds, but are also an investment in one of the most precious resources available—human capital. The current political situation in Israel provides the United States government with a unique opportunity to shape events in the region through a low risk, low cost investment strategy with an anticipated high rate of return in human capital. Mr. President, this opportunity stems from granting absorption loan guarantees to the State of Israel.

The freedom of Soviet Jewry has been a central tenet of United States policy toward the Soviet Union for the past two decades. We now have the opportunity to assist in the historic move toward freedom that we worked so hard to bring about. The political situation is quite clear—Israel faces an immigration wave of potentially 1 million Soviet Jews over the next 5 years. We in the United States must be sympathetic to a nation that is attempting to alleviate the plight of immigrants who desire to escape the political, economic, and religious persecution of their homeland. Our Nation was founded on the principle of religious choice, and we must always attempt to support those who suffer for their beliefs.

The State of Israel will be forced to face the enormous financial burdens associated with immigration. Israel has always opened its borders to the oppressed, providing a safe haven for many victims of tyranny and injustice, including survivors of the Holocaust and the Vietnamese boat people. This commitment has not changed. Israel is willing to defray the financial cost of Soviet immigration—mostly through new tax increases—despite predictions of economists that this will place a tremendous strain on her economy.

However, Israel simply does not possess the resources to single-handedly take on the expense of such a flood of immigrants. Infrastructure projects will be costly. Homes and schools must be built, and jobs must be found. Israel is only asking the United States to help secure the loans that will pay for less than one-fourth of the cost of this humanitarian act.

The United States and Israel have a two-way relationship that is based upon shared principles of democracy and justice. Each nation should, in part, contribute to the political and economic needs of the other during times of hardship. I would contend, Mr. President, that the current exodus of Soviet Jews constitutes just such a time. Consequently, the United States should extend a hand of friendship to this small nation.

Israel is a stable and important ally in a troubled region. The United States should provide any assistance to Israel that will help facilitate this complex and expensive immigration process. Assisting refugees to escape political and religious persecution is not a political problem, but rather a humanitarian one. As a responsible ally, the United States should be there for Israel and her new immigrants because it is the right thing to do; it is moral; and it is just.

Mr. President, I look forward to supporting Israel's request for loan guarantees this fall and hope that other Senators will come forward to express their support of loan guarantees for Israel, as well.

Mr. President, during the 15 years that I have been in the Senate, Members of Congress have worked diligently to promote the emigration of Soviet Jews. This was particularly difficult when the Iron Curtain was standing because there was so much repression in the Soviet Union. We worked hard to get one family here, or one person there, to be able to emigrate out of the Soviet Union to Israel, or our country, or to anywhere else in the world. I can remember personally intervening on behalf of a number of families and helping them to leave the Soviet Union. And now we have a window where more than 1 million people will be able to come out of a land where they have been oppressed and discriminated against. They will enjoy the same freedoms and privileges that we share. I think we ought to do everything we can to assist in this particular endeavor.

My objective is not to place undue pressure on the situation in the Middle East, or to upset our Arab neighbors and friends in the process. I only wish to help the Israelis accommodate this large immigration. In my opinion, this is strictly a humanitarian and moral issue, and I think we ought to be the first to support it. So I hope that our colleagues will do so.

I yield the remainder of my time to the distinguished Senator from Missouri.

NO LINKAGE IN THE MIDEAST PEACE PROCESS

Mr. BOND. Mr. President, I thank my good friend from Utah. I thank the Chair for this opportunity to speak about the ongoing Mideast peace process and the efforts of President Bush and Secretary of State Baker to bring the parties together for negotiations.

The President and the Secretary of State deserve great credit for the tremendous amount of effort they have invested in their attempt to bring the parties in the Mideast together to discuss the terms of a peace agreement.

Certainly, all of us have waited and watched for a long time, hoping that such an opportunity would be taken. This opportunity came in the wake of the gulf war, and despite what appeared to be overwhelming odds, the President and the Secretary of State stuck with the process to the point where it appears that we may actually see some real progress for a change. I know my colleagues join me in wishing them great success in this endeavor.

At the same time, however, as we move toward some type of peace conference, it is absolutely critical that we adhere to a few basic principles in our dealings with all parties involved.

As far as I am concerned, the most important part of these is that we must remember that we, the United States, cannot impose conditions on the parties to the conference. The United States can and must play an important role in bringing the parties together and in encouraging productive negotiations. But I think it would be a tremendous mistake if we tried to force other countries into positions against their will, because any agreement that is not based on true negotiation and compromise among the parties cannot last.

An example of what we must not do is to force Israel into taking a position which she sees as being against her security interests by attempting to link future United States aid to Israel's actions. The President said that there will be no linkage in the peace process, and I know that the great majority of Members of this body will support him in avoiding linkage.

Second, we must always remember who it is that we are dealing with in this process. In recent weeks, I have been amazed by the coverage that has been given to Syrian President Hafez Assad by some commentators and some members of the media. Assad has been portrayed as a great peacemaker and diplomat for indicating that he is willing to attend a peace conference with Israel. However pleased we may be to see a glimmer of hope that Assad is truly ready for peace, it is a great mistake to forget who he is and what he has done.

Hafez Assad is a murderer and a terrorist. He is the man responsible for the murder of tens of thousands of his own people at the town of Hama when they dared to oppose his rule. He is the man behind the terrorist bombing of a Pan Am 747 over Lockerbie, Scotland, and dozens of other terrorist incidents over the years. And most recently, he is the leader of a country which has occupied, and effectively absorbed, a smaller and defenseless neighbor just as Saddam Hussein tried to do a year ago.

Of more direct concern to the Israelis, Assad is the man who has launched two major wars and countless attacks against Israel. These attacks were launched from the Golan Heights, the very territory that Assad says he must get back before any peace can be declared. It is also worth nothing that Assad commands the largest army in the region—one that rivals that of Saddam Hussein a year ago—and one that is of even greater threat to Israel because of its close proximity.

It would be naive and dangerous for us to believe that just because Assad saw fit to join the coalition against his arch rival Saddam Hussein, and just because Assad is smart enough to recognize that his longtime patron, the Soviet Union, no longer has the power to back his military and political goals in the region and that he therefore must deal with the United States, that he has now become a great democrat and that he is willing to abandon all of his past goals to control Lebanon and to eliminate Israel. We made that exact mistake with Saddam Hussein when we allowed our desire for improved relations in the region to blind us to the true nature of the people with whom we were dealing. We must not make that mistake again.

Just as important, we must not force Israel into making that mistake. If we misjudge a Saddam Hussein or Hafez Assad, we do not have to live next door to the consequences. We can always pick up and come home, leaving the mess behind. Israel, on the other hand, is dealing not with some abstract concept of peace in the Middle East but with her very survival.

So in conclusion I would simply say that I hope and pray the current round of negotiations is successful, that it leads to talks and eventually to an agreement that brings the 40-year war against Israel to an end. I only hope that as the process goes forward we will not allow history to be rewritten and that we will remember that Israel is not the country that initiated this war, Israel is not the country which has refused to sit down and talk for more than 40 years, and Israel is the country that is our close friend and ally in region. Israel's concerns about participating in talks are legitimate and they must be addressed before we can expect her to agree to participate. To do otherwise would not just be against the interests of one of our closest allies, but against the interests of the United States as well.

I yield the floor.

ABSORPTION GUARANTEES FOR ISRAEL

Mr. McCAIN. Mr. President, regardless of our increasing hopes for a broader Arab-Israeli peace settlement, we cannot ignore the fact that our primary concern must be for Israel's security. No friend or ally is in a more threatened position. No friend or ally faces more serious challenges.

The gulf war has already demonstrated the seriousness of the military challenges involved, but these threats are only part of the story. The turmoil in Ethiopia and the Soviet Union has created a situation where Israel must absorb nearly 1 million new immigrants. Where it must create new jobs, new homes, and major improvements to its economic infrastructure.

This effort will cost Israel some $20 to $50 billion at a time when the military buildup in the region has already put a severe strain on its economy. It is already costing Israel 20 percent of its budget—more than Israel can spend on defense—and no one can have any illusion about what would happen if Israel did not make this effort. We saw what happened in Ethiopia after some 14,000 Ethiopian Jews fled to Israel. We see new reports on the consequences of ethnic conflict in the U.S.S.R. every day.

This is why I am joining my colleagues in endorsing United States guarantees of the loans Israel needs to absorb Russian and Ethiopian Jews. It is important to understand that we are not talking about additional aid, but rather loan guarantees of $2 billion a year over 5 years that do not involve any transfer of funds from the U.S. Treasury.

We essentially will be cosigning a mortgage loan for a friend that has a perfect loan repayment record and that has never defaulted on a loan. The only cost of the transaction will be the bookkeeping cost, which is a function of the risk of the loan. Many experts feel this cost will only be 0.55 percent of the amount, and the worst case estimate of the risk of default would involve charges of only 7 percent.

Further, if Israel faces problems in the near term, it also has long-term opportunities. The influx of new citizens is likely to expand Israel's economy by 7 to 9 percent per year. The quality of the new immigrants is indicated by the fact that over 40 percent of the new labor force that arrived last year had 4-year college degrees, and the population of scientists, engineers, and doctors among the arriving Soviet Jews was five to seven times the average of the general population of Israel and in developed Western countries. The persecutions and threats that are driving this immense talent pool out of their former homelands will eventually mean economic growth both for Israel and the entire region.

At the same time, the scale of the problems Israel faces make it clear why we cannot link the issue of loan guarantees to the peace process or the debate over the future of territory for peace. Hopeful as the peace negotiations may seem today, there is no guarantee that they will be successful and it is clear that it will be years before they can result in any broad solution to the political and military problems Israel faces.

Linkage threatens both Israel and Russian Jews. it opens up the United States-Israeli relationship to blackmail and pressure from Palestinian extremists, and implies that Israel must return all the occupied territory for peace at a time when any trade of territory for peace is Israel's primary negotiating card in any talks with Arab States. There will always be those who argue for intense United States pressure on Israel, and some will be sincere in seeking peace. Others, however, want nothing more than to undermine one of our closest strategic relationships, and still others want nothing more than the destruction of Israel.

In short, Mr. President, it is important that we in the Congress make it clear to the world that we will give Israel the loan guarantees it needs and do so without any linkages. This is the only way Israel can plan for an economically sound absorption of its immigrants. It is the only way to offer Russian Jews security from future persecution. It is the only way to make it clear to the Arab world that we will support honest and forthright peace negotiations, but never force Israel to sacrifice its sovereignty or security.

Mr. GRASSLEY. Mr. President, we are witnessing a modern-day miracle—hundreds of thousands of Jews are leaving the Soviet Union to begin their lives in freedom in Israel. Last year, more than 180,000 Soviet Jews arrived in Israel. This year the number is expected to be between 150,000 and 200,000. In addition, Israel recently welcomed about 15,000 Ethiopian Jews in Operation Solomon.

Like the United States, Israel is a society of immigrants. And, these new citizens will be remarkable additions to Israeli culture. The Soviet Jews are highly educated and skilled. They are engineers, doctors, architects, scientists and teachers. They will help to make Israel a center for high technology. And they will contribute to the growth of Israel's economy.

Israel last experienced a large influx of immigrants in the 1950's. The immigrant community expanded Israel's economy and made Israel into an exporter. Today, Israel exports about 17 billion dollars' worth of goods, representing some 35 percent of GDP.

These new immigrants will cause a further expansion of Israel's economy over this decade. But in the short term, Israel will need to spend huge amounts of money to absorb and integrate these new citizens. Israel will need to expand its physical infrastructure—roads, electricity, sewage and communication systems. Israel will need to build more schools and hospitals. Israel will need to attract investment for the establishment of businesses and factories. And Israel will need more housing.

Israel estimates that the cost of absorbing 1 million new citizens in the next several years will be at least $50 billion. A substantial portion of that money will come from the Israeli people themselves—through higher taxes and cutbacks in services unrelated to immigration. These are costs that Israel can hardly afford—already its people are the most taxed in the world. But Israeli people will sacrifice to make room for the new immigrants.

I am proud that our Government played such a leading role in securing the freedom for Soviet Jews. We made sure that the cause of Soviet Jewry was pursued at every opportunity with Soviet officials. I am confident that even at this summit now underway between Presidents Bush and Gorbachev, President Bush will press the cases of the few remaining refuseniks. And, we will push to ensure that the new immigration law is fairly and fully implemented.

But we will need to do more than work for the freedom of Soviet Jews. We are succeeding in that mission. Now, we must finish the work and ensure that they are successfully integrated into Israeli society. We need to help Israel in the immense financial challenge that lies ahead.

We do not have many additional resources to offer. Outright aid is out of the question. But we can help Israel help herself through a program of loan guarantees. This is a very low-cost way to help Israel. It would not require much in the way of real dollars, but loan guarantees will enable Israel to secure money in the private financial markets. Israel is prepared to take out billions in loans; the United States can facilitate this through loan guarantees.

Israel has a perfect repayment record and there is no reason to doubt that this record would not continue. As I said when I opened this statement, the immigrants are going to expand Israel's economy, make her stronger and thus, more able to pay back these loans.

And finally, Mr. President, I will comment on the recent developments in the Middle East. We see some rays of hope in a budding peace process. This is a time Israel needs to be strengthened and encouraged to take the risky steps for peace. Israel does not need to be pressured from her strongest ally and only superpower. These humanitarian loan guarantees should not be held over Israel's head. That is not the way one friend treats another.

So, I offer my praise to Israel. For opening its doors willingly to a new population and for the sacrifices it will make to ensure their success.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent I be permitted to speak for another 10 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARENCE THOMAS AND THE NEW ORTHODOXY

Mr. HATCH. Mr. President, I draw my colleagues' attention to a perceptive article by Judge Clarence Thomas, based on an August 17, 1983, speech. In the speech, he has anticipated and replied to many of his current critics who seek to punish him for not being a slavish supporter of the liberal orthodoxy on minority issues.

Judge Thomas noted that—

> There is an established "right" position for minorities to take on [certain issues]. For example, the "right" solution to the problem of ending job discrimination is to support affirmative action. The "right" way to achieve educational equality is through busing; and the "right" way to help the poor minority is through a fiscally liberal welfare system. Those whose positions differ from these established positions and even those who question these positions are, according to this new orthodoxy, just plain wrong. They are suspect. They are Judas goats, pariahs, quislings. They may even be labeled "anti-civil rights." The basis for their opinions and positions are not investigated, because, according to the new orthodoxy, the right position is axiomatic. * * * The right positions are gospel, not subject to analysis or debate.

The Judge continued:

> I want here to urge black professionals that you not permit yourselves to be insulted by an orthodoxy that requires you to ignore the education for which you have worked so hard and diligently. I want here to urge that you insist on your intellectual freedom—that you not permit the rigidity of this orthodoxy to straitjacket your thinking. I ask that you use your skills and intellect when you consider the many issues affecting minorities in this society, that you study and analyze the facts about traditional approaches, and that you calmly and rationally examine the results of policies which affect minorities. None of us want to be perceived as cutting back on civil rights. But as the few survivors of the educational process, we must simply look at the results of policies upon which minorities have relied to improve their socioeconomic condition.
>
> Recent reports have shown what many of us have argued for years: that family composition, education and a host of other social factors can have as much impact on employment opportunities as traditional barriers caused by discrimination.

There is the crux of it, Mr. President. Judge Thomas dared to think for himself and to question liberal shibboleths. This, apparently, is viewed as a tremendous threat by many black and white liberals and by some in the traditional civil rights leadership.

Judge Thomas, in this 1983 speech, acknowledged more had to be done to counter the legacy of discrimination than merely stopping the discrimination. But, he dared to question "the effectiveness and legality of certain affirmative action programs and policies" and noted that the 1980 census showed a widening income gap between affluent and poor blacks. At the same time, Judge Thomas made clear the EEOC would uphold the law and use the tools the courts made available to it, whether he liked them or not. He also argued for tougher penalties for violating title VII than exist in current law, well before the current drive to do so in Congress. He praised the accomplishments of the civil rights movement. But, he dared to question aspects of affirmative action. he dared to mention that there are factors other than discrimination that serve as barriers to minority success. He mentioned the need to develop training and education programs, for example, to attack the socioeconomic problems facing minorities.

For espousing this reasonable point of view, Judge Thomas has been vilified by some who cling to the big government approach and who reflexively rely upon policies of reverse discrimination, however euphemistically described, to address the problems of minorities today. One can debate the positions he has taken and disagree with them on the merits. Some of his critics, however, do not want to debate these issues, they wish to smear and slander those who disagree with them. Carl Rowan, whom I admire for his usually incisive commentary even when I disagree with it, called him a "David Duke" on two different episodes of a talk show. This was an uncharacteristic low blow. Others have made similar unfair attacks and are trying to tear the man down in order to discredit his different ideas. They do so because they are afraid to confront and debate those ideas fairly.

As I said, Mr. President, Judge Thomas has long since answered these critics. At the end of his speech in 1983, Judge Thomas said to what I understand was a predominantly black audience:

> You have been privileged to receive an education. You have the ability to understand that because our problems now transcend race, solutions must also extend beyond race. You must not be afraid of being disliked and must resist functioning in lockstep with others simply because doing so is more convenient. We cannot accept the implications of the new orthodoxy which exists in America today—an orthodoxy which says that we must be intellectual clones. We fought too long and too hard to make people stop saying blacks looked alike—but I say it is a far greater evil that many say blacks think alike—it is a far greater evil that we tend to exalt rhetoric over facts and critical analysis.

Mr. President, those are the words of an independent thinker, the kind of person one would want to have on the High Court. It is no surprise that, in this speech, Judge Thomas quoted these lines from a poem:

> Two roads diverged in the woods and I—
> I took the one less traveled by,
> And that has made all the difference.

I ask unanimous consent that a copy of Judge Thomas' speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCRIMINATION AND ITS EFFECTS

(By Clarence Thomas)[1]

This article will discuss discrimination and its effects. My grandparents, who raised me, are perfect examples of what discrimination can do. In my early childhood, my grandfather would rise between two and four a.m., deliver ice, then spend the rest of the day delivering fuel oil. During the summers, we worked on a farm—literally from sun up to sun down, six days a week—taking only the Lord's day off. This all goes to say that my grandfather and my grandmother worked harder than anyone I know.

Early in life, as I watched them toil away, I realized that their efforts would be seriously impeded by something beyond their control—racial discrimination. They had overcome the lack of formal education, the Great Depression and an assortment of other adversities. But, no matter what efforts they made race was a roadblock to taking full advantage of the benefits of this country. As a result of living through this experience and other experiences, I have strong views about civil rights.

As you all know, we face serious challenges in the area of civil rights enforcement—an urgent need to reaffirm a national obligation, to recommit federal leadership in guaranteeing basic legal rights to face up to hard questions, perhaps to accept tough answers. Of particular interest to me, of course, are those challenges I grapple with daily in the area of equal employment opportunity law. Unquestionably, employment discrimination continues to limit opportunity in our society, with a pervasive, devastating impact on minority and female expectations. The fact of this continuing impact is made clear to me on a regular basis in the course of my work at the equal employment opportunity commission.

I have seen a continuing flow of discrimination charges filed with the EEOC over the little more than a year that I have been on board. An alarming number of these charges have merit. By the end of last fiscal year, the commission authorized some one hundred and twelve new cases for litigation. The money awards we won for plaintiffs exceeded $33 million. We have made a determination on these charges. The courts have affirmed. Employment discrimination continues. And we are continuing a vigorous fight to eradicate it. But that is precisely the way it should be. Unquestionably the federal government has the primary responsibility to protect the civil and constitutional rights of all citizens. This responsibility must not be abdicated and cannot be delegated. Civil rights are fundamental to our way of life and their protection is absolutely essential. It always has been. Historically, the federal government has recognized its legitimate moral interest, its binding obligation to protect the civil rights of our citizens. We learned some time ago that such matters of grave, national importance cannot be entrusted to local governments and to private citizens. At a painfully slow pace, this ideal has increasingly gained the force of law over the years—progress due to specific efforts by all three branches of the federal government.

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[1] The above article is an edited version of a speech given before the "New Coalition," Chicago, Illinois, August 17, 1983. Mr. Thomas is the director of the Equal Employment Opportunity Commission.

As a result, today equal employment opportunity is the law—written into Title VII of the Civil Rights Act of 1964; strengthened by amendments; supported by executive orders; given clearer definition by court decisions. The federal law is stronger than ever before in its ability to offer protection. We must make sure the federal government continues to show its willingness to offer protection. I am committed to making sure that the law is enforced—effectively, efficiently, equitably. It is my personal commitment as much as it is my sworn duty.

But this federal responsibility should go even further than merely enforcing the law. The government has a profound obligation to exert its leadership in moving us forward—fostering a national consensus of renewed support for compelling matters of national policy. Every agency in this government with a direct interest in EEO enforcement must demonstrate to private sector interests that we fully intend to enforce the law. There can be no equivocation on basic questions of right. No excuses for failure to correct the present effects of past injustice. It must be made clear. We are in this fight to win. And I might add we take no prisoners.

Challenges, however, are not as simple as the black and white picture many have tried to paint. In large measure, they are rooted in the on-going changes in our environment. We live in a dramatically different political, social, economic world today than the one that existed a generation ago, when we took bold forward steps, enacting most of the important civil rights laws we debate today.

The problem of discrimination also has changed. Yesterday, we confronted clear-cut acts of blatant discrimination. Today, we are confronting less obvious, but no less pervasive effects caused by discrimination.

The solutions are not always as clear-cut or easy. Sometimes, as a result, we tenaciously hold onto those partial solutions we do find, hoping they might solve all our problems. But short-term resolution may not be in our long-term interest: to transform a national ideal into an enduring reality.

There has been increasing conflict—a deep philosophical tension concerning the best way to approach emerging problems: a fundamental belief in limited government interference with basic individual rights; but an equally strong belief in government intervention to protect these very same basic rights. This tension has led to considerable disagreement—disagreement which cuts across all social and economic lines; disagreement which appears to be eroding a once-powerful national consensus on civil rights policy in general.

We simply cannot allow this to continue. The federal government has a responsibility to take the lead in making sure that it does not continue. First, we cannot allow important matters of national policy to be reduced to simple matters of political posturing. The issues we face are clearly too complex to be tossed around as oversimplified campaign slogans which inflame more than inform. Responsible government leaders simply should not participate in such an exercise. Our personal views on the laws we enforce are, at most, inconsequential, we have sworn to uphold the laws.

Furthermore, the executive branch in particular can exert leadership in this area by making sure its own house is in order. We cannot expect to be effective in enforcing the EEO laws in the private sector if we do not do all we can to comply with those laws ourselves. Effective performance of this duty also requires that we look for new ways to strengthen our enforcement of the laws. We have been doing that at the commission.

We are currently looking at new ways to devise a streamlined system to process charges in a speedy fashion, to eliminate duplicative reviews, provide effective relief for charging parties and guarantee the due process rights of all concerned. And we will leave a better EEOC than we inherited. But we must also consider ways in which we can strenghten the law itself.

I have said on numerous occasions that I believe the equitable remedies available under Title VII are not as compelling as the civil damages available under other federal statutes. While we can provide backpay and reinstatement to employees who have been wrongfully denied equal job opportunities, we cannot penalize those who discriminate. It is high time we consider strengthening the sanctions we can impose in order to increase our ability to fully protect the right to equal opportunity. I think it is a disgrace that the penalty for tampering with a mailbox is greater than the penalty for discriminating. Just telling a discriminator to do right—to hire a few minorities—to promote a few women—is not enough. Even stronger laws, however, will lose their effectiveness if we do not exercise wisdom in applying those laws to appropriate situations. We must have the courage to admit that, while discrimination does continue to have a devastating effect on certain group expectations, there are other socioeconomic factors which also have historically contributed to the limited opportunities of a great many people.

"Two roads diverged in the woods and
I—I took the one less traveled by,
And that has made all the difference."

Hence, I decided to discipline my intellect and use my passions to push me to grapple the seemingly intractable problems facing minorities in this country.

It became clear, at least to me, that I did not need to go to college to become angry. I did not need to go to college to protest. I could have stayed home and done that. Nor was it necessary for you all to have undergone the stress and sacrifices attendant to acquiring an education in order to be governed by your passions. You were educated to sharpen your intellect—to enhance your analytical skills. You now become part of a very select group. With this privilege comes a corresponding responsibility, or perhaps more aptly put, a corresponding duty. As leaders, you must form your opinion on certain issues affecting the lives of minorities in this country. You must decide whether you will adhere to an approach to these issues with your hearts or your intellect. The importance of this decision cannot be too greatly stressed, because as intelligent and resourceful people, it will be up to Black professionals to develop and implement solutions to our problems.

Let me explain more fully what I mean. Over the past few years certain issues have been established as issues of primary concern to minority groups. These issues relate to the effort to achieve equality in employment, education and other socioeconomic aspects of the lives of minorities. In general, the debate on "minority issues" centers around affirmative action, busing and welfare. Occasionally, the discussions include job training programs, public housing and government set asides. Along with the established issues of concerns to minority group members, there is an established "right" position for minorities to take on these issues. For example, the "right" solution to the problem of ending job discrimination is to support affirmative action. The "right" way to achieve educational equality is through busing; and the "right" way to help the poor minority is through a fiscally liberal welfare system. Those whose positions differ from these established positions and even those who question these positions are, according to this new orthodoxy, just plain wrong. They are suspect. They are Judas, goats, pariahs, quislings. They may even be labeled "anti-civil rights." The basis of their opinions and positions are not investigated, because according to the new orthodoxy, the right position is axiomatic. The right position is axiomatic, a priori. The right positions are gospel, not subject to analysis or debate.

I have established certain positions on issues involving minorities. However, I do not here want to advocate my views or my opinions. No! I want here to urge Black professionals that you not permit yourselves to be insulted by an orthodoxy that requires you to ignore the education for which you have worked so hard and diligently. I want here to urge that you insist on your intellectual freedom—that you not permit the rigidity of this orthodoxy to straight-jacket your thinking. I ask that you use your skills and intellect when you consider the many issues affecting minorities in this society, that you study and analyze the facts about traditional approaches, and that you calmly and rationally examine the results of policies which affect minorities. None of us want to be perceived as cutting back on civil rights. But as the few survivors of the educational process, we simply must look at the results of policies upon which minorities have relied to improve their socioeconomic condition.

Recent reports have shown what many of us have argued for years: that family composition, education and a host of other social factors can have as much impact on employment opportunities as traditional barriers caused by discrimination.

These factors raise questions about the effectiveness of some of the particular methods we are using to overcome tough problems. For example, we have seen a continuing national debate over the merits of affirmative action without a real determination of its successes. In more than a decade of affirmative action policy, we have seen conflicting reports. But we cannot ignore the fact that Black men—who were supposed to be helped by affirmative action—are still dropping out of the labor market at a frightening rate. One recent study showed that Black male participation in the civilian labor force dropped from 74.1 percent in 1960 to 55.3 percent in 1982. This is an alarming drop of 18.8 percent. And while the income of the most fortunate of us has reached parity with whites—the income of the least fortunate continues its relentless and precipitous downward trend. Something is very wrong.

In light of real world facts of life, there should be no reasoned disagreement over the underlying premise of affirmative action: that is, that we simply must do more than just stop discriminating if we are ever going to stop the effects of a history of discrimination. But, we must have the courage to recognize that there is room to question the effectiveness and legality of certain affirmative action programs and policies. It would be irresponsible for us simply to turn our backs on this reality and assume we have developed a social and legal panacea. This is particularly true when the 1980 census shows a widening income gap between affluent and poor Blacks.

Even while we may question the effectiveness of current methods, we are still bound to uphold the law. We at the commission, through our compliance and litigation program, are involved in the area of affirmative action. The courts have determined this to be an appropriate remedy for us to pursue and a significant portion of the cases we handle continue to result in settlements or court orders which provide affirmative relief. And, as long as I am chairman we will aggressively pursue all remedies available to us—whether I like them or not. But we must continue to raise questions about the effectiveness of particular tactics of our overall strategy. After all, the great civil rights victories we have seen so far were not won as a result of a blind allegiance to the status quo. We have moved forward because we dared to question established policy; because we were relentless in searching for answers.

Our future challenge will be to continue using the law to remedy problems arising from violation of the law; working all the while—probing and testing—to develop the much-needed solutions—including the training and education programs we desperately need—to attack problems rooted in socioeconomic causes. Unquestionably, the federal government must and will continue to have a major role to play; continuing to protect rights through strict enforcement of the laws; continuing to exert leadership to ensure that the generation that carries us into the next century will not continue fighting the same battles over and over again.

Fifteen years ago—about this time of the year, I was boarding a train to go off to college. Those were interesting years, a time for activism, a time for protest. I remember the protests and rallies to free Huey Newton and Angela Davis. I remember the pickets, the demonstrations, the anti-war marches. I also remember the free breakfast programs, and tutoring community children. As I look back, I become keenly aware of the groping, the struggling for answers to the many problems of minorities in this country. Passion and emotions overtook reason and consumed us. We were angry, very angry.

Before graduating from college, and as a veteran of countless protest efforts, I realized that we were allowing our hearts rather than our minds to lead us to the solutions which were so badly needed. I recalled the words of Robert Frost, which had helped me during my high school days as I fought to harness the anxieties of Richard Wright's Bigger Thomas; reconcile Christianity and segregation, and educate myself in a seminary which was all-white—except for me.

I do not mean to suggest that the civil rights movement and the accomplishment of that movement are meaningless. The laws that the leaders of the civil rights movement encouraged remain crucial to the achievement of equality for minority people in this country. Nor do I want to paint a picture of hopelessness or desperation for minority groups in America. I have every faith in our ability to address the problems of the minority community. However, I believe that in order to address these problems, you will have to seek new directions. The information I have access to supports this belief. This information suggests that our strategy and our approaches must be questioned and changed if we are to realize the goal of equality for all members of the society in which we live. In developing this new approach, we must resist rhetoric and noble intentions. Instead, we must demand positive results.

Many of us have walked through doors opened by the civil rights leaders, now you must see that others do the same. As individuals who have received the benefit of an education which was probably denied your fathers and mothers, and in some cases sisters and brothers, you must devise a plan for a civil rights movement for the 1980s. The effort which it takes to do this cannot be legislated or mandated. It must come from within you. I believe that we can have impact. That we can solve the seemingly intractable problems of minorities in this country. I assure you that if we don't try, if we are not positive, if we continue to make excuses and if we continue to let naysayers dominate our thinking, the problems will not be solved. If you and I don't solve these problems, then who will? If we don't do it now, then when? We simply cannot afford another decade of misdirection.

You have been privileged to receive an education. You have the ability to understand that because our problems now transcend race, solutions must also extend beyond race. You must not be afraid of being disliked and must resist functioning in lockstep with others simply because doing so is more convenient. We cannot accept the implications of the new orthodoxy which exists in America today—an orthodoxy which says that we must be intellectual clones. We fought too long and too hard to make people stop saying Blacks look alike—but I say it is a far greater evil that many say Blacks think alike—it is a far greater evil that we tend to exalt rhetoric over facts and critical analysis.

To change our thinking is not easy. I know it is difficult to change when the changes are perceived and publicized as setbacks to civil rights gains. But we cannot clutch symbols when reality demands action. I urge that you not instinctively dismiss new concepts, new ideas, new proposals and new leaders. I ask that you engage in rational discussion about the problems of minorities and demand that others do so. I ask that you not permit those who thrive on sensationalism, to sway you. I ask that you be persuaded by the same study and research as you would be persuaded by in your professional endeavors. I ask that you join me in seeking new, meaningful directios for the members of minority groups in America. The problems that I speak of are critical to our survival. This makes reexamination and redirection all the more compelling. I ask that you use the many skills you have acquired to dissect systematically the problems facing minorities. Only in this way will be begin to find solutions. The future depends on your skills—your courage—your strength!

DO NOT SACRIFICE CLARENCE THOMAS ON THE ALTAR OF REVERSE DISCRIMINATION

Mr. HATCH. Mr. President, we have all become aware since Judge Thomas' nomination to be Associate Justice of the Supreme Court that his written views on civil rights and affirmative action are the subject of intense scrutiny.

While some of his critics describe their concern as based on his overall views or record, when one boils down this opposition, it really amounts to this: The judge has expressed opposition to preferences for or against anyone on the basis of race or gender and those who support such preferences want to punish him for it.

I trust, Mr. President, that the Senate will not sacrifice Judge Thomas on the altar of reverse discrimination, as some of his critics would have us do.

Judge Thomas has fought discrimination all of his life. He knows what it is like to be a victim of racial discrimination—both of the subtle and open varieties. There is not a single Member of this body who can tell Clarence Thomas what it is like to be subjected to vile racism.

Judge Thomas has an excellent record in the executive branch. He took the chairmanship of the Equal Employment Opportunity Commission in 1982 when that agency had been left in shambles by the Carter administration predecessor. He turned that agency around. I know. I chaired the Labor Committee, with oversight over the EEOC, for the bulk of Judge Thomas' chairmanship, and was ranking member for the remainder of it.

He did a fine job. The number of lawsuits and interventions filed increased from 195 in fiscal year 1983 to a record 599 in fiscal year 1989. A May 17, 1987, editorial of the Washington Post entitled "The EEOC Is Thriving" praised "the quiet but persistent leadership of Chairman Clarence Thomas * * *."

Judge Thomas has expressed the view that our Constitution and civil rights laws apply equally to all Americans—black and white. Is that wrong? He has expressed his disfavor of reverse discrimination, regardless of the euphemism used to mask racial and gender preferences. He has identified with the eloquent dissent of Justice Harlan the elder in the Plessy versus Ferguson case, which enshrined the odious racial doctrine of separate but equal—a doctrine Judge Thomas lived under for part of his life. In his dissent, Justice Harlan correctly said:

> Our Constitution is colorblind, and neither knows nor tolerates classes among citizens.

Indeed, Justice William O. Douglas expressed similar sentiments in his dissent in the DeFunis versus Odegaard case. That was a 1974 case in which the court declared moot a controversy concerning a State law school's racially discriminatory admissions policy. This is what Justice Douglas had to say:

> The consideration of race as a measure of an applicant's qualification normally introduces a capricious and irrelevant factor working an invidious discrimination. Once race is a starting point, educators and courts

> are immediately embroiled in competing claims of different racial and ethnic groups that would make difficult, manageable standards consistent with the Equal Protection Clause. The clear and central purpose of the 14th amendment was to eliminate all official State sources of invidious racial discrimination in the States.
>
> There is no constitutional right for any race to be preferred. * * * A DeFunis who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability, no matter what his race or color. * * *
>
> The Equal Protection Clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized. * * *
>
> If discrimination based on race is constitutionally permissible when those who hold the reins can come up with "compelling" reasons to justify it, then constitutional guarantees acquire an accordion-like quality. * * * [416 U.S. at 333, 334, 336, 337, 342, 343 (Douglas, J., dissenting)].

I do not know how Judge Thomas will rule on affirmative action issues. He does not believe in imparting his personal views into his judging. Moreover, there are Supreme Court cases that have begun to address some of these questions and I do not know Judge Thomas' views on stare decisis.

I do know this: If the proponents of racial and gender preferences and reverse discrimination wish to go after Judge Thomas on these issues, however they dress up these unfair practices with seemingly benign labels and euphemisms or mask them with convoluted rules in new legislation, I and others will be prepared to debate these issues fully, and Judge Thomas' record, in front of the American people.

One last point. Some of the proponents of preferences and reverse discrimination who would prefer to see Judge Thomas defeated understand that they are out of step with the mainstream of the American people. They will seek to cast their opposition in loftier tones, and to look for other excuses—any excuses—to oppose Judge Thomas, to draw attention away from their ulterior reasons for opposing him. Indeed, there is some indication, reported by the Washington Post and elsewhere, that the abortion issue, in addition to being used as an inappropriate litmus test in its own right by proabortion groups, will be used by proponents of reverse discrimination to try to drag Judge Thomas down.

I do not believe such a tactic will work.

Mr. President, I thank my dear friend from North Dakota for allowing me to take this extra 10 minutes, and my friend from Mississippi for the kindness he has shown to me here today.

I yield the floor.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. If there is nobody here to offer an amendment, and there is no problem with the managers, I would like to take about 2 minutes of that time.

MFN FOR SOVIETS

Mr. DOLE. Mr. President, I am pleased by today's announcement in Moscow that the President intends to submit for Senate approval a comprehensive trade agreement with the Soviet Union, including the granting of most favored nation status.

It is another important step forward on the road to improved and mutually beneficial relations for our two countries. To the extent that it helps foster stability, and improves the prospects for better living conditions for the Soviet people, while at the same time benefiting us—especially by expanding our potential export markets—it is truly a win-win situation.

As I think most Senators know, there is at least one problem that we will have to resolve as we work on the agreement, and that is making sure that approval of the agreement does not compromise our long-held and legitimate position on freedom for the Baltics. But that is something I am confident we can accomplish without scuttling the agreement itself.

So I look forward to the early submission of the agreement to the Senate. I intend to support it and work for prompt passage of the resolution of approval.

Mr. President, I reserve the remainder of my leader time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

THE 46TH ANNIVERSARY OF A DISASTER—AND COURAGE

Mr. HELMS. Mr. President, today marks the 46th anniversary of what many in the U.S. Navy regard as the greatest disaster in the history of our Navy, the sinking of the U.S.S. *Indianapolis*. But the courage of the fine Americans who died in that disaster, as well as the estimated 900 who escaped the sinking, is a saga of dedication and sacrifice.

Mr. President, it was quite by accident that I began giving thought to this fateful event a few weeks ago. A friend in North Carolina had written to me, making inquiry about various aspects of the disaster. I did not have the answers, so I made inquiry, in turn, of a dear friend of mine who is a retired admiral. Here is his response:

> On 28 July 1945, the U.S.S. *Indianapolis* departed Guam for Leyte at approximately 0930 in the morning. She had previously off-loaded the internal components of the Hiroshima Bomb in Tinian on 26 July 1945.
>
> As she steamed through the darkness of the night of 29–30 July 1945, the *Indianapolis* was struck by two Japanese submarine-launched torpedos in her starboard bow at five minutes after midnight. In less than 15 minutes the cruiser had vanished east of Leyte in position 12 degree 02 minutes north latitude, 134 degrees 48 minutes east longitude.
>
> This began the terrible events that proved to be the worst disaster at sea in the history of the U.S. Navy in terms of lives lost. Of the 1,196 brave men assigned to this ship, it has been estimated that 900 escaped the sinking. However, their trials had just begun.
>
> For more than five days these men had to survive in shark-infested waters before rescue was accomplished—and that rescue was totally by accident. Of the 900 who escaped the sinking, only 316 were in fact rescued. Five days of deprivation and horrible shark attacks had taken a deadly toll. It is impossible to imagine the terror these brave men endured.
>
> When we think back through American history, we think of the enormous sacrifice by so many Americans—Valley Forge, the Argonne Forest, Guadalcanal, Iwo Jima, Chosen Reservoir in Korea, the Tet offensive in Vietnam, to name only a few.
>
> But no men who ever fought for our country deserve more esteem than the crew of the U.S.S. *Indianapolis*. A ship is nothing more than steel shaped to the needs and desires of man. The heart, the soul, the very life of a ship, is her crew. The U.S.S. *Indianapolis* had the very best.
>
> On 30 July 1991, we will mark the 46th anniversary of the sinking of that steel form named U.S.S. *Indianapolis*. But the heart and soul of her crew lives on, and will live forever in the minds of the American people.

Mr. HELMS. Mr. President, on this anniversary, Senators and other Americans should take special note of the suffering and sacrifice of the crew of the U.S.S. *Indianapolis* 46 years ago. It was a disaster at sea, yes. But it was a moment when the courage of these superb Americans gave meaning to America. Braver Americans never lived.

RESPONSE TO SPECIAL BOARD REPORT ON RAILROAD CONTRACT

Mr. EXON. Mr. President, I recently read the report of the Special Board appointed by the President under the bill which ended the nationwide railroad strike. The purpose of the Special Board was to review the settlement recommendations of the original Presidential Emergency Board [PEB], change or modify the recommendations as appropriate, and adopt the final package as a binding settlement.

I supported the creation of the Special Board so that rail workers would have a forum in which to express their concerns and have their views fairly considered on the original PEB recommendations.

Unfortunately, when I read the Special Board's report, it seemed the Board's goal was to avoid looking at the real issues in the rail dispute and the PEB report. Instead, most of the Board's report was devoted to tedious arguments over procedure instead of substance. The Board's written opinion had no discussion of the real issues, yet in the end conclusively held that the original PEB recommendations were "fair and demonstrably equitable." No reasons why they were provided.

I am not a lawyer. But as in Bob Dylan's song line, "You don't have to be a weatherman to tell which way the wind blows," similarly in this case, one does not have to be a lawyer to tell which way the political wind was blowing at the presidentially appointed Special Board. It certainly was not blowing on behalf of the railroad workers.

Mr. President, in my view, the Special Board failed in its mission as intended by Congress, to provide rail workers a fair second chance to have their views heard and considered on matters crucial to their economic livelihood.

LOAN GUARANTEES FOR THE SETTLEMENT OF SOVIET AND ETHIOPIAN JEWS

Mr. COATS. Mr. President, for years the United States has pressured the Soviet Union to allow greater and freer emigration for Soviet Jews to Israel. Now that our demands are being met, we must not fail those who seek a new life in Israel.

We must understand that opening the country's gates to unlimited numbers of Jews from Ethiopia and the Soviet Union is first and foremost a humanitarian act no one else is willing to undertake. To make it possible, Israel does not seek American grants or loans. It only wants the U.S. Government to facilitate bank loans by guaranteeing them. Nor is the undertaking an economic gamble. Israel has unfailingly met its debt repayments on time, and it has neither asked, nor been granted loan forgiveness. Moreover, by absorbing and nurturing the brain pool which the immigration contains, Israel is adding an incalculable, priceless asset to the world democracies.

Some would say that the United States must use its vast resources to take a strong position against the country that is slowly dispossessing a Palestinian people. We must be careful to not let our foreign policy aid conflict with our humanitarian aid. Punishing a close friend and ally in order to alter an unrelated domestic policy of that country is inappropriate and detrimental to our bilateral relationship. Like all United States assistance to Israel, the loans obtained with the United States guarantees can only be used within pre-1967 borders. The rescue of Soviet Jewry is a humanitarian concern; these guarantees should not be linked to political disagreement over Israeli settlements in the administered territories. They are two separate issues.

Israel needs these loans to absorb hundreds of thousands of Jews who have excellent reasons to fear for their safety if they stay in their countries of origin. The vast majority have nowhere else to go but Israel. Only Israel has unconditionally chosen to accept each one. The Israelis decided long ago that each Jew was a brother, and that they were their brothers' keepers. This noble commitment speaks loudly of their desire for peaceful advancement.

This act is not one of calculated investment, but one of unusual moral sentiment. For the first time in Israel's history, taxpayers will spend more for the cost of absorbing new immigrants than for defense. An estimated 20 percent of Israel's budget will be spent on absorption this year alone. In September, the Shamir government is expected to formally request from the United States $2 billion a year loan guarantees over the next 5 years to offset the estimated $45–$50 billion cost of absorbing 1 million Soviet and Ethiopian immigrants.

For over two decades the United States has made the freedom of Soviet Jewry a central tenet of our foreign policy toward the U.S.S.R. We now have the opportunity to assist in this historic, humanitarian effort—the successful absorption of this Jewish community into Israel. The Jewish community stands united already promising nearly $4 billion in grants, loans, and guarantees over the next 5 years. This is an equivalent of over $700 for each American Jew. With only a marginal bookkeeping effect on the U.S. budget, America stands to gain more than it loses. We stand to gain much as our banks profit from servicing the loans and our industries benefit from the building and construction materials needed to support such a project. Most importantly, Israel has a perfect loan repayment record and has never defaulted on a loan

We can do more to help achieve peace if we maintain our strong relationship with this trusted ally, and support Israel in this great humanitarian effort.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, the week of August 11–17 marks the 20th annual observance of "National Hosiery Week." Since Congress will be in recess during that week, I'll take a moment today to pay my respects to an industry which is vital to the free enterprise system of our Nation and to the economy of North Carolina.

At a time when imports continue to threaten the textile and apparel industry, it is important that Americans support our textile and apparel industry in general, and our hosiery industry in particular.

The hosiery industry constitutes a significant portion of the textile and apparel complex, employing 71,200 American workers in more than 28 States. In 1990, the hosiery industry produced 320,149,000 dozen pairs.

Mr. President, despite the overall size of the industry, hosiery companies are vital to countless small communities around the country. The average hosiery company is a small- to medium-size business in a small American town. In fact, hosiery manufacturers are often the major employers in their communities.

The hosiery industry is doing everything it can to counter imports by improving productivity in the mills, by investing in more efficient machinery and by sharpening the industry's marketing skills.

Furthermore, the hosiery industry is aggressively seeking foreign markets for its products. In 1990, U.S. hosiery exports increased to 6,899,215 dozen pairs.

Mr. President, National Hosiery Week is of special significance to me since North Carolina is the leading textile State in the Nation. In fact, more than one-half of all American-made hosiery is produced in North Carolina.

North Carolina is proud of its distinctive leadership in the hosiery industry. We are grateful for the fine quality of life this industry has provided for so many people who are hard-working, friendly and proud of their industry.

Mr. President, on behalf of my fellow North Carolinians, I extend my sincere congratulations to the hosiery industry for the great job it is doing for the people of our State and Nation.

TRIBUTE TO LOUIS B. ROGOW

Mr. LIEBERMAN. Mr. President, it is my great honor to bring to the attention of the Senate an individual who will truly be remembered as one of our Nation's greatest philanthropists and humanitarians, if not one of our Nation's greatest citizens, Louis B. Rogow. Louis died recently at the age of 94. He was a resident of my home State of Connecticut for most of his life and made priceless contributions to our State, our Nation, and the State of Israel.

Louis came to the United States from Kiev, Russia, in 1908, when he was 11 years old. The necessity to support his family thrust him into the machinist trade at a very young age. Overcoming the lack of a formal education, Louis became founder and chairman of Birken Manufacturing Co. of Bloomfield, CT. During World War II, Birken was vital in supplying arms and equipment to the U.S. war effort. His company provided intricate gyro mechanisms for the Raytheon Guided Missile Program and the Naval Torpedo Station at Newport, RI. Birken Manufacturing now supplies aircraft parts to major corporations, such as Pratt & Whitney, Raytheon, Avco Lycoming, and the U.S. Air Force.

Louis believed strongly in showing gratitude to his adopted country and dedicated his life to the old, the sick, and the disadvantaged. He served on the boards of many institutions, including Mount Sinai Hospital, St. Francis Hospital, Newington Home for Crippled Children, and St. Mary's Home. He was a lifetime member of the board of directors of the Greater Hartford Jewish Federation. Louis was the first person in Connecticut to make a $1 million gift to the federation, which helped make it what it is today. The success of the recent airlift of over 14,000 Ethiopian Jewish refugees to Israel was a further tribute to the significant contributions of Louis Rogow. He also served as chairman of the Hartford Committee of State of Israel Bonds and was honored in 1968 for raising $1.1 million in bonds. As a youth, he was even a champion bicycle racer and outstanding ice skater. In 1983, he was included into the Greater Hartford Jewish Hall of Fame of Jewish Athletes.

Louis always demonstrated his love for the State of Israel. It is this love and commitment that motivated him to continue his good works long after retirement. Between 1948 and 1987, he and his wife made 31 trips to Israel and raised money for the economic development of the country and for the welfare of its people. He received the Albert Einstein Award from Israel's Technion University, where the aeronautical research center bears his name. He also held an honorary doctorate from the Technion and was an active fundraiser for Tel Aviv and Hebrew Universities in Israel. Upon hearing of his death, the Israeli leadership announced that a street would be named in his honor.

Mr. President, I hope my distinguished colleagues will join me in rising to pay tribute to this great man. He has demonstrated most profoundly his dedication to the highest ideals of humanitarian leadership, and his commitment to these principles has served as an inspiration to us all. I know that the legacy of Louis Rogow will live on in the hearts and spirits of those who were the beneficiaries of his contributions. He will truly be missed.

ISRAELI LOAN GUARANTEES

Mr. SYMMS. Mr. President, in September, the U.S. Congress is going to have the opportunity to reaffirm the American commitment to freedom and democracy. At that time, the State of Israel is expected to request the United States to guarantee $10 billion in loan guarantees over the next 5 years. This opportunity is both financially and morally correct. Israel, like the United States, is a country founded and sustained by immigrants. Both serve as a haven for those fleeing religious, economic, and political persecution. In the past year, Israel has been subject to a massive flow of refugees not seen since its founding in 1948. These United States guarantees will enable Israel to secure private loans to invest in human capital—perhaps one of the safest investments that our countries can make.

During these times of fiscal austerity, the United States will be unable to make large monetary grants to assist Israel in this historic immigration. However, the opportunity exists to provide guarantees, which are not grants, and do not involve the transfer of any funds from the United States Treasury to Israel. In effect, the United States would simply be cosigning a mortgage loan for Israel, allowing Israel to secure loans from private, United States financial institutions. With a United States guarantee, Israel will be able to obtain loans at favorable terms. For example, Israel will be able to secure 30-year loans which would allow the Israeli economy time to reap the benefits of expansion resulting from the integration of this wave of well-educated immigrants.

Mr. President, loan guarantees are truly a no-cost investment for the United States. The United States has a great deal to gain economically by assisting Israel in this fashion. Not only do private American banks stand to profit from servicing the loans, but Israel will purchase most of the building and construction materials it needs from United States companies. Many United States firms have already been approached for large-scale Israeli construction contracts.

These guarantees are also a low risk investment. Israel has a perfect debt repayment record—it has never defaulted on a loan or been late with a single payment in its history. Moreover, each past wave of immigration has resulted in growth for the Israeli economy. Economists predict that the influx of 1 million new consumers from this immigration will expand Israel's economy by an average 9 percent per year through 1995. This expansion will allow Israel to comfortably service its new debt.

Israel has already committed to do all it can to absorb these immigrants. Israeli taxpayers, who are already overtaxed, will shoulder most of the costs of absorption with new tax increases. It is also interesting to note that a record 20 percent of Israel's budget will be spent on absorption this year—eclipsing defense for the first time as Israel's largest budgetary expenditure.

The current wave of emigration to Israel is one of the clearest rewards from a successful United States foreign policy toward the Soviet Union over the past three decades. Under United States leadership, worldwide attention has been focused on the plight of human prisoners in the Soviet Union—over 1 million of which are Jewish. The fall of the iron curtain, and the subsequent relaxation of emigration laws, is a testament to the realization of American foreign policy goals and objectives. Now the United States has a moral obligation to ensure that the refugees are given the chance to build new lives in a free and democratic society.

In addition to being a sound investment, the issue of these guarantees is a humanitarian one. They should not be linked to Israeli settlement activity or used as a political club. When President Bush was asked earlier this month whether the absorption guarantees should be linked to settlement activity, he responded by saying, "Well, I don't think it ought to be quid pro quo." This position was reiterated by White House Spokesman Marlin Fitzwater this past week, when he said, "there is no linkage." The future of Soviet Jewish immigrants—those who are fleeing tyranny to democracy—should not be held hostage to unresolved issues in the Middle East peace process such as Israeli settlements in the administered territories.

REMARKS OF NITA SERSAIN

Mr. CRAIG. Mr. President, it is the belief of many Americans that some of the most favored methods of dealing with America's disadvantaged people have been not only ineffective, but counterproductive.

Consider just these two examples:

In many cases, our welfare systems have resulted in generations of families who know no other way of life—who see a vast, unbridgeable gulf between themselves and the job-holding taxpayers of our country;

Our Indian reservations, rather than offering sanctuaries in which native Americans can develop their cultures and grow within them, have become ridden with alcoholism, unemployment, and despair. Federal dollars poured into the system seem only to hasten the decay.

In Idaho, as in much of the Western United States, people see these systems and their abysmal results as evidence of the wrongheadedness of our approaches to the problems they are designed to solve. These folks will contend that the answer is not for government to help the disadvantaged even more, but rather for government simply to get out of the way and encourage the disadvantaged to see their potential and to reach it.

Nita Sersain, a constituent of mine from Boise, ID, is a long-time friend. To my knowledge, she holds no lofty degree from any expensive university. She has no experience in government, nor in the field of social welfare. But she has, to my knowledge, something that many others seem to lack: basic, common sense.

She has prepared some thoughts on the topic of the proper treatment of America's minorities which, I hope, will stimulate further consideration on the part of my colleagues. Mr. President, I ask that her ideas be printed in the RECORD, and I commend them to the other Members of this body.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFLECTIONS OF AMERICA

As the United States of America moves toward 1992, we may want to take a moment to reflect on our strength and give thanks for our unique government and the commitment of our legislators to govern in such a way as to ensure long term stability and continued growth. We have every reason to expect continued mastery of social and economic problems in 1992 and in the years beyond. We cannot, however, expect our Legislators to do it all. We as individuals must each strive for excellence.

One distinctive quality of being an American citizen is the responsibility of each individual to shoulder his or her share of the load. We have not always been good stewards of this great nation. Now is the time that we must recognize the fact that America is populated by innumerable nationalities such as Chinese, Japanese, Vietnamese, Mexicans, Spaniards, Afro-Americans, American Indians, Germans, Scots, English, Irish, French, and others. We also have the imprisoned, disabled, dysfunctional, terminally ill, aged and the list goes on. All of these individuals combined create our population.

We must face the fact that if indeed there is such a thing as a "minority", then the "majority" is comprised of "minorities" and no one is entitled to more than another.

In the Gettysburg Address, President Lincoln clearly noted that "all men are created equal." The Holy Bible (Book of Genesis, Chapter 5, Verse 1) states: "In the day that God created man, in the likeness of God made he him." Neither of these great quotations imply that there are, or will ever be, "minorities".

Drew Brown is a very successful individual who had one black and one white parent. He wrote the book titled "Ya Gotta Believe", in which he says "I'm not black—I'm not white—I'm American!" He is one of many people who could have chosen failure by claiming to be a "minority" member. However, he chose the American way—to be all you can be. Let not any formerly enslaved race ride on the backs of their ancestors, but may we accept our heritages and recognize our individual responsibility to be all that we can be.

We must no longer allow the proliferation of so-called "minority groups". Logic tells us that if we are to achieve balance in our socioeconomic system, we must all work together for the good of our country. Implicit, I believe, in "freedom from fear," and "freedom from want," is freedom from ignorance.

If America is to maintain its position of leadership and example throughout the world, we must constantly strive to solve any problem which arises at home. One of the most serious of these problems at present, in my view, is the common usage of preferential treatment for so-called "minorities".

Some people refuse to give up the concept of "minorities". They have discovered that using this term has served them all too well, to provide them with preferential treatment without acceptance of responsibility. Other American citizens have an unfair amount of tax imposed upon them in order to support this system.

Do our elected officials recognize what has happened and is happening to the life blood of America? The scale of justice weighs heavily on the side of those individuals who choose to identify themselves as "minorities," and our government has been hoodwinked into believing that they are more important than working taxpayers.

America is known as the "Land of Opportunity". But those who have chosen to accept the challenge to pursue and achieve their dreams are then required to surrender a large portion of their reward to support the "minorities," as well as pay for the Savings and Loan bailout, the national debt, foreign aid, and support to Third World countries.

We cannot have it both ways. Some have chosen the unabashed style of perpetuating the attitude of "gimme more of what you worked for because I'm a minority," while others reach for the American Dream, recognizing the truth that lies within the Preamble to our Constitution: "All men are created equal".

This is the 'Reflection of America' today. It will only get worse, unless legislators recognize that part of the responsibility lies with them. They need to discontinue the terminology of "minority" and allow each and every citizen to accept personal responsibility for his or her actions, to meet the challenge while grasping the opportunities that abound in this great land of ours, and become self sustaining in accordance with the abilities of each of us.

Where have we been? Where are we going? Where will it end? It would most assuredly be beneficial to all Americans to abolish the term "minority". We are not a nation of minorities. We are "One Nation under God, indivisible, with liberty and justice for all"—or are we? The choice is ours—to work and achieve or not to work and fail. Whatever our choice, we must accept the consequences of our decision. If we continue on the path called "preferential treatment for minorities", it will surely lead to socialism.

Let's walk hand in hand into a future of equality, bearing the banner of true freedom. Abolish the term "minorities" from the political vocabulary and instill the term "equality" in its place.

May the spirit of America long endure.

ON ISRAELI ABSORPTION GUARANTEES

Mr. CRAIG. Mr. President, I join my colleague, Senator HATCH, in addressing the issue of the Israeli request for Soviet Jewry absorption guarantees. In September, Israel is expected to make a formal request for a total of $10 billion in credit guarantees to be provided in $2 billion allotments over the next 5 years.

Israel is a very small country, and the absorption of these immigrants has taken its toll on their economy. That will continue into this decade as the flood expands.

The credit guarantee request has been made in response to the need for assistance in handling the increase in the influx of Soviet Jews into Israel. The country is facing a serious financial crisis. More than 1 million Soviet Jews are expected to arrive by the end of 1992. It is important to remember that these loan guarantees are not cash. The guarantees are not even loans from the U.S. Government. What this agreement would do, in effect, is assist Israel in borrowing from private banks by providing those institutions a United States Government guarantee to cover the loan repayment if Israel defaults.

Israel has never defaulted on a loan. Prime Minister Yitzhak Shamir has said that Israel has a commitment to repay its debts to the United States. Israel's foreign debt burden has been markedly reduced. In 1990, Israeli foreign debt was 36 percent of its gross domestic product. That is down from approximately 80 percent in 1985. Its economy is on the upswing and will continue in that direction with assistance in the assimilation of the millions of immigrants. In the long term, these immigrants will provide a work force that will assist in the country's economic growth. The average skill level of these immigrants is higher than that of the Israeli population—more than 40 percent have degrees of higher education. Therefore, providing the credit guarantees will also allow Israel to make an investment in her future.

Our Nation led the fight to free the Soviet Jews and open the doors for the flow of immigration. Now, Mr. President, when we have succeeded in opening the doors of freedom for millions of Jewish people in the Soviet Union, let us work wisely to prevent them from being shut. Without United States assistance in this time of crisis, it is unlikely that Israel will be able to continue to absorb the millions that seek freedom there.

One of the ways that we can close off this historic migration is by linking the guarantees to settlements in the occupied territories. Clearly, we must eventually resolve the issue of settlements in the occupied territories. However, I question the appropriateness of linking that issue to the future freedom of the millions of Jews fleeing from persecution in the Soviet Union and Ethiopia.

I am concerned, Mr. President, about making progress in the peace process. President Bush and Secretary Baker have worked diligently to bring both sides together in the Middle East peace process. I strongly support their efforts, which are now seeing some reward with recent movement towards talks by both the Israelis and the Syrians. The question of linkage would be more appropriate as a question to be resolved in the pending peace talks. The Sinai Peninsula is a case in point. Jewish settlement activity occurred there for 10 years. However, when Egyptian President Anwar Sadat engaged in the peace talks in 1977 and following the Camp David accords, Israel dismantled all Jewish settlements in that former occupied territory.

Mr. President, let us understand the issue of absorption guarantees for what it is: the credit guarantee of a reliable ally, in providing humanitarian assistance for Soviet Jews fleeing persecution in the Soviet Union.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. AKAKA). Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, H.R. 2698, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992 and for other purposes.

The Senate resumed consideration of the bill.

Mr. COCHRAN. Mr. President, as I recall, last evening when the Senate adjourned, an order was entered calling for the recognition of the Senator from Vermont [Mr. LEAHY] for the purpose of offering an amendment on the wetlands reserve program. We are prepared to discuss that amendment and hope that we will be able to proceed soon to the consideration of that matter.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont [Mr. LEAHY] is authorized to offer an amendment on which there will be 40 minutes debate, equally divided.

The Senator from Vermont is recognized.

AMENDMENT NO. 917

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 917.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the committee amendment on page 48, line 14, after the words "which are not permanent but are," strike all that follows and insert the following: "for thirty years or the maximum duration allowed under applicable State law; (2) cost-share assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: *Provided*, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: *Provided further*, That none of the funds made available by this Act shall be used to enter in excess of 98,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.".

Mr. LEAHY. Mr. President, I normally would not interfere with part of the overall appropriations bill, especially this one, but I am concerned there is a section of the agriculture appropriations bill that rewrites part of the farm bill and represents substantial authorization activity on an appropriations bill.

I know the position, which I happen to respect, that the chairman of the Appropriations Committee, Senator BYRD, and others have taken, that we should not be authorizing on the appropriations bill.

The section of the appropriations bill in question changes a very important wetlands protection program that was created in the 1990 farm bill. Under this new program, called the wetland reserve, farmers are paid to restore up to 1 million acres of wetlands. In fact, it is going to pay farmers $700 million in tax dollars for the property value of these lands which are to be protected through the use 30-year or permanent easements.

This $700 million will come from the Treasury. The easements are entirely voluntary. If the farmer does not want either a 30-year or permanent easement, then he does not have to sell.

The appropriations bill changes what was negotiated and debated and argued in the farm bill by allowing easements of only 15 years in length. This change violates both the spirit and the intent of the language authorizing the program. The wetland reserve was a compromise. It was worked out, as was much in the 1990 farm bill, between agriculture on one side and the environmental interests on the other.

The wetland reserve was also a compromise between farmers and taxpayers. It provides payments and benefits to farmers for long-term, permanent protection of valuable restored wetlands. We must recognize that the costs of restoration and of the easements are substantial.

The Department of Agriculture estimated for every acre enrolled, the taxpayers—every one of us, not just farmers, not just environmentalists, every taxpayer—will pay $120 in cost share payments and $585 for the fair market value of the land. That means for a 1 million-acre program, $705 million of taxpayers' moneys will be invested.

When we passed the farm bill, Congress established that we said these easements would either be permanent or for 30 years. Congress did this because we did not want to waste the taxpayers' money. If the taxpayers are going to spend $700 million, we wanted them to get something for it. It is as simple as that. Fifteen years of protection is not enough.

We will not be acting responsibly if we say, here is your $700 million, but at the end of 15 years you can then tear the wetland up. We have given a gift to the participants; the taxpayers have given a $700 million gift.

Thirty years was a compromise. Thirty years was what the U.S. Senate voted for on this floor last year. Thirty years is what was in the committee of conference and voted on again by the U.S. Senate and the House of Representatives, signed into law by the President of the United States.

What we are saying now is that we are going to go back on what we agreed to. These restored wetlands are not protected by Swampbuster. In fact, the farmer could go in and drain the wetland and produce crops after 15 years.

So, what we have, if my amendment is not adopted, is a situation in this appropriations bill where there will be a major rewrite of a significant section of the farm bill, something that this Senate has already voted on and approved. But more than that, look at the incredible waste of money, where we would spend $700 million of tax dollars to rebuild drained wetlands, and then purchase voluntary rights, and then say after 15 years: OK, we gave you the $700 million but go ahead and tear up everything that we paid for.

That is a great deal if you are the one on the other end of getting that $700 million but if you are the taxpayer who has to pay for it, it is not a very good deal at all. I do not think we should, in these tight economic times, be giving out tax dollars and waste benefits, whether they are going to farmers or environmentalists or anybody. We ought to be very, very careful how we spend the taxpayers' money.

In this case, we are saying we are going to spend $700 million of the taxpayers' money and just throw it away. I want to restore the wetland reserve program back to what it was in the farm bill, back to the provision that was the result of months of work, discussion, and compromise. A compromise that requires these easements to either be permanent or of at least 30 years in length. If we are going to spend tax dollars, let us make sure taxpayers get their money's worth for it.

If this was a matter put to referendum among taxpayers in this country, they would vote overwhelmingly. If you asked taxpayers, do you want to spend $700 million for something that lasts only 15 years or are you going to spend the $700 million for something that will last at least 30 years and possibly even be permanent, you know exactly what the answer would be. They would vote for the Leahy amendment.

Mr. President, I reserve the remainder of my time.

Mr. BURDICK. Mr. President, as the Senator from Vermont is aware, the House did not fund the Wetlands Reserve Program, which was established in the 1990 farm bill. I have long supported a wetlands reserve and believe that it is important for the Senate to provide funding for this program. However, in order to fund this program, a couple of changes were made in the program.

The 1990 farm bill provided 30-year and permanent easements. For the first signup, the Department of Agriculture intends to offer only permanent easements. Since this is a new program and many farmers are reluctant to tie up their land for a generation or in perpetuity, the subcommittee believed it was important to provide another option. Thus, the subcommittee modified the Wetlands Reserve Program to allow for 15-year easements. I would also point out that the subcommittee limited the Wetlands Reserve Program to 100,000 acres for the first year in order to realize some additional savings.

I would ask that my colleague allow for some flexibility on this matter and see what sort of farmer interest we have in the 15- and 30-year easements and the permanent easement. I know that he is concerned that farmers will place wetlands in the reserve for 15 years and then take that land out at the expiration of the contract. The same may be said for the acres currently in the Conservation Reserve Program. My response is that I think we will have a much higher rate of participation with the 15-year easements because many farmers will not participate in the absence of this shorter easement. I think the benefits of increased enrollment outweigh the disadvantages of placing these wetlands in the reserve for 15 years.

Mr. President, I think participation will come under the proposal that I have offered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this is an issue that causes me some concern because we, first of all, had a difficult time attracting support for any funding for this program. Due to the budget constraints and the low allocation that we had for this subcommittee, we had many accounts that needed additional funding, but funds were not available because of these constraints and restrictions on the committee's discretion.

The other body, in its bill, provides no money for this Wetlands Reserve Program. If, in conference, the House position prevails, there will not be any wetlands reserve transactions entered into between landowners and the Department of Agriculture.

So, I thought there was room for an argument that rather than simply providing a small amount of money for some permanent easements—which may or may not be approved in the conference—that it was important to urge that some amount of the money that is appropriated be used for some amount of time less than permanent. A 30-year easement, therefore, which is authorized in the farm bill is an option under the committee's approach.

There are those who worry that tying up land for 30 years is going to be a disincentive and that farmers will not voluntarily participate. This is a voluntary program. It is not a mandatory program. It is an incentive program whereby farmers are offered rental or lump sum payments in exchange for granting these easements to property that could be considered wetlands or maybe previously was unfarmed wetland a further incentive is to restore that land to its original character and provide wildlife habitat. For these and other reasons, the program was created in the farm bill.

Technically, the provision in the committee's bill before the Senate that provides for the 15-year easement is not authorized in the farm bill. Technically, it is bill language that arguably encroaches upon the jurisdiction of the Agriculture Committee.

It was my hope that when this bill came up, we could work out an agreement and permit the bill language that we put in the appropriations bill to stand.

It is not certain that the Department will enter into any 16-year easements. They would have to be negotiated. Farmers would have to be persuaded that it would be a good deal for them to accept some payment for a 15-year easement, at the end of which time they could reclaim the land and, under current law, use it in a way that is consistent with other provisions of the law.

Let me remind Senators that we do have other provisions of law that seek to protect fragile lands from cultivation. We have what is called the sodbuster law. We have the section 404 permit program that prohibits the putting into cultivation of fragile wetlands. It may very well be that all of these laws working together can continue to protect those fragile lands from abuse that is irresponsible and about which and on which the Congress has spoken out on more than one occasion and in more than one bill.

I am trying to search for some way to resolve this in hopes that we do not have an unnecessary confrontation over one small change in the bill. I hope as we debate this matter we can look for some way to resolve it. Maybe we cannot. Maybe we will just have to have a vote on it.

I would point out that this committee worked very hard to provide funding of $91 million for this program. The administration had requested $124 million for the program, but only for permanent easements. It would be unfortunate if we provided that money in the appropriations bill and then none of it was used. We have a lot of other programs that could have used that money.

We have already been in touch with some administration officials who are concerned about the underfunding of the Food and Drug Administration account. That is in the bill. We need to address that problem before this appropriations process has been completed.

There are real needs for some Soil Conservation Service funds that we were not able to provide in this legislation. There are other accounts that I can identify and recall our considering when we were making up this bill that could use that $91 million.

It may be somebody could make a pretty good argument that we just take all of that money out of this account and put it somewhere else—that is what the House did—because there are a lot of other needs. If we cannot resolve the dispute over how we start this program and how much money should be allocated to it, then that could be the end result. We might not have any money for the program. Somebody is going to see this in the bill and say, let us use this somewhere else where there is no dispute.

I am hoping that we can resolve the issue. I would like to see some money left in this account. Whether $91 million is the right amount or not, I do not know.

I hope, as we look at the issue, we can work out some kind of compromise on this issue. That would be my hope.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I want to point out that the committee amendment does not require USDA to accept any 15-year easements. It merely allows them to be offered so that farmers may submit bids based on 15-year easements.

The bid process could be set up to give preference to 30-year easements. Furthermore, the rules for the program could stipulate that 15-year easements could only be accepted if the cost was significantly below that of 30-year easements.

It is also entirely possible that 15-year bids could have much more ecological value than equivalent-sized permanent or 30-year easements. We may be able to enter much more valued wetlands in the reserve by allowing 15-year easements that may not be entered if 15-year easements were not allowed.

The purpose of allowing 15-year easements simply increases the competitiveness of the program. There will be more bids; the Department will have a bigger pool from which to accept bids. It by no means requires that only 15-

year easements be granted. In fact, it does not mean that any 15-year easements will be granted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield myself 3½ minutes.

Mr. President, I am concerned when we say that the appropriations bill provision simply gives discretion to move to a 15-year easement from a 30-year easement. Let us be serious. What farmer is going to give a 30-year easement when he or she can get the money for a 15-year easement? They are just not going to do it, especially when you consider that the appropriation bill will allow 20 years of payments on a 15-year easement.

Let me point out what we are talking about. The cost of an acre in the wetlands reserve is about $700. That is twice the average farmland value in North Dakota, twice the average farmland value in South Dakota, twice the value of farmland in Montana, more than the average value of farmland in Nebraska, a third more than the average price of farmland in Kansas.

So what we are setting up is a situation where the taxpayers end up paying more than what the acreage would be worth on the open market. The taxpayer has to pay out all that money, and after 15 years it is gone.

I understand we can never get perfection on a spending bill, and I am not asking for that. But if we are going to be talking about $700 million worth of the taxpayers' money, let us make sure we are getting the most back for it. There are a lot of other areas we need this money for, including in this bill.

I strongly urge that we not go forward with this. I do not know how I would ever justify telling people in Vermont that we just spent $700 million to buy something that we are just going to give back at the end of 15 years, anyway. Most Vermonters would not be able to understand that, and I suspect most taxpayers all over the country would not be able to understand that, unless they happen to be one of those who is getting far more money for their land than it is worth.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I am advised that another Senator is on his way to the floor to speak on the issue. I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield myself 2 minutes.

Mr. President, let me explain one more time why I propose this amendment. I think all of us agree on the necessity for the Wetlands Reserve Program. The distinguished senior Senator from North Dakota has been a strong supporter of that, as has the distinguished senior Senator from Mississippi. We all voted for that in the farm bill. But the fact remains that we are making a dramatic change with no hearings, no testimony, no indication that this is needed. We are telling the American taxpayers to put up $700 million on an untested idea, with no hearings, no testimony, no effort to find out if it is going to work.

Would it not make more sense to stay with what the farm bill has, the 30-year easement to the permanent easement, try it for a year and see how it works. If we have problems with that, then have a hearing. I would commit the Agriculture Committee to move very quickly with legislation.

But right now we are gambling $700 million of the taxpayers' dollars for what I am afraid is going to turn out to be a boondoggle for many farmers in this country. There is no question a lot of farmers need help, but there is also a need to protect the taxpayer's interests. No farmer needs a boondoggle, not with the taxpayers' money. So I hope the Senate will support my amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BURDICK. Mr. President, my colleague has made a wild statement about a boondoggle. A 15-year easement would cost less than a 30-year easement. You get greater participation. More farmers would be glad to be in the program. I think the total cost would be less under this program.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the Chair.

Will the distinguished leader of the Agriculture Committee yield time for me to speak on this issue?

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. Nine minutes and forty seconds.

Mr. LEAHY. I yield to the Senator from Indiana whatever amount of that 9 minutes he desires.

Mr. LUGAR. Five.

Mr. LEAHY. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. I thank the Chair.

Mr. President, I join the distinguished Senator from Vermont, the chairman of the Agriculture Committee, in opposing the language in the agriculture appropriations bill which changes provisions in the 1990 farm bill rather substantially.

The 1990 farm bill authorized a wetlands reserve program which would pay farmers to restore drained wetlands to their wetlands status. Farmers must agree, as you know, Mr. President, to a 30-year or permanent easement on those restored wetlands under the 1990 farm bill. This program is entirely voluntary. No farmer has to participate if the farmer does not like the terms. The appropriations bill before us changes the terms of the Wetlands Reserve Program. This bill would allow 15-year easements as opposed to the 30-year or permanent easements in the 1990 farm bill.

The original provision in the 1990 farm bill allowed 30-year or permanent easements on the basis of many discussions and compromises that occurred during discussion of that legislation. It was especially true of the conservation title which required literally months of give and take on that title alone. The provision determining 30-year or permanent easements was a hard-fought compromise, and I believe it was an important compromise. It is one that I come to the floor today to defend. I believe, Mr. President, in fact it is improper for the Appropriations Committee to alter that compromise with legislation on an appropriation bill.

The Senator from Vermont, the distinguished chairman, has spoken clearly on the merits of changing that provision. Whether one agrees or disagrees on the merits, the work of the authorizing committee and the Congress as a whole should not be undone in an appropriations bill.

Mr. President, I simply point out that the compromise of 30 years, is entirely voluntary with farmers choosing to be in the program. It came from recognition of what had occurred in another conservation program, the Conservation Reserve Program. In that particular program, at least the data in front of me indicates that the average payment per year per acre was approximately $50. Farmers typically signed up for a 10-year Conservation Reserve Program. That meant payments of about $500 during the 10-year period of time. Other studies have shown that the average value of farm land and buildings in 1990 was about $693.

Common sense, Mr. President, tells us that this is a very curious situation. A farmer retires that land for 10 years, and receives back during that period of time almost the full value of the land. Then he puts it out under a new conservation plan, and proceeds to farm again, having received from the taxpayers of the United States, albeit in a sound program—I have no doubt it was a part of supply management—most of the value of the land.

That is really the issue at hand with regard to a 15- and 30-year issue. If in fact landowners are able to sign up for only 15 years, obtain substantially the value of their land from the taxpayers, and then proceed to back into some other situation, that is not good value for the taxpayers, or conservation programs generally. This is why a 30-year compromise occurred, and in my judgment why the 30-year compromise should stand.

I appreciate there is certain popularity in changing these terms. As a matter of fact, from the standpoint of the landowner, with the shorter time period and the more certainty of receiving payments that approximate the value of the land, there is the certainty of a good return from a difficult situation.

But I am hopeful that the Senate will reject the land reach in the appropriations bill, first because it is legislation on an appropriations bill. It is undoing by the Appropriations Committee of the work of the authorizing committee and then of the Congress in a carefully crafted, multifaceted farm bill of 1990.

Finally, I am not certain that it is equitable to the taxpayers or to persons who are interested in conservation in this country. This is why I took the time to speak to the details with the specific comments and examples in attempting to make my point.

I thank the Chair.

Mr. LEAHY. Parliamentary inquiry, Mr. President. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes and 10 seconds.

Mr. LEAHY. How much time to the proponents?

The PRESIDING OFFICER. Nine minutes, 20 seconds.

Mr. LEAHY. Mr. President, I am going to yield back my time, but first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BURDICK. We yield back our time.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Agriculture Committee and supported by the ranking member to strike Senate Appropriations language directing the U.S. Department of Agriculture to offer 15-year Wetland Reserve Program contracts.

Mr. President, one of the important features of the 1990 farm bill was the creation of the Wetland Reserve Program. This program is designed to encourage farmers to voluntarily enter into long-term contracts with the Federal Government to restore cropped wetlands into viable wetland habitats. I am very pleased that my colleagues on the Senate Appropriations Committee have provided an initial $91 million in funds to commence operation of this program.

Because of the substantial financial costs of this restoration, and the amount of time needed to bring forth normal wetland biological diversity, it makes sense to require a contract of sufficient duration to offset these costs and produce these conditions. In many instances, it will take 10 to 15 years for wetland reserve acreage to again acquire wetland characteristics.

Mr. President, I would note that the cost of wetland restoration is substantially higher than the cost of establishing vegetative coverage on Conservation Reserve Program [CRP] acreage. The Soil Conservation Service estimates that it will cost at least $124 per acre for technical assistance to make wetland determinations, and several hundred dollars per acre, in cost-share funds to implement restoration plans. In contrast, the 10- to 15-year CRP contracts cost an average of $4.50 per acre for technical assistance and approximately $50 per acre for cost-sharing conservation practices.

I also want to express my concern that offering a 15-year wetland reserve contract at the onset of this program will strongly diminish the interest in longer contracts. Some of the supporters of a 15-year contract have suggested that there may be substantial farmer resistance to the longer-term contract which will result in insufficient signup. However, I think this speculation is premature, and I believe that Congress should defer from offering shorter wetland reserve contracts unless it is clearly evident that farmers will not offer up the desired acreage at the longer terms authorized in the 1990 farm bill.

In closing, Mr. President, I do not feel that a sufficient case has been made at this point to substantially change the conditions of the Wetland Reserve Program, and I urge my colleagues to support this amendment.

Mr. COCHRAN. Mr. President, before proceeding to a vote, may I observe that last night when we were working out this agreement to take this amendment up, it was provided in the order that a vote would occur at a time selected by the majority leader.

So for the benefit and information of Senators, my observation is that we will not vote now on this amendment, but at sometime later in the day that is identified by the majority leader, after consultation with the Republican leader.

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. LEAHY. Mr. President, I thank the Senator from Mississippi for that. I was off the floor when that agreement was made. The majority leader was making an effort to protect all Senators, including the Senator from Vermont. I certainly have no difficulty with the agreement.

I was on a family matter with my family and relatives from Italy last night when the agreement was worked out, and I appreciate the help of the majority leader in doing that. But I still yield back the remainder of my time, and assume under the previous order the vote will occur at such times as the leaders decide.

Mr. BURDICK. I want to say to my friend from Mississippi, out in the West a deal is a deal. If we made a deal like that, that is it.

Mr. COCHRAN. Mr. President, the bill is again open for amendment. I know that there are a few amendments that have been discussed with the managers of the bill that could be offered. I hope that Senators who do have amendments to the bill will come to the floor now and offer them so that we can discuss them. Some of those we may be able to take to conference, and others we may not be able to take by agreement or recommendation. But I think we can proceed to a conclusion of this bill within the hour. I see no reason why we cannot.

I hope Senators will come to the floor and present their amendments. We can work toward completion of this bill in a timely fashion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DIXON. Mr. President, I wonder if my friend, the distinguished senior Senator from North Dakota, would accommodate me by engaging in a short colloquy for a few minutes.

Mr. BURDICK. Yes.

Mr. DIXON. I thank the distinguished senior Senator from North Dakota.

PIRCON-PECK PROCESS

Mr. DIXON. Mr. President, I rise today in support of an exciting and innovative technology, the Pircon-Peck process.

The Pircon-Peck process utilizes sulfur from boiler coal combustion as basic fertilizer ingredients. The fertilizer produced has the same quality as fertilizer presently used by our country's farmers.

Sulfur is the most costly component of fertilizer, representing more than 50 percent of the nitrogen-phosphate fertilizer manufacturer's per-unit production cost. Whether it is mined or recovered, sulfur is scarce and costly, and the U.S. imports much of it. This only adds to our Nation's trade deficit.

With the Pircon-Peck process, sulfur is obtained from Midwestern coal, and is utilized in the production of agricultural fertilizer. Rather than being a pollutant, the sulfur is used as a valuable mineral.

Participants of the Pircon-Peck process include the U.S. Department of Agriculture, the University of Illinois, the Illinois Department of Energy and Natural Resources, the Illinois Department of Commerce and Community Affairs, Western Illinois University, the Institute of Gas Technology and Resources and Agricultural Management, Inc.

Congress appropriated $2.1 million in fiscal year 1988 to initiate this program, and the State of Illinois has provided $4.5 million. The technology now needs $2.73 million in fiscal year 1992, to fulfill the Federal obligation of the cost-sharing agreement with the other participants.

Mr. President, this technology makes sense both economically and environmentally. The United States and, indeed, the world, faces the challenge of converting today's pollutants into tomorrow's resources.

While complying with the Clean Air Act is important, it is also costly. The Pircon-Peck process utilizes the sulfur from coal combustion as a valuable component of agricultural fertilizer, rather than it becoming another pollutant; it decreases our dependence on sulfur-imports for fertilizer production; it allows for a high-quality, low-cost fertilizer for farmers; and it generates employment opportunities in rural communities.

I urge my dear friend and distinguished colleague to support the Pircon-Peck process, and recommend that the U.S. Department of Agriculture provide available funds for this technology.

Mr. BURDICK. I understand the concern of the Senator from Illinois about this technology and urge the U.S. Department of Agriculture to provide for this valuable program.

Mr. DIXON. Mr. President, I deeply appreciate the warm support of the distinguished senior Senator from North Dakota whose influence can make the difference in this matter and I thank him very much for his kind comment at this point in time, and I see my good friend, the distinguished senior Senator from Mississippi, on the floor and I appreciate his concerns always.

Mr. COCHRAN. Mr. President, we thank the distinguished Senator from Illinois. This is a process that has come to the attention of the subcommittee on previous occasions and we appreciate him bringing it to our attention on this occasion.

Mr. DIXON. I thank my good friend, the distinguished senior Senator from Mississippi, who is, as in all other cases, so kind and supportive, and I appreciate it.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 1992

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2098, the agriculture, rural development, and related agencies appropriations bill and has found that the bill is exactly at its 602(b) budget authority allocation and is below its 602(b) outlay allocation by less than $50 million.

I compliment the distinguished manager of the bill, the distinguished senior Senator from the State of North Dakota, and the distinguished ranking member of the Agriculture Subcommittee, Senator COCHRAN, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the agriculture appropriations bill and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2698

AGRICULTURE SUBCOMMITTEE—SPENDING TOTALS

[Senate Reported; in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2698		
New budget authority and outlays	52.5	36.1
Enacted to date	.4	4.3
Adjustment to conform mandatory programs to resolution assumptions	−3.0	
Scorekeeping adjustments	0	0
Bill total	50.0	40.4
Senate 602(b) allocation	50.0	40.4
Total difference	0	
Discretionary:		
Domestic	10.6	9.6
Senate 602(b)	10.6	9.6
Difference	0	0
International	1.5	1.3
Senate 602(b)	1.5	1.3
Difference	0	
Defense	0	0
Senate 602(b)	0	0
Difference	0	0
Total discretionary spending	12.1	10.9
Mandatory spending	37.9	29.5
Mandatory allocation	37.9	29.5
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	.4	
Senate-passed bill	NA	NA
House-passed bill	−.3	−.4

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

MARKETING PROMOTION PROGRAM

Mr. COCHRAN. Mr. President, this bill includes funding for the Marketing Promotion Program.

Formerly known as the Targeted Export Assistance Program, this program was first authorized as part of the 1985 farm bill and again as part of the 1990 farm bill. I am glad the bill includes funding for this important program. While providing priority treatment for those commodities which have been the victim of unfair trade practices, the program is aimed at helping strengthen overseas promotion efforts and enabling U.S. agriculture to compete more effectively in the international marketplace. By any measure, it has been tremendously successful.

It has helped maintain and expand overseas markets for a wide range of commodities, including many produced in my home State of Mississippi, such as cotton, rice, soybeans, meat, poultry, and forest products.

The program has been used for both generic and branded promotions. Branded promotions are especially important to efforts to increase sales of value-added products of U.S. origin. Both require that participants, including farmers through their cooperatives and other marketing associations or organizations, contribute their own resources on a cost-share basis to the success of the program.

Where other countries have worked with their own domestic industries, including agriculture, to open up overseas markets, we are only now beginning to challenge them. Even so, with the Marketing Promotion Program, we are spending only about one-half of 1 percent of the value of our agricultural exports to meet this challenge. We should look for ways to strengthen funding for this important program.

In doing so, the Marketing Promotion Program can continue to allow U.S. agriculture to compete more effectively in the international marketplace, increase export opportunities, contribute to our balance of payments, promote industry growth and new job opportunities as a direct result of increased export activity.

Mr. President, I ask unanimous consent to print in the RECORD a recent letter I received from a number of agricultural interests in support of this important program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, July 3, 1991.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: It is our understanding that the Senate Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies may soon begin consideration of the FY 1992 Agriculture Appropriations Bill. In this regard, we the undersigned organizations are writing to urge your strong support for the Marketing Promotion Program, together with needed funding, in order to allow U.S. agriculture to compete more effectively in the international marketplace and to combat unfair foreign trade practices.

We believe that funding for this important program should be maintained at $200 million for FY 1992. This is the same level approved for FY 1991 and consistent with the amount authorized annually for FY 1991-95 by the 1990 Farm Bill.

The Marketing Promotion Program (MPP), which was formerly known as the Targeted Export Assistance (TEA) Program, helps strengthen market development and promotion efforts on the part of many U.S. agricultural commodities and products. The program is administered on a cost-share basis and is one of the best examples of an effective public-private partnership. Priority treatment is also given to those commodities and products which have been the target of unfair foreign trade practices.

Such market development efforts not only help improve demand for U.S. agricultural commodities and related products, but serve to strengthen farm income. This, in turn, can have a positive effect on reducing budget outlays related to income and price support activities.

The need to maintain adequate funding for the Marketing Promotion Program is especially critical in view of increasing global competition and continued unfair foreign trade practices. Certainly, now is not the time to reduce funding for this important program particularly at a time when negotiations are still ongoing under the Uruguay Round of the GATT.

For these reasons, we urge your strong support for the Marketing Promotion Program (MPP), together with the funding necessary to achieve its important objectives.

Sincerely,

Ag Processing, Inc.
Alaska Seafood Marketing Institute.
American Farm Bureau Federation.
American Raisin Packers, Inc.
American Sheep Industry Association.
American Soybean Association.
Blue Diamond Growers.
Boghosian Raisin Packing Company.
California Avocado Commission.
California Canning Peach Association.
California Cling Peach Advisory Board.
California Dried Fruit Export Trading Company.
California Kiwifruit Commission.
California Pistachio Commission.
California Prune Board.
California Walnut Commission.
Caruthers Raisin Packing.
Central California Raisin Packing.
Chocolate Manufacturers Association.
Chooljian Brothers Packing Company.
Cherry Marketing Institute.
Dole Dried Fruit and Nut Company.
Enoch Packing Company.
Del Rey Packing Company.
Florida Citrus Packers.
Florida Department of Citrus.
Fresno Co-op Raisin Growers.
Hansa-Pacific Associates, Inc.
Hop Growers of America.
Kentucky Distillers Association.
Lion Packing Company.
Madera Raisin Sales Company.
Mid-America International Agri-Trade Council.
National Association of State Departments of Agriculture.
National Cattlemen's Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Forest Products Association.
National Grape Cooperative Association, Inc.
National Hay Association.
National Pasta Association.
National Peanut Council of America.
National Potato Council.
National Raisin Company.
National Renderers Association.
National Sunflower Association.
NORPAC Foods, Inc.
Northwest Horticultural Council.
Ocean Spray Cranberries, Inc.
Rice Millers Association.
Sioux Honey Association.
Southern U.S. Trade Association.
Sunkist Growers, Inc.
Sun-Maid Growers of California.
Sun World International.
Tagus Ranch Packing Company.
Tree Top, Inc.
Tri/Valley Growers.
U.S. Meat Export Federation.
U.S. Wheat Associates.
USA Dry Pea & Lentil Council.
USA Poultry and Egg Export Council, Inc.
Victor Packing Company.
West Coast Growers.
Western Pistachio Association.
Western U.S. Agricultural Trade Association.
Wine Institute.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent for 5 minutes to speak on the question of the length of wetlands easements.

The PRESIDING OFFICER. Is there objection to permitting the Senator to speak up to 5 minutes?

If not, the Senator is recognized accordingly.

Mr. CONRAD. I thank the Chair and our colleagues.

WETLANDS EASEMENTS

Mr. CONRAD. Mr. President, I support what the committee has done on wetlands easements. The advantages, I believe, of a 15-year length of term for wetlands easements is very clear and compelling as well.

No. 1, going to 15 years dramatically increases the potential bid pool. Obviously farmers are going to be more willing to enter into an easement that has a 15-year life than a 30-year life. Any time you expand the options you also increase the interest in the program and that is to the benefit of everyone, wildlife interests as well as farm producers.

It clearly represents a much more palatable option for farmers. I think if anyone puts themselves in the position of a farmer, entering into an easement that is going to last 30 years is a very difficult decision. Thirty years is a very long time. Fifteen years is approximately half the productive operating time of an average farmer and 15 years, too, is a long commitment to make but far more reasonable from the farmer's perspective. A 15-year time horizon fits in well with many farming operations.

Mr. President, in my judgment a bid process could be set up to give preference to 30 years in permanent easements; in other words, you would alter the process so that 15 years are possible, but there would also be the potential for a longer easement in that they could be given preference in the bidding process.

I think it is also important to point out for our colleagues who are making a judgment on how they might vote on this issue that some 15-year bids could have much more environmental value than equivalent sized permanent easements. having 15-year easements would allow for vastly expanded value based discretionary judgments.

Mr. President, I think those who are truly concerned about the long-term wildlife values ought to consider whether or not permanent easements are not causing a problem that leads to a counterreaction that is counterproductive. I tell you I can see it in my State in the prairie pothole region of the country. We still have tremendous wetlands available in North Dakota. We are the first State in the Nation to have a no-net-loss provision and policy in law.

Mr. President, one thing we have found is you need to work with the farmers in order to secure wildlife values.

You will not succeed if you alienate the very people that you need in order to accomplish the goal.

Mr. President, I simply conclude by urging my colleagues to support what the committee has done with respect to the 15-year wetland easement.

I salute the chairman, my senior colleague from North Dakota, who has worked exceptionally hard in bringing this legislative measure to the floor. It is a good measure. This was difficult to put together. In my judgment, they have done a superb job.

In addition, I commend the vice chairman, the Senator from Mississippi, who also serves on the Agriculture Committee with me, for the wisdom that he has brought to this process.

It is very tough when you have $400 million less than they had over on the House side. That is what they were faced with here. They have done, again, I think, an exceptionally good job in meeting the needs of agriculture. I especially commend them for this provision on a 15-year easement. It makes good sense for all of the interests of both those who are concerned about wetland values and those who are concerned with protecting the interests of our agriculture producers.

I thank the Chair and yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

AMENDMENT NO. 920

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for it's immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 920.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 79, line 14, strike after the number $704,734,000, "of which $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress".

Mr. HATCH. Mr. President, today I offer an amendment to increase the FDA budget by approximately $167 million. This amendment merely removes a restriction in the agriculture appropriations bill which reserves this money until the administration officially requests this additional funding. My amendment removes that restriction and does not require an offset.

I understand why the Agriculture Appropriations Committee wants the administration to officially request these additional funds. It is a political issue. However, I am concerned that in making this political point, we are missing the real point: that is, FDA needs additional funds to get the job done. That should be our sole public policy option.

The total appropriation in this bill for FDA is already about $31 million less than the President's budget request. It is true that the administration proposal calls for funds from user fees, and then failed to follow through on user fee legislation. But we cannot be trapped into a line of reasoning that could lead us to believe that FDA can operate at less than $600 million—certainly an option that no Senator would choose.

The FDA handles 25 percent of all the consumer products of America, and we treat it like a stepsister. The administration is also treating it like a stepsister. That has to stop. And I am going to do everything in my power to see that it stops. We have to start backing this little agency. It has leadership. They are trying to do things right. Both Democrats and Republicans have been pleased with some of the efforts they have been making. The last thing we should do is cripple this agency by not giving it the resources it needs.

FDA is a people agency and the majority of its funding is for personnel costs. We need people to approve drugs quickly to save lives.

People are dying every day from illnesses that might be alleviated if we had people to get the drugs to them. That would at least help alleviate the pain if not alleviate the illness.

We need people to ensure our food supply is safe. We need people to evaluate the safety and efficacy of various therapies, including medical devices, one of the fastest and most important growing industries in this country. We need people to monitor our blood supply to verify that it is free from disease in this day and age where everybody is concerned about HIV-positive tests.

We have to have the people to do all of these. We cannot treat this agency unfairly by not giving them the people they need to do the important jobs we have asked them to do.

I have had several discussions with the Food and Drug Administration's budget officers. If we do not restore part of the $167 million, the following actions would have to be taken. I want everybody in the Senate to understand this.

There would be an immediate hiring freeze, at a time when we need more people than ever. This would include reviewers needed by the Office of Generic Drugs, personnel to implement the provisions of the new medical device amendments, personnel needed to implement the food labeling law, scientists to fill vacancies in the Center for Biologics, which insures the safety of the blood supply, et cetera, et cetera, et cetera.

We could go on and on. The fact is, we need people there. This is a people agency, and we need these funds so that we will have them there.

There would be an elimination of all overtime work at FDA, except that determined to be a justifiable emergency. This means that reviewers who are now working overtime to decrease the time required for new drug applications would not be able to do this. Such a situation would have meant that last month's accelerated review of the new AIDS drug, DDI, may not have been possible, probably would not have been possible.

There would be a reduction by 10 percent in all contract and operating support functions at FDA. We are talking here about reducing enormously the basic service components of FDA when all of us in Congress are concerned with improving the agency's efficiency. I think it is especially important that we support the activities of FDA's new Commissioner, Dr. David Kessler, who is doing a terrific job in trying to improve the effectiveness of the FDA.

A possible furlough of FDA employees would have to be considered. It would be unconscionable on the part of Congress to permit this regulatory agency to start laying off their scientists and reviewers, when we all know how hard it is for the Government to recruit and retain bright, talented people in the sciences.

In fact, we have not hired a new science supervisor at FDA since 1978 because we cannot compete, under current law, with the private industry. So to lose these people at a time when we cannot even hire the caliber and number of scientists that we need there now would just be catastrophic.

If we let FDA employees think that their pay or their jobs are threatened, we will see the impact of this across the board in all of the regulatory activities of the FDA.

Congress often appropriates funds differently than the administration requests. We frequently decide that the administration's budget priorities do not accord with our own. This would not be the first time we have done this.

Let us not play chicken with the administration funds to operate FDA. Let us send a strong message, as the report language clearly does, that we will not accept the administration's user fee facade. But let us not take a chance on sacrificing the agency in the bargain.

Finally, I commit to my colleagues who are managing this bill, both of whom I respect greatly, I will do everything in my power to work with OMB and others in the administration to try to resolve these very, very important problems. I will be glad to march in step with them and to lock arms and do what we can to resolve these problems that must be resolved if we are going to keep this country healthy and strong.

This will keep this country moving in the direction it should with regard to health and safety, including new and improved pharmaceuticals and cures for some of the worst diseases on this Earth as well as new medical devices and all the food concerns the FDA has to take care of us well.

I hope the managers of the bill will accept this amendment because it is a worthy amendment. it is one that will leave it open to the conference committees between the House and the Senate to resolve these issues. In the interim I intend to work with them to try to see what we can do to turn OMB and the administration around. I hope we can all do the things that have to be done to help this agency at a time it needs help the most.

I yield the floor.

Mr. BURDICK. Mr. President, the reason the committee recommended that a portion of the funding for FDA be available only upon submission of an official budget request by the President is that this amount is the amount over what the President has requested for 1992 in appropriated funds.

The committee feels that the President did not submit an honest budget request for FDA when it requested $198 million in user fees. I would like to quote the Edwards Committee report on this issue:

* * * the President's FY 1992 budget request for the FDA is more than $117 million less than it was in FY 1991. The decrease in appropriated funds for the Agency is assumed to be offset by the receipt of more than $197 million in user fees. We believe this approach, at this time, is ill-advised and the specific dollar amount of proposed user fees has no basis in fact.

Mr. President, I do not express an opinion on the advisability of user fees. Rather, this issue is not one for the Committee on Appropriations to decide. It is for the authorizing committee to decide. We have gone out of our way, in my opinion, to provide more funds for FDA than the President requested. We simply want the President to request those funds that are in addition to the amount he did request in his budget before these funds become available for use.

I want to emphasize that Congress will not have to take any further action for these funds to become available. The President simply sends us a budget request for them and then he may use them.

Mr. President, this issue will be in conference so we will face it there. I believe the committee position is the right one, and I will go along with the amendment at this time.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I want to thank the distinguished Senator from Utah for raising this issue at this time. The funding request for the Food and Drug Administration presented the committee with some serious problems, for a couple of reasons.

One reason is that the administration asked for an appropriation of only $537,104,000 for FDA salaries and expenses. Last year, this agency was appropriated and used $656,519,000. So, the budget request for appropriated dollars was about $120 million less for this coming fiscal year than the current year appropriated level—$120 million less. This is clearly an insufficient amount to operate the Food and Drug Administration.

In the budget documents, the administration observed that there had been a standing request of the Congress to authorize user fees to be collected from those industries that have pending license applications and others who deal with the Food and Drug Administration. The user fee request this year amounted to $197,500,000. So the administration assumed that the amount really needed by the agency to operate the next fiscal year would be about $735 million.

So the administration acknowledges that for the FDA to operate next year, they need $735 million. They suggested we appropriate only $537 million and get the rest from user fees.

The problem is that the committee on which the distinguished Senator from Utah serves, the Labor and Human Resources Committee, has jurisdiction over the legislative authorization process. There is no legislative authority for the Food and Drug Administration specifically to collect user fees. This is an issue that has been very controversial. It has been before the Labor and Human Resources Committee in one form or another for discussion purposes for a number of years.

But there is no legal authority for FDA to begin a program for collecting user fees. The administration, when it asked for this money to be raised in that fashion, requested that Congress enact user fee legislation.

This committee—the Appropriations Committee—does not have the authority to authorize a user fee program. So, we are confronted with the dilemma of having an administration budget request that is almost $200 million less than what they say is really needed by the agency, with no way to raise the $200 million except to appropriate it.

Our subcommittee was allocated about $500 million less to appropriate than the House committee. We had to sort through all the requests before this subcommittee—from income support programs for agriculture to nutrition programs that are very popular in this body, the WIC Program, the Food Stamp Program, the School Lunch Program—all of the wide variety of programs.

Some 63 percent of this bill is for nutrition programs; 63 percent of the total agriculture appropriations bill goes to feed people who cannot adequately provide for their own needs. There are other programs the Senate is familiar with—soil conservation programs, agriculture research programs, and on and on.

The Food and Drug Administration gets squeezed in this process because those programs have big constituencies. They are very popular among Senators and Congressmen. When it gets down to who are we going to take the money from to provide this extra $200 million that the committee does not have, we run out of options. That is what happened to this committee.

What we have done in this bill is to suggest to the administration that it declare an emergency, in effect, and request that $45 million of the amount we provide be considered to represent that emergency and that they submit a request for the balance. We come up with a total appropriated figure of $704 million. That is $20 million less than the House figure; that is $30 million less than what the administration suggests this agency needs next year.

How are we going to get around all this? One step that has already been taken that will help us in conference is, as I understand it, the Appropriations Committee chairmen of the Senate and the House have agreed that the allocation available to the agriculture appropriations conference will be closer to the House figure than this committee had allocated to it when we began this markup and bill-writing process.

This means, as a practical matter, that when we get to conference with the House, we will be able to increase the amount for the Food and Drug administration so that it is nearly what the House has, if not the same figure that the House has.

The only other provision that I would say is relevant and meets the criticism that is correctly aimed at this process by the distinguished Senator from Utah, is language that the House includes demanding that the administration submit a budget request for the difference between what it requested and the amount the House appropriated, which is about $188 million. They are demanding that the administration submit a formal budget request for that difference forcing the administration to abandon its call for user fees from the Appropriations Committee.

This is not a new issue, and it is not a new process. In the last few years, the House has had a similar language in its bill. At conference, at the Senate's request, that language has been taken out. It is my hope that in conference we can again persuade the House to abandon that demand.

That is how I visualize this thing working out. If we adopt the amendment offered by the Senator from Utah, which is certainly well intentioned and, as I said earlier, is something that should be raised. However, if we adopt that amendment, it reduces the effective appropriation for the Food and Drug Administration in the Senate bill. The appropriated amount we have right now is $704 million. He strikes certain provisos, one which declares an emergency and $45 million would not become available until submission to Congress of a formal budget request by the President. He suggests that the language that is included in the appropriations bill be stricken, as I understand it. But the practical effect is to reduce the appropriation for FDA.

My hope would be that the Senator could withdraw the amendment or I will be glad to try to respond to any further questions—I know the distinguished Senator from North Dakota will, too—to further explain how we got where we did in the appropriations bill. We are not trying to be cute or tricky. It was the only way we could figure out to appropriate an amount that comes close to what the agency needs and not violate the allocation that is made to this subcommittee and not purport to legislate a user fee program. So we were in a dilemma.

I hope the Senate understands that and will be patient with us as we go through the process and permit us to try to resolve all this in conference. Our efforts will be to get an amount of money for this agency that will permit them to operate effectively and efficiently during fiscal year 1992.

The PRESIDING OFFICER. Is there additional debate? The Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, the other part of the bill we are striking are the words "$704,734,000, of which $188,858,000 $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress."

Those are the only words we are striking, and we think it does clarify and resolve this matter so that the conference committees can approach it and do what needs to be done in this particular instance.

Mr. President, I urge the adoption of the amendment at this time.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, after having an opportunity to confer with the distinguished chariman of the subcommittee, and further with the distinguished Senator from Utah, a question that I had raised about the amendment of the Senator from Utah has been clarified. It was my understanding that he struck a proviso in the bill that required the administration to designate an emergency pursuant to the Balanced Budget and Emergency Deficit Control Act.

I am advised now that the amendment does not strike that language, but it does strike the language that would require the administration to submit an official budget request for a specific dollar amount. That is the language that the House has typically been including in its bill and which it included in this bill that it sent over this year. The amount they insisted be requested was $189 million. We changed that amount to $168 million.

But in a spirit to carry forward with what we hoped to accomplish in conference—that is, to get that entire section stricken—I see no reason why we should not accept the suggestion of the Senator from Utah.

So I am prepared to recommend—and I think the Senator from North Dakota is as well—that we accept this amendment, and take it to conference. It will probably give us more leverage with the House as we go to conference.

I thank the distinguished Senator from Utah, and I recommend that we accept his amendment.

The PRESIDING OFFICER. Is there additional debate?

Mr. BURDICK. Mr. President, we also accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 920) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. I thank my colleagues for their consideration.

Mr. COCHRAN. Mr. President, let me thank the distinguished Senator from Utah. He has provided very strong leadership in this area of the law for a good many years. He is one of the foremost workers regarding the Food and Drug Administration. We appreciate his helping to make sure that we get the kind of appropriation that this agency needs to operate next year. I wish to express the very sincere gratitude that I feel for his being here, and presenting the issue in the way in which he has done it.

Mr. HATCH. I thank my colleague.

AMENDMENT NO. 921

Mr. BURDICK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for himself, Mr. COCHRAN, Mr. KASTEN, Mr. BOND, MR. BUMPERS, and Mr. DURENBERGER, proposes an amendment numbered 921.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

Mr. BURDICK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, line 14, strike: "$1,840,000,000" and all that follows through "loans" on page 52, line 16, and insert in lieu thereof: "$1,922,140,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

On page 53, line 4, strike: "guaranteed loans" and insert in lieu thereof: "unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans"

On page 52, line 22, before the "." insert: ": *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters, of fiscal year 1992".

Mr. BURDICK. Mr. President, this amendment reduces the direct operating loans by $100 million and increases subsidized guaranteed loans by $182,140,000. It also provides that loan funds under the Agricultural Credit Insurance Fund shall be allocated to the States and made available for obligation in the first two quarters of the fiscal year. I believe the amendment has been cleared and I ask for its adoption.

Mr. COCHRAN. Mr. President, one other thing that this amendment does is to direct that loan funds made available for direct operating and ownership loans be fully allocated in the first 6 months of the year. We hope this will allow States to know up front how much they will have to lend and can process farmers' applications in a timely manner.

At first, this guaranteed loan program was very unpopular. Nobody wanted it. Farmers who were eligible for those loans wanted the direct loans from the Farmers Home Administration. However, in recent years private lending institutions have become more willing to participate in the Farmers Home Administration guaranteed loan program. There is a trend away from the direct lending.

The involvement of traditional lending institutions, banks and others, has actually improved the integrity of the credit program. But because of the way the loan programs are scored under credit reform, the committee has given increased emphasis to direct loans over guaranteed loans. Subsidized loans are more costly than direct loans, so it is a disincentive to have guaranteed loans.

This amendment attempts to address that. In our committee markup session the distinguished Senator from Wisconsin, [Mr. KASTEN], raised this issue, and we had an opportunity to discuss it and to look for alternatives. The amendment that we are presenting to the Senate at this time represents the culmination of that discussion and that effort to achieve some real reform in the credit program. I think it will do that.

I commend the distinguished Senator from Wisconsin for his leadership in pushing the committee to find a way to support the administration in its effort to have more of these loans in the guaranteed loan program but at the same time protect the interests of those who depend on direct lending.

Mr. President, I recommend the approval of the amendment.

FARMERS HOME ADMINISTRATION INTEREST ASSISTANCE

Mr. BUMPERS. Mr. President, I rise in support of the amendment to provide funding for the Guaranteed Loan Interest Assistance Program administered through the Farmers Home Administration. Although this amendment will result in a reduction in the direct operating loan account, I feel it is important we provide farmers an array of farm credit options.

First of all, I want to say the direct loan program is very popular in my State and has, in many cases, meant the difference between the survival or failure of family farms. Before I could support a reduction in that program, I had to have assurances from the Farmers Home Administration that the availability of farm credit would not be adversely affected by this transfer.

Over the past several years, I have heard story after story from farmers who had made applications for FmHA loans, either direct or guaranteed, but encountered so many delays that the loans were not able to be closed until the crop year was at an end. I know that every story has two sides, but the frequency with which I have heard similar complaints has given me serious concern that farmers were suffering from delays that were unnecessary.

Last Friday, I sent a letter to FmHA Administrator, La Verne Ausman, and explained my concerns about the way FmHA loan programs have been implemented. I shared with him my support for the Interest Assistance Program but told him that I expected improvement in the administration of farm loan programs before I could support a reduction in direct loans.

Yesterday, I received a reply from the Administrator in which he agreed to work with me to improve the effectiveness of these programs and to eliminate any problems which may have resulted in needless and harmful delay. I also received an assurance from Mr. Ausman that funding the Interest Assistance Program will help free up FmHA personnel resources to concentrate more time on direct loan making and servicing. I ask unanimous consent that copies of my letter to Mr. Ausman and his response be made part of the RECORD.

I do intend to work with FmHA to make sure that the loan programs for which we provide funding will serve the purposes we intend. The need for adequate and timely farm credit services are too important for our rural constituents for us to ignore. Just last week, two farmers from my state finally got approval of their operating loans from FmHA for this crop year and they began working with their county offices in February. Delays of this nature are uncalled for and I know there are cases where both farmers and loan officers can improve their expertise in the growing complexities of farm finance.

In another part of this appropriations bill, I have worked to include funding for the Center for Farm and Rural Business Finance through a CSRS special grant for the University of Arkansas and the University of Illinois. This program will help provide farmers and rural businesses the expertise needed to cope with the growing complexities of farm and rural finance and, together, with the assurances from Mr. Ausman, should go far in bringing together lenders and borrowers across rural American to make loan making more timely and effective.

We must not lose sight that one of the long-term goals of FmHA programs is to help farmers move from federally subsidized credit programs into the arena of commercial credit. The FmHA programs have historically given farmers a chance to begin operations and to get them through difficult times. Once given these opportunities, farmers acquire the expertise and knowledge to grow and to become better and more efficient farmers. The interest assistance program will go far in helping farmers make the transition from subsidized credit into the marketplace of commercial credit. This program, in my opinion, will go far toward to goal of farmer graduation.

This amendment will also increase the amount of farm credit available through FmHA programs. By moving money into the interest assistance program, we will be increasing the level of FmHA lending by approximately $82 million. In addition, we will be requiring the agency to allocate funds to the state and county levels on a more expeditious manner. Through this action, we will be increasing the amount of credit available, we will be getting it to the farmers more quickly, and through the assurances of the Administrator, the loan making and servicing procedures should become more sensitive to farmer needs.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 25, 1991.

Mr. LA VERNE AUSMAN,
Administrator, Farmers Home Administration, Department of Agriculture, Washington, DC.

DEAR LA VERNE: I appreciate the time you took recently to visit with my staff regarding issues under review by the Senate appropriations process that are of importance to your agency. In particular, I noted your support for the interest assistance program associated with guaranteed farmer program loans. I agree that the interest assistance program will serve a proper function in helping farmers make the transition from direct FmHA assistance into the area of commercial credit.

Earlier this week, the Senate Agriculture, Rural Development, and Related Agencies Appropriations Subcommittee marked-up the FY 1992 bill at both the subcommittee and full committee levels. No funding has been provided in either the House or Senate bills to continue this program for the coming year. Senate floor action is not yet scheduled, but could occur at anytime.

I don't need to tell you the budgetary constraints under which we must operate. The budget agreement approved last year has placed even further restraints on our array of choice as we select the programs to receive funding from continuingly shrinking allocations. Although I share your concerns that the interest assistance program move forward, I fear that our only opportunity may be tied to a reduction in funding for direct loan programs.

The FmHA direct loan programs have been very popular in my state and have, in many cases, made the difference between failure or survival of family farms. In spite of the popularity of this program, I must say there are still problems of delay and administrative red tape which have been relayed to me on numerous occasions. Farming is an occupation in which time has little mercy and what may seem like an insignificant delay to a loan officer may result in total failure of a farming operation.

By coincidence, I have received reports just this afternoon that two farmers who had contacted me from my state were finally able to get approval of direct loans that had been submitted to the National Office for obligation. These farmers first began working with their FmHA county offices in February! I recognize there are usually two sides to every story, but the frequency with which I have heard problems similar to that described above makes me believe that there must be a better way to assure farmers that are not being forgotten and that the program authorized and funded by the Congress will serve them as intended.

As I stated above, I share your interest in the interest assistance program and I hope we will be able to provide funding sufficient to move this program forward in FY 1992. Still, I am a little hesitant to reduce funding levels from the direct loan program until I can receive some assurance that reductions in that program level will not be compounded by problems of administrative delay and borrower frustrations.

I hope that we can continue working together to achieve a positive result to the current funding shortfall. My staff or I would be glad to discuss specific problems with you that have been relayed to me by Arkansas farmers and commercial lenders. I know that we share a common goal of making adequate farm credit programs available to American farmers and I look forward to hearing from you on how we may proceed.

Sincerely,

DALE BUMPERS.

FARMERS HOME ADMINISTRATION,
Washington, DC, July 29, 1991.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: Thank you for your letter of July 25 and your continuing support for the interest assistance component of the Farmers Home Administration's (FmHA) guaranteed farm operating loan (OL) program.

Some reduction in direct OL funding can be accomplished without an adverse impact on the direct program to accommodate a reasonable level of interest assisted guarantees. Actual obligation rates this year and last have been below the proposed FY 1992 funding level. This year we will only use approximately $500 million in Direct Operating fund.

Regarding your concern with respect to timeliness in processing direct OL applications, please be assured that we are making, and will continue to make, every effort to see that such applications are acted upon without undue delay. In fact, we are convinced that expanded use of the guarantee program will substantially improve the performance of our County Offices in this respect.

One of the principal benefits of the guarantee program, which may not be widely recognized, is its reliance on the processing resources of commercial lenders and the Farm Credit System. Every loan made by such a lender with an FmHA guarantee means a reduction in the loan making and servicing workload of the County Office, thereby freeing staff resources to devote greater time and effort to direct loan borrowers.

That reality aside, assurance of timeliness in loan making is essentially a management responsibility, involving a commitment from the National Office and the State Office as well as County Office personnel. And I can assure you that, as Administrator, I am committed to expeditious processing of direct loan applications whatever the program level provided by the Congress.

In response to your letter, I have informed the Arkansas State Director of Farmers Home of your continuing concerns with timely performance by FmHA personnel, and the fact that I share those concerns. I also have instructed the Legislative Affairs Staff in the National Office to contact your staff for specific information on the two cases mentioned in your letter so that they can be reviewed here at the Washington level.

Again, thank you for your letter and your recognition of the merits of the guaranteed operating loan program with its interest assisted component. That program, plus FmHA staff and borrower training mandated by the Food, Agriculture, Conservation, and Trade Act of 1990 and our commitment to make them work should go far toward resolving concerns you have expressed on behalf of your commitments.

Sincerely,

LAVERNE AUSMAN,
Administrator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 921) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I know that other Senators have expressed an interest in offering amendments to the bill. We hope that we can wrap up the considerations of this bill in a timely fashion.

We have pending before the Senate a vote that will occur on the Leahy amendment, and the yeas and nays have been ordered. The time for actually having that vote has not been announced by the majority leader. We are expecting him to announce it soon so Senators can be on notice that there will be at least that vote. There may be other amendments that will require a vote, although we are not aware of any at this time.

For those who have amendments, we hope they will come to the floor and offer them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask to proceed as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MARKET PROMOTION PROGRAM

Mr. SEYMOUR. Mr. President, I want to acknowledge the efforts of the chairman of the Subcommittee on Agriculture and related agencies, Senator BURDICK, as well as my good friend, the senior Senator from Mississippi, Senator COCHRAN, for their work on the committee and, specifically, the Market Promotion Program.

Mr. President, the Market Promotion Program, formerly the Targeted Export Assistance Program, has been instrumental in increasing U.S. commodity exports to new markets. Established in the 1985 farm bill, the MPP is an effective and efficient program for the promotion of a variety of American commodities in over 100 foreign markets. Support for the MPP is especially important now, as U.S. agricultural producers strive to overcome trade barriers and restrictions to international markets.

The Marketing Promotion Program is a particularly effective program for promoting the export of many of California's specialty crops. Producers of these commodities depend upon the MPP for the promotion of their products in international markets, and especially in countries where these exports have been adversely affected by unfair trade practices.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

AMENDMENTS NOS. 922 AND 923

Mr. WIRTH. Mr. President, I have two amendments which I believe have been cleared on both sides, and I would like to offer those amendments at this point. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes amendments numbered 922 and 923.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendments are as follows:

AMENDMENT NO. 922

On page 15, line 10, strike "$61,978,000" and insert in lieu thereof "$63,978,000";

On page 15, line 12, strike the semicolon ";" insert a comma "," and the following new text: "of which $2,000,000 shall be available for global change research for the monitoring of ultraviolet radiation"; and

On line 12, strike "$102,000,000" and insert in lieu thereof: "$100,000,000".

AMENDMENT NO. 923

Page 11, line 14, after "$629,143,000" insert: "of which $750,000 is available for the Center for Russian wheat aphid research at Colorado State University".

Mr. WIRTH. Mr. President, both of these amendments relate to phenomena in the high plains area. One of them relates to a research project requested by the Department of Agriculture to look at the impact of ultraviolet rays on crops as we move into a day and age of global climate change and the change in the ozone layer. This research had been requested by the Department of Agriculture.

The second amendment relates to Russian wheat aphid research and the establishment of a program in the high plains, the Center for Russian Wheat Aphid Research.

I thank very much the distinguished chairman of the Agriculture Appropriations Subcommittee and the ranking Republican for their assistance in the drafting and working through of these two amendments.

Mr. President, I hope my colleagues will join in accepting these two amendments.

The PRESIDING OFFICER. Is there further debate?

Mr. COCHRAN. Mr. President, we have reviewed the amendments and discussed them with the majority side. We are prepared to recommend the amendments be agreed to by the Senate.

Mr. BURDICK. We agree.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments en bloc.

The amendments (No. 922 and 923) were agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 924

Mr. BURDICK. Mr. President, on behalf of Senator HARKIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for Mr. HARKIN, proposes an amendment numbered 924.

On page 44, line 23, strike "$3,500,000" and insert in lieu thereof "$10,000,000".

Mr. HARKIN. Mr. President, I rise to offer an amendment to the agriculture appropriations measure which will increase the amount appropriated for the water quality incentives program from $3.5 million currently provided in the bill to $10 million. I am grateful to have the agreement of Chairman BURDICK and Senator COCHRAN.

The Water Quality Incentives Program was adopted as part of the 1990 farm bill to create a system of incentives to encourage farmers to adopt practices that will reduce the potential for contamination of ground and surface water from agricultural production. The emphasis of the program is on improved efficiency in the management and use of farm chemicals, crop nutrients, animal wastes, and other crop production inputs. The program thus also helps to improve the farmer's bottom line as it protects water quality.

Relying on modest incentive payments to help farmers implement environmentally sound management practices, the program has been hailed as a bridge between the agriculture sector and the environmental community. Farmers want to protect water quality. This program will help them adopt the technology and practices to accomplish that.

I crafted the Water Quality Incentives Program after a highly successful pilot project in Butler County, IA.

The Water Quality Incentives Program is also a very cost-effective way to utilize Federal funds to promote water quality. USDA is currently taking land out of production for water quality protection through the Conservation Reserve Program. However, it costs about $55 an acre each year to take land out of production, but it would cost only around $7 a year for 3 to 5 years to enroll an acre in the Water Quality Incentives Program. In any event, it is not realistic to expect that we can take out of production all land on which agricultural production creates the potential for water quality problems.

By increasing the funding for the Water Quality Incentives Program to $10 million we will provide enough to give a good start to the program. With this amount of money, for example, USDA could make a lot of headway on tackling the problem of nitrate contamination of water supplies, a very serious concern in my State.

To reach the $10 million figure, my amendment taps an additional $6.5 million of funds designated for the agricultural Conservation Program. In the committee report, ACP funding was increased $3.5 million in order to provide money for the Water Quality Incentives Program. Water quality has long been a goal of the ACP. However, by shifting money into the carefully constructed framework of the Water Quality Incentives Program, my amendment will bring a sharper focus to USDA's water quality efforts by emphasizing changes in farming practices that directly reduce the potential for water quality problems. The result will be more effective protection of water quality and more effective use of Federal money.

The PRESIDING OFFICER. Is there further debate?

Mr. COCHRAN. Mr. President, we have had an opportunity to review this amendment. We do think it is an amendment that improves the bill. We recommend it be agreed to.

Mr. BURDICK. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 924) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, for the information of all Senators, we are presently communicating with Senators who have expressed an interest in offering an amendment to this bill and to advise them that we are hoping to wrap up the consideration of this bill within the next 20 minutes. The majority leader hopes that we can extend the time for consideration of the bill here on the floor until about a quarter of one.

The meetings of the parties in the caucuses that are scheduled for 12:30 could occur later so that we could complete action on the bill and maybe have a vote on the Leahy amendment and final passage of this bill, if that is the will of the Senate, after those meetings have concluded after 2 o'clock this afternoon. That is what we are working on right now. We hope that, if Senators do have an interest in presenting an amendment, they will come to the floor and do that.

We have an indication that there are two or three Senators on the Republican side of the aisle who were considering offering amendments. We hope that they will let us know whether they intend to offer those amendments or whether we can go to third reading of the bill. We would appreciate advice from Senators on that subject.

REVISED ORDER FOR RECESS

Mr. COCHRAN. Mr. President, in that connection, I have been asked by the leadership to ask unanimous consent that the previously ordered recess be delayed so that it begins at 12:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

Mr. President, seeing that no Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 925

(Purpose: To provide that none of the funds made available by this Act may be used to issue certain final regulations)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HELMS, proposes an amendment number 925.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act shall be used to issue a final regulation to carry out section 214 of Public Law 98-180.

Mr. COCHRAN. Mr. President, this amendment would delay for a year the final regulation for the tobacco export reporting language requiring tobacco exporters to keep burdensome records regarding domestic content. The basic problem lies in the fact that manufacturers do not use USDA grading standards once the leaf enters their manufacturing facility. Therefore, accurate and cost efficient recordkeeping becomes extremely difficult.

This study was included in the 1990 farm bill in conference and never was debated here or considered in the Senate or the Senate Agriculture Committee and there were never any hearings on either side. This study has run into some problems at the Department of Agriculture because of the potential cost for tobacco growers and lost exports that could result.

I might also add, Mr. President, that in checking with the Department, there had been some hope that they could resolve issues between industry and the Department relating to how these regulations would be drawn and how they would be enforced. So this amendment would postpone for 1 year the final regulation implementation by the Department.

This was raised in the Appropriations Committee. There was some discussion about whether or not it could be agreed to there. It was withdrawn. I offered the amendment at that time and withdrew the amendment. But I bring it to the attention of the Senate and hope that it can be included in our bill and we will be permitted to take this issue to conference with the House.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The Senator from North Dakota?

Mr. BURDICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW YORK BOTANICAL GARDEN

Mr. MOYNIHAN. Mr. President, I would like to take this relatively quiet moment in the deliberation on the Agriculture appropriation bill to ask my dear friends, the managers of the legislation, about a construction project of very, very great importance to this Senator, and I would hope to the whole body. That is the construction of a new building at the New York Botanical Garden to store its 5-million-item collection of plants and seeds.

This is not an ordinary collection. This is the largest such collection in the United States. It is the genetic memory of three centuries.

In 1895 the Botanical Garden was established in the North Bronx on some 400 acres of forest. It was given the seed collection of Colombia College, dating back to the 18th century when it was King's College, and also of Princeton.

A large, and for the time the largest-ever, building was built to house this collection. And over a century, it has filled up. There is as good a collection at Kew Gardens in London. And there are some on the continent that have equivalent resources. But none better.

The garden is enormously active in research and loans. Mississippi University researchers will be sending for plants that were spotted in the 1820's, in the 1720's. North Dakota University Ag Extension will be asking for forms of native vegetation from when the buffalo were there. The garden has the only records of ecological systems that do not exist anymore.

The garden has to have a new building. We had hoped that out of the $60 million in the construction account this year, there might be $5 million for the Federal contribution to a new building, to be matched by New York City and increased by the State, the garden, and other donors. This was not possible. But I understand that there is a possibility the appropriation level for agriculture will be raised in conference above the Senate figure. This is the desire of the House.

I wondered if I could ask my revered chairman whether it would be possible to hope that, when this happens, the provision for the New York Botanical Garden, which is $1.4 million, might be raised.

Mr. BURDICK. As the Senator well knows, the budget this year is very tight and we have to be careful how we spend this money. But the program that he has announced is a very good program and we will do our best at conference to see that it gets more money.

Mr. MOYNIHAN. I do very much want to thank the chairman for that.

May I make the point that this, the New York Botanical Garden, comes to the Senate once a century. We do not do this frequently. We should do it now, for this is a national resource. The Department of Agriculture specifically recommends that this building be built. This is a repository for genetic material. If there is no room to keep it, if lack of climate control ruins it, it is gone. And so, I say to my revered friend from North Dakota, if this were in Mississippi, if it were in Alaska, if it were in Hawaii, it would be just as important to me and I would hope the Senate would feel the same say. This is a national resource.

I see the Senator from Mississippi has risen. I hope I could engage him.

Mr. COCHRAN. If the distinguished Senator will yield, I will be happy to respond to let him know the committee did have a request submitted to it. The distinguished Senator from New York, the Senator's colleague, Senator D'AMATO, asked the committee to supply funds that we understood would be matched by local funds up to the level of about $10 million, as I understood it, for this phase of the project.

Mr. MOYNIHAN. They will be.

Mr. COCHRAN. The committee was asked last year to provide some funds for a feasibility study and that was done. The Department of Agriculture supported the feasibility study.

This year, the next phase of the project is for planning and the House has, in its bill, $1.3 million. We added an additional $100,000 to that so this bill, as before the Senate now, has an appropriation of $1.4 million. The additional funds were added at the request of Senator D'AMATO in the full Committee on Appropriations. I am hoping we can make a contribution, whatever a fair contribution is, from the Federal Government to match local funds to see that this project is completed.

I hope we can continue to work with the distinguished Senator and I thank him for bringing this up at this time.

Mr. MOYNIHAN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. MOYNIHAN. I thank the Senator for those statements. This is the first time the garden ever asked our help. It is to build a facility that can hold its collection, which grows constantly as other institutions that can no longer maintain their collections donate them to the garden. The existing building has no climate controls, a serious threat to these 5 million specimens.

At a time when we are beginning to think about biodiversity as an aspect of agriculture and the environment, here is an opportunity to see what people brought back from the rain forests, from the prairies, from the virgin forests, from the Lewis and Clarke Expedition. It has no counterpart on Earth in specimens from our hemisphere. The building is ready to be built. Put it up. Be proud of it. And the Senators will have the deep and abiding thanks of the New York delegation and the Nation. I thank the Senator.

Mr. COCHRAN. I thank the Senator from New York for his information and suggestions. We will try to work with him in the future, and with the other Senator from New York, to see that this project moves along.

Mr. MOYNIHAN. My very good friend indeed.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, may I ask if I can get unanimous consent to set aside the pending amendment, in order to propose an amendment by Mr. HELMS and myself?

Mr. COCHRAN. Mr. President, I do not have any personal objection to that. I am assuming the Senator has consulted with Senator HELMS and he has no objection to his amendment being set aside.

Mr. SANFORD. This is a matter of great importance to both of us. I want to be sure I get it in in proper time and then it can be set aside for consideration.

Mr. COCHRAN. I want to assure on my part the Senator is protected. Will the Senator withhold 1 second?

Mr. SANFORD. Once we offer it, we can set it aside.

Mr. COCHRAN. Mr. President, I am reluctant to agree to setting aside the Helms amendment without permission of Senator HELMS. We were thinking we were moving to some resolution of that amendment. Could we have a copy of the Senator's amendment, if there is a copy available?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair reminds the Senator under the previous order, the Senate was to stand in recess 4 minutes ago.

REVISED ORDER FOR RECESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for recess be delayed until the hour of 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, with respect to the amendment that this Senator sent to the desk earlier regarding the tobacco regulation, I am now advised we may be able to proceed to take that amendment and take that issue to conference. We checked with someone who thought they had a problem with that. Now we understand that problem has been resolved. I inquire of my friend from North Dakota if we could proceed to accept that amendment.

Mr. BURDICK. We have no objection at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 925) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I think now the Senator from North Carolina [Mr. SANFORD] has an amendment that he wants to offer. That will be timely at this point.

AMENDMENT NO. 927

(Purpose: To provide funding for the Bowman Gray Nutrition Center at Wake Forest University)

Mr. SANFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending Leahy amendment will be set-aside. The clerk will report.

The bill clerk read as follows:

> The Senator from North Carolina [Mr. SANFORD], for himself and Mr. HELMS, proposes an amendment numbered 927.
>
> On page 30, line 11, strike "$720,436,000" and insert in lieu thereof "$707,936,000"; and
>
> On page 17, line 21, strike "$60,769,000" and insert in lieu thereof "$73,269,000".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to the bill, other than the committee amendments and the Leahy perfecting amendment, be the following: the pending Sanford amendment regarding cooperative State research centers, and a possible amendment by Senator SIMPSON regarding REA loans, with the pending Sanford and possible Simpson amendments being subject to relevant second-degree amendments.

I further ask unanimous consent that no motion to recommit be in order.

I further ask unanimous consent that the time between 2:15 p.m. and 2:20 p.m. be equally divided and controlled between Senator LEAHY and the bill's managers and that at 2:20 p.m., the Senator vote on the Leahy amendment No. 917; that upon the disposition of the Leahy amendment, the Senate, without any intervening action or debate, adopt the remaining committee amendment.

Mr. COCHRAN. Mr. President, reserving the right to object, I do not intend to object but simply want to inquire of the leader—that nothing in this agreement would prohibit or impede having a colloquy introduced in the RECORD between Senator DOLE and the managers or Senator WARNER and the managers.

Mr. MITCHELL. That is correct. This merely limits the amendments, and colloquies could still be permitted.

Mr. COCHRAN. We have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues. Senators should then be aware that a rollcall vote will occur on the Leahy amendment at 2:20 p.m. and it is my hope that shortly thereafter we will be able to dispose of the two remaining amendments, and then have final passage on this bill.

Then I intend to seek consent to proceed to the Commerce-Justice-State Department appropriations bill which I hope can be sometime during the afternoon today.

Mr. President, I thank my colleagues.

Although, at my request, the distinguished Senator from Mississippi extended the time until 1 p.m., unless the managers believe otherwise, I think it would be appropriate to recess now unless any Senator is seeking recognition.

Mr. HELMS. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. HELMS. What is the status of the Sanford amendment?

Mr. MITCHELL. That will be the pending business. That would be following the disposition of the Leahy amendment and the committee amendments. Those will occur at 2:20. There will be a vote on the Leahy amendment. Then, under this agreement, the remaining committee amendments will be adopted. Then the Sanford amendment will be the pending business.

RECESS

Mr. MITCHELL. Mr. President, I therefore ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:56 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

AMENDMENT NO. 917

The PRESIDING OFFICER. Pursuant to the previous order of the Senate, there will be 5 minutes of debate, equally divided, between the managers of the bill, Senator COCHRAN of Mississippi, and Senator BURDICK of North Dakota on one side, and Senator LEAHY of Vermont on the other side. The pending question is the Leahy amendment, No. 917.

Who seeks recognition? I say to the parties that the time is running.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield myself 1 minute.

Mr. President, the amendment before the Senate is a simple one. It just says that if the taxpayers are going to spend $700 million of all our money, they ought to get what they are supposed to get.

We wrote out very clearly in the farm bill, voted on by a majority of this Senate, voted on in the committee at conference, signed into law by the President, we would have 30-year easements. Now, with no hearings, no authorization, the Appropriations Committee has tried to change that.

What they are saying is that we are going to spend $700 million without the kind of responsibility we have. That is why the administration supports the Leahy amendment.

I ask unanimous consent that a letter from the Department of Agriculture, Office of the Under Secretary, supporting the Leahy amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF AGRICULTURE,
> OFFICE OF THE UNDER SECRETARY,
> *Washington, DC, July 30, 1991.*
>
> DEAR SENATOR LEAHY: The administration would support your amendment to the Senate Agriculture Appropriations bill, H.R. 2698, striking language authorizing 15 year easements under the Wetlands Reserve Program. Under the 1990 farm bill, a conservation easement may extend for 30 years or be permanent or run for the maximum duration allowable under state law. The administration supports the farm bill provision as providing the maximum environmental benefit from enrollment in the Wetlands Reserve Program.
>
> Sincerely,
>
> JOHN CAMPBELL,
> *Deputy Under Secretary, International Affairs and Commodity Programs.*

The PRESIDING OFFICER. Who seeks recognition under the rule?

Mr. BURDICK addressed the chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I hope that my colleagues can support the committee amendment and oppose the amendment of the Senator from Vermont. This would allow for some flexibility in administering the program to see what sort of farmer interest we have in the 15-year and 30-year easements and the permanent easement. I think we will have a much higher rate of participation with the 15-year easements, because many farmers will not participate in the absence of this shorter easement.

Mr. President, I want to reiterate the point that the committee amendment does not require USDA to accept any 15-year easements. It merely allows them to be offered so that farmers may submit bids based on 15-year easements.

It is also entirely possible that 15-year bids could have much more ecological value than equivalent-sized permanent or 30-year easements. We may be able to enter much more valued wetlands in the reserve by allowing 15-year easements that may not be entered if 15-year easements were not allowed.

The purpose of allowing 15-year easements simply increases the competitiveness of the program. There will be more bids, the Department will have a bigger pool from which to accept bids. It by no means requires that only 15-year easements be granted, and in fact, USDA may not choose not to accept any 15-year easements.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Does the Senator from Mississippi wish to be heard on this?

Mr. COCHRAN. No.

The PRESIDING OFFICER. The Senator from Vermont has 57 seconds.

Mr. LEAHY. I yield back my time, Mr. President.

Mr. BURDICK. Mr. President, we yield our time.

The PRESIDING OFFICER. The yeas and nays having been ordered on the amendment, the question is on agreeing to the Leahy amendment No. 917.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—76

Adams
Akaka
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Chafee
Coats
Cohen
Craig
Cranston
D'Amato
Danforth
Dodd
Domenici
Durenberger
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kasten
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Seymour
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Wirth
Wofford

NAYS—22

Baucus
Bumpers
Burdick
Burns
Byrd
Cochran
Conrad
Daschle
DeConcini
Dixon
Dole
Exon
Ford
Heflin
Johnston
Kerrey
Lott
Pressler
Sanford
Shelby
Warner
Wellstone

NOT VOTING—2

Kennedy
Pryor

So the amendment (No. 917) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was adopted.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 927

The PRESIDING OFFICER. The question now recurs on the amendment, No. 927, offered by the Senator from North Carolina [Mr. SANFORD], to the original bill.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from North Carolina deals with a project in the State of North Carolina, at Wake Forest University. There is funding in the House bill in the amount of $3.65 million to carry forward the work on the Bowman Gray Center. The Senate bill had no appropriation in it.

I do not know what the will of the Senate is going to be, but the amendment brings this to our attention. It asks for about $13 million for the project. To be honest about it, the offset is a little hard to accept, and I probably cannot recommend to the Senate that it agree to the amendment in its present form.

It takes money from the ASCS salaries and expenses account and those moneys are needed. As a matter of fact, we need more money in that account to handle the workload and the demands on that agency at this time. I would hate to see that account used as a way to provide funds for this project in North Carolina.

I hope that the proponents of the amendment will let us have some flexibility and, in conference with the House, try to work out a funding level that would represent the amount of money that could reasonably be expected to be used efficiently in the next fiscal year for this project.

I understand there was funding for the project last year, and it is surely one of those projects that will be supported in the years ahead. I am not prepared to recommend we agree to the amendment in its present form. I wanted to let the proponents of the amendment know what I thought about it and urge that we look for a way to have more flexibility than the amendment permits us at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I think the distinguished Senator from Mississippi stated the case very well. This is a project of considerable value to the Bowman Gray Hospital, to Wake Forest University, and to the people of that region; but of even greater importance, it is a significant kind of research that now is needed in a greater degree across the Nation.

In order to keep a fair amount of funding in there, we wanted about $15 million. The House put into the budget $3½ million. We wanted to have an opportunity to have some figure in there with which we could bargain in conference. It does not have to be $12.5 million, though that seems to be a reasonable figure.

If I may call to the attention of the Senator from Mississippi, the reason we chose the Agricultural Stabilization and Conservation Service is because of a GAO report that has just come out that says that the administrative cost approach exceeds the value of the benefits provided.

This kind of recommendation would have saved $90 million in administrative costs in fiscal year 1989, on the proposition that this was a good place to get the money. Obviously, where we get it is not as important as what we spend it for.

We are flexible on that, as is, I am sure, my colleagues from North Carolina, and I are flexible on the amount, if the leadership would accept a smaller amount.

Mr. HELMS. Mr. President, I am proud to be a cosponsor of this amendment, and I am sure my colleagues will recognize the important research that will be established at the Bowman Gray School of Medicine of Wake Forest University. The Center for Research on Human Nutrition and Chronic Disease Prevention will help us learn more about the link between nutrition and health.

For the past 2 years, I have worked to give the Bowman Gray Nutrition Center a toehold in the appropriations process and to gain support for the project at the U.S. Department of Agriculture. While the Senate has failed to see the value of this project, the House has fortunately seen fit to fund this important project. And some of the perceived problems have been resolved with the Department of Agriculture.

The diseases associated with nutrition and diet are one of the leading causes of illness and death in this country and around the world. In fact, three of the four leading killers—heart disease, stroke, and cancer—are caused at least in part by what we eat. I think it is obvious that there is a need to aggressively explore the prevention of chronic disease.

There are currently five human nutrition centers sponsored by the USDA. However, none of these centers focus on the role of nutrition in the cause and, more importantly, the prevention of chronic disease.

Finally, I think it is important to point out that such research could very well lead to the development of new food products that could benefit everyone. The research will help transfer knowledge about nutrition and diet to food production. New products resulting for this research could enhance our farm economy lead to quality exports that will improve our balance of trade.

Mr. President, I will say again to my colleagues that the research done at the Bowman Gray Nutrition Center will be unique to USDA nutrition centers, and I urge them to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. SANFORD. No, I yield.

The PRESIDING OFFICER. The manager of the bill.

Mr. BURDICK. Mr. President, I cannot support taking salaries and expense money from the Agricultural Stabilization and Conservation Service for this construction project. The bill does not contain sufficient funds to meet the President's request for ASCS. It is already short by $50 million. To reduce this appropriation even further is just not supportable.

To provide $12,500,000 would provide more than twice as much as was allowed for any other facility in this account. There just was not sufficient funds to provide the amount requested by the Senators. If the Senators could allow the bill to go forward at this time without this amendment, I will do my best in the conference committee to provide additional funds for the Bowman Gray Center at Wake Forest as the Senators request. But I would hope that they would not press this amendment at this time because I cannot support the amendment as it is.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, I would like to inquire of the leadership, on my behalf and on behalf of my colleague from North Carolina, who I am sure in a moment will have something to say about it, whether or not, given the importance of this project to us and I think to the Nation, would they be agreeable if we withdrew this amendment, which pinpoints the source of the money, to doing their best in conference to move toward the House figure in order to keep this project from dying on the vine?

I make that inquiry.

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, I am prepared to recommend to the chairman and to work with him in conference in trying to resolve this issue so that there will be some funding provided in the final conference report for this project at Wake Forest. I cannot make a commitment as to the exact dollar amount. Obviously, the House has included the figure of $3.65 million. My experience has been and if we do have the additional allocation—which I understand will be available to us in conference—we will certainly be more likely to meet that figure or come close to it than we are at this time.

I know the distinguished Senator from North Carolina [Mr. HELMS], had requested funds for this project in previous years. We have been working with the Department of Agriculture to try to identify how much could reasonably be expected to be used each fiscal year. Frankly, I would say the figure that the House has is certainly closer to the figure that we got from the Department of Agriculture than the amount that was contained in the amendment that was proposed and that is pending before the Senate right now.

So, for my part, both Senators from North Carolina have my assurance that we will try to work out a reasonable compromise in conference and one with which they both will be happy.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair. Mr. President, as Senator COCHRAN has stated, we have been working on this for some years now. We got some funding for the project a couple of years ago.

Let me say this about Senator COCHRAN. He has carried the ball on this project for us. I want him to know we are grateful. I, for one, favor withdrawing the amendment with the assurance that he has just given that they will work it out in conference somehow, and I think they can because there is strong support on the House side. We will talk with some of the conferees on this side. Senator SANFORD offered the amendment. I believe Senator BURDICK has indicated he will support.

Mr. BURDICK. Senator BURDICK supports his colleagues.

Mr. SANFORD. I thank the distinguished chairman and the distinguished ranking member. I think the House put in a figure, expecting us to have a figure, that would permit them to increase it. They put it in on the low side. So I hope the conferees will bear that in mind when they attempt to work out some solution to this.

Again, I thank them very much for their consideration.

Mr. President, I wish to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 927) was withdrawn.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank my friends from North Carolina, both distinguished Senators, for their cooperation with the committee and for the understanding of our situation with this bill at this time.

Mr. President, the only other amendment that is in order under the order is an amendment by the distinguished Senator from Wyoming [Mr. SIMPSON]. I know of no other amendments that can be offered under the order that was previously entered.

KANSAS STATE UNIVERSITY, MANHATTAN, KS

Mr. DOLE. Mr. President, it has come to my attention that during markup of the Agriculture appropriations bill, $285,000 of the funding provided for Kansas State University at Manhattan, KS, was allocated to the stored grain management project. Although we are appreciative of the committee's support for this project, we urge the conference committee to consider the following allocation: $125,000 for alfalfa research, $100,000 for canola research, and an additional $10,000 for wheat genetics research. I request this action on behalf of myself and Senator KASSEBAUM. I understand both the chairman and the ranking member of the Agriculture Appropriations Subcommittee have agreed to this request.

Mrs. KASSEBAUM. Mr. President, I wish to join Senator DOLE in support of this change. Research for stored grain management has been an ongoing project at Kansas State University for several years. I agree with the dean of agriculture at KSU that emphasis should be shifted to new areas. Alfalfa research in the Midwest is limited to Kansas in spite of the prominence this crop has throughout several Midwestern States. Although research currently being conducted has contributed significantly in recent years to the development of new varieties, there is still room for improvement.

In addition to alfalfa, producers in the Midwest realize the need for alternative crops. Canola appears to have a great deal of potential. Additional resources are needed to answer the many questions farmers still have this crop. Finally, Mr. President, KSU has been a leader in the area of wheat genetics research. Our proposal would provide additional moneys for this project. I join my colleague from Kansas in requesting this money be transferred from stored grain management to the areas we have outlined.

Mr. DOLE. In addition, I wish to request that the conference committee consider setting aside up to $50,000 for a feasibility study of an agriculture research and emissions facility to develop and test fuel formulations using ethanol blends at Pittsburg State University at Pittsburg, KS, in cooperation with Kansas State University. This program is one that could have important implications for America's farmers, the environment and for national energy security.

As my colleagues know, last year's Clean Air Act required major changes in gasoline composition and in emissions. As a result, agriculturally based oxygenated fuels will play a significant role in cleaning up our environment. A tremendous side benefit of these fuels will be the enormous impact they will have on farm income, and the positive role they will play in ensuring America's domestic energy security.

Putting these much-needed fuels into use requires laboratory testing and research. This project would establish a state-of-the-art facility to conduct the emissions testing needed to produce these blends. Mr. President, there is a real need for this facility to be established. While there is currently a significant amount of emission testing, it is primarily focused on methanol blends. I understand there are only three EPA-approved emission labs that are able to conduct tests at the required Federal specifications. Likewise, there is only one lab that is equipped to conduct tests at lower temperatures.

Mr. President, I am hopeful that the conference will find a place for this facility. The benefits that we as a nation will achieve from this modest investment will repay us many times over. Agriculturally derived motor fuels are worth the effort.

Mr. COCHRAN. Mr. President, I certainly have no problem with the request of the Senators from Kansas. I understand they have contacted Kansas State University and Pittsburg State University and everyone seems to be in agreement.

Mr. BURDICK. Mr. President, I also have no problem with this request.

FLORIDA CITRUS CANKER ERADICATION PROGRAM

Mr. GRAHAM. Mr. President, I wonder if I may engage the chairman of the Agriculture Appropriations Subcommittee in a brief colloquy. Mr. Chairman, I wish to discuss the issue of Federal obligation to the citrus growers and nurserymen of Florida who participated in the joint Federal-State Canker Eradication Program from 1984 to 1986.

Mr. BURDICK. I am aware of the program. The State of Florida was placed under a strict quarantine and the U.S. Department of Agriculture declared a state of emergency. Federal funds were made available for the destruction of citrus trees potentially infected with citrus canker. Some payments were also made to citrus tree owners for replacement cost of the destroyed trees. All costs of the program were shared equally by the State and the Federal Government.

Mr. GRAHAM. That is true, Mr. President. However, the Florida Supreme Court has ruled that the actions taken under the eradication program were a taking and that market-value compensation must be paid to the growers. The State has since had to make available some $75 million to the growers seeking additional compensation.

Mr. BURDICK. Has the Federal Government determined whether it must help meet the payments under this compensation plan?

Mr. GRAHAM. To date, the Florida congressional delegation, the Governor, the State attorney general, and other State officials have written the USDA and met with the Secretary on this question. We have yet to have a final answer from the Department. I bring this to the Senate's attention because we had hoped to know whether legislative action would be required by the time the Senate began considering appropriations bills. Should this problem remain unresolved into the next year, I hope the chairman will discuss with me the legislative options available to help the State meet its obligations under the original joint eradication program.

Mr. BURDICK. I would be pleased to discuss with the Senator possible funding solutions. However, I think that primary responsibility lies with the Department of Agriculture to respond to Congress' and the State's inquiries.

Mr. GRAHAM. Mr. President, I agree with the Senator and hope that our discussion will provide the USDA with new impetus to respond to this serious question of fair compensation.

THE WIC PROGRAM

Mr. LEVIN. Mr. President, I would like to engage the chairman of the Committee on Agriculture in a colloquy regarding the consistency in what the Department of Agriculture recommends with respect to its nutrition policy and dietary recommendations and how the Department actually administers the WIC Program. I am pursuing this subject at this time because it is addressed in the Senate Appropriations Committee report to accompany H.R. 2698.

The WIC Program has been one of the most successful and cost-effective programs administered by the Federal Government. It provides for the distribution of specific groups of foods to program participants. Regulations prescribing requirements for providing the supplemental foods to participants ensure that local agencies make available at least one food from each group in several specific food packages. Food packages for children include milk, eggs, cereals, fruit juice, and vegetables.

One of the most essential elements in a balanced nutritious diet is fruit, and this statement is well documented by the Federal Government. For instance, the Dietary Guidelines Advisory Committee, established jointly by the U.S. Departments of Agriculture [USDA] and Health and Human Services [HHS] recommends that "adults eat daily at least * * * two servings of fruits" and that children should be encouraged to develop a similar practice. Similarly, the Surgeon General's "Report on Nutrition and Health" recommends that among other foods, such as vegetables, whole grain products and cereals, people should "emphasize intake of fruits."

Still another Federal Government document entitled "Dietary Guidelines for Americans" recommends choosing a diet with plenty of vegetables, fruits, and grain products and suggests that adults and children should eat "two servings of fruit daily." Local WIC offices distribute literature encouraging WIC participants to eat fruits, such as raisins, as snacks, and USDA Program Aid No. 1385, which specifically advises that we should "at breakfast use fruit in cereal."

USDA regulations limit the amount of sugar included in cereals, including sugar naturally found in fruit, which effectively discourages or prohibits the distribution in the WIC Program of nutritious cereals containing fruit. These regulations provide that each local agency that provides supplemental foods to program participants make available to each participant cereal which meets specific nutritional standards.

However, because of the way in which these regulations are worded, cereal which—except for its fruit content—meets all other nutritional standards is excluded from the list of eligible cereals. For instance, bran flakes would qualify for the program, but when raisins are added to this product and it becomes raisin bran, the cereal becomes ineligible.

Mr. President, USDA's current policy with respect to the WIC food package is not consistent with the recommendations of USDA, other Govenrment agencies, and nutrition experts. In other words, I am concerned that the

USDA is not practicing what it preaches.

I am aware that the WIC food package is presently under review and that during the course of the review the issue I have raised may be considered, but that fact does not alleviate my concerns. USDA is considering the WIC package contents now and is supposed to report back to Congress by June 1992. I am concerned that the fruit in cereal issue may not be resolved in a timely manner unless Congress directs the USDA to do so.

I would like to ask my colleague from Vermont, in his capacity as chairman of the committee of jurisdiction over the WIC Program, to consider ways in which we could achieve a more prompt resolution of this problem. I do believe that it is our responsibility as legislators to ensure that the dietary recommendations of the USDA are applied where appropriate to feeding programs administered by the Department and that we should urge the Department to set an example for all Americans by practicing what it preaches.

Mr. President, it should be clear now to the Senate that the USDA needs to carefully examine its policy regarding the use of fruit in cereals. The policy denies WIC participants the opportunity to have a helping of fruit with the cereals purchased through the WIC Food Program.

If the Senator from Vermont agrees, I would ask him whether this is not an issue that his committee could examine and help resolve in a timely fashion?

Mr. LEAHY. The Senator from Michigan makes several good points with respect to the treatment of fruit in cereal under the WIC regulations. The WIC food package is and must continue to be based on sound input from pediatricians, nutritionists, and other scientists and is specifically designed for pregnant women, infants, and young children.

I will contact the Department and ask for a speedy consideration of the issues you have raised and a report back by the end of this year to my committee providing the Department's detailed response and an indication of what steps the Department will take to address your concerns regarding USDA's policy.

Mr. LEVIN. Mr. President, I would like to thank the Senator for his help on this. Also, I would like to ask unanimous consent that an editorial on this subject from today's Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAISIN WAR

The Federal government thinks that children should eat less sugar and more fruit, which is fine—except when it's contradictory. The fruit that the government likes can be a major source of the sugar that it doesn't. The contradiction arises with particular force inside a box of Kellogg's Raisin Bran. Can you believe that it may now arise within the U.S. Senate as well?

It seems that, were it not for the sugar from the raisins, this product of the Kellogg Co. would be eligible to be bought by needy families under the sugar standard of the government's WIC program, a stern 6 grams per serving and no more. Counting the raisins and the rest of the sugar in the box, however, it's not eligible. That's true even though the same Agriculture Department that maintains the WIC regulations can be found in other contexts urging Americans not merely to eat more fruit, but to put in on their cereal.

Kellogg cares, and not just for love of consistency in the Code of Federal Regulations. The WIC feeding program for needy pregnant women, infants and children is itself a pretty big bowl of breakfast. It helps to feed nearly 5 million people including a third of the nation's newborns at a cost of about $2.4 billion a year. Of that, an estimated $150 million goes for cereal, and about two-thirds of the cereal money, Kellogg says, is spent on Cheerios, which meet the WIC sugar and other nutrition standards and are made by Kellogg competitor General Mills. WIC really stands for women, infants and Cheerios, the Kellogg people like to joke, not sweetly.

Kellogg, based in Michigan, is urging that state's Sen. Carl Levin offer an amendment to the agriculture appropriation bill somehow relaxing the sugar rule so that the raisins won't count. Other senators including minority leader Bob Dole have warned they will resist a step they call a threat to the program's "integrity." They cite a letter from the American Academy of Pediatrics and other protective groups urging that the question of what can and cannot be bought with the money not be politicized and noting that the department is already in the midst of a regular reexamination of the rules.

If the government is going to cross the threshold of setting nutritional standards at all—as perhaps it had to, at least in the particular kind of program WIC is—we suppose it was bound to come to this. You make the rules, and the next thing you know poor kids can't have Raisin Bran, which other kids are eating without ill effect, because to allow Raisin Bran is to open the floodgates to government subsidized Snickers bars for poor and nutritionally deprived families. It is government at its most famously elephantine. Of this much only we are certain: The Senate floor is the wrong place to write the rules. But the Agriculture Department, if it is to have a free hand, should at a minimum keep the free hand light. Surely it's possible to have rules that square with the WIC program's raisin d'etre and still let in a scoop of raisins.

Mr. EXON. Mr. President, this morning's Washington Post included an editorial regarding the WIC Program that I commend to my Senate colleagues. That editorial points to the folly of regulations that preclude certain healthy food items, namely Raisin Bran, from the WIC Program.

At best, it seems contradictory for the USDA to be promoting healthy foods with one hand and limiting their availability to WIC participants with the other. It may well be that this important nutrition program deserves some critical scrutiny to ensure that there is a level playing field with regard to which products are available to WIC participants.

Quite frankly, I would hope and expect that these kinds of dietary squabbles could be worked out expeditiously by scientists, not Senators. I strongly encourage the USDA to work toward that goal.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

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WIC APPROPRIATIONS

Mr. DECONCINI. Mr. President, I rise to commend my friends and colleagues, the distinguished chairman from North Dakota, Senator BURDICK, and the ranking member from Mississippi, Senator COCHRAN, for including $2.573 billion, the level requested by President Bush, for WIC in the fiscal year 1992 agriculture appropriations bill.

Mr. President, there has been a remarkable bipartisan effort this year to increase WIC to provide WIC's critical nutrition and health benefits to more eligible low-income pregnant women, infants, and children:

First, President Bush requested an increase of approximately $223 million over the current level of $2.35 billion, enough to remove over 200,000 low-income pregnant and breast-feeding women and their children from the waiting lists nationwide.

In addition, a panel of highly distinguished corporate executives testified before the House Budget Committee earlier this year in support of a substantial increase in WIC funding for fiscal year 1992. The CEO's stated that:

> The health, well-being, and education of children in the United States are pivotal to keeping the United States competitive in an increasingly international economy. * * * We're convinced that WIC can make an important contribution to ensuring that the Nation's education objectives are met, and that in turn, we have the productive work force we need.

The CEO's recommended that WIC be funded at $2.7 billion in fiscal year 1992 as a first step in a 5-year investment plan to reach all eligible low-income women, infants, and children.

In June, more Senators than ever before, 88 in total, signed the annual DeConcini-Chafee WIC appropriations letter urging a record increase of $250 million over the prior year's current services level. The fiscal year 1992 DeConcini-Chafee WIC letter requested $2.7 billion, the amount estimated earlier this year by the Congressional Budget Office to remain on track to attain WIC full funding by 1995.

And more recently, the bipartisan National Commission on Children's report says that:

> WIC should be expanded to serve all financially needy pregnant and nursing women, infants and children at nutritional risk. To do so will require increased annual funding of approximately $1 billion.

Mr. President, the WIC Program continues to build an impressive track record. A USDA study issued last October demonstrates that WIC reduces Medicaid costs: Each dollar invested in WIC's prenatal component saved between $1.77 and $3.13 in Medicaid costs. In addition, a recent National Bureau of Economic Research study suggests that WIC also produces long-term savings in special education costs. The Bureau's research also found WIC to be one of the two most cost-effective methods of reducing infant mortality.

Clearly the Agriculture Subcommittee's tight allocation made it very difficult to provide any increase beyond the President's request for WIC. Fortunately, however, a recent event indicates the conference committee on this bill may be able to provide a little more than the President, and quite possibly enough for the full $2.6 billion included in the House. Last week's announcement by the chairmen of the Senate and House Committees on Appropriations, Senator BYRD and Representative WHITTEN, that they have tentatively reached an agreement on the reallocation of $232 million in budget authority and $312 million in budget outlays for the Agriculture bill in conference is very good news.

Mr. President, while the reallocations are not final, I would urge the chairman and the subcommittee to accept the House level of $2.6 billion for WIC in conference—a mere $27 million over the Senate level, yet it would help to serve more eligible needy women and children.

Mr. CHAFEE. Mr. President, I would like to join my friend from Arizona in expressing appreciation to the chairman and ranking member of the subcommittee for allocating $2.573 billion to the WIC program for fiscal year 1992.

WIC has long enjoyed considerable support in Congress, and for good reason: It pays off handsomely in terms of children's well-being, and that in turn results not only in savings in education and health costs, but in a healthy and productive generation of children who will make up tomorrow's work force.

As my colleague has pointed out, this year there has been a particularly strong convergence of support for WIC: The corporate sector, children's and health organizations, and independent study commissions have pressed for increased WIC funding. Both the President and the Congress urged substantially increased funding for WIC—in fact, 86 of our colleagues joined Senator DECONCINI and myself in requesting a full $2.7 billion for WIC. This remarkable support comes from the fact that we all recognize that being pro-WIC is being both pro-children and pro-business; and that is pro-America.

As we all know, the budget agreement of last year placed severe restraints on everyone. It appears, however, that some Appropriations subcommittee allocations may be revised later during the House and Senate conference. If this should occur, and the allocation for the Agriculture subcommittee be increased, I would join my friend from Arizona in requesting that the Senate conferees accept the higher appropriations for WIC in the House measure. While it may appear small, that additional $27 million could provide foods for tens of thousands of additional low-income mothers and children.

Mr. BURDICK. Mr. President, I would also like to confirm my strong support for the WIC Program for my friends and colleagues, Senator DECONCINI and Senator CHAFEE. In fact, I have every intention of doing whatever I can in conference to come up with the $27 million needed to match the House level of $2.6 billion for WIC. Yet, I would remind my colleagues that there are other high priority items in this bill which must be given consideration should this reallocation occur.

In particular, I believe that the Food and Drug Administration also needs a significant increase in funding above the level the subcommittee was able to provide. It is my belief that the President's request for the FDA was inadequate to meet the current demands upon it for testing of promising new and innovative drugs to deal with the AIDS crisis and so many other catastrophic illnesses plaguing millions of Americans. However, in the event the reallocation which Senator DECONCINI outlined earlier does occur, I believe that the conferees should also do all that we can to provide for a significant increase in funding for the FDA as well as the $27 million increase necessary to bring the funding level for WIC up to the House level of $2.6 billion.

Mr. DECONCINI. Mr. President, again let me express my appreciation to the chairman and to Senator COCHRAN for the increase they have provided for WIC in this bill. Let me clarify that my colleague from Rhode Island and I are in no way criticizing the subcommittee, but simply urging them to accept the House level for WIC in conference if the final allocation is greater than the Senate subcommittee's allocation.

FEDERAL NORTH CENTRAL SOIL AND WATER RESEARCH STATION AND THE WOLF CONTROL PROGRAM

Mr. WELLSTONE. Mr. President, I rise to engage in a brief colloquy with my colleague, Chairman BURDICK of the Agriculture, Rural Development and Related Agencies Subcommittee of the Appropriations Committee.

I would like to hear the chairman's views on two funding requests which the subcommittee was unable to grant in this Agriculture appropriations bill. The first of these is the Federal North Central Soil and Water Research Station at Morris, MN. The second is the wolf control program operated in Minnesota by USDA's Animal and Plant Health Inspection Service.

I understand the difficulty in trying to fund the many agricultural programs and projects which have merit, particularly operated under the budgetary constraints which the chairman's committee faced this year. I appreciate the chairman's efforts in balancing the priorities judiciously through this process.

I would appreciate the chairman's assurance that the important project and program I mentioned above, both of which were funded in the House Agriculture appropriations bill, were not rejected by the committee as lacking in merit. I hope, in fact, that the Senator would support funding for these requests in the coming conference committee.

As the Senator knows from our communication prior to this bill's markup, the Morris Research Station is a successful facility which needs additional lab and office space, as well as a larger library, to accommodate the growth of important work in the area of water quality and low-input/sustainable agriculture. The wolf control program, despite its impressive success so far, has been chronically underfunded. The welcome robust recovery of the eastern timber wolf in Minnesota has led to a greater need for control efforts, which minimize damage to livestock.

The House, with its larger allocation for agriculture, was able to fund the Morris Research Station at $1.35 million for 1992, and the wolf control program at $250,000. When the programs are considered by the committee in conference, would the chairman be willing to support their funding?

Mr. BURDICK. I thank my colleague from Minnesota for the opportunity to note the difficulty our committee had in selecting projects and programs for funding this year. There were, indeed, hard choices between many deserving funding requests.

I note his concern regarding the Morris Research Station and Minnesota's wolf control program. I can assure the Senator that I will seriously consider his request to reexamine those projects. Our committee did not reject them as unworthy, and, should there be sufficient funds available, I may be able to support their inclusion.

Mr. WELLSTONE. I appreciate the Senator's attention to this matter.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS BILL

Mr. GORTON. Mr. President, it appears that the Senate today will pass the Agriculture, Rural Development and Related Agencies Appropriations Act for fiscal year 1992. I would like to take this opportunity to congratulate the chairman and ranking member of the Agriculture Appropriations Subcommittee for producing yet another fine bill, and thank them for their attention to projects that are important to Washington State.

I am particularly pleased that the fiscal year 1992 bill includes $5 million for completion of the new ARS fruit and vegetable laboratory in Yakima. The new lab will replace an old facility that has been overtaken by residential and commercial growth, and will be constructed on land purchased by the State tree fruit industry. This lab will facilitate research important to the entire Nation's fruit and vegetable industry.

The bill also contains $2 million for the ARS Northwest Small Fruit Research Center. Research at the center will focus on plant genetics and breeding, crop production and pest management, processing and packaging technology, and marketing. The center will be a significant regional resource for the berry and grape industries of Washington, Oregon, and Idaho.

The amount of $1.2 million is designated for construction of the Animal Disease Biotechnology Center. The center will link the veterinary teaching hospital under construction at Washington State University with the Veterinary Sciences Building which houses the Department of Microbiology and Pathology, the Washington Animal Diseases Diagnostic Laboratory, and the USDA-ARS Animal Research Unit. This facility is needed to sustain and expand research, extension and training programs designed to resolve dangerous and costly disease problems in farm animals.

I am pleased that the Senate has chosen to continue funding for agriculture and forestry trade research at the University of Washington and Washington State University. The CINTRAFOR and IMPACT Programs at these institutions have done important work on foreign market development and trade constraints, and have contributed significantly to the expansion of U.S. agricultural exports.

Fresh and dry peas and lentils are one of the Nation's strongest export products, and are an important source of protein for much of the world. These crops will benefit from the $400,000 included in the fiscal year 1992 bill for the Cool Season Food Legume Program. This appropriation will fund genetic, management, nutrition and technology transfer research that will benefit pea and lentil farmers in Washington.

For all crops, research on pesticides and other agricultural chemicals is necessary to ensure a safe and abundant food supply. The fiscal year 1992 bill includes funding for these efforts in a variety of areas, including $3 million for Interregional Research Project No. 4, a program that will support research to reregister pest control agents for minor crop uses. Washington State produces more than $1 billion in minor crops each year, and many of the chemicals IR-4 has identified for reregistration are priorities for Washington State.

The bill also includes $850,000 to complete equipment purchases and the hiring of staff for the Tri-Cities Food and Environmental Quality Lab. Research in the lab will explore the fate of pesticides on crops and in the environment, and will contribute to the IR-4 minor crop chemical reregistration program.

Other important projects funded in the bill include regional barley gene mapping, Russian wheat aphid, TCK smut, acquaculture and potato research.

Outside of the research arena, the Appropriations Committee agreed to adopt my amendment to expand the definition of eligible housing under the Farmers Home Administration's section 502 Guaranteed Home Loan Program. Currently, many residents of genuinely rural communities are precluded from participating in the guarantee program. At the same time, these people are eligible for the Farmers Home Direct Loan Program, a situation which defies common sense. I hope this provision will be agreed to in conference.

Finally, I would like to compliment the chairman and ranking member of the subcommittee for their continued support of the Market Promotion Program [MPP] and other export promotion programs. I am concerned, however, about a provision in the bill which defers until September 30, 1992, $70 million of the $200 million made available for MPP. I hope the effects of this provision on the program's operation will be closely studied in conference.

Mr. President, I would like to thank again the chairman and ranking member of the Agriculture Subcommittee for considering the requests I made on behalf of farmers in my State. This is a good bill, and will benefit each and every one of us who enjoy the world's cheapest, safest, and most abundant food supply.

WIC FUNDING LEVELS

Mr. MURKOWSKI. Mr. President, earlier this year, I joined with several of my colleagues in requesting a significant increase in funding for the Women, Infants, and Children Food Program [WIC]. I am pleased to see that the Appropriations Committee has reponded to this request.

The measure before us today contains a funding level for WIC of $2.57 billion, an increase of 9.5 percent—$223 million—over the fiscal year 1991 level. WIC is one of the most successful domestic programs in existene, and has a proven track record of aiding underpriviledged children in their developmental years.

In Alaska alone, over 9,000 people a year receive WIC benefits. This program is also very cost effective. A U.S. Department of Agriculture study issued last fall found that each dollar invested in the WIC prenatal component saved between $1.77 and $3.13 in Medicaid costs.

I urge my colleagues who will participate in the conference on the Agriculture bill to give the WIC Program the priority it deserves.

Mr. SASSER. Mr. President, several of my colleagues, including Senators LEVIN, LEAHY, and EXON have commented on the need to maintain a strong WIC Program that provides a wide variety of healthy and nutritious foods to its participants. As evidenced by today's Washington Post editorial on the subject, the U.S. Department of Agriculture should take expeditious and fairhanded action to recast outmoded regulations that preclude certain food items such as raisin bran from being offered in the program.

I understand that the Department of Agriculture is acutely aware of the need to reexamine regulations in this area, and I would hope that the USDA would move to resolve conflict with regard to this matter before the end of this year.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

AMENDMENT NO. 928

(Purpose: To restore the Omnibus Budget Reconciliation Act of 1990 funding recommendations and authorize the Rural Electrification Administration (REA) to develop and implement eligibility criteria for loan applications)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 928.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, line 10, strike "$622,050,000" and insert "$504,235,000".

On page 61, line 12, strike "$239,250,000" and insert "$193,765,000".

On page 62, lines 1 through 4, strike ": *Provided further*," and all that follows through "loan advances".

On page 62, line 10, strike "$157,609,000" and insert "$127,866,000".

On page 62, line 11, after "$14,152,000,", insert the following: "and cost of the other loan guarantees, $105,000".

Mr. SIMPSON. Mr. President, this is a contentious matter that I present here, but I am introducing this amendment, and at the same time my staff and the staff of Senator LEAHY are involved in discussions regarding this matter.

This is an issue of funding of the Rural Electrification Administration, the REA, as outlined under the Omnibus Reconciliation Act of 1990. It has to do with the retaining of the REA's ability to develop and implement eligibility requirements for rural electric borrowers and reinstate funding for REA's newly mandated 90-percent guarantee loan program.

I have no desire to injure the REA. But since the establishment of REA in 1935, practically every single village, small town, and farm in rural America has received reliable and affordable electric service. That was the original purpose of the REA. That REA-financed system currently operates in 46 States and Puerto Rico and finances loans to both electric and telephone companies serving rural America. It is extraordinary what is happening with loans to the telephone companies.

These rural electric co-ops can receive direct loans with interest rates of 5 percent or private loans guaranteed by the Government for 100 percent of their value. Those guarantees are quite attractive safety mechanisms because the borrower will receive 100 percent of the money he has been loaned should the private lender fail.

I do not think there is a person in this body who, if we were told there are areas in America that do not have electric utility power, and still do not have phone service, after we have spent so much in Congress on REA funding, would not say: Put it in and send us the bill. But what is happening with REA is absurd.

Let me tell you, that is an extraordinary agency. Those special interests that boost it along are extraordinary in every sense and tougher than a boiled owl.

Rural telephone companies may borrow from the rural telephone bank, and when that fund is used up, then the rural telephone companies become eligible to receive cheaper direct loans. Rural telephone companies are also entitled to receive loan guarantees, although most choose not to take them.

Both rural electric and telephone companies use some of the most remarkable schemes in order to secure the largest loan possible at the cheapest possible rate, regardless of how financially wealthy they are. I cannot lay all the blame at the foot of the REA. We did it. We gave the authority for the REA to approve the loan to any electric or telephone borrower that is eligible to receive one. The rules governing the system need to be restructured if integrity is to be restored to the REA.

I think there is a good way to begin that debate, and we can talk about restructuring. I hope to work with Senator LEAHY to see about ways we might do that. He made no commitment to me, other than to say that we both agree, that the money should go to the ones that most need it. You do not want to give the money to some of the biggest, heavy-hitter corporations in America who do not need it, but have learned to dwell around the well here in order to get it.

For example, in fiscal year 1990, Congress set aside $622 million in appropriations for rural electric loans. One hundred sixty-three loans were approved out of the 218 that were requested. The largest loan approved was for $42 million. That is 8 percent of the whole pie. The average loan request of a borrower was $2.19 million. But there still was not enough money to serve everyone, because there was no way to determine who needed the money the most—no way at all.

I think those statistics suggest one very ugly scenario. Some of the big, rich companies ask for big loans, and they get them—at the expense of the small cooperative. That is not what we originally had in mind. The real problem here is not that we do not have enough money, it is that we are lending the money we do have to the wrong people. As long as they are eligible, electric co-op's loan applications are approved.

The real problem is that eligibility requirements do not now take into account the factors that determine real financial need. Government loans are being given to companies that have the balance sheets to be approved in almost every single bank in America. But these are the folks that ask for the big bucks. There is now a 3-year backlog of loans the agency is unable to approve because of these factors. Some critics believe it is the agency's fault, and I have said that. But it is truly our fault because we make the determination about what is appropriated to the REA, and what is the loan eligibility criteria.

There is no ceiling on how much a cooperative can request. Congress enacted a provision which states that the REA may not turn any eligible borrower away. Hear that! We did that, with the help of the unique power of the special REA lobbying groups, and they are plenty strong in America, in almost every district in America.

The law mandated by the Congress and not the administration has contributed to the backlog of loans. Then what happens is the telephone cooperatives manipulate the system by holding off their loan requests until the last possible minute. They use this strategy to receive the cheapest possible loans, because by law, the rural telephone borrowers must first use up the money in the rural telephone bank before they can dip into the direct loan pot.

So most all of the telephone borrowers wait until the last moment, hoping to be late. Then the small amount of money in the rural telephone bank, which is loaned at the Treasury rate now set a about 8.5 percent, is used up. Then they can get the 5-percent loan instead. I think that is pretty clever. Some people call that the "American way."

Let me give you a few examples of a system gone awry: Guadalupe Telephone Cooperative of New Braunfels, TX, had an $18 million cache of Government funds apparently burning a hole in their pocket, and approached the REA last fall inquiring whether or not it was ethical and appropriate for this telephone cooperative to take over a failed savings and loan institution with a price tag of $210 million. According to the Wall Street Journal, Guadalupe's personable president told them, "I think it is a good time to get involved."

Another example is shown by looking at how appropriations were spent during fiscal year 1990. The REA approved 71 telephone loan requests out of the 78 received. Seven loan requests totaling $18 million were not approved because the REA ran out of appropriated funds.

Congress allocated $415 million to be loaned to rural telephone borrowers around the country last year, and that is a lot of money. But it was not enough to satisfy all the borrowers because the loan requests were exorbitantly high.

The average loan request approved by the REA was for about $5.8 million, and that is not small potatoes. And the largest approved was $53.6 million. That loan represents 12 percent of the entire pie.

Seven requests for rural telephone loans were denied because the funding was not available. Those seven loan requests totaled $18 million. On average, those loans represent a request for $2.5 million by each borrower.

So rather than financing the truly needy, which I think is what every one of us in Congress wants to do, over 70 percent of the telephone borrowers are commercial companies. And with revenues of $3.1 billion in 1989, these commercial participants in the REA program have a combined net income of almost $560 million, and over $214 million of that net income was paid as stockholder dividends.

That is not what Congress had in mind.

Congress and the REA should only be serving the truly needy under this program. As I have said before, the purpose of the REA was to electrify America, and that has been completed. And now we are just electrifying the taxpayers; and they have been doing that for some time. And we find ourselves being arm-twisted by some of the most crafty and innovative financiers and accountants and lawyers and trade associations to preserve the massive infusions of Federal money into this very flourishing system.

I met with the technicians at the REA years ago. I must say, it was incomprehensible to me as to what it is that they figured out. There is not a single question they can answer, in a way which leaves you scratching your head and staring off into space. They are very good at it. They have become very adept over the years, and they are tough, and they are strong.

The truth is that many of the fine people that represent them in their local communities are fiscally conservative, salt-of-the-Earth-type people who really do care about the Government's fiscal sanity, and they do care about the deficit, but they have a powerhouse of a lobbying organization that just takes them right on down the rocky road, triggering all sorts of creative financing to continue to tap the Federal Treasury.

I think Congress has—and I can take the blame, too—irresponsibly tried to micromanage the REA in the last 10 years, and has created a phalanx of complex financing schemes, only making it ever more difficult to get the REA moneys to those borrowers who need it most. And this year's appropriations bill is no exception to that chaos. It was very adeptly done.

I will not get into detail here on the issues of the Omnibus Reconciliation Act of 1990, [OBRA] and the formulas and the funds. The administration is working on that. But there has been extreme pressure from the National Rural Electric Cooperative Association.

The committee argues that the funds must be restored in order to ensure low electric and telephone rates to needy borrowers in rural, poverty-stricken areas. I have heard that one before, but is it a reasonable one to listen to? You show me one person in that condition, and I say: "String the line, and just send us the bill." It would save us 99 percent of the moneys we spend. String it up and just send us the bill. It would cost less.

We will be better by far to take that hit than the one we take with this dazzling array of accounting procedures, because to any objective observer, or even one who is not, it is clear that the big loans to the financially well-off borrowers swallow up most all of the appropriations. As long as there is no mechanism to determine who most deserves the loans, there is nothing to prevent the borrowers from raising their loan requests, and they do.

The committee then agreed on doing away with the administration-recommended 90-percent loan guarantee program, and struck language for an appropriation of $105,000 to administer that program. They must not have known that that $105,000 translates into over $250 million in low-risk loan guarantees, while at the same time weaning the rich co-ops from the Government trough. Some of them who can best be described as being rich. Encouraging banking activities with private institutions is what we should be doing.

So the amendment would give the REA the ability to develop and implement an eligibility test for electric borrowers. The REA already has a proposal which appeared in the Federal Register in February 1990. The proposed test illustrates a much-needed method where truly needy borrowers would get from 70 to 100 percent of loan requests, while at the same time showing that the rich borrowers have the ability to assume higher than 5-percent interest rates, surely.

So the amendment is for that purpose. It has to do with restructuring a Government program which needs it sorely. It is also fair to say that the REA itself, the Rural Electrification Administration, is not the completely evil presence here, although they can perform real "doozies" of accounting activities.

Congress must own up to its responsibility of keeping a close eye on the integrity of the Government programs. But they presented the package through their powerful interests, and we brought it here. Now I think it is time to restructure it and do something sensible with regard to getting the money where it should be, to those who are needy and require it, and not to some of the largest corporations in America.

I have several items to present to the RECORD and ask unanimous consent that those items be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 21, 1991]

REA LISTS RICH PHONE CONCERNS ASSISTED BY U.S.

(By Bruce Ingersoll)

WASHINGTON.—Administration officials identified for Congress more than 100 government-subsidized rural telephone systems that have built up large sums of cash or invested heavily in other ventures.

The list of well-heeled recipients of low-interest loans from the Rural Electrification Administration's telephone loan program was topped by Prairie Telephone Co., which has $6.8 million in cash in 1989—more than six times the total value of all its telephone equipment, buildings and lines in central Illinois. Prairie, a Rochester Telephone Corp. unit, has only one employee, a telephone lineman, and 858 customers, according to the REA.

The agency has been asked by Rep. Glenn English (D., Okla.) to identify REA borrowers that have accumulated "excessive" amounts of cash following a May 23 article in The Wall Street Journal that showed how Congress in 1985 forbid the REA from differentiating between rich and poor borrowers. As a result, borrowing by large telephone holding companies surged to $183 million last year from just $21 million in 1987.

At a hearing yesterday, Rep. English, chairman of the House Agriculture subcommittee on conservation, credit and rural development, declared a readiness to take "corrective action" if excessive funds aren't being used to reduce phone rates, repay loans, spur rural development or improve or expand phone service.

REA Administrator Gary Byrne, while declining to define the term "excessive," said the rural telephone industry as a whole has fared well in recent years while borrowing from the government, usually at a 5% annual interest rate. At the end of 1989, the REA roster of about 1,000 borrowers had a total of

$1.6 billion in cash on hand after paying $1.2 billion in dividends. That compares with cash reserves of only $800 million in 1984, he said.

The increase in capital would have been enough for the industry to finance all its construction costs out of its own pocket since 1984. Mr. Byrne told lawmakers.

A REA computer printout listed 109 phone companies and customer-owned cooperatives whose cash reserves and investments in other companies exceeded 50% of their total plant value, including switching equipment, poles and lines, in 1989. One Wisconsin borrower, ranked 109th, had a physical plant valued at $1,455,050, cash reserves of $729,886 and no investments in other companies.

Prairie Telephone led the 1989 list after selling its stake in a cellular telephone partnership for $6,791,000. In 1990, the company reported cash reserves of only $79,886, having paid $2,569,000 in taxes on the cellular sale and given its parent, Rochester Telephone, $4,981,000 to invest under a cash-management program, according to Dwight Zimmerman, president of Prairie and three other Rochester Telephone units based in Champaign, Ill. He said Prairie hasn't borrowed from the REA since 1970 and plans to install digital switches with its own funds.

Ranked No. 2 was Templeton Telephone Co., an even smaller system based in Templeton, Iowa. It accumulated $906,868 in cash—nearly triple the $314,014 value of its physical plant in 1989. None of the 109 wealthiest could match Norman County Telephone Co., Ada, Minn., for investment in other companies. In 1986, Norman—now known as Loretel Systems Inc.—bought a neighboring phone company and three years later valued its investment at $8,920,000—$234,000 more than the value of its own physical plant. In addition, Norman had $600,000 in cash.

At the hearing, Mr. Byrne said that the administration plans to ask Congress to remove the 1985 restriction against using so-called general-funds criteria in parceling out limited loan funds.

[From the Wall Street Journal, May 23, 1991]

OPEN LINE: FEDERAL SUBSIDIES FLOW TO RURAL PHONE FIRMS THAT HAVE LOTS OF CASH

(By Bruce Ingersoll)

Back in 1949, when two-thirds of the nation's farmers didn't even have a handcrank telephone on a party line, Congress gave the Rural Electrification Administration a new mission; Using subsidized loans, spread phone service into the thinly populated hinderlands where it didn't pay for big companies to go.

Dell Telephone Cooperative Inc., an REA borrower in remote West Texas, is still "struggling," its manager says, to keep 772 customers in 10,500 square miles of "cactus, rattlesnakes and scorpions" in touch with the Information Age. To hear June Barker, its assistant manager, tell it, though, she has a bigger challenge: how to invest the little co-op's mounting pile of cash—$5.8 million, at last report.

"I was trying to keep it local, but there weren't enough banks. Now I have two stockbrokers, good ones," she says. Result: While still paying off $13.9 million in REA loans at taxpayer-subsidized interest rates of 2% and 5%, Dell Telephone is ringing up big bucks on high-interest brokered deposits and mutual funds.

MANY FLUSH FIRMS

Scores of nonprofit co-ops and family-owned telephone companies in rural areas are similarly flush with cash. In addition to the subsidy program, they are benefiting from a modern system of pooling telephone-network access charges and long-distance toll revenues. Many are diversifying into lucrative sidelines, including cable-television and cellular-telephone franchises. One go-go cooperative even considered a plunge into Texas banking.

Lured by the riches, big telephone holding companies are swallowing up many of their plump little country cousins. In the past three years, they have taken over more than 50 phone companies—and happily take on their low-interest REA debts while going back for more. Last year, $183 million in REA telephone loans almost half the total, were captured by just five companies, including four listed on the New York Stock Exchange.

Telecommunications giant GTE Corp., for example, borrowed $42 million at 5% interest for its Micronesian subsidiary in the South Pacific—even though GTE wound up with $431 million in cash on hand after paying out $1.1 billion in 1990 dividends. The other big borrowers: Alltel Corp., Century Telephone Enterprises Inc., Telephone & Data Systems Inc. and Pacifi-Corp. Meantime, the two-employee Flat Rock Mutual Telephone Co. in Flat Rock, Ill., had to wait another year for its $428,400 loan, as did other small systems, because the REA ran out of 1990 funds.

MEANS TEST RESCINDED

For many years, the REA had what amounted to a means test, denying or limiting loans to companies and co-ops that had excessive "general funds." But in 1987, industry lobbyists prevailed on Congress to rescind the policy, forbidding the REA to differentiate between the rich and the poor. Result: Holding-company borrowing surged to last year's $183 million from just $21 million in 1987.

"It's first come, first served," says Robert Peters, the REA's top telephone lender. "If you're a company with unlimited resources, you normally can get your requests in a lot quicker than a Ma-and-Pa type operation." And REA Administrator Gary Byrne says the agency hasn't any choice: "By law, we can't treat a GTE subsidiary or an Alltel subsidiary any differently than a small rural cooperative out in northeastern Montana."

Bush administration officials decry the subsidization of big holding companies and other affluent borrowers as "distorting" the original phone mission of the REA, which was created in 1935 to bring electric power to the American outback. Some critics also say the electric subsidies are no longer needed, particularly in once-rural suburbanized areas. At the very least, administration officials argue, that REA money should be meted out on the basis of need, with most of it going to small fry in rural backwaters that can't obtain credit elsewhere. But efforts to reinstate the old phone policy have failed to win support in Congress.

A major reason, according to former Agriculture Department official Robert Richards: "No one was willing to go toe to toe with [Rep.] Glenn English." the Oklahoma Democrat, a power on the House Agriculture and Government Operations committees, has received thousands of dollars in campaign contributions from telephone political-action committees over the years. Rep. English argues that administration efforts to curtail lending to wealthy companies and co-ops is a subterfuge for gutting a program that it can't kill outright. He calls REA Administrator Byrne "a wolf in sheep's clothing."

Growing competition for credit, coupled with shrinking pots of loan dollars, is splitting the REA's 1,000 telephone borrowers into the have-a-lots and the have-nots. Most small borrowers favor banishing big holding companies from the loan program and subjecting cash-rich co-ops and independents to strict eligibility tests. "It wasn't the intent of Congress to help them make bales of money, and that's been forgotten by some people, including friends of mine," asserts Clifton Guffey, manager of Wilkes Telephone Membership Corp., a co-op in Millers Creek, N.C.

But the four rural telephone groups, despite differences in their members' interests, have closed ranks against the administration's assault on "profane profits" at many REA borrowers. John O'Neal, a National Rural Telecom Association lobbyist, accuses administration "bomb-throwers" of trying to conjure up "perceptions of abuse in a program that has an impeccable record," unmarred by a single loan default. Holding-company units, he adds, aren't getting "a disproportionate share" of the loans and shouldn't be discriminated against because of their parentage.

After four decades and $9 billion in direct and guaranteed loans, the communications landscape has changed drastically. All but a few deserts and mountain hollows have been hooked up to the realm of touchtone phones, fax machines and computer modems. Moreover, scores of rural companies and co-ops have grown and prospered as suburbs, resorts and retirement communities entered their areas.

Big Borrowers—Principal amount owed on Rural Electrification Administration loans by telephone holding companies, in millions[1]

Contel[2]	$211
Alltel	206
Telephone & data systems	199
PacifiCorp	88
C-Tec	87
Century telephone enterprise	69
Rochester telephone	45
Citizens utilities	42
GTE	40

[1] As of Jan. 31, 1991.

[2] Acquired by GTE in March.

Source: Rural Electrification Administration.

[From the Wall Street Journal, May 23, 1991]

OPEN LINE: SUBSIDIES FLOW TO RURAL PHONE FIRMS WITH AMPLE CASH; BIG COMPANIES OFTEN BENEFIT

But even low-density phone systems are thriving. Under industry pooling arrangements, systems with the fewest customers per line mile can tap the pools for the fattest revenue shares because they have the highest per-customer costs. A rich revenue stream doesn't deter them from tapping the REA till, though.

In West Texas, Dell Telephone borrowed $703,000 at 5% interest two years ago to bring radio-telephone service to an isolated reach of the Rio Grande Valley. One new customer: a 103-year-old woman rancher. At the time, Dell had a hoard of $5.6 million in cash—$7,200 per customer.

UNUSUAL FIGURES

How does Dell do it, serving a desert domain bigger than Vermont and charging residential customers only $19.40 a month for local service? "We get money out of the pools and use that to invest and keep struggling along," says Dale Flach, its manager. For every $1 in local-service revenue, Dell gets $22 in network-access and long-distance toll revenue. (Typically in the boondocks, it's $4 long-distance for every $1 local.) "They could give local service away free!" an REA official exclaims.

Nonetheless, Mr. Flach insists Dell isn't ready to be weaned from subsidized credit. "It's desolate out here. If I'm going to put in new service," he says, "I'm going to have to borrow more money from REA."

Other REA borrowers sound a similar theme. "We're grass-roots America," says Lyndell "Pete" Hurt, general manager of Craw-Kan Telephone Cooperative Inc., of Girard, Kan. "We operate in a depressed area [along the Missouri border]. We just want to get our fair share of the crumbs from Southwestern Bell and AT&T."

Some crumbs. After dickering with big carriers over access charges and toll revenues, the little co-op wound up 1990 with $14.2 million in cash and investments, including $7.4 million in banks and thrift institutions from New York to Butte, Mont., to Santa Barbara, Calif. "Those S&Ls have been paying good returns," exults Mr. Hurt.

TEXAS-SIZE AMBITIONS

Few REA borrowers can match Guadalupe Valley Telephone Cooperative Inc., which still owes the government $5.4 million, for entrepreneurial verve and grandiose ambition. It has flourished without raising its local rate of $7.25 a month in 18 years, as commuters from growing San Antonio moved into the goat pastures and live-oak groves in the central-Texas Hill Country.

Toll revenues have so enriched Guadalupe that its money managers must be on guard—against making too much money on investments. Otherwise, Guadalupe might, as a co-op, lose its tax-exempt status. At year end, its portfolio included $5.5 million in mortgage-backed securities and $3.4 million in bank deposits. To hold down taxable income, the managers put $6.7 million in tax-free bonds and stashed another $3.1 million in noninterest-bearing checking accounts.

Tax considerations, however, don't stifle entrepreneurial impulses at Guadalupe's posh headquarters on a hillside outside New Braunfels. The latest plan: Take over a failed $210 million savings and loan, cherry-pick its real-estate assets and leave the duds to the government. "Everything in the world revolves around finances," says Guadalupe's personable president, Kenneth Brannies. "I think it's a good time to get involved."

George Pratt, deputy REA administrator, offers another view: "They had $19 million burning a hole in their pocket." The notion of an REA borrower becoming a money lender irritates agency officials, though they can't forbid it. Federal bank regulators can, however, as Mr. Brannies discovered. Undaunted, he is lobbying for repeal of a law barring corporations from owning large stakes in banks or thrifts.

Meanwhile, Guadalupe's board has a fallback plan: share the wealth with its 15,000 member-customers as never before. Last year, it doled out $3 million in so-called patronage credits; one customer with multiple access lines reaped an $8,000 windfall. This year will bring a $4.5 million bonanza, which average out to $300 per customer, more than enough to cover the basic monthly rate. Some people who seldom call long-distance will dial for free.

SHARP PROFIT GAINS

Many telecommunications holding companies are faring as well as Guadalupe, partly because their newly acquired subsidiaries remain eligible for REA credit under a once-a-borrower, always-a-borrower ruling. The last half of the 1980s was a period of booming profits for holding companies, an REA analysis shows. Century Telephone's profits shot up 117% between 1985 and 1989, and Telephone & Data Systems posted a 93% increase. Thanks to REA subsidies, the holding companies, administration officials contend, are draining dollars out of rural America while saving on borrowing costs. In 1989 alone, the companies collected $439 million in dividends from their rural subsidiaries. GTE's Contel Corp. unit took $70 million out of a large California subsidiary.

For every dollar we send to Main Street, these holding companies take $2.40 [in dividends] back to Wall Street," REA Administrator Bryne complains.

Holding-company officials deny converting REA dollars into dividends; they say they're using them to improve service without big rate increases. "It's our obligation to provide telephone service at the lowest possible cost," says Anthony Hamilton, a GTE spokesman. "Therefore, we utilize REA loans wherever the circumstances justify."

So far this fiscal year, big holding companies already have applied for half the money in the $364 million REA loan pot, which is $51 million smaller than in fiscal year 1990. Most of the money is for direct loans at 5%—appreciably less than the government's own borrowing cost. Companies also can seek guaranteed loans at 8.5% interest, but nobody does. "They refuse to take guaranteed money," the REA's Mr. Pratt says. "Would you at 8.5% when you can get direct loans at 5%? They can wait until their turn comes in the queue"

But while many smaller REA borrowers clamor to restrict the big and the rich, some people abhor the notion of a means test—and denounce any ban on holding-company borrowing. "There's no reason why rural customers of Century should be discriminated against," asserts Stewart Ewing, chief financial officer for Century, based in Monroe, La., which led all borrowers last year with $82.6 million. "The cost of 10 miles of cable is the same for Century as it is for anybody else."

The REA-loan beneficiaries aren't the borrowers but the customers adds the United States Telephone Association, the big companies' lobby. Recently, the USTA, a powerful ally of the rural phone lobbies, entertained lawmakers and top aides at the tony Virginia Gold Cup steeplechase, pouring out the champagne beneath a sundrapped tent after the running of the U.S. Telephone Cup race.

One suggested compromise that some holding companies may be willing to accept: Dispense with the once-a-borrower, always-a-borrower rule and go back to the original REA guideline: Funds can be borrowed only to serve a community with a population of less than 1,500.

"We should be considered ahead of the big boys, simply because of our limited [profit] margins," says Benjamin Vigil, manager of La Jicarita Rural Telephone Cooperative, which serves Mora County, NM, one of the nation's poorest regions. "REA stands for rural," he says. "It isn't being run as it was meant to be."

U.S. Unnecessarily Lent $844 Million to Healthy Electric Co-Ops

(By Ed White)

Washington.—The government granted $844 million in low-interest, taxpayer-financed loans over three years to 324 rural electric co-ops that were healthy enough to obtain commercial credit instead, auditors say.

The Agriculture Department's inspector general's office recommended that co-ops be held to a standard of need for future loans from the Rural Electrification Administration, according to a report obtained by The Associated Press.

The auditors found that nearly 70 percent of the REA's 470 borrowers from fiscal 1987–89 could have qualified for commercial loans. And they accounted for half of the $1.75 billion in 35-year, 5-percent loans issued by the agency in that period.

The REA, while differing with the inspector general's proposed criteria for determining a co-op's financial health, agreed that the stronger utilities should be denied government credit and is drafting such a rule. But it defended its past lending practices as a matter of congressional mandate.

The report "generally reflects a lack of understanding of the manner in which the Congress has directed the REA to operate," REA Administrator Gary C. Byrne told Assistant Inspector General James Ebbitt in response to the internal March report.

Congress has protected rural co-ops since the New Deal era, and may well step in to block the rules change now being drafted. The proposal already is under fire from the National Rural Electric Cooperative Association, the industry's powerful lobbying association.

The REA, an arm of the Agriculture Department, was created by President Franklin D. Roosevelt in 1935 to provide electricity to rural areas deemed unprofitable by larger power companies. It now directs billions of dollars in loans and loan guarantees to co-ops that provide power to 25 million people in 46 states.

Since the 1970s, REA subsidies have been attacked by White House budget writers, but rural lawmakers usually mount an effective defense.

If the healthier co-ops had sought credit outside the government, the REA could have used the money to ease the backlog of loan applications, which totaled $510 million on Sept. 30, 1989, auditors said.

Auditors criticized the REA for using only one standard when determining the financial strength of a borrower: a ratio that measured a co-op's investment in a power plant against the revenue produced over a period of time.

To make their judgment, auditors instead used a formula developed by Standard & Poor's, a Wall Street firm that grades utility bonds, and rated the borrowers, AA, A, BBB or BB.

A co-op rated AA, Barry Electric in Cassville, Mo., which borrowed $1.6 million in 1987, was healthy enough to meet its interest payments on all debts 40 times over, according to the auditors' analysis.

In 1988, Northern Virginia Electric Cooperative in Manassas, Va., borrowed $33 million, and Georgia Electric Membership Corp. in Jefferson, Ga., got $32 million. Each co-op was given an A rating by Agriculture Department auditors.

Since 1986, Congress annually has blocked the REA from denying or reducing loans if a borrower had a lot of cash available.

Yet, 1,021 telephone and electricity co-ops have cash and other liquid assets totaling nearly $2 billion, Byrns told a House subcommittee last month.

The industry's lobbying association, the NRECA, argues that the REA "cannot arbitrarily restructure the loan program in a manner designed to deny access to cooperatives that are otherwise legally eligible."

"Such a test was never intended by Congress in the first place," the group said.

Mr. SIMPSON. Mr. President, I am fully aware that when we mention the phrase REA on the floor of the U.S. Senate, the staff members' ears shoot up, and therefore they will be scurrying to furnish information and ammunition to their principles, as they refer to us from time to time. And there would be a long and tedious day or two to wade through it all. Therefore, out of deference to the chairman, Senator BURDICK, who I enjoy thoroughly, and serve on his Committee on Environment and Public Works, and to THAD COCHRAN, who shares the leadership responsibilities on our side of the aisle, I am going to withdraw the amendment and work on this issue with Senator LEAHY and any other interested people. If they really want to do something constructive, then let us do something that signifies we are going to get the money to the little guy, or the little rural telephone company, or the person at the end of the line, regardless of density factors and all the other wonderful formulas. Let's do that, and stop this continual creativity of the REA and some of its sponsors, who have simply dropped their original mission and are inventing reasons for their existence.

I very much appreciate the interest shown in this matter by the chairman of the Agriculture Committee Senator LEAHY. He knows that I am very concerned about the lack of any priority system for determining how to best distribute the funds available to the REA so as to honestly address the real needs of the most needy and deserving rural electric and telephone cooperatives—while properly protecting the taxpayer. I am especially concerned that private corporations with substantial assets are able to obtain these low-interest Government loans from REA.

It may indeed be appropriate to provide some form of an eligibility test to better allocate funds to those borrowers who are truly needy.

The smaller cooperatives that often need the loans in order to maintain services to consumers often stand in line behind larger private corporate borrowers who have lots of cash on hand. I think everyone should have a fair opportunity to apply for these low-interest loans and I do deeply believe that reasonable eligibility criteria are more necessary than ever.

I know that my colleague from Vermont, Senator LEAHY, is also concerned about the need to make necessary reforms regarding the Rural Electrification Administration and the Rural Telephone Bank. I would like to inquire if he would consider working closely with me in solving this crisis at REA and RTB and assisting in the restructuring so necessary if we are to address America's needs.

Mr. LEAHY. I am indeed concerned about some of the policies of REA, primarily regarding telephone loans. I agree to work with the Senator on this important matter and I am hopeful that we can work together in a bipartisan fashion to carefully look at some reforms. I agree some reform is necessary and I am considering the need for hearings on this issue.

The PRESIDING OFFICER. If there is no objection, the amendment is withdrawn.

The amendment (No. 928) was withdrawn.

Mr. GRASSLEY addressed the Chair.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am surely glad that the amendment has been withdrawn. But since I was anticipating the amendment, I am going to take advantage of the opportunity. I had a chance to think about this amendment and came over here to defend the present level of funding and to defend the rural electric program.

I come from a State that has many farm families and those people have to be served. We have some appreciation for REA's. We would not have had service to rural America if it had not been for this program over 50 years ago.

The Nation's 1,000 rural electric systems provide electric service to more than 25 million people. Rural electric system lines stretch over 75 percent of the land mass of the continental United States. That 75 percent encompasses some of the most difficult and demanding terrain in the country. And that is just where rural electric systems set their poles and build their substations to get power to rural Americans.

However, that terrain, combined with a very low population density, means that is costs rural electric systems more per consumer to provide electric service than it costs utilities which serve cities. To give you an idea of just how few people are left in rural areas, the average consumer density for rural electric systems is five consumers per mile of line. The average for other utilities is 30 consumers per mile of line.

But the rural electric systems are out there, doing the job and sometimes they are the only ones in rural areas capable of promoting and encouraging economic development, to provide new jobs and additional tax revenues that come from economic growth by which our Government benefits as well.

They do all of this in their normal course of operation. Furthermore, they do all of this at cost. Rural electric systems operate on a not-for-profit basis.

The primary source of outside capital for these systems is the Rural Electrification Administration [REA] loan programs. Rural electric systems can borrow up to 70 percent of their capital needs from REA.

Until recently, that is. The situation at REA right now is that demand for loans exceeds the availability of money. REA insured loans for co-ops were cut by 25 percent during the reconciliation process adopted on October 27, 1990, by this body. There is a backlog of about $801.1 million in loan applications at REA. That means that some co-ops will be in line for loans for as long as 2 years.

That is why I believe that the 25-percent cut should be restored now. I fully understand that money is tight in the Federal budget. However, money is also tight in rural America, parts of which have not yet recovered from the last recession. REA is a financially sound program and economic investment in the rural areas upon which we all depend for food and livelihood.

Congress last year enacted the Federal Credit Reform Act of 1990 which changes the way Federal loans are recorded in the Government's books. One of the major effects of credit reform was to place all credit programs, including REA, on an even footing, so that we may make better informed policy decisions. Credit reform shows us the true cost of lending programs. There is no more smoke and mirrors.

The true, lifetime cost of the insured lending level of $622 million approved by the Appropriations Committee is $117 million. The cost of that program is less than 20 percent of its lending levels and that cost provides a great return: stable, reliable energy for rural America.

So I am glad that this amendment has been withdrawn, because, without its withdrawal, the amendment would have undermined the efforts of the Agriculture Appropriations Subcommittee to restore vital REA-insured loan funding levels.

I yield the floor.

Mr. COCHRAN. Mr. President, with the withdrawal of the Simpson amendment, there are no other amendments in order to the bill. We are advised that the distinguished Republican leader, Mr. DOLE, wanted to have a couple of minutes for some comments with respect to an amendment that we agreed to earlier in the day. And so while we are waiting for his arrival on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHERN REGIONAL AGRICULTURAL UTILIZATION CONSORTIUM

Mr. DASCHLE. Mr. President, I want to commend the distinguished Senator from North Dakota [Mr. BURDICK] and the distinguished Senator from Mississippi [Mr. COCHRAN] for their work in developing the agricultural appropriations bill. Their task, in the past few years, has become exceedingly difficult given the tight budgetary constraints we face. There are many worthwhile projects that simply could not be funded in this year's bill.

One such project is the work of the Northern Regional Agricultural Utilization Consortium that is involved in some exciting agricultural research initiatives in my part of the country. NRAUC was formed in 1990 as a joint project of Minnesota, North Dakota, and South Dakota to enhance the research and development of value-added agricultural products. While the north-central region is a major producer of grains, oilseeds, and animal products, and although agriculture is a major industry in the region, the majority of the region's agricultural products are exported in the form of raw commodities.

We believe new opportunities exist to add value to these commodities, within our region, though the development of new products and processes with industrial applications. The NRAUC was created to bring resources together to capitalize on these opportunities and enhance the rural economies of the three States.

Specifically, the goals of the NRAUC are the following: First, the development, through research, of value-added technologies that provide new uses and new products for northern-region commodities; second, the transfer of that technology to regional industries though pilot-scale applied research and demonstration projects; and third, the creation of a venture capital fund for investment in new technologies. Cereal crop value-added processes, new livestock and meat processing, and oil crop processing projects have been targeted by the research subcommittee of the NRAUC as the priority areas for value-added research projects.

To accomplish the goal of the NRAUC, university scientists develop methods to process our regions' most abundant raw materials, its crops and livestock, into products sought by consumers nationwide. NRAUC tests, commercializes, and markets the new technologies within the region. Then, with NRAUC assistance, industries adopt the technologies in value-added processing plants. The regional industrial base enlarges, new jobs are created, and Minnesota, North Dakota, and South Dakota stabilize and expand their economies.

This approach pools knowledge and eliminates unnecessary expenditures and duplication. Each State has agencies with grant and loan capabilities already in place to help young or expanding businesses. The NRAUC budget is funded from the State governments of Minnesota, North Dakota, and South Dakota. This past year, the consortium received a Cooperative State Research service special grant for agricultural utilization research and development initiatives.

Regretfully, this year's appropriation bill does not include funding for the NRAUC. However, the work of the NRAUC will continue and, hopefully, additional funding will be forthcoming in next year's appropriations bill. When the appropriations process for fiscal year 1993 begins, it is my hope that funding for NRAUC will be given consideration.

FAILURE OF APPROPRIATIONS PROCESS

Mr. LEAHY. Mr. President, I feel I must express my frustration and disappointment at the failure of the appropriations process to keep faith with the commitment of the 1990 farm bill to the environment. It is a personal disappointment for me to see long hours of effort and involvement go unheeded in the rush to maintain the status quo.

It is also wrong not to meet those obligations assumed by this body in the 1990 farm bill to balance the needs of agricultural production with the goals of pollution prevention that a cleaner, greener environment demands.

Three basic program examples should make my point. The first is the Wetland Reserve Program [WRP]. This program is designed to pay farmers to restore up to 1 million acres of wetlands. This is a totally voluntary program which could ultimately cost up to $700 million for 30-year or permanent easements.

Why didn't we simply make such wetlands eligible for the Conservation Reserve Program? The answer is simple. We wanted the taxpayer to get the bang for his buck. Paying the farmer 10 years of rent only to see the wetland returned to agricultural production didn't make sense. It is true that a little sugar makes the medicine go down. But we can't get carried away. The appropriations bill funds less than a third of my request and allows the establishment of 15-year easements for up to 100,000 acres. This approach isn't much better than using the CRP. It turns a candy cane for many farmers into Godiva chocolates for a few.

All of us are aware of the huge battle being waged over the definition of wetlands under 404 program in the Clean Water Act. The WRP was structured to take some pressure off that program by ensuring that farmers could voluntarily respond to the problem and be paid for doing so. The appropriations bill turns a bonus into a boondoggle. It is unacceptable.

Second, one of the best ideas in the 1990 farm bill was the Water Quality Incentives Program [WQIP] which is another voluntary program that would pay farmers a nominal amount per acre to adopt new environmentally sound practices. The administration saw the wisdom of that concept by recommending $5 million in funding—it is cheaper than retiring land in the CRP and it helps farmers solve their environmental problems in a nonthreatening, nonregulatory way.

Here again the appropriations bill rejects this wisdom. It provided a measly $3.5 million—less than the miserly OMB agreed to—for this innovative new program.

Third, the appropriations bill provides minimal funding for the Low-Input Sustainable Agriculture [LISA] Program. Mr. President, I have been pushing this worthwhile program for many, many years. It has taken a while to catch on, but finally even the administration began to request money for the program. This year, however, the Senate bill level funds the program at $6.7 million—no money to meet inflation for a program the National Academy of Science [NAS] said should be funded at $40 million.

Mr. President, $270 million should be appropriated for the WRP, $50 million for the WQIP and $20 million for LISA. I know we are facing real budget crisis in this appropriations cycle. I know that many worthwhile programs are unfairly forced to complete.

But this is wrong. This bill ignores too many hours of work with all sides of the agricultural equation. My committee and I didn't make agreements and forego compromises in order to see it all go up in smoke.

The environmental community is understandably disturbed by this course of events. I share their concern and can predict where the new battle lines will be drawn. If we do not give farmers the meaningful tools to meet this challenge, it will be met in a less welcome setting. No one should be surprised when the environmentalists demand that agriculture must be regulated.

We cannot talk about a green farm bill when we are unwilling to put our money where our mouths are.

No one person is responsible for this course of events. Chairman BURDICK and ranking member COCHRAN have struggled hard to develop a sensible allocation of scarce resources. Next year we must all work together, however, to each the conclusion that helps our farmers to address environmental issues in a sensible manner. Any other course will serve neither our farmers nor the public good.

Mr. DIXON. Mr. President, I rise today to support the Appropriations Committee's recommendation to restore the Rural Electrification Administration's [REA] funding level.

Since 1935, electric cooperatives have played an important role in improving and strengthening the lives of rural Americans. The Rural Electrification Administration, and its rural cooperatives, have greatly contributed to the economic development and security of the communities in which they serve.

Over the past decade, unfortunately, REA has been subject to a funding level assault that has challenged its mission and undermined its ability to perform the crucial services that it provides. Since 1980, rural electric co-ops have had their funding cut more than 40 percent. On top of these cuts, last year's reconciliation bill imposed an additional 25-percent reduction. The result is a funding level that is inadequate to meet the needs of rural Americans.

The Agriculture Appropriations Subcommittee, and the full Committee on Appropriations, in its wisdom, recognized the shortsightedness of these past policies and have sought to reverse the trend. The Agriculture appropriations bill that is before us today, seeks to restore REA funding to its fiscal year 1991 level.

Mr. President, cooperatives serve those consumers who live in the Nation's most sparsely populated areas, increasing the cost of service per consumer. Consumers of electric cooperatives already face higher electric rates than consumers in other areas. This is particularly troublesome because rural areas house high percentages of impoverished Americans. Program reductions and increased consumer electric bills place further stress on incomes of rural families, and decrease the ability of co-ops to contribute to a revitalized rural economy. To further cut REA program funding, now, will only exacerbate this already burdensome situation.

Finally, it is important to note that REA loans are not giveaways, grants, or transfer payments. REA loans are repaid, with interest, to the Federal Government. Indeed, last year, in addition to providing a reliable, efficient source of energy to rural areas, repayments by electric co-ops exceeded loan advances by $2.5 billion.

Mr. President, adequate funding levels for REA ensures that rural Americans will not be shortchanged. I urge my colleagues to support the restoration of these funds for this important and vital program.

Mr. LAUTENBERG. Mr. President, I rise to highlight several important aspects of the fiscal year 1992 agriculture appropriations bill and to commend the distinguished subcommittee chairman, Senator BURDICK, and the distinguished chairman, Senator BYRD, for their efforts on this bill. This legislation funds various agriculture programs, as well as vital food and nutrition programs such as food stamps and WIC, the supplemental food program for women, infants, and children.

I would like to discuss several items of importance to my State that are addressed in the bill and the report.

RUTGERS PLANT BIOSCIENCE CENTER

At my request, the committee has included $3.544 million for the construction of a plant bioscience center at Rutgers University to be located on the Cook College of Agriculture campus. The bioscience center will integrate the latest technologies with traditional scientific approaches to solve problems facing modern production agriculture and the environment.

Construction will begin this fall on the center which will house facilities for plant biotechnology research and genetic engineering of plants and microorganisms. The 280,000 square foot facility will house the Center for Agricultural Molecular Biology which will include state-of-the-art laboratories, a research library, teaching classrooms, and attached greenhouses. The complex will replace obsolete facilities and equipment and will provide first-class facilities for undergraduate and graduate training. The center will integrate basic and applied research with extension activities to ensure that agriculture in the region remains profitable and environmentally sound.

The funds included by the committee will supplement funds committed by Rutgers University and the State of New Jersey totaling $27 million. I am pleased that this funding will allow Rutgers to begin construction in the fall on this important new research facility which will enhance its reputation for excellence and innovation in agricultural research.

To meet environmental concerns and to grow crops more efficiently, I believe that we need to invest in innovative research which combines cutting-edge technology with basic science. The bioscience center will develop technologies to increase agricultural productivity in New Jersey, while training the next generation of plant biologists and researchers. I wish to thank the chairman for including these funds for this new facility.

CRANBERRY AND BLUEBERRY RESEARCH

This legislation also contains funding for Rutgers' cranberry research facility at Chatsworth, NJ. These important research funds support the development of insect and disease-resistant varieties of berries.

Another important focus of cranberry and blueberry research is the development of alternative pest management technologies compatible for use in the environmentally sensitive wetlands where blueberries and cranberries are grown.

In New Jersey we are extremely proud of our blueberry and cranberry crops, and I want to take this opportunity to express my appreciation for the inclusion of these funds to support this vital research in my state.

IR-4

The agriculture appropriations bill also includes $3 million in funding for the Interregional Research Program No. 4 [IR-4] Program. This national research program, headquartered at Rutgers University, is a cooperative effort of the State agricultural experiment stations and the USDA working in concert with the agricultural chemical companies and the EPA to pursue registration of minor use pesticides. Minor use pesticides are used by many of the Nation's farmers of vegetables and nursery crops. Many farmers in my State rely on minor use pesticides for growing the fruit and vegetable crops which comprise almost 80 percent of New Jersey's farm production. This research provides data on the safety and effectiveness of minor use pesticides, which will ensure the continued availability of these products for farmers of so-called minor crops around the country.

APHIS LAB

Mr. President, I want to express my appreciation to Senator BURDICK for the inclusion of language in the bill which prevents the U.S. Department of Agriculture Animal and Plant Health Inspection Service from relocating its Methods Development Center from its present location in Hoboken, NJ, to another site in any other State. The Methods Development Center provides important fumigation and quarantine services and consultation to the ports and related businesses in the North Atlantic region. For this reason, I requested that language be included in the report which directs the USDA to consider alternative sites in New Jersey for the Methods Development Center.

The proximity of this research laboratory to the ports it serves makes it a valuable resource to the mid-Atlantic region which ultimately benefits the consumers served by the ports. The inspection and fumigation of the large volume of fresh fruits and food products which enter the ports at New York, New Jersey, and Philadelphia and handled quickly with the assistance and expertise of the Methods Development Center.

FDA USER FEES

Finally, I was gratified to see that this legislation rejected the administration's budget proposal to fund $197.5 million of FDA salaries and expenses through user fees. I requested that user fees be excluded from this legislation, consistent with my long-standing concern that any health-related user fee will ultimately burden consumers of health products and pharmaceuticals. My belief is that the Government should encourage the drug and medical device industry to invest in research and development. Under fees would do just the opposite. I commend the subcommittee chairman, Senator BURDICK for refusing to include user fees as part of FDA's budget.

RECIRCULATING AQUACULTURE SYSTEMS AT VIRGINIA POLYTECHNIC INSTITUTE

Mr. WARNER. Mr. President, I rise to engage in a colloquy with the distinguished ranking member of the Agriculture Appropriations Committee, Senator COCHRAN.

Mr. President, during consideration of the 1990 farm bill, now Public Law 101-624, I offered an amendment to authorize $500,000 for Virginia Polytechnic Institute for fiscal years 1991 through 1995 to gain further knowledge of intensive water recirculating aquaculture systems. After the distinguished chairman of the Agriculture

Committee indicated that he was applying a uniform policy of not considering amendments of this kind, I withdrew my amendment.

Mr. President, during floor debate on the 1990 farm bill, the Senator from Vermont did an admirable job of holding the line and not accepting project specific amendments. In fact, I vividly recall his comparing himself to Horatio at the bridge. I also recall the Senator from Vermont's assurances that, by offering my amendment, I had expressed a good cause. However, he indicated that it was up to the Senator from Virginia to elevate a good cause to a noble cause, prior to the farm bill conference.

I would like to believe that the chariman of the Senate Agriculture Committee along with other conferees, found fundings for intensive water recirculating aquaculture systems at Virginia Tech to be a noble cause, since authorization for such funding was included in Public Law 101-624.

Mr. President, the knowledge of the ranking member of the Agriculture Appropriation's Committee on the importance of aquaculture in the United States is unsurpassed, I dare say, by any other Member of this body. The Senator from Mississippi is fully aware of the importance of aquaculture in his own State.

I would like to inquire of the Senator from Mississippi if it is not in the best interest of aquaculture, agricultural policy and indeed the United States to further our knowledge of aquaculture, particularly closed-system aquaculture, to help meet the demand for fishery products in this country and to reduce the incredibly large trade deficit in this area.

Mr. COCHRAN. Mr. President, I thank the senior Senator from Virginia for his remarks. He has documented well the history of the debate which surrounded his amendment to the 1990 farm bill. The Senator from Virginia is also correct in his comments regarding the importance of aquaculture to not only my State of Mississippi, but to the Nation, and to reducing the trade deficit we are experiencing in this area.

Mr. President, I am a staunch supporter of efforts to gain further knowledge of aquaculture through important research performed at our Nation's agricultural universities. Such research and experience is important to not only building our Nation's aquaculture industry, but to sustaining it.

While funding for intensive water recirculating aquaculture systems at Virginia Tech was not included in the Senate's bill, I would not suggest that such funding is not important to the aquaculture industry. I assure the Senator from Virginia that I will do all I can in conference to see that funding for closed-system aquaculture at Virginia Tech is given ample consideration.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Mississippi.

Mr. President, the House Agriculture appropriations bill includes funding for intensive water recirculating aquaculture systems at Illinois State University, but, does not include such funding for Virginia Tech. Both of these institutions were authorized to receive such funding in Public Law 101-624.

I would like to urge the distinguished managers of this measure before us to try to secure in conference equal funding for Virginia Tech's closed-system program. Falling short of that, I urge that such funding as is currently provided for in the House bill for Illinois State be split equally with Virginia Tech.

Mr. COCHRAN. Mr. President, I would like to assure the Senator from Virginia that I will do all that I can to see that Virginia Tech is treated equally with Illinois State University.

Mr. WARNER. Mr. President, I thank the Senator from Mississippi.

Mr. President, I would like to conclude my remarks by pointing out to my colleagues that the Commonwealth of Virginia and Virginia Tech have both invested substantially in closed-system aquaculture. Virginia Tech houses the largest and most advanced research facility of its kind in the world. I believe that funding for this important program would be an investment that pays big dividends.

THE MARKETING PROMOTION PROGRAM

Mr. BAUCUS. Mr. President, I rise today in support of the Marketing Promotion Program [MPP]. The Congress created MPP last year as the successor of the Targeted Export Assistance Program [TEA].

Although the name has changed, the program has the same basic goals—helping U.S. producers export to foreign markets and countering unfair foreign trade practices. For 6 years, MPP/TEA has become one of America's most effective tools for boosting U.S. agricultural exports.

In my own State of Montana, MPP/TEA has been used effectively by several commodity groups, including the forest products industry. Using MPP/TEA, the U.S. wood products industry has fought against trade barriers in nearly a dozen countries. As a result, the impact of foreign trade barriers has been reduced, and we have protected jobs here in the U.S. MPP/TEA has helped to more than double forest product exports since 1985.

Our experiences in the Uruguay round clearly demonstrate that unfair foreign practices are a continuing concern. MPP represents one of the most effective ways to redress these practices. I urge my colleagues to ensure this vital market development program remains viable by supporting it at the full authorized level of $200 million for fiscal year 1992.

REA LOAN GUARANTEES

Mr. SASSER. Mr. President, I rise to oppose the amendment of the Senator from Wyoming, to reduce funding for Rural Electrification loan guarantees and to impose a means test on rural electrification and telephone cooperatives.

This amendment is based on a number of incorrect premises. Chief among them are that REA is no longer needed and that REA borrowers are financially strong.

Those who claim that REA has served its purpose and should now be eliminated, or that the Federal Government should only back a portion of REA loans are wrong, Mr. President. Either proposal would have the effect of destroying the Rural Electrification Administration.

First of all, there continues to be a need for REA programs. Rural electric cooperatives continue to provide service to more than 10 percent of the American people. Rural electric lines span about 75 percent of the country.

Second, rural electric cooperatives continue to face the same difficulties as they have in the past: Line density and revenue per mile. Rural electric systems serve only 5.2 customers per mile. This compares with 32 customers per mile for investor-owned utilities, and 41 customers per mile for municipal system.

Third, because of low customer density, and comparatively few business consumers, rural cooperatives collect a far lower rate of return than other types of electric utilities. The revenue per mile for the average electric cooperative is $5,752. Compare that with $54,402 for an investor-owned, and $59,134 for municipal systems.

The end result of low line density and low revenue per mile is that cooperatives have great difficulty obtaining loans on the commercial market, and little chance of doing so without fully guaranteed Federal loans.

So, Mr. President, I believe that the pending amendment would do serious damage to our Nation's rural electric cooperatives. That would be unwise and it would be shortsighted.

Franklin Roosevelt created the Rural Electrification Administration in 1935. At the time, only 11 percent of our Nation's farms had electric service. Today, virtually the entire nation has electric and telephone service—and has it at affordable rates.

Rural electrification programs have already contributed more than their fair share to deficit reduction. Since 1980, REA has experienced a 40-percent reduction in loan levels. This has led to a backlog of applications of over $800 million and long delays in loan approvals.

REA programs have proven their worth in the past and continue to be needed in the rural areas of our country. I am pleased that my colleague from Wyoming has chosen to withdraw his amendment and I trust that nothing will be done in conference to impose further hardships on REA borrowers.

FMHA AMENDMENT GUARANTEED LENDING

Mr. DOLE. Mr. President, I would like to thank the distinguished floor managers and other Senators, especially Senator KASTEN, for their efforts on the amendment agreed to earlier today which partially redirects the funding for Farmers Home Administration lending programs. The problem, as my colleagues have been made aware, was that funding for the FmHA guaranteed lending programs had been zeroed out both in the Senate and the House bill, while the direct lending programs were funded at a level well in excess of current or recent needs.

The amendment agreed to simply transfers $100 million in direct lending authority to the Guaranteed Lending Program. As I understand it, $100 million in direct lending correlates with $182 million of guaranteed lending authority. That additional authority stems from the fact that guaranteed loans limit the Federal Government's risk exposure, while allowing farm borrowers to build a sound working relationship with rural banks—not the Government.

Furthermore, Mr. President, the funding levels as presented by the committee were not in accordance with the levels mandated by last year's Budget Reconciliation Act. It is my understanding that—even after the Kasten amendment—the new levels still violate those guidelines. However, what we have accomplished with this amendment is a step in the right direction, and I look forward to working with both the conferees and the Department in order to accommodate any additional funding needs which may arise.

I appreciate the widespread support expressed for this amendment on both sides of the aisle, and, again, look forward to working with the conferees to see this important provision through conference.

The PRESIDING OFFICER. The Senator from Mississippi will be advised that pursuant to the previous unanimous-consent agreement, no amendments are in order to the legislation currently pending.

Mr. COCHRAN. I thank the Chair for making that announcement. That was the observation this Senator made a few moments ago as well. We are now at the point that we are ready to vote on final passage of the bill.

However, I rise to commend the distinguished Republican leader for his remarks, and to say that we appreciate having his support for the amendment that was agreed to earlier in the day that was offered by the distinguished Senator from North Dakota, this Senator, and Senator KASTEN from Wisconsin. As the leader said, that was a step in the right direction toward reviving and making possible the continuation of the guaranteed loan program that is proving to be very workable in many States, including the State of Mississippi—my State.

Mr. President, I know of no other Senator seeking recognition, and I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—92

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—7

Brown
Garn
Pell
Roth
Rudman
Smith
Wallop

NOT VOTING—1

Pryor

So the bill (H.R. 2698), as amended, was passed.

Mr. BURDICK. Madam President, I move that the Senate insist upon its amendments to H.R. 2698 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Ms. MIKULSKI] appointed Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. COCHRAN, Mr. KASTEN, Mr. SPECTER, Mr. NICKLES, Mr. BOND, and Mr. HATFIELD conferees on the part of the Senate.

GOOD, NEEDED, BUT TOO COSTLY

Mr. PELL. Madam President, I voted against H.R. 2698, the Agricultural appropriations bill despite my knowledge that there is much that is good and much that is needed in this measure.

Among these good and needed provisions, I count $500,000 in Federal construction funds for buildings to house the Coastal Institute on Narragansett Bay at the University of Rhode Island.

I want to commend the Agricultural Appropriations Subcommittee and, particularly its chairman, the senior Senator from North Dakota [Mr. BURDICK], for their hard work and the many excellent provisions of this measure.

As I have in the past, however, I found that the total Agricultural appropriations bill was just too costly.

Mr. BYRD. Mr. President, I want to give special thanks and recognition to Senator QUENTIN BURDICK, chairman of the Agriculture Appropriations Subcommittee, and to Senator THAD COCHRAN, the ranking minority member, of the subcommittee for their splendid efforts in managing the Agriculture appropriation bill. This subcommittee worked under extremely tight budgetary constraints, perhaps the tightest of any of our 13 subcommittees. Yet, these two Senators produced a bill which was approved by the full Appropriations Committee with no disagreement among committee members as to the makeup of the bill or its balance and fairness to all of the agencies which are funded under the bill.

Earlier today, the Senate completed action on this important measure after agreeing to several amendments and adopting one amendment by a rollcall vote. This expeditious handling of the Agriculture bill by the Senate is a testament to the many weeks and months of hard work, which I know have been devoted to this effort by Senator BURDICK and Senator COCHRAN. I am confident that in the conference with the House these Senators will do their level best to protect the interests of this Nation, as well as the interests of the Senate.

I want Senators BURDICK and COCHRAN to know that I deeply appreciate their hard work on behalf of the committee and the Senate.

Senator BURDICK has never failed to meet his responsibilities as a member of the Appropriations Committee and as chairman of this important subcommittee. He is always at his duty station ready to do business whenever the committee or the Senate calls upon him and for that, the Senate and the people of this Nation owe him their thanks and gratitude.

I also commend the staff of the subcommittee on both sides of the aisle: Rocky Kuhn, Dan Dager, Irma Pearson, Carole Geagley, and Mary Tenenbaum.

Mr. BURDICK. Madam President, I want to thank Senator COCHRAN for his help in managing this bill and seeing it through to final passage. His guidance is most helpful. I could not ask for a more cooperative and informed ranking member.

I also would like to say a special thank you to the committee staff, who have worked so long and hard on this bill: Rocky Kuhn, Daniel Dager, and Carole Geagley, for the majority; and Irma Pearson and Mary Tenenbaum for the minority, who have all worked so hard. And without their expertise, we would not have been able to complete the task.

Mr. COCHRAN. Madam President, let me thank the distinguished Senator from North Dakota for his kind remarks. It has been a pleasure working with him in the development of this legislation. I appreciate very much his cooperation and his leadership in the effort, and congratulate him on the passage of this bill.

I would also like to express thanks and appreciation to the members of the staff he identified, and also to include Jim English, who is the staff director of the full Committee on Appropriations, and Keith Kennedy, who is the staff director for the minority.

I also wish to express appreciation to the chairman of the full committee, Senator BYRD, and the distinguished ranking Republican member of the committee, Senator HATFIELD, for their cooperation and assistance to the committee as we did our work.

Finally, Madam President, I wish to thank all of the members of the subcommittee who worked to help develop this legislation, and who attended the hearings to develop the information on which we based these decisions in the development of the bill.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CHANGE OF VOTE

Mr. WALLOP. Madam President, I ask unanimous consent that on rollcall No. 159, the Leahy amendment, that I be permitted to change my vote from "no" to "aye," and the result will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been corrected to reflect the above order.)

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

DEBT OF GRATITUDE

Mr. MITCHELL. Madam President, I want to thank the distinguished chairman and ranking member of the subcommittee for their diligence in managing this bill and for moving it forward to completion today. All Members of the Senate owe them a debt of gratitude for their skill and persistence in that regard.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 2608, the State, Justice, Commerce, Judiciary appropriations bill for fiscal year 1992.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies of the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, **[**$88,876,000**]** *$90,004,000*, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, including salaries and expenses in connection therewith, **[**$493,000,000**]** *$498,000,000*, to remain available until expended, of which: (a) **[**$450,000,000**]** *$475,000,000* shall be available to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized by section 2801 of Public Law 101-647 (104 Stat. 4912); (b) **[**$25,000,000 shall be available to carry out chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants, as authorized by section 1801(e) of Public Law 101-647 (104 Stat. 4849); (c)**]** $1,000,000 shall be available to carry out part N of title I of said Act, for Grants for Televised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-647 (104 Stat. 4814); and **[**(d) $17,000,000**]** *(c) $22,000,000* shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824)**[**: *Provided*, That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, shall be provided to the Arkansas State Police for high priority drug investigations**]**: *Provided further, That $5,762,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be obligated for a program to assist States in the litigation processing of death penalty Federal habeas corpus petitions.*

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $76,000,000, to remain available until expended, as authorized by section 261(a), part D of title II, of said Act (42 U.S.C. 5671(a)), of which $3,500,000 is for expenses authorized by section 281 of part D of title II of said Act*; and of which $1,000,000 shall be made available to plan, design, and operate a Missing Alzheimer Patient Alert program; Provided, That said program shall be funded through a grant from discretionary funds to a national voluntary organization representing Alzheimer patients and families.*

[In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Victims of Child Abuse Act of 1990, $2,000,000, to remain available until expended, as authorized by sections 218 and 254 of Public Law 101-647 (104 Stat. 4796 and 4815), of which $1,000,000 is for expenses authorized by subtitle A of title II of said Act, and of which $1,000,000 is for expenses authorized by subtitle G of title II of said Act.**]**

In addition, **[**$4,885,000**]** *$4,963,000* for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1991, through September 30, 1992, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1992, a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1992, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) and section 1301(b) of Public Law 101–647 (104 Stat. 4834).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, [$109,925,000] *$112,642,000.*

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That in fiscal year 1992, not to exceed $4,000,000 of the total income retained shall be used for improvements to the Department's data processing operation: *Provided further*, That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the $4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

In addition, for fiscal year 1992 and thereafter, at no later than the end of [each fiscal year, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the Working Capital Fund to be available for the acquisition of capital equipment, and for the improvement and implementation of the Department's financial management and payroll/personnel systems] *the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the Departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel systems: Provided, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$27,893,000] *$30,719,000*; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, [$9,855,000] *$9,786,000.*

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; [$379,804,000] *$388,821,000*, of which not to exceed $5,973,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1993: *Provided*, That of the funds available in this appropriation, not to exceed $35,213,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: *Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.*

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

In addition, section 245A(c)(7) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1255a(c)(7)), as amended, is further amended by inserting after subsection (B) a new subsection as follows:

"(C) IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Not to exceed $3,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices: *Provided*, That such amounts shall be in addition to any funds appropriated to the Office of Special Counsel for such purposes: *Provided further*, That none of the funds made available by this section shall be used by the Office of Special Counsel to establish regional offices.".

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, [$53,045,000] *$58,494,000* of which an estimated [$10,000,000] *$13,000,000* shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of [$43,045,000] *$45,494,000*: *Provided*, That fees made available to the Antitrust Division shall remain available until expended[, but that any fees received in excess of $10,000,000 in fiscal year 1992 shall not be available for obligation until fiscal year 1993].

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys[, $720,737,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses]; *including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site within the State of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; $728,259,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed $10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That of amounts available in this account in fiscal year 1992, not to exceed $9,000,000 shall remain available until expended and may be used to fund intergovernmental agreements, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses.*

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, [$67,520,000] *$69,571,000*, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $843,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $313,847,000, including purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which not to exceed $11,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended, and of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, [$218,125,000] *$224,125,000*, to remain available until expended; of which not to exceed $15,000,000 shall be available under the Cooperative Agreement Program: *Provided, That $10,000,000 of the $15,000,000 available under the Cooperative Agreement Program shall be used for a cooperative agreement with the State of Hawaii for the housing of Federal prisoners and detainees in Hawaii.*

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $92,797,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; and of which not to exceed $1,008,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $27,343,000, of which not to exceed [$19,000,000] *$18,198,000* shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, [$363,374,000] *$380,344,000*, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in section 606 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,364 passenger motor vehicles of which 2,299 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; [$1,866,832,000] *$1,972,807,000*, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1993; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations; *and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of the fingerprint identification services and related costs*: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education *and training* programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,054 passenger motor vehicles of which 730 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [$706,286,000 of which not to exceed $1,800,000 for research] *$740,667,000 of which not to exceed $1,800,000 for research, and of which not to exceed $1,500,000 for an A & E study for a Washington, D.C. area laboratory* shall remain available until expended; and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1993; and, of which not to exceed $6,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 415, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [$947,041,000] *$959,517,000*, of which not to exceed $400,000 for research and $17,097,000 for construction shall remain available until expended; *and of which $312,473,000 shall be available to the Border Patrol program unless a notification required by section 606 of this Act is processed and acknowledged by the Committees on Appropriations of the House of Representatives and the Senate*: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 374 of which 122 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; [$1,637,299,000] *$1,612,635,000*: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $40,000,000 for the activation of new facilities shall remain available until September 30, 1993.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,221,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, **[$415,090,000]** *$452,090,000*, to remain available until expended, of which $3,497,000 shall be available for construction and renovation costs at the Immigration and Naturalization Service Processing Center at El Centro, California: *Provided*, That labor of United States Prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further*, That not to exceed $14,000,000 shall be available to construct areas for inmate work programs.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed **[$3,248,000]** *$3,297,000* of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. A total of not to exceed **[$31,000]** *$45,000* from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1992 with respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1992, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1992—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 107. Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Support of United States Prisoners' Cooperative Agreement Program.

SEC. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

SEC. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per centum;"

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: Provided, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89–5916, Richard Demarest, Petitioner v. James Manspeaker et al, on January 8, 1991.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, [$7,159,000] *$7,617,000*, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183: *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), and the Americans with Disabilities Act of 1990, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $25,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, and the Americans with Disabilities Act of 1990, [$209,875,000] *$210,271,000*: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For total obligations of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901–02); not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; [$67,929,000] *$126,309,000* of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1993, for research and policy studies[; and of which not to exceed $1,000,000 shall be collected for work performed for agencies]*: Provided, that none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.*

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. app. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; [$17,317,000] *$17,974,000*: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; [$78,892,000] *$83,000,000* of which an estimated [$10,000,000] *$13,000,000* shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of [$68,892,000] *$70,000,000*: *Provided*, That fees made available to the Federal Trade Commission shall remain available until expended[, but that any fees received in excess of $10,000,000 shall not be available for obligation until fiscal year 1993]*: Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374).*

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $157,485,000 of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities

Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings *hosted by the Commission* with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence*: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: Provided further, That such fees shall remain available until expended.*

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100-690 (102 Stat. 4466-4467)), [$13,347,000] *$13,588,000*, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1992".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, [$173,942,000] *$188,950,000*, to remain available until expended, of which not to exceed $6,541,000 may be transferred to the "Working Capital Fund"; and of which not to exceed [$10,340,000] *$11,386,000* shall be available for construction of research facilities.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Regional Centers for the Transfer of Manufacturing Technology and the Advanced Technology and, *notwithstanding any other provision of law*, State Extension Services Programs of the National Institute of Standards and Technology, $63,713,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $100,000,000, to remain available until expended: Provided, That none of the funds provided herein shall be available for obligation or expenditure in foreign shipyards.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; [439] *416* commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; [$1,381,550,000] *$1,544,569,000* to remain available until expended, of which [$542,000] *$600,000* shall be available for operational expenses *and cooperative agreements* at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas [, and of which $394,000 shall be available only for a semitropical research facility located at Key Largo, Florida]; and in addition, [$34,858,000] *$35,389,000* shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. App. 2205(d); and in addition, [$69,738,000] *$56,600,000* shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"*: Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: Provided further, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities*. Of the amount appropriated under this heading in Public Law 101-515 and carried over into fiscal year 1992, $1,995,000 shall be available only for a grant for the construction of facilities for the Seafood Consumer Center, Incorporated, Astoria, Oregon.

EMERGENCY WEATHER SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in an "Emergency Weather Satellite Contingency Fund," to remain available until expended: Provided, That these funds shall not be available for obligation until the President notifies the Appropriations Committees of the House of Representatives and Senate that an emergency requirement for these funds exists and the House and Senate vote to release these funds for emergency requirements.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 6209 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), $6,000,000 for projects and grants authorized by 16 U.S.C. 1455, 1455a, and 1455b, notwithstanding the provisions of 16 U.S.C. 1456a(b)(2).

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, as amended, $250,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,281,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed [$1,996,000] *$1,000,000*, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

[For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $1,400,000: *Provided*, That during fiscal year 1992 total commitments to guarantee loans shall not exceed $14,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,000,000 which may be transferred to and merged with Operations, Research, and Facilities.]

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, [$30,611,000] *$31,750,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), [$14,913,000] *$15,333,000*.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, [$123,009,000] *$127,960,000*.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, [$172,357,000] *$145,000,000*, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, [$38,921,000] *$41,994,000*.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $330,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; [$194,875,000] *$203,814,000*, to remain available until expended, *of which $19,406,000 is for the Office of Textiles and Apparel, including $3,000,000 for a grant to the Tailored Clothing Technology Corporation and $12,500,000 for a grant to the National Textile Center University Research Consortium*: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed twelve: *Provided further, That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99–64.*

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $25,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; [$38,777,000] *$41,594,000*, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, [$40,880,000] *$41,578,000* of which [$24,941,000] *$25,321,000* shall remain available until expended: *Provided*, That not to exceed [$15,939,000] *$16,257,000* shall be available for program management for fiscal year 1992: *Provided further, That in awarding grants and contracts for the Minority Business Development Center program, the Secretary of Commerce shall give priority to contractors located within the State in which the contract is to be performed.*

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for representation expenses abroad; [$15,249,000] *$18,546,000*, to remain available until expended: *Provided, That disaster grants to States or other eligible entities made available by Public Law 101–515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: Provided further, That $2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to natural disasters.*

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; [$91,887,000] *$88,441,000* of which [$90,340,000] *$86,894,000* shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, [$4,318,000] *$4,437,000*.

INFORMATION PRODUCTS AND SERVICES

Notwithstanding sections 212 (a)(1)(B) and (a)(3) of Public Law 100–519, there may be credited to this account not to exceed $1,000,000 for modernization, including operating expenses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, [$15,861,000] *$18,122,000*, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$22,428,000] *$32,428,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances under this heading may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT): Provided further, That $250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.*

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $4,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $28,218,000.]

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,632,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: Provided further, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2024, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $226,836,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: Provided further, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Project Number 01–51–21118 shall be re-

tained by the grantee for other development purposes and/or projects: Provided further, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Administration Project Number 05-22-00014 shall remain available to complete the project.

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, $565,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $42,500,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. (a) Funds appropriated by this Act to the National Institute of Standards and Technology of the Department of Commerce for the Advanced Technology Program shall be available for award to companies or to joint ventures under the terms and conditions set forth in subsection (b) of this section, in addition to any terms and conditions established by rules issued by the Secretary of Commerce.

(b)(1) A company shall be eligible to receive financial assistance from the Secretary of Commerce only if—

(A) the Secretary of Commerce finds that the company's participation in the Advanced Technology Program would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States; and agreement with respect to any technology arising from assistance provided by the Secretary of Commerce to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(B) either—

(i) the company is a United States-owned company; or

(ii) the Secretary of Commerce finds that the company has a parent company which is incorporated in a country which affords the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those funded through the Advanced Technology Program; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) The Secretary of Commerce may, 30 days after notice to Congress, suspend a company or joint venture from receiving continued assistance through the Advanced Technology Program if the Secretary of Commerce determines that the company, the country of incorporation of the parent company of a company, or the joint venture has failed to satisfy any of the criteria set forth in this subsection, and that it is in the national interest of the United States to do so.

(3) As used in this section, the term "United States-owned company" means a company that has a majority ownership or control by individuals who are citizens of the United States.

SEC. 206. The Secretary of Commerce shall designate an individual to serve as program manager for each National Oceanic and Atmospheric Administration acquisition program with a total acquisition cost exceeding $30,000,000: Provided, That each individual so designated shall report to the Director of the Systems Program Office: Provided further, That Congress shall be informed bi-annually of the individuals so designated pursuant to this section.

This title may be cited as the "Department of Commerce Appropriations Act, 1992".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $20,787,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), **[$3,801,000]** *$4,306,000*, of which $1,861,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, **[$10,775,000]** *$11,054,000*.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, **[$9,432,000]** *$10,495,000*.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, **[$1,947,471,000]** *$1,866,762,000* (including the purchase of firearms and ammunition); of which not to exceed **[$68,245,000]** *$40,648,000* shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed **[$1,588,000]** *$2,100,000* to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), **[$185,372,000]** *$177,386,000*, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $70,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); [$82,830,000] *$83,102,000*, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [$44,681,000] *$44,743,000*, of which not to exceed [$5,150] *$7,500* is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, [$18,795,000] *$21,626,000*, of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,000,000, and in addition, to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. 178(1), $500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [$8,865,000] *$9,000,000*.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92–210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. (a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

This title may be cited as "The Judiciary Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $272,210,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, [$70,920,000, to remain available until expended: *Provided*,] *$75,000,000, to remain available until expended, of which not less than $8,872,000 shall be available only for payments to State maritime academies, and of which $2,000,000 shall be available for grants to State maritime academies to acquire maritime training simulators: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, [$225,000,000] *$233,961,000*, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program: *Provided further, That the funds appropriated under this heading shall be used only to acquire ships for the Ready Reserve Fleet of the Maritime Administration which were registered in the United States on or before January 1, 1991, or not more than three ships registered in Denmark which were made available to the United States for use during Operation Desert Shield/Desert Storm at no cost or at costs below market rates: Provided further, That any repair or modification of any ships acquired with funds appropriated under this heading may only be performed in shipyards in the United States.*

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98–375, $220,000, to remain available until December 31, 1993, as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100–94.

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99–603 (100 Stat. 3431–3434), [$1,426,000] *$1,448,000*, to remain available until expended.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98–101 (97 Stat. 719–723), [$1,882,000] *$1,911,000*, to remain available until expended: *Provided*, That in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, [$1,059,000,] *$1,075,000* to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec.

5209 of the Omnibus Trade and Competitiveness Act of 1988, $750,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, [$1,153,000] *$1,300,000*.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, [$21,077,000] *$19,400,000* of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000 of which $297,860,000 is for basic field programs, $7,877,000 is for Native American programs, $10,879,000 is for migrant programs, $490,000 is for special emergency funds, $1,234,000 is for law school clinics, $1,121,000 is for supplemental field programs, $700,000 is for regional training centers, $8,109,000 is for national support, $9,298,000 is for State support, $970,000 is for the Clearinghouse, $573,000 is for computer assisted legal research regional centers, $9,810,000 is for Corporation management and administration, $981,000 is for board initiatives, and $98,000 is for special contingency funds.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101–574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, [$221,079,000, of which $61,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended] *$209,731,000, of which $3,100,000 shall be available for the Service Corps of Retired Executives (SCORE), of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development, of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development, of which $1,000,000 shall be made available for a grant to the New York City Public Library for a new Science, Industry and Business Library, and of which $500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas*: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act[: *Provided further*, That none of the funds appropriated or made available by this Act to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987]: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, *except as otherwise provided in this Act: Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee *absent the submission of a reprogramming notification pursuant to section 606 of this Act*. In addition, nothing herein shall preclude the Small Business Administration from preparing or formulating, but not publishing in the Federal Register, proposed rules, nor shall anything herein apply to uniform common rules applicable to multiple Federal departments and agencies, including the Small Business Administration; nor may any of the funds provided in this paragraph restrict in any way the right of association of participants in such program.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), [$9,757,000] *$11,000,000*.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 15 U.S.C. 631 note as follows: cost of direct loans, $24,563,000, and cost of guarantees, $245,786,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $69,935,000[, and total loan principal any part of which is to be guaranteed of $4,819,000,000]*: Provided further, That, in addition, $1,800,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program.*

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $104,410,000, of which not to exceed $104,410,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

DISASTER LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 15 U.S.C. 631 note, [$114,913,000] *$121,555,000, to remain available until expended*: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of [$344,750,000] *$365,000,000*.

In addition, for administrative expenses necessary to carry out the direct loan program, [$76,830,000] *$78,000,000*, of which not to exceed [$76,830,000] *$78,000,000* may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, [$14,381,000,] *$14,600,000* to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

[POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

[For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, $8,400,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.]

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, [$2,021,835,000: *Provided*, That not to exceed $500,000 shall be available either directly or indirectly for the Office of Congressional Relations, any successor organization, or any other organization in the Department of State to carry out the same or similar functions as the office carried out during fiscal year 1991] *$2,007,246,000, of which $20,853,000 shall be available only for the Bureau of Oceans and International Environmental and Scientific Affairs including $10,000,000 for grants, contracts and other activities to conduct research and promote international cooperation; and in addition $8,000,000 shall be derived by transfer from "Acquisition and Maintenance of Buildings Abroad"*; and in addition not to exceed [$523,000] *$700,000* in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (section 118 of Public Law 101–246), and in addition not to exceed $1,013,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (section 119 of Public Law 101–246): *Provided further, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,037,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,802,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, [$9,464,000] *$11,464,000.*

MOSCOW EMBASSY RECONSTRUCTION AND SECURITY

For the cost of deconstruction of the partially constructed new chancery of the United States Embassy in Moscow to the basement level and reconstruction of the new chancery on the same site and for the procurement of equipment and other services necessary to provide for a secure chancery free of Soviet intelligence penetration, $130,000,000, to remain available until expended: Provided, That the Secretary of State shall seek reimbursement from the Soviet Union of the full costs incurred by the United States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) [$552,594,000, of which $130,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.] *$430,000,000,* to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), [$7,000,000] *$8,000,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans as authorized by 22 U.S.C. 2671 as follows: Cost of direct loans, $74,000 [: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $223,000]. In addition, for administrative expenses necessary to carry out the direct loan program, $145,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), [$13,334,000] *$13,784,000.*

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $112,983,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress [$866,774,000] *$842,384,000*, of which not to exceed [$117,109,000] *$92,719,000* is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further, That funds for arrearage payments shall be available to the United Nations and to each specialized agency only upon certification by the Secretary of State to the appropriate committees of the Congress that progress is being made in increasing the number of American citizens in professional staff positions or that the number of American citizens in professional staff positions conforms with geographic distribution formulas in effect on January 1, 1991: Provided further, That the preceding proviso shall apply only to the United Nations and to each specialized agency which had a geographic distribution formula in effect for professional staff on January 1, 1991.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, [$108,856,000] *$107,229,000* of which not to exceed [$39,987,000] *$38,360,000* is available to pay arrearages.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $5,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [$11,400,000] *$10,900,000.*

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [$10,277,000] *$10,525,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, [$12,647,000] *$14,758,000*: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 403 of Public Law 101–179 and section 105 of Public Law 101–246, $4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

[SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

[For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98–164, $4,784,000.]

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $250,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion.

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee traveling to the Middle East.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), **[$43,527,000]** *$44,423,000, of which $2,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad".*

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), **[$212,491,000]** *$217,960,000* of which not to exceed $52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, **[$200,000]** *$50,000* as authorized by Public Law 99–83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, **[$42,934,000]** *$41,934,000.*

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriatfon), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); **[$681,051,000]** *$692,275,000; and in addition $4,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad": Provided,* That not to exceed $1,235,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $3,500,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: *Provided further,* That not to exceed $7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended*: Provided further, That up to $1,250,000 shall be available for the operation of International Literary Centre, Ltd., or a non-profit successor organization, as appropriate.*

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,206,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), **[$178,000,000]** *$186,163,000,* to remain available until expended as authorized by 22 U.S.C. 2455**[**, of which: (a) $1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation; (b) $2,000,000 shall be available for cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York; and (c) $2,000,000 shall be available only for the expenses of Soviet-American interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agenc**]**.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund to provide for a permanent endowment for the Eisenhower Exchange Fellowship Program, $5,000,000 as authorized by section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454).

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $98,043,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a); *and in addition $10,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad".*

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, **[$33,288,000]** *$38,988,000,* to remain available until expended as authorized by 22 U.S.C. 1477b(a): *Provided,* That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, **[$23,920,000]** *$26,000,000*: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS–18 of the Classification Act of 1949, as amended.

[NORTH/SOUTH CENTER

[To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 as authorized by section 209 of H.R. 1415 as passed the House of Representatives on May 15, 1991, by grant to an educational institution in Florida known as the North/South Center, $10,000,000 to remain available until expended.**]**

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1992".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

[SEC. 607. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.]

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than $9.79 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101-515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101-515: Provided further, That for the purposes of the previous proviso, all references to "1991" in Public Law 101-515 shall be deemed to be "1992".

SEC. 608. Section 207(f) of title 18, United States Code, as amended by section 101 of the Ethics Reform Act of 1989 (103 Stat. 1722), is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting immediately after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR TRADE REPRESENTATIVE.—With respect to a person who is the United States Trade Representative, the restrictions described in paragraph (1) shall apply to representing, aiding, or advising foreign entities within 5 years after the termination of that person's service as the United States Trade Representative.".

SEC. 609. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

SEC. 610. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)."

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992."

(d) Section 21A of the Small Business Act (15 U.S.C. 648a) is amended by striking subparagraph (c) and inserting the following in lieu thereof:

"Any statewide education based institution or consortium funded by the Administration as a Small Business Development Center may apply for a grant to be used to—

"(1) increase access by small businesses in its service area to on-line databases for the purpose of facilitating technology transfer, such as that created by subparagraph (a) of this Act or other privately or publicly funded databases;

"(2) develop systems and processes to assist the federal laboratories, public and private universities, and other public and private institutions in the transfer and commercialization of technologies developed by these organizations;

"(3) assist firms in analysis of opportunities represented by technologies developed by the federal laboratories, public and private universities, and other public and private institutions or contained in the databases;

"(4) assist in the continuing development required to bring identified technologies to commercialization;

"(5) assist with the required business planning, market research, and financial packaging required for commercialization;

"(6) link the firms assisted with potential sources of financing for product development and commericalization; and

"(7) assist in licensing and other issues associated with commercialization.".

(e) Public Law 101-574 is amended by striking section 232 thereof.

(f) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking the first sentence thereof.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992".

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I am pleased to present the Senate with the fiscal year 1992 State, Justice, and Commerce appropriations bill.

The bill recommended by the Appropriations Committee, provides for $21.2 billion in discretionary budget authority and $20.8 billion in discretionary outlays. This bill is at the 602(b) allocations available to us for both budget authority and outlays under the committee's allocations. I will include a table with this statement that compares our recommendations with the 602(b) allocations by function.

This has been a tough year, and it has been quite difficult for the committee to fashion a bill that can live within the tight 602(b) allocation. It has been made even more difficult by the constraints placed on us by the Budget Enforcement and Credit Reform Acts passed last year.

Under this new agreement, this bill essentially has been divided into three distinct and separate appropriations bills. If we find a wasteful expenditure in an international affairs agency, like the State Department, we cannot use these resources to fund a high priority domestic agency like the Drug Enforcement Administration. This is not right, but it is the way the game must be played under the new budget agreement.

The committee's recommended State, Justice, and Commerce bill seeks to address several priorities:

First, we have sought to continue the growth in law enforcement and the war on drugs. Our bill provides about $9.5 billion for the Justice Department, or a 12-percent increase over this year. Included are the following specific initiatives: $740.7 million to fully fund the Drug Enforcement Administration, the lead agency in the war on drugs; a $280 million increase for the FBI, or 17 percent over this year; $498 million for State and local drug grants, or $6 million above this year.

Funding for the Bureau of Prisons for an increase of 9,140 inmates in 1992, for a total Federal prison population of 71,590. The recommendation provides for the activation of new prison facilities that come on line in 1992; $265 million, an increase of $15 million for investigations and prosecutions of savings and loan fraud; $329 million to cover adjustments to base to cover the costs of Federal employee pay reform, including special law enforcement pay reforms, enacted last year.

Second, the committee places a priority in investing in NOAA and NOAA's infrastructure. We have restored or enhanced many of the research, coastal, and fisheries programs, as in past years. We also recommend $410 million for weather satellites—$110 million more than the administration's request and $151 million above the House allowance. We have created a special emergency account to deal with the loss of geostationary weather satellite coverage. The GOES satellite is absolutely essential to the prediction and monitoring of hurricanes and tornadoes; $100 million is recommended for a new initiative to rebuild and modernize the NOAA fleet. A lot of Members asked us to include fishery and research enhancements, but by the end of this decade NOAA will not be able to carry out these programs if we do not do something about the ships that perform this work. The average age of the NOAA fleet is 28 years and we have only built one new ship in the past 23 years.

Third, the committee recommendation continues to invest in trade and competitiveness initiatives. The International Trade Administration is funded at $204 million; $18.5 million is provided to more than fully fund the U.S. Tourism and Travel Administration, including new initiatives to attract more visitors from the Far East.

Most importantly, we have provided $253 million for the National Institute of Standards and Technology for Intramural and External Research this is 17 percent above 1991 levels; $12.5 million is included to fund the National Textile Center University Research Consortium. This is an innovative collaboration by Georgia Tech, Auburn, Clemson, and North Carolina State University to reinvigorate research into textile and apparels to enable this industry, which employs 10 percent of America's manufacturing work force, to continue to compete with subsidized foreign competition.

Fourth, we have restored funding for the Economic Development Administration at $227 million. The House and budget proposed to terminate this agency; $7.7 million is included for the EDA University Center Program, $3 million above this year; $19.4 million for rural economic development planning districts, an increase of $3.9 million over this year. And we have used $214.9 million in BA and $183.7 million in outlays to restore SBA loans and loan guarantees which were proposed for severe reduction by the administration's budget request.

Fifth, we have included over $2.3 billion for the judiciary or a 14-percent increase over 1991—higher than the increase provided any other law enforcement agency except the FBI. We have provided the requested workload increases for magistrates and bankruptcy judges, new court/clerk personnel, probation/pretrial personnel and savings and loan cases.

Sixth, within the international affairs budget, we have placed a priority on the information agencies that did not fare as well as the State Department in the President's budget and which were cut in the House allowances; $218 million for Radio Free Europe/Radio Liberty, $5.5 million above the House allowance; $804 million for USIA and Voice of America operations and construction. This is $25 million above the House allowance, or which $10 million is specifically for addressing the backlog of Voice of America repair and maintenance; $30 million for the National Endowment for Democracy, which was zeroed out by the House; $38.9 million for the Radio and T.V. Marti to get uncensored information to Cubans living under Castro's regime, this is $5.7 million above the House allowance; $186 million for international exchanges including $115 million for the Fulbright Scholarship Program that was cut by the budget and the House allowance.

Seventh, we have provided $130 million for the total demolition and rebuilding of the U.S. Embassy in Moscow. Jim Baker may want our folks in Moscow to work in a building filled with Soviet listening devices, but we are simply not going to allow that.

Eighth, we would be remiss if we did not note some of the tough recommendations in this bill to reduce funding. No one has ever thanked a Senator for making a cut, but under this budget environment reductions must be made to fund priority programs. The committee has recommended reductions whenever efficiencies can be achieved or when through an exacting review of use of existing appropriations, the committee uncovered poor execution of prior year funding. We have recommended reductions where we identified low priority, redundant, or unnecessary programs. Such adjustments include:

STATE DEPARTMENT

First, $12.2 million in pay raise increases for foreign national employees of the State Department. These employees are provided pay raises at rates in excess of U.S. citizen employees. The State Department only surveys the highest paid foreign firms at overseas location, excludes the amounts paid by foreign governments to their employees.

Second, $30 million for the Department of State Telecommunications Network [DOSTN]. There is no reason to proceed with this system at this time. The Government already owns equipment that should serve this requirement.

COMMERCE DEPARTMENT

Third, $30 million in savings related to the Census operations shutting down sooner than anticipated in the budget and execution way behind schedule in fiscal year 1991. The Census Bureau is currently $40 million behind schedule in using funds provided last year, $10 million of which is related to procurement delays.

Fourth, a rescission of $42.5 million in excess unobligated balances from loan repayments.

Fifth, $53.4 million from poor execution of prior appropriations for system acquisitions at the Commerce Department.

JUDICIARY

Sixth, $32 million in "plugs" put in the budget request for overstated postage costs, special geographic pay increases for cities not included under the law, and new furniture.

RELATED AGENCIES

Seventh, $1 million for the International Trade Commission. ITC annually does not use the funds provided.

Eighth, $1 million for the U.S. Trade Representative for overfunding in 1991. The USTR admitted during our hearing that they received no-year appropriations of $1.5 million for payments to the Department of Commerce for which they only actually require $500,000. Now that we have identified these resources, she wants to use them.

The committee recommendation includes bill language to address some of the management shortfalls identified in NOAA's Satellite programs, the Arab-League boycott of Israel, the issuance of Arab-only passports, and use of People's Republic of China expendable launch vehicles.

Within our allocation, we have worked hard to accommodate the requests of the Members of the Senate and members of the public who have come forward to tell us of their concerns. We have not been able to address all of Senators' requests, but we have tried to be responsive.

Finally, let me thank my vice chairman, Senator RUDMAN. This is the eighth appropriations bill that we have brought to the Senate floor together.

Madam President, the Appropriations Committee is often noted for its bipartisanship. No where is this more true than on our State, Justice, and Commerce Appropriations Subcommittee. This fiscal year 1992 appropriations bill has been developed as a joint, cooperative effort, between Senator RUDMAN and I and our professional staffs. Together we reviewed every request, every increase and every reduction. His tireless efforts on behalf of the State, Justice, and Commerce Appropriations Subcommittee whether at hearings, at 602(b) allocation meetings, or at meetings with agency heads are greatly appreciated.

ACKNOWLEDGMENT OF STAFF

Madam President, I would like to thank the committee staff who put in many days and nights in drafting this bill and report; our majority staff, Liz Blevins, Dorothy Seder, and Scott Gudes, and our minority staff, Rachel Sotsky and John Shank. These individuals put in tireless hours on our hearings, the multiple supplemental appropriations we have had this year and this fiscal year 1992 appropriations bill. I also would like to thank the full committee support staff or better known our numbers central shop that assisted in the development of this bill—Jack Conway, Bob Putnam, and Jodi Capps.

While all these staff members deserve sincere thanks from Senator RUDMAN and I, one individual truly deserves special recognition.

Madam President, as a matter of pride, the members of the Appropriations Committee refer to our committee staff as professional staff. This term acknowledges the professional training and expertise of these individuals. For no staff member is this term more deserving than for our subcommittee's minority clerk, John Shank.

John has been with the Appropriations Committee—and the State, Justice, and Commerce Subcommittee—since 1982 when Senator MARK HATFIELD brought him over from private industry. I first met John when I was the ranking minority member and former Senator Weicker served as chairman.

I have come to know John Shank as a dedicated professional who carries out his responsibilities in a bipartisan fashion. He serves the committee members without regard to their party affiliation. In fact, just a year ago, my subcommittee clerk, Warren Kane, retired and I was unable to bring on a clerk before our bill went to conference and final passage. During that period, Senator RUDMAN offered his assistance, and John Shank sat next to this desk and served as my acting subcommittee clerk.

Madam President, John Shank goes beyond his specific duties as minority clerk. He sincerely cares about the agencies and programs that are within the subcommittee's jurisdiction, and he works hard to see that the funding they receive is well spent. He is honest and forthright, and Senator RUDMAN and I know we always can count on him to provide us with the good government recommendation on issues. He is the type of staff member who understands both the big picture as well as the minute detail that is required of complete staff work. To him the technical accuracy of the committee bill and report are a matter of personal pride.

Madam President, the executive branch has many programs to recognize its employees, but in the Senate we do not. I think it is a shame that in the Senate we do not take time to recognize excellence and say thanks to the people who serve us and the institution so well. And it is my intention, on behalf of the 11 members of the State, Justice, and Commerce Appropriations Subcommittee, to simply acknowledge John Shank for a job well done.

Madam President, it has been a real pleasure and privilege to work with Senator RUDMAN, with his understanding, his counsel, and his leadership in this regard on the committee that he headed up himself as chairman. I want to thank him because I know he has other duties to which he must attend.

The bill recommended by the Appropriations Committee provides $21.2 billion in budget authority, $24.8 billion in outlays, and it is within the 602(b) allocation. The committee recommended and State justice bill seeks several priorities. First, the great law enforcement war on drugs; that is, $9.5 billion, or a 12-percent increases there; $740.7 million for the DEA; $280 million for the FBI, or a 17-percent increase there; $498 million for State and local drug grants, or a $6 million increase above this year; then funding for the Bureau of Prisons, allowing an additional 9,140 inmates, for a total prison population of 71,590.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Madam President, the recommendations before the Senate today represent the results of months of review and hearings. As usual the Senator from South Carolina has been a cooperative, nonpartisan chairman; he has more than adequately reflected the priorities and desires of his colleagues on both sides of the aisle.

I will not go over the recommendations in detail, but I do want to draw attention to the fact that this bill provides an increase of almost $1 billion over the 1991 enacted level for the Department of Justice. That is an increase of 11.6 percent—commensurate with increases given to the Defense Department in the early 1980's. Within that amount, programs of the Drug Enforcement Administration will be fully funded. The Bureau of Prisons will receive an increase of $333 million, 19.1 percent over the 1991 level. The Federal Bureau of Investigation, while not fully funded, is provided an increase of $280 million, or 16.5 percent.

The Federal judiciary would receive an increase of $290 million, or 12.6 percent. Other than the enhancements for the FBI and the prison system, this is the largest increase in budget authority and outlays for any organization associated with the administration of justice.

The actions taken by the committee in approving our section 602(b) allocation, and the recommendations contained in this bill, are a recognition of the fact that both the administration and the Congress are determined to provide increased resources for the war against crime and drugs. Having said that, the Justice Department and the judiciary will not be satisifed; but there is no way to fully fund their requests and at the same time maintain programs in the National Oceanic and Atmospheric Administration, the Economic Development Administration, and the Small Business Administration that are supported by the Congress. As it is, almost 79 percent of the new domestic discretionary outlays associated with this recommendation are generated by the Justice Department and the judiciary.

This legislation also addresses several other issues of importance. Senator HOLLINGS and I are recommending the establishment of a satellite contingency fund to allow the administration to purchase a spare weather satellite. The new weather satellites being built for the National Oceanic and Atmospheric Administration by NASA and the Loral Corp. are far behind schedule and considerably over budget. There is the real possibility this Nation could face the loss of the single geostationary weather satellite now in operation and not have a new satellite ready for launch. The contingency fund is designed to allow NOAA to buy an off the shelf satellite if it becomes necessary to protect the public health and safety.

As requested by the administration, the appropriations for international organizations includes 20 percent of the arrearage payments due to the United Nations and various other organizations. However, payment of the arrearages is dependent upon a certification that progress is being made in the employment of American professionals by these organizations.

Madam President, once again, let me thank my colleague from South Carolina for his leadership and cooperation in developing these recommendations. I know of very few amendments to this bill, and I would hope that anyone who has an amendment can come to the floor so we can wrap this up fairly quickly.

Madam President, let me simply state that some of the great needs that we have continued to meet are the Federal Bureau of Investigation, the Drug Enforcement Administration, Justice Department, and the Bureau of Prisons.

I think another significant thing in this bill is the rather innovative approach to what we are going to do about weather satellites. Senator HOL-

LINGS and I have worked that out, as he stated, and we have at least the assurance that if the current program falls behind schedule, as it has, we will still have sufficient funds and a contingency here to put up another satellite, which will be very important for the life and safety of the people of our country.

Madam President, I advise the chairman that I am told that Senator GRAMM of Texas will be on the floor within a very few moments to offer an amendment, on which we can have a fairly short time agreement. I apologize to the chairman. He knows well that I have a matter of Senate business here at 5 o'clock, which, unfortunately, I must attend for several hours. I understand that the ranking member of the committee, Senator HATFIELD, will be here sometime around 5 o'clock to assist the chairman with the bill.

I yield the floor.

Mr. HOLLINGS. There is some housekeeping we can do, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, with the exception of the committee amendments on page 84, lines 3 through 6, page 85, on line 25, and the amendment on page 9, lines 2 through 5, and the amendment on page 39, lines 14 and 15, I ask unanimous consent that the committee amendments to H.R. 2608 be considered and agreed to en bloc and be considered original text for the purpose of further amendments, and to provide that no point of order be waived by virtue of this agreement. That has been checked on both sides. We were momentarily informed there were amendments in two sections. We can exempt those so the Members can offer those.

I further ask unanimous consent that the committee amendments on page 84, lines 3 through 6, and on page 85, line 25 be considered tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, with the exception of the amendment on page 9, lines 2 through 5; and the amendment on page 39, lines 14 and 15.

AMENDMENT NO. 929

Mr. HOLLINGS. Madam President, I ask that the pending committee amendment be temporarily set aside, and I send an amendment to the desk for myself and Senator RUDMAN. It has been cleared on both sides, and it makes five minor technical corrections. I also send to the desk a list of several technical corrections to the committee report accompanying H.R. 2608 and ask that these corrections appear in the RECORD. I send that to the desk and ask that the Clerk report.

The PRESIDING OFFICER. Without objection. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 929.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 18, "that" is amended to read "That".

On page 77, line 10, strike "further".

On page 90, line 4, in-between the head "Radio Construction" and "For" insert

"(INCLUDING TRANSFER OF FUNDS)"

On page 98, line 24, "commericalization" is amended to read "commericalization".

On page 65, line 17 strike "payments to" and insert "the";

On page 65, line 18 strike "academies" and insert "academy programs";

On page 65, line 19 strike "grants" and insert "payments";

On page 49, line 4 strike the word "natural"

There being no objection, the technical corrections were ordered to be printed in the RECORD, as follows:

Page 36: The Committee recommendation regarding the Equal Employment Opportunity Commission should read "$210,271,000" instead of "$126,309,000".

Page 47: The NOAA table should read "coastal zone management" not "canal zone management."

Page 53: The line on the NOAA table "system delays/execution" should read "–53,418" instead of "–47,000."

Page 70: The table should record the budget estimate for General Administration as "33,207,000" instead of "33,027,000".

Page 80: The table should note urban planning assistance is recommended at "2,636" instead of "2,958."

Page 94: The report should note that the prohibition on the USTR representing foreign governments under section 608 is for "five" instead of "two" years.

Page 100: The report should note that for the total Disaster Loans Program Account, including administrative expenses, the recommendation is "$7,812,000" above the House Allowance, instead of "$6,642,000".

Page 115: The table for the Arms Control and Disarmament Agency should note that House allowance for ACDA is $43,527,000 and the Committee recommendation is $896,000 above the House allowance.

Mr. RUDMAN. Madam President, the amendment has been cleared on this side.

Mr. HOLLINGS. Good.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 929) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set-aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 930

(Purpose: To realign funding to meet several high priority Commerce and Justice programs)

Mr. HOLLINGS. Madam President, I send an amendment to the desk for myself and Senator RUDMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 930.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 18, strike "$959,517,000" and insert "$950,817,000".

On page 6, line 4, strike "$112,642,000" and insert "$114,142,000".

On page 40, line 9, after the semicolon insert: "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

On page 40, line 11, strike "$1,544,569,000" and insert "$1,550,769,000".

On page 49, line 20, strike "$4,437,000" and insert "$4,937,000".

On page 68, after line 22, insert:

"COMMISSION ON LEGAL IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Legal Immigration Reform as authorized by section 141 of Public Law 101–469, $500,000, to be available until expended."

On page 90, line 2, strike the period at the end of the line and insert: ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a).".

Mr. HOLLINGS. Madam President, it is an amendment that realigns the $8.7 million within the accounts of the bill. It has been cleared on both sides.

Mr. RUDMAN. Madam President, I join my colleague from South Carolina in cosponsoring this amendment to provide adjustments to several appropriations accounts in the bill. This amendment corrects a funding error in the appropriation for the Immigration and Naturalization Service. It also addresses several areas of interest in the INS budget brought to our attention by the Immigration Subcommittee of the Judiciary Committee.

First, the amendment provides $1.5 million for 10 new immigration judges; second, it funds the Commission on Legal Immigration Reform. Both of these items were authorized in last year's immigration act and have been requested by Senators KENNEDY and SIMPSON.

The amendment also fully funds the program needs associated with a new network of National Oceanic and Atmospheric Administration wind profiler radars in the Midwest. This pilot program is the precursor to a nationwide system of wind profilers, but would be terminated under the budget request and the House allowance. Senators DOLE and NICKLES, among others, have expressed support for the maintenance of efforts to modernize the National Weather Service. Acceptance of this amendment will allow NOAA to improve public safety in Kansas, Oklahoma, and other States in the Midwest.

This amendment also makes a technical correction to the funding provided for the Eisenhower Exchange Fellowship Program of the U.S. Information Agency. An authorization bill to create an endowment for this program was enacted during the last Congress due to the efforts of the Republican leader, the Senator from Kansas. Funding for the endowment is included in this bill, but without additional language the earnings and interest from the endowment cannot be used for exchange purposes.

Finally, the amendment would enable the National Oceanic and Atmospheric Administration to enter into reimbursible agreements with nonprofit institutions. The Fish and Wildlife Service already has such authority, and the inclusion of bill language for NOAA will allow it to leverage its activities in many areas, including research on Atlantic salmon in New England and the North Atlantic.

Madam President, the amendment has been cleared on this side, and I urge its acceptance.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 930) was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 931

(Purpose: To make available $1,000,000 to the National Judicial College)

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of myself, Senator REID, and Senator HEFLIN. It also has been cleared on both sides. It makes $1 million available to the National Judicial College, judicial education and training, and State trial judges within limited and general jurisidiction of the illegal drug and violent criminal offenses be provided for.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. REID, and Mr. HEFLIN proposes an amendment numbered 931.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

THE NATIONAL JUDICIAL COLLEGE

Mr. HEFLIN. Madam President, I rise today in support of a committee amendment which will provide funding in the amount of $1 million for the National Judicial College.

Founded as an activity of the American Bar Association in 1963, the National Judicial College, a nonprofit educational corporation, has been located on the campus of the University of Nevada, Reno, since 1965. The faculty consists of more than 150 active judges, justices, and law professors who volunteer their time and talents. A law library of more than 60,000 volumes is available to the faculty and participants.

The National Judicial College has grown to become a nationally and internationally known institution, annually offering a variety of courses to more than 1,500 judges and other court officials representing every State and jurisdictional level. Its alumni include more than 21,000 State trial judges, special court judges and magistrates, Federal and appellate judges, administrative law, military, and tribal court judges, and a wide variety of court personnel. I might add that the National Judicial College sponsors the Nation's only advanced degree for trial judges.

I think it is therefore appropriate for the Congress to recognize and support this national, nonpartisan educational institution whose mission is to improve the quality of our Nation's judiciary and court personnel at both the Federal and State levels.

NATIONAL JUDICIAL COLLEGE

Mr. REID. Madam President, the National Judicial College was begun 27 years ago in Boulder, CO, and has been located on the campus of the University of Nevada, Reno, since 1965. Each year it offers approximately 50 continuing education courses of 1 to 4 weeks in duration. Participants are mostly State trial judges of both general and limited jurisdictions, but also State and Federal administrative law judges.

In addition, the National Judicial College presents special seminars, symposia, and conferences, often in cooperation with State judicial organizations and with other national groups. It provides curriculum assistance and faculty training for State organizations and publishes textbooks for use in judicial education and for courtroom use. Topics covered in recent programs include bioethical issues, handling toxic torts, drugs and the courts, domestic violence, AIDS and other medical-legal issues, and a course on race and gender bias in court proceedings.

Funding for the Judicial College operations has come from three main sources: tuition paid by the participants or their courts; grants and gifts made by foundations, corporations, individuals and Government agencies; and income from the college's endowment. The operations budget is approaching $4 million a year.

Since State courts handle more than 97 percent of the legal business in the Nation, training of these judges is vital to the strength of the entire system. The over 27,000 judges in the State courts look to the Judicial College for leadership in achieving justice through quality judicial education. While the resources of many States have declined, the need for better training of the judiciary in the face of growing caseloads has increased. While literally hundreds of judges want to come to the college, the economy in many States has restricted their financial ability, resulting in a significant shortfall to the college. It is unfortunate that at a time of greatest need for judges to increases their competence and productivity, training funds are drying up.

This is why I have asked the committee for a direct appropriation to the National Judicial College to assist judges who want to attend the college, providing financial help for tuition and travel. The college's successful work over more than a quarter century demonstrates the contribution it has made and its unique role in assisting State courts. I hope the Senate will approve this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 931) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 932

(Purpose: Delay of Implementation of new legislation affecting visas for artists and entertainers ("O" and "P" visas))

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of myself, Senator KENNEDY and Senator SIMPSON. This amendment, too, has been cleared on both sides. It delays the implementation of new legislation affecting visas for artists and entertainers. An error was inadvertently made in the Immigration and Nationality Act. So in our immigration section we are simply providing Congress time to enact legislation to correct the error.

I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report this amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. KENNEDY and Mr. SIMPSON proposes an amendment numbered 932.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 7, under the heading Immigration and Naturalization Service, insert before the period the following new proviso: ": *Provided further*, That, until April 1, 1992, none of the funds appropriated by this Act shall be used to enforce section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) or sections 207(a) or 207(b) of the Immigration Act of 1990 (Public Law 101–649), and that until such date aliens seeking admission as artists, athletes, entertainers or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance or as the spouse or child of such a nonimmigrant) shall be admitted by the Attorney General under the terms of section 101(a)(15) (H)(i)(b) of the Immigration and Naltionality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) as in effect on September 30, 1991.".

Mr. SEYMOUR. Mr. President, I rise as a cosponsor of the amendment offered by my good friend from Wyoming, the distinguished minority whip, Senator SIMPSON. I believe this amendment will be of great assistance to the Federal Government's efforts to meet one of its major immigration responsibilities: to effectively and expeditiously deport convicted alien felons.

For many regions of the Nation, especially along the Southwest border, the growing presence of alien felons in county jails and State prisons is a severe and costly problem. The State of California alone expends a minimum of $250 million each year to identify, prosecute, incarcerate, and deport alien felons.

As my colleagues know, the deportation of convicted aliens the minute they're released from prison was identified by Congress as a top priority when we enacted the Immigration Act of 1990. We must not retreat from this priority. But simply identifying this problem is not enough. We must make the necessary funding decisions to attack the problem and meet the priority.

Recently, modest but important steps have been taken by the Senate that reaffirms our commitment to this issue. Several weeks ago, the Senate adopted an amendment that I introduced to the comprehensive crime bill, which creates a new civil fine imposed on any individual who induces or coerces an alien to commit an aggravated felony. The money collected from this fine is to be deposited in a criminal alien identification and removal fund, and used to assist the INS and the States identify and deport alien felons, and to fund any of the 20 additional immigration judge positions created under last year's immigration bill.

Another step was taken when the Senate passed the Treasury, Postal appropriations bill. This legislation includes $10 million for 100 additional Border Patrol agents. Mr. President, I believe the best method to combat alien felons in our country is to have effective enforcement at the border. After all, it is much better to prevent an alien felon from entering our Nation than to respond to his violent acts on our streets. And our priority of deporting alien felons in this country will mean nothing unless we have the capability to keep them from coming back in. Though I was pleased to support this funding increase, I strongly believe that much more needs to be done in this area, and I intend to work with my colleagues and with the administration to insure that our borders are secure.

The amendment that we have before us today also represents an important step. This amendment will target $1.5 million for 10 of the 20 additional immigration judges that were called for in last year's Immigration Act. With this additional support, we can move closer to reaching our goal, one that will result in alien felons taking their first steps outside of prison into a waiting vehicle, its destination beyond the borders of our Nation.

This amendment will be of great importance to our efforts, especially if my addition to the crime bill is enacted into law. By funding these judicial positions under this appropriations measure, the criminal alien and identification and removal fund can be used more toward assisting the INS and the States in their efforts to identify and deport alien felons.

Mr. President, when an alien illegally crosses the border, that individual is the responsibility of the Federal Government. Their very act of crossing the border violates Federal law. Therefore, it is up to us to deal with them. Our responsibility to incarcerate and deport those aliens who participate in felonious activities is even greater.

I intend to revisit the issue, Mr. President, because quite frankly, even with the actions we've been taking on this issue, much more needs to be done. If it takes gradual steps like the amendment before us today, then so be it. But we must fully address the impact that criminal aliens are having on State and local governments, State and local prisons, as well as communities across America. The cost in terms of dollars and lives is something that we can't ignore any longer.

Mr. President, I commend my colleagues from Massachusetts and Wyoming for their efforts to bring this amendment to the floor, and I look forward to working with them on this issue in the future.

Mr. HOLLINGS. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 932) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, that takes up the housekeeping. We know of two amendments, one with respect to the legal services and one with respect to the census. They will not be long debated amendments.

Mr. RUDMAN. Madam President, I had hoped that we might get to the legal service amendments at this time because I wish to be heard on it. So I am going to suggest to the chairman that in the interest of time if he would be prepared to offer his census amendment, then that can be debated.

I know there are some Senators who wish to come to the floor to speak on it. We could get a rollcall vote on that hopefully early in the evening.

Then I would attempt to come back to the floor because I know the Senator from South Carolina has asked me to speak on it in opposition to the Gramm legal services amendment which I have every intention of doing. I wonder if we might do that. Senator HATFIELD should certainly be here by 5 o'clock to continue managing the bill with the chairman.

Mr. HOLLINGS. Very good.

The PRESIDING OFFICER. Without objection, the pending committee amendment is set aside.

AMENDMENT NO. 933

(Purpose: To correct errors in the 1990 Census)

Mr. HOLLINGS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. THURMOND, proposes an amendment numbered 933.

At the appropriate place, insert the following:

SEC. . The decennial census of population of 1990 shall be adjusted to reflect the changes recommended on June 21, 1991, by the Post Enumeration Commission and the Director of the Census.

Mr. HOLLINGS. Madam President, what I have here is an amendment to this particular amendment to make certain the count of the census shall not apply to political reapportionment. It is well thought out. It is affirmative to the State.

AMENDMENT NO. 934 TO AMENDMENT NO. 933

(Purpose: To correct errors in the 1990 Census)

Mr. HOLLINGS. Madam President, I send an amendment to that amendment and ask the clerk to report.

The PRESIDING OFFICER. Without objection, the amendment is in order and now the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 934 to the amendment No. 933.

Amend the pending amendment by inserting the following after the word "CENSUS" on line 4, ", except that such adjustment shall not apply to political reapportionment".

Mr. HOLLINGS. Madam President, the intent of this amendment is to follow through on the very judicious and deliberate approach that we made in the census count. The census count is fundamental.

This is a very simple amendment. It is an amendment that ensures that approximately 5.3 million Americans are not denied the right to be counted, to be included in the 1990 decennial census. This is an issue that goes to the very heart of why we have a Federal Government and why we perform a decennial census. The importance of an accurate census count has been recognized since this Nation began—the requirement for the decennial census was included by the Founding Fathers in article 1, section 2, of our Constitution.

Article 1, section 2, of the Constitution the Founding Fathers provided just that for a decennial census, and we have been following through with that each 10-year period in the history of this land. However, in 1980, we learned that these counts, as well as they were attempted to be made, just were not accurate. There were a lot of people not found, not included, particularly in the field of the cities, particularly in the field of the minorities, and so the Congress then said well now, let us make as accurate a count as we possibly can. And over the 10-year period we instituted a model over in the Department of Commerce, spending some 60 million bucks for this model. We got the best demographers you could think of, the best counters and best experts and professionals in the field.

Over that 10-year period we worked out a very good model. So when the count came in having expended not $2.5 billion in the last 5 years to make the count, we thought this little $60 million real count adjustment could be made professionally and we were so prepared to do so.

The importance of the census was recently summed up by its current Director, Barbara Everitt Bryant:

> The decennial census is the benchmark. It is the basis for drawing samples for all household surveys during the upcoming decade.* * * It is the base from which estimates of the U.S population are made between censuses * * * [and] it is important for national social and economic statistics that this benchmark count be made as accurate as possible.

Ten years ago, many felt that the 1980 census had unfairly undercounted the America's population. So, for the past decade the Commerce Department and the Congress have focused resources on ensuring that the 1990 decennial census was the best, most accurate census ever. We funded approximately $60 million to develop a postenumeration model to ensure that those who are traditionally undercounted were not undercounted again this time.

Late last year, the census wrapped up its 1990 census efforts. And it was clear that, despite good intentions, the census had undercounted a lot of Americans. Communities across South Carolina began contacting my office to say, "The census count is not accurate. We have people here that were not counted."

In fact, the model shows that for each of the States. My particular amendment provides for the some 5.3 million Americans that were missed and are included in the 50 States. No State loses in the sense of how much they have right now in the number of persons. Some really increase minimally. Some increase where you have the largest cities or minorities, let us say, substantially. But there is no actual cut from the actual count that is now being used and adopted by the Government. Because, when census performed its postenumeration survey, that is, it used that $60 million numerical model, it found that these communities were right. The census had undercounted 5.3 million Americans.

In simple terms, the Census Bureau concluded last month that the 1990 census counted only 97.9 percent of Americans; it was 2.1 percent short. This undercount was greater for black Americans, Hispanic Americans, Native Americans, and Americans of Pacific Islands heritage than it was for caucasians. The undercount also was regionally skewed. States served by some census regions, such as those in the Southeast from the Atlanta office, were less accurately counted. And, of course, in the Denver office, too, they were undercounted. And it is not supposed to operate that way.

Madam President, the Census Bureau realized that mistakes had been made. It convened an Undercount Steering Committee to perform a technical assessment of the census count and the postenumeration survey. That committee, made up of nonpolitical senior career, statistical, and demographic experts, voted 7 to 2 to adust the census. The Director of the Bureau of the Census, Barbara Everitt Bryant, recommended to the Secretary of Commerce that, "The results of the 1990 postenumeration survey be used to adjust the 1990 census." She concluded:

> The quality of the 1990 postenumeration survey is excellent. Thus, for the first time in history, a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253 million, not 248.7 million. * * *

We all know what happened. The distinguished Secretary of Commerce decided not to adjust the census. He disagreed with the professional opinion of the Director of the Census and the postenumeration panel. He felt that we had not had an adjustment in 200 years, so we should not have one now.

Of course, we never had this postenumeration survey in 200 years. We have never spent $60 million to go about it in a professional fashion before.

So what the Secretary of Commerce is saying is past censuses had errors in them and therefore this one should have an error also.

Madam President, there are 103,000 South Carolinians that were excluded from the census when Secretary Mosbacher made his decision. And of course we should not accept that nor should 5.3 million Americans across this Nation be excluded, I might say. They have a right to be counted.

My amendment is very simple. Every State would be adjusted upward. No State would lose population. I will send a table to the desk along with this statement that provides the State by State adjustment. My amendment takes the recommendations of the Director of the Census and expert panel she headed. It adjusts the census to achieve accuracy and to count the 5.3 million Americans that Secretary Mosbacher refuses to acknowledge.

My amendment does not seek to require reapportionment of the other body. Rather, it relates to all other aspects of the census, including the simple fact of knowing how many people live in each State.

Madam President, some have said "OK, let's stick with Mosbacher and not adjust the census. But let's invest in more models for the next census." Well, we already did invest $60 million in this postenumeration model. Since

1984, when the census began preparing for the 1990 census, the Congress, through this very State, Justice, and Commerce appropriations bill provided $2.5 billion for the census.

We do not need to wait another 10 years to get an accurate census. I do not want to tell 5.3 million Americans they must wait another 10 years in order to be counted. The time to adjust is now. It is the Congress' role, and it is our responsibility to do so.

So, Madam President, accordingly, I send to the desk the adjustment count worked out by the Bureau of the Census and the Department of Commerce showing exactly what the initial census count is, the postenumeration survey, and the recommended increase for each of the 50 States.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR HOLLINGS CENSUS AMENDMENT

State	Initial census count	Census recommended adjustment/postenumeration survey	Recommended increase
Alabama	4,040,587	4,146,133	105,546
Alaska	550,043	560,727	10,684
Arizona	3,665,228	3,790,186	124,958
Arkansas	2,350,725	2,402,925	52,200
California	29,760,021	30,888,076	1,128,055
Colorado	3,294,394	3,376,099	81,705
Connecticut	3,287,116	3,305,658	18,542
Delaware	666,168	686,661	20,493
District of Columbia	606,900	638,747	31,847
Florida	12,937,926	13,277,708	339,782
Georgia	6,478,216	6,632,561	154,345
Hawaii	1,108,229	1,136,417	28,188
Idaho	1,006,749	1,035,271	28,522
Illinois	11,430,602	11,592,305	161,703
Indiana	5,544,159	5,585,918	41,759
Iowa	2,776,755	2,807,238	30,483
Kansas	2,477,574	2,506,427	28,853
Kentucky	3,685,296	3,767,824	82,528
Louisiana	4,219,973	4,332,297	112,324
Maine	1,227,928	1,240,076	12,148
Maryland	4,781,468	4,868,990	87,522
Massachusetts	6,016,425	6,039,315	22,890
Michigan	9,295,297	9,403,964	108,667
Minnesota	4,375,099	4,419,180	44,081
Mississippi	2,573,216	2,632,412	59,196
Missouri	5,117,073	5,184,411	67,338
Montana	799,065	822,092	23,027
Nebraska	1,578,385	1,594,894	16,509
Nevada	1,201,833	1,231,620	29,787
New Hampshire	1,109,252	1,115,972	6,720
New Jersey	7,730,188	7,836,174	105,986
New Mexico	1,515,069	1,586,489	71,420
New York	17,990,455	18,304,414	313,959
North Carolina	6,628,637	6,814,693	186,056
North Dakota	638,800	647,837	9,037
Ohio	10,847,115	10,933,439	86,324
Oklahoma	3,145,585	3,213,646	68,061
Oregon	2,842,321	2,898,058	55,737
Pennsylvania	11,881,643	11,956,891	75,248
Rhode Island	1,003,464	1,006,150	2,686
South Carolina	3,486,703	3,589,808	103,105
South Dakota	696,004	706,954	10,950
Tennessee	4,877,185	5,012,173	134,988
Texas	16,986,510	17,550,747	564,237
Utah	1,722,850	1,757,423	34,573
Vermont	562,758	570,651	7,893
Virginia	6,187,358	6,352,705	165,347
Washington	4,866,692	4,986,607	119,915
West Virginia	1,793,477	1,842,267	48,790
Wisconsin	4,891,769	4,923,844	32,075
Wyoming	453,588	466,067	12,479
Total	248,709,873	253,979,141	5,269,268

Mr. RUDMAN. Madam President, I rise regretfully to oppose the amendment because obviously the chairman and I agree on just about everything in this bill. But I must say that this is one where I must part company.

Let me make a point up front here. My distinguished friend from South Carolina has just introduced in the RECORD an exhibit which shows that indeed every State gets some increase. That is true. It is also true that this does not affect the congresssional reapportionment.

But there are winners and losers in this list. Although it is true that every one gets an increase in population, some get an increase in population share as it applies to Federal funds and others get a decrease in population share as it applies to Federal funds, because the general sum of money that is there in some of these programs remains the same and it is done on a per capital basis in many cases.

Let me just say briefly in the few moments that I have here why I oppose this. We had an excellent hearing. The Secretary testified and, as the chairman indicated, the Director of the Census testified. I thought they were both very persuasive. It was a close call.

But the thing that is very apparent to me is that, although this is the best statistical model that can be produced at this time, it is still a statistical model and, in examination of the witness, Dr. Bryant, it became apparent to me that it could be improved upon.

I asked the Director of the Census whether I would be overstepping my bounds if I called the estimate an educated guess. Her response was, no, it was not an educated guess, but it was their best professional judgment at this time. In my view, that equates to the best educated guess.

The 1990 census was incredibly accurate. As a matter of fact, in a country as diverse as ours, 98 percent of the 253 million people were in fact counted.

I think it is important to clear up misconceptions about the census, and I base this on data from the department. The process which they want to use to adjust this flawed census is as flawed as the census may be itself. This is a statistical adjustment. This is not a recount.

Many people think we are talking about going out and counting people again. That is not what they are going to do. What they are going to do is add 6 million unidentified people to the census by duplicating the records of 6 million people identified, and then subtract over 900,000 people who were identified and counted. Thus, some people who were identified and counted will be counted in the census, and some people who were never identified and counted will be in the census. That may be statistically proper. But under examination at that hearing, it became very clear, at least to me, that some work needed to be done.

We have a 98-percent count. That is probably better than we will get any other way, and I am not sure we will have 100 percent if we follow the amendment of the Senator from South Carolina.

I have here, if anyone is interested when they come to the floor, a share analysis, showing what share of Federal funds will be affected in each State, by the amendment of the Senator. There are some winners. There are some losers. As a matter of fact, I think, curiously, it is about 25 winners and 25 losers, which leads me to believe that the vote might be 50 to 49. I am just not sure of the one Senator who will not be voting today, on which side of the issue he is. But at any rate, it is really that close.

The Secretary of Commerce made a very good point at our hearing. His point was that he felt the census was accurately done, it was thoroughly done. He admitted freely some groups were not properly counted because of their movement around the country and the difficulty in pinning some groups down. I understand that. He said they will try to do better next time.

There is going to be a new study as to how to do better but I am not sure we will ever do better than 98 percent.

Mr. President, unless the chairman wishes to respond in any way, I am going to leave the floor. I know a number of Senators wish to come to the floor to discuss this.

I notice Senator HATFIELD is now here to ably assist the chairman.

Mr. President, I ask unanimous consent that a list of States as a percent of the U.S. population be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

5. POPULATION SHARE: STATES AS A PERCENT OF THE U.S. POPULATION BASED ON THE 1990 ENUMERATION COUNT AND THE POST-ENUMERATION SURVEY (PES)

State	1990 Census Enumeration		Selected PES Estimates		Increase/decrease in population share	Margin of error on increase/decrease[2]
	Resident census enumeration[1]	Percent of U.S. total	Estimated population (rounded)	Percent of U.S. total		
	(1)	(2)	(3)	(4)	(5)=(4)−(2)	(6)
California	29,760,021	11.9658	30,888,,000	12.1617	0.1959	0.1152
Texas	16,986,510	6.8298	17,551,000	6.9104	.0806	.0598

5. POPULATION SHARE: STATES AS A PERCENT OF THE U.S. POPULATION BASED ON THE 1990 ENUMERATION COUNT AND THE POST-ENUMERATION SURVEY (PES)—Continued

State	1990 Census Enumeration		Selected PES Estimates		Increase/decrease in population share	Margin of error on increase/decrease[2]
	Resident census enumeration[1] (1)	Percent of U.S. total (2)	Estimated population (rounded) (3)	Percent of U.S. total (4)	(5)=(4)−(2)	(6)
Florida	12,937,926	5.2020	13,278,000	5.2280	.0260	.0455
Arizona	3,665,228	1.4737	3,790,000	1.4923	.0186	.0154
North Carolina	6,628,637	2.6652	6,815,000	2.6833	.0181	.0224
New Mexico	1,515,069	0.6092	1,586,000	.6245	.0153	.0071
Virginia	6,187,358	2.4878	6,353,000	2.5014	.0136	.0203
Tennessee	4,877,185	1.9610	5,012,000	1.9734	.0124	.0173
South Carolina	3,486,703	1.4019	3,590,000	1.4135	.0116	.0130
Louisiana	4,219,973	1.6967	4,332,000	1.7057	.0090	.0143
Alabama	4,040,587	1.6246	4,146,000	1.6324	.0078	.0142
District of Columbia	606,900	0.2440	639,000	.2516	.0076	.0029
Georgia	6,478,216	2.6047	6,633,000	2.6116	.0069	.0220
Washington	4,866,692	1.9568	4,987,000	1.9636	.0068	.0189
Colorado	3,294,394	1.3246	3,376,000	1.3292	.0046	.0137
West Virginia	1,793,477	0.7211	1,842,000	.7253	.0042	.0070
Delaware	666,168	0.2678	687,000	.2705	.0027	.0026
Idaho	1,006,749	0.4048	1,035,000	.4075	.0027	.0045
Montana	799,065	0.3213	822,000	.3237	.0024	.0036
Nevada	1,201,833	0.4832	1,232,000	0.4851	.0019	.0050
Kentucky	3,685,296	1.4818	3,768,000	1.4836	.0018	.0138
Mississippi	2,573,216	1.0346	2,632,000	1.0363	.0017	.0093
Hawaii	1,108,229	0.4456	1,136,000	.4473	.0017	.0052
Wyoming	453,588	0.1824	466,000	.1835	.0011	.0019
Arkansas	2,350,725	0.9452	2,403,000	.9461	.0009	.0088
Oklahoma	3,145,585	1.2648	3,214,000	1.2655	.0007	.0110
United States total	248,709,873	100	253,978,000	100	0.0	N/A
Alaska	550,043	.2212	561,000	.2209	−.0003	.0021
Utah	1,722,850	.6927	1,757,000	.6918	−.0009	.0080
South Dakota	696,004	.2798	707,000	.2784	−.0014	.0030
Vermont	562,758	.2263	571,000	.2248	−.0015	.0033
North Dakota	638,800	.2568	648,000	.2551	−.0017	.0026
Oregon	2,842,321	1.1428	2,898,000	1.1410	−.0018	.0112
Maryland	4,781,468	1.9225	4,869,000	1.9171	−.0054	.0187
Maine	1,227,928	.4937	1,240,000	.4882	−.0055	.0063
Nebraska	1,578,385	.6346	1,595,000	.6280	−.0066	.0054
New Hampshire	1,109,252	.4460	1,116,000	.4394	−.0066	.0050
Rhode Island	1,003,464	.4035	1,006,000	.3961	−.0074	.0047
Kansas	2,477,574	.9962	2,506,000	.9867	−.0095	.0080
Iowa	2,776,755	1.1165	2,807,000	1.1052	−.0113	.0110
Missouri	5,117,073	2.0574	5,184,000	2.0411	−0163	.0164
Minnesota	4,375,099	1.7591	4,419,000	1.7399	−.0192	.0141
Connecticut	3,287,116	1.3217	3,306,000	1.3017	−.0200	.0153
New Jersey	7,730,188	3.1081	7,836,000	3.0853	−.0228	.0332
New York	17,990,455	7.2335	18,304,000	7.2069	−.0266	.0714
Wisconsin	4,891,769	1.9669	4,924,000	1.9388	−.0281	.0161
Indiana	5,544,159	2.2292	5,586,000	2.1994	−.0298	.0183
Illinois	11,430,602	4.5960	11,592,000	4.5642	−.0318	.0368
Michigan	9,295,297	3.7374	9,404,000	3.7027	−.0347	.0308
Massachusetts	6,016,425	2.4191	6,039,000	2.3778	−.0413	.0276
Ohio	10,847,115	4.3614	10,933,000	4.3047	−.0567	.0347
Pennsylvania	11,881,643	4.7773	11,957,000	4.7079	−.0694	.0484

[1] The population counts released are subject to possible correction for undercount or overcount. The United States Department of Commerce is considering whether to correct the counts and will publish corrected counts, if any, no later than July 15, 1991.

[2] Add to and subtract from increase/decrease in population share to obtain a 95% confidence interval.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HOLLINGS. If the distinguished Senator will yield?

Mr. RUDMAN. I will be happy to yield.

Mr. HOLLINGS. I think the way the amendment is now postured at the desk, it might be two amendments. I would like to amend the original amendment so that that language appears, "that such adjustment shall not apply to political reapportionment."

Can I just amend the one? So it is just one amendment to be voted on up there. Is that correct? I think we sent two amendments to the desk, Mr. President.

The PRESIDING OFFICER. The amendments are pending—there are two.

Mr. HOLLINGS. Can we just amend the second amendment and withdraw the other amendment?

Mr. RUDMAN. Will the Senator yield?

Is it my understanding what we are now doing in a parliamentary fashion is to take the original amendment the Senator from South Carolina offered, tag on the language, the simple sentence, contained in the second amendment, merge that into the first amendment, that will be the pending first-degree amendment, and there will be no second-degree amendment so if anybody wished to there could be a second-degree amendment to the pending amendment?

Mr. HOLLINGS. Oh, yes. I ask consent.

The PRESIDING OFFICER. That can be accomplished by adopting the second-degree amendment.

Mr. HOLLINGS. Either way. Or ask consent it be treated that way. Either way.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 934) was agreed to.

Mr. HOLLINGS. Mr. President, just briefly, before the distinguished Senator leaves, I really despaired over the idea of winners and losers. The truth of the matter is that everybody has been talking, on both sides of the aisle and all over this Capitol, about fairness. All I am trying to do is get the people who were not counted—included in our count. We did not go about it with winners and losers. This was not politically drawn. When you really politicize it, you really go against the fairness.

If they want to look at it and analyze whether by me getting some more but not quite as much as another, whether the population of Chicago is 3 million or 4 million, whether the population of New York is 7 million or 10 million or whatever, that does not disturb the Senator from South Carolina.

What happens is we want to count people wherever they are and let us, in the sense of fairness, not run around and alarm everyone with the Mosbacher approach of winners and losers. It was a professional job until they started treating it politically—winners and losers—because every State gained under the particular model made by the demographers, and a nonpolitical group that got together. The Congress had spent $60 million to get them together. Nobody faulted the model, or anything else of that kind. They just looked and said: Wait a minute, now, I know what I had and then what I am going to get. I am going to get some more but, wait a minute, another State over here is going to get even more, so let me vote against that other State's citizens being counted.

That is on the point of fairness.

On the point of waste, let us not spend $60 million and then totally throw it out the window and say let us study it further. That is a typical Washington approach to a problem.

If you want to do away with waste—and I might add fraud and abuse—because we defrauded ourselves. We said this is what we are going to do, in 1980, to make sure. The distinguished Senator from New Hampshire, being chairman of this subcommittee, included these millions in there while he was chairman to make sure it was done right. Now that he gets the answer I am sure, in fairness, the Senator would want to include these people and not exclude them.

Certainly it is, coming from frugal New Hampshire, we would not spend $60 million and then forget about it.

Mr. RUDMAN. I would be delighted to include these people if I knew which people to include. I think that is our problem and I think the problem is the way they are going to do it statistically I find unsatisfactory. The Senator may have gotten a better mark in math than I got in high school and he may be right but it did not sound right to me.

Mr. HOLLINGS. What was wrong with it? I had no way of trying to dispute it. I looked, too, to try to find out how Ms. Bryant and her team went about it. I said, did they get in there with overweight of, say, some kind of minority influence and politically started including people? Then when I looked at the different States and everything else, that is what prompted me to put up the amendment.

Mr. RUDMAN. We were at the same hearing and heard the same words. Maybe we interpreted them differently. I just got a sense at that hearing, listening to all the testimony, that although Dr. Bryant and her experts had put together the best model they could at this time, I got the distinct impression they did not have that much confidence in that model themselves.

So I would rather have an error that I know, which is 2 percent, than an error that I do not know, which you might have after this adjustment. I do not think it would spread things, necessarily, in the right way. That is my objection. It is my only objection.

Mr. HOLLINGS. Dr. Bryant and her team voted 3 to 1 to make the adjustment. That did not sound like they were hesitant.

Mr. RUDMAN. They might be more willing to take risks than I am.

Mr. HOLLINGS. Is there some way to get colleagues to the floor who want to talk or can we arrange for a vote?

I see Senator GRAMM now is here.

Mr. RUDMAN. Unfortunately, I would like to be here when the Gramm amendment is considered and the Hollings amendment is pending. So I hope we could at least suggest the absence of a quorum. I am going to do that and ask the cloakrooms to get people down here to debate the amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING OF THE START TREATY IN MOSCOW

Mr. PELL. Mr. President, President Bush and President Gorbachev deserve strong commendation for their resolve and perseverance in bringing the START Treaty to fruition. They have completed a long task, which began with President Johnson at Glasboro in 1968, was continued by President Nixon with SALT I, President Ford with the Vladivostok Accord, and President Carter with SALT II. We have not had rules of the road for strategic nuclear weapons since President Reagan withdrew from the unratified SALT II Treaty in 1986.

While no treaty itself solves all the problems of the nuclear arms race, the new START Treaty will remove a large number of the most destabilizing weapons, the kinds that might be mistakenly used in a crisis situation. For example, START will reduce the numbers of the Soviet's most lethal weapon, the SS–18, by one-half, from 308 to 154. This corresponds to a reduction of more than one SS–18 missile every 20 days over the 7-year reduction period, and one SS–18 warhead removed every 2 days. START will also cut the total number of Soviet ballistic missile warheads based on land and sea in half, from 10,000 to 5,000, a reduction of almost 2 ballistic warheads per day over the 7-year period.

We are all acutely aware of the present financial plight of the Soviet Union—a situation substantially created by misplaced priorities and disproportionate spending for military programs over many decades. I hope the real reductions on both sides, required by the START Treaty, will give the Soviets the confidence to transform much of their military-industrial complex—which consumes some 25 percent of their GNP—to peaceful purposes.

With the Treaty on Intermediate Nuclear Forces, INF, ratified 3 years ago, the nuclear testing treaties ratified with new verification protocols in 1990, and the Treaty on Conventional Armed Forces in Europe, CFE, now before the Senate, we are at long last living up to the visioin of verifiable arms control and reduction of strategic arms as a stabilizing force for peace.

I look forward to the submission of the START Treaty to the Senate early this fall. When the treaty is received, the Foreign Relations Committee will examine the details of the START Treaty with thorough hearings.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Pending the attendance of two of our distinguished colleagues, I will withhold comments awaiting their arrival. Mr. President, I am reading here from the recommendation of the Director of the Bureau of Census, and it says:

> As Director of the Bureau of the Census, I, Barbara Everitt Bryant, recommend to Secretary of Commerce, Robert A. Mosbacher, that results of the 1990 Post-Enumeration Survey be used to statistically adjust the 1990 census.
>
> I make this recommendation for these reasons:
>
> 1. I believe that statistical adjustment, while far from a perfect procedure, will on average increase the accuracy of the 1990 census.
>
> 2. A majority of the Undercount Steering Committee, comprised of nine senior, career, statistical and demographic experts in the Bureau of the Census, believe statistical adjustment leads to an improvement in the counts as enumerated. I have sat through the months of deliberations of this Committee as an *ex-officio* member. Most particularly, I sat in on extensive deliberations from mid-April to mid-June 1991. The Committee evaluated the Post-Enumeration Survey and use of the model for adjustment that was pre-specified in April 1990. I have listened to research teams and consultants supervised by members of this Committee present results of 19 studies to evaluate the quality of the Post-

Enumeration Survey and 11 studies of Demographic Analysis, the alternative method used to estimate the population.

3. The 1990 census counted approximately 98 percent of the population of the United States. Compared to all other survey-type efforts, whether done by government agencies, academic survey research centers, or private sector survey organizations, counting 98 percent of a diversified population in a democratic country with no mandatory individual or household registration is an extraordinary feat. However, there remains about 2 percent of the population *who cannot be reached by enumeration efforts*, for reasons of being disconnected from the society, not understanding the census, apathy, or purposefully avoiding being counted. According to the Post-Enumeration Survey, approximately 5.3 million persons were uncounted in the 1990 census of whom 1.5 million were Blacks and 3.8 million Non-Blacks (a substantial number of the Non-Blacks were Hispanics). The size of the population that cannot be enumerated has grown over the past decade.

4. The Bureau of the Census has measured census undercount since 1940. This undercount is differentially higher for Blacks than Non-Blacks, for males than females. It is time to correct this historical problem. Extraordinary efforts were made in 1990 to reduce the differential undercount. The differential was not reduced. There is no currently identifiable methodology to attain 100 percent population coverage via enumeration in 2000. With the increasing diversity of the country, a growing diversity documented by the 1990 census, the problem could be larger in 2000. Thus correcting for the small percent who cannot be reached should be addressed now.

5. The decennial census is the benchmark. It is the basis for drawing samples for all other household surveys during the decade, surveys that provide the Federal Government with many of the economic and social indicators used for program planning and evaluation. It is the basis from which estimates of the population are made between censuses. It is important for national social and economic statistics that this benchmark count be made as accurate as possible.

6. The quality of the 1990 Post-Enumeration Survey is excellent. Thus—for the first time in history—a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253–254 million, not 248.7 million, as enumerated.

There is no perfect truth as to the size and distribution of the population. Adjusting may bring the numbers closer to the truth, but precise truth cannot be measured. Adjustment, while improving counts for a majority of states and communities, may not improve the count for every community; it may even reduce accuracy for some. There are places where the count, as enumerated, is closer to the truth.

I ask unanimous consent that report, the recommendations to the Secretary of Commerce by the distinguished Director of the Bureau of the Census, dated June 28, 1991, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATION TO SECRETARY OF COMMERCE ROBERT A. MOSBACHER ON WHETHER OR NOT TO ADJUST THE 1990 CENSUS

(By Barbara Everitt Bryant, Director, Bureau of the Census, Department of Commerce)

June 28, 1991.

This section of the report is organized in three sections: Recommendation; Background; Discussion of Guidelines.

RECOMMENDATION

There now exists one enumeration and two estimates of the resident population of the United States on April 1, 1990:

Resident population as enumerated in the 1990 census (an additional 922,000 overseas military, Federal employees and their dependents were added to the resident population to make up the apportionment population of 249,632,692 delivered to President George Bush December 26, 1990) ..	248,709,873
Estimate of resident population from Demographic Analysis (DA)	253,393,786
Estimate of resident population from Post-Enumeration Survey (PES) using Selected PES Model. This is the "adjusted" resident count	253,979,141

The latter two estimates were made using the most extensive post-census research ever conducted by the Bureau of the Census. Recommendation: As Director of the Bureau of the Census, I, Barbara Everitt Bryant, recommend to Secretary of Commerce, Robert A. Mosbacher, that results of the 1990 Post-Enumeration Survey be used to statistically adjust the 1990 census.

I make this recommendation for these reasons:

1. I believe that statistical adjustment, while far from a perfect procedure, will on average increase the accuracy of the 1990 census.

2. A majority of the Undercount Steering Committee, comprised of nine senior, career, statistical and demographic experts in the Bureau of the Census, believe statistical adjustment leads to an improvement in the counts as enumerated. I have sat through the months of deliberations of this Committee as an ex-officio member. Most particularly, I sat in on extensive deliberations from mid-April to mid-June 1991. The Committee evaluated the Post-Enumeration Survey and use of the model for adjustment that was prespecified in April 1990. I have listened to research teams and consultants supervised by members of this Committee present results of 19 studies to evaluate the quality of the Post-Enumeration Survey and 11 studies of Demographic Analysis, the alternative method used to estimate the population.

3. The 1990 census counted approximately 98 percent of the population of the United States. Compared to all other survey-type efforts, whether done by government agencies, academic survey research centers, or private sector survey organizations, counting 98 percent of a diversified population in a democratic country with no mandatory individual or household registration is an extraordinary feat. However, there remains about 2 percent of the population who cannot be reached by enumeration efforts, for reasons of being disconnected from the society, not understanding the census, apathy, or purposefully avoiding being counted. According to the Post-Enumeration Survey, approximately 5.3 million persons were uncounted in the 1990 census of whom 1.5 million were Blacks and 3.8 million Non-Blacks (a substantial number of the Non-Blacks were Hispanics). The size of the population that cannot be enumerated has grown over the past decade.

4. The Bureau of the Census has measured census undercount since 1940. This undercount is differentially higher for Blacks that Non-Blacks, for males than females. It is time to correct this historical problem. Extraordinary efforts were made in 1990 to reduce the differential undercount. The differential was not reduced. There is no currently identifiable methodology to attain 100 percent population coverage via enumeration in 2000. With the increasing diversity of the country, a growing diversity documented by the 1990 census, the problem could be larger in 2000. Thus correcting for the small percent who cannot be reached should be addressed now.

5. The decennial census is the benchmark. It is the basis for drawing samples for all other household surveys during the decade, surveys that provide the Federal Government with many of the economic and social indicators used for program planning and evaluation. It is the base from which estimates of the population are made between censuses. It is important for national social and economic statistics that this benchmark count be made as accurate as possible.

6. The quality of the 1990 Post-Enumeration Survey is excellent. Thus—for the first time in history—a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253–254 million, not 248.7 million, as enumerated.

There is no perfect truth as to the size and distribution of the population. Adjusting may bring the numbers closer to the truth, but precise truth cannot be measured. Adjustment, while improving counts for a majority of states and communities, may not improve the count for every community; it may even reduce accuracy for some. There are places where the count, as enumerated, is closer to the truth.

Adjustment is an issue about which reasonable men and women and the best statisticians and demographers can disagree. The minority viewpoint expressed in the Census Bureau's report, which follows my report, illustrates this.

I stand, however, with the majority of the Census Bureau's Undercount Steering Committee on judging that adjustment would improve the 1990 census.

BACKGROUND

The Bureau of the Census used two types of research to evaluate the completeness of the 1990 census. These are described more fully in Appendices 3–5, but are summarized here.

Demographic analysis

Postcensus research to estimate the adequacy of census enumeration (coverage) of the population is not new. Demographic Analysis—using birth, death, immigration and other noncensus administrative records goes back to 1940. Historically, postcensus research has been conducted for evaluation purposes to assist in planning the next census rather than for adjusting the most recent one.

Census Bureau demographers have improved and refined Demographic Analysis through the years, using new analyses of historical data and findings from each census to improve estimates. Thus, it has been possible to make retrospective corrections to Demographic Analysis estimates that were published after each census. According to Demographic Analysis, the census counted 98.2 percent of U.S. residents in 1990, while 1.8 percent were not counted. Based on the most current research, undercounts for the past six censuses are as shown in Table A.

TABLE A.—HISTORICAL ESTIMATES OF THE AMOUNT AND PERCENT OF NET UNDERCOUNT AS MEASURED BY DEMOGRAPHIC ANALYSIS, BY RACE: 1940 TO 1990

	Demographic Analysis Estimates of Net Undercount[1] (amount in thousands)											
	1990		1980		1970		1960		1950		1940	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total population	4,684	1.8	2,802	1.2	5,653	2.7	5,700	3.1	6,537	4.1	7,513	5.4
Black	1,836	5.7	1,257	4.5	1,566	6.5	1,327	6.6	1,225	7.5	1,187	8.4
Nonblack	2,848	1.3	1,545	.8	4,087	2.2	4,374	2.7	5,312	3.8	6,326	5.0
Difference	NA	4.4	NA	3.7	NA	4.3	NA	3.9	NA	3.8	NA	3.4

[1] Estimates represent "point" estimates of net undercount for each census and are subject to uncertainty regarding the accuracy of the estimates. The estimates for 1940–1980 are based in part on the "reverse projection" of the population aged 65 and over in 1990 using estimates of population change, which adds another component of error in those coverage estimates. The estimates represent revision of previously published coverage estimates for 1940–1980.

As you can see, the estimated undercount in the census dropped over successive censuses from 5.4 percent in 1940 to 1.2 percent in 1980.[1] In 1990, undercount rose slightly to 1.8 percent. Throughout the period of the six censuses, however, the undercount differential between the Black and Non-Black population has remained in the 3.4-4.4 percent range. For 1990, Demographic Analysis shows a differential of 4.4 percent.

For the 1990 census, the Census Bureau mounted the most extensive effort ever to enumerate Blacks and other minorities. This included the hiring of 280 community outreach workers who worked in communities two years before census taking; involvement of 56,000 community organizations—mostly minority but also city and state Complete Count Committees; outstanding cooperation from Black and Spanish language media in running public service announcements and programs about the importance of the census; and the hiring of folllow-up enumerators from minority populations, bilingual and multi-language enumerators, and residents of public housing projects and American Indian reservations to enumerate persons in their neighborhoods. Despite this effort, the undercount differential was not reduced below its historical level.

Post-Enumeration Survey

Demographic Analysis can provide estimates only at the national level and only for males and females, Blacks and Non-Blacks by age groups. A second type of research, a Post-Enumeration Survey, can provide detail by demographic groups and for areas below the national level. A Post-Enumeration Survey, not Demographic Analysis, can be used as the basis for adjustment. After the 1980 census, the Bureau of the Census conducted a post-census survey for the first time. The quality of this survey was not adequate for use for adjustent purposes, and the analyses of it occurred long after the census. In the decade since, the Census Bureau has researched improvements in the methodology of post-enumerating surveys. The 1990 Post-Enumeration Survey proves to be a high quality survey of 167,000 households with matching of the individuals in these households to the 1990 census to identify those who were counted or missed.

According to the 1990 Post-Enumeration Survey, the Census counted 97.9 percent of U.S. residents, but did not count 2.1 percent. As Table B shows, the 1990 undercount for Blacks is 4.8 percent; 5.2 percent for Hispanics; 5.0 percent for American Indians; 3.1 percent for Asian and Pacific Islanders, and 1.7 percent for Non-Blacks. Differences in the Black and Non-Black count between the Demographic Analysis and the Post-Enumeration Survey are not statistically significant.

TABLE B.—SELECTED POST-ENUMERATION SURVEY (PES) ESTIMATES OF TOTAL RESIDENT POPULATION: TOTAL

Race/Hispanic/sex group	Resident census enumeration	Selected PES estimate of population	Estimated under/overcount rate	Margin of error due to sampling
Total	248,709,873	253,979,141	2.1	.4
Male	121,239,418	124,249,093	2.4	.4
Female	127,470,455	129,730,048	1.7	.4
Black	29,986,060	31,505,838	4.8	.6
Male	14,170,151	14,974,382	5.4	.6
Female	15,815,909	16,531,456	4.3	.6
Non-Black	218,723,813	222,473,303	1.7	.4
Male	107,069,267	109,274,711	2.0	.4
Female	111,654,546	113,198,592	1.4	.4
Other populations of interest:				
Asian or Pacific Islanders	7,273,662	7,504,906	3.1	.9
Male	3,558,038	3,688,436	3.5	1.0
Female	3,715,624	3,816,470	2.6	.9
American Indian	1,878,285	1,976,890	5.0	2.1
Male	926,056	980,874	5.6	2.2
Female	952,229	996,016	4.4	2.0
Hispanic[1]	22,354,059	23,590,274	5.2	.8
Male	11,388,059	12,086,513	5.8	.9
Female	10,966,000	11,503,761	4.7	.9

[1] Persons of Hispanic Origin may be any race.

Demographic Analysis and Post-Enumeration Survey results are similar, but not identical. The Demographic Analysis, although not usable for adjustment, does serve to confirm the results of the Post-Enumeration Survey with some exceptions. Exceptions are that Demographic Analysis shows less undercount among females and more undercount among Black males than those Demographic Analysis. Demographic Analysis and the Post-Enumeration surveys differ on the undercount within several age groups. Overall, however, both Demographic Analysis and the Post-Enumeration Survey, show a total population undercount of approximately 2 percent. Both show differentials between the counts of Blacks and Non-Blacks, males and females, with Blacks (Black children age 0-9 and Black males age 20-64) and males in total having the higher undercounts. Additionally, the Post-Enumeration Survey shows an undercount differential for Hispanics and American Indians comparable to that for Blacks. It shows a somewhat smaller undercount for Asians and Pacific Islanders, though still larger than that for Non-Blacks.

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[1] The undercount estimate according to Demographic Analysis published after the 1980 census in "The Coverage of Population in the 1980 Census" by Robert E. Fay, Jeffrey S. Passel, and J. Gregory Robinson (U.S. Department of Commerce, Bureau of the Census, February 1988, Table 3.2) showed 1.4 percent undercount. 1.2 percent is the revision made as part of the improvements in Demographic Analysis developed for evaluation of the 1990 census.

Because political representation and many Federal, State, and local funds are apportioned on the basis of census counts, the missing 2 percent are important to the communities and states in which those who do not cooperate or those who actively avoid the census live. You have heard from many mayors, governors, and legislators who stress how vital a full count is to them, and we at the Census Bureau have heard from them as well.

We have also heard the views of elected officials from states and communities where there was a full count. They say their residents cooperated; their states and communities provided human and monetary resources to get their residents counted accurately. They feel that places with undercounts had the opportunity to do the same and should not benefit from an adjustment at the expense of places where residents were cooperative.

While listening to both points of view, I base my recommendation to adjust the 1990 census on concern for accuracy of the count—both numerically and proportionally.

DISCUSSION OF GUIDELINES

Guideline 1: The Census shall be considered the most accurate count of the population of the United States, at the national, state, and local level, unless an adjusted count is shown to be more accurate. The criteria for accuracy shall follow accepted statistical practice and shall require the highest level of professional judgment from the Bureau of the Census. No statistical or inferential procedure may be used as a substitute for the Census. Such procedures may only be used as supplements to the Census.

To determine whether the census count or the adjusted count is the most accurate, the Census Bureau made its best estimate of the "true" resident population of the United States and compared the census and adjusted counts to that.

The procedure used to produce the adjusted counts was to classify individuals into one of 1,392 classifications, called post-strata. Every individual in the United States fits into one, and only one, of these post-strata. These post-strata are based on census division (such as New England or Pacific), type of place of residence (such as large or small city, suburban, nonmetro), tenure (owner or renter housing), race, Hispanic ethnicity, sex, and age. The Post-Enumeration Survey (PES), plus matching of PES households to census questionnaires, measured the proportion of each post-strata classification who were counted in the census, in the PES, counted in both, or in one but not the other. The Census Bureau used an estimating method called the Dual System Estimate (DSE) and a "smoothing method" (discussed later in this report) to estimate the population. The estimate included an estimate for those who were missed by both the census and the PES. The DSE made this estimate nationally and for each of the 1,392 post-strata of persons. This gave the adjusted counts.

To estimate the "true" population required making many evaluations to identify bias, sampling error and other errors introduced in the survey process in the PES and the resultant DSE. These errors and biases were combined in a Total Error Model that was used to correct the Dual System Estimates for post-strata aggregated into 13 larger strata, each with similarities in characteristics. This modified population estimate was then used as the best approximation of the "true population" against which to compare both the adjusted counts and the census. This process just described is a statistical procedure called Loss Function Analysis.

Loss Function Analysis statistically describes the consequences of using a particular set of data with its aggregate loss due to error in the distribution of the population. The focus of the analysis is on distribution rather than magnitude of the estimates of the population. It is an appropriate tool to use to evaluate the census because most Federal uses of census data are for proportional distributions.

Loss Function Analysis shows that there would be an accuracy gain in proportion of population for 29 states offset by possible inaccuracy in 21. Inaccuracy can be in the direction of moving an area to a proportional overcount, as well as undercount, so inaccuracy is not necessarily harmful to the area. The states where accuracy would be improved contain two-thirds (67 percent) of the nation's population enumerated in the census.

Adjustment would improve the proportional accuracy of the counts for approximately 54 percent of cities and places with populations of 100,000 or more and 72 percent of counties with 100,000 or more. Demographers reviewed adjusted counts for these places and compared them to other data—1980 counts, intercensal estimates and demographic characteristics—to see whether these adjusted counts have "face validity," that is, do they make sense? The vast majority do, but there are some exceptions. Adjustment will improve the accuracy of the 1990 population for the majority, but not for all places.

In addition to Loss Function Analysis computed by statisticians, demographers made an independent evaluation of the adjusted population counts for states. To do this they compared the adjusted state counts with counts simulated by Demographic Analysis. To make the simulations (because Demographic Analysis is only at the national level), they disaggregated census counts for each state by race and Hispanic ethnicity. They then applied DA national undercount rates to Black and Non-Black subpopulations and PES rates to Hispanic and Asian and Pacific Islanders. Then they built up new state estimates by recombining the racial and ethnic groups. These simulated state estimates further confirmed the "face validity," or reasonableness, of the adjusted state counts.

The Census Bureau examined proportional distribution for places of under 100,000. There is little direct evidence to judge whether adjusted counts are more accurate for places under 100,000. However, Loss Function Analysis shows that for metropolitan places of less than 25,000, 25,000–49,999 and 50,000 or more, and for nonmetropolitan places less than 25,000, and 25,000–49,999 in total, by these size categories, adjusted counts are more accurate than the census. However, there are concerns about the accuracy of the loss function assumptions for small areas.

The Census Bureau's nine member Undercount Steering Committee majority judges that the improvement in counts on the average for the Nation, States, and places over 100,000 population outweighs the risk that the accuracy of adjusted counts might be less for smaller areas. The minority on that Committee have concerns about whether the Total Error Model is accurately measuring all sources of error.

Loss Function Analysis, based on the method of estimating the "true" population used, shows that adjustment is better than the census for apportionment. It is more likely that the corrected apportionment based on an adjusted count would be closer to the truth than further from the truth.

The Census Bureau subjected the PES and resultant DSEs to test after test to find fatal flaws in procedures. The Census Bureau did not find fatal flaws.

Evaluations show that the PES is of sufficiently high quality to use as an adjustment tool. In the professional judgment of the Census Bureau's Undercount Research Committee, this survey and the Selected PES model for adjustment improve the count over the census.

The adjusted count would improve accuracy by correcting major differentials in coverage by race and ethnicity compared to the census. Existence of these differentials is supported by Demographic Analysis and historical data. Using the adjusted numbers would not totally close the gap in the undercount of Black children aged 0–9 and Black men aged 20–64, but it would be an improvement over the census. Since minority undercounts impact on many local areas, adjusted counts would clearly improve the count for places with major minority populations. Offsetting these gains, Demographic Analysis suggests that adjustment may over correct for females. Taking into account 24 age-sex-groups, the similarity between the Post-Enumeration Survey and Demographic Analysis (though there are some differences) suggests that the PES is reflecting real undercounts in the census that adjustment would substantially, though not completely, correct.

The PES, supported by Demographic Analysis, estimates that the resident population of the United States on April 1, 1990 was approximately 5.3 million greater than was counted in the census. The fact that both these Census Bureau research projects, including the one based on administrative records rather than census data, produce nearly the same 5 million number is strong evidence that these residents of the United States exist. Logic also supports the existence of people who cannot or will not be counted, although logic cannot confirm their numbers. In my opinion, not adjusting would be denying that these 5 million persons exist. That denial would be a greater inaccuracy than any inaccuracies that adjustment may introduce.

Guideline 2. The 1990 Census may be adjusted if the adjusted counts are consistent and complete across all jurisdictional levels: national, state, local and census block. The resulting counts must be of sufficient quality and level of detail to be usable for Congressional reappointment and legislative redistricting, and for all other purposes and at all levels for which census counts are published.

The adjustment model as designed allows adjustment to be carried out across all jurisdictional levels. As described earlier, each individual is classified into one of 1,392 post-strata. The PES and matching to census questionnaires plus use of the DSE measure the under/overcount of each post-stratum so that an adjustment factor can be calculated for each. Each individual is then weighted by the adjustment factor for his or her post-stratum to create the adjusted populations at all levels. This is called synthetic adjustment. The model carries out adjustment consistently and completely all jursdictional levels.

Because of the problems of correcting a census with a survey, an adjusted count cannot be accurate in each of the 4 million occupied blocks, or at all larger aggregations of them. There is no PES system—short of one which took a second perfect census—that could say adjusted counts are more accurate for all blocks.

Relevant to whether counts can be carried to all levels is the question of whether the assumption approximately holds that the probability of being counted in the census is the same for all persons in the same post-strata classification. When people are combined by age and sex, these 1,392 post-strata are subdivisions of 116 larger post-strata. To test whether the people living on blocks within these 116 larger post-strata are homogeneous, that is, alike, on factors related to being counted or not, the Census Bureau conducted an analysis of the homogeneity of 115 of the 116 larger post-strata (the 116th is persons living on Indian reservations). This was done using a regression prediction model to predict an adjustment factor for block parts, then comparing that with the factor of 1.0 (no adjustment) representing the census counts. This predicted adjustment factor was also compared with the measured factor for the post-strata to be used for adjusted counts. For 24 of the 115 post-strata the census count was superior while for 91 post-strata the adjusted count was superior. This gave support to the accuracy of the Selected PES adjustment model for carrying adjustment out at the block level within post-strata.

Two studies examined the validity of using post-strata based on census division, rather than states, for estimation. The synthetic adjustment uses post-strata based on census divisions. The two studies gave different results. One study showed that in 8 of the 9 regions there were no significant differences among states within post-strata. The other showed significant state effects within post-strata. The Census Bureau put more weight on the first study.

Professional judgment of the majority of the Census Bureau's Undercount Steering Committee is that the probability of having been counted or not in the census is sufficiently homogeneous among block parts within post-strata to support adjustment. The minority on the Committee are concerned about the prediction model and the differences by states. I stand with the majority in use of the Selected PES adjustment model.

Guideline 3: The 1990 census may be adjusted if the estimates generated from the pre-specified procedures that will lead to an adjustment decision are shown to be more accurate than the census enumeration. In particular, these estimates must be shown to be robust to variations in reasonable alternatives to the production figures, and to variations in the statistical models used to generate adjusted procedures.

Pre-specification: Procedures for postcensus research and the model for adjustment were pre-specified in April 1990. Census Bureau statisticians set specifications well before field work for the PES and long before there were any census data. Thus there was no possibility of the model being designed to attain a desired outcome.

The Census Bureau report, which follows this one, documents on pages 9–10 that procedures were carried out according to pre-specification with one exception. A method needed to be developed to treat some unusually large variances in the operation called "smoothing." These large variances had not been anticipated. Census Bureau statisticians discussed the method they selected to handle these with the Special Advisory Panel, who also agreed these large variances should be handled separately.

Accuracy: The section on Guideline 1 states reasons why I believe that adjusted numbers are more accurate than the census.

Robustness: "Robustness" refers to the strength of a statistical model, that is, will reasonable variations produce the same results? Census Bureau statisticians examined robustness of components of the adjustment procedures at several levels, as described on pages 10–12 of their report. They simulated alternatives to the model used for imputation of missing data from the PES. There were very little missing data in this survey. The Dual System Estimates of population showed little differences between the model used and the simulated alternative ones.

The robustness of the adjustment model to variations in post-strata by alternatives of census division or state were tested to see if either stratification treatment produced different estimates of state populations. This was done following production of preliminary PES adjustment factors, which showed states within census divisions had similar undercounts. Only 3 states showed differences in population estimates when the poststratification was done by states rather than the pre-specified census divisions. However, this analysis was limited because the PES was not designed to support direct state estimates. Some of the work discussed for Guideline 2 indicated that, in general, the post-stratification was robust.

Company alternative adjustment models which did not use census divisions for stratification, the Undercount Steering Committee felt that alternative methods, though differing, were still more accurate than the census. In effect, any bias in making state estimates by division would be offset by other gains.

As I discussed earlier, the Census Bureau used a "smoothing" procedure to reduce the effect of sampling errors on the adjustment factors. The smoothing model did prove to be sensitive, that is, not robust, to variations in handling of the small number of unusually large variances. There is also concern that different sets of predictor variables could produce a different set of adjustment factors. Thus, the weakness of the pre-specified PES adjustment model is in its sensitivity to changes in the smoothing procedure. (See pages 11–12 of the Census Bureau report). In that report the Undercount Steering Committee says, "The Committee is concerned about the lack of robustness in the strictest sense and potential problems in the smoothing process. On balance, the majority finds there is no evidence to conclude that concerns about the smoothing model would affect their overall assessment about the accuracy of the adjusted numbers. . . The minority cannot conclude that lack of robustness in the smoothing model is a small enough problem not to affect the accuracy of adjusted numbers."

For a final test, statisticians compared the Selected PES adjustment model that used the smoothed variances with two other models that based post-strata on different variables (for example, owner/renter). These two models produced DSEs closer to those in the Selected PES model than to the census.

Guideline 4. The decision whether or not to adjust the 1990 Census should take into account the effects such a decision might have on future census efforts.

Accurate measurement of actions individuals might take 9 years in the future is not possible. We did try to get some "feeling" for the impact a 1991 decision to adjust or not adjust the 1990 census might have on the next census. This was done by contracting with National Opinion Research Center (NORC) for a short telephone survey to recontact persons in a representative national sample of 2,478 households interviewed last year, shortly after the census, for a study of census participation. Both NORC and I agreed that measuring a "what if" situation cannot predict participation in the year 2000 census. What can be measured is a sense of how people feel now about what their participation might be.

NORC was able to complete interviews with persons in 1,612 (or 65 percent) of the households between May 3 and June 3, 1991. Those dates were after release of preliminary PES adjustment figures (on April 18) and before release of the final ones (on June 13).

What the study shows is that the controversy over whether to adjust or not erodes individual intentions to participate, but that intentions to participate would be little different whether the census were to be adjusted or not.[2]

First of all, the survey shows that the adjustment issue is not high in public consciousness or well understood. Only one-quarter (23.4 percent) of persons said they had been or heard anything about the census in the past few months. When probed about what they had seen or heard, only 14.1 percent spontaneously mentioned anything to do with adjustment, undercount or errors in the census count. This overall 14.1 percent level ranged from 7.6 percent of those with less than a high school graduate education to 22.9 percent of those who are college graduates. When told that people are talking about whether or not to adjust the results of the census to correct for errors in counting the population, 22.3 percent then recalled they had seen or heard something about this. Probing questions showed that only 4.9 percent understand the adjustment issue.

Thus for many, the survey itself became the educational tool about the adjustment issue. Table C shows measures of likelihood of participating in the next census. The Initial Measure was the first question in the survey, before any mention of adjustment. There were two Final Measures, one asking about likelihood of participating if the 1990 census were not adjusted and one about likelihood if it were adjusted. While all measures show high intentions of participating in the next census (higher than the proportion who returned mail questionnaires in 1990), there is a drop between the Initial Measure and both Final Measures. Between the two measures, there was explanation of the issue of adjustment, several measures of potential participation under different scenarios for census-taking, and then the Final Measure.

The big dropoff between Initial and Final Measures is among those in the top category. Approximately 40 percent of those who initially said they were "extremely likely to participate" shifted to "very" or "somewhat." About 35 percent of the "very likelys" split to shift both up to "extremely" and down to "somewhat likely to participate."

TABLE C.—PARTICIPATION IN THE NEXT CENSUS

	Initial	Final/not adjust	Final/adjust
Extremely likely	48.5	31.9	33.4
Very Likely	35.8	39.4	42.1
Total extremely and very	84.3	71.3	75.5

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[2] National Opinion Research Corporation, *The Potential Impact of Adjusting or Not Adjusting the 1990 Census*, June 19, 1991.

TABLE C.—PARTICIPATION IN THE NEXT CENSUS—Continued

	Initial	Final/not adjust	Final/adjust
Somewhat likely	9.2	18.4	17.2
Not very likely	5.5	8.6	5.3
Don't know/refused	1.0	1.7	2.0
Percent	100	100	100

Note.—Initial measure: How likely is it that your household will participate in the next census? That is, when you receive the next census questionnaire in the mail, how likely is it that a member of your household will fill it out and mail it back? Final measure of likelihood of participating in next census: What if the decision is made to not adjust/adjust the 1990 census figures this year? How likely would your household be to participate in the next census?

Source: NORC, June 10, 1991.

Based on all the data in the survey, my summary is that if the next census were being taken today, the damage to participation comes from the controversy surrounding adjustment rather than what the decision is. Intention to participate is marginally higher if the census is adjusted than if it is not. Three-quarters (75.5 percent) are "extremely or very likely to participate" if the census is adjusted compared to 71.3 percent if it is not. This difference is greater than could be caused by sampling error.[3] However, NORC points out in its conclusions: "While large numbers remain very favorably disposed to participating in the next and future censuses, this intention is a very slippery, ephemeral and changeable one . . . subject to influence by factors like the adjustment decision or, more likely, from the controversy or fallout emanating from the events that follow that decision."

Guideline 5. Any adjustment of the 1990 census may not violate the United States Constitution or Federal statutes.

As I have no legal training, I cannot make a professional judgment on this Guideline.

Guideline 6. There will be a determination whether to adjust the 1990 Census when sufficient data are available, and when analysis of the data is complete enough to make such a determination. If sufficient data and analysis of the data are not available in time to publish adjusted counts by July 15, 1991, a determination will be made not to adjust the 1990 census.

I feel sufficient data now exist to make the decision. The Census Bureau has completed all of the pre-specified evaluation studies of both Demographic Analysis and Post-Enumeration Survey results. The Census Bureau has run adjusted numbers using the PES data three ways: raw data, an initial modification, and finally choosing the Selected PES model as the best adjustment model—given pre-specification in April 1990—that could be evaluated and used to produce adjusted counts by July 15, 1991.

I share with researchers at the Census Bureau the wish that there were more time to evaluate these studies and adjustment models in greater depth. However, it is always the case with research that each exploration suggests future work.

Over the coming years, perhaps even within the current year, Census Bureau statisticians are likely to develop an adjustment model, using the 1990 PES data, which improves on the Selected PES model. However, such a model is more likely to modify than to radically change the population adjustments of the Selected PES model.

New computer tapes with adjusted counts at all jurisdictional levels (PL 94-171 tapes used for redistricting) for 50 states and the District of Columbia will be available July 15.

Guideline 7. The decision whether or not to adjust the 1990 Census shall take into account the potential disruption of the process of the orderly transfer of political representation likely to be caused by either course of action.

The question of whether or not to adjust the 1990 census count has already caused some disruption. Some states have moved ahead with redistricting while others are waiting for the adjustment decision. Redistricting is always a difficult, and often controversial, process. If the decision is made to adjust, clearly existing plans will require revision, most particularly in the states for which the number of seats in the House of Representatives changes.

The best case scenario is that the decision either to adjust or not adjust affects only redrawing of plans or moving ahead with redistricting. Redistricting is now a computerized process. New and alternative plans can be produced quickly. It is the political negotiations, not the production of redistricting plans, that cause delays.

The worst case scenario would be any court or Congressional action which prevented timely reapportionment and redistricting.

There are suits in court both pro and anti-adjustment, although the suit that has precipitated the July 15, 1991 deadline for decision was brought by plaintiffs with a pro-adjustment position. There will be controversy in Congress whatever the decision. Therefore, I do not think that the decision to adjust is potentially more disruptive than the decision not to adjust.

Guideline 8. The ability to articulate clearly the basis and implications of the decision whether or not to adjust shall be a factor in the decision. The general rationale for the decision will be clearly stated. The technical documentation lying behind the adjustment decision shall be in keeping with professional standards of the statistical community.

The task is to articulate the use of either:

A count with a measured undercount; or

A count with a statistical adjustment to correct undercount.

While explaining the first may be somewhat easier to do in layman's terms than explaining the second, either requires the Secretary of Commerce, the Department of Commerce, the Economics and Statistics Administration and the Bureau of the Census to defend the position taken.

I view articulation of the basis of the decision to adjust or the decision not to adjust as equally challenging. Therefore, this Guideline does not weigh in my recommendation. There will need to be both a layman's and a statistical explanation of either choice.

The Census Bureau has maintained technical documentation of all research and procedures.

I close by repeating what I said at the beginning: I recommend statistical adjustment to improve the accuracy of the 1990 census.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I want to speak in opposition to the amendment offered by the Senator from South Carolina. In effect, what we are arguing about here is whether the statistical models that were later developed by some of the Census and, specifically, the models developed by the Director of the Census, would be any more accurate than the enumeration itself.

It is clear that everybody recognizes that in a count of 253 million people there are going to be miscounts and undercounts and mistakes. I will read from a statement of Secretary Mosbacher regarding that:

> I think it is important to note, that, even with the statistical adjustment, there are going to be miscounts. The count is not necessarily more reliable. So whatever model we have, none of them are perfect, but there is nothing that demonstrates that one particular model, or a more recently developed model, is better than the one we were working with before.

In his statement regarding his census decision, Secretary Mosbacher stated that reaching a decision on the adjustment of the 1990 census has been among the most difficult decisions that he has ever made. He went on talking about strong arguments, equity arguments for and against the adjustment. But, basically, the census counts are the basis for the political representation of every American in every State and city across the country. He pointed out that if we changed the counts by computerized or statistical process, we abandon a 200-year tradition of how we actually count people. "Before we take a step of this magnitude," he went on, "we have to be certain that it would make the census better and the distribution of the population more accurate." That is the point. We do not know whether this would make it more accurate or better.

So the Secretary said he found the evidence in support of an adjustment to be inconclusive. He found the evidence to support an adjustment to be unconvincing, and therefore went forward with the 1990 census count as originally enumerated.

The 1990 census count is said to be one of the best ever taken in this country. We did locate over 98 percent of the people living in the United States, as well as the U.S. military personnel living overseas.

There are a number of estimates the Secretary missed. I know the Senator from South Carolina understands that, based on even the estimates of Department of Commerce, a number of groups, including blacks, Hispanics, Asian Pacific islanders, and American Indians, seemed to have been undercounted by varying percentages.

But I think it is important to recognize that the 1990 census—and the Secretary said this—is not the vehicle on which to address a number of equity concerns that are raised by the undercut. So I think it is important to recognize that any one of these models we pick is not perfect. But what we have now is the best of the overall sets of possible figures and the one that the Department of Commerce went forward with.

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[3] 95 percent confidence level.

We have spoken with the Department of Commerce this afternoon, and Secretary Mosbacher has informed us that if the amendment were to be adopted, it would alter the census statistics, and that Secretary Mosbacher would recommend a veto to the President. The point here is that we do not know that any of these particular models are perfect. In fact, Mr. President, we know that none of these particular models are perfect. None of these particular models are exact. But what we have right now is the best that we can do.

I want to finally point out to the Senate that the Secretary, in his statement with regard to the adjustment of the 1990 census, said that he was requesting that the Census Bureau incorporate the appropriate information leading from the postenumeration survey into its intercessional estimates of the population. In other words, they are going on with a study to determine if we can make improvements, and if we can, 10 years from now move forward.

He pointed out that there was a diversity of opinion among his advisers. The Senator from South Carolina pointed that out in the debate today. There was a special advisory panel; it split as to whether there was convincing evidence that the adjusted counts were more accurate. There was a disagreement among the professionals in the Commerce Department, in the Office of Economic and Statistical Administration, and the Census Bureau.

Overall, these differences were cleared. In the end, the Secretary was compelled to conclude that we cannot proceed on unstable ground in such an important matter of public policy.

So I am hopeful that either the amendment will be defeated or, even better, I believe, would be that the amendment could be in some cases amended or redrawn, so that the appropriate committees of Congress could in fact work through these different models, recognizing that none of them are perfect, and at the same time they are working downtown in the Department of Commerce, trying to determine how to make the next census more accurate.

We also could be working here in the appropriate committees in the Congress, which I think would complement, not compete with, the work to be going on in the Department of Commerce, particularly the Economic and Statistical Administration, and also the Census Bureau. If we in the Congress could be working, and downtown they could be working also, we might be able to find a model that we could all agree would improve the overall result.

Right now, there is no such model. The closest and best we have, in the opinion of the Secretary and in the opinion of the experts, although the experts admittedly are divided, is the one that the Secretary agreed to. I am hopeful that we will not change that agreed-to position today by adopting the amendment of the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unaniomus consent that the distinguished Senator from Hawaii [Mr. AKAKA] and the Senator from South Carolina [Mr. THURMOND] be included as cosponsors on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent that a letter of the U.S. Conference of Mayors to Dr. Barbara Bryant, dated July 26, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, July 26, 1991.

Dr. BARBARA BRYANT,
Director, Bureau of the Census, Suitland, MD.

DEAR DR. BRYANT: As you know, The United States Conference of Mayors, representing Mayors of American cities with population exceeding 30,000, have long advocated a statistical correction of the 1990 census. We believe that recent evidence of an historically high undercount necessitates that the most accurate count possible be made of the populations of American cities.

We strongly disagree with Secretary Mosbacher's decision not to readjust the 1990 census. Without a readjustment, American cities are adversely impacted into the next century. Current budgetary constraints and the prospect for continued budgetary austerity on the part of the federal government combined with the reduction in federal dollars to American cities during the decade of the 1980s, have placed enormous hardships on our cities. While federal funds decline, urban needs increase and, as this census shows, cities are losing substantial revenues due to the flight of tax-paying citizens to the suburbs. Thus, a statistical correction becomes the best way to ensure fair federal funding and political representation.

On behalf of the nation's cities, we thank you for your position that a census readjustment can, and should be made. Your position adds to our determination to continue to seek a readjustment to the 1990 census.

Once again, we thank you for your professionalism and look forward to working with you as we prepare for the Year 2000 census.

Sincerely,

RAYMOND L. FLYNN,
President, Mayor of Boston.

DAVID N. DINKINS,
Co-Chair, Census Task Force, Mayor of New York City.

VICTOR ASHE,
Co-Chair, Census Task Force, Mayor of Knoxville.

Mr. HOLLINGS. When the Senator from Wisconsin talks of agreed, that was ordered. There was not any agreement. The agreement was the 72 votes and the recommendation of the special study committee of the professionals. And when they talked of winners and losers, they talked of counts, demography, miscounts, expert procedures, and remedies to try to find minorities and those who were missing persons.

It was only when it got to the Secretary, the Secretary ordered it—he did not agree to it—when he ordered that, that ended it, unless we in the Congress want to agree to let 5.3 million Americans wait another 10 years for the next census to be counted. We spent some $60 million on this model. I just put in the RECORD what Dr. Bryant put in along with the others. The vote was 72 when divided. That is a good 3-to-1 vote. That is a pretty strong recommendation, unless something is there; and all that has been said so far is there have been differences.

We find it is not quite what we want. That is acknowledged and would be acknowledged. In an imperfect world, I do not think we are going to get an exact count, but we can certainly draw nearer to the count and truth with the particular model at hand and not be making the mistake.

That is the point of the Senator from South Carolina. It was not just a wonderful thing, and this was all agreed to. The Secretary of Commerce is the one who politicized about winners and losers because of the fact of the matter, under the model, everybody wins. Every State has more counting but the residents of one State under the proposal of the Senator from Wisconsin is looking at all the other States and saying, wait a minute, they are gaining more than I and that is true of the State of South Carolina.

I have other States that gained more than I. I have States that gained less than I. Everybody is talking about fairness and what you ought to be looking at in that vein and attitude.

I say, on the one hand, let us eliminate waste and quit spending $60 million in the model and let Dr. Bryant and all her personnel go ahead elsewhere after doing a good job and being ignored, and be brought into the realm of winners and losers and politicization of the $60 million expenditure which has been bipartisan up until this particular point. Otherwise, come around with an accurate count of fairness and hear citizens that we know under every realistic approach are not being counted and we are not getting them all yet. We certainly should not have, as Dr. Bryant, says 248 million when it is near 253 million Americans in this country.

So I would plead strongly for the amendment. But let me see if we can reconcile the difference here.

I understand, and I have the highest respect for the distinguished Senator from Wisconsin, who is the chairman of the subcommittee on Governmental Affairs. So that all the colleagues will understand, yes, the Commerce Committee has the confirmation of the distinguished Secretary of Commerce. Yes, this Subcommittee State-Justice-Commerce has the appropriation for the census. But yes, the Governmental Affairs Committee and the subcommittee of the distinguished Senator from Wisconsin [Mr. KOHL] has the authorization and the expertise on his subcommittee that has been looking into it.

I understand that he is disturbed by the undercount and is ready to submit a substitute amendment for his committee to make a study in conjunction with the Secretary of Commerce and report back within 6 months from now, which is plenty of time—the end of this session, which apparently is going to Thanksgiving and the beginning of the next session, by February 1.

So we do not affect reapportionment this year, but we do something about these cities. These mayors are right, and heaven above, we have cut out revenue sharing, we offloaded everything on to them and said you have to do this and you have to do that, but you have to do this and do that. By the way, the money you have we take from you. Read our lips; we are against taxes.

It is a total irresponsible approach of the National Government. Then to come along with the census and have 5 million mostly in these cities that are undercounted and nothing said for them, I just think it is unforgivable and we have to do something about it. I want to do it in a deliberate fashion.

I would be glad to yield the floor so the distinguished Senator from Wisconsin can submit an amendment or take his position.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 935 TO AMENDMENT NO. 933, AS AMENDED

Mr. KOHL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 935 to amendment No. 933, as amended.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "Sec." and insert:

The Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, shall report to the Senate on the use of the postnumeration survey of the 1990 census for purposes other than political apportionment and shall recommend such changes as necessary. Such report shall be made after consultation with the Secretary of Commerce and shall be made by February 1, 1992.

Mr. KOHL. Mr. President, as the distinguished Senator from South Carolina has discussed, we share, along with many other Senators, mutual concerns about the census and how it is going to be used for apportionment of funds and other things.

I raised this issue of Federal funding with Secretary Mosbacher at a hearing I held after he reported to us with respect to reapportionment. He has committed, and I am committed, the Senator from South Carolina is committed, to finding appropriate ways to allocate Federal dollars based on adjusted numbers.

Given the fact that we are talking about $40 to $50 billion, it seems to me and I believe it also seems to the Senator from South Carolina that we need to handle this in a careful and appropriate manner.

What we are going to do if the amendment is adopted is take until February 1 to do that careful evaluation, to have hearings, and to take into consideration all necessary facts so that when we do report back on February 1, we will be able, hopefully, to make a recommendation that will satisfy the needs and the concerns of the Senator from South Carolina, as well as many other Senators.

I also ask unanimous consent that Senator RUDMAN and Senator KASTEN from Wisconsin be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senator MCCAIN be made a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I strongly support the amendment offered by my esteemed colleague the Senator from South Carolina [Mr. HOLLINGS]. Thomas Paine wrote in the "Dissertation on First Principles of Government," 1795, that "The right of voting for Representatives is the primary right by which other rights are protected. To take away this right is to reduce man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote in the election of representatives is in this case."

Although I believe Thomas Paine's argument is reason enough to accept the postenumeration survey results, the General Accounting Office recently determined that there was "gross error in the 1990 census." Further, the GAO determined that the 1990 census missed a minimum of 9.7 million persons.

Every American must be counted and we must do whatever we can to ensure that representative government remains exactly that.

Additionally, I want the record to be clear that should the Senate adopt this amendment, and I hope it will, that any subsequent court decisions on this issue should thoroughly examine the issue of reapportionment in light of the constitutional mandate on the subject and the words of Thomas Paine, and not based on the "political reapportionment" clause of this amendment. Our Founding Fathers made it perfectly clear in the Constitution that congressional apportionment should be based as accurately as possible on the population of our Nation.

I believe it is abundantly clear that the PES figures are more accurate than the original 1990 decennial census. Thus, I believe any court decisions should accept the PES figures and rule on any cases accordingly.

Mr. President, again, I strongly urge my colleagues to support the Hollings amendment.

Mr. HOLLINGS. I take it the pending question would be the Kohl amendment in the nature of a substitute.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment of the Senator from Wisconsin [Mr. KOHL].

The amendment (No. 935) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I rise in strong support of the Hollings amendment which calls for the use of statistically adjusted figures of the 1990 census for the purpose of determining the allocation of Federal funding. By using the adjusted figures, this amendment will ensure that cities and communities are not penalized by a census which failed to count millions of their residents.

I was deeply disappointed with Secretary Mosbacher's decision not to make a statistical adjustment of the 1990 census in spite of the fact that the postenumeration survey results showed 5 million Americans were missed. Secretary Mosbacher's decision was especially disappointing given the recommendation of the Director of the Census, Dr. Barbara Bryant, to make the statistical adjustment. The PES results confirm doubts about the accuracy of the 1990 census figures and reveal even deeper inaccuracies for particular populations and regional areas. I believe the Hollings amendment addresses the extremely negative consequences the Mosbacher decision would have on communities throughout the country which will not receive their fair share of Federal funding as a result of the Secretary's decision.

Using the statistically adjusted figures to determine the allocation of Federal funding is essential to compensate for the fact that the 1990 census did not include 5 percent of the American Indian population, 5.2 percent of the Hispanic population, and 4.8 percent of the black American population. These figures demonstrate that the adjusted figures must be used for determining the fair allocation of Federal funds for the next decade.

Mr. AKAKA. Mr. President, it is my pleasure to join my colleague from South Carolina [Mr. HOLLINGS] in cosponsoring this amendment to H.R. 2608, the Commerce, Justice, State, and Judiciary appropriations bill, which would require the Secretary of Commerce to adjust the 1990 census.

On July 15, Commerce Secretary Robert Mosbacher had an opportunity to set things right by making this difficult decision. Instead, he chose to reject the advice of Dr. Barbara Bryant, Director of the Bureau of the Census, and the results of the postenumeration survey, which indicated that 5.3 million Americans were undercounted, and not adjust the 1990 census.

On that occasion, I voiced my strong opposition to his decision on the Senate floor after his announcement. Once more, I would like to reiterate my concerns now.

The Hollings amendment takes a courageous step toward rectifying the inability of the Secretary of Commerce to make tough decisions. The debate before us is not about making things better for the next census; that's a given. The question today is what can we do to make sure that the 5.3 million Americans who were not counted in the 1990 census are heard. It is about fairness; it is about equal representation; it is a matter of simple equity.

My deep concern over the undercount is equally heightened by the number of minorities and the poor who will be disproportionately affected by the unadjusted 1990 figures. Most of these individuals are blacks, Hispanics, Asian-Pacific Islanders, and native Americans. As a native Hawaiian, I can tell you how much an accurate census count means to me.

Let's work on the 2000 census seems to be the convenient catch phrase that administration officials and opponents of a census adjustment seem to be using. I hope my Senate colleagues can see through this facade. The decision by the Department of Commerce to withhold the final results of the postenumeration survey clearly demonstrates the administration's unwillingness to address the concerns of these groups and the concerns of the States and cities which have requested such figures.

Mr. President, we have a chance to ensure that 5.3 million Americans are counted in the 1990 census. I strongly urge my Senate colleagues to follow Senator HOLLINGS' courageous step by adopting this amendment.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman of the subcommittee of Governmental Affairs for his cooperation and assistance in this particular regard.

I know of only one amendment relative to legal services.

Let me urge adoption of the Hollings amendment, as amended, on the census, and I vitiate the yeas and nays.

I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment, as amended, is agreed to.

The amendment (No. 933), as amended, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the pending committee amendment be set aside temporarily in order to take up other business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 936

(Purpose: Sense of the Senate with regard to the Metropolitan Detention Center in Sunset Park, Brooklyn, NY)

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Senator D'AMATO of New York and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. D'AMATO, proposes an amendment numbered 936.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC.

Findings:

(1) the report accompanying H.R. 5021, the fiscal year 1991 appropriations bill for the departments of Commerce, Justice, State, the Judiciary and related agencies, included language regarding the Bureau of Prisons' proposed construction of a Metropolitan Detention Center (MDC) on 29th Street and Third Avenue in the Sunset Park Community of Brooklyn, New York; and

(2) the Senate report urged the Bureau of Prisons to "work closely with the city of New York, other relevant government jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long-range plans while also meeting operating requirements of the Federal criminal justice system." ; and

(3) the report also stated that the committee "believes that plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."; and

(4) no such agreement has been reached.

Therefore, it is the sense of the Senate that the Bureau of Prisons should not proceed with construction of the Brooklyn MDC until it has ascertained that all efforts to reach agreement with State and local government officials have been exhausted, and that the proposed site continues to be the only viable location for a detention center.

Mr. D'AMATO. Mr. President, this amendment is a sense of the Senate that states that the Bureau of Prisons should not proceed with construction of the Brooklyn Metropolitan Detention Center until all efforts to reach agreement with State and local government officials have been exhausted and that the proposed site continues to be the only viable location for a detention center.

The Federal Bureau of Prisons has decided to go ahead with their plans of building a 1,000 bed metropolitan detention center on 29th Street and Third Avenue in the Sunset Park community of Brooklyn, NY.

Last year, Senate report language which accomplished H.R. 5021, the fiscal year 1991 Commerce, Justice, State, and Judiciary appropriations bill, stated "plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."

The report also urges that the Bureau "work closely with the city of New York, other relevant governmental jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long range plans while also meeting operating requirements of the Federal criminal justice system."

According to the Bureau of Prisons, the metropolitan detention center will serve New York and New Jersey, including the areas of Trenton, Newark, Riverhead, and the counties of Kings, New York, Staten Island, Queens, the Bronx, Nassau, and Suffolk. I am hard pressed to believe that all viable options for the detention center's location have been exhausted.

While the Bureau of Prisons has undertaken a search for alternative locations in the Brooklyn community, I strongly urge that additional consideration be given to where this facility will be located. Simply put, a detention facility should be situated where residential neighborhoods would suffer the least impact.

Not only will the detention center be housing dangerous criminals, these criminals will have to be transported over 3 miles in order to appear for court proceedings in the Brooklyn Court District, posing dangerous and unnecessary risks to those who live and work in the surrounding community.

Sunset Park currently is home to, among other things, a methadone center serving all of Brooklyn, a shelter for battered women and their children, four industrial parks, and a sanitation dump. While residents acknowledge the need for an additional detention center in New York City, they feel that Sunset Park already provides enough community services for not only the citizens of Sunset Park but also the larger Brooklyn community.

It is my understanding that this amendment has been cleared on both sides. I thank my colleagues for accepting this important amendment.

Mr. HATFIELD. Mr. President, this is a sense-of-the-Senate resolution urging close cooperation between the New York prison organizations and the Federal Bureau of Prisons in the matter of determining the feasibility of a metropolitan detention center.

This has no budgetary impact. It is a statement suggesting this on behalf of the Senate. It has been cleared on both sides of the aisle, and I would ask that it be agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 936) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. SHELBY). Without objection, it is so ordered.

AMENDMENT NO. 937

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is on behalf of Senator DOLE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, proposes an amendment numbered 937.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $150,000 of the funds made available in Fiscal Year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to Project Freedom in Wichita, Kansas, for its Drug Affected Babies Prevention Initiative".

Mr. HATFIELD. Mr. President, this is an amendment to earmark $150,000 within the appropriation—it has no budgetary impact—for a drug-testing center in Kansas.

Mr. President, this has been cleared on both sides of the aisle. I ask that it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 937) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I sought recognition to speak on the issue raised by the distinguished Senator from South Carolina, the chairman of the subcommittee, which has already been modified with a compromise amendment. The compromise that has been agreed to in effect sends this issue back for a study as to whether the postenumeration survey would be used instead of the enumeration count for the purposes of determining allocations of Federal funding, and perhaps for other purposes, since the amendment excludes only political reapportionment.

I heard of this amendment just moments ago and was concerned when I was advised that my State, Pennsylvania, would be a significant loser if the amendment was adopted. I sought, on short order, to acquaint myself with the legal and statistical basis for the action by the Secretary of Commerce on his determination to rely on the 1990 enumeration count.

Mr. President, I would start with the Constitution as a legal basis for an appropriate determination on the census, with article I, section 2, and the language which says:

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

So that the Constitution itself, the original text, refers to an actual enumeration and has no provision for any postenumeration survey.

The 14th amendment provides, in section 2:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

So that here again, there is a specific reference to "respective numbers" and a reference to "counting the whole number of persons in each State."

So, on the face of the constitutional provision, we are looking for an actual count.

I had conferred briefly with Dr. Michael Darby, who is the Under Secretary for Economic Affairs and the Administrator of the Economics and Statistical Administration, who advised about the procedures used to come to the determination on the census. There was an exhaustive effort made by the Commerce Department to have an actual count. And, beyond the calculation on those which were returned, there was an effort made to find those who did not actually make the return by having census counters go to houses, check tax records, have administrative housing records checked, and a very exhaustive determination to make an actual count.

The concept of the survey, as an alternative, was tried on the selected postenumeration survey, with a statistical base of one-sixth of 1 percent on a random sample using block clusters in a way which, according to Dr. Darby—who had the ultimate responsibility to make a recommendation to the Secretary of Commerce—had an enormous number of statistical errors and an enormous bias. So that the postenumeration survey was discarded by the Secretary after the exhaustive consideration which he had made.

Mr. President, it is my thought that we really ought not to be revisiting this issue even under the substitute amendment; that there has been a determination made by the Secretary of Commerce in a very elaborate way.

Of course, the substitute amendment is a much preferable course than offering an amendment to the floor, trying to find in short order what is going on. It is extremely difficult to do. Some Members are concerned mainly by who are the winners and who are the losers. Surveys are provided in the well of the Senate, where we look to see how their States come out. But I suggest in a matter of this importance, or for that matter on any issue which comes before the U.S. Senate, there ought to be a close analysis as to what is fair and what is accurate on a census enumeration count, without having to determine it as a matter of which State gains more. We have a responsibility, beyond what windfall may come to our own State based on how the statistics are allocated, to do what is fair and what is just. There has been this very, very elaborate determination.

When I left my office and came to the floor I had expected the initial amendment to be at issue and subject to a rollcall vote. At least I am glad to see we are not going to be voting on this issue this afternoon based on the rush to judgment which comes here, where every Senator has a right, I understand fully, to offer any amendment at any time on any issue under any circumstance. Then it becomes a matter of scurrying around to try to find out something about the underlying facts and underlying procedure on what is being offered in the amendment. That gives us very, very short notice. But in the course of a relatively brief period of time, it seems to me the constitutional mandate is reasonably clear.

When the Constitution, in article I and in the 14th amendment, refers to an actual enumeration, that actual enumeration was done. And then on the survey the statistical analysis was subjected to a great deal of consideration and the survey was rejected. If this matter is to be considered before the Committee on Governmental Affairs, we are going to have to litigate this matter all over. I am prepared to do that if the need arises.

But it seems to this Senator once the Secretary of Commerce has made that determination and there has been litigation on it, in addition, that ought to put the matter to rest. But I emphasize the need for, perhaps, some notice, and opportunity to study these issues in advance where there are such big dollar amounts involved for our States. There is tremendous difficulty in financing affairs. We need to have an opportunity to make a careful analysis and see where the facts lie.

On the brief survey which I have made, I think the law is plain. It should be an actual enumeration, and the survey in summary has so many holes in it that it ought not to be adopted.

If we start to go the course of a post-enumeration survey with all of the statistical assumptions which are made, there is just no limit to what assumptions may be made either on this survey or some further survey, further survey, to the detriment of many people. The court was fairly made, as fairly as it could be, under the actual count.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the first remaining committee amendment, page 9, lines 2 through 5.

AMENDMENT NO. 938

Mr. HELMS. Mr. President, I send this amendment to the desk and then I will ask unanimous consent it be in order to offer this to another committee amendment.

The PRESIDING OFFICER. Is the Senator from North Carolina asking unanimous consent that the pending business temporarily be set aside?

Mr. HELMS. Correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 938 to the committee amendment.

On page 39, line 15, insert after the word "law" a comma and the following: "no person incarcerated in a federal or State penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and, notwithstanding any other provision of law".

Mr. HELMS. Mr. President, let me begin by reading to the Senate a handwritten letter that I received from a hard-working, average citizen of North Carolina, who wrote:

Hon. JESSE HELMS: For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for. At the same time I learn of this, every governing body that affects us has either already raised our taxes or is in the process, claiming that they have cut all spending to the bare bone. The honest hard working taxpayer is being blasted from all sides while the criminal gets light sentences, early release, lawyers paid for, air conditioned cells with color TV and carpet; plus a college education. It is no wonder we're having a crime wave. The better it is made for them, the more crime you're going to get.

Please answer one question for me, Why?

BILLY TETTERTON.

PLYMOUTH, NC.

I might add, Mr. Tetterton is a small businessman who works hard and pays his taxes. He does not understand a lot of things that go on in Washington, DC, just as this Senator does not understand a lot of things that go on in Washington, DC.

Billy Tetterton is the owner of a small restaurant which he has named "The Little Man Restaurant" in Plymouth, NC.

Mr. President, Americans may find it difficult to believe, as, frankly, I did, that criminals are able to receive Pell grants to pay for their college educations while they are in prison. Mr. President, Mr. Tetterton has it right; the American taxpayers are being forced to pay taxes to provide free college tuitions for prisoners at a time when so many law-abiding, tax-paying citizens are struggling to find enough money to send their children to college.

The pending Helms amendment, which is at the desk, would end this anomaly by making incarcerated criminals ineligible for Pell grants.

I would note that the pending bill contains an accepted committee amendment prohibiting the payment of Federal witness fees to prisoners. The committee first approved that prohibition last year, and in this year's report on the pending bill, the committee stated that it, "still believes that incarcerated persons should not receive witness fees."

Mr. President, I agree with the committee on that. However, I also believe that incarcerated persons should not receive Pell grants to pay their college tuition. In H.R. 2707, the Labor, Health and Human Services appropriations bill, the Appropriations Committee proposes spending $5.460 billion on Pell grants in this year alone, which is $14.282 million less than last year.

Discussions concerning this year's reauthorization of the Higher Education Act have also included various proposals to increase maximum Pell grants that a student can receive from the current $2,400 to as much as $4,500. Some are even asking that Pell grants be made an entitlement program, while other proposals would restrict eligibility for the grants to students in the lowest income brackets, a bracket sure to include most prisoners since the majority of them have little, if any, income while they are in prison.

I do not know the total amount of money the Federal Government spends on giving Pell grants to prisoners, but I do have an article, that appeared in a North Carolina newspaper, indicating that it is a significant amount of money, even by Washington standards.

I ask unanimous consent, Mr. President, that this story, published in the Raleigh paper on July 14, be printed in the RECORD at the conclusion of my remarks. The headline of the story is: "Inmates Get Student Aid for College Courses."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, according to the article—and we have checked it for accuracy, and it is accurate—college professors were sent into four prisons in North Carolina to teach 223 inmates this year. Those prisoners, altogether, received a total of $689,246 in student financial aid, $345,000 of which came directly in the form of Pell grants.

How did the inmates obtain so much Federal student aid money? Because the convicts' lack of annual incomes made them eligible for the maximum Pell grant award.

Mr. President, I guess it is lucky for the taxpayers the cost of tuition in this particular college program was less than the $2,400 per prisoner that the taxpayers could have been forced to fork over. However, the taxpayers were still stuck with paying close to $1,550 per inmate in the program.

The fact remains that the American people still spent $345,000 for just 223 prisoners in four prisons in North Carolina. Multiply that by the 50 States and my colleagues can begin to see what I am talking about. If we want to multiply that amount for all the inmates in every prison across the country who are taking college courses at Federal expense, we are talking about millions upon millions of dollars.

The question is, and Mr. Tetterton raised it, is why a struggling law-abiding man trying to educate his three children must turn around and help the Federal Government subsidize college education for incarcerated prisoners. He is being required, along with other taxpayers, to foot the bill for these prisoners' college tuition while Mr. Tetterton and other Americans like him are forced to take out thousands of dollars in loans to send their own children to college. I do not think this state of affairs can be justified, and I agree with Mr. Tetterton's outrage about it.

Mr. President, it is important that prisoners be made ineligible for Pell grants now. The number of prisoners in this one program in North Carolina jumped from 158 last year to 223 this year. And I say again, multiply that by 50 States. The point is, the word is getting around and we can expect, unless this amendment is approved, that more and more inmates will take advantage of this free college education in the future.

I anticipate that we may hear arguments about prisoner rehabilitation and sundry other concerns about the plight of the poor prisoners. But the fact is, Mr. President, that the Federal Government already spends an enormous amount of money—the taxpayers' money—on prisoner rehabilitation and prison literacy programs, and other programs of that sort.

Congress has already, as a part of the Anti-Drug Abuse Act of 1988, denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. The act also denies any grant, contract, loan, professional license, or commercial license to convicted drug criminals. I see no reason whatsoever why other convicted criminals, including murderers—or especially murderers—should be treated any better or any differently.

Some may argue that the measure of whether a prisoner should get student aid is based on the benefit it provides society; that is to say, does a college diploma change prisoners? The interview conducted by the Raleigh newspaper tells us a little bit about that.

The newspaper interviewed a 65-year-old student prisoner, a man identified as David Ellis. The interview was at least candid and honest. Ellis stated that his college classmates and his college classes seemed like something out of a remedial high school. Ellis went on to say that one student was kicked out of class when he raised his hand during the test, forgetting that he had scribbled cheat notes all over his wrist and his palm.

Mr. President, this 65-year-old student, getting money from Federal taxpayers, observed that many of the inmates were taking the classes just for so-called gain time because for every course that a prisoner passes, the prison knocks 20 days off the inmate's sentence.

Mr. Ellis made one other comment which I think I ought to confess admiration for in terms of its honesty and truthfulness. He said regarding his own tuition assistance, "I really don't deserve this."

Mr. President, this amendment is not intended to be spiteful. It is intended to speak for Mr. Tetterton in Plymouth, NC, and all the other American taxpayers who wonder why they have to borrow money and struggle to send their children to school, while so many prisoners are attending college at Mr. Tetterton's expense.

If one inmate, receiving the largesse of this program, can understand the fundamental moral inconsistency in what the Federal Government is doing—and Mr. Ellis obviously does—then I think that we who claim to represent the people should understand it as well. If we do not, I am confident that the criminals will understand—in fact, I'm sure they do indeed understand—the message that this program sends.

In short, Mr. President, I think our duty in providing Federal funds for student financial assistance, particularly in this era of budget deficits at both the State and Federal levels, is first to satisfy those seeking a college education who are not in prison. Otherwise, we will be sending a message to the public, as Mr. Tetterton put it, that if you commit a crime serious enough to be sent to prison, you can be rewarded with a free college education, something that thousands of taxpaying, law-abiding, hardworking Americans are unable to afford.

I urge the adoption of my amendment.

EXHIBIT 1

INMATES GET STUDENT AID FOR COLLEGE COURSES

(By Billy Warden)

In a drab room heavy with stale air one floor below death row, David Ellis leans forward as if to confide a secret.

"I really don't deserve this," he says.

He's not talking about the life sentence he's serving for first-degree sex offense. He's talking about his education. First, taxpayers put Mr. Ellis in prison. Now they're putting him through college.

Mr. Ellis, 65, entered Central Prison on Nov. 4, 1988. A year later he began going to class in a spartan room, just past a row of cramped steel cages.

Shaw University provides the teachers, the materials and the diplomas. Federal and State aid programs provide the money. Mr. Ellis receives a federal Pell Grant, the chief means of financial aid for poor students, as well as several state grants that benefit the poor.

He points out that most prisoners will one day be back in society and will need a college diploma to lead productive lives.

"These programs," he says, "don't hurt anybody."

But they have rankled many. Lt. Gov. James C. Gardner fired off a letter to Sen. Jesse A. Helms this month opposing grants for prisoners.

"I find it outrageous that our government is paying for what amounts to a free college education for criminals," Mr. Gardner wrote. "It sends the message that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education, something that many law-abiding citizens cannot afford. * * * I would rather see prisoners apply for student loans and be required to pay * * * the government back."

State Sen. Daniel R. Simpson isn't pleased either.

"I am upset about tuition money going to prisoners when I don't think everyone in this state who isn't in prison and who wants and needs help can get it," says Mr. Simpson a Republican from Morganton.

"First, we've got to satisfy those who aren't in prison. If there's any money left over, and the prisoners want an education, I think that's fine."

Last year, Shaw sent professors into four prisons to teach 223 students. The inmates received $689,246 in aid, all of which went to Shaw. Inmates usually are eligible for the maximum amount allowed through Pell Grants, $2,400 a year. Last year the grants, named for U.S. Sen. Claiborne deB. Pell of Rhode Island, accounted for $345,000 of the aid Shaw received.

DEMAND GROWING

Pell Grants are a federal entitlement program, meaning that a needy college student—generally defined as coming from a family making less than $35,000 a year—probably can get a grant. For the next academic year, the grants are scheduled to go to 3.4 million students.

The amount Congress sets aside for the program and the number of applicants determines the maximum amount of each grant. The current maximum is $2,400.

The problem has been that the maximum has not kept pace with inflation. Poor students often take on several loans to make ends meet. Inmates don't take out loans. As one official in the State Department of Correction put it, "What bank, what business would take the risk of loaning inmates that kind of money?"

Exact figures are not available, but more inmates are lining up for Pell Grants, according to the Chronicle of Higher Education.

At Shaw, the number of prisoners using Pell Grants jumped from 158 in 1989-90 to 223 in 1990-91. The overall rise could hinder efforts to raise the dollar value of the grants by increasing the number of hands grabbing for the dollars.

Many students not in prison are counting on grants. Hasoni Andrews is a junior at N.C. State University who depends on a $7,000 aid package, including a Pell Grant. Last month Ms. Andrews sat before a Congressional committee bemoaning the shortage of grant money.

Is she worried that prisoners using Pell Grants might jeopardize her aid?

"I think the measure of whether prisoners get grants should be what the benefit is to society," she says. "Does a diploma change prisoners, or do they get out and go back to crime?"

GETTING OUT, STAYING OUT

"Nobody," Robert Powell proudly says, "Nobody who graduated from one of our programs and got out is back in prison."

Dr. Powell is the assistant academic affairs officer at Shaw and co-founder of the prison program. In 1983, Shaw, a private, historically black college in downtown Raleigh, started offering a two-year Associate of Arts degree and a four-year bachelor's degree in business management at the N.C. Correctional Institute for Women in Raleigh.

Shaw now offers associate degrees at Central Prison, bachelor's degrees at the Harnett and Eastern correctional institutes, and associate and bachelor's degrees at women's prison.

Since 1983, 167 inmates have received associate or bachelor's degrees from Shaw at ceremonies on prison grounds. But only a handful of the graduates have been released.

Education directors at the prisons say that as far as they know, none of the graduates released since the mid-1980s has returned to prison. If they're right, that's a zero recidivism rate. The average rate of recidivism in North Carolina is about 33 percent.

Massachusetts also gives prisoners free college educations. The overall recidivism rate there is 50 percent. For men who earn degrees in prison, it's about 10 percent.

Ex-convicts at least have a chance with a degree, Dr. Powell says.

As soon as the prison program comes up, Dr. Powell turns from bureaucrat to impassioned advocate.

"Helping the downtrodden is a part of this university's mission," he says.

The prison program is misunderstood and underappreciated, he thinks.

"We're a black institution," he says brusquely. "The prison is where the black male is. If you want to educate the black men, if you want to reclaim that talent out there, you have to go into the prisons.

"Look, man, it took us a long time to get inside those walls. People told us it would never work. But it does work, Shaw is on the cutting edge."

A BETTER PERSON?

Far from being cutting edge, Mr. Ellis says his first year of Shaw classes seemed like something out of a remedial high school.

One student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm.

Many of Mr. Ellis' classmates were in it just for "gain time." For every course a prisoner passes, the Department of Correction knocks 20 days off the inmate's sentence.

Mr. Ellis took four classes. Each class met once a week from 6:20 p.m. to 9 p.m.

After class, Mr. Ellis found himself and his classmates ostracized by other inmates. "The men in the program are looked down on," he says. "People say, 'Oh, you're a sissy,' The black men tell the black students, 'That's a white thing to do.'"

By the second year, the slackers had flunked out or dropped out. The homework that Mr. Ellis took back to his cell got tougher. Shaw's classes aren't as "intensive" as he would like, but Mr. Ellis says he is learning.

Both UNC-Chapel Hill and N.C. State University accept course credits from Shaw, but not all the program's graduates feel particularly erudite.

"I didn't learn a lot," says Lynn Adams, 28. "What you learn you can't really apply to the real world. It's not college-level education. It's more for people who just got their high school GED and want to learn a little more."

Another graduate feels she pushed her life forward with the courses she took at women's prison. Because she wants a "normal life," she would not speak for attribution.

She left prison in 1988 with a bachelor's degree from Shaw. She was trying to start over after being convicted of second-degree murder and serving five years. "I was devastated going into prison," she says. "Being in the Shaw program, I didn't feel so isolated anymore; I got self-esteem."

A month after going free, she landed a job as an administrative assistant. She makes $20,000 a year, $5,000 more than she made before going to prison. She got a loan and bought a house. She now supports her high school-age daughter and is working toward a master's degree in public administration.

"I don't think that when I got out, I would have turned to a life of crime without a degree," she says. "But it kept the focus on the positive, and now I can teach my children about striving to be a better person."

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATFIELD. Will the Senator yield first before that request?

Mr. HELMS. Yes, certainly.

Mr. HATFIELD. As the Senator knows, we have a great difficulty in the whole appropriations process keeping our 13 bills on track and maintaining the integrity of each one of those bills. I am wondering if the Senator would be willing to consider this, or raise this as it comes to our appropriations subcommittee on Labor-HHS. That is the Labor, Health, and Human Services education bill. That is where the Pell grant money is funded, not under this bill.

This bill really has no relevance to, I believe, what the Senator is trying to accomplish because in the Labor-HHS subcommittee that we will be reporting soon—in fact we have sent it to the floor. That bill has been sent out of our committee. It is now on the calendar here in the Senate.

I do not know what the leadership's schedule is to take it up, whether it is going to be taken up before the August recess or after. But nevertheless, the full appropriations committee has reported it to the floor. It is in that bill that we have the account relating to the Pell grants.

Therefore, it seems to me, since it is a matter of appropriation, ought to be addressed on that bill. Or the Senator would have a second possibility. That is, we are going to be getting the reauthorization of the Higher Education Act which authorizes the Pell grants.

What I am suggesting is the Senator is dealing with an authorization for certain use of the Pell grants that seems to me would be better taken up on the authorization bill, or if it is to restrict the spending of the Pell grant account, the moneys that we appropriate to the Pell grants, it seems to me this would still be a better vehicle than on State, Justice, Commerce. I understand the Senator understands and feels this because the prisons are administered under the Justice Department. But basically we do not appropriate those moneys and those Pell grants are not granted to the Justice Department. They are granted to the individuals. It is a pass-through from the Labor-HHS appropriations account.

All I am trying to do is not address the merits of the case or the substantive issue the Senator raises and legitimately is his right to do. I am just urging the Senator, as one who wrestles with the inner workings of the appropriations process, try to keep on the right track and not legislate on appropriations bills and all that, to consider withdrawing it at this time and then possibly raising it under the Labor-HHS appropriations bill where we really have the account to which he is trying to reach to make a restriction, or on the Higher Education Authorization Act which would again put a restriction on the authorizing of the Pell grant moneys that we appropriate.

Mr. HELMS. I will say to the Senator that I may do it on all three. I am trying to get the Senate's attention, and I will say to the Senator that this appropriations bill has money for prison expenses in it. We will address the Pell grants again and again maybe.

I think we need to send a message whenever we can. It will not take long to vote on this, and let Senators express themselves one way or another on it. That is the reason for my offering the amendment. I am not going to lecture the distinguished Senator from Oregon on the uniqueness of the Senate, because he knows it better than I do. But that is the reason we have the right of nongermane amendments; even if this amendment were nongermane under the Senate rules, it does not matter. A lot of things we do around here are intended to send a message. I want to send one of this because I agree with Mr. Tetterton down in Plymouth, NC.

Now, if we do not get the Senate's attention on this one, sure, we will come back on one or both of the other two pieces of legislation that the Senator has identified.

Mr. HATFIELD. I am really not talking strategy as much as I am trying to—

Mr. HELMS. I know the Senator is not.

Mr. HATFIELD. Indicate the procedure that keeps the appropriations process both accountable as well as I think more effective in its functioning, to try to keep these addressed within the context of 13 separate bills. That is all I am suggesting is the procedure.

Mr. HELMS. I understand. I understand.

Mr. HATFIELD. I am not arguing the rights of the Senator nor the merits of his case, or the signal, or the strategy of making his message heard. I am sure already people have heard the Senator's message.

Mr. HELMS. I understand.

Mr. HATFIELD. I am, as an unbiased appropriator, trying to keep our system somewhat in some logical, reasonable process.

Mr. HELMS. I understand, and I thank the Senator.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. HELMS. You bet.

Mr. HOLLINGS. As an individual Senator, I would agree with the thrust of this amendment. I see the distinguished Senator from Rhode Island, for whom these grants are named, Senator PELL, and he will be speaking. Let me state why, as an individual Senator, I support the amendment and then why I cannot accept it as the manager.

With respect to Pell grants, as the Senator from Rhode Island will tell us, I know that we have been cut back. I know that when the presentation was made about increasing Head Start, we took money out of Pell grants and higher education to increase that particular program in an effort to keep the measure what they call revenue neutral. So we are not providing the amount for Pell grants that I would want right now. And, in that light, and in the light of trying to maintain credibility of the Pell Grant Program, and trying to extend it, trying to embellish it, trying to increase it, I would agree with the Senator from North Carolina. You cannot defend 65-year-olds under a life sentence, being sent a college professor for him to study these nice programs and everything else when law-abiding citizens are not afforded that opportunity.

Mr. HELMS. That is exactly the point.

Mr. HOLLINGS. That is exactly the point.

However, I agree with the senior Senator from Oregon. The Senator's amendment does not refer to anything in our bill. It happens to have the word "prisons" but there is no money. There is the appropriations for prisons. And the Senator's restriction does not restrict anything within this appropriations bill. If it goes on another bill—I and the Senator from Oregon are both members of the Labor, Health and Human Resources Subcommittee of Appropriations. The Senator will find me with him if we come back then or whenever—if not on this, supporting him in that regard—because I believe in the Pell grants and maintaining their credibility. I think they do an outstanding job.

I know the struggle that Senator PELL and this Senator from South Carolina is having in getting more money for student financial aid. We are all talking about being education Senators and Presidents, but we are not providing the money.

I believe in education in prisons, but not at the higher education level. At the high school level, there is a need that we see as Governors administering prisons. It is the only way we are going to have to cut down on the recidivism and make them useful citizens—that is to teach them to read and write.

When I was Governor, 90 percent of my prisoners in South Carolina were illiterate. So I immediately sent in teachers there. I graduated them all the way from high school. I can see them getting that kind of education.

While I support the Senator from North Carolina's intent, the amendment does not belong on this bill. It is not a restriction of any kind on any dollar appropriated in this particular State, Justice, Commerce appropriations, bill. You might as well put in a bill with relation to the Pentagon and the B-2 bomber, and say we ought not to be spending money on the B-2 bomber under the provisions of the defense act, whatever it is.

There is nothing in this bill before us now relating to Pell grants. So, as the manager of the bill I would urge sincerely that the Senator look to see whether he wants to press the point here or more legitimately press the point on the appropriations bill which contains funding for Pell grants.

Mr. HELMS. I thank the Senator. Let me parenthetically say that I myself have managed bills year after year—the Senator and I—and we use the same argument. Do not put it on my bill; put it on another bill. I understand that.

But let me read page 35 of the report for the Departments of Commerce, Justice and State, the Judiciary and related agencies appropriations bill for fiscal year 1992 to show that the committee has already gotten its feet wet. At the bottom of the page it says:

> In section 110, the Committee has included bill language which continues in 1992 the prohibition on payment of witness fees to incarcerated persons testifying in Federal cases.

I have already alluded to that. The committee continues to believe that an incarcerated person should not receive witness fees.

This is the first cousin; this is a benefit that is being denied when incarcerated people are denied witness fees.

Mr. HOLLINGS. Of course, we provide funding for witness fees in this bill.

Mr. HELMS. Yes. The bill also provides money for the operation of the Federal prisons.

Mr. HOLLINGS. That is right; but, there are no Pell grant moneys for education.

Mr. HELMS. I understand. Let me make the point. Maybe the wardens and anybody else connected with the prisons will not be so enthusiastic about running out to some college and say come in here and give a 65-year-old man a free college degree. Maybe they will understand that the Senate of the United States has spoken on this business, that we do not like it, if indeed the Senate does approve my amendment.

I do not know whether the Senate is going to approve my amendment. But I will be interested in hearing somebody explain—when they go home—why they voted against the amendment.

I tell you what. Let me hear from Senator PELL, and we will then talk further about this.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, thank you. I have the greatest respect, yes, I say affection, for the Senator from North Carolina, but this is one of the areas where we must agree to disagree.

I think the real strength of our Nation is the sum total of the education of the people. To my mind, the reason for educating our people is not to give them little social kudos. The reason to educate them is because they add to the strength of our Nation as a whole. If you can take some of the people who are in prisons now—we have 1 million young Americans presently behind bars—if you can take some of them and educate them a bit more, the chances of ricidivism, going back to jail afterward, will be less.

Of course, it costs more to send a young man or young woman to jail than it does to Yale, to make a bad pun. It is a very, very expensive operation. Anything that can be done to reduce the rate of recidivism is to the advantage of the unfortunate taxpayers.

I know in my own State I have done all that I can to urge prisoners to take advantage of some of the courses in the junior colleges—maybe some not very glamorous, not French literature—but they may be automobile mechanics and things of that sort, but they learn something. They should do it. We have been urging them to do it because the cost to the taxpayer is less in the end and the improvement in the young man is such that he is less likely to go back.

I believe the rate of recidivism is something like 70 percent, something in that range. This should be reduced. Jails have become schools for crime. What we should do when people are there is educate them a bit more.

So for this reason I think it would be an error to prohibit any opportunity for further education for people incarcerated. To prohibit that—to deny that—would go against our national interest.

Mr. HELMS. Mr. President, I thank my friend and the chairman of the Foreign Relations Committee. Obviously I am the ranking member. We have a delightful relationship. He is a good chairman and a good Senator, but he has made my point. At least he has made Mr. Tetterton's point.

Let me read part of Mr. Tetterton's letter again:

> For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for.

It is not novel to deny Pell grants to prisoners. As I said earlier, Congress has already—as part of the Anti-Drug Abuse Act of 1988—denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. There are some crimes that are equal to trafficking in drugs. I cannot think of one except murder, but it depends on your priorities.

Mr. Tetterton raised this question to me and I am raising it for him. Why does he have to work and slave to make enough and borrow enough money to send his three children to college, while guys sitting in prison take free college courses almost as a lark and then get a reduction in their sentences to boot.

There are not three Senators in this Chamber whom I admire more, or have a better relationship with, than the two managers of this bill and my friend from Rhode Island, Senator PELL.

But I just think it is a principle that we need to pass on and, if it does not work here, I am going to keep on trying because I think this state of affairs is wrong. You may teach inmates how to fix automobiles, you may teach them how to write, certainly how to read—and the Federal Government funds such programs—but a college education free of charge? No, sir. I just do not think that is right, and I think Mr. Tetterton is exactly right, that such a policy is an outrage.

Mr. President, were the yeas and nays ordered on my amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. HELMS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I thank my friends from Rhode Island, South Carolina, and Oregon, respectfully.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I listened carefully to the arguments of my colleague from North Carolina, and he makes a very good point. I wish all of our citizens could be educated. But the point I still make is that, from the viewpoint of the taxpayer and the viewpoint of the Nation, if there is anything we can do to avoid the recidivism and the cost of people being in jail, that would be, I think, a good thing, and I believe that the more people who leave jail with some kind of skill or education, the better off we are. But this is a point of disagreement.

My intention, when the Senator comes in, is to move to table. I will not do so until he is here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object, temporarily.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued calling the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Helms amendment.

Mr. PELL. Mr. President, I move to table that amendment, and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KOHL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—38

Adams
Akaka
Biden
Bingaman
Bradley
Chafee
Cochran
Conrad
Cranston
Danforth
Daschle
Durenberger
Glenn
Gore
Harkin
Hatfield
Inouye
Jeffords
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Lugar
Metzenbaum
Mitchell
Moynihan
Pell
Robb
Rockefeller
Sanford
Sarbanes
Simon
Specter
Stevens
Wallop
Wirth
Wofford

NAYS—60

Baucus
Bentsen
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Coats
Cohen
Craig
D'Amato
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Johnston
Kasten
Kerrey
Kohl
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Symms
Thurmond
Warner

NOT VOTING—2

Pryor
Wellstone

So, the motion to table the amendment (No. 938) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, I ask unanimous consent that the yeas and nays on the Helms amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there any further debate?

If not, the question is on agreeing to amendment No. 938.

The amendment (No. 938) was agreed to.

AMENDMENT NO. 939

(Purpose: To protect health care professionals from infection with the etiologic agent for the human immunodeficiency virus)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 939.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 5, insert after the word "expenses" a semicolon and the following:

"SEC. . (a) Notwithstanding any other provision of law, a State shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations, or has enacted legislation, to protect licensed health care professionals from contracting the human immunodeficiency virus and the hepatitis B virus during the performance of exposure prone invasive procedures.

"(b) The regulations or legislation referred to in subsection (a) shall permit licensed health care professionals to require that, prior to the commencement of or during the conduct of an exposure prone invasive procedure, a patient may be tested for the etiologic agent for the human immunodeficiency virus. Such regulations or legislation shall not apply in emergency situations when the patient's life is in danger.

"(c)(1) The result of tests conducted under subsection (b) shall be confidential and shall not be released to any other party without the prior written consent of the patient.

"(2) The regulations or legislation referred to in subsection (2) shall contain enforcement provisions that subject an individual who violates the provisions of paragraph (c)(1) to a $10,000 fine or a prision term of not more than one year for each such violation.

"(d) Except as provided in subsection (e), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided.

"(e) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State, if—

"(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a); and

"(2) the State legislature of such State meets on a biennial basis and has not met within the one-year period beginning on the date of enactment of this Act.

"(f) As used in this section, the term 'exposure prone invasive procedure' means such procedures as listed in guildeline promulgated by the centers for Disease Control concerning recommendations for preventing the transmission by health care professionals, of the human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures."

Mr. HELMS. Mr. President, this amendment is keeping a promise which fulfills my assurance to the Nation's licensed health care professionals that I made July 18 when 89 Senators supported my amendment requiring health care professionals who know they have AIDS to inform their patients before performing invasive medical procedures. I said then that we would make it a two-way street, and with this amendment I am endeavoring to do that. When the Senate passed the Helms amendment on July 18, I emphasized that the work was not finished and this pending amendment closes the loop, as far as I am concerned.

The Helms amendment required the States to create regulations or pass legislation to allow licensed health care professionals who perform exposure-prone invasive procedures to test their patients for the presence of the AIDS virus both before and during the procedure. This amendment contains an exception which precludes a doctor or other health care worker from requiring a test if there is an emergency during which the patient's life may be in danger.

The information obtained from this AIDS test is confidential and may not be distributed to any agency or third party without prior written consent of the patient. Failure to comply with the confidentiality provisions of this amendment will result in a fine of up to $10,000 or up to 1 year in prison. Under this amendment, both the safety of the health care professional and the privacy of the patient are protected.

This amendment also uses as an enforcement mechanism a proposal first offered by the distinguished Republican leader, Mr. DOLE, on July 18. The Helms amendment, as the Dole amendment did before it, ties passage of these health worker protection measures to the receipt of moneys under the Public Health Service Act. If the States do not protect the doctors and the nurses, they will not receive assistance under the Public Health Service Act.

Let me say this for the record. The Helms amendment does not, does not, require mandatory patient testing. It leaves to the discretion of the doctor, the nurse, clinic, or the hospital as to whether or not and AIDS test will be performed on the blood of a patient about to undergo what the Centers for Disease Control determine to be an exposure prone invasive procedure.

Mr. President, on July 18, Senator HATCH, the distinguished Senator from Utah, noted that over 6,000 health care workers, doctors, dentists, and nurses have contracted AIDS. More than 40 of them have died. Yet, attempts to protect these men and women through the disclosure of the HIV status of their patients have been hooted down by the AIDS lobby as a threat to the so-called civil rights of this or that group. If I may borrow a favorite word from the lexicon of the distinguished senior Senator from Massachusetts [Mr. KENNEDY], "nonsense."

Let me say parenthetically that I speak here and act here today as the father of a health care worker. Nancy Helms Stuart heads one of the departments at Rex Hospital in Raleigh. She is a registered nurse, as I say, and I want her protected. That is one of my major motivations, frankly, for pushing this amendment today, because, Mr. President, how many more doctors and patients will have to die in the stampede to appease that outfit known as ACT-UP, the National Gay and Lesbian Task Force, and the ACLU. Enough is enough.

A newspaper in my State, the Charlotte Observer, laid out the case for patient disclosure in an editorial on July 22 supporting my first AIDS proposal.

Let me quote what the Charlotte Observer said:

> The health professionals who are often splashed with blood, stuck with needles or cut with scalpels are at a much greater risk than the patients. The routine use of protective procedures is essential, but knowledge of the patient's condition is an invaluable safeguard. The Senate bill—

And they were referring to my AIDS amendment on July 18—

> makes no provisions for patients undergoing invasive procedures. It should.

Then the Charlotte Observer continued:

> AIDS is the first lethal communicable disease in American history that has been treated as a secret disease. Testing is no guarantee: A person can be infected with HIV, the virus that causes AIDS, for months with no sign of it. But the fact a test cannot tell everything does not diminish the value of what they can tell. A lot of unnecessary testing may be done but tests wouldn't have to prevent many AIDS infections to pay back the cost.

By the way, the Charlotte Observer conducted a poll on July 17 and found that 93 percent of North Carolinians believe that a doctor should tell a patient if he or she, the doctor, has AIDS. The same poll also found that the same number of North Carolinians believe that a patient should tell a doctor if he or she, the patient, is infected with AIDS. And a June 20 Gallup Poll found that 97 percent of Americans believe that an infected patient should tell a doctor if he or she has AIDS. As usual, the people are ahead of the politicians.

Mr. President, during the debate on the first Helms AIDS amendment, the chairman of the Labor and Human Resources Committee charged that this Senator was doing nothing to protect the thousands of health care workers who are exposed to the deadly AIDS virus every day of their lives. Well, I will respond to the able Senator from Massachusetts in two ways.

First, let me say again I think I care more about medical workers than just about any other Member of the Senate. I refer again to my daughter, Nancy Helms Stuart, who is a registered nurse in Raleigh. Her life and safety, of course, are very dear to me. She is the apple of my eye. I worry about her. And I want her protected because she has on a number of occasions been put at risk by patients with AIDS whose conditions was hidden from doctors and nurses because the law treats AIDS as a political issue rather than a public health issue.

According to the Centers for Disease Control, 1,358 nurses across this country have AIDS.

For 6 years I have stood on this floor and watched common sense and Federal dollars being thrown to the winds to appease the appetite of the AIDS lobby and the political movement driving it.

Take a look at the current Labor-HHS appropriations bill. What disease has its own chapter in that report? Just one. Not cancer, which kills hundreds of thousands. Not heart disease, the Nation's leading killer. Of course that one disease that has a chapter is AIDS. And according to the report in front of me the Federal Government will spend $4.4 billion to fight it. Yet each day a new Kimberly Bergalis appears and each day doctors and nurses like Nancy Helms Stuart, my daughter, remain in danger while politicians sit on their hands and throw money and words at the issue.

Now, I repeat what I said on July 18. The Senate Labor Subcommittee is chaired by the Senator from Massachusetts, and so far as is perceptible to me and other Senators, that committee has done absolutely nothing to protect the rights and lives of patients and health care workers. Here is Senator KENNEDY's chance to stand up and do something positive, something that the American people support.

Senators need not worry about Helms requiring mandatory testing. It is not in the amendment. Thus they do not have to worry about the privacy of people with AIDS. There are stiff penalties for anyone who discloses the HIV status of an AIDS patient.

Well, some Senators may say, we adopted the Dole amendment which requires universal precautions to prevent the spread of AIDS from the doctor to the patient, and that is good enough.

It is not good enough. The Charlotte Observer put it exactly right: "It is not good enough." Knowledge of the patient's condition is the safeguard which this Helms amendment provides. If that knowledge leads just one nurse to be extra careful, thereby avoiding the prick of an infected needle, then I will consider that my promise on July 18 has been fulfilled.

I urge the adoption of the amendment, of course, Mr. President, and I ask unanimous consent that three articles to which I have alluded, two from the Charlotte Observer and one from the Fayetteville Observer Times and a chart showing the number of health care workers with AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, July 22, 1991]

DOCTORS AND AIDS

Ask yourself the fundamental question: If your doctor has AIDS and knows it, should he or she tell you? Answer yes? We did. Sen. Jesse Helms wants to require that disclosure by law, with long prison terms and big fines for doctors who know and don't tell. His proposal passed the Senate 81–18 last week, but its future in the House is unclear.

But Sen. Helms and Congress for once are moving in similar directions. The Senate unanimously passed a bill the House is likely to approve. It would virtually order states to require health professionals involved in invasive procedures (surgery, etc) to be tested for the AIDS virus. Those who test positive would be required to stop performing invasive procedures unless a panel of experts approved them, and to tell patients of their condition.

Though some patients are worried, there's hardly any danger of getting AIDS in an operating room or dentist's chair. But as the disease spreads, the odds may worsen. Now there are frequent reports of AIDS-infected surgeons and dentists who didn't tell their patients.

The American Medical and American Dental Associations now says surgeons and dentists infected with HIV have an ethical obligation to tell their patients. That's not enough. The protection of the public shouldn't depend solely on the ethics of the profession.

Health professionals are worried, too, As Dr. Francis Robicsek, a renowned Charlotte heart surgeon, said, "We are the ones who are in blood up to our elbows." In fact, health professionals who are often splashed with blood, stuck with needles or cut with scalpels are at much greater risk than patients. The routine use of protective procedures is essential, but knowledge of the patient's condition is an invaluable safeguard. The Senate bill makes no provision for patients undergoing invasive procedures. it should.

AIDS is the first lethal communicable disease in American history that has been treated as a secret disease. Nobody knows how to cure it, but ignorance certainly won't help stop the spread of it. Testing is no guarantee: A person can be infected with HIV, the virus that causes AIDS, for months with no sign of it. But the fact that tests can't tell everything doesn't diminish the value of what they can't tell. A lot of unnecessary testing may be done, but tests wouldn't have to prevent many AIDS infections to pay back their cost.

To date, much of the debate has been over whether there should be any mandatory testing. The Senate bill, by writing into law the recommendations of the Centers for Disease Control, would settle that. Now the task is to determine how to use testing in the way most beneficial to public health.

[From the Charlotte Observer, July 21, 1991]

DOC, DON'T LECTURE ME ON AIDS

(By Allen Norwood)

I recently had lunch with two Charlotte doctors and an emergency medical services director from a nearby county.

They weren't armchair experts. They were lifesaving soldiers on the front lines.

And all three said they wouldn't perform CPR on a sick or injured stranger without a breathing tube or other protective device to prevent direct mouth-to-mouth contact.

If they saw a stranger lying on the sidewalk, they agreed, they wouldn't bend and put their lips directly to his.

The three didn't stand up and loudly proclaim they wouldn't perform CPR. Theirs was a thoughtful discussion about the dangers, after which they reached a consensus.

Still, I was stunned.

The medical establishment, citing odds, tries to make the rest of us feel guilty about our fear of AIDS.

And pros I respect hugely won't perform CPR without protection?

Last week, the U.S. Senate endorsed an amendment by Sen. Jesse Helms, R-N.C., that would fine and jail health-care workers who don't tell patients they have AIDS.

Helms' proposal might be unenforceable. But he's correct about the most important point: Having certain contact with others without informing them you carry the AIDS virus is a crime.

Helms' bill was opposed by the American Medical Association and the American Civil Liberties Union. Opponents cited minuscule odds of catching AIDS, and accused Helms of playing on irrational fears.

Irrational—like the same fears that keep medical experts from performing CPR.

Also last week, the Centers for Disease Control recommended that doctors and dentists who do certain procedures, such as surgery or pulling teeth, should get AIDS tests and stop doing such procedures if they're infected.

Predictably, doctors said they didn't like the CDC guidelines.

"You're not going to get voluntary compliance among health-care workers unless all patients can be tested," said Dr. Jared Schwartz, a Charlotte pathologist active on AIDS committees.

Fine. Test me.

Doctors, with their hands in the blood of drug users, are in more danger from patients than the other way around.

Just don't lecture me—if the people who're supposed to save lives won't perform CPR.

I called Dr. Michael Thomason, a surgeon at Carolinas Medical Center and one of the health-care workers at that lunch table.

"Do you understand how patronizing it sounded to hear you wouldn't perform CPR," I asked, "after all these years of being preached to by the AMA, the CDC and others that my fears about AIDS are unfounded?"

He paused a moment, then said, "I do."

Thomason and his colleagues take precautions and operate on those with AIDS every day. But he said each doctor must measure the risk and make decisions about protecting his or her own family.

Exactly like the rest of us.

"If I clearly saw I could save a life, if a little lady in a shopping center clutched her chest and fell over," he said, "I would do CRP on that lady.

"If it was a shooting on a street where the odds were that the victim was a drug user, no.

"Yes, the odds are low. But once you catch this particular virus, it's basically a death sentence."

Exactly.

[From the Fayetteville Observer-Times]

HELMS IS RIGHT ABOUT AIDS

Sen. Jesse Helms is being afflicted with a good deal of unfair and illogical criticism of his proposal to hit HIV-positive medical care workers with criminal penalties if they fail to inform their patients.

Most specious is the argument that health-care workers who have learned that they have the human immunodeficiency virus and are thus almost certain to develop a full-blown case of acquired immune deficiency syndrome will be unmoved by the possibility of $10,000 fine and 10 years in prison.

This idea is that anyone who has just received a death sentence is unlikely to be motivated to do anything by the possibility of prison or a fine.

That idea is kept alive by its strong emotional appeal, but it has little basis in fact.

First, many years may separate infection with HIV and the appearance of AIDS. Those are years that no sane person would want to spend in federal prison. Second, even if AIDS appeared immediately, a few people yearn to die in a prison hospital. Third, HIV-positive health-care workers are unlikely to want to fork over to the state money they could spend on treatment.

It is obvious, then, that the fine and prison sentence retain their deterrent value for people who have received the indeterminate death sentence of a positive test for HIV. But opponents further argue that its effect will be to drive medical care workers "underground" as they seek to evade testing. That is equivalent to arguing that criminal penalties do not suppress criminal behavior.

Most unfair is the argument that the Republican senator from North Carolina is just grandstanding at the expense of a thoroughly responsible medical care community that has always been adequately concerned about protecting its patients from infection.

Many doctors may be concerned about their patients first and foremost. But there are well-publicized cases of doctors who concealed the fact of the HIV-positive tests from their patients for the obvious reason that disclosing it would have destroyed a lucrative practice. One has even gone to court to protect his privacy and did not of his own volition seek to warn his many former patients, a burden that was assumed by the hospital at which he worked.

It is true that the likelihood that an HIV-infected doctor or dentist will infect his patients is apparently very small, but it is real. The ethical obligation of the infected caregiver to inform those whom he is putting at risk so that they can make a free decision about whether to take the small risk of continuing to do business with him is clear.

Failure to do so is killing people, as the case of Kimberly Bergalis demonstrates.

Criminal penalties are an entirely appropriate response to an outbreak of willfully reckless behavior that endangers the lives of innocent people, whether that behavior is drunken driving or failure to disclose an HIV infection to one's patients.

It is not grandstanding to insist on doing something that promises to be effective about a real and apparently growing problem.

WHERE THE CASES ARE

Here's a breakdown, by profession, of all reported cases of AIDS in health-care workers since the epidemic began in the early 1980s.

Profession:	*AIDS cases*
Nurses	1,358
Health aides	1,101
Technicians	941
Physicians	703
Paramedics	116
Therapists	319
Dentists and hygienists	171
Surgeons	47
Miscellaneous health workers (social workers, administrators, etc.)	1,680
Total	6,436

Source: CDC data as of March 31, 1991.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chair recognizes Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, here we go again with a little bit of mischief.

Mr. President, I think the body should understand—I am sure the Senator from Massachusetts momentarily will come to the floor because he is not only experienced in this particular health measure, but I think he has already worked out a compromise within his committee—our Health and Human Resources Committee. Authorization for matters of this kind is within his jurisdiction, and I am confident he has already worked out an agreement with the administration on this particular subject. And so this in a way I guess would preempt, and should not, the orderly procedure of the authorization because this bill, State, Justice, Commerce appropriations, does not have the word "health" in it.

We do not have anything to do with health care professionals. Any yet this Senator would be prepared just to accept the amendment and knock it out in conference. It is not going to be accepted in conference because we have nothing to do in the State, Justice, Commerce appropriations measure with health or health care professionals.

Now, as the Senator from North Carolina comes and says he wants to close the loop to protect professionals. Certainly the Senator from South Carolina wants to protect professionals but not on this bill.

But the Senator has me caught up in this thing. I will give the Senator from Massachusetts a chance. I know he is vitally concerned, and has been working on it as chairman of the committee. But, it does not belong on this bill.

The Senator from North Carolina is engaging in mischief. Yes, he is; he knows it does not belong. He has a smile for me. He and I know each other, from North and South Carolina. He is playing games with this Senator.

The leaders keep coming up here. "When are we going to get through with the bill?" We will never get through with the bill if we take up B-1 bombers, health care professionals, and any and everything that may be of concern to the Senator and to me. I am mutually concerned. But it certainly is not a subject of State, Commerce, Justice. The word "health" is not anywhere in this bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask for the yeas on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I apologize to the membership for delaying the response to the amendment of the Senator from North Carolina. The Senator from North Carolina gave us a copy of the amendment about 20 minutes ago and, given the importance of this subject, I wanted an opportunity to look closely at the amendment so I would be able at least to give a reaction to Members of the Senate.

I indicate now just for the information of the Members that I intend to speak very briefly on the amendment and then make a motion to table the amendment.

Mr. President, perhaps the Members remember the debate and discussion on the different amendments affecting the medical profession that were offered on the Treasury appropriation bill a week or so ago. The Senate spoke on two different measures, and now those measures will go to conference. During the course of that debate, a number of us mentioned the importance of protecting health care workers.

At that time, during consideration of the leadership proposal by Senator MITCHELL and Senator DOLE to implement the Centers for Disease Control recommendations in order to provide protections for patients, the minority leader and I pointed out the importance of also providing protections for health care workers.

This is an issue which has been before the public for some period of time. But I wanted to take a moment to give the status of current proposals for protecting medical personnel and other health care workers from transmission of the HIV virus and other bloodborne diseases.

In May 1989, OSHA promulgated a proposed occupational health and safety standard to prevent transmission of bloodborne diseases, and that proposed standard has been out for comment over a period of many months. This was a standard that was proposed after a very extensive review by the Centers for Disease Control and by OSHA as the most effective means of preventing transmission of all bloodborne diseases in healthcare settings.

Mr. President, I ask unanimous consent to print in the RECORD at this point the basic recommendations that were made by OSHA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OSHA'S BLOODBORNE DISEASE STANDARD PROTECTS PATIENTS AND WORKERS

WHAT IS INFECTION CONTROL?

Infection control systems are designed to prevent healthcare workers from transmitting infections to patients and to protect healthcare workers from acquiring infections themselves. Since 1987, infection control programs have been based on universal precautions, which means that all patients are treated as though they are potentially infectious for a bloodborne disease. Universal precautions improves on traditional infection control programs because it is not possible to tell whether someone is infected just by looking at them.

WHY IS INFECTION CONTROL IMPORTANT?

Infection control is the most important element used to reduce healthcare worker and patient risk of infection by minimizing or eliminating exposure incidents to bloodborne infectious diseases such as hepatitis B and HIV.

HOW WOULD AN OSHA STANDARD IMPROVE INFECTION CONTROL?

The proposed standard requires healthcare facilities to implement an infection control program based on universal precautions. Healthcare facilities would be required to provide gloves and other protective equipment such as masks, gowns and goggles to workers who come in contact with blood. Gloves would have to be changed between patients and would be replaced whenever torn or punctured. Equipment would have to be sterilized. Employers would be required to repair or replace damaged equipment. Workers would be offered the hepatitis B vaccine free of charge, and would be trained on the proper procedures to follow to prevent transmission of bloodborne infectious diseases.

HOW WOULD THE STANDARD BE ENFORCED?

Under the OSHA Act of 1970, the Occupational Safety and Health Administration has the authority to inspect workplaces to ensure that employers are in compliance with OSHA's standards to provide a healthy and safe workplace. Employers who are not in compliance are cited by OSHA and fined based on the seriousness of the violation. Willful or repeated violations of the bloodborne disease standard could lead to fines of up to $70,000 for each violation. Citations for serious violations could result in penalties of up to $7,000 per violation. Any employer that fails to correct a violation for which a citation has been issued can be fined up to $7,000 per day that the hazard is not abated.

In addition, OSHA has the authority to issue criminal penalties against employers whose willful violation of OSHA's standards result in the death of an employee. Legislation is pending in the Senate to expand OSHA's authority to issue criminal penalties.

OSHA initiates workplace inspections based on employee complaints and agency priorities. In the past, OSHA has developed Special Emphasis Programs for enforcement of specific standards in specific industries. Such a Special Emphasis Program could be developed to enforce the bloodborne disease standard in private doctors and dentists offices and other healthcare facilities.

WHO SUPPORTS REQUIRING UNIVERSAL PRECAUTIONS?

Countless public health organizations, labor unions, government officials, infection control experts, and association of healthcare professionals, including the Association of Practitioners in Infection Control, the American Public Health Association, the American Nurses Association, and the U.S. Centers for Disease Control.

Mr. KENNEDY. Mr. President, I will review quickly for the Members the colloquy between the Republican leader and myself, which took place last week. I stated at that time that:

> Everyone agrees that strict adherence by healthcare workers to universal precautions against bloodborne infection is the best way to protect both patients and workers against HIV—the virus that causes AIDS.
>
> For 5 years, the Department of Labor has been working on regulations that would make employers supply the equipment and training needed for universal precautions. They have held extensive hearings and completed an exhaustive record. It is my understanding that the work on this standard has been completed but for some reason the Department has continually missed its own deadlines for issuing a final standard.

I am no less frustrated than the Senator from North Carolina by the fact that we have not been able to get the final standards from the Department of Labor.

I then continued:

> The OSHA bloodborne disease standard would not only provide the most effective means for guarding against infection, it also would establish uniform national standards and activate an already-existing enforcement mechanism. If this regulation were law, then OSHA inspectors could immediately begin inspecting the offices of dentists and physicians and other facilities to make sure universal precautions are strictly adhered to.

The distinguished minority leader responded:

> I agree with Senator KENNEDY that universal precautions are necessary to guarantee maximum protection for patients as well as workers. At this point, the urgency of this matter supports prompt implementation of the OSHA universal precaution regulations. We should work together to enact legislation before the recess which establishes a deadline for putting these regulations into effect.

The minority leader and I have worked closely together. We were under the impression that we would have the Labor-HHS appropriations bill on the floor this week and we were prepared to have the Senate consider a Dole-Kennedy amendment which would achieve that objective. We had indicated to all interested Members that this was something that we were committed to doing.

I ask unanimous consent that the amendment, which we intended to offer had we considered the HHS appropriations prior to the recess be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law, on or before November 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate final rules and regulations concerning the standard on occupational exposure to bloodborne pathogens as pubished in the Federal Register on May 30, 1989 (54 FR 23042), to reduce the number of occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the rules and regulations referred to in subsection (a) are not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard was promulgated as a final rule or regulation by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates final rules and regulations under subsection (a).

Mr. KENNEDY. Mr. President, I point out that this amendment that has been offered by the Senator from North Carolina would depend upon separate implementation actions by each individual State in order for its provisions to become effective. That is in contrast to the OSHA standard, which would establish uniform nationwide requirements that would go into effect with the force of law immediately upon implementation.

Under the Helms amendment, health care professionals might well find that the protections provided pursuant to this amendment would vary from State to State.

As a matter of sound public health policy, we should be establishing uniform protections for members of the health professions across the United States. And the Helms amendment would not do that. It would result in a crazy quilt of different State rules, regulations, and laws attempting to satisfy the objectives set out by the Senator from North Carolina.

Finally, I point out that if you were a healthcare professional and you did insist as contemplated by this amendment that a certain patient be tested before you would treat or assist that patient, and you got a negative reaction from that test you would be mistaken if you thought that test result somehow assured that you were protected from possible transmission of the HIV virus.

As we all know, there is a period of time before the presence of the HIV virus is detectable through these tests and this can create a false sense of security.

In contrast, the OSHA bloodborne disease standard would require all employers with employees who can reasonably be expected to be exposed to bloodborne diseases in the normal course of their work to implement infection control programs based on universal precautions.

These precautions are designed to prevent transmission not just of the HIV virus which causes AIDS, but the whole range of bloodborne pathogens that can be transmitted through exposure to blood or bodily fluids including, for example, the viruses that cause hepatitis, syphillis, and malaria.

In fact, healthcare workers are at much greater risk of contracting hepatitis B from patients than contracting the HIV virus. CDC estimates that approximately 12,000 healthcare workers with occupational exposure to blood are infected with hepatitis B each year, resulting in 500 to 600 hospitalizations and over 200 deaths a year. Essentially, to treat all blood and other potentially infectious fluids as if they were contaminated. The OSHA standard would protect patients and healthcare professionals from transmission by requiring doctors, dentists, hospitals, clinics, and any other employer whose employees have exposure to blood and other bodily fluids. In other words, employers would have to presume that for every kind of exposure that a doctor or other healthcare worker might deal with, these kinds of fluids are the most dangerous. That is included in the proposed OSHA standard.

Among other things, employers would be required to:

Provide exposed workers with personal protective equipment such as fluid-proof gloves, masks, gowns, eyegear, and other protective equipment;

Sterilize equipment and regularly disinfect work areas;

Place potentially infectious wastes and laundry in leak-proof, color-coded containers and treat as if contaminated;

Train workers in proper procedures to prevent disease transmission and exposure; and

Provide the hepatitis B vaccine to employees free of charge.

The universal precautions are consistent with the precautions recommended in the CDC guidelines to protect patients. However, as opposed to the CDC guidelines, the OSHA standard has an enforcement mechanism. As with any other occupational health or safety standard, OSHA will have full authority to enforce the standard through inspections and the imposition of civil penalties for violations.

It is again the public health profession's belief that the best kind of protection for the health care profession is to follow those kinds of recommendations, not only with regards to the HIV virus but other kinds of bloodborne diseases that would endanger health care providers. These requirements would be put into effect by the amendment that the minority leader and I and others intend to offer on the Labor-HHS bill. These precautions provide the best kind of protection. I think the Members know that that has been our intention and we announced that to the Members of the Senate for that reason.

And that is, I believe, the soundest public health policy. Under our amendment, you will have uniform protections across the country, enforced by OSHA, and you will have inspections to ensure that employers and employees are complying with those responsibilities. There will be accountability and an enforcement mechanism. That, I believe and public health officials believe, provides the greatest level of protection for health care providers.

It is for that reason, Mr. President, that I would offer a tabling motion. It is our intention, and we give that assurance to the Members, that when we consider the Labor-HHS appropriations bill we will offer the amendment which will effectively implement the OSHA standard which is based upon a very considerable amount of study by OSHA as well as the Centers for Disease Control.

Mr. President, I am prepared to make that motion. I do not want to terminate reasonable discussion of this matter, but I do believe that the floor managers want to move on to other matters since this is not an issue which is directly related to the substance of this bill.

So, Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. KENNEDY] to table the amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I also announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—44

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Burdick
Chafee
Cohen
Cranston
Daschle
Dodd
Durenberger
Gore
Gorton
Harkin
Hatch
Hatfield
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—55

Bentsen
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Heflin
Helms
Hollings
Johnston
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So, the motion to table the amendment (No. 939) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the Helms amendment. The yeas and nays have been ordered.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. RUDMAN. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection to the unanimous-consent to vitiate the yeas and nays on the amendment?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 939) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

AMENDMENTS NOS. 940, 941, AND 942

(Purpose: To require the Attorney General to issue certain regulations)

(Purpose: To develop a tracking system for "I-94" forms, relating to periods of admission to the United States)

(Purpose: To require the timely parole of certain aliens detained at the Krome Processing Center, Florida)

Mr. GRAHAM. Mr. President, I rise for the purpose of sending a block of three amendments to the desk. I ask for their immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that there are committee amendments pending at the desk, and it would take a unanimous-consent request to make the offering of the Senator's amendments in order.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendments be set aside for purposes of considering this block of three amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

The clerk will report the amendments offered by the Senator from Florida.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes amendments numbered 940 through 942 en bloc.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 940

At the end of the bill, add the following new section:

SEC. . REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

AMENDMENT NO. 941

On page 99, between lines 7 and 8, insert the following new section:

SEC. . TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

AMENDMENT NO. 942

At the end of the bill, add the following new section:

SEC. . TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

Mr. GRAHAM. Mr. President, in the interest of time, and also in appreciation for the effort on behalf of the managers of the bill who have reviewed and, it is my understanding, cleared these three amendments, I will be very brief.

These amendments go, Mr. President, to a single concern, and that is that we face the prospect, particularly in the southern region of this country, of another wave of immigration, particularly as conditions deteriorate in Cuba. Since the beginning of the year, Mr. President, 1,400 Cubans have arrived by small boats and rafts. This compares with 467 who came in all of 1990.

We have had a dramatic increase in the number of persons who arrived under legal visas and then overstayed their visas. It is estimated that some 25,000 to 35,000 persons have done that since the beginning of the year.

These three amendments will do the following: One, they will direct the Department of Justice to issue regulations under the existing Immigration Emergency Fund Program, a program that has been in effect since 1985. Congress has appropriated money for this Fund, but there are no regulations to govern access to that money.

Second, they will direct the INS to establish a tracking system for those persons who arrive in the United States under a legal visa, so that there can be a determination as to if and when they exit the country. INS will also be required to compile statistical information on those visitors who overstay their visas.

And third, they would provide for a cap on the population of the principal refugee retention center, the Krome Processing Center in Miami. Krome was intended to be for a short-term detention and has become, for much of its life, a long-term detention center. Thus, the Immigration Service is denied the opportunity to have what would be a critically needed short-term detention and processing center in the event that the tide that we are currently experiencing were to become a flood.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the July 27, 1991, New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 27, 1991]

NEW INFLUX OF CUBAN REFUGEES IS CREATING STRAINS FOR FLORIDA

(By Larry Rohter)

MIAMI, July 26.—Almost daily, newspapers and television stations here tell of Cuban refugees plucked by planes or cruise ships from the Florida Straits as they bob along in rafts or inner tubes. But deteriorating conditions on the island have also provoked a much larger and virtually invisible emigration—tourist charter flights from Havana—that has begun to strain this city's resources.

Because a growing number of Cubans are arriving here as visitors and overstaying their visas, Florida officials are pressing the Federal Government for access to $35 million placed in an Immigration Emergency Fund that was established after the last big influx of Cubans a decade ago.

But to their frustration, so far the Bush Administration has refused to authorize release of any of the money, even as American and Cuban policies continue to encourage people to flee one of the last bastions of orthodox Communism.

"It is unfair in the extreme to ask one community to bear the consequences of a national policy on refugees, just as it would be if there were an emergency brought on by a hurricane or flood," Senator Bob Graham, a Florida Democrat, said recently in an interview. "A natural disaster is an act of God, but this immigration crisis is primarily an event controlled by the Federal Government."

BACKLOG OF VISA REQUESTS

According to the State Department, which processed a total of 38,000 visa requests from Cuba in 1990, American diplomats in Havana have issued 36,000 visas since the 1991 fiscal year began Oct. 1 and still face a backlog of 28,000 applications. The figures include neither Cubans who have obtained visas at other embassies, like Caracas and Mexico City, nor the 1,378 Cuban rafters who have been officially admitted to the United States this year.

No precise figures exist on how many of the Cuban tourists, whose airfares and processing fees are paid by relatives here, have overstayed their visas to settle in Miami. But Federal and local officials estimate, based on immigration and other statistics, that at least one-third of the visitors do not return to Cuba on their scheduled flights. This creates what Mr. Graham called "a silent, gradual influx" that has gone undetected because the Immigration and Naturalization Service does not monitor completely departures of foreigners from this country.

"We're looking at an influx of approximately 40,000 people this calendar year," said Joaquin Avino, who as county manager is the chief government executive of Dade County, which includes Miami. "If we can put people on the moon, why can't we measure people going out?"

In May, the most recent month for which data are available, 7,600 Cubans arrived in Miami on chartered flights, as against 2,500 in May 1990. "The number of flights has increased, as has the size of the aircraft being used and the number of companies involved," said Antolin Carbonell, who tracks the situation for the Dade Country Aviation Department.

FEARS OF A NEW MARIEL

Among local officials, the upsurge has led to fears of what they call "a new Mariel," a reference to the 1980 boatlift that brought 125,000 Cubans to the United States. The cost of assimilating that influx of asylum-seekers was borne largely by city, county and state governments here, and Florida officials say the Federal Government still owes them $50 million or more.

The Miami area is already seeing "an increased demand for the whole spectrum of medical and social services, from job training to emergency housing" because of the new arrivals, Mr. Avino said. "If you suddenly put an additional 30,000 people in a community, that creates an additional stress on the fire department, the police department, the parks and public works."

Government officials here said that whatever money they get from the Federal Government will be destined for hospitals, emergency housing programs and schools. Senator Graham, who plans to introduce legislation next week that would make it easier for Florida to obtain money from the fund, and other members of Florida's Congressional delegation are continuing to lobby both the White House and the Department of Justice.

Leaders of the Cuban-American community and government officials expect the exodus to continue, perhaps at an even faster pace. Deprived of Soviet subsidies, Cuba is facing its worst economic crisis since Fidel Castro seized power in 1959, and his government has responded with increased political repression and declaration of a "period of special austerity" that includes food and fuel rationing.

As a safety valve, the Cuban Government has over the last 18 months gradually lowered to 35 from 65 the age at which Cuban men qualify to visit relatives in this country. Lisandro Perez, a professor of sociology at Florida International University who has studied Cuban emigration, said the younger Cuban arrivals who have grown up under Communism are likely to prove more difficult to absorb than previous waves of Cuban refugees because "their readiness for competition in the United States" is limited.

Under existing legislation, both the President and the Attorney General have the power to declare an "immigration emergency," the latter when the number of requests for political asylum rises by 1,000 in any quarter. But many of the new arrivals apparently prefer to bypass the long and complicated asylum process in favor of a special adjustment program that exists only for Cubans, thereby keeping the number of asylum requests below the legal threshold.

"We don't solicit political asylum claims," said Duke Austin, a spokesman for the immigration service. "That is not a function of the I.N.S." Mr. Austin also said it would be unfair to entering Cubans to deny them the right to the quicker and easier adjustment procedure "only to force the asylum numbers up just so a community can get the impact funds."

DADE COUNTY'S PROBLEMS

The next influx of Cubans comes as Dade County is still struggling to absorb a previous wave of politically inspired immigration which flooded the Miami area in 1989. County officials estimate that more than 100,000 Nicaraguans, the bulk of them anti-Sandinista refugees requiring public assistance, have settled in southern Florida in the last decade.

The rapid increase of the Nicaraguan population in 1989 forced one major hospital here to write off more than $5 million dollars in health care bills and also led to an enrollment surge in the Dade County public school system. Senator Connie Mack, Republican of Florida has estimated the total long-term costs of settling just the Nicaraguans at more than $100 million.

"We just can't continue to foot the bill," said Kate Hale, director of the Metro-Dade Office of Emergency Management. "There are Federal Government programs in place for just this type of situation, and we are frustrated by what appears to be the Federal Government's attempt to manipulate loopholes that "preclude us from gaining access to funds designated for this purpose."

Mr. MACK. Mr. President, I would like to express my support for the three amendments offered by my colleague, Senator GRAHAM.

Florida's immigration/refugee problems are relentless. While the State's response has been exemplary, the Federal response has left me disappointed.

The first amendment—to require the Justice Department to issue regulations on section 113 of the Immigration Reform and Control Act—is a necessary step toward releasing emergency immigration funds to Florida. Approximately 4 years have passed since this statute was enacted, leaving no excuse for a failure to issue these important regulations.

The second amendment—to require the Immigration and Naturalization Service [INS] to develop a tracking system for "I-94" forms—addresses a fundamental issue the INS has failed to resolve. I was stunned to recently learn the INS does not have a system to track who enters and leaves the United States on nonimmigrant visas. This seems so basic, it is unfortunate Congress is forced to address a problem one would assume the INS would be doing on its own.

The third amendment—to require the timely parole of certain aliens detained at the Krome Processing Center—strikes at an issue that has deeply concerned me for some time. The recent reports regarding the treatment of Haitians in south Florida should force Congress to take a serious look at its policy toward Haitians fleeing their country. I plan to visit Krome next month and will explore carefully further solutions to this very serious problem.

I urge my colleagues to accept these amendments.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, these amendments have been checked on both sides of the aisle, and they are agreeable with the managers.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Florida.

The amendments (Nos. 940-942) were agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 943

(Purpose: To provide funding for U.S.-Soviet Exchange Program)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of Senator MITCHELL, Senator BOREN, and Senator BRADLEY—it has been cleared on both sides. The amendment provides funding for exchange programs, and I ask the clerk to report.

The PRESIDING OFFICER. Is there objection to setting aside the pending committee amendments to consider this amendment?

Mr. RUDMAN. No objection.

The PRESIDING OFFICER. Without objection, the amendment will be reported.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. MITCHELL, for himself, Mr. BOREN, and Mr. BRADLEY proposes an amendment numbered 943.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, line 19, strike "(Including Transfer of Funds)".

On page 76, line 18, strike; and in addition $8,000,000 shall be derived by transfer from Acquisition and Maintenance of Buildings Abroad.

On page 89, line 2, in-between the head "Educational and Cultural Exchange Programs" and "For" insert "(Including Transfer of Funds)".

On page 89, line 20, before the period insert the following: and in addition $13,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, Acquisition and Maintenance of Buildings Abroad to remain available until expended of which $7,000,000 shall only be available for support of the U.S.-Soviet Exchange Program and of which $4,000,000 shall only be available for the Educational Exchanges Enhancement Act of 1991 and of which $2,000,000 shall be available only for the Federal Endowment for High School Student Exchanges and Democracy.

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 943) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, they are arranging a unanimous consent agreement with the distinguished leaders. As I understand it, we have two amendments and final passage. There will be three votes. The leaders will explain this.

We have the Gramm amendment that Senator RUDMAN and I will contest. I take it the Senator from New Hampshire is going to table the amendment. We will have the yeas and nays on it; right? Or I will move to table.

Mr. RUDMAN. We will discuss it, I say to the Senator.

Mr. HOLLINGS. All right. We have the Seymour amendment on the border patrol, which I will be constrained to move to table. There are 20 minutes on Seymour, equally divided; 15 minutes on Gramm, equally divided; and final passage.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTANCE OF 1990 DECENNIAL CENSUS PRODUCTS

Mr. SARBANES. Mr. President, the Joint Economic Committee has a long-standing interest in the quality and integrity of the Federal infrastructure. As chairman of the committee, I would like to take this time to raise an important issue with respect to the Commerce, Justice and State Appropriations bill, which is being considered on the Senate floor today. It is my understanding that the Senate Appropriations Committee recommended funding for the Bureau of the Census periodic programs account $30,011,000 below the administration request and $27,357,000 below the House appropriation. I am concerned that a cut of this magnitude could seriously hamper the ability of the Census Bureau to analyze and disseminate the data collected in the 1990 decennial census.

According to the Census Bureau, a $30 million cut would cause the Bureau to delay or cancel further evaluations of the 1990 Census data. This includes product development and distribution, and research and evaluation of programs, which are needed to improve the quality and coverage of the 2000 census. The Bureau also will not be able to produce any cross-tabulated data products for information collected on the long form questionnaire. Loss of the long form data will restrict access to a major source of data used by Federal and State agencies. Critical data on income, poverty, disability and education will not be available for analysis and policymaking. In addition, these data are used by individuals from all sectors of our society, from academic researchers to State and local officials to marketing executives. After the enormous resources we have devoted to the census over the last decade, it would be simply illogical to throw away much of that effort now.

It is my understanding that the Census Bureau has a small unobligated balance due to procurement delays. According to the Office of Management and Budget, the balance was substantially overestimated by the Appropriations Committee, and is not a sufficient amount to make up for the loss of a $30 million cut. In addition, the unobligated balance is fiscal year 1991 money that was authorized and appropriated for specific programs which are due to be completed shortly. Half of the balance is targeted for data processing procurement which will be spent in the next 2 or 3 months. Therefore, I urge that my distinguished colleague from South Carolina reconsider and fully fund the fiscal year 1992 budget for the Bureau of the Census.

Mr. KOHL. Mr. President, my distinguished colleague from Maryland has eloquently stated the importance of the data collected in the census, and the problem we face today. I thank him for that.

As chairman of the Governmental Affairs Subcommittee on Government Information and Regulation, I have spent considerable time working with the Census Bureau and studying the census. There is no information collection activity that our Government carries out that is as widely used and affects as many people as the decennial census.

Data from the decennial census will be used by the business community to develop marketing plans and plant locations.

Census data will be used by local communities to plan for the future. Without these data it would be impossible to plan roads and water treatment plans.

And, census data will be used by individuals to learn about their neighborhood and community.

The tragedy of this funding cut is that it will make much of the census data inaccessible or delay its release. Years of planning went into the census. Hundreds of millions of dollars were spent collecting the data. Now, for want of a small sum, we are wasting that effort.

I urge the Appropriations Committee to reconsider and to fully fund the 1992 budget for the decennial census.

Mr. HOLLINGS. I appreciate the concern my colleagues have just expressed regarding the decennial census. The committee's action regarding the Census Bureau's periodic programs takes account of procurement delays that reduce requirements for funding in fiscal year 1992. Therefore, it is my understanding that the Census Bureau will have the funds necessary to complete the 1990 census. Nevertheless, I will look into this matter further. If, as the Senator said, the carryover funds do not appear to be sufficient, then I would be prepared to make an effort to restore funds to this account.

Mr. RUDMAN. Mr. President, as the ranking minority member of both the subcommittee that appropriates the Bureau of the Census and the subcommittee that authorizes it, I have a unique understanding of its mission and operations. Under severe budget constraints, I believe the Appropriations Committee made every effort to ensure that the Bureau of the Census has adequate funding to fully complete the 1990 census, and I wholly concur with my distinguished colleague from South Carolina.

SECTION 108

Mr. SIMPSON. I have a brief question for my colleague regarding section 108, at page 31, of H.R. 2608, as amended by the committee.

Mr. RUDMAN. I am pleased to answer any question the Senator from Wyoming may have.

Mr. SIMPSON. I thank my colleague. My concern is this. As section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 now reads, States like my home State of Wyoming stand to lose all of their Federal grants because that provision limits Federal assistance to only 4 years for a single program. Rural States, unlike large metropolitan areas, often do not create law enforcement teams that are specialists in a given area but, rather, create multijurisdictional teams that are generalists.

In Wyoming, our fine team, under the control of the State attorney geneal's office, is simply referred to as a regional drug enforcement team. This team is responsible for drug enforcement across the entire State. One week the team may be investigating trafficking on the highways in one corner of Wyoming, and the next week investigating a lab in some other remote part of the State. The problem is that under current law, this team will lose its funding after 4 years of operation.

My question to my colleague is this: On page 31, and continuing to page 32, the committee has amended that statute to provide an exemption for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, * * *." Would this language, and the definition of "multijurisdictional drug task forces" include the program of regional drug enforcement teams such as the one I described in Wyoming?

Mr. RUDMAN. Mr. President, I would inform the Senator from Wyoming that he is exactly right. This amendment would, indeed, exempt the Wyoming multijurisdictional drug enforcement team from the 4-year funding limitation in section 504(f). In fact, it was our intention in crafting this amendment—which the Senator will recall is identical to my amendment on the crime bill recently passed by the Senate—to address that specific concern.

Mr. SIMPSON. I thank my colleague for his courtesy and would take this opportunity to commend him for his able efforts in addressing this very real concern of many State and local law enforcement agencies. At this point, I ask unanimous consent that a copy of a letter I received from the director of the Wyoming State Attorney General's Office, Division of Criminal Investigation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
DIVISION OF CRIMINAL INVESTIGATION,
Cheyenne, WY, June 26, 1991.

Hon. ALAN K. SIMPSON,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATOR SIMPSON: I have enclosed a copy of a letter I sent in response to a request from the Office of National Drug Control Policy for input into the 1992 National Drug Control Strategy. The letter should be self explanatory.

It is important, however, to emphasize the problems created by the four year restriction imposed by 42 U.S.C. 3754. Sec. 504(f).

(f) No funds may be awarded under this subpart to a grant recipient for a program or project for which funds have been awarded under this title for four years (in the aggregate), including any period occurring before the effective date of this subsection.

One way we may be able to avoid the problem is to change the primary purpose of our Regional Drug Enforcement Teams. BJA allows a change of purpose or realignment of jurisdictions to restart the clock and possibly give us another four years. We could state that the purpose of the DET's was now street sales, major traffickers, or clandestine labs, but in reality we are generalists and would still handle all cases and only be circumventing the system.

It would seem that an exemption for rural or frontier states would be more appropriate. Since there is a minimal federal drug enforcement presence (four agents) in Wyoming, the primary drug enforcement responsibility falls to the state and the Regional Drug Enforcement Teams.

We are left with three possible options. Option number one is for the Wyoming state and local governments to assume 100% of the costs for the DET's. This is not a very realistic option.

Option number two is for the Division of Criminal Investigation to realign the jurisdictional boundaries or the purpose of the DET's and cleverly circumvent the system. This option could prove embarrassing during an audit.

The third and most reasonable option would be for BJA to allow exemptions for frontier or rural states and waive the four year limitation.

If something is not resolved in the six months, we stand to lose the most effective federal, state, and local cooperative law enforcement effort ever initiated in Wyoming.

If I can be of further assistance, please don't hesitate to call. We appreciate your time and concern.

Thank you.

Sincerely yours,

THOMAS J. PAGEL, *Director,*
Division of Criminal Investigation.

OFFICE OF THE ATTORNEY GENERAL,
DIVISION OF CRIMINAL INVESTIGATION, CHEYENNE, WY, JUNE 25, 1991.

HERBERT C. JONES,
Acting Associate Director for State and Local Affairs, Office of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR SIR: The State of Wyoming, again, appreciates the opportunity to offer ideas and suggestions for consideration in developing the 1992 National Drug Control Strategy. Illicit drug trafficking is a major concern to frontier and rural states, as well as the more urban states.

The first point to realize is that the National Strategy is a general guideline and not a specific plan. Unfortunately, some federal agencies try to neatly categorize programs into specific areas, such as crack street sales, major conspirators, or domestic cultivation.

In a frontier state, such as Wyoming, we are generalists more so then specialists. It is not uncommon for a Wyoming Regional Drug Enforcement Team to work a gram dealer, kilo dealer and/or domestic growth operation all in the same month.

The point is that guidelines must not be written so restrictive as to take discretion away from states in addressing their specific problem areas. We all have problems but not necessarily the same problems.

The greatest threat to the current drug enforcement effort is a statute which the Bureau of Justice Assistance currently operates under 42 U.S.C. 3754, Sec. 504(f). This statute states that BJA will only fund a program for four years. After four years, the state and/or local departments must pick up the entire cost and federal grant money must be used for other programs.

This poses a couple of problems for Wyoming. The first problem is that we do not have sufficient manpower or resources to pick up the total cost of the drug enforcement effort. We certainly do not have the manpower or resources to pick up the current program and develop additional programs.

The second problem may be more philosophical. If there is currently a "War on Drugs" and if it is a national priority, it seems ludicrous to force the closure of an effective program (Regional Drug Enforcement Teams) and begin a new program, simply because four years have expired.

I doubt that General Schwartzkopf considered changing his attack plans when they proved to be so effective against the Iraqi's. We should also be allowed to stay with our Regional Drug Enforcement Teams.

Every year there is discussion over whether or not the 75/25 match should be changed to 50/50. With the current economic picture, this would also kill our program. Many of the small rural counties and towns in our state have a difficult time matching 25%, let alone 50%.

This program is especially important to Wyoming due to the limited presence of DEA in our state. For years, DEA operated with two agents in Wyoming. Finally, they are up to a supervisor and three agents. I appreciate their added manpower but it hardly makes them the lead drug enforcement agency in the state.

Since the federal government cannot commit more manpower to Wyoming, it makes it even more important that they continue their drug grant commitments, to be used for the regional Drug Enforcement Teams.

Another issue is direct funding to local municipalities. Direct drug grant funding to local municipalities would be as significant a problem in Wyoming as it would be in every other state. Each state must develop a statewide strategy to comply with federal requirements. If local municipalities received direct funding however, their priorities might not be the same as the state strategy.

The current system encourages cooperation between states and local municipalities. Direct funding would adversely affect this cooperative effort.

If, and I would urge against it, Congress decides to use direct funding, it should be limited to cities with a population of 500,000 or more.

Another negative impact that direct funding would have on Wyoming would be in the area of staff positions. We simply do not have sufficient staff to monitor local programs if direct funding was authorized. Neither do local law enforcement departments have staff to monitor the grant programs. They are satisfied with the state handling administrative matters.

For the past several years, Congress has fortunately defeated bills which would prevent state and local law enforcement agencies from using the federal adoptive forfeiture process. It would seem that Congress would like to force states to adopt forfeiture laws similar to federal laws.

While this would be nice, in our particular state, and many others, it would require a constitutional change. This is a lengthy and difficult process, at best.

It is also frequently the case that drug investigations are joint federal/state efforts. Therefore, it is appropriate that federal adoptive forfeiture proceedings be used by state and local law enforcement agencies. It only seems fitting that the drug traffickers' assets be turned around and used against them at all levels.

Again, we appreciate the opportunity to offer comments on the National Drug Policy. I sincerely hope that the significance of the four year restriction is realized.

Thank-you.

THOMAS J. PAGEL.

TITLE IV MARINE RESEARCH FUNDS

Mr. MITCHELL. I would like to seek a clarification on an item referred to in the committee report.

Mr. HOLLINGS. I will be pleased to respond to whatever concern the Senator from Maine may wish to raise.

Mr. MITCHELL. The Committee Report on page 63 refers to title IV of the Marine Protection, Research, and Sanctuaries Act. The reference is to legislation which I authored establishing Federal support for regional marine research programs.

Mr. HOLLINGS. That is correct.

Mr. MITCHELL. The Report language refers to regional marine research centers. However, I believe the intent of the provisions is to fund regional programs as opposed to physical centers. In New England's Gulf of Maine, the program will be administered through a regional marine research board in coordination with the Maine/New Hampshire Sea Grant Program. These are minor clarifications which are consistent with the title IV authorization.

Mr. HOLLINGS. The Senator from Maine is correct in that clarification. The provision is intended for research programs rather than physical centers, and the Gulf of Maine program will be coordinated with the Maine/New Hampshire Sea Grant Program.

Mr. RUDMAN. I agree with my colleagues that this program should be coordinated with the Maine/New Hampshire Sea Grant Program.

Mr. HATFIELD. I would like to take this opportunity to ask some questions of the distinguished subcommittee chairman, Senator Hollings, about the National Marine Fisheries Service's activities associated with fish hatcheries on the Columbia River.

Mr. HOLLINGS. I would be pleased to respond to the questions of the Senator from Oregon.

Mr. HATFIELD. As the chairman knows, this year's bill includes a total of $14.249 million for the Mitchell Act hatcheries which were constructed as mitigation for loss of fish caused by the construction of the Federal hydroelectic dams on the Columbia River System. This funding level represents a significant increase over prior years' funding, and I want to thank both Senator HOLLINGS and the ranking member on the subcommittee, Senator RUDMAN, for their assistance in securing these greatly needed resources.

Mr. HOLLINGS. I thank the Senator for his remarks.

Mr. HATFIELD. As my colleagues know, three separate runs of Snake River salmon have been proposed for listing under the Endangered Species Act, and the National Marine Fisheries

Service is playing a significant role in both the listing process and the rehabilitation of those salmon runs. The operation of the Mitchell Act hatcheries can be an integral part of a management plan to address the issue of declining stocks. As part of a management plan to address the issue of declining stocks, would the distinguished chairman agree with me that hatchery management practices should be reviewed and, if necessary, modified consistent with existing mitigation responsibilities to assure that hatchery operations are producing juveniles which will grow into healthy and diverse returning adults?

Mr. HOLLINGS. Yes, I would agree that hatchery management practices should be a major part of efforts to address the declining stocks in the Pacific Northwest, and that current management practices should be reviewed.

Mr. HATFIELD. Would the chairman also agree that to accomplish this, the National Marine Fisheries Service should, within 120 days of enactment of this act, consult with the appropriate Federal and State fish management agencies and provide a report to the Committee on Appropriations of the House and the Senate regarding opportunities to improve hatchery practices in the Pacific Northwest to address fish health, productivity, and especially to ensure hatchery fish do not interfere with the genetic integrity of wild fish?

Mr. HOLLINGS. The Senator is correct, I agree that this is a wise course of action.

Mr. HATFIELD. In adiditon, I would ask that the Senator from South Carolina join me in requesting that the agency take immediate actions to implement the appropriate no- or low-cost recommendations resulting from this report, and that the report should identify funding levels required to carry out needed program and facility modifications and identify responsible agencies. The agency should ensure that States which operate federally funded hatcheries receive the necessary resources to do so in a way that is consistent with the goal of protecting and conserving wild fish, particularly species which are candidates for listing under the Endangered Species Act.

Mr. HOLLINGS. The proposal of the Senator from Oregon is reasonable and timely, and I am in agreement with this course of action.

Mr. HATFIELD. I thank the distinguished Senator for his assistance on this issue of great interest to the Pacific Northwest.

MOSCOW EMBASSY

Mr. MOYNIHAN. Mr. President, in 1987 Senator SARBANES, Senator SANFORD, and this Senator traveled to Moscow to examine the new Embassy there at the request of Senate Majority Leader BYRD because of revelations that the building had been thoroughly compromised by the Soviet intelligence services. We returned from that visit strongly opposed to tearing down the Embassy. There were, however, others who strongly supported tearing down the Embassy. The debate went on and on and, in the meanwhile, nothing was done to resolve the problem.

Then, a little over a year ago, the Department of State approached the Committee on Foreign Relations with a proposal and a request. The Department proposed tearing down the new bug-ridden Embassy building in Moscow. The request, quite properly, was for a statutory authorization for this plan. In testimony before the committee on May 23, 1990, Under Secretary of State Ivan Selin explained that the State Department felt that it was absolutely essential to obtain an authorization for this program from the Committee on Foreign Relations:

> [W]e are seeking an authorization of $270 million so that we can seek the appropriation to let us begin construction properly. * * * [W]e are trying to use the authorization process the way it is intended. It is not an annual amount of money that is coming up. We are supposed to identify programs and when we have the data come up to the Senate and the House, discuss them fully, have them vetted, have them agreed, and go ahead. * * * [B]ut we were not going to ask for authorization until we had all our ducks in order.

That, as I said, was very much the proper way to proceed.

The problem was that the Committee on Foreign Relations disagreed with the Department's plan. Disagreed overwhelmingly. By a vote of 16 to 0, the committee rejected the request in its entirety and voted instead for an alternative offered by this Senator to authorize $50 million to complete the existing building and build additional secure space. To repeat, the State Department could not find a single supporting voice on the Committee on Foreign Relations. The rejection of the request was completely bipartisan. And devastatingly complete.

The basis for the Committee on Foreign Relation's decision was obvious from Secretary Selin's testimony. He told the committee—I quote here from the printed transcript of the hearing:

> We could in fact salvage the existing building * * * [A]s flawed as this building is, it has several advantages. It has a foundation that is perfectly adequate. It has utilities that are perfectly adequate * * * (p. 4)
>
> It bothers me at least as much as it bothers you, Mr. Chairman, to tear down a building—it is not a terrific building, but it is an adequate building * * * (p. 5)
>
> I am probably twice as dismayed as you are at the thought of tearing down a reasonably good building * * * (p. 23)
>
> There is a strong intuitive feeling that it is wasteful to tear down the perfectly good structure. (p. 26)

Thus, we can say that the Department of State wanted to tear down a building which the Department itself described as:

> "not * * * terrific, but * * * adequate";
> "a reasonably good building"; and,
> a "perfectly good structure".

Secretary Selin also conceded that the United States was going to have a tremendous need for space for unclassified activities in Moscow in the coming years:

> [W]e do not expect [the need for a secure space] to grow in very large degree over the next few years, whereas the unclassified space needs will continue to grow over the next decade.

Therefore, it was difficult to understand why this building could not be completed and used for unclassified purposes.

He also told that committee that he could not guarantee—even if the Department of State received all of the money it had requested—that the foundation of a new embassy would be secure:

> We cannot protect the foundation. We cannot protect this one. If we build a new building, we cannot protect the new foundation * * * It is too easy to tunnel into it.

He maintained that the Department could deal with this problem, but Senator MURKOWSKI—the current vice chairman of the Select Committee on Intelligence—sharply questioned this assertion during the committee markup and cited this problem as his basis for rejecting the administration's request for a new building. In short, why tear down the existing structure if the Department cannot be sure that the new building will be any better from a security point of view?

At the committee's hearing a year ago the chairman of the Committee on Foreign Relations stated:

> I personally believe that tearing down the nearly complete new office building would be a dreadful waste of money. It seems to me that the new office building could be finished and used as unclassified office space.

Senator SIMON stated:

> I share the Senator from North Carolina's unease on the Moscow building situation, and I think we ought to be exploring other options before we tear down a building and build something else. Dwayne Andreas of ADM has suggested using it as a trade center * * * [I]t seems to me we have found an awfully expensive option in tearing down this whole thing and building another building.

Mr. President, we are now in a new Congress and the State Department has reversed its position and requested funds to complete the Moscow Embassy along the lines of the top hat plan whereby several of the top floors of the Embassy would be removed and replaced with secure space. At a hearing before the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee held on March 7, 1991, Under Secretary Selin announced that the Department of State had abandoned its plans to raze the U.S. Embassy in Moscow due to congressional opposition and he conceded that the top hat plan will "meet the administration's minimum space and security requirements at a significantly lower cost than the teardown and rebuild option—$200 million versus almost $300 million."

The distinguished chairman of the subcommittee held several hearings on this issue which was carefully considered by the authorizing subcommittee and, subsequently, by the full committee. At that time, the committee decided that it would allow the Department of State to choose the most appropriate course of action. Let me repeat, however, that the committee was already firmly on record as stating that the Congress should not authorize funds to tear down the Embassy. While the committee was willing to let the State Department decide which option is best—without mandating a specific course of action—I am certain that if the matter were put to a straight up or down vote the members of the committee would not support ordering the Department of State to do precisely what the committee had rejected a year before, namely, tear down the Embassy.

In the spirit of compromise, the House of Representatives did not mandate a solution at either the authorization or appropriation stage. The authorizing committee in the Senate, the Committee on Foreign Relations, followed suit. Now, however, we have a mandated solution, and one strongly opposed by the authorizing committee in the Senate and the appropriating committee in the House. I fear, therefore, that this action sets the stage for little more than continued delay despite the fact that the one thing that everyone involved in the debate agrees about is that we need to resolve this issue one way or another. For that reason, even more than my own opposition to the teardown option, I regret the decision reflected in this legislation to mandate that the Embassy be razed.

MICROLOAN DEMONSTRATION PROGRAM

Mr. BUMPERS. Mr. President, I should like to engage in a colloquy with my good friends the majority leader, Mr. MITCHELL, and subcommittee chairman, Mr. HOLLINGS, concerning the Small Business Administration Microloan Demonstration Program for which funds will be appropriated by the Commerce, Justice, State appropriations bill now before the Senate

I wish to commend Chairman HOLLINGS for including in this appropriations bill $15 million for loans and $3 million for grants to establish a Small Business Microloan Demonstration Program. This program is consistent with my recently introduced bill, S. 1426, the Small Economic Oppportunity Enhancement Act. This 5-year demonstration program, as described in my bill and in the report accompanying this appropriations bill, will authorize the Small Business Administration to make direct loans to nonprofit intermediaries for the purpose of making very small loans to start up, newly established and growing small businesses. As an intergral part of the program, the intermediaries will be required to provide intensive marketing, management, and technical assistance to the small business borrowers.

I believe that this innovative program holds the promise of expanded economic opportunity for thousands of Americans at the bottom of the economic ladder. This program has been strongly supported by our majority leader, as well as Senators BAUCUS, HARKIN, LIEBERMAN, WELLSTONE, DIXON, GRASSLEY, and WOFFORD, who are also cosponsors of S. 1426.

In drafting my bill, Small Business committee staff worked closely with the staff of the majority leader and the Appropriation subcommittee, SBA and representatives of several exemplary microloan programs. In order to ensure that these existing successful programs participate in the demonstration program, Mr. President, it was our intention that both the appropriations report and my bill identify the States in which these outstanding programs are located. Those States are Illinois, Iowa, Maine, Minnesota, New York, North Carolina, South Carolina, and Arkansas.

These States were selected because their microloan programs have been successful, and because those program managers had been very cooperative and helpful in providing advice and counsel about drafting this legislation. Inadvertently, the State of Maine was omitted from the listing in the appropriations report. This was an obvious and purely inadvertent omission. Maine has one of the oldest microloan programs in the Nation, and we had a witness for that microloan program who testified before the Small Business Committee on May 6, 1991. I intend to work to make certain that the conference report which will accompany the Appropriations bill will correct this omission, Mr. President. I think we all agree that it will well serve the purposes of the demonstration program to include those programs with proven successful track records.

Mr. MITCHELL. I welcome the assurance of the chairman that the conference report will be corrected to include the State of Maine in the listing of microloan demonstration program participants. Maine is the home of Coastal Enterprises, Inc. [CEI], which has been promoting economic development of low-income individuals, families and communities in Maine for 13 years. They have provided loans of all sizes, including very small loans, to small borrowers. They have experience managing loan funds and providing loans and technical assistance to small borrowers. They are certainly wellsutied to participate in this Microloan Demonstration Program.

As my friend from Arkansas stated, representatives of certain existing microloan programs worked closely with staff in developing the bill. It is on the basis of CEI's expertise and successful experience that its representatives were consulted during the design stage of the demonstration program. It is, therefore, appropriate that Maine, CEI's situs, be included in the listing of microloan participant States.

I would also like to draw the chairman's attention to an error in the Appropriations report concerning the permissible size of microloans. To ensure that the loans will remain microloans, the authorizing legislation ensures that intermediaries will provide loans of not more than $25,000, and each intermediary shall strive to maintain an average loan size of not more than $10,000 in its microloan portfolio. These parameters are the agreed upon limits in the authorizing legislation, and it is the intent that the funds appropriated be available within those guidelines. Unfortunately, the Appropriations Committee report language accompanying the bill lists these limits at $15,000 and $5,000, respectively. This, of course, is not what we intended. The guidelines, as set out in the authorizing legislation, are $25,000 and $10,000, respectively, and are appropriate and practical in regard to the needs of those enterprises for whose benefit the program is designed. It is my hope that this error, too, will be corrected in the conference report.

Mr. HOLLINGS. Mr. President, I concur with Mr. BUMPERS and the majority leader. First, I wish to compliment my colleagues, Senators MITCHELL and BUMPERS, on their work on establishing a microloan program. We all agree there is a need to provide such loans to start-up and growing small businesses, especially those businesses in rural States such as ours. I would like to note, however, that the list of States and the loan limits were those originally suggested by the Small Business Committee.

Because certain States do have successful microloan programs, it was our intention that the Appropriations report, like S. 1426, list those states for inclusion in the Microloan Demonstration Program in order to ensure that the program gets off to a successful start. Maine should have been included in the report's listing of participant States. Similarly, the loan limits should be consistent with those set forth in S. 1426. That is a $25,000 ceiling and an average portfolio of $10,000. I assure my good friends that in the conference I will advocate these points to the House conferees and seek their agreement to: First, fund the microloan program; second, include Maine specifically in the list of States; and third, state the loan limits at $25,000 and $10,000.

INS INSPECTORS

Mr. LEVIN. Mr. President, I would like to ask the subcommittee chairman, Senator HOLLINGS, a question regarding the bill's funding for 135 additional INS inspectors at high-volume ports of entry along the southern and northern borders.

I want to commend the chairman for providing this funding because, as he knows, traffic along the United States-Canada border has nearly doubled in the past 5 years. The United States-Canada Free-Trade Agreement and a recent increase in the Canadian sales tax in particular have contributed to this increase in traffic at the border.

Unfortunately, INS staffing has not come close to keeping pace. Staff levels have remained constant while traffic has almost doubled.

Not surprisingly, border crossings along the Michigan-Ontario border are plagued with chronic delays. Truck delays alone at the Blue Water and Ambassador Bridges in Michigan cost over $11 million last year. A recent study jointly commissioned by the Michigan Department of Transportation and the Ontario Ministry of Transportation concluded that insufficient INS staffing was one of the principle causes of the delays at the St. Clair and Detroit Rivers border crossings.

In addition, a January 1991 report by the General Accounting Office included Detroit among the eight largest land border crossings which are considerably below staffing guidelines, causing long delays at each of the crossings. INS inspectors call for a ratio of one inspector for every 200,000 annual inspection, but inspectors in Detroit make over 400,000 inspectors each year.

On May 8, the entire Michigan delegation sent a letter to INS Commissioner McNary asking him to address these staffing shortages which are costing the State so dearly in delays and lost sales and which have diminished our ability to attract new businesses. On July 10, the Commissioner responded that INS could not address the staff shortages without additional appropriations from Congress.

So I applaud the chairman for providing funding in this bill for additional inspectors at the high-volume crossings. My question to my colleague is whether, given the GAO study, he expects Michigan-Ontario border crossings to be among the locations receiving additional inspectors.

Mr. HOLLINGS. I am aware of the shortage of inspectors along the Northern border and I am hopeful that these additional inspectors will provide some relief along the Michigan-Ontario border.

Mr. LEVIN. I thank the chairman for his help and his leadership in addressing this need.

NATIONAL INDICATOR STUDY

Mr. JOHNSTON. Mr. President, I want to raise a concern to the managers of the bill regarding fisheries research.

The National Indicator Study [NIS] funded by the Department of Commerce, provides shellfish water standards research to improve the safety of shellfish and protect public health. I am pleased to see that the House and Senate provide $1.5 million to continue this important program in fiscal year 1992.

However, I am concerned with the Senate's approach to funding the program. As in past years, the House report provides a separate line item within the National Marine Fisheries Service budget for shellfish water standards research. The Senate report proposes to include funding for this project within the new seafood inspection initiative. Under the Senate approach, the shellfish water standards program is not listed as a distinct program.

Mr. HOLLINGS. The Senator is correct. We viewed shellfish safety as a part of the overall program to enhance safety and product quality of fisheries products.

Mr. JOHNSTON. I appreciate that. While I recognize that inspection and water standards research for shellfish are a critical component of the comprehensive safety program, I am concerned that changing the funding relationships between NMFS and the shellfish water standards program could cause problems for an ongoing program that has proven to be quite successful.

Mr. HOLLINGS. If the Senator will yield, he makes a good point. I can assure him that the committee did not intend in any way to reduce the effectiveness of this program. I would be pleased to agree with the House approach in conference, and to provide funding for shellfish water standards research in a separate line item.

Mr. JOHNSTON. I appreciate the chairman's cooperation. In addition, I am concerned that the academic and scientific status of the National Indicator Study be retained. I believe that the best means of accomplishing this is to have the Louisiana Universities Marine Consortium [LUMCON] continue to act as the fiscal and administrative agent for the day-to-day scientific management of the program. LUMCON has provided for several years their scientific and fiscal management expertise for the NIS with very modest cost recoveries to help the shellfish industry and to foster an important research effort.

Mr. RUDMAN. I am sure that the Senator from Louisiana knows that the committee recognizes and appreciates the consortium's contributions to seafood safety. I am sure that the committee would expect that the Louisiana consortium maintain its capacity with respect to the scientific management of the NIS.

Mr. HOLLINGS. I agree. In addition, the Interstate Shellfish Sanitation Conference has a legitimate and important role in providing administrative oversight for the program. The ISSC Board, with consultation and confirmation from the participating Federal agencies, the ISSC and the shellfish industry—through the SINA Board—will establish the NIS Advisory Committee which will be responsible for oversight and general administration of the NIS. The committee will elect its own Chair from the membership.

Mr. JOHNSTON. I thank the Senator from South Carolina and the Senator from New Hampshire. I appreciate their willingness to address these management concerns and their sensitivity to our situation in Louisiana.

CHIEF FINANCIAL OFFICERS ACT

Mr. GLENN. Mr. President, I should like to take this opportunity to address a very important topic: The implementation of the Chief Financial Officers Act of 1990 as it relates to the matter pending before us.

Let me first express my appreciation to the distinguished chairman of the Senate Appropriations Committee and the subcommittee, as well as the ranking minority members, for their leadership in removing the restrictive language included by the other body that would have prohibited the expenditure of funds to implement the CFO Act. Similar language was removed by an overwhelming vote in the House during deliberations on the Treasury/Postal appropriations measure. However, restrictive language had survived earlier in the House version of this bill.

The Senate has asserted its leadership and has ensured that none of the appropriations bills will include such restrictive language. Both Houses have now made it abundantly clear that all 23 departments and agencies covered by the CFO Act should not be restricted from implementing the requirements of the act.

I believe the distinguished subcommittee chairman would also agree with me that the Departments of Commerce, State, and Justice will benefit greatly from the implementation of the CFO Act. In the case of Justice, for example, it has identified several areas in need of financial management reform. The CFO Act provides the opportunity and needed impetus to get on with this reform. It will help especially to produce more reliable financial reports and more timely management information needed by the agencies, the President, and the Congress.

Mr. HOLLINGS. Mr. President, I wish to associate myself with the comments of the distinguished chairman of the Governmental Affairs Committee. I compliment him and the other members of the Governmental Affairs Committee for their leadership in the enactment of the CFO Act. Throughout the Federal Government, as well as in Justice, there is a need for better and more uniform financial management procedures and control. In Justice's case, the GAO has recently cited the

Immigration and Naturalization Service as needing to increase its financial accountability and controls. The CFR structure contemplated by the Department of Justice should enable the marshaling of the necessary resources to meet these kinds of challenges. Let me be clear, nothing should be construed as impeding the Department from using its resources to further CFO Act implementation.

PUBLIC SAFETY SERVICES

Mr. BUMPERS. Mr. President, I wish to address an issue of serious national concern. The Federal Government is proposing actions that could have a severe impact on State and local public safety services across the country. The Federal Communications Commission is proposing to reallocate portions of the radiofrequency band that are heavily used by public safety authorities for new technologies. Many States believe that the reallocation of these services to new frequency bands could result in costs to State and local governments that could rise into the hundreds of millions of dollars.

Mr. President, I realize that the frequencies around 2 gigahertz are much sought after by proponents of new technologies. But the Federal Government should not withdraw frequencies from present users without protecting the rights of those that currently use those frequences. Before the FCC or any international agreement reallocates these frequencies, the FCC must ensure that the concerns and the costs of public safety users are resolved.

Mr. HOLLINGS. Mr. President, I agree with my distinguished colleague, the Senator from Arkansas. Public safety users of the spectrum perform tremendously important functions for our society that cannot be dismissed. These users include police, fire, legal, and medical services that are essential public services.

As you know, I am of the opinion that Congress should not get involved in specific frequency allocation decisions before the Federal Communications Commission. I believe that the FCC is clearly the expert body when it comes to determining which service should receive which frequencies. These decisions require detailed engineering studies concerning power levels, interference, coverage areas, transmission modes, and other considerations that are totally beyond the realm of congressional consideration. These are exactly the kinds of questions that the FCC was created to make.

Furthermore, allowing the legislative process to make decisions concerning specific frequency allocations could be dangerous to our national competitiveness. If Congress were to control the distribution of frequency rights, incumbent licensees might gain an advantage over new entrants. In addition, the legislative process might work so slowly that it could cause substantial delays in the introduction of new, spectrum-based technologies.

For these reasons, Congress has never passed legislation making specific frequency allocation decisions, and I support that position.

This is not to say that public safety users do not have substantial concerns that must be considered by the FCC. I agree that the FCC should take action to ensure that public safety services continue to be widely available to all citizens. The FCC should keep in mind that State and local governments have few resources to make wholesale changes in the equipment they use for public safety purposes. Even though there are other frequencies available that public safety users can employ in the 6 gigahertz, 11–12 gigahertz, and 18 gigahertz ranges, changing to these frequencies will force State and local government authorities to incur substantial costs. I urge the FCC to move carefully and deliberately with respect to these frequencies to protect public safety spectrum users. In fact, all government agencies should take into account the valuable contributions made by public safety users when considering actions affecting public safety services.

Mr. BUMPERS. I thank my colleague from South Carolina. I see that he recognizes the important contributions of public safety concerns and that he is cognizant of the costs that such a reallocation of frequencies could impose. I appreciate his willingness to join with me in sending this message of concern to the FCC on this matter.

USIA J VISA PROGRAM

Mr. SASSER. Mr. President, I would like to engage the manager of the bill in conversation for a moment, if I might, on an issue that continues to be of concern to me.

That issue is the U.S. Information Agency's proposed regulations regarding flight training programs and the ability of foreign pilot trainees to obtain J visas. Those regulations relate to the practical training component of these programs but if unwisely implemented, they could undermine the entire pilot training program.

My specific concern is that they do not sufficiently recognize the need for the student to serve a period of time as a student instructor. I wonder if the manager of the bill could offer me some hope that USIA intends to recognize the role of the practical training component of pilot training programs.

Mr. HOLLINGS. Yes, Mr. President, if my friend from Tennessee will yield on that point. I have been in touch with USIA on this matter. My understanding is that USIA's concern with this issue arose because of a General Accounting Office report which indicated that some schools were using the practical training component of their educational programs as a cover for normal employment. As I understand it, GAO found that some schools do not closely monitor the work their supposed students are doing, not the training they may be receiving.

I believe that USIA recognizes that practical training is included under the definition of training. USIA's concern is the small number of schools which may be abusing the J visa.

Mr. SASSER. I thank my friend, the manager of the bill, for that response. I am still concerned, however, at how USIA will apply these regulations.

Neither of us, nor the pilot training schools themselves, would disagree with ending the abuse of J visas. However, these programs have a practical training requirement for a very specific reason. That training, usually as a student instructor, is one step in qualifying for a air transport pilot rating, a standard recognized by the FAA as well as international aviation organizations.

Could the manager tell me whether he feels the USIA recognizes the difference between work and training?

Mr. HOLLINGS. Yes, Mr. President, I hope they do. I have been assured that they recognize the role of a properly monitored program of practical training.

Mr. SASSER. I thank the manager, and I wonder if he would be willing to agree that the subcommittee should continue to monitor USIA's implementation of these regulations?

Mr. HOLLINGS. Yes, Mr. President, we can do that. I believe that USIA now recognizes the proper role of these training programs, but certainly the subcommittee will keep an eye on this matter.

JOHN CARROLL UNIVERSITY USIA

Mr. METZENBAUM. Mr. President, I wish to bring to my colleagues' attention a proposal submitted by John Carroll University of Cleveland, OH, to the U.S. Information Agency. John Carroll is seeking USIA educational and cultural activities program support to bring Czech and Slovak business managers, labor leaders, and academicians to its school of business next summer. The distinguished chairman of the subcommittee and manager of the bill is aware of John Carroll's innovative proposal.

John Carroll has a longstanding relationship with the Czech and Slovak Republic generally, and with the Charles University in particular. The summer institute will help teach citizens of emerging democracies about free market operations.

Mr. President, the committee has given special recognition in the past to other universities with similar projects. It is my hope that John Carroll University's innovative project can be treated in the same fashion as those mentioned in the current, and previous, Senate reports. I would be very appreciative if the subcommittee chairman and ranking member could accommodate such an adjustment in conference, should the opportunity present itself.

Mr. HOLLINGS. Mr. President, we are not able to offer any firm promises, but we will certainly do whatever we can.

Mr. RUDMAN. I would certainly be willing to explore making the adjustment requested by the Senator from Ohio.

MANAGEMENT OF PELAGIC SPECIES

Mr. INOUYE. Mr. President, I rise to clarify the intent behind the Commerce, Justice, State Appropriations Committee's recommendation to appropriate $2 million in fiscal year 1992 for the management of pelagic species.

The funding included by the committee at my request, is based on a specific 5-year plan developed by the Western Pacific Regional Fishery Management Council in conjunction with the Pacific Basin Development Council which is comprised of the Governors of Hawaii, Guam, American Samoa, and the Northern Marianas.

Pursuant to this plan, these funds will be used for: First, stock boundary identification and tagging experiments; second, fisheries interactions and catch rate studies; third, economic research to determine the optimum size of fleets and their gear for harvesting pelagic species; fourth, research to determine changes in the size and structure of tuna stocks and fishing mortality; and fifth, research to understand the principal factors which govern the dynamics and ecology of tuna and billfish stocks.

This program contemplates combining the expertise of the University of Hawaii, Western Pacific Regional Fishery Management Council, and the National Marine Fisheries Service.

To insure that the funds appropriated by this committee are used to fulfill the purposes intended by the committee, these funds will go to the Joint Institute for Marine and Atmospheric Research, which was created under the terms of a Memorandum of Understanding between the National Oceanic and Atmospheric Administration [NOAA] and the University of Hawaii.

I also wish to clarify that these funds are enhancements and are to supplement, not supplant, fiscal year 1992 funds earmarked for the Honolulu Laboratory for basic fisheries work to support the Western Pacific Regional Fishery Management Council.

Mr. HOLLINGS. The Senator from Hawaii has stated the facts clearly and concisely. I understand that some bureaucrats have decided to try to abscond with the funds increased at the Senator's request for Pacific tuna and billfish. I want to make it perfectly clear to NOAA that the recommended increase is for a program to be managed in Hawaii.

Mr. RUDMAN. I also agree with the intent of the appropriation as described by Senators INOUYE and HOLLINGS.

Mr. GRAMM. Mr. President, I wish to ask the managers of the bill, Senators HOLLINGS and RUDMAN, to focus their attention on a program within the Coastal Management account. Although there is no explicit appropriation for section 308 of the Coastal Zone Management account, it is my understanding that up to $200,000 can be made available to assist States in complying with the eligibility requirements to assist States in complying with the eligibility requirements of the Coastal Zone Management Program. Therefore, would I be correct to assume that given the substantial increase in funding for the Coastal Zone Management Program, there would be up to $200,000 available for Texas, if Texas decides to pursue inclusion in the Coastal Zone Management Program?

Mr. HOLLINGS. Yes. The funding in this account should be sufficient to cover the request. Considering its substantial coastline, I think it is a good idea for Texas to become involved in the Coastal Zone Management Program, and I applaud the efforts of my friend from Texas to include Texas in the program.

Mr. RUDMAN. I agree with my chairman. Should Texas decide to pursue this course, NOAA is expected to make up to $200,000 available through section 308.

Mr. GRAMM. I appreciate receiving that clarification from the chairman and ranking minority member.

MARAD'S READY RESERVE FLEET

Ms. MIKULSKI. Mr. President, during committee consideration of this bill, I proposed an amendment, later modified by Senator STEVENS and accepted by the committee, which would require that the Maritime Administration buy only U.S.-owned or U.S.-flagged ships for inclusion in our ready reserve fleet. The amendment further requires that any upgrade of new vessels be done in U.S. shipyards.

By way of background I should explain that MarAd procures Ready Reserve Fleet ships to support the military in times of national emergency. DOD independently has funding to build new sealift vessels. Unfortunately, DOD and MarAd have indicated their intention to buy mostly, if not solely, foreign-built and foreign-flagged ships.

Congress has been urging DOD to adequately address our Nation's military sealift shortfall for years. $1.3 billion has been appropriated over the last 2 fiscal years for DOD to build a series of ships to meet the military's stated need for fast sealift. Such a program will serve two purposes. It will provide the right types of ships to meet the military's specific lift requirements, and it will help to sustain the shipbuilding, ship repair, and supplier base which is critical to our national security.

Rather than executing the fast sealift construction program, however, an effort is underway by the Maritime Administration and the Navy to buy used ships from foreign countries for layup in the ready reserve fleet—regardless of whether these ships meet the military's requirements.

The DOD-MarAd approach will not provide jobs for U.S. shipyards or repair yards. And it will not provide U.S. shipyards with the opportunity to build a series of ships which will enable them to transition themselves back into the commercial market as the Navy shipbuilding program declines.

Mr. STEVENS. The Senator from Maryland is correct. It is imperative that DOD execute as soon as possible the sealift construction program which will adequately meet the military's fast sealift needs while providing a shipbuilding base in this country, and this bill sends a signal to DOD that it needs to submit a plan to this effect. In the meantime, the Senator's provision will encourage MarAd to buy American ships.

Mr. HOLLINGS. If the Senator from Alaska would yield, I fully agree with the Senator. It is important that DOD and MarAd establish a balanced program which truly meets the national defense sealift needs and which supports the U.S. industrial base. Until it does, this bill will ensure that DOD not use MarAd to perform an end run around congressional intent.

Ms. MIKULSKI. I want to thank the Senators from South Carolina and from Alaska for their work on this critical matter and for their commitment to U.S. industry and workers.

WORLD AGRICULTURAL TRADE

Mr. PRESSLER. Mr. President, I am increasingly alarmed at the slow pace of the current Uruguay round of the multinational trade talks, which began in September 1986. A free—but more importantly—a fair trade agreement is far overdue. It is time we realize the importance of these negotiations and resolve the problems that have plagued this agreement.

The stumbling block in these trade talks has been agricultural trade issues. It distresses me that the parties involved have not been able to resolve this troublesome problem. I was surprised to read in a recent article that for every $1 of revenue we receive from agricultural exports, $1.65 of additional output is generated in our economy. Recent indicators show that our recovery from the recession probably will be slow. It is only logical that if we increase our agricultural exports we can stimulate our economic recovery. Every State in the Nation raises some agricultural products and has industries that are based upon agricultural products. If a comprehensive world agricultural trade package is signed, the United States will benefit from more stable world agricultural markets.

Mr. President, there are a number of trade packages on the table, but none of them adequately addresses U.S. agricultural trade concerns. We must push for an agreement that serves the long-term interests of U.S. agricultural producers.

The U.S. farmer is the most efficient producer in the world, yet we are unable to capitalize on our farmers' efficiencies because of unfair trade practices. Presently, the nations of the European Community subsidize their farmers so heavily that no other country can compete fairly with them. We, too, support our agricultural industry, but not nearly to the extent of the Europeans. Agricultural subsidies total about 54.7 percent of the European Community's annual budget. Total European Community agricultural subsidies for 1990 amounted to $34.03 billion, more than four times the amount of support provided by various U.S. farm programs. In fact, the Europeans subsidize up to 50 percent of a farmer's income on certain commodities. This practice is the major roadblock to a fair and lasting international trade agreement. The European Community is reluctant to reduce substantially the amount of subsidies given their farmers. But massive farm subsidies are not a long-term solution to the problems facing farmers around the globe. An international agreement to eliminate or severely reduce the amount of agricultural export subsidies would help to reduce barriers to trade and open foreign markets that have been closed to our American agricultural products.

As I said before, in order to become a fair trading partner, the European Community must sharply reduce its enormous farm subsidies. This point cannot be stressed strongly enough. Instead of providing this unfair level of subsidies, the European Community could take land out of production, as the United States has done. We have taken nearly 50 million acres out of production. The European Community needs to do the same. Instead, it has taken advantage of our land conservation programs by putting more land under the plow.

For several years I have championed the idea that there should be an international agricultural land conservation reserve treaty. Under such a treaty, the major grain producing and exporting nations would agree to a fixed percentage of their agricultural land out of production for a fixed period of time; for example, 10 years. Provision could be made for putting land back into production should shortages develop. Such a treaty would stabilize world grain production and prices, reduce surpluses and protect or conserve fragile lands that should not be farmed.

If we are unable to reach a fair agreement on agricultural trade, I am afraid that many of the small farmers of not only South Dakota, but of the world, will not be able to survive. An agreement on agricultural trade would benefit everyone.

TITLE IV MARINE RESEARCH FUNDS

Mr. MITCHELL. I would like to seek a clarification on an item referred to in the committee report.

Mr. HOLLINGS. I will be pleased to respond to whatever concern the Senator from Maine may wish to raise.

Mr. MITCHELL. The committee report on page 63 refers to title IV of the Marine Protection, Research, and Sanctuaries Act. The reference is to legislation which I authored establishing Federal support for regional marine research programs.

Mr. HOLLINGS. That is correct.

Mr. MITCHELL.. The report language refers to regional marine research centers. However, I believe the intent of the provision is to fund regional programs as opposed to physical centers. In New England's Gulf of Maine, the program will be administered through a regional marine research board in coordination with the Maine/New Hampshire Sea Grant Program. These are minor clarifications which are consistent with the title IV authorization.

Mr. HOLLINGS. The Senator from Maine is correct in that clarification. The provision is intended for research programs rather than physical centers, and the Gulf of Maine Program will be coordinated with the Maine/New Hampshire Sea Grant Program.

FREQUENCY ALLOCATION

Mr. HOLLINGS. I would like to clarify one statement that was made earlier concerning the FCC's need to consider the concerns of public safety services in making its frequency allocation decisions. The Federal Government has not proposed reallocating the frequencies used by public safety authorities, but the FCC is considering the feasibility of reallocating such frequencies. Basically, the FCC is still investigating and studying these issues.

Also, I would like to point out that the FCC is considering the cost impact in addition to the technical feasibility of any possible reallocation that may affect public safety users. In fact, the FCC is reviewing suggestions that the new service providers might be required to pay the relocation expenses of the incumbent users of these frequencies, including the public safety users. I urge the FCC to move carefully and deliberately with respect to these frequencies to protect public safety spectrum users.

Mr. GORE. I would like to join with my colleagues from South Carolina and Arkansas, who spoke earlier, with regard to the need to recognize the legitimate concerns of public safety users of the spectrum. Reallocating these frequencies could result in State and local governments bearing substantial costs of relocation. I encourage the FCC and all Federal Government agencies to find a way to protect the interests of State and local governments and public safety users in making their frequency allocation decisions.

SUPPORT OF TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Mr. ROCKEFELLER. Mr. President, I want to commend the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Hampshire [Mr. RUDMAN] for their efforts on behalf of the Trade Adjustment for Firms Program. Once again they have saved this program from the administration's death sentence, and in doing so have helped save the jobs of numerous workers in small businesses throughout the United States.

Not many people know about this program, Mr. President, as it is quite small compared to the Trade Adjustment Assistance Program for workers, which provides funds for retraining and job search to workers who have lost their jobs due to imports. The firm program, also part of the Trade Act of 1974, helps firms that have been hurt by imports get back on their feet. Once certified, a firm develops an adjustment plan with the help of professional consultants and marketing experts, which the firm can afford thanks to the assistance provided by the Government. The plan, of course, is tailored to each specific situation. Sometimes a new marketing strategy is devised; sometimes a switch to different products. Often, new, up-to-date equipment is obtained to help improve productivity.

This program is administered through 12 regional Trade Adjustment Assistance Centers, TAAC's, located throughout the country. They work closely with each firm and help obtain the necessary advice in each case. This is a very small program. The annual allocation to the TAAC's is generally in the $10-$12 million range—for the entire country.

While there has been substantial anecdotal evidence over the years of the successes the TAAC's have had revitalizing smaller businesses, I was pleased to see that this year there has been an effort to quantify the program's impact for 1988-90. To accomplish that, the TAAC's have provided aggregated data on how their various clients have performed both prior to and following certification for this program. Taken as a whole, the data shows that in the 2 years prior to certification, the firms that have used this program suffered a decrease in employment of 5,373. Following certification, the firms have regained 3,343 of those jobs. In some parts of the country—the Northwest, the Rocky Mountain States, and the Great Lakes States—more jobs have been created than were lost.

Looking at sales, the same pattern emerges. These firms' sales declined over $300 million in the 2 years prior to certification. Since certification they have increased over $600 million—more than double the loss before entering the TAA program.

Mr. President, these statistics demonstrate that this program works, and that it is cheap. The jobs and sales gains are extraordinary in light of the very small amount of Federal investment. The great mystery surrounding this program is why the Reagan-Bush administrations have sought to kill it every year for the last decade. One of the reasons why we have a competitiveness crisis in this country is precisely this kind of myopia. Because these are firms in industries hard-pressed by imports—often called "sunset" industries—President Bush would apparently prefer to let them die and assume all those workers can find other jobs.

The reality, of course, is much different. As we have learned from looking at profiles of workers who receive TAA benefits, they are more often than not women and minorities, frequently immigrants, with minimal education and job skills. Many of these small companies are located in rural areas with limited job alternatives. When these businesses close, the workers don't find other jobs, and they don't move away. They stay where they are and begin to use other Federal programs, like welfare, to survive. It is penny-wise and pound-foolish in the extreme to assume we will be saving Federal money by abolishing this program.

Maintaining an effective TAA program for both workers and firms is a prudent and cost-effective strategy that pays off in more jobs, improved productivity, and greater economic growth. Now that this data about the success of this program is available, I hope it will bring to an end the foolish debate Congress has had with the administration for the past 10 years and solidify the support TAA has had since its inception in 1974.

The Appropriations Committee understands this issue well, Mr. President, and I commend them once again for that understanding and for their determination to do the right thing.

NATIONAL MARINE SANCTUARY PROGRAM

Mr. GRAHAM. Mr. President, I congratulate the distinguished Senator from South Carolina for his leadership in developing the appropriations bill for the Departments of State, Commerce, Justice and the Judiciary. Under the given budget constraints, Senator HOLLINGS has done an excellent job of balancing the many interests in this bill.

I particularly want to commend the Senator and the Appropriations Committee for the recomendation of an increase in the National Marine Sanctuary Program. As our appreciation for unique marine resources grows, so do the needs and responsibilities of this program within the Department of Commerce.

Under the leadership of Senator HOLLINGS as Chair of the Senate Commerce Committee, the Senate approved legislation last session designating the Florida Keys National Marine Sanctuary. This bill was strongly supported by individuals and organizations with commerce, recreational, and conservation interests. The fragile coral reefs off the coast of the Florida Keys are subjected daily to misuse, often unintentional.

This bill signed into law on November 16, 1990, authorized $1 million for administering the Florida Keys Marine Sanctuary. The bill also authorized $1.5 million over 2 years in Environmental Protection Agency funds for development of a water quality management plan.

The Senate has already approved the authorized funding level for the EPA programs and today moves toward ensuring that the necessary funds for administering the entire sanctuary are provided by this appropriation bill.

The Senate Appropriations Committee report accompanying H.R. 2608 notes that the newly established Florida Keys Marine Sanctuary and other new sanctuaries require an increase in the program from $3.8 million to $5.5 million. It is my hope that the House and the President will agree to this increase and that the Department of Commerce will dedicate a significant portion of the appropriated increase to the Florida Keys Sanctuary as is clearly congressional intent based on the earlier authorization legislation.

COASTAL AND FISHERIES PROGRAMS

Mr. LAUTENBERG. Mr. President, I am pleased that H.R. 2608 provides strong support for NOAA's coastal and fisheries programs. These programs are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystems.

At my request, H.R. 2608 includes funding for a number of programs. The bill provides $3 million to establish a new undersea research center to conduct research in the waters off New Jersey and Long Island. New Jersey's coastal ecosystems generate $8 billion to the economy and provide enjoyment to millions. Yet, these ecosystems have been subject to much abuse. Expanding research efforts in the waters off New Jersey and Long Island, which is a congressional designated marine research region, is one important step in our effort to maintain the health of our coastal waters. Until the new center is established, the Rutgers Institute of Marine and Coastal Sciences is to remain in the role of acting undersea center.

H.R. 2608 includes $150,000 to complete research being conducted by the New Jersey Marine Science Consortium to study the feasibility of recycling fishnets. Fishing gear presents a threat to marine resources if not disposed of on land. Yet, there are few alternatives to disposal other than landfilling. This results in a solid waste problem. According to a recent report on beach cleanups by the Center for Marine Conservation, 3,600 plastic fishing nets came up on the New England beaches last year.

The bill also appropriates $500,000 requested by the administration but deleted by the House to establish a marine mammal tissue bank and to expand the marine mammal stranding centers. The tissue bank will contain tissues from dead marine mammals which would be archived for future retrieval and study. The bank would assist scientists in trying to identify the causes of catastrophic marime mammal events such as the dolphin mortality which occurred off the east coast in 1987. NOA also would develop protocols for the collection of marine mammal tissues.

Funding also would be used to strengthen the marine mammal stranding network authorized under the Marine Mammal Protection Act including the stranding center in Brigantine, NJ. This will improve NOAA's capability to identify the causes of catastrophic marine mammal events and improve NOAA's ability to coordinate stranding network efforts.

H.R. 2608 provides $1.5 million for observers on east and gulf coast fishing vessels to collect and analyze data to manage highly migratory species. Last year, the Congress passed the Fisheries Conservation Amendments of 1990, reauthorizing the Magnuson Fishery Conservation and Management Act (MFCMA]. That legislation gave the Secretary of Commerce authority over any highly migratory species fishery that is within the geographical area of authority of the five Regional Fishery Management Councils of the Atlantic Ocean. Section 304(f)(B) of the MFCMA as amended requires the Secretary to identify research and information priorities, including observer requirements and necessary data collection and analysis for the conservation and management of highly migratory species. The funding will provide statistically sufficient data for management of these stocks which are so important to fishermen in New Jersey and other east coast States.

I am also pleased that the bill rejects proposed administration cuts for the Coastal Zone Management, Sea Grant, and State Fishery Grant Programs all of which are important to New Jersey. I opposed the administration's proposal

Finally, I am pleased that the bill includes the administration's request of $13,700,000 to fund global warming and other environmental research and modeling efforts at the Geophysical Fluid Dynamics Laboratory [GFDL] in Princeton. GFDL is one of the world's premier global warming research and modeling centers.

I commend Senator HOLLINGS and Senator RUDMAN for their leadership and I urge my colleagues to support H.R. 2608.

AMENDMENT NO. 897

Mr. BIDEN. Mr. President, yesterday the Senate approved an amendment that I offered to S. 1433, the State Department authorization bill. The provision, amendment No. 897, requires the President to report to Congress on Chinese nuclear, chemical, biological and missile proliferation practices in the Middle East and South Asia.

This amendment is necessary for Congress to understand fully the extent of Chinese proliferation practices in unstable regions of the world. As I repeatedly stressed during the debate regarding MFN status for China, when it comes to weapons proliferation, China has become a rogue elephant.

In recent months, numerous reports have detailed China's plans to transfer modern ballistic missiles to Syria and Pakistan, and its transfer of nuclear technology to Algeria. In addition, there have been extremely troubling rumors of Chinese nuclear cooperation with Iran.

These transfers, if they occur, would pose a clear and present danger to international security.

The amendment I proposed—and which was accepted on a voice vote—would require the President to report to Congress, within 90 days of enactment, on Chinese actions to improve the military capabilities of nations in the Middle East and South Asia, with a particular emphasis on the transfer of ballistic missiles, nuclear-weapons grade material, and chemical and biological weapons. The amendment would also require an immediate report any time that the President determines that China is preparing to transfer such materials or systems.

Mr. President, I would like to express my appreciation to the managers of the bill for accepting this amendment.

COMMODITY CLASSIFICATION FEE

Mr. ADAMS. Mr. President, it has come to my attention that the Department of Commerce intends to charge a fee for commodity classifications, which exporters must have in order to get the appropriate export license. This was not discussed at any time during the Appropriations Committee's consideration of H.R. 2608.

Past experience suggests that this proposal is certain to be controversial and counterproductive. In 1987, the administration proposed charging a $50 fee for export licenses. The proposal met a storm of criticism from both industry and Congress. As a result, the Omnibus Trade and Competitiveness Act of 1988 amended section 4 of the Export Administration Act [EAA] to specifically prohibit the charging of fees "in connection with the submission or processing of an export license application." As the Senate Banking Committee pointed out in its report on the Senate version of the act:

> In a period when exporting must be encouraged the committee wants to make sure that processing of licensing is not looked at as a source of revenue for the Government.

In effect, charging a fee for commodity classifications constitutes a tax on exports, which is unconstitutional. Not only does it tax exports, it represents a tax on citizens who are trying in good faith to abide by onerous, complex Federal regulations.

This fee is particularly burdensome on small- and medium-sized exporters who do not have the resources in Washington to wade through the bureaucratic maze of red tape to ensure that they get the right answers and to ensure that their classifications are handled efficiently. In addition, these are the same exporters that other Government agencies and programs are encouraging to export.

This proposal comes at a time when we can ill afford to unnecessarily impede legitimate, commercial trade.

Mr. HOLLINGS. Mr. President, I am concerned about the fees on commodity classifications. This proposal comes at a time when the government has radically altered the export control system with much needed changes in the Cocom East-West controls and controls for nonproliferation.

It is critical that the nonproliferation controls be adhered to and an increasing number of exporters will have to obtain classifications to determine how their products are controlled and what type of licensing is required for export of their products.

The Commerce Department will be charging for a classification that may have no legal standing and could be challenged by other agencies with overlapping jurisdiction. This fee should be considered by the appropriations conference committee.

Mr. ADAMS. I agree with the Senator from South Carolina. It seems to me that the Appropriations Committee may need to place this proposal on hold to enable Congress to consider this questionable fee.

COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2608, the Commerce, Justice, State appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $1.7 million and is under its 602(b) allocations in outlays by $0.6 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator RUDMAN, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2608—COMMERCE, JUSTICE, STATE SUBCOMMITTEE—SPENDING TOTALS

[Senate Reported; in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2608:		
New BA and outlays	21.6	16.2
Enacted to date	0.5	5.6
Adjustment to conform mandatory programs to resolutions assumptions	(*)	−(*)
Scorekeeping adjustments	0.0	0.0
Bill total	22.1	21.7
Senate 602(b) allocation	22.1	21.7
Total difference	−(*)	−(*)
Discretionary:		
Domestic	16.0	15.8
Senate 602(b)	16.0	15.8
Difference	−(*)	−(*)
International	5.0	4.9
Senate 602(b)	5.0	4.9
Difference	0.0	−(*)
Defense	0.2	0.2
Senate 602(b)	0.2	0.2
Difference	−(*)	−(*)
Total discretionary spending	21.2	20.9
Mandatory spending	0.9	0.9
Mandatory allocation	0.9	0.9
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	0.2	−0.3
Senate-passed bill	NA	NA
House-passed bill	1.1	0.6

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to this bill, in addition to the two excepted committee amendments, be the following first-degree amendments: An amendment by Senator SEYMOUR to provide additional funding for border patrol agents, with a 20-minute time limitation equally divided in the usual form; an amendment by Senator GRAMM, of Texas, to cut legal services funding, with 20 minutes equally divided and in the usual form.

I further ask unanimous consent that any rollcall votes ordered on or in relation to these listed amendments be stacked to occur beginning at 10:30 a.m. on Wednesday, July 31, when the Senate will resume consideration of this bill; that upon the disposition of these amendments and then remaining committee amendments the Senate, without intervening action or debate, proceed to third reading and final passage of the bill.

I further ask unanimous consent that the votes following the first vote be for 10 minutes only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my understanding that the two amendments will be offered and debated this evening, and then tomorrow morning the votes will occur on the two amendments and then on final passage of the bill.

So there will be three votes beginning at 10:30 a.m. We will go to the DOD authorization bill beginning at 9:15 with debate only—opening statements, in fact, from 9:15 until 10:30—and then, following the votes on the pending bill at approximately 11:15 we will proceed to receive amendments on the DOD bill.

I yield to the distinguished Republican leader for such comments as he may wish to make.

Mr. DOLE. No. I just say hopefully we will move rather quickly on the DOD authorization bill.

Mr. MITCHELL. Accordingly, Mr. President and Members of the Senate, there will be no further rollcall votes this evening. I thank the managers for their diligence in this matter and the distinguished Republican leader for his usual cooperation.

ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. CHAFEE. Mr. President, I was wondering if, once we get back on the bill, I could be permitted to speak for 1 minute on the bill prior to the amendments coming up.

I note in here that on page 80 of the report the Economic Development Administration is given an appropriation of $226 million. I ask the distinguished chairman of the committee if that was authorized.

Mr. HOLLINGS. Mr. President, I think the correct answer to the distinguished Senator is that EDA has not been authorized since 1981. The answer is "no."

Mr. CHAFEE. Does it mean anything to the committee whether a program has been authorized, or did it just go ahead and appropriate?

Mr. HOLLINGS. It distresses this Senator that it has not been authorized.

Mr. CHAFEE. Would it distress him to the degree that he would support a motion to eliminate that since it has not been authorized?

Mr. HOLLINGS. No, we have to provide economic development to this country. I think that is the primary concern of this Senator.

Mr. CHAFEE. I see. So whether a program has been authorized or not makes no difference. Is that in sum the approach?

Mr. HOLLINGS. That is not the sum of the approach, but you learn through working on these measures. For example, 70 percent of this bill is not authorized. If we approach our duties in that fashion, we would never have a bill.

Mr. CHAFEE. Mr. President, my time is up. I just want to say I see no point in having authorizing committees here. I think either we ought to abolish the authorizing committees and have the appropriators do it all or have the appropriators abolished and the authorizing committees take over that responsibility. Here is a clear example, where this program has not been authorized since 1981, and every year the appropriators merrily go ahead and appropriate as they wish.

The junior Senator from Kansas has some suggestions on reauthorization in the Senate. One of them is combining the authorizing and appropriating committees. I think if we are going to continue like this, it makes excellent sense—no point in having the authorizers around. I think it is too bad. I think there is a function for the authorizing committees and they should not just be run over roughshod.

I want to thank the Chair. I thank the chairman.

AMENDMENT NO. 944

(Purpose: To require the transfer of $48,410,000 from the Legal Services Corporation to the Federal Bureau of Investigation.)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 944.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, strike line 2 and insert the following: "for special contingency funds, and of which $48,410,000 shall be transferred to the Department of Justice and made available to the Federal Bureau of Investigation (which amount shall be in addition to other sums appropriated to the Department of Justice and made available to the Federal Bureau of Investigation by this Act), and the Board of Directors of the Legal Services Corporation shall reduce the foregoing allocations as the Board considers to be appropriate.".

Mr. GRAMM. Mr. President, this is a simple amendment about priorities. The committee has underfunded the President's request for the FBI, by $48.41 million.

I would like to remind my colleagues that by a vote of 71 to 26 the Senate adopted the crime bill earlier this year, in fact on July 11, 1991. In that bill we voted to increase the authorization for the FBI by another $98 million.

Yet, here we are in the same month that we authorized an additional $98 million in the crime bill for the FBI to deal with the crisis that faces our bleeding Nation; in the same month that we authorized another $98 million for the FBI to fight the war on drugs, we have an appropriations bill before us that underfunds the President's request for FBI by $48.41 million.

Mr. President, let me outline what the $48.41 million requested by the President but not included in this appropriations bill would be used for if the money were restored.

If the money were provided, we would have an increase of $29.9 million, rather than the $8.29 million provided in the bill for white-collar crime. This $21.6 million that my amendment would add back would provide funds for S&L fraud and other white-collar crimes, including public corruption, and further investigation of Department of Housing and Urban Development fraud.

Mr. President, if we do not restore the $21.6 million increase requested by the President for white-collar crime, that means that S&L fraud, HUD fraud, public corruption, and other white-collar crimes that might be investigated, and that might be prosecuted might go undetected. In addition, $14 million which was requested by the President would be added back for technical field support and equipment, and the President's requested increase for information management, for automated data processing and telecommunications would also be restored.

Mr. President, I ask unanimous consent that a letter from William S. Sessions, the Director of the Federal Bureau of Investigation, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, July 25, 1991.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I appreciated the opportunity to speak with you about issues of concern to the FBI. Allow me to thank you again for your strong support and intense interest in significant law enforcement issues, especially digital telephony.

As we discussed, I am concerned about the level of funding for the FBI in Fiscal Year 1992 and beyond. The FBI faces awesome challenges. We must be in a position to address rapidly developing technologies, the savings and loan crisis, the changing world political situation, increasing violence by gangs and the burgeoning need to provide training to all levels of law enforcement. Very recent revelations about the status of the Strategic Arms Limitation Treaty, for example, highlight emerging circumstances that the FBI must be prepared to meet.

The President requested $2.021 billion for the FBI in Fiscal Year 1992. That request includes funding to address the treaty circumstances and a number of other critical initiatives. As you know, the House mark is substantially below the President's request and does not fund our treaty obligations. We are not prepared to meet these obligations absent sufficient funding. Other program enhancements requested by the President are equally important.

As the Senate takes up the Commerce, State, Justice Appropriations Bill, I am hopeful that these issues will be considered. Thank you for expressing interest and working to ensure these important needs are met.

Sincerely yours,
WILLIAM S. SESSIONS,
Director.

Mr. GRAMM. Mr. President, this is a very simple amendment. This committee which, overall has done an excellent job—and I congratulate the chairman and ranking member—has decided to underfund the President's request for the FBI by $48.41 million. Almost half of this money that is being denied the FBI is being denied in the area of white-collar crime, which desperately needs the increased funding.

My amendment would take the $48.41 million from the Legal Services Corporation and fully fund the FBI. It is important that my colleagues remember that, earlier this month, the Senate authorized another $98 million for the FBI and now in the same month, we are underfunding the President's request for the FBI.

Mr. President, I am not here to comment on the merits or demerits of legal services. We have debated this subject on many occasions. This amendment does not necessarily mean that the project we choose to transfer the money from is not a worthy project. It simply means that when you have to make a hard choice, you have to set priorities.

What I am saying in this amendment is that full funding for the FBI, especially in the area of white-collar crimes, is important enough that funds should be taken from legal services to pay for it.

I urge my colleagues to support this amendment, lest we be accused of hyprocrisy, when on the 11th of July we voted to authorize an additional $98 million for the FBI, and now we come along at the end of the month and cut the President's request by $48.41 million. So I urge my colleagues to adopt this amendment.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I will be brief. I always enjoy this annual discussion with my friend from Texas about the Legal Services Corporation. But I do think there are some numbers here that ought to be in the RECORD, which people ought to understand.

Mr. President, the FBI is hardly underfunded. Here are some numbers that I think any Federal agency would be delighted to have in their records. We increased FBI funding from last year's level of $1.69 billion to $1.97 billion, an increase of $280 million, or 16.5 percent. I daresay that few other Federal agencies will have that kind of an increase.

This does not even include, by the way, amounts for the FBI appropriated separately under the organized crime drug enforcement task forces. Under OCDE, we have increased the funding by $19 million, about 22 percent.

It is rather interesting to review the FBI budget, going back to 1981. In 1981 their budget was $681 million. Under this year's bill, the budget is $2.08 billion. Even around here, that is considered a rather hefty increase. I point out that is, in fact, a 205-percent increase over the past decade.

Let us turn to the Legal Services Corporation. In 1981, the Legal Services Corporation, which provides necessary services to poor people in this country, had a budget of $321.3 million. For fiscal year 1991, the figure was $328 million. In other words, over the past 10 years, the appropriation for the Legal Services Corporation increased by only 2 percent.

This year, we are giving them an increase of $21.8 million, a 6.6-percent increase. But the fact is that the increase—if you can call it that—over a 10-year period is under 9 percent. Obviously, in terms of their real buying power, it has shrunk enormously in that 10-year period.

The need for legal services for poor people in this country, considering the economy, is severe. I think every Member of this body can talk to people in his or her home State and understand the services that are rendered.

So I do not believe this amendment does anything other than take an amount of money, which the FBI probably would not even notice, away from an agency where it would cause severe harm to the delivery of their services. I am confident that, again this year, the Senate will see fit to defeat the Gramm amendment.

I yield the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Hampshire has pointed out the caution with which we treated the legal services budget. I will submit for the RECORD at this point, letters I have received from various organizations opposed to a reduction in one recommendation for the Legal Services Corporation.

Now, I want to take exception to the idea of the Senator from Texas that somehow Justice and FBI have been treated in a casual fashion in this bill. The fact is that this particular bill increases the FBI $299 million—$280 million, and when you put in the Organized Crime and Drug Enforcement Program increase of $19 million, you have $299 million increase. Specifically, in a 5-year period, we have gone from a Justice Department figure of $3.9 billion to $9.5 billion, $5.6 billion increase, trebling the Department of Justice appropriation in a 5-year period.

And, we have doubled the FBI in that same period of time, and we have added another $299 million this year.

So we have a gracious plan, and it is above the House by $106 million.

I reserve the remainder of my time.

Mr. RUDMAN. Mr. President, I do not see anybody else on the floor who wishes to speak on this amendment. Senator GRAMM'S staff has informed me it would be all right to yield back his time. I so yield back his time, and I also yield back, unless the chairman has something he wants to say.

Mr. HOLLINGS. I yield our time, Mr. President, and move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The vote on the Gramm amendment, by the previous unanimous-consent agreement, will occur tomorrow morning.

Mr. HOLLINGS. On the motion to table?

The PRESIDING OFFICER. Yes.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 946

(Purpose: To provide additional funds for the Border Patrol Program)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 946.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 99, between lines 7 and 8, insert the following:

SEC. . (a) Except with respect to budget authority provided by titles III and V and lines 1-6 of title I of this Act, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act for expenses under the heading "salaries and expenses", other than payments required by law, is hereby reduced by a percentage such that the total reduction equals $40,000,000: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

(b) In addition to amounts otherwise appropriated or made available by this Act to the Border Patrol program under title I of this Act, an amount equal to the aggregate of the reductions under subsection (a) of this section is hereby made available to the Border Patrol program as follows: 75 percent of such amount shall be available for personnel for use in connection with the southwest border of the United States, and 25 percent of such amount shall be available for vehicles and equipment for use in connection with such southwest border.

Mr. SEYMOUR. Mr. President, I rise the evening to offer an amendment that reflects my strong concerns on the state of affairs along the Southwest border—an issue that means many things to many people, but to the men and women who have the great and daunting task of patrolling this border region, this issue is of extreme importance.

For the millions of Americans who reside along or near the Southwest border, the men and women of our Border Patrol represent the first line of defense to stop those who illegally cross into our country to traffic narcotics or engage in criminal activities.

Recently, the Senate passed the Treasury, Postal appropriations bill, which provides $10 million for 100 new Border Patrol agents for the Southwest border. I was proud to support that legislation largely because it contained this additional funding.

But frankly, Mr. President, to quote an expert on border enforcement, this addition is "merely gravy."

Last March, the General Accounting Office [GAO] conducted a study on Southwest border enforcement, and concluded that the Border Patrol's nonborder control activities have made staff resources at the border insufficient to carry out their mission. The GAO noted the McAllen sector in Texas, where seven agents—seven—were patrolling 66 miles of border. For 3 hours, these seven agents had other nonborder duties. The result is an unpatrolled 66-mile sector for a 3-hour period.

In San Diego, the most widely traveled border region, a supervisory agent told the GAO that one-third of the border under his jurisdiction was not patrolled.

In short, Mr. President, absent additional resources, we will continue to see aliens effortlessly crossing our border, many of them pawns in America's international drug war.

It is primarily because of the continued flow of drugs that the Border Patrol's role becomes even more important. In 1989, the National Drug Control Policy Board stated that the reduced time at the border may have hurt our drug interdiction efforts. And just this past year, the Office of National Drug Control Policy stated that the Border Patrol is the primary agency for drug interdiction between ports of entry.

But it is naive to think that the solution to our border problems is lack of personnel. Indeed, our border troubles are due to a lack of vehicles and technology.

According to the GAO, more than 50 percent of the Border Patrol's more than 3,000 vehicles should be evaluated for possible replacement. Unless older vehicles are replaced, the border is forced to rely on less reliable vehicles, which if operable, drive up maintenance costs.

With additional funding, the Border Patrol can replace even more vehicles in the coming year, reduce long term maintenance costs, and ensure even more effective enforcement.

Additional assistance is also needed to help the border have the technological means necessary to most efficiently use their corps of agents, especially in areas that suffer from personnel shortages. One need only travel to San Diego to best understand why I am here discussing these matters with you today. I visted this border region earlier this year, and I'll be frank: it was shocking to see what the men and women of Border Patrol are up against. The San Diego region is the most traveled part of the Southwest border. More illegal aliens successfully travel across this region than any other. And, I am sad to say, most of the drugs imported into this country travel across this border.

Like most other border regions, San Diego faces a personnel problem, but their's is more acute—there's is due in part to a lack of funding, but it's alsodue to a high cost of living in the San Diego region. Simply adding more personnel is not going to solve San Diego's Border Patrol problems because its attrition rate will eat significantly into any personnel increase. Over time, with the implementation of Federal pay reform, we can hope to strike at this attrition rate. In the meantime, however, action must be taken to make the San Diego border an effective force against the importation of crime and illegal drugs.

One of the most effective ways to address this problem is to implement a low-light television system along the San Diego border region. With this additional surveillance component, we can more efficiently use Border Patrol agents in the San Diego area. According to one Border Patrol supervisor, several cameras and three agents could monitor an area patrolled by as many as 25 agents.

Now, I am not saying that this camera system is meant to replace agents. Rather, it allows the border to more flexibly use agents in areas other than border surveillance. Indeed, this system will help to compensate the growing nonborder responsibilities the Border Patrol has had to take on as part of its efforts to combat illegal drugs.

Mr. President, my amendment addresses these three areas of concern to the Southwest border region. I strongly believe this amendment is a cost-effective amendment. Indeed, I believe the amendment is a law enforcement measure of the best kind: it is preventive law enforcement.

Absent this amendment, I believe the coming year will be business as usual along the border. It will still be an easy ride for most who desire to sneak across the border.

But Mr. President, I believe it's about time that business as usual be put out of business, because it is hurting many States including my State of California, ability to conduct their businesses.

Now I know what many say: Just because we have failed to catch illegal aliens at the border does not mean we have lost any opportunity to catch people who come into this country illegally. No problem. If these people choose to come into this country to break the law, to traffic drugs, to bring violence to our neighborhoods, no problem, Mr. President. State and local law enforcement will catch them. State and local law enforcement will throw them into jail or prison. State and local courts will try them, convict them, sentence them, and house them in their jails or prisons. And if we're lucky, if we find out that these people came here illegally, we can just send them right out of this country after they serve their time. And if they waltz right back in, do not worry, we will just find them again.

This is quite a merry-go-round, but those who are getting dizzy watching it go round-and-round are the State and local governments who must put up the cost to identify, try, convict, and house criminal aliens.

Let me use my home State of California as an example of the incredible costs being placed because of inadequate border enforcement. As of last April, the California State prisons had custody of 9,621 criminal aliens. This actually is a conservative estimate. Because this figure represents only those that have been identified as aliens. The cost of incarcerating this number totals more than $200 million each year.

But these are just the costs of incarceration. The costs of processing these aliens for deportation and coordinating related activities with the INS adds an additional $2 million each year.

The California Youth Authority houses more than 750 minors who are designated as illegal aliens—9 percent of the youth authority's population of juvenile offenders. And housing these young people amounts to more than $24 million each year.

In short, the State of California must spend a minimum of $226 million each year to deal with criminal aliens, most of them finding their way into prison by way of the Southwest border.

The State of California is upholding its responsibility by incarcerating those who commit crimes. But when those who commit crimes are aliens, that individual is the responsibility of the Federal Government. It is up to us to deal with that person. But California is finding itself bearing a heavy part of the Federal Government's responsibility.

California is just one example of many States that are spending a disproportionate amount of scarce State funds to deal with the severe problem of criminal aliens. I am sure that my colleagues from Arizona, New Mexico, Texas, and even Florida understand my concerns.

The legislation before us does contain some modest but important steps. It contains the necessary increases to base funding to ensure that the Border Patrol will have the funding to hire 100 additional agents. I am also pleased that the committee recognized the need for additional personnel to process the growing caseloads of criminal aliens in our country.

And I am pleased that the managers agreed to an amendment I cosponsored along with Senator SIMPSON to fund 10 new INS judges to meet the growing number of deportation hearings brought about by the rising criminal alien population.

But more is needed and my amendment is designed to address this need. The demand for more personnel to deal with our criminal alien population in this country will continue to grow until we meet our needs to keep criminal aliens out of our country. After all, it is much more cost effective in both dollars and lives if we keep criminal aliens out of our neighborhoods by stopping them at the border, rather than housing them in our prisons.

Mr. President, I urge my colleagues to support this amendment. We must fully address the impact that criminal aliens are having on all levels of government, our prisons and jails, as well as in communities across America. The rising cost is something that we can't ignore. It requires us, now more than ever, to use our scarce resources more efficiently.

Relative to the cost of this amendment and this beefing up of the Border Patrol, I would just like to say this: The way that we have asked for reductions in order to meet the cost of this amendment is to ask for a very small, very small, less than 1 percent I am told, of a cut in the budget across the board in order to finance these badly needed border patrol officers and equipment.

Mr. President, I urge the support of my colleagues for this amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. HOLLINGS. Mr. President, I have the greatest respect for the distinguished Senator from California. His initial amendment cut straight across the board and used budget function 150, international accounts. Under the budget summit agreement these funds could not be transferred to domestic programs, as we all know. So, in essence, the amendment now before us would cut only domestic discretionary programs. As I understand it, looking at the amendment closely, the U.S. attorneys, FBI, DEA, Federal prison system, the U.S. Trade Representative, Small Business Administration, would all be cut.

The Border Patrol is an agency that has been doubled in the last 5 years. We have the GAO report which shows the actual figure is an increase of 97 percent in the last 5 years. The fact is, last year when the administration asked for a $16 million increase for the Border Patrol, we gave them $20 million. This year they asked for no increase and we gave them $5 million more.

I studied and Senator RUDMAN studied closely that GAO report. There was some complaint we heard that while they got increased funding, the Department of Justice was not allowing the moneys to go forth to the particular border patrol. The fact is we reprogrammed $7.6 million in 1987, in 1988 another $12.1 million, in 1989, another $14.4 million. So in that period of time, here in the last few years, we have reprogrammed an additional $26.5 million to the border patrol. I hope we would not cut these other programs for an agency that has been studied and closely monitored, been doubled over the 5-year period, on the one hand, and provided all this reprogramming, on the other hand.

I retain the remainder of my time.

When all time is yielded back or consumed, I will move to table the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, let me just say to my friend from California that the chairman and I looked at this very carefully because it is a very valid request. The Senator from California makes a good point. I think the chairman has pointed out that in fact we have done a great deal for the Border Patrol within the limits of our appropriation allocation over the last several years and wish we could do more.

There is no question but that the Senator from California makes a point which no one can dispute. We have problems along our borders and they are going to be solved only when we are willing to allocate more resources.

The problem this subcommittee has is a problem had by all subcommittees, but ours is particularly acute because within our subcommittee we have allocations for the State Department in a separate budget agreement account, if you will, for a good part of it, and then, of course, we have the FBI, the DEA, the Bureau of Prisons, the courts, and all of those things that are essentially connected to the whole criminal justice system.

What we have tried to do over the last 5 years is to try to look at it as a system, including the Border Patrol, and do all we could to move funds into areas which we thought had priority. I daresay that probably no two chairmen and ranking members would do it exactly the same. But we have to do it and report it to our committee, and we did.

I regret having to join the chairman in opposing this amendment. It is a good amendment. Unfortunately, within our budget priorities, we think we have done a fair and reasonable jobs. Some may quarrel with that and if enough quarrel, then, of course, the Senator will win his amendment. But I daresay that we have done an equitable job across the board.

I want to commend the Senator for the amendment he has offered. I wish that we could support it.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. SEYMOUR. Mr President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from California has remaining 2 minutes and 30 seconds.

Mr. SEYMOUR. Mr. President, I would just like to say in response to my distinguished colleagues, the Senator from South Carolina and Senator RUDMAN from New Hampshire, I have no doubt whatsoever that you have done as good a job as you can do in spreading a limited number of resources over the programs that need funding. But this is a crying need. It may not be a crying political need because there are so few States that in fact have to protect their borders, but it is a crying need relative to the States that are so impacted and my State comes first on that list.

What we are asking to pay for this small amount is less than a 1-percent cut, 1 percent, Mr. President. I do not think that is too much to ask to help States like California perhaps cut in half the 1,500 illegal aliens that cross our San Diego border every night.

I yield back the remainder of my time, Mr. President.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes and 34 seconds remaining.

Mr. HOLLINGS. I will not consume that amount of time unless Senator RUDMAN would need some of it.

But, Mr. President, if we get nothing out of this debate, the distinguished Senator from California should understand that this is not a State concern, this is a national concern, the matter of immigration. I was around here 20 years ago. I think it was General Chapman who said let us take that lattice work we used to put on temporary runways during the war and just erect it in a standing fashion and just put a Maginot Line all the way, 2,000 miles, across the Rio Grande.

We have been working on this one. It is a never ending problem. It is a problem of immigrants coming all the way up, not just to those States, but coming all over the United States. But it is a matter of national concern and has been treated as such and has not been given casual care because we have just a few Senators from the border. That is not the case whatsoever.

I know intimately many moves and suggestions have been made with reference to covering the Rio Grande for 2,000 miles and particularly down in Tijuana where they told us 5,000 a week were coming in and I daresay they still are.

We tried everything in the world on the California border where they have been pouring into the wonderful State of opportunity, the State of California.

I say to the distinguished Senator, I am glad to work with him. I hate, on this initial move of his, to have to table it. But unless the distinguished Senator from New Hampshire has more to say—is the Senator ready to yield back any time he has?

Mr. SEYMOUR. Yes.

Mr. HOLLINGS. I yield back our time and move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the vote on the Seymour amendment will occur on Wednesday morning.

Mr. HOLLINGS. Mr. President, earlier today when the Senator from New Hampshire and I began, we excepted two committee amendments because we thought members had given us notice they wanted to offer amendments to those committee amendments. Of course, they were not offered, and under the unanimous-consent agreement, they cannot be.

I ask unanimous consent that the two excepted committee amendments be considered en bloc and agreed to.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The excepted committee amendments on page 9, lines 2 through 5, and page 39, lines 14 and 15, were agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the excepted committee amendments were agreed to.

Mr. SEYMOUR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote on final passage will occur on Wednesday morning.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE CRACK EPIDEMIC

Mr. MOYNIHAN. Mr. President, recently the New York Times observed the 10th anniversary of the beginning of the acquired immune deficiency syndrome epidemic. In a July 2 letter to the editor, I wrote we should also mark the start of the crack cocaine epidemic, which began in this country just 5 years later. Few seemed to have taken notice of this fact.

I first heard of the subject from detective Charles Bennett of the New York Police Department in the summer of 1986. Drug dealers on New York City streets had begun snapping their wrists as a kind of call sign. Detective Bennett informed me that they were selling something called crack, the gesture being that of someone cracking a whip. Such began an epidemic which has ravaged our cities but still receives far too little attention from the medical profession. Possibly, the anniversary of the first sightings of AIDS can give occasion for thought about this other devastating disease. Mr. President, I ask unanimous consent that the text of my letter be entered in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 2, 1991]

CRACK EPIDEMIC DESERVES AS MUCH OF OUR ATTENTION AS AIDS

To the Editor:

You mark the 10th anniversary of the beginning of the acquired immune deficiency syndrome epidemic with two Op-Ed articles June 5. The crack cocaine epidemic began in this country just five years later, but with no notice in the Centers for Disease Control publication Morbidity and Mortality Weekly Report, which spotted the onset of AIDS.

The crack outbreak was first recorded in the Bahamas in 1983. On Dec. 31, 1985, The Atlanta Journal carried a brief report from Nassau in which Dr. David Allen, head of the Bahamian National Drug Council, tried to warn us.

"What we have is the world's first free-basing epidemic," he said, and it "could be preceding an epidemic in the industrialized states."

"Anywhere there is readily available high-quality cocaine," he added, "there is this potential."

Dr. Henri Podlewski is also quoted saying free-based cocaine may be the most addictive drug known. No evident notice was taken in U.S. medical circles. On March 1, 1986, The Lancet, journal of the British Medical Association, published "Epidemic Free-Base Cocaine Abuse, Case Study From the Bahamas," by Drs. Allen, Podlewski and associates—the lead article of one of the world's most prestigious medical journals. Again, evident indifference here.

I first heard of the subject from Detective Charles Bennett of the New York Police Department in the summer of 1986. Drug dealers on New York City street corners had begun snapping their wrists as a kind of call sign. What for, no one knew. By autumn, Detective Bennett informed me they were selling something called crack, the gesture being that of someone cracking a whip. By winter the epidemic had struck New York in full force. As you recently noted, we are just now seeing the first crack babies entering the school system.

Still, the medical profession keeps its distance. The 15th edition of the Merck Manual (1987), for example, states explicitly that cocaine use is not addictive. "Neither tolerance nor physical dependence have been noted" (page 1,491). But something more is involved. There is a shelf of Nobel prizes for the discoverers of what we hope for in the AIDS field. But for the researcher who finds a blocking agent for cocaine? I doubt it.

The 1988 legislation that established the Office of National Drug Control Policy created a director and deputies for demand reduction and supply reduction. Demand reduction called for intensive medical research into the physiology of addiction. I wrote this portion of the statute. But somehow the profession does not respond. Possibly, the grim anniversary of the sighting of the AIDS epidemic might occasion some thought about this equally grim anomaly.

Better news: the Morbidity and Mortality Weekly Report has begun a "national surveillance of cocaine use and related health consequences."

DANIEL PATRICK MOYNIHAN,
U.S. Senator from New York.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,327th day that Terry Anderson has been held captive in Lebanon.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1992

Mr. CONRAD. Mr. President, I want to commend the distinguished Senator from North Dakota, Senator BURDICK, the chairman of the Subcommittee on Agriculture and Related Agencies, and Senator COCHRAN, the ranking minority member, for the Agriculture, Rural Development, and Related Agencies appropriation bill 1992. Under enormous budget constraints, they were able to put together a good bill.

Mr. President, I am particularly grateful for their funding of several programs. I want to thank them for increasing Farmers Home Administration direct loans. This program is vital to providing affordable credit to many farmers at a time when farm prices are quite low.

FmHA direct loans have been cut significantly since 1985. In 1985, we had $3.6 billion in direct farm operating loans and $653 million in direct farm ownership loans. In 1991, we have $493 million in direct farm operating loans and $57 million in direct farm ownership loans. Each year, all available direct farm ownership funds are used. Until 1990, the same was true for direct farm operating loans.

Even in 1990, I have doubts that there was a reduction in actual demand for direct operating loans. Forty-three States used 95 percent to 100 percent of their allocation. Yet nationally, FmHA only used 75 percent. How can that be? I suspect that the reduced use of the program was not due to decreased demand, but due to the way FmHA allocated money to States, and other implementation problems. There are ways that FmHA can reduce the appearance of demand for direct loans: by not providing adequate State allocations when needed, thus requiring states to apply to the national FmHA office for additional funds on a loan-by-loan basis. This process wastes precious days or even delays approval until the date by which the farmer must have the loan to commence annual operations has passed. In addition, FmHA can discourage applicants from applying. Unfortunately, FmHA does not keep records of actual demand for loans, such as the number of applications rejected due to lack of funds. So we do not have data on which to judge actual demand.

These statistics clearly show that while funding for direct loans has dropped significantly since 1985, demand for the program has not. The increased funding in this bill will help many more farmers obtain much needed credit.

A provision of an amendment passed on this bill today to provide funding for the Interest Assistance Program would help reduce allocation problems. It will require FmHA to allocate all loan funds to States in the first two quarters of the fiscal year. This should help States get the limited direct loan funds when needed.

Mr. President, I want to respond to comments made by Senators COCHRAN and DOLE about FmHA's guaranteed loan program. Guaranteed lending has not "succeeded far beyond the expectations of many," as my colleague, Senator DOLE asserts. While the administration has asserted that the guaranteed loan program can replace the direct loan program, the facts show it does not.

While demand for direct loans has remained high, and funding has dropped, there has not been a corresponding increase in the use of the guaranteed loan program to assist those borrowers who were unable to get direct loans. Use of the guaranteed loan program has actually declined since 1985 for farm operating loans; $1.1 billion was obligated in 1985, and only $909 million was used in 1990. Use of the farm ownership guaranteed loan program has remained relatively flat, hovering around $300 to $350 million, since 1987.

Appropriations for guaranteed loans are consistently much higher than actual use. In 1987, FmHA used only 53 percent of its allocation for guaranteed operating loans. In 1990, it only used 31 percent for these loans. This year, it has only used 28 percent of its allocation to date. While the administration says its top priority is making guaranteed loans, it has not been able to significantly boost their use.

I believe that the guaranteed loan program is an important component of FmHA assistance. However, it simply cannot serve all borrowers that Congress intends to help through FmHA.

In addition, there is a need for the Interest Assistance Guaranteed Loan Program. It can help borrowers who are nearly commercially credit worthy get private credit at reduced interest rates. This interest reduction is particularly important for longer term chattel and farm ownership loans.

Yet again, the facts show that the guaranteed Interest Assistance Loan Program cannot fully replace direct loans. Funding for direct loans was cut by $482 million for fiscal year 1991 under the Omnibus Budget Reconciliation Act of 1991 [OBRA], as part of an effort to cut $13 billion in agricultural programs as required by the budget summit agreement. The Interest Assistance Program was enacted in OBRA to assist those borrowers who would not be able to obtain the scarce direct loans due to this cut; $482 million, the amount cut from the direct loan program, was allocated for Interest Assistance loans. Yet FmHA has only made $153 million in Interest Assistance loans as of July 23, 1991, less than 32 percent of the total allocation. Clearly, this program has not picked up all those borrowers who were denied direct loans due to the cut in funding.

I hope these facts assist my colleagues in evaluating FmHA's direct and guaranteed loan programs. I intend to continue my strong support for adequate funding of the direct loan program. I will also continue my work to improve the guaranteed loan program, so that it can assist more borrowers.

Mr. President, there is some very exciting new funding in this bill. It funds the Alternative Agricultural Research and Commercialization Act of 1990 [AARC]. I have pressed for the enactment of this program since 1987, and was pleased to see it pass as part of the 1990 farm bill. This appropriation will assure that the program is implemented, and the benefits to the Nation are realized.

Mr. President, you know of the urgent need for jobs and income in rural America. Based on much discussion and a series of hearings before the Senate Agriculture Committee, we determined that AARC is the best way to increase the development and commercialization of new nonfood, nonfeed products made from farm commodities. New uses commercialization presents a significant opportunity to increase demand for agricultural commodities, thereby strengthening the agricultural sector and rural economies.

From experience we know that government or industry working alone is not bringing these products to the marketplace with the speed necessary in today's competitive world. According to the Foreign Agricultural Service, over 50 percent of U.S. agricultural exports are unprocessed bulk commodities. Another 20 percent of exports have had some intermediate processing. In contrast, over 75 percent of the farm exports of the United Kingdom, France, West Germany and Italy are value-added products. In fact, we often export bulk raw commodities and import the finished products. Our loss in terms of jobs and income is tremendous. The Economic Research Service estimates that $15 to $20 billion could be added to farm income alone by substituting new crops and products for imports.

Realistically, this country has to change the way it does business if it is to compete more effectively in international markets. Japan and other countries assist their companies in commercializing technology, quite often United States technology. Yet in this country there are substantial barriers to moving these products to the market shelf which private companies must face alone. Three primary obstacles—coordination, high cost and long-term risk—hamper and often prevent commercialization.

In addition, our excellent Federal agricultural research system focuses primarily on increasing farm production rather than developing new uses and markets for farm products. In 1988, about 1.5 percent of the total $900 million budget for the Agricultural Research Service and Cooperative State Research Service was spent on nonfood products. Funding for new uses research was actually less since this $16 million includes feed and traditional textiles research. Even when researching new uses, researchers often do their work without talking with private companies and farmers about market needs and economic feasibility.

In today's world of international competition, the Federal Government must do more. Significant resources must be focused on developing new uses and assisting the private sector to overcome the barriers to commercialization. Offering a company a patent or a cooperative agreement isn't enough. The public and private sectors must work in partnership if we are to grasp the opportunity presented by new uses.

We passed AARC to change the way the Government works with the private sector. This innovative program will help researchers and companies speed new uses from the laboratory bench to the market shelf. The key to AARC's success is its independent board with resources focused solely on coordinating and assisting efforts to get these new products to the marketplace.

AARC will help overcome the commercialization gap by, first, creating partnerships between the public and private sector; second, targeting research on promising new uses through a competitive grants program; and third, providing short-term bridge financing to leverage private investment in commercialization projects. Priority is given to projects which create jobs in economically distressed rural areas and include non-Federal resources.

I believe AARC is a sound investment. Through AARC, we can first, create new jobs and increase rural economic development; second, increase the demand for traditional and new crops, encouraging agricultural diversity, benefiting rural businesses and communities; third, improve our trade balance; and fourth, produce industrial products from renewable resources which are safer for the environment and reduce our reliance on nonrenewable resources. The Federal Government will see additional returns on its investment in terms of successful companies repaying AARC assistance, and tax revenue from a healthier economy.

Mr. President, I firmly believe that funding for AARC will be one of the best Federal investments we can make.

I also want to commend Senator BURDICK and Senator COCHRAN for providing $250,000 for the North Dakota Agricultural Products Utilization Commission. The goal of the Commission is the creation of new economic growth and jobs in North Dakota, especially in rural communities, by providing assistance in the financing of research, development, and marketing of value-added agricultural products.

The Commission's assistance in commercializing food, feed, and nonfood products made from agricultural products is similar in many ways to the types of assistance AARC will provide on a national level. As I mentioned earlier, AARC's assistance is targeted for nonfood new uses, and will include both research grants and business financing. It is my hope that the Commission will become part of an AARC regional center.

The North Dakota Agricultural Products Utilization Commission provides necessary assistance to the research and marketing needs of the State of North Dakota by partially financing projects which are designed to develop new uses for agricultural products and byproducts; to seek more efficient systems for processing and marketing agricultural products and byproducts; and to promote efforts to increase productivity and provide added value to agricultural products. Emphasis is placed on agricultural utilization and marketing research for industrial and other nonfood products and processes utilizing agricultural output; and food, feed, and fiber products and uses which are innovative and add to the value of agricultural products.

The commission provides a very important function by providing gap financing for the essential areas of research and product development. The commission's role is important in encouraging and supporting the development and marketing of new products from the agricultural resources of North Dakota. The funding from the commission provides job and business opportunities for North Dakota farmers, ranchers, and entrepreneurs, which are vital to diversify and expand the economy of our State.

Again, Mr. President, I want to thank Senator BURDICK and Senator COCHRAN for their work. I urge my colleagues to support this bill.

TUPELO LEARNING INSTITUTE

Mr. COCHRAN. Mr. President, educational partnerships, linking business and industry with the elementary and secondary classroom, are creating better educational opportunities for students nationwide. Partnerships are an integral component in helping communities improve their educational programs and have become critical in establishing a foundation to help reach the national education goals by the year 2000.

For example, in Mississippi, L.D. Hancock, a successful Tupelo businessman, has given cash and real estate valued at $3.5 million, with no strings attached, to the Tupelo Public School system for the purpose of developing a leadership and learning institute. The institute will be charged with a mission to invent the schools of the future, as envisioned by the President in the America 2000 education strategy. Tupelo teachers will be the designers and architects of the new break-the-mold schools. The money will also be used to generate a $1 million per year budget to help support the teachers of the Tupelo School District, because the Tupelo school system believes they are the key to the success of the program and its greatest resources.

Mr. President, I ask unanimous consent that an article which appeared in the Clarion Ledger, regarding Mr. Hancock's very generous gift to the Tupelo School District, be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

CHRISTMAS IN JULY? TUPELO PUBLIC SCHOOLS GET $3.5 MILLION GIFT

(By Lea Anne Brandon)

Tupelo public schools received a $3.5 million gift Monday from L.D. Hancock, founder of the national Hancock Fabrics chain, to develop a district Learning Institute.

The institute will train teachers to develop their schools' academic curriculum and to create new schools for the 21st century.

"These funds will allow us to pioneer a new dimension in education and provide our teachers with the special skills necessary to make our school district one of the top in the nation," said Superintendent Mike Walters.

"This Learning Institute will be staffed by our teachers. It is here that our teachers and principals will be empowered to invent schools and structures to guarantee the success of our students," Walters said.

The institute also will provide leadership training to school personnel.

"The bottom line here is restructuring," said state Superintendent of Education Richard Thompson, who led the 6,185-student Tupelo schools from 1987–1990. "The teachers will have access to the best training available to help them restructure their classrooms and learn the most recent techniques."

"It's fantastic," Thompson said Monday. "I don't know of anybody else in America who is doing this thing. A lot of people are talking about it, but this will be the first example of a school district committing to restructuring based on the needs of children."

Thompson said Assistant Superintendent Derwood Tutor "has been working on this for a long time. He deserves a great deal of credit."

Tupelo School Board Chairman Leon Clay said the Hancock gift "is without a doubt the single most generous gift ever made to this school district."

"Education is an expensive process, and the people of Tupelo have been both generous and understanding," Clay said.

Hancock founded the fabric chain in Tupelo in the 1950s, but sold it in the 1970s.

Tupelo Mayor Jack Marshall said at a Monday news conference the Hancock gift "will help Tupelo make the leap from a quality state school system to an outstanding national school system, providing opportunities for our educators to flex their professional muscles and providing for our students possibly the best curriculum of any school system in the nation."

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1991

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 190, S. 1247, regarding the regulatory authority of the Secretary of Treasury; that the committee substitute amendment be adopted; that the bill be deemed read a third time and passed; that amendment to the title be adopted, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1247), as amended, was passed as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Goverment Securities Act Amendments of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the Government securities market is essential to

facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the Government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) Rules For Financial Institutions.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a Government securities broker or Government securities dealer or that is required to file notice under subsection (a)(1)(B) of this section, the appropriate regulatory agency for such Government securities broker or Government securities dealer may issue such rules and regulations with respect to transactions in Government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary of the Treasury has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for Government securities, or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.".

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to Government securities brokers, Government securities dealers, and persons associated with Government securities brokers and Government securities dealers.".

(b) Rules by Registered Securities Associations.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78O-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in Government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) Oversight of Registered Securities Associations.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(5) The Commission shall consult with and consider the views of the Secretary fo the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G) of this title, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve such a rule if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for Government securities, or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G) of this title, the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to Government securities brokers, Government securities dealers, and persons associated with Government securities brokers and Government securities dealers,"; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G) of this title, the Commission shall consult with and consider the views of the Secretary before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securties Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No Government securities broker or Government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securitries Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by an appropriate regulatory agency, or the Secretary from or with respect to any Government securities broker or Government securities dealer or with respect to any person associated therewith may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commerical lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms as are used in the International Banking Act of 1978);

"(iv) the Director or the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) In General.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve Systems shall monitor and evaluate the effectiveness of private sector efforts to disseminate Government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in Government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all Government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotation for and transactions in Government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all Government securities brokers, Government securities dealers, Government securities information processors,

and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in Government securities as is published or distributed.

(b) REPORT.—A report describing the findings under this subsection and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

The title was amended so as to read: "A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the Government securities market, in order to protect investors and facilitate Government borrowing at the lowest possible cost to taxpayers.".

Mr. DODD. Mr. President, I rise in support of S. 1247, the Government Securities Act Amendments of 1991. This is legislation Senator GRAMM and I introduced on June 6, at the request of the Department of the Treasury. I want to begin by thanking the subcommittee's ranking minority member, Senator GRAMM, for all of his hard work over the past 2 months, as we developed amendments to the legislation and moved it through the full Banking Committee, and now to the Senate floor. I also want to thank our chairman, Senator RIEGLE, for all of his hard work and support in helping us move the legislation expeditiously.

In brief, the legislation would: reauthorize Treasury's rulemaking authority under the Government Securities Act; provide a structure for sales practice rules for Government securities dealers; direct further study of private sector efforts to disseminate price and volume information for Government securities dealers; and authorize the SEC to write rules requiring that Government securities dealers who do not have SIPC coverage for their customers make full disclosure about their lack of coverage.

Mr. President, every taxpayer in this country is affected by this legislation. The market for Treasury securities is the largest securities market in the world. It is absolutely essential that we maintain the liquidity and efficiency of this market so that Government funds are raised with the least possible cost to the American taxpayer. It also is essential that investors—whether they are individuals, mutual funds, or State and local governments—have confidence in this market and believe it is fair and honest.

The Government Securities Act was passed in 1986, because unregulated dealers were harming investors and undermining the integrity and fairness of the market. Treasury was given rulemaking authority over Government securities dealers with respect to capital requirements and a number of other requirements relating to financial responsibility. But that authority was given a sunset. It expires October 1 of this year.

By all accounts, Treasury has done an excellent job, and virtually everyone who testified before the subcommittee or wrote to the subcommittee has said that Treasury's current authority should be reauthorized. The legislation removes the sunset and permanently reauthorizes Treasury's authority.

In the period since the original act was passed, the GAO and some others have suggested that rulemaking authority in certain additional areas should be granted.

For example, the 1986 act did not give Treasury—or any other regulator—authority to write sales practice rules for Government securities dealers. Sales practice rules include suitability rules, as well as rules against excessive markups and churning. These rules apply to brokers and dealers in corporate and municipal securities, but generally have not applied to Government securities trading.

In addition, the 1986 act did not provide rulemaking authority to require dissemination of price and volume information for Government securities trading. And, until recently, there was no mechanism to provide this information to a broad group of Government securities dealers and their customers.

The 1986 act did not address the issue of securities investor protection coverage for customers of specialized Government securities dealers.

In a report issued last fall, the GAO recommended that these issues be addressed in connection with the reauthorization of Treasury's authority. The legislation addresses each of these issues.

The legislation removes the sunset provision contained in current law and, therefore, permanently authorizes Treasury's rulemaking authority in the areas of capital and financial responsibility, and other areas assigned to Treasury under the 1986 act.

The legislation creates a structure for sales practice rules for Government securities dealers. For banks that are Government securities dealers, the appropriate banking regulator would be authorized to write rules "necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade." For securities firms that are Government securities dealers, the NASD would be authorized to write these rules, subject to SEC approval.

In both cases, before the bank regulators or the SEC could approve rules, they must consult with Treasury. They would not be permitted to approve a rule if Treasury determined the rule would, first, adversely affect the liquidity or efficiency of the Government securities market; or, second, impose any unnecessary burden on competition. This will ensure that Treasury has a prominent role in protecting the interests of taxpayers and ensuring a liquid and efficent market. In addition, the statute would require regulators to consider existing rules when writing new rules.

The legislation also prohibits Government securities dealers that are not SIPC members from acting in contravention of SEC rules to assure that customers have full disclosure that their accounts are not covered by SIPC.

Finally, the legislation directs Treasury, the SEC and the Federal Reserve to monitor and evaluate the effectiveness of private sector efforts to disseminate Government securities price and volume information and to report back to Congress in 18 months. In this area, the bill Treasury submitted would have given Treasury broad rulemaking authority. We believe that, in view of private sector efforts, such as Govpx, it may be premature to authorize rules at this point and dictate the content of the system.

Mr. President, in view of the October 1 sunset date for Treasury's authority under the act, the Banking Committee acted to move this legislation as expeditiously as possible. We were assisted in our efforts by the excellent work of Treasury, the Federal Reserve, and the SEC. Although the legislation reported by the committee contained substantial amendments to Treasury's initial proposal, and although the SEC and Federal Reserve objected to the regulatory structure we developed for consideration of sales practices rules, each of these regulators agreed with us on the importance of moving this legislation quickly to ensure that there would not be a gap in regulation for a market so critical to the functioning of our economy. I want to thank Treasury, the Federal Reserve, and the SEC, and their excellent staffs, for the attention they devoted to this legislation.

In addition, the Government Financial Officers Association and the Public Securities Association worked with us, and with each other, in trying to help us craft language on sales practice rules that would meet the objective of protecting investors, yet not overburden what is regarded as the most efficient and liquid market in the world. I cannot report that either organization is 100 percent satisfied with the language we developed, and yet they have continued to work with us in our efforts to move the legislation and reauthorize Treasury's authority before the sunset date. I want to thank the hardworking staffs of these organizations for their efforts as well.

Mr. RIEGLE. Mr. President, I am very pleased that the Senate has been able to take prompt action on S. 1247, the Government Securities Act. Early in this session, the Banking Committee's Securities Subcommittee, chaired by Senator DODD, solicited the views of a number of Government and industry officials on the reauthorization of Treasury's rulemaking authority and related issues. The letters received by the subcommittee provided us with a great deal of valuable information, enabling the committee to move this legislation in a minimum amount of time. The subcommittee held a hearing on this issue within a week of receiving proposed legislation from the Treasury, and the full committee marked up that legislation within a month. Thanks to the diligent efforts of Senator DODD and his subcommittee, the Senate is now taking action to reauthorize the Government Securities Act in a timely manner.

The reauthorization is important, because this legislation maintains a Federal system of regulation for the entire Government securities market, in order to protect investors and to ensure the maintenance of a fair and liquid market. The authority of the Treasury Department to promulgate rules for this market expires October 1 of this year, unless it is reauthorized. The Treasury has proposed that its rulemaking authority be reauthorized, and I concur with their proposal. The comments received from the administration and the regulatory agencies, including the SEC and the Federal Reserve, along with representatives from the private sector on this legislation, indicate that Treasury has done an excellent job implementing the Government Securities Act.

This legislation also provides for the application of sales practices rules to brokers and dealers of Government securities. These rules are necessary to maintain the integrity of the markets by ensuring that participants in this market will be treated fairly. The legislation further provides for disclosure to customers of Government securities firms that are not members of the Securities Investor Protection Corporation, so that customers will fully understand whether they are protected by the SIPC insurance fund. Additionally, the legislation will require Treasury, the SEC, the Federal Reserve, and the GAO to monitor private sector pricing systems such as the Government Pricing Information System and report back to Congress in a year and a half. As indicated by the committee report, if private sector initiatives have not responded appropriately to the concerns of the Treasury, the SEC, and market participants, the committee will reconsider the necessity of granting statutory authority to mandate access to Government securities price and volume information.

Overall, reauthorization of the Government Securities Act will enhance the current efficiency and liquidity of the Government securities market, while ensuring fair treatment for market participants. I congratulate Senator DODD for his efforts in this matter, and I also congratulate the subcommittee's ranking minority member, Senator GRAMM, for his diligent work.

SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT AUTHORIZATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 2313, regarding school dropouts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2313) to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the legislation before the Senate today includes provisions to reauthorize the Star Schools Program Assistance Act. This legislation was first authorized in December 1987. Since that time, the Education Department has awarded grants to eight multistate networks which provide access to live interactive instruction to students in every State. These networks have provided math, science, foreign language, and other courses to thousands of schools and tens of thousands of high school students and their teachers. More and more elementary school students are receiving star schools courses too. By linking together remote classrooms and the best teachers, star schools has turned one-room school houses from Forest, MS, to Tok, AK, into windows on the best instruction in the Nation. We have truly taken satellite technology used to create star wars and created star schools.

American students rank below students in other nations in international tests of math and science achievement. Studies show that they have less access to these courses than students abroad, which helps explain their poor performance. Students in rural areas are particularly disadvantaged in terms of access to such instruction. In January 1990, the President and the Nation's Governors established six national education goals, including a goal that by the year 2000, American students will rank first in the world in math and science achievement. This will be a difficult challenge, but the Star Schools Program Assistance Act will help us to realize that goal through distance learning—linking schools, often in remote areas which do not have access to a full range of instruction in math, science, and foreign languages, with schools and teachers who can deliver this instruction. Funds are used to purchase equipment to harness any telecommunications medium—satellite, microwave, fibre optics, cable—as well as programming. Classes are provided on a live interactive basis so that students can see, hear, and talk to teachers while courses are taking place. Star schools provides students in the most remote one-room school house with a world of educational opportunity.

The Star Schools Program Assistance Act was first authorized in fiscal year 1988. Appropriations were $19 million in 1988, and between $14 million and $15 million in each of the 3 subsequent years. Primary credit for the availability of funds for the program belongs to the senior Senator from Mississippi, Senator THAD COCHRAN. His unfailing support through the appropriations process has ensured the success of the Star Schools Program. These funds have been used by the Education Department to make two rounds of 2-year awards. Four multistate networks received awards in each round for a total of eight awards. The statute requires that grants be geographically dispersed and the Department reports that all States and territories now could, with necessary receiver equipment, have access to at least one star schools network, although many schools and students remain unserved.

The legislation before the Senate today would reauthorize the program for 2 years and bring its expiration in line with that of most of the other Federal elementary and secondary education programs. This reauthorization is being done on an expedited basis in order to ensure that these changes in the program will be in effect in time for the next grant competition the Department will conduct with fiscal year 1992 funds. Many of these changes were suggested to us by the Education Department, past and current grant recipients, and experts in the fields of education and telecommunications technology, as well as by interested Senators and Members of Congress.

One important modification of star schools involves expansion of the populations that may be served. Currently, all star schools funds are used to serve students in grades K to 12, and to provide teacher training. Priority is given to instruction in math, science, and foreign languages. Under this reauthorization, these populations and subjects will remain the focus of the program, and the bill retains the existing requirement that 50 percent of star schools funds be used for grades K to 12 in chapter 1 schools, and for teacher training.

However, this bill adds language permitting funds to also be used to serve other populations with limited access to instructional opportunities, such as disabled children and adults who may be homebound, hospital-bound or in institutions; illiterate adults; and limited English proficient individuals, including immigrants. Funds could also be used to serve those in correctional or other State facilities. This expansion will encourage networks to maximize use of equipment and facilities. Currently, some facilities are being used during the school day for K to 12 instruction, but go unused during afterschool hours. Under this revision, networks could use funds to make equipment available in the evening hours, for example, for adult literacy or English language instruction. It also encourages networks to make use of telecommunications equipment which already exists in various institutions to provide instructional programming, for example, to children in hospital schools and to inmates in correctional facilities. The language does not preclude use of star schools funds to purchase equipment for these purposes, but in many cases this will not be necessary because such institutions are already equipped with satellite or cable receivers. Through use of this existing equipment, star schools dollars can be stretched to serve a wide range of populations with low incremental cost. The capacity of this technology is virtually limitless. But much of it goes unused for hours each day, when students of all ages could benefit from it. This reauthorization will encourage educational networks to use the technology to the maximum extent feasible.

A second major change to the program allows current and past grantees to apply for a second 2-year grant. Previously, grants were available only for a single 2-year period; current and past grantees were excluded from applying for additional funds after their 2-year grant was up. This requirement was put in place, along with a requirement of geographic distribution of grants, when the program was first authorized to ensure that no areas of the country are excluded. However, now that two rounds of star schools grants have been awarded, the Department of Education indicates that every State in the country has access to at least one network. Therefore, it makes sound economic and policy sense to allow existing networks to compete with other to receive funds to expand their efforts, rather than requiring that new networks duplicate this work. This reauthorization will allow past recipients to compete for a second grant on an equal footing with new applicants. However, the second-time grantee cannot use the additional funds to provide the same services to the same recipients for which the first grant was used. Rather, the second-time grantee must either expand existing services to new students and school districts, or provide new services to new populations, or a combination of both. I expect that when the Star School Program is reauthorized again in 1993, past grantees will continue to be eligible for additional grants beyond a first or second grant, as long as each subsequent grant is used to expand services to new students and schools or to new populations.

Star schools funds have always been able to be used to purchase satellite, cable, fiber optics, telephone lines, microwave, and other telecommunications technologies. However, in some communities, the cable and telephone industries are entering into cooperative arrangements with school districts to donate needed cable and phone lines to connect schools for purposes of distance learning. This reauthorization further encourages private industry to donate this equipment so that Federal funds can be used for programming and other uses by adding a priority for star schools applications from partnerships which include a private company willing to donate equipment or services to provide interactivity between schools.

Star schools currently requires that a minimum of 25 percent of the appropriated funds be used for programming. This reauthorization balances this with a similar requirement that a minimum of 25 percent also be used for facilities and equipment. This does not require that each grantee use 25 percent of their funds for each purpose. It merely requires that 25 percent of the total funds available to the Secretary be used for each purpose. Thus, there might be a grantee which uses 100 percent of its funds for one purpose, and none for the other. This requirement is simply to ensure that some funds are available for equipment and facilities to allow schools without access to star schools courses to gain that access. If all funds were to be used for programming, then only those schools with equipment already would benefit. There continues to be a need for both activities, as there are still many eligible students and schools which do not have "receive equipment" to allow them to participate in existing distance courses.

Congress is currently considering a new program in separate legislation entitled "Classrooms for the Future" which would provide funds for educational technology programming. If that program is enacted, we would hope to see that applicants will be able to apply for star schools funds and funds under "Classrooms for the Future" as part of a single application.

This reauthorization makes statutory language changes to ensure that higher education institutions may form a partnership to receive a star schools grant. It was the original intent of star schools that partnerships might form between, for example, community colleges and 4-year institutions, in order to expand the course opportunities for students at junior colleges. However, some statutory language was interpreted as precluding postsecondary-only services. This reauthorization would allow such services, although a local educational agency would still be required to participate in the partnership. It is still a requirement of star schools that 50 percent of the funds available to the Secretary be used to provide services to students in chapter 1 eligible school districts, and thus elementary and secondary school students.

This reauthorization also adds some new uses of funds to the purposes for which funds have been used in the past, that is purchase of equipment, facilities and programming, teacher training both in the use of the equipment and in subject areas, and service provision to traditionally underserved populations.

Recent actions by Congress in passing the Americans With Disabilities Act and the Television Decoder Circuitry Act of 1990 indicates a continuing national interest in issues of equal access for people with disabilities. Continuing in this vein, this reauthorization would allow star schools funds to be used to make programs accessible to the disabled through mechanisms such as closed captioning and descriptive video services. Captioning has long been held to have beneficial effects for populations other than the deaf and hard-of-hearing television viewers. Closed captioning improves the reading skills of children learning to read, adults struggling to overcome illiteracy, and immigrants and their children learning English as a second language. Closed or open captioning of star schools courses would greatly expand their benefits to a variety of populations.

In addition, funds may be used for descriptive video services [DVS] which extends the principle of equal access to visually impaired individuals. The additional audio channel used for DVS can be utilized to fill narrative gaps for blind students, or could be used for translations to assist in foreign language instruction. The caption center at WGBH in Boston, MA has extensive experience with this kind of activity.

Funds may be used to link all the star schools networks together around a project of the year highlighting a single issue of national importance, such as the Presidential election 1992. This kind of endeavor might be modeled on themes of the year currently created by public television, which allow disparate local and national organizations to rally around particular issues of interest to the general community. In 1988, WGBH in Boston produced a series, "Candidates '88," which included interviews with the Presidential candidates hosted by Marvin Kalb at the John F. Kennedy School of Government. A similar star schools event might involve a candidates forum through live-by-satellite interactive discussions for students and teachers around the country which would allow them to highlight matters of local and regional interest, computerized polling, and other activites. Such a project would improve students and community understanding of the electoral system, and increase voter interest and paticipation.

Under this reauthorization, star schools funds may be used to provide teacher training to early childhood development and Head Start teachers and staff. With the increasing demand for early childhood development programs of all kinds, high quality preservice and inservice training is badly needed for both prospective and current teachers and staff. Training through star schools networks would greatly increase the availability of such programs around the country.

Star schools funds may also be used to share curriculum materials between networks. Since distance learning often requires different teaching and learning styles from that done in a traditional classroom, networks may benefit from sharing extensive work already done to address these differences.

Funds may be used to incorporate community resources such as libraries and museums into instructional programs. Through electronic field trips, students in isolated areas can have access to a range of cultural and educational experiences hundreds of miles away without leaving their classroom.

This reauthorization also requires coordination between the U.S. Education Department and any other agencies with distance learning programs. Currently, there are distance learning programs authorized in the Department of Agriculture and the National Science Foundation. Where similar audiences are being served, funds can be used most efficiently through interagency coordination.

Newly authorized dissemination grants will ensure that information about distance learning resources, assistance in connecting distance learning users with regional educational service centers, institutions of higher education, and the private sector, assistance in designing and implementing systems, and support for identifying connections, and cost-sharing arrangements are made available to State and local educational agencies not currently served by telecommunications partnerships. Dissemination grants may be made to star schools grantees and to other entities that have demonstrated expertise in the educational applications of technology.

The word "demonstration" has been removed throughout the language of the statute because of a belief that the Star Schools Program has been demonstrated to be an effective method of increasing access to instructional programming, and is a successful program which the Federal Government should continue to support.

This legislation reauthorizes the Star Schools Program through 1993. The program will be considered again as part of the reauthorization of the Hawkins-Stafford bill, which includes most of the elementary and secondary education programs, and is due to expire in 1993. The authorization level is $50 million in 1992 and such sums as may be necessary in 1993. This bill also authorizes a formal evaluation to be conducted by the Education Department through grant, contract, or cooperative agreement. This study will provide valuable information to the Congress about all of the star schools projects that have been funded before the 1993 reauthorization.

Mr. COCHRAN. Mr. President, I am pleased to support this legislation to extend the School Dropout Demonstration Assistance Act for 2 additional years. This program has begun to show success in helping school districts reduce the numbers of students leaving school before completion of high school.

Included as title III is a 2-year reauthorization of the Star Schools Program. Since enactment in 1988, state-of-the-art technology has been utilized to bring advanced academic courses to rural classrooms across the country. Through satellite and interactive communication technology, thousands of students nationwide are afforded an opportunity to study subjects not previously accessible because of teacher shortages and the high cost of providing these classes to relatively small numbers of students.

In Mississippi, star schools classes have given students, in some of the Nation's poorest school districts, an opportunity to study, and excel in Japanese, calculus, biology, Government, accounting, and geography, among the wide vartiety of courses offered via satellite.

The Star Schools Program is designed to expand the array of course offerings in underserved areas emphasizing math, science, foreign language, and vocational education, by working with a classroom teaching partner to provide top quality instruction.

Changes made by the Star Schools Assistance Act of 1991, do not change this focus, but broaden the program to reach more disadvantaged people and to make better use of down time when communications technologies are not in use. Grantees are encouraged to teach reading and writing and provide classes for homebound students, when feasible.

This reauthorization retains the current requirements to use at least 50 percent of the funds for programs in elementary and secondary schools serving children eligible for chapter 1 services. Each grantee must use at least 25 percent for programming and at least 25 percent for equipment and telecommunications facilities. Teacher training programs remain an integral component of the program.

An important change made by the Star Schools Assistance Act of 1991 will allow previously funded consortia to apply for additional years of funding if those grantees agree to expand services to more schools or a broader range of students.

The Department of Education has completed two rounds of competitions, making a total of eight awards to consortia serving students in every region of the country. Rather than continue to make all new awards, it makes more sense to me to allow those that have already developed successful prototypes to expand their networks to offer more students an opportunity to take established educational courses.

I am pleased that the administration requested funding for the Star Schools Program for fiscal year 1992 and that the Senate Appropriations Committee allocated $16.4 million for the program. I hope funding levels will continue to stay abreast with the tremendous need for these classes especially in math, science, and foreign languages in underserved areas.

The Star Schools Program has been a remarkable success in Mississippi, and I am happy to support the reauthorization bill before us today.

Mr. RUDMAN. Mr. President, I wish to thank the distinguished chairman and ranking Republican member of the Education Subcommittee for assisting me to correct a technical problem that has arisen with section 3(e) of Public Law 81-874. Section 3(e) of the impact aid statute provides assistance to school districts affected by the Base Closure and Realignment Act (Public Law 100-526).

In 1974, Congress recognized the need to provide hold harmless funding to school districts experiencing a sudden decrease in the enrollment of Federal students. As a result, the Education Amendments of 1974 included language to provide phase-down assistance over a period of 4 years to school districts facing a sudden loss of students from actions such as the closure of a military base. This language entitled local education agencies meeting certain criteria to receive phase-down assistance equal to 90 percent of the agency's previous year's entitlement, thereby providing a gradual reduction in their impact aid assistance payments.

Mr. President, until last year, these hold harmless provisions had not been used since the round of base closures which occured during the mid to late 1970's. In May 1990, Congress enacted Public Law 101-305, which amended section 3(e) of the impact aid statute. Section 3 of Public Law 101-305 updated the 1974 hold harmless provision to ensure that it would provide for a gradual phaseout of impact aid assistance to school districts coping with military base closures. Earlier this year, the Department of Education notified me that they had discovered a technical problem with the statute which, unless corrected, will reduce by more than $1.4 million the payment to Portsmouth, NH School District for its second year of hold harmless eligibility.

Portsmouth, NH, is the first community in the country to cope with the closure of a military base and the school district faces certain costs associated with the removal of the federally connected students. While Portsmouth is the first community in the Nation to face a loss of students due to a base closure, it will not be the last. Congress has made a commitment to provide hold harmless funding to these school districts which have been educating our military children for many years. This amendment will correct the technical problem which has arisen with this section 3(e) of Public Law 81-874 and clarify congressional intent to provide a gradual phase-down of Federal assistance over a period of 4 years.

I appreciate the willingness of my distinguished colleagues to work with me to resolve this problem in such an expeditious fashion.

AMENDMENT NO. 947

(Purpose: To make technical amendments to various education acts, and for other purposes)

Mr. HOLLINGS. Mr. President, on behalf of Senator KENNEDY, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. KENNEDY, proposes an amendment numbered 947.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

SEC. 101. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1991".

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the "Act") (20 U.S.C. 3243(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking "$1,500,000" and inserting "$2,000,000";

(2) in subsection (c), by inserting after "value as a demonstration." the following: "Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act."; and

(3) in subparagraph (B) of subsection (f)(1), by striking "for the second such year" and inserting "in each succeeding fiscal year".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).".

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

(1) in paragraph (8), by striking "and"; and

(2) by striking paragraph (9) and inserting the following new paragraphs:

"(9) mentoring programs; and

"(10) any other activity described in subsection (a).".

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

"SEC. 6008. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.".

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.".

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Under Secretary of Education".

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) SPECIAL RULE.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the "Act") (20 U.S.C. 4081) is amended—

(1) by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled";

(2) by striking "demonstration"; and

(3) by inserting "to" before "obtain".

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years.

"(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "(A)";

(II) by striking "demonstration"; and

(III) by inserting "in any one fiscal year" after "$10,000,000"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment."; and

(4) by inserting at the end thereof the following new subsection:

"(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.".

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "demonstration";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ", or a State higher education agency";

(B) in subparagraph (C), by inserting "or a State higher education agency" after "education";

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "or academy" after "center"; and

(ii) by striking "or" at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and "or"; and

(F) by inserting at the end thereof the following new subparagraph:

"(F) a public or private elementary or secondary school."; and

(3) by adding at the end thereof the following new subsection:

"(c) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

"(A) provides two-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.".

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ", or any combination thereof" after "equipment"; and

(ii) in subparagraph (G) by—

(I) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(II) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4)—

(i) by striking "teacher"; and

(ii) by inserting "for teachers and other school personnel" after "policies";

(E) in paragraph (6)—

(i) by striking "the facilities" and inserting "any facilities";

(ii) by striking "will be made available to" and inserting "for"; and

(iii) by inserting "will be made available to schools" after "schools";

(F) in paragraph (7)—

(i) by inserting "(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)" after "students"; and

(ii) in paragraph (7), by inserting "and will use existing telecommunications equipment, where available" before the semicolon at the end thereof;

(G) by striking "and" at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

"(9) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance such as elections;

"(D) sharing curriculum materials between networks;

"(E) providing teacher and student support services;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff; and

"(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.";

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";

(ii) striking "(particularly schools"; and

(iii) striking "1965)" and inserting "1965";

(B) by striking "and" at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

"(C) include instruction for students, teachers, and parents;"; and

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

"(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and".

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

"CONTINUING ELIGIBILITY

"SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

"(2) use all such grant funds to provide expanded services by—

"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

"(B) providing new courses of instruction; or

"(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

"(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

"EVALUATION

"SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than $500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program.

"(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1993.

"(c) EVALUATION.—Such evaluation shall include—

"(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

"(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

"(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

"(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

"(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

"(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

"(7) the effects of distance learning on curricula and staffing patterns at participating schools;

"(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

"(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

"(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

"FEDERAL ACTIVITIES

"SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

"DISSEMINATION GRANTS

"SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

"(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

"(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

"(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

"(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

"(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

"(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

"(e) DEFINITION.—For purposes of this section, the term 'eligible entity' means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.".

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) CORRECTIONS EDUCATION.—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking "paragraph (2)" and inserting "paragraph (3)";

(B) inserting "and" before "the sex equity"; and

(C) striking "and the program for criminal offenders under section 225,";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph (1):

"(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.".

(b) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

"(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.".

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.".

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows:

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

"(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

"(G) data on all direct and indirect costs of the program; and

"(H) information on progress toward meeting the program's goals.

"(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

"(2) An eligible entity may receive a grant under this subsection if the entity—

"(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

"(B) agrees to provide the Secretary—

"(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

"(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

"(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

"(2) To receive a grant under this subsection, an eligible entity shall—

"(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

"(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

"(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

"(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible entity' means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

"(2) the term 'functional literacy' means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

"(3) the term 'life skills' includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.".

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting ", $4,500,000 for fiscal year 1992 and $10,000,000 for fiscal year 1993" after "1991".

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking "fiscal year 1991" and inserting "each of the fiscal years 1992 and 1993".

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking "subject to a default management plan required by the Secretary" and inserting "prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act".

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the "Act") (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting "this subsection and" before "subsections (a) and (b)"; and

(2) in paragraph (2), by striking "section" and inserting "subsection".

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement."; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

"(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.".

SEC. 403. SPECIAL PAYMENT RULES.

(a) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment.

(b) FEDERAL CONTRIBUTIONS.—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance.

The PRESIDING OFFICER. The question is on the agreeing to the amendment.

The amendment (No. 947) was agreed to.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time and passed.

So the bill (H.R. 2313), as amended, was passed.

The PRESIDING OFFICER. Without objection, a motion to reconsider is laid upon the table.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT AMENDMENTS OF 1991

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1593, a bill relating to libraries, introduced earlier today by Senators PELL, KENNEDY, HATCH and KASSEBAUM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1593) to improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I am introducing a bill today that would make some technical, but important, changes to the authorizing statute for the National Commission on Libraries and Information Science to improve the Commission's operation and effectiveness.

The bill would permit the Commission to obtain administrative support services from any Federal agency, not just the Department of Education, and to receive in-kind as well as monetary contributions. These technical amendments would clarify terms of office and voting status of Commissioners and would also make clear that the Commission can be involved in international library and information activities. Finally, this bill would remove the 20-year-old ceiling on the Commission's authorization of appropriations.

I am pleased that Senators KENNEDY, HATCH and KASSEBAUM are cosponsors of these amendments.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

So the bill (S. 1593) was passed as follows:

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Libraries and Information Science Act Amendments of 1991".

SEC. 2. COMMISSION ESTABLISHED.

Subsection (b) of section 3 of the National Commission on Libraries and Information Science Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1502(b)) is repealed.

SEC. 3. CONTRIBUTIONS.

Section 4 of the Act (20 U.S.C. 1503) is amended to read as follows:

"SEC. 4. CONTRIBUTIONS.

"The Commission is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.".

SEC. 4. FUNCTIONS.

Pararagraph (6) of section 5(a) of the Act (20 U.S.C. 1504(a)(6)) is amended by striking "the national communications networks" and inserting "national and international communications and cooperative networks".

SEC. 5. MEMBERSHIP.

Subsection (a) of section 6 of the Act (20 U.S.C. 1505(a)) is amended—

(1) after the third sentence thereof, by inserting the following new sentence: "A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission."; and

(2) in the fourth sentence thereof by striking "(1) the terms of office" and all that follows through "time of appointment," and inserting "(1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the members's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire,".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Act (20 U.S.C. 1506) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $911,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year thereafter to carry out the provisions of this Act.".

The PRESIDING OFFICER. Without objection, a motion to reconsider is laid upon the table.

REMOVAL OF INJUNCTION OF SECRECY

Mr. HOLLINGS. Mr. President,

As in executive session,

I ask unanimous consent that the injunction of secrecy be removed from the Regional Agreement on Broadcasting Service Expansion in the Western Hemisphere (Treaty Document No. 102–10), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Regional Agreement for the Use of the Band 1605–1705 kHz in Region 2, with annexes, and two U.S. statements as contained in the Final Protocol, signed on behalf of the United States at Rio de Janeiro on June 8, 1988. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Agreement.

The Agreement establishes a frequency allotment plan and associated procedures designed to enable the International Telecommunication Union (ITU) member countries in Region 2 (Western Hemisphere) to implement the AM broadcasting service in the 100 kHz band (1605–1705 kHz) adjacent to the upper end of the existing AM broadcasting band. It is the result of two sessions of a Regional Administrative Radio Conference held in 1986 in Geneva, and in 1988 in Rio de Janeiro, under the auspices of the ITU. The Agreement is consistent with the proposals of and the positions taken by the United States at the 1988 conference. Given the history of harmful interference to U.S. AM broadcasting stations in the existing AM radio band from various countries in the Region (particularly Cuba), the United States, at the time of signature, submitted statements on this subject that were included in a Final Protocol to the Agreement. The specific statements, with reasons, are given in the report of the Department of State.

I believe that the United States should become a party to this Agreement, which provides for the expansion in an orderly manner of the AM broadcasting service in the Western Hemisphere into the band 1605–1705 kHz. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *July 30, 1991.*

REFERRAL VITIATED AND MEASURE REFERRED—S. 1583

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the referral of S. 1583, the Pipeline Safety Improvement Act be vitiated, and that the measure then be referred to the Senate Committee on Commerce and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE SEQUENTIALLY REFERRED—S. 668

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Calendar No. 189, S. 668, a bill to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian Reservations, be sequentially referred to the Committee on Environment and Public Works, for a period not to exceed 2 calendar days; and that if S. 668 is not reported by the Committee on Environment and Public Works within that time, the bill then be automatically discharged and returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all nominations reported today by the Committee on Foreign Relations:

Charles R. Bowers to be Ambassador to Bolivia;

Sally G. Cowal to be Ambassador to Trinidad and Tobago;

Morris D. Busby to be Ambassador to Colombia;

Luis Guinot, Jr. to be Ambassador to Costa Rica;

Arthur Hughes to be Ambassador to Yemen;

Christopher W.S. Ross to be Ambassador to Syria;

Frank G. Wisner to be Ambassador to the Philippines;

Robert M. Kimmitt to be Ambassador to Germany;

Robert S. Strauss to be Ambassador to the U.S.S.R.;

George E. Moose to be U.S. Representative to the U.N. Security Council;

James Grady to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Weldon W. Case to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Quincy M. Krosby to be U.S. Alternate Executive Director of the International Monetary Fund;

Charles G. Untemeyer to be Associate Director of the U.S. Information Agency; and

Karl Rove to be a member of the Board for International Broadcasting.

I further ask unanimous consent that the nominees be considered, en bloc; that any statements appear in the RECORD as if read; that the nominees be confirmed, en bloc; that the motions to reconsider be tabled; that the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SEYMOUR. Mr. President, they have been cleared.

The PRESIDING OFFICER. The Chair hears none and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Charles R. Bowers to be Ambassador to Bolivia;

Sally G. Cowal to be Ambassador to Trinidad and Tobago;

Morris D. Busby to be Ambassador to Colombia;

Luis Guinot, Jr. to be Ambassador to Costa Rica;

Arthur Hughes to be Ambassador to Yemen;

Christopher W.S. Ross to be Ambassador to Syria;

Frank G. Wisner to be Ambassador to the Philippines;

Robert M. Kimmitt to be Ambassador to Germany;

Robert S. Strauss to be Ambassador to the U.S.S.R.;

George E. Moose to be U.S. Representative to the U.N. Security Council;

James Grady to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Weldon W. Case to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Quincy M. Krosby to be U.S. Alternate Executive Director of the International Monetary Fund;

Charles G. Untemeyer to be Associate Director of the U.S. Information Agency; and

Karl Rove to be a member of the Board for International Broadcasting.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a treaty, which were referred to the appropriate committees.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 175. An act to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing";

H.R. 948. An act to designate to the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse";

H.R. 1046. An act to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compenation for survivors of such veterans;

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, at the "Ralph H. Metcalf Federal Building";

H.R. 2901. An act to authorize the transfer by lease of four naval vessels to the Government of Greece;

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts;

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes; and

H.J. Res. 264. Joint resolution designating August 1, 1991, as "Helsinki Human Rights Day."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 171. A concurrent resolution expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia;

H. Con. Res. 176. A concurrent resolution expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania; and

H. Con. Res. 186. A concurrent resolution condemning resurgent anti-Semitism and ethnic intolerance in Romania.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 175. An act to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans' Affairs.

H.R. 948. An act to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1046. An act to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, at the "Ralph H. Metcalf Federal Building"; to the Committee on Environment and Public Works.

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts; to the Committee on Governmental Affairs.

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 171. A concurrent resolution expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia; to the Committee on Foreign Relations.

H. Con. Res. 176. A concurrent resolution expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania; to the Committee on Foreign Relations.

H. Con. Res. 186. A concurrent resolution condemning resurgent anti-Semitism and ethnic intolerance in Romania; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1690. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 1121 of Public Law 100-180, 101 Stat. 1147, to allow more effective use of the Department of Defense Counterintelligence Polygraph Program; to the Committee on Armed Services.

EC-1691. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on waste tank safety issues at the Hanford site; to the Committee on Armed Services.

EC-1692. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for participation by the United States in a capital stock increase of the International Finance Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1693. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to the Union of Soviet Socialist Republics; to the Committee on Banking, Housing, and Urban Affairs.

EC-1694. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the implementation of the Imported Vehicle Safety Compliance Act of 1988; to the Committee on Commerce, Science, and Transportation.

EC-1695. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a notice on leasing systems for the Chukchi Sea, sale 126, scheduled to be held in August 1991; to the Committee on Energy and Natural Resources.

EC-1696. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1697. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1698. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1699. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of the use of funds from the United States Emergency Refugee and Migration Assistance Fund in two recent Presidential determinations; to the Committee on Foreign Relations.

EC-1700. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office in June 1991; to the Committee on Governmental Affairs.

EC-1701. A communication from the Vice President of the Farm Credit Bank of Springfield, transmitting, pursuant to law, the annual report on the Farm Credit Banks of Springfield Retirement Plan for the plan year ended December 31, 1990; to the Committee on Governmental Affairs.

EC-1702. A communication from the Attorney General of the United States and the Director of the Office of Management and Budget, Executive Office of the President, transmitting jointly, a draft of proposed legislation to assure, for financial management and budget related purposes, an accurate reflection of program-related expenditures arising from the taking of private property; to the Committee on Governmental Affairs.

EC-1703. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to make certain amendments to the Immigration and Nationality Act and the Immigration Act of 1990; to the Committee on the Judiciary.

EC-1704. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend the Federal mail fraud statute to permit the more effective and efficient prosecution of persons engaged in telemarketing fraud; to the Committee on the Judiciary.

EC-1705. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1706. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

EC-1707. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association for calendar year 1990; to the Committee on Labor and Human Resources.

EC-1708. A communication from the Secretary of Education, transmitting, pursuant to law, final selection criteria for the Student Assistance General Provisions—Institutional Quality Control Project; to the Committee on Labor and Human Resources.

EC-1709. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority—Research in Education of Individuals With Disabilities Program; to the Committee on Labor and Human Resources.

EC-1710. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit the Secretary of Veterans Affairs to declare an open season during which veterans with participating National Service Life Insurance policies can purchase paid-up, additional insurance with their dividend credits and deposits whenever the Secretary determines that it is administratively and actuarially sound for each program of insurance; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 628. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico (Rept. No. 102-127).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 855. A bill to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war" (Rept. No. 102-128).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1029. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes (Rept. No. 102-129).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 550. A bill to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes (Rept. No. 102-130).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1306. A bill to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes (Rept. No. 102-131).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 146. A resolution expressing the sense of the Senate regarding the recent volcanic disaster in the Philippines.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1145. A bill to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

George Edward Moose, of Maryland, a career member of the senior Foreign Service, class of Minister Counselor, to be Deputy Representative of the United States in the Security Council of the United Nations, with the rank of Ambassador;

James Thomas Grady, of Massachusetts, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1991;

Weldon W. Case, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993;

Quincy Mellon Krosby, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years;

Charles Graves Untermeyer, of Texas, to be an Associate Director of the United States Information Agency; and

Karl C. Rove, of Texas, to be a member of the Board for International Broadcasting for a term expiring April 28, 1994.

Charles R. Bowers, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Charles R. Bowers.

Post: Bolivia.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children names: Christopher, Stephanie (neither child is married).
4. Parents names: Sidney E. Bowers, Georgia F. Bowers (both parents are deceased).
5. Grandparents names: Mr. and Mrs. Harry Ozee; Mr. and Mrs. Sidney Bowers (all grandparents are deceased).
6. Brothers and spouses names: Robert E. Bowers, Brenda R. Bowers $25, August 2, 1990, "Keep George Brown in Congress Committee."
7. Sisters and spouses names: N/A.

Sally G. Cowal, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Sally G. Cowal.

Post: Trinidad & Tobago.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Anthony C. Cowal, none.
3. Children and spouses names: Gregory Cowal; Kirsten Cowal; Alexandra Cowal, none.
4. Parents names: James Smerz, (father) Florence Smerz (stepmother), none.
5. Grandparents names: None alive.
6. Brothers and spouses names: None, James Smerz (brother), Nancy Smerz (sister-in-law), none.

7. Sisters and spouses names: No sisters.

Morris D. Busby, of Virginia, a Career Member of the senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Morris D. Busby.

Post: Colombia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Scott M. Busby, none; Patrick C. Busby, none.

4. Parents names: Mary E. Busby, none.

5. Grandparents names: N/A.

6. Brothers and spouses names: N/A.

7. Sisters and spouses names: Mr. & Mrs. C.J. Hamilton, none.

Luis Guinot, Jr., of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Luis Guinot, Jr.

Post: U.S. Ambassador—Republic of Costa Rica.

Contributions, amount, date, and donee:

1. Self: $1,000, 1985, Fund for America's Future; $1,000, 1986, Fund for America's Future; $100, 1986, Bush for President (primary) VA., $100, 1988 Bush for President (primary) PR; $250, 1988, Bush for President.

2. Spouse: Marta L. Guinot, all donations listed in continuation sheet were made jointly.

3. Children and spouses: Luis R. Guinot III, no contributions made; Beatriz Guinot-Barnes, daughter, no contributions made; Darryll Barnes, son in law, no contributions made; Patricia Guinot-Berube, daughter, no contributions made; George Berube, son in law, no contributions made; Victoria M. Guinot, daughter, no contributions made; Claudia C. Guinot, daughter, no contributions made.

4. Parents names: Luis Guinot and Marcelina Rivera Guinot, no contributions made.

5. Grandparents names: Jose Guinot and Rosarie Rivera Guinot, deceased prior to 1986; Esteban Rivera and Angela Perz Rivera, deceased prior to 1986.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Maria C. Guinot, unmarried, no contributions made.

Arthur Hayden Hughes, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Arthur H. Hughes.

Post: U.S. Ambassador—Republic of Yemen.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Alexander G. Hughes, Mary Marie Hughes (spouse), Katherine L. Hughes.

4. Parents names: Deceased 1982, 1985.

5. Grandparents names: Deceased 1953 and earlier.

6. Brothers and spouses names: David E. Hughes, Janice Hughes (spouse), none.

7. Sisters and spouses names: Ardith Hughes Hartford, Richard Hartford (spouse), $10.00, 1988, George Bush.

Christopher W.S. Ross, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Christopher W.S. Ross.

Post: Ambassador to Syria.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Anthony G. Ross, no spouse, none.

4. Parents names: Claude G. & Antigone A. Ross, none.

5. Grandparents names: Grace Ross, all others deceased, none.

6. Brothers and spouses names: Geoffrey F. Ross, no spouse, none.

7. Sisters and spouses names: None.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Frank G. Wisner.

Post: Republic of the Philippines.

Contributions, amount, date, and donee:

1. Self: $50.00, 1990, Les Aspin for Congress.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: Mary Fritchey, mother, $910.00, May 2, 1988, In-kind contribution Les Aspin for Congress (reception at home); $100.00, May 10,1988, Citizens for Kathleen Townsend (MD); $100.00, June 3, 1988, Skip Humphrey for Senate Campaign (MN); $100.00, December 1989, Andrew Young; $100.00, December 1989, Sidney Yates (IL); $20.00, December 12, 1990, Kerry for Senate in 1990 Committee (MA); $250.00, March 6, 1990, Re-elect Claibornie Pell; $1,035.00, October 2, 1990, In-kind contribution Les Aspin for Congress (reception at home); $100.00, October 10, 1990, Claiborne Pell for Senate; $25.00, October 10, 1990, Kerry for Senate (MA); $100.00, October 10, 1990, Espy for Congress (MS).

5. Grandparents names: None.

6. Brothers and spouses names: Graham Wisner, brother, $5,000.00, April 1987, James Evans, Candidate for Attorney General—Alabama; $1,000, September 1990, Rep. Charles Jones, Candidate for Louisiana Appeals Court; $200.00, November 1990, Sharon Pratt Dixon, Candidate for Mayor of Washington, DC. Ellis Wisner, brother, $100.00, July 3, 1987, the Committee for Tim Wirth. Wendy Hazard, sister, $200.00, 1989–90, Tom Andrews for Congress; $100.00, 1989, Democratic Socialists of America; $100.00, 1990, Democratic Socialists of America; $200.00, 1987–88, Jesse Jackson for President; $50.00, 1988, Senator George Mitchell Campaign; $100.00, 1988, National Democratic Party.

7. Sisters and spouses names: No information received as of January 30, 1991.

Robert Michael Kimmitt, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert Michael Kimmitt.

Post: U.S. Ambassador to Germany.

Contributions, amount date, and donee:

1. Self: $1,000, 1988, Pete Dawkins for Senate; $250, 1988, Catch the Spirit PAC; $100, 1988, Illinois Victory.

2. Spouse: $500, 1988, Pete Dawkins for Senate.

3. Children (no spouses): Kathleen W. Kimmitt, none; Robert M. Kimmitt, Jr., none; William P. J. Kimmitt, none; Thomas M. Kimmitt, none; Margaret R. Kimmitt, none.

4. Parents: Joseph S. Kimmitt, $600, 1987, McDonnell Douglas Helicopter Co. PAC; $600, 1988, McDonnell Douglas Helicopter Co. PAC; $600, 1989, McDonnell Douglas Helicopter Co. PAC; $20, 1989, Democratic National Committee; $600, 1990, McDonnell Douglas Helicopter Co. PAC; $100, 1990, Sloane for Senate; $200, 1990, Montana Technologies Co. PAC; $20, 1990, Democratic National Committee; $57.70, 1991, McDonnell Douglas Helicopter Co. PAC; Eunice L. Kimmitt, none.

FEC records list a $500 contribution by my father to the Akaka for Senate campaign in 1990, but this contribution was made by the McDonnell Douglas Helicopter Co. PAC, not my father.

5. Grandparents: Joseph and Margaret Kimmitt, deceased; Henry and Leona Wegener, deceased.

6. Brothers and spouses: Joseph H. Kimmitt, $50, 1991, Jim Moran for Congress; Carol W. Kimmitt, $50 (in kind) 1990, Jim Moran for Congress; Thomas M. Kimmitt, none; Mark T. Kimmitt, none; Catherine M. Kimmitt, none.

7. Sisters and spouses: Kathy K. Ross, none; Michael Ross, none; Mary K. Laxton, none; Stephen Laxton, none; Judy K. Rainey, $25, 1990, Ted Muenster for Senate; Terence J. Rainey, none.

Robert S. Strauss, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert S. Strauss.

Post: Ambassador to the Soviet Union.

Contributions, amount, date, and donee:

1. Self: 1987—Akin, Gump, Strauss, Hauer & Feld Civic Action Committee; January 28, 1987, $5,000; Gephardt for President, February 25, 1987, $1,000; Dukakis for President, March 26, 1987, $500; Al Gore for President, April 22, 1987, $500; Friends of Gary Hart, April 22, 1987, $500; Valley Education Fund/Tony Coelho, May 4, 1987, $1,000; Friends of Robert C. Byrd, June 23, 1987, $1,000; Biden for President, June 30, 1987, $500; Jim Wright Appreciation Fund, November 16, 1987, $1,000;

House Leadership Fund/Tom Foley, November 25, 1987, $500; Jesse Jackson, June, 1987, $250; Simon for President, June 18, 1987, $500; Democratic Action Committee, January, 1987, $10; Dallas Democratic Committee, August, 1987, $1,000; Annette Strauss for Mayor, February, 1987, $5,000.

1988: Akin, Gump, Strauss, Hauer & Feld, Civic Action Committee, January 25, 1988, $4,918; Bryan for Senate, April 22, 1988, $1,000; MacKay for Senate, October 11, 1988, $1,000; '88—Metzenbaum for Senate, October 12, 1988, Reubin Askew for Senate, April 19, 1988, $1,000. Reubin Askew for Senate, June 21, 1988, $320; Dallas Democratic Committee, July, 1988, $1,000.

1989: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, January, 1989, $5,000; 1990—Exon for Senate, February 1, 1989, $1,000; Harkin for Senate, July 21, 1989, $1,000; Comm. to Reelect Tom Foley, September 5, 1989, $1,000; Oklahomans for Boren, October 23, 1989, $1,000; Ben Cardin for Congress, November 15, 1989, $350; Dallas Democratic Committee, February, 1989, $1000; Dallas Democratic Committee, July, 1989, $150; Reelect Gov. Neil Goldschmidt, November 21, 1989, $500.

1990: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, February, 1990, $5,000; Gephardt for Congress, February 7, 1990, $500; Comm. to Reelect Jack Brooks, February 26, 1990, $1,000; Ted Muenster for Senate, May 23, 1990, $1,000; Sloane for Senate, June 26, 1990, $250; Sloane for Senate, September 26, 1990, $500; Harkin for Senate, October 10, 1990, $500; Kerry for Senate, October 10, 1990, $500; Cynthia Sullivan for Congress, October 10, 1990, $100; Parmer for Senate, January 17, 1990, $200; Womens National Democratic Club, August, 1990, $400; Dallas Democratic Party, August, 1990, $100; Dallas Democractic Forum, September, 1990, $200; Dallas Democratic Party, October, 1990, $250; Ann Richards for Governor, June 26, 1990, $1,000; Goddard for Governor, October 10, 1990, $550.

1991: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, January 22, 1991, $5,000; Friends of Bob Graham, February 28, 1991, $500; Comm. to Reelect Jack Brooks, May 1, 1991, $1,000; Wendell Ford for Senate, June 11, 1991, $1,000; Dallas Democratic Finance Council, May 3, 1991, $1,000.

2. Spouse: Helen J. Strauss, $500, February 10, 1988, Gephardt for President.

3. Children and spouses names: Robert A. Strauss (spouse-Olga), Babbitt for President, February 20, 1987, $250.00; Arizona Democratic Council, March 3, 1987, $125.00; Babbitt for President, April 30, 1987, $50.00; Democratic Senate Campaign Committee, August 24, 1987, $25.00; The Maxi Committee, Senator Dennis DeConcini, November 16, 1987, $1000.00; Arizona Democratic Council, November 24, 1987, $125.00; Arizona Democratic Council, February 4, 1988, $125.00; Arizona Democratic Council, April 1, 1988, $125.00; The Maxi Committee, May 12, 1988, Senator Dennis DeConcini, $1000.00; Arizona Democratic Party, June 2, 1988, $25.00; Arizona Democratic Council, July 1, 1988, $125.00; Arizona Democratic Council, September 26, 1988, $125.00; Arizona Democratic Council, December 29, 1988, $125.00; Arizona Democratic Council, April, 3 1989, $125.00; Arizona Democratic Party, May 8, 1989, $250.00; Arizona Democratic Council, July 5, 1989, $125.00; Arizona Leadership for America, Search Committee, July 11, 1989, $250.00; Arizona Democratic Council, October 2, 1989, $125.00; IMPACT 2000, October 19, 1989, $50.00; IMPACT 2000, October 31, 1989, $200.00; Arizona Democratic Council, May 9, 1990, $250.00; Democratic Party of Arizona, August 7, 1990, $250.00; Democratic Party of Arizona, August 10, 1990, $250.00; DeConcini 1994 Committee, September 4, 1990, $1000.00; Democratic Party of Arizona, January 18, 1991, $250.00; IMPACT 1990, February 5, 1991, $250.00; Arizona Democratic Party, March 8, 1991, $125.00; Democratic Party of Arizona, March 11, 1991, $250.00; Arizona Democratic Party, April 29, 1991, $100.00; Arizona Democratic Council, May 6, 1991, $125.00; Volgy for Congress, June 11, 1991, $1000.00.

Richard C. Strauss (spouse-Diana), Jim Wright Campaign, January 30, 1987, $2,000.00; Democratic Finance Council, February 26, 1987, $1,000.00; Martin Frost Campaign, March 17, 1987, $250.00; Democratic Finance Council, April 28, 1987, $1,000.00; Martin Frost Campaign, August 4, 1987, $2,000.00; Wright Appreciation Fund, November 10, 1987, $2,000.00; Lloyd Bentsen Campaign, January 27, 1988, $1,821.34; Democratic Finance Council, February 19, 1988, $1,000.00; FedPac, February 19, 1988, $500.00; Rep. Kent Grusendorf Campaign, March 7, 1988, $250.00; Dallas Democratic Forum, May 11, 1988, $250.00; Senator DeConcini Dinner, June 27, 1988, $1,000.00; Buddy MacKay for Senate, October 21, 1988, $1,000.00; Craig Washington for Congress, August 31, 1989, $2,000.00; Sandy Kress Campaign, October 30, 1989, $1,000.00; Chet Edwards Campaign, December 20, 1989, $2,000.00; Chet Edwards Campaign, September 5, 1990, $2,000.00; Wendell Ford for Senate, May 23, 1991, $2,000.00. Susan Strauss Breen (spouse-George), none.

4. Parents Names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Theodore Strauss (spouse-Annette), none.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 99-29. Convention Providing a Uniform Law on the Form of an International Will (Exec. Rept. No. 102-9);

Treaty Doc. 101-14. Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation (Exec. Rept. No. 102-10);

Treaty Doc. 101-15. Amendments to the 1928 Convention Concerning International Expositions, as Amended (Exec. Rept. No. 102-11);

Treaty Doc. 101-17. Protocol Amending Extradition Treaty With Canada (Exec. Rept. No. 102-12).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Providing a Uniform Law on the Form of an International Will, adopted at a diplomatic conference held in Washington, DC, from October 16 to 26, 1973, and signed on behalf of the United States on October 27, 1973.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation, done at Montreal on October 6, 1989.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Amendments to the Convention of November 22, 1928, concerning International Expositions, as amended (TIAS Series 6548, 6549, 9948, and Treaty Doc. No. 98-1).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Protocol signed at Ottawa on January 11, 1988, amending the Treaty on Extradition Between the United States of America and Canada, signed at Washington on December 3, 1971, as amended by an exchange of notes on June 28 and July 9, 1974.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH:

S. 1584. A bill to extend temporarily the existing suspension of duty on sulfamethazine; to the Committee on Finance.

S. 1585. A bill to extend temporarily the existing suspension of duty on sulfathiazole; to the Committee on Finance.

S. 1586. A bill to extend temporarily the existing suspension of duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 1587. A bill to suspend temporarily the duty on oxalacetic acid diethylester sodium salt; to the Committee on Finance.

By Mr. DECONCINI:

S. 1588. A bill to amend title 11 of the United States Code to make clear that the actual and necessary expenses incurred by official creditors' and equity security holders' committees in a case under chapter II may be paid as administrative expenses; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1589. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. COATS, and Mr. HATCH):

S. 1590. A bill to reauthorize programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 1591. A bill to amend title 18, United States Code, to provide for participation by fire service agencies in forfeitures resulting from acts in which such agencies participate that lead to the seizure or forfeiture of property; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 1592. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. PELL (for himself, Mr. HATCH, Mr. KENNEDY, and Mrs. KASSEBAUM):

S. 1593. A bill to improve the operation and effectiveness of the United States National

Commission on Libraries and Information Science, and for other purposes; considered and passed.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. HARKIN, Mr. DURENBERGER, Ms. MIKULSKI, Mr. ADAMS, Mr. DODD, Mr. METZENBAUM, Mr. SIMON, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1594. A bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to resume and make technical amendments to the community-based AIDS research initiative, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 161. A resolution commending the Government and people of Nepal on their first multi-party election in 30 years; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Res. 162. A resolution to establish a Select Committee on POW/MIA Affairs; to the Committee on Rules and Administration.

By Mr. THURMOND:

S. Con. Res. 56. A concurrent resolution to recognize and commend military colleges; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH:

S. 1584. A bill to extend temporarily the existing suspension of duty on sulfamethazine; to the Committee on Finance.

S. 1585. A bill to extend temporarily the existing suspension of duty on sulfathiazole; to the Committee on Finance.

S. 1586. A bill to extend temporarily the existing suspension of duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 1587. A bill to suspend temporarily the duty on oxalacetic acid diethyl ester sodium salt; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

• Mr. DANFORTH. Mr. President, I am introducing today four miscellaneous tariff bills. The first bill extends temporarily the existing suspension of duty on sulfamethazine through December 31, 1994. The second bill extends temporarily the existing suspension of duty on sulfathiazole through December 31, 1994. Both of these chemicals are used as animal feed additives and neither is produced in the United States.

The third bill extends temporarily the existing suspension of duty on difenzoquat methyl sulfate through December 31, 1994. The fourth bill suspends temporarily the duty on oxalacetic acid diethyl ester sodium salt through December 31, 1994. Both of these chemicals are used in herbicides and, again, neither is produced in the United States.

I ask unanimous consent that the texts of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.80 of the Harmonized Tariff Schedule of the United States (relating to sulfamethazine) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.82 of the Harmonized Tariff Schedule of the United States (relating to sulfathiazole) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.65 of the Harmonized Tariff Schedule of the United States (relating to 1,2-Dimethyl-3,5-diphenylpyrazolium methyl sulfate) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.31.12	Oxalacetic acid diethyl ester sodium salt (provided for in subheading 2918.30.50)	Free	No change	No change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. DECONCINI:

S. 1588. A bill to amend title 11 of the United States Code to make clear that the actual and necessary expenses incurred by official creditors' and equity security holders' committees in a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

TREATMENT OF EXPENSES UNDER CHAPTER 11

• Mr. DECONCINI. Mr. President, today I am introducing legislation to clarify that official creditors' and equity security holders' committees are eligible to recover reasonable "actual and necessary" administrative expenses incurred during a chapter 11 bankruptcy procedure. The bankruptcy courts currently disagree over whether and to what extent official creditors' committees may recover their costs. This legislation is necessary to clarify, once and for all, that official creditors' committees appointed under section 1102 of the Bankruptcy Code are eligible to have their expenses paid as an administrative cost.

The George Worthington bankruptcy case is the only court of appeals decision which reviews whether an official unsecured creditors' committee may recover fees and expenses from a chapter 11 estate—See in re George Worthington, 921 F.2d 626 (6th Cir. 1990). In this decision the sixth circuit reversed, on rehearing, its earlier decision and that of the bankruptcy court, which held that the Bankruptcy Code contained no express authority for the reimbursement of an official creditors' committees' administrative expenses.

In reversing itself, the court reasoned that the reimbursement of creditors' committees "is implied in the overall scheme for reorganization and in the legislative history of the code and its amendments." The evolution of the George Worthington chapter 11 bankruptcy case represents the two extreme positions that have been taken by the courts on this issue and affirms the need for this legislation.

The legislation I am introducing today differs significantly from the bill that I proposed last year. I have heard from a number of creditor groups as well as bankruptcy judges who strongly oppose requiring official creditors' committees to prove they made a substantial contribution to the case to recover their expenses. This substantial contribution requirement severely limits who and what can be reimbursed. It discourages active participation in creditors' committees because it precludes recovery of expenses for routine committee functions, such as travel to committee meetings. Therefore, I have eliminated the "substantial contribution" requirement for equity security holders' and official creditors' committees appointed under section 1102 of the Bankruptcy Code.

Creditors' committees are intended to play a significant role in chapter 11 practice. Congress created equity security holders' and creditors' committees to protect the interests of small unsecured creditors who are often underrepresented in a bankruptcy action. A major function of these committees is to negotiate and consider the type of plan recommended to satisfy the creditors' claim. The creditors' committee is also responsible for monitoring the operations of the debtor to determine whether the debtor is complying with bankruptcy procedure. This function is especially important considering that the debtor, generally, retains possession of the assets during the chapter 11 proceedings.

Active participation of creditors' committees in bankruptcy proceedings is necessary for an efficient and cost-effective system. Abolishing barriers which prevent equity security holders' and creditors' committees reimbursement of administrative costs is important, but it becomes essential in smaller, more routine, cases when the incentive to serve is lessened. As a costly and unfortunate consequence in these cases, the burden of debtor supervision shifts to the trustee if creditors are unwilling to serve on committees.

When Congress rewrote the Bankruptcy Code in 1978, it intended to continue the practice which existed under the 1898 act of allowing official creditors' committees reimbursement for reasonable and necessary costs. The omission of explicit language providing for this was an oversight. This legislation will correct the problem. I feel confident that this bill will encourage unsecured creditors' and equity security holders' to actively participate in the committee process and result in fair and equitable representation in chapter 11 reorganization cases.

I ask unanimous consent that the bill be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended by—

(1) striking "and" at the end of paragraph (5);

(2) adding "and" at the end of paragraph (6); and

(3) adding at the end thereof the following new paragraph:

"(7) the actual, necessary expenses incurred by a committee representing creditors or equity security holders appointed under section 1102 in the performance of its powers and duties under that section;".●

By Mr. GRASSLEY:

S. 1589. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Labor and Human Resources.

RURAL EQUITY FOR OLDER AMERICANS AMENDMENTS

● Mr. GRASSLEY. Mr. President, I am also introducing today a bill which would amend the Older Americans Act of 1965 to require that State allocation formulas include a rural weighting factor. This bill was introduced in the House of Representatives by Congresswoman OLYMPIA SNOWE as H.R. 2020 on April 23, 1991.

There is in the Older Americans Act at the present time a provision requiring that State agencies spend in rural areas an amount not less than 105 percent of the amount spent in 1978. This provision was originally included in the act to account for the additional expense associated with providing services in rural communities—that is, the greater difficulty and expense associated with providing services in areas where population is spread thinly across large distances.

Given that the 105 percent is of the amount spent in 1978, it is clearly out of date and of little help to rural area agencies on aging and the people who they serve. The bill I introduce today therefore repeals this provision of the law.

But the main feature of this legislation is a requirement that the State allocation formulas, required by the act, include a factor reflecting the additional costs of providing geographical access to services to rural older Americans.

Furthermore, the bill also requires the commissioner on aging to define by rule the term "rural."

Mr. President, given that some 25 to 30 percent of older people live in rural areas, but less than 15 percent of Older Americans Act funds are spent there, it seems to me that it is high time to place a focus on our rural communities when we allocate Older Americans Act funds at the State level.

I ask unanimous consent that a copy of the bill be printed in the RECORD after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. SHORT TITLE.

This Act may be cited as the "Rural Equity for Older Americans Amendments of 1991."

SEC. 2. AMENDMENTS.

(a) DEFINITION.—Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) by redesignating paragraphs (14) through (21) as paragraphs (12) through (19), respectively, and

(2) by adding at the end the following:

"(20) The term 'rural' shall have the meaning given it by a rule that shall be issued, and amended from time to time, by the Commissioner.".

(b) ORGANIZATION.—Section 305(a)(2)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(E)) is amended by inserting "and to older individuals residing in rural areas" after "minority individuals".

(c) STATE FORMULA FOR DISTRIBUTION OF FUNDS.—(1) Section 305(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(C)) is amended by inserting after "account" the following: "a factor that reflects the cost of providing geographical access to services to older individuals residing in rural areas".

(2) Section 307(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(3)) is amended—

(A) in subparagraph (A) by striking "(A)", and

(B) by striking subparagraph (B).

(3) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(A) in paragraph (1) by striking "(1)", and
(B) by striking paragraph (2).

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by section 2 shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.●

By Mr. DODD (for himself, Mr. COATS, and Mr. HATCH):

S. 1590. A bill to reauthorize programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, and for other purposes; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION AND TREATMENT AMENDMENTS

● Mr. DODD. Mr. President, I rise today to introduce, the administration's Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991. Joining me are Senators COATS and HATCH as principle cosponsors of this bill.

Last year, over 2½ million children were reported as victims of child abuse or neglect—a 31-percent increase from 1985. Child deaths due to maltreatment increased by 38 percent over the same time interval. Over 1,200 children died from abuse or neglect in 1990. Domestic violence, meanwhile, represents one of the greatest public health problems facing women and children today. It results in more serious injury to women than rapes, auto accidents, and muggings combined—and accounts for 30-40 percent of all women entering hospital emergency rooms for care.

The only good news is that we agree that child abuse and domestic violence are major national problems and that there is bipartisan resolve to effectively address this intolerable situation.

There are three principle sections in this bill. The Child Abuse Prevention and Treatment Act authorizes grant programs to support State efforts to identify, prevent, and treat child abuse—as well as to investigate and prosecute child abuse cases. The family violence prevention and services amendments seek to prevent domestic violence and provides immediate safe shelter for victims of family violence. The adoption opportunities section awards grants to link prospective parents with children with special needs who are eligible for adoption. Our Nation's foster care population included over 400,000 children at the end of June 1990. Increasingly, children entering foster care have complex problems which require intensive services. More infants are born addicted to alcohol and other drugs, or are infected with the human immunodeficiency virus. This provision is the only Federal program that funds postadoption services for adoptive families.

This legislation reflects bipartisan recognition that these programs to prevent child abuse and domestic violence are ultimately cost-saving and vital to the well being of our society. I look forward to working with all of my colleagues to ensure the passage of effective, comprehensive legislation to protect our children and families.●

By Mr. D'AMATO:

S. 1591. A bill to amend title 18, United States Code, to provide for participation by fire service agencies in forfeitures resulting from acts in which such agencies participate that lead to the seizure or forfeiture of property; to the Committee on the Judiciary.

PARTICIPATION OF FIRE SERVICE AGENCIES IN FORFEITURES

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation that enables local fire services to participate in Federal drug forfeitures funds. Firefighters face drug-related arson frequently; yet their role in the drug war is not recognized. The fire and emergency services are directly impacted by the manufacture, distribution, and use of illegal drugs. The drug problem has placed a significant burden on local fire departments. Unfortunately, the gains made over the years in improved firefighter safety and health are being undermined by this new enemy.

Section 981(e) of United States Code, title 18, the civil forfeiture section, presently reads that the Attorney General and the Secretary of the Treasury are authorized to transfer forfeited property to, among others, any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property. My bill simply inserts "or local fire service" after the words "State or local law enforcement agency."

The International Association of Fire Chiefs and the International Association of Fire Fighters both enthusiastically support this legislation.

While law enforcement is recognized as the No. 1 agency dealing with the drug war, the fire service plays an important part in the battle as well. The public looks at the drug war as being a police problem, which it primarily is, but many times it is the fire service that is the first to respond.

Whether the victim has overdosed or has been assaulted, the fire service responds with emergency medical care. Whether the building has been set ablaze by free-basing cocaine users or an explosion occurs from the manufacturing of crack and other illicit drugs, the fire service is there to extinguish the flames. Often police team up with firefighters and building inspectors to close down crack houses.

According to Hal Bruno, ABC News political director and a contributing editor to Firehouse magazine:

> The fire department's ability to gain access to places without a search warrant also can lead to awkward and potentially dangerous situations. An engine or truck company checking out a strange odor in an apartment building can discover a PCP lab. A fire inspector looking for hazards and smoke detectors can stumble into a drug distribution center. An automobile fire or accident can reveal a cache of drugs or weapons when the vehicle's trunk is opened. The people who sell and transport drugs do not fill out hazardous materials warning forms.

According to the New York State Professional Fire Fighters Association, some firefighters have been killed or injured due to fires being set by informants or gang competitors. Further, the association states that many fire departments lack the funding to purchase equipment and to receive the training required to gain access to occupancies that have been converted into fortresses by drug dealers who seek to protect themselves from their competition and law enforcement agencies.

Communities are ravaged by arson, fire, and explosions from crack factories in urban, suburban, and rural areas. It is not just a big city problem. Moreover, the firefighter who provides emergency medical service sees on an every day basis drug-related problems such as the delivery of an infant addicted to drugs or the deaths of innocent civilians on the streets.

Two weapons used in the drug-related crime are guns and gasoline. The fire service has faced both. Fire departments have encountered razor barbed wire, pit bulls, bulletproof plexiglas—which is virtually unbreakable—and steel doors. Firefighters have been assaulted by drug addicts and dealers with knives and guns. This is not to mention the dangers inherent to the profession from a building collapse, an explosion, or exposure to carcinogenic gases.

Moreover, as reported in Newsday, April 4, 1989, in an article entitled "Dodging Bullets, Bloody Needles," the reporter states:

> I have heard recently from firefighters that they now fear going into burning crack houses, not so much because of their fear of fire—an old enemy—but because the stairs are littered with drug users' needles.

One only has to look at the voluminous number of articles in local newspapers across the Nation to understand the problems that our fire services are facing. The following are just a small sample of such news reports:

New York Post, October 1990, "Drug Dealer Burned Alive in 'Steel Tomb' ":

> A woman pushing drugs in a steel-encased Brooklyn crackhouse was burned alive after a vengeful customer poured gas under a metal door and ignited it * * * an escape hatch in the ceiling had been bolted shut, and the steel security walls installed by pushers turned the apartment into a virtual blast furnace, officials said. * * * Members of Ladder Co. 111 had to use a blowtorch to gain entry. * * * they crawled in and within three

> feet found a steel-plated wall that only had one small hole the size of a fist.

Chicago Tribune, July 15, 1988, "4 Died as Alleged Crack House Is Hit by Firebomb in Detroit":

> Rival drug dealers apparently firebombed a suspected crack house Thursday, killing four residents of the duplex. * * * Six other people were injured, and the flames spread to an adjacent duplex occupied by two families who escaped. * * * Police and fire officials said little about the fire, the deadliest in Detroit since three firefighters died in March, 1987.

Newsday, November 1, 1988, "Firefighters See Leak, Find Flood of Drugs":

> Fire fighters responding to a water leak complaint at an apartment building in Brooklyn's Flatbush section stumbled into a drug factory. * * * The fourth-floor apartment was stocked with huge quantities of crack, hashish, marijuana and LSD. * * * Police also found a broken shotgun, and five boxes of ammunition.

The Boston Globe, April 14, 1990, "Mattapan Blaze":

> Fire fighters battle a four-alarm fire that destroyed a vacant three-story building. * * * Officials said the fire appeared to have been set. They said the wood-frame structure, which collapsed, had been used as a "crack house." * * * The blaze spread to two adjacent buildings, displacing 12 occupants.

United Press International, Savannah, GA, January 28, 1990, "Fires Set by Crack Users Growing":

> * * * In recent months, at least a dozen abandoned houses and apartment buildings have caught fire, leaving downtown streets dotted with burned out hulks. Evidence of drug use was found in several torched buildings. * * * One fire on January 16, 1990, threatened to engulf a city block before fire fighters extinguished it.

Los Angeles Times, December 30, 1989, "Drug Factory Smoked Out":

> Oceanside fire fighters found a fully operational methamphetamine laboratory when they arrived at a house to put out a fire. * * * There were about 15 pounds of methamphetamine and paraphernalia used to make the illegal drug at the House.

United Press International, New York, March 22, 1988, "Two Die in Arson Fire at Bronx Crack House":

> Two squatters died huddled in a bathtub while others leaped from the windows of a drug-infested Bronx building Tuesday when arsonists set a ground floor shooting gallery ablaze and the whole city-owned tenement went up in flames. The fire, fueled by pools by flammable liquid, erupted at 3:56 a.m. and raced from room to room. * * * About 70 fire fighters using 18 trucks finally brought the blaze under control but not before the roof of the wood-frame building collapsed. * * * There were also two Oxy-acetylene tanks normally used for welding but that also could be employed for anything from providing heat for cooking drugs to cutting through locks and bars on stores or another "Guy's Crack Operation." * * * Police detectives joined the fire marshals at the scene, investigating the deaths of the man and woman.

Lost Angeles Times, October 16, 1990, "Anaheim: Burned Man Booked After Drug Lab Fire":

> A man covered by burns walked into a doughnut shop and was arrested by police in connection with a fire at a home that authorities suspect was used as a methamphetamine lab. * * * Fire fighters found chemicals and laboratory equipment used to produce methamphetamines.

In 1989, New York City Fire Departments responded to 7,000 drug-related fires. More than 50 percent of the fires and incidents in Mount Vernon, NY are drug-related. The Office of Fire Prevention and Control of the State of New York estimates, in their findings for 1989 and the beginning of 1990, that 25 percent of the alarms responded to throughout New York State, both paid and volunteer, are drug-related.

Fire department resources are being exhausted because of the necessity to:

First, purchase additional special tools and equipment to deal with the massive security systems built by these drug dealers;

Second, respond to the increased number of calls and, consequently, to an increased workload;

Third, deal with the arson involved;

Fourth, remove hazardous materials at places such as raided drug labs; and

Fifth, cope with the loss of manpower due to injuries.

Fire fighters are facing an increased danger due to problems such as dangerous chemicals that are used in drug labs and explosive life threatening booby traps that are placed in drug houses to prevent trespassers. Fire services now have a need for knowledge and information concerning the methods and means to be used to successfully fight drug fires. The fire services seek: First, recognition of their role in the war on drugs; second, training opportunities, and third, additional equipment. Access to drug forfeited funds is crucial to the well-being and success of our local fire services and I urge my colleagues to support this important legislation.●

By Mr. CHAFEE:

S. 1592. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

PRESCRIPTION DRUG PURCHASING ASSISTANCE FOR OLDER AMERICANS ACT

● Mr. CHAFEE. Mr. President, in recent years we have seen significant increases in the cost of health care. One of the areas that I most frequently hear about from my constituents is the increasing cost of prescription drugs. These increases have disproportionately affected the population which most widely uses prescription drugs—our Nation's elderly.

According to the Congressional Budget Office, in 1991, average out-of-pocket expenditures for prescription drugs will likely be $550 per Medicare part B enrollee. For some, the cost will be much higher. Although Medicare covers the cost of prescription drugs while a patient is hospitalized, the program does not cover the cost of outpatient prescription drugs. Some seniors do have coverage of such drugs. For those who can afford Medicare supplemental insurance policies, or Medigap insurance, prescription drugs are usually covered. In addition, very low-income seniors are eligible for coverage under the State Medicaid programs.

There are Medicare-eligible individuals, however, who do not qualify for Medicaid, and do not have insurance coverage for outpatient prescription drugs. For these seniors, the cost of daily medication for a condition such as high blood pressure or high cholesterol, can severely restrict their ability to meet other critical living expenses such as food and rent. In some cases they are forced to forgo the medication altogether. Without proper medication, these people often wind up in our hospital emergency rooms, at a much higher cost to our health care system.

Today, I am introducing the Prescription Drug Purchasing Assistance for Older Americans Act. This legislation helps make the cost of prescription drugs more affordable to low-income seniors. This bill gives States the option of extending their Medicaid prescription drug program to Medicare-eligible individuals with incomes below 110 percent of the Federal poverty level. In addition, this measure would give States the option of allowing those with slightly higher incomes to buy-in to the State's Medicaid prescription drug benefit. States would be permitted, but not required, to charge a premium to persons with incomes between 110 percent and 200 percent of the Federal poverty level. This premium, however, would be limited to 5 percent of the individual's adjusted gross income.

I am hopeful that this legislation will greatly assist low-income seniors who are struggling to pay for their medications, or who cannot afford them at all. I urge my colleagues to join me in sponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Prescription Drug Purchasing Assistance for Older Americans Act."

SEC. 2. OPTIONAL STATE MEDICAID COVERAGE OF COSTS OF PRESCRIPTION DRUGS FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 139d(p)) is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this title, in a State which provides medical assistance for prescribed drugs under section 1905(a)(12), the State may provide to a qualified medicare beneficiary or an individual who would be such a beneficiary but for the fact such an individual's income exceeds the income level established by the State under paragraph (2) or section 1902(a)(10)(E), but is less than 200 percent of the poverty line described in such paragraph, benefits for prescribed drugs in the same amount, duration and scope as the benefits made available under the State plan for individuals described in section 1902(a)(10)(A)(i).

"(B) A State electing to provide benefits for prescription drugs to individuals described in subparagraph (A) who would be qualified medicare beneficiaries but for such individual's income may charge a premium or copayment to such individuals for such benefits but such premium or co-payment may not exceed 5 percent of such individuals gross income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1992, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DURENBERGER, Ms. MIKULSKI, Mr. ADAMS, Mr. DODD, Mr. METZENBAUM, Mr. SIMON, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1594. A bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes; to the Committee on Labor and Human Resources.

TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE ACT OF 1991

Mr. KENNEDY. Mr. President, I rise today to introduce the Terry Beirn Community-Based AIDS Research Initiative Act of 1991, along with my good friend and colleague from Utah, Senator HATCH.

In early 1987, Senator HATCH and I introduced the first comprehensive AIDS legislation to be considered by the Congress. Among other things, this landmark legislation was designed to accelerate AIDS research and to expand access to experimental therapies to people with HIV infection and AIDS. We were extremely pleased, at that time, to receive the unanimous endorsement of the Committee on Labor and Human Resources and to ultimately enact the AIDS Research and Information Act of 1988 as Public Law 100-607.

As part of this comprehensive effort, our AIDS consultant to the Committee on Labor and Human Resources, Terry Beirn, recommended that we establish a pilot program to take advantage of the extraordinary expertise that community clinicians had developed in the day-to-day care management of persons with HIV infection and to encourage participation in research protocols by those who were underrepresented in HIV related research. Public Law 100-607 did create this type of innovative program which became known as the Community Program for Clinical Research on AIDS [CPCRA].

These programs coordinate studies and train medical staff in the exacting rigors of collecting data that meets FDA and pharmaceutical industry standards for drug approval. This model has a proven ability to conduct rapid trials which meet the very highest standards of scientific inquiry, most notably resulting in the FDA's June 1989, decision to license aerosolized pentamidine as a preventive treatment for PCP, the leading killer of people with AIDS. This decision was primarily based on data collected by community-based clinical trials.

Currently, the CPCRA is operating in communities across this country from Phoenix to Detroit, and from Kansas City to Portland—located in both urban and rural areas.

The Senate Appropriations Subcommittee on Labor, Health/Human Services, and Education applauded the fine contributions these programs have made and encouraged the NIH to significantly increase the funding allocation.

This legislation will take two extremely important actions. First and foremost, it will rename this program for Terry Beirn, its primary architect—a tireless advocate for community-based research who died last week of AIDS-related complications. Terry was steadfast in his belief in biomedical research and sound science and he was convinced that a partnership among all interested parties would be most likely to yield effective therapeutics. Because of his dedication to this cause—we dedicate this program in his honor.

Finally, this legislation reauthorizes this extremely important program for an additional 5 years. It is our hope that these community-based initiatives will continue to produce treatments which will reduce the suffering for those suffering from HIV disease.

As always I am extremely pleased by the strong showing of bipartisan support from the Labor Committee and am grateful for the cosponsorship of Senators HATCH, HARKIN, DURENBERGER, ADAMS, JEFFORDS, MIKULSKI, METZENBAUM, SIMON, DODD, PELL, and KASSEBAUM. I am hopeful that the Senate will act swiftly on this important tribute.

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. WIRTH, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 141

At the request of Mr. DASCHLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 150

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 150, a bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to Government bonds.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 481

At the request of Mr. SIMON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 481, a bill to authorize research into the desalting of water and water reuse.

S. 514

At the request of Mr. MIKULSKI, the names of the Senator from Nevada [Mr. BRYAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 550

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 550, a bill to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

S. 588

At the request of Mr. MITCHELL, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Arizona [Mr. DECONCINI] were added as a cosponsors of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 651

At the request of Mr. GARN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Idaho [Mr. SYMMS], and the Senator from Colorado [Mr. BROWN] were added as a cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 827

At the request of Mr. SHELBY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 827, a bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other individuals not covered under Public Law 99-638.

S. 838

At the request of Mr. DODD, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes.

S. 881

At the request of Mr. INOUYE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 881, a bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1245

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1327

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1327, a bill to provide for a coordinated Federal program that will enhance the national security and economic competitiveness of the United States by ensuring continued United States technological leadership in the development and application of national critical technologies, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee [Mr. SASSER] was withdrawn as a cosponsor of S. 1327, supra.

S. 1358

At the request of Mr. GRAHAM, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. D'AMATO], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1398

At the request of Mr. REID, the names of the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. LEAHY], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1423

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1441

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1475

At the request of Mr. HARKIN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1475, a bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes.

S. 1480

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1480, a bill to establish the United States Census Commission.

S. 1504

At the request of Mr. INOUYE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1504, a bill to authorize appropriations for public broadcasting, and for other purposes.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1554

At the request of Mr. BENTSEN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. LOTT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. CRANSTON], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1565

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1565, a bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with routine transfers.

S. 1571

At the request of Mr. EXON, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1571, a bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from New Mexico

[Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. WARNER, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. INOUYE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to authorize the Go for Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes.

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 146

At the request of Mr. PACKWOOD, his name was added as a cosponsor of Senate Resolution 146, a resolution expressing the sense of the Senate regarding the recent volcanic disaster in the Philippines.

SENATE RESOLUTION 150

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 150, a resolution expressing the sense of the Senate urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner.

SENATE CONCURRENT RESOLUTION 56—RECOGNIZING AND COMMENDING MILITARY COLLEGES

Mr. THURMOND submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 56

Whereas the number of essential military colleges—institutions that the Department of Defense has recognized as constituting a special aspect of American higher education—has decreased from 11 institutions in 1914 to only 4 today: Norwich University, founded in 1819; Virginia Military Institute, established in 1839; The Citadel, The Military College of South Carolina, chartered in 1842; and North Georgia College, which opened in 1873;

Whereas the hallmark of these institutions has been their dedication to the principle of the citizen-soldier, and in this regard are joined in spirit and devotion by the Cadet Corps at Texas A&M University and Virginia Polytechnic Institute and State University;

Whereas citizen-soldiers are educated, trained, and inspired to become productive members of society in any calling, but are also prepared to serve their country in a military role during times of war or national peril; and

Whereas these citizen-soldiers have accepted as their duty an obligation to serve their country in every instance of war since the Mexican War, and have without fail or hesitation answered the call to arms—most recently with service in Southwest Asia as part of Operation Desert Storm: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and commends military colleges for the unique contributions they have made and continue to make, and urges citizens of the United States to embrace the principles to which these colleges are dedicated.

SENATE RESOLUTION 161—IN RECOGNITION OF FREE AND DEMOCRATIC ELECTIONS IN NEPAL

Mr. PELL submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 161

Whereas on May 12, 1991, Nepal held its first multiparty elections in 30 years;

Whereas international observers concluded that the elections were "generally conducted in a manner fair, free and open enabling the full expression of the will of the people;

Whereas the elections produced an electoral victory for the Nepali Congress Party;

Whereas Girija Prasad Koirala was appointed Prime Minister and sworn into office on May 29, 1991: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) commends the Government and people of Nepal on the holding of free and fair elections and for the restoration of democracy;

(2) congratulates Girija Prasad Koirala on his election as Prime Minister of Nepal and wishes him a successful administration;

(3) expresses its appreciation to His Majesty King Birendra of Nepal and interim Prime Minister K.P. Bhattarai for their role in enabling the successful transition of democracy;

(4) commends Prime Minister Koirala for his stated commitment to combat hunger, disease and illiteracy in Nepal, to protect the rights of women, and to safeguard Nepal's environment;

(5) expresses its hope that the Government of Nepal will continue to uphold the rights of all religious minorities and to protect the fundamental human rights of all its citizens;

(6) expresses its strong support for Nepal's new democracy and affirms its willingness to assist the new government's efforts to address Nepal's economic, social and environmental problems.

Mr. PELL. Mr. President, on May 12 Nepal held its first multiparty elections in 30 years—the second South Asian country to join the community of democratic nations this year. International observers concluded that the elections were "generally conducted in a manner fair, free and open enabling the full expression of the will of the people." It is truly a great moment in the history of Nepal.

I am today introducing a resolution offering our well-deserved congratulations to the people of Nepal for the restoration of democracy; to the Nepali Congress Party for their electoral victory; and to Girija Prasad Koirala who was sworn in as Prime Minister on May 29. My resolution further commends Mr. Koirala for his stated commitment to combat hunger, disease, and illiteracy, to protect the rights of women and to safeguard Nepal's fragile environment.

Mr. President, Nepal is a country of extraordinary beauty, home to the highest mountains in the world. But even such unsurpassed beauty is enhanced and strengthened when it is seen through the eyes of democracy and freedom.

SENATE RESOLUTION 162—ESTABLISHING A SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 162

Resolved,

SEC. 1. (a) (1) There is hereby established a select committee to be known as the Select Committee on POW/MIA Affairs (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fourteen members appointed as follows:

(A) two members from the Committee on Armed Services;

(B) two members from the Committee on Foreign Relations;

(C) two members from the Committee on Veterans' Affairs;

(D) two members from the Select Committee on Intelligence; and

(E) six members from the Senate.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate after consultation with their chairman and ranking minority member. Three of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(b) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(c) At the beginning of each Congress, the Members of the select committee shall elect a chairman of the select committee and a vice chairman of the select committee; provided, however, that the chairman and vice chairman of the select committee shall not be from the same political party. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

SEC. 2. (a) There shall be referred to the select committee, concurrently with referral to any other committee of the Senate with jurisdiction, all messages, petitions, memorials, and other matters relating to United States personnel unaccounted for from military conflicts.

(b) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee of the Senate or as amending, limiting, or otherwise changing the authority of any standing committee of the Senate.

SEC. 3. The select committee may, for the purposes of accountability to the Senate, make such reports to the Senate with respect to matters within its jurisdiction as it shall deem advisable. Such select committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the select committee to require the immediate attention of the Senate or such other committee or committees. In making such reports, the select committee shall proceed in a manner consistent with the requirements of national security.

SEC. 4. (a) For the purposes of this resolution, the select committee is authorized at its discretion (1) to make investigations into any matter within its jurisdiction, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (4) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, and (5) to take depositions and other testimony.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing this subpena.

SEC. 5. No employee of the select committee or person engaged to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or relationship with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 6. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 7. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 8. Subparagraph (c) of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"POW/MIA Affairs .... 14."

SEC. 9. (a) The select committee shall make a final public report to the Senate on the results of its investigation and study conducted by such committee, together with its findings and any recommendations at the earliest practicable date, but not later than December 31, 1992:

(b) After submission of its final report, the select committee shall conclude its business and close out its affairs as expeditiously as practicable.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

LEAHY AMENDMENT NO. 917

Mr. LEAHY proposed an amendment to the reported amendment on page 48, line 14 of the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, as follows:

"On page 48, line 14, in the committee amendment, after the words "which are not permanent but are," strike all that follows and insert the following: "for thirty years or the maximum duration allowed under applicable State law; (2) cost-sharing assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: *Provided*, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: *Provided further*, That none of the funds made available by this Act shall be used to enter in excess of 98,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

SPECTER AMENDMENT NOS. 918 and 919

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel and strengths for such fiscal years for the Armed Forces, and for other purposes, as follows:

AMENDMENT NO. 918

On page 19, strike out lines 8 through 22, and insert in lieu thereof the following:

SEC. 113. AIRCRAFT CARRIER SERVICE LIFE EXTENSION OF THE U.S.S. JOHN F. KENNEDY.

Notwithstanding any other provision of law, no action shall be taken to transfer industrial activities on the aircraft carrier U.S.S. JOHN F. KENNEDY (CV-67), the U.S.S. FORRESTAL, and any other ship scheduled for availability at the Philadelphia Naval Shipyard prior to the 1991 base closure review process, from the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, until there is a ruling of the United States District Court for the Eastern District of Pennsylvania that disposes of the petition for preliminary injunction in the case of *Specter v. Garrett*, Docket Number 91–CV–4322.

AMENDMENT NO. 919

On page 31, between lines 7 and 8, insert the following:

SEC. 124. LIMITATION ON OVERHAUL OF THE U.S.S. ENTERPRISE.

(a) LIMITATION.—All unobligated funds appropriated or otherwise made available for the Department of Defense may not be used for the overhaul of the U.S.S. ENTERPRISE (CVN-65) or for construction of new aircraft carriers until the Secretary of the Navy, the

Administrator of the Environmental Protection Agency, and the Chairman of the Nuclear Regulatory Commission have jointly certified to Congress that the Secretary, the Administrator, and the Commission have approved a comprehensive plan, which includes annual cost estimates for the next ten years, for the disposal of all nuclear waste of the nuclear-powered aircraft carriers of the Navy and that the plan names the specific sites for the disposal of such waste. An unclassified report detailing such plans shall be provided to the appropriate committees to accompany the notice of certification.

(b) Report on Health Effects.—Not later than September 30, 1992, the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

HATCH AMENDMENT NO. 920

Mr. HATCH proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 79, line 14, strike after the number $704,734,000, "of which $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress".

BURDICK (AND OTHERS) AMENDMENT NO. 921

Mr. BURDICK (for himself, Mr. Cochran, Mr. Kasten, Mr. Bond, Mr. Bumpers, and Mr. Durenberger) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 52, line 14, strike "$1,840,000,000" and all that follows through "loans" on page 52, line 16, and insert in lieu thereof: "$1,922,140,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

On page 53, line 4, strike "guaranteed loans" and insert in lieu thereof: "unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans".

On page 52, line 22, before the "." insert: ": *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992".

WIRTH AMENDMENT NOS. 922 AND 923

Mr. WIRTH proposed two amendments to the bill H.R. 2698, supra, as follows:

Amendment No. 922

On page 15, line 10, strike "$61,978,000" and insert in lieu thereof "$63,978,000""

On page 15, line 12, strike the semicolon ";" insert a comma "," and the following new text: "of which $2,000,000 shall be available for global change research for the monitoring of ultraviolet radiation"; and

On line 12, strike "$102,000,000" and insert in lieu thereof: "$100,000,000."

Amendment No. 923

Paragraph 11, line 14, after "629,143,000" insert: "of which $750,000 is available for the Center for Russian wheat aphid research at Colorado State University".

HARKIN AMENDMENT NO. 924

Mr. BURDICK (for Mr. Harkin) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 44, line 23, strike "$3,500,000" and insert in lieu thereof "$10,000,000".

HELMS AMENDMENT NO. 925

Mr. COCHRAN (for Mr. Helms) proposed an amendment to the bill H.R. 2698, supra, as follows:

At the end of the bill, add the following new section:

Sec. . None of the funds appropriated or otherwise made available by this Act shall be used to issue a final regulation to carry out section 214 of Public Law 98-180.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

SPECTER AMENDMENT NO. 926

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1507, supra, as follows:

At the appropriate place insert the following:

On page 19, strike out lines 8 through 22, and insert in lieu thereof the following:

"Sec. 113. AIRCRAFT CARRIER SERVICE LIFE EXTENSION PROGRAM.

(a) Transfer of Unobligated Fiscal Year 1990 Funds.—Notwithstanding any other provision of law, the Secretary of the Navy shall transfer from any unobligated funds appropriated for the Navy for fiscal year 1990 for shipbuilding and conversion that remain available for obligation, $405,000,000 for shipbuilding and conversion in connection with the sealift program established pursuant to section 102(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 7291 note). Funds transferred pursuant to this subsection shall remain available until September 30, 1997.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATION, FISCAL YEAR 1992

SANFORD (AND HELMS) AMENDMENT NO. 927

Mr. SANFORD (for himself and Mr. Helms) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 30, line 11, strike "$720,436,000" and insert in lieu thereof "$707,936,000"; and

On page 17, line 21, strike "$60,769,000" and insert in lieu thereof "$73,269,000".

SIMPSON AMENDMENT NO. 928

Mr. SIMPSON proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 61, line 10, strike "$622,050,000" and insert "$504,235,000".

On page 61, line 12, strike "$239,250,000" and insert "$193,765,000".

On page 62, strike lines 1-4.

On page 62, line 10, strike "$157,609,000" and insert "$127,866,000".

On page 62, line 11, after "$14,152,000,", insert the following: "and cost of the other loan guarantees, $105,000".

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

HOLLINGS (AND RUDMAN) AMENDMENT NOS. 929 AND 930

Mr. HOLLINGS (for himself, and Mr. Rudman) proposed two amendments to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

Amendment No. 929

On page 34, line 18, "that" is amended to read "That".

On page 77, line 10, strike "further".

On page 90, line 4, in-between the head "Radio Construction", and "For" insert

"(INCLUDING TRANSFER OF FUNDS)".

On page 98, line 24, "commericalization" is amended to read "commercialization".

On page 65, line 17 strike "payments to" and insert "the".

On page 65, line 18 strike "academies" and insert "academy programs".

On page 65, line 19 strike "grants" and insert "payments".

On page 49, line 4 strike the word "natural".

Amendment No. 930

On page 19, line 18, strike "$959,517,000" and insert "$950,817,000".

On page 6, line 4, strike "$112,642,000" and insert "$114,142,000".

On page 40, line 9, after the semicolon insert: "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

On page 40, line 11, strike "$1,544,569,000" and insert "$1,550,769,000".

On page 49, line 20, strike "$4,437,000" and insert "$4,937,000".

On page 68, after line 22, insert:

"Commission on Legal Immigration Reform

SALARIES AND EXPENSES

For necessary expenses of the Commission on Legal Immigration Reform as authorized by Section 141 of Public Law 101-649, $500,000, to be available until expended."

On page 90, line 2, strike the period at the end of the line and insert: ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a).".

HOLLINGS (AND OTHERS) AMENDMENT NO. 931

Mr. HOLLINGS (for himself, Mr. Reid, and Mr. Heflin) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

HOLLINGS (AND OTHERS) AMENDMENT NO. 932

Mr. HOLLINGS (for himself, Mr. KENNEDY, and Mr. SIMPSON) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 20, line 7, under the heading Immigration and Naturalization Service, insert before the period the following new proviso: ": *Provided further*, That, until April 1, 1992, none of the funds appropriated by this Act shall be used to enforce section 214(g)(1)(C)) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) or sections 207(a) or 207(b) of the Immigration Act of 1990 (Public Law 101-649), and that until such date aliens seeking admission as artists, athletes, entertainers or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance or as the spouse or child of such a nonimmigrant) shall be admitted by the Attorney General under the terms of section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (H)(i)(b)) as in effect on September 30, 1991.".

HOLLINGS (AND OTHERS) AMENDMENT NO. 933

Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. AKAKA, and Mr. DECONCINI) proposed an amendment to the bill H.R. 2608, supra, as follows:

At the appropriate place, insert the following:

SEC. . The decennial census of population of 1990 shall be adjusted to reflect the changes recommended on June 21, 1991, by the Post Enumeration Commission and the Director of the Census.

HOLLINGS AMENDMENT NO. 934

Mr. HOLLINGS proposed an amendment to amendment No. 933 proposed by him to the bill H.R. 2608, supra, as follows:

Amend the pending amendment by inserting the following after the word "CENSUS" on line 4, ", except that such adjustment shall not apply to political reapportionment".

KOHL AMENDMENT NO. 935

Mr. KOHL proposed an amendment to amendment No. 933 proposed by Mr. HOLLINGS (and Mr. THURMOND), and subsequently amended, to the bill H.R. 2608, supra, as follows:

Strike all after "SEC." and insert:

The Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, shall report to the Senate on the use of the Post-Enumeration Survey of the 1970 Census for purposes other than political apportionment and shall recommend such changes as necessary. Such report shall be made after consultation with the Secretary of Commerce and shall be made by February 1, 1992.

D'AMATO (AND OTHERS) AMENDMENT NO. 936

Mr. HATFIELD (for Mr. D'AMATO, for himself, Mr. RUDMAN, and Mr. KASTEN) proposed an amendment to the bill H.R. 2608, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. .

Findings:

(1) The report accompanying H.R. 5021, the fiscal year 1991 appropriations bill for the Departments of Commerce, Justice, State and Judiciary and related agencies, included language regarding the Bureau of Prisons' proposed construction of a Metropolitan Detention Center (MDC) on 29th Street and Third Avenue in the Sunset Park Community of Brooklyn, New York; and

(2) The Senate report urged the Bureau of Prisons to "work closely with the city of New York, other relevant government jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long-range plans while also meeting operating requirements of the Federal criminal justice system."; and

(3) The report also stated that the committee "believes that plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."; and

(4) No such agreement has been reached.

Therefore, it is the sense of the Senate that the Bureau of Prisons should not proceed with construction of the Brooklyn MDC until it has ascertained that all efforts to reach agreement with State and local government officials have been exhausted, and that the proposed site continues to be the only viable location for a detention center.

DOLE AMENDMENT NO. 937

Mr. HATFIELD (for Mr. DOLE) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $150,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to Project Freedom in Wichita, KS for its Drug Affected Babies Prevention Initiative".

HELMS AMENDMENT NO. 938

Mr. HELMS proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 39, line 15, insert after the word "law" a comma and the following: "no person incarcerated in a federal or state penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and, notwithstanding any other provision of law".

HELMS AMENDMENT NO. 939

Mr. HELMS proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 9, line 5, insert after the word "expenses" a semicolon and the following:

"SEC. . (a) Notwithstanding any other provision of law, a State shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations, or has enacted legislation, to protect licensed health care professionals from contracting the human immunodeficiency virus and the hepatitis B virus during the performance of exposure prone invasive procedures.

(b) The regulations or legislation referred to in subsection (a) shall permit licensed health care professionals to require that, prior to the commencement of or during the conduct of an exposure prone invasive procedure, a patient may be tested for the etiologic agent for the human immunodeficiency virus. Such regulations or legislation shall not apply in emergency situations when the patient's life is in danger.

(c)(1) The result of tests conducted under subsection (b) shall be confidential and shall not be released to any other party without the prior written consent of the patient.

(2) The regulations or legislation referred to in subsection (a) shall contain enforcement provisions that subject an individual who violates the provisions of paragraph (c)(1) to a $10,000 fine or a prison term of not more than one year for each such violation.

(d) Except as provided in subsection (e), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health service Act (42 U.S.C. 301 et seq.) until such certification is provided.

(e) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State, if—

(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a); and

(2) the State legislature of such State meets on a biennial basis and has not met within the 1-year period beginning on the date of enactment of this Act.

(f) As used in this section, the term "exposure prone invasive procedure" means such procedures as listed in guidelines promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission by health care professionals, of the human immunodeficiency virus and the hepatitis B virus to patients during exposure prone invasive procedures."

GRAHAM (AND MACK) AMENDMENTS NOS. 940 THROUGH 942

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill H.R. 2608, supra, as follows:

AMENDMENT NO. 940

At the end of the bill, add the following new section:

SEC. . REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

AMENDMENT NO. 941

On page 99, between lines 7 and 8, insert the following new section:

SEC. . TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

AMENDMENT NO. 942

At the end of the bill, add the following new section:

SEC. . TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

MITCHELL (AND OTHERS) AMENDMENT NO. 943

Mr. HOLLINGS (for Mr. MITCHELL, for himself, Mr. BOREN, and Mr. BRADLEY) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 75, line 19, strike "(Including Transfer of Funds)"

On page 76, line 18, strike "; and in addition $8,000,000 shall be derived by transfer from "Acquisition and Maintenance of Buildings Abroad".

On page 89, line 2, in between the head "Educational and Cultural Exchange Programs" and "For" insert

"(INCLUDING TRANSFER OF FUNDS)".

On page 89, line 20, before the period insert the following: "; and in addition $13,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad" to remain available until expended of which $7,000,000 shall only be available for support of the U.S.-Soviet Exchange Program and of which $4,000,000 shall only be available for the Educational Exchanges Enhancement Act of 1991 and of which $2,000,000 shall be available only for the Federal Endowment for High School Student Exchanges and Democracy.

GRAMM AMENDMENT NO. 944

Mr. GRAMM proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 71, strike line 2 and insert the following: "for special contingency funds, and of which $48,410,000 shall be transferred to the Department of Justice and made available to the Federal Bureau of Investigation (which amount shall be in addition to other sums appropriated to the Department of Justice and made available to the Federal Bureau of Investigation by this Act), and the Board of Directors of the Legal Services Corporation shall reduce the foregoing allocations as the Board considers to be appropriate.".

UNEMPLOYMENT COMPENSATION EXTENSION ACT

KASTEN AMENDMENT NO. 945

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

At the end of the bill add the following new section

SEC. . SENSE OF THE SENATE WITH RESPECT TO PLANT OPENING AND JOB CREATION INCENTIVES.

(a) FINDINGS.—The Senate finds that—

(1) Expanding unemployment benefits does nothing to prevent and reduce unemployment—it simply treats the symptoms instead of curing the underlying disease of anemic economic growth and lingering joblessness;

(2) The only real cure for unemployment is rapid economic growth which creates well-paying, private-sector jobs;

(3) Low-tax, incentive-based economic policies to promote work, investment, saving, and entrepreneurship caused the economic expansion of the 1980s which created 20 million new jobs and raised real middle American family income by 12 percent;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should immediately adopt legislation that promotes plant openings, economic growth, and job creation, and that such legislation include the following incentives for work, saving, and investment:

(1) reduction in the tax on capital gains to 15 percent for both individuals and businesses, and indexation of the basis for inflation to provide new incentives for investment in job-creating small business ventures, and to eliminate the unfair taxation of phantom gains;

(2) permanent extension of the tax exclusion from gross income of the amounts paid for employee educational assistance to increase job opportunities for workers, and promote job advancement through training and education;

(3) establishment of enterprise zones with Federal tax incentives to promote small business investment and job creation in the Nation's economically distressed rural and urban areas; and

(4) elimination of the Social Security earnings limitation which would give America's senior citizens more freedom to work and produce.

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

SEYMOUR AMENDMENT NO. 946

Mr. SEYMOUR proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 99, between lines 7 and 8, insert the following:

SEC. . (a) Except with respect to budget authority provided by titles III and V and lines 1-6 of title I of this Act, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act for expenses under the heading "salaries and expenses", other than payments required by law, is hereby reduced by a percentage such that the total reduction equals $40,000,000. *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

(b) In addition to amounts otherwise appropriated or made available by this Act to the Border Patrol program under title I of this Act, an amount equal to the aggregate of the reductions under subsection (a) of this section is hereby made available to the Border Patrol program as follows: 75 percent of such amount shall be available for personnel for use in connection with the southwest border of the United States, and 25 percent of such amount shall be available for vehicles and equipment for use in connection with such southwest border.

SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT AUTHORIZATION

KENNEDY AMENDMENT NO. 947

Mr. HOLLINGS (for Mr. KENNEDY) proposed an amendment to the bill (H.R. 2313) to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

SEC. 101. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1991".

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the "Act") (20 U.S.C. 3243(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking "$1,500,000" and inserting "$2,000,000";

(2) in subsection (c), by inserting after "value as a demonstration." the following:

"Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act."; and

(3) in subparagraph (B) of subsection (f)(1), by striking "for the second such year" and inserting "in each succeeding fiscal year".

(b) Effective Date.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

"(e) Grants for New Grantees.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).".

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

(1) in paragraph (8), by striking "and"; and

(2) by striking paragraph (9) and inserting the following new paragraphs:

"(9) mentoring programs; and

"(10) any other activity described in subsection (a).".

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

"SEC. 6008. REPORTS.

"(a) Annual Reports.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) Recommendations.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.".

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.".

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Under Secretary of Education".

SEC. 203. EFFECTIVE DATE.

(a) In General.—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) Special Rule.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

Part A—Star Schools

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the "Act") (20 U.S.C. 4081) is amended—

(1) by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled";

(2) by striking "demonstration"; and

(3) by inserting "to" before "obtain".

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years.

"(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "(A)";

(II) by striking "demonstration"; and

(III) by inserting "in any one fiscal year" after "$10,000,000"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment."; and

(4) by inserting at the end thereof the following new subsection:

"(e) Coordination.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.".

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "demonstration";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ", or a State higher education agency";

(B) in subparagraph (C), by inserting "or a State higher education agency" after "education";

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "or academy" after "center"; and

(ii) by striking "or" at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and "or"; and

(F) by inserting at the end thereof the following new subparagraph:

"(F) a public or private elementary or secondary school."; and

(3) by adding at the end thereof the following new subsection:

"(c) Special Statewide Network.—

"(1) In general.—The Secretary may fund one statewide telecommunications network under this title if such network—

"(A) provides two-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) State contribution.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.".

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ", or any combination thereof" after "equipment"; and

(ii) in subparagraph (G) by—

(I) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(II) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4)—

(i) by striking "teacher"; and

(ii) by inserting "for teachers and other school personnel" after "policies";

(E) in paragraph (6)—

(i) by striking "the facilities" and inserting "any facilities";

(ii) by striking "will be made available to" and inserting "for"; and

(iii) by inserting "will be made available to schools" after "schools";

(F) in paragraph (7)—

(i) by inserting "(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)" after "students"; and

(ii) in paragraph (7), by inserting "and will use existing telecommunications equipment, where available" before the semicolon at the end thereof;

(G) by striking "and" at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

"(9) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance such as elections;

"(D) sharing curriculum materials between networks;

"(E) providing teacher and student support services;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff; and

"(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.";

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";

(ii) striking "(particularly schools"; and

(iii) striking "1965)" and inserting "1965";

(B) by striking "and" at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

"(C) include instruction for students, teachers, and parents;"; and

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

"(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and".

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

"CONTINUING ELIGIBILITY

"SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

"(2) use all such grant funds to provide expanded services by—

"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

"(B) providing new courses of instruction; or

"(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

"(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

"EVALUATION

"SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than $500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program.

"(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1995.

"(c) EVALUATION.—Such evaluation shall include—

"(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

"(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

"(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

"(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

"(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

"(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

"(7) the effects of distance learning on curricula and staffing patterns at participating schools;

"(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

"(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

"(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

"FEDERAL ACTIVITIES

"SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

"DISSEMINATION GRANTS

"SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

"(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

"(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

"(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

"(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

"(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

"(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

"(e) DEFINITION.—For purposes of this section, the term 'eligible entity' means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.".

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) CORRECTIONS EDUCATION.—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking "paragraph (2)" and inserting "paragraph (3)";

(B) inserting "and" before "the sex equity"; and

(C) striking "and the program for criminal offenders under section 225,";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph (1):

"(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.".

(b) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

"(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.".

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.".

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows:

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

"(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

"(G) data on all direct and indirect costs of the program; and

"(H) information on progress toward meeting the program's goals.

"(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

"(2) An eligible entity may receive a grant under this subsection if the entity—

"(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

"(B) agrees to provide the Secretary—

"(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

"(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

"(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

"(2) To receive a grant under this subsection, an eligible entity shall—

"(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

"(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

"(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

"(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible entity' means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

"(2) the term 'functional literacy' means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

"(3) the term 'life skills' includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.".

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting ", $4,500,000 for fiscal year 1992 and $10,000,000 for fiscal year 1993" after "1991".

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking "fiscal year 1991" and inserting "each of the fiscal years 1992 and 1993".

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking "subject to a default management plan required by the Secretary" and inserting "prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act".

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the "Act") (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting "this subsection and" before "subsections (a) and (b)"; and

(2) in paragraph (2), by striking "section" and inserting "subsection".

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement."; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

"(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.".

SEC. 403. SPECIAL PAYMENT RULES.

(a) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment.

(b) FEDERAL CONTRIBUTIONS.—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Friday, August 2, 1991, at 10 a.m., in SR-301, to mark up Senate Resolution 82, to establish a Select Committee on POW/MIA Affairs.

For further information regarding this markup, please contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 30, 1991, at 10 a.m. to hold a hearing on enforcing rules of origin requirements under the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., July 30, 1991, to receive testimony on S. 1187, legislation to amend the Stock Raising Homestead Act; and S. 1179, the Geologic Mapping Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on July 30, 1991, at 2:45 p.m., to hold a hearing on S. 535, the Reforestation Trust Fund Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 30, 1991, to receive testimony on S. 1351, the Department of Energy Science and Technology Partnership Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday July 30, 1991, at 10 a.m., to hold a hearing on the first amendment implications of Rust versus Sullivan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 30, 1991, at 2:30 p.m., to hold a hearing on commercial and credit issues in bankruptcy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 30, 1991 at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 30, beginning at 9:30 a.m., to conduct a hearing to examine and evaluate recent developments concerning international negotiations on global climate change and stratospheric ozone depletion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, at 9:30 a.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, at 3 p.m., to consider and vote on pending business items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 30, 1991, at 10 a.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section

308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991-95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through July 26, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 22, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG, 1ST SESS. AS OF JULY 26, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,468.3	−676.7
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents that estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and 0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE, SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JULY 26, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,919
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	(1)		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

NATIONAL INVENT AMERICA!

• Mr. CHAFEE. Mr. President, I would like to congratulate Glenn Olds, Jr., of East Greenwich, RI, for being named a regional winner in the Invent America! student invention competition. Glenn, who is 10 years old, now is competing in the national competition, which is being held in Washington this week.

Invent America! helps young people develop their creative and analytical thinking skills, which they will need to meet the challenges of today's highly complex and technological world. Since President Bush established this public-private partnership in 1987, millions of children in kindergarten through eighth grade have participated in State, regional, and national Invent America! competitions. National winners have gone on to receive highest honors at the Japanese Institute of Invention and Innovation World Competition.

This year, Glenn decided to attack an annoying problem: mosquitoes. After consulting with an entomologist at the University of Rhode Island, Glenn developed a model "Glenn's Gas Zapper." Glenn's invention emits gases that attract mosquitoes to an electrified wire mesh. According to Glenn, once the bugs land on the wire, electric current zaps them.

Later this week, Glenn and the other regional finalists will be treated to a well deserved ice cream social where the top nine student inventors will receive awards. Regardless of the outcome of the competition, Glenn and all the participants should be proud of their accomplishments, and it is a pleasure to take this opportunity to recognize their efforts.•

LAFFER CURVE IN REVERSE

• Mr. KASTEN. Mr. President, I would like to enter into the RECORD an article from the July 22, Wall Street Journal by Matthew Kibbe, Director of Federal budget policy at the U.S. Chamber of Commerce.

This article demonstrates clearly why the tax increases enacted last fall were a mistake. I opposed those new taxes because I felt they would deepen the recession and increase the size of the Federal budget deficit. As Mr. Kibbe points out in his article, this is precisely what happened.

Last fall's budget agreement was a disaster on all counts, it brought larger deficits, higher taxes, higher spending and longer unemployment lines.

It is my belief that spending restraint is the best means of balancing the Federal budget. This is why I have introduced a balanced budget/tax limitation amendment to the U.S. Constitution. I commend to my colleagues this fine article, and I call upon them to support spending restraint.

The article follows:

THE LAFFER CURVE IN REVERSE

(By Matthew B. Kibbe)

A dull-sounding document released last week by the Office of Management and Budget, the "Mid-Session Review of the Budget," has exposed assumptions behind the October budget deal as total nonsense. Remember? That was the deal by which the president and Congress agreed to impose major tax increases in an effort to eliminate the budget deficit. The tax increase was enacted in November.

But instead of the hoped-for surge of revenues, tax receipts are falling dramatically.

The fall in tax receipts, plus the costs of the savings & loan bailout and the Gulf War, have pushed the projected budget deficit for 1992 up by $67 billion, to $348 billion.

Official Washington is puzzled. "For some reason," the Washington Post observed, "less money flowed into government coffers than the budget called for. This unexpected and largely unexplained shift in the government's revenue base is the major reason that the deficit in future years runs about $70 billion higher than last winter's estimate."

In fact, the loss of revenue—or rather the loss of revenues that might have been expected had the deal not been made—is hardly inexplicable. Opponents of last year's tax rise predicted this very effect—higher taxes plus new regulatory burdens shrink the economy and thus the revenues that economy throws off.

Richard Darman, OMB director and the chief proponent of the budget deal, still denies the existence of the problem. "Putting Desert Storn and deposit insurance aside," he wrote in the Mid-Session Review, "the estimates in the president's budget have proven quite accurate on the whole."

In fact, 81% of the revenues expected from November's tax increases are failing to materialize. At the moment, it looks as if only $32 billion of what was supposed to be a $165 billion tax increase over the next five years will ever arrive. Even that $32 billion is questionable: If projected revenues are adjusted to account for the lower growth rates in the Blue Chip consensus economic forecast, the total package will actually end up yielding only $6 billion, or slightly more than $1 billion a year than they would have been had the deal not been made.

These new budget numbers are powerful empirical confirmation of the much-denigrated supply-side effect. Higher tax rates do not necessarily mean higher tax revenues. The opposite is often true.

Based on the administration's own estimates, it now seems that George Bush broke his "no new taxes" pledge for at best an average of $6 billion a year for the next five years. If there ever had been any doubt about it, it should be clear by now that the only way to reduce the federal budget deficit is through spending cuts and not through tax increases.

Mr. Darman is supposed to have another budget deal planned for after the 1992 election. Let's hope he's learning something from the fiasco of his last one.●

CONGRATULATIONS TO THE CITY OF IRVINE

● Mr. SEYMOUR. Mr. President, I stand in recognition of the city of Irvine, which will be recognized today at festivities in that city being held to celebrate its selection as the grand prize recipient in the Calling on America Community Leadership Award campaign.

The National Organization on Disability recently chose Irvine to receive this honor for its outstanding achievements in a variety of areas involving persons with disabilities.

James Brady, former press secretary to President Ronald Reagan and current vice chair of the organization, personally called to announce Irvine's selection as the one city in the entire United States most successful in its effort to serve the disabled community.

Irvine was selected for its achievement in the areas of community awareness, employment, education, and training, civil life, recreation, transportation, housing, and respite care.

President Franklin D. Roosevelt said, "In the field of world policy I would dedicate this Nation to the policy of the good neighbor." The good neighbors of the city of Irvine are working each day to make their community a better place for all its residents.

Please join me in extending the congratulations of the U.S. Senate to the city of Irvine and our best wishes to its disabled citizens who share in this award.●

FULTON 15TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I wish to call my colleagues' attention to the fact that on August 9, 1991, the Miller Brewing Co. will be observing the 15th anniversary of its Fulton, NY, brewery. The brewery's 1,100 employees, their families, and guests will participate in a 2-day celebration of several events, including public tours and related festivities.

I wish to commend president and CEO Leonard J. Goldstein, a native New Yorker, and the Fulton work force for their commitment to the local community, Oswego County, and the area's economy. Recently released economic impact figures for the brewery and other Miller facilities in the State—a container plant adjacent to the brewery, a glass bottle manufacturing plant in Auburn, and a regional sales office in Latham—combine for a total impact in the Empire State of $420 million. That total includes $94.1 million in salaries, wages, and benefits to a statewide total of more than 1,600 employees. The 31 distributors who sell Miller products in New York employ an additional 1,000 workers.

The company also paid $28 million in corporate income and property taxes, payroll, franchise, and excise taxes in New York. Another $298 million was spent on direct materials, contracted services, utilities, employees expenses, minority contracts and purchases, rent and supplies. In addition to the above numbers, the company contributed $200,000 to local and State charitable organizations and community events. Miller employees also invest hundreds of volunteer hours in a myriad of civic and community organizations.

The brewery has an effective annual capacity of 10 million barrels. The brewery services the Northeastern United States and parts of the Midwestern United States. Miller Brewing Co. is a concerned corporate citizen as well.

Miller is also committed to educating the public about responsible consumption of alcohol beverages. Their "Think When You Drink" television and print advertising is designed to help consumers make informed choices about when and whether to drink. This year, they joined with the Beer Institute and the U.S. Department of Transportation to help publicize the department's goal of increasing seat belt usage from the current level of 50 percent to 70 percent by 1992.

Mr. President, I ask that my colleagues join me in commending Miller Brewing Co. and their Fulton brewery on their 15th anniversary and wish them many more prosperous years as a corporate citizen of New York State.●

FRUIT—PART OF A HEALTHY DIET

●Mr. RIEGLE. Mr. President, today's Washington Post contains an editorial entitled "Raisin Wars" which discusses an issue that has affected and continues to perplex the Kellogg Co. headquartered in Battle Creek, MI. As the editorial points out, the U.S. Department of Agriculture [USDA] currently has in effect a regulation which is intended to ensure that only cereals meeting certain nutritional standards are eligible for the WIC Program. However, this regulation keeps out of the WIC Program certain nutritious cereals that contain fruit that would otherwise qualify, except for the fact that they contain fruit. For instance, bran flakes would qualify under current WIC guidelines, but when raisins are added and the cereal becomes raisin bran the cereal becomes ineligible.

At the same time, the USDA, along with many other Federal agencies as well as various nutrition experts, acknowledge that fruit is an essential element of a nutritious diet and recommend eating several portions of fruit a day. In fact, it has been brought to my attention that literature distributed to WIC participants through local WIC offices in my own State of Michigan urge WIC participants to eat fruit and specifically raisins as a snack. It has also been brought to my attention that the USDA produces and distributes to WIC participants literature which not only urges them to eat fruit, but to "use fruit on cereal." I am aware that the USDA has also administered a demonstration program in 10 States, including my own State of Michigan, in which it has paid for vouchers to be distributed to WIC participants for the purpose of purchasing fruit.

Mr. President, it simply does not make good sense for the USDA and other agencies of the Federal Government on one hand to urge all Americans to eat more fruit and to specifically urge WIC participants to "use fruit on cereal" and to pay for vouchers enabling WIC participants to purchase fruit, while on the other hand it is denying WIC participants the opportunity to choose a cereal which meets all the nutritional standards required by the WIC program except for the fact that it contains fruit. As the editorial points out, this is "government at its most famously elephantine."

I am aware that the USDA apparently has a WIC Advisory Board which is undertaking a review of the WIC food package, and I am confident this advisory board will do an excellent job. However, as we all know, "reviews" often take on a life of their own. This matter is a well-documented inconsistency in policy and it has existed far too long. I would, therefore, hope and urge that the USDA take note of the point which is made in the editorial and adopt a more sensible, reasonable and flexible policy with respect to this issue. I would also urge that the USDA make whatever changes are necessary to conform its WIC feeding policies with its own dietary recommendations as soon as possible, and certainly no later than the beginning of our next calendar year.

Mr. President, at this point I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

RAISIN WARS

The federal government thinks that children should eat less sugar and more fruit, which is fine—except when it's contradictory. The fruit that the government likes can be a major source of the sugar that it doesn't. The contradiction arises with particular force inside a box of Kellogg's Raisin Bran. Can you believe that it may now arise within the U.S. Senate as well?

It seems that, were it not for the sugar from the raisins, this product of the Kellogg Co. would be eligible to be bought by needy families under the sugar standard of the government's WIC program, a stern 6 grams per serving and no more. Counting the raisins and the rest of the sugar in the box, however, it's not eligible. That's true even though the same Agriculture Department that maintains the WIC regulations can be found in other contexts urging Americans not merely to eat more fruit, but to put it on their cereal.

Kellogg cares, and not just for love of consistency in the Code of Federal Regulations. The WIC feeding progrm for needy pregnant women, infants and children is itself a pretty big bowl of breakfast. It helps to feed nearly 5 million people including a third of the nation's newborns at a cost of about $2.4 billion a year. Of that, an estimated $150 million goes for cereal, and about two-thirds of the cereal money, Kellogg says, is spent on Cheerios, which meet the WIC sugar and other nutrition standards and are made by Kellogg competitor General Mills. WIC really stands for women, infants and Cheerios, the Kellogg people like to joke, not sweetly.

Kellogg, based in Michigan, is urging that state's Sen. Carl Levin to offer an amendment to the agriculture appropriations bill somehow relaxing the sugar rule so that the raisins won't count. Other senators including minority leader Bob Dole have warned they will resist a step they call a threat to the program's "integrity." They cite a letter from the American Academy of Pediatrics and other protective groups urging that the question of what can and cannot be bought with the money not be politicized and noting that the department is already in the midst of a regular reexamination of the rules.

If the government is going to cross the threshold of setting nutritional standards at all—as perhaps it had to, at least in the particular kind of program WIC is—we suppose it was bound to come to this. You make the rules, and the next thing you know poor kids can't have Raisin Bran, which other kids are eating without ill effect, because to allow Raisin Bran is to open the floodgates to government subsidized Snickers bars for poor and nutritionally deprived families. It is government at its most famously elephantine. Of this much only we are certain: The Senate floor is the wrong place to write the rules. But the Agriculture Department, if it is to have a free hand, should at a minimum keep the free hand light. Surely it's possible to have rules that square with the WIC program's raisin d'etre and still let in a scoop of raisins.•

ORDERS FOR TOMORROW

Mr. HOLLINGS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m., Wednesday, July 31; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; that then there be a period for morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein; that during morning business the following Senators be recognized to speak: Senator JOHNSTON for up to 15 minutes, Senator WOFFORD for up to 10 minutes, Senator MCCAIN for up to 10 minutes, Senator MURKOWSKI for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. HOLLINGS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess as under the previous order until 8:30 a.m., Wednesday, July 31, 1991.

There being no objection, the Senate, at 9:42 p.m., recessed until Wednesday, July 31, 1991, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 1991:

THE JUDICIARY

DAVID R. HANSEN, OF IOWA, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

CONFIRMATIONS

Executive Nominations confirmed by the Senate July 30, 1991:

DEPARTMENT OF STATE

CHARLES R. BOWERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

SALLY G. COWAL, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

MORRIS D. BUSBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

LUIS GUINOT, JR., OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

ARTHUR HAYDEN HUGHES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

CHRISTOPHER W. S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

ROBERT MICHAEL KIMMITT, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

ROBERT S. STRAUSS, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF SOVIET SOCIALIST REPUBLICS.

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

BOARD FOR INTERNATIONAL BROADCASTING

KARL C. ROVE, OF TEXAS, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1994.

INTERNATIONAL MONETARY FUND

QUINCY MELLON KROSBY, OF NEW YORK, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS.

U.S. INFORMATION AGENCY

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE U.S. INFORMATION AGENCY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JAMES THOMAS GRADY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1991.

WELDON W. CASE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

LAW SCHOOL CAN DO MORE

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. ROSE. Mr. Speaker, if House committee assignments were based upon interest or aptitude, the contributions of Members to the great deliberative and legislative processes in the House would be far greater than they are today. I say this because I know that each of us performs best, the things which interest and challenge us the most.

However, very few Members are selected to serve on committees based upon their interest or aptitude. Political considerations, such as party affiliation, geographical balance, or delegation strength, usually govern the selection process. The unfortunate result is that the potential of many Members is simply misallocated—to subject areas in which they have no interest, or which do not challenge them. This lost potential is a terrible waste of talent, to the individual, to the House, and to the Nation. And this loss of human potential happens not only in the House, but throughout our society.

I like to think of the United States as the land of opportunity—a place where every individual has the opportunity to maximize his or her contribution to the Nation and to the community. However, I know that the thousands of selection processes—such as the selection of House Members to serve on committees, or the selection of military specialists by the Armed Forces, or the selection of management trainees by businesses, or the selection of students by schools—is at best uneven. At worst, these selection processes are discriminatory, counterproductive to our society, and wasteful to the human potential of interested and talented people who are turned away.

Why don't we do more to capitalize on the talents and interests of House Members? And why don't we do more to create opportunity for individuals in our society—so that those individuals can maximize their contribution to the society? Each of us would be better served by people who are happy with, and challenged by the work that they do. And they would likely be more productive, earn more money, pay more taxes. In short, everyone would be better off.

The answer lies in defects in our selection processes. If the various selection processes throughout our society are limiting the contributions which individuals can make, then we need to examine these processes, and we need to improve upon them. No selection process will ever be perfect, but I'm convinced that we can do a better job than we're now doing. This is nowhere better illustrated than in the following article by Prof. Dan Pollitt, which appeared in the Raleigh, NC, News and Observer on May 19, 1991. Professor Pollitt talks about an alternative to the current selection process by which the next generation of legally educated public servants are chosen.

I was intrigued by the article—which illustrates the need for change in one area of our society. But the bigger challenge is personal to each of us—to you and to me as individuals. We must examine the many selection processes in which we play a role, and begin improving them, so that we do not limit or foreclose talented and interested individuals from making their best contribution—to themselves and their children—and thus to ourselves and our children. There is no need for losers in this process—only winners.

LAW SCHOOL CAN DO MORE

(By Daniel H. Pollitt)

CHAPEL HILL.—Last Sunday some 200 young, brilliant, attractive men and women walked across the stage at Memorial Hall to receive their law diplomas. The law school can take pride in them, and in their competence to serve the people and the State of North Carolina. They were selected three years ago from a pool of over 3,000 applicants, with those lacking an undergraduate grade average of at least B-plus rejected out of hand. Many of those selected had held undergraduate class office, editorships, and the like.

This elite group includes the future governors, the judges, the legislators, the movers and shakers of their home communities. They will do well. They will do good.

But will they do enough?

Fictitious alumnus John Jones illustrates the career path many might follow. He returned to his home town and opened a solo practice above the barber shop. His shingle read: "John Jones. Lawyer. Upstairs."

He was a good citizen. He was at his neighbors' side when they purchased their first home, when they incorporated a business, when their children were caught with drugs. He wrote their wills, he probated their estates with fairness and dispatch.

He worked for his community, chairing the by-laws committee of his civic groups and church. He represented the school board and served a stint as a county commissioner. When he died, the townfolk erected a tombstone for him. It read: "John Jones. Lawyer. Upstairs."

Is not this honor enough? Should John Jones have done more?

He sometimes regretted that he had stood mute when the Kurt Vonnegut books were removed from the high school library; that he had been "too busy" for the young marine reservist in his church (willing to die but not to kill for his country), who refused the order to report for war in the Persian Gulf. He worried when rumors of sexual abuse at the day care center stampeded the community into a seemingly blind search for vengeance.

He knew the police sweep down by the tracks violated the Fourth Amendment requirement that all warrants particularly describe the place to be searched and the things to be seized. And his mind turned to the Establishment of Religion Clause whenever his minister offered prayers at the high school footbal games.

But why mess with these things? Why be an oddball? It might be his undoing. He listened to the voices within that whispered caution, told him to wait; wait until his prestige was secure, his voice more powerful; wait for the right time, for the right case.

But every lawyer's case is a leap in the dark. There is always the hazard of being undone. If the lawyer stays close by the campfire and never ventures forth, the circle of safety and freedom will contract. And one dark night, the fire will go out. The highest wisdom is to dare.

THE CAUSE OF THE DEFENSELESS

Long ago Justice Cardozo observed that "there is more to membership in the bar than a license to sign a brief or intone a prosy argument." The American Bar Association elaborates with its oath requiring a new lawyer to swear that he will "never reject from any consideration personal to myself the cause of the defenseless or oppressed."

Many lawyers in this state befriend the defenseless and oppressed. In Raleigh alone, among a growing host of others, the names of Mayne Albright, Burton Craige, Jim Fuller, Melinda Lawrence, Hank Patterson, Trip Van Noppen, Bill Thorp and Wade Smith come quickly to mind. But the saga of John Jones suggests that the ABA oath may be honored more in its breach as in its observance.

There are lawyers the state over, very competent lawyers, available to draft a contract, incorporate a business, advise on taxes, file suit for an automobile collision. But they may not be there for the flag burner, for the employee discharged illegally because of her race, her sex, or her national origin.

The prison inmate, the physically handicapped, the mentally ill, the homeless simply can't find counsel to enforce due process and equal protection rightly theirs under the American concepts of justice.

Is the law school at fault?

We certainly try to encourage a sense of civic responsibility. In addition to the mainline bar exam courses in professional responsibility, criminal and constitutional law, we offer a broad spectrum of "public law" courses: consumer law, environmental law, employmennt discrimination, gender-based discrimination, health law, housing law, labor law, ocean and coastal law, and a course on race and poverty. We offer advanced seminars on such things as capital punishment, children and the legal system, political and civil rights. But these courses are not on the bar examination, and therefore are fitted in only if the student's schedule of "required" bar examination courses permits.

We have clinical programs wherein the students represent the poverty-level population in criminal and civil trials; or write briefs in pending cases under the tutelage of the appellate public defender. These are small programs, and over-subscribed. We have volunteer programs: a prisoners' rights project where the students advise prison inmates, and a visitation program initiated by Lucy Inman where students go weekly to the N.C. Correctional Center for Women to help the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

inmates with their domestic property and other problems. These are woefully undersubscribed.

We encourage student citizenship around the law school with public recognition, receptions and prizes. But all this does not seem to be enough.

THE BIG-BUCKS JOB

Many students enter law school out of a sense of mission, out of a belief that law can be an instrument for social change. But somehow the law schools pound this humanistic inclination to the bone. By graduation, the brass ring is the big-bucks job with the major law firms in the major cities. This holds true the nation over.

At Stanford recently, only four students signed up for interviews with the Environmental Defense Fund, and only two of the graduating class opted for jobs with public-interest law firms. Harvard's President Bok (a former law dean) commented that America's law schools had done "surprising little" to improve the system of justice; that the overwhelming preference of the law graduates for the corporate law firm represented a "massive diversion of exceptional talent into pursuits that often all little to the growth of the economy, the pursuit of culture or the enhancement of the human spirit."

We do provide role models. Three recent faculty additions come from the public law sector: Jack Boger from the NAACP Legal Defense Fund in New York; Rich Rosen from the Public Defender's Office in Washington, D.C.; and Lou Bilionis from the Appellate Defender's Office in Raleigh.

Senior faculty member Charles Daye is the executive director of the N.C. Association of Black Lawyers and presides over a program to provide housing for the low-income rural elderly. Senior faculty member Barry Nakell founded N.C. Prisoner Legal Services and is an active litigator on behalf of the "defenseless and oppressed." Senior faculty member Ken Broun teaches a course each summer to improve the litigation skills of black lawyers in South Africa. Burnele Powell chairs the Chapel Hill chapter of the American Association of University Professors (concerned with academic freedom). And so it goes.

Why then does concern for the public interest play second fiddle to the job with the corporate law firm? There probably are many institutional factors at work.

Law schools are responsible in part. Their primary emphasis is on research and publication. Public service rides in the rumble seat on the road to promotion, tenure and the endowed chair. Students discover that public service, despite its lip service, is not the source of rewards.

But more fundamental institutional factors share responsibility:

Economics. We used to have a "color bar" that kept some people out of law school. Now we have an economic bar. Tuition and fees for North Carolinians are approximately $1,100; for nonresidents, somewhat over $7,000. The cost of books, housing, food and so on runs the total cost of three years in Chapel Hill to a minimum of $25,000. This is low. At Harvard, Yale and so on, tuition alone might be twice that much.

With public-interest law jobs starting in the low $20,000 range, and the corporate law firm jobs starting at the $60,000 range, the choice for most is easy. They are almost impelled by their debts to go where the money is.

SHEER BULK OF NUMBERS

Admission standards. Law continues to be a glamorous and desirable profession, thanks perhaps to our steady TV diet of the likes of "Perry Mason" and "L.A. Law." Each year over 3,000 students apply for the 235 seats available in the first-year class. The sheer bulk of numbers requires the law school to rely heavily on machine-graded standards: the cumulative grade point average plus the grade on the Law School Admission Test (LSAT). The high quality of the applicants means that the editor of The Daily Tar Heel, the president of the senior class, the head of the Student Y, the fraternity rush chairperson, the Peace Corps veteran, the crime reporter for The News and Observer would not be admitted unless they had achieved a B-plus average during all four years of undergraduate education.

Many in these categories might have done so, but admission by college ranking eliminates many applicants who obviously would make valuable contributions to the bar and to society at large.

Size. We have a fulltime faculty of 35 (plus 20 or more adjuncts) and a student body of 650. There is a faculty lounge, a student lounge (wholly inadequate). Classrooms are built to seat 100 or more students sitting in rows facing forward. Few students dare to raise their hands and their concerns in front of 100 semi-strangers.

They approach the desk at the end of class, but few accept the standing faculty invitation for office visits. They fear they might intrude. Sheer size inhibits free interchange between and among faculty members and students. Many students come to class, and then go home. Rather dismal.

Curriculum. The course of study is fairly standard in all law schools. It focuses on judge-made law at the appellate level, using the Socratic method of instruction. The teacher asks one student to recite a case and then follows up with a series of searching questions. This method is familiar to television viewers who recall Professor Kingsfield's "bully boy" inquisitions on "Paper Chase."

It is generally agreed that to most, the first year is an exciting, agonizing, challenging, intellectually eye-opening experience; although some find the Socratic method humiliating and degrading as an ego-boosting professor demonstrates his superiority over the hapless student.

But as the process continues in the second year and the third, it strikes most students as too much of the same and a bore. Studies of legal education uniformly agree that the second and third years of law are "pretty universally dull"; that a "feeling of malaise and discontent" stalks the nation's law schools. It was reported at Stanford that students simply stop going to class in the second and third years, learning the law instead through a cornucopia of study aids and course outlines that lay out the legal doctrine in neat, easily digestible pieces. This will suffice for the professor whose examinations are machine-graded.

Facilities recognize the "second-year slump" and the "third-year blahs," and they innovate with law reviews, moot-court programs, seminars and clinics to challenge and excite the upperclass students. But these experiences are limited and restricted to a small minority of the student body, generally those in the top third of the class.

It need not be this way. President Michael Sovern of Columbia (a former law dean) suggests that second-year students take a year off and clerk in a law firm. In England, aspiring attorneys receive three years of academic training followed by two years of apprenticeship with experienced practitioners. In Germany, students spend four years at a university and an additional six months preparing for a state bar examination. Then for the next two years they rotate apprenticeships with a judge, a prosecuting attorney, and a practicing lawyer.

But in America the law schools are like peas in a pod and have been for a century or more. Studies of American legal education concluded that it "has, for too long, been in the grip of a single model." They cry for diversity and experimentation.

There has been very little innovation. Northeastern University in Boston has broken the mold. After the traditional first year, students alternate four quarters in the classroom with four quarters of legal apprenticeship in legislative and judicial offices throughout the land. However measured, the program is a success.

Antioch University opened a law school in Washington in 1972 with a core curriculum built around the problems and concerns of the urban poor. There was a heavy emphasis on clinical education, and the upperclass students were encouraged to intern in congressional offices, to clerk with a judge or apprentice with a law firm. Unfortunately the law school was plagued by personality conflicts and ceased operation.

In 1983 the City University of New York opened a law school in Queens College with the express purpose of training lawyers for public service. Over a thousand men and women applied for admission in the opening class of 144. Students were chosen because they saw the law "as a public service profession" and wanted to use it "as a means of working for a more just society." Older students with "real world experience" were admitted to enrich "both the school and the practice of law" and the school was mandated to search for students who "because of socio-economic factors such as poverty or race" might not otherwise have had the opportunity to become lawyers.

There is room yet for another school committed to diversity, innovation and public service. Where better than here in North Carolina?

THE MODEL LAW SCHOOL

The faculty. When all else is said and done, the strength of any educational institution lies in its faculty. Father Hesburgh of Notre Dame emphasized this when he described "the key and central factor" in education as "the teacher-educator, how he teaches, but particularly how he lives and exemplifies the values inherent in what he teaches." Values, he added, "are exemplified better than they are taught."

The model law school would recruit professors on the basis of performance, not promise, and seek out the mature men and women who have demonstrated a mastery of the law and a regard for its processes, who have won their spurs in the arena of social concerns. All this on the theory that the best education is the modern equivalent of Mark Hopkins (the fabled Williams College teacher) on one end of a log and a student on the other.

Models are found on the UNC-Chapel Hill regular faculty: Bill Aycock and Ferebee Taylor, both learned in the law and both former chancellors of the university; on the adjunct faculty, we have Harry Martin and Willis Whichard, both judges on the N.C. Supreme Court with extensive experience in private practice and the legislative arena.

The student body. The model school would keep an eye on academics, but put the emphasis in admissions on a record of public service. The editor of the Tar Heel, the class officer, the head of the campus Y, the Peace Corps veteran would all be welcome, even with grade averages of less than B-plus. The law school would seek out the late-bloomer with a record of participation in civil affairs, the teacher who wants a mid-life career change, the housewife whose children are now in school, the retiree with a yen for the law. A rich heterogeneous mix.

Size. The school would remain small, with not more than 100 in each of the three classes. This would facilitate an interchange between student and student, between student and faculty as all work together for a common goal. There would be no faculty lounges and student lounges, but simply lounges.

Curriculum. After the standard first-year curriculum, the innovation would come with a second year in Washington. During the day the students would intern in congressional offices for one semester, and intern with those who head the major departments and administrative agencies in the other. They would learn, first-hand, how law is made, and how law is applied by those with primary responsibility. In the evening they would take a reduced course load, as do the students in the evening divisions at Georgetown, George Washington and Howard law schools.

In the third year, opportunity would be made for internships in the public-service agencies and/or in clinical work in which students work with indigent clients.

The calendar. Because of the internships and the light course loads in Washington, the students would begin their studies in June instead of August and thereafter attend classes the year around. The summer program could be enriched by a series of rotating scholars giving two or three open lectures a week. Likely invitees would include Washington civil rights lawyer Joseph Rauh Jr. with a history of the New Deal; Julius Chambers of the NAACP Legal Defense Fund; Nadine Strossen of the ACLU; Judy Lichtman of the Women's Legal Defense Fund; and maybe even the Rev. W.W. Finlator, the retired Raleigh Baptist leader, to relate the Bible to contemporary legal issues.

Finances. The economic bar to legal education must come down. Tuition, on request, would be deferred until graduation, and then would be based on a fixed percentage of whatever the new lawyer's income happened to be. If the law school graduate opted for a $20,000 a year legal services job, his tuition payments would be low. If she took a high-paying corporate job, her tuition payments would be considerably more.

The human spirit. In all that it did, the model law school would seek an element which Derek Bok says is now generally neglected in legal education: the enhancement of the human spirit. It would demonstrate that the study of law need not be dull.

With alternating periods of study and public law experience nurturing one another, law study can become lively and public-oriented. The school would teach legal substance and the joy of intellectual pursuit. It would teach that law is a process for the sensible solution of human problems. It would teach the student to respect precedent and to face change with confidence and pride. It would teach that law, perforce, consists of dull details—but also that law stands for ideals, honor, even romance and high adventure.

The school would demonstrate by concrete example that there is more than one mold for legal education; that it is possible to establish a school where caring men and women find sympathy, understanding, guidance, and example as they prepare for a career in law and public service.

A "BENT FOR PUBLIC SERVICE"

Dan Pollitt has taught law at the University of North Carolina at Chapel Hill since 1957. As counsel to several Congressional committees, he has helped write numerous pieces of social legislation including this year's civil rights and family leave bills.

He has been one of North Carolina's foremost champions for civil liberties over the past four decades, having helped found organizations including Southerners for Economic Justice, the N.C. Labor Law Center and the N.C. Civil Liberties Union.

Mr. Pollitt will retire from the UNC faculty next year, but he is not thinking of ending his career training lawyers. He has developed a proposal for an innovative law school that would emphasize "a bent for public service."

He has a building lined up in Wilmington, and a roster of prospective faculty members and trustees. Now he is seeking $1 million in start-up money.

MAMIE L. WILLIAMS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. KAPTUR. Mr. Speaker, this weekend, our community lost one of our most beloved citizens, Mrs. Mamie L. Williams. She had attained the age of 80 years. She not only was a true friend to me, but hundreds and hundreds of people in our community and Nation. She was a kind, generous and loving woman who always greeted you with open arms and a full heart—the type of individual that comes along once in a lifetime. Her life was not easy. Tragedy intervened at many turns. But it was her smile and boundless hope that was her gift to us.

Even at the age of 80, Mamie Williams continued her tradition of active service to people. Though she officially retired from the city of Toledo's Department of Community Development in 1976, she continued to work part time as a clerk in that office until her death. Her energy and dedication to her profession outpaced that of even her youngest colleagues. She cared deeply about Toledo's neighborhoods. She was a pioneer community builder.

As she grew older and as a result of her life long service to our area, Mamie received the Outstanding Senior Citizen of Lucas County Award in 1978. In 1988, her achievements brought her statewide recognition and induction into the Senior Hall of Fame in Columbus, OH.

A deeply religious woman, Mamie Williams was also a leader in the religious community. Mamie was a faithful member of the Church of the New Convenant and was an evangelist for the past 8 years. She served as church treasurer, as chairwoman of the Fellowship Group 6 and as a member of the Edith Gable Missionary Society. She was actively involved in the Toledo American Baptist Association, and served as chairwoman of the Christian Social Relations Committee of the American Baptist Women's Ministries, and as a trustee of the Toledo American Baptist Association. She was a former member of the Third Baptist Church where she served actively for over a half-century. She developed interfaith friendships with people of all religions, races and backgrounds. It is impossible to fully thank her for what she contributed to all of us.

She was a bundle of energy. Not so long ago, I recall her regular trip to Washington, DC, to meet with other religious leaders involved in voter registration and political development, including for the lowest income people in our society.

I know I join with all those who knew her in extending my deepest sympathies to Mamie Williams' family and many friends. Mamie's survivors include a daughter, Mrs. Francella Daniels; son-in-law, William Daniels; son, Ward Williams; sisters, Mrs. Naomi Lawson and Mrs. Mattie Thomas; half-sister, Mrs. Esther B. Jackson; and a stepson, Ordell Garland; 18 grandchildren, 42 great-grandchildren; 7 great-great-grandchildren; and numerous nieces and nephews. She was preceded in death by her husband, George B. Williams, and daughter Annette Harris.

Mr. Speaker, Mamie Williams' legacy will not be forgotten. She touched our lives with her kindness, her spirit and her boundless hope. Mamie's passing will leave a large void for many years to come in the lives of those who knew and loved her.

Mother, wife, grandmother, great-grandmother, great-great-grandmother, friend, patriot, political activist, community leader, child of God, woman of faith—we shall miss you.

TRIBUTE TO LAWRENCE G. LAWLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GALLEGLY. Mr. Speaker, as a strong supporter of law enforcement in general, and the FBI in particular, I rise today to honor one of the FBI's best as he retires after 26 years of service to the Bureau and his country.

Lawrence G. Lawler, the special agent in charge of the FBI's Los Angeles Bureau, can look back on a storied career and a long record of accomplishment.

A native of Oakland, CA, Mr. Lawler began his career with 3 years of duty with the Oakland Police Department. In 1965, he was appointed an FBI special agent, and after training was assigned to the El Paso, TX, Division. In 1967, he was transferred to Washington State, and then in 1969, he was promoted to a supervisorial position at FBI headquarters in Washington, DC.

In 1975, he was again promoted, this time to assistant special agent in charge of the San Francisco Division. During his tenure in the city by the bay, he was the Bureau executive in charge of the Patty Hearst case, the investigation into an attempted assassination of President Ford, and the Jonestown massacre.

He returned to the Nation's Capital in 1979 to head the National Crime Information Center, one of the FBI's national computer networks, providing vital information to all recognized law enforcement agencies in the United States.

Subsequently, he became special agent in charge for Jacksonville, FL, and then Minneapolis, MN, before assuming responsibility for the Los Angeles office in 1988. The LA Division, the third-largest in the Nation, encompasses seven counties with a population in excess of 15 million.

During his tenure in Los Angeles, Mr. Lawler has directed some of the Nation's most complex and significant investigations, ranging from the savings and loan industry to the never-ending problem of illegal drugs to preventing terrorism. During his time in office, he has vastly improved the productivity and morale of the division by successfully achieving salary reforms and creating direct liaison avenues with local justice agencies, the business community and civic and professional leaders.

Mr. Speaker, Larry Lawler's many friends and colleagues will celebrate his career at a ceremony on August 29. I ask my colleagues to join me in saluting a fine individual and an outstanding law enforcement officer as he completes 26 years in service to the United States, and in wishing him well as he embarks on a new career in the investigation field.

CORRECTING THE BIASED VIEW OF SERBIANS IN THE WESTERN PRESS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mrs. BENTLEY. Mr. Speaker, the Serbian people of Yugoslavia, and particularly the Republic of Serbia, are suffering under an ill-informed media bias in the Western press. The current situation in Yugoslavia cannot be reduced to a simplistic scenario of Communist versus non-Communist, rather it is entrenched in years of history. Add to this the catalyst of reformed Communist leaders regressing to verdant nationalism in newly formed democratic republics, not only just in Serbia, but also in Croatia and Slovenia, and the result is an increasingly volatile brew.

Much has been said regarding this subject, but two articles by Jasmina Wellinghof of the San Antonio Light over the last month go far in helping clarify the complex ethnic and religious disputes that are rocking Yugoslavia. In the process, Ms. Wellinghof does an excellent job of dispelling the dualistic myth that currently is being perpetuated by the Western press regarding the dissolution of the Yugoslav Federation.

Therefore, I would like to include the following two articles for inclusion into the RECORD:

CAREFULLY DRAWN BOUNDARIES COULD PREVENT YUGOSLAV BLOODSHED

The eruption of serious violence in Yugoslavia last week sent a shudder of apprehension throughout Europe. What is feared is that the instability will spread, awakening all sorts of old territorial and ethnic grievances.

Already, the Socialist Party of Italy has demanded the return of Istria, a peninsula currently divided between the secessionist Yugoslav republics of Croatia and Slovenia, but which belonged to Italy prior to War World II.

For the European Community and the United States the question is whether the Yugoslav crisis can be turned around before its tectonic waves start cracking open the rest of the continent.

To be sure, this is the 11th hour, but with proper understanding of the core problem, the international community may help find a permanent solution. Because the Yugoslav picture is so complex and unique, misconceptions have been many, and press reports confusing.

For too long, the story we heard in the United States had Serbia cast as the hegemonic, communist villain trying to prevent "pro-Western" Slovenia and Croatia from pursuing democratic change. In reality, democracy or communism had little to do with the Yugoslav turmoil.

From communist totalitarianism, Croatia and Slovenia have moved to rightist nationalism, suppressing in the process whatever greater freedom they might have had for a few weeks after the communists left power. The presidents of both secessionist republics are former communists, schooled in the authoritarian mentality of longtime dictator Josip Broz Tito. The Associated Press reported that in Croatia the media are fully controlled by President Franjo Tudjman and his party.

Although Serbia, too, is governed by former communists who have done their share of suppressing. I personally have seen there a great many opposition and independent papers, and witnessed on June 9 a major opposition rally in Belgrade. But more to the point and contrary to a number of press reports in this country, the Serbian Government does not contest the Croatian or Slovenian people's right to self-determination. It merely asks for the same right for the Serbs.

The trouble is, the ethnic groups are intermixed territorially, and the real danger zone is not in Slovenia, which is relatively pure ethnically, but in central Yugoslavia where Serbs and Croats live unhappily together.

It is important to understand that we are dealing here with small nations frustrated by history and 45 years of destructive Titoism. There are only 1.8 million Slovenians, 4 million Croats and 9.5 million Serbs. Serbs clung the longest to the dream of one country for the South Slavs (Yugo-Slavs), primarily because their co-nationals live dispersed throughout the territory of Yugoslavia and because they sacrificed their own independent state on the altar of the union.

Confronted, however, with growing demands by the smaller groups, Serbs have increasingly turned inward, rekindling their own dormant nationalism.

Since nationalistic passions have blinded people to all practical concerns, it is unreallistic to expect them to respond to rational pleas for American-style democracy or to financial pressures from the European Community. Survival in the eyes and hearts of Croats and Slovenians right now means only one thing: getting their own nationalist states, period. In the hearts of Serbs, it is to get all the Serbs to live in one country.

As things stand at this moment, the 700,000 strong Serbian minority in Croatia refuses to be separated from their fellow Serbs in the rest of Yugoslavia. Now the Croatian police are doing in the Serbian Krajina region what the federal army is doing in Slovenia. To further complicate matters, the entire central republic of Bosnia-Herzegovina is ethnically mixed, thanks to artificial internal borders created arbitrarily in 1945 by Tito and his cohorts.

Ironically, while U.S. Secretary of State James Baker and the EC leaders keep exhorting the Yugoslavs to negotiate, no one has had the nerve so far to explicitly state what these negotiations must by necessity entail the redrawing of internal boundaries to better reflect the ethnic and emotional divisions between the Serbs and the Croats.

Without that, chances are that the current fighting in Slovenia will soon look like a minor skirmish compared with the bloody civil war that's likely to erupt in central Yugoslavia.

A MARCH TO DISASTER IN YUGOSLAVIA

Even as the fragile cease-fire holds in the secessionist republic of Slovenia, civil war is looming larger in central Yugoslavia.

It is crucial for the international community to understand the core problem of the Yugoslav turmoil, which has little to do with democracy or communism. Quite simply, there will be no stability or permanent peace in the Balkans until the two largest ethnic groups, the Serbs and the Croats, settle their differences and their borders to the reasonable satisfaction of both.

Bound together by geography, ethnicity, economic necessity and a history that mostly denied them national self-expression, the Serbs, Croats, Slovenians and the rest of their fellow South Slavs have throughout this century had a love-hate relationship. Dreams for a common country—finally realized in 1918—gave way to World War II nightmares when the Croatian nationalist extremists, called the Ustashas, slaughtered hundreds of thousands of Serbs, together with Jews and Gypsies.

Now, 50 years later, history seems to be repeating itself. Instead of recognizing that the demise of communism was their historic chance to build prosperity and democracy, the Yugoslavs slid into destructive ethnic fanaticism, which ironically gained support from the Western press, eager to exploit another dramatic scenario that pitches "freedom lovers" against "Communist villains."

That it did not correspond to reality bothered only the most scholarly of writers whose articles appeared in obscure magazines.

The popular press, however, had Serbs cast as the hegemonic, Communist villain trying to prevent the "pro-Western" Slovenia and Croatia from pursuing democratic change. Reporters and editors apparently never noticed that both secessionist republics insist on their own nationalist states. If they were after freedom and democracy, wouldn't they join forces and aspire to become one larger, and therefore more viable state?

The truth is, all three warring republics are governed by former Communists and all have retained the old socialist bureaucracy and mentality. In Croatia the press is completely controlled by President Franjo Tudjman and his party, while the former socially owned property is being turned into state property. Privatization, the economic requirement for democracy, has been halted.

Ironically, it is in Serbia that I found the greatest freedom of speech, a thriving opposition and an advancing privatization process.

But it was also in Serbia where I found the most "Yugo dreamers," which I define as idealists who still entertain the dream of one, democratic, united Yugoslavia. "If we only got rid of Tudjman, (Milan) Kucan (president of Slovenia), (Slobodan) Milosevic (Serbian republic leader) and the rest of these clowns," they would tell me, "we would be OK."

This was in early June before Slovenia and Croatia declared their independence, but these dreamers were largely journalists and intellectuals who obviously knew that Croatia was equipping its own army and Slovenia had sent representatives all over the world to ask for support.

I wonder what they would say today, but clearly with or without the "clowns," passions have been so inflamed that happy coexistence is hard to imagine. Instead of President Bush's new world order, we are seeing the old European order re-emerge. Already lining up behind the Croatian/Slovenian independence bid are Germany and Austria, a fact that awoke old fears in France, England and other European countries.

The French paper Liberation reported that President Mitterrand and German Chancellor Kohl had "a serious verbal discussion," about the Yugoslav issue when they met in Luxembourg. The paper mentioned "nostalgia for the old Austro-Hungarian empire."

As a leading world democracy, the United States must be fair to all, which in this case means recognizing the Serbian people's right to self-determination as well as that of the Croatians and Slovenians. Which brings us back to settling differences and borders, since the Serbs and the Croats are territorially intermixed like no other groups.

Haunted by memories of the Ustasha massacres and harassed by the Croatian public, press and police—just as they were back in the 1930's—the Serbian minority in the Krajina region is ready to fight for its freedom from Croatia. Certainly other Serbs will not just watch them die. Seemingly disregarding the feeble federal government, in the last few days, the governments of both Serbia and Croatia have warned their people about the possibility of war.

Let's not have any illusions. The ensuing disaster, which is quite likely to shake up the whole of Europe, can be prevented only through serious and immediate negotiations. The United States must not abandon this matter to a German-dominated Europe.

CONGRATULATIONS TO THE TIN CAN SAILORS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, I want to extend my congratulations to the Tin Can Sailors on enrolling the 15,000th member of that organization. The Tin Can Sailors are headquartered in Fall River, MA, as part of the very important complex of ships which keep alive an essential part of America's history at Waterfront Park. Membership in the Tin Can Sailors is open to those who have served in the U.S. Navy on destroyers, and the organization does a great deal to keep alive a very important part of America's heritage. To Captain James Galvin, USNR, retired, who is the president of this organization and to executive secretary Edward J. Ward and to the other members of the staff and to the contributors, my best wishes for this latest example of the excellent work they do.

A TRIBUTE TO MARIO F. RODRIGUEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to the attention of my colleagues the achievements of Mario F. Rodriguez. This gentleman, born in Guantanamo, Cuba, has accomplished the "American Dream" by being named one of America's most influential Hispanics. Mr. Rodriguez was recently profiled in the Miami Herald for his achievements. The article reads:

A TRIBUTE TO MARIO F. RODRIGUEZ

(By Charles B. Rabin)

In 1971, when people were experiencing free love and worried about how to end the war in Vietnam, Mario F. Rodriguez was developing a concept that would make him a lot of money.

Three years after graduating from the University of Miami with a degree in accounting, Rodriguez realized there could be a profit in the exchange or lease of thousands of time-share properties. He was helped in his endeavors by a friend, Andy Ponticos.

"At first, we called it Buy-A-Week Inc.," Rodriguez said. "But we changed the name later on."

After graduating from college in January of 1968, Rodriguez assumed he'd find work in the accounting field. Things didn't work quite as planned, and he began investing in real estate.

"It mushroomed into a mini-syndication, and I eventually had to ask my family for money. That's when Andy thought of time-sharing and we started developing real estate based on this idea," Rodriguez said.

SEEKING A NAME

Rodriguez approached another friend, radio and television personality Hank Goldberg, who at the time was an advertising executive, seeking advice on a name for the company. He thought the company needed an identity.

"He came up with Interlude, but it sounded too sleazy. Out of that, we came up with Interval Inc.," said Rodriguez. The name stuck.

Today, Interval International, of which Rodriguez is chairman of the board, is a worldwide exchange network and travel club for time-share owners at more than 700 affiliated resorts, in more than 50 countries.

To help keep Interval running smoothly, Rodriguez and a core group of about 10 other time-share investors formed the International Foundation for Timesharing. It was formed with the intention of funding research that looks at consumers and the demographics of time-sharing.

ANOTHER STEP UP

Rodriguez was recently named president of the foundation and also chairman of the International Council of the American Resort and Residential Development Association.

The association is an umbrella group that includes Rodriguez's foundation and four similar organizations. The association promotes a code of ethics in the industry and does lobbying.

"I've only known Mario since January," said Sandra Woolard, the association's Education Institute administrator. "He's very professional and seems quiet, but he's also a strong leader. He's probably the most beloved of all the members."

The two appointments are only the latest honors for Rodriguez.

The 46-year-old entrepreneur, who came to the United States from Guantanamo, Cuba, soon after he was born in 1946, was named as one of America's 100 most influential Hispanics earlier this year by Hispanic Business magazine.

JUST A SURPRISE

"It came as very much a surprise to me," Rodriguez said.

Staying home and relaxing isn't found in Rodriguez's itinerary.

An avid skier, who heads Northwest in search of snow whenever he gets the chance, Rodriguez sits on the board of directors and is chairman of the loan committee of the First National Bank of Miami, is a member of the State Department's Advisory Committee on International Investment, a director of the Armando Valladares Human Rights Foundation, belongs to the Southeastern U.S./Japan Association, the Florida/Korea Economic Cooperation Committee and the United States-Mexico Chamber of Commerce.

He is also a member of the Cuban-American Foundation.

FINDING MONEY DIFFICULT

Though apparently not suffering greatly from the country's recent recession, it is evident that finding money for real estate investment is a lot more difficult than it was five or 10 years ago.

One of his major projects this year is a symposium on investment and finance that will be held in Hong Kong in November. The goal is to bring domestic time-share lenders and developers together with foreign lenders.

"We're trying to find new sources of money for time-share developers," Rodriguez said. "The banks here aren't lending to real estate developers these days."

I wish Mr. Rodriguez much success in his endeavors. He is a role model for the industry. Interval Inc., his time-sharing business, has expanded and developed into a global enterprise. His accomplishments show the children of the South Florida community and now the people of the United States that, with the right ideas and a good education, there are no limits to one's own potential for success.

RULE ON H.R. 3040, THE UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 3040, the Unemployment Insurance Reform Act of 1991.

HELSINKI HUMAN RIGHTS DAY COMMEMORATION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 264, declaring August 1, 1991, as Helsinki Human Rights Day. Thirty four countries signed the accords to protect human rights. They recognized democracy and fair elections as safeguards of personal freedoms. They promised nondiscrimination against minorities, and free emigration. These are nice promises, but these words mean nothing when they are not supported by actions.

In the 16 years since the Helsinki accords were signed, we have seen tremendous changes in the world. In 1975, we could scarcely imagine a world where summits between the United States and the Soviet Union would be almost commonplace; where democratization and an end to Communist domination would open Eastern Europe to the freedoms enjoyed elsewhere; where free elections and the plans for a multiparty system would be laid in the Soviet Union. The world is moving towards a new era, but for millions of people, denied the basic human rights set down in the Helsinki accords, life is still a struggle.

For example, I have joined other Members of Congress in repeatedly asking President Gorbachev to release the thousands of Jews who have repeatedly asked for and been refused permission to leave the Soviet Union. The Soviet Union must set these refuseniks free so they can emigrate to a country where they can practice as Jews and be free from the anti-Semitism that they have felt throughout their lives. He has responded, over the years, by allowing more Jews than ever to emigrate, but the Soviet Government still severely restricts emigration. Although almost 200,000 Jews left the U.S.S.R. in 1990, many of them had been waiting for years for their visas. Refuseniks are still called parasites, for they are forbidden to work, refused educational opportunities, and lose their homes. Their treatment is no different from 40 years ago.

In 1952, Harry Truman vetoed a law mandating a quota system for immigration into the United States. He discussed the pitiful state of those living under Soviet domination, and his words ring true for many Jewish refuseniks today. He said, "They are silenced, fenced off by barbed wire and minefields—no one passes their borders but at the risk of his life." In the gulags, the prisons, the Siberian tundra, Jews remain imprisoned for treason, bribery, and smuggling. In many cases, these are all crimes the refuseniks never committed. These actions violate the spirit of the Helsinki accords, and, more importantly, violate human rights.

For most, the Soviet Union may be a freer country than it was a few years ago, but the anti-Semitism from town governments, the Russian Orthodox Church, bureaucratic officials and many citizens add up to difficult lives for most Jews. That is why so many of them apply for permission to emigrate, for they hope to escape the prejudices they encounter every day. Jews cannot attend certain schools, join certain branches of military service, or live in certain areas.

On May 20, 1991, when the Supreme Soviet passed laws liberalizing emigration procedures, Jews around the world rejoiced. However, the bill will not have much affect on emigration until January 1, 1993. Thousands of Jews have been waiting for years for freedom. It is cruel for us to ask them, "Just be patient, just wait a little longer." Today, I again ask President Gorbachev to let these people go. Let them leave this country where they are discriminated against, where they feel the pain of prejudice every day. Let them emigrate, to celebrate the freedoms they have been praying for. Let them leave, and the Soviet Union would show its commitment to freedom and human rights. If the U.S.S.R. abides by this request, they will be upholding the Helsinki accords, and prove that the words and promises they make are backed by good and true actions.

CELEBRATING FRANCIS SCOTT KEY'S BIRTHDAY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mrs. BENTLEY. Mr. Speaker, it is at this time that I would like to remember the birthday of our Maryland son, Francis Scott Key, the author of the national anthem of the United States of America, "The Star-Spangled Banner," in 1814.

On August 1, 1779, Key was born in Frederick County on his family's estate, Terra Rubra. After graduating from St. John's College in Annapolis, MD, he began his career as an attorney in Frederick. Later in 1805, he moved to Georgetown where he had lived during the start of the War of 1812.

Because of the British confiscation of United States ships and disputes of frontier land, the United States went to war with Great Britain. The war was a difficult one for the unprepared troops in the United States and defeat was the consequence of many battles. As a deeply religious man, Key had been opposed to the War of 1812. However, his loyalty to his country led the young lawyer to be a lieutenant and quartermaster in a field company just before the British conquered Washington.

In 1814, as a well-known and distinguished young lawyer, Key was sought to negotiate with the British for the release of a prisoner, his friend Dr. William Beanes. Key found the negotiations to be successful. However, they took place aboard a British flagship in the Baltimore harbor during their 25 hours of continuous bombardment of Fort McHenry where within enemy lines, he witnessed the attack.

As an accidental witness to the battle, Key was overwhelmed by the perseverance and bravery of the American soldiers at Fort McHenry. The crushing strength of the Royal Navy could not defeat the small fort at the entrance to Baltimore. Throughout the bombing, the U.S. flag flew proudly and defiantly, never faltering. This courageous display so moved young Key, that he immediately wrote the poem, "Defence of Fort McHenry," which in 1931 would become our national anthem.

The battle in Baltimore that day in 1814 always will be a proud moment for American history. The vision of the underdog desperately defending their new country and their flag would be the inspiration for the song that would continue to rally patriotism in all Americans today it is that song that praises the flag, the symbol of all the values we as Americans are committed to and will defend to this day. The poem that Francis Scott Key penned so quickly that day would go on to be the most important song in the U.S. history and the flag that was the motivation for Key is now on display in the Smithsonian Institution's Museum of History and Technology in Washington, DC.

In honor of the gift that Key gave our country it is with pride that I celebrate with other Marylanders the birthday of one of our own great men of history. It is also the reason that, although the flag of the United States is customarily displayed only from sunrise to sunset, one of the few exceptions to this rule is the flying of the Stars and Stripes for 24 hours a day over the grave of Francis Scott Key in Frederick, MD, and at the battle site at Fort McHenry in Baltimore.

THE CYPENS CELEBRATE THEIR 50TH ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to your attention two of my constituents, the Honorable Irving and Mrs. Hazel Cypen, who are celebrating their 50th wedding anniversary.

The Cypens are well-known residents of south Florida who have been actively involved in the community and in various Jewish organizations. On Sunday, August 25, 1991, at their second home, the Miami Jewish Home and Hospital for the Aged at Douglas Gardens, the Cypens will be celebrating the 50 special years that they have spent together.

Judge Cypen has dedicated 35 years of service to the Miami Jewish Home, serves as chairman of their board, and has been awarded the lifetime title of their honorary president. Judge Cypen is full of vigor and commitment, as he is a member of more than 25 organizations. Judge Cypen has been recognized for his hard work and devotion as the recipient of the Outstanding Citizen of Dade County Award from B'nai B'rith International and also the silver medallion awardee of the National Conference of Christians and Jews.

Judge Cypen's professional career is just as notable. He is not only the senior member of the Cypen & Cypen law firm, but he has also previously served as a circuit judge with the State of Florida, assistant city attorney and municipal judge for the city of Miami Beach.

Hazel Cypen has also immersed herself in helping others through several charitable organizations. As a mother of five and a grandmother of six, Mrs. Cypen has found time to serve on the Greater Miami Jewish Federation, Alzheimer's Care NOTABLES, Bonds for Israel, the PTA of Central Beach Elementary School, and much more. She has also held positions of past president of the Sisterhood of Temple Emanu-El, and is presently serving as the vice president of the Greater Women's Auxiliary at the Miami Jewish Home. On top of all these activities, Hazel Cypen has found time to be the administrative assistant at the law firm Cypen & Cypen.

The Cypens have given so much to Miami and it is only appropriate that on their special day we recognize them. Their dedication to each another is one that not only deserves the admiration of south Florida, but one that can be appreciated by the entire Nation.

THE BASE COMMUNITY RECOVERY ACT OF 1991

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. MATSUI. Mr. Speaker, today I rise to introduce the Base Community Recovery Act of 1991, legislation which I feel is sorely needed as a result of the economic bombshell that the Department of Defense and the President of the United States have dropped on some 23 States. Eighty-two bases are recommended for closure or realignment in our national defense structure. That means there will be devastating economic effects for communities throughout the country that are home to the bases being closed.

The States that are affected include Arkansas, Arizona, California, Colorado, Florida, Idaho, Illinois, Hawaii, Indiana, Louisiana, Maine, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and the State of Washington. This literally means the loss of thousands and thousands of jobs, both direct and indirect, and a loss of hundreds of millions of dollars to the relevant local economies in each of these States.

Congress needs to show these communities that we are ready to support them by acting to ensure that they have access to the full range of resources necessary to rebuild their economies. To that end, I am introducing legislation, which is companion legislation to S. 1498—the Breaux-Roth Base Community Recovery Act of 1991—that will provide tax incentives to businesses that locate on closed or realigned bases; tax incentives to employers that hire former military or civilian employees of a closed or realigned base, and tax incentives to individuals who have lost their jobs and who decide to stay in that closed-base area. I am pleased to note that Representatives PICKLE, GEREN, FAZIO, TALLON, CONDIT, CAMPBELL, and HUCKABY are joining me in introducing this legislation.

Specifically, this legislation has five major components. The first provision would expand the targeted jobs tax credit, already in existence, to include as a category of eligible employees former military and civilian employees of these closed or realigned bases. A credit of up to $2,400 would be available per employee. The credit would be available to any business anywhere, and would enable a small business to reduce its labor costs by hiring these individuals if they fit its hiring requirements.

The second part of our legislation would encourage individuals to stay in a base closure area. To accomplish that, the legislation would provide dislocated military or civilian employees with a wage credit to offset that individual's personal income when he or she takes a new job in the same base closure area. The credit would be a nonrefundable, one-time credit, equal to 10 percent of that person's wages, but could not exceed $3,000.

Next, the bill provides capital incentives because many of these bases have buildings that need repair or renovation in order to be ready for new uses. Our legislation would reduce the cost of doing this type of work by providing for accelerated depreciation for building construction, for reconstruction, and also for improvements which would be provided. The goal is to encourage a business to move onto a closed military base and offer new employment in the area by making the closed base location attractive. Our bill provides for a depreciation recapture rate of 21.5, as opposed to the normal 31.5, year.

In addition, our legislation would reduce the cost of capital for new businesses locating on closed bases by allowing them to deduct a greater amount of the cost of new equipment placed in service. Notwithstanding a 25-percent limitation, the legislation would provide that businesses could deduct at least $10,000, but not more than $200,000, of the cost of new equipment.

Finally, our legislation would allow businesses locating on closed or realigned bases access to tax-exempt financing. Specifically, the bill expands the small issue development bond program currently available for manufacturing and first-time farmers. Each State's bond cap would be increased by at least $50 million to provide for the issuance of tax-exempt bonds on behalf of entities locating on closed or realigned bases. The bill also allows for the issuance of new $20 million bonds because current law only authorizes the issuance of $10 million bonds.

Mr. Speaker, I have been asked by others what the cost of this legislation would be and, obviously, there is a cost attached. No matter what the exact number is, I do know that the cost will be offset by the amount of revenues that would be lost if we were to do nothing. For example, if 12,000 people lose their jobs as the result of these base closures, Mr. Speaker, 12,000 people will not be paying Federal taxes and instead will be relying on the social welfare system. Any cost of providing these tax incentives will be reduced by generating new jobs and growth and economic development, and thereby, at the very least, generating more Federal tax revenues. If we can find the money to aid people abroad and foreign governments—and in most cases rightfully so—then I truly believe that we can come to the aid of American citizens and communities that are personally and economically affected by domestic base closures and realignments. Our Government has an obligation to its citizens, and particularly when they are dislocated from jobs where they are actively serving the security interest of their country.

A TRIBUTE TO COL. DAVID L. NAEHRING

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Col. David L. Naehring who will retire after 25 years of dedicated service to the U.S. Air Force. Colonel Naehring has been serving for the past 3 years as the director of distribution and commander of the 2894th Distribution Squadron at McClellan Air Force Base in Sacramento, CA.

Originally from Cincinnati, OH, Colonel Naehring was commissioned into the Air Force in 1965 following graduation from the University of Cincinnati with a bachelor's degree in business administration. Colonel Naehring entered the supply career field after graduating in May 1966 from Supply Officer's School at Amarillo Air Force Base in Texas. He was then assigned to the 397th Bomber Wing at Dow Air Force Base, ME. In 1968, Colonel Naehring went to Vietnam where he was awarded the Bronze Star. After earning his master's degree in systems and logistics in 1971 from the Air Force Institute of Technology at Wright-Patterson Air Force Base in Dayton, OH, Colonel Naehring was assigned to the staff of the inspector general at Headquarters Tactical Air Command at Langley Air Force Base in Virginia.

Colonel Naehring was selected in 1973 to be part of an advance party which moved headquarters U.S. Air Force in Europe [USAFE] from Lindsey Air Station to Ramstein Air Base in Germany. After attending the Air Command and Staff College at Maxwell Air Force Base in Montgomery, AL, Colonel Naehring was then assigned to the Directorate of Distribution at Warner Robins Air Logistic Center in 1977. In 1980, he became the supply squadron commander at Lowry Air Force Base, CO. Colonel Naehring returned to headquarters USAFE in 1982 as the chief of supply operations where he led the effort to convert 27 supply accounts in Europe to the Unisys 1100/60 computer system.

In 1985, Colonel Naehring moved to the Directorate of Distribution at Ogden Air Logistics Center, and in 1987 he became the Air Force Logistics Command's director of supply at Wright-Patterson Air Force Base, OH. Colonel Naehring became the director of distributions at Sacramento Air Logistics Center in 1988 where he directed an industrial supply and transportation complex with a military and civilian work force in excess of 1,600 people and was responsible for on-the-shelf inventories valued at more than $4.7 billion. Under Colonel Naehring's direction, the Directorate of Distribution at Sacramento has become a forerunner in industrial operations, innovative programs, and heightened productivity.

Colonel Naehring demonstrated progressive and enlightened leadership while serving as the director. He managed over $40 million in military construction programs which significantly upgraded the facilities and expanded storage capacity. He directly influenced the formulation and implementation of the overall total quality management [TQM] efforts and successfully introduced TQM throughout the directorate, aggressively pursuing innovative concepts such as team building and participatory management and process improvement while fostering a unique labor-management relationship. Under Colonel Naehring's guidance, the directorate pioneered and implemented natural work groups using team building methods and developed and implemented several process improvements and techniques.

Colonel Naehring did an outstanding job of bringing Pacer Share, an Office of Personnel Management demonstration project, to the forefront of the Department of Defense and the Air Force. Often cited as an example of how the Federal Government is seeking change, Pacer Share brought recognition to the directorate which resulted in nationwide media exposure. This project enabled the directorate to return to the Air Force a significant portion of its annual $55 million payroll 2 years in a row. This was accomplished with a 20 percent reduction in the work force. During this time, the directorate increased productivity and reduced costs while maintaining a mission readiness posture able to support a 69.9 percent increase in cargo movement during Operations Desert Shield and Desert Storm.

During Colonel Naehring's tenure as the director, the directorate earned numerous awards and was named the Air Force Logistics Command's nominee for both the Verne Orr Award for human resource management and the Vandenberg Award for training achievements. In 1990, the organization earned three notable energy conservation awards for its conservation efforts. The directorate also played a significant role in earning the 1991 Quality Improvement Prototype Award for the center as well as the Presidential Award for Quality recently awarded the Command. In addition, as squadron commander, Colonel Naehring led the 2894th Distribution Squadron to its selection as the 1990 California Air Force Association's USAF Unit of the Year.

Colonel Naehring played a leading role in implementing numerous command-wide programs, and his vision and leadership have enabled the Directorate of Distribution to meet today's mission while preparing for the challenges of tomorrow. Throughout his career, Colonel Naehring has been awarded the Bronze Star, the Air Force Meritorious Service Medal with four Oak Leaf Clusters, and the Air Force Commendation Medal with one Oak Leaf Cluster. The extraordinary leadership, outstanding dedication, and ceaseless efforts of Colonel David L. Naehring culminate a distinguished career in the service of his country and reflect great credit upon himself and the U.S. Air Force.

SERIOUS FISCAL MISCALCULATIONS CONTRIBUTED TO BUDGET MORASS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SMITH of Florida. Mr. Speaker, Budget Director Richard Darman has made a series of serious fiscal miscalculations that have contributed to the budget morass we are enjoying today.

For example, he has seriously overestimated revenues, and his estimate of the 1991–95 budget deficit went up 1,637 percent in 18 months.

I have here an article by Warren T. Brookes which appeared in the Fort Lauderdale News & Sun-Sentinel on July 25, 1991.

I would like the article inserted in the RECORD.

[From the Fort Lauderdale News and Sun-Sentinel, July 25, 1991]

BUSH BUDGET DIRECTOR HANDS DEMOCRATS A 1992 ELECTION ISSUE: INCOMPETENCE

(By Warren T. Brookes)

The Democrats have finally found their issue for 1992. Summed up in two words, it is "Darman's Disaster."

When 1988 candidate Michael Dukakis said the 1988 election was "about competence and not ideology," he had no idea how prophetic that statement would now seem. As awful as the fiscal mess Dukakis imposed on Massachusetts, it pales into insignificance next to what must now be regarded as the worst fiscal mismanagement in U.S. history under Budget Director Richard Darman.

Last week, Darman published his mid-session review of the U.S. budget, showing the five-year deficit forecast at a shocking $1.08 trillion, up 98 percent from the budget compromise last October and 25 percent from last February.

Worse, he was forced to admit to the Senate Budget Committee that he and the Treasury had overestimated revenues by nearly $129 billion last winter for the fiscal year period 1991–1995.

As bad as the revenue estimates are, they represent a fraction of the explosion in fiscal mismanagement under his dangerous delusions of grandeur.

The degree of this debacle can be summed up in two figures: In January 1990, Darman forecast that the total 1991–1995 budget deficit would be $62.3 billion. In July 1991, just 18 months later, the same figure is projected to be $1.08 trillion, a 1,637 percent increase.

As Washington fiscal experts Gary and Aldona Robbins told us, "Under Darman's management, we have added the equivalent of an entire fiscal year's worth of outlays to the five-year forecast."

What makes the Robbinses' comments germane is that last January, just three months after the grand October "deficit reduction agreement" five-year forecast of $546.5 billion, the Robbinses' study for the National Center for Policy Analysis predicted the likely figure at $1.04 trillion. They missed Darman's current number by less than $40 billion, or under $6 billion a year!

If two economists, working without armies of number crunchers, could tell you last January what the July forecast now admits, it's clear Darman hasn't the faintest idea how to run Office of Management and Budget.

When he took the job, the deficit was falling as a share of gross national product every year and was below 3 percent. Now it is exploding wildly toward 6 percent of GNP, and spending is out of control.

What Darman is good at is public relations. Less than three weeks ago, he got Alan Murray of The Wall Street Journal to put out a story on how well his grand budget deal with Congress was working out, including support from House Minority Whip Newt Gingrich. It turns out that both Gingrich and Murray were had.

But then, so were the president and the American people. As David Rosenbaum noted in a thoughtful column in the July 14 New York Times, just a year ago when the fiscal year 1991 deficit was projected at $231 billion, Darman warned, "Drastic consequences would occur if a way could not be found to reduce that deficit."

Now, a year later, looking at a fiscal year 1992 deficit of $118 billion higher, Rosenbaum observes, "Nobody seems to care. The economists and political scientists who filled the nation's op-ed pages last year with doomsday columns about the dangers of the deficit have turned their attention elsewhere," mainly to new spending.

In short, the deficit never really mattered to the Beltway bandits. It was only an excuse to push taxes and spending up, and Darman led Bush right into the trap. Every tax increase adopted since the 1950s has increased spending by 28 percent to 58 percent more than it raised revenues. That's in part because higher tax rates, especially at the top, always reduce total revenue growth more than they raise revenues and vice versa for lower top tax rates.

From 1981 to 1988, tax revenues actually paid by the top 5 percent rose by 50 percent real, over twice as fast as they rose from 1974 to 1981 when effective rates were rising. Now that upper bracket revenue growth is collapsing, boosting deficits.

But those who used the deficit as a pretext for raising these top rates and for spending a lot more are now silent. Why not? It has worked exactly as they wanted it to—promoting bigger deficits, preparing the way to increase those tax rates on the rest of us next year.

Most important, they lured Darman into handing the Democrats their biggest issue yet: incompetence.

SALUTE TO THE WELLNESS COMMUNITY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GALLEGLY. Mr. Speaker, it is a privilege to inform my colleagues of an exciting and innovative concept in helping cancer patients fight for their recovery.

Since its founding almost a decade ago, the Wellness Community has helped more than 14,000 cancer patients by providing free programs that offer psychological, social, and emotional support.

The Wellness Community believes that rather than act as hopeless, passive victims of their illness, cancer patients should fight for their recovery along with their health care team. By doing so, those patients will improve the quality of their lives and may enhance the possibility of their recovery.

Although looked upon somewhat skeptically by the medical community when the first Wellness Community opened in 1982, the concept today is heralded as the wave of the future. Indeed, it has been cited as a significant factor in the evolution of health care by both Metropolitan Life and Disney World's Epcot Center.

A total of 13 Wellness Community centers should be open by the end of this year, with a goal of up to 70 centers established around the country by 1995.

Mr. Speaker, on August 4 the Westlake Village center, serving the San Fernando Valley and Ventura County, CA, will hold its grand opening celebration. I ask my colleagues to join me in honoring this accomplishment, and in supporting the Wellness Community in its innovative and important mission.

TRIBUTE TO DR. ZURETTI GOOSBY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. PELOSI. Mr. Speaker, I rise today to pay special tribute to Dr. Zuretti Goosby. On June 28, 1991, the San Francisco community gathered at the Cathederal Hill Hotel to thank and honor this great man for his outstanding public service.

"Zu" as he is affectionately known to his friends, was born in Oakland. Dr. Goosby graduated from the University of California School of Dentistry. He is a member of the American Dental Association, the California State Dental Association, and the Academy of General Dentistry.

Dr. Goosby is an active member of the San Francisco branch of the NAACP and has served over the years on its executive committee. During his years of community service, he has been instrumental in charting public policy and legislative changes for equality in education, employment, housing, human rights, minority and women business enterprises and the dismantling of segregated public facilities.

In 1963, Dr. Goosby was appointed to the first San Francisco Human Rights Commission by Mayor John Shelley and served as its vice chairman during his 3½ years on that body. During this period, he participated in the mediation of the auto row situation, downtown hotel and department store demonstrations, and sit-ins. He was the staunch leader of the Human Rights Commission's involvement in the integration of the city's school system and demands for release of test scores and integration data.

He was the second African-American to serve on the San Francisco Board of Education, to which he was first appointed by Mayor John Shelley in 1966. He served on the board for 10 years and as its president for two terms. Dr. Goosby is considered one of the most effective members to ever serve on this body. It was during his tenure on the board that the school district greatly increased the number of African-American and other minority teachers and administators. The first school in California named after an African-American—Charles Drew—was accomplished during his tenure on the board.

Dr. Goosby's elected 4-year term on the school board ended in 1978 when Mayor George Moscone appointed him to the San Francisco Airport Commission to complete the term of William Chester, who had resigned.

During his 12 years on the airports commission, Dr. Goosby was instrumental in advocating for more concessions for minorities, the inclusion of African-Americans and other minorities in management positions and for minority participation in construction and contractual activities at the airport.

His final 4 years on the airports commission ended earlier this year at which time he was appointed by Mayor Agnos as a trustee of the war memorial board.

We salute Dr. Goosby for his gift of volunteer services that benefited not only African-Americans and other minorities but all of the citizens of the city and county of San Francisco.

CUSHING DOLBEARE HONORED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most useful people in this city is Cushing Dolbeare. Cushing has been for as long as I have known her as dedicated, pragmatic, and knowledgeable an advocate of housing for lower income people as we have among us. While she is no longer the executive director of the Low Income Housing Information Service and the National Low Income Housing Coalition, she continues to be an invaluable resource for all of us concerned about the continuing housing crisis in America.

Last month, she was, quite fittingly, honored by her alma mater, Swarthmore College where she received an honorary degree. The people who now run the Low Income Housing Information Service are justly proud of this recognition of their founder and I share with them and many others a feeling of gratitude to Swarthmore for recognizing the extraordinarily important work that Cushing Dolbeare has done and continues to do. It is wholly typical of her that in the excerpt from her acceptance speech printed in the LIHIS Roundup, she notes how much we all still have to do in the housing area. I ask that this excerpt be printed here:

LIHIS FOUNDER, CUSHING DOLBEARE,
HONORED AT SWARTHMORE

Cushing Dolbeare, founder and former executive director of the Low Income Housing Information Service and the National Low Income Housing Coalition, was awarded an honorary Doctor of Laws degree from her alma mater, Swarthmore College, of Swarthmore, Pennsylvania, on June 3. Soon after she was graduated from Swarthmore in 1949, Cushing began her career in housing as assistant director of the Baltimore Citizens Planning and Housing Association. From 1956 to 1971, she worked for the Philadelphia Housing Association (now the Housing Association of Delaware Valley), which she directed for nine years. She moved to Washington twenty years ago to work as a consultant in housing and public policy. For ten of those years, she was director of LIHIS and its affiliate, the National Low Income Housing Coalition. She continues to serve as the chair of the NLIHC.

In her accepting remarks, Cushing said: "I am honored to receive this degree for my housing efforts. Alas, the honor is for the effort, not the results * * *. After more than half a century of federal low-income housing programs, there are still three poor families needing housing assistance * * * for every poor family that has obtained subsidized housing. * * * Ironically, we could achieve the national goal of decent, affordable housing for all, if only we were willing to spend half as much on housing assistance of low and middle income people as the $70 billion we will spend this year on housing for the affluent. The problem is not that we lack the means, but that we have not mustered the political will."

A TRIBUTE TO COL. LARRY R. WINCHELL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Col. Larry R. Winchell, on the occasion of his retirement from the U.S. Air Force, after 30 years of service to his country.

As the current chief of staff, 22d Air Force, Military Airlift Command, at Travis Air Force Base, CA, and in all his previous assignments, Colonel Winchell has been an extremely valuable member of the U.S. Air Force.

As chief of staff, Colonel Winchell is responsible for one of three combat-ready strategic and tactical airlift arms of the Military Airlift Command. The geographical area of the 22d Air Force extends westward from the Mississippi River across the Pacific and Indian oceans to the eastern coast of Africa, pole to pole. Throughout this area, the 35,000 men and women of 22d Air Force perform airlift operations, provide a vast network of support facilities, and maintain a flexible airlift capability in support of the global mobility and logistics needs of U.S. fighting forces.

Colonel Winchell received his master of science degree from Texas A & M University majoring in computer science. He entered the Air Force in July 1961 as a distinguished Reserve Officers Training Corps graduate and completed advanced flight training as a C–124 pilot in December 1962.

Upon completing his studies at the Armed Forces Staff College, Colonel Winchell was assigned to the Pentagon as a war and mobilization planning officer in the Air Staff Director of Plans Office.

In 1984, Colonel Winchell was assigned as Director of Operations, 834th Airlift Division, Hickam Air Force Base, HI. He coordinated the planning for tactical, aeromedical, and strategic airlift support for U.S. Pacific Command's peace and wartime requirements. In addition, he supervised planning and execution of airlift operations supporting the Joint Chiefs of Staff, U.S. Commander in Chief Pacific Command, and Pacific Air Force exercises.

Colonel Winchell is a decorated command pilot with more than 7,000 flying hours. He flew 649 combat hours during the Southeast Asia conflict.

Colonel Winchell is married to the former Beverly Cawiezel of Morrill, NE. They have two sons, Ward and Scott.

Mr. Speaker, I would like to take this opportunity to thank Colonel Winchell for his years of service to the U.S. Air Force. I congratulate him on his past achievements and wish him and his family the very best in their future endeavors.

H.R. 2801, WORLD CUP COMMEMORATIVE COINS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today in strong support of H.R. 2801, which authorizes the Treasury Department to mint gold, silver, and clad coins to commemorate the 1994 World Cup soccer games to be held in the United States. The surcharge generated by the sale of these coins will help World Cup USA 1994, Inc., a nonprofit organization, to organize the World Cup and highlight what the United States has to offer the world.

The World Cup is an event that brings together people from all over the world in historical competition. No other international sporting event, aside from the Olympic Games, compares to it. Last year over 26 billion viewers saw the World Cup. The final game was viewed by one quarter of the world's population. It is of little wonder that the World Cup has been called the most watched event on the planet.

In 1988 the United States was honored by its selection as the site for the 1994 World Cup. America's cultural diversity will serve as a backdrop for an event that brings together 24 teams from Europe, Africa, Australia, Asia, and the Americas. During the summer of 1994, 52 games will be played in 12 cities across the United States.

Florida ranks highly on the list of possible sites for several of the World Cup games. south Florida in particular would be an excellent choice for the World Cup. South Florida boasts a diverse culture and is also considered to be the gateway to soccer loving Latin-America.

South Florida has not one but two major stadiums that can accommodate the crowd that the World Cup draws. Both the Orange Bowl and Joe Robbie Stadium host national and international soccer events throughout the year. Joe Robbie Stadium in particular was built to World Cup specifications and has been fervently praised by the international soccer federation [FIFA] which regulates international soccer competition.

South Florida has just recently been granted a major league baseball team and already has professional football and basketball teams. It has hosted national and international sporting events like the Whitbread Around the World Yacht Race, the Super Bowl, and the Lipton International Tennis Tournment. South Florida is ready to host the World Cup.

H.R. 2801 will give the World Cup 1991, Inc. the resources necessary to help the United States host the World Cup in a manner befitting its status as a premier international sporting event.

VILLA JULIE COLLEGE HONORS DR. HELEN ROSE DAWSON FOR 25 YEARS OF SERVICE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mrs. BENTLEY. Mr. Speaker, on August 22, 1991, the faculty of Villa Julie College will pay tribute to its vice president and dean, Dr. Helen Rose Dawson, as she celebrates her 25th year with the college.

In these times, when education is a major national concern, a successful educator of Dr. Dawson's caliber must be regarded as nothing short of a national treasure. During her 25 years at Villa Julie, she not only has been an able copilot to Carolyn Manuszak, the college's talented president, but has played a tremendous role in developing Villa Julie's widely acclaimed academic programs.

Since 1965, Dr. Dawson has been the dean of the college. She learned the intricacies of the post by serving as registrar, director of admissions, and director of financial aid. In 1978, she assumed the added responsibilities of college vice president.

Dr. Dawson is known both for the high standards she sets for those with whom she works, and for helping others to achieve those standards.

Thanks in large part to Dr. Dawson's efforts, Villa Julie receives more than 100 calls per week from businesses seeking to employ its graduates, far more requests than can be filled. The superior performance of Villa Julie graduates in their careers is a testament to the success of Dr. Dawson's programs, as is Villa Julie's current standing as one of Maryland's most outstanding colleges.

Her commitment to education extends even beyond the Villa Julie campus. Dr. Dawson has served on the Maryland State Advisory Council for Vocation-Technical Education, the Occupational Deans Association of Maryland 2-Year Colleges, and the Maryland Association of Community and Junior Colleges. In addition, Dr. Dawson is a longtime trustee at nearby Maryvale High School.

In honor of her silver anniversary, the college is presenting Dr. Dawson with a handmade quilt, each square of which was personally crafted by a faculty or staff member to depict activities of the various departments of the institution.

This unique gift is emblematic of the remarkable collection of talented faculty, staff, and students which Dr. Dawson helps lead. To the patchwork of tributes for Dr. Helen Rose Dawson, I add my own sincere congratulations and best wishes. Her longstanding dedication to Villa Julie is truly a credit to the college and to our community.

SALUTE TO THE SANTA MONICA MOUNTAINS NRA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GALLEGLY. Mr. Speaker, as the National Park Service celebrates its diamond jubilee this year, I would like to take this opportunity to pay special tribute to one of the youngest members of our great parks family, the Santa Monica Mountains National Recreation Area.

As my colleagues may or may not know, the Santa Monica Mountains are a unique resource. They are the only largely undeveloped mountain range bisecting a major U.S. metropolitan area. But besides their mere geographical setting in the heart of Los Angeles, they also are an unmatched treasure of stunning vistas, endangered ecosystems and recreational opportunities.

I am proud to note that both the Congress and the administration recognize their importance. For 3 straight years, the Santa Monica Mountains have received the largest share of increasingly scarce park acquisition funds, and for that I would like to thank my colleagues.

The Santa Monica Mountains NRA is the result of a long struggle to persuade Congress of the value of this unique treasure, both to initiate it and now to acquire sensitive parcels to fill out the boundaries. Many Members, and many farsighted community leaders, deserve our thanks for their perseverance.

Mr. Speaker, on August 25, the Santa Monica Mountains National Recreational Area will observe the Park Service's 75th anniversary by holding a family type celebration at the Paramount Ranch site in Agoura. I ask my colleagues to join me in saluting this recent addition to our park system, and in continuing to support it for many years to come.

THE MIAMI MILE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami Mile is a world-class event that the city of Miami is planning for the weekend of January 18–19, 1992. The main event will be a 5K run, but an adventure and fitness expo are also included in the festivities. The proceeds from this event, anticipated to raise at least $150,000, will go to charities.

The Miami Mile, produced and sponsored by NatCom Sales Promotion, hopes to make this festivity a yearly event that will gain national and international exposure. The date of this event will fall between the NFL Playoffs and the Super Bowl. Saturday and Sunday in Bayfront Park will feature fitness exhibits and various attractions such as a ski slope and kayak pool, celebrity appearances and much more. A free concert with major recording stars is scheduled for Saturday night at the Bayfront Park Ampitheater.

Sunday, January 19 is set aside for the 5K run and mile races. Several celebrities, such as the Olympic gold medalist and track and field star Florence Griffith Joyner, the world record mile holder Steve Cram, and the Olympic star Rod Dixon are expected to participate in the run along Bayfront Park, the Port of Miami, and Biscayne Boulevard. There are 18 race divisions, some of which are in-line skating, veterans, waiters; race, bikes, canines—dog and owner; football challenge relays, etc. The fun races for the everyday runner will follow the world-class events. The last three races are reserved for the elite men, and the male and female masters—those over 40 years old. Another attraction is the 3-hour parade along downtown Biscayne Boulevard, which will feature well know athletes and celebrities.

The Miami Mile expects to attract world-class runners not only by its comfortable climate, but also by the prize packages that it will offer. The chilly mid-winter in Europe is not suitable for outside sports, and this would give Miami the opportunity to hold the first Olympic caliber event in the 1992 Olympic year. The Miami Mile will bring business, tourism, and international attention, among other things, to south Florida.

Dynamic marketing and production of the Miami Mile is being provided by NatCom Sales Promotions, the California Mile Company, the Miami Sports Authority, and the city of Miami officials. Two individuals that should specifically be credited for their hard work are Robert J. Rodriguez, the president of NatCom, and Michael Marcus, the race director.

SUSPENSION OF DUTY ON IMPORTS OF PRERECORDED VIDEOCASSETTES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation to provide for the permanent suspension of the duty on imports of prerecorded videocassettes. The duty of these cassettes is currently temporarily suspended under the Customs and Trade Act of 1990. This duty suspension expires at the end of 1992.

This bill corrects an anomaly in the tariff schedules. To understand this anomaly, one must understand that there are basically three categories of videocassette tapes: First, videocassettes for use in home videocassette recorders [VCR's]; second, master tapes of foreign television programs and movies for broadcast by U.S. television stations or for duplication in the United States; and third, cassettes for educational, institutional, and industrial use—which tapes are duty free under the Nairobi protocol. Obviously, master tapes of programs and movies are vastly more valuable than videocassettes for home use. Nonetheless, because the duty is assessed on the basis of tape length, each is subject to the same duty when imported, resulting in a radically disproportionate duty being imposed upon home use videocassettes.

This tariff schedule anomaly exists because videocassettes for home usage were not items of trade until fairly recently. When they became recognized as a trade item, they were temporarily made duty free under the Nairobi protocol until 1985, and then again received temporary duty suspension under the Customs and Trade Act of 1990 through 1992. Mindful of the explosive growth of the home VCR market, I think that the time has come for permanent corrective action.

As a final note, as in the Customs and Trade Act of 1990, my legislation would limit the duty free treatment of imports of prerecorded videocassettes to those cassettes manufactured using U.S.-origin shells and valued at not over $7 per prerecorded cassette. These limitations ensure that none of the benefits of this legislation enure to countries which have not cooperated with the United States in the Nairobi protocol negotiations.

LAW ENFORCEMENT AND FAMILY SUPPORT ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mrs. SCHROEDER. Mr. Speaker, today I am pleased to introduce two bills that will enhance our ability to ensure public safety, prevent crime, and support the health and well-being of families.

The first, the Law Enforcement Family Support Act, addresses the serious stress placed on officers and their families by police work. Each day, our Nation's Federal, State, and local law enforcement officers risk their lives to protect our families. In 1989, nearly 22,000 law enforcement officers were injured as a result of line-of-duty assaults. Without relief, this dangerous work can result in a range of problems within police families, including emotional numbness, officer burnout, alcoholism, marital tension, and suicide.

In a recent hearing on police stress and family well-being, the Select Committee on Children, Youth, and Families heard testimony that the pressures can lead to serious family problems, including high rates of family violence, and that few police departments offer assistance to help police families cope with stress. According to one witness, 40 percent of officers surveyed reported that, in the previous 6-month period, they had behaved violently toward their spouse or children. Police officers and psychologists agreed that existing stress reduction and family support programs are effective but scarce.

The Law Enforcement Family Support Act will provide grants to State and local police departments to fund family support services for law enforcement personnel. Services may include family counseling, 24-hour child care, marital and adolescent support groups, stress reduction and education, counseling for officers exposed to the AIDS virus, post-shooting debriefing for officers and their spouses, and counseling for families of officers killed in the line of duty. The bill will also establish an Office of Family Support within the Department of Justice which will oversee the implementation of family-friendly policies for law enforcement personnel within the department, oversee the grants process, provide training to law enforcement agencies, and serve as a clearinghouse for information regarding police family stress.

Mr. Speaker, we usually hear about police when a crime is committed on the street. Yet, in order to ensure a healthy and effective police force, the everyday needs of police officers and their families warrant attention. It would be a crime not to enact this important legislation and provide critical services to the officers and families that protect our society's front lines.

The second bill that I am introducing today provides support to a proven youth development and crime prevention effort. Called the Midnight Basketball League, this program is modeled on a creative, public/private partnership currently undertaken by the Chicago Housing Authority that responds to the needs of unemployed male youth who have left school and helps to reduce crime in high-crime areas. This effort provides: First, positive recreation during the hours from 10 p.m. to 2 a.m. when most youth crimes are committed; second, special training in job-related and other skills; and third, critically important adult male role models and mentors.

I first learned about this approach at a recent hearing of the Select Committee on Children, Youth, and Families, entitled "The Risky Business of Adolescence: How to Help Teens Stay Safe." Witnesses told us about innovative programs that show great effectiveness in reducing risky behavior in adolescents. They also described factors that are key in designing effective preventive interventions.

In the Midnight Basketball League, private sponsors from the local business community purchase 10-person teams for $2,000, and the money is used for uniforms, equipment, and other paraphenalia appealing to adolescent males. The team owners in Chicago have gone beyond this initial financial support to form personal relationships with their 10 players, taking them to cultural events and to workplaces. Many of the players have found permanent employment through the league, several have completed GED requirements, and not one of the athletes has been in trouble with the law in the 3 years during which the league has been in operation.

Mr. Gil Walker, the commissioner of the Midnight Basketball League in Chicago, testified before the select committee that basketball is the hook, but players are required to attend classes in job and other life skills after each game. Members of rival gangs have been successfully assigned to the same team, effecting truces in gang activity off the court as well. Parents have become involved, girlfriends cheer from the stands, players are developing a positive sense of self, and the Chicago Housing Authority plans to expand the model into all of its 20 housing projects within 5 years.

A new effort administered by the Department of Housing and Urban Development, the Youth Sports Program, will soon make funding available for programs like the Midnight Basketball League in public housing, a housing program largely confined to high-density, urban areas. The proposal offered today would provide an additional $2.5 million to help support Midnight Basketball Leagues in suburban or rural areas where assisted housing is more prevalent. To avoid unnecessary bureaucracy, the same HUD administrative mechanism is to be employed.

This is a low-cost strategy with great potential to assist young people who are precariously poised between productivity and early defeat. Please join me in support of this initiative and the Law Enforcement Family Support Act, both of which will improve our capability to prevent crime and enhance family and community development.

The fact sheets from the select committee hearings are attached:

ON THE FRONT LINES: POLICE STRESS AND FAMILY WELL-BEING

PSYCHOLOGICAL AND SUPPORT SERVICES FOR POLICE AND THEIR FAMILIES GROW DURING 1980'S, BUT TODAY'S DEMAND FAR EXCEEDS SUPPLY

In a 1979 survey of police departments nationwide, only 20 percent used some type of psychological services, compared with more than half of all departments surveyed in 1988. (Delprino and Bahn, 1988)

In a national survey of 232 large municipal and state police departments, 53 percent provided counseling to police officers for job-related stress, 52 percent provided counseling to officers for personal and family problems, and 42 percent counseled police officers' spouses and family members. However, the perceived need among departments for these specific counseling programs was 79 percent, 72 percent, and 64 percent respectively. (Delprino and Bahn, 1988)

In a study of 188 police departments where an officer had died feloniously or accidentally, 54 percent had a psychological unit, but only 31 percent offered access to a staff psychologist. Only 5.4 percent of the departments offered peer counseling and police family response services, 43 percent made counseling referrals, and 19 percent paid for outside counseling. Surviving relatives of police officers killed in the line of duty reported a lack of psychological counseling for family members, and feelings of abandonment by the police departments. Nearly 70 percent of departments surveyed lacked formal policies concerning the death of an officer, including assistance to the families of the slain officer. (Stillman, 1987)

POLICE STRESS UNDERMINES OFFICER AND FAMILY WELL-BEING

In a 1988 Arizona study of 553 police officers and their spouses, 41 percent of male officers and 34 percent of female officers reported violent assaults in their marital relationships compared with 16 percent of civilians. Over one-third of wives of police officers (37 percent reported violence in their marriage. (Neidig, Russell, and Seng, unpublished)

A 1981 survey of Toronto police officers found a divorce and separation rate of 63 percent, almost double the national average among Canadians at the time. Recent studies indicate that as many as 75 percent of police marriages in large metropolitan areas are likely to end in divorce. (Came, et al., 1989)

A study of 130 California police officers and their spouses found that job burnout is associated with domestic, emotional, and behavioral problems. Yet only 10 percent of the officers sought counseling or support while 80 percent of their spouses did. (Maslach and Jackson, 1979)

Between 1980 and 1981, applications filed for disability pensions at the Los Angeles Police Department (LAPD) increased 82 percent. Of the 104 disability pensions granted during 1981, 63 percent were stress or psychologically related. While stress-reduction and mental health programs and more stringent claim evaluations reduced the LAPD's stress-related disability pensions to seven in 1988, 25 percent were stress-related in 1990, the highest proportion since the mid-1980s, when the rules on psychiatric-related petitions were first tightened. (Petrone and Reiser, 1985; Hackett et al., 1989; Los Angeles Times, 1991)

In a study of 82 Honolulu undercover officers, 28 percent experienced relationship and marital problems and 20 percent experienced excessive use of alcohol during their undercover assignment. (U.S. Department of Justice [DOJ], 1986)

A 1986 review suggested that as many as 30 percent of all police officers abuse alcohol, compared with less than 10 percent of the population at large. (Hepp, 1987)

INCREASED VIOLENT CRIMES PUT OFFICERS AT EVEN GREATER RISK

In 1990, violent crimes such as murder, rape, robbery and aggravated assault increased by 10 percent, the largest annual increase since 1986. (Federal Bureau of Investigation, 1991)

Violent crimes increased 43 percent during the decade from 1977 to 1987. During the same time period, the average rate of serious violent and property crimes reported to police departments in large cities increased 22 percent. (DOJ, 1987)

In 1989, almost 22,000 law enforcement officers were injured as a result of line-of-duty assaults, 79 police officers were accidentally killed while on official duty and 66 law enforcement officers were feloniously killed. (Uniform Crime Reports, 1989)

In a 1986 nationwide training needs assessment, state and local law enforcement officers in all types and sizes of agencies ranked the need for training in personal stress management as the highest priority. (DOJ, 1986)

THE RISKY BUSINESS OF ADOLESCENCE: HOW TO HELP TEENS STAY SAFE

DRUGS, PREGNANCY, HIV, AND OTHER STD'S THREATEN HEALTH OF MILLIONS OF YOUTH

Eight million junior and senior high school students (nearly 40 percent of this population) report weekly consumption of alcohol, including 5.4 million students who have "binged" with five or more drinks in a row, and 454,000 who report an average weekly consumption of 15 drinks. (U.S. Department of Health and Human Services [DHHS], 1991)

In 1989, 91 percent of graduating high school seniors reported having consumed alcohol, 44 percent had used marijuana, 19 percent had used stimulants, 18 percent had used inhalants, 10 percent had used cocaine, and 9 percent reported having used hallucinogens. (National Institute of Drug Abuse, 1990)

Approximately 1.1 million teenage girls become pregnant every year. In 1988, nearly 489,000 babies were born to girls under age 20 and the birth rate for girls ages 15–17 was at its highest level since 1977 with 33.8 births per 1,000 population. (DHHS, 1990; National Center for Health Statistics, 1990)

Of AIDS cases reported in the U.S. by April 30, 1991, one in five was among young adults in their twenties. The average latency period between HIV infection and AIDS diagnosis is eight to ten years, therefore many young adults probably were infected as adolescents. The total number of AIDS cases reported among persons ages 13–24 increased by 75 percent between 1989 and 1990. (Centers for Disease Control [CDC], 1991)

Three million teens are infected with a sexually transmitted disease (STD) annually. Nearly two-thirds (63 percent) of all STD cases occur among persons under 25 years of age. Adolescents have higher rates of gonorrhea and chlamydia than any other age group. Left untreated, these diseases may lead to pelvic inflammatory disease which can cause infertility or fetal loss. (CDC, 1991: American Social Health Association, 1991)

SEXUAL ACTIVITY INCREASES AMONG TEENS; MANY ARE UNPROTECTED AGAINST PREGNANCY AND STDS

An estimated 78 percent of adolescent girls and 86 percent of adolescent boys have engaged in sexual intercourse by age 20. Among girls ages 15–19, 53 percent were sexually active in 1988, compared with 47 percent in 1982. Much of this rise is associated with increased sexual activity among white and non-poor females. Among boys under age 19, the percent who were sexually active increased from 78 percent in 1979 to 88 percent in 1988. (DHHS, 1990; Darroch Forrest and Singh, 1990; Sonenstein, et al., 1989)

The percent of U.S. teen girls practicing contraception rose between 1982 and 1988 from 24 percent to 32 percent. Nevertheless, in 1988, more than one-third (35 percent) of girls among 15–19 reported no method of contraception at first intercourse and 82 percent of pregnancies among teenage girls were unintended, compared with 78 percent in 1982. Among never-married males living in metropolitan areas, 58 percent reported condom use at last intercourse in 1988. (Mosher, 1990; Darroch Forrest and Singh, 1990; Sonenstein, et al., 1989)

A study of 222 African-American teenage crack users found that 96 percent were sexually active, 62 percent had sold crack, 51 had combined crack use and sex, 41 percent reported a history of STDs, and 25 percent had exchanged sexual favors for drugs or money. While the average age of first intercourse was 12.8 years among the study population, the age at first condom use was 14.8 years. (Fullilove, et al., 1989)

COSTS OF DRUGS, STDS, PREGNANCY, AND HIV ARE STAGGERING

Between 1985 and 1989, approximately 40,600 youth ages 15–24 died in alcohol-related motor vehicle accidents. (CDC, 1991)

The aggregate annual cost of herpes, gonorrhea, chlamydia, and pelvic inflammatory disease are estimated to total $8.4 billion. (CDC, 1991)

In 1988, families started by teen parents cost an estimated $19.83 billion in AFDC payments, Medicaid, and food stamp outlays. If every birth to a teen mother had been delayed, an estimated $7.93 billion would have been saved. Federal funding for family planning services decreased by 39 percent between 1981 and 1991, adjusting for inflation. (Center for Population Options [CPO], 1990)

The estimated health care expenditures for a typical AIDS patient from diagnosis to death range from $55,000 to $80,000. By 1992, the projected annual costs of AIDS are as high as $13 billion, not including treatment with expanded use of specific antiviral drugs, such as zidovudine (AZT) for asymptomatic HIV infected people. If all "pre-AIDS" infected persons sought treatment, HIV-related expenditures could double. (Congressional Research Service, 1990; DHHS, 1990)

FORMIDABLE BARRIERS TO PREVENTING HIGH-RISK BEHAVIOR AMONG YOUTH REMAIN

Approximately 46 million adolescents lack public or private health insurance, including nearly one-third of all poor adolescents. Of the estimated 21.7 million adolescents who are covered by private health insurance, one-third are not covered for maternity-related services by their parents' insurance. (Office of Technology Assessment, 1991)

Fewer than half (47 percent of sexually active teens surveyed reported having talked with their parents about sex and birth control. Nearly six in ten (58 percent of sexually active teens who have discussed both of these issues with their parents report consistent use of birth control, compared with 16 percent of sexually active teens who have talked with their parents about sex but not contraception. (CPO, 1990)

A 1989 survey of over 4,000 public school teachers who provide sex education found that while 75 percent believed that a wide range of topics related to the prevention of pregnancy and infection should be taught before the end of seventh grade, only 35 percent reported that sex education was provided in grades seven and eight. Virtually all teachers (97 percent) felt that sex education classes should include information about how students can obtain birth control, but only 48 percent were in schools where this was done. (Darroch Forrest and Silverman, 1989)

During the 1988–89 school year, two-thirds of school districts nationwide required that HIV education be provided at some time for students in grades 7–12. Only 15 percent of school districts provided HIV education in grades 11–12, although rates of sexual activity are known to increase markedly during this period. One-fifth of HIV teachers reported having received no specialized training in the subject. (Government Accounting Office, 1990)

COMPREHENSIVE INTEGRATED SKILL-BASED PREVENTION PROGRAMS SHOW RESULTS

A recent analysis of 100 programs that were successful in reducing high-risk behaviors among youth found several common strategies: intense one-on-one individual attention; social skills training; involvement of parents, peer educators, and schools; preparation for entering the labor force; and community-wide, multi-agency approaches to provide resources and reinforce messages. (Dryfoos, 1990)

Participants in a comprehensive drug abuse prevention program for students in grades 6–7 were at least 50 percent less likely than students in a control group to use cigarettes, alcohol, or marijuana one year after the study. Parents of participating students were more likely to report reduced alcohol use and increased physical activity. The program supplemented peer pressure resistance skills training with parental involvement, community organization training, and promotion of local health policy change. (Pentz, et al., 1989)

An integrated rural school and community-based family planning program in South Carolina targeting adolescents, parents, and teachers in graduate training yielded a 56 percent reduction in the estimated adolescent pregnancy rate. (Vincent, et al., 1989)

Initial data from a study of 144 gay and bisexual youth indicated that 83 percent did not know that HIV can be transmitted during oral sex, 75 percent engaged unprotected rectal intercourse and/or needle sharing, and 18 percent were chemically dependent. After participating for three months in a model prevention program which included an initial assessment, individual risk reduction counseling, peer education, and referral to psychosocial services, self-reported consistent condom use rose sharply (from 44 percent to 73 percent) and participants were significantly less likely to report oral sex and symptoms of dysfunctional substance abuse. (Remafedi, 1990)

DR. ARNOLD MELNICK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SMITH of Florida. Mr. Speaker, I would like to commend Dr. Arnold Melnick, a doctor of osteopathic medicine, for his outstanding work in the field and for his dedication to the cause of extending medical care to the rural areas of Florida where quality medical care is scarce and badly needed. Dr. Melnick was instrumental in the foundation of a Florida State area health education center network [AHEC] which works to provide medical care for areas without modern health care facilities.

Dr. Melnick was born in Philadelphia and attended the Philadelphia College of Osteopathic Medicine where he received his D.O. in 1945 and his M.Sc. in 1953.

In 1980, Dr. Melnick helped found the Southeastern College of Osteopathic Medicine [SECOM] and become its first dean. From the beginning, he devoted great attention to rural, geriatric, and minority medicine, and the curriculum of the College of Osteopathy reflected that devotion. This college became one of the few medical schools in the Nation that requires all of its students to take classroom courses and training rotations in these areas. In 1985 it become the first school in Florida to be designated an area health education center.

The goals of the area health education centers are consistent with Dr. Melnick's philosophy. These centers encourage cooperation between medical schools and the health-care professionals in rural areas which are often isolated and understaffed. The participating medical schools lend their students to train with doctors in rural areas. In addition, rural doctors and the medical school communicate to keep the rural health centers abreast of the latest technology.

In 1988 the College of Osteopathy was the anchor school for the schools that merged into the Southeastern University of Health Sciences. Dr. Melnick was promoted to executive vice president and provost. Once merged, the school led a cooperative effort in uniting more of Florida's medical schools, like the University of Florida and the University of Miami, with the health professionals in the rural areas of Florida to create a statewide area education health care center.

The Florida Legislature joined in Dr. Melnick's fight for quality medical care in Florida by awarding $3 million to a consortium of Florida medical schools in 1988. These schools, led by the College of Osteopathic Medicine, established a State area health education network.

Thanks to Dr. Melnick's efforts there is now statewide cooperation among Florida's medical schools and the State government to provide quality medical care for every citizen, rural or urban, in the State. We can all be proud.

CELEBRATING SAINTS CYRIL AND METHODIUS DAY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mrs. BENTLEY. Mr. Speaker, I would like to take this time to point out that Saints Cyril and Methodius Day was observed on July 5. Cyril and Methodius were two brothers who provided the Slavs with their first written language which would be developed into the Cyrillic alphabet. The Galgolitic language is the basis of southern Slavic languages, such as Serbian, Ukrainian, Russian, Byelorussian, and Bulgarian.

Since 614, the Slav invaders had been pagan and expressed no desire to pursue education due to the cruelty of past unpleasant experiences with their first teachers, who had been their enemies and overlords, the Greeks and Romans.

While they continued to be disinterested in education over the next few centuries, an undersirable social and cultural division of classes evolved and the Slavs, who were unable to read or write, were oppressed and controlled. The inability for the two classes to communicate led to the development of a feudal system in which the educated were given privileges denied the Slavs.

In the year 862, Prince Ratislav of Greater Moravia, now Slovakia and Moravia, requested a Christian teacher to evangelize his people in their own Slavonic language. Prince Ratislav hoped their indigenous language would free his country from German religious domination and finally would enable his country to establish an equity among the citizens.

To accomplish his noble purpose, Prince Ratislav sought the Greek missionaries, Cyril and Methodius of the noble family, Thessaloniki. Cyril was commissioned as a librarian at the Church of Hagia Sophia and Methodius had entered the Monastery on Mount Olympus.

Prince Ratislav asked Cyril and Methodius to create a language that the people of Moravia could call their own. The two brothers, who were raised using the Slavic language, were commissioned to develop an alphabet, called Glagolitic.

During the first missionary journeys of Cyril and Methodius to Moravia, the brothers were faced with violent opposition by the German clergy who were anxious to convert the Slavs. Prince Ratislav was able to protect them for a short time, however, when the Germans murdered the Prince, Cyril and Methodius had to flee to Hungary for refuge.

Despite other setbacks and prohibitions of the Roman Catholic Church, the brothers fought these hardships and remained commited to their studies with Glagolitic. Throughout the rest of their lives they maintained their ideals of human equality among all people and strove to advance education.

The political intrigue and their religious labors led to Cyril's retirement to a Greek monastery in Rome, where he died in the year 869. Methodius went back to the monastery, where he was tortured and imprisoned by the Franks. Methodius died in the year 885. He and Cyril were both canonized by the Serbian Orthodox Church to be the martyr of Serbian monasteries.

Disciples of Methodius and Cyril went on to create the Cyrillic alphabet using the Galgolitic language the brothers had completed. This language would further create an ethnic homogeneity but not a political one. The Balkan peninsula has a history of conflict and invasions, however these two brave, faithful brothers were able to focus on a greater good and use their knowledge to enlighten their society.

WOMEN'S HEALTH ISSUES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GEKAS. Mr. Speaker, I submit for the RECORD the very excellent address by Dr. Bernadine Healy before the Congressional Biomedical Research Caucus.

WOMEN'S HEALTH ISSUES

(Address by Dr. Bernadine Healy, Director of National Institutes of Health)

Thank you very much, Congressman Gekas. I thought for a minute you didn't really want me to speak. And also, Congressman Natcher, and Mrs. Schroeder, Congressman Markey, certainly a pleasure to be here with all of you and of course Mike Smith who helps us with many of the things we're trying to do.

It's certainly very important that the biomedical research exists, and I'm honored and pleased to be here. And it's also important that it be active at a time when public support for medical research is so high. The public may have the will, but clearly it's the Congress that has the means to contribute to sustaining and nurturing the biomedical research enterprise in this country.

Biomedical research is the frontier of the 21st century. Exploration of inner space, the cells, genetics, molecular structures will provide great pay outs in terms of improving the quality of life of human kind.

That's why I see the NIH as having a glorious and magnificent mission that touches positively the lives of very man, woman, and child in this country.

In my several months as NIH director, I have been encouraged by the spirited interest that the Congress has shown, in particular, in women's health issues.

There is a real awakening taking place in all aspects of women's health, and monthly, even weekly, if not daily, that awakening is gaining momentum. This is evident from the activity within the Congress, from the recent NIH activity, through media coverage of this issue, and by the large numbers of letters that we have received. And I'm sure by the Congress from individual citizens. I hope that practicing physicians too are going to begin to heed the wake up call reminding us all that women have unique medical problems.

Several articles that appeared in last week's New England Journal of Medicine framed many of these issues for us. Two studies provided evidence that there is sex bias in the management of coronary heart disease.

They demonstrated what I have called the Yentl syndrome at work. You will remember that Yentl was the 19th century heroine of the recently departed Isaac Singer's short story. She was the young woman who had to disguise herself as a man to attend school and to study the talmud.

The two scientific studies show that physicians tend to ignore women' symptoms of heart disease until women showed they were just like men, by having severe coronary artery disease or heart attack. Only then were women offered the treatment that men would normally receive.

Beyond a bias in medical practice, all too often medical research studies of prevention, diagnostic methods, and intervention for coronary heart disease have been conducted exclusively in male populations.

And I regret to say a number of them have been funded by NIH. Decades of research exclusively done with male subjects have reinforced the myth that heart disease is uniquely a male affliction, and have generated reams of information and references in which men become the normal or normative standard.

Carrying these male generated findings to women has led in some cases to biased standards of care for women, and has prevented the full consideration of several important aspects of heart disease in women.

A simple example is estrogen replacement in older women to limit plaque build up in their arteries and prevent heart attacks. With a male-centered, or androgenic research focus, estrogen would be a highly unlikely intervention ever to be tested as treatment for coronary disease.

The same would be true for estrogen replacement therapy to prevent osteoporosis, a major crippler of older women.

These examples should challenge us to examine the extent to which the Yentl syndrome pervades medicine and biomedical research and to respond promptly whenever that becomes evident.

At this point in the awakening, I believe most of the important issues of women's health research have been identified. Most prominently, the need to involve more women in more clinical trials, and the need to take advantage of previously missed opportunities to begin studies to answer some critically important health questions facing women today.

Now comes the greater challenge: for all concerned to work together, men and women, making headway in closing the knowledge gap that exists in (audio drop) in clinical trials, NIH has put real teeth into its policy to include women in clinical trials.

NIH has put the scientific community on notice that adequate numbers of women shall be included in clinical trials proportional to the prevalence of the condition under study.

Starting this past February, no proposals before NIH review will ever be recommended for funding if they don't comply with that policy.

I suspect there are still a few studies in the pipeline that have inappropriately excluded women, studies that began years ago. But in the future, that should never again occur in an NIH-funded project.

There are, of course, some very difficult issues that bear on involvement of women in clinical trials, among them the legal and ethical considerations of including women of childbearing age in clinical research.

Another concern are social and economic. In order to include a cross-section of women in our clinical trials, women of all races and all socioeconomic strata, do we need to stretch our training, our thinking, about recruiting and retaining women in clinical research studies?

Do we need to think about issues that we don't necessarily think about, such as transportation for those participating, and about childcare?

These are issues which concern at NIH as we plan for the new women's health initiative. I can tell you from personal experience, in trying to actively increase the number of women in a particular clinical trial that I was involved in over the past year, and most of the women in the trial who have heart disease are women over the age of 60, in many cases, 70 or even older. And I can assure you the majority of them lived alone, often widowed, were frail, and there is no way that you can get such women into a clinical trial unless you worry about something as mundane as getting transportation for them, and in some cases, even finding an escort for them to help them into the system.

The new women's health initiative that NIH has just launched is one of the many things, but I thing a prominent thing, that we're doing to close the knowledge gaps. Cancer, heart disease, osteoporosis, are the leading causes of death and disability among American women, and although distinctly different problems, interestingly, these diseases are linked through very familiar preventive regimens.

Estrogen replacement therapy after menopause, for example, reduces cardiovascular disease, reduces bone loss, and thus, perhaps, protects against osteoporosis.

But within these problems is where we face a conundrum. In some women estrogen replacement therapy may increase the risk of cancer, particularly breast and uterine cancer. Adding progesterone, while still protecting against cancer, reduces the beneficial effect of estrogen for heart disease.

So although on the surface it sounds like a simple problem, in fact, it's a fairly sophisticated clinical research issue.

Right now physicians have little hard evidence to rely on when making recommendations as simple as whether or not to give a woman hormone-replacement therapy; what kind of diet, what kind of exercise; leaving women to take chances with their health and with their lives because of lack of knowledge in these important areas.

Women must not be treated for one disease, and thereby be put at risk for another disease. And at the very least, women ought to know precisely what those risks are.

This is what the new NIH women's health initiative is all about, coming up with recommendations that will be practical and useful to all the nation's women, including all racial and all socioeconomic groups. The NIH study will be the largest of its kind ever to take place in the United States in women or in men. It will cost more than $500 million over the next 10 years, and will involve as many as 70,000 women.

It will also involve up to 100 communities. We'll investigate diet modification, dietary supplements such as calcium and vitamins, smoking cessation, hormone replacement, physical exercise, and their effects on heart disease, cancer, and osteoporosis in the same woman.

This is a novel and ambitious undertaking, and I'm pleased that the deliberations of the 1992 NIH appropriations, the House and the Senate, having generously provided adequate funding for this study. Thank you, Mr. Natcher.

It will be based on excellent science, exacting epidemiology, and it will be responsive to pressing social needs.

I must tell you, however, that I want everyone out there to know that even though this is a women's health initiative, it no way means that we don't care at NIH very much about men. And I will tell you a little anecdote.

I'm getting used to getting lots and lots of letters at NIH, and some are nice, and some aren't so nice. And one of my less nice ones about this trial—I will say, overwhelmingly, the response has been just very enthusiastic about this study. But I did get one negative letter, and it was from a man out in California who wrote and said that he had seen some of my comments on the women's health initiative in the newspaper, and he was very disturbed by them.

I was quoted as saying that the good news is, women live longer by eight years, but the bad news is that the quality of those extra years of life is poor on the whole.

And he said, are you saying that the good news is that women live longer; that means what you're really saying is that the good news is that men die sooner.

I assure you, that is not the case. We dearly love men, and men in fact are very much the target of important scientific research performed at NIH.

But the issue is that in fact women have been the ones who have been the subject of the gender gap, if you will, and we do believe that we need some affirmative action in addressing these important scientific issues related to women.

And I hope very much when these studies are done that we will all agree that this has been good for men and women, and in fact, for the health of this entire country.

TOM BLILEY AND THE NEW TONE OF THE DISTRICT OF COLUMBIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. MICHEL. Mr. Speaker, one of the more welcome and surprising events during recent months has been the cooperation between Congress and the government of the District of Columbia. Cooperation is not the word I would choose to describe the congressional-District relationship in the recent past, so as a long-time resident of the District, I welcome the change.

What has brought about the good news? Much of the credit has to go to the District's new Mayor, Sharon Pratt Dixon. But we also have to give a lot of the credit to the hard work of our colleague, Tom Bliley of Virginia. Tom's knowledge of city government's problems, based on service as mayor of Richmond, added to his qualities of fairness and willingness to listen have contributed a great deal to the new atmosphere of trust and progress.

At this point I wish to insert in the Record, "City Finds an Unlikely Ally in Battle to Win Hill," from the Washington Post, July 29, 1991:

City Finds an Unlikely Ally in Battle to Win the Hill

(By Kent Jenkins Jr.)

Early this year, when the District government went looking for badly needed friends on Capitol Hill, Rep. Thomas J. Bliley Jr., of Virginia, didn't seem like a promising prospect.

A conservative Republican, Bliley had long opposed abortion, a perennial sticking point in District budget debates, and D.C. statehood. He had served as mayor of Richmond during a period of intense racial friction in the 1970s, and had opposed black leaders on that city's most divisive issues. During a decade in Congress, his best-known legislative initiative was a law cracking down on pornographic telephone services.

But for almost seven months now, Bliley has played a pivotal role in District affairs as the senior Republican of the House District of Columbia Committee. And you should hear what District officials and supporters say about him.

D.C. Mayor Sharon Pratt Dixon: "It's been a pleasure to work with Congressman Bliley. He's tough and demanding, but he understands the problems and he will give you latitude."

Del. Eleanor Holmes Norton (D-D.C.): "He has clearly helped restore a positive tone for the District on the Hill. He asks hard questions but he asks them in fairness, and he does tremendous homework."

Rep. Ronald V. Dellums (D-Calif.), chairman of the House District Committee: Bliley is "open and respectful. We work together. . . . The trust level goes up very high."

Since January, when Bliley became the District Committee's ranking minority member, he has voted to give $300 million in new federal money to the District and helped persuade many of his fellow Republicans to go along. He has supported legislation that would authorize annual funding increases for the District through 1995. Last week, he voted to expand Mayor Dixon's power and to allow the District to borrow about $330 million to refinance debts.

Just as important, District officials say, he has proved to be an empathetic listener. Bliley's predecessor on the District Committee, former representative Stan Parris, was noted for slash-and-burn, anti-District rhetoric. Parris lost his reelection bid last fall.

Bliley's low-key, and low-volume, style has been consistently hailed by D.C. officials as a breath of fresh air.

So, what's gotten into Tom Bliley? Bliley says it's more a matter of what's gotten into the District. Good things are happening, he says, and the least he can do is help.

"We have a lovely, wonderful new mayor who has come in, and it's important that she succeed," Bliley said. "The former mayor [Marion Barry] came up here [to Congress], and we'll say he did not make a very good impression and leave it at that.

"As a former mayor myself, I know what [Dixon] faces. What she's trying to do is not going to be done without pain. I think we [in Congress] need to give her the tools to do the job."

Lawmakers, Capitol Hill staff members and D.C. officials say that beneath the surface, there is no contradiction between Tom Bliley, the old-school conservative, and Tom Bliley, the District's new ally.

Bliley's background in local government and his businesslike, pragmatic approach make him naturally sympathetic with District leaders, officials say. And even when he questions District policy, they say, he avoids public confrontations. Bliley himself says he has no interest in bashing the District.

"If I'm going to disagree, I'm going to do it agreeably," Bliley said. "It's not my style to be personally abrasive. I never have been, and I'm not going to start now."

Bliley has been an integral part of the District's remarkable success on Capitol Hill this year. The District's Democratic government generally gets support from Congress's Democratic majority, but to avoid partisan bickering or a legislative veto from President Bush, a Republican, the District needed help inside the GOP, Bliley, convinced that Dixon was serious about overhauling D.C. government, offered his help.

A good word from Bliley, especially on money matters, makes a difference with some congressional Republicans. "I'm from the conservative wing of the party, and people know I'm not crazy," Bliley said. "I think some people figure if I say it's good policy, it's okay."

Bliley landed on the House D.C. Committee the same way many members do: He got stuck there. In order to get a committee assignment he really wanted, Bliley recalls, "I said I would take anything else they had. When they told me they wanted me to sit on the District Committee, I said, 'Oh.'"

Bliley, 59, had already had more than his fill of local government. As mayor of Richmond from 1970 through 1977, he oversaw a tumultuous period in which the city annexed a huge chunk of an adjacent county and rejected plans to consolidate city schools with those in two neighboring counties.

Both issues had a strong racial thrust: Black leaders supported school consolidation as part of a regional school busing plan and opposed annexation, saying it would dilute black voting strength in the city. Bliley opposed black leaders on both issues. Both spawned bitter lawsuits that went to the U.S. Supreme Court; the courts barred the city from holding local elections from 1972 to 1977.

But according to Richmond City Council member Henry Marsh, who served with Bliley and succeeded him to become Richmond's first black mayor, Bliley never let the disputes become personal.

"I testified on one side of the lawsuits and Tom testified on the other, but we didn't let it affect us," Marsh said. "We had a very warm relationship."

Bliley's roots in Richmond's patrician establishment run deep. His grandfather joined an in-law's mortuary business in 1975, and today one of the family's three funeral parlors still occupies the original downtown site.

But he has personal ties to the District as well. He graduated from Georgetown University in 1952, and remains a loyal alumnus. Every summer, a Georgetown basketball player interns in Bliley's office; this year it is star Alonzo Mourning.

And for his entire tenure in Congress, Bliley's Washington residence has been in the District's Foggy Bottom neighborhood. Because his wife usually remains in Richmond, staff members say, Bliley frequents the city's restaurants and occasionally goes to the theater.

"I like the city," Bliley said. "If I didn't, I wouldn't be here."

Some D.C. officials say Bliley has political motivations for helping the District:

His congressional district is more than a quarter black, and many of Richmond's black leaders are friends with District officials.

"It would be unwise for [Bliley] to engage in District-bashing," Marsh said, "because his opposition could become intense."

Bliley says that any political benefits he might reap from supporting the District are "a happy coincidence," and notes that his work for the District has attracted virtually no notice in Richmond so far.

CONGRESSIONAL SALUTE TO BOB WALLACE, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. ROE. Mr. Speaker, it is with great pleasure and pride that I rise today to salute one of America's outstanding young men, Bob Wallace of my great State of New Jersey. Bob is a member of VFW Post 1851 in Newark, NJ. He has been accorded the highest of honors by the membership of the Veterans of Foreign Wars, having been elected to the office of commander in chief of this prestigious veterans organizations.

Bob will be honored on his assuming this august post by the New Jersey Department of Military and Veteran Affairs and the Veterans of Foreign Wars in a gala homecoming celebration at the Parsippany Hilton on Saturday, September 7, 1991. This festive homecoming banquet will be attended by 700 VFW leaders from throughout New Jersey and the Nation.

Bob enlisted in the Marine Corps and saw extensive ground combat in Vietnam. His exemplary service record includes three purple hearts. He was wounded twice at the Battle of Hue and once at Khe Sahn. This injury resulted in a hearing loss in his right ear and sent him home. He was honorably discharged from the Marines in June 1969.

Mr. Speaker, Bob is not one to waste time. Upon his return, he immediately set out to further his education, earning a bachelor of science degree in management from Rutgers University and a master's degree in business from Fairleigh Dickinson University. He subsequently embarked upon a successful banking career. Of course, Bob was involved as an advocate for veterans during this time.

Bob was appointed to the New Jersey Jobs for Veterans Task Force in 1972. In 1979, he was the recipient of the VFW's Young Veteran of the Year award from both the national organization and the Department of New Jersey.

Bob was the first Vietnam veteran, as well as the youngest veteran to command the Department of New Jersey in 1980–81. Prior to that, he was commander of the Essex County Council and Post 1851. His service includes a wide variety of State and national VFW committees, including legislative, security, and budget and finance. Most recently, he served on the National Council of Administration.

In 1981, he was appointed chairman of the State Veterans Day Committee and began serving his first term on the Veterans Service Council. Bob also received an appointment to the New Jersey Jobs Training Coordinating Council. These positions led to his appointment as New Jersey's first deputy commissioner of veterans affairs. During 1988–90, Bob served as deputy commissioner and administrator for veterans affairs in New Jersey.

Mr. Speaker, I am certain that I speak for all of my fellow Veterans of Foreign Wars when I welcome our new commander in chief, Bob Wallace. I join his family and friends, particularly his lovely wife Diane, in celebrating this great achievement. Bob is a credit to his corps and country and will serve with the needs of our Nation's veterans first and foremost in mind.

H.R. 2508

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. BURTON of Indiana. Mr. Speaker, on June 19, 1991, I offered an amendment to H.R. 2508, the International Cooperation Act of 1991, which would have terminated United States development assistance to India if India continued to prevent human rights organizations, like Amnesty International and the International Red Cross, from working inside the Punjab and Kashmir. In the debate on my amendment, many arguments for preserving unconditional United States assistance to India were put forth by the defenders of India. The most-used argument suggested that India would never work to improve its human rights record if the United States was viewed as meddling in its internal affairs. Therefore, it was suggested that a sense-of-the-Congress resolution would be a more appropriate way for affecting change in the Punjab and Kashmir. Unfortunately, such a sense of Congress was passed in place of my amendment.

To those Members of Congress that supported this sense-of-the-Congress resolution, I commend two articles which describe the July 13, murders of 10 Sikhs at the hands of Indian police, as well as two Khalsa Raj Party press releases. It would appear that this much ballyhooed sense of the Congress' resolution had little effect on India's longstanding policy, shoot first, ask questions later.

The material follows:

TEN SIKHS KILLED BY POLICE WERE PILGRIMS, NOT MILITANTS

NEW DELHI, July 18.—Ten Sikh men killed by police in the northern Indian State of Uttar Pradesh were pilgrims and not Sikh militants, a newspaper reported Thursday.

The Times of India said in a front-page report that police gunned them down in cold blood last week in three different places in Pilibhit region, and later claimed that they died in gunbattles with security forces.

There was no immediate official word on the Times report.

The Times said the dead men were part of a group of Sikhs which lived in Pilibhit and had hired a bus a day earlier to visit a famous Sikh shrine in the western province of Maharashtra.

Policemen intercepted the bus following a tip off that the passengers included some Sikh militants, separated the men and women, and asked the men to board a mini bus, it quoted witnesses and police sources as saying.

The Times said on the night of July 12 and early the next day policemen took the 10 Sikhs in two groups of four and one of two and shot them dead in cold blood. It said the gunfire was heard by villagers.

Police later said the Sikhs died early July 13 in "encounters," an official euphemism for gunbattles.

The daily said police claims that two of the men were self-styled "lieutenant generals" of the outlawed Khalistan Liberation Army and Khalistan Commando Force were also in doubt.

Police in Uttar Pradesh, India's most populous state, have been previously accused by human rights groups of killing people in cold blood and passing.

Sikh separatists shot dead five policemen and three civilians in random and apparently revenge killings in Uttar Pradesh on the night of July 13.

Sikh militants fighting for a homeland in Punjab are known to be active in some other parts of the country as well, mainly in Sikh-populated areas such as Pilibhit.

TEN SIKHS KILLED BY POLICE

On 13 July 1991, Indian police personnel reportedly killed 10 Sikhs near Pilibhit, Uttar Pradesh. Amnesty International is concerned that they may have been victims of extrajudicial executions, deliberately killed without provocation.

Police sources claim that the men were killed in three separate encounters after they had been traced to forest hideouts near the border with Nepal: at 8 pm and 11:30 pm on 12 July, and 3 am on 13 July 1991. However, the Times of India on 18 July 1991 reportedly stated that the 10 men were taken from a bus that had been hired to tour Sikh shrines in the area. Baljit Singh and Daswant Singh Sauzi allegedly had links with an armed Sikh opposition group, but the other eight (Jaswant Singh Jassa, Harminder Singh Lida, Surjan Singh, Bachitar Singh, Kartar Singh, Tarsam Singh, Lakhwilder Singh—aged 15, and Narinder Singh Nidra) reportedly had no such links and no criminal records. All 10 had lived for several years in Pilibhit, which is over 200 miles east of the state of Punjab.

The Times of India report claimed that the police stopped the bus on 12 July 1991, acting on information that militants were aboard. Three Sikh youths fought with police, but were eventually overpowered. The women passengers were released. Local villagers reported that the following morning the 10 men were divided into three groups and taken in police jeeps to different parts of a nearby forest, where they were shot dead. Among the police alleged to have been involved were the Superintendent of Police and Additional Superintendent of Police from Pilibhit police station.

Members of both the upper and lower houses of India's parliament have demanded an inquiry, urging punishment of the police involved if official wrong-doing is found to have occurred. It is not known whether an inquiry has been ordered into the incident.

Amnesty International regularly receives reports of human rights violations committed against Sikhs in Punjab who are suspected of being members or sympathizers of Sikh militant groups advocating a separate Sikh state, "Khalistan".

Recommended Action: Telegrams/telexes and airmail letters:

Expressing concern at reports that the 10 Sikhs shot by police near Pilibhit in Uttar Pradesh on 13 July 1991 were victims of extrajudicial execution, deliberately killed without provocation;

Urging that there be a prompt and impartial inquiry into the incident; that those selected to carry out the inquiry be selected for their impartiality; that the methods and results of the inquiry be quickly made public; and that if police officials are found responsible for extrajudicial executions, they be brought to justice;

Urging that immediate steps be taken to ensure that those potentially implicated are removed from positions of control or power over complainants, witnesses and their relatives as well as those conducting the inquiry;

Urging that the family of the victims be granted adequate compensation.

Appeals to: Mr. Kaylan Singh, Chief Minister of Uttar Pradesh, Office of the Chief Minister, Lucknow, Uttar Pradesh, India. Mr. V.K. Jain, Director General of Police, Police Headquarters, Lucknow, Uttar Pradesh, India.

Copies to: Mr. M.M. Jacob, Minister of State for Home Affairs, Ministry of Home Affairs, North Block, New Delhi 110 001, India.

(Telegrams: Home Affairs Minister Jacob, New Delhi, India)

(Telexes: 953 31 61879 frgn in; 953 31 61880 frgn in (via Ministry of Foreign Affairs)

Ambassador Abid Hussain, Embassy of India, 2107 Massachusetts Ave. NW., Washington, DC 20008.

Please send appeals immediately. Check with the Colorado office between 9:00 am and 6:00 pm, Mountain Time, weekdays only, if sending appeals after August 30, 1991.

Col. Partap Singh Declares Khalsa Raj Party—Sole Objective: Outright Independence for Khalistan

WASHINGTON, D.C., May 15.—Col. Partap Singh, Co-convener of the Movement Against State Repression, who recently resigned from the Akali Dal (Mann), today announced the formation of the Khalsa Raj Party Rejecting the faltering leadership of the Akali Dal party which has reneged on its promise to fight for Sikh freedom, Col. Partap Singh said the sole objective of the Khalsa Raj Party is to gain outright independence for the Sikh nation, creating a separate, sovereign state of Khalistan.

According to a booklet released by Col. Partap Singh containing the Sikh declaration of independence and a constitutional profile of the Khalsa Raj Party, independence will be attained "through democratic, peaceful and non-violent means."

Col. Partap Singh made it abundantly clear that "Sikhs are fully convinced that they can never hope to live with honor and dignity in India as equal citizens." Sikhs, he said, "have been virtually reduced to the status of slaves."

Reviewing the history of the "partnership between the Sikhs and India," Col. Partap Singh said that the Sikhs have been betrayed at every juncture. At the time of independence from British rule, he said, "the British rulers negotiated the transfer of power . . . to three distinct communities, viz, Hindus, Muslims and Sikhs." The Sikhs "chose to cast their lot with India" with promises by "[Mahatma] Gandhi and the leadership of the Indian National Congress . . . that the interests of the Sikhs, as a collective entity, shall be safeguarded by giving them an autonomous region in the North" and guaranteeing full satisfaction with any future Indian constitution.

Yet despite such promises, according to Col. Partap Singh, "the constitution was so inimical to the Sikh interests that their representatives refused to append their signatures to that document in protest." In view of the Sikh nation, "the partnership that the Sikhs entered into with Bharat (India) in 1947 stands dissolved since the major and mightier partner has violated every term and basis of the partnership."

Col. Partap Singh's assertions find strong support in Amnesty International's May 1991 report, "Human Rights Violations in Punjab: Use and Abuse of the Law."

Thousands of people have been arrested by police and security forces in Punjab . . . Prisoners have been detained for months or years without trial under provisions of special legislation suspending normal legal safeguards, and reports of torture during interrogation are common. The arrest and detention of some detainees remains unacknowledged for weeks or months. Scores of people have simply "disappeared", the security forces refusing to admit that they had ever been arrested. It is feared that many of them have been killed in custody.

Dr. Gurmit Singh Aulakh, who will act as Co-convener of the Khalsa Raj Party on the international front, gave a warning to the Indian government. "The Indian government had better be well aware that it cannot keep the Sikh nation in the chains of slavery with its deadly force," he said. "It had better beware that its practice of eliminating Sikh leaders will be fruitless. Freedom is the God-given right of all nations and the Sikh nation is determined to gain its independence.

Dr. Aulakh has hailed the Khalsa Raj Party as a major step for the Sikh nation in the direction of independence. "There is a tremendous groundswell of support for Sikh freedom," he said. "The Sikh independence movement is a mass movement impeded only by our former political leaders in the Akali Dal. Those leaders were understandably afraid for their lives to stand up for Khalistan. But the Sikh nation needs courage from its leaders if it ever wants to break the bonds of oppression. The Khalsa Raj Party embodies that courage—it exists solely for the independence of Khalistan."

Since 1984 when Indian government forces attacked the holiest of Sikh shrines, the Golden Temple, the Sikh youth have taken the brunt of Indian government oppression. According to Dr. Aulakh, "between 20 to 30 Sikh youths are killed by the Indian government in extrajudicial killings everyday. The Khalsa Raj Party recognizes this fact and wants to integrate the youth movement with the mass movement to free Khalistan.

"The mass movement of civil disobedience is the most essential element of our freedom struggle," Dr. Aulakh continued. "The Indian government cannot possibly continue its oppressive rule over the Sikh nation if we refuse to cooperate. Unity is our strongest weapon. The Khalsa Raj Party will make that unit an unbeatable force for freedom. We will form demonstrations to protest brutal Indian government oppression and demand outright independence for Khalistan. We will boycott the Indian government and urge the international community to do the same by putting social and economic pressure on the Indian government. India is disintegrating. It is not one nation but a conglomerate of nations held together by the nexus of oppression. India must come to understand that its government by oppression is unacceptable to the international community and will not be tolerated."

Considering the sentiment of the Sikh nation and its fervent demand for freedom from India, such an approach will be eagerly received. But the extent of the Khalsa Raj Party reaches even further. It plans to integrate the 3 million Sikhs living abroad (Europe, North American, South Asia, etc.) "The Khalsa Raj Party is a party for all Sikhs," said Dr. Aulakh. "We are 21 million people. We are a strong force. The Khalsa Raj Party recognizes the vital role Sikhs living abroad play in our movement for independence, and we plan to utilize our international population to its fullest potential. In today's world, no nation lives in a vacuum. What happens one place effects another, and those Sikhs living abroad have considerable worldwide influence. As Sikhs throughout the world bring international attention to the plight of the Sikh nation, freedom for Khalistan comes closer everyday."

And indeed, the ambitious views of the Khalsa Raj Party can only be eagerly accepted by the international community. Self-determination is enshrined in Article 1 of the United Nations Charter. And according to article 2 of the Sikh Declaration of Independence, freedom for the Sikh nation will help to "usher in an era of peace in the Indian subcontinent and South Asia."

The world applauds the Sikh nation and its struggle to be free.

Press Release, May 15, 1991

Col. Partap Singh (Retd), former President of Bharat Mukti Morcha (Punjab), Co-Convener of MASR and member of the working committee, Akali Dal (Mann) from which he resigned a couple of months ago, announced the formation of the Khalsa Raj Party. He said that the Shiromani Akali Dal has splintered into numerous factions after the government's decision to hold elections. All the tall promises Akali leaders made from every conceivable platform that their objective was liberation of the Sikhs and their homeland were thrown to the winds the moment they envisioned a place for themselves in the governance of Punjab under the "Indian Constitution". They have thus played a cruel joke on their own people by confusing them even more, condemning them to perpetual slavery and subjecting them to ever escalating state repression.

Under the circumstances there is no alternative to organising a political party which has the sole aim of creating an independent and sovereign Sikh Homeland, Khalistan. The Khalsa Raj Party fulfills that need.

Col. Partap Singh also released a booklet incorporating the constitutional profile of the Khalsa Raj Party and Declaration of Independence of Sikh Homeland. The declaration makes a comprehensive case for parting of the ways between India and the Sikhs. He said that the partnership that the Sikhs entered into with Bharat in 1947 stands dissolved since the major and mightier partner has violated every term and basis of the partnership. In fact, the Indian state has gone a long way beyond by mounting an all out offensive on every facet of Sikh life through persistent geonicidal policies and by depriving them on their democratic, civil and human rights.

He said that the Sikhs were fully convinced that they can no longer live with dignity and honour in India, that their future in this system is bleak and full of suffering and that their life, liberty and even identity are in danger.

Col. Partap Singh believes that "creation of an independent Sikh Homeland will be in the interest of India as well as that of the Sikhs, it will usher in an era of peace in South Asia and help establish a just order." He emphasized that if parting of the ways comes about peacefully and in a spirit of equity and fair play, there will be a possibility of collaboration between India and Khalistan in such matters as common defence, open border and common market. Suppression of their aspirations will lead to further bloodshed and bitterness which will be an impediment to our future relationship. "Let us not repeat 1947 and its aftermath", he said.

(Released by Information Bureau, Khalsa Raj Party.)

MASS EXPULSIONS OF ARMENIANS FROM AZERBAIJAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. HOYER. Mr. Speaker, as I have noted previously in this forum, from September 10 to October 4, Moscow will be host to the third meeting of the "Conference on the Human Dimension," a gathering of the Conference on Security and Cooperation in Europe with a particular focus on human rights and humanitarian concerns. Only a few years ago, convening a conference on human rights in Moscow would have been unthinkable, and the fact that all 35 member States of CSCE will participate in Moscow's hosting of such a conference attests to the laudable changes in the Soviet Union in recent years.

Yet there are incidents and trends in the Soviet Union which remain deeply troubling, all the more so because they appear to be sanctioned by the central Soviet authorities. I would like to express particular concern over recent events in the republic of Azerbaijan. According to Soviet press reports and an independent international delegation of observers, since the end of April 1991, more than 10,000 Armenians living in villages in Azerbaijan have been forcibly and brutally ejected from their homes and involuntarily resettled in Armenia, where tens of thousands of people remain homeless after the devastating earthquake of 1988. In the process, innocent Armenian villagers have been illegally detained, beaten, and tortured, and their villages have been pillaged and then leveled by bulldozers, or else resettled by Azerbaijanis.

Who is carrying out these vicious acts? The Russian press, corroborated by international human rights observers, report that Special Police Forces from Azerbaijan as well as Soviet Internal Affairs and Army troops are driving the Armenians out. Soviet troops and Azerbaijani police reportedly provide "warning" to the Armenians in their villages by dropping leaflets from helicopters and issuing megaphone threats demanding that the Armenians go to Armenia. If they refuse, they are told, they will be declared enemy guerrillas and will be shot. They are given a choice: expulsion or death. Tanks and personnel carriers then drive the Armenian villagers out, they are loaded onto trucks, buses, and other military equipment and transported—essentially dumped—over the Armenian border.

A team of international observers, which included members from the United States, have confirmed reports of killings; abduction and imprisonment; rapes; destruction of homes, churches, and schools; and theft and vandalism of property—all against the Armenian population of Azerbaijan. These same observers report that while most of the beatings and killings were carried out by the Azerbaijani Special Police Forces, Soviet troops aided in the initial surrounding of the villages and then stood aside while the police terrorized the villagers. In addition, hundreds of Armenians have been taken hostage by Azerbaijani police forces with the help of the Soviet Army.

The Azerbaijani authorities, backed by the Soviet Interior Ministry in Moscow, deny and whitewash this systematic operation against powerless villagers. They claim that the Soviet troops and special forces are merely enforcing passport controls to identify Armenian guerrillas; they also make the outrageous claim, contrary to all reports from outside witnesses, that the Armenians who are leaving are doing so voluntarily. In fact, reports indicate that many Armenians were coerced by the Azerbaijani Police Forces to sign statements of "voluntary departure," often by torture, beatings, and death threats.

Mr. Speaker, these systematic and premeditated acts violate all manner of fundamental laws laid out in numerous conventions to which the Soviet Union has long professed adherence, including the United Nations Charter, the U.N. Universal Declaration on Human Rights, and the Helsinki Accords. The involvement of Soviet troops on one side in what has until now essentially been a local ethnic conflict suggests that the Armenians are being punished by Moscow for refusing to sign the Union Treaty. Concomitantly, many commentators have theorized that Gorbachev is helping Azerbaijan to deport the Armenians in that Republic in reward for Azerbaijan's support of the treaty. Yet Armenia is acting lawfully in that its plans to leave the Soviet Union are in accordance with the Soviet Constitution and Soviet law, as approved by Gorbachev himself in the proposed treaty. Will the new Union Treaty in the end resemble previous Soviet constitutions, which granted republics rights on paper only?

We call on President Gorbachev to address this intolerable situation, to condemn the use of military force and torture against civilians, and to allow western journalists access to the region. We call on him also to acknowledge the obvious involvement of regular Soviet Army troops in the mass expulsions and that he move to stop it. We must insist that the Soviet and Azerbaijani forces halt immediately these brutal and flagrantly unlawful violations of the rights of the Armenian residents in Azerbaijan.

MRS. ANDROULA VASSILIOU HONORED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. PICKETT. Mr. Speaker, this past Saturday evening Mrs. Androula Vassiliou, the wife of the President of Cyprus, was the honored guest at a dinner in Norfolk sponsored by the Greek-American community. Mrs. Vassiliou spoke in very moving terms about what life has been like in Cyprus following the partial occupation of the country by Turkish troops 17 years ago.

The issue of the removal of the Turkish troops and the restoration of democratic government in Cyprus is one that is now ripe for resolution. President Bush has rightfully called for a prompt settlement of the Cyprus issue and expressed his desire to see this matter resolved by the end of 1991. Hopefully, he will be correct; 17 years of this intolerable impasse is enough. A generation has been lost.

Mr. Speaker, I was touched by the sincerity and genuineness of the plea made by Mrs. Vassiliou on behalf of her country in her remarks this past Saturday. I hope that the resolve of the President and Congress to bring about a resolution to the impasse in Cyprus continues unabated and that we will use the full weight of our Nation's resources to promptly achieve this result.

PROBLEMS FACING UPCOMING CSCE CONFERENCE IN MOSCOW

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. RITTER. Mr. Speaker, as has been noted already on this floor, the third stage of the CSCE Conference on the Human Dimension is scheduled to take place in Moscow from September 10 to October 4 of this year. This conference was proposed by Soviet Foreign Minister Shevardnadze at the opening of the Vienna CSCE meeting in November 1986, and it signifies the improvements that have taken place in the area of human rights in the Soviet Union since Mr. Shevardnadze made his proposal. Quite frankly, I am sure that the idea of holding a CSCE human rights meeting in Moscow in 1991 seemed ludicrous to many observers 5 years ago.

However, there is still at least one very big problem.

The peoples of the Baltic States, Estonia, Latvia, and Lithuania, want their freedom back. It was stolen from them by Stalin in 1940. The U.S.S.R. Supreme Soviet has already overwhelmingly rejected the Molotov-Ribbentrop Pact whereby Hitler delivered the Baltic States to Stalin, but Mr. Gorbachev chooses to pretend that the Baltic States voted to join the Soviet Union. The fraudulent nature of that vote has been adequately recorded.

Following the Supreme Soviet's decision, the Lithuanian Parliament in March 1990 declared the restoration of its independence. Subsequently, Estonia and Latvia also declared their intentions to press for restoration of their independence. At no time have the Baltic peoples threatened Moscow with violence.

So how does the Gorbachev administration respond? With threats, economic blockades, and outright violence. In mid-January 1991, at least 21 persons died when Soviet Army troops and "Black Beret" interior ministry forces attacked government buildings in Vilnius, Lithuania and Riga, Latvia. Soviet troops still occupy the radio and television tower in Vilnius, along with several other government buildings. Beginning in late April and up to the present, Moscow-directed Black Beret forces have been destroying customs posts on the Baltic borders, injuring the customs officials in the process. On June 26, they seized Lithuania's central telephone and telegraph exchange, completely isolating Lithuania from the outside world.

This marauding continues to this day, although it abated somewhat while Mr. Gorbachev was in London recently seeking aid from the West. As he left Moscow, Mr. Gorbachev told his head policeman, Mr. Pugo, to investigate the border post raids. Incidentally, when Mr. Gorbachev told his chief prosecutor, Mr. Trubin, to investigate the killings in Vilnius, Mr. Trubin reported back that the Lithuanians did the shooting.

In the meantime, Moscow pretends to be interested in negotiations with the democratically elected governments of the Baltics, but instead stonewalls on real talks about independence, and acts as if it doesn't know what its military security forces are up to.

Mr. Speaker, last February I joined a congressional delegation to the Baltic States as a member of the Helsinki Commission. We saw the bravery of determined people who challenge tanks only with the call to conscience. I believe it would be a mockery for the CSCE process and a callous affront to the Baltic people if the Moscow human dimension meeting takes place against a backdrop of Moscow-inspired violence and vandalism in the Baltic States by Red Army troops and Black Berets.

As ranking minority member of the Helsinki Commission in the House of Representatives, I appeal to the Gorbachev government to put an end to the violence in the Baltics, and I trust that our President will make the strongest representation of this issue to Mr. Gorbachev at the summit meeting in Moscow next week.

CROCODILE COMPASSION AND THE PHONY GAG RULE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. DORNAN of California. Mr. Speaker, I am suspicious whenever I see selective indignation aimed at public policies. I refer to the proponents of abolishing the anti-abortion counseling and referral provisions upheld by the U.S. Supreme Court in Rust versus Sullivan.

Planned Parenthood, as far as I am aware is not indignant or outraged at the Supreme Court for abolishing prayer in public schools. Nor are they angry over the restrictions of the Hatch Act covering the political activities of Federal employees both on the job and in their private lives.

Does Planned Parenthood want alcohol abuse counselors receiving Federal grant money to claim a free speech right to suggest that their clients use just a little bit of legal liquor?

No, we are really talking about the practice of marketing and selling abortions with Federal money.

And let's look at just one of the practices which will be mandated under the Chafee proposal, S. 323.

I am referring to the sordid and loathsome practice of multifetal pregnancy reduction. This convenient euphemism is a cover for driving a large needle into the heart of a preborn child and injecting potassium chloride into the heart cavity until the heart stops. The so-called doctor visualizes this ghoulish homicide via ultrasound.

This is what you will be voting for if you vote for Sen. CHAFEE'S bill or fail to support President Bush's anticipated veto of the Labor and HHS Appropriations bill.

In case any of my colleagues doubt this, just look at the two following medical articles.

[From Ob.-Gyn. News, August 1–14, 1989]

SELECTIVE ABORTION IN MULTIPLE GESTATION

WASHINGTON.—Selective termination has a clear role in the management of twin gestations when only one fetus has a congential anomaly or when infertility therapy has resulted in four or more embryos, Dr. Richard L. Berkowitz said at a program on law, ethics, and the obstetrician presented by George Washington University School of Medicine and Health Sciences.

Less clear cut is whether selective abortion should be used in otherwise healthy triplets. Without good data on the mortality and morbidity associated with triplet gestations, "we do not know if women with triplets are better off left alone,' noted Dr. Berkowitz, director, division of maternal-fetal medicine, Mount Sinai Medical Center, New York.

Injection of potassium chloride into the fetal circulation or heart has become the preferred approach to selective termination at Mount Sinai.

A physician "learning curve" is associated with selective abortion; the most common complications that occur while a physician is gaining expertise are "miscarriage of the entire pregnancy" or failure to cause asystole in a targeted fetus. Because of the potential for leaving a fetus impaired by the attempt to cause asystole, the procedure must be repeated, he said.

The first six twin pregnancies to undergo selective termination at Mount Sinai Hospital "worked out very badly," with the unintended miscarriage of four unaffected fetuses as well as the six targeted for abortion. These first attempts involved the use of exsanguination or injection of saline or an air embolism, Dr. Berkowitz said.

No unintended deaths occurred in the next 17 twin gestations to undergo selective abortion at that institution. All but one were done by injection of potassium chloride; a combination of exsanguination and saline injection was used on one fetus, he said.

Most of the unaffected twins have been delivered, the majority after 34 weeks' gestation. One surviving twin, delivered at 28 weeks' gestation, developed a severe postpartum intracranial hermorrhage.

None of the women developed disseminated intravascular coagulation, a complication that can occur when a singleton fetus who dies in utero is not delivered within 4–5 weeks.

The difference may be explained by the suggestion that the living twin affords greater integrity to the membranes than occurs when a singleton fetus dies, Dr. Berkowitz suggested at the meeting.

Termination of just one twin poses certain logistical challenges. Women are sometimes referred to his institution with a note from their obstetrician that the patient has opted for selective reduction because "twin A" has Down syndrome but without a diagram indicating which twin that is.

Dr. Berkowitz urged obstetricians making such referrals to send along a diagram of the position of the twins' amniotic sacs, with the affected twin clearly labeled. "The position of the fetuses changes, but the position of the sacs won't," he said.

The presence of more than two fetuses in the uterus as a consequence of infertility therapy is increasingly becoming a real problem. "Selective reduction is a lousy solution but the best hope for this problem" that, when untreated, is associated with a significantly increased risk for preterm delivery, Dr. Berkowitz said.

OUTCOMES IN 52 PREGNANCIES

Reporting on the use of selective reduction on 52 such pregnancies, Dr. Berkowitz said that thus far seven pregnancies had been lost following the procedure.

Two of these seemed to be related to the use of selective abortion and occurred 3–4 weeks after the procedure. The role of the procedure is uncertain in another four losses because the patients went into spontaneous preterm labor at least 2 months after selective reduction. The seventh loss, at 19 weeks of pregnancy, was due to an incompetent cervix.

"We now advise home [uterine contraction] monitoring between 18 and 30 weeks' gestation" after selective reduction of such pregnancies, he said at the meeting.

The other 45 pregnancies, involving from three to nine fetuses, were all successfully reduced to two fetuses and have resulted in healthy babies or are still ongoing.

In response to a question from the audience, Dr. Berkowitz explained that to keep the membranes over the internal os viable in the case of multiple fetuses, the fetus in the bottom sac is always left untouched during selective reduction. In general the fetuses selected for reduction are the ones that are easiest to reach. Genetic testing is not peformed on multiple gestations resulting from infertility therapy, so a healthy fetus may be aborted while another with a congenital anomaly is left alone.

In response to another question, Dr. Berkowitz said he feels ambivalent about reduction of triplets because good data are lacking on the mortality and morbidity associated with triplet gestations when all three fetuses are healthy.

"We have done a number of them, but it is a grey area, and we tell that to patients. . . . We don't [reduce] twins to one. We are not in the abortion business; we deal in high-risk pregnancies. We reserve this procedure for legitimate medical indications. In our opinion, it is not medically indicated for twins, and we don't know about triplets," he said.

Dr. Berkowitz noted that selective termination is performed at his institution after 11–13 weeks' gestation because of the potential for spontaneous resorption of multiple fetuses before that time, the so-called disappearing twin phenomenon.

[From Ob–Gyn. News, May 1–15, 1990]

SELECTIVE FETAL TERMINATION HELD SAFE, ETHICAL

PHILADELPHIA.—Selective reduction of multifetal pregnancies to improve the pregnancy outcome is an ethically justified option for women, and the procedure can be carried out safely with little risk to the remaining fetuses, say Dr. Ronald J. Wapner, of Jefferson Medical College, and his associates.

Selective reduction may be indicated to improve perinatal outcome and to increase the likelihood of birth of a term infant by reducing the number of fetuses in a multifetal pregnancy, to allow birth of a healthy infant without the birth of a coexisting fetus with a congenital abnormality, and to preserve a singleton pregnancy when a woman would otherwise have the entire pregnancy terminated, they say.

Selective reduction was carried out in 46 multifetal pregnancies using an ultrasound-guided injection of potassium chloride into the fetal pericardial region. Injection was continued until ultrasound visualization of the heart had confirmed asystole for at least 2 minutes.

If other fetuses were to be injected (up to four in one session), they were identified and the procedure was repeated. The fetal heart was rescanned 30 minutes after the procedure, and if cardiac activity was identified in a previously injected fetus, the injection procedure was repeated the same day; reinjection was required in three cases. No prophylactic antibiotics or tocolytics were used, the investigators note.

The procedures were carried out in the first trimester, except when amniocentesis identified an abnormal karyotype or ultrasound revealed a structural anomaly. For second-trimester procedures, potassium chloride was injected directly into the fetal heart.

NO INFECTIONS, HEMORRHAGES

When a fetus with a cytogenetic or biochemical abnormality was injected, fetal blood, amniotic fluid, or both were analyzed for confirmation.

Selective reduction in the multifetal pregnancies left one set of triplets, 31 sets of twins, and two singletons. In another eight pregnancies, one fetus was terminated because of congenital abnormality. Despite extensive counseling, four other women had decided to terminate their entire twin pregnancy until they learned selective reduction was available; all four had healthy infants, Dr. Wapner and his associates say (Lancet 335:90–93, 1990.)

There were no infectious or hemorrhagic complications of coagulation disorders. One patient had vaginal bleeding 2 weeks after the procedure.

Among the 13 cases of reduction to a single fetus, one woman had a spontaneous abortion, as did one of the 32 women with a pregnancy reduced to twins. In the only pregnancy reduced to triplets, two of the babies died as a result of prematurity, and the third infant had an intracranial hemorrhage and is on mechanical ventilation. Of the 77 infants delivered, seven had a birth weight below the tenth percentile for singleton gestations, they note.

Dr. Wapner's associates in this study were Drs. George H. Davis, Anthony Johnson, Richard L. Fischer, Laird G. Jackson, and Frank A. Chervenak; Laurence B. McCullough, Ph.D.; and Vivian J. Weinblatt..

TRIBUTE TO MARIA BLAZ

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. MORAN. Mr. Speaker, I am pleased to recognize an outstanding citizen of the Eighth District of Virginia whose exemplary career in nursing at the George Washington University Medical Center demonstrates the vital and critical role nurses play in our health care system.

I want to join with Maria Blaz's colleagues and friends on the occasion of her retirement to pay tribute to her career of public service.

She has had a distinguished nursing career with 27 years of service at the George Washington Medical Center. I am sure she has had many patients, but certainly one of the most memorable was the President of the United States. She was primary nurse to President Reagan when he was so seriously wounded in 1981. The Nation should be grateful to her for her steadfast care which helped him avoid complications from his critical wounds.

As the head nurse in surgery and cardiothoracic surgery, Maria has instructed hundreds of nurses and surgeons who credit her with teaching them to be good practitioners. Her unit has been praised for its high level of satisfaction among patients and physicians alike.

Ms. Blaz's colleagues admire her, and describe her as a nurse who is focused on performing procedures correctly, while making certain that her patients receive compassionate care.

I am proud to join her colleagues at the George Washington University Medical Center in expressing our appreciation for Ms. Blaz's dedicated service and to wish her a long and rewarding retirement. She is a credit to the nursing profession, and to medicine. I know she will continue her life's work of serving her community.

A TRIBUTE TO THE NEW HAMPSHIRE PARTICIPANTS OF THE ODYSSEY OF THE MIND PROGRAM

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to the students who participated in this year's Odyssey of the Mind Program. I would also like to commend the parents, teachers, and other volunteers who donated their time and effort to help these students obtain such a high level of academic achievement.

The 1 million Odyssey of the Mind participants, ranging in age from kindergarten to graduate school, creatively solve complex problems using the teamwork approach.

The Odyssey began with students competing against their fellow schoolmates for the right to represent their institution in later State, regional, or provincial contests. These competitions culminated at the World Finals at the University of Tennessee. It included representatives from eight countries in addition to those from the United States.

Mr. Speaker, I ask my colleagues to join me in commending each and every one of the students who participated in the Odyssey of the Mind Program. In particular, I would like to laud the accomplishments of those participants from my district in New Hampshire. They are; Chris Bassett, Alyssa Bennet, Kim Bush, Farah Bushashie, Abby Call, Mara D'Angelo, Stacey DeSorgo, Jeremy Dunn, Nathan Farrar, Jeff Frigon, Alan Frizzell, Christopher Graham, Erin Gumbel, Craig Halbmaier, Eddie Hubbard, Brian Irwin, Katie Irwin, Kevin Kistler, Matt LaFond, Cheryl Lebouf, Mike Lynn, Katie Mazza, Anne McCourt, Beth Merchant, Kathy Newcomb, Matt Newcomb, Beth Newhall, Allison Nichols, Erin O'Reilly, Patrick O'Reilly, Martha Prizio, Joel St. Germain, Allison Schneider, Greg Tullo, Andy Viopolow, Ben Waring, and Eleanor Williams.

Mr. Speaker, I need not remind my colleagues that America's children are America's future. It is unfortunate that so many times our Nation focuses on the faults of our youth and neglects students, like these, who are participating in truly worthwhile activities. A sound educational system must be at the top of our list of priorities if we are to remain the vanguard of the new world order. I encourage my colleagues to join me in support of educational programs like Odyssey of the Mind, and in congratulating these remarkable young Americans.

H.R. 2938

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SERRANO. Mr. Speaker, I rise today to introduce H.R. 2938, a bill to establish a teacher opportunity corps to encourage and enable paraprofessionals who are working as teachers' aides or assistants in schools, to become certified teachers.

The Teacher Opportunity Corps is modeled after the successful Federal Career Opportunities Program of the 1970's, and the New York State Opportunity Corps. Many States have, or are pursuing, such intiatives to offer classroom aides the opportunity to become certified teachers.

These committed individuals are working paraprofessionals who are frequently concentrated in schools that serve children with the greatest needs, but unfortunately, also suffer a shortage of full-time qualified teachers.

Many of these paraprofessionals working in inner-city schools are members of minorities and are therefore a logical source and ideal choice for minority and bilingual teachers.

Mr. Speaker, in New York City alone there are some 7,000 paraprofessionals, and an estimated 6,600 to 7,800 teacher vacancies in the public school system.

These paraprofessionals are experienced individuals who have had some college or graduate school courses, know the community, and are better equipped to cope with some of the distressing problems facing urban youth today.

The Teacher Opportunity Corps would encourage institutions of higher education to provide financial aid, and to offer special teacher education programs during after-school hours and summers for these individuals who work in targeted schools serving disadvantaged students.

Because most of these dedicated paraprofessionals face the additional challenges of pursuing their studies, working part- or full-time and fulfilling family obligations as well, H.R. 2938 would also provide funds to institutions to defray costs for child care.

Mr. Speaker, this act will cost $50 million over a 4-year period. If we do not make this investment in our corps of teachers today, our students will not be prepared to face the demands of tomorrow's workplace and we shall have denied a generation of inner-city children exposure to a host of role model teachers whose inspiration could very well have turned their lives around.

H.R. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF TEACHER OPPORTUNITY CORPS.

(a) AMENDMENT.—Title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART F—TEACHER OPPORTUNITY CORPS

"SEC. 581. PURPOSE.

"It is the purpose of this part to encourage institutions of higher education to offer educational programs and financial assistance that would enable paraprofessionals working in shortage area schools serving disadvantaged students to become certified teachers.

"SEC. 582. DEFINITIONS.

"For the purpose of this part—

"(1) the term "certified teacher' means an individual who possesses a document certifying that the individual has met the requirements of a State for employment as a teacher in the public schools of that State;

"(2) the term 'shortage area' means an area the Secretary has designated as an area with a shortage of elementary and secondary school teachers, or in a designated subject area, under section 428(b)(4) of this Act;

"(3) the term 'chapter 1' means chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

"(4) the term 'paraprofessional' means an individual with, at least, a high school diploma or recognized equivalent who is employed in a preschool or elementary or secondary school under the supervision of a certified teacher to assist in providing instruction, which may include (but is not limited to) bilingual education, special education, and migrant education.

"SEC. 583. ALLOCATION AMONG STATES.

"From the sums appropriated for this part pursuant to section 502(f) for any fiscal year, the Secretary shall allocate to any State an amount which bears as nearly as possible the same ratio to such sums as the allocation of funds under chapter 1 in that State to the total allocation of funds under chapter 1 in all States receiving grants under this part, except that no State grant shall be less than $500,000 in any fiscal year.

"SEC. 584. AGREEMENTS.

"Each State receiving a grant authorized by this part shall enter into an agreement with the Secretary. Each such agreement shall include provisions designed to ensure that—

"(1) the State education agency or higher education agency will administer the program authorized by this part in the State;

"(2) the State education agency or higher education agency will use no more than 5 percent of the grant it receives to cover administrative expenses; and

"(3) the State education agency or higher education agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation, consistent with the responsibilities of the Secretary.

"SEC. 585. STATE GRANT APPLICATIONS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to the States to support programs at institutions of higher education that serve the purposes of this part.

"(b) SUBMISSION OF APPLICATIONS.—In order to receive a grant under this part, a State shall submit an application at such time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth a program of activities for carrying out the purposes set forth in this part in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purposes and such other policies, procedures, and assurances as the Secretary may require by regulation.

"SEC. 586. GENERAL CRITERIA FOR STATE GRANTS.

"(a) GRANT REQUIREMENTS.—The following criteria shall apply to each State grant made under this part:

"(1) The grant shall assure the involvement of institutions of higher education and schools or school districts that are located in shortage areas.

"(2) The grant shall assure that all regular and developmental credit-bearing courses taken in educational programs offered under this part be fully creditable to a baccalaureate program leading to teacher certification.

"(3) The grant shall require that any paraprofessional who receives student financial assistance under this part enter into an agreement under which the paraprofessional shall—

"(A) within the 10-year period after completing the postsecondary education for which the assistance was provided, act as a paraprofessional in a shortage area school for a period of not less than one year for each year for which the assistance was received;

"(B) provide to the State evidence of compliance with subparagraph (A); and

"(C) repay all or part of the student financial assistance received under this part, plus interest and reasonable collection costs (if applicable), in the event that the paraprofession fails to comply with the conditions of subparagraph (A), in accordance with the regulations prescribed by the Secretary under section 557 and except in the circumstances provided in section 558.

"(4) The grant shall require that student financial assistance awarded for programs under this part be supplemental to other Federal and State assistance for which the student would otherwise qualify and not supplant such assistance.

"(5) The grant shall establish a system for the evaluation of the programs conducted.

"(b) DURATION OF GRANT.—Each grant under this part shall be for a term of no less than 5 years, subject to the availability of appropriations.

"(c) USES OF FUNDS.—Funds made available under this part to any State may be used for—

"(1) providing student financial assistance to paraprofessionals to pay part or all of the costs of attendance (as determined under section 472, and including child care expenses as provided in paragraph (7) of such section) in programs of postsecondary education required for teacher certification;

"(2) supportive services for such paraprofessionals during participation in such programs;

"(3) [other?—to be supplied].".

(b) CONFORMING AMENDMENTS.—

(1) Section 501 of the Higher Education Act of 1965 is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(7) to encourage paraprofessionals working in shortage area schools with disadvantaged students to become certified teachers.".

(2) Section 502 of such Act is amended by adding at the end thereof the following new subsection:

"(f) TEACHER OPPORTUNITY CORPS.—For part F, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for the 4 succeeding fiscal years.".

H.R. 2507 WILL SAVE LIVES

HON. GLENN M. ANDERSON

OF CALIFORINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. ANDERSON. Mr. Speaker, today's debate on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991, centers on whether or not fetal tissue can be used for medical research without promoting abortion. Both sides agree that this research holds revolutionary promise for curing many diseases, including leukemia, multiple sclerosis, Alzheimer's, Parkinson's, and diabetes. Opponents of this proposal argue that fetal tissue research will increase abortions. Mr. Speaker, this debate is not about promoting abortion, it is about allowing NIH to conduct vital medical research. I rise today in support of H.R. 2507 because I firmly believe that the current ban on fetal tissue research is groundless and is depriving our Nation from medical discoveries that will dramatically improve the lives of millions of Americans.

In 1988, President Reagan imposed a moratorium that prohibited the National Institutes of Health [NIH] from conducting fetal tissue transplantation research while the Human Fetal Tissue Transplantation Research Panel, which Reagan appointed, determined whether or not performing fetal tissue research was acceptable public policy. The Panel, which was composed of experts with both pro-choice and antiabortion positions, concluded that there were no ethical or scientific grounds for barring such research. They recommended lifting the moratorium as long as procedural safeguards were taken to ensure that fetal tissue research was not abused. President Bush has ignored the Panel's recommendation, and the moratorium has remained intact.

Provisions in H.R. 2507 would lift the ban on fetal tissue research. The bill also includes the procedural safeguards suggested by the Human Fetal Tissue Transplantation Research Panel. The provisions stipulate that to use fetal tissue for research, it must be documented that the decision to have an abortion was separate from the decision to donate fetal tissue. A woman cannot place restrictions regarding the identity of individuals who may be recipients of the fetal tissue, thereby prohibiting donor specific abortions to cure an ill family member or friend. Fetal tissue cannot be bought or sold, eliminating the profit motive for having an abortion. Last, to avoid a conflict of interest, medical personnel who perform an abortion are barred from involvement in the subsequent use of the tissue for transplants.

The potential medical advances from fetal tissue research have been undisputed throughout this debate. Fetal tissue transplantation research could possibly cure birth defects, Alzheimer's disease, Parkinson's disease, juvenile diabetes, leukemia, and epilepsy. I firmly believe that medical professionals should be able to use all the resources at their disposal to fight these diseases. Preventing fetal research effectively prevents the advancement of cures and treatments without changing the realities of the abortion debate. Abortions will occur whether or not we pass this legislation today, but only one vote today will improve our ability to help people inflicted with these life-threatening diseases. For this reason, I urge my colleagues to support H.R. 2507.

SAME SONG, SHORTER VERSE: UNFAIR JAPANESE TRADE PRACTICES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. BEREUTER. Mr. Speaker, this Member has regularly taken the well to urge, cajole, harangue, reprimand, demand, and even threaten in order to move Japanese officials to give United States exports the fair and reasonable treatment that the billions and billions worth of Japanese cars, electronics, and other consumer goods receive in the United States. It seems every time some headway is made toward greater fairness in one area of trade, unreasonable and biased Japanese officials subject United States products to another creative barrier that hinders their export. The list is long: beef, citrus, rice, semiconductors, landing rights, lumber, zoning, and on and on ad nauseam.

Today this Member would like to focus on duties of 90 percent that are levied on corn imports that are not imported by entities licensed by the Japanese Government. Japan produces very little, if any, corn, and surprisingly, the Japanese Government does not even attempt to justify this duty as a means to protect their farmers. The purpose of the 90-percent duty is to protect licensed Japanese feed mills.

The United States Feed Grains Council estimates that United States corn sales to Japan would increase by 4 to 5 million metric tons [mmt] if the duty were removed.

This Member cannot imagine the outrage of the Japanese if the United States Government would require that all imports of Japanese cars and electronic goods be imported through a Government licensed, and essentially Government controlled, entity that could manipulate the price and availability of Japanese goods in order to meet its own objectives as in the common Japanese practice with many United States agricultural commodities. The United States trade deficit with Japan could be eliminated overnight if the United States Government decided to give Japanese goods the same treatment that United States beef, citrus, corn, and rice are given by the Japanese Government.

This Member is fed up with this double standard employed by the Japanese. The patience of the Congress has run out with these continually recurring unfair trade practices. Japan, take note that the time is dangerously near when the American people will demand that the Congress take serious steps to further protect the trade interests of the United States against unfair Japanese practices.

TRIBUTE TO JUDGE ANDREW JACKSON HIGGINS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SKELTON. Mr. Speaker, I'd like to take a moment to recognize a distinguished career in public service which has recently come to an end.

Judge Andrew Jackson Higgins retired from the Supreme Court of Missouri last month after having served nearly 30 years. His accomplishments during that time are worth noting, as they may serve as an example for future generations to emulate.

Judge Higgins' service began with many from his generation in defense of our country in World War II where he served with the Navy in the Pacific. On returning home to his native Platte City, Judge Higgins began practicing law. In a period of 12 years, Higgins served three terms as prosecuting attorney and one term as mayor of his hometown.

He moved on to become a judge of the sixth judicial circuit in 1960 and a commissioner of the Supreme Court of Missouri in 1964. After 15 years as a commissioner, he received an appointment from Gov. Joseph P. Teasdale to the position of supreme court judge. Judge Higgins served in this position from 1979 through June of this year, and was the chief justice of the court from 1985 through 1987. Judge Higgins submitted his resignation June 21 at the official retirement age of 70 years.

Judge Higgins is a member of: the Christian Church (Disciples of Christ); Sigma Alpha Epsilon and Delta Theta Phi fraternities; the Veterans of Foreign Wars; the Missouri Bar; and the American Bar Association. His other memberships include: the National Council of Juvenile and Family Judges, where he was chairman of their Appellate Judges Permanency Planning Training Project Advisory Committee; a consultant to the NCJFCJ Permanency Planning for Children Project; chairman of the Missouri Press-Bar Commission; and chairman of the Missouri Supreme Court Task Force on Permanency Planning for Abused and Neglected Children.

Judge Higgins awards include a great deal of recognition for his work to benefit abused and neglected children.

I use this statement to express my respect for Judge Higgins and to wish him the best in the days ahead.

[From the MoBar Bulletin, June 1991]

JUDGE HIGGINS ANNOUNCES RETIREMENT FROM SUPREME COURT

Judge Andrew Jackson Higgins, whose affiliation with the Supreme Court of Missouri lasted nearly 30 years, retired from the Court on June 21, his 70th birthday.

Judge Higgins' resignation came in recognition of the constitutionally-required retirement of all judges at the age of 70 years.

Born in Platte City, he was educated in that city's public schools before going on to receive his A.B. from Central College. He followed this with an LL.B from Washington University. In addition, he was the recipient of an honorary LL.D. from Central Methodist College in 1982.

He enlisted in the United States Naval Reserve in early 1942, and served on active duty with the Navy from May 1943 to July 1946, including service with the amphibious forces in the Pacific Theatre during World War II.

Admitted to the bar in 1948, he practiced law in Platte City until April 1, 1960. During that time, he served three terms as Platte County Prosecuting Attorney and one term as mayor of Platte City.

In 1960, he was appointed as a judge of the Sixth Judicial Circuit, and was elected later that year to an unexpired term to end in January 1965. He resigned that post on June 29, 1964, to accept appointment as a commissioner of the Supreme Court of Missouri. He held that position until July 3, 1979, when Governor Joseph P. Teasdale appointed him a judge of the Supreme Court. He was retained in office at the 1980 general election for a term expiring December 31, 1992.

Judge Higgins served as chief justice of the state's highest court from July 1, 1985 to June 30, 1987.

He is the recipient of the Distinguished Alumni Award from Central Methodist College, and was elected to that institution's Board of Curators in 1977. He also served for four years as the national president of its alumni association.

In addition, Judge Higgins is a member of: the Christian Church (Disciples of Christ); Sigma Alpha Epsilon and Delta Theta Phi fraternities; the Veterans of Foreign Wars; The Missouri Bar; and the American Bar Association. He also served as a member of the National Council of Juvenile and Family Court Judges; as chairman of that organization's Appellate Judges Permanency Planning Training Project Advisory Committee; a consultant to the NCJFCJ Permanency Planning for Children Project; chairman of the Missouri Press-Bar Commission; and chairman of the Missouri Supreme Court Task Force on Permanency Planning for Abused and Neglected Children.

Judge Higgins' work on behalf of abused and neglected children has earned him many other awards and recognition from various child advocacy groups.

He and his wife, the former Laura Jo-an Brown of St. Louis, have two daughters.

FORUM ON THE UNITED STATES-MEXICO FTA, DISCOURAGED AND DELAYED

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. PEASE. Mr. Speaker, I would like to bring to the attention of the Congress recent efforts to organize a forum in Mexico City on the subject of the United States-Mexico Free-Trade Agreement [FTA]. The forum is designed to provide Mexican political, labor, environmental, and business leaders with their first opportunity to express their views on the FTA and to engage in a dialog with the American legislators who will assess and vote on the agreement in the United States. This meeting has been delayed three times, allegedly because of efforts by Mexican and United States officials to scuttle it.

Initially, the House Foreign Affairs Subcommittees on Western Hemisphere Affairs and International Economic and Trade Policy were to sponsor this forum. However, after much haggling over the scheduled date and consistent pressure from the United States Embassy in Mexico as well as from officials in the Mexican Government, Congressman Gejdenson finally gave up in frustration. The date was changed a number of times and finally the weekend of Mexican Independence Day was selected: It seems that Mexico City essentially shuts down during this holiday.

Regardless of how Members of Congress feel individually about the United States-Mexico FTA, we should be able to agree that open and comprehensive discussion of this pact in both the United States and Mexico is absolutely requisite. After all, the Salinas government, like the Bush administration, needs to know what its people think of this historic trade initiative. The Mexico City forum to which I refer here would provide just such a frank examination of the proposed agreement.

So, why, we must ask, have our own Embassy and the Mexican Government demonstrated such dogged resistance to this event? We are left only to speculate as to whether the Bush and Salinas administrations have something to hide when it comes to the terms of the FTA.

THE 100TH ANNIVERSARY OF MANVILLE FIRE DEPARTMENT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to join the Manville Fire Department in celebrating their 100th anniversary.

For 100 years the village of Manville has been fortunate enough to have a volunteer fire department.

In 1891, a major fire on Winter and Church Streets convinced the village that there was a need for a full firefighting force. Former fire chief Henri E. Fortier's memoirs offered details of the St. James Church fire of 1919, the hurricane of 1938, and the 1955 fire.

The heroics of the men and women who offered their time to volunteer deserve to be acknowledged. A church service begins the 100-year celebration on June 9. A small parade will follow from the church to St. James Cemetery, proceeding to the Manville Sportsmen's Club.

The celebration for the Manville residents will continue with a field day weekend from August 10 through August 12, including softball games, craft fair, flea market, food, and much more.

This celebration is to let the community know that they are an all-volunteer fire department which needs the public's full-time support and appreciation, not only when there is an emergency. These volunteers do not see this as a job, but a commitment to the well-being of the citizens of Manville.

It is with great pleasure that I salute the Manville Fire Department, its former firefighters, and the entire village of Manville. I extend my best wishes to the volunteers for many successful years to come.

CONGRATULATIONS TO THE CAHOKIA HIGH SCHOOL ART PROGRAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. POSHARD. Mr. Speaker, I rise today to call attention to the outstanding work being done in the classrooms of Cahokia High School.

I am particularly proud of the recent accomplishments of the art department, under the direction of Robert McGuire. For the past 2 years students from this program have won first place in the Congressional Arts Causus competition in my southern Illinois district. The annual contest involves hundreds of students from schools large and small all across my district, and Cahokia is proving itself a creative force to be reckoned with.

In 1990, a young man named Jimmy Elmore won the competition, and this year the grand prize was captured by Jeff Valdejo. Both of these Cahokia High School students expressed their view of the world in a distinct way which caught the eye of the judges. They possess particular gifts to see things others may not, or in a way no one else does, and are then able to translate that vision into something tangible. That kind of imagination is a priceless quality we should encourage our youth to display.

And I'm pleased to note there is an instructor doing just that. Robert McGuire lets his students express themselves, choosing the medium in which they desire to work, then helps them unearth and polish the gem of an idea they are trying to express. Art is not easy, for those of us who struggle to draw a straight line it seems impossible, but Robert is just as dedicated to his students who see art as a puzzle as he is to those who show great natural ability. He understands there is artistic light in each of us and does his best to make it come alive.

In this modern world, where machines think for us and foreign lands are a satellite dish away, we need more of what Cahokia High School is doing. We must have an outlet for expressing our inner feelings, hopes, dreams, and honest views of the world around us. I am proud to see this goal being fostered at a school in my district, and wish the students, faculty, and administration continued success in their efforts to keep us thinking about the world in which we live.

A TRIBUTE TO HUBERT H. HUMPHREY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. LIPINSKI. Mr. Speaker, I would like to join the Minnesota delegation in a belated tribute to Hubert H. Humphrey on the 80th anniversary of his birth. To commemorate his service to the Nation as mayor of Minneapolis, U.S. Senator, and Vice President under Lyndon B. Johnson, the Postal Service issued a stamp with his portrait on June 3, 1991, as part of its Great American series.

I have long admired the strength of Hubert Humphrey's convictions, particularly in the face of constituent pressures. One outstanding example came at the 1948 Democratic National Convention in Philadelphia where he urged the adoption of a strong civil rights plank in the party's platform. Such a stand would have alienated many southern Democrats and might have caused an irreconcilable split in the party. Not only was his own political future on the line, but also President Harry Truman's chance for re-election. Truman's subsequent victory not only vindicated Hubert Humphrey but paved the way for his many future triumphs.

Humphrey's later career in the Senate and the Vice Presidency was marked by similar feats of political courage. He once remarked that "the people of America want imagination and determination and commitment. They want action." In his first 15 years in the Senate, Humphrey was one of its most active members, having introduced over a thousand bills and resolutions. He championed a wide variety of social welfare, civil rights, tax reform, and prolabor legislation. The first bill he introduced was a plan to establish a medical care program for the elderly, which was finally enacted as Medicare in 1965. In foreign affairs, he was a leading adovcate of disarmament and the distribution of surplus food to poverty-stricken nations.

But Humphrey's greatest work is not tied to a single piece of legislation or a particular view he held on a controversial issue. Rather, his fame rests on his unique ability to look at the American condition in its entirety. Not only was he able to observe with an impartial eye our past achievements, but he could also see what we had left to accomplish in terms of our rights guaranteed by the Constitution of the United States. He once wrote that America "will be remembered, not for the power of our weapons, but for the power of our compassion, our dedication to human welfare." In remembering Senator Humphrey on what would have been his 80th birthday, let us be inspired by his courage and wisdom.

NATIONAL PROPANE SAFETY WEEK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. CLINGER. Mr. Speaker, I am pleased to take this opportunity to bring to the attention of my colleagues the fact that for over 70 years, the propane gas industry has been making significant contributions to American life with remarkable degrees of dependability, efficiency, and above all, safety.

To highlight the industry's sincere concern with safety, the National Propane Gas Association will be sponsoring National Propane Safety Week from August 26–30, 1991. The Safety Awareness Week will include safety demonstrations and antitampering messages, as well as helpful tips on winterizing propane gas grills, how to prepare for the winter heating season, what to do if a homeowner smells gas, and how to handle a pilot light that won't light.

All across the country, manufacturers, suppliers, and distributors regularly help in educating the over 60 million consumers of propane on the safe use of the gas which they use to heat their homes and barns, dry their crops, and fuel their vehicles and machinery. National Propane Safety Week will play an important role in reinforcing the safety education of those who already have access to this pertinent information, as well as in making it available to those who do not.

A home safety audit called the Gas Check Program is another initiative strongly recommended by the Gas Association throughout the Safety Awareness Week. This program stresses consumer education, and after a thorough examination of a homeowner's gas system by a service technician, offers advice on safe and efficient methods of operation of propane appliances. This kind of attention to the safety needs of consumers should not go unrecognized or unappreciated.

Mr. Speaker, I would like to stress my support for all of the propane dealers in my district who put safety first, and I encourage my colleagues to do the same. I would also like to personally commend the National Propane Gas Association and its constituent dealers on their efforts to promote public awareness about propane safety issues through their sponsorship of and participation in National Propane Safety Week.

RELIEF FROM IRS RULING FOR FEDERAL EMPLOYEES

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SCHULZE. Mr. Speaker, today I am introducing a bill to provide relief from an IRS ruling which discriminates against a group of Federal employees. This bill will ensure that tax treatment, which was afforded to certain Federal employees stationed overseas during tax years 1986 and 1987, will be extended retroactively to a group of Federal employees, also living overseas at that time, who were presumably forgotten by the Congress in the Tax Reform Act of 1986.

This bill, which was introduced last year as H.R. 5485 by my good friend Bill Frenzel, would provide transitional relief for approximately 75 Federal employees who took a deduction for mortgage interest and real estate taxes for tax years 1986 and 1987. It would also allow those who paid the tax for those years to file for a refund based on the new rule. This measure would invalidate all closing agreements reached with the IRS—on audit—regarding this question. Any interest and penalties paid or incurred would be relieved.

Why is this legislation necessary to address the grievances of a few Federal employees? Fairness, plain and simple. The IRS effectively penalized this group of Federal employees because Congress inadvertently overlooked them in the 1986 Tax Reform Act. It is our responsibility to ensure fair treatment is given. And we can do that most effectively by ensuring this group is afforded the same tax treatment, retroactively, that their colleagues received who served abroad with them during the time in question.

As background, until 1983, Federal employees on assignment outside the United States who received housing allowances and purchased residences, were allowed to deduct mortgage interest and real estate taxes associated with these mortgages. These employees were from a number of agencies, including the Departments of State, Commerce, Treasury—Customs and IRS—Justice—Immigration and Naturalization Service—Transportation—Federal Aviation Administration—and Agriculture—Fish and Wildlife Service.

In 1983, the IRS revoked its longstanding position on the tax-free parsonage allowance. In Revenue Rule 83–3, it held that section 265(a)(1) precluded not only deductions incurred in the production of income, but also where the exempt income was earmarked for a specific purpose and otherwise deductible expenses were incurred in carrying out that purpose. The IRS had previously held that section 265(a)(1) did not preclude Federal employees overseas from taking the deduction in question, presumably because section 265(a)(1) was intended to deny deductions incurred in the production of income.

The controversy and confusion occasioned by this reversal resulted in the IRS announcing that its new position would be applied prospectively beginning January 1, 1985, with respect to ministers and would be applied with respect to members of the uniformed services beginning January 1, 1987. The IRS did not provide any guidance for other Federal employees.

Finally, in the Tax Reform Act of 1986, Congress codified IRS policy on section 265. Congress added a provision, however, that in effect allowed ministers and members of the uniformed services, as well as employees of the National Oceanic and Atmospheric Administration [NOA] and the Public Health Services [PHS], to still deduct the mortgage interest and real estate taxes on their residences.

In reviewing this course of events with my colleagues, no one has intimated that they intended to exclude Foreign Service or Customs employees, for example, from this provision. The fact is, those employees not included were merely overlooked when the legislation was drafted.

In reviewing the circumstances of these Federal employees, it is important to note that they relied upon existing practice and on the guidance provided in the Housing Handbook issued by American Embassies in the countries where they were assigned. In fact, the IRS representative assigned to the United States Embassy in Canada took the deductions himself and advised the employees accordingly. If there was confusion between the IRS and its representative in Canada on the rule, it stands to reason that those soliciting the representative's advice and relying on the Housing Handbook, which he had approved, should not be penalized.

It was not until August 12, 1987, that the IRS representative in Ottawa even requested guidance from the International Chief Counsel at IRS on this issue. Finally, on October 5, 1987, the International Associate Chief Counsel responded in a memo that deductions were precluded for these employees. It was not until March 4, 1988, after the close of the 1987 tax year, that the IRS representative in Ottawa provided a copy of this memo to the Embassy staff director, who, in turn, circulated it immediately.

On the question of fairness, I would like to add for the record that when Congress codified the IRS 1983 ruling, there was no policy rationale for the discriminatory treatment in the language. The ruling allowed NOA and PHS employees favorable treatment but denied it to Customs, Foreign Service Officers and others. Historically, all these employees had enjoyed the same treatment. It appears that Congress was careless in its exclusion of some Federal employees from this ruling.

Ironically, if one of the affected employees had taken a home equity loan on a house owned in the United States and had used the proceeds to purchase a second home overseas, he would have been able to deduct the entire amount of interest. While it can be argued that the entire rule should be changed for equity and policy reasons, we seek only transitional relief through this bill.

These circumstances demand an equitable resolution and I believe this bill offers one. I urge my colleagues to cosponsor this measure.

HR 3087, THE U.S. ESTATE TAXATION OF NONRESIDENT ALIEN STAFF OF THE WORLD BANK AND OTHER INTERNATIONAL ORGANIZATIONS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GIBBONS. Mr. Speaker, the U.S. Internal Revenue Code imposes estate taxation on the worldwide assets of U.S. citizens and persons "resident" (domiciled) in the United States, whether they hold a permanent resident visa or some other visa. It also imposes estate taxation on the U.S. assets (U.S. realty, tangible personalty located in the United States, debt and equity investments in U.S. companies, but not life insurance payments, international organization pensions, and most bank accounts) of nonresidents who are not citizens.

The Technical and Miscellaneous Revenue Act of 1988 [TAMRA]—enacted November 1988—now severely and unduly burdens certain international organization staff and the organizations themselves. About 80 percent of the Bank's staff are not U.S. citizens.

The Bank is required by the charter its member governments have agreed to, to recruit staff "on as wide a geographical basis as possible," subject to quality criteria, to assure that the Bank maintains a staff with broad experience and perspective essential to the Bank's mission. The staff of the Bank who are neither U.S. citizens nor permanent resident aliens are brought to the United States to pursue the Bank's international purposes. Non-U.S. staff members who are brought to the United States for Bank employment will sometimes be considered resident (domiciled) here for U.S. estate tax purposes, even though U.S. immigration law generally does not permit survivors to remain in the United States after the death of the staff member. Because the existence of U.S. domicile cannot be determined with certainty before death, planning cannot adequately take account of this crucial factor. The burden of U.S. estate taxation will definitely deter able persons from joining and remaining a part of the Bank's staff.

SPECIFIC PROBLEMS

The problems created, inter alia, by TAMRA are:

First, the disallowance of the estate tax marital deduction for estates of resident decedents where the surviving spouse is not a U.S. citizen;

Second, the inclusion of the full value of jointly held property in the decedent's estate where the surviving spouse is not a U.S. citizen (unless the estate proves the spouse's money was used to purchase the property); and

Third, the application of the tax rates applicable to U.S. citizens and residents to nonresidents, while retaining the $13,000 unified credit (offsets tax on $60,000) at the pre-TAMRA level.

The principal source of survivors' financial support in most cases will be the spouse's pension paid by the Bank which, where the marital deduction is not available, will be currently taxed at its full actuarial value. Heavy taxes, immediately payable, are generated by this noncash, nontransferable asset valued at a high notional value. Further, where the use of the surviving spouse's money cannot be shown, the full appreciated net value of family residence, also a noncash asset, will likewise be taxed. For nonresidents (where a credit offsetting only $60,000 is allowed, as compared to a credit offsetting $600,000 for U.S. citizens and "residents"), these rates begin at 26 percent and may go up to 55 percent (the pre-TAMRA rates began at 6 percent going up to 30 percent). For "residents" and U.S. citizens, rates begin at 37 percent going up to 55 percent.

Estate tax legislation enacted since TAMRA has not remedied or materially improved the situation. Qualified domestic trusts [QDT's], which provide a vehicle for deferring estate taxes where the spouse is not a U.S. citizen, are most useful for large estates having ample liquid assets. They are cumbersome and expensive for the typical estate of a Bank staff member, where the principal assets are illiquid, that is, the family residence and the pension. Deferred estate taxes may be forgiven where the surviving spouse becomes a U.S. citizen, but realistically, many surviving spouses of expatriate Bank staff will have no opportunity to become U.S. citizens. Moreover, to condition fair treatment of a spouse present in the United States by reason of the decedent's Bank employment on a change of citizenship would be gravely inimical to the international character of the organization.

The special treatment given jointly held property paid for between 1982 and 1988 also does not materially improve matters. It complicates the law, and since it presumes that 100 percent of the property is taxable absent proof that the survivor paid for it, and it places an unrealistic premium on recordkeeping for the ordinary household.

ACTION PROPOSED

The Bank proposes that the extra burdens imposed by TAMRA be removed by returning to pre-TAMRA provisions. The attached bill would restore the principal elements of the pre-TAMRA estate tax to non-U.S. staff whose presence in the United States rests on their status as international organization employees. The changes would apply to full-time Bank and other international organization employees who are neither U.S. citizens nor holders of permanent resident alien status. The proposal is intended to apply to the estate of every such decedent who held a G-4—international organization employee—visa on the date of death, whether or not the decedent was actually physically present in the United States when he died. The proposal would:

First, restore the marital deduction for such decedents who are resident—domiciled—in the United States regardless of the spouse's citizenship;

Second, restore the rule that 50 percent of jointly held property is includable in the decedent's estate, regardless of the spouse's citizenship and the source of payment for the property; and

Third, restore the pre-TAMRA estate tax rates applied to employees who are nonresident noncitizens.

LABOR LAW REFORM—WORKPLACE HEALTH AND SAFETY: TIME FOR A NEW FOCUS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. GUNDERSON. Mr. Speaker, in my ongoing effort to make the case for the need to reform the Nation's labor laws, I want to focus attention today on the Nation's health and safety laws.

Today, these laws are less effective than they should be in protecting workers from jobsite hazards. They also require too many bureaucratic burdens of America's small businesses and industries. Like many of the Nation's other major labor laws, the major health and safety laws have their roots in the early part of the century.

The first Federal law regulating worker health and safety was enacted in 1910 to protect miners. The law was built upon in the 1952 Federal Coal Mine Safety Act, which increased the authority of mine inspectors to enforce steps designed to prevent major disasters. In 1969, the law was substantially expanded through the Federal Coal Mine Health and Safety Act to establish minimum health and safety standards for miners.

In 1977, the original act was expanded through enactment of the Federal Mine Safety and Health Act [MSHA], increasing all mining safety and health standards while establishing mandatory inspection schedules.

For health and safety protections outside the mining industry, the Walsh-Healy Act and McNamara-O'Hara Act were enacted in 1935 to establish the first Federal standards.

The acts were amended in 1970 with enactment of the Occupational Safety and Health Act [OSHA]. The intent of this comprehensive legislation was to create a balanced process of enforcement of safety and health laws on the one hand and education and consultation in complying with the law on the other. The act was also intended to bring greater coherence to the growth of other State and Federal laws and regulations regarding worker health and safety.

IMPEDIMENTS TO COMPETITIVENESS

Problems with the Nation's health and safety laws are due, in part, by the fact that they were enacted as a result of individual accidents or events, in the case of MSHA, or in response to the politics of the moment, in the case of OSHA. Problems also exist due to the growing overlap of Federal, State, and local laws guiding workplace health and safety.

FOCUS ON ENFORCEMENT AND PENALTIES OVER EDUCATION

OSHA suffers from a perceived imbalance in its mixed mission of part enforcement, part education and consultation. The emphasis under OSHA has clearly shifted to enforcement and to issuing numerous detailed regulations, while congressional focus is limited to increasing OSHA penalties and adding inspectors. Far less focus is maintained on promoting compliance through education and consultation.

Recent changes to OSHA and MSHA, such as the increase in maximum penalties put into law in 1990, appear motivated as much by Federal budgetary concerns as by broader interest in reforming worker safety laws. Similarly, proving compliance with OSHA standards has become increasingly burdensome on employers, without improving compliance. The trend appears to be to improve compliance with safety standards through increased attention to penalties and filing requirements under OSHA and MSHA, rather than through other means.

Because OSHA enforcement resources are limited to roughly 1,000 inspectors, regular inspections of 3.6 million worksites nationwide will likely never occur. Therefore, greater emphasis must be given to education and consultation, the other half of the OSHA mission.

Reduced paperwork and improved cooperation with the Occupational Safety and Health Administration would improve employer cooperation in meeting workplace safety standards.

DUPLICATION OF OSHA REGULATIONS

An overlap of other Federal and State laws—primarily those administered by the Environmental Protection Agency—duplicate OSHA regulations. And because OSHA was given the enormous task of regulating working conditions in a wide range of industries—as opposed to MSHA, which is more narrowly focused—it has suffered from an ineffective system of targeting resources.

Other problems exist with the Nation's health and safety laws. In order to review such problems in the context of restoring America's competitiveness and improving the working conditions of the Nation's laborers, a bipartisan commission should be established.

Congress has been ineffective in addressing the decline of America's competitiveness where it is related to labor laws. As the Nation's workplaces become more advanced, the health and safety laws which govern those workplaces must keep pace. Establishment of a commission dedicated to advancing the collective interests of workers and businesses is the best approach to update the laws.

DISTRESSING SITUATION IN CYPRUS

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Ms. LONG. Mr. Speaker, on July 22, as a part of his tour of Greece and Turkey, President Bush attempted to address the distressing situation in Cyprus. The situation in Cyprus is one about which we all should be keenly aware and seriously concerned. The President declared that he wanted to help resolve the wide divisions there as soon as possible. I commend the President for his statement.

The persisting division of Cyprus is a situation that the world has tolerated for far too long. Divided since 1974, Cyprus continues to suffer from ethnic divisions that result in internal tensions and the denial of civil freedoms that should be taken for granted. The events of 1974 led to the violent separation of one island into, in effect, two nations.

This division should concern us immensely. First, the instability of Cyprus has severely disrupted the lives of nearly all Cypriots and, over time, has caused a massive dislocation of the native population. This unrest has resulted in human hardships that the people of Cyprus cannot tolerate and compassionate nations cannot ignore. Restrictions on the right to travel, and to associate, and the censure of demonstrations for civil liberties are but a few of the many reasons the separate communities must be rejoined.

Second, the problems in Cyprus affect relations between Greece and Turkey, two of our NATO allies. While the events of Eastern Europe are truly encouraging, it is still in our best interest that our NATO partners remain on good terms with one another. The historical animosity between these two great nations can only be exacerbated by the conflict in Cyprus, and their relations can only stand to be improved by a Cyprus solution. Moreover, the situation in Cyprus has long complicated our dealings with leaders in Athens and Ankara, and the resolution of hostilities in Cyprus could only improve our standing with our allies.

Third, the maintenance of a U.N. peacekeeping force in Cyprus is a financial burden that our Nation helps shoulder. Ever since hostilities broke out in 1964, the United Nations has maintained a large peacekeeping force of several thousand people and, without a substantial breakthrough in Greek Cypriot-Turkish Cypriot relations, they are likely to remain there. These forces are costly to maintain, so much so that one country, Sweden, has withdrawn most of their troops because of financial constraints. The lack of resolution of the Cyprus problem and the nonimplementation of U.N. resolutions in Cyprus undermine the peacekeeping and peacemaking force of the United Nations.

Unfortunately, while there have been many efforts to make Cyprus whole again, the successes have been too few. Although negotiations are currently at an impasse, the United States should actively encourage the removal of the barriers that currently impede the negotiating process. By supplementing the U.N. efforts, we can communicate our dismay and concern that these divisions still exist, and stress the need for both sides to take conclusive steps toward reuniting their divided country. On numerous occasions, President Bush has stated that current conditions in Cyprus are unacceptable. We should reconfirm our support and commitment to a peaceful, unified Cyprus. Negotiations are the catalyst for relieving tensions. We should support such thoughtful measures to foster a meaningful dialog between the two groups, on all levels, and encourage ties that could result in peaceful interaction. With the opportunity to work peaceably together, without the threat of external military intervention, the citizens of Cyprus can be united.

The situation in Cyprus is one that has gone on long enough. I urge my colleagues to work with the administration to do all that we can do to foster improved relations within Cyprus and encourage meaningful and conclusive negotiations.

DR. ROGER REVELLE WILL BE MISSED

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to one of America's greatest scientists, Roger Revelle. Dr. Revelle passed away on July 15, 1991, and will be sorely missed by many. He leaves behind a legacy of scientific and community achievement.

Roger Revelle began his career as an oceanographer at the Scripps Institute in La Jolla, CA. While there, he conducted research that laid the groundwork for later studies of global warming and plate tectonics. "In a real sense, I am sort of the granddaddy of the greenhouse effect," Revelle said last year. Revelle served as the director of Scripps Institute from 1951 to 1964.

It was Roger Revelle that decided that a university was needed in San Diego, and set out to establish UCSD. After his dream became a reality, he served as the first dean of science and engineering for the campus, and later served as dean of research. In 1965, the board of regents named the first of UCSD's colleges for Revelle.

From 1961 to 1963, Revelle took a leave of absence from UCSD, to serve as science adviser to then Secretary of Interior, Stewart Udall.

In 1964, Revelle served as the founding director of Harvard University's Center for Population and Development Studies, concentrating on organizing an international response to starvation and overpopulation.

In 1987, Revelle was elected to the National Academy of Science, serving on its council from 1961 to 1964 and again from 1974 to 1977. He was awarded the academy's Agassiz Medal for outstanding achievement in oceanography in 1963. Revelle was awarded the order of Sotata-I-Imtiaz in 1964 by the President of Pakistan for conspicuously distinguished work in science. And in 1990, he received the National medal of Science from President Bush.

Besides his love of education, Roger Revelle was active in the San Diego community. He served as chairman of the La Jolla Town Council; was on the board of the Theater Arts Foundation of San Diego County, the advisory board of the Musical Arts Society and the board of Scripps Clinic and Research Foundation; and he was a trustee of the Woods Hole Oceanographic Institution in Massachusetts and the International Foundation for Science.

With the passing of Roger Revelle, the world has lost one of its greatest scientists, and San Diego has lost a great friend.

SOLDIER VISITS PEN PALS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. DARDEN. Mr. Speaker, the support of the American people was an integral part of our Nation's success in Operation Desert Storm. Concerned citizens, friends and family members of those serving in the Persian Gulf sent care packages and millions of postcards and letters to their loved ones. Many developed special friendships through this correspondence. Some even fell in love. Regardless of the outcome, the men and women who served in Saudi Arabia have repeatedly expressed their appreciation for the outpouring of care and concern for them during this trying time.

One such soldier, Maj. Doug Pettit of the Marine Corps Reserve was so greatful for his pen pals during Operation Desert Storm that he recently made a special effort to meet them in person. After seeing his name and address on a news broadcast this past November, Inez

Davis, 75, and her next door neighbor and good friend, Ruth Dobbs, 53, began corresponding with Major Pettit from their hometown of Saltillo, MS. Mrs. Davis' son, John O. Davis of Austell, GA, told me of this wonderful story that I am pleased to share with my distinguished colleagues today.

After exchanging letters for several months, Major Pettit phoned Mrs. Davis and Mrs. Dobbs to say he would like to meet his "Mississippi girlfriends." The 18-year Marine Corps veteran is a native of San Diego, CA, and is now working the west coast as a commercial sales representative for Fitness Systems. He was to be in the area to attend the 98th birthday celebration of his grandfather. Other Mississippi relatives will bring him back to the State every 2 years for family reunions.

Major Pettit arrived in full military dress, clutching a thick picture album. After a warm welcome from Mrs. Davis, Mrs. Dobbs and other members of the community, he was treated to a traditional Southern meal—fried chicken and biscuits.

Major Pettit spent a 3-hour visit with his new friends. During that time, he shared with them photographs of his tour in Saudi Arabia. Three pages were left blank, to be filled with images of his new Saltillo family.

Mr. Speaker, it is stories such as this that make us proud of the American people. Mrs. Davis and Mrs. Dobbs helped to make Major Pettit's tour of duty in the Persian Gulf a little brighter. And, each made a new friend in the process. Now, that's a happy ending.

IN FAVOR OF NOTCH LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. RICHARDSON. Mr. Speaker, the time has come to finally correct a great inequity that has been neglected for far too long. In 1977, due to an adjustment in benefit rates, people born between 1917 and 1926 were inadvertently allocated less Social Security than those born before and after them. Congress has recognized this problem for 14 years. Many of us on both sides of the aisle have advocated solutions to end this injustice and every year the bottom line is that Congress is unwilling to spend the money necessary to correct a mistake that millions of Americans have been paying for for years. After all the years that older Americans worked to make this country strong and prosperous, we owe it to them to do all we can to see that they are fairly compensated in their retirement.

Over the years I have received hundreds of calls and letters from New Mexicans asking me to help them restore benefits that are unjustly denied them. I am tired of explaining to them that Congress is unwilling to do anything to correct this situation. We all have a responsibility to our constituents who are affected by this problem to find an equitable solution. I believe that Congressman ROYBAL's bill, H.R. 917, offers us the opportunity to adequately compensate victims of the Notch inequity without crippling the Social Security System.

We cannot continue to discriminate against Americans born between 1917 and 1926. We don't tolerate discrimination on the basis of race, religion, or gender; why should we allow it on the basis of birth date? We cannot continue to delay action on this matter any longer. It is time to stop making excuses and finally deal with this issue. I urge my colleagues to join with me in support of H.R. 917. Don't let another year go by without a solution to the Notch problem.

LEGISLATION TO CONDITION ARMS SALES TO SAUDI ARABIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. TRAFICANT. Mr. Speaker, The Bush administration proposed today the sale of high-technology bombs and missiles worth $365 million to Saudi Arabia. This announcement comes a couple months after President Bush called for restrictions on arms sales to the Middle East and a couple weeks after Congress passed legislation to place a moratorium on arms sales to the region.

In my opinion, the American people have done enough for Saudi Arabia. We fought a war to protect their assets and payed a high price for the help we gave them monetarily and through the loss of American lives. Yet, despite our generosity, Saudi governmental agencies and Saudi royal princes have ripped off enough American companies to pay for the war a couple times over and have left no recourse to those companies to negotiate or arbitrate settlements over disputes.

Saudi business practices are a travesty. Before we do one more thing for Saudi Arabia, Saudi Arabia should be forced to develop commercial laws and regulations that correspond more closely to recognized international laws. Therefore, Mr. Speaker, I introduced legislation today to condition arms sales to Saudi Arabia on Saudi Arabia's willingness to negotiate a commercial treaty with the United States that would protect American firms and people doing business with any Saudi governmental agency or any member of the Saudi royal family.

The United States and Saudi Arabia are major trading partners with two-way trade valued at over $14 billion in 1990. During the past 15 years, Saudi Arabia has made great strides in economic and infrastructure development and has become the world's largest oil exporting nation.

At the same time, American firms have a long history of involvement in Saudi Arabia. They participated in the development of Saudi Arabia's oil and petrochemical sectors, helped build the military and civilian infrastructure and have entered into joint ventures with public and private Saudi entities to foster the industrial development of the country.

Unfortunately, a number of American firms have been unable to collect payment for work performed in Saudi Arabia and have asked their representatives in Congress for assistance. The firms believe that the legal environment in Saudi Arabia puts a foreign firm at a great disadvantage in resolving payment or contract disputes.

Although Saudi Arabia is the 19th largest export market for American products and ranks eleventh as a supplier to the United States, there are no treaties or agreements between the countries governing such matters as enforcement of contracts, court awards and the use of international arbitration.

The lack of these internationally accepted practices in Saudi Arabia have caused American firms to suffer financial losses. Take for example a small company in my district, Bucheit International.

Ten years ago, Bucheit built a shopping mall in Riyadh for Prince Mishaal bin Abdulaziz, a brother of King Faud. Today the mall operates at full capacity, yet Prince Mishaal still owes Bucheit $11.6 million. During construction of the mall, the prince ripped Bucheit off at every turn, practically bankrupting the small firm. He actually used his connections with the royal family to change building codes which, in effect, were new laws to force Bucheit to do additional work on the mall.

In addition, the prince (1) held the head of the company captive in his palace until he agreed to install 220-volt outlets in each shop not agreed on in the contract at Bucheit's expense; (2) held 15 Bucheit workers hostage and refused to release them unless Bucheit agreed to finance additional work done on the project due to delays caused by the prince's failure to meet contract obligations; (3) fraudulently called on a $1.3 million letter of credit that Bucheit had put up to guarantee the project's completion; and (4) blocked removal of Bucheit's equipment and records from Saudi Arabia.

When Bucheit sought relief from our Commerce Department, Commerce Department officials spoke to Prince Mishaal's representatives and were literally told to go to hell. Those officials were actually informed that Prince Mishaal would invite international legal proceedings because he could outspend Bucheit 10 to 1 in legal fees.

A few months ago, Saudi Arabian embassy officials seemed willing to mediate the claim, but have done nothing but stall with the excuse that they are waiting for some package containing a directive from Riyadh. Bucheit has brought down its claim, hoping to get the matter resolved once and for all, but the embassy continues to treat this case like a small thorn in its side.

Recently, Bucheit International presented me with an affidavit in which Mr. Bucheit, the head of the company, swears that during a meeting at the Saudi Embassy, he was informed that he would not get any contracts in the Persian Gulf countries because of the commotion he is causing in the United States with his claim. In addition, the affidavit goes on to relate that one of his representatives was told that harm would come to Mr. Bucheit if he attempted to obtain work in the gulf.

Congress should take steps to protect American businesses, especially small businesses, from nefarious Saudi business practices. Conditioning arms sales on Saudi willingness to negotiate a commercial treaty with the United States so that American firms have some recourse when contract disputes arise is a good way to get started. It is time for Congress to take action and show Saudi Arabia that it will not put up with its foul treatment of American businesses anymore. I urge my colleagues to cosponsor this important legislation.

THE 201ST ANNIVERSARY OF THE U.S. COAST GUARD

HON. FREDERICK S. UPTON

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 30, 1991

Mr. UPTON. Mr. Speaker, earlier this month, I was pleased to join my colleagues in the House of Representatives in voting in favor of the reauthorization for the U.S. Coast Guard. As Congressman for the Fourth District of Michigan and for the city of Grand Haven, I take added pleasure in recognizing the 201st anniversary of the Coast Guard.

The Coast Guard and Grand Haven have enjoyed a special relationship for over a century which has grown stronger with each passing year. The Coast Guard's staunch commitment to serving the people of Grand Haven and our other nearby Lake Michigan coastal areas is well-known and deeply appreciated. In rain or shine, rough seas, or calm, the Grand Haven Coast Guard post has always gone above and beyond the call of duty in protecting the citizens of western Michigan.

The Coast Guard has enjoyed a long and proud history. What began in Grand Haven in the 1870's as a small lifesaving outpost comprised of volunteers has grown into a permanent station manned by professional and dedicated service personnel. For over 75 years, Grand Haven has served as district headquarters with distinction and honor. But most important, Grand Haven residents and Coast Guard families and personnel have forged a close friendship. The legacy and feeling of mutual pride and respect is best captured in the designation of Grand Haven as "Coast Guard City U.S.A."

I am happy to offer my congratulations on the celebration of over 200 years of topnotch service. Throughout its history, the Coast Guard has always lived up to the motto of Semper Paratus—always ready. As it moves into its third century of service, I am confident the Coast Guard will continue its record of daring and dedicated service to our community and our Nation.

TRIBUTE TO THE LIFE OF ISAAC BASHEVIS SINGER

HON. CHARLES E. SCHUMER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 30, 1991

Mr. SCHUMER. Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of Isaac Bashevis Singer, who died at the age of 87 last week.

Though Mr. Singer wrote in Yiddish, his universal message in his short stories, novels, memoirs, and children's books was translated for a large international audience. His Nobel Prize in Literature testifies to the profound effect he had on his readers.

Mr. Singer wrote of his life in pre-war Poland and of his experiences as a young immigrant to the land of freedom. He came to the United States, and settled on New York's Upper West Side. His writing captured slices of Jewish life which are vanishing in Europe, but which are preserved in New York, thanks in part to intellectuals like Singer. Stories such as "Yentl, The Yeshiva Boy," and "Enemies, A Love Story," both later put on the American screen, exemplify how he made his wisdom accessible to everyone.

The world is indebted to Isaac Bashevis Singer. He has helped to keep alive the common language of the Jewish people and he has bestowed upon us all a rich literature that we can both learn from and enjoy. We are all better off for his life and suffer a great loss in his death. His readers around the world, and particularly those of us in New York, will miss him.

MICHAEL KARPINSKI RETIRES AFTER YEARS OF SERVICE TO COMPANY AND COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 30, 1991

Mr. SOLOMON. Mr. Speaker, the quality of life in New York's 24th District, like that of other districts across this country, is enhanced by countless men and women who, without fanfare or notoriety, give of themselves in their communities.

One of these heroes—and that's what I call them—in the 24th District is Michael Karpinski, who this month retired after many years of service to Northern Indiana Brass Co. [NIBCO] in South Glens Falls.

Mr. Karpinski was originally from Scranton, PA, where his attendance at Johnson Technical Trade School gave him the skills that enabled him to rise quickly through the ranks at NIBCO.

He came to work for NIBCO immediately after getting out of the Navy in 1949. He was soon transferred to the Tool Room and was promoted to supervisor of the department in 1951. That was a good year for Mr. Karpinski for another reason, since it marked his marriage to the former Beverly Stewart.

He was promoted to shop superintendent in 1959, plant superintendent in 1972, and plant manager in 1987. Mr. Karpinski was instrumental in the growth of NIBCO from a company of a few dozen employees to its present size of 220 employees, making it one of the most important industries in the district.

But his rise through the company ranks only begins to describe Mr. Karpinski. In 1987, he and other company managers donated land across the street from the Harrison Avenue plant to the Village of South Glens Falls for the use of youth softball leagues in the summer and ice skating and hockey in the winter.

That was a small part of Mr. Karpinski's long history of boosting community sports. As far back as 1954 Mr. Karpinski and other NIBCO supervisors gave up their weekends to build the NIBCO Little League field, also across the street from the plant. He was also active in little league coaching.

Mr. Karpinski also served in elected office, with 10 years as a member of the South Glens Falls School Board—4 as president—and 5 years as a councilman in the town of Moreau. He has also been active in the South Glens Falls Rotary Club for 21 years.

His retirement should allow him to spend more time at his favorite hobby, which is golfing. He and Beverly have three children, Connie, Sue, and Mike, two granddaughters and one grandson.

Mr. Speaker, this gives you an idea of why Mike Karpinski is so well liked in the Moreau-South Glens Falls area, and why I personally have so much respect for him. People like Mike Karpinski are the salt of the earth. I wish him well on his retirement.

And so, Mr. Speaker, I would ask all members to join me today in paying tribute to another unsung American hero, Mike Karpinski of South Glens Falls, NY.

LAWRENCE F. HANCOCK PROMOTION AT BUREAU OF RECLAMATION

HON. ROBERT T. MATSUI

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 30, 1991

Mr. MATSUI. Mr. Speaker, I rise today to salute the appointment of Mr. Lawrence F. Hancock to the position of Deputy Commissioner of the U.S. Bureau of Reclamation. On August 2, his colleagues and friends will gather together to not only recognize the outstanding work Mr. Hancock has performed in his duty as Regional Director of the Mid-Pacific Region, but also express their confidence in his ability to succeed in this new endeavor.

Born and raised in Roanoke, VA, Lawrence Hancock received his degree in civil engineering from Howard University in 1962 and shortly thereafter began his career in the Bureau of Reclamation as a hydraulic engineer. During his 11-year tenure in this position, Mr. Hancock developed and implemented a complex computer model to optimize water and power operations of the Central Valley project, providing more than 6 million acre-feet of water to Californians.

Mr. Hancock's dedication and ability as a civil engineer warranted his deserved promotion to Bureau data processing officer and Mid-Pacific Region data processing officer in 1973. Improving the effectiveness and productivity of the Bureau, Mr. Hancock managed to provide support services for more than 55 western cities within the Mid-Pacific Region. During his 11 years as data processing officer, Mr. Hancock was published twice in the American Society of Civil Engineers, a prestigious honor in itself.

In 1989, Lawrence Hancock was appointed as the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation. His effective leadership and guidance was inspiring to everyone involved in the complex projects in the region. As Regional Director, Mr. Hancock successfully represented the region before the State assembly and Congress in addition to negotiating unique resolutions to fish and wildlife problems.

Fellow colleagues, please join me today in saluting the newly appointed Deputy Commissioner of the U.S. Bureau of Reclamation, a loyal servant of the citizens of the Pacific coast, and an invaluable resource to the Bureau of Reclamation, Mr. Lawrence F. Hancock.

MANATEE CONSERVATION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1991

Mr. SHAW. Mr. Speaker, today I rise to express my deep concern for the demise of one of Florida's most precious treasures—the manatee. The Florida manatee, a subspecies of the West Indian manatee, has called the inland and coastal waters of the Southeast United States, especially those of Florida, home for thousands of years. These large, docile creatures once thrived in the many bays, rivers, estuaries, canals, and coastal waters that contribute to Florida's unique landscape. That was, however, before man disrupted their environment. As a result of man's carelessness and ignorance, the number of Florida manatees has dropped to an extinction-threatening low of 1,465.

It has been said that "each species is the spoke in a magic wheel; to lose one is to diminish the whole." This proverb holds true in the case of the herbivorous manatee who indeed serves a useful environmental purpose. The manatee can eat up to 10 to 15 percent of their body weight in marine vegetation daily. Due to this enormous consumption of riverbed and sea grass, they keep Florida's intricate system of canals and rivers free flowing and clean.

Physiologically, the manatee is a truly amazing creature. Typically, these shy and reclusive mammals measure 10 feet and weigh 1,000 pounds; however, they can grow as large as 13 feet and can weigh in upward of 3,500 pounds. Unlike most aquatic creatures, manatees can live in both freshwater and saltwater.

The gestation period of the manatee is approximately 13 months and the interval between births ranges from 3 to 5 years. Unfortunately, the manatee's mating habits hinder the survival of their species; however, they are able to live 60 years or more if left undisturbed by man. Perhaps their most intriguing characteristic is that they are completely harmless and defenseless, and face no danger from any other predator besides man.

Human activities are the greatest identifiable cause of manatee deaths in Florida, accounting for half of the known cases and directly or indirectly affecting virtually every aspect of manatee ecology. The manatee is vulnerable to boat hits because they are slow moving, need to surface to breathe air, and prefer shallow water. Boat and barge-related manatee mortalities account for 80 percent of these human-related mortalities and the number of boat-related deaths continues to increase as the number of registered boats increase. In the last 7 years, 1,008 manatees have died, for an average of 144 a year. This year the manatee population is on a pace to lose another 153 members of their rapidly vanishing species. Due to the many instances of habitat destruction and the subsequent loss of feeding and breeding grounds, more manatees are dying each year than are being produced.

The manatee population is protected by both Federal and State laws. The Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, make it illegal to harass, hunt, capture, or kill any marine mammal, such as the manatee. The Florida Manatee Sanctuary Act of 1978, a State law, makes it "unlawful for any person, at any time, by any means, intentionally or negligently, to annoy, molest, harass, or disturb any manatee."

These laws can carry serious punishment if convicted. Conviction at the Federal level is punishable by a fine of up to $20,000 and/or 1 year in prison, while conviction on the State level can range from a maximum fine of $500 and/or imprisonment for up to 60 days. Also, the State of Florida can pursue prosecution under Federal law in circumstances of extreme harassment resulting in the death or injury of a manatee.

Although these laws may appear strict, too many manatees are still dying without much hope for any significant positive trends in their population growth in the near future.

To further protect the manatee, the Manatee Protection Act of 1991 (H.R. 2041) has been proposed. I have signed onto this bill as an original cosponsor, and believe this legislation may significantly increase the manatee's odds for survival. This bill would focus on another aspect than the laws already in existence. For instance, instead of protecting the manatees by prosecuting boatowners after the fact, when the manatee has already died, this law attempts to protect the manatee while they are still living. With the passage of H.R. 2041, this bill may be able to physically shield manatees, as well as humans, from life-threatening propeller injuries.

H.R. 2041 would also direct the Coast Guard to study and develop methods and devices, namely propeller guards, to protect manatees. These propeller guards can prevent the propeller from cutting and scarring the manatee's shoulders and backs. Such scars and cuts either instantly kill the manatee or kill the manatee slowly as a result of a secondary infection. Although the propeller guards may not prevent a manatee from the possibility of internal injuries, it will prevent the much more serious and life-threatening external propeller scars.

Through this bill and other effective support measures such as the Save The Manatee Club, which stresses education, public awareness, research, and lobbying efforts in order to better the manatee's odds for survival, a positive change in the outlook for manatee conservation may be in the not too distant future.

Mr. Speaker, I urge my colleagues to support the Manatee Protection Act of 1991. We owe it to future generations to be able to enjoy the manatee, an integral part of Florida's fragile environment.

HOUSE OF REPRESENTATIVES—*Wednesday, July 31, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that we will use the abilities that You have given us in ways that benefit others and bring a measure of justice and mercy to what we do. We ask Your forgiveness when we miss the mark and when we do not act as the people You would have us be. May Your gracious spirit so touch our lives and the lives of every person, that good works will flow from our hands, respect for others will be our standard, and kindly words will be the indication of our love. This is our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALSH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. LANTOS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 132, answered "present" 1, not voting 20, as follows:

[Roll No. 234]

YEAS—280

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—132

Allard
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Callahan
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Gradison
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCrery
McDade
McGrath
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shaw
Shays
Sikorski
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Gallegly

NOT VOTING—20

Burton
Bustamante
Collins (MI)
Cox (CA)
Dymally
Feighan
Gaydos
Gray
Hefner
Hopkins
Martinez
Matsui
Mfume
Moakley
Owens (NY)
Savage
Washington
Williams
Wilson
Yatron

□ 1129

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. WALSH] please come forward and lead the House in the Pledge of Allegiance.

Mr. WALSH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 264. Joint resolution designating August 1, 1991, as "Helsinki Human Rights Day."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2313. An act to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1593. An act to improve the operation and effectiveness of the U.S. National Commission on Libraries and Information Science, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make an announcement.

It was suggested earlier that the 1-minutes would be limited to five on each side. There will be no limit on 1-minute requests. All Members desiring such requests will be recognized.

TRIBUTE TO MERLIN DEWING

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I want to bring to the attention of the House an individual who has served the House with honor as chairman of the Congressional Award Foundation. Mr. Merlin Dewing of Minnesota and Connecticut was appointed by me to serve on the Congressional Award Board of Director in October 1986.

Mr. Dewing became chairman of the Congressional Award Board in September 1988, at a challenging time for the Congressional Award Program. Under Chairman Dewing's leadership, the board and national office were reorganized, resulting in a more effective program.

As a result of Mr. Dewing's commitment and leadership, the Congressional Award is today a positive force in the lives of young Americans. After serving the past 3 years as chairman, Mr. Dewing will become vice chairman and tomorrow the new chairman will be Mr. W. Russell King.

I am sure I speak for the entire House of Representatives in expressing our sincere thanks and appreciation to Mr. Dewing for his efforts on behalf of this body and to our Nation's young people.

PRESIDENCY FAULTED FOR LACK OF VISION

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, when John Kennedy campaigned for the Presidency, he uttered words about Eisenhower and Nixon that have relevance to our politics and leadership today:

> Beneath today's surface gloss of peace and prosperity are increasingly dangerous, unsolved, long postponed problems that will inevitably explode to the surface. We (cannot) afford a Chief Executive who is praised primarily for what he did not do, the disasters he prevented, (and) the bills he vetoed.

Yet, that is precisely what we have today, Mr. Speaker, in President Bush. A man known to us more by his veto messages and his passport picture and less by his vision for the future. A Polaroid president, comfortable with the photo-op and the attack ad, ill at-ease with the unemployed or the beleaguered middle class.

What we need today is what John Kennedy offered in 1960: a Chief Executive who is the vital center of action in our whole scheme of government.

REINSTATEMENT OF SPECIAL ORDERS FROM YESTERDAY TO TODAY

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the special orders that were scheduled for last night and unable to be held, be held tonight preceding the special orders scheduled for this evening.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARE PROPERTY RIGHTS BEING DENIED?

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, the definition of a wetland may seem like just another detail in a sea of government regulations until we consider the alarming implications it has on private property rights. Consider the following examples:

A family farmer's land lies fallow in Georgia because he cannot get a permit to plow.

A Nevada rancher who repaired irrigation ditches dug 75 years ago has been accused of "redirecting streams."

An elderly lady in Wyoming wants to plant a bed of roses, but Federal Government regulators won't let her.

A young couple in Pennsylvania installs a tennis court in their yard and is threatened with a lawsuit by regulators.

These preposterous stories are but a few examples of private property rights being denied without compensation. There are far too many incidences of regulators claiming they are preventing pollution when no threat exists, and protecting wetlands where no wetland exists. H.R. 1330, which addresses the problem of wetland definition and regulation, illustrates a determined effort to correct these problems. The Government's current wetland regulation policy not only challenges the rights of property owners, but also defies common sense. It is time to pass legislation that protects wetlands and prevents pollution where necessary, without denying property rights.

A MESSAGE FOR SADDAM HUSSEIN

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, someone should tell Saddam Hussein that he has lost the Persian Gulf war. He is still lying. He is still cheating. He is still hiding four times the number of chemical weapons. He has acknowledged. He has a whole nuclear complex still intact, and international inspectors cannot find all of the weapons that he has been hiding.

The time has come to make it absolutely clear to him that all of his chemical, biological, and nuclear weapons will be destroyed—peacefully, if possible, but by other means, if necessary.

I urge President Bush to advise Mr. Gorbachev that if the Soviet Union wishes to play a role in the new world order, the Soviets must participate in finishing the job on Saddam Hussein. The civilized world cannot stand idly by as long as this international criminal is in possession of chemical, biological, and nuclear weapons.

The time is long overdue to put Saddam Hussein on trial as a war criminal and to bring a new Democratic regime to Baghdad.

LET'S MAKE IT TOUGHER TO RAISE TAXES

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, this week we celebrate the 10th anniversary of congressional passage of this Nation's most enlightened tax policy, the tax cuts of the early 1980's which led to the longest peacetime expansion in the history of our economy. Therefore it is appropriate that today, I invite my colleagues to join me and 101 of our fellow House Members in cosponsoring the Tax Fairness and Accountability Act of 1991, also known as the supermajority bill.

Our bill, which will require a three-fifths majority in both the House and Senate to initiate new taxes or increase existing ones, will make it more difficult to increase taxes. Tax increases are among the most far-reaching decisions made by Congress, touching virtually every individual, business, and family in some way.

Our bill will be viewed as welcome relief to many of our overtaxed citizens. These are Americans who struggle under record levels of Federal, State, and local taxes. These are Americans who struggle to work, to save and to invest.

Let us reinvigorate our economy. Support the Tax Fairness and Accountability Act of 1991.

□ 1140

TRIBUTE TO JO OBERSTAR

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, Jo Oberstar, the wife of our friend and colleague JIM OBERSTAR, passed away this weekend. A number of us attended the funeral.

I think I speak for all Members of this institution when I convey to the family how proud we are to work with JIM OBERSTAR, and how honored we were to know Jo Oberstar. She touched us all with her generosity, her kindness, her humanity, and her example. We came to love her, and will miss her very much.

Our hearts go out to JIM and his family.

DO SOMETHING FOR AMERICA'S DAIRY FARMERS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, as we near the end of this session before the August recess, I call to the attention of Members the fact that 70 percent of America's dairy farmers are today losing money. In my district alone, that means 14,000 dairy farmers are losing money. We run the risk of not doing anything for them before that recess.

Yesterday the Parliamentarian referred the bill that came out of the House Committee on Agriculture to two other committees. That guarantees no action before the recess. But I am happy to report to this Congress today that I and a number of Members will be introducing legislation that will not be referred to any other committees, that is a clean, skeletal bill, that will guarantee the dairy farmers of this country a $12 all milk price.

Mr. Speaker, this will achieve that not through an increase in price supports, but through a voluntary diversion program. It will set up an industry board, as the industry has requested, to manage small surpluses. It will include the increased standards. It will include the heavier export program, and include the dairy trust.

Mr. Speaker, we now have the chance in this Congress to decide over the next 3 days whether we do or do not want to do something for America's dairy farmers. There is a clean bill that can be taken up, that can be passed, and that can be signed into law. I suggest to Members in both parties, it is high time we did that, before we take a summer vacation.

PRESIDENT SHOULD RECOGNIZE LITHUANIA'S SEARCH FOR FREEDOM AND INDEPENDENCE

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, last night during a lavish dinner President Bush and Gorbachev toasted a friendship for a new era, while at the same time, behind their backs, seven innocent citizens were murdered in the country of Lithuania by Soviet soldiers.

Today, President Bush and Gorbachev will sign a treaty to reduce missiles, while at the same time Soviet tanks are rambling through the streets of Lithuania, a country that has no army, but only has a determination for a dream of freedom and independence.

Today President Bush and Gorbachev will travel to the Ukraine. Why do they not go to Lithuania and see the people weeping in the streets, and see the TV tower still occupied by Soviet tanks, and see the real problems in the Soviet Union, that they do not want communism, but want freedom and independence?

Why does not President Bush recognize that country and their search for the dream of freedom and independence?

ALL-AMERICANS SAVINGS AND INVESTMENT INCENTIVE ACT OF 1991

(Mr. GALLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLO. Mr. Speaker, I rise to ask my colleagues on both sides of the aisle to cosponsor legislation that I am introducing today which will give a tax break to the 137 million Americans earning up to $50,000, by allowing them to shelter up to $12,000 in family savings from Federal taxes.

The American people want tax relief, and they also want a robust recovery from this recession. They are looking to us to provide that leadership.

That is why I have authored the All-Americans Savings and Investment Incentive Act of 1991.

In May, congressional Democrats promised a tax break for middle Americans, but offered no specifics and no action.

Today, I am proposing a specific program to give all Americans a tax break—an incentive to save and invest in America's future, and in their own.

The cornerstone of my bill is fairness and the big winners are the American people, who will be the ultimate beneficiaries of a healthy economy.

My bill also incorporates President Bush's proposal to cut the capital gains tax.

There is no magic way out of an economic slowdown, but we know one thing for sure—savings and investments will produce jobs and prosperity.

What I am proposing today is recovery—not just for a selected few, but for everyone who works and invests to make it possible.

MR. PRESIDENT, LOOK IN THE MIRROR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another summit, and the President says the Soviets must cut their huge debt. The President further said that the Soviets must cut their massive defense spending. The President further said the Soviets need trade opportunities.

Mr. Speaker, the American worker is saying to the President, look in the mirror.

The President is also saying that the Soviets deserve most-favored-nation trade status.

Tell me, the Soviet Union has no money. What can they buy from us? They will just sell to us, and our deficits are going to get worse.

Tell me, when the President says that the Soviet Union must change from its military-industrial complex, I think it is time for Congress to say to the President, Mr. President, look in the mirror.

RESTORE PARENTS' RIGHTS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, it is time to tell the truth about the title X regulations. The truth is that the only gag being promoted is a gag on parents—a gag keeping parents from coming to the aid of their own daughters faced with crisis pregnancy.

The point of order used to strike parental notification from the Labor/HHS appropriations bill demonstrates the lengths the abortion lobby will go to in preventing parents to know whether federally-subsidized clinics are counseling or referring their minor children for abortions. This is very alarming, since having an abortion may cause serious physical or psychological damage to minor children.

Some have referred to parental notification as an intrusion into the family. That is truly wrongheaded. The reality is that when a federally funded entity abuses the public trust by steering immature minors toward abortion, abortion advocates kick the child's real family out of the picture and tell them they have no rights. Worse, children are left in the hands of strangers—strangers who may be among the most ideologically committed players in the abortion debate—instead of in the heart of their own families.

Mr. Speaker, no point of order should prevent Congress from restoring parents' rights to be aware of what is being done to their child in such an important area of life and death. This body will have another chance to vote for parental notification. I implore my colleagues to follow the other body's example and pass such a provision in order to protect parents and their children.

EXTEND UNEMPLOYMENT COMPENSATION BENEFITS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the current recession is the worst since 1981, which in fact was then the worst since the Great Depression. Officially, unemployment has gone up 7 percent in the past year. Unofficially, it is much higher. There are many areas of this country, like the Northeast Kingdom of Vermont, where unemployment is higher than 10 percent.

Mr. Speaker, today there are over 5 million American workers, 60 percent of the unemployed, who are not receiving any unemployment compensation. This is an outrage. It is bad enough for workers to be traumatized by their loss of a job. It is absolutely unacceptable that they be denied any income while they attempt to find new work or while they wait for the economy to improve.

Mr. Speaker, this Congress must extend unemployment compensation so that millions of workers who have been unemployed for over 26 weeks are not faced with the choice of going on welfare or are not faced with economic dislocation. We have done it in the past; we must do it now.

□ 1150

THE AMERICAN PEOPLE ARE BEING NICKELED AND DIMED TO DEATH

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, a "nickel for America?" The American people are being nickeled and dimed to death. Forget it. Enough is enough.

The proposal to raise gas taxes is highway robbery. It is bad for the people and the economy.

Congress seems more determined than ever to drive America into depression. Last year, Congress passed the second largest tax increase in American history as the economy headed into a downturn. The results: The economy is in the pits and the deficit is substantially larger.

Now the Congress wants to raise taxes again. The nickel gas tax increase is a 36-percent hike in the Federal gas tax. Taxes in most of the country already account for one-third of the price of gasoline.

If Patrick Henry thought that taxation without representation was bad, he should see how bad it is with representation.

Who are we representing anyway? The American people are fed up with taxes and they are not going to take it anymore.

Mr. Speaker, the American people have had enough.

CONGRESS SHOULD REINSTATE THE IRA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this week I have been talking about the unfinished business before the House and the Congress, business to which we must return in September when we go back into session. I mentioned earlier this week the need to pass a tough campaign finance reform law. I ask today that we bring back the individual retirement account.

IRA's will be able to foster a savings attitude or mentality in America, create the capital pool which we need to refurbish and make America competitive, and, certainly, provide retirement security for millions of American citizens. The Pickle-Thomas bill, H.R. 1406: I would encourage our colleagues to cosponsor the bill. It would reinstate the universal deductibility of IRA's and create a new category of IRA's called super IRA, and generally make sure that we have an opportunity in America to save.

I hope, Mr. Speaker, that we return to the unfinished business before the House, which would be the effort to bring back individual retirement accounts.

WETLANDS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, have you ever seen a swamp?

It's a very interesting place, to say the least. Things grow in a swamp that few knew existed or cared about. Usually, everything is slimy; the animals in the swamp bite; the water is stagnant and useless; and the vegetation is not palatable. You cannot use a real swamp for anything but swamp. Why would anyone want to own a swamp.

Why would anyone want to own a wetland, if it is like that swamp?

But the Government says that people do own wetlands. They own farms, homes, pastures, and beachfront properties—places that are deemed wetlands by the current regulations.

Mr. Speaker, ducks know the difference between the swamp—or a marsh, or a bog—and a piece of land that supports the right conditions. Ducks like wetlands. They don't roost in farms, or homes, or pastures, or beachfront properties. They go to the wetlands.

If ducks know the difference, why don't we?

INCREASED INCOME FOR DAIRY FARMERS

(Mr. DOOLEY asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY. Mr. Speaker in the last year we have seen milk rates of dairymen drop by over 30 percent, and this has resulted in thousands of dairy farmers being driven off their farms. In the last few weeks the Agriculture Committee has worked diligently to fashion a dairy bill that could offer the promise of providing income relief to some of these dairy farmers who are being stressed.

Unfortunately, the bill that narrowly passed out of the committee did not have the opportunity to be enacted into law, and because of legislative referrals in the last few days, it certainly will not be enacted or acted upon by the August recess.

Today I am joining in a bipartisan effort in introducing a diary proposal that will hold the promise of providing for an increase in income for dairy farmers. It will have an all-milk price of $12 a hundredweight, which will ensure some relief, will ensure that some families whose livelihoods depends on seeing an increase in income will be able to continue a lifestyle that has been known to their families for generations.

I ask my colleagues to join in supporting this effort.

LEGISLATION REQUIRING SUPER MAJORITY FOR TAX INCREASES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, someone once said, "Taxation without representation was tyranny—but taxation with it is darned expensive." Year after year we are told that it is not enough that the American people are now paying more than 19 percent of our gross national product in Federal taxes. The trend seems to be that Congress forces more taxes on our citizens. Apparently, the Congress, controlled by those who prefer raising taxes to cutting wasteful spending, plans to go right on with its tax-and-spend program, taking advantage of the fact that all that's necessary is a simple majority vote.

Is it not about time we made it a little bit more difficult for Congress to raise America's taxes? Today many of us, led by our colleague from New Jersey [Mr. SAXTON], are trying to make it a little harder for this tax-happy Congress to dip into people's wallets. House Resolution 141 requires that any tax increase be enacted by a super majority of 60 percent of Members voting. At least in this way we might begin to recapture better accountability and the spirit behind the idea of taxation with representation—a foundation upon which this Nation was built.

SUPPORT H.R. 3029, TECHNICAL CORRECTIONS BILL FOR FARM BILL OF 1990

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I urge this pause in Member's schedules to advise them that later today there will be a vote on H.R. 3029 that was adopted unanimously yesterday, but we will have a recorded vote today.

H.R. 3029 is the technical corrections bill for the farm bill of 1990. That was a voluminous bill. So what this bill does is, it dots the i's and crosses the t's and has some minor technical advisory language.

This bill offers the opportunity to save. It may be unique in this respect. It will save somewhere between $3 and $15 million. So later today Members will have the opportunity to vote on it, and I urge Members to vote yes when it comes up.

It is like ice cream, apple pie, old dogs, little children, watermelon wine, and H.R. 3029.

I urge Members to vote yes later today.

HEALTH CARE FOR RURAL AMERICA

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to talk about health care in this country, and particularly rural health care. We were going to talk about it last night, but we inadvertently got cut short just a bit.

No doubt health care is the most pressing people problem in this country. It affects us all, the cost in the absence of care. Clearly we need to move to do something about controlling costs. Costs are increasing in double digits.

Clearly we need to make access available to everyone, all of the citizens of this country, and that is going to take some fundamental change.

But there are some immediate problems for rural health care and they are different than urban health care. Medicare reimbursement in rural areas is so low that it becomes more and more difficult to attract practitioners to come to rural areas. Tell me why the services of a physician are less valuable in Cody, WY, than they are in Columbus, OH. Tell me why taxpayers in a rural area should have less access to health care than those from an urban area, because the reimbursement is so low that health care providers are not attracted to rural areas.

It may take a good long time to reform health care, and I think it will. But after all, HCFA, the Health Care Finance Agency, can change rural reimbursements immediately, and make them fair, and make them equitable, and they should do this and must do it right away.

CONGRESS MUST CORRECT NOTCH INEQUITY

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, over 12 million retired workers born between 1917 and 1926, known as notch babies, have been unfairly penalized by the Social Security Amendments of 1977. As a result, these people have had their benefits disproportionately reduced on the basis of their age, not by how much they have contributed into the system. Although many have tried to rationalize and justify this situation, it is plain and simple age discrimination, and it can no longer be tolerated.

For almost 10 years, there have been numerous proposals to correct notch inequity. Now, for the first time, one bipartisan bill, H.R. 917, has enjoyed the backing of a majority of the House. The passage of H.R. 917 will provide relief to the notch babies without jeopardizing the Social Security System. After correcting the notch, the Social Security trust fund reserve would still grow to over $1 trillion by the turn of the century.

This is a problem that Congress created, and one that we should solve. Notch babies have suffered through unfair benefits for far too long. H.R. 917 has generated tremendous support for notch reform in the 102d Congress. It is time for this support to be translated into action on the House floor.

HELP FOR AMERICAN DAIRY FARMERS

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I, today along with the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman from Ohio [Mr. BOEHNER], and the gentleman from California [Mr. DOOLEY] will be introducing a bill to help American dairy farmers.

While America has been in a recession, dairy farmers have been in a depression. This bill is half-a-loaf for sure. But right now it is all we have.

The committee bill is locked up in jurisdictional disputes and seems to be headed nowhere. We have a clean bill. It will provide for a voluntary milk diversion program beginning in January 1992, which was similar to the successful program of 1983 and 1984. We are afraid if we do not act now, we will lose the impetus for legislation in the fall.

Come springtime, the price of milk will crash. Along with it will go more dairy farmers out of business. This bill can provide stability, raise the all-milk price to $12, and restore some confidence in our dairy farmers for the future.

NONFEDERAL LANDOWNERS PROTECTION AND RESOURCE ENHANCEMENT ACT OF 1991

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, private woodlot owners—ordinary American families—have been innocently caught in the tangle surrounding national forest lands and the spotted owl. Suddenly many of them find that their 40-, 60-, and 80-year investments in growing trees are in jeopardy.

Last year, when the U.S. Fish and Wildlife Service listed the owl as threatened, private landowners were assured they would not be impacted by the decision. That was a fairytale that has turned into their worst nightmare.

Today I am introducing a bill to provide some relief, some certainty, and some assurance to non-Federal landowners in the Northwest.

My bill allows non-Federal landowners affected by owl set-asides, a management program using new forestry so that they can harvest their land. Obviously nest trees would be protected, but I'm convinced we can use alternative forestry to pull off the difficult balancing that will give us owl protection, sustainable harvests, and healthy forests.

RESTORE FISCAL SANITY AND RESPONSIBILITY TO CONGRESS, COSPONSOR THE TAX FAIRNESS AND ACCOUNTABILITY ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to offer my strong support for the Tax Fairness and Accountability Act which has been introduced by our colleague from New Jersey [JIM SAXTON].

The bill will require all Federal tax increases be ratified by a three-fifths majority vote, or 60 percent, in both the House and the Senate.

This bill does not prohibit Congress from raising taxes, but it says that raising taxes should not be a routine matter and should require more than a routine majority.

Study after study proves that tax increases won't reduce the deficit, they just add to it. Last fall's budget agreement is a perfect example. Our deficit has increased significantly since that agreement. Next year it is projected to be $348 billion.

I urge all my colleagues to restore a sense of sanity and fiscal responsibility to Congress and cosponsor the Tax Fairness and Accountability Act today.

MS. OCIE HARRIS—"POINT OF LIGHT" RECOGNITION

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I recently nominated an outstanding lady in Columbus, GA, Mother Ocie Harris, for President Bush's daily Point of Light Program.

I am very pleased today to announce that Mrs. Ocie Harris, of Columbus, GA, was named the 521st Daily Point of Light by President George Bush this week.

The Daily Point of Light Program recognizes individuals and groups who take direct action in correcting society's problems. Ms. Ocie Harris did just this by founding the House of Mercy in Columbus, GA, in 1976.

The House of Mercy offers a loving home to less fortunate people by providing them with meals, clothing, shelter, medical services, aid in finding employment, and drug and alcohol recovery programs, and does so without Federal and State funding.

Mother Harris'—as she is lovingly known—program relies solely on private donations for its funding. This is why I have dedicated the proceeds from an annual Black History Month observance which the gentleman from Ohio [Mr. STOKES] participated in this past February, to the House of Mercy for the past 2 years.

RAISIN BRAN

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, did you know that kids from poor families are not allowed to eat raisin bran? Under the guidelines of the WIC Program poor kids are encouraged to eat bran flakes and they are encouraged to eat raisins, but not the two mixed together in raisin bran.

It seems that when raisins are mixed with bran flakes the sugar content—that is, the natural sugar in raisins—raises the level of sugar in the cereal to an unacceptable level according to our Department of Agriculture.

Mr. Speaker, millions of kids eat raisin bran every day. Most parents would be ecstatic to have their kids ask them to pass the raisin bran rather than the unnutritious garbage they seem to gravitate toward.

Let us give poor kids a break. Is it too much to ask to let them have some fruit on their cereal?

BANK MERGERS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, today's Washington Post contains a full page ad titled "What the Merger Between NCNB and C&S/Sovran means to you." The ad tries to reassure everyone in the age of merger mania that bigger is always better. It says consumers will receive "superior products," "more branches," and "greater resources" for local communities.

Who are the big branches trying to kid? Sure, big banks can help reduce the cost of services and keep the United States competitive in the international marketplace. But make no mistake about it, big banks these days care less and less about Main Street, and more and more about Wall Street.

They tighten credit to small businesses and reduce loans to families trying to buy or sell a home, or to send a kid to college. Instead, they play the high stakes poker games with taxpayers' funds, making billions of dollars worth of bad loans to corrupt Third World dictators and modern-day robber barons.

NCNB is one of the biggest rogues. In the last few years alone, they drained $18 billion out of small towns throughout the South. Not to make business loans and mortgage loans, but to buy junk bonds on Wall Street.

Mr. Speaker, if our economy is going to grow and prosper in the 1990's, we must not let our banks stray from the mission to serve the needs of working Americans. We need community banks, not giant vacuum cleaners sucking the economic lifeblood from our towns and neighborhoods.

HUMAN RIGHTS IN NORTHERN IRELAND

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, last month the respected human rights group, Amnesty International released a report on human rights practices in Great Britain, including the area commonly referred to as Northern Ireland. It is not often realized that Great Britain, to which we owe so much in terms of heritage and democratic tradition, carries out human rights practices in Northern Ireland that are well-known to human rights monitors as deviating sharply from international standards.

In the report issued on June 10, Amnesty indicates that in Northern Ireland the safeguards now in place to prevent ill-treatment of suspects by police do not work and that rules against the use of lethal force by British security forces are not sufficient to prevent extrajudicial executions. It goes on to say that members of the security forces who have been implicated in the abuse or murder of suspects do not face any disciplinary action in the vast majority of cases.

Mr. Speaker, I deplore violence from either side in the dispute in the north of Ireland. But it is particularly outrageous when a country which prides itself as a pillar of Western society and democratic tradition, such as Great Britain, seems to look the other way when its security forces abuse the human rights of the Catholic minority in the six counties. The Amnesty International and Helsinki Federation reports taken together are a damning indictment of human rights violations in the north of Ireland by the British Government since 1969. We, in this country and in this Congress cannot continue to look the other way.

BUSINESS AS USUAL WITH RUSSIA DEPLORED

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, while President Bush was toasting a new age of promise with Mikhail Gorbachev in Moscow last night, seven Lithuanian guards were brutally murdered at their border posts. While Mikhail Gorbachev was pledging a new world order to President Bush, the blood of innocent Lithuanians was again spilled.

Last year, Mikhail Gorbachev professed ignorance of the 15 Lithuanians and Latvians who were slaughtered in the streets of Vilnius and Riga, and now Mr. Gorbachev claims no knowledge of the latest atrocity.

How can we have business as usual with a nation which is so insensitive to the killing of its own innocent people?

□ 1210

The United States cannot proclaim a new age of promise in the Soviet Union when Stalinist tactics are still the order of the day in the Baltic Republics. The United States under both Democrat and Republican Presidents has stood behind Baltic independence for half a century. We cannot abandon Lithuania, Latvia or Estonia today simply to curry favor with Mikhail Gorbachev or because we hope for the new age in the Soviet Union.

ECONOMIC CONVERSION NOT ONLY IN RUSSIA, BUT HERE AT HOME

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, President Bush and General Powell recently have been promoting a proposal which I have been promoting legislatively for about 14 years, that of economic conversion transforming unessential military industries into essential civilian ones.

Unfortunately, when President Bush and General Powell discuss this concept, they speak of the Soviet Union. I say, "What about America?"

In 1990, according to Department of Defense figures, as a result of layoffs there were 145,000 fewer defense industry workers than we had in 1989. The DOD projects that next year there will be an additional loss of over 100,000 jobs. Clearly, a wind-down of this magnitude requires real assistance.

Instead of acting in advance of layoffs to ensure that jobs are retained, the administration has stymied efforts by private, State and local interests to convert to civilian production by withholding congressionally allocated Department of Defense funds. Even if these very modest funds are released, the allocation is wholely inadequate to meet the needs of defense industry workers who have served our Nation so well.

It is supremely ironic that at the very moment the Bush administration is encouraging and helping the Soviet Union make a healthy transition to a more civilian-oriented economy, it refuses to make a commitment to economic conversion here at home.

Mr. Speaker, I am all for helping the Russians—but how about offering the same encouragement and help to American workers?

THE GREAT NEED FOR HEALTH CARE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I am introducing you today to another West Virginian who needs health care that he is having trouble receiving. I met Ronald last week. He is a 10-year-old boy from Nicholas County. His father is on Social Security disability. His family had to drop their private insurance 4 years ago because it was almost one-half their total monthly income.

In April, Ronald suffered severe burns from a gasoline fire. He spent 6 weeks in a burn unit in Dayton, OH, 11 hours of surgery and several skin grafts. He must return every 6 weeks for follow-up treatment. Today this active 10-year-old boy wears a full burn mask.

His family owes thousands to various doctors, as well as approximately $65,000 for his hospital care.

Ronald's parents applied for a Medicaid card, but were told they would have to meet a deductible of $4,200, impossible on their father's Social Security disability check.

Medical bills dominate this family. They are getting some help hopefully from the Ohio Crippled Children's Fund and Ronald's brother; but even with all this assistance, there is so much uncertainty about paying for Ronald's continued medical care.

Mr. Speaker, a personable 10-year-old boy asks how long until there is adequate affordable medical care for all?

EXEMPT SUPPLEMENTAL BENEFITS PACKAGE FROM INCOME TAX

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I am going to go to the Rules Committee today to ask them for an amendment to exempt the supplemental benefits package we will be voting on very soon from income tax.

Open your eyes and listen to the unemployed in your area and find out the difficulties they are having in trying to care for their families because of a lack of revenue.

This exemption will not cost a loss of revenue to the Federal coffers. I do not think it is fair while we take and put a check in an unemployed person's pocket that the IRS is lifting his wallet out of another.

For those of you who have been unemployed, if you ever have been, you will know that it is a very emotional and very traumatic experience to be out of work and not be able to take care of your family the way you would like, and then to have the misery added to have a tax, I think it is wrong, it is wrong, it is wrong.

I want you to support my amendment. Call somebody on the Rules Committee today and ask them to allow this to be put in.

SUPPORT THE ECONOMIC GROWTH ACT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I share the concern of the preceding speaker about the unemployed. Senator PHIL GRAMM and I have just introduced the Economic Growth Act which does provide for a series of tax changes which would allow 220,000 young couples a year to buy a new home by having a tax credit against their initial downpayment. It would allow for the creation of 500,000 new jobs between now and 1996 and over 1,100,000 jobs by the end of the decade.

I would urge all my colleagues who care about jobs and who care about the unemployed, Democrat or Republican, take a look at the Economic Growth Act. We would love to have your cosponsorship, because we believe that by creating economic growth we can bring the best of all help to the unemployed, and that is a job.

MOSCOW INCREASES PASSPORT FEES IMPEDING FREEDOM OF MOVEMENT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, yesterday, as President Bush was announcing the granting of most-favored-nation trading status with the Soviet Union, it was reported that the Soviet Cabinet of Ministers has increased the passport fees for those emigrating 500 percent, from 200 to 1,000 rubles.

As we know, we preconditioned our granting of MFN on the passage of an emigration law that would make travel easier for Soviet citizens. However, the action by the Soviet Cabinet of Ministers does exactly the opposite and makes it more difficult for those seeking to emigrate and calls into question the Soviet Governments commitment to the CSCE principles on freedom of movement as well as the commitment to reduce visa fees.

Mr. Speaker, it is rather ironic that the moment the United States Government announces its intention to send a trade agreement to the Congress for approval, which for the most part I support, or disapproval, the Soviet Government immediately creates a new impediment to travel.

I have introduced legislation, House Concurrent Resolution 162, which seeks certain performance factors as it relates to implementation of the new emigration legislation and future waivers of the Jackson-Vanik amendment.

It is incidents such as the raising of passport fees that call into question freedom of movement performance, and I urge my colleagues to support House Concurrent Resolution 162, and I also urge the Soviet Cabinet of Ministers to repeal this unnecessary piece of legislation, which impedes rather than allows travel.

Mr. Speaker, I would also like to associate myself with the remarks made earlier in the 1-minute speeches by the gentleman from Illinois [Mr. DURBIN].

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1527 AND H.R. 1523

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1527 and H.R. 1523.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from New York?

There was no objection.

THE SOCIAL SECURITY NOTCH

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to express my support for H.R. 917, the Social Security Notch Adjustment Act of 1991.

This legislation will provide a fairer level of benefits to most of the 12.3 million retired workers born between 1917 and 1926.

I am an original cosponsor of the bill, because I believe that Congress is long overdue in addressing the inequity the notch has created for millions of Americans.

The average earning 65-year-old retiree born between 1917 and 1926 will receive an average of $912 a year less in benefits than those born from 1927 to 1931.

Mr. Chairman, the time to act is now. Retirees have been waiting long enough for their fair share of benefits. In my State of Maryland, over 196,000 retirees are being penalized for being born in the wrong year.

I strongly believe that this bill is a responsible approach to a once and for all correction of the notch, at a cost of less than $5 billion per year. To put this cost in perspective, consider that the Social Security trust fund will increase by $100 billion per year in the 1990's.

The time to act is now.

REINTRODUCTION OF LEGISLATION TO AWARD CONGRESSIONAL MEDALS OF HONOR TO TWO AFRICAN-AMERICAN SOLDIERS

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, in the wake of the successful Persian Gulf war, we have recognized the valuable contributions of African-Americans to our military—and rightly so.

Sadly, this has not always been the case. Of the nearly 1.5 million African-Americans who served in World Wars I and II, not one received the Congressional Medal of Honor. In the 101st Congress, our late colleague, Representative Mickey Leland, joined me in introducing legislation to correct this injustice.

I have reintroduced this legislation to award the Congressional Medal of Honor to two especially heroic African-American soldiers, Sgt. Henry Johnson and Seaman Dorrie Miller.

Sgt. Henry Johnson, a member of the 369th Infantry in World War I, singlehandedly fought off an entire nighttime enemy patrol. Despite being wounded himself, Johnson killed four attackers, wounded a host of others, captured a stockpile of munitions, and rescued a member of his unit. He later died from wounds received in combat.

Seaman Dorrie Miller, a ship's cook, on duty during the December 7, 1941 attack on Pearl Harbor, saved his ship's captain, and manned an abandoned machine gun, fighting off attacking Japanese soldiers. Two years later, Miller was killed in action.

I urge my colleagues to support H.R. 3017 and H.R. 3018 to demonstrate our gratitude to two of our Nation's fallen heroes, and to symbolically recognize the efforts of all African-American veterans.

INTRODUCTION OF OFFICIAL SPONSOR OF AMERICA'S NATIONAL PARKS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, this year is a special time for our national parks. For 75 years, the dedicated individuals of the National Park Service have helped us enjoy the rocky cathedrals of Zion, the majesty of Yosemite, and all of our other scenic and historic parks. The preservation of these inherited treasures tells the story of our Nation's pride, our unique heritage, and our love for the land. But the 75th anniversary must not be viewed simply as an opportunity to celebrate America's crown jewels; it is an obligation to look to the future.

Our parks are being loved to death. Last year the Park System welcomed an alltime high of 375 million visitors. More use, of course, means the deterioration of facilities, more closed signs on nature trails, endangered wildlife and many other disappointments. We must find a way to help correct the continuing neglect of our 50 national parks and 300 other supporting areas, where at least $1.6 billion dollars' worth of maintenance needs to be done.

Perhaps Glen Canyon National Recreation Area, which has over 3 million visitors annually, is the best example of our unfortunate neglect. This year the lake level is down, exposing a bathtub ring of old batteries, pop cans, and other pollution. Sometimes people and nature just don't mix well. The responses to these deplorable conditions have been slogans and increased park admission and user fees.

I have visited Katmai National Park several times in recent years. I have been saddened by the number of grizzly bears which are being killed each year by greedy poachers. The director of the park informed us that he did not have enough money to adequately patrol Katmai and protect these magnificent animals. It seemed to me that there ought to be a way, supplementing the appropriations process, to get more funding for our parks. Increased corporate involvement seems an obvious way to help solve some of these problems, if it can be done without compromising the integrity of our parks and in good taste.

Today I am introducing the Official Sponsor of America's National Parks Act. Since its inception, corporate and individual support has been critical to the growth and development of the National Park System. An overwhelming 80 percent of all Americans believe corporations should increase financial support for the National Park System. My legislation encourages companies to sponsor individual park units, like Katmai, and help the parks protect grizzly bears, repair trails, and maintain facilities. The National Park Foundation estimates that licensing this official logo will raise over $10 million annually for our parks.

If we are to preserve the Park System, "unimpaired for the enjoyment of future generations," as the National Park Charter requires, our commitment must be ongoing. Let's go to work for new funds needed to preserve and protect our national parks, so future generations can explore this country's great beauty and learn the lessons of our past.

□ 1220

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2699, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Wednesday, July 31, 1991, to file a conference report on the bill (H.R. 2699) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes, and that I may also include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. JACOBS. Mr. Speaker, reserving the right to object, I would like to propound a question to the chairman if I may have the attention of the gentleman from California.

Mr. Speaker, the pay raise for the other body is, in fact, legislation on an appropriations bill, is it not?

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Speaker, there are aspects of it that are, yes.

Mr. JACOBS. And that is in violation of House rules.

Mr. FAZIO. No. The rules of the House have provided a means by which that language can be brought to the House floor within the rules.

Mr. JACOBS. So without—but without waiving points of order, I believe the gentleman, a few weeks ago, asked during the special orders to waive points of order with regard to this conference report?

Mr. FAZIO. The House came into session, we made a unanimous-consent request which was granted by the body, no objections were made. We therefore are operating on the floor at this time without anyone having the right to make a point of order on that legislation.

Mr. JACOBS. I appreciate that. But my point is that in the absence of that unanimous consent obtained during the special order period, this would be in violation of House rules to accept that Senate amendment.

Mr. FAZIO. Unless we had gone to the Committee on Rules, of course, and gotten a rule.

Mr. JACOBS. I appreciate that. But generically, without doing something unusual like a rule that waived rules, it would be—it is in violation of House rules but that violation has been waived by unanimous consent, is that correct?

Mr. FAZIO. Anything that is waived by unanimous consent is not in violation of the rules.

Mr. JACOBS. I am not talking about that. I am talking about this thing. The violation of House rules was waived by unanimous consent during a special order.

Mr. FAZIO. The gentleman can characterize it in any way he wants. We operated under the rules, and we are here under a unanimous-consent request that permits us to consider the conference report.

Mr. JACOBS. I do not mean to typify it, I mean a straight fact; it is in violation of House rules but the House rules were waived by unanimous consent obtained during special orders when nobody was here.

Mr. FAZIO. Well, there were Members here on the floor. We were in——

Mr. JACOBS. How many?

Mr. FAZIO. The Speaker was in the chair, there was representation on both sides of the aisle, and no one objected.

Mr. JACOBS. I think the point is made.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2506, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992

Mr. FAZIO. Mr. Speaker, pursuant to the order of the House of Thursday, July 25, 1991, I call up the conference report on the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 25, 1991, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, July 30, 1991, at page 20395.)

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just completed our conference with the Senate yesterday. We had 24 amendments in disagreement. Some included issues of complexity, and I would like to briefly outline for the Members what we accomplished.

First of all, we did include the increase in the compensation for the Senate. At the same time, we also eliminated the Senate's ability to take honoraria, including stipends, which had been defined as something other than honoraria.

We also included some language codifying an effort to bring the employees at the House day care center under our purview so that they could be eligible for the Federal health system and the retirement system.

The conferees agreed in a way that would be a clarifying effect on the Library of Congress on the deacidification project they have currently underway. We ironed out some differences in House and Senate bills concerning a number of agencies in the legislative branch, including the General Accounting Office, the Architect of the Capitol, the Congressional Budget Office, and the Government Printing Office.

The conference agreement is $2.3 billion for all the activities of the legislative branch. That agreement is $836,000 below our 602(b) discretionary target.

This is a bill that is only 4 percent above the amount in the 1991 act. That compares with the 5.6-percent increases that have been the average increase over the last decade.

I might point out that in that same period, that last decade, the executive branch agencies have grown on average at 8.3 percent. So we are well below our historic standard, which is significantly below the executive branch.

I think it would be important for Members to have an opportunity to read in the joint statement of the managers and the conference report the details of our agreement with the Senate. Suffice it to say, the Senators will give up honoraria and comply with outside earned income limits that are now applied to the House and other senior Government officials.

Procedures were added in conference to bring the Senate and the House into equality on gifts, travel reimbursement, stipends, and the tax treatment of honoraria payments to charitable organizations, which will be allowed, but they will have no impact on the individual Member's IRA or Keogh.

The House and the Senate are now on equal footing. We have a level playing field. I think the Members should feel comfortable in supporting this legislation that brings us into compliance with the other body.

As far as the House day care center is concerned, we compromised between the House Republicans and Democrats on this important, very important, issue. The agreement puts those employees under the Clerk of the House and, for 1 year only, provides enough funds out of savings so that we can assist in obtaining health benefits and other retirement benefits for those employees. From that point on, however, the center will continue to operate as a self-sustaining entity out of their own income, tuition and donations. The board of the child care center will manage and give policy guidance on what has become a very popular benefit for many, many employees of the Congress. Only four Members, by the way, have children at the child care center. But many people from a wide variety of income levels who work on Capitol Hill benefit greatly from having this service available. This will continue to insure high-quality day care for the children of our employees. The annual budgets, of course, will be subject to continuing review by the House.

On the issue of Library of Congress deacidification, we agreed with the Senate not to allow additional funds for large-scale book deacidification. Funds are already available to the Library of Congress, but we are not yet convinced that they are ready yet to move into mass deacidification. We think they should proceed very cautiously to make sure we operate with the highest standards of assurance of the quality of the work as well as the safety of the people who are doing it.

We have to be a leader in this area because 25 percent of the books in our collections are already in a state of acid deterioration. We have similar problems in research libraries across the country. It is very important we get on top of this, but we need to know what we are doing before we embark to the extent that we ultimately will need to. Congress will support the Library when the time comes that the program can operate successfully.

We did reach agreement also as regards the GAO's budget, an item of some controversy. The GAO will have an increase of 8.1 percent in this bill. I yield to no person in my support for the work that the GAO is doing, but I do want to point out that they have had some problems with a number of Members in both the Senate and the House.

The conference agreement provides an overall funding level of $444.9 million—$444,892,000—for the General Accounting Office. Of that amount, the GAO will be authorized to collect $6.2 million in building rent that may be used to supplement the asbestos removal project that has been going on since 1985.

Compared to fiscal year 1991, the GAO is receiving a 6.1-percent increase over the amount appropriated in the 1991 bill.

Mr. Speaker, that is a rate of increase which is 50 percent higher than the 4.1-percent increase in the entire legislative bill.

And the GAO will have another $3.9 million available on October 1 because of an advance appropriation made in the 1991 bill.

Thus, the funding increase is 8.1 percent—twice the rate in the overall bill for the other parts of the legislative branch. And that we were able to do in the face of the virtual freeze given to us in the budget resolution.

I believe the conferees have reacted responsibly and realistically to the need to fund this most important agency—the agency that ferrets out waste, fraud, and abuse throughout Government.

The Senate bill had reduced the GAO appropriation by $6.5 million. Even though we had a motion to instruct our conferees to recede to the Senate funding level, I was able to restore $4.3 million of that amount in the joint House-Senate conference.

That $4.3 million is easily justified, Mr. Speaker.

Without that $4.3 million, the GAO would have had to shut down their asbestos removal project in midyear. That shutdown would have cost the Government almost $10 million in delay claims, additional offsite rental of swing space, and inflationary costs.

GAO employees would be subject to the environmental hazards of asbestos construction for an additional 10 to 15 months.

That would have been an unconscionable act if we had not let this project go forward—and the conferees agreed with me.

We did agree to language offered by Mr. LEWIS of California in the joint explanatory statement of the managers that will provide a monthly report to the congressional leadership. This report will list projects undertaken during the reporting period.

Under statute, the GAO currently submits a monthly report to each Member of Congress of reports issued. This new report will indicate the new starts.

The particular format of this report is not specified, but must protect the confidentiality necessary for certain studies, and the rights of Members and committees to obtain assistance from the General Accounting Office.

GAO will be expected to devise an appropriate format for this new report for review before beginning to make these reports.

Mr. Speaker, this conference agreement provides adequate resources for the GAO for their fiscal year 1992 program. The Comptroller General himself has told us he is satisfied with the appropriation level in the conference agreement.

□ 1230

I think the floor debate on this side was very instructive to the Comptroller General and to his staff. I believe they will be very closely monitored in the future, and the report language submitted by the minority will provide the leadership of both parties in both Houses with information that is needed to continue to monitor the work of the GAO.

We have also reached agreement on the Capitol Police and have included policy direction in the joint statement. They will be able to proceed effectively with their civilianization program in a way that I think will make certain that they have adequate funds for their other needs.

The Senate has agreed with us to start paying back the GPO for printing bills which have not been paid because of prior spending limits. I think we are in good shape in terms of our agreement with the other body to work down the $11 million that has accrued in recent years.

So, Mr. Speaker, let me conclude by saying this is a very fair conference agreement, a rather noncontroversial one. There is no question that this is a tight increase over last year of only 4 percent, well within the budget resolution. It is a $332 million reduction in the requests that were made of us by the agencies.

Mr. Speaker, I would ask all my colleagues to support this.

H.R. 2506 - LEGISLATIVE BRANCH APPROPRIATIONS, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members				101,900	101,900	+101,900
Mileage and Expense Allowances						
Mileage of the Vice President and Senators	60,000	60,000		60,000	60,000	
Expense allowances:						
Vice President	10,000	10,000		10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000		10,000	10,000	
Majority Leader of the Senate	10,000	10,000		10,000	10,000	
Minority Leader of the Senate	10,000	10,000		10,000	10,000	
Majority Whip of the Senate	5,000	5,000		5,000	5,000	
Minority Whip of the Senate	5,000	5,000		5,000	5,000	
Chairmen of the Majority Conference Committee	3,000	3,000		3,000	3,000	
Chairmen of the Minority Conference Committee	3,000	3,000		3,000	3,000	
Subtotal, expense allowances	56,000	56,000		56,000	56,000	
Representation allowances for the Majority and Minority Leaders	30,000	30,000		30,000	30,000	
Total, Mileage and expenses allowances	146,000	146,000		146,000	146,000	
Salaries, Officers and Employees						
Office of the Vice President	1,290,000	1,387,000		1,387,000	1,387,000	+97,000
Office of the President Pro Tempore	311,000	419,000		419,000	419,000	+108,000
Offices of the Majority and Minority Leaders	1,746,000	1,796,000		2,012,000	2,012,000	+266,000
Offices of the Majority and Minority Whips	608,000	624,000		624,000	624,000	+16,000
Conference committees	1,388,000	1,426,000		1,826,000	1,826,000	+438,000
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	340,000	350,000		350,000	350,000	+10,000
Office of the Chaplain	154,000	161,000		161,000	161,000	+7,000
Office of the Secretary	9,476,000	10,357,000		11,357,000	11,357,000	+1,881,000
Office of the Sergeant at Arms and Doorkeeper	29,932,000	33,243,000		32,700,000	32,700,000	+2,768,000
Offices of the Secretaries for the Majority and Minority	1,031,000	1,059,000		1,059,000	1,059,000	+28,000
Agency contributions	14,000,000	18,376,000		18,000,000	18,000,000	+4,000,000
Rescission of FY 1991 funds				(-250,000)	(-250,000)	(-250,000)
Total, salaries, officers and employees	60,276,000	69,198,000		69,895,000	69,895,000	+9,619,000
Office of the Legislative Counsel of the Senate						
Salaries and expenses	2,601,000	3,080,000		3,080,000	3,080,000	+479,000
Office of Senate Legal Counsel						
Salaries and expenses	768,000	833,000		833,000	833,000	+65,000
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate	12,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	2,284,000	2,284,000		2,398,200	2,398,200	+114,200
Inquiries and investigations	70,773,000	77,256,000		77,000,000	77,000,000	+6,227,000
Expenses of United States Senate Caucus on International Narcotics Control	325,000	336,000		336,000	336,000	+11,000
Secretary of the Senate	803,000	855,500		1,855,500	1,855,500	+1,052,500
Reappropriation for art restoration	140,000					-140,000
Sergeant at Arms and Doorkeeper of the Senate	89,756,000	88,967,000		88,800,000	88,800,000	-956,000
Miscellaneous Items	8,325,500	9,585,000		7,200,000	7,200,000	-1,125,500
Senators' Official Personnel and Office Expense Account	171,000,000	185,768,000		185,768,000	185,768,000	+14,768,000
Stationery (revolving fund)	13,000	13,000		13,000	13,000	
Official Mail Costs						
Expenses	30,000,000	35,500,000		32,000,000	32,000,000	+2,000,000
Rescission				-150,000	-150,000	-150,000
Total, contingent expenses of the Senate	373,419,500	400,564,500		395,220,700	395,220,700	+21,801,200
Rescission				-3,040,000	-3,040,000	-3,040,000
Total, Senate	437,222,500	473,833,500		466,248,600	466,248,600	+29,026,100

H.R. 2506 - LEGISLATIVE BRANCH APPROPRIATIONS, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	125,100					-125,100
Mileage of Members						
Mileage of Members	210,000	210,000	210,000	210,000	210,000	
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,132,000	1,520,000	1,477,000	1,477,000	1,477,000	+345,000
Office of the Majority Floor Leader	1,071,000	1,163,000	1,127,000	1,127,000	1,127,000	+56,000
Office of the Minority Floor Leader	1,316,000	1,458,000	1,388,000	1,388,000	1,388,000	+72,000
Office of the Majority Whip	973,000	1,081,000	1,025,000	1,025,000	1,025,000	+52,000
Office of the Minority Whip	728,000	786,000	764,000	764,000	764,000	+36,000
Total, House leadership offices	5,220,000	6,008,000	5,781,000	5,781,000	5,781,000	+561,000
Members' Clerk Hire						
Clerk hire	198,533,000	234,083,000	218,500,000	218,500,000	218,500,000	+19,967,000
Committee Employees						
Professional and clerical employees of standing committees	66,832,000	93,813,000	67,900,000	67,900,000	67,900,000	+1,068,000
Committee on the Budget (Studies)						
Salaries and expenses	379,000	409,000	409,000	409,000	409,000	+30,000
Contingent Expenses of the House						
Standing Committees, Special and Select						
Salaries and expenses	61,100,000	85,024,000	57,900,000	57,900,000	57,900,000	-3,200,000
House Information Systems						
Salaries and expenses			8,615,000	8,615,000	8,615,000	+8,615,000
Allowances and Expenses						
Official Expenses of Members	75,272,000	85,165,000	82,600,000	82,600,000	82,600,000	+7,328,000
Supplies, materials, administrative costs and Federal tort claims	19,950,000	21,616,000	19,116,000	19,116,000	19,116,000	-834,000
Office equipment	10,770,000	4,427,000	4,427,000	4,427,000	4,427,000	-6,343,000
Furniture and furnishings	1,910,000	2,210,000	1,810,000	1,810,000	1,810,000	-100,000
Stenographic reporting of committee hearings	950,000	1,100,000	1,100,000	1,100,000	1,100,000	+150,000
Reemployed annuitants reimbursements	1,000,000	1,474,000	1,000,000	1,000,000	1,000,000	
Government contributions	98,570,000	125,942,000	103,833,000	103,833,000	103,833,000	+5,263,000
Miscellaneous items	622,000	632,000	632,000	632,000	632,000	+10,000
Undistributed	-500,000					+500,000
Total, allowances and expenses	208,544,000	242,566,000	214,518,000	214,518,000	214,518,000	+5,974,000
Total, contingent expenses of the House	269,644,000	327,590,000	281,033,000	281,033,000	281,033,000	+11,389,000
Committee on Appropriations (Studies and Investigations)						
Salaries and expenses	6,120,000	6,500,000	6,500,000	6,500,000	6,500,000	+380,000
Official Mail Costs						
Expenses	58,984,000	93,361,000	80,000,000	80,000,000	80,000,000	+21,016,000
Salaries, Officers and Employees						
Office of the Clerk	19,300,000	24,815,000	20,860,000	20,860,000	20,860,000	+1,560,000
Office of the Sergeant at Arms	1,200,000	1,288,000	1,288,000	1,288,000	1,288,000	+88,000
Office of the Doorkeeper	9,200,000	10,688,000	10,013,000	10,013,000	10,013,000	+813,000
Office of the Postmaster	3,275,000	5,203,000	4,377,000	4,377,000	4,377,000	+1,102,000
Office of the Chaplain	105,000	126,000	120,000	120,000	120,000	+15,000
Office of the Parliamentarian	890,000	946,000	946,000	946,000	946,000	+56,000
Office of the Parliamentarian	(610,000)	(648,000)	(648,000)	(648,000)	(648,000)	(+38,000)
Compilation of precedents of the House of Representatives	(280,000)	(298,000)	(298,000)	(298,000)	(298,000)	(+18,000)
Office of the Historian	300,000	361,000	361,000	361,000	361,000	+61,000
Office of the Law Revision Counsel	1,302,000	1,466,000	1,356,000	1,356,000	1,356,000	+54,000
Office of the Legislative Counsel	4,161,000	4,221,000	4,171,000	4,171,000	4,171,000	+10,000
Six minority employees	677,000	755,000	713,000	713,000	713,000	+36,000
House Democratic Steering Committee and Caucus	1,305,000	1,460,000	1,476,000	1,476,000	1,476,000	+171,000
House Democratic Steering Committee	(797,000)	(894,000)	(943,000)	(943,000)	(943,000)	(+146,000)
House Democratic Caucus	(508,000)	(566,000)	(533,000)	(533,000)	(533,000)	(+25,000)

H.R. 2506 - LEGISLATIVE BRANCH APPROPRIATIONS, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
House Republican Conference	1,305,000	1,460,000	1,476,000	1,476,000	1,476,000	+171,000
Other Authorized Employees	1,608,000	1,721,000	1,721,000	1,721,000	1,721,000	+113,000
Technical assistant, Office of the Attending Physician	(125,000)	(142,000)	(142,000)	(142,000)	(142,000)	(+17,000)
L.B.J. Interns	(989,000)	(1,056,000)	(1,056,000)	(1,056,000)	(1,056,000)	(+67,000)
Former Speakers' staff	(389,000)	(410,000)	(410,000)	(410,000)	(410,000)	(+21,000)
Miscellaneous items	(105,000)	(113,000)	(113,000)	(113,000)	(113,000)	(+8,000)
Total, salaries, officers and employees	44,628,000	54,510,000	48,878,000	48,878,000	48,878,000	+4,250,000
Undistributed reduction	-3,500,000	....	....	....	....	+3,500,000
Undistributed increase	500,000	....	....	....	....	-500,000
Total, salaries and expenses	647,340,000	821,274,000	709,001,000	709,001,000	709,001,000	+61,661,000
Total, House of Representatives	647,675,100	821,484,000	709,211,000	709,211,000	709,211,000	+61,535,900
JOINT ITEMS						
Contingent Expenses of the Senate						
Joint Economic Committee	3,675,000	4,020,000	4,020,000	4,020,000	4,020,000	+345,000
Joint Committee on Printing	1,269,000	1,391,000	1,391,000	1,391,000	1,391,000	+122,000
Total, contingent expenses of the Senate	4,944,000	5,411,000	5,411,000	5,411,000	5,411,000	+467,000
Contingent Expenses of the House						
Joint Committee on Taxation	5,203,000	6,201,000	5,759,000	5,759,000	5,759,000	+556,000
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,436,000	1,509,000	1,509,000	1,509,000	1,509,000	+73,000
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	32,057,000	34,868,000	31,389,000	32,094,000	31,741,500	-315,500
Sergeant at Arms and Doorkeeper of the Senate	32,530,000	35,960,000	31,954,000	32,749,000	32,351,500	-178,500
Total, salaries	64,587,000	70,828,000	63,343,000	64,843,000	64,093,000	-494,000
General expenses	3,032,000	2,358,000	2,029,000	2,029,000	2,029,000	-1,003,000
Total, Capitol Police Board	67,619,000	73,186,000	65,372,000	66,872,000	66,122,000	-1,497,000
Official Mail Costs						
Expenses	33,220,000	....	....	....	....	-33,220,000
Capitol Guide Service						
Salaries and expenses	1,490,000	1,603,000	1,603,000	1,603,000	1,603,000	+113,000
Special Services Office						
Salaries and expenses	255,000	292,000	292,000	292,000	292,000	+37,000
Statements of Appropriations						
Preparation	20,000	20,000	20,000	20,000	20,000	....
Total, joint items	114,187,000	88,222,000	79,966,000	81,466,000	80,716,000	-33,471,000
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	19,557,000	22,030,000	21,025,000	21,025,000	21,025,000	+1,468,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	21,183,000	23,400,000	22,372,000	22,789,000	22,542,000	+1,359,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	7,308,000	7,516,000	7,858,000	7,858,000	7,858,000	+550,000
Travel (limitation on official travel expenses)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	....
Contingent expenses	100,000	100,000	100,000	100,000	100,000	....
Total, Office of the Architect of the Capitol	7,408,000	7,616,000	7,958,000	7,958,000	7,958,000	+550,000
Capitol Buildings and Grounds						
Capitol buildings	26,680,000	39,058,000	21,990,000	23,427,000	23,021,000	-3,659,000
Capitol grounds	4,659,000	5,029,000	4,150,000	5,029,000	4,425,000	-234,000
Senate Office Buildings	38,432,000	71,011,000	....	40,000,000	40,406,000	+1,974,000
House Office Buildings	30,800,000	58,364,000	33,403,000	33,403,000	33,403,000	+2,603,000

H.R. 2506 - LEGISLATIVE BRANCH APPROPRIATIONS, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Capitol Power Plant	34,227,000	34,987,000	34,000,000	34,000,000	34,000,000	-227,000
Offsetting collections	-2,400,000	-3,200,000	-3,200,000	-3,200,000	-3,200,000	-800,000
Net, Capitol Power Plant	31,827,000	31,787,000	30,800,000	30,800,000	30,800,000	-1,027,000
Total, Capitol buildings and grounds	132,398,000	205,249,000	90,343,000	132,659,000	132,055,000	-343,000
Total, Architect of the Capitol	139,806,000	212,865,000	98,301,000	140,617,000	140,013,000	+207,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	52,743,000	60,959,000	55,725,000	56,000,000	55,725,000	+2,982,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	79,615,000	114,282,000	89,941,000	89,341,000	89,341,000	+9,726,000
Total, title I - Congressional Operations						
New budget (obligational) authority	1,511,988,600	1,817,075,500	1,076,541,000	1,586,697,600	1,584,821,600	+72,833,000
Appropriations	(1,511,848,600)	(1,817,075,500)	(1,076,541,000)	(1,589,887,600)	(1,588,011,600)	(+76,163,000)
Rescissions				(-3,190,000)	(-3,190,000)	(-3,190,000)
Rescission of FY 1991 funds				(-250,000)	(-250,000)	(-250,000)
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,519,000	12,148,000	2,862,000	2,862,000	2,862,000	-657,000
LIBRARY OF CONGRESS						
Salaries and expenses	183,074,000	225,643,000	201,494,000	197,582,000	196,266,000	+13,192,000
Authority to spend receipts	-7,025,000	-7,300,000	-7,300,000	-7,300,000	-7,300,000	-275,000
Net, Salaries and expenses	176,049,000	218,343,000	194,194,000	190,282,000	188,966,000	+12,917,000
Copyright Office, salaries and expenses	23,118,000	26,359,000	25,823,000	25,823,000	25,823,000	+2,705,000
Authority to spend receipts	-12,860,000	-15,992,000	-15,979,000	-15,979,000	-15,979,000	-3,119,000
Net, Copyright Office	10,258,000	10,367,000	9,844,000	9,844,000	9,844,000	-414,000
Books for the blind and physically handicapped, salaries and expenses	41,136,000	42,856,000	41,179,000	41,179,000	41,179,000	+43,000
Reappropriation	7,481,426					-7,481,426
Total, Books for the blind and physically handicapped	48,617,426	42,856,000	41,179,000	41,179,000	41,179,000	-7,438,426
Furniture and furnishings	5,000,000	5,197,000	3,235,000	3,235,000	3,235,000	-1,765,000
Total, Library of Congress (except CRS)	239,924,426	276,763,000	248,452,000	244,540,000	243,224,000	+3,299,574
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	15,268,000	15,573,000	10,187,000	10,187,000	10,187,000	-5,081,000
COPYRIGHT ROYALTY TRIBUNAL						
Salaries and expenses	845,000	865,000	865,000	865,000	865,000	+20,000
Authority to spend receipts	-718,000	-735,000	-735,000	-735,000	-735,000	-17,000
Net total, Copyright Royalty Tribunal	127,000	130,000	130,000	130,000	130,000	+3,000
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	26,500,000	27,371,000	26,327,000	26,327,000	26,327,000	-173,000
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	419,130,000	495,688,000	447,092,000	440,592,000	444,892,000	+25,762,000
Offsetting collections	-5,915,000	-6,213,000	-6,213,000	-6,213,000	-6,213,000	-298,000
Budget authority adjustment - offsetting collections	5,915,000					-5,915,000
Total, General Accounting Office	419,130,000	489,475,000	440,879,000	434,379,000	438,679,000	+19,549,000
Total, title II - other agencies	704,468,426	821,460,000	728,837,000	718,425,000	721,409,000	+16,940,574
TITLE III - GENERAL PROVISIONS						
National Commission on Children				200,000		

H.R. 2506 - LEGISLATIVE BRANCH APPROPRIATIONS, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Grand total:						
New budget (obligational) authority	2,216,457,026	2,638,535,500	1,805,378,000	2,305,322,600	2,306,230,600	+89,773,574
Appropriations	(2,208,835,600)	(2,638,535,500)	(1,805,378,000)	(2,308,512,600)	(2,309,420,600)	(+100,585,000)
Rescissions				(-3,190,000)	(-3,190,000)	(-3,190,000)
Rescission of FY 1991 funds				(-250,000)	(-250,000)	(-250,000)
RECAPITULATION						
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	437,222,500	473,833,500		466,248,600	466,248,600	+29,026,100
House of Representatives	647,675,100	821,484,000	709,211,000	709,211,000	709,211,000	+61,535,900
Joint Items	114,187,000	88,222,000	79,966,000	81,466,000	80,716,000	-33,471,000
Office of Technology Assessment	19,557,000	22,030,000	21,025,000	21,025,000	21,025,000	+1,468,000
Congressional Budget Office	21,183,000	23,400,000	22,372,000	22,789,000	22,542,000	+1,359,000
Architect of the Capitol	139,806,000	212,865,000	98,301,000	140,617,000	140,013,000	+207,000
Library of Congress: Congressional Research Service	52,743,000	60,959,000	55,725,000	56,000,000	55,725,000	+2,982,000
Congressional printing and binding, Government Printing Office	79,615,000	114,282,000	89,941,000	89,341,000	89,341,000	+9,726,000
Total, title I - congressional operations	1,511,988,600	1,817,075,500	1,076,541,000	1,586,697,600	1,584,821,600	+72,833,000
TITLE II - OTHER AGENCIES						
Botanic Garden	3,519,000	12,148,000	2,862,000	2,862,000	2,862,000	-657,000
Library of Congress (except CRS)	239,924,426	276,763,000	248,452,000	244,540,000	243,224,000	+3,299,574
Architect of the Capitol (Library buildings and grounds)	15,268,000	15,573,000	10,187,000	10,187,000	10,187,000	-5,081,000
Copyright Royalty Tribunal	127,000	130,000	130,000	130,000	130,000	+3,000
Government Printing Office (except congressional printing and binding)	26,500,000	27,371,000	26,327,000	26,327,000	26,327,000	-173,000
General Accounting Office	419,130,000	489,475,000	440,879,000	434,379,000	438,679,000	+19,549,000
Total, title II - other agencies	704,468,426	821,460,000	728,837,000	718,425,000	721,409,000	+16,940,574
TITLE III - GENERAL PROVISIONS						
National Commission on Children				200,000		
Grand total, new budget (obligational) authority	2,216,457,026	2,638,535,500	1,805,378,000	2,305,322,600	2,306,230,600	+89,773,574

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker and my colleagues, I rise in support of this conference report.

As the Members know, the legislative branch bill is not the easiest bill to carry on the floor or defend at home. Indeed it might be suggested that the chairman and I actually do not relish the thought of having this responsibility. Nonetheless, this legislation that involves the perquisites of the House, the funding whereby we run our offices, provide constituent services, and maintain reasonable living standards for our employees, is necessary and important legislation.

Mr. Speaker, the bill in its present form, I would submit, is considerably better in terms of those areas where we had some disagreement in the House than it was before it left the House last June. Specifically, as the chairman has mentioned, relative to GAO, serious questions were raised on my side of the aisle. Similar concerns were raised in the Senate. As a result of the conference, steps were taken to try to improve the role of the GAO, by receiving a monthly report of the investigations being undertaken.

It is very important in my mind's eye that we lay the foundation for reestablishing traditional comity between the two Houses. There has from time to time been difficulty when one House or Members of one House decides to take on the other body, usually in this bill. There is language in the report, that would strongly urge the Members to recognize the value of comity.

Mr. Speaker, there are items of compensation that have been referred to in this measure. To me the most significant items related to that involve the fact that important steps are taken to equalize the compensation to Members of both bodies. While I understand the need to have uniform ethics guidelines, I raise concern about weakening our gift disclosure provisions. Nevertheless it is appropriate that there be equality.

Mr. Speaker and Members, this bill is a good bill that I think the Members can support.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I rise in opposition to this bill. I rise in opposition for the same reasons I rose in opposition to the bill when it came through the first time. The rate of increase in this bill was larger than the rate of inflation. It still keeps in the slush fund or the reprogramming funds which are used so Members cannot save money in their own accounts and then turn it back to the Treasury. It has a franking increase of 35 percent when it is proven we are not even going to come close to using the money that is in the account this year, and we have an extra added special that was added into the Senate which is a pay raise for the U.S. Senators.

Mr. Speaker, obviously this is an important thing since so many Members of the House are here today to listen to this debate. There is a pay raise for the Senate in this bill. It is a pay raise that comes at a time when we are facing even greater budget deficits, at a time when we are in a recession, or there are those who claim that we are coming out of a recession.

Mr. Speaker, having just come from a series of town meetings in my district, the message was sent to me loud and clear by the people of my district that this type of procedure should not go unresponded to by the House of Representatives.

We are facing very tough times. We are going to be considering a bill later this week to deal with the unemployed, and yet here we are giving ourselves, our colleagues in the Senate, an increase, raising our own funds here in the House, which is giving us more money for more franking and being completely irresponsible in dealing with the wishes of the people of this country.

In fact, Mr. Speaker, the raise given to the Senators is even worse than the one that was passed here last year because they are giving themselves a raise in midterm without standing for election before they collect it.

Now there is an amendment that is being considered which is going to be introduced, I understand, by one of my colleagues later this week, which was one of the 12 original amendments to the Constitution which prohibits, which would prohibit, Members of Congress from receiving a pay raise during the midterm of their election, before election. I would suspect that the majority of the American public support this type of activity which does not allow us to vote ourselves a pay raise and immediately take it before facing the American public for them to make a decision as to whether they want us to receive that pay raise.

Mr. Speaker, this type of excess is inexcusable in the Congress, and it should not be sustained by this body.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I, too, rise in opposition to the upcoming vote on the legislative branch appropriations conference report, and I would like to associate myself with the remarks of the gentleman from Pennsylvania [Mr. SANTORUM], my freshman class colleague. Like Mr. SANTORUM, I campaigned in part against the congressional pay raise, and I am opposed to this bill, not because I feel the Members of Congress are undeserving of this level of compensation. In fact, I do feel they are deserving of this level of compensation, but because of the circumstances under which the pay raise was given, circumstances which are being replicated today with our pending vote on the Senate pay raise.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. Mr. Speaker, I will be happy to yield to the gentleman from California [Mr. FAZIO] after I conclude.

Mr. FAZIO. Mr. Speaker, I would be more than happy to extend the gentleman from California [Mr. RIGGS] some additional time, but I wondered what the point was on the replication of what happened in the House.

Mr. RIGGS. Mr. Speaker, I am making a comparison between the circumstances under which the House granted itself a pay raise and the Senate, and I will further elaborate on that point in just a moment.

□ 1240

Mr. Speaker, my concern is that we have again taken up the issue of a pay raise increase at a time of record deficits for the Federal Government. We are now projecting a record deficit for the Federal fiscal year ending in September of close to $350 billion. Furthermore, the pay raise is being granted under the guise of ethical reform.

Mr. Speaker, we have a better way of approaching this very important issue. We should set an example by tightening our own belts. We should consider the so-called Madison amendment which will be submitted to the House for its consideration within the next few days, which would require an intervening election before any pay raise could take final effect.

I think that would be a good way of suggesting the idea of a pay raise to the people, allowing the people, the voters of our districts, to express themselves, albeit indirectly, on the idea of a pay raise before the pay raise would take final effect.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the Republican leader.

Mr. MICHEL. Mr. Speaker, first may I take the opportunity to compliment both the distinguished chairman and ranking member of the Subcommittee on Legislative of the Committee on Appropriations. I once served on that committee. It was one of those that Members get very little to talk about back home, where it really counts, as distinguished from having to do what we have to do around here to make this place run honorably and effectively.

Of course in this bill it is a little more sensitive because it brings the other body up to comparability with the House of Representatives. This old saying that all too many people use from time to time, "the upper house and the lower house," has no relevance for today. Back in the days of the Founding Fathers, when the Senate happened to be meeting on the second floor and the House on the first floor, gave rise to that expression, which frankly has no relevance today.

Thank God the Capitol here today is on the same ground, and I prefer always to refer to the other body as distinguished from calling it something other than that, a coequal body, if Members will, with this body.

We took the honorable course in the last Congress by doing what we did, when we did it and how we did it, very honorably. And for those who would argue there ought to be an intervening election, there was. And we honored that principle.

It is quite understandable for me to accept an argument from any freshman Member on either side who for the first time becomes the beneficiary of what their elders did for them before they got here. I just want to say that I suspect that while some may have come here under some kind of illusion, after having experienced what they have experienced in the relatively short period of time in Washington and found out that what we did for them, yes, and for us, was very appropriate at the time we did it.

I have no apologies whatsoever to make. I want to say first of all that the Speaker and I have been in consultation any number of times, always talk in terms of equality between the Houses and the individuals, yes, who serve in leadership roles and all the rest, whether it is honorariums, treating them the same, or whether it is stipends, they are out because we do not have them, or whether it is the gift rule and those little intricate figures used: They are the same and that is the way it ought to be.

It is only when there are differences between the two Houses that it gives rise to the argument in the media who play upon those differences. It is in our interest to have everyone operating under the same ground rules. I applaud the committee for what they have done in their conference to do just that.

Let me make one other point, to say that I am especially pleased to see that report language which states:

> The GAO is required to send, in its monthly report to the Speaker and minority leader, a list of investigations and audit and evaluation projects undertaken during the reporting period.

Members should now realize that the minority will be apprised of any investigations. This should end the secret investigations that have been held from the minority, such as we saw with the so-called October surprise, and as we did in the October surprise investigation, the minority will demand to see reports or be briefed by investigators when no report is issued.

The GAO is not the private investigating arm of any one party in this body. Within the past week, I asked the GAO to undertake an investigation of BCCI. We fully intend to share the results of this investigation with all Members of the House. Specifically, I have asked the GAO to investigate the activities of BCCI officers, employees, affiliates, and subsidiaries, including the use of nominee shareholders. How was BCCI able to circumvent the regulatory process and gain control of American financial institutions? What was the relationship between BCCI officials or BCCI-controlled entities and any current or former U.S. public officials? To what extent did BCCI control or was otherwise involved with institutions engaged in money laundering activities?

These questions ought to be answered, particularly at a time when we in this body are considering legislation relative to financial institution reform.

I applaud the committee, again, for what they have done and hope Members will certainly support this very good conference report.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, the American people would be far more sympathetic to what is in this bill if we did the responsibile thing that is yearned for by the American people across this land, Democrat, Republican, Independent, poll after poll by three-fourths of us. Namely, to propose to the States a constitutional amendment on a balanced budget.

This House by a discharge petition got it to the floor last year the hard way. We lost it by a margin of seven votes.

I wish the other body would do the same because, let us face it, my colleagues, we are in a mess. We are adding close to $400 billion to the national debt this year. We are scheduled to add $448 billion to the national debt next year.

I do not know how my colleagues define it, but that is not my idea of responsible stewardship of the fiscal affairs of this country.

What we should be doing is preceding this vote by proposing this constitutional amendment on a balanced budget. I think the American public would be far more sympathetic to the cause and the necessity of adjusting compensation around here if we did that action.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO. Mr. Speaker, I want to associate my remarks with those of the minority leader. I think the House dealt with the pay raise courageously and on the record and followed the admonition of then-Speaker Madison in the way in which we delayed taking the pay until a subsequent election had taken place.

I think we have had a thorough debate on this issue over the last several years. There is no point in prolonging it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I hope the House will recognize the work done by the chairman of this subcommittee on behalf of the Members of the House and the institution that is the Congress of the United States.

Mr. PANETTA. Mr. Speaker, attached is a factsheet on the conference report to accompany H.R. 2506, the legislative branch appropriations bill for fiscal year 1992.

This is the first conference report of the 13 regular fiscal year 1992 appropriations bills to be considered and the bill is $1 million in discretionary budget authority and $7 million in outlays below the 602(b) subdivision.

I hope this information will be helpful.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2506, LEGISLATIVE BRANCH APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–176)

The House Appropriations Committee reported the conference report to accompany the Legislative Branch Appropriations Bill for Fiscal Year 1992 on Tuesday, July 30, 1991. Unanimous consent was granted to consider this bill in the House on Wednesday, July 31 or any time thereafter.

COMPARISON TO THE 602(b) SUBDIVISION

The conference report provides $2,343 million of discretionary budget authority, $1 million less than the Appropriations 602(b) subdivision for this subcommittee. The bill is $7 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In millions of dollars]

	Legislative branch appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+), Under (−) committee 602(b) subdivision	
	BA	0	BA	0	BA	0
Discretionary	2,343	2,310	2,344	2,317	−1	−7
Mandatory [1]	81	81	81	81		
Total	2,424	2,391	2,425	2,398	−1	−7

[1] Conforms to the budget resolution estimates for existing law.

Note.—BA—New budget authority; 0—Estimated outlays.

Following are major program highlights for the Legislative Branch Appropriations Bill for fiscal year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
House of Representatives, salaries and expenses	709	684
Congressional Budget Office (CBO)	22	20
GPO—congressional printing and binding	89	78
Congressional Research Service	56	50
Library of Congress, salaries and expenses	189	138
General Accounting Office (GAO)	439	382

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays in House Report 102–81. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Mr. DINGELL. Mr. Speaker, you will recall that during the debate on H.R. 2506, the legislative appropriations bill, the gentleman from California [Mr. COX], who said he was the "Republican chair of the Congressional Grace Caucus" offered an amendment to cut the budget of the General Accounting Office [GAO] from $444,879,000 to $333,330,000. He described the Grace caucus as a body of Members "dedicated to limiting and weeding out fraud and waste and abuse throughout the Federal Government," such as the executive branch. That, of course, is also one of the charges given the GAO by the Congress. Thus, it seemed strange to me that this caucus would encourage its chairman to cut the budget of the very agency that is dedicated to serve the same purpose.

During this debate, it became quite obvious that the minority was taking this opportunity to reduce the effectiveness of the GAO in ferreting out waste, fraud, and abuse in the executive branch which has been headed by Republican Presidents and Republican agency heads since January 1991. They are not happy with the fact that GAO, working with the Congress and its committees, including Republicans, helped clean out the Republican officials in the Environmental Protection Agency [EPA] in the early 1980's and to criminally convict one of EPA's Presidential appointees, Rita Lavelle, or to expose the greed and excesses of defense contractors, or to recover over $10 billion in oil overcharges stemming from excesses in the oil industry in the 1970's, or more recently, to uncover overcharges in Federal research funds from universities, like Stanford. The GAO and our committees have been too successful. They want to turn the GAO into a wimpy organization that is ineffective.

As noted by the gentleman from Georgia [Mr. GINGRICH], during the June 5 debate on the Cox amendment, the minority wanted "to send a signal to the Comptroller General."

He suggested that the GAO "ought to be audited." That suggestion was also later made in the Senate and it is my understanding that the Comptroller General, who is also a Republican, likes that idea. But as the Congressional Quarterly reported on July 27, 1991, not all congressional Republicans share that view. Given the problems of many auditing firms in the S&L crisis and other areas involving defense matters and university research matters, I question the value and cost of any such so-called peer review system. I will expect the Comptroller General to explain it to me in greater detail and to demonstrate its value and explain its cost.

Mr. GINGRICH said the GAO is "ideological" and "increasingly sloppy in its behavior." In some cases, he stated that GAO's reports "are technically incompetent" and in others "they are politically motivated." He provided only two examples to support these allegations.

In one, his criticism seems to be that because a report was requested by a Democratic committee chairman, it is partisan and politically motivated. He fails to mention that all committees are chaired by the majority who won control of the House in the voting booths. The fact that we, as Democrats and chairmen of subcommittees and committees, request investigations of the executive branch by the GAO, does not make the request partisan or politically motivated. As I stress, we are the majority. The minority is equally free to ask the GAO to conduct investigations of the executive branch. I urge them to do so and strongly believe that the GAO should be responsive to such requests. If the minority does not want to do so, that is not the fault of the GAO or the majority, nor does it suggest that the GAO is partisan or sloppy. It is the fault of the minority.

I also point out that I as a Democratic chairman and other Democratic chairman have been equally vigorous during in the Carter administration.

A second example relates to a GAO report on Canadian health care. Mr. GINGRICH said on June 5:

> It is not the business of a technical accounting agency to decide on values questions, and the General Accounting Office has to understand that we will move to cut its spending if it does not correct its behavior and become genuinely bipartisan; if it does not drop its ideological bias, we will recommend to the administration for next

year's budget to dramatically cut its spending.

The July 27 edition of the Congressional Quarterly quotes Comptroller General Bowsher's response. The article says:

> Bowsher rejected the idea that his agency ever endorsed Canada's system.
>
> "We have said that we thought that most people thought that eventually you'd have universal health coverage in this country," he said. Of the critics, he added: "I think most of them that are saying that to you have not read the Canadian health care report."
>
> Bowsher called it "one of our better reports" and insisted that it was even-handed. It noted that Canadians have long waits for some nonemergency procedures and that cost controls slow the introduction of high technology innovations into the system.

Fortunately, Mr. Speaker, the House on June 5, rejected this budget cut proposed through the Cox amendment by a wide margin.

Today, the House, in considering the adoption of the conference report on H.R. 2506, rejected the Senate proposed cut but agreed to a cut of $2.2 million and at the same time indicated that the GAO should not halt its activities regarding the removal of asbestos in its facilities. I strongly object to any such cut because I believe it will adversely affect the capability of the General Accounting Office to conduct audits and investigations on their own initiative or on the request of any Member of Congress, including the minority Members, or of any congressional committee or subcommittee. Such a cut helps to ensure that some wasteful, abusive, or fraudulent activities within the executive branch will not be ferreted out in a timely or effective manner. The loss is to the taxpayer, to the environment, to the consumer, and the public at large. It is a cut that benefits those who favor government excesses.

The managers' statement in the conference report, which of course is not legislation and does not have the force of law, attempts to direct the General Accounting Office to provide, beginning October 1991, a monthly report listing all investigations, audits, and evaluation projects undertaken by the GAO. This would seemingly include investigations initiated by the GAO itself, including its Office of Special Investigations, looking into civil or criminal fraud, whistleblowers, or hotline allegations. In short, it would tip off those who may have committed fraud about the investigation so that they can take action to cover their tracks. I wonder if the Director of the Federal Bureau of Investigation or the inspectors general of the various agencies would welcome such a report of their activities on a monthly basis.

I also wonder if the GAO understands what this means and what the impact will be on its activities. Will this result in a flood of inquiries by all sorts of persons as to the details of the investigations? Is this merely a statement of an investigation and no more? Will this be used by some to halt the investigation or the audit by political pressure or otherwise? What will the leadership of the House do with these reports? When does an investigation or audit begin at the GAO? These are only some of the questions that are raised of this managers' statement that was included without any consultation with the Members of Congress and/or their committees and subcommittees. My understanding from the debate that I have just heard on the floor, is that the language grows out of a request from the minority. It appears that it is an attempt by the minority to curb the GAO in congressional investigations. As I note, it is not binding on the GAO.

Perhaps the Committee on Appropriations is unaware of the fact that since 1976 and 1977, it has been regularly receiving, I am told by the GAO, a report prepared by the Congressional Research Service of activities by four agencies, namely the Congressional Research Service, the Office of Technology Assessment, the General Accounting Office, and the Budget Office. My understanding is that this report, which is apparently ignored by the Appropriations Committee, including its minority, has been prepared in order to avoid duplication of effort by these various congressional agencies. Indeed, one must ask what other information is needed than that report.

I intend to notify the GAO that any actions taken by that Office consistent with this very vague and uncertain statement regarding our committee and its subcommittees should not occur without careful and clear understandings by me and the appropriate subcommittee chairmen. I believe all committee chairmen and subcommittee chairmen will share my view.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that quorum is not present.

□ 1250

The SPEAKER pro tempore (Mr. TORRICELLI). Two hundred and twenty-five Members are present, a quorum.

Mr. SANTORUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. GINGRICH. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The gentleman will state his motion.

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GINGRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 129, nays 295, not voting 9, as follows:

[Roll No. 235]

YEAS—129

Allard
Archer
Armey
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Coughlin
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hunter
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McEwen
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Nichols
Nussle
Paxon
Porter
Pursell
Quillen
Ramstad
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shays
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—295

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons

Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOT VOTING—9

Bustamante
Cox (CA)
Feighan
Hayes (LA)
Hefner
Hopkins
Horton
McMillan (NC)
Yatron

□ 1311

Mr. DELAY changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. McCURDY. Mr. Speaker, I call up the conference report on the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 25, 1991, at page 20650.)

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. McCURDY] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 1455, the fiscal year 1991 Intelligence Authorization Act. The predecessor to this legislation was the subject of a pocket veto last November. Other than addressing the reasons for the veto, and in the inclusion of an amendment adopted in the Senate on information relating to U.S. military personnel listed as prisoner of war, missing in action, or unaccounted for, the conference report now before the House is identical to the one that was vetoed last fall.

As is the practice with intelligence authorization bills, the funding authorized is set forth in the classified schedule of authorizations, which is incorporated by reference in the conference report. The schedule of authorizations is described in detail in the classified annex to the statement of managers which accompanies the conference report. These classified documents are available for review by Members in the offices of the Intelligence Committee.

With fiscal year 1991 rapidly reaching its conclusion some may wonder why we are bringing this measure before the House. I want to assure my colleagues that this is not an academic exercise. The National Security Act of 1947 requires that no appropriated funds be expended for intelligence activities that have not been specifically authorized. When the original conference report was vetoed, we recognized that intelligence activities, even if their legality was in doubt, would have to continue in the period before which a new bill could be enacted. The Administration agreed to our request that the limitations and conditions on spending in the vetoed bill be respected during this period. While helpful in permitting necessary intelligence programs to operate without interruption, the administration's decision does not satisfy the legal requirement for specific authorization for intelligence programs and activities. In our view, only the annual intelligence authorization bill can satisfy that requirement.

In announcing the veto of the original conference report, the President cited two principal objections. We have worked for 9 months to resolve these objections in a way that respects the interest of both sides. I believe we have succeeded, and that the conference report in its current form will be signed by the President.

One of the issues which had to be addressed dealt with the meaning of the phrase "notice in a timely fashion." Under existing law, in those circumstances in which prior notice of a covert action is not provided to Congress, notice must be provided "in a timely fashion." This phrase is not defined in current law and legislative history is silent as to its meaning. In 1986, the Justice Department produced a legal memorandum which concluded that a number of factors, including the statute, combined to provide the President with "virtually unfettered discretion to choose the right moment to notify the Congress of a covert action." This memorandum was used by the Reagan administration in an effort to justify its failure to ever provide Congress with the required notice of the covert actions in the Iran-Contra affair.

The conference report now before the House reenacts the existing requirement for notice in a timely fashion. In so doing, however, we want to make absolutely clear that we reject the Justice Department's 1986 interpretation of the requirement, at least insofar as it pertained to the statute. Last year, the President advised the committee by letter that he anticipated being able to provide prior notice of covert actions in almost all cases. In those instances in which prior notice is not provided, the President's letter indicated his anticipation that notice would be provided "within a few days." The President's letter went on to say "any withholding beyond this period will be based upon my assertion of authority granted this office by the Constitution."

The explanatory statement accompanying this conference report makes clear our belief that the President's stated intention to provide notice "within a few days" in those instances in which prior notice is not provided is consistent with the meaning and intent of the statute. While we have not, and do not, agree that the Constitution provides authority to withhold notice beyond a few days, we recognize that the final arbiter of that issue is neither the Congress nor the executive.

The other controversial issue in the original conference report was the definition of covert action. A little history is appropriate at this point. A statutory definition of covert action does not exist. Since the creation of the Intelligence Committees, we have operated under a number of understandings about what kinds of intelligence activities require particular notice to Congress consistent with the provisions of the Hughes-Ryan amendment, and other laws, and Executive Order 12333, and other executive branch directives. Several years ago, a suggestion was made by executive branch officials that, although there was a consensus on the overwhelming majority of activities that were considered to be covert actions under these understandings, there were a few areas in which some clarification would be helpful. This was advertised as a "good government" effort to clean up a few loose ends. It was agreed that the drafting effort was to produce a statutory definition that would neither exclude activities traditionally considered to be covert actions, nor include activities not traditionally considered to be covert actions.

We believe we have drafted a definition that meets that standard. As is made clear by both the statement of managers which accompanies the conference report and the report accompanying the Senate bill, the new definition is to include those activities heretofore understood to be covert actions, but not include activities not heretofore considered to be covert actions. We thought the definition contained in the original conference report also satisfied that requirement, but the President felt that a single sentence in that definition, which dealt with covert actions undertaken by non-U.S. Government third parties, was so vague as to possibly bring within the definition's coverage activities not understood before to be covert actions. As that was not our intent, the provision has been redrafted.

I want to assure those of my colleagues concerned by the omission from the definition of the sentence on third parties that the committee expects to continue to be notified of all activities for which it is, or should be, notified under current practice and procedure. In this regard, I want to note that there have been instances in the past in which covert actions were undertaken by third parties at the behest of the United States, but with very little U.S. coordination. Notification of those activities was provided to the intelligence committees, and we expect to be similarly notified in the future. I also want to highlight the requirement in section 602 of the conference report that a finding specify whether it is contemplated that a non-U.S. Government third party will be used to undertake a covert action on behalf of the United States.

In summary, Mr. Speaker, I believe that the conference report reflects a resolution of the issues which produced the veto in a way that does not weaken the position of the House on these matters. Resolving these issues will permit the enactment of the conference report's oversight title which contains the most significant improvements in the procedures by which Congress oversees covert actions in more than a decade. Many of these improvements were recommended by the Iran-Contra investigating committees, and are intended to correct many of the weaknesses that investigation revealed in the intelligence oversight system. Among the positive changes are requirements: that the President determine that a covert action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States before it is authorized; that findings be in writing and not retroactive; that the findings and reporting procedures apply to all agencies, not just the CIA; and that intelligence agencies report to the Intelligence Committees if they plan to expend nonappropriated funds for intelligence activities.

Under current law, notification of intelligence activities, including covert actions, may be made to the congressional leadership group, rather than the Intelligence Committees, when the President determines that extraordinary circumstances so dictate. The conference report expands membership in that group from the current number of eight to such additional members of the congressional leadership as the President may include. As an example, this provision will permit the House majority and minority leaders, both of whom are ex-officio members of the Intelligence Committee, to be treated in a consistent manner with respect to the notification provision of the National Security Act of 1947.

Finally, I want to advise Members that the conference report contains the text of an amendment adopted in the Senate which requires the heads of U.S. intelligence agencies to make available to the Intelligence Committees, upon request, any information in the possession of their agency pertaining to U.S. military personnel listed as prisoner, missing or unaccounted for in military actions. The committees may, pursuant to their regulations and upon request, make the information available to other committees, members, or appropriately cleared staff. Although this provision restates existing practices and procedures of the committees, the conferees chose to include it to highlight their continued concern on the POW/MIA issue.

Mr. Speaker, the negotiations which produced this conference report may have only concerned a few issues, but they were protracted and contentious. We have nevertheless achieved a compromise between the positions of the Congress and the administration on those issues which is as effective and workable as is possible. It deserves the support of the House and I urge its adoption.

□ 1320

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 1455, the intelligence authorization bill for fiscal year 1991. This is our second attempt to enact a fiscal year 1991 intelligence authorization. The original bill was pocket vetoed by President Bush at the end of the last Congress. I believe the President's veto of that bill was justified.

Soon after the veto, we accepted the President's offer to work with us in an effort to address and resolve the overriding concerns raised in his veto message. The issues are complex and difficult, and, over the last few months, we have spent much time and effort in meticulous negotiations among the interested parties. Three matters were at the heart of the President's objections to the vetoed legislation: First, so-called third party requests on covert action; Second, the report language on the "traditional military activities" exception to the new definition of covert action; and third, the report language on the provision for notice "in a timely fashion" to Congress of covert actions for which prior notice was not given.

The "third party request" provision was of great concern to the President because it was capable of such a potentially broad interpretation that it could have seriously interfered with the conduct of sensitive foreign relations. Detailed and lengthy efforts were made to appropriately focus the original language, but the problem of defining the outer limits of the provision without disrupting legitimate diplomatic relations ultimately proved too complex. In view of this seemingly intractable problem and the significant progress made on the other issues, the conferees decided to drop the "third party request" provision. The bill does require that a finding indicate whether it is contemplated that a third party will participate significantly in a covert action.

This conference report also clarifies report language from the vetoed bill on the matter of what constitutes "traditional military activities" which are not considered to be covert actions and therefore are not subject to the formal requirements prescribed for the approval of a covert action. President Bush had been concerned that the original report language could unintentionally bring certain sensitive, clandestine military activities under the definition of covert action. The revised compromise report language is still somewhat cumbersome and convoluted. However, I believe it will satisfy the administration's concerns and clarify our original intention that the definition of "cover action" codify existing practice, not contract or expand the scope of the concept.

One of the most difficult achievements of the conference was reaching agreement on the report language on the issue of notice "in a timely fashion" in those rare instances where prior notice is not provided. Nothing changed statutorily with respect to "timely notice." The report language in the statement of managers on the vetoed bill, which was a major reason for that veto, has been painstakingly revised in this conference report's statement of managers. We were not able to resolve completely the underlying ambiguity in the concept of "time notice", which was evident as far back as the legislative history on the 1980 oversight act. That is because that ambiguity is a function of the fundamental differences between the two political branches over the distribution of constitutional authority between the President and Congress. The ambiguity of the phrase notice "in a timely fashion" cannot be finally resolved in this legislation, because, as the report language notes, neither the President nor the Congress has the ability to resolve the underlying constitutional disagreement. Thus, the statement of managers threads its way through this very difficult Gordian Knot with such language as its statement of the "intent of the conferees that this provision be interpreted in a manner consistent with whatever authority the Constitution may provide." Similarly, the report language welcomes the President's statement that, in those rare instances when prior notice is not provided, he anticipated that notice will be provided within a few days. But, it recognizes that we "* * * cannot foreclose by statute the possibility that the President may assert a constitutional basis for withholding notice of covert actions for periods longer than 'a few days'." With baroque intricacy, this compromise report language tries to thread its way between a proverbial rock and a hard place. It allows a majority of the conferees to again express their disagreement with executive branch assertions on the President's constitutional authority and/or existing law. Yet, it tries to avoid the sort of authoritative, unilateral pronouncements which would provoke a constitutional confrontation with the President and those of us in Congress who share his views, resulting in a second veto.

All parties had to make accommodations to arrive at this compromise. I believe it is, on the whole, a workable and improved oversight arrangement that we can all live with. I urge my colleagues to adopt the conference report, so we may finally get an intelligence authorization act for the current fiscal year.

□ 1330

Mr. McCURDY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence.

Mrs. KENNELLY. Mr. Speaker, I rise in support of the conference report on H.R. 1455, the Intelligence Authorization Act for fiscal year 1991 and I urge its adoption.

This bill will enact for the first time many significant provisions strengthening congressional oversight of intelligence activities, particularly covert actions. The history of these reforms has been contentious, including an unexpected veto of last year's conference report which contained provisions substantially the same as those before the House today.

Although the committee had to redraft some portions of the statutory definition of covert action and the statement of managers' language on timely notice to meet administration objections, we were able to do so in a way that protected the interests of the Congress on these important issues. As a result, this legislation does represent progress. These are the first statutory reforms of the congressional oversight process in a decade, and the first since the Iran-Contra scandal. Members should understand that perhaps as much as 95 percent of current procedures governing oversight of covert actions is the result of executive orders and traditional practice, no law. Once this bill is signed, we will have the certainty that in the future the framework for reporting covert activities to the Congress can only be changed by the legislative process, and not unilaterally by executive order.

Among the significant provisions of H.R. 1455 are the following:

A Presidential finding authorizing a covert action must be in writing. No funds, appropriated or otherwise available to any department, agency, or entity of the executive branch, may be spent on a covert action other than for planning purposes, until a finding has been approved.

A Presidential finding may not authorize covert activities after they have occurred.

The President must determine that a covert action is necessary to support an identifiable foreign policy objective of the United States and is important to the national security of the United States, and this determination must be set forth in the finding.

A Presidential finding must specify all Government agencies involved in the covert action and whether any non-U.S. Government third party will be involved.

No covert action may be conducted which is intended to influence U.S. political processes, public opinion policies, or media.

Most importantly a Presidential finding may not authorize any action which violates the Constitution of the United States or any statutes of the United States.

Notification as to the finding must be followed by submission of the written finding to the chairmen of the Intelligence Committees.

The Intelligence Committees must be informed of significant changes in covert actions.

These new requirements governing presidential findings, however, are only as good as the definition of covert action. I believe it is important to stress that the new statutory definition of covert action included in the bill is intentionally broad in scope, but is explicit as to its exceptions. The definition is intended to reflect the definition of covert action as it is currently understood. No more, no less. All activities which have been or should have been reported to the Intelligence Committees under the current understandings about what does and does not constitute a covert action, will have to be reported under the statutory definition.

The essential element in the definition of a covert action is that the role of the United States is not apparent and not intended to be acknowledged at the time the activity is undertaken. Traditional intelligence/counterintelligence, diplomatic, military, or law enforcement activities are the only exceptions.

The conference report also restates and clarifies the current procedure for notifying Congress of covert actions. The President generally must inform the Intelligence Committees of a finding as soon as possible after approval and before the covert action commences. The President may limit prior notice to a small group of the congressional leadership, but only "in extraordinary circumstances affecting vital interests of the United States." Where the President does not give prior notice, he must give notice "in a timely fashion."

With respect to timely notice, two points need special emphasis. Although the conferees agreed to reenact the phrase "in a timely fashion," which is the formulation contained in current law, they rejected the interpretation that was given to it by the Justice Department in what is known as the Cooper memorandum. The Cooper memorandum asserted that the phrase "in a timely fashion" gave the President "virtually unfettered discretion to choose the right moment for making the required notification." The Congress, which has the right and responsibility to make clear the extent of the authorities being granted by statute, has never accepted the interpretation of "timely fashion" as contained in the Cooper memorandum, and explicitly rejects this interpretation in the conference report. President Bush has given written assurances that "in those rare instances where prior notice is not provided, I anticipate that notice will be given within a few days."

The conferees note that the President's stated intention to act under the "timely notice" requirement of the law to make a notification "within a few days" is the appropriate manner to proceed under this provision and is consistent with what the conferees, believe to be its meaning and intent.

Mr. Speaker, covert activity and oversight are words that just do not normally fit together. Covert activity in a democratic system of government, these seem to be things that are miles apart.

Mr. Speaker, we live in a dangerous world. We live in a world that we know we have to have covert activity if we are going to have strong national security; so I say thank you to the chairman, the gentleman from Oklahoma [Mr. MCCURDY], and thank you to the gentleman from Pennsylvania [Mr. SHUSTER], because uncounted hours went together between the executive branch, but every protection was there for congressional oversight, so in fact the oversight committee can work in representing all Members of Congress.

Mr. Speaker, I urge adoption of the conference report because it deserves to be adopted.

Mr. MCCURDY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, let me start off by expressing my appreciation to the gentleman from Oklahoma [Mr. MCCURDY] for yielding this time to me. I appreciate it, because I just want to express some misgivings I have after complimenting him and the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Pennsylvania [Mr. SHUSTER] and the committee for the trend in which they have indicated the committee is going. I think that it is exactly the right trend. I think the legislative tightening up is important and significant; but the concern that I have, and I am sure the American people have, especially in the wake of the Fiers' guilty plea to knowledge and sharing of knowledge about the illegal Iran-Contra operations, in the face of denials before Congress and withholding of information to the Intelligence Committee, as well as to public sessions of other committees of Congress, is that they will promise you anything, but when it comes down to it, the reservation of the constitutional prerogative that the President claimed in fact obviates, wipes out all those protections and allows the President still to claim that he can withhold whatever information that he wants.

□ 1340

What I really would appreciate from the chairman is some indication that the American people may have some reason to believe that in fact this will not be a business-as-usual, that in fact there will be a hard and thorough look to make sure that the kind of thing that happened to his predecessors, bright, intelligent, assertive leaders of this same committee, who were bamboozled, lied to as were their colleagues, is not repeated in his case.

Mr. MCCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my colleague, the gentleman from New York [Mr. WEISS], to the House as a whole, and to others who are concerned about this issue that the gentleman raises a fundamental and, I think, a very good point. If the gentleman had an opportunity yesterday to observe the very rare public hearing that this committee held with the CIA on an issue that we felt could actually be dealt with in an open fashion—the selection of a site for real estate to relocate and consolidate some of the Agency's facilities—you would have had a very good opportunity to see the committee in action. A large number of Members were present, and I was very proud as chairman of this committee, extremely proud, of all the Members on a bipartisan basis, for their aggressive participation, for getting to the facts and not allowing anyone to slip the questions, or give us answers that were not responsive. It is a rare instance to see our committee in action in public, because the vast majority of the hearings that we have deal with classified information, and must take place in a secure setting.

I will say to the gentleman from New York that this committee is not operating in a business-as-usual manner or fashion. We have adopted an aggressive stance, but, and this may come as a surprise to some within the administration and some even within this body, it is not done in any vindictive way. It is done in order to assure the Members of this House that we are performing thorough oversight, that we demand responses, and that we are going to protect the constitutional prerogatives of this body. More importantly, it is done to demonstrate that we are working together to ensure that our national security is the dominant concern, and that there are not any renegade operations or anything that could not be dealt with in consultation with the Intelligence Committees.

I will also say that I have made an effort, and I think the gentleman from Pennsylvania [Mr. SHUSTER] would agree, to ensure that the hiring of a special investigator, and the hiring of other very competent people on the staff, sends a strong signal that we intend to conduct effective oversight.

Our hearings have looked at the changing world and the impact of those changes on the intelligence community. We have also discussed issues such as reorganization, and what can be done to make the community more effective, both from the standpoint of cost, and mission, while at the same time trying to improve the basic organization by examining fundamental issues such as the need for legislative charters.

I think the gentleman should take an opportunity, and I would encourage all the Members in this House, to meet with members of the committee. We are there as your representatives.

Talk to us about how the committee is operating. I think you will be more assured that we are taking an appropriate stance.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. MCCURDY. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the chairman for his response. I am sure he knows that we all wish him well, and the committee, in the efforts to really do an oversight job as far as the CIA is concerned and the intelligence communities generally are concerned, and to say we will all be watching with great interest to see how the matter develops.

Mr. MCCURDY. I thank the gentleman for his comments, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I would say, in response to my good friend, the gentleman from New York, who referred to the Iran-Contra situation, and in particular Alan Fiers. Alan Fiers is an honorable man, a man of great promise and integrity who dedicated his life to public service. He was caught in the middle. He certainly is not one who should be referred to as part of the problem in this situation.

Alan Fiers tried to do what was right. While there certainly were problems in Iran-Contra, the American people should be aware of the fact that while we are providing very substantial oversight on matters such as this in the future, there is virtually no oversight being provided on the special prosecutor, who seems bent upon destroying the reputations and lives and personal financial condition of many innocent people.

Mr. Speaker, $26 million has already been spent by the special prosecutor to go after innocent people. I think it is disgraceful. It is likewise disgraceful to attack people who were indeed middle managers and who tried to do what was right by their country.

So I would say to my good friend that while there is certainly much room for criticism, that criticism should be directed at the high levels where it deservedly should be placed, and not at those middle management public servants who tried to do what is right for their country.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I appreciate my dear friend, the gentleman from Pennsylvania [Mr. SHUSTER] yielding some time to me. I am pleased, in a way, to see this otherwise benign debate take a little spark to it, and I appreciate my good friend from New York [Mr. WEISS] injecting that little spark here because it makes things interesting.

I think it is very important, the subject that he mentioned, which is: Lying to Congress. We all appreciate the very purpose of this committee, which is to exercise oversight over our intelligence services and how important that is.

And I want to commend this committee and its present chairman and its present ranking member as being superbly qualified for this delicate, difficult, and vital job of overseeing the intelligence agencies of this country, from their budget to their operations to their personnel and, I understand, even to where they are going to locate.

So I commend this committee, and I commend the superb staffs too.

Now, as to the gentleman bringing up lying to Congress, as long as human beings exist, people are going to dissemble, people are going to tell you things that are not so, because it suits their interests or some agenda they might have. History is replete, it bristles with occasions of lying to Congress. You could start at World War II, where President Roosevelt had made his mind up that we should be helping England but the country was not quite ready to go that far that soon. So, deals were made, destroyers were given to England, the British intelligence operated in New York. If you read "A Man Called Intrepid," you will see some of the things that went on that certainly were not in conformance with our law or the position of this country. But President Roosevelt felt they were right, and they were done. We should not forget history, however.

The Cuban missile crisis—McGeorge Bundy has written a book about how deals were made that Congress was never told about—never told about, and certain deceptions occurred that Congress was never told about.

□1350

The Bay of Pigs, the gentleman from Oregon [Mr. WYDEN], our dear colleague's father has written the best book on the Bay of Pigs. Members should read it. In that book he talks about a prominent White House official discussing how to lie to Congress and that the President should not do it. Somebody else should do it. So lying to Congress is nothing that was invented in the Iran-Contra controversy. Sadly, it has a long and unproud history. We must all deal with it within a proper context.

We have had Iran-Contra hearings ad nauseam. The Senate and the House came together, and we went on and on like Tennyson's brook. It just kept going and kept going, coming up with not too much. We have had an independent counsel, some $25 million spent so far and laboring mightily in coming forth with very little. God help you if they want to make you a target. You go in and you face an unlimited bank account, unlimited lawyers, stenographers, investigators, and on and on and on. You better plead guilty unless you can match them dollar for dollar and resource for resource.

I do not mean that those who have pleaded guilty are not guilty. I do not know. But I simply say, there are formidable resources to get the truth. There are formidable, awesome resources, whether they are in the Justice Department or independent counsel's office or in congressional hearings. Sooner or later, if you lie to Congress, you pay the price. You will certainly pay a political price. You may even pay a legal price. All in all, I am very satisfied that these people, Democrats and Republicans and the staff, are doing a superb job in one of the most delicate and difficult areas of all of the country's activities and doing it very well, and I have immense confidence in them.

I think this conference report is a tribute to their judgment, their sagacity, and I am very pleased to pay tribute to that.

Mr. McCURDY. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to say to my colleagues that in spite of the statements just made, that it is my belief that we can never condone lying to Congress, and I am not sure anyone was condoning that, even though the explanation appeared to wander around that point.

The fact of the matter is that members of the administration, the executive branch, when they appear before the Congress, are not only obligated by law to be truthful but I believe, if they are to set any standard whatsoever, it should be to appear in a truthful manner. In the past there have been situations where members of the executive branch have not told the truth to the committee, whether by direction or under their own initiation. As chairman I have adhered to a requirement that all witnesses appearing in hearings do so under oath.

Now, that is symbolic, but I believe it is important to note that there are grave consequences if it is found that people do not tell the truth before any committee of the Congress, especially this one.

I have to rise and make it perfectly clear that this Member would frown upon any action such as that. We would take all appropriate measures to ensure that any witness appearing before this committee does so in a truthful manner.

I do not care if that is Iran-Contra or other foreign policy issues or even simple administrative issues that may be within the committee's jurisdiction.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the gentleman for yielding time to me.

I consider the gentleman from Pennsylvania [Mr. SHUSTER] to be one of the better Members of this body, a man of great integrity. I cannot understand the response that he gave to my comments.

Mr. Fiers pleaded guilty to the misdemeanor charge, he was originally going to be charged with a felony charge, of lying to Congress. Nobody forced him to do that. He acknowledged that himself.

To call that honorable behavior, I think discredits the use of the word "honorable." I would think that the reassurance that I felt from the chairman's comments earlier on is somewhat undermined by that kind of defense.

And the gentleman from Illinois [Mr. HYDE], who again is a great friend and fellow colleague on Foreign Affairs, to defend lying to Congress. I was there when Mr. Casey, the late Mr. Casey lied through his teeth to the Committee on Foreign Affairs. I do not think that that is admirable, understandable or acceptable. We certainly ought not to be accepting it.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I hope the gentleman from New York does not interpret any of my remarks as condoning lying to Congress. I think it is reprehensible. I think it is wrong. I think it is deplorable.

I simply suggest that those people who do lie are paying a price, a price in their careers, a price in their reputations and maybe even in their freedom.

As to Mr. Fiers, I think it is a little soon to sit in judgment on him. He has plead guilty to the misdemeanor not of lying to Congress but of failing to be forthcoming, of failing to testify.

I think we have to be careful at this stage in making judgments. There were concerns about how much information Congress was leaking. Right or wrong, I am just saying that did bother some people. Perhaps information was withheld. If it was, it is wrong, and I think it will be punished. That is all I am saying.

I am only suggesting that we put things in context and let us have our outrage quotient just as aroused by other historical examples of lying to Congress, a practice that did not begin with Iran-Contra.

I am sorry to say, it will not end with Iran-Contra.

Mr. HOYER. Mr. Speaker, today, I rise to support the Intelligence Authorization Act of 1991, and specifically to address the provision which releases the classified defense intelligence report, known as the Tighe report, to any Member of Congress who requests a copy. For those who are unfamiliar with this report, in 1986 Air Force Lt. Gen. Eugene Tighe headed a panel to investigate, among other things, whether the United States Government withheld evidence proving that Americans were imprisoned against their will in Indochina. While the Tighe report noted concerns with some of the operation of the Defense Intelligence Agency [DIA], it found no evidence of a coverup. These findings complement two congressional investigations which also cleared DIA of an alleged coverup. DIA has since addressed those concerns.

Although the congressional intelligence committees already have copies of the Tighe report, I believe wider dissemination of the report may help settle some concerns over our missing service personnel. I do not know whether POW/MIA's still exist in Indochina, but I believe our Government and the resources at the DIA offer the best opportunity to answer the lingering questions about the fate of thousands of Americans. It is important to the families involved and to the public at large that these problems be resolved.

In addition to this provision, I am also hopeful that the Senate and House can agree on language to the Intelligence Authorization Act of 1992 which will reflect Congressman MILLER's truth bill amendment passed unanimously in the House. While Congressman MILLER's language was revised to better protect the sources and methods used by our Government in collecting classified information, this amendment will declassify some information and speed the declassifying process for the families of missing service personnel. I support better disclosure of this information, and urge its adoption in the 1992 intelligence authorization.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

Mr. McCURDY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The SPEAKER pro tempore. (Mr. McNULTY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 422, nays 0, answered not voting 11, as follows:

[Roll No. 236]

YEAS—422

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Boxer
Bustamante
Dornan (CA)
Feighan
Gray
Hefner
Hopkins
Jacobs
McCloskey
Sanders
Yatron

☐ 1419

Mr. RHODES changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. McNULTY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand tellers.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the yeas and nays.

Mr. WALKER. No, Mr. Speaker, I demand tellers.

☐ 1420

PARLIAMENTARY INQUIRY

Mr. McCURDY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state his parliamentary inquiry.

Mr. McCURDY. Mr. Speaker, is it in order for me to request the yeas and nays on passage at this point by recorded device?

The SPEAKER pro tempore. The yeas and nays do take precedence.

Mr. WALKER. That is true.

Mr. McCURDY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 4, answered not voting 10, as follows:

[Roll No. 237]

YEAS—419

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Dymally
Sanders
Boxer
Bustamante
Coughlin
Feighan
Savage
Waters
Gray
Green
Hefner
Hopkins
Mrazek
Yatron

□ 1438

Mr. DYMALLY changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. KYL. Mr. Speaker, I object to laying the reconsideration motion on the table.

The SPEAKER pro tempore. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The Clerk will report the motion offered by the gentleman from Massachusetts [Mr. FRANK].

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to reconsider the vote by which the conference report was agreed to.

Mrs. KENNELLY. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Connecticut [Mrs. KENNELLY] to lay on the table the motion offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, on that I demand tellers.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 3, not voting 5, as follows:

[Roll No. 238]

YEAS—425

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)

Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

DeLay
Doolittle
Rohrabacher

NOT VOTING—5

Bustamante
Feighan
Hefner
Hopkins
Yatron

□ 1501

Mr. COX of California changed his vote from "nay" to "yea."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 30, 1991, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3029, by the yeas and nays;

H.R. 2801, de novo;

H.R. 1107, by the yeas and nays; and

H.R. 500, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3029, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3029, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 5, not voting 11, as follows:

[Roll No. 239]

YEAS—417

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar

Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

Armey
Crane
Hancock
Stump
Yates

Bustamante
Carr
Dingell
Feighan
Gingrich
Hefner
Hopkins
Lent
Swett
Waters
Yatron

☐ 1523

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to make technical corrections to agricultural laws.".

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DE LA GARZA. Mr. Speaker, I move to reconsider the vote just taken.

Mr. STENHOLM. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. STENHOLM], to lay on the table the motion to reconsider offered by the gentleman from Texas [Mr. DE LA GARZA].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his motion.

Mr. WALKER. Mr. Speaker, I demand tellers.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, is it in order for the Chair to make this a 5-minute vote?

The SPEAKER pro tempore. This vote must be a 15-minute vote, except by unanimous consent.

The vote was taken by electronic device and there were—yeas 422, nays 4, not voting 7, as follows:

[Roll No. 240]

YEAS—422

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Armey
Crane
Hancock
Stump

NOT VOTING—7

Bacchus
Bustamante
Feighan
Hefner
Hopkins
Traxler
Yatron

☐ 1543

So the motion to table there motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

WORLD CUP USA 1994 COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the quesiton of suspending the rules and passing the bill, H.R. 2801, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 2801, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERSIAN GULF SILVER MEDALS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1107, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 1107, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device and there were—yeas 381, nays 37, answered "present" 1, not voting 14, as follows:

[Roll No. 241]

YEAS—381

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Young (AK)
Young (FL)
Zimmer

NAYS—37

Archer
Armey
Ballenger
Barton
Bateman
Beilenson
Boehner
Bunning
Chandler
Crane
DeLay
Dickinson
Dreier
Dymally
Fields
Gekas
Gingrich
Goss
Grandy
Green
Hancock
Houghton
Hyde
Ireland
Johnson (TX)
Lewis (CA)
Livingston
Michel
Peterson (FL)
Ros-Lehtinen
Roth
Stearns
Stump
Walker
Wylie
Yates
Zeliff

ANSWERED "PRESENT"—1

Savage

NOT VOTING—14

Berman
Bustamante
Dixon
Fawell
Feighan
Ford (TN)
Gray
Hefner
Hopkins
Johnston
Lehman (FL)
Washington
Waxman
Yatron

□ 1601

Messrs. BILIRAKIS, COBLE, and WEBER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects.

For what reason does the gentleman from Illinois [Mr. MICHEL] rise?

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, without altering the regular order, I ask unanimous consent that I might proceed for 1 minute to inquire of the distinguished majority leader how we are expected to proceed for the balance of the day and the next couple of days, particularly in view of the two real controversial measures that may be under consideration; namely, the highway bill with the gas tax and the unemployment compensation bill?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, let me try to give the Members a sense of what we are trying to accomplish before we leave on the August recess so that they will be able to get their plans in order accordingly.

Today we hope to finish the suspension on the Christopher Columbus commemorative. We hope to get into the conference report on energy and water, and then we have another conference report on the District of Columbia that we will not get to today but we need to finish before we leave.

We then want to finish work on the highway bill, and we are working with all of the members of the committees on both sides to try to arrive at a rule that would be acceptable on that.

We want to finish the unemployment compensation legislation, and by "finish" I mean that we want to be able to finish the bill between the House and the Senate. There is one other bill that may be able to be worked into this schedule, flight attendant duty time. I do not know whether we will get to that or not.

Let me say to Members that we all said throughout the last weeks that we would try to be done here Friday night. That is still our hope. But we also said repeatedly that we wanted to finish the highway bill and we wanted to finish the unemployment bill. There are many Members on both sides of the aisle who feel very strongly about those bills being finished. And if it takes us into Saturday we intend to stay Saturday, and if it takes us beyond that we intend to stay beyond that to get that bill done.

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, let me just say to the Members, so they will understand a little bit of what is going on, that we have had weeks of talk about the unemployment bill, we have had weeks of talks about the gas tax and the highway bill. We have no objection to trying to work the legislative will on those. However, the key element to a legislative democracy is the rules and procedures which protect both individual Members and which protect the minority. For example, the right to 3 days for minority views on a bill. For example, the right to offer an amendment or a motion to recommit providing for an up or down vote on the gas tax.

I just want to serve notice, if the majority, which clearly has the rights under sheer voting power, insists on stripping the rights away from Members and from the minority, then we have an obligation, I want you to understand we have an absolute obligation, to take the steps necessary to communicate our dissatisfaction with that kind of legislative process and to do everything possible to stop that. There is a quote which the Republican Conference used in their newsletter this morning that I think fits this.

Thomas Jefferson's first inaugural:

> Bear in mind this sacred principle that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable, that the minority possess their equal rights which equal laws must protect and to violate which would be oppression.

We have not, to the best of our knowledge, and the Parliamentarian cannot find any example of the majority usurping the 3-day right for minority views. We think on something like a gas tax the House ought to face up to it and vote up or down, yes or no. We see no reason for the minority to roll over and allow a series of rules to be passed which violate those fundamental rights.

Mr. GEPHARDT. If the gentleman will yield, we have no reason to want to contravene Mr. Jefferson's admonition that we be reasonable. We want to be reasonable. We will work out rules of procedures that everyone can agree to. If it takes 3 days for the minority to file its views on the unemployment bill, we will be here the 3 days and we will vote on Saturday, if that is the wish of the Members.

Mr. GINGRICH. Fine.

Mr. GEPHARDT. And I would further say that we will work out a way that the minority can express its views and there may be a minority on both sides on the gas tax. What we cannot do and do not want to do is to establish the situation where we allow the minority to do something the majority could not do, and that would be to strip out the gas tax but leave the highway bill in the enlarged measure that came out of the committee with the gas tax, and Members be able to break the budget agreement in that way.

We will insist that there be a procedure where if the gas tax comes out, then a commensurate number of programs need to come out. So we will be reasonable. We will work out ways that these things can be done. We simply ask the Members' patience, that we stay here and do our business.

The American people do not want, in my view, the U.S. Congress to go out for a 4-week district work period and not consider the question of extending unemployment benefits. And we are going to stay here until that is done.

Mr. MICHEL. Let me respond to the distinguished majority leader by saying that I would still hope, notwithstanding the schedule as outlined, and prospects that it may be altered, that we would always want to keep open the possibility that it could be further altered if there is some other way of working it out. I note in particular that the other body in its deliberations on unemployment compensation does not make the permanent kind of changes that are contemplated in the House bill, changes which cause us to demand the 3-day rule and an extended debate because of the permanent nature of those changes. On the other hand, what I understand the other body to be doing is something more of a temporary kind of proposal that could perhaps be accommodated even by this body.

Now there are times when we are not all-knowing in this body, where the other body might, after sober reflection, have the more preferable approach.

So I would like to at least leave that option open. And I think the majority leader and I, in our previous discussions, have said nothing is cast in stone here. But if we could possibly work something out that would accommodate the Members too in getting out of here on their normally scheduled time, we would like to do it.

Mr. Speaker, I yield to the gentleman from Georgia.

□ 1610

Mr. GINGRICH. If the gentleman will yield, I am going to say to the distinguished majority leader, I was just informed by our ranking member on the key Subcommittee on Unemployment that in its current form the unemployment bill, as it is going to come out, is in fact in violation of the budget agreement. I suspect that the White House will indicate that, too.

All I am suggesting is if the two leaderships are able to work together to find a way to have a true comity, and we have proven recently it is possible to have comity on some very difficult issues, we do not have to go through this again. We can find a way to allow the majority to work its will within reasonable bounds.

I think we have to do that and, if we can do that, we will quit doing things like having a variety of procedural votes.

If we cannot, then not only will we be here until Saturday, but we will not get much done until Saturday, except walking back and forth. That is the choice we have to work through.

Mr. GEPHARDT. Mr. Speaker, if I can respond on one point, the bill, as I understand it, that came out of the Committee on Ways amd Means is not in contravention of the budget agreement. It clearly says that an emergency is declared under the budget agreement. If the President signs that, he is agreeing with that. If he does not, obviously he does not. But there is no attempt here to contravene or violate the budget agreement.

I do not wish to get into a debate on that. We can certainly do that when we hit the floor.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, the majority leader is totally wrong on that. The Senate bill does not violate the budget agreement because it requires the President to declare the emergency. The bill coming out of the Committee on Ways and Means in its present form is a broadside attack on the budget agreement, and it loses faith.

Those of us like me, who was in the minority in my own party who voted for it, the budget agreement, I am very concerned about this particular matter as it is a direct violation of the budget agreement. And we would like to have the Committee on Rules allow us to clean up that particular point.

Mr. GEPHARDT. If the gentleman will yield, those are issues we can discuss and try to work out.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding to me.

Let me ask the majority leader, what does he see for the dairy bill? We have all kinds of legislation here. How about the dairy bill, which has been kicked around here?

Mr. GEPHARDT. If the gentleman will yield, the bill has been referred to committees and it will not be up this week.

Mr. ROTH. Mr. Speaker, that certainly is bad news for working people, especially people on the dairy farm.

The SPEAKER pro tempore (Mr. McNULTY). Does the gentleman from Pennsylvania [Mr. WALKER] insist on his objection?

Mr. WALKER. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects to laying on the table a motion to reconsider. Objection is heard.

Mr. SYNAR. Mr. Speaker, I move to reconsider the vote by which the motion was agreed to.

Mr. KOSTMAYER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsyvania [Mr. KOSTMAYER] to lay on the table the motion offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I demand tellers.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays, and the demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that this vote be taken as a 5-minute vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

Mr. MARLENEE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The vote was taken by electronic device, and there were—yeas 408, nays 15, not voting 10, as follows:

[Roll No. 242]

YEAS—408

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—15

Armey
Bunning
Burton
Crane
DeLay
Doolittle
Gekas
Grandy
Hancock
Livingston
Meyers
Ros-Lehtinen
Schaefer
Stump
Walker

NOT VOTING—10

Bustamante
Feighan
Hefner
Hopkins
Johnson (CT)
Johnston
Lehman (FL)
Neal (NC)
Tauzin
Yatron

☐ 1631

So the motion to table the motion to reconsider was agreed to

The result of the vote was announced as above recorded.

CHRISTOPHER COLUMBUS COIN AND FELLOWSHIP ACT

The SPEAKER pro tempore (Mr. McNULTY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 500, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 500, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 23, as follows:

[Roll No. 243]

YEAS—408

Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson

Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Gunderson
Lightfoot

NOT VOTING—23

Abercrombie
Bateman
Beilenson
Boucher
Bustamante
Byron
Chapman
Conyers
DeLauro
Feighan
Hefner
Hochbrueckner
Hopkins
Huckaby
Johnston
Lehman (FL)
Porter
Ridge
Sanders
Skelton
Tauzin
Unsoeld
Yatron

□ 1642

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RICHARDSON. Mr. Speaker, I move to reconsider the vote by which the motion was agreed to.

Mr. KOSTMAYER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the genetleman from Pennsylvania [Mr. KOSTMAYER] to lay on the table the motion to reconsider offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] demands tellers.

Mr. SMITH of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Iowa demands the yeas and nays, and the demand for the yeas and nays take precedence.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 244]

YEAS—418

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer

Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—15

Anthony
Bustamante
Carper
Coleman (TX)
Downey
Feighan
Gilchrest
Hefner
Hopkins
Lehman (FL)
Lewis (CA)
Sanders
Tauzin
Valentine
Yatron

□ 1658

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 243 on H.R. 500, I was unavoidably detained. Had I been present I would have voted "aye."

□ 1700

PARLIAMENTARY INQUIRIES

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Mr. Speaker, I listened to the majority leader talk about us staying over the weekend, which this side of the aisle would like to do to finish the legislation at hand under fair rules.

But is it not true that we must adjourn tonight for the year sine die, or the House is in violation of a law?

As I understand it, as a freshman, we try to sit here and learn the rules and they seem to change every day. I understand that it takes a resolution, a resolution must be passed to obviate that law. Now, a motion to adjourn is one thing for a day, but a motion obviating the law is a different item, and I understand we need a resolution to do that.

The law that it violates is under the Legislative Reorganization Act of 1946.

The SPEAKER pro tempore (Mr. McNULTY). The Chair will rule.

The Chair is aware of the law, and under normal circumstances the House would adopt an adjournment resolution or a resolution permitting the two Houses to remain in session.

The Chair is not aware at this time which procedure will be followed.

Mr. WALKER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the fact is that we are moving toward a potential adjournment of the House at some point in the next, probably, hour or two, from what I understand.

Now, when the House adjourns, since the law does fix the date of adjournment, will not the House be adjourned sine die at that point under the law, or are we simply going to disobey the law?

The SPEAKER pro tempore. The Chair announces that under the Constitution neither House can adjourn sine die without the consent of the other body, and the Speaker, upon his return to the chair, will be answering that inquiry further.

Mr. DANNEMEYER. Mr. Speaker, I have a further parliamentary inquiry to the response of the Chair.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, is the response of the Chair—could it also be phrased as rule No. 267, the number of Democrats in the House?

The SPEAKER pro tempore. The Chair does not understand rule 267.

Mr. DANNEMEYER. It is the number of Democrats in the House, Mr. Speaker, thus the controlling margin.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

CONFERENCE REPORT ON H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992

Mr. BEVILL. Mr. Speaker, pursuant to the unanimous-consent agreement of Tuesday, July 30, 1991, I call up the conference report on the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, July 30, 1991, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, July 30, 1991, at page 20398.)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BEVILL], will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS], will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present the conference report on the fiscal year 1992 energy and water development appropriations bill for your favorable consideration. Our colleagues will recall that debate on this bill occurred in the House on May 29. The bill was passed by a vote of 392 to 24 in the House and by a vote of 96 to 3 in the Senate.

Mr. Speaker, our conference committee meeting was held on Tuesday, July 30. I wish to compliment our friends from the other body, particularly the Senator from Louisiana [Mr. JOHNSTON,] the chairman of the Senate subcommittee, and the Senator from Oregon, [Mr. HATFIELD], the ranking minority member, for the fine spirit of compromise displayed in the conference meeting. I also wish to thank my colleagues, the House conferees, for their support and their valuable contributions during the conference deliberations.

Now I would like to comment on various aspects of the conference agreement.

Mr. Speaker, this bill is right at the subcommittee's section 602(b) allocation for budget authority for both the domestic and defense programs.

Mr. Speaker, for the various agencies and programs under the jurisdiction of the Energy and Water Development Subcommittee, the committee of conference recommends $21,874,500,000 in new budget authority. This amount is $229,672,000 above the budget request, $344,501,000 above the House bill and $145,082,000 below the Senate bill.

The primary reason for the increase over the budget is in the defense area. The amount for defense programs is $11,968,000,000 which is $199,500,000 above the budget request. For domestic programs the bill is $30,172,000 over the budget request.

The conference agreement we present to you today is the culmination of many months of effort on the part of the House committee and the same review by the Senate committee. During this period we have heard testimony from hundreds of witnesses—contained in eight hearing volumes of thousands of pages.

The House considered the energy and water development appropriations bill on the floor in 1 day. The Senate had a total of 55 numbered amendments to the bill. But, within those 55 amendments, there were over 500 individual items in disagreement. The conference agreement represents the best effort of the House and Senate conferees to achieve consensus on each of those items. Many items had to be reduced or changed to accomplish agreement with the Senate. In addition, we had to keep in mind the need to have a bill that was acceptable to the administration.

Your House conferees did their best to maintain the House position. However, to bring back a conference report that is within the budget allocation for the energy and water development programs, a great many items had to be compromised.

We would like more money for energy and the water projects. But, if we stay within the 602(b) allocation, we cannot provide all of the funds for all of the programs and projects to the extent we would like.

Mr. Speaker, the conference agreement contains $3,610,235,000 in title I for the Army Corps of Engineers. This is $386,000 higher than the bill as passed by the House and $27,119,000 less than the Senate-passed bill. These funds will finance 555 water resources projects in the planning or construction phase, and provide for urgently needed operation and maintenance activities at completed projects.

For title II, the Bureau of Reclamation, the conferees recommend a total of $899,983,000 which is $12,765,000 more than the House-passed bill and $150,000 more than the Senate-passed bill. This will fund 110 water resources projects in the planning or construction phase and provide funds for operation and maintenance of 37 projects.

In my view, the conference agreement provides for a financially prudent and environmentally sound water resources development program.

The conference agreement contains $16,967,647,000 for the Department of Energy programs in title III. This includes $2,961,903,000 for energy supply, research and development activities; $362,029,000 for power marketing administrations; $275,071,000 for the nuclear waste disposal fund; and $1,472,489,000 for general science and research activities. The energy accounts include $239,719,000 for solar, geothermal, hydropower, and electric energy systems and storage; $336,658,000 for nuclear energy; $337,100,000 for magnetic fusion; and $764,700,000 for basic energy sciences. The conference agreement provides a total of $11,968,000,000 for atomic energy defense activities. Within this bill, $4,283,167,000 is provided for defense and nondefense environmental restoration and cleanup activities.

Mr. Speaker, the conference agreement includes $361,635,000 for eight independent agencies and commissions in title IV, including the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

Mr. Speaker, at this point I would like to insert a table in the RECORD which summarizes the financial aspects of the conference agreement.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FY 1992 (H.R. 2427)

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	146,435,000	160,342,000	200,566,000	176,211,000	194,427,000	+47,992,000
Construction, general	1,143,086,000	1,222,357,000	1,264,991,000	1,327,441,000	1,284,142,000	+141,056,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	344,606,000	346,550,000	353,437,000	353,437,000	353,437,000	+8,831,000
Operation and maintenance, general	1,450,669,000	1,514,935,000	1,547,855,000	1,537,265,000	1,535,229,000	+84,560,000
Regulatory program	71,100,000	86,000,000	86,000,000	86,000,000	86,000,000	+14,900,000
Flood control and coastal emergencies	20,000,000	15,000,000	15,000,000	15,000,000	15,000,000	-5,000,000
General expenses	126,600,000	150,000,000	142,000,000	142,000,000	142,000,000	+15,400,000
Total, title I, Department of Defense - Civil, new budget (obligational) authority	3,302,496,000	3,495,184,000	3,609,849,000	3,637,354,000	3,610,235,000	+307,739,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
General investigations	13,221,000	12,614,000	13,789,000	13,204,000	13,554,000	+333,000
Construction program	667,897,000	546,279,000	553,209,000	564,409,000	564,209,000	-103,688,000
Operation and maintenance	221,516,000	258,685,000	258,685,000	258,685,000	258,685,000	+37,169,000
Loan program	5,708,000	890,000	890,000	2,890,000	2,890,000	-2,818,000
(Limitation on direct loans)	(4,946,000)	....	....	....	....	(-4,946,000)
General administrative expenses	51,431,000	57,266,000	53,745,000	53,745,000	53,745,000	+2,314,000
Emergency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	....
Working Capital fund	4,831,000	5,900,000	5,900,000	5,900,000	5,900,000	+1,069,000
Colorado River Dam fund (by transfer, permanent authority)	(-4,702,000)	(-5,465,000)	(-5,465,000)	(-5,465,000)	(-5,465,000)	(-763,000)
Total, Bureau of Reclamation	965,604,000	882,634,000	887,218,000	899,833,000	899,983,000	-65,621,000
Total, title II, Department of the Interior:						
New budget (obligational) authority	965,604,000	882,634,000	887,218,000	899,833,000	899,983,000	-65,621,000
(By transfer)	(-4,702,000)	(-5,465,000)	(-5,465,000)	(-5,465,000)	(-5,465,000)	(-763,000)
(Limitation on direct loans)	(4,946,000)	....	....	....	....	(-4,946,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy Supply, Research and Development Activities:						
Operating expenses	2,215,952,000	2,508,115,000	2,542,158,000	2,625,621,000	2,648,508,000	+432,556,000
Plant and capital equipment	311,130,000	313,313,000	311,895,000	314,895,000	313,395,000	+2,265,000
Total	2,527,082,000	2,821,428,000	2,854,053,000	2,940,516,000	2,961,903,000	+434,821,000
Uranium Supply and Enrichment Activities:						
Operating expenses	1,262,473,000	1,454,276,000	1,244,876,000	1,274,876,000	1,220,876,000	-41,597,000
Plant and capital equipment	77,545,000	92,724,000	92,724,000	92,724,000	92,724,000	+15,179,000
Subtotal	1,340,018,000	1,547,000,000	1,337,600,000	1,367,600,000	1,313,600,000	-26,418,000
Gross revenues	-1,450,400,000	-1,547,000,000	-1,547,000,000	-1,547,000,000	-1,547,000,000	-96,600,000
Net appropriation	-110,382,000	....	-209,400,000	-179,400,000	-233,400,000	-123,018,000
General Science and Research Activities:						
Operating expenses	796,224,000	835,074,000	835,074,000	825,074,000	825,074,000	+28,850,000
Plant and capital equipment	352,508,000	713,865,000	570,415,000	682,415,000	647,415,000	+294,907,000
Total	1,148,732,000	1,548,939,000	1,405,489,000	1,507,489,000	1,472,489,000	+323,757,000
Nuclear Waste Disposal Fund	242,833,000	305,071,000	305,071,000	295,071,000	275,071,000	+32,238,000
Isotope production and distribution fund	....	8,500,000	8,500,000	8,500,000	8,500,000	+8,500,000
Environmental Restoration and Waste Management:						
Defense function	(3,044,722,000)	(3,705,000,000)	(3,748,900,000)	(3,640,372,000)	(3,680,672,000)	(+635,950,000)
Non-defense function	(437,023,000)	(523,495,000)	(602,495,000)	(602,495,000)	(602,495,000)	(+165,472,000)
Total	(3,481,745,000)	(4,228,495,000)	(4,351,395,000)	(4,242,867,000)	(4,283,167,000)	(+801,422,000)
Atomic Energy Defense Activities:						
Operating expenses	9,471,646,000	9,810,170,000	9,752,220,000	9,956,392,000	....	-9,471,646,000
Plant and capital equipment	2,065,368,000	1,957,830,000	2,016,280,000	2,011,608,000	....	-2,065,368,000
Total	11,537,014,000	11,768,000,000	11,768,500,000	11,968,000,000	....	-11,537,014,000
Atomic Energy Defense Activities						
Weapons Activities:						
Operating expenses	....	....	....	....	4,075,800,000	+4,075,800,000
Plant and capital equipment	....	....	....	....	547,628,000	+547,628,000
Total	....	....	....	....	4,623,428,000	+4,623,428,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FY 1992 (H.R. 2427), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
New Production Reactor:						
Operating expenses	....	....	....	....	142,835,000	+142,835,000
Plant and capital equipment	....	....	....	....	372,665,000	+372,665,000
Total	....	....	....	....	515,500,000	+515,500,000
Defense Environmental Restoration and Waste Management:						
Operating expenses	....	....	....	....	3,108,914,000	+3,108,914,000
Plant and capital equipment	....	....	....	....	571,758,000	+571,758,000
Total	....	....	....	....	3,680,672,000	+3,680,672,000
Materials Production and Other Defense Programs:						
Operating expenses	....	....	....	....	2,613,843,000	+2,613,843,000
Plant and capital equipment	....	....	....	....	534,557,000	+534,557,000
Total	....	....	....	....	3,148,400,000	+3,148,400,000
Total, Atomic Energy Defense Activities	....	....	....	....	11,968,000,000	+11,968,000,000
Departmental Administration:						
Operating expenses	359,661,000	411,211,000	408,114,000	409,614,000	399,114,000	+39,453,000
Plant and capital equipment	5,434,000	6,862,000	6,862,000	6,862,000	6,862,000	+1,428,000
Subtotal	365,095,000	418,073,000	414,976,000	416,476,000	405,976,000	+40,881,000
Miscellaneous revenues	-150,000,000	-284,352,000	-284,352,000	-284,352,000	-284,352,000	-134,352,000
Net appropriation	215,095,000	133,721,000	130,624,000	132,124,000	121,624,000	-93,471,000
Office of the Inspector General	28,421,000	31,431,000	31,431,000	31,431,000	31,431,000	+3,010,000
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	3,233,000	3,218,000	3,218,000	3,218,000	3,218,000	-15,000
Operation and maintenance, Southeastern Power Administration	9,285,000	23,869,000	23,869,000	23,869,000	23,869,000	+14,584,000
Operation and maintenance, Southwestern Power Administration	20,107,000	28,464,000	28,464,000	28,464,000	28,464,000	+8,357,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	293,762,000	331,478,000	306,478,000	326,478,000	306,478,000	+12,716,000
(By transfer, permanent authority)	(4,702,000)	(5,465,000)	(5,465,000)	(5,465,000)	(5,465,000)	(+763,000)
Total, Power Marketing Administrations	326,387,000	387,029,000	362,029,000	382,029,000	362,029,000	+35,642,000
Federal Energy Regulatory Commission						
Salaries and expenses	122,750,000	141,071,000	141,071,000	141,071,000	141,071,000	+18,321,000
Revenues Applied	-122,750,000	-141,071,000	-141,071,000	-141,071,000	-141,071,000	-18,321,000
Geothermal Resources Development Fund						
Geothermal loan guarantee and interest assistance program	80,000	....	....	....	....	-80,000
(Limitation on guaranteed loans)	(500,000,000)	....	....	....	....	(-500,000,000)
Total, title III, Department of Energy, new budget (obligational) authority	15,915,262,000	17,004,119,000	16,656,297,000	17,085,760,000	16,967,647,000	+1,052,385,000
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	170,000,000	100,000,000	170,000,000	190,000,000	190,000,000	+20,000,000
Defense Nuclear Facilities Safety Board	11,000,000	12,000,000	11,500,000	11,500,000	11,500,000	+500,000
Delaware River Basin Commission:						
Salaries and expenses	263,000	300,000	300,000	300,000	300,000	+37,000
Contribution to Delaware River Basin Commission	457,000	475,000	475,000	475,000	475,000	+18,000
Total, Delaware River Basin Commission	720,000	775,000	775,000	775,000	775,000	+55,000
Interstate Commission on the Potomac River Basin:						
Contribution to Interstate Commission on the Potomac River Basin	538,000	....	510,000	510,000	510,000	-28,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FY 1992 (H.R. 2427), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Nuclear Regulatory Commission:						
Salaries and expenses	461,320,000	508,810,000	508,810,000	508,810,000	508,810,000	+47,490,000
Revenues	-153,450,000	-488,848,000	-488,848,000	-488,848,000	-488,848,000	-335,398,000
Subtotal	307,870,000	19,962,000	19,962,000	19,962,000	19,962,000	-287,908,000
Office of Inspector General	3,680,000	3,690,000	3,690,000	3,690,000	3,690,000	+10,000
Revenues		-3,690,000	-3,690,000	-3,690,000	-3,690,000	-3,690,000
Subtotal	3,680,000					-3,680,000
Total, Nuclear Regulatory Commission	311,550,000	19,962,000	19,962,000	19,962,000	19,962,000	-291,588,000
Susquehanna River Basin Commission:						
Salaries and expenses	250,000	284,000	284,000	284,000	284,000	+34,000
Contribution to Susquehanna River Basin Commission	290,000	310,000	310,000	310,000	310,000	+20,000
Total, Susquehanna River Basin Commission	540,000	594,000	594,000	594,000	594,000	+54,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	135,000,000	91,266,000	135,000,000	135,000,000	135,000,000	
Nuclear Waste Technical Review Board		3,294,000	3,294,000	3,294,000	3,294,000	+3,294,000
Total, title IV, Independent agencies, new budget (obligational) authority	629,348,000	227,891,000	341,635,000	361,635,000	361,635,000	-267,713,000
Grand total:						
New budget (obligational) authority	20,812,710,000	21,609,828,000	21,494,999,000	21,984,582,000	21,839,500,000	+1,026,790,000
(Limitation on direct loans)	(4,946,000)					(-4,946,000)
(Limitation on guaranteed loans)	(500,000,000)					(-500,000,000)

☐ 1710

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment our chairman, the gentleman from Alabama [Mr. BEVILL], who has just given us, as always, a very able, capable, and informative statement of what is included in this conference report. Mr. Speaker, I would also like to compliment our staff, which our chairman has already complimented, for the hard work they have done. I know they have put in long, hard hours over the past weekend working out some of the details with the Senate.

As the chairman said, we did go to conference with the Senate yesterday. Conferences are never easy. Just about everyone here has been on a conference committee at some time or another during his or her career here in the House of Representatives. But working out the differences with the other body is never an easy task. It was even more difficult this year because when we met yesterday the Senate had a larger target than we had, their allocations for the various projects were almost half a billion dollars more than we had.

A great many Members, several dozens of our colleagues, a number of Governors around the country, and hundreds of witnesses testified before our committee earlier this year, making very, very meaningful and very understandable requests for projects that we just simply could not include.

As you all will remember, when we had our bill on the floor, we had an agreement that we would have no new starts because we just simply did not have money for new starts at that time. The Senate did have a different 602(b) allocation than we had. Their figures were more. Since that time we have now received the new 602(b) allocation, and we now are just at the 602(b) allocation.

What a lot of people do not understand is that this bill is heavy on national defense; $11.9 billion, almost $12 billion, of our bill today in this conference report is for national defense. Nine billion dollars, slightly under $10 billion, is for domestic programs.

So, quite often, we are criticized for the big dollars, but much of it is for research not only in national defense but a lot of research dollars go into research on nuclear medicine, searching for a cure, searching for remedies for cancer, for example, and for other disorders that we as Americans and as members of the world suffer.

So, a lot of this is for research. A lot of dollars are in here for research not only for the military but for problems of our society.

As I said earlier, it is over what we had in the House; $200 million above what we had for defense when it passed the House back in May. It is $145 million above what we had for domestic; $345 million more than we had in the House version.

This is a good bill. I know there will be some questions about some of the programs that have been put into it; some people think it is too much money, but we are under everything except the President's request. We are $30 million over the President's request for domestic programs.

In the judgment of the Committee on Appropriations as well as this subcommittee, these are good programs, they are needed projects, and we are here to defend them.

Mr. Speaker, I reserve the balance of my time.

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to our distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Speaker, I want to pay tribute to the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] and my other colleagues on this subcommittee for the marvelous job that has been done.

As we develop appropriations conference agreements within our limited funding allocation, we need to take care of our real wealth, our country itself. This conference agreement does that. This subcommittee and those who have worked with it have shown good sound judgment in investment in our own country, on which all the rest depends.

Within this conference agreement there are programs of special interest to my area and State.

For the Foothills Joint Demonstration Erosion Control Program, funds are included for work on Batupan

Bogue, Otoucalofa Creek Hotophia Creek, Hickahala and Senatobia Creeks, Long Creek, Black Creek, Burney Branch, Town Creek-Charleston, Sherman Creek, Abiaca Creek, Toby Tubby Creek, Pelucia Creek, Cane-Mussacuna Creeks, Hurricane-Wolf Creeks, and the Coldwater River.

For other ongoing construction, funds are included for the Nonconnah Creek project, the Sardis Dam—dam safety assurance, the Tombigbee River and Tributaries project, the Tennessee-Tombigbee Waterway—purchase of mitigation lands, the Horn Lakes Creek and Tributaries project, and the Gulfport Harbor project. Funding is also included to continue the Jackson metro area study, and for the East Fork, Tombigbee River operation and maintenance. Language is also included in the conference agreement providing that O&M funding for Yazoo Basin Lakes shall be available for maintenance of roads and trails. Funds have been included to continue the report on port development needs at Newport.

For the Yazoo Basin, funding is provided to continue construction on the Big Sunflower project, the demonstration erosion control projects, the tributaries project, the Upper Yazoo projects, and for backwater mitigation lands. The reformulation study—Yazoo Basin projects—is also funded as well as operation and maintenance for all completed Yazoo Basin projects.

For the Tennessee Valley Authority, rural development activities are maintained at the current level. Efforts are directed at helping to eliminate the economic hardships in the valley's rural areas.

For the Appalachian Regional Commission, funding for the highway program and area development activities are increased slightly above last year's level with increased support for continued construction of corridor V. ARC is also directed to develop a plan for waste disposal in northeast Mississippi.

Funding in this agreement also continues a cooperative agreement between Jackson State University, Lawrence Berkely Laboratory, and Ana G. Mendez Educational Foundation, an ongoing program.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. PURSELL], a member of the subcommittee.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate our leadership, the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS]. I would also like to thank the subcommittee staff for an outstanding conference report.

I appreciate all the good work and time our staff put into working out the differences with the Senate, and I congratulate all the Members.

I would like to make one comment about the future.

Today, primarily most of the fusion research is focused on the defense establishment. I believe that is appropriate. But the dollars are so scarce that we have crowded out the civilian sector.

Mr. Speaker, I will soon introduce legislation that will focus on two sectors for civilian application of inertial confinement fusion. Turning to our universities and the private sector, we can establish a competitive program through which civilian application of ICF will be researched to meet the energy needs of our Nation. At the same time we can continue our defense research through the national labs such as Lawrence Livermore, Sandia and Los Alamos.

I believe the potential of inertial confinement fusion as a new source of energy still exists. While there is a long history of magnetic fusion research, since the initial breakthrough of inertial confinement fusion by a private firm in 1973, enormous gains have been made in that field.

New legislation is necessary for our Nation's scientists to develop this potential energy source. Through a competitively based program, our scientists can take what has been established, and focus on its benefits for our country.

Again, I would like to thank the committee, and the staff for an outstanding conference report. I urge your support.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, it is a pleasure to speak in support of the conference report on energy and water development appropriations for fiscal year 1992. As one who has had the distinct pleasure of working with Chairman BEVILL and other members of the subcommittee for many years, I can attest to this subcommittee's fairness and outstanding ability to compromise.

While there are numerous programs and provisions outlined in the conference report worth mentioning, I will mention only a few.

Being a Member from the coast of southern California, and representing the combined ports of Los Angeles-Long Beach, the Nation's largest port complex, I am particularly grateful for the funding of Army Corps of Engineers projects outlined in this bill. The subcommittee has always been very attentive to the needs of the corps, and this conference report is no exception. The subcommittee's willingness to appropriate $3.6 billion for Army Corps water projects will significantly strengthen the corps ability to maintain existing projects, while also providing the needed revenues for new construction.

Not only am I grateful for Army Corps funding, I also appreciate the subcommittee's willingness to address the severe drought we are now experiencing in California. Included in the conference report are incentives to develop desalinization plants. I feel strongly that desalinization represents the most viable alternative to the Nation's current and future water shortage problems. I thank the subcommittee for recognizing this.

In closing let me state my sincere appreciation to Chairman BEVILL and ranking member JOHN MYERS, as well as my special thanks to my good friend and California colleague, VIC FAZIO, for their specific attention to my concerns. Their outstanding contributions to this conference report are to be commended.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman from California for his very nice remarks.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the Committee on Appropriations.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in reluctant support of the energy and water conference report. I say reluctant, because of my disappointment over the treatment of the State of Nevada in the nuclear waste disposal section of the bill.

Nevada has issued the permits necessary for site characterization to begin at Yucca Mountain, and as of this month, work has begun by the Department of Energy. Despite this, the conferees have recommended a reduction in funding for affected local governments and reduced funding for vital nuclear waste transportation studies at the University of Nevada. The number of counties certified eligible for funding by the Secretary of Energy has gone from three last year to five currently, including Inyo County, CA.

It is difficult for me to understand how the conferees can agree to cut funding for Nevada's parallel studies when the 1987 amendments to the Nuclear Waste Policy Act singled out Yucca Mountain, NV as the only site to be studied for high-level nuclear waste disposal. Congress has not only put all of its eggs in one basket, but now it is buying a cheaper basket.

Members who voted to target my district ought to at least have been willing to give us adequate funding to ensure that DOE does not cut corners in its studies at Yucca Mountain. To play power politics with the safety of my constituents is deplorable.

I do plan to vote for this legislation in the belief that something is better than nothing, and that next year my colleagues will be more understanding.

□ 1720

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of this panel.

Mr. SKAGGS. Mr. Speaker, I urge my colleagues to vote for the conference report, and I want to congratulate Chairman BEVILL for his leadership in working with the Senate on this.

Given the tight limits set by last year's budget agreement, the conference did very well in funding key science and energy research projects, while still remaining strictly within the budget limits. The conference report also continues this subcommittee's strong and constant support of environmental cleanup efforts going on at our Nation's nuclear weapons plants, which, after 40 years of neglect, are finally being cleaned up.

On the defense side, the conference report provides $4.3 billion for environmental cleanup and waste management at DOE sites across the Nation, $54 million more than the President requested and $801 million higher than 1991 funding. Approximately $157 million of this amount is targeted for cleanup and waste work at the Rocky Flats plants next year. While these increases are needed and important, this program has been growing at an extraordinary rate, and it warrants particularly careful oversight by the Department and Congress to assure the efficient and effective use of the money appropriated.

In addition, the conference report includes $10 million approved by the House to carry out the second year of projects by the cities of Broomfield, Thornton, Westminster, Northglenn, and Federal Heights to protect the water quality in Great Western Reservoir and Standley Lake, water sources for nearly a quarter of a million people near Rocky Flats.

On the other hand, I must say that I have grave misgivings over the conference's refusal to require an independent review of the need to resume plutonium recovery and reprocessing operations at Rocky Flats. Several panels have already looked at this issue, including the Secretary of Energy's own Advisory Committee on Nuclear Facility Safety and a panel of the National Academy of Sciences, and have questioned the need to resume these operations. As these panels and other experts have pointed out, it may not make sense to resume these operations at Rocky Flats—because of changing defense needs; because the operations can be performed elsewhere in safer, more modern facilities; because these 35- and 40-year-old buildings may be too old to be operated safely; and because we will soon be building a replacement for Rocky Flats elsewhere and shouldn't put more money into Rocky Flats than is absolutely necessary.

DOE's insistence on spending hundreds of millions of dollars to rehabilitate and maintain these operations at Rocky Flats could very well be a costly mistake. Unfortunately, DOE has a long and fiscally sordid history of making exactly these kinds of mistakes. Only 6 years ago, a $215 million plutonium reprocessing facility at Rocky Flats was essentially abandoned due to poor planning and construction. More recently, the Department has spent billions in an effort to restart three reactors at Savannah River; now it's changed its plans and expects to open only one of these reactors.

This is why we ought to obtain a technically competent and independent review of DOE's plans for plutonium recovery and reprocessing operations. It's a real shame that the conference did not insist on this. Those of us who have these DOE facilities in our backyards learned long ago that independent reviews like these are essential to ensuring safe and fiscally sound practices. I will continue to work for a proper examination of this issue. In the meantime, I fear we will have acquiesced in the waste of tens of millions of dollars.

I would also like to point out several nondefense items that are particularly important to this country and to my State of Colorado.

First, the conference report does a good job of funding energy research, particularly in the area of solar and renewable energy. The conference report provides the House-approved amount of $242 million for solar and renewables research, a $44 million increase over this year's funding, and $40 million more than the President requested. As a part of this funding, the conference report includes $10 million to continue construction of a new laboratory for the Solar Energy Research Institute in Golden, CO, a world-class energy research group that is leading the way to America's future energy sources.

Solar and other renewable energy sources and energy conservation offer the best opportunities to reduce our dependence on foreign oil. The President's national energy strategy largely ignores solar and conservation, and would leave us even more dependent on foreign oil in the year 2000 than we are today. Solar and renewable energy resources, on the other hand, are providing the country with clean energy today, at increasingly competitive costs. These energy sources hold the greatest potential on the supply side for reducing our foreign oil dependence and doing it in the most environmentally sound manner.

I want to emphasize that the reason solar and renewables received this increase was that the chairman and the conferees recognized that it deserved an especially high priority, and I thank and congratulate the chairman for his leadership in this critical area—critical to our economy and to our real long-term national security interests. We've made good progress this year, and I hope we build on it in our fiscal year 1993 bill next year.

The conference report also strongly supports the national program of environmental and biological research conducted by the Department of Energy. This includes fundamental studies into the nature of the human genetic structure, research into global climate change, and support for advanced research on a new generation of supercomputers. The conference report also supports DOE's efforts in math and science education.

In addition, the conference report includes key Colorado water projects approved by the House subcommittee. This includes funding for the Animas-La Plata and Fryingpan-Arkansas projects. The bill also includes funds for Corps of Engineers work throughout Colorado.

Again, I thank the chairman for his leadership during the conference, and I urge my colleagues to support the bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Speaker, I rise to point out to the House that once again language has been inserted in the conference report that would effectively nullify section 722 of Public Law 100-656 by requiring the Secretary of the Army to exclude certain types of dredging work from the program's computation of total annual funds.

The purpose of this language is to exclude small dredgers from ever getting a fair share at a certain kind of work. By excluding hopper dredging work from the total, we would reduce the small dredgers' opportunity to compete for Federal dredging dollars by some 30 percent. This effort is based on a flawed study that was allegedly done by the large dredging interests, small business competition.

Mr. Speaker, the Small Business Committee of the other body held hearings on this subject at which the Army Corps of Engineers testified there was no waste of taxpayer dollars involved in this program. in fact, small dredgers regularly came in under pre-contract estimates. The small dredgers testified that the study was based on contracts that big dredgers would never take and would overcharge on the ones that they did take.

The other body has now asked the GAO to investigage the costs of the program. Mr. Speaker, beyond trying to set aside 30 percent of the contracting pie for the large dredging interests, the conference report language also attempts to impose demeaning and onerous paperwork burdens on small dredgers. I do not intend and will not oppose this conference report, Mr. Speaker, but I want to make it clear that this sort of interference with authorizing committee jurisdiction should not be allowed to continue.

Thankfully, the Army Corps of Engineers did not implement this language last year. As Gen. Hatcher correctly stated in a letter to the other body, and I quote, "While the language in the Senate committee report contradicts the express terms of the statute, it does not alter the express terms of the statute."

Thanks to the Corps of Engineers, the small dredgers will be safe for another year, Mr. Speaker, but next year will be a year of reckoning. At that time I will be quick to remind my colleagues that it is easy to say that one is for small business, but it is how one votes that really counts.

Mr. BEVILL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. THOMAS], a very distinguished member of this panel.

Mr. THOMAS of Georgia. Mr. Speaker, I rise to address the chairman in a colloquy.

Mr. Speaker, as the subcommittee chairman knows, this conference report includes language on the wetlands delineation manual. This language would terminate funding for implementation of the current delineation manual effective October 1 of this year if it has not undergone public comment and review.

We have been hearing for months now that a new delineation manual was to be put out for public comment, but nothing has happened. Mr. Speaker, is it the gentleman's understanding that in our action, it is the intent of the conferees that the administration put the current manual, or some subsequent revision of the manual, out for public comment and implementation without delay?

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of Georgia. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, the gentleman is correct.

Mr. THOMAS of Georgia.

Mr. Speaker, is it also the gentleman's understanding that if the administration fails to revise and implement the manual through public comment by October 1, that the conferees intend for the corps to consistently apply the corps' 1987 manual in lieu of the 1989 manual?

Mr. BEVILL. If the gentleman will yield, the gentleman is correct.

Mr. THOMAS of Georgia. Mr. Speaker, as the gentleman knows, I had asked my colleagues in the conference meeting to allow the administration until January 1 rather than October 1 to implement a new manual. I felt that the extra 90 days would allow for more thorough public comment and would help the administration come up with a better document.

However, I will have to say that there was no sympathy on the part of the conferees for even this short extension. Everyone's patience on this issue has just run out. I can certainly understand that attitude because thus far we have seen no expeditious effort by the administration to come forward with a comprehensive new wetlands policy. We have all been left twisting in the wind on this.

However, I would like to state some of my concerns for the record in the hope that the administration is listening to what is happening on this issue.

First, I understand that contrary to earlier statements, the corps at the Washington level welcomes this conference language. However, I also understand that EPA believes it is not bound by any corps action to suspend the 1989 manual. That would leave us open to the possibility of having two agencies attempting to enforce two contradictory policies on wetlands.

Now most Americans would think anything that crazy is impossible. But after dealing with this issue for the last 2 years, I can assure my colleagues that anything is possible.

Also, I am concerned that landowners will be thrown into confusion about which delineation manual they are subject to. They understandably may want new delineations on their property. We may be setting the stage for further litigation. The last thing that my constituents need to hear about in all of the wetlands confusion is that it is going to be more confused.

There is only one way for all that to be avoided—the administration must put its new wetlands manual on the table, open it to public comment, and implement it without delay. If there is further delay, they will open the door to regulatory chaos.

I had hoped that a 90-day delay would help avoid that problem. But that was not possible, and so today's vote is the signal gun to the administration that they must take action, and do so before October 1.

Mr. Speaker, I thank the gentleman, for allowing me this time.

□ 1730

Mr. MYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I found the previous colloquy very interesting and I think very essential. There is not a town hall meeting that I hold where I do not hear about the difficulties and inappropriate implementation of the wetlands requirements.

Mr. Speaker, this Member, in behalf of Members from four States—Nebraska, Iowa, Missouri, and Kansas, would like to thank the distinguished chairman of the Appropriations Subcommittee on Energy and Water Development [Mr. BEVILL] and the distinguished ranking member [Mr. MYERS] and members of the subcommittee for their efforts which ensured that $1.5 million remained in the conference report for land acquisition and construction under the Missouri River Fish and Wildlife Mitigation Program. It is a small amount, but symbolically important. This year, again, the other body has not recommended funds, so the efforts of House conferees are especially appreciated. This money will finally allow land acquisition and construction to begin on this very important program in Nebraska, Iowa, Kansas, and Missouri.

During the Pick-Sloan era, an overwhelmingly important and well intentioned project was completed by the Army Corps of Engineers to stabilize the banks of the Missouri River and make it navigable. A devastating result of this project was the loss of fish and wildlife habitat which occurred when sand bars, marshes, horseshoe bends, and side channels disappeared following completion of the project. The U.S. Fish and Wildlife Service estimated that 475,000 acres of fish and wildlife habitat have been lost as a direct result of the channelization project. The river now follows a much straighter path, and the water flows more rapidly. This causes continued deepening of the river and ever increasing losses of fish and wildlife habitat.

This member and other colleagues in the region have worked long and hard to move this mitigation project to the point where actual construction can begin. This Member was a strong supporter of the Water Resources Development Act of 1986 (Public Law 99–662) that authorized $51.9 million for mitigation projects along the Missouri River from Sioux City, IA, to St. Louis, MO. This Member would also like to express his appreciation for the past support of the chairman, Mr. BEVILL, and ranking member, Mr. MYERS, that enabled the planning, engineering, and design of this project to be completed at the end of this fiscal year. On February 29, 1991, the Corps of Engineers stated that PED will be complete at the end of fiscal year 1991. This statement assures this Member that there should be no delay by the corps in utilizing the funds appropriated today to begin construction of this long overdue mitigation project.

The Missouri River mitigation project will restore small portions of lost fish and wildlife habitat and prevent even greater habitat losses. Lingering effects of the federally sponsored project to channelize the Missouri River are continuing to cause the degradation and loss of wetlands. Implementation of the Wetlands Delineation Manual continues to place significant hardship on private property owners in many instances. If the effects of Federal actions continue to cause the loss of valuable wetlands, the Federal Government should be held to a no less stringent standard to stop or mitigate the loss. This appropriation is a significant step toward beginning to restore that fairness.

This Member would also like to express his appreciation to the committee for including funds for the Missouri national recreational river project, the Papillion Creek project, and for flood damage prevention studies, in Nebraska in Burt and Washington Counties and on Antelope Creek in Lancaster County.

Mr. MEYERS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I will not oppose this conference report, because in totality the committee has done an excellent job. But I do continue to oppose strongly proceeding a pace with the superconducting super collider, which becomes a more questionable investment by the day.

This measure includes $458 million for the SSC, a near 100-percent funding increase, on a tight budget, on a project with a great many serious questions, and very few acceptable answers.

Mr. Speaker, let me just point out a few of these developments that have occurred on this project since we debated the issue in May.

First, international contributions seem more unlikely than ever. Keep in mind, this House, by an overwhelming majority, passed a measure placing a 20-percent floor on foreign contributions. The absence of foreign contributions means at least $1.7 billion more in the cost to the Federal Government, and the Federal Government is us, the taxpayers.

One does not have to take my word for this. Listen to Fred Bucy, the head of the Texas Laboratory Commission and a strong supporter of the project. He resigned last month to draw attention to the fact that we will not be able to rely on foreign money to pay for a project that is estimated to cost anywhere from $8 to $11 billion. If you believe we can get this project for $8 billion, I have got a bridge I would like to sell you in Brooklyn.

Now, following a line of reasoning only the Department of Energy could concoct, one DOE official is arguing that foreign contributions would actually have made the project more expensive, because of the costs of travel, phone calls, and the like. This, of course, is diametrically opposed to what the Department was saying just 2 months ago.

This is all part of a pattern of making things up as you go along. Last year, when it was convenient, DOE promised the House that the SSC would cost the Federal Government no more than the tidy sum of $5 billion. That promise was broken by January. Now, with the lack of foreign contributions, it is taking on big lie proportions.

But these skyrocketing costs have not infused the SSC team with a new sense of responsibility. In June, now, get this one, it was reported that the team had been pressing Texas to set up a ranch and visitor center on the SSC site. Luckily, this plan to build ColliderWorld was scuttled when it gained publicity.

Meanwhile, the arguments in favor of the SSC have become more and more farfetched. In May, proponents kept confusing the SSC with a medical project. Among the medical advances they attributed to the SSC was magnetic resonance imaging, or MRI, a kind of scanning technology.

Strangely, in the space station debate last month, NASA, the National Aeronautics and Space Administration, claimed that it was the progenitor of MRI. This is nothing more than playing on the public lack of knowledge—randomly attributing any scientific or medical advance to a threatened project.

Mr. Speaker, I recognize that the battle against the SSC has been lost for this year. But we will be back. And, unfortunately, knowing the record of the Department of Energy, I am confident that by next year we will have a new list of broken promises, unrealistic projections, and rising budgets to bring before this body. And by that point it will be apparent to anyone without a vested interest in the SSC, that this project is an untenable threat to science.

Mr. Speaker, to err is human. But when the eraser wears out ahead of the pencil, that is totally unacceptable.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to our good friend, the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, I thank the gentleman from Alabama for yielding time. I rise in strong support of the energy and water development appropriations conference report and to engage the distinguished chairman of the subcommittee in a colloquy regarding two important Department of Energy programs.

As the gentleman is aware, the conference report provides $7.5 million for the boron neutron capture therapy research program. Is it true that this money shall be available only for the BNCT research program?

Further, is it your intent that the amount appropriated shall not be available for the modification, operation, and standby cost of the Power Burst Facility at the Idaho National Engineering Laboratory?

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. STALLINGS. I would be happy to yield.

Mr. BEVILL. Yes. The gentleman is correct.

Mr. STALLINGS. I thank the gentleman for his reassurances and support. I also want to ask the chairman of the subcommittee about another worthwhile program in the bill.

I understand that the conference report approves the budget request for the Integral Fast Reactor and the Actinide Recycle Program. Is it your understanding that the budget request is $25 million and $4 million respectively for these two programs.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. STALLINGS. I would be happy to yield.

Mr. BEVILL. The gentleman from Idaho is correct.

Mr. STALLINGS. Mr. Speaker, I appreciate the support and help of the gentleman from Alabama [Mr. BEVILL] on this issue.

Mr. MYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for yielding.

Mr. Speaker, we are facing, as I have said on this floor many times before, a budget deficit this year between $350 and $400 billion, the largest in U.S. history. This is following upon a budget summit agreement last year that increased almost every tax in sight, that was supposed to get control of spending, and get control of this budget process.

□ 1740

In fact, it was the largest tax increase or the second largest tax increase in history, and yet we are facing this year again, as I said before, a $350 to $400 billion deficit. The national debt is over $3 trillion, and the interest that we pay each year is estimated to be between 15 and 20 percent of the total expenditures every year, and it is growing.

We are heading toward fiscal calamity in this country and economic calamity unless we get control of our appetite for spending.

I think the committee did a pretty good job on this bill, but I found that in conference 11 water projects were added that totaled $27 million which were not approved by the House. I talked to the gentleman from Indiana [Mr. MYERS] on our side, and he said that these were reviewed by the committee here in the House, but they felt they did not have enough money to pay for them this year. He said they were laudable projects, but something that we could not afford right now. And that is the point that I want to make.

We have to prioritize, especially during a time of economic difficulty, and during a time when we have these huge, huge deficits. If we do not, we are going to face a real calamity in the future. We cannot continue, a government or a family cannot continue to spend way beyond their means for an indefinite period of time without facing bankruptcy, and eventually we are going to have to pay the piper in this country if we do not live within our means. And we are certainly not even coming close to doing that right now, because as I said before, we are going to approach a $400 billion deficit this year.

So these 11 projects totaling $27 million I will ask for a vote on tomorrow. I will ask tomorrow for the House to insist on the House position and to cut this $27 million out, not because they are not laudable projects, but because we simply have to start prioritizing. We cannot spend for everything in sight as we have done in the past, because it is not only fiscally irresponsible, it is going to lead to economic disaster.

Mr. BEVILL. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding time to me.

I take this time just to respond to the statement the gentleman from Indiana just made. I do not expect to address the question of who created the deficits. But for the purpose of explanation, as a member of the Appropriations Committee, I think our citizens should have the latest available information which was yesterday made available by the House Budget Committee in a bipartisan statement which I will include for the RECORD.

But it states unequivocably that only 7 percent of the total outlays of the Federal budget are classified as nondefense discretionary spending, which category we are dealing with here today. So we are dealing with only 7 percent of the total outlays.

Mr. Speaker, I include those data as a part of the RECORD at this point and will supply the gentleman from Indiana with this copy.

The data referred to follows:

COMPOSITION OF FISCAL YEAR 1990 GROSS OUTLAYS

[Dollar amounts in billions, OMB data]

	Amount	Percent
Payments for individuals	$583.8	45.3
Direct	505.2	39.2
Through State grants	78.6	6.1
Defense	299.3	23.2
Net interest	184.2	14.3
Deposit insurance	58.1	4.5
Other grants to States	58.0	4.5
Domestic physical capital investment	15.0	1.2
Other Government functions	89.9	7.0
Contract services	46.4	3.6
Federal employment	43.5	3.4
Total gross outlays	1,288.3	100.0
Undistributed offsetting receipts	−36.6	
Total net outlays	1,251.7	

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the atmosphere here on the floor a few hours ago suggested to some of us that possibly we should not bring this very important legislation up this afternoon, at least I felt somewhat that way. But in reviewing what was in the bill, and the necessity and type of programs and projects in the bill, we felt very confident that we will have absolutely no trouble with the bill, so we did bring it to the floor.

Two months ago we had a good bill. It passed the House of Representatives with only 24 Members voting against. Today, after resolving the differences with the Senate, we have a better bill, a bill which I am sure most Members will support. I think every Member should support it. It is something that touches every Member.

We take water for granted and we take energy for granted, but it does not come free. It means somebody had to do research, and this is the bill that provides a lot of research for new ways of providing energy for our children and our grandchildren and providing water for the needs of our country, both water which is used for municipal and industrial uses as well as flood control.

So this is a very good bill and I hope every Member will support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. PANETTA. Mr. Speaker, attached is a fact sheet on the conference report to accompany H.R. 2427, the energy and water development appropriations bill for fiscal year 1992.

This is the second conference report to accompany the regular fiscal year 1992 appropriations bill. The conference report is equal to the discretionary budget authority and $50 million below in outlays as compared to this subcommittee's 602(b) spending subdivision.

I hope this information will be helpful.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–177)

The Conference Committee reported the Energy and Water Development Appropriations bill for fiscal year 1992 on Tuesday, July 30, 1991. Unanimous consent was granted to consider this conference report in the House on Wednesday, July 31 or any day thereafter.

COMPARISON TO THE 602(b) SUBDIVISION

The conference report provides $21,875 million of discretionary budget authority totalling the defense and domestic budget authority in the bill. This conference report provides $20,720 million of discretionary outlays (totalling defense and domestic outlays in this bill). This conference report is equal to the discretionary budget authority subdivision and under the discretionary outlay subdivision by $50 million.

Since the Budget Enforcement Act established defense, international affairs, and domestic discretionary caps, this table compares the bill's spending in those 3 categories with the equivalent breakout of the 602(b) spending subdivisions. This conference report has no international affairs spending.

COMPARISON TO DISCRETIONARY SPENDING SUBDIVISION

[In millions of dollars]

	Energy and water development appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under(−) 602(b) subdivision	
	BA	O	BA	O	BA	O
Defense discretionary spending subdivision:						
Discretionary	11,980	11,569	11,980	11,570		−1
Mandatory						
Total	11,980	11,569	11,980	11,570		−1
Domestic discretionary spending subdivision:						
Discretionary	9,895	9,151	9,895	9,200		−49
Mandatory						
Total	9,895	9,151	9,895	9,200		−49

Note:—BA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays on May 22, and adopted revised 602(b) subdivisions on July 31, 1991. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

The following are the major program highlights for the Energy and Water Development Appropriations Bill for Fiscal Year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Atomic Energy Defense Programs[1]	11,968	7,590
Army Corps of Engineers	3,610	2,495
Bureau of Reclamation	895	737
DOE general science	1,472	957
Energy supply R&D	2,962	1,333
Uranium enrichment (gross)	1,314	1,051
Nuclear waste fund (civilian)	275	138
Appalachian Regional Commission (ARC)	190	10
Tennessee Valley Authority (TVA)	135	33

[1] The Atomic Energy Defense Program funds are part of function 050, national defense. The other accounts shown above are domestic discretionary programs. The DOE general science account provides $483.7 million for the superconducting super collider (SSC).

Mr. GALLO. Mr. Speaker, I rise today in support of the conference report on energy and water development appropriations for fiscal year 1992. As a new member of this subcommittee, I would like to thank Chairman BEVILL and ranking member JOHN MYERS for their leadership and direction. I would also like to thank the subcommittee staff for all their hard work.

I am proud of the fact that we have crafted a bill that will continue to move this country closer to a comprehensive energy policy. With this bill we have also made a significant long-term commitment to the development of new energy sources for our future needs.

The immediate goal of our national energy policy must be a balanced approach that deals with conservation and alternative fuel sources. We must not shortchange our research and development programs. If we fail to act now, we will be passing along to our next generation energy problems that could be solved if we invest in new technologies now.

This bill also provides funding for a number of critical flood control projects throughout the United States. These important projects will help to prevent property damage in areas with recognized flooding problems. It is even more important, however, that these projects move forward in order to save the countless lives lost to devastating floods. This bill provides the needed relief to those areas stricken each year by floods.

In my State of New Jersey, the conferees agreed to accept the funding levels for two New Jersey flood control projects that will allow the projects to remain on track.

These critical flood control projects must move forward in order to protect the public safety in the Passaic and Raritan River Basins. With the additional funds for the Passaic flood tunnel, engineering and design of the entire project, including the extension to Newark Bay, has taken a closer step to completion.

I will never forget the fear and apprehension expressed by the people in the Passaic River Basin after the April flooding in 1984 took three lives and caused $355 million in damage. Seven years have passed since that event and thankfully we have not been hit with a devastating flood to this point. While no one can accurately predict what the future will bring, we can be sure that time is not on our side.

This $21.9 billion appropriations bill also contains funding for several energy development projects that benefit New Jersey. I was happy to see that the conferees agreed to fund fusion research at $337 million. Fusion research is one of the programs that will move this country towards energy independence.

The bill also includes $237 million in 1992 funding for solar and other renewable energy research. I have always been an active supporter for increased funding in renewable sources and was pleased that the subcommittee provided this critical funding.

It was a long and thorough process and I am happy to rise in support of this conference report.

Mr. PORTER. Mr. Speaker, I commend Chairman BEVILL and Mr. MYERS for an excellent job completing a good bill on time. They made tough choices, and we should support them.

They included funding for the integral fast reactor and the advanced photon source to support important research at Argonne Laboratories. The committee also included important ongoing funding for the Fermi Laboratory.

I am grateful that the committee included funding for a flood control project along the Des Plaines River in my district to prevent flooding like we made in 1986 and 1987, causing over $110 million in damage.

Finally, the House conferees did an excellent job in providing funding to the Des Plaines wetlands reclamation demonstration project in Illinois, the most advanced wetlands reclamation project of its kind in the United States.

It will provide valuable data to the Army Corps' wetlands research program, and will serve as a model for wetlands reclamation projects nationwide, to help achieve the no-net-loss pledge.

Mr. Speaker, this is an excellent bill written under very trying circumstances, and all Members should vote for it.

Mr. McDADE. Mr. Speaker, I rise today in support of the conference report on H.R. 2427, the energy and water development appropriations bill for fiscal year 1992.

Mr. Speaker, the House Appropriations Committee has worked tirelessly this year to complete action on fiscal year 1992 appropriations bills in a timely manner. I am proud that we have brought all 13 regular appropriations bills to the House floor before the August district work period, and I am pleased that we will complete action on at least a few conference reports before the break. Upon our return in September, we will keep up the pace on the remaining conference reports, driven by the goal of completing final action on all appropriations bills before the end of the fiscal year.

The energy and water development appropriations bill is always one of the first horses out of the gate and one of the first to the finish line. This year is no exception. The conferees are to be commended for their efficiency and effectiveness in coming to an early agreement on this vital legislation. The chairman of the subcommittee, my good friend, the honorable gentleman from Alabama, has done an outstanding job on this bill. Working with limited resources, he has not been able to make everyone happy. But he has done everything within his power to distribute those resources in a manner that best serves the vital interests of America and Americans.

I would also like to commend my wise and honorable friend, the ranking Republican member of the subcommittee, the gentleman from Indiana, for his dedication and untiring work on this legislation. He and all the members of the subcommittee are to be congratulated for their many contributions.

The bill before us provides funding for activities that ensure our common defense; facilitate the free flow of commerce; expand our scientific horizons; provide for our energy security; protect personal and public property; and promote economic development opportunities. I am pleased to observe that the $21.9 billion measure is within the subcommittee's 602(b) allocation for both budget authority and outlays.

As reported by the conference committee, the bill includes $3.6 billion for the planning, construction, and operations and maintenance activities of the Corps of Engineers. This level of funding—$308 million more than appropriated in fiscal year 1991—should be sufficient to sustain an effective national program of environmental regulation, flood control, harbor dredging, and navigational assistance.

The bill's $17 billion appropriation for the Department of Energy includes $2.96 billion for energy supply, research and development activities; $1.47 billion for general science and research activities; and $11.97 billion for atomic energy defense activities. I am especially pleased that the conferees were able to provide $15 million for development of a new main injector at the Fermi Laboratory in Illinois. The conferees expect that this level of funding will be sufficient to complete design work on the injector and to initiate construction in fiscal year 1992. This important improvement will ensure that the laboratory will produce important scientific knowledge for years to come.

The bill also includes $483 million for continued development of the superconducting super collider in Texas. Although this amount is some $50 million below the budget request, it is $240 million greater than the fiscal year 1991 level. Because of an upward adjustment to the House subcommittee's allocation of domestic discretionary budget authority, the conference committee was able to restore half of the $100 million reduction to the SSC originally recommended by the House.

H.R. 2427 includes $4.28 billion for the environmental restoration and waste management activities of the Department of Energy. The job of cleaning up this Nation's nuclear weapons and research complex is enormous. It will take many years and cost billions of dollars. With this appropriation, the committee again demonstrates its commitment to completing the task, however difficult.

Mr. Speaker, I am proud that the committee on conference chose to retain a provision I sponsored in the House report regarding electromagnetic field research. There is much concern about the possible health effects of exposure to electromagnetic fields—or EMF—and a good deal of research has already been initiated on this subject. Apprehending a need for nonbiased, nonpolitical, scientific evaluation and expansion of current research, the committee has included $600,000 for the National Academy of Sciences to participate in the EMF research effort. The committee has included this funding to ensure that Federal EMF research is credible, reliable, and of the highest quality.

I am also very pleased that the bill includes $700,000 for the Corps of Engineers to develop a greenway corridor plan for the Lackawanna River Valley in Pennsylvania. The Lackawanna River is an important natural resource to northeastern Pennsylvania and an important tributary to the Susquehanna River. Accompanying the Lackawanna River Basin's development has been a decline in the river's quality, fish, and wildlife habitat, and the quality of the urban environment. Despite some flood control development in the area, flood damages persist. It is critical that river corridor planning be conducted and that greenways be established in those urban areas, such as the Lackawanna River Basin, that continue to suffer from flood damages and the loss or degradation of fish and wildlife habitat and other environmental assets. I look forward to working with the corps on a greenway corridor project that could become a model for similarly situated river basins across the country.

Mr. Speaker, I urge my colleagues to vote "aye."

Mr. ESPY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2427. I commend my colleague from Mississippi, the chairman of the Appropriations Committee, and my colleague from Alabama, the chairman of the Energy and Water Development Subcommittee, and express my appreciation for their continued support of our crucially needed flood control projects in Mississippi.

My constituents have suffered through five floods in the last 3 years. The worst flood since 1973 occurred just last month with almost 2 million acres under water. Forty-one Mississippi counties were declared disasters by the President and many more were declared agricultural disasters by the Secretary of Agriculture. Losses incurred to personal property and homes, private businesses, and local, State, and Federal Government property reach far into the hundreds of millions of dollars. The final cost of the damage will take months to determine as the rebuilding process begins.

However, the answer to this problem does not lie just with the people of the Second District of Mississippi. The people living along the Mississippi River and the Mississippi River Basin suffer not from a regional problem but a national one. Forty-one percent of the Nation's water drains on the Mississippi River Basin. The alleviation of conditions that contribute to these destructive floods is partly the responsibility of each of us here.

That is why I am here today to offer my support for this conference report. This report demonstrates a clear effort to get back on track and continue the critically needed flood control construction and maintenance on the Upper Yazoo Basin. I am glad to see that these authorized projects are being continued and are recognized as vitally important.

This report includes a total of $353,437,000 for flood control for the Mississippi River and tributaries. Of this amount, $31,775,000 is provided for construction on the Upper Yazoo Basin, and $22,226,000 is provided for it's maintenance.

The Upper Yazoo Basin projects, dating back to when Congress authorized the Flood Control Act of 1936, consists of 179 miles of channel improvements of the Yazoo, Tallahatchie, and Coldwater Rivers, and 210 miles of levees and drainage structures. The project is designed to reduce headwater flooding in the Upper Yazoo Basin by providing associated levee protection and increased channel capacity.

I would like to make special mention of the inclusion in this report of $1,100,000 for construction and $170,000 for maintenance of the Big Sunflower project. This project includes the Upper Steele Bayou project, and also initiates work on Black Bayou, a project critical to flood protection for the city of Greenville, the largest urban area in the northern half of Mississippi.

Additionally, this report recognizes the significant problems posed by erosion and drainage problems across the United States, as demonstrated by the inclusion of $19,000,000 to continue the Demonstration Erosion Control Program in Mississippi. This is a joint undertaking of the Corps of Engineers and the Soil Conservation Service. Continuation of this erosion control work in the Yazoo Basin is vital to the well-being of this region. By building on the knowledge gained about reducing flooding, erosion, and sedimentation in the demonstration watersheds, we will be able to demonstrate feasible solutions to these problems to other parts of the Nation.

Mr. Speaker, the programs included in this conference report mean more than just flood control to my district. Ultimately and clearly, it allows for the full enjoyment of property and our natural gifts and resources. I appreciate the opportunity to express my support of the energy and water development conference report for fiscal year 1992.

Mr. FROST. Mr. Speaker, I rise in support of the conference report on energy and water development appropriations for fiscal year 1992. I am particularly pleased that the conference report provides $484 million for the superconducting super collider.

This is a modest sum to commit to a program that will help keep our Nation on the cutting edge of scientific research. It means that America is committed to leading the way in discovering new technologies and developing innovative solutions to the problems confronting modern societies.

Of course, while it's difficult to predict now where the SSC will lead us, we do know that past scientific and technological breakthroughs have had enormous impact on our daily lives. Major advances in medicine, agriculture, computers, and lasers have come about because of our Nation's commitment to basic scientific research. It's reasonable to believe that the SSC will also lead to now unforeseen discoveries that will profoundly affect the way we live.

I commend Chairman BEVILL and the committee for its leadership and for its decision to support the SSC. I urge my colleagues to support this important appropriations measure.

Mr. ANDREWS of New Jersey. Mr. Speaker, yesterday in the floor debate over the Energy and Water Appropriations Conference Report, H.R. 2427, concern was expressed by my friend from Florida, Mr. IRELAND, the ranking member of the House Small Business Committee, about Senate report language pertaining to small business set-asides in the Army Corps of Engineers hopper dredging program.

As a member of the House Small Business Committee, I must disagree with my colleague as to whether the Senate report language present in this conference report conflicts with existing small business statutes. The report language clearly expresses the intent of Congress regarding the direction which the corps should take in awarding contracts for hopper dredging to private companies. The adopted language has stated that since small dredging companies do not have the assets and technological capability to perform hopper dredging, the funding for hopper dredging should not be included in the small business set-aside totals. Our Nation's larger dregers should not be excluded from competitive bidding on hopper dredging work any longer.

I would like to call to the attention of my colleagues and the Corps of Engineers the following statement in the conference report: "Senate report language not changed by the Conference is approved by the Committee of Conference." The Senate report language was thereby expressly reconfirmed by the conferees and should be considered as the clear expression of the will of Congress. I will continue to monitor this issue to see that this language is fully implemented by the corps.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 2427, as well as the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 32, not voting 8, as follows:

[Roll No. 245]

YEAS—393

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio

Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—32

Archer
Armey
Ballenger
Broomfield
Burton
Campbell (CA)
Coble
Crane
Dreier
Duncan
Eckart
Glickman
Hancock
Hefley
Henry
Johnston
Moorhead
Nussle
Patterson
Penny
Petri
Ritter
Sanders
Santorum
Schroeder
Sensenbrenner
Shays
Slattery
Solomon
Stump
Walker
Wolpe

NOT VOTING—8

Bustamante
Feighan
Hefner
Hopkins
Tauzin
Unsoeld
Waxman
Yatron

□ 1807

Mrs. SCHROEDER and Mr. HEFLEY changed their vote from "yea" to "nay".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that tomorrow during special orders, my special order now requested be able to go second.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

□ 1800

ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 2, SATURDAY, AUGUST 3, SUNDAY, AUGUST 4, OR MONDAY, AUGUST 5, 1991, TO WEDNESDAY, SEPTEMBER 11, 1991

Mr. GEPHARDT. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 191) and ask for its immediate consideration.

The Clerk read the concurent resolution, as follows:

H. CON. RES. 191

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 2, Saturday, August 3, Sunday, August 4, or Monday, August 5, 1991, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand adjourned until noon on Wednesday, September 11, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble whenever, in their opinion, the public interest shall warrant it.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is the resolution before the House debatable?

The SPEAKER. No. The Chair will tell the gentleman, it is not debatable. The vote must be taken by the yeas and nays.

Mr. WALKER. The vote must be taken by the yeas and nays, but the resolution is not subject to an hour's debate?

The SPEAKER. The resolution is not subject to an hour's debate, the gentleman is correct.

Mr. WALKER. Mr. Speaker, I thank the Chair.

The SPEAKER. Under the statute, this vote must be taken by the yeas and nays.

The question is on the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 11, as follows:

[Roll No. 246]

YEAS—406

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino

Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—16

Cox (CA)
Crane
Grandy
Gunderson
Hefley
Henry
Holloway
Klug
Nussle
Orton
Penny
Petri
Pursell
Ridge
Roth
Sensenbrenner

NOT VOTING—11

Berman
Bustamante
Feighan
Ford (TN)
Hefner
Hopkins
Lantos
McEwen
Murphy
Tauzin
Yatron

☐ 1826

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Ms. SLAUGHTER of New York. Mr. Speaker, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. KOSTMAYER. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. KOSTMAYER], to lay on the table the motion offered by the gentleman from New York [Mr. SLAUGHTER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand tellers.

Mr. VOLKMER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 22, not voting 20, as follows:

[Roll No. 247]

YEAS—391

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hefley
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—22

Ballenger
Doolittle
Gekas
Gilchrest
Goodling
Gunderson
Henry
Holloway
Hunter
Klug
Kyl
Lewis (CA)
Nussle
Petri
Pursell
Quillen
Rohrabacher
Sensenbrenner
Skeen
Solomon
Stump
Walker

NOT VOTING—20

Berman
Bustamante
Carper
Clement
Conyers
Feighan
Frank (MA)
Gray
Hatcher

Hayes (LA)
Hefner
Hopkins
McCurdy
Nowak
Olin
Tauzin
Torres
Washington
Yates
Yatron

☐ 1847

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

RESCHEDULING OF SPECIAL ORDERS ON TOMORROW

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the special orders scheduled for this evening be rescheduled for tomorrow in the same order as they are tonight.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

RE-REFERRAL OF H.R. 2630 TO THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2630, be re-referred to the Committee on Post Office and Civil Service.

The minority has been consulted and this is the bill that was sent to the Committee on the Judiciary and should go to the Committee on Post Office and Civil Service.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman said the minority has been consulted. Has the minority agreed?

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, they did not object.

Mr. WALKER. Mr. Speaker, I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

☐ 1850

MOMENT OF SILENCE FOR MURDERED LITHUANIANS

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, in the predawn hours of this morning, in an attack on a Lithuanian border station, seven Lithuanians were murdered in a brutal execution style attack. This was an attack not only on the independence of Lithuania, but also on democracy itself. It was a grave loss of human rights.

Mr. Speaker, I ask Members to join me briefly for a moment of silence.

A moment of silence was observed.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1568. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; to the Committee on the Judiciary.

S. 1593. An act to improve the operation and effectiveness of the U.S. National Commission on Libraries and Information Science, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 40. Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week."

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 70, not voting 21, as follows:

[Roll No. 248]

YEAS—342

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Crane
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Ritter
Roberts
Roe
Roemer
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weiss

Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Young (AK)
Zimmer

NAYS—70

Armey
Ballenger
Barton
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Chandler
Coble
Coleman (MO)
Coughlin
Cox (CA)
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Gilman
Gingrich
Goss
Hancock
Henry
Holloway
Hunter
Inhofe
Jacobs
Klug
Kyl
Lagomarsino
Leach
Lewis (FL)
Martin
McCollum
McMillan (NC)
Miller (OH)
Petri
Porter
Pursell
Rhodes
Ridge
Riggs
Rogers
Ros-Lehtinen
Roth
Santorum
Sensenbrenner
Solomon
Stump
Taylor (NC)
Thomas (CA)
Vander Jagt
Walker
Weber
Weldon
Williams
Wolf
Young (FL)
Zeliff

NOT VOTING—21

Bustamante
Carper
Clement
Feighan
Goodling
Gray
Hayes (LA)
Hefner
Herger
Hopkins
Horton
Kaptur
Martinez
Murtha
Nowak
Olin
Tauzin
Valentine
Washington
Yates
Yatron

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 7 o'clock and 10 minutes p.m.) under the Constitution, the House adjourned until tomorrow, Thursday, August 1, 1991, at 10 a.m.

CONFERENCE REPORT ON 2699

Mr. DIXON submitted the following conference report and statement on the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes:

Conference Report (H. Rept. 102–181)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2699) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 8, 9, 13, 14, 22, 29, 30, 33, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 11, 12, 16, 21, 27, 28, 31, and 32, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$9,500,000, of which $8,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$875,033,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended as follows:

In lieu of the sum named, insert: *$8,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 7, 10, 15, 17, 18, 23, 24, 25, and 26.

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
MARTIN OLAV SABO,
LES AUCOIN,
STENY H. HOYER,
JAMIE L. WHITTEN,
DEAN GALLO,
RALPH REGULA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BROCK ADAMS,
WYCHE FOWLER, JR.,
BOB KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

Water and Sewer Services

The conferees are aware that the Blue Plains Intermunicipal Agreement of 1985 requires the District to limit inflows to the Blue Plains Wastewater Treatment Plant to 148 million gallons per day by 1996. Current inflows now exceed 160 million gallons per day. Since the Federal government is the largest water and sewer service customer of Blue Plains, Federal agencies must play a key role in reducing the inflow of wastewater as a part of the Federal and regional effort to protect the Chesapeake Bay.

The conferees urge Federal and District officials to begin discussions on ways to encourage Federal entities to become more accountable for their use of water and sewer services that will result in conserving water while at the same time reducing wastewater inflow into the Bay.

The conferees expect the Federal Office of Management and Budget to take a lead role in making Federal agencies more aware and accountable for their water and sewer use. This could very well be accomplished by apportioning, on a pro rata basis, the reductions that will assist in meeting the 1996 goals set forth in the Intermunicipal Agreement.

Federal and District officials should consider the issuance of government-wide directives to agencies requesting that plans be developed to reduce water consumption by certain percentages by dates certain or face requirements to absorb the costs of water usage that exceed the levels set in the directives.

The District government should adopt incentives for its largest customers, including the Federal government, to reduce water usage to ensure that these goals are met. These incentives could include surcharges on amounts of water used in excess of the pro rata reductions needed to meet the required 148 million gallons per day inflow limit that will become effective in 1996. A surcharge may be the most effective and quickest way to get the attention of Federal agency heads and other large water consumers and encourage their voluntary cooperation in efforts to protect the Bay.

Federal and District officials should also consider requiring the installation of water saving devices and equipment in new construction or when renovating existing facilities.

The conferees believe that it is extremely important for Federal officials to take the lead in this effort and ask that District officials inform the Committees on Appropriations of the Senate and the House of Representatives of the level of cooperation and the status of these efforts on January 1, 1992 and on April 1, 1992.

Emergency Ambulance Service

The conferees share the concern of city officials over the state of the city's ambulance service. In a letter dated July 30, 1991, the Mayor states that she intends to announce and implement a new policy direction for the District's emergency medical service before the end of the year. The conferees encourage the Mayor to act without delay to implement short-term measures to improve EMS response time, and to propose long-term solutions to the EMS difficulties.

These actions will necessarily require decisions involving man-hours, overtime, training and effective delivery of emergency medical care. The conferees expect that the Mayor will work with all affected parties to formulate these plans, and that she will keep the conferees and the parties well informed of the status and progress of the decision-making. The conferees stand ready to be of whatever assistance the Mayor deems appropriate in implementing her proposals.

D.C. Taxicab Commission

The conferees continue to be concerned about the operation of the taxicab system in the District of Columbia which is administered by the D.C. Taxicab Commission. In earlier reports the conferees have expressed concern about the physical condition of the taxicabs as well as the quality of service being provided to the riding public by the local taxicab industry.

The conferees direct the District of Columbia Taxicab Commission to complete the analysis of its on-going study on the effectiveness and equity of the District of Columbia zone taxicab system in comparison to a metered taxicab system and issue a subsequent report no later than June 1, 1992.

The report should contain a specific recommendation regarding whether or not the District should change to a metered taxicab system. If the Commission recommends retention of the zone system, the Commission is required to provide a detailed explanation of the underlying reasons for this recommendation, including an analysis of why a metered system is not more cost-effective, convenient and fair to the riding public. Copies of the report and accompanying recommendation should be sent to the Mayor and Council of the District of Columbia and to the appropriate committees of the Congress.

TITLE I—FISCAL YEAR 1992 APPROPRIATIONS

FEDERAL FUNDS

OFFICE OF THE MAYOR

Amendment No. 1: Deletes heading and appropriation of $52,000 proposed by the House and stricken by the Senate to fund one of four vacant positions in the Office of the Mayor. The conferees direct that existing funds be used to fill the position and that the position be filled as soon as possible but no later than October 15, 1991.

BOARD OF EDUCATION

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$3,205,000 of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities; $330,000 shall be for the Options Program; $250,000 shall be for the Parents as Teachers Program; and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): Provided, That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: Provided further, That of the $3,205,000 appropriated under this heading, $1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Public Schools.—The conference agreement appropriates a Federal contribution of $3,205,000 of which $2,125,000 is for renovations to public school athletic and recreational grounds and facilities, $330,000 is for the Options Program, $250,000 is for the Parents as Teachers Program and $500,000 is for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS) instead of $1,100,000 of which $600,000 is for renovations to public school athletic and recreational grounds and facilities and $500,000 is for the Direct Activity Purchase System (DAPS) as proposed by the House and $1,130,000 of which $550,000 is for renovations, maintenance, improvements and repairs to public school facilities, including athletic and recreational grounds, $330,000 is for the Options Program, and $250,000 is for the Parents as Teachers Program as proposed by the Senate. The conference agreement also restores language proposed by the House and stricken by the Senate requiring that the $500,000 for DAPS be returned to the United States Treasury on October 1, 1992 if the amount spent by the District out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991. The conference agreement provides that $1,500,000 of the $3,205,000 appropriated under this heading shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992.

DISTRICT OF COLUMBIA GENERAL HOSPITAL

Amendment No. 3: Appropriates a Federal contribution of $9,500,000 of which $8,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992 instead of $12,000,000 of which $10,000,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992 as proposed by the House and $900,000 as proposed by the Senate.

The conferees note that various recommendations were made in the Report of the Comission on Budget and Financial Priorities (the Rivlin Commission) concerning improvements in the utilization of hospital facilities through consolidation at D.C. General Hospital. The Commission recommends that cost-saving initiatives be implemented at D.C. General and St. Elizabeths hospitals.

Hospital administrators reportedly told the Commission that the conditions of the facilities at D.C. General Hospital are major contributors to the high operating costs and inefficiencies at the hospital. D.C. General's maintenance and repair costs were twice as high as the average of 57 similarly sized government-run urban hospitals. Maintenance and repair costs represent nearly 40 percent of non-personnel expenses. With the opening of the new Ambulatory and Critical Care Center, the Commission found that the hospital will now be able to consolidate its 45 out-patient clinics and its trauma center into one building resulting in lower costs for leasing and other expenses.

In addition, the Commission found that D.C. General is losing revenue because of its ineffective charge capture system. They found that 35 percent of the medical records of in-patients contained no listing of physician visits. Unless charges for all items and services provided to patients is captured and billed to third party payors or the patient it is impossible to determine the true cost of care for uninsured patients. The Commission estimated that improvements in capturing appropriate charges would result in a minimum of $3.2 million and possibly as much as $6.5 million in additional revenue.

The conferees also note that no annual report or audit has been produced for fiscal year 1990 as required by D.C. Code, secs. 32-243 and 32-252. The conferees request that the D.C. General Hospital Commission rectify those omissions at the earliest possible opportunity.

TRAUMA CARE FUND

Amendment No. 4: Deletes heading and appropriation of $10,000,000 proposed by the Senate to establish a Trauma Care Fund for indigent patients at District hospitals.

In deleting this provision, the conferees are not expressing the view that this is an unnecessary element in the city's health care system, but rather acknowledging the legislation that is pending before the District Council in the form of Bill 9-193, the District of Columbia Health Insurance and Health Care Coverage Act of 1991. The Act includes a provision establishing an uncompensated care trust fund similar to the one proposed by this amendment.

While Bill 9-193 is broader than the uncompensated care trust fund, the conferees encourage early action on this portion of the legislation and will carefully follow its progress.

The conferees are also concerned about the proportion of resources that are consumed in emergency rooms for nonemergency care. Patients who seek primary care in an emergency room do so for many reasons, the foremost being lack of access to appropriate primary health care. In addition, because these patients do not receive any continuity of care, their overall care remains substandard. This in itself is a serious problem, but it is drastically compounded because essential resources are diverted to provide primary care in this manner. The conferees are aware that this situation is a nationwide problem and is not unique to the District. The conferees hope that the Mayor, the City Council, and hospital administrators will work together to develop legislation that will reduce the amount of nonemergency primary care currently provided in emergency rooms. Further, the conferees urge the Mayor and hospital administrators to study the extent of this problem and its costs to hospitals and develop a proposal for a long-term solution. The study on this issue should be forwarded to the Committees on Appropriations of the House and the Senate and the District Council with the budget submission for fiscal year 1993.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Amendment No. 5: Deletes heading and appropriation of $200,000 proposed by the Senate for a site-specific study of the Municipal Fish Wharf. The conferees reaffirm their support for the continued operation and maintenance of the municipal fish wharf as a seafood marketplace. A study of the southwest waterfront area has been completed by a consultant and is presently being reviewed by District officials who expect to make their recommendations by December 31, 1991, after which public hearings involving all interested parties, including the current lessees will be held. Following these hearings, the District will draft an implementation plan which will require most of fiscal year 1992 to complete. The conferees have been advised by District officials that additional funds are not required in fiscal year 1992. However, should this situation change and a determination is made that funds are needed for preliminary architectural and design work on the wharf, the conferees will consider a request to reprograms existing capital funds.

The conferees look forward to the report to be submitted by December 1, 1991, on any plans for further improvements and/or enhancements to the wharf and the area surrounding it. The conferees expect the report to include specific guidance regarding moderate safety, traffic and appearance improvements to the property. The District should work with residents and the establishments operating on and near the wharf to develop plans for the immediate future for enhancing and improving auto and pedestrian access, parking, and any improvements to structures on the wharf.

D.C. Habitat for Humanity.—The conferees are aware of the D.C. Habitat for Humanity's plans to sponsor the Jimmy Carter Work Project in the District of Columbia in June 1992. The conferees urge the District to work with D.C. Habitat to identify and make available suitable property so that low-income housing which is in very short supply can be constructed.

Each year, former President Carter participates in a week-long, intensive home construction project sponsored by one of the

Habitat for Humanity affiliates in the United States. The Jimmy Carter Work Project in Washington will produce 10 homes with the first phase of up to 70 homes to be developed over the following two years.

As with all Habitat projects, each low-income family selected to live in the development will have an active role in constructing the homes and will receive a zero-interest mortgage which will be held by Habitat for Humanity.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

Amendment No. 6: Deletes heading and appropriation of $799,000 proposed by the Senate for overtime costs for the operation of Engine Company No. 3 during fiscal year 1992. The conferees direct that Engine Company No 3. remain open and that the operating costs be absorbed within existing funds. This issue is discussed further under amendment number 14.

DEPARTMENT OF HUMAN SERVICES

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $500,000 in Federal funds for an early detection program for breast and cervical cancer for low-income women who are not covered by insurance or do not qualify for Medicare or other health programs.

DISTRICT OF COLUMBIA INSTITUTE FOR MENTAL HEALTH

Amendment No. 8: Appropriates a Federal contribution of $1,000,000 as proposed by the House instead of $426,000 as proposed by the Senate. This appropriation will assist the Institute in providing low-cost professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columbia. The conferees request a report by April 14, 1992, from the Institute showing the use of these funds and the level of services provided to District residents.

The conferees urge the District's Commission on Mental Health to develop a local funding mechanism to support quality mental health care through the competitive bid process.

CHILDREN'S NATIONAL MEDICAL CENTER

Amendment No. 9: Deletes advance Federal appropriation of $6,000,000 to become available October 1, 1992 proposed by the Senate for a cost-shared National Child Protection, Trauma and Research Center.

Both the House and Senate bills contained $3,000,000 in Federal funds for the Center to supplement appropriations of $3,000,000 provided in this bill last year and $1,750,000 provided in the Treasury, Postal Service, and General Government Appropriations Act last year bringing the total Federal commitment to date to $7,750,000. The Center is requesting a total of $19,800,000 in Federal funds which will equal 40 percent of the total estimated construction cost of $50,000,000. The balance of approximately $30,000,000 will be raised through private and other contributions.

The conferees remain committed to the programs and objectives of the Center and note that the District's child abuse and neglect caseload has increased dramatically in recent years creating a need for additional community resources. The Center is located adjacent to Children's National Medical Center and will be an important resource of child abuse prevention and protection programs, emergency trauma care in abuse cases, pediatric AIDS/HIV treatment, neonatology care for infants born to drug-abusing mothers and mothers receiving poor prenatal care, pediatric medical research and other related specialized programs.

The conferees agree to review the total project costs during the fiscal year 1993 hearings.

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

Amendment No. 10: Reported in true disagreement.

DISTRICT FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 11: Appropriates $110,921,000 as proposed by the Senate instead of $111,973,000 as proposed by the House.

Office of the Mayor.—The conference action provides $1,499,000 as proposed by the Senate instead of $1,551,000 as proposed by the House. The reduction of $52,000 below the House allowance would have funded one of four vacant positions in the office. The conferees direct that existing funds be used to fill the position and that the position be filled as soon as possible but no later than October 15, 1991.

D.C. Retirement Board.—The conference agreement provides $8,326,000 to pay legal, management, investment, and other fees and administrative expenses of the Board as proposed by both the House and the Senate and requires the total amount to be funded from earnings of the applicable retirement funds as proposed by the Senate instead of using $1,000,000 from the general fund as proposed by the House. This amendment also involves amendment number 12 and amendment number 21.

Amendment No. 12: Deletes language proposed by the House and stricken by the Senate which provided $1,000,000 from the general fund to partially fund the D.C. Retirement Board's expenses.

The conferees urge District officials and Board members to resolve the issue of how much of the Board's expenses will be paid from investment earnings and how much will be financed with general fund revenues in fiscal year 1993 and future years.

ECONOMIC DEVELOPMENT AND REGULATION

Amendment No. 13: Appropriates $106,430,000 as proposed by the House instead of $106,630,000 as proposed by the Senate.

Municipal Fish Wharf.—The conferees have not approved the $200,000 proposed by the Senate for a site-specific study of the Municipal Fish Wharf. As noted in the explanation of amendment number 5, the conferees reaffirm their support for the continued operation and maintenance of the municipal fish wharf as a seafood marketplace. A study of the southwest waterfront area has been completed by a consultant and is presently being reviewed by District officials who expect to make their recommendations by December 31, 1991, after which public hearings involving all interested parties, including the current lessees will be held. Following these hearings, the District will draft an implementation plan which will require most of fiscal year 1992 to complete. The conferees have been advised by District officials that additional funds are not required in fiscal year 1992. However, should this situation change and a determination is made that funds are needed for preliminary architectural and design work on the wharf, the conferees will consider a request to reprogram existing capital funds.

The conferees look forward to the report to be submitted by December 1, 1991, on any plans for further improvements and/or enhancements to the wharf and the area surrounding it. The conferees expect the report to include specific guidance regarding moderate safety, traffic and appearance improvements to the property. The District should work with residents and the establishments operating on and near the wharf to develop plans for the immediate future for enhancing and improving auto and pedestrian access, parking, and any improvements to structures on the wharf.

D.C. Habitat for Humanity.—The conferees are aware of the D.C. Habitat for Humanity's plans to sponsor the Jimmy Carter Work Project in the District of Columbia in June 1992. The conferees urge the District to work with D.C. Habitat to identify and make available suitable property so that low-income housing which is in very short supply can be constructed.

Each year, former President Carter participates in a week-long, intensive home construction project sponsored by one of the Habitat for Humanity affiliates in the United States. The Jimmy Carter Work Project in Washington will produce 10 homes with the first phase of up to 70 homes to be developed over the following two years.

As with all Habitat projects, each low-income family selected to live in the development will have an active role in constructing the homes and will receive a zero-interest mortgage which will be held by Habitat for Humanity.

PUBLIC SAFETY AND JUSTICE

Amendment No. 14: Appropriates $930,836,000 as proposed by the House instead of $931,636,000 as proposed by the Senate.

Fire and Emergency Medical Services Department.—The conference action provides $97,831,000 as proposed by the House instead of $98,630,000 as proposed by the Senate. The conferees have not approved the increase of $799,000 in Federal funds proposed by the Senate to cover most of the estimated $949,000 in operating costs that will most likely be incurred at the station during fiscal year 1992. However, the conferees direct District officials to keep Engine Company No. 3 open for the 12 months of fiscal year 1992 and to absorb the total operating costs including overtime pay within the existing appropriation. The District had proposed closing Engine Company No. 3, which is located at 439 New Jersey Avenue, Northwest, within seconds of the United States Capitol, Union Station, and several hotels and office buildings in that part of the city. The conferees are somewhat reluctant to overrule the city administration on this matter. However, the conferees are not convinced that the decision to close Engine Company No. 3 was based solely on operational considerations. The conferees are supporting and permitting other cost-saving measures in this Act.

The conferees note the incident described on page 33 of Senate Report No. 102–105. On the morning of May 29, 1991, while Engine Company No. 3 and its ambulance crew were out of service at the training academy, an individual was struck by a car at Delaware Avenue and Columbus Circle, Northeast. Engine Company No. 6 arrived on the scene eight minutes after the call was received and was able to render limited medical care. However, it was a total of 21 minutes from the time the call was received by the Department until an ambulance arrived on the scene. The conferees agree that this level of response is inadequate for anywhere in the District, including an area where thousands of visitors congregate every day. The conferees do not believe the case has been made to reduce the level of service to this area.

The conferees are mindful of the condition of the physical structure of Engine Company

No. 3 and request that during the coming year fire officials evaluate the structure and report to the Committees on Appropriations of the House and the Senate on the resources required to renovate the station.

The conferees concur in the Senate proposal to restore 75 fire fighter positions and provide the Department with 1,314 authorized fire fighter positions which is still less than the number required to fully staff the Department and eliminate overtime costs estimated to total over $20,000,000 in fiscal year 1991. The conferees have been advised that the reduction in engine company staffing from five persons to four persons proposed by the District and agreed to by the conferees has reduced the number of positions required from 1,600 to 1,440 positions. However, the authorized ceiling is 1,314 positions or 126 positions less than the number required to adequately staff the Department. The conferees believe the restoration of the 75 fire fighter positions will allow the Mayor the flexibility necessary to staff the Department in the most efficient manner within the resources that are available.

PUBLIC EDUCATION SYSTEM

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$708,536,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $708,536,000 instead of $706,431,000 as proposed by the House and $706,461,000 as proposed by the Senate. The increase of $2,105,000 above the House allowance is for the District's public schools and will be used for the Options Program ($330,000), the Parents as Teachers Program ($250,000), and for renovations to public school athletic and recreational grounds and facilities ($1,525,000). These items are discussed under amendments numbered 16 and 17.

Amendment No. 16: Allocates $519,344,000 for the public schools of the District of Columbia as proposed by the Senate instead of $518,764,000 as proposed by the House.

Options Program.—The conference agreement provides $750,000 as proposed by the Senate instead of $420,000 as proposed by the House. The increase of $330,000 above the House allowance includes $180,000 to supplement the basic operations and to expand the Options Program for the September to June school year by adding such programs as performing arts, by providing for an overall evaluation which may be used as a basis for national replication, and to enhance the curriculum and provide for other related program development. The balance of $150,000 will fund the summer school operations. The Options School program is an alternative full-day program for youth 12 to 15 years of age who are functioning at least two years behind grade level and are severely at-risk of dropping out. The students are given courses in basic skills, computers, science and technology.

Parents as Teachers.—The conference agreement provides $250,000 as proposed by the Senate for a pilot program to encourage parental involvement in their child's education. Studies indicate that parental involvement is more important to the child's success in school than any other single factor. The program fosters the link between home and school early in life and provides assistance to families from the time of the child's birth to age three.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$2,625,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement allocates $2,625,000 for pay-as-you-go capital projects for public schools instead of $1,100,000 as proposed by the House and $550,000 as proposed by the Senate. The increase of $1,525,000 is for renovations to public school athletic and recreational grounds and facilities and will not be available for obligation until September 30, 1992 and will not be expended period to October 1, 1992. This item is discussed under amendment number 18.

Amendment No. 18: Reported in technical agreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows: *, of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): Provided, That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: Provided further, That of the $708,536,000 appropriated under this heading and the $2,625,000 allocated for pay-as-you-go capital projects for public schools, $1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: Provided further, That of the $519,344,000 allocated for the public schools of the District of Columbia under this heading, $3,050,000 shall be paid within fifteen (15) days of the enactment of this Act directly to the District of Columbia Public Schools Foundation for a series of demonstration projects including Project ACCORD ($800,000 of which $200,000 shall be paid directly to the Foundation when the Foundation certifies that an equal amount of private contributions has been received); the Anacostia Project ($1,000,000); the Cooperative Employment Education Project ($500,000); and the Options Program ($750,000).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides $2,625,000 for pay-as-you-go capital projects for public schools of which $2,125,000 is for renovations to athletic and recreational grounds and facilities and $500,000 is for maintenance and improvements under the Direct Activity Purchase System (DAPS) instead of $600,000 for renovations to athletic and recreational grounds and facilities and $500,000 is for maintenance and improvements under the Direct Activity Purchase System (DAPS) as proposed by the House and $550,000 as proposed by the Senate. The conferees have also approved language that provides for the administration and coordination of certain demonstration and education programs through the District of Columbia Public Schools Foundation with a designated program coordinator to monitor and coordinate the programs and provide the necessary semiannual reports and evaluations to the Board of Education and the Committees on Appropriations of the House and Senate. These demonstration education programs include Project ACCORD, the Anacostia Project (including Learning Logic), the Options Program and the Cooperative Employment Education Program.

The conferees believe this change will create a more effective monitoring and evaluation system for these programs.

The District of Columbia Public Schools Foundation was formed in 1985 to provide leadership in developing, securing and directing resources for educational and training projects on behalf of the public school system. The Foundation is governed by an 18 member board of independent business and community leaders.

The May 1991 issue of *Child* magazine carried a description of the 10 best schools in America. Among these schools is the Key School in Indianapolis, Indiana. District school officials have visited this school and are impressed with its curriculum that is formulated to recognize the different needs of children and help foster their innate skills to build self-confidence in school as well as in other areas. The conferees believe that innovative approaches to education have application in the District and encourage school officials, in conjunction with the Anacostia and Options programs, to pursue the Key School model and others that may be beneficial to District students.

HUMAN SUPPORT SERVICES

Amendment No. 19: Appropriates $875,033,000 instead of $877,033,00 as proposed by the House and $866,433,000 as proposed by the Senate.

Department of Human Services.—The conference action provides $727,108,000 as proposed by the Senate instead of $726,608,000 as proposed by the House. The increase of $500,000 above the House allowance will allow the District to continue to contract with the D.C. Cancer Consortium which provides breast and cervical cancer screening to low-income women who are not covered by insurance or do not qualify for Medicare or other health programs. The screening program consists of a physical examination, a mammography, and a pap smear. The conferees are concerned that it took District officials seven months to enter into a contract with the D.C. Cancer Consortium to provide these basic services in fiscal year 1991. The Consortium consists of the District of Columbia Hopsital Association, national and local cancer organizations, and other health organizations with seven District hospitals providing the services. D.C. General Hospital serves the greatest number of patients and provides follow-up referrals and treatment.

D.C. General Hospital.—The conference action provides $69,010,000 instead of $71,510,000 as proposed by the House and $60,410,000 as proposed by the Senate. The conference allowance provides an increase of $9,500,000 above the District government's request and includes $8,500,000 which will not become available until October 1, 1992. This advance appropriation is discussed in amendment number 20. The conferees urge Hospital administrators to direct these funds to high priority areas such as the program to provide physical examinations and immunizations to 10,000 preschool and school age children and the establishment of an outpatient HIV service for infants and children. The conferees note the dramatic increase in emergency room services provided to obstetrics patients, many of whom have not had prenatal care, are substance abusers, or are engaged in other destructive personal behavior.

Amendment No. 20: Restores matter proposed by the House and stricken by the Senate amended to provide that $8,500,000 of this appropriation for the District of Columbia General Hospital shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992 instead of $10,000,000 as proposed by the House.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENT

Amendment No. 21: Deletes heading and language proposed by the House and stricken by the Senate requiring the Mayor to reduce appropriations and expenditures in the amount of $1,000,000 within one or more of the appropriations in this Act. The funds from this general reduction would have been used to finance part of the expenses of the D.C. Retirement Board under amendments numbered 11 and 12.

TRAUMA CARE FUND

Amendment No. 22: Deletes heading and appropriation of $10,000,000 proposed by the Senate to establish a Trauma Care Fund to reimburse District hospitals for the actual costs of uncompensated care provided at Level I trauma centers in the District.

In deleting this provision, the conferees are not expressing the view that this is an unnecessary element in the city's health care system, but rather acknowledging the legislation that is pending before the District Council in the form of Bill 9-193, the District of Columbia Health Insurance and Health Care Coverage Act of 1991. The Act includes a provision establishing an uncompensated care trust fund similar to the one proposed by this amendment.

While Bill 9-193 is broader than the uncompensated care trust fund, the conferees encourage early action on this portion of the legislation and will carefully follow its progress.

The conferees are also concerned about the proportion of resources that are consumed in emergency rooms for nonemergency care. Patients who seek primary care in an emergency room do so for many reasons, the foremost being lack of access to appropriate primary health care. In addition, because these patients do not receive any continuity of care, their overall care remains substandard. This in itself is a serious problem, but it is drastically compounded because essential resources are diverted to provide primary care in this manner. The conferees are aware that this situation is a nationwide problem and is not unique to the District. The conferees hope that the Mayor, the City Council, and hospital administrators will work together to develop legislation that will reduce the amount of nonemergency primary care currently provided in emergency rooms. Further, the conferees urge the Mayor and hospital administrators to study the extent of this problem and its costs to hospitals and develop a proposal for a long-term solution. The study on this issue should be forwarded to the Committees on Appropriations of the House and the Senate and the District Council with the budget submission for fiscal year 1993.

CAPITAL OUTLAY

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$312,453,946*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $312,453,946 instead of $310,928,946 as proposed by the House and $310,378,946 as proposed by the Senate. The conference action provides $2,625,000 for pay-as-you-go capital projects instead of $1,100,000 as proposed by the House and $550,000 as proposed by the Senate for varioius maintenance, improvements, and repairs to public school facilities including athletic and recreational grounds. The increase of $580,000 above the House allowance is for pay-as-you-go capital projects and includes $1,500,000 that will not be available until October 1, 1992 under amendment number 2.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$2,625,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $2,625,000 in pay-as-you-go capital projects for the public school system will be financed from general fund operating revenues instead of $1,100,000 as proposed by the House and $550,000 as proposed by the Senate. The increase of $1,525,000 above the House allowance is explained under amendment number 23.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that allows the District to use up to $1,500,000 of funds under this heading to secure, from current owners, access, rights of way, easements or title to lands not now in public ownership for a proposed bicycle and pedestrian pathway known as the Metropolitan Branch Trail which roughly parallels the Metro Red Line from Silver Spring to Union Station. The conferees note that this language is permissive and does not mandate the District to use this $1,500,000 for this purplse.

GENERAL PROVISIONS

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided, That nothing herein is intended to prohibit the parties from negotiating a limited duty policy that is fair for all concerned and that does not impede the Department from carrying out its duties: Provided further, That whatever negotiations take place should also consider methods to prevent abuse of the program which drains scarce police resources.*

(e) If less than the 75 officers or members excluded under subsection (a) are retired on disability, the actuary shall adjust accordingly the determinations made pursuant to section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public law 96-122)

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate modifying the language carried in last year's Act and this year's House bill concerning the limited duty policy of the Metropolitan Police Department. The language required that the limited duty policy in effect prior to July 8, 1990, remain in effect unless ordered by the relevant court. The bill language proposed by the Senate and agreed to by the conferees strikes the reference to the relevant court and allows the parties to negotiate a limited duty policy as long as the policy is fair to police officers as well as the Department and does not impede the Department in carrying out its duties. The second proviso states that whatever negotiations take place should also consider methods to prevent abuse of the limited duty program which drains scarce police resources.

The conference agreement also includes language under subsection (e) clarifying the intent of subsection (a) so that in the event less than the 75 officers or members are retired on disability, the actuary is to adjust the determinations made pursuant to section 142(d) of the D.C. Retirement Reform Act of 1979 (Public Law 96-122). The adjustment by the actuary will affect the amount of annual contributions to be made by the District government to the police and fire retirement system.

Amendment No. 27: Deletes language proposed by the House and stricken by the Senate concerning requirements of the Buy American Act as codified under 41 U.S.C. 10a et seq. Subsequent to adoption to this provision on the House floor by voice vote, it was determined that the requirements of the Buy American Act, which subsection (f) of the provision adopted on the House floor defines as 41 U.S.C. 10a et seq., already applies to all procurements made by the District of Columbia government since 41 U.S.C. 5a, which defines the word "department", states "The word 'department' as used in this Act shall be construed to include independent establishments, other agencies, wholly owned Government corporations * * * and the government of the District of Columbia . . .".

Amendment No. 28: Deletes language proposed by the House and stricken by the Senate which would have prohibited the use of funds in this Act for the renovation of Eastern Market located at 227 7th Street, Southeast. The conferees agree that the District government has proceeded as required by law and should be allowed to continue in an orderly manner.

Amendment No. 29: Deletes language proposed by the Senate which would have given the Mayor, with Council approval, the authority to reduce the spending authorization for any independent agency of the District of Columbia government, except the Council and the courts, whenever the Mayor determines that the reduction is necessary to keep the budget for the District of Columbia government in balance. The conferees have been advised that the authorizing committees are proceeding on a "fast track" to send to the President a bill which will give the Mayor the authority she seeks.

Amendment No. 30: Deletes language proposed by the Senate which would have authorized the District of Columbia government to issue long-term general obligation bonds to finance its outstanding general fund accumulated deficit of $331,589,000 as of September 30, 1990.

The conferees have been advised that the authorizing committees are proceeding expeditiously to send to the President a bill which will authorize the District to issue long-term general obligation bonds to finance either all or part of the accumulated deficit and give the District a cash reserve or working fund.

TITLE II—FISCAL YEAR 1991 SUPPLEMENTAL

DISTRICT FUNDS

GENERAL PROVISIONS

Amendment No. 31: Changes section number from "101" to "201" consistent with title II of the Act.

Amendment No. 32: Changes section number from "102" to "202" consistent with title II of the Act.

Amendment No. 33: Deletes language proposed by the Senate which would have given the Mayor, with Council approval, the authority to reduce the spending authorization for any independent agency of the District of Columbia government, except the Council and the courts, whenever the Mayor determines that the reduction is necessary to keep the budget for the District of Columbia government in balance. The conferees have been advised that the authorizing committees are proceeding on a "fast track" to send the President a bill which will give the Mayor the authority she seeks.

Amendment No. 34: Deletes language proposed by the Senate which would have authorized the District of Columbia government to issue long-term general obligation bonds to finance its outstanding general fund accumulated deficit of $331,589,000 as of September 30, 1990.

The conferees have been advised that the authorizing committees are proceeding expeditiously to send to the President a bill which will authorize the District to issue long-term general obligation bonds to finance either all or part of the accumulated deficit and give the District a cash reserve or working fund.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

Federal funds

New budget (obligational) authority, fiscal year 1991	$651,265,000
Budget estimates of new (obligational) authority, fiscal year 1992	682,570,000
House bill, fiscal year 1992	699,797,000
Senate bill, fiscal year 1992	755,600,000
Conference agreement, fiscal year 1992	699,850,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+48,585,000
Budget estimates of new (obligational) authority, fiscal year 1992	+17,280,000
House bill, fiscal year 1992	+53,000
Senate bill, fiscal year 1992	−55,750,000

DISTRICT OF COLUMBIA FUNDS

New budget (obligational) authority, fiscal year 1991	*3,860,574,000*
Budget estimates of new (obligational) authority, fiscal year 1992	*3,879,866,946*
House bill, fiscal year 1992	*3,894,193,946*
Senate bill, fiscal year 1992	*3,894,020,946*
Conference agreement, fiscal year 1992	*3,895,771,946*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	*+35,197,946*
Budget estimates of new (obligational) authority, fiscal year 1992	*+15,905,000*
House bill, fiscal year 1992	*+1,578,000*
Senate bill, fiscal year 1992	*+1,751,000*

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
MARTIN OLAV SABO,
LES AUCOIN,
STENY H. HOYER,
JAMIE L. WHITTEN,
DEAN GALLO,
RALPH REGULA,
JOSEPH M. MCDADE,
Managers on the part of the House.

BROCK ADAMS,
WYCHE FOWLER, JR.,
BOB KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
Managers on the part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1885. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease renewal of defense articles to Jamaica (Transmittal No. 11–91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1886. A letter from the Acting Secretary of the Department of State, transmitting the Acting Secretary's determination under section 4(a) of the International Narcotics Control Act of 1990; to the Committee on Foreign Affairs.

1887. A letter from the Acting Principal Deputy Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to eliminate the requirement to provide one free campground where camping is permitted at water resources development areas administered by the Department of the Army; to the Committee on Public Works and Transportation.

1888. A letter from the Acting Principal Deputy Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to authorize the imposition of recreation user fees at water resources development areas administered by the Department of the Army; to the Committee on Public Works and Transportation.

1889. A letter from the Acting Principal Deputy Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to encourage the private sector development of certain critical support facilities; to the Committee on Public Works and Transportation.

1890. A letter from the Acting Principal Deputy Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to make a technical amendment to section 417 of the Water Resources Development Act of 1990; to the Committee on Public Works and Transportation.

1891. A letter from the Acting Principal Deputy Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to provide for the appropriation of funds from the harbor maintenance trust fund to the Department of the Army for payment of administrative expenses incurred by the Department of the Army, the Department of the Treasury, and the Department of Commerce in administering the port use fee imposed by section 4461 of the Internal Revenue Code of 1986; jointly, to the Committees on Public Works and Transportation and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LAFALCE: Committee on Small Business. H.R. 2629. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; with amendments (Rept. 102–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1624. A bill to provide for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II, and to express the sense of Congress concerning the United States' participation in that conflict; with amendments (Rept. 102–179, Pt. 1).

Mr. WHITTEN: Committee on Appropriations. A report on the revised subdivision of budget totals for fiscal year 1992 (Rept. 102–180). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee of Conference. Conference report on H.R. 2699 (Rept. 102–181). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Mr. HORTON, Mr. MYERS of Indiana, Mr. YOUNG of Alaska, and Mrs. MORELLA):

H.R. 3118. A bill to designate Federal Office Building Number 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building"; to the Committee on Public Works and Transportation.

By Mr. GONZALEZ:

H.R. 3119. A bill to amend the Federal Reserve Act to regulate lending by Federal Reserve banks to protect the liquidity of insurance companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ACKERMAN (for himself, Mrs. BOXER, Mr. CHANDLER, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FISH, Mr. GONZALEZ, Mr. MILLER of Washington, Mr. RANGEL, Mr. ROE, and Mr. SERRANO):

H.R. 3120. A bill to express the sense of the Congress regarding a national agenda for extending and improving foreign language instruction in the elementary schools of the Nation; to the Committee on Education and Labor.

By Mr. BOEHLERT (for himself, Mr. SIKORSKI, Mr. LENT, Mr. COOPER, Mr. SOLOMON, Mr. MARKEY, Mr. CLINGER, Mr. NEAL of North Carolina, Mr. DAVIS, Mr. RICHARDSON, Mr. GALLO, Mr. WISE, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. GREEN of New York, Ms. MOLINARI, Mr. PETRI, Mr. SAXTON, Mr. SHAYS, and Mr. WEBER):

H.R. 3121. A bill to establish the Department of the Environment; to the Committee on Government Operations.

By Mr. BRYANT (for himself, Mr. KOPETSKI, Mr. LEVINE of California, Mr. COBLE, Mr. RAMSTAD, Mr. WASHINGTON, Mr. BOUCHER, Mr. MCCOLLUM, Mr. SCHIFF, and Mr. FEIGHAN):

H.R. 3122. A bill to amend chapter 1 of title 9 of the United States Code to permit each party to a sales and service contract to accept or reject arbitration as a means of settling disputes under the contract; to the Committee on the Judiciary.

By Mr. SIKORSKI:

H.R. 3123. A bill to authorize appropriations for the activities and programs of the National Highway Traffic Safety Administration, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. CAMPBELL of California:

H.R. 3124. A bill to require the Secretary of Transportation to take actions to protect against railroad accidents involving hazardous materials; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 3125. A bill to amend title 28, United States Code, to establish a new judicial district in California to be comprised of Orange, Riverside, and San Bernardino Counties; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 3126. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to improve the treatment of individuals with disabilities under certain Federal programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FALEOMAVAEGA:

H.R. 3127. A bill to establish a Native American university, and for other purposes; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

By Mr. GALLO (for himself, Mr. MICHEL, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. VANDER JAGT, Mr. SOLOMON, Mr. WALKER, Mr. COX of California, Mr. HASTERT, Mr. ARMEY, Ms. MOLINARI, Mr. HUBBARD, Mr. WEBER, Mr. SAXTON, Mr. TAUZIN, Mr. LEWIS of Florida, Mr. SHAYS, Mr. KYL, Mr. STUMP, Mr. RAVENEL, Mr. DORNAN of California, Mr. COMBEST, Mr. ROBERTS, Mr. HAMMERSCHMIDT, Mr. BAKER, Mr. HUNTER, Mr. LENT, Mr. SENSENBRENNER, Mr. LAGOMARSINO, Mrs. VUCANOVICH, Mr. SPENCE, Mr. RITTER, Mr. BALLENGER, Mr. SCHAEFER, Mr. DUNCAN, Mr. EMERSON, Mr. MARTIN, Mr. OXLEY, Mr. KASICH, Mr. ZIMMER, Mr. LIVINGSTON, Mr. BURTON of Indiana, Mr. MCEWEN, Mr. SCHIFF, Mr. RHODES, Mr. GUNDERSON, Mr. SLAUGHTER of Virginia, Mr. RAMSTAD, Mr. FRANKS of Connecticut, Mr. MARLENEE, Mr. PACKARD, Mr. CUNNINGHAM, Mr. ALLARD, Mr. WALSH, and Mr. KOLBE):

H.R. 3128. A bill to amend the Internal Revenue Code of 1986 to provide for individuals a capital gains preference based on the period the asset is held and to allow individuals to exclude certain amounts of interest from gross income; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 3129. A bill to amend the Higher Education Act of 1965 to prohibit classifying certain courses of instruction as correspondence courses; to the Committee on Education and Labor.

By Mr. GINGRICH (for himself, Mr. GUNDERSON, Mr. WALKER, Mr. MCCOLLUM, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. KYL, Mr. HASTERT, Mr. MCEWEN, Mr. KASICH, Mr. RAMSTAD, Mr. THOMAS of Wyoming, Mr. ROHRABACHER, and Mr. HUNTER):

H.R. 3130. A bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity; jointly, to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. GUNDERSON (for himself, Mr. DOOLEY, Mr. BOEHNER, and Mr. WALSH):

H.R. 3131. A bill to amend the Agricultural Act of 1949 to improve the operation of the milk price support program by establishing a dairy inventory management program that will operate during calendar years in which purchases of milk and milk products by the Commodity Credit Corporation exceed 5 billion pounds and by establishing a milk diversion program that will operate when such purchases exceed 8 billion pounds; to the Committee on Agriculture.

By Mr. GOSS:

H.R. 3132. A bill to amend the Marine Mammal Protection Act of 1972 to provide for State disapproval of issuance of permits for the taking of marine mammals in protected State waters; to the Committee on Merchant Marine and Fisheries.

By Mr. HAYES of Illinois:

H.R. 3133. A bill to amend the Occupational Safety and Health Act of 1970 to expand the rights of victims of occupational safety and health hazards, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVIN of Michigan:

H.R. 3134. A bill to amend the Internal Revenue Code of 1986 to require foreign insurance companies to use same year tax return data in calculating minimum effectively connected net investment income, to provide for a carryover account, and to allow an election to use an individualized company yield; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3135. A bill to amend the Higher Education Act of 1965 to revise the eligibility criteria for the TRIO Programs; to the Committee on Education and Labor.

H.R. 3136. A bill to require the Secretary of Education to conduct a comprehensive study of the TRIO Programs under the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 3137. A bill to amend the McCarran-Ferguson Act and the Employee Retirement Income Security Act of 1974 to assure that the Medicaid Program is treated as payer of last resort; jointly, to the Committees on Energy and Commerce, the Judiciary, Education and Labor.

By Mr. MANTON:

H.R. 3138. A bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with route transfers; to the Committee on Public Works and Transportation.

By Mr. MARLENEE:

H.R. 3139. A bill entitled: "Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1991"; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 3140. A bill to direct the Secretary of the Interior to acquire by condemnation a 25-acre shoreline parcel within the boundaries of Kaloko-Honokohau National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. MOODY (for himself, Mr. VANDER JAGT, and Mrs. KENNELLY):

H.R. 3141. A bill to amend the Internal Revenue Code of 1986 to exempt services performed by full-time students for seasonal children's camps from Social Security taxes; to the Committee on Ways and Means.

By Mr. MOODY (for himself, Mr. EVANS, Mr. RANGEL, Mr. OBERSTAR, Mr. TOWNS, Mr. COSTELLO, Mr. KOPETSKI, and Mr. JONTZ):

H.R. 3142. A bill to amend title XVIII of the Social Security Act to provide for coverage of certain chiropractic services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OWENS of Utah:

H.R. 3143. A bill to amend the National Park Foundation Act to authorize the National Park Foundation to design and license an official sponsor of America's National Parks symbol; jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

By Mr. PETRI:

H.R. 3144. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain individuals from the child labor provisions; to the Committee on Education and Labor.

By Mr. REGULA (for himself and Mr. MURTHA):

H.R. 3145. A bill to promote the better coordination of facilities and resources within the health care systems of the military services and for other purposes; to the Committee on Armed Services.

By Mr. SAXTON (for himself, Mr. ALLARD, Mr. ARMEY, Mr. BALLENGER, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOEHNER, Mr. BROOMFIELD, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMP, Mr. COBLE, Mr. COMBEST, Mr. COX of California, Mr. CRANE, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DELAY, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DREIER of California, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FAWELL, Mr. FIELDS, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GILCHREST, Mr. GINGRICH, Mr. GOODLING, Mr. GOSS, Mr. GRANDY, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOLLOWAY, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mr. KASICH, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MARLENEE, Mr. MARTIN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCEWEN, Mr. MCMILLAN of North Carolina, Mr. MILLER of Ohio, Mr. MILLER of Washington, Ms. MOLINARI, Mr. MYERS of Indiana, Mr. NICHOLS, Mr. PAXON, Mr. PURSELL, Mr. RAMSTAD, Mr. RAVENEL, Mr. RHODES, Mr. RIGGS, Mr. RITTER, Mr. ROHRABACHER, Mr. ROTH, Mr. SANTORUM, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Oregon, Mr. SOLOMON, Mr.

SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. VANDER JAGT, Mr. WALKER, Mr. WALSH, Mr. WEBER, Mr. WELDON, Mr. WYLIE, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 3146. A bill to amend the Congressional Budget Act of 1974 to require a three-fifths majority vote in the House of Representatives and in the Senate to pass any bill increasing taxes; to the Committee on Rules.

By Mrs. SCHROEDER:

H.R. 3147. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to treat the costs of Head Start, child immunization, and the WIC Program as emergency funding requirements for purposes of making adjustments to discretionary spending limits; to the Committee on Government Operations.

H.R. 3148. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Ways and Means.

By Mr. SIKORSKI (for himself, Mr. CLAY, and Mrs. MORELLA):

H.R. 3149. A bill to strengthen the authority to require safe workplaces for Federal employees and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SLATTERY:

H.R. 3150. A bill to amend the Communications Act of 1934 to protect cable television subscribers from charges for video programming that is not affirmatively requested; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself and Mrs. ROUKEMA):

H.R. 3151. A bill to amend title IV of the Social Security Act to require, as a condition of receiving payments under part D of such title, that States require employers who withhold wages from absent parents owing child support payments to pay the amounts withheld to the appropriate agencies within 10 days after payment of such wages; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 3152. A bill to establish a silver congressional commemorative medal for members of the U.S. Armed Forces who have served in a combat zone during World War II, the Korean conflict, the Vietnam era, or the Persian Gulf conflict; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WALKER (for himself, Mr. ROHRABACHER, Mr. RHODES, Mr. FAWELL, Mr. ZIMMER, and Mr. DANNEMEYER):

H.R. 3153. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Ways and Means, and the Judiciary.

By Mr. WELDON (for himself, Mr. FROST, Mr. HENRY, Mr. HORTON, Mr. JEFFERSON, Mr. LEWIS of Florida, Mr. LIGHTFOOT, and Mr. PARKER):

H.R. 3154. A bill to prohibit certain railroad employees from leaving their post in the event of a train accident; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 3155. A bill to provide for the modification of the Tongue River Dam for the Northern Cheyenne Indian Tribe, to protect the contract water rights of such tribe, to settle their water rights claims, and to correct safety problems in such dam; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 3156. A bill to amend the Alaska Natural Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 3157. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. JONES of North Carolina):

H.R. 3158. A bill to amend the Alaska Natural Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. FASCELL:

H.J. Res. 318. Joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 191. Concurrent resolution providing for an adjournment of the House from August 2, August 3, August 4, or August 5, 1991, to September 11, 1991; considered and agreed to.

By Mr. HAMILTON (for himself and Mr. GRADISON):

H. Con. Res. 192. Concurrent resolution to establish a Joint Committee on the Organization of Congress; to the Committee on Rules.

By Mr. SOLARZ:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress concerning the future of Taiwan; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. BOUCHER.

H.R. 34: Mr. LIGHTFOOT and Mr. LOWERY of California.

H.R. 74: Mr. GINGRICH, Mr. SKELTON, Mr. DE LA GARZA, Mr. NEAL of Massachusetts, Mr. GORDON, and Mr. TANNER.

H.R. 110: Mr. ROSE, Mr. GEKAS, Mr. MACHTLEY, and Mr. TALLON.

H.R. 123: Mr. DELAY, Mr. BILIRAKIS, and Mr. SISISKY.

H.R. 134: Mr. FAZIO, Mr. GUARINI, Mr. STEARNS, Mr. GILMAN, and Mr. PRICE.

H.R. 179: Mr. FAZIO and Mr. CLAY.

H.R. 237: Mr. DARDEN.

H.R. 318: Mr. MACHTLEY.

H.R. 325: Mr. MOODY.

H.R. 328: Mr. BURTON of Indiana.

H.R. 393: Mr. GUARINI and Mr. ANDREWS of New Jersey.

H.R. 418: Mr. ORTIZ.

H.R. 512: Mr. DYMALLY.

H.R. 747: Mr. SPENCE, Mr. EVANS, Ms. KAPTUR, Mr. PARKER, Mrs. BOXER, Mrs. KENNELLY, Mr. COYNE, Mr. SCHAEFER, and Mr. BATEMAN.

H.R. 776: Mr. OLVER.

H.R. 791: Mr. OWENS of Utah.

H.R. 840: Mr. LUKEN.

H.R. 842: Mr. BRYANT.

H.R. 900: Mr. DYMALLY, Mr. JEFFERSON, Mr. RAHALL, Mr. LANCASTER, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. INHOFE, Mr. MFUME, Mr. RANGEL, and Mr. HERTEL.

H.R. 918: Mr. MCCLOSKEY.

H.R. 919: Mr. PETERSON of Florida.

H.R. 1908: Mr. MCCLOSKEY.

H.R. 1185: Mr. SWIFT.

H.R. 1300: Mr. KILDEE.

H.R. 1308: Mr. BROWN.

H.R. 1310: Mr. ENGEL.

H.R. 1311: Mr. GILMAN, Mr. HOCHBRUECKNER, Mr. JONES of Georgia, and Mrs. LOWEY of New York.

H.R. 1361: Mr. DELAY.

H.R. 1398: Mr. SANDERS.

H.R. 1418: Mr. KOLTER.

H.R. 1422: Mr. JEFFERSON, Mr. GUARINI, Mr. HOCHBRUECKNER, Mr. MAVROULES, Mr. BEILENSON, Mr. TOWNS, Mr. HAYES of Illinois, Mr. OWENS of New York, Mr. PRICE, Mr. STARK, and Mr. KOPETSKI.

H.R. 1430: Mr. MINETA.

H.R. 1473: Mr. BROWN.

H.R. 1489: Mr. SLATTERY.

H.R. 1602: Mr. DURBIN.

H.R. 1707: Mrs. LOWEY of New York and Mr. SKELTON.

H.R. 1736: Mr. STUDDS, Mr. PETERSON of Minnesota, Mr. BOEHNER, and Mr. SLATTERY.

H.R. 1738: Mr. PACKARD.

H.R. 1882: Mr. BRUCE, Mr. ATKINS, and Mr. DERRICK.

H.R. 1969: Mr. SAVAGE, Mr. JONTZ, Mr. IRELAND, and Mr. FROST.

H.R. 2040: Mr. HOLLOWAY, Mr. MILLER of Washington, and Mr. DELAY.

H.R. 2092: Mr. SCHUMER, Mr. MCCLOSKEY, Mr. TOWNS, Mrs. MORELLA, Mr. ACKERMAN, Mr. JONTZ, Mr. SMITH of Florida, Ms. PELOSI, Mr. FOGLIETTA, Mr. BONIOR, Mr. HOCHBRUECKNER, Mr. DELLUMS, Mr. BROWN, and Mr. TORRICELLI.

H.R. 2141: Mr. LAUGHLIN, Mr. TALLON, Mr. JONTZ, Mr. HOCHBRUECKNER, Mr. REED, Mr. VISCLOSKY, and Mrs. MEYERS of Kansas.

H.R. 2160: Mrs. LOWEY of New York, Mr. HORTON, Mr. GUARINI, Mr. RANGEL, Mr. SERRANO, Mr. OWENS of Utah, Mr. DORNAN of California, Mr. EMERSON, and Mr. ENGEL.

H.R. 2257: Mr. BURTON of Indiana.

H.R. 2267: Mr. HAMILTON, Mr. FROST, Mr. MCEWEN, Mr. SANGMEISTER, Mr. JACOBS, and Mr. YATES.

H.R. 2365: Mr. TOWNS.

H.R. 2371: Mr. MACHTLEY.

H.R. 2403: Mr. ECKART.

H.R. 2448: Mr. BACCHUS, Ms. NORTON, Mr. REED, Mr. SCHIFF, and Mr. SERRANO.

H.R. 2453: Mr. RHODES and Mr. HOUGHTON.

H.R. 2456: Mr. WAXMAN, Mr. FROST, and Mr. JONTZ.

H.R. 2492: Mr. ACKERMAN and Mr. ESPY.

H.R. 2515: Mr. EWING, Mr. JOHNSTON of Florida, Mr. MURPHY, and Mr. WYLIE.

H.R. 2546: Mr. LAROCCO, Mr. BURTON of Indiana, Mr. BARNARD, Mr. WILSON, Mr. SOLOMON, Mr. JOHNSON of Texas, and Mr. ALEXANDER.

H.R. 2568: Ms. NORTON.

H.R. 2598: Mr. JONES of Georgia, Mr. BLILEY, Mr. HAMMERSCHMIDT, Mr. JACOBS, Mr. LAGOMARSINO, Mr. PETRI, and Mr. LEWIS of California.

H.R. 2604: Mr. BLILEY, Mr. PETRI, Mr. LAGOMARSINO, Mr. CALLAHAN, Mr. LEWIS of California, Mr. HAMMERSCHMIDT, and Mr. ZELIFF.

H.R. 2624: Mr. EVANS, Mr. RANGEL, Mr. JEFFERSON, and Mr. FROST.

H.R. 2634: Mr. VOLKMER.

H.R. 2646: Mr. DWYER of New Jersey and Mr. FROST.

H.R. 2721: Mr. ANDREWS of New Jersey and Mr. DOOLEY.

H.R. 2743: Mr. EVANS and Mr. LIPINSKI.

H.R. 2744: Mr. EVANS and Mr. LIPINSKI.

H.R. 2773: Mr. HENRY, Mr. MARTINEZ, and Mr. GILLMOR.

H.R. 2779: Mr. FISH.

H.R. 2781: Mr. FISH.

H.R. 2809: Mr. SLATTERY.

H.R. 2810: Mr. FRANKS of Connecticut.

H.R. 2825: Mr. MOORHEAD, Mr. HOLLOWAY, and Mr. HUCKABY.

H.R. 2855: Mrs. SCHROEDER, Mrs. BOXER, Mr. GUNDERSON, and Mr. OWENS of Utah.

H.R. 2872: Mr. LEWIS of Florida, Mr. BACCHUS, and Mr. JOHNSTON of Florida.

H.R. 2894: Mrs. MORELLA, Mr. SIKORSKI, Mr. WOLF, Mr. TOWNS, Mr. RANGEL, and Mr. WALSH.

H.R. 2936: Mr. FAZIO, Mr. GORDON, Mr. DE LUGO, Ms. NORTON, Mr. MORAN, Mr. COOPER, Mr. EVANS, Mr. BRUCE, Mr. JONTZ, and Mr. BACCHUS.

H.R. 2940: Mr. OWENS of Utah.

H.R. 2946: Mr. GEKAS, Mr. MAZZOLI, Ms. MOLINARI, and Mr. PRICE.

H.R. 3057: Mr. OWENS of New York.

H.J. Res. 95: Mr. GAYDOS, Mr. GRAY, Mr. BOUCHER, Mr. PERKINS, Mr. RIDGE, Mr. NOWAK, Mr. STUMP, Mrs. BOXER, and Mr. SABO.

H.J. Res. 123: Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. SWETT, Mr. GEKAS, and Mr. PANETTA.

H.J. Res. 140: Mr. ROBERTS, Mr. NAGLE, Mrs. MEYERS of Kansas, Mrs. JOHNSON of Connecticut, Mr. HALL of Texas, Mr. MRAZEK, Mr. WHEAT, Mr. MCNULTY, Mr. DREIER of California, Mr. CHANDLER, Mr. BRUCE, Mr. NICHOLS, Mr. WISE, Mr. ROEMER, Mr. MURPHY, Mr. KOLBE, and Mr. BROWN.

H.J. Res. 164: Mr. ENGEL.

H.J. Res. 166: Mr. BILBRAY, Mr. BLILEY, Mrs. BOXER, Mr. DOOLITTLE, Mr. EDWARDS of Oklahoma, Mr. ESPY, Mr. FLAKE, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. GEJDENSON, Mr. HAYES of Illinois, Mr. HOBSON, Mr. HUBBARD, Mr. IRELAND, Mr. JAMES, Mr. KILDEE, Mr. KOLTER, Mr. LEWIS of Georgia, Mr. MOORHEAD, Mr. PACKARD, Mr. ROGERS, Mr. SAWYER, Mr. SCHULZE, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Florida, Mr. TAYLOR of North Carolina, Mr. TORRICELLI, Mr. WEISS, Mr. YATES, Mr. ABERCROMBIE, Mr. BONIOR, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. GAYDOS, Mr. GINGRICH, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. HOYER, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. LEHMAN of California, Mr. MAVROULES, Mr. MINETA, Mr. MURTHA, Mr. PETERSON of Florida, Mr. RAHALL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROYBAL, Mr. SABO, Mr. SCHIFF, Mr. SIKORSKI, Mr. SKELTON, Ms. SLAUGHTER of New York, and Ms. WATERS.

H.J. Res. 180: Mr. ASPIN, Mr. BACCHUS, Mr. CARDIN, Mr. DOWNEY, Mr. ECKART, Mr. GAYDOS, Mr. HOYER, Mrs. KENNELLY, Mr. LOWERY of California, Mr. MARTIN, Ms. OAKAR, Mr. ORTON, Mr. RHODES, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. TORRES and Ms. WATERS.

H.J. Res. 189: Mr. LEWIS of Georgia, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. SWETT, and Mr. MACHTLEY.

H.J. Res. 191: Mr. FAZIO, Mr. GEKAS, Mr. IRELAND, Mr. LEVIN of Michigan, Mr. HAYES of Illinois, Mr. FORD of Tennessee, Mr. STAGGERS, Mr. SKELTON, Mr. TANNER, Mr. JACOBS, Mr. PRICE, Mrs. COLLINS of Illinois, Mr. PANETTA, Mr. EDWARDS of Texas, Mr. FOGLIETTA, Mr. SISISKY, Mr. BARNARD, Mr. PARKER, Mr. WELDON, Mr. COSTELLO, Mr. ENGEL, and Mr. DELLUMS.

H.J. Res. 233: Mr. DANNEMEYER, Mr. GREEN of New York, Mr. HERGER, Mr. SAXTON, Mr. SCHIFF, Mr. SHAW, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STUMP, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. PACKARD, Mr. BROOMFIELD, Mr. DICKINSON, Mr. HANSEN, Mr. JOHNSTON of Florida, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. TORRICELLI, Mr. WYLIE, Mr. YOUNG of Alaska, Mr. BALLENGER, Mr. CUNNINGHAM, Mr. DE LA GARZA, Mr. DOOLITTLE, Mr. HUNTER, Mr. LEACH, Mr. LOWERY of California, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. RHODES, Mr. SKELTON, Mr. SOLOMON, Mr. UPTON, Mr. GINGRICH, Mr. COX of California, Mr. RIGGS, and Mr. HYDE.

H.J. Res. 273: Mr. ERDREICH, Mr. EMERSON, Mr. QUILLEN, Mr. FAZIO, Mr. EVANS, Mr. ATKINS, Mr. DARDEN, Mr. GILMAN, Mr. NEAL of Massachusetts, Mr. FAWELL, and Mr. VANDER JAGT.

H.J. Res. 276: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ASPIN, Mr. ATKINS, Mr. AUCOIN, Mr. BALLENGER, Mr. BARNARD, Mr. BARRETT, Mr. BATEMAN, Mr. BEILENSON, Mr. BENNETT, Mrs. BENTLEY, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BLAZ, Mr. BLILEY, Mr. BOEHLERT, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMP, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CARPER, Mr. CARR, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. CONDIT, Mr. COOPER, Mr. COYNE, Mr. CRANE, Mr. DARDEN, Mr. DAVIS, Mr. DEFAZIO, Ms. DELAURO, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DOWNEY, Mr. DREIER of California, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. EMERSON, Mr. ERDREICH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAWELL, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GEREN of Texas, Mr. GILCHREST, Mr. GILMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GORDON, Mr. GREEN of New York, Mr. GUNDERSON, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HEFLEY, Mr. HEFNER, Mr. HOAGLAND, Mr. HOBSON, Mr. HORTON, Mr. HOUGHTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HYDE, Mr. JACOBS, Mr. JENKINS, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLBE, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCCO, Mr. LEACH, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mrs. LLOYD, Ms. LONG, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN, Mr. MATSUI, Mr. MAVROULES, Mr. MFUME, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORAN, Mrs. MORELLA, Mr. MORRISON, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. ORTON, Mr. OWENS of Utah, Mr. PACKARD, Mr. PALLONE, Mr. PANETTA, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. POSHARD, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. RAY, Mr. REGULA, Mr. RHODES, Mr. RICHARDSON, Mr. RIGGS, Mr. ROBERTS, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. ROTH, Mr. ROWLAND, Mr. ROYBAL, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SAXTON, Mr. SCHIFF, Mr. SCHULZE, SCHEUER, Mr. SERRANO, Mr. SHARP, Mr. SIKORSKI, Mr. SKEEN, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. STALLINGS, Mr. SWETT, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mrs. UNSOELD, Mr. VISCLOSKY, Mrs. VUCANOVICH, Ms. WATERS, Mr. WAXMAN, Mr. WEISS, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr. WYDEN, Mr. WYLIE, Mr. YATES, Mr. YATRON, Mr. YOUNG of Alaska, Mr. ZIMMER, Mr. CLINGER, Mr. PETRI, and Mr. NICHOLS.

H.J. Res. 301: Mr. SMITH of Florida.

H.J. Res. 303: Mr. DOOLEY, Mr. LANTOS, Mr. SARPALIUS, Mr. DORGAN of North Dakota, Mr. LEWIS of Georgia, Mr. SANDERS, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. CAMPBELL of Colorado, Mr. KENNEDY, Ms. WATERS, Mr. ATKINS, Mrs. LOWEY of New York, Mr. SABO, Ms. SLAUGHTER of New York, Mr. ROWLAND, Mr. DERRICK, Mr. SAWYER, Mr. ANDREWS of Texas, Mr. PETERSON of Florida, Mr. FORD of Michigan, Mr. DURBIN, Mr. MILLER of California, Mr. MORAN, Mr. DELLUMS, Mr. DONNELLY, Mr. TAYLOR of Mississippi, Mr. STUDDS, Mr. ENGLISH, Mr. PARKER, Mr. COBLE, Mr. CONDIT, Mr. COLEMAN of Texas, Mr. OLVER, Mr. HAYES of Louisiana, Mr. BROWDER, Mr. NAGLE, Mr. KOPETSKI, and Ms. DELAURO.

H.J. Res. 309: Mr. FOGLIETTA, Mr. NAGLE, Mr. SLAUGHTER of Virginia, Mrs. MINK, Mr. LAROCCO, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. SWIFT, Mr. SYNAR, Mr. LEHMAN of California, Mr. WYDEN, Mr. BACCHUS, Mr. RITTER, Mr. DINGELL, Mr. SAWYER, Mr. HOUGHTON, Ms. DELAURO, Mr. SANDERS, Mr. ROSE, Mr. SKAGGS, Mr. BOUCHER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ATKINS, Mr. BALLENGER, Mr. BEILENSON, Mr. BREWSTER, Mr. BRYANT, Mr. COLEMAN of Texas, Mr. DELAY, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. EDWARDS of Texas, Mr. ENGEL, Mr. EVANS, Mr. FEIGHAN, Mr. FIELDS, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. HAMILTON, Mr. HYDE, Mr. INHOFE, Mr. JENKINS, Mr. MILLER of California, Mr. MINETA, Mr. MONTGOMERY, Mr. ORTIZ, Mr. PARKER, Mr. PERKINS, Mr. PICKLE, Mr. RICHARDSON, Mr. RIDGE, Mr. SOLARZ, Mr. TRAXLER, Mr. WASHINGTON, and Mr. WISE.

H. Con. Res. 101: Ms. NORTON.

H. Con. Res. 145: Mr. GEJDENSON.

H. Con. Res. 161: Mr. ARCHER, Mr. BLILEY, Mr. CAMPBELL of California, Mr. CHAPMAN, Mr. CHANDLER, Mr. DELLUMS, Mr. DYMALLY, Mr. ECKART, Mr. FEIGHAN, Mr. GEKAS, Mr. GILMAN, Mr. GRANDY, Mr. HAMILTON, Mr. JACOBS, Ms. KAPTUR, Mr. KLUG, Mr. LAGOMARSINO, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. MORAN, Ms. NORTON, Ms. OAKAR, Mr. PAYNE of Virginia, Mr. PICKLE, Mr. PORTER, Mr. PURSELL, Mr. QUILLEN, Mr. REED, Mr. RITTER, Mr. ROYBAL, Mr. SHAW, Mr. SKEEN, Mr. STAGGERS, Mr. SUNDQUIST, Mr. SWIFT, Mr. TORRES, and Mr. VANDER JAGT.

H. Con. Res. 164: Mr. EMERSON.

H. Con. Res. 184: Mr. MOAKLEY, Ms. NORTON, Mrs. JOHNSON of Connecticut, Ms. LONG, and Mr. KOSTMAYER.

H. Res. 23: Mrs. BYRON.

H. Res. 107: Mr. TAUZIN, Mr. PETRI, Mr. BLILEY, Mr. SMITH of Texas, Mr. RAVENEL, Ms. KAPTUR, and Mrs. BYRON.

H. Res. 108: Mr. GOSS.

H. Res. 130: Mr. FRANK of Massachusetts, Mr. LEHMAN of Florida, Mr. WELDON, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Ms. NORTON, Mr. FISH, Mrs. UNSOELD, and Mr. PAYNE of Virginia.

H. Res. 140: Mr. GILMAN, Mr. DWYER of New Jersey, and Mr. LIPINSKI.

H. Res. 173: Mr. NUSSLE.

H. Res. 194: Mr. ROGERS, Mr. HOCHBRUECKNER, Mr. STUMP, Mr. MOORHEAD, Mrs. MEYERS of Kansas, Mr. PACKARD, Mr. HANCOCK, Mr. FORD of Tennessee, Mr. GALLEGLY, Mr. BEVILL, Mr. RAMSTAD, Mr. COMBEST, Mr. FISH, Mr. HASTERT, Mr. HEFLEY, Mr. KASICH, Mr. STEARNS, Mrs. VUCANOVICH, Mr. RAVENEL, Mr. COBLE, Mr. COX of California, Mr. CRANE, Mr. EMERSON, Mr. HUNTER, Mr. JOHNSON of Texas, Mr. MCGRATH, Mr. RHODES, Mr. ROTH, Mr. COUGHLIN, Mr. MCCANDLESS, Mr. BLILEY, Mr. LEWIS of California, Mr. GRADISON, Mr. GUNDERSON, Mr. SKEEN, Mr. ZELIFF, and Mr. MORRISON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1523: Mr. RANGEL.

H.R. 1527: Mr. RANGEL.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2950

By Mr. BEREUTER:

—Page 210, after line 15, insert the following new section:

SEC. 166. IMPACT OF CLIMATIC CONDITIONS ON HIGHWAYS STUDY

(a) STUDY.—The Secretary shall conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. The study shall take into account such climatic conditions as freezing, thawing and precipitation and their association with increased highway design costs and decreased highway service life in the various regions of the country.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate. The report shall include the implications of the differing costs on the allocation of highway funds to the states.

SENATE—*Wednesday, July 31, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, perfect in truth and justice, the Bible was important to our Founding Fathers. Though it continues to be a bestseller in America, it is the most unread book published—a tragic omission in light of the word of St. Paul:

All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: That the man of God may be perfect, throughly furnished unto all good works.—II Timothy 3:16–17.

Forgive us our neglect of this priceless gift. Winston Churchill said, "We rest with assurance upon the impregnable rock of Holy Scripture." Gen. Robert E. Lee said, "The Bible is a book in which in all my perplexities and distresses has never failed to give me light and strength." Historian Arnold I. Toynbee said of the Bible, "It pierces through the intellect and plays directly upon the heart. Daniel Webster said, "I believe the Scriptures of the Old and New Testament to be the will and the Word of God." William Lyon Phelps, the great educator, said, "Everyone who has a thorough knowledge of the Bible may truly be called educated. * * * I believe knowledge of the Bible without a college course is more valuable than a college course without the Bible."

Gracious Father, restore our interest in this unparalleled source of wisdom and knowledge. In His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein.

The Senator from Louisiana [Mr. JOHNSTON] is permitted to speak up to 15 minutes; the Senator from Pennsylvania [Mr. WOFFORD] is permitted up to 10 minutes; the Senator from Arizona [Mr. MCCAIN] is permitted to speak up to 10 minutes; and the Senator from Alaska [Mr. MURKOWSKI] is permitted to speak up to 10 minutes.

The Senator from Alaska [Mr. MURKOWSKI].

ECONOMIC BENEFITS OF ANWR DEVELOPMENT

Mr. MURKOWSKI. Mr. President, I wish you a good morning, and my colleagues.

Mr. President, today I rise to speak for the third time in the last 6 days concerning the economic benefits of the opening of ANWR to development.

Mr. President, today, I am going to speak briefly on the economic benefits associated with exploration and hopefully development of Alaska's Arctic National Wildlife Refuge.

Let me address the issue of jobs this morning, Mr. President.

According to the study by the Wharton Economic Forecasting Association, ANWR could create as many as 735,000 jobs nationwide by the year 2005.

Mr. President, I ask unanimous consent that a list accompanying my statement indicating the jobs created by oil and gas exploration and development be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Estimated jobs created by ANWR development[1]

State:	*2005*
Alaska[2]	12,795
Alabama	10,392
Arkansas	5,464
Arizona	10,447
California	79,793
Colorado	10,577
Connecticut	10,989
Delaware	2,032
District of Columbia	2,516
Florida	33,878
Georgia	18,374
Hawaii	2,702
Idaho	2,369
Iowa	6,662
Illinois	33,375
Indiana	15,622
Kansas	7,183
Kentucky	12,247
Louisiana	14,846
Massachusetts	20,260
Maryland	13,912
Maine	3,450
Michigan	25,014
Minnesota	13,489
Missouri	14,138
Mississippi	5,918
Montana	2,126
North Carolina	19,389
Nebraska	4,006
New Hampshire	3,898
New Jersey	22,046
New Mexico	4,669
Nevada	4,725
New York	47,624
Ohio	31,842
Oklahoma	11,268
Oregon	6,885
Pennsylvania	34,279
Rhode Island	2,919
South Carolina	9,421
South Dakota	1,771
Tennessee	13,394
Texas	60,168
Utah	4,580
Virginia	19,269
Vermont	1,740
Washington	12,157
Wisconsin	13,814
West Virginia	7,043
Wyoming	2,958
Total	732,223

[1] Estimates are based on peak ANWR production in the year 2005.

[2] Alaska is expected to reach its peak of 38,265 new jobs in the year 2000.

Source: "The Economic Impact of ANWR Development," prepared by The WEFA Group, May 1990.

Mr. MURKOWSKI. Mr. President, I note in Pennsylvania there are 34,000 jobs; New York, 47,000; Michigan, 25,000; Florida, 33,000; California, 79,000; and Wisconsin, 13,814.

Mr. President, I give these figures to indicate the ripple effect associated with the exploration and development of this large domestic oil field. However, we will never know the effect unless we initiate exploration.

The net economic benefit also deserves mention. Bonuses, rent, royalties, taxes and after tax dollars will contribute $79 billion to $119 billion in net national economic benefit. Some estimates have gone as high as $325 billion.

Clearly, we are talking about a megaproject.

Think of how this could fund important programs and stimulate the U.S. economy. If we do not do this, Mr. President, we will simply import more oil into this country and bring it in on foreign vessels. Since 1977, oil development on Alaska's North Slope has contributed more than $300 billion to the U.S. economy.

Mr. President, if we look at boosting the GNP estimates, ANWR development could boost the gross national product of our Nation by $50 billion.

Let us look at the balance of trade for a moment, Mr. President, and recognize that half of our trade imbalance in 1990 was from oil imports. Make no mistake about it, the other half generally is trade primarily with one country, Japan, and to some extent China. As I said, 50 percent of the U.S. trade deficit in 1990 was from oil imports.

The U.S. spent $54.7 billion on imported oil in 1990. What would that do each year if we invested this in the U.S. domestic oil production? What happens to the dollars we spend on imported oil? Where did Saddam Hussein get the money to build Iraq's Armed Forces?

The U.S. imports from OPEC countries in 1990 were roughly $37 billion. That's $37 billion that could be invested in this country if we develop our own domestic oil and gas resources.

In conclusion, Mr. President, I would like to review a few of the myths about ANWR. The footprint in ANWR is an area less than the size of Dulles International Airport, approximately 12,500 acres. There are 19 million acres in ANWR, 8 million acres have been set aside in perpetuity as wilderness. Another 9.5 million have been set aside in a refuge, leaving 1.5 million acres in the "1002" area for oil and gas exploration and development.

What is the proof of that, Mr. President? The proof Mr. President, ANWR can be opened to oil and gas exploration and development using roughly 12,500 acres of the 1.5 million acre coastal plain. The oil industry has developed an oilfield called Endicott. Endicott was brought on line 2 years ago as the 10th largest field in the United States. Today Endicott is the sixth largest field in the United States now producing about 120,000 barrels per day, and the footprint, the acreage utilized is 56 acres.

What of the argument that ANWR is only a 200-day supply, Mr. President? If ANWR were a 200-day supply, it would be the third largest oilfield ever found in the United States. If it were a 600-day supply, it would surpass Prudhoe Bay, which is the largest domestic oilfield.

What about the caribou, Mr. President? The experience we have had in Prudhoe Bay where prior to the development of the pipeline, there were approximately 3,000 caribou. Today they are in excess of 18,000. We do not have a caribou problem.

What about the tourists? Consider for a moment there are less than 200 tourists that visit ANWR each year. It takes a $5,000 bill, Mr. President, to visit ANWR. That is the cost. Even less number visit the coastal plain. Most rafters pull out at the coastal plain boundary. How does that compare with the millions of people in America who would benefit both directly and indirectly from reducing our excessive dependence on imported oil?

Mr. President, opening ANWR would reduce the Nation's dependence on imported oil, create hundreds of thousands of jobs throughout our Nation, and create economic growth in the process.

CONSTRUCTION TRADE WITH JAPAN

Mr. MURKOWSKI. Mr. President, I would like to note that frequently before this body I have discussed the issue of trade practices in the construction market with Japan.

Later today I will be joining Secretary Mosbacher and the Japanese Ambassador to the United States in the signing of a new construction agreement that will further open the Japanese market to United States competition.

This agreement, known as the major projects arrangement, will expand the list of large construction projects in Japan specifically singled out for foreign participation. From 1988 through today, the MPA covered 17 projects; today that number will be doubled to 34. In addition, the MPA signed today will contain a side-letter which addresses six additional projects that can be added to the list over the next several years.

STEP IN RIGHT DIRECTION

Mr. President, this agreement represents a step in the right direction in our trade dispute with Japan over the construction market. I welcome the signing of the new MPA. The Department of Commerce and the USTR have negotiated diligently since May 1990 to achieve this agreement, and I would like at this time to acknowledge. Under Secretary J. Michael Farren of Commerce and Deputy USTR Linn Williams for their time and commitment in reaching this resolve. Unfortunately Ambassador Williams has left the USTR just 5 days ago. With his resignation we lose an unsurpassed negotiator in the area of international trade.

STILL A LONG WAY TO GO

Mr. President, I have remarked on the accomplishments agreement to be signed today, but I also want to make clear that this case is not closed. It remains a fact that our trade officials must continue to go to the negotiating table with the Japanese in order to produce a list of construction projects on which we can be guaranteed a right to compete. The Japanese face no such list when entering the American construction market. I will continue to push for the complete opening of all the Japanese markets and the quick removal of all trade barriers to United States competition.

United States construction, design, architectural and engineering firms have earned the reputation worldwide that puts them at the very top in markets around the world. There is no doubt that these companies can compete and win against foreign competitors if they are competing on a level playing field. And this is verifiable; United States construction firms are doing business throughout Asia and the world.

It is only in Japan where we need a specific list of projects identified for foreign competition. The Japanese say these projects provide a special training ground for American firms to learn how to conduct business in Japan. Mr. President, if a firm can build the same airport facility in the United States, Singapore, and Germany, the firm can build it in Japan without a special training ground.

What we need in Japan is free and open markets, unhindered by barriers and subject to the same rules of competition that Japan finds around the globe. You can rest assured that I will not be satisfied for long with any agreement that falls short of this goal.

SANCTIONS PLAYED AN IMPORTANT ROLE

Mr. President, last year I was joined by Senator D'AMATO in offering trade sanctions if the Japanese refused to open their construction market. Congress passed this legislation and last April the USTR was obligated to impose the sanctions. I should mention that at the time some members of the construction industry asked me not to follow through with the sanctions, that the mere threat of sanctions would be sufficient. They claimed that United States sanctions would be used against them in Japan and they would lose what little market penetration they already had.

That was not the case, Mr. President.

Last April, before the sanctions came into effect, the Japanese negotiators of the MPA had not budged 1 inch on any of our concerns. But the moment the sanctions were announced, the ball began to roll. The exact same scenario was played out in 1988 when I first introduced legislation on this issue. The result of those sanctions was the original MPA, which we are improving today. I remain fully convinced that had our negotiators been unable to carry through with their threats, we would not have achieved the amount of progress we are seeing today but they did and we congratulate them.

CONCLUSION

Mr. President, I would like to conclude by restating my optimism over the MPA that Secretary Mosbacher is signing today. It is an important step in the right direction to correct unfair practices which damage our competitiveness abroad. But I stress that it is only an improvement—not a final solution. We must maintain the pressure necessary to achieve a fully open market, such as we offer our competitors in the United States. I feel nothing less will do.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1595 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DESIGNATING AUGUST 1, 1991, AS HELSINKI HUMAN RIGHTS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 264, a joint resolution to designate August 1, 1991, as Helsinki Human Rights Day just received from the House.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 264) designating August 1, 1991, as "Helsinki Human Rights Day."

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 264) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

NATIONAL ENERGY SECURITY ACT—CAFE STANDARDS

Mr. JOHNSTON. Almost 2 months ago the Senate Committee on Energy and Natural Resources reported the National Energy Security Act of 1991, the most comprehensive, the most balanced, the most effective energy bill ever reported by any Energy Committee of Congress in the history of the Congress. It passed by 17 to 3.

Over the last 2 weeks, my colleagues and I talked about various parts of that bill, about energy efficiency, about alternative fuels, about renewable energy, about natural gas, coal, nuclear power, and Public Utility Holding Company Act reform.

Today, I will discuss the issue of corporate average fuel economy, or CAFE. Our national energy policy must include steps to reduce oil use in the transportation sector. After all, transportation accounts for 63 percent of all oil use. CAFE standards are an important means of increasing the efficiency of cars and light trucks, and thus reducing oil use.

The trends in automobile efficiency over the past several years have not been encouraging. The average CAFE level for new cars peaked in 1988 at 28.8 miles per gallon, and declined to 28.1 miles per gallon in 1990. The miles per gallon of light trucks has also declined.

There is widespread sentiment in Congress, Mr. President, and among the public that the law governing the miles per gallon efficiency of our automobiles should be strengthened.

The current CAFE standard requires that automakers attain a fleet average of 27.5 miles per gallon. There is substantial potential for increasing automobile efficiency, but Congress must be careful not to compromise safety or American jobs when it amends CAFE law, and that is the challenge to maximize miles per gallon while protecting the economy and American jobs.

As introduced and passed by the committee, S. 1220 requires the Department of Transportation to conduct a rulemaking and issue new CAFE standards for automobiles and light trucks for model years 1996 and 2001. The new standards must meet the following criteria set forth in the bill: That all applicable safety and emission standards be met; that 1990 fleet-size mix and performance be preserved; and that the maximum practical achievable technology be utilized.

During consideration of the bill, many Senators expressed dissatisfaction with this approach. They argued that Congress should set the numerical miles per gallon standards directly rather than leave this task to the Department of Transportation and its rulemaking. Therefore, I directed the staff of the committee to undertake a technical analysis of feasible fuel economy levels using the criteria set forth in the bill and to produce recommendations for specific mileage standards.

The staff based its analysis on the hearing record and on extensive consultations with the Office of Technology Assessment and its contractor—Mr. K.G. Duleep—arguably the Nation's foremost expert in this area and indeed the only one that I am aware of that has a computer program that can tell you how much miles per gallon difference it will make to have, for example, a 30-percent penetration in the 2-stroke engine by the year 2006.

Let me describe briefly the steps in this technical analysis.

In the first step, we adopted the criteria set forth in the CAFE title of S. 1220: Safety and emission standards must be met; and 1990 size and performance held constant; and maximum use of practical and achievable technologies. When I say "practical and achievable," I mean that consumers will accept the technology. The phrase "practical and achievable" also has a time dimension—automakers must have adequate lead time to install fuel-saving technologies in their fleets. This cannot be done overnight.

I read earlier this week, Mr. President, where Chrysler is coming out with a new model in which they have invested a billion dollars and that car has yet to sell the first automobile, but it takes that much lead time and that much lead investment. So the time factor is very vital in considering CAFE standards.

In our hearings, we learned from OTA and others that the full product cycle for U.S. automakers is 13 years: 5 years for development of a fully redesigned model, and then typically an 8-year life for that model, once it goes into production. So you invest a billion dollars over a period of 5 years, and then you have an 8-year life for the model in which you recoup or harvest your investment of some billion dollars. If we force automakers to throw away their development plans or cut short the life of various models, we could inflict billions of dollars of losses—on top of what the industry is currently experiencing. I think that in the last 6 months they have lost some $4.1 billion. This is why lead time is so critical.

The second step of the technical analysis was to develop three scenarios on how fast fuel-saving technologies could show increased market penetrations. The scenarios were for 1996, 2001, and 2006. We wanted to go far enough out in the future to allow for a full redesign of the fleet.

The 1996 scenario had some modest increases in market penetration. OTA and others testified that the automakers' product plans are pretty much locked in because of the 5-year lead time for product development. We respected this fact. In other words, 1996 is today in terms of plans of the automakers as to how they are going to redesign their cars. It simply takes that long in terms of lead time to design and order and contract for all the various parts that go into a model.

The 2001 scenario shows substantial increases in market penetration of the fuel-saving technologies. As the committee learned in its hearings, 100 percent market penetration of all fuel-saving technologies by the year 2001 is not a realistic goal. It would require automakers to shorten the life of some models and incur huge cost increases which would be passed on to consumers if they could get the consumers to buy the products.

Furthermore, by sharply accelerating the time in which new technologies are introduced, perfected, and deployed, automakers and their customers would be taking the risk that the technology might not perform as intended and that durability might suffer.

The Wankel engine or rotary engine is an excellent example of this. It was offered as the hope of the future, the great new engine. However, Mazda deployed it a little too fast. It did not work and they had huge losses as a result.

The 2006 scenario assumes nearly full penetration of fuel-saving technolgies. The 15-year lead time from now until 2006 gives automakers the necessary lead time to redesign every product without the cost increases that would come with cutting short the life of many models. Costly and risky accelerations of product redesign would be unnecessary under this scenario.

The third step of the technical analysis was to run our criteria and scenarios through Mr. Duleep's computer model. Mr. Duleep's model projects future CAFE levels, given a set of input assumptions. The resulting projections for CAFE levels for the automobile fleet were: 30.2 miles per gallon in 1996; 34.0 miles per gallon in 2001; and 37.0 miles per gallon in 2006.

These CAFE standards are the ones Congress should write into law. They will produce the highest levels of fuel economy that we can practically achieve over the next 15 years. The Congressional Budget Office estimates that these standards would save over 1 million barrels of oil per day when fully phased in.

These standards are also consistent with the real world constraints of consumer acceptability and lead time for auto manufacturing. They will stretch Detroit to the technological limit of fuel economy, consistent with the preservation of American jobs, maintaining American market share, and the profitable survival of the American automobile companies.

I offered a CAFE amendment during the committee markup that incorporated these numbers, but the amendment was not adopted. Some on the committee viewed my proposed standards as too stringent. Others argued that much tougher standards should be written into law. On July 16, Senator CONRAD and I introduced the CAFE amendment that I offered in committee as an amendment to S. 1220. I intend to pursue this issue vigorously when S. 1220 comes to the floor of the Senate.

These standards represent a careful balancing of the need for increased fuel economy and the need to maintain a strong and viable American automobile manufacturing industry. They also represent a reasonable middle ground between the rulemaking approach currently in S. 1220 and the unrealistically high CAFE standards proposed in S. 279—also known as the Bryan bill.

I realize that many of my colleagues voted for the Bryan bill last fall. However, I know that many of those same Senators have doubts about the wisdom of the Bryan bill. Let me highlight the most critical difference between my proposal and the Bryan bill: My proposal is achievable. The Bryan bill is not achieveable.

My proposal gives automakers adequate lead time to redesign their fleets and install the best fuel-saving technology. The Bryan bill does not.

OTA testified that, because of the lead time problem, a modest improvement in CAFE to about 30 miles per gallon is possible by 1996. My proposal recognizes that fact. In contrast, the Bryan bill sets an arbitrary target of 34 miles per gallon in 1996. How would auto companies meet this target if it became law? They would simply have to cut production of their medium, large, and family-size cars, phase out investment, and terminate investment already made.

The Bryan bill sets an equally arbitrary CAFE target of 40 miles per gallon for the year 2001. According to OTA, the only way that automakers could come even close to this target is if they throw away their development plans and cut short the life of various models. They would have to engage in a costly and risky redesign of every one of their cars. As I noted earlier, this would inflict billions of dollars of losses. Even then, automakers would fall 2 to 3 miles per gallon short of the Bryan bill standards. Once again, they would simply have to cut production of their medium, large, and family-size cars.

The Bryan bill is simply unachievable: It requires too much, too fast. New CAFE standards should not force automakers to write off billions of dollars in investment in their current models, particularly at a time when U.S. auto companies have lost over $6 billion in the last three quarters. Nor should CAFE standards put the jobs of thousands of people at risk. Finally, new CAFE standards should not deprive American consumers of choice in the marketplace.

The Johnston-Conrad amendment strikes the right balance on this difficult issue. I urge my colleagues to support it.

NUCLEAR LICENSING PROVISIONS OF S. 1220

Mr. JOHNSTON. Mr. President, over the past 2 weeks I have given a number of speeches on various parts of S. 1220, the National Energy Security Act of 1991, which the Committee on Energy and Natural Resources reported nearly 2 months ago. My purpose in most of these speeches has been to draw attention to some of the less well known provisions of S. 1220, such as the titles on energy efficiency, and alternative and renewable fuels.

My purpose this morning is to correct some of the misconceptions about one of the titles of S. 1220 that has received considerable attention—title IX, which reforms the process by which we license nuclear powerplants in this country. Opponents of S. 1220 have said that these provisions will bar the public from raising safety concerns and will allow unsafe nuclear powerplants to operate. That simply is not true.

For the most part, title IX codifies reforms the Nuclear Regulatory Commission adopted by rule 2 years ago. The new rule calls for the NRC to resolve all safety issues before construction begins. That may seem like common sense, but it was a major departure from past practice.

For 35 years, the NRC used a two-step process. First, nuclear powerplants were granted a construction permit before major safety issues were resolved. Then, after they were built, they were granted an operating license. While the two-step process gave the public two opportunities for a hearing, the first came before the design was completed and before important safety information was available; the second came after the plant was built and design changes were difficult and expensive to make.

Under the two-step process, any utility that tried to build a nuclear powerplant faced grave uncertainties. The utility had to invest billions of dollars building the plant without knowing whether it would ever be allowed to operate it. After the plant was built and financing costs were compounding, the plant may have stood idle for months or years while the NRC resolved important safety questions. Postconstruction hearings—measured from when notice of the hearing was given until an initial licensing decision was made—took anywhere from 3 months to over 10 years for plants completed during the 1980's. The average was over 4 years. It is no wonder then that utility executives began saying that no one in their right mind would order another nuclear powerplant under such a system.

More to the point, though, it did not serve the public well. That is not just this Senator's opinion. That has been the opinion of many thoughtful observers. Two of the most outstanding former Members of this body, Senator Hubert Humphrey and Senator Henry Jackson, both warned of the danger of building nuclear powerplants before resolving safety issues when Congress adopted the two-step licensing process in 1954. Justice William O. Douglas also argued that safety issues should not be put off until construction is finished when the Supreme Court upheld the two-step process over his objections.

Following the Three Mile Island accident, the special commission appointed by President Carter to investigate the accident recommended combining the two steps and resolving issues before construction begins. Another independent review group appointed by the NRC was even more blunt. It said that "insofar as the licensing process is supposed to provide a publicly accessible forum for the resolution of all safety issues relevant to the construction and operation of a nuclear plant, it is a sham," because one "review is conducted too early to be useful, and the other is too late to be fully effective."

Just last week, the new Chairman of the NRC, Ivan Selin, told a House subcommittee that "any intelligent and interested citizen has got to be suspicious about a regulatory program that doesn't answer serious objections until it is almost too late to do anything practical about them."

So 2 years ago, after years of consideration and public debate, the NRC adopted a new licensing rule that seeks both to correct the deficiencies in the old two-step licensing system and, at the same time, to ensure that the public health and safety is protected and that the public has adequate opportunities to raise safety concerns.

The new rule permits the NRC to certify standardized plant designs and approve sites for nuclear powerplants, following public hearings, but before the utility applies for a license to build a plant. These provisions have not been controversial and are not affected by S. 1220.

The third key feature of the new rule is the combined license, which authorizes both construction and operation. The authority to operate under a combined license is conditioned on the satisfactory performance of all of the inspections, tests, and analyses specified in the combined license and on the completed plant meeting certain acceptance criteria. These inspections, tests, analyses, and acceptance criteria are designed to measure if the plant has been built properly and, thus, can be operated safely. The content of the inspections, tests, analyses, and acceptance criteria are subject to litigation in public hearings before the combined license is issued.

The NRC's safety oversight does not end with the issuance of the combined license. The NRC must closely monitor construction in accordance with the inspection, tests, analyses, and acceptance criteria established in the combined license.

The new rule also provides substantial opportunities for public participation in the licensing process. The rule provides an opportunity for informal hearings before the NRC certifies standardized plant designs. It calls for mandatory, formal hearings before the NRC issues site permits. Perhaps most important, it calls for mandatory, formal hearings before the NRC issues combined construction and operating licenses.

Even that is not the end of the matter. The public has another opportunity for a hearing on the question of whether the plant meets its acceptance criteria before the plant begins operating. In addition, if someone believes, on the basis of new information that has come to light since the combined license was issued, that the acceptance criteria are inadequate or that the combined license should not have been granted in the first place, he or she can ask the NRC to modify, suspend, or revoke the license.

To be sure, the new rule no longer provides a second opportunity to litigate all manner of issues before the plant begins to operate. That is what opponents of the rule object to. A second hearing made sense under the old two-step process because the information needed to resolve many safety issues was not available until the plant was built. That cannot happen under the new rule. The whole idea is to resolve all safety issues before construction begins. If they cannot be, the combined license will not be issued and the plant will not be built.

The new rule is a reasonable and responsible attempt to meet the mutually consistent goals of safety, public participation, and licensing certainty. The NRC adopted this new rule after a lengthy and highly visible public rulemaking process. No serious objection to it was raised on the floor of the Senate. No bills were introduced to overturn or block it.

The NRC's legal authority to adopt the rule has, however, been called into question. An antinuclear group challenged the rule in court. Last November, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit upheld most of the rule but struck down two key provisions.

First, it said that under current law, before a nuclear powerplant can begin operating, the NRC has to offer a hearing on issues that may arise during construction.

Second, it said that the NRC cannot determine that the plant was safe to operate just because it complies with all the acceptance criteria in the combined license designed to determined whether the plant is safe. Rather, the court read existing law as requiring a separate finding on whether the plant complies with the Atomic Energy Act and the NRC's rules, not just with a license issued in accordance with the act and the rules.

The NRC believes that the three-judge panel's decision "reintroduces the specter of delay and uncertainty" the new rule was designed to avoid. The NRC asked the full U.S. Court of Appeals for the District of Columbia Circuit to rehear the case. The court agreed, vacated the three-judge panel's ruling, reinstated the new rule as the NRC adopted it, and scheduled the matter for a rehearing in November.

Title IX of S. 1220 makes it clear that the NRC has the authority to implement the reforms it adopted in its 1989 rule. The committee thinks that current law already provides the NRC sufficient authority. But, since the litigation has raised doubts, S. 1220 is intended to make the NRC's authority abundantly clear.

In addition, title IX goes beyond the NRC's rule in three respects. First, it permits the NRC to allow a plant to begin operating even though someone has requested a hearing if the NRC decides that the hearing petitioner is unlikely to succeed on the merits and if there is reasonable assurance that the public health and safety will be protected. Second, title IX provides that informal hearing procedures should be used in postconstruction hearings on questions of compliance with the combined license unless the NRC determines that formal procedures are needed to resolve substantial disputes of fact.

Third, title IX allows the NRC to treat amendments to combined licenses the same way it treats amendments to operating licenses under current law. In other words, the NRC will be able to amend a combined license and allow the plant to operate under the amended license prior to holding a hearing on the amendment if the amendment does not raise significant safety issues.

That is the sum and substance of title IX. Does it prevent the NRC from determining whether the plant is safe or not before it goes into operation, as some have claimed? Plainly not. Title IX expressly requires the combined license to set forth what standards the plant must meet for the NRC to find that it is safe. It expressly requires the NRC to see that those standards are met before the plant goes into operation. In addition, the NRC retains under title IX all of its existing power to modify, suspend, or revoke any license if necessary to protect the public health and safety.

Does title IX eliminate public participation? Plainly not. First, title IX does not affect the requirement in current law that the NRC hold a hearing before issuing a combined license and allowing construction to begin. Indeed, the opportunity for public participation will be more meaningful because the hearing on a combined license will be based on complete and final design information rather than on the incomplete, preliminary design information that sufficed under past NRC practice.

Second, it expressly provides an opportunity, subject to reasonable conditions, for a hearing on questions of whether the plant complies with all of its license requirements.

Third, while title IX does not provide an automatic right to a hearing on new issues that may arise after the plant is built, it does provide a process by which these issues can be raised and will be considered by the NRC. This process is essentially the same as the one the NRC has long used to consider new issues raised with respect to any of the 111 operating plants.

Does title IX preclude judicial review? Plainly not. Title IX does not affect the Administrative Procedure Act, the Hobbs Act, or section 189b. of the Atomic Energy Act, which together provide for judicial review in the courts of appeals of any NRC final decision in a licensing proceeding.

A lot of confusion has arisen over this issue as a result of several court decisions that said that NRC decisions denying citizen petitions in enforcement actions are committed to the NRC's discretion and, thus, are not subject to judicial review. The NRC has clearly stated, however, both in court and before Congress, that NRC decisions denying citizen petitions in licensing actions under its new licensing rule and title IX are reviewable.

Does S. 1200 mean more nuclear powerplants will be built? I do not know, Mr. President. That decision will be made by the utilities, their State regulators, and the financial markets, not by this bill. What S. 1200 does do is to make sure that any new nuclear powerplants that are built will be licensed under a more sensible system than existed in the past. It requires that safety issues will be considered and decided in a timely manner, before, not after, the die is cast. It continues to allow the public to raise safety concerns, while discouraging misuse of the licensing system to delay and obstruct safe plants from operating.

S. 1220 enhances safety. It does so by requiring that all safety issues be resolved before the plant is built.

S. 1220 enhances public participation. It does so by providing a formal hearing on all contested issues at a time when all safety information is available but before construction begins.

Mr. President, the reforms codified in S. 1220 are sound and sensible. I invite Members to examine them and join me in supporting these worthwhile measures.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that morning businesses be extended for 5 minutes so as to permit the distinguished Senator from Hawaii to address the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the leader for allowing me this time.

THE NATIONAL ENERGY SECURITY ACT

Mr. AKAKA. Mr. President, I rise today to voice my support for the electric vehicle legislation contained in title IV of S. 1220, the National Energy Security Act of 1991. The electric vehicle provisions in title IV of the committee bill build on the legislation introduced earlier this year by my colleague Senator ROCKEFELLER. During markup on the Energy Security Act, I was pleased to join with Senator WALLOP, the ranking member of our Energy Committee, in offering a package of electric vehicle amendments that appear in title IV of the bill.

The bill reported to the floor authorizes the Secretary of Energy to enter into cooperative agreements for research and development on electric vehicles. The Secretary is also authorized to conduct up to 10 field demonstrations of electric and electric hybrid vehicles. The criteria set out in S. 1220 assures that only manufacturers capable of advancing to large scale commercial production can participate in the program.

In addition, title IV provides authority to enter into five cooperative agreements to develop the infrastructure necessary to support the commercialization of electric and electric hybrid vehicles. Finally, it amends the acquisition requirements for Federal fleets to include electric and electric hybrid vehicles.

I commend Senator JOHNSTON and my colleagues on the committee for recognizing the important role electric vehicles can play in our Nation's energy mix. These vehicles offer the potential for significant energy security benefits by utilizing sources of energy that are in abundant supply rather than relying on dwindling and often expensive sources of imported oil. The potential for oil savings is dramatic. If we succeed in replacing only 1 percent of this country's conventionally fueled vehicles with comparable electric vehicles, we could achieve a savings of 60,000 barrels of oil per day.

In addition to their energy security benefits, electric vehicles are one of the most effective means of reducing transportation-related atmospheric pollution. Ninety-six cities and urban areas in the United States have air pollution levels that exceed national standards for ozone. A significant amount of the precursors of ozone come from gasoline-powered vehicles. When compared to gasoline vehicles, electric vehicles can reduce pollutants by as much as 97 percent.

Although consumer demand for electric vehicles is still in the early stages, there are clear signs that the market for these vehicles may increase significantly in the years ahead. Several recent events have raised the prospects for increased demand for electric vehicles. The driving force behind these amendments has been the requirements of the Clean Air Act and State of California mandates for no emission vehicles. Last year California became the first State to mandate the production and sale of so-called zero-emission vehicles, by requiring 2 percent—or almost 40,000—of the new vehicles sold in the State to meet the mandate. Currently only electric vehicles satisfy these requirements. In addition, 12 other States met recently to consider a program modeled after California's stringent regulations. We need to carry out an electric vehicle demonstration in the mid-1990's before vehicle manufacturers are required by California, and perhaps other States, to manufacture zero emission vehicles.

Provisons within the National Energy Security Act would serve to further expand the market for electric vehicles by establishing demonstration programs in cities and States throughout the country. Although it is likely that fleets will be the initial market for these vehicles, I believe the changing regulatory environment will foster demand at the individual consumer level as well.

The future of electric vehicles may hinge on Congress' ability to see beyond some of the initial battery and pricing problems to the far-reaching environmental and energy security benefits their use will bring about. I believe that the electric vehicle legislation contained in S. 1220 will assist manufacturers and consumers alike in developing a high quality, reliable product that can, and I believe will, achieve widespread commercial success. Moreover, I believe the development and commercialization of an electric vehicle industry and infrastructure to be one of the key components of a comprehensive national energy strategy. With this in mind, I urge my Senate colleagues to join me in supporting the electric vehicle provisions of the National Energy Security Act of 1991.

I would like to move to another topic in S. 1220, CAFE standards.

While I applaud the goals and objectives of Senator BRYAN's CAFE bill, I have serious reservations about its feasibility. The Energy Committee received many hours of testimony and reams of data on the subject of CAFE.

This information underscored how difficult, if not impossible, it will be to meet the Bryan CAFE targets in the short run without risking higher traffic fatalities. For me it comes down to the simple proposition that I would rather save a meaningful amount of oil under the Johnston CAFE amendment rather than save a greater amount of oil but potentially risk more lives on the highway under the proposal offered by my colleague, Senator BRYANT.

I commend Chairman JOHNSTON for his willingness to propose a workable CAFE proposal, which I support. The Johnston amendment would increase the CAFE standard to 30.2 miles per gallon by 1996, 34 miles per gallon by 2001, and 37 miles per gallon by 2006. These goals are attainable without forcing auto manufacturers to radically alter the size, performance, or safety of their automobiles. I would strongly recommend that my colleagues take a serious look at these CAFE numbers.

As Chairman JOHNSTON knows, I did not support all of the provisions of S. 1220 during markup before the Energy and Natural Resources Committee. I think it's safe to say that of the 20 members of the Senate Energy Committee, each of us can identify something in this bill that we would like to see changed. There are provisions that I opposed during markup and will oppose again if they are raised on the floor. But the Senate Energy Committee brought a bill forward to the Senate floor because we believe we must enact comprehensive energy legislation during the 102d Congress. It is imperative that we adopt an energy strategy, and I hope the Senate can turn to consideration of the National Energy Security Act when we return from the August break.

I yield back the balance of my time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Chair recognizes the majority leader.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. MITCHELL. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report S. 1554.

The legislative clerk read as follows:

A bill (S. 1554) to provide emergency unemployment compensation, and for other purposes.

Mr. MITCHELL. Mr. President, on Monday, the Senate voted by a margin of 96 to 1 to invoke cloture on a motion to proceed to the pending legislation, much needed reform of the unemployment insurance system.

I had hoped that we could proceed to the bill at that time, but I was advised by the distinguished Republican leader that our Republican colleagues would insist upon using all of the time permissible under the rules. That means that the bill is eligible for consideration today.

Under a previous order, a cloture motion on the bill has been deemed filed, since we were further advised that the same requirement as to the use of time would apply to the bill as did to the motion to proceed.

It had been my hope that we could proceed to the bill now, but in light of the position taken by our Republican colleagues, that will not be possible. I anticipate discussing this matter further in some detail with the distinguished Republican leader in approximately an hour, just prior to the first vote this morning. That vote is now scheduled for 10:30 a.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

Mr. MITCHELL. Accordingly, Mr. President, since we cannot proceed to the unemployment insurance bill, or were we to do so we would be in a position of not being able to transact any business on it for some substantial period, and so as to make the maximum and most efficient use of the Senate's time, I now exercise the authority granted to me under a previous order and, following consultation with the distinguished Republican leader, I ask that the Chair lay before the Senate for its consideration S. 1507, the Department of Defense authorization bill.

The PRESIDING OFFICER (Mr. KERREY). The clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I am pleased to bring before the Senate S. 1507, the National Defense Authorization Act for fiscal years 1992 and 1993. This bill provides the authorization act for fiscal years 1992 and 1993. This bill provides the authorization required in law for almost all of the major functions under the jurisdiction of the Committee on Armed Services, including programs and activities of the Department of Defense, the Department of Energy nuclear weapons programs, and civil defense.

This authorization bill continues the process of reducing and restructuring our military forces in light of the changes in the threats to our national security and the changes in our military strategy. The bill also begins to implement some of the important lessons learned from the experiences of Operations Desert Shield and Desert Storm.

At the outset of this debate, I want to thank my friend, the ranking minority member of the committee, Senator WARNER, for all of his help and cooperation on this bill and in every other aspect of our committee's work. Senator WARNER's expertise on national security issues and his thorough, cooperative approach to the committee's work is one of the principal reasons for the bipartisan spirit in which the committee conducts its business.

BUDGET IMPACT OF THE COMMITTEE BILL

For the third time, the Defense authorization bill reported by the committee authorizes national defense programs for 2 fiscal years. For fiscal year 1992, the bill authorizes funding of $290.7 billion in budget authority. This figure is $100 million below the level contained in the budget summit agreement, the President's budget request, and the fiscal year 1992 budget resolution.

These additional savings below the savings that are mandated by the budget resolution result from recommendations made by the Intelligence Committee. Of course, we are making very considerable savings as mandated by the budget resolution in the defense bill itself. But the additional savings of $100 million were recommended by the Intelligence Committee. For fiscal year 1993, the bill authorizes $254 billion, approximately 87 percent of the programs and funding requested for fiscal 1993.

Mr. President, I want to take a moment to put this year's defense budget in context, at least the fiscal side of it. Fiscal year 1992 will be the seventh year of real decline in the defense budget.

Many people do not realize that. It does not get a lot of attention. People still look at the Defense budget as if it has never changed. That is not true. This is the seventh year in a row we have decreased the defense budget in real terms.

Under the current future year defense plan, the fiscal year 1996 defense budget will be 34 percent below fiscal year 1985 in real terms. In fiscal year 1996, the defense budget will be approximately 3.6 percent of GNP, the lowest level since the 1940's.

In 1985 the Congress required the Secretary of Defense to submit a biennial defense budget every other year. The amended budget request for fiscal years 1992 and 1993 is the third biennial budget submitted by the Defense Department. The Department of Defense and the Armed Services Committee have taken biennial budgeting seriously. In my opinion, the requirement to submit biennial budgets has improved the planning process within DOD. The budget summit agreement enacted last fall contained firm numbers for fiscal years 1992 and 1993 for both the Defense budget and the overall budget, which makes this the best opportunity yet for a 2-year approach. I hope the other committees of jurisdiction will work with us this year to make further progress on a 2-year budget for the Department of Defense.

If we can ever begin, really, authorizing and appropriating large percentages of the Defense budget for 2 years, rather than 1 year at a time, we will save enormous amounts of money in efficiency and effectiveness of Government expenditures.

This bill, as I mentioned, provides about 87 percent of the second year. I hope the appropriations bill will be able to move very strongly in this direction.

A NEW MILITARY STRATEGY

Last year, the Defense authorization bill reported by the Armed Services Committee and adopted by the Congress was based on a thorough reassessment of the threats to our security and the changes in our military needed to meet these changing threats. The events of the past year have confirmed the soundness of the military strategy outlined by the committee last year. In testimony before the committee this year, Secretary Cheney and General Powell presented a revised military strategy that is consistent with the committee's recommendations.

This year the committee followed a series of guidelines for drawing up this bill that closely follow the military strategy and guidelines developed by our committee last year. I ask unanimous consent that these markup guidelines be printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUIDELINES FOR THE SENATE ARMED SERVICES COMMITTEE'S MARKUP OF THE FISCAL YEAR 1992/93 DEFENSE AUTHORIZATION BILL

Reflect "lessons learned" from Operation Desert Shield and Desert Storm.

Emphasize five-year approach:

Stress long-term;

Identify follow-on assumptions and budget implications for recommended changes; and

Authorize as much of FY1993 program as possible.

Frame adjustments in terms of broad strategic goals and objectives, such as:

Maintain nuclear deterrence with forces lower in level and more stable in structure than those currently proposed at START;

Emphasize lighter, more lethal, more mobile forces;

Maintain technological superiority; and

Preserve the defense industrial base.

Minimize the impact of the transition to lower force levels on military members and their families.

Enhance utilization and effectiveness of the National Guard and Reserve components.

Improve management of defense programs:

Fly before buy;

Product improvements; and

Streamline headquarters and consolidate organizations.

Avoid micromanagement of defense programs.

Reduce amount of statutory language.

Mr. NUNN. Mr. President, I want to take a few moments to summarize the major themes and recommendations contained in the bill before the Senate today.

LESSONS LEARNED FROM THE PERSIAN GULF CONFLICT

The committee made a major effort to incorporate the key lessons learned from the recent conflict in the Persian Gulf. Many of these lessons are still preliminary and require more time and study before they can be considered conclusive. The committee had not received the interim DOD report on the conduct of the Persian Gulf conflict at the time of its markup. The committee did conduct an extensive series of hearings with commanders and units that actively fought in the gulf, and we focused our attention on those lessons on which there is already wide agreement.

One of these lessons is that the Navy is woefully short of mine countermeasures. The committee bill includes a major initiative to improve mine countermeasures capability, including:

Adding two coastal minehunters to the shipbuilding account;

Retaining the Navy Reserve helicopter mine countermeasures squadrons in the force structure;

Increasing research and development funds by $139 million to explore ways of countering mine threats; and

Shifting the lead for mine countermeasures research from the Navy to the Marine Corps.

Another conclusion that the committee reached from the Persian Gulf experience is that modernization of the Marine Corps has lagged behind that of the other services. The committee concluded that the Marine Corps needs improved capability in the area of night fighting capability, firepower, and tactical intelligence. The committee bill recommends funding for a major modernization package for the Marine Corps, including: 60 M-1A1 tanks which will be made available from the Army inventory; remanufacturing of the AV-8B Harrier aircraft to include night fighting capability; 9 multiple launch rocket systems; $70 million for night vision devices; $550 million for new maritime prepositioning ship [MPS] equipment; and transferring overall responsibility for maritime prepositioning from the Navy to the Marine Corps.

Senator WARNER played a key role in developing this Marine Corps modernization initiative in the committee.

The committee believes that the Air Force can greatly improve its firepower by buying more aircraft like those that performed so well in the Persian Gulf. Earlier this year the committee received testimony on the unusual effectiveness of the F-117 stealth aircraft in its first true operational test. While constituting only 2 percent of the combat fleet in Desert Storm, the F-117's dropped 40 percent of the precision munitions. General Loh, the commander of the Air Force Tactical Air Command, testified that the F-117 was 8 times more combat effective than the F-16. General Loh pointed out the F-117's stealth characteristics allowed it to operate effectively without a large fleet of supporting aircraft such as jammers and escort fighters.

The fiscal year 1992 budget request included an Air Force plan to continue F-16 production for 2 more years and then to shut down the line. The F-16 is an excellent aircraft, but the Air Force already has over 1,600 of them and used only 250 in Desert Storm. By contrast, there are only 54 F-117's, and virtually the entire operational fleet was used in Desert Storm. The committee decided that it made more sense to terminate the F-16 program 2 years earlier than planned, and to use the money to buy additional F-117 aircraft which the Air Force considers 8 times more effective.

Operation Desert Shield/Desert Storm revealed shortcomings in intelligence support to unified commanders and their combat forces, especially for damage assessment and targeting of mobile tactical systems like the SCUD missiles. The committee believes that these shortcomings are due primarily to management problems and deficiencies in intelligence processing, analysis, and dissemination. To remedy these problems, the committee recommends a significant package of tactical intelligence funding and policy initiatives, including:

Enhancing the authority of the Director of DIA to manage intelligence activities in the Department of Defense by giving him greater control over funding for these activities;

Ensuring that the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and CINC's exercise regularly with national level intelligence systems and personnel;

Authorizing $68 million above the budget request to improve the tactical reconnaissance capability of the Air Force RF-16 and the Navy F/A-18 and to add a reconnaissance capability for the F-117 Stealth fighter; and

Authorizing $130 million above the budget request for data links and terminals to improve transmission of intelligence from reconnaissance platforms to operating units.

Finally, the committee is deeply concerned by the casualties caused by friendly fire during Operation Desert Shield/Desert Storm. In any future conflict in the Third World or elsewhere, the capability to distinguish between the enemy and our own troops will be critical to avoiding these unfortunate incidents. The committee added $10 million to initiate a combat identification system and directs the immediate use of a DARPA-developed identification system in Army contingency forces.

MAINTAINING NUCLEAR DETERRENCE AT LOWER LEVELS AND WITH GREATER STABILITY

A second theme that guided the committee's budget review was the need to develop plans to maintain deterrence and increase stability while reducing the level of strategic forces. The committee paid particular attention to the testimony from United States intelligence agencies that the modernization of Soviet strategic forces continues unabated despite Soviet economic problems; that the only reductions to Soviet strategic forces appear to be those that would be required under START; and that the strategic capabilities the Soviets will possess in their START-constrained forces, once their modernization is completed, will maintain the overall strategic nuclear warfighting capability that the Soviet Union possesses today.

The committee also took note of the lessons from Operation Desert Storm regarding the political significance of defenses against ballistic missiles and the important use of strategic systems in conventional war.

The committee spent a great deal of time discussing the SDI Program, and concluded that the time has come to move forward vigorously with defenses against ballistic missiles. In the committee's judgment, we need an intense effort to develop and deploy improved antitactical ballistic missile [ATBM] defenses for U.S. forward-deployed and expeditionary forces and to develop theater defenses in cooperation with our friends and allies. The committee also agreed that changes in the threat and progress in the development of strategic missile defenses now warrants the development of a different architecture and the deployment for the first time since the early 1970's of a treaty-compliant ABM defense for the continental United States.

The new SDI architecture recommended by the committee would be designed to provide highly effective defenses for the United States against limited ballistic missile strikes, including accidental or unauthorized launches or deliberate Third World attacks. The committee's goal is to deploy an ABM system with one or more ABM sites and improved space-based sensors to defend against limited ballistic missile strikes but do so in a negotiated framework that will maintain strategic stability with the Soviet Union. The committee has dropped the administration's Brilliant Pebbles space-based rockets from the deployment plan, though research will continue on the program to explore whether it has promise as a follow-on technology. In other words, Brilliant Pebbles will be placed with the other follow-on technologies and kept in the research and development stage. Instead of space-weapons, we emphasize ground-based interceptors, beginning with the deployment by 1996 of 100 ABM interceptors in the U.S. heartland that are fully permitted under the 1972 ABM Treaty. Of course, deployment of this ABM system would only occur if its costs do not prove excessive and its operational effectiveness can be demonstrated.

Mr. President, Congress will have to make this judgment every year, just like any other weapons system. People are complaining about a plan, here, to go forward with a system where we do not have a fully, totally developed technology.

Mr. President, that is what we do on every weapons system. There is an initial operating goal on every weapons system we build. We do not even start down the road of a weapons system until we have some idea about the initial operating capability, or IOC. That does not mean you always are going to meet that IOC; things change. Sometimes systems do not work. Sometimes technology does not work. Sometimes you have to pause and redo some things in high technology areas. Sometimes you have to delay. Sometimes you have to adjust programs because of costs, and we recognize all of that applies in this area just as it does in every other weapons system. But we do have a new goal here, and we think that is very important. The committee also spent a great deal of time this year reviewing the status of the B-2 program, and its contribution to nuclear deterrence and conventional war. The recently completed START Treaty is expressly structured to emphasize penetrating bombers, so that continued production of B-2's is vital.

The value of stealth technology was clearly displayed by the F-117 aircraft during the Persian Gulf conflict. The committee believes that the B-2 will have an even more important role in future wars, since it combines global reach independent of foreign bases, the payload of the B-52, and better stealth characteristics than the F-117. For all these reasons, the committee fully funded the request for 4 B-2 aircraft in fiscal year 1992.

Last year, Congress and the administration agreed to cancel the deployment of the rail garrison MX system. This year, the administration proposed to procure one set of prototype MX rail cars, complete the R&D on the system, and then mothball the program so that, should the strategic relationship with the Soviet Union deteriorate, the MX rail garrison system could be resurrected. As a result, operational MX missiles will remain in silos indefinitely. The committee therefore took measures to prevent the test firing of MX missiles in such a way as to unalterably capture the MX as a mobile system under START. The committee also authorized production of another 12 MX missiles for the operational test program, both to preserve the option of keeping the MX test in the inventory beyond the year 2003 and to avoid a shutdown of the only U.S. ICBM production line before the administration makes a decision on production of the small ICBM.

The committee authorized the full budget request for other key strategic programs, including the small ICBM, the advanced cruise missile, and the SRAM-II and SRAM-T missile programs.

The committee increased funding for the Trident II missile in order to bring the planned production up to 72 missiles per year for both fiscal years 1992 and 1993. For budgetary reasons, the Navy proposed to complete the planned buy of Trident II missiles at a rate of only 48 missiles per year, well below the optimum rate of 72 per year. By accelerating the production of Trident II missiles, the committee expects to reduce the remaining cost significantly and conclude the production program some 5 years earlier than planned.

EMPHASIZING A REINFORCEMENT STRATEGY

Mr. President, the committee continued to support a reinforcement strategy which reduces the number of forward-deployed forces and emphasizes a reinforcement capability for lighter, more lethal forces, including the use of Reserves to augment the remaining forward-deployed forces.

Last year, the committee indicated that the United States should start planning on a residual force in Europe on the order of 75,000 to 100,000 military personnel within 5 years and took the first step toward this goal by lowering the European troop strength [ETS] ceiling by 50,000. This year, the committee recommends that the United States take the next step by reducing the ETS ceiling to 235,700—a level that will require the withdrawal during fiscal year 1992 of approximately 60,000 United States troops currently stationed in Europe.

Although the military Services have begun to field forces that depend less on heavy combat equipment geared exclusively toward the Soviet/Warsaw Pact threat, much more remains to be done. The committee proposed several specific adjustments to develop lighter, more lethal forces:

The committee added $128.5 million to the budget request to improve the capability of special operations forces, including additional radios, ammunition, and training.

The committee increased the budget request by $95.3 million for multiple launch rocket systems and by $2.5 million to develop a new lighter weight 155m howitzer for the Marine Corps fire support.

The Soldier/Marine Enhancement Program initiated by the committee in fiscal year 1990 has produced products that improved the effectiveness of the individual soldier and marine in the Persian Gulf. The committee added $30 million to the budget request to continue this effort to deliver better equipment to the troops.

To improve the Navy's capability to support forces deployed ashore, the committee added $31 million to the budget request to investigate alternative shore fire support capabilities.

Mobility forces demonstrated the key role they play in a reinforcement strategy by their outstanding support of the deployment to the Persian Gulf. The committee continued the research, development, and production of the C-17 airlift aircraft, recommending a production rate of four aircraft in fiscal year 1992 but holding this system to the fly before buy concept due to technical and cost problems.

The committee authorized the budget request of $245 million for procurement of an amphibious cargo ship and $265.9 million for building 12 air cushion landing craft. The committee also directed the Secretary of Defense to submit a report on the goal for Navy shipping to support Marine Corps amphibious landings, and approved $25 million above the budget request for sealift ship design efforts.

The maritime prepositioning ships [MPS] delivered the heavy equipment for Marine forces in the Persian Gulf very effectively and quickly. In fiscal year 1992, the committee transferred management responsibility for all MPS programs from the Navy to the Marine Corps to place management and funding for this program with the military service which it supports. Funds totaling $550 million were added for prepositioning equipment to modernize the MPS equipment used in the Persian Gulf or to outfit any new MPS squadrons built with strategic sealift funds, depending on the results of the Defense Department's mobility requirements study.

UTILIZING THE RESERVES MORE

Mr. President, last year the committee included greater utilization of Reserve forces as a cornerstone of its new strategy. Operation Desert Shield/Desert Storm demonstrated the strength and vitality of the total force concept. Despite its uneven implementation over the past 18 years, the total force concept has given us an integrated military establishment that relies on the citizen-soldier as well as the full-time military professional.

I continue to believe that a strong reserve component is an indispensable element of our military establishment. This year the committee continued our past efforts to strengthen the National Guard and Reserve components during this period of substantial realignment in our forces.

The committee adopted personnel strengths for the National Guard and Reserve components that are substantially higher than those requested by the Department of Defense. Rather than the 16 percent reduction over 2 years proposed by the Department of Defense, the committee's recommendation reduces selected Reserve strength by 6 percent, holding the Active Reserve "tooth to tail" ratio roughly constant over fiscal years 1992 and 1993. The committee took this action because it could find no analytical justification for the disproportionate reductions proposed by the Department of Defense. In addition, the committee takes strong exception to the tendency in DOD to increase reliance on active forces by themselves and to rely less on Reserve component forces and capabilities.

We believe this is the high-cost way to go in terms of what the Department of Defense is proposing. We believe the direction we are going in will save substantial money over a period of time. If we are, indeed, relying too much on Guard and Reserve forces, then it is up to the Department of Defense to give us an analytical product that is an honest product. They have yet to do that even though we have been urging that course now for about 4 years under the leadership of Senator GLENN and Senator McCAIN, the chairman and ranking member of the Manpower Subcommittee.

The committee also adopted a legislative provision that would prohibit the Navy from deactivating its Navy Reserve helicopter minesweeper squadrons. The Navy Reserve has been very successful in supporting minesweeping operations. Minesweeping was a key deficiency in the Persian Gulf conflict, and the committee found no basis to support the Navy's recommendation to deactivate those squadrons.

In an effort to strengthen the Reserve components' combat capability, the committee increased the funding for equipment for the Reserve and National Guard components by $618 million. These funds are in addition to the $1.5 billion in Reserve equipment that was requested by the administration.

MAINTAINING TECHNOLOGICAL SUPERIORITY

Mr. President, the committee bill includes a variety of provisions intended to continue America's defense technological superiority: $170 million was authorized above the budget request to support Defense Department participation in dual-use, critical technology partnerships with the private sector, who must provide at least one-half of the cost of such efforts; $50 million was authorized above the budget request for a new program to promote the military and commercial application of critical technologies developed through the use of industry-led critical technological application centers; $15 million was authorized above the budget request for the Pilot Mentor Protege Program to encourage defense contractors to subcontract with small disadvantaged businesses.

The committee's recommendations also include several provisions intended to strengthen America's defense manufacturing base.

Senator BINGAMAN has taken the lead in this respect.

A total of $250 million was authorized for defense manufacturing technology [MANTECH] programs, an increase of $153 million over the amended budget request. Of this amount, $50 million is specifically directed to support industry-Government advanced manufacturing technology partnerships.

Defense manufacturing extension programs intended to help small- and medium-sized manufacturing firms are also established with an authorization above the budget request of $50 million in fiscal year 1992 and $65 million in fiscal year 1993.

The committee continued its strong support of science, mathematics, and engineering education.

The sum of $10 million was authorized above the budget request to support the development of innovative approaches to improving science and mathematics education in primary and secondary schools. The committee is concerned over the anticipated shortage of young Americans adequately prepared to enroll in, and successfully complete, college-level science and engineering programs. And, of course, this is very important to our technology in the military.

Legislation which I introduced with Senators BYRD, WARNER, HATFIELD, and others was included in the committee bill that would establish a new $25 million DOD grant program to support manufacturing engineering education in American universities and colleges.

It is absolutely amazing how few manufacturing engineering degrees are even awarded in this country at our engineering schools. One of the reasons we have such a growing competitive disadvantage, in many measurements, with our Japanese friends and colleagues is because we do not emphasize manufacturing capability and engineering. They do. I think that is not only important to our defense in the future, but also extremely important to our overall competitiveness in the commercial sector.

To expand our defense research capability, $15 million was authorized above the budget request to enhance the participation of historically black colleges and universities and minority institutions in defense science and technology programs.

The committee continues to be deeply interested in environmental protection and cleanup, and recommended $100 million above the budget request for the Strategic Environmental Research and Development Program. The bill also authorizes an additional $200 million for the Department of Energy's new production reactor and funding for environmental restoration and waste management programs and the nuclear weapons safety program.

PROTECTING THE INDUSTRIAL BASE

The committee is particularly concerned over the health of the industrial base. During hearings on the subject, it became clear that the Defense Department has not addressed the scope and seriousness of this problem. Neither is there a clear sense of responsibility in the Department of Defense for protecting the industrial base. This is a tough issue. It is a difficult issue. There is no easy solution.

To the extent possible, the committee took specific action on certain weapon systems to preserve unique skills and capabilities in the industrial base. These actions include increased funding for a service life examination program for AH-64 helicopters; additional Patriot air defense missiles in fiscal year 1992; additional M2 Bradley fighting vehicles and multiple launch rocket systems in fiscal year 1993; and a modification program to upgrade older model M1 tanks. In these and other programs, there is virtually no commercial counterpart to skills and activities in the defense industrial sector, and those skills would be lost if the production of current weapons is completely terminated. The committee urged the Defense Department to undertake a careful case-by-case assessment of the industrial base and the areas that need preservation.

FLY BEFORE BUY

The committee again applied the principle of fly before buy in reviewing major acquisition programs. Implementing this concept will allow the Defense Department adequate time to get it right the first time before becoming deeply committed to new weapon systems. The amended budget request adopted this principle for many major weapon systems, but the committee decided that this approach was needed in several additional key areas:

In authorizing funds for four B-2 aircraft in fiscal year 1992 and long-lead funding for seven aircraft in fiscal year 1993, the committee also recommended a provision that would prohibit obligating funds until the B-2 demonstrates various capabilities by passing specific testing milestones.

For the V-22 tilt-rotor aircraft, the committee authorized $365 million to continue the research and development program to produce a replacement for the Marine Corps medium lift helicopter. The committee did not authorize any funds for procurement in order to allow additional time to evaluate the cause of the recent accident in operational testing and identify any necessary corrections. The committe also included a provision that would ensure an adequate independent assessment of operational testing progress.

Because of continued delays in flight testing and production of the C-17 aircraft, the committee reduced the amended budget request from 6 to 4 aircraft in fiscal year 1992. The committee reserved judgment on how many aircraft should be authorized in fiscal year 1993, but included sufficient authorization to support production of up to eight aircraft in 1993.

MINIMIZING THE EFFECTS OF THE DEFENSE TRANSITION ON MILITARY PERSONNEL AND THEIR FAMILIES

Mr. President, one of the committee's highest priorities has been to sustain and, where possible, enhance the well-being and combat effectiveness of military presonnel as the military services build down over the next 4 years. With this concern in mind, the committee authorized active duty military personnel and strengths for fiscal years 1992 and 1993 that keep the military services on a gradual glide path to acheive the fiscal year 1995 targets established by the committee last year. At the same time, the committee adopted a provision that would prevent the involuntary separation of career personnel who are ineligible to retire, because the Department of Defense has neither implemented the safety net of transition benefits provided by the committee last year, nor provided a plan for vesting military personnel in the retirement system for the committee to consider.

I noticed in the morning paper that the Secretary of Defense is now proposing some of these proposals, but they have been late in coming as far as our consideration.

I do believe it is important for us to understand that as we draw down this military force, unlike any other drawdown we have had in the last 40 years, this one is a voluntary force. The people who are in this force wanted to be in this force. Most of the people in this force wanted to make a career out of it. This is not a draftee force, as we had in World War II and Korea and other times in our history, where people wanted to get out.

These people want to stay in, and that is one of the reasons we have to proceed so cautiously, not only to be fair to them but also to avoid destroying the morale of the military personnel who remain in our military service.

To improve the quality of life of military personnel and their families, the committee bill includes a January 1, 1992, military pay raise of 4.2 percent; authority to reimburse military families for adoption expenses; permanent increases in imminent danger pay, family separation allowance, and death gratuity pay; and authority to provide military personnel who are activated or deployed in future contingencies the same set of benefits provided to Persian Gulf war personnel. The committee also authorized several enhancements to medical benefits, including an improved dental insurance plan for dependents and hospice care under the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS].

IMPROVING DEFENSE MANAGEMENT

The committee approved a series of provisions, some of which were requested by the Department of Defense, to strengthen the overall management of defense programs. These management initiatives include:

Designation of the Vice Chairman of the Joint Chiefs of Staff as a full member of the Joint Chiefs of Staff;

Authorization of the new defense business operations fund requested by the Defense Department to put management of defense industrial activities on more of a business-like cost accounting system;

Creation of the new position of Deputy Under Secretary of Defense for Policy in order to better link strategy and resources;

Authorization of joint duty credit for officers whose duties in the Persian Gulf provided significant experience in joint matters or involved frequent interaction with personnel of other services or allied forces; and

Increased flexibility for the Defense Department to implement acquisition work force reforms by authorizing the waiver or modification of rigid statutory requirements and deadlines.

The committee also adopted changes to the 1990 Base Closure and Realignment Act that make it clear that it was the intent of Congress that the civil works activities of the Army Corps of Engineers are not under the jurisdiction of the Base Closure Commission; increase the time available for future Commission's deliberations; and strengthen the requirement for independence within the commission staff, the necessity of accurate data from DOD, and an unfettered flow of testimony from DOD employees.

WOMEN IN THE MILITARY

Mr. President, one of the first amendments that we are likely to debate will be the question of women in combat.

A great deal of public attention has been focused on the role of military women in the Persian Gulf conflict and on recent proposals to open combat positions in the military services to women. The Defense Department's recent interim report to Congress on the "Conduct of the Persian Gulf Conflict" clearly documents the outstanding performance of women soldiers in Operation Desert Shield/Desert Storm. The report notes:

> Women served in almost all of the hundreds of occupations open to them with their male counterparts, enduring all of the same hardships under the same harsh conditions.
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> * * *
>
> Initial reports and observations indicate that the deployment of women was highly successful and that women performed admirably and without significant restrictions or special considerations.

The committee has spent a great deal of time on this issue in recent months.

The Manpower and Personnel Subcommittee held an excellent hearing on this subject and heard testimony from DOD civilian officials; the uniformed service chiefs; men and women officers and NCO's from operational units; and from public witnesses.

The committee concluded that the proposals to permit women to be assigned to combat positions raise some very basic, critical questions about the future shape and structure of our Armed Forces. These questions cannot be answered simply by opening selected combat positions to women or by giving the Secretary of Defense discretionary authority to make the decision. The Nation as a whole must make such decisions openly, deliberately, and after a full examination of all of the available facts and legal questions.

The committee bill includes a provision that would establish a 15-member commission to be appointed by the President to study the assignment of women in the military. The commission would be required to complete its work by November 15, 1992, and the President would be required to transmit the commission's report with his recommendations to the Congress by December 15, 1992.

We will hear further on this subject from both sides later today.

FISCAL YEAR 1992 DESERT SHIELD/DESERT STORM SUPPLEMENTAL

Finally, Mr. President, the committee bill extends the authority to use foreign contributions in the Defense cooperation account into fiscal year 1992 to pay the incremental costs of the Persian Gulf conflict. This is in recognition of the fact that the higher personnel levels required by the war will have some carryover effect into fiscal year 1992. In addition, not all of the equipment maintenance needed to repair wear and tear caused by the Persian Gulf deployment can be scheduled and performed during fiscal year 1991.

The committee did not receive this request from the Defense Department until very recently. As a result, we may need to refine some of the recommendations in this area in conference with the House as further information becomes available.

CONCLUSION

Mr. President, it is very important that we complete action on this bill before the August recess. The Appropriations Committee is anxious to get to work on the Defense appropriations bill. The House has already passed this authorization bill, and I hope we will be able to reach a conference agreement to guide the appropriations process in September.

Before closing, I want to thank all the members of the committee for their hard work. I want to thank all the members of the staff, Arnold Punaro, and Pat Tucker, and others on both sides of the aisle for their very diligent and effective efforts.

I also want to thank the chairmen of each of our subcommittees, and the ranking member of each of our subcommittees, who do a great deal of this work.

The committee disagreed on some of the individual provisions in this bill, but the bill as a whole was unanimously supported by every member of the committee. I think this is an indication of the strong sense of bipartisanship and cooperation with which our committee approaches our work.

Mr. President, this National Defense Authorization Act for Fiscal Years 1992 and 1993 represents the culmination of a great deal of hard work by the members and staff of our committee. Greg Scott and Charles Armstrong of the Legislative Counsel's Office also made an indispensable contribution in preparing this bill.

This is a good bill. I know we will have a good, healthy debate on some of the provisions of this bill. The bill continues the process of reducing and restructuring our military, responding to a changing world threat, and doing so in an orderly process.

I urge our colleagues to support the bill. We will be discussing individual amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to begin my remarks by extending my profound appreciation and respect for the chairman of our committee, the senior Senator from Georgia [Mr. NUNN]. We have worked together now as a team for some 13 years and no Member of the Senate, I believe, has a working partner that in any way exceeds the cooperation and the trust that this fine Senator contributes to the work of our committee and, indeed, to this Senator, the ranking member.

Each year it appears we will have a struggle. We have now a very strong President, President Bush, preceded by President Reagan. Both of these Presidents closely identified with strengthening our national defenses. Senator NUNN has accepted the challenge each year of examining those budgets and trying in a very fair way to strike a balance. But that balance has always emerged with Senator NUNN putting the security interests of our Nation ahead of all other interests that might impact on those pieces of legislation.

We are also fortunate, the two of us, to have a hardworking committee, conscientious Senators on both sides, working to forge a consensus, bipartisan, that will lead to the strengthening of our overall national defense.

As Senator NUNN and I said, we repose a great deal of authority in our chairmen and ranking members of the subcommittees, and this year again they have come forward and put this bill together under our supervision. I believe it is one of the best we have ever presented to the Senate.

The members of this committee, and in particular Senator NUNN and myself, are blessed with having very fine staffs led by Mr. Tucker on the minority side and Mr. Punaro on the majority side. They work not only for the committee but for the Senate as a whole.

Mr. President, I yield the floor in hopes that the Chair would allow the distinguished Senator from South Carolina to take such portions of my time as he deems appropriate to present his statement, since he has other commitments at this time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I have two other committees going on at this time, and I deeply appreciate the able ranking member allowing me to speak at this time.

Mr. President, as we begin the debate on the National Defense Authorization Act for fiscal year 1992, I would like to recognize the leadership of Chairman NUNN, the senior Senator from Georgia, and the ranking Republican on the Armed Services Committee, Senator WARNER. It was their persistence, guidance, and ability to forge a compromise that was instrumental in formulating the bill before us—a bill which meets the stringent budget goals established by last fall's budget compromise; but more importantly a bill that meets our Nation's defense needs for the coming years.

The process that brought us to this point was not an easy one, but it was thorough. The committee held more than 48 hearings during the past 6 months. These hearings provided the members of the Armed Services Committee with the information that was essential to the formulation of this bill.

Mr. President, Operation Desert Shield and Operation Desert Storm vividly demonstrated that our Nation's military forces must be prepared to fight wherever and whenever an aggressor strikes. The forces and equipment that performed so magnificently in the deserts of the Middle East were forged in the era of the cold war. They were built up over a 10-year period to defeat an aggressor on the plains of Europe. Although the threat in Europe has significantly diminished, others are continuing to surface. The potential of significant conflict which was once focused on Europe now exists throughout the world. Nations that we once considered to be insignificant in military terms have gained the weapons to challenge this Nation and its allies both on the ground, in the air, and most significantly, in space.

The decisions this body will make regarding the Defense authorization bill will determine the status of our Nation's defense well into the next century.

Mr. President, during its deliberations, the Armed Services Committee considered not only the political and military realities, but also the Nation's fiscal crisis. The $291 billion in budget authority for fiscal year 1992 represents a 12-percent decline from fiscal year 1990 and a 24-percent decline from 1985, the height of the Reagan buildup. The fiscal year 1992 Defense budget is the lowest since 1975 in terms of gross national product. In terms of total Federal outlays this budget is only 19.6 percent, the lowest since 1940. These budget realities forced the committee to carefully weigh every program to ensure this Nation receives the most "bang for the buck."

Mr. President, the bill reported by the Armed Services Committee provides the forces necessary to meet this Nation's defense needs for the immediate future. I am concerned however, that the force structure cuts we must make to meet the fiscal year 1995 budget projections will leave us at a point where we could not meet the challenge of another Saddam Hussein. I want to go on record, Mr. President, that we must not allow that to happen.

Mr. President, Operation Desert Storm pointed out several shortfalls in our military preparedness that we have corrected in this bill. The committee approved a significant package of mine warfare initiatives to correct our shortfall in mine clearing capacity. This package includes funding for additional mine hunters and $139 million for research and development in this program for fiscal years 1992 and 1993. Legislation was adopted to make national intelligence systems more responsive to the needs of the military forces—a major concern of General Schwarzkopf when he testified before the committee. In response to the tragic losses from friendly fire, the committee added $10 million to initiate a combat identification system to avoid friendly fire casualties and directed the immediate use of an identification system in the Army contingency forces.

Despite some shortfalls, the operation in the Persian Gulf verified the capability of our sophisticated weapons systems and demonstrated that the Stealth technology works. Our F-117, a primitive Stealth aircraft, performed flawlessly. Its performance solidified the committee's support for the B-2 program, which is funded at the President's request of $3.2 billion. This amount includes sufficient funding to procure four aircraft.

I will not dwell on this issue since I am confident that we will have the opportunity to debate this issue at length during the deliberations on the bill. However, I do want to highlight excerpts from a speech that President Bush made to the American Defense Preparedness Association on July 9, 1991:

> The B-2 Stealth Bomber is vital to our defense in the next century and necessary to ensure that the United States has the ability in the future to employ air power effectively over long distances in well defended areas around the globe. B-2 bombers purchased today will be the backbone of our bomber force for decades to come.

Mr. President, this bill maintains the Nation's nuclear deterrence and provides for continued modernization of our ballistic missile force, albeit at a level lower than many on my side of the aisle feel is necessary. The bill supports the President's request of $548.8 million for research and development on the small ICBM. It fully funds the research and development request for the short-range attack missile-tactical [SRAM-T] and it authorizes $245 million to complete the research and development of the MX/Rail Garrison Program. The committee, with bipartisan support, added $651.6 million for the procurement of 12 MX missiles to ensure that the Nation can continue to test the reliability of its deployed MX missiles. Without these additional missiles the reliability of existing missiles could not have been verified beyond the year 2003.

In another step to enhance our strategic modernization, the committee increased the budget request by $229 million in fiscal year 1992 and by $187 million in fiscal year 1993 to raise the procurement rate for the Trident II missiles. This increase will complete procurement of the missile years earlier than scheduled and will save an estimated $2 to $3 million per missile in the future.

Perhaps the most striking memories of the Persian Gulf conflict are of the television pictures of Scud attacks on Israel and the installations in Saudi Arabia. Never in our history has the terror of attacks on civilian populations been brought home so vividly to the American people as it was during those anxious moments. Fortunately, our Patriot missiles were able to provide limited defenses against these attacks.

Mr. President, we must not allow our Nation to be subjected to such a terrorist missile threat. The legislation now before us established for the first time a goal to deploy an anti-ballistic-missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles. It does this within the framework of the SDI Program which this Congress has supported for the past 8 years, despite the fact that it never defined a goal other than to conduct research into a missile defense system.

The decision to set this goal and fund the SDI Program at a record level of $4.6 billion for fiscal year 1992, was not taken lightly. The committee debated the issue extensively. The outcome of the debate, which was the most thoughtful I have seen in my 32 years on the Armed Services Committee, was a bipartisan compromise in the great tradition of the U.S. Senate. I strongly urge my colleagues to support this position. This is a historic first step to ensure that our constituents will not be subjected to the same terror as the Israeli people.

Mr. President, we all know that our victory over the forces of Saddam Hussein could not have been won without the sacrifices of our magnificent men and women who wear the uniform of this great country. This legislation recognizes their contributions by making permanent the personnel benefits approved in the Desert Storm supplemental. It also approves a 4.2-percent pay raise; prohibits the involuntary separation of certain career personnel who are not retirement eligible; and, provides additional medical benefits such as hospice care and expanded dependent dental insurance.

The committee also recognized the contribution of the Reserve components during Operation Desert Storm and the important role they have in the Nation's defense. In that context, the committee minimized the cuts in this vital component of the total force.

Mr. President, I recommend this bill to the Senate and ask my colleagues to support it. It is a compromise bill that will not please everyone, but it is a bill that will provide the best defense to this Nation in these trying fiscal times.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to compliment our distinguished colleague from South Carolina. He, indeed, is the "long pole in the tent" on our committee. He has a corporate knowledge of military affairs, gained not only through service in this distinguished body, but also through long service in uniform of the Armed Forces of the United States. It is indeed a profound privilege for me and, I am sure, for all others to serve with him on the Committee on Armed Services of the U.S. Senate.

Mr. NUNN. I would like to join my colleague from Virginia, Mr. President, in commending the Senator from South Carolina for his superb service on the committee. He is one of our most attentive members. He is one of our most diligent members. He is dedicated to the national security of this country. He is dedicated to the men and women in uniform. He has done a great job in partnership with Senator EXON as leaders of the Strategic Subcommittee, one of our most important subcommittees. I thank him for his, as usual, great contributions to the committee's deliberations and to this bill.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the able ranking member, Senator WARNER, and the able chairman, Senator NUNN, for those kind remarks.

Mr. WARNER. Mr. President, I thank the Senator from South Carolina, who, 47 years ago this week, was crossing the beaches of Normandy fighting for freedom in Europe.

Mr. President, I join my distinguished chairman and good friend, the Senator from Georgia, in urging strong support of S. 1507, the national defense authorization bill for fiscal years 1992 and 1993, which is before the Senate today.

The world awakened this morning to see the President of the United States and the President of the Soviet Union engaging in efforts to bring about greater peace and stability, not only between the United States and the Soviet Union, but throughout the world.

I cannot think of a more fitting backdrop for the Senate deliberations of this important piece of legislation than the historic events that are transpiring at this very moment in the Soviet Union, led by these two distinguished Presidents.

Earlier today, about 8:30 eastern standard time, the ceremony began, by which the two Presidents signed the START Treaty, a treaty that had been in the process of negotiation for some 9 years. The purpose of that treaty is simply to make the world safer. It begins with the lessening of tensions between the Soviet Union and the United States. It begins with both the Soviet Union and the United States acknowledging to the whole world the awesome potential of their two arsenals of strategic weaponry, and the willingness of these two nations to bring, for the first time, substantial reductions in those arsenals.

The purpose of START is to make the world safer. The purpose of this bill, Mr. President, is also to make the world safer. We ask the support of our colleagues, and we ask the support of the citizens of the United States for this piece of legislation. This bill will strengthen America's defenses. It will make our Nation safer, and by doing that, make the world safer.

So I see a direct parallel between the events in the Soviet Union—most particularly the signing of the START agreement—and what we are endeavoring to do here today and tomorrow in the U.S. Senate by way of authorizing, for another 2 fiscal years, the essential defenses for our Nation.

Mr. President, the committee voted unanimously to report this bill to the Senate, and that, again, is another indication of the diligent efforts of our committee to strike a bipartisan bill to bring to the floor of the Senate. In years past, it has not been possible. But, this year, through the able leadership of the Senator from Georgia, and indeed all members of our committee, we have a unanimous agreement on each and every part of this bill as it relates to our defenses. Some of us may have what we call in the political vernacular a different twist as to how certain provisions of this bill impact our Nation's defense. But the single most important factor is that every member of the committee voted for this bill.

Last year, Congress put in place a budget amendment which, among other things, provided needed stability in the defense budget by setting a ceiling on defense spending through fiscal year 1993. This fact allowed the committee to focus its attention on the priorities within the defense budget, rather than requiring a lengthy debate on the total budget, as has been the case in past years. The bill authorizes approximately $290.7 billion in defense budget authority for fiscal year 1992, and is in compliance with the budget agreement in both budget authority and budget outlays.

Since defense caps were not set out in the budget summit after fiscal year 1993, we will face a very difficult debate in Congress on the defense funding level for fiscal year 1994 and years thereafter. Since 1985, defense spending has declined almost 25 percent in real terms. Under the President's budget proposal, the defense budget would remain essentially flat through fiscal year 1966, at an average of 3 percent real decline each year. With popular domestic programs competing for a share of the total discretionary spending permitted under the agreement, we must guard against defense budgets being determined based on deficit levels, rather than on an assessment of the new and continuing threats to our national security.

The threat posture to this Nation, the threat posture to our friends and allies, must always be the principal basis on which we make the determinations each year for the spending levels for our security and the collective security of others.

While we have seen remarkable changes in our relations with the Soviet Union and the former Warsaw Pact nations of Eastern Europe over the past several years, we also witnessed the invasion of Kuwait, which occurred almost exactly 1 year ago, while we were here in this same Senate Chamber debating the defense authorization bill for [the current] fiscal year. The victory of the United States-led coalition forces—and I underline coalition forces—in the Persian Gulf against Iraq would not have been possible had it not been for the foresight of several Presidents, and this Congress, in providing for the investment in our Armed Forces, particularly during the decade of the 1980's.

Moreover, while I welcome and applaud the historic changes in the Soviet Union, the important promises made to the world by the Soviet leaders have not yet been translated—I emphasize: not yet been translated—into concrete and irreversible changes in their military-industrial complex. That remains the single most difficult challenge of President Gorbachev and indeed the several Presidents of the Soviet republics, as they begin to grapple with their economic problems, to bring under control the awesome strength and momentum of the Soviet military-industrial complex.

As Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, recently testified to the Senate Armed Services Committee:

> The Soviet Union remains the one country in the world with the means to destroy the United States in a single devastating attack.

That attack could take place in a matter of an hour or more.

Because of the continuing instability in the Middle East and the unpredictability of world events in general, it is essential that we maintain our military capabilities, which served us so well over the past year, in order to ensure that our Nation is prepared, when necessary, to defend our interests and the interests of our friends and allies around the world. Indeed, I would like to further emphasize here the instability, which is primarily political at this time, but nevertheless the ethnic unrest and the political instability between the central government of the Soviet Union and its several republics.

Mr. President, during the early 1980's, there was a general bipartisan understanding that the United States strategic nuclear triad suffered from numerous deficiencies in comparison to the Soviet forces. Specifically, the Soviet strategic force was extensively modernized during the 1970's, despite a series of arms control agreements, most notably beginning in 1972.

This modernization program increased significantly the lethality of the Soviet strategic forces. Vulnerabilities in our own U.S. forces included, among other things, the ICBM force, bombers, and command and control.

These concerns led to an initiative to modernize U.S. strategic forces to reestablish the credibility of our deterrent.

Yet, since 1985, funding for the U.S. strategic modernization program has been in a state of decline. The fiscal year 1992 budget submitted to Congress would reduce the funding for many programs that were designed to redress the vulnerabilities in the U.S. deterrent force. Reductions proposed in the budget request include:

No procurement funding for the mobile rail garrison MX and termination of the program after completion of R&D.

Second, R&D only for the small ICBM with no commitment to procurement.

Third, termination of the MX production line 5 years earlier than expected.

Fourth, termination of the Trident Program after the 18th submarine.

Fifth, reduction of the production level of the Trident D-5 missile from 52 to 28.

Sixth, deferral of the D-5 Backfit Program for the eight Trident submarines until fiscal year 1997.

Seventh, reduction of the SLCM buy from 400 to 236.

Eighth, reduction of B-2 procurement from 132 operational aircraft to a level of 75 now proposed by the administration.

And, last, reduction of advanced cruise missile procurement by nearly one-third.

Clearly, we have readjusted our strategic program in the light of what we hope is a diminishing threat, but also it has been severely impacted by the fiscal realities facing this Nation.

At the same time, Mr. President, the Soviet Union, despite enormous economic problems which really are beyond the comprehension of those of us in this country, continue to modernize its strategic forces at a level and rate that exceeds our modernization program here in the United States.

The committee heard extensive testimony from the intelligence community earlier this year in which they stated that Soviet strategic modernization continues apace, albeit under the framework of the new START Treaty just signed on this historic day.

The Soviets are continuing deployment of SS-18 Mods 5 and 6 heavy ICBM's and the SS-25 road mobile ICBM's, and are developing follow-on missiles for the SS-25 and SS-24 ICBM's. In total, they are developing five to six new ballistic missiles, of which three are more lethal sea-launched ballistic missiles. While the Typhoon SSBN has ended production, existing Typhoon SSBN's are being modified to accept a new missile, and the production of the Delta-IV submarines continues. Soviet submarines that will probably remain under the START agreement appear to be undergoing backfit programs for new, more lethal missiles. The only Soviet strategic program that has been noticeably slowed down is that of the Blackjack bomber force, which is experiencing what appear to be almost insurmountable technical problems.

In short, the intelligence community judges that:

> Although a START agreement would reduce the overall number of Soviet strategic weapons from about 11,000 to some 7,000, this smaller force will become more balanced, reliable and survivable and will possess more accurate weapons. For example, by the late 1990's about 80 percent of Soviet strategic forces will be mobile, presenting an extremely difficult targeting problem for the United States. These modernized forces will enable the Soviets to maintain a formidable strategic nuclear warfighting posture. START will have only a minor impact on Soviet capabilities to hold key North American and Eurasian targets at risk.

Mr. President, that is indeed a very sobering assessment. It is an assessment that must not be lost in the light of the historic events of this day, the signing of the START Treaty which this Senator views as a very important step forward, not only in arms control but in the relationships between our two nations to bring about a greater degree of peace and stability.

This continuing trend in Soviet strategic force modernization and the decline in funding for the United States strategic force modernization cause me great concern, especially when viewed in light of the growing political instability associated with ethnic and national instability in the Soviet Union. CIA Director, William Webster, advised our committee on May 31, 1991, that:

> What I think we're seeing now is some concern on the part of the [Soviet] central government. * * * [They are] looking at what they need to do to be sure that the missiles do not fall into unfriendly hands, that they are moved if necessary, that the systems that they have in place to prevent someone from engaging in unauthorized fire are intact and protected. * * * This is one [issue] we will have to pay a lot of attention to as the [Soviet] central government loses its control. * * *

According to former Soviet Minister Eduard Shevardnadze, whom we here in the United States hold in a great deal of respect, in a recent National Public Radio address he said the following:

> It's impossible to preserve the Soviet Union peacefully at the moment. I'm afraid of violence if power should be applied in this respect. Our country just cannot collapse peacefully and disintegrate peacefully. This will be connected with a civil war and application of nuclear weapons. And only God knows where these missiles fly—to Kiev, Riga, or Washington, DC.

Another very sobering assessment.

Our committee, therefore, included recommendations for the strategic programs in recognition of these concerns. First, and perhaps most importantly, the committee adopted by a vote of 16 to 4 a proposal known as the Missile Defense Act of 1991, which calls for deployment of an antiballistic missile system, with first site deployment by 1996 and negotiation of amendments to the 1972 ABM Treaty to permit deployment of a system to protect American citizens in all 50 States, our forward-deployed and expeditionary forces overseas, and our friends and allies from ballistic missile attacks.

Mr. President, I will discuss this proposal at great length later during the course of the Senate deliberation on this bill.

But at this juncture I wish to acknowledge the great support and indeed the courageous foresight and wisdom provided this Senator who initiated this particular amendment by my distinguished colleagues and friends, Mr. COHEN of Maine, and Mr. LUGAR of Indiana. We prepared what was known as a white paper which at the time appeared to be in conflict with objectives that had long been adhered to by the administration. So it took a period of time to convince people that our objectives were not antagonistic to the goals of the administration, not antagonistic to the ABM Treaty, but, indeed, were directed at seeking once and for all a strong bipartisan base of strength in the Senate and hopefully also in the House of Representatives on which to build the future of our strategic defense program.

The chairman, Mr. NUNN, the Senator from Georgia, this morning described his perspective on this amendment which largely coincides with my own views. Following the origination of this body of thought by the three Senators I mentioned previously, I approached the distinguished chairman. In due course, we were able to forge together a bridge between the various positions in our own committee. At first we achieved only 9 votes, but again after careful thought and incorporation in the amendment, ideas from both pools of thought on this subject, we were able to forge one of the strongest, if not the strongest, vote on missile defense in our committee, a vote of 16 to 4.

Mr. President, during the course of this committee's deliberations, the committee witnessed perhaps the most intense and the most respectful period of debate that I can recall in my 13 years of privileged service on that committee. As each Senator spoke, no matter what his position might have been, others listened very, very carefully. This debate went on for hours. It went on for days. A number of well-informed individuals, not only in this body but, indeed, from outside the committee who are familiar with the subject, contributed to this debate through the Senators. After a great deal of careful thought and deliberation, by a vote of 16 to 4, we approved this provision.

The committee also examined the proposed cuts to the United States strategic modernization program in light of the lessons of the Persian Gulf war, the continuing Soviet strategic modernization program, and the ethnic and nationality unrest in the Soviet Union and the associated political stress between central government and the several republics. Based on these considerations, the committee added funds to continue the MX production line, in order to ensure that we have sufficient missiles for test purposes beyond the year 2003 as well as to maintain our leverage for negotiations on the projected START II talks. The committee endorsed the full request of President Bush for the B-2 bomber program, authorizing procurement of four aircraft in fiscal year 1992, although procurement is restricted until certain testing is completed. And finally, the committee increased funding for the Trident D-5 missile in order to maintain an efficient production rate.

I wholeheartedly support the recommendations of the committee to continue our strategic modernization program and thus ensure the deterrent value of our forces, while also recognizing the increasing importance of defenses.

INCREASES IN BASIC TECHNOLOGY EFFORTS

In the current budget environment, we are becoming more dependent on successful research and development efforts by the defense industry and by our laboratories and universities. The high priority of technology base programs is reflected in the committee recommendation to add $83 million to the request for such programs.

While I fully support enhancing our national defense research and technology base, I am concerned about efforts within the committee and elsewhere in Congress to use defense dollars to fund efforts which are interesting and perhaps worthwhile, but which have virtually no relationship to our national defense. For example, this year, the committee again earmarked defense funds for programs in universities focused on Japanese language, culture and practices; for a number of additional, undefined new Government-industry consortia; for grants to primary and secondary schools; and for a number of other programs with little or no utility to our national security. This bill includes over $500 million in unrequested funding for these efforts in fiscal year 1992 alone. We have no valid estimate of the future costs of continuing these programs.

Several questions arise from my review of these programs: Do these programs serve to enhance our national security or provide any benefit to the Department of Defense? Could other Government agencies more efficiently and cost-effectively perform such activities? Should some of these efforts be funded by private interests and not by the Federal Government at all? With the constraints on the Federal budget, every expenditure of defense funds must be judged in relation to its benefit to national security. I believe that many of these programs fail to meet that test.

SHIPBUILDING

The committee approved funding for construction of all the ships requested in the budget and added funds for 1 coastal minehunter. The request included 1 Seawolf [SSN-21] submarine, 5 Arleigh Burke [DDG-51] guided missile destroyers, 1 LSD-41 amphibious assault ship, 1 AOE combat support ship, 2 oceanography ships, and 12 air cushion landing craft [LCAC's], in addition to the coastal minehunters.

The House-passed Defense authorization bill included restrictive language on the Seawolf submarine program; the committee recommended no such language. This will be a matter for the conferees on this bill to work out.

I remain concerned that the only two battleships in our Navy are scheduled to be retired during fiscal year 1992, resulting in a loss of ship-to-shore fire support for Marine Corps assault echelons. The committee provided funding, however, for early demonstration of alternatives for naval fire support of amphibious operations.

MODERNIZATION OF THE MARINE CORPS

During our deliberations, I proposed and the committee adopted a major initiative to enhance modernization of the Marine Corps. This initiative is based on several trips I made to the Persian Gulf region and testimony by the Marine Corps after the war. While the Marines have always taken pride in getting along with less, sometimes we have to help them a bit with more resources.

The modernization enhancements recommended in the bill include research and development as well as procurement efforts focused on the following areas: Armor, artillery, night-fighting capabilities, intelligence, mine detection and clearing, and air defense. As a result of the increased funding in the bill, the Marine Corps will be receiving, over the next several years, Abrams tanks, multiple launch rocket systems, the latest generation of night vision equipment and sophisticated intelligence access devices. In addition, they will be involved in research using the most modern technology to detect and clear mines, a major problem encountered in the gulf war.

GUARD AND RESERVE PERSONNEL LEVELS

The committee recommended a reduction in Guard and Reserve endstrengths of approximately 33,000 in each of fiscal years 1992 and 1993. This cut is only about one-third of the reduction proposed by the administration and represents an additional cost to the Department in fiscal year 1992 alone of approximately $400 million.

As we reduce the size of our Armed Forces in the coming years in light of changes in the world situation and budget constraints, we must make difficult choices in order to maximize our Nation's military capability. Last year, Congress mandated reductions in the Active Duty Force which would require the elimination of 500,000 billets by 1995. At the same time, we put in place several provisions which were designed to alleviate the hardship on those military personnel who might be separated involuntarily from military service.

I have always been a strong supporter of the men and women who serve in the National Guard and Reserve, and I applaud their very important contribution to the success of the coalition forces in the Persian Gulf war. But we must begin now to streamline our Guard and Reserve Forces as the Active Duty Force levels are being reduced.

WOMEN IN COMBAT

The committee recommended provisions requiring the President to appoint a commission to conduct a comprehensive study and to make recommendations on the assignment of women in the Armed Forces of the United States. The results of the study are to be submitted to the Congress not later than December 15, 1992.

The committee debated this issue at great length, and our recommendation reflects our concern that the complexity of the issue requires further study before Congress acts to repeal or modify existing statutes restricting the assignment of women to certain combat roles. The Commission would be required to study and report on a number of very specific issues—professional, practical, physical, and political—to determine the possible impact on our military capability and readiness of allowing women to become fully integrated into all military assignments, including combat roles.

I fully support the recommendation of the committee on this issue and read to you from the committee report the primary reason for our action:

> As a matter of basic principle, the committee believes that equal opportunity has no gender. At the same time, the committee believes that combat effectiveness must always be the paramount consideration in determining assignment policies. It is in this context that the committee believes that the existing restrictions must be rigorously examined to determine whether or not they should be retained, modified, or repealed.

OPERATION DESERT STORM SUPPLEMENTAL FUNDING

The committee included in this bill additional supplemental funding for fiscal year 1991 for the incremental costs of the Persian Gulf war. DOD now estimates the total cost of Operation Desert Shield and Operation Desert Storm at approximately $61 billion. The committee provided additional transfer authority plus $4.4 billion in new authorizations for these costs. The committee included in its recommendation the amounts requested by the administration, except for $291 million for pre-positioning of stocks and equipment in the Persian Gulf region. This item was deferred without prejudice until the committee receives further information on the administration's long-term policy for pre-positioning in this region.

Mr. President, this bill represents a balanced approach to the difficult choices involved in funding our national defense priorities within the constraints of the budget agreement. It contains initiatives, such as the Missile Defense Act of 1991, which will greatly enhance the safety and security of our Nation. I urge my colleagues to vote for this bill.

Mr. President, I note the hour of 10:30 having arrived and that the Senate is not ready to turn to other matters.

Mr. COATS. Mr. President, I rise today to discuss S. 1507, the Defense authorization bill for fiscal years 1992 and 1993. In general, I believe the bill reported by the Senate Armed Services Committee adequately provides for our national security. Although the committee bill contains a number of provisions that I disagree with, overall I believe it is balanced and well conceived. Before I comment directly on the Defense authorization bill, let me begin with some general observation on the dilemmas we face in attempting to fashion a national security policy for a changing world.

Mr. President, as we watch the cold war wind down and as we reduce the size of our military forces, it is important to keep in mind that the world remains volatile and unpredictable. In many ways our national security requirements have become more complex, and this trend is likely to continue as the world becomes more interdependent and technologically advanced. For political, economic, and military reasons, U.S. national security must be defined on a global basis more than ever. Hence our ability to respond to international and regional crises remains as important as ever.

Since regional conflict may directly affect global stability, the United States must maintain and improve its ability to project military power in a prompt and sustainable manner. Operation Desert Shield/Desert Storm illustrated this requirement in dramatic terms.

Conventional power projection, however important, is not by itself adequate to guarantee U.S. national security. We must also maintain the integrity of our strategic deterrent forces. Although changes in the Soviet Union have been promising, a great deal of uncertainty remains and a number of troubling trends continue. The Soviets continue to modernize and improve their strategic nuclear forces at an undiminished rate. In testimony before the Armed Services Committee earlier this year, General Soyster, head of the Defense Intelligence Agency, stated that even after the START Treaty is implemented, the Soviets will "maintain their overall strategic nuclear warfighting posture." According to General Soyster, "START will have only a minor impact of Soviet capabilities to hold key North American and Eurasian targets at risk." Secretary Cheney and General Powell also reminded the Armed Services Committee during their testimony that the Soviet Union will remain the only country capable of destroying the United States within minutes.

Thus we continue to face the difficult and costly task of maintaining and modernizing our military forces in a number of important areas. National security, as always, requires our continued attention and vigilance. For this reason, I hope the Congress has now overcome the euphoria that surrounded the debate over the so-called peace dividend. It is important to remember that less than 1 year after we began celebrating the end of the cold war and the coming of the peace dividend we deployed half a million American men and women half way around the globe to fight the fourth largest army in the world; and that this deployment was all that stood in the way of Saddam Hussein's plans to dominate a region that is crucial to our national security and economic prosperity.

Mr. President, although I believe that the need to maintain a strong U.S. military remains undiminished, I also understand that the dollars available for defense are becoming increasingly scarce. I do think we can safely reduce defense spending and the overall size of our military. However, we must manage this reduction with care. Secretary Cheney has made many tough decisions, canceled a number of significant programs and set the defense budget on a course that, within 5 years, will bring defense spending to its lowest level since World War II.

To be honest, Mr. President, I am not entirely comfortable with this sharp reduction in the overall level of defense spending, although I understand that it is codified in last year's budget agreement. I am concerned that we will not be able to sustain modernization efforts needed to keep our forces properly equipped, that we may be forced to reduce our readiness and sustainability, and that our projected level of manpower will be too low to respond to a major threat in the future. Based on these concerns, I asked Secretary Cheney and General Powell during the Armed Services Committee's February budget hearing if we could conduct a military operation like Operation Desert Storm 5 years from now. Their responses were so qualified that I had to interpret them as something other than "yes." In response to my question, General Powell stated:

> We would have great difficulty executing Desert Shield/Desert Storm the way we have if it was 1995 or 1996.

Mr. President, this is not to say that we should maintain our current force posture or not continue to reduce defense spending. Changes in Europe, in particular, will allow us to scale back commitments and reduce forces. Nevertheless, we must remember that the global challenge remains significant and in many ways has become more demanding.

As we begin to assemble a new strategy and force posture for the years ahead, we must also be cautious in deriving lessons from Operation Desert Shield/Desert Storm. There can be no doubt that our victory in the gulf war was overwhelming, and that this triumph demonstrated the soundness of our past investment in advanced military technology. We must not forget, however, that in achieving this victory we were assisted by many favorable factors. In particular, we cannot always count on having 6 months to mobilize our forces and construct an elaborate infrastructure to support military operations. As we reduce and modify the structure of our military, we must be cautious not to assume that such a favorable situation will be present in a future contingency.

Mr. President, with these general comments in mind, let me now turn to more specific comments on the Defense authorization bill.

As I said at the outset, I believe that this is a very good bill overall. I am particularly pleased by the committee's willingness to continue to support our strategic deterrent forces and reach a consensus on strategic defenses. While I continue to support the President's GPALS program, I believe that the compromise reached in committee on SDI is sound and will allow us to finally begin to translate years of research and development into actual defenses for the American people.

The committee bill also strikes a proper balance in the area of conventional forces. In particular, I am pleased that the committee was able to strongly support programs to maintain the defense industrial base without jeopardizing development of future programs. For example, the committee funded a retrofit program to modernize older M1 tanks. This program gives the Army more new tanks while helping to preserve the tank industrial base. At the same time the committee also fully funded the follow-on armored systems modernization program, which will depend on the same industrial base at the turn of the century. This balance between existing systems and future systems is delicate, however, since the funding needed for one may ultimately compete with funding for the other. We must be mindful of this dilemma as we make decisions about continuing production of existing systems while simultaneously preparing follow-on systems.

Mr. President, as the ranking minority member on the defense industry and technology subcommittee, I feel compelled to express my concern that the subcommittee added almost $500 million in new authorizations not requested by the administration in the area of critical technologies and manufacturing technology. While I do not necessarily disagree with the goal of these programs, I have reservations about spending such large sums of scarce defense dollars on programs that remain ill-defined and in many cases have only a peripheral relationship to national defense.

Mr. President, earlier in my statement I discussed the need to maintain a highly ready force that can be deployed without excessive time for mobilization. I am concerned that, by not reducing reserve component endstrength commensurate with active endstrength reductions, as requested by the administration, the committee bill may be setting up a situation where we will have to rely excessively on mobilization in the future. I am a strong supporter of the National Guard and Reserve component forces. I believe they performed in an exemplary manner during Operation Desert Storm. However, with the Defense budget declining, we must seriously consider the impact on readiness if we maintain current or near-current Reserve levels while substantially reducing our Active Forces.

Mr. President, despite these concerns I believe that the committee bill deserves the support of the Senate. This bill represents a careful balance between competing priorities and interests. I hope my colleagues would refrain from offering amendments that will cause the administration to veto this compromise. In particular, I strongly discourage any attempt to upset the compromise on SDI, reduce the funding level for the B-2 bomber and add abortion-related amendments, all of which would cause this bill to be vetoed.

In closing, Mr. President, I would like to commend the chairman of the Armed Services Committee, the distinguished Senator from Georgia, and the ranking minority member, the distinguished Senator from Virginia, for producing a solid and balanced Defense bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. MITCHELL. Mr. President, earlier this morning, pursuant to a previous order, the unemployment insurance bill, S. 1554, was before the Senate.

I indicated at that time, in brief remarks, that it had been by hope that we could have proceeded to that bill on Monday, but exercising his rights under the rules, the distinguished Republican leader required that the time of 30 hours be consumed, and the bill then came up by operation of prior order this morning.

I expressed my hope that we could go on the bill this morning, but again exercising his right, the distinguished Republican leader has indicated he would not permit that to occur so that, under the rules, the earliest we could get to this bill would be on a cloture vote on Friday.

I had previously expressed to the Republican leader by hope that we could proceed to the bill as early as possible and that I was prepared, notwithstanding the requirements of cloture, to permit amendments to be offered by our Republican colleagues so long as they were relevant to the bill and were not otherwise germane under cloture, and that there be a period for debate on the bill for such time as we could agree was fair and reasonable under the circumstances.

I want to make clear that it is my desire that we process to the bill as soon as possible and that we do so in a manner that permits a full discussion of the issues and permits the offering of amendments even though, were we to adhere strictly to the rules, such amendments would not have been permitted.

The Republican leader and I have discussed the matter further this morning. We hope to have further discussions during the day in an effort to resolve this in a manner that will permit us to proceed on this legislation and also complete action on the pending bill prior to the forthcoming work period.

As I indicated at that time, I did not want to get into this detailed discussion until such time as the Republican leader were present on the floor. He is here now and I now yield to him for any comments he may wish to make on this matter.

Mr. DOLE. Mr. President, if the majority leader will yield, I would just say that I think we all understand the sensitivity of this issue. There are people in the United States who are out of work and who need help and may be looking to Congress for action on this legislation.

The other side is that we are looking at a piece of legislation here that, in effect, would violate the budget agreement by about $6 billion and could have the impact of just unraveling the entire budget agreement. If we say yes to this, how can we say no on to the next request?

But, notwithstanding that, and the many other reasons that some would give for not moving on the legislation, I could tell the majority leader that we have been meeting. We met again yesterday afternoon with the Office of Management and Budget Director, Mr. Darman, and the Secretary of Labor and we will meet again this afternoon. It is my understanding that sometime this morning, I believe, on the House side they will go to the Rules Committee. I guess what we are trying to determine is what might the final package be, and what would we be able to do prior to any vote in the Senate.

The majority leader has indicated we could work out some arrangement where we could offer a substitute or a number of amendments that are relevant, I guess, to the issue.

So I say to the majority leader, I am not in a position now to say anything definitive, I would indicate to him that we do not have any desire either to stick around all weekend and part of next week just to make a point. I will be visiting with the majority leader later this afternoon if that is satisfactory.

Mr. MITCHELL. Mr. President, indeed, it is.

Mr. President, I do not wish to debate the issue here. I understand the distinguished Republican leader has stated clearly his position on the relationship of this matter to the budget agreement.

I merely want to state for the record that it is our position this does not violate the budget agreement but in fact was contemplated by and consistent with the agreement. That is something obviously we will discuss in some detail at the time of debate on the matter.

I thank my colleague for his comments and look forward to those discussions. I hope that we can proceed in a manner that all consider, and is, in fact, fair and responsible to complete action on the measure and still meet our objective with respect to completing action this week.

Mr. DOLE. If the majority leader will yield further, it would be our hope—and I believe the record reflects total cooperation on both sides as far as moving legislation—to complement the DOD authorization and maybe even take up the Interior appropriation bill. I understand there may be some resolution problem on this side. That would not, as I understand it, take very long. That would meet the goal set by the majority leader, with the exception of one bill, Labor-HHS, which I understand would take a considerable amount of time.

So we have not lost sight of the fact if we had a lull of a couple of hours it would be possible to take up the Interior appropriations bill.

Mr. MITCHELL. I thank my colleague for that most constructive suggestion, and we will look forward to discussing the matter further today.

Mr. President, I thank my colleagues. I now yield the floor.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.R. 2608, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gramm amendment No. 944, to provide for the transfer of certain funds from the

Legal Services Corporation to the Federal Bureau of Investigation.

(2) Seymour amendment No. 946, to provide additional funds for the border patrol program.

AMENDMENT NO. 944

Mr. HOLLINGS. Mr. President, I ask unanimous consent that letters from the Legal Services Corporation, the UAW, and the American Bar Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LEGAL SERVICES CORPORATION,
Washington, DC, July 23, 1991.
Hon. ERNEST F. HOLLINGS,
Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, Washington, DC.

DEAR SENATOR HOLLINGS: As the Commerce, Justice, State, the Judiciary and Related Agencies bill for Fiscal Year 1992 moves to the Senate floor, I would like to reiterate the testimony I presented to you on behalf of the Legal Services Corporation (LSC) at the Appropriations Subcommittee hearing on March 5, 1991.

At that hearing, the Corporation requested $355 million in FY '92 funding. I was pleased to note that the Appropriations bill reported from the Subcommittee, and later the full Committee, allocates $350 million for the LSC, an increase of approximately 7.0% over FY '91. I hope this figure will remain undiminished during the bill's pending consideration in the Senate.

The funding level currently in the bill would allow us to maintain and modestly expand the federal effort to meet the legal needs of America's poor, including LSC's Basic and Supplemental Field Programs, the Native American Programs, the Migrant Programs, Law School Clinics, as well as the National and State Support Center Programs. While I recognize that these are times of fiscal restraint, it is clear that even with these important programs and the enterprise of many dedicated men and women, the civil legal needs of the nation's poor are not being fully met.

Thank you for continuing your support of a vital federal role in the delivery of legal services to the poor—and helping us make a difference in the lives of many thousands of Americans.

Sincerely,

DAVID H. MARTIN,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW
Washington, DC, July 24, 1991.

DEAR SENATOR: When the Commerce, Justice and State appropriations bill is taken up by the Senate, we understand that an amendment may be offered to cut funding for the Legal Services Corporation. The UAW strongly opposes this amendment; we urge you to vote against the amendment if it is offered to the appropriations bill.

The Commerce, Justice and State appropriations bill would provide $350 million for the Legal Services Corporation. The UAW believes this is a modest amount for a program which provides the only access to legal services for millions of poor individuals. In our judgment, this is a small price to pay to assure that our system of justice is available to all individuals, regardless of their ability to pay.

The UAW has supported the Legal Services Corporation since its inception because we believe it is essential to provide the poor with access to legal services. The UAW also represents workers employed in local legal services programs in many parts of the country. We believe the legal services programs are doing an excellent job of providing the poor with quality legal representation. Accordingly, the UAW urges you to oppose any effort to reduce the $350 million in funding for the Legal Services Corporation which is contained in the Commerce, Justice and State appropriations legislation. Your consideration of our views on this important issue will be appreciated. Thank you.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN BAR ASSOCIATION,
GOVERNMENT AFFAIRS OFFICE,
Washington, DC, July 18, 1991.
Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations; U.S. Senate; Washington, DC.
Hon. WARREN RUDMAN,
Ranking Minority Member, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies; Committee on Appropriations; U.S. Senate, Washington, DC.

DEAR SENATORS HOLLINGS AND RUDMAN: We commend you for the leadership you have shown in recommending an appropriation for the Legal Services Corporation (LSC) of $350 million for FY92 as part of H.R. 2608. We urge your colleagues to resist any efforts on the Senate floor to reduce the appropriation for this important program.

The LSC has been performing a vital service in making legal advice and counsel available to our poorest citizens. We are justifiably proud in this country of a justice system in which all litigants, regardless of wealth or social status, have the opportunity to protect their rights and have grievances redressed. But that opportunity is a false hope to the poor if they do not have access to the meaningful assistance of counsel which the LSC's local grantees provide.

The program remains, however, woefully underfunded. In FY81, the program was funded at $321 million and was serving about 20% of the legal needs of the poor. An appropriation of well over $500 million would be required simply to bring the federal funding level back up to the FY81 level adjusted for inflation. A far higher level, obviously, would be required to begin making a dent in the enormous volume of unmet legal needs of the poor.

This week, a strong bipartisan majority of the House Judiciary Committee approved a balanced, responsible reauthorization bill for the LSC. The vote reflects the fact that this program is operating effectively and efficiently and that it has broad and deep support throughout the country. The Senate should affirm its own support for this program by supporting the modest increase in funding contained in H.R. 2608.

Sincerely,

ROBERT D. EVANS.

Mr. BIDEN. Mr. President, I rise in opposition to the amendment to eliminate $48 million from the Legal Services Corporation appropriation, transferring that amount to the FBI. This amendment would be a serious setback to our country's efforts to provide quality legal services for the poor.

The funding contained in this appropriations bill are needed to permit the Legal Services Corporation to continue its work in, among other things, fostering income maintenance and health care, enforcing the fair employment and housing laws, protecting the elderly from consumer fraud, and assisting single mothers in their efforts to collect delinquent child support payments.

Funding for the Legal Services has not grown by enough to keep pace with steadily increasing costs of operation. Because the funding for this important tool in providing access to the justice system to indigent Americans has grown by only 2 percent in the past decade, the modest increase recommended by the committee is appropriate. Therefore, I urge my colleagues to reject this amendment, which would deal a blow to a program of tremendous importance to our Nation's less fortunate.

VOTE ON AMENDMENT NO. 944

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas [Mr. GRAMM] amendment No. 944.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—73

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wirth
Wofford

NAYS—26

Bond
Brown
Burns
Coats
Craig
Dole
Garn
Gramm
Grassley
Hatch
Helms
Kasten
Lott
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Seymour
Simpson
Smith
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 944) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. LEIBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 946

The PRESIDING OFFICER. Under the previous order, the following votes will be 10-minute votes. The question is on agreeing to the motion to table the Seymour amendment, No. 946. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—56

Adams
Akaka
Baucus
Bentsen
Biden
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wirth
Wofford

NAYS—43

Bingaman
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Craig
Cranston
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 946) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PASSPORT POLICY

Mr. LAUTENBERG. Mr. President, I rise in support of the Commerce, Justice, State appropriations bill for fiscal year 1992. The bill includes a provision I authored that is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new diplomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

The provision in this bill would prohibit the State Department from spending funds for "Israel only" passports. It would also, 90 days after enactment, prohibit the State Department from spending funds on duplicate passports for diplomats traveling in the Middle East.

It is in line with a bill I introduced, and which was included in the version of the State Department authorization bill that the Senate approved yesterday. Representatives BERMAN and SNOWE have introduced an identical bill in the House of Representatives. And a hearing was held on June 13.

The provision in that legislation would require Secretary Baker to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East. A similar 90-day period for negotiation is provided in the bill before us today.

For nondiplomatic United States travelers, the bill before us would prohibit so-called Israel only passports. So, for example, if the Saudis or any Arab League country want to persist in this policy, United States travelers would be issued "Saudi only" or "Arab League only" passports, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel.

It would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for United States nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel.

The provision would force the Arab League countries, which the United States defended in the recent war, to accept passports from United States officials even if they have visited Israel.

The provision in this bill would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But if it doesn't, we must enact this legislation and put an end to this outrageous practice.

LAW ENFORCEMENT AND COMMERCE PROGRAMS

Mr. President, I would like to comment on provisions in this bill of particular interest to me. First, I want to highlight the spending on law enforcement programs.

Mr. President, it is absolutely vital that Congress increase its commitment to fighting crime. Over the past several years, as drugs have permeated our society, violent crime has exploded. Since 1960, total violent crime has increased more than 12 times faster than the U.S. population.

In 1990, Mr. President, over 23,000 Americans were murdered, the highest total ever. Rapes, robberies, and assaults also were at all-time highs. As these figures make clear, Mr. President, crime is out of control, and we must fight back. One of the best ways to do so is to support the men and women on the front lines, our Nation's police officers.

Unfortunately, as the crime problem has increased dramatically, the number of police officers has not kept pace.

In 1950, the Nation had more than three police officers to respond to every one violent crime committed. In 1990, the Nation had fewer than one police officer for every three violent crimes.

Mr. President, I believe strongly that we need to increase Federal aid to State and local law enforcement. Earlier this year, I was one of only two Democratic Senators who supported an amendment to substantially increase such aid. And I have also been in touch with Senator HOLLINGS, the chairman of the appropriations subcommittee with responsibility for the Justice Department, to urge that aid to State and local law enforcement be increased substantially.

I am pleased that this bill does include an increase in aid to State and Local law enforcement through the State and local Drug Grant Program. Although the amount of the increase, $6 million, is not as great as I had hoped, it is a step in the right direction.

I also believe we need the increases of the scope provided in the bill for Federal law enforcement efforts. There is a 17-percent increase for the Federal Bureau of Investigations, and a $46.3 million increase for the Drug Enforcement Administration. The bill also includes funding for an additional 9,140 Federal prison inmates. In addition, the legislation provides a $15 million increase for the initiative to investigate and prosecute savings and loan fraud.

Mr. President, on another matter, I want to highlight a provision that was included in the committee report at my request that strongly encourages the Economic Development Administration to support a study into the feasibility of a conference center and international trade center in Newark, NJ. The Newark area now lacks adequate facilities for conventions and conferences, and there is considerable interest in the city in the development of such facilities. There is also real interest in an international trade center that could be connected to such facilities.

A convention center and a related international trade center could make a real difference for Newark and its residents. I hope the EDA will support the city's efforts to get such an initiative underway, and I am pleased that the Appropriations Committee has also expressed its strong support for a feasibility study of this initiative.

Finally, Mr. President, I want to point out that at my request this bill also includes $100,000 in SBA funds for the EXCEL Program in New Jersey. This management training and technical assistance program is for women who are starting a business or who wish to grow in their current businesses.

Women business owners now own more than one-third of the businesses in the United States, the fastest growing segment of the economy. However, traditionally they have not held the management positions, developed the business support networks or had the access to capital which would permit their businesses to prosper at the same rate as those started by men.

The New Jersey EXCEL Program will focus on training, technical assistance, access to capital, and information on Government procurement. These are all areas which will benefit small business, but especially small businesses owned by women.

Mr. President, small business is the engine which drives our economy. With more and more women starting businesses, I believe that we must support training and assistance to the women-owned businesses which provide jobs and help to strengthen our economy.

I thank the subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN, for their cooperation on these matters.

Mr. HOLLINGS. Mr. President, I would like to clarify the intent of amendment No. 930 to H.R. 2608, the fiscal year 1992 Commerce, Justice, and State appropriations bill. This amendment transferred $8.7 million to address high priority Commerce and Justice Department priorities. My full statement was inadvertently not included in yesterday's RECORD.

This amendment realigns $8,700,000 within the accounts in the bill. The amendment addresses several issues that have come to the committee's attention subsequent to the reporting of the bill and which Senator RUDMAN and I believe should be corrected.

First, the amendment corrects a funding error in the title I of the bill related to the Immigration and Naturalization Service. The INS appropriation base used by the committee was overstated based on fee collections.

Second, the amendment provides an additional $1,500,000 to the general administration account of the Department of Justice to fund 10 additional immigration judges, as authorized by section 512 of the Immigration Act of 1990.

Third, the amendment provides $6,200,000 to the National Oceanic and Atmospheric Administration [NOAA] to address to programs that were not increased in the House allowance and the Senate reported bill; $4,275,000 is provided for the initial operational costs of the network of wind profiling radars in the States of Colorado, New Mexico, Arkansas, Texas, Oklahoma, Kansas, Nebraska, Illinois, Iowa, Louisiana, Minnesota, Missouri, Wisconsin, and Wyoming. The budget intentionally underfunded the profiler budget by assuming the application of prior year funds that are not available.

Fourth, $1,425,000 is provided for the NOAA Program for Regional Observing and Forecasting Service [PROFS] in Boulder, CO. The budget reduced PROFS to $1,870,000 and proposed phasing out this activity. The House accepted this position and, frankly, we were prepared to go along. But, after a review of delays in the AWIPS Program, and further analysis of the PROFS activities, we recommend that the laboratory be maintained at $3,295,000.

Fifth, $500,000 is provided for the NOAA Space Environment Laboratory [SEL] in Boulder, CO. This laboratory provides weather forecasts for the space environment, such as prediction and warning of solar activity. In 1991, solar and geomagnetic activity will be at near-record levels. The recomended increase will allow the SEL to bring on nine new positions and to enhance collection and forecasts of solar disturbances.

Sixth, $500,000 is provided for the Technology Administration, for administration initiatives.

Seventh, $500,000 is provided for new appropriations for the Commission on Legal Immigration Reform. This Commission was created in the Immigration Act of 1990, but funding was not included in the budget request. This Commission will review the early implementation of the new immigration act and recommend to Congress statutory and other changes that might be required.

Eighth, bill language is included to clarify that the Eisenhower Exchange Program can use interest earned from its trust fund.

Finally, bill language is included to facilitate the delivery of NOAA programs by allowing the agency to enter into cooperative agreements with nonprofit organizations. During this period of budget retrenchment, this amendment should help develop innovative ways of funding projects with private sector resources and, thus, leveraging NOAA appropriations.

The PRESIDING OFFICER. Under the previous order the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are ther any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—13

Brown
Burns
Conrad
Craig
Daschle
Dixon
Helms
Lott
Moynihan
Roth
Smith
Symms
Wallop

NOT VOTING—1

Pryor

So, the bill (H.R. 2608), as amended, was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments to H.R. 2608 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Mr. SASSER, Mr. ADAMS, Mr. BYRD, Mr. RUDMAN, Mr. STEVENS, Mr. HATFIELD, Mr. KASTEN, and Mr. GRAMM conferees on the part of the Senate.

Mr. BYRD. Mr. President, the distinguished subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN, are to be commended for their painstaking and diligent efforts—as is always the case—in shepherding this very important appropriations measure through the committee and the Senate in an expeditious and efficient manner. They make the difficult seem easy; under very tight budgetary constraints, they have provided very important increases in funding for law enforcement and Federal correctional activities, as well as for longstanding congressional priorities such as the EDA, small business, and juvenile justice and delinquency prevention programs.

Senators HOLLINGS and RUDMAN are very knowledgeable in all areas of the bill and have performed an outstanding service to the Senate once again this year.

I also compliment the staff of the subcommittee for their hard work, dedication, and loyalty. They certainly define the term professional, and I recognize them at this time: Scott Gudes, Dorothy Seder, Elizabeth Blevins, John Shank, and Mary Tenenbaum.

Mr. HOLLINGS. Mr. President, once again I thank my distinguished colleague, Senator RUDMAN, and his staff. I thank Scott Gudes and Dorothy Seder. They have done an outstanding job, and we appreciate it very much.

Mr. RUDMAN. Mr. President, let me say, very briefly, that I thank the chairman, Scott Gudes and his staff, and John Shank and our staff, for the expeditious handling of the bill. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I want our colleagues to understand what we are going to try to do on the Defense bill, and this depends on the Members being willing to introduce amendments. It is my hope that we will have, shortly, an amendment that would be laid down by Senator ROTH and Senator KENNEDY, which would deal with women in combat. It is my expectation that we will be on that subject for at least 1 hour, perhaps 2 hours. There is no time agreement at this point, but I will be seeking a time agreement with the authors of the amendment at an appropriate time.

It would then be my hope that somewhere in the neighborhood of 2 o'clock this afternoon—depending, of course, on when we complete the Kennedy-Roth amendment—we would then move to the SDI amendments. There will be a series of amendments on the strategic defense initiative. My understanding is that there are four, maybe more. Those are very important amendments. It is my hope that we can get a time agreement on each amendment, and that we can complete all amendments on SDI tonight.

I think that will take a period of 6 or 7 hours. It will be a lot of debate. That would be my hope.

It would be my hope further that we could deal with the B-2 amendment tomorrow morning. I think we may get started on it tonight depending on when we finish the SDI amendments.

The only hope we have of completing this bill by sometime Friday or Friday night, or perhaps earlier if everyone cooperates, is to deal with the major amendments to begin with, and then deal with the other amendments after that.

These are all three major amendments. We also have an abortion amendment that will be offered by Senator WIRTH, the same amendment we dealt with last year, that relates to people in the military being able to reimburse the Government or be able to have access to medical facilities when they are in countries where the access is denied. That is another amendment people feel strongly about on both sides.

I hope again, with the Senator from Maine, Senator MITCHELL, Senator DOLE, Senator WARNER, and Senator WIRTH, to discuss how we will deal with that amendment. It will be offered.

Those are all very important amendments. Senators feel keenly about them.

It would be my hope that we could, as nearly as possible, move toward those amendments in that order because that is, as I see it, the only way we are going to be able to finish this bill in the timeframe that I know everyone would like to finish it. It is also my intent to finish this bill before we go home.

I talked to Senator MITCHELL about that and I made it clear that I would rather not start the bill then get in the middle of it and not complete it. It is up to the majority leader and, of course, the minority.

But certainly as manager of this bill it is my intent to finish this bill Thursday, Friday, Saturday, or Saturday night, or next week. I am perfectly willing to take what time we need to finish the bill and give everyone the time they desire on this amendment.

There is the outline I see. I know Senator GLENN is here. Senator MCCAIN is here to manage the matter of women in combat. It would be my hope that Senators ROTH and KENNEDY could lay down that amendment shortly and we could begin on that.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I join the distinguished chairman of the committee with that schedule. I think it is highly achievable, providing we move right along.

As I see my distinguished colleague here from Arizona [Mr. MCCAIN] who will manage this particular portion of the bill, at this moment, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 1599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WOFFORD. Mr. President, I ask unanimous consent to proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized as if in morning business for up to 4 minutes. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Chair.

(The remarks of Mr. WOFFORD pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Mr. President, very shortly the chairman and I will address the Senate. It is our hope that we can proceed with the issue of women in combat. At this time, the chairman is consulting with those who earlier indicated a willingness to come forward and lay down the first amendment, but I believe there has been a change of plans. Momentarily our chairman will be here to advise the Senate on the change of plans.

I, myself, early on in this issue, recognized the importance of it. I first wrote the Secretary of Defense asking that he be forthcoming—he being the principal member of the administration responsible for implementing whatever guidance the Congress gives—and subsequent thereto, at my specific request, joined in by Senator GLENN, Senator MCCAIN, and others, we had a very lengthy hearing in the Senate Armed Services Committee on this critical issue.

I personally favor the United States of America moving out and establishing not only for ourselves but for the rest of the world a course of action with regard to the participation of women in the military forces. I think that the Persian Gulf taught us another valuable lesson in the contributions that they can make.

I am hopeful that the Senate as a whole will see the wisdom in the position taken by the committee, namely to establish a commission, which commission will be charged—now, not just another commission, Mr. President; I mean one designated by the President of the United States—which is the commission that should have the greatest power of any—designated by the President and charged by the President specifically to make a series of findings and those findings to be made known not only to the executive branch but to the Congress so that we can move ahead on this issue, hopefully giving women greater responsibility.

The amendment that was originally to be considered at this time had certain provisions which I felt did not address the issue. The amendment was primarily confined to a very narrow segment of the women in the military. According to my calculations, about one-half of 1 percent of the over 227,000 women in the military, one-half of 1 percent at the present time occupy roles in aviation. and if we were to accept such an amendment, the perception that would emanate from this Chamber would be that we have struck a blow to try and help women take a greater role of responsibility in the military. But that would be, in my judgment, an unfair perception, when it treats only one-half of 1 percent—one-half of 1 percent.

Primarily it would benefit those female officers who have through their own skills and hard work moved up through the ranks of aviation to where they are now top pilots and leaving basically the enlisted ranks without any recognition by the Congress and ability to move forward in their career patterns.

So, Mr. President, I am hopeful that this debate, which will be lively and complete and thorough, will get underway momentarily.

At this point in time, I yield the floor.

Mr. KENNEDY. Mr. President, I understand that a unanimous-consent agreement is being prepared. Perhaps prior to that time we could begin to recognize the Senator from Delaware for his statement and, at least in terms of those that are here, we could follow the time limits until the unanimous-consent agreement is prepared.

Mr. NUNN. Mr. President, I agree with the Senator from Massachusetts. If I could suggest this: Rather than laying down the amendment, I think if we could begin the debate and Senator ROTH and Senator KENNEDY could describe the amendment and Senator GLENN could describe the substitute, then we will have the unanimous-consent request prepared. I think we would be better served if no one lays down an amendment on this subject until we propound the unanimous-consent request.

Mr. WARNER. Mr. President, might I suggest that as Mr. GLENN lays down the substitute that he be joined by Senator MCCAIN, who has worked on this substitute.

Mr. NUNN. The Glenn-McCain substitute?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. KENNEDY. Mr. President, if I could have the attention of the Senator, we were going to withhold submission of the amendment until we got the unanimous consent. I think we are going to have the unanimous-consent request just momentarily.

I thought we would begin the debate, and then as soon as we got the unanimous consent, we would take more formal action.

The PRESIDING OFFICER. Does the Senator from Delaware withdraw the amendment?

Mr. ROTH. I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that privilege.

Mr. ROTH. Mr. President, the amendment which Senator KENNEDY and I will propose later is not about gender, but about excellence. It is not about women pilots flying combat missions, but about the best pilots flying combat missions.

The readiness and preparedness of our military defense is a serious matter. When our Nation's future is at stake—and the future of free nations is at stake—we want the most skilled and seasoned men and women on the job.

Make no mistake—military excellence must be our first priority. Our Secretary of Defense must have the greatest flexibility and maneuverability to marshall the forces at his command. We want the best and brightest pilots in the air, not on the ground. We want the best person in the cockpit of a Stealth fighter or a B-1 bomber—not the second best.

Mr. President, America is with us on this issue. A Newsweek poll released just this week shows that 63 percent of Americans favor allowing women to fly combat aircraft. The American people know that what is good for our military defense is also good for the country. And what is good for the country is excellence, readiness, preparedness, strength, and flexibility.

Forty years ago Congress imposed a rule which now prevents women from serving as combat pilots. This congressional restriction is as old and outdated in today's military as a World War II propeller plane.

Flexibility is impeded and excellence is shortchanged because of this artificial barrier. Our Secretary of Defense needs to have the flexibility to make intelligent decisions about who should fly these fighter aircraft.

Leaving an antiquated barrier in place—when it impairs the maximum effectiveness of our armed services—makes no sense at all. Adm. William Lawrence, the president of the Association of Naval Aviators and a past Chief of Naval Personnel, summed up the problem succinctly when he wrote the following:

> The principle problem which must be solved is that the 1948 law which governs the role of women in the military has become totally outmoded and inappropriate as the roles and numbers of women have been expanded over the past 40 years.

Congress should wake up and lift the ban—and let the Pentagon do its job.

The amendment before us today would remove this outdated law. Our legislation gives the Secretary of Defense maximum flexibility to fill the job with the best-qualified person.

The Department of Defense has underscored its desire to assume this authority and has supported the intent of our legislation. I quote Pentagon spokesman Pete Williams, who said:

> * * * the Department welcomes this legislation, because it gives the Department of

Defense the authority to decide where the line should be drawn, rather than having Congress set the limits on the role of women in combat.

Individual ability and individual skill—not gender—must determine who flies these high performance planes. And with today's technology, the only true distinctions are skill, performance, speed, reflexes, nerves, guts, and brains. These are the qualities we want when the critical moment arises.

Today's aircraft is a great equalizer, as our women pilots have said. Technology has enabled women to compete on a level playing field. These changes can no longer be ignored. Our military needs pilots who have, in the words of writer Tom Wolfe, the "right stuff"—and many of our women pilots do indeed have the right stuff.

Our goal is very simple, Mr. President: to lift artificial barriers where they are no longer needed. We do not dictate to the Pentagon what it should do once this barrier is removed. We do not instruct the Pentagon to hire women as combat pilots. We leave these decisions in the hands of the professionals, not the politicians.

All we are saying is that Congress should not stubbornly keep in place an old rule that has outlived its purpose. Admiral Lawrence, who supports our legislation, has emphasized the importance of taking this approach. I quote him as follows:

> * * * the laws and policies governing the roles of women in the military are not only irrelevant, they have become absurd. It will be difficult to modify them because wording would probably be developed which is not better than we have now. So the only logical course is to delete sections 6015 and 8459 of Title X as your bill proposes.

In removing the ban, we give women the opportunity to compete for these positions as DOD sees fit—nothing more and nothing less. And, we give the military the opportunity to make the best use of its talent.

The Senate Armed Services Committee—instead of adopting my proposal—has called for a study commission. We do not need a commission to study the issue. A commission will not tell us anything we do not already know about the performance of women pilots in battle.

Women have proven themselves—the documentation is clear and well-documented. The best arguments are performance, experience, and aptitude—and women military pilots have come through with flying colors on all three counts.

For anyone who thinks we need more studies, more evidence, I say, look at the record. Women have been pulling G's in high performance aircraft for over 15 years now. Women aviators train our male combat pilots. They test the newest generation aircraft. They fly the space shuttle. Women pilots test FA-18's and C-27's, they fly transport planes and refueling planes, they fly AWACS and helicopters. In fact, women have flown just about every plane that the Pentagon has built in the past three decades. There is no question about their performance, or their experience, in this regard.

But women have proven themselves, not only in the instructor's seat and in the test pilot's seat, but in battle conditions and in the line of fire. Their aptitude and ability may have been proven here at home—but their courage and mettle were proven in the skies over Saudi Arabia, Kuwait, and Iraq.

Our women pilots showed cool thinking and competence as Army helicopter pilots, Air Force AWACS pilots, and Navy surveillance pilots in Operation Desert Storm. They flew behind enemy lines and transported troops into enemy territory. Some of them flew ahead of the ground assault into Iraq. We owe our victory, in part, to the superb performance of these women pilots.

The bottom line is clear, Mr. President. Women are already involved in just about every aspect of high performance flight. They have proven themselves steadily and consistently over the years, and they have served with great distinction as part of Operation Desert Storm. Frankly, the verdict is in.

Our women military pilots are an exciting new generation of aviators. They are smart, articulate, and professional. They are commanders of squadrons and test pilots of advanced fighter aircraft. They are trainers at our best air combat schools.

They are the kind of dedicated pilots who eanred their pilot's license before they got their driver's license. Many of these young women entered the military with the express purpose of flying fighter aircraft—of being the top guns of their profession. Their male counterparts have attested to their ability and competence.

For example, Capt. Thomas J. Bernsen of the Patuxent Naval Air Station was recently quoted in the Washington Post as saying, "These are exceptional ladies * * * they blew out on top of the guys to wind up coming here. * * * I'd put them up against any man, anywhere."

I have had the opportunity to talk with many of these women, and let me tell you, they are an inspiration. You might expect them to talk about equality or career advancement, but that has not been the case. These women talk about serving America to the best of their ability. They talk about what our millitary defense should look like—why readiness and flexibility are so important now and in the future.

Many of these women are distinguished war veterans. They know the risks they have already taken the risks they will take in the future.

Mr. NUNN. Mr. President, will the Senator yield for 1 minute for a unanimous-consent request relating to this matter?

Mr. ROTH. I will be happy to yield.

Mr. NUNN. Mr. President, I believe this unanimous-consent request has been cleared all the way around with Senators ROTH, GLENN, KENNEDY, WARNER, MCCAIN, and myself. We have checked with the majority leader on form. I propound the following unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that there be 3 hours for debate to be controlled by the sponsors of the amendments. There will be one amendment offered by Senators ROTH and KENNEDY and one amendment offered by Senators GLENN and MCCAIN; that no second-degree amendments to either amendment be in order; that both amendments be pending concurrently; that, after the yielding back of time, the Senate vote on or in relation to the Glenn-McCain amendment; that upon the disposition of the Glenn-McCain amendment, the Senate, without any intervening action, vote on or in relation to the Roth-Kennedy amendment.

The PRESIDING OFFICER (Mr. LEAHY). Is there objection to the unanimous-consent request propounded by the Senator from Georgia?

The Senator from Delaware.

Mr. ROTH. Mr. President, I want to make sure that both the Roth-Kennedy and Glenn-McCain amendments are in the first degree.

Mr. NUNN. The Senator is correct.

Mr. President, I further ask unanimous consent that no motions to recommit be in order prior to the disposition of these amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Georgia? The Chair hears none. Without objection, it is so ordered.

Mr. NUNN. I thank the Senator from Delaware and the Senator from Massachusetts.

The PRESIDING OFFICER. If the Senator will withhold just a moment. The Chair advises Senators that in order to execute the agreement, it will be necessary to send the amendments to the desk at this point.

AMENDMENT NO. 948

(Purpose: To authorize the Secretaries of the military departments to prescribe the conditions under which female members of the armed forces may be assigned to duty in aircraft that are engaged in combat missions)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Delaware [Mr. ROTH], for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. BINGAMAN, and Mr. LEAHY, proposes an amendment numbered 948.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORIZATION FOR THE ASSIGNMENT OF FEMALE MEMBERS OF THE ARMED FORCES TO DUTY IN COMBAT AIRCRAFT.

(a) ARMY.—(1) Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Duties: female members; combat duty

"The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3548 the following new item:

"3549. Duties: female members; combat duty.".

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by inserting "(a)" before the first sentence;

(2) by striking out "or in aircraft";

(3) by inserting "(other than as aviation officers as part of an air wing or other air element assigned to such a vessel)" after "combat missions";

(4) by inserting "other" after "temporary duty on"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of the Navy may prescribe the conditions under which female members of the Navy and Marine Corps may be assigned to duty in aircraft that are engaged in combat missions.".

(c) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is amended to read as follows:

"§ 8549. Duties: female members; combat duty

"The Secretary of the Air Force may prescribe the conditions under which female members of the Air Force may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The item relating to section 8549 in table of sections at the beginning of chapter 843 of such title is amended to read as follows:

"8549. Duties: female members; combat duty.".

(d) RULE OF CONSTRUCTION.—This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to duty in aircraft that are engaged in combat missions.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1991.

In section 2(b), amend the table of contents by inserting after the item relating to section 529 the following new item:

Sec. 530. Authorization for the assignment of female members of the Armed Forces to duty in combat aircraft.

AMENDMENT NO. 949

(Purpose: To authorize the Secretary of Defense to waive restrictions on the assignment of women in the Armed Forces in order to enhance the effectiveness of the Commission on the Assignment of Women in the Armed Forces)

Mr. GLENN. Mr. President, on behalf of myself, Senators MCCAIN, NUNN, and WARNER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. MCCAIN, Mr. NUNN, and Mr. WARNER, proposes an amendment numbered 949.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORITY TO WAIVE COMBAT EXCLUSION LAWS.

(a) COMPREHENSIVE RESEARCH AND ANALYSIS REQUIRED.—The Commission on the Assignment of Women in the Armed Forces, established under section 521, shall conduct comprehensive research and analyses regarding the potential for women in the Armed Forces to serve in combat positions.

(b) INFORMATION NEEDS TO BE DEFINED.—The Commission, as a priority matter, shall determine the types of information necessary for its research and analysis that can best be obtained through the assignment of women to combat positions on a test basis.

(c) NOTIFICATION OF SECRETARY OF DEFENSE REGARDING INFORMATION NEEDS.—The Commission shall promptly advise the Secretary of Defense of its needs for information determined pursuant to subsection (b). The Commission may request that the Secretary of Defense require the assignment of women to combat positions on a test basis in order to develop that information.

(d) WAIVER AUTHORITY.—The Secretary of Defense, in consultation with the Commission, may conduct test assignments of women to combat positions and may waive sections 6015 and 8549 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policies to the assignment of women to combat positions in order to conduct such test assignments.

Mr. WARNER. Mr. President, might I address this procedural UC request in the following manner. It has been hoped that Senators ROTH and KENNEDY would come forward with their amendment. The amendment just offered by Senator GLENN on behalf of himself, Mr. MCCAIN, Mr. NUNN, and myself would be in the nature of a substitute. But for various reasons, that is not being done at this time.

I wish to indicate that as these two debates are debated in this one time agreement, it is very clear to this Senator, and I believe to my three colleagues on the second amendment, that we intend to oppose clearly the amendment by the Senator from Delaware and the Senator from Massachusetts. I see some conflict between the two amendments should the Senate adopt both amendments.

During the course of the debate, I urge my colleagues to listen carefully because I think there is a clear distinction between the two amendments, and this Senator intends not only to debate against the amendment offered by the distinguished Senators from Massachusetts and Delaware, but also to vote against it. I will so urge my colleagues at the appropriate time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I will only say to my distinguished friend and colleague from Virginia, we are hopeful that he and his colleagues will change their minds as the debate continues this afternoon. We, of course, are very hopeful that a majority of the Senate, like in the House of Representatives, will support our amendment.

Mr. President, as I was saying before the unanimous-consent request was agreed upon, excellence in our military forces means many things. It means dedication during long hours and it means quiet pride in accomplishments that go unnoticed. It means getting the best training you can because you might save someone's life, or the lives of an entire aircrew. It means knowing the ins and outs of the newest technology—how to use it, how not to abuse it.

There is a certain spirit of resolve, of alertness, of intelligence, and of patriotism that I associate with excellence in our armed services. And I can tell you that the women pilots who I have spoken with exemplify that spirit.

Whether they can meet the performance standards will be up to their superiors. But they certainly should have the opportunity to compete—if that is their choice—and to give us their best.

The amendment we bring here today does not perform major surgery on the composition of our armed services. Instead, I liken it to pinpoint laser surgery—this amendment is very precise. We simply remove the congressionally imposed restriction which prevents women from flying combat aircraft—and give the Defense Department the authority to determine how best to use women aviators.

Legal experts agree that lifting the restriction will not mean a dramatic change for women's roles in the military. Like the surgical strike weapons used in Operation Desert Storm, our amendment has a specific intent and a specific mission—it is designed to hit the target.

We have looked at an area where women have proven themselves beyond a doubt, and where technology has equalized opportunity. We have looked at an area where the Pentagon has expressed a need which has merit and value. And we have found that action is appropriate and called for. This amendment is not only the right action, but the right action at the right time.

America agrees with us, Mr. President. The people have expressed their conviction that women combat pilots would be an asset to our military defense. They have shown a sophisticated understanding of the substantive difference between women as combat aviators and women in other combat roles. The public's perceptions have caught up with the changes that have occurred, and the people see women pilots as ready and capable professionals—a true asset to our military.

As always, Vice Admiral Lawrence has stated the problem eloquently. He has written:

> Women feel they have considerably more to contribute in the military than they are currently permitted to do. * * * They are willing to allow changes to be made that are based on proven performance and need. They just don't want ridiculous artificial barriers to be placed in their path.

Mr. President, it is time to remove the barrier.

Yes, for fairness, but more important, for military readiness and effectiveness.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield such time as I may use.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my friend and colleague, the Senator from Delaware [Mr. ROTH] for the leadership he has provided on this issue and I am delighted to have the chance to join with him, Senator MCCONNELL, Senator LEAHY, and Senator BINGAMAN in support of our amendment to repeal the statutes that bar women from serving in combat aircraft. These exclusionary statutes are relics of the 1940's that Congress should have repealed long ago.

The Armed Forces claim that they are an equal opportunity employer, and they are, partly. They have made great strides in opening up all branches of the service to racial minorities.

But the same cannot be said with regard to sex discrimination, because archaic statutes still in the books deny equal opportunity to women.

Barriers based on sex discrimination are coming down in every part of our society. The Armed Forces should be no exception. Women should be allowed to play a full role in our national defense, free of any arbitrary and discriminatory restrictions. The only fair and proper test of a women's role is not gender but ability to do the job.

The 1948 law that limited the role of women in the regular armed services contained three parts: First, it limited the total number of women in the armed services. Second, it put a ceiling at the lieutenant colonel level, commander in the Navy, on the highest rank women could achieve. Third, it barred women from serving aboard combat aircraft in the Air Force and Navy, as well as combat ships in the Navy.

The Army does not have to contend with a statutory exclusion. The Army prohibitions on woman in combat are contained entirely in service regulations, which are adapted to changing times without the enactment of legislation. The Marine Corps addresses the issue of women in ground combat in the same way as the Army—through regulation.

Ironically, the most complex questions about the exclusion of women from combat related to the Army, not the Air Force or the Navy. Yet it is the Air Force and the Navy that have to contend with statutory exclusions that make worthwhile and essential reforms impossible.

During the late 1960's, Congress repealed the first two restrictions contained in the 1948 law. The time has come to remove the last of these statutory prohibitions on the role of women in the military. It has become an embarrassing anachronism. The changing nature of modern warfare means that old distinctions are obsolete.

The dangers now extend well behind the front lines. As we saw in the Persian Gulf war, military personnel well behind the lines can be killed or wounded. At the same time, the infusion of advanced electronic and computer technology into modern weapons has changed many phases of warfare from a test of physical strength to a test of technical skill.

In the gulf war, the technological abilities of our personnel were as important to our victory as their physical strength and courage. There is virtually universal consensus that the women who served in Operation Desert Storm did an outstanding job, including jobs that were, for all practical purposes, combat jobs. They faced hostile fire; they flew into enemy territory; they suffered death, injury, and were captured as prisoners of war; they lived in conditions of extreme hardship, and they performed tasks requiring physical strength and stamina.

In short, to quote Secretary of Defense Dick Cheney, women members of our Armed Forces "were every bit as professional as their male colleagues." This performance comes as no surprise. Women have been proving themselves in the military for many years. The real surprise is that the outstanding performance of women in the military and the changing nature of modern warfare has not led the Congress to repeal the statutory restrictions on women in combat roles before now.

These laws are bad for women, because they deny them an equal opportunity for service and advancement in the military. Over the past two decades, the Pentagon has informally narrowed the scope of the combat exclusion laws. But as the Department's manpower chief testified before the Senate Armed Services Committee last month, DOD has reached the point where further expansion of the opportunities for women in the military is difficult unless we lift the combat exclusions. And the combat exclusion laws are bad for men because they place an inequitable portion of the burdens of military duty on male service members. Combat positions in all services often call for military personnel to be away from their families for extended periods, to risk death and injury, and to live under hardship conditions. Because women are barred from these positions, the men must take up the slack and bear a disproportionate share of these hardships.

The combat exclusion laws are bad for our nation's security because they deny the military the opportunity to put the best personnel by virtue of training and skills in the most important positions. Today, if the best person for a combat position is a woman, she will not get the job.

The amendment that Senators ROTH, MCCONNELL, BINGAMAN, LEAHY, and I are offering is a sensible first step toward changing the combat exclusion laws. It repeals only the laws barring women from serving in combat aircraft in the Navy and the Air Force. It does nothing more. Our amendment does not require the Air Force and Navy to open a single combat position to women fliers. It only gives the Secretaries of the Air Force and the Navy the same authority that the Secretary of the Army has had since 1948 to assign women to all combat positions.

Our amendment does not direct the military to lower its standards. Each service determines the qualifications necessary for performance of each assignment. Repeal of the statutory exclusions for air combat will not require that women be placed in jobs for which they are not qualified. It will not require that any standards be lowered to increase numbers of women. The fact is, women already meet the very demanding standards to fly high performance combat aircraft. They test combat aircraft. They train combat pilots.

It is ludicrous for Congress to bar them from flying in combat in the planes they have tested and with the officers they have trained.

Our amendment does not open ground combat positions to women. Women in the Army and the Marine Corps are not barred from ground combat by law but by Pentagon regulations. These regulations will remain unchanged by repeal of the combat exclusion laws for pilots.

Finally, our amendment does not make women eligible for a military draft. There is no draft now, and there is none in sight. Congress retains full control over the terms of any future draft law.

The amendment does not change the Pentagon policies barring women from ground combat, and it is preposterous to suggest that the change proposed by this amendment would cause the Supreme Court to reverse its past decision upholding draft registration only for men.

The issue is not whether women should be in combat. They already are. Thousands of women served ably and courageously in the Persian Gulf war. The real issue is whether women are entitled to serve in all military positions for which they are qualified.

The issue is not whether women should be shot at. They already are—five women died from enemy fire during the gulf war. The real issue is whether women can shoot back.

The issue is not whether women should fly high-performance aircraft. They already do. Women serve as instructors for combat pilots. The real issue is whether we select our combat pilots based on ability or on gender.

It is an embarrassment to Congress and an injustice to every woman in the Armed Forces that we retain these foolish restrictions on the statute books, and I urge the Senate to repeal them.

Mr. WARNER. Mr. President, I wonder if I might ask the Senator from Massachusetts just a question or two about his amendment, if that brief question period would not interfere with the distinguished Senator from Ohio.

Mr. KENNEDY. I would be glad to respond to questions. We have an informal understanding that Senator ROTH and I were going to make our presentation, Senators GLENN and MCCAIN would make theirs, and then we would enter into the debate.

Mr. WARNER. So long as the Senator from Massachusetts assures me I will have the opportunity to direct a question to him at the appropriate time.

Mr. KENNEDY. I look forward to that. I plan to be here during the course of the debate and look forward to responding.

Mr. WARNER. Perhaps we could have an informal understanding at the conclusion of the remarks by Mr. GLENN and MCCAIN, and I could then propound several questions to my colleagues from Massachusetts and Delaware.

Mr. GLENN. Mr. President, I intended to offer a second-degree amendment to the Roth-Kennedy amendment. However, at the request of Senator ROTH and Senator KENNEDY we have agreed under the UC we are operating under now to introduce separate amendments to accommodate that request, and we are glad to take this approach as Senator WARNER indicated earlier on this matter that the sponsors of our amendment, Senators MCCAIN, WARNER, NUNN, and myself oppose the Roth-Kennedy amendment. We will vote against it. We urge our colleagues to vote against it. On the other hand, we obviously urge our colleagues to vote for our amendment for all the reasons I am about to propound.

Mr. President, the arguments in favor of our amendment we believe greatly strengthen the committee's provision establishing a commission to study and report on the assignment of women in our military services. Our amendment basically would authorize a Presidential commission, along with that the Secretary of Defense, to temporarily waive combat exclusion laws, all of them—combat exclusion laws and policies whatever they may be so that women may be assigned during this period to combat roles in the air, at sea, on the ground, on a test basis.

This would allow the commission to evaluate the performance of women in these roles and make appropriate recommendations to us on the basis of some real analysis. This will be a very broad look at the whole thing, not just the narrow focus on pilots, and women in the military. It would take a look at the pilots, women in the military, take a look at all the other functions, all the MOS's in the military, evaluate the performance of women in these roles, and then make appropriate recommendations to us on the basis of that kind of an analysis. It would be very broad but it would be temporary until the commission finishes up its deliberations and reports back to us, and one very important part is it does not prejudge any direction.

It says that basically the Department of Defense is charged with the military security of this Nation of ours and they can run these tests and analyses, see where we can open up the areas without disturbing combat efficiency into the future, and what roles women could perform and peform in an excellent fashion just as my distinguished colleague from Delaware says he favors doing.

I favor the same thing. But I want to do it on a more studied basis, and with some data other than just us standing up on the floor and saying what people can do.

So, Mr. President, our amendment is a much broader and much more positive step than the amendment offered by my colleague from Delaware, and supported by the Senator from Massachusetts, which would only open combat aircraft to women. That affects less than one-half of 1 percent of the 227,000 women in our military services.

Our amendment on the other hand would let all of our women in uniform participate on a test basis in all combat roles for which they wish to compete. It is very broad. Our amendment would say to all military women that we are looking for positive ways to improve their opportunities while at the same time being conscious of the effects such as the potential of subjecting women to involuntary assignments to ground combat assault roles on the same basis as men—I repeat, involuntary assignments or requiring women to register for the draft and to be drafted on the same basis as men, in the future as necessary.

Mr. President, I believe we all acknowledge, I certainly do, the outstanding contributions made to our national defense by women serving in our Armed Forces. Despite laws and DOD policies that restrict their assignments from certain combat skills and positions, and today women in the military serve in many extremely demanding roles—combat support, combat service support, which has already been noted here, which put them in the positions of actual combat during the Persian Gulf, and some lost their lives—some of these roles expose women to the risk of death in combat. Most recently women have performed under those conditions in the Persian Gulf conflict.

So our interest in expanding the role of women in our military services is understandable and it is laudable. However assigning women to combat skills and positions does raise some very basic questions about the future shape and structure of the Armed Forces that cannot be answered by merely saying we just open all our selected combat skills and positions to women or by shoveling such decisions to the Secretary of Defense.

I believe Congress should accept this responsibility in this regard, should make such decisions openly, deliberately but after a full examination of all the available facts. We must neither continue the current combat restriction laws and policies for invalid reasons nor repeal such laws or policies without full understanding of the meaning of such action.

Mr. President, we had a hearing on this issue on June 18 of this year. At that hearing defense witnesses indicated that the administration would not make any substantive changes to its policies on the utilization of women even if the current assignment restrictions in law are repelled. Other witnesses testified on the other hand that women should be provided the same opportunities as men to serve in any skill or position in the Armed Forces and the women should share the same responsibilities for national defense as men with all that implies.

These responsibilities would include being subject to draft registration, being subject to involuntary assignment after being drafted into combat during military service, and being subject to conscription during periods when conscription may be authorized by law. On the other hand, other witnesses testified that women should not be placed in any combat role whatsoever, none at all.

Mr. President, it was evident from the very wide range of strongly held views heard by the committee at that hearing, and the many crucial questions that were left unanswered, that substantially more study is required before we can act conclusively on the overall future role of women in the Armed Forces. And that includes all women in the Armed Forces, not just pilots. For example, we do not know at this point what the implications would be of opening some or all combat positions to women with regard to questions such as—let me just run through some of the things that came to mind or that we asked questions about during that hearing.

For instance, if we decided to open any combat assignments to women, should assignments of women to these positions be voluntary? Or should women be compelled to serve in combat assignments regardless of their personal desires in the same manner that men can be assigned involuntarily to combat positions? Should women be required to register, be subject to the draft on the same basis as men if women are to have the same opportunity as men to compete for all skills and positions in the military? If current combat exclusion laws are repealed but the military services retain the discretion to prescribe combat assignment restrictions for women what affect will this have on the constitutionality of the male only registration and service requirements of the Military Selective Service Act?

What are the physical requirements for each combat skill or position, including the full implications of gender norming? Those are practices where women are given lesser tests or tests that are less physically demanding, and allowed to assume positions for which their male counterparts would have to have a higher physical capability.

What are the full implications of gender norming where there are physical requirements and men and women are treated alike? What is the impact of pregnancy and child care on assignment policies for military personnel? What is the practical effect of opening combat skills and positions to women on unit morale and cohesion?

If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable?

What would be the impact of required changes in quarters, weapons, training, and the resultant costs of changes?

What would be the practical rate at which any required changes can be made in an era of severely constrained defense budgets?

Mr. President, the other aspect the Commission would help us with is on what the American people think about all of this.

A recent Newsweek poll, as an example, indicates to me that there is considerable uncertainty in the American public about just how far we should go in opening combat jobs for women, and which jobs should be opened up.

The general conclusion of the poll was that, although the majority of Americans think women should be placed in combat positions if they so desire, they should be placed in those positions only if they want to.

And here are the questions and answers to that poll:

One: Do you think women in the Armed Forces should get combat assignment?

That was the question in the Newsweek poll.

Fifty-three percent of those polled said, "only if the women want them." Twenty-six percent said that such assignments should be made on the same basis as for men. Eighteen percent said women should never be assigned to combat jobs.

So if you go by that poll, we have about one-fourth of those polled who think women should bear the same responsibility as men in combat.

Second question: If women were allowed to get combat assignments, are you very or somewhat concerned about the following:

Eighty-nine percent say they were concerned about mothers leaving small children at home. Seventy-six percent said they were concerned about putting a pregnant woman's fetus at risk. Sixty-four percent said they were concerned about women becoming pregnant and having to be replaced from their combat unit. Fifty-three percent said they were concerned about women being able to perform at the same level as men. Thirty-eight percent said they were concerned that men will fight less well because women are present.

These responses should not be taken as a basis for action here on the Senate floor, but I think these responses do indicate more than a small amount of concern in the American public about assigning women in combat roles, and that is what we propose for the Commission to take into consideration.

The third question that they had on the Newsweek poll was: If a draft became necessary, should young women be required to participate?

Fifty percent said yes. Forty-seven percent said "no."

At the same time, should mothers on active duty be able to refuse assignments?

Fifty-four percent said yes. Forty percent said no.

Finally, the question: Would allowing women to serve in combat roles be an advantage or burden to the military?

Twenty percent said it would be a burden in combat support roles, and women already serve in those roles now. Some 70 percent of the military occupation specialty are open to women right now.

Thirty percent said it would be a burden in jet fighter pilot roles, where women do not currently serve in these roles.

Thirty-three percent said it would be a burden on Navy warships. Women do not currently serve on these ships.

Fifty-one percent said it would be a burden for women to serve in the infantry. Women do not currently serve in the infantry.

What do we conclude from the polls? The results of the poll tell me that the American public is concerned about the roles of women in our military. I think they instinctively believe, as I do, that women can do more jobs in the military than women are currently allowed to do. At the same time, I think they are as concerned as we are, as we approach this issue, that we ensure the bottom line of what a military is supposed to be for, and that is to deter war—hopefully, by having such a strong force, that war never comes—as if war comes, to fight and win at the least cost in American lives. That is the bottom line—combat capability. Or if we do not have that same capability, we stand to lose more American lives in combat.

As my distinguished colleague from Delaware states, he wants to see that that combat efficiency capability is evenhanded, because there are many women who perhaps can do that job in the military better than the men they replace. That may be the case. That is something that our commission would look into to try to determine a definitive answer to that.

Mr. President, in order to get conclusive answers to the questions I have posed, and to address the public concerns captured so well in the poll that I have just described, the committee approved a provision that would require the President to appoint a commission to study and report, then, on the assignment of women in military.

The formation of this committee responds to our interest in providing more opportunities for women in the military, and our amendment reinforces this interest. We look at the whole spectrum of jobs clear across the military. We do not limit it just to the narrow focus of pilots in the military. We say that the commission should look at every job in the military and see if it can be opened up. If they determine that, then we would move in that direction.

Under our provision, the military services can, for the very first time, place women in all combat roles on a test basis to help an independent commission develop recommendations for us based on empirical analysis.

I believe that is a very positive first step toward making the kinds of changes that responsibly address our desire for providing more opportunities for women in our military service. It is a much more broad approach than the amendment proposed by the distinguished Senator from Delaware.

Mr. President, as spelled out in the committee report, the commission would consist of 15 members, Presidential commission, who have distinguished themselves in the public sector, the private sector, who have had significant experience in matters, such as scholarly inquiry into social; cultural matters affecting the workplace: constitutional and other law; the effects of medical and physiological factors on job performance; military personnel management, and service in the Armed Forces in land, air, and sea combat environments.

The commission would be required to submit its report to the President by November 15, 1992, and the President would be required to submit his comments and recommendations on the report to the Congress by December 15, 1992.

The commission would be required to make specific recommendations with regard to whether existing law and policies governing the assignment of women in the military should be retained, modified, or repealed; what roles women should have in the military, including what, if any, roles women should have in combat; what transition process is appropriate, if women are to be given the opportunity to be assigned to combat positions in the military; and whether special conditions and different standards should apply to women that apply to men performing similar roles in the military.

(Mr. LEVIN assumed the chair.)

Mr. GLENN. Mr. President, I think this is a very responsible approach for us to take on this very complicated, sensitive issue, and our amendment reaffirms this approach. Moreover, our amendment strengthens the committee's approach by authorizing the Secretary of Defense, at the request of the commission or in coordination with the commission, to temporarily waive combat exclusion laws and policies—I repeat that, to temporarily waive combat exclusion laws and policies across the board—so that the military services can conduct controlled tests on the assignment of women in air, sea, and land combat roles.

Mr. President, I say to the sponsors of the underlying amendment—Senator ROTH and Senator KENNEDY—that I respect their interest in expanding opportunities for women in our military services. I think we are all interested in moving in the same direction. I submit, though, that the approach that the committee has taken and the change we made to it in broadening this out as far as the test period goes I think is much broader and it does not prejudge the results of the commission. Our approach would offer all women in the military, and not only women officer aviators who comprise less than one-half of 1 percent of women in the military, an opportunity to demonstrate their performance in all combat roles. After these have been assessed by the commission, the commission can make its recommendations accordingly across the board and we can act on the basis of factual analyses to determine the future role of all women in our military services.

Mr. President, let me address some of the questions about assignment of women in the military.

This is the first question: What is wrong with the Roth-Kennedy amendment that would allow military women to fly combat aircraft when they have proven themselves in other aircraft?

I feel that the Roth-Kennedy amendment gets the cart before the horse. We really do not have the empirical analyses right now that indicates how women perform in combat aircraft. For example, no women have completed the Navy's Top Gun or the Air Force Red Flag air combat evaluations. Our amendment would open that up. We would not prohibit that. We would say that can be done. Let the women participate in these and other sea and ground training evaluations.

The Roth-Kennedy amendment would set up two classes of women in the military, as we see it. For example, a woman officer who is an aviator would be allowed to be assigned to an operational aircraft carrier. On the other hand, a woman petty officer just as interested in her career advancement as anyone else, but a woman officer who works on the very aircraft that the women officer flies would be prohibited from being assigned to the same aircraft carrier. So the status is changed only for a tiny fraction of women officers who constitute less than one-half of 1 percent of all women in the military.

I think a very broader approach of all women in all assignments in the military having that assessed makes more sense.

The Roth-Kennedy amendment would change the focus of the Commission that the committee proposes to make a broad policy review focus on the assignment of all women in the military to a much narrower focus on the implementation of the assignment only of women officer aviators to combat aircraft.

Our amendment strengthens the Commission by giving it the authority and tools to gather information and develop empirical analyses that we could use as the basis for making judgments then on the assignment policy for all women in the military and not just a small percentage of women.

The second question: Why should we not repeal the combat exclusion laws and leave the policies governing the assignment of women in the military up to DOD?

I think we have a responsibility in Congress to take a broader view than just to saying it to the Pentagon. We have a responsibility for manning our Armed Forces in peace and war. We make those decisions in the Congress. Congress has exercised this responsibility in the past and in determining that women should not be assigned in direct combat assault roles.

Now we may want to change that. But we do not know the implications of such action without looking at this very carefully and with regard to questions such as:

If we decide to open any combat assignments to women, should assignments of women to these positions be voluntary or should women be compelled to serve in combat assignments, regardless of their personal desires, in the same manner that men can be assigned involuntarily to combat positions?

Should women be required to register and be subject to the draft on the same basis as men if women have the same opportunity as men to compete for all skills and positions in the military?

If current combat exclusion laws are repealed, but the military services retain the discretion to prescribe combat assignment restrictions for women, what effect will this have on the constitutionality of the male-only registration and service requirements of the Military Selective Service Act?

And once again, what are the physical requirements for each combat skill or position, including the full implications of gender norming that I discussed earlier?

What is the impact of pregnancy and child care on assignment policies for military personnel?

What is the practical effect of opening combat skills and positions to women on unit morale and cohesion?

If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable?

One little thought, I take it by some people, what would be the impact of required changes in quarters, weapons, training, and the resultant costs of such changes?

What would be the practical rate at which any required changes can be made in an era of severely constrained defense budgets?

Another question: Why should we not repeal the combat exclusion laws and let the Commission do its work at the same time?

Repeal of the combat exclusion laws at the same time we are forming a Commission to make recommendation on whether such laws should be retained, modified, or repealed, we feel gets the cart before the horse. We should not prejudge the outcome of the Commission's work.

We are looking not just for a short-term panacea; we are looking for the long-term solution and policies for women in the military across the board, not just the narrow focus of pilots.

There is no national security need to rush to judgment on this issue. We should have the full benefit of well-developed facts and analyses before we act to modify or repeal the existing combat exclusion laws.

Mr. President, we are not trying to delay this. We are just trying to make these changes—which will be very major changes in our military—on the best studied basis that we can make those decisions.

Another question: Why does the committee oppose equal opportunity for women in the military?

I respond by saying the committee does not oppose equal opportunity for women in the military.

By its action, the committee has set out on a course to objectively determine how equal opportunity for all women in the military should be improved, for all women, all officers, all enlisted, everyone in the military, not just the narrow focus of pilots.

Repealing the combat exclusion laws has symbolic appeal, but the reality is that DOD would not make any substantive changes to its policies, as DOD witnesses have testified.

A well documented study could lead to the opening up of more opportunities for women, because we would be in a better position to advocate affirmative changes with regard to the roles of women in the military.

And just one more question: Why should we have another study on the assignment of women when this matter has been studied to death, as we have been told?

The facts are that there are no substantive, comprehensive studies on the assignment of women in the military that are current. There are no evaluations on the assignment of women in combat assault roles, because there are no women assigned to such roles. For example, although women fly a variety of aircraft, including high performance jet aircraft, I think we would be on firmer grounds for making changes if they had gone through some of the Navy Top Gun exercises or Red Flag, Air Force, combat evaluations.

The commission the committee proposes would allow such evaluations to be conducted in a training environment. The Congress can then decide this issue on the basis of facts and analyses rather than instinct.

Mr. President, I am sure there could be many more questions asked. Those are a few that have already come up.

So, Mr. President, I want to conclude my remarks by saying that I certainly respect, as much as anyone in this body, as much as anyone in this country, and appreciate the contributions of the 227,000 women in our military services toward the national defense. I say to them that we are taking a very positive responsible step here toward the further evolution of the expanded opportunities for those 227,000 women, not just one-half of 1 percent that are pilots. I pledge that I will work aggressively on their behalf on the basis of the results of the commission's work. At the same time, I want to say that I think the final result of any action we take on this very important matter must be consistent also with ensuring the combat efficiency of our military forces to deter war, and to fight and win at the least cost in American lives if deterrence fails.

Mr. President, I urge my colleagues to vote in favor of the amendment that has been put forward by myself and Senator MCCAIN, and supported by Senator NUNN and Senator WARNER.

I yield the floor.

I will be glad to answer any questions.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend and colleague from Ohio for his insightful and informative analysis of an issue which has often been driven by emotions rather than national security requirements.

Mr. President, as my friend from Ohio clearly stated, no one questions the excellence of the performance of women in the military today. That excellence was amply proven in the Persian Gulf conflict, and is not the focus, nor should be the focus, of this debate.

The real focus of this debate is how we should address the future role of women in combat. It is how we should take the national security aspects of this issue into full consideration, because the purpose of the military is first to defend this Nation's vital security interests throughout the globe, and only second to ensure equality.

I do not mean these purposes are mutually exclusive. We can achieve both purposes, Mr. President, but only if we address this issue in a measured, mature, and analytical fashion. Other nations have had experiences that we should look at, including the nation of Israel, and many have reached a different conclusion than the proponents of this amendment.

We all recognize the clear and compelling need to ensure equality in our society. At the same time, we must also listen to our military leadership. They expressed their views in a hearing which was conducted by Senator GLENN in the Manpower and Personnel Subcommittee of the Armed Services Committee on June 18. I would like to read a few quotes that our senior military officers provided during that hearing.

Gen. Carl Vuono, the highest ranking officer in the U.S. Army said:

> * * * Should you change (the law) and open up all those positions to women soldiers, then they would be involuntarily assigned to those positions * * * it would seem to me then that you would open up the registration for the draft.

Admiral Kelso, the highest ranking officer in the Navy, said:

> * * * I think you'll * * * find the Navy's enlisted community as well as its officer community in the female ranks divided on this issue. We have a fitness standard and the standard is different for males and females.

The Assistant Secretary of Defense for Manpower and Personnel said:

> * * * Some can perceive as an inequity to some women officers, that under the current House language * * * women officers who are aviators (would be) assigned to aircraft carriers as part of the air wing but not, for example, as part of the air wing staff (or) the ship's company. And frankly, this strikes me—and I know it strikes many—as a real inconsistency.

Former Marine Commandant Robert Barrow, one of our great national American heroes, said:

> Please, Congress of the United States, you keep this responsibility; you draw the line, don't pass it to DOD * * * you put it into law, they put it in policy. Policy can change at whim. * * * They change the policy to fit the pressure. * * *.

Gen. Alfred Gray, the Commandant of the Marine Corps said:

> I see no need to change the law or the exclusion policy at this time * * * your Commandant would be against that.

General McPeak, Chief of Staff of the Air Force, said:

> I find great comfort in the law. I would like it to stay on the books personally.

Adm. Frank Kelso also said:

> As I said, it's my personal view that the law should remain as it stands.

And again, General Vuono, said:

> I do not believe you should change the law. You should keep it the way it is.

Mr. President, I am not saying these individuals are correct, nor am I saying they are incorrect. But their statements, and the other results of that hearing, clearly show that we do not have a national consensus on this issue.

Yes, there have been several studies and several analyses of the role of women in combat. I would suggest to the Chair and Members of this body, however, that there has not been a true in-depth study of the role of women in combat that has been done in many, many years. And that must be done, not only to provide information, but in order to provide us with a national consensus, which we need in order to take what is a significant, indeed landmark, step.

This is why I support the substitute proposed by Senator GLENN, Senator NUNN, Senator WARNER, and myself which calls for the Department of Defense to test the capability of women while a Presidential commission is making its determination and reaching its conclusions. This is why I support a course of action that will ensure the Congress and the people of the United

States will be fully capable of making a determination as to how, and in what fashion, we should change national policy.

Mr. President, with the best of intentions, the amendment of Senator KENNEDY and Senator ROTH would rush ahead without proper study and a national consensus, and is fraught with inequities. Let me just point out one major example: Aircraft carriers. I do not see how the Kennedy-Roth amendment can reconcile a situation in which women can be part of an air wing which is stationed aboard an aircraft carrier while it is deployed, but not allow women to be part of the same ship's company.

As we know, on aircraft carriers, pilots serve as pilots in the air wing, and pilots also serve as ship's company officers. They perform many of the duties that require their special aviation capabilities, catapult-arresting officers, et cetera.

But if the Kennedy-Roth amendment were adopted, then we would have legislation that says yes, you can be part of the air wing on the ship, but woman officers cannot serve in helping to command the ship. This has a major impact on career patterns, since we expect aviators to serve both in the air wing and also as part of the ship's company.

Ironically, the Kenndy-Roth amendment would harm women aviators in their ability to succeed and move up the ladder of promotion, which all men and women both should be allowed to take advantage of.

Mr. President, I also cannot understand why Senator KENNEDY and Senator ROTH want to have only pilots eligible to engage in combat and not enlisted people? I am afraid that the practical reason may be our hearings, when enlisted Marine and Army women testified before our committee, they stated unequivocally that the overwhelming majority of enlisted women in the Army and the Marine Corps do not wish to be in combat.

Since we are in an All Volunteer Force, Mr. President, those attitudes could have a significant impact on our ability to recruit and retain qualified women in the service. This again is something that has to be analyzed, and can be analyzed. It is something that will be analyzed if the amendment of Senator GLENN, Senator NUNN, Senator WARNER, and I is adopted.

Let me point out another aspect of the Kennedy-Roth amendment, and that is its implications for registration for the draft. When we went to the All Volunteer Force, which was a decision made by the American people and reflected by Congress in law, we also, as a standby measure, required all eligible men in this country, to register for the draft when turning age 18.

That particular law was then challenged in court by those who felt it was not fair for men to be forced to register for the draft and women not to be.

That case found its way all the way to the Supreme Court. I urge my colleagues to examine the resulting decision. That decision clearly stated that the reason the Supreme Court of the United States upheld the law that required males to register at age 18, and did not require females, was because of the combat exclusionary laws that had already been put on the books.

Mr. President, allow me to read a couple of quotes from this Supreme Court decision:

> The existence of the combat restrictions clearly indicates that basis for Congress' decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them.

Another part of the decision, which was the case of Rostker versus Goldberg, stated:

> Congress' decision to authorize the registration of only men, therefore, does not violate the Due Process Clause. The exemption of women from registration is not only sufficiently but is also closely related to Congress' purpose in authorizing registration.
>
> The fact that Congress and the executive have decided that women should not serve in combat fully justifies Congress in not authorizing their registration, since the purpose of registration is to develop a pool of potential combat troops.

Mr. President, there may be some question in the minds of the proponents of the Kennedy-Roth amendment as to what the Supreme Court meant, but to me there is no doubt. The Court expressed its views in black and white.

If the amendment of Senator KENNEDY and Senator ROTH is approved, then I feel we may well have to register women for the draft when they turn age 18. That may possibly prove to be an appropriate thing to do, but I do not think we should take a measure of such significance without examining it very carefully. I wonder how the American people would feel about that impact of the Kennedy-Roth amendment if it were adopted. I do not think they would like it. At least, I think, they would feel their representatives should directly vote on such an issue and that they should have some input into the entire process.

In contrast, if we adopt the amendment of Senator GLENN, I believe it would do several useful things. It would ensure a long overdue examination of the growing role of women in the Armed Forces, particularly in the wake of the largest wartime mobilization of military women in history. It would recognize that we are proud of the role women played in the Persian Gulf war. At the same time, it would recognize that certain aspects of that role raised significant concerns throughout the United States of America, as well as this one concerning women who have young children, couples who are both called to active duty. What about their children? Should one be excluded, the other not be excluded? There are questions concerning that mobilization that we are still wrestling with, and attempting to find answers to, and which have caused certain amendments and laws to be originated in the other body.

Let me repeat, the gulf war was the largest wartime deployment of American women in military uniform in our history, and we are all proud of the result. But it also brought to light some questions that need to be resolved, answered. It showed we need to analyze what might happen during future conflicts before the Kennedy-Roth amendment is agreed to. It showed we need more input from the American people.

I, for one, would like to go back to the towns and cities of my State and ask the people how they feel about it before I agree to an amendment which has the wide, sweeping implications of the Kennedy-Roth amendment. Further, we must again recognize that this is a national defense issue. It is not a women's rights issue. I think this issue has to be fully examined in the way I was talking about.

Before I conclude, Mr. President, let me talk about Israel. I do not think there is a nation that is more admired for its valiant struggle for independence and freedom than the State of Israel, at least by this Member. Israel has had to utilize all of its national resources to the maximum time after time. Ever since its birth as a nation, Israel has been required to have its entire population ready to go on wartime footing at a moment's notice.

Yet, the record of Israel in dealing with women in combat is often misunderstood. The popular conception is that Israeli women fight alongside men as equals. The truth is that, although Israel drafts both men and women for military service, Israel has excluded women from combat units since 1950. I think it is important to point out that while female soldiers fought alongside their male colleagues in Israel's war of liberation in 1948, this created many problems, and Israeli women were never again sent into battle.

Edward Luttwak describes the true state of affairs when he says women are integrated into the Isareli military at many levels and conduct most of the training. Women also serve in the Mossad, Israel's counterterrorist force. "But women are excluded," he notes, "from infantry and combat experience based on pragmatic experience of over 40 years." I might also note they are also barred from flying combat aircraft, or serving on ships in combat. It would be well for us, during our deliberations, to consider what the experience of another nation has been over 40 years of combat.

Let me stress that we are talking about an issue of the most serious consequence. We are talking about something which can have profound and sudden implications for our society. I hope and pray we are not required to go back into Iraq. I hope and pray that the end of the cold war signifies an era of unprecedented peace, unknown in this century. Unfortunately, my experience tells me something different. While we have won the cold war, there are new risks to peace which we have not encountered before. Unfortunately, these risks to peace could entail, in my view, the same kind of mobilization that we experienced when we had to react rapidly to Saddam Hussein's invasion of Kuwait. I believe that if we are to adequately maximize the enormous contribution that women can make in the military, we must carefully analyze this issue, and ensure we have a clear national consensus on what role they should play in combat before we have to fight again.

This does not mean delay or dodging the issue. Let me point out that the amendment of Senator GLENN clearly states that the commission can immediately authorize the Secretary of Defense to the performance of women in a wide range of combat roles. It will allow us to fill the reservoir of information we need to make a comprehensive judgment while this Presidential commission is conducting its deliberations. I have heard my colleague from Delaware say why wait? There is no reason to wait, and the amendment we propose does not ask us to do this.

I suggest to my colleague from Delaware however, there is every reason—every compelling reason—to make sure we have all the necessary facts at hand.

This Nation has existed for over 215 years. At no time in the history of our Nation have women been in combat roles. I suggest to my colleague, and to Senator KENNEDY, if we are going to make a radical change that a year or so of careful deliberation by some of the best minds of this country assembled is the way we should approach this issue, and that we should carry out all the necessary tests under the supervision and the judgment of the Secretary of Defense.

Let me make another point. Too often the Congress of the United States micromanages the affairs of the military while it fails to listen to them. We should pay close attention to the uniformed military leaders who are going to be required to implement this policy before we take a draconian measure of the kind contemplated in the Roth-Kennedy amendment. We should at least take into consideration the fact they have raised a long series of flags of caution. The majority of our military leaders are not saying "no" to women in combat roles. What they are saying is give us the time to study this issue, and work out the full implications of any major change. They are saying the gulf conflict was over just a few months ago. Give us time to evaluate it. Give us time to make our recommendations. If we conduct the kind of tests that Senator GLENN, Senator WARNER, Senator NUNN, and I are proposing in conjunction with a Presidential commission which I am sure will be composed of some of the finest minds in this country—we will be able to make the kind of judgment which will give the American people what they want. We will find the best way to both defend this Nation's national security interests, and provide equality for women in all ranks and military specialties.

In conclusion, let me reiterate that I am proud of the equality women have in our military. I wish they had it in other parts of our society. The fact is, however, that if we adopt the Kennedy-Roth amendment we may sail into unknown waters that are fraught with danger.

In contrast, our amendment gives the Secretary of Defense the right and authority to carry out the proper tests by placing women in combat roles, while a Presidential commission carefully evaluates all aspects of the role of women in combat, taking into consideration all the points that I raised earlier, and many others.

Mr. President, let me say what we are doing today is very profound and very significant. For 215 years, this Nation has pursued a certain policy. If we adopt the Kennedy-Roth amendment, we will rush toward quite another. I say to my colleagues, let us make change but let us make change after contemplation and not after haste. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first want to compliment my distinguished colleague, the Senator from Arizona. He speaks to this issue with a great background and experience, having himself served with distinction in the military, as did the chairman of the subcommittee, Mr. GLENN.

I wish to propound to the proponents of the Roth-Kennedy amendment certain specific questions on issues that were raised both by Senator GLENN and Senator MCCAIN. I think they should be given the chance to reply.

The Roth-Kennedy amendment states as follows: "The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions." That is in one section.

When we go to a second section which is parallel, and it addresses the "Secretary of the Air Force may prescribe," they are independent sections.

The problem that I can foresee is having once been a secretary of a military department myself, the discretion is reposed in a service Secretary. One may decide to do it; the other may not. Where does that leave this critical issue? That would be my first question.

The second is, Why did the authors of the amendment give just a discretionary authority to these Secretaries? Why did they not put in the word that the Secretary or the Army "shall" prescribe, because I think those following this debate are of the impression that you are moving this a step forward where, in reality, you are doing little more than reposing in two service secretaries the discretion, whereas the Glenn amendment, of which I am a cosponsor, in section D makes it clear that the Secretary of Defense shall have this authority, thereby obviating one Secretary agreeing to try and another Secretary declining.

I ask the question of my distinguished colleagues. First, Why the selection of "may" rather than "shall" if you are going to move this process forward, and why create a situation where one Secretary may exercise the discretion and the other decline?

Mr. KENNEDY. Mr. President, I will answer that in the following way. This amendment eliminates the statutory prohibition that currently exists in the laws that prohibits the Secretaries to be able to permit women in aircraft in the Navy and the Army and the Air Force. That is effectively what this amendment does.

What we also permit is the discretion, which exists with regard to the Army and also exists with regard to the service Secretaries in terms of the Secretaries making the determination as to the suitability of the various combat requirements. That makes it completely consistent with regard to this aspect, the combat air, to what has been done with regard to the Army.

I have been fascinated in listening to the Senator from Virginia, as well as the Senator from Arizona, crying crocodile tears that we have not gone far enough; that we did not eliminate both statutes. Here we find the good, the enemy of the excellence, we are being complained about. All right, we are going to permit the pilots on the aircraft carriers but we do not permit other Navy personnel on them, and therefore how wrong this amendment is.

I think, as the Senator from Delaware has pointed out very well, this has been a step-by-step process. I will, on my own time, review the accumulation of the various material that justifies this action. I, myself, feel it is completely justified for the repeal of the statute with regard to women on combat ships as well. As the Senator knows very well, we are not requiring any of the military forces to place women in any of the particular roles. We are leaving that up to the discretion of the forces.

Senator ROTH and I are convinced, quite frankly, that women are completely qualified and have the ability and, in many instances, perhaps if it was just based on ability, may very well have been selected in positions of combat air that men have been. What we are basically saying is in the area of combat air, the determination is going to be done on the ability, not gender, and if you have trouble with that, you have trouble with this amendment.

Mr. WARNER. Mr. President, henceforth, may the replies be charged to the other side. I repeat the question.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield such time as I may require to propound the question.

The PRESIDING OFFICER. The Senator from Arizona controls the time.

Mr. WARNER. Mr. President, where in this amendment is the protection against one Secretary exercising the authority and the other Secretary doing nothing? That is the question. Were that to happen, I think it would be a misrepresentation to the women of the Armed Forces of the United States. Bear in mind that this amendment goes to, in my calculation, one-half of 1 percent of the 227,000 women in the military.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes and then, I indicate to the Senator, if he wants to ask a question, I will respond to it. But otherwise, I am going to use up my time the way I would like to use it. With regard to this question, I will yield to myself.

The Senator can get very exercised by the fact we are effectively repealing one of the very important statutes. I appreciated the fact that the Senator from Virginia supported the repeal of both the statutes when we had the markup in the Armed Services Committee. I appreciate that, and I commend him for it. I would like to ask him, if we went for the repeal of both, would the Senator support it this afternoon? Would the Senator answer that question?

Mr. WARNER. Mr. President, I will answer that question. You have to get my vote and study it in the context of the record. But I do not see where this amendment does anything more than repose a discretion into officeholders—the Secretary of the Navy and the Secretary of the Army. It does not move this process forward one step. That is my basic concern with this amendment.

We are dealing with one of the most important moments in the history of the Armed Forces of the United States. I say we should do it carefully and precisely because if we make a mistake, such as set forth in the amendment by the Senator from Massachusetts, we can retard the whole process and bring it back again to a standstill.

I said in my first remarks this morning, America should take the lead amongst all nations of the world in terms of their Armed Forces allowing women to take on greater and greater responsibilities. But let us do it in a careful, methodical way so as not to make mistakes.

I hope the Senators from Delaware and Massachusetts will respond to the question about the draft and respond to the question about the general Army. These are important issues that must be addressed over a period of time by a commission so as not to make a mistake and retard the momentum foward I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me ask a question. The Senator was a Secretary of the Navy. Is the Senator going to urge if this is successful, that they permit them in the Navy for combat air?

Mr. WARNER. Mr. President, I will respond briefly. It is hard for me to go back to that period some 20 years ago.

Mr. KENNEDY. Mr. President, I am asking the question today, based upon the record that has been made by the pilots in Desert Storm. Would the Senator today urge the Secretary of the Navy to permit them?

Mr. WARNER. Mr. President, I would urge the Secretary of the Navy to abide by discretion exercised by a commission after they go through a series of findings of fact. If I was Secretary, I would urge the Secretary of Defense, under the Glenn amendment, to allow the Secretary to go in and make very selective experiments, to try and develop a body of evidence for the commission.

The answer to the question is, yes, were I privileged to hold that office, I would consult with the Secretary of Defense and make certain that all military Secretaries acted in unison as they addressed this question and to do so selectively to develop a body of evidence, that would lead to a proper resolution of the important issues raised by this subject.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 6 minutes, Mr. President.

First of all, I want to respond to the arguments of the Senator from Arizona with regard to national security. The Senator from Delaware and I are as interested and committed to national security as the Senator from Arizona. What we want to do is make sure we are going to have the best person in the important position that involves our national security that we can and for which they are qualified. In that way we enhance our national security and increase our ability to protect the interests of the United States and our allies.

Mr. President, first of all, points have been raised here, where is the cumulative data, where are the studies. The fact is that women have been flying in high performance since 1975, for some 16 years. The performance is all out there. When I hear from our colleagues that we have to study this some more, the fact is the data has been accumulated, it is there, and it does support the position we have taken.

I listened with interest to Senator MCCAIN talk about the position of the various Secretaries of Defense with reference to people in combat. Secretary Cheney was asked:

> Question: Secretary Cheney, the Defense Advisory Committee on Women in the Service has recommended that the combat exclusion for women be eliminated. And recently, the House Armed Services Committee has recommended that women be allowed to fly Navy and Air Force combat aircraft.
>
> Could you tell us your reactions to these recommendations?
>
> Answer: We welcome all legislation that gives the Secretary of Defense greater flexibility to manage the Department.

No rejection, no comment that we do not believe that they are prepared to fill that job. That is the Secretary of Defense.

> Question: I am sure you are aware that the Army and Marine Corps have expressed opposition to removal of the combat exclusion for women. Indeed, General Gray, Commandant of the Marine Corps, has been vehement in his opposition. Would you favor two services, the Navy and Air Force, allowing women to go into combat and two prohibiting them?
>
> Answer: I would expect the Department of Defense to issue policy guidance that would insure consistency, but not necessarily identical practices, among the services.

Here he has two opportunities to reject this, two opportunities to reject this, and what he is indicating, certainly anyone can conclude, is that it is going to be the judgment that we want to repeal the archaic laws, and that the Secretary of Defense is prepared to move forward.

Now we have Pete Williams on May 23, just after the House acted, asked the question:

> You mentioned, I think in passing, the Secretary's views in the provision in that bill on women in combat or lifting the restrictions for flying combat air missions. That provision is receiving fairly good reception over on the Senate side so far, so it looks like it is likely to go through. Could you more formally state what the Department's position is on that provision?
>
> Answer. Sure. The Secretary has been quite outspoken on this issue in the last month or so in some of his public appearances. He said one of the lessons we have learned from Operation Desert Storm is the extent to which the Nation accepted the significant role of women in combat. Until this operation, there had always been a concern that once women got involved in combat and

you had casualties, and women taken prisoners of war, that that would be too traumatic for the country to stand. But this time there were women casualties—2 women were killed in accidents during Operation Desert Shield; 11 women were killed during Operation Desert Storm—5 killed in action and 6 killed in nonhostile incidents; and there were 2 women taken prisoners of war.

Women performed exceptionally well in the operation. The Secretary has said they were thoroughly professional, that they were a significant part of the force, and he has said he wouldn't be at all surprised if the role for women would be expanded in the future, given the experience of the Persian Gulf war.

So I say, Mr. President, that the idea that those in top military positions in the United States reject this concept just does not hold water.

Now, Mr. President, I heard comments made by my friend from Arizona with regards to what is happening with some of our other allies overseas. In January 1990, the British opened seagoing positions on combat ships of the British Royal Navy. Women in Canada and Denmark are trained as fighter pilots.

Ironically, the United States Air Force has trained Danish women fighter pilots but will not train United States women pilots to fly fighter aircraft. Five NATO nations have no combat exclusion laws: Canada, Denmark, Luxembourg, Norway, Portugal. In addition, Greece, Netherlands, and Turkey have no statutory restrictions, although they do have selected policies.

All our allies are effectively ahead of us. A wonderful thing we find is that we train Danish fighter pilots, and we cannot train our own. Mr. President, the reports and the analyses of their performance really have been done.

Just briefly, Mr. President, I hear that old chestnut brought out about the draft and we do not have a draft at the present time. What you are talking about in terms of the combat arms and flying combat planes is they are all volunteers, number one.

Talk about getting adverse assignments. All of these individuals are volunteers. We do not have a draft. You really have to get pretty desperate in opposition to this amendment to say, oh, well, look what is going to happen in terms of the draft. We do not have it today.

I have not heard, until we started talking about this amendment, how we are going to go back to the draft. We just do not have it. It is a phony argument. It is a red herring argument.

Besides that, Mr. President, on the issues of the makeup of the military forces, the Supreme Court decision gives enormous flexibility to the Congress. The Supreme Court in the Rostker versus Goldberg decision held that "it would be blinking at reality to say that our precedents requiring deference to Congress in military affairs are implicated by the present case."

Basically, the Supreme Court has said in various decisions that they are prepared to abide effectively by what the Congress does in these matters. And so to try to suggest that if we are going to accept this particular amendment just around the corner is going to be drafting women and sending them all over the world and putting them into foxholes may be good rhetoric but it is not really related to the issue that is before us.

Finally, Mr. President, I was certainly moved by the argument that says we have gone for 215 years and we do not have any women in the combat arms. True, as a technical point, but tell that to the members of those 13 families that had daughters who were killed under combat conditions in the Persian Gulf. We lost more people in Dhahran as a result of Scud missils than we did in the gulf.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. KENNEDY. The fact is in modern warfare those who are in combat zones as a result of chemical warfare, as a result of terrorism, Scud missiles all effectively come under combat arms, and this is something that we should recognize.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. McCAIN. First of all, let me try to educate my colleague from Massachusetts. There seem to be some glaring gaps in his knowledge of what the laws of this country are.

We do have draft laws on the books. I might say to my friend from Massachusetts that although it might be many years since he was 18, a young man who turns 18 in this country still has to register for the draft. We do have standby draft laws. While the Senator from Massachusetts may have believed for many years that we do not need a strong national defense, and may not believe we will ever again be invovled in a war, many of us feel differently. There are many of us who believe there has to be a standby draft, and that no action of this kind can ignore the laws on the books today. So I say to my friend who believes there is no draft, there are draft laws on the books and every 18-year-old male has to register at age 18.

Second, I would like to answer the question he asked of Senator WARNER. He asked if he were still the Secretary of the Navy, he would allow women to serve in air wings.

My answer is that he cannot do this alone. This is discrimination. As I pointed out before, there is no rationale for putting a woman pilot on an aircraft carrier and not allowing a woman pilot to serve on the ship's crew.

Mr. KENNEDY. Will the Senator yield to me?

Mr. McCAIN. I will not yield to my colleague from Massachusetts because he will not answer the question from the Senator from Virginia. When he answers the question that the Senator from Virginia posed to him, I will be glad to answer the questions that he might have for me.

As far as the civilian leadership of our military is concerned, I say to the Senator from Massachusetts, that we have both civilian leadership in the form of the Secretary of Defense and the Secretaries of the services, and military leadership. We must listen to both.

The Secretary of Defense has stated unequivocally that he supports the committee position. The Senator from Ohio, and myself—between the two of us—have 45 years combined military experience. We totally agree with the Secretary of Defense that the committee has taken the right steps. We agree with him when he says that women perform admirably in the military, with superb skills. No one in any way questions that performance. But, we also agree that we need to carefully and systematically evaluate how to go forward.

We also believe we must listen to our Nation's military leadership. I might say that the quotes from this leadership that I gave earlier were part of their testimony before the Manpower and Personnel Subcommittee of which the Senator from Massachusetts is a member. He was there at the same hearing. He heard their words. Why should he question their feelings? The record shows that Admiral Kelso said that he fought the Navy's female enlisted community, as well as its officer community, on this divided issue.

General Vuono, the Chief of Staff of the Army, gave similar warnings. He said that if we open combat positions to women soldiers, they would be involuntarily assigned to those positions. He worried about opening up the registration for the draft.

Alfred Gray, Commandant of the Marine Corps, said that he saw no need to change the law of the exclusion policy at this time. The points that these military leaders are trying to make are the points that we are trying to make to the Senator from Massachusetts and the Senator from Delaware. Further, we are seeking national consensus. We are seeking the kind of authoritative review and tests that would provide us with the kind of information we need to build such a consensus throughout this country.

Mr. President, I have other responses, but I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 5 minutes.

Mr. President, as I listened to the statements made by those in opposition to the Roth-Kennedy amendment, I find it very difficult to even recognize what we propose to do. One speaker called it a draconian measure—and nothing could be further from the truth.

The Roth-Kennedy amendment is a very simple, very narrow amendment. What it does is eliminates the legal obstacle to women serving as combat pilots—nothing more, nothing less. Frankly, it requires no action of any kind on the part of any of the services. But what it does do, and what is important, is that it gives the flexibility, the discretion to do what is best to ensure the best pilots are in the air.

I was interested in hearing the distinguished Senator from Arizona talk about the Secretary of Defense supporting the committee amendment. That is correct. But I think it is also important to understand that the Secretary of Defense specifically said to me he has no objection to the Roth-Kennedy amendment. He has no objection to the Roth-Kennedy amendment and well he might not.

I will point out a few other statements by the distinguished Secretary of Defense on this matter. He points out in the Wall Street Journal, quoted as saying:

> The issue of what is combat and what is not combat has become blurred as the range of missiles and aircraft equipment become greater.
>
> We found several situations where women not only found themselves in combat situations but to the point we had the loss of women both as prisoners of war and as casualty of hostile fire. Women have demonstrated again that they can perform any role that they are called to make. Women in the military feel they are inhibited from moving up the career ladder, particularly in the air arm.

So why did Senator KENNEDY and myself offer this amendment? As I say, it is a very simple but a very important amendment. I would just like you to recall what Vice Adm. William P. Lawrence of the Navy who was for many years in charge of personnel for the Navy had to say about these legal obstacles. This is in the Washington Post, last Sunday, July 28. In that article Admiral Lawrence says:

> The principal problem that must be solved is that the 1948 law governing the role of women in the military has become totally outmoded and inappropriate as the roles and numbers of women have been expanded over the last 40 years. The law must be modified or abolished if for no other reason than its provisions are being regularly broken.

As a matter of fact, he goes on to say:

> In the Air Force, they get around this so-called limitation by talking about direct combat.

If you are not involved in direct combat, you can assign women to tasks that take you into what I guess is indirect combat, whatever that may be.

But in any event, what we are doing really is, as far as pilots are concerned, is what already exists in the Army. There is no legal obstacle in respect to the Department of Army as to the assignment of women to combat. That could be done right now, today, if the Department of Army determined to do so.

So what we are trying to do here with our amendment is to eliminate this legal obstacle which prevents the professional military, the Secretary of the Department, from taking the kind of action that is in the best interests of national security.

A number of questions have been raised by those who have spoken in opposition to the Roth-Kennedy amendment. I find it hard to understand most of the questions. One of the reasons they argue for this commission is they say we do not have the answer to all these questions.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROTH. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. They raise the questions of physical and mental capabilities of women versus men, and the questions of stress. They raise questions of morale, of bonding, pregnancy, prisoners of war.

Again, let me point out what our amendment does. All we are doing is deleting the legal obstacle of using women as combat pilots. We are not requiring that they do it or that they do not. The services, whether it is the Army, Navy, or Air Force, are each free, or the Department of Defense, to make whatever studies are necessary to answer the kinds of questions they are raising.

So ours is not a draconian measure. It just removes a barrier as to what may be in the best interests of military security.

I would just like to point out some of these questions that have been raised.

One is, why now? Let us wait for a commission. Well, as I said already, Secretary Cheney, himself, has assured me that he does not oppose this legislation. So what he is saying, in effect, is that he sees no reason to postpone action on it.

What about women in ground combat? Some have raised that specter, that fear, that the Kennedy and Roth amendment will lead women down the slippery slope into the trenches of ground combat. That is an unfounded fear, and it is an unnecessary fear. Our amendment is surgical, precise, circumscribed, and only germane to the role of women combat aviators; nothing more, nothing less. We are not establishing a dangerous precedent here.

Legal experts agree that lifting the combat aircraft restriction will not mean a dramatic change in the woman's role in the military.

They raise a question about unit cohesion and bonding. Just let me point out that something like 35,000 women served in the Persian Gulf, and military leader after military leader including Mr. Cheney, have said women pilots are successful members of aircraft crews. As one woman pilot said, "The old so-called male bonding of former days was replaced with unit bonding in the gulf." We have the testimony of male pilots who have verified the team spirit of their women colleagues. So, once again, we see stacking horses being raised just to be knocked down.

What about gender norming, lower standards for women pilots? Some say allowing women to fly as combat pilots will result in a double standard and will place less capable women in critical positions. If anyone reads the testimony of the Chiefs of Staff before the Armed Services Subcommittee a few short days ago, it will become very clear by what the Chief of Staff, for example, of the Air Force said:

> There would be no lowering of the standard. What we are really doing is permitting the military to do what is in the best interests of the national defense.

Just let me add a word or two on the question of a draft. The argument has been raised that adoption of this amendment will result in women being required to register for the draft and women being subject to the draft, if the draft were ever to be reinstated.

As Senator KENNEDY said, this simply is not true. Congress, by statute, has decreed that women are exempt from registration for the draft, and this amendment barely changes the law at all. Women are exempt from registration now, and they will continue to be, if this amendment becomes law.

I want to also refer to the Supreme Court decision in Rostker versus Goldberg. The question has been raised that if combat restrictions on women are lifted, does that mean women would have to be drafted? The answer is no. The Rostker decision does not mandate that women must be drafted on an equal basis as men for a military service in which men and women are not similarly situated.

The Supreme Court has long granted deference to Congress in military matters. If statutory combat restrictions governing assignments are lifted and the legislation makes clear, or history makes clear, the intention to leave the issue of ground combat assignments to the military, the Department of Defense could continue to close ground combat assignments to women.

It is important to keep in mind that the Rostker decision did not turn on the fact that women were barred from combat by statute. In fact, there is as I said a few minutes go, no statute barring women from ground combat; as long as women are exempted from ground combat by military policy, regardless of whether that authority exists in statute, regulation, or other forms of policy, Congress may exclude women from draft of ground combat troops.

Finally, the question of requiring women to serve in combat. Let me just point out that regarding the case of women and aircraft, this is not a question of assignment; it is a question of volunteering, of competing. You have more people than slots. And what the women aviators would like would be an opportunity to compete to become a combat pilot.

A woman is not trained to fly combat aircraft and, if she does not compete to be trained, she cannot fly combat aircraft as a part of an operational unit. There is ample room in our armed services for women aviators who wish to fly combat planes and for those who do not.

So let me say, in closing, that all these problems seen with the Roth-Kennedy amendment are not there in fact. As I have already indicated, it simply removes an obstacle and gives the military an opportunity to do what is best.

As I have said, I do not see the commission, as proposed in the second amendment, as being necessary, insofar as the Roth-Kennedy amendment is concerned, because any questions that are raised in utilizing women pilots can be answered by studies made by these services. So from my standpoint, there is nothing wrong in accepting both amendments.

We think there is no substitute for eliminating the Roth-Kennedy amendment, because we are eliminating a legal obstacle that the hearings and others have shown to be no longer necessary, and are an impediment in providing the best military security for this Nation.

On the other hand, if it is a will of the Congress to create a commission to address some of these other problems being raised today, I see no objection to that. So I urge my friends and colleagues to certainly support the Roth-Kennedy amendment, because there is no way a woman can serve as a combat pilot in the Navy or in the Air Corps without our removing the restriction; whereas, in fact, there is no such limitation in respect to the Army. So just as a matter of consistency through the services, it is important that we remove the barrier.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may use.

I ask unanimous consent that the total article on this subject out of Newsweek magazine, August 5 issue, he printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Aug. 5, 1991]

THE RIGHT TO FIGHT—THE TABOO ON WOMEN IN COMBAT MAY FINALLY CRUMBLE AS CONGRESS DEBATES A BILL TO ALLOW WOMEN TO FLY WARPLANES

To many feminists, the armed forces have been a model for change. A woman has been selected head cadet at West Point. During the Persian Gulf War, women commanders led troops through minefields in the desert. On base, day-care center are standard issue. But despite these advances, women are still locked out of the heart of the military: combat. Many military women complain that combat is the missing step on their career ladders. "Instead of a glass ceiling, they have a lead ceiling," says Carolyn Becraft, a military consultant for the Women's Research and Education Institute, a Washington, D.C., think tank. But many other female soldiers and sailors say they don't want the right to kill. According to a Newsweek Poll, Americans are almost equally split on the issue. While 52 percent of those surveyed said women should be assigned to ground-combat units, 44 percent said no. And only 26 percent thought women should be assigned to combat on the same terms as men.

This week Congress will take up the debate when the Senate considers an amendment to this year's defense authorization bill allowing women to fly fighter planes. The proposal easily passed the House in May. Supporters say they've heard very few "Hell, no's"—a measure of progress for such a controversial topic. Still, Lawrence Korb, a defense analyst, thinks the Senate will recommend that a commission study the issue, a course that all sides agree is a delaying tactic. "There's never been a group studied more than women in the military, and they do very well," says Rep. Patricia Schroeder (Democrat of Colorado), who cosponsored the House plan. "But everyone still says they don't want them there. How do you deal with that?"

There are hawks and doves on both sides of this issue, but conservative Republicans are the most outspoken opponents of women in combat. "The thought of a woman parachuting out over downtown Baghdad or Hanoi strikes horror into my heart," sayd California Rep. Robert Dornan. He predicts that coming cuts in the size of the U.S. military will doom any expansion of women's roles. "The chance of reaching out for any kind of affirmative action is nil to zero," he says." And that goes for homosexuals and lesbians too." But even without the cutbacks, Dornan says, "If I had 200 fighter pilots and an Amelia Earhart came along . . . I would still pick the man."

Within the military itself, recent State hearings showed an attitude gap between officers and enlisted men. Higher-ranked men said they thought women could comfortably fill in as pilots, submarine captains or on helicopter crews—tasks that require brains, skill and a killer temperament. Men on that grunt level were the most resistant. They said the vast majority of women aren't strong enough for fighting on the front lines. There's also a generation gap. "The people making these decisions are elderly males who don't understand young people," says Korb. "They didn't play soccer with women and go to school with them. They don't understand there's not a sexual overtone in every encounter."

Wild tales: The current proposal wouldn't put women in ground combat. Even some of those who support lifting the ban on fighter-pilot jobs say they would be reluctant to take that final move right now. Conservative Democrat Beverly Byron, who cosponsored the House proposal with Schroeder, would stop at combat flying while Schroeder thinks all barriers should go. In the Senate, Strom Thurmond of South Carolina agrees that women can be fighter pilots, but he, too, draws the line at ground combat. There's also some doubt among military women themselves about ground fighting. "There aren't too many women who want to go into the infantry," says Korb. Many men in the infantry say women would ruin male bonding among the troops, the emotional tie they say is crucial to effective fighting. To Becraft, that sounds similar to the argument used against full integration of blacks after World War II: that whites wouldn't feel "comfortable." There goes the neighborhood," she quips.

Since the passage of the House bill, there's been a fierce whispering campaign on Capitol Hill, with wild tales of women's misdeeds in the gulf—everything from rumors of women soldiers turning tricks to stories about the high number of pregnancies (36) aboard a single Navy ship. When asked about the floating maternity wing, Schroeder retorted: Unless there was a star shining over that ship, I'd say it takes two * * * What kind of military discipline do we have that we blame only the women?"

When the smoke clears, Congress will probably choose a middle road that reflects the opinion of a majority of voters. In a Newsweek Poll, 63 percent of respondents thought that it would be an advantage to have women pilot jet fighters; 61 percent said women would be an asset on bomber crews. And lifting the ban on flying fighter planes won't dramatically alter women's roles. They already fly support planes on combat missions, and already are in danger of being shot down. In the Persian Gulf, two women were taken prisoner and 11 were killed, five in action.

If the ban on flying in combat is lifted, women may look at Capt. Troy Devine for a role model. Captain Devine, a 1985 graduate of the Air Force Academy, is at the controls of one of the high-flying TR-1 spy planes that belong to the Ninth Strategic Reconnaissance Wing at Beale Air Force Base in California. In order to earn that privilege, she agreed not to become pregnant for at least a year and to submit to pregnancy tests every two weeks. In costs more than a half-million dollars to train a spy-plane pilot and the Air Force wants to protect its investment. There's also the risk of damage to a fetus from solar radiation at the plane's high altitude. But Captain Devine doesn't think of herself as a pioneer. Like thousands of other military women, she's just doing her job.

[From Newsweek, Aug. 5, 1991]

WAR AND THE SECOND SEX

(By Col. David H. Hackworth)

The fight was inevitable. The gulf war and the 1989 Panama invasion put servicewomen in the middle of the shooting and the bleeding in a way no previous American war did. More than 35,000 women served in the gulf—and discovered that modern warfare with its wide-ranging maneuver tactics and its long-range weaponry has blurred the old boundaries between "front" and "rear." Women worked in supply units, flew support aircraft, crewed Patriot and Hawk missile units and served aboard Navy tenders. These were not jobs with high combat probability. But

11 women were killed and two taken prisoner. Maj. Marie T. Rossi died when her chopper crashed while on a support mission. Army Specialist Melissa Rathbun-Nealy fell into enemy hands after accidentally driving into Iraqi positions in the desert. Three women died when an Iraqi Scud missile struck their billet near the end of the war. And so the argument: women already share the risks, let them fight equally alongside men. Let women be warriors, too.

The 1948 Combat Exclusion Act precludes women from combat roles in the U.S. Navy, Air Force and Marines. Army policy has the same restriction. Women are not allowed to fly combat aircraft in war zones and are banned from fighting ships. Combat infantry and armor units are closed to them. Now lawmakers led by Reps. Patricia Schroeder and Beverly Byron, joined by Sens. Edward Kennedy and William Roth, want to overturn the rule—with a Senate vote scheduled this week. And while many female officers support the move, other women say thanks, but no thanks—particularly in the enlisted ranks. "Tell Pat Schroeder to get out of my boots," snaps Maj. Kathleen Shields of the 70th Division, a 17-year Army reservist. "She's never been in the service and doesn't know what she's talking about." "I'm not getting in her boots and I don't intend to," says Schroeder. "I'm ensuring her equality and removing barriers to her opportunity."

Few topics I have dealt with as a veteran of Korea and Vietnam, and as a correspondent in the gulf war stir such emotions. Two sets of values are on a collision course. Equality and opportunity are noble ideals, but they have little to do with the battlefield, where the issues are living and dying. The question is: what if it turns out that equality and opportunity hurt combat readiness? The issue is not female bravery; the gulf war proved that patriotism and heroism are not gender-dependent. It isn't professionalism. The women troops I met during and after the war are smart, dedicated and technically competent. They are also better educated than their male counterparts. I myself have no problem with women in combat flying attack aircraft, though many combat-experienced pilots offer strong arguments against it. I do know from eight years of ground combat that few women could endure its savagery for long. The issue was summed up in Senate testimony by Gen. Robert Barrow of the Marine Corps. It is not "about women's rights, equal opportunity, career assignments for enhancement purposes for selection to higher rank. It is about, most assuredly . . . combat effectiveness, combat readiness; and so we're talking about national security."

For this article I interviewed hundreds of service people of both sexes, some individually, many in groups. I went to five major U.S. bases. Women made up 20 percent of some units. I met a few I wouldn't want to arm-wrestle with, and a number I would have been proud to have at my side in a fire fight. Not many would actually choose to join the outfits that do the killing. "Only a small minority want combat units," says paratrooper M/Sgt. Penny Sweeney of Fort Bragg, N.C. "Women don't grow up playing with GI Joe dolls." But they hated the discrimination in the law: they wanted the right to combat. They compared it with the abortion issue: a woman's choice. Their anger reminded me of the controlled rage I saw in the 1950s among black soldiers who were kept down. Military women are also in the grip of a Catch-22. They need combat experience to get the top jobs, but the system won't give it to them. Navy Lt. Brenda Holdener, a helicopter pilot at Norfolk Air Station, was candid about this before a recent hearing of the Senate Armed Services Committee: "I am very selfish . . . I would like to see [the law] changed just because that would afford me more opportunities."

In fact, many combat opportunities could be opened to women. There are few tasks in the Navy that most women couldn't do. The SEALs require exceptional strength and stamina even by masculine standards, and submariners live in a claustrophobic world best suited to single-sex existence. In the Air Force, females are already well represented in 97 percent of the job assignments. USAF Col. Douglas Kennett at the Pentagon says that his service "couldn't go to war without women and we couldn't win without them." High-speed fighter aircraft do place demands on the physical strength of pilots: withstanding the force of 9 Gs is no easy feat. But except for these jobs, the Navy and Air Force are high-tech services engaging mostly in standoff battles. Combatants never really see each other. Women can plot coordinates and push buttons as fast as men.

But war will also continue to be about seizing ground, or defending it. In the gulf war, a badly led Iraqi Army allowed itself to be defeated by technology. Ground forces played a secondary role. This was a unique war, not a model. The next one may be less hospitable to high-tech weapons. Ground war is not dead. The line doggies will still engage the enemy eyeball to eyeball, belly to belly. And in that setting, women are disadvantaged. Brawn will count for more than computer smarts for a while yet. A 110-pound woman with the heart of a lion can't pack out a wounded 200-pound comrade. Army studies show that only 18 percent of women recruits could lift between 50 and 100 pounds. A grunt's rifle, ammunition and gear average 110. Tank and artillery rounds weigh between 50 and 100 pounds. "The issue is not strength," wrote Army Sgt. Donna Patzer of Tripler Army Medical Center, Hawaii, "but whether women are capable of performing the task which they are expected to perform."

The biggest complaint I heard from both women and men was there is one physical standard for men and another for women. Each service has a different standard for men and women, called gender norming. To get the Army's maximum fitness rating, for example, a 22-year-old male must be able to run two miles in 12 minutes and 36 seconds; a female gets an extra three minutes to win the same rating. To pass the Marines' combat-conditioning test, men must climb 20 feet of rope in 30 seconds; women can take 50 seconds. "We are told to evaluate woman on a different scale than man," says a male Air Force captain. "A woman who is adequate is rated as outstanding, or who is unacceptable is rated as acceptable * * *. We lie to the public, we lie to the Air Force, and most of all we lie to each other." Schroeder agrees: "When the military imposes double standards, they think they're doing women a favor, but women don't want it."

"I can do it": The temptation is to say that women should be admitted to any combat role if they have the skills and the strength. Former New York mayor Edward Koch used to say he didn't care what sex his firefighters were so long as the they could carry a 206-pound mayor out of a burning room. Lt. Margaret Dunn, an Air Defense Artillery leader in the gulf, got as close to combat as a woman could. She says that "not just any female can handle the physical and mental stress of a combat unit." But she feels herself fully capable. In 10 years of rising from the ranks, she has seen a change in male mind-set as women prove themselves, and a "woman must prove herself more than a man." Dunn is ramrod-lean and rucks 12 miles with a heavy pack. She maxes any fitness test on the male scale. "I don't see why I can't go [into combat]," she says. "I can do it."

But skill and strength are not the only issues. The top officers who opposes the Schroeder legislation were united on one point: the military has seen enough experimentation for the moment. The services are downsizing on a scale unseen since the end of World War II. They are restructuring units and redefining missions. They are intensively studying the lessons of the gulf war. It is strongly believed by the top brass that now isn't the time to put women into combat without first sorting out what is known and unknown about the issue, especially, the intangibles such as effects on morale and unit cohesion. An Israeli colonel, asked by a visiting U.S. Army major, Martin Stanton, about the wisdom of using women in combat, said, "You can perhaps afford such experiments. We have to take war seriously."

The Army has changed since I wore a soldier's suit. It is now a big family where the married outnumber the single and the day-care center has replaced the day room. Dual-service parents are common. Back in 1971, women soldiers were Wacs and fewer than 20,000 dedicated women mainly took care of sick people and paperwork. The end of the draft in 1973 opened the services up to women; there weren't enough male soldiers who were up to handling the complex jobs. Today the Army is the most sexually integrated of the services. Women do everything but kill enemy soldiers. Yet if attacked they know how to fight in a defensive role. I asked a woman captain if she felt like she had invaded the sacred turf of man. She replied, "It's not sacred anymore."

'Male bonding': Men's attitudes are changing, but slowly. During the gulf war many line commanders refused female medics—until they learned it was "take woman medics or go without." Thousands of years of genetic imprinting and social programming are at work. "I was raised to protect the female," says Specialist Peter Cardin of the elite XVIII Airborne Corps. "I couldn't handle being in a tank or infantry squad with a woman. It would blow unit esprit and destroy male bonding." Male bonding is an abstract thing, yet it is the glue that holds fighting units together and allows them to do the impossible. Once, after a night battle in Korea, every member of my Raider unit, including myself, lay dead or wounded. Not one survivor left his position—even though some were blind or had limbs shot off—so great was their dedication to their comrades. Spirit and will are the most essential elements of warfare. Without them you lose. At the end, we lacked them in Vietnam and we lost.

Ask the Israelis. They are the only ones with extensive experience of women in direct combat roles. The Israeli Army put women on the front lines in 1948. The experiment ended disastrously after only three weeks. It wasn't that the women couldn't fight. It was that they got blown apart. Female casualties demoralized the men and gutted unit cohesion. The men placed themselves at higher risks in order to protect women, and in some cases failed in their combat mission. Today, Israeli women are drafted, but not for direct combat jobs. Granted, things have changed since 1948. But no Pentagon order can abolish these fundamental attitudes. "The politicians are rushing the cadence," says Capt. Gloria Nickerson of the Special Warfare Center at Fort Bragg. "Nothing is going to change until society stops raising little girls to be popular and wear pink dresses and raising little boys to take care of little girls."

No holes: It's down at the bottom where the first sergeant and chief petty officer sit where the problems come home. The NCOs are the backbone of the military; they train, discipline and lead units into battle. It is here where ideas and policies are put into practice. Unlike the officers, NCOs don't shift units frequently. When the buck comes to a screeching halt, it's on their watch. It is here where readiness means moving prepared teams quickly with all their gear to do the job. Military teams—just like an urban police SWAT team—cannot have holes in them; every member is interdependent on the other. A rifle squad needs every member, as does a tank, aircraft, fighting ship and support and service unit. The military is serious business and with the drawdown and return to Fortress America, readiness is even more critical.

During Desert Shield all four services fielded units with crucial jobs unfilled. Some of these jobs had been assigned to single parents, others to a parent with a spouse also in the service. In all, there were more than 128,000 dual-service parents and single parents on active duty during the war. Many of these were slated for shipment to the gulf but had to stay home when a family-support plan fell apart. Parents would show up at the orderly room with children in tow. Many parents reached the gulf but then had to return home to sort out family problems. Others suffered psychologically for leaving their children. All this stress can't help but impair a combat soldier's effectiveness. In a Newsweek Poll, 89 percent of the respondents were concerned by the idea of mothers with young children being sent to war.

Pregnancy is a perennial problem now. Between 10 and 15 percent of the servicewomen wear maternity uniforms during a normal year. It's hard to get precise numbers, as the Pentagon treats this information with almost as much senstivity as it devotes to the location of nuclear weapons. But there is no question that pregnancy soared during the war. Three Pentagon sources report that as of mid-February of 1991, more than 1,200 pregnant women had been evacuated from the gulf—the equivalent of two infantry battalions. "Ninteen ninety-two will be a babyboomer year," predicts one doctor at Andrews Air Force Base in Maryland. A Navy report says: "Pregnancy is viewed as epidemic." One ship alone, the destroyer tender Acadia, became known as the "Love Boat" after 36 female crew members conceived. An Army support company commander at Fort Bragg told me that out of 100 soldiers he had 13 pregnant women stay behind, which left a big hole in his unit. "Fortunately," he says, "the enemy gave us six months to fill those holes, or we would have been in a world of hurts."

Simple rule: Most senior commanders sent the pregnant women home. On the other hand, I have talked to women soldiers who got pregnant while in the gulf and who told no one and stuck it out because "they didn't want to let their team down." Other women soldiers had their babies and six weeks later rejoined their desert units. They, too, didn't want to let their units down. Too many woman soldiers say bitterly that their units "kept exacting statistics on pregnancy, but not on men's sport's injuries," which, according to Col. Robert Poole, the physician who headed the triage center at Andrews AFB, was the biggest casualty producer in the gulf. Schroeder says pregnancy in the service was "just not a problem," but the view at the bottom is that it was. Back in the days of the WACs, the senior women officers who ran that outfit had a simple rule: if you're pregnant you're out. Combat would intensify the problem. As Korean War machine-gunner Robert Haas puts it, "If a pregnant women catches a slug in the gut, what's the statistics: one dead soldier or two?"

The gulf experience revealed other problems:

Fraternization. Put young men and women together for long stretches in the moonlike desert and they'll do what's natural. The military issued more than a million condoms.

Sexual harassment. Many women soldiers reported nightmare times. "There were hard stares and harder hits," explained a woman signaler. "Some guys hadn't seen a woman for five months and they acted like animals . . . They assumed we were [already] doing it."

There were even reports of rape and female prostitution that required court-martial. (However, owing to the absence of drugs and alcohol, the incidence of crime was much lower in the gulf than in the peacetime military or any other war.)

Few of the women who served in combat-support units recommended the experience. Conditions get primitive when you near the cutting edge. Everyone complained about the sand, the grime and the heat, but women found the lack of privacy particularly hard. Bathing and body functions were difficult in front of men. Sleeping arrangements were uncomfortable. Men could at least slip away into the open desert in search of privacy. Most women stayed close in, fearing attacks from Iraqi soldiers.

In the end, the message I got from both male and female gulf veterans was: don't rush to judgment on women in combat. Congress should not repeal the exclusion law "until each soldier is home, off leave and able to give her side of the story," says Capt. Gloria Nickerson. Lt. Sandra Nieland, a paratrooper based at Fort Bragg who spent six months in the desert, seconds Nickerson: "The smart way is to research all the problems before Congress acts."

Shoot to kill: It may be that an evaluation of the military's gulf experience will suggest a number of combat roles for women. Any fix will be expensive. It costs $6 million to train an F-16 fighter pilot, for example. If a woman pilot becomes pregnant she doesn't fly. If war comes along, a unit is missing a pilot, and, after the baby, that pilot must requalify. Renovating ship quarters is costly. So is child care and down time to deal with family problems.

There is one last question that can't be answered by further study. The bottom line of war is about killing, and it's unknowable how women will react to this. I spoke to an Army helicopter pilot, Capt. Wendy Mullins at Fort Bragg. Mullins wants to fly the Apache, an awesome tank stalker. Says her instructor pilot, Chief Warrant Officer Ralph Clemons, a veteran of two wars: "She's more than qualified and should be given a shot." When I asked her if she personally could kill, Mullins said: "I accept responsibility that I might shed blood or I may shed the blood of others." The Army has changed. In the old days, the reply would have been, "I'd paint 'em red in a heartbeat." Yet from the look in her warrior eyes and what her male flying mates told me, I have no doubt she'd shoot to kill and win. "There is more trauma hunting deer than tanks," said Mullins. That's true. With standoff weapons, you don't see the tank, only a blip on the scope. Yet later, there's the stress syndrome. Only shrinks and time can tell how the women will cope with the killing that will always be part of the obscenity we call war.

(The author retired from the U.S. Army in 1971. His military memoir "About Face" was published in 1989.)

[From Newsweek, Aug. 5, 1991]

"WOMEN HAVE WHAT IT TAKES"

Carol Barkalow, 32, born in Clifton Park, N.Y., is a 1980 graduate of West Point. She has commanded an air-defense platoon in Germany and a truck company at Fort Lee, Va., and is author of "In the Men's House," a book about her life in the military. Last week Barkalow spoke with Newsweek's Ginny Carroll at Fort Leavenworth, Kans.:

I realized I wanted a military career when I was 16, the summer between my junior and senior years of high school. I had been very active in athletics. I enjoyed the discipline, the comradeship, the physicalness of sports, helping other teammates. I also wanted to serve my country. For me, the answer was the Army. My guidance counselor told me that West Point was starting to accept women. I was in the first class.

As plebes, we were required to greet the upperclassmen "Good morning, sir." Too often we'd hear back, "Mornin', bitch." I was naive, I guess. I thought my classmates wanted the same thing I wanted. I thought they would just accept me for that. By the time we graduated, the men's attitudes had begun to mellow somewhat. The women's attitudes had changed, too. If we weren't feminists when we went in, we were when we came out. I went back for my 10-year reunion in October 1990. There was a big difference. My male classmates had changed tremendously. They recognized us as peers. I realized they had been going through their own growth a decade ago, the hell of being a cadet. The reunion was the best time I ever had at West Point.

But some of those old attitudes still linger when the question of women in combat arises. It's a generational issue for the most part. Most of the senior leadership had little opportunity to work with women as peers. Many see us as a mother, a wife, a daughter—especially a daughter. They always say they wouldn't want to see their daughters in combat. What I ask them in return is, would you really want to see your son in combat? And isn't it the daughter's choice? One lesson our society learned in the Persian Gulf is that it is no more tragic to lose a mother, a sister, a daughter than it is to lose a father, a brother or a son—and no less so.

I volunteered to go to the gulf. I was attached to the 24th Infantry Division, the unit that spearheaded the end-around attack. Our support outfit was in just as much danger as the combat element. The Iraqi weapons had just as much capability of hitting us as the men in front. The difference was that we didn't have the capability to defend ourselves like the combat troops.

One question that is always raised is whether women have what it takes to kill an enemy face to face—whether we can handle that particular brand of stress. After my book came out last year, a Vietnam vet named Bill Hanake came to see me. He had a leg and a foot blown off in Vietnam. I think Bill's experience is an eloquent answer to the naysayers who think women don't have what it takes for combat. Both times his unit was overrun in 'Nam, he said, it was the Viet Cong women who were the more disciplined, the tougher, who were the most willing to make sure their enemy wasn't going to come back at 'em.

Then there's the argument that men will be overprotective of women. When men are overprotective of men, we give them awards for valor. In May, our country awarded an Air Force pilot its second highest medal for leading a nine-hour rescue mission for a fallen flier. That wasn't looked upon as overprotective. Would it have been so if the downed flier had been a woman?

Some believe females would interfere with male bonding. In Saudi, I saw a new type of relationship forming between men and women, one that has traditionally been described among men. It was a nurturing relationship based upon respect, based on sharing the same hardships. The big worry before Vietnam was that blacks couldn't bond with whites. When the bullets started flying, that went away pretty fast. The same type of relationships developed in the gulf between men and women soldiers.

Do I believe women should be allowed to serve in the infantry? Yes, if qualified. The training and physical-strength standards should be uniform. We have standards that we must keep. Our military readiness should never suffer. But I saw a number of physically strong men very scared in Saudi Arabia. It's not just a matter of physical strength. It's mental and emotional strength as well. I think God knew what he was doing when he allowed women to bear the children and gave us the ability to handle that mental and emotional stress.

Pregnancy? The military doesn't have a good handle on the question. When the military looks at pregnancy, it sees it as nonavailability. We had more injuries and nonavailability among men than women in Saudi. Too often, the women are the only ones held responsible for pregnancy, not the men who helped get them that way.

No normal person wants to go into combat. Soldiers are the last people who want to. But we've volunteered. We understand our commitment. Everybody raises a hand, male and female, and swears to support the same Constitution. Women are competent, capable and committed. We are an integral part of the best-trained military force in the world. The service should have the flexibility to assign the best-qualified person to the job, regardless of gender. That's the bottom line.

Mr. GLENN. Mr. President, there are things in the article here I agree with and things I do not agree with, but I think it is an excellent exposition of both sides of the issue. It clearly highlights the complexities of the issue.

Mr. President, much has been made out of this pilot issue, which is a subject of one of the amendments we will vote on. I would like to add that we questioned the military on how many people actually qualified through the training of the Navy's Top Gun school and the Air Force Red Flag. Nothing is magic about that. I am sure women can qualify. However, as of today, none have gone through. Many people who have not been in the flying business for a lengthy period of time—as some of us have had the opportunity to do in times past—know if you are a pilot, you are a pilot. It does not make a difference whether you are using a Piper Cub, an SR–71, F–15, or any aircraft.

That is no more true than saying because I drove an automobile down here today, I am qualified to go to Indianapolis and race next week or drive an 18-wheeler down the interstate.

There are different levels of qualification here. For a fully qualified fighter pilot or attack pilot, training costs are about $6 million to put that pilot through a training program. There are big variations here, I would like point out.

Another thing I would like to do is to draw the contrast between the two propositions we have before us here. With the proposal that we have put forward on behalf of the committee, we take the role of women in the military, the whole military across the board, not just one-half of 1 percent of the people who are pilots in the military, and we try to take an approach that will open up career opportunities, career opportunity possibilities, for all women.

I want to stress that. We provide everything the other bill provides.

Senator ROTH has proposed that we provide the capability of the service, doing all of that and more, to all other women in the military. I think that is a giant leap forward in trying to make certain that we get the information from the commission so that we can evaluate women in combat roles.

Let me go into some specifics. The Roth amendment authorizes the Secretaries of the military departments to establish conditions under which women may be assigned to combat aircraft.

On the other hand, what we do with our approach, we say the Secretary of Defense should coordinate this, and he can waive all combat exclusion laws and policies to permit assignment of women in the military to all combat positions. This is everything. This is not just pilots; this is air, sea, land, and ground. It allows a true test of whether we are going to interfere with battle capability.

This is not like going down to a bank in the morning and opening up and being a teller at the window, and saying, "We ought to have equal opportunity in the bank." This is living and dying on the battlefield. It is seeing friends get killed and taking lives. It is shooting; it is taking enemy lives. So it goes far beyond just equal opportunity.

Do I want to see equal opportunity in the military? I certainly do, and this allows a test of this, not just in the narrow confines of pilots, but across the board. I want to see every position that can be opened up in the military opened up.

We made progress on this over the past years. About 70 percent of the MOS' in the military—that, as I understand it, is the current count—which are open to women. But there are areas denied. If we open up those areas, that is what this commission will decide.

One bill will say that the Secretaries of the military departments can establish conditions under which women may be assigned to combat aircraft, only, no other test, no other look at exclusions or policies that would examine whether combat positions, air, sea, ground, and weapons provide for a true test of women serving in all these positions. That opens up just as many assignments as possible and far more than the other amendment does.

The Roth amendment does not change the current law prohibiting assignment of women to combat ships, except for women pilots serving on combat ships.

If we are going to say women pilots can go aboard ships, why do we not also say women lieutenant commanders can have command spots aboard ship, also? We should treat all women in the military equally. The Roth amendment does not require DOD to change current policies which prohibit assignment of women to combat positions in other areas, and it does not permit a test of assignment of women in combat positions except for pilots.

So those Senators who are interested in a broad review and change of our military policy, which will allow the greatest number of women to serve in all positions in the military, I think, have to support the amendment that we have proposed on behalf of the committee.

Further, the committee does not limit assignment of women to combat positions, just as pilots, as I said, which is only 0.4 percent of military women. And most importantly, we do not prejudge the outcome of the deliberations of this commission on assignment of women in the Armed Forces, which has been established by the committee bill. They are free to look into every single position in the military and come back to us with their recommendations.

So during this time period, the commission and the Defense Department can do exactly what the Senator from Delaware and the Senator from Massachusetts proposed. That is fine. They can do that completely under what we proposed. So we permit the military to do exactly what is being proposed, plus so much more.

It seems to me that this fact should not be lost when Senators come to vote. This bill provides the greatest opportunities for women in the military, and does so on a rational basis.

Mr. President, how much time do the proponents of the committee amendment have?

The PRESIDING OFFICER. The proponents have 23 minutes and 15 seconds. The Senator from Ohio controls 44 minutes and 29 seconds.

Mr. GLENN. Mr. President, I am aware of only Senator NUNN who wishes to speak briefly on this. If there are other Senators who wish to speak on behalf of the committee amendment—Senator THURMOND.

Mr. THURMOND. I wish to have 5 minutes against the committee.

Mr. GLENN. Against the committee amendment?

Mr. THURMOND. Against the Roth amendment.

Mr. GLENN. I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by my colleagues Senator ROTH and Senator KENNEDY. However, I do so with some trepidation since I believe our women in the military are capable of flying combat missions. They are demonstrating daily their ability to fly even the most sophisticated combat aircraft. We have women who conduct test flights of the F-18 before the aircraft are turned over to the Navy or Marine Corps. We have women pilots who train their male counterparts in how to fight in combat. We also know that women can stand the stress of being in combat, as they so bravely demonstrated both in Panama and the Persian Gulf.

Mr. President, I am against this amendment because I believe we have not fully discussed the implications of this amendment in regard to our society and our military. These concerns are reflected in the Armed Services Committee's position to establish a Presidential commission to study this matter. To quote from the committee's report accompanying S. 1507:

> The Nation must make such decisions—lifting the combat exclusion rules—openly, deliberately, and after a full examination of all the available facts. It must neither continue the current combat restriction laws and policies for invalid reasons, nor repeal such laws or policies without a full understanding of the effect and meaning of such action.

Over the past several months my office has received correspondence and telephone calls on both sides of this issue. The calls have been evenly split, which in my judgment reflects the Nation's deep division on this matter.

The Armed Services Committee in its wisdom has recommended a Presidential commission to study this complex matter. This commission's function is to study and report on the following issues:

First, the implications on combat readiness and effectiveness of opening some or all combat skills and positions to women;

Second, the degree of public support for opening some or all combat skills and positions to women;

Third, the legal and constitutional implications of opening some or all combat skills and positions to women; and

Fourth, the requirements and costs of modifying weapons systems to accommodate women for habitability and physical reasons if some or all combat skills and positions are opened to women.

Mr. President, only at the point in which we have the answers to these questions should this Congress make a decision on the role of women in combat—whether it be in the air, at sea, or on the ground.

There are some who will say that my colleagues' amendment does not do away with the commission, it only allows women to perform the role for which they volunteer and are trained. We all know that this is a ploy. Once the decision is made to permit women to fly in combat it will be impossible to reverse.

Mr. President, the commission will provide its report to the President and Congress in December 1992. At that time the Congress can make its decision regarding this complicated issue which has far-reaching social and military implications. At that time, we will be able to base our decision on facts and not on emotions.

I urge my colleagues to vote against the Kennedy-Roth amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. GLENN. I yield such time as the Senator from Arizona may require.

Mr. MCCAIN. Mr. President I would like to make a few comments. One of them is I just spoke on the phone to Secretary Cheney. Secretary Cheney made it clear that he supports the committee position. I would also like to point out a letter from the Deputy Secretary of Defense and ask unanimous consent that it be printed in the RECORD. In the letter he states: "The Department of Defense supports establishment of a commission to study the role of women in combat."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, July 26, 1991.

Hon. GEORGE MITCHELL,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: As the Senate considers the National Defense Authorization Act for Fiscal Years 1992 and 1993 (S. 1507), I would like to convey the Administration's views on the bill. In general, the Committee-reported bill is a significant improvement over the bill passed by the House of Representatives (H.R. 2100), especially with respect to such crucial programs as the B-2 Stealth bomber and the Strategic Defense Initiative.

Among the greatest shortcomings of S. 1507 are its excessive dedication of personnel and other scarce resources to the Reserve components of the armed forces and its restrictions on the separation of excess personnel from the armed forces. As we reduce the size of the armed forces in the coming years in light of changes in the world situation and constraints on the defense budget, we must use scarce resources to maximize the Nation's military capability. Diverting resources from higher priority uses into excess funding for the Reserve components, and restricting the Department's ability to separate military personnel, are inconsistent with that important objective. This issue is, as you know from the President's letters to the Congressional leadership on this year's defense bills, vital to the Nation's defense needs. We will weigh heavily the final congressional action on this issue in advising the President on whether to approve the defense authorization bill that is eventually presented to him.

The bill also diverts funds from higher-priority programs to provide unneeded funding for other programs, such as conventional ammunition, M1 tank upgrade, and industrial technology and other programs not related to the Department's mission. In addition, the bill establishes counterproductive and in some aspects constitutionally questionable restrictions on protection of information in special access programs. The bill also establishes ill-advised and inefficient structures for control of Defense intelligence organizations and assets, which will harm the Nation's intelligence capabilities. On management issues, the Department supports the provisions for a Deputy Under Secretary of Defense for Policy and a Defense Business Operations Fund, and supports addition of provisions to make clear that the General Counsels of the Military Departments are the chief legal officers of their departments accountable for legal advise and services in those departments. The Department of Defense supports establishment of a commission to study the role of women in combat.

This letter outlines many, but not all of our concerns with the Committee bill. We urge the Senate to support the Administration's budget submission in the consideration of the defense authorization bill, and in particular with respect to the B-2 Stealth bomber, the Strategic Defense Initiative, and the size and personnel management of the armed forces.

Sincerely,

DONALD J. ATWOOD,
Acting Secretary of Defense.

Mr. MCCAIN. Mr. President, I think it is very important for us to recognize, as my friend from Ohio said, that the Glenn amendment will help us build a very badly needed consensus. Senator GLENN referred to an article that was in Newsweek magazine. I think it is important to highlight the results of a poll that Newsweek took throughout this country. They highlight the fact that we do not have a consensus on this issue and we need it—a consensus we can only get through adoption of the Glenn amendment.

Question: "Should women qualifying for combat roles be held to the same standard of physical stamina and endurance as men? Yes, 57 percent; no, 39 percent."

Question: "If women were allowed to get combat assignments, are you very or somewhat concerned about the following: mothers leaving small children at home, 89 percent; women becoming pregnant and putting fetus at risk, 76 percent; women becoming pregnant and having to be replaced, 64 percent; women unable to perform at the same level as men, 53 percent."

A very important aspect of this poll, Mr. President: "If a draft becomes necessary, should women be required to participate? Yes, 50 percent; no 47 percent."

Mr. President, before we enact a Kennedy-Roth amendment of such far-reaching consequences, we should recognize that the American people do not yet agree on this issue, and we need to build a consensus on it. Again, that is what the Glenn amendment does.

Let me also put to rest an argument that seems to have arisen during this debate and which is patently false: That the Glenn amendment is somehow a delay.

Mr. President, the Glenn amendment is nondiscriminatory in nature because it allows the Secretary of Defense to test across the spectrum in the military. It does not confine action only to just combat pilots. It allows the Secretary to run suitable tests in every part of the military and see what the results are while the Presidential commission is sitting. That, Mr. President, is not a delay. In fact, it would allow more women to take part in far more combat roles than the Kennedy-Roth amendment does. There is no delay here.

And I think it is of the utmost importance, Mr. President, that we understand that if we can get a consensus on this issue, then we can move forward and give the women in this country what they are seeking—equal opportunity in the military in every role for which they qualify with the full support of the American people.

The American people are now divided. These polls show that the American people think that we ought to give this decision the kind of study and testing that is necessary, the kind of testing that the Glenn amendment allows the Secretary of Defense to engage in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I ask unanimous consent that I may have 30 seconds on behalf of the joint leadership for a request as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RALPH H. METCALFE FEDERAL BUILDING

Mr. DIXON. Mr. President, on behalf of the joint leadership, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 198, H.R. 1779, an act to name a Federal building in Chicago, IL, for the late Congressman Ralph Metcalfe; that the bill be deemed read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1779) was deemed read a third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I yield 5 minutes to the committee chairman.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President I rise in support of the Glenn-McCain-Nunn-Warner amendment.

The Glenn amendment strengthens the ability of the commission on assignment of women in the Armed Forces to conduct a comprehensive study and to make recommendations on the assignment of women in the Armed Forces.

The amendment authorizes the waiver of all the combat exclusion laws and policies during the period the commission operates.

It authorizes the Secretary of Defense to respond to a request from the commission to conduct multiple tests of women serving in a wide variety of combat roles.

It permits women to be assigned to fighter and other aircraft engaged in combat missions, so that the Armed Forces can conduct training tests involving women aircrew members.

It also permits women to be assigned to duty in combat skills at sea or on the ground so that the Armed Forces can conduct training tests involving women in combat units.

This amendment would give the Secretary of Defense what he needs in order to assist the commission in collecting the facts that we need to make judgments on the role of women in the military without prejudging the outcome.

Under this amendment, all women in the Navy, officer and enlisted, could have the opportunity to be assigned to combat vessels, such as aircraft carriers, cruisers, frigates, destroyers, minesweepers, submarines, and amphibious assault ships on a test basis to assist the commission in evaluating their performance, and in making recommendations on their continued assignment to these vessels.

The same thing would apply in the Army and other military services.

Mr. President, there are many questions that have to be answered. I know people would like to approach this subject as if it is simple and easy, but there are profound legal questions as well as substantive questions about the effectiveness of the military itself.

If we decide to open any combat assignments to women, we have the question of whether the assignments of these positions should be voluntary or whether women should be compelled to serve in combat assignments regardless of their personal desires once they join the military. That is the manner in which the men now have to respond, because the men can be assigned involuntarily to combat positions once they join the military.

Have we thought about whether we want to apply that to women? I have not heard anybody offer an answer to that. I have not heard anyone offer an answer to that in any kind of analysis that I think reflects any kind of study.

Another question: Should women be required to register and be subject to the draft on the same basis as men if women have the same opportunity as men to compete for all the skills and positions in the military?

Somebody has to think through that one, and I do not see that that one has been thought through.

Another question: If current combat exclusion laws are repealed but the military services retain the discretion to prescribe combat assignment restrictions for women, what effect will this have on the constitutionality of the male-only registration and service requirements of the Military Selective Act?

Another question: What are the physical requirements for each combat skill or position, including the full implications of gender norming?

What is the impact of pregnancy and child care on assignment policies for military personnel?

Have we thought through that one? How do you go about doing that if you are the commander of the unit or if you are running a military service? How do you calibrate that into your number of people assigned in various positions?

What is the practical effect of opening combat skills and positions to women on unit morale and cohesion? These are very important questions that involve the life and death of not only the women involved, but also every military personnel involved.

Another question: If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable? In other words, if women are going to be given the choice once they get in the service whether they want to go into combat or not, can you then compel the men to go into combat even though they choose not to once they join the service? That is a pretty important constitutional question. I think we at least should think through it before we make any permanent kind of change in the law.

What would be the impact of required changes in quarters, including shipboard accommodations, weapons, training, and the resulting cost of such changes? Even if we decide to move in this direction, someone has to think carefully about the cost and the changes required. And what would be the practical rate at which any required changes can be made as we reduce the defense budget?

All of these are very important questions the commission needs to think about.

Mr. President, I think the commission approach is the preferable approach. I also believe, though, the strengthening of that approach and realistic testing of that approach—giving the Secretary of Defense, under the Glenn amendment, the right to make test cases not just of women flying airplanes but in other combat slots also—makes a lot of sense. It also makes a lot of sense not to prejudge the outcome of this until we have had some very serious examination.

The major difference between the committee approach and the Roth-Kennedy approach is that under the committee approach, including the Glenn amendment which I hope we will agree to on the floor, we will not preempt the work of the commission. We do not arbitrarily create different categories of women in the military.

The Roth-Kennedy provision affects less than one-half of 1 percent of the women in the military and ignores the remaining 99.6 percent. One-half percent is affected under that proposal and the others are ignored. It ignores service at sea. It basically says if you fly aircraft as a woman, you can fly on the carrier, but in any other assignment you still are barred by law.

The approach we are advocating here today recognizes all women in the military are currently restricted from assignment to direct combat assault roles. And the appropriate way to determine what changes in law or policy are appropriate would be to allow the waiver of all of these restrictions during the time the commission is conducting its study.

This approach is fair to all the women in the military and does not single out a very tiny segment of officers for special treatment. Most improtant, we will have the results of the commission deliberation and have the results of these tests, before we make our final judgment about what the law should be.

Mr. President, I thank the Senators from Arizona and Ohio for their leadership and urge the support of the Glenn amendment. I urge the defeat of the Roth-Kennedy amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I believe the Senator from Delaware wanted to make a few closing remarks. I would make just a few closing remarks, and I am prepared to yield back the remainder of our time. I was interested in what was the disposition of the Glenn amendment? We do not want to get into yielding back—how much time remains for the Glenn amendment?

The PRESIDING OFFICER. Six mintues.

Mr. KENNEDY. I yield myself 3 minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I share the view of the Senator from Delaware that those who support the Roth-Kennedy amendment will support the Glenn-McCain amendment. First of all I do want to acknowledge in the course of the debate, the extraordinary combat service of the Senator from Ohio and the Senator from Arizona. As two air men I think they have some very special, obvious interest in this issue.

We are attempting to open the kinds of opportunities for women which they have been able to achieve over the course of their own very distinguished service in the military.

I want to urge those who are going to support our amendment to support the amendment of Senators GLENN and McCAIN. That can be an extremely important and useful commission, in trying to find ways to enhance the opportunities for women in the military service. It can, I think, make an important and powerful contribution. On the other hand, if the commission does not view this issue with an enlightened viewpoint, I fear it can or may very well be coming back with recommendations that may support a more Neanderthal and archaic kind of proposition.

So I hope and give the benefit of the doubt to those who believe it will act in a constructive and enhancing way and think we ought to move in support of it.

But you can support that and still support the Roth proposal for this very basic reason. What we are attempting to do is eliminate gender as a classification and commit this Nation to ability as the criterion for classification. That is really it. The statute which is in existence at the present time, 48 years old, is archaic and Neanderthal and we should be free from it.

I must say we should not just pass the buck over to the Defense Department. We in this institution should be prepared to bite the bullet, so to speak. I do not find it difficult to bite in this circumstance. But we, as legislators and policymakers, ought to be able to make a judgment and a decision about what we believe. In that respect, I believe we should not have a Neanderthal, archaic statute, applicable to the Navy and applicable to the Air Force, which is not applicable to the Army, and without which the Army was able to make the progress as it has over the past years.

So I urge my colleagues to vote aye for both amendments.

Mr. LEAHY. Mr. President, women are an important part of our All Volunteer Armed Forces—despite laws and Department of Defense policies that restrict their assignments. The recent victory against Saddam Hussein could not have been possible without women who served courageously in the Persian Gulf. Women were assigned to important leadership positions and many dangerous roles that included risk of death in combat.

Our recent success had many highlights but showed glaring deficiencies in our policy toward women in the military. The professional performance of our women demands a reexamination of the restrictions on their activities in the Armed Forces.

Expanding the role of women in the military is worthy of consideration but requires careful deliberation. I was disappointed when Department of Defense officials testified in June that the administration would make no changes to its current policies toward women in the military if given greater authority to do so. There is a greater role for women in the military. Too many well qualified female personnel are prohibited from advancing their military careers due to antiquated restrictions.

Senator GLENN, chairman of the Manpower Subcommittee, and Chairman NUNN have made important recommendations in the Defense Authorization Act for Fiscal Years 1992 and 1993. The committee bill establishes a 15-member commission to examine current policies in the Armed Forces toward women personnel. Guidelines are provided to the commission to prepare a report to the President.

Mr. President, I support the Glenn-Nunn commission and hope its members will carefully review our policies toward women. But there are current laws that can be repealed today before the recommendations of any commission.

The Air Force and the Navy are prohibited by law from permitting women to fly in any combat role. The statute is a slap in the face of female pilots. The Secretaries of the Air Force and Navy are not even permitted the discretion to expand the role of women aviators. Unlike the discretion provided to the Secretary of the Army, Federal law prohibits the Air Force and the Navy from considering any expansion of responsibilities to women.

I am not suggesting that Congress mandate new policies on women today. But the Secretaries of all the Armed Forces should be able to determine whether to broaden the roles of women under their command.

The restrictions on women in the military is a very serious matter. Equal opportunity has no gender. That is why I support the Kennedy-Roth amendment to remove the Federal statute prohibiting women from flying combat missions and giving the Secretaries additional discretion. I also look forward to the recommendations of the commission and hope the administration will take another look at the policies currently restricting women who serve in our Armed Forces.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I have some questions I would like to ask because I personally am a bit confused by some of the debate that I have heard. I am not sure I will take 5 minutes.

It was my understanding that all we were doing was just repealing the statute that barred women from combat in the Air Force and Navy.

Mr. ROTH. I would say to the distinguished Senator, she is absolutely correct. Under the Roth-Kennedy amendment all we are doing is deleting that part of the code which prohibits women from being assigned to combat duty in the Air Force and Navy.

Mrs. KASSEBAUM. Mr. President, then I would ask, this is not saying women will be automatically in combat?

Mr. ROTH. That is absolutely correct.

Mrs. KASSEBAUM. This is merely saying, is this correct, then, that it will be up to the armed services to make that decision?

Mr. ROTH. Absolutely. Each of the services will have the freedom, the flexibility to do whatever they think is best.

Mrs. KASSEBAUM. Mr. President, it seems to me the Army has been able to do that for some period of time. It seems to me to make sense simply to say that this should be a decision that would be made by the armed services. I always believed that is where that decision should die.

Women have been in combat areas in many of our wars. Women pilots flew troops into combat areas in World War II. How we define combat area today is something else I think is a decision that has to be made by those in authority to determine how women can best serve. But I, frankly, think it should be left to those who are in the best position to know, and that is the armed services themselves.

I realize, Mr. President, there has been a substitute that would authorize a commission and would waive this prohibition, if I am correct, until this commission completes its work. But it seems to me, Mr. President, that only leaves further confusion and uncertainty. While I guess there are times we certainly could be accused of micromanaging by the Department of Defense, it seems to me this is one area where clearly we are, again, trying to micromanage. I will just say, Mr. President, it seems to me to make sense.

Mr. McCAIN. Will the Senator yield?

Mrs. KASSEBAUM. In just a moment.

It seems to me to make sense to repeal the statutory ban and let the armed services make the decisions themselves. I will be happy to yield.

Mr. McCAIN. Mr. President, in response to the Senator's question, the Glenn amendment waives the combat exclusion. It allows the Secretary of Defense to waive the prohibition against women serving in combat roles, and allows the Secretary of Defense to experiment while the commission is sitting and place women in various combat roles.

If the Roth-Kennedy amendment were adopted, then women would only be allowed to be pilots. This is a very limited role with many problems. They could serve in fighter squadrons on board aircraft carriers, but would not be able to serve on the aircraft carrier itself. In my view, this is clearly discriminatory. Whereas the Glenn amendment allows the Secretary of Defense on a test basis to put women in whatever combat roles he deems to be tested.

Mrs. KASSEBAUM. I ask the Senator from Arizona, however, with the Kennedy-Roth amendment, would it merely just take you back to what you are saying, it would mean the Secretary of the Air Force or Secretary of the Navy would make that decision? This does not automatically say indeed they could be serving in that capacity.

Mr. McCAIN. In response, the Senator understands the ramifications as far as draft registration is concerned. I am sure she appreciates the fact that as soon as the prohibition on women serving in combat is lifted, there will be enormous legal and political forces brought to bear on the Secretary of Defense to force him to rush forward before we get a national consensus on these issues.

The Senator also pointed out that she did not wish to micromanage the military services. All of the uniform heads of services are in opposition to this amendment. Yet, they are the ones who will be required to carry out this change in policy if it is dictated by the Congress. I not only do not want to micromanage, I do not want to go against the chiefs of the Armed Forces, the uniformed men and women who we must ask to implement the actions we are legislating.

Mrs. KASSEBAUM. Let me ask the Senator from Arizona. What has happened in the Army? The Army has no prohibition directed by us. It is their own prohibition. So how do we answer it has been a problem?

Mr. McCAIN. The Army based its policy on the legal prohibition that exists for the Navy and Air Force. No one as I know of, however, has so far advocated the role of ground combat for women—including the women who testified before the Armed Services Committee. If the Senator is suggesting somehow we should now put women in ground combat roles without any further study or contemplation, I can only say I think such a thing would be objectionable at best.

Mrs. KASSEBAUM. Mr. President, the Senator from Kansas is simply saying that I do not want to be in a position of deciding myself whether women should or should not be in combat. I have a great deal of confidence in the chiefs being able to stand on their own two feet and make that decision on their own because I think they clearly will be able to understand how women can serve best.

Mr. NUNN. Will the Senator yield for a brief question?

Mrs. KASSEBAUM. Yes.

Mr. NUNN. Mr. President, I am not sure people following this debate really understand the incompleteness of the law on the books right now. As I understand the law right now, it bars the women in the Air Force from serving, basically, in combat aircraft, but the law also bars women from serving on any combatant vessel.

So the Roth-Kennedy amendment, if I can say to my friend from Kansas, would eliminate the part of a law that applies to the Navy that bars women pilots from flying on aircraft but would leave in effect the law barring all other women from serving on combat vessels. In effect, what we will be creating if we agree to the Roth-Kennedy amendment, and the House bill does the same thing, is two groups of women, 1 percent of women, maybe 2 percent, somewhere in there, would be allowed to fly on ships, but a supply officer in the Navy would not be able to serve on that same ship. Enlisted personnel in the Navy would not be able to serve on that ship. We are going to be creating a group of women who are pilots who are put in an elevated status and all the other women are going to not be permitted.

The Glenn amendment basically says we open up all these spaces so we can really figure out what makes sense and what does not make sense but do it not on a permanent basis but on a temporary basis. I did not know whether the Senator understood that this does not give the Secretary the discretion she describes. This gives the Secretary of the Navy only the discretion to let women fly on the ships but not any other way.

Mr. KENNEDY. Will the Senator yield?

Mrs. KASSEBAUM. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. Pesident, does the Senator from Kansas understand, even the Chairman of the Armed Services Committee would not support the kind of amendment that would not have permitted both, women to be on the combat ships as well as to fly the combat planes? So in the course of this debate, as one who offered that amendment in the Armed Services Committee and had it rejected, now we hear where we are having a discriminatory situation because we are just dealing with the Air Force and eliminating the prohibition of it. So we are going to be caught effectively in a catch-22.

I thought that the presentation that the Senator from Kansas made was absolutely on point, both in understanding the purpose of the amendment and the rationale.

Mrs. KASSEBAUM. With that, I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield such time as is necessary to the distinguished minority whip.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Senator from Delaware, and I was particularly impressed with the remarks of my friend from Kansas. I think Senator KASSEBAUM stated it very clearly. This has been good, and both proposals have merit. I specifically rise to speak in favor of the Kennedy-Roth proposal. I represent a State which is known as the "Equality State." I am not going to give one of those Chamber pitches, but we were the first Government in the Western World to give women the right to vote. That was in 1869. A long time ago.

I have been in the infantry. I served for 2 years. I was very honored to do that. I did not think so when I was there, but it was a great growing-up experience. I firmly believe that women should be given the opportunity to serve in certain areas depending upon their capabilities and demonstrated skills. I think that decision should be up to the Secretary of Defense. It is his charge, his mission, to decide who should go where and in what capacity.

I happen to have been in command of an 81-millimeter mortar platoon. This is not intended in any way to be a sexist statement—but, I do not really think there are many women who can haul a base plate of a 81-millimeter mortar unless they are making them out of a different substance than when I served.

What I am saying is, we must give women in the armed services every opportunity. That is what I am trying to do, and that is what most of us are trying to do, commensurate with their physical abilities and the mission of the outfit in which they serve.

These other issues like quartering can be worked out in a sensible way. But the real issue is whether women should have every possible avenue open to them that is there. I believe so, and it should be done in a way which does not injure the mission of the United States in the protection of our country, as defined by the Secretary of Defense. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr NUNN. Mr. President, if I could get 1 minute from the managers.

Mr. GLENN. I yield 1 minute.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr NUNN. Mr. President, I cannot think of a better way to get this bill started than to have a half-hour yielded back on the first time agreement. So I suggest, unless someone has a compelling thought that is as yet undisclosed, we go ahead and vote on these two amendments and then we will be able to move to SDI and accelerate the timeframe. People tonight will be grateful for this half-hour because we are going to be here pretty late.

Mr. GLENN. Mr. President, I yield myself such time as I might require. It will be brief because we only have 6 minutes left. I understand the other side is ready to make a closing statement on this and yield back time.

The distinguished Senator from Wyoming makes a good point, as a matter of fact, on our side of this particular issue. He talks about some of the difficulties involved in making positions in the military gender neutral, in effect. What we would say with our committee position is let us look at all these things, let us not look at the one-half of 1 percent that are our military pilots and say whether we should open those up or not or send them to Red Flag, Top Gun, all the other training which they have not had, and determine what their roles are or not. I do not have any doubt that a lot of women can quality every bit as well as the men there and do a superb job. If that proves to be the case, then fine, I will be the first to fall in line and say let us do that, let us provide that kind of opportunity for women.

But we have some major differences in our proposals here.

One, the Kennedy-Roth amendment authorizes the Secretaries of the military departments, not the Secretary of Defense, but the military departments, to establish conditions under which women may be assigned to combat aircraft—just that, nothing more, combat aircraft.

Under their proposal, it does not change current law prohibiting the assignment of women to combat ships, as the distinguished chairman of the committee has just pointed out, except for women pilots only serving on combat ships. If you are a supply officer, whatever, it does not count. You would not have the same career opportunity.

It does not require DOD to change current policies which prohibit assignment of women to combat positions in other spots except aviators. Their proposal does not permit even a test of assignment of women in combat positions except for pilots.

Now, what do we do with the committee bill? I view our committee bill not as a delay, which I noted some of the newspaper people had written it up as, but I think they now know after some of the questions that have been raised this morning, that this is a very complex issue. The more we got into it, the more we felt we were not in a position to make these final judgments. That is the reason we would like for the commission to study this and try to give us some answers on these issues.

I view the committee position as providing the greatest opportunity for the greatest number of women in the military in the future—that is what this is about—and at the same time keeping the combat potential, the combat efficiency, the combat deterrent that we have had and that we have to have in the future, if we are not to see an excessive number of American lives lost in combat.

Now, are those two things in harmony? Yes, they are. We study this. We say what the positions are. We say where women can perform every bit as efficiently as men and we go ahead and provide that in subsequent legislation. But meanwhile we do it on a studied basis.

So we keep the commission in place, but during the commission's actions, what do we do with the committee proposal? We allow the Secretary of Defense, not the individual service members but the Secretary of Defense, to waive all combat exclusion laws and policies, not just with regard to pilots, but all exclusion laws and policies, and permit assignment of women in the military to all combat positions, air, sea, ground, everything in the military for a true test of women serving in combat positions.

How else can you determine the effectiveness? Examine all areas and answer the questions that we have raised here in the debate this morning. This amendment treats all women in the military equally, all, not just pilots, but it is an equality measure for women in the military.

It does not limit the assignment of women to combat positions as women pilots as does the Kennedy-Roth amendment. And most importantly, it does not prejudge the outcome. It says that we look at these things, we deliberate on those, and we have a commission evaluate the assignment of women in the Armed Forces. We then make our judgments on this policy for the long term in the military, not on the basis of just women pilots but on the basis of all of our military and making certain that every opportunity can be there that can be provided, at the same time making sure that we keep that combat effectiveness that saves lives in combat.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator in Delaware is recognized.

Mr. ROTH. Mr. President, I have no intention to ask my colleagues to vote against the Glenn-McCain amendment. Members must do as they see fit on that question. I can see reasons for supporting it, as it does raise a number of questions. However, I think it is very important to understand that in no way does it negate the need of the Roth-Kennedy amendment. The only way we can get this artificial obstacle off the books is by voting for Roth-Kennedy.

I think it is important to understand that the Secretary of Defense, Mr. Cheney, personally told me that he has no objection to our amendment. I think it is important to understand that the Chiefs of Staff, at least two of them, in discussing the proposal said when they talked about women in combat, they were really motivated by old fashioned ideas. This is 1991, and these women have proven themselves in the Persian Gulf.

So I am asking my colleagues most sincerely to cast their second vote in favor of the Roth-Kennedy-Leahy-McConnell amendment.

A vote in favor of this amendment is a vote in favor of recognizing the huge contributions which women aviators made toward our victory in Desert Storm.

It is a vote to act on the evidence of Desert Storm, evidence which conclusively demonstrates that women can fly combat missions and fly them superbly. Under these circumstances, there is no reason to maintain an anachronistic regulation excluding women from combat missions.

A vote for the Roth-Kennedy-Leahy-McConnell amendment is a vote to remove this outdated, old-fashioned, frankly ridiculous exclusion of women from combat aircraft missions.

Mr. President, our proceedings are televised. The American people see our operations—they know what is going on here.

The American people understand that the Senate today is faced with a choice—whether to act on what we all know—that women can fly combat aviation—or whether to pretend that we do not know this and that the matter requires further study.

Those who need more information should study the history of Desert Storm—there they will find information in abundance—evidence that women can fly combat aviation and should be allowed to do so.

The American people understand that women pilots are highly professional and essential members of the U.S. defense team.

The American people understand that many of these women pilots are just as tough and just as brave as their male colleagues.

The American people are willing to entrust this important part of our national security to qualified women pilots because they know these women can do the job just as well as men.

I believe the American people understand that this is a specific issue, a special issue, which can be addressed on its own merits.

Our amendment is a surgical remedy for a narrow problem—it is proportionate to the issue at hand. Ancillary issues such as the draft and ground combat are unaffected by this amendment because of its explicitly limited nature.

Senator KENNEDY and I believe it is possible to take circumspect, reasoned steps to make a change which is obviously needed. We can make this change carefully and effectively, to the betterment of our armed services.

This amendment takes Congress out of the obstructionist business and lets DOD decide how best to use its talent and its resources.

This amendment tells Congress to stop running interference, and lets DOD decide who flies our fighter planes.

This amendment faces facts, Mr. President, and those facts have been laid out scrupulously.

The facts show that women pilots can fly any plane the Pentagon can build.

The facts show that women pilots can "pull G's" as well as men.

The facts show that women can perform under combat stress.

The facts show that women pilots are reliable and professional.

The facts show that women pilots are team players who bond with their units as well as men.

The facts show that women pilots have successively broken ground in just about every area of aviation—and they deserve the opportunity to compete.

The facts are with us, Mr. President—as are the documents, the studies, the evidence, the proof, the record, and the debate.

The time has come to act on these facts—and remove the restriction which stands in the way of the best defense for this country. We must eliminate this legal barrier and turn the decisions over to the professionals.

Mr. President, this is an historic decision, but it is an exciting decision as well. We have the opportunity to allow our military professionals to build the American defense force of the 21st century.

That defense force should include high performance aviators who have the right stuff.

We have a shot at excellence, Mr. President, and I believe we should go for it.

Let me say once again, Mr. President: The Roth-Kennedy amendment would simply and precisely remove a legal barrier preventing women from flying combat missions.

Removal of the legal barrier would give the discretion to each of the military services to do what is in the best interest of military readiness and effectiveness: That is, to choose the most capable individuals to fly combat missions, regardless of gender—nothing more, and nothing less.

I yield the floor.

Mr. GLENN. Mr. President, I ask for clarification on what the procedure is. As I understand it, the UC covers as far as the two votes back to back, the first vote being on the amendment Senator McCAIN, Senator WARNER, Senator NUNN, and I proposed on behalf of the committee, to be followed immediately by a vote on the second amendment, the Roth-Kennedy amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I ask for the yeas and nays on the amendment by the committee.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I rise in strong support of Senator ROTH's and Senator KENNEDY's amendment to repeal the armed services practice of barring women from aircraft engaged in combat missions. I know there are some who may find it difficult to understand how they can vote affirmatively to put women in harm's way. But, Mr. President, in our modern world of warfare, the distinction between combat and noncombat roles is blurred. As we saw in Desert Storm, the distinction has no practical reality—it doesn't protect women who serve in today's military, but it does impose a glass ceiling on military women and the careers they can pursue.

When I was Secretary of Transportation, the Department with jurisdiction over the Coast Guard, I eliminated the rule that barred Coast Guard women from serving at sea. I did this because the bar against women was a defacto ceiling on just how high up the ranks of the Coast Guard they could climb. And higher rank, then as now, could not be achieved without serving at sea.

Just 8 months ago during Desert Storm, over 33,300 women held combat-support positions. They flew and crewed airplanes and helicopters, drove trucks, directed artillery, served on support and repair ships, in port security units, construction battalions, and a host of other key positions.

The success of Desert Storm is due in large part to the heroic efforts of these women. Many of them would like to stay with the military but see all too often an early dead end to their careers and are opting out.

This is a shame. Nowhere else in our society do we condone the exclusion of women simply on the basis of gender. There is absolutely no justification that I have heard—militarily or otherwise—to maintaining current policy.

First, combat service restrictions act as a quota on the number of women who may enlist or enter service academies. Our goal should be to recruit the highest quality military personnel for training at our best military schools, regardless of gender.

Second, women have proven that they are up to the job. But because of the military's artificial bar on combat service, women health care personnel cannot serve on aircraft carriers and women fighter pilots cannot fly bombers, even though they train male pilots who do. The military should be concerned about placing the right individual in the job, regardless of gender.

Third, advancement should be based on merit. Qualified women should be able to compete on a level playing field for leadership roles. What we all want is that the best qualified person be selected for key positions, regardless of whether that person is male or female.

Mr. President, I can think of no rational reason to prevent qualified women from flying combat aircraft. What is at stake is a fundamental issue of equality. This amendment speaks loudly to that point. It also promises to ensure a higher quality military service ending sex-based discrimination that may keep the most highly qualified flyers from being considered for key postions.

I ask my colleagues to support repeal of these two statutes by adopting this amendment.

Ms. MIKULSKI. Would the Senator from Delaware yield?

Mr. ROTH. I would be glad to yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to inquire of the Senator from Delaware whether he thinks his amendment allowing the assignment of female Armed Forces personnel to combat aircraft positions would lead the Supreme Court to overturn its Rostker versus Goldberg decision, which upheld the right of Congress to exclude women from draft registration?

Mr. ROTH. I thank the Senator from Maryland for her question. The short answer to her question is "no." But allow me to explain that answer and to address the main issue underlying your question. It is an issue which Senator KENNEDY and I took great pains to address in our amendment.

That amendment states, and I quote:

> This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to combat aircraft positions.

Now, the Supreme Court has long granted extreme deference to Congress in military matters. It did so in the Rostker decision. In this case, a group of men challenged the constitutionality of the Military Selective Service Act, which authorizes the President to require the draft registration of men but not women. The Supreme Court upheld the gender-based discrimination in Rostker because the registration was linked with the possible need to draft combat troops, and women were exempt from combat by both statute and military policy.

Thus, the Rostker decision was based on more than just existing statutes and would not be overturned were Congress to repeal those statutes.

In addition, I think it is important to point out that our amendment does retain a statutory restriction against deploying women on combat vessels.

Mr. KENNEDY. Will the Senator from Delaware yield?

Mr. ROTH. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I would just like to buttress the answer being given by Senator ROTH to the question asked by the Senator from Maryland. The language of this amendment is clear. There is no intention here to address the issue of registering women for the draft. The amendment simply provides the Secretaries of the Navy, Air Force, and Army to prescribe the conditions under which female members of the Armed Forces may be assigned to combat aircraft. Because this language is clear, because this amendment does not affect military policy, only congressionally mandated statutes, it does not require the Rostker decision to be overturned.

Ms. MIKULSKI. I thank the Senator from Delaware and the Senator from Massachusetts for their answers and explanations.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Roth amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Maybe we can ask the majority leader whether it would be permissible and advisable to have a 15-minute rollcall on the first amendment and 10 minutes on the second to save some time.

Mr. GLENN. Mr. President, I yield the remaining time on this side.

Mr. ROTH. I yield the remaining time.

Mr. COATS. If the Senator from Ohio will yield for a procedural question on the vote, do I understand the votes back to back will be up and down votes on both amendments; there will not be a motion to table?

Mr. GLENN. There might be a motion to table on the second amendment.

Mr. NUNN. If we have a motion to table, we had better have the motion at this point in time, I would suggest, and ask for the yeas and nays.

Mr. GLENN. If I move to table, I cannot do that until later.

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. NUNN. Will a motion to table be in order on the Roth amendment?

Mr. ROTH. Parliamentary question?

Mr. NUNN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. NUNN. I ask the Senator to yield for a brief parliamentary inquiry. The question I have: Is it in order to ask for the yeas and nays on a motion to table and make the motion to table following the disposition of the Glenn amendment?

The PRESIDING OFFICER. It would be in order at that time.

Mr. GLENN. Further parliamentary inquiry. Could we make that motion now on the second amendment, that we make the motion to table and ask for the yeas and nays?

The PRESIDING OFFICER. That will require unanimous consent.

Mr. GLENN. We will wait. I do not make the request at this time. We yield back all time.

Mr. ROTH. We yield back all time.

Mr. President, I ask unanimous consent that the second vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back. The question occurs first on agreeing to the amendment of the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—96

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell

Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—3

Bentsen
Byrd
Heflin

NOT VOTING—1

Pryor

So the amendment (No. 949) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I intend to vote for the Roth-Kennedy amendment.

I think the Department of Defense should have the power to assign women to various military duties including combat, if and where appropriate.

The amendment is a step in that direction. Congress should not decide whether it is appropriate for women to serve in combat; that decision should be left to the Department of Defense. What Congress should do is to remove the legal barriers currently preventing DOD from making such a decision.

AMENDMENT NO. 948

Mr. GLENN. Mr. President, I move to table the pending amendment and ask for the yeas and nays, on behalf of myself, Senator McCAIN, Senator NUNN, and Senator WARNER.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 948

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio [Mr. GLENN] to table the amendment of the Senator from Delaware [Mr. ROTH]. The yeas and nays have been ordered and the clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. BINGAMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—30

Bond
Boren
Breaux
Bryan
Bumpers
Burns
Byrd
Conrad
Craig
Fowler
Garn
Glenn
Gramm
Heflin
Helms
Hollings
Inouye
Johnston
Lott
McCain
Moynihan
Nunn
Rudman
Sanford
Shelby
Smith
Symms
Thurmond
Wallop
Warner

NAYS—69

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Brown
Burdick
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Jeffords
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Seymour
Simon
Simpson
Specter
Stevens
Wellstone
Wirth
Wofford

NOT VOTING—1

Pryor

So the motion to lay on the table amendment (No. 948) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 948) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, as I understand it, and there is no prescribed order, but it has been generally agreed by a gentleman's agreement the next order of amendment is an amendment to be offered by the Senator from Tennessee regarding SDI. I have an opening floor statement that I wish to make on the whole program, including SDI.

I simply inquire of the Senator, with the indulgence of the Republican manager, is the Senator from Tennessee prepared to lay down his amendment at the present time?

Mr. GORE. Mr. President, I am prepared at this time to lay down the amendment. I am, as always, extremely interested in whatever work the Senator from Nebraska wishes to offer to the Senate. I am now, however, prepared to lay down the amendment.

Mr. EXON. May I suggest, to expedite things, if it would be appropriate and if the Senator from Tennessee agrees, that he lay down his amendment and possibly make a brief statement and then I can continue with my statement so that his measure would be the pending business and then, supposedly, after I finish with my opening remarks on the whole strategic program, the Senator could continue to explain the reason for his amendment at that juncture.

Would that be satisfactory to the Senator from Tennessee?

Mr. GORE. Mr. President, I will be glad to lay down my amendment if I can ask unanimous consent to be recognized again at the conclusion of the opening statement by the Senator from Nebraska.

I might also say to my colleague, the Senator from Tennessee had earlier asked me for the courtesy of yielding to him a few minutes since there is a Banking Committee markup. I ask unanimous consent that the senior Senator from Tennessee be able to make a brief statement, then the Senator from Nebraska, and then I be recognized at the conclusion of that time and, prior to all that, I will lay down my amendment.

Mr. EXON. I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I yield the floor and we will proceed with the understanding that we are all trying to work it out.

AMENDMENT NO. 950

(Purpose: To revise the strategy for the Strategic Defense Initiative)

Mr. GORE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 950.

Mr. GORE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies:

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACED-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding spaced-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 90 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGET FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for antiballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-compliant defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could provide highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activitis within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Stratetic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

Mr. GORE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE. Mr. President, I have an opening statement, but I ask unanimous consent that the senior Senator from Tennessee be allowed to speak, without me losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank my distinguished colleague from Tennessee for yielding to me and accommodating me this afternoon.

We are in the midst of a very extensive banking committee markup, but I felt that there was one matter as chairman of the Budget Committee that I should bring to the attention of my colleagues at this time. I intend to speak about the substance of the armed services authorization bill at a later point, but I think it is important before we get too far into the debate to clarify any misimpressions about the amount of spending that this bill would actually authorize.

Senators should not be laboring under the illusion that this legislation authorizes less than the budget agreement defense caps allow. That simply is not the case. When we get beneath the surface of this bill, this bill would actually push defense spending over the caps agreed to in the budget summit agreement and enacted into law if the Appropriations Committee would follow the spending plan that is outlined in this authorization bill.

The problem occurs as a result of several line items which the bill just arbitrarily declares to be off budget. Using a term of art established last year for the cost of the Iraqi war, and that term of art is called incremental cost of Desert Storm. It has a very explicit definition. It means those defense costs that are a direct consequence of the war effort over and above programs already planned that would normally have been requested by the Pentagon had there not been a war effort.

One simple way to determine that a program is not caused by the war is if it appears in the President's 1992 budget request either for fiscal year 1992 or subsequent years. If it appears there, if it is requested by the administration in any case, then it surely is not an incremental cost of Desert Shield or Desert Storm because the administration was planning on spending that money whether or not there was a war. So it cannot fall into the category of an incremental cost of Desert Storm.

Another test is whether or not it is the administration's estimate of direct cost of Desert Storm. If it is not, and we choose to add it, we are inevitably going to exceed the administration's estimate of total cost for the war which the administration now says is some $61 billion.

That administration estimate of $61 billion is higher than any independent estimate we have had, I might say.

Of course, it is very easy to construct some rationale whereby any expenditure is somehow declared to be war related. That is not the issue. An expenditure must be directly caused by the war effort. That is the definition of an incremental cost of Desert Storm or Desert Shield.

The bill that we are debating today declares some $1.3 billion to be incremental cost of Desert Storm, none of which was requested by the President under the heading of incremental cost of Desert Shield and most of which appears in the President's Pentagon budget request for fiscal year 1992 or beyond. It was there whether there was going to be a war or not.

Mr. President, we simply cannot get into an arbitrary designation of what is war costs. It opens the door to absolutely massive amounts of military spending that we cannot afford.

This bill designates $652 million in "incremental cost of Desert Shield" spending for two JSTARS aircraft, $326 million apiece for an airplane. And the justification in this report is as follows:

> The committee believes that an ongoing JSTARS presence in Southwest Asia—like AWACS—is a stabilizing presence and is likely to be a permanent feature of the U.S. military presence in the region.

The committee continues:

> As such, the committee believes it is thoroughly appropriate to buy two additional JSTARS aircraft with residual cooperation account funds.

Mr. President, a prominent presence in Southwest Asia, that is not a rationale for buying two new airplanes that cost over $550 million, charging the taxpayers and saying, oh, well, that is an incremental cost of Desert Storm.

Under the same logic, why do we not go out and buy five or six new aircraft carriers. We could find plenty of places to put those, I suppose, and charge those off to war efforts. The possibilities here are virtually endless.

Yes, the existing JSTAR aircraft, when they participated in the gulf effort, were not shot down. They were not even fired on. So do they need replacing?

We simply cannot allow a simple definition of what is "incremental costs of Desert Shield."

Now, the argument is also made in the committee report, and I am quoting from the report:

> The Department of Defense comptroller expects funds to remain available in the defense cooperation account after all direct Desert Shield/Desert Storm expenses are covered.

Now, this suggests somehow that foreign contributions are covering more than the actual war costs. So if that is the case, why not go ahead and spend that money that has been contributed by our allies? That contention, Mr. President, is simply inaccurate.

Laying aside the question of whether the Pentagon should have sole access to the burdensharing account, and debated at some point, the simple truth is the Department of Defense has projected a final war cost at $61 billion. We have pledges from our allies of only $54 billion and we have not recieved all of that yet. What we have actually received is somewhere in the neighborhood of the low $40 billion.

Now, there is, indeed, a $15 billion fund established as a contingency if foreign contributions are insufficient. These are U.S. taxpayer dollars. We should tap into these U.S. taxpayer dollars for military spending only if we need it, because we certainly need it elsewhere; everyone knows that.

So the two critical questions with respect to the war cost designations in this bill are, one, can we truly fund them from a "surplus" in the defense cooperation account. Obviously not because there is not a surplus; there is a deficit. And, two, are they legitimate "incremental costs of Desert Shield"? Obviously not.

But to be perfectly clear, Mr. President, I put these questions to the Congressional Budget Office last night and received the following answer this morning. First, according to the Congressional Budget Office, there is no surplus in the defense cooperation account. Allied contributions will be totally spent down by fully agreed-upon "incremental costs of Desert Shield."

Second, the designation of "incremental costs of Desert Shield" does not appropriately apply, according to CBO, to either the $652 million for two JSTAR aircraft, the roughly $200 million for heavy equipment transporter tactical trailers, and an additional $10 million weapons and combat vehicles production base support.

Mr. President, I ask unanimous consent that the letter from the Congressional Budget Office be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: To answer the questions raised in your letter of July 31, 1991, the Congressional Budget Office has reviewed S. 1507, the National Defense Authorization Act for Fiscal Years 1992 and 1993, and the accompanying report.

You asked if there will be a surplus in the Defense Cooperation Account (DCA) based on Administration estimates of the costs of Operations Desert Shield and Desert Storm and anticipated contributions. There will not be a surplus based on Administration estimates contained in its Mid-Session Review of the Budget dated July 15, 1991. That report shows that the Administration estimates total incremental costs of the operations to be slightly more than $61 billion. The report also shows that the Administration anticipates allied contributions to total about $54 billion.

You also asked if funding in the bill from the DCA for JSTARS aircraft, Heavy Equipment Transporters, and production base support programs qualify as incremental costs of Desert Shield/Desert Storm under the Budget Enforcement Act (BEA). The BEA defines Emergency Desert Shield/Desert Storm costs as "those incremental costs associated with the increase in operations in the Middle East and do not include costs that would be experienced by the Department of Defense as part of its normal operations absent Operation Desert Shield". The BEA does not specify a procedure for deeming funds to be incremental Desert Shield/Desert Storm costs whereas it does delineate a process for designations of emergency appropriations.

We do not believe that acquisition of two JSTARS aircraft meet the legislative criteria for incremental costs; the JSTARS program appears to have been affected by the operations, but no JSTARS aircraft were lost or destroyed. The impact on the program from Desert Shield/Desert Storm operations may have more to do with continued research and development than a need for additional aircraft. The funding for Heavy Equipment Transporters and production base support is a more difficult call, but we do not believe that it is an incremental cost either. It appears from the report accompanying S. 1507 that the Administration requested funds for these two programs as part of its request for 1992 and not as incremental costs of Desert Shield/Desert Storm. We assume that if they were such incremental costs that the Administration would have requested the funding in its supplemental request.

I hope this answers your questions.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. SASSER. Mr. President, given the questionable designations which total over $1 billion, this authorization comes in substantially over the caps established for defense in the budget agreement.

There is no point of order pending against this bill because it is an authorization bill, and the Appropriations Committee will control the actual spending, so I will not move to strike the designation. But I must call the attention of my colleagues on the Appropriations Committee to the problem and caution them not to follow the questionable practice that we have before us.

We should not put the items I have discussed here today into the Desert Storm supplemental and assume they will be funded from the defense cooperation account. CBO is not going to score these expenditures as "incremental costs of Desert Shield." They will, therefore, count against the defense cap. And if the Defense Appropriations Subcommittee then appropriates up to the level established by this authorization bill for fiscal year 1992, they are going to exceed the caps. There is no way around it.

In that case a point of order will lie against the defense appropriations bill and we will need a supermajority to waive the Budget Act if it was to pass in that form. I do not believe anyone really wants that, and I hope the Appropriations Committee will pay careful attention to the Congressional Budget Office's stated position before they comply with the so-called "incremental costs of Desert Shield" designations that are contained in the authorization bill and which I will submit, Mr. President, for all that I have said, is simply not sustainable and not defensible.

Mr. President, I once again wish to express my appreciation to my colleague from Tennessee for yielding to me time to make what I think is a very important point at the outset and before he gets into his very important debate on the whole question of the future of the strategic defense initiative and other allied interests.

Mr. President, yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I ask unanimous consent that the senior Senator from Oklahoma be recognized for 2 minutes; that upon the conclusion of his remarks the senior Senator from Nebraska be recognized for an opening statement, and that at the conclusion of his remarks, with no intervening business, I be recognized to continue in the presentation of the amendment which I have previously laid down.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the submission of Senate Concurrent Resolution 57 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BOREN. Mr. President, I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. My colleague and ranking minority member of the subcommittee Senator STROM THURMOND has already expanded to some extent and I think will expand further during the debate. Regarding some of the actions of the strategic subcommittee, the Subcommittee on Strategic Forces and Nuclear Deterrence is responsible for all of the research and development and procurement funds for the strategic nuclear weapons system and the triad, for all of the U.S. navigation, warning, and intelligence satellites, for the space boosters that are used to launch these and other satellites and for defense programs within the Department of Energy as well.

The bill before the Senate, S. 1507, represents a broadly bipartisan action by the Armed Services Committee. The bill was reported out unanimously which has not occurred for a number of years. It is my hope that a substantial majority of the Senators will also strongly support this bill so that we may go forth to conference with the other body with a broad mandate in favor of the Senate's position.

We will need this mandate since the other body has once again brought forth an unacceptable bill, one distinguished primarily by the amount of pork which their Members have loaded into the House bill.

The President has declared, forthrightly and correctly in my judgment, that he will veto any bill resembling that which the other body has already advanced.

Before addressing the decisions incorporated in S. 1507, let me spend a few minutes discussing the strategic environment and the assumptions underlying the committees actions on strategic forces. Let me begin with the strategic arms reduction talks or START Treaty which the President has signed today in Moscow. The START Treaty calls for significant reductions in both the strategic delivery vehicles, and the strategic nuclear weapons on both sides. It has taken 9 years of negotiations to bring us to the threshold of this agreement. This body will face the awesome responsibility in a few months to advise and consent to its entry and the force that it brings in and all of the ramifications attached thereto.

Both we and the Soviets have shaped our force planning and our future force postures to fit within the constraints of the START Treaty that was finally signed today. Once the treaty becomes fully effective the Soviet Union will be allowed about 7,000 extra strategic nuclear warheads and the United States about 8,000. This sound like an advantage for the United States. The Soviet target base or land involved is much larger than ours. So we need weapons to provide equivalent levels of target coverage.

That was part of the agreement that was entered into that was signed in Moscow today.

The Soviet Union, despite its formidable economic problems, shows no sign of slowing the pace of its strategic modernization effort. At our committee's annual hearing with the Directors of the CIA, and the DIA, we were told that the Soviets have no less than 5 new ballistic missiles currently under development as well as a probable new ballistic missile submarine. Indeed, it was the judgment of the intelligence agencies that this modernization, the smaller START-constrained Soviet strategic forces would be every bit as effective as the larger Soviet strategic forces in place today.

So, Mr. President, the first lesson for the Senate is that the strategic nuclear competition unfortunately has not ended. This is not to say that the risk of nuclear conflict today has not been lowered. Indeed each Soviet tank, each Soviet regiment removed from East European countries reduces the flash point that resulted from the two huge alliances standing toe to toe in Central Europe. But I urge my colleagues to note what has changed in this equation is not the stragetic nuclear capabilities on each side. Those are still there. What has changed is the demilitarization of Central Europe due to the Soviet troop withdrawals, the ending of the Warsaw Pact, and the constraints of the conventional forces in Europe of CFE, treaty, which the Senate will shortly be called upon also to ratify.

The strategic nuclear threat remains. Nuclear annihilation for both sides is still only 30 minutes away. And the START Treaty will not change this deadly fact.

Mr. President, there is another reason why we assess the risks of nuclear war as lower, beyond the reduced threat of rapid escalation from a major conventional conflict. That is, that we judge the current Soviet leadership to be less concerned with world domination, to be more inward focused in an effort to rescue the faltering Soviet economy. Because we assess the Soviets as more inward focused we ourselves have made several adjustments to our own nuclear posture, reflecting the changed assumptions about Soviet intentions.

We have stopped continuous airborne patrols by our looking glass, and the TACAMO programs that have served us so well for so long.

And we have also changed the communications to our bombers and to our missiles. We have reduced the operation of the OTH-B system to part time, during the normal work week. But, Mr. President, these money saving initiatives have one thing in common. They are rapidly reversible should our assessment of the Soviet intentions change. This, Mr. President, is the key to maintaining deterrence. We must keep in place the necessary strategic forces, and infrastructure to provide deterrence of even a hostile Soviet leader for we may not have the lead time necessary to expand our strategic forces should the Soviet leadership and their positions suddenly change.

But we can and should react to varying assessments of the Soviet intentions, standing down systems, and saving defense dollars when we judge the Soviets intentions to be benign but ready to rapidly increase our deterrent capability should there intention appear to shift.

In this regard, I noted an article in the Washington Post last week reporting on a newspaper appeal of 12 Soviet hardliners to the Soviet people and the Soviet military to save the country from humiliation.

Mr. President, this lesson is important to bear in mind. Since some of our citizens and even some of the Members seem to believe that the millennium has arrived, that the sheep can lie down with the lion. They would argue we have no need for any further strategic force modernization, and that we have more than enough nuclear weapons for deterrence and that the place where we need to spend more is in improving our conventional forces.

Mr. President, I find this is the most curious argument. Last year we have seen a U.S.-led coalition of conventional military forces administer a shocking defeat to what we advertised as the world's fourth largest military force, and in well less than a week and with astonishing low U.S. and allied casualties. And the loss of equipment was also very light.

This should tell us something about our conventional forces today that we are very proud of.

I assume two or three larger conventional powers that we still face—the Soviet Union, and China, neither of whom we are likely to engage, and the third is ourselves.

So what this tells me is that the coalition handily defeated the best Third World military force hands down. While I do not want to denigrate in the slightest the contributions by the military forces of our coalition of allies, and what they have done, does anyone seriously question whether the same results would not have been attained if the United States was the only military power available?

(Mr. CONRAD assumed the chair.)

Mr. EXON. In other words, Mr. President, let us recognize and realize that we were the main military power, but we received great help from the coalition that was assembled.

So, Mr. President, I find myself baffled by the arguments of others that we should cut nuclear programs, although Soviet nuclear capabilities have not been reduced one iota, and that we must spend more to improve our conventional forces, just after we have demonstrated an unprecedented capability to defeat decisively the largest Third World military force. Mr. President, I must have missed something somewhere.

Let me now highlight some of the major strategic provisions in the committee's bill.

SDI

We have a pending amendment on this subject by the Senator from Tennessee. On the strategic defense initiative [SDI], the committee approved on a strong, bipartisan vote of 16-4 a provision that establishes a new national goal for defending the United States, its Armed Forces overseas, and its friends and allies against limited ballistic missile attacks, authorizes the initial steps toward implementation of this goal, and urges the adoption of a new U.S. negotiating strategy on ballistic missile defenses.

The provision declares that it is a goal of the United States to:

First, deploy an antiballistic missile system, including one or an adequate additional number of ABM sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, including accidental or unauthorized launches or Third World attacks;

Second, maintain strategic stability; and

Third, provide highly effective theater missile defenses [TMD] to U.S. forward-deployed and expeditionary Armed Forces and to our friends and allies.

I emphasize to my colleagues that the committee deemed it very important that as we seek to deploy these new missile defenses, we do so in a negotiated framework with the Soviet Union that preserves strategic stability. Indeed, the committee provision makes it clear that the kinds of defenses against limited attacks that we are proposing to pursue will be below the threshold that would bring into question strategic stability.

To implement this goal, the provision directs the Secretary of Defense to:

First, aggressively pursue the development of a range of advanced TMD options, with the objective of down-selecting and deploying such systems by the mid-1990's;

Second, develop for deployment by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant antiballistic missile system at a single site as the initial step toward deployment of the new antiballistic missile limited defense architecture.

In addition to the ABM deployment track, the committee also recommended the implementation of a parallel arms control track. The provision would urge the President to pursue immediately negotiations to amend the ABM Treaty to permit completion of the planned limited defense antiballistic missile defense system. As deployment at the treaty-compliant, antiballistic missile site at Grand Forks draws near to the deployment date of fiscal year 1996, the committee believes the President and the Congress must assess the progress in the ABM Treaty amendments negotiation. If the new negotiating objectives recommended by the committee have not been achieved, the provision would specify that the President and the Congress should at that time consider the options available to the United States as now exist under the ABM Treaty. There is, however, no commitment—explicit or implicit—to abrogate the treaty if we have not succeeded by that time in amending it, in cooperation of the Soviet Union.

Deployment of Brilliant Pebbles is not included in the initial plan for the limited defense system architecture described in the provision. However, robust research and development funding for promising follow-on antiballistic missile technologies, including Brilliant Pebbles, is required and would be carried forward under the committee provision.

The committee approved a fiscal year 1992 funding level for SDI of $4.6 billion. Of this amount, $1.55 million is for the Limited Defense System program element, including $45 million to begin environmental permits and site surveys for the treaty-compliant ABM site at Grand Forks, ND; $857 million is for the Theater Missile Defenses program element; $625 million is available for the Space-Based Interceptors program element, which includes Brilliant Pebbles; $745 million is for the Other Follow-On Systems program element; and $822 million is for the Research and Support Activities program element.

Finally, the committee approved another provision which effectively extends the Levin-Nunn amendment restricting the development or testing of space-based or otherwise mobile ABM systems or components for another year.

B-2 BOMBER

Mr. President, S. 1507 fully funds the administration's request for 4 new production B-2's in fiscal year 1992. As in previous years, the obligation of these funds is fenced until a number of flight test milestones have been achieved. I will have more to say about these fences and about the encouraging flight test results to date on the B-2 program at the appropriate time. Today, I will merely highlight one issue—the START Treaty. For the past several years, the President, the Secretaries of Defense and State, the various Chairmen of the Joint Chiefs of Staff, prior Secretaries of defense, and a host of other military and civilian officials of the Government have been telling us that the START Treaty was being crafted on the assumption that the United States and, for that matter, the Soviets, would emphasize manned penetrating bombers like the B-2. They have all repeatedly stated that, if the Congress cancels the B-2 program, the START Treaty would have to be reconsidered. The START Treaty was signed by the President in Moscow today.

Let me explain why that is so. The latest IDA analysis shows that the CORE fix to the B-1B provides virtually no improvement to the B-1's penetrating capability. Left on its own, the B-1 is a dead duck as a penetrating bomber against Soviet radar defenses by the end of this decade, only 8½ years from today. Only the B-2, if it is acquired in useful numbers, will be able to serve as an effective penetrating bomber into the 21st century, and it will allow the B-1 to be an interim penetrator on less heavily defended routes in the eastern Soviet Union.

Why does this matter? Under START, 4,900 of the 6,000 accountable weapons will go to our ICBM's and SLBM's, leaving 1,100 for our bomber force. Each penetrating bomber counts as one weapon, regardless of its actual load.

To put this in perspective under the START agreement, under the B-2 program, we would have 1, 5 or 5,000 weapons in that aircraft for whatever it would hold and would still count as only 1 to be in compliance with the treaty.

Another way of stating that would be that if we build eventually 75 B-2 bombers, which the Air Force has now said we should build, having scaled it down from 132 to 75, that if we finally build 75, then we only have 1 each of 75 to be counted against the limits in the START Treaty.

Each cruise missile carrying bomber counts as 10 weapons. If we do not have the B-2, we will have no penetrating bombers within a few years. Under START, we can have only 110 heavy bombers carrying cruise missiles. If we keep the 97 B-1's, we could keep only 13 B-52's in the inventory. If we acquire the 75 B-2's, however, they and the 97 B-1's would all function as, and be counted as, penetrating bombers, allowing us to also keep more than 90 B-52H bombers carrying cruise missiles. This is the choice then that is before us—if we buy the B-2, we can retain 264 heavy bombers with over 5,000 cruise missiles and penetrating bomber weapons; if we do not buy the B-2 in adequate numbers, we will have only 110 bombers, none as penetrators, with only about 2,000 weapons.

Undoubtedly, during debate the President and I will alert the Senate to this. Now we will probably be discussing some other concerns that we have with regard to the B-1. So, I hope that anyone who is under the impression that we could cancel the B-2 program by stopping it at 15, that the B-1 can essentially do the job, it cannot do the job that the B-2 can. It was never built under the assumption that it could do that kind of a job, and it would be faulty reasoning altogether to say we can cancel the B-2 and we still have an effectual bomber in the B-1B.

SMALL ICBM

Now with regard to the small ICBM: To preserve U.S. options for future deployment of a mobile ICBM, the committee fully funded the amended budget request of $548.8 million in fiscal year 1992 for further development of the Small ICBM, or generally referred to as Midgetman. The committee also noted that long-lead production funds will be needed starting next year if the fiscal year 1997-98 initial operational capability for this system is to be protected.

MX SPARES

With regard to another controversial matter, MX spares:

The committee disapproved the administration's proposal to terminate production of the MX ICBM in fiscal year 1991, 5 years earlier than previously planned. Closing the MX production line would cause the loss of 40-60 percent of our ICBM work force and increase Small ICBM development costs by $200 million, thereby increasing program risk. Reducing total MX procurement from 173 to 114 missiles, as proposed by the administration, leaves little margin for correcting any major design, engineering, or safety problems that may be discovered through future reliability test launches. Capping the inventory at 114 missiles also means the 50 MX missiles deployed in silos will have to be retired from the inventory soon after all test assets are exhausted in 2003, even though most U.S. strategic systems have been kept in the force well beyond their originally projected service lives.

In addition, terminating MX production when the administration has yet to commit production funds for the 5-year Defense Program for the small ICBM [SICBM] could result in the dismantlement of the only U.S. ICBM production line. At a time when Soviet ICBM modernization continues I emphasize once again, continues at a robust pace, the committee simply did not feel the United States should take this risk. Accordingly, the committee authorized $651.6 million for procurement of 12 MX missiles in fiscal year 1992, including $226.8 million that is available from prior year funds.

RAIL GARRISON MX

With regard to rail garrison MX, another matter that has taken up a great deal of the time of the committee and certainly of this body in the past, the committee believes that absent a fundamental revival of Soviet cold war policies, which no one envisions, it is very unlikely that the MX will ever be redeployed from existing silos to a rail-mobile basing mode. Accordingly, the committee thinks it is in the U.S. interest not to have the MX qualify as, or be arbitrarily designated as, a mobile ICBM for purposes of START. The administration proposed to spend approximately $15 million in fiscal year 1992 funds to flight test an MX missile from an operational model RGMX train next year.

Understand, Mr. President, that the administration proposed only one test from this train.

As General McPeak testified at a March 19, 1991, hearing, "With this test launch, we'll truly characterize Peacekeeper as a mobile system."

The committee felt that this was a very unwise thing to do at this juncture.

At this same hearing, General McPeak conceded that one flight test would not be statistically significant. To put it another way, it will be a waste of money to have only one test flight from that train because it would not tell us much. In addition, at a June 5, 1991, hearing, the Air Force testified that were the United States ever to decide to restart the RGMX full-scale development program, it would want to conduct up to four additional flight tests from the prototype RGMX train prior to deployment. The committee decided that the benefits of this solitary flight test are outweighed by the adverse consequences it would entail for our future arms control options and therefore adopted a provision prohibiting the obligation or expenditure of funds for this purpose.

The committee was also concerned that the Air Force's plan to phase out the RGMX development program by procuring, integrating, testing, and certifying an operational model RGMX train in fiscal year 1992 could result in the MX being captured as a mobile ICBM system even if the one MX flight test from the train is not conducted. This outcome can be avoided if the missile that is contained in the train during these activities is a dummy missile or an instrumented ground test missile with features that distinguish it from an operational missile, and the committee therefore require that such a missile be used as a condition for obligating or expending the $225 million in the bill for these RGMX phaseout activities. This restriction does not apply to $20 million in fiscal year 1992 needed to complete the critical design review [CDR] for the operational model RGMX train.

I believe, however, that spending another $225 million in fiscal year 1992 on a weapons program we are never going to deploy would not enhance the security of the Nation or our allies and would represent little more than wasteful spending. Notwithstanding the recommendation of the committee, at the appropriate time I will have more to say on this subject and I will be moving to try and strike what I believe to be an unnecessary $225 million expenditure. With regard to another cold war anachronism in the bill—the $139 million in Department of Defense and Department of Energy funding approved for research and development of the nuclear SRAM-T missile.

The committee was disappointed to learn that after the administration decided in late 1990 to cancel the redeployment of the MX from its silos to trains, it never rescinded its earlier designation in START of the MX as a mobile ICBM system. The committee therefore recommended a provision expressing the sense of the Congress that the administration should rescind its designation of the MX ICBM as a mobile ICBM in START. This recommendation was not acted upon, however, by the administration before President Bush signed the START Treaty over the weekend. Consequently, we will have to decide in conference whether to retain this sense of the Congress language.

TRIDENT II MISSILE

Mr. President, the committee increased the funding for the Trident II missile in both fiscal years 1992 and 1993. The increase in funding is a simple matter of good government. The production facility for Trident II missiles was built to turn out 72 missiles per year. Yet, because of budget problems, the Navy proposes to buy only 48 missiles per year, keeping the facility open until 2004, and significantly increasing the unit cost of each missile we buy. The committee intends to examine a multiyear buyout of the remaining Trident II missiles beginning next year, and has laid the groundwork for this with its actions in this bill.

DEPARTMENT OF ENERGY DEFENSE PROGRAMS

Finally, let me briefly describe some highlights of the committee's action on Department of Energy defense programs.

Division C of the bill authorizes the Department of Energy national security programs. Overall funding for these DOE defense programs is $11,968 billion, an increase of $200 million above the administration's request. This increase was provided to address some urgent needs at the Department of Energy—new production reactors, environmental restoration and waste management, nuclear weapons safety and alternate manufacturing techniques, and naval propulsion.

In addition to the funding provisions the committee has recommended that the authority of the Defense Nuclear Facilities Safety Board be expanded to include the Nevada testsite and the Pantex assembly facility in Texas. The Safety Board will also play a major role in the restart of the Rocky Flats facility in Golden, CO—if it ever does get started—through its aggressive oversight responsibilities that this bill has highlighted.

We have also asked the Safety Board to take on a broader role with respect to the environmental restoration and waste management program. This expansion of authority was one of the suggestions made by the Office of Technology Assessment in their extensive review of the nuclear weapons complex, undertaken at the request of the committee.

The OTA report also contained some additional suggestions that the committee has adopted, such as providing funds to conduct health risk assessments at the weapons facilities and directing the DOE to undertake a review of its interactions with the public in formulating environmental cleanup and waste management decisions.

Also in the area of environmental restoration and waste management is a provision that establishes a separate account for environmental restoration and waste management funding and ensures that the DOE will conduct a 5-year planning process for environmental restoration activities. Another provision in the bill establishes an environmental scholarship program that will assist DOE in recruiting and retaining environmental personnel.

Overall the bill provides an enhanced environmental restoration and waste management program and sets the DOE on the beginning of a course that will assist in the development of a smaller, more efficient nuclear weapons complex.

The President, I yield the floor.

Mr. GORE. Mr. President, I want to begin the presentation of the amendment I laid down earlier on the strategic defense initiative by complimenting the leaders of the Armed Services Committee for the excellent job they have done in crafting this bill. Although I find myself in very strong disagreement with the provisions in the committee bill concerning strategic defense, I believe that the bill as a whole deserves the support of Senators on both sides of the aisle.

I want to single out the chairman of the committee, Senator NUNN, and the ranking Republican member of the committee, Senator WARNER, all of the subcommittee chairmen, and the ranking Republican members of the subcommittees for the extraordinary cooperative relationship we have had as a committee in putting together a very large, very complex, very difficult piece of legislation, and I am proud to be a part of the committee.

On the question of strategic defenses, we had, as several Senators have already noted, quite a debate in executive session, behind closed doors. I heard Senator STROM THURMOND say during his opening remarks earlier today that it was the most thoughtful debate he had heard in 32 years of serving on the committee. Similar comments were made by our ranking Republican member, Senator WARNER. And I have made similar comments, as have others. Indeed, we all did listen to each other.

The earlier verions of the committee language could not gain a majority. I believe that what finally did come out does not represent a consensus but represents something of exhaustion and agreement by people who supported the final product for radically different sets of reasons to mute their differences and agree to get the bill out, even though there were continuing radical disagreements about what the particular language concerning strategic defenses actually means. But it was a good debate. And I have been looking forward to this debate here on the floor of the Senate.

I was misquoted by someone the other day as saying this would be the mother of all battles. I never said any such thing. I think it will, however, be a good debate.

Perhaps the outcome is foreordained on the Gore amendment. I do not know. I can count votes, and I understand that, when you have the leadership of the committee from both parties lined up in support of the committee bill and all that, the odds are very much against changing it.

And yet I think the debate is extremely important. I will say this, Mr. President: a lot of votes come here to the floor of the Senate posing as the most crucial issues we have ever faced and they end up not amounting to much. This issue represents truly a fateful choice by the United States Senate. On this very day, the President of the United States and the leader of the Soviet Union have signed the START Treaty. If the language of this bill as it is currently written becomes law, we will never see a second START Treaty.

If the Supreme Soviet was meeting today and voting to adopt the program that is included in the committee bill on the floor of this Senate, we could never ratify the START Treaty here in the Senate—never. Many of those supporting this committee bill, especially on the other side of the aisle, would take to the floor of this Chamber and condemn the START Treaty if the Soviet Union had underway the kind of program that we are asked to authorize in this bill.

And, you know what, Mr. President? If this set of changes to the ABM Treaty that we are officially calling for were actually made, the Soviet Union will have an opportunity to develop this kind of system.

Members of the committee who support the bill say they do not intend to break out of the ABM Treaty. That is like us saying we are not going to break through these doors here; we are not going to break down these doors; we are just going to get in a pickup truck and head straight at them at 60 miles an hour. And if somebody opens the doors just before we hit them, we will not break through them. So, when we get in the pickup truck and head 60 miles an hour straight for the doors, we could say we are not going to necessarily break through those doors because they may open them just before we hit them.

That is precisely what we are doing with respect to the ABM Treaty if the language of the committee's bill is adopted by the U.S. Senate and if it ever becomes the policy of this country.

How ironic it would be if, on the day the START Treaty is signed, the U.S. Senate says, in effect, that is it, no more START treaties. We want to start building and deploying again. That is what this bill would do.

If we tell the Soviet Union that they can build this kind of system, are we assuming that they will not do it? Have we gotten to the point in our relationship with the Soviet Union where we feel it is safe to assume that they are in such pitiful shape that they just cannot afford to build any more military systems and deploy them?

Their economy is falling down around their ears. Their system is collapsing. But the one thing they have found the resources and the determination and the political will to keep on doing is building and deploying military hardware. If they built this kind of system, our military leaders would go nuts. If we build this kind of system, their military leaders will go nuts. Make no mistake about that.

All the news about the START Treaty has appropriately been on the accomplishments of the START Treaty. One thing that had not really been highlighted is the Soviet Union's statement laid down next to the START Treaty, in conjunction with the START Treaty, qualifying their acceptance of the START Treaty which they have insisted on.

Let me read it to you, Mr. President. This is made public today, along with the START Treaty in Moscow. The Soviet Union says this treaty may be effective and viable only under conditions of compliance with the Anti-Ballistic Missile Treaty. The exact language is "only under conditions of the compliance with the treaty between the U.S.S.R. and the U.S.A. on the limitation of Anti-Ballistic Missile Treaty signed on May 29, 1972."

They are telling us. We do not have to believe them. But the entire logic of the ABM Treaty as painfully negotiated 20 years ago by our country and by the Soviet Union is designed to prevent the emergence of a fear, either in the United States or in the Soviet Union, that the other side is going to build defenses effective enough to make it impossible for the first country to retaliate against any kind of attack.

Before I get back to that point and explore it, I want to raise another which is even more basic. There is radical disagreement on the part of those who support the committee language as to exactly what is in the bill. By way of background, let me say this. There are four different kinds of ballistic missile defenses and during the debate on this subject we will be talking about all four different kinds, so let us get them straight right at the beginning.

First, there is antitactical missile defense: A Scud missile of the kind used by Iraq is a ballistic missile, and the kind of defensive system to counter a Scud is an antitactical ballistic missile system.

Everybody on the committee strongly supports the development and deployment of those kinds of ballistic missile defenses. We know how to do it. The Patriot has demonstrated that we can do it. The research has shown that there are advanced versions of Patriot technology that can defend U.S. forces if they are forward deployed anywhere in the world. Everybody agrees on supporting vigorous research, development and deployment of those kinds of systems.

The second kind of ballistic missile defense is a single-site ballistic missile defense system deployed in North Dakota at the site mapped out in the ABM Treaty of 20 years ago with 100 interceptors, ground-based. We are entitled to do that under the treaty. And new technological developments over the last 20 years have made it possible to develop a system like that that is more capable than the one which we decided not to deploy 20 years ago.

If anybody is under the misimpression that that second kind of system, the single-site system, is capable of defending the entire United States of America, they ought to get rid of that impression right now. That cannot be done.

I will refer to the statement in the Washington Post by the distinguished ranking Republican member of the committee, Senator WARNER, who said in yesterday's Washington Post in an op-ed article entitled, "Protection from Ballistic Missiles Now":

> Deployment of only 100 interceptors at one site, by 1996, while an important first step, is not capable of defending the United States. This site protects only one sector of the United States leaving Americans on our coastlines with little, if any, protection, and no protection in Alaska and Hawaii.

Some of those who support the committee's language are really intending to support that system: one site, in compliance with the ABM Treaty. But the other half of the supporters say publicly, on every occasion, that is completely inadequate, that will not protect the United States of America, and that one site system is only the first step toward the larger system which is funded in the bill.

That brings me to the third kind.

The first kind is the defense against short-range ballistic missiles, the antitactical defense; the second kind is this single site in compliance with the ABM Treaty; the third kind is an extensive ground-based system in multiple sites all over the United States. How many? Well, they do not say. Maybe five or six or seven. Maybe a lot more. Once all the radars are out there, then it is easy to quickly upgrade it and thicken it. But they do not say how many sites. But that is the third kind, a multiple-site, ground-based system.

Of course, that completely demolishes the ABM Treaty. In fact, some kinds of battle management, space-based sensors in connection with the single-site system would violate the ABM Treaty. Other kinds would not. But if we go to the multiple-site, ground-based system, we can forget about the ABM Treaty.

The fourth kind of ballistic missile defense is the space-based defense, which everybody used to call star wars. We do not really call it that anymore.

They came up with another name for the national version of it right now, which is called Brilliant Pebbles. Brilliant Pebbles, we are told, is given a lower priority in this bill. But how come the funding is vastly increased for Brilliant Pebbles in this bill? The supporters who do not like the ground-based system, either one of the ground-based systems, make it plain that they are really supporting the bill because it opens the door to Brilliant Pebbles.

Mr. President, it has been said that this debate is about whether or not we want to defend the United States. That is not right. This debate is about how best to defend the United States. The most dangerous threat we face right now and the most dangerous threat we are likely to face for the next 10 to 15 years, at least, is the threat posed by many, many thousands of nuclear missiles in the Soviet Union aimed at the United States.

We have a short attention span in this modern world where we are ready to move on to new things and pretend that old things are over with. Maybe we are bored with the problem of managing deterrence and dealing with this deadly threat from the Soviet Union.

There have been a lot of changes over there, and we welcome those changes. There may be some more. What will they be? We are not real sure. Is the Soviet Union going to break up? Is Kazakhstan going to be a nuclear power? Who is going to be in control of their arsenals?

What has kept the peace for 45 years is deterrence. Are we bored with deterrence? Are we ready to move on? At some point, we may need to. The ABM Treaty may not be in our interest forever. The idea of deterrence perhaps one day will be replaced by a reliance on strategic defenses. That day has not arrived, Mr. President. We do not know what the technology will enable us to do. The research has not been completed.

We are in a kind of end game with the Communist Party in the Soviet Union right now, but that end game is not over with yet. Gorbachev has been in power 5 years. The weapons they have recently deployed have a lifetime of 30 years. What has kept those missiles in their silos has been our potent military force and a shared understanding of the idea of deterrence. The committee bill would undermine that shared understanding of deterrence. The cornerstone of that shared understanding is the antiballistic missile system, the treaty of 1972, let me say.

Just a word about why that is the case. After both sides had already deployed a lot of offensive nuclear missiles, work began in both countries in antiballistic missile systems. Both countries realized that this would be a threat to the ability of either Nation to retaliate if the capability of the systems reached a certain level. That is why the ABM Treaty was drafted.

Twenty years later, we are looking at some differences in technology, but essentially the same issues. Do we want a START II Treaty or do we want to resign ourselves to the number of offensive nuclear missiles that are in the Soviet Union today being there from now on? Our negotiators have already begun the process of laying out a START II negotiation. They decided on the subjects they want to cover. If the committee's strategic defense language becomes law, we can forget about all that.

I said a moment ago that there are radical differences between the supporters of the committee language, and I talked about the four different kinds of ballistic missile defenses. What the committee bill does is it says we declare it is the intention and goal of the United States of America to deploy an ABM system. We have never done that before. The Senate has always prevented that as unwise policy. If this language were to be adopted by the U.S. Congress, as a whole, we would cross that line.

But then the committee language goes on: "It is our goal to deploy * * *" and then it says one or an adequate additional number of sites. Which is it?

I have asked groups of the supporters of the amendment, is it possible that the one site might turn out to be adequate? And half of them nod yes and half of them nod no. Which is it? It is a camel's nose under the tent, except the camel is not inching it along; the camel is coming pretty fast and strong because a deadline is set in the bill. May 1994 the report is due from the President, and at that point we say we will consider or options under the ABM Treaty if the Soviet Union has not agreed to vastly modify it by then; we will consider our options, they say.

The first iteration of this was we will abrogate. Now "options" is, in my reading of it, a kind of a code word for withdrawal and abrogation.

Again, Mr. President, the Soviet Union did this on the day we signed the START Treaty and said we are going to deploy a system and the first site is only going to be the initial step toward many more. We are going to crank up the research and development of space-based components of this or sensors capable of directing the battle. This START Treaty would be a dead letter.

I referred earlier to the article by the distinguished ranking Republican member in the Washington Post. I would like to compare it to an article in the New York Times by the distinguished chairman of the committee.

The distinguished chairman of the committee writes:

> The panel wants to deploy 100 ABM interceptors allowed under the treaty at Grand Forks, North Dakota.

The distinguished Republican member says:

> Deployment of only 100 interceptors at one site, while an important first step, is not capable of defending the United States.

The distinguished chairman says that the amendments to the treaty contemplated are only modest amendments. He says:

> The committee calls only for negotiations on modest amendments to permit a more effective U.S. defense against limited attacks.

Here is the description of those modest amendments from the ranking Republican member:

> Amendments to the ABM Treaty, a goal set forth in the legislation, should be negotiated to permit the necessary number of interceptors, multiple site deployments, more capable space-based sensors, as well as the opportunity to fully test space-based anti-ballistic-missile systems.

That does not sound like a list of modest amendments to me and, indeed, they are not modest at all.

The ABM Treaty would have to be ripped up, rewritten from start to finish, from goals and definitions all the way to the end of the treaty, in order to accommodate the full architecture of the system contemplated in the committee's bill.

If you listen to the presentations of what is in the committee's bill, you have to listen carefully because, as I mentioned earlier, there is the use of the word "or." The committee says it is our goal to deploy one or an adequate additional number of sites.

Then at another point in the bill, the committee says the first site deployed is only the initial step toward all the others. So if anybody gets the impression that what we are voting on here is to deploy one treaty compliant site, please disabuse yourself of that notion. That is not what we are voting on here. It is the nose of the camel under the tent, but the nose of the camel is fully in view. We know what the nose of this camel is. It is all these other sites, and they are laid out and authorized in the bill; and then, as icing on the cake, $630 million targeted for brilliant pebbles, an optimum use of space-based sensors with the ground-based sites.

Now, I have mentioned the threat from the Soviet Union that I think justifies maintaining deterrence. What about the threat held out as the reason for the committee's proposal? We are told that some Third World dictator might get intercontinental ballistic missiles at some point in the future. We are also told that a Russian missile might be accidently launched.

Reading again from justifications offered by the sponsors of the amendment, the distinguished chairman of the committee writes this morning, and I quote:

> An equally disturbing development is the spread of ballistic missiles to the Third World. The CIA estimates that 15 to 20 Third World countries will have them by the turn of the century. Many of these missiles could be armed with nuclear, chemical, or biological warheads.

Let us examine that statement in some detail, Mr. President, 15 to 20 Third World countries will have ballistic missiles. Again, just as there are different kinds of antiballistic missile systems, there are also different kinds of ballistic missiles. One of those 15 to 20 Third World countries could have Scuds. Does a Scud threaten the United States of America? No, it does not.

If anyone gets the impression from this, mistakenly reads it to conclude that a number of Third World countries are, according to the CIA, likely to have intercontinental ballistic missiles by the turn of the century, they are not getting the correct impression.

We cannot stop and have a closed-door intelligence session on every bill like this that comes up. Perhaps we should on this one. And if this thing gets passed, which I hope it will not, and we fight tooth and nail in the conference committee, before then I will ask for a closed session on this.

And let me just say, according to the open literature, I know of no evidence—and I invite any Member of this Senate to present any shred of evidence—that says we have an assessment that any country not now possessing ICBM's capable of threatening the United States of America with a nuclear warhead is likely to have them by the turn of the century or shortly thereafter. I know of no evidence to support that contention, none.

Now, what about the idea of an accidental launch? We have had cited the idea that some missiles have been accidentally launched. One was in Arkansas. One reportedly was from a Soviet submarine. Was it a launch? Was the missile's motor ever fired? Was it ever moving under its own power in either case? No. That does not fit my definition of a launch.

Was there a fire and an accident? Yes. Does it cause the steam ejection to just pop it out without launching it? Yes. Do we want to spend tens of billions of dollars and threaten the viability of the ABM Treaty and undermine the concept of deterrence to defend against a missile whose motor never fires, that travels only a few hundred yards?

Mr. President, I think it would be a mistake to do that. I think the committee's language is like a Rorschach test. I think it means different things depending on how you look at it and on how you read it. But I think the key to understanding it is understanding that the word "or" in the first line, one "or" an additional number, is really an "and"; one "and" additional sites. That is what the committee version does.

Consider this scenario. What if the United States and the Soviet Union deploy the kind of defensive system that is contemplated in the committee's bill? Suppose it is not expanded and kept limited? It is still capable, with multiple sites, of dealing not with the Soviet threat, and for them not from the threat we pose, but it is capable of rendering the French threat or the British threat meaningless.

Have we consulted with the French or the British? No. The administration has not proposed deployment. Have the leaders of the committee on both sides who have offered this consulted with our allies on what this does to the British and French nuclear deterrent capability? I doubt it very seriously.

What about the Chinese? What do the Chinese do when the Soviet Union deploys a defensive system, though limited, that is capable of areawide defense? The Chinese get more missiles.

What does India do then? India is worried about China's nuclear missile capability. It sees China deploying more offensive nuclear missiles because they are worried about the Soviet Union's defensive system, and so India speed up its program.

What does Pakistan do? We are already in a debate with Pakistan, trying to calm them down and tell them that we are building a structure of peace in the world, a new world order, so to speak, to use the President's phrase. And we are strengthening the idea of deterrence and the understanding of the need for a vigorous nonproliferation treaty.

Well, you get that chain reaction going and what will Pakistan do? Then when Pakistan deploys them, not ICBM's, but regional missiles of the kind these countries are interested in. Who gets nervous about that? Israel—an Islamic nation with medium-range ballistic missiles. Where does it go from there?

We face a challenge in the waning years of this century, the challenge of changing the way we think about warfare and making nuclear war unthinkable. The shared understanding of deterrence is the strongest foundation we have upon which to build this new understanding. Are we going to lose our nerve, abandon the ABM Treaty, abandon deterrence, and go for a collection of high technology new systems that have not been researched and developed; and make a commitment, as the committee language would do, to deploy them before we have even completed the research and development; scrap deterrence before we have something to put in its place?

I think, Mr. President, it is an extremely serious mistake. And I certainly think that it is important for us to change the language in the committee bill.

A close reading of what the committee bill says shows that we are being asked to endorse the following propositions and actions. No. 1, this year the United States should depart from its present policy of holding research and development of ABM technologies within the strict reading of the ABM Treaty.

No. 2, the first major departure will be to authorize the deployment of a single ABM site at Grant Forks, ND, by 1996. Of course, the deployment will start long before then. That is the date at which the deployment is supposed to be completed. It will start probably in 1994.

With passage of this language in the bill, SDI will go from research and development to actual deployment. Do you want to cross that line? Do you want to say we are ready now even though the President has not asked for it, even though the research and development has not been concluded, even though we do not have agreement on the committee on what system is to be deployed? Are we ready to make a commitment, and go ahead and deploy this system? I think it is nuts.

No. 3, the Grand Forks deployment would be in compliance with the ABM Treaty, according to the committee. However, the committee's language makes it absolutely clear that this is only an initial step toward a more elaborate ABM system involving many ground-based sites, many hundreds of interceptors. This extended ground-based system is contrary to the ABM Treaty at many points, not just a few. It cannot even be developed, much less deployed, without challenging the treaty in its most basic form.

Next the committee says that, at the same time, we can forget everything we were ever told about space-based defenses since 1983 and everything we have been hearing in recent years about Brilliant Pebbles. Space-based interceptors are not going to be part of this deployment, the committee says, although work on them will be handsomely funded. While advocates of space-based systems such as G-PAL's may be disappointed at the committee's decision to cut them off from the intended deployment, they can take comfort in the extremely generous funding levels and in other language that keeps this option very much in place.

Next the committee bill says, starting at once, the U.S. Senate formally calls upon the President of the United States to immediately start renegotiating the ABM Treaty in fundamental ways. The treaty says that the parties should not build defenses of their entire national territories. The bill would have us do this. The treaty limits ground-based deployments to one site and 100 missiles. The bill would treat that kind of installation as only the first step toward a much larger complex. The treaty says that the parties may not deploy in space the equivalent of ground-based radars for battle management. The bill would promote that. The treaty says that the parties may not develop space-stationed weapons such as Brilliant Pebbles. The bill would push them and the President is stressed to open up the treaty on all of these points immediately.

Finally, if by 1996 the Soviets have not agreed to these changes, the United States, under this law, is supposed to consider abrogating the ABM Treaty. If the Senate allows these proposals to stand, we will be saying two basic things to the American people. First, that there is some kind of antiballistic defense that will give them true protection and that we know what it is. We are ready to specify it and purchase it with this money. Second, that if the Soviets stand in the way of that, we should junk the ABM Treaty and chance the consequences.

Mr. President, I strongly believe that the first statement is not an accurate representation of our needs at this time nor of the level of protection we would receive, and that the second statement is not good advice. Section 211 leads our country down a road that we need not take at this time because we have precious little choices. I also believe that the committees language is not a breakthrough to consensus as is often claimed. Rather it is an artfully worded compromise in which words are used to conceal, not settle, vehement disagreements among the parties as to what should be U.S. policy over the longer term.

In my view the Senate needs to speak to the Nation clearly on an issue such as this. Where there are differences we should not assert that there is agreement. If there is agreement, it needs to be of a sort that can stand up to questioning. Therefore, I have been working with other colleagues, among them Senators BINGAMAN, BIDEN, BUMPERS, HARKIN, LEVIN, and SIMON to develop a set of amendments designed to give the Senate a real chance to express its will.

These amendments, which we are going to attempt to offer in sequence, will ask the Senate to decide four basic questions:

No. 1, I have presented the first amendment asking whether we should embark on a radical new policy at this time as the committee would have us do, or whether we should continue in a more cautious manner that preserves our options, that pursues the anti-tactical-ballistic defenses vigorously, to award deployment but says let us hold off on a decision to deploy the strategic defenses until we complete more of the research and development and until we have a more accurate assessment of what the consequences of doing that are.

No. 2, if the informal understandings that have been arrived at are followed, the second amendment, if my amendment does not prevail, will be an amendment from Senator BINGAMAN, who supported the committee version uneasily, in my opinion. He will speak for himself on this. But he is offering the amendment here on the floor to ask whether, if we are determined to deploy an ABM system, we should be committing ourselves to a design that would clearly violate the ABM Treaty.

No. 3, in sequence, Senators LEVIN and BIDEN will ask the Senate whether it is ready to set a process in motion leading to the abrogation of the ABM Treaty.

Then finally, there will be two amendments dealing with the level of funding for strategic defenses. Senators HARKIN, SIMON, and BUMPERS will ask the Senate whether, in view of all of these uncertainties, we should be prepared to increase spending on SDI by a substantial amount at this time.

The last in the sequence will be the amendment by Senator BUMPERS. And let me just say where funding is concerned, I have always supported the robust level of funding for strategic defenses. I have opposed amendments of the kind Senator BUMPERS will offer. If the design of the amendment remains as the committee would have it, then I will support it. And, if my amendment does not prevail, I will support these other amendments including the Bumpers amendment.

The committee bill, Mr. President, authorizes a 50-percent increase in the current year's expenditures for SDI. We have a $348 billion budget deficit, the last I checked. Next year interest on the debt will overtake Social Security as the largest expenditure in the Federal budget.

And we have two radically different SDI systems cobbled together in a compromise that the sponsors cannot describe in the same way, and we are supposed to increase spending by 5 percent on that in this year? I think it is unwise.

Let me summarize the main features of my own amendment. First of all, instead of committing the United States to begin deployment of the complex and expensive ABM system of dubious value to the Nation's security, the Gore amendment represents a more cautious approach. Namely, it provides for aggressive exploration of defensive technologies across a broad spectrum. But it also requires these activities to comply with the ABM Treaty as traditionally interpreted.

(Mr. BREAUX assumed the chair.)

Mr. GORE. Second, instead of directing the President to begin a major renegotiation of the ABM Treaty, the amendment urges only that the President pursue discussions with the Soviet Union to clear up any matters relating to theater ballistic missile defenses. All of the committee's language pointing to a total redesign of the ABM Treaty and raising the possibility of its abrogation by the United States is deleted.

Third, work is to be pursued on these technologies, without prejudice to a possible ultimate choice among them. All paths remain open. Recognize the chairman's need to be in a position to negotiate effectively with the House in conference, funding levels are left at levels proposed by the committee, although those who wish to see lower funding will have an opportunity to express that view in voting on later amendments. And I have expressed my own view on that question.

This amendment focuses on the design of the system and the policy offered in support of that design.

My amendment will preserve areas of real consensus in the committee, such as the need to accelerate work on the Patriot-like defenses against short-range ballistic missiles.

Let me turn to the nub of the matter now, by discussing what, in my opinion, are the foundations of the committee's approach. Essentially, the committee is saying that it is time to abandon our old cold war paradigm, while they are adjusting to the new international order, with both its good and bad elements.

The good element, as the committee sees it, is that all-out nuclear war with the Soviet Union is no longer the No. 1 threat, because of political changes in the United States-Soviet relationship, and because of the weakening of the Soviet Union. This, the majority on the committee say, permits us to lower our sights from the terribly difficult goal of mounting an effective defense against that scale of Soviet attack.

The bad news, as the committee sees it, is that given the risk of political turmoil in the U.S.S.R., we now have to worry more than ever before about accidental or unauthorized launch. The second wave of bad news is that ballistic missiles are proliferating elsewhere. In this connection, there will be many references to X countries said to be capable of developing an ICBM by the turn of the century. I have addressed that, and I will not go into it further here.

The committee says these are the new threats for which we must deploy an appropriate defense which, by its nature, would never reach the scale required to threaten the Soviet Union's ability to retaliate against a United States nuclear strike. Hence, the committee will say that what they propose to do is not destabilizing.

Mr. President, in my opinion, the committee is in much too great a hurry to minimize and write off the Soviet threat. Soviet weapons are real and will continue to exist by the many thousands, even after the START Treaty, signed today, is implemented. So long as these weapons exist, how on Earth are we supposed to discount them and even put them aside as a threat worthy of our concern? Our continuing No. 1 objective has to be to tie down the threat of general nuclear war by using arms control to constrain the weapons and their geopolitical radiation, the influence which comes from them.

Of course, continued improvement in our political relationships and economic ties are needed. These block the impulse to make war, but we simply cannot turn our backs on the capacity to make nuclear war that will remain.

If all the committee intended to do was to exercise a dormant U.S. option under the ABM Treaty to build a defense at one site, there might be a debate over the value of that investment. I do not think it would be worth it, but that is what the debate would focus on. Nevertheless, the committee goes far beyond that one site to the elaborate ground-based system I described earlier. The fact that this system violates the ABM Treaty at many points is not the end, but the beginning of inquiry.

What you have to get at is the dynamics of what this process sets in motion. The real system the committee is talking about would be capable of handling, perhaps, up to 1,000 warheads. That is not a full Soviet strike by a long shot. But it certainly is on the scale of many, of what many in the United States might call limited nuclear options. It means that smaller strikes are ruled out in case of war. It means something closer to go for broke from the outset.

If it does not mean that to the Soviets, it would surely mean it to us, when the tables are reversed and a comparable Soviet system were deployed. In other words, to the extent our nuclear deterrent depends upon credible, limited nuclear options, defenses undermines these options.

The process does not end there. This compromise has Republican support, not because it kills Brilliant Pebbles, but because it preserves Brilliant Pebbles and funds it handsomely and generously. The extended ground-base system is itself a part of the Brilliant Pebbles architecture. The funding lines and the renegotiation effort tell the real story. Brilliant Pebbles is the real object of this whole exercise, as far as the Republicans are concerned. That is not the object of it, as far as the chairman and other Democratic supporters of this system are concerned. But that is what the object is where the Republican supporters on the committee are concerned, or they never would have given it their votes, in which case the compromise would have failed in committee. That is why it has been cobbled together and why the disagreements have been fuzzed over.

The argument over a single site, and the committee's manner, is a strawman. This compromise is a bridge to the goal of a full-scale space-based defense. That prospect is destabilizing, Mr. President.

Let me point out, also that the notion of stability is not exclusively declined by United States-Soviet arrangements of convenience. I have already talked about the effect of this system on the options available to the British or French. This would directly challenge the British and French nuclear deterrent forces, if the Soviets were to deploy a system like the one the committee calls for us to have in this bill. The British and French forces are much smaller than ours and are likely to be neutralized by the kinds of defenses that we are talking about, despite their limitations.

If our two principal allies would want to keep their own nuclear deterrence, they have only one recourse, and that is to build more.

Let me quote to you from a statement by Foreign Minister Hans-Dietrich Genscher of Germany, who has called the ABM Treaty, "the Magna Carta of arms control."

Let me quote to you the words of Foreign Minister, Sir Geoffrey Howe, from Great Britain who termed the accord, "The keystone in the still shaking arch of security."

Let me quote these words from French President Francois Mitterrand, who called the ABM Treaty "The fundamental touchstone of existing treaties."

They call it that because if the kind of system the committee is calling for here is deployed by the Soviet Union then our allies' nuclear deterrent forces are mooted, they are worthless, and they have to deploy more missiles. They have to go to more MIRV's. They have to go to a more destabilizing defensive arsenal.

You know, the French just recently announced a decision to cut back on an expansion program because of all the improvements in the START process and the warming relationships. How ironic that on the same day that treaty is signed the Soviets issue this firm statement saying it is null and void most likely if the ABM Treaty is not adhered to. And on that very same day the Senate is called upon to endorse a decision to deploy an ABM system with the first site only the first of many instructing the President to immediately start renegotiating vast changes in the ABM Treaty. Immediately start work on the space-based sensors and vastly increase the funding of space-based weapons.

Mr. President, let me say that I think this is extremely unwise for all of those reasons and others. The radical nature of this proposal from the committee is concealed because the Senate does not have the full context as it was presented in the committee. Republicans on the committee directly threatened to debate the B–2 bomber if this compromise does not go into effect. They did this by arguing that the B–2's war fighting capability is limited in one respect. It cannot go after mobile missiles successfully. Therefore they say the only way for the United States to neutralize mobile missiles is to have a ballistic missile system. Without that system they said the B–2 by itself would be a waste of money and they would vote against it.

That is not an argument about accidental or unauthorized or Third World launches. Mr. President, it is important for this to be underscored because that argument is an argument about the integrated use of defenses and offenses in a total battle plan aimed at major components of the Soviet Union's forces, to be exact the component which is mobile and therefore intended to be a survivable reserve.

So I think it ought to be clear that at least some of the supporters on the Republican side of the defensive system in the committee bill do so because they see it as part of an integrated battle plan giving us a capability as against the Soviet Union. Will the Soviet Union see it that way? Of course they will see it that way. They always have; they always will. That is the way we see it when the Soviet Union tries to do something like this.

You remember the debate over the Krasnoyarsk radar? Talk about old technology. We were led to believe that this was the first step toward a Soviet design to have a defensive system capable enough of stopping us retaliating and thereby leading to their total dominance. Was that a rational charge? Probably not, but we are vulnerable to hearing it that way because when people say your survival is at stake you really tune in. And that is the frame of mind the Soviet Union will be in when they see the deployment of a defensive system here that is only the first of many.

Will they wonder what we are up to? Of course they will. Are we up to anything sinister? No, we are not. But the balance of power upon which deterrence has rested depends upon maintaining a level of confidence and keeping rational as well as irrational fears held down by saying to our adversary we are not going to threaten your ability to deter attack. Even though we have no intention of attacking, we are going to make sure you are confident that we are never going to acquire the capability to overwhelm you and blow you to smithereens and leave you with no ability to retaliate at all. And they tell us the same thing. That is what the ABM Treaty is all about.

Mr. President, there is no foundation in any document submitted to the Congress by this administration or the previous one for a ground-based system, never. There is no reason to believe that the administration regards a ground-based system as acceptable unless it is the device by which the Senate opens the way to the space-based system. That is what the administration is interested in. That is what the committee Republicans are interested in.

To those Democrats on the committee who genuinely believe that by adopting this we are not adopting a system with space-based components, I simply say I listen to what the Republican supporters of the language say. I look at not only what is on the left side of the word "or" but what is on the right side of the word "or". And when I see the committee Democrats nodding their head "no", I see the Republicans on the committee nodding their head "yes", and I hear the whispers of the administration. They do not want to support it too enthusiastically because they do not want to give the people the wrong impression but, boy, are they thrilled because it opens the door to the space-based system.

The limited GPAL system that stands for the Global Protection Against Accidental Launch System that the administration has proposed was in any event a camel's nose itself for the Phase I SDI proposed by former President Reagan.

The Soviet Union has to make decisions right now that take into account what the United States clearly might end up doing once it starts down the Warner-Nunn road.

Claims that the Soviets may be ready to renegotiate the treaty for their own reasons have to be balanced against the flat Soviet statement reiterated today which I read a moment ago that the START agreement will be nullified if the United States ceases to comply with the ABM Treaty as originally signed and as it has always been interpreted. Do we want to take that step the day the START Treaty is signed?

USA Today described it as catastrophic timing or something like that. I cannot find the language right now. But just amazing timing on the same day the START Tready is signed, the say day the Soviet Union issues this statement.

Perhaps there is, after all, some kind of view almost unspoken here that the Soviets are broke, that they cannot compete any longer. We do not need to worry what they do; we can afford to just ride over them.

There is some question in my mind about how well-heeled we are with a $348 billion budget deficit this year. I mentioned that before. But I want to remind my colleagues that the Soviets do not need to build an offsetting system of their own. They can more cheaply offset the U.S. system of defenses by multiplying their offensive weapons. And that is precisely the option they have protected for themselves. They declared it publicly.

The ratification process in the Supreme Soviet is now a real process. Active duty military officers are members of the Supreme Soviet raising Cain about this even before the committee's proposal came out. And we do not have to care what they say. What we care about is what is in our best interest. But what is in our best interest, Mr. President, is the shared understanding with the Soviet Union of the idea of deterrence. That is in our best interest.

If we create predictable fears that cause the end of the START process, that cause the unraveling of the notion of deterrence, that cause the building and deploying of more offensive weapons in the Soviet Union, here, in China, in India, in France, in Britain, in other parts of the world, then that is not in our best interests.

So for us to try and understand the impact this has on the Soviet Union is not an exercise in trying to anticipate what their moods are. We are trying to anticipate what our needs are here in the United States of America. And our need is to get this arms race over with and to build on the confidence, deterrence, and the progress that is ratified and that is embodied in that START Treaty today.

You know what has led to this process of reductions and to keeping the peace for all this time? It has been our willingness to be steadfast here in U.S. Senate, Democrats and Republicans, to do what is necessary to build the arsenals of peace and democracy, to pursue sensible arms control, to stand by the concept of deterrence, year in and year out, no matter whether the threat has come from the right or from the left. This Nation must be governed from the center. Our future must come from leadership from the center and deterrence has been leadership from the center from Republicans and Democrats alike since Harry Truman.

And the U.S. Senate has been steadfast in supporting that. Are we, at this juncture, now going to say, we are tired of it, we want to take a bold step of our own contrary to what the President of the United States has asked for, contrary to what we have always done when the subject of ballistic missile defenses have come up here on the floor of the U.S. Senate, contrary to the ABM Treaty; we are going to take our own steps here in the U.S. Senate and cast aside the tradition that we followed for decades.

This so-called compromise underestimates the nature of the challenge to the ABM Treaty even from the ground-limited system that it promotes in its first language. The premise of the treaty is that neither side will deploy a territorial defense. We can quibble over what that means in terms of square miles and leakage rates, but the extended ground system is a territorial defense, pure and simple. The fact that it is a thin defense is totally beside the point. It is capable of being scaled up indefinitely, at will. And that is the point. A light area defense of the United States and of the Soviet Union was possible when the ABM Treaty was negotiated. That was the U.S. intention. But the problem then is the problem now. Once you go down that road, there is no natural stopping place. You stop arbitrarily. You have crossed a basic threshold. The threshold is deployment of an ABM system of the kind in the committee bill.

This bill asks us to make a commitment to a goal of deploying a commitment to direct the Secretary of Defense to develop for deployment the system outlined in the bill. And it says that first site is just the first of many. And it says we are no longer going to respect the ABM Treaty the way we have in the past. We are going to immediately instruct the President to start doing his best to change it right now.

The committee wants to organize debate on the short term, but the core of the problem is the long-term meaning of the committee language. You have to read that language closely. And it would also help to know what that language looked like in earlier drafts where objectives and even the clashes among the objectives were not as well concealed.

The committee's stated goal is not just to deploy one site and then mull it all over. It is as clearly stated to deploy a system. And the system consists of one or an adequate additional number of sites and space-based sensors. The word "or," which I referred to earlier is the point at which the Republicans sign on board. It gives the original authors of the new design, Senator WARNER and Senator COHEN, their extended ground-based system. It gives Brilliant Pebbles advocates like Senator WALLOP a bridge to full-up SDI defenses. If there is any question about this reading, there is then the reference to a single site as the "initial step" toward deployment of the extended ground-based system. The majority is a majority determined to proceed beyond the treaty.

As for the size of the negotiating task, it is described as marginal. But a look at the precepts on page 35, lines 5 to 19 of the committee bill, shows otherwise. The task is to negotiate for a capability 10 times larger than provided in the ABM Treaty; for the right to put up battle-management systems in space; for the right to test space-based systems; and for the right to develop any technology we please for ABM systems. Nothing is left of the ABM Treaty by the time that is over. Nowhere does the committee language say that the United States will observe the ABM Treaty in the event the Soviets do not agree to modify it. On the contrary, there is a clear hint of abrogation if we do not get our way, with the clock starting to run on May 1, 1994. And deployment would begin around then. There is no beginning date for deployment specified by 1996.

Let me say—and I am toward the end of my statement, I am on the last page—I am not advocating the ABM Treaty as immutable. I acknowledge that the threats alluded to are potentially real, and if of low probability would still have immense consequences. What I am saying is that the United States is under no compulsion to make a major departure from existing policy this year. I am saying that if we did want to depart from that policy, the committee's so-called consensus is a false step. I see a range of other possible steps to pursue in order to minimize the risks which the committee now asserts are primary sources of concern. We can work on better command and control arrangements with the Soviets. We have an array of options to deal with proliferation elsewhere. We are years away from any kind of event that compels us to take this road, especially when one considers the risks involved in taking this course. My amendment is not intended to be a permanent choice of policy; just the best course in our time and context.

Let us apply a form of the Hippocratic oath to ourselves in this matter. Let us be guided by the precept: "do no harm." Let us reject the committee proposals for SDI.

In conclusion, Mr. President, I ask my colleagues to support the amendment which I have offered. I truly believe that were the committee language to become law, it would be one of the most serious mistakes that the U.S. Congress has ever made. I believe that with all my heart.

We are at a turning point. We are listening now to the hinges of history as new doors to the future are opening. If we take this unwise and radical new course here and have the U.S. Senate go on record as being in favor of deploying an ABM system, especially of the kind outlined in this bill, I think the consequences for our options as a country in the future would be truly devastating on the very day the START Treaty is signed. Let us support the premises upon which that treaty has been based—stability, deterrence, a shared understanding with the Soviet Union about what deterrence is all about.

AMENDMENT NO. 954 TO AMENDMENT NO. 950

(Purpose: To revise the strategy for the Strategic Defense Initiative)

Mr. GORE. Mr. President, before I conclude, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 954 to amendment No. 950.

Mr. GORE. Mr. President, I ask unanimous consent that——

Mr. NUNN addressed the Chair.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to unanimous-consent request?

Mr. NUNN. Mr. President, could the Senator from Tennessee tell us what this amendment is? Is this the amendment we are talking about?

Mr. GORE. I was about to explain it. It is a second-degree amendment that incorporates only one change to the first-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, I object. This is contrary to what I have been talking to the Senator about for 2 days, which is to get a time agreement. I was about to propound a time agreement which I thought the Senator from Tennessee was willing to enter into, and we were going to discuss the question about whether there was going to be a second-degree amendment.

The PRESIDING OFFICER. Objection is heard.

The clerk will report the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. NUNN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue reading the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all that follows the first word, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies;

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACE-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding space-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for anti-ballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-complaint defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element

shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

UNANIMOUS-CONSENT REQUEST

Mr. NUNN. Mr. President, I ask unanimous consent that there be 3 hours for debate on the Gore amendment No. 950, to be equally divided between Senator NUNN and Senator GORE; that at the conclusion or the yielding back of time, the Senate, without any intervening action, vote on the Gore amendment No. 950; that the Gore amendment No. 954 be withdrawn; that no other amendments to the amendment or to the language proposed to be stricken be in order; and that no motions to recommit be in order prior to disposition of the Gore amendment No. 950.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, may I inquire?

The PRESIDING OFFICER. The Senator from Nebraska reserves the right to object.

Mr. EXON. Mr. President, may I pose a question? Did I understand the Senator proposed 3 hours? Does that mean 3 hours additional, or does that include the time that has already been used?

Mr. NUNN. That would be 3 hours additional. It would be my hope we can cut that back. We have three other SDI amendments that we want to complete tonight. I have the assurance of the Senator from Tennessee that we will work toward cutting that back. But this is the best we can get at this point in time.

Mr. EXON. I will simply say—reserving the right to object, and I probably will not—today is Wednesday; tomorrow is Thursday; the day after that is Friday. We have not begun to get into other controversial amendments.

I hope everyone will recognize that there is no way we are going to get out of here until Wednesday of next week unless we can have some reasonable time agreements. I should object to the time agreement because I think it is entirely too long. But maybe that is the best that can be done under the circumstances.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Reserving the right to object. Would that include the right to have a tabling motion as to the Senator's amendment?

Mr. NUNN. No, that would not be a tabling motion; it would be an up-or-down vote on this amendment.

Mr. COHEN. For the moment, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. COHEN. Mr. President, I would like to offer a few comments and perhaps a rebuttal of what I have heard stated on the floor by the distinguished Senator from Tennessee. In his concluding remarks the Senator from Tennessee indicated that the language as contained in the Senate Armed Services Committee bill and report language is contrary to what the President asked for. It struck me as being curious that the Senator from Tennessee would say this is contrary to what the President asked for at the same time he was arguing that the President really loves this particular proposal; that, secretly, they are admiring this down in the bowels of the White House; they really are in favor of what the committee has proposed.

Let me say, first of all, I do not believe the Senator from Tennessee was involved in any of the discussions and/or negotiations with the White House pertaining to this system. I went to the White House. The Senator from Virginia was there. There were a number of Senators, both Republican and Democrat, there as well. And I must say that the White House has maintained opposition to the proposal offered by the Senators from Georgia and Virginia and Maine.

My colleague cannot have it both ways. He cannot say that they are in opposition—which has been the White House position—and then say "But they really want this." This is something that was formulated under the leadership of the Senator from Virginia, the Senator from Indiana, the Senator from Georgia, with some assistance from myself, modest as it was.

What we believe we were doing was trying to respond to a threat which we think is not illusory. I heard the Senator from Tennessee say, "Do we really have a threat from the Third World? Point to it. Where is the threat in the Third World?"

Iraq may be no threat right now, but it surely was a threat to some degree just a few months ago. But there is no threat from the Third World, we are told.

We have to ask ourselves: What is it these countries can develop?

Could there be a mad Russian on the loose, some Red October? An accidental launch? Was it a launch or was it simply the whirring of a motor?

The American people will find ourselves at some future time forced to say to that we thought it was the whirring of a motor. We did not realize it was one of their submarines that had just accidentally launched one of their SLBM's. We are sorry to tell you, American people, that you will probably suffer losses in the tens of thousands, maybe hundreds of thousands, possibly the millions, because we did not think this was possible. That there was this capability in the Third World, and we could not think of a possibility of an accidental launch. It was beyond our comprehension.

We have made a number of mistakes in the past. I would ask my colleagues, the Senator from Georgia, and the Senator from Virginia, both of whom sat on the Intelligence Committee: How many times in the past have we made intelligence mistakes on Third World capabilities? Did we underestimate Iraq's capability for nearly launching a satellite into space back in 1989? They came within a hair's breadth of launching a satellite. I am of the opinion if you can launch a satellite you can launch an ICBM.

Did we have an intelligence failure in estimating Iraq's capability of developing nuclear weapons?

I am going to submit for the RECORD an article that appeared in the New York Times International, Monday, July 15. I will just read the beginning paragraph.

> Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.
>
> In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

I will not take the time to read the entire article, but it goes on to point out how we seriously underestimated the capabilities and ingenuity of Saddam Hussein and the Iraqi effort in developing that.

A similar article appeared in the Washington Post of July 10, 1991, by Jeffrey Smith. "U.S. Intelligence May Have Miscalculated Before Persian Gulf War."

Mr. President, I ask unanimous consent those two articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COHEN. I point to Libya and ask whether the Senator from Georgia or the Senator from Virginia could verify we made some mistakes, underestimations pertaining to Libya's capability of developing a chemical weapons plant? With all of this scientific technology, all of this satellite capability, we did not know until the facility was nearly complete that they were building a major chemical weapons facility.

The Senator from Tennessee talked about Krasnoyarsk, and he suggested that the U.S. Congress was being misled by the Department of Defense as to the capabilities of Krasnoyarsk, this vast array that somehow would result in an ABM system in violation of the ABM Treaty. I found it very curious that he says that we were misled by the Department of Defense estimates in terms of the Krasnoyarsk facility's capabilities.

As I recall, the Soviet Union denied for nearly 7 or 8 years that it was in violation of the ABM Treaty, and only under the persistent hammering away by Members of this Chamber did they finally fess up. Only after years and years of flat, bold-faced denials did the Soviet Union finally admit that, it was a violation of the ABM Treaty, to the chargrin of a number of people who pooh-poohed the idea.

So I think we can point with some credibility to the historical record that we have underestimated advances in technology in the Third World, and that the underestimation, indeed, did pose a threat of one sort or another, not only to our allies, but ultimately even to ourselves.

Mr. President, the question I have to ask is do we want to tell the American people that if a missile is ever launched at some time in the future, that we have no protection whatsoever; that all we can do is retaliate against a Third World nation; all we can do is bomb Iraq into smithereens; all we can do is target Libya; all we could do is target one of those Third World countries, or possibly the Soviet Union, if it were an accidental launch? All we can do is retaliate because we have no way to protect you against an incoming missile; none.

An aircraft, an F-15, will not do it. We do not have any surface-to-air missile sites to speak of with any such capability. We have no means of protecting you other than saying we will call 911 and hope we can get some abulance along the way to help treat you in the wake of a devastating explosion. Is that what we want to tell the American people?

I think what the committee said is no. The committee said for the frist time that we intend to provide protection to the American people as best we can against a limited type of attack. We cannot provide protection against an all-out nuclear exchange; that is out of the question.

What we can do is provide a measure of protection against accidental or limited-type attacks. That we can do. That is within reach. What we are prepared to do is to tell the American people that we will, in fact, deploy a system consistent with the ABM Treaty, and this last point is something that is overlooked by the sponsors of this substitute amendment.

Mr. President, turning to a couple of key issues that have been raised; No. 1, the committee asked itself whether or not we want to reach that threshold question. If we say that we do not want to deploy any system whatsoever to provide any protection—not even minimal protection—if you say we do not want to have such a system deployed in the United States, be it land-based or space-based, then the debate is over; it is finished. We do not have to go beyond that point. No defenses; no more debate.

If we, on the other hand, say: Wait a minute. There are technological advances taking place. There is the spread of high-quality weaponry taking place. There are Third-World nations, contrary to their own best interests, that are acquiring ballistic missile technology. There is the possibility—not the probability, but the possibility—that someone might, in fact, launch such a system toward the United States at some time in the future. If we believe that we have an obligation to the American people to protect them as best we can against one of those system landing upon an American city, then it seems to me we should support what the Armed Services Committee has recommended.

What we have recommended is that we should deploy a system that is completely consistent with the ABM Treaty as originally written, even as narrowly interpreted. We believe we can do that, and we ought to do that. We should have one land-based site, and we ought to engage the Soviet Union in negotiations for the next few years to determine whether or not it is technically feasible, desirable, and in our mutual interest to have several such sites in their country, as well as our own.

It may be the Soviets will object to it. According to the statements quoted by the Senator from Tennessee, that appears to be their initial reaction. But it may be, over a period of time, that they will see it is in our mutual interest to have such protection against limited types of attacks.

That is to be negotiated; that is to be discussed; that is to be decided at some time in the future. In the meantime, there is no commitment to do anything outside the bounds of the ABM Treaty. And, indeed, this bill requries no commitment to do anything that violates the ABM Treaty. The treaty remains intact. Yes, we say let's use space-based sensors to give us as much warning as we possibly can get against these types of unauthorized or limited attacks, all within the confines of the ABM Treaty.

The Senator from Tennessee says that if we only had the original draft of this legislation, we would have a clearer example of the Republican intent. I would be willing, Mr. President, to have the chairman and the ranking member call for a vote of the committee to release the minutes of our discussions and debate.

In fact, I think my colleagues would find the tone of the debate that took place in the committee was far different than what we are hearing on the floor today. I think they would find quite a discrepancy between the kind of arguments that were raised during the course of that debate by Members on the Democratic side, as well as the Republican side, as you are today.

I would be more than willing to have any Senator's comments that were exchanged during that entire process made available to be printed in this RECORD.

The third point I would make is that many of the changes that were made—and if I could call my colleague's attention to this, the Senator from Georgia—many of the changes that were made in this document came at the behest of members of the Democratic party. This was not altered to accommodate solely Republicans, and, indeed, there are Members of the Republican Party who wanted much more. But there are also members of the Democratic Party who wanted far less.

Mr. NUNN. Mr. President, I agree completely with the Senator.

Mr. COHEN. So the notion that somehow we have altered this document to accommodate the Republican Party is simply not accurate. It was a proposal that was negotiated on both sides to try to arrive at what we believed to be a consensus, a consensus that says that, yes, we do have a national interest in deploying a system at a single site—that is the only commitment—and a consensus that we think it is advisable for the President to negotiate.

At the end of that timeframe, the President may say: "I have had time to look at this. I have listened to the Soviets. I have talked with the French. I met with the British. I have talked to the Chinese. And I have decided we can do what we have to do with the one site; or we can do with one other site that the Soviets have agreed to; or we can withdraw from the treaty." That has always been an option for the United States and the Soviet Union.

Either side can opt out of the ABM Treaty on proper notice. So what we propose in this is nothing in addition to what we are capable of doing under the ABM Treaty right now. I think the Members ought to understand that and not respond to a lot of scare tactics that once you start down the slippery slope, there is no turning back. There is every opportunity to turn back, but there is also every opportunity to go forward, and that is also part of the process.

Mr. President, I know the chairman of the committee is anxious for me to conclude so he can once again propose a unanimous-consent request, so I will defer for the moment and reserve any further comment for later in the debate. I now yield the floor.

EXHIBIT 1

[From the New York Times, July 15, 1991]

IRAQI ATOM EFFORT EXPOSES WEAKNESS IN WORLD CONTROLS

(By William J. Broad)

Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.

In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

But Iraq has shown that a low-tech method openly described in scientific literature can be readily used to circumvent the restrictions, making the Iraqi weapons effort far more ingenious and dangerous than believed.

ENOUGH FOR 2 BOMBS

The clandestine Iraqi method is reported by a defector to have produced about 90 pounds of highly enriched uranium, enough for two bombs. Experts say the 30 enrichment machines that Iraq has admitted to using could make enough fuel for one warhead a year.

Iraq probably has the skill to perfect an atom bomb, weapons experts say. They stress that it is unlikely that Iraq has already done so, though some suggest it might be able to build one on short notice. Before the Persian Gulf war, many intelligence analysts said Iraq's engineers might start limited production of nuclear warheads in 5 to 10 years, but not much sooner. The estimates were based on how rapidly the Iraqis might build high-technology devices for uranium enrichment.

Concern soared in May when the Iraqi defector reportedly told American officials that Iraq used the antiquated, low-tech method to produce 90 pounds of enriched uranium. The technique uses electromagnetism in machines known as calutrons.

Under international pressure, Iraq told the United Nations last week that it had indeed used the old method, saying it produced a pound of enriched uranium. Experts believe that much more was produced, and in response to continued pressure and skepticism from abroad that it was not being completely forthcoming, Baghdad yesterday submitted to the United Nations a new document on its nuclear operations.

The fact that the Iraqis quietly used the forsaken method at all to produce weapons fuel showed great cleverness, the experts say.

"It's astonishing," said Dr. Glenn T. Seaborg, a Nobel laureate in physics and former chairman of the Atomic Energy Commission, which built most of the nation's nuclear bombs. "It represents quite a technical effort."

Dr. Edward J. Lofgren, a physicist at the Lawrence Berkeley Laboratory in California who helped develop calutrons during World War II, said Iraq's choice of enrichment method, while surprising, made eminent sense.

"The other methods are very efficient but take lots of capital and big plants," he said. "A calutron, on the other hand, in one stage enriches a large amount. It's not energy efficient. But it doesn't take a lot of capital."

Dr. J. Carson Mark, a former official of the Los Alamos National Laboratory in New Mexico who has studied the Iraqi program, said 90 pounds of highly enriched uranium might produce two bombs. He added that it was impossible to know whether the Iraqis had actually made such bombs.

SPY AGENCIES CRITICIZED

"It's conceivable," he said. "The magnitude of their effort is suggestive. If they went through all that enrichment work, it puts weight to the argument that they took further steps. But there's no way of saying, on the basis of logic, whether they have done that."

Dr. Mark also criticized the nation's intelligence agencies for apparently failing to have discovered the clandestine effort at uranium enrichment.

"Why spend all that money on intelligence when it apparently and evidently learns nothing?" he asked.

Paul L. Leventhal, president of the Nuclear Control Institute, a private group in Washington that studies the spread of nuclear technology and has worked closely with Dr. Mark, said it was unlikely that the Iraqis already had a bomb, especially in light of the disarray caused by the gulf war and Iraq's moves to hide nuclear materials around the country.

"But do they have the components there, to put one together in short order?" he asked. "I would say yes."

Mr. Leventhal added that the reemergence of the old enrichment technique would force the development of a whole new set of international safeguards and precautions.

GENIE BACK IN THE BOTTLE

"We can't put the genie back in the bottle," he said. "The main thing is to try to improve our intelligence-gathering ability" so that existing calutrons can be tracked down. He added that new sanctions would be needed to inhibit their use for uranium enrichment.

Leonard S. Spector, an expert on the spread of nuclear arms at the Carnegie Endowment for International Peace in Washington, said news of the Iraqi enrichment success had toppled the international program to stem weapons proliferation, which has focused on limiting advanced methods. "It's cataclysmic," he said. "All this was being done in Iraq without anybody knowing it. So who else is doing it? Everybody in the community knew this kind of thing was a possibility. But to be confronted by an example is devastating."

Though slow and clostly, experts say, the electromagnetic process has many virtues from the Iraqi point of view. For one thing, it has been declassified for decades. Detailed blueprints of its workings have been published by the Federal Government and academic scientists, in contrast to the secrecy maintained around more advanced methods of uranium enrichment.

Most important, experts say, calutrons are relatively easy to build. They use few exotic materials, in principle allowing them to be largely constructed without Western aid.

APPETITE FOR POWER

The main drawback is that their bulky electromagnetic coils have a large appetite for electrical power.

But experts note that Iraq, with large oil supplies, can cheaply generate electricity for the process.

Though bulky and cumbersome, the Iraqi calutrons achieved one of the most delicate tasks of science: separation of isotopes. Isotopes are different varieties of the same element that differ only in the number of neutrons in their nuclei. U-235, the material needed for nuclear weapons, has 143 neutrons in its nucleus. U–238, has 146, making it fractionally heavier.

In natural ore, U–238 accounts for 99.283 percent of uranium, while U–235 accounts for 0.711 percent. The scientific challenge, on which untold billions have been spent, is to separate the extremely rare isotope from the common one. Uranium suitable for atomic weapons is usually enriched to contain at least 80 percent U–235 and more commonly 90 percent or more.

The person who came up with the idea for the calutron and promoted it extensively in the early 1940's was Dr. Ernest O. Lawrence, inventor of the cyclotron particle accelerator and director of a physics laboratory at the University of California at Berkeley. The name calutron derives from California University cyclotron.

Dr. Lawrence's goal was to enrich uranium with the aid of cyclotrons, large circular electromagnets used to accelerate subatomic particles.

The principle was simple: Uranium would be ionized into charged particles and fired into the powerful electromagnetic fields of a cyclotron. The lighter the ion, the tighter its circular path. At the end of the arc, two beams of ions would feed into separate collectors.

FLYING SCREWDRIVERS

The process worked experimentally at Berkeley, producing minuscule amounts of fairly pure U–235. In 1943, the Government embarked on a huge project at Oak Ridge, Tenn., to expand its scale. At its peak, the program employed nearly 25,000 people.

The electromagnetic coils were 15 feet in diameter and weighed thousands of tons. So powerful were the magnetic fields that hammers and screwdrivers flew out of workers' hands if they came too close. The U–235 produced by the calutrons helped power the bomb that destroyed Hiroshima in August 1945.

One discovery of the electromagnetic program was that separation worked more effectively if the uranium fed into calutrons was already partly enriched, to 10 percent U–235. By the end of the war, other enrichment methods were working better than the calutrons, and the costly machines were abandoned for uranium enrichment.

But a few of them were still used at Oak Ridge to separate hundreds of other isotopes, in part for medical use. The separated isotopes included thorium, americium and curium.

Over the years, the technology of electromagnetic separation has advanced. Mr. Leventhal of the Nuclear Control Institute said some 180 patents have been filed on the process over the decades, apparently for isolating tiny amounts of rare isotopes.

Scientists say the electromagnetic method may have been refined and simplified by the Iraqis, making calutrons smaller, more competitive with advanced enrichment methods and far better producers of bomb fuel than they were in World War II.

IMPROVEMENTS OF 50 YEARS

"Anybody who would be capable of building one of these things now would be capable of improving it over what we did 50 years ago," said Dr. Lofgren, who helped develop it in World War II.

Mr. Leventhal of the Nuclear Control Institute estimated that 30 Iraqi calutrons, if they were fairly modern ones and fed uranium that had already been slightly enriched, could probably produce up to 44 pounds of bomb-grade fuel a year. That, he said would be enough for about one bomb.

Last week, Iraq said it had been running a total of three clandestine programs to enrich uranium. In addition to the electromagnetic method, it cited a centrifuge process and a chemical one. Several experts suggested that these might have produced slightly enriched uranium to feed the calutrons.

A scientist who advises the Federal Government, who spoke on condition of anonymity, said the Iraqi claim of having 30 calutrons was widely felt to be underestimated. "We think they have many more," he said. "Therefore the production rates are much higher" than private experts have calculated.

Experts on the spread of nuclear weapons say that their field, which for decades has focused on ways to stem the spread of advanced bomb-making methods, will now have to be rethought from the bottom up to focus on calutrons.

"How are we going to find this stuff?" asked Mr. Spector of the Carnegie Endowment. "What's the nonproliferation regime going to look like?

"Maybe there are bits and pieces of this technology that we can control. But if we can't, then you've got the possibility that one of the real underpinnings for the control of nuclear weapons won't be there anymore."

[From the Washington Post, July 10, 1991]

REASSESSING IRAQI NUCLEAR CAPABILITY

(By R. Jeffrey Smith)

The first indication that Iraq possessed secretly enriched nuclear material needed to build a crude atomic bomb was detected last December by U.S. intelligence experts, a month before the start of a bombing campaign that U.S. officials now say left Iraq's covert bomb-building equipment largely intact.

But officials say the information, derived from a secret study of radioactive particles clinging to clothing of hostages who were held briefly at one of Iraq's principal nuclear research centers, was not considered conclusive enough to influence the military's aerial targeting plan.

Several experts say this judgment eventually may be seen as one of the most serious intelligence miscalculations in the run-up to the Persian Gulf War. The war's 43-day aerial bombardment was supposed to have eliminated Iraqi President Saddam Hussein's nuclear weapons capability. One week into the bombing, on Jan. 23, President Bush declared that "our pinpoint attacks have put Saddam out of the nuclear bomb-building business for a long time to come."

But officials who have seen Iraq's new written disclosure of its nuclear research programs and reviewed independent U.S. intelligence data have concluded that Iraq may have hidden enough highly enriched uranium to build a crude nuclear device at some future date. The prospects for recovering all of the weapons-grade uranium are widely seen as dim.

"You cannot rule that out," a government analyst said yesterday when asked about the possibility that Saddam may eventually use the material to build a bomb. He added, however, that U.S. analysts have no evidence such an effort is underway.

"The fact is that Iraq had an unsafeguarded, covert uranium enrichment program, that it hid" from the United Nations, the International Atomic Energy Agency (IAEA) and special international inspection teams inside Iraq, State Department spokesman Margaret Tutwiler said yesterday.

"Furthermore, the extent of Iraq's program, along with information we have from numerous sources, makes us believe strongly that Iraq has a program to develop nuclear weapons," she added, reflecting what officials say is Washington's new judgment about Iraqi capabilities and intentions.

Other member nations of the U.N. Security Council have also expressed concern about Iraq's nuclear effort but have not charged that Iraq has a continuing bomb-building program.

Some U.S. government analysts say they may have erred in not taking more seriously the preliminary indications that Iraq was enriching uranium through a primitive, technologically outmoded method known as electromagnetic separation. This effort, disclosed to U.S. officials several months ago by an Iraqi defector, was confirmed in a 29-page Iraqi letter sent to the IAEA last Sunday.

Iraqi officials, who have consistently claimed to be uninterested in nuclear weapons production, described their "calutron" enrichment program as purely peaceful but nonetheless cited "national security reasons" for having kept it secret.

U.S. government analysts, who agreed to be interviewed on condition they not be named, said intelligence experts here had known for more than a year of Iraq's determination to try to make atomic weapons. Where the experts went wrong, they say, is in predicting that Iraq would build its weapon either by diverting a declared stockpile of highly enriched uranium under intermittent IAEA inspection or by building a new stockpile of uranium enriched through processing in modern centrifuges. Both approaches now appear to have been secondary alternatives.

The path that proved most successful for Iraq was instead the calutron method, which the experts had judged unlikely because it is less efficient. "Why should they use that [calutron] when they are spending a lot of money" on other, better methods, said an analyst, describing what was the dominant U.S. intelligence assessment before the war.

Although Bush himself warned last November that Iraq could complete an atomic bomb in less than a year, his statement was based on a U.S. intelligence finding that knew nothing of the secret calutron operation. Instead, it anticipated that Iraq might try using its declared uranium stockpile.

When the air war began, U.S. military officials ordered early bombing of areas within the Tuwaitha complex, located 20 miles south of Baghdad, where the declared stockpile was believed stored. They overlooked at least 30 calutrons acknowledged by Iraq this week, eight of which Iraq reported as still operable.

Officials say U.S. intelligence got its first substantial hint of the calutron effort in December, when it analyzed radioactive particles found on the clothing of U.S. and other foreign hostages who had been kept for several months at or near the Tuwaitha research complex.

The radioactive particles, collected during routine debriefings and medical examinations of the hostages in a U.S. military hospital, suggested not only that Iraq had already produced a covert stockpile of highly enriched uranium but also that calutrons could have been used to do it.

One U.S. analyst said this discovery caused the prospect that Iraq had operating calutrons "to be spoken of a lot more seriously." But he and others said it was not considered conclusive.

After an Iraqi electrical engineer with firsthand knowledge of the calutron operation defected to U.S. military forces in Kurdistan last March, U.S. intelligence ex-

> perts were able to piece together their first authoritative picture of the effort.
>
> Analysts now say they think the calutrons were likely operated at three locations: Tuwaitha; another military base near the town of Tarmaiya north of Baghdad; and an unspecified third site. They estimate that Iraq made roughly 25 pounds of highly enriched uranium, enough for a crude bomb like the 10-to-15-kiloton device exploded by India in 1974.
>
> "Clearly . . . we are learning now from a variety of intelligence sources things we didn't know when we did the target planning for the war about elements of their nuclear capability," Pentagon spokesman Pete Williams said yesterday.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, we have one other person to wait on before we can propound the unanimous-consent request. Let me just say the Senator from Maine is correct, this was an agreement that was negotiated by both sides of the aisle. Every word was negotiated. Every sentence was negotiated. It was truly a compromise if I have ever seen a compromise. It did not satisfy either side totally. But that is the nature of a compromise. That is the nature of what you have to do to get an agreement in a body that has differing opinions.

Mr. President, while we are waiting on the clearing of what we hope to be the unanimous-consent agreement, let me make a few remarks and then I will continue at a later point.

Mr. Speaker, the amendment offered by the Senator from Tennessee proposes to scrap the goal of deploying a treaty-compliant system at Grand Forks or at some single site. I think this raises some real questions for those who would be thinking about supporting the Gore amendment.

What will be in place of the one site at Grand Forks? The Senator from Tennessee referred to the antitactical ballistic missile several times in his speech. I think there is one thing we have a consensus on around here in this area and that is to spend more money and to give more emphasis to the antitactical ballistic missile systems. Senator WARNER and myself and others were already pushing those systems strongly for the last 2 years, but certainly an awful lot of people became interested in ATBM's after the experience in the Persian Gulf with the Scud missiles. So I do not think there is any dispute about spending money on ABTM's. In fact, the committee fully funded the committee budget request for $883 million out of this $4.6 billion on the overall strategic defense; $883 million is for theater defenses and ATBM's; $883 million is about one-half billion dollars more than Congress appropriated for ATBM's and theater defenses last year. That is a rather hefty increase. I support that level, but I think we are close to the line where we may be accused of throwing more money at this mission area than the traffic will bear.

So other than the $883 million on ATBM's, how do the opponents of the committee position who plan to support the Gore amendment propose we spend the other $3.75 billion that is in the Gore amendment, which is the same total figure as the figure in our amendment but without a real mission? To what end are they going to spend $4.6 billion?

In effect, those who support the Gore amendment will be saying no to the plan for deployment of a treaty-compliant limited defense using ground-based interceptors, but they are prepared to authorize $4.6 billion in the Gore amendment for research on ABM's and ATBM weaponry.

Several times during the presentation of the Senator from Tennessee, he used the term in describing the committee amendment extremely generous funding. He also used the term vastly increased funding.

Mr. President, he has the same amount of money in his amendment without a mission that we do in our amendment with a mission. For what are we going to use this extremely generous funding? For what are we going to use the vastly increased funding if we are not going to do anything except continue to do research in this area?

Mr. President, I will yield to the majority leader.

Mr. MITCHELL. Mr. President, I believe the distinguished Senator from Georgia previously propounded an agreement. It is my understanding that the parties are now prepared to accept the agreement except that the limitation on time would be 2½ hours other than 3 hours.

Mr. NUNN. Mr. President, I will divide my time equally with the Senator from Virginia.

Mr. WARNER. Mr. President, if I understand the UC at this point, it is 2½ hours additional.

Mr. MITCHELL. Yes.

Mr. WARNER. Which many of us feel is very generous, given that this amendment has been the subject of debate now since 3:30. So we concur in 2½ additional hours, following which the vote will take place up or down, the Senator from Maine now having withdrawn any objection to the question of tabling, and that the time would be divided between Senator GORE and Senator NUNN and myself.

Mr. MITCHELL. That is correct.

Mr. NUNN. Mr. President, I ask unanimous consent that there be 2½ hours for debate on the Gore amendment No. 950, to be equally divided between Senators NUNN and WARNER on the one side and Senator GORE on the other side; that at the conclusion of the yielding back of time, the Senate, without any intervening action, vote on the Gore amendment No. 950; that the Gore amendment No. 954 be withdrawn; that no other amendments to the amendment or to the language proposed to be stricken be in order; and that no motions to recommit be in order prior to the disposition of the Gore amendment No. 950.

Mr. WARNER addressed the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I shall not, that would imply, would it not—I address this to the distinguished majority leader and the chairman—that there will be no votes occurring between now and the hour of 8:30 other than the one that has been set?

Mr. NUNN. That would be my understanding because I think we will use all this time on debate. I anticipate no vote between now and 8:30, unless there is a yielding back of time. I hope we can yield back some time, in which case Members should be alerted somewhere around 8 o'clock.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nebraska.

Mr. KERREY. Mr. President, reserving the right to object, and I may object, I am concerned about the time limitation. With all due respect to the authorizing committee, you have had the opportunity to debate this. You have focused on it at considerable length. I appreciate the concern for the additional amendments that are following, and perhaps that will give us an opportunity to debate this further, but I think the Gore amendment is the critical amendment because it does offer an alternative. I have questions about the committee proposal, the impact upon the stability of the arrangement between the Soviet Union and the United States. I have some other concerns. I am anxious to hear both the chairman and the ranking member, as I am sure they will, respond to the opening statement of the distinguished Senator from Tennessee. I am anxious to hear those responses and learn from them. I have actually made no decision to support either the Gore amendment or the committee recommendation. I feel compelled to say it seems to me this first amendment is the critical one, this first amendment is the one that is going to give us the greatest amount of information about the committee proposal and potential alternatives to it.

Mr. NUNN. I can assure my friend from Nebraska that he will hear probably as much as he wants to from the chairman and ranking member and perhaps more. I think we have adequate time to address all the points made by the Senator from Tennessee.

Mr. KERREY. I would be prepared to accept 3 hours limitation on debate, but I feel uncomfortable—earlier I was rising to object even to that. I think this is a critical decision. In fact, I have said on previous occasions, Mr. President, that the distinguished Senator from Georgia gave us the opportunity last year particularly to evaluate the need to change our structure.

I believe the question that is being proposed by the committee and the response from the distinguished Senator from Tennessee is a very serious one. I am not comfortable that I am going to be able with this time limitation that is being offered to reach an informed decision.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia reserves the right to object.

Mr. WARNER. This is an important amendment. There is no question about it. We have had several hours. We are now about to have at least 2½ additional. I assure the Senator there are other amendments relating to SDI which the chairman and I hope will be addressed tonight. So this debate on SDI is not going to terminate with whatever resolution the Senate may render on this amendment. There will be more than adequate opportunity.

Now, if the Senator from Nebraska wishes a portion of this time designated for himself, I think the chairman and I would be perhaps willing to even relinquish a piece of our time to hold this agreement within these time constraints.

Could the Senator from Nebraska be more explicit in exactly what it is that he wishes, knowing now that there are going to be successive amendments following the Gore amendment? The one from the Senator from New Mexico [Mr. BINGAMAN] who is a member of the committee, is going to be, I certainly think, an equally important amendment covering much of the same ground.

Mr. KERREY. I am attempting to be explicit about it. I would be willing to accept the unanimous consent of 3 hours limitation. But I must say even there I am concerned, though I understand the Senator from New Mexico has an amendment and two other amendments after that; one dealing with the simple reduction in funding.

I think this particular engagement is going to be the key one. This is going to the one that will be apt to provide us with the kind of information we need to make an informed decision.

Mr. NUNN. Mr. President, I would propound the same request and make it 3 hours, and hopefully we can yield back some time because we do have three other amendments. I think we are going to be hearing as much about SDI as anyone wants to hear before this night is over.

The PRESIDING OFFICER (Mr. FOWLER). Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, before we resume the debate, while we have the distinguished majority leader here, could we discuss how we would address these amendments.

The PRESIDING OFFICER. Will the Senator withhold? Under the previous order, the amendment (No. 954) is withdrawn. The Senator from Virginia.

The amendment (No. 954) was withdrawn.

Mr. WARNER. I thank the Chair.

Mr. President, could we explore the procedure by which additional amendments relating to SDI would be concluded tonight? The chairman and I conferred. I support the chairman's desire to finish the subject of SDI tonight in hopes that votes can be stacked tomorrow morning, and that we can then proceed on amendments relating to the B-2 issue.

Mr. NUNN. I say to my friend from Virginia it would be my hope—we have three other amendments tonight. We will be covering debate on these amendments. There is overlapping in debate. It is not like we start on a fresh whole theme on each one.

I think the Senator from Tennessee laid out very comprehensively concerns perhaps most people who sponsor the other amendments will have also. So I hope that we can have about an hour on each one of the other amendments. That is up to the authors. I do not have a time agreement.

Mr. GORE. I have endeavored from the beginning of the debate to secure agreement from all of those seeking to offer amendments to the SDI portion to limit the time. I have encountered some difficulty, not because of my own lack of limiting time on the overall debate, but because some of the supporters of the amendment are reluctant to agree to it.

I would tell the President that there is a general understanding that the Bingaman amendment could probably be limited to a period of time much shorter than what has been consumed already on this amendment. Senator BINGAMAN has expressed an agreement to do that.

Senator BUMPERS I do not believe is prepared to entertain a time agreement at this time.

Senator LEVIN is unavoidably away from the Chamber right now but will return fairly soon. It is my understanding that he is in agreement.

I would venture this prospect; that it is in my opinion quite possible to get an agreement that will limit debate to a reasonable hour on all except the Bumpers amendment if the votes occur this evening. I think there will be resistance to stacking the votes tomorrow morning simply because in that event many Senators cannot leave the Chamber, and will not be here to vote and hear the debate.

Mr. MITCHELL. Mr. President, so as to permit this debate to get underway, and not delay any further discussion, may I suggest that I direct the floor staff to contact the authors of the remaining amendments, to request in my behalf and that of the managers, a statement of whether or not there is a willingness to agree to a time limit and what that would be; and, while this debate is going on, to attempt to prepare an agreement that could be propounded, if consent is possible, during the course of this debate or, in any event, no later than the time of this vote.

In that way, we can find out what we are talking about, how many amendments there are, whether or not people are willing to enter into agreements and obtain agreements, to the extent they are possible, so as to expedite it; that way permit this debate to go forward and the time to begin to be charged.

Mr. WARNER. We certainly want to be cooperative. I know, having just discussed with the Republican leader, he has some views which he would want to share with the majority leader.

Mr. MITCHELL. I, of course, would not proceed without prior consultation with the distinguished Republican leader. But I think he would agree the best thing to do now is to start getting these 3 hours underway, and during that time to try to get an agreement to lock in the others in the most expeditious manner.

Mr. NUNN. I believe that is an excellent suggestion.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time does the Senator need?

Mr. SHELBY. Ten minutes.

Mr. NUNN. I yield 12 minutes.

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. President, today I rise to speak in opposition to the amendment offered by the Senator from Tennessee. We heard a pretty long debate last year about this time during the debate on the Defense authorization bill for fiscal year 1991. I joined at that time with my good friend and colleague from the Armed Services Committee, Senator BINGAMAN of New Mexico, to offer an amendment to refocus the direction of the SDI, strategic defense initiative.

We were successful on that occasion. That amendment passed with the support of many of the same Senators who tonight are supporting the amendment offered by the Senator from Tennessee.

Last year, the Congress put the SDI initiative, I believe, on the right path. We refocused. We emphasized the need to move forward with a program that would emphasize and point out limited protection systems, and theater missile defenses.

We funded programs and projects that could provide an early development option against limited attacks. Mr. President, we called for the development of programs and projects that take into consideration both the current numerical limitations of the 1972 ABM Treaty and modest changes to those numerical limitations.

Mr. President, we foresaw the need for the development of the deployment and rapidly relocatable antitactical ballistic missiles, ATBM defenses for forward deployed and expeditionary U.S. Armed Forces.

Mr. President, the action taken by the Armed Services Committee I believe is a logical extension of the decision that we made right here in the Senate last year. As with the fiscal year 1990 defense bill, I am proud to have been a cosponsor of the Missile Defense Act of 1991, including in the legislation before the Senate today.

The committee recommended provision establishes a national goal—and I emphasize "goal"—for defending the United States, its Armed Forces overseas and, Mr. President, its friends and allies, against limited ballistic missile attacks. The plan authorizes the initial steps toward implementation of this goal and urges the adoption of a new U.S. negotiating strategy on ballistic missile defenses.

Mr. President, the SDI provision, I believe, can be divided into three parts. First, the aggressive pursuit of the development of a range of advanced theater and missile defense programs with the objective of down selecting and deployment of such systems by the mid 1990's. I believe that this provision builds on action taken last year that I mentioned, and has nearly unanimous support. The recent action in the Persian Gulf highlighted the need for the development of such systems.

We need to build on the success of the Patriot missile with upgrades in that system, and the pursuit of longer range and more effective systems that would defeat an attack by tactical ballistic missiles.

To this end, Mr. President, the Armed Services Committee fully funded the administration's request for the Patriot, the ERINT, the THAAD, and the follow-on ARROW systems.

Second, the development for deployment by fiscal year 1996, of a cost-effective operationally effective and ABM Treaty compliant antiballistics missile system at the single site as the initial step toward the deployment of the new antiballistic missile limited defense architecture.

The committee suggested that the systems be located at the Safeguard site near Grand Forks, ND.

I consider the deployment of this system in keeping with our actions of last year when we set SDI on a path toward a phased deployment of a limited strategic defense. The language in this portion of the SDI provision is consistent with the language of last year's bill.

Now, proponents of the amendment before us have stated that a single site cannot provide coverage for the entire United States. Moreover, they believe that current world conditions decry the need for the deployment of such a system.

It is certainly true that a treaty compliant ABM system cannot provide coverage for the entire United States. It can provide a defense against a limited or unauthorized strike. It can provide protection for vast areas of the United States. It can provide protection against a rogue SLBM threat.

The optimum protection would include at least three ground-based sites in the United States complemented with an underlayer of ATBM sites. This architecture would provide protection against a launch from a ballistic missile sub off our coast or even a commercial ship armed with tactical ballistic missiles.

We can now, thanks to the Patriot, provide some protection against tactical ballistic missiles. A system at Grand Forks can provide us with a defense against the expansion of this regional threat. It is clear that the so-called Third World threat is increasing.

By the year 2000, it is estimated that 24 nations will have a ballistic missile capability. Brazil has begun development of a medium-range ballistic missile. India is progressing in the development of a medium-range ballistic missile. China has deployed intercontinental-range ballistic missiles and has exported medium range missiles.

As this proliferation continues in the world, the trend will be toward missiles with longer ranges and greater accuracy. It is possible that within a decade the continental United States could be in the range of the ballistic missiles of several Third World nations. We need to protect the citizens of the United States from this threat.

Proponents of this amendment believe that the deployment of this system would lead to a widening of differences with the Soviet Union and to instability. The Soviet Union maintains the only operational ABM system near Moscow. This system includes two interceptor missiles: A long-range modified Galosh ABM that is intended to engage ballistic missile reentry vehicles outside the atmosphere; and the Gazelle, a shorter range, high acceleration missile that, like the now-defunct U.S. Sprint system is designed to engage reentry vehicles after they have reentered the Earth's atmosphere. Therefore, the redeployment of our own treaty compliant system would not lead to a widening difference with the Soviet Union or instability. All we would be doing is complying with the existing treaty. That is totally our intent.

This brings us to a discussion of the third main theme of the consensus program, the implementation of a parallel arms control track. This provision is certainly the most controversial section of the Armed Services Committee bill. We urge the President to pursue immediate negotiations to amend the ABM Treaty to permit completion of the planned limited defense antiballistic missile system. It urges the President to adopt a new negotiating strategy to reach agreements with the Soviet Union to permit:

First, additional antiballistic missile sites and additional ground-based antiballistic missile interceptors;

Second, increased utilization of space based sensors for direct battle management.

Third, clarification of what constitutes permissible development and testing of space based missile defenses;

Fourth, increased flexibility for technology development of advanced ballistic missile defenses; and

Fifth, clarification of distinctions between TMD's and ABM's, including interceptors and radars.

Mr. President, the authors of the amendment before us find this provision most distasteful. Last year's legislation called for negotiations with the Soviet Union to achieve modest modifications to the ABM Treaty. The bipartisan package sets a goal well beyond that of the fiscal year 1991 bill. Proponents of the amendment before the Senate believe in the "camel's nose under the tent theory." They believe that the deployment of 100 interceptors at Grand Forks will lead to a multisite deployment and then to the deployment of 1,000 Brilliant Pebbles interceptors.

It is my hope that we can negotiate with the Soviet Union changes in the ABM Treaty that would allow for a multisite deployment of ground-based interceptors within the United States. I also hope that we can achieve clarification of development and testing issues and on the distinctions between TMD's and ABM's. I do not believe that these negotiations will lead to an agreement on the deployment of space based interceptors. Nor do I believe that the President would abrogate the ABM Treaty to deploy space based interceptors. Recognizing this fact, we on the Armed Services Committee removed space based interceptors from the plan before us and placed Brilliant Pebbles in a follow-on category.

I do believe that it is in the mutual interest of the United States and the Soviet Union to negotiate changes to the ABM Treaty that would allow for additional ABM sites and interceptors. Because of its geographic position, the Soviet Union is faced with both ABM and TMD challenges greater than that of the United States. We have all seen the charts and illustrations depicting current Third World country ballistic missile capability. Portions of the Soviet Union are encompassed by nearly every threat. The Soviet Union should be receptive to modifications to the ABM Treaty.

Mr. President, I now turn to the issue of SDI funding for fiscal year 1992. The $4.6 billion funding level that was reported out of the committee is necessary to meet the goals and priorities set forth in the consensus program. $1.5 billion is needed to deploy a treaty compliant system at the Safeguard site near Grand Forks by 1996. The $857 million for the Theater Missile Defense Program element received near unanimous support throughout Congress. The $550 million that the committee cut from the SDI request of $5.15 billion was made at the expense of the other program elements.

Mr. President, the SDI Program set forth by the Armed Services Committee was the result of extensive and meaningful debate. It is a bipartisan effort that garnered the support of 16 of the 20 members of the committee. It is a major breakthrough for the strategic defense initiative. Lessons learned from the gulf war taught us that strategic defenses are not only possible, but can be successful, as well. Now, more than ever, we need to deploy strategic defenses to guard the United States and our troops abroad against ballistic missile threats. The direction provided by the Nunn-Warner-Cohen-Exon-Thurmond-Shelby provision will ensure that a defense against limited ballistic missile attacks will be a reality this decade.

I believe it is a logical extension of our efforts last year to refocus SDI. Passage of the amendment before us will result in some protection for our troops abroad and our allies, but it leaves the United States without any hope for defense against ballistic missiles. We need to move forward, not backward on SDI.

I urge my colleagues to reject the Gore amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. I yield 15 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Thank you, Mr. President. I thank my colleague from Tennessee.

Mr. President, I rise in support of the Gore amendment. I believe this amendment serves two critical purposes: First, to make it clear that Congress wants to pursue vigorously antitactical ballistic missiles systems like the Patriot; and second it makes clear that Congress will not, I emphasize, will not support a premature commitment to deploy ABM systems designed to defend against phantom threats of accidental launch of Third World countries.

I think we should understand that notwithstanding that the committee chairperson and his colleagues, the ranking member and Senator COHEN and others, have drawn together a very brilliant piece of legislation, it is the most interesting and probably successful exercise in sophistry I have witnessed since I have been in the U.S. Senate. They say, "Look, ladies and gentlemen of the Senate, all we are really doing here is what we started off to do in the past."

This is just a normal natural continuum of what we intended to do from the beginning, as my friend from Alabama just said, and then they throw in the usual red herrings and talk about the Scud missile and updating that type of tactical system.

But the fact is, none of us are arguing about the first part of the equation and that is the antitactical ballistic missiles system. That is a nonissue in this debate, notwithstanding what my friend from Alabama, and others who have spoken, try to make it sound like. So let us get that straight.

I was telling my staff that I used to practice law with a fellow who worked for a guy who was a very good trial lawyer in Delaware and every time he stood to speak to a jury, when he started off, particularly when it was a criminal case, no matter what the case was, he would say, "Now, look, you are going to hear a lot of things said about my client. But I want you to keep your eye on the ball." And then he turned to the client and he would say, "Now look, he is not particularly a good-looking fellow. He does not dress very well. I would not expect you to ask him home to dinner. He has done some bad things. But the issue here is did he kill Cock Robin? That is the issue. Not whether he is ugly, not whether he does not dress well, not whether he does not have a family lineage you like or do not like, not whether you want him to marry your daughter. That is not the issue."

But the prosecution is going to spend all night attempting to convince you that that is the issue.

I say to my friend from Alabama—and I speak to him only because he is the last one to speak in defense of this, he is being a very good prosecutor; he is trying to take everybody's eye off the ball. He is trying to take everybody's eye off the ball by talking about antitactical ballistic missiles systems, as if the Senator from Tennessee has any objection to pursuing that technology.

Let us get it straight, folks. The amendment of the Senator from Tennessee does nothing, nothing, to impact on pursuing that technology.

To uncover the issue we are so earnestly trying to understand, listen to the Senator from Alabama. Listen to his entire sentence, including the comma in the sentence. Do not stop at the comma as if it were a period. It is a comma. He says—and I am paraphrasing—"This is an ABM Treaty compliant position," comma, "as a first initial step to the goal of establishing a nationwide system that is limited."

Now for those who do not pay a lot of attention and are not on the committees, they hear "limited" and that means probably compliant with it. It is not limited in the area it is attempting to cover; it is limited in terms of the number of bombs, nuclear vehicles that are raining down upon us. It is limited in terms of how many of them it is designed to be able to eliminate. That is the limitation.

But the sentence sounds wonderful. It says, "ABM compliant first step to a limited system." It all sounds good, except I have to ask myself, what in the heck do we need it for?

First of all—we would be going on record as saying we do not any longer think the ABM Treaty, the bedrock of arms control, the philosophy upon which everything else has been built, makes sense anymore.

Now, my friends will stand up and say that is not what he said. But they say it. They define a goal that is absolutely inconsistent with article 1 of the ABM Treaty. But they point out that they do not violate it. Yet I say to my friend from Nebraska that it is a little bit like saying—by the way, I want you all to agree with me, I want you to make a deal with my friend, the Senator from Nebraska, and the deal is that I am going to sell him this automobile. It is a beauty. I am going to sell it to him for $15,000. I am going to take out of the automobile all of my personal belongings—the golf clubs that are in the trunk, the golf shoes that are laying on the back seat, my daughter's book bag that is also in the back seat, and my son's paraphernalia he brought home from college that sits in the front seat.

So far, so good. It does not go to the heart of whether or not you are going to get the car I promised you. But it is a first step, because I want to take the engine out. What are you all going to do? Are you going to give me the 15,000 bucks before I give you the car with the engine in place?

I have already told you, I have not violated it yet. But I have told you I am going to have a contract compliant deal with you. But it is a first step. After I take my golf clubs, I am going to go up and take the engine. But than I say to you, please, do not worry because I am going to negotiate that with you.

Why would you give me $15,000 at the front end when I have already told you that my goal was to take out the engine, and if you do not let me do so through negotiation with me I may violate the deal? You say, well, so what?

In the meantime, I am asking you to sign a treaty called START when you are going to eliminate thousands of nuclear weapons while I am considering this. Great idea. I say to my friend from Nebraska, and anybody in here, how many are going to sign that contract with me? And if you sign it, how many of you are going to keep the agreement you made with me about START to eliminate all these other things? It is crazy. Absolutely crazy.

Why are we doing this? Well, we have this threat. My Lord, we have this threat. I find it interesting. I do not want to be in an I-told-you-so position. It is never for me to say that, I say to my friend from Alabama and others. I hear about the Third World country threats.

I might note parenthetically, I had a little amendment with regard to China saying, "Hey, fellows, China is selling ballistic missiles to the bad guys. Do not let them do it. Stop them. Force them to make a choice between the $2 billion they are going to make doing that and the $15 billion they are getting from MFN." And a lot of the very same folks that are on the floor now warning us about Third World countries' ballistics missiles are the people that said no, we cannot affect China's relationship with the United States by doing that, considering all the progress being made along the coast. We understand it will have an impact on Hong Kong if we do that.

Now they are on the floor telling us, "By the way, here come the missiles." And then they came along and said, my distinguished friend—and he is my distinguished friend—from Virginia says, there are three countries. There are three of them. I wonder who they are. Three countries that are going to have the capacity by the year 2000 to deliver a warhead upon the territory of the United States of America on the top of a ballistic missile. Who are they?

Now, if deterrence does not make a difference, if we are going to send off a ballistic missile from the country of "Xanadu," a mythical Third World country, and they know you know from whence it is going to come and it does not affect them, well, then I respectfully suggest that we have to really change our attitude about what we do with the whole rest of the world.

But the fact is, it is not—I emphasize it is not; it is not—shown anywhere where that there is any country that will be in the position by the year 2000 to be of that kind of threat.

According to the Senator from Virginia:

> The Director of Central Intelligence estimates that by the end of the century * * * at least six developing countries probably will have ballistic missiles with ranges up to 1,800 miles and at least three may develop missiles with ranges up to 3,300 miles.

Mr. President, I submit that the Senator from Virginia is using information that has subsequently been revised by the intelligence community.

In fact, I would ask him to provide in open or closed session the name of one new country whose geographical location and missile capabilities will pose a threat to the territory of the United States by the year 2000. I suspect that he cannot name any such country.

There is no new threat that has suddenly arisen requiring us to embark on this hasty and ill-considered plan. What's the rush? What's the rush to judgment here?

But even more important, if a country wanted to threaten the United States with nuclear weapons, using a ballistic missile would not be the wisest choice. Our satellites would instantly tell us the country that had launched the missile.

By contrast, the use of aircraft, ship, or suitcase could conceivably mask such an attack. This is the horrible reality of the nuclear age—and a limited star wars deployment can't change that reality.

If you don't believe me, listen to the former Chairman of the Joint Chiefs of Staff, General Jones, who said the idea that a missile defense would protect us against Third World threats "does not hold up under close scrutiny," since "terrorist or Third World delivery of a nuclear weapon is more likely to be done by an aircraft or a ship sailing into one of our harbors or other such simple ways."

What about an accidental launch? After hearings in the Foreign Relations Committee in which in which this question was repeatedly raised, it is my sense right now that the threat of an accidental or unauthorized launch of ICBM's or SLBM's is extremely low. It is my distinct impression that the Soviet Union's control system is even more centralized than ours—especially when it comes to strategic systems.

But what do the experts say? General Odom, the former Director of the National Security Agency, says this about an accidential launch: "I think the probability is very low. * * * I give it such low probability that I do not worry seriously about it." General Odom also pointed out that the Director of NSA is in a better position than anyone—anyone—to make such an assessment.

What about General Powell? He says his knowledge of how the Soviets manage their nuclear systems leaves him "comfortable that those weapons will not get into improper hands" and would be "unusable" if they did.

What about the Soviet response? No one can tell you how the Soviet Union will ultimately respond to a United States effort to change the ABM Treaty and build a multisite defense. Right now, we know their position: It is that efforts to violate the ABM Treaty would threaten Soviet supreme interests in such a way that they would not implement the START Treaty.

But more important: Is this the message to send to Gorbachev as he battles his hard-liners over previous decisions to let Eastern Europe go free, to agree to the CFE and START Treaties that favor the United States, to withdraw from Afghanistan, and to let Germany unify?

Do we want to give credence to those in the Soviet Government—those military officers in the Supreme Soviet—who are complaining that the United States now intends to try to capitalize on perceived Soviet weakness? Do we really think the Soviets won't respond?

It would be hard to think of anything that could better play into the hands of the Soviet hardline reactionaries. It is almost as if this proposal represents a perverse collaboration between our hardliners and Soviet hardliners.

Mr. President, we will talk more about the ABM Treaty later. For now, I will close by pointing out that their is no urgent need for the deployment; no new threat has arisen requiring urgent actions by the United States. And the ABM Treaty aside, now is not the time to commit the United States to actions that could have profound consequences for United States-Soviet relations.

What's the rush? Why are we rushing to build a system before even the most preliminary hearings of its consequences have occurred. No hearings in the Foreign Relations Committee. And I understand, not a single hearing in the Armed Services Committee, the committee from which this proposal emanated.

At this point I must recall that in March of this year, in response to a Warner amendment equally sweeping in its implications for the ABM Treaty, the Senator from Georgia responded as follows:

> I think it will take a lot of hearings. * * * There are all sorts of questions here that we would have to get answers for from our military and intelligence. * * * This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. * * * There are all sorts of questions that I think need to be answered.

Is this the way to develop a consensus on a matter of this central importance to the United States?

And how much does a system cost like the one envisioned by the languages in the Armed Services Committee bill? According to a preliminary estimate from the Congressional Budget Office, the kind of multisite system the committee proposal envisions could cost more than $60 billion.

CBO said it could not specifically estimate the multisite program in the committee language. But they could estimate what a multisite system like it could cost. And CBO suggests that estimate could reach $66 billion: $36 billion in acquisition costs for a multisite system with space-based sensors as envisioned by the committee proposal; $8 billion in operation costs; and $22 billion to reflect standard cost to overruns for a system of this magnitude and complexity.

Sixty-six billion dollars, no hearings, the day the START Treaty was signed, the end of the ABM Treaty. What are we doing here?

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. BIDEN. Mr. President, I conclude by suggesting to you if there ever was a red herring, this is one. If there ever was something that we did not need to do, this is it. If there was ever a bad time to do it, this is the moment. If there ever was a circumstance under which the United States cannot afford another $66 billion annual—and I ask unanimous consent that a study by the Congressional Budget Office pointing out this cost of $66 billion be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1991.
Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Subcommittee on European Affairs, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In your letter of July 25, 1991, you requested that the Congressional Budget Office (CBO) provide information about the costs of ballistic missile defenses. Specifically, you asked for costs associated with a system that would defend the United States against limited ballistic missile attacks using ground-based interceptors located at multiple sites. This letter provides the information that we currently have available.

The Administration has proposed deploying a Global Protection Against Limited Strikes (GPALS) system to protect the United States, its allies and troops overseas from limited ballistic missile attacks. The Administration has stated that GPALS would consist of three segments. One segment would provide defenses against theater missiles; that is, shorter-range missiles such as Iraq's SCUD missile. A second segment, the space-based global protection portion, would consist of about 1,000 space-based interceptors, commonly called "Brilliant Pebbles". A third segment, the national defense portion, would be a ground-based system designed to protect against strategic missiles and would include 750 ground-based interceptors deployed at six sites in the United States. In addition, the national defense segment would include sixty space-sensors called "Brilliant Eyes," six ground-based radars, and the required command and control centers and infrastructure. Other sensors may also be included.

The national defense segment of GPALS, together with the segment providing defense against theater missiles, represents one version of the type of system you describe in your letter. CBO does not have the data to analyze the costs of GPALS independently. However, the Strategic Defense Initiative Organization (SDIO), a component of the Department of Defense, estimates that it would cost a total of $36 billion to acquire these two segments of GPALS, including $10 billion for theater defense and $26 billion for national defense. (All costs in this letter are expressed in constant 1992 dollars of budget authority.) This estimate assumes that no funds will be spent on research and development of Brilliant Pebbles. Costs to operate these two segments for an 18-year period (including an eight-year start-up period and ten years of full operation) would add roughly another $8 billion, based on information provided by SDIO.

The complete GPALS system, as proposed by the Administration, would also include space-based defenses, which would increase the costs. SDIO estimates that total acquisition costs for GPALS would grow to $48 billion if the system included about 1,000 Brilliant Pebbles in addition to the segments described above for national defense and theater missile defense. According to SDIO, operating costs for all three segments of the GPALS system over 18 years would amount to at least $13.8 billion.

If history is a guide, these estimates will understate actual costs. A recent study that reviewed the costs of past defense weapon programs found that actual acquisition costs averaged about 50 percent more than estimated costs. Systems such as GPALS may be particularly vulnerable to cost growth because they are technologically advanced and because many elements of the system architecture are still in the early stages of development.

The SDIO cost estimates included in this letter do not constitute an estimate of the costs of the Missile Defense Act of 1991, which has been approved by the Senate Armed Services Committee and may soon be debated by the Senate. The Missile Defense Act of 1991 calls for renegotiation of the Anti-Ballistic Missile (ABM) Treaty and raises the possibility that the United States will eventually deploy a multi-site system of defenses against limited attacks of ballistic missiles. The act does not, however, specify the configuration of the defense system. Therefore, it is not possible to estimate the ultimate cost of the act.

The Missile Defense Act of 1991 does specify that, by 1996, the United States should begin to deploy a system of 100 ground-based interceptors at Grand Forks, North Dakota. This deployment is to comply fully with the ABM Treaty. CBO requested from SDIO, but did not receive, information relating to this deployment of 100 interceptors. The information we requested might have permitted us to estimate the costs of such a deployment. In the absence of the information, we do not feel that we can provide an estimate of costs for a deployment of 100 interceptors at this time.

I hope that you find this information useful. If you have any questions, please let me know.

Sincerely,
ROBERT D. REISCHAUER,
Director.

Mr. BIDEN. And if there ever was a man who knows all about this, it is General Odom, the former Director of the National Security Agency, who said about this, "I think the probability is very low. I give it such a low probability that I do not worry seriously about it." If there was ever a red herring, if there was ever a waste of money, if there ever was an ill-informed thing to do, this is it.

I thank my colleagues for their time.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Mr. President, I have listened, as have others, to the discussion of the Gore amendment. And now I have heard this. But I cannot find in any of this debate a reference to how we are going to protect the men and women of the Armed Forces of the United States as we send them beyond our shores in harm's way.

Did we not learn anything in the Persian Gulf? Did we not learn that it requires a space element, namely the early warning, to help the direction of the Patriot system?

Mr. President, I urge some of the proponents of this amendment to speak to the issue which the Senator from Virginia incorporated in all of his written and stated remarks which he carefully incorporated in the draft of the amendment, working with those who cosponsored it, this proposal in the committee bill. Yes, it addresses the growing threat of ballistic missiles, but it certainly goes to the very heart of, can we in good conscience send these men and women beyond the shores of this country and at the same time restrain our technological base from trying to give them adequate protection?

We know full well that even under the ABM Treaty it permits the use of sensors, sensors in a forward-deployed ground-based defense system.

Nowhere in the Gore amendment can I find any reference to the fact that we could, under the ABM Treaty, utilize sensors. As a matter of fact——

Mr. BIDEN. Will the Senator yield?

Mr. WARNER. I will yield in a moment.

As a matter of fact, the amendment sponsored by my good friend, Senator GORE, restricts everything to ground based. Not only does the amendment not allow us to go forward, it takes us back from where we were in the gulf when we utilized a space element in the defense system.

So, Mr. President, I would hope some of those who are speaking on behalf of the amendment would address the responsibility we have with respect to the forward deployed elements of our forces.

Mr. BIDEN. Will the Senator yield?

Mr. WARNER. I am happy to yield, but I must say the time must come from the Senator.

Mr. BIDEN. Will the Senator yield me 60 seconds in response?

Mr. GORE. I yield the Senator 60 seconds.

Mr. BIDEN. It is four initials—ATBM. And we used sensors in the gulf. It did not violate the ABM. And the Senator from Tennessee does not do it, either. We are for ATBM's. Keep your eye on the ball. This is not about ATBM's. This is not about protecting American troops. This is about violating the ABM Treaty and wasting $66 billion now.

Mr. SARBANES. Will the Senator from Virginia yield for a question?

Mr. WARNER. You will have to use your time and I will respond on my time.

The PRESIDING OFFICER. The Chair will advise the Senator that it is necessary to achieve consent to allocate the time in this way.

Mr. WARNER. Mr. President, if a question is propounded to the Senator from Virginia, I will respond to the question using the time under the control of the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to that request? Under the rules, the Senator who has the floor controls the time and the time is charged to the Senator who controls the time.

Mr. WARNER. If the Senator wishes to have all the time charged to the Senator propounding the question, it is perfectly agreeable to the Senator from Virginia.

Mr. SARBANES. Is the Senator from Virginia trying to get the question time charged not to him?

Mr. WARNER. That is correct.

Mr. SARBANES. Will the Senator yield me 15 seconds to ask a question? I am not really trying to impose on the Senator's time. I really want to put a question to him. I assume he will answer it on his own time.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Does the Senator assert that the statement of the goal in the committee bill with respect to deploying an ABM missile system would not contravene the ABM Treaty?

Mr. WARNER. Mr. President, the initial deployment, that is the first site, is to be within the ABM Treaty.

Mr. SARBANES. What about an adequate additional number of anti-ballistic-missile sites capable of providing a highly effective defense of the United States? Would that contravene the ABM Treaty?

Mr. WARNER. Such additional sites as may be determined necessary under the architecture are to be obtained through negotiations; that is, clarifications of the ABM Treaty. It has always been that way from the first moment that the Senator from Virginia prepared a white paper which was joined in by the distinguished Senator from Maine, the distinguished Senator from Indiana, and eventually the chairman of the Armed Services Committee and others, including the Senator from Alabama; cosponsors. It was clear that the initial site is within the ABM Treaty, and, indeed, the narrow interpretation of the ABM Treaty.

Mr. SARBANES. Will the Senator yield me 1 minute to comment on that?

Mr. GORE. I yield.

Mr. SARBANES. Mr. President, I rise in very strong support of the Gore amendment on the basis of this answer. It is very clear from this answer that the committee has stated as a goal in its bill a course of action for the United States—beyond the one system—a course of action that, in effect, contravenes the ABM Treaty. And by the Senator's own statement, would require a renegotiation with the Soviet Union.

That renegotiation ought to take place, if it is going to take place, ahead of committing the Nation to a policy which is set out in this bill.

By this process here, the Senator is committing to a policy which contravenes the treaty. And then he is saying: But it is going to be OK, because we are going to renegotiate the treaty. What you do is you renegotiate the treaty first, if you make the judgment that that is what ought to be done, and then you move with a policy. Obviously, we would have the debate on whether the treaty ought to be renegotiated.

Make no mistake about it, what is involved with this provision that has been brought from the committee is moving us down the path of negating the ABM Treaty.

The amendment of the Senator from Tennessee would avoid that pitfall. I think it is extraordinarily important that we not go down that path which, by the manager's own admission, we are going to set out on—a course of action which the manager concedes contravenes the treaty.

That is not the kind of behavior that a great power, abiding by international obligations, ought to be following. I simply say to my colleagues, we should support the Gore amendment on that very basic issue, if on no other basis.

I know the Senator has adduced a number of other arguments in support of his amendment. But to put the Congress on record as embarking on a course of action that, by the admission of the manager, would require renegotiating the treaty, is not the way we ought to be proceeding.

I thank the Senator for yielding me time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Will the Senator yield me 20 minutes?

Mr. GORE. I yield the Senator from Ohio 20 minutes.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized for 20 minutes.

Mr. GLENN. Mr. President, I rise in support of the effort to strike the committee language to deploy an antiballistic missile system at "one or an adequate additional number of sites."

I hate to oppose my committee chairman and the distinguished ranking minority member, Mr. WARNER, and Senator COHEN, who put together some of these proposals. But I am also opposed to the $4.6 funding level for SDI contained in the committee's bill which I believe is excessive. I will support a subsequent amendment to reduce this funding level.

Having said that, let me point out that I have always supported a solid strategic defense research program since the President's first proposal in 1983. But I have not supported deployment of a strategic defense system is either desirable or technically feasible.

Just a few weeks ago on July 17, President Bush and President Gorbachev announced in London that they had reached agreement on a historic strategic arms treaty. It was the first to mandate reductions in superpower arsenals. The conclusion of the START agreement is another milestone in the extraordinary transformation of United States-Soviet relations which has witnessed the conclusion of the INF Treaty, the CFE agreement, the liberation of Eastern Europe, the democratization of the Soviet Union, and indeed, the end of the cold war. Clearly, the strategic relationship between the United States and the Soviet Union is more stable now than it has ever been since the end of World War II.

The same day the conclusion of the START agreement was announced, however, a majority of the Senate Armed Services Committee voted to deploy an ABM Treaty-compliant system which would be an initial step toward deploying a multisite strategic defense system—this in turn would undermine the 1972 ABM Treaty.

Mr. President, the action of the Senate Armed Services Committee is a needless waste of increasingly scarce resources and threatens to be destabilizing. I strongly disagree with the committee's action—even if it is compliant with the ABM Treaty. It would be unfortunate for us to mark our success in United States-Soviet arms control and cooperation by even taking the chance of eroding the ABM Treaty which has contributed so significantly to strategic stability over all these many years.

The committee's action is rather ironic when one considers it has been a short time ago, only about 4 years ago, when some of the same members of the Senate Armed Services Committee successfully led the Senate fight to preserve the ABM Treaty from the Reagan administration's attempt to manufacture a reinterpretation of that agreement to justify deployment of a strategic defense system.

The strategic defense initiative [SDI] is one of the most expensive—with over $20 billion expended so far—strategically misguided, and politicized defense programs ever. Since President Reagan first announced the program over 8 years ago, support for SDI deployment has become the preeminent national defense litmus test. The SDI program has become so highly politicized, that it has become virtually immune to any sort of thorough, objective, and responsible scrutiny. I would note that the committee voted to commit our Nation to strategic defense deployment without the extensive hearings necessary to responsibly examine the significant strategic and arms control implications of this action.

There are a number of quotes from some of the participants in this debate. Along that line, I will quote from Senator COHEN who, on this floor on June 12, said:

> [T]here is no consensus for abandoning the ABM Treaty, which would not only undermine prospects for a START Treaty but create pressures to maintain, if not increase, levels of strategic offensive arms. * * * Our efforts should be directed toward the negotiation of a protocol * * * consistent * * * with the stabilizing benefits of the ABM Treaty's prohibition on comprehensive nationwide defense, and with START's deep cuts in offensive forces.

I agree with that statement. There are a couple of other statements on this subject, for example, here is a quote from the distinguished chairman of our committee who stated on March 13 of this year:

> [T]he ABM Treaty limits our ABM options both in terms of development and testing and in terms of deployment. After all, that was the principal idea behind the treaty. We wanted to avoid the Soviet Union getting defenses, the United States getting defenses and having a spiral of offensive weapons in response to that. The more defenses you have in certain environments, the more offensive the other side has, and you get on this upward spiral of offense, defense, offense, defense. That was the spiral we tried to stay off. The ABM Treaty has kept us off of that spiral.

And I agree with our distinguished chairman.

Another statement in that same regard from our chairman, once again, on March 14 of this year.

> There are all sorts of questions here that we would have to get answers for from our military and intelligence, whether the Soviets may be prepared to move out more readily than we are.
>
> This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. The Soviets have already deployed an ABM system around Moscow and could be in a position to break through in this area quicker than we could in some categories. * * * There are all sorts of questions that I think need to be answered.

The chairman of the Foreign Relations Committee, Senator CLAIBORNE PELL, stated on March 13:

> The centerpiece of modern arms control is the 1972 Anti-Ballistic-Missile Treaty. Too many are prepared to leap too fast into testing and deployment. This constitutes endangerment of the ABM Treaty. We should not rush to adopt such concepts until we have done the most rational and careful study, and we should be quite careful to avoid trashing the ABM Treaty in support of some dash into the unknown.

Mr. President, indeed, it is not even clear that the Pentagon has thoroughly examined all ramifications of this issue. On June 20, the committee held its only hearing of the year on the fiscal year 1992 budget request for SDI's latest architecture. Under questioning from me, the SDI Director Henry Cooper conceded that his organization had not yet identified specific ballistic missile threats to the United States and had not assessed our confidence in the probability of kill, the PK factor, for these incoming missiles. Ambassador Cooper stated: "We are still working that problem."

The SDI Program has been poorly defined and seems to be constantly shifting its budgetary and strategic priorities based primarily on shifting political factors. I do not think there is any doubt that SDI seems to be a program in search of a valid strategic rationale.

Mr. President, let us look at the history of our whole SDI proposal briefly. We are on about our fifth generation of SDI architectures. Remember back just a few years ago when we had the astrodome concept, it was going to protect the whole Nation. It was going to be invulnerable, and it was going to pick up every incoming missile and shoot it down before it could reach the United States. We had mirrors, laser projectors, and even at that stage, there were some people who wanted to go ahead with some phase of deployment of some of those early concepts because they felt we had to get going and start deploying some of them.

Mr. President, at this time, I started going out to our laboratories to find out from our scientists working on the directed energy weapons what the status of our research was. The scientists would look me in the eye and they would say it is probably 10, 15, maybe 20 years or even longer before some of those directed energy concepts may be sufficiently developed so that we might be able to go ahead and deploy them. Gradually that concept fell out of favor because the technology simply was not there to back it up.

Next, space-based interceptors. We went to that concept and it was a short-lived time also. Then we went to phase I. Recently we have been talking about Brilliant Pebbles. At each one of these phases, we wanted to go ahead and perhaps start deploying some of these concepts. But at each stage, the technology had not yet been invented to do what had to be done for an overall program.

Now we have GPALS, and maybe this will work. Who knows? We have gradually scaled back on our technological hopes through the years, and maybe the system we are talking about now with the limited Grand Forks deployment will work. Who knows? But I submit that after all of these efforts made in the past without the technology to back us up, I think we ought to be going slowly. We are saying this concept is a "super Patriot" that will do this job for us, while at the same time proponents of this proposal also say that we plan to expand this architecture later on. It is argued that this is just a first step and that, hopefully, we eventually would get to an add-on to this system that might really make the midcourse intercepts for ICBM's that have been promised by SDI through the years.

Mr. President, the SDI's biggest boost, which seems to have directly led to the committee's action to initiate a deployed strategic defense system, was the recent Persian Gulf war. When the United States Patriot antitactical ballistic missile proved largely successful in taking out the inaccurate and comparatively primitive Iraqi Scuds, SDI, a program that seems to continually reinvent itself, got a new lease on life.

Mr. President, I submit we would not deploy any system, even this limited system, at Grand Forks if we did not also plan a follow-on, and the technology for that follow-on to make it more comprehensive has not been invented yet. So we are going to be deploying, if we do this, a very limited system.

Mr. President, I might add that while I am a strong supporter of theater defense systems, such as the Patriot missile, which was so successful during Operation Desert Storm, I think we should not lose sight of their limitations. It is not clear that such theater defenses will adequately defend against equally compelling threats, such as low-flying cruise missiles or plain old gravity bombs, or Iraq's so-called Supergun, or artillery shells filled with CW and BW agents.

Furthermore, we should realize that theater defense will not be a panacea for security and stability in regions such as the Middle East.

The value of ATBM systems was clearly demonstrated during Desert Storm, and these lessons will drive potential Middle East adversaries to seek and acquire similar systems. However, it is also clear that the acquisition of theater defenses will at the same time spur neighboring countries to augment their missile capabilities to overwhelm these neighboring ATBM systems. It is an ancient and proven rule of warfare that just expanding an offensive capability is the cheapest and easiest means of overwhelming a defensive system. Hence, acquisition of ATBM systems is quite likely to bring about both unrestrained defensive as well as offensive missile proliferation in the Third World.

Mr. President, one of the primary rationales for the creation of a partial strategic defense system is to protect the United States against accidental or unauthorized launches. Proponents of this approach argue that such a defense system could be deployed within the confines of the ABM Treaty or with modest amendment to that argreement. But I do not see that such a defense system is desirable, nor is it necessary.

First, we cannot deter an accidental launch. If we were to have an adequate defense to assure against any accidental nuclear launch, such a system would have to be nationwide and would thereby seriously erode the ABM Treaty, which prohibits nationwide defense and permits deployment of a defense system at just one site. Additional defense sites and interceptors would undoubtedly be needed not only to protect against the possibility of an accidental Soviet land-based missile launch but sublaunched missiles based in the Atlantic and the Pacific as well. As former ABM Treaty negotiator, Gerard Smith, recently stated this is "like amending Prohibition to permit the sale of liquor." The United States would certainly feel threatened if the Soviets were to deploy such a nationwide defensive network, regardless of the stated rationale for such a system.

In addition, a threat of accidental or unauthorized nuclear launch is extremely remote. In our country, we have very stringent safeguards to prevent the unauthorized launch of our missiles, and I think all of the intelligence estimates that we have ever seen show that the Soviets are intensely cautious and have a nuclear weapons safeguard system that is at least as vigorous as the one that we have. So, particularly in the current budget environment, I feel we can ill-afford to spend billions of dollars to counter a threat that is so remote.

Finally, if there is sufficient concern about the need to counter the threat of accidental or unauthorized launch of Soviet missiles, I feel there are cheaper and far less destabilizing ways to attain that goal. Under the recent START agreement, substantial reductions in the number of strategic nuclear delivery systems of both sides will logically mean a significant, proportional reduction in the threat of Soviet accidental or unauthorized launch.

We should also consider sharing our permissive action link, or PAL technology with the Soviets. That is what protects our U.S. nuclear weapons from misuse as a means of foiling any accidental, or unauthorized launch threat. I think we should also consider a joint agreement with the Soviets that we equip all missiles with in-flight destruct mechanisms like those that we have on our space-launched vehicles, both manned and unmanned, and in our test missiles.

That would be a very simple means of blowing up a missile if it is accidentally launched. I would like to see that. We have had those devices as standard mechanism, what we call range destruct, in the missile and the space program for a long time.

Mr. President, the latest and, to a growing number of individuals, the most compelling rationale for a partial strategic defense system is to protect against the growing threat of missile proliferation in the Third World.

While no one should diminish the dangers posed by the proliferation of ballistic missiles, it is important to remember that ballistic missile proliferation raises more concerns about regional stability than any direct threat to the United States. These weapons are highly unlikely to be aimed at the United States but at other regional enemies: For example, India at Pakistan; South Africa at its African neighbors; Arab nations at Israel, and vice versa.

Mr. President, most of these missile-proliferant nations will not be able to develop the technology base to deploy intercontinental ballistic missiles capable of reaching the United States at any time in the foreseeable future. In other words, the ballistic missile threat is a local threat, not an intercontinental ballistic missile threat.

In addition, it is difficult to imagine the leadership of any country making the determination that it would serve its national interests by launching nuclear weapons at the United States, particularly when it could be assured that it would be decimated by a retaliatory U.S. nuclear strike. Does anyone seriously believe that the United States needs to rush out and deploy a multibillion dollar SDI system to protect against the possible future threat of Brazil or Iraq lobbing a nuclear equipped ICBM at the United States?

Mr. President, at the core of nuclear deterrence doctrine is the assumption that a nation's decision makers are rational and will act in a way to preserve their nation's survival. Despite the fact that there are some fairly unstable leaders in the world and we have a fondness for characterizing leaders like Saddam Hussein and Libya's Mu'ammar Qadhafi as insane, there is little reason to think that such leaders would be immune to fairly straightforward consideration of continued survival if they were stupid enough to make such a launch.

Besides, why deliver a nuclear device to U.S. territory on a system that would clearly identify the launching country as the perpetrator and ensure that country's destruction? It is far easier and cheaper for a determined fanatic to deliver a nuclear weapon to U.S. soil by transporting it in a pleasure boat or civilian aircraft or, with the technology coming to the fore now, even a hefty piece of Samsonite luggage. These are the most likely nuclear delivery vehicles of choice for the world's 21st century terrorists, whether national or international terrorists.

No strategic defense system in the world will protect against that particular threat.

I am also concerned, Mr. President, that as we consider these matters we also not overlook the other weapons of mass destruction, chemical and biological weapons, that I believe are becoming the poor man's "nuke" of the future and can be delivered by means that do not require any kind of ballistic missiles.

Mr. President, if we learned anything from Operation Desert Storm regarding the ballistic missile threat, it is not that we need to deploy a strategic defense system. Rather, we should have learned that we must waste no time in producing and vigorously enforcing an effective collective international nonproliferation policy that involves stringent export controls, coupled with tough sanctions against violators.

I believe it makes little sense to stubbornly persist in the acquisition of new, extraordinarily expensive strategic systems such as the SDI and the B-2 bomber that contribute little, if anything, to an increasingly stable strategic environment. Given our increasingly constrained budgetary climate, there is greater pressure than ever before to reduce defense spending on questionable defense programs that will divert increasingly scarce resource from more compelling national defense priorities. We need to focus more attention and resources on an equitable pay rate for our military personnel, clean up the long-neglected DOE nuclear weapons production complex, fund increasingly important but expensive arms control monitoring capabilities for START, CFE, and a chemical weapons treaty, and modernizing the conventional forces that will be left to us in a post-CFE environment.

Mr. President, I have supported all research in this area, but nothing for deployment. That means, as far as I am concerned, we can do with less resources in this area, and I support the proposal of my distinguished colleague from Tennessee.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 10 minutes of the manager's time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. HEFLIN. Mr. President, I want to address the issue that has been raised in this debate that this committee approach has some effect of destabilizing our relationships with the Soviet Union and can fault efforts in the future relative to arms control and technology control that may develop.

I do not think there is any question that the Soviets know the defense authorization bill that was passed by the House.

I do not think there is any question that the Soviets know the bill that was reported out of the Armed Services Committee and the overwhelming vote which supported that bill and the provisions dealing with SDI.

I do not think there is any question that the Soviets know the President will sign a bill which has the language we are speaking about, that is in the committee bill that has come to this floor today.

If you stop and think, since today they are signing a START Treaty, would they be signing a START Treaty in view of the House action or the Senate Armed Services Committee's action and the position they know the President will take on this?

I think that is a pretty strong indication it is not going to destabilize the relationship between the United States and the Soviet Union in regard to future arms control talks.

I share the concerns that many of my colleagues have about the stability of our relationship with the Soviet Union. I am disturbed by the calls for unilateral abandonment of the 1972 ABM Treaty at this time. Fortunately, however, there are steps that we can take which will not add to the destabilization of the relationship with the Soviet Union and still provide both countries with some level of protection.

Today, we are not calling for the deployment of a system that will give us what the Soviets would consider a first strike capability, but only the deployment of an accidental launch protection system. If we were to deploy a larger system unilaterally, there is no doubt this move would destabilize our relationship with the Soviets. Former Secretary of Defense Caspar Weinberger told President Reagan in 1985 that—

> Even a probable Soviet territorial defense would require to increase the number of our offensive forces * * * to assure that our operational plans could be executed.

He was correct; the unilateral deployment by the Soviets of a territorial defense that would negate our nuclear deterrent forces would, by its nature, be destabilizing. Similarly, if we were to enter into a defensive arms race with the Soviets, deploying ground-based interceptors as rapidly as possible, we would see a return of the cold war. This is why I have always said that any deployment that goes beyond the ABM Treaty must be a negotiated, evolutionary one.

Mr. President, we here are all reasonable individuals. President Bush is a reasonable man, and our treaty negotiators are reasonable men. With this in mind, let us review what this section of the bill really says.

The first provision states that the goal of the United States is to deploy an ABM system, of one or more ground sites, that can effectively defend us against an accidental launch or Third World attack. This clause is qualified by the subsequent clause which states that our goal is also to maintain strategic stability. This second clause is the overriding goal in all our negotiations with the Soviets. When the President announced his intention in the START talks was to reduce our nuclear forces, I never once considered the possibility that if he made no progress in the talks, he might proceed with a unilateral disarmament. Similarly, I do not believe the President would unilaterally abandon the ABM Treaty if it would bring us closer to a conflict, rather than making us more secure.

Some Members have expressed concern over the provision that states:

> As deployment * * * draws near to the deployment date of fiscal year 1996, the committee believes the President and the Congress must assess the progress in the ABM Treaty amendments negotiations. If the new negotiating objectives * * * have not been achieved, the provision would specify that the President and the Congress should at that time consider the options available to the United States as now exist under the ABM Treaty.

These concerned colleagues feel that this is license for the President to unilaterally abrogate the treaty in 1996. Regardless of the fact that the President does not require this license, this view ignores what the options available to us under the ABM Treaty are.

Article XV of the treaty states that we have the right to withdraw from the treaty only if we decide that extraordinary events have occurred so that remaining bound by the treaty jeopardizes our supreme national interests. Mr. President, this is strong language. Certainly, not a single Member of this body would recommend that we stay bound if our supreme national interests were jeopardized by the treaty. It was because of this clause that I opposed any legislation that recommended a set time limit to negotiations, to be followed by an assured abrogation if no progress had been made. In the case of this legislation, it may well be that if the President and Congress assess the progress of the negotiations and find that none has been made, we may determine that, regardless of the Third World threat, it is in the best hope of stability for our countries that we stay bound by the treaty.

Mr. President, hundreds of years ago, a Chinese philosopher made a statement that I believe captures the essence of today's debate. He said:

> A journey of a thousand miles begins with a single step.

Many of my colleagues feel that this bill starts us down a road we may not want to travel. The other side fears that this first step does not carry us far enough.

No man can predict the future. Who here could have predicted the collapse of the Warsaw Pact? I cannot say what dangers tomorrow will bring, but I know in my heart that I would rather have America face her future with a policy of defense rather than one of mutually assured destruction.

To the proponents of this amendment, I say that the road we are embarking on is not a downhill slope. Like any other weapons program, it is very much an uphill one. Each year, we will weigh the threat and review the program in light of the current world situation. Should arms control and missile technology control regimes succeed in reducing the threat, I may well vote to halt the growth of our SDI system. Should, however, the proliferation of nuclear weapons and ballistic missiles continue, many of you may join me somewhere down the road in calling for a larger deployment. In either case, it is essential that we have an option, that we have the capability to choose protection. Only by laying down the foundations today can we have this choice in the future.

To those of my colleagues who feel this is too small a step, who fear that essential elements have been left out and that we may stop short, I say that to build a house you do not start with the roof, you begin with the foundations. If you want to defend the Nation against ballistic missiles, you do not start by abrogating the ABM Treaty, you deploy what you are allowed, then work with the Soviets to modify the treaty so that defense can be expanded. You evolve from defending the United States to protecting our friends and allies. You evolve from the current threat to more sophisticated future threats. Most importantly, differences in goals and hope for treaty modifications need not be preresolved, as much depends on the future world situation.

Mr. President, I implore my colleagues to join me in defeating this amendment, and in taking the first step toward a safer, saner world.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I request 15 minutes from the manager.

Mr. EXON. That is already granted, 15 minutes to the Senator on the side of the managers of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. SMITH. Thank you, Mr. President.

Mr. President, before beginning, I think it is important to clarify for the record that there have been some statements made in regard to costs here that have been absolutely inaccurate. Using the letter addressed to the Senator from Delaware from CBO dated July 30, the Senator quoted a figure of $66 billion. The letter does not say $66 billion. It says $36 billion, still a lot of money but the point is 36 and 66 are not one in the same.

The language in the letter says very clearly however, as to the SDIO organization component of the estimates, it would cost a total of $36 billion to acquire these two segments of GPALS including $10 billion for theater defense and $26 billion for national defense. It did not say in excess of. It says included.

Also, in the same letter to the Senator from Delaware, it says SDIO cost estimates included in this letter do not constitute an estimate on the cost of the Missile Defense Act of 1991, which is the matter before us in discussion today.

So I think it is important, Mr. President, to get the facts right. I think we all have an obligation to try to do that.

Mr. President, we need to look at the real world. Nearly 1 year has elapsed since Saddam Hussein launched his campaign of aggression against the innocent nation of Kuwait. Many of us in Congress were very familiar with Saddam's reputation as a brutal tyrant. Little did we know that the events of August 2, 1990 would eventually culminate in the United States and allied troops intervening with massive force to reverse Saddam's illegal annexation of Kuwait. Victory was not cheap, Mr. President. Indeed, some 144 American personnel perished in that battle. Yet the cause was just, and through the heroic efforts of our men and women, and our allied forces, justice and the rule of international law did prevail.

America shall always be grateful to all who served, and especially those who lost their lives. But among those brave Americans who made the ultimate sacrifice, Mr. President, it is the memory of 28 men and women from the Army Reserve's 14th Quartermaster Detachment that should guide us in these deliberations today. These Pennsylvania Reservists, as my colleagues will recall, were killed when an Iraqi Scud missile struck their barracks in Dhahran, Saudi Arabia. They will forever be remembered as the first American victims of a modern ballistic missile attack.

If the Senate has the courage and vision to adopt the Armed Services Committee's recommendation on missile defense, they may well be the last victims, as well.

(Mr. CONRAD assumed the chair.)

Mr. SMITH. Mr. President, on July 17 the Armed Services Committee took an historic and, in my opinion, long overdue step forward, when it endorsed the goal of deploying an anti-ballistic-missile system to protect the American people against ballistic missile attacks. The legislation, known as the Missile Defense Act of 1991, was adopted by a vote of 16 to 4 after more than 10 hours of thoughtful, emotional, inspired debate.

Specifically, this Missile Defense Act establishes a goal to deploy a multiple site ABM system capable of providing a highly effective defense of the United States, our forward deployed and expeditionary forces, friends and allies against limited missile attacks; it sets a fiscal year 1996 deployment date for the initial treaty compliant single site ABM system to include 100 ground-based interceptors, ground-based radar, and space-based sensors; accelerates development of theater missile defense systems, for anticipated deployment in the mid 1990's; urges the President to immediately pursue negotiations with the Soviet Union, within a limited time frame, to amend the ABM Treaty.

Mr. President, the goal established in the Missile Defense Act is one which we can and should all share. Indeed, as elected representatives of the American people sworn to uphold the Constitution and to provide a defense of the United States; we are not sworn to uphold the ABM Treaty. There is no more basic or compelling obligation than to provide for the common defense. The only salient discrepancy centers on how best to achieve this goal.

Let us look at the threat. First, the Soviet Union continues to maintain the capability to destroy the United States within 30 minutes. Without question, recent liberalization and arms control initiatives from the Soviets are encouraging. I think we all agree that the prospect of world war III between the United States and Soviet Union has diminished substantially. Yet, prudence dictates a policy of caution. The Soviet Union is extremely unstable both politically and economically. And while President Gorbachev speaks so eloquently of glasnost and perestroika, the hard reality is that the Soviets are continuing to devote far more of their scarce resources to offensive military weaponry than to much needed infrastructure and human services, on which they are asking for help from the United States, and others in the Western World.

Some will say that the Strategic Arms Reduction Treaty diminishes the Soviet nuclear threat so much that we need not be concerned anymore. This is simply not the case. The Soviets are continuing to aggressively modernize and enhance their nuclear arsenal so that even after the START-mandated reductions, they will retain a force nearly comparable to that of today. This robust modernization program includes an advanced version of the SS-18, along with new rail-mobile SS-24 and road-mobile SS-25 missiles. Remember how difficult it was to find Scud launchers in the barren desert of Iraq? We have no chance of locating and neutralizing mobile missile systems in the mountains, valleys, and urban centers of the Soviet Union, or anywhere else in the world where missiles may be located. The truth of the matter is, we have no defense against theater ballistic missiles.

We went on a Scud hunt. We were not always successful. But for one unit, one system the Patriot missile, thousands—thousands may have died.

On a second front, the global proliferation of ballistic missile technology and weapons of mass destruction throughout the developing nations is seriously endangering our security interests. By the year 2000, more than 25 nations are expected to possess ballistic missile technology. Moreover, countries are increasingly developing an indigenous production capability which is immune from export controls.

In this volatile, rapidly evolving security environment we cannot rely on mutual assured destruction to deter aggression. The knowledge that the United States could obliterate the nation of Iraq failed to prevent Saddam's aggression. It certainly will not deter future incursions.

We are moving, if we do not adopt this committee bill, from mutual assured destruction to assured self-destruction.

Do you really think Saddam would have been reluctant to use a chemical, biological or perhaps even a nuclear weapon, if he had it? Think about it.

Consider, for instance, a recent statement by Libyan leader Muammar Qadhafi concerning the United States air strikes against Tripoli and Benghazi. Colonel Qadhafi stated:

> If we had possessed a deterrent missile that could reach New York, we would have hit it at the same moment * * * consequently, we should build this force so that they and others will no longer think about an attack.

Even more revealing is a statement by Saddam Hussein in which the Iraqi leader says:

> With the help of Allah, we shall rid the region of American influence. Our missiles cannot reach Washington, but if they could we would hit there as necessary. However, we can still strike at Washington in other ways, and other U.S. targets in the world.

Mr. President, it is against this backdrop that the Senate must consider the issue of missile defense. Ballistic missiles pose a clear and present danger to our security interests. The question is "How do we respond to this threat?"

There is only one answer: Develop ABM defenses to protect America against the full range of missile threats.

To its credit, the Armed Services Committee recognized this national requirement, and in a show of strong bipartisan consensus took action to eradicate our vulnerability. By adopting a dual-track programmatic and arms control strategy, the committee laid the preliminary groundwork in establishing a deterrent posture which integrates both offensive and defensive forces. This is very encouraging, but it is only the groundwork.

I voted in favor of the Missile Defense Act, because I believe that it provides a vehicle for bipartisan consensus in support of ballistic missile defenses. Indeed, there is much within the bill that I support very strongly. However, I do have some concerns with the legislation that I am compelled to mention.

First, I am disturbed by the failure to include Brilliant Pebbles in the initial ABM system's architecture. Although the bill provides for robust research and development funding, space-based interceptors are relegated to a follow-on technology. In my view, this exclusion is shortsighted and dangerous.

As my colleagues know, Brilliant Pebbles provide continuous global coverage and the capability to intercept hostile missiles in early flight, when they are slowest, brightest, and most vulnerable. This permits multiple shots at enemy missiles, and the invaluable opportunity to engage MIRV'd missiles prior to warhead release. Further, by intercepting missiles far away from our national borders and outside the atmosphere, we avoid possible fallout effects of chemical, biological or nuclear warheads. Studies have shown that space-based systems, including sensors and interceptors, combined with multiple site ground-based defenses provide the most cost-effective and operationally capable missile defenses.

Mr. President, I am also concerned with the committee's reduction of $550 million from the President's budget request. At a time when a vast majority of the committee is advocating accelerated development of ABM defenses, it is inappropriate and counterproductive to withhold these funds. The $4.6 billion included in the bill is a bare minimum necessary to sustain a viable program. Further reductions must be opposed. It could mean the life or death of American citizens and also men and women on the battlefields of the future, which I hope there are none.

Finally, and most importantly, the ABM Treaty must be modified to permit multiple site ground-based and space-based interceptor systems. I am pleased that the committee has overwhelmingly endorsed arms control objectives to amend the treaty within a limited timeframe. However, I believe these negotiations should be accelerated and their duration shortened. The Soviets must be advised that, while the United States is prepared to negotiate prospective treaty amendments in good faith, we will not hesitate to exercise our prerogatives under article 15 to protect national security.

Frankly, I cannot understand the reluctance on the part of some here in Congress to exercise our treaty options and negotiate amendments or withdraw from the accord. What is so sacred about the ABM Treaty that could possibly justify the vulnerability of our citizens? To me, the ABM Treaty represents a relic from the mutual assured destruction era, which has been surpassed by technology and global developments. I see no responsible justification for us to continue blindly adhering to this obsolete arms accord, especially when the Soviet Union seems to selectively disregard ABM restrictions whenever and wherever it suits their desires.

Furthermore, the treaty permits only the protection of Washington, DC, interestingly enough, or alternatively, a single intercontinental ballistic missile site. Thus, Americans on the coastlines, Alaska and Hawaii are left thoroughly vulnerable and defenseless while middle America and those inside the Washington Beltway can be blanketed by 100 interceptors. I respectfully ask my colleagues who insist on rigid compliance with the ABM Treaty, how can we in good conscience prioritize the life of one American over another purely based on where he or she lives in the United States?

The answer is we cannot. There is no justification for that. Congress is obligated to protect all Americans, and this requires multiple sites. Nevertheless, while some of my colleagues share my concern that the bill may not go far enough, others will undoubtedly claim it goes too far; that we must maintain the status quo and keep missile defense strictly a research and development program. Mr. President, I would suggest that after investing $24 billion in taxpayer dollars on R&D, we are now ready to move onto production and deployment of missile defenses. Let us not research it to death. The technology is here; all that is lacking is the will and courage to move ahead.

Make no mistake about it. Historians will look back on this debate as one of the most significant debates, one of the most significant debates in this century.

Mr. President, too often, the debate on strategic defense is academic and dispassionate. We need more passion in this discussion. And by that I do not mean political grandstanding, but rather, heartfelt sentiment and constructive debate. After the fateful attack on our barracks in Dhahran, it is no longer possible to view ballistic missiles as an abstract, theoretical threat. American blood has been shed. This threat is real and it is growing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH. Mr. President, I ask unanimous consent for 3 or 4 additional minutes.

Mr. NUNN. Three.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes from the manager's time.

Mr. SMITH. I thank my chairman very much for that time.

Mr. President, let me paint a different picture. Let me take you back—to drive a point home—to January, February, March, of 1991. You turned on your television and CNN was reporting the very successful efforts of our forces at that time in the Persian Gulf. But I wonder what the debate would be today, Mr. President, I wonder what the debate would be today if CNN had been reporting something different, in CNN had been saying "Ladies and gentlemen, we regret to tell you a missile has hit Tel Aviv"—a chemical, biological, maybe nuclear missile—"and 150,000 are dead. Another hit Haifa and another 25,000 are dead. Ladies and gentleman, we regret to tell you a missile hit General Schwarzkopf's headquarters and General Schwarzkopf and the entire allied headquarters have been knocked out." I wonder what the debate would be then.

I wonder how the debate would be going at this time if we had been faced with that kind of a situation during the Persian Gulf war.

The only reason why we were not was, first, because Saddam did not have the technology to do it and, second, because we had one little missile, the Patriot missile, which intercepted an inaccurate Scud missile which did not have that technology.

It could have been a whole lot different, and we were lucky.

I do not want to jeopardize American forces ever again. I do not want any more people killed by ballistic missiles. We do not have to. We have the technology and it is our responsibility, our duty, to bring that technology to bear right here today on this floor.

Mr. President, I believe former Secretary of State Henry Kissinger was right on target when the stated:

> Limitations on strategic defenses will have to be reconsidered in light of the gulf war experience. * * * No reponsible leader can henceforth deliberately leave his civilian population vulnerable.

Colin Powell, George Bush, and others have said the same thing.

In closing, I would say to my colleagues, there is simply no substitute for missile defenses. Amidst an evolving international security environment, characterized by instability and uncontrolled missile proliferation, the United States must take action to protect itself. Our citizens are entitled to the best defense that technology can provide. We owe it to them, and the 28 brave men and women from the 14th Quartermater Detachment, to see that America and her armed forces are never left vulnerable again.

I urge my colleagues to support this responsible bill, carefully crafted under the leadership of Senator NUNN and Senator WARNER and others on the committee.

I thank the President and I thank the chairman for this indulgence.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know we have had a rather lengthy debate already and we have another hour and a half of this debate. I would like to interject a few of my own thoughts and comments at this point in time and I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. NUNN. Mr. President, I know there has been a lot of discussion, including discussion by the Senator from Tennessee and the Senator from Maryland, the Senator from Michigan, and others about setting a goal here. Many of our colleagues are equating a goal with an authorization. Mr. President, this bill does not authorize even the first 100 missiles and interceptors. This bill authorizes only the funds in the bill, which are the funds set forth.

We are setting a goal here, an architecture. This is a plan we are setting forth. This is not an authorization to deploy multiple ABM sites or even an authorization to go forward in terms of actually deploying the treaty compliant site at Grand Forks. We are setting the goal.

I know some colleagues have asked why we should set the goal before you negotiate, before you complete your negotiation. May I ask my colleagues how do you negotiate when you do not know what you want? Do you walk into the negotiations and do you say to the Soviets, well, here we are; we are going to talk about space and ABM's? We waited 6 or 7 years to have a serious conversation. We are not sure what we want. What do you want? Is that what we are going to do? What do you want?

You have to have a goal to negotiate. You have to know what you want to do with your forces before you can have a meaningful arms control negotiation.

It is standing the whole process of arms control on its head to say you negotiate before you know what you want to do. If you do not know what you want to do, you cannot have a negotiation.

I would submit if we show up and we say to the Soviet Union, well, we are ready to get serious now. Let us really negotiate. We do not really know what we want. We do not have a concept. We are doing a lot of research. Let us talk about the ABM Treaty. What do you want us to do? That is going to be the shortest negotiation on record.

We are not going to have anything to talk about and the truth of it is we have not done much talking so far. Neither side has really been willing to sit down and have a meaningful discussion.

In some cases we show more reluctance than the Soviets. I have said facetiously several times—but not completely—for a person who did not have a whole lot he wanted to accomplish I cannot think of a better job in the last several years than being the space negotiator for the United States in Geneva. That is one way you really do not have much to accomplish, because we have not been getting anywhere.

We have set forth some goals for negotiation. We have set forth some goals for force deployments. But these are not authorizations. I am amazed when I hear our colleagues say we are authorizing thus and thus and thus, including some that are saying we are authorizing in this bill the deployment of multiple sites. No one can read the language in this bill and come to that conclusion, in my opinion. It just cannot be done.

We are setting a goal. The goal is a goal that has never been set by the Congress. Congress sets many goals. For example, in section 2 of the Arms Control and Disarmament Act we state—and this is an act that is now in law—we state that "The ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments." That is the law of the land. That is a goal.

Does anybody disagree with that goal? No. Is anybody ready to say we are not going to have a defense budget now because we set that goal and we do not need it anymore because we got the goal? I do not think so.

That is a goal that we all understand will take some time and will take a lot of patience and it will take a lot of defense before we ever get to that point, if we ever do. And I hope at some point my children or grandchildren or great grandchildren will reach that point.

The ABM limited defense goal we set in the committee provision is an important goal. It is certainly not rhetoric. It is a goal. But setting a goal is only the first step in what has to be a long process.

I think I read where the Senator from Tennessee said, and I believe I maybe probably heard him say it, too, that what we are doing here is heading down toward a house or building at 60 or 90 miles an hour and we are saying we hope the door will open before we get to the building. We hope the door will open, but if it does not we are still going that fast. An implication is we are going to crash on through that door no matter what.

Mr. President, the problem with that analogy is the Congress of the United States has the gas station and the car has to be regassed four or five times before we ever get to the building. Now, if you believe Congress is going to run out and pump gas in the car while it is going 90 miles an hour, then that is sort of ridiculous. We are going to come back next year, and the year after. We have to authorize and appropriate each year in order to come anywhere close to achieving the goal, and we also have to prove the technology and we also have to prove that it is feasible financially.

And that remains to be seen. I am hopeful it will be, because it is a very important goal. I think there is a parallel when President Kennedy set a national goal for landing a man on the Moon before the end of the decade of the 1960's. That was an important goal, and without him setting that goal, we probably would have never—certainly within that timeframe—have accomplished the mission and reached the Moon.

But that does not mean that we were going to launch the Saturn 5 rocket if it was going to explode, if it did not work, or if it cost $1 trillion. That was a goal that was reviewed every year. Congress had to put the money up every year. Congress had to approve of the funding every year. Congress had to authorize and appropriate every year.

Now, if we take the assumption around here that we are on this kind of slippery slope because we announced a goal, and therefore we just cannot stop ourselves—here we go, we cannot stop; we have set a goal, and therefore nobody is going to be able to stop—that is a pretty low estimate of our political system. I do not share that estimate. It really is a calculation and assumption that the Congress next year is not going to use its judgment, that the Congress the year after is not going to use its judgment, that we are not going to have hearings to see if the technology works, and we are not going on to have hearings to see if it is cost-effective, that we are just going to speed down the road 90 miles an hour.

Mr. President, that is not the way this system works. This system has to have gas. The car has to stop to get gas. The Congress has to provide the gas. The Congress pumps the gas, and the American people pay for it. That is the way we set goals around here, and that is the way we authorize and appropriate.

I do not understand the analogy, but perhaps someone can amplify or it and perhaps at some point in this debate, I will. There are many bridges to cross, and there are many gas stations that we have to pull up to before we could accomplish these goals.

Mr. President, I have also heard a lot of people saying, well, what is the threat? Why do we not just wait around? Let us wait around until we find a Third World country that has a stragetic missile that is long enough to hit the United States.

Mr. President, I do not think we ought to wait that long, because it takes several years—4, 5, 6, 7, maybe 8 years—to even get one site built. I think we have to proceed down this road, and we have to also proceed down the road of trying diplomacy, trying to use our intelligence assets, trying to use our friends, our economic power, our political power to avoid this kind of proliferation of nuclear missiles. But we also have to have an insurance policy.

Mr. President, people are saying the Soviet Union is no threat these days, at least not in the sense of an accidental launch. People are saying they have total control over their command and control, and that they are in great shape.

Somebody better go over and tell the former chief of staff of the Soviet Armed Forces that, because when he testified before our committee he expressed some considerable questions about the control of their naval nuclear weapons.

Let me just give a few examples: Human beings will always be humans; mistakes will always be made, whether it is technological mistakes or human mistakes; and we better understand there is no such thing as total and perfect control of nuclear weapons.

For a long time, I have felt and still feel and have been pushing the last two Secretaries of Defense to try to put some fail-safe post-launch destruction devices on our missiles. I would like for both sides to have that capability. If a missile went off by accident and started heading toward the Soviet Union, I would like for our President to be able to say on the hotline, "Mr. Gorbachev, we have had a terrible accident. There is a missile headed your way." I would like for him to say, "We can bring it down; we can basically pull the trigger and have it explode." I would hate for him to be in the position of saying, "We cannot do anything about it."

I would also hate for President Gorbachev to get on the hotline one day and say, "Mr. President, we have made a terrible mistake. We have had a missile launched. It was a mistake. It was an accident. It is heading your way. We do not have a fail-safe on it. I hope you can do something about it. It is going to be a calamity if you do not."

I do not want to get to that point. You are talking about $10 or $12 billion to do this kind of limited ABM defense system, maybe $15 billion. Who knows exactly what it will cost. That is one of the questions. But if you have a nuclear explosion in this country by accident, one in the next 30 years, it would dwarf—it would dwarf—the cost of what we are talking about here. It would dwarf it.

Mr. President, just a couple of examples.

In 1980, the Strategic Air Command [SAC] headquarters display system indicated that the United States was under attack by numerous Soviet ballistic missiles. SAC bombers standing alert were ordered to taxi into position for takeoff, and airborne command post aircraft took to the skies. Fortunately, the SAC Duty Officer decided the warning indicators were erroneous and canceled the alert. Our system worked.

In 1980, a U.S. Titan II missile exploded in its silo, hurling its 9-megaton nuclear warhead into a nearby field. Fortunately, the warhead did not explode.

In 1986, a Soviet Yankee-class submarine with long-range nuclear missiles caught fire off the United States eastern seaboard and sank. Fortunately, again, none of the nuclear missiles exploded or were launched.

Is anybody going to stand here tonight and say that is always going to be the case? I am not.

Late last year, the Soviet press published a firsthand account by a Soviet Navy captain of an incident in the 1980's in which a Soviet submarine actually did inadvertently launch a nuclear-tipped ballistic missile. Fortunately, again, the missile only traveled several hundred yards, rather than several thousand miles.

Mr. President, people are going to continue to be human. Mistakes are going to continue to be made. I do not know any such thing as perfect technology. I think when it comes to mistakes involved here, we need some kind of insurance policy, not an insurance policy that is so well-endowed that it causes the other side to believe we are going to strike first. No, not that kind of insurance policy. What we need is an insurance policy along the lines that we have in this committee bill.

In 1988, I gave a speech to the Arms Control Association. And I know they have some serious doubts about our committee provision, and I respect those people in that association.

But I gave a speech before them in 1988 in which I said we should seriously explore the development of what I called ALPS—that is, an accidental launch protection system. I said then and still believe today that to be highly effective in defending the entire United States against limited strikes, including accidental or unauthorized launches, ALPS would require some modest amendments to the ABM Treaty.

I still believe that.

Critics of the ALPS proposal argue and continue to insist today that the Soviet Union has complete control over their nuclear weapons and no protection is needed. Even before these examples that I have given, and including those examples, however, we have had the Soviets, some of their top people, give a little bit different view.

In a May 1990 appearance before the Senate Armed Services Committee, Marshall Akhromeyev, a former Chief of Staff of the Soviet Armed Forces, revealed that the Soviet Union's safeguards for nuclear weapons at sea did not enjoy the same degree of protection against unsanctioned use as did Soviet ICBM's.

Mr. President, I really believe we have to examine our own fail-safe systems in that respect. I do not believe we should have just one route for insurance. I would like to see four or five different routes for this insurance, insurance through diplomacy, with vigorous efforts there; insurance with intelligence efforts; insurance with the other means that we have, including, I hope, one of these days, more elborate fail-safe devices on weapons at sea, on both sides, and also one of these days I hope we will have fail-safes on our missiles, and they will, too.

Recent developments in the Soviet Union have provided, I think, some grounds for anxiety, as ethnic and separatist tensions within the Soviet Union have escalated over the last year or two.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NUNN. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I think we ought to consider the last couple of years because overall there is no doubt the danger of an accidental nuclear strike is there. The danger of a deliberate first strike by either side, particularly by the Soviets, because we never would envision such a thing, but by the Soviet Union, that danger has gone down, because the danger of a European conflict has gone down, and that is the most dangerous escalatory situation we have ever postulated.

But I do not believe the same can be said in terms of the danger of an accidental war or accidental launch.

Just for example, fighting has raged on top of nuclear storage sites in Azerbaijan. That was ethnic strife and that took place, according to Soviet news reports. The Soviets have already moved nuclear weapons out of areas of ethnic strife and have even negotiated a provision in the new START Treaty to allow them to redeploy some of their SS-18 ICBM silos to more secure republics.

We are over here with our debate and saying the Soviets, some will take the position the Soviets have total control, no problem. While they are negotiating in START, they are able to move their SS-18's to a more secure position.

Soviet naval commanders in the last 2 or 3 years have complained bitterly in the Soviet press about the deteriorating morale, readiness and training of the Soviet Union's conscript navy, warning that ships are not safe to set out to sea. In an introduction to one such article, the newspaper Young Pravda editoralized that

> The [Soviet] navy poses a threat in the first place to ourselves.

In a speech to the U.S.S.R. Supreme Soviet last September, Marshall Akhromeyev said:

> We must not forget that we possess nuclear weapons, which in times of instability may become a great source of danger both for the world and for ourselves.

Perhaps we are not concerned about Soviet command and control but they are.

Before resigning last year, then- Soviet Foreign Minister Edward Shevardnadze warned of the dangers of a Soviet civil war:

> No one can calculate the consequences of a social explosion capable of igniting not only befogged minds but also the giant stockpiles of nuclear and chemical weapons.

That is the Soviet foreign minister. We are talking about the Soviet Foreign Minister and the Chief of Staff of the Soviet Armed Forces. Yet we are hearing debate on the floor of the United States Senate that everything is fine; that there is no danger; that there is no threat.

Mr. President, the odds are that there probably is not going to be any nuclear accident next year or the year after. But if you look at the next 15 or 20 years and you calculate the number of weapons all over this world and you calculate the dangers involved in the Soviet Union, if you calculate the Third World threat, I do not see how anyone could come to the conclusion that we do not need an insurance policy.

Again, I am not talking about a comprehensive defense. I know there are some in this body, including some who are supporting my position on this, who believe there is no danger if we go all out and have comprehensive defenses everywhere. I believe that, too, would be a danger. That, too, would be a danger because it could lead the Soviets to think we are going to launch a first strike, and then catch what is left of the retaliatory force. But, we are not doing that in this amendment. We are keeping the defense below that threshold.

I will make one other point and then I will yield the floor.

Mr. President, the argument has been made, over and over—and it is a legitimate point of concern, I grant that, a legitimate point of concern—about strategic stability. People say, what does strategic stability mean? My definition of it is very simple. We do not want either side to have an incentive to go first in a nuclear war. We do not want either side to think in a period of tension or confrontation that by going first or launching an attack, they could come out relatively unscathed, and therefore have a finger on the nuclear trigger. That is the heart of the ABM Treaty.

I think there is still a valid philosophy to the ABM Treaty. I do not believe we in any way violate that philosophy. Just consider, when the ABM Treaty was entered into in 1972, at that time both sides—the Soviets and the United States—both sides agreed that each could have 200 interceptors; 200 defensive interceptors, two sites.

At that time the Soviet offensive force was approximately 2,000 nuclear warheads; 2,000 offensive warheads versus 200 interceptors. So that ratio was acceptable to both superpowers. It was not deemed to be destabilizing. It was not deemed by either side to pose the threat of first strike by one side and then using defenses to, relatively, escape retaliation.

Today how many warheads do the Soviets have? Even after START they will have approximately 8,000 warheads; 8,000 warheads.

How many interceptors are we talking about today? We are taling about 100. That is 8,000 warheads, versus 100 interceptors. Back in the ABM Treaty days, 2,000 warheads versus 200 interceptors. How anyone can calculate that this is a threat to the Soviet's ability to retaliate, I do not know.

Even if you multiply, and we have more than one site—let us say we have 3 sites and there are 300 warhead interceptors total, 8,000 warheads on one side versus 300 interceptors on the other—how can that possibly be a danger to the efficacy of retaliation?

Mr. President, I hope our colleagues will consider carefully the amendments we have. It is my hope the committee position will be upheld because I believe if we do uphold the committee position, for the first time the Congress will have said to the administration, here is what we should be spending this money on. We have not been doing that. We basically have been funding the administration's plan debating over the money, quarreling over the money, but not saying what we really wanted to be done.

As I view it we are the board of directors. It is up to us to tell the chief executive officer what kind of SDI concept we want and what he should be doing. That is our constitutional responsibility. We can fulfill it by rejecting, first, the Gore amendment, and then the other amendments which we will be debating at a later point.

Mr. GORE. Will the Senator yield for a question?

Mr. NUNN. Yes, I will yield on the Senator's time because I have a problem on my time.

Mr. GORE. I have a problem on time, too, because I have a lot of requests for time.

The PRESIDING OFFICER (Ms. MIKULSKI). Who yields time?

Mr. NUNN. I yield the floor.

Mr. GORE. Could I ask unanimous consent this colloquy not be charged to either side?

Mr. NUNN. I would have to object because there are about 15 people who would object if they were here. We almost did not get the agreement to begin with because people thought I was too long, so I would have to object to that. I would be glad to answer the Senator's question.

Mr. GORE. Madam President, I yield myself 1 minute and then I yield to the distinguished Senator from Vermont. I do have more requests than we have time remaining.

We have not had hearings on the proposal from the committee. I do think we should have questions, answers, and I regret the fact we have such limits on the time. I agreed to them but we do have other amendments forthcoming.

I would say that the distinguished chairman of the committee described this as an insurance policy. I would say we ought to do what we do in all insurance policies and that is read the fine print.

What are we buying with this insurance policy, 1 site, 10 sites, or 100 sites? We do not know because it is not specified.

We just heard that before we negotiate with the Soviet Union we need to know what we are going to ask them for. Are we going to ask them to permit space-based sensors? Are we going to ask them to permit 3 sites, 5 sites, 6 sites, 100 sites? We do not know, under the committee bill, what we are going to ask them for when we sit down.

Would one site be adequate? The sponsors disagree on that question.

The PRESIDING OFFICER. The 1 minute of the Senator has expired.

Mr. GORE. I will return to that, Madam President. I yield 8 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I certainly do not intend to argue or debate the details of defense policy with the distinguished chairman. I would agree with the Senator from Tennessee that if you are looking for an insurance policy to buy, you first examine the risk and you examine the cost.

To me, my problem is we are buying the wrong insurance policy, a very expensive one, to protect us against the lesser of risks where we can, with our resources, do much better in other directions.

We live in a constantly changing world, but change comes more rapidly in some periods than others. Over the last couple years, change has occurred at a phenomenal rate, redefining our relationship with the Soviet Union, eliminating the NATO/Warsaw Pact standoff, and altering the nature of the military threat to the United States.

It seems to me we should spend a little less time worrying about the evil empire, and a little more time worrying about the fanatic fiefdoms. Generals are not the only people guilty of preparing to fight the last war—politicians are, too.

Reality has changed faster than our perception of it. Ideology and public opinion have yet to catch up. Building a defense against a Soviet ballistic missile attack may be a modern-day Maginot Line.

There are likely to be some reversals in the many positive developments of the past couple years. Not all of the great hopes aroused will be realized. But neither will the situation ever go back to the East/West military face off. Eastern Europe is not going to return to monolithic communism. It is unlikely that the Warsaw Pact will ever be reconstituted. German unity, however uncomfortable, is not going to be reversed anytime soon. The Soviet economy is unlikely to reinvigorate sufficiently in the near future to support a large investment in military production.

I supported SDI with the hope it would stimulate completion of START and help bring the Soviets to heel. That has occurred. I agree we must continue our research. But for the foreseeable future, I cannot support any development.

Yet, America is still preoccupied with the Soviet threat, and the lure of a system to protect against Soviet missiles is still quite great. Concentration on that objective has prevented many people from focusing on the changed nature of the real threat: the proliferation of nuclear-capable states and the likelihood of an arms race in the third world that could eventually threaten the United States. While the Nonproliferation Treaty [NPT] attempts to keep a lid on unauthorized development, pressures on the treaty and the obvious flaunting of it by some signatories, such as Iraq, threaten the effectiveness of the regime. Clearly, it is time to consider additional ways of controlling nuclear proliferation before the genie is entirely out of the bottle.

A theater missile defense system would be designed to protect the United States against ballistic missiles only. It would not be effective against an airplane carrying a nuclear weapon or a ship sailing into a harbor with a concealed nuclear weapon on board—both of which are more likely ways for a Third World nation or a terrorist group to try to strike the United States. In fact, deployment of a missile defense system would increase the likelihood that an attack upon the United States would be focused on these other areas of vulnerability.

In my view, we must move forward immediately on two fronts. First, we must work with the United Nations to develop a series of sanctions against nations that test, develop or acquire nuclear weapons in violation of the NPT or assist other nations to do so. This past fall, the United Nations proved that it is capable of developing and implementing a broad-based sanctions regime. A similar U.N. regime is being considered to counter the spread of chemical and biological weapons. As the undisputed world military leader, it is incumbent upon the United States to take a lead in orchestrating a U.N. effort to control nuclear proliferation.

Second, concurrent to the effort to develop an international anti-proliferation regime, U.S. military experts must be carefully examining the changing nature of the current threat and reassessing the true nature of the most likely threat in the coming decades. Such an evaluation will, in all probability, point up the urgency of preventing further nuclear proliferation, of progressing on a nuclear test ban agreement and expanding international limitations on offensive military capabilities.

While these efforts are in progress, and they will take some time, our own military research and development efforts should not lapse in the area of ground-based defenses against a nuclear attack. And we must be ready to move to deployment if it should appear that additional nations could deploy a system that could threaten the United States with ballistic missiles. Allowing that research to lapse would be running too great a risk. I think most of my colleagues support robust research on the most promising theater missile defense technologies.

But I question whether we are really ready to rush into deployment at this time. The administration has not been pushing for immediate deployment of such a system. Nor has this been the primary focus of the Strategic Defense Initiative Program. Neither the House nor the Senate Armed Services Committees have held hearings on this proposal. There is considerable disagreement about how many sites would be necessary to deploy a complete system and how much it would cost. All that we know for certain is that one site would not be sufficient to defend the entire United States and the cost of deploying any system would be very high. At some point it might be necessary to deploy a limited system, but only when we are sure that sufficient research has been completed and the nature of the threat warrants it.

Rushing to deploy a theater missile defense system in the absence of these conditions and without careful consideration of all the ramifications could have some unintended and undesirable consequences. John B. Rhinelander, former legal advisor to the ABM Treaty delegation and the SALT I delegation, warns that—

> The Nunn-Warner provision could backfire by making us more vulnerable, not less, to the threat of Third World nuclear and ballistic missiles. If the U.S. were to break out, unilaterally, from the ABM Treaty after 1995, this would almost surely destroy the Non-Proliferation Treaty. * * *

Madam President, I will not rule out the possibility that we might want to deploy a defensive system at some point in the future. So we must continue to aggressively research these technologies. But today I see a greater threat to the United States from unchecked nuclear and ballistic missile proliferation.

We must not let our cold war preoccupation with Soviet military capabilities blind us to today's real threats. Saddam Hussein gave us a wake-up call—let us not sleep through it.

Finally, along with proliferation, and in a broader context, our greatest threat is in the economic arena. It would be a serious mistake to continue to pursue and increase our expenditures on SDI, while our economic competitors, Japan and Germany, with minimal and decreasing military expenditures, maul us in world trade. We need to rededicate this incredible brain power and technology to the opening world markets, and in defending our home markets.

Madam President, I yield the floor.

Mr. GORE. Madam President, I yield 7 minutes to the distinguished chairman of the Foreign Relations Committee, Senator PELL.

The PRESIDING OFFICER. Senator PELL is recognized for 7 minutes.

Mr. PELL. I thank my colleague. Madam President, I commend the Senator from Tennessee [Mr. GORE] for his amendment, which I strongly support.

If the Nunn-Warner provisions become law, it could embark the United States on a course which Congress sharply curtailed in the late 1960's and which was rejected by treaty in 1972.

Acknowledging this problem, the provision urges the President to pursue immediately negotiations to amend the ABM Treaty to allow completion of the full system.

Mr. President, amending the ABM treaty is a fairly innocuous way to characterize what would do profound harm to the treaty and could in fact destroy it. We should recall that the treaty was achieved over several years when the United States understood that defenses from nuclear attack would not save the country against nuclear attack and would exacerbate the nuclear arms race. Under the umbrella of the ABM Treaty, we have moved slowly and laboriously toward true strategic arms reduction.

Gerard C. Smith, who negotiated the ABM Treaty recently said that the committee provision is "like amending prohibition to permit the sale of liquor."

It would be a sad folly if, on the very day that the Presidents of the United States and the Soviet Union have agreed to make significant reductions in their strategic offensive nuclear arsenals, the Senate of the United States were to accede to a proposal which could destroy the ABM Treaty that made this historic achievement possible.

Mr. President, if the plan set forth in the committee bill were carried to fruition, we would be forced to violate the treaty, which we should never do, abrogate it, which can be likened to shooting ourselves in the national foot, or gain Soviet agreement to amendment.

And yet, this is what the Soviets said in connection with the upcoming START Treaty on this specific issue:

> This treaty may be effective and viable only under conditions of compliance with the treaty between the USSR and the U.S.A. on the limitation of anti-ballistic missile systems, as signed on May 26, 1972.

Mr. President, we must ask whether the limited defenses envisioned could really be effective. In the 1960's and early 1970's, the proponents of the Safeguard ABM systems made numerous statements on the good qualities of the system. The system was completed in 1974 at a cost of over $7 billion—1970's dollars—but it was deactivated in 1976 because of its high cost and ineffectiveness.

The term caveat emptor means "let the buyer beware." We have not been sufficiently aware in the past in determining what is a promise and what is reality. For these reasons, we must be wary now of what the SDI Program advocates are promising. We need to be realistic about the threat the limited system would meet.

The threat of accidental or unauthorized launches of nuclear weapons has been with us since the advent of nuclear arsenals. It has never been thought feasible or necessary to meet this threat. Over time, the safety of nuclear weapons and the controls over them have steadily improved. We must ask what has changed that makes this scheme necessary now?

With regard to the Third World countries, is it not logical to assume that our overwhelming power would make any nation with a few nuclear weapons understand that attack would be suicidal? Even the worst, maddest, of the world's leaders would realize that the use of a nuclear weapon against the United States would be suicidal.

Moreover, most experts agree that developing countries would find the construction of weapons capable of deployment on missiles, and of the long-range missiles to deliver them, a tremendous technical challenge. Thus, the method of delivery would probably be an aircraft, a ship, or a boat. The contemplated ABM system, even if it worked, could not stop that kind of action.

Madam President, the Gore proposal would allow exploration of defensive technologies, urges discussion with the Soviets of theater ballistic defenses and stresses the need for work on defenses like the Patriot system so successful in Desert Storm against theater missiles. I support these objectives.

I also intend to support efforts to reduce SDI funding. While I support research funding, it is clear that SDI needs restraint.

As chairman of the Committee on Foreign Relations, I am prepared to consider most carefully the foreign and national security policy implications of this matter. It is important to look at the legal, military and scientific implications. There is no need for haste. There is every need for prudence.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. Madam President, I yield 10 minutes to the distinguished Senator from Michigan.

May I say in yielding that he has, in my opinion, been the single most dominant supporter and defender of the ABM Treaty. I am glad to yield this time to him.

Mr. LEVIN. I am inclined to use most of the time yielded by my friend from Tennessee to thank him for that overly gracious comment. There have been a great number of supporters of the ABM Treaty in this Senate, and I am just one of many over the years.

There is going to be much debate about the meaning of the committee's SDI language, Madam President. But one thing is clear to me. After reviewing this language, perhaps dozens of times, the Senate Armed Services Committee has approved a plan to deploy systems which would violate the Anti-Ballistic Missile Treaty. That is a serious statement. I think it is one that would probably be acknowledged by the chairman, that when you strip away the differences over what the meaning of this language is, we are left with that core, that nugget, that the Armed Services Committee language is the approval of a plan to deploy systems which would violate the Anti-Ballistic-Missile Treaty.

Mr. NUNN. Will the Senator yield.

Mr. LEVIN. I will be happy to yield.

Mr. NUNN. I say to the Senator that I disagree with that assessment. I know the Senator reaches that conclusion sincerely after a lot of thought. But I submit to the Senator that part of this plan is the negotiating track. We are talking about two tracks. We are talking about a negotiating track and a defensive weapons system deployment plan, but they are both part of the plan.

The plan is to get the Soviet Union, if they will, to agree to the amendments. If they do not agree, then we have to assess whether to go forward on the other part of the track. So there is not any kind of plan here that is per se a violation of the ABM Treaty. Part of the plan is the negotiating track, to achieve modest amendments which would then make it permissible.

Mr. LEVIN. My friend from Georgia knows that the plan to deploy these systems does not await negotiations, is not conditioned upon negotiations, is not linked to negotiations. It is set forth as the plan of the United States to deploy these systems, and I made an effort in committee, as the chairman knows, to change the goal so that it would read in the first paragraph "a goal to deploy ABM compliant systems," which of course means the ABM Treaty as it might be amended.

That was my amendment in committee, to do exactly that, to change this goal, to make it a goal to negotiate changes in the treaty to permit these systems. And that amendment was defeated by a vote of 15 of 5. It was opposed by the chairman and the other sponsors of this amendment.

This is what we are left with. It is adopt a plan now to deploy these systems and negotiate later. That is the heart of the matter. This decision to adopt the plan now to say that we are going to build a system at Grand Forks, which is a compliant system, that is an initial step to a noncompliant system, that plan threatens the successful course of arms control negotiations which has been pursued by the United States and the Soviet Union for many years. That path of negotiations, the heart of which has been the ABM Treaty, has finally led us to wholesale reductions of the most dangerous weapons in the superpower arsenals through the START agreement signed, ironically, just today.

If the committee's action becomes the policy of this country, it could undermine arms control and drain the Treasury. That would truly endanger national security.

The ABM plan which is described in this bill begins with the deployment of a system at Grand Forks, ND. That part 1 is intended to be in compliance with the ABM Treaty, but that is only the beginning. The bill goes beyond that. It specifies explicitly that the deployment at Grand Forks is the initial site in a system which later includes additional antiballistic missile sites and space-based sensors. The plan—and it has been characterized as that on this floor even tonight by the chairman—to deploy multiple sites and space-based components that is adopted in section (a)(1) of the committee's language is a plan to deploy systems that are inconsistent with the Anti-Ballistic Missile Treaty.

For the first time, Madam President, in our history as a Senate, if we adopt the committee language, the Senate will be saying we are adopting a plan to deploy a system which violates the ABM Treaty.

The hope is expressed, as the chairman indicated, that the Soviets will agree to modify the treaty and, clearly, the chairman is correct, that hope is expressed for negotiations in a later part of the language. But we adopt the plan to develop the systems now, no if's, no and's, no but's; the committee-adopted plan threatens the treaty now and says we will talk about it later. "Threaten the treaty now, negotiate later," that is the battle cry.

The ABM Treaty has played a central role in preserving deterrence and stability. This language of the committee, which the Gore amendment seeks to change, would seriously undermine that ABM Treaty. It would undermine American security in the process. And before we do that, we should look at the alternatives which are available.

The ABM Treaty is a contract. Have the Soviets violated that contract at Krasnoyarsk we objected, and rightly so. This contract with the Soviets has worked to the mutual benefit of both superpowers. President Nixon said the ABM Treaty stopped what inevitably would have become a defensive arms race with untold billions of dollars being spent on each side for more and more ABM coverage.

This treaty, Madam President, has been supported by Presidents and Members of Congress in both parties, by officials in the intelligence community, military leaders under Republican and Democratic administrations.

Former CIA Director William Colby said, "The only way to defend our country against nuclear war is prevent it from happening. The ABM Treaty," he said, our former CIA Director, "has played a major role in the success of that policy of prevention by dampening the arms race and providing the conditions necessary for progress on limiting offensive forces. It is," he said, "a watershed document. It has done more to reduce the threat of nuclear war than any other single agreement."

How is that for protecting American cities? We are not protecting the ABM Treaty when we support the Gore amendment as a piece of paper. We are supporting the communities and the people of America that have been protected by that treaty.

It is not some theoretical document out there that we are trying to prevent from being shredded. It is the communities and people of America that we are trying to protect from another arms race. This treaty has allowed us to avoid an arms race in space. The ABM Treaty has allowed us to avoid an arms race in defensive arms. It has allowed us now to have a START agreement.

What would we do, as the Senator from Tennessee so eloquently asked, if suddenly we were confronted with Soviet defenses? That answer was given by Secretary Weinberger. He said even the plan on the part of the Soviets to deploy defensive would cause us to increase the number of offensive weapons which we have.

If we were faced with defenses, we would do what the Soviets will do, which is to increase the number of weapons to overwhelm those defenses, to build in countermeasures so that they can counteract those defenses. And before we walk down that road, we had better do some negotiating with the Soviets so we do not unravel the treaty which has been at the heart of arms control between the Soviet Union and the United States.

Should we walk down that road? If we walk down carefully, I think there is a good argument for it. But this is not careful when we adopt the plan now to deploy systems which would violate a treaty and then say we will talk about it later.

We do not say here our goal is to negotiate changes in a treaty. I tried that in committee with an amendment. We say here our plan is to deploy defenses; no if's, no and's, no but's.

But now the Senate has before it an SDI plan that would move this country down a new path, first by deployment of the type of ABM systems we have voluntarily foresworn, as the expressly linked initial step to a point a little further down the path, well within sight, to the more extensive ABM systems that the treaty forbids. We are not being asked to approve grand forks in isolution. That is called the initial step in this plan. Grand Forks is the engine on the train which will wreck the ABM Treaty because of the cars it is pulling behind it.

We decided 15 years ago that it was not in our interest to keep the one regional ballistic missile defense system permitted under the 1974 protocol to the ABM Treaty. We took down the Safeguard system we had deployed at Grand Forks, because the costs of maintaining it were not worth the minimal protection it provided for our missile fields.

Now we are being asked to deploy a system at Grand Forks again. Yes, there have been changes in technology that could make ABM interceptors more capable. But we have also had enormous changes in the relationship between the United States and the Soviet Union, sweeping changes that are resulting, finally, this week, in the signing of the first treaty to make deep reductions in the strategic nuclear arsenals of the superpowers. The possibility of a deliberate or accidental nuclear attack is more remote than ever.

The START agreement has fulfilled the military requirement that the Joint Chiefs of Staff had validated as the rationale for a full-scale strategic defense initiative system. The Chiefs said an SDI System should be able to stop 50 percent of Soviet SS–18 ICBM warheads and 30 percent of all other Soviet strategic warheads during an all-out attack. Well, the START Treaty does just that—it mandates a 50-percent cut in Soviet SS–18's, and will result in approximately 30 percent reductions in other Soviet strategic warheads. The START Treaty will do what SDI might never have attained the technology to do.

But now, seemingly in denial of what is happening in Moscow this week, the Senate is being asked to approve an SDI plan that would undermine the ABM Treaty.

We are going to hear a great deal in this debate about the threats the system proposed in the committee bill is supposed to counter.

The threat about which there is the least question is the threat that tactical ballistic missiles pose to U.S. allies and troops deployed in various regions of the world. Several nations have these weapons—several more will likely obtain them in the next few years.

The committee bill takes several direct actions in recognition of that threat, and I support them wholeheartedly. The committee bill authorizes $200 million for 300 additional air defense missiles for the upgraded Patriot air defense system which proved itself capable of intercepting Scud missiles fired by Iraq.

The committee's most tangible action in this area is its direction to the Secretary of Defense to "aggressively pursue the development of a range of advanced theatre missile defense options" which could be deployed by the mid-1990's. The committee bill provides $850 million for this research in fiscal year 1992, a substantial increase over last years funding level. The House provided similar funding and went a step further to emphasize this work as a priority, by establishing a joint tactical missile defense program with the Army as executive agent, and appropriate representation from the other services and SDIO.

Anti-tactical-ballistic missile [ATBM] systems would mostly be useful in regional conflicts, to intercept missiles like the Scud and more sophisticated follow-ons. As long as ATBM's have limited range and speed, they could be developed and deployed in compliance with the ABM Treaty—the Arrow system is a good example.

As long as the United States wants to forward-base military forces overseas, preserve security commitments with allies and be prepared to intervene in regional conflicts, we have to be concerned about proliferating these tactical ballistic missile threats. Deployment of land- or sea-based ATBM systems will not upset the strategic balance or the superpower relationship. ATBM systems can be developed and deployed without violating any arms control treaty. The Soviets have also pursued ATBM defenses, developing the SA–10 and SA–12 interceptors and mobile ground-based radars.

Madam President, I support these initiatives to develop ATBM defenses. But the bulk of this bill's SDI plan is intended to meet different threats. We do not need to deploy an SDI system at Grand Forks to respond to the threat of short-range missiles, and we do not need to declare our intention to develop non-ABM Treaty complaint SDI systems to protect U.S. troops in the field from Scud missiles.

Proponents of the committee bill's SDI system are emphasizing new rationales for a system which is not in keeping with the terms of the ABM Treaty—the threat of accidental or unauthorized ICBM launch from the U.S.S.R., and the possibility that a Third World nation might someday be able to launch an ICBM at the United States.

How much of a threat is accidental or unauthorized ICBM launch, and would the SDI system being proposed in this bill really meet those threats?

In 1988, then Chairman of the Joint Chiefs of Staff Adm. William Crowe told Congress that because of the elaborate safeguards on both sides, the probability of any such launch is "very, very, low."

A true accident would require many separate systems to fail simultaneously: Missile engines, silo doors, warhead arming devices. Missiles are designed to avoid such a common mode failure. The more likely accident would occur from one side receiving a convincing false alarm that it was under nuclear attack and deciding to launch its missiles in response. But a limited protection system, like that envisioned by this bill, would not provide significant protection against the large number of missiles that would probably be launched in such a counterattack.

When Congress looked at this question almost 3 years ago during debate on the fiscal year 1989 defense authorization bill, we added section 224, a Sense of the Congress statement that asked the Secretary of Defense to make SDIO's priority the development of technologies that could protect the United States against accidental launches, and we mandated "that such development—should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty."

Since then, a great deal has happened in United States-Soviet relations to decrease the threat that nuclear weapons will be used by the superpowers. Now that we have finally successfully negotiated a START Treaty—do we really want to rush down the path to threaten the ABM Treaty for an SDI system that cannot meet its own goals?

Madam President, we also used to hear a lot about a "bolt from the blue," a sudden, massive nuclear attack from the Soviet Union that might catch the United States with it's guard down. Now some supporters of an SDI limited protection system are seeing a different—color—they talk of the "Red October scenario," where a rogue commander of a Soviet submarine might, on his own, launch missiles against the United States. But both superpowers have taken extraordinary steps to prevent such an unauthorized launch.

In addition to permissive action links that require high-authority launch commands before missile operations can arm the warheads, the United States requires dual operators of land-based ICBM's who must work together to launch the missiles. On U.S. subs, any commander would need extensive cooperation from the crew to launch missiles. The Soviet Union has traditionally been even more concerned with retaining central control over any use of nuclear weapons.

Several years ago, the chairman of the Armed Services Committee delivered an important speech to the Arms Control Association examining the need for a protection against accidental launches. Senator NUNN at that time encouraged high-level reviews of existing procedures by the United States and U.S.S.R., with consultation between the superpowers, to eliminate any plausible way that missiles could be launched accidentially or without authorization. He encouraged the extension of permissive action links to all nuclear weapons, including sub-launched missiles, and he suggested that command destruct systems might be installed on deployed missiles—as they are on test missiles—to destroy in flight any that might be launched by accident.

There are very realistic and appropriate alternatives to deployment of an extensive, expensive SDI system to reduce or eliminate the possibility of accidental and unauthorized missile launches. This should be at the top of the agenda for discussions between the military leaders of the United States and the Soviet Union.

The committee's other rationale is the proliferation of long-range ballistic missiles.

Secretary of Defense Cheney told the American Defense Preparedness Association last year that very few nations will have missiles with the range to reach the United States. The most advanced ICBM programs in third world countries are in Israel, India, and Brazil, hardly nations we consider hostile adversaries.

A ballistic missile attack, unlike most acts of terrorism, could immediately be traced back to its point of origin. The United States possesses a devastating retaliatory force which would be a powerful deterrent for any crazy state that might contemplate attacking the United States with a ballistic missile.

But an act of terrorism using weapons of mass destruction, whether state-sponsored or not, could be far more easily smuggled into the United States over land, by airplane or boat, carried in a suitcase, than delivered by a ballistic missile.

And this is a big hole in the committee's plan—its failure to provide any defense against the far more likely, Qadhafi type threats—not ICBM's, but much more conventional delivery vehicles, like a truck, single-engine plane, fishing boat or a piece of luggage. These are the cheap and dirty ways to delivery a nuclear weapon to U.S. soil, and no strategic defense system in the world will protect against those threats.

Gen. David C. Jones, retired Chairman of the Joint Chiefs of Staff, said last year:

> I do not see any strong political or military need for early deployment * * * If some madman wants to attack us with a small number of nuclear weapons, there are many ways of doing it. We cannot stop drug runners with airplanes or with boats, there are so many ways to get into our country.

None of us wants to underestimate the dangers posed by emerging missile threats from Third World nations, but these pose a greater threat to regional stability than to U.S. territory. The appropriate U.S. response is not to rush out and spend billions of dollars to deploy an SDI system with limited capabilities that would threaten the ABM Treaty. If we are going to try to build international cooperative regimes to prevent ballistic missile proliferation, we do not want to scrap the most powerful and effective treaty we have had for the last two decades. Grand Forks Site would not provide a defense against even limited ICBM strikes for the entire U.S. population: SDIO's own calculations show that only the middle-third of the United States would be covered, leaving the vast majority of the country out of range of the ground based interceptors. Missiles coming from certain directions would be below the horizon, limiting radar detection and tracking ability, and therefore limiting time available for interceptors to hit their targets. So low-trajectory submarine missiles, missiles launched from close to the U.S. coastline, cruise missiles and other nuclear threats would also not be countered by the ABM system proposed in the bill.

The limited number of interceptors would also make this system insufficient against multiple missiles launched simultaneously. If a "rogue submarine commander" scenario did develop, the SDI system might face 10 missiles carrying 100 warheads, and would have to be 100 percent effective to completely stop an attack.

If the Soviet Union reacted to deployment of even a limited protection SDI system by placing decoys on a portion of its missiles, the system would have to be able to discriminate between decoys and warheads or else would surely be overwhelmed. If the Soviets view a Grand Forks deployment as the first step toward a more robust nationwide defense—says it is that and the SDI plan before us says it is that they are almost certain to respond.

The United States has long threatened a similar response if the Soviets developed greater ABM capabilities. Former Secretary of Defense Caspar Weinberger told President Reagan in 1985:

> Even a probable Soviet territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed.

Just 4 months ago in an interview, the Soviet Deputy Minister who oversees all Soviet ballistic missile, military satellite, and unmanned space booster planning and procurement, Lt. Gen. Alexander Matryonin, acknowledged that the Soviets are considering retaliatory measures if the United States deploys ABM systems. "If the United States can shoot down 10,000 warheads," he said "we can produce 10,500." Mr. President, that is exactly the outcome that we signed the ABM Treaty to avoid. That is exactly the outcome that the START Treaty signed today was intended to avoid.

Some ask—why not defend our cities? We are defending Riyadh and Tel Aviv. But the committee's SDI plan will not protect Atlanta or Los Angeles.

At this historic moment in international cooperation, after a coalition has worked through the United Nations to repel aggression in the Persian Gulf, as the Senate prepares to ratify the CFE Treaty, and as the superpowers prepare to slash their nuclear arsenals through the START Treaty, it makes no sense to undermine the reliability of nuclear deterrence, to undermine the cuts in nuclear weapons represented by the predictability of mutual and measured arms reductions, and the trust of superpower cooperation. Why should we take a step that is likely to provoke an undesirable Soviet response, like withdrawal from the START Treaty?

If we commit to it now as an initial step toward a nationwide system, the limited ABM capability a Grand Forks system might provide would be more than offset by the new arms race would lead to and the enormous expenditures that are likely to result.

There is not a real threat that this SDI system is capable of meeting that is worth the high risk returning us to worst aspects of the cold war.

The committee's proposal is a seamless web, with its initial strand, the Grand Forks system deployment, tightly woven together with a follow-on system that would violate the ABM Treaty. The Senate is being asked to approve this plan before any negotiations or consultations with the Soviet Union, absent any evidence of Soviet willingness to move down this path mutually, and—I fear—without sufficient appreciation of the dangerous territory that lies down that path. As a result, the approval of a plan with noncompliant systems threatens to return us to the days of the cold war, and thereby weaken the security of the United States.

U.S. security is indeed the issue, and starting a new arms race does not lead us to it.

The PRESIDING OFFICER. Who yields time?

The Chair advises that the Senator from Tennessee has approximately 24 minutes and 5 seconds remaining, and the Senator from Georgia has approximately 18 minutes and 12 seconds remaining.

If no Senator yields time, time will be taken from both sides.

Mr. GORE. Madam President, does the other side wish to go now? I want to reserve the right to close the debate.

Mr. NUNN. I ask the Chair to enlighten both of us on how much time is remaining.

The PRESIDING OFFICER. The Senator from Tennessee has approximately 24 minutes. The Senator from Georgia has approximately 18 minutes.

Mr. NUNN. I could take 5 minutes at this stage, Madam President. I believe the Senator from Pennsylvania sought recognition, asked for recognition first, and I believe he wanted 8 minutes, and the Senator from California 5 minutes. I would be happy to yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California has 5 minutes.

Mr. SEYMOUR. Thank you very much, Madam President, and I thank Senator NUNN.

Madam President, I rise in opposition to the pending amendment and in strong support of the Senate Armed Services Committee bipartisan Missile Defense Act of 1991. This carefully crafted bill brings the Senate to the threshold of several decisions about the future of America's ability to defend itself against ballistic and intercontinental missile threats that could arise in any region of the world.

It prescribes a prudent and measured timetable for the President to determine whether the provisions of the Anti-Ballistic-Missile Treaty make the strategic defense initiative an ongoing dialog among laboratory researchers or a credible program to deter future military threats to the United States and its allies.

It finally blends the three major components of SDI into a coherent whole by calling for a system that incorporates ground-based interceptors at home, theatre missile defense weapons abroad, and workable interceptors based in outer space.

And on a larger scale, Madam President, it casts aside the chains of the cold war in the debate over the ultimate feasibility of SDI. It no longer upholds as sacred policy a treaty that this country concluded almost 20 years ago with a very different Soviet Union.

As we debate the SDI amendments, we should no longer fear the fact that the chains of the ABM Treaty have loosened. Today, the Soviets have neither the political unity nor the technological capability to keep the ABM Treaty intact for all time. President Gorbachev recognized this fact last year when he told the United States that he would be open to discussing changes in this document if new security threats to the superpowers warranted it.

He saw a different world unfolding before him, yet some members of the Senate seem blind to it tonight. This world is now full of tyrants—both existing and potential.

Madam President, who would have thought 18 months ago that Saddam Hussein would be the bloody and vicious and violent dictator that he turned out to be? Yes; Saddam Hussein and other tyrants around the world did not sign the ABM Treaty. They also did not and do not conduct their foreign policies by any treaty. They are not bound by the constraints negotiated in the halls of international diplomacy.

The CIA, among other agencies, informs us that their ballistic missile capabilities—both tactical and strategic—will grow rather than diminish by the year 2000. It is these weapons that concern me this evening.

The committee provisions on SDI open a window on this new world by urging the President to pursue a renegotiation of the ABM Treaty with the Soviets to allow additional ground interceptors, ABM sites, and space-based interceptors.

But in looking towards this new world, the committee did not leave the one in which we now live.

The Soviet Union still stands as the only nation on earth capable of visiting massive destruction on the United States within 30 minutes. Even after the signing of the START Treaty, we have no certain idea of who will control the Soviets' massive and modernized strategic nuclear arsenal in the long run.

Now to those who say that a robust American SDI would only prompt the Soviets to build bigger and better missiles, I reply that technology and democracy have caught up with Mr. Gorbachev.

He cannot afford an expensive, sophisticated arms race, and so the President was able to sign a new nuclear weapons agreement this week. He has said that the Kremlin's military expenditures must fall under control because the economic frustrations of his own people cannot be contained forever.

We could not face a better time for approving a bill that urges the President of the United States to explore with Gorbachev what Gorbachev has said he will discuss and what he knows in cannot avoid.

This committee provision seizes the opportunities provided by the political weaknesses of the Soviet leadership and combats the emerging strength of Third World dictators thirsting after a new generation of ballistic, chemical, and nuclear warheads.

I therefore urge my colleagues to convincingly reject the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. NUNN. Madam President, I yield 8 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank my distinguished colleague from Georgia.

Madam President, I support the Strategic Defense Initiative as outlined by President Bush's administration and the report that was adopted by an overwhelming vote by the Armed Services Committee because I believe that it is very important at this juncture to concentrate on defense.

We have for the better part of 46 years faced off against the Soviet Union in the cold war, with the ominous threat of nuclear war confronting the two superpowers. That threat has diminished very substantially. The fact of the matter is that in an era of glasnost and perestroika, it is difficult to really figure out what our posture should be with respect to the expenditures which we are now on strategic defense.

It is a complicated picture because we are not yet sure of the Soviet intentions. We are not sure of the stability of the Soviet Union, and it is necessary for us to retain credible military strength and a deterrent capability.

However, one thing is certain, and that is that other nations in the world are developing a ballistic missile capability which threatens the United States.

CIA Director William Webster has disclosed that 15 nations other than the United States and the Soviet Union are acquiring ballistic missiles. We also know that the Chinese have made available CSS-2 intermediate-range missiles with a range of some 1,900 miles to Third World buyers. Iraq has demonstrated its ballistic missile capability not only in theory, but in practice, in the gulf war.

It is a real threat to the United States to have other nations beside the Soviet Union possessing ballistic missile capability, the capacity, and the will to bring tremendous destruction on this country and our allies. That is why I believe that we should be directing our attention and technological talents to the strategic defense initiative.

We have witnessed in the recent gulf war the success of Patriot missiles interrupting Iraqi Scud missiles; our bullet in the sky colliding with their bullet in a way which many had thought totally impossible. While the principles of the Patriot are not conclusively applicable to the strategic defense initiative, we now recognize that it is possible intercept a missile, and that type of technology should be developed further.

The proposal which is in the present bill does not abandon the ABM Treaty; and at this juncture, I am not prepared to abandon the AMB Treaty. But I do not believe that the treaty poses the same consideration that it did, say, in 1982 and 1983, when I first participated in the arms negotiation talks as an observer in Geneva, or later in 1987.

Since SDI was conceived in 1983, we have seen enormous advances made in negotiations between the United States and the Soviet Union. Within the past week, President Bush and President Gorbachev have reached even greater understandings on strategic issues. I even believe that it is entirely possible that there may soon be a meeting of the minds between the United States and the Soviet Union on modifying the ABM Treaty.

I have been particularly dissatisfied, Madam President, with the so-called narrow interpretation of the ABM Treaty, because my reading of ABM, in terms of the negotiations between the parties, tells me that as a matter of law, the broad interpretation is correct. But that has not been followed largely, if not exclusively, because of a debate in this Chamber, where for political reasons, the narrow interpretation was adopted.

But we have seen in the current committee proposal a compromise on many conflicting points of view, where very distinguished members of the Armed Services Committee have come to a bipartisan agreement that should be accepted by this Senate.

I compliment Ambassador Hank Cooper and Lt. Gen. Daniel O. Graham, who have done such an outstanding job in articulating the principles of the strategic defense initiative at a time when SDI had few proponents. Their insight and dedication to this issue have contributed significantly to the debate and the vision of strategic defense.

It may well be the case that a future modification of the ABM Treaty may depend upon the willingness of the United States to share some of our knowledge on defense technologies. I am not prepared to say this evening that the United States should share our technology, but I think it is important to remember the offer made by then President Reagan in his 1984 debate against former Vice President Mondale, when President Reagan stated that he was prepared to share U.S. technology.

I was intrigued by that comment, and later had an opportunity to discuss the issue with President Reagan when he and I the late Senator John Heinz traveled to Philadelphia on September 17, 1987, for the commemoration for the 200th birthday of the Constitution of the United States. On that occasion, we had a chance to discuss in great detail with the President his approach on that important issue. He stated an amplification of what he said on national television in the debate with former Vice President Mondale: That he, President Reagan, felt we ought to share techology with the Soviet Union.

That is an intriguing possibility, and as I say, one that I am not prepared to endorse at this time. But is shows the far range of what might be a possible modification of the Antiballistic Missile Treaty negotiated back in 1972. The Treaty has been important and has provided stability and it should be noted that the proposal in pending legislation would not render the ABM Treaty invalid.

However, it is time to recognize that events and circumstances have changed since 1972. The concept of mutual assured destruction which governed the relationship between the United States and the Soviet Union was never a satisfactory doctrine. The concept of defense was always much more important.

I recall the comments from the Congressional Record uttered by then Senator James Buckley in one of the dissenting votes against the ABM Treaty. His view was that there ought to be a defensive posture and it was, in fact, immoral for a country to give up the right to defend itself. Senator Buckley stated that is was hardly an answer to the threat of nuclear destruction to say that the other superpower would be held at bay because of the potential and the threat of mutual assured destruction.

In 1991, looking to the year 2000, Madam President, a much better posture for the United States is to look to defense, rather than oppose to contain future threats. The technology proposed in the pending committee report moves substantially in that direction. There is not a realistic risk of escalation to violate the ABM Treaty. We will await events as to what research discloses.

And the current bill comprehends the narrow interpretation of the ABM Treaty which is, as I said before, an interpretation that I think is unwarranted or not mandated by the document itself, in terms of the legalities, the negotiating record, the practices of the parties, and even the Senate ratification record.

In conclusion, I support the President's strategic defense initiative program and the Armed Services Committee Report that defines the need to develop technologies to meet any and all missile threats into the next century.

The PRESIDING OFFICER. The Senator has used his 8 minutes.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. GORE. Madam President, I yield 7 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes.

Mr. WELLSTONE. Madam President, I rise to support the amendment offered by the Senator from Tennessee, Mr. GORE. I am profoundly saddened and perplexed by the Senate Armed Services Committee proposal to deploy an antiballistic missile system of dubious value.

The committee proposes this deployment, even though it would fatally weaken the most enduring and the most important United States-Soviet arms control treaty of all time.

Just as the arms race is breathing its last, some of our colleagues want to hook it up to an artificial respirator called limited ballistic defenses.

Congress has rejected plans to deploy a ballistic missile defense system since the ABM Treaty of 1972. The bill before us calls for the deployment of a single ABM site by 1996. This single site, some committee members will assure us, would be in compliance with the ABM Treaty.

However, the committee's language clearly indicates that this would be an initial step toward an extended ground based system.

An extended ground-based system cannot even be developed, much less deployed, without violating the ABM Treaty. In fact, the bill calls upon the President to renegotiate the treaty immediately in fundamental ways. If the Soviet Union does not agree by 1996 to remaking the ABM Treaty as the United States desires, then this bill implicitly recommends that the United States scrap it.

The Soviet economy and political system is obviously in a vulnerable state, but we should not take comfort from this. Let us not make the tragic mistake of pushing the Soviet Union back into an arms race. Let us not make the tragic mistake of weakening President Gorbachev's position in relation to hardliners in his country. It is a bitter irony, Madam President, that the Senate is considering such a major policy departure on the very same day that Presidents Bush and Gorbachev are signing a historic nuclear arms reduction agreement.

Madam President, there is a very high and very real cost to this departure advocated by the defense authorization bill. Deployment of an ABM system and pursuit of modifications in this treaty could very well ruin the chances for future arms reduction agreements. The Soviet Union may well withdraw from the newly signed START Treaty—the Senator from Tennessee has spoken eloquently about this—and renew its offensive nuclear buildup. If the treaty were abandoned and either side began deploying nationwide missile defenses, the other may feel threatened. What looks like defense to one country can look like offense to another country. Each side will respond with more offensive weapons and this would spur yet another round of destabilizing and enormously expensive arms competition.

What is the compelling reason to suddenly scrap a treaty that restrained the arms race for 20 years? What is the intended application of this antiballistic missile system that some would want to rush into deployment?

According to the Armed Services Committee this is intended to protect against accidental launch of Soviet missiles or limited missile attack by some other country. This is possibly, Madam President, the weakest rationale yet presented for accelerating the SDI program, in a long line of feeble and foolish rationales.

First of all, these are remote contingencies. Second of all, these contingencies can be addressed more efficiently, more directly, and more cheaply by means other than an antimissile system. If Third World and terrorist weapons of mass destruction do emerge as a threat to the United States, they will not be delivered by the ballistic missiles. They will be carried by aircraft, on ships sailed in our harbors, or packing crates smuggled across our borders.

Madam President, the proliferation of ballistic missiles and nuclear weapons technology is a major problem and all of us agree with that. We have to get serious and develop a credible and vigorous nuclear nonproliferation policy.

Madam President, as to the Soviet Union, not one defense official that I know of has suggested that the risk of an accidental Soviet launch is high. American's top military adviser, Colin Powell, has testified that the Soviets have good control over their systems. Theoretically, mechanical failure could result in an accidental launch. There is no historical record of such an event. In fact, getting missiles to fire when they are supposed to has been a greater problem.

However, one evaluates the seriousness of potential problems, an appropriate response is to agree on safeguards and safe mechanisms on missiles. Those are the steps we should be taking.

Madam President, the Senator from Tennessee has wanted to address this as a separate policy issue from appropriations. But I want to point out that the Congressional Budget Office has estimated that a single ABM site could cost $11 billion. And, according to SDIO, an ABM system with nationwide capabilities, that is the direction we are going in, could require as much as $25 billion. Other estimates are as high as $35 billion. Other SDI enthusiasts talk about hundreds of billions of dollars.

So this is the question, Madam President; $4.6 billion. I see the Senator from Tennessee, who has been so concerned about a budget agreement and reducing the deficit; $4.6 billion. Are we going to spend our money feeding the insatiable appetite of military contractors or are we going to spend our money feeding the mouths of hungry children? Are we going to spend our money on weaponry, Star Wars, hundreds of billions of dollars for weapons in space, or are we going to grow food by Minnesota farmers and feed the hungry right here on Earth?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. Madam President, real national security is not going down this path. Real national security is arms control and investing right here in our own country.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Madam President, I yield myself such time as needed.

The PRESIDING OFFICER. The Chair advises the Senator that the Nunn-Warner advocates have 3 minutes, 49 seconds remaining.

Mr. BURNS. How many?

The PRESIDING OFFICER. Three minutes and 49 seconds.

Mr. BURNS. I yield 1 minute to my colleague from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. I thank my colleague for yielding.

Madam President, I stand in strong opposition to the amendment that is before us, believing that the committee has worked properly to assure that we move ahead with a missile defense system.

Clearly it has established its worth with the American people. They made a substantial investment a good number of years ago. In the last several months we have seen that investment save lives, American lives and allies' lives, as it secured and stabilized the activities we were involved in in the Persian Gulf. This is but the beginning of a kind of stability that I think all of us seek.

I, therefore, stand in opposition to the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee has 16 minutes and 6 seconds.

Mr. GORE. I yield 3 minutes to my distinguished colleague and friend from Tennessee [Mr. SASSER].

The PRESIDING OFFICER. The Senator is recognized.

Mr. SASSER. Madam President, I thank my distinguished colleague and I rise in support of the amendment offered by my colleague from Tennessee and commend him for his wisdom and foresight in offering this amendment.

Any commitment to move components of SDI from research to deployment by 1996 I submit is strategically unwarranted and physically unsustainable. We are talking about deploying a system that is on a collision course with the ABM Treaty, on a collision course with an agreement that has guided arms control in this country for over 20 years.

And we are doing it, Madam President, on the very day that the President has signed the treaty that is to be the foundation for arms reduction for the next 20 years and beyond.

Last year when the world changed virtually overnight, the distinguished chairman of the Armed Services Committee in a wide-ranging and very thoughtful series of speeches enunciated five broad themes to guide future program recommendations with regard to the military strategy of this country. The proposal to move SDI from the laboratory to the field directly contradicts the most important of these themes enunciated last year, the pledge to maintain nuclear deterrent at lower levels and with greater stability.

Deploying SDI raises the stakes precipitously. It is certain to provoke a negative Soviet response, could well deter additional cuts in strategic nuclear weapons, and could even threaten full implementation of the new START Treaty.

What has been proposed, Madam President, is no less than a sea-change in our Nation's nuclear defense policy, and we are supposed to take it on faith. This body debated the highway bill for days into weeks, and here in the space of hours, in the space of hours, we are asked to adopt what is a fundamental change in the nuclear deterrent doctrine of this country.

We are supposed to take the committee recommendation at face value and assume and hope it is correct. I cannot, in good faith, make that leap of faith. I have not heard any expert testimony. I have not heard any convincing analyses that the formula for nuclear deterrence of the last 40 years is now obsolete and we need to raise the stakes.

The proposal to deploy SDI is a radical one. All the more so for coming at a time when the Soviets want out of the arms race—they can't afford to stay in it. We have not quite grasped that in committing to deploy SDI. Yet we give them no exit from the race. We remain locked on an arms race highway with no off-ramps.

And by accelerating SDI, we give the Soviet military menace a reason to continue. We are both offering the Soviets an outstretched hand and showing them a set of cold war teeth. It is a self-canceling strategy that makes little sense.

Finally Madam President, we have heard much from the Armed Services Committee this year about flying before buying. I assume that principle is not limited to aircraft.

Yet, deploying SDI has to be one of the greatest fly before buy proposals ever conceived.

At a time when most committee chairman are forced to tell their members that no new initiatives will be funded in education, in health, in crime prevention, the Armed Services Committee plans not only to fund a new initiative, but to fund it at nearly $5 billion next year, and $10 to $20 billion in coming years—making SDI deployment one of the costliest new initiatives in the Federal budget.

In conclusion, I believe we need to put this whole issue in a national context. What exactly is this kind of protection worth to the American people?

As we look at our world today, after the collapse of the Soviet empire, I would ask my colleagues to rank the threats that face America in order of the relative dangers they pose to us as a nation.

Does the threat of a rogue Soviet missile striking us really match the threat of our decaying inner cities and our collapsing roadways? Does the possibility of a missile from a Libya, a Pakistan, or North Korea really weigh equally in the balance with the dangers posed by cancer-producing pollutants, crime in our neighborhoods, or a health-care system that is bankrupting us?

I think not, Madam President. And I will strongly support this amendment.

Madam President, I would agree with a recent editorial of just today that appeared in one of the most distinguished newspapers in this country, the Atlanta Constitution. The editorial writer posed this question:

> Say you're a householder whose principal asset is in dire need of overdue upkeep, maybe a few major repairs. Alas, your budget is strained to the limit just to acquire the barest necessities and to pay off past extravagances. Out of the blue, you are approached by an agent hawking meteor insurance.
>
> You can't discount the possibility of a meteor strike, certainly not the devastation it would cause, but in deciding whether to take on the premiums you must measure the need for this coverage against other priorities.

I submit, Madam President, that this country does not need to take out a policy for meteor insurance at this time. We do not need a policy against the possibility of a missile strike from Libya, from Pakistan, from North Korea, from Cuba.

No, we need to take out a policy against the danger posed by cancer-producing pollutants; against crime in our neighborhoods. We cannot even drive to work in this city, the Nation's capital, without being apprehensive and anxious. Whole neighborhoods are abandoned to criminals. We have a health care system that is on the verge of bankrupting this country. Test scores of American students are falling relative to those nations that we compete with worldwide.

And what are we to do, Mr. President? Are we to pass up these priorities and to take on a policy of meteor insurance? Where in the world are our priorities?

This is not 1951. Joe Stalin is not still in the Kremlin. This is July of 1991. The Soviet Union is on its knees and breaking up, and begging us for economic help and economic support.

What is our response? To move in the direction of abrogating a 20-year-old Anti-Ballistic-Missile Treaty, to invest tens of billions of dollars that we do not have and may have to borrow from the Japanese to pursue this will of the wisp.

Mr. President, what in the world are we doing here in the dark of night, late in the evening, after only a few hours of debate? Is this body going to take that course? I hope not and I implore my colleagues not to do so.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Who yields time?

Mr. GORE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Tennesee has 8 minutes 34 seconds, and the other side 2 minutes 50 seconds.

Mr. GORE. Mr. President, I yield 7 minutes to the distinguished Senator from Nebraska.

Mr. KERREY. I thank the distinguished Senator. I am actually mindful of his desire to close and I will summarize my comments.

I rise in support of the Gore amendment. Mr. President, my support is based upon a number of things. First of all, I believe that President Bush's proposal for the strategic defense initiative simply does not have a consensus either of the American people or of this Congress. In fact, I believe that the Armed Services Committee's response, their attempt to fashion a compromise, is a reflection of that.

The President continues to support SDI, I believe for political reasons, not as the consequences of a belief that the system is either going to work or that we need it. And what we have instead is the distinguished Senator from Georgia who indeed last proposed, along with the distinguished Senator from Virginia, an alternative goal. It is, I believe, a worthy goal.

Nonetheless, I think it is worthwhile for my colleagues to support the Gore amendment for a number of reasons. First of all, it sends a message to the President, and I think an important one. He has threatened to veto this legislation if he does not get his way on SDI. I think it might be good indeed if that were to occur so we could fashion a real consensus, a real open debate about what this Nation should have in the way of strategic defense. So I think my colleagues should not worry about a threatened Presidential veto in this particular case. I think we should invite it for the purpose of inviting meaningful debate about what we should indeed have in the way of defense.

Second, Mr. President, I believe the Gore amendment preserves a real consensus upon the need for a meaningful defense for foreign-deployed troops. I have heard a number of my colleagues get up and talk about Desert Storm and the evidence of the successful engagement of the Patriot missile against the Scud missiles. Mr. President, the Gore amendment explicitly preserves the consensus upon the need for protecting our deployed troops.

Third, Mr. President, it does still preserve very robust research. One of the most troubling parts of the committee amendment I must observe is it doubles the amount of funds to promote peace as well as providing for the space-based system. I find that part of the compromise to be unacceptable and was one of the reasons I found myself concluding the Gore amendment should be accepted by this body.

Finally, Mr. President, this amendment preserves the opportunity, and I believe we should take the opportunity, of rallying around a new goal that has been set for us by the distinguished Senator from Georgia.

Mr. President, this Nation, in fact, with the Soviet Union, should perhaps consider limited defenses in the manner that the distinguished Senator from Georgia is describing. It is entirely possible, if the United States and the Soviet Union were to negotiate an understanding of what those defenses were to do, that it would increase stability between the two nations. Indeed, the increased threat the distinguished Senator from Georgia has described I believe has adequately been addressed by the Senator from Tennessee in his amendment.

This amendment is not one that says we should lower our defenses. It merely addresses a changed requirement for our defense. Therefore, Mr. President, I hope a majority of my colleagues will support the Gore amendment.

Mr. NUNN. I yield 1 minute to the Senator from Montana.

Mr. BURNS. Mr. President, I want to make three points. We have all listened to the debate. One is it is a cutback of no money. It says, no, we are still going to spend the money, but we spend it without a mission. That is No. 1.

No. 2, do you like what is going on in the Soviet Union today? There is more instability in the Soviet Union and that is more explosive because we cannot tell which direction it is going. I do not think I want to second guess the security of this Nation by not deploying this defense. I do not think I would sleep very well.

So basic philosophy is, if we have the technology, we have the capability and it adds to our security, it makes no sense to change direction at this time, not with 240 million people in this country that depend on this body to defend them and to secure the deterrence that actually brought down the wall. It makes no sense at all. This whole Western Hemisphere is at stake. Think before you cast this vote. And think what got us here. That is the point I would like to make Mr. President.

I yield back the remainder of my time.

Mr. HELMS. Mr. President, the ABM Treaty was signed on May 26, 1972, more than 19 years ago. But the world today is far different from the world 19 years ago.

Today the United States, Europe, and Japan are all threatened by intermediate and even intercontinental range ballistic missiles launched from neighboring countries carrying chemical, biological, or even nuclear weapons of mass destruction.

As the world witnessed during Desert Storm, when an arrogant and brutal aggressor nation, Iraq, began firing Soviet supplied, intermediate range, modified Scud missiles with conventional warheads at its neighbors, Israel and Saudi Arabia, every nation felt threatened. Saddam Hussein launched about 85 of his Soviet-supplied Scud missiles not only at his Israeli and Saudi neighbors, but at American and allied forces in Saudi Arabia as well.

Had it not been for the Patriot air defense missile, we would have had no defense against Saddam's Scuds—which, by the way, had the capability to carry chemical and biological weapons of mass destruction. Without the Patriot, we could have lost tens of thousands of American fighting men, and tens of thousands of innocent Israeli and Saudi civilians.

But, thank the Lord, the American Patriots intercepted, deflected, or destroyed most of these Iraqi Scuds, so that their debris was usually all that made impact.

Mr. President, we must not forget that the Patriot was neither intended nor developed to shoot down ballistic missiles such as the Scud. The Patriot was designed to shoot down only aircraft. That the Patriot was able to perform so remarkably in intercepting the Iraqi Scuds is a tribute to American technological ingenuity.

Why was the Patriot not designed to intercept ballistic missiles? Because the ABM Treaty was interpreted by the United States as prohibiting the development of air defense missiles capable of intercepting ballistic missiles.

In contrast, the Soviets built into their SAM-5, SAM-10, and SAM-12 surface-to-air missiles the capability to intercept ballistic misiles, in violation of the ABM Treaty. The Soviets also have the Moscow anti-ballistic missile system, the only ABM system in the world, the Soviets are mass producing ABM interceptor missiles, ABM-capable SAMs, and their radars, and are deploying an emerging illegal nationwide ABM defense, as well.

Moreover, the Soviet Krasnoyarsk radar, which by the way, they tried to keep until the United States made further concessions in START negotiations, has finally been admitted—by even the former Soviet Foreign Minister—to be a clear violation of the ABM Treaty.

The world of 1972, when the ABM Treaty was signed, did not envision that a host of Third World nations would come to possess both weapons of mass destruction, and the means to deliver them at intermediate ranges and soon intercontinental ranges as well. Now such rogue nations as Libya, Syria, Iran, and North Korea, have large numbers of extended range Scuds, plus the chemical and biological weapons of mass destruction they can deliver. These same nations, as well as others, are also developing nuclear warheads, and longer range ballistic missiles. Some of these rogue nations may soon have ICBM's.

Moreover, how many people realize that during the past 2 years, the Soviet-backed Nadjibulah regime in Kabul, Afghanistan, has fired thousands—yes, thousands—of Soviet-supplied Scuds at the mujahidin freedom fighters in Afghanistan, and even at targets well inside Pakistan? I wish that in addition to supplying Stinger antiaircraft missile to the Afghan freedom fighters, we could equip them with Patriots.

Mr. President, this debate today is about the global protection against limited strikes [GPALS] system being designed to defend the United States and its allies from intermediate range Scub missile or ICBM attacks carrying warheads of mass destruction from rogue nations. GPALS is intended to be the first phase of the President's strategic defense initiative.

Now we hear Members of the Senate arguing that for the United States to develop, test, and deploy GPALS would violate their narrow interpretation of the ABM Treaty, just as many of these same people used the ABM Treaty in the 1970's, successfully, to hamstring and limit the capabilities of the Patriot against ballistic missiles. Their narrow interpretation of the ABM Treaty has never been the correct interpretation of the treaty, despite what their Pavlov-dog propagandists in the media pretend.

But the ABM Treaty has been severely violated by the Soviets—look at their Krasnoyarsk radar. Moreover, the world today is a far more dangerous place than it was in 1972, because now many more nations have the ability to threaten to use weapons of mass destruction at intermediate and soon even at intercontinental ranges.

America vitally needs to develop, test, and deploy GPALS, not only to defend our homeland and our troops stationed abroad to defend our interests, but also to defend our allies. If the ABM Treaty is allowed to again prevent us from providing for "the common defense," as the Constitution we are sworn to uphold directs us to do, then we are in serious danger. The Soviets have not allowed the ABM Treaty to stand in the way of their own development, testing, and deployment of illegal nationwide ABM defenses, and we should not either.

If deploying GPALS requires that we negotiate with the Soviets to modify the ABM Treaty, or replace it with a brand new "Nuclear and Space Treaty," then so be it.

But our future safety, and the safety of our children and grandchildren, requires that we deploy GPALS.

Mr. LUGAR. Mr. President, it was inevitable that any effort by the Senate to deal constructively with the issue of protection against ballistic missile attacks would encounter opposition from those who believe that the 1972 ABM Treaty must remain inviolate. This is particularly the case with those who credit the ABM Treaty with having preserved nuclear deterrence and strategic stability over the past 20 years. The supporters of the ABM Treaty have come to shoulder that treaty with so many successes and responsibilities in strategic affairs that it might well succumb to the additional weight, a weight never intended by its framers.

To support the missile defense program reported out of the Armed Services Committee is not to endorse abrogation of the ABM Treaty; nor is it to suggest that there is any consensus in the Senate for abrogation. But it is to recognize the limited but important role the ABM Treaty has played in the superpower relationship over the last 20 years and to suggest that limited defenses against ballistic missile attacks should come to complement the role of that treaty as one component in stabilizing strategic relations between the United States and the Soviet Union.

Any meaningful deployment of ballistic missile defenses will require a change in the legal regime established by the ABM Treaty. Despite the best of intentions, the ABM Treaty itself did not yield the stability nor the reductions in strategic offensive arms that its framers intended. It is not the ABM Treaty but the improved relationship between the United States and the Soviet Union that has brought us the START agreement for stabilizing reductions in strategic offensive forces. Deployment of limited strategic defenses would further enhance stability, and for that reason, the United States continues in Geneva to negotiate a cooperative transition with the Soviet Union to allow increased reliance on strategic ballistic missile defenses.

The United States also continues to believe that, in concert with the reductions in strategic offensive arms contained in the START Treaty, effective defenses could reduce any strategic benefits either side might obtain by cheating on international arms reductions agreements.

Finally, defenses against limited ballistic missile attacks could help to deter the proliferation of ballistic missile technology and devalue the potential political and military leverage of ballistic missiles—long thought to be weapons of choice of international terrorists.

The proliferation of ballistic missile technology, underscored by the lessons learned from the gulf war, suggests that the regime established by the ABM Treaty must undergo change. Positive changes in the Soviet-U.S. relationship, the START Treaty, the need to address a truly mutual concern—namely, proliferation, and a missile defense program such as that reported out of the Armed Services Committee that takes both United States interests and Soviet concerns into account—all provide a good opportunity for success in Soviet-American negotiations designed to update, adjust, or modify the original ABM Treaty.

With the proliferation of ballistic missile technology growing near Soviet borders, and with the missile defense program reported out of the Armed Services Committee, I believe that Soviet attitudes will continue to evolve to permit defenses against mutual concerns. There is growing evidence of an internal Soviet debate over the role of ballistic missile defenses. In addition, missile defense is more consistent with the new Soviet emphasis on defensive doctrine. In short, incentives exist for the Soviets to join with us to explore constructive measures to counter emerging threats and to encourage them to consider relaxation of ABM Treaty constraints to meet mutual concerns.

Mr. President, I spent considerable time earlier this month in conversation with Soviet and United States negotiators in Geneva on the START Treaty and the positions of the two sides on the relationship, or lack thereof, between the START Treaty and the ABM Treaty. I found these conversations to be particularly revealing and useful in light of some of the arguments put forward by critics of the missile defense program reported out of the Armed Services Committee.

The Senator from Tennessee read the Soviet unilateral statement appended to the START Treaty dealing with the relationship of that Treaty with the ABM Treaty. But it is noteworthy that the Senator did not discuss the unilateral statement of the United States. It is also important to remember that these unilateral statements represent an agreement to disagree but their form also suggests that neither side was willing to let the ABM issue stand in the way of the conclusion of the START Treaty.

What is the U.S. position? It is the view of the United States that, while it cannot circumscribe Moscow's right to withdraw from the START Treaty if the Soviet leadership decides the country's supreme interests are at risk, the exercise by the United States of its full rights under the 1972 ABM Treaty would not serve as a basis for such a withdrawal by the Soviet Union. This position constitutes a prerequisite for U.S. signature of the START Treaty and its subsequent submission to the U.S. Senate.

Moreover, it is the U.S. view that the provisions in the START Treaty relating to the supreme-interest withdrawal right are clearly based on the proposition that any such withdrawal could only be justified by extraordinary events that are deemed to jeopardize the supreme national interests of one of the parties. Therefore, it is the United States view that any hypothetical statements by the Soviet Union to the effect that a United States withdrawal from the ABM Treaty at some unspecified point in the future could constitute such extraordinary events are without military or legal bases. Agreements by the parties subsequent to the 1972 ABM Treaty have already substantially amended or clarified the original ABM Treaty. Moreover, the current defense and space talks as well as possible future negotiations, to which both the United States and the Soviet agreed in the June 1990 summit joint statement, could produce outcomes that significantly change further or even replace the 1972 ABM Treaty.

In short, it is the U.S. position that changes in the ABM Treaty agreed to by both parties would not form the basis for invoking the supreme-national-interest withdrawal provision of the START Treaty.

I have also spent considerable time this month in conversation with members of the Supreme Soviet who will play pivotal roles in the ratification process associated with the START Treaty. Those members of the Supreme Soviet continually emphasized that President Gorbachev needs the START Treaty as a means of shoring up his political power and base inside the Soviet Union. To be sure, opposition will surface during debate over ratification of the START Treaty, but these members emphasized that it will be primarily opposition to Gorbachev rather to specific elements of the START Treaty. They point out that while the Soviet military played a role in slowing down the negotiating process relative to both a CFE agreement and a START agreement, the Soviet military also played the critical role in bringing both negotiations to closure, with General Moiseyev, the chief of the General staff, leading the Soviet team during the end games for both CFE and START.

Elements of the Soviet military will have their problems with the START Treaty, but this is a group that has problems with arms control limitations and reductions in principle. But this group sees nothing sacred in the ABM Treaty either and contains strong supporters of a robust anti-ballistic missile program. Indeed, there are an increasing number of converts in the Soviet military to the idea of a more balanced, integrated offensive-defensive mix in the strategic force posture.

Lastly, it is important to remember that the Soviet military itself has become increasingly conscious of the country's growing vulnerability to ballistic missile attacks from the south. The Soviet military drew its own lessons from the Persian Gulf war, one of which concerned the need to defend the country from the growing ballistic missile threat from third-world countries. No less a figure than General Moiseyev has noted the growing concern of the Soviet military over the proliferation threat and the prospect of cooperating with the United States in meeting that threat.

Mr. President, I find it interesting that when a Member wants to offer an amendment cutting a program, such as the B-2, that Member usually argues that great changes have occurred in the international environment and thus the need for the system is less. Yet many of those same Members conveniently forget those great changes in the international environment when it comes to arguing the inviolability of the ABM Treaty.

Mr. President, in each of the past several years, the administration has warned that "This is the critical year for the strategic defense program." And we in the Congress have smiled knowingly, and gone about our business.

But, Mr. President, I do believe that this is the critical session of the Congress for a missile defense program. In response to a 2-year review of the changing strategic situation, the President directed that the United States refocus its efforts to develop a system to provide for global protection against limited strikes, or GPALS. GPALS represented an attempt to focus on protection rather than deterrence per se as the major objective of any initial defensive deployment.

An equally important rationale behind the President's efforts to refocus the program was the desire to provide a new basis for common ground with the Congress regarding defenses against ballistic missile attacks. The President sought to stimulate the growth of a bipartisan base of support in the Congress for missile defenses.

Although the Armed Services Committee did not find it possible to support the President's program, the debate generated by the GPALS program did serve to focus the committee's attention on the question of what types of defenses are necessary to provide protection against limited ballistic missile attacks.

For the first time in many years, Members of the Senate have actually had a substantive debate both on the concept of limited defenses and the programmatic elements of such defenses. I commend the leadership of the Armed Services Committee for its success in forging a bipartisan consensus on missile defenses. Much of the discussion on the floor of the Senate will deal with related political issues, having to do with our relations with the Soviet Union, questions of deterrence and the role of military systems, and the prospects for arms control. Such a debate, however informed, should not be allowed to obscure the real issue: Should we seek to provide our citizens and our forces overseas with some defense against ballistic missile attacks?

To its credit, the Armed Services Committee did not skirt that issue. It dealt with it head-on, and in the process, a majority of the Committee members helped to develop the basis for a new consensus on ballistic missile defense. I support the missile defense program reported out of the committee. It represents the outcome of some hard-fought battles and some emotion-wrenching compromises.

We usually reserve the term killer amendments to our deliberations concerning treaties and other international agreements and conventions. However, given the finely tuned accommodations that underlie the missile defense program reported out of the Armed Services Committee, even socalled simple amendments proposing minor word changes could qualify as killer amendments.

Mr. President, I support the committee position on missile defenses. I commend Senators NUNN and WARNER for their efforts. For the first time in many years, something resembling a conceptual consensus on missile defense has emerged from the committee. If that consensus is lost here on the floor of the Senate, then I fear that, short of another Persian Gulf crisis, the American people could go another decade without protection against ballistic missile attacks.

Mr. ADAMS. Mr. President, I rise today to express my strong support for a number of amendments being considered on the floor today to cut funding for the strategic defense initiative. SDI is unnecessary, costly and would place the United States in violation of our ABM Treaty commitments.

SDI was conceived by President Reagan to serve as an all-powerful shield from a full-scale Soviet nuclear attack. Even in that era of the Evil Empire, grave concerns were expressed about the practical impossibility of both developing such a system and protecting against such an attack. Today, the world looks radically different.

Recognizing the changed nature of the threat, the committee's proposal takes a new course on SDI. The system envisioned by the committee does not include the space-based lasers that President Reagan saw shooting down hundreds of Soviet missiles. Instead, the new SDI would rely on ground based missiles as a means of defense against an accidental launch of very few missiles, or a launch by one of the nations currently trying to develop an intercontinental ballistic missile capability.

Even with the committee's new SDI, however, the continued development of space-based defense weapons does not make sense. The bill's commitment to deploy the proposed system would lock us on to an unconscionably expensive path of massive future funding requests.

To date, we have spent a staggering $20 billion on SDI research and development. I am astounded by the additional moneys this bill would authorize for an SDI system which could, if expanded along the guildelines set forth by the committee, rival the original SDI proposal. This bill proposes to spend an additional $4.6 billion on SDI during the next fiscal year alone, nearly a 50-percent increase from the previous year.

Adoption of the committee's proposal would very likely scuttle the Anti-Ballistic-Missile Treaty, which has helped guide our defense policy on this issue for the last 20 years. I do not believe we should begin a process of treaty reevaluation with the Soviets by unilaterally abrogating the treaty. The Soviets have said repeatedly that without the treaty, there will be no START reductions. Are we willing to forego this historic opportunity? Such an approach should be rejected and should motivate all of us to support the amendments.

I urge my colleagues to support the very reasonable proposals before us today to limit SDI. We need to send a clear message to the American people that we are for a defense that is strong, effective but that will not bankrupt the severely strained Federal budget. I would urge support for the various amendments proposed by Senators HARKIN, GORE, BINGAMAN BIDEN, LEVIN, BUMPERS, and JOHNSTON regarding the SDI, particularly those that would limit spending on the program.

Mr. KOHL. Mr. President, I have heard this debate described as our "annual fight over SDI." But that, Mr. President, is precisely what this debate is not about. We are not debating anything like the SDI concept that has pervaded our national defense policy for the past decade. There is no talk today about "space shields" or a "total defense against Soviet ballistic missiles." In fact, the key SDI system—Brilliant Pebbles—is being downgraded. At worst, work on this system is being put on the back burner and, at best, the entire idea is being put in the ice-box.

No, Mr. President, the debate today is over a defense against an accidental or unauthorized launch by the Soviets and the emerging possibility that an emerging nuclear nation might use their weapons to launch what would be a very limited nuclear attack against the United States. We aren't talking about unrealistic and futile efforts to counter a full force strike by thousands of missiles; we are talking about defending the continental United States against a limited strike launched by mistake or madness.

It is critical that we keep this distinction in mind: we aren't debating SDI, we are debating GPALS, global protection against limited strikes.

My opposition to SDI is well known. My reasons for supporting the more limited GPALS system advocated by the committee may not be as well known so let me take a moment to share my approach to this issue with my colleagues.

First, we all recognize that the possibility of an accidental or unauthorized launch of nuclear missiles is real. And we also need to recognize that the "nuclear club" is far from exclusive: 20 or more nations are expected to have nuclear weapons by the end of the decade and as many as a half dozen of those may have the capacity to reach our shores with those missiles.

Second, given the reality of that threat to our national security, a limited defensive system makes sense. We ought to be able to deal with an accidental launch of a few missiles or a deliberate nuclear strike from a crazed dictator. And I don't think anyone disagrees with that.

Third, I believe a limited GPALS system can be deployed without destabilizing the nuclear balance. Remember, we are not talking about the development or deployment of a defensive system designed to protect us against an all out attack. In my judgement such a system is not possible nor even desirable. Technically, I am not sure we could develop a "total defense" which we could afford or which would work. Theoretically, I believe that a "total defense"—especially an effective one—would undermine strategic stability. The logic of nuclear war theory is clear on this point: there is no such thing as a "defensive system" in a nuclear war world; all defensive systems have offensive implications and would encourage our adversaries to consider a first strike option. That is precisely why I have opposed the "total defense" concept of SDI. But that kind of "total defense" is not what we are considering here. GPALS is designed to deal with a limited strike and a limited strike only. It does not threaten the Soviets or undermine their strategic strength.

But fourth, and most critically, deployment of the GPALS system recommended by the committee can be consistent with the ABM Treaty and can actually enhance arms control efforts. I believe in the ABM treaty. It has contributed to stability and advanced the cause of arms control. I have no desire to undermine it, even though I have an interest in modifying it at the margins. But GPALS is not a threat to the ABM treaty. Let me make three brief arguments in that regard. First, obviously the deployment of 100 interceptors at a single site is consistent with the treaty. The treaty specific allows such a system to be deployed and in fact the Soviets have one. But this bill doesn't even authorize that: this bill sets a goal of deploying GPALS, it doesn't deploy anything. We have a lot more research and testing to do before we put anything in the field. So passage of this bill with these goals doesn't mean we are going to deploy anything. Second, the GPALS system designed to deal with the threat of a limited strike, does not undermine the philosophy of the ABM Treaty. That treaty was based on the assumption that mutually assured destruction was the only viable doctrine of deterrence. Well, it may not be the only viable doctrine, but it does work. And since GPALS is only designed to defend against a limited strike, it does not invalidate that doctrine—destruction is still assured in an all out war. Third, I recognize that even a conservative view of GPALS does create some ABM problems since the committee evisions more than one site. But that is a problem which can and should be corrected by renegotiating the treaty with the Soviets. There is nothing sacred about one site; indeed the original ABM Treaty allowed for two. Having more than one site does not undermine the philosophy of the ABM Treaty. And clearly the committee language does not commit us to deployment of more than one site; but it does commit us to talking to the Soviets and I see no problem with that.

Despite those arguments, I am concerned about the "threat" to the ABM Treaty which the ambiguity of the committee language symbolizes. That is why I intend to vote for amendments which will be offered later in our consideration of this bill which clarify the language of the bill and make it crystal clear that we do not intend to abrogate the treaty. If those amendments are defeated, if the ambiguity in the committee language remains, then my support for the bill language will be significantly reduced and my ultimate support for it is cast into doubt.

Let me make two brief councluding comments.

While I will support the concept of GPALS, clarified by the amendments I mentioned before, I will not support the funding level recommended by the committee. We have spent billions for an SDI system which we modified each year and now are putting on the back burner. I don't want to do the same thing with GPALS and I certainly don't think that a $3 billion budget for this program will starve it or endanger our national security.

Finally, while I support the GPALS concept, I reject the idea that our best response to the nuclear threat is to build more and better offensive and defensive nuclear systems. There is no absolute defense. GPALS may take care of ICBM's; it does nothing for SLBM's or nuclear devices being delivered by methods other than missiles. If we are serious about reducing the threat, then let's get serious about dealing with proliferation. Let's sanction countries which develop nuclear systems—and the companies and countries which help them acquire those systems. We are seeking to defend ourselves against a threat we have created—and which we can eliminate if we just stop selling the seeds of our own destruction to other nations. Mr. President, all the cliches are true: we are being shortsighted, penny wise and pound foolish, selling people the rope they will use to hang us. All true. All true. It is time to face reality: for short-term profits, both financial and diplomatic, we are risking our long-term future. Developing a GPALS defense may make sense, but it does not respond to the real threat we face. Only real arms control and real efforts to control proliferation will defend our Nation—and the world.

SDI AND THE ABM TREATY

Mr. CRANSTON. Mr. President, I am deeply troubled by the language on SDI in the legislation before us. I am troubled by the implications for the future of the ABM Treaty, and I am troubled by the impact this may have on United States-Soviet relations.

How ironic that as we sign a major strategic arms control agreement with the Soviets, we are laying the groundwork to abrogate one of the most enduring arms control agreements between our two nations.

The decision to deploy a single antiballistic-missile site in Grand Forks, ND may be in technical compliance with the ABM Treaty if its interceptors do not defend the entire country. The language in the Missile Defense Act of 1991 makes very clear, however, that this first provocative deployment. is part of an overall strategy to deploy an "adequate additional number of antiballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States."

Grand Forks takes us down a slippery slope towards nationwide defenses. It means the end of the treaty.

The ABM Treaty of 1972 has been essential to nuclear deterrence, ensuring strategic stability by preventing an accelerating arms race in offensive and defensive systems. The ABM Treaty does not limit research and technological progress. It was designed to prevent either side from building nationwide defenses, so as not to create a situation in which anyone would think that nuclear war is winnable.

At a time when the Soviets are focussing their efforts on shoring up their foundering economy, an economy devastated from more than 70 years of communism, what do we gain by challenging them on this front? Genuine security is achieved through mutual limits and verifiable reductions in our nuclear arsenals.

Unilateral steps, such as the ones suggested by this legislation, threaten to undermine the very basic deterrence relationship which has been the backbone of global security these last 45 years. If we proceed, we are surely risking the significant gains of the START Treaty. The START agreement was signed earlier today with the explicit understanding that the parties adhere to the ABM Treaty.

The committee in its bill directs the President to renegotiate the ABM Treaty to permit future more expansive deployments. Yet, we have no indication that the Soviets are interested in engaging in such a renegotiation. The Soviets have made it abundantly clear that they are reluctant to reduce offensive weapons in the face of unbridled defensive systems. Without the ABM treaty, follow on arms control agreements are even less likely.

Abrogation of the ABM Treaty also sends a disturbing signal to the international community on the sanctity of our international commitments. There have been no consultations with our allies to determine the impact of this step on their defense postures and our mutual understanding of nuclear deterrence.

There is no threat to our national security which merits a 50-percent increase in SDI funding nor the wholesale rejection of one of the most critical arms control treaties of our time. Missile technology proliferation is of concern in regional conflicts, but these missiles can be countered effectively by antitactical ballistic missile systems like the Patriot.

The Grand Forks system is not capable of responding to an unauthorized launch of Soviet ICBM's—nor is such a launch likely to occur. The committee also expressed concern about Third World attacks. Yet, we are not facing an ICBM threat from the developing world. Should such a threat emerge in the future—and this is also not likely—we are capable of deploying systems at that time, commensurate with the limited nature of such a threat.

Mr. President, we have had no hearings on this proposal. We have had no threat assessment on the need to proceed with this costly and uncertain SDI deployment. We have no guarantee that this system would add anything to our strategic stability.

How many times must we say it: The cold war is over. I understand that old habits die hard, but this vigorous pursuit of strategic defense systems is sadly reminiscent of another chillier era.

For these reasons, I urge support for the Gore amendment. Should it fail to pass, I urge support for any and all amendments that are intended to accomplish the same general purpose.

Mr. SANFORD. Mr. President, it has been mentioned numerous times during debate on the Gore amendment to the Defense authorization bill currently before the Senate how ironic it is that this body would consider legislation that would violate the ABM Treaty on the very day President Bush and President Gorbachev signed the START Treaty. I am alarmed not at just the timing of such a debate, but at the very fact we are having it. I want to state my strongest support for the Senator from Tennessee's efforts to eliminate the provisions of the Armed Services Committee that would provide for deploying an antiballistic missile system.

For almost 20 years the ABM Treaty has been a vital element in nuclear arms control between the Soviet Union and the United States. It is one of the most important treaties this Nation has ever entered into. Now we want to violate it for a system that would cost billions, offer limited protection, and sets a dangerous precedent in compliance with this and other treaties.

Mr. President, it is by law the jurisdiction of the Senate Foreign Relations Committee to ratify and oversee negotiations of treaties. There have been no consultations with the Foreign Relations Committee. Not only is the ABM provision bad in policy, it is bad in procedure. Granted, my concerns over the Armed Services Committee provision would not change if brought before Foreign Relations. The issue would, however, be debated in the proper forum as it pertains to possible ABM Treaty violations and renegotiations.

The strategic defense program has made some progress since the fall of 1983. Billions of dollars have been spent in research and I have openly given my strong support for such research. There are many of us here that support research but oppose near term deployment. There is an outstanding research effort headed by a professor at Duke University in North Carolina that has been of great benefit to strategic defense programs as well as programs in the field of medicine. Like many of my colleagues I was adamantly opposed to the near term deployment efforts of the Reagan administration. My opposition stemmed mostly from the possible violation of the ABM Treaty.

In closing Mr. President I want to reaffirm my support for the efforts to keep this Nation in complete compliance of the ABM Treaty. Any actions by the Senate to the contrary must fall under the aegis of the Senate Foreign Relations Committee. I will not jeopardize our ability to reasonably protect ourselves from attack by any aggressor, nor will I support any program that will threaten our country's role in a peaceful world society.

Mr. DOLE. Mr. President, during our consideration of the fiscal year 1992 Department of Defense authorization bill, we will be deciding on several programs and policies that will have serious and far-reaching ramifications for our national security for years to come.

What makes this year an even greater challenge than years past is the dramatic and rapid change in the world, as well as our evolving role in that changing world. The Persian Gulf war was our first real test in the post-cold war era and we passed with flying colors.

I believe we must keep in mind, as we debate this bill, that the war in the gulf confirmed the Bush and Reagan administrations' emphasis on the need to be ready to meet any threat. We were ready when Saddam Hussein invaded Kuwait—and we need to be ready in the future.

In an era of declining Defense budgets, being ready means thinking ahead and making smart decisions on how to use our limited resources. I commend Secretary Cheney for presenting the Congress with a Defense budget request which is forward looking and remains within the confines of a shrinking Defense budget.

In looking toward the future, I believe that addressing the need for missile defenses is one of the most important tasks we in the Congress face. By funding the SDI Program, we have the opportunity to make missile defenses a reality in this decade—we have the opportunity to make this country a safer place to live for generations to come.

During the Persian Gulf war, the American people saw nearly every day on the news, the great danger posed by the continuing proliferation of ballistic missiles. While I support arms control efforts designed to prevent further proliferation of ballistic missiles, as well as nuclear and chemical weapons, I believe we can't leave our arms control efforts at that. The United States is engaged with the Soviety Union in the defense and space talks in Geneva which seeks a cooperative transition to a more stable nuclear balance with greater reliance on strategic defenses. I support our negotiators' efforts to achieve such a transition.

But, arms control alone is not enough. Mr. President, ballistic missiles are not mere concepts, they do not exist in our imagination—they are real. Moreover, we can no longer debate if this threat will reach us, but when this threat will reach us. The Director of the CIA pointed out earlier this year, that by the end of the century between 15 and 20 countries will possess ballistic missile capabilities, and at least 3 may develop missiles with ranges up to 3,300 miles. The Congress can no longer hide behind theories. We must move beyond conceptual debates and toward providing our citizens with real protection against these very real ballistic missiles.

Mr. President, the Senate has already listened to over 4 hours of debate on SDI and the ABM Treaty. That debate does not change the facts. The fact is, there is a ballistic missile threat. The fact is, the United States is unprotected against that threat. The fact is, the United States needs a missile defense system.

President Bush, some months ago, introduced a revised SDI Program known as GPALS—which stands for global protection against limited strikes. This revised SDI Program was his response—and I believe it is an achievable and effective response—to the evolving threat of proliferation. I am a strong supporter of the President's GPALS Program, in particular the spaced-based elements of that program. However, I recognize that the Armed Services Committee's SDI proposal is the result of the committee's need to forge a bipartisan compromise among

Senators with a wide range of views on how to provide a missile defense system for the United States. In my view, the ability of the committee to reach a compromise among members with divergent opinions is indeed significant and indicates the following: First, the committee recognizes the need to deploy a missile defense system; second, the committee recognizes that the ABM Treaty severely limits our ability to provide effective defenses against ballistic missiles, and supports arms control negotiations to remove those restraints.

I commend the ranking Republican, Senator WARNER, for ensuring that the committee's proposal allows for the deployment of a system that would protect against a limited attack, as well as for development of space-based components.

However, I believe that the committee's SDI proposal represents the very minimum necessary to move toward the goal of deploying a missile defense system. Any further funding cuts or restrictions would call into question the Senate's commitment to provide this Nation with effective defenses against ballistic missiles.

Mr. President, I urge my colleagues to support the committee's SDI proposal as a first step toward preparing for the future. I also urge that the Senate reject the Gore amendment and all other amendments which seek to prevent us from taking this first, important step toward protecting America.

Mr. HOLLINGS. Mr. President, I rise in opposition to the amendment of the Senator from Tennessee. The Armed Services Committee has made tough, well-reasoned, bipartisan decision on the SDI Program. This decision takes us to the next logical step in preparing our Nation's defenses against a ballistic missile attack, and urges the President to initiate discussions with the Soviet Union so that additional defensive positions may be established if they are needed.

The committee authorizes $4.6 billion to provide a ground-based defensive antiballistic missile system. This system clearly complies with the ABM Treaty. Included in this funding is $625 million to continue research on Brilliant Pebbles, the space-based portion of the strategic defense initiative. The committee bill also contains language which directs the President to seek to modify the ABM Treaty by 1996 in order to allow additional ground-based defensive sites if they are required. The Senator from Tennessee would strike the language requesting the President to renegotiate the treaty, would forgo the priority for Brilliant Pebbles research that our security demands, and would eliminate the funding for the ground-based defensive position. This amendment reverses the promising success of SDI, and I urge my colleagues to join me and reject it.

Mr. President, allow me a moment to digress. For the last 20 years, I have strongly supported antiballistic missile research. I encouraged the SAM-D missile, the precursor of the Patriot missile that performed so well and evoked so much pride during the gulf war. When technology advanced dramatically and suggested a new system like SDI, I aggressively supported funding for research. For the last 10 years, I have defended the SDI Program from the naysayers who did not have the vision to see the benefits that this program would bring both scientifically and diplomatically.

Make no mistake, the Soviets have invested heavily in SDI technology themselves. The know its effectiveness and that is one of the reasons they have come to the table to negotiate arms reductions. Today, Mr. President, as we debate this important legislation, President Bush and President Gorbachev signed a treaty to reduce offensive weapons. But, to listen to the debate on this floor, one would think this authorization was designed to thwart their efforts in advance. Nothing could be further from the truth. This bill deals with defensive systems.

I have heard all about how this bill is destabilizing; about how provocative it is. Those who advance this theory imply that if you choose to defend yourself you are somehow encouraging a war. This view simply defies logic. If I know that my opponent is likely to have a strong defense, I am less likely to attack. This is nothing more than a restating of George Washington's admonition that in order to prevent war, you have to prepare for war.

Mr. President, SDI has yielded the kind of benefits that you cannot put a price on. Those who try to use legalisms and subterfuge to derail it are the ones who know the price of everything and the value of nothing. Our defensive missile system has provided for our Nation's security and paved the way for the peaceful existence we all desire. I congratulate the Armed Services Committee on their fine work, and urge my colleagues support them.

Mr. KERRY. Mr. President, I rise today in opposition to the committee-passed Missile Defense Act of 1991 and in support of the Gore amendment. At a time when we and the Soviet Union have just signed the first agreement in history that will actually reduce strategic nuclear weapons, the committee plan would have us destroy what has served as the cornerstone of strategic arms control over the last two decades and without which there will be little hope of further arms reductions—namely the 1972 Anti Ballistic Missile Treaty. In a time when the tremendous domestic needs of millions of Americans go unmet because we supposedly cannot afford the solutions, we are being asked to approve a plan that would require tens of billions of dollars to meet a largely nonexistent threat. Further, this is occurring at a time in which a large majority of the American people believe they have no voice in the way they are governed, the committee would have us agree to a fundamental change in U.S. defense policy without any hearings and without a thorough examination of the ramifications of the proposed policy change.

The committee bill mandates the deployment of an ABM system that would either require the Soviets to agree to major changes in the ABM Treaty—something they have adamantly resisted and have given every indication that they will continue to resist—or force us to abrogate unilaterally the treaty.

While it is true that the world is a different place than it was in 1972 when the treaty was signed, the logic on which it was based remains valid. The central idea behind the treaty was that the development and deployment of nationwide missile defenses by one side would cause the other side to increase and improve its offensive forces to overcome those defenses, thereby creating an offense-defense spiraling arms race.

If it were possible to construct a leak-proof defense, we would not have to worry about creating such an arms race. But such a defense was not possible in 1972 and it is still not possible now or in the foreseeable future. Abandoning the ABM Treaty, therefore, would lead to a dangerous situation in which the combination of partial missile defenses and highly accurate offensive nuclear forces would give each side an incentive to strike first in a crisis.

It is the ABM Treaty which has allowed the United States and Soviet Union to pursue the reduction of strategic nuclear forces, and without it, we can forget about implementing START or negotiating a follow-on ageement. The Soviets have made it quite clear that continuation of the ABM Treaty and START are linked, reportedly stating in the START negotiations that they will consider U.S. violation or abrogration of the ABM Treaty as a justification for their withdrawing from START. And we would surely feel the same way if the situation were reversed. As then Secretary of Defense Weinberger stated in 1985:

> "Even a probable [Soviet] territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed.

Nor should we have any illusions that the Soviets' economic problems will prevent them from responding. As Secretary Cheney and many of my Senate colleagues are so quick to point out in defending the SDI Program, the Soviets continue to modernize their strategic forces despite the dismal condition of their economy. Let me suggest that this has been due in part to fears that we would do just what the committee's missile defense plan would have us do and that the situation will get even worse if we adopted this plan.

Given this likelihood, one might reasonable ask why we are proceeding down this path? The committee argues that an ABM system is needed "to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks." However, this is the same less-than-credible rationale used by the Bush administration in putting forth its most recent SDI plan, reincarnated under the name Global Protection Against Limited Strikes, or GPALS.

There is no question that the proliferation of ballistic missiles should be of great concern, as the Iraqi Scud attacks against Israel and Saudi Arabia during the Persian Gulf war so starkly demonstrated. However, it is important to keep things in perspective. With the exception of China, it is unlikely that any Third World nation will be able to strike the United States with ballistic missiles before the end of the century.

Furthermore, most Third World nations seeking to develop or acquire such missiles are doing so for the purpose of influencing the military balance in their regions, rather than threatening the United States. If a terrorist state were to attack this country with a nuclear device, it would probably do so by hiding a bomb in a suitcase, or through some other surreptitious method rather than by striking with a ballistic missile. In any case, if a Third World nation other than China did embark on an ICBM Program, it would take a minimum of several years to complete and the product likely would be technologically unsophisticated. We therefore would have sufficient time to deploy an ABM system in response, and it need not be complicated or require a change in the ABM Treaty.

To the extent that the Third World ballistic missile threat to the U.S. homeland remains a concern, the answer is not to scrap a treaty that clearly serves our interests but instead to concentrate international efforts on halting proliferation. Although much needs to be done, we have made progress in this area, and the war in the gulf has given new impetus to such efforts.

While the spread of ballistic missiles poses little threat to the U.S. homeland, it does endanger U.S. forces overseas and our friends and allies. We therefore should devote greater attention to theater missile defense, building on the tremendous success of the Patriot system. Enhancements to the Patriot could make it even more effective, enabling it to better defend larger areas against conventional ballistic missile strikes and giving it some capability against missiles equipped with chemical and biological warheads. I support such enhancements and strongly urge my colleagues to fund them. However, there is no need to abandon or threaten the ABM Treaty in order to pursue effective theater missile defenses.

What about the threat of an accidental or unauthorized missile launch against the United States? The Chairman of the Joint Chiefs, General Powell, has stated that the Soviets "have very good control over their systems" and "treat them with the same care that we do." Furthermore, not only are the chances of an accidental or unauthorized launch remote, there are other ways of addressing this concern that are much less costly and destabilizing. For example, we employ something known as permissive action links, or PAL's, on our missiles to prevent the launching mechanism from being activated, and the technology involved in PAL's could be shared with the Soviets and Chinese—the only two nations with ICBM's pointed at the United States. We also might pursue the idea of equipping ballistic missiles with destruct-after-launch mechanisms.

Mr. President, to put it simply, what we have here is a program with no mission. And what will this unnecessary program cost? According to the Strategic Defense Initiative Organization, an ABM system with nationwide defense capabilities such as that toward which the committee's proposal points would cost approximately $25 billion. However, the Congressional Budget Office has estimated that the price tag could actually be twice as much. And these figures do not include the billions upon billions of additional dollars that we would be forced to spend to meet worst case contingencies because of the tremendous uncertainty we would face about the mix of offensive and defensive technologies that the Soviets might develop. Mr. President, so many times this year, I have heard colleagues on this floor claim that we simply do not have the money to address adequately the domestic needs of this country. And yet, the committee would have us commit to a program that we do not need that could cost $50 billion to deploy.

Perhaps most disturbing of all is that we are being asked to embark on this path without the benefit of hearings that would be fitting for such a radical shift in this Nation's defense policy. Although the Armed Services Committee held hearings that covered SDI as part of the normal authorization process, they did not specifically address the committee's missile defense plan. In fact, neither the Armed Services Committee nor the Foreign Relations Committee have held hearings that adequately address such basic issues as the extent of the ballistic missile threat we face, the security ramifications of proceeding with the committee's plan, the costs involved, or the risks to arms control. In opposing a similar proposal to change U.S. defense policy last March, the chairman of the Armed Services Committee said on the floor of this body:

> There are all sorts of questions here that we would have to get answers for from our military and intelligence, whether the Soviets may be prepared to move out more readily than we are. This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. The Soviets have already deployed an ABM system around Moscow and could be in a position to break through in this area quicker than we could in some categories. * * * There are all sorts of questions that I think need to be answered.

The senior Senator from Georgia was absolutely right then, and his logic is just as valid 4 months later. These questions have not been answered, and it is our obligation to ensure that they are answered before we proceed with the committee plan.

Mr. President, next week will mark the 18th anniversary of the Limited Test Ban Treaty, the first United States-Soviet Arms Control Agreement. After signing it, President Kennedy told the United Nations that it alone could not put an end to war, remove basic conflicts, or secure freedom for all. But it could do something almost as important. "It can be a lever," President Kennedy said, "* * * and Archimedes, in explaining the principle of the lever, was said to have declared to his friends: 'Give me a place where I can stand and I shall move the world.'"

The ABM Treaty has been a lever to halt the arms race—perhaps an imperfect one—and we have not always had a place to stand. But as we look for such a place, we should not be hasty in throwing away this lever, as well as tens of billions of dollars to address a threat that, to the extent it even exists, can be met by other less costly and destabilizing means.

Mr. President, I strongly urge my colleagues to oppose the committee's missile defense plan and support the Gore amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. Mr. President, I would like to close debate on the amendment. I only have about 1½ minutes left?

The PRESIDING OFFICER. The Senator controls 5 minutes.

Mr. GORE. I have 5 minutes left? I misunderstood. I would still like to use that to close debate if the other side wants to use up its time first, so I could close the debate.

Mr. NUNN. I do not have any objections to that.

Mr. President, my time is just about expired.

Does the Senator want the whole 5 minutes?

Mr. GORE. Yes.

Mr. NUNN. Mr. President, I just would like to close by saying, I just heard the Senator from Nebraska say one of the reasons he was going to oppose the committee amendment was because it doubled the amount of money in Brilliant Pebbles. I believe he ought to read the Gore amendment before he votes for it because that is exactly what the Gore amendment does. The funding in the Gore amendment and the funding in this committee amendment are precisely the same—the same, not one penny difference, as I understand it.

The difference is, though, in concept. In the Gore amendment there is no concept. We simply keep spending the money without having any concept announced by the Congress. Therefore, we are dealing with the administration's architecture. A vote for the Gore amendment, basically, is a vote to continue to fund the administration's architecture, which has space-based systems in the architecture because that is where we are going. We are changing that in the committee amendment.

Just one final note on the question of the irony that some people have alluded to about signing the START agreement today. I think the supreme irony would be if the Soviet Union turned around and complained about us moving toward deploying 100 interceptors when they have had those same number of interceptors deployed for the last 20 years, and they have upgraded them four times now. How in the world could they do that with a straight face?

The PRESIDING OFFICER. The Chair must say the time of the Senator has expired.

Mr. NUNN. I thank the Chair.

Mr. GORE. Mr. President, this has been a good debate. The debate on this issue is only beginning here in the Senate. There will be four other amendments after this one is voted upon. I hope this amendment will be agreed to. If it is not agreed to, I hope it gets a strong vote. I have the deepest respect for those who, on the committee, have authored the language in the committee bill on the other side, but I disagree with it with every breath I have.

If it was adopted as policy, it would be one of the most serious mistakes that this country has ever made. We just heard, again, about the irony of voting on this issue on the very day the START Treaty is signed.

The Soviet Union issued a statement in conjunction with the signing of the treaty. It said the treaty that has been negotiated for the last 9 years will be null and void if we violate the ABM Treaty. That, in itself, is not reason for us to continue abiding by the ABM Treaty if it is not otherwise in our interests to do so. But it is in our interests to do so because it is the cornerstone of the shared understanding of the idea of deterrence upon which the peace has been based, and underneath which these reductions in nuclear forces have taken place—the umbrella underneath which the Soviet Empire has been crumbling. Deterrence is what has led to our security for the last 45 years.

The distinguished chairman of the committee, who is my friend, an extremely able Senator, as every Member of this body knows, first proposed a plan like this back in 1988. This is not a new position for him, but it is embedded in a new context because it is one-half of a committee plan that has two halves. Is it 1 site or is it 10 sites? The advocates will not say. Have they carried the burden of proof?

Based upon what we have heard during this debate from the advocates of the committee plan, are we ready now to increase funding by 50 percent, to almost $5 billion, and say we are ready to set the goal: Let us deploy. Have they carried that burden of proof on the day the START Treaty is signed?

I submit, Mr. President, they have not carried that burden of proof based on what we have heard.

I urge my colleagues to support the Gore amendment. Should the Gore amendment be unsuccessful, I urge my colleagues to support each of the amendments that will follow, up to and including the final in the series: the Bumpers amendment that will cut the funding for this plan which, in my opinion, is so ill-conceived.

This amendment is about the policy. This amendment says let us go full-speed ahead on the tactical antiballistic missile systems like the Patriot, like the improved versions of the Patriot. But where strategic defenses are concerned, the kind that undermine deterrence, the kind that are still in research and development, the kind we do not yet understand what they are capable of doing, let us hold off on a decision to set the goal for deploying them before we know what they are, and instead let us fund the research and development and find out what they are before we decide we are ready to go ahead and deploy them. Let us do that before we instruct the President of the United States to immediately start ripping up the ABM Treaty, seeking changes in the ABM Treaty of a sweeping nature, and telling the Soviet Union and the world that we are heading down the road straight for that treaty and, come May 1, 1994, if they are not willing to agree to all the changes we want, we may very well just keep barreling right on through it.

The committee says we will come back, and if we decide this system we are committing to is not cost-effective, we will pull the plug on it. Are there any systems elsewhere in this bill that we have decided are not cost-effective? Let me say the history of how we treat expensive systems like this is that the important decision is when we start.

I urge the support of my colleagues on both sides of the aisle for the Gore amendment. Let us keep the strategic defenses in the research stage and go full-speed ahead on the tactical systems like the Patriot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, I do not seek any more time for debate. The Senator from Tennessee has wanted the last word and we have given him the last word. I would like, while the leader is here, if I could, to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that upon disposition of the Gore amendment No. 950, that Senator BINGAMAN be recognized to offer an amendment relating to SDI, on which there will be 1 hour for debate, equally divided and controlled between Senator NUNN and Senator BINGAMAN, with no amendment to the amendment in order, nor to any language which may be stricken; that no motion to recommit be in order; further, that when all time is used or yielded back, the Senate, without intervening action or debate, vote on or in relation to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Tennessee. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 39, nays 60, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—39

Adams
Akaka
Biden
Bradley
Bryan
Bumpers
Chafee
Cranston
Daschle
DeConcini
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—60

Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Burdick
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Heflin

Helms
Hollings
Inouye
Kasten
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—1

Pryor

The amendment (No. 950) was rejected.

Mr. WALLOP. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, if I could get the attention of our colleagues, what we hope to do tonight, and we have unanimous-consent request for the time agreement on the Bingaman amendment, for 1 hour—it would be our hope to dispose of this amendment tonight, then come back early in the morning, and get started on the remainder of the SDI amendments.

The majority leader has been working with the minority leader on time agreements. We hope to propound a unanimous consent on time agreements on the remaining SDI amendments in just a few minutes. It would then be my hope that tomorrow, after we complete the SDI amendments, we could go to B-2 and have a short-time agreement on the B-2, since that issue has been debated so thoroughly.

At this point in time, the Senator from New Mexico, when he seeks recognition, will have 1 hour on his amendment, equally divided. It would be my hope that that would be the last rollcall vote this evening.

STAFF FLOOR PRIVILEGES

Mr. DIXON. Mr. President, I simply ask unanimous consent that a congressional fellow on my staff, Mr. Jim Rohacik, be granted floor privileges during the Senate's consideration of S. 1507, the National Defense Authorization Act for fiscal years 1992–93.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me just advise Senators that it is our hope that we will be able to conclude our part of the debate in less than the 30 minutes allocated to us. It is very possible that we could have a vote before the full hour is up, if we can yield back the time.

AMENDMENT NO. 957

(Purpose: To revise the strategy for the strategic defense initiative)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] (for himself, Mr. WIRTH, and Mr. BAUCUS) proposes an amendment numbered 957.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an anti-ballistic missile (ABM) system, including one or possibly more than one ground-based anti-ballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles and to provide highly effective theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies.

(b) IMPLEMENTATION.—To implement this goal, Congress—

(1) urges the President to begin negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty to permit—

(A) additional anti-ballistic missile sites and additional ground-based anti-ballistic missile interceptors;

(B) increased utilization of space-based sensors for direct battle management;

(C) clarification of what constitutes permissible development and testing of space-based missile defenses;

(D) increased flexibility for technology development of advanced ballistic missile defenses; and

(E) clarification of the distinctions between TMDs and anti-ballistic missile defenses, including interceptors and radars; and

(2) directs the Secretary of Defense—

(A) to aggressively pursue the development of a range of advanced TMD options, with the objective of downselecting and deploying ABM Treaty-compliant systems by the mid-1990s; and

(B) to develop for deployment at a single site by fiscal year 1996 a cost-effective and operationally effective and ABM Treaty-compliant anti-ballistic missile system that would be consistent with the anti-ballistic missile system described in subsection (a) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks and would include—

(i) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor deployable by fiscal year 1996;

(ii) fixed, ground-based anti-ballistic missile battle management radar; and

(iii) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty; and

(C) to submit to the congressional defense committees, within 180 days after the date of the enactment of this Act, a plan for the deployment of TMDs and an ABM system which meet the guidelines established in subparagraphs (A) and (B).

(c) FOLLOW-ON TECHNOLOGY RESEARCH.—

(1) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a) and to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising follow-on anti-ballistic missile technologies is required.

(2) EXCLUSION OF BRILLIANT PEBBLES.—Deployment of Brilliant Pebbles is not included in the limited protection system architecture described in subsection (a).

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burdensharing issues associated with the option of deploying space-based interceptors for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after the submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for the anti-ballistic missile system described in subsection (a) that are capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a threshold that would threaten mutual deterrence and strategic stability with the Soviet Union. Such activities shall also include those necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the 1972 ABM Treaty and modest changes to its numerical limitations and its

limitations on the utilization of space-based sensors.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable ABM Treaty-compliant TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based ABM interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives—

(A) the provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4);

(B) innovative science and technology projects;

(C) the provision of test and evaluation services; and

(D) program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount appropriated pursuant to paragraph (2)(A)—

(A) up to $5,000,000 may be obligated and expended to carry out an expeditious site-specific Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) up to $40,000,000 may be obligated and expended to conduct refurbishment studies, site surveys, and technical assessments and analyses related to removing the Grand Forks ABM site from its deactivated status. The Congress expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(4) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(5) BRILLIANT PEBBLES.—Funds may be obligated for programs, projects, and activities which have as their primary purpose the support of the Brilliant Pebbles space-based interceptor system and associated sensors only through programs, projects, and activities within the Space-Based Interceptors program element.

(g) LIMITATION ON FULL SCALE DEVELOPMENT AND INITIAL LOW RATE PRODUCTION.—Before the Secretary of Defense proceeds with full-scale development and with initial low-rate production on the ABM Treaty-compliant system described in subsection (b)(2)(B), the President shall certify to Congress that such full-scale development or production is in the best interests of the United States and will not undermine strategic stability with the Soviet Union.

(h) REVIEW OF PROGRESS ON NEGOTIATIONS.—As deployment at the ABM site described in subsection (b)(2)(B) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiations. If the negotiations, in which the United States seeks to achieve the goal of subsection (a), have not been concluded, the President and the Congress shall consider the options available to the United States. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

(i) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

Mr. BINGAMAN. Mr. President, this amendment is being offered on behalf of myself and Senator WIRTH, and also Senator BAUCUS. The purpose of the amendment is very straightforward, and I do not think requires a tremendous amount of explanation to the Members of the Senate.

Mr. WIRTH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. There are conversations taking place in the Chamber, which will have to cease before the Chair allows the Senator to proceed.

The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

Mr. President, the purpose of our amendment is to clarify what the Senate is voting to do in this legislation with regard to the SDI program. In clarifying our goals and our objectives, the amendment tries to establish——

The PRESIDING OFFICER. The Chair will now wait until all conversations have completely ceased. The Chair will be patient. There will be no further discussion on the floor.

The Senator may proceed.

Mr. BINGAMAN. I thank the Chair.

Our amendment tries to make three points very clear for anybody who would want to read the language that the Senate will be passing upon. The first objective of the amendment is to establish the maintenance of strategic stability as the overriding goal, and maintain that as the overriding goal for our country in our arms negotiations and our activities in this strategic area.

Second, we want to clarify that the Senate here is acting only to move ahead with deployment at a single site; that any additional activity, any additional sites would have to be a result of negotiations in the future and not unilateral action by the United States.

The third point we want to make, and make as clearly as possible, is that what we are proposing here has to be treaty compliance, totally in compliance with the ABM Treaty.

Mr. President, I think when you hear the debate that we have had this afternoon it is clear that we have some major disagreement among those who support the committee position. I think that is also reflected in some of the writing that has been done on it.

The chairman has expressed his views very eloquently in the New York Times today on the op-ed page of that newspaper.

The Republican ranking member of the committee, the Senator from Virginia, has expressed his opinion in the Washington Post on the same very same language.

The PRESIDING OFFICER. If the Senator will suspend, the Chair will please ask the Senate to act as if it were the Senate. The Chair will remain awaiting the silence of everybody on the floor of the Senate, everybody. This is an important debate.

The Senator may proceed.

Mr. BINGAMAN. I thank the Chair.

The difference of opinion I do think is reflected in those two op-ed pieces that I referred to. I think the Senator from Georgia makes it clear that he sees the negotiations to amend the ABM Treaty as central, and he intends that we would pursue modest changes in the treaty regime to deal with the limited ballistic missile threats. That is the view of the Senator from Georgia.

The Senator from Virginia, on the other hand, seems to see the negotiations imposing more significant changes in the treaty with the Soviets. And if the Soviets do not agree to those changes, he sees the United States as being in the position to move ahead under the treaty or to withdraw from it and proceed on a unilateral basis.

My position, and I believe the position of my cosponsors on this amendment, is that we agree with the Senator from Georgia and his interpretation. We do not agree with the alternative interpretation.

Our amendment makes clear that the United States does not intend to ignite a new arms race with the Soviet Union. We will deploy a treaty compliance system at Grand Forks, but we will go beyond Grand Forks only if the Soviets and ourselves mutually determine that we can do so without upsetting strategic stability.

We also make clear that we envision only modest changes to the treaty to allow for more effective defenses against accidental and unauthorized launches or Third World threats.

We do not seek to throw out the core concept of the treaty, namely preserving strategic stability in which neither side is given incentives to launch a nuclear first strike. That is language which the Senator from Georgia used in his article that I have already referred to.

Today, this Nation concluded a START agreement, a significant achievement, for which I think we all commend President Bush.

Today we should not be taking any action that would threaten the Soviets in a unilateral manner, in an area particularly where they have repeatedly said that they would be forced, or could be potentially forced to withdraw from that treaty.

I am convinced that if we take a confrontational approach to these ABM Treaty amendment negotiations with the Soviets, if we overreach in those negotiations, we will hurt our security and not enhance it.

About the only comparative advantage that the Soviet economy enjoys over ours is in the production of ballistic missiles. It would be futile and costly to make them the target of our SDI Program.

The chairman of the committee, whose activities I have supported and continue to, does not believe that the committee provision leads us in this direction. I respect his views on that. But I would like to make as clear as language permits that is not the path the Senate seeks.

Mr. President, in summary, our amendment makes preservation of strategic stability our overriding goal. It makes clear that we will go beyond the existing ABM Treaty only by mutual agreement with the Soviets. I hope that today as we sign the START Treaty we will vote to make absolutely clear that we do not want to undermine that achievement. I hope that we will support strategic stability as our overarching goal and adopt this amendment, Mr. President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be considered under the following time limitations, as indicated, and with no second-degree amendments in order:

An amendment by Senators LEVIN and BIDEN regarding treaty compliance, with 80 minutes of debate, 50 minutes under the control of Senator LEVIN, 30 minutes under the control of Senator NUNN; a Harkin-Simon amendment regarding funding, 1 hour equally divided in the usual form; a Harkin amendment regarding deployment, 30 minutes equally divided in the usual form; a Bumpers amendment regarding funding, 90 minutes equally divided in the usual form; a Bumpers amendment regarding Brilliant Pebbles, 2 minutes equally divided in the usual form.

I further ask unanimous consent that when the Senate resumes consideration of this bill at 9 a.m. tomorrow, Senator LEVIN be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I just make a few brief comments on the amendment of the Senator from New Mexico. I will not take more than a few minutes.

I want to say that the Senator from New Mexico is one of the most valuable members on the committee. He and I agree on, I think, 80 or 90 percent of the matters. We have agreed primarily on almost all of the ramifications of this overall committee position. But, on this one, we have a disagreement, and we had that disagreement in committee, and he voted for the committee position anyway. I hope that nothing I say here in any way disrupts that important support of the Senator from New Mexico in the final outcome, because his support will be very important, not just in this debate, but in the days, months, and years to come.

I also say the same thing about the Senator from Colorado, because he has also been a supporter of this overall concept. It is my understanding, as to what they are concerned about, that what this amendment addresses is what we talked about a while ago, and that is, what is a goal?

The goal in this committee amendment is to protect the United States against limited attacks. If you do not have any more than one site, and you do not say that that is even part of your plan, what you are basically saying to the people of Alaska and Hawaii, and even to some extent under certain threats, some people on each coast, is: sorry, folks, you are not part of the United States; you are not part of the United States.

It is my view that we should have the goal of protecting the entire United States against limited attacks. The fact that we have a goal does not mean that when we get down the road, if the Soviets say, absolutely no, we go charging off without considering the ramifications. It means when we sit down to negotiate with the Soviets, that we have to have a goal. I would hate to try to go to Alaska and Hawaii and try to explain to them that we are not ever going to have a goal of trying to protect them against accidental launches, unless the Soviet Union absolutely agrees to it in advance.

It seems to me that what we are saying to the Soviets, as we go into these negotiations—if we do not have a goal—"you have veto power." I refer to the July 30 letter signed by the two authors of this amendment, the Senator from Colorado and the Senator from New Mexico. They say: "We do not believe that the United States should go beyond the Grand Forks deployment, unless that is done by mutual agreement with the Soviet Union."

Mr. President, it is my hope that we will have mutual agreement with the Soviet Union. If we do not get it, then we have to make a judgment whether to go forward. We have to make that judgment; Congress has to make it, the President has to make it, and the country has to make it. I do not want to tell them in advance of sitting down to negotiate that we are not going to do anything ever, if they do not agree to it, because if we do that, we will not have a negotiating position. We will not have a chance to win any negotiation, in terms of what we want.

If they told us in advance, we would like to do a few things, but we are never going to do it, unless you completely agree with it, what you have basically done is give away any hope of achieving your negotiating goals. That is just the way the world works.

So I understand where they are coming from, and it may well be that I may agree with them at some point down the road. But I certainly do not want to make that decision now. I do not want to say to the people of Alaska and Hawaii that, from the very beginning, you are out of the picture. We are not going to do anything, no matter what, to protect you against limited attacks.

So the reason we laid out the goal is because you have to have a goal. If you do not have a goal, you do not know what you are negotiating. If you do not know what you are negotiating, you are not going to get anywhere.

That has been the problem all along in this whole dilemma. Congress has never had a concept, but we have critiqued the administration's concept. I have been one of those critiquing it. The administration has had a concept, but we have not had one agreed on by both branches of Government.

I think it is important for us to focus a moment on what is a goal. President Kennedy set a national goal of landing a man on the Moon by the end of the 1960's. He did not say we are going to land a man on the Moon, no matter what. He did not say, if the Saturn rockets do not work, or if they are going to blow up, we are going to shoot them up there anyway, because I set this goal. He basically set a goal for the Nation, and we went forth to try to meet that goal, understanding that the technology, funding, and all of that had to be there.

Mr. President, it seems to me that that is what we are doing. We are setting a goal. But every year the administration has to come back and report what they are doing, and not only that, they have to get funding. We are setting a goal that has to be funded every year.

We are talking about a system that is going to take at least 5 years in the first stage of that, and that is the initial ABM compliant part. If we achieve success in the negotiations, the right to have more than one ABM site, we are talking about at least a decade to be able to achieve this. Every year, we are going to have a checkpoint, and a place where we can pause and reflect.

The administration is going to have to get funding from the Congress, and I think it would be inappropriate to set forth a goal, as we will do if we adopt the Bingaman-Wirth amendment that says we are not going to protect a large and very important part of the United States. It would say we do not even have it in our plan, or in our architecture, or even our beginning negotiating position.

I am not willing to do that, and I hope the Senate will agree with the committee and not adopt the Bingaman-Wirth amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BINGAMAN. Mr. President, I yield 7 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WIRTH. Mr. President, I join with the Senator from New Mexico in offering this amendment to the defense authorization bill. During markup in the Armed Services Committee, Senator BINGAMAN, I supported the committee amendment, yet I did so with significant reservations about the potential impact of that provision on the ABM Treaty. This amendment seeks to clarify that we do not intend to overthrow the ABM Treaty as we consider a limited defense against accidential or third-country ballistic missiles aimed at the United States.

The additional security the United States may gain by defenses against limited strikes is certainly not worth a return to a nuclear arms race with the Soviet Union.

Accordingly, this amendment emphasizes the central importance of mutual deterrence and strategic stability in United States-Soviet relations by making clear that these concepts must remain the foundation of our strategic relationship with the Soviet Union—not ancillary or transitional considerations. Senator GORE and others spoke eloquently and forcefully to this point earlier in this debate.

In order to make abundantly clear that we intend to plan a treaty-compliant defense, the pending amendment stresses that this deployment shall be limited to the one site allowed under the ABM Treaty at Grand Forks and that this site must be deemed to be operationally and cost effective. We strike all references in the committee provision to initial site in order to stress that we are not in any way committed to additional sites beyond the one site permitted by the treaty.

The Bingaman-Wirth amendment also elevates the importance of joint United States-Soviet agreement on this issue by stressing "negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty" to permit capabilities for limited defenses not now permitted under the treaty.

Mr. President, this amendment clarifies the intention of the United States to pursue a limited defense against accidental or third country ballistic missiles in the context of United States-Soviet arms control, not at its expense.

Mr. President, I have enormous respect for the job the distinguished chairman of the Armed Services Committee has done in moving this provision and getting us to understand what I think is the extraordinary importance of this issue.

Nobody in the United States can have missed what happened in the world over the last 9 months. We saw, effectively, a madman in the Middle East, a madman who was capable of the most wanton acts of violence, including setting fire to 600 oil wells for spite. I come away from that—as I think millions of Americans do—understanding that if this individual had the capability of mass destruction, he would have used it. That is what this amendment is all about.

There are those who argue that we have to depend only on deterrence. That does not work when you are dealing with an irrational individual. The United States can always threaten to retaliate if attacked. But the fact that we could retaliate is not relevant when we are dealing with an irrational or crazy individual. Deterrence requires rationality.

We saw, only last week, the debate in the United States Senate on most-favored-nation status for China. Part of that debate was centered on the fact that the Chinese are selling, around the Middle East and around the world, missiles with ranges up to 3,000 miles.

As we look to the rest of this decade, we are dealing potentially with a situation in which a whole variety of entities can purchase on the open market missiles which can move beyond anything that we dreamed of only a short time ago.

The American people watched on CNN during the war in the Middle East, people putting on gas masks as Scuds came in, and they saw the Partiot working, and they are saying, "could that happen to us, as well." The answer is that I think we have an obligation to address that question and that challenge.

Fourth, we understand that we in the United States are working on an Arrow missile program with the Israelis and various other tactical missile defense programs. If we can defend against missiles overseas, it seems to me that we have an obligation to do it at home.

I cite those four elements, Mr. President—the notion of a madman, the sale of missiles internationally, the reality of missile attack which we watched on television, and the efforts we are making to defend against missile threats overseas—in order to outline why I think the thrust of what the distinguished chairman of the Armed Services Committee, Senator NUNN, is doing is right.

The issue in front of us is the pending amendment whether we interpret our relationship with the Soviet Union and negotiations on the ABM Treaty to be an adversarial situation, or do we believe that it is incumbent upon us to discuss with the Soviets what we might mutually agree upon within the framework of the ABM Treaty?

It would certainly be at least this Senator's hope in cosponsoring this amendment with Senator BINGAMAN to say we are not, as suggested in earlier discussions, dealing in an adversarial situation. Rather, what we are saying is that we are not going to go to the Soviets to overwhelm them, to tell them that this is one-sided only. What we are after is to sit down and negotiate with the Soviets. We do not want to start in an adversarial way with the Soviet Union. That is not the purpose.

So that is why I think the Bingaman-Wirth amendment makes sense. I would hope that we might adopt that and say very clearly this our intent. What we are after is an overall program as described in the very long and I thought, really, quite extraordinarily good debate that we had on the previous amendment.

Why are we doing this? I think that is laid out. Do we want to limit it in a nonadversarial way? I think that is the way to do it.

I hope my colleagues will recognize the thrust of what we are doing as the right direction and vote to limit our efforts to what we can mutually agree with the Soviets.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGES OF THE FLOOR

Mr. WALLOP. Mr. President, I ask unanimous consent that Brent Smith, a fellow in Senator MACK's office, be granted floor privileges during the pendency of S. 1507, the defense authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I yield 2 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, let me say in response to what our colleague from Colorado said that we do not want to approach these negotiations with the Soviets in an adversarial spirit. Quite to the contrary, we want to approach it in a spirit of good faith. As a matter of fact, this has been raised for several years with the Soviets. And it is interesting to note that, contrary to suggestions made on the floor earlier today, the Soviets do not see this bill as an absolute assault on the ABM Treaty.

There were statements made on Monday by the Soviet Foreign Minister that the treaty is "a sacred cow of arms control." "We ought to be careful about it," he said. But he also said that the Soviet Union would be "prepared to listen" in reference to the congressional desire to move toward a limited defensive system. Foreign Minister Bessmertnykh said that the Soviets are "prepared to listen" and "look into the relationship between all these new programs and the ABM Treaty and how they can go together." I think they are quite well aware we are not approaching this on an adversarial basis.

Let me recall the chairman's comment about the President setting out to say we are going to have one system. That may or may not be enough. We need two, not just to defend Hawaii or Alaska, but perhaps for the continental United States we may need two or possibly three, and we are prepared to negotiate that desired objective with the Soviets. They may say no.

At that point, the President can make one or two decisions. He can say, "We agree. I made a mistake, we can do it with one system and not go beyond." Or he can say, "I am sorry, but we have to consider possibly withdrawing from the treaty." I would hasten to add, though, that he can do that now.

Senator NUNN noted that when President Kennedy said we have a goal of going to the Moon, he did not say we are prepared to negotiate it with the Soviets in advance. He said that is our goal.

This ought to be our goal: To provide a defensive system for the United States, including Alaska and Hawaii, and including, I might add, our allies as well. I think we ought not to impinge on that goal with preconditions that say we have to get the Soviets to agree in advance. I think they are well aware that negotiation involves give and take, and we undoubtedly are going to make some concessions to achieve the objectives we believe will be best at that time.

I thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WALLOP. Mr. President, let me just follow along on the comments of the Senator from Maine. I confess I do not know where this thought comes from, that this is offensive to the Soviet Union. No smaller personage than Gorbachev himself agreed with President Reagan that we would negotiate defense in space and changes in the ABM Treaty in 1987, and it was reaffirmed by Secretary of Defense Carlucci and Marshall Akhromeyev.

It is inconceivable to this Senator that we try to tailor where we are going by a presumed Soviet reaction. We cannot presume such a thing. We could determine it, and we always have the option, as President of the United States and, indeed, the Congress of the United States has the option to stop the President if he is engaged in activities that alarm us. But in point of fact, these are activities which have already been endorsed by the Soviet Union.

So where do we stop and where do we begin by telling ourselves that these are things we cannot do without disturbing this tin god called stability?

I would point out to my friends on the other side of this question that we have not had stability. I would just point out that the Senator from New Mexico suggests somehow or another that we would ignite an arms race.

Mr. President, I would just point out here is the arms race. Since 1985—the miniscule figures at the bottom are American-built missiles and the black ones are Soviet-built missiles. Total Soviet production since 1985 of ICBM's are 715, total U.S. production since 1985, 68.

Mr. President, there comes a time when the people of the United States are entitled to ask us that if we can defend ourselves, why should we not? Why is it that we are willing to provide allies in the Middle East with defense but not willing to provide our own people? Why is it that we are willing to provide the concept of defense for those who joined with us in the gulf but not for allies who have joined with us since the end of World War II and the confrontation of Soviet missilery?

Mr. President, let me point out that testimony received in the Armed Services Committee indicates that by next year, 80 percent of Soviet missilery is going to be mobile—80 percent. If we learn nothing else from the gulf war, we learned that we can not find, locate, or confront mobile missilery even in the most ideal circumstance.

Mr. President, if we learned nothing else in the arms control negotiations to which we have just traveled, we learned that we were not able to confront mobile missiles there either, because it had been the goal of the United States not to have mobile missiles on either side. Now what we have is mobile missiles on the Soviet side agreed to in the arms control treaty, agreed to by ourselves, but in subsequent amendments that are coming on this floor sought to be denied to the United States entirely. We are going to have an amendment here later on that will seek to eliminate even research into rail-mobile ICBM's, the MX.

So it is not a question of the U.S. posture trying somehow or another to gain some advantage, but it is a posture of gaining some relevant stability on our own side in our own behalf.

I would say to the Senator from New Mexico that he was a party to this agreement in the Senate Armed Services Committee. We negotiated a long time, and we made concessions—I hope the Senator from New Mexico will agree—to many of the points that he wishes to have so that the Armed Services Committee could come up with a bipartisan consensus on what was called the Missile Defense Act, that portion of it. And I recall that the Senator from New Mexico voted for that, having been part of those negotiations. I am not certain why he would have voted for it now only to seek to undo it.

But I would suggest that there is something that is fundamentally wrong with the process that leads you to believe that you have achieved some level of bipartisan consensus only to find that it is not satisfactory when it reaches the floor.

But the most important part of it, Mr. President, is not the differences between members of the Armed Services Committee. The most important part of it is that the people of the United States are entitled to the technology that we can achieve to provide them protection and stability and is the question of what actually takes place in the world. And the first thing that we can say is that arms control has not brought us stability or else we would not have needed all the subsequent treaties.

Had we had stability, Mr. President, after the ABM Treaty, we would have stopped there. Had we had stability, we would not have needed SALT II. Had we had stability, we would not have engaged in START I. Had we had stability and had we got it now we would not have the President of the United States and others talking about the follow-on treaties.

So the people of the United States are entitled to the best that their technology can give them. And these are judgments that come down the road.

I would say to the Senator from New Mexico, these are not plans to commitments to deploy anything. They are commitments to a robust research of the best technology promise that is on the horizon for the people of the United States today. That technology promise, Mr. President, the people of the United States are entitled to seek.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. (Mr. EXON). Who yields time?

Mr. BINGAMAN. How much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 18 minutes and 45 seconds and the opposing side has 13 minutes plus.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mr. BUMPERS. Mr. President, for whatever you may think of Mikhail Gorbachev, you have to admit that he is a pretty remarkable fellow. Eastern Europe is free, the Berlin Wall is gone, the Red Army is out of Afghanistan. They are holding elections in the Soviet Union. At this very moment George Bush and Mikhail Gorbachev are toasting each other with champagne to what, in a spate of euphoria, George Bush called the new world order; the new world order being the Soviet Union joining the civilized nations of the world, and people in America began to sleep better at night.

And so how do we respond to this new world order in which Mikhail Gorbachev agreed to a new conventional forces in Europe treaty, has agreed to a START treaty that makes them cut about 2,000 more warheads from their arsenal than we cut? And our response to them is, as George Bush and Mikhail Gorbachev ink the START Treaty, 9 years in the making, today, we say, have we got good news for you, we are going to start building an anti-ballistic missile system that will torpedo one of the principle treaties that we have enjoyed with them now for 19 years. And I do not care how great Mikhail Gorbachev is, I promise you after he made all the concessions in the CFR agreement he made, all the concessions he made in the START Treaty, I promise you the Russian military is a big problem for him right now. But not half as big as it is going to be.

I want you to think for a moment, just think for a moment, if our roles were reversed, how would you as President of the United States or indeed as a Senator in the U.S. Senate go home and tell your people that you had just agreed to what Gorbachev agreed to in these treaties. Why, you would be laughed out of the U.S. Senate. You would be laughed out of the White House.

The question in this country is: Is Gorbachev going to survive? I hope to God he does. But I can tell you there is an excellent chance that he will not. And if he does not, there is an excellent chance you will have a military coup and one of the reasons for it will be because he made so many concessions.

So as they cut warheads, we say we are going to build an anti-ballistic-missile system to take care of the ones you have got. It is bizarre in the extreme. And I will tell you what we are about to do. The Senator from Wyoming mentioned a moment ago, well, they have mobile missiles. We are not talking about mobile missiles. We are talking about what the chairman of the Armed Services Committee said is a limited defense, a limited defense against unauthorized launches, accidental launches, and Third World launches. What on God's green Earth does mobile missiles have to do with that? Answer: Nothing.

We are talking about building a system across the central part of America—it does not protect the east coast, does not protect the west coast. And all the Senator from New Mexico is saying, for Pete's sake, before we start down this road which is almost certain to lead to a new escalation of the arms race which has been declining for 5 years now, we simply cannot stand it. We are trying our very best to crank up the arms race again. And if we go forward with this system without at least sitting down and talking with the Soviet Union about abrogating one of the only treaties we have in existence, the Anti-Ballistic Missile Treaty, if we torpedo that, in my opinion, it will be one of the most irresponsible things we have ever done in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognize for 3 minutes.

Mr. CRAIG. I thank my colleague for yielding.

Certainly this evening I stand in opposition to the amendment of my friend from New Mexico and in support of the Armed Services Committee. We have already negotiated. That committee has spent long hours working out the difficulties of this legislation. But we have not gone to conference yet. We have not sat down with the House and it is very recalcitrant in its position in this area. We do not disarm ourselves here before we go to the conference.

And I would suggest to my colleague from Arkansas, that Mikhail Gorbachev in the last 24 hours has most assuredly not disarmed the Soviet Union. There are still a good number of warheads pointed in our direction. And for us to say to the citizens of this country that we will not avail them of the protection that comes from the technological capability of this country is really a farce; nothing more, nothing less.

They are entitled to the security that is our constitutional responsibility to provide them, and that is what the Armed Services Committee is about this evening. They brought to this floor a very, very difficult compromise. A lot of give-and-take has already gone into this legislation. The best we can do tonight, and the least we can do, is to support our committee in the work they have done and to send them to a conference in which the House has said, we are not going to support this position. It says to us we probably will not get all that we would like to have. But we are going to assure that we will continue to drive the process that allowed START in the first place.

I seriously doubt that our President would have been able to put ink to the agreement, have even gotten to the table, have accomplished anything that has gone on in the last 48 hours in the Soviet Union—if in the last decade this body, and certainly the other body, and our Presidents, had not shown and demonstrated the resolve that the American people expected them to demonstrate in the funding of the necessary programs that brings us to this hour.

We are all proud that we can say to the rest of the world that we lead in peace, but we lead in a peace that is secure in recognizing that we can and will defend our citizens above everything else. In so doing, we will offer them what we constitutionally are responsible for offering, and that is continued peace through security and stability offered by the defenses of this country.

Mr. President, to reiterate, I support the committee's recommendations to enhance our collective security against the threat of ballistic missiles.

The actions taken by the Armed Services Committee are a correct and positive move to protect American citizens, our forward-deployed and expeditionary forces, and our allies around the world. The countless hours spent by a number of our colleagues to bring about this consensus is quite an accomplishment. I have long believed the future of the strategic defense initiative would be in grave danger without bipartisan support in Congress and capable leadership in the White House.

So, I compliment the members of the committee on their tremendous efforts.

However, Mr. President, I caution all my colleagues on any attempt to weaken this bill in any way. As some Senators have stated, the provisions under the Missile Defense Act and the committee-authorized funding level—set at $4.6 billion—is the minimum this body should support. Indeed, this bill, as passed by the Armed Services Committee, is what should be presented to the President for his signature. Yet we must still vote on this damaging amendment, not to mention our requirement to go to conference with the House of Representatives.

As my colleagues know, the House version is significantly different than that which we are debating today. The House has virtually gutted SDI and other strategic programs. They have eliminated all funding for phase 1 defenses and have approved only $2.7 billion for SDI. While the Senate Armed Services Committee has taken a historic step to expand upon the success of the policy to defend against ballistic missile attacks, as proven in Desert Storm, a majority in the House of Representatives have chosen to ignore it.

Mr. President, if we are to send to President Bush a defense package that takes a reasonable and cost-effective approach to protect against ballistic missile attacks, then it is imperative that we support the committee's missile defense provision.

I realize some Senators will offer amendments to strip away at the program or reaffirm our commitment to the 1972 ABM Treaty or the mutual assured destruction doctrine. Clearly, it is within their rights. However, as a strong supporter of SDI and a strong supporter of defending citizens rather than threatening them with certain nuclear annihilation, I urge Members to resist these attempts.

It is quite simple, Mr. President. As elected officials, it is our constitutional duty to protect U.S. citizens from various threats. I ask my colleagues what threat of greater magnitude could there be than our vulnerability as a Nation to a nuclear, chemical or biological missile attack—deliberate or not—with absolutely no means to protect ourselves.

The cost of this program will be argued. But what cost could be greater than the human toll lost to even one accidental launch of a nuclear missile.

Mr. President, we have struggled over the years to decrease this vulnerability and increase our overall safety and stability. The Missile Defense Act, as contained in S. 1507, will move us further in the right direction and it deserves our overwhelming support.

I yield the remainder of my time.

Mr. WALLOP. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me suggest there was a time on this floor when we thought and argued only about costs and the probability of such things. There was the "gee whiz" factor, typified by calling these programs star wars, trying to move it into the realm of the movies, if not into the realm of the reach of technology. But the desert showed Americans that technology does exist, and gave it credibility. And the advance of technology has made the cost comparable and rational when compared to other strategic systems that provide the same level of defense and security to Americans.

So what we have now apparently devolved into is argument over whether or not the ABM Treaty is an icon which somehow or another is beyond the judgment of modern man. I suggest that the President of the Soviet Union, Gorbachev himself, has already said that it is not beyond the judgment of modern man. He said let us in fact negotiate the changes that may be necessary for our countries' mutual survival.

So, Mr. President, it is my hope the Senate tonight will reject this amendment from the Senator from New Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 4 minutes.

Mr. GORE. Mr. President, I compliment my colleagues, Senator BINGAMAN and Senator WIRTH, for proposing this amendment. Several people who supported the last amendment have, frankly, been in a quandry about whether or not to support this one. I wish to urge them to cast their votes in favor of the Bingaman-Wirth amendment.

I have to say it is the lesser of two evils, but really that is kind of the way I think about it. If the choice were between conducting research only and pursuing ATBM's vigorously, which the amendment which I proposed a few hours ago would have authorized the program to do, and this amendment, then I would vote against this amendment.

If the choice were between this amendment and not having a deployment decision now, I would say vote against this amendment.

But the choice we are confronted with now is between this amendment and the committee bill. Given that choice, this amendment represents a lesser evil, a better choice, and a clear yes vote.

The issue raised by the Bingaman-Wirth amendment is very basic. Do we really believe that one site in compliance with the ABM treaty might turn out to be sufficient? One site with the 100 interceptors. Anything more than that breaches the treaty.

Should we negotiate to see whether or not that is feasible and conduct the research to see what kinds of benefits we would get from taking the risk of breaking the treaty before we make the commitment to go down that road? I think clearly we should.

Should we, in the meantime, deploy one site at Grand Forks? Well, in a perfect world I would say no. But if that is the only alternative before us to the committee bill, I would say yes, we should support the Bingaman amendment.

But it is very interesting to listen to the reaction to the Bingaman-Wirth amendment from the supporters of the committee bill. Because now they are very clear about the fact that one site is not adequate. It will not defend Alaska and Hawaii, for example. It will not defend the coastal areas, either along the Atlantic or the Pacific.

So the real purpose of the underlying language in the committee bill is stripped bare. The "or" is really an "and". It is not one or an adequate number of additional sites, it is one and additional sites. That is what they want. That is what the real meaning of the committee language is.

The arguments that have been made against the Bingaman-Wirth amendment show that that is the case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 4 minutes.

Mr. JOHNSTON. Mr. President, here we go again; $24 billion ago we started a program that did not have a goal, did not have an architecture. We did not know where we were going, how much it would cost, whether it would violate the treaty. And here we are again tonight, Mr. President. We do not know what this program is.

Is it one site or is it more sites? The amendment says one or more. Is it the arrow machine that is going to knock down these rockets when they come in? We do not know. We do not know what the architecture is.

Is it Brilliant Pebbles? Well, not to start with; not to start with. There are only $650 million in this bill—$650 million—for Brilliant Pebbles. But we are told Brilliant Pebbles is not part of it.

Are we supposed to believe that? Look at this floor. We have the most ardent believers in Brilliant Pebbles who are supporting the committee. We have those who says this does not include Brilliant Pebbles, and we do not want Brilliant Pebbles, supporting the committee.

Which is it? It is all things to all people. It is the old flimflam; it is the old velvet fog. We used to call the head of SDIO the velvet fog man because you could not get a straight answer to anything.

If my colleagues believe that this program can cost $10 to $12 billion—Mr. President, I have some bridges to sell them.

It runs counter to our intuition, to know what these weapon systems cost, to think you can put this program in place for $10 to $12 billion.

We ought to know before we make this decision what it is we are buying. We have been told we ought to fly before we buy. We are told that all the time. At least when we went to the Moon—as the distinguished Senator from Georgia says—we knew what the destination was. We do not know what the destination is here. Is it Grand Forks for one site? Or is it one site for the east coast, one for the west coast, one for Hawaii, and one for Alaska? And how about Brilliant Pebbles? If it is not Brilliant Pebbles, why the $650-odd million?

We should have agreed to the Gore amendment. We ought to agree to this amendment. If we cannot agree to that, we ought to agree to the Bumpers amendment.

Because all of these amendments basically say, let us try to bring this program down to something we can understand, that we know what it is, that we know reasonably within the nearest $10 billion what it might cost. How can you know what it would cost until you know what it is, what it consists of, how many sites, whether it is up in the air or down on the ground or just what it is.

Mr. President, before we go again and spend another $24 billion without having any more idea what we are doing than what we had in the past, let us stop. I think that is what the Bingaman-Wirth amendment says. It says let us put some reasonable limits on this program.

Mr. President, it is time that we decided what it is we want to do before we do it. It is time that we decided what it costs to the nearest $10 or $50 billion before we spend it. It is time that we know whether it violates the treaty before we irrevocably take this step. We ought to vote for the Bingaman-Wirth amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes, 52 seconds remaining on his time.

Mr. BINGAMAN. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 additional minutes.

Mr. GORE. Mr. President, in 1988 when the distinguished chairman of the committee, Senator NUNN, first proposed the accidental launch protection system, he was challenged by the Senator from Wyoming [Mr. WALLOP] who explained why we should not go beyond a single site when we deployed the system. He said:

> * * * if ALPS is seen by the Soviets as a stepping stone to a far more extensive phase one SDI deployment, Soviet actions may attempt to counter the system in which case we have to reexamine the technical feasibility.

Quoting from another part of the speech by Senator NUNN in first proposing the ALPS system:

> This limited capability, however in terms of a fourth emerging theme might be significantly eroded, or perhaps even negated, by Soviet decoys or other penetration aids—penaids.
>
> In other words, if the Soviet Union takes steps to counter an accidental system by putting penaids or decoys on their missiles, and they viewed this as a beginning of a much larger system, then we would have to change significantly our assessment about the capability of protection based on current technology.

Mr. President, one missile equipped with penetration aids and decoys and chaff might be more than an accidental launch protection system could stop. It might not even be able to stop one missile from the Soviet Union accidentally launched if it was so equipped. Why would they equip it with decoys and penetration aids?

If they thought it was the initial step toward a larger system, that in the view of many analysts would be the impetus for equipping their missiles with the decoys and penaids and chaff they do not have now, thus making the initial purpose of the first site ineffective and moot.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I will yield myself the remainder of our time.

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. BINGAMAN. Mr. President, the Senator from Georgia, the chairman of our committee, whose efforts I want to commend because I certainly do respect the enormous effort that he has put into trying to provide some direction to the SDI Program. I totally agree with the statements made by the Senator from Louisiana that the SDI Program to date has been a program in search of a mission; that we have gone from one effort to another effort to another and clearly having redefined the program virtually every year during the period that we have tried to fund it.

In the amendment that we have offered, we tried to make the Senate speak with a clear voice as to what we are agreeing to or what we are doing at this time. We say it is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an ABM system, including one or possibly more ground-based anti-ballistic-missile sites.

Mr. President, we then go on to indicate that if we are going beyond that one site, which is permitted in the existing treaty, we must do so pursuant to negotiation with the Soviet Union to determine whether modest changes should be made in that treaty.

The Senator from Georgia made the point in his comments that you have to have a goal, just as we had a goal in going to the Moon. I agree we have to have a goal. I think we have clearly defined a goal here. But I do not believe that goal should go beyond what is permitted under the ABM Treaty at this time. I do not believe that goal should go beyond what we can mutually agree with the Soviets is in our own interest jointly in maintaining strategic stability. Going to the Moon, as the Senator from Georgia referred to, is not the same as maintaining strategic stability. Maintaining strategic stability involves a sort of a contract, a sort of an implicit agreement between two superpowers, two powers with tremendous capability strategically.

We need to worry about what the Soviet Union reaction is. If the Soviet Union, in fact, is in favor of modifying the treaty and agreeing to go forward with additional modest changes, then fine; our amendment permits that. But if there is a serious problem from their perspective and if the danger of reigniting an arms race presents itself, I think it would be foolhardy for us to proceed down that road.

Mr. President, I think our amendment does a great deal to clarify what I believe we should be doing tonight and what I believe the cosponsors of this amendment think we should be doing tonight. I think it provides the flexibility the President needs, but at the same time it eliminates much of the ambiguity which is in the present language that has come out of the committee.

I did not vote for the committee language and I do not now seek to undo it, as the Senator from Wyoming suggested. I do seek to improve it. I do seek to clarify it, and I think the amendment we are offering tonight has that effect. So I urge my colleagues to support the amendment.

Mr. President, I reserve the remainder of my time unless the other side is ready to yield back time, in which case I am willing to do that.

Mr. WALLOP. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I thank the Senator from Colorado. He really did capture the appropriate image, at least in my mind's eye, when he referred to the Scuds raining down on Israel and also on Riyadh and other places. All of us were struck with the horror of the Israeli citizens rushing to their shelters, putting on the gas masks, praying, "Send us a Patriot. Have we got enough Patriots to knock out these incoming missiles?" That is an image we ought not to allow to lapse from our memory.

We are not talking about Patriots and Scuds. We are talking about something much more powerful and much more destructive, something that can obliterate entire cities and their populations. We are saying not, as some have stated, let us adopt a plan now let us negotiate later. What we are saying is that we have a goal and we should negotiate now. Our goal is that we are determined to provide a defensive system against limited types of attack. That is the goal.

It has been suggested we look at what Mikhail Gorbachev has given up. We have asymmetrical reductions. Why is that? We had asymmetrical inventories. They gave up more in the way of ICBM's and tanks because they had more to give up. What we tried is to get a sound relative parity in our strategic systems and in our conventional forces.

It has been suggested that if we pass the committee bill we are going to destroy Mikhail Gorbachev. We are not going to destroy Mikhail Gorbachev. What will destroy Mikhail Gorbachev is an inability to produce an effective economic recovery plan for his country.

Second, we are not destroying the ABM Treaty. We are complying with the ABM Treaty. We are saying we are going to, as a goal, deploy one land-based system, and we are going to ask our President to sit down with the Soviets and negotiate whether or not we need one, two, three or more or less. And then the President will come back and report to us whether or not it is in our interest to proceed or not to proceed, whether to maintain or withdraw from the ABM Treaty.

It seems to me that is the appropriate course to follow and the committee's recommendation is not in need of clarification or amendment. I hope we reject the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Wyoming has 6½ minutes remaining and the Senator from New Mexico has 49 seconds.

Mr. WALLOP. Mr. President, I am certain we will be able to yield back some of that time. I just make two quick points.

First, I say to the Senator from Louisiana, he made an argument against the Bingaman amendment because, in fact, he said that we should not have one site and that amendment calls for the one site. He said we should not have Brilliant Pebbles and that amendment calls for it, albeit in a different way than the committee position.

He also suggested that we ought to fly before we buy, and I would say that the opponents of SDI from the very beginning have been the ones who have made it impossible for us to determine whether we could fly before we buy by denying us the ability to fly, just simply saying you cannot test these things.

I say to the Senator from Tennessee that I wish to God we could persuade the Soviets to put penaids, decoys, and chaff on their missiles because we would have achieved more than the START Treaty has achieved by way of reducing their ability to deliver warheads. Those do not come without a cost and deliverability.

So, Mr. President, let me just say and then yield to the Senator from Georgia, I genuinely hope the Senate rejects this amendment. The committee position is both bipartisan and well reasoned, and it does not deny us the ABM Treaty but, quite importantly, recognizes what the ABM Treaty authorizes the United States to do in its own self-interest. And we once and finally, Mr. President, ought to operate in our own self-interest. That can be a judgment and will be a judgment made by both the President of the United States and the Senate and the Congress as it goes along. But at least it ought to be a judgment that we allow ourselves to make and not deny to ourselves at this time of night.

Mr. President, I yield the remainder of my time.

Mr. NUNN. I think we may yield back time and vote.

Mr. SYMMS. Mr. President, in 1983, President Reagan offered the Nation a vision of the future. A vision that addressed the problems posed by the world's nuclear arsenals. He offered a world where "people's security did not rest upon the threat of instant United States retaliation to deter a Soviet attack; that we could destroy strategic ballistic missiles before they reached our soil or that of our allies."

So began, Mr. President, the strategic defense initiative. However, over the years, critics of SDI have labeled the President's vision as an expensive pipe dream, and remain determined to ensure that it will not come true.

Today, this body stands at a historic crossroad. We have reached, through the bipartisan effort of several members on the Armed Services Committee, a step in the right direction toward fulfilling President Reagan's vision.

I want to express my support, albeit guarded, for the committee's actions contained in the Defense authorization bill, regarding the Missile Defense Act of 1991.

Through efforts from both sides of the aisle, the legislation outlines our goals to promote security against ballistic missile threats of our troops, our allies, and the citizens of the United States.

While I compliment the members of the Armed Services Committee for the agreement they have reached, I believe it is imperative that this body—during the bill's floor consideration—must not accept anything less than what is provided for in the legislation. Because, with all due respect to my colleagues on the committee, it is the minimum required to implement a credible policy to protect against potential ballistic missile threats.

To recap the missile defense provision in the legislation, it would provide for a single site, ABM Treaty-compliant anti-ballistic-missile system to be deployable by fiscal year 1996. It would urge the President to immediately pursue negotiations to amend the ABM Treaty, and would allow for continued research and development of space-based systems, including Brilliant Pebbles, as follow-on technology.

That may sound well and good, Mr. President, but in some ways it is a simple restatement of existing law. As I said earlier, the ABM Treaty already allows for a single site, 100 ground-based interceptor system. Yet, unlike the Soviets, we have chosen not to pursue this effort—until now. Despite the committee's recommendation to develop such a system, such a limited number will do little to protect a significant portion of the United States, particularly our seaboard States where most of the U.S. population lives.

Furthermore, Mr. President, we are continuing our research to develop space-based systems. However, you could argue that, under this language, we could go no further. In this Senator's mind, Brilliant Pebbles is probably the most appropriate space-based defensive system. Yet this legislation excludes deployment of this technology from the initial plan.

This Senator would argue that to truly provide for our defenses, the commitment to deploy Brilliant Pebbles, as the technology develops, is imperative and should be included in the initial architecture.

At issue, too, is our renegotiation of the 1972 ABM Treaty. This Senator has long believed the treaty is outdated in its true intent, as well as the policy of mutual assured destruction, appropriately referred to as MAD. As my colleagues know, MAD was developed by the Kennedy administration in the early 1960's to prevent the United States and the Soviet Union from engaging in nuclear war. It was based on the assumption that each side can deter the other by maintaining sufficient retaliatory capability to destroy the attacker. The MAD policy holds the civilian population of the United States and the Soviet Union hostage.

However, the previous decades have seen the significant increase in the proliferation of ballistic missile technology. The threat of ballistic missile attack is not solely from the Soviet Union. Former CIA Director William Colby testified that in the next few years, 15 to 20 developed countries will possess ballistic missile capabilities. As noted by a number of the minority members on the Armed Services Committee, upward to six countries will have ballistic missiles with a range of 1,800 miles and at least three of these countries may develop systems with ranges of 3,300 miles. This clearly puts the United States at risk.

Nonetheless, Mr. President, we should not forget the Soviet Union still has over 10,000 nuclear warheads targeted on the United States.

Despite the rhetoric of glasnost and perestroika, the Soviets continue to expand and modernize their offensive strategic systems. While we engage in the debate over the Missile Defense Act, they continue to vigorously promote their own defense system, whether or not its in compliance with the ABM Treaty. I'd like to simply remind my colleagues the Soviet violations of the 1972 treaty.

Soviet surface-to-air missile testing in the ABM mode;

Soviet deployment of ABM battle management radars;

Soviet ABM camouflage;

Soviet falsification of ABM deactivation;

Soviet creation of a new ABM test range without prior notification; and

Soviet development of a rapidly deployable, mobile ABM.

In this Senator's opinion, the ABM Treaty has truly undermined U.S. national security interests. Quite clearly, adherence to the treaty and the policy of MAD has stopped the United States from seeking a defense system. On the other hand, the Soviets have developed defensive systems to protect both their population and strategic resources from nuclear attack and have surpassed the United States in offensive first strike weapons.

I urge my colleagues to support the committee's recommendations. Though not entirely perfect in this Senator's opinion, it outlines the necessary steps to counter Soviet defense research and deployment, enhances our security, that of our forward-deployed troops, and the security of our friends and allies. In short, it refocuses our efforts on protecting, rather than threatening, the citizens of the world.

President Reagan's vision launched an effort with the purpose of changing the course of human history. We cannot afford to miss the opportunity provided, nor can we afford to let the Soviets, or the detractors of SDI win this—perhaps final—arms race. The strategic defense initiative and the Missile Defense Act of 1991 is a progressive proposal. It deserves support not only in Congress, but from the American people whose lives and country it will protect.

Mr. BINGAMAN. Mr. President, I yield back the remainder of our time. I ask for the yeas and nays on the amendment.

The NUNN. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

Adams
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burdick
Chafee
Conrad
Cranston
Daschle
DeConcini
Dodd
Fowler
Gore
Graham
Harkin
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth
Wofford

NAYS—56

Akaka
Bentsen
Bond
Boren
Brown
Burns
Byrd
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Kassebaum
Kasten
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So, the amendment (No. 957) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if it is agreeable to the acting chairman, I would suggest that we now proceed with a series of amendments which have been agreed to on both sides. I am prepared to forward an amendment to the desk.

Mr. LEVIN. I thank my friend from Virginia.

AMENDMENT NO. 959

(Purpose: To require the Secretary of Defense to prepare an environmental restoration and cleanup plan for the Jefferson Proving Ground, IN)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 959.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana (including all areas north and south of the firing line).

(b) CONTENT OF PLAN.—The plan shall include the following matters:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following:

(A) An identification and detailed description of the activities necessary for environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental restoration and cleanup activities.

(C) The total estimated cost of completing such activities and the estimated cost of such activities for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful environmental restoration and cleanup.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare a proposed plan;

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area

of the Jefferson Proving Ground no sooner than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees the final plan required by subsection (a).

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental restoration and cleanup actions necessary for such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

Mr. COATS. Mr. President, this amendment would require the Secretary of Defense to prepare a plan for the environmental restoration and cleanup of the Jefferson Proving Ground in southern Indiana. I offer this amendment for two reasons. First, to address a serious problem in my State caused by an anomaly in the 1988 round of base closures; and second, to alert the Congress and the American people to this dilemma so that it will not be repeated.

Mr. President, the Jefferson Proving Ground is a 55,000-acre Army facility in southern Indiana, which has been used since 1941 to test a wide range of munitions and ordnance. It was included in the 1988 base closure package and is now scheduled to close in fiscal year 1995.

JPG's records indicate that since 1941 some 23 million rounds have been fired and that today over 6 million unexploded rounds remain on or beneath the surface of the ground. While most of these munitions are ordinary high explosive tank and artillery rounds, JPG also is contaminated with depleted uranium armor penetrators and other types of special ordnance. In one 2-square-mile area, for example, over 130,000 pounds of depleted uranium penetrator rounds have been fired over the years, most of which remain on or near the surface of the ground. The presence of white phosphorous munitions under the ground, which would ignite on contact with the air, is another complicating factor. Although the various forms of unexpended ordnance at JPG are for the most part concentrated in designated impact areas, there is some degree of contamination over the entire 52,000 acres beyond the firing line.

The magnitude of this environmental restoration problem is readily apparent. What is not so clear is the course of action the Department of Defense will or must take to deal with this situation. My amendment, therefore, merely directs the Secretary of Defense to create a comprehensive plan for cleanup of JPG, including a range of reuse options and their accompanying costs. It does not require any specific course of aciton, merely that all relevant information be laid out for public assessment.

My colleagues may wonder why we need to direct the Secretary to provide a plan for cleanup of a closed base. After all, it is fair to assume that DOD is obligated to do this on its own. Well, I am here to tell you that this is not always the case. In most cases, it is true, when a base is closed the DOD is required by law to clean up the property. The land is then available to be sold or otherwise turned over for civilian purposes.

Most closed bases, and indeed those that remain open, will eventually be cleaned through DOD compliance with the Resource Conservation and Recovery Act of 1976 [RCRA] and the Comprehensive Environmental Reponse, Compensation, and Liability Act of 1980 [CERCLA] or superfund. Within the overall framework of these environmental statutes, the DOD established the Defense Environmental Restoration Program [DERP] in 1984, which includes the Installation Restoration Program [IRP]. In addition, DOD directly funds base closure related cleanup through the base closure account.

Despite this elaborate system of Federal environmental law, and DOD environmental restoration policy, there are cases that fall through the cracks. Jefferson Proving Ground just happens to be one of these cases. Although DOD retains the liability for the contamination at JPG, they are not compelled by law to clean this facility. As I will describe shortly, the Army and the DOD have shown little inclination to even attempt to document what cleanup of JPG would entail.

The root of the problem is that unexpended ordnance is not considered hazardous waste, or indeed waste at all under RCRA and CERCLA. By law DOD is required to manage such ordnance to ensure that it does not violate RCRA by contaminating ground water or otherwise damaging the environment. However, as long as ordnance does not create such contamination it is not legally regarded as waste per se. For purposes of JPG, therefore, DOD remains responsible for the mess it created in southern Indiana but is only legally required to clean landfills, asbestos, and other common forms of solid and hazardous waste. They merely need to manage the ordnance. Thus it is perfectly legal for them to fence off a 52,000 acre mine field in southern Indiana and merely post a guard.

JPG's situation is even more complicated than this, however. In the original decision to close JPG, the Commission assumed that the land at JPG would be sold for $25 million. This assumed sale was factored into the Commissions calculations for payback—a leading criterion in the closure decision. The Commission assumed that this payback would begin 6 years after closure. In its November 1989 report on the Base Closure Commission's recommendations, the General Accounting Office reported that in the case of JPG it would actually take from 38 to 200 years to recover the closure costs. Even with no costs for cleanup and no sale of land, GAO found that it would take 38 years for payback. With minimal cleanup for use as a wildlife preserve, the payback period would be extended to 200 years. Hardly what I would describe as a cost-effective closure decision.

The Army estimates that it would cost approximately $5 billion to clean JPG for unrestricted use. This would require that 10 feet of earth be removed and examined, turning JPG into the largest strip mine in history. Since JPG is a wooded area that is the home to considerable wildlife and vegetation, including a number of endangered species, this is hardly realistic or desirable. Nevertheless, this figure further illustrates the magnitude of the cleanup problem.

Mr. President, let me summarize my dilemma: JPG is required to be closed and this requirement was justified in terms of cost savings; however, at best it will take 38 years before any savings are realized and then only if no cleanup is conducted; if any degree of cleanup is conducted it will cost hundreds of millions, if not billions of dollars, thus making it hundreds of years before any savings will be realized.

Given this complex and unpleasant situation, the Army has refused to even examine the option of partial cleanup, violating the expectations included in the Base Closure Commission report that the land would eventually be available for other uses. Thus, my amendment would require that the Secretary of Defense put together a plan that would detail options for cleanup and reuse, including unrestricted reuse, and the associated costs.

To date the DOD has not been willing to do this. In its April 1991 report to the Armed Services Committee, which is required by law, the DOD stated that "since the area north of the firing line—52,000 acres—will not be available in the near future for public sale or access and since the property does not pose an imminent or substantial endangerment to human health and the environment, an RI/FS has not been scheduled." In addition, the April 1991 draft environmental impact statement on JPG, prepared by the Army Corps of Engineers, proposes to create a caretaker status for JPG after closure. The draft EIS, however, does not go into any detail regarding environmental cleanup requirements for the largest portion of JPG. In commenting on the draft EIS, the Environmental Protection Agency was highly critical of this incomplete assessment. According to EPA: "The final EIS should include a full range of cleanup alternatives necessary for levels of reuse and anticipated reuse at JPG and the environmental impacts associated with each cleanup alternative." EPA's suggestion is precisely what my amendment would require.

Mr. President, for the last 3 years I have attempted to get the Army and the DOD to do one of two things: Either to find a way to keep JPG in operation without violating the base closure act, or to provide a specific plan for dealing with the environmental dilemma that they have created. The one thing that is not acceptable is to fence off 55,000 acres of contaminated land in southern Indiana and simply let it sit in perpetuity. At a very minimum, the DOD must document options for reuse, which is what my amendment requires.

Before I close, Mr. President, I would simply like to say that I had considered other approaches before deciding to offer the amendment that is before the Senate today. My initial inclination was to force the DOD to clean the entire JPG to a level that would be acceptable to the community. During the markup of the defense authorization bill, I even discussed an amendment to authorize $5 billion for complete cleanup. Clearly these approaches would have been extremely controversial and not successful, at least at this time. After close consultation and cooperation with Armed Services Committee staff, I agreed to what in effect is a reporting requirement. I agreed to this report for one reason: It will force the DOD to finally document the environmental problems at JPG and define alternatives for dealing with them. It does not require a specific outcome so it is certainly possible for DOD to come back and say that the problem is too big to solve. I would like to say for the RECORD now, however, that I will not accept this outcome. If DOD does not devise a solution to this problem that is satisfactory to the community, I will revisit the issue again and again, until an acceptable solution is found.

Mr. President, the dilemma of Jefferson Proving Ground may be unique today, but in the future any site with ordnance contamination could have a similar experience. I believe that it is in the interest of the entire Congress to force the Department of Defense to face the facts and not simply walk away from this problem. After all, it is not merely an Indiana problem.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, I see no desire to have further debate on this.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 959) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 960

(Purpose: Relating to cooperation between the military departments and Big Brothers and Big Sisters organizations)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, for himself, and Mr. GLENN, proposes an amendment numbered 960.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS AND BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Big Brothers and Big Sisters consist of 499 independent organizations located across the United States that assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, containing at least 80,000 at-risk youth, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the military departments and the Big Brothers and Big Sisters organizations located in communities near military installations under the jurisdiction of such departments will assist members of the Armed Forces who serve at such installations and such communities in responding to the family support needs of such members and communities; and

(2) the military departments should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

In section 2(b), amend the table of contents by inserting after the item relating to section 1124 the following new item:

1125. Sense of Congress relating to cooperation between the military departments and Big Brothers and Big Sisters organizations.

Mr. COATS. Mr. President, I rise to offer a sense-of-the-Senate resolution as an amendment to S. 1507, the fiscal year 1992 Department of Defense Authorization Act.

Prior to entering public service I was pleased to serve as a big brother for several years to several boys and also as the president of the Big Brothers/Big Sisters Agency of Fort Wayne, IN. In that position I learned the value of the services provided by the Big Brothers/Big Sisters movement. Nationally this movement provides one-to-one mentoring programs to an estimated 110,000 at-risk children and their families.

The beneficiaries of the Big Brothers/Big Sisters movement are not only the at-risk children and their families but the volunteers as well. Being a volunteer in the movement is one of the most rewarding experiences an individual may have in his or her lifetime.

During the past several years, Big Brothers/Big Sisters of America, the national organization which serves as an umbrella for the 495 Big Brothers/Big Sisters agencies nationwide, has received requests for technical assistance from military bases across the United States and overseas. I ask unanimous consent to have printed in the RECORD at this point a number of those requests, along with the results of a survey I will explain shortly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NAVAL AIR STATION,
Keflavik, Iceland, January 18, 1991.

BIG BROTHER/BIG SISTER OF AMERICA,
Philadelphia, PA.
(Attn: Director)

SIR: I would like to request information on establishing a Big Brother/Big Sister Chapter onboard this command. We have approximately 5,000 personnel and families living on the U.S. Naval Base in Keflavik, Iceland. A large percentage are single parent families. As a former member of the Big Brother Program in Charleston, SC and Norfolk, VA, I have found a great need for role models or at least something to help the children learn the difference between right and wrong. In the past I have seen the program help not only my own little but a lot of others as well.

If a chapter is not possible I would appreciate any assistance in establishing a viable program. Information on screening personnel and if possible posters or handouts to encourage personnel to participate.

Any assistance is greatly appreciated. Thank you for your cooperation and prompt attention.

Respectfully,
WILLIAM A. PAETZ.

475TH MEDICAL GROUP (PACAF),
March 14, 1991.

Big Brothers/Big Sisters of America, Attn: Director,
Littleton, CO.

DEAR DIRECTOR: Yokota Air Base, Japan, is extremely interested in starting a Big Brother/Big Sister Program in the very near future. Please provide the Yokota Family Advocacy Program with all applicable information and materials reference your program's objectives and structure, obtaining a charter, and volunteer application screening.

Your cooperation and assistance will be very appreciated in helping us initiate a much needed program in this overseas American military community. Thank you.

LAWRENCE C. WARREN, MAJ, USAF, BSC,
Family Advocacy Program Director.

HEADQUARTERS
47TH AIR BASE GROUP (ATC),
Laughlin Air Force Base, TX, August 8, 1990.
Big Brothers & Big Sisters of America,
Philadelphia, PA.

TO WHOM IT MAY CONCERN: The Family Support Center at Laughlin AFB is looking into the possibility of establishing a Big Brother and Big Sister program. We are requesting an information packet so that we can investigate the requirements and procedures. This will facilitate a final determinate being made as soon as possible.

Thank you for your time and consideration.

Sincerely,

ROBERTO BARRERA,
Director, Family Support Center.

APRIL 11, 1990
Big Brothers/Big Sisters of America,
Philadelphia, PA.

TO WHOM IT CONCERNS: I am currently living in Darmstadt, W. Germany and interested in the possibility of setting up a Big Brothers/Big Sisters Program. This is an Army Installation and does not have a program close to what you offer.

Can you send me information regarding a new "branch" of BB/BS and if we can do BB/BS here in Europe as part of your overall program? Also, do you have any operating branches in Germany that I could contact for information? I work in the Family Support Division of the Army and this program would be a part of that division.

Please respond as soon as possible as we have an almost desperate need in the military with many single parents. Thank you for your time.

Sincerely,

TRISH WRIGHTSMAN,
Commander, USMCA Darmstadt.

APRIL 12, 1990.
BIG BROTHERS AND SISTERS OF AMERICA,
230 N. 13th Street, Philadelphia, PA.

TO WHOM IT MAY CONCERN: I am writing to your organization primarily for information. I work for the Youth Services Division of a U.S. Military installation in Munich, West Germany. Our Community contains approximately 1000 children. A great majority of these children live in a single parent environment. I, and others feel there is a great need for a program such as yours here at USMCA Munich.

Is it possible to perhaps begin a chapter of your organization here? Could you please send me as much information as possible on your organization and program.

Any literature and or information would be of great help.

Thank you for your time,

ERIN C. COGLEY,
Pre-Teen Director,
Munich Youth Services.

GARRY OWEN RECREATION CENTER,
HHT, 5/17 CAV, 2ND INF DIV,
May 11, 1989.
Director, Garry Owen Recreation Center

BIG BROTHERS/BIG SISTERS OF AMERICA,
117 S. 17th St., Suite 1200, Philadelphia, PA.

TO WHOM IT MAY CONCERN: We are writing to tell you about a special group of men in Korea. These men are United States soldiers and they are from many states. These soldiers are away from their family. Some are away from home for the first time.

We at Garry Owen are located five miles from the North Korean Demilitarized Zone. Because of our remote location the Recreation Center is their "home away from home" during this time. Our soldiers are on an unaccompanied tour and therefore have no family members here. With this in mind as a program planner, I have to be creative and offer a wide variety of activities. I also inform my soldiers on the latest thing in the world. If you could send information, programs, activities, or anything to help bring a little cheer to our United States soldiers, it would be appreciated.

Thank you for your help in keeping up the morale of our soldiers. Any care package would help bring a little more home to Korea.

Sincerely,

CHRISTOPHER E. KITT,
Director, Garry Owen Recreation Center.

SEPTEMBER 20, 1989.

TO WHOM IT CONCERNS: I recently saw your ad for "Big Brothers/Big Sisters" in a Newsweek magazine. I was a Big Brother in Ft. Walton Beach, Florida. I'm currently serving a three year tour in the Philippines and I would like information about your program.

Since there is no such program I would appreciate any information on starting a chapter on Clark Air Base.

I would appreciate any information and assistance possible.

Thank you,

MICHEAL R. WRIGHT.

MARCH 29, 1989.
Big Brothers/Big Sisters of America,
230 N. 13 St., Philadelphia, PA.

I am currently stationed on Spangdahlem AB in Germany where we have a large single parent population. The sons and daughters of these parents have very little to do with their spare time and are in need of father/son and daugher/mother relationships. I am quite familiar with your program as I was a volunteer Big Brother in Kansas. Your program, I feel, is just what children on Spangdahlem need to help them thru the hard and lonely times of their lives and I would very much like to establish a Big Brother/Big Sister program here. Could you please send me the information I will need to set up this program and to establish an official chapter here on Spang. Your help and cooperation is and will be greatly appreciated by all the members of the Spangdahlem community. Please forward the requested information to the above listed address.

DAVID W. LOVETT, SSGT, USAF.

U.S. MILITARY COMMUNITY WUERZBURG,
March 2, 1989
Big Brothers/Sisters of America,
230 N. 13th Street, Philadelphia, PA.

DEAR MR. MCKENNA, Working as a Community Coordinator for the Army Family Advocacy Program (AFAP) I am faced daily with problem families. As of late, there has been some interest in starting a Big Brother/Big Sister Program. Although we are located in West Germany, many "American" family problems arise; the Army has a substantial number of single parents.

Being a single parent in the States is a giant responsibility, even with the help of parents, family and friends, but being a single parent in a foreign country presents other problems: there is no support group for these families. The parent must go to work, in many cases pulling a twenty-four shift, and leave the child with a caregiver. The availability of qualified care givers is limited and the cost for twenty-four hour care is exorbitant. Upon the soldiers return, entertainment for the child can be the last consideration.

For many of these families the only alternative is to return the dependent child to the States. The end result being, a child with one parent becomes a child with no parent.

The people of this small community, Giebelstadt, West Germany, located near Wuerzburg, have shown an interest and a need in developing a program to assist with single parent families. A program such as yours, would alleviate some of the stress placed on the single parent and enable the family to work better as a unit.

As the coordinator for this area, I would be interested in any background material available as well as rules and regulations that govern your organization. Any information that you have would be very helpful.

Thank you for your time and cooperation. Any response may be directed to my address as listed.

Sincerely,

ANNE C. MCPHILLIPS,
Army Family Advocacy Coordinator.

ANSBACK MILITARY COMMUNITY,
February 6, 1989.
Big Brother/Big Sisters of America,
230 North 13 Street, Philadelphia, PA.

DEAR MR. MCKENNA: As Army Community Services Officer for the Ansbach Military Community, I am interested in developing a chapter of Big Brother/Big Sisters in our Military Community here in Germany. As you may know, with increasing career opportunities for women in the military there is also an increasing number of single parent families in the military needing the support of a Big Brother or Big Sister.

I am a former Big Brother/Big Sister Volunteer myself and thought it would be a valuable program here, however with incoming soldiers inquiring about the program, I decided to look into the possibilities of starting a chapter here.

I would appreciate any information you could provide in the area of initiating a Big Brother/Big Sister Program in the Ansbach Military Community.

Sincerely,

GLADYS W. STITH, ACSW, LCSW, BCCSW,
ACS Officer.

REPORT OF BIG BROTHERS/BIG SISTERS OF AMERICA, APRIL 1, 1991

Summary of Data Collected in a 1991 Survey of BB/BS Agencies (based on 164 of 490 agencies reporting from 44 states).

Estimated number of Big Brother or Big Sister volunteers serving in the military: 3000

Estimated number of children of military personnel now receiving services from BB/BS agencies: 850

Estimated number of matches interrupted since August 1990 operations in the Persian Gulf: 1500

Estimated number of BB/BS agencies receiving additional requests for service from military bases: 60

Examples of Existing Relationships Between BB/BS Agency and Military Bases.

The BB/BS agency in South Dakota has a strong relationship with Ellsworth AFB. The agency makes presentations on volunteering in the Big Brothers/Big Sisters program every two weeks at the base to newly arrived personnel. This is part of the formal orientation provided.

A Marine Corps general has served on the board of directors of BB/BS of Orange County, CA, for over 20 years.

Langley AFB, Fort Eustice and Fort Monroe are very supportive of the agency in Norfolk, VA, where over 200 military personnel serve as "Bigs."

The 32nd Street Naval Base in San Diego, CA has actively helped the BB/BS agency to recruit volunteers from among officers and chiefs, where 60 now volunteer.

Wright Patterson AFB has 85 personnel serving as Bigs at BB/BS of Dayton, OH. The BB/BS agency in Honolulu works with 7 military bases and a major Army Hospital. It provides newly stationed military personnel with information on volunteering as part of the official orientation kit.

Fourty-eight cadets from West Point are volunteering in a unique program with 62 children from New York State. This monthly program schedules recreational activities, educational trips and outings for the group that fosters one-to-one role modeling interactions.

At Big Brothers/Big Sisters of America, one special relationship involves a unique group of veterans, the Tuskegee Airmen, who are helping to meet a critical nationwide need to recruit Black volunteers to serve as Bigs. Large numbers of African American children at BB/BS agencies are waiting to be matched with a Big Brother. These children need strong, positive Black male role models. Blacks comprise approximately 20 percent of the armed services, and could be a rich source of volunteers for the many African American children waiting to be matched in the Big Brothers/Big Sisters program.

Volunteers from the AFB in Fairbanks, AK, drive long distances every week to meet their Little Brothers and Little Sisters.

BB/BS of Delaware's extensive relationship with Dover AFB includes: materials distributed to incoming officers and enlisted personnel; PSA's in base newspapers; officer's club sponsorship of the annual Halloween party for children; officer's wives club annual donation.

At the BB/BS agency serving the area around San Antonio, TX, 120 active military personnel are Bigs, and over 65 military families are receiving services from the agency.

Although no formal recruitment effort has been arranged, a majority of the volunteers in the BB/BS program in Abilene, TX, are from the Dyess Air Force base.

Mr. COATS. During Operations Desert Shield and Desert Storm, the Big Brothers/Big Sisters movement learned that a significant number of military personnel were participating as volunteers and that a significant number of at-risk children in military families were being served by Big Brothers/Big Sisters programs. The movement promptly adapted to the relocation of our military personnel resulting from Operation Desert Shield. With little or no advance notice, these agencies quickly prepared to meet the dramatic increase in demand for their services that helped our Armed Forces to become operationally ready overseas. Meeting the increased demand for services due to Operations Desert Shield and Desert Storm, however, meant that the movement was unable to serve the needs of many nonmilitary families.

At the conclusion of Operations Desert Shield and Desert Storm, Big Brothers/Big Sisters of America began to explore the possibility of developing a closer working relationship with the military departments in order to meet the demand from local bases. To learn more about existing cooperation between local agencies and local military bases, Big Brothers/Big Sisters of America surveyed all of its affiliate agencies.

As the survey results indicate, there exist several examples of successful collaboration at the local level between Big Brothers/Big Sisters agencies and military facilities. As the survey results also indicate, there is tremendous potential to expand that collaboration to better serve the needs of at-risk children in military families and to attract trained military personnel to serve as volunteers in the Big Brothers/Big Sisters movement.

During the spring of this year, Big Brothers/Big Sisters of America met with several senior officials in the Department to discuss methods of fostering local collaboration between the military departments and the movement. During these meetings it was discovered that each organization has a great deal to gain by working together. The Big Brothers/Big Sisters movement can help serve the needs of the military's 80,000 single parent families, and the military can help encourage its personnel to serve as role models for needy children across the United States.

The difficulty facing the military departments is that decisions about family services alternatives are made locally. The difficulty facing the Big Brothers/Big Sisters movement is that decisions about service needs and volunteer recruitment are also made locally.

It is Congress' role, therefore, to encourage and facilitate collaboration between these two highly decentralized organizations, and this is the purpose of the resolution I offer today. With the understanding that resources are limited, it is my sincere hope that the military departments will take advantage of the substantial contribution that Big Brothers/Big Sisters programs can make. My hope is that the military departments will allocate the necessary resources to develop Big Brothers/Big Sisters programs at all military facilities.

The Sense of the Senate Resolution which I offer today is intended to send a message to each and every commanding officer and family support director at each and every military base, domestic and overseas. The message that Congress is sending is that the Big Brothers/Big Sisters program works. Because the program is volunteer-based it is a highly cost-effective one-to-one service that uniquely meets the needs of single parent families. Because the program provides such a valuable service to our Nation's youth it should be utilized by each military department.

Mr. President, I deliberately chose to offer this amendment in the form of a resolution rather than to earmark a specific funding level to institute Big Brothers/Big Sisters program at facilities within one military department. I have chosen not to earmark a specific funding level because of my interest in implementing this program in all military departments.

At the same time, however, I expect that as a result of this resolution the military departments will recognize and act on Congress' interest in establishing Big Brothers/Big Sisters programs on military bases. I am confident that the Senate Appropriations Subcommittee on Defense will provide the necessary funding to enable the military departments to establish these programs.

Please join me today, Mr. President, in supporting this resolution calling on the military departments to institute Big Brothers/Big Sisters programs.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 960) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 961

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CONRAD, (for himself, Mr. DASCHLE, Mr. EXON, Mr. DIXON, and Mr. HARKIN), proposes an amendment numbered 961.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title VIII add the following:

SEC. . REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

"(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting "(a) DOD MOTOR VEHICLES.—"before 'To the maximum extent'; and

(2) by adding at the end the following two new subsections:

"(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the government and consistent with their obligation under Executive Order Number 12261 to use gasohol to the maximum extent possible, whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of title 26, United States Code, for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

"(c) SOLICITATIONS.—Whenever the Secretary solicits bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol."

"(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act.

"(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted with respect to the Department of Defense, and the Administrator of the General Services Administration shall review all exemptions granted to federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871). The Secretary and the Administrator shall terminate any exemptions granted under these laws that the Secretary and the Administrator determines are no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

"(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline."

Mr. CONRAD. Mr. President, the amendment we offer will increase the use of domestically produced gasohol in this country's federal fleets.

The Senate will soon consider a comprehensive energy strategy bill, which contains many provisions to address our growing energy demand and our dependence on foreign oil. It is the result of some very difficult choices. While we are making these choices, we should not forget that there is much that we can do rather easily. Purchasing domestic alternative fuels for our own Government vehicles is something we can do right now to help with our energy problems.

In spite of existing law and regulations, the amount of alcohol-gasoline blends—gasohol—used by the Federal Government is negligible. Last year, of 160 million gallons of gasoline purchased for Federal vehicles, only 60,000 gallons was gasohol. Gasohol was solicited for only 10 million gallons of these purchases. The existing law is clearly not working.

The Federal Government currently operates almost one-half million vehicles. This represents a tremendous opportunity to set an example for the rest of the country. We should be leading the way in the use of renewable, domestic fuels. We are missing this opportunity.

In practice, the Department of Defense acts as the purchasing agent for almost all gasoline used by the Federal Government. The amendment we are offering today would extend the requirement for the Department of Defense to purchase alcohol-gasoline blends to cover purchases for all Government agencies, whenever the price of gasohol is equal to, or less than, gasoline. It would also require exemptions of entire agencies or departments and other broad exemptions under existing law to be reviewed. A report of all exemptions remaining after this review will be delivered to Congress within 90 days.

This is similar to an amendment which was successfully added in the House of Representatives by my colleague BYRON DORGAN of North Dakota. I would also like to thank the Senate Armed Services Committee and the Senate Governmental Affairs Committee for their advice and counsel and their help in passing this amendment.

I urge the Senate to support this amendment. Every gallon of alternative fuels we substitute for gasoline helps reduce our growing dependence on foreign oil. To the extent that these purchases consist of domestically produced ethanol, we use the products of our farms and promote energy independence.

Mr. DASCHLE. Mr. President, I rise today with my colleague from North Dakota, Senator CONRAD, and Senators EXON, DIXON and HARKIN, to offer an amendment to tighten up existing law that requires the use of ethanol-blended gasoline in the vehicles of the Federal Government. This amendment is very similar to a provision in the House bill that was offered by Representative DORGAN, and I am told it has been accepted by both sides.

A decision was made at the end of the 1970's that the Federal Government should take the lead in promoting sound energy policy. Aggressive programs were established to showcase energy conservation and the promise of alternative and renewable fuels. In two laws passed in the early 1980's, Congress required that Federal agencies use ethanol-blended gasoline, commonly known as gasohol, as an alternative to straight hydrocarbon gasoline.

The first law, Public Law 96-294, resulted in Executive Order 12261, signed by President Carter in January 1981. The Executive order directed all agencies to use ethanol blends where possible and practical. The second law—Public Law 97-295—focused more directly on the Department of Defense, which has a large fleet of its own and through which other Federal agencies contract to purchase fuel. The obvious goal of the laws was for the Federal agencies to showcase the promise of ethanol as a domestic, renewable high octane gasoline extender.

But like so many of the laudable energy policy goals of the late 1970's, the promise has remained unfulfilled. Using what, in hindsight, was far too liberal exemption criteria, the Federal Government exempted the life out of these programs.

The Department of Defense is the purchasing agent for almost all the gasoline used by Federal agencies. Gasoline is either purchased in bulk for Government-owned pumps and storage, or it is purchased from commerical gas stations using a government credit card. According to data from the GSA, 160 million gallons of fuel were purchased in bulk by DOD last year. Of this, only 60,000 gallons were gasohol. As gasohol is only 10 percent ethanol, this means that only 6,000 gallons of ethanol were consumed. The 60,000 gallons of gasohol purchased by DOD represents less than 0.04 percent of the Federal gasoline pool. This compares to the national average of about 8 percent of all fuel sold being ethanol blends—in South Dakota the figure is more than 30 percent. While data on the credit card program is vague, it is obvious that, in this program, also the average for Federal vehicle use of ethanol is far below the national average.

This is a disgraceful situation. Instead of taking the lead, the Federal Government has dragged its feet. Even in the wake of recent announcements by some agencies that they would use ethanol blends, the response has often been abysmal. For example, last September the Secretary of Agriculture, Clayton Yeutter, announced USDA would use ethanol blends where possible. But according to the Office of the Inspector General, 6 months after the directive, only 785 of the Department's 33,000 vehicles were using the fuel regularly.

The purpose of the amendment we are offering tonight is to: First, require that all Federal agencies purchase ethanol blends where they are the same price as, or less expensive than, conventional gasoline; and second, to require the GSA to review all exemptions to existing law and report to Congress within 90 days after enactment. This law should not be necessary, but, sadly, it is, due to the poor performance of the agencies over the last decade.

I hope that all our colleagues will support this amendment.

Mr. EXON. Mr. President, this amendment includes provisions which I have cosponsored requiring the Department of Defense and the General Services Administration to get serious about buying ethanol for use in Federal vehicles.

As it is now there are loose requirements that Federal agencies use ethanol. Unfortunately, exemptions and waivers from that policy are almost routine. This amendment would tighten the requirement that ethanol be purchased whenever it is cost-effective. It would also require a complete review of the waivers and exemptions currently in place.

There is a great deal of talk these days about improving our energy security. One of the first things we must do is get our own house in order. This amendment is a good place to start, and I encourage its adoption.

Mr. LEVIN. Mr. President, this amendment would require that whenever the Department of Defense buys unleaded gasoline for motor vehicles—or any department or agency of the Federal Government other than the DOD—DOD should buy alcohol gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of these blends is equal to or lower than the price of unleaded gasoline. This requirement to buy gasohol must be consistent with the vehicle management practices prescribed by the heads of affected agencies or departments.

I understand this has been cleared on the other side.

Mr. WARNER. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 961) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 962

Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Senators DASCHLE and WOFFORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DASCHLE, for himself and Mr. WOFFORD, proposes an amendment numbered 962.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of part B of title XI insert the following:

SEC. 1125. DEFENSE COST-SHARING AGREEMENTS, ACCOUNTING, AND REPORTING.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall consult with foreign nations to seek to achieve, within 12 months after the date of the enactment of this act, an agreement on appropriate defense cost-sharing with each foreign nation in which the United States has permanently stationed U.S. combat units. Each such defense cost-sharing agreement should provide that such nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States of maintaining military personnel or equipment in that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those countries which are eligible for Foreign Military Financing (FMF) assistance or Economic Support Fund (ESF) assistance.

(c) CONSULTATIONS.—In the consultations conducted under subsection (a), the President should make maximum feasible use of the Department of Defense and of the post of Ambassador at Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 USC 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNTING.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). Such accounting shall show for such nation—

(1) the amount and nature of cost-sharing contributions agreed to;

(2) the amount of cost-sharing contributions delivered to date;

(3) the amount of additional contributions of such nation to any commonly funded multilateral programs providing for United States participation in the common defense;

(4) the amount of contributions made by the United States to any such commonly funded multilateral programs;

(5) the amount of the contributions of all other nations to any such commonly funded multilateral programs; and

(6) the cost to the United States of maintaining military personnel or equipment in that nation.

(e) REPORTING REQUIREMENTS.—(1) The annual Report on Allied Contributions to the Common Defense (required by Section 1003, P.L. 98-525, Department of Defense Authorization Act, 1985) shall include information on efforts and progress in carrying out the provisions of subsections (a) and (c).

(2) The report shall also contain the accounting of defense cost-sharing contributions maintained pursuant to subsection (d).

Mr. LEVIN. Mr. President, this amendment would require the President to negotiate agreements on appropriate defense cost-sharing with foreign nations in which the United States has permanently stationed combat units. It would also require the Secretary of Defense to maintain an accounting of and reporting of defense cost-sharing under such agreements.

I understand the other side has no objection.

DEFENSE BURDEN SHARING

Mr. DASCHLE. Mr. President, this amendment asks America's military allies to share in the cost of their own defense. Joining me today in offering this amendment is my colleague from Pennsylvania, Senator WOFFORD.

This amendment is similar to an amendment authored by my friend, Congressman BYRON DORGAN, and adopted by the House of Representatives in May. The idea is based on S. 1438, legislation introduced on July 9.

SUMMARY OF PROVISIONS

Simply put, this amendment asks just three things: First that the President negotiate cost-sharing agreements with our military allies to offset American tax dollars spent for their defense; Second, that a fund be established into which other nations may contribute if the President is able to negotiate burden-sharing agreements with them; and third, that the administration provide Congress with an accounting of allied contributions—whether in cash or in kind—to that fund.

At the request of the bill managers, I have made some technical changes to my amendment. I agreed to these changes because I do not believe they change the goal or the mechanism of my original proposal. The essential elements are intact as passed by the House and as introduced in S. 1438.

First, I have changed from 6 months to 1 year the time the President has to seek negotiations on burden sharing. Although I intend for this amendment to make a strong statement on Congress' desire for more burden-sharing arrangements, I do not intend for this to be an unworkable requirement. I understand the nature of negotiation and the time that negotiation requires. Thus, I also agreed to change the mechanism that the President report on his burden-sharing efforts every 6 months to every year. I am hopeful that this extended time period will prove easier to administer.

One other change that I agreed to make addresses those countries that the United States has recognized already as needing greater defense assistance. In recognition of their situation, this amendment does not require the President to seek to negotiate with those countries that receive United States assistance through either the foreign military financing program or the economic support fund. Effectively, this exclusion rules out countries such as Turkey, Portugal, and the Philippines who would not otherwise be able to provide payments regardless of their desire to do so. The Armed Services Committee raised concerns that negotiations with these countries would be fruitless, given their need for financial assistance from the United States. Although I had preferred to leave the question of which countries should be approached up to the President, I agreed to include this exception in an effort to reach agreement on the substance of the amendment.

EQUITABLE DEFENSE ARRANGEMENTS

Mr. President, this amendment asks that our allies who are able to pay their fair share of our mutual defense costs do so. It asks of the President that he initiate negotiations designed to achieve a more equitable distribution of those costs. And, finally, it asks that we in Congress and the American public be given a clear accounting of allied contributions to this effort.

Surely, this is not too much to ask of our allies. In fact, I believe our allies would welcome a more equal partnership in our defense relationships. It has been over 40 years since the American people helped to rebuild Europe and Japan. Now, it is American workers and their government who are sorely pressed. It is logical, then, that Japan and the European Community, those nations we have defended and supported in the past, be asked to contribute more to the common defense.

This legislation is not intended to derail any negotiations currently underway between the NATO countries and our allies. Nor does the amendment target specific countries or amounts. It simply gives the President the authority and, frankly, the motivation to move forward and negotiate agreements to provide for the defense of those nations in a more realistic and equitable manner. It is merely one tool that the President can utilize in his discussions with our partners overseas.

Throughout the 20th century, the United States has demonstrated its willingness to assert a leadership role in the world in defense of liberty and democratic principles. In turn, our allies have enjoyed the security of the U.S. defense umbrella. While this arrangement has served the interest of freedom and democracy well, the changing international environment dictates a fundamental reassessment of the nature of our Nation's defense relationships with our allies.

MILITARY AND FINANCIAL BURDEN OF OUR ALLIANCES

The United States has 395 bases in 35 different countries. We spend $28 billion per year overseas in direct costs for the defense of our allies. The indirect cost of that defense has been estimated at well over $100 billion.

Clearly, helping our allies is sometimes in our own best defense and international interests. However, the pertinent issue is equity. The European members of NATO collectively have a gross national product greater than that of the United States. Despite that economic power, which will undoubtedly grow after the European Community is formally united in 1992, the people of the United States continue to spend more on NATO defenses than the other 15 alliance members combined.

Is that fair?

During Operation Desert Shield/Storm, President Bush and Secretary Baker skillfully constructed an alliance that included not only joint forces and a unified command, but also payments from the members of that alliance to a mutual defense fund that was used to pay a portion of the costs of the gulf war. This cooperation clearly proves that burden sharing can work. It is time to build on that success and carry the mechanism into peacetime. It is time to establish a more formal mechanism to promote such burden-sharing arrangements for the ongoing costs of stability and security. Without such a mechanism and a clear statement of the need for continued cooperation in this area, burden sharing will remain more rhetoric than reality.

America will never shirk its international responsibilities. We believe too strongly in freedom and in peace. We do not intend to abandon our allies in tough or in good times. But America must now ask those to whom we have given so freely for so long to begin to share in the responsibility.

In fact, to grow and prosper, our alliance must recognize the changing international environment and the mutual burden that a regional defense pact should entail. We can no longer ignore the difference between economic conditions in 1945 and in 1991. We must recognize the need for greater equity in our military commitments. The United States can no longer afford to defend the world alone. We have borne that burden for longer than any people should. It has cost us dearly, and it cannot continue.

CONCLUSION

What this amendment requires is movement toward a more equal partnership with our allies and a better understanding of the level of commitment that friends have toward each other. It establishes a framework for the future and sends a message to the American people about the future. It points us in a positive direction in hopes of relieving the economic pressure the overseas defense responsibility has created in our budget. It is the least we can ask from our allies and for the American taxpayer.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 962) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 963

(Purpose: Relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States)

Mr. LEVIN. Mr. President, on behalf of Senator DIXON and 17 cosponsors, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendnent.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DIXON for himself and Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. GLENN, Mr. GORE, Mr. GRAMM, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SHELBY, Mr. THURMOND, and Mr. WARNER, proposes an amendment numbered 963.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) The success of the Armed Forces of the United States in the prosecution of Operation Desert Storm is without parallel in the history of warfare.

(2) This success was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The Commander in Chief, United States Central Command, formulated a battle plan for Operation Desert Storm that relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with this plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of the allied coalition.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the defense-related industries of the United States, and the men and women who work for such industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that ensured victory by the United States and its international coalition allies in Operation Desert Storm;

(2) future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

In section 2(b), the table of contents, insert after the item relating to section 1124 the following new item:

Sec. 1125. Sense of Congress relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

Mr. LEVIN. Mr. President, the amendment would express the sense of the Congress that the U.S. defense industries and its employees should be commended for their contributions to Operation Desert Storm.

I understand this amendment has been cleared on the other side.

Mr. WARNER. That is correct. The Senator from Virginia is a cosponsor of this amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 963) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 964

(Purpose: To provide for the disposition of certain improvements and land in connection with base closures)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senators THURMOND, DIXON, COATS, and CRANSTON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND (for himself, Mr. DIXON, Mr. COATS, and Mr. CRANSTON), proposes an amendment numbered 964.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) GENERAL AUTHORITY.—Subject to subsection (b) and notwithstanding any other provision of law, on the date of the closure of a military installation pursuant to a base closure law the Secretary of the military department having jurisdiction over the installation—

(1) may convey to any credit union which conducts business in a facility located on such installation and constructed using funds of the credit union all right, title, and interest of the United States in and to that facility; and

(2) in the event of such conveyance, shall permit the credit union to purchase (for an amount determined by that Secretary) the land upon which that facility was constructed before offering such land for sale or other disposition to any other entity.

(b) LIMITATION.—The Secretary may not convey a facility to a credit union under subsection (a)(1) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(c) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Disposition of credit union facilities on military installations to be closed.

Mr. WARNER. Mr. President, Senators DIXON, CRANSTON, COATS, and THURMOND propose an amendment which would authorize the Secretary of the military departments to transfer title to credit union facilities on closing military bases. This provision would apply if the credit union had financed such facilities, and the continued presence of the credit union on the former base is consistent with the community reuse plan. In these cases, the credit unions would also have the right of first refusal to purchase the underlying land at a price determined by the Secretary involved.

This provision is cleared on both sides and I urge its adoption.

THE DISPOSITION OF CREDIT UNIONS DURING THE BASE CLOSURE PROCESS

Mr. THURMOND. Mr. President, the amendment that Senator DIXON, Senator CRANSTON, and I are proposing clarifies the disposition of credit union facilities of military bases which will be closed under the provisions of the Defense Base Closure and Realignment Act of 1990 and Public Law 100–526.

Mr. President, despite the efforts of the Congress to craft legislation which anticipates all contingencies, there are a few instances in which a small detail is overlooked. This legislation corrects one such issue which surfaced as the services begin closing military installations.

As many of my colleagues know, our military installations offer a wide variety of services to our service members and civilian employees. Among these services are the credit unions.

The majority of these credit unions lease office space on the bases. However, in several instances, such as Myrtle Beach Air Force Base and eight or nine other bases, the credit unions built a facility on the base in an effort to better serve its membership. Since these facilities were built on government land, the credit unions were required under Department of Defense Instruction 1000.10 to quitclaim title of the building to the appropriate branch of the military, and then lease the facility at no cost.

Now that we are closing military bases, credit unions, such as the Myrtle Beach Air Force Base Credit Union, are faced with an uncompensated loss of an asset worth, in most cases, between $400,000 and $500,000. Unlike other private enterprises, such as McDonalds and bank branches, which also built facilities on these bases, the nonprofit credit unions can not write off the loss of the facilities on their taxes.

Mr. President, many of these displaced credit unions intend to pursue community charters in order to continue to serve civilian personnel and retirees who remain in the area after the bases are closed. If the credit unions are forced to give up their facilities, as the Department of Defense interprets the law, they would not only lose the construction cost of the existing building, but would also be required to expend additional funds for a new facility.

Our amendment corrects this situation in an equitable manner. It has been coordinated with the Department of Defense and is consistent with its wishes.

Specifically, the amendment permits the Secretary of the military department having jurisdiction over the installation to convey to any credit union which constructed its own facility all rights, title, and interest of the United States in that facility. The amendment further provides that where the credit union is conveyed such a facility it shall have right of first refusal to purchase the land upon which the facility is built.

To ensure these actions are in the best interest of the local community, the amendment contains a limitation which precludes the transfer of the facility to the credit union if the service Secretary determines that the operation of a credit union at the former military base is inconsistent with the plan for the conversion of the military installation developed in coordination with the community in which the base is located.

Although the language in our amendment is permissive rather than mandatory, we expect the Department of Defense to be responsive to the requests of the credit unions impacted by this provision.

Mr. President, this amendment is a fair and equitable resolution to the problem facing these credit unions and its members. We urge its adoption.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is none, the question is on agreeing to the amendment.

The amendment (No. 964) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 965

(Purpose: To authorize the furnishing of assistance for the next Presidential inauguration)

Mr. LEVIN. Mr. President, on behalf of Senator FORD, I send to the desk an amendment sponsored by Senator FORD for himself and Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FORD (for himself and Mr. STEVENS) proposes an amendment numbered 965.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 16 and 17, insert the following new section:

SEC. 322. INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—During fiscal years 1991 and 1993, the Secretary of Defense may, as the Secretary determines to be appropriate and under such conditions as the Secretary may prescribe, lend materials or supplies and provide materials, supplies, or services of personnel to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721 et seq.) or to the joint committee described in section 9 of that Act.

(b) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

Mr. LEVIN. The amendment, Mr. President, authorizes the Department of Defense to provide assistance for the next Presidential inauguration. This is the same authority that we enacted prior to the January 1989 inaugural, and establishes a means of authorizing and controlling the types of assistance that traditionally has been provided by the Department of Defense for the inaugural.

Mr. WARNER. Mr. President, we support the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 965) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 966

(Purpose: To authorize foreign post differentials for certain Federal civilian employees who performed service in connection with Operation Desert Storm, and for other purposes)

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I now send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GLENN, proposes an amendment numbered 966.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 2(b) amend the table of contents by inserting after the item relating to section 626 the following new item:

Sec. 627. Extension of foreign post differentials to certain Federal employees who served in connection with Operation Desert Storm.

On page 147, insert between lines 12 and 13 the following new section:

SEC. 627. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM.

(a) AUTHORIZATION OF PAYMENT OF FOREIGN POST DIFFERENTIALS.—Civilian employees of the Department of Defense and the Department of State who served on temporary duty in connection with Operation Desert Storm during the Persian Gulf conflict for a period of more than 41 days in that area designated by the President in Executive Order 12744 as a combat zone are authorized payment of the foreign post differential established under section 5925(a) of title 5, United States Code. This section shall apply only with regard to service performed before the date of the enactment of this Act.

(b) DEFINITIONS.—For the purpose of this section the terms "Operation Desert Storm" and "Persian Gulf conflict" shall have the same meaning as such terms are defined under section 3(1) and (3) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note), respectively.

Mr. GLENN. Mr. President, the amendment I am offering today would amend the Department of Defense reauthorization bill, to authorize the retroactive payment of any foreign post differential [FPD] established under section 5925 of title 5, United States Code, to all U.S. civilian employees serving in Operation Desert Storm. This authority applies to individuals who have served and are serving on temporary duty beyond 42 days and is retroactive to the first day of arrival but not prior to August 1, 1990. Currently, there is no authority to make retroactive payments of overseas differentials and allowances. In both of the above situations, employees should be compensated for time served in the combat zone under wartime conditions.

On February 24, 1991, the State Department authorized foreign post differential payment from the first day the civilian entered those designated combat zones in the Arabian Peninsula if their time of duty was 42 days or more. However, the modification did not provide these civilians retroactive pay to August 2, 1990 because the General Accounting Office [GAO] determined that benefits and allowances could not be adjusted retroactively without specific legislation.

Our military received imminent/hostile fire pay retroactive to August 2, 1990 for their hard work in the gulf. But while our civilians supported and worked side by side with the military, they did not receive any additional compensation until February 24, 1991.

Retroactive payment of the foreign post differential to August 2, 1990 would eliminate this inequity. It is essential that our civilian employees receive equitable treatment when they performed the same great job as our soldiers.

The Department of Defense and Department of State support this amendment and want to pay their civilian employees expeditiously for a job well done. The two agencies also see retroactive payment as important for retention purposes. Foreign pay differential was created in the first place as an incentive for retention of personnel in locations where unusual hardship conditions exist. It is important that we promptly reward these civilian employees for their duties in the gulf so that we may improve our ability to retain civilians with the critical skills necessary to continue support to this and future operations.

Mr. President, I am not asking for appropriations of funding. I am asking for the statutory authority allowing the Department of Defense and Department of State to use their funds to pay these 2,747 and 75 civilian employees, respectively, for their excellent work.

I stand here today in the unique position of wearing two hats, as chairman of the Armed Services Manpower Subcommittee, and chairman of the Committee on Governmental Affairs. I would ask my colleagues from both committees to join me in support of this amendment.

Mr. LEVIN. Mr. President, this amendment would make the foreign post differential pay to civilian personnel in the Persian Gulf area of operation retroactive to August 2, 1990, which was the start of the Persian Gulf conflict.

The amendment would treat civilian personnel who served or are serving in the Persian Gulf on the same basis as military personnel whose Persian Gulf benefits were made retroactive to the start of the Persian Gulf conflict.

Mr. WARNER. We support the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 966) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 967

(Purpose: To require a comprehensive study of the military health-care system)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senators MCCAIN and GLENN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN (for himself and Mr. GLENN), proposes an amendment numbered 967.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. COMPREHENSIVE STUDY OF THE MILITARY HEALTH-CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system and shall, not later than December 15, 1992, submit to the congressional defense committees a report on the study.

(b) CONDUCT OF STUDY.—The Secretary shall include as part of the study the following:

(1) A survey of members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents in order to—

(A) determine their attitudes regarding—

(i) the quality and availability of health and dental care under the military medical care system; and

(ii) the premiums, fees, copayments, and other charges imposed under that system; and

(B) identify other major areas of concern to such persons regarding the military medical care system.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the results of experimental use of such alternative methods by the Department and the level of satisfaction of the persons who have received health or dental care pursuant to the experimental use of such alternative methods.

(c) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) With respect to the military medical care system, the following:

(A) The costs of the system during fiscal year 1992 and the projected costs of such system during each of the five fiscal years following such fiscal year.

(B) The Department's policies regarding the imposition of premiums, fees, copayments, and other charges under the system.

(C) Any plans of the Department to increase or reduce such premiums, fees, copayments, or other charges, stated by the category of the services for which the charge is imposed and by the status as a current member of the Armed Forces, dependent of a member, retired member or former member of the Armed Forces, or dependent of a retired member or former member.

(D) An evaluation (organized by armed force and by State and foreign country) of the availability of health and dental care to the members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents, including any deficiency in the availability of such care.

(E) A comparison (stated by armed force and by State and foreign country) of the availability of health and dental care in facilities of the uniformed services to dependents of members of the Armed Forces with the availability of such care to such dependents pursuant to contract plans, including the average delay in gaining access to such care.

(F) A comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans, stated in terms of cost per member of the Armed Forces and cost per family of such members.

(G) An evaluation of the quality and availability of preventive health and dental care.

(H) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(I) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents.

(J) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(K) An evaluation of the efficacy of the actions taken by the Department to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(L) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(M) Any other information that the Secretary determines appropriate.

(2) The results of the survey conducted pursuant to subsection (b)(1).

(3) With respect to the review conducted pursuant to subsection (b)(2), the following matters:

(A) The results of the review.

(B) A discussion of the existing methods available for providing health and dental care to retired members and former members of the Armed Forces and their dependents, including through Medicare risk contractors, as alternatives to the existing methods of providing health and dental care to such persons under the military medical care system.

(C) A description of any plans of the Department to use any alternative methods referred to in subparagraph (B) to ensure that suitable health and dental care is available to dependents of members of the Armed Forces (including dependents of retired members) and to retired former members of the Armed Forces and their dependents.

(D) A proposal for purchasing health care for persons referred to in subparagraph (C) through private sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(E) Any other information that the Secretary determines appropriate.

(d) DEFINITION.—In this section, the term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Comprehensive study of the military health-care system.

Mr. WARNER. Mr. President, this amendment requires the Secretary of Defense to conduct a comprehensive study, and to report on the military health care benefit. This amendment is timely because although active duty military strength will be reduced over the next few years, the number of military health care beneficiaries is projected to remain relatively stable. At the same time, planned base closures will reduce the number of military medical treatment facilities. A study like this would give us a long-term plan for dealing with this matter before it turns into a serious problem.

I understand the amendment has been cleared on both sides, and I urge adoption of the amendment.

Mr. President, seeing no further debate on the amendment, I ask for the vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 967) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 968

(Purpose: To authorize the extension of the CHAMPUS reform initiative)

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GLENN (for himself and Mr. MCCAIN) proposes an amendment numbered 968.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. AUTHORITY TO EXTEND CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract, with the same or a different contractor, and for such amount, as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Authority to extend CHAMPUS reform initiative.

Mr. LEVIN. Mr. President, the amendment would require that any future extension or expansion of the current CHAMPUS reform initiative contract for delivery of medical services in California and Hawaii be made on a competitive basis.

I understand the amendment is acceptable.

Mr. WARNER. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is none, the question is on agreeing to the amendment.

The amendment (No. 968) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 969

(Purpose: To amend the provisions of title 31, United States Code, to modify the process of bid protest in Government contracts, and for other purposes)

Mr. LEVIN. Mr. President, on behalf of myself and Senator COHEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. COHEN, and Mr. GLENN proposes an amendment numbered 969.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , insert between lines and the following new section:

SEC. . RECOMMENDATIONS OF COMPTROLLER GENERAL IN BID PROTESTS OF GOVERNMENT CONTRACTS.

(a) BID PROTESTS.—Section 3554 of title 31, United States Code is amended—

(1) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement of the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(2) in subsection (e)(1) by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not be applicable to any declarations made by the Comptroller General under section 3554(c) of title 31, United States Code, before the date of the enactment of this Act. All such declarations are valid and all monetary awards to which a party has been declared to be entitled by such declarations shall be paid promptly by the Federal agency concerned out of funds available to or for the use of the Federal agency for the procurement of property and services.

Mr. LEVIN. Mr. President, this amendment would modify the bid protest cost award provisions of the Competition in Contracting Act to remove constitutional concerns that have been raised about the provision in light of the Supreme Court decision in Bowsher versus Synar.

Under the amendment, the Comptroller General's decision on protest costs would be changed from an "award" to a "recommendation."

Mr. President, this amendment would modify one section of the bid protest provisions in the Competition in Contracting Act [CICA] to bring it in line with the rest of the act and remove constitutional concerns that have been raised about the section in light of the Supreme Court's decision in Bosher versus Synar.

In CICA, Congress established a bid protest procedure to protect the integrity of the Government procurement process. The central feature of the bid protest procedure is a carefully circumscribed role for the Comptroller General in receiving bid protests and in issuing recommendations, but not binding orders, to Government agencies on remedies to redress unlawful procurement actions.

Under CICA, an agency is required to suspend a procurement upon the filing of a bid protest and, absent urgent circumstances which significantly affect the interests of the United States, continue the suspension until the Comptroller General issues a recommendation. In addition, if the Comptroller General determines that a Government procurement action does not comply with law, the Comptroller General may award costs, including attorneys' fees and bid or proposal costs, to be paid to an aggrieved bid protester by the procuring agency.

The executive branch unsuccessfully challenged the constitutionality of the Comptroller General's authority to suspend a procurement action. Two U.S. courts of appeals, for the third and ninth circuits, upheld the constitutionality of CICA's suspension or "stay" requirement. In one of those cases, Ameron versus U.S. Army Corps of Engineers, the Solicitor General applied for and obtained a writ of certiorari to review the case in the Supreme Court, focusing on the provision of CICA giving the Comptroller General the authority to extend the initial suspension beyond the statutory 90-day period.

While the case was pending in the Court in 1988, Congress amended CICA by removing the Comptroller General's power to extend the time for issuing recommendations on protests beyond the 90-day period. On the basis of the amendment, which assured that procurement stays would not last beyond 90 working days, the Solicitor General moved to dismiss the writ of certiorari, which the Court did in October 1988.

Last month, after several years of successful and, as far as the Congress has been advised, noncontentious operation under the law, the Attorney General notified the Congress that he had concluded that the provision of CICA empowering the Comptroller General to award costs was unconstitutional and that the Department of Justice intended to seek a prompt judicial resolution of the issue. Within a week of this notification to the Congress, the Department of Justice brought a novel action in the U.S. District Court for the District of Columbia against two companies that had been awarded fees by the Comptroller General following their successful challenges to the lawfulness of a Department of Commerce procurement. The action seeks a declaratory judgment that the fee provision of CICA is unconstitutional and that the Commerce Department is under no legal duty to pay the awards.

It is not certain that the constitutional question will be resolved in this case. One of the companies has asked the district court to dismiss the complaint on the ground that Government acquisition regulations, adopted in 1985 and in effect as of the time of the awards and of the filing of the motion, independently commit the Government to pay costs awarded by the Comptroller General. In substance, the company is making the point that, whatever may be the executive's interest in ending its compliance with the CICA, it cannot change the rules in midstream for bidders who have legitimately depended on the Government's faithfulness to its own regulations.

The decision of the Department of Justice to initiate a court challenge to the constitutionality of an act of Congress has been the subject of critical commentary in the House. We share the concern that the executive branch has failed to pursue a solution within the political process and instead has filed a questionable action in the courts. Notwithstanding the Senate's willingness to find a legislative resolution for this issue, as demonstrated by our previous effort to amend the provision at issue in 1988, we have heard no expression of interest by officials of the executive branch in the 3 years since then, that we renew our effort to amend the law. Nevertheless, amending the law is warranted now, as it was when the Senate passed the same amendment in 1988, to assure stability in the system created by Congress to promote lawfulness in the Government procurement process.

The first part of the amendment would extend to CICA's fee award provision the same premise underlying the bid protest provision; namely, that the Comptroller General's expertise should be brought to bear through recommendations to agencies and that the accountability of agencies should be promoted through reporting, including to the Congress. Thus, the amendment would provide that if the Comptroller General determines that a protested procurement violated a law or regulation, that the Comptroller General may recommend that the agency reimburse the protester's costs, including reasonable attorneys' fees. The agency would be required to report to the Comptroller General if it has not fully complied with a recommendation for the payment of costs and fees, and the Comptroller General would report annually to the Congress on each instance in which an agency did not implement fully the recommendation.

The second section of the amendment would make sure that this statutory change is prospective only, and would prevent the unfair treatment of bid protesters who have properly relied on the present statute and the executive branch regulations for their implementation. Specifically, the amendment would validate all fee awards by the Comptroller General prior to the date of the enactment of this Defense Appropriation Act, and mandate their prompt payment by agencies. Bidders who have relied upon the statute and regulations should not be required to bear the burden of any differences between the executive and legislative branches, either over the authority that may be vested in the Comptroller General or over the method by which the two branches should resolve this matter.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 969) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 970

(Purpose: To express the findings and sense of Congress regarding the strategic framework and distribution of responsibilities for the security of Asia and the Pacific and to require the President to submit to Congress a report on the strategic posture and military force structure of the United States in Asia and the Pacific)

Mr. WARNER. Mr. President, on behalf of the Senator from Arizona [Mr. McCAIN] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, proposes an amendment numbered 970.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base pre-positioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of importance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—(1) Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(2) The report shall specifically include the following matters:

(A) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to (i) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific, and (ii) such regional conflicts as the struggle in Cambodia.

(B) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(C) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(D) Identification of (i) any changes in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the cost of maintaining such forces, and (ii) changes in contingency and reserve armed forces in the United States and other areas.

(E) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(F) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(G) A discussion of the need for expanding the United States access to facilites in Singapore and other states in East Asia that are friendly to the United States.

(H) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(I) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(J) Changes in bilateral command arrangements that would facilitate a transfer of military missions and command to allies of the United States in East Asia.

(K) A discussion of the changes in (i) the flow of arms and military technology between the United States and its friends and allies, (ii) the balance of trade in arms and technology, and (iii) the dependence and interdependence between the United States and its friends and allies in military technology.

Mr. WARNER. Mr. President, the amendment would express the sense of Congress regarding the importance of United States forward basing and increased support from Japan and South Korea for the region's security. It would also require a report from the administration on U.S. strategic posture and force structure in Asia and the Pacific.

It is my understanding that this amendment has been cleared on both sides. I urge its adoption.

STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC

Mr. McCAIN. Mr. President, the amendment that I am presenting requires an annual report on our security posture in Asia, and on the efforts of the administration to reduce our forces to the minimum level required to ensure regional stability and the security of our allies. It would also assess the progress our allies are making in sharing the burden of regional defense. Such an assessment is absolutely essential to the continuing restructuring of the U.S. military in a changing world.

Over the past 2 years we have found that similar reporting has been extremely useful in publicizing the need for added burdensharing, and in helping the administration make it clear to our wealthier allies that they must pay their fair share of the cost of the common defense. Equally important, it has helped us negotiate limited cuts in our forces, and to develop a clear strategy for our presence in Asia.

The proposed amendment would consolidate existing reporting, and alter it in several areas to cover points raised by the Department of Defense.

Mr. President, the amendment I am presenting has been agreed to by both sides and has been coordinated with the Office of the Secretary of Defense. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 970) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 971

(Purpose: To provide procurement flexibility for small purchases made in connection with contingency operations)

Mr. LEVIN. Mr. President, I send to the desk an amendment sponsored by Senator BINGAMAN, for himself and Senator COATS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN (for himself and Mr. COATS) proposes an amendment numbered 971.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation the term means $100,000".

Mr. LEVIN. Mr. President, this amendment would allow the Department of Defense to use simplified procurement procedures for contracts to be awarded and performed outside the United States in support of military contingency operations that may arise in the future.

It is my understanding that this amendment has been cleared.

Mr. WARNER. Mr. President, this amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 971) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 972

(Purpose: To amend chapter 67 of title 18, United States Code, to protect keys, keyblanks, or keyways used in security applications by the Department of Defense)

Mr. LEVIN. Mr. President, I now send to the desk an amendment sponsored by Sentor NUNN and Senator WARNER. It would provide the Department of Defense with the same statutory authority as is now provided to the Postal Service to prevent unauthorized duplication of keys used by the Department of Defense for certain security purposes. This provision was requested by the administration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN (for himself and Mr. WARNER) proposes an amendment numbered 972.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Departments of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition of explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment."

(b) AMENDMENT TO THE CHAPTER ANALYSIS.—The chapter analysis for chapter 67 of title 18, United States Code, is amended by adding after the item referring to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 972) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 973

(Purpose: To provide for the transfer of funds to the Air National Guard for procurement of modular control equipment)

Mr. LEVIN. Mr. President, on behalf of Senator WIRTH and Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. WIRTH (for himself and Mr. MCCAIN), proposes an amendment numbered 973.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 15, line 2, strike out "$10,374,839,000" and insert in lieu thereof "$10,324,839,000".

On page 16, line 4, strike out "$309,800,000" and insert in lieu thereof "$359,800,000".

Mr. LEVIN. Mr. President, this amendment would provide $50 million for the Air National Guard to procure modular control equipment. This equipment is designed to replace obsolete command and control equipment in the Air National Guard. I believe it has been cleared.

Mr. WIRTH. Mr. President, I am offering an amendment to add $50 million for procurement for the Air National Guard to buy modular control equipment.

Mr. President, for the past five years the Air Force and the Marine Corps have been buying new modularized, automated command and control equipment for forward deployed fighter squadrons. This equipment, called modular control equipment, was developed to replace obsolete command and control equipment being operated by the Air Force and the Marine Corps. Modular control equipment supports the full range of command and control requirements, including receiving and correlating surveillance information, identifying, tracking and classifying hostile aircraft and communicating tasking assignments to friendly forces.

The Air Force and the Marine Corps jointly developed this new modern command and control system. The Air Force has procured the systems it needs to update its tactical control squadrons, and was supposed to now buy equipment to modernize tactical control squadrons in the Air National Guard. Unfortunately, the Air Force decided to terminate further procurement of the equipment, forcing 22 tactical control squadrons in the Air National Guard to continue to operate 1960s-vintage command and control systems. Over half of the Air National Guard tactical control squadrons will not be modernized.

Mr. President, we are entering a new phase of our national security that will place greater reliance on Guard and Reserve forces. The Air National Guard and the Air Force Reserve are among the most effective of the reserve components. They will be equipped with modern fighters and missiles. It makes no sense to strand them with technologically obsolete command and control systems. We must modernize these units.

This amendment does not increase the spending totals of the bill because my amendment eliminates $50 million from Air Force procurement. The committee voted to terminate procurement of the F-16 fighter, but the committee did not cut out all of the spare parts funds that were tied to the last 48 aircraft that were eliminated. Therefore, this $50 million is not needed to buy those spare parts and is available for the MCE.

I believe this amendment has been coordinated with both sides and is acceptable and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 973) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 974

(Purpose: To make a technical correction to the partnership intermediary provision of the Stevenson-Wydler Technology Innovation Act of 1980)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN proposes an amendment numbered 974.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

Mr. BINGAMAN. Mr. President, this amendment clarifies a provision in last year's Defense authorization bill.

Section 827(a) of last year's defense bill created a new section 21 of the Stevenson-Wydler Technology Innovation Act of 1980. The new section gave Federal laboratories, subject to the approval of the relevant department Secretary, the authority to enter into contracts with certain government or nonprofit entities which serve as intermediaries for tech transfer between the labs and small businesses.

Specifically, the language gave this authority to the director of each laboratory, "or in the case of a federally funded research and development center, the Federal employee who is the contract officer." Section 4(6) of the Stevenson-Wydler Act defines a "Federal laboratory" to include both laboratories federally funded research and development centers [FFRDC's]. So the intent of the language in the new section 21 was to provide a signatory for an FFRDC which did not have a "laboratory director" at its head.

Unfortunately, some lawyers are interpreting the language of section 21 to mean that where a Federal laboratory is both a bona fide laboratory and also an FFRDC, the Government contracting officer and not the laboratory's director must enter into the agreement. So according to this interpretation, Bruce Twining, the contract officer with DOE in Albuquerque, and not Sig Hecker, the director of Los Alamos National Laboratory, must enter into an agreement with a New Mexico small business development center [SBDC] even though the SBDC will execute the contract, working daily not with the DOE field office but with the laboratory.

This result makes no sense. Section 12 of the Stevenson-Wydler Act gives all laboratory directors, whether the labs are also FFRDC's or not the power to enter cooperative research and development agreements [CRADA's] directly with businesses. But this strange interpretation of section 827(a) would say that the same laboratory director could not enter into an agreement with an intermediary whose purpose would be help to get the lab and that same business into negotiations regarding a possible CRADA.

Those individuals familiar with the legislative history of section 827(a)—the new section 21 of the Stevenson-Wydler Act—know of no discussion of this issue during the congressional deliberations leading to its enactment. They also know of no policy reason why such a distinction should exist. No matter who executes the agreement, and in all events, the Secretary of the department must give his prior approval to the contract. This new interpretation only inserts a third party right into the middle of both the negotiations and implementation of the contract between the intermediary, slowing and complicating the process.

Therefore, the proposed amendment clarifies the language to avoid such an anomalous interpretation. It simply says that when an entity which meets the more specific definition of a laboratory in section 12(d)(2) of the act, laboratory's director can enter into an agreement with an intermediary, even though the laboratory also happens to be an FFRDC.

Mr. President, I believe the amendment has been cleared on both sides, and I urge its adoption.

Mr. LEVIN. Mr. President, this amendment authorizes a technical correction to the partnership intermediary provision of the Stevenson-Wydler Technology Innovation Act of 1980. The amendment would provide clarification to assure that in those instances where a federally funded research and development center is also a laboratory, that the laboratory director be authorized to enter into technology transfer agreements from the laboratory to small businesses. The current situation is unclear as to whether the laboratory director or the Department of Energy contracting officer is the designated individual to enter into those agreements in these situations. This amendment seeks to clarify the intent of Congress on that point.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 974) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 975

(Purpose: To correct and clarify certain provisions of law relating to the pilot Mentor-Protege Program)

Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Senator NUNN for himself and Senator WARNER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN, for himself and Mr. WARNER, proposes an amendment numbered 975.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. CORRECTION AND CLARIFICATION RELATING TO PILOT MENTOR-PROTEGE PROGRAM.

(a) CORRECTION TO SECTION HEADING.—The section heading of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607; 10 U.S.C. 3201 note) is amended to read as follows:

"SEC. 831. PILOT MENTOR-PROTEGE PROGRAM".

(b) REGULATIONS.—Section 831(k) of such Act (104 Stat. 1611) is amended—

(1) in the first sentence, by inserting before the period the following: "and the Department of Defense policy regarding such program (dated July 30, 1991, or any successor policy) in the Department of Defense Supplement to the Federal Acquisition Regulation"; and

(2) by inserting "and policy" after "regulations" each place it appears in the second, third, and fourth sentences.

In section 2(b), amend the table of sections by inserting after the item relating to section 834 the following new item:

Sec. 835. Correction and clarification relating to the pilot Mentor-Protege Program.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to publish in the Defense Federal Acquisition Regulation the policy guidance and regulations that implement the Mentor-Protege Program. It is my understanding that it has been cleared on both sides.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 975) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 976

(Purpose: To require the Secretary of Defense to study the advisability of the construction of tornado shelters at military installations located in areas that are prone to tornadoes)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Kansas, Mr. DOLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, (for himself, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. BOREN), proposes an amendment numbered 966.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 394, between lines 3 and 4, insert the following new section:

SEC. 2836. STUDY OF CONSTRUCTION OF TORNADO SHELTERS AT INSTALLATIONS LOCATED IN AREAS THAT ARE PRONE TO TORNADOES.

Not later than April 15, 1992, the Secretary of Defense shall study the advisability of constructing tornado shelters at military installations that are located in areas prone to tornadoes and submit to the congressional defense committees a report on the results of the study. If the Secretary determines that such construction is advisable, the report shall contain the Secretary's proposed schedule for the construction of such shelters.

In section 2(b), amend the table of contents by inserting after the item relating to section 2835 the following new item:

Sec. 2836. Study of construction of tornado shelters at installations located in areas that are prone to tornadoes.

Mr. WARNER. Mr. President, this amendment would direct the Secretary of Defense to provide the Defense Committees no later than April 15, 1992, a study concerning the advisability of constructing tornado shelters at military installations which are prone to experiencing tornadoes. This amendment results from the destruction of a substantial portion of McConnell Air Force Base, Kansas, earlier this year, when military personnel and their families were trapped in facilities which had been constructed without basements. This study will determine whether common use shelters are appropriate, and if so provide a schedule for their construction.

Mr. DOLE. Mr. President, 3 months ago, on April 26, a devastating tornado with winds approaching 300-miles per hour ripped across Kansas. As many of you saw in the dramatic news tape of this awesome twister, homes, and businesses were destroyed and tragically, lives were lost. After touring the tornado area, I called President Bush to tell him how serious the damage was, and I was grateful for his response: The President quickly declared a state of emergency and Federal officials were on their way to assist in the rebuilding effort.

The tornado's path also went directly through Wichita's McConnell Air Force Base, causing more than $70 million in damage. The hospital, gym, and recreation center were total losses. In addition, more than 100 units of family housing were destroyed. Yet, despite this devastation—which occurred around 6 o'clock in the evening when many military families were at home—not a single life was lost. Was that because the occupants took refuge in their basements or in special tornado shelters? No. It was sheer luck. These houses don't have basements, nor does this housing complex even have a tornado shelter. When the tornado sirens went off, the people who live there sought shelter in the small closets under the stairs, or wherever else they could. And, miraculously, these people escaped harm.

Mr. President, this time we were lucky. Real lucky. But, we can't afford to take that chance the next time a tornado strikes. We need to make certain that our military installations are safe to work at and live on. That is why I am offering this amendment today, requiring the Secretary of Defense to assess the need for tornado shelters at military installations in tornado-prone States.

I don't know if McConnell Air Force Base is the only installation without adequate protection against tornadoes for its civilian employees, military personnel and their dependents. What I do know, is that McConnell could have been a tragedy.

This amendment simply requires that the Secretary of Defense assess the need for tornado shelters at military installations in tornado-prone States, and report this information to the Congress by April 15 of next year. In addition, the amendment requires an outline of his plans to build such shelters where he determines them to be necessary.

Mr. President, we know that McConnell Air Force Base needs such shelters, but this amendment will ensure that other installations with such a requirement will not be overlooked. This amendment will also ensure that we have a plan from the Secretary of Defense to address this need for tornado shelters on military installations, wherever they are located. I urge my colleagues to support this amendment.

Congress can't control where tornadoes go, but we can provide safe shelter for our military personnel and their families.

Mr. WARNER. Mr. President, I understand the amendment has been cleared on both sides.

Mr. LEVIN. Mr. President, we have no objection to the amendment. It is a good amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 976) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 977

(Purpose: To make technical corrections)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN (for himself and Mr. WARNER) proposes an amendment numbered 977.

Mr. LEVIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 8, strike out "$7,929,482,00" and insert in lieu thereof "$7,939,282,000".

On page 18, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the ".

On page 21, line 14, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 31, beginning on line 12, strike out "for fiscal year 1992".

On page 45, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 49, line 19, after "many" insert ", to the extent provided in appropriations Acts,".

On page 53, line 12, strike out "1991" and insert in lieu thereof "1990".

On page 120, strike out lines 6 through 8, and insert in lieu thereof "with respect to members of the uniformed services who are not entitled to receive the basic allowance for quarters under such section on the day before that date.".

On page 440, beginning on line 17, strike out "the availability of appropriations for the fiscal year for that purpose" and insert in lieu thereof "appropriations being provided specifically for the fiscal year and specifically for that procurement in advance of the obligation of funds for that fiscal year for that procurement".

On page 448, strike out lines 19 though 22 and insert in lieu thereof the following:

SEC. 3136. WORKED PROTECTION AT NUCLEAR WEAPONS FACILITIES.

On page 449, beginning on line 2, strike out "whose duties are" and all that follows through "similar emergencies" and insert in lieu thereof "who are or may engaged in hazardous substance response or emergency response".

On page 449, beginning on line 15, strike out "response to hazardous substance releases or similar emergencies" and insert in lieu thereof "hazardous substance response or emergency response".

On page 450, beginning on line 8, strike out "to respond to hazardous substance releases or other similar emergencies" and insert in lieu thereof "who are engaged in hazardous substance response or emergency response".

On page 450, beginning on line 12, strike out "to respond to such releases or other emergencies" and insert in lieu thereof "to carry out such hazardous substance response".

On page 450, line 25, insert "and mixed radioactive and hazardous waste" before the period.

On page 452, line 9, strike out "(g)" and insert in lieu thereof "(h)".

On page 453, line 17, insert before the period the following: ", and under subsection (c) of section 2518 of such title (as added by section 803 of this Act) in the case of the establishment of advanced manufacturing partnerships under that section".

On page 453, line 23, strike out "four" and insert in lieu thereof "two".

On page 454, line 13, strike out "(g)" and insert in lieu thereof "(h)".

In section 2(b), amend the table of contents by striking out the item relating to section 3136 and inserting in lieu thereof the following:

Sec. 3136. Worker protection at nuclear weapons facilities.

On page 70, strike out line 4 and all that follows through page 72, line 3, and insert in lieu thereof the following:

States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement contract for a response action under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(i) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of a contract for a response action under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statues of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before October 1, 1991, or after December 31, 1992.".

On page 416, line 25, strike out "appropriated" and insert in lieu thereof "authorized to be appropriated".

On page 443, between lines 14 and 15, insert the following:

"(f) LIMITATION.—Funds appropriated pursuant to this or any other act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided for such contracts in advance in an appropriation act, and

(2) if such contract contains the following provisions:

(A) a statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that contract;

(B) a commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year; and

(C) a statement that such a commitment given under the authority of this section does not constitute an obligation of the United States."

Mr. LEVIN. Mr. President, during review of the bill since it was reported on July 19, a number of items have been noted in which technical or conforming changes were required. This amendment would make those changes. None of the items would result in a substantive change in the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not the question is on agreeing to the amendment.

The amendment (No. 977) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MILITARY HOUSING NEEDS

Mr. INOUYE. Mr. President, I would like to engage the distinguished senior Senator from Georgia in a colloquy at this time.

Mr. President, I rise at this time to discuss the grave situation facing military families stationed on the Island of Oahu, HI. The number of Government-owned quarters falls far short of the required housing needs.

At present, families are placed on waiting lists and moved into units as soon as they become available. The long waiting time, ranging from 12 to 24 months, forces the military families to seek housing in the local economy. Unfortunately, there is also a severe shortage of adequate, affordable housing units in the local economy. The State of Hawaii has projected the deficit for the civilian sector alone will exceed 40,000 units within the next 5 years.

The island of Oahu has experienced continuing escalation of rental rates, making much of the rental housing beyond the affordable limit of military personnel. To be able to rent quarters, families must expend 40 to 55 percent of their total monthly household income. As a result, many simply cannot afford to live without additional assistance. You may be shocked to learn, as I was, that the most numerous user-group of food stamps on Oahu is comprised of the families of junior enlisted personnel.

The lack of affordable housing to accommodate the force levels supporting CINCPAC seriously undermines our military services' abilities to perform their mission. The rising cost of rentals, exorbitant costs to purchase homes in the private sector, and the competition with the local populace causes financial hardships, family stress, and for many of our enlisted personnel, an inability to cope and plan for a stable living environment. The results affect the quality of life of our military families, service member retention, and the mission effectiveness and capabilities of the forces supporting the Commander in Chief, Pacific.

I know that my esteemed colleague from Georgia will agree that these factors make the case for additional military housing in Hawaii unique and compelling. We do an injustice to our service men and women, if we continue to authorize and fund inadequate numbers of family housing units.

Mr. NUNN. I agree with the distinguished Senator from Hawaii. We must place a greater priority on addressing the housing and associated quality-of-life issues facing military personnel in Oahu.

I am aware that the Department of Defense has been pursuing a variety of initiatives to provide safe, affordable housing for its personnel around the world. This initiative has been the most challenging in high-cost urban areas where the commercial market has been unwilling or unable to provide affordable housing for military families. Nowhere is this problem more acute than in Oahu, HI. A recent segmented housing market analysis concluded that, using a guideline of the military family housing allowances plus 15 percent out-of-pocket expense, there was a programming deficit of over 6,000 family housing units on the island for personnel of all the military services.

I believe that, as a matter of priority, the Department of Defense needs to develop a multiyear plan to address the housing shortfall on the Island of Oahu.

Mr. INOUYE. I note that the committee language directs the Department to program substantial increments of additional family housing on Oahu. Is it the committee's intention to resolve the longstanding family housing problem on Oahu?

Mr. NUNN. Yes, that is the intention. The committee believes that substantial progress must be made in reducing the deficit of affordable housing on Oahu through a combination of military construction and third-party financing initiatives. In order to give effect to this intention, I expect the Department to submit a multiyear housing development plan for Oahu, HI, with its amended fiscal year 1993 budget submission. I expect that the Department's amended fiscal year 1993 budget request will include a significant increment of construction to substantially reduce this deficit, consistent with its ability to develop cost-effective site improvement and construction plans. It would be my intention to use this multiyear plan as the basis for recommending annual authorizations for appropriation of construction of family housing and associated facilities on Oahu.

Mr. INOUYE. I thank the Senator.

NAVY TACAMO AIRCRAFT BASING

Mr. BOREN. I thank my good friends from Georgia and Nebraska for their excellent leadership in the Armed Services Committee. I rely on your guidance in defense issues and I also know that you are very helpful in resolving problems.

Oklahoma is proudly awaiting the arrival of the Navy's E-6 take charge and move out [TACAMO] aircraft fleet in 1992. About $75 million of military construction is nearing completion at Tinker Air Force Base on about 50 of the 80 acres of land available to the Navy.

The collocation of the E-6 with the Air Force AWACS, which have a high degree of commonality, and combining E-6 basing with training, operations, and maintenance is a significant step forward, I believe, toward sensible joint efforts by the services.

I commend the Armed Services Committee for recognizing that changes in the threat and TACAMO's high-power communications transmitter make it possible for the E-6 aircraft to assume an important additional mission. In addition to providing survivable, assured communications to our strategic submarines, the E-6 Fleet also can serve as the mid-CONUS link between the Strategic Air Command and its operating forces. This will allow the retirement of up to 27 of the 39 aging EC-135's used for command-and-control of theater and strategic nuclear forces. It is my understanding that the Navy and the Air Force are already studying how to accomplish this new tasking and the AWACS alert facility at Tinker could support the Navy's needs.

While I support this additional mission, my concern is in clarifying the report language in the authorization bill about another study of the basing of the E-6 Fleet.

I believe the committee's report language could be construed in ways that the committee did not intend. The committee's report carries great weight within the Department of Defense. For this reason, I think it is important to be clear that the committee never intended that the TACAMO mission be moved from Tinker.

Mr. EXON. I am pleased to respond to my good friend from Oklahoma.

Based on the committee's direction to the Department of Defense to add a new mission to the Navy's E-6 Fleet—namely, supporting the CINCSAC's airborne command control operations—it seems reasonable that these TACAMO planes would periodically perform operational-alert duty at SAC headquarters in the same manner as the alert aircraft will be forward-deployed on each coast in support of strategic submarine communications.

The committee was not aware when it prepared the bill that DOD has already been studying this basing question. In light of this information, the investment in facilities at Tinker, and the proximity of Tinker to SAC headquarters, Tinker is the logical choice for the home base of the E-6 Fleet.

Mr. NUNN. I, too, thank Senator BOREN for bringing this information to our attention. I want to focus first on the cost savings that will be made possible by this new mission for the TACAMO Fleet. It will be possible to retire up to 27 of the fleet of aging EC-135's. It will reduce military construction and support requirements for the EC-135's since they are being retired. Since there is a reduction in the TACAMO SSBN communications mission, this change will make solid use of the fleet of 16 TACAMO airplanes.

The new mission we have assigned to the E-6 aircraft may require some presence at Offutt Air Force Base to support CINCSAC, at least when the AWACS facility at Tinker is being used to support AWACS alert operations.

For all the reasons and facts cited by Senator BOREN and Senator EXON, I fully expect the E-6 Fleet, its crews, their families, their training, and the aircraft's operation and maintenance to remain at Tinker. Tinker has already made a substantial investment for this purpose.

I hope this clarifies the intentions and expectations of the Armed Services Committee.

Mr. MACK. Mr. President, we bring the Defense authorization to the floor today after a long and spirited debate within the Armed Services Committee. As one of the committee's newest members, I was taken with the range of issues we were asked to consider, with the vital importance of these matters to the future of our country and of our children, and with the intensity and consideration they were given. In the end, I was by no means entirely satisfied with our final products. Not only are some vital programs cut or underfunded, the overall level of defense spending agreed to puts us on a path that may well lead to a less effective American military.

An excellent example of what I am talking about is the architecture we have come up with for strategic defense. The need for a viable defense against ballistic missiles is undeniable. Millions of Americans watched this winter as Patriot missiles rocketed into the night skies over Israel and Saudi Arabia to knock down incoming Iraqi Scud missiles. I do not think there is anything radical in the notion that we must guarantee the citizens of our own country in their homes the same kind of protection we were able to provide Israelis, Saudis, and our fighting men and women in the gulf during Desert Storm. That is right. The United States currently possesses no defense againsst any kind of ballistic missile fired against us—including Scuds.

Who may launch these deadly missiles? The answer to that question is a lot more complicated than it was even a decade ago. In years past, the Soviet Union, and to a lesser degree, China, were the only enemies of the United States with long-ranmge ballistic missile capability. We could rely on complicated balances in nuclear missiles to deter either side from attack. Unfortunately, the number of countries which pose a threat to our security is growing at an alarming rate.

CIA Director, William Webster, estimates that in the next 10 years 15 to 20 developing countries will have ballistic missiles with ranges up to 3,300 miles. Many of these nations are working hard to develop chemical, biologicial, and even nuclear warheads for their missiles. Why are they doing this? If we had solid answers to that question, we might be able to effectively deter both this proliferation and their possible use. But these new members of the ballistic missile club have a different agenda than the traditional cold war adversaries.

The war in the Persian Gulf clearly demonstrated that a weaker aggressor will not necessarily be deterred from using its ballistic missiles against a stronger, nuclear-armed enemy. Saddam Hussein launched his terrorist Scud attacks against Israeli population centers, knowing that coalition forces would continue to hit his country hard in return. Remember, also that after the 1986 American air raid on Libya, Mu'ammar Qadhafi said that if he had a ballistic missile capable of reaching the United States he would have used it. Can anyone today seriously argue that there will be no future Saddam or Qadhafi who will both want to attack America with ballistic missiles, and have the capability to do so?

This is not to say that the threat from our traditional enemies is fully passed. Even as Eastern Europe finds itself poised on the brink of a new world order, one in which democracy and market economies are the goal, the Soviet Union is locked in mortal combat with itself. The Baltic States, southern Republics, and even Russia itself are pressing their legitimate claims for independence. The iron fist which rules the Soviet empire also controlled the ICBM's. As centralized control of the U.S.S.R. becomes ever more tenuous, wisdom demands that we prepare, as best as we can, for challenges to the control of those missiles.

The need for an effective strategic defense for the United States is crystal clear. I welcome the action of the Armed Services Committee in deciding to finally deploy America's first ballistic missile defense. I am gravely concerned, however, that no commitment was made to deploy space-based interceptors. These will be the only way to provide the entire United States with protection against large-scale ballistic missile attacks, and will provide the first step along the path to making these terrible weapons practically obsolete. I am pleased that the committee saw fit to fund a robust R&D program for Brilliant Pebbles, but look forward to making this dream a reality.

The final piece in this strategic puzzle is the recognition that blindly continuing with the ABM Treaty is no longer in the best interest of the United States. We must renegotiate it, or exercise our right under its terms to unilaterally withdraw. I am puzzled and concerned by the words of those who seem to hold compliance with the existing treaty as the primary goal of our national defense. Certainly, the Soviets can see the handwriting on the wall as clearly as we can. An initial defensive system to protect us against limited strikes is hardly a challenge to what some call the strategic stability which now exists between us. Developing nations not bound by the existing treaties between the nuclear superpowers offer a serious new challenge to growth. The only effect such an American defense will have on the Soviet Union is knocking down missiles launched against us in error, or by a madman acting outside the Soviet chain of command. It is inconceivable that either side would begrudge the other such protection. The only interest of the United States in any arms control negotiation is expressly what is best for us. The existing ABM Treaty is no longer in our best interest. It is time to move on.

Some have argued that antiballistic missile systems will not and cannot work, and that they are too expensive for today's limited resources. The answer to the first objection is that these systems do work. Just look at the Patriot missile doing the impossible in the Persian Gulf: hitting a bullet with a bullet. This is just a taste of what is to come. The answer to the second objection, that they cost too much, depends on the currency you are using: Dollars or American lives. There is no more central responsibility of any government than to provide for the common defense. Our people are at risk, and we must do whatever it takes to defend them.

I am interested, though, by the comments of those who don't think our technology is up to the challenge. They call strategic defense Star Wars and a fool's dream. This is nothing new. For years, opponents of our Nation's Armed Forces have hammered away at what they call the gross waste of money on unworkable systems. However, let us consider, for a moment, the recent performance of many of these same systems in the Persian Gulf, and the criticisms that were leveled at them while they were being developed.

On January 21, 1983, the New York Times ran an article on the effectiveness of high-technology systems in general. Their arguments:

> Many are not effective, their high technology procures advantages that look impressive on paper, but are only marginally useful in battle * * * simple weapons perform better than complex systems * * * fighter aircraft [are becoming] too delicate for battle and equipped with missiles too expensive to test * * * the other problem with complex weapons is that they cost more, so that fewer can be bought, and they break down more often, so that fewer still are available at any time for combat.

This is utter nonsense. The United States won an overwhelming victory in Desert Storm precisely because we had better weapons and better people than our enemy. Saddam was ready to fight again his previous war against Iran, while we were ready to fight the highest technology war ever waged. Our losses, while tragic, were few, and the conflict was ended quickly.

THE TOMAHAWK CRUISE MISSILE

In 1984, congressional opponents proposed an amendment to block deployment of nuclear-armed Tomahawks because it supposedly would hinder arms control with the Soviet Union. Such a move would have seriously hurt the conventional Tomahawk arsenal as well, and could very well have killed the program outright. However, in Desert Storm the Tomahawk proved highly successful against high-value targets in high-threat areas including command and control headquarters, power-generating facilities, and strategic infrastructure. Tomahawks helped reduce the allied casualty rate and permitted coalition aircraft to be used for other important missions. Furthermore, the failure rate of Tomahawks in the gulf was less than the Navy had experienced in testing.

THE BRADLEY FIGHTING VEHICLE

In 1983, congressional opponents wanted to cancel the program, saying it was insufficiently armored to serve as a fighting vehicle, and that its gun was too small to fight tanks and too large to fight infantry. However, in Desert Storm the Bradley killed a still-to-be-determined number of Iraqi tanks. Of the 2,200 Bradleys that were deployed in theater, only 3 were disabled. Readiness rates for Bradleys remained above 90 percent throughout the conflict.

THE APACHE AH-64 HELICOPTER

In 1983, congressional opponents said that because of fragility and lack of maneuverability, the program should be terminated. Others claimed that the Apache was unnecessary because it duplicated Air Force close air support aircraft. However, in Desert Storm the Apache conducted the very first strikes of the war, destroying early warning sites and paving a corridor for subsequent airstrikes.

ATACMS

In 1990, opponents, including the House Armed Services Committee, said the program should be terminated because the withdrawal of significant portions of Soviet armored forces from Europe would eliminate the need for a system capable of striking large concentrations of armored vehicles. However, in Desert Storm, ATACMS destroyed or rendered inoperable all of its targets including SAM sites, logistics sites, Scud positions, howitzer and rocket batteries. ATACMS was viewed as a precious asset by the troops who used it.

JSTARS

In 1983, opponents in Congress called its very concept seriously flawed, and recommended that the program be terminated. And just last year the House Armed Services Committee said, "Given the changes in Eastern Europe and the Soviet Union * * * the requirement for JSTARS is no longer valid." However, in Desert Storm senior commanders were overwhelmingly pleased with JSTARS. It let American Marines in Khafji know that there were no approaching enemy forces, was used to locate and track Scuds, and targeted attacking aircraft. All this from a system which is still in research and development, and whose two prototypes were rushed to the gulf.

THE F/A-18 HORNET

In 1983, congressional opponents said, "the F/A-18 has proven at least second-rate and sometimes an outright failure in every role for which it was designed * * * the F/A-18 should be terminated." However, in Desert Storm the Hornet's versatility was demonstrated on the first day of the war. Two Hornets shot down two Iraqi Mig-21's, and then continued on their assigned bombing mission, destroying an enemy airfield.

THE F-15 EAGLE

In 1983, opponents in Congress recommended the cancellation of the F-15 fighter program, saying, "its only advantage over the F-16 is that it carries the radar-guided AIM-7 Sparrow air-to-air missile, however the Sparrow was generally proven ineffective in combat both in Vietnam and the Middle East." However, in Desert Storm the Eagle guaranteed air superiority for coalition forces, the key to a quick, decisive victory. F-15E was a key contributor to the bombing campaign, attacking Scud sites, C^3 positions, and airfields.

THE PATRIOT MISSILE

Even the Patriot missile, the star of Desert Storm, came under attack when congressional opponents called for termination of the program in 1983, saying "its combat utility is doubtful * * * it has a poor probability of a kill." The House Armed Services Committee voted to zero funding of the Patriot as an antimissile system, and others wanted to cancel the program outright. However, in Desert Storm the Patriot successfully intercepted 45 of the 47 Scuds against which it fired, and was utterly critical to defeating Saddam's strategy of splitting up the coalition by goading Israel into retaliation. In spite of what doubters may say about the dangers of ballistic missile defenses to strategic stability, by keeping the Persian Gulf war from spreading, Patriot was proven to be a stabilizing system.

Clearly, given the opportunity, American technology is the best in the world and can achieve the vital goals we set. We must exercise patience, provide adequate funding for our new systems, and cultivate those who produce them. We must not make Saddam's mistake of assuming that what we have already will be enough to win next time. We must never send our brave fighting men and women into harm's way with anything less than the very best American ingenuity has to offer. We realized the benefit of some very fortunate circumstances during Desert Storm. Our allies in Saudi Arabia were able not only to invite us in, but they provided our forces with world-class ports and airstrips, built to U.S. specifications, as well as unlimited supplies of fuel at no cost. And we didn't have to start fighting before we were ready.

We are now embroiled in the process of drastically reducing our force structure: trying to make do with less. Cutting our forces to the bone will severely limit our options in future conflicts. The next time around, we may have to worry about more than one adversary at a time, the Soviets may not be with us, and allied support of our action may not be nearly so unanimous. Any deterrence that our victory may have provided against future Saddams is surely lessened as they see us cut the very forces which won so handily.

Nor is the Soviet threat dead and buried. Last year, they built eight new submarines to our one. They now have five new ICBM's in development, and, frankly, our defense experts do not know what they will do with all of them. By the year 2000, 80 percent of the Soviet ICBM force will be mobile, reminding us of how difficult it was to locate and destroy crude, mobile Scuds in the desert. Finally, the U.S.S.R. has just deployed a new aircraft carrier, their first in many years, which raises serious questions about their power projection motives.

The primary lesson we should take away from Desert Storm is that we were ready to fight and fight better than our enemy when called upon to do so. However, we should not lose sight of what got us there. The war in the Persian Gulf was fought at the pinnacle of strength of our armed services built up under President Ronald Reagan. I am gravely concerned that decisions about the necessary size of our Armed Forces are now being based more on affordability than the threats we must meet. The peace dividend is just that—peace. That peace was made possible because we decided to become strong once again. Now is not the time to make these kinds of cuts in our national defense. Our strength brought the Soviets seriously to the negotiating table for the first time in many years. Our strength brought about a change in the Soviet leadership from Stalinist hardliners to those who offer some hope of a better future. Our strength won us a remarkable victory in the gulf. We must build on that strength to build a better world.

FUNDING THE AX

Mr. D'AMATO. Mr. President, I had intended to offer an amendment prohibiting the expenditure of funds for the design, development, production, or operation of the AX, follow-on to the terminated A-12, until the Secretary of Defense certifies that the AX can carry weapons, attack targets, and fly missions that the B-2 cannot.

We can ill afford duplicative efforts in these times of austere defense budgets, and the AX is exactly that: a baby B-2 painted Navy colors.

The country is already groaning under the burden of funding the B-2. This year, as every year since the B-2 came out of the black, Congress will wrestle with the question of whether or not to terminate the program. Few have argued with the merits of either the technology or the mission, but all have questioned the cost.

Now, as a surprise to many, the Navy is attempting to launch their own B-2 program. The AX, successor to the failed A-12, has already begun a 10-year development cycle conservatively estimated to cost $11 billion. Production, assuming the AX ever makes it that far, will cost tens of billions of dollars more. Where is this money to come from?

More importantly, how confident can we be that funds will be well spent? It is difficult to imagine a more disastrous series of failures than those that marked naval aviation development in the 1980's. The P-7 and A-12, the latter the Navy's No. 1 aviation priority, were terminated for default. The V-22 and F-14D, the development bill already having been paid for, were canceled for budgetary reasons, and only survive due to congressional interest in recouping some benefit from the investment.

Meanwhile, as development dollars poured down a sinkhole, naval aircraft procurement dwindled to a trickle and aircraft shortfalls and average age rose ominously. If the AX goes unchallenged, this pattern will be repeated. The Navy will introduce no new aircraft into the fleet in the 1990's and shortfalls and aging will worsen. If we are to concentrate all of our eggs in one basket, just what are we getting for our money?

According to the Navy, survivability. Range, payload, and night/all-weather capability can all be found in other, already-funded conventional designs such as rewinged A-6E's, the F-14D Quick Strike, and the F/A-18E/F, but none offer the survivability of the planned AX.

This, however, begs a series of questions: Is a stealthy bomber the only solution to the threat? And if it is, do both the Air Force and the Navy need a very low-observable bomber? And, finally, can the Nation afford outfitting the Navy with a stealthy bomber in the next decade, if it cannot afford to provide the Air Force with a stealthy bomber in this decade?

As far as the threat is concerned, United States forces did a spectacular job of suppressing Iraqi air defenses with a combination of Tomahawk cruise missiles, jamming, decoys, standoff weapons, and precision-guided munitions. It was only over Baghdad that the density and sophistication of antiaircraft defenses—rated tougher than those around Warsaw Pact capitals—required stealthy strikes by F-117's.

In 10 years' time, all of our suppression of enemy air defense capabilities will have improved. Has the Navy studied the tradeoffs between the systems cited above and the AX? Does a more capable, cost-effective solution exist?

Concerning the duplication of stealthy efforts in the Air Force and Navy, is the AX program mission driven or service driven? If there are targets that rewinged A-6's, F/A-18E/F's, or Quick Strike F-14D's cannot reach and hit, is the logical solution AX? Just how big a target set are we talking about? How many nations will be able to afford the kind of weapons necessary to defend these targets and render any aircraft but a very low-observable one vulnerable?

It may be heresy, but the Air Force and Navy do serve one master, and perhaps it is time that their assets were pooled. Is it unreasonable to expect the Navy to call on the Air Force for help against the tiny number of targets that only the most stealthy of aircraft can destroy?

I do not suggest this merely to advance the fortunes of one service at the expense of another. This country is on the brink of financial ruin. We can no longer afford, if we ever could, service rivalry. Requirements unique to the services should shape the capabilities of their systems, not interservice jockeying for increasingly scarce defense dollars.

We have a stealthy bomber: the B-2. Like it or not, it is up, it is flying, and, by all accounts, the signature reduction we have paid for has been achieved. Hopefully, we in Congress can settle on a plan that both assures the security of the Nation and the judicious application of extremely precious resources. The AX, no matter what shape it eventually takes, is unlikely to add enough to our security to justify the enormous expense involved.

For that reason, I had intended to offer an amendment to prohibit spending on the AX unless and until the Secretary of Defense can certify that this aircraft will make some unique, vital contribution to our defense. As it happens, the Armed Services Committee, in language spelling out certain report requirements associated with the B-2, addressed my concern head on. I applaud the committee's efforts, and commend this language to my colleagues.

DOVER AIR FORCE BASE CHILD CARE CENTER

Mr. BIDEN. I would like to bring to the attention of the chairman of the Committee on Armed Services the status of the child care center at Dover Air Force Base in Delaware. As the chairman well knows, the care that the military provides to dependents its critical to service members' satisfaction with their careers, and the performance of their duties. The provision of adequate and reliable child care has been of increasing importance, as the number of two-career households and single parent families grows.

Mr. NUNN. I certainly agree that the provision of strong dependent services is of great importance, and a major responsibility of the military.

Mr. BIDEN. Dover Air Force Base is trying energetically to provide adequate child care, but at this time needs additional funds to improve the existing child care center. The facility is simply inadequate to meet the demand for its services. It is currently forced to deny care to more than 230 children daily because they cannot be accommodated at the small facility. The center's kitchen, which prepares approximately 4,500 meals monthly, is more appropriate to a private home than a public facility. The center has only one washer and dryer to handle all the bedclothes and other cleaning requirements of the roughly 350 children who are there daily.

In view of this great need, the House of Representatives authorized and appropriated $2.6 million for fiscal year 1992 for the improvement of the child care center.

I recognize the constraints the committee operated under in developing this bill and I would note that this will be an issue for the conferees because of the House's action. I hope the chairman and other Senate conferees will keep the need for a new child care center at Dover in mind as the conference discusses this issue.

Mr. NUNN. I understand the desire to improve the Dover child care center, and will keep the Senator's interest in mind when we are in conference.

Mr. BIDEN. I thank the Senator for his consideration.

TOO FAR, TOO FAST

Mr. SMITH. Mr. President, I rise in support of S. 1507, the defense authorization bill reported by the Armed Services Committee. Amidst an era of declining defense budgets and evolving security threats, I believe the committee bill represents a responsible attempt to address our military and national security requirements. Importantly, the legislation builds upon lessons learned in the Persian Gulf war to more effectively balance fiscal imperatives with contingency requirements.

I am concerned, however, that the United States is embarking on unilateral defense reductions that go too far, too fast. Last year's budget summit agreement, which was negotiated prior to the Persian Gulf war and premised on an illusory peace dividend, set the framework for a 24-percent reduction in defense spending by fiscal year 1995. These substantial reductions, combined with previous congressional budget cuts, will entail an approximate ⅓ reduction in overall defense spending between 1985 and 1995.

Moreover, Congress has mandated that U.S. troop levels decline by approximately 500,000 during the 5-year plan. These end strength reductions may seem pennywise but they are clearly pound foolish. In hearing after hearing this year, when asked whether the U.S. would be able to perform a desert storm type operation in 1995, witnesses from Secretary Cheney down to the unified commanders testified they simply could not. The end strength and force structure reductions now being implemented will so profoundly impact our military posture, that we will need to develop new doctrine to meet future contingency threats. And even then, our readiness and operational capabilities will be strained.

I also question the equity of laying off military personnel in an All Volunteer Force. The Army and Air Force have testified that meeting the personnel ceilings will require involuntary separations. While the bill before us provides some near term relief, it is clear that this problem will exacerbate in the outyears. We have a moral obligation to the brave men and women who served in the gulf, and their families, to ensure fairness. In my view, involuntary reductions would be extremely damaging to morale and reflect poorly on our national character.

Mr. President, in preparing the fiscal 1992 defense budget, Congress must focus on projected security threats of the future. The Persian Gulf conflict provided an invaluable opportunity to evaluate the training and combat effectiveness of our existing forces. Indeed, the results were impressive. Yet, I would caution my colleagues against falling into a trap of complacence. Because just as we benefited from lessons learned in the gulf, so did our adversaries. The United States must be prepared to fight the wars of the future, not the past. The challenge for Congress is to synthesize these lessons and translate them into responsive, evolutionary policy guidance.

Foremost among lessons learned in the Persian Gulf is the immense value of ballistic missile defense. With the success of the Patriot missile, the American people saw first-hand that missile defense works, and it saves lives. To its credit, the Senate Armed Services Committee recognized this fact and, in a show of strong bipartisan consensus, endorsed the goal of deploying an antiballistic missile system to protect the American people. The committee debate on SDI, which lasted more than 10 hours through portions of 2 weeks, was thoughtful, constructive, and notable in its intensity.

Specifically, the committee bill:

Establishes a goal to deploy an ABM system capable of providing a highly effective defense of the United States, our forward deployed and expeditionary forces, our friends and allies against limited missile attacks;

Sets a fiscal year 1996 deployment date for the initial, and I emphasize initial, treaty compliant ABM system at a single site, including 100 ground-based interceptors, ground-based radar, and space-based sensors;

Accelerates development of theater missile defense systems, with the objective of deployment by the mid-1990's, and

Urges the President to immediately pursue negotiations with the Soviet Union, within a limited timeframe, to amend the ABM Treaty.

I share the objective set forth in the bill and believe the committee action lays the long overdue groundwork to transition away from the dangerous policy of mutual assured destruction to a deterrent posture which integrates both offensive and defensive forces. However, while I supported the amendment in committee, I am concerned that the legislation includes no specific commitment to deployment of brilliant pebbles in the initial architecture. Space-based defenses complement ground-based systems and offer the best hope for effectively defending America against the full range of ballistic missile threats. We must not abandon this critically important capability.

I am also disturbed by the committee's decision to cut a half billion dollars from the President's SDI budget request. At a time when an overwhelming majority of the committee is advocating accelerated development of ABM defenses, it is inconsistent and counterproductive to withhold these funds. The $4.6 billion included in the bill should be viewed as a bare minimum necessary to sustain a viable program. I would urge my colleagues to oppose any effort to further reduce SDI funding.

Mr. President, with these caveats, I support the defense authorization bill reported by the Armed Services Committee. Within today's restrictive budgetary environment, the bill represents an honest effort to enhance conventional and strategic capabilities, and to sustain the industrial base that supports our national defense.

BASING OF THE E-6 TACAMO AIRCRAFT

Mr. NICKLES. Mr. President, I rise to express my concern with language found in the DOD authorization report that directs the Department of Defense to conduct a reassessment of basing options for the TACAMO E-6 naval communications aircraft. While we all know that report language is not considered law, directives found in the committee report are often a guide to action by the Department of Defense.

This is why I would like to ask the distinguished Senator from South Carolina, the ranking member of the Strategic Forces Subcommittee, to clarify for me that nothing in this report can be construed as requiring the Department of Defense to reassess basing of the TACAMO E-6 aircraft, even if it is given an expanded mission, as recommended by the Armed Services Committee. In addition, I would like the Senator to confirm that no TACAMO aircraft will be transferred out of Tinker Air Base in Oklahoma.

I ask for this clarification, and bring my concerns to the floor, for several reasons. First, we've addressed the basing issue in the past, spending precious money and resources on analyzing where the E-6 should be based. The recommendation was that TACAMO be based in Oklahoma, at Tinker Air Base. There is no reason to revisit the basing issue again.

Even if the E-6 mission is expanded, the supporting facilities needed to meet the special requirements of the E-6 is already 90 percent completed. It makes little sense to spend any more of our tight dollars and resources to send the Department of Defense on a wild goose chase when the most sensible solution is right in front of our noses.

The operational, training, and maintenance facilities at Tinker could very well support any additional mission E-6 aircraft.

Second, strategically, to ensure the survivability of our entire command, control, and communications network—the lifeline to our retaliatory forces—it makes sense to keep quite a few of these asserts available for dispersal during a crisis and have more than one base in peacetime. The committee report, however, contends that, "the entire E-6 fleet, or the E-6 aircraft performing the command and control mission could be based at SAC headquarters." But this action would put all our eggs in one basket, since our command, control, and communication assets, called EC-135's, are already deployed at SAC headquarters.

Finally, as my colleague from South Carolina knows, the Department of Defense is currently reviewing strategic command, control, and communications programs and spending. I'm sure he would agree when I say another study of basing options at this point would merely duplicate an ongoing effort. I think all Senators who believe in fiscal responsibility will agree with me when I say we can find better things to spend our money on than analysis upon analysis of similar subjects.

Mr. THURMOND. Mr. President, I understand the Senator from Oklahoma, Senator NICKLES' concerns on this issue. It was never the intention of this committee to move TACAMO from Tinker Air Base in Oklahoma.

The Senator is absolutely correct that the basing issue has already been analyzed. While there is no reason to revisit it, we felt that given the committee's restructuring of the E-6 TACAMO and EC-135 programs that we would give the Department the option to review their analysis and then reevaluate its previous conclusions. Nonetheless, the recommendation that TACAMO be based in Oklahoma is sound. And it would certainly make sense to base any expanded mission E-6's at Tinker as well.

As the Senator correctly notes, the Department of Defense is currently assessing the gamut of strategic command and control issues. And I say to the Senator from Oklahoma, that the committee is looking forward to the Defense Department's recommendations, and hopes it provides some direction for future command and control options. But again I am confident that any such report would assume that the basing of the E-6's remain at Tinker.

It is for all of these reasons that I can assure the Senator that the committee never intended to require the Department of Defense to reassess the basing of TACAMO. I agree with the Senator—studies that duplicate work already done or in the process of being analyzed merely wastes taxpayers' money. In the final analysis, it makes strategic, operational, and fiscal sense to keep TACAMO in Oklahoma.

Mr. BAUCUS. Mr. President, I rise today to address the important issue of strategic defense. After considerable thought, I have decided to support the construction of a single antimissile site at Grand Forks, ND. At the same time, I reaffirm my support for the Antiballistic Missile Treaty. In support of both of these objectives, I have cosponsored the amendment of Senators BINGAMAN and WIRTH.

THE FLAWS OF SPACE-BASED SYSTEMS

Like most Americans, I have been extremely skeptical about farfetched notions of an exotic star wars system of missile defense. My opinion of expensive, space-based systems has not changed. I cannot justify spending hundreds of billions of dollars on a system that most scientists do not even believe will work. The idea of a protective umbrella against a massive nuclear attack may be appealing, but I have seen no evidence that such a system could be build at an acceptable cost.

Recent developments in United States-Soviet relations demonstrate that the chance of a massive Soviet attack has diminished. The START Treaty signed today by the United States and the Soviet Union is evidence of the new nature of our relationship with the Soviets.

CONTINUING DANGERS

While the odds of an all out nuclear war have diminished, the world remains a dangerous place. The gulf war gave us a frightening glimpse of our lack of knowledge about the development of nuclear weapons in unstable countries.

CIA Director Webster has testified that 15 Third World countries will produce ballistic missiles by the year 2000, and that at least three of them will produce missiles with a range greater than 5,500 kilometers. We all remember the horror if Saddam Hussein's missile attacks against Israel. Imagine the situation if Saddam Hussein had possessed nuclear bombs and long-range missiles. How do we defend against the Saddam Husseins of the future?

While the risk of a nuclear war with the Soviets has decreased, Soviet forces continue to pose dangers. In the 1980's a nuclear missile was accidentally fired from a Soviet submarine. Fourtunately, it traveled only a few hundred yards and did not explode. But what if it had continued its flight to its ultimate objective? The United States needs protection from such an incident. A limited ground-based systems could provide such defense at an acceptable cost.

THE IMPORTANCE OF THE ABM TREATY

I am aware of the concerns of many of my colleagues regarding the impact of missile defense on the ABM Treaty. Let me be clear: I support the Bingaman amendment because I share those concerns. The ABM Treaty allows us to deploy one antimissile site. In fact, the Soviets have deployed missile defense sites around the city of Moscow. The antimissile site at Grand Forks would constitute the single site permitted the United States under the ABM Treaty—it would not violate the treaty. This amendment would not preclude the United States from renegotiating the ABM Treaty with the Soviets, should we decide at a later date that such action is warranted.

CONCLUSION

We all recognize the enormous complexity of strategic defense issues. I am skeptical of anyone who has a simple answer to a complex question. but the amendment offered by Senators BINGAMAN, WIRTH and myself offers a sound approach. It responds to the very real dangers that America continues to face, while at the same time affirming the importance of the ABM Treaty.

MAINTAINING TECHNOLOGICAL SUPERIORITY

Mr. BINGAMAN. Mr. President, I rise in support of S. 1507, the fiscal year 1992 Defense Authorization Act. I want to commend the chairman of the Armed Services Committee, Senator NUNN, and the ranking minority member, Senator WARNER, for their work this year. It is no easy task to frame a defense authorization bill that responds to the sweeping changes the world has seen over the past few years. While we have not addressed every issue that these changes suggest, we have made great strides, and we have developed a bill which deserves our strong support.

Mr. President, I would now like to take a few minutes to outline for my colleagues the actions taken this year by the Defense Industry and Technology Subcommittee in marking up the fiscal year 1992 Defense Authorization Act.

I would first like to commend the ranking minority member of the subcommittee, Senator COATS, for his work on the bill. While we do not agree on every provision included in the bill, I believe that we had a very open and fruitful relationship on the subcommittee this year, Senator COATS' first year as the ranking member, and I commend Senator COATS for his contributions and hard work.

I would also like to thank the staff of the Armed Services Committee, and in particular, Bill Smith, Andy Effron, Geary Burton, Rick Finn, David Lyles, Jon Etherton, Les Brownlee, Judy Freedman, and Camden Flick who support the work of the subcommittee. Their work was, as always, exemplary.

OVERVIEW

The guiding principle of the Defense Industry and Technology Subcommittee's markup this year was the vital need to maintain and strengthen our technological and industrial infrastructure as defense budgets decrease. The Armed Services Committee historically has strongly supported research and development activities in the belief that maintaining technological superiority is a critical component of maintaining defense superiority.

But the job of maintaining technological superiority has been made more challenging by the increasing convergence of military and commercial technologies, by the fact that the much larger commercial sector, not the defense sector, increasingly drives dual-use technology development, and by the globalization of high technology industry. According to the most recent DOD critical technologies plan, Japan has significant capabilities in 11 of the 21 technologies identified as critical, and leads us in 5 of those 11, despite a defense research investment only 2 percent of our own. Japan has done this by focusing its research efforts and capital investments on the much larger and more dynamic commercial marketplace and reaping spin-ons of military significance.

The Department of Defense must make fundamental changes in its technology policy and acquisition system to accommodate these new realities. On the technology side, we are recommending closer coordination of DOD's and DOE's defense program efforts with those of the civilian agencies and with industry. In this bill, we have paid particular attention to maintaining a strong technology base and to enhancing DOD's manufacturing technology and extension programs in partnership with industry. We are also recommending that a concerted effort be made at tapping our allies' technological capabilities in critical technologies using the DOD critical technologies plan as a roadmap for collaborative activities.

It is essential that DOD recognize that the industrial base which supports defense is and should be broadly rooted in industry. At a time of declining defense budgets this is a key means of maintaining industrial responsiveness to future contingencies. The DOD acquisition system needs to foster, not impede as it currently does, ths integration of our commercial and military sectors. We can no longer afford to reinvent within specialized defense firms technologies available in commercial markets. We have recommended that DOD undertake internal regulatory changes to foster commercial-military integration, for example by sharply reducing use of military specifications wherever possible. The committee would welcome a legislative proposal to effect changes in the acquisition statutes needed to encourage commercial-military integration.

MAJOR PROVISIONS

Mr. President, I would now like to briefly highlight a few of the more significant provisions we included in this year's bill. Most of these provisions derive from two bills on which I collaborated with Senators NUNN, HOLLINGS, and GORE and which we introduced in June. The National Critical Technologies Act—S. 1327—and the Advanced Manufacturing Technology Act—S. 1328—were designed to provide a comprehensive national strategy for maintaining U.S. leadership in at least those technologies deemed by government and the private sector to be most critical to our security and economic prosperity in the long run.

Many of the programs we propose involve close collaboration between the Department of Defense and the civilian agencies, particularly the Department of Commerce. The increasing convergence of military and commercial technologies, the degree to which the much larger commercial sector has taken over as the driver of dual-use technologies, and the globalization of high-technology industry all are working to force an integration of our defense technology policy with our civilian technology policy.

Our approach is consistent with the administration's technology policy submitted to Congress last September, but is quite different from their current policy, at least as reflected in the fiscal year 1992 budget request. The request would slash funding for DARPA, for the DOD manufacturing technology program, and for DOD education efforts by over $500 million from the fiscal year 1991 appropriation. We essentially propose to restore that funding.

DEFENSE DUAL-USE CRITICAL TECHNOLOGIES PARTNERSHIPS

The growing convergence of commercial and military technologies demands greater cooperation between DOD and DOE's defense programs and industry in the development of generic dual-use critical technologies at a precompetitive stage in their development. Such cooperation will allow both Government and industry to leverage limited R&D resources, thereby enhancing industry's ability both to support defense programs, and to complete effectively in the global marketplace. I should note that if our industry cannot compete effectively, they will not be there to support our defense.

To achieve this, our main focus in the technology area is on pre-competitive development of critical dual-use technologies through jointly funded partnerships with the private sector. These would be competitively selected and each partnership would have at least two private sector firms to insure competition in applying the results of the partnership in the marketplace and in defense systems.

The United States often tends to underinvest in such dual-use technologies because national security requirements alone do not justify major DOD support and market prospects alone appear too long-term or high-risk for U.S. industry to carry the entire burden of development. The National Critical Technology Panel pointed to this problem as a reason for the poor showing of U.S. industry in high-definition imaging and displays.

Last year we initiated a DARPA program to pursue critical technology partnerships with industry. The committee has been impressed by industry's response and by DARPA's initial choices, and we have proposed to formalize this program this year and have included statutory language to effect this. Under the provision both DARPA and the military services will seek cooperative arrangements with industry to develop dual-use critical technologies. The committee provides $100 million to DARPA, $70 million to the military services, and $15 million to the Department of Energy's defense programs to pursue such partnerships.

ADVANCED MATERIALS PARTNERSHIPS

We also propose two advanced materials programs. The first would allocate $15 million in the Department of Defense and $10 million in the Department of Energy's defense programs for advanced materials synthesis and processing partnerships with the private sector. This and a similar program in the Department of Energy are designed to respond to numerous recent reports, most notably by the National Academy of Sciences, which have found that we still lead the world in inventing new materials, but fail short in being able to produce them. The administration is working on an advanced materials processing initiative for the fiscal year 1993 request. We would jump-start that initiative in fiscal year 1992.

The second materials program has a different purpose. For the first time we would permanently authorize the use of the National Defense Stockpile Transaction Fund to fund materials research related to the stockpile. We would make $25 million available for this purpose in the coming fiscal year. The DOD has just submitted a report calling for sharp reductions in the stockpile requirements. That almost inevitably will be the trend in coming years. I believe that our national security will be better served by a smaller stockpile coupled with a robust program designed to keep this country at the forefront of materials research and development.

CRITICAL TECHNOLOGY APPLICATION CENTERS

Another technology initiative we included in the bill calls for spending $50 million on regional critical technology application centers [CTAC's]. The idea for the CTAC's derives both from my travels to Japan and from Michael Porter's book "The Competitive Advantages of Nations," which describes similar centers in Europe. Organized around geographic concentrations of firms, CTAC's will conduct applied R&D and provide a range of infrastructural technology services to firms specializing in critical defense technologies. Regional governments would have to provide at least 30 percent of the funds and industry at least 40 percent of the funds for each CTAC.

FOREIGN TECHNOLOGY MONITORING

DOD's current foreign technology monitoring efforts leave much to be desired. A clearinghouse in the office of the Director of Defense Research and Engineering would provide a focal point for the current large, but ill-coordinated and relatively unproductive efforts across the Department. If this office is successful, it will save us money by streamlining these activities and still provide more timely information to DOD research managers and policymakers. We also believe DOD would benefit by utilizing the private sector more in monitoring foreign technology and propose a grant program for that purpose. Finally, we continue to be convinced that DOD must find ways to better tap into the $90 billion annual Japanese R&D enterprise, and we set aside $10 million in research funds to be used only for cooperation with Japan.

ADVANCED MANUFACTURING TECHNOLOGY

Manufacturing technologies offer some of the greatest opportunities for the mutual leveraging of DOD and industry R&D resources. The technologies involved are generally dual-use and lend themselves to development by consortia. Indeed, DOD currently supports two advanced manufacturing technology consortia. Sematech and the National Center for Manufacturing Sciences. DOE's defense programs also support NCMS through Secretary Watkins' Advanced Manufacturing Initiative.

In the manufacturing area, we propose to consolidate DOD's manufacturing technology efforts under the Secretary's office and restore most of the cut made in the request. We have set aside $50 million of the $250 million proposed for manufacturing technology development to be used to support at least three more advanced manufacturing technology partnerships with industry. We have set aside $15 million in the DOE's defense programs budget, in addition to the $10 million requested for the advanced manufacturing initiative for additional DOE defense program partnerships in manufacturing technology. The partnerships would administratively be almost identical to the dual-use critical technology partnerships I discussed earlier. An additional selection criterion, the degree to which the advanced manufacturing technology proposed for development will help reduce health, safety, and environmental hazards associated with existing technology, is mandated. We also propose that $5 million be spent on international cooperative activities in developing manufacturing technology.

DEFENSE MANUFACTURING EXTENSION

We have proposed a $50 million manufacturing extension program aimed at small- and medium-sized sub-tier defense manufacturing firms to be carried out in cooperation with the Secretary of Commerce. These firms can not afford large R&D expenditures and are often unaware of existing manufacturing technology and practices from which they could benefit. We have long deemed it appropriate to deal with the same problem in the agricultural sector by providing massive extension services. The program we are advocating would provide a far more modest level of service to defense sub-tier firms to ensure that we have a defense industrial base of the highest quality in the future, despite the large cuts in procurement funding that we will experience in the coming years.

EDUCATION INITIATIVES

In the education area, we propose $30 million to enhance university programs in manufacturing engineering education and to bring people with practical manufacturing experience to the classroom. We propose to extend the Nunn-Hatfield graduate fellowship and the United States-Japan management training programs at the same levels as last year, $20 million and $10 million respectively. Finally, we propose an additional $20 million for the university research initiative to be spent on manufacturing-related R&D, $15 million for science and engineering education support at historically black colleges and minority institutions, and $10 million to enhance DOD's program to support innovative science and math education programs for elementary and secondary schools.

Senator NUNN, deserves credit for many of these proposals, and in particular, the provisions dealing with manufacturing engineering education and support for HCBU's and minority institutions. The future of America's defenses rests in the hands of today's students, and Senator NUNN has had the foresight over the last few years to support a number of important educational initiatives that bear directly on national security. I would like to commend him for his dedication to this important set of issues.

CONCLUSION

Mr. President, this package of provisions represents a significant restructuring of the DOD research and development request. I believe that they address critical shortcomings in that request. I was disappointed that my Republican colleagues have characterized these initiatives in their additional views to the committee report as having "virtually no definition and, in some cases, only tangential relationship to national defense." I do not believe that this is the case, and I do not believe that the statement by my Republican colleagues can be supported. It reflects a very narrow view of our national security, one that is inconsistent with the role DOD has exercised through its research programs throughout the postwar era.

Mentioned specifically in the additional views are items such as a $153 million increase for manufacturing technology. This is not a new or ill-defined program. The DOD ManTech Program is a very well defined, long-term program that the administration proposes to significantly underfund. ManTech has been an effective and vital program for the U.S. defense industry, and we propose to restore funding for these programs to a level that is unfortunately still somewhat short of last year's appropriations.

Dual-use technology partnerships, another program cited by the minority in their additional views, is a well defined means of tapping private sector strengths in dual-use technology. The overwhelming majority of critical defense technologies identified by DOD are dual-use technologies. Unless we find a way to tap into the commercial marketplace, where many of the important advances in dual-use technologies are being made, we run the risk of losing capabilities and surrendering technological superiority. There is a very clear relationship between critical dual-use technologies and national defense, and partnerships provide an efficient mechanism for developing these technologies.

Some of our proposals do initiate new programs, for instance in manufacturing engineering education. This is a totally appropriate role for the legislative branch. We have defined those programs in our bill and report language at an appropriate level of detail so that they could be promptly implemented by the executive branch. In this statement I have outlined the initiatives we have proposed and their relationship to our security. I would be happy to go into greater detail on any of these programs during the debate on the bill.

Mr. President, maintaining our technological and industrial infrastructure is a significantly different challenge today than it was 30 years ago, when U.S. technology led the world in every important area and DOD research led the way for the United States. America's leadership in technology is now being challenged, and DOD is no longer the final word in R&D. The committee's package of technology, manufacturing, and education programs is a totally appropriate and much needed response to the trends affecting our security today. I hope next year all of these programs would be endorsed both by the administration and my Republican colleagues on the committee.

I would conclude by saying that there is much more in this bill on which my Republican colleagues and I agree than disagree. I greatly appreciate the work and contributions of Senator COATS and his staff this year, as well as the other members of the subcommittee. I urge my colleagues to support this bill.

I yield the floor.

RECOMMENDATIONS OF THE CONVENTIONAL FORCES AND ALLIANCE DEFENSE SUBCOMMITTEE

Mr. LEVIN. Mr. President, I have the pleasure of serving as the chairman of the Subcommittee on Conventional Forces and Alliance Defense. This subcommittee has responsibility for reviewing our major conventional defense commitment—the conventional defense of Europe and Northeast Asia, and oversees the unified commands assigned those responsibilities. The subcommittee reviews the development and procurement proposals for the conventional weapon systems required to meet those military requirements. The committee has jurisdiction over all land combat systems in the Army, tactical aircraft in the Army, Navy, and Air Force, missile systems launched from these aircraft and ground combat systems, as well as related other procurement programs.

We are faced with the situation where the Department of Defense is reducing its conventional force capabilities in light of the changes in the world situation and the budget pressure at home, at the same time that it has waged an extremely successful Operation Desert Shield/Desert Storm.

This presents the committee with opportunities and challenges. On the opportunity side, the subcommittee placed a priority on fixing some problems that came up during Operation Desert Storm.

At the outset let me say that it was relatively easy to emphasize fixes to problems that came up in Desert Storm because in general terms the operation was very successful. The equipment performed effectively. Nonetheless, there were areas where improvement was needed.

For example, one of the problems we had in Desert Storm was in the area of mine warfare. This has historically been a low priority item for the services. They haven't paid much attention to it. The subcommittee recommended that funds be added to develop new advanced technology methods for locating and destroying mines.

Another problem experienced in Desert Storm was in the area of casualties caused by so-called friendly fire. One of the major challenges on the modern battlefield is identifying targets and distinguishing them as friendly or hostile forces. In too many instances, we attacked our own forces because we mistook them for being enemy units.

To deal with this problem, the committee took two specific actions. We directed that the 5,000 identification systems developed on an emergency basis during Desert Shield by the Defense Advanced Research Projects Agency be distributed to Army units on a priority basis. These units would then have a first generation system. We also directed that the Army evaluate this system in order to determine what approach to take for the longer term and added funds for several advanced concepts.

Another lesson learned from Desert Storm was the deficiency of our tactical reconnaissance capabilities. In this regard, the subcommittee recommended a comprehensive set of changes and additions. We recommended that the Air Force buy two additional JSTARS aircraft, and we directed the Army to start the development of light weight JSTARS terminals, so that JSTARS information is available more widely on the battlefield. We accelerated the joint Advanced Tactical Airborne Reconnaissance System Program, and directed that the Air Force install an interim reconnaissance capability on the F-117 Stealth fighter/bomber. The committee also directed a management realignment for the fleet of TR-1 reconnaissance aircraft that will substantially strengthen its planning and use.

A second major challenge facing the subcommittee was in the area of the industrial base.

The committee is concerned that the budget as proposed would have serious negative effects on the Nation's defense industrial base. The committee recognizes that most industries that do business with the Defense Department have substantial non-defense activity, and that these firms can often offset some of their lost defense-related business with increased civilian sector sales. Nevertheless, the committee believes that the impact of lower defense spending, especially in reduced spending for weapons system procurement, could result in a future loss of U.S. capability to reconstitute its defense capabilities in certain areas.

The committee notes that in the area of acquisition, the underlying Defense Department philosophy in the current budget request, and its associated Future Year Defense Program, is to terminate existing weapons systems to live with shrinking budgets and to simultaneously press ahead with major new development efforts that will produce replacement weapon systems or product improvements in the next decade. Consistently, the department has terminated, or proposed to terminate, those weapons that represented the primary modernization thrust for conventional forces in the 1980's. These terminated weapons are being replaced by new development systems that will not be available generally until the next decade.

Secretary Cheney addressed this situation directly in his posture statement when he said, "my overall acquisition approach for the 1990's differs markedly from the past. This will be a decade of development, more than of production." This approach has raised serious concerns, even within the Department. Will there be an industrial base at the end of the 1990's to produce the weapons that are developed during the decade?

The Joint Chiefs of Staff military net assessment highlighted this problem with remarkable candor:

> The United States presently has a significant industrial base potential for force reconstitution. However, there are concerns about the continued vitality and responsiveness of our resource base and the ability to compete with foreign countries.* * *
>
> Because of commercial demands, the missile, electronics, and aircraft industries, while reduced in size, will continue to maintain a supply base and production capability. In the future, the number of major contractors for shipbuilding, nuclear power propulsion units, and combat vehicles may shrink to unacceptably low levels.

These are alarming observations. The committee is deeply concerned over the health of the industrial base. During hearings on the subject, it became clear that there was no clear understanding in the Department on the scope and seriousness of this problem. Neither is there a clear sense of responsibility in the Department for protecting the industrial base.

The committee has taken such steps as are feasible this year to retain the industrial base in key areas. For instance, the committee accelerated a service life extension program for the Army's AH-64 attack helicopter, which will sustain vital industrial base elements of this sector. This bill authorizes additional M2 Bradley fighting vehicles and Multiple Launch Rocket System launchers in fiscal year 1993. It authorizes $200 million for a bridge production of Patriot missiles and $342 million for conventional ammunition over the budget request. The bill adds $225 million to upgrade early model M1 tanks.

But the long-term solution to this problem rests with a candid and constructive assessment by the Department in cooperation with Congress to determine what aspects of the industrial base that needs to be protected.

The subcommittee also continued the simulator initiative it launched last year. As we enter a period of reduced tension and tighter budgets, we will need to find ways to maintain combat proficiency. The committee is convinced that the use of modern generation simulators is a key to doing this. Last year the committee directed the Department to establish a Simulation and Modeling Office in DOD to coordinate the activities of the individual services. The Department has done that and it is, I believe, a major step forward in this area. The committee provided additional resources to promote this effort.

The committee also added funds to bring advance simulation technology to bear to improve the training and mobilization potential of our reserve forces, and specifically of the roundout brigades. The development of distributed simulator technology opens entire new opportunities for training reserve forces which are spread out all over a State.

These are just a few of the highlights of the subcommittee's actions this year.

I would like to take this opportunity to thank members of the subcommittee for their contributions during the past year. I especially want to thank Senator WALLOP, the ranking Republican member. He has been a strong and effective leader and has set a tone of cooperation for the work of this subcommittee. The strength of our recommendations is directly attributable to these constructive efforts during markup and throughout the year.

Mr. President, I also want to highlight another very important provision of this bill, regarding environmental cleanup at military bases around the country.

The base closure process has been a very difficult one for many Senators, and for many communities around the country, including my home State of Michigan. But I want to ensure that whatever bases are closed, there is a full and speedy cleanup of toxic contamination problems at those facilities, so the local communities can have access to the bases for useful purposes.

The committee strongly agrees. I worked with several Senators very closely, especially the chairman of the Readiness, Sustainability and Support Subcommittee, Mr. DIXON, and the Senator from Arizona, Mr. McCAIN to make sure that environmental cleanup of bases being closed is fully funded. I want to thank those Senators for their efforts.

The administration provided the committee with its most up-to-date estimates of the funding needed for fiscal year 1992, which were significantly higher than the figures provided in the original budget request submitted in February.

The committee bill provides $216 million for environmental cleanup at bases being closed under the 1988 law, and $197 million for bases proposed for closure under the current commission recommendations, which are still subject to final approval. Many of these bases contain multiple contaminated sites, including many on the Superfund national priorities list. In some cases contamination is threatening to migrate beyond base boundaries to expose surrounding communities.

The committee also took steps to ensure close monitoring and full accountability regarding the expenditure of these funds, with semiannual reports required from the Secretary of Defense citing the progress being made at each base. We want to make certain that sufficient funds are provided in separate accounts for cleanup at bases being closed, as well as for still-operating bases where significant environmental restoration and compliance efforts are also required.

Congress will continue to monitor this activity very closely. We all have a responsibility to make sure that cleanup at any base being closed is fully funded and completed expeditiously.

On one other matter, I am very pleased that the committee is authorizing $20 million for fiscal year 1992 for the Defense Department to support work force training programs.

For several years, I have been working with Focus: Hope of Michigan to help provide Federal assistance for the Center for Advanced Technologies, which Focus: Hope is sponsoring. This center, which has already received support from the Federal and State governments and from the private sector, has the goal of training people to build, operate and repair the high-technology machinery that will become increasingly essential to the production processes of the 1990's and beyond. Given the nature of the defense-related equipment of the future, this goal of a highly skilled work force is particularly important for the defense industrial base. In addition to defense, this project is extremely worthwhile from the perspectives of international competitiveness, education and expanding job opportunities.

I'm glad the $20 million that the committee is recommending for work force training programs is a most useful action.

Programs like the center for Advanced Technologies can utilize it in a way which could serve as a model in other efforts throughout the Nation.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection it is so ordered.

NAACP LEADERSHIP: OUT OF THE MAINSTREAM

Mr. DOLE. Mr. President, earlier today, the NAACP leadership took a nosedive into the credibility gap by publicly opposing the nomination of Judge Clarence Thomas to the Supreme Court.

Unbelievably, the NAACP leadership claimed that Judge Thomas' philosophy was reactionary and detrimental to the interests of black Americans.

Mr. President, is it reactionary to oppose quotas and other unfair preferences?

Is it reactionary to promote a message of self-help and responsibility?

Is it reactionary to transform the Equal Employment Opportunity Commission from a back water Federal agency to a hardnosed enforcer of our Nation's antidiscrimination laws?

And is it reactionary to be a black American, who also happens to be a Republican and conservative?

Mr. President, it's not Judge Thomas who is out of the mainstream.

It's the NAACP leadership.

The NAACP leadership should come back to America, where equal opportunity and hard work are values embraced not only by Judge Thomas, but by the overwhelming majority of Americans, both white and black.

The NAACP leadership may oppose Judge Thomas, but I have no doubt that the rank-and-file view Judge Thomas quite differently—with the respect and admiration he has earned through a life of determined achievement.

IN SUPPORT OF HONOLULU'S ASSETS SCHOOL FOR DYSLEXIC CHILDREN

Mr. AKAKA. Mr. President, I rise today to bring to the attention of my colleagues one of Hawaii's most valuable assets. That is, ASSETS school in Honolulu, HI. This school serves a special population of dyslexic students, as well as gifted and dyslexic/gifted students in my State.

ASSETS school has been teaching the hidden achiever for 36 years. It began in 1955 with three teachers and two students. The school has grown to 300 students and a full-time staff of nearly 60 dedicated professionals. Today, it is the largest school of its kind in the Nation and has became a nationally recognized resource.

ASSETS is unique in another way, because it represents a special partnership between the private sector and the Federal Government. When the school started 36 years ago, it was the U.S. Navy at Pearl Harbor that provided ASSETS' home in the form of a quonset hut.

Today, the Navy has come to the rescue again by providing ASSETS with a site for its new campus. This unique relationship between the Navy and the civilian community has made it possible for Hawaii to offer one of the finest schools for the learning disabled and gifted children in the United States.

In addition to its regular kindergarten through eighth grade day school, ASSETS has an Outreach Program, summer school, summer science academies, and adult night school courses for both public and private school students and their families. In addition, the testing and diagnostic capabilities at ASSETS are the most comprehensive in the State of Hawaii.

ASSETS goal is the return of its students to mainstream classrooms with their newly acquired skills for coping and success. The annual return rate of 30 to 35 percent of its students back into mainstream schools is evidence of the success and strength of its programs.

Mr. President, I point out this success story and urge my colleagues to visit this example of public private partnership when they travel to Hawaii. ASSETS can serve as a model for the development of similar facilities around the Nation.

SUPPORT OF THE NATIONAL TRAINING AND INFORMATION CENTER OF CHICAGO—FISCAL YEAR 1992 COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Mr. DIXON. Mr. President, I rise today in support of the National Training and Information Center NTIC of Chicago.

The NTIC is a nonprofit resource center for community organizations throughout the United States during the last 20 years the NTIC has helped local groups revitalize their neighborhoods by developing innovative partnerships, involving community groups, and working with public and private sector agencies.

For the last few years, the NTIC has expanded its efforts by developing a community-based program to battle the impact of drugs in our neighborhoods. With NTIC's assistance, local residents are developing programs that best fit their community's needs to fight the drug war. The folks that are directly impacted are the ones identifying the problems and finding the solutions to rid their neighborhoods of the drug problems that exist.

Let me tell my colleagues—it works. Communities are coming together to fight this drug problem. Concerned citizens and local police groups are working with school, business and government officials in a united and coordinated effort to attack the drug issue at the grass-roots level.

The NTIC has had such success with the war on drugs it received national recognition from President Bush March 7, 1990, at the White House.

Let me tell you, Mr. President, this program not only benefits the neighborhoods in my State of Illinois, but has also benefited local groups in Iowa, New York, Pennsylvania, Georgia, Minnesota, Oregon, Connecticut, and Texas. The NTIC's innovative community-based approach can be utilized in neighborhoods throughout our entire country to help combat the drug issue that has invaded our society.

Mr. President, the NTIC is committed to the preservation of America's neighborhoods, and its antidrug efforts should be expanded into more of our country's communities.

The House, in the fiscal year 1992 Commerce, Justice, State and judiciary appropriations bill, recommended that the Bureau of Justice Assistance provided funds to allow the NTIC to continue and expand its programs.

When this bill is considered in conference, I urge my colleagues to support the continuation of this important program which has had such a tremendous impact on the drug war.

THE ADMINISTRATION'S DETERMINATION WITH RESPECT TO HUMAN RIGHTS VIOLATIONS IN PERU

Mr. KENNEDY. Mr. President, the Bush administration's continued indifference to human rights was demonstrated again yesterday when the State Department issued a determination that Peru's military and police forces are not engaged in a consistent pattern of gross violations of human rights.

The administration's action is a serious blow to the cause of human rights and democracy in Peru. By ignoring the plain facts of flagrant abuses by the Peruvian security forces, the administration is giving a green light to those who perpetrate these crimes and undermining the courageous Peruvian citizens who are willing to stand up for these basic rights.

All of us understand the Administration's determination to wage the war on drugs. But that is no justification for ignoring the requirements of U.S. law and pretending that gross abuses of human rights do not exist. The State Department action sends the wrong signal at the wrong time to the authorities in Peru.

I ask unanimous consent to include in the RECORD a letter to President Bush, signed by 25 Members of Congress, expressing our concern over these human rights violations, along with a recent article by the directors of Human Rights Watch, which underscores the brutality of the violations and the fact that the security forces are not under civilian control.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 23, 1991.

Hon. GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern about the egregious human rights conditions in Peru and to urge you to recognize the pattern of gross violations of internationally recognized human rights by the Peruvian military and police forces in considering whether to provide military aid.

Although we are supportive of President Alberto Fujimori, and are sympathetic to his government's struggle against the violent and ruthless Shining Path guerrillas, we are concerned that the police and military are holding themselves above both civilian rule and the rule of the law. It is the importance that we attach to human rights and to civilian control over all parts of the government that prompts us to write this letter.

As you know, the United States and Peruvian governments signed an anti-narcotics agreement in May 1991. This agreement provides for increased U.S. aid and training for Peru's police and armed forces for anti-narcotics and related counterinsurgency efforts. The State Department intends to provide $34.9 million in such aid to Peru during fiscal year 1991, and has requested an additional $39.9 million in aid for fiscal year 1992.

Before additional assistance can be delivered, however, a determination must be made that Peru has met the human rights standards set forth in the International Narcotics Control Act of 1990. Pursuant to this law, U.S. security assistance can be provided only if: (1) Peru's military and police forces are not engaged in a "consistent pattern of gross violations of internationally recognized human rights"; and (2) the civilian government has "effective control over police and military operations related to antinarcotics and counterinsurgency activities."

We believe that the Peruvian military and police forces have prohibited the Fujimori government from meeting these conditions. For the fourth year in a row, the United Nations' Commission on Human Rights has received more reports of "disappearances" following detention by security forces in Peru than from any other country in the world. Last year alone, nearly 3,400 Peruvians died as the result of political violence—almost equally divided between the Shining Path guerrillas and Peruvian security forces—and over 300 were reported missing or disappeared after forcible detention by security forces. According to the most recent State Department human rights report, in 1990 there was an overall rise in political deaths and summary executions in Peru.

Recently, the legal impunity of the army and the police force has been reinforced. Limits on habeas corpus have been decreed which reduce judicial authority in human rights cases and severely limit the legal recourse of individuals seeking justice for relatives who have disappeared or been imprisoned. A presidential decree has been issued mandating that all cases against security personnel operating in security zones be tried in military courts.

According to human rights groups, no military officer has ever been convicted of a human rights violation in Peru.

During the past year, the number of provinces deemed "emergency zones" has been expanded to include over 40 percent of the national territory and over 56 percent of the Peruvian population. In these zones, where civilian authority is subordinated to military control, human rights abuses are most concentrated.

In addition, the Narcotics Control Act states that Peru must make significant progress in permitting "unimpeded investigation of alleged violations of internationally recognized human rights, including access to places of detention by appropriate international organizations." Yet, international organizations are typically denied access into these emergency zones and have in no cases that we know of been permitted access to military barracks, where torture is reportedly commonplace.

Moreover, human rights activists and organizations have themselves become the target of violent attacks. Dr. Angel Escobar, a prominent human rights lawyer, disappeared last year, and a letter bomb attack against another highly-respected human rights lawyer, Augusto Zunigo, severed his forearm. In addition, the offices of the Andean Commission of Jurists, Amnesty International, and the Red Cross have been attacked.

Human rights violations committed by police and military forces in their counterinsurgency efforts against the Shining Path guerrillas are well-documented. The 1990 State Department human rights report notes "widespread credible reports of summary executions, arbitrary detentions, torture and rape by the military."

Just last month, a Peruvian television channel filmed policemen shoving two brothers into the trunk of their car. They were later found dead of multiple gunshots fired at close range. This blatant police brutality—an anomaly only because it was captured on camera—caused a national outcry.

Such unrestrained violence reflects the clear inability of the civilian government to control the military and police forces. Although the Shining Path guerrillas also have been responsible for gross and inexcusable abuses in their effort to undermine President Fujimori's democratic government, their abuses do not excuse security forces from their obligation to operate within the jurisdictions of Peruvian and international laws.

We believe that additional U.S. aid to the Peruvian security forces has the great potential for misuse.

Increasing aid to Peru's police and armed forces would send a signal that the United States is willing to tolerate their dismal human rights record. Such a signal would clearly diminish efforts designed to encourage the military and police to use self-restraint and would reduce the incentive of President Fujimori's civilian government to insist on accountability from the armed forces. These security forces more firmly demonstrate a commitment to holding those responsible for disappearances, torture, and extrajudicial executions and to ending the impunity with which those crimes are committed before they receive more military aid.

If the Andean Drug Initiative is to be effective, it must promote respect for human rights, democratic institutions, and political stability. At this point, additional funding for Peru's police and armed forces pursuant to the anti-narcotics effort would only undercut our long-term goal of preserving civilian control over Peru's fragile democracy and troubled economy.

Holding Peru's security forces accountable for their deplorable human rights record is consistent with the Administration's stated goal of improving human rights conditions throughout the world. We strongly encourage you to recognize that Peru has not met the requirements of the Narcotics Control Act. Before further military aid is provided to Peru, it must demonstrate its respect for fundamental human rights.

Sincerely,

Edward M. Kennedy, Alan Cranston, Christopher Dodd, Ted Weiss, Sam Gejdenson, Howard Berman, Daniel P. Moynihan, Paul Simon, John F. Kerry, Brock Adams, Alan J. Dixon, Daniel Akaka, Paul Wellstone.

Nancy Pelosi, Gerry Studds, Peter Kostmayer, Donald Payne, Jim McDermott, John Conyers, Jim Moody, Bob Mrazek, Eliot Engel, James Oberstar, Wayne Owens, and Estaban Torres.

$94 MILLION FOR A DRUG WAR RUN BY THUGS

(By Holly Burkhalter and Juan E. Mendez)

In the past two weeks, extraordinarily vicious abuses by the police and military in Peru have exploded onto the front pages of the country's newspapers, and Peruvian political leaders are clamoring for a complete overhaul of the security forces.

The Bush Administration has picked this inopportune moment to certify that Peru complies with the strict human-rights conditions that Congress attached to antinarcotics assistance for and Andean countries, and thus is eligible for a whopping $94 million in anti-narcotics aid, $34 million of its for the military. The gesture is a slap in the face of Congress and a body blow to Peruvian human rights advocates struggling desperately to rescue their country from political violence.

In an effort to combat a violent guerrilla insurgency, Sendero Luminoso, and a flourishing narcotics industry, the army and police have become a law unto themselves. In the 40% of the country currently under military rule, killings of innocent noncombatants by Sendero and the army are the norm; thousands have died since the insurgency began in 1980, and thousands more have been arrested arbitrarily in mass roundups of "disappeared." Peruvian human-rights monitors report that June of this year was the worst month to date for political violence from all sides.

Army executions of suspected "subversives"—that is, anyone viewed by the military as potentially sympathetic to Sendero—have spread into new areas. Junin and the Upper Huallaga Valley are now plagued with such abuses, which have long characterized counterinsurgency operations in Ayacucho and Apurimac.

During the visit of an Americas Watch representative to Peru last week, a TV reporter revealed a secret army document that ordered military units to kill "subversives" and dispose of their bodies clandestinely. Defense Minister Gen. Jorge Torres Aciego confirmed the authenticity of the order, but blamed it on a subordinate, who, he said, would be punished. First, the program for which the reporter worked was ordered off the air.

Many of the worst human-rights abuses occur in areas where the Peruvian police and security forces are deployed to counter the drug trade. On July 9, for example, drunken members of a police unit in the Upper Huallaga Valley town of Bellavista, in the heart of the anti-narcotics campaign, shot a commercial plane out of the sky after the pilot refused to let them board and shake down the passengers for money. All 15 people aboard died in the crash; underterred, the police scavenged through the wreckage and robbed the dead.

In June, police in the Lima suburb of Callao were videotaped as they abducted a medical student and two teen-agers and stuffed them into the trunk of a police cruiser. Their bullet-ridden bodies turned up hours later in the city morgue.

The airline incident and the murder of the three young people have created a sensation in Peruvian political circles. The widely respected vice president of the Peruvian Senate, Enrique Bernales, (who is also the current president of the U.N. Human Rights Commission) has called for the creation of a national commission to reform the police, the evaluation of every member of the force and the firing of many, and an upgrading of qualifications for new recruits.

The United States has taken a markedly different tack. The Administration sent its assistant secretary of state for human rights, Richard Schifter, to visit Peru last week, but rather than issuing a public statement of concern about abuses, which might have boosted reform efforts, Schifter remained silent. Worse, as he returned to Washington, the State Department signaled its intent to issue a formal determination (with its Human Rights Bureau's imprimatur) to Congress, stating that the Peruvian army and police are under effective civilian control and are not engaged in a consistent pattern of gross abuses of human rights.

Few in the Bush Administration actually believe that Peru qualifies for aid under current law, given the spectacular thuggery of the police and army. But State Department officials have admitted privately that they would rather issue a bogus human-rights finding—betting that Congress will be distracted in the last hectic week before the August recess—than withhold anti-narcotics assistance from the Peruvians.

This is outrageous. Human-rights conditions were attached to U.S. assistance precisely because Congress knows that army and police violence against innocent civilians is no way to combat the narcotics trade. At a minimum, Congress should prohibit disbursement of the aid until Sen. Bernales' recommendations have been adopted and the Peruvian police and army have been brought to heel.

175th ANNIVERSARY OF THE BOROUGH OF INDIANA, PA

Mr. SPECTER. Mr. President, today I wish to call to the attention of the Senate the 175th anniversary of the Borough of Indiana, PA. I am confident that my colleagues will join me in commemorating this momentous occasion.

Indiana has come a long way from its humble beginnings as a rural farming center. While agriculture still is an important activity in the area, it has been joined in importance by a thriving manufacturing sector and a world renowned educational institution, Indiana University of Pennsylvania.

Indiana also is noted as the birthplace of one of our Nation's best known and best loved actors, Jimmy Stewart, a popular symbol for generations of Americans.

Indiana, set as it is in the beautiful rolling countryside of Pennsylvania, is famed for its quality of life and the friendliness of its people. The citizens of Indiana are extremely proud of their borough and work very hard to maintain it as a wonderful place to live and visit.

I have always enjoyed my visits to Indiana. In fact, I expect to be there in the near future and am looking forward to meeting again with the wonderful people of Indiana.

I congratulate the Borough of Indiana, PA on its anniversary, send my best to its citizens, and express my wish for many happy returns.

I thank the Senate and yield the floor.

GADSDEN, AN ALL-AMERICAN CITY

Mr. HEFLIN. Mr. President, I am delighted to rise today to congratulate the city of Gadsden, AL, on being named 1 of 10 All-American Cities by the National Civic League. This is the most prestigious award a city can receive and demonstrates how concerned citizens, working together, can shape the destiny of their city for generations to come.

The All-American City Award is highly competitive with over 90 municipalities considered for the award. Gadsden was the only city, out of 30 finalists, to be chosen immediately and unanimously by the jury. At the White House on August 6, 1991, President Bush will recognize Gadsden as a shining example of a city with a clear vision for the future.

Gadsden has a rich tradition of community spirit which can be traced back to the early 1800's when it was established by rugged men and women settling new territories. These individuals faced many obstacles in their day and overcame them with the same sacrificial determination of the people who follow in their steps today. In my judgment, the challenges we face in our cities today demand the kind of community involvement that this all-American city has shown.

The problems Gadsden faced several years ago are not uncommon to many cities across America. Unemployment rose to over 13 percent due to plant closings and layoffs. Drug and alcohol abuse was increasing along with crime while youth gangs began to infiltrate the city. Gadsden became unattractive to visitors and new businesses because of abandoned property and litter. The lack of cultural arts facilities and programs further detracted from the community's quality of life.

Gadsden was recognized for three projects in which citizens from all segments of the community worked together with government, business, and nonprofit agencies to solve significant problems with practical solutions. These projects were judged on the basis of citizen participation, community leadership, government performance, volunteerism and philanthropy, intergroup relations, civil education, community vision and pride, and intercommunity cooperation.

First, the Quest for Excellence Project recognized that the young people were the future of Gadsden. A black, native Gadsden minister conceived Quest for Excellence as a potential solution and showed members of his congregation how they could make a difference. In turn, they persuaded others, black and white, to become involved. The project gained momentum and old racial barriers continued to tumble as citizens worked together for the common good. Before long, this youth development program united the entire community to reach out to troubled youth and literally changed the destiny of thousands of children who before had little or no direction in life.

Quest for Excellence began to see a dramatic turnaround in the self-esteem of students by motivating them to achieve their full potential. More than 250 volunteers sacrificed their time to tutor and counsel over 1,700 students after school. A task force called the Fighting Back Initiative mobilized hundreds of citizens with nonprofit agencies and public and private resources in the war against drug and alcohol abuse.

As a result, grades have risen by an average of 11 points, school dropouts have declined, and gang violence and drug abuse have been significantly reduced.

The good people of Gadsden believe that no man is an island unto himself. This philosophy is seen in Gadsden's good neighbor network, a 300-member action group that began as a citywide antilitter campaign. Based on citizen involvement, the network was so successful in reducing downtown litter that citizens saw their cooperative actions could effectively address larger problems in the community. A crime prevention program involving the citizens, law enforcement officials, and the housing authority reduced the number of police calls by 70 percent. Also, the network worked actively with the city to demolish abandoned, dilapidated housing units with a 92-percent success rate so far, thus removing them as a haven for drug dealers.

The final project Gadsden submitted for the all American City Award was the new cultural arts centers in downtown Gadsden.

After visiting this beautiful facility, I came away with a great sense of pride in the residents, businesses, city government, educators, civic clubs, and cultural organizations who worked together since 1988 to fund the center and develop the program. These groups made up the Gadsden Cultural Arts Foundation and helped to raise $2.3 million so that a vacant, two-story former department store could be purchased, renovated, equipped, and operated.

The center opened in January 1990 and stands as a landmark of renewed vision for a city with so much to offer. Gadsden's citizens and visitors now enjoy many cultural activities at the center which houses an exhibition hall, art studio, recital hall, classrooms for workshops and seminars, public meeting space, a restaurant, a large children's museum offering hands-on learning experiences, and what is believed to be the world's largest dated, site-specific model train exhibit depicting the city in the 1940's.

It is also commendable that staff support for the center is provided by 150 volunteers. This month, the Alabama Arts Council will formally recognize Gadsden's Center for Cultural Arts, in only it second year of operation, as one of 14 major arts institutions in the State.

Many have characterized Gadsden in a short phrase: "Quality living." The quality and civic spirit of the people is very evident by the selection of Gadsden as an All-American City. It is a people-oriented city and their community spirit and commitment to one another is contagious.

This occasion is a time for celebration as well as a time for reflection. It offers the citizens an opportunity to look into their past and realize how much they have accomplished by working together toward a common goal. Of course, we must not lessen the hardships their forefathers overcame. Nevertheless, I am confident that those who went before would look with pride and amazement at metropolitan Gadsden today.

Gadsden has set the stage for a bright future. Where there was once pessimism and apathy, there is now optimism and involvement. Where social barriers once prevented all persons a chance to offer their talents and abilities to the community, these walls have now tumbled in the wake of a city on the move. In the years to come, I am certain that Gadsden will make even greater strides—that it will offer even greater opportunities to its people as an All-American City. And, it is indeed an honor for me to represent each of its citizens.

I ask unanimous consent that the attachments to my written copy of my speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GADSDEN, AN ALL-AMERICA CITY

Culminating almost two years of work, Gadsden was named one of ten All-America Cities by the National Civic League on June 8, 1991.

President George Bush recognized the accomplishments of Quest for Excellence, the Good Neighbor Network and the Cultural Arts Center by presenting the award to Mayor Steve Means and project leaders Harold Kimble and Gloria Allenstein on August 6.

This is the most prestigious award a city can receive, as mayors of other All-America Cities have commented:

"I am very pleased and surprised by the amount of national recognition and exposure that the All-America City Award has brought to our community. People and businesses that previously passed us by, now stop and look at Charlotte."

"The All-America City designation enables this community to sit down face to face with a business prospect and state that the quality of life is good in Abilene, that we have a strong community spirit, that we are united and that their employees will be happy here. We can make that statement and have credibility with the prospect because of the All-America designation."

"It tells an entire nation that Tampa, while not perfect, has taken control of its own destiny. The award indicates that our community has a well-deserved reputation for getting the job done."

This year, an independent screening committee reviewed written applications from 97 municipalities and chose the 30 best as finalists. Following field investigations to verify accuracy of the materials, community representatives made presentations and answered questions from a 12-member jury of national leaders in civic affairs.

Each application and presentation described three projects in which diverse citizens worked together with government, businesses and non-profit agencies to solve significant problems in a meaningful way. They were judged on the basis of the League's ten "Civic Index" components: citizen participation, community leadership, government performance, volunteerism and philanthropy, intergroup relations, civic education, community information sharing, capacity for cooperation and consensus building, community vision and pride and intercommunity cooperation.

Gadsden was the only finalist to be immediately and unanimously chosen by the jury as a winner. The application and presentation were made by the Gadsden Area All-America City Committee; this independent, volunteer group was created by concerned citizens in 1990 as a method for all segments of the community to join together and make a good city better, using the Civic Index as a guide.

Sponsored by The Allstate Foundation, the All-America City awards have been given annually for the past 42 years.

ALL-AMERICA CITY AWARD—OFFICIAL ENTRY, 1991

Name: The Gadsden Area All-America City Committee.

Contact name: Mike McCain.

Title: Executive Director.

Organization: Gadsden-Etowah County Industrial Development Authority.

Address: One Commerce Square.

City/State/Zip: Gadsden, Alabama 35901.

Telephone: 205/543-9423.

Date: April 5, 1991.

COMMUNITY STATISTICS

Form of government: Mayor/Council.

Population: 42,523.

Population percentage change: (1970–1990)–21.

Population density: (1990 or most recent) 1,158/sq. mile.

Percentage minority: 25%.

Median family income: $17,425.

Percentage of families below poverty level: 12.9%.

Unemployment rate: 10.7%.

Population breakdown by age group:

Below 18 years: 26%.

18–25: 9%.

26–35: 16%.

36–50: 25%.

51–65: 10%.

Over 65: 14%.

Workforce distribution by industry:

Manufacturing: 30.

Trade (retail/wholesale): 24.

Agriculture: 2.

Services: 20.

Age of housing stock: 19% (Etowah County).

Number of voluntary organizations: 100+.

1. Set the background for your community's story. Summarize your community situation, not necessarily the three specific projects described in subsequent application questions, but events which contributed to and/or resulted from these undertakings.

A. The most basic problems and concerns of the community.

B. Extent and nature of citizen participation.

C. Degree of success attained.

D. Emphasize activity since 1988.

The outlook in Gadsden was not bright. Unemployment exceeded 13% due to plant closings and layoffs. Drug and alcohol abuse were increasing, as were school dropouts and crime, while youth gangs began to infilate the city. Abandoned property and litter lessened the area's appeal as a place to live and invest. The lack of cultural arts facilities and programs further detracted from the community's quality of life. In public meetings, citizens expressed these issues as being their primary concerns and they began work to address them.

For example, a volunteer-directed industrial development authority was formed to diversify the economy. From January 1988 to March 1991, this public/private partnership recruited 30 new industries (employing 1,502) to Gadsden, and was chosen one of the ten best development efforts in the U.S. by Site Selection Handbook. A beautification commission with 200 members and 4,000 volunteers, created in March 1988, won second place in the nation in Keep America Beautiful's 1990 awards competition. Also, an education commission formed in January 1990 by educators, business, labor and government worked with area school systems to establish and implement the state's first "Tech-Prep" curricula to better prepare students for high technology training and jobs.

The following three projects in particular show how citizens banded together, initiated programs on their own, recruited others (male and female, black and white, young and old, and rich and poor) and involved business, government and non-profit agencies in successful, continuing efforts to solve these problems.

Quest for Excellence was conceived in November 1987 and began operating in April 1988. This youth development organization has tutored 1,758 students with more than 250 volunteers, provided motivational role models to influence 9,000 students, involved 2,190 boys and girls in sports programs, helped 324 students develop creative writing and music skills, and mobilized 252 citizens in a task force to fight substance abuse. Grades have risen, school dropouts have declined, gang participation has been reduced and drug abuse has fallen.

The Good Neighbor Network, formed in mid-1988, is a 300-member action group in a downtown district where many of these problems were concentrated. Specific undertakings resulted in diminished gang activities, a 70% drop in reported crimes, a 92% success rate in getting abandoned houses demolished and a 50% reduction of litter. Each resident is systematically included in the process.

Gadsden's 44,000-square-foot Cultural Arts Center opened in January 1990, due to the work of more than 2,000 persons. They raised $1.5 million in private contributions and obtained an $800,000 allocation from the city to acquire, restore and equip this former department store; 131,692 visitors participated in activities at the Center as of March 1991, assisted by 150 volunteers.

With these problems being addressed, optimism and involvement are replacing pessimism and apathy. Following Gadsden's selection as an AAC Finalist last year, a bi-racial All-America City Committee was formed to exchange ideas and, using the Civic Index as a guide, formally work toward making a good city even better. This application is only one of many mechanisms to achieve that goal.

2A. Briefly describe the first of the three main projects (Project A) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

Quest for Excellence is a youth development organization, helping children (particularly disadvantaged ones) raise their self-esteem and motivating them to achieve their full potential. It unites diverse elements of the community by involving multiple sectors and volunteers and has had a positive, direct impact on 12% of the county's 17,000 students. More than half the participants have increased their grades, by an average of 11 points, and none have dropped out of school. The deputy chief of the Gadsden Police Department says the project also has reduced gang violence and drug abuse.

In the academic core program, 250 volunteers provide after-school tutoring and counseling. Business, celebrity, community and motivational role models are used to broaden student horizons and to inspire loftier goals. Sports programs conducted by other volunteers develop teamwork, responsibility and character. The discovery and development of individual gifts is fostered by exposure in talent shows, music classes and creative writing. A jobs program promotes a positive work ethic and the wise handling of spending money. And the "Fighting Back Initiative" mobilizes 252 citizens with non-profit agencies and public and private resources in a winnable war against drug and alcohol abuse.

2B. What prompted these actions and how were they organized?

Youth gangs from other cities began infiltrating Gadsden. Street violence and crime were on the rise, as were alcohol and drug abuse, while students dropped out of school with increasing frequency. A local minister who personally dealt with these problems conceived Quest for Excellence as a way to help solve them, secured support from congregation members, solicited the involvement of residents, contacted elected officials and resource agencies, and persuaded volunteers to tutor and counsel children free of charge. His church donated start-up space and seed money, and the initial programs were implemented.

As more individuals began participating, they developed the other referenced programs. Business men and women, professionals and elected officials joined the effort. They formed a non-profit corporation and raised public and private funds to ensure programmatic continuity. It has since become a comprehensive youth self-development initiative involving a broad spectrum of residents, the city, churches, schools, businesses, labor unions, health care providers, service agencies, attorneys, youth organizations and related support groups.

2C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

Door-to-door conversations were held with citizens in the area. Personal contacts were made with gang members and children at risk. Newspaper, radio and television interviews were conducted; newsletters were mailed and flyers distributed; meetings were held with many civic groups, social organizations, churches and elected officials; parents were involved, a parenting skills class was formed and a student tutoring program was begun. In spite of initial doubts, residents and other parties were persuaded to join together for this common cause. They established the programs and children began participating.

The first steps were communicating what Quest for Excellence was intended to accomplish and actively soliciting citizen support and involvement. The next step was program implementation to prove it could make a difference, thereby establishing credibility and garnering even greater involvement. A "bandwagon effect" was created and people began jumping on it. A representative board of directors ensures that those who are affected by the program control it.

3A. Briefly describe the second main project (Project B) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

The Good Neighbor Network is a broadly based action group formed by downtown citizens to address quality-of-life issues affecting them. It has 300 active, working volunteers with many others involved on a project-specific basis. The Network includes representatives from all geographic districts in the neighborhood, as well as all segments of the populace: black and white, high and low income, young adults and elderly, males and females, and single and married. Frequent individual contacts, group meetings and newsletters inform citizens about community issues, provide a mechanism for involvement and cooperative action and help instill a common sense of pride and unity. People in other districts are duplicating the Network to encompass the entire city.

Since being organized, the Network reduced downtown litter by 50%, measured by a KAB photometric index. A crime prevention program involving the citizens, law enforcement officials and the housing authority reduced the number of police calls by 70%, from 169 in 1989 to 52 in 1990. Also, the Network has actively worked with the city to demolish abandoned, dilapidated housing units with a 92% success rate so far, thus removing them as havens for drug dealers; 22 additional units have been condemned or classified for repair or removal.

3B. What prompted these actions and how were they organized?

The area has 6,613 residents, encompassing upper-income homeowners in a small historic district, a large group of elderly residents, a growing number of renters and low-income single mothers in public housing. This project began during the summer of 1988 as part of a citywide anti-litter campaign; through door-to-door visits and phone calls, a group of interested residents developed an all-inclusive network to foster communications and to initiate collective clean-up activities. This system was effective. Citizens saw that their organized, cooperative actions could actually make a difference and decided to keep it in place to work on abandoned housing, crime and other problems.

One person on each block serves as a block captain, tells his or her neighbors about community activities and steers them to the Network's volunteer director when they have concerns, questions, suggestions or complaints. Issues then are addressed through community meetings, plus door-to-door visits, telephone calls and a quarterly newsletter. Once agreements are reached, collaborative projects are undertaken with governmental agencies, non-profit organizations, businesses and other parties. Literally everyone is urged to become involved.

3C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

Citizen involvement created the Good Neighbor Network and is the basis for its existence. Each resident is asked to participate by one of 300 block captains. Regular community meetings are held and are widely publicized through phone calls and newsletters. Physically handicapped, bedridden and elderly residents who are unable to attend the meetings are visited in person.

Door-to-door interviews in a housing project generated information and participation which enabled the Network to obtain funds from the city and the housing authority for overtime police protection. Foot patrols helped develop personal relationships with residents; they formed a Neighborhood Watch and pressured a youth gang responsible for drugs and crime into leaving the area. Organized citizen testimony about abandoned housing resulted in the city's adoption of the West Gadsden Housing Inspection Program. Also, meetings, newsletters and personal contacts prompted about 50% of able residents to become involved in two campaigns which halved the measured amount of litter.

4A. Briefly describe the third main project (Project C) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

The Gadsden Cultural Arts Foundation was established to fund, construct, equip and operate a new Center for Cultural Arts in downtown Gadsden, in response to citizen surveys and public meetings. More than 2,000 people, including residents, businesses, city government, educators, civic clubs and arts and cultural organizations worked to fund the facility and to develop programs, activities and events to be housed there. Contributions totaling $2.3 million were raised and a vacant, two-story former department store in the central business district was purchased, renovated and equipped. The foundation has a 120-member board of directors, and specific efforts are made to ensure broad input and participation by race, sex, income, geography and area of interest.

The Center opened in January 1990. It houses an exhibition hall, art studio, recital hall, classrooms for workshops and seminars, public meeting space, a restaurant, a large children's museum offering hands-on learning experiences, and what is believed to be the world's largest dated, site-specific model train exhibit depicting the city in the 1940's. Center visitors and activity participants totaled 131,692 as of March 1991; also, 12,800 students have benefited by outreach programs. Staff support is provided by 150 volunteers.

4B. What prompted these actions and how were they organized?

A senior citizen, who for decades had been a leader in cultural affairs, invited a dozen people to her home. They agreed the community needed expanded arts and cultural events and concluded that citizens would participate more if the activities were housed in a centrally located facility. A newspaper reader survey confirmed their beliefs. They secured a $5,000 grant from the city, hired a firm to poll businesses and residents to see if a capital fund drive would be successful and conducted a survey to find out what amenities citizens and prospective users wanted in a new cultural arts center.

The group recruited other volunteers and formed the Cultural Arts Foundation as a 501(c)3 non-profit corporation to fund, build, equip and operate a new center and to develop programs, events and educational opportunities meeting the desires of citizens and user groups. A truly representative cross-section of the city was organized on a 120-member board and in many working committees to make it a reality. In August 1991, the Alabama Arts Council will formally recognize Gadsden's Center for Cultural Arts, in only its second year of operation, as one of 14 major arts institutions in the state.

4C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

The Foundation recruited people from all walks of life to serve on its board, including low-income residents. A specific goal was to ensure that blacks are represented in numbers at least equal to the county's population percentage. Business men and women, physicians, educators, attorneys, cultural and arts groups, civic leaders and elected officials were asked to join the effort. The Center was planned from the outset to be an attraction that everyone would want to experience, not just a place for exhibits and displays. Citizens were invited to become part of it as board members, committee members or advisors.

Besides one-on-one contacts, volunteers spoke to small groups in living rooms and large groups in meeting rooms; thousands of newsletters were mailed each quarter; news articles, television interviews and radio talk shows helped explain the plans and solicit involvement; and a booth staffed by volunteers was set up at the Gadsden mall with a scale model of the proposed facility to inform the public and garner participation.

5A. For Project A, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership, and Contribution:

Area churches, 2,000; Seed money, offices, role models.

Alabama A&M University, 30; Grantsmanship, strategic planning.

Alabama Education Association, 469; Grant funding, tutors.

Etowah Retired Teacher Assoc., 75; Tutors, counseling, role models.

Gadsden State Commun. College, 410; Tutors, counseling.

Jacksonville State University, 38; Student practicum tutors.

Gadsden City School System, 650; Equipment, classrooms, books.

Attalla City School System, 300; Equipment, classrooms, books.

Fighting Back Task Force, 252; Volunteer support, role models.

City of Gadsden, N/A; Funding, permanent office space.

Area community centers, N/A; Sports fields, equipment.

Area businesses, N/A; Financial contributions.

Area non-profit agencies, N/A; Support for individual programs.

Gadsden Mall, N/A; Program space and facilities.

5B. For Project A, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address, and Phone:

Harold Kimble, Director, Quest for Excellence, 420 Valley Street, 543–7117.

Dianne Cylar, R.N., Baptist Hospital, 1007 Goodyear Ave., 492–7516.

Archie Bone, Asst. Sup., Gadsden City Schools, 1026 Chestnut St., 543–3512.

(All addresses are Gadsden, Alabama 35901; the telephone area code is 205)

5C. For Project A, what was the nature of any obstacles to the efforts and from what segments of the community did obstacles originate? How were the specific obstacles overcome?

The primary obstacles were feelings of despair and apathy, since people didn't see how these widespread problems could be overcome. A black, Gadsden-native minister conceived Quest for Excellence as a potential solution and showed members of his congregation how they could make a difference. In turn, they persuaded others, black and white, to become part of it and the initial group of volunteers thus was created. Involvement increased as participants successfully implemented the described programs. At the same time, old racial barriers continued to tumble as citizens worked together for the common good.

At first, there was a general lack of understanding about what the project was intended to accomplish. It was explained and more participation was garnered through personal meetings with parents and children, gangs, elected officials, schools and businesses; speeches to community groups; newspaper interviews; radio and television talk shows; and distributing flyers and newsletters.

Resources were needed to implement the programs. Individuals donated seed funds and volunteers wrote grant proposals. Businesses and governing bodies contributed money, and a church provided start-up space until the present location was secured from the city. Finally, children had to be convinced to participate, disadvantaged ones in particular. A parenting skills class was formed. Retired teachers and others began tutoring and counseling sessions; students are required to maintain at least a "C" grade average in order to take part in the more "fun" components of the project.

6A. For Project B, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership, and Contribution:

Good Neighbor Network, 300; Block captains, coordination, community meetings, newsletters.

Chamber of Commerce, 1,200; Meeting space, refreshments, supplies, program support.

Clean & Beautiful Commission, 225; Provides environmental officer, help with antilitter initiatives.

City of Gadsden, N/A; Helps fund solutions; police foot patrols, housing inspections.

Gadsden Printing Company, N/A; Paper, typesetting for newsletter.

6B. For Project B, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address; and Phone:

Anna Mullin, Director, Good Neighbor Net., 259 So. 9th Street, 546-3693.

Gloria Allenstein, Pres., Ramah House, Inc., 510 So. 10th Street, 547-1563.

Holley Arbery, Past Pres., Gad. City Council, 212 Argyle Circle, 547-2746.

(All addresses are Gadsden, Alabama 35901; the telephone area code is 205)

6C. For Project B, what was the nature of any obstacles to the efforts and from what segments of the community did obstacles originate? How were the specific obstacles overcome?

Major obstacles were a predominantly poor, black populace comprising 24% of downtown residents, who were suspicious of and felt disenfranchised from the activities of white neighbors; a large elderly population that felt trapped within their homes as crimes escalated with the emergence of gangs; and a growing number of renters who felt little connection with the community.

Besides meetings, newsletters and phone calls, the volunteer director visited neighbors door-to-door to solicit their involvement as block captains or program participants. During trips to a housing project, she was intimidated by packs of young men who were smoking dope by resident's doors, under street lights they shot out. Most of the residents were single mothers and older, retired women. No one had ever tried to involve them in community activities before, or to find out their needs.

As they became involved, a broad-based citizen network developed, providing a mechanism for every person to communicate, meet, talk about problems and agree on solutions, as well as to include governing bodies, businesses, non-profit agencies and related parties in the process. The people saw how effective their organized actions were on an initial project; mutual understanding and a shared sense of pride and unity replaced the feelings of isolation and initial doubts that many had experienced before, and they expanded their joint activities to successfully address other community issues.

7A. For Project C, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership; and Contribution:

Cultural Arts Foundation, 120; Planning, organizing, funding.

Cultural Arts Center, 863; Dues-paying members, volunteers.

Gadsden State Comm. College, 410; Non-credit community arts classes.

Boards of Education, 1,350; Educational programs for children.

City of Gadsden, N/A; Funding assistance, parking.

Chamber of Commerce, 1,200; Donations from member businesses.

Model Railroad Club, 30; Major exhibit construction.

Friends of the Library, 70; Educational exhibits, workshops.

2 theater groups, 60; Facility planning, design.

2 music/concert groups, 130; Facility acoustics, amenities.

5 arts organizations, 134; Displays, exhibits, workshops.

28 civic clubs, 840; Fund-raising assistance.

7B. For Project C, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address, and Phone:

Jamie Sledge, Chairman, Cultural Arts Found., P.O. Box 287, 546-1656.

Mary Hardin, President, Hardin & Company, P.O. Box 69, 547-2529.

Charles Hill, Dean, Gadsden Comm. College, P.O. Box 227, 546-0484.

(All addresses are Gadsden, Alabama 35902; the telephone area code is 205)

7C. For project C, what was the nature of any obstacles to the efforts and from what segments of the communty did obstacles originate? How were the specific obstacles overcome?

The initial volunteer group had the idea of establishing a new cultural arts center in the vacant, former 11th Street School, the oldest public building in the county, and formed the Cultural Arts Foundation to acquire and renovate it. The city agreed to donate it to the Foundation, but subsequent public meetings showed that although residents would like to see this historic site preserved, they also wanted a new cultural arts center to be downtown. The Foundation then contributed the school building to the Board of Education, which restored it for their offices, and identified a boarded-up department store on the city's main street. This location met citizen desires, but more than $2 million was needed to buy and renovate the structure.

A fund-raising effort of this magnitude had never been attempted and there was concern that it could not be accomplished. Volunteers quietly secured private-sector pledges of $800,000 which the city matched dollar-for-dollar. The goal then was within reach, a "can do" attitude developed and another $700,000 in individual donations (including pennies from school children) was contributed.

The key factor was involving diverse elements of the population, not just the "country club set" in the initial planning, design and implementation process. Citizens expressed the need, determined what they wanted, worked to make it a reality and were the catalyst to revitalizing downtown; the Gadsden Art Museum is renovating the abandoned store adjacent to the Center, while businesses are occupying other buildings and constructing new ones nearby.

8. On the next two pages, assess how well your community is doing, based on each of the League's ten Civic Index components (Civic Index included with application).

This is one reason why our All-American City Committee was formed last year.

A. CITIZEN PARTICIPATION

Overall, this is one of Gadsden's stronger points as evidenced by the number of persons participating in these three projects. Citizens tend to participate in governmental affairs and in non-profit agencies because these endeavors actively seek involvement, are responsive to public input and people can see that their participation matters. Nevertheless, some persons are willing to get involved only when asked or urged, and others believe it would be futile. Our goal is to create an atmosphere whereby every citizen feels comfortable in (or better yet, feels personally responsible for) taking the initiative to get involved and participate in areas where they have concerns or interests.

B. COMMUNITY LEADERSHIP

We believe Gadsden to be above average. For example, the mayor created a private-sector Commission for Economic Development to publicly recommend ways to improve the city. A non-profit Industrial development Authority, led by businesses, formed the State's only coalition with labor. And an industrialist formed an Education Commission with unions, school administrators and elected officials. In each instance, the activities are long term, results oriented, and the initiators invited historic foes to share power with them. "Leadership Gadsden" has been formed by Gadsden State Community College and the Chamber of Commerce to formally expose and educate diverse citizens on local issues.

C. GOVERNMENT PERFORMANCE

Gadsden is fortunate in this regard, since the community is small enough for the electorate to know incumbents and candidates personally. Corruption never has been a problem. The city has a full-time mayor, professional department heads, and seven part-time council members who hold frequent public meetings in their districts; all city meetings are open to the public and are covered regularly by the news media. Gadsden took the lead in forming an Elected Officials Association with surrounding cities to discuss common problems, and undertakes many improvement initiatives through local non-profit agencies as a way to improve efficiency, facilitate teamwork and better measure results.

D. VOLUNTEERISM & PHILANTHROPY

The performance is significantly above average. Our United Way is the primary community clearinghouse and meets or exceeds its goal each year. Non-profit functions are well-supported financially for a city this size, as evidenced by substantial contributions to the Cultural Arts Foundation. Of particular note is the national recognition earned by various community non-profit agencies, which provide a focal point for volunteerism, teamwork and corporate giving; also, the city contracts with many of them to provide specific services, thus achieving the benefits of public-sector support and private-sector operational flexibility, while eliminating duplication and ensuring accountability.

E. INTERGROUP RELATIONS

This is where Gadsden is the weakest, but noticeable improvements are being made. Until recently, blacks, women and low-income residents have not been proactively and systematically included in community activities and have not specifically been recruited to assume leadership positions. That is not true for the three projects in this application, though, nor is it true for any of the other ten organizations mentioned herein. Gadsden's selection last year as an AAC Finalist prompted the creation of a permanent, bi-racial All-America City Committee to bring diverse citizens together and, using the Civic Index as a guide to formally work together toward greater improvement.

F. CIVIC EDUCATION

We are not where we need to be, although we are getting closer. Leadership Gadsden is a new program to expose younger and disadvantaged citizens to civic affairs, and prepare them for responsible positions in community activities. Schools have begun classes on citizenship, on free enterprise with the Labor-Business Coalition, and on environmental issues with the Clean and Beautiful Commission. The Cultural Arts Center places a major emphasis on this component through its children's museum, and has educational outreach programs at the schools. And, as shown herein, Quest for Excellence has achieved remarkable success in motivating children to achieve their full potential.

G. COMMUNITY INFORMATION SHARING

Due to Gadsden's relatively small size, information sharing is not difficult. Morever, the daily newspaper and news departments of broadcast media truly are excellent, providing comprehensive and detailed coverage of problems, activities and events. In particular, the Gadsden Times has conducted reader surveys about and reports extensively on local issues, and solicits citizen input through both news and editorial contexts. Non-profit groups like the Good Neighbor Network regularly communicate with citizens and conduct public meetings to share information, debate issues and agree on actions to be taken.

H. CAPACITY FOR COOPERATION AND CONSENSUS BUILDING

Of the ten Civic Index components, here is where Gadsden is the strongest. To reiterate: the mayor created a private-sector Economic Development Commission, which held public meetings on ways to improve. Citizens formed non-profit initiatives to work on solutions, jointly funded by the city and businesses, resulting in highly effective public/private partnerships comprising diverse volunteers. People from all sectors have debated issues, identified problems, resolved conflicts, reached a consensus, and worked with business and Government to implement the projects they conceived. The process is inclusive, long-range, entrepreneurial, results-oriented, cooperative and response.

I. COMMUNITY VISION AND PRIDE

From a community standpoint, the outlook is promising. From the perspective of individuals, though, we do have difficulties. Last year, a "Gadsden 2000" strategic planning committee was formed by business and civic leaders, elected officials and representatives of non-profit agencies to determine where the city needs to be by the end of the decade and how best to get there. However, there still are vocal citizens who have the attitude, "It won't do any good to try this," and "There's no way we can accomplish that." We must find better ways to get such persons involved; being selected as a 1990 AAC Finalist has been instrumental in showing that cooperative actions can make a difference.

J. INTERCOMMUNITY COOPERATION

We are about average, we suspect, and are studying other areas to find ways to be more innovative. As stated previously, Gadsden took the lead in forming an Elected Officials Association to foster cooperation. Industrial development, tourism, cultural, beautification, labor relations and education initiatives encompass all 13 municipalities in the county; these programs are successful, and information about them has been shared with neighboring cities. Gadsden and Etowah County are jointly working to solve jail and landfill problems. Regional planning is conducted in conjunction with a multi-county commission.

K. OVERALL, WHICH OF THE TEN COMPONENTS IS THE STRONGEST

Cooperation and Consensus Building Capacity.

WHICH IS THE WEAKEST

Intergroup Relations . . . but we are working to improve.

a. What lessons were learned through the implementation of the initiatives presented in the application that would prove valuable to other communities facing similar challenges? For each of the three projects, describe these lessons. Be certain to include any unique aspects of the execution of the projects, as well as suggestions of actions to be taken, and actions not to be taken.

PROJECT A

Do not hide negatives. Community promotion agencies may not like to see things like school dropout rates, drugs and gangs publicized, but people will not be motivated to work together to solve a problem unless they clearly understand that a problem exists and how it impacts them personally.

Network extensively and use every vehicle that is available (including one-on-one contacts, meetings, publicity, newsletters and speeches) to involve people in potential solutions. Capitalize on personal relationships to target relevant non-profit agencies, businesses and governmental entities. Creating a comprehensive team effort and combining available resources in unique ways is even more important when public social services to address certain problems are non-existent.

When a consensus has been reached, divide the work into multiple tasks. Ask people to assume responsibility in areas where they have special concerns or interests, delegate authority and give participants frequent, public credit.

PROJECT B

Involve those who are part of the problem and make them part of the solution. For example, a resident whose yard was strewn with aluminum cans and debris was helped with recycling by Network volunteers. He became active in anti-litter campaigns and now feels a part of and takes pride in the community.

When community groups are clamoring for a share of scant financial resources, a very effective way of gaining government support is by combining objective, statistical information; citizen eye-witness reports; and organized, broad-based testimony in public meetings. All three approaches must be utilized.

A community is constantly changing, and there must be a continuous sharing of information and a cooperative problem-solving effort to affect meaningful and positive changes. Without regular newsletters, individual contacts to solicit the involvement of all, frequent public meetings and personal visits with those unable to attend, residents would not have developed a unified vision and would dissipate once again into factions.

PROJECT C

For a project to benefit everyone, do not leave anyone or any sector out of the planning and implementation process. Since many persons (particularly minorities and low-income residents) often have been overlooked in community activities, active recruitment may be necessary for them to feel truly wanted and needed. Do so at the very beginning, not after the fact.

When a large amount of money has to be raised, quietly get advanced commitments for a major share of it. The resulting publicity about the goal being within reach helps to establish credibility and fosters a community-wide realization that the seemingly impossible is attainable.

Overlook arbitrary political subdivisions. Learn from and share information with neighboring cities. The Cultural Arts Foundation did and benefited thereby. Since the Center opened, Foundation volunteers have helped visitors from other areas plan similar facilities for their locales.

JURY PRESENTATION SCRIPT: GADSDEN, ALABAMA

Steve Means: Good morning, ladies and gentlemen. I'm Steve Means, mayor of Gadsden, Alabama. Our delegation asked me to introduce the Gadsden story to you; I'm honored to do so because it's really their story, full of pride and accomplishment. It's a story about how they, with thousand more at home, banded together to solve problems in our city.

Just a few years ago, our unemployment rate exceeded thirteen percent. School dropouts, crime and substance abuse were increasing. Drug dealers found haven in abandoned homes. Litter and graffiti were apparent. And cultural facilities where virtually non-existent. Gadsden was headed toward a reputation as being a dirty, unsophisticated, racist, sexist, blue-collar town full of social problems, with little appeal for residents or businesses. But the people of Gadsden refused to stand for that.

In public meetings and in newspaper reader surveys, our citizens said these problems were their major concerns. They resolved to do something about them.

Our three projects tell how Gadsden citizens—black, white, male, female, young, old, rich and poor—discarded prejudices and stereotypes and worked together for the common good. They initiated these projects on their own, systematically involved other residents, reached agreements and formed collaborative, non-profit efforts to improve our city. In each case, they accomplished things government cannot do by itself.

Harold Kimble, founder and director of Quest for Excellence, will present our first project to you. Harold.* * *

Harold Kimble: The problems Steve outlined were real. Youth gangs, street violence and crime, substance abuse, student dropout rates and and illiteracy were on the rise. Many of our children had low self-esteem. They were disillusioned and in trouble. Parents threw up their hands in despair. As a minister, I dealt with the problems every day.

A group of us conceived Quest for Excellence as a way to motivate our youth and help them achieve their full potential. Our church donated start-up monies and we invited others, black and white, to join us. Street patrols, counseling programs and a parenting skills class were begun. We involved businesses, labor, schools and government, formed a non-profit corporation, raised public and private funds and in April 1988 Quest for Excellence became a reality.

Since then, 250 volunteers served as tutors for 1,758 children. Dozens of role models appeared before 9,000 students to broaden their horizons and inspire loftier goals. Talent shows, creative writing and music classes foster the development of individual gifts. Sports activities develop teamwork, responsibility and character; for 85% of the participants it was their first such experience, an experience of success.

These programs (and related ones) have had a positive, direct impact on 12% of the county's 17,000 students. More than half have improved their grades, by an average of 11 points, and not one of them has dropped out of school. According to Gadsden's deputy police chief, the programs also have helped reduce gang participation and drug abuse. Has Quest for Excellence worked? We know it has; we see the results every day.

In addressing gang and drug problems, we met with the Good Neighbor Network. Gloria Allenstein, co-founder of the Network, will present that project to you.

Gloria Allenstein (with color slides being projected): Many of these problems were concentrated downtown in Gadsden's historic district. In 1988 concerned neighbors formed the Good Neighbor Network, an all-inclusive volunteer action group that uses a system of 300 block captains to notify neighbors of community projects such as our Fourth of July Kids' Parade. Issues are discussed in community meetings, a quarterly newsletter, phone calls and door-to-door visits. Once agreement is reached, problem-solving projects are undertaken with government, businesses and non-profit agencies.

Let me cite three examples: first, a joint effort between residents in our public housing project and homeowners in the surrounding area resulted in securing overtime funds for police foot patrols, which reduced calls for help to the projects by 70% in the period of a year. Second, a cooperative effort between the Good Neighbor Network and the City Planner's office resulted in a comprehensive housing code enforcement program. To date, 92% of the dilapidated, abandoned homes reported to the city by the Network have been demolished, removing them as a haven for drug dealers. Finally, two litter campaigns and continued citizen participation with the Clean and Beautiful Commission have produced a 50% reduction of litter in our district since 1988, based on a photometric index.

The strength of the Good Neighbor Network is inclusion. Every age, race, sex, income level and geographic area of our district is represented with an equal voice.

This system works. In fact, it works so well that we're helping residents in other districts expand the Network, with hopes of encompassing the entire city. Network volunteers also worked on our third project, which Jamie Sledge, chairman of the Cultural Arts Foundation, will discuss.

Jamie Sledge (with color slides being projected): The Gadsden Cultural Arts Foundation was established to fund, construct, equip and operate a new Center for Cultural Arts in downtown Gadsden, in response to citizen surveys and public meetings. People from all walks of life were recruited to serve on our 120-member board, including minorities and low-income residents. More than 2,000 volunteers, plus businesses, government, educators, civic clubs and arts and cultural organizations, worked to fund the facility and to develop programs, activities and events to be housed there.

We raised $1.5 million in private donations, including pennies from school children, to acquire, renovate and equip a vacant department store in a declining downtown area. The city allocated another $800,000, transforming a dream into a reality and bringing our downtown back to life. This happened in a city in northeast Alabama of 43,000 which had never before tackled a project even half this size.

Our 44,000-square-foot art center opened in January 1990, with 150 trained part-time volunteers coordinating diverse activities. The Center includes an exhibition hall, recital hall, art studio and a large children's museum offering hands-on learning experiences, among numerous other amenities. To date, 132,000 people have experienced the Center, plus we have taught another 12,000 students in outreach programs presented in our schools.

International exhibits like Lowell Nesbitt's Natural Wonders, Bill Cristenberry's photography and the magic of Peter Duchin's orchestra are now available in rural northeast Alabama. And we've just hired a conductor for the youth orchesta we're forming. Classical music and painting are now enjoyed by our children, many of whose parents never finished high school nor ever considered these possibilities.

Peter Gregerson was actively involved in these activities, and helped create our All-America City Committee. He will conclude our presentation.

Peter Gregerson: More than 15% of Gadsden's population personally worked to make these projects a reality. But numbers don't tell the whole story. What's more significant is the way all this happened.

Our citizens identified the problems through opinion surveys and dialog in public meetings. They recruited others representing all elements of our population—men and women, black and white, young and old, management and labor—to share ideas. They involved the public and private sectors, reached a consensus and formed non-profit efforts to solve the problems. The process we used in Gadsden is inclusive, cooperative and responsive. And it works.

In Phoenix, some of you may remember hearing about our nationally recognized industrial development and beautification initiatives. Our involvement last year in your All-America City process inspired us, and we went home and formed a permanent All-America City Committee representing, again, every segment of our society. Now, we're using your Civic Index as our guide and we're working hard to make Gadsden even better. Our dream is to make it great and you helped us to enlarge the dream.

In fact, you need to know this. We, the people of Gadsden, Alabama want you to know that if you choose to honor us by selecting Gadsden as an All-America City we will honor you and this organization by ensuring that this event is not the end, but the beginning of a further process. We will be able to use the resulting pride and enthusiasm to energize all our people, every one, to join together so that we become all that we can become. And isn't that what America is all about?

Gadsden, Alabama . . . truly an All-America City. Gadsden . . . (all 88 members of the delegation shout in unison) AN ALL-AMERICA CITY!

TRIBUTE TO JUDGE SAMMIE DANIELS

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Judge Sammie Daniels for the tremendous project he is undertaking in Park City, MT. Judge Daniels resigned as the probate judge for Marengo County, AL, this past December and has moved to Montana to serve as the pastor of a church he is starting.

Sammie Daniels has been a faithful servant of the people of Marengo County and a devoted member of the Nanafalia Baptist Church and I join those people in wishing him well in his new endeavor. He has heard a higher calling and answered that call by starting the Park City Baptist Church. Sammie, his wife Peggy, and his son Tim, have committed their all into the establishment of the church.

Park City is a small, unincorporated area with about 1,000 people surrounded by rural, agricultural areas. Last summer, Sammie visited Montana and saw the great need which existed for church activity. Since that time, he has worked closely with the Montana Baptist fellowship to meet the religious needs of this community.

This move has been a leap of faith for the Daniels family and my thoughts and prayers are with them as they work to gather a congregation and establish a church facility. They have thrown all their assets into this move and I know the outcome will be rewarding.

The Daniels have gotten great support from the members of the Nanafalia Baptist Church. Several families from this church have taken the trip to Montana to help organize and run a vacation Bible school. Currently, the Daniels are renting the Community Civic Center for the Sunday morning services while they look for better facilities.

I would like to wish Judge Daniels the best of luck as he works to make his new church thrive in his new home town. I know he brings to this task the same tenacity, intelligence, devotion, and faith he brought to the bench in

Marengo County and the Nanafalia Baptist Church. I look forward to his success.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,328th day that Terry Anderson has been held captive in Lebanon.

MAJ. GEN. WILLIAM F. WARD RETIRES AFTER 40 YEARS

Mr. D'AMATO. Mr. President, I rise today to pay tribute to Maj. Gen. William F. Ward, the Chief, Army Reserve, and first commander of the U.S. Army Reserve Command who is retiring today after more than 40 years of commissioned service to the Nation as a citizen-soldier. General Ward graduated from the U.S. Military Academy in 1950 and was commissioned in the cavalry. Indeed, he is the last officer, commissioned in the cavalry, who is still on active duty. After Korean war service as an infantry platoon leader, reconnaissance platoon leader, aerial observer, and tank battalion staff officer, General Ward returned to civilian life and continued to pursue his military career in the Army Reserve as a commander and staff officer. Upon leaving the Active Army, General Ward received a master of business administration degree at the Harvard Business School and earned a law degree from LaSalle University. General Ward has served in executive positions in many major corporations including GAF, Garret Dunlap, Inc., Dun & Bradstreet Corp., Dun-Donnelley Publishing Corp., and as director for numerous banks, and other public, private, and civic institutions.

General Ward served as the commander of the 77th Army Reserve Command, Ft. Totten, NY, and as the assistant deputy commanding general (Reserve Affairs), individual mobilization augmentee at U.S. Forces Command, Ft. McPherson, GA, before being selected as chief, Army Reserve, in December 1986. On October 1, 1990, General Ward was appointed the first commander of the U.S. Army Reserve Command.

As a result of General Ward's leadership and guidance, Army Reserve mobilization readiness was significantly enhanced: personnel strength grew; skill qualification improved; and equipment on hand increased to unprecedented levels. All of these improvements paid significant dividends for the total Army and the Nation during Operation Just Cause in Panama, and Operations Desert Shield/Desert Storm in the Persian Gulf. The outstanding support provided by the Army Reserve to our troops in the desert and around the world was a major element in the victory of allied forces. General Ward's vision, dedication, inspired leadership, and immense credibility with the leaders of Congress have been factors in making the Army Reserve all that it is today. The Army Reserve and the total Army will bear General Ward's mark for years to come in increased efficiency, enhanced economy, and unprecedented readiness.

General Ward is a true citizen-soldier, a patriot, and a great American. I salute him as he enters a new state in his career. Please join me in thanking him for his dedication and commitment to the Armed Forces and wishing him well in all of the years to come.

HOW TO FIND AN EXTRA $29 BILLION

Mr. DASCHLE. Mr. President, the Washington Post on Sunday, July 14, 1991, carried a piece by John Sewell and Peter Storm about providing assistance to emerging democratic governments and redefining the international interests of the United States in the post-cold war environment. The title of the article, "How to Find an Extra $29 Billion," immediately caught my attention, and, after reading the article, I decided that I wanted to share it with my colleagues. The authors' message is a timely and important one for us to consider.

What prompted the article was Soviet President Gorbachev's attendance at the recently concluded G–7 summit meeting in London. The purpose of his trip was obvious to everyone, but the authors point out that the Soviet Union is not the only claimant for the limited budgetary resources of the United States and other G–7 countries. In fact, the list of countries seems almost endless. Many of them have needs that require our attention, not only for strategic and economic reasons but for humanitarian ones as well. Of course, our list of unmet domestic needs grows longer every day.

Yet, as Sewell and Storm go on to discuss, we have apparently convinced ourselves that budgetary pressures prevent us from providing much more than token assistance to leaders of governments such as Poland's Lech Walesa or Nicaragua's Violeta Chamorro. The authors contend that budgets are not as inflexible as many believe and that, if certain outdated cold war programs are terminated, we can find up to $29 billion over the next 5 years to support new U.S. interests abroad, or, as many of us would suggest, neglected U.S. interests at home. They also note that, thus far, the President has not articulated clearly the interests and goals of the United States in the new world order and that this has contributed to our failure to take a bold approach to redefining our budget priorities.

Among the expenditures Sewell and Storm identify as warranting reappraisal and phaseout or immediate elimination are payments for base rights in Portugal, Greece, Turkey, and the Philippines. The authors assert that Europe is prosperous enough collectively to take on a greater share of the burden of its defense and that, if the Philippine bases recently damaged by volcanic eruption are to be repaired, Asian nations should bear the cost. They also state that foreign arms sales programs and broadcasting programs aimed at Eastern Europe need to be reexamined.

These particular suggestions deserve careful study. My purpose in commending this article to my colleagues' attention is not, however, to endorse the specific cuts the authors recommend but rather to make a broader point. Mr. President, not a day goes by that we are not reminded of the many challenges that face us, from aiding emerging democracies in Eastern Europe and elsewhere to meeting our health care needs at home. Frankly, in view of our exploding budget deficits and the shortage of funds to address these pressing concerns, it is indefensible to tolerate outdated, wasteful expenditures of the type that Sewell and Storm and others have identified. We are failing not only to adapt to changing circumstances, but also to use scarce resources wisely.

There are actions that we can take, however, to get us back on track again. Burden sharing, for example, is a concept whose time has come. I have introduced legislation, S. 1438, that asks America's military allies to share in the cost of their own defense. This bill would authorize the President to negotiate cost-sharing agreements with our allies to offset American tax dollars spent for their defense; establish a fund into which other nations may contribute if the President is able to negotiate burden-sharing agreements with them; and require that Congress be provided with an accounting of allied contributions—whether in cash or in kind—to that fund. The House passed similar legislation in May, and it is time for the Senate to act as well.

We must also maintain a constant lookout for other ways to reduce waste of taxpayers' dollars. This may involve searching for fraud and abuse or reevaluating the assumptions underlying Federal programs that simply are not working effectively. Our goal should always be to maximize the potential of each dollar we spend. Only then will we be in a strong position to promote U.S. interests in a rapidly changing world and to attack pressing problems at home.

We can reduce the deficit. We can meet our needs here at home. We can help other countries that truly deserve our help. But we can achieve these goals only if we are willing to find the waste and eliminate it, and if our allies are willing to assume their share of the burden.

I ask unanimous consent that the text of "How to Find an Extra $29 Billion" be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 1991]

HOW TO FIND AN EXTRA $29 BILLION—WE DON'T HAVE TO TURN A FISCAL COLD SHOULDER TO NEW DEMOCRACIES

(By John W. Sewell and Peter M. Storm)

At this week's G-7 summit meeting, Soviet President Mikhail Gorbachev may join the growing line of claimants for limited U.S. budgetary resources. At the same meeting, British Prime Minister John Majors reportedly will propose that his fellow summiteers step up debt relief for the world's poorest countries. Recently, new friends such as Albania have made a plea for aid to Secretary of State James Baker. Old friends like Israel would like $10 billion partly to build houses for newly-arrived Soviet emigrants. Lurking behind all of these opportunities are the twin specters of famine and refugees in Africa, the Middle East and elsewhere around the world.

U.S. policymakers have talked themselves into believing that inexorable budgetary pressures prevent them from aiding adequately leaders of emerging democratic governments like Poland's Lech Walesa or Nicaragua's Violeta Chamorro who still look to our democratic experience as a source of inspiration. But a closer look shows that budgets are not as inflexible as the conventional wisdom suggests. In fact, if bureaucratic inertia can be overcome and Cold War and other outdated programs ended, as much as $29 billion can be found over the next five years to support new U.S. interests without breaking current budget ceilings and without affecting aid levels for the Middle East.

In calling for a "new world order," President Bush obviously recognizes these opportunities. But the budget he submitted to Congress earlier this year for "national defense and to promote U.S. interests abroad" is at best a partial response. Congress over the last several weeks has made useful but essentially marginal changes.

The president's budget makes significant cuts in defense expenditures. Over 100 military bases are being closed, and the armed forces will shrink 25 percent by the middle of the decade. These are substantial reductions, but the ease with which the United States dispatched the world's fourth largest military power during the Gulf War has shown that a smaller military establishment can meet foreseeable threats in the developing world.

No similar moves are evident in the $34 billion requested for non-military overseas programs. That part of the budget needs the same bold cuts that have taken place in the defense budget, with the resources saved redirected to programs that address U.S. interests in the 1990s.

How can Congress and the administration save $29 billion?

First, by ending "base rights" a step long overdue. The United States maintains bases in Portugal, Greece, Turkey and the Philippines as part of a strategy based on mutual defense interests. In return for use of the bases, these countries demanded "rent" in the form of economic and military aid. The 1992 budget continues these arrangements for another five yers at a cost to the taxpayer of nearly $8 billion.

American forces were first stationed at these bases at a time when the United States dominated the world economy. Now Europe is clearly prosperous enough to collectively take on these responsibilties. If these bases are still needed, then any compensation for host countries should be funded by our NATO allies. The U.S. share will be paid "in-kind" by the presence of our troops.

Even before the fall of the Berlin Wall and the demise of the Warsaw Pact, Congress was beginning to ask why the United States should pay the costs of maintaining these bases. As Rep. David Obey (D-Wis.) told Baker during hearings last year on the foreign aid request, "these bases ought to be recognized as being in the interests of the recipient countries every bit as much as they are in the interests of the United States."

U.S. bases in the Philippines pose a different problem. The Philippines is not a rich country, has long historical ties with the United States and faces internal threats. But as the coup attempts against the Aquino government have emply demonstrated, the threat to the elected government comes as much from within the military establishment as from the new Peoples Army.

Mother Nature in the form of a volcanic eruption may already have resolved the issue by making the bases virtually inoperable. If they can be repaired, Asian nations now should jointly bear the costs of collective security in the Pacific area. The justification for aid to the Philippines in the future may have to be based on interest in supporting the existing democratic government and its successor.

Second, Foreign Military Financing (FMF) needs to be aligned with new global realities. FMF finances military equipment for some 40 countries around the world. It is the largest single program in the international-affairs account. Established as a channel for supplying military equipment to Cold War allies, these arms transfers can be severely curtailed or eliminated in the new era. In fact, the main focus of U.S. policy now should be to negotiate agreements to halt the flow of weapons into regions of tension. In the near term, however, some arms transfers may remain necessary, most notably for the Middle East. They should be transferred to the defense budget, where they can be judged against other programs designed to protect U.S. military security, thereby saving some $16.3 billion over five years.

Third, broadcasting programs aimed at Eastern Europe need to be phased out, saving $1.3 billion. Radio Free Europe, Radio Liberty and other U.S. government broadcasting activities to Eastern Europe once performed a formidable service, but now find themselves in a changed world. Journalists in Eastern Europe and even in the Soviet Union now freely report the news, and many areas have access to commercial international news services, most notably CNN.

These program reductions will not be politically easy to make. The new international interests of the United States in the post-Cold War environment have yet to be clearly articulated by the president, and there is no clear consensus among policy makers. What is emerging, however, is a much greater understanding of the need to focus on America's economic interests in the world, and on an emerging global agenda of old and new problems.

U.S. interests lie in promoting an open, growing world economy through improved trade, debt and investment policies; facilitating conflict resolution and regional reconstruction in such trouble spots as the Middle East and other areas such as Indochina and the Horn of Africa; stimulating additional contributions from newly-rich countries through expansion of the international financial institutions; and providing leadership to a global effort to address the pressing problems of poverty, environment, population, and democratization.

Used creatively and strategically, additional money can help, but more effective uses of existing resources is also critical. No programs in the budget are more in need of such attention than those currently charged with eliminating poverty, slowing population growth, promoting democracy and sustaining the environment.

The U.S. bilateral aid program should be opened to competition and direct appropriations to the Agency for International Development should be slashed saving $3.1 billion over five years. AID programs are dominated by short term political concerns and the agency is hobbled by congressional micromanagement on how and where it may use its funds. AID's technical competence has diminished considerably and its remaining strength lies in its competent field staff. It should no longer monopolize the distribution of bilateral assistance, and it should be forced to compete with other agencies—public and private—for available resources.

These proposals won't please everyone in either Congress or the administration. However, the main fear should be that opportunities are slipping away with no evidence that new thinking is in the wings.

John Sewell and Peter Storm are co-authors of "A United States Budget for a New World order," recently published by the Overseas Development Council.

S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Mr. FORD. Mr. President, I rise today to bring to the attention of my colleagues two editorials, one of which appeared this past Sunday in the Los Angeles Times and the other which appeared in Monday's New York Times. These two editorials express support for S. 250, the motor voter bill. The Los Angeles Times says that this bill "is an honest and worthwhile attempt to take the United States out of last place among the major democracies in terms of national election voting rate." The New York Times says that S. 250 deserves another chance for Senate consideration because "government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representative government."

The editorials do not support the bill because it will benefit Democrats. These editorials do not support the bill because it will benefit Republicans. These editorials support the bill because it will benefit democracy. I think the concluding paragraph of the Los Angeles Times editorial is an important reminder to us all about the purpose of this bill: "It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy."

Mr. President, I hope that my colleagues will read these editorials. I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 28, 1991]

GETTING OUT THE VOTE MADE SIMPLE—DEMOCRACY WILL BE THE WINNER WHEN VOTER REGISTRATION IS MADE EASIER

By now it's a dreary and predictable chain of events: A national, state or local election is held; the voter turnout is appallingly low, and then there are the inevitable editorials decrying the downward trend in participation in democracy.

But there is a practical way to begin to address the problem: Get more Americans registered to vote.

Do newly registered voters indeed vote? Apparently. In states where voter registration is most convenient, turnout rates in 1988 were 12 to 16 percentage points higher than the national average.

Then why haven't more state legislatures, and Congress, made it easier to register to vote—perhaps through an automatic process?

Such suggestions have generated concern, which for the most part has centered on voter fraud. But the potential for fraud is great even in the current hodgepodge system, which too often relies on volunteers who are working for partisan political campaigns.

Voter registration could be made as routine as renewing your driver's license.

A bill that will be reintroduced in September in the Senate would bring what is called universal voter registration to the United States. Sponsored by Sens. Wendell H. Ford (D-Ky.) and Mark O. Hatfield (R-Ore.), it is an honest and worthwhile attempt to take the United States out of last place among the major democracies in terms of national-election voting rate.

The problem is that his bill, and earlier versions of it, got mired in partisan politics. Republicans generally liked linking registration to driver's license applications and renewals, but they balked at a provision that would make voter registration part of applications for public assistance and unemployment benefits.

In no case would voter registration be linked to actually qualifying for any benefits, and in no case would any applicant be forced to register to vote, one could simply decline to register by checking off a box on a form.

In states where such procedures are in place, the costs have been minimal, about 33 cents per person registered.

The assumption has been that new voters who are on public assistance and those who are unemployed are likely to vote Democrat. But it's not that simple. The greatest untapped potential among unregistered voters is a constituency that some strategists believe the GOP might score well with—voters 18 to 25 years old.

It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy.

[From the New York Times, July 29, 1991]

GIVE 'MOTOR VOTER' ANOTHER CHANCE

Partly out of disgust with politics, partly out of apathy—and largely because of difficulty, only about half the electorate votes in Federal elections. Last year the House passed a sound bill to facilitate voter registration. But Republicans recently blocked action on the Senate version. The reform deserves another chance this session; to block it is to block democracy.

Only 60 percent of eligible voters are currently registered. The "motor voter" bill, sponsored by Senator Wendell Ford, Democrat of Kentucky, would increase the figure to more than 90 percent by requiring states to allow registration when a voter applies for or renews a driver's license. States would also have to permit registration by mail and at other public agencies.

Senate Republicans raise objections that obstruct more than they persuade. The bill would impose new costs on states that can't afford them, they say. Yet the cost of registering more voters as they get driver's licenses would be far less than signing them up in the traditional way.

Critics also worry that the mail registration requirement invites fraud because it is hard to verify validity of a mailed-in form. Yet voters who register a motor vehicles or other public agencies would be required to document their identify and residence far more rigorously than most registrants do now. Fraud would be reduced, not increased.

Perhaps the most offensive objection is that more registration won't increase turnout because voters are turned off by other factors. But there is good reason to believe barriers to registration remain a big factor.

In any case, government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representive government.

LONG-TERM CARE

Mr. MCCAIN. Mr. President, our Nation is greying at a phenomenal rate. Today, there are some 30.9 million Americans over the age of 65. By the year 2010, there will be 39.4 million elderly Americans.

Poll after poll, and letter after letter, indicate that the principal health care coverage concern of our Nation's elderly is any illness that requires long-term care. With the cost of an annual stay in a nursing home averaging some $33,000, this is not surprising. In fact, I believe this is where Congress really erred with regard to the now repealed Medicare Catastrophic Coverage Act. Had that Act not gone as far as it did on the acute care side, but assisted the elderly with protection from long-term care expenses, it would have faired much better because it would have dealt with the seniors' true catastrophic illness concern—long-term care.

The need for long-term care legislation is obvious, but the ideal focus of such legislation does not appear obvious to some. Given the demographics of our society, Mr. President, I believe it is irresponsible and impractical to put a wholly public-sector program in place to provide all Americans with long-term care coverage. Clearly, many Americans could afford to protect themselves—if comprehensive, affordable policies were more available in the private insurance market and they were no longer discriminated against in the tax code. I would like to briefly discuss two bills I believe start to lay the foundation for a responsible and reasonable approach to addressing this critical issue.

S. 1021, the Private Long-term Care Insurance and Accelerated Death Benefit Incentive Act of 1991, would expand the private long-term care insurance market by making the coverage more affordable and accessible to our Nation's seniors. The second bill is S. 846, the Long-Term Care Protection Act, which would establish Federal standards for long-term care insurance policies.

With regard to the issue of expanded public sector participation in long-term care, I am still working with seniors from Arizona and around the country. There are significant questions that have yet to be resolved, including, what coverage should be provided through the public sector program and who should be eligible for that coverage.

Without a doubt, the problem of long-term care is massive. Most Americans do not have adequate coverage from these often ruinous expenses. A complete approach to the problem will require the involvement of both the private and public sectors.

When people are able to afford it, however, private long-term care insurance policies should—and must—be part of the solution. The market, at this point, however, is not that attractive to most. For example, while current law provides a tax deduction for the purchase of acute care health insurance, it does not do so for long-term care policies.

Specifically, S. 1021, the Private Long-term Care Insurance and Accelerated Death Benefit Incentive Act would:

First, make premiums for long-term care policies tax deductible.

Second, give employers the ability to deduct premiums paid for employee long-term care policies and permit them to be offered under an employer's cafeteria plan.

And, third, clarify that death benefits from a life insurance policy may be paid to a terminally ill individual in the year before death, and not be taxable. I believe this provision will greatly assist a large number of people in meeting their long-term care needs in such a time of distress.

The second bill, S. 846, the Long-term Care Protection Act, is legislation which I recently joined Senator PRYOR and others in introducing. It would provide, for the first time, Federal consumer protection in the long-term care insurance market. Specifically, it focuses on cleaning up restrictive insurance policy limitations and marketing abuses. This is to the long-term care insurance market what Medigap reform was to the Medicare supplemental insurance market last year.

Its more important provisions include: assuring consumer access to information on long-term care insurance complaints; requiring that all policies include inflation protection; prohibiting high pressure sales tactics and churning; prohibiting the sale of long-term care policies to individuals eligible for Medicaid; guaranteed renewability of policies; standardization of definitions and terminology contained within policies; and, requiring companies to provide consumers with information regarding claims denials, approval of policies and refunds of premiums.

Just as was the case with the Medigap market, the LTC insurance market is troubled by illegal practices involving unscrupulous agents, fraudulent sales practices, and high pressure sales techniques. Although the LTC insurance market is relatively new, evidence points to a prevalence of these practices comparable to the Medigap market.

Mr. President, the greatest health coverage need of our Nation's seniors is protection from the incredible expense of long-term care. The cost of a year's stay in a nursing home averages $33,000. While the public sector can, and does, play a role, many of our Nation's seniors are spending their hand-earned, limited, resources to purchase private insurance coverage. It is critical that our Nation's seniors have confidence in the coverage that they are buying, and that unscrupulous salesmen are prevented from being able to prey on their understandable fears.

I believe these two bills will spur the development of the private sector long-term care insurance market, while providing consumers with the confidence that the market will be free from abuse. This will give consumers confidence about investing their hard-earned resources for their future health care needs. These two bills, in my view, are necessary to achieve the goal of assisting the millions of Americans who can afford to begin protecting themselves from the true catastrophic illness concern—long-term care.

I hope that my colleagues will give these two bills serious consideration, and consider joining as cosponsors, so that we might begin to address the critical issue of long-term care.

HERE THEY SEE AGE AS AN ASSET

Mr. HELMS. Mr. President, Senators will be interested in the cover story of Parade magazine of Sunday, July 14, recognizing the good works of the North Carolina Center for Creative Retirement in Asheville, NC.

In 1988, the University of North Carolina at Asheville, led by Dr. Ronald J. Manheimer, set up a program to make use of an untapped resources in that area—the retirement community of Asheville which Dr. Manheimer describes as "people of talent—resourceful, bright and capable." It is the North Carolina Center for Creative Retirement.

Mr. President, the center encourages retired citizens to serve their community by sharing experiences gained throughout their professional lives. For example, participants counsel college students, assist hospitals, and advise libraries on finances, to identify just a few.

In reporting on the center's volunteers, the Parade article proclaims: "The rest of the world would call them retired. Asheville calls them leaders." Mr. President, they are leaders, and I am proud that they chose to retire in North Carolina.

This is not the first time this group has received national recognition. On January 23, the North Carolina Center for Creative Retirement was recognized by President Bush as the 360th "Daily Point of Light." These volunteers are certainly a point of light in this Senator's eyes.

Mr. President, I hope retired citizens in other communities will follow the example set in Asheville.

Mr. President, I ask unanimous consent that the Parade magazine article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Parade, July 14, 1991]

HERE, THEY SEE AGE AS AN ASSET

Recently I traveled to Asheville, N.C., and met some of the community's leading citizens. Carolyn Rosenthal found time for me in between meetings of the reading groups she runs in the area. Earl Hitchcock squeezed me in during a busy day of administering a volunteer program. I tracked down Bob Etter in his physical chemistry lab and went to an inner-city school to find Mel Hetland and Evelyn Smith. Bob and Peggy Tinker had a little more free time; they had just finished work on a grueling political campaign and were settling back into their more normal routines as college students.

This was not a collection of native Ashevilleans—nor did they have much else in common. By training, they were a dancer, a businessman, a corporate research director, two educators, an insurance man and a travel agent. Some had lived in the upper Midwest and the Northeast; one had spent his career in places like Saigon and Buenos Aires. All had, at the age of 65 or so, wound down their primary careers. The rest of the world would call them retired.

Asheville calls them leaders.

Approximately 13 percent of this country's citizens—around 32 million people—are 65 or older. Although no exact statistics are kept, experts believe that most of these individuals are in good health. Life expectancies for Americans vary by sex, race and other demographic factors, but many older people today can expect to live into their 80s. And in 30 years, as many members of the Baby Boom generation are reaching retirement age, the number of older Americans will start to rise by 50 percent.

Statistics like these led the University of North Carolina at Asheville to set up its North Carolina Center for Creative Retirement. "Until recently, most of the nation's concern for senior citizens was concentrated on the frail, the fragile and the impoverished," said Ronald J. Manheimer, the center's director. "Those people are very important. But other seniors were ignored."

With its reasonable cost of living, temperate climate and breathtaking view of the Blue Ridge Mountains, Asheville has grown increasingly popular as a place for older people: 16,000 of the city's 62,000 residents are retirees. About 1500 of those participate each year in the programs of the Center for Creative Retirement. In the center's noncredit College for Seniors, retirees can further their education. In its Senior Academy for Intergenerational Learning, they can pass on their knowledge to young people. Through Leadership Asheville Seniors, they work in the schools, hospitals and prisons of the community.

In Asheville, "retired" people are running discussion groups for adults in rural communities, helping hospitals, libraries and orchestras to organize their finances and marketing; and counseling college students on career choices. "These are people of talent—resourceful, bright and capable," said Ron Manheimer. "They had been an untapped resource."

The older people who take part in the center's programs live in their own homes and commute to their jobs and classes on- and off-campus. Some might spend as little as two hours a week taking a course in poetry or physics or arms control at the College for Seniors. Others spend all or part of almost every weekday working on center-sponsored projects. "You don't see many people withering away or floundering around for something to do around here," Bob Tinkler, 67, told me.

Earl Hitchcock, 72, certainly wasn't floundering around when I met with him. "I've got my hands full," he said cheerfully, gesturing at a thick pile of paperwork. A few years ago, Hitchcock was a businessman in New Jersey. Today, he coordinates the work of 80 volunteers in the public schools of the Asheville area. "When I retired, I didn't have anything specific in mind that I wanted to do," Hitchcock said. "I knew I wanted to play tennis—and I've done that. But my wife and I had always been active in the community—United Way, Cub Scouts, a family-counseling service—and we wanted to remain active."

Hitchcock attended the seven-week Leadership Asheville Seniors training course, in which political, educational and philanthropic leaders taught the participants about the community's needs. "They talked about drug addiction, dropouts, the usual litany of city problems. It occurred to us that every one of these problems was education-related."

Hitchcock and other members of his class worked together with area principals to bring older people into the public schools, matching them with students who needed tutors, remedial help or just an adult to talk to. One elderly volunteer tutored a young girl who had been through four foster homes in one school year. She knitted the girl a sweater, helped her with reading and gave her a shoulder to cry on. Another volunteer helped a grade-school student who had been failing math, and the child scored an 85 on a math exam. "Some people said that seniors wouldn't be interested in schools, because they don't have kids in school anymore," Hitchcock said. "But absolutely nobody we talked to felt that way.

For Mel Hetland, 70, the center offers a very special way to serve his community while keeping his hand in the profession he loves. Hetland is one of a small group of volunteers from the center who work at Randolph Elementary School, in a downtrodden section of Asheville. Once a week, he teaches reading to first- and third-graders and devises science demonstrations for fifth-graders. "The big reward is that I'm helping some teachers develop techniques for relating to students—techniques that I had a lot of experience with during my own career as a curriculum supervisor and professor of education," he said.

In a laboratory at the University of North Carolina at Asheville, Prof. John Stevens and his students have been doing research on the Mössbauer effect—a nuclear technique that scientists use to study the structure of matter. Stevens has spent much of his career in this work and has introduced hundreds of eager undergraduates to research. Since last summer, he has been grouping his young students with people from the center. "It's been one of the most fruitful semesters I've had in 20 years of research," he said.

Bob Etter, 58, and Terri Spangler, 21, have begun a remarkable partnership. Bob, who has a Ph.D. in chemistry, retired two years ago as research vice president of Johnson's Wax; Terri is a UNC-Asheville junior. "I was expecting to be of service when I retired," Bob said. "I do a lot of volunteer things. But this is the only one I've found in which I can use my scientific background." Working as a team, Bob and Terri run painstaking analyses on specialized equipment, which they learn about as they work together.

The undergraduates in the program admit that they were apprehensive at first about having retired scientists looking over their shoulders. Now, though, Terri pays the program the ultimate compliment: "It's the kind of thing I'd like to do when I retire," she says.

You don't need to be a scientist or a business leader to benefit from the center. "Some of the smartest people in our classes only got as far as high school," said one College for Seniors participant. Carolyn Rosenthal, 67, a former librarian from New York City and Washington, D.C., has started a reading discussion group for adults in rural communities around Asheville. "At first," she recalled, "I had to convince them that they could be members of a reading group. Now, a lot of these people are candidates for courses at the College for Seniors."

Today, the scope of the North Carolina Center for Creative Retirement makes it one of a kind, but Ron Manheimer believes that other creative retirement centers could spring up around the country. With a budget of about $350,000—which comes in part from the university, foundation grants and the fees of its students—the center has relatively low costs. "The programs are replicable, if you have dedicated people," said Manheimer. Already, consultants from retirement communities and government have come to study the center. The White House named it one of President Bush's 1000 Points of Light.

Manheimer concedes that the Center for Creative Retirement is not for everyone; some people lead rich, happy retired lives just puttering in the garden, playing golf and visiting with the grandchildren. But retired people everywhere can learn an important lesson from its philosophy. As Earl Hitchcock put it: "If you can't think of anything to do when you retire, you don't have much imagination."

D.J.

Mr. MOYNIHAN. Mr. President, today I rise to observe the fatal result of easy access to certain calibers of ammunition. A young man, a 14-year-old drug runner according to an editorial in today's Washington Post, killed three people with a .32 caliber bullet. It is a story all too common in our cities.

I, along with a majority of the Senate, supported provisions establishing a waiting period before the purchase of a handgun to facilitate a background check of the purchaser. But as I have said in this chamber before, our efforts to stem gun violence must not stop there. Guns don't kill, bullets do.

On January 14, I introduced S. 51, the Violent Crime Prevention Act of 1991, banning the importation, manufacturer and transfer of .25 and .32 caliber and 9 millimeter ammunition. The .25 and .32 are used in Saturday Night Specials, small and concealable guns carried by street criminals; 9 millimeter ammunition is used in semi-automatics, the favorites of drug dealers and gangs.

Banning .25 caliber, .32 caliber and 9 millimeter ammunition might just save a few lives. It may have saved those three lives.

I urge my colleagues to support ammunition control, and ask unanimous consent that the text of the Washington Post editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 31, 1991]

D.J.

"Serve the man and take his car!" That order from his drug dealer sent D.J., a 4-foot, 9-inch, 140-pound, 14-year-old drug runner, to the car of Marvin Alston with a $20 rock of crack cocaine. When Mr. Alston, a regular drug customer, refused the order to leave his late model Maxima and tried to defend himself, D.J. shot him in the head and then in the face with a .32-caliber pistol. A few hours later, D.J. got into an altercation with another man—and shot him dead. That same night, a third man was shot and killed by D.J. in another unrelated incident, authorities say.

Last Thursday, the dealer for whom D.J. worked—27-year-old Daryl Smith—was convicted in D.C. Superior Court of felony murder for ordering Mr. Alston's death. D.J. was in that courtroom last Thursday also—as a spectator. For committing those two cold-blooded murders exactly three years ago in Northeast D.C. (court-proof evidence was lacking in the third slaying), D.J. paid his debt to society by spending a total of 26 months in the District's Oak Hill youth facility. Now nearly 17, D.J. reportedly has been seen at neighborhood crime scenes, sometimes taunting the police.

What makes this so frightening and sickening is that there are more "D.J.s" on District streets, and, say prosecutors, their numbers are growing. In part it's explained by something older drug dealers know that most law-abiding citizens don't suspect: Some 14- and 15-year-old kids can be easily recruited and paid to deal drugs and commit murders, because when they are caught and "adjudicated" in the District as juveniles their sentences tend to be relatively light. These dealer/mentors also know what the juvenile justice system is starting to learn: that in the minds of some youths, the power and reputation they gain from owning and using a gun outweigh the risks of getting caught. Today, far too many "D.J.s"—with little sense of the promise of life or the horror of death and with a penchant for shooting at a heartbeat—terrorize entire city blocks.

How terribly ironic that while President Bush is in the Soviet Union making the world safer from the threat of nuclear weapons, he leaves behind a nation's capital caught in the grip of fear and insecurity caused by the threat and reality of homegrown gun violence. A story in last Sunday's Post reported that nearly once every hour someone in the District or inner Prince George's County is shot, robbed at gunpoint or killed with a gun.

Police and prosecutors are only part of the calculus for ending this horror. Clearly, the law that puts convicted murderers like D.J. back on the streets so quickly needs urgent review. But more needs to be done closer to home. Until their funerals, when family and friends in the community tearfully profess to love them so much, you would never know that these "D.J.s," who are found on the streets at all hours of the night, even have homes and loved ones. That communal show of concern for these children's irrational and criminal behavior, along with the predictable declaration of intent to change things, is meaningless—after they're gone. The community must be held accountable for doing it now.

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 58, a concurrent resolution waiving provisions of the legislative reorganization act submitted earlier today by Senators MITCHELL and DOLE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st.

The PRESIDING OFFICER. The concurrent resolution is privileged. The question is on agreeing to the concurrent resolution.

The Concurrent Resolution (S. Con. Res. 58) was agreed to, as follows:

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or

> adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT—FISCAL YEAR 1991—CONFERENCE REPORT

Mr. LEVIN. Mr. President, I submit a report of the committee of conference on H.R. 1455 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD OF JULY 25, 1991.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KOREAN WAR VETERANS WAR MEMORIAL AMENDMENTS ACT OF 1991

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 192, S. 855 an act regarding the Korean War Veterans Memorial.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 855) to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in the Korean War."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 978

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN], for Mr. GLENN (for himself and Mr. WARNER,) proposes an amendment numbered 978.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> 1. Section is amended by striking "Section 1 of the" and inserting in lieu thereof, "The".
>
> 2. Section 2 is further amended by striking "(a) by redesignating" through the end of the section, and inserting in lieu thereof the following:
>
> "(a) in section 1, by striking 'H.R. 4378, as approved by the House of Representatives on September 29, 1986.' and inserting in lieu thereof 'Public Law 99-652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).'; and
>
> "(b) by adding at the end thereof the following new section:
>
> "'SEC. 4. Notwithstanding section 10(b) of Public Law 99-652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99-652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.'"

Mr. WARNER. Mr. President, I ask the Senator from Virginia [Mr. WARNER] be designated cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no debate, the question is on agreeing to the amendment.

The amendment (No. 978) was agreed to.

Mr. GLENN. Mr. President, I am very pleased that the Senate is prepared to take up and pass S. 855, a bill to extend the authorization for the erection of a Korean War Veterans Memorial. The time sensitivity of this matter cannot be overstated. Without expeditious enactment of this bill, there is likely to be no Korean War Veterans Memorial and the veterans of the "forgotten war" will be forgotten again.

This memorial project was originally authorized in 1986, Public Law 99-572. Shortly thereafter, Congress passed the Commemorative Works Act, Public Law 99-652, whose purpose was to provide standards and procedures for the placement of commemorative works on certain Federal lands in and around the District of Columbia. One provision of this generic act governing memorials provides that legislative authority will expire after 5 years unless a construction permit has been issued. Hence the Korean War Veterans Memorial authority will expire in October of this year.

The Korean War Veterans Memorial is the first memorial project to come along governed by the new procedures and requirements of the Commemorative Works Act. I commend the American Battle Monuments Commission [ABMC], the Korean War Veterans Memorial Advisory Board, and the National Park Service for all their hard work over the past several years. Much has been accomplished. A site on the Mall has been selected and approved; as the site is in Area I, Congress had to pass a separate bill approving the site. A national design competition has been conducted and a design selected. An architecture and engineering contract has been awarded to turn the winning design into detailed drawings and specifications. An eminent sculptor has been selected to sculpt the figures which are the focal point of the design. While preliminary design approval has been received from the various commissions and agencies charged by the Commemorative Works Act with that responsibility, more work must be done on final design approval and the Advisory Board continues its efforts to shepherd the design through the lengthy approval process.

The Commemorative Works Act requires that all the money required to complete the project must be on hand before a construction permit can be obtained. To date over $13 million has been raised to finance the construction of the memorial and endow the required perpetual maintenance fund.

I list all these accomplishments to make sure that my colleagues understand that the ABMC and the Advisory Board have worked steadily to fulfill all the requirements in the authorizing legislation and the Commemorative Works Act. This extension is not needed because those responsible for this memorial project sat on their hands for the past 4½ years. On the contrary, the extension is needed to ensure that all the considerable effort already expended on this project is not for naught. Additional time is required to fulfill the remaining conditions for the issuance of a construction permit; I am confident this can be accomplished within the 2 additional years provided by S. 855.

Lastly, I have offered an amendment to S. 855 which further clarifies the language in section 2 of the bill, the section which contains the authorization for the 2-year extension of the legislative authority for the memorial. The term "legislative authority" in section 2 encompasses all the sections of Public Law 99-572, the original memorial authorization.

Mr. President, I thank my colleagues on the Energy and Natural Resources

Committee for the expeditious manner in which they have considered and acted upon S. 855 and I thank the leadership for bringing the bill up prior to the August recess.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans War Memorial Amendments Act of 1991".

SEC. 2. EXEMPTION FROM EXPIRATION OF LEGISLATIVE AUTHORITY.

The Act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War" (Public Law 99-572; 100 Stat. 3226) is amended—

(a) in section 1, by striking "H.R. 4378, as approved by the House of Representatives on September 29, 1986." and inserting in lieu thereof "Public Law 99-652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.)."; and

(b) by adding at the end thereof the following new section:

"SEC. 4. Notwithstanding section 10(b) of Public Law 99-652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99-652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.".

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TRANSFER OF NAVAL VESSELS TO GOVERNMENT OF GREECE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2901 regarding the transfer of ships to Greece just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2901) to authorize the transfer by lease of 4 naval vessels to the Government of Greece.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Further, Mr. President, on the matter that was considered a few minutes ago, which the Senate turned to the consideration of H.R. 2901, an act to provide for the Secretary of the Navy to lease the following naval vessels, I would like to indicate that the Senator from Virginia was on the floor at the time that was passed by the Senate, and I urge my colleagues to support this.

I express my appreciation to the Government of Greece for their work on this amendment, and in particular for the visitations to this country by the Minister of Defense. I had the privilege to meet with him in connection with this request. The Government of Greece, indeed, is a very valued ally. I am delighted to see this having taken place.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2901) was ordered to a third reading, was read the third time, and passed.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

NATIONAL PARKS WEEKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 179, designating "National Parks Weeks" and that the Senate then proceed to its immediate consideration: that the resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (Senate Joint Resolution 179) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 179

Whereas on August 25, 1916, the Congress established the National Park Service charged with the conservation of "the scenery and the natural and historic objects and the wildlife" of the National Park System and "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations";

Whereas the National Park Service, now celebrating its seventy-fifth anniversary, has shown leadership in the protection of our Nation's natural, cultural, and recreational resources internationally, nationally, and locally;

Whereas today the three hundred and fifty-seven units of the National Park System preserve and interpret unique resources that shape our Nation's sense of its identity, from the scenic beauty of the great natural parks to the rich diversity of the historical and archeological areas and the varied activities of the recreational areas;

Whereas millions of Americans as well as people from foreign nations visit the national parks each year, deriving pleasure and inspiration from them;

Whereas we who have inherited this legacy and who are enriched by it, believe that the parks deserve to be kept unimpaired to ensure that future generations will continue to appreciate and enjoy them;

Whereas the National Park Service has long cooperated with the States, counties, localities, and other entities to assist in the preservation of historic resources, the management of diverse natural resources, and the increase of public recreational opportunities;

Whereas the men and women of the National Park Service charged with the protection of our parks and their visitors have steadfastly served the purposes for which the national park system was created; and

Whereas, during the year beginning August 25, 1991, the National Park Service will celebrate its diamond anniversary with programs focusing the Nation's attention on the riches of these parks and the need for their preservation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning August 25, 1991, is hereby designated as "National Park Week" and the President of the United States is authorized and requested to issue a proclamation inviting the people of the United States and the world to participate in the events commemorating the seventy-fifth anniversary of the creation of the National Park Service.

COMMUNITY-BASED AIDS RESEARCH INITIATIVE OF 1991

Mr. LEVIN. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1594, a bill relating to AIDS research initiatives, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1594) to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I wish to commend the Senate for acting swiftly and affirmatively on this important legislation. The Community-Based AIDS Research Initiative of 1991 will stand as a lasting tribute to Terry Beirn—the architect and inspiration behind the creation and now the reauthorization of this innovative and life-saving program.

It is Terry's commitment and dedication to increased access to experimental therapies that led to the establishment of this model program in 1988. It is in his name that the program will continue to forge ahead in its efforts to foster collaboration, cooperation, and the active participation of Government, industry, academia, community-based primary care physicians, and people living with HIV disease, working to prolong life and reduce suffering.

I ask unanimous consent that several tributes to Terry Beirn be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1991]

TERENCE U. BEIRN, AIDS POLICY ADVISER

Terence U. Beirn, 39, a senior AIDS policy adviser to the Senate Committee on Labor and Human Resources and a program director at the American Foundation for AIDS Research, died July 16 at a hospital in New York City. He had AIDS.

In 1986, he became an adviser to the Labor and Human Resources Committee and a year later organized the Senate's first hearings on the issue of access to experimental drugs for people with HIV, the virus that causes AIDS.

At the American Foundation for AIDS Research, Mr. Beirn's duties included efforts to develop a national system to coordinate clinical trials of experimental AIDS treatments, and creation of the AIDS/HIV Treatment Directory, a quarterly publication listing available medical treatments for AIDS.

Mr. Beirn, who was diagnosed as having the AIDS virus in 1984, maintained residences in Washington and New York City. He was born in New York City and grew up there and in Connecticut. He graduated cum laude from Yale University.

Before turning his efforts to AIDS-related work full time in 1986, Mr. Beirn had worked as a television reporter for WABC in New York City and KGO in San Francisco.

Survivors include his longtime companion, Paul Corser of New York City; his father, F. Kenneth Beirn of Bridgeport, Conn.; a sister, Sarah Jennings of El Paso; and a brother, Christopher Beirn of Goleta, Calif.

[From the New York Times, July 19, 1991]

TERENCE U. BEIRN, 39, AIDS FUND EXECUTIVE

Terence U. Beirn, an executive of the American Foundation for AIDS Research, died on Tuesday at Roosevelt Hospital. He was 39 years old and lived in Washington and Manhattan.

He died of AIDS-related brain cancer, said Paul Corser, his companion and a colleague at the foundation.

Mr. Beirn, a native New Yorker and a graduate of Phillips Exeter Academy and Yale College, was a news correspondent for television station KGO in San Francisco until 1984, when he tested positive for the HIV virus, which caused AIDS.

He joined in efforts to combat the AIDS epidemic, organizing fund-raising events, creating a quarterly directory of medical treatment for AIDS and helping to gain passage of legislation providing funds for research and clinical trials of experimental drugs to treat the disease. At his death, he was assistant executive director for programs at the research foundation.

He is survived by his father, F. Kenneth Beirn of Bridgeport, Conn.; a sister, Sarah Jennings of El Paso, and a brother, Christopher, of Goleta, Calif.

In a world where many men and women are working selflessly and tirelessly to solve a major health epidemic, Terry Beirn stood out as the most selfless, tireless, and visionary. His energy and wit, his honesty and candor, and his knowledge and brilliance were essential to all of us. Despite our profound loss, his inspiration drives us on to find a cure for HIV/AIDs, and his example both humbles and exhilarates us. We extend our deepest sympathies to his beloved father Kenneth, to his sister Sarah, to his brother Christopher, and to his friend and partner in life Paul Corser. Terry's herculean efforts will not be in vain, and to this end we pledge ourselves. American Foundation For AIDS (AmFar)

Elizabeth Taylor, National Founding Chairman; Mathilde Krim, Ph.D., Founding Co-Chair; Joel Weisman, D.O., Chairman; Mervyn Silverman, M.D., Pres.; and the entire Board of Directors and Staff of AmFar.

TERRY BEIRN

Terence Utquhart Beirn, who played an important role in shaping national AIDS policy, died on Tuesday, July 16, of complications associated with AIDS, at Roosevelt Hospital in New York City. He was 39.

Beirn had served as senior AIDS policy adviser to the Senate Committee on Labor and Human Resources since 1986, helping draft major AIDS/HIV legislation, including the 1988 AIDS Research and Information Act; the 1990 Ryan White CARE Act; and the 1990 Americans with Disabilities Act, which prohibits discrimination based on HIV status.

Beirn oversaw the programs of the American Foundation for AIDS Research (AmFAR), which include community-based clinical research and education. He served as AmFAR's program officer from 1985 to 1990 and as assistant executive director of programs since 1990. He also was program officer at AmFAR's predecessor, the AIDS Medical Foundation from 1984 until 1985

As AmFAR's program officer, Beirn spearheaded AmFAR's efforts to coordinate local AIDS treatment clinical trials into an integrated national system. He initiated the first major New York City AIDS benefit performance in 1985. And he also created the AIDS/HIV Directory, which contains up-to-date information on available AIDS treatment.

Beirn was born in New York City and graduate from Yale in New Haven, Conn., in 1974 with a bachelor of arts degree in English, and also attended the Phillips Exeter Academy in Exeter, N.H. Beirn worked as a news correspondent for KGO, a San Francisco television station until 1984.

"I shall always remember and admire Terry Beirn for his extraordinary energy and dedication to fighting AIDS," said AmFAR founder and cochair Dr. Mathilde Krim in a printed news release, "When the definitive history of AIDS is finally written, Terry Beirn will [be] remembered as one of our greatest heroes," Krim said.

Actress Elizabeth Taylor, AmFAR's national chair, said Beirn was "one of our finest warriors in the endless struggle against AIDS," according to the statement. "Indeed, if not for this extraordinary young man, there never would have been an AmFAR," Taylor said.

"Few individuals have been more effective in educating Congress about [AIDS/HIV] issues," said U.S. Sen. Edward Kennedy (D-Mass.), who chairs the Committee on Labor and Human Resources, in the news release. "The far-reaching legislation enacted . . . is a lasting monument to Terry Beirn's wisdom and compassion."

He leaves his friend and partner in life, Paul Corser of New York; his father, Kenneth Beirn of Bridgeport, Conn,: his sister Sarah Jennings of El Paso, Texas; and his brother, Christopher Beirn of Goleta, Calif.

Beirn's remains were cremated. A semi-private memorial service will take place at Krim's home in New York on Monday, July 29, and a private service is to be held on Tuesday, July 30, at the offices of the Senate. In lieu of flowers, contributions in his name may be made to the American Foundation for AIDS Research, 1515 Broadway, Suite 3601, New York, NY 10036-8901.

SENATOR EDWARD M. KENNEDY AND SENATOR ORRIN G. HATCH INVITE YOU TO JOIN FAMILY, FRIENDS, AND COLLEAGUES IN A TRIBUTE TO HONOR AND REMEMBER THE LIFE AND THE EXTRAORDINARY CONTRIBUTIONS OF TERRY BEIRN

(July 30, 1991, at 6 p.m., Committee on Labor and Human Resources, 430 Dirksen Senate Office Building)

We honor and remember Terry Beirn, April 23, 1952–July 16, 1991.

Welcome and Tribute: Senator Edward M. Kennedy.

Tribute: Senator Orrin G. Hatch.
Tribute: Dr. Mathilde Krim.
Tribute: Dr. Samuel Broder.
Message of Hope: Dr. June E. Osborn.
Feeding the Flame: Ms. Pat Wright.
Poetry and Songs: Nicole Leuschow.
"We Are Many—We Are One."
"That's What Friends Are For."

AIDS INITIATIVES INSPIRED BY TERRY BEIRN

AIDS legislation:

AIDS Research and Information Act of 1987, accelerates and expands AIDS research and establishes national AIDS prevention campaign, S. 1220—Public Law 100-607.

Americans With Disabilities Act, provides protection against discrimination for people with disabilities including HIV disease, S. 933—Public Law 101-331.

Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, provides disaster relief to hard hit cities and all states to create community based care networks for individuals and families living with HIV disease, S. 2240—Public Law 101-381.

Committee on Labor and Human Resources AIDS Hearings:

January 16, 1987—Combating the AIDS epidemic.

May 15, 1987—AIDS research.

September 11, 1987 and November 18, 1987—AIDS Federal policy: testing, counseling, confidentiality, and protection against discrimination.

July 13, 1988—AIDS treatment research and approval: barriers to progress.

February 7, 1989—AIDS education, care, and drug development.

December 11, 1989—AIDS, drugs, and the urban health care crisis.

May 15, 1991—Edwards Commission report on the FDA.

REMARKS OF SENATOR EDWARD M. KENNEDY—TRIBUTE TO TERRY BEIRN, WASHINGTON, DC, JULY 30, 1991

Senator Hatch and I wanted to deliver these tributes to Terry Beirn here in this room—because with the exception of the Senate Floor, it is the scene of Terry's most lasting achievements.

It is easy to imagine Terry—ever the movie producer and director he might have been—slipping out of the anteroom where he had been preparing the next witness, scouting the back of the hearing room to inspect the angles for the television cameras, quietly sliding behind Orrin and me into his chair on the dais, ready to pounce on the next unsuspecting Administration witness, showering us with 5 by 8 notecards in hand-written 15 second sound bites, all the while stage-whispering so loudly in our ears that we couldn't hear the witness's testimony.

It all began in January 1987. Orrin had just resumed his rightful place as ranking minority member of the Committee. I had just become the Chairman, and I asked Mathilde Krim to recommend a consultant on AIDS for the Committee—an outstanding thinker, perhaps. But Mathilde knew better—she sent us an outstanding doer.

So "Mr. Smith" Terry Beirn came to Washington to be our AIDS adviser—and "advise" he did, to put in mildly. In reality, Terry took our Committee by storm. He was more like a drill-sergeant, a General Schwarzkopf in social issues clothing—just as endearing, and just as effective.

He turned our Committee into an effective fighting force in the battle against AIDS on all fronts. Utah enlisted in Terry's army from the start. He even made a specialty of establishing beach-heads behind the lines in North Carolina.

Information was his ammunition—his silver bullet. In no time, Terry and Michael Iskowitz formed the team that began to make all the difference. They went office-to-office with other members of the staff—and their 500-page AIDS information guide. They became known as the "AIDS-Busters"—always on call for emergencies and SCUD missiles on the Senate floor.

I remember a day in December 1989. Terry organized a meeting with AIDS patients at D.C. General Hospital. Then we were off to the Whitman-Walker Clinic for a press conference and photo opportunity. I thought I was supposed to be in the picture, until Terry gently steered me to one side so the cameras could have an unobstructed view of the doctors and the safe sex poster behind me on the wall.

I remember the ten-point plan of action that Terry originally proposed. At the press conference when we first announced it, here in this room, Terry had hung sections of the AIDS quilt on the wall behind us. Mayor Dinkins, Belinda Mason, and June Osborn were here. We had more Senators present than we've ever had for any bill introduction before or since, because of one other important guest. As Terry explained, they're here to see Elizabeth Taylor, but they'll stay to learn about AIDS.

In the spring of 1987, we introduced the first comprehensive legislation—to accelerate AIDS research and create a national AIDS prevention campaign. After that measure was enacted, Terry spent the next two years on the Americans With Disabilities Act, the historic legislation to prevent discrimination against 43 million Americans with disabilities, including those with HIV disease.

Then, in 1990, Terry became the driving force behind one of the most moving measures that any of us have ever worked on, the Ryan White Emergency AIDS Care legislation. That bill is one of Terry's great monuments. Because of him, untold numbers of Americans suffering with AIDS will receive decent care, and the burden on their families will be eased.

Terry believed that the best antidote to fear is education. When young Ryan White was thrown out of school after his AIDS condition became public, when his family was literally run out of the town in which they lived, it was Terry Beirn who took a plane to Indiana. Within days, he organized an information and education campaign complete with town meetings, public service announcements and radio and television shows across the state. The fear and histeria subsided. Ryan White turned the tide, and so did Terry Beirn.

He brought boundless energy to every struggle. He was often in three or four cities a week, waging current battles while preparing for the next ones. During the Ryan White CARE conference, he was in Washington for the Senate negotiations, in Philadelphia for a clinical trial of an experimental therapy, and in AmFAR's New York and Los Angeles offices for board meetings, all in the same week.

In recent days, as Terry struggled against the final stages of his own disease from his hospital room at St. Luke's in New York City, he used his last ounces of precious time and energy to help bring sanity to the Senate floor debate over doctors and dentists with AIDS.

Terry was demanding, not only of himself, but of everyone around him. The more he got from you, the more he expected next time. Just when you thought you had done your best, Terry was there to suggest an even better idea, wondering in his gentle persuasive way why we hadn't done it yesterday. In so many ways, for the four extraordinary years he graced us with his presence, he was the 101st Senator on AIDS—and if the truth be known, he probably accomplished more than all the other hundred together.

If he were here, he would be saying "Enough already; get to the point, Senator. Where do you go from here?" The answer is that we will continue to follow the trail he blazed. We will press NIH for an AIDS vaccine. We will press NIH and FDA for better and faster approval of experimental therapies. We will press Congress and the Administration for more Ryan White funds for the care and treatment of people living with HIV disease. Above all, we will combat all those who pander to prejudice and fan the flames of fear. We will raise high again the Terry Beirn standard of humanity, decency, and compassion. We will remind and re-remind our colleagues, as long as it takes, that this battle is against AIDS, not against people with AIDS.

The only problem is, what will Orrin and I do without Terry writing the talking points and developing the second degree amendments for floor debate.

Our first AIDS bill, the Research and Information Act in 1987, included a community-based program to increase access to experimental therapies for people with HIV who are not fortunate enough to live near major research institutes.

The program is an innovative and highly successful departure from the traditional research model. It is conducted by primary care physicians working closely with their patients. It's happening on Indian reservations in New Mexico and homeless shelters in New York City. It has Terry Beirn's name written all over it, and this week Senator Hatch and I will make it official, by proposing legislation to reauthorize the program and name it for Terry Beirn.

Terry touched so many lives so deeply because he believed that all of life is about learning and growing. He dedicated his own life to breaking down barriers and building up communications. When he came to Capitol Hill, he was troubled by the hostility toward the gay community—and he worked tirelessly to change that.

He was also the ultimate pragmatist. When he first arrived, he feared that if he did not hide the fact that he was a gay man living with HIV, it might limit his ability to be effective. But as the years passed, he shared more and more of himself with those he worked with in the Senate. And as he did so, we came to admire him even more, and he became even more effective.

As Robert Kennedy told the students at Capetown in 1966, "Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

When my brother spoke those words, he was thinking about people like Terry Beirn. We mourn his death, we celebrate his life, we honor his leadership, we miss his friendship—and most of all, we pledge to carry on the fight he waged so well.

TERRY BEIRN MEMORIAL SERVICES—REMARKS BY SENATOR ORRIN G. HATCH

To the friends and colleagues of Terry Beirn, I am honored to say a few words about the legacy he left upon this Earth. I had the privilege of talking with Terry while he was desperately ill. He faced his illness with guts, courage, and a strong, abiding faith.

This country owes a great debt of gratitude to Terry. Over 100,000 Americans have died because of AIDS. Terry worked diligently to find cures and treatments for these and other Americans who are infected. Legislation that Senator KENNEDY and I worked on to expand research, treatment, and prevention efforts will help resolve the AIDS issue. Terry was a large part of that effort. Terry was a good staff member.

Terry also recognized that AIDS affects every American, regardless of belief, regardless of sexual orientation, regardless of lifestyle, or community. He was one of the original founders of AMFAR, the American Foundation for AIDS Research. In that particular organization, he hoped to make people aware all over this country of the problems related to AIDS.

To Terry's father, his sister and brother, Chris, who is here, I want you to know that Terry has left the world a better place. He was hardworking and courageous. Terry, you will be missed, but not forgotten.

MEMORIAL: TERRY BEIRN, JULY 30, 1991

(By Mathilde Krim, Ph.D.)

I am Mathilde Krim, Founding Co-Chair of the American Foundation for AIDS Research (AmFAR). Terry Beirn has been my friend and co-worker for almost seven years. I loved him dearly.

Terry Beirn was born in New York City. He attended the Phillips Exeter Academy in Exeter, New Hampshire and went on to graduate cum laude from Yale University in 1974 with a B.A. degree in English. He worked as a reporter for WABC in New York and for WKGO in San Francisco.

Terry came into my life in late 1984 when his friend, Victoria Hamburg brought him back east from San Francisco where he had been ill with AIDS-related symptoms and was deeply despondent, which was most uncharacteristic for this exuberant and feisty young man. Terry and Victoria had heard of the AIDS Medical Foundation that some friends and I founded in 1983. They offered to help us by raising financial support through the production of a major theatrical event.

I accepted their offer and the result was a marvelous show called "Comic Relief," produced at the Shubert Theater in May, 1985, which brought us some $400,000 in net proceeds. This was a milestone in that, for the first time, an AIDS benefit was held in midtown Manhattan and was prominently supported by talent and resources that did not come exclusively from the gay community. With it, Terry and Victoria put the course of AIDS research on the map for all the New York public.

Terry stayed with us. Ever since, he bounced in and out of the office, always bursting with ideas, pushing and prodding and accomplishing an enormous amount of solid creative work. Terry Beirn, more than anyone else, created the structure and programs that, today, are AmFAR.

He organized and ran the first seminar on AIDS for science and medical writers invited nationwide, and also convinced me, that same year, that AMF had to merge with a Los Angeles group that had just formed another foundation with goals similar to ours. This unification resulted in the creation of the single national foundation that took the name of *American Foundation for AIDS Research* (AmFAR).

It was Terry who recruited some of the best people on our current staff, who conceptualized and created AmFAR's publications, its unique *AIDS/HIV Clinical Treatments Directory*, its scientific *AIDS Targeted Information Newsletter*, or ATIN, and its *AIDS Clinical Care* journal for physicians.

It was Terry who helped me, in 1987, sell the concept of community-based clinical trials (or CBCT) to our board and staff and who helped us build our current CBCT program into the vibrant, actively growing and already large and important mechanism it now is for the evaluation of new treatments for people with HIV/AIDS.

And, finally, it was Terry Beirn, who for the last five years, agreed to hold two demanding jobs, each in a different city.

In 1986, Senator Kennedy asked our late friend Richmond Crinkley and me to recommend to him someone who could be his senior AIDS policy advisor. He said, and I quote, "find me someone like a retired university president." Richmond and I looked at each other and instantly had the same thought: Only Terry Beirn could take such a job immediately and do it very well. But, AmFAR also needed Terry very much, so we proposed to Senator Kennedy to accept having only a part-time senior aide and to share Terry with us. The Senator agreed and Terry accepted the position. How well he did in this new job is forever embodied in the most important legislation he helped craft and pass: the *1988 AIDS Research and Information Act*, the *1990 Ryan White CARE Act* and the *1990 Americans With Disabilities Act*.

These last five years were gruelling ones for Terry. And yet, I know that he derived much gratification from his work and that it was the constant pressure and intellectual stimulation of this work that kept him well for so long.

Terry had no time for being sick during all those years and, until recently, he had more energy than anyone. His insane schedule somehow fit a man who never wanted to be tied to one desk or to one single project. His brilliant and restless mind enjoyed all the challenges he encountered, both in New York and Washington. And, because he was selfless and was fighting not only for his own survival but for that of countless others as well, he was as excited and enthusiastic about educational PSAs and about AIDS prevention in third world countries as he was about treatment developments, our community-based clinical trials program or the Congressional bills he helped craft and that he fought so hard to see enacted.

Terry was profoundly idealistic and he was also very sentimental, but he would not easily admit to either. He would just act with a dedication, a purposefulness and a sometimes touching sensitivity that made these qualities very clear. In particular, he never complained about his hardships, about his fate, or about the fact that his extraordinary contributions and very hard work were never truly and duly acknowledged and rewarded. He had no time to worry about such things, his accomplishments were reward enough. I know, however, that when he was hospitalized, he profoundly appreciated the personal expressions of concern and sympathy he received from both Senator Kennedy and Senator Hatch, and from his many Washington friends assembled here.

He had long hoped that our common efforts would save his life. When the moment came to accept the inevitable, he faced it with extraordinary dignity and grace.

I was attending the VII International Conference on AIDS in Florence when Terry entered the hospital with serious symptoms of brain lymphoma. I called him from Italy. Surprisingly, he sounded rather upbeat. As usual, he deflected my questions about his health and, as always, we talked shop at some length. Just as we were about to hang up he suddenly said, out of the blue, but loud and clear, "I love you Dr. Krim." I answered, "I love you Terry," he whispered, "thank you," and he hung up. That day, I knew immediately that with these words, we had really said good bye to each other.

This telephone call was indeed our last one.

I thank you all for being here so we can help each other accept the reality of Terry's death, remember him with love and gratitude for all he has given us, and find in the ties of friendship and work he helped forge between us, the strength to live without him and to continue to fight AIDS with a dedication equal to his, until our task is done.

TRIBUTE TO TERENCE BEIRN

(By Samuel Broder, M.D., Director, National Cancer Institute)

This is a moment for reflection on the past, and resolution for the future. Terence Beirn was an exceptional man, who will be greatly missed. He used his intellect, education, and understanding of the legislative process, to help alleviate suffering in patients with AIDS and to further the cause of AIDS research. To many of us at the National Institutes of Health, Terry was a confidant and, even when the occasion called for it, an architect for building programs. A valuable advisor to the Senate Labor and Human Resources Committee, he organized the Senate's first hearing on the issue of access to experimental drugs for AIDS. He familiarized himself with very arcane scientific issues, and then used this knowledge to stimulate scientists to do their jobs better. He fought for research funding, for fundamental fairness for AIDS patients, and for a greater understanding and acceptance of the dire suffering from AIDS. Terry was an executive of the American Foundation for AIDS Research. He was a strong force in bringing AmFAR into being and helping to make this foundation a responsible and effective force in promoting biomedical research on AIDS. The importance of AmFAR in providing an alternative to Federal support for AIDS research should be stressed, and Terry played a major role in making AmFAR a success.

Terry liked to get things done, and he was one of those very rare people, who accomplished great things without focusing on personal credit. He shared his own experience and his hard-earned information about AIDS with others, using his knowledge to make the disease real to all of those who saw it as an abstraction. We spoke of our shared commitment to the concept that ultimately effective prevention, vaccines and treatments of AIDS would be achieved, but this would occur only through science and the scientific method—all else was only temporary strategy. Terry believed passionately that reason and knowledge were the best antidotes to fear and despair.

Terry was a brave man. He worked for others, and he acted without self-pity. We mourn the loss of a friend and ally. It is often said that no one is irreplaceable; but everyone knows that this is just not true. We will not be able to replace Terry. But we can resolve here to use his memory to guide us and inspire us until AIDS is vanquished.

IN MEMORY OF TERRY BEIRN, JULY 30, 1991

(By June E. Osborn, M.D.)

I remember the first time I met Terry: it was in 1987 and I had just finished testifying to a House Committee on some aspect of the AIDS epidemic when two wonderfully warm, intense young men came up to me and introduced themselves as Terry Beirn and Michael Iskowitz. No sooner had Terry explained about the Senate Labor/Health Committee and his hope that I might work with them as well than he gave me a glorious smile and blurted out "I love you!" What a wonderful way to begin a friendship! and how characteristic of Terry, who was full of love.

I later learned that my House Committee testimony wasn't quite as inspiring as all that, for it wasn't the first time Terry felt he had "met" me. In the past few months he sometimes referred nostalgically to a speech he had heard me give at the Institute of Medicine back in 1985, in which I had tried to give voice to the essence of the tragedy of the AIDS epidemic. I noted then that we were, as a society, sustaining an intolerable loss of trained talent; that we were losing the Prousts and Tschaikowskys of an entire generation even before their gifts could fully flower. Terry told me sometimes that the comment still meant a lot to him—and I am glad it did, for now we must add his inestimable future potential to the "loss column" of these awful years.

I am so happy that I had the chance to know and work with Terry! As his day-to-day strength sometimes wavered, or as he traveled tirelessly from one place to another along the east coast, I would learn from Michael of his continued, inspiring and dedicated input. Even at times when I knew that Terry hadn't been well, there were many occasions when I arrived in the Labor/Health Office to work with Michael, only to find that Terry was there too—energetic, eager and inveterately cheerful! It was sometimes impossible to believe that anything was wrong as he infused us with his focussed dedication; and his close friendship and special synergy with Michael were easy to sense and a privilege to share. What wonderful memories—they are precious fuel to stoke the fires against discouragement and fatigue.

I was asked to say a few words about hope on this sad evening. It is a difficult assignment: to concentrate on hope when such shadows are cast by the loss of a friend and colleague! The gloom of recent days threatens to dim our perception of what Terry was all about. But it is all the more worthwhile, for in the effort, one remembers that Terry consistently brightened his scene with sprightly, energetic involvement in his world, and his life was a lovely testament to the power of trained talent!

One is tempted, in grief, to ponder mournfully the loss of so creative a man who was not yet forty, nor was he anywhere near the heights of his potential achievement. But in fact we should celebrate a life of accomplishment, so bright and enduring in its contributions that people will be able to see his enduring light from far off and recognize the glory of human contribution to humanity * * * which means, of course, that Terry isn't really gone, for his legacy to us is everywhere manifest in his love and our inspiration.

Actually, now that I've started, it turns out that it isn't so hard to think about hope after all, for in the years I knew and worked with Terry, hope indeed was what he was all about. He embodied it in his own day-to-day, personal affirmation that there was a way out of this epidemic darkness. He lived it in his efforts at creative legislation and innovative strategies to bring care to people in need. And he instilled it in those of us who had the privilege to know and love him. How could you not be hopeful and motivated in the presence of Terry?

There is a profound difference between hope and optimism, you know. Optimism is glitsy, easy, superficial. It can be uncaring or downright cruel in its synthetic, silky effort to soothe in the face of harsh reality. But hope is constant and hardworking, tireless and committed—a very different kind of feeling that can be inspired only by genuine involvement and committed energy. Terry was the personification of hope!

The British have a nice way of wishing one well in contexts where courage and determination are in short supply: they say "Strength to your arm!" From now on we will all have an added measure of special strength to our arms, thanks to the privilege of friendship and colleagueship we enjoyed with a fine, lively, creative man who graced us for too short a while. And when I think of hope, from now on—which I will try to do often—I will always think of Terry. What a wonderful legacy—thank you!

FOR TERRY

(By Pat Wright)

Many nights throughout the last five years I have received those infamous Terry Beirn phone calls. It wasn't bad enough that it was 2:00 in the morning but we had been working side by side for the past 18 hours. He had remembered two more things that he wanted to say.

Five weeks ago I received another late night call from Terry, but this one was different. This one was about Terry and his new challenge—he was no longer HIV positive, but had his diagnosing episode. As always he methodically went through a series of questions about his condition and treatment plan. I on the other hand was mumbling, stammering and crying in between my scientific wisdom or lack thereof.

He interrupted me and asked—what was the difference between a doctor (he was talking about me) and an English major (himself)? I paused, not knowing what to say. In full Terry Beirn style, he said, "Doctors don't know English."

Throughout the following weeks, I received additional calls from Terry. Only after his death did I realize that he had been directing his death and afterlife, just as he directed his life.

Terry had AIDS. He wanted everyone to know he had AIDS and so we stand here today not just remembering a friend and a colleague but a man who even in this death wanted people to be educated.

Terry's work is not over but sits as a living memorial to his greatness, his sensitivity and his brilliance.

But most of all, the legacy that Terry Beirn leaves—is his gang of AIDS warriors—whether Democratic or Republican in New York, San Francisco, Congress and around the world.

Warriors such as Michael Iskowitz who with Terry formed the most formidable team, introducing concept after concept when other staffers said that AIDS legislation could not pass.

Some men follow—others have a vision and lead. Terry had a vision—that all people would be free from the discrimination, myths and fears that surround people with AIDS. His life was committed to this goal.

It is time to stop making public policy based upon the fears of the uneducated and the myths of the frightened.

It is time for all of us in the spirit of Terry Beirn to act and to stop making excuses for our lack of actions.

It is time for all of us—people with AIDS, the disabled community, service providers, public health officials, nurses, doctors, and especially Congress to put down the hysteria that is sweeping our nation. It is time to say no to the bigots and the martyrs hypocrisy.

It is easy to educate and vote about babies with AIDS but who will speak for the homeless, the poor, the IV drug user, the prostitute or gay man with AIDS.

Terry Beirn did and now he is asking you to.

Let it be that he did not die in vain.

"MY DEPUTY DAD, TERRY"

(By Nicole Lueschow)

My dad Terry was a very special man. He loved life. He loved work and he loved me and Fluffy. He was loving and caring, especially to me and Fluffy. Terry and I started a book about Fluffy, but we never got to finish it.

A week before Terry went to the hospital, we went to the beach. I'm glad we had time to play. One of the things we did together was to go go-carting. He was a really good go-carter. He made me laugh. He was a really good friend and a really good deputy dad.

I love and I miss him. But my deputy dad was more than a good dad. He wanted to stop AIDS so that more people wouldn't die and so more people wouldn't be sad like me. He wanted everyone to know that he died from AIDS so I'm here to tell you that AIDS are bad, but people with AIDS are not bad. It's wrong that he died and all of you have to work harder so more dads and friends don't die from AIDS. I will always remember Terry, and I hope you will too. Thank you.

WE ARE MANY, WE ARE ONE

We are many, we are one
Brothers and sisters sharing the sun,
We all beat to a different drum,
Because we are many and we are one.

THAT'S WHAT FRIENDS ARE FOR

(Dionne Warwick, with Elton John, Gladys Knight, and Stevie Wonder)

And I, never thought I'd feel this way,
And as far as I'm concerned, I'm glad I got the chance to say,
That I do believe I love you and if,
I should ever go away,
Well then close your eyes and try,
To feel the way we do today,
And then if you can remember,

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for.
For good times, and bad times,
I'll be on your side forevermore,
That's what friends are for.

Well you came and opened me
And now there's so much more I see,
And so by the way I thank you.

And then, for the times when we're apart,
Well then close your eyes and know
The words are coming from my heart,
And then if you can remember,

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for.
In good times, in bad times,
I'll be on your side forevermore,
That's what friends are for.

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for,
For good times, and bad times,
I'll be on your side forevermore,
That's what friends are for.

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, 'cause I tell you that's what friends are for,
For good times, and for bad times, I'll be on your side forevermore,
That's what friends are for.

On me for sure,
Count on me for sure,
Count on me for sure,
That's what friends are for.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Beirn Community Based AIDS Research Initiative Act of 1991".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) community-based clinical trials complement the National Institute of Allergy and Infectious Diseases' university-based research in order to provide increased access to experimental therapies:

(2) community-based clinical trials provide an efficient and cost-effective means to develop new HIV-related treatments, benefiting all people living with HIV disease and other illnesses; and

(3) because the community-based clinical trials model has a proven ability to conduct rapid trials that meet the very highest standards of scientific inquiry, this program should be reauthorized and significantly expanded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, because of Terry Beirn's tireless efforts to foster a partnership among all parties invested in AIDS research (including the National Institutes of Health university-based research system, primary care physicians practicing in the community, and patients), the community-based clinical trials program should be renamed as the "Terry Beirn Commuity-Based AIDS Research Initiative" in his honor.

SEC. 3. COMMUNITY-BASED EVALUATIONS OF EXPERIMENTAL THERAPIES.

Section 2313 of the Public Health Service Act (42 U.S.C. 300cc-13) is amended—

(1) in the section heading to read as follows:

"SEC. 2313. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.";

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: "PARTICIPATION OF PRIVATE INDUSTRY, SCHOOLS OF MEDICINE AND PRIMARY PROVIDERS"; AND

(B) by striking out "schools of medicine and osteopathic medicine" and inserting in lieu thereof "schools of medicine, osteopathic medicine, and existing consortia of primary care providers organized to conduct clinical research concerning acquired immune deficiency syndrome"; and

(3) in subsection (e)—

(A) by striking out "1991" in paragraph (1) and inserting in lieu thereof "1996"; and

(B) by striking out "1991" in paragraph (2) and inserting in lieu thereof "1996".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING STATEMENTS TO APPEAR IN THE RECORD

Mr. LEVIN. Mr. President, I ask unanimous consent that statements on the Gramm amendment to the Commerce-State-Justice bill and statements on the bill itself appear in the RECORD just prior to the votes on these matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUTRITION INFORMATION AND LABELING ACT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1608, a bill relating to nutrition labeling introduced earlier today by Senators METZENBAUM and HATCH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1608) to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INGREDIENT LABELING.

Section 10(c) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended to read as follows:

"(c) SECTION 7.—

"(1) Except as provided in paragraphs (2) and (3), the amendments made by section 7 shall take effect one year after the date of the enactment of this Act.

"(2)(A) If a food subject to section 403(g) of the Federal Food, Drug, and Cosmetic Act or a food with one or more colors required to be certified under section 706(c) bears a label which was printed before July 1, 1991, and which is attached to the food before May 8, 1993, such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(B) If a food described in subparagraph (A)—

"(i) bears a label which was printed after July 1, 1991, but before the date the proposed regulation described in clause (ii) takes effect as a final regulation and which was attached to the food before May 8, 1993, and

"(ii) meets the requirements of the proposed regulation of the Secretary of Health and Human Services published in 56 Fed. Reg. 28592–28636 (June 21, 1991) as it pertains to the amendments made by this Act,

such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(3) A food purported to be a beverage containing a vegetable or fruit juice which bears a label attached to the food before May 8, 1993, shall not be subject to the amendments made by section 7(2).".

SEC. 2. TECHNICAL AMENDMENTS.

(a) NUTRITION LABELING.—Section 403(q)(4)(A) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of the Nutrition Labeling and Education Act of 1990) is amended by striking out "(C)" and inserting in lieu thereof "(D)".

(b) UNIFORM LABELING.—Section 403A(a)(5) of the Federal Food, Drug, and Cosmetic Act (as added by section 6 of the Nutrition Labeling and Education Act of 1990) is amended by striking out "clause (B) of such section" and inserting in lieu thereof "section 403(r)(5)(B)".

(c) REFERENCES.—Section 7 of the Nutrition Labeling and Education Act of 1990 is amended—

(1) in paragraph (1), by inserting "the provisions of" after "subject to", and

(2) in paragraph (3), by inserting "the first time it appears" before "and inserting".

(d) SECTION 503.—Section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is amended

(1) by striking out "section 503(b)" in subsections (c)(2) and (c)(3)(B)(v) and inserting in lieu thereof "subsection (b)",

(2) by striking out "section 503(c)(1)" in subsection (d)(3)(E) and inserting in lieu thereof "subsection (c)(1)",

(3) by redesignating the subsection (c) added by section 105 of the Generic Animal Drug and Patent Restoration Act (Public Law 100–670) as subsection (f), and

(4) by redesignating the subsection (f) added by section 16 of the Safe Medical Devices Act of 1990 (Public Law 101–629) as subsection (g).

(e) ANIMAL DRUGS.—Section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) is amended by striking out "(H)" and inserting in lieu thereof "(I)".

(f) PUBLIC HEALTH SERVICE ACT TECHNICAL AMENDMENTS.—

SEC. 395. [280c](a)(1) after the word "if" insert the words "skilled medical services,".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of Calendar Nos. 181, 182, 183, 191, and 194; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table en bloc.

I ask further, Mr. President, that any statements relating to these calendar items appear at the appropriate place in the RECORD and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ATOMIC MUSEUM ACT

The Senate proceeded to consider the bill (S. 477) to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, NM, as the official atomic museum of the United States Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

On page 6, strike line 9, through and including line 10 on page 7, and insert the following:

(b) VOLUNTEERS.—The following provisions govern the use of volunteers:

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort

claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

So as to make the bill read:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Atomic Museum Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is a need to ensure the preservation of the National Atomic Museum, which contains and should continue to acquire items, materials, and memorabilia of singular value and great historical significance relating to nuclear science, atomic energy, and atomic weapons marking major events and milestones of American and world history;

(2) the facility comprising the museum needs to be improved and authorities and resources provided to enable proper operation and maintenance of the facility for the indefinite future so that the museum can continue to function—

(A) as a repository of information, materials, and artifacts which serves as a major attraction for large and growing numbers of visitors from all over the world;

(B) as an educational resource for the public, students, and scholars in the field of nuclear science; and

(C) in a manner and setting appropriate to the importance and historical significance of its collection;

(3)(A) there is a need to clarify and supplement the authority of the Secretary of Energy under section 652 of the Department of Energy Organization Act (42 U.S.C. 7262) regarding gifts so that there is no doubt that gifts and donations of funds earmarked for the museum (and otherwise acceptable) may be used by the museum;

(B) under section 652 of that Act the Secretary of Energy is empowered to ". . . accept, hold, administer, and utilize gifts, bequests, and devises of real and personal property for the purpose of facilitating or aiding the work of the Department" and ". . . (the gifts, etc.) shall be used as nearly as possible in accordance with the terms of the gift, bequest or devise.";

(C) the language quoted in subparagraph (B) leaves doubt concerning whether the museum can be considered the "work of the Department" and thus may properly receive and use gifts given to the Secretary even though donors intended that such gifts be used by the museum;

(D) consequently, there is need for clear statutory authority to enable gifts and donations intended for the museum to be sent to and retained and used by the museum; and

(E) the treatment of such gifts should be made as simple as possible so as to encourage donation of gifts or funds directly from individuals or via institutions and foundations; and

(4) there is a need to provide a statutory basis to authorize and encourage the use of volunteer personal services in support of the museum, it being apparent that such activities also have the potential to enhance public interest and support for the museum.

(b) PURPOSES.—The purposes of this Act are to—

(1) recognize the National Atomic Museum as this Nation's atomic museum and ensure its preservation;

(2) provide for capital improvements to the National Atomic Museum and ensure adequate resources for the operation and maintenance of the museum; and

(3) provide for such other authorities and powers as are appropriate to the management and operation of the museum including the selling of appropriate mementos and other materials to members of the public to help support the museum.

SEC. 3. RECOGNITION AND STATUS.

The museum known as the National Atomic Museum operated under the aegis of the Department of Energy and currently located at Building 20358 on Wyoming Avenue South near the corner of M street within the confines of the Kirtland Air Force Base (East), Albuquerque, New Mexico (referred to as the "museum"), is recognized as the official atomic museum of the United States with the sole right throughout the United States and its possessions to have and use the name "National Atomic Museum".

SEC. 4. MISSION.

The mission of the National Atomic Museum has been and shall continue to be to provide for the benefit and education of the public a freely available central repository of information and items reflecting the Atomic Age throughout the collection, preservation, exhibition, interpretation, display, and making available to the public of unclassified or declassified data, materials, artifacts, models, replicas, and other items pertaining to nuclear science, with special emphasis on the history of nuclear weapons and other areas of research, development, and production conducted by laboratories and facilities of the Department of Energy and its predecessor agencies.

SEC. 5. AUTHORITIES AND RESPONSIBILITIES.

(a) IN GENERAL.—The museum shall continue to be located at its present site at the Kirtland Air Force Base, Albuquerque, New Mexico, and shall continue to be managed, operated, and supported by the Department of Energy through the Manager, Albuquerque Operations Office.

(b) VOLUNTEERS.—The following provisions govern the use of volunteers:

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

(c) ACTIVITIES.—Subject to such approvals or guidelines as are required by the Secretary of Energy, the museum may—

(1) accept and use donations of money or gifts on behalf of the Secretary of Energy pursuant to section 652 of the Department of Energy Organization Act (42 U.S.C. 7262) where such gifts or money are designated in a written document signed by the donor as intended for the museum and such donations or gifts are deemed by the museum to be suitable and beneficial for use by the museum;

(2) operate a retail outlet on the premises of the museum for the purpose of selling or distributing mementos, replicas of memorabilia, literature, materials, and other items of an informative, educational, and tasteful nature relevant to the contents of the museum, all of the net proceeds of which shall be applied to authorized activities of the museum;

(3) exhibit, perform, display, and publish information and materials concerning museum mementos, items, memorabilia, and replicas thereof in any media or place anywhere in the world, at reasonable fees or charges here feasible and appropriate to substantially cover costs, all net proceeds of which shall be applied to authorized activities of the museum;

(4) establish in association with the museum 1 or more standing or ad hoc boards or committees of knowledgeable citizens of the United States to provide studies, consultation, advice, and assistance for the museum and the Department of Energy regarding—

(A) facility improvement, operation, and maintenance;

(B) possible changes in the location, size, mission, nature, or site of the museum;

(C) assistance and coordination regarding obtaining of donations and volunteer services; and

(D) other activities of concern to the museum; and

(5) conduct any other activity reasonably pertinent to the normal and customary activities of museums, including—

(A) operation of a library;

(B) acquisition at reasonable cost of materials, memorabilia, and other items relevant to the nature of the museum;

(C) storage and preservation of museum materials and items in appropriate facilities; and

(D) preparation and distribution of literature advertising or providing information about the museum.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUFFALO NATIONAL RIVER

The bill (S. 996) to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of twenty-five years for use of their home and approximately forty-two acres of adjacent land;

(3) on January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupany reservation, with an appropriate refund of the unused portion of the value of the reservation.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including tracts 66-104, 66-111, and 66-112, executed on October 25, 1979, and valued at $19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) In General.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) Refund.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rata basis.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

USE OF CERTAIN FEDERAL LANDS

The bill (H.R. 1448) to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BOOTS AND SADDLES HISTORIC NEW MEXICO FORTS STUDY ACT

The Senate proceeded to consider the bill (S. 628) to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico, which had been reported form the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boots and Saddles Historic New Mexico Forts Study Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the study and interpretation of historic cavalry forts occupied during the Civil War and Indian campaigns in New Mexico could contribute to an understanding of the American frontier;

(2) the forts are deteriorating due to natural weathering, unsupervised human visitation, and lack of maintenance and repair; and

(3) in light of the declining condition of most of these significant historic properties, it is necessary to determine, through a comprehensive study, the appropriate means to stabilize, **[**restore,**]** *preserve*, and interpret these sites.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) Study.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, shall conduct a study of the following historic forts in the State of New Mexico occupied during the Civil War and Indian campaigns:

(1) Fort Stanton;
(2) Fort Union;
(3) Fort Sumner;
(4) Fort Cummings;
(5) Fort Seldon;
(6) Fort Bayard; and
(7) Fort Craig.

(b) Report.—Not later than 1 year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee of Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) Study Content.—The study shall develop alternative means of preserving and interpreting the forts referred to in subsection (a) including—

(1) the study of related historic properties;

(2) the feasibility of establishing **[***Tour routes***]** which may encompass common themes and link appropriate sites; and

(3) such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEZ PERCE NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 550) to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 1 of the Act entitled "An Act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes", approved May 15, 1965, (79 Stat. 110) as amended (hereinafter referred to as "the Act") is amended by inserting after "the Nez Perce country of Idaho" the words "and in the States of Oregon, Washington, Montana, and Wyoming".

Sec. 2. Section 2 of the Act is amended by adding at the end the following new sentence: "Sites to be so designated shall include the following sites as described in the **[**1989**]** *1990* National Park Service **[**draft**]** *Report* "Nez Perce National Historical Park Additions Study": Tolo Lake, Idaho; Looking Glass' 1877 Campsite, Idaho; Buffalo Eddy, Washington and Idaho; Traditional Crossing Near Doug Bar, Oregon and Idaho; Camas Meadows Battle Sites, Idaho; Joseph Canyon Viewpoint, Oregon; Old Chief Joseph's Gravesite and Cemetery, Oregon **[**(limited to the portion that is, on the date of enactment of this Act, owned by the United States or held in trust by the United States for the Umatilla and Nez Perce tribes);**]** Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon; Burial Site of Chief Joseph the Younger, Washington; Nez Perce Campsites, Washington; Big Hole National Battleground, Montana; Bear's Paw Battleground, Montana; **[**and**]** Canyon Creek, Montana; *and Hasotino Village, Idaho.*"

Sec. 3. (a) Section 3 of the Act is amended by replacing the colon in the first sentence with a period and striking the remainder of the sentence and by adding the following new sentence at the end thereof: "Lands and interests therein owned by a State or local political subdivision may be acquired only by donation or exchange and private lands or interests therein may be purchased only on a willing seller basis.".

(b) Section 4(a) of the Act is amended by striking the third sentence.

(c) Section 6(a) of the Act is amended by striking the words "State of Idaho, its" and inserting in lieu thereof the words "States of Idaho, Oregon, Washington, or Wyoming, their".

(d) Section 6 of the Act is amended by adding at the end a new Subsection, "(c) In order to ensure the cultural and historical accuracy of the interpretation sites of the Nez Perce country, the Secretary shall consult with officials of the Nez Perce tribe.".

Sec. 4. Section 7 of the Act is amended by striking the number "$630,000" and inserting "$2,130,000" in lieu thereof, and by striking the number "$4,100,000" and inserting the number "$9,300,000" in lieu thereof.

Sec. 5. Section 5 of the Act is amended by adding the following subsections (b) and (c) at the end thereof:

"(b) The individual and separate Federal components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which **[**it is**]** *such components are* located.

"(c) Cooperative agreements for the individual and separate State and private components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which **[**it is**]** *such components are* located.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986 AMENDMENTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 178, Senate bill 1475, regarding the mentally ill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1475) to amend the Protection and Advocacy For Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I rise in strong support of S. 1475, legislation reauthorizing and extending for 4 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986 [PAMII].

While the funding authorized under the PAMII Act is small compared to other legislation concerning persons with disabilities, the assistance made available is of critical importance in assisting States establish and operate protection and advocacy systems—P&A systems—for individuals with mental illness.

Under the PAMII Act, the P&A systems' mission includes protecting and advocating for the rights of individuals with mental illness and investigating incidents of abuse and neglect of individuals with mental illness who are residents or inpatients in facilities rendering care or treatment or who are involuntarily confined in municipal detention facilities for reasons other than serving a sentence resulting from convictions for criminal offenses.

In addition, the act authorizes the system to pursue administrative, legal, and other appropriate remedies on behalf of an individual who was mentally ill with respect to matters arising within 90 days after the client's discharge from a residential facility rendering care or treatment.

The entity operating the system is the same entity that operates the P&A system for persons with developmental disabilities under the Developmental Disabilities Assistance and Bill of Rights Act. Each system is required to establish a governing authority and an advisory board of which at least 50 percent must be individuals who have received or are receiving mental health services or family members of such individuals. The P&A system is required to maintain the confidentiality of patient records to which it gains access.

The original PAMII legislation was sponsored by Senator Weicker and signed into law on May 23, 1986 (Public Law 99-319). In 1988, I sponsored the bill reauthorizing and extending the PAMII Act for an additional 3 years (Public Law 100-509).

Currently, there are 56 P&A systems, one in each of the 50 States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Forty-five of the P&A systems are private not-for-profit organizations; the remainder are located within State agencies or special departments which are independent of those providing mental health treatment or services.

According to the most recent data available, the PAMII systems handled almost 22,000 cases in 1990, an increase of 126 percent over 1987, the first full year of operations. The fiscal year 1991 appropriation for the program was $15.6 million.

S. 1475 is bipartisan, consensus legislation. I would like to thank Senator DURENBERGER for his leadership in bringing about a bill that has the support of all groups interested in the PAMII Act, including the National Alliance for the Mentally Ill [NAMI], National Association of Private Residential Facilities, the American Psychiatric Association, the National Association of State Mental Health Directors, the National Mental Health Association, the Mental Health Law Project, and the National Association of Protection and Advocacy Systems.

The bill reaffirms the thrust of the PAMII Act and includes several amendments that clarify and strengthen the ability of the systems to carry out their responsibilities.

The bill includes several provisions recognizing the role played by individuals who received or are receiving mental health services and family members of such individuals. First, the bill adds a new finding recognizing the role played by families in advocating for people with mental illness. Second, the bill changes the percentage representation on the advisory council from 50 to 60 percent for individuals who received or are receiving mental health services or family members of such individuals. The bill also specifies that the chair of the advisory council—who has an automatic seat on the governing board—must be an individual who received or is receiving mental health services or family members of such an individual.

Third, the bill adds a provision clarifying that the term "members who broadly represent or are knowledgeable about the needs of the clients served by the system" includes individuals who have received or are receiving mental health services and family members of such individuals.

Fourth, the bill specifies that PAMII staff must be trained to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members.

The bill also states that the above obligation regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals.

The bill also clarifies certain key provisions in the PAMII Act. The bill defines the term "facilities" to include hospitals, nursing homes, community facilities for individuals with mental illness, board and care facilities, homeless shelters, and jails and prisons.

In addition, the bill includes language authorizing the use of PAMII funds for representation of individuals with mental illness residing in Federal facilities.

Further, the bill includes language concerning access to records that was included in the recent reauthorization of the Protection and Advocacy Program under the Developmental Disabilities Assistance and Bill of Rights Act. A modification to the policy on monitoring was included to clarify its intent.

The bill sets the authorization at $19.5 million for fiscal year 1992 and such sums for each of fiscal years 1993 through 1995.

The bill also directs the Secretary to issue regulations within 6 months from the date of enactment.

Finally, the bill updates the terminology used in the legislation to be "people first."

I urge my colleagues to support this legislation.

Mr. DURENBERGER. Mr. President, I rise today to support S. 1475, the Protection and Advocacy for the Mentally Ill Amendments of 1991.

Not quite 10 years ago, Senator Lowell Weicker, my predecessor on the Subcommittee on Disability Policy commissioned an investigation of the situation of institutionalized mentally disabled persons and found conditions at some to be dangerous and unhealthy in several States around the country. He concluded that:

> Abuse and neglect of society's most vulnerable citizens must stop. Care and treatment must be provided in an atmosphere of dignity and respect. And those to whom this care is entrusted must be held fully accountable.

The Protection and Advocacy for Mentally Ill Individuals Act [PAMII] was the product of these investigations and provides a program of protection and advocacy for the rights of people with significant mental illness or emotional impairment who reside in facilities providing care and treatment.

Mr. President, in testimony before the Labor and Human Resources Committee this year, we heard how PAMII is beginning to fulfill its purpose. Today, PAMII agencies handle over 22,000 cases a year, which is an increase of 126 percent over 1987, the first full year of operation.

Concerns were raised, however, that family members are often ignored or disregarded by PAMII advocates and administrators. S. 1475 acknowledges that the involvement of family members is crucial to the successful care and treatment of individuals with mental illness and to the successful implementation of the PAMII Act. The bill amends the findings section to recognize the important role family members play in the care and advocacy of mentally ill individuals. In addition, the bill changes the membership on the advisory council that must be individuals who have received or are receiving mental health services or family members of such individuals form 50 percent to 60 percent and specifies that the council chair must be one or the other.

A recent GAO report reviewed the coverage of inmates in correctional facilities under PAMII. The GAO report pointed out that inmates of correctional facilities may be eligible for PAMII services under two provisions of the Act: First, a special provision that allows representation of unsentenced individuals in municipal jails; and second, a general provision covering mentally ill individuals in a "facility rendering care or treatment." The report also upheld the legality of a 1987 HHS Office of General Counsel ruling that Federal correctional and noncorrectional facilities are not covered by the act.

S. 1475 takes several steps to address the findings of the GAO report. First, it amends the act to include the policy governing Federal facilities that the Senate included in Senate Report No. 100-454 which allowed an eligible system to use its allotment under the bill to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. In addition the bill clarifies that prisons may be considered eligible facilities if such prison meets the "care and treatment" qualification under the act.

Similar eligibility questions were raised over the coverage of homeless shelters and board and care facilities, and the bill makes corresponding clarifications for these facilities, that such facilities providing care and treatment would be eligible under the Act.

The bill clarifies the confusion over the issue of probable cause in determining access to records. However, it retains current restrictions on P&A's from going in and monitoring institutions which doesn't result from a complaint or other evidence.

Mr. President, the protection and advocacy system has proven successful in protecting the rights of some of our most vulnerable citizens. In addition, it has proven to be a valuable service in helping to keep the system more accountable. Finally, I want to thank Senator HARKIN for his leadership on this bill and urge your support of this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. FINDINGS.

Section 101(a) (42 U.S.C. 10801(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following new paragraph:

"(2) family members of individuals with mental illness play a crucial role in being advocates for the rights of individuals with mental illness where the individuals are minors, the individuals are legally competent and choose to involve the family members, and the individuals are legally incompetent and the legal guardians, conservators, or other legal representatives are members of the family;".

SEC. 4. DEFINITIONS.

Section 102 (42 U.S.C. 10802) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) The term 'facilities' may include, but need not be limited to, hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, and jails and prisons.".

SEC. 5. USE OF ALLOTMENTS.

Section 104 (42 U.S.C. 10804) is amended by adding at the end thereof the following new subsection:

"(c) An eligible system may use its allotment under this title to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. Representatives of such individuals from such system shall be accorded all the rights and authority accorded to other representatives of residents of such facilities pursuant to State law and other Federal laws.".

SEC. 6. SYSTEMS REQUIREMENTS.

(a) ACCESS TO RECORDS.—Section 105(a)(4) (42 U.S.C. 10805(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B)(iii)—

(A) by inserting "as a result of monitoring or other activities (either of which result from a complaint or other evidence)" before "there is"; and

(B) by adding "and" at the end thereof; and

(3) by adding at the end thereof the following new subparagraph:

"(C) any individual with a mental illness, who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy, whenever—

"(i) such representative has been contacted by such system upon receipt of the name and address of such representative;

"(ii) such system has offered assistance to such representative to resolve the situation; and

"(iii) such representative has failed or refused to act on behalf of the individual;".

(b) ADVISORY COUNCIL.—Section 105(a)(6) (42 U.S.C. 10805(a)(6)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B), by striking out "one-half" and inserting in lieu thereof "60 percent"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) which shall be chaired by an individual who has received or is receiving mental health services or who is a family member of such an individual;".

(c) GRIEVANCE PROCEDURE.—Section 105(a)(9) (42 U.S.C. 10805(a)(9)) is amended by inserting before the period the following: "and for individuals who have received or are receiving mental health services, family members of such individuals with mental illness, or representatives of such individuals or family members to assure that the eligible system is operating in compliance with the provisions of this title and title III".

(d) GOVERNING AUTHORITY.—Section 105(c)(1)(B) (42 U.S.C. 10805(c)(1)(B)) is amended by adding at the end thereof the following new sentence: "As used in this subparagraph, the term 'members who broadly represent or are knowledgeable about the needs of the clients served by the system' shall be construed to include individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 7. TRAINING.

Section 111 (42 U.S.C. 10821) is amended—

(1) in subsection (a)(2), by inserting before the semicolon the following: "and to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a), the following new subsection:

"(b) The assurance required under subsection (a)(2) regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 117 (42 U.S.C. 10827) is amended to read as follows:

"SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for allotments under this title, $19,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 9. REGULATIONS.

Section 116 (42 U.S.C. 10826) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) REGULATIONS.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall promulgate final regulations to carry out this title and title III.

SEC. 10. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 10801 et seq.) is amended—

(1) by striking out "mentally ill individual" each place that such occurs and inserting in lieu thereof "individual with mental illness"; and

(2) by striking out "mentally ill individuals" each place that such occurs and inserting in lieu thereof "individuals with mental illness.".

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION OF ENGROSSMENT OF H.R. 1415

Mr. LEVIN. Mr. President, I ask unanimous consent that in the engrossment of the Senate amendment to H.R. 1415, the Pell-Helms amendment, No. 876, be modified to reflect the changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPRECIATION OF WILLIAM H. WEBSTER

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 164, a resolution expressing the appreciation of the U.S. Senate to William H. Webster for his exceptionally distinguished service to the Federal judiciary, the FBI, the CIA, the national intelligence community, and to the people of the United States, which was submitted earlier today by Senators BOREN, MURKOWSKI, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) to commend William H. Webster for exceptionally distinguished service to the United States of America.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOREN. Mr. President, as my colleagues are aware, Judge William H. Webster had decided to retire after 4 years as Director of Central Intelligence where, as chairman of the Senate Intelligence Committee, I have had no occasion to get to know and appreciate his very substantial abilities. The vice chairman and I are here today to offer a resolution cosponsored by several of our committee members to commend the judge for his extraordinary dedication to our Nation for more than 25 years.

Judge Webster has spent the majority of his adult life serving the public and he exemplifies the high standards that often do not receive proper recognition and appreciation. To quote our colleague, Mr. DANFORTH, when he introduced the judge to the Select Committee on Intelligence in 1987: "* * * He is a person of enormous ability, of very great character, [and] of fine judgment."

This gentleman's career began as a young Navy lieutenant in World War II. Graduating from law school in 1949, Judge Webster returned to the Navy to serve 2 additional years during the Korean conflict. He then entered private law practice in St. Louis, where he remained until he was appointed to the Federal bench in 1971. Serving first as U.S. district judge, he later became a judge on the U.S. Court of Appeals for the Eighth Circuit, where he distinguished himself as a jurist.

Giving up a safe and promising judicial career, however, he agreed in 1978 to become the Director of the Federal Bureau of Investigation, at a time when that agency was sorely in need of leader of stature and integrity. Coming in the wake of the investigations of the FBI in the mid-1970's, Judge Webster's appointment brought order and calm to a troubled agency, restoring its place and its reputation among the American people during his 10-year tenure as Director.

As if this were not enough, President Reagan called upon him in 1987 as the Iran-Contra investigations were ongoing, and the CIA was facing new and intense pressures, to bring the same brand of honesty and integrity to that agency.

This was not an easy assignment for Judge Webster. His entire professional career had been spent in jurisprudence and law enforcement, removed from foreign policy concerns and international relations. But he was willing to serve as CIA Director if the President wanted him to do so. The last 4 years have been particularly difficult ones for the intelligence community, with enormous changes taking place in the Soviet Union and Eastern Europe, and with the United States becoming involved in conflicts in Panama and the Persian Gulf. History will demonstrate that he was the right man at the right time for CIA. He will be remembered as a leader whose integrity is unquestioned, whose judgment sound, who approached the Congress with seriousness and candor.

I take great pleasure today in asking my colleagues to recognize this dedicated public servant, William Hedgcock Webster, after a long and distinguished career of service to the United States.

Mr. MURKOWSKI. Mr. President, it gives me a great deal of pleasure to commend William H. Webster for his exceptionally distinguished service to the United States in his 25 years of government service. During his service to his country, he displayed honor, dedication and devotion to duty. It is extraordinary when one considers that Judge Webster began his public service as a lieutenant in the U.S. Navy in World War II, and completed his public service as the Nation's highest intelligence official. Judge Webster brought integrity to all positions he held, and his achievements as the Director of the Federal Bureau of Investigation are unparalleled. In this Senator's judgment, Judge Webster sustained and enhanced the image of the intelligence community, and he did so with fidelity to the Constitution. As Sir William Stephenson said in the foreward to the book "A Man Called Intrepid," "In the integrity of that guardianship lies the hope of free people to endure and prevail." Judge William Webster's honorable stewardship of the CIA was recently recognized by President Bush who bestowed on Bill Webster the highest civilian honor of our Nation: The Medal of Freedom. A grateful Nation has given thanks for all that Judge William Webster has done.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 164

Whereas William H. Webster has served his Nation with exceptional dedication, honor and distinction for over 25 years and has been appointed to important federal positions by five different Presidents;

Whereas William H. Webster began his extraordinary public service as lieutenant in the United States Navy in World War II and the Korean War before becoming the United States Attorney for the Eastern District of Missouri in 1960;

Whereas William H. Webster continued his selfless devotion to public service as a Judge of the United States District Court for the Eastern District of Missouri and, subsequently, as a Judge of the United States Court of Appeals for the Eighth Circuit;

Whereas William H. Webster served with unparalleled probity and effectiveness as Director of the Federal Bureau of Investigation for nine years;

Whereas William H. Webster's commitment to competent and professional administration and his profound sense of moral and legal propriety were crucial in enabling the Federal Bureau of Investigation to make major achievements in the areas of counterintelligence and counterterrorism, and in combatting government corruption and organized crime;

Whereas William H. Webster brought an extraordinary integrity and dedication to principle and the rule of law to the Central

Intelligence Agency during a troubled period and restored public and congressional confidence in that critical institution;

Whereas William H. Webster provided the Central Intelligence Agency with outstanding direction in a period of unprecedented world change and left the Agency well-positioned to confront the challenges of the 1990's and beyond;

Whereas William H. Webster provided excellent leadership to the national intelligence community's critical contribution to the historic victory in Operation Desert Storm; and

Whereas William H. Webster has earned the deep respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former members of the Intelligence Committees of the Senate and the House of Representatives for his unstinting honesty and integrity in the service of his country: Now therefore, be it,

Resolved, That on the occasion of his retirement from federal service, the United States express and record its deep appreciation to William H. Webster for his exceptionally distinguished service to the federal judiciary, to the Federal Bureau of Investigation, to the Central Intelligence Agency, to the national intelligence community, and to the people of the United States.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. I ask unanimous consent that the earlier unanimous-consent agreement on certain amendments to the defense authorization bill be modified to prohibit amendments to possible language that may be stricken as well as second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:31 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 1193) to make technical amendments to various Indian laws; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the concurrent resolution (S. Con. Res. 21) commending the people of Mongolia on their first multiparty elections; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States.

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

At 3:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption; and

S.J. Res. 40. Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 7:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 191. Concurrent resolution providing for an adjournment of the House from August 2, August 3, August 4, or August 5, 1991, to September 11, 1991.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe (Rept. No. 102–133).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 1779. A bill to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Joyce Elaine Tucker, of Illinois, to be a Member of the Equal Employment Opportunity Commission;

Cari M. Dominguez, of Maryland, to be Assistant Secretary of Labor;

Nancy Risque Rohrbach, of Virginia, to be an Assistant Secretary of Labor;

Mary Cracraft, of Kansas, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1996;

The following-named persons to be members of the Board of Directors of the Commission on National and Community Service for the terms indicated (new positions):

For terms of 1 year:
Gayle Edlund Wilson, of California.
George Wilcken Romney, of Michigan.
Karen Susan Young, of California.
William J. Byron, of the Distrct of Columbia.
Glen W. White, of Kansas.

For terms of 2 years:
Richard Frederick Phelps, of Indiana.
Alan Khazei, of Massachusetts.
Paul N. McCloskey, Jr., of California.
Reatha Clark King, of Minnesota.
Shirley Sachi Sagawa, of Virginia.
Wayne W. Meisel, of Minnesota.

For terms of 3 years:
Daniel J. Evans, of Washington.
Maria Hernandez Ferrier, of Texas.
Frances Hesselbein, of Pennsylvania.
Patricia Traugott Rouse, of Maryland.
Joyce M. Black, of New York.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 101-22. Agreement With the Union of Soviet Socialist Republics on the Maritime Boundary (Exec. Rept. No. 102-13).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1595. A bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages; to the Select Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. SIMON, Mr. SPECTER, and Mr. DURENBERGER):

S. 1596. A bill to provide for a Pilot Program of Fair Housing Testing in the Department of Justice; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 1597. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. GARN):

S. 1598. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself and Mr. RIEGLE);

S. 1599. A bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1600. A bill to amend title 39, United States Code, to provide for public comment on small post office closings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WIRTH:

S. 1601. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear items to non-nuclear-weapon states, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. INOUYE):

S. 1602. A bill to ratify a compact between the Assinibone and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana; to the Select Committee on Indian Affairs.

By Mr. GRAMM:

S. 1603. A bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. HARKIN, Ms. MIKULSKI, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, and Mr. SYMMS):

S. 1604. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for certain contributions of depreciable business property; to the Committee on Finance.

By Mr. WOFFORD:

S. 1605. A bill to amend title 18, United States Code, with respect to environmental crime; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 1606. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BURNS (for himself, Mr. BAUCUS, and Mr. MCCAIN):

S. 1607. A bill to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. METZENBAUM (for himself and Mr. HATCH):

S. 1608. A bill to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes; considered and passed.

By Mr. GORTON:

S. 1609. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S.J. Res. 186. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget, pursuant to section 258(a)(1) of Public Law 99-177, as amended.

SUBMISSIONS OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 163. A resolution to amend the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. BOREN (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. GLENN, Mr. GORTON, Mr. RUDMAN and Mr. WARNER):

S. Res. 164. A resolution to commend William H. Webster for exceptionally distinguished service to the United States of America. Considered and agreed to.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. Con. Res. 57. A concurrent resolution to establish a Joint Committee on the Organization of Congress; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Con. Res. 58. A resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1595. A bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages; to the Select Committee on Indian Affairs.

ALASKA NATIVE LANGUAGES PRESERVATION AND ENHANCEMENT ACT

Mr. MURKOWSKI. Mr. President, I rise today to offer a bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages. Out of the 20 original native languages spoken in Alaska only two, Siberian Yupik and Central Yupik, continue to be spoken by children. The other 18 Alaska Native languages, as is estimated, face extinction by the year 2055. Eyak, the language of the Copper River Delta, is spoken by only two elderly Eyak Natives. Even the Yupik languages are endangered by the continual encroachment of English on village life.

Mr. President, this legislation would establish a grant program to be administered by the Administration for Native Americans for the purpose of enhancing, encouraging, preserving, and facilitating the ability of Alaska Natives to speak their native languages, and to preserve and expand knowledge about such languages. My bill will give Alaska Natives the chance to actively participate in the recovery of their languages.

The Native American Programs Act is a proper place for an Alaska Native Languages Preservation Program. The Administration for Native Americans, the agency responsible for administering programs under this act, is well respected by natives and Government officials as a well run agency that gets the money to the people where it belongs. The grant program in my bill was modeled on the ANA's current program to take advantage of their existing structure and expertise.

The purpose of the Native American Programs Act is to promote the goal of economic and social self-sufficiency for native Americans. The Alaska Native Languages Preservation and Enhancement Act of 1991 falls within the purpose of the Native American Programs Act because of the important relationship between language, culture and social self-sufficiency. Social self-sufficiency is not defined in the act, but it is clear that it means the establishment and maintenance of a strong, integrated community that is able to withstand and solve social problems and to enable its citizens, particularly children, to take their proper place in the social and cultural context of the society.

Social self-sufficiency is sorely lacking in some village communities and part of the blame must be laid at misguided policies that forced Alaska Natives to give up their languages and much of their cultures to live in the modern world.

In the past, it was assumed that speaking their Native languages would prevent Native children from becoming educated and participating in the American dream. Total assimilation was the goal of the Bureau of Indian Affairs and others involved in working with Native peoples. Often this policy was pursued at the expense of the very people it was designed to assist and resulted in intimidation and humiliation of Native children.

We now know that this policy was wrong. The subsequent loss of fluency in their Native language did not improve their skills in English or in learning in English schools. Instead of improving the Native's ability to function and achieve in American culture, the loss of Native language skills reduced their ability to function in either culture. Children ceased being able to speak with parents and grandparents and lost the cultural and moral guidance they traditionally provided. Social problems never before experienced by Native peoples, such as alcoholism and suicide began to occur.

For Alaska Natives, speaking their indigenous language is a part of maintaining their integrity and pride as a people. The result of weakened cultural ties is the social disfunction of entire villages. Now, Alaska Natives are coming together to stop the disintegration of their cultures and their lives. Part of the healing will come from the social adhesive of knowing a common language that was developed and spoken by their ancestors. This is not to substitute or detract from full literacy in English. However, the goal of improving Native lives and their ability to function and compete in the larger American culture is better served by also enabling them to find strength and purpose through their own cultures.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. SIMON, Mr. SPECTER, and Mr. DURENBERGER):

S. 1596. A bill to provide for pilot program of fair housing testing in the Department of Justice; to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE FAIR HOUSING TESTING ACT

• Mr. HATCH. Mr. President, today I am introducing the Department of Justice Fair Housing Testing Act of 1991 on behalf of Senators DECONCINI, SIMON, SPECTER, DURENBERGER, and myself. This act establishes a pilot program in the Department of Justice to fund testing by the Department to identify violations of various provisions of the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq., which we amended in 1988.

As my colleagues know, the Fair Housing Act bans discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin in the rental and sale of housing. (Fair Housing Act, sec. 804; 42 U.S.C. 3604.) It also bans discrimination by those who lend money or provide other financial assistance for residential real estate-related transactions, such as the purchase, construction, improvement, repair, or maintenance of a dwelling. It also bans discrimination in the lending of money secured by residential real estate and the selling, brokering, and appraising of residential real estate. (Fair Housing Act, sec. 805; 42 U.S.C. 3605.)

Housing discrimination—the exclusion of individuals from housing because of their personal characteristics as listed in the Fair Housing Act—remains a serious problem in our country today. It is unacceptable for persons to be turned away from a home or apartment simply because of their color or the other irrelevant characteristics that are set forth in the Fair Housing Act. It is equally unacceptable to discriminate in residential real estate financing on such grounds. While I believe that America has made a great deal of progress in eradicating discrimination during the last 25 years, and I reject the suggestions of some doomsayers that we have slipped back in recent years, we should always seek effective strategies to combat the discrimination that remains. Now, it is true that some of our country's housing patterns do reflect the free choice of our citizens, nondiscriminatory zoning requirements, and factors such as economics. But prohibited discrimination continues to exist in the housing market, and it should be rooted out.

Testing is a means of determining whether housing discrimination is occurring. Under this method, for example, visits are made by two persons or two couples, within a reasonably short time of each other, to an apartment building, a real estate company, or a lender. They each seek to rent or buy housing or to borrow money for such purpose. They present the same or substantially the same housing or financial needs to the person with whom they are dealing. They present the same or substantially the same demographic background, with one major difference. This major difference is the characteristic for which the test is being conducted, such as race, ethnicity, or disability.

Let me give one example of how testing works. A white couple goes to the rental office of the XYZ apartment house at 9:30 a.m. They tell the rental agent in the office that they would like a two-bedroom apartment on the first of the following month. They fill out an application or simply tell the rental agent that they have a yearly income of $48,000. The rental agent tells them that there are three two-bedroom apartments available on the first of next month and proceeds to show one of them. The visit then concludes. At 10:45 a.m., a black couple arrives at the rental office of the XYZ apartment house. They tell the rental agent that they need a two-bedroom apartment on the first of the following month. They indicate that they earn $50,000 per year. The rental agent informs these black testers that no two-bedroom apartments are available and to come back after the first of the month to seek an apartment for the following month.

In this example, unless the XYZ apartment house can produce evidence that the three two-bedroom apartments available for the white testers at 9:30 a.m. had been rented between then and 10:45 a.m. when the black testers showed up, the rental agent and the owner of the apartment house have violated the Fair Housing Act. Section 804(d) makes it unlawful to represent to any person, because of race, color, religion, sex, handicap, or familial status, that housing is unavailable for inspection, sale or rental when such housing is so available. (42 U.S.C. 3604(d).) The Department of Justice could bring a case based on such evidence, properly gathered and recorded, for violation of the Fair Housing Act. Indeed, the black testers themselves would have standing to bring a lawsuit for violation of section 804(d). (*Havens Realty Corp.* v. *Coleman*, 455 U.S. 363 (1982).)

Testing, then, when properly conducted and documented, can provide reliable evidence of housing discrimination. The Department of Justice does not currently have funding to hire or retain their own testers to assist in the investigation of Fair Housing Act cases. I believe that Congress can provide a significant boost to Federal fair housing enforcement efforts by providing the Department of Justice with funding to conduct the kinds of tests I have described. Accordingly, this act provides for a modest pilot progam to fund such testing. Once we are able to see how the Department uses the funding, and we receive a report from the Attorney General on how effective it has been and how the program can be improved, Congress can then decide whether to make the program permanent.

I am pleased that this legislation has been endorsed by the National Fair Housing Alliance, an organization dedicated to achieving the national policy of fair housing, within constitutional limitations, throughout the United States. Its membership includes 60 private, not-for-profit fair housing organizations from all over the country. The bill is also endorsed by the Leadership Council for Metropolitan Open Communities, a private, not-for-profit fair housing agency serving the Chicago, IL, area. This agency was a pioneer in the use of testing in the 1970's, has conducted thousands of tests, and initiated over 1,000 fair housing lawsuits.

Let me now describe the provisions of the bill:

SECTION 2

Section 2 directs the Attorney General to hire testers or contract with persons or qualified organizations as necessary to conduct tests. They can be used in any part of the country. For example, if the Department decides to conduct tests in New York City, or Chicago, or Los Angeles, the Department could hire testers and supervise them through the local U.S. attorneys to determine where to test and how to conduct the testing program. It would be the Attorney General's responsibility to train the testers and design a testing program best calculated to yield the most credible evidence of discrimination. In the alternative, at one or more of these locations, the Attorney General could contract with a qualified organization to conduct the tests. Indeed, the Attorney General must consider the use of such organizations if they are within a reasonable distance of the location of the tests and must document such consideration. While the Attorney General is not obligated to use such an organization, it is my expectation that he will do so to conduct at least some of the tests under the pilot program.

I would hope that the testing program would not be concentrated in one metropolitan area or one region of the country.

The testers are to test for violations of sections 804(a)–(d), 804(f)(1)–(3)(B) and 805 of the Fair Housing Act, 42 U.S.C. 3604(a)–(d). (3604(f)(1)–(3)(b).) These sections make the following unlawful:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person on the basis of race, color, religion, sex, national origin, handicap, or familial status (sec. 804(a));

To discriminate "in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services in connection therewith," because of these same factors (sec. 804(b));

To make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based" on these factors (sec. 804(c));

To represent to any person because of these factors "that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available" (sec. 804(d));

For any person or other entity engaged in residential real estate-related transactions "to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction" because of these factors (sec. 805);

To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of: that buyer or renter, any person residing or intending to reside in that dwelling or any person associated with the buyer or renter; and to discriminate in the terms, conditions, or privileges of the sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling on the basis of handicap (sec. 804(f) (1)–(3)(B)).

SECTION 3

Subsection 3 requires the Attorney General to submit to Congress interim reports on the progress of the program as well as an evaluation of the effectiveness of the pilot program within 2 months of its conclusion. The evaluation must include the number and geographic location of the tests conducted under the program and the number and geographic location of cases in which the Attorney General utilized or relied upon evidence obtained through the pilot program. Congress will need this kind of information, and a general evaluation by the Attorney General, in order to determine whether and how to make this program permanent, as I fully expect we will wish to do.

SECTION 4

Subsection 4(1) defines the term "test" or "testing" to mean: a method of gathering credible evidence of violations of, and measure compliance with, sections 804 (a)–(d), 804(f) (1)–(3)(B), and 805 of title VIII wherein (A) one or more visits are undertaken in a timely manner by at least two testers to a housing rental or sales agent, management firm or owner, real estate sales or rental firm, or lender, except that two testers are not required where the use of a second tester would be unnecessary to establish that a violation has occurred or would compromise the accuracy or reliability of the test, and (B) the individual testers identify themselves as having the same or substantially equivalent housing or financial needs and pertinent characteristics as each other, except for the characteristic or status which is being tested.

Section 4(2) defines the term "testers" to mean: individuals who, without an intent to rent or purchase or finance a home or apartment, pose as renters or purchasers or borrowers for the purpose of collecting evidence of violations of sections 804 (a)–(d), 804(f) (1)–(3)(B), and 805 of title VIII.

SECTION 5

This section provides for the sunset of the pilot program on September 30, 1993.

SECTION 6

This section authorizes $650,000 for fiscal year 1992 and $750,000 for fiscal year 1993.

I believe this program will provide a concrete, measurable advance in civil rights enforcement that all Americans of goodwill can applaud. The use of irrelevant characteristics such as race, religion, or disability to block the freedom of housing choice is a scourge we must all fight.●

By Mr. HATFIELD:

S. 1597. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Labor and Human Resources.

RURAL HEALTH INNOVATION DEMONSTRATION ACT

● Mr. HATFIELD. Mr. President, many of my colleagues in this Chamber are aware of the frustration and dismay felt by our rural constituents over the lack of affordable, accessible, and comprehensive health care. Rural communities face difficult challenges when it comes to obtaining health care services in their often-times isolated areas. Some of these barriers include economic depression, geographic insolation, lack of retention of qualified providers, and a lack of primary care facilities.

The legislation I am introducing today, the Rural Health Innovation Act of 1991, will help our rural communities with retention and recruitment of health care professionals through organizational, economic, and educational support, and it will also help improve access to health care. My bill will create demonstration projects based on innovative ideas, directing funds to rural communities in need of better health care services.

The proposed rural health managed care cooperatives will attempt to help rural physicians with their malpractice insurance premiums and reimbursement rate nogotiations. By extending decisionmaking to local health care providers and community leaders, this bill will help extend much-needed resources to rural communities. The Mental Health Outreach Program will enhance delivery of mental health services to children and the elderly.

Finally, this bill provides for more money to the area health education centers [AHEC's] which bring health care professionals to rural settings and will also provide for stipends to health care professionals and trainees to encourage them to remain or set up practices in these areas.

Mr. President, our rural health care system is eroding. In 1988, 111 rural counties in 22 States had no physician at all. Three of those counties are in my home State of Oregon. At the same time, the physician-to-population per capia was 97 per 100,000 in rural areas compared to 225 physicians per 100,000 in urban areas. Rural areas find themselves woefully deficient in specialists. Of particular concern is the field of obstetrics. According to the Center on Budget and Policy Priorities, in 1988 there were 1,473 counties, all rural, that lacked a single obstetrician. There were also 1,488 rural counties with no pediatrician.

Over an 8-year period in the 1980's 398 community hospitals closed, half of which were located in rural areas, a 7.8-percent decline at a time when urban hospitals were only shrinking in numbers by 2.1 percent. And to add insult to injury, the Federal per capita expenditures for health services are 42 percent lower for rural residents than the U.S. average.

These statistics are staggering to all of us. As a member of the Senate Rural Health Caucus, I have devoted much of my time in the Senate to improving the quality of human life. While not comprehensive in scope, the legislation I am introducing today will undergird the innovative activity currently bubbling in the States. I believe this bill contains some creative alternatives for health care delivery in our rural areas.

My colleagues who come from agricultural States can vouch for the fact that farming cooperatives provide a critical financial help for individual farmers, allowing them to afford equipment, land, seed, and other essential items to better improve production and quality for all. Cooperatives have been a long accepted way of organizing economic activity in rural areas. My legislation seeks to adopt this model to our health care system.

The idea of health cooperatives in rural areas is not new. In 1929, the first HMO in the United States was developed in rural Elk City, OK by the Farmers' Cooperative. Since 1929, there have been several attempts to create rural health cooperatives, however they have suffered because there was no startup support. Simply stated, my bill provides matching funds for startup support of rural health cooperatives.

The Rural Health Managed Care Cooperatives, contained in my legislation, will include all types of health care providers, including hospitals, primary access hospitals, physicians, rural health clinics, nurse practitioners, and other health care professionals who choose to be part of the cooperative. The purpose of the cooperative will be to establish a structure and approach that will keep rural hospitals and health care systems financially sound and competitive with urban health care systems by giving them a way of competing equally with larger urban organizations.

By establishing an effective care management and reimbursement system designed to support rural hospitals' and health care systems' financial needs, a cooperative will provide an effective framework for negotiating contracts with payers and a framework for assuring a defined level of quality.

The cooperative will also help practitioners with their payments on malpractice premiums. We all know that malpractice insurance has become a real problem in retaining not only obstetricians but also pediatricians and a variety of other providers.

My bill will also establish the Rural Health Extension Network Initiative. The primary goal of this initiative is twofold: first, to extend the resources of urban hospitals to rural medical providers and, second, to promote the formation of networks among rural providers so that their scant resources may be shared. Extension Networks would provide education and community decisionmaking support for providers in rural areas. In addition, it would help facilitate the development of networks among rural providers and among rural and urban providers. Local autonomy will be preserved under this bill and the decisionmaking focused at the community level.

The Extension Network proposal includes three components. The first section encourages ongoing health care provider education focusing on high risk populations in rural areas. It also will support the development of an information and resource sharing system. Second, the network will help rural providers and communities develop cooperative approaches to health care and provide grant writing advice. Finally, a network linkage will be encouraged through Federal support for telecommunications projects and through consultative arrangements among providers in all tertiary centers and providers in rural areas.

My bill also creates a mutual support network to link mental health care providers of all sizes in a region, emphasizing the enhancement of mental health services delivery to the elderly and children in rural areas. The providers will be encouraged to form relationships with rural managed care cooperatives to enhance the delivery of these services. The Mental Health Outreach Program will funnel much-needed Federal funds to rural communities, creating better access to mental health services for the elderly and children.

Finally, my bill will increase the authorization level of the Area Health Education Center Program, better known as AHEC's, by $22 million and provide stipend grants to professionals and trainees in each community to be matched by the State or other appropriate sources at a 50-50 level. It is hoped that this will enhance the retention of health care providers in these rural communities.

The popular AHEC Program assists States to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system by encouraging the regionalization of educational responsibilities of health professions schools. By linking the academic resources of the university health science centers with local planning, educational and clinical resources, the AHEC Program establishes a network of health-related institutions to provide educational services to students, faculty, and practitioners, and ultimately improves delivery of health care to rural communities.

Mr. President, it is of utmost importance that, as we get ever closer to the 21st century, we do not leave a single American behind with regard to health care. Every man, woman, and child, every Hispanic, Afro-American, every Asian and Caucasian, and every poor or wealthy person must have the opportunity to receive affordable, efficient, and effective health care.

By supporting innovative demonstration projects like these, we will be able to encourage creativity and enthusiasm in new approaches for rural America in facing health care delivery. It is my sincere hope that this bill, the Rural Health Innovations Act of 1991, will be one step, although small, in this endeavor.

I am pleased that the National Rural Health Association has endorsed this bill, as has Oregon Association of Hospitals, the Oregon Nurses Association, the Oregon Office of Rural Health, and the Oregon Mental Health and Developmental Disability Services Division. I have also been informed that I should expect the Oregon Medical Association's endorsement in September.

I ask unanimous consent to include the text of my bill and letters of support from the above organizations in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Innovation Demonstration Act of 1991."

SEC. 2. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1707. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of networks among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 781, to provide educational services to health care providers and trainees including, but not limited to, physicians, nurses and nursing trainees in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1992 through 1997.

"(g) DEFINITION.—As used in this section and section 1708, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 3. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 2 is further amended by adding at the end thereof the following new section:

"SEC. 1708. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such members shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) NEGOTIATIONS.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payors concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payors may be liable.

"(B) AGREEMENTS.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) EMPLOYERS.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payor, health insurance coverage for its employees. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) MALPRACTICE INSURANCE.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of providers members.

"(5) MANAGED CARE AND PRACTICE STANDARDS.—A cooperative established under paragraph (1) shall establish joint case management and patient care practice standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) CONFIDENTIALITY.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) LINKAGES.—A cooperative shall create linkages among member health care providers, employers, and payors for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1992 through 1997.".

SEC. 4. RURAL MENTAL HEALTH OUTREACH GRANTS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290cc-11 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 520A. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and implement a plan for mental health outreach programs in rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1992 through 1997.".

SEC. 5. AREA HEALTH EDUCATION CENTERS.

(a) STIPENDS FOR PERSONNEL.—Section 781(a) of the Public Health Service Act (42 U.S.C. 295g-1(a)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary make award grants under this section to rural communities to enable such communities to provide stipends to physicians, nurses or other health professional trainees to encourage such individuals to continue to provide health care services in such rural communities.

"(B) A community that receives a grant under subparagraph (A) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.".

(b) REAUTHORIZATION.—Section 781(h)(1) of such Act (42 U.S.C. 295g-1(h)(1)) is amended by striking out "and $20,000,000 for each of the" and all that follows through "1991" and inserting in lieu thereof "$20,000,000 for each of the fiscal years 1990 and 1991, and $42,000,000 for each of the fiscal years 1992 through 1997".

NATIONAL RURAL HEALTH ASSOCIATION,
Kansas City, MO, July 18, 1991.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The National Rural Health Association would like to indicate its support for your efforts of the "Rural Health Innovation Demonstration Act of 1991." The proposed legislation would greatly facilitate community development, mental health outreach, and integration of systems through rural cooperatives that have been key components in improving access to quality care for rural populations.

The Rural Health Extension Networks are very much a NRHA programmatic priority and would greatly facilitate community involvement in local and state systems development. Programs of this type that have been supported by the Northwest Area Foundation and implemented by Mountain States Health Corporation have demonstrated that rural communities, with assistance, can find their own solutions to health systems problems. The NRHA endorses these efforts and encourages their integration with currently existing systems such as Area Health Education Centers where available.

The National Rural Health Association also encourages the development of rural cooperatives. Cooperatives have long been an accepted model of organizing economic activity in rural America, and the extension of cooperative principles to health care is equally desirable. Your proposal for rural managed care cooperatives are of great interest to NRHA. In fact, the first HMO in the United States was developed in rural Elk City, Oklahoma by the Farmers Cooperative in 1929. More recently, there have been several examples from the field where rural health cooperatives have been proposed or tried, but they have suffered without the kind of startup support proposed in Section 3 of your bill. This is a big issue and may require further study, but NRHA supports your proposal in principle. We offer our assistance in working with you in this effort.

The NRHA and its affiliate, the National Association of Rural Mental Health, also applaud the development of rural mental health outreach grants. The grants will assist rural communities in creating greater access to mental health services for their populations at a time when the need for mental health and substance abuse services is growing. Rural mental health has been a key issue in NRHA's program and legislative agenda.

Thank you for this opportunity to show our support in your continuing efforts to improve access to health care for rural people.

Sincerely,

ROBERT T. VAN HOOK,
Executive Director.

OREGON HEALTH SCIENCES UNIVERSITY,
Portland, OR, July 25, 1991.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: Speaking on behalf of the OHSU Office of Rural Health, I am pleased to convey our support and appreciation for your efforts to develop a creative and effective program for rural health services. Your "Rural Health Innovation Demonstration Act of 1991" reflects a realistic and original approach to meeting the health care needs of rural Americans in the 1990s.

From our perspective, the most remarkable feature of this legislation is the emphasis on developing relationships, among providers, both rural and urban. The dichotomy between rural health and urban health has existed for too long; it is clearly time for us to extend urban capabilities to rural providers and encourage collaborations that will allow us optimal use of our limited health care resources. Moving in this direction will not only mean more efficient use of expensive technologies; it will also avoid their unnecessary duplication in many sites that can only marginally support them.

We also want to acknowledge the conscientious efforts of your staff as this bill was being drafted. Energies, expended on building consensus are well-spent. The resulting product is likely to be one that has a far more positive impact, because it will be workable.

Enactment of the Rural Health Innovation Demonstration Act would have far-reaching benefits for rural Oregonians, not the least of which include attaining a true "systems" approach to rural health care, empowering communities to seek the best health care decisions for their citizens, providing a positive environment for practitioner recruitment and retention, stabilization and preservation of essential rural hospitals and improved access to quality health care for patients.

I want to thank you for the opportunity to comment on this important piece of legislation and reiterate my confidence in its potential to foster some lasting solutions to our rural health problems.

Yours very truly,

KAREN WHITAKER,
Director.

OREGON ASSOCIATION OF HOSPITALS,
July 25, 1991.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: Oregon Association of Hospitals applauds your efforts on behalf of small and rural hospitals. Nationally, and in Oregon, small and rural hospitals provide critical access the health care. With the growing migration of elderly citizens from urban to rural areas this access becomes more critical than in the past.

Oregon Association of Hospitals enthusiastically endorses the *Rural Health Innovations Demonstration Act of 1991*. This act is particularly attractive because it empowers rural areas and encourages them to innovate. Successful programs resulting from this act can help address critical health care issues nationwide.

Sincerely,

KEN RUTLEDGE,
President.

OREGON NURSES ASSOCIATION,
July 26, 1991.

Hon. MARK HATFIELD,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR HATFIELD: The Oregon Nurses Association is pleased to support the proposed legislation currently entitled the "Rural Health Innovation Demonstration Act of 1991." As the professional society representing the state's Registered Nurses, we are concerned about access to quality health care in rural parts of the state. Reports I receive from nurses practicing in rural Oregon reveal increasing demands on providers to deal with a wide range of health problems without adequate support in terms of other providers, specialty services, emergency backup services and clinical information. Rural hospitals are faced with patient census levels which are too low to support the availability of comprehensive services. As a result, a great potential exists that health care needs of rural Oregon citizens will go unmet. This potential becomes more magnified for vulnerable segments of the population such as children, the poor and elderly who are unable to travel to areas where health care resources are more available.

We are pleased that elements of the proposed legislation have been included to address support networks of health care providers, telecommunications, educational services and economic support for providers and facilities. This legislation, together with continued funding for programs such as the Area Health Education Centers will be important solutions to a growing crisis in rural Oregon.

The Oregon Nurses Association looks forward to working with you to achieve passage of this legislation. We appreciate your inclusion of our suggestions in the language of the draft. Thank you for your continued efforts on behalf of health care in Oregon.

Sincerely,

BETH GANDARA, RN, BS,
President.

Oregon Department of Human Resources,
Salem, OR, July 26, 1991.

Hon. Mark Hatfield,
U.S. Senate,
Washington, DC.

Dear Senator Hatfield: Thank you for the opportunity to review a draft copy of your proposed legislation which would provide grants to improve health care in rural areas. The rural nature of much of Oregon, the limited health care services available, and the economic distress experienced by many health care providers makes this proposed legislation of considerable interest.

I very much support the content of the bill which attacks the problem of rural health care erosion from a number of directions. The development of information sharing networks among rural and urban health care providers is an essential component in the preservation of viable health care in much of rural Oregon where driving distances preclude convenient sharing of information. Similarly, the possibility of developing managed care cooperation which include a range of both rural and urban providers is an attractive way to assure economic viability of essential services. Lastly, focusing on mental health outreach services for children and elderly in rural areas and enabling communities to provide stipends to health care workers to encourage them to remain in the community are of special interest to the Mental Health and Developmental Disability Services Division.

I am acutely aware of the difficulty of attracting essential health care workers to rural areas, particularly when experience with youth and elderly populations is important. Community mental health programs frequently experience recruitment problems as does the Eastern Oregon Psychiatric Center. These outreach and stipend provisions will assist Oregon in recruiting and retaining qualified staff in rural areas.

Again, thank you for your consideration in providing me an opportunity to review this draft bill.

Sincerely,
Richard C. Lippincott, M.D.,
Administrator.•

By Mr. SASSER (for himself, Mr. Moynihan, and Mr. Garn):

S. 1598. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; to the Committee on Rules and Administration.

ACQUISITION OF CERTAIN LAND BY THE SMITHSONIAN INSTITUTION

• Mr. SASSER. Mr. President, I rise today to introduce S. 1598, a bill to authorize the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center [SERC] located at Edgewater, MD, on the Chesapeake Bay.

I am joined by Senators Moynihan and Garn in cosponsoring this bill. A companion House measure, H.R. 2757, was introduced on June 25, 1991, by Smithsonian Regents Congressmen Whitten, Mineta, and McDade.

S. 1598 authorizes the expenditure of $500,000 for 1992 for land aquisition along the Rhode River which abuts this Smithsonian facility. This facility which has been dedicated to our former colleague, Senator Charles McC Mathias, Jr., is 1 of 25 such facilities around the world that is conducting long-range ecological research which is central to the U.S. Global Change Program.

This Center has been in existence since 1963 and now contains over 3,700 protected acres of land that provide the laboratory for the Center's extensive ecological research into the impact of climate change on the Chesapeake Bay. This legislation provides authorization for the seed money which is needed to provide for additional land acquisition that will fully protect the Rhode River watershed from untimely development that could compromise the valuable research of this Center.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to acquire land for watershed protection near the Smithsonian Environmental Research Center at Edgewater, Maryland.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $500,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year to carry out the provisions of this Act.

(b) Availability.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(c) Limitation.—No funds may be appropriated pursuant to the authority of subsection (a) in any fiscal year unless the Board of Regents of the Smithsonian Institution provides matching funds from non-Federal sources in an amount equal to the amount of funds appropriated pursuant to such authority for such fiscal year.

SEC. 3. NATIONAL MUSEUM OF NATURAL HISTORY.

(a) In General.—Section 2 of the Act entitled "To authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes", approved October 24, 1990, (20 U.S.C. 50 note) is amended—

(1) by inserting "and succeeding fiscal years" after "1991"; and

(2) by inserting at the end thereof the following new sentence: "Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1990.•

By Mr. BRADLEY (for himself and Mr. Riegle):

S. 1599. A bill to extend nondiscriminatory—most - favored - nation—treatment to Estonia, Latvia, and Lithuania; to the Committee on Finance.

MOST-FAVORED-NATION TREATMENT FOR THE BALTIC STATES

Mr. BRADLEY. Mr. President, yesterday, the President announced that when he returned from Moscow, he would ask Congress to conclude the trade agreement with the Soviet Union. This agreement, negotiated more than a year ago, accepts Soviet control over Baltic States, whose illegal annexation into U.S.S.R. the United States has never recognized and whose struggle for independence from the Soviet Union we have always supported.

Last night, around 1 a.m., a Lithuanian customs post was bombed. Around 2 a.m. last night, another customs post was burned. Around 3:30 last night, six people were killed and two critically wounded in an attack on a third Lithuanian customs post.

These attacks are simply the latest effort by the Soviet security forces to use brutal—and sometimes deadly—violence to enforce the Soviet customs law. There have been more than 26 attacks on customs posts in Lithuania alone this year.

On June 27, I wrote to the President and asked him to explain his position on a trade agreement that included the Baltics in the Soviet Union to the people of America and to the people of the Baltic States. I have not gotten a reply.

Last week, I said that if the President asked Congress to approve a trade agreement that included the Baltics into the Soviet Union, I would introduce legislation that protected them.

Today, I rise to introduce that legislation.

The legislation is simple. It says the United States has MFN treaties in force with the independent nations of Estonia, Latvia, and Lithuania. Those treaties were suspended when the U.S.S.R. lost MFN status in 1951. When the Soviet Union is granted MFN, the Baltic States should be returned to the separate MFN status they had before 1951.

The administration has rejected this approach. They say we have to recognize the reality that the Baltic States are under Soviet control. I say we must recognize that reality that the Baltic States are fighting to free themselves from Soviet control and the administration approach puts the United States on the side of the Soviets.

Last night, if I may restate, the six Lithuanians died fighting to free Lithuania from Soviet control. Where did they die? At a customs post—not a bank, not near the Parliament, no, not in the military base, but at a customs post. Because the Soviets and the Lithuanians realize that the control over trade and customs we have conceded to the Soviets by this agreement will determine whether there will be an independent Lithuania.

With this all-union agreement, the administration has chosen sides in the struggle that took place last night in the customs post in Lithuania. They have chosen to support the Black Beret security forces rather than the customs officers who were gunned down.

It is clear that the extension of MFN to the Soviet Union will not have much commercial impact. Trade with the United States that is covered by MFN is less than $1 billion a year. But the political impact will be great, especially on the Baltic States. The democratic-elected leaders of those states have written to the President and to the Secretary of State calling on the United States to support them.

The evolving relationship between the United States and the Soviet Union is a complex one. It necessitates new degrees of flexibility, understanding and cooperation. The end of the cold war means fresh opportunity and different challenges.

The Soviet Union and its people are engaged in a historic transition to a destination yet undefined. All of that is true. But the barbarous attack on the Lithuanian border post this morning should remind us of American fundamentals. Above all, the United States stands for freedom and liberty, and these principles must form the foundation of our international relationships. Any conception of a new world order must reflect these principles and be guided by them. These principles are violated—not challenged, not questioned but violated—by the extension of MFN status to the Soviet Union at this time and in this manner.

Through the back door the White House has declared its acquiescence in the continued absorption of Estonia, Latvia and Lithuania by the central Soviet Government.

Mr. President, these principles are especially violated by the brutalities that continue unabated in the Baltics, white-washed by the current Soviet leadership and uncommented upon by our own President.

Yesterday, President Bush asked Mr. Gorbachev, to his words, "find a way to extend freedom to the Baltic peoples." Yet within 24 hours one Baltic customs post is bombed, another is burned and 6 people are killed at a third. The President should condemn these actions now, not remain silent. Silence is not the way. We cannot stand by while these crimes are committed, our conscience demands better.

Mr. President, I ask unanimous consent to have printed in the RECORD material pertaining to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 27, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, Estonia, Latvia and Lithuania have enjoyed most-favored-nation (MFN) status with the United States since the 1920's. The treaties granting this status are still in force, but were suspended in 1951 in order to prevent the USSR from exploiting the MFN status of the states they occupied in 1940.

The continuing validity of the Baltic MFN treaties is an important element of the long-standing United States policy of not recognizing the illegal annexation of Estonia, Latvia and Lithuania into the Soviet Union. Our non-recognition policy is especially important now, when the U.S. has made a commitment to standing with the Baltic states in their struggle for independence. As you told the representatives of the Baltic-American community on the occasion of signing the Baltic Freedom Day Proclamation on June 13, 1991, "At every opportunity I and other members of our administration have made clear to President Gorbachev and to other Soviet leaders this nation's firm belief in the legitimate aspirations of the Baltic states. The fate of freedom in the Baltics will remain high on our agenda."

It is in this context that the democratically elected leaders of Estonia, Latvia and Lithuania, with whom you have met, have warned that an MFN treaty with the U.S.S.R. that includes the Baltic states within the borders and customs territory of the Soviet Union would infringe on their sovereign rights as independent nations by compromising the validity of their existing MFN treaties. They have asked that they be excluded from the Soviet Union's MFN status, if the United States grants that status to the Soviet Union, and that their separate MFN treaties of 1925–1926 be revived by calling back the suspension letters signed in 1951. Their statements to that effect are attached.

I share these concerns. When and if the United States grants MFN status to the Soviet Union, that action must be fully consistent with our long-standing policy of recognizing the *de jure* sovereignty of the Baltic states. A trade agreement with the Soviet Union which undermines the validity of the Baltic MFN treaties or includes Estonia, Latvia and Lithuania in the borders and customs territory of the U.S.S.R. would contradict that policy.

Moreover, the Baltic states' trade treaties with the U.S. were suspended in 1951 in order to prevent Stalin from exploiting their permanent MFN status, which the United States has never extended to the U.S.S.R. When and if the Soviet Union is granted MFN, the suspension of the Baltic states' MFN treaties will no longer serve any legitimate purpose. Therefore, the suspended Baltic MFN treaties should be reactivated at the latest when the Soviet Union is granted MFN status.

In order to clarify these issues, I would appreciate a substantive explanation of your administration's position on the following specific questions:

When a trade agreement with the Soviet Union is submitted to the Congress for approval, will that agreement explicitly acknowledge the continuing validity of the MFN treaties of Estonia, Latvia, and Lithuania, or will the agreement disregard those treaties by not recognizing their in-force status?

Will that agreement with the Soviet Union include Estonia, Latvia and Lithuania in the customs territory of the U.S.S.R., or will the agreement recognize that those states are not within the territory of the U.S.S.R.?

Will your administration call back the diplomatic notes which suspended the Baltic MFN treaties and reactivate those treaties before the Soviet Union is granted MFN on a permanent basis?

I look forward to your reply.

Respectfully,

BILL BRADLEY.

BULLETIN: LITHUANIAN CUSTOMS POST ATTACKED TWICE

JULY 28, 1991.

According to the border section of the National Defense Department of the Republic of Lithuania, at 1 a.m. this morning five men dressed in civilian clothes and carrying automatic weapons attacked the Salociai customs post of Lithuania on the Lithuanian-Latvian border, forced the officers on guard to lie on the ground, took away their belts, money and three portable radio stations, set fire to a customs booth after pouring gasoline on it and drove away toward Latvia in a civilian car, model Lada, license plate number 0126, recognized by customs officers to be a car that the Soviet "Omon" has used in the past. One customs officer was beaten over the head with the butt of an automatic weapon.

At approximately 2:10 p.m. today the same customs post was attacked again, according to the National Defence Department border section, a white mini-van, a yellow army jeep and two civilian automobiles drove up to the post and approximately 17 men armed with automatic rifles and pistols got out, one in civilian clothes, two in khaki army uniform and the rest in camouflage uniform. The attack, which took approximately an hour, was led by a man wearing the stripes of a first lieutenant on his camouflage uniform. Four border patrol officers were on duty at the time, three managed to run away, although they were reportedly shot at while doing so. The fourth was mocked, had an automatic weapon pressed to his throat, and was forced to undress, lie down and do push-ups while being pinned to the ground by the boot of one of the attackers. The attackers stole four uniforms, four jackets and riot sticks from the post, money from the officer's wallet (70 rubles), as well as road signs. They then got back into the automobiles and threw hand grenades at a customs booth and nearby bus stop, where a bus was going through a customs check. None of the people in the bus was injured, but the booth, the second one today, was destroyed.

BULLETIN: SIX PEOPLE FOUND DEAD AT THE MEDININKAI CUSTOMS POST

JULY 31, 1991.

According to the information from the National Defence Department, between 3:30 and 5:00 a.m. this morning the Medininkai customs post on the Lithuanian-Byelorussian border was attacked and six people were found dead. Of these six, two were customs post workers, two "ARO" policemen, and two highway patrolmen. Also two customs post workers are presently in critical condition in the hospital. Details to follow.

SIX KILLED AT LITHUANIA BORDER POST

Moscow, July 31 (AFP).—Six Lithuanians were killed and two wounded early Wednesday at a border post in the breakway Baltic republic, Lithuanian officials said, casting a cloud over the U.S.-Soviet summit here.

The incident was the most serious at a border post since the Soviet army crackdown in January against pro-independence authorities in Vilnius, in which 16 people were killed.

It came as U.S. President George Bush and his Soviet counterpart Mikhail Gorbachev were about to resume talks on the second day of the summit, and after Mr. Bush urged Mr. Gorbachev not to "throw into doubt" positive progress and commit himself to a "peaceful" solution for the Balts.

Three Lithuanian customs officials and three national guardsman were killed, and two people wounded by machine-gun fire at the Mediniksi crossing on the republic's border with Balorussia, Lithuanian officials in Moscow and Lithuanian radio said.

It was not known who was responsible for the overnight attack, but the Lithuanians have blamed earlier attacks on customs posts on a crack Soviet police unit, the OMON. The Soviet Interior Ministry in Moscow however has always denied responsibility.

Lithuania opened its own border posts, declared illegal by the Soviet Union, after proclaiming independence in March last year.

White House spokesman Roman Popadiuk said the U.S. delegation at the summit was "looking into" reports about the incident.

Lithuanian President Vytautas Landsbergis was meanwhile holding a news conference in Vilnius, officials there said, but there was no immediate word on his reaction.

In a speech in Moscow on Tuesday, U.S. President George Bush had urged Mr. Gorbachev to hold negotiations with the elected governments of the Baltic states seeking independence to "repudiate one of the darkest legacies of the Stalin era".

"Only good-faith negotiations with the Baltic governments can address the yearnings of their people to be free. We must not see the positive progress we have made threatened or thrown in doubt. Above all, there needs to be a clear and unqualified commitment to peaceful change," Mr. Bush said.

"Surely, men and women of reason and good will can find a way to extend freedom to the Baltic people," he went on.

Moscow annexed the independent states of Lithuania, Estonia and Latvia in 1940.

The killings came as a bitter reminder of Mr. Gorbachev's domestic problems as he took Mr. Bush to his dacha, a half-hour drive northwest of Moscow, for talks expected to focus on prospects for convening a Middle East peace conference.

On Monday, in a direct affront to control authorities, Russian President Boris Yeltsin formally recognized Lithuania in a treaty signed here with Mr. Landsbergis.

Russia is the first Soviet republic to recognize the March 11, 1990 declaration of independence adopted by the Lithuanian parliament.

Six Dead, Two Wounded in Attack on Lithuanian Border Post

(By Thomas Ginsberg)

Moscow.—Armed attackers killed six Lithuanian guards and wounded two others early Wednesday in the bloodiest attack yet on a border post run by the secessionist Lithuanian government, officials said.

The attack was discovered about 5 a.m. (0200 GMT) by a Russian truck driver who crossed the border between Lithuania and Byelorussia, said Lithuanian journalist Rolandas Barysas.

The attack came on the second day of the superpower summit during which U.S. President Bush urged Soviet President Mikhail S. Gorbachev to "find a way to extend freedom to the Baltic peoples."

An explosion also rocked a Soviet Interior Ministry barracks next to an army base in the Lithuanian capital of Vilnius at 2:50 a.m. (2350 GMT), said Barysas, former director of the Lithuanian state news agency ELTA.

It was not known whether the incidents were related, he said in a telephone interview from Vilnius.

The explosion blew out all windows in the four-story building and shattered windows in nearby homes, but no one was injured, he said.

The barracks can house about 1,000 soldiers but it wasn't known how many were in the building or whether weapons also were stored there, said Lithuanian parliament spokeswoman Diva Venckus.

Barysas said investigators believe the attack on the customs post near the town of Medininkai occurred sometime after 2 a.m. (2300 GMT Tuesday) when the last vehicle was checked by the border post.

All eight men who were in the border post were shot, he said. The two wounded guards, identified as Richardas Rubavicius and Domas Tsarnas, were in critical condition and were undergoing surgery, ELTA reported.

"Six dead (guards) shows that they were expected to die as well," Barysas said.

Some of the men were Lithuanian police, some Lithuanian customs officers and some border guards, officials said, but it was unknown whether all were armed. Border guards are usually armed with light weapons.

Barysas and Dinus Shvetas of the Lithuanian parliament press office said officials did not know who was responsible for the attacks.

A Lithuanian representative in Moscow, Linas Puchinaskas, said the attack appeared to be a response to Lithuania's demand last week that all Soviet "black beret" anti-riot troops be withdrawn from the republic.

The forces were involved in the January crackdown in Lithuania and the neighboring Baltic republic of Latvia that left 22 people dead. "Black beret" troops remain in all three Baltic republics, which have been the boldest among 15 Soviet republics seeking independence from the Kremlin.

Lithuania has accused the elite forces of taking part in raids in recent months on border posts set up by Lithuania, Estonia and Latvia. The Lithuanian government says more than 20 customs posts have been seized or destroyed in the past two months, one customs guard has been killed and nine people wounded in the attacks.

Soviet officials have denied ordering the attacks and they insist the border posts are illegal.

The Baltic independence drive has focused world attention on the sovereignty demands by the restive Soviet republics. Five of the 15 republics—the three Baltic republics plus Moldavia and Georgia—have refused to sign Gorbachev's proposed new Union Treaty to hold the country together.

Bush and other world leaders condemned the January crackdown and demanded explanations from Gorbachev. The Soviet president, whose credibility was badly tarnished by the violence, insisted he did not order the attack and ordered an investigation.

The attacks also came two days after Lithuanian President Vytautas Landsbergis signed a landmark agreement with Russian Federation President Boris N. Yeltsin recognizing Lithuania's independence declaration.

Six Dead in Dawn Raid on Lithuanian Border Post

(By Jonathan Lyons)

Moscow, July 31, Reuter.—Six Lithuanian guards were killed and two seriously wounded in a dawn raid on their customs post on the border with Soviet Byelorussia, officials in the breakaway republic said on Wednesday.

The attack, latest in a series on Baltic border posts, seemed certain to embarrass Soviet President Mikhail Gorbachev at summit talks with U.S. President George Bush, who has already raised the issue of the republics' independence drive.

Lithuanian officials went to the border post at Medininkai, 40 km (20 miles) from the capital Vilnius, early on Wednesday after the border guards failed to report. A Lithuanian interior ministry spokesman said they found six guards dead and rushed two others seriously wounded to hospital.

It was the worst border incident since Lithuania proclaimed independence from Moscow last year.

Border posts built by the breakaway Baltic republics of Lithuania, Latvia and Estonia have been the frequent targets of Soviet "black beret" OMON troops over the last six months

Fourteen people were killed when Soviet paratroops stormed a television tower in Vilnius on January 13. Two weeks later, OMON forces in Latvia shot dead four people in a commando assault on the republic's interior Ministry.

The Lithuanian spokesman said he could not say who had carried out the Medininkai attack. At about the same time on Wednesday a bomb blew out the windows at a military camp in Vilnius but there were no reports of injuries

As word of the attacks filtered through Vilnius, one Lithuanian Journalist said. "This looks like a present for Mr. Bush."

The United States has refused to recognize the 1940 incorporation of the Baltic republics into the Soviet Union. On Tuesday Bush demanded the Kremlin and the republics settle their differences through negotiations.

The official Lithuanian news agency ELTA suggested the attacks were in response to the republic's latest demand that all OMON forces be withdrawn from its territory.

Moscow says the posts, set up to enforce local customs rules, are illegal but the Kremlin has denied ordering the attacks.

Earlier OMON raids, including one on Sunday before Bush's arrival, appeared timed to discredit Gorbachev and cast doubt on his ability to control mounting chaos across the Soviet Union.

The dead and wounded at Medininkai included officers from the republic's defence forces and the Arms police unit, made up of former OMON troops who joined the Lithuanians. Both groups usually man the sensitive border posts.

A spokeswoman for the Lithuanian parliament said the attack was apparently carried out between 2 a.m. and 4 a.m. The dead and wounded were found at around 5 a.m., she added.

The OMON, ultimately responsible to hardline Soviet Interior Minister Boris Pugo, have been involved in a number of clashes with the separatists Baltic governments over the past few months, Pugo says there are 150 OMON troops in Lithuania.

On June 26, they seized Lithuania's central telephone exchange, cutting the republic off from the world for more than two hours.

Two days later, OMON commanders were summoned to Moscow and warned against excesses.

The incidents have damaged Gorbachev's reputation abroad at a time when he is seeking Western political and financial support for his economic reforms.

SIX KILLED AT LITHUANIAN CUSTOMS POST

MOSCOW (UPI).—An attack Wednesday on a customs post set up by the independence-seeking republic of Lithuania on the Byelorussian border killed six Lithuanians and wounded two.

All eight men who worked for various Lithuanian police, customs and "national defense" forces, were shot by unknown assailants, the nationalist government in Vilnius said.

Previous attacks on customs posts in the Baltic republics had been blamed on Soviet special forces, usually in civilian clothes.

The massacre was the worst bloodshed in Lithuania since 14 people were killed by Soviet forces as they took over the republic's television center Jan. 13.

The independent Russian Information Agency said the dead and wounded Lithuanians were found at the Medininkai customs post by a passing truck driver about 5 a.m.

The killings occurred in the middle of the Moscow summit between President Bush and Soviet President Mikhail Gorbachev. There was no immediate comment from neither leader on the incident.

The Baltics had not been a major issue in the talks Tuesday, although Bush voiced his support for the republics' right to democratically decide whether to remain part of the Soviet Union.

The official Soviet news agency Tass said an explosion also occurred early Wednesday at the entrance of a building housing the Soviet Interior Ministry headquarters in Vilnius.

There were no injuries in the explosion, the latest in a series of small, mostly harmless, blasts near Soviet installations in the Baltic republics.

Newly elected nationalist governments in all three Baltic republics declared early last year they were reclaiming the independence they lost when annexed by the Soviet Union in 1940.

Gorbachev has said the declarations of independence are illegal, and has also issued decrees against moves to assert new rights, including the customs posts.

JULY 11, 1991.

To His Excellency, President of the United States.

EXCELLENCY: The Governments of the Republics of Estonia, Latvia, and Lithuania understand and appreciate the efforts of the U.S. Government to assist the process of democratization and the development of market economy in the Soviet Union. The granting of most-favored nation status to the USSR could create favorable conditions for the reconstruction of the Soviet economy.

However, we deem it necessary to point out that if the Baltic States are not specifically excluded from this treaty, good faith negotiations between the Soviet Union and the Baltic States may be delayed indefinitely. Furthermore, the de facto incorporation of the Baltic States in any U.S.-Soviet economic agreement would be understood as the beginning of the international recognition of the incorporation of the Baltics into the USSR. Such a position would be inconsistent with the long-standing U.S. policy of recognizing the de jure sovereignty of the Baltic States.

In the mid-1920's the three Baltic States entered into treaties with the United States that conferred on them most-favored-nation status. Estonia entered into such an agreement on August 1, 1925, Latvia signed a similar agreement on April 30, 1926 and Lithuania was granted this status on July 10, 1926. These three treaties remain in effect to this day.

Because we presently have MFN treaties in effect with the United States, the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania hereby request that the Baltic States be specifically excluded from any trade agreements that may be concluded between the United States and the USSR. We hope that the United States will find it possible to confirm the continuity of the most-favored-nation status for the three Baltic States based on the treaties specified above.

Respectfully yours,

JAAK LEIMAUN,
Acting Prime Minister, Republic of Estonia.
IVARS GODMANIS,
Prime Minister, Republic of Latvia.
GEDIMINAS VAGNORIUS,
Prime Minister, Republic of Lithuania.

PRESIDIUM OF THE SUPREME COUNCIL,
TALLINN, KADRIORG,
Republic of Estonia, July 12, 1991.

Hon. BILL BRADLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRADLEY: First of all let me convey my sincere appreciation for your sustained efforts to further the cause of freedom, democratization and independence of our nations.

Inquiries have been received in Tallinn as to the position of the Republic of Estonia concerning the coming discussions on ratification of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington on June 1, 1990.

The Council of the Baltic States (Statement of June 11, 1991) and the Presidium of the Supreme Council have already stated the view that Article I of the above-mentioned Treaty—Most Favored Nation and Nondiscriminatory Treatment—should be applied only to the territory which is within the boundaries of the Soviet Union as recognized by the United States of America in 1933. Since the United States executive branch has retained the old 1933 notion about the borders of the Soviet Union, and considering the emergence in Novo-Ogarevo of the new 9 + 1 Union of April 23, 1991 with a mandate of July 2, 1991 to her President to represent only the 9 at the London meeting with G7, the Agreement on Trade of June 1, 1990 can now be applied only to the territory of the 9 future members of this new Union, thus shutting out the Baltic States' territories with the seal of finality.

It is of paramount importance that the three Baltic States—Estonia, Latvia and Lithuania—be completely excluded from the Treaty and that other treaties and agreements, not operative at present between these Republics and the United States which are still valid, be fully respected.

Needless to say that the cause of Independence of the Baltic States would be greatly served, if appropriate political conditions would be attached to the above-mentioned Treaty.

I hope that this letter will clarify the position of Estonia and that it will help to avoid any infringement of the sovereign rights of my country.

Sincerely,

ARNOLD RUUTEL,
Chairman of the Supreme Council.

JAV LIETUVIU BENDRUOMENES
KRASTO VALDYBA LITHUANIAN-AMERICAN COMMUNITY, INC.,
Chicago, IL, July 19, 1991.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate,
Washington, DC.

DEAR CHAIRMAN BENTSEN: Soon your committee will review the U.S.-U.S.S.R. Trade Agreement negotiated by the Bush Administration and the recommendation of the President to grant most favored nation treatment to the U.S.S.R. Our organization at this time does not take a position on the granting of MFN status to the Soviet Union, but we are adamantly opposed to the Bush Administration's insistence that Soviet MFN status be extended to the Soviet-occupied Baltic States. This would be both unjust and unfair to the Baltic States which are entitled to the restoration of their own MFN status. Forcing Soviet MFN status on Lithuania would reimpose Soviet authority over Lithuania's independent economy while dealing a crippling psychological blow to Lithuanian workers and entrepreneurs.

In 1925 and 1926 the three Baltic states—Estonia, Latvia and Lithuania—were granted MFN status by the United States. In 1951, that status was suspended through an exchange of diplomatic notes between the U.S. Department of State and the Legations of those three Soviet-occupied countries. The State Department acted in compliance with the Trade Agreements Extension Act of 1951 which mandated that:

"(Sec. 5) As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty, or binding of any existing customs excise treatment, or other concession contained in any trade agreement entered into under authority of section 350 of the Tariff Act of 1930, as amended and extended, to imports from the Union of Soviet Socialist Republics and to imports from any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement."

The Baltic States wanting to demonstrate their good-will towards the United States agreed to the suspension so that the "cold-war enemy" USSR should not benefit from a misuse of Baltic MFN status. The Bush Administration acting under the authority of the Trade Act of 1974 has decided that the USSR can now qualify for MFN status, but intends to do nothing to restore the MFN status of the Baltic States. They have instead notified the Charge d'Affaires of independent Lithuania, Latvia and the Consul General of Estonia that the U.S. would not support the restoration of their suspended MFN status, and advised the democratically elected governments of Lithuania, Latvia and Estonia that any entrepreneur or exporter wanting to receive tariff reductions for his exports to the United States must utilize Soviet MFN status.

For fifty-one years the people of the Baltic States have suffered and endured policies which have benefitted the West. They absorbed the full force of Soviet imperialism. They were the ones who turned the slogans of "perestroika" and "glasnost" into tools for democratic change. They have resisted the impulse to engage in armed, military conflict with the USSR. They are the people who have maintained their patience in the face of USSR intransigence at the negotiating table. But instead of encouraging and supporting the people of the Baltic States, the Bush Administration is advocating policies which will stifle economic reform in the Baltics while rewarding the very country whose actions denied the Baltic States their original trading status with the United States. We consider this policy to be unfair and unjust.

Forcing Soviet MFN status on Lithuania, Latvia and Estonia would also be counterproductive for the Administration's stated goal of promoting free markets and democracy around the world. Since 1988, Soviet authority and institutions have been collapsing in the Baltic States. The vacuum has been filled by democratically elected governments. The elected parliament of Lithuania on March 11, 1990 rejected USSR authority over Lithuania and since then has made every effort to negotiate a new relationship with the USSR government. The Soviets however have chosen to stall talks preferring to impose economic, military and psychological pressure which will force Lithuania back into the USSR.

Now, the Bush Administration will give the Soviet government an additional tool to wear down the Lithuanians. Imports into the United States must bear a certificate of origin. By insisting that the Balts utilize Soviet MFN status, the Administration forces private entrepreneurs and Lithuanian factories to go to USSR institutions for those precious certificates. What kind of compliance will Soviet officials require of a Lithuanian enterprise in order to get such a certificate? Certainly conditions which would not favor the growth of private enterprise in Lithuania. Therefore, while most economic activity in Lithuania is decentralizing i.e., privatizing, the U.S. will be encouraging the recentralization of economic activity; the return of USSR government control.

And finally, one cannot ignore the psychological blow that will be inflicted on Lithuania workers and entrepreneurs if MFN status is not restored to Lithuania, while the USSR benefits from its newly bestowed status. Lithuanians already find it difficult to understand why the United States does not accept their democratically elected government as the legitimate successor to their pre-WW II government which was destroyed by the invading USSR army. Now, the United States will be seen as an active agent of sovietization requiring the fruits of Lithuanian labor to be labelled, "Made in the USSR."

This is why your Committee, Mr. Chairman should seriously consider the restoration of MFN status for the Baltic States, if you intend to give MFN status to the USSR. We have shared our concerns with other Senators and have found them sympathetic and committed to resolving this issue. We hope that you will add your considerable influence to finding a favorable solution for the Baltic States and their trade status.

If the Committee decides to hold hearings on the Soviet MFN issue we ask you to include a discussion of its impact on the Baltic States. We stand ready to answer any of the Committee's questions and would appreciate the opportunity to place our views on the record.

Sincerely,

TOMAS REMEIKIS, PH.D.,
Chairman, Public Affairs Council.

BALTIC LEADERS ASK PRESIDENT BUSH TO EXCLUDE THEM FROM U.S.-SOVIET TRADE AGREEMENT—RAISE NO OBJECTIONS TO MFN FOR USSR—ASK FOR RENEWAL OF SEPARATE BALTIC MFN

RIGA, LATVIA, July 11.—The Prime Ministers of Estonia, Latvia and Lithuania sent a letter to President Bush today, asking that the Baltic States be specifically excluded from any U.S.-Soviet trade agreement.

The letter, delivered to the Department of State in Washington, D.C. today, expresses no objections to the granting of Most Favored Nation status to the USSR, adding that such status "could create favorable conditions for the reconstruction of the Soviet economy."

The Baltic Prime Ministers, however, express concern that the inclusion of the Baltic States in any U.S.-Soviet agreement could delay good faith negotiations between the Baltic States and the Soviet Union. Last week, the Baltic governments had been advised by U.S. government officials that a proposed U.S.-Soviet trade agreement would also apply to the Baltic States.

In today's letter to President Bush, the Baltic leaders rejected this arrangement, stating, "the de facto incorporation of the Baltic States in any U.S.-Soviet economic agreement would be understood as the beginning of the international recognition of the incorporation of the Baltics into the USSR."

The Baltic leaders point out that the United States had already conferred Most Favored Nation status on the Baltic States as a result of treaties signed in 1925 and 1926. While requesting that the Baltic States be excluded from any U.S.-Soviet agreement, they added, "We hope the United States will find a possibility to confirm the continuity of the Most Favored Nation agreements" which had already been signed with the prewar independent Baltic governments. Text of the Baltic Prime Minister letter is enclosed.

LEGATION OF LATVIA,
Washington, DC, July 15, 1991.

Hon. JAMES A. BAKER III,
Secretary of State,
Washington, DC.

SIR: I have the honor to inform you of a matter of interest to this Legation.

Two treaties currently under consideration to which the United States is a party, that is, the bilateral US-USSR Trade Agreement (MFN status) and the multilateral CFE Treaty, have legal and practical implications for Latvia and the other Baltic States. These treaties have raised concerns that the inclusion of the Baltic States as an integral part of Soviet territory in both agreements could be interpreted by the Soviet Union as an implied recognition of the illegal incorporation of the Baltic States.

The Legation welcomes the improvement of US-USSR relations that the two treaties might bring about, especially as it concerns the continuation of the reform process in the USSR. But these apparently innocuous documents could both have far reaching implications in terms of economic strangulation and military occupation of Latvia. Such concerns have been raised by the Governments of Latvia, Lithuania and Estonia in their joint statements of November 9, 1990, and July 10, 1991.

Since Latvia is not party to these important agreements, it is my hope that the United States shall find a way to emphasize that said agreements do not recognize or imply Soviet hegemony over, or incorporation of, Latvia's territory into the Soviet Union.

Please accept, Mr. Secretary, the assurances of my highest consideration.

Sincerely,

V. KREICBERGS,
Chargé d'Affaires, a.i.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC,
Rockville, MD, July 11, 1991.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I would like to use this opportunity to express the support of the American Latvian Association, and of the American citizens of Latvian descent that it represents, for the explicit exclusion of the Baltic countries of Latvia, Estonia and Lithuania from the US-USSR Trade Agreement, and from any benefits the Soviet Union may derive from that agreement, to include the granting of unrestricted "Most-Favored-Nation" (MFN) trade status. Simultaneously, the Latvian American community supports the immediate renewal of MFN status with the Baltic governments, which was suspended in 1951, due to the illegal armed occupation of the Baltic countries and subsequent Soviet domination and control of their territories. The heroic efforts of the Baltic countries to achieve disengagement from the Soviet Union, in the face of destabilizing Soviet military actions, deserve at least this level of recognition by the United States.

The incorporation of Latvia, Estonia and Lithuania into the Soviet Union has never been recognized by the United States. As a result, diplomats representing the independent governments of the Baltic countries continue to be accredited by the United States, and the United States calls for and supports the peaceful, negotiated settlement of this issue, leading to the renewal of independence for the Baltic countries. For this reason, any agreements negotiated between the US and the USSR do not legally apply to the Baltic countries, as has been pointed out by the Foreign Ministers of all three countries in reference to the US-USSR Trade Agreement (see Attachment 1). In practice, however, the United States has treated the Baltic countries as part and parcel of the Soviet Union, concluding various treaties with the Soviet Union that have greater or lesser perceived effect on the US recognized sovereignty of the independent Baltic governments.

For many years, the United States had no choice in the matter, as the Soviet-installed occupation governments were nothing more than extensions of the central Soviet government. Since the spring of 1990, however, when pro-independence governments were elected by popular vote to lead Lithuania, Estonia and Latvia, the United States has had a viable choice. All three governments have expressed the wishes of the populations they represent in striving to renew their independence, and are looking to the United States and other leading western democracies for support of their efforts. These governments are no longer "under Soviet domination or control," which was the reason specified in 1951 for suspending trade relations between the Baltic countries and the United States. As a result, because this reason has (in large part) been resolved, the way is open for the renewal of MFN to the Baltic countries.

We, as Latvian Americans, understand the delicacy that surrounds relations between the world's two superpowers, especially as one of those superpowers prepares to undergo wrenching internal change. Purely realistic concerns also crop up, about control of borders and about issues of mutual economic concern that have yet to be resolved between the Baltic countries and the USSR. These issues, however, cannot and must not stand in the way of support for the principles on which this country is built: self-determination, private enterprise and democracy.

As a result, the American Latvian Association, and the Latvian American community it represents throughout the United States, respectfully requests that the Baltic countries of Latvia, Estonia and Lithuania be explicitly excluded from the US-USSR Trade Agreement of 1990, and that trade relations, including MFN, be reestablished with the Baltic governments.

Sincerely,

VAIRA PAEGLE,
Vice President for Public Affairs,
American Latvian Association.

MINISTRY OF FOREIGN AFFAIRS,
Tallinn, Estonia, July 11, 1991.

DEAR MR. SECRETARY: I am writing to you in connection with the forthcoming ratification of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington on June 1, 1990. I have previously written to you (July 2, 1991) concerning the status of the 1925 agreement between Estonia and the USA granting Estonia unconditional Most Favored Nation treatment. At this time, I consider it appropriate to set forth in a single document, namely this letter, the legal status of the 1925 Agreement, as well as the effect on Estonia of the adoption of the 1991 USSR MFN Agreement.

The 1925 Agreement was modified in July 1951 by an exchange of letters—dated July 10, 1951 and July 15, 1951—between the U.S. Secretary of State and the acting Consul-General of Estonia in Charge of Legation in New York. This Letter of Modification had the effecti of suspending for an unspecified period of time the effectiveness of the 1925 Agreement. The Letter of Modification did not replace, supersede or otherwise terminate, in whole or in part, the 1925 Agreement. Its only aim was to prevent the USSR from exploiting the MFN status of Estonia, which was occupied by the Soviet Union in 1940.

The Letter of Modification permitted the imposition of "various controls which the Government of the United States believes it is necessary or desirable to apply to trade between the United States and various areas under Soviet domination or control, some of which will be required by the Trade Agreement Extension Act of 1951." As the said Trade Agreement Act was subsequently repealed, the basis for some of the most significant controls was automatically extinguished. However, other controls did thereafter remain in effect, including direct controls exercised through the imposition of prohibitive customs duties on Soviet products to be imported into the U.S. and, by application of the Letter of Modification, on Estonian products. With the adoption of the 1991 USSR MFN Agreement, this indirect form of control on Soviet products automatically ceases and, by application of the Letter of Modification, on Estonian products as well. The latter is the case since no special controls or duties were placed on the importation of Estonian products that had not been imposed on Soviet products.

The proposed MFN Treaty with the Soviet Union cannot, of course be construed as granting the Soviet Union rights in respect to Estonia that the Letter of Modification expressly precluded. As the United States has on numerous occasions acknowledged and insisted, the Soviet Union has no power to amend the bi-lateral treaties of Estonia, including the 1951 Letter of Modification. Nevertheless the application of the Letter of Modification is now decreased on such controls that may still remain in respect of trade between the US and USSR. We therefore do not object to the granting of US Most Favored Nation status to the USSR, since the 1991 USSR-US Agreement automatically:

(1) Significantly lessens the negative economic impact of the Letter of Modification on Estonian products and, in turn, provides an economic benefit to Estonian exporters and,

(2) Restores the 1925 Agreement to full force and effect.

It shall be noted that I have assumed that the 1991 USSR MFN Agreement does not itself define the term or concept of the customs territory of the USSR and that the said Agreement relies on the definition of such a term as is set forth in 1933 in acts recognizing the USSR by the US government and establishing diplomatic relations between the two states.

The continuing validity of the Estonian MFN treaty is an important element of the long-standing United States policy of not recognizing the illegal annexation of Estonia and the other Baltic States into the Soviet Union. It has become especially important now, when president Gorbachev has officially acknowledged that he has been authorized to represent on the forthcoming London conference a number of Soviet republics, which does not include the Republic of Estonia nor the other Baltic States. This is in total accordance with the Baltic Foreign Ministers' May 26th, 1990 Declaration as well as with the June 11th, 1991 Council of Baltic States Declaration, both reasserting that the Baltic States, having for the first time after World War II elected their democratic parliaments, do not regard themselves, and have never regarded themselves, as an integral part of the Soviet Union and are not to be represented by the Soviet Union.

In due course, we would appreciate a listing of any controls that still remain in effect in trade between the U.S. and Estonia. But for now, we express our appreciation for the restoration of the effectiveness of the 1925 Agreement.

Sincerely yours,

———————.

LITHUANIAN LEGATION,
Washington, DC, June 15, 1991.

Hon. BILL BRADLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRADLEY: Inquiries have been received by this Legation as to the position of Lithuania concerning the coming discussions on ratification of the Agreement on Trade relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington, on June 1, 1991.

This Legation as well as the proper Lithuanian Authorities have stated their view that Article I of the above-mentioned Treaty—Most Favoured Nation and Nondiscriminatory Treatment—should be applied only to the territory which is within the boundaries of the Soviet Union, as recognized by the United States of America in 1933.

It is of paramount importance that the three Baltic States, Lithuania, Lativia, and Estonia—be completely excluded from the Treaty and that treaties and agreements between these Republics and the United States which are still valid be fully respected.

Needless to say that the cause of Independence of the Baltic States would be greatly served, if appropriate political conditions would be attached to the above mentioned Treaty.

I hope that this letter will clarify the position of Lithuania and that it will help to avoid any infringement of the sovereign rights of my country.

Yours sincerely,

STASYS LOZORAITIS,
Charge d'Affaires.

June 11, 1991.

DEAR ERNST JACKSON: The Council of the Baltic States has today reconfirmed that

1. The Baltic States are not going to sign the new Union Treaty setting up a 9+1 Union or any other structure of the "Soviet Sovereign Republics".

2. The Baltic States have decided to ratify the Treaty on the Non-Proliferation of Nuclear Weapons. This must be done by the three Supreme Councils during the next week.

3. The Baltic States reassort their protest against being represented by the President and the Government of the Soviet Union. All three specifically ask for being excluded from the Most Favored Nation Treatment in trade matters and the possible aid packages, extended to the Soviet Union. If at all possible, our Provisional Commercial Arrangements and Agreements, concluded in 1925/26 in MFN matters, should be revitalized by calling back the Notes of 1951.

Please do everything possible to block through diplomatic channels all moves to bundle Estonia and other Baltic States with the Soviet Union in all forthcoming decisions about relations between United States of America and the Soviet Union. This is serious.

Cordially,

ARNOLD RÜÜTEL,
Chairman of the Supreme Council.

STATEMENT ON THE INVALIDITY OF REPRESENTATION OF THE BALTIC STATES BY THE U.S.S.R.

Affirming the position taken in the statement of the Council of Baltic Governments on September 5, 1990 on the invalidity of the representation of the Baltic states by the Union of Soviet Socialist Republics, the Latvian Republic, the Lithuanian Republic and the Estonian Republic.

Resolve, That credits and other international assistance needed for the reconstruction of their economics on the basis of private ownership and free market, if such are granted, be extended directly to the Baltic countries.

On this same topic, the structure of most favored nation status with the U.S.A. should be granted to Latvia, Lithuania and Estonia in accordance with the bilateral talks of 1925 and 1926.

The Baltic governments are not part of the USSR and request the administration and the Congress of the U.S.A., as well as all democratic countries, to consider these circumstances.

ANATOLII GORBUNOV,
President, Supreme Soviet,
Latvian Republic
VITAUTAS LANDSBERGIS,
President, Supreme Soviet,
Lithuanian Republic
ARNOLD RUUTEL,
President, Supreme Soviet,
Estonian Republic

Tallin, June 11, 1991.

[From the Journal of Commerce, June 18, 1991]

TRADE BENEFITS FOR THE BALTICS

(By Paige Sullivan and Raimo Kaasik)

After approving a $1 billion loan to Moscow for agricultural purchases, President Bush plans to put before Congress the U.S.-Soviet trade agreement that was signed at the last summit in Washington one year ago. The trade agreement, which could reach Congress by the end of June, would extend to the Soviet Union most-favored-nation status. This would allow Soviet imports the same low-tariff treatment accorded most other U.S. trading partners.

Soviet leaders view MFN status as critical to economic recovery in their beleaguered country. But while Moscow puts on its vulnerable face for the West, it is simultaneously trying to throttle economic recovery in the Baltic states.

The Bush administration has completely passed over Moscow's acceleration of economic warfare tactics against Lithuania, Latvia and Estonia. Among these tactics, by far one of the most unfair has been the Soviet threat to deny the Baltic states (and three other republics that refuse to sign a new Union Treaty with Moscow—Moldavia, Georgia and Armenia) the benefits of future foreign credits and trade agreements, including most-favored-nation status from the United States. In effect, the Kremlin is planning to exploit its future MFN status as a potentially lethal economic weapon.

Moscow's continued policy of all-out economic warfare with the Baltics became obvious during the events this year surrounding the April "9 plus 1" agreement. At this meeting between Soviet President Mikhail Gorbachev and the leaders of nine of the Soviet Union's 15 republics, there was a clear understanding that any government electing not to participate in the Union Treaty (which so far remains an ambiguous document) would be excluded from the Soviet "common market."

Such a vague-sounding and ominous threat could portend disaster for those states that still are economically dependent on the Soviet Union, but struggling to come to an agreement with Moscow on an equal footing.

Soviet leaders are pointing with one hand to the recent passage of the freedom of emigration bill, which removes one last hurdle (as stipulated by the 1974 Jackson-Vanik Amendment) to MFN status for the Soviet Union. Meanwhile, with the other hand, they are slamming the door to U.S. economic assistance in the faces of the real democratic movements of the collapsing Russian empire.

In light of this cynical Soviet ploy, the time has come for the United States to divorce economics from politics in U.S.-Baltic relations. The United States should reextend independent MFN status to all three Baltic states.

According to Article 4 of the Trade Act of 1974, the United States is legally empowered to sign a trade agreement with any government—not only with politically sovereign nations—that control their foreign trade policy. Under such an agreement, it is normal procedure to extend MFN status.

The only real obstacle to the graduation of the Baltic republics to MFN status is political—namely, the Bush administration's desire not to cross Mr. Gorbachev. But can this political concern be truly justified when our own policy ultimately boomerangs against our long-term goal, which is the democratization and economic transformation of the Soviet Union?

During the period of Baltic independence (1920–1940), all three states entered into trade agreements with the United States. These provided for unconditional MFN treatment for Baltic exports to the United States. But after Estonia, Latvia and Lithuania were forcibly incorporated into the Soviet Union, MFN status was terminated for all of them.

The question of renewing MFN for the Baltics remained moot until November 1989. When Soviet President Mikhail Gorbachev signed a law granting economic autonomy to each of the Baltic states. This Declaration of Baltic Economic Autonomy gave each state financial and commercial independence both internally and in dealings with foreign countries.

Furthermore, the law allowed the Baltic governments to negotiate a reinstatement of their prior trade status with any state they might choose. As a result the "door" to MFN status for the Baltics was first opened by the Soviet government itself.

Since then, Estonia, Latvia and Lithuania have consistently moved forward in the independent administration of their economic affairs. In fact, the Baltic governments have taken the lead in initating market-oriented reforms. All three are actively experimenting with pricing and subsidies reforms, the conversion of state-run enterprises into private entities, the formation and encouragement of small business and the restructuring of state tax systems.

The legislatures are encouraging joint ventures with Western partners and promoting crucial hard-currency earning exports to the West. The presidents and prime ministers of these states are sounding out the chances of obtaining observer or the equivalent in international economic organizations such as the General Agreement on Tariffs and Trade, the World Bank and the International Monetary Fund.

Clearly, in light of the current degree of Baltic economic autonomy, Estonia, Latvia and Lithuania meet the statutory requirements for preferential trade treatment from the United States.

Granting independent and direct MFN status to Estonia, Latvia and Lithuania would not be tentamount to an official U.S. recognition of the independence of the Baltic states. Nevertheless, MFN status would attract hard currency into these states, which in turn they could withhold from Miscow and use as leverage for negotiating a "fair deal" with the Kremlin.

The stronger the Baltic republics become financially and commercially, the less they will be forced to submit to Soviet political blackmail on account of economic dependence. They will then be in a better position to sign equitable treaties with the Soviet Union, but on their own terms.

[From the New York Times, July 13, 1991]

WHY U.S. POLICY WORRIES ESTONIA

(By Lennart Meri)

TALLINN, ESTONIA.—Soviet hardliners, in their continued fight against the Baltics as a symbol of the peaceful aspirations of a free people, are using more than tanks, "black beret" troops and Kalashnikovs. They have learned the lessons of the Vilnius massacre of Jan. 13 and are using a far more refined weapon: economic subjugation of the Baltics.

For example, Article 23 of the union treaty, which the Supreme Soviet may ratify this month, creates a new internal Soviet market while excluding the nonsignatory republics of Estonia, Latvia and Lithuania.

With Moscow considering the Baltics economically outside the Soviet Union, the most-favored-nation trade benefits to be extended to the Soviet Union by the U.S. will not be available to us. In fact, it may jeopardize our status as a sovereign state.

The U.S. has had a separate most-favored-nation agreement with Estonia since 1925. Unless the U.S. separately reactivates this agreement as it grants most-favored-nation status to the Soviet Union, this may provide a cover under which Moscow can avoid having to recognize the inevitable: Estonia's right to self-determination.

Moscow's economic pressure should be seen as but another attempt by the Government to make it impossible for the Republic of Estonia to regain full independence.

In May, my Government was handed a decree signed by the Sovet Deputy Minister for State Planning raising the financial price for independence. All dealings between the Soviet Government and republics not willing to sign the union treaty must be carried out in hard currency and at world market prices.

Moreover, Moscow must be fully compensated for the value of all property acquired by the Soviet Union during the 50-year occupation of the Baltics, with the Soviet Union maintaining 51 percent control of all properties placed in "joint ownership." In addition, the Baltics retain an obligation to contribute to Soviet internal and external debt service, and all future trading relations must allow for "maximum possible profit" for the Soviet Union.

Despite these Draconian measures, Estonia has repeatedly voiced its willingess to enter into hard currently dealings with the Soviet Union and to pay compensation as established by an internationally recognized arbitration board. We have made it clear that to fulfill these commitments, Estonia must control its borders in order to earn hard currency so that it may act in its dealings with the Soviet Union as a foreign state.

Toward that end, we have invited the U.S. to help in establishing an internationally recognized arbitration board and to find a new approach to reactivate the 1925 trade agreement, including most-favored-nation arrangements, which remain in force to date and should be the basis for the U.S.-Estonia economic relationship.

Were we to accept trade benefits under most-favored-nations arrangements that the U.S. is expected to extend to the Soviet Union, this step might one day be misinterpreted as Estonia's ex post facto recognition of its forceful incorporation into the Soviet Union.

Should the U.S. be willing to open its doors to Estonian products on the same favorable terms offered to the Soviet Union, we might be able to cope with even this latest Soviet attempt at economic blackmail.

While we remain grateful for the long-standing U.S. policy of not recognizing the forceful incorporation of the Baltics into the Soviet Union, this policy—as applied to most-favored-nation arrangements—is increasingly becoming counterproductive and may in time turn against Estonia's national interest.

[From the New York Times, July 21, 1991]

HELP THE RUSSIANS, NOT GORBACHEV

(By Bill Bradley)

WASHINGTON.—The London economic summit meeting ended without the leaders of the Group of Seven committing massive sums of money to prop up the Soviet political system and economy. But American taxpayers should remain vigilant: the Bush and Gorbachev administrations will get together again to look for ways to finance the Soviet future. The U.S. appears more committed to Mr. Gorbachev than to a set of principles.

Before the Soviet economy can be reformed effectively, democratic values and methods must be allowed to sink deeper roots. The Gorbachev regime faces a crisis of legitimacy. It does not have popular support. Otherwise, why would President Gorbachev avoid a vote like the one that elected Boris Yeltsin as leader of the Russian republic? Only with democratically elected leaders does the Soviet Union have a chance of taking the steps necessary to avoid catastrophe, much less to raise its people's living standard.

The old machine of party members, K.G.B. fossils, discredited bureaucrats and elements of the military still holds power, but it lacks legitimacy. Conditions worsen but it refuses to do what needs to be done, especially cutting Government spending.

Mr. Yeltsin told U.S. Senators recently that the Russian republic will reduce its payment to the central Government from 70 billion to 25 billion rubles. The result will be a bigger Soviet deficit in addition to a distribution system that has broken down and a G.N.P. in a free fall. The bloated Soviet military not only threatens us, but also the Soviet economy. Military spending has to be cut. Without action, the mammoth deficit will lead to hyperinflation.

The leadership also faces a dilemma on internal security. To obtain cooperation on economic reform and to acquire respectability in the community of nations, it must rein in the security forces that murder unarmed citizens in the Baltics and elsewhere. Repression destroys the dreams of freedom and hopes that the Soviets have changed. Citizens who are being persecuted are also unlikely to make economic sacrifices. Yet, once the totalitarian methods go, the political machine itself will be in danger.

To prevent national disaster, the old machine must yield more of its authority to the grass-roots groups—democrats, religious believers, environmentalists, independent trade unionists, entrepreneurs, nationalists and others—that have ligitimacy but no power. How quickly that transfer occurs and in what form will determine the nation's future.

The recent accord between the presidents of the central Government and the republics represents the beginning, not the end, of conflict. Who controls natural resources? Who holds power to tax? Whose laws take precedence? None of these questions has been answered. Revolutions have been fought over such issues at other times and in other places. It will not be easier for the Soviet Union.

Letting markets emerge and function with a pricing mechanism, a banking system and pay based on productivity will do more for the average Soviet family than massive Western aid. For example, the Soviet Union last year lost 100 million metric tons of grain to corruption and inefficiency in the distribution system. Yet, trade in grain is still illegal. In June, over my strong objections, the Administration guaranteed $1.5 billion in credit to the Soviet Union to buy four million metric tons of grain. Instead, if the Soviets would decriminalize trade in grain, they would recover far more grain than we give them, without cost to U.S. taxpayers.

Now Mr. Gorbachev tells the world that he considers his unelected regime "entitled" to even more aid from U.S. taxpayers. Some in the West have suggested guaranteed loans, subsidized interest rates and guaranteed investment in the Soviet Union. None of that will make much difference to the Soviet future but it will certainly drain the U.S. Treasury. It reminds me of the S. & L. scandal except that when things go bad in the Soviet Union we won't have a Resolution Trust Corporation to take control of the assets.

We could help the Soviets with technical assistance, exchange programs, and an associate membership in the International Monetary Fund, but first we own them candor. Joining the international economy means tough competition. So long as private property is not protected by law and state monopolies are preserved by force, the Soviet future will be bleak.

We should dispel the illusion that economic reform will be achieved by the shortcut of political deal-making. In an open world economy, capital flows to places with higher rates of return. No President can order U.S. businesses to lose money in the Soviet Union. Only the citizens, laws and institutions of a new society can make it attractive for investment.

Finally, we must not undercut our message about democracy with actions that jeopardize legitimate democratic movements, such as those in the Baltic states. The Administration's support for the Baltics has been limited to feebly reaffirming that the U.S. never legally recognized their annexation into the Soviet Union.

If President Bush soon sends a Soviet trade agreement to Congress, we will have a chance to test the sincerity of those words. We have most-favored-nation treaties with all three Baltic nations, but they were suspended in 1951 to prevent the special treatment from rewarding Stalin.

Now it is likely that the Administration will ask for that status for the whole Soviet Union. The longstanding agreements with the Baltics will be foregotten, out of fear of offending Moscow. If we believe what we say about the Baltics' separate status, then any trade pact with the Soviets should be accompanied by reinstitution the agreement for the Baltics.

The course ahead will be difficult for that continental nation rich in natural resources and human talent. It must be chosen freely by the Soviet people. They are in control of their own destiny. Our influence lies in our willingness to join them in reducing military spending and in the example of our economic and political values—not in the size of the check we write to Mr. Gorbachev.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1600. A bill to amend title 39, United States Code, to provide for public comment on small post office closings; to the Committee on Governmental Affairs.

SMALL POST OFFICE RETENTION ACT

• Mr. STEVENS. Mr. President, today I am introducing legislation that will close a loophole regarding small post office closings. Each year language is included in the Treasury/Postal Subcommittee appropriations bill to prohibit the Postal Service from closing small independent post offices on a nationwide basis. It has continued to be approved each year.

Such language shows that Congress views small post offices as an important part of the fabric of this Nation. In that regard, I ask that at the end of my remarks, a column that summarizes the role of the small post offices which appeared in the Christian Science Monitor on April 18, 1991, by Jonathan Rowe, be printed.

At present, the Postal Service must respond to the Postal Rate Commission when it has decided to close or consolidate any post office, and a patron appeals the decision. In the case where the Postal Service wishes to close a post office, it must provide the existing population with equal or better postal service, often through rural routes or nearby suburban post offices. There are circumstances in the shifting patterns of population where a post office simply ceases to be needed or serves no one. But those cases are few. The process by which the Postal Service makes a decision that can be appealed to the Rate Commission provides for public input. Thus, if local residents object strongly to a consolidation or closing, and can show cause, under the law, why a post office should not be closed or consolidated, they will have an opportunity to express their views before the Postal Rate Commission, and have those views prevail if they are legally justified.

There has, however, been a difference of opinion between Postal Service management and the Commission on the interpretation of the term "post office." Postal Service management has concluded that post office means a facility headed by an employee of the U.S. Postal Service and, in particular, does not include what are known as contract post offices. Post offices in many small communities, on college campuses, and even in the Senate are contract post offices. A contract post office is a facility operated by a nonpostal person or organization contracted to operate under postal regulations. To the postal customer, there is no distinction between the two kinds of post offices.

The dispute between the Commission and the Postal Service revolves around the interpretation of the term "post office." The Commission believes this term includes "contract post offices," or post offices that are not headed by a postal employee. But Postal Service management disagrees. The importance of the dispute is significant. If the Postal Service wishes to close a contract post office, they need not, under their interpretation, make a formal decision, and there is no appeal to the Commission. Therefore, any public objection is not considered or even heard.

My bill would resolve that interpretation by requiring that the Postal Service must follow the same procedures for closing all post offices, regardless of whether they are contract post offices or whether they are independent post offices operated by Postal Service employees. My bill clarifies the original intent of the Postal Reorganization Act to provide a process for public input should one of these post offices be considered for closing.

In recognition of the need to maintain maximum flexibility where appropriate, my bill would clarify another aspect of congressional intent. Sometimes it has not been clear whether the moving of postal retail operations to a new site within a community—a larger building for example—constitutes a closing. This bill confirms the Rate Commission's interpretation that such a relocation within the same community does not constitute a closing.

Mr. President, I ask that the text of the bill be printed at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Small Post Office Retention Act of 1991.

SEC. 2.

Section 404(b) of title 39, United States Code, is amended by adding at the end thereof a new paragraph (6), as follows:

"(6) In the administration of this subsection, the term 'post office' shall be understood to include the postal facility providing retail postal service in a community, without regard to the manner in which such facility is classified for other purposes or to the rank or title of the person in charge of such facility. The relocation of a post office from one point in a community to another point in the same community shall not be deemed a closing for purposes of this subsection.".

[From the Christian Science Monitor, Apr. 18, 1991]

DISAPPEARING RURAL POST OFFICES: WHY SHOULD WE CARE?

Several years ago, they moved the post office one town over from where I grew up.

It used to be on Main Street. Now it's out by the highway, in a shopping center.

For years, the Postal Service has been closing rural branches, all over the country. Efficiency, they say:

Anyone who has seen a central bulk mail facility—the numbing assembly-line, the bored and angry workers, the lost managed mail—would have to question that "efficiency" stuff right off. And is it really more efficient to make patrons drive extra miles to get their mail, as opposed to walking to a post office in town?

But the real problem goes much deeper.

The cost cutters know how to add. But they add only what they want. And they don't understand what counts.

In our town, the post office was the hub of daily life.

The town was really just a hamlet, with the post office and library at one end, the general store and garage at the other, and a smattering of houses around and between. There wasn't much happening; in winter in particular, the days could be flat and bleak.

The mail broke the monotony. It was something to look forward to, an errand to be about.

It came in twice a day, and folks would be there first thing in the morning, sipping coffee in their pickup trucks, or reading the paper, or lamenting the Red Sox or the lower grade of tourist that had come in recent years. People chatted as they turned the brass dials on their post office boxes, and as they weeded out the junk mail. Some of the friendships seemed to go back for decades.

The postmaster was second only to the telephone operator in his acquaintance with the affairs of the populace. Some called him nosy. But he was always a good source of news and gossip. And he kept an eye on things. If an older resident hadn't been in for their mail in a while, he might want to know why. Word got around pretty quickly when someone was sick or in the hospital, or needed help in some other way.

The post office provided a social ritual that was especially important to the older folks.

It was a point of connection to the life around them; it gave them business to attend to, a real reason to be up and about. They remained functioning parts of the world, along with everyone else. I couldn't tell who was retired and who wasn't.

Young people like myself got to be part of that business as well. Kids today are shunted off into ghettos like television and school. They don't have much contact with the daily working life.

But when I picked up the household mail, or bought a money order to get a basketball hoop from the Sears and Roebuck catalog, I got to overhear the gossip and the banter. I picked up bits of information about septic tanks, social security, zoning, the rental business—pieces of the puzzle that was the adult world.

Life does not provide many crossroads any more, where the generations meet and people get to chat. Those few that remain should be declared endangered social species, like traditional Main Streets, they should be protected and supported.

This is not mere nostalgia. What the post office saves, will come out of other pockets many times over.

If they do keep closing post offices, loneliness and isolation will increase. The glue that holds communities together will erode that much more. Sensing the fragmentation, from this and other causes, officials will soon be calling for "senior citizens' centers" and the like, at public expense, to replace what post offices (and small town cafes) once made a normal part of life.

People will scratch their heads and wonder why taxes are so high and why people don't seem to fend for themselves the way they used to. They will wonder why kids retreat further into their generational ghetto—why they don't know much about the world and don't seem to care.

"The children I teach are indifferent to the adult world," declared John Gatto, teacher of the year in New York City. "This defies the experience of thousands of years."

Why should they care, if they don't have any contact, or place in it?●

By Mr. WIRTH:

S. 1601. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear items to non-nuclear weapons states, and for other purposes; to the Committee on Foreign Relations.

NUCLEAR PROLIFERATION PREVENTION ACT

Mr. WIRTH. Mr. President, revelations about the nature and extent of Iraq's nuclear program have brought home to all of us the need to place more effective controls on the spread of nuclear materials and technology. Today, I am introducing legislation—the Nuclear Proliferation Act of 1991—which would strengthen America's leadership is stemming the spread of nuclear weapons. A companion bill was introduced in the House of Representatives last month by Representatives MARKEY, WOLPE, SOLOMON, and STARK.

This bill is necessary to close a dangerous loophole in U.S. nuclear export policy. Under existing law, nuclear facilities and fuel cannot be exported to a country which refuses full-scope safeguards, but nuclear technology is not banned. This loophole in the past allowed nuclear knowhow to be exported to Iraq and China, and could currently be exploited to allow exports to Pakistan, India, Argentina, South Africa, and others. High-speed computers, specialty metals, and nuclear-related machines and components would be restricted under this bill.

The bill would also phase out exports of highly enriched uranium for civilian nuclear application. Export of enriched uranium is unnecessary and downright dangerous. Even with international inspections, a determined country like Iraq or North Korea could fairly easily and quickly use that fissile material to build crude but powerful nuclear weapons. We must end the availability of weapons-grade material on the world market.

The bill also calls on the President to extend these U.S. proliferation goals to other nations through multilateral negotiations.

The bill also requires the President to seek negotiations to end the secrecy of IAEA inspection arrangements and results; improve IAEA access to nuclear facilities for inspections; facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and seek agreement to provide the IAEA with additional funds, technical assistance, and political support.

Finally, the bill would place trade sanctions on foreign individuals or companies which violate the international proliferation controls established pursuant to the bill, and any supplier nation which authorizes nuclear-related exports to nonweapons states that fail to accept full-scope IAEA safeguards.

Mr. President, when the gulf war began, Iraq possessed at least 100 pounds of highly enriched uranium [HEU] which had been purchased from France and the Soviet Union for use in Iraqi research reactors. HEU, however, can also be used to build bombs; 100 pounds is roughly enough to build two Hiroshima-sized bombs, and there is clear evidence that Iraq was undertaking a crash program to build a bomb. This despite the fact that as recently as last year, Iraq, as a signatory of the Nuclear Non-Proliferation Treaty [NPT], was subject to international safeguards and inspections of their nuclear facilities.

The IAEA inspected Iraq's nuclear facilities once or twice a year to ensure that none of the HEU had been diverted to weapons production. The problem is that given the proper technology, HEU can be converted into a bomb in as little as 1 to 3 weeks. So the possibility of a country converting peaceful HEU into a bomb, even under the eyes of the IAEA is quite real. The Non-Proliferation Treaty is not enough to prevent a determined country from building a bomb if it possesses HEU.

Proliferation of HEU in itself is extremely dangerous and we should be ended. Our country has been a major exporter of HEU for civilian uses, but this is no longer necessary. It is now possible to convert nearly all research reactors to use low-enriched uranium, which cannot be used to build weapons. The Reduced Enrichment for Research and Test Reactor [RERTR] Program, which was recently approved by this body as part of the Department of Defense Authorization Act, is working to convert research reactors to using low-enriched uranium.

The Nuclear Proliferation Prevention Act of 1991 will achieve several nonproliferation goals. This bill will ban all exports of HEU for civilian applications, with a 4 year grace period for reactors which cannot be converted to low-enriched uranium.

It also establishes the across-the-board principle that no U.S. goods or technology which are relevant for nuclear explosive purposes or are likely to be used in nuclear facilities can be exported unless the receiving country maintains full-scope IAEA safeguards or has a nuclear cooperation treaty with the United States. Currently, this principle applies only to exports of nuclear fuel and facilities, not to related technology and equipment. By including related technology and equipment, this requirement makes our export controls uniform.

This bill also requires the President to undertake negotiations with the members of the Nuclear Suppliers Group to adopt the same limits globally on exports of HEU and equipment and technology which are relevant for nuclear explosive purposes. The negotiations with the Nuclear Suppliers Group would also seek to ban all transfers of nuclear related equipment and technology to countries which are considered to pose a threat to regional or global security, and to develop a mechanism for enforcement of these provisions.

The Nuclear Proliferation Prevention Act also enacts trade sanctions against foreign persons or countries that violate international nonproliferation controls. This will, for the first time, give real teeth to nonproliferation controls.

Nonproliferation is an area where we really can move toward a new world order. Efforts to stop the spread of nuclear arms are most effective when carried out multilaterally. If we had had a strong international agreement against sales of HEU a few years ago, Iraq would not be holding so much HEU now, and our President would not be contemplating air strikes against Iraqi nuclear facilities. A sound preventative regime of controls on nuclear exports is far more effective than military retaliation after the fact.

Under the conditions of the cold war, with the United States and the Soviet Union competing for influence in the Third World, strengthening multilateral nuclear export controls was extremely difficult. But today we are living in a different world. In the wake of the gulf war, there is a general recognition that proliferation presents a very serious security threat to everyone.

This legislation takes advantage of the new international appreciation of the dangers of proliferation. Its passage by this body would be a significant step toward strengthening international cooperation on nonproliferation.

Mr. President, I ask unanimous consent that a summary and section-by-section analysis of the bill; questions and answers relating to the provisions contained in the bill; a side-by-side comparison of this legislation in relation to other nonproliferation bills pending before Congress; a CRS letter pertaining to the bill; a New York Times article; and a list of various groups and organizations supporting this bill be included in the RECORD at this point.

SUMMARY OF NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

1. Restriction on Nuclear Exports. The bill would establish the principle across-the-board that no U.S. goods or technology relevant for nuclear explosive purposes and/or likely to be used in nuclear facilities should fall into the hands of non-weapons countries which do not maintain full-scope, IAEA safeguards and do not have an agreement for cooperation with the United States. Since these requirements already apply to nuclear fuel and nuclear facilities exports, the bill's effect would be to extend the same restriction to dual-use items on the nuclear referral list, nuclear technology transfers, and exports of nuclear components—thereby making U.S. nuclear export controls uniform.

2. Prohibition on Exports of Highly-Enriched Uranium. The bill would bar all exports of highly enriched uranium (HEU) for any civilian application, subject to a limited exception (until December 31, 1995) for those few reactors which cannot feasibly convert to use of low-enriched uranium. This prohibition is particularly important because, as exemplified by the case of Iraq, possession of HEU poses immediate and high proliferation risks.

3. Negotiations to Improve Multilateral Proliferation Controls. The bill calls for the President to undertake international negotiations to ensure the adoption by the London Suppliers Group establishes multilateral nuclear non-proliferation controls which would: 1) effectively restrict exports to countries which do not adhere to a full-scope safeguards requirement; 2) prohibit commerce in highly enriched uranium, and 3) halting nuclear trade with countries that pose significant risks to regional or global security.

4. Cross-Sectoral Retaliation Against Foreign Individuals, Companies or Countries which Aid Proliferation. The bill provides for trade sanctions against: 1) foreign individuals or companies which violated the international proliferation controls established pursuant to the bill, and 2) sanctions against any supplier nation which authorizes nuclear-related exports to non-weapons states that fail to accept full-scope IAEA safeguards.

5. Negotiations to Improve the Effectiveness of International Atomic Energy Agency Safeguards. The bill requires the President to seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group to: 1) end the unnecessary secrecy of IAEA inspection arrangements and results; 2) improve IAEA access of the IAEA to nuclear facilities for inspections; 3) facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; 4) apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and 5) seek agreement to provide the IAEA with additional funds, technical assistance, and political support.

SECTION-BY-SECTION ANALYSIS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

SECTION 1. SHORT TITLE

This section sets forth the short title of the Act, the "Nuclear Proliferation Prevention Act of 1991".

SECTION 2. PURPOSE

This section states the purpose of the Bill is to strengthen both domestic and international controls over the transfer of facilities, materials, equipment, and technology which may contribute to nuclear proliferation by:

1. prohibiting nuclear commerce by the U.S. with non-nuclear-weapons states that do not maintain international safeguards on all of their nuclear facilities and have not entered into a formal agreement for cooperation with the United States;

2. curbing U.S. exports of weapons-usable highly-enriched uranium;

3. mandating the negotiation of a multilateral mechanism for assuring that no facilities, materials, equipment, or technology which may contribute to nuclear proliferation are transferred to any non-nuclear-weapons state that does not maintain international safeguards on its nuclear facilities, that exports of highly enriched uranium are curtailed, and that all nuclear commerce is halted with those non-nuclear-weapon states which pose significant threats to regional or global peace and security;

4. assuring that meaningful and appropriate trade sanctions are imposed by the U.S. on any foreign entity that engages in nuclear trade in contravention of the principles in this Act, and on any nation or group of nations which does not subscribe to such principles or which otherwise authorizes nuclear trade found by the President to be inimical to the common defense and security; and,

5. providing for the United States to enter into negotiations with other nations and groups of nations to improve significantly the effectiveness of the safeguards of the International Atomic Energy Agency.

SECTION 3. RESTRICTIONS ON NUCLEAR EXPORTS

This section amends Chapter 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2151 and following) by adding a new section 134. The new section 134 contains a number of provisions which are intended to create a more effective international nuclear non-proliferation regime, both by upgrading U.S. export requirements and providing for the imposition of trade sanctions where nuclear goods and technology are exported from other countries under less stringent criteria.

Subsection a: The purpose of subsection a of the bill is to establish the principle across-the-board that no U.S. goods or technology relevant for nuclear explosives purposes and/or likely to be used in nuclear facilities should be exported to non-weapons states unless those states maintain full-scope IAEA safeguards and have signed a nuclear cooperation agreement with the United States. Since these requirements currently apply only to nuclear fuel and facility exports (and not to exports of nuclear components, technology, and dual-use items on the nuclear referral list), its effect is to make U.S. nuclear export controls uniform.

Section a.(1) lists the existing export licensing activities which are to be subjected to the restrictions established under paragraph 2, as follows: (A) dual-use items controlled under the nuclear referral list established pursuant to the Export Administration Act of 1979 because their significance for nuclear explosive purposes or the likelihood of their being diverted for such purposes; (B) nuclear materials (e.g., plutonium) or nuclear facilities (e.g., nuclear powerplants) whose export is licensed by the NRC; (C) retransfers to any non-nuclear weapons state of dual-use items, nuclear materials, or nuclear facilities; and (D) nuclear technology transfers requiring the authorization of DOE.

Section a.(2) sets forth the conditions which must be met before the activities listed in paragraph (1) are permitted, as follows: (A) the non-nuclear-weapon state involved maintains International Atomic Energy safeguards on all its peaceful nuclear activities; (B) the export is under the terms of an agreement for cooperation arranged pursuant to the terms of Section 123 of the Atomic Energy Act of 1954; (C) notice of the proposed export, retransfer, or activity is published in the Federal Register not less than 15 days before the license, approval, or authorization becomes effective.

Section a.(3) provides that nothing in this subsection shall preclude an export, retransfer, or activity for which a general license or general authorization has been granted.

Section a.(4) defines "non-nuclear-weapon state" to mean a non-nuclear-weapon state within the meaning of the Nuclear Non-Proliferation Treaty.

Subsection b: Prohibits the issuance of any NRC license for the export of highly-enriched uranium (defined as uranium enriched to greater than 20 percent U-235), subject to a limited exception that until the end of 1995, the NRC allow such exports for use in reactors which the NRC has determined cannot feasibly be converted to use low-enriched uranium. This prohibition is particularly important because, as exemplified in the case of Iraq, possession of HEU poses immediate and high proliferation risks. The exception allows a temporary grace period for continued exports to reactors that cannot convert to use of low-enriched uranium.

Subsection c: Provides that the President shall, as soon as possible after the enactment of this Act, undertake international negotiations with those foreign nations which participate in the Nuclear Suppliers Group. These negotiations would be aimed at the adoption of multilateral controls restricting nuclear exports (including dual-use nuclear items of related technical data, nuclear materials, nuclear facilities, and nuclear technology transfers and retransfers of nuclear materials, facilities or dual-use nuclear items of related technical data) to countries which do not adhere to the full-scope safeguards requirements, prohibiting commerce in highly-enriched uranium, and halting all nuclear trade with countries which pose significant risk to regional and/or global peace and security. It also provides for negotiations to assure that the London Suppliers Group is an adequate forum in which to raise and resolve questions concerning the consistency of proposed exports with such principles. This initiative recognizes that international cooperation is essential to the ultimate effectiveness of nonproliferation efforts.

Subsection d: This subsection would subject foreign persons (e.g., foreign individuals or companies) who knowingly export nuclear facilities, materials, equipment or technology in contravention of the international nuclear non-proliferation controls adopted pursuant to subsection d to trade sanctions for a period of not less than 2 years. These sanctions would bar them from receiving any nuclear exports from the U.S. and from shipping any goods (either nuclear or non-nuclear) to the U.S. Such provisions will ensure that, for the first time, international sanctions for violations of nuclear non-proliferation norms will be meaningful.

Section d.(1) directs the President to prohibit the export from the U.S. to a foreign individuals or companies of all nuclear facilities, materials, equipment, and technology and to prohibit the importation into the U.S. of all products produced by that foreign person (both nuclear or non-nuclear) if that foreign person knowingly exports, transfers, or otherwise engages in, conspires to engage in, or facilitates the export transfer or trade of any nuclear facilities, materials, equipment, or technology in contravention of the international nuclear non-proliferation controls established pursuant to subsection d.

Section d.(2) specifies that the sanctions provided for in subsection e(1) do not apply to any export, transfer, or trading activity that is authorized by the laws of a nation participating in the Nuclear Suppliers Group and adhering to all measures adopted pursuant to the Group's international proliferation controls, unless such an authorization was obtained by misrepresentation or fraud.

Section d.(3) prevents the sanctions provided for in subsection e(1) from being applied in cases where a nation participating in the Nuclear Suppliers Group is taking judicial or other enforcement action against that person with respect to their activities or if that person has been found to be innocent of wrongdoing by the government of a nation participating in the Nuclear Suppliers Group.

Section d.(4) allows agencies to issue, in consultation with the Secretaries of Defense and State, advisory opinions to any person who requests such an option as to whether a proposed activity by that person would subject that person to sanctions. The section further provides that any person who relies in good faith upon such an advisory opinion (indicating that the proposed activity would be permissible) would not be subjected to sanctions for engaging in the activity.

Section d.(5) requires the President to notify the Congress not later than 15 days before imposing the sanctions required under this subsection.

Section d.(6) provides definitions of the terms "foreign person", "United States person", "person", and "otherwise engaged in the trade of".

Section e provides for trade sanctions against any foreign nation or group of nations (as opposed to individuals or companies), whether or not they are participants in the Nuclear Suppliers Group, if the President determines that the foreign nation or group of nations has: 1.) permitted any nuclear-related export or retransfer to, or activity in, any non-nuclear-weapon state which had failed to accept full-scope IAEA safeguards as a condition of nuclear supply, authorized the export of highly-enriched uranium under conditions less stringent than those imposed by the U.S., or 3.) has permitted any nuclear-related export or retransfer to any non-nuclear-weapon state which the President determines to be inimical to the common defense and security. The trade sanctions to be imposed would bar both nuclear trade with the offending nation and the importation into the U.S. of some or all of the articles produced or grown in the offending nation.

SECTION 4. NEGOTIATIONS

This section amends Section 203 of the Nuclear Non-Proliferation Act of 1979, which directed the President to undertake nuclear non-proliferation negotiations with other nations to mandate negotiations to significantly upgrade the International Atomic Energy Agency (IAEA) safeguards system to assure that it provides an effective mechanism for detection and deterrence of nuclear proliferation. In the wake of the Iraq war, it is clear that such an enhancement of the international safeguards regime is necessary to avoid situations in which nominal NPT parties may effectively pursue a nuclear weapons program without being subject to meaningful restraint under the IAEA system.

Section 4(1) makes certain technical and conforming changes in Section 203.

Section 4(2)(b) provides that in order to improve significantly the effectiveness of the safeguards of the IAEA, the United States shall seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group to: 1.) end the unnecessary secrecy of inspection arrangements and results; 2.) improve the access of the IAEA within nuclear facilities that are capable of producing, processing, or fabricating weapons-capable nuclear materials; 3.) facilitate the exercise by the IAEA of its right to conduct special inspections of facilities that are capable of producing, processing, or fabricating nuclear weapons materials, including facilities in which nuclear materials may not have been introduced and declared to the IAEA; 4.) facilitate the IAEA's efforts to meet and maintain its goals for detecting diversion of nuclear materials; 5.) apply IAEA safeguards to tritium and natural uranium concentrate and increase the scope of such safeguards on heavy water; and, 6.) provide the IAEA with the additional funds, technical assistance, and political support needed to carry out this subsection.

Section 4(c) requires the President to submit a report to Congress six months after the date of enactment of this Act, and annually thereafter, on the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in subsection (b).

QUESTIONS AND ANSWERS

Question: What impact will your bill have on nuclear cooperation with China?

Answer: The bill would have a minimal impact on trade with the PRC, since all nuclear cooperation with China has been on hold since passage of the China sanctions bill last year, which included a Markey-Solomon amendment barring all nuclear cooperation with the PRC. That amendment closed the loopholes in the law which had allowed nuclear technology transfers (so-called under 57b. transfers), component transfers and retransfers, and exports of dual-use items on the nuclear referral list to the PRC.

No exports of nuclear fuel or facilities have been permitted to China since the PRC never met the non-proliferation conditions set forth in the 1985 Congressional resolution that approved nuclear cooperation with China. That resolution required China to provide the U.S. with additional information about its nuclear non-proliferation policies and practices and required the President to certify that the PRC wasn't assisting any non-weapons state in acquiring nuclear explosives.

One thing our bill will do, however, regarding China is to impose new restrictions on China's ability to retransfer any U.S.-supplied components or dual-use items that were shipped to China in the past to other countries. Such restrictions would be no different for China than for other U.S. nuclear trading partners.

Question: What impact would the bill have on exports to Israel, which hasn't signed the Non-Proliferation Treaty and doesn't have a nuclear cooperation agreement with the U.S.?

Answer: The effect of this amendment on Israel is negligible because Israel has no agreement for nuclear power or research cooperation with the United States and is not actively seeking U.S. assistance for these programs.

The principal impact of the amendment is on other nations that are not parties to the Nuclear Non-Proliferation Treaty and do not accept International Atomic Energy Agency safeguards on the full scope of their nuclear activities ("full-scope safeguards"). Five of these nations—Argentina, Brazil, India, Pakistan and South Africa—actively seek U.S. assistance for their nuclear power and research programs. Of these nations, all but Pakistan have nuclear cooperation agreements with the United States.

Relatively few items covered by the amendment are currently being sent to Israel under existing law. Under current law, nuclear reactors and fuel cannot be exported to any nation refusing to accept full-scope safeguards. The amendment would require full-scope safeguards as a condition of export (and retransfer) of nuclear components and technology as well. The amendment does not restrict exports of small quantities of by-product, source and special nuclear material for research purposes.

The controls on exports of dual-use items on the nuclear referral list affects only those items which would be for use in a facility that utilizes or produces explosive nuclear materials or those exports which, in the determination of the U.S. government, are likely to be diverted for such use. Furthermore, the most significant of these items (computers) are subject to written government-to-government assurances of "no explosive use."

Question: Won't your bill unduly constrain the President's foreign affairs powers?

Answer: Not at all. The bill makes changes in U.S. domestic export control policy by conditioning all nuclear-related exports to non-weapons states on a requirement for full-scope safeguards and the existence of a nuclear cooperation agreement. This essentially amounts to an exercise of Congressional power under the Commerce clause.

In addition, the bill provides Congressional direction to the President regarding multilateral export control negotiations. Congress' power to regulate interstate and foreign commerce provides ample basis for us to provide such direction.

Moreover, there is ample precedent for providing the President with direction on trade and export negotiations, and in the past Congress has provided direction to the President regarding the objectives to be pursued at multilateral export control organizations such as COCOM or trade negotiations such as the GATT.

The specific provisions of law that the bill's negotiating provisions amend already provide direction to the President to negotiate on nuclear non-proliferation. All our bill does is provide more specific direction regarding the objectives to be pursued at the Nuclear Suppliers Group and the IAEA.

For example, the bill's provisions regarding IAEA negotiations amends section 203 of the Nuclear Non-Proliferation Act of 1978. Section 203 provides that "the United States shall seek to negotiate with other nations and groups of nations to" achieve certain objectives, including adoption of general principles and procedures (including sanctions) to deal with nuclear proliferation. All our bill does is provide for more specific negotiating objectives.

Question: Doesn't your amendment represent a unilateralist approach to controlling nuclear proliferation?

Answer: No, our bill eliminates inconsistencies in current law that undermine U.S. nuclear non-proliferation leadership. If we are to have any influence with other nuclear supplier and customer countries, we have to set an example with regard to our own nuclear export policies.

At the same time, our bill goes beyond just U.S. domestic controls to provide for multilateral negotiations aimed at establishing international proliferation controls comparable to those established for the U.S. It will be up to the President to assure that the international controls that are agreed to are comparable to U.S. domestic controls.

Question: Would the enactment and implementation of this bill put the United States in violation of any legal supply obligations?

Answer: No. Current nuclear export control regulations specifically provide the authority to revoke, suspend or modify license.

Under the Atomic Energy Act, nuclear, technology transfers under 57b. or transfers and retransfers of nuclear components under Section 109b. can be revoked if the Atomic Energy Act is amended making the new statutory conditions would become applicable to the license.

The DOE's implementing regulations for 57b. provide that authorizations "may be revoked, suspended or modified in whole or in part" if the Secretary finds that the activities would be "inimical to the interests of the United States or would otherwise not meet the criteria specified by law for approval of such exports. . . ." (10 CFR 810.8(d)(2)).

Retransfers of nuclear materials (e.g., heavy water) pursuant to 109b. of the Atomic Energy Act are subject to the Commissions regulations, which specifically provide that "Each license is subject to amendment, suspension, revocation or incorporation by amendments of the Atomic Energy Act or other applicable law. . . ."

Similarly, export licenses issued by the Commerce Department for "dual use" items are also subject to revocation. Department of Commerce regulations provide: "Outstanding licenses may be revised, suspended or revoked, in whole or in part . . ." 15 C.F.R. S372.9(d)(7).

Thus, the revocation of any authorizations or licenses under any of the statutory provisions affected by our bill would not violate any U.S. "obligation." In fact, an authorization or license simply does not create an obligation in the contractual sense. It is settled law that a governmental license is not a contract, nor does it confer a vested right, but rather may be revoked, modified or continued, and, indeed, is accepted subject to the condition that the liability then prescribed by statute may be altered or repealed.

Question: What effect would this amendment have on the export of materials for medical research?

Answer: Any impact on medical research should be negligible. Most medical research exports involve small quantities of by-product, source and/or special nuclear material. The amendment does not affect these exports, which are covered by other provisions of the Atomic Energy Act, in any way. Moreover, the amendment would not bar the export of small quantities of heavy water for research purposes or use in medical devices. It is not the intent of the Amendment that these exports be covered. The amendment vests discretion in the Commission to determine which exports are "especially relevant from the standpoint of export control because of the their significance for nuclear explosive purposes." It is our intention that the Commission can and will be able to use this discretion to exempt medical and medical research exports by regulation from the Section 109 licensing criteria, on the grounds that they are not significant for nuclear explosive purposes.

Question: What is involved in Section 57b. transfers?

Answer: Section 57b. of the Atomic Energy Act makes it "unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States" unless that activity is "specifically authorized under an agreement for cooperation" or approved by the Secretary of Energy "after a determination that such activity will not be inimical to the interest of the United States." In lay language, which this section does is control the transfer of technology. It is important because Section 57b. transfers may provide the know-how for foreign countries to duplicate U.S. technology and so proceed on their own, independent nuclear course.

The current export control system under Section 57b. is administered by the Department of Energy. Regulations governing technology transfers are set out at 10 C.F.R. Part 810. Both the statutory and regulatory standards are minimal. Under current law, no agreement for nuclear cooperation is required for approval of technology transfers, and, as long as there is a Secretarial determination that the transfer is "not inimical", the transfer can be approved. This means that a technology transfer could be approved with regard to an unsafeguarded facility or to a nation without full-scope safeguards. In addition, the most sensitive technology, i.e., for enrichment or reprocessing, can be (and indeed has been) approved for transfer.

Section 57b. has become conduit for transfers to countries which have no agreement for cooperation and do not have full scope safeguards. Since 1980, principal beneficiaries of transfer approvals under Section 57b. have included South Africa, the People's Republic of China, India and Brazil.

For the most part, approvals under Section 57b. have involved contracts between U.S. firms and foreign recipients covering such matters as the design, testing, engineering, operation, inspection, and maintenance of nuclear facilities. In addition, they often have provided for training of foreign personnel in nuclear operations. In some instances, they have called for assistance in the procurement of component parts.

Question: What is meant by "dual-use items on the nuclear referral list"? What controls does your bill place on the export of these items?

Answer: Section 309(c) of the Nuclear Non-Proliferation Act requires the President to establish procedures to the Commerce Department to control export items under its jurisdiction that, if used for purposes other than intended, could be of significance for nuclear explosive purposes.

The list of items that fit within this description is known as the "Nuclear Referral List." It consists of items such as certain high-speed computers, measuring and calibrating test equipment, lasers, certain metal compounds and alloys. All of these items have a variety of legitimate civilian purposes, but they can also be critical in fabricating a nuclear bomb.

Our bill does not affect what is put on the list. Instead, it adds additional conditions which must be met before items which are already on the list can be legally exported to a non-weapons state. Those conditions are: 1.) a requirement that the state accept full-scope safeguards of all its nuclear facilities; and 2.) that there be an nuclear cooperation agreement in effect between the country and the U.S.

Question: What kind of components can now be shipped to countries without full-scope safeguards? Are they really significant from a weapons-production standpoint?

Answer: With the exception of the reactor itself and four major component items (pressure vessels, primary coolant pumps, fuel charging and discharging machines, and control rods), all parts specially designed for nuclear reactors can be shipped to countries without full-scope safeguards.

These include items such as control rod drive parts, in-core neutron detectors, pump parts and seals. These components are essential to sustain operation of a nuclear reactor.

Perhaps even more significant from a weapons-production perspective are components for "production facilities" (plutonium production reactors, reprocessing plants and uranium enrichment plants). These components include fuel-element chopping machines, process-control instrumentation, gaseous diffusion barriers, solvent extractors (for use in a reprocessing plant). The law is ambiguous as to whether they can be sent to nations without full-scope safeguards.

Finally, there are the dual-use items licensed by the Commerce Department. "Dual use" means the item can be used either in a nuclear or a non-nuclear facility. Many of these items are quite significant to a nation with nuclear-weapons ambitions. These items include powerful industrial-process computers (the kind sent to Argentina and South Africa by American companies in the past) and hot isostatic presses (used to mold metal spheres including those in nuclear weapons).

All components subject to NRC licensing are, according to current law, "especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes." Yet, current law permits these components to be exported to nations without full-scope safeguards. Commerce Department authority extends to items that "could be of significance for nuclear weapons purposes," and these, too, can be sent to nations without full-scope safeguards.

Question: Are there any nuclear items that now can be exported without any safeguards at all? How does your bill deal with them?

Answer: Under current law, there is no explicit prohibition on technology transfers to an unsafeguarded nuclear facility, nor on Commerce Department exports of dual-use components or on retransfer of NRC-licensed components to such a facility. Our amendment would close that glaring loophole in U.S. law.

Question: In simple terms, how does your bill work? Why is it necessary?

Answer: Our bill eliminates a dangerous inconsistency in U.S. nuclear export policy. Under existing law, nuclear facilities and fuel cannot be exported to a country that refuses to accept full-scope safeguards, but nuclear technology transfers and transfers and retransfers of nuclear components can be authorized to such countries.

Our bill is necessary to close this loophole—a loophole which in the past was used to export nuclear know-how to Iraq and China and which currently can be exploited to allow nuclear-related exports to countries like Pakistan, India, Argentina and South Africa.

Our bill imposes the full-scope safeguards requirement across the board, phases out HEU exports, provides tough sanctions against those who assist proliferation, and provides for international negotiations to establish a more effective nuclear proliferation control and safeguards regime.

SIDE-BY-SIDE COMPARISON OF NUCLEAR NONPROLIFERATION BILLS INTRODUCED IN 102D CONGRESS

Markey-Solomon, Wirth (H.R.—/S.—)	Glenn (S. 1128)	McCain-Gore (S. 309)	Stark (H.R. 830)
1. New restrictions on nuclear exports: No U.S. goods or technology relevant for nuclear explosive purposes and/or likely to be used in nuclear facilities can be exported to a non-weapons state unless it maintains full-scope, IAEA safeguards and has in place an agreement for nuclear cooperation with the United States.	1. New restrictions on nuclear exports: None	1. New restrictions on nuclear exports: None, but requires publication of a list of dual-use items subject to export controls under the Export Administration Act of 1979.	1. New restrictions on nuclear exports: None.
2. Prohibition on HEU exports: Bars all exports of highly enriched uranium for any civilian application, subject to the limited exception outlined below.	2. Prohibition on HEU exports: None	2. Prohibition on HEU exports: None	2. Prohibition on HEU exports: None.
3. Negotiations: Calls for the President to undertake negotiations to establish multilateral nuclear non-proliferation controls which would: (1) Effectively restrict exports to countries which don't adhere to a full-scope safeguards requirement; (2) prohibit commerce in highly enriched uranium, and (3) halting nuclear trade with countries that pose significant risks to regional or global security. Also requires the President to seek negotiations to: (1) end the secrecy of IAEA inspection arrangements and results; (2) improve IAEA access to nuclear facilities for inspections; (3) facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; (4) apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and, (5) seek agreement to provide the IAEA with additional funds, technical assistance, and political support.	3. Negotiations: None	3. Negotiations: None	3. Negotiations: None.
4. Sanctions: Bans all nuclear exports to and the importation of some or all of the goods or products of: (1) foreign individuals or companies which violate the international proliferation controls established pursuant to the bill, and (2) any supplier nation which authorizes nuclear-related exports to nonweapons states that fail to accept full-scope IAEA safeguards.	4. Sanctions. Establishes trade sanctions against foreign or U.S. firms and individuals that the President determines have knowingly and materially contributed to the global spread of nuclear weapons; countries that traffic in bomb designs or specialized bomb components. Subjects these "target" entities to a ban on U.S. Government procurement; U.S. import ban; restrictions on U.S. multilateral aid; arms sales; widens Presidential authority to impose economic sanctions.	4. Sanctions: Prohibits exports to, imports from, American economic or military assistance to, or the extension of nondiscriminatory trade treatment to, any country listed under the President's report. Prohibits the U.S. Government, in addition to imposing applicable penalties under the Arms Export Control Act and the Export Administration Act of 1979, from procuring any goods or services from, transferring any technology to, and granting any security clearances to, all United States or foreign persons in violation of this act. Provides for the forfeiture to the United States of property of concerns that have violated this act.	4. Sanctions: Directs the President to prohibit the importation of any article manufactured by a foreign person that knowingly exports, transfers, or otherwise engages in the trade of nuclear equipment and technology in violation of U.S. export control laws. Sets forth provisions with respect to the termination and authorizes the President, upon request of a person, to issue an advisory opinion of whether a proposed activity of such person be subject to sanctions under this act. Also authorizes U.S. persons to file a petition with the President requesting that an investigation be conducted to determine whether sanctions are warranted under this act.

SIDE-BY-SIDE COMPARISON OF NUCLEAR NONPROLIFERATION BILLS INTRODUCED IN 102D CONGRESS—Continued

Markey-Solomon, Wirth (H.R.—/S.—)	Glenn (S. 1128)	McCain-Gore (S. 309)	Stark (H.R. 830)
5. Reports: Presidential report to Congress within 6 months (and thereafter annually) on the status of the negotiations to improve the effectiveness of the IAEA.	5. Reports. Presidential report to Congress in event of (1) any proliferation determinations; (2) issuance of any waiver; (3) annual nonproliferation compliance report; (4) one-time report on effectiveness of U.S. proliferation demarches.	5. Reports: Directs the President to report annually to the Congress on: (1) any country that acquires conventional arms or weapons of mass destruction at levels threatening to world or regional peace or U.S. or allied security; (2) any country that has used or threatened to use force or weapons of mass destruction against another country; (3) any country that supports terrorism; (4) any country which is the subject of a U.N. or U.S. blockade or embargo or is determined to threaten world peace; (5) any country that has transferred goods or technology that may be used to produce or transfer conventional arms or weapons of mass destruction to any country meeting the previously listed criteria; (6) the flow of defense articles and technology for military uses to each country meeting such criteria; (7) governments and persons involved in the transfer of such goods or technology; (8) the steps taken to enforce this act, the success of such steps, and the governments and persons sanctioned or penalized by such steps; and (9) U.S. efforts to persuade other countries to cooperate in halting the transfer of such goods or technology.	5. Reports: Requires the President to annually determine those persons who violate the provisions of this act. Authorizes such persons to appeal such determinations to the U.S. Court of International Trade.
6. Waivers: None	6. Waivers: Allows President to waive sanctions after they have been in place for 12 months if he makes determination and certification to Congress that continued imposition of the sanctions would have serious adverse effect on vital U.S. interests.	6. Waivers: Allows President to waive sanctions for national security reasons if he makes formal determination and provides notification to Congress 30 days in advance. Waiver does not apply to extension of most-favored-nation trade status.	6. Waivers: Allows Presidential national security wavier on application of sanctions to foreign persons, provided that President submits notification and report to Congress at least 20 days in advance. Additional Presidential waiver permitted if President certifies to Congress that product or service is essential to national security or person affected by the sanction is sole supplier of the product or service.
7. Exemptions: Exemption from HEU export ban until December 31, 1995, for those few reactors which cannot feasibly be converted to operation using low-enriched uranium.	7. Exemptions: Defense articles/services, sole-source items, items essential for U.S. production.	7. Exemptions: Makes procurement sanctions inapplicable to any contract entered into before the sanctioned country was listed under this act if such sanction would threaten the security of third country nationals or would involve massive and unavoidable financial losses to the penalized person or entity.	7. Exemptions: Makes sanctions inapplicable if host nation has substantially similar export controls as U.S. and its implementing them against the foreign persons; if the foreign person is sole source U.S. defense supplier; if the good or service is essential to U.S. security, is provided under preexisting contract, or is a spare part or a component essential to U.S. products or production.
	8. Other: Authorizes rewards for information useful in halting nuclear proliferation; expands sanctions in Foreign Assistance Act to cover transfers of bomb designs and specifically designed bomb components; eliminates Pakistan's exemption from Glenn-Symington amendment (retrafficking in unsafeguarded nuclear technology); requires recipients of U.S. arms exports to comply with their nonproliferation commitments.		

THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

We, the undersigned, offer our support for the Nuclear Proliferation Act of 1991. This bill strengthens the United States' position in the critical movement toward the control of the proliferation of nuclear technology and materials.

Representatives Edward Markey and his colleagues, Representatives Solomon, Wolpe and Stark along with Senator Wirth, have designed a legislative instrument which not only improves restrictions on nuclear exports but goes on to bar exports of highly enriched uranium, backing these limits with sanctions against those who would assist would-be proliferators. In addition, negotiations called for by the bill are necessary to improve existing multilateral controls and mechanisms, particularly through strengthening the effectiveness of the International Atomic Energy Agency and the Nuclear Suppliers Group.

At a time when the entire world has been made acutely aware of the risks of nuclear proliferation and the weaknesses within the current regime, it is important for the U.S. to be taking these steps. We believe this bill can help establish U.S. leadership in developing an international consensus on these issues.

Lastly, we see this bill as making a valuable contribution to creating the international political atmosphere which will support a significant extension of the Non-Proliferation Treaty in 1995. We are hopeful that it will be followed by other strong proposals both here and abroad.

We congratulate the authors on this bill and urge its adoption.

Campaign Against Proliferation, Council for a Livable World, Union of Concerned Scientists, Sierra Club, SANE/FREEZE: Campaign for Global Security, 20/20 Vision, Physicians for Social Responsibility, Women's Action for Nuclear Disarmament, Professionals Coalition for Nuclear Arms Control, Unitarian Universalist Association, Friends Committee on National Legislation, Methodists United for Peace and Justice, Committee for National Security, Military Families Support Network, Union of American Hebrew Congregations, Church of the Brethren—Washington Office, Americans for Democratic Action.

[From the New York Times, July 15, 1991]

IRAQI ATOM EFFORT EXPOSES WEAKNESS IN WORLD CONTROLS

(By William J. Broad)

Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.

In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

But Iraq has shown that a low-tech method openly described in scientific literature can be readily used to circumvent the restrictions, making the Iraqi weapons effort far more ingenious and dangerous than believed.

ENOUGH FOR 2 BOMBS

The clandestine Iraqi method is reported by a defector to have produced about 90 pounds of highly enriched uranium, enough for two bombs. Experts say the 30 enrichment machines that Iraq has admitted to using could make enough fuel for one warhead a year.

Iraq probably has the skill to perfect an atom bomb, weapons experts say. They stress that it is unlikely that Iraq has already done so, though some suggest it might be able to build one on short notice. Before the Persian Gulf war, many intelligence analysts said Iraq's engineers might start limited production of nuclear warheads in 5 to 10 years, but not much sooner. The estimates were based on how rapidly the Iraqis might build high-technology devices for uranium enrichment.

Concern soared in May when the Iraqi defecter reportedly told American officials that Iraq used the antiquated, low-tech method to produce 90 pounds of enriched uranium. The technique uses electromagnetism in machines known as calutrons.

Under international pressure, Iraq told the United Nations last week that it had indeed used the old method, saying it produced a pound of enriched uranium. Experts believe that much more was produced, and in response to continued pressure and skepticism from abroad that it was not being completely forthcoming, Baghdad yesterday submitted to the United Nations a new document on its nuclear operations.

The fact that the Iraqis quietly used the forsaken method at all to produce weapons fuel showed great cleverness, the experts say.

"It's astonishing," said Dr. Glenn T. Seaborg, a Nobel laureate in physics and former chairman of the Atomic Energy Commission, which built most of the nation's nuclear bombs. "It represents quite a technical effort."

Dr. Edward J. Lofgren, a physicist at the Lawrence Berkeley Laboratory in California who helped develop calutrons during World War II, said Iraq's choice of enrichment method, while surprising, made eminent sense.

"The other methods are very efficient but take lots of capital and big plants," he said. "A calutron, on the other hand, in one stage enriches a large amount. It's not energy efficient. But it doesn't take a lot of capital."

Dr. J. Carson Mark, a former official of the Los Alamos National Laboratory in New Mexico who has studied the Iraqi program, said 90 pounds of highly enriched uranium might produce two bombs. He added that it was impossible to know whether the Iraqis had actually made such bombs.

SPY AGENCIES CRITICIZED

"It's conceivable," he said. "The magnitude of their effort is suggestive. If they went through all that enrichment work, it puts weight to the argument that they took further steps. But there's no way of saying, on the basis of logic, whether they have done that."

Dr. Mark also criticized the nation's intelligence agencies for apparently failing to have discovered the clandestine effort at uranium enrichment.

"Why spend all that money on intelligence when it apparently and evidently learns nothing?" he asked.

Paul L. Leventhal, president of the Nuclear Control Institute, a private group in Washington that studies the spread of nuclear technology and has worked closely with Dr. Mark, said it was unlikely that the Iraqis already had a bomb, especially in light of the disarray caused by the gulf war and Iraq's moves to hide nuclear materials around the country.

"But do they have the components there, to put one together in short order?" he asked. "I would say yes."

Mr. Leventhal added that the reemergence of the old enrichment technique would force the development of a whole new set of international safeguards and precautions.

'GENIE BACK IN THE BOTTLE'

"We can't put the genie back in the bottle," he said. "The main thing is to try to improve our intelligence-gathering ability" so that existing calutrons can be tracked down. He added that new sanctions would be needed to inhibit their use for uranium enrichment.

Leonard S. Spector, an expert on the spread of nuclear arms at the Carnegie Endowment for International Peace in Washington, said news of the Iraqi enrichment success had toppled the international program to stem weapons proliferation, which has focused on limiting advanced methods. "It's cataclysmic," he said. "All this was being done in Iraq without anybody knowing it. So who else is doing it? Everybody in the community knew this kind of thing was a possibility. But to be confronted by an example is devastating."

Though slow and costly, experts say, the electromagnetic process has many virtues from the Iraqi point of view. For one thing, it has been declassified for decades. Detailed blueprints of its workings have been published by the Federal Government and academic scientists, in contrast to the secrecy maintained around more advanced methods of uranium enrichment.

Most important, experts say, calutrons are relatively easy to build. They use few exotic materials, in principle allowing them to be largely constructed without Western aid.

APPETITE FOR POWER

The main drawback is that their bulky electromagnetic coils have a large appetite for electrical power.

But experts note that Iraq, with large oil supplies, can cheaply generate electricity for the process.

Though bulky and cumbersome, the Iraqi calutrons achieved one of the most delicate tasks of science: separation of isotopes. Isotopes are different varieties of the same element that differ only in the number of neutrons in their nuclei. U-235, the material needed for nuclear weapons, has 143 neutrons in its nucleus. U-238 has 146, making it fractionally heavier.

In natural ore, U-238 accounts for 99.283 percent of uranium, while U-235 accounts for 0.711 percent. The scientific challenge, on which untold billions have been spent, is to separate the extremely rare isotope from the common one. Uranium suitable for atomic weapons is usually enriched to contain at least 80 percent U-235 and more commonly 90 percent or more.

The person who came up with the idea for the calutron and promoted it extensively in the early 1940's was Dr. Ernest O. Lawrence, inventor of the cyclotron particle accelerator and director of a physics laboratory at the University of California at Berkeley. The name calutron derives from California University cyclotron.

Dr. Lawrence's goal was to enrich uranium with the aid of cyclotrons, large circular electromagnets used to accelerate subatomic particles.

The principle was simple: Uranium would be ionized into charged particles and fired into the powerful electromagnetic fields of a cyclotron. The lighter the ion, the tighter its circular path. At the end of the arc, two beams of ions would feed into separate collectors.

FLYING SCREWDRIVERS

The process worked experimentally at Berkeley, producing minuscule amounts of fairly pure U-235. In 1943, the Government embarked on a huge project at Oak Ridge, Tenn., to expand its scale. At its peak, the program employed nearly 25,000 people.

The electromagnetic coils were 15 feet in diameter and weighed thousands of tons. So powerful were the magnetic fields that hammers and screwdrivers flew out of workers' hands if they came too close. The U-235 produced by the calutrons helped power the bomb that destroyed Hiroshima in August 1945.

One discovery of the electromagnetic program was that separation worked more effectively if the uranium fed into calutrons was already partly enriched, to 10 percent U-235. By the end of the war, other enrichment methods were working better than the calutrons, and the costly machines were abandoned for uranium enrichment.

But a few of them were still used at Oak Ridge to separate hundreds of other isotopes, in part for medical use. The separated isotopes included thorium, americium and curium.

Over the years, the technology of electromagnetic separation has advanced. Mr. Leventhal of the Nuclear Control Institute said some 180 patents have been filed on the process over the decades, apparently for isolating tiny amounts of rare isotopes.

Scientists say the electromagnetic method may have been redefined and simplified by the Iraqis, making calutrons smaller, more competitive with advanced enrichment methods and far better producers of bomb fuel than they were in World War II.

IMPROVEMENTS OF 50 YEARS

"Anybody who would be capable of building one of these things now would be capable of improving it over what we did 50 years ago," said Dr. Lofgren, who helped develop it in World War II.

Mr. Leventhal of the Nuclear Control Institute estimated that 30 Iraqi calutrons, if they were fairly modern ones and fed uranium that had already been slightly enriched, could probably produce up to 44 pounds of bomb-grade fuel a year. That, he said, would be enough for about one bomb.

Last week, Iraq said it has been running a total of three clandestine programs to enrich uranium. In addition to the electromagnetic method, it cited a centrifuge process and a chemical one. Several experts suggested that these might have produced slightly enriched uranium to feed the calutrons.

A scientist who advises the Federal Government, who spoke on condition of anonymity, said the Iraqi claim of having 30 calutrons was widely felt to be underestimated. "We think they have many more," he said. "Therefore the production rates are much higher" than private experts have calculated.

Experts on the spread of nuclear weapons say that their field, which for decades has focused on ways to stem the spread of advanced bomb-making methods, will now have to be rethought from the bottom up to focus on calutrons.

"How are we going to find this stuff?" asked Mr. Spector of the Carnegie Endowment. "What's the nonproliferation regime going to look like?

"Maybe there are bits and pieces of this technology that we can control. But if we can't, then you've got the possibility that one of the real underpinnings for the control of nuclear weapons won't be there anymore."

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 24, 1991.

To: Representative Edward Markey.

From: Zachary S. Davis, Environment and Natural Resources Policy Division.

Subject: Nuclear Proliferation Prevention Act of 1991.

In response to a request from your staff for examples of U.S. exports that could have been affected by the provisions of the proposed Nuclear Proliferation Prevention Act, had it been in force at the time the exports occurred, I am forwarding the following information. If enacted, the bill would give additional statutory authority to existing federal regulations and procedures for controlling exports of nuclear-related dual-use items. [These regulations are contained in the Code of Federal Regulations, v. 15, Chapter VII, Bureau of Export Administration, Department of Commerce, part 778, Special Nuclear Controls.] The bill would establish as criterion for all nuclear-related exports that a formal agreement for nuclear cooperation with the United States, enacted pursuant to the terms of the Atomic Energy Act of 1954 as amended by the Nuclear Non-Proliferation Act of 1978, be in force. Exports of enriched uranium for use in foreign research reactors would also be restricted by the proposed legislation. Currently, the Department of Commerce may issue export licenses for certain nuclear-related dual-use items on a case-by-case basis. If the bill had been in effect in earlier years, and the regulations had statutory authority, officials at the Department of Commerce and those on inter-agency review committees would still have had considerable latitude in interpreting licensing criteria and in deciding whether to issue an export license. References to materials described in past cases are included.

Iraq: Former Commerce Department officials have testified before the Congress that from 1985 to 1990 U.S. policy towards high-technology exports to Iraq was one of "normal trade." The Departments of Commerce, Defense, and Energy, and the inter-agency Sub-group on Nuclear Export Controls were reported to have approved licensing the sale of computer equipment to go with special high-temperature furnaces that could be used in the manufacturing of nuclear weapons and missiles from Consarc Corporation in 1990. Export licenses that permitted sales of industrial furnaces and other nuclear-related dual-use technology might have been denied under the provision of the bill that would require a formal agreement for nuclear cooperation with the United States for exports of dual-use nuclear-related commodities. Ultimately, the National Security Council blocked the sale as the furnaces were on a dock awaiting shipment to Iraq. Iraq is on the Export Administration Regulations Special Country List, and may not have satisfied requirements for exports of dual-use nuclear-related commodities under the provisions of the bill. (Inside U.S. Trade, April 12, 1991; Science, February 1, 1991, p. 251; The New York Times, 7/15/90, p. A3; The New York Times, 12/23/90, p. A1, A4; International Herald Tribune, 7/21/90; The Wall Street Journal, 12/7/90, p. A18; The Washington Post, 3/11/91, p. A1.)

India: The agreement for nuclear cooperation between the United States and India was not renegotiated pursuant to the Nuclear Non-Proliferation Act of 1978, and nuclear exports to India were subsequently suspended. Under the provision of the bill that would extend restrictions on direct-use nuclear goods and technology to certain nuclear-related dual-use exports, India may have been prevented from purchasing a Cray computer in July, 1990. India's non-proliferation credentials might have also provided grounds for prohibiting sales of nuclear-capable missile technology. (Defense and Foreign Affairs Weekly, 7/9–15/90, p. 1; Defense and Foreign Affairs Weekly, 8/13–19/90, p. 1; "India's Missiles: With a Little Help From Our Friends," The Bulletin of the Atomic Scientists, 11/89; The New York Times, 10/12/90, p. C1–C2; The New York Times, 12/15/90; Nuclear Fuel, 4/2/90; "India and United States Nonproliferation Policy," Report Prepared for the Department of Energy by Science Applications International Corporation, 2/11/91.)

Brazil: Exports of supercomputers that could be used to design nuclear weapons and nuclear-capable missiles might have been barred until Brazil implements full-scope IAEA safeguards on all of its nuclear facilities. Under the provisions of the bill, an examination of Brazil's nonproliferation credentials might have provided grounds for denying export licenses for nuclear-related dual-use technology. Brazil is currently named on the Export Administration Regulations Special Country List. (The Los Angeles Times, 9/15/90; The New York Times, 9/7/90; The New York Times, 10/17/90, p. 4; The New York Times, 12/4/90, p. A10; The New York Times, 12/15/90; The New York Times, 7/20/90, p. 19; The Washington Post, 9/22/90.)

SANCTIONS AGAINST EMERGING SUPPLIERS

Several foreign exporters of nuclear goods and technology might not have been able to make certain exports if provisions of the bill had been implemented requiring commitments from nations receiving nuclear-related imports to accept full-scope IAEA safeguards on all peaceful nuclear activities. In the past, Argentina, Brazil, China, India, France, the Federal Republic of Germany, Switzerland, and other nations have not in all cases required implementation of full-scope IAEA safeguards for nuclear or nuclear-related exports. In response to concerns about the contribution of German firms to Iraq's nuclear capabilities, Germany now requires non-nuclear weapon states to maintain full-scope IAEA safeguards on all peaceful nuclear activities. Other major nuclear suppliers have indicated their intention to adhere to the multilateral Nuclear Suppliers Guidelines.

However, a group of emerging nuclear supplier nations, including Argentina, Brazil, China, and India, have demonstrated reluctance to accept multilateral controls on their exports of nuclear and nuclear-related goods and technology. Under the provisions of the bill, a determination by the President that a "foreign person" has transferred nuclear or nuclear-related dual-use items to a non-nuclear weapons state without requiring appropriate safeguards could trigger U.S. sanctions against the exporter. (William Potter, "International Nuclear Trade and Nonproliferation," Lexington Books, 1990; Leonard Spector, "Nuclear Ambitions," Westview Press, 1990; "Eye on Supply," Emerging Nuclear Suppliers Project, Spring, 1991; Nucleonics Week, 4/26/90; "NSG to Explore Dual-Use Controls," Nuclear Fuel, 3/18/91, p. 5, "Twelve Foreign Firms Reportedly Engaged in Nuclear Weapons-Related Trade with Iraq," Report of the Emerging Nuclear Suppliers Project; Nuclear Fuel, 8/20/90; The Washington Post, 12/20/90.)

BY Mr. GRAMM:

S. 1603. A bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity; to the Committee on Finance.

ECONOMIC GROWTH ACT

• Mr. GRAMM. Mr. President, I ask unanimous consent that the following tables and a general description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Economic Growth Act

	5-yr revenue impact (billions)
Title I. Investment and job creation incentives:	
Capital gains rate reduction	+$9.5
Inflation indexing for capital gains	−4.6
Enterprise zones	−1.8
Permanent research and experimentation Tax credit	−6.2
Title II. Savings Incentive: IRA-plus plan	+13.8
Title III. Homeownership incentives:	
First-time homebuyers tax credit	−4.0
Penalty-Free IRA plus withdrawal for home purchase, higher education and health costs	−2.2
Title IV. Work incentives:	
Reduce Social Security penalty on working elderly	−4.5
Economic growth dividend	
Total	

THE ECONOMIC GROWTH ACT OUTLINE

TITLE I. INVESTMENT AND JOB CREATION INCENTIVES

The President's capital gains tax cut for individuals. Capital gains on investments held more than three years get a 30 percent exclusion from taxes, assets held more than 2 years get a 20 percent exclusion and assets held more than a year get a 10 percent exclusion. The top capital gains rate would drop to 19.6 percent. Eligible investments include homes, farms, timber, factories, stocks and other capital assets.

Expand inflation adjustment to capital gains. Investments acquired after April 15, 1991 would pay a capital gains tax only on the inflation-adjusted gain.

The President's enterprise zone proposal. Federal tax incentives for employment and investment will be provided in up to 50 designated enterprise zones, at least one third of which would be in rural areas. Zones would have Federal, state and local regulatory relief.

A permanent Research and Experimentation Tax Credit. The existing credit is set to expire at the end of 1991.

TITLE II. SAVINGS INCENTIVES

An IRA-Plus program. Individuals will be encouraged to establish and make non- deductible contributions to Individual Retirement Accounts where interest would accumulate, compound and be distributed tax-free. Contributions could be made regardless of income. Existing IRA's could be "rolled over" into the new accounts with payment of tax now, but no tax when withdrawn.

TITLE III. HOMEOWNERSHIP INCENTIVES

First-Time Homebuyer Tax Credit. Lower-income singles, working young couples and moderate-income families all will be eligible for a tax credit to help offset the down payment cost for a first-time home purchase. The largest credit would amount to $1,000 for families with incomes of $31,000 or less, and would phase-out by $41,000.

Tax and Penalty free IRA withdrawal. Tax and penalty free IRA-Plus withdrawals are allowed for first-time home purchase, higher education expenses and medical needs. After 5 years, up to 25 percent of the IRA-Plus account could be withdrawn for these purposes.

TITLE IV. WORK INCENTIVES

Raise the Social Security earnings limit. Over 5 years, raise the amount of income (from the current $9,720 to about $17,600 in 1996) that can be earned by the working elderly before they lose Social Security benefits.

An Economic Growth Dividend. Pay to working men and women an economic growth dividend when the economy grows faster than the economic growth forecast established by the budget summit agreement. Additional revenues would automatically and equally fund an increased personal exemption and a reduction in the deficit with a revision downward in the deficit targets. After 1995, all revenues resulting from real economic growth greater than 3 percent would automatically fund an increased personal exemption.

JOBS AND GROWTH RESULTING FROM THE ECONOMIC GROWTH ACT

An analysis of the Economic Growth Act has been provided by the Institute for Policy Innovation based in Dallas, Texas. The analysis shows significant job creation, economic expansion and capital stock additions resulting from the plan.

ESTIMATED IMPACT OF THE ECONOMIC GROWTH ACT

	Timeframe—	
	By 1996	By 2000
Additional jobs created	493,000	1,146,000
Additional gross national product	[1]$337.2	[1]$1,146
Additional capital stock	[1]$1,240	[1]$2,964

[1] Billions.

Notes:—The study was done by the Institute for Policy Innovation research associates Gary and Aldona Robbins, both former economists with the U.S. Treasury Department.•

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. HARKIN, Ms. MIKULSKI, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, and Mr. SYMMS):

S. 1604. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for certain contributions of depreciable business property; to the Committee on Finance.

CHARITABLE CONTRIBUTIONS OF BUSINESS PROPERTY FOR THE DISABLED

Mr. HATCH. Mr. President, I rise today to introduce legislation that will help disadvantaged Americans become more productive employees in today's technologically advanced work environment. Senators COCHRAN, DOLE DURENBERGER, GARN, HARKIN, MIKULSKI, SHELBY, SIMON, STEVENS, and SYMMS are joining with me to introduce this legislation.

Unfortunately, Mr. President, millions of Americans today are finding themselves unemployed or underemployed. This situation is often the result of the individual's lacking the necessary skills to qualify for work in our technologically changing workplace. In the next decade, the Nation will be faced with an increasing shortage of skilled labor. In addition, many citizens who are disabled or disadvantaged will find themselves locked out of the job market because of the lack of necessary skills. Each person in our society needs and deserves a chance to better himself or herself through meaningful job training. This bill will help make that job training available to more of our disadvantaged citizens.

During the 1990's, over 40 million computers will become commercially obsolete long before they cease to function properly. Furthermore, it is estimated that by 1995 the replacement rate of business computers will equal that of new installations. Most of these computers, still fully functional, will be liquidated, banished to indefinite storage, or even scrapped. Why? Because there is no tax incentive for businesses to donate their obsolete, fully depreciated business equipment to charitable organizations.

This legislation will provide an income tax deduction for business equipment donated to charitable organizations that use the equipment to train disabled or needy individuals. This tax deduction will be equal to the lesser of the fair market value or the original cost.

Let me give you an example, Mr. President, of the effect of this bill. Suppose a corporation decided to replace a computer system, which it has had for 8 years and is technologically obsolete, though still fully functional. This equipment, which cost $6,000 when new, now has a fair market value of $500. Under the current tax law, the corporation would receive no tax deduction for donating this equipment to charity, even though it is worth $500. This is because the equipment is fully depreciated, and the donation of fully depreciated equipment does not give rise to a tax deduction. Therefore, there is little incentive for the corporation to make such a donation. This legislation would allow the corporation to take a charitable contribution deduction of $500 if the computer is donated to an organization that uses the machine in the training of the disabled or needy. This increases the incentive to donate and should greatly increase the availability of machines to organizations that are engaged in training such individuals.

As my colleagues are aware, by the turn of the century this country will be facing a shortage of properly skilled workers. In the year 2000 it is estimated that 9 out of 10 new jobs will require computer skills in one degree or another. Currently, only one in five jobs require such skills. Many of these jobs will be data entry or similar jobs. Others will require programming skills and years of training. One thing that all of these jobs will have in common, though, is the necessity of a computer to train the jobseeker.

For persons with disabilities, as well as for the disadvantaged, technology is capable of providing new opportunities, powers, and freedoms. Technology will provide millions with the chance to learn more effectively, to function more independently, and to meet the demands of a broader range of career goals. The key to this power, however, is training. Training the disabled or the disadvantaged for computer skills requires several things. Foremost, it requires access to a computer. For persons with special needs, funding for the acquisition of computers is one of the biggest barriers to the opportunities that technology offers. Unfortunately, the disabled and disadvantaged are often the last in our society to gain access to this important tool. This is why a special incentive to donate obsolete equipment is needed. We need to get this equipment into the hands of these people so they can begin to learn the skills they need to advance in the workplace of today and of the future.

It is important to recognize, Mr. President, that although most of the property that this legislation targets is technologically obsolete, this equipment still has great value as a training tool. Computer technology has greatly changed over the past few years, yet the basic concepts underlying the use of these machines is still the same. A 10-year-old personal computer that has been replaced with a faster and more powerful machine may be considered a dinosaur in the corporate office where it once resided. But, in the hands of an unemployed welfare mother, or for a teenager who is disabled, that machine could open the door to a brighter future.

Let me emphasize that this bill does not apply only to computers. The bill would allow a deduction for the donation of any business property to an organization that uses the equipment in the training of the disabled or needy. This donation could be a telephone system, for example. Or it could be a copy machine, a desk, a table, a television, a video camera, or any other item that could be used to train underemployed individuals.

In considering this legislation, I urge my colleagues to view the big picture. Although I am still waiting for an official revenue estimate from the Joint Committee on Taxation, I am sure this progressive legislation will be scored as a revenue loser. I urge my colleagues not to dismiss this legislation on these grounds. I realize that the Budget Enforcement Act places severe restrictions on tax legislation that is scored as losing revenue, but I really believe that this bill will save the Treasury money—not lose it. Any revenue loss from this bill will be due to disadvantaged Americans being trained and receiving jobs. This will result in lower welfare payments and increased employment which will lead to increased tax revenues. A relatively small dollar investment in the short run will move us a long way toward helping disadvantaged Americans become productive, taxpaying employees.

This bill is very narrowly drafted, Mr. President. The restrictions on the organizations able to receive the equipment are purposefully strict. One result we want to avoid is that of the donated equipment merely being moved from the donor's warehouse to the charity's warehouse. We want these machines in the hands of trainees. Therefore, the bill contains four restrictions on the donation. In order for the donor to receive a tax deduction for the contribution: First, the donee must, as part of its basis for tax exemption, be engaged in the training of the disabled or needy; second, the property is to be so used within 90 days after donation; third, the donated property is not to be transferred by the donee for money, other property, or services; and fourth, the donee must give the donor a written statement certifying that the above qualifications will be met by the donee organization.

This legislation will also help America's businesses better meet the skilled labor shortages that, in some cases, are already upon us. One way to overcome this problem is to train individuals from previously underutilized labor pools, such as Americans with disabilities and the disadvantaged. In order to help fill the gaps, these individuals must be taught basic skills, which increasingly include computer skills. Studies have shown that workers with disabilities perform very well when compared with nondisabled peers. Proper training is the key, and computers can be an important part of the training program. This bill will help provide the computers.

Mr. President, two-thirds of all Americans with disabilities between the ages of 16 and 64 are not working. Of these, two-thirds say they would like to work. This number accounts for approximately 8½ million people. Individuals who are now dependent and receiving Government support can become productive, taxpaying, independent citizens when meaningfully employed. Additionally, approximately 25 million Americans are functionally illiterate. Over 40 percent of our inner-city youth drop out of school. Dropouts have more than twice the rate of unemployment as those who complete high school. Early intervention for some and remedial training for others can route many of these people to a lifetime of meaningful work. What better way to help these people gain the basic job skills they need than computer training?

We can help fill our country's labor needs and provide new growth and work opportunities for our fellow citizens who are disadvantaged by encouraging corporate America to donate its old computer and other equipment to charitable organizations that use such equipment to train the needy and the disabled. Everyone will win: Businesses will gain skilled workers; the Nation will benefit from increased tax revenues and reduced welfare payments; and Americans with disadvantages will have enhanced opportunities to become more positive contributors to society.

By Mr. WOFFORD:

S. 1605. A bill to amend title 18, United States Code, with respect to environmental crime; to the Committee on the Judiciary.

ENVIRONMENTAL CRIME ACT

Mr. WOFFORD. Mr. President, today I intend to introduce legislation designed to toughen criminal sanctions for serious environmental crimes. This legislation will allow our courts to make sure that those who recklessly damage our natural environment and endanger our public health, will be held criminally liable for the full extent of the consequences.

Only a few short weeks ago, during the debate over the omnibus crime bill, many of my colleagues spoke passionately about the poisonous effect of violent crime on our communities. I submit that poisoning our natural environment—like drug violence on our streets—robs our children of their future. So we ought to punish those who poison the air we breathe, the water we drink, and the land we live on like those who commit other major crimes against society.

Clearly, it is not enough to have a policy that says "the polluter pays." Too many polluters can afford to pay. We need a punishment that really punishes. We need tougher standards and stiffer penalties for those who recklessly endanger the health and safety of our families and our communities.

Clearly, the current penalties for the most serious damage to our environment aren't tough enough to deter the offender from commiting the offense.

Under the bill I intend to introduce, those who've intentionally violated our existing environmental laws could be subject to far more severe criminal sanctions—bigger fines and stiff jail terms.

The bill creates two new environmental felonies; reckless endangerment to the environment, and a course of illegal conduct felony. It also establishes a negligent endangerment misdemeanor.

The bill calls for enhanced penalties for egregious violations of the major existing environmental statutes. And it brings many of these penalties into line with those recently enacted in the 1990 Clean Air Act.

It would increase the maximum allowable criminal fine from $2,500 to $25,000 for individuals. Environmental criminals would face up to 30 years in prison instead of the 5 years allowed under current law.

I believe that consistency among our major environmental statutes will promote better compliance. Potential offenders will know that if they commit a serious violation, regardless of the statute, the sanctions they'll face will be tough and sure.

By amending the Criminal Code itself we improve the ability to prosecute violators. So that if an employer allows his workers to handle toxic materials in a dangerous way, a reckless endangerment provision will make it easier for a prosecutor to prove that the employer should have known of the danger, and failed to do something about it.

In addition, this bill provides for a court-ordered environmental audit. This is a critical provision. The courts should have clear authority to ensure environmental disasters are cleaned up and that their causes are eliminated.

During the recent floor action on our omnibus crime bill, the Senate unanimously agreed to an amendment I offered establishing a court-ordered environmental-compliance audit as part of a felony conviction. That provision is now part of the crime bill that will go to conference with the House.

I would like to thank my colleagues for their support of that amendment; and to explain why this same language is also included in the bill which I am now offering. The reason is very simply that none of us can predict when and in what form the crime bill will finally be enacted. I believe we should move forward as quickly as possible to make these tough, new measures against corporate polluters into law.

In a recent poll conducted for Environmental Opinion Survey, 78 percent of the people favored jail terms for those who violate our environmental laws and cause serious environmental damage. Our citizens want to see polluters pay for their crimes; and not just by writing a check, but by serving jailtime.

In my own State of Pennsylvania, people are angry. And some are afraid. Afraid of the poisons they often can't see, or smell, or taste. And angry at those who dump them in our land, our water, and our air.

My bill will help deter the slow and often silent violence that's being done not only to our environment, but to our public health, our quality of life, and our children's future. I urge that we take quick action to vote this bill into law.

By Mr. DURENBERGER:

S. 1606. A bill to establish a demonstration program that encourages States' educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

PUBLIC SCHOOL REDEFINITION ACT

• Mr. DURENBERGER. Mr. President, I rise today to introduce the Public School Redefinition Act of 1991. This is not a complex piece of legislation. It runs only a dozen pages. It doesn't create any huge new Federal programs. By Washington standards, at least, it commits a relatively small amount of money.

But, if the challenge in my bill is accepted, Mr. President, this legislation has the potential to revolutionize how we define and deliver public education all across America.

Like a lot of good educational reform ideas, the genesis of this bill is not in Washington, but in the States. And the best ideas and goals in this bill come from Minnesota, where similar legislation was adpoted by the Minnesota State Legislature.

The first important goal of my bill, Mr. President, is to encourage parents, teachers, and local communities to help expand the number and diversity of school choices.

As States experiment with school choice programs, it's quickly become clear that choice can't realize its full potential without more school choices. My bill helps achieve that goal by offering startup grants to States to pass on to parents, teachers, and community groups to help start new and different schools.

The second goal of this bill, Mr. President, is to encourage States to end the exclusive franchise that now allows only local school boards to start new public schools.

We would never accept a situation in which A&P had an exclusive franchise to operate every grocery store in Washington, DC. If the owners of A&P tried to stake out that claim, they'd probably end up in jail.

So why do we insist that only a local school board is allowed the authority to start and operate public schools inside the boundaries of its district?

There's no good answer to that question, Mr. President. In fact, as long as the exclusive franchise remains we won't have the number and diversity of school choices that this country so desperately needs.

The third and final goal of my bill is to articulate specific criteria that define the essential values and components of American public education.

Public education shouldn't be defined by who owns the building or who hires the teachers.

It should be defined by outcomes, by the Constitution, by who pays, by who must be accepted, by who can't be excluded.

Within that broad framework, parents, communities, and teachers should have broad latitude to design schools that meet the particular needs of the students they serve.

There's no perfect model for teaching and learning, Mr. President. But, there are plenty of good ideas out there on how we could do both tasks better.

This legislation is an important step toward tapping those ideas by unleashing the creative energies of teachers and by empowering parents and communities all over America.

My proposal is not a long or complicated piece of legislation, Mr. President. It does just four basic things:

First, it encourages States to allow teachers, parents, and community groups to start and run new schools on their own, as long as they're under contract with a State or local or local public education agency.

Second, it provides grants to these new schools for startup expenses, including advance planning, purchase of equipment and supplies, and minor renovation of facilities needed to meet State and local codes.

Third, it establishes criteria for schools receiving grants. The schools could not discriminate on the basis of race, religion, disability, and other factors. They would have to accept all applicants they have room for. They could not charge tuition, but would be funded on the same basis as other public schools in each State. And they could not violate first amendment prohibitions on teaching religion.

Finally, Mr. President, my bill requires that schools receiving grants have an outcome-based performance contract with their public agency sponsors. These schools would then be exempt from State and Federal rules and regulations, except those governing the health and safety of students.

Mr. President, thanks largely to the leadership of President Bush and Secretary Alexander, education is now taking its rightful place at the top of our Nation's political agenda.

But, taking action on the President's initiative will also require bipartisan input and support from the Congress.

And the President's much needed initiatives will benefit from good ideas—and experience and expertise—that are drawn from the States and from local communities all across America.

This legislation, Mr. President, draws on the experience and expertise.

It addresses a number of legitimate questions and concerns that have been raised about the initiatives offered by the President and Secretary Alexander.

And it points all of us toward a new, more effective, and politically achievable definition of American public education.

I say that in part, Mr. President, because of the difficulty some of us in Washington seem to be having in breaking some of the traditional barriers to reform that States like Minnesota seem to have long ago put behind them.

The old debates about public and private school choice don't have to stand in the way of fundamental reforms, Mr. President, if we're willing to redefine public education.

And getting past that barrier has made all the difference in removing partisanship from this debate in a State like Minnesota where Democrats—in both the Governor's office and the legislature—have been our biggest champions of choice and of reform.

Those are important lessons we can learn from the States, Mr. President. And those are important lessons brought to Washington in the legislation I'm introducing here today.

Mr. President, I would ask unanimous consent that a text of my proposal be included at the conclusion of these remarks.

And I look forward to working closely with the President, with Secretary Alexander, and with my colleagues on both sides of the aisle as we work together to change and improve American education, not just for today's students, but for all those who will help shape the future.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public School Redefinition Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the United States to deliver more effective educational services to citizens, especially disadvantaged citizens, is of primary importance to the national and economic security of the United States;

(2) fundamental reform is needed in our Nation's educational system in order to release the creative energies of teachers, students, parents, and communities;

(3) market forces of competition and choice can have a positive influence in promoting fundamental reform; however, choice is incomplete without the availability of more educational choices for all students, including disadvantaged students and historically underserved students;

(4) the exclusive franchise that local educational agencies have traditionally had on the creation of new public schools has served to limit the number and variety of school choices available to parents and students; and

(5) public education should be defined by outcomes and requirements that protect and promote the public interest, not solely by the ownership or control of facilities and programs by a local educational agency or other public agency.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) encourage States to offer teachers, parents, and local communities the opportunity to establish new and more effective public schools;

(2) provide Federal assistance and flexibility to encourage States to assist teachers, parents, and communities to develop such schools; and

(3) provide criteria for States, teachers, parents, and communities to use in establishing new and more effective public schools.

SEC. 4. DEFINITIONS.

For the purpose of this Act—

(1) the term "eligible partnership" means a partnership between—

(A) a sponsor; and

(B) an outcome-based public school;

(2) the term "local educational agency" has the meaning given such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "outcome-based public school" means a school that—

(A) is operated in a manner that does not violate First Amendment prohibitions against the establishment of religion in the programs, admission policies, employment practices, and all other operations of such school;

(B) has a primary focus of providing a comprehensive program of instruction for at least one grade from kindergarten to twelfth grade or one age group from 5 to 18 years of age;

(C) does not charge tuition;

(D) complies with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the procedural safeguards under the Individuals With Disabilities Education Act;

(E) in the event that more students apply for admission than may be accommodated, admits students on the basis of a lottery;

(F) is subject to the same Federal and State financial audits and audit procedures and requirements as any other school located in the State in which such school is located;

(G) meets all State and local health and safety requirements; and

(H) participates in an eligible partnership;

(4) the term "Secretary" means the Secretary of Education;

(5) the term "sponsor" means a—

(A) school board;

(B) local educational agency;

(C) joint board formed for educational purposes if at least one member of such board is a school board;

(D) State educational agency; or

(E) any other State or public agency; and

(6) the term "State educational agency" has the meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 5. PROGRAM AUTHORITY.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies having applications approved pursuant to section 6 to enable such agencies to conduct an outcome-based public school program in accordance with this Act.

(2) SPECIAL RULE.—If a State elects not to participate in the program assisted under this Act, the Secretary is authorized to award a grant to an outcome-based public school that serves such State and has an application approved pursuant to section 6, as permitted by applicable State laws and regulations in the State in which the school shall operate.

(b) USE OF GRANTS.—

(1) STATE.—Each State educational agency receiving a grant under this Act shall use such grant funds to award grants to one or more outcome-based public schools in the State to enable such schools to plan and implement an outcome-based public school in accordance with this Act.

(2) OUTCOME-BASED PUBLIC SCHOOL.—Each outcome-based public school receiving a grant from the Secretary pursuant to subsection (a)(2) shall use such grant funds to plan and implement an outcome-based public school in accordance with this Act.

(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to subsection (a)(1) may reserve not more than 5 percent of such grant funds for administrative expenses associated with the program assisted under this Act.

(c) DURATION.—An outcome-based public school shall receive a grant under this Act for a period of not more than 3 years.

(d) MATCHING REQUIREMENT.—In order for an outcome-based public school to receive a grant pursuant to subsection (a), such school shall provide matching funds in the amount of—

(1) 10 percent of the grant payment received in the first year such school receives a grant under this Act; and

(2) 25 percent of the grant payment received in the second and third such years.

(e) GEOGRAPHIC DISPERSION.—The Secretary shall ensure that grants awarded pursuant to subsection (a) benefit students in urban and rural areas.

(f) CONSTRUCTION, RENOVATION, AND REPAIR.—

(1) PROHIBITION.—Grant funds awarded under this Act shall not be used for the construction or major renovation or repair of facilities.

(2) START-UP COSTS.—Grant funds awarded under this Act may be used for planning, equipment purchases, and other start-up costs, including minor renovation of facilities necessary to meet applicable State and local health and safety requirements.

SEC. 6. APPLICATION.

(a) STATE APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the objectives of the State educational agency's outcome-based public school program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's outcome-based public school program and the availability of grants for the establishment of such schools;

(B) contain assurances that the State educational agency shall obtain a waiver of all State and Federal statutes and regulations applicable to a school board, local educational agency or school district that are relevant to and hindering the establishment of an outcome-based public school in such State;

(C) provide a written description of outcomes and other requirements to be included in each eligible partnership agreement between a sponsor and an outcome-based public school;

(D) provide a description of how outcome-based public schools within the State shall be required to meet the definition of an outcome-based public school as described in section 4(3);

(E) contain specific outcomes to be achieved by the students attending an outcome-based public school in accordance with the outcomes agreement described in section 7;

(F) provide an explanation of how progress in meeting the outcomes described in section 7 shall be measured; and

(G) contain a description of how teachers, parents, and community members have been, or shall be, involved in the planning, development and implementation of each outcome-based public school.

(b) ELIGIBLE PARTNERSHIP APPLICATION.—

(1) IN GENERAL.—Each outcome-based public school desiring a grant pursuant to section 5(a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain the same information and assurances as the information and assurances described in subparagraphs (B) through (G) of subsection (a)(2).

SEC. 7. OUTCOMES AGREEMENT.

(a) AGREEMENT.—In order to receive a grant under this Act an outcome-based public school shall enter into an outcomes agreement with the sponsor participating in the eligible partnership.

(b) CONTENTS.—Each agreement referred to in subsection (a) shall—

(1) be in the form of a written contract between the sponsor and the board of directors of the outcome-based public school participating in the eligible partnership;

(2) set forth outcomes that such school shall achieve; and

(3) include information and assurances described in subparagraphs (B) through (G) of section 6(a)(2).

SEC. 8. CONTINUATION OF FUNDING.

Each outcome-based public school receiving a grant under this Act shall be eligible to receive Federal, State, and local education revenue, grants and other aids as though such school were a local educational agency.

SEC. 9. TERMINATION.

The Secretary or a State educational agency receiving a grant under this part shall terminate grant payments under this Act if the Secretary or such State educational agency, at any time, determines that the outcome-based public school is not making acceptable progress toward meeting the outcomes described in section 7.

SEC. 10. REPORTS.

(a) STATE REPORT.—

(1) REPORTS.—Each outcome-based public school receiving a grant pursuant to section 5(a)(1) shall report at least annually to the State educational agency or other agency designated by the Governor on such school's progress in meeting the outcomes described in section 7.

(2) REPORT TO THE SECRETARY.—Each State educational agency receiving a report under subsection (a) shall annually report to the Secretary on the program assisted under this Act.

(b) SCHOOL REPORTS.—Each outcome-based public school receiving a grant pursuant to section 5(a)(2) shall at least annually report to the Secretary the outcome-based public school's progress in meeting the outcomes described in section 7.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1992, $75,000,000 for fiscal year 1993, and such sums as may be necessary for the 3 succeeding fiscal years to carry out the provisions of this Act.•

By Mr. BURNS (for himself, Mr. BAUCUS, and Mr. MCCAIN):

S. 1607. A bill to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes; to the Select Committee on Indian Affairs.

NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT

Mr. BURNS. Mr. President. I rise today to introduce legislation, cosponsored by my colleagues, Senators BAUCUS, and MCCAIN, to finally settle the longstanding water rights settlement claims that exist between the State of Montana and the Northern Cheyenne Tribe.

The critical component of this compact settlement is the repair and rehabilitation of the Tongue River Dam located upstream from the Northern Cheyenne Reservation. The Tongue River runs through the southeast Corner of our State. It enters Montana from Wyoming along our southern border and empties into the Yellowstone River at Miles City, MT. It also flows along the eastern boundary of the Northern Cheyenne Indian Reservation.

An earthen dam was built by the State of Montana on the Tongue River in the 1930's in order to create a much-needed reservoir. Water from this reservoir is essential to provide tribal water rights, as well as providing non-Indian irrigators the water they need to grow crops. This earthen dam needs to be raised and strengthened in order to store the additional water needed for the tribes water compact settlement.

This project not only settles the claims of the Northern Cheyenne Tribe, but will also mean added economic benefits for all of southeastern Montana. The jobs created by this $50 million project will mean added economic activity to the area's economy.

In addition, the irrigation portion of this project will give local irrigators a more reliable supply of essential water well into the 21st century.

Mr. President, in my State, water is more important than the land that it flows through. We live in a semiarid climate. The water flowing in the Tongue River is important to us.

The Northern Cheyenne water compact project is the No. 1 water project of the State of Montana. This settlement is supported by the State, by the Northern Cheyenne Tribe, by the water compact commission, by the State fish and wildlife service, and by the residents who live along the Tongue River in Montana.

The costs of the settlement will be borne in part by the State of Montana on a matching basis with the Federal Government.

The settlement of water rights in our State is a very delicate matter. This bill meets with the approval of the Northern Cheyenne Tribe and the reserved water rights compact commission.

Mr. President, this is a much-needed effort in Montana, and I urge its support by Members of the Senate.

Mr. BAUCUS. Mr. President, I rise in support of this bill to ratify the Northern Cheyenne-Montana reserved water rights compact. This compact will settle all tribal water claims within the State of Montana and rehabilitate the Tongue River Dam in southeastern Montana.

The compact will finalize for all time, water claims that the Northern Cheyenne could maintain against the United States and the State of Montana. It will bring the tribe, State and the Federal Government together to protect and develop the water resources of this Reservation for the benefit of all.

Most importantly, ratification of this compact will begin the process of rehabilitating and modestly enlarging the Tongue River Dam. This dam must be repaired, and quickly.

Built in the 1930's, as a WPA project, the dam has been in the first stages of failure since 1978. A catastrophic failure of this dam would result in a wall of water sweeping 100 miles North, all the way to Miles City, MT.

Mr. President, if the Tongue River Dam were to fail, the towns of Birney and Ashland, MT would likely cease to exist. Reliable estimates of damage have been placed at between $100 and $300 million. Significant portions of the Northern Cheyenne Indian Reservation would be under water.

Mr. President, while this dam has not yet been breached, this is only a matter of luck. That luck cannot be expected to hold. Federal and State estimates show that the dam's spillway could be subjected to flows of 382,000 cubic feet per second, in times of heavy rains and snow pack melt. State officials believe that flows beyond 16,000 feet per second could breach the dam. These rates have been approached twice recently. Time is running out.

Last year, Senator BURNS and I introduced a bill to authorize the rehabilitation of this dangerous dam. That was 1 year ago and still the residents of my State—particularly the Northern Cheyenne—face this hazard on a daily basis. This session of Congress we must act.

The bill being introduced today is recognition that together, tribes and the States can sort out even the most complex issues and resolve them in a constructive fashion. However, I would remind all that a grave danger—which this dam is—continues to exist. I will work together with Senator BURNS and any other Senator to see that this dam is stabilized.

By Mr. GORTON:

S. 1609. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

• Mr. GORTON. Mr. President, for the past several years, the Bureau of Reclamation, the Yakima Indian Nation, the State of Washington, Yakima Basin irrigators, and Congressman Sid MORRISON have met as part of the Yakima enhancement roundtable to negotiate improvements to the Yakima Basin project. I rise today to introduce the fruits of their labors, the Yakima River Basin Water Enhancement Act.

This legislation is necessary because the Yakima Basin continues to struggle with a number of issues that have existed for many years. Irrigation water supplies have often been uncertain, water quality is less than what it should be, the lack of instream flows has impacted fish and wildlife, and the prospect of Endangered Species Act listings on anadromous fish demands that further action be taken.

The legislation itself will authorize what is often referred to as phase II of the Yakima enhancement project. Phase I, which was initiated in 1983 and is essentially completed, involves the placement of fish ladders and screens at water diversion points. Phase I is already improving conditions for fish in the basin, and will protect important wild stocks of anadromous fish.

Phase II will employ creative water conservation methods to enhance instream flows for fish and improve the reliability of water supplies for irrigation. This conservation will be achieved through both structural improvements to irrigation facilities and changes in operation and management of the irrigation system. Conservation measures will be evaluated and prioritized prior to the commitment of funding for implementation, and will be required to meet all requirements of the National Environmental Policy Act. In the end, instream flows will be maintained at a higher level than achieved under present operation of the system.

Let me also tell my colleagues what this legislation does not do. It does not affect the ongoing adjudication over Yakima Basin water rights. It is not a settlement of the treaty-reserved water rights of the Yakima Indian Nation. And it does not authorize additional water storage, with the exception of an additional 3 feet at Lake Cle Ellum. These contentious issues are best left to be dealt with at another time.

Mr. President, this bill is the result of negotiations between Yakima Basin water users with frequently divergent interests. I thank the roundtable participants for their patience and persistence, and commend them for producing such a fine piece of legislation. I would especially like to commend Congressman MORRISON for bringing the roundtable together and overseeing the often contentious bargaining sessions. To produce true consensus on such a difficult issue is an exceptional achievement.

I ask my colleagues to support this bill, and ask unanimous consent that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to protect, mitigate, and enhance fish and wildlife through—

(A) improved water management;

(B) improved instream flows;

(C) improved water quality;

(D) the protection, creation, and enhancement of wetlands; and

(E) other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima River basin water conservation program that will—

(A) improve the efficiency of water delivery and use;

(B) enhance Yakima River basin water supplies;

(C) improve water quality;

(D) protect, create, and enhance wetlands; and

(E) determine the amount of Yakima River basin water needs that can be met by water conservation measures;

(4) to encourage voluntary transactions among public and private entities that result in the implementation of water conservation measures, practices, and facilities; and

(5) to provide for the implementation by the Yakima Indian Nation of—

(A) an irrigation demonstration project on the Yakima Indian Reservation using water savings from system improvements to the Wapato Irrigation Project; and

(B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) BASIN CONSERVATION PROGRAM.—The term "Basin Conservation Program" means

the Yakima River Basin Water Conservation Program established under section 3(a).

(2) CONSERVATION ADVISORY GROUP.—The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 3(c).

(3) IRRIGATION DEMONSTRATION PROJECT.—The term "Irrigation Demonstration Project" means the Yakima Indian Reservation Irrigation Demonstration Project authorized by section 4(b).

(4) ON-DISTRICT STORAGE.—The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods that allow for efficient water use.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TOPPENISH ENHANCEMENT PROJECT.—The term "Toppenish Enhancement Project" means the Toppenish Creek corridor enhancement project authorized by section 4(c).

(7) YAKIMA PROJECT SUPERINTENDENT.—The term "Yakima Project Superintendent" means the individual designated by the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation to be responsible for the operation and management of the Yakima Federal Reclamation Project in Washington.

SEC. 3. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima River basin.

(2) GRANTS.—The Secretary may make grants to eligible entities for the purpose of carrying out this Act under such terms and conditions as the Secretary may require.

(b) FOUR PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) DEVELOPMENT OF PLANS.—The development of water conservation plans, consistent with guidelines developed pursuant to subsection (d), by—

(A) irrigation districts;

(B) conservation districts;

(C) water purveyors;

(D) other areawide entities; and

(E) individuals not included within an areawide entity.

(2) INVESTIGATION OF FEASIBILITY.—The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) IMPLEMENTATION OF MEASURES.—The implementation of measures that have been identified in conservation plans and have been investigated for feasibility.

(4) POSTIMPLEMENTATION MONITORING.—Postimplementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) MEMBERSHIP.—The Conservation Advisory Group shall be composed of five members appointed by the Secretary, of whom—

(A) two members shall be representatives of Yakima River basin irrigators;

(B) one member shall be a representative of the Yakima Indian Nation;

(C) one member shall be a representative of counties and cities in the Yakima River basin; and

(D) one member shall be a representative of environmental interests.

(3) DUTIES.—The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary regarding the structure and implementation of the Basin Conservation Program;

(B) assist in the preparation of guidelines for the Basin Conservation Program, as provided for in subsection (d);

(C) structure a process to integrate specific water conservation measures into a basin conservation plan;

(D) provide annual review of the implementation of the guidelines; and

(E) provide recommendations consistent with State statutes on the rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) STAFF SUPPORT.—The Secretary shall provide and the State of Washington may provide staff support for the Conservation Advisory Group.

(5) TERMINATION.—The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.

(d) GUIDELINES.—

(1) IN GENERAL.—The Secretary, in cooperation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other related agencies, and in consultation with the Conservation Advisory Group, shall, not later than 1 year after the Conservation Advisory Group is appointed, adopt guidelines to be used in the administration of the Basin Conservation Program.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall prepare a detailed report on the guidelines and submit the report (including, as an appendix, a summary of the comments received pursuant to subparagraph (B)) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Interior and Insular Affairs of the House of Representatives; and

(iii) the Governor of the State of Washington.

(B) COMMENTS.—At least 60 days prior to the submission of the report pursuant to subparagraph (A), the Secretary shall—

(i) make a draft of the report available to—

(I) the State of Washington;

(II) the Yakima Indian Nation;

(III) Yakima River basin irrigators;

(IV) related agencies; and

(V) the public; and

(ii) establish procedures for timely comments on the report.

(3) CONTENTS.—The guidelines shall—

(A) to the extent possible, be consistent with State funding processes, regulations, and guidelines; and

(B) contain, at a minimum—

(i) standards for the scope and content of water conservation plans and for feasibility studies of specific measures;

(ii) eligibility requirements for the funding of proposals for conservation plan development, investigation of measures, and implementation of measures;

(iii) criteria for evaluating and prioritizing proposals for the development of conservation plans, and the investigation and implementation of potential measures, including—

(I) the availability of information on water diversions and water use in the area for which the measures are proposed;

(II) the information to be gained and its applicability to other areas and programs in the Yakima River basin;

(III) the cost-effectiveness and availability of non-Federal funding;

(IV) the amount of reduced diversions and the timing of reduced diversions in relation to present diversions;

(V) the extent to which each measure will contribute to improved availability and reliability of the water supply of the Yakima River basin;

(VI) postimplementation monitoring and evaluation;

(VII) a plan to mitigate adverse environmental effects;

(VIII) the extent to which proposed measures incorporate the testing of innovative water management techniques and technology;

(IX) the extent to which proposed measures contribute to the maintenance of the economic viability of agriculture;

(X) consistency with applicable laws and Federal, State, tribal, and Yakima River basin water resource policies, goals, and objectives;

(XI) the existence of or willingness of irrigation entities and other Basin Conservation Program participants to adopt procedures providing for incremental water pricing; and

(XII) the willingness of irrigation entities and other Basin Conservation Program participants to permanently restrict annual water diversions to a mutually agreed upon quantity in recognition of securing funding from and of the accomplishments of the Basin Conservation Program;

(iv) institutional and economic incentives to increase conservation and to promote more efficient use of water, including the specification of procedures for the voluntary transfer of water within the Yakima River basin;

(v) procedures for administration and allocation of funds from the Basin Conservation Program; and

(vi) requirements for the oversight of the Basin Conservation Program and for consultation.

(e) COST-SHARING.—

(1) IN GENERAL.—Costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program phase		Non-Federal		Federal grant
		State grant	Local	
1.	Development of water conservation plans	50% but not more than $200,000 per recipient	(Residual amount if any)	50%

Program phase		Non-Federal		Federal grant
		State grant	Local	
2.	Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4.	Implementation and postimplementation monitoring and evaluation	35%	30%	35%

(2) IMPROVEMENTS.—

(A) IN GENERAL.—There shall be treated as non-Federal cost share expenditures under this Act for purposes of the implementation and postimplementation monitoring and evaluation phases of the Basin Conservation Program—

(i) water and water related resource improvements implemented in the Yakima River basin subsequent to and independent of this Act that utilize funding from the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.) to enhance fishery resources; and

(ii) independent water related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality.

(B) LIMITATION ON EXPENDITURES.—The non-Federal cost share expenditures shall—

(i) be limited to 50 percent of the non-Federal portion of the total costs incurred in the implementation and postimplementation monitoring and evaluation phases of the Basin Conservation Program; and

(ii) reduce the total amount of the non-Federal cost share required for the phases.

(3) INDIAN RESERVATION COSTS.—Costs of the Basin Conservation Program related to projects on the Yakima Indian Reservation are a Federal responsibility and shall be nonreimbursable and not subject to the cost-sharing provisions of this subsection.

(f) PUBLIC REVIEW.—Water conservation plans recommended for funding through the Basin Conservation Program shall be made available to the public for a period of at least 30 days for review and comment prior to submission to the Secretary. A summary of the comments shall be included with the recommendations of the Conservation Advisory Group when the recommendations are submitted to the Secretary.

(g) MEASURES.—

(1) EXISTING TECHNOLOGIES.—Measures considered for implementation in the Basin Conservation Program may include—

(A) conveyance and distribution system monitoring;

(B) automation of water conveyance systems;

(C) lining and piping of water conveyance and distribution systems;

(D) on-district storage;

(E) electrification of hydraulic turbines;

(F) tail-water recycling;

(G) consolidation of irrigation systems;

(H) irrigation scheduling; and

(I) improvement of on-farm water application systems.

(2) MITIGATION.—Basin Conservation Program funds may be used throughout all four phases of the Basin Conservation Program to mitigate the adverse impacts of Basin Conservation Program measures.

(3) INNOVATIVE MEASURES.—

(A) IN GENERAL.—In addition to implementing existing technologies, the Secretary shall encourage the testing of innovative water conservation measures.

(B) COOPERATION WITH STATE.—The Secretary shall, to the maximum extent possible under Federal and State law, cooperate with the State of Washington to facilitate—

(i) water and water right transfers;

(ii) water banking;

(iii) dry year options;

(iv) the sale and leasing of water; and

(v) other innovative allocation tools to maximize the utility of existing Yakima River basin water supplies.

(4) PURCHASES AND LEASES.—The Secretary may, consistent with State law, use funds appropriated to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis.

(5) ON-FARM WATER MANAGEMENT IMPROVEMENTS.—On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the Basin Conservation Program, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990—

(1) $1,000,000 for the development of water conservation plans;

(2) $4,000,000 for the investigation of specific potential water conservation measures identified in conservation plans for consideration for implementation through the Basin Conservation Program;

(3) $67,500,000 for—

(A) implementation of measures;

(B) post-implementation monitoring and evaluation of measures; and

(C) addressing of environmental impacts;

(4) $6,000,000, which shall not be subject to the cost-sharing provisions of subsection (e), for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish; and

(5) $100,000 in each fiscal year for the establishment and support of the Conservation Advisory Group during its duration, including travel and per diem expenses, rental of meeting rooms, typing, printing, mailing, and associated administrative needs.

SEC. 4. YAKIMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS AND APPROPRIATIONS.—

(1) COORDINATION WITH BIA.—Proposed system improvements to the Wapato Irrigation Project pursuant to this Act shall be coordinated with the Bureau of Indian Affairs.

(2) AUTHORIZATION OF APPROPRIATIONS.—Upon preparation of plans and investigation of measures for system improvements to the Wapato Irrigation Project, and following the Secretary's certification that the measures are consistent with the guidelines developed pursuant to section 3(d), there are authorized to be appropriated to the Secretary $10,000,000 for the implementation of the improvements. Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program.

(3) USE OF WATER SAVINGS.—

(A) IN GENERAL.—Water savings resulting from irrigation system improvements shall be available for—

(i) use by the Yakima Indian Nation for irrigation and other purposes on the reservation; and

(ii) protection and enhancement of fish and wildlife within the Yakima River basin.

(B) CONVEYANCE OF WATER.—The conveyance of the water savings through irrigation facilities other than the Wapato Irrigation Project shall be on a voluntary basis.

(b) IRRIGATION DEMONSTRATION PROJECT APPROPRIATIONS.—

(1) DESIGN AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary $8,500,000 for the design and construction of the Yakima Indian Reservation Irrigation Demonstration Project, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990.

(2) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for the period specified by the Secretary.

(B) CONCURRENCE OF SECRETARY.—Funds may not be made available under this subsection until the Yakima Indian Nation obtains the concurrence of the Secretary in the construction, management, and administrative aspects of the Irrigation Demonstration Project.

(3) CONSTRUCTION OF FACILITIES.—The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use water savings resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective, state-of-the-art irrigation water management and conservation;

(B) training tribal members in irrigation methods, operation, and management; and

(C) upgrading existing hydroelectric facilities and constructing additional hydroelectric facilities on the Yakima Indian Reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—

(1) INVESTIGATION AND IMPLEMENTATION.—There are authorized to be appropriated to the Secretary—

(A) $1,500,000 for the investigation by the Yakima Indian Nation of measures to develop a Toppenish Creek corridor enhancement project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives; and

(B) such sums as the Secretary subsequently determines are necessary for implementation of the measures.

(2) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary such sums as are necessary for the operation and maintenance of the Toppenish Enhancement Project.

(d) REPORT.—Not later than 5 years after the implementation of the Irrigation Demonstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakima Indian Nation, shall report on the effectiveness of the conservation, training, mitigation, and other measures implemented to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Interior and Insular Affairs of the House of Representatives; and

(3) the Governor of the State of Washington.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project and the Toppenish Enhancement Project shall become features of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration Project, and the Toppenish Enhancement Project shall be a Federal responsibility and shall be nonreimbursable and nonreturnable.

SEC. 5. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—

(1) SUPPLY ESTIMATES AND INSTREAM FLOWS.—

(A) IN GENERAL.—The Basin Conservation Program is intended to result in reductions in water diversions allowing for changes in the present operation of the Yakima Federal Reclamation Project to improve streamflow conditions in the Yakima River basin. The Secretary shall, through the Yakima Project Superintendent—

(i) continue to estimate the water supply that is anticipated to be available to meet water entitlements; and

(ii) provide instream flows as follows:

Water supply estimate for period:				Target flow from date of estimate through October downstream of:	
April through September	May through September	June through September	July through September	Sunnyside Diversion Dam	Prosser Diversion Dam
(Million acre feet)				(Cubic feet per second)	
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

(B) REFERENCE.—The figures in the water supply columns in the table in subparagraph (A)(ii) are hereafter in this section referred to as "full supply".

(2) TARGET FLOWS.—The instream flows represent target flows at the respective points. Reasonable fluctuations from these target flows are anticipated in the operation of the Yakima Federal Reclamation Project.

(3) FLOW INCREASES FOR FISH.—The instream flows may be increased for interim periods during any month of April through October to facilitate the outward migration of anadromous fish. To the extent possible, increased instream flows for the interim periods shall be obtained through voluntary sale and leasing of water or water rights.

(4) REVIEW AND ADJUSTMENT OF SUPPLY.—

(A) REVIEW.—The Secretary, in cooperation with the State of Washington, the Yakima Indian Nation, and Yakima River basin irrigators, shall, not less than every 5th year after the completion of the first measure of the Basin Conservation Program, review the components that comprise the full supply.

(B) ADJUSTMENT.—If the actual supply reflects an increase in relation to the quantity required to meet irrigation water entitlements and a reduction in water diversions that is attributed to the Basin Conservation Program—

(i) the full supply figures shown in the criteria tabulation may be adjusted downward as mutually determined by the parties listed in subparagraph (A); and

(ii) the Yakima Federal Reclamation Project shall be operated by the Yakima Project Superintendent in accordance with the adjusted criteria.

(C) WATER SAVINGS.—Water savings resulting from improvements to the Wapato Irrigation Project shall be dedicated to fish, wildlife, and on-reservation irrigation.

(5) EFFECT ON JUDICIALLY IMPLEMENTED PROCEDURES.—Operational procedures and processes in the Yakima River basin that have or may be implemented through judicial actions shall not be affected by this Act.

(b) WATER FROM LAKE CLE ELUM.—

(1) ADMINISTRATION.—Water accruing in the additional storage capacity of Lake Cle Elum made available pursuant to the modifications authorized by section 6(a) shall be—

(A) administered in accordance with the laws of the State of Washington; and

(B) considered to be a part of the Yakima River basin's water supply as provided in subsection (a).

(2) AUTHORIZED RELEASES.—Releases may be made from other Yakima Federal Reclamation Project storage facilities to most effectively utilize the water described in paragraph (1), except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—

(1) IN GENERAL.—Except as provided in section 4, measures of the Basin Conservation Program that are implemented on facilities currently under the administrative jurisdiction of the Secretary shall be considered features of the Yakima River Basin Water Enhancement Project, and their operation and maintenance shall be integrated and coordinated with other features of the Yakima Federal Reclamation Project.

(2) OPERATION AND MAINTENANCE.—

(A) RESPONSIBILITY.—The responsibility for operation and maintenance and the related costs of the measures described in paragraph (1) shall remain with the current operating entity.

(B) INCORPORATION INTO AGREEMENTS.—As appropriate, the Secretary shall incorporate the operation and maintenance of the facilities referred to in paragraph (1) into existing agreements.

(C) CONSISTENCY WITH LAW AND RIGHTS.—The Secretary shall ensure that the facilities referred to in paragraph (1) are operated in a manner that is—

(i) consistent with Federal and State law; and

(ii) in accordance with water rights recognized under Federal and State law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered in accordance with the laws of the State of Washington, including Chapter 90.38, Revised Code of Washington.

(e) APPROPRIATIONS FOR CHANDLER POWER CANAL OPERATIONS.—There are authorized to be appropriated to the Secretary $480,000, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990, for facilities to automate the headgate, wasteways, and trashrack of the Chandler Power Canal in order to maintain operating controls for the delivery of water to the Kennewick Division as subsection (a) is implemented.

SEC. 6. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There are authorized to be appropriated to the Secretary—

(1) $2,934,000, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable indexes after September 1990, to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum;

(B) provide for shoreline protection of Lake Cle Elum; and

(C) construct juvenile fish passage facilities at Cle Elum Dam; and

(2) such additional amounts as are required for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the portion of the operation and maintenance of Cle Elum Dam that is determined by the Secretary to be a Federal responsibility.

SEC. 7. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA RIVER BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—

(1) IN GENERAL.—The provisions listed in paragraph (2) shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries in the Yakima River basin.

(2) PROVISIONS.—

(A) PARTICIPATION OF WATER RIGHT OWNERS.—An enhancement program undertaken in any tributary shall be contingent on the agreement of appropriate water right owners to participate.

(B) EFFECT ON RIGHTS AND USES.—The enhancement program shall not impair—

(i) the water rights of any water right owners in the tributary;

(ii) the ability of tributary water users to divert, convey, and apply water; and

(iii) existing water and land uses within the tributary area.

(C) APPLICABLE LAW.—The water supply for tributary enhancement shall be administered in accordance with the laws of the State of Washington.

(D) AVAILABILITY OF WATER.—Any enhancement program shall be predicated on the availability of a dependable water supply.

(b) TANEUM CREEK STUDY.—

(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakima Indian Nation, and following agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including—

(A) water use efficiency improvements;

(B) conveyance of water from the Yakima Federal Reclamation Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this Act, including restoration of stream habitats.

(2) CONSIDERATIONS.—In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential impacts on the operations of present water users in the tributary and measures to alleviate any adverse impacts.

(3) PUBLIC COMMENT AND ACCESS.—

(A) DRAFT REPORT.—The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study.

(B) FINAL REPORT.—In developing a final report, the Secretary shall consider and include any comment made pursuant to subparagraph (A). The Secretary shall—

(i) submit the final report to—

(I) the Committee on Energy and Natural Resources of the Senate;

(II) the Committee on Interior and Insular Affairs of the House of Representatives; and

(III) the Governor of the State of Washington; and

(ii) make the final report available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—

(1) IN GENERAL.—After securing the necessary permits, the Secretary may, in cooperation with the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) on fulfillment of the conditions listed in paragraph (2).

(2) CONDITIONS.—

(A) WATER USE AND MANAGEMENT AGREEMENT.—The Secretary shall enter into an agreement with the appropriate water right owners who are willing to participate, the State of Washington, and the Yakima Indian Nation, for the use and management of the water supply to be provided by proposed tributary measures pursuant to this section.

(B) FINDING OF NO IMPAIRMENT OF RIGHTS.—The Secretary and the State of Washington find that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—Enhancement programs similar to those for Taneum Creek may be investigated and implemented by the Secretary in other tributaries in the Yakima River Basin contingent on the agreement of the appropriate tributary water right owners to participate. This section shall be applicable to the programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) TANEUM CREEK STUDY AND TRIBUTARY MEASURES.—There are authorized to be appropriated to the Secretary—

(A) $500,000 for the Taneum Creek study required by subsection (b); and

(B) such sums as the Secretary determines are necessary for the implementation of tributary measures pursuant to this section.

(2) OTHER PROJECTS.—

(A) INVESTIGATION.—There are authorized to be appropriated to the Secretary such sums as the Secretary determines are necessary for the investigation of enhancement programs similar to those for Taneum Creek in other Yakima River basin tributaries, contingent on the agreement of the appropriate water right owners to participate.

(B) IMPLEMENTATION.—Funds for the implementation of any such enhancement program shall be appropriated to the Secretary following the submission of an investigation report to the appropriate congressional committees.

SEC. 8. ENVIRONMENTAL COMPLIANCE.

(a) NEPA.—Implementation of this Act is contingent on compliance by the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 for environmental compliance activities including—

(1) the conduct, in cooperation with the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin; and

(2) an investigation of measures, including "wetland banking", that could be implemented to address adverse impacts that could result from the activities taken under this Act.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) affect or modify any treaty or other right of the Yakima Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakima Indian Nation, or any other entity or individual, except as provided under applicable laws of the State of Washington;

(3) impair the rights over waters of any river or stream or over any ground water resource of jurisdictions of—

(A) the United States;

(B) the States;

(C) the Yakima Indian Nation; or

(D) other entities;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(5) alter, establish, or impair the respective rights, with respect to any water or water-related right, of—

(A) the States;

(B) the United States;

(C) the Yakima Indian Nation; or

(D) any other entity or individual;

(6) alter, diminish, or abridge the rights and obligations of—

(A) any Federal, State, or local agency;

(B) the Yakima Indian Nation; or

(C) other entity, public or private;

(7) affect or modify the rights of the Yakima Indian Nation or its successors in interest to water resources arising within the external boundaries of the Yakima Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights, other than rights reserved by the United States for the benefit of the Yakima Indian Nation and its members; or

(9)(A) affect or modify the rights of any Federal, State, or local agency, the Yakima Indian Nation, or any other entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, including *State against Acquavella*; or

(B) constitute evidence in any proceeding in which any water or water-related right is adjudicated.●

By Mr. MITCHELL:

S.J. Res. 186. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to section 258(a)(2) of Public Law 99–177, as amended, referred to the Committee on the Budget.

SUSPENSION OF CERTAIN PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MITCHELL. Mr. President, I have received a report from the Congressional Budget Office that indicates low economic growth of less than a 1 percent increase in the gross national product for the previous two quarters of this year. Under section 258 (a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, I am required to introduce a joint resolution in a prescribed form that would suspend the Gramm-Rudman-Hollings law and the budget enforcement procedures included therein. I ask unanimous consent that a letter I received from Mr. Robert D. Reischauer, Director of the Congressional Budget Office, that included the report that I have referenced, be printed in the RECORD following my statement and that a copy of the joint resolution that I am introducing also be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 186

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991

Hon. DAN QUAYLE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Under section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Congressional Budget Office must notify the Congress in the event of an economic slowdown. The section reads in part:

(j) LOW-GROWTH REPORT.—At any time, CBO shall notify the Congress if—

(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than one percent.

This letter serves to notify the Congress that on July 26, 1991, the Department of Commerce's advance report on the growth of real Gross National Product during the second calendar quarter of advance report on the growth of real Gross National Product during the second calendar quarter of 1991 indicated that growth was less than 1.0 percent during that quarter and the preceding quarter.

Sincerely,
ROBERT D. REISCHAUER,
Director.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. DURENBERGER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 447

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 448

At the request of Mr. SYMMS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 486

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 486, a bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 588

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 614

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 838

At the request of Mr. DODD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Iowa [Mr. HARKIN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes.

S. 884

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale drift net fishing.

S. 891

At the request of Mr. MACK, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 891, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests.

S. 1063

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1063 a bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance.

S. 1245

At the request of Mr. SYMMS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1270

At the request of Mr. MCCAIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1501

At the request of Mr. BURNS, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1501, a bill to amend the Reclamation Reform Act of 1982, and for other purposes.

S. 1521

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1521, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material.

S. 1571

At the request of Mr. EXON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1571, a bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

S. 1594

At the request of Mr. KENNEDY, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1594, a bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 151

At the request of Mr. RIEGLE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 151, a joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 179

At the request of Mr. DOLE, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Mr. SARBANES], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 179, a bill to designate the week beginning August 25, 1991, as "National Parks Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE CONCURRENT RESOLUTION 57—ESTABLISHING A JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. BOREN (for himself and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 57

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established a Joint Committee on the Organization of the Congress (hereinafter referred to as the "Committee") to be composed of—

(1) 8 Members of the Senate—

(A) 4 to be appointed by the Majority Leader; and

(B) 4 to be appointed by the Minority Leader; and

(2) 8 Members of the House of Representatives—

(A) 4 to be appointed by the Speaker; and

(B) 4 to be appointed by the Minority Leader.

(b) ADVISORY MEMBERS.—The Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives shall each name 1 person to the Committee, to serve as an advisory, non-voting, member of the Committee. Advisory members may be former Members of Congress as well as leading private citizens.

(c) ORGANIZATION OF COMMITTEE.—(1) A chairman from each House shall be designated by the Majority Leader of the Senate and the Speaker of the House of Representatives. A vice chairman from each House shall be designated by the Minority Leader of the Senate and the Minority Leader of the House of Representatives. The Committee may establish subcommittees comprised of only Members from one House.

(2) No recommendation shall be made by the Committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The Committee shall—

(1) make a full and complete study of the organization and operation of the Congress of the United States; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, including the employment of personnel by the Members and the committees of the Congress and the structure of, and the relationships between, the various standing, special, and select committees of the Congress;

(2) the relationship between the 2 Houses; and

(3) the relationship between the Congress and the Executive branch of the Government.

SEC. 3. AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The Committee, or any duly authorized subcommittee thereof, is authorized to—

(1) sit and act at such places and times during the sessions, recesses, and adjourned periods of the 102d Congress;

(2) require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, take such testimony, procure such printing and binding; and

(3) make such expenditures,

as it deems advisable.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—The Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The Committee may utilize such voluntary and uncompensated services as it deems necessary and is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government.

(c) EXPENSES.—The Committee shall spend such sums as it requires.

(d) APPROPRIATED FUNDS.—All funds necessary to carry out this section are subject to appropriations.

SEC. 4. COMMITTEE REPORT.

The Committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than the adjournment sine die of the 102d Congress. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the Committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House of Representatives.

Mr. BOREN. Mr. President, I am proud to join with three colleagues from the House and the Senate to launch a bipartisan effort to reform Congress. My colleague Senator PETE DOMENICI of New Mexico, ranking Republican on the Senate Budget Committee who also served on the Stevenson reform committee in the mid-1970's, and I will introduce legislation in the Senate to start the process, and Representative LEE HAMILTON of Indiana, Democratic vice chairman of the Joint Economic Committee and past chairman of the House Intelligence Committeee, will join with Representative BILL GRADISON of Ohio, ranking Republican member of the House Budget Committee, to introduce the companion legislation in the House of Representatives.

Congress is in trouble as an institution. No one doubts it. In poll after poll, Americans describe Congress as inefficient, wasteful, and compromised by the way it finances campaigns. In this critical decade, when America must make major changes if it is to maintain its world leadership in the next century, Congress is bogged down in detail, missing the big picture and slow to respond to our real problems. It has become so bureaucratic itself that it's no wonder that the American people doubt its ability to legislate or to oversee the bureaucracy its laws have created. Almost 50 years ago, as World War II was ending and the cold war was beginning, Congress realized that it needed to reform itself if it was to deal with the challenges it faced. Now as the cold war is ending and we face the demands of a very different world, it is time again for Congress to take a careful look at itself.

In 1944, Congress created a reform committee under the leadership of Senator Bob LaFollette and Congressman Mike Monroney. Our proposal is patterned on the Monroney-LaFollette Committee. The committee would be bipartisan with eight members coming from each House, with four members each named by the Speaker and minority leader of the House and the majority and minority leaders in the Senate. In addition, each of the leaders would name one nonvoting, advisory member. These nonvoting members could be former Members of Congress. The committee would be a temporary one, going out of existence at the end of the 102d Congress, with its report completed so that the reforms could be enacted early in the 103d. Just as in the case of the Monroney-LaFollette Committee, it would be authorized to receive help from voluntary, nonpaid staff loaned by academic and other nonpartisan institutions.

The warning signs are clear for all to read:

Staffs have mushroomed from about 2,000 in 1947 to about 12,000 today.

Large staffs tend to generate their own agendas. More bills are being introduced, clogging the process—6,973 in the last Congress with only 3 percent enacted.

The length of bills has expanded. Bills are five times longer on the average than they were in 1970 with a far greater tendency to micromanage every area of Government.

The number and size of committees has grown out of control, creating a maze of overlapping jurisdictions and spreading Members too thin. In 1947, there were only 38 House and Senate committees with parallel jurisdictions. Today there are almost 300. In 1946, there were almost no Senate subcommittees. Today there are 83 and the average Senator is a member of 12 committees and subcommittees.

Studies show that 25 percent of the time of the Senate is wasted each day in quorum calls and other delaying tactics.

It's time for us to stop ignoring the warning signs. Congress is not working. We owe it to the institution and above all to the American people to repair it.

Mr. President, I ask unanimous consent that the chapter from Senator ROBERT BYRD's book on the Monroney-LaFollette Committee, along with a summary of reform efforts since 1946 compiled by the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL REFORM: THE LEGISLATIVE REORGANIZATION ACT OF 1946

(June 17, 1985)

Mr. President, when we think back to the nineteenth-century Senate, we can easily conjure up images of senators who enjoyed sufficient leisure to do their own research, draft their own legislation, and write their own lengthy speeches. Most members had no other office space than their desks in the Senate chamber or in their boardinghouse quarters near the Capitol Building. Today, the sites of many of those boardinghouses are covered with House and Senate office buildings where members have quarters that only barely seem to accommodate the increasing requirements of their diverse constituencies. In the middle of the last century, members who required staff assistance purchased it out of their personal funds during the usually abbreviated legislative year.

After World War I, demands on members' time and attention escalated rapidly as improved means of transportation and communication brought the electorate and the elected into greater proximity. As the national govenment assumed a greater role in the lives of everyday citizens, pressures on Congress multiplied. And, as the 1920's gave way to the Great Depression and the New Deal era of the 1930's, Congress demonstrated increasing inability to legislate with the deliberation and expertise that had characterized its course during the seemingly less complicated nineteenth century.[1]

Congress had slight opportunity to dwell on matters of internal organization and support during the depression and New Deal years. By 1940, however, many members were becoming painfully aware of the fate of representative bodies around the world at the hands of totalitarian regimes. Many reoganized that a strong, effective Congress was the best protection against executive tyranny, foreign and domestic. Later that year, House Speaker Sam Rayburn warned that the ability of our democracy to survive was directly related to the ability of Congress to balance demands for adequate discussion against demands for prompt and effective action. Rayburn stressed the necessity of independent "technical competence" as the foundation of a solid legislative program. "A great national legislature cannot safely rely on the technical assistance and advice which private interests are willing to provide."[2]

Jerry Voorhis, a Democratic representative from California, was an early and persistent critic of Congress' inability to maintain a strong and coequal role in the federal system. He warned that the future of constitutional government would be in jeopardy unless Congress insisted on exercising its traditional responsibilities with a force and vigor equal to that of the Franklin Roosevelt administration.[3]

Congress, in 1941, was ill-equipped to accept the Voorhis and Rayburn challenges. At that time, of every seven dollars it authorized the federal government to spend, Congress spent only one cent on itself. Its thirty-two-hundred-member staff was predominantly clerical and custodial, with not more than two hundred persons who could be considered legislative professionals. Senators were often required to use their office clerks as the principal staff of any committee they chaired, thus ignoring professional competence as the foundation for committee staffing.[4] This situation encouraged the traditional practice of creating additional committees as sources of prestige, office space, and extra staff for their chairmen.

On the eve of Pearl Harbor, Congress remained reluctant to supply itself with independent sources of expertise. Librarian of Congress Archibald MacLeish argued in vain for increased funding of his Legislative Reference Service. He justified his request on the assumption that the Congress had the right to "scholarly research and counsel in law, and history and economics at least equal to that of people who come before committees" from the executive branch and private interest groups.[5]

Strong opposition in the House of Representatives killed MacLeish's hopes of revitalizing his understaffed and obscure reference service. In the Senate, in June 1941, a similar fate awaited a measure introduced by Senator A.B. "Happy" Chandler of Kentucky. Chandler proposed that the Senate allow each member to hire one research expert at a competitive salary. His proposal died because many senators apparently believed it would establish a cadre of political assistants who would eventually be in a position to compete for their jobs.[6] The opposition had deep roots in the members' self-image. Congressmen feared the public would view the appropriation of tax dollars for staff experts as an open confession of members' inability to carry traditional legislative burdens.

American entry into World War II escalated the already severe pressures on Congress. During Roosevelt's first two administrations, Congress alternated between the roles of acquiescent provider and stubborn critic. Its effectiveness varied inversely with the intensity of a particular crisis. In the months after the attack on Pearl Harbor, observers became increasingly critical of what appeared to be congressional intransigence, tolerable during peacetime but unforgiveable while at war. In January 1942, a *New York Times* editorial greeted a returning Seventy-seventh Congress with the warning that it must "show itself more alert and efficient" than the previous session if the United States hopes to win the war without "needless loss of time and treasure and lives."[7]

Fragmentation of the committee structure generated particular criticism. Early in 1942, Arthur Krock, the *New York Times* columnist, expressed a common frustration at the amount of time wasted by executive branch officials in appearing repeatedly before committees the jurisdictions of which frequently overlapped or duplicated those of other committees. Commerce Secretary Jesse Jones appeared eighteen times before as many different committees to deliver his standard two-hour speech. Krock suggested in vain that the eight military oversight committees be merged into a single House-Senate war inquiry unit. Senators tended to view these joint committees as potential threats to the Senate's "appellate" role in the legislative process. House members, too, had been traditionally wary of joint meetings, fearing that better-known and more politically secure senators would receive the lion's share of the credit while representatives would do the lion's share of the work.[8]

Early in 1942, Congress made an ill-starred effort to assert and strengthen its members' prerogatives. After minimal debate, the House and Senate passed bills extending Civil Service pension eligibility to the legislative branch. At the same time, they gave each member the option to buy unlimited gasoline at a time of strict rationing. An instant storm of protest arose over the so-called pension grab and the gasoline x-card issues. Spearheaded by the Junior Chamber of Commerce, Americans responded angrily to what they saw as a brazen act of self-aggrandizement by their elected representatives. The Jaycees instituted a Bundles for Congress program to collect old clothes, discarded shoes, and assorted trash for the apparently destitute and avaracious members. Sensitive to criticism in an election year, members quickly reversed themselves rather than argue that these "privileges" did not exceed those that executive branch employees already enjoyed.[9]

By mid-1942, Congress was in what one national magazine called a "touchy mood . . . more angry and disturbed than at any time in modern political history."[10] Members lashed out with defensive statements showing their frustration at being the public's whipping boy for wartime controls and regulations imposed by executive branch authority. Speaker Rayburn thundered that he was "damned tired of having Congress made the goat for everything."[11] Senator Joseph O'Mahoney demanded that the executive branch stop expanding its powers by "interpretation."[12] Senator Walter George of Georgia observed that "castigating Congress seems to have developed, of late, into a pernicious national pastime." Taking exception to "indiscriminate sniping and yowling," Senator George called for an end to such "thoughtless disparagement." He reminded critics that the executive, rather than Congress, had the sole responsibility for the conduct of the war. When faced with requests for huge appropriations, "all we can do is to ask, 'Do you really need all that?' Then we grant the funds."[13]

Up to this point, however, proposed remedies to these frustrations had lacked focus and detailed analysis. Early in 1941, the American Political Science Association, under pressure from its Washington members, had abandoned its traditional detachment from reform issues and established a Committee on Congress to study the operation of the legislative branch. The association appointed ten prominent political scientists and public administrators, and named Dr. George B. Galloway chairman.[14] Sixteen months later, the committee released a preliminary report, signaling a new campaign in the war for legislative reform.[15]

At the age of forty-three, George Galloway had established a solid reputation as a gifted scholar and political analyst. In 1926, he had received his doctorate from the Robert Brookings Graduate School of Economics and Government in Washington. The Brookings School was noted for its emphasis on training for research in the "practical problems of government policy." Its curriculum stressed close personal contact with federal officials.

As chairman of the Committee on Congress, Galloway set out to identify members who were sympathetic to legislative reform. In a series of off-the-record monthly dinners, the committee's members encouraged the congressional guests to express their frustrations and ideas. The committee then tried out the members' ideas on various political scientists. Finally, the committee returned to the congressmen to test the resulting syntheses. By mid-1942, an outline had emerged. The committee concluded unanimously that the decline in Congress' prestige and effectiveness was attributable to the "technical nature of modern public problems."[16] Although the imbalance in favor of the executive had been intensified by the unprecedented dominance of foreign and military issues, the committee predicted that the postwar period was likely to generate pressures of equivalent, if not greater, magnitude. The preliminary report focused on eight major congressional handicaps. They included the diversion of attention from national policymaking by local and private legislative demands, the lack of "adequate independent technical advice for lawmaking," the excessive number of committees, and the lack of facilities for sufficient oversight of executive administrative action. The report also cited insufficient clerical support, low pay for members and staff, and unrestrained lobby pressures.

The committee suggested several improvements as a basis for further discussion leading to a final report.[17] It urged Congress to consider at once a reform program that would highlight its deliberative role. Panel members argued that the focus should shift to committee hearings as the heart of the legislative process. They further suggested that the House and Senate hold full legislative sessions in the evening once or twice a week to "ratify" committee decisions. Congress should encourage radio stations to broadcast these sessions, even at the risk of competing with such favorites as the "Quiz Kids," "Information Please," or commentator Raymond Gram Swing. Finally, the committee members recommended that Congress take a four-day recess each month, so that members might return to their districts to capitalize on the radio publicity. They hoped this would increase respect for the members and for the institution.

While senators and representatives were pondering the association's report and planning their respective reelection strategies, President Roosevelt stepped up his campaign to force Congress to act on major administration proposals. On September 7, 1942, he sent a message to both houses recommending the passage of farm price support legislation. He threatened, "In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act."[18] The president got the legislation within his three-week deadline.[19]

Despite their compliance, members of the Senate and House were outraged at Roosevelt's tactics. On October 1, 1942, Representative Everett Dirksen of Illinois delivered a speech entitled "What Is Wrong With Congress?" Dirksen asserted that the Congress' low status in the public eye was directly related to its "fear of doing something for ourselves as an institution." Mindful of the pension grab and x-card affairs, he continued, "It is a very natural apprehension, for when we do, we are often at the receiving end of a lot of spicy, derogatory comment that has a great deal of reader interest." Dirksen concluded that the only thing wrong with Congress was that it had "failed to equip itself to cope with growing executive power and the bureaucracy."[20]

As the November 1942 congressional elections drew near, the widely read *Reader's Digest* reinforced Dirksen's point. It reported that only four of seventy-six congressional committees had "expert staffs prepared professionally even to cross-examine the experts of the executive branch." The remainder "trust to their own native amateur intelligence." Concluding with an assessment that no incumbent congressman wanted to hear, the article labeled members "corner store wise-acres in an age of calculating-machine-trained researchers."[21]

On election day, congressional Democrats suffered badly. Republicans gained 47 seats in the House and 10 in the Senate. A number of members had decided to retire, so the net membership turnover within both parties was 106 in the House and 13 in the Senate.[22] Democrats retained narrow control in both Houses. It was clear to the leadership, however, that legislative reform would have a higher priority among a larger number in the new Congress.

In 1943, members introduced an unprecedented number of reform-oriented resolutions, ranging from a frivolous measure to create a Committee to Protect the Integrity of Congress to Dirksen's constructive Select Committee on Congressional Reorganization.[23] These resolutions varied, but most called for an improved method of liaison between Congress and the executive, reorganization of the committee system, legislative scrutiny of executive action, and increased use of experts.[24]

During 1943, six congressmen emerged as leaders in the movement to strengthen Congress. The most active advocates in the House were Estes Kefauver of Tennessee, A.S. "Mike" Monroney of Oklahoma, Dirksen, and Voorhis. Francis Maloney of Connecticut and Robert La Follette, Jr., of Wisconsin led the way in the Senate.

Kefauver spent most of his energy on a proposal to improve communications with the executive. His measure would have established a biweekly "report and question period" during which heads of executive agencies would appear voluntarily before Congress to report on their activities and answer members' questions. Kefauver believed that this procedure, modeled on British parliamentary practice, would promote more effective legislative oversight and do away with "cumbersome and irksome" special investigating committees.[25]

Like Kefauver, Voorhis was concerned with improving legislative oversight; he directed his attention, however, to strengthening staff resources. Based on his service on the Select Committee to Investigate Acts of Executive Branch Agencies, he concluded that executive agencies exceeded their authority because Congress often failed to define their specific powers and limitations. Voorhis believed that "better sources of information, better staff, and a better direction of the work of its members" would ease this situation.[26]

During 1943, Dirksen and Monroney in the House joined the Senate's La Follette and Maloney to sponsor a series of identical bills to create a Joint Committee on the Organization of Congress.[27] This legislation revealed the clear imprint of Galloway's Committee on Congress. It called for study of the organization, operation, and staffing of each house, the relations between the Senate and House, the relations of Congress to the other two branches of government, and the relations among committees.

In July 1943, Senator La Follette published an article that quickly rallied broad popular support to the less well-publicized reform proposals of the Galloway committee. La Follette cited the frustration surrounding the just-concluded Seventy-seventh Congress, noting that "probably no Congress in recent history suffered so much abuse and public derogation." Referring to the president's 1942 Labor Day ultimatum to Congress, La Follette suggested that it was "time for the American people to take stock of the situation, war or no war."[28] He singled out for special attention the excessive number of committee assignments for members and the problem of poor budget control. He noted that more than half of the Senate's members served on at least six committees, while some served on as many as ten. Finally, he observed that the president's budget bureau received funding three times greater than the combined staffs of the House and Senate's Appropriations committees. His solution, suggestive of the Galloway committee's finding, was to reduce drastically the number of committees and the size of each and to create more joint committees with expert staff. His objective was to allow more time for members to be legislators.[29]

In November 1943, the chances for an effective reorganization appeared better than ever. The New York Times carried a front page account of a news conference called by Dr. George Calver, the congressional physician. Calver announced that he would prescribe a "long period of rest and relaxation for an overworked, nervous, and underpaid Congress." The physician, perhaps influenced by those close to the Galloway committee, proclaimed that "a $10,000 salary looks good until after [the member] has paid his taxes, his Washington living expenses, his campaign expenses, and his bills for maintaining a house back home."[30]

By early 1944, the Maloney-Monroney bill, as the press called it, had become the reformers' principal vehicle. Congressional Republicans joined the bandwagon, believing that, if the reform issue worked as well in the 1944 elections as it had in those of 1942, they stood a good chance to take control of Congress. Republican Senator Robert Taft speculated publicly that a GOP victory would increase the chances for legislative reform, and that Senate Republicans, out of power for nearly fifteen years, would be willing to reduce the number of committees since they had no chairmanships to give up.[31]

The League of Women Voters also recognized the suitability of congressional reform as an election issue. Galloway assisted the league in preparing a roundtable discussion on the organization of Congress for its 1944 national convention. The panelists included Representatives Kefauver, Dirksen, and Monroney.[32]

In June 1944, while the nation's attention was focused on post-D-day European military operations, the Senate Rules Committee recommended favorable consideration of the Maloney-Monroney resolution. Committee chairman Harry F. Byrd, Sr., stressed the importance of a permanent modernization program, noting that postwar demands would likely be more severe than those of the war years for a Congress geared to a prewar pace. The joint study committee was to have twelve members, six from each house, evenly divided by party. The Senate Rules Committee, sensitive to the prerogatives of each body, stipulated that the panel's recommendations must have the support of at least four members from each chamber.[33]

Preoccupied with demobilization, reconversion, and the summer recess, Congress appeared to be allowing the reform issue to slip away under the pressures of fall election campaigns. In September, Representative Monroney made a radio address to plead for action. He spoke of the crippling effect that Congress' limited resources had over its efforts to oversee the activities of three million executive branch employees. He claimed that Congress was trying to supervise the operation of a $78 billion government with tools fashioned fifty years earlier for a budget less than a half of 1 percent of that size. Monroney compared Congress' Legislative Drafting Service, with its eight employees and $83,000 budget, to the Agriculture Department's legislative section, which, he reported, employed six hundred persons at a cost of more than $1.6 million. The House and Senate Appropriations committees had twelve clerks to examine the entire national budget. Monroney argued that the increased cost of a larger congressional staff could easily be made up by carefully pruning executive budgets. He concluded his address with a plea for quick action on this resolution, noting that, of all the pending reform-related measures, only his was designed to study all of the suggestions.[34]

Representative Monroney got his wish, but not until after the November elections. In mid-December, with four days remaining in the life of the lame-duck Seventy-eighth Congress, the House briefly debated and passed the Maloney-Monroney resolution. The Senate quickly concurred. On the last day of the session, members of the newly established joint study committee readily elected Senator Maloney and Representative Monroney chairman and vice-chairman, respectively.[35]

At the beginning of the Seventy-ninth Congress in January 1945, Francis Maloney's Senate colleagues had come to regard him as a senator's senator—a hard-working, soft-spoken, and nonpartisan mediator of internal Senate disputes. He chaired one of the five standing committees to which he was assigned and served on three other special committees as well as several commissions.[36] He looked on his new chairmanship as a golden opportunity to make inroads against Congress' killing workload.

Death denied Francis Maloney the chance to engage that opportunity. On January 16, 1945, he died of a heart ailment, complicated by influenza and exhaustion.[37] Later that same day, the National Planning Association released yet another survey that documented congressional shortcomings and gave particular poignancy to Maloney's passing.[38] The association, cofounded by George Galloway, had selected Robert Heller, a Cleveland engineer and management analyst, to study Congress from a "practical engineering angle." The Heller report, drafted in part by Galloway, concluded that Congress would lose the public confidence essential to its functioning unless it was strengthened.[39] The report urged Congress to place greater emphasis on major policy issues and less on such details as running the District of Columbia government or dealing with private claims legislation. Observing that Congress was operating "with hand tools in a mechanized age," the report offered fourteen recommendations. They included a 150-percent pay raise for members, a majority and minority legislative policy committee for each house, expansion of staff resources, a report-and-question period, and basic procedural reforms related to the selection of committee chairmen and Senate cloture.[40] Congressional reformers were pleased to have the additional ammunition that the report provided but concluded that it displayed little familiarity with the day-to-day operations and traditions of Congress.[41]

At the start of 1945, the strongest impediments to legislative reform were preoccupation with the final military operations in Europe and the suspicion by senior House members that they had little to gain and much to lose from a change in the status quo. Few could argue in principle with the study committee's concept, but reformers were apprehensive that congressional elders would kill the infant at the hour of its birth. Accordingly, George Galloway pressed his American Political Science Association Committee on Congress to issue its final report with appropriate fanfare in order to push Congress to reauthorize the joint committee for the new session. Early in February, as Allied forces began their final drive on Berlin, the Galloway committee released a refined version of the 1942 preliminary study.

It asserted that Congress needed to "modernize its machinery and methods to fit modern conditions if it is to keep pace with a greatly enlarged and active executive branch." The committee observed that "this is a better approach than that which seeks to meet the problem by reducing and hamstringing the executive. A stronger and more representative legislature, in closer touch with, and better informed about, the administration, is the antidote to bureaucracy."[42] Several days later, after explicity removing the joint committee's authority to study matters of rules and procedure, the Senate joined the House in renewing the panel's life. Robert La Follette succeeded Francis Maloney as chairman.[43]

The joint committee quickly named George Galloway as its director and sole staff member.[44] Galloway was well aware of the distinction between getting Congress to study an issue and moving it to effective legislative action.[45] The first of these tasks had consumed four years of his life. He realized that the second would require equal amounts of careful planning and good fortune. The composition of the joint committee gave Galloway reason for encouragement. La Follette, Monroney, and Dirksen offered outstanding reform credentials. Senator Elbert Thomas of Utah, holding a doctorate in Chinese political thought, epitomized the scholar-in-politics. In the late 1930's, he had worked effectively with La Follette on the latter's civil liberties committee. Observers of that earlier body noted that La Follette's style was to probe for facts, grilling witnesses "sharply, steadily, and coldly, working with the . . . precision and power of a steel riveter." Thomas, on the other hand, "genially encouraged witnesses to relax and unbend. He probed for attitudes rather than details, setting witnesses up while La Follette knocked them down."[46] The average length of the joint committee members' congressional service was fourteen years. Four of them had served at least twenty years.[47]

Galloway moved quickly. Several days after his appointment, the joint committee held the first of thirty-nine public hearings. In less than four months, the joint committee heard 102 witnesses, and produced a printed record exceeding fifteen hundred pages.[48] Due to schedule conflicts and the largely record-building nature of the hearings, members' attendance was generally poor.[49] Consequently, Galloway had the responsibility of developing, with little guidance from committee members, recommendations that would survive severe congressional and public scrutiny. One observer noted that Dr. Galloway moved into this assignment with "great tact and distinction" and that the "rapport between the dynamic and thoughtful co-chairmen and Dr. Galloway was virtually perfect."[50] Without the creative and wholehearted support of these three men, the joint committee's report would have joined in oblivion scores of other soon-forgotten advisory committee documents.

At the end of the first month of hearings, the nation got a new president. Harry Truman had risen from obscurity to distinction due largely to his role as chairman of an important Senate investigating committee.[51] In April 1945, few knew better than Truman the frustrations of an over-worked, understaffed, and poorly paid Congress. During his Senate years, he had found it necessary to supplement his income by placing his wife on his office payroll.[52]

On the surface, the joint committee could hardly have asked for a better climate in which to work. A new chief executive, the winding down of a long war, and the introduction of the atomic bomb all pointed to a new and uncertain era. Clearly, the times required a stronger and more responsive Congress to check the all too familiar independence of the executive; yet, an overly sympathetic executive might remove much of the force from the reformers' arguments.

Galloway moved quickly to exploit the strategic possibilities of the newly dawning age. He organized an extensive program of public education to generate grassroots support.[53] To civic groups, magazines, radio networks, and film makers Galloway provided arguments, reports, testimonials, and vast amounts of his time. Appreciating the value of the Heller report's brevity and popular focus, he sent eighty thousand copies to newsstands. The League of Women Voters, as a consequence of Galloway's success in providing three key congressmen as speakers for its 1944 convention, placed congressional reform at the top of its priorities list.

Galloway capped his publicity efforts when he engineered a major cover story in a June 1945 issue of Life magazine. Entitled "U.S. Congress: It Faces Great New Tasks With Outworn Tools," the article focused on the overburdened congressman" too busy to do the job right." Life informed the nation that "with few important exceptions, congressional procedure is the same as it was in 1789."[54]

Galloway did not overlook the educational needs of those in Congress who would eventually vote on the joint committee's recommendations. He compiled and distributed copies of articles and lists of bills related to strengthening Congress.[55] With great tact, he prodded his panel's members to use their influence on other congressmen.

In October 1945, as the joint committee's members struggled over tentative recommendations, Mississippi's Theodore Bilbo, Life magazine's candidate for the "worst man in the Senate," conducted a personal three-day filibuster against a bill to repeal land grant railroad rates.[56] Another magazine quoted a nervous representative as fearing that "unless we straighten it [the congressional system] out, the American people are going to straighten us out . . . the people might get too mad and go too far for the public good."[57]

Late in 1945, the Truman honeymoon ended. Congress struggled with issues associated with the United Nations Charter, tax reduction, international monetary reform, and executive reorganization.[58] The congressional physician suggested that each house convene at 1:00 p.m., instead of noon, so that members could "eat a decent lunch."[59]

On March 4, 1946, after nearly a year of study, the joint committee submitted thirty-seven recommendations to Congress.[60] The first category of proposals sought to reorganize the committee structure and improve legislative coordination and accountability. The committee recommended that Congress consolidate its eighty-one standing committees into thirty-four. Each committee would have fewer members, more carefully defined jurisdiction, stronger executive oversight, and four additional staff experts.[61] Additionally, each house was urged to create legislative policy committees. Members of the majority policy committees would serve as a formal council, meeting regularly with the president "to facilitate the formulation and carrying out of national policy."[62]

The second group of recommendations sought to provide improved support facilities for members. They included a major expansion of the Legislative Reference Service, an administrative assistant for each member, and the establishment of a Congressional personnel Office. The office would reduce the prevailing chaos surrounding employment standards, pay scales, and tenure rights. This category also included a proposed 50-percent pay raise for members, improved legislative budget surveillance, registration of lobbyists, home rule for the District of Columbia, and transfer of noncurrent official records to the National Archives.[63]

Press reaction was generally favorable, although some commentators took the joint committee to task for dodging the "hard questions" of rules and procedure.[64] One noted that even these "mild" recommendations were "being welcomed with less than whole-hearted approval by Congress," and that the joint committee lacked the authority to convert its proposal into legislation.[65]

At this point, La Follette and Monroney effectively took the reins of leadership from Galloway and began the task of salvaging the joint committee's proposals. In the Senate, existing procedure dictated splitting the recommendations and sending them to committees according to subject. La Follette realized that several hostile committee chairmen were prepared to bottle up the proposals indefinitely. Accordingly, he offered a resolution that would convert the Senate members of the joint panel into a temporary legislative committee.[66] Ironically, this was in direct opposition to the joint committee's recommendation to rely on established standing committees rather than limited-tensure special committees.[67] La Follette's promise that the special committee would submit no proposal to change Senate rules convinced the Senate to grant his request. In mid-May, sensing growing support for action in the face of continued legislative chaos and the 1946 elections, La Follette succeeded in placing the bill directly before the Senate for action.[68]

On June 6, 1946, the Senate began debate. One newspaper noted that the legislation faced a triple threat of "pride, patronage, and politics."[69] By approving the bill, members would acknowledge that they could not do it all by themselves; they would stand to lose treasured patronage positions; and many of them remained reluctant to be in the position of voting themselves increased benefits in an election year.

Debate centered primarily on the patronage threat and the pay raise. La Follette gradually yielded on both issues. On June 10, 1946, he broke an impasse by dropping the proposal to set up a personnel "czar" and by cutting in half the amount of the salary increase. He held fast, however, on the reduction committees, the "keystone of the arch of this whole plan."[70] The Senate then quickly passed the bill by a margin of 49 to 16.[71]

The bill moved to the House. There it rested for six weeks on the Speaker's desk. Monroney and Dirksen used their considerable skills in attempting to negotiate the conditions of its movement to the House floor where it enjoyed majority support. Speaker Rayburn, despite earlier support for reform, recognized in the bill extensive challenges to his autonomy. Policy committees would rationalize the murky decision-making process and fix accountability.[72] The House of that day, far more than the Senate, was controlled by its leadership. Rayburn realized that procedural uncertainty worked to his advantage. Establishment of party policy committees would undermine that advantage and strike at his power to resolve difficulties by appointing special committees or deciding among various disputants.

The bill's managers reluctantly agreed to the Speaker's condition that the policy committee provision must be dropped. They exercised a bit of political legerdemain by cutting in half the five-thousand-dollar salary increase and then granting each member a tax-free twenty-five-hundred-dollar "expense allowance." Galloway called Rayburn's eleventh hour maneuvers "an astonishing piece of political piracy . . . a travesty on the democratic process."[73]

On Thursday, July 25, 1946, as a second atomic test took place at Bikini, Monroney and Dirksen resisted a hailstorm of floor amendments to secure House passage by a vote of 229 to 61.[74] Senator La Follette was then faced with a major tactical decision. If he tried to reconcile the Senate bill with the weaker House version, it would have spelled certain defeat for the entire program. He had simply run out of time. The following day, members were beginning to drift away from the sweltering capital. Soon, Congress would probably lack the necessary quorum to continue its work. La Follette, therefore, presented the weaker bill on July 26, and the Senate readily agreed to it. Several days later, on August 2, President Truman signed the measure, calling it "one of the most significant advances in the organization of Congress" since its establishment.[75]

Mr. President, I shall now turn briefly to a discussion of the short-term accomplishments of this landmark piece of legislation. Its framers had, as I have indicated, three basic objectives. These included a fundamental streamlining of the committee structure, development of a professional staff, and greater legislative control of the federal budget process. The reorganization act succeeded for the most part in the first two areas and failed in the latter. The measure, despite its supporters' earlier hopes, did not address matters of floor procedure or structural changes in relations between the legislative and executive branches.[76]

The act sought to reduce the jurisdictional confusion that resulted from a proliferation of committees. It did so in two ways. First, it eliminated obsolete committees and consolidated others. This reduced the number in the Senate from thirty-three to fifteen, and in the House from forty-eight to nineteen. Under the act, senators were assigned two committees instead of as many as nine. Representatives served on one instead of five. Of course, the reducion in the number of standing committees was offset by an expansion in the number of subcommittees, but the reformers contended, with some merit, that members would be able to concentrate their energies in more carefully focused subject areas. The Senate sought to prohibit establishment of special committees, but the House successfully fought that provision in the act's final version; nonetheless, both chambers severely limited the creation of special committees. In 1946, there were twelve such panels in Congress. Three years later, only one existed. The reorganization act also sought to reduce jurisdictional confusion by carefully defining each committee's legislative responsibilities. For the Senate, these definitions were incorporated into Rule 25 of the Senate's rules.

In a move to restrain autocratic chairmen, the act required committees to set regular meeting days, to open a majority of sessions to the public, and to keep transcripts of hearings. Committee chairmen were obligated to bring bills to a final vote, and to ensure that measures approved with a majority of committee members present be reported promptly to their respective houses. Witnesses were directed to submit written testimony in advance of their appearance before committees, thereby allowing members sufficient time to prepare questions.

The act's second major contribution was to expand and improve the quality of committee professional staff. It authorized each standing committee to appoint four professional and six clerical staff members. Previously, committee staffs had divided their labors between committee work and constituency services for individual members. The change promoted growth of technical expertise that reinforced Congress' investigatory role in the years following World War II. To further strengthen congressional staff resources, the act upgraded the Legislative Reference Service to a separate department within the Library of Congress, doubled its appropriation, and provided for creation of a staff of senior specialists in subject fields roughly equivalent to those of the standing committees. Significantly, these specialists were to be paid at a rate comparable to that of their counterparts in the executive branch. Finally, the act expanded the bill drafting service available through the office of Legislative Counsel. It is important to note here the indispensability of such a facility for ensuring Congress' independence of executive dictation.[77]

The principal failing of the 1946 Legislative Reorganization Act came in its efforts to provide more effective control of the federal budget process. The measure established a Joint Budget Committee, consisting of the members of the Senate and House Appropriations committees and the Senate Finance and House Ways and Means committees. That panel was given responsibility for preparing annual estimates of federal receipts and expenditures. These estimates were to be tied to a concurrent resolution placing a limit on annual appropriations. Unfortunately, the joint committee, with more than one hundred members, proved too unwieldly to operate effectively. It was unable to obtain accurate spending estimates early enough in each fiscal year to apply them to specific agency funding requests. Consequently, this procedure was abandoned after 1949. In the decade that followed, the Senate, on five different occasions, passed legislation to reestablish the joint committee, but, each time, the House defeated the measure as a threat to the prerogatives of its Appropriations Committee.[78]

The Legislative Reorganization Act of 1946 contained a number of other important reforms, including a pay increase for members, bringing their salaries from $10,000 to $12,500 per year, and a $2,500 tax-free expense allowance. It also finally brought members under the provisions of the Civil Service Retirement Act; it created the Daily Digest section of the *Congressional Record;* and it established a procedure for the registration of lobbyists, requiring them to file quarterly spending reports with the secretary of the Senate and the clerk of the House.

There were several reforms, desired by the Senate and opposed by the House, that were dropped from the final version but immediately embodied in subsequent legislation. The first was a provision for establishing Senate majority and minority policy committees.[79] A second important reform permitted senators, for the first time, to hire administrative assistants.

Mr. President, the significance of the Legislative Reorganization Act of 1946 is that it began, rather than completed, a process of institutional self-evaluation that continues today. The process it set in motion led to the establishment in 1965 of another Joint Committee on the Organization of Congress, chaired by Mike Monroney who, by then, had moved to the Senate. The work of that body came to fruition with the passage of the Legislative Reorganization Act of 1970 and other reforms that I shall discuss at another time.

SEVERAL MAJOR LEGISLATIVE REORGANIZATION INITIATIVES SINCE PASSAGE OF THE 1946 LRA

The Legislative Reorganization Act of 1946, the first comprehensive revision of Congress's organization and operation, was the product of extensive hearings conducted by the Joint Committee on the Organization of Congress. This panel was chaired by Senator Robert LaFollette of Wisconsin with Representative A.S. "Mike" Monroney of Oklahoma as vice chairman. A primary objective of the 1946 Act was to modernize Congress to meet contemporary challenges, such as workload increases and the expansion of presidential authority. The Act's major features include a reduction in the number of House and Senate standing committees, the provision of permanent professional and clerical aides for committees, a requirement that committees exercise "continuous watchfulness" of the executive branch, the preparation of a legislative budget, and the registration of lobbyists. Since the passage of the 1946 Act, the House and Senate, jointly or separately, have established panels to study and recommend ways to strengthen the legislative branch. Several major reorganization initiatives include:

THE 1965 JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

In 1965, Congress established the Joint Committee on the Organization of the Congress, co-chaired by Senator A.S. "Mike" Monroney of Oklahoma (the veteran of the 1945 panel) and Representative Ray J. Madden of Indiana, to conduct another major introspective review of legislative organization and operations. Created during a climate of concern about Congress's effectiveness, the work of the Joint Committee eventually culminated in passage of the Legislative Reorganization Act of 1970. Three broad themes characterized the 1970 Act: open Congress to further public visibility, strengthen its decisionmaking capacities, and augment minority rights. For example, the 1970 Act provided for recorded teller votes in the House's Committee of the Whole, allowed minority party committee members to call their own witnesses during a day of hearings, established the Senate Committee on Veterans' Affairs, and enhanced the research capabilities of the two legislative support agencies.

HOUSE SELECT COMMITTEE ON COMMITTEES, 1973–1974

In 1973, the House created a Select Committee on Committees (headed by Representative Richard Bolling of Missouri) to comprehensively review the House's committee structure. The committee realignment plan devised by the Bolling Committee sought to balance committee workloads, limit Member assignments, and consolidate related jurisdictions into a single committee. In addition, the reorganization plan strengthened the oversight function, granted the multiple referral authority to the Speaker, and augmented committee staffs. In the end, the House rejected the major consolidation of committee jurisdictions, but it adopted discrete jurisdictional changes, proposals that augmented the Speaker's authority, committee staff increases, oversight improvements, and a bipartisan leadership recommendation for the early organization of the House.

COMMISSION ON THE OPERATION OF THE SENATE, 1975–1976

In 1975, the Senate adopted a resolution sponsored by Senator John Culver of Iowa (a member of the Bolling Committee) to establish a blue-ribbon, private citizens' panel to conduct a comprehensive review of Senate administration, management, information sources, public communications, use of Senators' time, oversight and foresight, space availability and utilization, and ancillary topics. Chaired by former Senator Harold Hughes of Iowa, the Commission submitted its final report on December 31, 1976. Based on interviews, hearings, and staff studies, the Commission's final report identified "elements that can help to improve the effectiveness of the Senate." Since the Commission issued its recommendations, the Senate has acted to implement some of them. For instance, the Commission proposed that the Senate organize itself before the beginning of each Congress. Both Senate parties now conduct early organizing sessions.

HOUSE COMMISSION ON ADMINISTRATIVE REVIEW, 1976–1977

In the midst of ethical controversies and concern about the House's internal administration, Representatives voted to create a mixed Member-general public Commission on Administrative Review (headed by Representative David Obey of Wisconsin) to study and recommend ways to improve the House's administrative services, to enhance use of the time available to Members, and to insure integrity in the conduct of the House's legislative business. The Commission's financial ethics package was substantially approved by the House. Other Commission recommendations, such as the centralization of diverse administrative matters into a new Office of House Administrator and the formation of another Select Committee on Committees, were turned down by the House. Still other Commission proposals to streamline House scheduling, such as an annual schedule of district work periods, were implemented by the central leadership.

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, 1976–1977

In March 1976, the Senate created a Select Committee, headed by Senator Adlai Stevenson of Illinois, to conduct a thorough review of the Senate's committee structure and to make recommendations for its improvement. After the Select Committee's reorganization plan was reviewed and amended by the Rules and Administration Committee, the Senate in 1977 adopted the most significant restructuring of its committee since passage of the 1946 LRA. For example, there was a reduction in the number of standing committees (Aeronautical and Space Sciences, District of Columbia, and Post Office were abolished) and broad substantive jurisdictions were consolidated to promote comprehensive policymaking.

HOUSE SELECT COMMITTEE ON COMMITTEES, 1979–1980

Jurisdictional fragmentation, especially in the energy arena, and continued frustration with the committee structure gave rise to another House effort at committee reorganization. In 1979, a second Select Committee on Committees (chaired by Representative Jerry Patterson of California) was established to recommend changes in the committee system. The Select Committee adopted an incremental approach to change and proposed that the House create a new Energy Committee. In addition, the Select Committee suggested other changes, such as limits on subcommittee assignments, improvements in committee scheduling to reduce meeting conflicts, and extra office space in the Capitol. In the end, the House failed to adopt any of the Select Committee's proposals.

STUDY GROUP ON SENATE PRACTICES AND PROCEDURES, 1982–1983

In the wake of continuing controversy over inefficiencies in Senate operations, a two-person Study Group was established in 1982 (S. Res. 392) to propose improvements. Former Senators Abraham Ribicoff of Connecticut and James Pearson of Kansas composed the Study Group. In 1983, they submitted their report to the Rules and Administration Committee; the report suggested, among other things, that limits be placed on filibusters, that a permanent Senate Presiding Officer be elected, that the Senate consolidate its committees into fewer units, and that the budget process be simplified. The Study Group's proposals were the subject of a hearing, but the Senate took no formal action on its package of recommendations.

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, 1984

In June 1984, the Senate established another Select Committee to recommend improvements in the operation of the committee system. Senator Dan Quayle of Indiana was named the panel's chairman. In December 1984, the panel submitted its recommendations for change, which stressed committee assignment limitations (bolstering requirements imposed by the Stevenson Committee). In addition, the Select Committee proposed formation of a Joint Intelligence Oversight Committee, a procedure to restrict the offering of non-germane amendments and certain debate limitations to curb some filibusters. When the 99th Congress convened (1985), some progress was made in reducing the number of committee assignments per Senator.

Needless to say, there have been many other institutional reorganization initiatives since the 1946 LRA. Several come quickly to mind: the various budget acts, the War Powers Resolution, campaign finance changes, the televising of House and Senate floor sessions, seniority revisions, ethics reviews, party caucus inquiries, and modifications in Senate filibuster practices. Congress, in short, is not some "creaky institution" incapable of revamping its internal procedures, processes, and operations. However, nearly thirty years have passed since the legislative branch conducted a systematic and comprehensive examination of its operation and organization. Given contemporary challenges wrought by the "new world order," it may be time once again for Congress to focus on its capabilities for effective governance.

Mr. DOMENICI. Mr. President, it is a pleasure to join my distinguished House and Senate colleagues today to support an examination of our congressional structure.

This is a fairly straight forward effort. This Joint Committee on the Organization of Congress is proposed because responsible lawmakers and citizens alike recognize there is a need to be more effective.

Our country is faced with many pressing social and economic demands that merit serious and reasoned attention. Consequently, Congress has an extraordinary responsibility for balancing citizens' expectations with its own ability to respond in an efficient and productive manner.

We are suggesting that operationally we probably should and can do better.

When I came to the Senate almost 20 years ago, I remember being astounded that the U.S. Senate did not have a systemic or formal process for reviewing the U.S. budget—that, in fact, we could not coordinate our taxing and spending policies. This problem was addressed by The Joint Study Committee on Budget Control, and legislation subsequently created the Congressional Budget Office and the House and Senate Budget Committees.

Also looking back 20 years ago, I remember being astounded by, as well as in awe of, my fellow colleagues who mastered the multitude of tasks, who understood the overlapping jurisdictions of the committees and subcommittees, and who comprehended the often erratic but apparently effective floor procedures. It did not take me too long to learn, however, that there was mounting frustration and concern.

In fact, these lawmakers were having serious problems juggling the legitimate demands of their work while trying to address simultaneously a comprehensive and often conflicting national policy agenda. As a newly elected Senator, ranking 99th in seniority, I may have felt some solace knowing that veteran lawmakers were sharing my concerns. However, it did little to alleviate my fear that I simply could not accomplish the goals I had set for myself, let alone meet the basic expectations of the people of New Mexico.

Subsequently, the undercurrent of discontent resulted in numerous commissions and task forces to assess our procedures and overall operations. In 1976, I was asked to serve on the bipartisan Temporary Select Committee to Study the Senate Committee System. I was fortunate to serve under the able leadership of the late Senator Adlai Stevenson, III. As a result of our efforts and recommendations, the Senate passed legislation that resulted in major jurisdictional changes in the committee structure. With a few exceptions, these changes are still in effect today.

I learned a great deal from this experience. One of the most important elements was that our institutional structure could be adjusted to address the amalgamation of demands, expectations, and duties. Second, I learned that this is an evolving process that demands periodic review and analysis, which has happened numerous times since this legislation was passed in 1977.

Therefore, today we are recommending that we again examine many of these important issues and provide recommendations for reforming some of our procedures and systems. While we will address numerous issues, I have two areas that I believe merit attention.

First, I have a very special interest in how this country addresses its science and technology issues and policies. In many respects, science and technology is the primary repository and indicator of our socioeconomic health and growth. However, as stated well in the Carnegie Commission's report on Science, Technology, and Government:

> Because authority in Congress is highly decentralized, examining science and technology as a whole and coordinating the often overlapping activities of the many committees and subcommittees with science and technology-related responsibilities are often difficult. . . . This decentralization of responsibility makes the exchange of scientific and technical information among committees and subcommittees in both houses of Congress a particular challenge. It also presents challenges to those in the scientific community who desire to stay informed of congressional S&T-related activities and to those who may wish to provide information to legislators and their staff.

It is my hope that we can begin to take a serious and reasoned look at this issue. Considerable examination of this problem has already been accomplished by the Carnegie Commission on Science, Technology, and Government, and I am hopeful we will be able to draw upon their expertise and counsel in this process.

My second area of interest is that we examine how Congress utilizes its specific support agencies: the Congressional Budget Office, the General Accounting Office, the Office of Technology Assessment, and the Congressional Research Service.

Over the years we have come to recognize that we must have technical and analytical support to help us in our decisionmaking. Over the years, these support agencies have been responsive and in many ways have contributed signficantly to a sounder national agenda. At the same time, how we in Congress use these services and how well these entities can respond to our increasing demands and needs should be analyzed. To be frank, there appears to be a duplication of services and overlapping responsibilities among these organizations.

A multitude of options for data and technical assistance is often seen as advantageous. However, this is not always the case. The issue of quality control, adequate review and analysis of the findings, and the overall general efficiency of the organizations in relation to their work for Congress should be reviewed. With dwindling resources, and concomitant increases in our and their workloads, it makes only good sense to examine how we can streamline and improve our partnerships.

Mr. President, this commission is most fortunate to be able to draw upon previous efforts of other congressional groups' analyses and recommendations. The Committee on Rules and Administration is to be commended for its fine 1988 "Report on Senate Operations," and I believe we will be able to use these recommendations as a baseline for our own deliberations.

Given what we elected officials want and need to do to address the multiple and complex issues of this country, as well as fulfill what I believe the American public expects of us, I have gladly joined this effort to assess our congressional operations. Hopefully, in the short timeframe we have to do this examination, particularly in light of the complexities involved, we can provide some thoughtful and workable recommendations.

Moreover, we are in a very favorable position to assess the important relationships between both Houses of Congress. We have mutual objectives in common: We all believe we owe it to the American public to be as responsive and effective as possible. This commisson will do its best. I hope our efforts will result in valuable and concrete proposals for a system that once again merits some change. Thank you.

SENATE CONCURRENT RESOLUTION 58—WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91–510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

SENATE RESOLUTION 163—TO AMEND THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 163

Resolved, Rule XXXVII of the Standing Rules of the Senate is hereby amended to add a new paragraph as follows:

"Notwithstanding section 501(c) of Title V of the Ethics in Government Act of 1978 as amended, honoraria may be paid on behalf of a Member, officer or employee of the United States Senate to a charitable organization, without any restriction on the amount of such honoraria.

No honoraria paid on behalf of a Member, officer or employee of the United States Senate shall be made to a charitable organization from which such individual or a parent, sibling, spouse, child or dependent relative of such individual derives any financial benefit."

SENATE RESOLUTION 164—TO COMMEND WILLIAM H. WEBSTER FOR EXCEPTIONALLY DISTINGUISHED SERVICE TO THE UNITED STATES

Mr. BOREN (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. GLENN, Mr. GORTON, Mr. RUDMAN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Whereas William H. Webster has served his Nation with exceptional dedication, honor and distinction for over 25 years and has been appointed to important federal positions by five different Presidents;

Whereas William H. Webster began his extraordinary public service as lieutenant in the United States Navy in World War II and the Korean War before becoming the United States Attorney for the Eastern District of Missouri in 1960;

Whereas William H. Webster continued his selfless devotion to public service as a Judge of the United States District Court for the Eastern District of Missouri and, subsequently, as a Judge of the United States Court of Appeals for the Eighth Circuit;

Whereas William H. Webster served with unparalleled probity and effectiveness as Director of the Federal Bureau of Investigation for nine years;

Whereas William H. Webster's commitment to competent and professional administration and his profound sense of moral and legal propriety were crucial in enabling the Federal Bureau of Investigation to make major achievements in the areas of counterintelligence and counterterrorism, and in combatting government corruption and organized crime;

Whereas William H. Webster brought an extraordinary integrity and dedication to principle and the rule of law to the Central Intelligence Agency during a troubled period and restored public and congressional confidence in that critical institution;

Whereas William H. Webster provided the Central Intelligence Agency with outstanding direction in a period of unprecedented world change and left the Agency well-positioned to confront the challenges of the 1990's and beyond;

Whereas William H. Webster provided excellent leadership to the national intelligence community's critical contribution to the historic victory in Operation Desert Storm; and

Whereas William H. Webster has earned the deep respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former members of the Intelligence Committees of the Senate and the House of Representatives for his unstinting honesty and integrity in the service of his country: Now therefore, be it,

Resolved, That on the occasion of his retirement from federal service, the United States express and record its deep appreciation to William H. Webster for his exceptionally distinguished service to the federal judiciary, to the Federal Bureau of Investigation, to the Central Intelligence Agency, to the national intelligence community, and to the people of the United States.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

ROTH (AND OTHERS) AMENDMENT NO. 948

Mr. ROTH (for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to the bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, as follows:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORIZATION FOR THE ASSIGNMENT OF FEMALE MEMBERS OF THE ARMED FORCES TO DUTY IN COMBAT AIRCRAFT.

(a) ARMY.—(1) Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Duties: female members; combat duty

"The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3548 the following new item:

"3549. Duties: female members; combat duty.".

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by inserting "(a)" before the first sentence;

(2) by striking out "or in aircraft";

(3) by inserting "(other than as aviation officers as part of an air wing or other air ele-

ment assigned to such a vessel)" after "combat missions";

(4) by inserting "other" after "temporary duty on"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of the Navy may prescribe the conditions under which female members of the Navy and Marine Corps may be assigned to duty in aircraft that are engaged in combat missions."

(c) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is amended to read as follows:

"§ 8549. Duties: female members; combat duty

"The Secretary of the Air Force may prescribe the conditions under which female members of the Air Force may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The item relating to section 8549 in table of sections at the beginning of chapter 843 of such title is amended to read as follows:

"8549. Duties: female members; combat duty.".

(d) RULE OF CONSTRUCTION.—This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to duty in aircraft that are engaged in combat missions.

(3) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1991.

In section 2(b), amend the table of contents by inserting after the item relating to section 529 the following new item:

Sec. 530. Authorization for the assignment of female members of the Armed Forces to duty in combat aircraft.

GLENN (AND OTHERS) AMENDMENT NO. 949

Mr. GLENN (for himself, Mr. MCCAIN, Mr. NUNN, and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 112, between line 17 and 18, insert the following new section:

SEC. 530. AUTHORITY TO WAIVE COMBAT EXCLUSION LAWS.

(a) COMPREHENSIVE RESEARCH AND ANALYSIS REQUIRED.—The Commission on the Assignment of Women in the Armed Forces, established under section 521, shall conduct comprehensive research and analyses regarding the potential for women in the Armed Forces to serve in combat positions.

(b) INFORMATION NEEDS TO BE DEFINED.—The Commission, as a priority matter, shall determine the types of information necessary for its research and analysis that can best be obtained through the assignment of women to combat positions on a test basis.

(c) NOTIFICATION OF SECRETARY OF DEFENSE REGARDING INFORMATION NEEDS.—The Commission shall promptly advise the Secretary of Defense of its needs for information determined pursuant to subsection (b). The Commission may request that the Secretary of Defense require the assignment of women to combat positions on a test basis in order to develop that information.

(d) WAIVER AUTHORITY.—The Secretary of Defense, in consultation with the Commission, may conduct test assignments of women to combat positions and may waive sections 6015 and 8549 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policies to the assignment of women to combat positions in order to conduct such test assignments.

GORE AMENDMENT NO. 950

Mr. GORE proposed an amendment to the bill S. 1507, supra, as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies;

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACED-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding spaced-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 90 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGET FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for antiballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-compliant defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tachnical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could provide highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have a primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activitis within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Stratetic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

GORTON AMENDMENT NO. 951

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

On page 28, after line 22, insert:

(d) COUNTIES WITH SIGNIFICANT UNEMPLOYMENT.—If, with respect to any period described in subsection (c)—

(1) the average total rate of unemployment in a county or equivalent subdivision of a State equals or exceeds 120 percent of the average total rate of unemployment for the State, and

(2) another period with a higher applicable range would be in effect for such county, the Governor of a State may elect to treat such county as a State for purposes of this Act for any week beginning after such other period and before July 4, 1992.

On page 28, line 20, before the comma, insert "(or county)".

On page 29, line 1, stike "(d)" and insert "(c)".

On page 36, line 2, after "State" insert "(or county)".

KASTEN AMENDMENT NO. 952

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to an amendment to the bill S. 1554, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE LUXURY EXCISE TAX ON BOATS.

It is the sense of the Senate that—

(1) the luxury excise tax on boats has imposed an unfair burden on boat workers, manufacturers, and retailers;

(2) the luxury excise tax on boats has brought the loss of up to 18,000 jobs in the boat building and retailing industry;

(3) middle-class workers and small businesses, not the wealthy, are harmed by the tax;

(4) the luxury excise tax on boats is costing the Government more in lost income tax receipts, payroll tax receipts, additional unemployment compensation, and compliance and enforcement costs than the revenue generated by such tax on boats;

(5) the luxury excise tax forces small business people to become tax collectors and enforcers for the Internal Revenue Service;

(6) the luxury excise tax on boats is harming one of America's strongest domestic industries and aiding our foreign competitors;

(7) the luxury excise tax on boats is contributing to the depth and severity of the recession and helping ensure that economic recovery will be more difficult; and

(8) the House of Representatives should immediately adopt and send to the Senate for consideration legislation to repeal the luxury excise tax on boats.

MACK AMENDMENT NO. 953

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill S. 1554, supra, as follows:

At the end of the bill, add the following new title:

TITLE II—CAPITAL GAINS

SEC. 201. SHORT TITLE.

This title may be cited as the "Economic Growth and Venture Capital Act of 1991".

SEC. 202. REDUCTION IN INDIVIDUAL CAPITAL GAINS RATE.

(a) GENERAL RULE.—Subsection (h) of section 1 of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the net capital gain, plus

"(B) a tax equal to the sum of—

"(i) 7.5 percent of so much of the net capital gain as does not exceed—

"(I) the maximum amount of taxable income to which the 15-percent rate applies under the table applicable to the taxpayer, reduced by

"(II) the taxable income to which subparagraph (A) applies, plus

"(ii) 15 percent of the net capital gain in excess of the net capital gain to which clause (i) applies.

"(2) TRANSITIONAL RULE.—In the case of a taxable year which includes March 7, 1991, the amount of the net capital gain for purposes of paragraph (1) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 170(e) of such Code is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "13/28 (19/34 in the case of a corporation) of the amount of gain".

(2)(A) The second sentence of section 7518(g)(6)(A) of such Code is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

SEC. 203. REDUCTION IN CORPORATE CAPITAL GAINS RATE.

(a) GENERAL RULE.—Section 1201 of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c), and by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by section 11, 511, or 831(a) (whichever applies), there is hereby imposed a tax (if such tax is less than the tax imposed by such section) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the net capital gain, at the same rates and in the same manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain.

"(b) TRANSITIONAL RULE.—In the case of a taxable year which includes March 7, 1991, the amount of the net capital gain for purposes of subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "85 percent".

(2) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "34 percent" and inserting "15 percent".

SEC. 204. REDUCTION OF MINIMUM TAX RATE ON CAPITAL GAINS.

Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended to read as follows:

"(A) the sum of—

"(i) 15 percent of the lesser of—

"(I) the net capital gain (determined with the adjustments provided in this part and (to the extent applicable) the limitations of sections 1(h)(2) and 1201(b)), or

"(II) so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, plus

"(ii) 20 percent (24 percent in the case of a taxpayer other than a corporation) of the amount (if any) by which the excess referred to in clause (i)(II) exceeds the net capital gain (as so determined), reduced by".

SEC. 205. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset of property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator for the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1990).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratios for each calendar quarter.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 of such Code is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 of such Code (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

"For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1990, see section 1022(a)(1).".

SEC. 206. INDEXING OF LIMITATION ON CAPITAL LOSSES OF INDIVIDUALS.

Section 1211 of the Internal Revenue Code of 1986 (relating to limitation on capital losses) is amended by adding at the end thereof the following new subsection:

"(c) INDEXATION OF LIMITATION ON NONCORPORATE TAXPAYERS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1990, the $3,000 and $1,500 amounts under subsection (b)(1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the applicable inflation adjustment for the calendar year in which the taxable year begins."

"(2) APPLICABLE INFLATION ADJUSTMENT.—For purposes of paragraph (1), the applicable inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the gross national product deflator for the last calendar quarter of the preceding calendar year, exceeds

"(B) the gross national product deflator for the last calendar quarter of 1990.

For purposes of this paragraph, the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

SEC. 207. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply to sales or exchanges occurring after March 7, 1991, in taxable years ending after such date.

(b) INDEXING OF LOSS LIMITATION.—The amendments made by section 6 of this Act shall apply to taxable years beginning after December 31, 1990.

SEC. 208. EMERGENCY DESIGNATION.

(a) EMERGENCY DESIGNATION.—Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all changes in receipts provided by this title (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this title, none of the preceding sections of this title shall take effect unless, not later than the date of the enactment of this Act, the President submits to the Congress a written designation of all changes in receipts provided by this title (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

GORE AMENDMENT NO. 954

Mr. GORE proposed an amendment to amendment No. 950 proposed by him to the bill S. 1507, supra, as follows:

Strike out all that follows the first word, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies;

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACE-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding space-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for anti-ballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the

stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-complaint defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

BROWN AMENDMENT NOS. 955 AND 956

(Ordered to lie on the table.)

Mr. Brown submitted two amendments intended to be proposed by him to the bill S. 1507, supra, as follows:

AMENDMENT NO. 955

At the appropriate place in the bill, add the following new section:

"SEC. . REPORTS CONCERNING USE OF MILITARY AIRCRAFT.

(a) REPORTS.—Not later than 180 days after enactment of this Act and annually thereafter, the Secretary of Defense shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report listing all military aircraft used for the sole or primary purpose of transporting senior military and governmental personnel. The report shall include:

(1) A list of all aircraft, including helicopters, dedicated to the transportation of senior military and governmental officials, including members of Congress;

(2) The frequency of use for each aircraft during the past year;

(3) The officer or government official who is able to make aircraft scheduling decisions for a particular aircraft;

(4) The annual cost of operations and maintenance for each of these aircraft;

(5) The passenger capacity of each aircraft;

(6) The average number of passengers per trip during the past year;

(7) A list of the number of passengers per trip per aircraft.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—The 'appropriate congressional committees' referred to in (a) above shall include the Armed Services Committees and Appropriations Committees of the House and the Senate."

AMENDMENT NO. 956

On page 402, between lines 5 and 6, insert the following new section:

SEC. 2847. TRANSFER OF JURISDICTION OVER ROCKY MOUNTAIN ARSENAL, COLORADO.

(a) TRANSFER OF JURISDICTION.—(1) Subject to subsection (b), the Secretary of the Army shall, without reimbursement and not later than October 1, 1993, transfer jurisdiction of the real property, and improvements thereon, comprising the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

(2) The exact acreage and legal description of the property to be transferred pursuant to paragraph (1) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Army.

(b) CONTINUING RESPONSIBILITY OF THE ARMY FOR ENVIRONMENTAL RESTORATION.—(1) The Secretary of the Army shall retain authority and control over the management of the property referred to in subsection (a) with respect to conducting cleanup and remediation activities relating to environmental restoration of such property under applicable provisions of law.

(2) Nothing in this section shall relieve, and no action may be taken under this section to relieve, the Secretary of the Army or others from any obligation or other liability to carry out or provide for the environmental restoration of the property referred to in subsection (a) under applicable provisions of law. Nothing in this section shall be construed to restrict or define the level of cleanup to be carried out under applicable provisions of law on the property referred to in subsection (a).

(3) In carrying out environmental restoration activities with respect to the property referred to in subsection (a), the Secretary of the Army shall consult with the Secretary of the Interior to ensure that such restoration is carried out in a manner consistent with the purposes described in subsection (c)(3).

(c) USE OF PROPERTY AS WILDLIFE REFUGE.—(1) Subject to paragraph (4), the Secretary of the Interior shall establish a national wildlife refuge consisting of the property described in paragraph (2). Upon establishment of the wildlife refuge, the Secretary shall publish in the Federal Register a notice of the establishment of the refuge. The Secretary shall select a name for the refuge after considering recommendations made by the advisory committee established by paragraph (5).

(2) The refuge shall consist of the entire property referred to in subsection (a) except for the portions of the property referred to in subsections (d) and (e).

(3) The purposes for which the wildlife refuge is established are as follows:

(A) To provide opportunities for environmental education, fish and wildlife-oriented recreation, and scientific research.

(B) To the extent it does not interfere with the well-being of wildlife populations using the refuge, to provide for nonconsumptive public use of the refuge for activities such as fishing, hiking, photography, bird watching, and outdoor enjoyment.

(C) To sustain the populations of migratory and resident species of wildlife characteristic of the State of Colorado that exist within the refuge.

(D) To provide for the conservation and management of all fish and wildlife within the refuge.

(E) To fulfill the international treaty obligations of the United States respecting fish and wildlife.

(4)(A) The Secretary shall manage the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee). However, the management of the refuge shall be subject to the cleanup and remediation activities relating to the environmental restoration of the property being carried out by the Secretary of the Army under applicable provisions of law.

(B) In managing the refuge as described in subparagraph (A), the Secretary of the Interior shall provide for the accommodation and preservation of the existing uses in section 33 consisting of the South Adams County Water Treatment Plant and the Irondale Water Treatment Facility.

(C) Notwithstanding section 4(a)(2) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), no lands within the refuge may be annexed by a unit of general local government.

(D) There shall be only one public entrance to the wildlife refuge, which shall be located at or near the intersection of 72nd Street and Quebec Avenue in Commerce City, Colorado. Such public entrance shall be in addition to the access to the bald eagle observation area in existence on the date of the enactment of this Act.

(E) The Secretary of the Interior shall make available to the Secretary of the Army (at the request of such Secretary), without reimbursement, office space in existing buildings at Rocky Mountain Arsenal for the purpose of providing work space for Army personnel and others engaged in cleanup and remediation activities with respect to the property referred to in subsection (a).

(5)(A) There is hereby established an advisory committee to advise the Secretary of the Interior on matters related to the management of the refuge. The committee shall make recommendations to the Secretary concerning the selection of a name for the refuge.

(B) The committee shall consist of the following:

(i) One individual appointed by the Director of the United States Fish and Wildlife Service.

(ii) One individual appointed by the Secretary of the Army.

(iii) One individual appointed by the Mayor of Commerce City, Colorado.

(iv) One individual appointed by the Mayor of Denver, Colorado.

(v) One individual appointed by the Commissioners of Adams County, Colorado.

(vi) Three individuals appointed by the Governor of the State of Colorado from among individuals who are members of prominent local environmental groups.

(vii) One individual appointed by the Administrator of the Environmental Protection Agency.

(viii) The two United States Senators from the State of Colorado, or their designees.

(ix) The United States Representative from the district in which the wildlife refuge is located, or a designee of such Representative.

(x) The Colorado State Senator from the district in which the wildlife refuge is located, or a designee of such Senator.

(xi) The Colorado State Representative from the district in which the wildlife refuge is located, or a designee of such Representative.

(C) The Chairperson of the committee shall be elected by the members.

(D) The committee shall meet at least annually and at the call of the Secretary or a majority of its members.

(E) The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the committee.

(d) HIGHWAY RIGHTS-OF-WAY.—(1) Except as provided in paragraph (2), the Secretary of the Interior shall convey to the State or to the appropriate unit of general local government, at no cost, sufficient property located along the perimeter of the wildlife refuge to allow for the widening of public roads in existence on the date of the enactment of this Act.

(2)(A) The exact acreage and legal description of the property to be conveyed pursuant to paragraph (1) shall be determined by the Secretary in consultation with the appropriate State and local officials, but shall approximately consist of the following:

(i) Not more than 100 ft. of right-of-way on the northwest side of the refuge adjacent to Colorado Hwy. #2.

(ii) Not more than 100 ft. of right-of-way on the northern side of the refuge adjacent to 96th Avenue.

(iii) Not more than 100 ft. of right-of-way on the southern side of the refuge adjacent to 56th Avenue.

(iv) Not more than 100 ft. of right-of-way on the eastern side of the refuge adjacent to Buckley Avenue.

(B) Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the appropriate State and local officials concerning areas of the perimeter of the wildlife refuge where remediation and monitoring activities related to the environmental restoration of the property referred to in subsection (a) temporarily preclude the conveyance of property described in paragraph (1). Upon the conclusion of such activities, the Secretary shall convey such areas as referred to in paragraph (1).

(3) The Secretary shall not allow the construction of any public through-roads through the interior of the wildlife refuge.

(e) CONVEYANCE FOR PUBLIC OR COMMERCIAL USE.—(1)(A) Any part of the property referred to in subsection (a) that is not part of the refuge and is not conveyed under subsection (b) shall be sold by the Secretary of the Interior to public or private persons for the purpose of annexation by the City of Commerce City, Colorado, for use for public or commercial purposes.

(B) In conveying any property under subparagraph (A), the Secretary shall—

(i) retain for the United States a reversionary interest in the event any part of the property conveyed under subparagraph (A) is not annexed by the City of Commerce City, Colorado;

(ii) place restrictions on the deed that prohibit in perpetuity—

(I) the use of the property for residential or industrial purposes;

(II) the use of ground water located under, or surface water located on, the property as a source of potable water;

(III) hunting and fishing on the property, other than hunting and fishing for nonconsumptive use subject to appropriate restrictions; and

(IV) agricultural use of the property, including all farming activities such as the raising of livestock, crops, or vegetables, but excluding agricultural practices used as part of environmental restoration activities or erosion control; and

(iii) except in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such property, include in the deed a covenant warranting that—

(I) all remedial action necessary to protect human health and the environment (with respect to any hazardous substance remaining on the property) has been taken before the date of such conveyance; and

(II) any additional remedial action (with respect to any such hazardous substance remaining on the property) found to be necessary after the date of such conveyance shall be conducted by the United States.

(C) Nothing in this paragraph shall be construed to require the United States to take remedial action with respect to any hazardous substance on the property that was not placed there by the United States.

(2) The property to be conveyed pursuant to paragraph (1) is an area of land comprising approximately 815 acres. The approximate legal description of the property is as follows: "All of Section 9, T3S–R67W, Excluding the SW4; the W2W2 of Section 4 and the W4E2W2 of Sec. 4, T3S–R67W; The SW4SW4 of Sec. 33, and the W4E2W2 of Sec. 33, and all land located in the W2NW4 of Sec. 33, T2S–R67W; all located in the County of Adams, State of Colorado.".

(3) The proceeds of the sale of property pursuant to paragraph (1) shall be used, to the extent provided for in appropriation Acts, for activities associated with the refuge, including—

(A) construction of a visitor and education center;

(B) game management;

(C) passive recreational activities that do not interfere with or change the natural state of the wildlife refuge; and

(D) other activities relating to the wildlife refuge that the Secretary of the Interior determines appropriate.

(f) DEFINITIONS.—In this Act:

(1) The term "hazardous substance" has the meaning given such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(2) The term "refuge" means the Colorado Metropolitan National Wildlife Refuge established pursuant to section 3(a).

BINGAMAN (AND OTHERS) AMENDMENT NO. 957

Mr. BINGAMAN (for himself, Mr. WIRTH, and Mr. BAUCUS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an anti-ballistic missile (ABM) system, including one or possibly more than one ground-based anti-ballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles and to provide highly effective theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies.

(b) IMPLEMENTATION.—To implement this goal, Congress—

(1) urges the President to begin negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty to permit—

(A) additional anti-ballistic missile sites and additional ground-based anti-ballistic missile interceptors;

(B) increased utilization of space-based sensors for direct battle management;

(C) clarification of what constitutes permissible development and testing of space-based missile defenses;

(D) increased flexibility for technology development of advanced ballistic missile defenses; and

(E) clarification of the distinctions between TMDs and anti-ballistic missile defenses, including interceptors and radars; and

(2) directs the Secretary of Defense—

(A) to aggressively pursue the development of a range of advanced TMD options, with the objective of downselecting and deploying ABM Treaty-compliant systems by the mid-1990s; and

(B) to develop for deployment at a single site by fiscal year 1996 a cost-effective and operationally effective and ABM Treaty-compliant anti-ballistic missile system that would be consistent with the anti-ballistic missile system described in subsection (a) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks and would include—

(i) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor deployable by fiscal year 1996;

(ii) fixed, ground-based anti-ballistic missile battle management radar; and

(iii) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty; and

(C) to submit to the congressional defense committees, within 180 days after the date of the enactment of this Act, a plan for the deployment of TMDs and an ABM system which meet the guidelines established in subparagraphs (A) and (B).

(c) FOLLOW-ON TECHNOLOGY RESEARCH.—

(1) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a) and to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising follow-on anti-ballistic missile technologies is required.

(2) EXCLUSION OF BRILLIANT PEBBLES.—Deployment of Brilliant Pebbles is not included in the limited protection system architecture described in subsection (a).

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burdensharing issues associated with the option of deploying space-based interceptors for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after the submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for the anti-ballistic missile system described in subsection (a) that are capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a threshold that would threaten mutual deterrence and strategic stability with the Soviet Union. Such activities shall also include those necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the 1972 ABM Treaty and modest changes to its numerical limitations and its limitations on the utilization of space-based sensors.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable ABM Treaty-compliant TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based ABM interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives—

(A) the provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4);

(B) innovative science and technology projects;

(C) the provision of test and evaluation services; and

(D) program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount appropriated pursuant to paragraph (2)(A)—

(A) up to $5,000,000 may be obligated and expended to carry out an expeditious site-specific Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) up to $40,000,000 may be obligated and expended to conduct refurbishment studies, site surveys, and technical assessments and analyses related to removing the Grand Forks ABM site from its deactivated status. The Congress expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(4) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(5) BRILLIANT PEBBLES.—Funds may be obligated for programs, projects, and activities which have as their primary purpose the support of the Brilliant Pebbles space-based interceptor system and associated sensors only through programs, projects, and activities within the Space-Based Interceptors program element.

(g) LIMITATION ON FULL SCALE DEVELOPMENT AND INITIAL LOW RATE PRODUCTION.—Before the Secretary of Defense proceeds with full scale development and with initial low-rate production on the ABM Treaty-compliant system described in subsection (b)(2)(B), the President shall certify to Congress that such full-scale development or production is in the best interests of the United States and will not undermine strategic stability with the Soviet Union.

(h) REVIEW OF PROGRESS ON NEGOTIATIONS.—As deployment at the ABM site described in subsection (b)(2)(B) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiations. If the negotiations, in which the United States seeks to achieve the goal of subsection (a), have not been concluded, the President and the Congress shall consider the options available to the United States. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

(i) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

BROWN AMENDMENT NO. 958

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1507, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . REPORTS CONCERNING USE OF MILITARY AIRCRAFT.

(a) REPORTS.—Not later than 180 days after enactment of this Act and annually thereafter, the Secretary of Defense shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report listing all military aircraft used for the sole or primary purpose of transporting senior military and governmental personnel. The report shall include:

(1) A list of all aircraft, including helicopters, dedicated to the transportation of senior military and governmental officials, including members of Congress;

(2) The frequency of use for each aircraft during the past year;

(3) The officer or government official who is able to make final decisions concerning aircraft release;

(4) The annual cost of operations and maintenance for each of these aircraft;

(5) The passenger capacity of each aircraft;

(6) The average number of passengers per trip during the past year;

(7) A list of the number of passengers per trip per aircraft.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—The 'appropriate congressional committees' referred to in (a) above shall include the Armed Services Committees and Appropriations Committees of the House and the Senate."

COATS AMENDMENT NO. 959

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana (including all areas north and south of the firing line).

(b) CONTENT OF PLAN.—The plan shall include the following matters:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following:

(A) An identification and detailed description of the activities necessary for environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental restoration and cleanup activities.

(C) The total estimated cost of completing such activities and the estimated cost of such activities for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful environmental restoration and cleanup.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare a proposed plan;

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground no sooner than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees the final plan required by subsection (a).

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental restoration and cleanup actions necessary for such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

COATS (AND GLENN) AMENDMENT NO. 960

Mr. WARNER (for Mr. COATS, for himself and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS OF BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Big Brothers and Big Sisters consist of 499 independent organizations located across the United States that assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, containing at least 80,000 at-risk youth, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the military departments and the Big Brothers and Big Sisters organizations located in communities near military installations under the jurisdiction of such departments will assist members of the Armed Forces who serve at such installations and such communities in responding to the family support needs of such members and communities; and

(2) the military departments should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

In section 2(b), amend the table of contents by inserting after the item relating to section 1124 the following new item:

1125. Sense of Congress relating to cooperation between the military departments and Big Brothers and Big Sisters organizations.

CONRAD (AND OTHERS) AMENDMENT NO. 961

Mr. LEVIN (for Mr. CONRAD, for himself, Mr. DASCHLE, Mr. EXON, Mr. HARKIN, and Mr. DIXON) proposed an amendment to the bill S. 1507, supra, as follows:

At the end of title VIII add the following:

"SEC. REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

"(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting '(a) DOD MOTOR VEHICLES.—' before 'To the maximum extent'; and

(2) by adding at the end the following two new subsections:

'(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the government and consistent with their obligation under Executive Order Number 12261 to use gasohol to the maximum extent possible, whenever the Secretry of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of title 26, United States Code, for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

'(c) SOLICITATIONS.—Whenever the Secretary solicits bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol.'

"(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act.

"(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted with respect to the Department of Defense, and the Administrator of the General Service Services Administration shall review all exemptions granted to federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871). The Secretary and the Administrator shall terminate any exemptions granted under these laws that the Secretary and the Administrator determines are no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

"(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline."

DASCHLE (AND WOFFORD) AMENDMENT NO. 962

Mr. LEVIN (for Mr. DASCHLE, for himself and Mr. WOFFORD) proposed an amendment to the bill S. 1507, supra, as follows:

At the end of part B of title XI insert the following:

SEC. 1125. DEFENSE COST-SHARING AGREEMENTS, ACCOUNTING, AND REPORTING.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall consult with foreign nations to seek to achieve, within 12 months after the date of the enactment of this Act, an agreement on appropriate defense cost-sharing with each foreign nation in which the United States has permanently stationed U.S. combat units. Each such defense cost-sharing agreement should provide that such nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States of maintaining military personnel or equipment in that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those countries which are eligible for Foreign Military Financing (FMF) assistance or Economic Support Fund (ESF) assistance.

(c) CONSULTATIONS.—In the consultations conducted under subsection (a), the President should make maximum feasible use of the Department of Defense and of the post of Ambassador at Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 U.S.C. 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNTING.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). Such accounting shall show for such nation—

(1) the amount and nature of cost-sharing contributions agreed to;

(2) the amount of cost-sharing contributions delivered to date;

(3) the amount of additional contributions of such nation to any commonly funded multilateral programs providing for United States participation in the common defense:

(4) the amount of contributions made by the United States to any such commonly funded multilateral programs;

(5) the amount of the contributions of all other nations to any such commonly funded multilateral programs; and

(6) the cost to the United States of maintaining military personnel or equipment in that nation.

(e) REPORTING REQUIREMENTS.—(1) The annual Report on Allied Contributions to the Common Defense (required by Section 1003, P.L. 98-525, Department of Defense Authorization Act, 1985) shall include information on efforts and progress in carrying out the provisions of subsections (a) and (c).

(2) The report shall also contain the accounting of defense cost-sharing contributions maintained pursuant to subsection (d).

DIXON (AND OTHERS) AMENDMENT NO. 963

Mr. LEVIN (for Mr. DIXON, for himself, Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SHELBY, Mr. THURMOND, and Mr. WARNER) proposed an amendment to the bill S. 1507, supra; as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) The success of the Armed Forces of the United States in the prosecution of Operation Desert Storm is without parallel in the history of warfare.

(2) This success was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The Commander in Chief, United States Central Command, formulated a battle plan for Operation Desert Storm that relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with this plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of the allied coalition.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the defense-related industries of the United States, and the men and women who work for such industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that ensured victory by the United States and its international coalition allies in Operation Desert Storm;

(2) future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

In section 2(b), the table of contents, insert after the item relating to section 1124 the following new item:

Sec. 1125. Sense of Congress relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

THURMOND (AND OTHERS) AMENDMENT NO. 964

Mr. WARNER (for Mr. THURMOND, for himself, Mr. DIXON, Mr. CRANSTON, and Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) GENERAL AUTHORITY.—Subject to subsection (b) and notwithstanding any other provision of law, on the date of the closure of a military installation pursuant to a base closure law the Secretary of the military department having jurisdiction over the installation—

(1) may convey to any credit union which conducts business in a facility located on such installation and constructed using funds of the credit union all right, title, and interest of the United States in and to that facility; and

(2) in the event of such conveyance, shall permit the credit union to purchase (for an amount determined by that Secretary) the land upon which that facility was constructed before offering such land for sale or other disposition to any other entity.

(b) LIMITATION.—The Secretary may not convey a facility to a credit union under subsection (a)(1) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(c) DEFINITION.—In this section, the term "base closure law" means the folowing:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of

Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Disposition of credit union facilities on military installations to be closed.

FORD (AND STEVENS) AMENDMENT NO. 965

Mr. LEVIN (for Mr. FORD, for himself and Mr. STEVENS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 72, between lines 16 and 17, insert the following new section:

SEC. 322. INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—During fiscal years 1992 and 1993, the Secretary of Defense may, as the Secretary determines to be appropriate and under such conditions as the Secretary may prescribe, lend materials or supplies and provide materials, supplies, or services of personnel to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721 et seq.) or to the joint committee described in section 9 of the Act.

(b) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

GLENN AMENDMENT NO. 966

Mr. LEVIN (for Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

In section 2(b) amend the table of contents by inserting after the item relating to section 626 the following new item:

Sec. 627. Extension of foreign post differentials to certain Federal employees who served in connection with Operation Desert Storm.

On page 147, insert between lines 12 and 13 the following new section:

SEC. 627. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM.

(a) AUTHORIZATION OF PAYMENT OF FOREIGN POST DIFFERENTIALS.—Civilian employees of the Department of Defense and the Department of State who served on temporary duty in connection with Operation Desert Storm during the Persian Gulf conflict for a period of more than 41 days in that area designated by the President in Executive Order 12744 as a combat zone are authorized payment of the foreign post differential established under section 5925(a) of title 5, United States Code. This section shall apply only with regard to service performed before the date of the enactment of this Act.

(b) DEFINITIONS.—For the purpose of this section the terms "Operation Desert Storm" and "Persian Gulf conflict" shall have the same meaning as such terms are defined under section 3 (1) and (3) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note), respectively.

McCAIN (AND GLENN) AMENDMENT NO. 967

Mr. WARNER (for Mr. MCCAIN, for himself and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. COMPREHENSIVE STUDY OF THE MILITARY HEALTH-CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system and shall, not later than December 15, 1992, submit to the congressional defense committees a report on the study.

(b) CONDUCT OF STUDY.—The Secretary shall include as part of the study the following:

(1) A survey of members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents in order to—

(A) determine their attitudes regarding—

(i) the quality and availability of health and dental care under the military medical care system; and

(ii) the premiums, fees, copayments, and other charges imposed under that system; and

(B) identify other major areas of concern to such persons regarding the military medical care system.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the results of experimental use of such alternative methods by the Department and the level of satisfaction of the persons who have received health or dental care pursuant to the experimental use of such alternative methods.

(c) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) With respect to the military medical care system, the following:

(A) The costs of the system during fiscal year 1992 and the projected costs of such system during each of the five fiscal years following such fiscal year.

(B) The Department's policies regarding the imposition of premiums, fees, copayments, and other charges under the system.

(C) Any plans of the Department to increase or reduce such premiums, fees, copayments, or other charges, stated by the category of the services for which the charge is imposed and by the status as a current member of the Armed Forces, dependent of a member, retired member or former member of the Armed Forces, or dependent of a retired member or former member.

(D) An evaluation (organized by armed force and by State and foreign country) of the availability of health and dental care to the members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents, including any deficiency in the availability of such care.

(E) A comparison (stated by armed force and by State and foreign country) of the availability of health and dental care in facilities of the uniformed services to dependents of members of the Armed Forces with the availability of such care to such dependents pursuant to contract plans, including the average delay in gaining access to such care.

(F) A comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans, stated in terms of cost per member of the Armed Forces and cost per family of such members.

(G) An evaluation of the quality and availability of preventive health and dental care.

(H) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(I) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents.

(J) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(K) An evaluation of the efficacy of the actions taken by the Department to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(L) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(M) Any other information that the Secretary determines appropriate.

(2) The results of the survey conducted pursuant to subsection (b)(1).

(3) With respect to the review conducted pursuant to subsection (b)(2), the following matters:

(A) The results of the review.

(B) A discussion of the existing methods available for providing health and dental care to retired members and former members of the Armed Forces and their dependents, including through Medicare risk contractors, as alternatives to the existing methods of providing health and dental care to such persons under the military medical care system.

(C) A description of any plans of the Department to use any alternative methods referred to in subparagraph (B) to ensure that suitable health and dental care is available to dependents of members of the Armed Forces (including dependents of retired members) and to retired former members of the Armed Forces and their dependents.

(D) A proposal for purchasing health care for persons referred to in subparagraph (C) through private sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(E) Any other information that the Secretary determines appropriate.

(d) DEFINITION.—In this section, the term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Comprehensive study of the military health-care system.

GLENN (AND McCAIN) AMENDMENT NO. 968

Mr. LEVIN (for Mr. GLENN, for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. AUTHORITY TO EXTEND CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract, with the same or a different contractor, and for such amount, as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Authority to extend CHAMPUS reform initiative.

LEVIN (AND OTHERS) AMENDMENT NO. 969

Mr. LEVIN (for himself, Mr. COHEN and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page , insert between lines and the following new section:

SEC. . RECOMMENDATIONS OF COMPTROLLER GENERAL IN BID PROTESTS OF GOVERNMENT CONTRACTS.

(a) BID PROTESTS.—Section 3554 of title 31, United States Code is amended—

(1) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement of the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(2) in subsection (e)(1) by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not be applicable to any declarations made by the Comptroller General under section 3554(c) of title 31, United States Code, before the date of the enactment of this Act. All such declarations are valid and all monetary awards to which a party has been declared to be entitled by such declarations shall be paid promptly by the Federal agency concerned out of funds available to or for the use of the Federal agency for the procurement of property and services.

McCAIN AMENDMENT NO. 970

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of importance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—(1) Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(2) The report shall specifically include the following matters:

(A) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to (i) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific, and (ii) such regional conflicts as the struggle in Cambodia.

(B) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(C) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(D) Identification of (i) any changes in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the costs of maintaining such forces, and (ii) changes in contingency and reserve armed forces in the United States and other areas.

(E) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(F) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(G) A discussion of the need for expanding the United States access to facilities in Singapore and other states in East Asia that are friendly to the United States.

(H) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(I) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(J) Changes in bilateral command arrangements that would facilitate a transfer of military missions and command to allies of the United States in East Asia.

(K) A discussion of the changes in (i) the flow of arms and military technology between the United States and its friends and allies, (ii) the balance of trade in arms and technology, and (iii) the dependence and interdependence between the United States and its friends and allies in military technology.

BINGAMAN (AND COATS) AMENDMENT NO. 971

Mr. LEVIN (for Mr. BINGAMAN, for himself and Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation the term means $100,000".

NUNN (AND WARNER) AMENDMENT NO. 972

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment.".

(b) AMENDMENT TO THE CHAPTER ANALYSIS.—The chapter analysis for chapter 67 of title 18, United States Code, is amended by adding after the item referring to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

WIRTH (AND McCAIN) AMENDMENT NO. 973

Mr. LEVIN (for Mr. WIRTH, for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 15, line 2, strike out "$10,374,839,000" and insert in lieu thereof "$10,324,839,000".

On page 16, line 4, strike out "$309,800,000" and insert in lieu thereof "$359,800,000".

BINGAMAN AMENDMENT NO. 974

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

NUNN (AND WARNER) AMENDMENT NO. 975

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. CORRECTION AND CLARIFICATION RELATING TO PILOT MENTOR-PROTEGE PROGRAM.

(a) CORRECTION TO SECTION HEADING.—The section heading of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607; 10 U.S.C. 2301 note) is amended to read as follows:

"SEC. 831. PILOT MENTOR-PROTEGE PROGRAM".

(b) REGULATIONS.—Section 831(k) of such Act (104 Stat. 1611) is amended—

(1) in the first sentence, be inserting before the period the following: "and the Department of Defense policy regarding such program (dated July 30, 1991, or any successor policy) in the Department of Defense Supplement to the Federal Acquisition Regulation"; and

(2) by inserting "and policy" after "regulations" each place it appears in the second, third, and fourth sentences.

In section 2(b), amend the table of sections by inserting after the item relating to section 834 the following new item:

Sec. 835. Correction and clarification relating to the pilot Mentor-Protege Program.

DOLE (AND OTHERS) AMENDMENT NO. 976

Mr. WARNER (for Mr. DOLE, Ms. KASSEBAUM, Mr. NICKLES, and Mr. BOREN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 394, between lines 3 and 4, insert the following new section:

SEC. 2836. STUDY OF CONSTRUCTION OF TORNADO SHELTERS AT INSTALLATIONS LOCATED IN AREAS THAT ARE PRONE TO TORNADOES.

Not later than April 15, 1992, the Secretary of Defense shall study the advisability of constructing tornado shelters at military installations that are located in areas prone to tornadoes and submit to the congressional defense committees a report on the results of the study. If the Secretary determines that such construction is advisable, the report shall contain the Secretary's proposed schedule for the construction of such shelters.

In section 2(b), amend the table of contents by inserting after the item relating to section 2835 the following new item:

Sec. 2836. Study of construction of tornado shelters at installations located in areas that are prone to tornadoes.

NUNN (AND WARNER) AMENDMENT NO. 977

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 15, line 8, strike out "$7,929,482,000" and insert in lieu thereof "$7,939,282,000".

On page 18, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 21, line 14, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 31, beginning on line 12, strike out "for fiscal year 1992".

On page 45, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 49, line 19, after "many" insert ", to the extent provided in appropriations Acts,".

On page 53, line 12, strike out "1991" and insert in lieu thereof "1990".

On page 120, strike out lines 6 through 8, and insert in lieu thereof "with respect to members of the uniformed services who are not entitled to receive the basic allowance for quarters under such section on the day before that date.".

On page 440, beginning on line 17, strike out "the availability of appropriations for the fiscal year for that purpose" and insert in lieu thereof "appropriations being provided specifically for the fiscal year and specifically for that procurement in advance of the obligation of funds for that fiscal year for that procurement".

On page 448, strike out lines 19 through 22 and insert in lieu thereof the following:

SEC. 3136. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.

On page 449, beginning on line 2, strike out "whose duties are" and all that follows through "similar emergencies" and insert in lieu thereof "who are or may be engaged in hazardous substance response or emergency response".

On page 449, beginning on line 15, strike out "response to hazardous substance releases or similar emergencies" and insert in lieu thereof "hazardous substance response or emergency response".

On page 450, beginning on line 8, strike out "to respond to hazardous substance releases or other similar emergencies" and insert in lieu thereof "who are engaged in hazardous substance response or emergency response".

On page 450, beginning on line 12, strike out "to respond to such releases or other emergencies" and insert in lieu thereof "to carry out such hazardous substance response".

On page 450, line 25, insert "and mixed radioactive and hazardous waste" before the period.

On page 452, line 9, strike out "(g)" and insert in lieu thereof "(h)".

On page 453, line 17, insert before the period the following: ", and under subsection (c) of section 2518 of such title (as added by section 803 of this Act) in the case of the establishment of advanced manufacturing partnerships under that section".

On page 453, line 23, strike out "four" and insert in lieu thereof "two".

On page 454, line 13, strike out "(g)" and insert in lieu thereof "(h)".

In section 2(b), amend the table of contents by striking out the item relating to section 3136 and inserting in lieu thereof the following:

Sec. 3136. Worker protection at nuclear weapons facilities.

On page 70, strike out line 4 and all that follows through page 72, line 3, and insert in lieu thereof the following:

States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement contract for a response action under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(i) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of a contract for a response action under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before October 1, 1991, or after December 31, 1992.".

On page 416, line 25, strike out "appropriated" and insert in lieu thereof "authorized to be appropriated".

On page 443, between lines 14 and 15, insert the following:

"(f) LIMITATION.—Funds appropriated pursuant to this or any other act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided for such contracts in advance in an appropriation act, and

(2) if such contract contains the following provisions:

(A) a statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that contract;

(B) a commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year; and

(C) a statement that such a commitment given under the authority of this section does not constitute an obligation of the United States."

KOREAN WAR VETERANS WAR MEMORIAL AMENDMENTS ACT

GLENN (AND WARNER) AMENDMENT NO. 978

Mr. LEVIN (for Mr. GLENN for himself and Mr. WARNER) proposed an amendment to the bill (S. 855) to amend the act entitled "An act to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in the Korean war, as follows:

Section 2 is amended by striking "Section 1 of the" and inserting in lieu thereof, "The".

Section 2 is further amended by striking "(a) by redesignating" through the end of the section, and inserting in lieu thereof the following:

"(a) in section 1, by striking 'H.R. 4378, as approved by the House of Representatives on September 29, 1986.' and inserting in lieu thereof 'Public Law 99-652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).'; and

"(b) by adding at the end thereof the following new section:

"'SEC. 4. Notwithstanding section 10(b) of Public Law 99-652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99-652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.'".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint hearing with the House Interior Committee, on Thursday, August 1, 1991, beginning at 9:30 a.m., in 1310 Longworth House Office Building on H.R. 1426 and S. 1036, Lumbee Recognition Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 31, beginning at 11 a.m., to conduct a hearing on the products packaging and labeling provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS COMMITTEE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 9:30 a.m. The committee will hold a second full committee hearing on the Holloway-Werner Report, an independent review of the Small Business Administration's Small Business Investment Companies Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 31, 1991, at 9:30 a.m. to hold a hearing on what Americans think about the Bentsen-Roth IRA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee of the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10:30 a.m. to hold a hearing on NAIC oversight of Executive Life.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 31, 1991, to receive testimony on S. 1351, the Department of Energy Science and Technology Partnership Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1991, at 10 a.m. on MarAd reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1991, at 1 p.m. on Soviet trade opportunities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10 a.m., for a hearing on "HealthAmerica: Views of Business, Healthcare Providers and the Insurance Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10 p.m. to hold a hearing on the nomination of Stewart Dalzell, to be U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF INTENTION TO AMEND STANDING RULES OF SENATE

Mr. DOLE. In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend the Standing Rules of the Senate, with the following amendment:

Resolved, Rule XXXVII of the Standing Rules of the Senate is hereby amended to add a new paragraph as follows:

"Notwithstanding section 501(c) of Title V of the Ethics in Government Act of 1978 as amended, honoraria may be paid on behalf of a Member, officer or employee of the United States Senate to a charitable organization, without any restriction on the amount of such honoraria.

No honoraria paid on behalf of a Member, officer or employee of the United States Senate shall be made to a charitable organization from which such individual or a parent, sibling, spouse, child or dependent relative of such individual derives any financial benefit."

ADDITIONAL STATEMENTS

TEEN HEROES

• Mr. RIEGLE. Mr. President, on July 17, 1991, in the city of Detroit, four brave young men risked their lives to capture a criminal. A woman was leaving a downtown building when a man approached her and forcibly took her purse. Antonio Larry, Ivory Ware, Dalven Washington, and Clay Vasser were bystanders, who responded to the woman's screams and raced after the robber. They did not know whether the man had a weapon, they did not know where he was going, but they knew what was right and followed their convictions. Because of their quick response, the police were able to apprehend the thief.

In these days of escalating violence, especially in our cities, these young men are heroes, because they attempted to right a wrong within their community. We need more people like them to serve as role models; not just to chase criminals—which is very dangerous—but to stand up for what is right and to take action to solve problems.

Mr. President, I want my colleagues in the Senate to know about these brave young men. I think they deserve recognition and thanks for their bravery and willingness to get involved.

Mr. President, I ask that articles from the July 18 Detroit News and Detroit Free Press about these young men be included in the RECORD.

The articles follow:

[From the Detroit Free Press, July 18, 1991]

TEENS STOP THIEF, HOPE IT HELPS IMPROVE IMAGE

(By Kristine LaLonde)

Clay, Antonio, Dalven and Ivory were eating lunch in the shade of the front stoop of the Job Corps building on East Jefferson when they heard the scream.

The four looked up to see a woman yelling that her purse had been taken.

The youths exchanged glances and said, "Let's go."

With that, Detroiters Antonio Larry, 17, Ivory Ware, 18, Dalven Washington, 16, and Clay Vasser, 19, chased a man they described as 220 pounds, but fast.

Running through a field, vaulting a fence and going through an alley, Washington felled the man with a brick just as a police officer arrived. Charges are pending against the man who was not injured.

"I never saw four people run so fast," said Lucy Peacock, 46, of Grosse Pointe Park, who was leaving the Michigan Consolidated Gas office when the suspect grabbed her purse. It has not been found.

"They were willing to put their lives on the line literally because they didn't know what this guy had; he could have had a gun or knife. . . . If it wasn't for them, this man would not have been caught."

Peacock, who is white, and the youths, who are black, said they hope the incident counteracts the impression cast by recent videotaped beatings in Detroit of two white women by black teens.

"That's put a bad image on young, black teens these days," said Vasser.

Jose DeOlivares, director of the Jobs Corps Center, where the youths live, said Detroit teens are tired of the violence and of being blamed for it.

"I think it's time some people recognize us for what we are. Some of us do care what happens," Vasser said.

[From the Detroit News, July 18, 1991]

TEENS BOOST CITY'S IMAGE BY CATCHING THIEF

(By Scott Bowles)

Clay Vasser had grown tired of seeing "the tape."

It seemed every time the 19-year-old Detroiter turned on a TV set, he was watching the videotaped beating of two suburban women during last month's fireworks at Hart Plaza.

"It gave a bad image to young black teenagers," Vasser said. "We were getting accused of everything going on in the streets. We're not all like that."

Vasser and three of his friends proved that Wednesday when they chased and caught a suspected purse snatcher accused of robbing a Grosse Pointe Park woman as she walked out of the Michigan Consolidated Gas Co. on East Jefferson.

Vasser, Antonio Larry, 17, and Dalven Washington, 16—students at the Detroit Job Corps Center next to the utility—chased the man through streets, alleys, a field and a back yard before hauling him to the pavement. Police arrived moments later and made the arrest.

A fourth Job Corps student, Ivory Ware, 18, injured his knee chasing the suspect, and was taken to Samaritan Health Center.

"I can't say enough for them," said Lucy Peacock, whose purse was stolen. "They risked themselves for me, and didn't even know me. It's heartwarming."

Peacock, 46, said she was leaving the gas company office when a man approached and demanded her purse. She struggled with him, but he wrenched it from her and fled.

"She ran by us and we asked what happened," Washington said. "So we went looking for him."

The youths spotted "a pretty big guy with his shirt off" walking about a block away, Washington said. When Peacock shouted "That's him!" the teens took chase.

"All I could think was I hope he doesn't have a gun and hurt them," Peacock said.

Larry said he also worried about being shot, but not enough to stop running.

"It's not nice to steal from a woman," Larry said. "I wouldn't want anyone to do that to my mother."

The teens chased the suspect through a back yard to an alley off Bewick when Washington dove on him, followed seconds later by his friends and then police, who had joined the foot race.

Peacock's purse, thrown away during the pursuit, had not been recovered. But she said the youths' actions were more than adequate compensation.

"It seems like the bad kids are always the ones that get the press," she said. "There are still a lot of good kids out there. I met four of them."

For their heroics, the Job Corps awarded the teens passes to a Tiger baseball game.

"I guess this is the reverse of what happened a couple weeks ago," near Hart Plaza, said Jose deOlivares, the center's executive director. "They didn't care what color she was. They just wanted to help."•

FINANCIAL REPORT

• Mr. DECONCINI. Mr. President, today, I ask unanimous consent that this statement and my financial report appear in the CONGRESSIONAL RECORD as if read.

Under the rules of the Senate, it is the obligation of Senators to classify their income and property within certain broad income categories. For the most part, Senators do so with the utmost caution and are careful to include all properties in which they have any ownership, beneficial or otherwise.

It has been my practice since coming to the Senate in 1977 to go well beyond Senate requirements and to have a financial statement prepared by an accounting firm showing the worth of total assets, total liabilities, and the net worth of both my wife and me. I have always made my financial statements available in this manner. This is in addition to all the requirements and filings set forth by Senate rules and laws regarding disclosure.

I have elected to do this because I believe close scrutiny should follow public officials. The public must be assured that an official whose assets and wealth increase during public office if fully accountable. Public officials must meet the highest standards.

I urge all Members of the Senate to continue to make full public disclosure of their assets and income. This is not a pleasant experience for any of us, but it will help build the sense that elected public officials are credible and honest.

Mr. President, I thank the Senate and Chair for their attention.

The report follows:

[From Tizzard, Plotkin, Knuttinen & Donnelly, P.C., Certified Public Accountants, Tucson, AZ, May 10, 1991]

DENNIS AND SUSAN DECONCINI—STATEMENT OF FINANCIAL CONDITION DEC. 31, 1990

We have reviewed the accompanying statement of financial condition of Dennis and Susan DeConcini as of December 31, 1990, in accordance with standards established by the American Institute of Certified Public Accountants. All information included in this financial statement is the representation of Dennis and Susan DeConcini.

A review of personal financial statements consists principally of inquiries of the individuals whose financial statements are presented and analytical procedures applied to financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying statement of financial condition in order for it to be in conformity with generally accepted accounting principles.

The historical cost/basis information in the accompanying statement of financial condition is presented only for supplementary analysis purposes and has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statement. We did not become aware of any material modification that should be made to the supplementary information.

DENNIS AND SUSAN DeCONCINI STATEMENT OF FINANCIAL CONDITION DEC. 31, 1990

	Estimated current value	Historical cost/basis
Assets:		
Cash, checking and savings accounts	$54,117	$54,117
Certificates of deposit	777,255	777,255
Miscellaneous receivables and impounds arising from rental properties	11,549	11,549
Notes receivable (Note 2)	690,950	690,950
Investments:		
Marketable securities (Note 3)	69,634	49,202
Real estate (Note 4)	4,710,925	1,622,029
Monterey Water Company (Note 5)	288,134	3,000
Partnerships, closely held (Note 6)	6,325,474	248,793
Partnerships and S-Corporations, not closely held (Note 7)	293,140	138,330
Annuity	46,098	22,573
Vested interest retirement plans:		
Individual retirement accounts (IRA's)	51,270	....
Civil service retirement fund	54,165	....
Cash value of life insurance (Note 8)	96,969	100,527
Residence (Note 9)	470,000	195,657
Personal property (Note 9)	165,000	65,000
Total	14,104,680	3,978,982
Liabilities:		
Miscellaneous payables arising from rental properties	17,307	17,307
Deferred gain (Note 2)	340,854	340,854
Income taxes—current year balance	24,549	24,549
Personal loans (Note 10)	157,800	157,800
Mortgages:		
Wraparound mortgages (Note 2)	352,085	352,085
Real estate investments (Note 4)	892,219	892,219
Residence (Note 9)	93,735	93,735
Total	1,878,549	1,878,549
Income taxes: Estimated on the difference between the estimated current values of the assets and the estimated current amounts of liabilities and their tax bases. (Note 11)	3,661,143	....
Net worth	8,564,988	2,100,433
Total	14,104,680	3,978,982

AAAAASee accountants' review report.

NOTE 1—BASIS OF ACCOUNTING

The accompanying financial statement includes the assets and liabilities of Dennis and Susan DeConcini. Assets are stated at their estimated current values and liabilities at their estimated current amounts.

NOTE 2—NOTES RECEIVABLE

	Receivable	Mortage	Deferred gain
In 1985 a residence on Crystal Drive, San Diego, California was sold to a related party with the note receivable being "wrapped around" the underlying mortgage for the same terms and amount. The monthly receivable/payable is $589 per month including interest at 11 percent.	$39,328	$39,328	....
In 1989 a shopping center at Cave Creek & Bell Road, Phoenix, Arizona was sold to an unrelated party. The note receivable is for monthly payments of 7,168 including interest at 10 percent; the note receivable matures April, 1999. The note payable is for monthly payments of $7,996 including interest at 9.5 percent; the note payable matures December, 1991.	524,622	312,757	$213,927
In 1989 vacant land on South 6th Avenue, Tucson, Arizona was sold to a related party. The note receivable is interest only at 9 percent, with a balloon payment July, 1994.	127,000	....	126,927
Totals	690,950	352,085	340,854

NOTE 3—MARKETABLE SECURITIES

The estimated current values of marketable securities are either (a) their quoted closing prices or (b) for securities not traded on the financial statement date, amounts that fall within the range of quoted bid and asked prices. Marketable securities consist of the following:

DENNIS AND SUSAN DeCONCINI NOTES TO FINANCIAL STATEMENT DEC. 31, 1990

	Number of shares or bonds	Estimated current values
Stocks:		
*COM001*First National Corp	1,585	$20,803
James Madison Limited	200	300
Lasertechnics, Inc.	1,000	750
National Education Corp	50	218
Pacific Telesis	200	9,050
Southern Arizona Bancorp of Yuma, Inc	3,150	22,050
The Price Co.	200	7,850
Valley National Corp	700	7,613
Bonds: State of Israel	1	1,000
Total marketable securities		69,634

NOTE 4—REAL ESTATE

The estimated current values were determined by use of assessed value for property taxes, inquiries of realtors familiar with similar properties in similar areas, acquisition price of recently acquired properties and appraisals of some properties. Ownership is 100 percent unless otherwise noted.

Property description	Estimated current value	Mortgage balance	Mortgage terms		
			Monthly payment including interest	Interest rate	Maturity
Joint interests:					
Alpha Beta Shopping Center 44th and Broadway Phoenix, AZ (50 percent interest)	$414,575	$375,644	$7,854	9⅝	1995
Avra Valley/Pioneer Trust Unimproved land Pima County, AZ (3.125 percent interest)	5,630	....	....	....	....

Property description	Estimated current value	Mortgage balance	Mortgage terms: Monthly payment including interest	Mortgage terms: Interest rate	Mortgage terms: Maturity
Grant/Oracle Circle/Ground lease Pima County, AZ (10.89 percent interest)	132,730	....	....	....	....
St. Mary's and Silverbell Road, ground lease, Pima County, AZ (10.89 percent interest)	200,000	....	....	....	....
Investment properties:					
Casas Adobe Vistas, Lot 17, vacant land, Tucson, AZ	50,000	....	....	....	....
1122 S. 6th, vacant land (formerly Victory Outreach) Tucson, AZ	25,000	....	....	....	....
Rancho Sin Vaca, lot 64, vacant land, Tucson, AZ	86,000	42,000	[1]	10	1995
12th and Michigan, vacant land (Serrano land) Tucson, AZ	100,000	....	....	....	....
12th and Ajo, Nat'l City Annex, lot 23, block A (behind Circle K) vacant land, Pima County, AZ	13,200	....	....	....	....
Commercial properties:					
Action Suds and Circle K, 3812/3816 S. 12th, Tucson, AZ	106,440	....	....	....	....
Drachman Building, 2345 E. Broadway, Tucson, AZ	150,000	....	....	....	....
L&L Furniture, 1140–1150 S. 6th, 1133–1135 S. Russell, Tucson, AZ	112,000	....	....	....	....
Oriental Express (formerly Tijuana Taco) 615 S. Ajo, Tucson, AZ	100,000	....	....	....	....
Pizza Hut 12th and Ajo, 605 W. Ajo, Tucson, AZ	162,850	....	....	....	....
39 cent Hamburger, 625 W. Ajo, Tucson, AZ	125,000	....	....	....	....
Residential properties:					
Canyon View Apartments, 381 Cedar Lane, Sedona, AZ	495,000	336,173	3,602	10.25	2018
House, Alta and San Carlos Street, Carmel by the Sea, CA	300,000	....	....	....	....
House, 5686 Dolphin Street, La Jolla, CA	850,000	....	....	....	....
House, 1901 N. George Mason Drive, Arlington, VA	150,000	100,273	934	10.5	2117
Salem Court Apartments, 705 Salem Court, Mission Beach, CA	800,000	....	....	....	....
Sunset Cliff Apartments, 1961 Sunset Cliff, Ocean Beach, CA	332,500	38,129	554	9	1992
Totals	4,710,925	892,219	....	....	....

[1] Annual payment $8,000 plus interest.

NOTE 5—MONTEREY WATER COMPANY

The 30 shares of a total of 430 shares outstanding (7%) were owned as of December 31, 1990. The Company primarily holds real estate investments. The estimated current value is based upon prior years appraisal as adjusted due to inquiries of realtors familiar with similar properties in similar areas. Net income of the Company for 1990 was a loss of $85,955. The unaudited balance sheet of Monterey Water Co. at December 31, 1990 is prepared on the accrual basis and is summarized below.

Cash	$53,933
Other current assets	2,946
Notes receivable	194,927
Investment, partnership	567,298
Depreciable property	122,777
Accumulated depreciation	(11,787)
Land	608,749
Other assets	16,310
Total assets	1,555,153
Other current liabilities	22,668
Stockholder loans	370,200
Notes payable	314,172
Other liabilities	123,612
Capital stock	41,300
Capital in excess of par	10,750
Retained earnings	472,451
Total liabilities and equity	1,555,153

NOTE 6—PARTNERSHIPS, CLOSELY HELD

Interests in the listed partnerships are as a general partner. Partnership activities are primarily in the area of real estate. The estimated current value of the partnerships is based upon their assessed value for property taxes, or inquiries of realtors familiar with similar properties in similar areas, or acquisition price of recently acquired properties and appraisals of some properties. Following are the unaudited condensed historical cost balance sheets and the net income or (loss) for the year ended December 31, 1990 for each partnership. The income tax method of accounting is used by the partnerships.

	2–D properties	3–D properties	4–D properties	Total
Cash	$7,323	$11,158	$154,051	$172,532
Receivables/loans	72,271	....	102,012	174,283
Other current assets	....	189,678	427,185	616,863
Investments	....	131,035	6,176,941	6,307,976
Depreciable property	41,524	2,087,993	6,049,628	8,179,145
Accumulated depreciation	(16,839)	(787,078)	(2,401,266)	(3,205,183)
Land	21,726	168,320	10,478,996	10,669,042
Intangibles	....	49,772	221,747	271,519
Accumulated amortization	....	(12,369)	(71,182)	(83,551)
Other assets	....	9,522	1,734	11,256
Total assets	126,005	1,848,031	21,139,846	23,113,882
Other current liabilities	143	1,944	243,713	245,800
Loans	....	1,137,793	9,194,802	10,332,594
Deferred gains	71,992	....	54,573	126,565
Other liabilities	....	7,439	35,639	43,078
Capital	58,870	700,856	11,611,119	12,365,845
Total liabilities and equity	126,005	1,848,031	21,139,846	23,113,882
Net income for the year ended Dec. 31, 1990	38,947	53,562	356,098	448,607
Percent ownership of income	50	33	20	N/A
Estimated current value of partnership interests	116,800	519,593	5,689,081	6,325,474

Note 7—Partnerships and S-Corporations, not closely held

Haras Sonoita, Ltd.—25 percent interest in an S-Corporation owning a race horse. Managing officer estimated the net realizable value of the horse.	$2,500
Pinnacle Peak North Investors—2 percent interest in a real estate general partnership. Estimated current value was based upon the managing partner's estimated value of the undeveloped land.	183,600
Tonopah Partners I General Partnership—16.67 percent ownership in a real estate general partnership. Estimated current value was based upon a realtor's estimated value of the undeveloped land.	82,300
Tonopah Partners II General Partnership—same as Tonopah I	12,090
W.M. Investments Partnership—13.33 percent ownership in a real estate general partnership. Estimated current value was based upon the managing partner's estimated value of the apartment and commercial buildings owned by the partnership.	12,650
Totals	293,140

NOTE 8—LIFE INSURANCE

The face value of thirteen whole life policies is $620,683. These policies have a cash surrender value of $96,969.

NOTE 9—RESIDENCE/PERSONAL PROPERTY

The estimated current value was determined by the good faith estimates of Dennis and Susan DeConcini. The residence mortgage is payable in monthly installments of $906 including interest at 8.5 percent through 2006.

NOTE 10—PERSONAL LOANS

Demand note from family member, unsecured, interest at 10 percent.	$35,000
Demand note from closely held partnership, unsecured, interest at 10 percent.	22,800
Promissory note from bank, secured by certificate of deposit, due Mar. 1, 1991, interest at 11 percent.	100,000
Totals	157,800

NOTE 11—INCOME TAXES

Estimated income taxes have been provided on the excess of the estimated current values of assets over their tax bases as if the estimated current values of the assets had been realized on the statement date, using applicable tax laws and regulations. The provision will probably differ from the amounts of income taxes that eventually might be paid because those amounts are determined by the timing and the method of disposal or realization and the tax laws and regulations in effect at the time of disposal or realization.

NOTE 12—OTHER RELATED PARTY DISCLOSURES

Other family members and closely held businesses had the following amounts receivable from or payable to the following entities at December 31, 1990:

	3-D Properties	4-D Properties
Individuals:		
Receivable	$95,917	$96,145
Payable	122,920	1,489,739
Closely held business:		
Receivable	....	29,410
Payable	29,410	....

The notes all bear interest at prevailing interest rates.

NOTE 13—FUTURE INTERESTS

Remainder interests in trusts have not been presented because the rights are not for fixed or determinable amounts.•

A SOLUTION MUST BE FOUND IN YUGOSLAVIA

• Mr. DECONCINI. Mr. President, practically every morning we have been reading in the newspapers of the mounting death toll in Yugoslavia. Following the military attack on Slovenia 1 month ago, the violence has now shifted to Croatia, where Croatian police and paramilitary units are fighting local Serbian militants and federal forces. A new cease-fire now is being sought, but there is little doubt that any agreement to bring hostilities to a halt will be extremely fragile.

The basis for the conflict is, as we all know, the disagreement which exists among the leaders of the Yugoslav republics regarding the future character of their relations with each other. Some want to maintain a federation; others advocate the creation of a confederation or association of sovereign States. These differences are exacerbated by historical animosities and virulent nationalism, which perpetuate an aversion to compromise, a distortion of truth and an attraction to unreasonable and sometimes violent alternatives.

As the violence grows, Yugoslavia itself may be added to the list of casualties. Indeed, if the fighting continues, the question which begs an answer in my mind is no longer why the country must fall apart, but why it should—and how it can—stay together any longer. And no one has done more to undermine the perservation of a united Yugoslavia than those who have sought to maintain it through undemocratic means and the threatened or actual use of force. These individuals have replaced honest dialog with destructive conflict to nobody's advantage.

Restoring the peace in Yugoslavia must be our first priority. The fighting must stop now and stop for good. There is absolutely no possibility for constructive dialog and a lasting, mutually agreeable solution while tanks are crossing the fields, jets are sweeping overhead and gunshots echo through the valleys. Making Yugoslavia fully democratic must then be an immediate second step to help outbreaks of violent clashes in the future.

Aware of the problems plaguing Yugoslavia, I suggested earlier this year that the CSCE, or Helsinki process, be internalized in Yugoslavia as a framework through which the people of that country could find an answer to their differences. The Helsinki principles have worked for a divided Europe, and they can work for a divided Yugoslavia as well. To an extent, some of the political players in Yugoslavia have acted upon this suggestion, but others unfortunately have not.

I would like to repeat some of these 10 principles, Mr. President, because I believe that they continue to provide an avenue for achieving lasting peace, democracy and stability in Yugoslavia. The ones most relevant to the Yugoslav crisis today are:

RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

This includes the right to free association and expression, as well as to have a freely and fairly elected government which respect the concepts of the rule of law. It also includes the equal application of cultural, religious and other rights of persons belonging to all national and minority groups, from the Albanians in Kosovo and Macedonia to the Serbs in Kosovo and Croatia.

TERRITORIAL INTEGRITY, INVIOLABILITY OF FRONTIERS

Despite the minority and other problems which may result from the current borders within Yugoslavia, these borders exit, and they should not be altered except in cases when it can be done peacefully, with the full, free and mutual consent of everyone directly involved. Such cases rarely come about, and seeking instead to improve the situation for people within current borders combined with an opening of borders will be much easier to achieve.

EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

This does not necessarily mean secession and independence, a frequent and mistaken assumption. This principle certainly does include, however, the right of any of the democratically elected governments within Yugoslavia to suggest reshaping their relationships with the others, in accordance with their laws, if they feel the current political configuration does not reflect the will of the peoples they represent, and some subsequent commitment on all sides to sit together and work things out. It also means that Albanians, the third most populous people in Yugoslavia, and other peoples in Kosovo as well as the mixed population of Vojvodina, Serbia's other province, must be allowed to participate in this process through their freely chosen representatives. Finally, it means a recognition by all political leaders in Yugoslavia, including at the republic level, that the self-determination of the peoples of Yugoslavia are so inextricably linked that the course set by the will of one people cannot but impact, sometimes negatively, on the course sought by another people, making an agreement acceptable to all necessary.

REFRAINING FROM THE THREAT OR USE OF FORCE

Regardless of the eventual political configuration of Yugoslavia and its six republics and two provinces, the result cannot be brought about by the threat or use of force. A solution brought about by force would not only be wrong but, as a practical matter, would be neither stable nor lasting.

PEACEFUL SETTLEMENT OF DISPUTES

A clear, firmly stated commitment by everyone to resolve disputes within Yugoslavia peacefully through willing and mutual agreement to arbitration, mediation, and other means for finding solutions to differences would add a degree of trust among the Yugoslav republics which is now totally absent.

Acceptance of and adherence to these principles within Yugoslavia, are in a real sense prerequisites for Yugoslavia as a whole or the republics individually to remain part of a democratic Europe. We cannot decide for the Yugoslavs what their future will be, but we can insist that if they wish to participate in Europe's affairs they must adhere to Europe's principles.

Mr. President, the Committee of Senior Officials of the CSCE, which includes Yugoslavia, held an emergency meeting in early June regarding the crisis in Yugoslavia, which focused primarily on the conflict in Slovenia. It endorsed the observer mission sent by the European Community countries to help stabilize the situation. Now, EC efforts are being broadened to include the fighting in Croatia. This, in my view, in a good but only temporary solution.

The Prague meeting had also agreed that the CSCE would be willing to send a good officers mission to Yugoslavia, to facilitate the political dialog among the parties concerned. This mission would not only help to stop the fighting where it now exists, but will help to keep it from spreading to other parts of the country. By working with relevant parties at the Federal, republic, and local levels, it could also encourage effort to achieve a workable compromise as the basis for further talks, such as appeared to be the case in regard to the plan tabled by representatives from Bosnia-Hercegovina and Macedonia in June. I believe that the CSCE good offices mission should be organized by the CSCE States immediately. Representatives of Germany, which is currently chairing the Committee of Senior Officials, should get together with the Yugoslav authorities as soon as possible to work out the composition and scope of the mission.

As Cochairman of the Helsinki Commission, Mr. President, I have had the opportunity to travel to many parts of Yugoslavia and to meet with many people from that country. I have also had the opportunity to meet with many Americans whose roots go back to Yugoslavia. I am well aware of the richness of their diverse cultures of the peoples of Yugoslavia, the pride they have in their respective histories, and the natural beauty of their lands. If they fall into civil war, the peoples of Yugoslavia needlessly put at risk all that they have. In conclusion, therefore, I urge governments at all levels in Yugoslavia and all of the people in that country to put the killing behind them now, to return to the negotiating table, and to open the dialog to all who are willing to engage in it.•

SENATOR ROCKEFELLER'S SPEECH TO THE ASIA SOCIETY

• Mr. BENTSEN. Mr. President, we are all aware of the importance that international trade and competitiveness will play in our Nation's future. It is one of the cutting edge issues facing our country today.

That is why the Senate is particularly fortunate to count among its Members the Senator from West Virginia, Senator ROCKEFELLER. I know of no Senator who has been more concerned and more determined in his efforts to strengthen America's economic position in the world today.

Recently, I was pleased to read remarks which Senator ROCKEFELLER made to the Asia Society. In his remarks, Senator ROCKEFELLER presents a pragmatic assessment of where America stands today and a clear vision of where it needs to go.

He emphasizes that we cannot close our eyes to the increased economic competition America faces today. He points to one of the great truths of our time, a point many of us have made repeatedly: that an economically strong America is the cornerstone of a successful foreign policy as well.

I believe Senator ROCKEFELLER'S remarks should be read by anyone interested in determining how America must respond to the challenges of increased international competition today. I insert the text of Senator ROCKEFELLER'S remarks in the RECORD in full.

The speech follows:

THE UNITED STATES AND ASIA IN A CHANGING WORLD

It is a great pleasure and privilege for me to speak at your Annual Dinner. As you know, my father founded the Asia Society. He would be pleased to know how much you have done over the years to realize his vision of deeper American understanding of Asia and to create the partnership between Asians and Americans so necessary to both our futures.

We meet at a critical time for America—at home and abroad. As we rush toward the 21st century, we face a rapidly changing world. Yet our policies and our point of view remain the same. Tonight, I want to focus our collective attention on that changing world and how we have to change to deal with it.

We begin with the end of the Cold War. The Communist Bloc has vanished. Its remnants are busy sorting out their political and economic lives. The Soviet Union has been revealed as the emperor with no clothes.

This change has brought with it an end to the simplicity and discipline of a bipolar world. We—and the Soviet Union—used to be able to control—or at least define—events. Most nations fell into one or the other camp. Now we face an explosion of mischief makers and internal change. Libya and Iraq are in a class by themselves. But numerous other countries face renewed internal divisions with escalating violence. Yugoslavia. India. Sri Lanka. South Africa. Ethiopia. Many of the West African countries. Bulgaria. Albania. Proliferation of missile technology and chemical and biological weapons makes the irresponsible not just an annoyance, but a deadly force.

In an age of uncertainty, we can be certain only that there will be more troublemakers. And as they grow, our capacity to deal with them declines. The world looks to us for leadership, particularly in the wake of the Gulf War, but it will increasingly find us wanting. Because the definition of leadership is now measured in economic terms. It is that new reality we must acknowledge today.

The old question for America was one of will—do we have the will to shape events and lead the world? Another old question—do we have the means * * * can we afford to lead the world?

Today the question has changed. In our new world, can we afford not to lead?

Mao Zedong said that power grows out of the barrel of a gun. He may have been right for his time and place. Today, however, power grows out of the oil barrel, the wheat bushel, the steel mill, the semiconductor plant, the software creator.

The Gulf War proved that military force, to keep the peace, will still be necessary. But today it takes more than force to lead the free world. Foreign policy is now a vital part of our Nation's economic well being. The steel factory in West Virginia, the auto plant in Flint, the chip manufacturer in Silicon Valley all have a stake in foreign economic policy.

As a Nation, we cannot close our eyes to economic realities. We cannot just hope the competition away. We cannot legislate the competition away. Nor can we just dream of better days. We need a foreign policy based on vision and economic realities.

But the Administration has closed its eyes. It fails to understand that an economically strong America is the cornerstone of our foreign policy; and even more, that a strong foreign policy is essential to our economic well being.

This is a fatal flaw. During the 1988 campaign, George Bush was accused of lacking vision, a charge he dismissed as irrelevant. We are not seeing—and paying for—the truth of that accusation.

Nowhere is the economic challenge more clear than in Japan. The issue is not the aggregate trade deficit, which has been shrinking slowly. Rather we should learn from its composition. Our exports of wood, meat, grain and minerals have been increasing. Our imports of power generating equipment, and manufacturing and data processing machinery also are increasing. In economic terms we risk becoming a colony—exporting raw materials and importing manufactured goods.

That is particularly true for those critical technology sectors that make us a world leader. Semiconductors and the means to make them. Computers. Lasers. Composite materials. Robotics. Ceramics. These are not winners by choice, as the Administration would have us believe. They are winners by necessity. I tell you without hesitation and without qualification that we will not survive militarily or competitively in the 21st century without them.

But Japan has succeeded at recognizing how technology is changing the face of economics. At how to support technology development within a government framework that maintains competitiveness. At how to translate technology into high quality marketable products.

Their success has not always come by Western rules, but is has in large part come at our hands. History is replete with cases of dumping, infant industry protection, targeting, and creative use of patent law to obtain our technology and deny us access to their market. Our response to these actions has been too little too late. We persist in seeing the Japanese not as they are but as we want them to be, waiting for them to act like us while our global position erodes. The most compelling statistic is the 32,000 transactions over 25 years when we sold them $500 billion of our technology for $9 billion. We have created our own problem; yet we wait for Japan to solve it for us.

A recent report prepared for the CIA characterized Japan as aiming for "unequivocal economic dominance" of the world. But the report also points us toward a solution. It says the United States "'needs a shared vision' of its global economic future, and a national strategy for the growth of knowledge and technology-driven industries." And that is a succinct summary of our failure—a failure of vision and of will, a failure to deal with the economic realities of foreign policy.

More than 20 years ago, Robert Kennedy said something that personified his approach to public service. "Some men see things as they are and ask, 'why.' I see things as they should be and ask, 'why not.'" Today the Bush Administration refuses to see things as they are and never asks how they should be.

As a result, we avoid the more painful reality of learning how to defend our own interests—both business and government.

The tragedy is that it hurts both the United States and Asia. Good relations are built on strength and respect, not weakness. If we deal with our problems, we have nothing to fear from Japan's success and the renewed sense of confidence in the ASEAN countries. And they will welcome our more credible commitment to the region.

But the Asian challenge requires new creativity on our part in competing. Basic industries remain critical to our infrastructure and our industrial base. Competitiveness will mean better trained workers and more far-sighted managers.

Today's high technology is characterized by short-life cycles, very high R&D costs, investment in intellectual property rather than fixed assets, and high mobility of production. Trade rules and economic policies developed 40 years ago for basic industries don't fit. We have identified tomorrow's problems, but we are using yesterday's tools to deal with them.

We need to lower the cost of capital. Encourage patient capital. Allow companies to work together to overcome huge R&D costs. Retrain our work force with contemporary skills. Vigorously promote exports. Nurture critical industries.

This is not a new list, and there is no lack of proposals to achieve these goals. What we miss is Presidential leadership.

The Administration's response has been to deny the problem. The Three Blind Mice—Sununu, Darman, and Boskin—have systemically suppressed reports that detail our loss of competitiveness and have harassed out of their jobs those who have dared to speak the truth. America is willing to take on the competitive challenge but cannot do so without the Presidential leadership that has been lacking.

Elsewhere on the continent our challenge is to turn potential problems into opportunities. Nowhere is the task more staggering than in India. But much can be accomplished if India chooses the path of free market economics. We should resist the temptation to turn away in frustration and instead engage India—at the government level and at the corporate level—to move in the direction that will benefit both her people and the trading system.

We have had historically close political and military relations with Taiwan and Korea, which we want to maintain. Our challenge is to assist in their evolution toward open market economies. Admission of Taiwan to the GATT as a developed country would be an important signal that these countries are prepared to assume the international responsibilities that come with economic progress.

That, in turn, brings me to the difficult question of China. We all know that China has taken a detour in its evolution toward freedom and democracy.

And, it has once again taken a hard turn to the left economically. Decision making is being re-centralized. Central planning is on the upswing. In the last two years there has been a huge increase in the number of Chinese unfair trade practices. Dumping. Subsidization. Theft of intellectual property. Outright fraud in labeling. In their drive to earn hard currency, they have continued their program of missile sales to countries like Iran, Syria and Pakistan, despite their promises to stop.

These are not the actions of a country seeking to join the community of nations as an equal. These are the actions of an international outlaw. A government swimming against the tide of democracy and market economics that has swept the rest of the Communist world.

Will rejection of MFN change China's behavior? Probably not. Will renewal? Again, probably not. But the issue is not about short term problem solving. It is about what standards of behavior are appropriate for nations entering the 21st century. It is about how to integrate China into the community of nations permanently. It is about recognizing the inevitable—that the experience of Eastern Europe will spread to China. We should prepare for it now rather than ignore it through blind support of a bankrupt regime. We are in the process of developing in the Senate a set of carefully crafted conditions that will encourage an evolution towards civilized behavior, with the cost of failure being denial of MFN. I hope that approach will ultimately have the President's support.

As you can see, these are all complex, difficult problems. The principle we must follow in solving them is that Asia's future lies in our strength, not our weakness. Our continued presence there will be a force for peace, stability, and the market system. I believe that our challenge is to maintain and add to that strength.

Former Israeli Foreign Minister Abba Eban once said that nations always do the right thing in the long run * * * after they have exhausted all the other alternatives. In a difficult, dangerous world, a world of military challenges and economic necessities, we don't have the luxury of exhausting the alternatives. Nor do we have the time. We simply have to get it right the first time.●

PUBLIC SERVICE SCHOLARSHIP WINNER

● Mr. BOND. Mr. President, I rise today to recognize an outstanding young man from Missouri who has been chosen from over 300 applicants to receive one of the 1991 Public Service Scholarships. I am speaking of John Marion from Springfield, MO.

I join with his family and friends in congratulating him as he accepts this scholarship given by the Public Employees Roundtable. The State of Missouri is fortunate to have young people, such as John Marion, who serve as role models to present and future generations on the importance of community involvement.

Mr. President, I ask that John's winning essay on "Why I Have Chosen to Pursue a Government Career" be printed in the RECORD.

The essay follows:

WHY I HAVE CHOSEN A PUBLIC SERVICE CAREER

(By John D. Marion)

As most boys are at an early age enamored with the sights and sounds of a racing fire engine, weaving in and out of traffic with effortless ease, firefighters hanging onto the side of the pumpers, heavy coats flapping in the wind, and oh, that wonderful fire-engine red helmet, so was I.

Through the Boy Scout organizations I was introduced to the firefighting occupation and began my career as a 16-year old volunteer firefighter in Cy-Fair, Texas. Through this volunteer organization I obtained my emergency medical technician (EMT) license and became a paid firefighter with Conroe, Texas after passing fire-fighting school at Lamar University. After 4 years of service, I applied to and was accepted by the City of Springfield, Missouri Fire Department. I am participating in the City's liberal tuition reimbursement program while pursuing degrees in public administration.

I have chosen to pursue a public service career within the municipal fire service. The fire service is the oldest protection service in the United States. During the early years, the fire service consisted of untrained citizen brigades carrying buckets of water evolving to horse-drawn, manually-operated pumps and volunteer firefighters. As society has progressed so has the technology available to the fire service. Today computer-operated apparatus and state-of-the-art protective clothing along with other advances are available to increase fire service performance. I have chosen the fire service for two reasons.

Personal satisfaction of serving the community in which I live. The fire service both protects lives and property. I have been involved with the fire service for about 8 years and have had the opportunity to help my fellow citizens with their individual crises. Every day the fire service is faced with fires in homes, apartments, warehouses, cars, and trailers; rescues from motor vehicle accidents, lakes, high-rise structures, burning buildings, etc. The satisfaction of rescuing a person who is trapped in a care that is twisted and smashed around their body, the satisfaction of helping another deliver a baby, the satisfaction of saving a family's belongings from a raging fire, or even the satisfaction of teaching a small child to stop-drop-and roll often creates, for me, a feeling of euphoria.

Employment security—As a fire fighter, or in almost any government career, jobs seem to be more stable than in the private sector. The salary of a public service career employee may not be as monetarily rewarding as the private sector but at least one knows a certain amount of job security.

Challenging—Presently as a firefighter I am faced with technical issues, i.e., fighting fires, rescuing victims, operating fire department equipment. Future challenges in the administration of a fire department will include a lot of public relation work, operating within the constraints of city/county budgets, training the public in fire safety prevention, and other untold daily operational issues. It appears that the fire department accepts new challenges each day and with my educational and work experience background and desire to further my career within the fire service department, I will be ready for those challenges.

The fire service has progressed by leaps and bounds but needs strong leadership to ascend to even further technological and managerial excellence. I feel I have the qualities needed to lead the fire service into the future.

My long term goal is to earn a bachelor and master degree in public administration from Southwest Missouri State University (SMSU) ultimately becoming fire chief of a large metropolitan city. Along with my work experience, the education I receive will help me in my quest to serve as fire chief.

Many people think that education alone automatically qualifies an individual for a leadership position. I feel that although an education is important, one must develop a passion for his/her career choice. As a fire chief I hope to pass on this passion for the fire service that I have had for many years to my co-workers and future employees and lead the fire service into the future.●

CABLE INDUSTRY LETTER

● Mr. FOWLER. Mr. President, I submit for the RECORD a letter recently received by all Senators from 13 leading basic cable television programmers.

The programmers believe that S. 12, proposed legislation to reregulate the cable industry, would severely limit future improvements in the quality and diversity of basic cable networks. Based on the viewpoints and information they have provided, this may well be an issue that merits further consideration.

Indeed, the industry does seem to have made impressive strides in program diversity. Viewers, by and large, do have more choices—among sports, news, old movies, new movies, children's programming, minority-oriented channels, and much more. I don't believe anyone, including the industry's severest critics, wants to reverse that trend. We should not ignore that in our approach to cable regulation.

S. 12 is prompted by concerns which I certainly share—they are the concerns of many of our constituents—about cable rates and customer service. But this Senator would be concerned if cable reregulation is done in a way that hurts programming, or that impedes the continued development of technology—like fiber optics and channel compression—which brings more channels and more reliable, better quality service to the customer.

Mr. President, I commend this letter to the attention of my colleagues.

The letter follows:

WASHINGTON, DC,
June 18, 1991.

Hon. WYCHE FOWLER, Jr.,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR FOWLER: On May 14, the Senate Commerce Committee approved S. 12, "The Cable Television Consumer Protection Act of 1991." As leading cable programmers, we are very concerned about the bill's reach and ramifications.

Proponents of S. 12 view reregulation of cable television as necessary to protect consumers from excessive cable rates and to ensure that competing technologies have access to sufficient programming. We do not agree.

Basic cable today is a terrific entertainment bargain. We are able to provide consumers with better, more diverse programming now that ever before at an average basic rate of around $20 per month, less than the cost of a family outing to the movie theater. This is a direct result of cable rate deregulation.

In most places, cable receives adequate competition from local broadcasting, which receives two-thirds of all television viewing.

Cable's multichannel competitors, including microwave transmitters (MMDS) and satellite dish program packagers, already have sufficient programming; what this bill gives them is our programming at cable systems' wholesale prices, despite their very different cost structures and business plans. It is a government mandate for cable's competitors to make larger profits at the expense of programmers.

S. 12 is far from a targeted measure to restrain rates and encourage competiton. In our view, the bill creates a regulatory environment in which it will be difficult for programmers to provide cable subscribers with better and more diverse viewing alternatives.

RATE REGULATION

Of foremost concern to cable programmers is the rate regulation contained in S. 12. Under the bill's regulatory scheme, price cap rate regulation is extended to cover virtually all advertiser-supported cable networks. This is true because the bill provides that if less than 30% of a cable system's subscribers take only the lowest, universal tier, regulation extends to the next tier. A programmer has two choices: be regulated or lose 30% of its subscribers. No basic cable network can afford to lose 30% of its subscriber fees and corresponding advertising revenues in order to avoid regulation. Therefore, no basic cable network, as currently configured, will be free to develop without regulatory restraints, responsive instead to the desires of the viewing public.

Unlike rate-of-return regulation under which a cable operator could mark up and pass through programming cost increases, the price-cap regulation in S. 12 would make programming improvements for existing cable networks and the creation of new cable networks extremely difficult. Do we want to freeze and maintain the status quo of programming for consumers? That is what this bill does. Unless a cable operator can be convinced that additional funding for programming will add sufficient new subscribers or will otherwise offset his increased expenses, the operator will view—quite correctly—every new penny so spent as coming from his bottom line.

Since deregulation took effect in 1987, basic cable network spending for programming has increased 2½ times. During the same time period, over 13 million new subscribers were added and basic cable's share of viewing nearly doubled. If the consumer is the true concern, reregulation will reduce dollars available for quality enhancement of existing programming and for new programming choices.

Despite the major gains in viewership to cable networks, cable programmers have far to go in their competition with broadcasters. Two-thirds of television viewing still goes to over-the-air broadcasters, while the ninety-plus cable networks taken together receive about a quarter of viewing. And, even with the jump in cable networks' spending for entertainment programming, the programming expenditures of each broadcast network alone far exceeds that of all cable networks combined. A regulatory framework which puts a lid on programming investments cannot help but impede further cable programming improvements at the expense of both cable networks and viewers.

COMPETITIVE ADVANTAGES FOR BROADCASTING

While rate regulation would disadvantage cable programmers in their competition with broadcasting, S. 12 contains additional provisions tilting the balance in favor of the broadcast players who already possess the great majority of viewing. The legislation reserves up to one-third of cable systems' capacities for over-the-air broadcast stations and guarantees that broadcast stations can obtain the most favorable channel positions. There is no requirement that cable operators carry popular cable networks and no guarantee that cable networks will not be moved to less-favored channel positions. Quite the contrary, channel shifting or deletion of cable networks is exactly what will take place if this bill passes.

With one hand, the bill requires cable systems to carry weak broadcast stations, including home shopping stations—granting them government-conferred preferential treatment over cable networks. With the other hand, the bill allows strong broad-casters to demand payment from cable systems for their signals. Why should cable subscribers who choose to use a cable "antenna" rather than a rooftop antenna to receive broadcast stations pay for a service which broadcasters, by government license granted at no cost, are required to provide free over the air?

REGULATION OF PROGRAMMING CONTRACTS

Also disturbing to cable programmers is a provision in S. 12 which requires most cable programmers (those in which a cable operator has even a minor financial interest) to make their services available to all cable systems, cable cooperatives and other program distributors at "nondiscriminatory" prices, terms and conditions. This provision puts the government at the negotiating table, granting small cable operators, cooperatives and other program distributors leverage over cable programmers in a way that existing antitrust law would not. To the extent that this provision may be applied retroactively to existing contracts, it is punitive in the extreme.

Large cable operators frequently do obtain lower prices from programmers. These lower prices may be justified fully because, in addition to providing volume, the large operator is able to promote and market a program service and to otherwise enhance the distribution of a program network in many ways that small operators and cooperatives cannot or will not. In addition, lower rates may reflect risks undertaken by cable operators who supported initial launch of a fledgling network in return for long-term, low-cost contracts.

Basic cable programming has had a real chance to develop and compete only since the Cable Act took effect in 1987. Although the record of the Senate Commerce Committee reflects nearly universal praise for basic programming, the massive reregulation proposed in S. 12 will reimpose a hostile environment in which the positive developments of the last four years could not have taken place.

The potential of S. 12 to hurt the quality of programming offered by basic cable far outweighs any savings the bill could shave from the cost of $20 service. We are grateful that the Administration opposes enactment of S. 12, and urge you not to support this legislation.

Respectfully submitted,

Thomas F. Burchill, President and Chief Executive Officer, LIFETIME Television; Winston H. Cox, Chairman and Chief Executive Officer, Showtime Networks Inc.; David Hall, Vice Chairman/General Manager, The Nashville Network; John S. Hendricks, Chairman and Chief Executive Officer, The Discovery Channel; Robert L. Johnson, President, Black Entertainment Television; Kay Koplovitz, President and Chief Executive Officer, USA Network; Geraldine B. Laybourne, President, NICKLODEON/ Nick at Nite.

Andrew H. Orgel, President and Chief Executive Officer, Video Jukebox Network, Inc.; Sharon Patrick, President, Rainbow Programming Holdings, Inc.; Timothy B. Robertson, President and Chief Executive Officer, The Family Channel; Joseph Segel, Chairman and Chief Executive Officer, QVA Network, Inc.; R.E. Turner, Chairman and President, Turner Broadcasting System, Inc.; John O. Wynne, President, Landmark Communications, Inc.•

HONORING ALLEN-EDMONDS SHOE CORP.

• Mr. KASTEN. Mr. President, I rise today to honor the accomplishment of the Allen-Edmonds Shoe Corp. of Port Washington, WI. In recognition of its growing export program, Allen-Edmonds has received the President's "E" Award for distinguished achievement in foreign trade.

Allen-Edmonds has succeeded in the face of both strong foreign competition and very high tariff barriers in foreign countries. It has succeeded through hard work—and producing a singularly excellent product.

Allen-Edmonds shoes are indeed a world-class product. Company President John Stollenwerk and his 400 employees deserve the congratulations of all Americans who care about the future of our country's manufacturing sector. Every day, they are providing us with an inspiring example of the pursuant—and attainment—of economic excellence.•

THE SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT

• Mr. BINGAMAN. Mr. President, I rise today to call the attention of my colleagues to an important piece of legislation that was approved by the Senate last night. The bill, H.R. 2313, the School Dropout Demonstration Assistance Act authorization, will ensure a continued Federal commitment, albeit a minor one, to our Nation's effort to address the formidable and growing problem of school dropouts. H.R. 2313 reauthorizes for 3 years a program created in 1988 to help States and local educational agencies develop and expand programs aimed at encouraging students to stay in school or reenter school if they have dropped out.

The legislation we approved last night also reauthorizes and improves the Star Schools Program Assistance Act, which was first authorized 4 years ago. This vital "interactive instruction" tool deserves our strong support.

Mr. President, both of these are important reauthorizations; but the provision of H.R. 2313 that I wish to highlight does not reauthorize an existing program. The provision with which I am chiefly concerned impacts—and improves—the National Literacy Act, which the President signed into law last week. Section 313 of H.R. 2313 clarifies key points regarding a National Literacy Act grant program that will assist in establishing and improving State and local prison literacy and life skill training programs.

I am pleased to have had the honor of working on this provision with my good friends and distinguished colleagues, Senators KENNEDY and PELL, and our distinguished colleagues in the House, Representatives GINGRICH, KILDEE, and GOODLING. I especially want to commend Mr. GINGRICH for his longstanding commitment to prison literacy.

The issue of prison literacy is a familiar one to my colleagues. Earlier this month, we debated and approved a modified version of an amendment I offered to the crime bill regarding prison literacy and life skill programs. That amendment authorized the Attorney General to make grants to State and local correctional agencies and correctional education entities to help them establish and operate literacy and life skill programs in their prisons, jails, and detention centers.

The provision we approved yesterday as part of H.R. 2313 creates the same authorization within the Department of Education. It reenforces our commitment to fighting crime, and sends a clear message that we are serious about achieving the President's national education goals which he and the Nation's Governors established.

Mr. President, as you probably know, goal No. 5 states that "[e]very adult American should be literate and possess the knowledge and skill necessary to compete in a global economy and exercises the rights and responsibilities of citizenship." This goal includes individuals incarcerated in our Federal and State prisons. And this provision is a small—but significant—step toward that goal.

I am convinced that education will reduce recidivism and that the programs that this provision will help fund will ultimately benefit our national economy and reduce the level of fear of crime that exists in America today. Currently, more than 620,000 individuals are incarcerated in the United States. Most cannot read or write. In fact, today's inmate population represents the Nation's single largest concentration of illiterate adults: a full 60 percent—372,000 individuals—are functionally illiterate.

Once released from prison, many of these people stand a good chance of returning. This is because they are leaving prison the same way they came in: illiterate. Without the basic skills of reading and writing, chances are low for finding legitimate employment in our increasingly complex, information-based society.

Being illiterate is, of course, not the only reason one turns to a life of crime. But the fact that more than 60 percent of our prison inmates are functionally illiterate should focus our attention on this connection. Jerome G. Miller, president of the National Center on Institutions and Alternatives, recently stated:

> Education deters criminal activity. * * * Studies show that those with a high school diploma who spend time in prison are less likely to be rearrested than those who hadn't graduated from high school. The likelihood of being arrested for delinquent behavior as a teenager is nearly twice as great for children who do not have the Head Start advantage as for those who participate in this extensive early education program.

I agree with Mr. Miller: Education deters criminal activity. Fortunately, the directors of the Federal prison system, along with several of their State counterparts, already have recognized the importance of education and have established a wide variety of literacy and life skill programs in their prison systems. States such as Virginia, Tennessee, and Pennsylvania have enacted legislation that links literacy with parole.

Nearly 10 years ago, the Federal Bureau of Prisons adopted its first mandatory adult basic education policy. Originally, the policy required that all inmates who functioned at the sixth grade reading level or lower must enroll in an adult basic literacy program for 90 days. Using incentives, rewards, encouragement, and work promotion opportunities, the Bureau has combined work and education to create a program that has far exceeded the expectations of inmates, staff, and observers.

Currently, all new admissions to the Federal prison system are tested to determine their incoming literacy level. If a new inmate does not meet a minimum level of literacy competency, he or she is enrolled in a program aimed at providing quality instruction by a qualified reading specialist. Together, they work toward a tangible, measurable goal of increased reading and writing ability. The almost universal acceptance of this program and widespread appreciation for its results recently led the Bureau to strengthen its requirements.

After completing the sixth-grade achievement level pilot program in 1985, the Bureau raised the mandatory literacy standard to an eighth-grade equivalency. Today, the standard is 12th-grade equivalency and more than 120 days of instruction, with a focus on training for higher-skill, higher-paying jobs in outside job markets. Nearly 35 percent of the Bureau's inmates are now enrolled in school, with half of those continuing their studies after the mandatory 120-day period. The fact that no legal action or grievances have been filed as a result of the program is a fact worthy of note.

Through this provision, we will be helping our State and local prison systems, jails, and detention centers work toward this same goal. Mr. President, I am proud to say that my home State of New Mexico already has come very close to the Federal concept in creating a comprehensive program that addresses the needs of both the inmate population and the citizens of our State.

The need for this program in New Mexico is great. When using an eighth-grade equivalency standard, 70 percent of the New Mexico inmate population was deemed in need of a literacy education program. Recently, a study conducted at the New Mexico State Prison revealed a 15-percent recidivism rate for those inmates who had completed at least one college class at the prison's university extension program, versus a recidivism rate of 68 percent for the prison's general population.

Other studies conducted around the country reveal similar statistics. For example, an Ohio study, conducted in 1985, of individuals on probation from prison found that education program participants has a 16-percent recidivism rate compared with 44 percent for the control comparison group who received no literacy training.

Mr. President, I want to briefly mention the other type of prison education program for which this provision authorizes funding. Under this provision, the Secretary may award grants to help States and local correctional agencies and correctional education entities establish and operate programs aimed at developing and improving the life skills incracerated individuals will need to successfully re-integrate into society. Important life skills include self-development, communication skills, job and financial skills development, education, interpersonal and family relationship skills, and stress and anger management.

Grants authorized under this amendment would be awarded to agencies and entities that show the most promise for eatablishing low-cost, innovative, and effective programs capable of being replicated in other systems, prisons, jails, and detention centers.

I believe an excellent example of the type of program this amendment envisions is the Comienzos Program at the Bernalillo County Detention Center in Albuquerque, NM. I had the pleasure of touring this facility and sitting-in on a session of Comienzos last month. This program is a novel and innovative approach to jail education, conceived and developed by Sisters Mary Jo Boland and Natalie Rossi in Albuquerque.

Comienzos, which operates in conjunction with the Center's nationally and internationally renowned literacy program, focuses on issues important to inmates who will one day return to society. These issues—or life skills—include self-development, communication, job and financial skills development, enhancement of educational skills, interpersonal and family relationship development, behavior modification, and stress and anger management.

Over an 8-week period, Comienzos helps inmates develop these skills through lectures by staff, special guest speakers, and residents; group interactions and discussions; interactive videos and tapes and written material; and artistic expression.

This program is not only a humane approach to incarceration; it is also a positive strategy for combating the rising rate of recidivism in our Nation's jails. Its goal is simple and profound: to povide individuals with the basic tools needed to cope in a complex society. This is exactly the type of program we should encourage if we are serious about our commitment to reducing crime in the United States; and this provision provides that encouragement.

Mr. President, the data is clear, the conclusion is simple: Education works. To refuse to support literacy programs and life skill training for incarcerated individuals is, in my view, very shortsighted.

I believe that if we really want to fight crime, we must give people a fighting chance. This provision will help give incarcerated individuals around the country that chance. Through our action last night, we may have actually done something significant to fight crime and, at the same time, helped begin improving our Nation's embarrassingly high illiteracy rate. Thank you.•

JAPANESE CIVILIAN RESEARCH EXCEEDS OUR OWN

• Mr. BINGAMAN. Mr. President, I want to call my colleagues' attention to a report which came across my desk yesterday. The Japan Economic Survey's July 1991 issue carries an article entitled "Japanese R&D Expands again." It is an article full of dry, but very significant statistics, which point to the discouraging trends in the technological leadership of this country.

According to the article, total Japanese R&D spending in their fiscal year 1989, which runs from April 1, 1989 to March 31, 1990, was 1.8 trillion yen, which translates to $87.4 billion at an exchange rate of 135 yen to the dollar. This was a solid 11.2-percent increase over the previous year. The Japanese private sector provided the vast majority of that funding—$71.1 billion, a 12.9-percent annual increase. The article notes that since Japan spends only a small fraction of its overall R&D funding on defense technology—less than $1 billion—it is "possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States."

Mr. President, let me repeat that: it is "possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States." This is not just possible, it is darn close to certain that the Japanese are or will soon be outspending us on civilian R&D given the funding trends, especially in industry. If it didn't happen in 1989, it happened in 1990 or will happen this year.

The article goes on to point out that the fruits of that Japanese R&D investment are increasingly reflected in the amount of licensing fees and royalties received by Japanese firms for technology. Those royalties increased by "a whooping 34 percent" in 1989 to $2.4 billion. Japanese firms spent the same amount, $2.4 billion, to license technology from foreign firms, only a 6-percent increase over the previous year.

The bottom line, Mr. President, is that Japan's status as a technological superpower, second only to the United States and fast overtaking us in all but purely defense technologies, becomes more evident with each passing year.

Japan has long ago outgrown the stereotype of a country dependent on innovation abroad. Increasingly, they are the innovators. According to the Commerce Department's Emerging Technologies Report, the trends in 10 out of 12 technologies covered by that report favor Japan and they already are ahead of us in 5 of those technologies. The Defense Department's Critical Technologies Plan puts the Japanese ahead of us in 5 of 21 critical defense technologies, and abreast of us in 6 others.

While Japan pushes ahead with a clear determination to dominate the knowledge-intensive industries which they believe will be most important in the 21st century, the United States continues to behave incoherently in our own technology policy. It has gotten to the point that the White House is fighting even a modest effort to give the White House Science Office the staff and continuity needed to map a strategy for this country in critical technologies. To the laissez-faire ideologues in the White House, even having a coherent strategy for managing the annual $75 billion Federal R&D enterprise is a threat to their laissez-faire dogma. We apparently are not supposed to pick winners and losers even among technologies. The ideologues in the White House are apparently oblivious to the fact that that is exactly what the R&D managers in the mission agencies do every day.

I admire the Japanese determination to lead in high-technology development and in the application of those technologies in the marketplace. That was once an American characteristic, a characteristic which must be rekindled if we are not to lose our place in the next century.

In my view both government and industry are at fault. Our government must do a better job of providing the infrastructure needed to keep the United States at the forefront of technology development. As a fraction of gross national product, we spend about the same amount as the Japanese government does for civilian R&D—in both countries about .6 percent of GNP. But the Japanese government's R&D investment is much more closely coupled to the needs of industry than is our own. Much less of the Japanese government's investment is spent on big science projects, and much more of it is devoted to multi-disciplinary middle science and technology projects of direct relevance to industry in areas like optoelectronics, materials science, superconductivity, biotechnology, high-performance computers and software.

If we are going to meet the challenge from Japan, we are going to need to do a much better job in directing our Federal R&D enterprise. We need both our civilian R&D investment to be better coordinated with industry and our defense R&D investment, sixty times the size of the Japanese counterpart, to be more heavily weighted toward the dual-use technologies in which we are falling behind. The high-performance computing program, a coordinated effort of all the Federal mission agencies and industry, must become the rule, not the exception, in our technology policy.

Our Government also must help to create an environment in which our private sector will invest adequately in R&D, although ultimately the U.S. private sector will itself need to realize the bankruptcy of its current focus on short-term profits at the expense of long-term innovation and market share. In 1989 Japanese industry was already spending more on self-funded R&D than was United States industry despite the far larger size of our economy. Japanese industry spends 2.3 percent of GNP on R&D. Our industry spends 1.4 percent of GNP on R&D. Japanese industry is increasing its investment in R&D at an annual rate of almost 10 percent above inflation. American industry's investment in R&D has not kept pace with inflation the past 2 years.

Lenin is reputed to have observed, in referring to tanks, that "quantity has a quality all of its own." That is as true in the laboratory as it is on the battlefield. How long can American industry expect to remain competitive when its chief rival is outspending it year after year? Our university education system may still be unmatched. We may still be garnering the bulk of the Nobel Prizes. But in my view it is time to recognize that, if we maintain our current approach to technology policy in government and to R&D and capital investments in industry in this country, we will lose our preeminent position in science and technology and in the industries which are most dependent on technological innovation.

I believe that that is an unacceptable course for this great Nation. I am sure that most, if not all, members of this body would agree. We must find a new course which pragmatically rises to the challenge in the best American tradition. We must break out of the ideological straitjackets with which a cadre of doctrinaire laissez-faire economists would seek to bind us.

I have been working with Senators HOLLINGS, NUNN, and GORE on framing a coherent Federal R&D policy, which I regard as a necessary first step, but by no means a complete response, to the challenge this Nation faces. We will be talking about elements of our legislative package in the coming weeks, in particular when the defense authorization bill is discussed this week.

Complacency about our Nation's place in the future of technology should not be acceptable to the American people. If we want good jobs for our children, we need to create the technology, especially the manufacturing and process technology, which will allow them to remain the most productive nation on earth. Government and industry must work together to insure that future. We have to reject the notion that it doesn't matter whether we produce potato chips or computer chips—a notion which I am glad to see in the latest issue of the National Journal no Bush administration official will publicly endorse.

We need to get beyond ideology and pragmatically define the Federal Government's proper role in technology development, and in industrial policy to use a forbidden phrase, as our forefathers have since the founding of this Nation. The current generation of Americans are lucky that those who went before us—from Jefferson and Hamilton to Roosevelt and Eisenhower—did not allow themselves to become mired in endless ideological debates. Future generations of Americans should not have to bear the burden of stalemate and inaction on our part. We can and must rise to the challenge of maintaining U.S. leadership in technology.

Mr. President, I ask that the text of the Japan Economic Survey article I referred to be printed in the RECORD.

The article follows:

[Japan Economic Survey, July 1991]

JAPANESE R&D EXPANDS AGAIN

An annual survey of Japanese outlays for research and development clearly shows that FY 1989 was another record-setting year from almost every perspective. Increases in total and component spending underscore Japan's strong international competitive position and the nation's commitment to building the world's preeminent knowledge-intensive economy. The comparatively modest increase in spending for basic research and development, however, remains a glaring weakness.

For its latest report the Management and Coordination Agency surveyed 12,500 businesses (all with capital of at least Y5 million or $37,000 at Y135=$1.00), 2,200 universities and other academic institutions, and 1,500 private research organizations. Responses indicated that total Japanese R&D expenditures rose 11.2 percent to Y11.8 trillion ($87.4 billion) during the year ended March 31, 1990. The percentage gain was the highest since FY 1985 and pushed up the ratio of total R&D spending to gross national product to just over 2.9 percent; the previous fiscal year's figure was just under that mark.

Although the agency cautions that international comparisons are difficult because of exchange rate fluctuations, different accounting periods and other factors, it nevertheless claims that Japan probably spent more on R&D in FY 1989 than any other nation except the United States. Japan, however, earmarks only a small portion of its total for defense technology, making it possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States.

When analyzed by spending organization, the data show private companies continued to lead the way in FY 1989; their Y8.2 trillion ($60.7 billion) in expenditures was 13.8 percent more than the year before and came to 69.6 percent of total research outlays, compared with 67.9 percent in FY 1988. Academic laboratories' R&D budgets allowed 5 percent greater outlays, or Y2.1 trillion ($15.5 billion), and research institutions boosted spending by 7.1 percent to Y1.5 trillion ($11.1 billion).

The private sector not only spent the largest amount on R&D but also provided the vast majority of funding in FY 1989. Businesses directed Y9.6 trillion ($71.1 billion) to their research laboratories, a 12.9 percent increase over FY 1988. This put their share of total R&D funds at 81.3 percent, the first gain since FY 1985.

The government share of total R&D funding correspondingly declined from 19.9 percent in FY 1988 to 18.6 percent in FY 1989, even though it rose in absolute terms from Y2.1 trillion to Y2.2 trillion ($15.6 billion to $16.3 billion).

Commercialization of technology remains the top priority. Of the Y10.8 trillion ($80 billion) spent on hard sciences (excluding the social sciences and humanities), 63.2 percent was classified as "developmental," 23.9 percent as "applied" and 12.8 percent as "basic." These percentages mainly were unchanged from the previous year, although uneven spending gains were reported for each category (13.4 percent for development, 10.3 percent for applied and 8 percent for basic).

Turning to trade in technology, the survey reported that for the first time since statistics have been collected, the value of Japan's technology exports nearly equalled the value of its imports of foreign knowhow, as measured by the amount of licensing fees and royalties received and paid, respectively. Japanese firms spent Y329.9 billion ($2.4 billion) in FY 1989 to license foreign technology, a 6 percent increase over the previous period. Royalties received from abroad, however, rose by a whopping 34 percent to Y329.3 billion ($2.4 billion).●

ORDERS FOR TOMORROW

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m., Thursday, August 1; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of S. 1507, the DOD authorization bill as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDING OFFICER'S STAMINA

Mr. WARNER. Mr. President, I think we should take note of the fact that the Presiding Officer has been on the floor for a great deal today, and has shown unusual stamina.

RECESS

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, as under the previous order, until 9 a.m., Thursday, August 1.

There being no objection, the Senate, at 11:39 p.m., recessed until tomorrow, Thursday, August 1, 199 , at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 31, 1991:

DEPARTMENT OF STATE

WILLIAM CALDWELL HARROP, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RUSSELL K. PAUL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE TIMOTHY J. COYLE, RESIGNED.

DEPARTMENT OF ENERGY

JOHN J. EASTON, JR., OF VERMONT, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE STEPHEN A. WAKEFIELD, RESIGNED.

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 27, 1991, VICE ANNE GRAHAM, TERM EXPIRING.

FEDERAL MARITIME COMMISSION

MING HSU, OF ARIZONA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1996. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL G. CERJAN [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. GLYNN C. MALLORY, JR. [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

DENIS ROSNICK [redacted]

ARMY

To be lieutenant colonel

NATHAN E. ACREE, JR. [redacted]
ROY L. ADAMS [redacted]
JOHN L. BARNES [redacted]
JERRY D. CRAIG [redacted]
JOSEPH R. EMERY [redacted]
PATRICK A. SCHADO [redacted]
ROBERT D. WATKINS, JR. [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

JAMES V. BEDARD [redacted]
REYNALDO GONZALES [redacted]
DAVID L. PETERSEN [redacted]
DONALD J. POTTHOFF [redacted]

CHAPLAIN CORPS

To be colonel

RICHARD B. THOMPSON [redacted]

ARMY DENTAL CORPS

To be colonel

JOHN K. BALDWIN [redacted]

ARMY NURSE CORPS

To be colonel

TAMARA T. COTTON [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

STEVEN R. BARNER [redacted]
ROY M. COFFMAN [redacted]
JOHN S. COLEMAN [redacted]
CRAIG W. CRANE [redacted]
DON DEVALLE [redacted]
JAMES O. GAARDER [redacted]
ROBERT E. GODWIN [redacted]
ERIN A. HURD, [redacted]
PATRICK L. JENKINS [redacted]
LLOYD M. LACOSTE, JR. [redacted]
JAMES W. LIENAU [redacted]
DONALD W. LUDENS [redacted]
NATHANIEL MCGEE [redacted]
MARIA E. K. MOON [redacted]
RICHARD O. MURPHY [redacted]
ROGER W. LECLAIRE [redacted]
STEPHEN P. PERRY [redacted]
JOHN PIENKOWSKI [redacted]
DAVID A. SPRYNCZYNATYK [redacted]
ELROY K. TOMANEK [redacted]
CHARLES E. WATTS [redacted]
MICHAEL P. WELSH [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

JACK D. FERGUSON [redacted]

MEDICAL CORPS

To be lieutenant colonel

FRANK ANDERS, JR. [redacted]
WILLIAM R. DAVIS [redacted]
JAMES E. FLETCHER [redacted]
DAVID E. GREEN [redacted]
DENNIS A. R. LARAVIA [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JACK R. ABO [redacted]
ERNEST J. REINERT [redacted]
RAYMOND F. ROOT [redacted]

IN THE NAVY

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERIVCE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

THOMAS A FRANTZEN

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICER TO BE APPOINTED PERMANENT LIEUTENANT JUNIOR GRADE IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

WILLIAM J FOUGHT

THE FOLLOWING NAMED ENLISTED MEMBERS TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ROBIN L. ANDERSON
ANNE M. BRIGHT
MICHAEL L COLEMAN
DAVID C COLLINS
MARK A GILFORD
ROVBERT C GLINCOSKY
JOSEPH P GOULARTE, JR
JUDITH L HAWKINS
DEBRA A JACKSON
PATRICK M KEARNEY
RENE A LEDZINSKI
ROGER B LOTSON
JOSE L MEDINA
DENISE N MILLER
CESAR A ODVINA
SAMUEL B PALMER
KIMBERLY A RANSOM
PHILLIP M SANCHEZ
GARY L SMITH
STEPHENYE C TYLER
JAMES T UPTON
GARY W WATKINS
ROSHARD A WOOLFOLK
ADORADO B YABUT

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

MELVIN L. BREWER [redacted]
HENRY A. BURNOR [redacted]
JAMES D. CAMERON [redacted]
JOSEPH CAMPANO [redacted]
FRED H. FERNENGEL [redacted]
FREDERICK B. IRWIN [redacted]
FRANCIS X. KILROY [redacted]
LARRY J. LIGHT [redacted]
RICHARD W. MEYERSBURG [redacted]
KARL P. RIEPPEL [redacted]
GENE ROLLINS [redacted]
JERRY E. SHILES [redacted]
SHERRY B. STIRLING [redacted]
MICHAEL D. TREINEN [redacted]

ARMY NURSE CORPS

To be colonel

VIRGINIA L. NELSONHORNING [redacted]

MEDICAL SERVICE CORPS

To be colonel

RONALD C. GOOD, [redacted]
CHARLES R. WISE [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

PHILIP H. ALEXANDER [redacted]
RICHARD A. BOSTON [redacted]
MICHAEL E. BYRNES [redacted]
PETER P. CHERELLIA [redacted]
ROBERT T. COLLINS [redacted]
WILLIAM H. DANIEL [redacted]
WORLEY W. FRANCISCO [redacted]
KENNETH J. HANKO [redacted]
ROBERT G. HUCKABEE [redacted]
ERNEST W. JONES [redacted]
WILLIAM E. JORDAN [redacted]
THOMAS M. JURKOWSKI [redacted]
GREGORY L. JUST [redacted]
JAMES T. KELLY [redacted]
JOHN A. KLINKNER [redacted]
BRIAN Y. C. LAU, [redacted]
HARRY W. LEDBETTER [redacted]
ALBERT J. LOPES [redacted]
JIM E. MAINWARING [redacted]
ROBERT J. MARCELLO [redacted]
RICHARD C. NIELSON [redacted]
RANDY J. PRIEM [redacted]
LOUIS J. PROCTER [redacted]
JOHN M. ROCCO [redacted]
CARL M. SAKAMOTO [redacted]
PAUL M. SHINTAKU [redacted]
RICHARD D. STANLEY [redacted]
HUGH M. STIRTS [redacted]
ED S. TURNER, II [redacted]
BRENDA A. VOSBEIN, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

CAROLYN A. ALBANESE [redacted]
JOSEPH L. SMITH [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

FRANK W. AUGUSTINE [redacted]

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

EDMUND F. ROLEFF, JR [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

FRANK A. DELUSSO [redacted]
LENWYN K. EDENS [redacted]
OSCAR L. RAMOS–MELANDEZ, [redacted]
JAY D. ZOLLITSCH [redacted]

THE FOLLOWING–NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

NORMAN E. BUSSELL [redacted]

IN THE NAVY

THE FOLLOWING–NAMED LIEUTENANTS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

JOHN SINDOS ADAMS
WILLIAM B. ADAMS
BRADLEY R. AUFFARTH
ROBERT E. BAILEY
STEVEN E. BAKER
BRUCE CLINTON BARTON
JAMES H. BATES
SUZANNE E. BATOR
GREGORY A. BENBOW
DONALD R. BENNETT
CHRISTOPHER L. BLANTON
GILBERT E. BOSWELL
JOHN MICHAEL BOSWORTH
JIMMY D. BOWEN
JOHN D. BOYER
KENT K. BRATTEN
RICHARD J. BRECKWOLDT
ROBERT W. BRINSKO
JEFFREY W. BRITTON
FORREST MATTHEW BROWN
ROBERT L. BROWN
CLINTON BURGESS
WILLIAM C. BURNETTE
MARK ANDREW BUTCHER
ROBERT F. BUTLER
THOMAS J. BUTLER
DAVID N. CALKINS
SCOTT E. CAMPBELL
FRANK J. CARLSON
DAVID N. CARTER
STEVEN L. CASE

DAVID W. CHAMBERS
JEFFREY MCALLIST CHASE
RACHEL IRENE CHASTANET
ROBERT J. CHASTANET
JAMES J. CHUN
BARTLEY G. CILENTO, JR
PAUL R. COLAVINCENZO
JEFFREY S. COOPER
ROBERT J. COOPER
DAVID R. CORLEY
MARK S. COTTERELL
JOHN DANIEL COWAN
JOHN G. CRABILL
ROBERT D. CULLOM
THEODORE J. CUNNINGHAM
FRANCIS G. CURTIN, III
PAUL C. DALY
JOSEPH E. DANDA
KEITH E. DAVIS
MARK A. DESJARDINS
TRACY B. DILL
DEBORAH CAROLYN DILLON
RICHARD JOSEPH DOWLING
JAMES CSYBASTIAN DUNN
RUSSELL J. EBKE
TERRANCE KENNET EGLAND
JAMES D. EPLETT
JEFFREY KEVIN EVANS
SCOTT J. FAIRBAIRN
FREDERICK C. FEHL, III
CHARLES O. FRAZIER
DANIEL E. FREDERICK
RICHARD O. FRINK
TIMOTHY J. FURLONG
GLENN EDWARD GALL
KEITH E. GAWITH
MARK S. GEORGIADIS
ERIC STANT GERSTENFELD
THOMAS J. GILBERT, III
LOUIS GEORGE GILLERAN
JEFFERY R. GRAVES
KEVIN L. GREASON
GORDON F. GREEN
TAMARA M. GRIGSBY
JOHN P. GROSSMITH
JOSEPH L. GRZESKIEWICZ
WILLIAM C. HAMILTON
DONGYEON PETER HAN
TIMOTHY JOHN HANNON
TODD J. HARKER
LOREN DONALD HARTER
AMY P. HAUCK
CHARLES D. HAVERSTICK
FREDERICK C. HAVKO
SHERMAN M. HAWKINS
JEFF D. HEADRICK
MICHAEL J. HEILI
ROBERT C. HEIM, JR
CRAIG S. HELIGMAN
RUSSELL P. HERRINGTON
EDWARD P. HILL
HAL E. HILL
TIMOTHY S. HINMAN
WILLIAM J. HOCTER
KEVIN F. HODGES
ANDREW P. HOFFMAN
WILLIAM JOSEPH HOGAN
G. THOMAS HOLLAND
JOHN R. HOLMAN
LARRY A. HOOPER
JAMES C. HORSPOOL
KERRY E. HUNT
DANIEL A. ICHEL
WAYNE SCOTT INMAN
KENNETH JAY IVERSON
MICHAEL ELDON IVY
JAMES J. JANCUSKA
MARIE ELIZABETH JOHN
DOUGLAS R. JOHNSON
MARK A. JONES
RALPH C. JONES
THOMAS R. KAYE
JOHN J. KEIZUR
PAUL CHARLES KELLEHER
JOSEPH KIERNAN
PAUL B. KIM
DAVID F. KLINK
ANITA H. KRAFT
JEFFREY W. KRENZER
JOHN J. LANG
ANTHONY S. LAPINSKY
LEE PAUL LAUTMAN
BRUCE R. LAVERTY
BYRON D. LAW
TIMOTHY SEAN LEACH
RICHARD LEADER
RICHARD JOHN LEIDINGER
DAVID R. LEMME
MICHAEL L. LEMON
JOHN E. LINDSEY, JR
CHARLES R. LONG
JOHN D. LONG
KEVIN M. LORENZ
KEVIN GERALD MAHAFFEY
MICHAEL HILARY MAHER
JONATHAN D. MAIN
THOMAS JEFFREY MANSKI
JAMES B. MARK
DEBRA S. MARTIN
DOUGLAS D. MARTIN
RICHARD J. MASON
ROBERT B. MASON, II
BRETT K. MATHESON
BRIAN LEE MCFADDEN
ALAN E. MCLUCKIE
MICHAEL F. MCNAMARA, JR
DAVID I. MECKLER
ROBERT J. MENDEZ
JAMES M. MERRITT
WILLIAM S. MERTZ
JAMES W. METZGER
LISA THORSON MEYER
MATTHEW L. MILLER
STEPHEN ROBB MITCHELL
GRETCHEN C. MONTAGUE
EURICE G. MOODY
KEVIN D. MOORE
LLOYD B. MOORE, JR
LINDA MURAKATA
DAVID ALLEN MYERS
JAMESW A. NEWTON
DONALD L. NICHOLS
STEPHEN NOTRHROP
STEPHEN R. OCONNELL
BRIAN F. ODONNELL
ROBERT M. OLIVIERI
SHAWN L. PALMER
TREMONT V. PARRINO
DAVID B. PAUL
WILLIAM RALPH PIERCE
KAREN SUZETTE PIERRE
FARRELL D. PIERSON
TAYLOR L. PORTER
WILLIAM B. POSS
KYLE B. POTTS
ROBERT E. POTTS
MICHAEL L. PUCKETT
JAMES K. RADIKE
MARK THOMAS REIS
PETER M. RHEE
ROBERT H. RICE
DANIEL RICHTER
JAMES A. RIEGER
PAUL D. ROCKSWOLD
YVETTE RODRIGUEZRAMOS
DAVID CARL ROHDE
JOHN C. ROHE
JAMES RUSSELL ROOKS
LAWRENCE ROSS ROUBEN
LAUREL B. SALTON
KENNETH W. SAPP
PAUL J. SAVAGE
RAYMOND SCHMIDT
DANIEL JOYNER SCOTT, II
RANDAL G. SHELIN
JAMES H. SHERRY
CAROL J. SHOWALTER
DENNIS C. SIMMS
DAVID FORREST SITLER
MONTE D. SLATER
DOUGLAS SMITH
STACY RAYMOND SMITH
FREDERICK N. SOUTHERN
DUARD PATRICK SPRUCE
WILLIAM J. STANLEY
VIVIAN RAE STORRER
JOSEPH A. SWARTZ
HARRY A. TAYLOR, III
ROSANNE TAYLOR
DAVID E. THOMAS
MARK O. THORNTON
JOHN W. TIMMONS
STEPHEN T. TINGLEY
TIMOTHY M. TOLAN
KARL R. TREFFINGER
DAVID R. TRIBBLE
JENNIFER LYNN TUCKER
CHRISTOPHER ROB TURNER
MICHAEL C. VANTUYL
REGINALD VENIER
CHARLES E. VINSON
WALLACE WALKER
ROBERT WALTON
JOHN PATRICK WARD
JAMES D. WATERS
WILLIAM R. WATTS
BARRY ANTHONY WAYNE
AARON T. WILLIAMS
JAMES R. WILLIS
TIMOTHY LEE WORKMAN

SUPPLY CORPS OFFICERS

To be lieutenant commander

ROGER ANDRE ABRAJANO
MICHAEL DEWITT ALLEN
GARY SAMUEL ANDERSON
ROBERT EUGENE BAKER, JR
THOMAS CHARLES BASS
GARY THOMAS BATT
DAVID FOLK BAUCOM
BRAD A. BELLIS
ANDREW LAWRENCE BENSON
BRIAN HENRY BIALAS
WILLIAM HENRY BOERNER, II
THOMAS WAYNE BOONE
PAUL FRANCIS BRAUN
GREGORY FRANCIS BREEN
ROBERT JAMES BRETZ, JR
DOUGLAS EDWARD BRINKLEY
DAVID GLENN BROADWATER
RICHARD HENRY BULAK
JAMES EDWARD BURDISS
CARLOS DOMINGO BUZON
HERBERT FRANK BYRNS, III
THOMAS JOSEPH CALLAN
BENEDICTO LIBRADO COLOMA
CHARLES RAY COPELAND, JR
JON FRANCIS COTTERS
THOMAS ALEXANDER CUSMINA
BARBARA JO DALRYMPLE
DANIEL EDWARD DELANEY
BERNARD D. DUNN
DOUGLAS ROY EADES
RICHARD ALAN ELLIS
JOSEPH ANTHONY ERLER
GUY ARLIS ETHRIDGE
JACK LEROY EVANS
JOE EVERETTE FAULKNER
MARCUS GENE FOOTE
JEFFREY LYNN FORD
MARCO STEVEN FURFORO
JR JOHN JOSEPH GEARY
MARSHALL GAIL GEIB
MARK KENNETH GERHARDT
CORY WARD GILDERSLEEVE
RICHARD FRANK GONZALEZ
RICHARD CHARLES GOTTLICK
JAMES MARK GRIMM
GEORGE FRANKLIN HAMM
RANDALL MCGAREY HANEY
GEORGE VAN HAROUTUNIAN, JR
RICHARD MARTIN HAUSVIK
PATRICK KENNETH HAWKINS
JOHN ALAN HAYWARD
CHARLES PETER HEROLD, JR
MATTHEW ALBERT HERT, JR
THOMAS HENRY HIGGASON
ARTHUR BRIAN HORSLEY
ALBERT WAYNE HOSKINS
LAWRENCE DEAN HOWARD
BARRY DAVID HUBBARD
RICHARD RAYMOND IANNICCA
MICHELE RENEE DALLA JACKSON
ROBERT LAWRENCE JACOBS
WALTER WESLEY JACUNSKI
ROBIN ALAN JOSEPH
TODD D. KIRST
MARK GENE KLENZMAN
WAYNE DAVID KOTTMAN
MICHAEL W. KROCK
DAVID ALAN LARSON, SR
MICHAEL J. LAURENT
JAMES LEVOY LEPSE
LAWRENCE JOYNER LEWIS, JR
ANTONIO MAGLAQUI LIGAYA
ROBERTO ALICANTE LIMJOCO
BRION WILLIAM LOFTUS
BARBETTE HENRY LOWNDES
LEO JOHN LUTTIG
ANACLETO MAGSOMBO MAGSOMBOL
KEVIN J. MAHER
MICHAEL WILLIAM MAHER, SR
DAVID MICHAEL MAHONEY
JESUS CRISTOBAL MALGAPO
CAROL DANIELS MARCINEK
TONY RONALD MARTINEZ
PAULA ANN MAUSAR
JAMES KEVIN MCCARTHY
ALAN RAY MCCOSH
ELMER MARTINEZ MOLANO
WILLIAM SANDERS MUNSON
GARY THOMAS MURPHY
STEVEN MICHAEL NAGORZANSKI
GEORGE CASTILLO NAVARRO
WILLIAM PAUL NEELY
CLIFFORD DIXON NOE, JR
GEORGE LUIS OMEECHEVARRIA
MICHAEL DANIEL PAWLEY
GORDON LINDSAY PERKINS, JR
JAMES GILBERT POUND
THOMAS DALE PRIEN
JOHN FRANCIS QUA
MARY ELIZABETH QUATROCHE
RICKEY DUANE REXFORD
RICHARD DREW RIEDINGER
WALTER DAVID RUEHLIN
JOHN DONALD SANFELICE
GREGORY LYNN SCHANG
JEFFREY THOMAS SCHROER
ROBERT KARL SCOTT
MICHAEL WILLIAM SKRATULIA
GEORGE THOMAS SKRTICH, JR
BRADLEY KENT SLUSHER
WILLIAM CANADY SMALL
DANIEL RUSSELL SMITH
DONALD GENE SMITH
JAMES EDWARD SMITH
TERENCE G. SMITH
STEPHEN LEO STANDROWICZ
ROY GLYNN STEPHENS, JR
VINCENT MARSHALL STOKES
LARRY WAYNE STONE
CHRIS KENNEDY STREAM
WILLIAM THURBER SWAIN
JEFFREY L. SWANSON
ROBERT JOSEPH SZABO
WINSTON CARROLL TEDIN
LARRY EUGENE THOMPSON, JR
THOMAS CHARLES TRAAEN
NICHOLAS TSOUGAS
JAMES MILTON UNDERKOFFLER
PATRICIA DONAHEY VANBELLE
ROBERT JENNINGS VICKERS
TIMOTHY JOHN VOHAR
GARY M. VOLZ
THOMAS ALVY E. WATSON, JR
GARRY BOYD WEST
STEPHEN DOUGLAS WESTHOVEN
CRAIG SANDERS WHEELER
KEVIN RAY WHEELOCK
THEODORE LYNN WHITEMAN, JR
CLARK DALE WILLCOX
ERIC GILES WILSON
RICHARD LINCOLN WILSON
ROBERT ERIC WILSON
JAMES COSTEN WORKMAN
NICHOLAS WALDON ZIMMON

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

ALAN THOMAS BAKER
ROGER RAYMOND BOUCHER
THOMAS EARLE BRAITHWAITE
LEWIS EDWARD BROWN
DONALD EDWARD BUCHANAN
SUSAN ROBERTA CARNEY
BASIL PETER CONGRO
ROBERT DAVIES CROSSAN
THEOFANIS J. DEGAITAS
NEAL J. DESTEFANO
JOHN STEVEN EVANS
MARK EDWIN FARRIS
ROBERT SETH FEINBERG
JAMES ROBERT FISHER, JR
JON CALVIN FREDRICKSON
LUIS FRANCISCO GARCIA
MICHAEL WILLIAM HAMILTON
FREDERICK ASA HILDER, JR
ROBERT CHARLES HRDLICKA
GERALD HANSEL JONES
MARK ANDREW JUMPER
RONNIE CARL KING
THOMAS GEORGE KLAPPERT
LANCE P. KRZYWICKI
MICHAEL EUGENE LAVELLE
THOMAS JOSEPH LOVE, JR
HOWARD LEE MARSHALL
CHARLES PINKNEY MCGATHY
MICHAEL PATRICK MONAHAN
MICHAEL GLENN ORR
DALE WARD PARKER
RAFAEL JOSEPH QUILES
DAVID PAUL REMY
GEORGE ALAN RIDGEWAY
ERICH MARTIN SCHAEFER
JOHN COUNCIL SMITH
STEPHEN J. STAVOY
LYNN WAGNER
WANDA LEE WEIDMAN

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

MARK CUNNINGHAM ASHLEY
FERNAND F. AUCREMANNE
BRAD BEISSWANGER
WILLIAM JOHN BENDER, JR
WILLIAM HARRY BENSINGER
DANIEL A. BERENATO
CHARLIE A. BIGELOW
CHARLES E. CASSIDY
DAVID MARK COLEMAN
KENNETH LEE COWAN
WILLIAM ARTHUR DAVIDSON
CHRISTIAN NATHAN DAWKINS
MICHAEL LAWRENCE DOWDY
LISA BETH FREELAND
DANIEL F. GELDERMANN
JAMES PAUL GERNER
MICHAEL ANTHONY GIORGIONE
MICHAEL ALAN HARBER
VINCENT THOMAS HARTMANN
SCOTT A. HAYWARD
RONALD PAUL HOVELL
JAY ROBERT HUSTON
JOSEPH CHARLES LAVIGNE
BARRY K. LOVELESS
JOSEPH DAVID LUDOVICI
ROBERT ANTHONY MAHOLCHIC
GERALD ROLLIN MANLEY
WILLIAM M. PEACOCK, III
DAVID LEON RICKS
FRANCIS JOSEPH RUBINO
KARL J. SCHNEIDER
BRIAN MERRITT SCOTT
JAMES KEITH SELLERS
VICTOR LINGAT SIBAL
TIMOTHY MARK SMITH
MICHAEL JOHN STOLL
LEE WAGNER THOMAS, JR
EDWARD JOSEPH VONHAGEL
LORETTA EUGENIA YAT WINSPER
STEVEN GRAHAM WRIGHT

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

DAVID BRIAN AUCLAIR
NANCY HALE BLANKENSHIP
MICHAEL JOSEPH BOOCK
LEWIS THOMAS BOOKER, JR
EDWARD LEE BOWLING
DEREK WINDELL COLE
RALPH WARD COREY, III
ANN MARIE DELANEY
PAUL MORTON DELANEY, JR
MARTIN JOSEPH EVANS
JONATHAN ERIC FINK
MARY ANN FLYNN
MATTHEW KIRK GAGELIN
THOMAS MICHA GALLAGHER
TERRY CRAIG GANZEL
ERIC EDWARD GEISER
MICHAEL WILLIAM HAYES
CLAYTON LEE JONES
LARA LYNN JOWERS
DIANE LYNN KARR
ALAN GILBERT KAUFMAN
RUFUS TYRONE KEE
JAMES THOMPSON LANG
MARK DENNIS LAWTON
RICHARD MATTH LOGAZINO
STAUFFER P. MALCOM
JOHN EDWARD MCDONALD
FREDERICK DEA MITCHELL
MOIRA DEMP MODZELEWSKI
RYMN JAMES PARSONS
MICHAEL IAN QUINN
ROBERT WAYNE REDCLIFF
LYNN RICHEY
RICHARD LEE ROSSER
GERALD G. SCHAFF
RUSSELL LEE SHAFFER
JERRIE LANELL SHEPPARD
CAROLYN CO SLOWIKOWSKI
CHRISTOPHER JOHN SPAIN
LORETTA GAIL SPILLANE
ROBERT JOHN TUIDER
MICHAEL ALLAN WATERS
ALEXANDER WHY WHITAKER

DENTAL CORPS OFFICERS

To be lieutenant commander

PETER J. ADAMS
DOUGLAS CHARLES ASHMAN
WAYNE SHERWOOD BARKER
TODD ROBERT BJUR
DAVID RICHARD BRAJDIC
BOOKER TYRONE BROWN
FREDERICK HEN BUETTNER
JILL MERRITT BURNS
JEFFREY MARSHALL CLARK
DANIEL PETER CLIFFORD
DOUGLAS WILLIA COFFELT
SHARON YVETTE COLVIN
JOHN ARVILLE DAY, JR
ELSA BETTINA DEMBINSKI
DAVID ARTHUR DEPAS
CAROL JOAN DIENER
NICHOLAS JOSEP DIMAURO
DIANE LYNN DOYLE
BARRY CLAY DUNCAN
LEE DOUGLAS FILLAK
STEVEN CARL FISHER
ALISON DIANE FREEMAN
JOHN EDWARD FREEMAN
KIM KISHIN GANDHI
JOHN RAY GORDON
GERALD T. GRANT
JOHN PATRICK GRIFFIN
MILTON JOSEPH GRISHAM
ROBERT JOSEPH J. HANLON
CHARLES CAL HARRINGTON
CHARLES KENNETT HARVEY
RANDY LEE HEIBEL
JEFFREY SCOTT HENNINGS
JAMES ERIC HIBBS
DOUGLAS HOBAUGH
WILLIAM GEORGE HORBALY
MICHAEL W. HUEY
BENJAMIN DALE I. HUNTER
STEPHANIE A. KIERNAN
BARTON HAROLD KNOX
MICHAEL KENNETH KOCEJA
KEVIN THOMAS LADESIC
JESSE WASHINGTON J. LEE
STEPHEN ROBERT LEE
ROBERT MARK LEVY
JOHN MICHAEL LEWIS
MARK BRADLEY LYLES
RONALD DALE LYNCH
MICHAEL LEWIS MARK
CARL ROBERT MAURER
JAMES EUGENE MAYER, JR
ROWLAND EUGENE MCCOY
DONAL CAMERO MCGONEGAL
MICHAEL RICHARD MCGRAW
DAVID SCOTT MEHLHAFF
VLASTA MARIE MIKSCH
GLENN ALEXANDER MUNRO
WILLIAM NOEL MYERS
STEVEN DALE NACK
RANDOLPH PATRI OCONNOR
JOSEPH V. OLSZOWKA
JAMES EVERETT PARKHILL
DUANE P. PRZYBYLSKI
JAMES EDWARD RAPSON
PAUL EDWARD RICHARDSON
RICHARD LUNT ROMNEY
TIMOTHY M. RYBA
MICHAEL LEWIS SCHOELCH
CYNTHIA JAKUBAS SHALOM
PAUL CHARLES SHICK
LARRY WAYNE SHOOK
STEVEN LUBY SIDOFF
KIM WINONA SMITH
JAMES MICHAEL SOLOMON
JAMES MARSHAL STROTHER
SIDNEY JOE STROTHER
JOHN EDWARD STUPARITZ
JAMES WILLIAM SWENSON
DAVID MICHAEL TEETER
ROGER SCOTT THOMPSON
FRANK ROBER TRAFICANTE
RICHARD LYNN TRAUGH
JOEL LEE TRAYLOR
JOHN ROBERT ULLOA
ROBERT BERNARD WALSH
GEOFFREY ROBERT WARDA
RICHARD DALE WRIGHT

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

RICKEY D. ADAMS
STEPHEN THOMAS AHLERS
PAUL GREGORY ANJESKI
RENEE LOIS APEL
REYNALDO APONTECESTERO
JOHN KEVIN BAIRD
JOHN DOUGLAS BELL
MARK FRANCIS BERNIER
JOHN ROGER BOUFFORD
FRANCIS DAVID BOURRIE
GREGORY BOWLING
CHARLES HERBE BRAKHAGE
MARK EDWARD BROUKER
MITCHELL CHARLES BROWN
FRANK JACKSON BUNN
RONALD PATRICK BUTLER
LINDA HAZUKA BYRNES
SOMPONG CHIA
HARRY GEORGE CHURCHILL
RICHARD ORION CLARK
RODERICK LYLE CLAYTON
MARY KATHLEEN COLLINS
JOHN JOSEPH CONNOR
RONALD MARSDEN COPE
JEFFREY ALLEN CORNEIL
LEE LYN CORNFORTH
GLORIANNE MARIE DAVIS
MARY LOUISE DELVECCHIO
IRVE B. DENENBERG
HAROLD THOMAS DEWEESE
DAVID JEROD DUNN
CAROL SUE EICHLING
ANDREW TOBIAS ENGLE
GREGORY PAUL ERNST
SCOTT EUGENE FOSTER
JULIA ROSE FRAZIER
RAYMOND A. FRITZ, JR
THOMAS AUBREY GASKIN
MICHAEL GORDON GELLES
THOMAS ANGE GERONTONIS
JOSEPH PAUL GOMES
MARY MUIR HARRAHILL
CHARLES RAY HARRIS
GREGORY ARLEDGE HARRIS
SYBLE LADONNE HAYES
CARL DEAN HENDERSON
HARDY LEE HILL
HEIDI NACE HOLLEY
PHILIP MICHAEL HOLMES
SHARON ELAINE HOPKINS
CELIA HUNTER HORTON
CHARLES EDWARD HOWZE
LYN ERIC HURD
GRAHAM D. ININNS
PATRICIA WELLS IRELAND
WYNETT ANN ISLEY
JAMES FREDERICK JAHNKE
ROBERT ROY JOHNSON
BILL CARVER KINNEY
DAVID NMN KRIEGER
GREGORY THOMAS KUHN
JOHN WALTER LEROY
FRANKLIN ARTHUR LITTLE
MANUEL FRANCI LLUBERAS
MICHAEL MATHIEU
STEVEN THOMAS MCGIVERN
WILLIAM JOSEPH MEA
LEIGH ANN MEAD
WILLIAM HENRY J. MEEKER
ROBERT P. MEINERTZHAGEN
DAVID BRENT MILLER
PATRICIA ELENA MORELL
JAMES THOMAS MORROW
BRIAN PETER STE MURPHY
PAMELA ANNE MURPHY
FRANCESCA CHRIST MUSIC
DAVID FRANCIS NERI
RICARDO UVERO ORIAS, II
BRUCE EDWARD ORTEL
HOWARD THOMAS OSMENT
SHAWN ANTHONY OTOOLE
ROBERT MICHAEL PADULA
CHERYL LYNN PATZER
LARRY LEE PLUNKARD
THOMAS GAYLE POWELL
KATHLEEN KELLY PUGH
DAVID GREGORY PUTT, SR
MARY JO RAMSEY
CHRISTOPHER PAR RENNIX
JUDITH ANN ROBERTSON
RICHARD GERAR ROCKFORD
ROBERT KIMSEY ROGERS
MICHAEL EDWARD ROSS
CHERYL ANN ROSSI
JEROME MARTIN SAUNDERS
JOHN LEWIS SAUNDERS, JR
JOHN K. SCHMIDT
THOMAS STEVEN SCHNEID
PAUL RICHARD J. SCHRATZ
CHARLES M. SHELDON, JR
RONALD NELSON SHULL
PAUL JOHN SILVERNAIL
JOHN DAVID SMITH
RONALD LEE SMITH
RICHARD FRANCIS STOLTZ
LARRY RAY STONE
ROBIN A. SWINDLE
JOHN WALTER TEMPESCO
GARY EDOUARD TETREAULT
RUSSELL STEPHE THACKER
KERRY RAY THOMPSON
RICKY DARREN TOYAMA
EDGARDO CORPUS VIAS
DANIEL OBRIEN WALKER
LYNDA ELOISE SMI WALLS
STEVE EBEN WARD
LARRY DALE WATSON
MARY PATRICIA WEBER
JOSEPH JOHN WERNER, JR
ANTOINETTE A. WHITMEYER

NURSE CORPS OFFICERS

To be lieutenant commander

CHARLES WILSON BAGLEY
MELINDA TEAS BAKER
BARNEY ROBERT BARENDSE
CHARLES OLIN BENNINGER
DENISE MARGARET BOREN
EARMON WAYNE BOWMAN
ELIZABETH JO BRUMFIELD
EARTHA IRENE BURNS
CAROL MARIE BYRNES
CESAR PACLIBA CABALFIN
JOANNE ELIZAB CAMPBELL
JUDITH ANN CANNON
JAIME ANN CARROLL
DEBRA JEAN CHAPMAN
KERRY ELBERT CHILDERS
MIN SOOK CHUNGPARK
MELISSA JANE CLIFFORD
MARY ELIZABETH CONDON
DIANE PHYLLIS DANIELS
GERALD ALLEN DAVIDSON
DONALD GEORGE DIXON
SAMUEL E. DIXON
PEGGY WILSON ELLIS
DOROTHY EDNA ENGLER
RONALD GLEN FORBUS
DONALD RAY FOWLER
SUSAN STANLEY GARRISON
WILLIAM LEE GOODMAN
ROBERT LEE GORDON
DAWN ANN GUARNO
NANCY LYNN HARMS
KEVIN WILLIAM HAWS
JAMES EARL HILL
JOHN ROBERT HOLM
CHERRY LYNN HORTON
MARIA CHAHL HORTON
CHRISTINA LYNN HOWARD
ANTHONY ELIAS JAIME
DOROTHY IRENE JOHNSON
DWIGHT DAVI KAUFFROATH
NANCY ELAINE HAS KERBS
JULIE MARI KIRKPATRICK
JEANNE MARIE KOVACH
JOHN ROBERT KUNKEL
GARY LYNN LEFFELMAN
PATRICIA GRACE LONG
MARYLYN MADDENMADDOX
JANINE LEE MAISONNEUVE
KATHRYN LOUI MARTINSON
JOHN WILLIAM MCKIERNAN
DENISE ANNE MCLEMORE
MARY MARGARET H. MEDINA
MARYJANE MYLES MURPHY
JOSEPH FRANCIS MURRAY
CAROLE ANNE ORLEN
JULIA LYNN PALMER
BRUCE MICHAEL PETERSON
SHAVAUN MARY ROBERTS
JUDI JO ROGERS
RICARDO RUBALCAVA
ALBERT RICHARD RUNZEL
BONNY COX SCHOFIELD
VICKI SUE SHANAGHAN
KENNETH KEITH STEINER
ALAN LLOYD STOKES
KATHERINE A. SURMAN
DANETTE MARIE SVOBODNY
RANDALL EUGEN THOMPSON
TERESA ANNE ULSES
VALDYNE M. VIERS
PATRICIA ANN VINTINNER
CATHY LEE WAGSTAFF
PEGGY ANN WALTERS
CASEY ANN WEBERTDAVIS
SHEILA MAE WEIBERT
DEE R. WESTON
KRISTIANE MAE WILEY
LAURIE LYNN WILLIAMSON
SARAH DAWN WITTE
MARY JOYCE WRIGHT

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

ROBERT LEWIS BARTHOLOMEW
ROBERT ERLING BJELLAND
DAVID A. CARTER
JOSEPH PATRICK COSTELLO
SAMUEL W. PAGAN
RICHARD D. J. ROBERTS
JEFFERY B. SHANK

EXTENSIONS OF REMARKS

THE SOLARZ VISION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. RICHARDSON. Mr. Speaker, one of our Nation's premier foreign policy experts recently addressed a gathering of Democrats in Wisconsin with his thoughts on where we are today and his visions of where our party and our Nation are headed in the months and years ahead. Our colleague STEPHEN SOLARZ, the renowned chairman of the Subcommittee on Asian and Pacific Affairs, is a modern-day statesman who in his speech in Milwaukee so eloquently explained the challenges facing both Democrats and our Nation.

Clearly, Mr. SOLARZ' constituents in New York benefit greatly by his invigorating service in the House. But we, too, profit from his House service and the wisdom he shares with all of us.

I urge my colleagues to read his insightful comments about our party and our Nation which follow:

REMARKS BY HON. STEPHEN SOLARZ

Over the course of the last two years, we have witnessed a series of events that have literally reshaped the history of the world.

From Stettin in the Baltic to Trieste in the Adriatic, the iron curtain has ascended all across Europe.

The Warsaw Pact has collapsed.

Marxism-Leninism has been discredited as a model for nation-building throughout the Third World.

The threat of Soviet aggression and a nuclear holocaust has greatly diminished.

And we have waged and won a war in the Gulf that demonstrated the international community is prepared to act collectively to uphold the sanctity of existing national borders.

What are the implications of these developments for both our party and our country?

For the party, I believe it is fair to say that we are not likely to win the 1992 election on foreign policy.

But we could very easily lose the presidential election on foreign policy.

I do not mean to suggest that the Administration is immune to criticism when it comes to the management of our affairs abroad.

It can clearly be criticized for its indifferent response to the butchery in Beijing.

It can legitimately be condemned for its opposition to sanctions against Iraq before the Iraqi invasion of Kuwait.

It can fairly be faulted for its failure to follow through, after the war was over, when the Iraqi people, in response to our urging, rose up against Saddam, and we did virtually nothing to help them against the tanks and helicopters of the remaining divisions in Saddam's murderous military machine.

But let us be honest with ourselves.

In view of the fact that communism has collapsed in Eastern Europe, the Warsaw Pact has dissolved, the cold war has ended, and we won the war in the Gulf, all on the watch of this Administration, it is doubtful the American people will conclude that President Bush is incompetent when it comes to the management of American foreign policy.

Our strategic objective as a party, therefore, should be to neutralize foreign policy as a cutting edge issue, in order to focus attention to our continuing domestic problems, where we have a significant advantage over the Republicans.

And when it comes to his virtually non-existent domestic agenda, President Bush, as Winston Churchill said of Clement Attlee, is "a modest man, with much to be modest about."

In order to shift the focus of the national debate on to domestic issues, we will first have to be seen by the American people as advocating a foreign policy which is rooted in reality, which resonates with our values, and which is reflective of our interests.

In policy terms, we must convince the American people that, even after the end of the cold war, we recognize that we live in an unsafe and uncertain world, and that ethnic conflicts, religious rivalries, irredentist ambitions, and acts of terrorism can all generate unexpected challenges to important American interests.

We must convince the American people we recognize that a strong defense is a necessary condition for the protection of our most vital interests.

Last year's budget agreement—crafted by, among others, your own Les Aspin—will result in a 25 percent or $130 billion reduction in previously planned defense expenditures over the next five years, meaning that by 1995, defense spending will constitute only 3.5 percent of our GNP, its lowest level in half a century.

So while we may be able to squeeze a bit more from the Pentagon—perhaps by further reducing the level of our troop strength in Europe or scaling back the Star Wars program—it would be strategically imprudent and politically unwise for us to call for additional major reductions in the defense budget.

We must also convince the American people we recognize that collective security, rather than a retreat into neoisolationism or an attempt to enforce a Pax Americana, is the best way to preserve the peace.

And finally, we must convince the American people we recognize that collective security can work only if American leadership makes it work.

Now that the cold war is over and the Soviet Union no longer poses a serious threat to our physical security, we may be tempted to assume that we can cease worrying about getting dragged into overseas conflicts.

But it would be a serious mistake to attempt to avoid the messy complexities of the world by trying to hide behind an illusory shield of neo-isolationism.

Such a policy would serve the interests of neither our party nor our country.

We must not forget that hundreds of thousands of American lives were lost, and hundreds of billions of dollars were spent, because events in faraway places required us to pay an enormous price in blood and treasure.

This is what happened as a result of a shot in Sarajevo in 1914.

This is what happened as a result of a dispute over Danzig in 1939.

This is what happened as a result of a thrust toward Pusan in 1950.

This is what happened as a result of an incident at Pleiku in 1965.

And this is what happened as a result of the battle for Bubiyan in 1990.

What these distant and obscure place names suggest is that events thousands of miles from our shores, remote from the concerns of most Americans, have a way of intruding into American lives and even causing American deaths.

A policy of neo-isolationism, which blindly denies this geopolitical reality, will ultimately make it more likely that we will once again find ourselves drawn into conflicts we might otherwise have avoided.

Nor is the option of creating and maintaining a Pax Americana—where we garrison troops all over the world, ready at a moment's notice to rush off to singlehandedly quell rebellions and contain aggression—a real or a desirable possibility either.

Notwithstanding our victory in the cold war, we have neither the economic resources nor the political will to sustain a policy of unilateralism over the long haul.

The role of global policeman is one the American people do not seek and will not accept.

Yet, if being the solitary sheriff for the whole world is not a role the American people are likely to embrace with enthusiasm, they are perfectly prepared, as we saw in the Gulf, to support a policy of collective security in which our country serves as the head of an international posse attempting to bring regional bandits to justice.

Half a century ago, Franklin Roosevelt and the other leaders of the wartime alliance dreamed of a world in which the international community enforced the peace through collective action.

Now that the cold war is over, we have the opportunity to fulfill that dream.

The Gulf crisis demonstrated that it is now possible to get the Soviet Union and the other members of the Security Council to work with us instead of against us.

The United Nations wasn't paralyzed.

And the principle of collective international action against regional aggressors was dramatically strengthened.

Throughout this process, American leadership was absolutely essential.

Had we not been willing to take the lead in mobilizing an international coalition against the Iraqi invasion of Kuwait, Saddam would still be in possession of what he arrogantly characterized as the 19th province of Iraq.

If, in the future, we simply walk away from our responsibilities, as we did after World War I, the very idea of collective security and international action will fall apart.

And we will pay the price.

But if we are prepared to take up the burden of leadership, as we did after World War II, it should be possible to mobilize international coalitions capable of resisting those

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who would wantonly invade their neighbors, thereby determining aggression in the first place.

There is one further message the Democratic party must convey to the American people if we are to convince them that we can be trusted with the responsibility of managing our foreign and national security policy.

We must demonstrate that we recognize that while force should always be a last resort, "last" is not the same as "never," and that there are times when war is not only justified but necessary.

This is, of course, a lesson we have learned from our own history.

Had it not been for the Revolutionary War, we would not have won our independence.

Had it not been for the Civil War, we would have neither preserved the Union nor freed the slaves.

Had it not been for the Second World War, the Third Reich might indeed have lasted for a thousand years.

And had it not been for Desert Storm, a demonic despot would have had his hands on the economic jugular of the world, and armed with chemical and biological weapons, and eventually nuclear weapons as well, he would ultimately have embarked on additional campaigns of conquest and annexation, as part of his effort to dominate the entire Middle East.

Finally, Democrats also need to offer the American electorate a positive, forward-looking vision of what we stand for, not just what we're against.

And this requires reaffirmation of the truth that, in the last decade of the 20th century, after the failure of fascism and the collapse of communism, it is the aspiration of men and women to be free, and to freely determine their own destiny, which constitutes the most powerful idea of our own time.

It follows, then, that the promotion of pluralism rather than the containment of communism should become the primary objective, and the new foundation, of American foreign policy.

The preservation of democracy where it already exists, and the promotion of democracy where it has not yet taken root, is not only a reflection of American values but is also very much in American interests.

Yet most of all, we need to recognize that our capacity to sustain a policy of enlightened internationalism, in which the United States remains actively engaged in the effort to preserve peace and promote pluralism, will depend more than anything else on our ability to deal with and resolve our domestic difficulties.

It will, after all, avail us little to win wars abroad if we lose the far more important struggle to keep the American dream alive here at home.

And this is a struggle we run a real risk of losing.

In the most technologically advanced country in the world, we can manufacture smart bombs and Patriot missiles but can't compete with the Japanese in cameras and VCRs.

In the most educationally progressive country in the world, U.S. students register dramatically lower math and science scores than their foreign peers.

In the most scientifically sophisticated country in the world, our system of health care leaves millions with no protection and no way to pay for needed treatment.

And it is real flesh-and-blood people who must bear the brunt of these dismal failures.

One out of every five children in America lives in poverty.

Ten babies die in the United States for every 1,000 live births, a shamefully high infant mortality rate that places us behind 18 other countries around the world.

One American adult in four is functionally illiterate, whereas in Germany, Japan, and South Korea, adult literacy is close to 99 percent.

Nearly 29 percent of all U.S. high school students leave school before graduating, compared with a dropout rate in Japan of little more than one percent.

Similarly, much of the physical infrastructure of our nation is outmoded or overburdened.

Thirty-five percent of the country's interstate highway system has outlived its design life, while gridlock is increasingly the rule rather than the exception not only on our highways but at our airports as well.

More than forty percent of the nation's bridges are structurally deficient or functionally obsolete.

In short, it is not too much to say that we are now moving into a world where the major threat to our national values and way of life will come not from the Red Army or the Warsaw Pact, but from economic competition from abroad and social problems here at home.

Without a strong economy, an educated populace, and a modern infrastructure, we will be unable to carry out a foreign policy worthy of a great nation, or to offer the world the leadership it needs, and expects, from us.

In earlier centuries, countries whose military might and standard of living made them world powers—Spain and Portugal in the 16th century, the Netherlands in the 17th, France in the 18th, Great Britian in the 19th—gradually slipped from the pinnacle of power into a shabby second-class status.

The real challenge that confronts America is: can we maintain our economic pre-eminence, or shall we, as did these other once-great countries, begin a long slow slide into stagnation, eventually to be eclipsed by other nations better able to meet the challenge of the technological age in which we live.

Or to state it in slightly different terms, can we muster the will and marshall the resources to address these challenges in order to remain the wealthiest, most powerful, most envied nation in the world?

I believe we can.

If we did it for Kuwait, surely we can do it for America.

Instead of just building emergency shelters for the Kurds in Iraq, we should be building housing for the homeless here in the United States.

Instead of just teaching our military how to handle sophisticated weapons, we should be teaching all our young people how to compete in an increasingly technological world.

Instead of just providing for the medical needs of the wounded in the Gulf, we should be providing health care for the 37 million Americans who currently lack minimum medical protection.

In the Gulf we saw the challenge.

We formulated a response.

We appropriated the necessary resources.

And we achieved our objective of liberating Kuwait.

There's no reason why we can't harness similar imagination and boldness to confront the challenges we face here in the United States.

But it will take more than standing up to a tyrant nearly half way around the world, while shrinking from our responsibility to build a strong economy and a compassionate society here at home.

It will require a President and a political party that believes that government is part of the solution rather than part of the problem.

Historically, if the Democratic party has stood for any one idea or concept, it has stood for a willingness and a commitment to mobilize the human and financial resources of government to tackle precisely the types of social and economic problems that threaten to undermine our national security in the century to come.

To be sure, the economic future of the United States will depend primarily on the efforts and energies and entrepreneurial creativity of the private sector, which is responsible for 83 percent of our country's jobs, and which produces 80 percent of the GNP of the United States.

But there are some problems—revitalizing our educational system, for instance, or rebuilding our infrastructure—that the private sector alone cannot solve.

And in these areas, unless we make resources available from the public sector, combined with meaningful performance standards, these needs will not be adequately addressed, and the private sector will be held back.

At a moment when we celebrate the collapse of communism and the triumph of democracy around the world, we must remember that the failure of Marxism has not meant that capitalism has eliminated all our social ills at home.

Capitalism has made the American economy the envy of the world.

But the "magic of the marketplace" will not, by itself, solve the problems of adult illiteracy, of fatherless families, of chronic unemployment.

Capitalism, as dynamic as it has been, as robust as it can be, will not, on its own accord, repair our bridges, unclog our roads, or clean up our environment.

Americans have always recognized that, as critical as the market is, there are limits to what the individual businessman can do.

Time and again throughout our history, the American people have turned to their government to take on tasks too large for free enterprise alone.

Private capital worked hand in hand with government to build the railroads that, a century ago, linked our fragmented and fractured nation into a single unit.

Individual entrepreneurs worked hand in hand with the federal government to build an interstate highway system that in this century helped propel our country to new heights of prosperity.

From the Northwest Ordinance of 1787, which set aside public lands for education, to the GI bill of rights after World War II, which made higher education available to a whole generation of ex-servicemen, to the National Defense Education Act of 1958, which directed federal monies into math and the sciences as a means of overcoming a Soviet lead in the space race, the government has been involved in funding the education of American citizens.

From the American system of Henry Clay, to the New Deal of Franklin Roosevelt, to the effort to place a man on the moon, the government has been involved in promoting those projects too substantial for the solitary entrepreneur.

Of course there will be skeptics and cynics who, while acknowledging the need to act, will say that our problems are too intractable, our resources too limited.

But this is the counsel of despair.

We have heard it before.

And we know better than to accept it.

One week ago today, I joined nearly a million of our fellow citizens who flocked into the nation's capital to pay tribute to the heroic soldiers and sailors and airmen who brought us victory in the Gulf.

I know there were some who questioned the propriety of spending several million dollars on such an occasion.

But it seemed to me that if the nation was going to ask half a million of our fellow Americans to put their lives on the line halfway around the world in pursuit of what the President and Congress believed were vital American interests, the least we could do was to show them, once the war was over, that we remembered and recognized the sacrifices they were prepared to make, and did make, on our behalf.

And as I watched our proud troops—this cross section of America, men and women, black and white, oriental and Hispanic, gentile and Jew—return home not as conquerors but as liberators, I was reminded of two other parades I had either witnessed or participated in.

The first took place a decade ago, when New York City welcomed home our hostages from Iran.

The New York City congressional delegation had been asked to serve as the lead contingent in the parade.

And as we marched up Broadway from the Battery toward City Hall, amidst the kind of tumultuous applause we rarely receive in our own districts, we all beamed with pride at the recognition we were finally receiving.

Until it dawned on us, two blocks into the march, that the reason for the wild cheering was that the spectators lining both sides of the street thought we were the hostages.

The second parade occurred fifteen years ago, in Niamey, the capital city of Niger, to celebrate the third anniversary of the revolution by which the current government had come to power.

And leading the march that day was not the army nor the air force.

Not the generals nor the other military brass.

The place of honor heading the parade had not been reserved for tanks, or artillery, or the other weapons with which African countries wage war.

Instead, the lead contingent as made up of the teachers who were educating the country's young people.

They were followed by the health workers who ministered to the needs of a population where death and disease run rampant.

And as I watched the march last Saturday, and thought back to these two earlier occasions, I caught myself dreaming of a day when ticker tape parades in New York and Washington would be led not by the military, and not by the politicians, but by the teachers, the health workers, the social workers, and the volunteers whose lives are dedicated to helping us win our wars against illiteracy, addiction, disease, and deprivation here at home.

And it also struck me that here is the real challenge for the next decade and the next century.

It is a challenge we Democrats cannot afford to refuse.

It is a challenge we Democrats are superbly equipped to handle.

But most importantly, it is a challenge we Democrats must accept if we are to remain true to the heritage of our party and the promise of our nation.

A FAREWELL TO FATHER J. DONALD PEARCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to the attention of the House of Representatives and the American public the contributions to the church and to the community of a constituent of my congressional district, Fr. J. Donald Pearce, S.J. He is the pastor of Gesu Church, in downtown Miami. I wish to commend Father Pearce for his service and commitment to the inner city families and communities in downtown Miami along with his extraordinary leadership in the renovation of the interior of the Gesu Church, which is the oldest Catholic Church in the city of Miami and an architectural treasure.

Father Pearce graduated from Gesu High School, class of 1943. He later joined the Navy and served overseas for several years. In June 1959, he was ordained a priest in the Southern Province of the Jesuit Fathers, where he served as president and superior of various Jesuit institutions in the south.

Along with renovating the interior of the church, Father Pearce has been able to lead the church in its spiritual mission in providing ministry to the elderly, to prison inmates, and to inner-city families and youth. Father Pearce also hosts the local chapters of alcoholics and narcotics anonymous in the church rectory. He also has arranged for providing facilities for services to the elderly, and those seeking legal assistance.

A special Thanksgiving Mass and farewell reception on August 4, 1991 will be held to honor Father Pearce. He has been assigned to work in New Orleans and therefore will be leaving Miami, a city to which he has given much of himself. His dedication, perseverance and guidance will be greatly missed among the people of his parish and community. I wish him all the success in his new assignment in New Orleans in working with the elderly.

A TRIBUTE TO A BENEVOLENT BUILDER, WILLIAM CLEMONS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. DUNCAN. Mr. Speaker, a former school teacher, William Clemons, of Knoxville, TN, has received recognition for his community service. Mr. Clemons' love for his students and their well-being led him to construct many housing projects for the underprivileged, and recently, he was presented the Jefferson Award for community service.

The Jefferson Award, founded in 1972 by Jacqueline Kennedy Onassis and Senator Robert Taft, Jr., is an award presented nationwide. This year it was given to 66 community workers who met in Washington, DC, on June 17.

When William Clemons worked in the Alabama school system for 3 years, he was outraged after he discovered the living standards of some of his students. He then dedicated his time and energy to the betterment of his students' education and their environment.

I commend Bill Clemons for his unselfishness and his vision in constructing housing for underprivileged students. He has touched many lives in a good way in the past, and I am sure he will influence many more in the future.

William Clemons has aided in the advancement of many students and has helped perform many community services making him more than worthy of the Jefferson Award.

Mr. Speaker, I salute William Clemons for his efforts.

I ask that an article that appeared in the Knoxville News-Sentinel be printed in the RECORD.

BENEVOLENT BUILDER—CLEMONS HONORED FOR EFFORTS TO HOUSE UNDERPRIVILEGED

(By Teree Caruthers)

A former school teacher whose compassion for his students and their families led him to become a builder of housing complexes for the underprivileged was recently awarded the prestigious Jefferson Award for community service.

William "Bill" Clemons of Knoxville joined 66 other community service workers from across the United States on June 17 for the award presentation in Washington. Clemons was recognized for his involvement in building houses for underprivileged families. Clemons' work was coordinated by the Alabama-based UMBRELLA organization, which built houses for low-income families.

Clemons said he began building houses in 1955, and continued until the organization was forced out of business by high interest rates. Until the organization folded, he helped build housing complexes in Alabama, Florida, North Carolina, Maryland, Ohio, and Tennessee.

Clemons built Prince Hall Village and Tabernacle Apartments in East Knoxville to help folk displaced by urban renewal.

"I was committed to see what I could do to get students a decent place to live. I've been involved ever since," he said.

Founded in 1972 by Jacqueline Kennedy Onassis and Sen. Robert Taft Jr., the Jefferson Awards and the American Institute for Public Service were established to honor public service. Media sponsors identify potential award recipients. WBIR-TV, Channel 10, is the local sponsor.

Recipients of the award receive a gold medallion and certificate signed by the cofounders and are invited to Washington for the awards presentation.

Other regional winners from East Tennessee included Leslie El Sayad of Deer Lodge, Gene Lee of LaFollette, Loretta Pruett of Knoxville and Rhoda Dagley of Petros.

Clemons said his volunteer spirit "goes back a long ways."

After working in the Alabama school system for three years, Clemons said he was amazed by the deplorable living conditions of some of his students.

"I felt that if you really wanted to understand some of the problems involving the students, you had to make home visits."

It was those visits to students' homes that made Clemons decide that something needed to be done.

"It was appalling to me some of the conditions these students were living in. It made me swell up inside."

In 1960, Clemons moved to Tennessee and began operating a string of businesses. At one time he owned a cab company, service station and garage, and a cafeteria.

He also began performing community services for the people of East Knoxville. Clemons helped organize the first Optimist Club for blacks in East Knoxville, and he is still a member. Clemons is an alumnus of Tuskegee Institute, having received a degree in Vocational Agriculture in 1940. He is a member of the Tuskegee Club, an alumni organization for Knoxville and Oak Ridge residents. He is chairperson of the Benevolnce Committee at McDonald Drive Church of Christ. He also has membership in the United Way and is a former board member for the Girl Scouts of America.

Clemons and his wife, Joy, have been married for 50 years.

PRESCIENT OBSERVATIONS OF REPRESENTATIVE BROOMFIELD

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LEACH. Mr. Speaker, Our distinguished colleague from Michigan, Mr. BROOMFIELD, whose views on foreign policy this body and especially the minority hold in such high regard, wrote a guest column which recently appeared in the Christian Science Monitor which ought to be brought to Members' attention.

Whether one agrees or disagrees on the controversial issue of United States policy toward China, no one can differ on the point raised by the ranking member of the Foreign Affairs Committee: That to be effective, a policy on trade with China must have the input of Congress as well as the executive branch.

I include the distinguished gentleman's commentary be placed in the RECORD at this time.

[From the Christian Science Monitor]

TWO VIEWS OF CHINA

(By William S. Broomfield)

The second anniversary of the Tiananmen Square massacre has passed. But the human rights concerns symbolized by Tiananmen have not been resolved. The Chinese government has still not accounted for thousands of persons who were killed and imprisoned. There is no sign of political liberalization.

Instead, despite internal struggles, Beijing has returned to an emphasis on economic growth. The economy has been so successful that the trade surplus with the United States may reach $15 billion this year, up from $10 billion last year.

There are other key issues in US-China relations. Although China did not veto United Nations Security Council resolutions on Iraq. Chinese cooperation on other issues of international peace and security has been poor. China continues to arm the brutal Khmer Rouge in Cambodia, and there are ominous signs that China is about to begin a major export drive for its newest missile systems.

All these issues have become linked to the yearly decision whether to continue most-favored-nation (MFN) trade relations with China. President Bush has notified Congress of his intention to extend MFN for China for another year. In a recent speech at Yale University, the president argued that denying MFN would deprive the US of leverage on a broad range of issues, including human rights. It could further isolate the Chinese leadership and jeopardize the economic progress that has helped kindle democratic yearnings.

Some in Congress, including leading Democrats, argue that the US should deny MFN, or at least make it conditional upon major improvements in Chinese policies on human rights and other issues.

These issues are extremely important and should be addressed through all appropriate means. But imposing conditions on MFN that are unlikely to be met would threaten the well-being of the Chinese people and put at risk our own influence in China.

The recurrent debate over MFN for China obstructs any coherent policy toward this extremely important country and has led to an unproductive stand-off between the president and Congress. The president, based on his personal experience, well understands the importance of maintaining orderly relations with China. Unfortunately, there is a perception that Bush has not turned the heat up high enough on human rights and other issues.

The MFN debate has diverted attention from more practical approaches. At worst, it could lead to a complete collapse of our influence in China. A new approach would help us reach a greater level of domestic accord and realism on relations with China:

First, the president and Congress should immediately establish a special commission on US-China relations, comprised of government officials, congressional leaders and distinguished private citizens including experts on China. It would review our overall relationship with China and make recommendations in a report to be filed prior to the time for the next renewal of MFN. Such a step could lessen conflict between the branches of government and improve public understanding. It would also help dispel the impression that US policy toward China is being run exclusively by the president, and that important issues are not being satisfactorily addressed.

Second, we must adopt a flexible approach to our ongoing relations with China. Reasonable conditions attached by Congress to renewal of MFN could send an important signal to the Chinese leadership that the US expects improvements as a precondition for continued normal relations. At the same time, more could be done—separate from MFN—to address some of the outstanding issues in US-China relations.

Third, there is a need to review the measures that were taken against China after Tiananmen and to determine which should be continued. Certain restrictions should probably be dropped since other countries are once again operating normally in China. Additional measures might be considered, however, in response to specific complaints, such as renewed Chinese jamming of Voice of America broadcasts and continued allegations of harassment of Chinese dissidents in the US.

Fourth, trade issues should be pursued more aggressively. Whatever its causes, the massive trade deficit with China requires a governmental response. The administration should take further action under the trade laws, including on the issues of import and investment restrictions; dumping, subsidies, and other structural issues; convict-made goods; and establishment of criteria for renewal of the regular three-year trade agreement with China that expires in February.

We must not burn our bridges, with China until we see if they can be repaired. The important issues in US-China relations should be taken seriously and not reduced to a political morality play. A sense of unified national purpose must be restored to our relations with China. Only in this way can we retain our ability to influence events in China during a key period of economic and political transition.

TRIBUTE TO A HUMANITARIAN: JEFFERSON PORTER McARTHUR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Jefferson Porter McArthur, a member of Berean Baptist Church in my district of Brooklyn, NY. Mr. McArthur hails from Lumberton, NC, where he graduated from Alexander High School. Upon his arrival in New York he joined Berean Missionary Baptist Church and served on the usher board and men's choir. He later became president of the usher board and held that position until he was requested by pastor, Dr. H.L. James, to be a deacon. He subsequently chaired the board of deacons and deaconess' and maintained those duties for over 30 years and has been a member of Berean for over 50 years.

The hallmark of Mr. McArthur's life has been his selfless service within his community. He is a businessman with diverse work experiences and talents. As a professional he has excelled as a tailor and real estate broker. He has been an employer within his community; employing recent parolees, indigent families, and recent immigrants. He has often said: "My greatest reward comes from knowing that I have been able to help somebody." I am proud to salute this humanitarian whose labors are for love of his people, community, and church.

HUBERT H. HUMPHREY, A GENUINE AMERICAN HERO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. GUARINI. Mr. Speaker, I rise today to speak of a genuine American hero: Hubert H. Humphrey. This year marks the 80th anniversary of his birth and would also commemorate his 46 years of public service to our Nation. This anniversary is an appropriate time to reflect on Humphrey's accomplishments and the ideals for which he stood. For our young people, the journey through the life and times of Hubert H. Humphrey can be a great learning experience, with many goals toward which they should aspire.

As a champion of the great liberal tradition of American politics, he was a great orator and a public servant in the true sense of the word. Humphrey earned the nickname of the "Happy Warrior" by approaching every task, no matter how difficult, with optimism. Whether he was crafting legislation or fighting inhumanity and injustice throughout the world, Humphrey never once lost his positive can-do attitude.

As we remember him, let us remember the Hubert H. Humphrey of great vision, who led us on a quest for civil rights for all Americans and nuclear arms control in the 1950's and formulated the establishment of both the Peace Corps and Food for Peace Programs. Humphrey was also a man who dared to see things before others, proposing the concept of Social Security over 15 years before it was embraced by others.

Hubert Humphrey was a politician's politician, a proud yet sensitive man who never forgot where he came from. Throughout his extensive public career as a local elected official, U.S. Senator, Vice President of the United States, and Presidential candidate of his party, Hubert Humphrey never lost sight of his roots or his beloved Minnesota constituents who stood by him through his triumphs and tragedies.

Hubert H. Humphrey was one of those rare politicians who by his deeds served as a magnet to draw others into the political arena. He was a man who earned the trust of all his colleagues and the respect of all Americans.

I find that on many occasions admiration is best explained simply. Therefore, let us remember our former colleague Hubert H. Humphrey as he is remembered by his three children. When they were asked how their father had contributed most to their lives, one said, "Dad taught me that what I do must be done well—the very best I know how." "I learned from him to study harder," said another. The third answered, "Dad made me realize the importance of treating all people fairly." It is my hope that all of us will hold fast to these principles, for ourselves, and for our country.

A TRIBUTE TO DR. XENIA BAS DE TAMAYO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues the accomplishments of a remarkable woman and journalist, Dr. Xenia Bas de Tamayo, who was recently honored by having her imprint in the Cuban Culture in Exile Walkway in Hialeah.

Academia de las Luminarias de las Bellas Artes [ALBA] an organization that promotes Hispanic art and culture in south Florida founded and directed by Pedro Roman honored Dr. Bas de Tamayo with a reception on July 27. ALBA recognizes the achievements and hard work that Dr. Bas de Tamayo has accomplished since arriving to south Florida.

A Cuban refugee, Dr. Bas de Tamayo has demonstrated great talent in journalism. Dr. Bas de Tamayo arrived on the shores of Florida in 1959, and since then has been an ardent journalist that has used her skill as a writer to communicate to everyone the inhumanities committed on the Cuban people by Fidel Castro.

Her list of accomplishments is long and distinguished. She graduated from the Manuel Marquez School of Journalism in Cuba and received a doctorate degree in Social Work from the University of Havana in Cuba. She also received a bachelor of arts from Biscayne College in Miami, FL.

Upon her arrival to Miami, FL, Dr. Bas de Tamayo has worked fervently to help the Cuban population and the anti-Communist cause. In 1961, along with her family, she created organizations Ahora and Cuba Nueva, which are designed to inform the community in south Florida about the difficulties being faced in Cuba. She also founded and directed Show Time and Show Latino, magazines based in south Florida. Dr. Bas de Tamayo has also worked on the radio news show El Periodico Del Aire which focused on the arts and information on women's issues.

Since 1972, she has directed El Club de Mujeres an organization targeting the needs of women in south Florida. The association focuses on women, helping them with counseling and orientation. In her efforts to help the community of south Florida, Dr. Bas de Tamayo is also a member of Junta de Gobierno Nacional de Periodistas, Colegio de Pedagogos, and Junta Directiva del Colegio de Locutores. These organizations are devoted to improving and assisting journalists in Florida.

It is an honor to recognize Dr. Bas de Tamayo's success, which is due to her vigilance and devotion to her work.

HISPANIC OUTRAGE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. RICHARDSON. Mr. Speaker, the Nation's Hispanic community is upset with the current administration's attitude toward minorities in general and Hispanics in particular. Hispanics are the fastest growing minority in this country and will be the largest minority by the year 2010.

Hispanic Americans remain furious that the Secretary of Commerce refused to adjust the 1990 census. That inaction resulted in the numerical loss of more than 5-million residents including 1-million Hispanics. And then to add insult to injury, the Secretary backed out of a major speech before a national Hispanic organization's convention in Houston.

Mr. Speaker, Hispanic Americans feel ignored and displaced by the current administration. These thoughts were eloquently broadcast in a recent editorial by a major Spanish language television network, Univision. I urge my colleagues to read Univision President Joaquin Blaya's comments which follow:

SECRETARY OF COMMERCE, ROBERT MOSBACHER

(Remarks by Joaquin Blaya)

It has been just a few short months since President Bush has begun to enjoy his honeymoon with the Hispanics of this country. His leadership during the Persian Gulf war had given him unusual popularity. A Univision poll taken in March divulged that, for the first time in history Hispanics sanctioned the actions of a Republican President. But this courtship was shorter than a summer's night.

Secretary of Commerce, Robert Mosbacher, has destroyed the relationship the Republican Party has been trying to strengthen for over a decade. First came Mosbacher's decision to refuse the requests of cities and minority organizations who wanted the results of the census adjusted. With the stroke of a pen, Mosbacher eliminated more than 1 million Hispanics from the official count of persons who live in this country. As a consequence, cities and States with large Hispanic populations will lose billions of dollars in Federal aid. But that is not all.

At the last minute Mosbacher cancelled his commitment, which he made months ago, to be a guest speaker at the annual convention of the National Council of La Raza in Houston, TX, this week. A less-ranking alternate replaced him. The 1,200 conference attendees responded with dignity. More than half of them marched out of the conference ballroom rather than listen to Mosbacher's aide. The rest rejected him.

We support the action taken in Houston by the National Council of La Raza conference participants. Now we must let President Bush know our renouncement of his Secretary of Commerce. We must let him know that Hispanics will not tolerate our needs being ignored and our being rebuked.

If President Bush wants the support of Hispanic voters in 1992, then it is best that he demand that his Secretary of Commerce respect us.

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. GRADISON. Mr. Speaker, I am pleased to join today with my colleagues, LEE HAMILTON of Indiana and Senators BOREN and DOMENICI, in introducing a concurrent resolution to establish a Joint Committee on the Organization of Congress.

On two occasions since the conclusion of World War II, the Congress established similar panels to assess the organization and operation of the Congress. In each case, these were serious undertakings which led to changes in the manner in which the Congress conducts the people's business.

The Legislative Reorganization Act of 1946 and the Legislative Reorganization Act of 1970 were born in the deliberations of temporary bipartisan and bicameral committees established in 1945 and 1965. By and large, the changes brought about by these efforts were positive and responded to the needs of the Congress, as an institution, to deal more effectively with the problems of the day. It has been over 30 years since the House and the Senate have joined to examine the question of congressional operations. Times have changed. The Congress and the nature and complexity of the people's business have changed. This resolution is a timely response to the real and perceived problems of the Congress.

Critics of the Congress claim there are too many staffers, too many committees and subcommittees, and too many turf battles. The result, they claim, is legislative gridlock. They may be a right. However, I believe that these and other concerns, including reform of institutional rules and procedures and the protection of minority rights, are symptoms of a large problem.

This Nation faces considerable problems. The appallingly low national savings rate, dangerously high Federal budget deficits, lagging productivity, and the problems inherent in new entrants to the labor force lacking basic skills are among those that concern me the most. In all cases, I am concerned that short-term thinking, driven by the necessities of electoral and partisan politics, is distoring the ability of Congress to address urgent long-term national problems in a deliberate fashion. No one can remove politics completely from the public policy debate. Nor should we try. We can, however, remove the institutional impediments that contribute to the gridlock that critics rightly bemoan.

My interest in this proposal is that it holds out the promise of improving the ability of the Congress to engage in long-term thinking. What might be an example of a reform that could improve long-term planning? For example, in the context of budget reform, perhaps the time has come for multiyear budgeting. Many of the reforms that this joint committee may ultimately recommend may not be new. However, there has been no effort to integrate various reform proposals in a coherent and consistent manner. This bipartisan joint committee would be in the best position to do just that.

NEED FOR NATIONAL HEALTH CARE REFORM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BROWN. Mr. Speaker, I rise today to address the need for national health care reform. Clearly, the greatest health care challenge our Nation faces through the 1990's is how to provide medical coverage to the estimated 37 million uninsured Americans. As the cost of health care skyrockets, and the number of uninsured people flocking to emergency rooms and filing public hospitals grows, the repercussions can be felt at every level of our economy.

The American health care system contains both the best and worst elements of modern medicine. Our people have access to cutting-edge medical technology, doctors and nurses who are among the best trained in the world and excellent public and private hospitals. However, we also have a widening health care gap between those who receive excellent care and those who receive no care. We have elderly in desperate need of long-term care who are not fully covered for all necessary services under Medicare. While we spend more money per capita on health care than any nation in the world, we spend it inefficiently, much of it going toward administrative costs rather than direct health services.

I was dismayed to read in a Harvard study that for every dollar the United States spends on health care, 24 cents goes toward administrative and billing costs. By comparison, Canada spends 11 cents out of every dollar on such costs. If we were to push our paperwork burden down to the Canadian level, we would save more than $100 billion a year. This would be enough to provide coverage for the 37 million uninsured Americans, with money left over.

Health care providers, particularly doctors, complain that they are drowning in paper snow—the overload of authorizations, receipts and utilization reviews required by insurance companies before claims will be processed, or even before patients are treated. What we need is a system that keeps accurate and detailed patient health records without excess and unnecessary paperwork. I firmly believe we could do this for far less than we do now without a tremendous amount of difficulty. Electronic processing, standardizing and simplifying claims could save billions a year. The challenge will be in devising a politically feasible scheme for making such a transition without creating any winners or losers.

The seriousness of our health care crisis is best reflected by the chorus of voices that have reached Washington of late. The Journal of the American Medical Association, in the strongest terms it has ever used, has called for an overhaul of the Nation's health care system. The editor, Dr. Lundberg states:

> An aura of inevitability is upon us. It is no longer acceptable morally, ethically, or economically for so many of our people to be medically uninsured or seriously underinsured.

I believe Dr. Lundberg speaks to the core of the issue when he says we have a moral responsibility to insure all people access to health care. We are long overdue in creating a system that will provide insurance for the millions who are uninsured. The changing attitude of the Nation's doctors in restructuring the health care system is unprecedented and leads me to believe that we are closer than ever to true reform.

Whether or not the American Medical Association's radical shift to a more mainstream position on health care reform will help us reach a consensus is uncertain. We still have major obstacles to overcome. Proposals are coming from all corners. The problem will not be a lack of agreement on the need for reform. The problem will be finding a consensus to reach a majority on a vote.

So where does this leave us? Despite the political difficulties, I am optimistic. The developing debate for comprehensive national health care reform is off to a good start in the 102d Congress. While the proposals cross the full spectrum of possible options for reform, it is increasingly apparent that consensus does exist on the scope of the problem. Last year's Pepper Commission report on health care has moved the debate this far. Now we must seek some common thread among the various existing and emerging proposals.

Mr. Speaker, I am encouraged by the formation of the bipartisan caucus for national health care reform. It is just this type of forum that is needed if we are to ever devise a politically acceptable solution to our health care crisis. The ideal would be for Congress to develop one or two promising proposals that could then be a key issue in our next Presidential debate. Bringing health care to this public level would foster action and debate between communities, businesses, and health care providers.

Our system is in need of major renovation—not revolution. We must take steps to improve and expand our existing health care delivery system, which places private insurance—financed largely by employers—at the forefront, with the Government acting in a back up capacity through programs such as Medicare and Medicaid. We must provide health insurance for the millions who have none, either by an expansion of Medicare and Medicaid or creation of an entirely new program. Finally, we must work to control costs without bankrupting our doctors and hospitals, and without denying needed care to the ill.

A single piece of legislation will not accomplish these goals. Congress must adopt a blueprint for health care in America, and devise a comprehensive legislative strategy to encourage employers to provide health care, an expansion of existing programs to cover many of the uninsured, improvements in our health care delivery system to low-income families, and efforts to control costs.

Improving our Nation's health care system is a goal we all share. I urge my colleagues on both sides of the aisle to continue working together to achieve this end.

SALUTE TO BISHOP HUIE L. ROGERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Bishop Huie L. Rogers. Bishop Rogers was born on June 22, 1934 in Vidalia, GA. He attended Boys High School in Brooklyn, and was called to the ministry at the age of 14. He attended the Church of Christ Bible Institute and the Nyack Missionary College. He received his doctor of divinity degree from New Haven Theological Seminary and went on to preach under the leadership of Bishop Joseph Moore, founder of Bibleway Church of Christ in Brooklyn.

After the death of his predecessor, Huie Rogers was elected pastor of the Greater Bibleway Temple in Brooklyn, NY, where he has resided for the past 25 years. He is known as an international evangelist, an ambassador, and a dynamic preacher. His accomplishments include being the founder of Tidewater Bibleway Church in Virginia; member of the Executive Board of Bishops; founder of the Total Truth Bible School, and the Total Truth magazine. He is the founder and headmaster of the Bibleway Elementary School. The bishop has initiated community programs such as "Meals on Wheels" and a summer program for community youth.

His ministry has reached the hearts of many across the country and he will continue to be a treasured religious figure in his community for years to come.

TO SET UP A TEMPORARY JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. HAMILTON. Mr. Speaker, today I am introducing with Congressman GRADISON a bill to establish a temporary Joint Committee on the Organization of Congress. The House-Senate committee would study and recommend reforms in the operations of Congress. A similar bill is being introduced in the Senate by Senators BOREN and DOMENICI.

NEED FOR BILL

The purpose of the bill is to find ways of improving the operations of Congress in order to restore public confidence in the institution and improve its ability to respond efficiently and effectively to its increasingly complex agenda. If Congress is to remain the "first branch of government," as our Founding Fathers intended, then it is important for it to stand back periodically to consider ways to improve legislative decisionmaking, representation, and oversight.

I believe we need to establish the Joint Committtee on the Organization of Congress for three main reasons.

First, there has been a lot of criticism of Congress lately. People do not have much confidence in it. Criticisms include: Too many committees and subcommittees, too many staff aides, inefficient scheduling, budget strife, inadequate oversight, omnibus bills, miscommunication between the Chambers and between the branches, the lack of policy integration, too much partisanship, and on and on.

Congress is frequently faulted by the media, voters are pressing for limits on congressional terms, and serious academic critiques of Congress have recently proliferated. Members of Congress themselves are often frustrated with organizational inefficiencies. I do not take the view that Congress is in shambles or is collapsing, but we can do better.

One way to promote public confidence is to earn it. The creation of this joint committee will demonstrate that Congress cares deeply about the exercise of its constitutional prerogatives and is willing to consider improvements in how it works.

Second, we should take a look at whether Congress is adequately organized to meet the challenges of the 21st century. There is growing uncertainty whether Congress is able to deal with the explosion of scientific and technical information coming at it, especially at a time when constrained Federal budgets require that choices be made and priorities be set. Moreover, an increasing array of issues before Congress—global warming, deforestation, terrorism, and drug trafficking—are both international and domestic and no longer cut neatly across organizational lines. Dramatic changes such as the upheaval in the Soviet Union and the rapid growth of the Japanese and European Community economies lead to the question of whether Congress is structured in the most effective manner to assert legislative influence and values in a transformed world.

One way Congress has responded to new developments has been to use various ad hoc approaches such as task forces, party groups, and bicameral devices. We need a comprehensive look at whether Congress is currently organized and equipped as it ought to be to address new challenges that face us here and abroad.

Third, I believe it is important for the institution of Congress to stand back and look at itself periodically. The last two House-Senate overhauls of Congress took place in 1946 and 1970, based upon the work of the 1945 and 1965 congressional organization committees. The 1946 reorganization included a fundamental streamlining of the committee structure and the development of a professional staff. The 1970 reorganization included changes that opened Congress to further public visibility and expanded legislative support agencies.

With the last major overhaul along these lines taking place more than two decades ago, I believe it is time for another comprehensive look at the operations of Congress.

OUTLINE OF BILL

The bill we are introducing today would set up a joint committee composed of sitting Members of Congress, eight from the House and eight from the Senate, with equal representation from the majority and the minority. The committee would also have four nonvoting advisory members, such as former Members of Congress or outside experts. The emphasis is on current Members, because the history of congressional reform committees and commissions suggests that those composed of sitting Members are the most effective in moving recommendations through Congress.

The task of the committee would be to look for ways of improving the overall operation of Congress, such as simplifying its operations, improving the orderly consideration of legislation, and improving its relationship with the executive branch. Although the main task would be finding reforms that would apply to both the House and Senate, separate House and Senate subcommittees would look at Chamber-specific reforms.

The committee would study the organization and operation of Congress and by the end of the 102d Congress report its recommendations to the appropriate House and Senate committees. Whenever possible, the committee would draw upon existing staff, as well as aides from the legislative support agencies and uncompensated volunteers, to minimize costs. The committee would terminate soon after it issues its report.

POSSIBLE AREAS OF INQUIRY

The mandate of the committee would be broad, and I do not want to try to predict in advance what areas it would focus on. The purpose of the committee is to find out what the problems and possible solutions are, and I approach it with an open mind. But possible areas of inquiry might include seeking organizational changes in Congress that foster better executive branch oversight, rules changes to improve the working relationship between the two Houses, and reforms of the committee system to address overlapping and out-of-date jurisdictions. Congressman GRADISON has a particular interest in looking for ways to institutionalize longer term thinking into the deliberations of Congress, and that is something I strongly support.

VALUE OF REFORM

We should not overestimate the importance of structural reform in Congress. Institutional reform is certainly no panacea. The best structure and procedures in the world will not help much if Congress does not have the political will to tackle the tough issues. Yet legislative reorganization could help improve Congress' workproduct and enhance public confidence in the institution, and that is beneficial both in the short and long term. I do not expect miracles from such an effort, but significant progress can be made step by step.

A TRIBUTE TO DR. JOHN HENRY BURKHART

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. DUNCAN. Mr. Speaker, a Knoxville doctor, Dr. John Henry Burkhart, has been named as this year's recipient of the Distinguished Service Award by the American Medical Association. Dr. Burkhart has been presented with the AMA's award for founding the Tennessee Medical Association's student loan fund and for his continued service to his community.

Only one person receives this very special recognition each year. I am very proud that this year's award has gone to one of my constituents.

Dr. Burkhart received the award on June 23 during the AMA's annual meeting in Chicago. The AMA, which represents a large majority of the Nation's doctors, selects one doctor a year to reward for his or her continued efforts in the medical field.

I applaud Dr. Burkhart for his work and for the extraordinary service he has delivered to the Knoxville area.

Mr. Speaker, Dr. Burkhart has had bestowed upon him one of the most prestigious awards in his field from his peers. I, too, want to recognize him for his efforts in helping to fund needy medical students with over 1 million dollars' worth of aid.

I ask that an article concerning Dr. John Henry Burkhart's accomplishments that appeared in the Knoxville News-Sentinel appear in the RECORD.

AMA'S ANNUAL SERVICE AWARD GOES TO KNOX DOCTOR, BURKHART

(By Larry Lee)

A Knoxville doctor has won a top American Medical Association award.

Dr. John Henry Burkhart brought home the AMA's distinguished service award June 23 from the annual meeting in Chicago. The AMA, which represents most of the nation's doctors, honors one person a year with the award.

"It was a very momentous occasion for me. It was a very great honor, particularly to be selected by your own profession for an honor like that, and I was extremely proud and very, very grateful," Burkhart said.

The program for the day reads, "Few physicians have given more to their profession and their community, and certainly none with more dedication, than John Henry

Burkhart, M.D., in a practice that is entering its sixth decade."

It notes in particular his founding of the Tennessee Medical Association's student loan fund, which has accumulated more than $1 million for needy medical students.

Burkhart and two of his sons are in family practice together at St. Mary's Medical Center, where Burkhart, 71, still works three days a week.

Another son, dermatologist Patrick Burkhart, practices in Maryville. A daughter-in-law, Dr. Laura Powers, wife of son John M. Burkhart, is a Knoxville neurologist.

John Burkhart has had a busy life, one not wrapped up in solely treating broken bones and the common cold.

He served on the old Knoxville Board of Education for eight years—seven as chairman—during the desegregation and annexation era. A 1962 news clip told of Burkhart and the late Mildred Doyle, then-Knox County Schools superintendent, agreeing that the county needed one school system.

It took 25 years for that dream to reach fruition.

In January 1980, during one of his 12 years on the Tennessee Board of Medical Examiners, eight of which he spent as chairman, Burkhart found himself in Memphis leading hearings on Dr. George Nichopoulos, Elvis Presley's doctor.

The board found "Dr. Nick," as he was known, guilty of several bad practices, especially in prescribing addictive drugs. Burkhart and the others sitting in judgment of their peer suspended Nichopoulos' license for three months and placed him on five years' probation.

"That was quite a deal," Burkhart said. It was covered by the national news media including ABC's Geraldo Rivera, who Burkhart said didn't find much—"kind of like some of his other stunts."

Burkhart is a Knoxville native and University of Tennessee graduate who has been practicing since 1949. He also served as president of the Knoxville Academy of Medicine in 1964.

In 1965 he was, besides president of the city school board, chief of the St. Mary's staff, president of the Tennessee Medical Association "and in solo practice that year. That was tough."

He was a member of the AMA's House of Delegates from 1966 to 1978 and for the next 10 years was a member of the Judicial Council, the AMA's ethical body. He spent four years as chairman.

He's won a slew of other awards over the years, including state physician of the year in 1985. Also, the Knoxville Academy of Medicine named its auditorium after him.

The day he was presented the latest award, he was surprised to look up and see his three doctor sons—John M., 42, Patrick Henry, 40, and Bill, 35—walk in and share the moment with him. They had flown to Chicago for the day without telling him.

"I think that was a bigger surprise than the award."

IN FAVOR OF NOTCH LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. RICHARDSON. Mr. Speaker, the time has come to finally correct a great inequity that has been neglected for far too long. In 1977, due to an adjustment in benefit rates, people born between 1917 and 1926 were inadvertently allocated less Social Security than those born before and after them. Congress has recognized this problem for 14 years. Many of us on both sides of the aisle have advocated solutions to end this injustice and every year the bottom line is that Congress is unwilling to spend the money necessary to correct a mistake that millions of Americans have been paying for years. After all the years that older Americans worked to make this country strong and prosperous, we owe it to them to do all we can to see that they are fairly compensated in their retirement.

Over the years I have received hundreds of calls and letters from New Mexicans asking me to help them restore benefits that are unjustly denied them. I am tired of explaining to them that Congress is unwilling to do anything to correct this situation. We all have a responsibility to our constituents who are affected by this problem to find an equitable solution. I believe that Congressman ROYBAL's bill, H.R. 917, offers us the opportunity to adequately compensate victims of the notch inequity without crippling the Social Security system.

We cannot continue to discriminate against Americans born between 1917 and 1926. We don't tolerate discrimination on the basis of race, religion, or gender; why should we allow it on the basis of birth date? We cannot continue to delay action on this matter any longer. It's time to stop making excuses and finally deal with this issue. I urge my colleagues to join with me in support of H.R. 197. Don't let another year go by without a solution to the notch problem.

HONORING SANDRA DUELFER, A DEDICATED TEACHER OF 25 YEARS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring attention to the hard work and commitment of Ms. Sandra Duelfer, an elementary school teacher at Banyan Elementary in Miami, FL. Unfortunately, today's teachers rarely receive the recognition they deserve for their accomplishments. Teachers, like Ms. Duelfer, who contributed 25 years of her life to her profession, are invaluable assets to our Nation's educational system.

When I hear of educators in south Florida who are making a difference, I am proud to know that it is the children of our community who are benefiting. The Miami Herald recently highlighted the contributions of Ms. Duelfer. That article follows:

HONORING SANDRA DUELFER, A DEDICATED TEACHER OF 25 YEARS

(By Lori Teresa Yearwood)

Sandra Duelfer does not call the fourth- and fifth-grade students in her class children. She calls them people.

"People," she said, all brisk and business-like as she pointed to a chalkboard last week. "Look at the spelling of this word."

The pig-tailed brunet in the front row got "civilization" right on her second try. "Good," Duelfer said. "I knew you could do it."

Every student who sits in one of Duelfer's classroom chairs is expected to meet a high goal of personal excellence. The two teacher-of-the-year awards Duelfer earned during her nearly 25 years of work at Banyan Elementary show she has worked hard to reach hers.

"I set my standards high, and I keep harping and harping away until the students reach them," Duelfer said. "They almost always do."

Memories of students like the Vietnamese girl who came to Duelfer's classroom the day after she arrived in the United States help fuel the veteran teacher's enthusiasm.

"She couldn't speak a word of English," Duelfer said. "But she worked like a beaver, and a year after she graduated from my class, she skipped half a year in the next grade."

Filed away in Duelfer's desk drawer is a letter from the Dade County Public Schools: one of her former students, Miriam Campa Perez, wanted school administrators to know Duelfer had been the most influential person in her decision to become a teacher.

The 9- and 10-year-olds Duelfer now teaches describe how their teacher helps them.

"She's nice, and she helps the kids a lot," said Jeremy Diehl, a fourth-grader with freckles and a flair for cursive writing. "At first, I was having trouble with my cursive, but now Mrs. Duelfer says I can do cursive better than print."

There has never been a question of what Duelfer would do. Her mother instilled a love of books and countries in her as a child, and ever since she can remember, she has wanted to be a teacher, Duelfer said.

She said she hasn't regretted her decision once, but last year, after 24 years of teaching, something unusual happened. Duelfer ran out of steam.

Later that year, Duelfer attended a writing seminar taught by the Dade County Public Schools and the University of Miami. During the seven-day course, she learned how to teach the technicalities of grammar and spelling through story books instead of workbooks.

Suddenly a new world opened up.

"She became revitalized," said Roberta Granville, Banyan principal. "She got excited again and started working overtime."

The youngsters were competing with each other to see who could be the first to answer Duelfer's questions about the book Little House on the Prairie. The teacher's excitement for learning was contagious.

Ms. Sandra Duelfer is a model for our young students and a model of dedication and commitment for our country. I commend the leadership of Dr. Roberta Granville, principal, and Anthony Recio, vice principal of Banyan Elementary, for making Banyan a school where learning can happen and a place where teachers like Sandra Duelfer can flourish.

INDIA EMBARKS ON FREE MARKET REFORMS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LEACH. Mr. Speaker, I would like to take this opportunity to call to the attention of Members a new development of potentially profound import for the people of India, for

United States-Indian relations, and the health of the world economy: The impressive new Free Market Reform Program recently announced by the Government of India.

As my colleagues well understand, since gaining independence from Great Britain in 1947, India has steadfastly pursued a developmental strategy characterized as Nehruvian socialism. The British model of Fabian socialism, as well as that of the Soviet command economy, were the favored economic development strategies among intellectuals and policymakers in New Delhi. Consequently, India developed a mixed economy and heavy emphasis on self-reliance, if not autarchy, particularly in foreign trade and investment policy.

The large state sector of the economy has been concentrated in traditional heavy industries such as steel, power, and energy, as well as in financial services and transportation. Although India undertook modest foreign trade reforms several years ago, as late as early 1991 its trade policy still contained numerous restrictions of foreign imports, including high tariffs, a Byzantine and corruption-inducing import licensing system, as well as numerous other barriers. By the same token, New Dehli pursued policies and practices which severely restricted and therefore effectually discouraged foreign direct investment.

Although India has taken great strides since 1947, New Dehli's inexplicable decision to continue to base its economy upon a paradigm of 1950's era socialist orthodoxy has helped precipitate the most wrenching economic crisis in Indian history. India's foreign debt has risen from a manageable $20.5 billion a decade ago to a staggering $72 billion, the third largest in the world. India's international creditworthiness has plunged to an all-time low. India has also been seized in the grip of a severe balance-of-payments crisis. One month ago, India was virtually bankrupt, with only $1.1 billion of hard currency reserves left to pay for vital foreign imports.

Very courageously, the new Indian administration, led by Prime Minister P.V. Narasimha Rao and Finance Minister Manmohan Singh, has decided to face up to the intellectual, political, and structural roots of the current economic crisis. Prime Minister Rao has stated that his government "is committed to removing the cobwebs" that have stifled market-oriented growth and industrialization. The Prime Minister has indicated he will work toward making India "internationally competitive" by welcoming foreign direct investment and freeing up foreign trade. By the same token, in order to overcome the current imbalance of payments, India appears prepared to negotiate a new economic adjustment program with the IMF, possibly linked to various performance criteria, notwithstanding the potential domestic political controversy associated with such an endeavor.

Over the past several weeks, the Government has taken steps to restrain fiscal profligacy, has slashed the trade-distorting system of export subsidies which also constituted a major drain on the Treasury, devalued the rupee by almost 20 percent against the world's major currencies, promised to abolish the archaic system of trade licenses, significantly liberalized its investment policies by allowing majority foreign ownership, and allowed commercial banks to raise interest rates based on market principles. Thus the Government of India appears to be undertaking a growth-oriented adjustment program through the establishment of a stable macroeconomic framework, and implementing structural reform through liberalization of trade and foreign exchange.

Mr. Speaker, it has been my strong sense for the past several years that in addition to being a bulwark of democratic self-governance, India should also be the great engine of economic growth in South Asia. India has tremendous economic potential, with a populace of 850 million people, a prosperous middle class of some 350 million, and world-class talent in science and technology. Freeing up the economy both to foreign competition and investment will finally help to stimulate a level of productivity and economic growth that many of us have long assumed India was capable of attaining.

India and America share much in common: A colonial and revolutionary heritage stemming from respect for individual rights, close ties with our former metropolitan power in London, the language of commerce, and a vibrant democratic polity. To be sure, we have differed and quarreled in the past. And the United States remains concerned about respect for fundamental human rights in Punjab and Kashmir, as well as nuclear nonproliferation on the Indian Subcontinent. But taking the broad view of our bilateral relationship, it is my great hope that the global failure of Marxist governance will help to render irrelevant the philosophical differences which have divided us, and that our two great democracies will experience a renaissance of rediscovery, of far closer ties, people to people, as well as government to government.

As we move into the 21st century, it would appear that concerns for geoeconomics will come to dominate concerns for geopolitics, with many societies preferring to replicate democratic market-oriented models rather than the totalitarian Marxist approach. If a pacific and prosperous world order is to be established, it must be hallmarked by free ideas, free institutions, and free trade. In this new world order, India can be expected to serve as a beacon light to all humankind of what can be accomplished by a people dedicated to democracy, to economic and social betterment, rather than class-driven aggression.

EMPIRE BLUE CROSS AND BLUE SHIELD OF NEW YORK PROPOSED RATE CHANGES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SOLOMON. Mr. Speaker, on July 24 Empire Blue Cross and Blue Shield of New York announced plans for significant rate changes in its small-group and individual direct-pay markets. This announcement has generated a fair amount of interest, not only in New York but also in Washington, I suppose because Empire is the Nation's largest not-for-profit health insurer, and because, unlike the usual commercial insurance company, it has a well-deserved reputation for making its insurance available to all on a nondiscriminatory basis.

Empire Blue Cross and Blue Shield has lost more than 400,000 good-risk, small-group customers in the last 3 years—lost them to commercial insurers that were able to offer lower rates because they insure only good-risk groups. This, of course, leaves Empire with the more and more poor risk. Empire thus points out that the resulting financial pressures have forced it to propose changes in its rating method and its rates.

These proposals are, of course, subject to the approval of the New York Insurance Department.

Regrettably, some of the reports we have seen concerning Empire's proposal have contained a number of misconceptions. The facts are contained in the July 24 announcement that Empire made, and I would like to have this announcement included in full in the RECORD following these remarks:

EMPIRE PROPOSES NEW METRO AREA SMALL-GROUP EMPLOYER RATES TIED TO EXPECTED HEALTH CARE USAGE; RATES FOR INDIVIDUALS TO RISE—175,000 GROUP MEMBERS WOULD GET RATE REDUCTION

RATE RESTRUCTURING TO COMBAT "SKIMMING" OF GOOD RISKS

NEW YORK, July 24, 1991.—Empire Blue Cross and Blue Shield, a private, not-for-profit corporation, announced it plans to change both its rates and rating structure for 350,000 employees and dependents in small groups (3–49 employees) with major medical coverage. The company also announced proposed rate increases for 380,000 individual direct-pay customers.

Affected customers are in New York City, Nassau, Suffolk, Westchester and Rockland counties, and represent an estimated 12 percent of all Empire customers in those areas. If approved by the New York State Insurance Department the changes would take effect October 1, 1991.

As a result of a new process for setting premiums, 50 percent of Empire customers in affected small groups should enjoy a reduction in their premiums, ranging widely from 1 percent to approximately 50 percent and averaging 17 percent. If approved, the changes would provide the company's first broad-based rate reduction. An estimated 35 percent of affected small-group customers will receive an increase of 50 percent, and 15 percent will see smaller increases or no change in their rates.

Premium increases to individual direct-pay customers would range from 20 to 50 percent, depending on the coverage they have, and would average 34 percent. However, many members of this segment would receive subsequent rate reductions if a rate restructuring Empire plans for individuals in 1992 receives State approval.

Not affected by the October 1 changes would be: Any individual direct-pay customer with Medicare supplemental coverage, small groups with hospital-only or hospital-and-basic-medical coverage, or the Company's 7.4 million customers in groups larger than 49 members, whose premiums are adjusted annually based on each group's own actual usage of hospital and medical services. Finally, the changes will not affect customers enrolled in Healthnet, the Company's HMO, or Empire's customers in the Albany or Mid-Hudson regions.

COMMERCIAL INSURERS SKIMMING HEALTHIEST GROUPS

"The small-group rate changes we propose are necessary primarily because certain commercial insurers have aggressively skimmed our good risk groups," said Albert A. Cardone, Empire's Chairman and CEO in announcing the proposal. "Two bills were introduced in the New York legislature's last session to curtail their predatory practices, but both were killed after intense lobbying by these insurers. This situation is further aggravated by extraordinary increases in health care use among a relatively small number of small group customers."

He noted that ordinarily the overall good health of the group and individual pools subsidizes the small number of heavy health care users. But he said several commercial insurers have targeted and skimmed off Empire's healthiest small-group customers—over 400,000 small-group members have been lost in the last three years. "If those people were still with us, no rate increase would now be necessary for either our small-group or individual customers."

INDIVIDUAL CUSTOMERS

Empire's Chairman said the proposed rate changes for individual, direct-pay customers are required because of large increases in the average use of medical services by these people. The average cost of their hospital admissions is an unprecedented 30 percent higher than that incurred by the rest of Empire's customers due to the severity of their illnesses.

Mr. Cardone also pointed out that all of the new revenue sought in rate increases would be a pass-through of the cost of claims; none of it reflects increases in Empire's administrative expenses.

NEW RATING STRUCTURE

"As of October 1, Empire plans to divide its approximately 30,000 small groups that purchase major medical products into two separate community-rated pools—one for good risks and one for poor risks—based on health profile questionnaires. Rates for the good-risk groups would be adjusted on the basis of age, sex and location (location is a factor because some areas have higher-cost health providers than others). Empire is making these changes so it can compete effectively for groups whose characteristics make them highly attractive to commercial insurers.

"Our remaining good-risk groups have been carrying far more than their fair share of rising health care costs in recent years. By dividing our small-group purchasers of major medical product into two community-rated pools, premiums will be more closely aligned with benefits received," Mr. Cardone asserted. He added that Empire plans a similar step for the downstate individual market and the remainder of the company's downstate small-group market next year.

SOCIAL NEEDS

"Empire has a special social responsibility to offer health insurance to as many New Yorkers as possible. In the past, we have blended the best and the worst risks into a single pool and charged a single, average price. But because our best risks have been skimmed, we are now prevented from offering a single price that is low enough to compete against insurers that restrict coverage to only the healthiest people.

"We do not refuse insurance to anyone, even those who are already ill. Commercial insurers, however, are free to 'blacklist' occupations identified with AIDS or other illnesses, 'redline' neighborhoods where they know residents are poor risks, and exclude other people by requiring HIV testing and medical exams. We do not plan to do any of these things, and intend to maintain our open enrollment policy," asserted Mr. Cardone.

Empire's plan to attract healthier small groups through lower rates will enable the insurer to further subsidize higher-use groups. Even after a 50 percent rate increase, the premium charged to poor-risk small groups will be about 33 percent less than the cost of services they receive.

"We have worked hard to deal with the problem of the uninsured in New York State," explained Mr. Cardone, who said he was aware that a rate increase of the size Empire seeks could force some people to drop their coverage. "We deeply regret this," he stressed.

Mr. Cardone claimed that many of the people in Empire's current community rated pools would not be insurable elsewhere. "In order to continue our protection for these people we must have a price list that attracts more healthy citizens.

"If our rate restructuring does not take place, and our good-risks groups continue to be skimmed, we could no longer be certain of our ability to provide coverage for New York's highest health insurance risks. Without us, many of these people would turn to the State. Then, hundreds of millions of dollars in health care bills would come out of taxpayers' pockets, through Medicaid or the already-overburdened hospital bad debt and charity care fund," warned Empire's Chairman.

HEALTH CARE CONSUMERISM URGED

Mr. Cardone asserted that Empire does not create health care costs, and alone, cannot control them. He urged consumers not only to practice healthy lifestyles, but to become "smarter health care shoppers" and "practice health care conservation whenever possible. Consumers must take more control over health care costs because, ultimately, they pay for them," he stated. Empire's Chairman pointed out the company has always been in the forefront of health education, and vowed the insurer would do all it can to help its customers make "more economical, smarter health care purchases."

Empire Blue Cross and Blue Shield serves 9.2 million customers, providing hospital, basic medical, major medical, dental prescription drug, health maintenance organization and Medicare supplemental benefits in the 28 eastern counties of New York State. Empire is also one of the nation's largest Medicare contractors, serving almost three million beneficiaries statewide. In 1990, Empire issued benefit payments of $7.7 billion and processed over 28 million Medicare claims.

CORPORATE TAX INCIDENCE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. GRADISON. Mr. Speaker, over the past 10 years, the Federal tax system has undergone historic changes. A considerable amount of attention has been focused on its changing progressivity and fairness; however, contrary to conventional wisdom, the poor were not handicapped with a larger share of the tax burden in the 1980's and the rich did not become richer at the expense of the poor. Despite the intense debate on the fairness of the Federal tax system and the shift of billions of dollars from individuals to corporations by the Tax Reform Act of 1986 [TRA], very little attention has been paid to the question of who bears the corporate tax burden. New empirical evidence suggests that the commonly used corporate tax incidence ratio significantly underestimates the amount of the tax borne by upper-income taxpayers.

From 1983 to 1989 the record-setting economic expansion period benefited all income groups. A significant number of families moved into higher real income classes during the 1980's. The Tax Reform Act of 1986 [TRA], reduced marginal income tax rates and eliminated numerous loopholes, creating a more progressive tax policy. Furthermore, while social insurance taxes are regressive, it is important to realize that when the Social Security system is looked at in terms of benefits and taxes paid, it is highly progressive.

Unfortunately though, insufficient attention has been paid to understanding the incidence of the corporate income tax. For example, due to the uncertainty of the corporate income tax incidence, the Joint Committee on Taxation excludes the corporate income tax from their tax burden tables. As a result, the corporate income tax, which accounts for approximately 10 percent of all Federal tax revenue, was omitted from statistics referred to frequently during the creation of the 1990 budget agreement. On the other hand, other research organizations, such as CBO, do include corporate taxes in their economic studies, but arbitrarily assign wage earners and owners of capital each 50 percent of the tax.

The classic 1962 study of corporate taxation by Arnold C. Harberger, concluded that the incidence of the tax depends on firms' ability to substitute labor and capital and the substitution elasticity of the product. Recent studies done by economists Jane G. Gravelle of Congressional Research Service and Laurence J. Kotlikoff of Boston University and the National Bureau of Economic Research, reexamining the Harberger model, have reaffirmed his conclusion that the majority of corporate taxes fall on the owners of capital.[1] Gravelle and Kotlikoff expanded Harberger's possible scenarios for factor and product substitution elasticities, and determined that the percentage of tax falling on capital could vary from 58 to 149 percent (see tax charts).

The charts show the changing burden of the corporate tax, applying the amount of income each quintile receives from wages and capital investment to the incidence of the corporate tax found in different market conditions. Note that when over 100 percent of the corporate tax is allocated to capital, the amount of the tax that wage earners pay is negative. In such conditions, the corporate tax reduces the incentive to invest in firms operating in the corporate form, and increases the returns to those working in and owners of the noncorporate sector.

The results from Gravelle and Kotlikoff's research suggest, that in the majority of market conditions, capital bears at least 100 percent of the tax rather than the arbitrary and widely used 50 percent. If so, this has a substantial effect on the distribution of taxes paid. The effects of using different incidence ratios is clearly illustrated using the most extreme ratio, −49 percent to 149 percent, found by Gravelle and Kotlikoff. In 1977, the share of the corporate tax borne by the top 1 percent of families, ranked by income, rises 143 percent from $11 billion using the 50:50 tax ratio to $26.8 billion using the −49:149 tax ratio, and the share of the total tax burden for the top 1 percent of taxpayers increases 36 percent from 13.65 to 18.52 percent.

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[1] Jane G. Gravelle and Laurence J. Kotlikoff. "The Incidence and Efficiency Costs of Corporate Taxation when Corporate and Noncorporate Firms Produce the Same Good," "Journal of Political Economy," Vol. 97 (August 1989).

This holds true for other years as well. In 1988, assuming a 50:50 labor to capital ratio, the top 1 percent of taxpayers paid $23.5 billion, in contrast to $51.1 billion derived by the −49:149 ratio. Changing the incidence assumption increases their share of the total tax burden, from 16.11 to 19.41 percent. In both of these conditions, the amount of corporate tax paid by the top 1 percent of taxpayers increased roughly 100 percent between 1977 and 1988.

Comparing CBO's labor to capital ratio to a more likely −19:119 percent ratio also reveals a significant variance in the tax burden for high-income taxpayers. In 1992, if the corporate tax is distributed 50:50, the families in the highest income quintile would be expected to pay $65.5 billion in corporate taxes, in comparison to $83.3 billion if the taxes are allocated with a −19:119 labor to capital ratio. This 27 percent difference in the distribution of the corporate tax increases the total tax burden for the highest quintile from $657.3 billion—50:50 tax ratio—to $675.2 billion, −19:119 tax ratio, making the highest quintile responsible for 62 percent of the total tax burden—an increase of 2 percentage points. In contrast, in 1977, using the 50:50 ratio, the highest quintile paid 56 percent of all Federal taxes and paid $33.2 billion in corporate taxes, but using the −19:119 ratio they paid 59 percent of all Federal taxes while paying $44 billion in corporate taxes.

Changing the labor/capital incidence assumption affects other income classes as well. In 1992, the lowest quintile's share of the total tax burden will be 8 percent less than when estimated by CBO's 50:50 corporate tax ratio. At the same time, CBO's corporate tax ratio undervalues the amount the top 10 percent of taxpayers will pay by 5 percent.

High-income families carry the vast majority of the corporate income tax burden; that is, their capital to labor income ratio is substantially higher compared to the other income groups. But more importantly, the tables show that the widely used labor to capital ratio of 50:50 seriously underestimates the amount of corporate tax borne by high-income earners, and conversely overestimates the amount of the tax shouldered by low-income taxpayers. In other words, although CBO attempts to distribute the corporate income tax, unlike the Joint Tax Committee, their incidence assumptions makes the tax system appear less progressive than it probably is.

EXPLANATION OF CORPORATE TAX CHARTS

The corporate tax charts were compiled entirely with CBO statistics.

The distribution of taxes paid excluding corporate taxes was computed by adding the average amount of income, social, and excise taxes paid per family in their respective income quintile. Then, these numbers were multiplied by the number of families within the corresponding quintiles to arrive at the final value.

The total corporate tax revenue was calculated by multiplying the number of families per quintile by the amount of corporate income tax paid per family in the respective quintiles. The amount of the tax which was borne by wage earners and capital owners depended on the labor/capital ratio of the particular simulation model.

The wage and capital share of the corporate tax distribution was obtained by multiplying the share of family income received from wages of capital investment of the specified year by the amount of corporate tax borne by the individual quintiles.

The total corporate tax statistic was obtained by summing the wage and capital share of each respective income class.

The total tax burden was derived by adding the total corporate taxes to the previously calculated total federal taxes paid that excluded corporate taxes.

SUMMARY

[In percent]

Families by income group	1977	1980	1985	1988	1992
SHARE OF TOTAL TAX BURDEN					
When corporate tax (labor to capital) ratio is 50/50:					
Lowest quintile	1.99	1.50	1.81	1.49	1.32
Second quintile	7.21	6.93	6.83	6.24	5.95
Middle quintile	13.43	13.25	13.03	12.53	12.05
Fourth quintile	21.58	22.16	21.93	20.72	20.00
Highest quintile	55.79	56.17	56.40	59.02	60.68
Top 10 percent	41.20	39.07	39.44	42.69	44.80
Top 5 percent	31.06	27.40	27.73	31.08	33.50
Top 1 percent	13.65	12.91	13.54	16.11	18.52
When corporate tax (labor to capital) ratio is 18/82:					
Lowest quintile	1.93	1.45	1.77	1.43	1.27
Second quintile	6.93	6.71	6.67	6.06	5.79
Middle quintile	12.93	12.86	12.78	12.24	11.81
Fourth quintile	20.87	21.66	21.58	20.32	19.67
Highest quintile	57.34	57.32	57.20	59.94	61.46
Top 10 percent	43.17	40.51	40.44	43.85	45.76
Top 5 percent	33.14	28.88	28.79	32.34	34.54
Top 1 percent	15.22	14.03	14.40	17.18	19.39
When corporate tax (labor to capital) ratio is −19/119:					
Lowest quintile	1.86	1.40	1.72	1.37	1.21
Second quintile	6.60	6.45	6.49	5.85	5.61
Middle quintile	12.35	12.41	12.48	11.91	11.53
Fourth quintile	20.04	21.07	21.17	19.86	19.29
Highest quintile	59.15	58.65	58.13	61.01	62.35
Top 10 percent	45.45	42.17	41.60	45.19	46.88
Top 5 percent	35.54	30.60	30.02	33.80	35.74
Top 1 percent	17.04	15.32	15.40	18.41	20.40
When corporate tax (labor to capital) ratio is −49/149:					
Lowest quintile	1.81	1.36	1.69	1.31	1.16
Second quintile	6.34	6.24	6.34	5.68	5.46
Middle quintile	11.87	12.05	12.25	11.65	11.30
Fourth quintile	19.37	20.60	20.84	19.49	18.99
Highest quintile	60.61	59.74	58.88	61.87	63.08
Top 10 percent	47.30	43.52	42.54	46.28	47.78
Top 5 percent	37.49	31.99	31.01	34.98	36.71
Top 1 percent	18.52	16.38	16.21	19.41	21.22
PERCENTAGE CHANGE IN SHARE OF TOTAL TAX BURDEN					
Changing the corporate tax ratio from 50/50 to 18/82:					
Lowest quintile	−3.02	−3.33	−2.21	−4.03	−3.79
Second quintile	−3.88	−3.17	−2.34	−2.88	−2.69
Middle quintile	−3.72	−2.94	−1.92	−2.31	−1.99
Fourth quintile	−3.29	−2.26	−1.60	−1.93	−1.65
Highest quintile	2.78	2.05	1.42	1.56	1.29
Top 10 percent	4.78	3.69	2.54	2.72	2.14
Top 5 percent	6.70	5.40	3.82	4.05	3.10
Top 1 percent	11.50	8.68	6.35	6.64	4.70
Changing the corporate tax ratio from 50/50 to −19/119:					
Lowest quintile	−6.53	−6.67	−4.97	−8.05	−8.33
Second quintile	−8.46	−6.93	−4.98	−6.25	−5.71
Middle quintile	−8.04	−6.34	−4.22	−4.95	−4.32
Fourth quintile	−7.14	−4.92	−3.47	−4.15	−3.55
Highest quintile	6.02	4.42	3.07	3.37	2.75
Top 10 percent	10.32	7.93	5.48	5.86	4.64
Top 5 percent	14.42	11.68	8.26	8.75	6.69
Top 1 percent	24.84	18.67	13.74	14.28	10.15
Changing the corporate tax ratio from 50/50 to −49/149:					
Lowest quintile	−9.05	−9.33	−6.63	−12.08	−12.12
Second quintile	−12.07	−9.96	−7.17	−8.97	−8.24
Middle quintile	−11.62	−9.06	−5.99	−7.02	−6.22
Fourth quintile	−10.24	−7.04	−4.97	−5.94	−5.05
Highest quintile	8.64	6.36	4.40	4.83	3.96
Top 10 percent	14.81	11.39	7.86	8.41	6.65
Top 5 percent	20.70	16.75	11.83	12.55	9.58
Top 1 percent	35.68	26.88	19.72	20.48	14.58

TRIBUTE TO STEPHANIE ANN WOOSTER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. McDADE. Mr. Speaker, I want to extend my congratulations to Stephanie Ann Wooster for being selected as the Pennsylvania State winner in the Veterans of Foreign Wars annual "Voice of Democracy" scriptwriting contest. Ms. Wooster's article "Democracy—The Vanguard of Freedom" is timely, insightful and reminds us all of the necessity for America's vigilance in helping to further the growth of democracy. It gives me great pleasure to request that her essay be included in the RECORD so that we may, once again, be reminded of the special role that America must continue to play in the birth of democracy around the world.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Stephanie Wooster, Pennsylvania winner, 1990–91 VFW Voice of Democracy Scholarship Program)

Good Evening, this is World News at six. The big story today: the fight for democratic freedom continues in China as the death toll of the Tiananmen Square Massacre has reached over seven hundred. Deng Xiopeng and his communist regime still refuses to acknowledge the true cause for the uprising although nearly four hundred arrests have been made of alleged "rioters and vagrants". Experts have agreed that although this demonstration was unsuccessful it has given the democratic movement the drive it needs to continue; the struggle will be long, but they feel clearly inevitable. Freedom from government oppression has rung a happy note today in Poland as Solidarity took a stunning win over the Communist Party. In the first contested elections in over forty years the communists suffered a humiliating defeat. Lech Walesa, one of the most influential leaders of Solidarity, and Communist Party leaders must now try to work out the problems of Poland and accomplish the true wishes of the Polish people for democracy. In other news: the University Square of Bucharest, Romania was the sight of rioting today as demonstrators lined the perimeter of the square and blocked traffic on a busy intersection, protesting the actions of the current leader Iliescu. Iliescu was put into power after the overthrow and assassination of

Nicolae Ceasescu earlier this year. Romanian people now feel that what they fought against previously has again overtaken them; the communist ways which they have been held under are continuing to grow in strength. Although this riot has been suppressed by the government somewhat peacefully, it is one of the few that has ended without extreme bloodshed.

In the past few years news broadcasts containing these stories were heard almost everywhere. It was the beginning of a time when the rumblings of freedom could be heard strongly throughout the nation many strive to be like: the United States of America. Since 1776, when the formation of our Constitution was complete, and the truest form of a democracy was put into practice, we have been the vanguard for those oppressed by government and by dictatorship. The forefathers of our great state laid the ground work for a specific democratic machine that has remained strong for two hundred years. Countries such as Panama and the Philippines have looked to us for support and guidance in their fight for the freedoms we have been able to maintain. Being steadfast in the democratic way, it is our responsibility to help those countries who are in search of the riches in government that we have found. Franklin Delano Roosevelt once stated, "We must be the arsenal for democracy," this is still true today as we have remained the strongest form of it the world over. The freedoms we enjoy are so plentiful it is often hard to grasp the concept of a nation without it. Democracy has been the vanguard for all of the freedoms we now are entitled to, and the enabling force for all we, as citizens, can take part in that makes us truly American! Our system of democracy is the vanguard of freedom!

TRIBUTE TO ABO OMACHONU

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure to pay tribute to an outstanding individual, Ms. Abo Omachonu. Ms. Omachonu lives in south Florida and owns and operates Vintex Enterprises, a small business dedicated to helping others launch their own businesses. An article in the Monday, July 29, 1991, issue of the Miami Herald featured Ms. Omachonu as a successful working woman whose boss is no one else, but herself.

TRIBUTE TO MS. ABO OMACHONU

(By Charles B. Rabin)

Abo Omachonu likes her chances for success.

The 32-year-old entrepreneur has started a Coral Gables-based small business and franchise resource center that caters to women and minorities, named Vintex Enterprises.

She says she came up with the idea after seeing a study by the U.S. House Committee on Small Business that stated businesses that are started by women succeed 75 percent of the time.

"I started the company two months ago. Women are going into business faster than men and their businesses succeed more often," Omachonu said.

With that in mind, Omachonu decided to go into business for herself "so I can better serve people and have the latitude to run a one-stop shop."

Basically, if you're looking to start a small business or purchase a franchise, the company will do all your research and even help you find financing if necessary.

Omachonu had served in a similar capacity with the Miami-Dade Chamber of Commerce as the director of the Franchise Technical Assistance Center.

"I'm still serving people, but in the long run I should be better off financially than at my previous job," she said.

"We service anyone, not just minorities. But, women and minorities seem to have the most problems finding money and knowing where to go," she said.

Mike Generoso, a research analyst word processor for the Miami-Dade Chamber of Commerce, believes that Vintex is destined for success.

"She's real easy to work with, pleasant and not bossy," he said. "Abo is the type of person that is a go-gether. Whatever she has to do to succeed, she'll do."

Born in London with a family background tracing to Nigeria, Omachonu knew she would one day own her own business. But while attending Texas Southern University in Houston, she said, she didn't have a "true picture" of the complications that would evolve.

But business was in her blood. While attending that school, Omachonu earned spending money by exporting nonperishable goods such as clothing and shoes to family and friends in Nigeria.

After graduating with a degree in business administration in the spring of 1984, Omachonu moved to New York, where she spent the next three years working on a master's in business management from the New York Institute of Technology.

Then it was off to Florida to work for Florida Power & Light as a senior customer service representative. That job lasted three years, and in 1990 she joined the Miami-Dade Chamber of Commerce.

Today, Omachonu heads a staff of one, a secretary. With such a small staff, her workload is heavy. At such times, her husband of four years, Vincent, a professor of industrial engineering at the University of Miami, counsels her.

"I subscribe to lots of publications, do all the research myself and refer my clients to lending sources," she said. "I do location studies for potential franchises and small businesses and get information from census bureaus in the area. I even do traffic counts myself using a stopwatch."

Fees aren't astronomical, but if you're looking to franchise or start a business it's not going to be cheap. After a free initial consultation, Vintex charges $50 for the first hour and $25 each additional hour. Time spent on research is included in the fee.

Omachonu believes success and a good work ethic go hand in hand.

"Work doesn't end when I shut the door and go home," she said. "I'm going to do everything I have to, to make myself successful."

I wish Ms. Omachonu much success in her new business, Vintex. She is a role model for young aspiring business men and women throughout south Florida and now, the United States. She proves that with the proper motivation and a little ingenuity, one can do anything—even start her own business.

WINNER OF THE VOICE OF DEMOCRACY CONTEST

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. ROEMER. Mr. Speaker, today I, rise to recognize the efforts of Janae Kristin Martin of Middlebury, IN. Janae, a sophomore at Northridge High School in Middlebury, is the State of Indiana's winner of the Veterans of Foreign Wars Annual Voice of Democracy Contest. Her speech is an intelligent and articulate testament to the special meaning of democracy, freedom, and American citizenship. I am very proud to share her thoughts and views with my colleagues in the CONGRESSIONAL RECORD, and congratulate her on this achievement.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Janae Martin, Indiana winner, 1990–91 VFW Voice of Democracy Scholarship Program)

They fulfilled their pledge. They paid the price. And freedom was won. To be born free is a privilege. But to die free is an awesome responsibility. Yet freedom is never free. It is always purchased at great cost.

It was a sultry summer in Philadelphia, July 4, 1776, that 56 men signed their names beneath the Declaration of Independence. Each one knew the full meaning of that magnificant last paragraph * * * in which his signature pledged his life, his fortune and his sacred honor. Fifty-six men placed their names after that pledge. Each one knew when they signed, that they were risking everything. They knew that if they succeeded, the best they could expect would be years of hardship in a struggling new nation. If they lost, they would face a hangman's noose as traitors. Indeed, the leaders of this movement, willing to work with new and unfamiliar ideas—brought to us, our Democracy.

A stirring picture of the true meaning of our liberty is the soaring eagle. Assisted by his powerful wings, the eagle glides effortlessly to great altitudes, and is capable of using his wings to carry other eagles to safety. The eagle displays the sense of responsibility that is a companion of genuine liberty. He mates for life and then returns to the same nest each year, making necessary repairs and additions. He takes an active role in providing for his family and in teaching his young to fly.

The eagle pictures many of those character qualities that made America great. This must be reinstilled in our generation if we are to preserve for our children and grandchildren, the freedoms which God has so graciously entrusted to us. What lies behind this abundance of freedoms, which are the envy of the world?

Freedom is a breath of air. Pine-scented or salty like the sea. Freedom is my grandfather's field newly plowed, furrows of democracy. Some say the land itself has made America great. One of our most moving patriotic hymns cites the beauty of America, a beauty that all who have traveled across the continent surely recognize. From the snow-capped Rockies of Colorado, and from the heightening Alleghenies of Pennsylvania, God has shed his grace on this land—a vast unexplored wilderness that, in a short period grew into a great nation.

Others have said that America's people have made her great. Lyman Abott once said, "A nation is made great, not by its fruitful acres, but by the men who cultivate them; not by its great forests, but by the men who use them; and not by its mines, but by the men who build and run them. America was a great land when Columbus discovered it; Americans have made of it a great nation." And, so they have.

These people subdued the elements that at first worked against them, that molded a society of peoples from all over the world. America's initiative and ingenuity are known across the earth.

Freedom is a printing press—the power of the pen! And because of America's belief in freedom of speech and thought, she has not hidden her scars, but they are there for the world to see. While those who run a controlled press look on amazed.

Freedom is my country church or my neighbors cathedral's stately spire; but freedom is also a spirit that can set any soul on fire. There are many evidences that our nation was founded on this commitment to God and the principles of His word.

America's free enterprise system and the spirit of her people have given us the freedom from want. Through the decades she has opened her heart to the poor of the world. She has given generously to every nation, even her enemies in time of emergency.

No, America did not just happen by chance, as is obvious to a person who truly understands the unfolding saga of events that shaped this nation.

Whatever impression we had of the men who met that hot summer in Philadelphia, we must remember this about them. They considered liberty and they had learned that liberty is more important than security. They pledged their lives, their fortunes, and their sacred honor. And they fulfilled their pledge. They paid the price. And freedom was born.

HEALTH CARE CRISIS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. WELDON. Mr. Speaker, I rise today to support the efforts of my colleagues in addressing one of the most pressing issues facing our society today. As we all know, our country is currently facing a health care crisis. In fact, we find ourselves in a period of intense discussion and debate about national insurance and universal coverage, with several commissions and many health policy advocates proposing various forms of universal coverage in the expectation that the United States will enact some broad based national program within the next few years.

According to a recent General Accounting Office report, 35 million Americans have no health care coverage at all, public or private, and the number appears to be rising. In addition, millions more have inadequate insurance that leaves them vulnerable to large expenses that excludes care of preexisting conditions or that may be lost if they become seriously ill.

The 1990's is not the first time Americans have questioned the adequacy of the medical care system. Millions of Americans have long lacked the basic insurance protection needed to assure access to health care and these costs have risen rapidly and almost inexorably for more than two decades. Yet, today the call for health care reform has reached new heights.

This urgency may reflect the fact that not only are a large and growing minority of Americans—well over 30 million people—without health insurance protection, but millions of others now see the system they count on in jeopardy.

Uncontrolled health care costs, inequitable access to care, concerns about quality and a bureaucratic morass in the administration of health insurance programs have evoked widespread interest in restructuring the health care system in this country.

Calls for reform from business, labor, government, health professionals and the general public have focused on containing costs, enhancing the quality of care and providing access to necessary health services for all our citizens.

As a past member of the board of directors at Sacred Heart Hospital, I am very aware of the current crisis facing our health care system. In fact, 90 percent of Americans say that fundamental changes are needed in the Nation's health care system. And yet, it is not just the health care consumers that expresses this. In fact, providers and private and public payers area also facing increasing difficulty in meeting the demands for health care.

However, I think that few would disagree that we must expand health care to all Americans. However, the question before us is how do we effectively and reasonably do this? I strongly feel that health care should be a priority of our Nation's domestic agenda and I look forward to the debate on health care. There is a clear consensus on the need for action, but we are no where near achieving consensus on what course of action we should pursue. The question is no longer when; the question is how. It is incumbent upon us here in this body to provide the answers.

TIME TO RESTRUCTURE THE U.S. TAX CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. CRANE. Mr. Speaker, the United States finds itself in a financial mess the likes of which it has never known before. Yet consistently, year in and year out, Congress continues on the path to destruction through tax and spend policies that ultimately destroy opportunity and prosperity for the people of our country. The time is long overdue for Congress to take a thorough and honest review of our tax system and our spending priorities. Business as usual is driving this country to the brink of economic bankruptcy and therefore we need some fresh and revolutionary ideas to lead our Nation and its economy to vigorous growth into the 21st century.

In that spirit I commend to my colleagues an April 1991, syndicated column by Pat Bushanan that proposes a fundamental reform of our Nation's tax system. Such proposals to simplify or eliminate that morass we call the Internal Revenue Code would bring many benefits to our Nation including a surge in savings, investment, productivity, and growth.

U.S. CAN DO BETTER WITHOUT INCOME TAX

(By Pat Buchanan)

WASHINGTON.—As the tax revolt was "the" idea of 1978 and 1980, and term limitations were "the" idea of 1990, a popular movement to abolish the federal income tax could be "the" idea of the decade.

Mid-April is not a bad time to get a receptive hearing.

First, some history. Until 1913, the federal government ran entirely on tariffs and fees. In those 13 decades from 1789 on, we went from being a small farming country to become the greatest industrial power on earth—with growth rates unequaled since.

In 1913, after passage of the 16th Amendment, a federal income tax was imposed. It amounted to just 1 percent for incomes in excess of $3,000 ($4,000 for married couples), with small surtaxes up to 6 percent on incomes from $20,000 to $500,000—the filthy rich.

By 1950, an average U.S. family of four still sent only 2 percent of its income to the Treasury. Last year, however, the feds were taking 24 percent, which helps explain the Reagan Revolution.

Comes now an idea for total abolition of the federal income tax, not only on individuals but on corporations, and of estate and gift taxes as well. Cost to the Treasury as of 1990: $558 billion. How could the feds recoup that immense sum? Simple. Impose, at the retail level, a 16 percent federal sales tax. Since goods and services exceeded $3.5 trillion last year, that 16 percent sales tax would fully compensate the U.S. Treasury for what was lost.

While the idea is at first a shocker, consider the benefits.

As consumption, not savings, would be taxed the U.S. savings rate, an anemic 3 percent in 1988, would explode. Individuals who salted money away in banks, bonds and stocks would see it pile up, untaxed until they took it out and spent it. Corporations would not only have $100 billion more in saved income taxes for research, production and marketing, they would have access to hundreds of billions more in a vastly enlarged U.S. savings pool.

Since the corporate income tax, 34 percent, would no longer have to be factored into prices, U.S. goods would compete more favorably with imports. Subsidiaries of foreign firms, which now pay an average of 1 percent in corporate income taxes, would be required to compete on a level playing field.

Foreigners buying our products and tourists visiting the U.S. would begin contributing to the U.S. defense budget. Illegal aliens would also begin contributing—on a par with U.S. citizens.

The IRS, 94 percent of whose work involves income taxes, could be virtually shut down. Some 5.3 billion man-hours spent filling out income tax forms (at $10 per hour, that's $53 billion) would be saved. The underground economy, which evades taxes on unreported transactions, could not escape the 16 percent sales tax at the grocery store, restaurant, department store or auto showroom. A hundred billion in lost federal revenue would be captured.

The feds would not have to bother harassing waitresses for what they think was their tip income; the ladies would simply pay their federal taxes at the department store counter, with no hassle. We would not have to gab about tax simplification; we would have it. Small business, already set up for imposing sales taxes at the state level, would see accounting expenses disappear.

Tax collection would be a piece of cake. Hundreds of thousands of IRS agents, tax lawyers and accountants could be released for more useful work. D.C. lobbyists who spend their days devising loopholes, and congressmen whose PAC money depends on giving and withholding favors in the federal tax code, would become superfluous men.

Workers would take home all the money they earned, and hard workers all their overtime. Both would feel it each time they paid federal taxes; both would know whom to blame.

The tax on work in the U.S. would be reduced to zero, on savings to zero, on investment to zero, making America the most attractive nation on earth to work in, save in, invest in. Foreign capital would flood into the United States, creating millions of new jobs.

Among the losers:

First, the ideologues who believe the federal tax code should be used to redistribute wealth and income would be out of business.

Second, organized crime and professional cheats who now evade taxes by not reporting income. The mobster who pays no tax on his sale of 10 kilos of cocaine could not avoid that 16 percent federal sales tax when he bought his Porsche, his power boat and his pool house.

Third, bureaucrats would lose power over the lives of citizens that is theirs by virtue of their intimate knowledge of the wealth and income—and sources of same—for every one of us.

Who would resist?

Well, since a steep progressive income tax was one of the ideas advanced by Karl Marx in his "Communist Manifesto"—for destroying the bourgeois—his closet followers would fight to the bitter end. For the social levelers, a proposal to replace the federal income tax with a federal sales tax is The Little Big Horn.

One political problem comes to mind. As the poor, thanks to the Reagan tax cuts, do not pay federal income taxes, and the working class do not pay at 16 percent, they would at first appear to be net losers. This would have to be dealt with.

But consider the upside. An economic boom—with no more audits, no more having to store vast records, no more having to answer indecipherable computer-written IRS letters, no more April 15. Free at last! For information, write Citizens for an Alternative Tax System, Glendale, Calif. 91207.

XII HEMISPHERIC CONGRESS OF LATIN CHAMBERS OF COMMERCE AND INDUSTRY CELEBRATED

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to my colleague's attention the celebration of the XII Hemispheric Congress of Latin Chambers of Commerce and Industry. Founded 30 years ago, the congress plays an important role in the improvement of both Latin American and Floridian economies, and, as such, is a welcome event in our community.

This year, the Hemispheric Congress will be held in Miami from September 18 through 21. The Hemispheric Congress will be sponsoring their celebration in conjunction with the Intercontinental Food and Beverages Exhibition and the Florida Export Products Exposition. This year's Hemispheric Congress will focus on the various private sector opportunities available to the Latin American countries. The Hemispheric Congress will also try to consolidate the business sector. This, if successful, will result in immense profits for all corporations involved.

For the first time in Hemispheric Congress' history, the celebration will feature a unique Matchmaker Program which will integrate Latin American exporters and importers with Florida manufacturers suppliers and importers. The benefits available from this type of interaction are obvious. Florida's entire economic community will develop as various business deals are made as a result of this program. The Matchmaker Program is essentially a redesigned version of the Hemispheric Congress' popular Sanchez-to-Sanchez-to-Smith Program. This program tries to unite the various corporations from Central America, South America, and the United States. This union strengthens all three markets and allows for tremendous expansion and development.

I would like to reemphasize the extraordinary impact the XII Hemispheric Congress of Latin Chambers of Commerce and Industry has had on the Florida and Latin American communities. Without the achievements of a few concerned citizens, the success of this Hemispheric Congress would not have been possible. The following members of the Hemispheric Congress should be recognized for their achievements, and admired for their dedication to the community: Luis Sabines, Manuel Vega, Orlando Naranjo, William Alexander, Jay Rodriguez, Hugo Villalobos Gonzalez, Robert Leith, Waldo Castro-Molleda, Isandra Fernandez, Antonio Moreno, Gaston Riera, Gladys Montiel, Arturo Perez, Miguel Uria, Otto Merida, Rafael Ubarri, Linda Guerra Matthews, Jose Antonio Font, and Jose F. Nino.

COPPER MINING TEST UNVEILED

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. KOLBE. Mr. Speaker, I want to commend to my colleagues an article appearing in the Casa Grande Dispatch, June 28, 1991, which details a research project near Casa Grande, AZ, that is working to mine copper from the Earth without disturbing the surrounding environment. Here is an example of how economic and technological progress can lead the way to a cleaner environment.

Asarco Inc., the U.S. Bureau of Mines, and the Freeport-McMoRan, Inc., have invested $23 million in the Santa Cruz joint venture research project. The researchers are attempting to dissolve the copper out of the solid granite with sulfuric acid and pump it to the surface without adversely affecting the soil, rock, or ground water. The site workers have tested the ideal with salt water to insure against any leakage into the ground water and the results look successful.

I hope this project serves as notice that industry and government institutions can work together toward technological developments that benefit nature and man.

COPPER MINING TEST UNVEILED

(By Susan Wootton)

If a research project near Casa Grande is successful, miners someday will be able to pull copper from the earth without mine shafts, open pits, tailings dumps or smelters.

Asarco Inc., the U.S. Bureau of Mines and Freeport-McMoRan Inc., a company with copper mines in Indonesia, are gambling $23 million on the belief that copper deep in the earth can be dissovled out of solid granite and pumped to the surface without disturbing soil, rock and groundwater.

Hank Kreis, site manager for the Santa Cruz Joint Venture Research Project, said the idea for the project started 17 years ago when Asarco and Freeport-McMoRan took a second look at some retired farmland with deep, low-grade copper deposits. The site is about halfway between Casa Grande and Stanfield, 2½ miles northwest of the Francisco Grande Resort. The actual research began September 1988 with a grant from the Bureau of Mines.

The researchers dug a 1,800-foot well that cuts through 500 feet of soil, silt, clay and gravel, 150 feet of basin fill aquifer, about 1,000 feet of granite bedrock and ends in a deposit of mineralized copper oxide.

From 90 feet in four directions from the first well, they dug four more wells to the same depth.

These five wells were lined with acid-resistant cement and steel to 1,200 feet. The holes were deepened to 1,800 feet. Fiberglass-reinforced pipes were inserted and cemented into place with the acid-resistant cement so no solution could leak around the outside of the pipes.

Between a depth of 1,570 feet and 1,770 feet, the casings were pierced with holes a foot apart.

Five monitoring wells were drilled around the deep wells into the basin-fill aquifer, where ground water is stored.

For the last three months, the research team has been pumping salt water down the center well and up the surrounding wells to see if anything is leaking into the groundwater. Those tests will continue another month.

The saltwater is moving through the 90 feet of granite and copper oxide the way the researchers hope a weak solution of sulfuric acid will move through it—except the acid solution will dissolve the copper oxide trapped in the rock so instead of recovering saltwater, they will recover a solution of water, sulfuric acid and copper sulfate without the loss of any of the solution into the surrounding environment.

The copper can be retrieved from the copper-rich solution with conventional solvent-extraction electrowinning, Kreis said. In the process, an electric current draws copper molecules out of the solution and deposits them on copper plates. The result is copper more than 95 percent pure with no smelting and no tailing dumps—these mountains of copper waste that surround most mining towns in Arizona.

If the results of the saltwater tests look good, the team will repeat the tests with sulfuric acid, which may be in about two years, Kreis said.

The process may not work, he said, or it may work but be too expensive to be feasible on a large scale. But if it works and is feasible, it will give the mining industry an environmentally safe, low-cost way to extract copper without affecting the beauty of the earth's surface.

Kreis described the project to farmers and government officials at Thursday's meeting of the Groundwater Users Advisory Council for the Pinal Active Management Area, including Rep. Roger Hooper (R-Casa Grande); the chairman of the county board of supervisors, Dean Weatherly; Casa Grande Librarian David Snider and representatives of the Department of Water Resources.

He said the researchers encouraged visits to the site.

MEDICARE REIMBURSEMENT FOR CHIROPRACTORS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. MOODY. Mr. Speaker, today I rise to introduce legislation to allow Medicare to reimburse chiropractors for x rays and physical exams when performed to determine if manual manipulation of the spine is an appropriate treatment for a spinal problem. This is companion legislation to S. 614 introduced by Senator DASCHLE.

Under current law, chiropractors are reimbursed by Medicare for performing manual manipulation of the spine to correct a subluxation of the spine. A diagnostic x ray is required by law before such manual manipulation can be performed; however, Medicare will not reimburse a chiropractor for the x ray. In addition, before performing manual manipulation of the spine, physical exams are routinely performed by chiropractors as part of their standards of care. Medicare will not reimburse for the physical exam either.

The Rand Corp. is currently conducting a study of the effectiveness of manual manipulation of the spine. A recent New York Times article highlights the study and states:

> But perhaps the most convincing sign that the therapy is moving center stage is that researchers at the Rand Corp., who have studied the medical utility of coronary bypass surgery and hysterectomies, have recently turned their attention to spinal manipulation. And to their surprise, early studies indicate that the technique holds up well.

Their study showed that patients with certain types of low back pain "had significant relief after manipulation and were able to return to work sooner than similar patients treated with conventional methods."

The result of current law is that Medicare beneficiaries who could best be treated by manual manipulation of the spine are seeing physicians and creating higher costs to Medicare through more costly treatment. In other cases, beneficiaries are seeing chiropractors and paying for the x rays and exams out of their own pockets—a cost many seniors cannot afford. Yet another scenario is that a beneficiary must see an approved provider for the x ray and physical exam and then transfer these documents to the chiropractor for treatment. This phenomena is often referred to as passing through a "gateway" controlled by other providers. Typically, x-ray services performed by a radiologist are more expensive than those same x rays conducted by a chiropractor.

My legislation is very simple and is narrowly written. It will allow chiropractors to be reimbursed for manual manipulation of the spine and physical examinations and x rays furnished to an individual to determine if such treatment is appropriate. Medicare already requires an x ray, States have already licensed chiropractors to perform x rays as well as physical exams; this legislation will allow chiropractors to be reimbursed for these mandatory services.

Its time we move Medicare reimbursement laws up to the 1990's and provide reimbursement for activities already licensed by all the States. Chiropractors are already performing these services. It is in the patients best interest that Medicare provide reimbursement for them. I urge my colleagues to support this legislation.

A FEDERAL INCENTIVE FOR THE DEVELOPMENT OF HYDROGEN AS A FUEL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BROWN. Mr. Speaker, as chairman of the Science, Space, and Technology Committee, I often have the pleasure of meeting scientists of international acclaim—men and women devoting their lives to improving the environment we share. I am constantly impressed by their work, and optimistic about the benefit to society that results from the accomplishments of these professionals.

While it is always important to recognize the outstanding achievements of our science professionals, this morning I would like to comment on the work of some of our young people.

At the 1990 Princeton University Model Congress, the Science, Space, and Technology Committee debated the need for greater use of alternative fuels. With global warming taking center stage in the worldwide discussions of environmental concerns, the participants at the Model Congress passed a resolution calling for a Federal incentive for the development of hydrogen as a fuel.

While many of the points contained in the resolution are assumptions not yet proven by science, I would like to note that the spirit and intent of the proposed resolution are commendable. If hydrogen-related technologies can be adequately developed and their costs adequately reduced to be fully competitive with other energy systems, then hydrogen systems have numerous desirable features, some of which are indicated by the proposed resolution. I would therefore like to express my appreciation for their effort and include the resolution, authored by Cadet Charles Lee, a high school student from Army and Navy Academy in Carlsbad, CA, in the CONGRESSIONAL RECORD:

RESOLUTION

(A joint resolution from the Science, Space, and Technology Committee of the 1990 Princeton University Model Congress)

FEDERAL INCENTIVE FOR THE DEVELOPMENT OF HYDROGEN AS A FUEL

Whereas fossil fuels pump billions of tons of carbon dioxide into the atmosphere annually, causing global warming, acid rain, and smog;

Whereas the carbon dioxide derived from fossil fuels accounts for approximately 40% of the greenhouse gases and measurable global warming;

Whereas the world, at the current rate, is headed for an 80% increase in carbon emissions in the next two decades;

Whereas, with 5% of the world's population, the United States is responsible for 26% of the world's carbon emissions;

Whereas carbon emissions cause acid rain, which kills forests and fish, damages crops, and destroys ancient works of art;

Whereas pollution from fossil fuels is a health threat throughout the world;

Whereas hydrogen is a plausible substitute for fossil fuels and is one of the more abundant elements in the universe;

Whereas hydrogen can be produced from water and does not introduce oxides of carbon into the atmosphere;

Whereas a hydrogen-based economy would have water vapor as its major waste product;

Whereas all types of internal-combustion engines can burn hydrogen with minor adjustments;

Whereas existing natural gas pipelines could be adapted for transportation of hydrogen to homes for the purposes of heating and as a replacement, in some cases, for electricity as an energy source;

Whereas hydrogen can be stored more easily than electricity;

Whereas hydrogen has two to five times the energy, by weight, of gasoline;

Whereas the substantial savings in weight over an equivalent load of jet fuel gives hydrogen a distinct advantage as an aviation fuel;

Whereas hydrogen is cheaper than fossil fuels when the overall environmental damage is assessed and paid;

Whereas hydrogen can be manufactured from non-polluting sources;

Whereas hydrogen is one of the safest fuels, and a hydrogen fire is less dangerous than a fossil fuel fire;

Whereas the United States need not be dependent on the Middle East or any other region for energy products if we develop a hydrogen economy:

Now therefore, be it Resolved by the 1990 Princeton University Model Congress of the United States that the federal government will offer an incentive for the development of hydrogen as a fuel; specifically, electricity is to be furnished from the Tennessee Valley Authority, a government owned company, at one-third of the usual cost, to private companies that build manufacturing plants and storage facilities for hydrogen.

PRESIDENT BUSH SPEAKS ON THE ARTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. WEISS. Mr. Speaker, in presenting the National Medal of Arts awards to several distinguished American artists and cultural leaders, President Bush delivered an eloquent and supportive statement on the arts in the Nation. He praised each of the recipients—from country music legend Roy Acuff to dance artist Honi Coles to world-acclaimed musician Isaac Stern—and also spoke of the necessary and positive aspects of the arts in American life.

President Bush stated:

> Our artists draw on inspirations and culture from around the world, then reinterpret them in distinctive ways, creative ways, American ways. And their passion and their genius and their courage add new dimensions to our lives. They remind me of a truth expressed long ago by William Blake, who wrote: "Nations are destroyed or flourish in proportion as their poetry, painting, and music are destroyed or flourish.

I commend President Bush on his insight into the importance of the arts to our national identity and heritage. I insert the full text of the President's remarks at the National Medal of Arts ceremony on July 9, 1991, in the RECORD:

REMARKS BY THE PRESIDENT IN PRESENTATION OF NATIONAL MEDAL OF THE ARTS

Thank you all for coming to the White House. And I'm sure glad we're doing this indoors—(laughter)—instead of out. But may I salute Secretary Lujan, a member of our Cabinet. Mr. Frohnmayer, my dear friend who heads this arts effort, and does it most effectively, I might say. Senator Hatch was to be—right back here, Orrin Hatch. And then, in front of him, Chairman—our distinguished Senator Claiborne Pell. And Congressman Yates was coming and he is over—modestly in the back row, along with another Congressman, Ralph Regula there—but more than welcome. Both champions of the arts, bringing good judgment and balance to the questions that concern us all. So I salute them.

And let me just say how pleased we are to see here the members of the President's Committee on the Arts and the Humanities—so many corporate patrons without whom the arts would not flourish as much as they do—and then, of course, especially today, the family and the friends of the honored recipients.

We're delighted to welcome you to this historic East Room. This afternoon, we honor with the National Medal of the Arts a group of men and women whose creative efforts really do capture America's vigor and spirit.

Our artists draw on inspirations and cultures from around the world, but them reinterpret them in distinctive ways, creative ways, American ways. And their passion and their genius and their courage add new dimension to our lives. They remind us of a truth expressed long ago by William Blake, who wrote: "Nations are destroyed or flourish in proportion as their poetry, painting, and music are destroyed or flourish."

And fortunately for us, art in America is alive and well. In all its forms, it captures the exhilarating feeling of being an American—daring everything, dreaming everything, reaching for everything. And more importantly, it inspires Americans to dare more, dream more and reach further.

Today, we honor several. The honorees express vital emotions and truths. Pearl Primus weaves together dance and anthropology; calls forth the joy and excitement and spiritual vigor of our African and Caribbean heritage. Pietro Belluschi's innovative architectural designs—they evoke the grandeur of this land, particularly the Pacific Northwest. His works evoke scenes as various as soaring mountain summits and quiet forest floors checkered by slanting sunbeams.

Roy Acuff keeps alive the undying tradition of authentic country music—and I confess, I love that music. And he has helped make country music—really he's the father of it, you might say. I don't want to date Roy, but—(laughter)—the father, and really has made it what it is today—a music for all Americans, an art form that doesn't hold back one single thing. And it captures the joys and the aches and the frustrations that most of us feel, but few of us can express.

In a world where people too often try to reduce life's imponderables to black-and-white entries on a spreadsheet, our award winners provide color and depth and perspective.

Teacher and painter Richard Diebenkorn does not blink from the challenge of expressing himself as he sees fit. In his studio or his classroom, he teaches the importance—the necessity—of personal integrity. Honi Coles—Charles "Honi" Coles' exuberant dance captures the sheer vitality and the joy of the American spirit. And it shows that you can't be fully American without breaking into a sweat and having fun from time to time. (Laughter.)

We often talk of a new world characterized by competition and enterprise, but our kids will not enjoy full lives if they don't experience and appreciate art. A life without art is flat and dull and gray. And it contains none of the highs and lows that give meaning to daily affairs.

Some of our honorees have devoted their careers to ensuring that all Americans enjoy the enriching influence of art.

Maurice Abravanel keeps symphony music popular by conducting and teaching with his Utah Symphony. Santa Fe Opera's John Crosby gives young American singers the opportunity to train and perform here in their own country. And Isaac Stern—Barbara demanded to sit next to Isaac Stern—(laughter)—expresses the nobility that lies within us all with his heart and that magnificent violin. And just this year, in the middle of a threatened Scud attack—Scud missile attack in Tel Aviv, he returned to the stage and continued playing. Isaac Stern does more than play an instrument; he inspires us with his virtuosity, his courage and his comitment to humanity.

We also want to recognize benefactors who, through vision and steadfast commitment, keep art alive. American art thrives because of arts administrators like our own J. Carter Brown, who has molded the National Gallery into a museum really for the entire nation. Volunteers enhance our arts: men and women like R. Philips Hanes, Jr., whose generous patronage has guided the regional and national growth of the Arts Council movement. It is unlikely, but Philip will not want to claim that he and I were classmates at college many years ago, but I claim it—proudly, as a matter of fact. (Laughter.)

We owe a debt to passionate stewards of the arts such as the famed Kitty Carlisle Hart, a distinguished performer committed to making quality art available to all Americans. And artists can continue to develop and flourish, as I mentioned earlier, because of corporate sponsors like Texaco, which has set a standard in corporate philanthropy through its half-century of generous support for the arts.

As we honor these beacons of excellence, I'm reminded of something that President Kennedy once said: "In serving his vision, the artist best serves his nation." And you honorees have all served our nation brilliantly. Thank you. Congratulations. It's a joy to have you here.

And now, I'd simply like to ask John Frohnmayer to assist me in presenting to you these symbols of our nation's gratitude and high esteem. (Applause)

ANOTHER LOOK AT U.S. FAMILY PLANNING ASSISTANCE

HON. CHESTER G. ATKINS

OF MASSACHUSETTTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. ATKINS. Mr. Speaker, both the House and the Senate have recently voted to reverse the administration's Mexico City policy. This detrimental policy prohibits U.S. funds from going to nongovernmental or multilateral organizations that counsel women about abortion in countries where abortion is legal, or that use their own non-U.S. funds to perform abortions. These regulations exist despite the fact that it has been illegal to use U.S. foreign assistance funds to perform abortions since 1973.

The incidence of illegal abortion in Latin America has continued to climb despite the Mexico City policy. Perhaps an explanation for this is that the international family planning community has been deprived of much-needed financial support. As a result of this and other factors, the standard of living of women in developing countries remains at a pitiable level.

The Mexico City policy's detrimental effects on hemispheric development possibilities as well as the often tragic impact it has on individual women warrant serious reconsideration of this policy on the part of the Bush administration. I would like to insert into the RECORD a thought-provoking article which first appeared in the July 31 issue of the Washington Report on the Hemisphere, a biweekly publication of the Washington-based Council on Hemispheric Affairs [COHA]. I encourage my colleagues to read this timely article authored by COHA research associate Julia C. Bullock.

ANOTHER LOOK AT U.S. FAMILY PLANNING ASSISTANCE

(By Julia C. Bullock)

The international family planning community breathed a sigh of relief as the Senate passed the Foreign Aid Authorization Bill on July 26 by an overwhelming margin of 74 to 18. This bill effectively reversed the so-called Mexico City policy, which forbids U.S. funding of international non-governmental family planning organizations whose programs include abortion counseling, information or referrals. Washington's policy, first announced at the 1984 meeting of the United Nations International Conference on Population, restricts aid regardless of whether U.S. assistance is directly used for these purposes. The July 26 vote would allot $20 million in aid to UNFPA, making this sum the first contribution that the organization has received from this country since all U.S. assistance was cut off in 1985.

Even though the legislation passed both the House and the Senate, President Bush is expected to veto it as part of his uncompromising anti-abortion stance. The White House has blocked several previous attempts to unshackle the family planning community from restrictive government regulations. For example, in late 1989, contrary to the mandates of the Mexico City policy, Congress attempted to resume its funding of the United Nations Population Fund (UNFPA), but was thwarted by the threat of a presidential veto. Policy hinges on abortion issue.

Officially, the reason for preserving the Mexico City regulation is the Bush administration's moral objection to subsidizing abortions. However, the Authorization Bill's supporters believe that these concerns are unwarranted because the United States has forbidden such uses of federal aid since the Helms amendment to the Foreign Assistance Act was passed in 1973. Furthermore, the 1984 policy declaration, which denies funding to programs that "perform or actively promote" abortions, has been interpreted by the Reagan and Bush administrations so widely that health care providers cannot even answer a patient's questions about this simple medical procedure.

Indeed, such a hard-line position by the White House against abortion has prompted many U.S.-funded foreign organizations to overcomply with Mexico City policy guidelines, fearing the loss of vital assistance from Washington, As a result, many Latin American clinics refuse to even remotely associate themselves with abortion, and their medical staffs are often reluctant to inform women even in cases where it would be life-threatening for them to carry their pregnancies to term. Women hemorrhaging from botched back-alley abortions as well have been refused treatment by clinics out of fear of Washington's ire. In 1986, an estimated 34,000 Latin American women died from pregnancy-related causes. Proponents of the Authorization Bill charge that in Latin American countries, where abortion on demand is already illegal in every country except Cuba, and where in spite of these laws as many as 12 million women have technically illegal abortions each year, such U.S. restrictions seem particularly excessive.

Another criticism of the Mexico City policy is that it denies funding to UNFPA and the International Planned Parenthood Federation (IPPF), the two most extensive and effective worldwide family planning networks. Supporters of the present policy argue that the total amount of aid for family planning remains unchanged because the money is reprogrammed to other organizations that agree to comply with U.S. regulations. But opponents, in turn, claim that these groups cannot match the scope and efficiency of UNFPA or IPPF. Currently, IPPF is being forced to scale back operations and cancel new country programs, and UNFPA reports $380 million worth of projects lying dormant due to lack of funding, because they refuse to turn their backs on their hemispheric family planning professional responsibilities. Critics point out that although Washington's restrictions may seem reasonable on paper, in practice they are destructive to population programs, entangling them in a web of bureaucratic red tape.

THE FAMILY PLANNING CRISIS

In recently revised projections, the United Nations now estimates Latin America's population will reach 540 million by the year 2000. According to a UNFPA report, family planning expenditures must at least double from $4.5 billion to $9 billion annually by the end of this century in order to reach current international population limitation targets. Latin American nations have made great progress in controlling population growth over the last 30 years. The total fertility rate dropped from 5.9 births per woman in 1960 to 3.6 in 1990, with these countries now having a higher standard of living than people in any other Third World region. Yet the debt crisis of the 1980s has forced many states to put family planning on the back burner in order to adequately service their foreign debt obligations, which will ultimately compound their financial problems, with even more mouths to feed.

To further complicate this situation, the Population Crisis Committee reports that the exorbitant prices on the open market for contraceptives put them out of reach of the average person in most developing countries. For example, in Bolivia, workers pay 5.7 percent of their wages for a year's supply of condoms, and for birth control pills, 7.4 percent. If their U.S. counterparts were subject to such a formidable price scale, they would have to pay $1,048.80 annually for condoms, instead of the $92 now paid, with the price of birth control pills being $1,453.09 a year, compared with the present figure of $216. Predictably, the birth rate in Bolivia is high, averaging 6.1 births per woman. In addition, for every 100,000 babies born, 480 women die in childbirth. Non-governmental organizations like IPPF and UNFPA, working hand-in-hand with individual governmental family planning programs, still manage to provide affordable and easily accessible contraceptives, in spite of the U.S. cut-off. Supporters of family planning charge that restricting the financing of such groups will only aggravate such social maladies as the catastrophic number of illegal abortions and maternal deaths registered each year in Latin America, and the ominous increases in the size of the region's population.

MFJ: HAMSTRINGING U.S. COMPETITIVENESS—PART II

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BARTON of Texas. Mr. Speaker, on April 18, 1991, I included in the Record a Dallas Morning News article detailing Rockwell International's bid to sell its telecommunication's manufacturing division. In my remarks, I stated that "it would be doubly ironic for U.S. competitiveness if our Nation's telecommunications policy prevented each of the seven U.S.-based Bell companies from affiliating with the to-be-sold Rockwell unit and the ultimate acquirer turns out to be a foreign company." As the enclosed July 13 article in the New York Times indicates, the buyer is indeed a foreign company, the French phone interest, Alcatel.

I fully support foreign direct investment in the United States which permits foreign companies, like Alcatel, to freely enter the U.S. market. But I oppose U.S. domestic policy which denies some American companies this same basic freedom. This restriction prevented any one of the seven Bell operating companies from seeking the same affiliation with Rockwell that Alcatel has successfully negotiated. For those of my colleagues who are concerned about the relative decline in U.S. competitiveness in telecommunications, I submit that our current domestic policy is contributing to this decline. The manufacturing restriction on the Bell companies penalizes U.S. competitiveness and Congress should remove this self-defeating policy.

Rockwell To Sell Unit To Alcatel

FRENCH PHONE CONCERN ENHANCES POSITION IN TRANSMISSION SYSTEMS

Paris, July 12.—Alcatel N.V. said today that it had agreed to buy a division of the Rockwell International Corporation for $625 million, a move analysts said would enhance the position of the French telecommunications company in the United States.

Alcatel is buying Rockwell's Network Transmission Systems division based in Dallas, a leading North American supplier of transmission systems for handling voice, image and data traffic.

"It is the right time to get in there," said Christophe Cherblanc, an analyst at the Paris-based stockbroker Cholet Dupont. "The transmission market is growing fast."

Jozef Cornu, an executive vice president of Alcatel, said the company stood to take second place in the American market for sending calls over fixed lines.

"The Rockwell acquisition gives us the possibility of becoming No. 2 in line transmission in the U.S. market," he said. "A.T.&T. will still be a dominant first," he added, referring to the American Telephone and Telegraph Company, the nation's largest telephone company. "But I think we become a credible second."

Alcatel has 4 percent of the existing American market for transmission systems, while Rockwell's activities in the area have 11 percent and are No. 2, Mr. Cornu said. The French company is already the second-largest supplier of telecommunications cables in the North American market, he said.

In April, the company's Alcatel Cable unit agreed to buy Canada Wire from Noranda Inc. for an undisclosed sum. Before that move and the Rockwell purchase, Alcatel's North American sales represented 6 percent of total sales.

Alcatel N.Y. formed in 1987 when France's Alcatel Alsthons and the ITT Corporation of the United States merged their telecommunications operations, posted a net profit of $670 million last year, on sales of $15.24 billion.

DIARIO LAS AMERICAS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to recognize and honor Diario Las Americas, a newspaper based in my congressional district, for serving and informing the people of Miami and of all the world since July 4, 1953.

Diario, which recently celebrated 38 years of service, covers international, national, State, and local news, as well as sports, business, real estate, food, lifestyle, travel, entertainment, society, and other news and features typical of the major metropolitan dailies.

Diario, however, is a unique and special newspaper in its operation and composition. Dr. Horacio Aguirre, director of Diario, has given the newspaper a family appeal by enlisting the aid of two of his children; Alejandro Aguirre, deputy editor and Helen A. Ferre, Op-Ed. page editor. Published in Spanish, Dairio is dedicated to the Hispanic community of Miami and the world. As its motto expresses, Diario is "At the service of Freedom, Culture, and Hemispheric Solidarity." Diario promotes a better understanding among the peoples of the Americas through reliable information covering the different areas of the hemisphere while also providing coverage of the rest of the world and the United States.

In addition to news, Diario Las Americas offers important commentaries and editorials about world, national, and local events written by prominent intellectuals and important members of national and international journalism. The informative editorials, which are written in both Spanish and English, help guide the community on important issues of the day. In this fashion, Diario provides its readers the best opinions from two different cultures.

Diario recognizes that Florida, particularly the Miami area, has an abundant population of Hispanics. It is for this reason that the newspaper calls Miami its home. Diario is read in Latin America, the United States and other parts of the world and in light of Florida's cultural makeup, the newspaper feels that its circulation can strengthen relations among ethnic and cultural groups, including Americans.

Mr. Speaker, Diario plays an important role in informing the Hispanic community of Miami and other parts of the world. I would like to acknowledge Dr. Aguirre and his children in making Diario a success. I also would like to congratulate everyone associated with Diario, writers, reporters, and other staff workers, for making such a wonderful investment in our community and for creating a fine newspaper.

FEDERAL EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH ACT OF 1991

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SIKORSKI. Mr. Speaker, more than 3 million civilian employees work in more than 120 departments and agencies within the Federal Government. When the Occupation Safety and Health Act [OSH Act] was passed in 1970, section 19 delegated actual safety and health responsibility to agency heads. It required few things to Federal agencies. Among these were that Federal agency heads provide safe and healthy places and conditions of employment consistent with standards set under the OSH Act for private industry.

The OSHA program for Federal agency workers lacked a number of the provisions which detailed the program for private industry workers. Federal agencies were not included in the general system of recordkeeping and reporting. There were no advisory committees. There were no workplace inspections required. There were no citations, penalties, or any sort of enforcement mechanism for violations of OSHA standards. There were no procedures to counteract imminent dangers in Federal agencies.

Further Executive orders developed and refined the agency programs. Currently, agencies are required to have a safety and health program; but investigations by the General Accounting Office [GAO] and the Subcommittee on the Civil Service revealed the following inadequacies with the current system:

I. THE CURRENT SYSTEM LACKS AN EFFECTIVE ENFORCEMENT MECHANISM TO COMPEL AGENCIES TO COMPLY WITH SAFETY AND HEALTH LAWS

Under the 1970 act and the three Executive orders which establish the Federal sector occupational safety and health system, there is no mechanism for the Occupational Safety and Health Administration [OSHA] to compel agency compliance with the law. OSHA's most current proposal to strengthen its position with agencies is to inform the agency of the amount of the fine that would have been assessed had the violation occurred in the private sector. This solution is clearly inadequate. OSHA must be granted the statutory authority to compel agency compliance.

To do this, the Sikorski/Clay bill sets up the following scheme: Where OSHA investigations reveal a violation, OSHA issues a citation to the agency; the agency may contest the citation or the proposed method to abate the hazard to the Occupational Safety and Health Review Commission (Commission), established under the 1970 OSH Act for the private sector. Procedures before the commission provide an opportunity for a hearing in which both sides are represented; Any person/agency aggrieved by the final order of the Commission can bring an action for judicial review of the order in the U.S. Court of Appeals.

To augment this scheme, the legislation requires the President to appoint, by and with the advice and consent of the Senate, a special counsel for Federal employees within the Department of Labor, who may be removed by the President only for inefficiency, neglect of duty, and malfeasance. The special counsel for Federal employees may petition any court of appeals for enforcement of an order of the Commission, temporary relief, or abatement against an agency.

Finally, any employee aggrieved by agency noncompliance with safety and health laws is granted a cause of action in district court to: compel the Secretary of Labor to carry out his or her duties under this act, compel the agency to comply with an order of the Commission, compel the Commission to carry out its duties under this act.

This structure reflects the difficulties inherent in requiring one agency to compel the action of another. Where agency action is compelled by OSHA, the agency must be given a route of appeal to contest the decision, hence the Review Commission, already established for the private sector, is utilized. However, two additional provisions are key to the effectiveness of the bill.

First, judicial review can be obtained by the agency, the special counsel, or the employee.

Second, the employee's private right of action ensures that agency action can be compelled even absent action by the Secretary or the Office of Special Counsel for Federal employees.

II. THE CURRENT SYSTEM LACKS INPUT INTO AGENCY SAFETY AND HEALTH ISSUES BY EMPLOYEES AFFECTED BY HAZARDOUS AND UNSAFE CONDITIONS

Currently, a safety and health committee can be established at option of the agency head. Only eight agencies have established committees and not even OSHA is sure that these eight committees are functioning well.

This legislation requires the establishment and maintenance of functioning committees for Federal agencies and their operating subdivisions. In addition, each worksite of more than 11 employees must establish a safety and health committee.

Membership must be equally divided between management and labor.

The agency must make all information necessary to carry out the duties of the committee available.

Committees are responsible to monitor inspection requests and reports of inspections and resulting agency actions to resolve the hazard, give input into the agency program, and upon direction of one-half of the members of the committee, report deficiencies in the program or agency action to OSHA.

By providing labor-management committees at all levels of the agency with appropriate authority and channels to prod agency action, the bill changes the law from a paper exercise at the national level to an effective mechanism by which employees across America can get agency attention focused on the hazard that is a threat to his or her well-being.

III. THE CURRENT SYSTEM LACKS MANAGEMENT COMMITMENT TO THE SAFETY AND HEALTH OF THE FEDERAL EMPLOYEE

Feedback to the Federal Advisory Council on Occupational Safety and Health [FACOSH] from civil servants across the Nation identified lack of management support as a key failure of the current OSH system. Individuals responsible for safety and health in the workplace are unable to get management's attention to correct serious hazards.

The Sikorski/Clay legislation requires the performance evaluationn of any employee with management or supervisory functions to measure the employee's performance in meeting the requirements of the act and of the safety and health program of the agency.

In addition, the legislation broadens and expands the responsibility and authority of the designated agency safety and health officer and all personnel responsible for safety and health to provide more tools with which they can ensure a safe agency workplace.

Finally, the empowerment of worksite labor-management committees will provide a consistent mechanism to bring employee concerns to the attention of management.

IV. CURRENT LAW PROVIDES INADEQUATE PROTECTION FOR THE EMPLOYEE WHERE THE AGENCY FAILS TO PROVIDE A SAFE AND HEALTHY ENVIRONMENT

The Sikorski/Clay legislation ensures the right of the employee to refuse to work, without loss of pay or benefits, in any workplace that presents a serious danger to the employee's safety or health or in any workplace that fails to conform to safety and health standards.

V. CURRENT LAW PROVIDES INADEQUATE PROTECTION WHEN THE EMPLOYEE IS RETALIATED AGAINST FOR REPORTING SAFETY AND HEALTH VIOLATIONS

Currently OSHA is required to protect the employee from retaliation for reporting safety and health violations. OSHA's method of providing this protection is to refer the complaint of reprisal for investigation to the very agency against whom the claim is made. Agencies find no reprisal over 90 percent of the time.

The Sikorski/Clay bill requires the Department of Labor [DOL] to investigate the complaint and provide full relief to the civil servant who is retaliated against. It is essential that the one who investigates the complaint and determines the remedy is not the one who perpetrated the illegal act.

In summary, by providing an effective enforcement mechanism, empowering agency labor-management committees, stimulating management's commitment to safety, and protecting employees from retaliation, the Sikorski/Clay legislation will provide true meaning to the promise of a safe, healthy environment for Federal employees.

Civil servants perform some of the most hazardous work done in America; from workers poisoned by toxic cyanide foam to customs inspectors threatened daily by inadequate protection from fleeing criminals. They have a right to expect that the serious hazards they face will be rectified as quickly as possible. Under current law, quick resolution of dangerous situations is but a dream, under the Sikorski/Clay legislation it would be a reality.

RAIL SAFETY NEEDS ENHANCEMENT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. WELDON. Mr. Speaker, let me tell you a horror story. The drunken conductor of an Amtrak train forgets to switch the train to an unoccupied track. The train crashes, head on, into an oncoming train. Realizing what has happened, the conductor stumbles away from the wreckage to avoid the inevitable drug test, not to be seen for days. A horror story. One that haunts the thoughts of those who travel by rail.

Sounds terrible, but it is true. In 1987, a Amtrak train crashed in Delaware County, PA. A tower operator failed to take a train off of a stretch of track undergoing maintenance. The train slammed into a work vehicle, injuring 25 passengers. The employee, who later admitted to having been at fault, fled the scene and could not be reached by accident investigators for 3 days.

Surprising as it may seem, there is no law requiring employees to remain at the scene of an accident. Thus, it is easier for employees to duck out of sight and sober up than to face the possibility of criminal charges stemming from on-the-job intoxication. Accidents may be the direct result of alcohol abuse, but in this case, the American legal system was powerless. There is no legislation to mandate this important railroad safety measure. Until now.

Mr. Speaker, that is why I am reintroducing legislation prohibiting railroad employees from leaving their post in the event of a train accident. It is virtually identical to bills which I introduced in the 100th and 101st Congresses. The measure was twice incorporated into the comprehensive "Railroad Drug Abuse Prevention Act." That legislation passed this House, but jurisdictional problems stalled action in the other body. I certainly hope that the 102d Congress will see positive action taken on this important initiative.

Mr. Speaker, without this legislation, every citizen of this country takes an unnecessary risk when they board a train. This bill will go a long way toward ensuring the integrity of the rail system and protecting railworkers from unwarranted accusations. I urge my colleagues to support this legislation and take prompt action to ensure its passage.

INTRODUCING A SUMMER PELL PROGRAM

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SERRANO. Mr. Speaker, yesterday I introduced H.R. 3114, a simple bill which would expand the Pell Grant Program to accommodate a growing number of college students unable to complete their courses for a baccalaureate degree in the traditional 4 academic years.

In addition, and of special importance, it would assist low-income Pell recipients in the often-interrupted pursuit of their undergraduate degrees.

For some, the extended undergraduate period is a result of conflicts in scheduling classes. But for all too many, the need to finance one's education requires a period of employment that conflicts with the traditional academic year.

It is with this recognition that I propose the Pell Grant Program be expanded by first, increasing the award amounts on a prorated basis for students enrolled in an eligible program provided by an institution that has a minimum of 12 hours per semester; and second, students enrolled for more than the equivalent of 1 full-time academic year during a 12-month award-year period.

Mr. Speaker, this is a straight forward proposal and, I urge my colleagues to support it as part of the reauthorization of the Higher Education Act.

CALIFORNIA WATER AND THE BUREAU OF RECLAMATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. MILLER of California. Mr. Speaker, California is grappling with the reform of water policies to deal with the most severe drought in its history, and increasing demands due to population growth. As California undertakes this effort, State leaders and the Congress are being hindered by the outdate policies of the Bureau of Reclamation.

I would like to share with my colleagues an article from the July 20 edition of the San Francisco Examiner. This article points to the importance of having effective coordination between the State and Federal agencies that manage water. The Bureau needs to pay more attention to the changing nature of California's water needs—from household drinking water to agriculture irrigation and environmental restoration.

This article also points out the justification for early action on my legislation to provide for the restoration of fish and wildlife and their habitat impacted by the Central Valley Project. H.R. 1306, the California Fish and Wildlife Protection Act of 1991, would provide the necessary means to encourage a more efficient use and apportionment of California's water.

I urge my colleagues to read the following article and keep it in mind as we work to help California reform the policies that control one of their most valuable resources—water.

[From the San Francisco Examiner, July 20, 1991]

THE BUREAU OF NIGGARDLY OFFICIALS

(By Tom Stienstra)

The latest scourge out of the Central Valley is that while the Bureau of Reclamation will provide water for subsidized rice and cotton crops, they will not provide it to state and federal refuges for ducks, geese, eagles and other birds and wildlife.

The Bureau blames the drought, but the real problem is them. They sell the water at taxpayer subsidized rates in order to grow rice and cotton, which is then bought as another subsidy by the government. So the result is huge amounts of water being sent to subsidized farms, little product being provided to the market place, and in return the farms send back pesticides and selenium to pollute major waterways.

It means only 25 percent of the acreage on national and state wildlife refuges will be flooded this year. Next month, when ducks begin arriving from points north on the Pacific Flyway, they will find scarce few ponds and wetlands to set down in. Then in September, when the major flights start arriving, the ducks will crowd and compete for space and food. That's how disease outbreaks start, especially avian cholera and botulism.

It goes on. Because the Bureau will not provide water now to the refuges, the wildlife managers there cannot grow the plants that birds and animals need as food. There's more. With no water, many refuges will be closed to duck hunting, and with no duck hunting, the amount of money available to run the refuges will dry up just like the Bureau's water delivery.

The standard response is, "Hey, we're in a drought." But the reality is that the Bureau has induced a shortage.

For the past five years, there has been less rainfall and snowpack than is typical in California. But the Bureau has continued diverting as much water as possible away from reservoirs and streams and giving it to farmers. In fact, it has gotten to the point that it scarcely matters how much it rains because by the end of the summer, so much water is diverted and given to farmers that reservoirs will be drained regardless.

The amount of water the wildlife refuges need is equivalent to 1.7 percent of the water in Shasta Lake, one of 155 major reservoirs in California. The Bureau thinks that is to much. They would rather see subsidized cotton being grown instead of ducks. Well, the next time a farmer tells me to "quit complaining while your mouth is full," I think I'll tell him where he can stick his cotton.

The rest of the state is also punished in a variety of ways. In Moss Beach, residents pay $1,400 per acre foot for water. In the Central Valley, the Bureau of Reclamation commonly sells it for $9 per acre foot, and sometimes much lower.

Get this: Farmers use 87 percent of the water in the state. Of the remaining 13 percent, Southern California uses about 9 percent of it, and the Bay Area about 2 percent. So a 25 percent conservation in water use in the Bay Area ends of equaling only a quarter of one percent reduction of the developed water statewide.

This is what the Bureau of Reclamation provides. Instead of serving taxpayers, they are socking it to you.

CRITIQUE OF ADMINISTRATION POLICY MISJUDGMENTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. DELLUMS. Mr. Speaker, I urge my colleagues to read the following column by Thomas Oliphant, which appeared in today's edition of the Boston Globe. It is a trenchant critique of administration policy misjudgments in dealing with the current crisis in South Africa.

It is also testimony to the reality that new policy initiatives are needed in Washington that will help effect the nonviolent transition to a fully nonracial, participatory democracy for all in South Africa.

[From the Boston Globe, July 31, 1991]

AN INEXCUSABLE SILENCE ON SOUTH AFRICA

(By Thomas Oliphant)

WASHINGTON.—Much more has been exposed than merely another secret payola program in South Africa.

What squirms uncomfortably in the light is a policy to keep hope alive for a post-apartheid society with kinder, gentler suppression—based on a time-dishonored tactic of totalitarians, divide and rule.

It is no surprise that President F.W. de Klerk has been humiliated by the disclosure of his government's secret payments to black quislings. His attempt to straddle the past and the future is inherently impossible; until he clearly chooses one over the other, he will deserve the distrust of all.

It is even less of a surprise that Chief Mangosuthu Buthelezi has been exposed and humiliated as an on-the-take stooge of the apartheid apparatus he has served slavishly since he sold out his country's freedom fighters more than a decade ago. Without government guns and cash, his phony Inkatha movement wouldn't last a week.

The surprise is that President Bush has embraced both men and undercut Nelson Mandela and the African National Congress for no compelling reason. In the case of de Klerk, Bush's embrace was too warm and foolishly premature; in the more damning case of Buthelezi, his conduct is more sinister.

Old spook that he remains, the president cannot be unaware of the unanimous conclusion of the US intelligence community, diplomats on the scene, and nongovernment experts that Buthelezi's Zulu-based organization is a political paper tiger, utterly bereft of serious support among the black majority.

It also defies belief that Bush could be unaware—as his White House and State Department are not—of suspicions that Buthelezi has been on the take for years and that the murder and mayhem practiced by his "supporters" takes place with the complicit knowledge of the South African security establishment.

Why, then, would the president consent to stand in the Rose Garden with this thug, as he did this summer when Buthelezi was in town to have his head patted by adoring American right-wingers?

A clue to the answer is found in an unpublicized moment of tension during Bush's meeting with the Congressional Black Caucus as he prepared to lift the five-year-old economic sanctions against South Africa he has always opposed. Despite their deep disagreement, the meeting was proceeding decorously until Rep. Cardiss Collins (D-ILL.) asked Bush if he supported full democratic rights (as in one person, one vote) for blacks.

At this, the president took umbrage, telling Collins she didn't understand the sensitive diplomacy involved and that international business was not conducted that way. Her question, of course, was left unanswered.

Behind that outburst lies leftover Cold War silliness. Communism may no longer be on the march, but in Bush's White House and State Department South Africa is still viewed as if it were. What is feared is not the violent chaos that will inevitably accompany an effort to maintain the country as anything less than whole and free, but rather a loss of *stability*—a degeneration of the society into a Third World, anti-American, economically moribund mobocracy.

This morally obtuse outlook dovetails with de Klerk's public policy to date of seeking a governing coalition with any segment of the South African culture that is not part of the African National Congress.

At last count that included: the white minority, Indian and mixed-race parties already allowed token participation in the white-dominated Parliament; Buthelezi's crowd; some African church groups; and parties from the 10 tribal areas, euphemistically called homelands, established when apartheid was king.

As we now know, the policy had a secret companion: the purchase of that so-called allegiance, and (if investigators do their job) the fomenting by official inaction and covert action of black-on-black violence.

De Klerk's Cabinet-juggling, minimal mea culpa response is inadequate; Bush's silence is inexcusable. At a minimum, the US should be supporting Mandela's call for a multiparty interim government to govern the country in transition. Anything less is continued complicity with an evil status quo.

THE LONDON ECONOMIC SUMMIT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 31, 1991, into the CONGRESSIONAL RECORD:

THE LONDON ECONOMIC SUMMIT

At the seventeenth annual Economic Summit recently completed in London, the heads of state from the seven major industrial democracies (the G–7) met to discuss a broad range of issues. These meetings are important because they set the direction of the world's economy for the months ahead and address other significant issues. For several years, Soviet President Gorbachev has sought membership in this exclusive club. As a compromise, this year he was invited to meet with them after the formal summit had ended. Gorbachev's presence clearly dominated the media coverage, but other topics were discussed.

ECONOMIC COOPERATION

The U.S. has a vital interest in working with other major nations to promote a healthy and stable world economy because of the increasing importance of trade to our economy and the rapid growth of the European and Japanese economies. In contrast to some summits in the late 1970's, this one did little to address the current weakness in the world economy. To a large extent this is because the world's leading industrial economies are out of sync. President Bush wanted to improve the prospects for a strong recovery from the recession, so he wanted the summit partners to reduce their concerns about inflation and cut interest rates to help stimulate growth. But the world's two other economic giants, Germany and Japan, are deeply worried about rekindling inflation and they were cool to any suggestion of interest rate reductions. The leaders glossed over their differences on interest rates.

The seven leaders urged lower budget deficits in order to generate savings needed to meet the growing demands for a worldwide investment. I think this note of caution was aimed largely at the U.S. which only a few days before had raised its budget deficit projections.

TRADE

I was disappointed in the leaders' performance on another big issue, trade, The G–7 leaders vowed to intervene to break the deadlock in the six-year-old international trade talks, but it remains to be seen whether this statement will be more successful than a similar one at last year's summit.

Trade was among the most glaring disputes. The leaders were unwilling to cut back protectionist farm policies even though President Bush urged them to do so. The U.S. insists that, as a condition to concluding the international trade talks, Europe scale back its heavy farm subsidies and Japan lift its prohibition of rice imports.

The stalemate on economic issues suggests that the United States must increasingly share the spotlight with Europe and Japan when trade and finance dominate the international agenda.

THE SOVIET ECONOMY

A first step was taken toward integrating the Soviet Union into the global economy—a remarkable development considering that the Soviet Union has been excluded from the global economy for the past seventy years. The Soviets received support for their effort but limited concrete measures and no promises of new financial aid. Moscow was provided special association with the market-oriented International Monetary Fund and the World Bank. The Soviet Union will not be able to draw loans from these institutions but will have access to their wealth of experience in helping countries work out economic reform programs. The U.S. opposed giving Moscow full membership in the IMF and blocked efforts to allow the Soviet Union to increase its credit line from the newly created European Bank for Reconstruction and Development.

Among the G–7 countries, Germany, France and Italy were more supportive of substantial financial assistance for the Soviet Union. These three have traditionally had closer ties with Eastern Europe and would face greater immigration should the Soviet economy collapse. However, the other four nations—the U.S., United Kingdom, Canada, and Japan—continue to be skeptical that the Soviet Union has changed as much as needed to join the West.

The G–7 countries agreed to provide technical assistance in such areas as oil and gas production, food distribution, banking, transportation, and conversion of defense industries to civilian production. I think the leaders were right to insist that technical aid was more appropriate than financial aid at this time. The Soviet economy is in such a shambles that direct monetary aid could be wasted.

Gorbachev may not have clinched his sale but he certainly had his customers listening. He put it well when he said, "The ice has started moving." In the end Gorbachev should recognize that only the Soviet people themselves can ultimately accomplish the transformation to democracy and a market economy, and that he must be credible on free-market reform before he receives global credit.

OTHER ISSUES

I was encouraged by the call of the leaders for comprehensive international arms control measures, but would have liked to see the leaders support even a temporary ban on arms sales to the Middle East.

The U.S. held back progress on the issue of global warming, as it resisted targets and schedules to control greenhouse gas emissions. The U.S. also watered down language in the final communique which favored increased debt forgiveness for the world's poorest countries.

CONCLUSION

This year's Economic Summit convened at a time when the world economy is weak and the Soviet Union and Eastern Europe countries struggle to become market-based democracies. The summit made no breakthroughs in addressing either challenge.

The leaders have their hands full because the world has shown itself to be a messy and complex place. Managing it is not getting any easier. The leaders simply did not correct a number of bad habits. The Americans have large budget deficits, the Europeans have an irrational agricultural policy, and the Japanese have a strong mercantilism.

Perhaps the most remarkable thing about the whole week was that Gorbachev wanted admission to the forum of capitalist leaders. He can claim a victory on that basis alone even though he did not take home, as one Soviet put it, "limousines full of cash."

TIME TO TRY GAS-COOLED TECHNOLOGY?

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LOWERY of California. Mr. Speaker, I would like to share with my colleagues an editorial which appeared in the July 7, 1991 issue of the Los Angeles Times.

In late December this year, Department of Energy Secretary Watkins will select the technology that will be utilized in the design and construction of the New Production Reactor. This nuclear reactor will produce tritium for the Nation's nuclear weapons. The following Times Editorial makes a persuasive case for the selection of the Modular High Temperature Gas-Cooled Reactor technology.

The design and construction teams for this technology consist of several well-known organizations including, General Atomics of San Diego, CA; ABB–CE, Windsor, CT; Burns & Roe, Oradell, NJ; Stone & Webster, Boston, MA; Fluor Daniel Corp., Greenville, SC; and MK Ferguson, Boise, ID.

Mr. Speaker, I encourage all of my colleagues, on both sides of the aisle, to take time to review this article.

A WAY OUT OF THE NUCLEAR-POWER JITTERS?

Japan's nuclear power plants are starting to cause the same understandable misgivings among apprehensive neighbors that have choked off expansion of the industry in the United States. Despite Japan's urgent need for power, its industrial barons don't seem any more able to cure the nuclear jitters than America's nuclear industry has.

Amid growing concern over global warming, many industrial nations feel they are going to need more nuclear power, or something very much like it, to replace fossil fuels. Japan's energy crisis should be a chance for the next generation of nuclear reactors to show their stuff. But as we understand it, Japan's energy decision makers are of the same mind as American utility leaders. If they ever start buying new reactors again, they will stick with what they know.

They should put their heads together and think this through. The Japanese could give the Americans some pointers on how to go about picking winners among competing technologies. The Americans could offer a winner—a technology that is very much "new generation" and as close as this century's engineers are likely to get to foolproof.

In recent years, the Japanese reputation for building high-quality cars spilled quite comfortably into other products, even its nuclear power plants. They seemed to work just fine, too. In recent months, however, a string of reactor failures—one serious enough to put a plant out of commission for a projected three years—has started to drain Japanese public confidence in nuclear power. Americans probably still are generally more jittery about nuclear plants than Japanese, but for the Japanese even a small loss of trust in power plants could complicate the nation's overall energy planning. With no fossil fuels of its own, Japan depends on nuclear power far more than the United States to keep its factories going. By its own estimate it needs to build two plants a year for the next 20 years to avoid serious harm to its economy.

Americans get 20% of their electricity from nuclear power, but no utility is planning to build new plants. What discourages new starts here are high cost, lead times of 12 or more years for clearance and construction, and concerns arising from disasters such as Chernobyl and near-disasters such as Three Mile Island.

Finally, there is a lack of design standardization. France has built a network of reactors that are alike, so if a piece of equipment fails at one plant, that piece of equipment can be yanked and replaced before the breakdown spreads. No U.S. Administration has brought itself to pick the best equipment—and in turn make it standard as in France—from among the offerings of the four or five companies competing for nuclear reactor business.

What's the best option? Consider the high-temperature gas-cooled reactor—a 30-year-old concept. Demonstration plants operated in Pennsylvania and Colorado in the 1960s and 1970s, and the design has been refined since then at General Atomics in San Diego.

Because a power plant can be built in modules, gas-cooled reactor cores are smaller than the existing standard. Thus even if the helium gas that circulates over fuel rods to cool the nuclear pellets and create steam for generators was somehow cut off, heat would not build up as it has in existing reactors when a cooling-water pipe breaks. Heat would simply radiate into land around the plant rather than rising to the point where it would melt nuclear fuel rods.

Late this year, the federal Energy Department must choose a reactor to produce tritium for nuclear warheads at its Savannah River installation. The first generation of reactors has had its chance. It's time to try the gas-cooled technology. The Energy Department should leap at a chance to give both Japan and the United States a way out of the nuclear jitters.

ABOUT EMMA MAE MARTIN, SISTER OF CLARENCE THOMAS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. CLAY. Mr. Speaker, I would like to insert in the RECORD a column by Clarence Page that appeared in the July 26, 1991, edition of the St. Louis Post-Dispatch regarding the background of Emma Mae Martin, sister of Supreme Court nominee Clarence Thomas.

THOMAS LIED; SISTER ISN'T "WELFARE QUEEN"

(By Clarence Page)

CHICAGO.—Everyone remembers Janet Cooke, The Washington Post reporter who won a Pulitzer Prize for a story about a 7-year-old heroin addict. It was a poignant, terrifying tear-jerker of a story. Unfortunately, it was pure fiction.

Now it appears we have a new Cooke-like episode, this one cooked up by federal Judge Clarence Thomas, President Bush's Supreme Court nominee. In an often-quoted speech that he delivered to a conference of black conservatives in 1980, Thomas said of his sister, who was then on welfare: "She gets mad when the mailman is late with her welfare check. That's how dependent she is. What's worse is that now her kids feel entitled to the check, too. They have no motivation for doing better or getting out of that situation."

It was a stunning story. To hear Thomas tell it, his sister sounded like a classic "welfare queen" of the sort then-presidential candidate Ronald Reagan singled out that same year.

Unfortunately, Thomas' stunning story wasn't true. Not quite. When reporters recently tracked down Thomas's sister, Emma Mae Martin, living in a beat-up frame house with a hole in the roof in Pin Point, Ga., a few steps from where she and her two younger brothers were born, they didn't find a story of welfare dependency. Instead, they found a story of hard work by three generations of a family struggling like most other families do, just to make ends meet.

Martin was deserted by her husband in 1973, just as her father had disappeared 25 years earlier. She worked two minimum-wage jobs while her brother attended law school, but stopped working to take care of an elderly aunt who had suffered a stroke. That led to four or five years on welfare, trying to make it on $169 a month.

That's over. She now works as a cook at the same hospital where her mother is a nurse's assistant, and she sometimes has to report to work at 3 a.m.

As Jesse Jackson would say, "She takes the early bus." What about her children, who Thomas said were being indoctrinated into cycles of welfare dependency? As it turns out, Mark, 22, works as a carpenter. Christine, 20, recently was laid off from a bakery. Leola, 15, is still a student.

And the eldest, Clarence, named for his uncle (and a lovely name it is, isn't it?), served aboard the battleship *Wisconsin* during Operation Desert Storm. There may be true stories to be found of shiftless welfare cheats. Emma Mae Martin is not one of them. In fact, her story sounds more like the story of a mom who did what you're supposed to do: finish school, work hard, take care of your family and raise your kids to do the same.

When Cooke's charade was uncovered, she had to give up her prize and her job, and she fell away into the shadows of obscurity. Thomas has been more fortunate. On the heels of his stunning speech, the Reagan administration, scouting black conservatives at the time, offered him the chairmanship of the Equal Employment Opportunity Commission, which led to his federal judgeship and eventually his nomination to the Supreme Court.

There's a lesson in this, I suppose. A little scape-goating can take you a long way in politics, even when you use your own sister.

MEDIA ORCHESTRATION IN THE ETHNIC UNREST IN YUGOSLAVIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mrs. BENTLEY. Mr. Speaker, the Serbian people of Yugoslavia, and particularly the Republic of Serbia, are suffering from an ill-informed media bias in the Western press.

The Serbians are fighting for their land and their lives, although one would not know it from reading most Western newspapers. This is due to a carefully orchestrated and regulated press in Croatia that is very adept at the type of reporting that we perhaps know best from William Randolph Hearst.

However, an article written by Simon Freeman in the European, a London weekly, does an excellent job of dispelling much of the misinformation that has been spread regarding the ethnic battles raging in Yugoslavia.

Therefore, I submit this article for the RECORD in order that my colleagues be better informed of the true situation in Yugoslavia.

[From the European, July 19, 1991]

LIES WIN BALKAN WAR OF WORDS

(By Simon Freeman)

Today, as always, the towns and villages of Croatia will echo to the thump of mortars, the crackle of machine-guns and the groans of the wounded as Croat and Serbs cheerily go about their daily business of slaughtering each other.

But there is a new, rather more welcome sound. This is the noise of a massive Croat propaganda offensive. Everywhere, in town halls, hotel foyers and crouching nervously behind road-blocks, Croat mayors, police chiefs and militia officers will hold press conferences or hand out neatly-typed news bulletins to tell the world of the latest atrocities by Serbian extremists and of unprovoked attacks by the federal, Serbian-dominated army. In Zagreb, the republic's capital, politicians will queue up to be interviewed. The Croatian news agency, Hina, will pump out extraordinarily detailed accounts of the fighting allegedly taking place in the countryside. No incident is too trivial for Hina. Earlier this week, for example, Hina solemnly reported that two Croat farm workers were "brutally beaten and harassed by Serbian terrorists while other terrorists put the majority of bullocks into the tracks [sic] and took them away."

The Croats' strategy today is clear. They are bombarding the world with information, which is usually so petty that it seems that it must be true. But this is an illusion; it is impossible to check most of these reports precisely because the clashes were so minor that, even if they happened, they left no mark. And, in between the recital of these so-called facts, the Croats toss quite incredible allegations; this week's favourite is to claim, straight-faced, that the Serbs have hired assassins from the Romanian Securitate.

Zagreb has launched this propaganda blitz after carefully analysing how the Slovenians managed to outmanoeuvre Belgrade in the fight for international sympathy. The Croats realised that the decisive engagements, which virtually guaranteed Slovenia's independence, took place in the pages of the foreign media and, even more important, in the news bulletins of the major television networks.

The Croat leadership moved quickly. It instructed Croat mayors to hold twice-daily press conferences which should be as colourful and dramatic as possible. Militia officers who had once refused to say anything, suddenly became accessible and offered to escort foreign reporters into previously closed areas.

Belatedly, the federal army, reeling from its portrayal in the foreign media as incompetent and thuggish, has begun to appreciate the importance of image-making. In Osijck, eastern Croatia, the scene of the worst clashes between Croats and Serbian nationalists, the local garrison commander has joined the press conference circus because, he says, he wants to counter "the outright lies" being peddled against the army.

The Serbs, meanwhile, are struggling badly in this propaganda relations battle. They have a leader, Slobodan Milosevic, whose brand of stubborn nationalism and hardline marxism is a public relations disaster.

In their enclaves in Croatia, militant Serbs glower suspiciously at foreign journalists, whom they regard as tools of the pro-Western, capitalist Slovenes and Croats. Sometimes they do more than scowl; they have already stolen cameras, radios and cars from the press and, it is feared, they may soon become violent.

Certainly, the Serbs' resentment is understandable. The Slovenes cleverly portrayed themselves as clean-limbed, tanned churchgoers who only wanted to live peacefully and democratically in their Alpine idyll of mountains, lakes and meadows.

The Serbs, on the other hand, the Slovenes suggested, were ruthless communists. They were dirty, unshaven brutes who dropped cluster bombs on innocent civilians. They came from the east, which had always sought to inflict its intolerant religious fanaticism and alphabet of squiggly lines on Europe.

These were grotesque caricatures, of course, but, thanks to the brilliant propaganda campaign in Ljubljana, they have taken hold of the public imagination in the West, turning a complex struggle into a straightforward battle between the forces of light (Slovenes and Croats) and darkness (Serbs). The nerve-centre of this propaganda operation was an underground conference complex deep below the streets of Ljubljana. Here, a few dozen officials from the Slovenian Ministry of Information, backed up by young, multilingual patriot volunteers, worked tirelessly to service more than 1,000 journalists.

Inside this bunker the information flowed fast and efficiently in an atmosphere oddly similar to that found in the press center at an Olympic Games; the results—tanks hit, shots fired, prisoners taken—were given every hour. The Slovenes needed a bloody dramatic conflict to ensure the world did not lose interest. So they showered the media with details of battles that had often never taken place.

Sometimes the Slovenes would enliven the day with revelations which were either fictitious or irrelevant. Once they announced that they had just found a copy of the federal army's secret plans, codenamed Rampart '91, to invade their republic (possibly true but unimportant) or they revealed that the enemy had landed squads of special troops in plain clothes to terrorise the population (certainly untrue). Then they closed a nuclear power plant because, they said, they feared a federal air force attack (untrue).

It was possible to report the war without ever venturing above ground. Indeed, since it required an honours degree in orienteering to negotiate the labyrinth of roadblocks, many journalists opted to remain underground. But, for those who did venture into the sunlight, the bunker war often seemed a fantasy. For example, the world heard of a major battle at Jezersko, a small border post on the frontier with Austria. This greatly surprised the Slovene militiamen at Jezersko, who told me a few days later that the army had fired a few shots, taken the post and then, faced with Slovene reinforcements, retreated happily down the mountain. No one had been hurt.

The Slovenian deputy minister of information, Dushan Rogeli, who temporarily closed his bunker when the world's attention switched to London and the G-7 meeting and Iraq's nuclear ambitions, said: "We have never lied. We decided not to get into that game. The Serbs lie all the time but we do not." But he did admit that, sometimes, because of over-excitement and fatigue, his team had exaggerated.

But there is one major problem, which no one in Yugoslavia seems to appreciate: a daily publicity blitz of exaggerations and lies may win international support but it will do nothing to heal the divisions which are ripping the country apart.

WASHINGTON COSTLY CITY OF CONTRASTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. HUBBARD. Mr. Speaker, as our constituents visit Washington, DC, and then return home, they often speak of our Nation's Capital as a city of contrasts.

Many western Kentuckians I represent have visited Washington, DC, during the 17 years I've served in Congress. Most go home talking about the many beautiful, impressive sites they have seen but also express their disappointment about the high cost of hotels and food, crime, drugs, and taxis being driven by men who don't speak English and apparently are seeing Washington for the first time.

One constituent, Bill Bartleman, a reporter for the Paducah Sun since 1972 who has covered government and politics since 1975 for the daily newspaper in Paducah, KY, visited Washington last week with his wife Carla.

My colleagues will find his column in last Sunday's edition of the Paducah Sun very intersting. It gives those of us who are in Washington, DC, most days of the year an insight as to how our constituents view our wonderful, expensive, beautiful, crime-ridden city.

Bill Bartleman's feature article follows:

WASHINGTON COSTLY CITY OF CONTRASTS

(By Bill Bartleman)

Washington.—This is a town of contrasting extremes.

You can walk through the Capitol with powerful senators wearing pin-striped suits and talk about issues ranging from foreign aid to helping people in western Kentucky survive the eventual closing of a large federally owned plant.

A moment later, you can turn a corner and bump into a pot-bellied tourist wearing a tank top, gym shorts and pair of plastic thongs that are falling off his feet. He's complaining because a guard won't let him pass into a secure area so he can walk onto the Senate floor and take a picture.

At the White House, it's easy to see the security for the most protected citizen in the United States.

There are uniformed guards, fences, concrete barriers, cameras and who knows what else. Obviously no unwanted visitor could take half a step onto the grounds without being detected, arrested and removed.

Three blocks away, however, law-abiding citizens are advised not to walk the streets after dark. It's a high crime area that has more than its share of robberies, shootings and murders. The city can't aford to hire enough police officers to keep the streets safe.

You can also see this city's extremes while driving down Constitution Avenue between the Capitol and the Washington Monument.

At one intersection, you'll be passed by a long limousine with tinted windows being escorted by unmarked cars with lights flashing and sirens blaring.

Inside the limo, obviously, is some important person going to some important place to meet with some equally important people.

A block later, it's likely you'll hear a horn blaring from a beat-up, 10-year-old taxi driven by someone making an unfriendly gesture because you slowed down for a traffic light that's about to turn red.

The driver, mad because he had to stop at the intersection, might yell something out the window, but you probably won't understand what he said because he doesn't speak English. However, you can be sure he wasn't welcoming you to Washington or asking where you live in Kentucky.

Staying in Washington also is an experience, especially for someone used to business trips to Frankfort, Lexington and Louisville.

First, the cost of a lodging. In Washington, I got a "special rate" at a hotel near the Capitol: $97 per night, plus taxes and surcharges, making the total $111 per night.

In Frankfort, the motel where I normally stay is $35 a night, including taxes.

In Washington, the room is on the top floor. The elevator is the length of the building from the front door.

I tried to use a hotel cart to take my baggage to the room. However, I was stopped by the uniformed man who was in charge of the bellboys.

"I'm sorry, sir, but you can't use the cart," he said. "It's a union regulation."

"But I'm not a member of a union," I responded.

"That's why you can't use the cart," he said.

So, I asked for a bellboy. It cost $6 to move my baggage.

Also, it cost $10 a day to park a car.

In Frankfort, I can back my car up to my room's door and unload my luggage. Parking is free.

Also in Frankfort, you could get your own ice, day or night, from a machine at the end of the hall.

In Washington, you couldn't get your own ice: again, union regulations. You must call room service. The ice is free, but the delivery requires a $1 tip.

In Frankfort, I refrain from buying soft drinks because of the "inflated" price: 65 cents a can. At the Washington hotel, however, a soft drink sells for $1.75.

The Washington hotel also has refrigerator beverages and a drawer filled with snacks. At first glance, a visitor might think the goodies are free, considering the high price of the room.

Wrong.

A candy bar is $3, a box of plain butter cookies is $8 and a small container of salted peanuts is $3.50.

A can of beer sells for about $5, a single shot bottle of whisky is $3.75 (plus the $1.75 for the soft drink to mix with it) and a small bottle of wine sells for $18.

Each morning, someone comes to the room, takes inventory and bills your room.

In Frankfort, there is no liquor at the hotel, but there is a machine that sells snacks for 75 cents, which I used to think was high.

All telephone calls from your room in Washington are 75 cents, whether local or long distance credit card calls. Even calls to 800 numbers are 75 cents.

In Frankfort, local calls from the room are supposed to be 50 cents, but the hotel usually waives them for regular customers.

Taxi rides are another experience in Washington. Not once in a week did I find an American taxi driver. One didn't speak English. He had a map and wanted me to point to my destination.

Most mornings, I shared a taxi with other visitors from Paducah. On Thursday, we were nearing an intersection where the light was green but traffic was stopped because fire trucks were passing through.

Our taxi driver didn't care about the fire trucks or stopped cars. Apparently, the only thing he understood was that the light was green.

At the last minute, he slammed on the brakes and came to a screeching halt within inches of the bumper of another car.

Some cab drivers also try to get more money out of their riders by claiming they don't have change. On my last ride, the cost was $5.50. I gave the driver a $10 bill and told him to give me back $3.

"No dollar bills, no change," he said with a foreign accent, apparently hoping I'd tell him to keep the $10.

However, I got the $10 bill back and gave him change I had in my pocket: $6.

His little game cost him $1. It made me feel a bit of revenge.

TRIBUTE TO ANN KRAVITZ

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LEHMAN of Florida. Mr. Speaker, on July 2 of this year, Dade County lost a remarkable, energetic woman who made community service a way of life.

Ann W. Kravitz was a vicacious, enthusiastic person who used her considerable talents to help other people in direct, personal ways. As a teacher, college professor, hospice volunteer coordinator, and community activist, Ann devoted her time and effort to improving literacy, tapping hidden or unused potential, and easing loneliness and suffering.

One of her special projects was Kids Voting, Inc., which helps young people learn about the democratic process by participating in it the way their parents do. I would like to share with my colleagues an article from the Miami Herald which provides further details on Ann Kravitz's work in this area.

Mr. Speaker, my sympathy goes out to Ann's husband, Dr. Sanford Kravitz of North Miami Beach, her family and friends. I hope that the wonderful legacy of caring, achievement, and commitment that Ann leaves behind will provide as much comfort to them as I know it provides an inspiration and example to the people of north Dade.

The article follows:

"KIDS VOTING": CULTIVATING CITIZENSHIP

(By Tom Fiedler)

I met Ann Kravitz barely six weeks ago, although she had phoned me a month or so before to tell me about an idea she had picked up in her travels.

"Kids Voting," she said, pressing her business card into my hands. "I'll send you material on it."

She was, as anyone who has met her can attest, more than true to her word. As a Holocaust survivor who came to America from Vienna at the age of 4 "just a step ahead of the storm troopers," as her husband put it, Ann was a fervent apostle of citizenship.

A packet soon arrived, solid with information. I opened it expecting little more than an outline of curriculum materials culminating in a mock election at school, the sort of program that, while worthwhile, rarely produces results beyond that semester.

What I found was a plan that far exceeded my imaginings, one that provides more hope than anything I have seen for inculcating the values of citizenship in America's youth long before they are old enough to enjoy the right to vote.

As a small gesture of gratitude to Ann, I offer this column to her. I hope it will do some good. I only wish I had written it sooner.

Ann would be the first to admit that the concept for Kids Voting is not original with her. She picked it up last summer while traveling with her professor-husband, Sanford Kravitz, through Arizona.

Its Arizona founders, in turn, credited a program in Costa Rica—Central America's most stable democracy where the typical election turnout is 90 percent—with being the model.

The concept of Kids Voting is simple; the execution is considerably more complex. Beginning in elementary school and continuing through the senior year of high school, the program incorporates important state and national elections into the curriculum.

While learning about such abstracts as democracy, civics and constitutional principles, students also gain the hands-on experience of a political campaign.

Each may be assigned to follow a specific candidate, to gather campaign brochures, clip newspaper articles, tape television debates and ads, attend speeches. They must research issues and share their findings.

They are required, also, to bring their work home with them to discuss with family members, ideally their parents. And they must register to vote on a special roll kept by the county, just as eligible voters do.

ELECTION DAY CLIMAX

The climax occurs on Election Day when they go to their local polling place—not a mock booth set up at their school—and cast their ballot along with their parents. Although their vote won't, of course, be tallied in the same way, it will be processed within 24 hours with those of other Kids Voting participants and the results announced.

Ann was convinced that this program's emphasis on full family participation, its realistic approach to citizen action and the fact that the tally would be reported on the day after the election alongside the "real" results gave it a unique dimension.

Moreover, the experience of repeating the process—over time, the typical high school graduate could cast three presidential Kids Voting ballots before making a real one—would imbue the habit as nothing else had.

To me, therein rested its genuine value.

Of the many problems facing our nation, few may be more insidious, more alarming, than the growing disconnection between Americans and their government.

The notion of citizenship seems increasingly confined to nationality. Fewer and fewer recognize that citizenship also implies a balanced set of rights and responsibilities, one of which is casting an informed ballot.

FRIGHTENING TRENDS

The trends should frighten us all. Barely half of all eligible Americans—and just 44 percent of all eligible Floridians—cast ballots in the 1988 presidential election. That contrasts with nearly 65 percent in 1960, when John F. Kennedy defeated Richard Nixon by a margin of one vote per precinct nationwide.

And among young voters, those between the ages of 18 and 21, the drop has been even more precipitous. In the most recent presidential election, just 33 percent of these young people turned out. This is the very group that was shipped out to the Persian Gulf, that is affected most directly by abortion rights decisions, and that should insist upon shaping the long-term policies affecting the world they will inhabit.

The lamentations over this generation's impact have echoed widely. American Demographics magazine reports this month that America's high school Class of 1986 seeks "money, not meaning" and places "play before work."

In an article based upon exhaustive surveys conducted by the University of Michigan, the magazine disputed analysts who say that today's youth, like the children of the '60s, are turning toward nonmaterialistic goals.

"In fact," the authors wrote, "young adults seem to be turning away from intellectual and philosophical concerns."

TURNOUT DROPPED

A citizen action group, People for the American Way, sounded a similar alarm in June during a press conference called to mark the 20th anniversary of the 26th Amendment to the Constitution giving 18-year-olds the right to vote. Since that amendment took effect in the 1972 election, turnout has steadily dropped.

In a survey the group conducted of 15- to 24-year-olds on the meaning of citizenship, just one in eight linked voting to being a good citizen.

More distressing, when the youths were asked to rank their life goals, 72 percent placed highest emphasis on "career success" and 57 percent cited the importance of "enjoying life and having a good time."

"Ranking dead last was 'being involved in helping the community to be a better place,'" said the study, called, chillingly, Democracy's Next Generation.

To reverse the erosion of citizenship values, People for the American Way and a score of other organizations are also pushing voter education and registration programs nationwide. Notably the center piece of this effort, called First Vote, is modeled after one that has been in place in Dade schools for a decade.

We can be proud that in Dade County public schools, 100 percent of the eligible 18-year-olds were registered to vote during classroom ceremonies last year, a national record. But registration is just part of the battle, as Ann Kravitz would say.

The hidden agenda of Kids Voting is that, in addition to drawing youths directly into the political maelstrom, it captures many of their parents. Home discussion with parents is central, as is accompanying a parent to the polls.

In Arizona, voter turnout in precincts where Kids Voting was in effect averaged 3 percent above the state average. That translated to about 32,000 votes in a recent governor's race decided by a single percentage point. (Ironically, the "kids" voted heavily for the losing candidate, a Democrat. They also voted overwhelmingly to make Martin Luther King Jr.'s birthday a state holiday, another measure defeated by their parents at the cost of a Super Bowl.)

Ann's program in Dade County, though only five months old, is well on its way to bearing fruit. The county school district and the elections division are planning a pilot program for the November 1992 presidential race.

Meanwhile, both Secretary of State Jim Smith and Florida Education Commissioner Betty Castor have expressed interest in the project with the thought of bringing it to every county by 1994.

Unfortunately Ann won't see it. After undergoing chemotherapy for cancer, she died on July 2, two days before her favorite holiday.

NATIONAL AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. FASCELL. Mr. Speaker, I am today introducing legislation to designate May 1992 as "National Amyotrophic Lateral Sclerosis [ALS] Month." ALS is better known as Lou Gehrig's disease. May 1992 marks the 51st anniversary of the death of Lou Gehrig, one of America's greatest major league baseball players and a victim of the disease that now bears his name.

ALS is characterized by a deterioration of a select group of nerve cells and a pathway to the brain and spinal cord which leads to a progressive paralysis of the victim's muscles. This means that ALS patients lose total movement of their arms, legs, fingers, and toes as well as their ability to speak, breathe, and swallow. The average life expectancy of an ALS patient, once diagnosed, is 2 to 3 years. One of the most devastating effects of this disease is the fact that one's mental capacities are never affected even while the rest of the body deteriorates.

ALS will strike 13 people today, 91 people this week, with a total of 5,000 new victims this year. Of today's population, 300,000 people will die from ALS. Although ALS can strike anyone, the National Institutes of Health are finding that many victims are being stricken increasingly younger, with many in their teens and twenties. Under the age of 50, ALS strikes an equal number of men and women. However, once over 50 years of age, the ratio of men to women increases to 3 to 1. Of all these cases, only 10 percent are due to hereditary causes while the remaining 90 percent are spontaneous in origin.

Last May, an article in the New England Journal of Medicine reported that it had found both the location and identification of the gene responsible for one of the two types of ALS. This is the first major breakthrough in the search for a cure for this debilitating disease.

As May 1992 is the month that the ALS Association will march on Washington, I hope that our colleagues will take this opportunity to join the fight for a cure for this disease by cosponsoring this resolution.

INTRODUCTION OF EXPANSION OF FEDERAL BENEFITS FOR AMERICANS WITH DISABILITIES ACT OF 1991

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing today the Expansion of Federal Benefits for Americans With Disabilities Act of 1991. This legislation is a logical extension of the Americans With Disabilities Act which Congress passed last year.

Mr. Speaker, last year's legislation was an important piece of civil rights legislation for our fellow Americans with disabilities. Unfortunately, last year's legislation did little to expand existing Federal benefits for these individuals. My legislation takes that next important step. The need for it is pressing and clear.

For example, as a result of the recession and financial pressures, many States are cutting back on benefits for individuals with disabilities. My own State of Massachusetts earlier this year drastically cut back on the "turning-22" program, which was of great assistance to individuals with developmental disabilities.

The Federal Government has a great moral responsibility to respond to these cutbacks at the State levels, and to improve and end discrimination in existing Federal benefit programs. That is what my legislation does. It modifies the tax laws, the Medicaid Program, the Social Security Disability Program, and the Supplemental Security Income Program to eliminate negative treatment of Americans with disabilities.

In drafting this legislation, Mr. Speaker, I have tried to be conscious of its cost and have tried to limit its impact on the Federal budget deficit. For example, the tax, Medicaid and SSI provisions have only minimal cost. The Social Security disability benefit expansions will be more expensive, but are still reasonable in scope. I believe, however, that to the extent that existing Federal benefit programs discriminate against individuals with disabilities, we have a moral and ethical responsibility to address that discrimination.

I would also add, Mr. Speaker, that I will be more than willing to pay for this legislation. I currently have pending before the Committee on Ways and Means numerous pieces of legislation closing outrageous tax loopholes benefitting the wealthiest taxpayers in our society. Enactment of those provisions would more than pay for my bill.

A technical description of my legislation follows.

SUMMARY OF THE EXPANSION OF FEDERAL BENEFITS FOR AMERICANS WITH DISABILITIES ACT

I. TAX PROVISIONS

(1) Certain accessories used to make automobiles accessible to individuals with disabilities exempt from luxury excise tax

Under present law, a 10% luxury excise tax is imposed on the value of automobiles exceeding $30,000. The Secretary of the Treasury has regulatory authority to impose the tax on the value of any part or accessory installed on the vehicle if the addition of the part or accessory is added within six months of the purchase and the sum of the purchase price and the part or accessory exceeds $30,000.

Under the bill, the tax would be waived on parts or accessories used to make a vehicle accessible to the handicapped. The provision would be effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1990 ("OBRA-1990").

(2) Allowance of deduction for costs of making home accessible to individuals with disabilities

Under present law, individuals may treat the costs of making a personal residence accessible to the handicapped as a medical expense deduction (see, e.g., Rev. Rul. 87-106, 1987-2 CB 567). Medical expenses are deductible as itemized deductions and are only deductible to the extent that they exceed 7½% of the taxpayer's adjusted gross income.

Itemized deductions are subject to additional limitations. Miscellaneous itemized deductions are allowable only to the extent that they exceed 2% of the taxpayer's adjusted gross income. Most itemized deductions are subject to a partial disallowance to the extent that the taxpayer's adjusted gross income exceeds $100,000.

Under the bill, the costs of making a home accessible to the handicapped would be allowable as a specific itemized deduction, not as a medical expense deduction. Thus, the expenses would not be subject to the 7½% floor. In addition, the deduction would be exempt from the 2% floor and the overall limitation on itemized deductions.

The provision would be effective for taxable years after December 31, 1991.

II. MEDICAID PROVISION

(1) Expansion of community supported living arrangements services

OBRA-1990 established "community supported living arrangements services" as an optional Medicaid benefit. The services are available to assist an individual who is developmentally disabled in activities of daily living in order that the individual remain in a non-institutional setting. Benefits available include training and habilitation services, assistive technology, and adaptive equipment.

The CSLA benefit may only be made available in at least 2 (but no more than 8) States. In addition, there is a limitations on expenditures for the benefit of $5 million in fiscal year 1991; $10 million in FY '92; $20 million in FY '93; $30 million in FY '94; and $35 million in FY '95. For future years, the authorization is limited to amounts provided by Congress.

Under the bill, the limitation on the number of States eligible for the benefit is repealed. Thus, all States may offer the benefit beginning in FY '92, and it must be available in at least 2 States. In addition, the legislation lifts the limit on expenditures in FY '93. In FY '92, the limit is the current $10 million, plus sums not expended in FY '91. Finally, the bill makes 2 technical corrections to the definition of "developmentally disabled individual".

The provision is effective as if included in the enactment of OBRA-1990.

III. EXPANSION OF SOCIAL SECURITY DISABILITY BENEFITS

(1) Increase in earnings before determination of substantial gainful activity

An individual with disabilities receiving Social Security disability benefits who is found to have engaged in substantial gainful activity (SGA) is subject to loss of entitlement to benefits. An individual can be found to have engaged in SGA if they have received earnings from services; regulations provide that earnings of more than $500 per month establish a finding of SGA.

Individuals between the ages of 62-69 receiving a regular Social Security benefit may earn up to $810 per month in outside income before their benefit is reduced. Blind individuals may earn an identical level before SGA is established.

The bill raises the SGA level for individuals with disabilities from the current $500/month level to the level applicable to blind individuals.

(2) Phase-out of disability benefits during trial work period

Beneficiaries who are disabled have a 45 month period to test their ability to work without losing entitlement to benefits, consisting of a 9-month trial work period and a subsequent 36 month period of eligibility. Benefits are suspended during any of the last 33 months that the individual engages in SGA.

Under the bill, benefits would be phased out (rather than suspended entirely) during the final 33 months in which the individual engaged in SGA. As under present law, the individual would remain entitled to disability even if benefits were reduced or eliminated.

Both provisions would generally be effective with respect to benefits payable after November, 1991.

IV. SUPPLEMENTAL SECURITY INCOME MODIFICATIONS

(1) Index personal needs allowance for inflation

An individual entitled to Supplemental Security Income (SSI) benefits who is in a hospital or other medical institution (and whose medical bill is paid by the Medicaid program) has their SSI benefits reduced to $30 per month. Some children with disabilities living in their parents' homes also qualify for the personal needs allowance. The allowance was increased from $25 in 1988—the first increase since the program was enacted.

The bill indexes the personal needs allowance for inflation.

(2) Modifications to resource deeming rules

For purposes of determining eligibility for SSI benefits, a child's resources are deemed to include those of his parents (in excess of certain statutory limitations). These limitations are $2,000 for a single parent and $3,000 for two parents. The Secretary has authority to waive these deeming rules if their application would be inequitable.

Similar deeming rules apply with respect to the income of the parents, but for purposes of applying the income deeming rules, regulations take into account siblings of the child with disabilities. No such exception is made for the resources of the parents; the siblings of the child with disabilities are disregarded for purposes of applying the resource deeming rules.

The bill would take into account siblings of the child with disabilities for purposes of applying the resource deeming rules. In addition, it indexes the resource limitations of $2,000/$3,000 for inflation.

Both SSI provisions are effective with respect to benefits payable after January 1, 1992.

THE PITFALLS OF THE MID-EAST PEACE PROCESS—AMBASSADOR JEANE KIRKPATRICK DISCUSSES REAL DANGERS FOR ISRAEL

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SWETT. Mr. Speaker, almost hourly we hear updates of some new wrinkle or twist in the Administration's continuing effort to bring about a peace settlement in the Arab-Israeli conflict or a new mission by our Secretary of State to Jerusalem or Damascus or Cairo. While all of us sincerely welcome the prospect of resolving this long-running conflict, which has produced frequent violence and instability in the Middle East, there are very real problems that our democratic ally Israel faces.

Surrounded as it is with hostile Arab regimes, Israel faces very serious risks and uncertainties as it seeks to cooperate in this Administration-pressed peace process. For the Arab States—who have pledged to drive Israel into the sea and who, after two generations, still refuse to recognize even the existence of the state of Israel—the risks are minimal. Participation in the peace process could cost them a loss of face, but certainly not the loss of their nation.

Mr. Speaker, the former United States Ambassador to the United Nations, Jeane Kirkpatrick, in her usual perceptive fashion, has done an excellent job of putting into perspective the risks and the limited potential rewards for Israel of the Administration's current effort to bring peace to the Middle East. I ask that Ambassador Kirkpatrick's column from yesterday's Washington Post be placed in the RECORD, and I urge my colleagues to give her views the serious and thoughtful consideration they deserve.

(By Jeane Kirkpatrick)

PEACE MUST NOT LEAVE ISRAEL LESS SECURE

There is a human tendency to repeat the same mistakes. This tendency is especially strong in international affairs, where policies are often based on the same erroneous assumptions.

Israel's Arab neighbors have operated for so long under the assumption that "the Zionist entity" could be and would be destroyed that it will surely be very difficult for them to sincerely accept the possibility of peaceful coexistence with a state whose very name some cannot bring themselves to speak.

Before and after the Persian Gulf War, Syria's Hafez Assad has vied with Iraq's Saddam Hussein and the Palestine Liberation Organization for leadership of the rejectionist bloc. In that spirit, Assad rejected Secretary of State James Baker's previous proposal for negotiations, as the PLO had rejected negotiations in which there would be no PLO representative per se. Even Jordan's King Hussein had declined to endorse the U.S. effort.

What happened to turn around these habitual naysayers?

It was not just the reduced Soviet role in the region, although that must be as important to Assad and the PLO's Yasser Arafat as to Saddam. All have relied heavily on the Soviets as a source of military, financial and diplomatic aid. But Assad and Arafat continued their naysaying to Baker long after the Soviet role had changed.

Nor was it just the expanded U.S. role. That, too, has been obvious for some time.

Undoubtedly, these basic changes in the regional balance of power must have had an influence. So has the changed posture of Saudi Arabia and Kuwait toward negotiations with Israel. Assad and the PLO both have relied on the financial largess of the gulf states to finance their political adventures.

The defection of the gulf states (as well as Egypt) from the rejectionist camp must have been a psychological and political blow, as well as a financial problem. Once they agreed to speak with Israel, it no longer meant that one had to be sworn to the destruction of Israel to be an Arab.

But the most important factor in influencing the changed policies of the major rejectionist groups was probably Baker's persuasiveness and the associated belief that, in President George Bush and Baker, Israel's Arab neighbors have their best chance ever to retrieve lands lost after the 1967 war.

I think they would be right in this belief.

It has been clear almost since his election that Bush has a sense of mission about the resolution of the so-called Arab-Israeli conflict—even though that conflict has not erupted into actual violence since 1981 except on Israel's Lebanese border, which ironically is not included in the agenda for the planned peace negotiations.

Bush is committed to means as well as an end. He seeks to settle the Arab-Israeli conflict on the basis of the "land for peace" principle, a principle that could become an exchange of very real Israeli land for Arab promises of peace.

Syria, Jordan and the PLO were apparently convinced by Baker's latest shuttle that the Bush/Baker team sees the "land for peace" issue as the Arabs do—that Israel should return all the land seized after the 1967 war.

Official sources report that Baker got Assad's attention when he emphasized that the Bush administration rejects Israel's claim to the Golan Heights on grounds that U.N. Resolutions 242 and 338 apply to Golan and East Jerusalem as well as to the West Bank and Gaza.

Unlike most previous administrations, Bush and Baker do not seem to be moved by the notion that Israel deserves compensation for the three wars launched against her. The administration does not seem to apply to Israel the principle it applies to Kuwait—that victims of aggression deserve compensation, and aggressors deserve punishment.

Nor, to some Arab interlocutors, does the administration seem concerned with the parallel requirements of 242 and 338 that all states in the region enjoy "secure borders." The emphasis Baker gave to the question of territory seems to have been crucial in convincing Arab officials.

An opportunist knows an opportunity when he sees one.

It would be a colossal irony if, at precisely the time when Israel's most dedicated adversaries are weakened, the U.S. government squeezes from the Jewish state concessions that three Arab wars, decades of terrorism and three years, of the intifada could not wring from them.

Still, to take advantage of these new opportunities, rejectionist states and groups must stop denying the existence of Israel and must speak to its representatives. This they have now agreed to do.

Israeli Prime Minister Yitzhak Shamir has called Syria's response a breakthrough. He apparently thinks Assad's concessions are truly important to Israel—important enough to consider accepting negotiations within a framework of an international conference.

Or, and this is also possible, Shamir is playing a diplomatic version of the child's game of hot potato and is determined not to be the one to say "no" to face-to-face talks with Arab neighbors.

If Shamir will not say "no," and Assad will not say "no," and King Hussein will not say "no," and the PLO will not say "no," then there will be talks of some kind. One more Iron Curtain will be pierced.

With it will come new risks and new dangers. The greatest of these is that, if Assad and company are correct, a settlement emerging under these circumstances will likely strengthen the region's most dynamic dictator and weaken its only democracy while leaving Israel's borders less secure.

That couldn't be our policy, could it? An administration committed to strengthening democracy, extending peace and building a new world order would never weaken a democratic ally to strengthen a dictatorship—except by a terrible mistake.

MINORITY TELECOMMUNICATIONS COMPANIES AND THE MODIFICATION OF FINAL JUDGMENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, Congress is currently debating the issue of whether to lift the restrictions on the regional Bell Operating Co. [BOC's] and allow them to manufacture telecommunications equipment and to offer information services. If the BOC's are allowed to establish affiliates to manufacture equipment, I want to preserve the supplier and subcontracting relationships that have developed between the BOC's and the small, women- and minority-owned firms [SDB's] that have sprung up to provide goods and services to the BOCs. In addition, I want to encourage the forging of new relationships brought about by an increased availability of venture capital and increased research and development funding for new and existing small, minority-owned companies. As a result of my concerns, yesterday I introduced legislation, H.R. 3107, which seeks to protect and encourage these small businesses in the event the BOC's are allowed to enter the manufacturing arena.

The break-up of the Bell System, coupled with the deregulation of telephone equipment, created unique opportunities for entrepreneurship. Prior to the divestiture, SDB's found it difficult to contract with the Bell System. Since then, I am pleased to say, the number of opportunities has increased significantly. The seven regional Bell Operating Cos. are among the largest companies in our country, annually buying more goods and services than virtually any other seven aggregate businesses in the United States. To supply the Bell Operating Companies with telecommunications equipment and services, scores of minority suppliers have gone into business and prospered since the modification of final judgment [MFJ] was put in place. These suppliers, including Native Americans, Asian Americans, Hispanic Americans, African Americans and women, provide equipment, fire and burglar alarm systems, telephone system installation, and scientific and technical services, to name a few. Dedicated to providing high quality products and services at competitive prices, they are top-notch and can compete with anyone when they are allowed to do so on equal footing.

Along a similar vein, I want to encourage the Bell Operating Cos. to invest in small business ventures which may arise to meet new business needs created should MFJ restrictions be lifted. The regional Bell companies represent over half of the telecommunications assets in this country. If the manufacturing restriction is lifted, it should be commensurate with provisions calling for investment in research, design and development of products manufactured by SDB's, the establishment of venture capital funds, and the creation of joint ventures between the Bell Cos. and women and minority entrepreneurs.

While H.R. 3107 seeks to encourage greater opportunity for minority- and women-owned businesses, I want to make clear that the legislation establishes no quotas or specific levels of compliance. Instead, we urge the BOC's to meet a standard of "maximum practicable extent" for utilization of the targeted businesses.

In addition to the free-standing bill I have introduced, my intention at this time is to seek to amend appropriate legislation as well. I look forward to working with my colleagues should legislation to allow the BOC's into manufacturing be considered in the House.

THE OSHA VICTIMS' RIGHTS ACT OF 1991

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. HAYES of Illinois. Mr. Speaker, today I rise to introduce the OSHA Safety and Health Hazards Victims' Rights Act of 1991, legislation that would improve upon the confidence, trust, and participation of the working public and their families in the Occupational Safety and Health Administration [OSHA].

Through the efforts of organized labor and the OSHA Act of 1970 and its various amendments, important gains in worker safety and health have been accomplished. Some of the accomplishments in worker safety and health include the right to know about toxic chemicals and standards on deadly hazards like asbestos.

Mr. Speaker, despite these gains, conditions in the various workplaces of America remain extremely hazardous. As many as 10,000 workers are killed on the job each year, another 70,000 permanently disabled, millions injured, and untold thousands diseased. Such a measure of deaths and serious injuries in this Nation's work force takes a devastating toll on the competitiveness of our industries, its workers, and, of course, its families.

Mr. Speaker, imagine the grief and pain that families endure when a loved one falls to their death or suffers serious injury at the workplace as a result of the willful, reckless, or sheer neglect of an employer. The Occupational Health and Safety Administration has the authority to conduct inspections and investigations and to issue citations upon employers that operate worksites that prove to be detrimental or hazardous. An untold amount of cases reveal that families never see the citation or investigation report issued by the Occupational Safety and Health Administration [OSHA] in their family member's death. Families that see investigative reports are forced to pay for copies and it is documented that one family paid $56.10 for reports. Also, many families have no idea at all what OSHA is doing concerning the death of their family member.

Mr. Speaker, OSHA fails to treat victims of unsafe workplaces, or their families, with dignity and respect in regard to the results of an investigation, inspection, or citation issuance. I strongly believe that the workers and their families should have access to all information and be allowed to appear and make a statement during any settlement negotiations concerning the impact of a worksite safety violation. Simply put, workers and their families would like to have the right to know if and when OSHA is meeting with employers to resolve penalties regarding death or serious injury.

Mr. Speaker, this request from workers and their families is not a large and unreasonable one. Workers and their families want significant changes in the way that OSHA operates. They want to be allowed to participate in all phases of enforcement and adjudicative processes.

The Occupational Safety and Health Hazards Victims' Rights Act of 1991 will break the silence of OSHA, and put an end to the guessing of workers or family members, as to what's going on with an investigation or inspection or what caused the death or serious injury. Perhaps this act may help workers and their families to ease the feelings of anger, frustration, and helplessness.

The provisions of this legislation will afford a worker or family member, in the case that a worker is killed, first, an opportunity to meet with the OSHA respecting the inspection or investigation concerning the victim's injury, illness, or death before the issuance of a citation or report of no action; and second, an opportunity to receive, at no cost, a copy of any citation or report of no action issued as a result of such inspection or investigation on the date the citation or report is issued, be informed of any notice of contest filed, and be provided an explanation of the rights of employees and employee representatives to participate in the proceedings; and third, an opportunity to appear and make a statement before the parties conducting any settlement negotiations.

Finally, Mr. Speaker, I include into the RECORD a 1989 survey that was conducted by the National Safe Workplace Institute in Chicago, IL, regarding the thoughts and feelings of 203 families of workers killed in job-related accidents between 1986 and 1988. I ask that all of my colleagues join me in support of this legislation.

VICTIMS SPEAK OUT—RESULTS OF A SURVEY BY THE NATIONAL SAFE WORKPLACE INSTITUTE

SURVEY HIGHLIGHTS

Forty-nine percent of the people surveyed said that they had never seen the citation or investigation report issued by the Occupational Safety and Health Administration (OSHA) or corresponding state agency in their family member's death. Thirty-seven percent said that they did not even know they could have access to this information.

Seventeen percent of those who had seen the citation or investigative report had to pay for the privilege—in one case $56.10.

Ninety-three percent believed OSHA, as a matter of policy, should contact family members to explain its procedures, and 86% agreed that the family should have the right to meet with OSHA before the investigative file is closed.

Ninety-eight percent felt that they should have the right to know if and when OSHA was meeting with employers to resolve penalties regarding their family member's death, and 71% reported that they would attend such meeting if given this right.

Seventy percent of the families responded that they had no idea at all what OSHA was doing in the death of their family member.

More than four out of five respondents felt that if they had had more contact with OSHA, the agency would have imposed a higher penalty on the employer.

VICTIMS SPEAK OUT: RESULTS OF A NATIONAL SAFE WORKPLACE INSTITUTE SURVEY

The National Safe Workplace Institute recently conducted a survey involving 203 families of workers killed in job-related accidents between 1986 and 1988. The purpose of this survey was to learn what these families thought and felt about OSHA, how the agency (and corresponding state agencies) had treated them, and what they knew about OSHA's services and its obligations to them. A total of 203 families responded to written questionnaires that were mailed to about 250 families in all 50 states during May and June of 1989. (In a small number of cases, the families of workers killed in mining mishaps responded to the survey.)

We also asked these families for input on changes that OSHA should make in order to better serve their needs. NSWI received the names of families that we eventually contacted from state governments (industrial commissions or workers' compensation boards), newspaper stories, labor unions, and other sources. It is important to note that NSWI was able to make contact with a small fraction of those we attempted to reach for the purpose of distributing the questionnaire. During the first months of 1989, Institute researchers attempted to make contact with over 1,000 families in order to identify those who would eventually receive the questionnaire. In many cases, families had moved, did not speak English, or would not participate in the Institute's research program. Survey results follow below.

Question 1: Have you read the citation and/or investigative file by the Occupational Safety and Health Administration (or the state agency) on the death of your family member?

Question 1a: If yes, did you have to pay to receive this information?

Forty-nine percent of those surveyed had never seen the citation or investigation report. This information, in theory, is freely accessible under the Freedom of Information Act (FOIA), but 37% claimed they did not even know that this information was available to them. Forty-four percent replied that they had received the file only after a FOIA request. Additionally, 17% of those who had seen the report had to pay for the privilege—in one case as much as $56.10. Others commented that while the information was free, they had to hire attorneys to assist them in filing their FOIA requests. Still others complained that OSHA sent incorrect or incomplete information.

One serious problem is that the victims are generally unfamiliar with FOIA, the procedure for filing an effective FOIA request, and what to do if OSHA fails to respond. FOIA requires that all federal agencies "make available for public inspection and copying final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases" unless there is some compelling reason for nondisclosure (i.e., the request falls within a statutorily exempted category). The first step involves deciding which OSHA office to contact. Area offices usually have the working files. By statute, a FOIA request need not follow any specific form; all it must do is make reasonably clear what information the requester desires. The more precise the request, the better the chances of a successful reply. However, a FOIA form does exist, and its use may result in obtaining the requested information more easily. Upon receiving the request, OSHA has 10 business days in which to respond—a period that can easily be stretched into nine months. Victims can take complaints or appeals to the Solicitor of Labor. If the result is not satisfactory, the requester can then file suit against the Secretary of Labor in federal district court.

Victims can also run into trouble in court. Unless they can afford to hire a lawyer, the highly technical language of the law becomes a very real stumbling block. Even if victims do have an attorney, OSHA has the resources of the Department of Labor on its side, which can be intimidating to the uninitiated. Victims do, however, enjoy one important advantage: federal courts tend to interpret the Freedom of Information Act broadly, in favor of compelling disclosure.

FOIA limits fees to "reasonable standard charges for document search and duplication." Fee reductions or waivers are available if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester." OSHA must provide the first two hours of search time and the first 100 pages in copying fees free of charge. All fees must be pre-set and published by the agency to avoid arbitrariness.

Question 2: In general, how do you regard OSHA as a government agency?

The respondents' overall reaction to OSHA was decidedly negative. While 5% found OSHA "excellent," 71% described OSHA as a "poor" or "below average" government agency. An additional 24% called it only "average." A common thread of discontent ran through the responses:

"The agency does not aggressively pursue failures to learn from the past. If it did evaluate the failures of the workplace * * *, we could reduce or eliminate future human losses." Gerald L. Reuter, Massachusetts.

"We found OSHA to be a typically bureaucratic agency. We were told a different story by each person we talked to. There were things the investigators missed seeing * * * After we received the accident report, it was too late to point these out." Pam Dodge, Oregon.

"I believe it's an 'I don't care' agency. As you can tell, we are very bitter with OSHA." Joyce L. Reamy, Maryland (now of Nevada).

"They never got in contact with family members to explain or talk about the accident. They sit silent while family members guess and wonder what's going on—or what went wrong." Antal and Carrie Skerlak, Kentucky.

"The report sent me said my son was killed because the OSHA safety poster was not displayed in a prominent place. After getting my Congressman into the act, I finally received the actual report. It was a very poor job of investigation and did not follow OSHA regulations." Basil Martin, Mississippi.

Question 3: Do you think that OSHA should contact the next-of-kin (family members) of those killed to explain its procedures?

An overwhelming 95% of those surveyed responded affirmatively—a clear mandate that these people feel entitled to information about the death of a family member. The other five percent answered that they were not sure but voiced no additional comments.

Question 4: Would you like to have the right to know if and when OSHA is meeting with employers to resolve penalties regarding the death or injury of your family member?

Ninety-eight percent of the family members believed that they should have this right. The other two percent were not sure.

Question 5: Would someone from your family attend such meetings if you had that right?

Seventy-one percent said that they or someone from their family would definitely attend such meetings. Their responses make clear that they want the opportunity to help encourage settlements or decisions that would ensure injury protection.

The remaining respondents, with one exception, indicated that they were not sure if they would participate in such session. One respondent indicated that his family could not envision participating under any circumstances.

Question 6: Do you believe, in general, that if you or someone from a family of a dead worker had more contact with OSHA, that OSHA would be more likely to propose more severe penalties on the employer?

Eighty-three percent answered yes to this query. Ten percent were unsure, and only seven percent responded with a definite "no."

Question 7: Should the family of a killed worker have the right to meet with OSHA before a citation is issued or an investigative file is closed?

Again, the vast majority (86%) answered positively, five percent were unsure, and nine percent replied in the negative; but, as the next question would show, most had no idea what was going on.

Question 8: Did you understand what OSHA was doing regarding your family member's case?

Only 30% reported that they had any idea what OSHA was doing with respect to the family member's cases. Half of those added that they knew exactly what OSHA was doing: nothing.

Sixty-eight percent of the respondents said they did not know what the government was doing. Finally, two percent were not sure.

Question 9: How do you feel about the way OSHA has treated you or failed to treat you?

Once more, a note of dissatisfaction echoed throughout the responses:

"My first instinct is to say that I am infuriated. Infuriated because they permitted the accident to take a life in the first place. Infuriated because the investigation and citation were a perfunctory gesture, not made to discipline or punish. And victimized. Outraged that a public agency can be allowed to operate in this way." Jana Studelska, Minnesota.

"They didn't treat me at all. It's as though the families didn't even exist or have a right to know anything about the case or the findings regarding the case." Lynda Bradley, North Dakota.

"I felt just like another statistic, because I didn't know and still don't know what they are doing." Linda Lyons, Texas.

"I think they should have contacted the spouse and parents of victims—let them know what was found, what fines were issued and why they didn't recheck to see that safety items were fixed, replaced, or installed. In other words, I have a bad feeling about OSHA." Mary Windisch, Kansas.

"I personally feel that the regulations presently on the books were not followed and that OSHA did a very incomplete job and was very discourteous in their correspondence with me and my lawyer." Basil Martin, Mississippi.

"I was told by members of my husband's company that OSHA had been there to investigate the accident. OSHA was to make a report. Then I was told that the accident was covered by the Mine Safety people and OSHA didn't have to send me a report." Royce Malley, California.

Question 10: What changes do you want to see made within or by OSHA?

Nearly a third of the replies called for increased contact with the family and greater victims' rights. Many others felt that stiffer penalties and better and more frequent inspections would add to OSHA's effectiveness. As one respondent from Minnesota put it, "I want to see an aggressive, effectual OSHA. The OSHA Act of 1970 has left the working population out to dry. Until an accident occurs, we live under the potentially fatal assumption that we are safe at work. It is not true. You may never go home again."

Overall, the survey elicited feelings of anger, frustration, and helplessness. Family members of dead workers strongly believe that OSHA is not doing its job and is unresponsive to their needs. These families want significant changes in the way that OSHA operates. Most importantly, they want to be allowed to participate in all phases of enforcement and adjudicative processes.

GLACIER BAY CRUISE SHIP ENTRIES BILL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. YOUNG of Alaska. Mr. Speaker, Glacier Bay is a spectacular destination for thousands of people who visit Alaska. The vast proportion of these visitors enter the bay on cruise ships to see tidewater glaciers, soaring mountains, whales, and other wildlife. This method of visitation is environmentally benign and is fully compatible with the purposes for which Glacier Bay National Park and Preserve was established.

As the world learns of this magnificent site, the demand for entries has grown to the point that the National Park Service [NPS] is providing insufficient cruise ship entries into the bay. Since the early 1980's, only 107 cruise ship entries are permitted each year. This is inadequate to serve both the public and companies seeking to provide cruise tours.

My bill would direct NPS to issue up to 180 entry permits each year. This number of entries is environmentally acceptable and, as indicated by previous studies, will not adversely affect the wildlife resources of the bay including the humpback whales. Moreover, this level of entries will satisfy visitation demand for the foreseeable future.

Expanded entries will also facilitate competition among the cruise ship companies. New companies will be able to freely and equally compete for new entries. We will be able to avoid the destructive exercise of taking permits from exiting entrants for reallocation to new companies. To ensure the full and fair competition, section 207(b) expressly provides that no companies—old or new—are to be accorded any preferences priorities, or special treatment in competing for new entry permits.

Section 207 will also resolve another festering dispute involving existing entry permits. In section 1307 of the Alaska National Interest Lands Conservation Act [ANILCA], Congress specified that those entities or persons providing visitor services in Park Service units in Alaska would be granted the opportunity to continue providing these services. Companies such as Holland America Lines Westours and Princess, pioneers in providing cruise ship services to Glacier Bay, are among current operators whose entry rights were protected by section 1307. Unfortunately NPS seems intent on misconstruing this provision and denying section 1307 rights to some of these historic operators. Section 207(b) would resolve this issue consistent with the original intent of

Congress. This language should be unnecessary and could be dropped if NPS will act in accordance with section 1307.

Other provisions of the bill direct that new studies be done regarding the bay's summer population of humpback whales. There was a flap in the late 1970's about ship traffic adversely affecting and causing them to not enter Glacier Bay. Most Alaskans knew that the whales followed their food and in those years when prey species are not available in the bay, the whales stay outside. This was demonstrated by a series of NPS studies conducted in the early 1980's. Of course, when prey returned to the Bay so did the whales.

To ensure that up-to-date information is available to NPS, the bill directs NPS and the National Marine Fisheries Service [NMFS] to do vessel and whale effects studies. This data will enable the agencies to properly manage Glacier Bay and its resources.

Vessel tours of Glacier Bay are an environmentally sensitive means of enabling the public to visit the park. The purposes of the park and the National Park System are served by this measure which will facilitate public use and enjoyment in a manner that leaves Glacier Bay unimpaired for future generations. I urge speedy enactment of this bill.

A TRIBUTE TO THE CEDU SCHOOL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding achievements and service of the CEDU School in Running Springs, CA. The CEDU School, founded in 1967 by Mel and Brigitte Wasserman, offers not only academics in a classroom setting but presents students with an awareness of their full potential through a diverse curriculum.

The objective of the CEDU School is to provide students with a multitude of learning experiences through a range of academic, emotional, social, and physical tasks. The CEDU School challenges students' self-imposed limitations as well as their mental and physical capabilities. The school's atmosphere guides the students in achieving their full potential.

Approximately 100 students attend CEDU, joined by 26 full-time teachers with classes adapted to the academic needs and special learning styles of the students. Resources and assistance are readily available in tutoring and academic counseling. The CEDU Program is 30 months in length and provides a grade 7 to 12 education. CEDU also aids students through the stages of emotional growth and development that may have been interrupted by challenging home or family environments.

Providing a positive self-image and furthering self-confidence with academics encourages students to continue their education. Both faculty and students pride themselves on the drug-free school where physical and mental health are demonstrated and maintained.

The academic and emotional curricula is designed to enhance the performance of each individual through challenging their intellectual abilities and enhancing their personal understanding of self. A physical component brings students through an exciting wilderness curriculum allowing them a sense of self-accomplishment. Other opportunities to participate in student government, travel, sports, theater, and music provide even more growth to the students.

The CEDU School is highly ranked on the national level as well. Placing above the national average on the scholastic aptitude test and the American College Testing System have been consistent over the years. An impressive 85 percent of the students go on to college. The CEDU School turns out young men and women who are educated with a positive self-image and provides young adults with the confidence to reach their full potential.

Mr. Speaker, I would like to congratulate the Wasserman family, the faculty, and the students of the CEDU School for 25 years of excellence. The important work they do is certainly worthy of recognition by the House today.

LEGISLATION TO EXTEND EDUCATION BENEFITS FOR VIETNAM VETERANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mrs. MINK. Mr. Speaker, today I have introduced legislation to extend for an additional 5 years the education benefits under the GI bill for Vietnam era veterans. In 1989, the authorization for the Vietnam era GI bill expired, leaving thousands of men and women ineligible to take advantage of the tuition assistance, student loans, counseling services, and other educational benefits included in the Vietnam era GI bill.

Mr. Speaker, the long and arduous journey home has been a difficult one of the Vietnam veteran. And after years of struggling to assimilate back into mainstream society, many are just now in a position to take advantage of the educational opportunity afforded under the GI bill—yet they exist no more.

In 1989, when the benefit expired, only 8.2 million of the 13 million Vietnam veterans eligible for benefits had participated in the program. This means that approximately 40 percent of those eligible have not made use of the educational assistance that they are entitled to.

Since 1944, when we passed the first GI bill sending thousands of World War II veterans to college, the country has seen the valuable results of investing in the education of the men and women of our armed services. So very many doctors, lawyers, teachers, scientists, and even Members of this body, began their college careers under the GI bill. Certainly, it is in the best interests of this Nation that we continue in this tradition.

Mr. Speaker, Vietnam was a long and painful war and for many who served there the task of putting their lives back together has been long and painful as well. We must not close the door on their hopes for the future.

I urge my colleagues to join me in seeking passage of this bill. It is a small price for our country to pay for the dedication and sacrifices of the thousands of men and women who so honorably served Vietnam.

FICA TAX RELIEF FOR CAMP COUNSELORS ACT OF 1991

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. MOODY. Mr. Speaker, I am introducing legislation with Representatives VANDER JAGT and KENNELLY today that will exempt full-time students employed by children's summer camps from paying FICA taxes. Students employed by their colleges and universities are already exempt from paying these taxes, as are newspaper boys and girls, and many student nurses.

As a result, employees of school-sponsored camps are already exempt from paying FICA taxes, whereas employees of other camps are not. This is an arbitrary inequity which our legislation will correct.

Estimates made by the Congressional Budget Office and industry sources of annual revenue losses generated by this legislation range from $7 million to $13 million. Half of these funds will go directly into the hands of camp-employed students at a time of rising educational expenses. The other half will provide the resources to supplement student compensation levels designed to attract and retain better qualified counselors.

Sixty-five percent of these camps are nonprofit. They serve millions of children across the Nation. There is not a single State in the Union that does not have at least a dozen summer camps. This bill will enable all of these camps to improve the quality of staff and, hence, of the experience campers enjoy.

This legislation will make a small contribution to an important industry, an industry that is devoted to improving the lives of our children. I urge my colleagues to support this measure.

CURRENT WETLAND POLICY GROSSLY UNFAIR

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. PACKARD. Mr. Speaker, I rise today to express my dismay over current policy to regulate wetlands. Throughout my service as a public official, I have voiced my protest against instances of unfair and inconsistent regulation by the Federal Government. Current policy regulating wetlands fits into that category.

According to the regulator's definition, a wetland doesn't have to be ecologically valuable or even wet. As long as the land fits into an overly broad definition, it's a wetland, whether it's wet or not. Consider the fact that families who have owned and farmed a parcel of land for generations suddenly find themselves unable to farm the land because the Federal Government has suddenly decided to classify their land as an ecologically valuable wetland.

Forgotten is the fact that this valuable wetland was once a thriving and productive farm, serving as the livelihood for a family now faced with an uncertain future. As a further blow, this family can't even sell the land in order to purchase a farm elsewhere. Who would want to buy farmland that can't be farmed? Current wetlands policy is grossly unfair and it must be changed.

THE PRESIDENT'S WETLANDS RESPONSIBILITY

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SWIFT. Mr. Speaker, in the most revealing example yet of the President's lack of leadership on domestic policies, his own agencies yesterday threw up their hands and bucked a decision they ought to have worked out right into the President's lap.

The issue was wetlands. The problem was that these agencies—the Corps of Engineers, EPA, Fish and Wildlife Service, Soil Conservation Service, and OMB—disagreed on what the policy should be. Saving wetlands is important. But excessive regulations have created a nightmare of bureaucratic excess.

The President was the one who announced a "no net loss" wetlands policy and then wandered off to deal with foreign issues while his administration tried to figure out what he wanted to do. The result was that the four agencies met and squabbled and, on one occasion, even broke up when one agency walked out—just took its marbles and went home.

The President should have given direction. He should have told them where he wanted them to come out. Now, in a tacit admission of their inability to find a compromise they have been forced to punt to the Oval Office.

Well, that is not all bad. The Oval Office is where this problem started, and it is right that it should return there for solution.

Today I am signing on to three bills that address the wetlands problem. They each have different approaches, but each recognizes that something is wrong in how we go about protecting wetlands. I hope Congress does not have to act, that we do not have to clean up after the President. But if he will not now, at long last, address this matter even after his own agencies admit their failure to deal with it, then Congress will have to act. These bills suggest ways that might be done.

A BILL TO AMEND SECTION 842(b) OF THE INTERNAL REVENUE CODE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing, along with Mr. VANDER JAGT, a bill to amend section 842(b) of the Internal Revenue Code which affects the taxation of foreign companies carrying on insurance businesses within the United States. This legislation is intended to correct certain technical problems and inequities in the current section 842(b).

Section 842(b) was added to the Internal Revenue Code as part of the Omnibus Budget Reconciliation Act of 1987 to address a concern that foreign insurance companies were able to minimize the amount of net investment income subject to U.S. taxation. Section 842(b) sets out rules for calculations of "required U.S. assets" and "minimum effectively connected net investment income." Under section 842(b), the net investment income of a foreign insurance company that is effectively connected with the conduct of an insurance business in the United States may not be less than the required U.S. assets of the company multiplied by the domestic investment yield applicable to the company for the taxable year. Required U.S. assets is the product of the foreign insurance company's U.S. insurance liabilities and the domestic asset/liability percentage. Once this minimum amount of effectively connected net investment income is calculated, the insurance company pays tax under the regime set out in subchapter L of the Internal Revenue Code, but using the greater of this minimum amount or the company's actual amount of effectively connected net investment income as the amount of its net investment income.

The amending legislation does not change the fundamental concept set out in the 1987 amendments but simply corrects certain technical problems and inequities. The amending legislation modifies current section 842(b) in three mechanical ways. In addition, the amending legislation allows a foreign insurance company to elect to incorporate its own U.S. dollar-denominated assets' yield in the calculation of the minimum effectively connected net investment income.

The first two problems with current section 842(b) are due to the fact that Treasury has been using 2-year-old financial statement data from the annual statements of the domestic insurance companies—the so-called NAIC annual statements—as the representative domestic company data to determine the domestic asset/liability percentage and domestic investment yield. The domestic asset/liability percentage and the domestic investment yield are then used by the foreign insurance companies to calculate their minimum effectively connected net investment income. The amending legislation requires that Treasury use domestic company tax return data—to the extent possible—from the same taxable year as the year for which the section 842(b) calculations are being done. Since foreign insurance companies are taxed on the basis of the domestic asset/liability percentage and the domestic investment yield calculated under section 842(b), it seems only fair and reasonable that the domestic ratios be calculated using the same year tax return data rather than the 2-year-old financial statement data. Furthermore, the use of domestic insurance company tax return data changes the calculation of the minimum amount of effectively connected net investment income so that it is based upon amounts of net investment income on which domestic companies have been taxed.

The third problem with current section 842(b) is that it does not take into consideration year-to-year investment yield fluctuations which are due to normal trading practice differences. The amending legislation provides for a carryover account to account for ordinary year-to-year differences in portfolio trading practices from company to company. Finally, current section 842(b) is inconsistent with our international obligations. The amending legislation provides for an individualized company yield election under which a foreign insurance company can elect to use the yield on its own U.S. dollar-denominated assets in place of the domestic yield to calculate the minimum effectively connected net investment income, subject to the following restrictions:

First, the yield used in calculating the minimum can never be less than 80 percent of the domestic investment yield;

Second, if the amount of the foreign company's mean U.S. dollar-denominated assets is less than 80 percent of required U.S. assets for a year, the minimum will be calculated under the existing section 842(b) formula; and

Third, if the foreign company's U.S. dollar-denominated assets fall between 80 percent and 100 percent of required U.S. assets, the company will have 105 percent of the domestic investment yield applied to its shortfall in required U.S. assets in calculating the minimum.

Once this individualized company yield election is made, it will apply to all subsequent years unless revoked with the consent of the Secretary.

The use of 2-year-old data from domestic insurance companies to calculate the domestic asset/liability percentage and the domestic investment yield creates a serious distortion in calculating the appropriate tax liability for foreign insurance companies. The 2-year lag has created a particularly serious problem given the effective date of section 842(b). The first taxable year for which section 842(b) is applicable is 1988. Thus, 1986 investment yields will be used under existing section 842(b) to calculate the minimum which will be compared with the foreign insurance company's 1988 actual effectively connected net investment income. Investment yields for 1986 were much higher than the investment yields earned by both domestic and foreign companies in 1988. The 1986 domestic investment yield, as calculated by Treasury, as 10 percent. The comparable domestic investment yield for 1988 is 8.8 percent, a difference of 120 basis points. This problem can reoccur from year to year as yields fluctuate.

A second problem with current section 842(b) involves the source of the data being used by Treasury to calculate the domestic asset/liability percentage and the domestic investment yield. In both Notice 89–96 and Notice 90–13, Treasury stated that it utilized NAIC annual statement data to determine both the domestic asset/liability percentage and the domestic investment yield. Tax return net investment income can vary significantly from NAIC annual statement net investment income. Congress recognized this point in section 56(f)(1) which provides that, for taxable years 1987, 1988, and 1989, a corporation must increase its alternative minimum taxable income by 50 percent of the difference between financial statement income, as adjusted, and alternative minimum taxable income computed without regard to section 56(f)(1). Using NAIC annual statement data for section 842(b) purposes has the effect of taxing foreign life insurance companies based upon the financial statement net investment income of domestic life insurance companies even though there is no assurance that the domestic life insurance companies have been or will be actually subject to tax on that amount of net investment income.

Perhaps the most significant difference between NAIC annual statement data and tax return data is in the calculation of net capital gains and losses. For NAIC annual statement purposes, gains and losses are calculated using NAIC asset values, not actual tax costs. NAIC asset values are subject to write-downs and write-ups, with conservative guidelines mandated for use in the preparation of the NAIC annual statement dictating more write-downs than write-ups. This results in a book value which is generally less than tax cost and therefore NAIC annual statement capital gains greater than capital gains on a tax basis. Such overstatements inflate the domestic investment yield. This inflation of domestic investment yield is inappropriate since the U.S. insurance companies are not being taxed on the gains calculated in this manner.

A third problem with section 842(b) which is addressed by this legislation involves the whipsaw effect of section 842(b)'s year-by-year comparison of the required minimum amount of effectively connected investment income and the company's actual net investment income.

Under current law section 842(b), in any taxable year, a foreign insurance company is subject to tax on the greater of first, its actual effectively connected net investment income and second, its minimum effectively connected net investment income, with the minimum being calculated using domestic company financial statement data from 2 years previous to the current year. This greater-of approach will result in the foreign insurance company being subject to tax on net investment income greater than either it or a representative domestic insurance company earns over any measured period of time.

For example, if foreign company investment yields over time are identical to domestic company investment yields during the same period but differ on a year-by-year basis, under current section 842(b), because of the greater-of approach of section 842(b), exacerbated by the 2-year lag and data collection problems, the foreign company will be subject to tax on a greater cumulative yield over the period than either it or the representative domestic companies earned during that period. A small difference in investment yield can create large distortions in the calculated minimum under section 842(b). This distortive impact can create a U.S. tax liability for a foreign insurance company that exceeds its U.S. net income.

A carryover account is needed even though the amending legislation eliminates the use of 2-year-old data. The carryover account is needed to account for year-by-year differences in trading practices, year-to-year investment performance, portfolio mix, and the timing of realization of capital gains and losses between a foreign insurance company and the representative domestic insurance company which can result in significant year-by-year differences between the domestic and foreign yields, even where the yields are identical on a cumulative basis over time.

The use of a carryover account is necessary to ensure that trading differences and timing issues do not result in a foreign insurance company being subject to income tax on a cumulative amount of net investment income that exceeds both what the foreign insurance company and the representative domestic insurance company actually earned over that period of time. The carryover account would keep track, on a yearly basis, of the cumulative difference between actual effectively connected net investment income and minimum effectively connected net investment income. The intent of the carryover account is to ensure that a foreign insurance company will be subject to tax on the greater of its cumulative actual effectively connected net investment income and the cumulative minimum effectively connected net investment income. The greater-of concept is measured on a cumulative basis, not an annual basis.

While current section 842(d)(2) provides that Treasury shall issue regulations that provide for adjustments in future years where actual effectively connected net investment income in a year exceeds minimum effectively connected net investment income for that year, no regulations have been issued on this point. The amending legislation clarifies that adjustments would be made so that the foreign company will be subject to tax over the cumulative period on the greater of what it actually earns over that period and what the average domestic company earns over that same period. If, due to poor investment performance, the foreign company earns more than the cumulative required minimum over the period, the foreign company would be subject to tax on its cumulative actual.

Finally, in addition to the problems laid out above, current section 842(b) may violate the nondiscrimination articles found in many of our income tax treaties in that section 842(b) taxes a foreign insurance company less favorably than domestic insurance companies are taxed because, under current section 842(b), foreign insurance companies are not taxed based upon their own investment results but instead are taxed based upon the investment results of their competitors. The individualized company yield election, along with the modifications described above, are intended to make section 842(b) work in a manner that is both fair and consistent with our international obligations.

I have requested a revenue estimate from the Joint Committee on Taxation for this legislation and am awaiting a response. There is an argument that, since the current section 842(b) is inconsistent with most of our existing income tax treaty obligations, amending section 842(b) to make it consistent with those obligations will actually raise tax revenue. However, whenever Members of Congress propose a change to the Internal Revenue Code, those changes are often viewed as bearing some cost. Of course, in these times of fiscal austerity, the revenue consequences of any proposal, even one firmly grounded in good tax policy as I believe this one is, may constrain the Congress in addressing a problem in the Tax Code. However, I srongly feel that revenue costs alone should not prevent us from seeking to implement our Tax Code fairly. Finally, it should be noted that during markup of last year's reconciliation bill, a proposal similar to this one, was included in a list of 28 tax proposals the Joint Committee on Taxation determined were good tax policy and were relatively noncontroversial. For all these reasons, I urge the House to give serious consideration to these important reforms.

STATEMENT COMMENDING MICHIGAN STATE SENATOR HARRY GAST

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. UPTON. Mr. Speaker, it is with great pleasure that I take this opportunity to pay tribute to one of Michigan's most outstanding citizens and public servants—State Senator Harry Gast.

As I grew up in southwestern Michigan and aspired to serve in government, Harry Gast was a true mentor of mine. To this day, even as I serve in public life, I look to Harry for guidance and advice. Senator Gast is known to all as a man with high standards, sharp political instincts, and tough bargaining skills. He has been tremendously successful as chairman of the Senate Appropriations Committee and as a powerful protector of the best interests of southwestern Michigan.

Aside from all his political success, what endears Harry Gast to the people he serves is his big heart, candid manner and great devotion to improving quality of life for the people of Michigan.

One of the many areas in which Senator Gast has made invaluable contributions is the field of agriculture. He has proven himself to be keenly aware of the agricultural needs of his district in southwestern Michigan and better yet, he has shown that he has what it takes to sponsor and support legislation to address those needs.

Farming is the backbone or rural America and our State senator has used his extensive wisdom and enthusiasm to enhance Michigan's agricultural programs—benefiting both farmers and consumers.

But it is not just support of the agricultural industry for which Senator Gast is noted. His active involvement in improving farmworkers' housing, rebuilding our infrastructure in the interests of economic development, and preserving our State's environment are also significant achievements. In fact his dedicated efforts to our States conservation movement earned him the distinction of Legislative Conservationist of the Year by the Michigan United Conservation Clubs.

State Senator Harry Gast is a role model not just for me, and his colleagues in the Michigan State Senate, but for all citizens who wish to contribute to the betterment of their communities and make this world a better place.

Many of us take great pride in the achievements and leadership of Harry Gast. We know that his future service will be marked by his continued uncanny ability to separate the wheat from the chaff and get things done for southwest Michigan. It is truly an honor for me to work in a close partnership with this distinguished public servant.

INTRODUCTION OF THE ECONOMIC GROWTH ACT OF 1991

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. GINGRICH. Mr. Speaker, today, I have introduced the Economic Growth Act of 1991. I'm joined in the other body by my distinguished colleague from Texas, Mr. GRAMM.

It was exactly 10 years ago to this very day that Congress gave final approval to the Reagan tax cuts embodied in the Economic Recovery Act of 1981. This comprehensive fiscal package can largely be credited with establishing incentives for capital formation, investment, and entrepreneurship, the very reforms that spurred the American economy, mired in the grips of 13.5 percent inflation, 7 percent unemployment, and 20 percent interest rates, on to the longest peacetime economic expansion in U.S. history. Seventeen million new jobs were created during this period.

Mr. Speaker, if we learned anything from this dramatic turnabout, it was that in times of slow economic growth, when excessive government regulation and taxation strangle economic expansion, policies must be adopted that unshackle the potentially unlimited U.S. economy. This is the only logical course of action. We have a moral and ethical obligation to provide a sound fiscal base for all citizens of this Nation.

The Institute for Policy Innovation estimates that, if enacted, the Economic Growth Act would result in the creation of 500,000 new jobs over the next 5 years. By the year 2000, our package of growth incentives would result in 1.1 million new jobs.

Thus, in the spirit of the Economic Recovery Act of 1981, Senator GRAMM and I present the Economic Growth Act of 1991. The act, while revenue neutral, aggressively combats the root causes of the current economic slowdown. It includes a capital gains rate reduction on a sliding scale and indexing of capital assets for inflation. This combination will provide incentives to invest in American business, and American jobs. This will decrease the cost of capital and thus allow American firms to make the very capital investments that will increase the productivity, technology, and capacity of American firms on the global market, creating more jobs at home.

Also included in the bill is an enterprise zone proposal which would provide regulatory relief and Federal tax incentives for employment and investment in depressed urban and rural areas, breathing new life into shattered local economies.

New IRA-Plus Accounts would be created to reward long-term investment from middle-income Americans by allowing them to accumulate and compound interest tax free.

Additional incentives in the bill would allow more lower and middle-income families the chance to achieve the American dream, home ownership. A brand new first-time homebuyer tax credit would help offset the downpayment for a first-time home purchase. The credit would be greatest—$1000—for those of low to moderate incomes and would phase out for those families with incomes above $41,000. Penalty-free withdrawals from IRA-Plus Accounts could be made for a first-time home purchase, higher education expenses or medical needs.

It's also time the Federal Government pull in the reins on disincentives on the use of this Nation's greatest untapped resource, older Americans. The Economic Growth Act would raise the Social Security earnings limits, allowing our elderly to retain more of the benefits they have rightfully earned while they make a substantial contribution to our Nation's competitiveness.

Finally, Mr. Speaker, the Economic Growth Act of 1991 would codify the stake that every American has in continued economic growth. After 1996, all revenues resulting from real economic growth above 3 percent would be used to increase the personal exemption.

The Economic Growth Act of 1991 is clearly a comprehensive package in the spirit of Kemp-Roth. It's time for Congress to take the lead. Let us provide the basis for the renewed emphasis on capital formation, investment, entrepreneurship and risk taking that will propel the U.S. economy into another period of sustained growth and job creation.

Mr. Speaker, I urge you and all Members of the House to support economic growth, support savings, support investment, support home ownership, and reward hard work, by cosponsoring the Economic Growth Act of 1991.

LBJ CONGRESSIONAL INTERN PROGRAM

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. ROEMER. Mr. Speaker, as a freshman Member of this body, it has been a continuous challenge to create an organization that is efficient and responsive in helping me to represent the Third District of Indiana. But with this challenge have come some terrific benefits, and I would like to share one of these with my colleagues today.

I have been blessed with the company of two of the finest congressional interns that Indiana has ever produced. Mindy D. Wetzel, of Bristol, and Mark J. Meissner, of Wakarusa, have spent the summer in my Washington, office working as members of my professional staff. These two young people have brought intelligence, efficiency, and dedication to their work here on Capitol Hill, and they performed their duties in our difficult environment with grace and dignity.

Mr. Speaker, it is also appropriate to recognize the value of the Lyndon Baines Johnson Congressional Intern Program. The LBJ Program allows us to bring these apt young people to Washington, and affords us to provide a stipend for their services. The experiences they have inspire them to public service, whether here or at home, in government or privately. And they pass on this inspiration to their family, friends, and associates. The LBJ Program helps create this ripple effect of good citizenship, and is the kind of program that gives us an enormous return on a relatively small investment.

Mr. Speaker, many young men and women come to Washington each year to learn how the wheels of government turn, and they make a truly valuable contribution to the Congress while they are here. It is a pleasure for me to have worked with Mindy and Mark, whose outstanding performance place them among the best and brightest. These two young people are shining examples of Hoosier talent, and I know they will serve proudly as role models for their colleagues at home, and for their younger counterparts who will be trying to fill their shoes in the coming years.

It is a bittersweet time for me, to say goodbye, for now, to these two friends of mine, who have become invaluable to me in serving of my constituents. They are each returning to their final year of study in college, Mindy to Purdue University, and Mark to Indiana University. Mindy will complete her studies in education and in government. Mark will finish his in political science. They both have very promising careers ahead of them, and I am confident they will use their great abilities and learning toward public service. Because when it comes to our country and our future, they are as concerned and patriotic as they are talented and able.

Mr. Speaker, like many thousands of congressional interns who have passed through these doors before, Mindy and Mark will no doubt be very successful as they go through life. But they are among the few who do more with their existence than succeed—they use their gifts to make the world a better place.

Mr. Speaker, because these two friends of mine are a superb example of what is right in America today, I wanted to set aside this time for them. Though I know we will remain friends and colleagues for many years, Mindy Wetzel and Mark Meissner will be missed. It has been an honor and a pleasure to have them in my office; they are truly special.

SOUTH DAKOTA RANKS FIRST IN ETHANOL USE IN GASOLINE

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to commend the successful efforts of the South Dakota Corn Growers Association in promoting the sale of gasoline blended with 10 percent ethanol, an alcohol made from corn.

As reported recently in the Sioux Falls Argus Leader, figures from the first 3 months of this year indicate that 34 percent of the gas sold at service stations in South Dakota contains ethanol. This is a significant increase over the 13 percent ethanol sold during 1990.

South Dakota is even importing ethanol from other States, and plans for a new plant near Aberdeen are under way. "We've got such a huge demand for it, we've outstripped our production," said Dan Iseminger, the corn growers' executive director.

More and more motorists in South Dakota have come to realize that using ethanol means higher octane, is environmentally cleaner, and helps conserve America's steadily declining reserves of fossil fuels.

Of course, for those of us from the Farm Belt, using more ethanol is simply common sense. It's produced from a renewable resource, and it offers an expanding market for the harvests of America's heartland.

The South Dakota Corn Growers Association says our State now ranks first in ethanol use. That's a tribute to both the corn growers and to the wisdom of South Dakota drivers. It's also a trend that I'm confident will be growing nationally in the months and years to come.

CHILD SUPPORT ENFORCEMENT LEGISLATION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to close an important loophole in the child support enforcement statute. This legislation, similar to legislation that I introduced in the 100th Congress, penalizes employers who don't abide by the provision in the Child Support Enforcement Amendments of 1984, requiring the withholding of child support enforcement payments from wages of employees who are absent parents.

Under regulations set by the Department of Health and Human Services, an employer who withholds child support payments from an employee's wages has 10 days to turn that payment over to the appropriate State agency for distribution. The problem is that there is not a penalty for an employer who waits longer than 10 days to turn over the support payment.

Current law does give the State the power to take such an employer to court. However, if this is done, the employer can come to court with the check for the overdue payments and the case is dropped. Meanwhile, what happens to the family dependent on the support payments? As the payments sit with the employer, where they can be earning interest for that employer, the custodial parent is usually forced to turn to Federal welfare assistance.

The continuation of court ordered child support payments to custodial parents is essential to the well-being of their children. Many of these parents count on weekly support payments to provide for their children's basic needs. For this reason, I am introducing legislation to create a Federal penalty for employers who do not send wages withheld for child support to the appropriate agency within 10 days.

As we look at the many problems facing the child support system, I urge my colleagues to view this legislation as a necessary reform. With over 2.1 million child support cases in backlog, we cannot afford to ignore this issue any longer.

TRIBUTE TO 1991 NATIONAL AMERICAN RADIO RELAY LEAGUE [ARRL] CONVENTION

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. TRAXLER. Mr. Speaker, I rise today to inform the House of an exciting event to be held in Saginaw, MI, on the weekend of August 25, 1991. At that time, over 5,000 people representing each of the 50 States and several foreign countries will gather to celebrate the National Convention for Amateur Radio Operators. These "ham" broadcasters have for years served citizens throughout the world by transmitting public service announcements through an extensive communication network. Their outstanding efforts certainly do not go unnoticed or unappreciated.

The role of radios in saving lives can be traced back to March 3, 1899, when an experimental broadcaster named Marconi called for help after observing a shipping accident off the coast of England. Fourteen years later, the first ham radio communication network was established to assist government officials during disasters, and a formal network was established by students at the University of Michigan and Ohio State University for transmitting public service announcements.

In 1935, Michigan amateur operators developed "Q" signals that are still utilized to increase the efficiency of information transfer during net operations. In 1989, Michigan became the first State to unify leadership positions of the Radio Amateur Civil Emergency Service [RACES] and the Amateur Radio Emergency Service [ARES]. Indeed, Michigan citizens have played a pivotal role in the development of amateur radio operations.

During this year's convention, special tribute will be paid to those amateur radio operators who died while involved in a public service communication network. The memorial will culminate in the dedication of a monument to be erected at ARRL. Headquarters in Newington, CT. The monument will hear the names of those "ham" operators who sacrificed their lives while working with various organizations for the welfare of our communities. It is certainly fitting to recognize these dedicated individuals.

Thus, it is with tremendous pleasure and pride that I salute amateur radio operators throughout the world and welcome to Saginaw all those participating in the 1991 ARRL convention. I encourage all citizens to join me in commemorating this important event.

TRIBUTE TO NATE SMITH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a community leader that has broken down the racial barriers of the craft and trade unions of Pittsburgh, PA. Nate Smith has dedicated his life to creating equal opportunity for African-Americans in labor unions. Through confrontation and shrewd negotiating, Mr. Smith has won Federal assistance in helping to create apprenticeship opportunities for both blacks and women.

In March of 1968, during the zenith of racial tension, Nate Smith and other local black workers demanded that they be employed by contractors working in the area. Mr. Smith won the attention of local officials and by July, Operation Dig had begun. This nonprofit training program helped black workers gain membership in craft unions. The organization was underwritten by the Federal Government's Department of Labor and enabled 67 blacks to join all-white or mostly white unions.

In the nearly 22 years since its inception, Nate Smith's Operation Dig/Careers, Inc. has not only lowered the racial barriers of unions in the Pittsburgh area, but has proven to be a significant influence on other cities and their programs. Mr. Smith's influence on others is marked and inspires people to confront discrimination through hard work and a sincere effort.

The road to equality was not without its dangers, however. Because of his demonstrations and his method of direct confrontation, Smith has placed himself and his family on the line. The result has been threats on his life and his family, all of which have only strengthened his resolve to conquer discrimination.

It is estimated that Operation Dig has helped place thousands of women and minorities in trade unions. Operation Dig has scored a placement rate of 84 percent, well above the 64-percent rate required by the Department of Labor. The organization's success is largely attributable to the energy and commitment of Nate Smith. I again want to commend Nate Smith and Operation Dig for their pioneering work to end discrimination and their continued success.

INTRODUCTION OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REAUTHORIZATION OF 1991

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SIKORSKI. Mr. Speaker, every single day in America, as many Americans die on our highways as U.S. military personnel died during the entire 45 days of Operation Desert Storm. More than 120 Americans die daily, nearly 45,000 people per year. Nearly 4.8 million Americans are injured and 500,000 Americans are hospitalized each year in automobile crashes. Today, motor vehicle crashes are the leading cause of death of Americans under the age of 44. Many of these deaths and injuries involve small children and infants, and a large number of these tragedies could have been prevented by the auto companies.

Read the morning paper or watch the television news—especially after a holiday weekend. People are dying on America's highways in record numbers and a lot of those deaths are preventable. All of us have worried about the safe arrival of our family members on a holiday weekend, and for good reason.

Safety standards currently applicable to vehicle manufacturing compromise the lives and limbs of drivers and passengers alike. For too long, the advocates of highway and auto safety have been ignored. We in the House of Representatives have been conspicuously silent on this tremendously important issue. It is time for action.

Reauthorization of the National Highway Traffic Safety Administration will help save lives, protect consumers and benefit all those that drive and ride on our Nation's highways and byways. I urge my House colleagues to join me in vigorous support of this legislation. Our colleagues in the Senate have passed this measure time and time again, only to be frustrated by House inaction. Another session of congressional indifference would be wrong. It would be a crime.

It will not be easy. Increases in motor vehicle travel, changes in the profile of the traveling public—older drivers and pedestrians, larger trucks, smaller cars, and a decaying highway infrastructure will likely contribute to an increase in deaths and fatalities on our highways. The public desire for meaningful auto safety reform has manifested itself in 38 States and the District of Columbia having some form of mandatory seatbelt law and a general acknowledgement by vehicle manufacturers that airbags save lives. It is essential that the U.S. Congress joins this effort and recognizes the need for new and innovative solutions to this crisis.

The provisions of the National Highway Traffic Safety Administration Authorization Act of 1991 are simple, important, life saving. This legislation establishes funding levels for safety related research in vehicle manufacturing for the next 3 fiscal years, provides specific standards for manufacture and design of our vehicles, requires the Department of Transportation to investigate and enforce compliance of the act's provisions, and strengthens incentives to avoid drunk driving. Each of these provisions promise to make a world of difference in the lives of our driving constituents.

There are several specific provisions of this act which are particularly important and merit detailed emphasis. First, in order to minimize head injuries resulting from automobile accidents, the bill requires that the National Highway Traffic Safety Administration [NHTSA] conduct a rulemaking on reducing head injuries from side impact. Furthermore, the bill would require a rulemaking on methods of reducing head injuries from contact with the car's interior. According to the National Head Injury Foundation, each year between 400,000 and 500,000 Americans suffer head injuries in automobile crashes, and over 50,000 of these head injury victims are permanently disabled.

Second, in an effort to promote pedestrian safety, the bill would require NHTSA to complete a rulemaking within 2 years on reducing pedestrian injuries resulting from vehicle design. Between 7,000 and 9,000 Americans are killed annually in pedestrian crashes. NHTSA research indicates that modification in vehicle design will substantially save pedestrian lives.

Third, in order to promote the welfare of our traveling children, this bill requires NHTSA to complete a rulemaking, within stated time limits, to increase the safety of child booster seats, platforms that enable toddlers and older small children to use a seat belt. There have been suggestions that these seats, depending on their design, can be easily misused or are otherwise harmful. Moreover, this provision would establish a grant program to encourage the States to reach an increasing level of seatbelt usage, and develop educational programs to promote the correct use of child restraints. Funding would be authorized for a total of $50 million over a 3-year period. In short, this legislation will promote safety for America's traveling children.

Finally, in an effort to promote general safety in vehicle manufacturing, provisions of this bill allow for testing the endurance levels of bumpers, mandatory installation of airbags on a staged basis, and a rulemaking by NHTSA to consider the effect on highway safety and the safety of law enforcement personnel of the use of dark-tinted window glass in vehicles. Consideration of these three safety precautions could make a significant difference in the rate of accidents resulting in fatalities.

We have an opportunity to improve the safety of America's driving public by the establishment of national vehicle safety standards. We simply cannot let the opportunity pass us by again.

The price of delay and indifference is too high.

SUPPORT MIDDLE EAST PEACE PROCESS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. RAHALL. Mr. Speaker, Secretary of State Baker is set for yet another trip to the Middle East in an effort to gain acceptance for the administration's proposed peace plan. I would like to extend my support to the Bush administration for their success in organizing the regional peace conference, which hopefully, will take place this fall. Their constant efforts are proof of America's commitment and dedication to solving the conflict in the Middle East and ability to do what is right. I would also like to thank Syria for its recent acceptance of the regional peace conference, as well as Lebanon, Jordan, and other Arab countries. Only by objective diplomacy on the part of the United States can real peace be achieved.

The time has come for the countries of the Middle East to make a serious effort at a comprehensive resolution to the conflict. While the Arab countries favor the land-for-peace solution, the Israeli Government does not. While the Arab countries would end their boycott of companies doing business in Israel in exchange for a freeze on settlements, the Israel Government says there is no linkage. But despite Israel's official hard-line position and repetitive "no" linkage rhetoric, there is growing support among the Israeli people for a land-for-peace solution. A recent Jerusalem Post poll indicated that 60 percent of the Israelis favor trading land for space with the Palestinians, and according to Peace Now, more than 50 percent of Israelis are opposed to continued Israeli settlement in the occupied territories. These are significant figures, and could signal yet another window of opportunity in the region.

The world could be on the brink of finally having peace in the Middle East. I urge you, my fellow colleagues, to support President Bush and his administration, as well as all the countries who are willing to make an effort for regional peace. Without your support this conflict will remain as hostile as ever and eventually could lead to yet another war over land in the Middle East.

I know my colleagues have received letters from others among us who keep casting criticism and suspicion upon Syria's motives and past history. I do not defend the past, nor do I prejudge the future. This is exactly why for 43 years no discussion for peace but only eye for an eye fighting has occurred. Let us all recognize reality, and recognize simple human aspiration for justice, rights, and a place to call home. Let us in Congress of all places, apply these basic freedoms across the board, around the world, and without exceptions.

FAIRNESS IN ARBITRATION ACT OF 1991

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BRYANT. Mr. Speaker, I rise today to introduce a bill, with a number of my colleagues, which would insure that arbitration is not forced on small business persons in franchise agreements. This legislation is necessary since mandatory binding arbitration clauses are being included in nonnegotiated sales and service contracts as a condition for doing business. These clauses provide that established State procedures and forums cannot be used in disputes between parties to a contract and that binding arbitration shall be the sole remedy in these cases.

For example, the sales and service contract an automobile manufacturer offers to new and existing dealers is not a negotiated contract. The manufacturer presents the contract to the dealer, and he can "take it or leave it." If the contract includes a binding arbitration clause, a dealer must accept the clause and thereby waive his statutory rights and procedures if he wants to remain a dealer.

Over the years, virtually all States have enacted into law certain safeguards and procedures to help level the playing field and provide certain basic rights to franchisees and family businesses—such as automobile dealerships.

These State laws are necessary because of the many abuses that have arisen as a result of the enormous disparity in bargaining power and economic position between automobile dealers and manufacturers. By requiring a dealer to submit to arbitration, a manufacturer can skirt these State laws, remedies, and procedures.

The proposal I offer would restore fundamental fairness to the arbitration process by adding a protection which guarantees that an agreement to arbitrate under a sales and service contract is voluntary. This bill would amend the Federal Arbitration Act in the least obtrusive manner to provide that the important decision of waiving established rights and procedures is made freely, without any coercion. This will be achieved by assuring that both parties to a sales and service contract may voluntarily make a decision to arbitrate after a controversy arises.

This legislation does not discourage the use of binding arbitration, but will prevent a stronger party from imposing arbitration on a weaker party. This is consistent with the legislative history of the Federal Arbitration Act as Congress did not intend the act to be applicable to "take it or leave it" arrangements such as those between a manufacturer and a dealer. However, once both parties voluntarily agree to arbitration, the agreement is binding and enforceable.

I urge my colleagues to join me in support of this measure which protects the fairness of the arbitration system.

NO MORE SACRAMENTO RIVER SPILLS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. CAMPBELL of California. Mr. Speaker, I rise today to introduce legislation to improve the safety of transporting hazardous materials by railroad. Two weeks ago, a tragic railway accident spilled 19,500 gallons of metam sodium into the Sacramento River. This accident exposed a number of weaknesses in the current regulatory system for rail transport of these dangerous chemicals. I have incorporated some of the lessons from the Sacramento River spill into the bill I am introducing today.

One of the most disturbing aspects of the accident was that metam sodium is not regulated as a hazardous material. The rationale given to me for this was that metam sodium, a weed killer, does not pose a serious hazard until mixed with water. But of course when spilled into a river, large amounts of metam sodium causes ecological devastation.

I believe that the regulation of hazardous materials should include consideration of these secondary risks. Thus, my bill requires an assessment of the risks posed by such factors as vibration, puncture, volatility, and exposure to air, soil, and water. This will force the regulatory scheme to acknowledge the true hazards of chemicals like metam sodium and regulate them accordingly. The National Transportation Safety Board has stated the need for such regulation.

The second aspect of my bill addresses the overall safety of specific railway routes. Was there a feasible alternative route for the train that derailed into the Sacramento River? Are there other dangerous routes, near population centers or vital ecological areas, that should be avoided? My bill directs the Department of Transportation to identify the most dangerous routes and propose feasible alternatives.

Finally, my bill requires a study of double-walled rail tank cars. Last year, Congress voted to require double hulls on oil tankers. The principle is the same for railway cars: If the outside wall of car is punctured, the inner wall could still retain the hazardous material being carried. On the basis of this study, the Department of Transportation is authorized to require double-walled cars for appropriate hazardous materials transport.

Mr. Speaker, this legislation would improve the safety of commercial rail transportation in America. While it does not solve every problem exposed by the Sacramento River spill, it seeks to address three of the biggest ones. I commend the bill to my colleagues, and hope for its favorable consideration by the House.

DEPARTMENT OF THE ENVIRONMENT ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BOEHLERT. Mr. Speaker, today I have introduced legislation to elevate the Environmental Protection Agency to a Cabinet-level Department of the Environment. In light of the impressive planning that went into the drafting of this measure, evidenced by the support it has already received, combined with the worthy goal it achieves, I am confident the bill will be successful.

It is clear that the EPA must be given a seat at the President's Cabinet table. This must be done to strengthen the U.S. hand in international environmental negotiations, and to raise domestic concerns of the environment to the highest levels.

The product of months of negotiations with environmental groups and others, this measure should receive Presidential support, and already enjoys wide bipartisan backing in the House of Representatives.

There is support on both sides of the aisle in Congress, a necessary ingredient to send this bill to the President for his signature. Partisan politics had no place in the drafting of this measure. This is for those people who want a Department of Environment, not an issue for a campaign commercial.

This bill has been drafted in an effort to gain the support of the environmental community. The measure guarantees that protection of the environment will be considered in the development of future Federal policies.

The true indication of the success of this legislation was the sincere advice and encouragement offered by the administration, particularly by Administrator Bill Reilly, during the drafting of the bill. As President George Bush has said, "The environmental challenges that face America are so important they must be addressed at the highest level of government."

At the President's Cabinet table, no seat is presently afforded the environment. Yet, at dinner tables throughout the country, more and more American families sit down to discuss what they can do to improve the environment. It is clearly evident that Americans have grown increasingly enlightened to our natural heritage. Through local cleanups, recycling programs, conservation actions, car pooling, and many other ways, Americans are demonstrating a solid commitment to the environment.

It is time to follow the lead of the people. By creating a Department of the Environment, we will take that extra step to place environmental concerns at the forefront of our public policy debate. I urge my colleagues to support this bipartisan, thoughtful approach to raise the Nation's environmental adviser to the highest level—at the President's side.

INVITATIONS TO A MIDDLE EAST PEACE CONFERENCE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. SCHEUER. Mr. Speaker, as the meetings began at the United States-Soviet summit in Moscow, I was troubled by reports that the Soviet Union is eager to issue invitations to the proposed Middle East peace conference before Israel formally agrees to attend.

On Monday Secretary of State Baker deferred his Soviet counterpart's suggestion that such invitations be issued during the summit, saying he is reluctant to do so. But he failed to rule the option out. In fact, in the last couple of weeks, he and National Security Adviser Scowcroft have insisted such an act remains an option, fueling speculation that such a move may take place.

That our administration would float this possibility troubles me, Mr. Speaker, because it unfairly supports the perception that Israel is to blame for there not being a peace conference yet.

Is this fair? Is it wrong for Israel to hesitate before agreeing to attend a peace conference, which its longstanding enemies suddenly desire following the exchange of secret letters between President Bush and President Assad of Syria, letters which Israel has not yet seen? Isn't it strange that these Arab States, which have refused to sit down with Israel for the past 43 years, have changed their minds all of a sudden?

Rather than being criticized for hesitating, Israel should be commended for signaling its agreement in principle to attend the conference, as Israeli Defense Minister Arens made clear on Sunday. This is an incredibly courageous move, considering the fact that the Arabs continue to irresponsibly dodge direct questions as to whether they will engage in direct negotiations with Israel.

I ask, Mr. Speaker, is it intransigent of Israel to seek further assurances from the United States, the only country at the proposed talks that has diplomatic relations with Israel?

No.

Let's not forget that the other sponsor of the conference, the Soviet Union—despite recent hints and indications to the contrary—still has not renewed its relations with Israel after 24 years. And the countries with whom Israel is expected to sit down at such a conference have never even recognized Israel's right to exist.

Clearly, Mr. Speaker, the invitations to the conference should not be sent before all potential participants have agreed to attend.

The window of opportunity that everyone is so nervous may close will stay open as long as the States of the region remain serious about peace. Something's terribly wrong if we all think that they will be serious for only a very short time.

LET MOSCOW PROPOSE BALTIC PARTICIPATION IN CSCE PROCESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. HOYER. Mr. Speaker, for the past 2 weeks Senator DENNIS DECONCINI, who serves as Cochairman of the Commission on Security and Cooperation in Europe, and I have spoken about issues of concern to the Helsinki Commission for the upcoming Moscow CSCE meeting on the Human Dimension.

In that connection, I would like to focus today on an issue about which I have spoken out previously: the participation in the CSCE process of the Baltic States of Latvia, Lithuania, and Estonia.

The Baltic States have been seeking observer status within the Conference on Security and Cooperation in Europe since the Copenhagen CDH meeting in June 1990. But the Soviet Government has up to now made crystal clear its implacable opposition to observer status for the Baltic States. In fact, rubbing salt in the wound, at the recent Berlin Foreign Ministers meeting in June of this year, the Soviet Government brought along as members of its delegation representatives of the three Baltic, Moscow-platform Communist Parties and National Salvation committees which clearly did not represent the Baltic peoples.

Mr. Speaker, during his opening address to the Vienna Follow-up Meeting in November 1986, then Soviet Foreign Minister Eduard Shevardnadze stunned the delegates of the 35 CSCE participating states by proposing a human rights meeting in Moscow. The Soviet human rights situation has changed dramatically since that time, and on September 10 that meeting will become a reality.

Today, I urge the Soviet leadership to consider an equally astonishing proposal at the opening of the Moscow human rights meeting: Let the support initiative for Baltic participation in the CSCE come from Moscow, with a formal proposal by Soviet officials that observer status be granted to the Baltic States. In the aftermath of the Bush-Gorbachev summit and U.S. assistance in fostering the U.S.S.R.'s transition to a market economy, the time has come for Moscow to astound us once again.

TRIBUTE TO NAZIR AHMED CHAUDHRY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. TORRICELLI. Mr. Speaker, I would like to extend recognition to Mr. Nazir Ahmad Chaudhry. Mr. Chaudhry risked his life in order to save 16 U.S. personnel and other staff members at the U.S. Embassy in Islamabad on November 21, 1979.

This exceptional act of bravery was recognized and commended by former Pakistani President General M. Zia-ul-Haq 1 month after the incident; it is time for Congress 12 years later to do the same. Therefore, it is with great honor that I pay tribute to Mr. Nazir Ahmad Chaudhry.

The burning of the United States Embassy in Islamabad, Pakistan occurred after an uncontrollable mob stormed the Embassy grounds on November 21, 1979. Mr. Chaudhry, acting deputy commissioner at the time, impressively responded to the crisis. He coordinated a daring rescue operation to free the trapped staff members. Acting on pure faith and bravery, he risked his own life and sustained rendered injuries to save the personnel.

A few years after the storming of the Embassy, the Pakistani Government promoted Mr. Nazir Ahmad Chaudhry to the position of Commissioner of the Sargodha Division in Sargodha, Pakistan in the province of Punjab. His current position requires him to manage four districts in Pakistan.

Mr. Nazir Ahmad Chaudhry deserves recognition as a true hero whose selfless action in the face of grave danger should be an inspiration to us all.

KILDEE SALUTES 50 YEARS OF WORSHIP AT ST. JOHN VIANNEY PARISH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in commemorating the 50th anniversary of the St. John Vianney Parish serving my hometown of Flint, MI. The parishioners will celebrate the golden anniverary of their church this Sunday, August 4, 1991.

Since its establishment in 1941, the St. John Vianney Parish has been a bedrock of faith for its members as well as for the city of Flint for the last 50 years. The priests and parishioners of St. John Vianney Parish have given of their time, talent, and love to make St. John Vianney a tremendous resource of spiritual and educational support for the Flint community.

Over the last 50 years, St. John Vianney Parish has been a pillar of social conscience to promote justice and equality for all the workers and citizens of Flint. Msgr. William J. Flanagan, the parish's founding pastor, was a true and faithful friend to those who struggled to win collective bargaining. As one of the first who courageously walked picket lines for railroad and auto workers, Monsignor Flanagan set the precedent for St. John Vianney's tireless devotion to social justice.

Following in the tradition of service established by Father Flanagan, Msgr. Henry M. Mayotte guided St. John Vianney Parish through two decades of tremendous growth. Under his stead, the church responded to the needs of the burgeoning Catholic community with the construction of the 16-room school, the convent, the high school, and the beautiful church that now stands on the grounds today. In addition to his outstanding response to the needs of his parish, Father Mayotte played a critical role in the important struggle to enact the historic open housing ordinance in Flint, the first of its kind in the nation.

Msgr. Walter E. Mehm succeeded Father Mayotte in 1969 and continued St. John Viannye's commitment to charity through his initiatives and programs for the welfare of the parishioners. During his tenure, he completed the remodeling and renovation of the parish hall where parish gatherings are held each week. Today, St. John Vianney Parish is led by Father Douglas Osborn who has successfully promoted renewed growth for the parish since he began his service as pastor in 1985.

Mr. Speaker, without a doubt, our community is a much better place in which to live because of the 50 years of service, love, and spiritual support from St. John Vianney Parish. I urge my House colleagues to join me in congratulating the people of St. John Vianney Parish for a wonderful, fulfilling 50 years, and in wishing them even greater success in the years ahead.

SENIOR CITIZENS PROGRAM UNHEARD OF BY MANY

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. McCLOSKEY. Mr. Speaker, in my home State of Indiana, an estimated four out of five low-income senior citizens and disabled persons are not receiving the medical benefits to which they are entitled under the Qualified Beneficiary Program [QMB] because almost no one in Indiana has ever even heard that this program exists. This injustice cannot and will not be allowed to continue. I have recently introduced a bill to ensure that retiring seniors receive the benefits which Congress has intended for them.

Until quite recently, in one senior citizen forum after another, no one had heard of the QMB Program. However, without QMB benefits, many senior citizens, and disabled persons simply cannot afford a stay in the hospital. Medicare does not provide blanket health care coverage. It includes an annual premium of $358.80 a year, an annual deductible of $100 per year, a hospital deductible of $628 per hospitalization, and a 20-percent copayment. When all this is added up, one hospitalization a year could total up to $1,080. For those low-income senior citizens and disabled people who earn less than $6,000 a year, this is more than one-sixth of their annual income.

To take care of these citizens, Congress mandated the QMB Program as part of the Medicare Catastrophic Health Care Act of 1988. Under this program, those senior citizens and disabled persons who are at or under the poverty line, are not responsible for the substantial out-of-pocket payments associated with Medicare.

Unfortunately, the program is failing to provide for millions of citizens because it is being kept a virtual secret. The rationale seems to be that if an impoverished person does not know about certain benefits, there is no way to apply for them. Hiding federally mandated funds from the citizens least able to take care of themselves, is not only immoral, but comes dangerously close to being illegal. The QMB Program was enacted to help those in need, not to collect dust while sitting on the shelf unnoticed.

I have introduced legislation, H.R. 2855, that would make QMB a working program. H.R. 2855 is simple and cost effective. Currently, when senior citizens register for Medicare, they are automatically screened by the Social Security Administration for the Supplemental Security Income [SSI] Program. There is no reason why they could not be screened for the QMB Program at the same time. It would entail very little extra time or money.

I challenge Congress to address this problem in a comprehensive and timely manner. If the present state of affairs is allowed to continue, millions of senior citizens and disabled people will continue to suffer.

HONORING THE HEROISM OF DAN DEMARCO

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. BILIRAKIS. Mr. Speaker, I want to bring to the attention of my colleagues a remarkable and uplifting story of bravery which recently took place in Tampa, FL. According to the Tampa Tribune newspaper, Diane Carol Harold, driving an Orlando specialty produce truck from Orlando to Tampa along Interstate 4, passed over the 50th Street overpass at about 10:50 a.m. on Tuesday, July 23. The cargo reportedly made the truck unsteady, causing it to veer into the left curb. Its wheels rode up the curb, flipping the truck onto its right side. After sliding about 150 feet, the truck burst into flames, trapping Ms. Harold inside.

If it was not for Dan DeMarco of Safety Harbor, Ms. Harold would have surely perished in the fire.

DeMarco, who was driving home on Interstate 4 after working 28 straight hours repairing air conditioners and cooking units, saw Ms. Harold's truck flip in front of him.

Dan DeMarco did not have to put his life in peril to save Ms. Harold. He could have waited for emergency units to arrive. But Dan DeMarco knew Ms. Harold did not have the luxury of time. Instead of standing by, he acted immediately.

When asked why he risked his own life for a stranger, Dan DeMarco said simply, "I would want someone to do the same for my wife."

Mr. Speaker, Dan DeMarco burned his right arm while pulling Ms. Harold from the fire. Miraculously, both people were treated and released from Tampa General Hospital later that same day.

Because of Dan DeMarco's heroism, Diane Harold's 4-year-old son can enjoy the love of his mother and Ron Harold, the companionship of his wife. Tragedy was frustrated because one individual acted out of selflessness, recognizing that though people are often strangers, we are all part of the human community.

Dan DeMarco's words should be a lesson to us all. If we do not get involved, if we just drive by when we can make a difference, how can we expect others not to do the same. Most of us will probably never have the opportunity to rescue someone from a burning vehicle, but rarely a day goes by when we cannot improve life around us by volunteering and through simple acts of kindness.

Dan DeMarco has been recommended for a commendation for his bravery. He is greatly deserving of that honor. Even more, he serves as a reminder that there is still goodness in our world and that good people do make a tremendous difference.

Just ask Diane Carol Harold.

CHILD LABOR LAWS IN NEED OF CHANGE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1991

Mr. PETRI. Mr. Speaker, today I am introducing a bill which conforms the Federal child labor law to one of Wisconsin's child labor laws. My bill would allow, as does Wisconsin's law, children 12 years and older to act as sideline officials for high school football games. It would also permit children 11 and older to be employed as ball monitors at these games. Although the State of Wisconsin enacted such a law, it cannot be implemented because it contradicts the Fair Labor Standards Act, under which children under the age of 14, with some exceptions such as newspaper carriers, cannot be employed.

Many of the young boys who desire to be sideline officials and ball monitors play football in junior high school programs. I have been told by a number of these children that working the sidelines during a high school football game would enable them to learn first hand the rules and regulations which govern the game of football. While working on the sidelines, these children would have older role models on the football field to whom they could look for football inspiration. In addition, adult supervision and guidance is provided by the field officials.

My bill simply amends the Fair Labor Standards Act to allow children age 12 and older to be employed as sideline officials and children 11 and older to be employed as ball monitors at high school football games. It appears that this is more of a problem in the city of Milwaukee than my own district, but seems like a reasonable change in our child labor laws. I urge my colleagues to join me in cosponsoring this bill so that we can allow these children to have the opportunity to work the sidelines at high school football games.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 1, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 2

9:30 a.m.

Special on Aging

To hold hearings to examine issues relating to aging women remaining in the work force and aging women re-entering the job market.

SR-385

Joint Economic

To hold hearings on the employment-unemployment situation for July.

SD-628

10:00 a.m.

Finance

International Trade Subcommittee

To hold hearings to review ongoing trade negotiations and recently completed trade agreements, focusing on the Structural Impediments Initiative (SII), the Semiconductor and Construction Agreements with Japan, and the Multilateral Talks on Shipbuilding Subsidies.

SD-215

Governmental Affairs

To hold hearings to examine the impact of trucking company takeovers on employees and the trucking industry.

SD-342

Rules and Administration

Business meeting, to mark up S. Res. 82, to establish a Senate Select Committee on POW/MIA Affairs.

SR-301

10:30 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 1530, to authorize the integration of employment, training and related services provided by Indian tribes to improve the effectiveness of those services, reduce unemployment in Indian communities, and adhere to the policy of Indian self-determination.

SR-485

SEPTEMBER 10

10:00 a.m.

Judiciary

To hold hearings on the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

SEPTEMBER 12

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on H.R. 429, to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, and S. 1501, to revise the Reclamation Reform Act of 1982 to ensure the integrity of the reclamation program, stop circumvention of the law, break the deadlock over reclamation reform, and provide for the continuance of traditional and legitimate farms and farming practices in the West.

SD-366

SEPTEMBER 19

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the resettlement of Rongelap, Marshall Islands.

SD-366

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1228, to provide for a comprehensive review by the Secretary of the Interior of western water resource problems and programs administered by the Geological Survey, the Bureau of Reclamation, and other operations of the Department of the Interior.

SD-366

SEPTEMBER 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD-342

POSTPONEMENTS

AUGUST 1

10:00 a.m.

Appropriations

Transportation Subcommittee

Business meeting, to mark up H.R. 2942, making appropriations for fiscal year 1992 for the Department of Transportation.

SD-116

2:00 p.m.

Appropriations

Business meeting, to mark up H.R. 2942, making appropriations for fiscal year 1992 for the Department of Transportation.

S-128, Capitol